

LAFCO PROCEDURE CHECKLIST

RO-13-1
File Number

Shields-Grantland No. 1 (Westlake) Reorganization
Application Name

1/11/2013
Date Received

Annex to the City of Fresno, Detach from the North Central Fire Protection District **KRCO**
Subject Agency(s)

Inhabited Uninhabited Public Hearing 100% Consent Land Conservation

Sphere of Influence Consistency Sphere Revision Needed SOI File Number _____

Request Info. from Proponent _____
Date Requested _____ Date Completed _____

Property Tax Resolution Needed: _____
Date Requested _____ Date Completed _____

Environmental Assessment Needed _____
Date Sent _____ Date Completed _____ EIR Neg. Dec Exempt
Environmental Determination/Date _____

Petition Verified _____
Date Sent _____ Date Completed _____

1. Application File Complete _____

2. Request for Information from Other Agencies:

	Date	Returned
___ Assessor	2/14/14	_____
___ Planning	_____	_____
___ Environmental Health	_____	_____
___ State Office of Drinking Water	_____	_____
___ California Regional Water Quality Control Board	_____	_____
___ Elections	_____	_____
___ Affected Districts	_____	_____

U.S. Soil Conservation District _____
 Director of Conservation _____
 Other City and County _____ 1/15/2013

3. Map and Description Approval _____

4. Certificate of Filing _____

5. Hearing Date Set _____

6. Notices Published _____

7. Notices Mailed and Posted (Request for Notice) _____

8. Executive Officer's Report Mailed (Req. for Report) _____

9. Commission Action Approved w/ Cond _____

10. 30 Day Follow Up _____ 60 Day Follow-Up _____

11. Proposal Log _____

12. LAFCO Resolution Mailed _____

Condition Compliance Needed Notice of Determination Filed (if app) _____

13. Certificate of Completion/Boundary Change Mailed _____

14. County Recorder - Time, Date, and Document 3:09 p.m. 6/19/15 20150078 468

15. Effective Date 6/19/15

16. Conducting Authority Contacted 6/19/15

17. Effective Notices Mailed 6/22/15

18. Proposal Log 6/19/15

Notes: _____

06/19/2015, 20150078468



20159007846800006

06/19/2015, 20150078468



JUN 19, 2015

REC'T # 0004337406
June 19, 2015 15:09:10

FRESNO County Recorder
Paul Dicos, C.P.A.

Official #15-0078468-00

REQD BY
Free Issue

Total fee	\$0.00
Amount Tendered...	\$0.00

Change	\$0.00
--------------	--------

JR:R2/1/6

RECORDING REQUESTED BY AND MAIL TO

NAME FRESNO LAFCO
STREET 2607 FRESNO STREET, SUITE B
CITY & STATE FRESNO, CA 93721

ATTN: CANDIE



6
FRESNO County Recorder
Paul Dictos, C.P.A.

DOC- 2015-0078468

Friday, JUN 19, 2015 15:09:10

Ttl Pd \$0.00 Rcpt # 0004337406
CRR/R2/1-6



**“SHIELDS-GRANTLAND NO. 1 (WESTLAKE)
REORGANIZATION”**

**CERTIFICATE OF COMPLETION
FRESNO COUNTY LOCAL AGENCY FORMATION COMMISSION**

The Fresno Local Agency Formation Commission waived the Conducting Authority proceedings.

The names of the agencies whose territory is changed and the type of change for each are:

Annexation to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District.

The County in which the entire boundary change occurred is Fresno County.

The short title of the reorganization proceeding is "Shields-Grantland No. 1 (Westlake) Reorganization," RO-13-1.

The affected territory is uninhabited.


The change of organization was ordered without an election, and Resolution No. RO-13-1 ordering the change of organization was adopted by the Fresno Local Agency Formation Commission on July 16, 2014.

Maps and legal descriptions of the territory affected by the reorganization are set forth in Exhibit "A", attached.

The conditions of approval were as follows and have been complied with:

- A. The City of Fresno shall submit to the Executive Officer verification that a Right-to-Farm Covenant is required and made a part of the City's development agreement and that this legal covenant will be recorded with the final tract map approved by the City for the affected territory.
- B. Ownership of land permitting, the annexation shall include the full existing right-of-way width of adjacent roadways.
- C. Allocation of property tax revenue shall conform to the terms and conditions of the 2003 Amended and Restated Memorandum of Understanding between the County of Fresno and the City of Fresno.
- D. Applicant shall execute an indemnification agreement with the Commission reasonably acceptable to the LAFCo Executive Officer and legal counsel, agreeing to defend, indemnify, and hold harmless the Commission from and against any claims, actions (including those filed by any state or governmental agency), costs, or damages arising out of or in connection with the Commission's actions related to this matter.

I, David E. Fey, Executive Officer of the Fresno Local Agency Formation Commission, do hereby certify that the attached maps and legal descriptions for the change of organization do comply with the Commission's resolution of approval.



David E. Fey, AICP, Executive Officer
Fresno Local Agency Formation Commission

Dated: June 19, 2015

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EXHIBIT A

SHIELDS-GRANTLAND NO.1 (WESTLAKE) REORGANIZATION

ANNEXATION TO THE CITY OF FRESNO AND

DETACHEMENT FORM THE NORTH CENTRAL

FIRE PROTECTION DISTRICT AND

THE KINGS RIVER CONSERVATION DISTRICT

LEGAL DESCRIPTION

That portion of Sections 17 and 20 in Township 13 South, Range 19 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the Southeast corner of said Section 20;

thence (1) North $89^{\circ}59'54''$ West, along the South line of the Southeast Quarter of said Section 20, a distance of 1,639.78 feet to the intersection with the West line of the East Half of Lot 30 of Bullard Lands Irrigated Subdivision No. 9, according to the Map thereof recorded in Book 8, page 56 of Plats, Fresno County Records;

thence (2) North $0^{\circ}30'32''$ East, along the West line of the East Half of Lot 30 of said Bullard Lands Irrigated Subdivision No. 9, a distance of 1,322.98 feet to the Northwest corner of the East Half of Lot 30 of said Bullard Lands Irrigated Subdivision No. 9;

thence (3) North $89^{\circ}52'36''$ West, along the North line of Lots 29 and 30 and the Westerly prolongation of the North line of Lots 29 and 30 of said Bullard Lands Irrigated Subdivision No. 9, a distance of 996.57 feet to the intersection with the West line of the Southeast Quarter of said Section 20;

thence (4) North $0^{\circ}28'26''$ East, along the West line of the Southeast Quarter of said Section 20, a distance of 1,322.20 feet to the Center Quarter corner of said Section 20;

thence (5) North $0^{\circ}28'26''$ East, along the West line of the Northeast Quarter of said Section 20, a distance of 2,644.39 feet to the North Quarter corner of said Section 20;

thence (6) North $0^{\circ}26'10''$ East, along the West line of the Southeast Quarter of said Section 17 and the Northerly prolongation of the West line of the Southwest Quarter of said Section 17, a distance of 2,669.00 feet to the intersection with a line parallel with and 30 feet North of the North line of the Southeast Quarter of said Section 17;

APPROVED

AFCO RES. # RO-13-1

Page 1 of 3

July 16, 2014
DATE

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thence (7) South 89°59'05" East, parallel with and 30.00 feet North of the North line of the Southeast Quarter of said Section 17, a distance of 2,616.14 feet to the intersection with the Northerly prolongation of a line parallel with and 30 feet West of the East line of the Southeast Quarter of said Section 17, said line 30 feet West of the East line of the Southeast Quarter of said Section 17 and its prolongation, being the existing limit line of the City of Fresno;

thence (8) South 0°17'15" West, parallel with and 30.00 feet West of the East line of the Southeast Quarter of said Section 17, along the existing limit line of the City of Fresno, a distance of 674.55 feet to the intersection with a non-tangent curve;

thence (9) Southwesterly along said non-tangent curve, concave to the Southeast, whose radius point bears South 77°17'10" East, having a radius of 3,267.00 feet through a central angle of 12°13'05", a distance of 696.67 feet along the existing limit line of the City of Fresno;

thence (10) South 0°17'15" West, parallel with and 104.00 feet West of the East line of the Southeast Quarter of said Section 17, along the existing limit line of the City of Fresno, a distance of 1,261.34 feet;

thence (11) South 45°02'03" West, along the existing limit line of the City of Fresno, a distance of 21.31 feet;

thence (12) South 0°13'10" East, along the existing limit line of the City of Fresno, a distance of 60.00 feet;

thence (13) North 89°46'50" East, parallel with and 30 feet South of the South line of said Section 17, along the existing limit line of the City of Fresno, a distance of 118.74 feet to the intersection with the East line of the Northeast Quarter of said Section 20;

thence (14) South 0°33'22" West, along the East line of the Northeast Quarter of said Section 20, a distance of 2,618.53 feet to the East Quarter corner of said Section 20;

thence (15) South 0°33'22" West, along the East line of the Southeast Quarter of said Section 20, a distance of 2,648.56 feet to the Point of Beginning.

Contains 447.78 acres more or less
Dated: February 3, 2015
Revised: March 9, 2015

APPROVED

Page 2 of 3

LAFCO RES. # RO-13-1
July 16, 2014
DATE

4

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

APPROVED
LAFCO RES. # RO-13-1
July 16, 2014
DATE

5



STATE BOARD OF EQUALIZATION
PROPERTY AND SPECIAL TAXES DEPARTMENT
TAX AREA SERVICES SECTION, MIC: 59
PO BOX 942879, SACRAMENTO CALIFORNIA, 94279-0059
916 274-3250 - FAX 916 285-0130
http://www.boe.ca.gov/
TASS@boe.ca.gov



SEN. GEORGE RUNNER (RET.)
First District, Lancaster

FIONA MA, CPA
Second District, San Francisco

JEROME E. HORTON
Third District, Los Angeles County

DIANE L. HARKEY
Fourth District, Orange County

BETTY T. YEE
State Controller

CYNTHIA BRIDGES
Executive Director

David E. Fey, Executive Officer
Lafco
2607 Fresno Street, Suite B
Fresno, Ca 93721

This is to acknowledge receipt of the statement(s) required by Section 54900, et seq., of the Government Code for the action described below. Copies of your documents will be forwarded by us to other agencies. You are required by Section 54902 of the Government Code to file a complete set of documents, except for the processing fee, with the County Assessor and Auditor affected by this action.

Tax rate area boundaries and property tax allocations will become effective for the assesment roll indicated below.

Assessment Roll: **2016/17**

County: **10 Fresno**

District: **01 [0006] CITY - FRESNO**

Conducting Authority: **WAIVED**

Short Title: **"SHIELDS-GRANTLAND NO. 1 (WESTLAKE) REORGANIZATION"**

Type of Action: **02 City - Annexation**

Resolution/Ord. No.:

LAFCo No.: **RO-13-1**

Effective Date: **06/19/2015**

Fee: **\$2,000.00**

Acreage: **447.78**

BOE File No: **2016-009**
Received at BOE: **06/25/2015**
Date of Acknowledgement: **07/02/2015**
Distribution: **4**

City Boundary Change

Estimated Population: **0**

Total assessed value of all property in subject territory: **11492302**

Ric Schwarting
Research Manager (GIS)
State-Assessed Properties Division
Tax Area Services Section

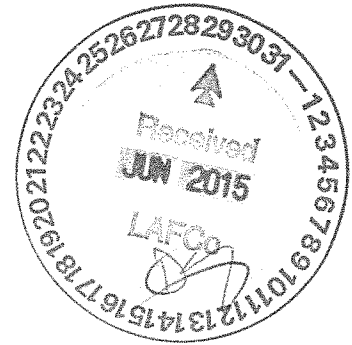


County of Fresno

Paul Dictos, CPA
Assessor-Recorder

6/26/2015

Local Agency Formation Commission
2607 Fresno Street, Suite B
Fresno, CA 93721



Re: 2016-17 Assessment Roll

Dear Mr. David E. Fey:

This will acknowledge that the below change has been filed with this office pursuant to Section 54,900 et. seq. of the Government Code.

Date Filed: JUNE 19, 2015
City/ District: CITY OF FRESNO

Ord./Resolution #: RO 13-1

Subject: SHIELDS-GRANTLAND NO. 1 (WESTLAKE) REORGANIZATION


Yours Truly,
Paul Dictos, C.P.A.
Fresno County Assessor

Virginia Quevedo
Cadastral Technician III



Fresno Local Agency Formation Commission

NOTICE OF COMPLETION OF BOUNDARY CHANGE

Date: June 19, 2015
To: Clerk, City of Fresno
From: David E. Fey, AICP, Executive Officer 
Subject: "Shields-Grantland No. 1 (Westlake) Reorganization"
LAFCo File No. RO-13-1

Please be advised that all filings for the above approved annexation have been made, as required by California Government Code Section 57200 et seq. The change of organization is now complete and effective.

A certified copy of the Certificate of Completion is enclosed along with the map and legal description indicating the recording numbers affixed by the County Recorder. A Statement of Boundary Change was sent to the County Assessor, County Auditor, and State Board of Equalization.

A map showing the change of boundaries was also sent to the agencies listed on the attached letter of transmittal.

DEF:cf

Attachments

Cc: Bruce Rudd, City Manager, City of Fresno

G:\LAFCo WORKING FILES\COMPLETIONS\RO-13-1 COMPLETION LETTERS.doc



Fresno Local Agency Formation Commission

DATE: June 19, 2015

TO: Bruce Rudd, City of Fresno
Clerk, City of Fresno
Timothy Henry, Deputy Chief, North Central Fire Protection District
Randy Shilling, Deputy General Mgr., Kings River Conservation District
Bernard Jimenez, Deputy Director of Planning
John Adams, Develop. Services Div., Public Works and Planning
County Elections, Precinct Activities
Glenn Allen, Environmental Health
Kevin Tsuda, Environmental Health
Jeff Deaver, Central California EMS
Will Kettler, Div. Mgr., Dev. Svcs Div., Public Works & Planning
Development Engineering
Mohammad Khorsand, Public Works & Planning
Parks and Recreation
Anthony Garcia, EMIS
Dory Rousseau, 911 Coordinator, Sheriff's Department
Bob Engellenner, Sheriff' Department
Flora Kotchkina, Public Works
Lt. Steve Robinson, California Highway Patrol
U. S. Department of Commerce
Sharri Bender Ehlert, District 6, Caltrans
State of California, Alcoholic Beverage Control
Preston Prince, Executive Director, Housing Authority of City and County
Fresno Irrigation District
West Fresno County Red Scale Protective District
Central Unified School District
State Center Jt. Community College District

FROM: David E. Fey, AICP, Executive Officer 

SUBJECT: "Shields-Grantland No. 1 (Westlake) Reorganization"
LAFCo File No. RO-13-1

Please be advised that all required filings for the "Shields-Grantland No. 1 (Westlake) Reorganization" have been made. The change of organization was effective on June 19, 2015.


A map and legal description of the approved reorganization is attached for your reference.

DEF:cf

Attachment

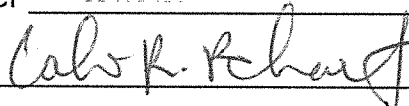


Fresno Local Agency Formation Commission

DATE: June 19, 2015
TO: Fresno County Recorder
FROM: David E Fey, AICP, Executive Officer 
SUBJECT: "Shields-Grantland No. 1 (Westlake) Reorganization"
LAFCo File No. RO-13-1

In order to complete the filing for this approved change of organization, we are sending you a counterpart original of the Certificate of Completion for recordation.

Please assist the completion of this filing by making the required filing of the boundary description with the County Assessor's Office and by providing the information above for verification purposes. Thank you for your assistance.

Recorded at 3:09 on 6-19-15
Document Number 06/19/2015, 20150078468
Signed 

cc: Dave King, Assessor's Office

SHIELDS-GRANTLAND NO.1 (WESTLAKE) REORGANIZATION

ANNEXATION TO THE CITY OF FRESNO AND

DETACHEMENT FORM THE NORTH CENTRAL

FIRE PROTECTION DISTRICT AND

THE KINGS RIVER CONSERVATION DISTRICT

LEGAL DESCRIPTION

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BEGINNING at the Southeast corner of said Section 20;

thence (1) North 89°59'54" West, along the South line of the Southeast Quarter of said Section 20, a distance of 1,639.78 feet to the intersection with the West line of the East Half of Lot 30 of Bullard Lands Irrigated Subdivision No. 9, according to the Map thereof recorded in Book 8, page 56 of Plats, Fresno County Records;

thence (2) North 0°30'32" East, along the West line of the East Half of Lot 30 of said Bullard Lands Irrigated Subdivision No. 9, a distance of 1,322.98 feet to the Northwest corner of the East Half of Lot 30 of said Bullard Lands Irrigated Subdivision No. 9;

thence (3) North 89°52'36" West, along the North line of Lots 29 and 30 and the Westerly prolongation of the North line of Lots 29 and 30 of said Bullard Lands Irrigated Subdivision No. 9, a distance of 996.57 feet to the intersection with the West line of the Southeast Quarter of said Section 20;

thence (4) North 0°28'26" East, along the West line of the Southeast Quarter of said Section 20, a distance of 1,322.20 feet to the Center Quarter corner of said Section 20;

thence (5) North 0°28'26" East, along the West line of the Northeast Quarter of said Section 20, a distance of 2,644.39 feet to the North Quarter corner of said Section 20;

thence (6) North 0°26'10" East, along the West line of the Southeast Quarter of said Section 17 and the Northerly prolongation of the West line of the Southwest Quarter of said Section 17, a distance of 2,669.00 feet to the intersection with a line parallel with and 30 feet North of the North line of the Southeast Quarter of said Section 17;

BOUNDARY CHANGE RECORDED

TIME 3:09 p.m. DATE 6/19/15

DOCUMENT # 20150078 468

EFFECTIVE June 19, 2015

APPROVED

LAFCO RES. # RO-13-1

July 16, 2014
DATE

thence (7) South 89°59'05" East, parallel with and 30.00 feet North of the North line of the Southeast Quarter of said Section 17, a distance of 2,616.14 feet to the intersection with the Northerly prolongation of a line parallel with and 30 feet West of the East line of the Southeast Quarter of said Section 17, said line 30 feet West of the East line of the Southeast Quarter of said Section 17 and its prolongation, being the existing limit line of the City of Fresno;

thence (8) South 0°17'15" West, parallel with and 30.00 feet West of the East line of the Southeast Quarter of said Section 17, along the existing limit line of the City of Fresno, a distance of 674.55 feet to the intersection with a non-tangent curve;

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Contains 447.78 acres more or less
Dated: February 3, 2015
Revised: March 9, 2015

BOUNDARY CHANGE RECORDED

TIME 3:09 p.m. DATE 6/15/15
DOCUMENT # 20150078468
EFFECTIVE June 19, 2015

APPROVED

Page 2 of 3

LAFCO RES. # RO-13-1
July 16, 2014
DATE

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

TIME 3:09 p.m. DATE 6/19/15
DOCUMENT # 20150078 468
EFFECTIVE June 19, 2015

APPROVED
LAFCO RES. # RO-13-1
July 16, 2014
DATE

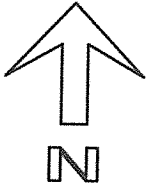
THE NORTH LINE OF THE SE 1/4 OF SEC.17,13-19

512-010-33s

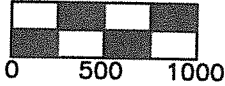
CENTER 1/4 CORNER OF 17-13/19

S 89°59'05" E S.P.R.R. (ABANDONED) 2616.14'

EAST 1/4 CORNER OF 17-13/19



SCALE: 1"=1000'



THE WEST LINE OF THE SE 1/4 OF SEC.17,13-19

2669.00' AVENUE

30'

30'

30'

30'

30'

30'

30'

30'

30'

30'

30'

30'

30'

30'

30'

30'

30'

30'

30'

WEST GETTYSBURG AVENUE (ALIGNMENT)

S 0°17'15" W-674.55'

⑧ 512-021-25

⑨ Δ=12°13'05" R=3267.00' L=696.67'

AREA TO BE ANNEXED TO CITY OF FRESNO 447.78 ACRES

512-021-26

⑪ S 45°02'03" W-21.31'

⑫ S 0°13'10" E-60.00'

ASHLAN AVENUE

C.U.S.D.

THE NORTH LINE OF THE SE 1/4 OF SEC.17,13-19

THE EAST LINE OF THE SE 1/4 OF SEC.17,13-19

SOUTH 1/4 CORNER OF 17-13/19
NORTH 1/4 CORNER OF 20-13/19

SOUTHEAST CORNER OF 17-13/19
NORTHEAST CORNER OF 20-13/19

THE EAST LINE OF THE NE 1/4 OF SEC.20,13-19

LEGEND

INDICATES AREA TO BE ANNEXED TO THE CITY OF FRESNO

INDICATES EXISTING LIMIT LINE OF THE CITY OF FRESNO

BOUNDARY CHANGE RECORDED
3:09 P.M. DATE 6/19/15
DOCUMENT # 20150078 468
EFFECTIVE June 19, 2015

THE WEST LINE OF THE NE 1/4 OF SEC.20,13-19

2644.39'

2644.39'

2644.39'

2644.39'

2644.39'

2644.39'

2644.39'

2644.39'

2644.39'

2644.39'

2644.39'

2644.39'

2644.39'

2644.39'

2644.39'

CENTER 1/4 CORNER OF 20-13/19

EAST 1/4 CORNER OF 20-13/19

THE WEST LINE OF THE SE 1/4 OF SEC.20,13-19

THE NORTH LINE OF LOTS 29 AND 30 OF BULLARD LANDS IRRIGATED SUBDIVISION NO.9

THE WEST LINE OF THE EAST 1/2 OF LOT 30 OF BULLARD LANDS IRRIGATED SUBDIVISION NO. 9

SOUTH 1/4 CORNER OF 20-13/19

WEST SHIELDS AVENUE
N 89°59'54" W 1639.78'

SOUTHEAST CORNER OF 20-13/19

THE POINT OF BEGINNING

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

PREPARED BY:

GARY G. GIANNETTA
1119 S. STREET
FRESNO, CA 93721
559.264.3590

SHIELDS-GRANTLAND NO. 1 (WESTLAKE) REORGANIZATION

A PORTION OF SECTIONS 17 AND 20 IN TOWNSHIP 13 SOUTH, RANGE 19 EAST, MOUNT DIABLO BASE AND MERIDIAN

TO BE ANNEXED TO THE CITY OF FRESNO AND DETACHED FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT

PREPARED 1-10-13

REVISED: 11-18-13
03-09-15

APPROVED

AFCO RES. # 20-13-1

July 16, 2014
DATE

Annexation No. 1339



Fresno Local Agency Formation Commission

TO: Nikkole Smith, State Board of Equalization
Paul Dictos, County Assessor
Vicki Crow, County Auditor

SUBJECT: "Shields-Grantland No. 1 (Westlake) Reorganization"
LAFCo File No. RO-13-1

In accordance with the requirements of the California State Government Code (Section 54900 et seq.), and in accordance with Section 99(b) of the State Revenue and Taxation Code, the attached Statement of Boundary Change has been forwarded to you for filing.

A Certificate of Completion for this change of organization was executed and certified by the Executive Officer on June 19, 2015.

The change of organization was effective on June 19, 2015.

Property tax negotiations have been completed. The property tax revenue exchange shall be in accordance with the provisions of the Master Property Tax agreement on file with the Commission.

DAVID E. FEY, AICP
EXECUTIVE OFFICER

Date: June 19, 2015

(Please acknowledge the filing of this statement by sending a receipt to our office.
Thank you.)

**CERTIFICATE OF COMPLETION
FRESNO COUNTY LOCAL AGENCY FORMATION COMMISSION**

The Fresno Local Agency Formation Commission waived the Conducting Authority proceedings.

The names of the agencies whose territory is changed and the type of change for each are:

Annexation to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District.

The County in which the entire boundary change occurred is Fresno County.

The short title of the reorganization proceeding is "Shields-Grantland No. 1 (Westlake) Reorganization," RO-13-1.

The affected territory is uninhabited.

The change of organization was ordered without an election, and Resolution No. RO-13-1 ordering the change of organization was adopted by the Fresno Local Agency Formation Commission on July 16, 2014.

Maps and legal descriptions of the territory affected by the reorganization are set forth in Exhibit "A", attached.

The conditions of approval were as follows and have been complied with:

- A. The City of Fresno shall submit to the Executive Officer verification that a Right-to-Farm Covenant is required and made a part of the City's development agreement and that this legal covenant will be recorded with the final tract map approved by the City for the affected territory.
- B. Ownership of land permitting, the annexation shall include the full existing right-of-way width of adjacent roadways.
- C. Allocation of property tax revenue shall conform to the terms and conditions of the 2003 Amended and Restated Memorandum of Understanding between the County of Fresno and the City of Fresno.
- D. Applicant shall execute an indemnification agreement with the Commission reasonably acceptable to the LAFCo Executive Officer and legal counsel, agreeing to defend, indemnify, and hold harmless the Commission from and against any claims, actions (including those filed by any state or governmental agency), costs, or damages arising out of or in connection with the Commission's actions related to this matter.

I, David E. Fey, Executive Officer of the Fresno Local Agency Formation Commission, do hereby certify that the attached maps and legal descriptions for the change of organization do comply with the Commission's resolution of approval.

David E. Fey, AICP, Executive Officer
Fresno Local Agency Formation Commission

Dated: June 19, 2015

STATEMENT OF BOUNDARY CHANGE

Please mail to: State Board of Equalization, Tax Area Services Section,
450 N Street, MIC:59, P.O. Box 942879, Sacramento, CA 94279-0059.



STATE OF CALIFORNIA
BOARD OF EQUALIZATION
www.boe.ca.gov

BOE File No.:

COUNTY FRESNO	COUNTY NUMBER 10	ACREAGE 447.78	FEE \$2,000	Res./Ord. NUMBER N/A
CONDUCTING AUTHORITY WAIVED BY THE COMMISSION				LAFCo. RES. RO-13-1
SHORT FORM DESIGNATION "SHIELDS-GRANTLAND NO. 1 (WESTLAKE) REORGANIZATION"				EFFECTIVE DATE 6-19-15

SECTION 1: TYPE OF ACTION (CHECK ONE ONLY)

- | | | | |
|--|--|--|---|
| <input checked="" type="checkbox"/> City - Annexation (02) | <input type="checkbox"/> District - Formation (09) | <input type="checkbox"/> District - Name Change (11) | <input type="checkbox"/> School District - Transfer of Territory (13) |
| <input type="checkbox"/> City - Detachment (14) | <input type="checkbox"/> District - Annexation (01) | <input type="checkbox"/> Redevelopment - New Project (15) | |
| <input type="checkbox"/> City - Incorporation (04) | <input type="checkbox"/> District - Detachment (07) | <input type="checkbox"/> Redevelopment - Amendment to Project (10) | |
| <input type="checkbox"/> Consolidation of TRA's (06) | <input type="checkbox"/> District - Consolidation (05) | <input type="checkbox"/> School District - Merger (17) | <input type="checkbox"/> School District - Unification (18) |
| <input type="checkbox"/> County Boundary Change (16) | <input type="checkbox"/> District - Dissolution/Removal from Board Roll (08) | <input type="checkbox"/> School District - Thompson Unified (19) | |

SECTION 2: PRINCIPAL CITY/DISTRICT(S) AFFECTED BY ACTION [ENTER DISTRICT NAME(S)]

ANNEX TO THE CITY OF FRESNO	DETACH FROM NORTH CENTRAL FIRE PROT. DIST.
	DETACH FROM KINGS RIVER CONSERVATION DIST.

SECTION 3: AFFECTED TERRITORY

- | | | |
|---|--|--|
| <input type="checkbox"/> Inhabited | <input type="checkbox"/> Developed | <input type="checkbox"/> Will be taxed for existing bonded indebtedness or contractual obligations as set forth by the terms and conditions as stated in the resolution. |
| <input checked="" type="checkbox"/> Uninhabited | <input checked="" type="checkbox"/> Undeveloped | |
| Number of Areas: <u>1</u> | <input checked="" type="checkbox"/> Will not be taxed for existing bonded indebtedness or contractual obligations. | |

SECTION 4: ELECTION

- An election authorizing this action was held on _____ (mm/dd/yyyy)
- This action is exempt from election.

SECTION 5: ENCLOSED ARE THE FOLLOWING ITEMS REQUIRED AT THE TIME OF FILING

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fees | <input checked="" type="checkbox"/> Certificate of Completion (LAFCo. only) | <input type="checkbox"/> County auditor's letter of TRA assignment (consolidated counties only) |
| <input checked="" type="checkbox"/> Legal description | <input checked="" type="checkbox"/> Map(s) and supporting documents | |
| <input checked="" type="checkbox"/> Resolution of conducting authority | <input checked="" type="checkbox"/> Assessor parcel number(s) of affected territory | |

SECTION 6: CITY BOUNDARY CHANGES ONLY

- Map of limiting addresses (2 copies)
- Vicinity maps (2 copies)
- Alphabetical list of all streets within the affected area to include beginning and ending street numbers

Estimated Population: 0 Total assessed value of all property in subject territory: \$11,492,302

REQUIRED: According to section 54902 of the Government Code, copies of these documents must be filed with the county auditor and county assessor.

<i>Board of Equalization will acknowledge receipt of filing to:</i>		BOE USE ONLY	
NAME DAVID E. FEY		chk #:	
TITLE EXECUTIVE OFFICER			
AGENCY FRESNO LOCAL AGENCY FORMATION COMMISSION		amt:	
STREET 2607 FRESNO STREET, SUITE B			
CITY FRESNO	ZIP CODE 93721	ltr #:	
TELEPHONE NUMBER (include area code) (559) 600-0604	FAX NUMBER (include area code) (559) 495-0655		
E-MAIL ADDRESS dfey@co.fresno.ca.us			
SIGNATURE OF AGENCY OFFICER 	DATE 6/19/15		

Shields-Grantland No. 1 (Westlake) Reorganization (Address Information)

There is only one parcel that has a residence on the property, APN 512-020-49 which is 4445 N. Grantland Avenue. The remaining 429.12 acres will be planted in fruit trees.

Shields-Grantland No. 1 (Westlake) Reorganization (Assessor Parcel Numbers)

512-010-33S

512-021-25

512-021-26

512-043-12S

512-043-13S

512-043-14

512-043-15

512-043-16

512-043-17S

512-043-18

512-043-19

512-043-20

512-043-21

512-043-22

512-043-23

512-043-24

512-043-25

512-043-26

512-043-28

512-043-29T

Fleming, Candace Lynn

From: Fey, David
Sent: Monday, October 06, 2014 2:37 PM
To: Fleming, Candace Lynn
Cc: Jeffrey T. Roberts (JRoberts@gvhomes.com)
Subject: FW: Westlake
Attachments: Westlake MMRP - Dec 13.pdf

Candie, per your recent email to Jeff Roberts. The attached email from Mike Sanchez fulfills the RTF condition.
DF

Mitigation Monitoring Program

From: Mike Sanchez [<mailto:Mike.Sanchez@fresno.gov>]
Sent: Wednesday, July 30, 2014 2:43 PM
To: Fey, David
Cc: Jeffrey Roberts
Subject: Westlake

Dave:

The right to farm covenant requirement was made a Mitigation measure of the EIR. See attached 3.2.3, second bullet point. This will likely be completed prior to approval of a final map.

Attached is the MMRP

Mike Sanchez, MCRP
Assistant Director
Development and Resource Management
559.621.8040
mike.sanchez@fresno.gov

FILE

Fey, David

From: Mike Sanchez <Mike.Sanchez@fresno.gov>
Sent: Wednesday, July 30, 2014 2:43 PM
To: Fey, David
Cc: Jeffrey Roberts
Subject: Westlake
Attachments: Westlake MMRP - Dec 13.pdf

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Attached is the MMRP

Mike Sanchez, MCRP
Assistant Director
Development and Resource Management
559.621.8040
mike.sanchez@fresno.gov

*This is
acceptable compliance w/
completion of approval.*

D

Impact #	Impact	Mitigation Measure #	Mitigation Measure	Implementation	Monitoring	Timespan
			materials, to reduce the amount of glare created by the project structures.			
		3.1.3e	The project site landscaping shall include vegetation designed to shield adjacent properties from project-generated light and glare.	Applicant	City of Fresno	Prior to construction
3.2 Agricultural Resources						
3.2.3	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.	3.2.3	In order to reduce potential conflicts between urban and agricultural uses, the following measures shall be implemented: <ul style="list-style-type: none"> ▪ Potential residents and business owners shall be notified about possible exposure to agricultural chemicals at the time of purchase/lease of property within the Westlake development. ▪ A Right-to-Farm Covenant shall be recorded on each tract map or be made a condition of each tract map to protect continued agricultural practices in the area. ▪ Potential residents and business owners shall be informed of the Right-to-Farm Covenant at the time of purchase/lease of property within the Westlake development. 	Applicant and City of Fresno	City of Fresno	On-going
3.3 Air Quality						
3.3.1	Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	3.3.1a	Prior to issuance of grading permits for each development within the Westlake Development project site, the project applicant shall provide information to the City of Fresno describing the methods by which the following measures will be complied with: <ul style="list-style-type: none"> ▪ Off-road equipment used onsite shall achieve a fleet average emissions equal to or less than the Tier II emissions standard of 4.9 grams of NOx per horsepower 	Applicant	City of Fresno / SJVAPCD	Prior to issuance of grading permits and during all phases of construction



County of Fresno

COUNTY ADMINISTRATIVE OFFICE

JOHN NAVARRETTE

COUNTY ADMINISTRATIVE OFFICER

July 9, 2014

David E. Fey, AICP, Executive Officer
Fresno Local Agency Formation Commission
2607 Fresno Street, Suite B
Fresno, CA 93721

SUBJECT: Shields-Grantland No. 1 (Westlake) Reorganization

Dear Mr. Fey:

Fresno County has evaluated the above-referenced reorganization in accordance with the City of Fresno/County of Fresno Amended and Restated Memorandum of Understanding (MOU) and has determined that the proposed annexation by the City of Fresno is consistent with the Standards for Annexation contained in Exhibit I of the MOU, subject to the attached letter agreement dated July 7, 2014.

If you have any questions, you may contact me at (559) 600-1710 or Bernard Jimenez, Deputy Director of Planning at (559) 600-4234.

Very truly yours,

for John Navarrette
County Administrative Officer

G:\4360Devs&PIn\PLANNING\ANNEXATIONS\Cities & Districts\Fresno\2014\Shields-Grantland No. 1 (Westlake)\Shields_Grantland No. 1_Revised.docx

Attachment

c: Bruce Rudd, City Manager, City of Fresno
Jennifer Clark, Director, City of Fresno Development and Resource Management
Alan Weaver, Director, Department of Public Works and Planning
Bernard Jimenez, Deputy Director of Planning
Jeff Roberts, Granville Homes



County of Fresno

COUNTY ADMINISTRATIVE OFFICE

JOHN NAVARRETTE

COUNTY ADMINISTRATIVE OFFICER

July 7, 2014

Bruce Rudd, City Manager
City of Fresno
2600 Fresno Street Room 2064
Fresno, CA 93721

Subject: Shields-Grantland No. 1 (Westlake) Reorganization

Dear Mr. Rudd:

Pursuant to our joint meeting of June 6, 2014, the purpose of this letter agreement is to address the provision of services associated with the above-referenced annexation in connection with the City of Fresno/County of Fresno Amended and Restated Memorandum of Understanding MOU. Based on our meeting, the City of Fresno agrees to the following:

- Upon annexation, the City shall accept responsibility for any code enforcement issues for annexed properties.
- Continue to provide emergency response under existing police and fire mutual aid agreements within the unincorporated areas.
- Upon annexation, the City shall conduct specific traffic enforcement activities requested by the County of Fresno with the right-of-way of Shields, Hayes, Dakota, Cornelia, Blythe, Polk, Bryan and Ashlan Avenues.
- Upon recordation of a final map, biannually provide pickup of illicitly dumped debris within the right-of-way of Shields, Hayes, Dakota, Cornelia, Blythe, Polk, Bryan and Ashlan Avenues.
- Obtain encroachment permit(s) for all water, sewer or dry utility improvements installed within the County right-of-way and enter into an agreement with the County whereby the City shall be responsible in perpetuity for all repairs with County right-of-way due to failure of construction and/or operation of said City improvements.

In exchange, and upon execution of this letter agreement by the City of Fresno, the County of Fresno shall issue a revised letter to the Local Agency Formation Commission determining that the proposed Shields-Grantland No. 1 Reorganization is consistent with the City/County MOU, subject to the above conditions.

County of Fresno

City of Fresno

By: *John Navarrette*
John Navarrette, CAO

By: *Bruce Rudd*
Bruce Rudd, City Manager

c: Alan Weaver, Director, Fresno County Public Works and Planning
Jennifer Clark, Director, City of Fresno Development and Resource Management Department
Bernard Jimenez, Deputy Director, Fresno County Public Works and Planning

INDEMNITY AGREEMENT

(FRESNO LOCAL AGENCY FORMATION COMMISSION –
GRANVILLE HOMES, INC.)

THIS INDEMNITY AGREEMENT (this “Agreement”) is made and entered into this ___ day of September, 2014 (the “Effective Date”), by and between the LOCAL AGENCY FORMATION COMMISSION OF FRESNO COUNTY, a California local agency formed pursuant to Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (hereinafter “LAFCo”), and GRANVILLE HOMES, INC, a California corporation. (hereinafter “Applicant”). LAFCo and Applicant may be collectively referred to as the “Parties” and singularly by their individual names or as a “Party.”

R E C I T A L S

A. On July 16, 2014 (continued from a May 14, 2014 hearing), LAFCo considered and approved with conditions Applicant’s application to annex 447.78 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located south of Gettysburg Avenue, north of Shields Avenue, east of Garfield Avenue, and west of Grantland Avenue (the “Application”).

B. The City of Fresno served as Lead Agency for the Application under the California Environmental Quality Act (“CEQA”) (Public Resources Code Section 21000, *et seq.*). The Fresno City Council certified a programmatic environmental impact report (“EIR”) for the Application on December 19, 2013. As part of the City of Fresno’s certification of the EIR, the City made findings that potential significant impacts to the environment would occur with the implementation of the project and adopted mitigation measures to reduce these impacts to the extent feasible. A Notice of Determination was filled with the County Clerk on December 20, 2013.

C. Acting as Responsible Agency pursuant to CEQA Guidelines, LAFCo reviewed and considered the environmental effects of the Application as shown in the CEQA documents prepared, adopted, and submitted by the Lead Agency, and determined the documents to be legally adequate pursuant to CEQA Guidelines Section 15096.

D. LAFCo found the reorganization proposed in the Application to be sufficiently consistent with LAFCo Policies, Standards and Procedures Sections, and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”).

E. LAFCo assigned the distinctive short form designation “Shields-Grantland No. 1 (Westlake) Reorganization” and approved the Application subject to the following conditions:

1. The City of Fresno shall submit to the LAFCo Executive Officer verification that a Right-to-Farm Covenant is required and made a part of the City’s development agreement and that this legal covenant will be recorded with the final tract map approved by the City for the affected territory;

2. Ownership of land permitting, the annexation shall include the full existing right-of-way width of adjacent roadways;

3. Allocation of property tax revenue shall conform to the terms and conditions of the 2003 Amended and Restated Memorandum of Understanding between the County of Fresno and the City of Fresno; and

4. Applicant and LAFCo executing this Agreement.

F. LAFCo found pursuant to the CKH that:

1. The territory is uninhabited; and

2. All landowners have consented to the annexation.

G. LAFCo waived further Conducting Authority Proceedings and approved the Application subject to the requirements of the CKH, the applicable statutory reconsideration period, and compliance with all of the above conditions.

H. Applicant acknowledges that there are frequent challenges to governmental approvals, which may expose LAFCo to liability for damages, costs, and attorney's fees.

I. LAFCo would incur great expense in the active defense of litigation and, if unsuccessful, conceivably may also be required to pay the prevailing party's attorney's fees and costs.

J. LAFCo is an objective decision-making body and, therefore, has no special interest other than the public's interest in the approval or denial of the Application, or the outcome of litigation arising from the granting or denial of the Application.

K. The public's interest and sound fiscal policy require that the person or entity receiving the benefits of such governmental approvals bear the burden of the liability for potential injuries and expense of such litigation.

L. The Parties mutually desire to enter into this Agreement, by which Applicant shall indemnify, defend, save and hold LAFCo harmless, as provided herein, to ensure that LAFCo bears no fiscal or financial burden whatsoever resulting from any challenge to the Application and the EIR.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Parties hereby agree as follows:

1. DEFINITIONS. As used in this Agreement the following terms shall have the following definitions:

(a) "APPLICANT" is Granville Homes, Inc., and its heirs, assigns or successors in interest;

(b) "LAFCo Approval" shall include any act or omission or benefit arising from or in connection with LAFCo's consideration and approval of the Application, including the EIR.

2. INDEMNIFY, DEFEND, AND HOLD HARMLESS.

(a) Applicant hereby agrees to save, indemnify, hold harmless and, at LAFCo's request, defend LAFCo, and LAFCo's officers, agents, employees, contractors, legal counsel, commissioners and alternate commissioners, from and against any and all expenses, demands, liabilities, judgments, claims, and costs (including, but not limited to, court costs and attorney's fees), or damages of any nature whatsoever made against or incurred by LAFCo, including, but not limited to, an award of attorney's fees and costs to the person, organization, or entity bringing the cause of action, or their officers, agents, employees, and legal counsel arising from, resulting from, or in connection with the LAFCo Approval.

(b) Applicant shall pay all attorneys' fees and costs related to the representation of LAFCo in any action brought against LAFCo, and/or Applicant arising from, resulting from, or in connection with LAFCo's Approval (which shall include any and all reasonable attorneys' fees and costs incurred by LAFCo from its counsel, Baker Manock & Jensen, PC in connection with the Approval).

(c) For the purposes of this Agreement, attorney's fees, and related costs and expenses, shall be construed as administrative costs.

3. NOTIFICATIONS AND COOPERATION. Within ten (10) business days of its receipt of any demand, claim, action, proceeding, or litigation related to LAFCo's Approval, LAFCo shall notify and request the Applicant that it demands to be indemnified, defended, and held harmless by Applicant pursuant to this Agreement. Such notice shall include a copy of any complaint, filing, or other documentation received by LAFCo directly relating to such demand, claim, action, proceeding or litigation. For the purposes of this Section, such documentation shall not include LAFCo's file or materials related to the LAFCo Approval. Within ten (10) days of receipt of such a request, Applicant shall notify LAFCo of its intent to indemnify, defend, and hold LAFCo harmless, and shall, if necessary, immediately reply, on behalf of LAFCo, to any pleading or correspondence related to such demand, claim, action, proceeding, or litigation. LAFCo hereby agrees to reasonably cooperate with Applicant to the extent such cooperation may be necessary for Applicant to carry out its responsibilities under this Agreement; provided, such cooperation shall not result in any fiscal or financial burden whatsoever to LAFCo. Conversely, Applicant agrees to cooperate with LAFCo and to engage competent and qualified legal counsel to carry out its responsibilities under this Agreement and to keep LAFCo, through its executive officer and general counsel, informed about all aspects of litigation.

4. LAFCO'S RIGHTS TO HIRE ITS OWN LEGAL COUNSEL. Nothing contained herein shall prohibit LAFCo, in its sole discretion, from participating in the defense of any demand, claim, action, proceeding, or litigation over and above representation by outside counsel provided by Applicant or from participating in the defense of any demand, claim, action,

proceeding or litigation. If LAFCo elects to participate in the defense, it shall do so in good faith and shall retain Baker Manock & Jensen, PC (or another LAFCo general counsel) as its own legal counsel; provided, however, that Applicant shall timely reimburse LAFCo for all fees and costs paid by LAFCo to LAFCo's legal counsel for any time and costs on matters relating to the defense of LAFCo (including, but not limited to, communications with Applicant and Applicant's legal counsel), in addition to those obligations imposed upon Applicant in Sections 2 and 4 of this Agreement. In no event shall LAFCo's participation in the defense of any demand, claim, action, proceeding, or litigation affect the obligations imposed upon Applicant in Sections 2 and 4 of this Agreement.

5. REIMBURSEMENT OF LAFCO'S COSTS OF ADMINISTRATIVE RECORD. Without limiting LAFCo's right to recover its costs from Applicant under Sections 2 and 4 of this Agreement, Applicant agrees to reimburse LAFCo for its actual costs incurred, including, but not limited to, LAFCo staff and legal counsel time expended, for certifying and/or preparing the administrative record in connection with any proceedings related to the subject matter of this Agreement. Applicant shall pay such cost to LAFCo before receiving such administrative record.

6. FAILURE OF APPLICANT TO REIMBURSE LAFCO. If at any time Applicant discontinues to reimburse LAFCo for all its actual costs incurred, including, but not limited to, LAFCo staff and legal counsel time expended, LAFCo reserves the right to not challenge any judgments obtained by an adverse party against Applicant or LAFCo.

7. TERMINATION OF AGREEMENT. This Agreement may be terminated only upon the following conditions:

(a) The Parties, by their express, mutual, written consent, agree to terminate this Agreement; or

(b) Applicant petitions LAFCo to terminate this Agreement by providing to LAFCo a written opinion of Applicant's legal counsel, in form and substance acceptable to LAFCo and its general legal counsel, and LAFCo, in its sole reasonable discretion, determines that termination of this Agreement is in the best interest of the public and LAFCo. It is understood and agreed that LAFCo, in making the determination of whether or not to terminate this Agreement, may reasonably rely upon said opinion of Applicant's legal counsel.

8. SEVERABILITY. If any provision of this Agreement is determined to be invalid in a final judgment by a court of competent jurisdiction, each and every other provision hereof shall remain in full force and effect.

9. EFFECT OF HEADINGS. The titles of the articles, paragraphs, subparagraphs, sections, and other parts of this Agreement are for the convenience of the reader only, and no presumption or implication of the intent of the Parties as to the construction of this Agreement shall be drawn therefrom.

10. COUNTERPARTS. This Agreement may be executed in any number of counterparts and each such counterpart shall be deemed to be an original instrument, all of which together shall constitute one and the same instrument.

11. ASSIGNMENT. No Party to this Agreement may assign all or any part of this Agreement, or any interest therein, or delegate all or any part of its obligations under this Agreement without the prior written consent of the other Party to this Agreement.

12. BINDING EFFECT. Subject to the provisions of Paragraph 11 of this Agreement, the provisions of this Agreement, and the covenants and conditions contained in this Agreement, shall be continuous and shall be binding upon and inure to the benefit of the heirs, successors, and assigns of the Parties to this Agreement.

13. NOTICES. Except as otherwise expressly provided in this Agreement, all notices, requests, demands, and other communications required under this Agreement shall be in writing and shall be deemed to have been given (i) on the date of service, if served personally on the person to whom notice is to be given, (ii) on the date of receipt, if sent by telecopier to the person to whom notice is to be given at the telecopier number set forth below, or (iii) on the third day after mailing, if mailed to the person to whom notice is to be given, by first class mail, postage prepaid, and properly addressed as follows:

To LAFCo at: David E. Fey, Executive Officer
Fresno LAFCo
2607 Fresno Street, Suite B
Fresno, California 93721
Facsimile Number: (559) 600-0604

With a copy to: Kenneth J. Price, Esq.
BAKER, MANOCK & JENSEN
5260 North Palm Avenue, Suite 421
Fresno, California 93704-2209
Facsimile Number: (559) 432-5620

To APPLICANT at: Granville Homes, Inc.
Attn: Jeffrey T. Roberts
1396 West Herndon Avenue, Suite 101
Fresno, California 93711-7126
Facsimile Number: (559) 436-1659

Any Party or designated recipient may change his address for purposes of this Paragraph 13 by giving written notice of such change to the other Party and/or designated recipients in the manner provided for in this Paragraph 13.

14. GOVERNING LAW AND VENUE. This Agreement shall be governed by, and construed in accordance with, the laws of the State of California. The Parties to this Agreement agree that venue for any litigation arising under this Agreement shall be in the County of Fresno, State of California.

15. CONSTRUCTION. All words used in this Agreement shall be construed to include the plural as well as the singular number and vice versa, all words used in this Agreement in the present tense shall include the future as well as the present, and all words used in this Agreement in masculine gender shall include the feminine and neuter genders, whenever the context so indicates.

16. ENTIRE AGREEMENT. This Agreement, together with all exhibits attached hereto, constitutes the entire agreement between the Parties relating to the Application and supersedes all prior and contemporaneous agreements, representations, and understandings of the Parties with regard thereto. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing by all of the Parties to this Agreement.

17. FURTHER ACTION. The Parties to this Agreement shall execute such other documents, and shall take such other actions, as may be necessary or appropriate to carry out the foregoing.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

“APPLICANT”

“LAFCo”

GRANVILLE HOMES, INC.

LOCAL AGENCY FORMATION
COMMISSION OF FRESNO COUNTY

By: _____
Name

By: [Signature]
Name

Title: _____

Title: Chairman

APPROVED AS TO LEGAL FORM:

BAKER MANOCK & JENSEN, PC

By: _____
Kenneth J. Price
Legal Counsel for LAFCo

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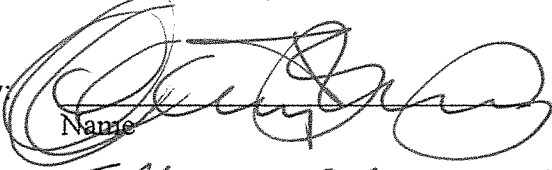
“APPLICANT”

“LAFCo”

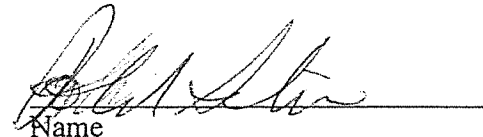
GRANVILLE HOMES, INC.

LOCAL AGENCY FORMATION
COMMISSION OF FRESNO COUNTY

By:


Name

By:


Name

Title:

Jeffrey T. Roberts - VP

Title:

Chairman

APPROVED AS TO LEGAL FORM:

BAKER MANOCK & JENSEN, PC

By:

Kenneth J. Price
Legal Counsel for LAFCo

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“APPLICANT”

“LAFCo”

GRANVILLE HOMES, INC.

LOCAL AGENCY FORMATION
COMMISSION OF FRESNO COUNTY

By: _____
Name

By: _____
Name

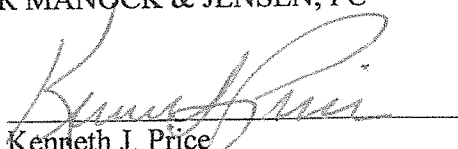
Title: _____

Title: _____

APPROVED AS TO LEGAL FORM:

BAKER MANOCK & JENSEN, PC

By:


Kenneth J. Price
Legal Counsel for LAFCo

INDEMNITY AGREEMENT

(FRESNO LOCAL AGENCY FORMATION COMMISSION –
GRANVILLE HOMES, INC.)

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R E C I T A L S

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B. The City of Fresno served as Lead Agency for the Application under the California Environmental Quality Act (“CEQA”) (Public Resources Code Section 21000, *et seq.*). The Fresno City Council certified a programmatic environmental impact report (“EIR”) for the Application on December 19, 2013. As part of the City of Fresno's certification of the EIR, the City made findings that potential significant impacts to the environment would occur with the implementation of the project and adopted mitigation measures to reduce these impacts to the extent feasible. A Notice of Determination was filed with the County Clerk on December 20, 2013.

C. Acting as Responsible Agency pursuant to CEQA Guidelines, LAFCo reviewed and considered the environmental effects of the Application as shown in the CEQA documents prepared, adopted, and submitted by the Lead Agency, and determined the documents to be legally adequate pursuant to CEQA Guidelines Section 15096.

D. LAFCo found the reorganization proposed in the Application to be sufficiently consistent with LAFCo Policies, Standards and Procedures Sections, and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“CKH”).

E. LAFCo assigned the distinctive short form designation "Shields-Grantland No. 1 (Westlake) Reorganization" and approved the Application subject to the following conditions:

1. The City of Fresno shall submit to the LAFCo Executive Officer verification that a Right-to-Farm Covenant is required and made a part of the City's development agreement and that this legal covenant will be recorded with the final tract map approved by the City for the affected territory;

2. Ownership of land permitting, the annexation shall include the full existing right-of-way width of adjacent roadways;

3. Allocation of property tax revenue shall conform to the terms and conditions of the 2003 Amended and Restated Memorandum of Understanding between the County of Fresno and the City of Fresno; and

4. Applicant and LAFCo executing this Agreement.

F. LAFCo found pursuant to the CKH that:

1. The territory is uninhabited; and

2. All landowners have consented to the annexation.

G. LAFCo waived further Conducting Authority Proceedings and approved the Application subject to the requirements of the CKH, the applicable statutory reconsideration period, and compliance with all of the above conditions.

H. Applicant acknowledges that there are frequent challenges to governmental approvals, which may expose LAFCo to liability for damages, costs, and attorney's fees.

I. LAFCo would incur great expense in the active defense of litigation and, if unsuccessful, conceivably may also be required to pay the prevailing party's attorney's fees and costs.

J. LAFCo is an objective decision-making body and, therefore, has no special interest other than the public's interest in the approval or denial of the Application, or the outcome of litigation arising from the granting or denial of the Application.

K. The public's interest and sound fiscal policy require that the person or entity receiving the benefits of such governmental approvals bear the burden of the liability for potential injuries and expense of such litigation.

L. The Parties mutually desire to enter into this Agreement, by which Applicant shall indemnify, defend, save and hold LAFCo harmless, as provided herein, to ensure that LAFCo bears no fiscal or financial burden whatsoever resulting from any challenge to the Application and the EIR.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Parties hereby agree as follows:

1. DEFINITIONS. As used in this Agreement the following terms shall have the following definitions:

(a) "APPLICANT" is Granville Homes, Inc., and its heirs, assigns or successors in interest;

(b) "LAFCo Approval" shall include any act or omission or benefit arising from or in connection with LAFCo's consideration and approval of the Application, including the EIR.

2. INDEMNIFY, DEFEND, AND HOLD HARMLESS.

(a) Applicant hereby agrees to save, indemnify, hold harmless and, at LAFCo's request, defend LAFCo, and LAFCo's officers, agents, employees, contractors, legal counsel, commissioners and alternate commissioners, from and against any and all expenses, demands, liabilities, judgments, claims, and costs (including, but not limited to, court costs and attorney's fees), or damages of any nature whatsoever made against or incurred by LAFCo, including, but not limited to, an award of attorney's fees and costs to the person, organization, or entity bringing the cause of action, or their officers, agents, employees, and legal counsel arising from, resulting from, or in connection with the LAFCo Approval.

(b) Applicant shall pay all attorneys' fees and costs related to the representation of LAFCo in any action brought against LAFCo, and/or Applicant arising from, resulting from, or in connection with LAFCo's Approval (which shall include any and all reasonable attorneys' fees and costs incurred by LAFCo from its counsel, Baker Manock & Jensen, PC in connection with the Approval).

(c) For the purposes of this Agreement, attorney's fees, and related costs and expenses, shall be construed as administrative costs.

3. NOTIFICATIONS AND COOPERATION. Within ten (10) business days of its receipt of any demand, claim, action, proceeding, or litigation related to LAFCo's Approval, LAFCo shall notify and request the Applicant that it demands to be indemnified, defended, and held harmless by Applicant pursuant to this Agreement. Such notice shall include a copy of any complaint, filing, or other documentation received by LAFCo directly relating to such demand, claim, action, proceeding or litigation. For the purposes of this Section, such documentation shall not include LAFCo's file or materials related to the LAFCo Approval. Within ten (10) days of receipt of such a request, Applicant shall notify LAFCo of its intent to indemnify, defend, and hold LAFCo harmless, and shall, if necessary, immediately reply, on behalf of LAFCo, to any pleading or correspondence related to such demand, claim, action, proceeding, or litigation. LAFCo hereby agrees to reasonably cooperate with Applicant to the extent such cooperation may be necessary for Applicant to carry out its responsibilities under this Agreement; provided, such cooperation shall not result in any fiscal or financial burden whatsoever to LAFCo. Conversely, Applicant agrees to cooperate with LAFCo and to engage competent and qualified legal counsel to carry out its responsibilities under this Agreement and to keep LAFCo, through its executive officer and general counsel, informed about all aspects of litigation.

4. LAFCO'S RIGHTS TO HIRE ITS OWN LEGAL COUNSEL. Nothing contained herein shall prohibit LAFCo, in its sole discretion, from participating in the defense of any demand, claim, action, proceeding, or litigation over and above representation by outside counsel provided by Applicant or from participating in the defense of any demand, claim, action,

proceeding or litigation. If LAFCo elects to participate in the defense, it shall do so in good faith and shall retain Baker Manock & Jensen, PC (or another LAFCo general counsel) as its own legal counsel; provided, however, that Applicant shall timely reimburse LAFCo for all fees and costs paid by LAFCo to LAFCo's legal counsel for any time and costs on matters relating to the defense of LAFCo (including, but not limited to, communications with Applicant and Applicant's legal counsel), in addition to those obligations imposed upon Applicant in Sections 2 and 4 of this Agreement. In no event shall LAFCo's participation in the defense of any demand, claim, action, proceeding, or litigation affect the obligations imposed upon Applicant in Sections 2 and 4 of this Agreement.

5. REIMBURSEMENT OF LAFCO'S COSTS OF ADMINISTRATIVE RECORD. Without limiting LAFCo's right to recover its costs from Applicant under Sections 2 and 4 of this Agreement, Applicant agrees to reimburse LAFCo for its actual costs incurred, including, but not limited to, LAFCo staff and legal counsel time expended, for certifying and/or preparing the administrative record in connection with any proceedings related to the subject matter of this Agreement. Applicant shall pay such cost to LAFCo before receiving such administrative record.

6. FAILURE OF APPLICANT TO REIMBURSE LAFCO. If at any time Applicant discontinues to reimburse LAFCo for all its actual costs incurred, including, but not limited to, LAFCo staff and legal counsel time expended, LAFCo reserves the right to not challenge any judgments obtained by an adverse party against Applicant or LAFCo.

7. TERMINATION OF AGREEMENT. This Agreement may be terminated only upon the following conditions:

(a) The Parties, by their express, mutual, written consent, agree to terminate this Agreement; or

(b) Applicant petitions LAFCo to terminate this Agreement by providing to LAFCo a written opinion of Applicant's legal counsel, in form and substance acceptable to LAFCo and its general legal counsel, and LAFCo, in its sole reasonable discretion, determines that termination of this Agreement is in the best interest of the public and LAFCo. It is understood and agreed that LAFCo, in making the determination of whether or not to terminate this Agreement, may reasonably rely upon said opinion of Applicant's legal counsel.

8. SEVERABILITY. If any provision of this Agreement is determined to be invalid in a final judgment by a court of competent jurisdiction, each and every other provision hereof shall remain in full force and effect.

9. EFFECT OF HEADINGS. The titles of the articles, paragraphs, subparagraphs, sections, and other parts of this Agreement are for the convenience of the reader only, and no presumption or implication of the intent of the Parties as to the construction of this Agreement shall be drawn therefrom.

10. COUNTERPARTS. This Agreement may be executed in any number of counterparts and each such counterpart shall be deemed to be an original instrument, all of which together shall constitute one and the same instrument.

11. ASSIGNMENT. No Party to this Agreement may assign all or any part of this Agreement, or any interest therein, or delegate all or any part of its obligations under this Agreement without the prior written consent of the other Party to this Agreement.

12. BINDING EFFECT. Subject to the provisions of Paragraph 11 of this Agreement, the provisions of this Agreement, and the covenants and conditions contained in this Agreement, shall be continuous and shall be binding upon and inure to the benefit of the heirs, successors, and assigns of the Parties to this Agreement.

13. NOTICES. Except as otherwise expressly provided in this Agreement, all notices, requests, demands, and other communications required under this Agreement shall be in writing and shall be deemed to have been given (i) on the date of service, if served personally on the person to whom notice is to be given, (ii) on the date of receipt, if sent by telecopier to the person to whom notice is to be given at the telecopier number set forth below, or (iii) on the third day after mailing, if mailed to the person to whom notice is to be given, by first class mail, postage prepaid, and properly addressed as follows:

To LAFCo at: David E. Fey, Executive Officer
Fresno LAFCo
2607 Fresno Street, Suite B
Fresno, California 93721
Facsimile Number: (559) 600-0604

With a copy to: Kenneth J. Price, Esq.
BAKER, MANOCK & JENSEN
5260 North Palm Avenue, Suite 421
Fresno, California 93704-2209
Facsimile Number: (559) 432-5620

To APPLICANT at: Granville Homes, Inc.
Attn: Jeffrey T. Roberts
1396 West Herndon Avenue, Suite 101
Fresno, California 93711-7126
Facsimile Number: (559) 436-1659

Any Party or designated recipient may change his address for purposes of this Paragraph 13 by giving written notice of such change to the other Party and/or designated recipients in the manner provided for in this Paragraph 13.

14. GOVERNING LAW AND VENUE. This Agreement shall be governed by, and construed in accordance with, the laws of the State of California. The Parties to this Agreement agree that venue for any litigation arising under this Agreement shall be in the County of Fresno, State of California.

15. CONSTRUCTION. All words used in this Agreement shall be construed to include the plural as well as the singular number and vice versa, all words used in this Agreement in the present tense shall include the future as well as the present, and all words used in this Agreement in masculine gender shall include the feminine and neuter genders, whenever the context so indicates.

16. ENTIRE AGREEMENT. This Agreement, together with all exhibits attached hereto, constitutes the entire agreement between the Parties relating to the Application and supersedes all prior and contemporaneous agreements, representations, and understandings of the Parties with regard thereto. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing by all of the Parties to this Agreement.

17. FURTHER ACTION. The Parties to this Agreement shall execute such other documents, and shall take such other actions, as may be necessary or appropriate to carry out the foregoing.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

“APPLICANT”

“LAFCo”

GRANVILLE HOMES, INC.

LOCAL AGENCY FORMATION
COMMISSION OF FRESNO COUNTY

By: _____
Name

By:  _____
Name

Title: _____

Title: Chairman

APPROVED AS TO LEGAL FORM:

BAKER MANOCK & JENSEN, PC

By: _____
Kenneth J. Price
Legal Counsel for LAFCo

15. CONSTRUCTION. All words used in this Agreement shall be construed to include the plural as well as the singular number and vice versa, all words used in this Agreement in the present tense shall include the future as well as the present, and all words used in this Agreement in masculine gender shall include the feminine and neuter genders, whenever the context so indicates.

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“APPLICANT”

“LAFCo”

GRANVILLE HOMES, INC.

LOCAL AGENCY FORMATION
COMMISSION OF FRESNO COUNTY

By: _____
Name

By: _____
Name


Title: _____

Title: _____

APPROVED AS TO LEGAL FORM:

BAKER MANOCK & JENSEN, PC

By:


Kenneth J. Price
Legal Counsel for LAFCo



Fresno Local Agency Formation Commission

May 15, 2015

Mr. Jeff Roberts, Vice President
Granville Homes
1396 W. Herndon #101
Fresno, CA 93711

Dear Mr. Roberts:

Subject: "Shields-Grantland No. 1 (Westlake) Reorganization"

The LAFCo Resolution approving your proposal will expire on July 16, 2015, unless the Commission grants an extension of time within which to complete the proceedings. You may request a one-year extension of time by addressing your request to our office, accompanied by a fee of \$750.00

Please include the following information with your request:

1. Written request for an extension of time, including the requested period of time and appropriate fee as described in Commission fee schedule section 350.
2. Description of the changed circumstances of the project that have delayed completion of proceedings.
3. An explanation of the project's feasibility and what progress will be made to complete conditions of approval and all necessary prerequisite actions by any party.
4. Written confirmation from the city or district representative to which annexation is proposed supporting the extension request; a district located within the unincorporated area, written correspondence in support of the extension request shall also be provided from the County of Fresno.

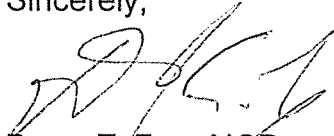
The Commission's policies state that extensions of time shall only be granted when it can be shown that the imminent need for the proposal still exists, the project is still viable, and progress is being made toward completion.

Mr. Jeff Roberts
May 15, 2015
Page 2

Because the Commission recently cancelled its July hearing, we must receive your request by **May 22, 2015**, in order for the Commission to consider it prior to the expiration date.

If you need assistance, please contact our office.

Sincerely,



DAVID E. FEY, AICP
EXECUTIVE OFFICER

DEF:cf

NOTIFICATION OF COMMISSION ACTION, AND CHECKLIST FOR COMPLETION OF LAFCO PROCEEDINGS

Fresno Local Agency Formation Commission (LAFCo)
2607 Fresno Street, Suite B, Fresno, CA 93721
Phone: (559) 600-0604 FAX: (559) 495-0655

PROPOSAL: "SHIELDS-GRANTLAND NO. 1 (WESTLAKE) REORGANIZATION"

On July 16, 2014, the Local Agency Formation Commission approved the above reorganization and waived the Conducting Authority Proceedings.

Following a 30-day period during which any person may request the Commission to reconsider its action approving a proposal, the Commission may record this annexation once we receive the following items:

- Corrected Maps and Legal Descriptions.
- Evidence of compliance with all conditions of approval, if applicable. (See attached EVIDENCE OF COMPLIANCE WITH LAFCO CONDITIONS form.)
- Check made payable to State Board of Equalization for fees. A fee is required if property tax revenue is to be exchanged, or if a separate tax rate delineator is needed to collect a special assessment. The fee for your proposal is \$2,000.00.
- The following information required by the State Board of Equalization for all city annexations:
 1. An alphabetical listing of all existing streets within the affected area to include beginning and ending street numbers. If a street is on the border of the affected area, indicate if the odd or even numbers are in the affected area.
 2. Two copies of Maps of the city boundary change showing existing streets and limiting street address ranges.
 3. Two copies of Vicinity or Location maps showing the City boundary in relation to annexation area.
 4. Estimated current population of city boundary change area: ~~_____~~ _____

The City has the option of also filing a Department of Finance Housing Unit change form to inform them immediately of annexation completions involving a population change and thus obtain faster changes for population gain. Contact the State Department of Finance to obtain the appropriate form.

SR O
~~_____~~

1/15
2014

A copy of the City's Certificate of Land Conservation Contract Termination adopted pursuant to Section 51243.5 of the Gov. Code, including a legal description of the land for which the City terminates the Contract, all to be recorded with the County Recorder at the same time as LAFCo files and records the Certificate of Completion.

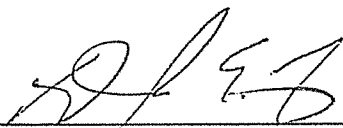
A Master Street Address Guide Change Request form if street names or addresses will change. If you have any questions regarding this form, please contact Dory Rousseau, Sheriff's Communications/Dispatch at 488-3174.

(Please attach a copy of this form when submitting the documents above for completion.)

SUBMITTED BY: _____

AGENCY: _____

PHONE NUMBER: _____



David E. Fey, AICP
LAFCo Executive Officer

EVIDENCE OF COMPLIANCE WITH LAFCO CONDITIONS
Fresno Local Agency Formation Commission
2607 Fresno Street, Suite B, Fresno, CA 93721
Phone: (559) 600-0604 FAX: (559) 495-0655

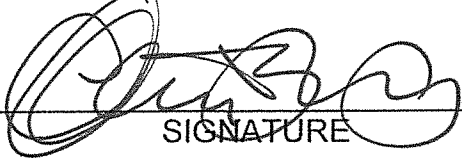
PROPOSAL: "SHIELDS-GRANTLAND NO. 1 (WESTLAKE) REORGANIZATION"

- ✓ A. The City of Fresno shall submit to the Executive Officer verification that a Right-to-Farm Covenant is required and made a part of the City's development agreement and that this legal covenant will be recorded with the final tract map approved by the City for the affected territory.
- B. Ownership of land permitting, the annexation shall include the full existing right-of-way width of adjacent roadways.
- ✓ C. Allocation of property tax revenue shall conform to the terms and conditions of the 2003 Amended and Restated Memorandum of Understanding between the County of Fresno and the City of Fresno.
- ✓ D. Applicant shall execute an indemnification agreement with the Commission reasonably acceptable to the LAFCo Executive Officer and legal counsel, agreeing to defend, indemnify, and hold harmless the Commission from and against any claims, actions (including those filed by any state or governmental agency), costs, or damages arising out of or in connection with the Commission's actions related to this matter.

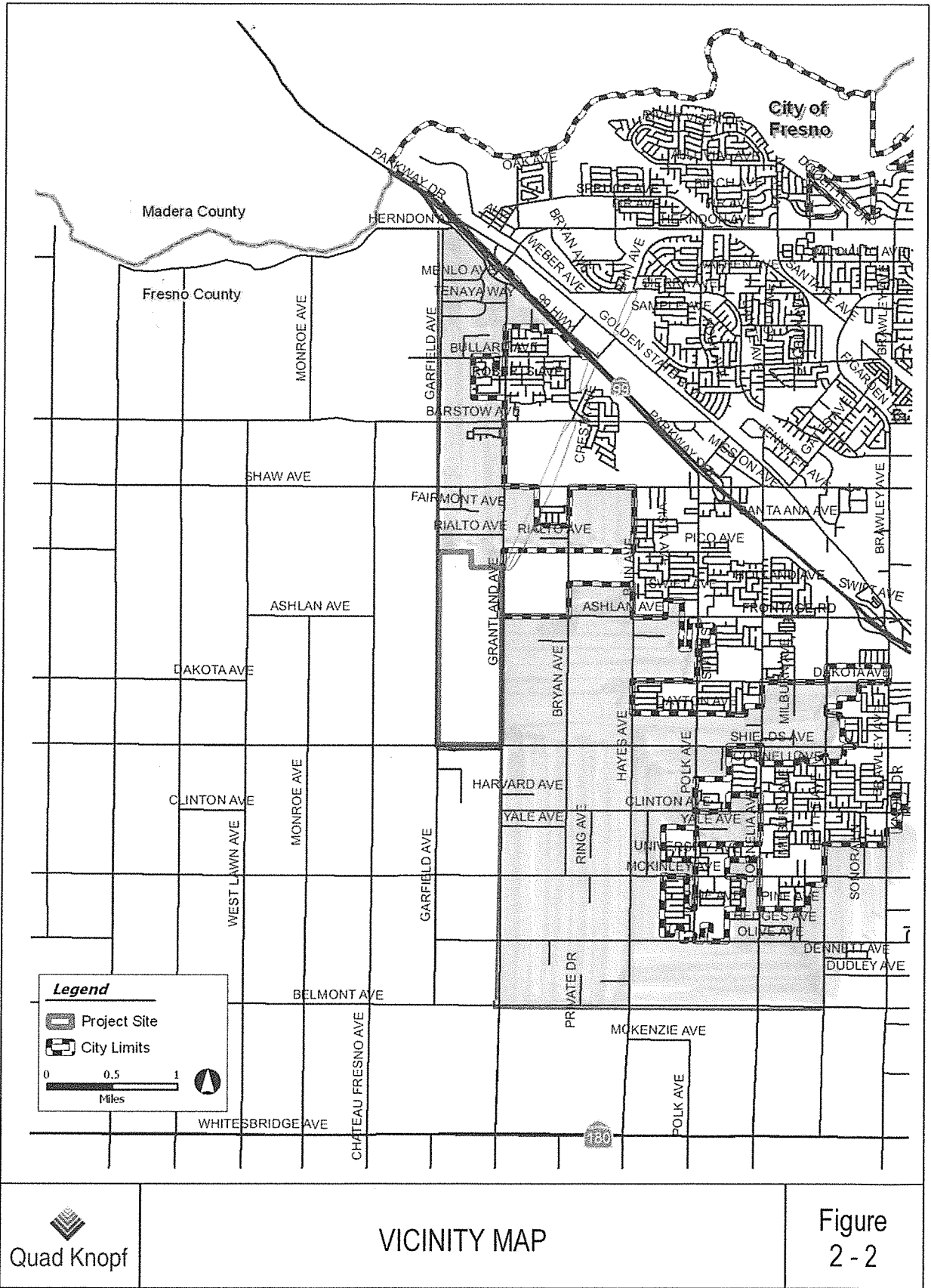
I hereby certify that all of the above actions have been taken by the City of Fresno in compliance with the terms and conditions of the Commission's approval of the above proposal.

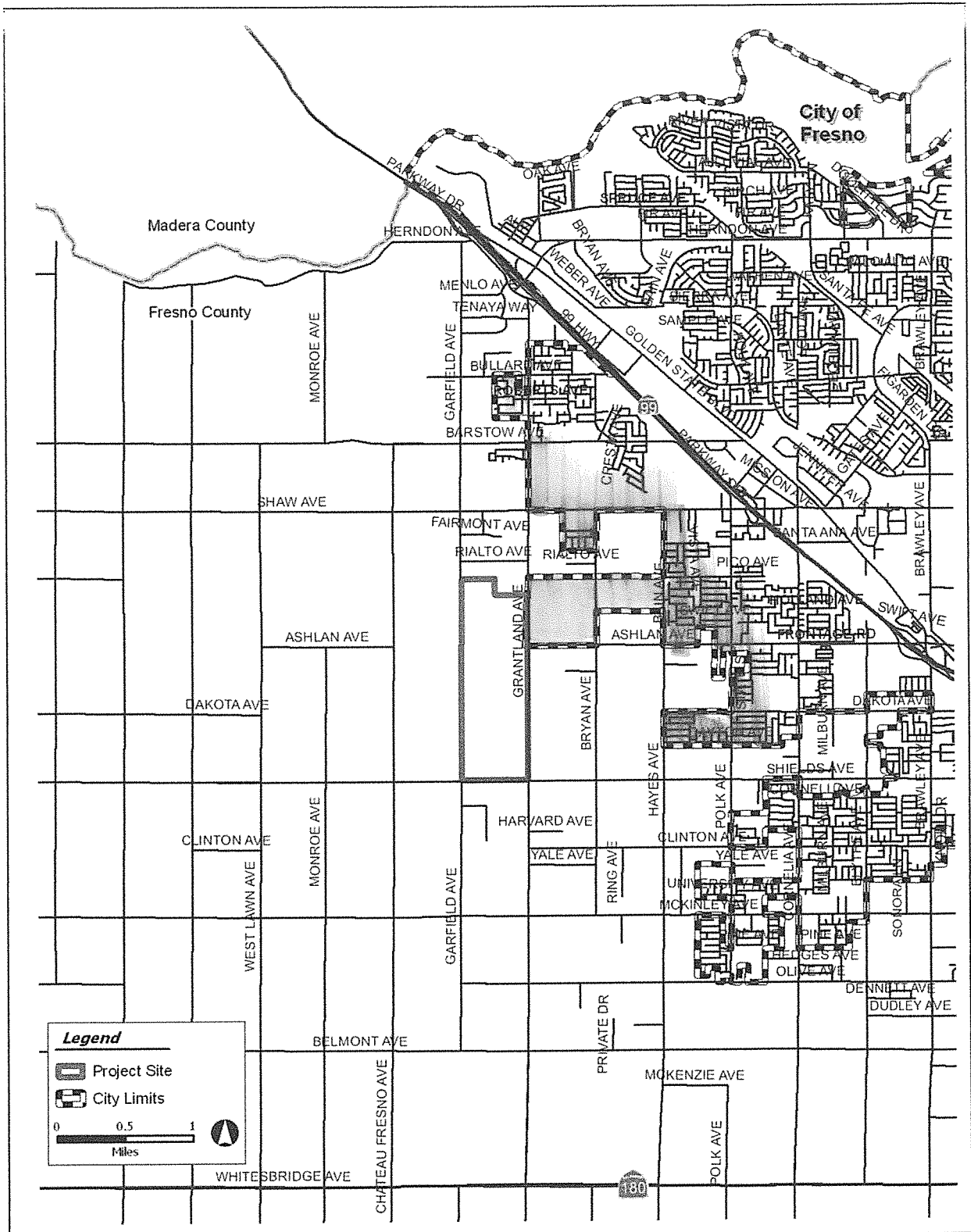
Jeffrey J. Roberts
NAME (PLEASE PRINT OR TYPE)

VP-Granville Homes
(TITLE)


SIGNATURE

6-08-2015
DATE





VICINITY MAP

Figure 2-2

SHIELDS-GRANTLAND NO.1 (WESTLAKE) REORGANIZATION

ANNEXATION TO THE CITY OF FRESNO AND
DETACHEMENT FORM THE NORTH CENTRAL
FIRE PROTECTION DISTRICT AND
THE KINGS RIVER CONSERVATION DISTRICT
LEGAL DESCRIPTION

That portion of Sections 17 and 20 in Township 13 South, Range 19 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the Southeast corner of said Section 20;

thence (1) North $89^{\circ}59'54''$ West, along the South line of the Southeast Quarter of said Section 20, a distance of 1,639.78 feet to the intersection with the West line of the East Half of Lot 30 of Bullard Lands Irrigated Subdivision No. 9, according to the Map thereof recorded in Book 8, page 56 of Plats, Fresno County Records;

thence (2) North $0^{\circ}30'32''$ East, along the West line of the East Half of Lot 30 of said Bullard Lands Irrigated Subdivision No. 9, a distance of 1,322.98 feet to the Northwest corner of the East Half of Lot 30 of said Bullard Lands Irrigated Subdivision No. 9;

thence (3) North $89^{\circ}52'36''$ West, along the North line of Lots 29 and 30 and the Westerly prolongation of the North line of Lots 29 and 30 of said Bullard Lands Irrigated Subdivision No. 9, a distance of 996.57 feet to the intersection with the West line of the Southeast Quarter of said Section 20;

thence (4) North $0^{\circ}28'26''$ East, along the West line of the Southeast Quarter of said Section 20, a distance of 1,322.20 feet to the Center Quarter corner of said Section 20;

thence (5) North $0^{\circ}28'26''$ East, along the West line of the Northeast Quarter of said Section 20, a distance of 2,644.39 feet to the North Quarter corner of said Section 20;

thence (6) North $0^{\circ}26'10''$ East, along the West line of the Southeast Quarter of said Section 17 and the Northerly prolongation of the West line of the Southwest Quarter of said Section 17, a distance of 2,669.00 feet to the intersection with a line parallel with and 30 feet North of the North line of the Southeast Quarter of said Section 17;

thence (7) South 89°59'05" East, parallel with and 30.00 feet North of the North line of the Southeast Quarter of said Section 17, a distance of 2,616.14 feet to the intersection with the Northerly prolongation of a line parallel with and 30 feet West of the East line of the Southeast Quarter of said Section 17, said line 30 feet West of the East line of the Southeast Quarter of said Section 17 and its prolongation, being the existing limit line of the City of Fresno;

thence (8) South 0°17'15" West, parallel with and 30.00 feet West of the East line of the Southeast Quarter of said Section 17, along the existing limit line of the City of Fresno, a distance of 674.55 feet to the intersection with a non-tangent curve;

thence (9) Southwesterly along said non-tangent curve, concave to the Southeast, whose radius point bears South 77°17'10" East, having a radius of 3,267.00 feet through a central angle of 12°13'05", a distance of 696.67 feet along the existing limit line of the City of Fresno;

thence (10) South 0°17'15" West, parallel with and 104.00 feet West of the East line of the Southeast Quarter of said Section 17, along the existing limit line of the City of Fresno, a distance of 1,261.34 feet;

thence (11) South 45°02'03" West, along the existing limit line of the City of Fresno, a distance of 21.31 feet;

thence (12) South 0°13'10" East, along the existing limit line of the City of Fresno, a distance of 60.00 feet;

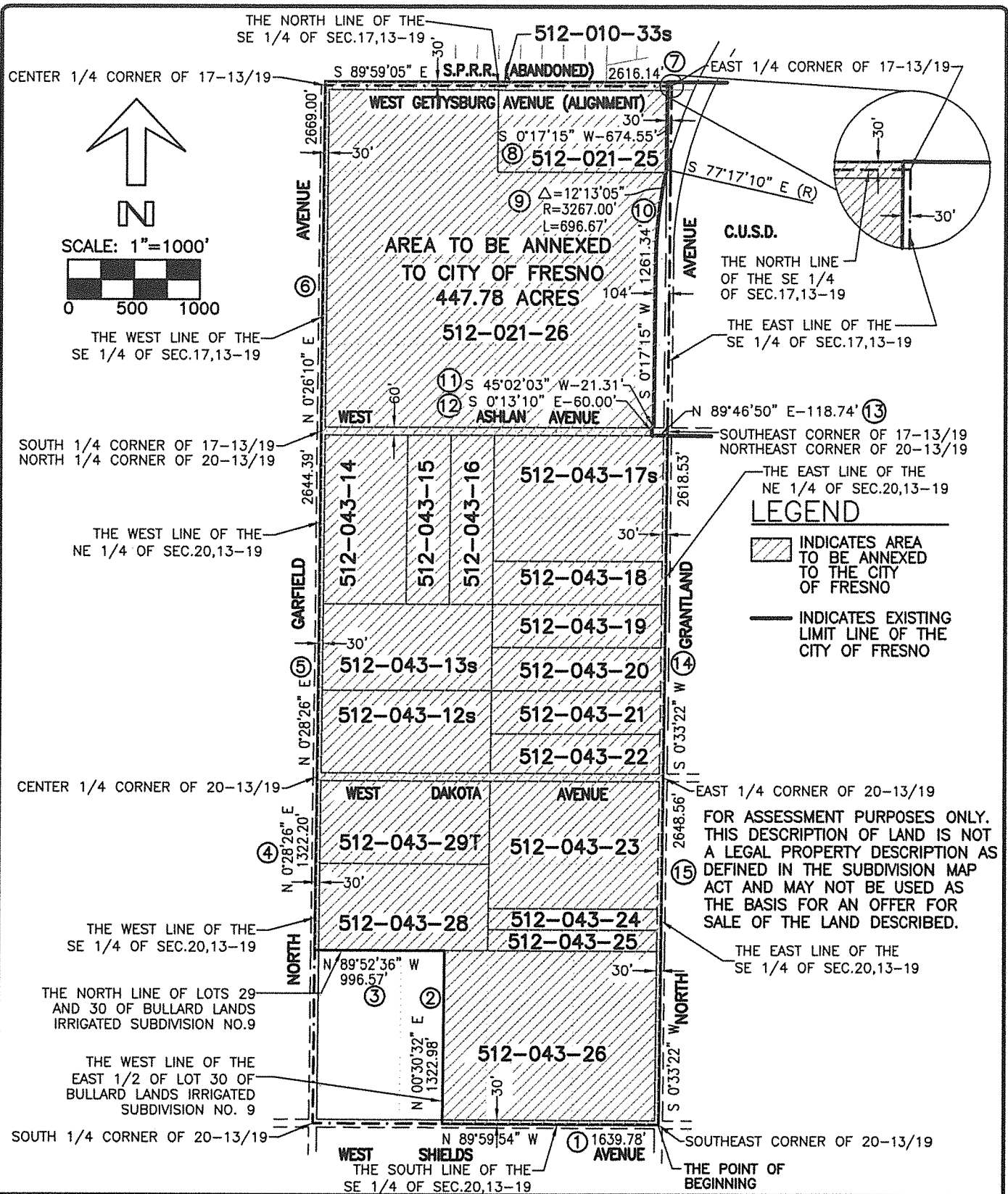
thence (13) North 89°46'50" East, parallel with and 30 feet South of the South line of said Section 17, along the existing limit line of the City of Fresno, a distance of 118.74 feet to the intersection with the East line of the Northeast Quarter of said Section 20;

thence (14) South 0°33'22" West, along the East line of the Northeast Quarter of said Section 20, a distance of 2,618.53 feet to the East Quarter corner of said Section 20;

thence (15) South 0°33'22" West, along the East line of the Southeast Quarter of said Section 20, a distance of 2,648.56 feet to the Point of Beginning.

Contains 447.78 acres more or less
Dated: February 3, 2015
Revised: March 9, 2015

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.



PREPARED BY:

GARY G. GIANNETTA
1119 "S" STREET
FRESNO, CA 93721
559.264.3590

SHIELDS-GRANTLAND NO. 1 (WESTLAKE) REORGANIZATION

A PORTION OF SECTIONS 17 AND 20 IN TOWNSHIP 13 SOUTH, RANGE 19 EAST, MOUNT DIABLO BASE AND MERIDIAN

TO BE ANNEXED TO THE CITY OF FRESNO AND DETACHED FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT

PREPARED:
1-10-13

REVISED:
11-18-13
03-09-15

NOTIFICATION OF COMMISSION ACTION, AND CHECKLIST FOR COMPLETION OF LAFCO PROCEEDINGS

Fresno Local Agency Formation Commission (LAFCo)
2607 Fresno Street, Suite B, Fresno, CA 93721
Phone: (559) 600-0604 FAX: (559) 495-0655

PROPOSAL: "SHIELDS-GRANTLAND NO. 1 (WESTLAKE) REORGANIZATION"

On July 16, 2014, the Local Agency Formation Commission approved the above reorganization and waived the Conducting Authority Proceedings.

Following a 30-day period during which any person may request the Commission to reconsider its action approving a proposal, the Commission may record this annexation once we receive the following items:

- Corrected Maps and Legal Descriptions.
- Evidence of compliance with all conditions of approval, if applicable. (See attached EVIDENCE OF COMPLIANCE WITH LAFCO CONDITIONS form.)
- Check made payable to State Board of Equalization for fees. A fee is required if property tax revenue is to be exchanged, or if a separate tax rate delineator is needed to collect a special assessment. The fee for your proposal is: \$2,000.00.
- The following information required by the State Board of Equalization for all city annexations:
 1. An alphabetical listing of all existing streets within the affected area to include beginning and ending street numbers. If a street is on the border of the affected area, indicate if the odd or even numbers are in the affected area.
 2. Two copies of Maps of the city boundary change showing existing streets and limiting street address ranges.
 3. Two copies of Vicinity or Location maps showing the City boundary in relation to annexation area.
 4. Estimated current population of city boundary change area: 24

The City has the option of also filing a Department of Finance Housing Unit change form to inform them immediately of annexation completions involving a population change and thus obtain faster changes for population gain. Contact the State Department of Finance to obtain the appropriate form.

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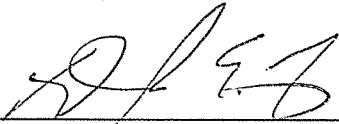
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(Please attach a copy of this form when submitting the documents above for completion.)

SUBMITTED BY: _____

AGENCY: _____

PHONE NUMBER: _____



David E. Fey, AICP
LAFCo Executive Officer

EVIDENCE OF COMPLIANCE WITH LAFCO CONDITIONS
Fresno Local Agency Formation Commission
2607 Fresno Street, Suite B, Fresno, CA 93721
Phone: (559) 600-0604 FAX: (559) 495-0655

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I hereby certify that all of the above actions have been taken by the City of Fresno in compliance with the terms and conditions of the Commission's approval of the above proposal.

NAME (PLEASE PRINT OR TYPE)

(TITLE

SIGNATURE

DATE

FresnoBee.com

[Previous Story](#)

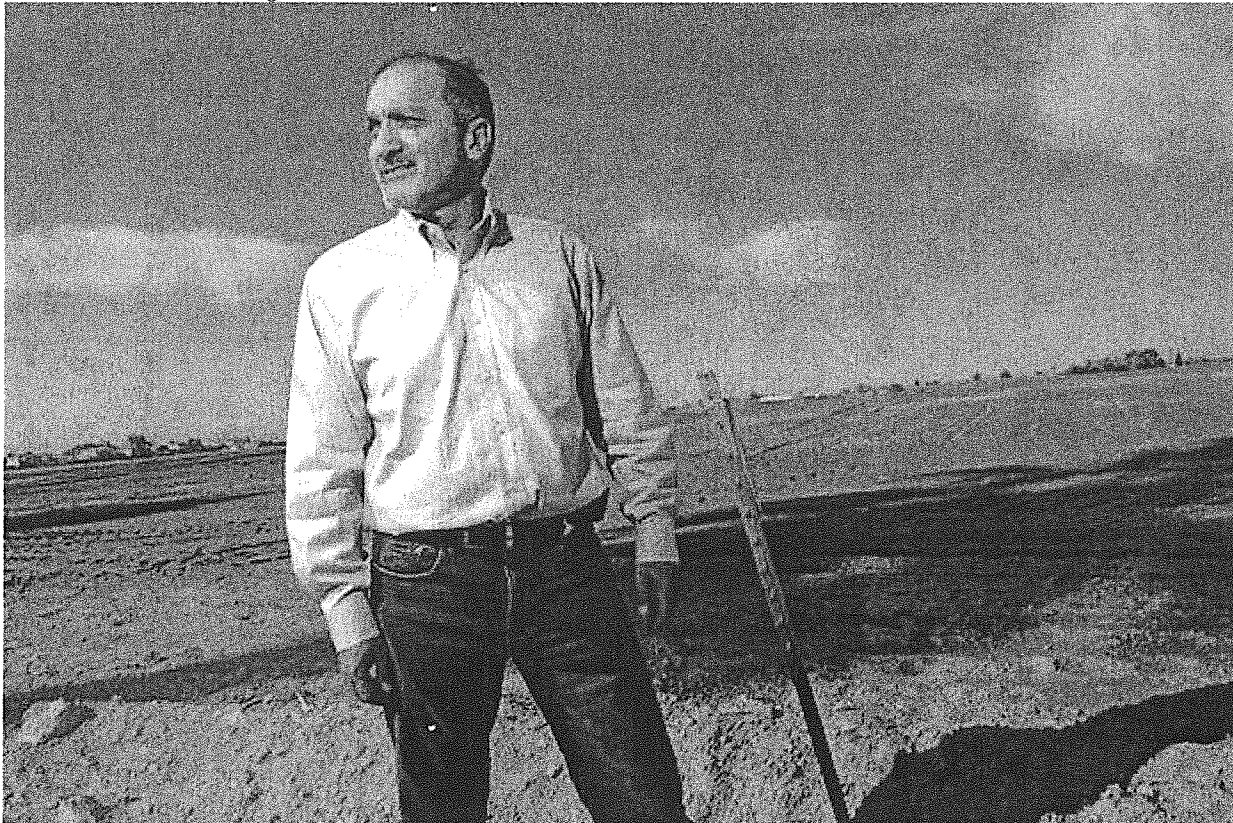
[Next Story](#)

Assemi's Westlake project in Fresno's frontier on hold

By BoNhia Lee

The Fresno Bee November 2, 2014 Updated 9 hours ago

[Facebook](#)[Twitter](#)[Google Plus](#)[Reddit](#)[E-mail](#)[Print](#)



Developer Darius Assemi of Granville Homes stands on his Mission Ranch property west of Highway 99 on Wednesday, Oct. 23, 2013 in Fresno, Calif. As with Mission Ranch, Assemi has decided to put development plans on hold on his Westlake project west of Highway 99 and plant almond trees instead. The site is bounded by Gettysburg, Garfield, Shields and Grantland avenues. Granville eventually intends to build houses, apartments, stores and a 25-acre lake at Westlake, which is expected to have 8,000 residents — the size of Firebaugh. ERIC PAUL ZAMORA — Fresno Bee Staff Photo | Buy Photo



A master-planned Fresno community with a private lake billed to be a "destination" in an otherwise arid and sporadically developed area west of Highway 99 is on hold for what could be another decade.

Developer Darius Assemi, president of Granville Homes, said the timing isn't right for his Westlake development, which lies beyond Fresno's city limits. The cost to build is too high and he's waiting to see the city of Fresno's growth plan for the area before moving ahead with the project.

In the meantime, Assemi will plant almond trees on the land.

The decision, made in recent weeks, is disappointing, said Assemi, who in 2004 began assembling more than 400 acres to create Westlake. "We've been working on this project for 10 years," Assemi said. "We want to make sure it's financially feasible and the right components are in place."

The project would be the first major development in an area that has long been in the city's sphere of influence or legally recognized as being in the city's growth path.

But Westlake has slowly made its way through the planning and approval process, occasionally raising public concerns about sprawl, its effect on the environment, public safety and city budget issues.

"The major growth that the general plan calls for is west of 99 in the next quarter of a century," said Council Member Oliver Baines. "Clearly, we and the city see that's where growth will go. I think the investment (sector) sees that as well ... southwest and northwest of 99 is going to be where you see the most interest in the next few years."

Rumors of a delay in the huge residential and commercial project have swirled through City Hall. The news wasn't a surprise to the council members whose districts lie west of Highway 99 and could benefit from any development there.

Baines, whose district includes an area south of the development, said Assemi "wants to be one of the pioneers that really spurs growth west of 99. I think maybe this particular project didn't go quite as planned."

Baines knows about Assemi developments: His council district is home to Assemi's Mission Ranch property, which also has almond trees instead of houses.

Still, Baines remained upbeat about the future of the west side.

Delaying Westlake "doesn't completely hinder development west of 99," Baines said. "Overall, interest and growth and development is still very possible."

Outgoing Council Member Blong Xiong, who is running for Fresno County Supervisor Phil Larson's seat, declined to comment.

Larson, who has served three terms on the county board, said the setback will slow development on the west side of the highway.

"That's an area in the (city's) sphere of influence for over 30 years and Fresno hasn't done anything with it yet," Larson said. "This is not going to help matters."

Increased cooperation between the city and developers or investors and a better housing market would help the project get off the ground, Larson said.

High-profile master-planned communities dot the northern Fresno and Clovis landscape. Another handful planned for Rio Mesa — Madera County's growth area — is creating a stir.

Westlake, Assemi said, was an answer to talks with city leaders a decade ago about where the next master-planned community should go. "They said we need you to go west," he said.

Assemi pulled together land that forms a long rectangular property bounded by Gettysburg, Garfield, Shields and Grantland avenues. Plans are to build about 2,600 single-family homes and apartments. The development could become home to as many as 8,000 people.

There will be a 55-acre lake, nearly three miles of trails, an elementary school (in the Central Unified School District) and 300,000 square feet of commercial space.

The project's environmental impact report was approved by the city at the end of last year, but the property still needs to be annexed into the city. Then it would be a matter of submitting more detailed maps before construction could start, Assemi said.

The development took a turn not long after Assemi spoke about the making of Westlake during a lunch-hour event held at the Gazarian Real Estate Center at Fresno State in September.

The company took a closer look at the project's price tag and found that "Westlake costs substantially more to develop than anticipated — 30% more roughly," Assemi said.

A lot of the infrastructure is already in place such as sewer trunk lines and a sewer facility. But a 430-acre project — a little bigger than the size of Harlan Ranch in northeast Clovis — has high mitigation costs and fees such as fixing roadways like Ashlan and Shaw avenues. And the lake has to be created from scratch.

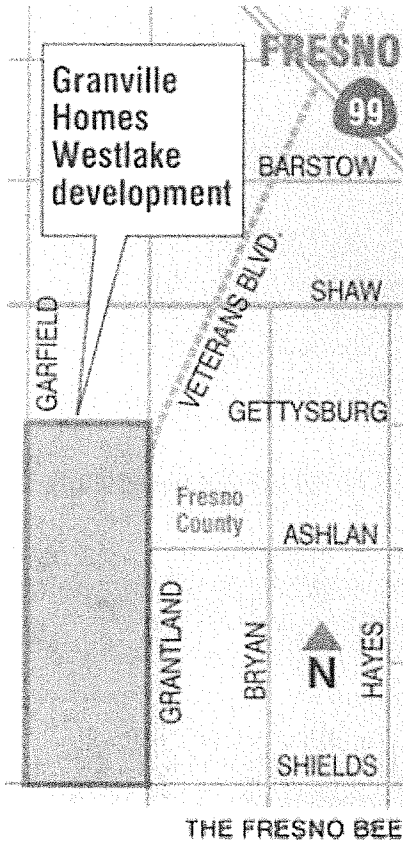
"We're putting a lake in, taking land out and building a lake," Assemi said. "We're building a five-star project in a part of town that is not quite five-star today."

But the area has the potential to become "the next Woodward Park," he said.

Assemi wants to see a master plan of development standards or a map from the city showing, for example, where trails would go, where parks would be and how one end would connect to the other. That means waiting for Veteran's Boulevard to be completed and for the Central Unified School District to build a new high school.

Once the pieces come together, Assemi hopes the real estate market will also have recovered from the dismal housing downturn. Assemi said he believes the market is only halfway through the recovery.

"We need to develop Westlake at the beginning of an economic recovery cycle," Assemi said. "Once we break ground it takes two years to get it off the ground. We want to be at the beginning of the next cycle and have product ready to go. We believe we have missed the boat on this cycle by at least two years."



Contact BoNhia Lee: blee@fresnobee.com, (559) 441-6495 or @bonhialee on Twitter.

Facebook Twitter Google Plus Reddit E-mail Print

Join The Conversation

The Fresno Bee is pleased to provide this opportunity to share information, experiences and observations about what's in the news. Some of the comments may be reprinted elsewhere in the site or in the newspaper. We encourage lively, open debate on the issues of the day, and ask that you refrain from profanity, hate speech, personal comments and remarks that are off point. Thank you for taking the time to offer your thoughts.

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Today's Circulares



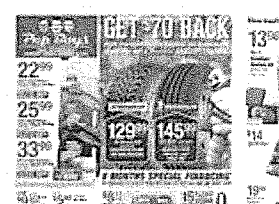
DOLLAR GENERAL
THIS WEEK ONLY



MACY'S
2 DAYS LEFT



TARGET USA
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FILED

File original and one copy with: Fresno County Clerk 2221 Kern Street Fresno, CA 93721	Space Below For County Clerk Only E201410000183 CLK-2046.00 E04-73 R00-00	JUL 17 2014 FRESNO COUNTY CLERK By  DEPUTY
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Agency File No: RO-13-1	LOCAL AGENCY NOTICE OF DETERMINATION	County Clerk File No: (Enter if Negative Declaration has been filed)
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Responsible Agency (Name): Local Agency Formation Commission of Fresno Co.	Address (Street and P.O. Box): 2607 Fresno Street, Suite B	City: Fresno	Zip Code: 93721
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Agency Contact Person (Name and Title): David E. Fey, AICP, Executive Officer	Area Code: 559	Telephone Number: 600-0604	Extension:
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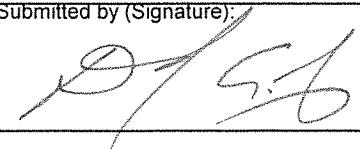
Applicant (Name): City of Fresno	Project Title: CITY OF FRESNO Shields-Grantland No. 1 ("Westlake Community) Reorganization
--	--

Project Description (Omit if Negative Declaration has been filed):
Shields-Grantland No. 1 (Westlake) Reorganization," a property owner petition to annex 447.78 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located south of Gettysburg Avenue, north of Shields Avenue, east of Garfield Avenue and west of Grantland Avenue (LAFCo File No. RO-13-1).

Justification for Determination (Omit if EIR Not Required and See Negative Declaration):
 As Responsible Agency pursuant to the California Environmental Quality Act (CEQA), this Commission hereby makes the following findings pursuant to CEQA Guidelines to approve this Project/Proposal: This Commission finds that it complied with the requirements of the California Environmental Quality Act (CEQA) section 15096 *et seq.* by independently reviewing and considering the environmental effects of the project ("Proposal") as presented in the Environmental Impact Report prepared by the Lead Agency, the City of Fresno, prior to reaching a decision on the project (Proposal). Using independent judgment and after considering the entire public record this Commission did not identify any feasible alternative or mitigation measures within its power that would substantially lessen or avoid any significant effect the project would have on the environment. This Commission finds that prior to reaching a decision on this Project it considered the Environmental Impact Report prepared and adopted by the Lead Agency, the City of Fresno.

Negative Declaration Published Date: <input checked="" type="checkbox"/> Not Applicable	Notice of Completion Filed with State: Date: <input checked="" type="checkbox"/> Not Applicable
Decision: Project <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Determination: Impact <input checked="" type="checkbox"/> Significant <input type="checkbox"/> Not Significant

Environmental Impact Report Prepared <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Mitigation Measures <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If yes, describe)	Mitigated Negative Declaration <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Findings made pursuant to Section 15091 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Date July 17, 2014	Type or Print Signature: David E. Fey, AICP, Executive Officer	Submitted by (Signature): 
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LOCAL AGENCY NOTICE OF DETERMINATION

STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT

Receipt # E201410000183

Lead Agency: LOCAL AGENCY FORMATION COMMISSION OF FRESNO CO. Date: 07/17/2014

County Agency of Filing: FRESNO COUNTY CLERK Document No: E201410000183


Project Title: SHIELDS-GRANTLAND NO. 1 (WESTLAKE COMMUNITY) REORGANIZATION

Project Applicant Name: LOCAL AGENCY FORMATION COMMISSION OF FRESNO CO. Phone Number: (559) 600-0604

Project Applicant Address: 2607 FRESNO STREET, SUITE B, FRESNO, CA 93721

Project Applicant: LOCAL PUBLIC AGENCY

ADMINISTRATION FEE	\$	50.00
NOTICE OF DETERMINATION	\$	0.00
Total Received	\$	50.00

Signature and title of person receiving payment: 

FILED

JUL 17 2014

File original and one copy with:

Fresno County Clerk
2221 Kern Street
Fresno, CA 93721

Space Below For County Clerk Only

E201410000183

CLK-2046.00 E04-73 R00-00

FRESNO COUNTY CLERK

By *[Signature]* DEPUTY

Agency File No: RO-13-1	LOCAL AGENCY NOTICE OF DETERMINATION	County Clerk File No: (Enter if Negative Declaration has been filed)
Responsible Agency (Name): Local Agency Formation Commission of Fresno Co.	Address (Street and P.O. Box): 2607 Fresno Street, Suite B	City: Fresno Zip Code: 93721

Agency Contact Person (Name and Title): David E. Fey, AICP, Executive Officer	Area Code: 559	Telephone Number: 600-0604	Extension:
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Applicant (Name): City of Fresno	Project Title: CITY OF FRESNO Shields-Grantland No. 1 ("Westlake Community) Reorganization
--	---

Project Description (Omit if Negative Declaration has been filed):
Shields-Grantland No. 1 (Westlake) Reorganization," a property owner petition to annex 447.78 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located south of Gettysburg Avenue, north of Shields Avenue, east of Garfield Avenue and west of Grantland Avenue (LAFCo File No. RO-13-1).

Justification for Determination (Omit if EIR Not Required and See Negative Declaration):
 As Responsible Agency pursuant to the California Environmental Quality Act (CEQA), this Commission hereby makes the following findings pursuant to CEQA Guidelines to approve this Project/Proposal: This Commission finds that it complied with the requirements of the California Environmental Quality Act (CEQA) section 15096 *et seq.* by independently reviewing and considering the environmental effects of the project ("Proposal") as presented in the Environmental Impact Report prepared by the Lead Agency, the City of Fresno, prior to reaching a decision on the project (Proposal). Using independent judgment and after considering the entire public record this Commission did not identify any feasible alternative or mitigation measures within its power that would substantially lessen or avoid any significant effect the project would have on the environment. This Commission finds that prior to reaching a decision on this Project it considered the Environmental Impact Report prepared and adopted by the Lead Agency, the City of Fresno.

Negative Declaration Published Date: <input checked="" type="checkbox"/> Not Applicable	Notice of Completion Filed with State: Date: <input checked="" type="checkbox"/> Not Applicable
Decision: Project <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Determination: Impact <input checked="" type="checkbox"/> Significant <input type="checkbox"/> Not Significant
Environmental Impact Report Prepared <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Mitigation Measures	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If yes, describe)
Mitigated Negative Declaration <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Findings made pursuant to Section 15091 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Date July 17, 2014	Type or Print Signature: David E. Fey, AICP, Executive Officer	Submitted by (Signature): <i>[Signature]</i>
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**LOCAL AGENCY
NOTICE OF DETERMINATION**

Fleming, Candace Lynn

From: King, David
Sent: Tuesday, June 03, 2014 10:33 AM
To: Fleming, Candace Lynn
Subject: RE: Assessor Report No. RO-13-1

2929_Proposal_area Names&Values.xlsx				
	A	B	C	D
1		RO-13-01	Westlake Community Reorg	
2		2929		
3	APN	TOTAL_ASSE	LAST_RECOR	ASSESS_LAN
4	51204320	547701	12/24/2009	547701
5	51204318	215466	6/17/2004	215466
6	51204313S	430584	6/17/2004	430584
7	51204319	547701	12/24/2009	547701
8	51202126	2823523	12/9/2008	2823523
9	51204314	577294	3/24/2004	577294
10	51204315	99967	6/17/2004	99967
11	51204316	500000	2/22/2005	500000
12	51204317S	493591	6/17/2004	493591
13	51204324	150000	5/4/2005	150000
14	51204325	150000	5/4/2005	150000
15	51204326	1150324	12/9/2008	1150324
16	51204312S	430228	6/17/2004	430228
17	51204323	900000	8/21/2007	900000
18	51204321	547701	12/24/2009	547701
19	51204322	547701	12/24/2009	547701
20	51204328	450695	6/17/2004	450695
21	51202125	918000	12/30/2011	663000
22	51201033S	11826	11/13/2013	11826
23	51204329T	0		0
24	total ==>	11492302		
25				

11,492,302

David King
Supervising Cadastral Technician
Assessor's Office, Hall of Records, Room 201
2281 Tulare St, Fresno, CA 93721
davidking@co.fresno.ca.us
559-600-1592

From: Fleming, Candace Lynn
Sent: Tuesday, June 03, 2014 10:05 AM
To: King, David
Subject: Assessor Report No. RO-13-1

Dave,

Could you please send me the Total Assessed Value for the above proposal? 447.78 acres.

Thanks,

Candie

RESOLUTION NO. RO-13-1A

**FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA**

A REQUEST BY LANDOWNER PETITION) APPROVED CEQA; APPROVED THE
FOR APPROVAL OF THE "SHIELDS-) "SHIELDS-GRANTLAND NO. 1
GRANTLAND NO. 1 (WESTLAKE)) (WESTLAKE) REORGANIZATION"
REORGANIZATION") WITH CONDITIONS

WHEREAS, preliminary proceedings were initiated by landowner petition to annex 447.78 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located south of Gettysburg Avenue, north of Shields Avenue, east of Garfield Avenue and west of Grantland Avenue, as shown within Exhibit "A", attached hereto and by this reference incorporated herein; and

WHEREAS, said proposal was accepted for filing by the Executive Officer and set for hearing on the 14th day of May, 2014, at the hour of 10:00 a.m.; and

WHEREAS, notice of said hearing was given as required by State Law; and

WHEREAS, the Executive Officer reviewed the application and prepared a report to this Commission, said report having been mailed at least five days before the public hearing; and

WHEREAS, this Commission considered all relevant factors and evidence and heard all interested parties wishing to speak on said application; and

WHEREAS, this Commission continued this item for 90 days to allow the County and City of Fresno time to enter into a Stand Alone MOU for the affected area; and

WHEREAS, on July 16, 2014, the Executive Officer prepared a report to this Commission, including a recommendation for approval upon certain conditions, said report having been mailed at least five days before said hearing and was duly considered by this Commission pursuant to State Law; and

WHEREAS, this Commission reviewed and considered the information in Environmental Impact Report prepared by the City of Fresno.

NOW, THEREFORE, BE IT RESOLVED that the Local Agency formation Commission of Fresno County does hereby STATE, FIND, AND DETERMINE AS FOLLOWS:

Section #1. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, this Commission finds that prior to approving the proposed reorganization the environmental effects of the project as shown in the CEQA documents prepared, adopted, and submitted by the Lead Agency were reviewed and considered, and determined these documents to be legally adequate pursuant to CEQA Guidelines Section 15096.

ADOPTED THIS 16th DAY OF JULY, 2014, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS LARSON, SANTOYO, LOPEZ, SILVA

NOES COMMISSIONER PEREA

ABSENT: NONE

ABSTAIN: NONE

Section #2. This Commission finds that the proposed reorganization is consistent with LAFCo Policies, Standards and Procedures Sections and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Section #3. This Commission assigns the distinctive short form designation "Shields-Grantland No. 1 (Westlake) Reorganization" and approves the reorganization (annexation and detachments) subject to the following conditions of approval:

- A. The City of Fresno shall submit to the Executive Officer verification that a Right-to-Farm Covenant is required and made a part of the City's development agreement and that this legal covenant will be recorded with the final tract map approved by the City for the affected territory.
- B. Ownership of land permitting, the annexation shall include the full existing right-of-way width of adjacent roadways.
- C. Allocation of property tax revenue shall conform to the terms and conditions of the 2003 Amended and Restated Memorandum of Understanding between the County of Fresno and the City of Fresno.
- D. Applicant shall execute an indemnification agreement with the Commission reasonably acceptable to the LAFCo Executive Officer and legal counsel, agreeing to defend, indemnify, and hold harmless the Commission from and against any claims, actions (including those filed by any state or governmental agency), costs, or damages arising out of or in connection with the Commission's actions related to this matter;

Section #4. This Commission finds pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH") that:

- A. The territory is uninhabited.
- B. All landowners have consented to the annexation.

Section #5. This Commission waives further Conducting Authority Proceedings and approves the annexation and detachments subject to the requirements of the "CKH," the 30-day reconsideration period, and compliance with all of the above conditions.

Section #6. The Commission's action approving this proposal shall expire one year from the date of this resolution unless all proceedings are complete, including condition compliance, and a Certificate of Completion issued by the Commission office.

Section #7. The Executive Officer is hereby authorized and directed to mail copies of this Resolution as provided in Government Code Section 56882 and to file, as appropriate, in the office of the Fresno County Clerk all environmental documents, if any, pertaining to the approval of this proposal, as required by State law.

ADOPTED THIS 16th DAY OF JULY, 2014, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS SANTOYO, LARSON, LOPEZ, SILVA

NOES COMMISSIONER PEREA

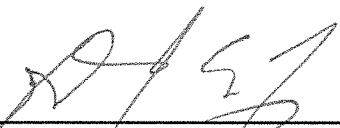
ABSENT: NONE

ABSTAIN: NONE

**STATE OF CALIFORNIA)
COUNTY OF FRESNO)**

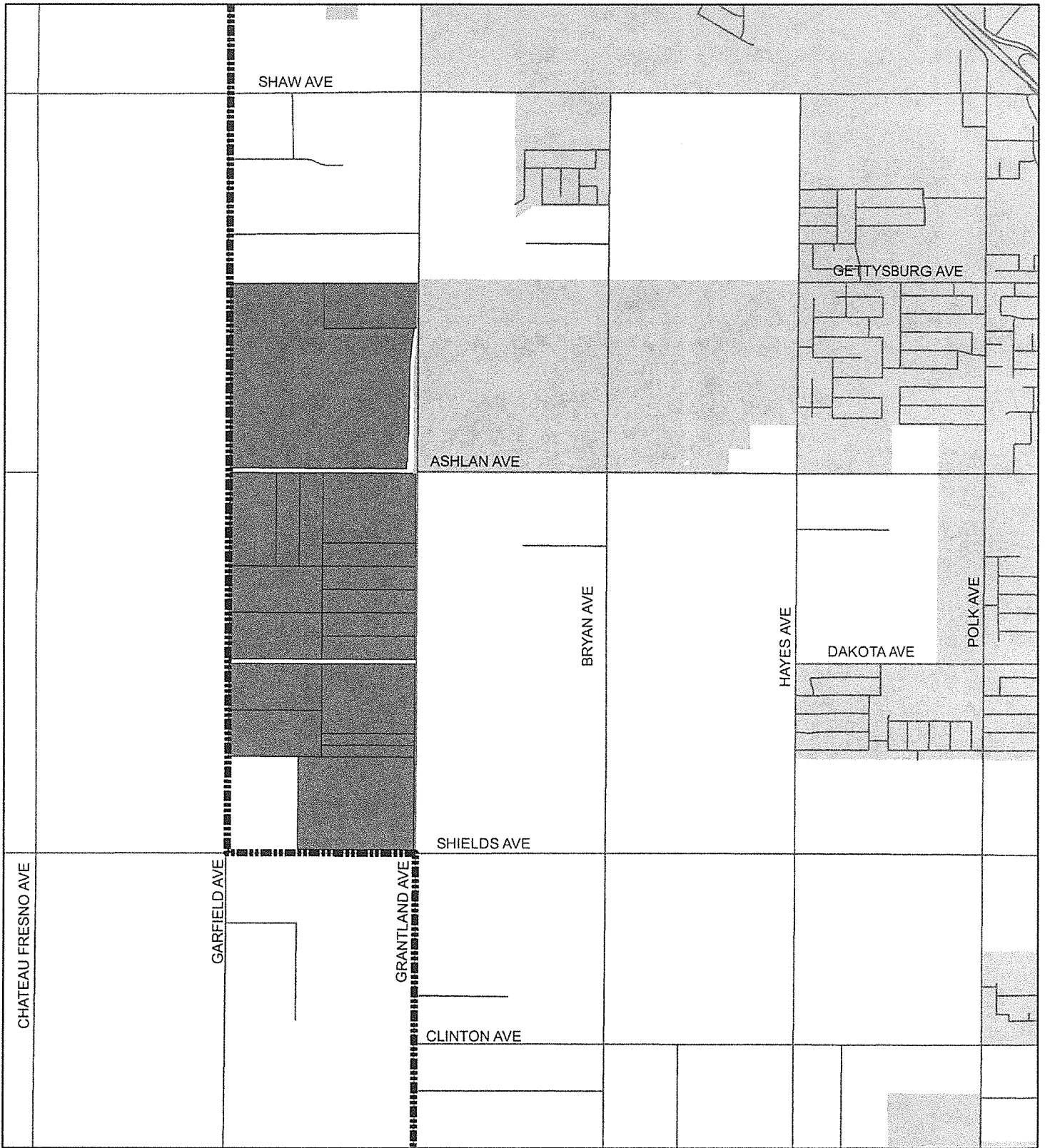
CERTIFICATION

I, David E. Fey, Executive Officer of the Fresno Local Agency Formation Commission (LAFCo), Fresno County, State of California, hereby certify that the foregoing resolution was adopted by the Commission on the 16th day of July, 2014.






**DAVID E. FEY, AICP, Executive Officer
Fresno Local Agency Formation Commission**

FIGURE 2 - ANNEXATION MAP



Legend

-  Sphere of Influence
-  City Limits
-  Affected Territory

City of Fresno "Shields-Grantland
No. 1 (Westlake) Reorganization"
LAFCo File No. RO13-1

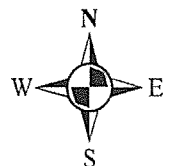
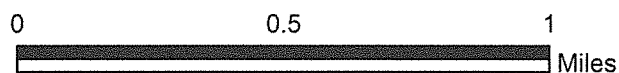
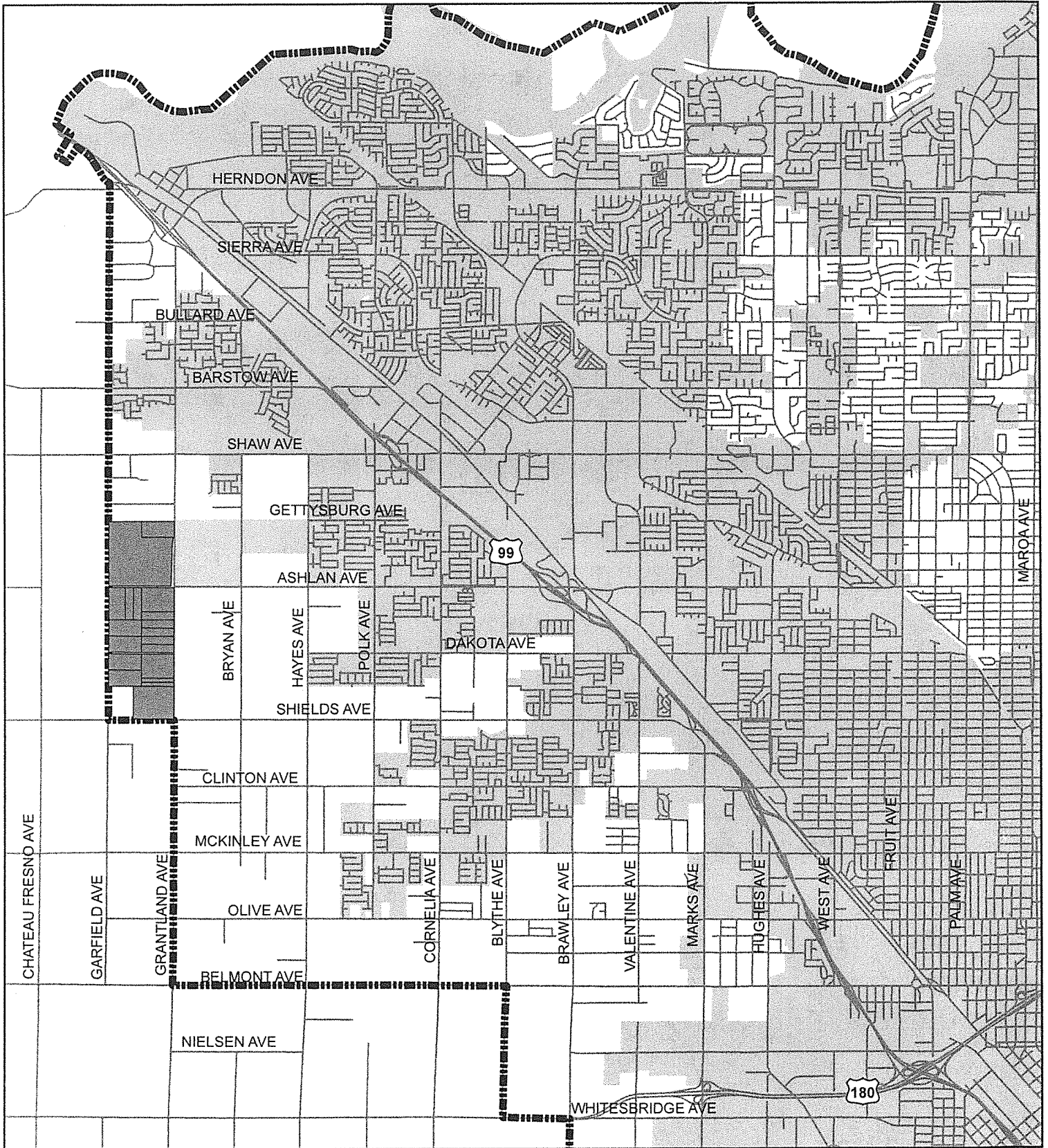





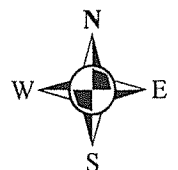
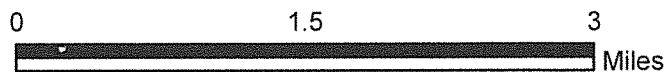
FIGURE - GENERAL SITE LOCATION



Legend

-  Affected Territory
-  Sphere of Influence
-  City Limits

City of Fresno "Shields-Grantland
No. 1 (Westlake) Reorganization"
LAFCo File No. RO13-1



FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)
EXECUTIVE OFFICER'S REPORT

AGENDA ITEM No. 7

DATE: July 16, 2014

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, AICP, Executive Officer 

SUBJECT: **Consider Approval:** Consider various items related to "Shields-Grantland No. 1 (Westlake) Reorganization." A landowner petition to annex 447.78 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located south of Gettysburg Avenue, north of Shields Avenue, east of Garfield Avenue and west of Grantland Avenue (LAFCo File No. RO-13-1). (Continued from the May 14, 2014 Hearing)

Applicant: Jeffrey T. Roberts, Granville Homes, Inc.

Land Owners/Parties of Real Interest: Grantland Holdings LLC, GVM Investments LLC, ACAP Holdings, Granville Homes, Inc. (Darius, Farid, Farshid, and Sonia Rosemary Assemi and Derek Hayashi), Fresno Metropolitan Flood Control District, and the City of Fresno.

RECOMMENDATION: Approve with Conditions

- A. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, find that prior to approving the proposed reorganization the environmental effects of the project as shown in the CEQA documents prepared, adopted, and submitted by the Lead Agency were reviewed and considered, and determine these documents to be legally adequate pursuant to CEQA Guidelines Section 15096.
- B. Find that the proposed reorganization is sufficiently consistent with LAFCo Policies, Standards and Procedures Sections and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
- C. Assign the distinctive short form designation "Shields-Grantland No. 1 (Westlake) Reorganization" and approve the reorganization (annexation and detachments) subject to the following conditions of approval:
 - 1. The City of Fresno shall submit to the Executive Officer verification that a Right-to-Farm Covenant is required and made a part of the City's development agreement and that this legal covenant will be recorded with the final tract map approved by the City for the affected territory.
 - 2. Ownership of land permitting, the annexation shall include the full existing right-of-width of adjacent roadways.

3. Allocation of property tax revenue shall conform to the terms and conditions of the 2003 Amended and Restated Memorandum of Understanding between the County of Fresno and the City of Fresno.
- D. Find pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH") that:
1. The territory is uninhabited.
 2. All landowners have consented to the annexation.
- E. Waive further Conducting Authority Proceedings and approve the annexation and detachments subject to the requirements of the "CKH," the 30-day reconsideration period, and compliance with all of the above conditions.

Resolution of MOU Issues

Per CKH Section 56662, this proposed reorganization ("Proposal") was placed on the May, 2014, consent agenda because the territory is uninhabited, all property owners have consented in writing to the annexation (100% consent), and affected local agencies have not submitted a written demand for notice and hearing during the 10-day period as described in CKH.

At the May, 2014, hearing the Proposal was removed from the Consent Calendar by the Commission and heard in public hearing. After receiving public testimony, the Commission voted to continue the hearing for up to 90 days to permit the City of Fresno and Fresno County to resolve the issues associated with the Proposal's consistency with the City/County Memorandum of Understanding (MOU).

Though LAFCo is not a party to the MOU, it contains the tax-sharing agreement required by Revenue and Tax Code section 99 to allocate property tax revenue when territory is annexed to a city. The County's concerns initially expressed in its May 1, 2014 correspondence (Exhibit A) were:

- Responsibility for code enforcement in the annexed area;
- Fire and police emergency response;
- Specific traffic enforcement in the unincorporated area between the current city limit and the Proposal;
- Pickup of illicitly dumped debris in this area;
- Need for encroachment permits for public improvements in County rights-of-way; and
- Responsibility for city repairs of County roads.

On June 6, 2014, staff attended a meeting between the Fresno City Manager Bruce Rudd and Fresno County CAO John Navarrette to address the County's concerns. At the conclusion of the meeting staff witnessed that both parties reached agreement on the County's concerns and agreed to ratify through a side letter rather than as an amendment of the MOU (Exhibit B).

Staff finds that with the interagency cooperation and agreement on service delivery issues that the project conforms to LAFCo policies. (Exhibit C)

Background

Granville Homes, Inc. initiated these proceedings on January 11, 2013, by landowner petition. The application was deemed incomplete pending completion of the development approvals and certification of the related environmental impact report (EIR), both by the City of Fresno. The City has since pre-zoned the territory from County AE-20 (Exclusive Agriculture 20-Acre Minimum) District to City R-1 (Single-Family Residential), R-2 (Low-Density Multiple-Family Residential), C-1 (Neighborhood Shopping Center), C-2 (Community Shopping Center) and O (Open Conservation) Districts and approved Tentative Tract Map No. 5915/UGM for a 29-lot subdivision with one outlot for phase one of the Westlake Development Project. The City also certified the subject EIR.

Upon receipt of approval and CEQA documentation, the application was deemed complete by the Executive Officer and a Certificate of Filing was issued on February 25, 2014.

The Westlake project consists of 2,053 single family units, 547 multiple family units, 295,000 square feet of commercial uses, a 55-acre lake feature, 17 acres of public roadway, and 20 acres of open space. The affected territory is within the City of Fresno sphere of influence and is adjacent to the existing City limits.

Proposal's Consistency with Commission Policies 102-01, 210-05 and 210-08

(Please refer to Exhibit C "LAFCo Policies Consistency Analysis Westlake Reorganization (RO-13-01)" for the full text of policy evaluation.)

Commission Policy 102-01 (Encouraging Consistency with Spheres of Influence and Recommended Reorganization of Agencies) which advises the commission that "within the sphere of influence each agency should implement an *orderly, phased annexation program*. A proposal should not be approved solely because the area falls within the sphere of influence of an agency. The sphere of influence is *one factor among several considered* in reviewing proposals." (emphases added)

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Project Analysis

Project Description

Granville at Westlake, Inc. (the project Applicant) is proposing to develop a master-planned 460-acre project with residential and commercial uses developed around a man-made private lake.

The project will consist of approximately 2,600 residential units and up to 295,000 square feet of community and neighborhood commercial buildings.

At full build out, the project would accommodate between 7,956 to 8,034 residents (based on a 3.06 person per household ratio). This is the maximum population figure utilized for environmental analysis in this EIR; it is based on the latest available census data.

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- 196 acres of Medium-Density Residential (approximately 12 acres of which is planned for an elementary school at the northwest corner of Grantland and Dakota Avenue),
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Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances.

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However, the project conforms with the CKH and LAFCo definitions of "Prime Agricultural Land," in that it contains "land that qualifies for rating as class I or class II in the USDA Natural Resources Conservation service land use capacity classification" and "land that qualifies for rating 80 through 100 Storie Index Rating." The EIR noted approximately 87% of the Proposal is composed of a "class IIs" soil.

The potential impact of the loss of agricultural resources was evaluated in the subject EIR. Public Resource Code Section 21060.1 (CEQA Statute) defines agricultural land for the purposes of assessing environmental impacts. The subject EIR found that the project would result in a significant and unavoidable impact to agricultural resources.

The Proposal's location in the Fresno Sphere of Influence acknowledges that the Commission has previously considered the potential loss of agricultural lands and found this area appropriate for urban uses. Commission Policy 104-04 supports development of land within a city's sphere of influence:

Loss of agricultural lands should not be a primary issue for annexation where City or County general plans indicate urban development is appropriate and there is consistency with the agency's sphere of influence.

Consistency with Fresno General Plan

The designation of urban land uses for areas including the project site indicates the City has planned for the conversion of agricultural land within the City's planning boundary. Fresno General Plan Land Use Policy G-6-C identifies the use of buffers at the interface of urban development and farmland, such as roadways, to minimize conflict between urban and agricultural uses; this is consistent with the City of Fresno General Plan MEIR Mitigation Measure E-4. In this case, Garfield Avenue, Shields Avenue, and Grantland Avenue serve as buffers between the project site and these agricultural uses. Although the General Plan contemplates the long-term conversion of the lands to the east of the project site to non-agricultural uses, the use of a buffer is a widely recognized planning technique intended to prevent the premature conversion of agricultural land to non-agricultural use. The lands to the south and west of the project site would remain under the authority of Fresno County. Garfield Avenue and Shields Avenue would both serve as a buffer between the project site and the unincorporated lands south and west of the project site. Additionally, these lands are outside the City's Sphere of Influence and therefore, are not contemplated for development by the City. Should an applicant seek to develop one or more of these properties, it would require an adjustment of the Sphere of Influence – a significant discretionary approval that is not assured. At the time of the Draft EIR release, there were no applications pending before the City of Fresno that contemplate converting any of these properties to non-agricultural use.

Service Delivery Analysis

The proposed project will be supported by the City of Fresno's municipal water supply system and its wastewater collection system (including the Grantland trunk sewer) and wastewater/treatment disposal facilities. It is bordered by an existing public elementary school, and is proposed to contain a grammar school site. The major serving public utility, Pacific Gas and Electric, has provided a "will serve" letter to the project developer. Chapter Three, Sections 3.13 and 3.16, provides requisite details regarding such supportive public facilities.

Fire Protection. Currently, the site is within the North Central Fire Protection District. The nearest fire station in the NCFPD is Station 22 located 4 miles south of the project site. The City of Fresno Temporary Fire Station 18, located at 5398 N. LaVentana Avenue is the closest station to the project site and is approximately 1.6 miles northeast of the northern boundary of the project site. Station 16, located at 2510 North Polk is the closest permanent fire station to the proposed project site and is approximately two miles from the site's southeastern boundary.

Emergency Services. American Ambulance provides emergency medical services and transport on a contractual basis for the City of Fresno. American Ambulance paramedics and emergency medical technicians responds to over 135,000 calls originating from 4,000 square miles in Fresno and Kings Counties annually. American Ambulance employs 550 personnel and maintains more than 100 ambulances.

Law Enforcement. The project site falls within the City of Fresno Northwest Policing District. The closest police station (3781 N. Hughes) is located approximately 5.5 miles from the project boundary.

Public Schools. Educational services for the proposed project will be provided by the Central Unified School District (CUSD). CUSD has 19 schools (including one alternative school and one continuation school) and more than 13,500 students. Students (in grades 7-8) from the proposed project would attend the District's Deran Koligian Educational Complex at the northwest corner of Ashlan and Bryan Avenues. A high school is proposed at the same Education Complex; however, until that location is open, students (in grades 9-12) from the project would attend Central High School – East Campus located 2 miles from the project site boundary, just west of State Route 99 on Gettysburg. The District will need to construct a new elementary school within the vicinity of the proposed project to accommodate the new students generated at the K-6 grade levels. A 12-acre parcel within the project boundaries is presently planned for an elementary school site.

Public Utilities

Summary of Water Supply Assessment

A Water Supply Assessment (WSA) was prepared to evaluate the project's potential water demands and identify water sources to serve the project. The WSA was adopted by the City in October 2011 and incorporated into the EIR analysis. The WSA estimated that the project's average annual water demand at 1,506 acre-feet (af) and concluded that this can be met by the City of Fresno and the Fresno Irrigation District. In comparison, the water demand estimated for the 2025 General Plan's land uses for the project area (prior to the plan amendment for the project) is 1,520 af per year based on the City's 2008 Urban Water Management Plan (UWMP) water use factors.

The WSA concluded that the City of Fresno water system has sufficient capacity to supply the project and other projected demands within the City's service area through the year 2030.

Groundwater

The City of Fresno Department of Public Utilities, Water Division, would provide water service to the project site. The City of Fresno obtains the majority of its delivered water supply from groundwater. The City lies within the Kings Subbasin of the San Joaquin Valley Groundwater Basin of the Tulare Lake Hydrologic Region. Although groundwater levels in the Subbasin have been in decline, the Kings Subbasin is not adjudicated, so there is no legislated limit on groundwater pumping. In general, groundwater levels in the Fresno area have declined about 1.5 feet per year since 1990, though there has been some localized rebounding in Northeast Fresno as a result of the reduction in groundwater extractions and the incorporation of the North East Surface Water Treatment Facility. The City's current Urban Water Management Plan, adopted in August, 2008, has identified projects that, if constructed and implemented, will bring the water supply into balance by 2025. The project developer/applicant will be required to extend a line to the project site from the existing water distribution system and to fund/construct needed onsite wells.

Wastewater

The City of Fresno Department of Public Utilities, Wastewater Management Division provides wastewater collection and treatment to the City of Fresno. A major trunk line adjacent to the

project site, the Grantland Trunk Sewer, will convey wastewater to the City's Water Reclamation Facility.

Storm Drainage

The project site lies within the jurisdictional boundaries of the Fresno Metropolitan Flood Control District (FMFCD). The FMFCD is responsible for planning, constructing, and maintaining urban storm drainage collection and disposal facilities necessary to meet the needs of urban development, as well as to control runoff from areas outside the metropolitan area.

Solid Waste

The City of Fresno Department of Public Utilities, Solid Waste Division contracts with private companies to provide solid waste, recycling, and green waste collection services to residential and commercial customers within the city limits.

Energy

Pacific Gas and Electric Company (PG&E) would provide electricity and natural gas service to the project site.

Artificial Lake. The focus of the project will be a 55 acre manmade ("artificial") lined lake, 3 to 12 feet in depth, oriented in a north-south direction and over one mile in length. In addition to being a recreational amenity (for non-contact activities such as non-motorized boating), the lake will also detain storm water and incidental drainage flows. The Westlake Homeowners Association (HOA) will own and operate the lake facility.

Vector Control of Lake. The design of the lake feature will be in accordance with the guidelines established by the City of Fresno in its "Guidelines for Ponding Basin/Pond Construction and Management to Control Mosquito Breeding", as applicable.

Fresno Metropolitan Flood Control District Facility. The FMFC owns 20 acres of the intended project site at the southeast corner of the Garfield and Dakota alignments that is planned for a ponding/recharge basin. The property is included within the acreage of the project. The ponding/recharge basin site will be reconfigured to be integrated within the design of the project and its function and capacity will be replicated by a 25-acre replacement basin located just south of Shields Avenue outside the project site.

The replacement basin will be owned and operated by FMFCD. The basin is a permitted use in the existing agricultural land use designation. It is anticipated that, recharge from the area will be the same as at present because of the diversion of storm drainage and ten-year maintenance drawdown water from the lined lake to the FMFCD recharge basin, effectively replacing the current runoff/percolation recharge. Although the replacement basin may be outside the project site, anticipated impacts caused by the development of the replacement basin at the new location are assessed in this EIR as required by CEQA.

APPLICATION INFORMATION

1. Affected Territory

Acreage:	447.78 acres
Current Land Use:	Vacant except for the northeastern most parcel
Number of Residences/ Population:	Residences: 1/ Population: 0
Landowners/ Registered Voters:	Landowners: 3 / Voters: 0
Previous County Zoning:	AE-20
City Zoning Upon Annexation:	R-1, R-2, C-1, C-2, and O
Ag. Preserves/Contracts:	None
Assessor's Parcel Numbers:	See Attached

2. **Proposed Development** – Granville at Westlake, Inc. proposes to develop Tentative Tract Map No. 5915 for 29-lot subdivision for the purpose of facilitating the Westlake project that consists of 2,053 single-family units, 547 multiple-family units, 295,000 square feet of commercial, and 92 acres open space consisting of the 55-acre lake feature, 17 acres of roadway and 20 acres of open space.
3. **Surrounding Territory** - The surrounding land uses consist of rural residential to the north, the Deran Koligian Education Center and rural residential to the east, and agriculture to the south and west.
4. **Consistency with Adopted Sphere of Influence (SOI)** - The affected territory is within the City of Fresno's adopted Sphere of Influence.
5. **Consistency with City and County General and Specific Plans** - The Proposal is consistent with the City of Fresno's General Plan as amended and the West Area Community Plan. The Proposal furthers the County's General Plan policies of directing growth to existing cities where infrastructure and a full range of municipal services are available to serve urban development.
6. **Existing Service Agencies and Proposed Service Changes**

Service	Existing Service	Change
Water	None	City of Fresno
Sewer	None	City of Fresno
Fire Protection	North Central Fire Protect. District	City of Fresno
Distance to Station	.5 miles	0.5 miles

Please Note: A service plan for this Proposal is available at www.fresnolafco.org under the Hearings and Workshops tab in the July 16, 2014 file attached to the staff report.

7. **Cities and Districts Included Wholly or Partially within the Affected Territory**

County of Fresno	Fresno County Library District
Kings River Conservation District	North Central Fire Protection District
State Center Community College District	Central Unified School District
Fresno Metropolitan Flood Control District	County Service Area No. 35
Fresno Irrigation District	West Fresno Red Scale Protective District
Fresno Mosquito Abatement District	

8. **Costs and Other Changes Affecting Residents or Landowners**

No costs are anticipated that will affect residents or landowners.

9. **Agencies and Individuals Submitting Comments** (see Correspondence and Comments)

- John Navarrette, Fresno County Administrative Officer
- Will Kettler, Development Services Manager, County of Fresno
- Kevin Tsuda, Environmental Health Specialist II, Fresno County Department of Public Health
- Rick Lyons, Engineering Technician III, Fresno Metropolitan Flood Control District

10. **Territory Boundaries:** The boundaries of the proposed annexation **are** definite and certain, and there **are no** conflicts with lines of assessment ownership. The map and legal are sufficient per Dave King (Fresno County Assessor's Office) for recordation or filing with the State Board of Equalization.

11. **Registered Voter Data**

The County of Fresno Elections Office reported that there were **zero** (0) registered voters in the affected territory.

12. **Compliance with the Requirements of CEQA**

Lead Agency: City of Fresno - **Level of Analysis:** Environmental Impact Report

Finding: A finding of overriding consideration has been adopted and a notice of determination was filed with the County Clerk (see Environmental Documents – www.fresnolafo.org under the Hearings and Workshops tab in the July 16, 2014 file).

13. **Names of Landowners or Parties of Real Interest**

Grantland Holdings LLC, GVM Investments LLC, ACAP Holdings, Granville Homes, Inc. (Darius, Farid, Farshid, and Sonia Rosemary Assemi and Derek Hayashi), Fresno Metropolitan Flood Control District, and the City of Fresno

Proponent: Jeffrey T. Roberts, Granville Homes, Inc.

14. **Public Notice of Hearing**

Public notice concerning this Proposal was issued by the Executive Officer pursuant to State law.

15. **Individuals and Agencies Receiving this Report**

- Commissioners and Alternates
- Ken Price, LAFCo Counsel
- Will Kettler, Division Manager, Development Services Division, Fresno County Public Works and Planning Department
- Bernard Jimenez, Deputy Director of Public Works and Planning
- Craig Agabashian, Administrative Manager, City of Fresno
- Bruce Rudd, City Manager, City of Fresno
- Jennifer Clark, DARM, City of Fresno
- David Orth, Kings River Conservation District
- North Central Fire Protection District
- Jeffrey T. Roberts, Granville Homes, Inc.

ASSESSOR PARCEL NUMBERS

512-010-33S
512-021-25
512-021-26
512-043-12S
512-043-13S
512-043-14
512-043-15
512-043-16
512-043-17S
512-043-18
512-043-19
512-043-20
512-043-21
512-043-22
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512-043-28
512-043-29T

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCO)
EXECUTIVE OFFICER'S REPORT

AGENDA ITEM No. 7

DATE: July 16, 2014

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, AICP, Executive Officer 

SUBJECT: **Consider Approval:** Consider various items related to "Shields-Grantland No. 1 (Westlake) Reorganization." A landowner petition to annex 447.78 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located south of Gettysburg Avenue, north of Shields Avenue, east of Garfield Avenue and west of Grantland Avenue (LAFCo File No. RO-13-1). (Continued from the May 14, 2014 Hearing)

Applicant: Jeffrey T. Roberts, Granville Homes, Inc.

Land Owners/Parties of Real Interest: Grantland Holdings LLC, GVM Investments LLC, ACAP Holdings, Granville Homes, Inc. (Darius, Farid, Farshid, and Sonia Rosemary Assemi and Derek Hayashi), Fresno Metropolitan Flood Control District, and the City of Fresno.

RECOMMENDATION: Approve with Conditions

- A. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, find that prior to approving the proposed reorganization the environmental effects of the project as shown in the CEQA documents prepared, adopted, and submitted by the Lead Agency were reviewed and considered, and determine these documents to be legally adequate pursuant to CEQA Guidelines Section 15096.
- B. Find that the proposed reorganization is sufficiently consistent with LAFCo Policies, Standards and Procedures Sections and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
- C. Assign the distinctive short form designation "Shields-Grantland No. 1 (Westlake) Reorganization" and approve the reorganization (annexation and detachments) subject to the following conditions of approval:
 - 1. The City of Fresno shall submit to the Executive Officer verification that a Right-to-Farm Covenant is required and made a part of the City's development agreement and that this legal covenant will be recorded with the final tract map approved by the City for the affected territory.
 - 2. Ownership of land permitting, the annexation shall include the full existing right-of-way width of adjacent roadways.

3. Allocation of property tax revenue shall conform to the terms and conditions of the 2003 Amended and Restated Memorandum of Understanding between the County of Fresno and the City of Fresno.
- D. Find pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH") that:
1. The territory is uninhabited.
 2. All landowners have consented to the annexation.
- E. Waive further Conducting Authority Proceedings and approve the annexation and detachments subject to the requirements of the "CKH," the 30-day reconsideration period, and compliance with all of the above conditions.

Resolution of MOU Issues

Per CKH Section 56662, this proposed reorganization ("Proposal") was placed on the May, 2014, consent agenda because the territory is uninhabited, all property owners have consented in writing to the annexation (100% consent), and affected local agencies have not submitted a written demand for notice and hearing during the 10-day period as described in CKH.

At the May, 2014, hearing the Proposal was removed from the Consent Calendar by the Commission and heard in public hearing. After receiving public testimony, the Commission voted to continue the hearing for up to 90 days to permit the City of Fresno and Fresno County to resolve the issues associated with the Proposal's consistency with the City/County Memorandum of Understanding (MOU).

Though LAFCo is not a party to the MOU, it contains the tax-sharing agreement required by Revenue and Tax Code section 99 to allocate property tax revenue when territory is annexed to a city. The County's concerns initially expressed in its May 1, 2014 correspondence (Exhibit A) were:

- Responsibility for code enforcement in the annexed area;
- Fire and police emergency response;
- Specific traffic enforcement in the unincorporated area between the current city limit and the Proposal;
- Pickup of illicitly dumped debris in this area;
- Need for encroachment permits for public improvements in County rights-of-way; and
- Responsibility for city repairs of County roads.

On June 6, 2014, staff attended a meeting between the Fresno City Manager Bruce Rudd and Fresno County CAO John Navarrette to address the County's concerns. At the conclusion of the meeting staff witnessed that both parties reached agreement on the County's concerns and agreed to ratify through a side letter rather than as an amendment of the MOU (Exhibit B).

Staff finds that with the interagency cooperation and agreement on service delivery issues that the project conforms to LAFCo policies. (Exhibit C)

Background

Granville Homes, Inc. initiated these proceedings on January 11, 2013, by landowner petition. The application was deemed incomplete pending completion of the development approvals and certification of the related environmental impact report (EIR), both by the City of Fresno. The City has since pre-zoned the territory from County AE-20 (Exclusive Agriculture 20-Acre Minimum) District to City R-1 (Single-Family Residential), R-2 (Low-Density Multiple-Family Residential), C-1 (Neighborhood Shopping Center), C-2 (Community Shopping Center) and O (Open Conservation) Districts and approved Tentative Tract Map No. 5915/UGM for a 29-lot subdivision with one outlot for phase one of the Westlake Development Project. The City also certified the subject EIR.

Upon receipt of approval and CEQA documentation, the application was deemed complete by the Executive Officer and a Certificate of Filing was issued on February 25, 2014.

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The potential impact of the loss of agricultural resources was evaluated in the subject EIR. Public Resource Code Section 21060.1 (CEQA Statute) defines agricultural land for the purposes of assessing environmental impacts. The subject EIR found that the project would result in a significant and unavoidable impact to agricultural resources.

The Proposal's location in the Fresno Sphere of Influence acknowledges that the Commission has previously considered the potential loss of agricultural lands and found this area appropriate for urban uses. Commission Policy 104-04 supports development of land within a city's sphere of influence:

Loss of agricultural lands should not be a primary issue for annexation where City or County general plans indicate urban development is appropriate and there is consistency with the agency's sphere of influence.

Consistency with Fresno General Plan

The designation of urban land uses for areas including the project site indicates the City has planned for the conversion of agricultural land within the City's planning boundary. Fresno General Plan Land Use Policy G-6-C identifies the use of buffers at the interface of urban development and farmland, such as roadways, to minimize conflict between urban and agricultural uses; this is consistent with the City of Fresno General Plan MEIR Mitigation Measure E-4. In this case, Garfield Avenue, Shields Avenue, and Grantland Avenue serve as buffers between the project site and these agricultural uses. Although the General Plan contemplates the long-term conversion of the lands to the east of the project site to non-agricultural uses, the use of a buffer is a widely recognized planning technique intended to prevent the premature conversion of agricultural land to non-agricultural use. The lands to the south and west of the project site would remain under the authority of Fresno County. Garfield Avenue and Shields Avenue would both serve as a buffer between the project site and the unincorporated lands south and west of the project site. Additionally, these lands are outside the City's Sphere of Influence and therefore, are not contemplated for development by the City. Should an applicant seek to develop one or more of these properties, it would require an adjustment of the Sphere of Influence – a significant discretionary approval that is not assured. At the time of the Draft EIR release, there were no applications pending before the City of Fresno that contemplate converting any of these properties to non-agricultural use.

Service Delivery Analysis

The proposed project will be supported by the City of Fresno's municipal water supply system and its wastewater collection system (including the Grantland trunk sewer) and wastewater/treatment disposal facilities. It is bordered by an existing public elementary school, and is proposed to contain a grammar school site. The major serving public utility, Pacific Gas and Electric, has provided a "will serve" letter to the project developer. Chapter Three, Sections 3.13 and 3.16, provides requisite details regarding such supportive public facilities.

Fire Protection. Currently, the site is within the North Central Fire Protection District. The nearest fire station in the NCFPD is Station 22 located 4 miles south of the project site. The City of Fresno Temporary Fire Station 18, located at 5398 N. LaVentana Avenue is the closest station to the project site and is approximately 1.6 miles northeast of the northern boundary of the project site. Station 16, located at 2510 North Polk is the closest permanent fire station to the proposed project site and is approximately two miles from the site's southeastern boundary.

Emergency Services. American Ambulance provides emergency medical services and transport on a contractual basis for the City of Fresno. American Ambulance paramedics and emergency medical technicians responds to over 135,000 calls originating from 4,000 square miles in Fresno and Kings Counties annually. American Ambulance employs 550 personnel and maintains more than 100 ambulances.

Law Enforcement. The project site falls within the City of Fresno Northwest Policing District. The closest police station (3781 N. Hughes) is located approximately 5.5 miles from the project boundary.

Public Schools. Educational services for the proposed project will be provided by the Central Unified School District (CUSD). CUSD has 19 schools (including one alternative school and one continuation school) and more than 13,500 students. Students (in grades 7-8) from the proposed project would attend the District's Deran Koligian Educational Complex at the northwest corner of Ashlan and Bryan Avenues. A high school is proposed at the same Education Complex; however, until that location is open, students (in grades 9-12) from the project would attend Central High School – East Campus located 2 miles from the project site boundary, just west of State Route 99 on Gettysburg. The District will need to construct a new elementary school within the vicinity of the proposed project to accommodate the new students generated at the K-6 grade levels. A 12-acre parcel within the project boundaries is presently planned for an elementary school site.

Public Utilities

Summary of Water Supply Assessment

A Water Supply Assessment (WSA) was prepared to evaluate the project's potential water demands and identify water sources to serve the project. The WSA was adopted by the City in October 2011 and incorporated into the EIR analysis. The WSA estimated that the project's average annual water demand at 1,506 acre-feet (af) and concluded that this can be met by the City of Fresno and the Fresno Irrigation District. In comparison, the water demand estimated for the 2025 General Plan's land uses for the project area (prior to the plan amendment for the project) is 1,520 af per year based on the City's 2008 Urban Water Management Plan (UWMP) water use factors.

The WSA concluded that the City of Fresno water system has sufficient capacity to supply the project and other projected demands within the City's service area through the year 2030.

Groundwater

The City of Fresno Department of Public Utilities, Water Division, would provide water service to the project site. The City of Fresno obtains the majority of its delivered water supply from groundwater. The City lies within the Kings Subbasin of the San Joaquin Valley Groundwater Basin of the Tulare Lake Hydrologic Region. Although groundwater levels in the Subbasin have been in decline, the Kings Subbasin is not adjudicated, so there is no legislated limit on groundwater pumping. In general, groundwater levels in the Fresno area have declined about 1.5 feet per year since 1990, though there has been some localized rebounding in Northeast Fresno as a result of the reduction in groundwater extractions and the incorporation of the North East Surface Water Treatment Facility. The City's current Urban Water Management Plan, adopted in August, 2008, has identified projects that, if constructed and implemented, will bring the water supply into balance by 2025. The project developer/applicant will be required to extend a line to the project site from the existing water distribution system and to fund/construct needed onsite wells.

Wastewater

The City of Fresno Department of Public Utilities, Wastewater Management Division provides wastewater collection and treatment to the City of Fresno. A major trunk line adjacent to the

project site, the Grantland Trunk Sewer, will convey wastewater to the City's Water Reclamation Facility.

Storm Drainage

The project site lies within the jurisdictional boundaries of the Fresno Metropolitan Flood Control District (FMFCD). The FMFCD is responsible for planning, constructing, and maintaining urban storm drainage collection and disposal facilities necessary to meet the needs of urban development, as well as to control runoff from areas outside the metropolitan area.

Solid Waste

The City of Fresno Department of Public Utilities, Solid Waste Division contracts with private companies to provide solid waste, recycling, and green waste collection services to residential and commercial customers within the city limits.

Energy

Pacific Gas and Electric Company (PG&E) would provide electricity and natural gas service to the project site.

Artificial Lake. The focus of the project will be a 55 acre manmade ("artificial") lined lake, 3 to 12 feet in depth, oriented in a north-south direction and over one mile in length. In addition to being a recreational amenity (for non-contact activities such as non-motorized boating), the lake will also detain storm water and incidental drainage flows. The Westlake Homeowners Association (HOA) will own and operate the lake facility.

Vector Control of Lake. The design of the lake feature will be in accordance with the guidelines established by the City of Fresno in its "Guidelines for Ponding Basin/Pond Construction and Management to Control Mosquito Breeding", as applicable.

Fresno Metropolitan Flood Control District Facility. The FMFC owns 20 acres of the intended project site at the southeast corner of the Garfield and Dakota alignments that is planned for a ponding/recharge basin. The property is included within the acreage of the project. The ponding/recharge basin site will be reconfigured to be integrated within the design of the project and its function and capacity will be replicated by a 25-acre replacement basin located just south of Shields Avenue outside the project site.

The replacement basin will be owned and operated by FMFCD. The basin is a permitted use in the existing agricultural land use designation. It is anticipated that, recharge from the area will be the same as at present because of the diversion of storm drainage and ten-year maintenance drawdown water from the lined lake to the FMFCD recharge basin, effectively replacing the current runoff/percolation recharge. Although the replacement basin may be outside the project site, anticipated impacts caused by the development of the replacement basin at the new location are assessed in this EIR as required by CEQA.

APPLICATION INFORMATION

1. **Affected Territory**

Acreage:	447.78 acres
Current Land Use:	Vacant except for the northeastern most parcel
Number of Residences/ Population:	Residences: 1/ Population: 0
Landowners/ Registered Voters:	Landowners: 3 / Voters: 0
Previous County Zoning:	AE-20
City Zoning Upon Annexation:	R-1, R-2, C-1, C-2, and O
Ag. Preserves/Contracts:	None
Assessor's Parcel Numbers:	See Attached

2. **Proposed Development** – Granville at Westlake, Inc. proposes to develop Tentative Tract Map No. 5915 for 29-lot subdivision for the purpose of facilitating the Westlake project that consists of 2,053 single-family units, 547 multiple-family units, 295,000 square feet of commercial, and 92 acres open space consisting of the 55-acre lake feature, 17 acres of roadway and 20 acres of open space.

3. **Surrounding Territory** - The surrounding land uses consist of rural residential to the north, the Deran Koligian Education Center and rural residential to the east, and agriculture to the south and west.

4. **Consistency with Adopted Sphere of Influence (SOI)** - The affected territory is within the City of Fresno's adopted Sphere of Influence.

5. **Consistency with City and County General and Specific Plans** - The Proposal is consistent with the City of Fresno's General Plan as amended and the West Area Community Plan. The Proposal furthers the County's General Plan policies of directing growth to existing cities where infrastructure and a full range of municipal services are available to serve urban development.

6. **Existing Service Agencies and Proposed Service Changes**

Service	Existing Service	Change
Water	None	City of Fresno
Sewer	None	City of Fresno
Fire Protection	North Central Fire Protect. District	City of Fresno
Distance to Station	.5 miles	0.5 miles

Please Note: A service plan for this Proposal is available at www.fresnolafco.org under the Hearings and Workshops tab in the July 16, 2014 file attached to the staff report.

7. **Cities and Districts Included Wholly or Partially within the Affected Territory**

County of Fresno	Fresno County Library District
Kings River Conservation District	North Central Fire Protection District
State Center Community College District	Central Unified School District
Fresno Metropolitan Flood Control District	County Service Area No. 35
Fresno Irrigation District	West Fresno Red Scale Protective District
Fresno Mosquito Abatement District	

8. **Costs and Other Changes Affecting Residents or Landowners**

No costs are anticipated that will affect residents or landowners.

9. **Agencies and Individuals Submitting Comments** (see Correspondence and Comments)

- John Navarrette, Fresno County Administrative Officer
- Will Kettler, Development Services Manager, County of Fresno
- Kevin Tsuda, Environmental Health Specialist II, Fresno County Department of Public Health
- Rick Lyons, Engineering Technician III, Fresno Metropolitan Flood Control District

10. **Territory Boundaries:** The boundaries of the proposed annexation are definite and certain, and there are no conflicts with lines of assessment ownership. The map and legal are sufficient per Dave King (Fresno County Assessor's Office) for recordation or filing with the State Board of Equalization.

11. **Registered Voter Data**

The County of Fresno Elections Office reported that there were zero (0) registered voters in the affected territory.

12. **Compliance with the Requirements of CEQA**

Lead Agency: City of Fresno - **Level of Analysis:** Environmental Impact Report

Finding: A finding of overriding consideration has been adopted and a notice of determination was filed with the County Clerk (see Environmental Documents – www.fresnolafco.org under the Hearings and Workshops tab in the July 16, 2014 file).

13. **Names of Landowners or Parties of Real Interest**

Grantland Holdings LLC, GVM Investments LLC, ACAP Holdings, Granville Homes, Inc. (Darius, Farid, Farshid, and Sonia Rosemary Assemi and Derek Hayashi), Fresno Metropolitan Flood Control District, and the City of Fresno

Proponent: Jeffrey T. Roberts, Granville Homes, Inc.

14. **Public Notice of Hearing**

Public notice concerning this Proposal was issued by the Executive Officer pursuant to State law.

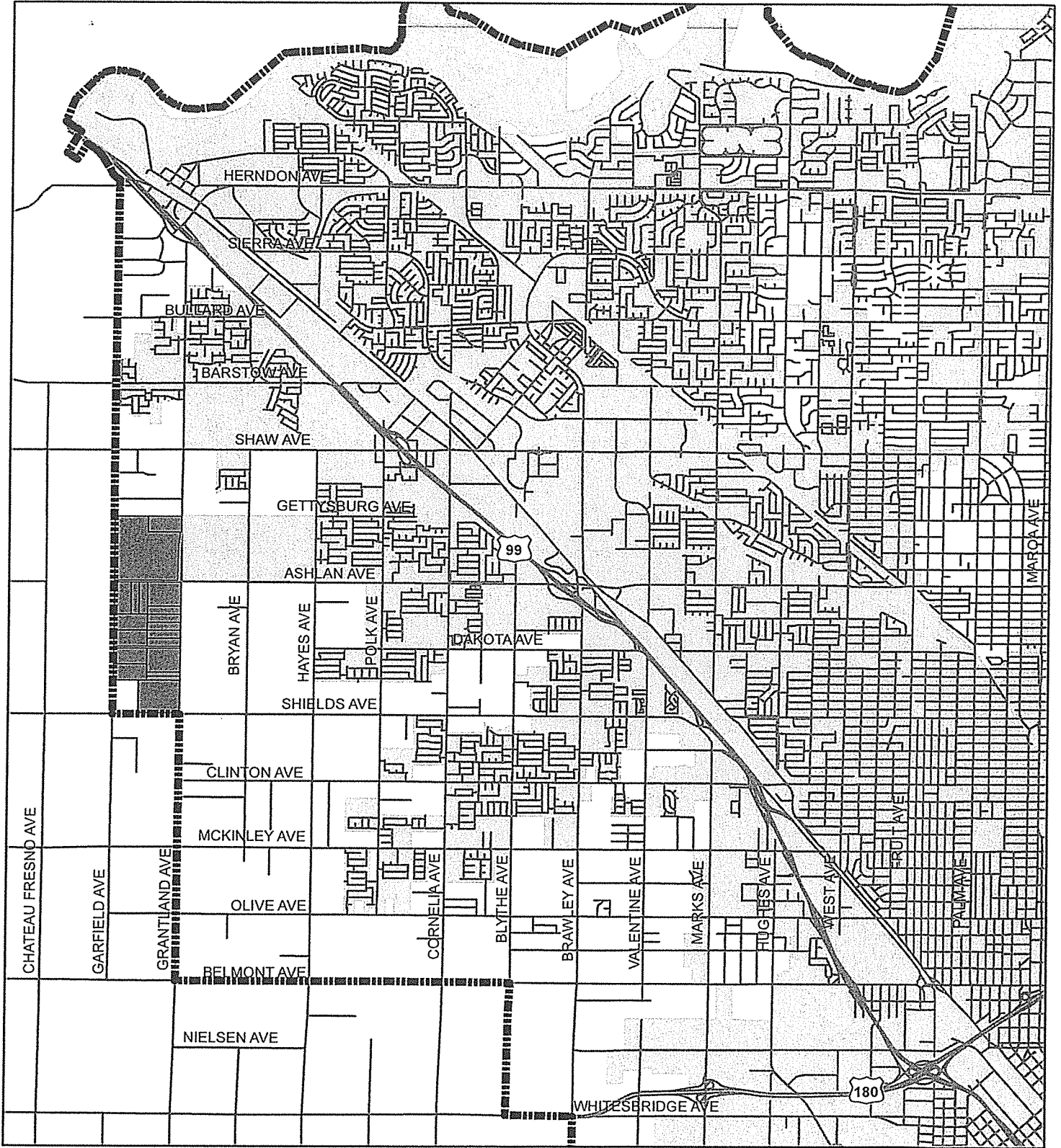
15. **Individuals and Agencies Receiving this Report**

- Commissioners and Alternates
- Ken Price, LAFCo Counsel
- Will Kettler, Division Manager, Development Services Division, Fresno County Public Works and Planning Department
- Bernard Jimenez, Deputy Director of Public Works and Planning
- Craig Agabashian, Administrative Manager, City of Fresno
- Bruce Rudd, City Manager, City of Fresno
- Jennifer Clark, DARM, City of Fresno
- David Orth, Kings River Conservation District
- North Central Fire Protection District
- Jeffrey T. Roberts, Granville Homes, Inc.




ASSESSOR PARCEL NUMBERS

512-010-33S
512-021-25
512-021-26
512-043-12S
512-043-13S
512-043-14
512-043-15
512-043-16
512-043-17S
512-043-18
512-043-19
512-043-20
512-043-21
512-043-22
512-043-23
512-043-24
512-043-25
512-043-26
512-043-28
512-043-29T

FIGURE 1 - GENERAL SITE LOCATION



Legend

-  Sphere of Influence
-  City Limits
-  Affected Territory

City of Fresno "Shields-Grantland
No. 1 (Westlake) Reorganization"
LAFCo File No. RO13-1

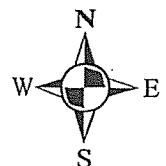
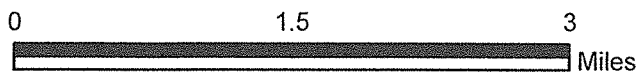
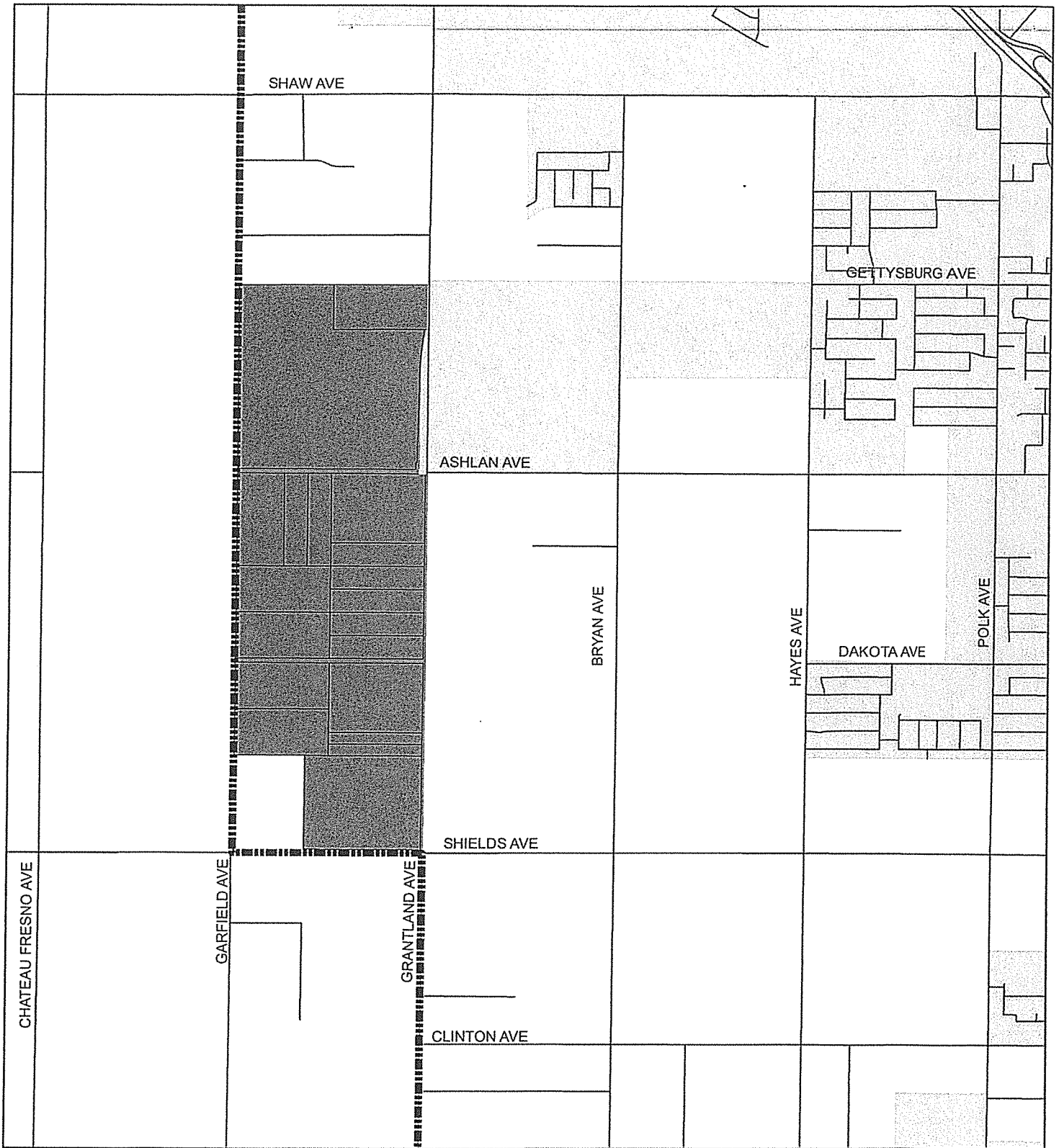





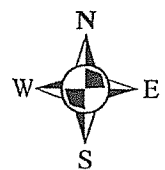
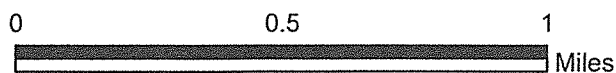
FIGURE 2 - ANNEXATION MAP



Legend

-  Sphere of Influence
-  City Limits
-  Affected Territory

City of Fresno "Shields-Grantland
No. 1 (Westlake) Reorganization"
LAFCo File No. RO13-1





County of Fresno

COUNTY ADMINISTRATIVE OFFICE

JOHN NAVARRETTE

COUNTY ADMINISTRATIVE OFFICER

May 1, 2014



David E. Fey, AICP, Executive Officer
Fresno Local Agency Formation Commission
2607 Fresno Street, Suite B
Fresno, CA 93721

SUBJECT: Shields-Grantland No. 1 (Westlake) Reorganization

Dear Mr. Fey:

Fresno County has evaluated the above-referenced reorganization in accordance with the City of Fresno/County of Fresno Amended and Restated Memorandum of Understanding (MOU) and has determined that the proposed annexation boundary is not consistent with the MOU Annexation Standards (extends a peninsula and creates an irregular boundary) and that a Stand-Alone tax sharing agreement between the County and City of Fresno is required to make a finding of consistency.

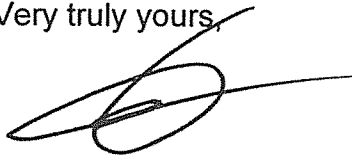
Fresno County staff can support a Stand-Alone tax sharing agreement for the above-referenced annexation provided the City of Fresno agrees to the following:

- Accept responsibility for any code enforcement issues for annexed properties.
- Provide fire emergency response for police and fire emergency calls.
- Provide specific traffic enforcement and road maintenance and improvement activities requested by the County of Fresno with the right-of-way of Shields, Hayes, Dakota, Cornelia, Blythe, Polk, Bryan and Ashlan Avenues.
- Provide pickup of illicitly dumped debris within the right-of-way of Shields, Hayes, Dakota, Cornelia, Blythe, Polk, Bryan and Ashlan Avenues.
- Obtain encroachment permit(s) for all water, sewer or dry utility improvements installed within the County right-of-way and enter into an agreement with the County whereby the City shall be responsible in perpetuity for all repairs with County right-of-way due to failure of construction and/or operation of said City improvements.

Mr. David E. Fey
LAFCo
May 1, 2014
Page 2

Recordation of the proposed annexation shall not occur until the proposed annexation is determined to be consistent with the current Amended and Restated MOU or the County and City enter into a Stand-Alone tax sharing agreement. If you have any questions, you may contact me at (559) 600-1710 or Bernard Jimenez, Deputy Director of Planning at (559) 600-4234.

Very truly yours,



John Navarrette
County Administrative Officer

G:\4360Devs&PIn\PLANNING\ANNEXATIONS\Cities & Districts\Fresno\2014\Shields-Grantland No. 1 (Westlake)\Shields_Grantland No. 1.docx

c: Alan Weaver, Director, Department of Public Works and Planning
Bernard Jimenez, Deputy Director of Planning
Will Kettler, Division Manager, Development Services Division
Mohammad Khorsand, Senior Planner, Policy Planning Unit
Bruce Rudd, City Manager, City of Fresno
Jeff Roberts, Granville Homes



Exhibit B

County of Fresno

COUNTY ADMINISTRATIVE OFFICE

JOHN NAVARRETTE

COUNTY ADMINISTRATIVE OFFICER

July 9, 2014

David E. Fey, AICP, Executive Officer
Fresno Local Agency Formation Commission
2607 Fresno Street, Suite B
Fresno, CA 93721

SUBJECT: Shields-Grantland No. 1 (Westlake) Reorganization

Dear Mr. Fey:

Fresno County has evaluated the above-referenced reorganization in accordance with the City of Fresno/County of Fresno Amended and Restated Memorandum of Understanding (MOU) and has determined that the proposed annexation by the City of Fresno is consistent with the Standards for Annexation contained in Exhibit I of the MOU, subject to the attached letter agreement dated July 7, 2014.

If you have any questions, you may contact me at (559) 600-1710 or Bernard Jimenez, Deputy Director of Planning at (559) 600-4234.

Very truly yours,

John Navarrette
County Administrative Officer

G:\4360Devs&PIn\PLANNING\ANNEXATIONS\Cities & Districts\Fresno\2014\Shields-Grantland No. 1 (Westlake)\Shields_Grantland No. 1_Revised.docx

Attachment

c: Bruce Rudd, City Manager, City of Fresno
Jennifer Clark, Director, City of Fresno Development and Resource Management
Alan Weaver, Director, Department of Public Works and Planning
Bernard Jimenez, Deputy Director of Planning
Jeff Roberts, Granville Homes



County of Fresno

COUNTY ADMINISTRATIVE OFFICE

JOHN NAVARRETTE

COUNTY ADMINISTRATIVE OFFICER

July 7, 2014

Bruce Rudd, City Manager
City of Fresno
2600 Fresno Street Room 2064
Fresno, CA 93721

Subject: Shields-Grantland No. 1 (Westlake) Reorganization

Dear Mr. Rudd:

Pursuant to our joint meeting of June 6, 2014, the purpose of this letter agreement is to address the provision of services associated with the above-referenced annexation in connection with the City of Fresno/County of Fresno Amended and Restated Memorandum of Understanding MOU. Based on our meeting, the City of Fresno agrees to the following:

- Upon annexation, the City shall accept responsibility for any code enforcement issues for annexed properties.
- Continue to provide emergency response under existing police and fire mutual aid agreements within the unincorporated areas.
- Upon annexation, the City shall conduct specific traffic enforcement activities requested by the County of Fresno with the right-of-way of Shields, Hayes, Dakota, Cornelia, Blythe, Polk, Bryan and Ashlan Avenues.
- Upon recordation of a final map, biannually provide pickup of illicitly dumped debris within the right-of-way of Shields, Hayes, Dakota, Cornelia, Blythe, Polk, Bryan and Ashlan Avenues.
- Obtain encroachment permit(s) for all water, sewer or dry utility improvements installed within the County right-of-way and enter into an agreement with the County whereby the City shall be responsible in perpetuity for all repairs with County right-of-way due to failure of construction and/or operation of said City improvements.

In exchange, and upon execution of this letter agreement by the City of Fresno, the County of Fresno shall issue a revised letter to the Local Agency Formation Commission determining that the proposed Shields-Grantland No. 1 Reorganization is consistent with the City/County MOU, subject to the above conditions.

County of Fresno

City of Fresno

By: Kathleen Donawa
for John Navarrette, CAO

By: Bruce Rudd
Bruce Rudd, City Manager

c: Alan Weaver, Director, Fresno County Public Works and Planning
Jennifer Clark, Director, City of Fresno Development and Resource Management Department
Bernard Jimenez, Deputy Director, Fresno County Public Works and Planning

Hall of Records / 2281 Tulare Street, Room 304 / Fresno, California 93721 / (559) 600-1710 / Fax (559) 600-1230

Equal Employment Opportunity • Affirmative Action • Disabled Employer

Exhibit C

LAFCo Policies Consistency Analysis Westlake Reorganization (RO-13-01) Amended July 8, 2014

210-08 Proposal would not create islands. Boundaries minimize creation of peninsulas and corridors, or other distortion of boundaries, and should include any developed islands or substantially surrounded area with the proposed developing area.

Finding: Not inconsistent with policy.

Government Code Section 56425(b) states that prior to a city “submitting an application to the commission to update its sphere of influence, representatives from the city and representatives from the county shall meet to discuss the proposed new boundaries of the sphere and explore methods to reach agreement on development standards and planning and zoning requirements within the sphere to ensure that development within the sphere occurs in a manner that reflects the concerns of the affected city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere.”

Though the Proposal would result in a peninsula, the recent “side letter” agreement between the city and the county has addressed service delivery concerns of both agencies related to the proposal and the resulting substantially surrounded unincorporated area.

The West Area is in the sphere of influence approved by the LAFCo for the city of Fresno and is therefore deemed suitable for the probable growth of the city. The city’s challenge in the West Area is to implement its urban general plan in a part of the FCMA that is rife with rural residential parcels. Even if the city were to amend its general plan to depict the existing rural residential on the plan’s land use diagram, the market would continue to selected the largest parcels for development, and the rural residential would still have little incentive to annex. The resulting boundaries would likely not be different than the current ones.

These are not optimal boundaries, but the policy does not prohibit peninsulas, but suggests that they be minimized. Staff finds that the city and county have reached agreement on specific service delivery issues and that the county has found that these conditions satisfy its earlier concerns regarding the Standards of Annexation. Staff has therefore revised its policy consistency analysis from not consistent, to not in consistent.

EXHIBIT D

FRESNO LAFCO'S CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR APPLICATION RO-13-1 (Westlake Annexation)

REQUIRED CEQA FINDINGS

FINDINGS OF FACT

1. CONSIDERATION OF THE EIR

The Commission has reviewed and considered the information in the Project's Environmental Impact Report (EIR SCH #2007121033) which consists of the Draft EIR and the Final EIR, among other documents. The Commission has reached its own conclusions on whether and how to approve the proposal. These findings and determinations constitute the independent findings and determinations by the Commission in all respects and are fully and completely supported by substantial evidence, both oral and written, in the entire record relating to the Project before the Commission.

2. RECORD OF PROCEEDINGS

The documents and other materials (including documents maintained in electronic format) that constitute the record of proceedings upon which this determination is based are in the custody of the Commission's Executive Officer, at 2607 Fresno Street, Suite B, Fresno, CA 93721.

The record of proceedings for Commission decisions on the proposal includes, but is not limited to, the following documents:

1. Public notices issued by the Commission in conjunction with the proposal.

The proposal is uninhabited and has the consent of all of the landowners. LAFCo prepared and distributed a notice to the affected agencies on May 2, 2014.

2. List all resolutions and ordinances provided by the City of Fresno associated with the proposal's land use development approvals, service delivery and environmental e

On November 6, 2013 the Fresno City Planning Commission adopted Resolution No. 13235 approving Vesting tentative Tract Map No. 5915/UGM.

On December 19, 2013 the Fresno City Council adopted:

- Ordinance No. 2013-39 to approve the rezoning of 430 acres of the Westlake project;

- Resolution No. 2013-212 certifying the EIR, adopting findings of facts, approving a mitigation monitoring program, adopting the statement of overriding considerations and affirming its approval of a water supply assessment; and
- Resolution No. 2013-213 amending the West Area Community Plan and the 2025 Fresno General Plan.

Although the findings below identify specific pages within the record in support of various conclusions, the Commission incorporates by reference and adopts as its own, the reasoning set forth in the EIR and related documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions herein. The Commission further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by the Commission with respect to any particular subject matter of the proposal must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

3. SIGNIFICANT IMPACTS IDENTIFIED IN THE EIR (SECTION 15091)

The Fresno City Council certified the EIR for the subject project, comprising a general plan amendment, and related approvals (Project) that will become effective upon annexation. The proposal before the Commission is a component of the implementation of the Fresno General Plan that anticipates and guides growth of the city and extension of services to the lands within the sphere of influence. The EIR identified certain significant environmental effects for the broader Project. Other than approving the Project analyzed in the EIR, changes and alterations to avoid or substantially lessen the significant environmental effects as identified in the EIR are within the responsibility and jurisdiction of the City of Fresno and not the Commission. Such changes have been adopted by the City or can and should be adopted by the City.

The Commission's jurisdiction to impose conditions on the Project is limited under Cortese-Knox-Hertzberg and CEQA Guidelines sections 15050 and 15096. As a responsible agency, the Commission has responsibility for mitigating or avoiding *only* the direct or indirect environmental effects of *those parts of the project that it decides to carry out, finance, or approve*. (CEQA Guidelines, § 15096(g)(1).)

With only a few exceptions, the proposed mitigation measures and alternatives identified in the EIR that might reduce or eliminate the significant adverse indirect environmental impacts of the proposal are not within the jurisdiction of the Commission.

The Commission hereby makes the following findings regarding the significant effects of the project, pursuant to Public Resources Code section 21081 and section 15091 of the State CEQA Guidelines. The discussion below does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the discussion provides a summary description of each potentially significant impact, describes the applicable mitigation measures identified in the Draft EIR or Final EIR and adopted by the City, and states the Commission's findings on the significance of each impact after imposition of the adopted mitigation

measures. A full explanation of these environmental findings and conclusions can be found in the DEIR and FEIR, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the FEIR's determinations regarding mitigation measures and the Project's impacts and mitigation measures designed to address those impacts. In making these findings, the Commission ratifies, adopts, and incorporates into these findings the analysis and explanation in the DEIR and FEIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the DEIR and FEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

Aesthetic Impacts

Impact 3.1.2: Substantially degrade the existing visual character or quality of the site and its surroundings which are open to public view. The Project will alter the visual character of the project site and will result in significant, unavoidable and irreversible impacts. However, development of farmland is not unknown or unexpected in this area that is adjacent to the City of Fresno, planned for urban development by the Fresno 2025 General Plan, and within the LAFCo-approved sphere of influence. The project would permanently alter the existing visual character of the site and area compared to existing conditions, this is considered a significant, unavoidable and irreversible impact. (DEIR 3.1-15 and 3.1-16)¹

Finding: Impact 3.1.2 is within the responsibility and jurisdiction of City of Fresno and not the Commission. It is not a direct impact of the proposal. No other feasible changes or alterations to the proposal, within the Commission's authority, would reduce this impact to less than significant.

The EIR identified other changes or alterations to the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such public agency or can and should be adopted by such public agency. (CEQA Guidelines, § 15091(a)(2).)

Facts in Support of Finding:

The developer will be required to comply with the substantial design review and design limitations required by the 2025 Fresno General Plan, the West Area Community Plan, and the City's adopted design guidelines and zoning regulations identified above, which require setbacks, landscaping and designs to limit impact to neighboring properties. (DEIR 3.1-16)

¹ Notation indicates page number cited in the Draft and Final environmental impact reports; DEIR and FEIR, respectively.

Impact 3.1.3: Introduction of New Sources of Light and Glare and Increased Lighting on the Night Sky as a Result of the Project. Development of the Project would introduce new light and glare sources. This is considered a potentially significant impact. (DEIR 3.1-16 – 3.1-17.)

Finding: Impact 3.1.3 is within the responsibility and jurisdiction of City of Fresno and not the Commission. It is not a direct impact of the proposal. No other feasible changes or alterations to the proposal, within the Commission’s authority, would reduce this impact to less than significant.

The EIR identified other changes or alterations to the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such public agency or can and should be adopted by such public agency. (CEQA Guidelines, § 15091(a)(2).)

Since the mitigation measures are within the jurisdiction and responsibility of another public agency, the Commission cannot ensure that said other agency will actually carry out the mitigation measures to mitigate the identified impact. While the Commission has no evidence that the identified mitigation measure(s) are not feasible, the Commission conservatively recognizes the potential for significant unavoidable adverse impact(s) should the necessary mitigation not occur. To the extent that these significant adverse impacts are not substantially lessened or avoided through the identified mitigation measure(s), the Commission finds that specific economic, social, and other considerations identified in the Statement of Overriding Considerations support approval of the proposal.

Facts in Support of Finding:

1. The City adopted mitigation measures 3.1.3a through 3.1.3e to mitigate the impact to a less than significant level. (FEIR 2-27 to 2-28.)
2. The Commission cannot monitor and enforce the aesthetic impacts potentially resulting from development pursuant to the City’s land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Agricultural Resources Impacts

Impact 3.2.1: Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses. The Project has the potential to result in conflict between urban and agricultural uses. The EIR considered this impact significant, unavoidable, and irreversible because continued agricultural use in the area is not feasible in the long-term (urban development on the project site and in the project area is planned and contemplated by the City’s General Plan) and because mitigation methods such as on-site preservation would reduce development and therefore not

fully meet the objectives of the project, there is no on-site mitigation required or available. (DEIR 3.2-18 to 3.2-21.)

Finding: Impact 3.2.1 is within the responsibility and jurisdiction of the Commission. This impact will be significant. However, the Commission finds that there are no feasible mitigation measures or alternatives that could be adopted that would reduce the environmental impact at the time of environmental review to a less-than-significant level.

Facts in Support of Finding:

1. The Project lies in the LAFCo-approved City of Fresno sphere of influence, which is designated as a plan for the probably physical boundaries and service area of the city.
2. Continued agricultural use in the area is not feasible in the long-term and there are no project-specific feasible mitigation measures available to reduce this impact to a less than significant level. (DEIR 3.2-20 and 3.2-21.)

Impact 3.2.3: Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use. The Project may create new development pressures or result in changes to the environment that would result in the conversion of farmland to non-agricultural use. (DEIR 3.2-22 and 3.2-23.)

Finding: Impact 3.2.3 is within the responsibility of the Commission for review. This impact will be potentially significant without the mitigation measures. However, the project is consistent with the General Plan's policies to avoid premature conversions of farmlands through the incorporation of buffers and because implementation of Mitigation measure No. 3.2.3.

Facts in Support of Finding:

Mitigation Measure #3.2.3 would provide remedies to address the urban and agricultural interface conflicts, the mitigation measure would lessen the impacts to a less than significant level. (FEIR 2-28.)

Air Quality Impacts

Impact 3.3.1: Violate any air quality standard or contribute substantially to an existing or projected air quality violation. The project would exceed the San Joaquin Valley Air Pollution Control District's regional thresholds during construction and operation for reactive organic gases (ROG), oxides of nitrogen (NOx) and particulate matter with particulates 10 microns or less in diameter (PM10) for various years. If Feasible Implementation Plan (FIP) reductions are not considered, such violations would be more frequent and quantitatively significant. Therefore, these would be considered potentially significant impacts. (DEIR 3.3-29 to 3.3-43)

Impact 3.3.3: Conflict with or obstruct implementation of any applicable air quality plan. In the Master EIR (MEIR) No. 10130 for the 2025 Fresno General Plan, the City of Fresno adopted mitigation measures that would be applied on both a city-wide and project-level basis through the implementation of the General Plan. Because of the region's non-attainment status it is possible the project would exceed the SJVAPCD's significance thresholds, then the project would be considered to conflict with the attainment plans and would be considered potentially significant impacts. (DEIR 3.3-52 to 3.3-54.)

Impact 3.3.4: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable national or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors). Because impacts 3.3.1 and 3.3.3 are potentially significant impacts the cumulative effect would be considered a potentially significant impact. (DEIR 3.3-54 and 3.3-55.)

Finding: Impacts 3.3.1, 3.3.3 and 3.3.4 are within the responsibility and jurisdiction of the City of Fresno and not the Commission. They are not a direct impact of the proposal. The EIR concludes that these significant adverse impacts will not be reduced to less than significant through the City's adopted mitigation measures. To the extent that this significant adverse impact will not be substantially lessened or avoided, the Commission finds that specific economic, social, and other considerations identified in the Statement of Overriding Considerations support approval of the proposal. (FEIR 2-28 to 2-36)

Facts in Support of Finding:

The City adopted mitigation measures 3.3.1a through 3.1.3q to mitigate the impacts described above. However, the project would still violate air quality standards and the impact would be significant and unavoidable. EIR 2-28 to 2-36.)

Biological Resources Impacts

Impact 3.4.1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. (DEIR, 3.4-16 to 3.4-23.)

Finding: Impact 3.4.1 is within the responsibility and jurisdiction of City Fresno and not the Commission. It is not a direct impact of the proposal. Impacts to the burrowing owl, Swainson's hawk, California horned lark, northern harrier, San Joaquin kit fox and American Badger are potentially significant.

Facts in Support of Finding:

1. The City adopted mitigation measures 3.4.1a to 3.4.1c to reduce to a less-than-significant level the impacts to the burrowing owl, Swainson's hawk, California

horned lark, northern harrier, San Joaquin kit fox and American Badger. (FEIR 2-36 to 2-46)

2. The Commission cannot monitor and enforce the biological impacts potentially resulting from construction pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Impact 3.4.2: Aquatic Invasive Species (man-made lake). The focus of the project will be a 55-acre man-made lined lake. In addition to being a recreational amenity, the lake will also detain storm water and incidental drainage flows. There is the potential that non-native species may infest the proposed lake by indirect methods such as through the project storm drainage system and direct methods such as watercraft attachment and illegal dumping of material into the lake. This impact is considered potentially significant. (DEIR 3.4-23 and 3.4-24.)

Finding: Impact 3.4.2 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal. The California Department of Fish & Wildlife prepared the California Aquatic Invasive Species Management Plan (2008), which identified potential aquatic invasive species as well as management control.

Facts in Support of Finding:

1. The City adopted mitigation measures 3.4.2a and 3.4.2b to reduce to a less-than-significant level the Project impacts, if any, from aquatic invasive species. (FEIR 2-46 and 2-47.)
2. The Commission cannot monitor and enforce the indirect biological impacts potentially resulting from development pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Cultural Resources Impacts

Impact 3.5.1: Cause a substantial adverse change in the significance of a historical or archaeological resource as defined in Section 15064.5 of the CEQA Guidelines. The Cultural Resources Records search and technical report conducted for the Project found no evidence of historical or archaeological resources within the Project site. Due to the fact that a typical archaeological resource would be buried, there is a possibility that undocumented resources may be encountered. (DEIR 3.5-9.)

Impact 3.5.2: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature of paleontological or cultural value. Impacts on paleontological resources or geologic features can result either directly or indirectly from pre-construction activities and construction of a Project. Although there is no record evidence of paleontological resources or geologic features on the project site, there is the potential during project-related excavation and construction for the discovery of potential resources. (DEIR 3.5-9.)

Impact 3.5.3: Disturb any human remains, including those interred outside of formal cemeteries. Section 7050.5 of the California Health and Safety Code, if human remains are discovered during the construction phase of a development, all work must stop in the immediate vicinity of the find, and the County Coroner must be notified. Although there is no record evidence of human burials on the project site there is the potential during project-related excavation and construction for the discovery of such. (DEIR 3.5-10.)

Finding: Impacts 3.5.1, 3.5.2 and 3.5.3 are considered potentially significant impacts. However, they are within the responsibility and jurisdiction of City of Fresno and not the Commission. They are not a direct impact of the proposal.

The EIR identified other changes or alterations to the Project that avoid or substantially lessen the significant environmental effects as identified in the EIR. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such public agency or can and should be adopted by such public agency. (CEQA Guidelines, § 15091(a)(2).)

Facts in Support of Finding:

1. The City adopted mitigation measure 3.5.1 to reduce to a less-than-significant level the Project impacts on significant cultural resources, paleontological resources and geological features and human remains. (FEIR 2-47 and 2-48.)
2. The Commission cannot monitor and enforce the indirect cultural resource impacts potentially resulting from development pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Geology and Soils

Impact 3.6.1: Exposure of people and structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, ground failure, or landslides. The project site is not located within a currently designated Alquist-Priolo Earthquake Fault Zone. There are no known major or active faults crossing the site or in close proximity to the site. The City of Fresno is located in an area of low seismic activity, the faults and fault systems that lie along the eastern and western boundaries of Fresno County, as well as other regional faults, have the potential to produce high-magnitude earthquakes throughout the County. The project site has a low susceptibility to liquefaction and liquefaction-related phenomena. There are no substantial slopes on or near the project site. Therefore, the opportunity for slope failure in response to the long-term geologic cycle is unlikely. However, the project does propose to construct a 55-acre lake that would have a depth of 10 feet; this would alter the geomorphology of the project site and create a potential landslide hazard. (DEIR 3.6-13 to 3.6-15.)

Impact 3.6.3: Result in potential hazards due to construction on unstable soils. The Project will require the removal of unsuitable soils, the placement of engineered fill, and compaction to ensure that the proposed structures are adequately supported. These practices would ensure

that the Project is located on stable soils and geologic units and would not be susceptible to settlement or ground failure. (DEIR 3.6-16.)

Finding: Impacts 3.6.1 and 3.6.3 are considered potentially significant. However, they are within the responsibility and jurisdiction of the City of Fresno and not the Commission. They are not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. The City adopted mitigation measure 3.6.1 to reduce to a less-than-significant level the Project impacts on people and structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, ground failure, or landslides. (FEIR 2-48.)
2. The Commission cannot monitor and enforce the indirect biological impacts potentially resulting from development pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Hazards and Hazardous Materials Impacts

Impact 3.7.2: Create a significant health hazard to the public or the environment through the introduction of a man-made lake. The Project would introduce a 55-acre man-made lake and if not properly maintained it could serve as a source of mosquito activity. Because of the serious health risks associated with mosquito-borne diseases, this is a potentially significant impact. (DEIR 3.7-18 to 3.7-19.)

Finding: Impact 3.7.2 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. With the implementation of mitigation measures 3.7.2a and 3.7.2b, the potential for health hazard risks associated with mosquito-borne diseases would be less than significant. (FEIR 2-48 and 2-49.)
2. The Commission cannot monitor and enforce the indirect hazards and hazardous materials impacts potentially resulting from development pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Impact 3.7.4: Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment. The project site was formerly used for agricultural production. Therefore, the project applicant shall test the soil of the project site to determine whether residual concentrations of agricultural chemicals and /or diesel fuel are

present and, if so, whether these concentrations are within acceptable limits for residential and commercial developments. Because of the risk of hazardous materials, this is a potentially significant impact. (DEIR 3.7-19 to 3.7-24.)

Finding: Impact 3.7.4 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. With the implementation of mitigation measures 3.7.4a to 3.7.4c, the potential for health hazard risks associated with mosquito-borne diseases would be less than significant. (FEIR 2-49 and 2-50.)
2. The Commission cannot monitor and enforce the indirect hazards and hazardous materials impacts potentially resulting from development pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Hydrology and Water Quality Impacts

Impact 3.8.1: Violation of Water Quality Standards or Waste Discharge Requirements. Constituents found in urban runoff may degrade both surface water quality and eventually groundwater quality. Development of urban uses on the Project site would result in alteration in the existing site conditions and the introduction of urban pollutant sources. Urban runoff typically contains oils, grease, fuel, antifreeze, byproducts of combustion (such as lead, cadmium, nickel, and other metals) and other household pollutants. (DEIR 3.8-16 to 3.8-18.)

Finding: Impact 3.8.1 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. With the implementation of mitigation measure 3.8.1, the potential short term and long term water quality impacts would be less than significant. (FEIR 2-50 to 2-53.)
2. The Commission cannot monitor and enforce the indirect hydrology and water quality impacts potentially resulting from development pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Noise Impacts

Impact 3.10.1: Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Construction noise will occur at various locations within and outside of the Project site throughout the build-out period. During construction of the project, noise from

construction activities would potentially impact noise-sensitive land uses in the immediate area. Noise-sensitive land uses (residences, schools, etc.) planned for development would exceed the City of Fresno's noise standards; this would be a potentially significant impact. The greatest potential for on-site noise exposure that could exceed the city's standards would be loading operations and mechanical equipment associated with future commercial activities within the project site. Noise levels from the Lamanuzzi & Pantaleo plant and the stadium at the Deran Koligian Education Center could be potentially significant. (DEIR 3.10-34 to 3.10-35.)

Finding: Impact 3.10.1 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level with the exception of the offsite noise which is significant and unavoidable.

Facts in Support of Finding:

1. With the implementation of mitigation measures 3.10.1a to 3.10.1e, the potential residual impacts exposing persons to or generating noise levels defined in the 2025 General Plan or City Noise Ordinance impacts would be less than significant with the exception of the offsite noise from the Lamanuzzi & Pantaleo plant and the stadium at the Deran Koligian Education Center that are significant and unavoidable. (FEIR 2-53 to 2-55.)
2. The Commission cannot monitor and enforce the noise impacts potentially resulting from development pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Impact 3.10.3: Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. The Project would result in an offsite traffic-related violation of noise standards and a substantial permanent increase in offsite traffic-related ambient noise levels in the project vicinity above levels existing without the project. This would be a potentially significant impact. (DEIR 3.10-24 to 3.10-34.)

Finding: Impact 3.10.3 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and cannot be mitigated to a less than significant level.

Facts in Support of Finding:

1. No mitigation measures are feasible. Offsite transportation noise impacts would remain significant and unavoidable.
2. The Commission cannot monitor and enforce the noise impacts potentially resulting from development pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Impact 3.10.4: Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Construction noise will occur at various locations within and outside of the Project site throughout the build-out period.

During construction of the project, noise from construction activities would potentially impact noise-sensitive land uses in the immediate area. Noise-sensitive land uses (residences, schools, etc.) planned for development would exceed the City of Fresno's noise standards; this would be a potentially significant impact. The greatest potential for on-site noise exposure that could exceed the city's standards would be loading operations and mechanical equipment associated with future commercial activities within the project site. (DEIR 3.10-36 to 3.10-37.)

Finding: Impact 3.10.4 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. With the implementation of mitigation measures 3.10.1a to 3.10.1c, the potential residual impacts exposing persons to or generating noise levels defined in the 2025 General Plan or City Noise Ordinance impacts would be less than significant with the exception of the offsite noise from the Lamanuzzi & Pantaleo plant and the stadium at the Deran Koligian Education Center that are significant and unavoidable. (FEIR 2-55.)
2. The Commission cannot monitor and enforce the noise impacts potentially resulting from development pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Public Services and Recreation Impacts

Impact 3.12.1: Increased Demand for Fire Protection Services and Personnel. Development of the Project will increase the demand for fire protection services in northwest Fresno. This could require the City to hire more personnel and purchase additional equipment. The City has Fire Facilities Fees. In order to implement the goals and objectives of the City's general plan, and to mitigate the impacts caused by future development in the city, fire department facilities must be constructed. The City Council has determined that a Fire Facilities Fee is needed in order to finance these facilities and to pay for each development's fair share of the facilities' construction and acquisition costs. (DEIR 3.12-16 to 3.12-18.)

Finding: Impact 3.12.1 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. The City of Fresno adopted mitigation measure 3.12.1 to reduce the adverse fire protection effects of the Project to less than significant. (FEIR 2-56 and 2-57.)
2. The Commission cannot monitor and enforce the indirect fire protection services and personnel impacts potentially resulting from construction pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Impact 3.12.2: Increased Demand for Law Enforcement Services. The City also collects Police Facilities Fees. The purpose of the fees is to implement the goals and objectives of the City's general plan, and to mitigate the impacts caused by future development in the city certain police facilities must be constructed. The City Council has determined that a Police Facilities Fee is needed in order to finance such facilities and to pay for each development's fair share of the facilities' construction and acquisition costs. (DEIR 3.12-18.)

Finding: Impact 3.12.2 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. The City of Fresno adopted mitigation measure 3.12.2 to ensure adherence to City of Fresno General Plan policies and the payment of Police Facilities Fees and Fresno City impact fees will ensure that adequate law enforcement protection and public protection facilities are provided to serve residents in the project area. (FEIR 2-57.)
2. The Commission cannot monitor and enforce the indirect impacts related to law enforcement services potentially resulting from construction pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Impact 3.12.4: Increased Demand on Parks and Recreation. The City has a policy to pursue implementation of an open space standard of 3.0 acres of public park land for every 1,000 persons residing in the City's Planning Area. The Project could have a total population of 8,034 persons at build-out. This would equate to a need for almost 24 acres of parkland based on the City's standard. Based on the City's existing lack of accessible parks and public recreational space, project-related park and recreation facilities demand is a potentially significant impact. (DEIR 3.12-19 to 3.12-21.)

Finding: Impact 3.12.4 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. The City of Fresno adopted mitigation measure 3.13.1 (under recreation) to ensure that the project complies with the adopted City of Fresno open space policy and shall create "onsite" (or participate in the creation "offsite") an equivalent of 3 acres of park space/1000 persons; approximately 24 acres in total. (FEIR 2-57 and 2-58.)
2. The Commission cannot monitor and enforce the indirect impacts related to recreation services potentially resulting from construction pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Recreation

Impact 3.13.1: Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The City has a policy to pursue implementation of an open space standard of 3.0 acres of public park land for every 1,000 persons residing in the City's Planning Area. The Project could have a total population of 8,034 persons at build-out. This would equate to a need for almost 24 acres of parkland based on the City's standard. Based on the City's existing lack of accessible parks and public recreational space, project-related park and recreation facilities demand is a potentially significant impact. (DEIR 3.13-6 and 3.13-7.)

Finding: Impact 3.12.1 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. The City of Fresno adopted mitigation measure 3.12.1 to reduce the adverse fire protection effects of the Project to less than significant. (FEIR 2-58 and 2-59.)
2. The Commission cannot monitor and enforce recreation impacts potentially resulting from construction pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Traffic Impacts

The Project required an amendment to the 2025 Fresno General Plan Circulation Element to delete the planned major street segments of West Ashlan and West Dakota Avenues west of Grantland Avenue to accommodate the Project circulation system. The circulation system within the Project will consist of dedicated public streets and will incorporate roundabouts rather than stop-signed controlled intersections or internal traffic signals. A series of trails and bike lanes are planned that will link the various neighborhoods to each other and to future site school facilities.

Impact 3.14.1: Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

The Project is expected to create significant impacts or contribute to significantly impacted traffic conditions as various stages of development occur. The proposed elimination of Dakota Avenue as a planned collector street between Grantland and Garfield Avenues and the elimination of Ashlan Avenue as a planned arterial street between Grantland and Garfield

Avenues can be accommodated with acceptable traffic operations provided that the mitigations required of the Project are implemented. (DEIR 3.14-34 to 3.14-72.)

Finding: Impact 3.14.1 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and cannot be mitigated to a less than significant level.

Facts in Support of Finding:

1. The City adopted mitigation measures 3.14.1-1 to 3.14.1-117 and 3.14.2. The mitigation measures that have been identified would improve most of the unacceptable operations to acceptable levels (except those that are identified as constrained and accepted by the City as LOS F, as identified in mitigation measures: #3.14.1-59, #3.14.1-60, #3.14.1-67, #3.14.1-109, and #3.14.1-116). For these constrained road segments, the impact would be significant and unavoidable. (FEIR, 2-59 to 2-62)
2. The Commission cannot monitor and enforce the indirect traffic impacts potentially resulting from construction pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Impact 3.14.3: Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). The proposed roadways within the project site and roadways connecting to the regional transportation system may increase hazards due to design features or incompatible land uses. This is considered a potentially significant impact. (DEIR 3.14-72.)

Finding: Impact 3.14.3 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. The City adopted mitigation measure 3.14.3 to ensure City of Fresno improvement standards are developed to minimize hazards due to design features or incompatible uses and implementation of the above mitigation measure would reduce the impact to less than significant. (FEIR 2-62.)
2. The Commission cannot monitor and enforce the indirect traffic impacts potentially resulting from construction pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Impacts 3.13.4: Result in inadequate emergency access. Implementation of the Project has the potential to result in inadequate emergency access. This is considered a potentially significant impact. (DEIR 3.14-75.)

Finding: Impact 3.14.4 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. The City adopted mitigation measure 3.14.4 to ensure the Project site plans will be reviewed by the City fire and police departments to ensure adequate emergency access and implementation of the above mitigation measure would reduce the impact to less than significant. (FEIR 2-62.)
2. The Commission cannot monitor and enforce the indirect traffic impacts potentially resulting from construction pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Greenhouse Gas Impacts

Impact 3.16.1: Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. Operational emissions would be reduced by 23.2 percent compared to Business as Usual emissions with regulations alone, this would not be consistent with the SJVAPCD quantitative threshold of a 29 percent reduction in Business as Usual emissions. Impacts would be potentially significant. (DEIR 3.16-32 to 3.16-37.)

Finding: Impact 3.16.1 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. The City adopted mitigation measure 3.3.1e to 3.3.1l (see Section 3.3 Air Quality of the DEIR) to ensure the 2020 emissions with regulation and mitigation measures results in an overall 36.5 reduction in greenhouse gas emission from "Business as Usual." The percent reduction achieves the recommended threshold established by the San Joaquin Valley Air Pollution Control District to find greenhouse gas emissions less than cumulatively significant. (FEIR 2-63.)
2. The Commission cannot monitor and enforce the indirect traffic impacts potentially resulting from construction pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

4. FINDINGS REGARDING ALTERNATIVES ANALYZED IN THE EIR

The EIR analyzed four alternatives to the Project. These are the No Project/No Build; No Plan Amendment; Reduced Intensity; and Increased Intensity.

CEQA Guidelines Section 15126.6(e) requires every EIR to include a "No Project Alternative" to compare the impacts of approving the Project with the impacts of not approving the Project. This alternative will look at the Project site if it were to remain agricultural land. In comparison

to the Project, the No Project Alternative would reduce impacts re aesthetics, biological resources, cultural resources, geology and soils, public services, and utilities and services systems. Impacts to hydrology/water supply/water quality and to hazards and hazardous materials would differ but are estimated to be less than those of the Project. Significant project impacts to agricultural resources, air quality, transportation/traffic, noise and global climate change would be eliminated. Impacts to land use planning would be greater. This alternative substantially reduces the environmental impacts in comparison to the Project, and eliminates all significant and unavoidable impacts but would not achieve any of the objectives of the Project.

Subsequent to annexation, the Project site could be developed with Medium Low, Medium and Medium High Density Residential, Neighborhood Commercial, Community Commercial, Public Facility (elementary school), Open Space, and Neighborhood Park land uses in accordance with the current City of Fresno General Plan. Thus, the site, would foreseeably be developed with approximately the same residential population and 50% less commercial land usage than the Project. In comparison to the Project, this No Plan Amendment Alternative could provide minimal reductions to impacts to hazards and hazardous materials, land use and utilities, and transportation/traffic. It would potentially increase aesthetic and recreation impacts. All other impacts would be unchanged. It does not eliminate any project-related significant and unavoidable impacts. However, it does not meet the project objective "to provide a quality on-site open space and recreational opportunity in the form of a man-made lake."

A feasible project alternative would be the development of the project site with reduced residential intensities and a correspondingly reduced commercial area and community center. It is assumed for purposes of analysis that, with a 50% reduction, the build out population would be 4,017, the build out commercial area would be 13 1/2 acres; the drainage basin site area would remain the same in order to serve potential future development in the basin's drainage-contributing area. The lake acreage, and the open space would remain the same, as would the project site. The project objectives would be partially achieved. However, it might not be feasible to provide a variety of housing opportunities with a complete range of densities, styles, sizes, and values.

As an example of the comparative environmental effects of a project alternative designed at increased intensity it has been assumed that the project would be constructed on the northerly 307 acres (the northerly 2/3) of the project site leaving the southerly 153 acres in periodic agricultural production. This alternative would have a 37 acre lake, 27 acres of open space/community center, 18 acres of commercial a 12 acre school site and 213 acres of residential. This may reduce impacts to agricultural resources, biological resources, cultural resources, geology and soils, hydrology/water supply/water quality, and population and housing. Impacts to air quality, hazards and hazardous materials, public services, utilities, and greenhouse gases will be the same. Increases will occur to aesthetics/visual resources, noise, recreation, land use and transportation and traffic impacts. The alternative does not eliminate any significant and unavoidable impacts of the project. However, it might not be feasible to

provide a variety of housing opportunities with a complete range of densities, styles, sizes, and values.

STATEMENT OF OVERRIDING CONSIDERATIONS (CEQA Guidelines §§ 15093, 15096(h))

The City of Fresno, acting as the Lead Agency, adopted a Statement of Overriding Considerations. Because the Project will result in the occurrence of significant effects which are identified in the FEIR that are not avoided or substantially lessened, and others that are only lessened by the actions of other agencies outside of the Commission's control, the Commission provides the following, specific reasons to support the proposal.

The Commission has made a reasonable and good faith effort to evaluate any alternatives or mitigation measures that would eliminate or substantially mitigate the environmental impacts resulting from the Project. The Commission has reviewed the actions by the City of Fresno to eliminate or substantially mitigate the environmental impacts, particularly the City's various mitigation measures, goals and policies identified in the EIR, General Plan and the adopted West Area Community Plan (hereafter "Project").

For the reasons set forth below, the Commission determines that any significant environmental impacts caused by the Project has been minimized to the extent feasible, and where not feasible, has been outweighed and counterbalanced by the significant economic, fiscal, social, and land-use benefits to be generated to the City. This Statement of Overriding Considerations justifies finding the unavoidable adverse environmental impacts from the Project acceptable.

The Commission finds that any one of the benefits set forth below is sufficient by itself to warrant approval of the Project, and justify the unavoidable adverse environmental impacts from the Project. This determination is based on the findings herein and the evidence in the record. Having balanced the unavoidable adverse environmental impacts against each of the benefits, the Commission hereby adopts this Statement of Overriding Considerations, for the following reasons.

1. Economic and Employment Considerations

Implementation of the project would result in substantial economic benefit to the City of Fresno through job creation and the generation of both sales and property tax revenues. The type of jobs created would include construction, retail, office, service industry and potentially other job types.

The Fresno Metropolitan Area and Fresno County have historically experienced considerably higher rates of unemployment than most areas of California. These areas have historically been highly dependent upon agriculture and related services as a major component of economic activity. It is apparent that substantial expansion and diversification of the area's economic base is appropriate to provide adequate resources to sustain the area's present and projected future population.

2. Infrastructure Improvements

The Project would contribute to substantial infrastructure improvements, particularly with respect to the area's transportation system. As determined by the City of Fresno, the Project will contribute into the City of Fresno Traffic Signal Mitigation Impact (TSMI), Fresno Major Street Impact (FMSI), and Regional Transportation Impact Fee (RTMF) fee programs. Payment of these City fees would contribute towards construction of the planned improvements to intersections and roadways on the programs' nexus studies. The Project will also construct various road improvements as part of the Project.

The Project will construct water, wastewater, and storm water facilities to service the project. In an effort to reduce water demands and achieve water demand offset, the project will provide for the ultimate irrigation of all public green spaces with non-potable water and install "purple pipe" within those areas. This system could, at a future date, accommodate Title 22 treated effluent for the purposes of irrigation of public green spaces. The project will also construct the 55-acre lake feature to accept Title 22 treated effluent, even though a source for such water is not yet available.

The Project will assist the Fresno Metropolitan Flood Control District in implementing their Master Plan. Improvements funded by the Project's payment of drainage fees would include major storm drains and an expanded storage basin south of the Project site that would benefit the Project and the surrounding area. The Project is also replacing the existing (planned) 20 acre drainage basin with a larger 25 acre drainage basin to serve the area.

3. Consistent with City of Fresno's Vision and General Plan Policies

The Project would help maintain consistency with and carry out the goals, policies and objectives of the City's General Plan and the West Area Community Plan. The Project site is within the adopted Sphere of Influence (SOI) of the City of Fresno and is planned for a variety of urban uses. Currently, the 430-acre project site is designated for urban uses by the 2025 Fresno General Plan. The City's General Plan currently designates the project site as Medium Low, Medium and Medium High Density Residential, Neighborhood Commercial, Commercial Office, Public Facility (elementary school), Open Space, and Neighborhood Park. The project site has approved pre-zoning for approximately 370 of the 430 acres. The Project will be consistent with the overall intent of the City's General Plan and West Area Community Plan's objectives and policies encouraging a range of services and facilities for residents in adherence to specific standards for various land uses, and minimization of land use conflicts between agricultural and urban uses.

The Project also provides an opportunity to have a "master planned" concept on the entire 430 acres, rather than a "piece-mealed" smaller development that could occur under the current General Plan designations on the site. By developing the site as a single project, the City can better control the timing and assurance of installation of appropriate infrastructure

(road improvements, water, wastewater, storm drainage, alternative transportation, recreational facilities, etc.).

4. Provisions for Affordable Housing

For the Fresno Metropolitan Area to effectively compete for economic development and investment, it is necessary to provide a full range of housing opportunities. The project will designate land for various densities that will allow developers to offer single family and multiple family housing options. The provision of new housing options will help to ensure that the City has adequate housing availability, thus encouraging housing affordability.

5. Social Impacts

The Fresno Metropolitan Area and surrounding region has historically relied upon agriculture and related activities as the principal economic base to sustain the community. While agriculture activities will remain a major component of the local economy, it is apparent that a more diverse economy must be established in order to improve educational, social, economic, employment and health conditions within the community. Improved economic conditions necessitates additional land of appropriate size and location to accommodate expanded business and commercial opportunities. The Project will provide such opportunities in west Fresno.

CITY OF FRESNO
SERVICES & IMPROVEMENT PLAN
SHIELDS-GRANTLAND NO. 1 WESTLAKE REORGANIZATION NO. R-13-01
JANUARY 2014



A. INTRODUCTION

A plan for providing services and improvements to land being annexed to cities is required by the Local Agency Formation Commission (LAFCO).

1. It provides assurance to LAFCO that newly annexed territory to a city will be properly served as urban territory.
2. It provides a basis for determining the impact of an annexation when a determination is made pursuant to the California Environmental Quality Act (CEQA).
3. It provides information to property owners, districts and interested individuals who may have other plans of proposals underway in the immediate vicinity of a proposed annexation, reorganization or boundary change. A service plan indicates the City of Fresno's best intentions, assuming that no major financial crisis or disaster

B. SERVES EXISTING OR PROPOSED TO BE EXTENDED TO THE SHIELDS-GRANTLAND NO. 1 REORGANIZATION AREA (R-13-01)

1. Community Water Service

The subject property is currently served by several domestic wells. Once annexed to the City of Fresno, new development will require the extension of water mains or the development of municipal water wells, or both. The upgraded facilities will have to be installed in accordance with Rule 15 of the State Public Utilities Commission Rules and Regulations.

2. Sanitary Sewer

A 66-inch sewer trunk line lies beneath Grantland Avenue. This facility was designed to accommodate the projected sewer flows from the area that is the subject of this reorganization. Lateral sewer collection lines will be installed to accommodate the subject development as needed.

3. Solid Waste Collection

The City of Fresno will provide solid waste pick up and disposal services upon annexation.

4. Police and Fire Protection

The subject territory is currently provided police services by the Fresno County Sheriff's Department. Upon annexation, the property will then be served by the City of Fresno Police Department.

The subject property is currently served for fire protection by the North Central Fire Protection District, which is operated by the City of Fresno. The District has "instant aid" agreements with the City.

Upon annexation, the territory will be served by the City of Fresno. Two existing stations serve the area: A temporary facility at Bullard and Grantland (approximately 2 miles north of the site) and a permanent station about 2-1/2 miles east at Ashlan and Cornelia Avenues. Also, an existing North Central Fire Station (now used for paramedic services) is located across the street from the affected territory on the south side of West Shields Avenue.

It should be noted that fire sprinklers are required in all new construction. The entire area to be annexed will be affected by this fairly new State law.

5. Street Lighting

The area will be developed with a required street lighting system after annexation. The developer(s) of the site will be required to install the facilities. The street lights will be owned and operated by the City of Fresno and the developer may have to provide a Community Facilities District (CFD) for the funding of their ongoing maintenance.

6. Parks and Recreation

The City of Fresno requires that new development pay park impact fees for the development of park space in the City. Also, the City sometimes requires that the developer of the property install park space in lieu of payment of fees. The City does require that development install/pay for park space at a 3 acres/1,000 population. All public parks are owned and operated by the City of Fresno Parks and Recreation Department.

7. Transit Services

The City of Fresno owns and operates Fresno Area Express (FAX). Numerous routes transverse through and around the City. Currently, there is no bus service to the proposed annexation area.

8. Ambulance Service

The City of Fresno provides paramedic service at many of the existing fire stations. In addition (see No. 4 above), the City and North Central Fire Protection District have "instant aid" agreements and the North Central Fire Protection District owns and operates a paramedic station south of and across the street from the affected territory.

9. Storm Drainage

The affected territory lies wholly within the Fresno Metropolitan Flood Control District. The District will provide all of the necessary storm water collection/impoundment/recharge functions for this area when it develops. The District's service responsibility is not dependent upon annexation to the City of Fresno.

10. Extension of City Services

The necessary City of Fresno services will be extended as development occurs. The developer of the land will be responsible for the extensions.

11. Schools

The site proposed for annexation lies completely within the Central Unified School District (CUSD). The District provides K-12 service to this area. A new elementary school is

planned within the area to be annexed. CUSD has commented on the proposed project and the associated EIR and can provide service to the affected area.

12. Other City Services

The City of Fresno will also provide planning, public works and other vital services to the affected area. The distance to City Hall from the affected site is approximately 10 miles.

13. San Joaquin Valley Air Pollution Control District (SJVAPCD)

The affected site lies within the 8-county boundary of the SJVAPCD. This district provides permits and collects fees for commercial, industrial and residential (ISR) projects on an as-needed basis.

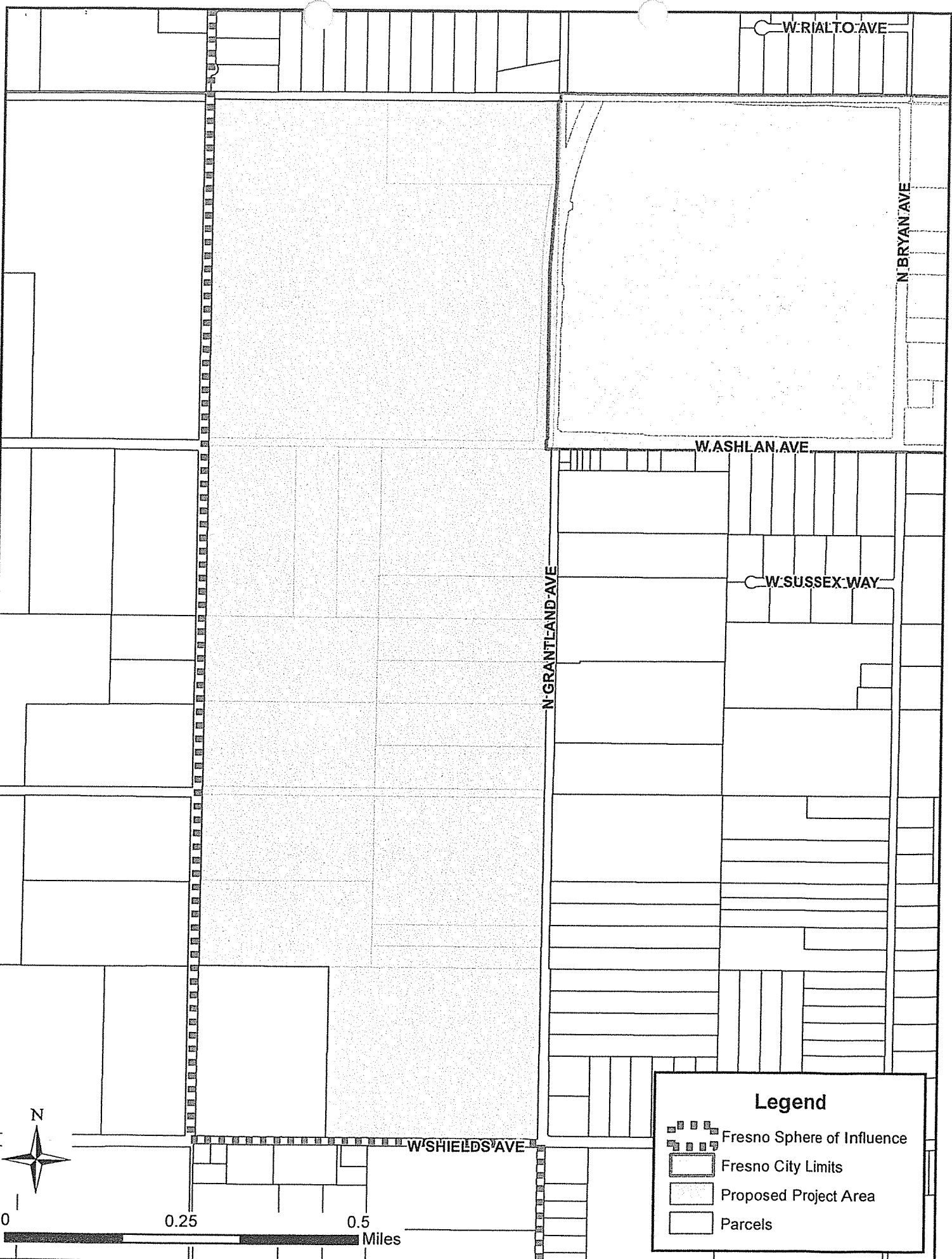
C. FINANCING OF SERVICES AND FACILITIES

All services are financed by one, or a combination, of the following methods:

1. Property tax.
2. Fees: Development Impact fees are enforced for parks, sewers, traffic signalization, storm drainage, city facilities fees are collected and fees for various business licenses and activities are collected.
3. State tax (extremely high source of funds due to nature and quality of business activity).
4. Developer installed Community Facilities District (CFD)/Benefit Assessment District (BAD).
5. State funds, i.e., gas tax, motor vehicle in lieu tax, are utilized by the City for street work and supporting the transit system.
6. Federal funds, i.e., Fresno-Madera Area Agency on Aging, Community Development Block Grant Funds.
7. Bonds and/or assessment districts as needed.

D. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

An EIR has been prepared and certified by the City of Fresno in compliance with the California Environmental Quality Act, as amended. The findings were posted as required by CEQA and were circulated to affected agencies.



W. RIALTO AVE

N. BRYAN AVE





W. ASHLAN AVE

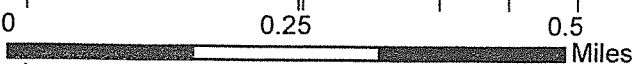
W. SUSSEX WAY

N. GRANTLAND AVE

W. SHIELDS AVE

Legend

-  Fresno Sphere of Influence
-  Fresno City Limits
-  Proposed Project Area
-  Parcels



STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT

Receipt # E201310000326

Lead Agency: CITY OF FRESNO Date: 12/20/2013

County Agency of Filing: FRESNO COUNTY CLERK Document No: E201310000326

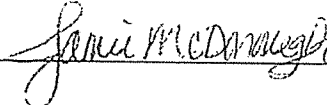
Project Title: WESTLAKE DEVELOPMENT PROJECT

Project Applicant Name: CITY OF FRESNO-MIKE SANCHEZ Phone Number: (559) 621-4040

Project Applicant Address: 2600 FRESNO STREET THIRD FLOOR, FRESNO, CA 93721

Project Applicant: LOCAL PUBLIC AGENCY

ADMINISTRATION FEE	\$	50.00
ENVIR. IMPACT REPORT	\$	2995.25
Total Received	\$	3045.25

Signature and title of person receiving payment: 

E201310000326

Notice of Determination

Appendix D

To:
[] Office of Planning and Research
U.S. Mail: P.O. Box 3044
Street Address: 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814

[] County Clerk
County of: Fresno
Address: 2221 Kern Street
Fresno, CA 93721

From:
Public Agency: City of Fresno, Dev. & Res. Mgmt.
Address: 2600 Fresno Street, Third Floor
Fresno, CA 93721
Contact: Mike Sanchez, Planning Manager
Phone: (559) 621-4040

FILED

Lead Agency (if different from above): DEC 20 2013

Address: FRESNO COUNTY CLERK
By: [Signature]
DEPUTY
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2007121033

Project Title: Westlake Development Project

Project Applicant: Westlake Development Company, Inc.

Project Location (include county): City of Fresno, Fresno County. X-streets: Gettysburg/Shields/Garfield/Grantland

Project Description:
Granville at Westlake, Inc. (the project Applicant) is proposing to develop a master planned 460 acre project with residential and commercial uses developed around a 55 acre man-made private lake. The project consisted of Plan Amendment No. A-07-012, Rezone Application No. R-07-08. The plan amendment application involved amending residential, commercial, public facility and open space planned land uses and circulation element of the 2025 Fresno General Plan and West Area Community Plan. The rezone application consisted of changing the zoning of several existing agriculture, residential, commercial zoned properties to various residential and commercial zoned districts.

This is to advise that the City Council of the City of Fresno has approved the above ([] Lead Agency or [] Responsible Agency)

described project on 12/19/2013 and has made the following determinations regarding the above (date) described project.

- 1. The project [] will [] will not] have a significant effect on the environment.
2. [] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
[] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [] were [] were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [] was [] was not] adopted for this project.
5. A statement of Overriding Considerations [] was [] was not] adopted for this project.
6. Findings [] were [] were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
City of Fresno Development & Resource Management Department, 2600 Fresno St., 3rd Floor, Fresno, CA 93721

Signature (Public Agency): [Signature] Title: Planning Manager

Date: 12-20-13 Date Received for filing at OPR:

LAFCo Fresno Local Agency Formation Commission



DATE: February 14, 2014
TO: Morgan Barnett, Elections Division
FROM: David E. Fey, AICP, Executive Officer *DF*
SUBJECT: "Shields-Grantland No. 1 (Westlake) Reorganization"

AGENCY NO.: RO-13-1

The attached application has been received for processing with the Local Agency Formation Commission (LAFCo) office. In accordance with Government Code Section 56386, your agency's assistance in reviewing and commenting on this application is requested. At this time we are requesting the following information indicated by an "X":

- A. _____ Please furnish a list of all registered voters along with their address as shown upon the most recent assessment roll being prepared by the County within 300 feet of the exterior boundary of the property.
- B. X Number of registered voters in the area. 1
- C. X If more than 11 registered voters, for notification purposes please furnish a list of all registered voters along with their address as shown upon the most recent assessment roll being prepared by the County. Also please furnish a list of registered voters along with their addresses for the territory within 300 feet of the exterior boundary of the property.
- D. _____ What percent of the registered voters in the proposal area does the attached petition represent? _____
- E. X Will the proposal adversely affect precinct boundaries or the conduct of elections? NO
- F. _____ Other comments:

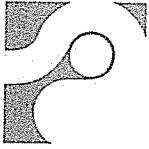
In order to proceed with the processing of this application, your comments need to be returned to this office by **February 28, 2014**. Your assistance is greatly appreciated. Thank you.

DEF:sh

Attachments: Map, Legal description

Morgan Barnett ITA
Signature and Title

2/28/14
Date

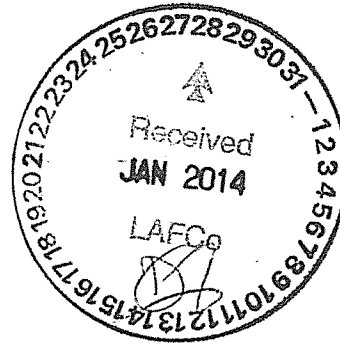


FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 170.44

January 24, 2014

Mr. David E. Fey, AICP, Executive Officer
Fresno Local Agency Formation Commission
2607 Fresno Street
Suite B
Fresno CA 93721



Dear Mr. Fey,

**Westlake Annexation Proposal
Drainage Area "CD"**

The proposed annexation boundary encompasses lands owned and within the Fresno Metropolitan Flood Control District and will be served by the District's Storm Drainage and Flood Control Master Plan. Drainage service by the Master Plan does not exist for the annexation area at this time.

It is our understanding there will be no change in the District's share of the property tax base, nor future property tax increments for the impacted Tax Rate areas.

The District further request its historic growth increment tax applied to this area.

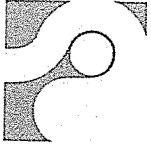
If you have any questions or require further information, please do not hesitate to contact us.

Very truly yours,

Bob Van Wyk
General Manager-Secretary

BVW/ems

bvw\letters\2014\lafco-ltr



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 170.44
310. "CD"

February 19, 2014



Mr. David E. Fey, AICP, Executive Officer
Fresno Local Agency Formation Commission
2607 Fresno Street, Suite "B"
Fresno, CA 93721

Dear Mr. Fey,

LAFCo File No. RO-13-1
Shields-Grantland No. 1 (Westlake) Reorganization
Drainage Area "CD"

The proposed annexation boundary encompasses lands within the Fresno Metropolitan Flood Control District and will be served by the District's Storm Drainage and Flood Control Master Plan. Drainage service by the Master Plan does not exist for the annexation at this time.

It is our understanding there will be no change in the District's share of the property tax base, nor future property tax increments for the impacted Tax Rate areas.

The District further requests its historic growth increment tax be applied to this area.

If you have any questions or require further information, please do not hesitate to contact us.

Sincerely,

Mark Will
Engineer III, RCE

MW/lrl

c: Bob Van Wyk, Fresno Metropolitan Flood Control District

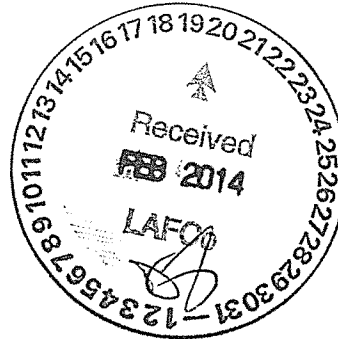
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County of Fresno
DEPARTMENT OF PUBLIC HEALTH
DAVID POMAVILLE, M.B.A., R.E.H.S.
DIRECTOR

February 20, 2014

Mr. David E. Fey
Local Agency Formation Commission
2607 Fresno Street, Suite B
Fresno, CA 93721



LU0017579
2620

Dear Mr. Fey:

PROJECT NO: RO-13-1

SUBJECT: "Shields-Grantland No. 1 (Westlake) Reorganization"

1. Adequacy and availability of existing and proposed community water and sewer systems:
 - Construction permits for development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
 - Construction permits for the development should be subject to assurance that the City of Fresno community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Department of Health Services, Division of Drinking Water and Environmental Management (DDWEM). For more information call (559) 447-3300.
2. Need for services other than those proposed:
3. Effect of project on air or water quality:
4. Related County plans or projects:
5. Other comments:
 - As a measure to protect groundwater, any water wells and/or septic systems that have been abandoned within the project area shall be properly destroyed by an appropriately licensed contractor. At such time when the existing properties

Dedicated to Public Health

connect to community water and/or sewer, the individual onsite systems shall be properly destroyed under permit and inspection with the appropriate agency.

Prior to destruction of agricultural wells, a sample of the upper most fluid in the water well column should be sampled for lubricating oil. The presence of oil staining around the water well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Transportation of these materials on public roadways may require special permits and licensure.

- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- Appropriate measures should be incorporated into the project to minimize potentially significant short-term localized noise impacts to noise sensitive receivers caused by the operation of construction equipment. Construction specifications for the project should require that all construction equipment be maintained according to the manufacturers' specifications, and that noise generating construction equipment be equipped with mufflers. In addition, consideration should be given to limiting noise-generating construction activities to daytime hours as specified in the City's Municipal Code.

If I can be of more assistance, please contact me at (559) 600-3271.

Sincerely,

Kevin Tsuda

Digitally signed by Kevin Tsuda
DN: cn=Kevin Tsuda, o, ou=Fresno
County EH,
email=ktsuda@co.fresno.ca.us, c=US
Date: 2014.02.20 11:37:12 -08'00'

Kevin Tsuda, R.E.H.S.
Environmental Health Specialist II
Environmental Health Division

kt

cc Betsy Lichti, California Department of Public Health
Dale Harvey, Regional Water Quality Control Board
Jeff Roberts, Applicant (jroberts@gvhomes.com)



D
INTER OFFICE MEMO

Fresno County Public Library

Date: March 3, 2014
To: David Fey, AICP, Executive Officer
From: Laurel Prysiazny, County Librarian
Subject: "Shields-Grantland No. 1 (Westlake) Reorganization"



No impact on any historic properties within the affected area. Using the following resources:

I have included references for further reference.
Thompson, Thos. H. 1891, *Atlas of Fresno County California*.
Harvey, William Sr., 1907, *Atlas of Fresno County California*.
Progressive Map Service, 1935, *Progressive Atlas of Fresno County*.

**If upon construction and digging there are any archaeological findings, they should not be disturbed until the right authorities are contacted.

RESOLUTION NO. RO-13-1

**FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA**

A REQUEST BY LANDOWNER PETITION) CONTINUED FOR 90 DAYS
FOR APPROVAL OF THE "SHIELDS-)
GRANTLAND NO. 1 (WESTLAKE))
REORGANIZATION")

WHEREAS, preliminary proceedings were initiated by landowner petition to annex 447.78 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located south of Gettysburg Avenue, north of Shields Avenue, east of Garfield Avenue and west of Grantland Avenue, as shown within Exhibit "A", attached hereto and by this reference incorporated herein; and

WHEREAS, said proposal was accepted for filing by the Executive Officer and set for hearing on the 14th day of May, 2014, at the hour of 10:00 a.m.; and

WHEREAS, notice of said hearing was given as required by State Law; and

WHEREAS, the Executive Officer reviewed the application and prepared a report to this Commission, said report having been mailed at least five days before the public hearing; and

WHEREAS, on May 1, 2014, County of Fresno CAO John Navarrette wrote the Executive Officer that County staff had "determined that the proposed annexation boundary is not consistent with the MOU Annexation Standards (extends a peninsula and creates an irregular boundary) and that a Stand-Alone tax sharing agreement between the County and City of Fresno is required to make a finding of consistency;" and

Whereas, Mr. Navarrette offered to support a Stand-Alone tax sharing agreement provided the City agrees to certain conditions in the intervening unincorporated area, and agreeing to become "responsible in perpetuity for all repairs within County rights-of-way due to failure of construction and or operation of said city improvements." (Exhibit A)

WHEREAS, City of Fresno City Manager Bruce Rudd supported the annexation request and reported that the City was willing to work with the County to resolve any issues of concern in order to enter into a stand-alone tax sharing agreement so that the annexation could move forward; and

WHEREAS, this Commission considered all relevant factors and evidence and heard all interested parties wishing to speak on said application; and

WHEREAS, this Commission continued this item for 90 days to allow the County and City of Fresno time to enter into a Stand Alone MOU for the affected area.

* * * * *

NOW, THEREFORE, BE IT RESOLVED that the Local Agency formation Commission of Fresno County does hereby STATE, FIND, AND DETERMINE AS FOLLOWS:

Continued the "Shields-Grantland No. 1 (Westlake) Reorganization" for 90 days.

ADOPTED THIS 14th DAY OF MAY, 2014, BY THE FOLLOWING VOTE:


AYES: COMMISSIONERS SANTOYO, POOCHIGIAN, SILVA

NOES COMMISSIONERS LARSON, LOPEZ

**STATE OF CALIFORNIA)
COUNTY OF FRESNO)**

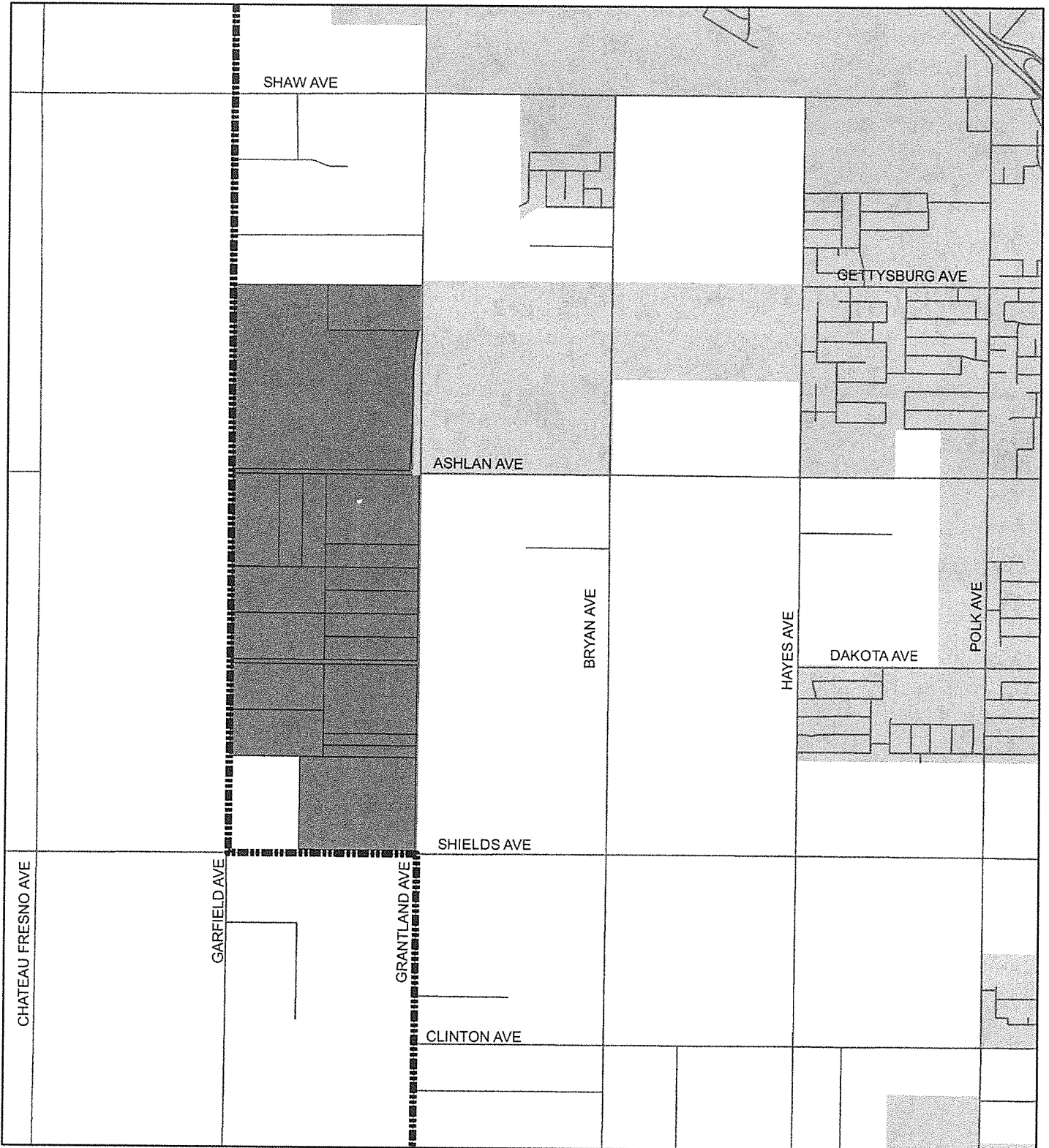
CERTIFICATION

I, David E. Fey, Executive Officer of the Fresno Local Agency Formation Commission (LAFCo), Fresno County, State of California, hereby certify that the foregoing resolution was adopted by the Commission on the 14th day of May, 2014.






**DAVID E. FEY, AICP, Executive Officer
Fresno Local Agency Formation Commission**

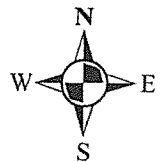
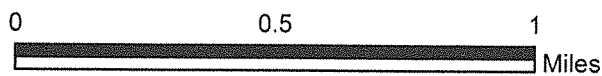
EXHIBIT "A"



Legend

-  Sphere of Influence
-  City Limits
-  Affected Territory

City of Fresno "Shields-Grantland
No. 1 (Westlake) Reorganization"
LAFCo File No. RO13-1



RESOLUTION NO. RO-13-1

**FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA**

**A REQUEST BY LANDOWNER PETITION) CONTINUED FOR 90 DAYS
FOR APPROVAL OF THE "SHIELDS-)
GRANTLAND NO. 1 (WESTLAKE))
REORGANIZATION")**

WHEREAS, preliminary proceedings were initiated by landowner petition to annex 447.78 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located south of Gettysburg Avenue, north of Shields Avenue, east of Garfield Avenue and west of Grantland Avenue, as shown within Exhibit "A", attached hereto and by this reference incorporated herein; and

WHEREAS, said proposal was accepted for filing by the Executive Officer and set for hearing on the 14th day of May, 2014, at the hour of 10:00 a.m.; and

WHEREAS, notice of said hearing was given as required by State Law; and

WHEREAS, the Executive Officer reviewed the application and prepared a report to this Commission, said report having been mailed at least five days before the public hearing; and

WHEREAS, on May 1, 2014, County of Fresno CAO John Navarrette wrote the Executive Officer that County staff had "determined that the proposed annexation boundary is not consistent with the MOU Annexation Standards (extends a peninsula and creates an irregular boundary) and that a Stand-Alone tax sharing agreement between the County and City of Fresno is required to make a finding of consistency;" and

Whereas, Mr. Navarrette offered to support a Stand-Alone tax sharing agreement provided the City agrees to certain conditions in the intervening unincorporated area, and agreeing to become "responsible in perpetuity for all repairs within County rights-of-way due to failure of construction and or operation of said city improvements." (Exhibit A)

WHEREAS, City of Fresno City Manager Bruce Rudd supported the annexation request and reported that the City was willing to work with the County to resolve any issues of concern in order to enter into a stand-alone tax sharing agreement so that the annexation could move forward; and

WHEREAS, this Commission considered all relevant factors and evidence and heard all interested parties wishing to speak on said application; and

WHEREAS, this Commission continued this item for 90 days to allow the County and City of Fresno time to enter into a Stand Alone MOU for the affected area.

* * * * *

NOW, THEREFORE, BE IT RESOLVED that the Local Agency formation Commission of Fresno County does hereby STATE, FIND, AND DETERMINE AS FOLLOWS:

Continued the "Shields-Grantland No. 1 (Westlake) Reorganization" for 90 days.

ADOPTED THIS 14th DAY OF MAY, 2014, BY THE FOLLOWING VOTE:

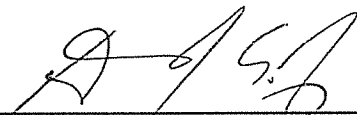
AYES: COMMISSIONERS SANTOYO, POOCHIGIAN, SILVA

NOES COMMISSIONERS LARSON, LOPEZ

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

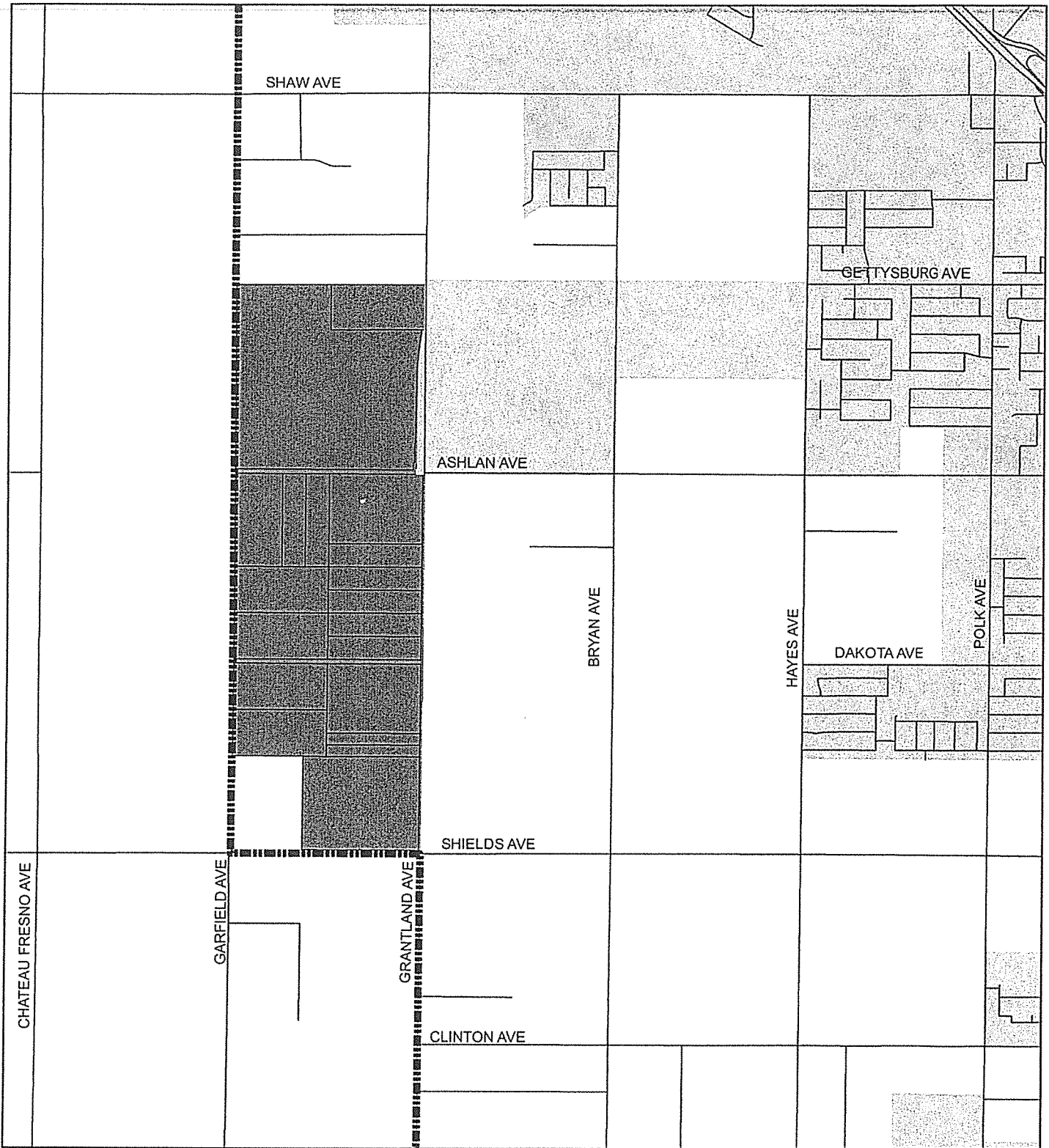
CERTIFICATION

I, David E. Fey, Executive Officer of the Fresno Local Agency Formation Commission (LAFCo), Fresno County, State of California, hereby certify that the foregoing resolution was adopted by the Commission on the 14th day of May, 2014.






DAVID E. FEY, AICP, Executive Officer
Fresno Local Agency Formation Commission

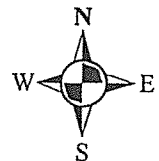
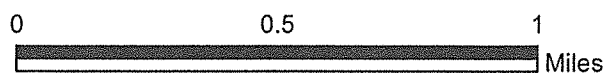
EXHIBIT "A"



Legend

-  Sphere of Influence
-  City Limits
-  Affected Territory

City of Fresno "Shields-Grantland
No. 1 (Westlake) Reorganization"
LAFCo File No. RO13-1



Dave King
Fresno Co. Assessor's Office
2281 Tulare Street, Room 201
Fresno, CA 93721

Bernard Jimenez, Deputy Director
Department of Planning
2220 Tulare Street, Suite 700
Fresno, CA 93721

North Central Fire Protection Dist.
15850 W. Kearney Blvd.
Kerman, CA 93630

Clerk, City of Fresno
2600 Fresno Street
Fresno, CA 93721

Fresno Metropolitan Flood Control
District
5469 E. Olive Avenue
Fresno, CA 93727

Dory Rousseau, 911 Coord.
Sheriff's Department
2200 Fresno Street
Fresno, CA 93721

Assessor's Office
Hall of Records, 2nd Floor
2281 Tulare Street
Fresno, CA 93721
Attn: Dave King

Mr. Dave Orth, Manager
Kings River Conservation District
4886 E., Jensen Avenue
Fresno, CA 93725

Bernard Jimenez, Deputy Director
Department of Planning
2220 Tulare Street, Suite 700
Fresno, CA 93721

Jeff Roberts, VP
Granville Homes
1396 W. Herndon, #101
Fresno, CA 93711

Darius Assemi
1396 W. Herndon, #101
Fresno, CA 93711

Faris Assemi
1396 W. Herndon, #101
Fresno, CA 93711

Farshid Assemi
1396 W. Herndon, #101
Fresno, CA 93711

Fresno Metropolitan
Flood Control District
5469 E. Olive Avenue
Fresno, CA 93727

Fleming, Candace Lynn

From: ITSD Support - Heat Notification
Sent: Friday, July 18, 2014 10:50 AM
To: Fleming, Candace Lynn
Subject: IT Tech Support Call has been closed:00370580

The following call has been closed:
Cust Type: User

Call ID: 00370580

User ID: cfleming
Date-Time Recv'd: 2014-07-17 15:06:29
Closed By: agrayson

-----Description of Solution-----

In looking at the Server the only time it was down was between the hours of 6:18 pm 7/15 and 8:00 am 7/16

-----Original Description of Call-----

FR #540431. It was confirmed that the LAFCo website was down from 6:18 p.m. on 7/15 to 8:00 a.m. on 7/16. Was the website down any other time between 8:00 a.m., 7/11 and 10:00 a.m. 7/16? Sorry, but this is a legal issue with regards to the time an notice was posted and the time of our hearing. LAFCo's attorney is asking.

Thanks you again, Candie @ LAFCo

For ITSD Issues:

Thank you for contacting the Technical Support Center. Your call has now been closed. If you have any questions regarding your call or are still experiencing problems please contact us at 600-5900.

Tell us how we are doing.

<http://sharepoint2013/sites/tsss/Lists/technical%20Support%20Quality%20of%20Service%20Survey/Original.aspx?Source=http%3A%2F%2Fsharepoint%2Fsites%2Ftsss%2FLists%2Ftechnical%2520Support%2520Quality%2520of%2520Service%2520Survey%2Foverview%2Easpx>

We're committed to customer service and your feedback is appreciated.



Fresno Local Agency Formation Commission

May 15, 2014

Mr. John Navarrette, CAO
County of Fresno
2281 Tulare, Suite 304
Fresno, CA 93721

Mr. Bruce Rudd, City Manager
City of Fresno
2600 Fresno Street
Fresno, CA 93721

Gentlemen,

After considerable testimony from the applicant and City and County staff, the Fresno Local Agency Formation Commission (LAFCo) took action this morning to continue the "Shields-Grantland No. 1 (Westlake) Reorganization" for 90 days in order to allow time for the County and City to resolve their differences over the project.

From your respective staff's testimony, it appears that there is a willingness to meet and cooperate on developing mutually acceptable terms of a stand-alone MOU that will facilitate the Commission's consideration of the annexation. If there is anything that I or my staff can do to assist you please do not hesitate to contact me.

In the meantime, I will check in with you occasionally to stay abreast of your discussions with an eye to return to the Commission at the earliest possible opportunity.

Sincerely,


David E. Fey, AICP
Executive Officer

FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)
EXECUTIVE OFFICER'S REPORT

CONSENT AGENDA ITEM No. 5B

DATE: May 14, 2014

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, AICP, Executive Officer 

SUBJECT: "Shields-Grantland No. 1 (Westlake) Reorganization," a property owner petition to annex 447.78 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located south of Gettysburg Avenue, north of Shields Avenue, east of Garfield Avenue and west of Grantland Avenue (LAFCo File No. RO-13-1).

Applicant: Jeffrey T. Roberts, Granville Homes, Inc.

Land Owners/Parties of Real Interest: Grantland Holdings LLC, GVM Investments LLC, ACAP Holdings, Granville Homes, Inc. (Darius, Farid, Farshid, and Sonia Rosemary Assemi and Derek Hayashi), Fresno Metropolitan Flood Control District, and the City of Fresno.

RECOMMENDATION: Continue the hearing on this project to a date and time uncertain

If the Commission determines that the proposal does not conform with LAFCo policy because there is disagreement between the City of Fresno and Fresno County over MOU consistency, then it should continue the public hearing on this project to a date and time uncertain until such time as the City of Fresno has provided staff with an orderly, phased annexation program (each annexation must still be separately considered by LAFCo) and the City and County have resolved their MOU differences.

OPTIONAL COMMISSION ACTION: Approve By Taking the Following Actions:

- A. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, find that prior to approving the proposed reorganization the environmental effects of the project as shown in the CEQA documents prepared, adopted, and submitted by the Lead Agency were reviewed and considered, and determine these documents to be legally adequate pursuant to CEQA Guidelines Section 15096.
- B. Find that the proposed reorganization is sufficiently consistent with LAFCo Policies, Standards and Procedures Sections and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

- C. Assign the distinctive short form designation "Shields-Grantland No. 1 (Westlake) Reorganization" and approve the reorganization (annexation and detachments) subject to the following conditions of approval:
1. The City of Fresno shall submit to the Executive Officer verification that a Right-to-Farm Covenant is required and made a part of the City's development agreement and that this legal covenant will be recorded with the final tract map approved by the City for the affected territory.
 2. Ownership of land permitting, the annexation shall include the full existing right-of-way width of adjacent roadways.
 3. Allocation of property tax revenue shall conform to the terms and conditions of the 2003 Amended and Restated Memorandum of Understanding between the County of Fresno and the City of Fresno.
- D. Find pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH") that:
1. The territory is uninhabited.
 2. All landowners have consented to the annexation.
- E. Waive further Conducting Authority Proceedings and approve the annexation and detachments subject to the requirements of the "CKH," the 30-day reconsideration period, and compliance with all of the above conditions.

Procedural Note

Per CKH Section 56662, this proposed reorganization ("Proposal") can be placed on the consent agenda because: the territory is uninhabited; all property owners have consented in writing to the annexation (100% consent); and affected local agencies have not submitted a written demand for notice and hearing during the 10-day period as described in CKH.

Notwithstanding, the Proposal can be removed from the Consent Calendar by any member of the Commission or any person requesting removal, and opportunity given for testimony relative to the proposal.

Background

Granville Homes, Inc. initiated these proceedings on January 11, 2013, by landowner petition. The application was deemed incomplete pending completion of the development approvals and certification of the related environmental impact report (EIR), both by the City of Fresno. The City has since pre-zoned the territory from County AE-20 (Exclusive Agriculture 20-Acre Minimum) District to City R-1 (Single-Family Residential), R-2 (Low-Density Multiple-Family Residential), C-1 (Neighborhood Shopping Center), C-2 (Community Shopping Center) and O (Open Conservation) Districts and approved Tentative Tract Map No. 5915/UGM for a 29-lot subdivision with one outlot for phase one of the Westlake Development Project. The City also certified the subject EIR.

Upon receipt of approval and CEQA documentation, the application was deemed complete by the Executive Officer and a Certificate of Filing was issued on February 25, 2014.

The Westlake project consists of 2,053 single family units, 547 multiple family units, 295,000 square feet of commercial uses, a 55-acre lake feature, 17 acres of public roadway, and 20 acres of open space. The affected territory is within the City of Fresno sphere of influence and is adjacent to the existing City limits.

Policy Discussion: County of Fresno MOU Determination and the Proposal's Consistency with Commission Policies

County of Fresno MOU Determination

Though LAFCo is not a party to the City/County Memoranda of Understanding (MOU) the MOU contains the tax-sharing agreement required by Revenue and Tax Code section 99 to allocate property tax revenue when territory is annexed to a city. The Code allows both project-specific and comprehensive agreements, the MOU representing the latter.

On May 1, 2014, County of Fresno CAO John Navarette wrote the Executive Officer that County staff had "determined that the proposed annexation boundary is not consistent with the MOU Annexation Standards (extends a peninsula and creates an irregular boundary) and that a Stand-Alone tax sharing agreement between the County and City of Fresno is required to make a finding of consistency [with LAFCo Policy]." Mr. Navarette offered to support a Stand-Alone tax sharing agreement provided the City agrees to certain conditions including traffic enforcement and road maintenance within the rights-of-way of the County roads in the intervening unincorporated area, pickup of illicitly dumped debris along these roads, and to become "responsible in perpetuity for all repairs within County rights-of-way due to failure of construction and or operation of said city improvements." (Exhibit A)

On May 6, 2014, City staff wrote the Executive Officer that it supports the Westlake annexation but is not in agreement with the proposed conditions of approval outlined in Mr. Navarrette's letter. This lack of agreement between the City and County on conformance with annexation standards places the required tax-sharing conditions at risk. The Commission could set its own tax-sharing conditions under its authority to approve projects with conditions, or it could direct the City and County to develop a stand-alone agreement for the Proposal. (Exhibit B)

Revenue & Taxation Code Section 99(e)(1) provides for a process for when a city and county are unable to agree on such a stand-alone property tax sharing agreement. It provides that the city and county will select and pay for a third-party consultant to prepare a comprehensive, independent fiscal analysis that specifies estimates for all tax revenues that will be derived from the annexed territory and the costs for services to that territory. Then, the city and county would conduct an "advisory arbitration" to try to resolve their issues. At the close of the arbitration, the city and county would each present their "last and best offer" with respect to the exchange of property tax revenue. The arbitrator shall select one of the offers and recommend it to the city council and county board of supervisors. If either rejects the offer, it must do so in a public hearing and make written findings as to why the offer was not accepted.

Staff is hopeful that the City and County will agree upon an MOU.

Proposal's Consistency with Commission Policies 102-01, 210-05 and 210-08

(Please refer to Exhibit C "LAFCo Policies Consistency Analysis Westlake Reorganization (RO-13-01)" for the full text of policy evaluation.)

Commission Policy 102-01 (Encouraging Consistency with Spheres of Influence and Recommended Reorganization of Agencies) which advises the commission that "within the sphere of influence each agency should implement an *orderly, phased annexation program*. A proposal should not be approved solely because the area falls within the sphere of influence of an agency. The sphere of influence is *one factor among several considered* in reviewing proposals." (emphases added)

Further, Policy 210-08 states,

Proposal would not create islands. Boundaries minimize creation of peninsulas and corridors, or other distortion of boundaries, and should include any developed islands or substantially surrounded area with the proposed developing area.

The Proposal will create a peninsula and substantially surround a 1,100-acre largely rural-residential area. There is, at this time and in staff's opinion, no "orderly, phased annexation program" by which the City of Fresno demonstrates its capacity to annex the intervening lands.

Given the challenges posed by rural residential land uses to the urbanization of territory within cities' spheres of influence, this unincorporated area may remain unincorporated and complicate the City's and County's service delivery into the foreseeable future.

The question then is whether this configuration is consistent with the intent of CKH, commission policy, and represents orderly, logical, or efficient boundaries. At this time, staff concludes that the project is not consistent with Commission Policies 102-01, 210-05 and 210-08.

In its May 6 correspondence, City staff writes, 'within the next 90 days, the city of Fresno is committed to open a dialogue with Fresno County regarding orderly annexation policies and procedures.' Staff is of the opinion that continuing the hearing on the Proposal will afford an opportunity to resolve both the MOU issue and policy conformance issue with an annexation program that demonstrates an orderly, phased annexation program.

Proposal / Land Use

- The Proposal consists of the annexation of 447.78 acres to the City of Fresno and detachment from the North Central Fire Protection and the Kings River Conservation Districts.
- The affected territory is located south of Gettysburg Avenue, north of Shields Avenue, east of Garfield Avenue and west of Grantland Avenue. The territory is located inside the City of Fresno's Sphere of Influence and adjacent to the city limits at the northeast portion (see Maps and Figures).
- The affected territory is vacant land. The surrounding land uses consist of rural residential to the north, the Deran Koligian Education Center and rural residential to the east, and agriculture to the south and west.

Environmental Impacts and Compliance with CEQA

(Lead Agency CEQA documents can be found on LAFCo's website at www.fresnolafco.org under the Hearings and Workshops tab in the May 14, 2014 Hearing Folder.)

The Fresno City Council certified a programmatic EIR on December 19, 2013. Program EIRs are typically more conceptual and may contain a more general discussion of impacts, alternatives, and mitigation measures than a project-level EIR. As provided in Section 15168 of the State CEQA Guidelines, a Program EIR may be prepared on a series of actions that can be characterized as one large project. Use of a Program EIR provides the City of Fresno (as lead agency) the opportunity to consider broad policy alternatives and program-wide mitigation measures and provides the City with greater flexibility to address project-specific and cumulative environmental impacts on a comprehensive basis.

As part of the City's certification of the Program EIR, the City made findings that potential significant impacts to the environment would occur with implementation of the project and adopted mitigation measures to reduce these impacts to the extent feasible. A Notice of Determination was filed with the County Clerk on December 20, 2013 (see Environmental Documents at www.fresnolafco.org on the Hearings and Workshops tab in the May 14, 2014 file under the CEQA link next to the staff report).

As a "Responsible Agency" under CEQA, the Commission is required to review and consider the City's EIR prior to taking its action. If the Commission determines that these documents are adequate, pursuant to CEQA, it may make the required findings provided under "Recommendations" above, and supported by the analysis found in Exhibit D.

Project Analysis

Project Description

Granville at Westlake, Inc. (the project Applicant) is proposing to develop a master-planned 460-acre project with residential and commercial uses developed around a man-made private lake. The project will consist of approximately 2,600 residential units and up to 295,000 square feet of community and neighborhood commercial buildings.

At full build out, the project would accommodate between 7,956 to 8,034 residents (based on a 3.06 person per household ratio). This is the maximum population figure utilized for environmental analysis in this EIR; it is based on the latest available census data.

The project will consist of the following land uses:

- 111 acres of Medium Low Density Residential,
- 196 acres of Medium Density Residential (approximately 12 acres of which is planned for an elementary school at the northwest corner of Grantland and Dakota Avenue),
- 34 acres of Medium High Density Residential,
- 27 acres of Neighborhood/Community Commercial, and
- 92 acres open space consisting of the 55-acre lake feature, 17 acres of roadway and 20 acres of open space.

Generally, the project will be built out in a north to south pattern with excavation and construction of the lake occurring during initial development (see the description of the lake later in this Chapter). Commercial development will occur as build-out of the residential portions of the project occurs. Smaller commercial entities that would serve a smaller population may be built out earlier than larger commercial entities that require a larger population base.

Agricultural Resources

The Commission's interest in prime agricultural land is directed by CKH section 56301: Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances.

The project site sits on 460 acres of unimproved land. The site is currently fallow farmland. Previously, this land had been in agricultural production for decades with a mixture of orchard and row crops. There are no parcels within the project site that are under Williamson Act contract. For these reasons, the project site does not meet the definition of "Agricultural lands" meaning land that is currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program (CGC section 56016).

However, the project conforms with the CKH and LAFCo definitions of "Prime Agricultural Land," in that it contains "land that qualifies for rating as class I or class II in the USDA natural Resources Conservation service land use capacity classification" and "land that qualifies for rating 80 through 100 Storie Index Rating." The EIR noted approximately 87% of the Proposal is composed of a "class IIs" soil.

The potential impact of the loss of agricultural resources was evaluated in the subject EIR. Public Resource Code Section 21060.1 (CEQA Statute) defines agricultural land for the purposes of assessing environmental impacts. The subject EIR found that the project would result in a significant and unavoidable impact to agricultural resources.

The Proposal's location in the Fresno Sphere of Influence acknowledges that the Commission has previously considered the potential loss of agricultural lands and found this area appropriate for urban uses. Commission Policies support development of land within a city's sphere of influence:

104-04 Loss of agricultural lands should not be a primary issue for annexation where City or County general plans indicate urban development is appropriate and there is consistency with the agency's sphere of influence.

Consistency with Fresno General Plan

The designation of urban land uses for areas including the project site indicates the City has planned for the conversion of agricultural land within the City's planning boundary. Fresno General Plan Land Use Policy G-6-C identifies the use of buffers at the interface of urban development and farmland, such as roadways, to minimize conflict between urban and agricultural uses; this is consistent with the City of Fresno General Plan MEIR Mitigation Measure E-4. In this case, Garfield Avenue, Shields Avenue, and Grantland Avenue serve as

buffers between the project site and these agricultural uses. Although the General Plan contemplates the long-term conversion of the lands to the east of the project site to non-agricultural uses, the use of a buffer is a widely recognized planning technique intended to prevent the premature conversion of agricultural land to non-agricultural use. The lands to the south and west of the project site would remain under the authority of Fresno County. Garfield Avenue and Shields Avenue would both serve as a buffer between the project site and the unincorporated lands south and west of the project site. Additionally, these lands are outside the City's Sphere of Influence and therefore, are not contemplated for development by the City. Should an applicant seek to develop one or more of these properties, it would require an adjustment of the Sphere of Influence – a significant discretionary approval that is not assured. At the time of the Draft EIR release, there were no applications pending before the City of Fresno that contemplate converting any of these properties to non-agricultural use.

Service Delivery Analysis

The proposed project will be supported by the City of Fresno's municipal water supply system and its wastewater collection system (including the Grantland trunk sewer) and wastewater/treatment disposal facilities. It is bordered by an existing public elementary school, and is proposed to contain a grammar school site. The major serving public utility, Pacific Gas and Electric, has provided a "will serve" letter to the project developer. Chapter Three, Sections 3.13 and 3.16, provides requisite details regarding such supportive public facilities.

Fire Protection. Currently, the site is within the North Central Fire Protection District. The nearest fire station in the NCFPD is Station 22 located 4 miles south of the project site. The City of Fresno Temporary Fire Station 18, located at 5398 N. LaVentana Avenue is the closest station to the project site and is approximately 1.6 miles northeast of the northern boundary of the project site. Station 16, located at 2510 North Polk is the closest permanent fire station to the proposed project site and is approximately two miles from the site's southeastern boundary.

Emergency Services. American Ambulance provides emergency medical services and transport on a contractual basis for the City of Fresno. American Ambulance paramedics and emergency medical technicians responds to over 135,000 calls originating from 4,000 square miles in Fresno and Kings Counties annually. American Ambulance employs 550 personnel and maintains more than 100 ambulances.

Law Enforcement. The project site falls within the City of Fresno Northwest Policing District. The closest police station (3781 N. Hughes) is located approximately 5.5 miles from the project boundary.

Public Schools. Educational services for the proposed project will be provided by the Central Unified School District (CUSD). CUSD has 19 schools (including one alternative school and one continuation school) and more than 13,500 students. Students (in grades 7-8) from the proposed project would attend the District's Deran Koligian Educational Complex at the northwest corner of Ashlan and Bryan Avenues. A high school is proposed at the same Education Complex; however, until that location is open, students (in grades 9-12) from the project would attend Central High School – East Campus located 2 miles from the project site boundary, just west of State Route 99 on Gettysburg. The District will need to construct a new elementary school within the vicinity of the proposed project to accommodate the new students generated at the K-6 grade levels. A 12-acre parcel within the project boundaries is presently planned for an elementary school site.

Public Utilities

Summary of Water Supply Assessment

A Water Supply Assessment (WSA) was prepared to evaluate the project's potential water demands and identify water sources to serve the project. The WSA was adopted by the City in October 2011 and incorporated into the EIR analysis. The WSA estimated that the project's average annual water demand at 1,506 acre-feet (af) and concluded that this can be met by the City of Fresno and the Fresno Irrigation District. In comparison, the water demand estimated for the 2025 General Plan's land uses for the project area (prior to the plan amendment for the project) is 1,520 af per year based on the city's 2008 Urban Water Management Plan (UWMP) water use factors.

The WSA concluded that the City of Fresno water system has sufficient capacity to supply the project and other projected demands within the City's service area through the year 2030.

Groundwater

The City of Fresno Department of Public Utilities, Water Division, would provide water service to the project site. The City of Fresno obtains the majority of its delivered water supply from groundwater. The City lies within the Kings Subbasin of the San Joaquin Valley Groundwater Basin of the Tulare Lake Hydrologic Region. Although groundwater levels in the Subbasin have been in decline, the Kings Subbasin is not adjudicated, so there is no legislated limit on groundwater pumping. In general, groundwater levels in the Fresno area have declined about 1.5 feet per year since 1990, though there has been some localized rebounding in Northeast Fresno as a result of the reduction in groundwater extractions and the incorporation of the North East Surface Water Treatment Facility. The City's current Urban Water Management Plan, adopted in August, 2008, has identified projects that, if constructed and implemented, will bring the water supply into balance by 2025. The project developer/applicant will be required to extend a line to the project site from the existing water distribution system and to fund/construct needed onsite wells.

Wastewater

The City of Fresno Department of Public Utilities, Wastewater Management Division provides wastewater collection and treatment to the City of Fresno. A major trunk line adjacent to the project site, the Grantland Trunk Sewer, will convey wastewater to the City's Water Reclamation Facility.

Storm Drainage

The project site lies within the jurisdictional boundaries of the Fresno Metropolitan Flood Control District (FMFCD). The FMFCD is responsible for planning, constructing, and maintaining urban storm drainage collection and disposal facilities necessary to meet the needs of urban development, as well as to control runoff from areas outside the metropolitan area.

Solid Waste

The City of Fresno Department of Public Utilities, Solid Waste Division contracts with private companies to provide solid waste, recycling, and green waste collection services to residential and commercial customers within the city limits.

Energy

Pacific Gas and Electric Company (PG&E) would provide electricity and natural gas service to the project site.

Artificial Lake. The focus of the project will be a 55 acre manmade ("artificial") lined lake, 3 to 12 feet in depth, oriented in a north-south direction and over one mile in length. In addition to being a recreational amenity (for non-contact activities such as non-motorized boating), the lake will also detain storm water and incidental drainage flows. The Westlake Homeowners Association (HOA) will own and operate the lake facility.

Vector Control of Lake. The design of the lake feature will be in accordance with the guidelines established by the City of Fresno in its "Guidelines for Ponding Basin/Pond Construction and Management to Control Mosquito Breeding", as applicable.

Fresno Metropolitan Flood Control District Facility. The FMFC owns 20 acres of the intended project site at the southeast corner of the Garfield and Dakota alignments that is planned for a ponding/recharge basin. The property is included within the acreage of the project. The ponding/recharge basin site will be reconfigured to be integrated within the design of the project and its function and capacity will be replicated by a 25-acre replacement basin located just south of Shields Avenue outside the project site.

The replacement basin will be owned and operated by FMFCD. The basin is a permitted use in the existing agricultural land use designation. It is anticipated that, recharge from the area will be the same as at present because of the diversion of storm drainage and ten-year maintenance drawdown water from the lined lake to the FMFCD recharge basin, effectively replacing the current runoff/percolation recharge. Although the replacement basin may be outside the project site, anticipated impacts caused by the development of the replacement basin at the new location are assessed in this EIR as required by CEQA.

APPLICATION INFORMATION

1. Affected Territory

Acreage:	447.78 acres
Current Land Use:	Vacant except for the northeastern most parcel
Number of Residences/ Population:	Residences: 1/ Population: 0
Landowners/ Registered Voters:	Landowners: 2 / Voters: 0
Previous County Zoning:	AE-20
City Zoning Upon Annexation:	R-1, R-2, C-1, C-2, and O
Ag. Preserves/Contracts:	None
Assessor's Parcel Numbers:	

2. Proposed Development – Granville at Westlake, Inc. proposes to develop Tentative Tract Map No. 5915 for 29-lot subdivision for the purpose of facilitating the Westlake project that consists of 2,053 single-family units, 547 multiple-family units, 295,000 square feet of commercial, and 92 acres open space consisting of the 55-acre lake feature, 17 acres of roadway and 20 acres of open space.

3. **Surrounding Territory** - The surrounding land uses consist of rural residential to the north, the Deran Kologian Education Center and rural residential to the east, and agriculture to the south and west.
4. **Consistency with Adopted Sphere of Influence (SOI)** - The affected territory is within the City of Fresno's adopted Sphere of Influence.
5. **Consistency with City and County General and Specific Plans** - The Proposal is consistent with the City of Fresno's General Plan as amended and the West Area Community Plan. The Proposal furthers the County's General Plan policies of directing growth to existing cities where infrastructure and a full range of municipal services are available to serve urban development.

6. **Existing Service Agencies and Proposed Service Changes**

Service	Existing Service	Change
Water	None	City of Fresno
Sewer	None	City of Fresno
Fire Protection	North Central Fire Protect. District	City of Fresno
Distance to Station	.5 miles	0.5 miles

Please Note: A service plan for this Proposal is available at www.fresnolafco.org under the Hearings and Workshops tab in the May 14, 2014 file attached to the staff report.

7. **Cities and Districts Included Wholly or Partially within the Affected Territory**

County of Fresno	Fresno County Library District
Kings River Conservation District	North Central Fire Protection District
State Center Community College District	Central Unified School District
Fresno Metropolitan Flood Control District	County Service Area No. 35
Fresno Irrigation District	West Fresno Red Scale Protective District
Fresno Mosquito Abatement District	

8. **Costs and Other Changes Affecting Residents or Landowners**

No costs are anticipated that will affect residents or landowners.

9. **Agencies and Individuals Submitting Comments** (see Correspondence and Comments)

- John Navarrette, Fresno County Administrative Officer
- Will Kettler, Development Services Manager, County of Fresno
- Kevin Tsuda, Environmental Health Specialist II, Fresno County Department of Public Health
- Rick Lyons, Engineering Technician III, Fresno Metropolitan Flood Control District

10. **Territory Boundaries:** The boundaries of the proposed annexation are definite and certain, and there are no conflicts with lines of assessment ownership. The map and legal are sufficient per Dave King (Fresno County Assessor's Office) for recordation or filing with the State Board of Equalization.

11. **Registered Voter Data**

The County of Fresno Elections Office reported that there were zero (0) registered voters in the affected territory.

12. **Compliance with the Requirements of CEQA**

Lead Agency: City of Fresno - **Level of Analysis:** Environmental Impact Report

Finding: A finding of overriding consideration has been adopted and a notice of determination was filed with the County Clerk (see Environmental Documents – www.fresnolafco.org under the Hearings and Workshops tab in the May 14, 2014 file).

13. Names of Landowners or Parties of Real Interest

Grantland Holdings LLC, GVM Investments LLC, ACAP Holdings, Granville Homes, Inc. (Darius, Farid, Farshid, and Sonia Rosemary Assemi and Derek Hayashi), Fresno Metropolitan Flood Control District, and the City of Fresno

Proponent: Jeffrey T. Roberts, Granville Homes, Inc.

14. Public Notice of Hearing

Public notice concerning this Proposal was issued by the Executive Officer pursuant to State law.

15. Individuals and Agencies Receiving this Report

- Commissioners and Alternates
- Ken Price, LAFCo Counsel
- Will Kettler, Division Manager, Development Services Division, Fresno County Public Works and Planning Department
- Bernard Jimenez, Deputy Director of Public Works and Planning
- Craig Agabashian, Administrative Manager, City of Fresno
- Bruce Rudd, City Manager, City of Fresno
- Jennifer Clark, DARM, City of Fresno
- David Orth, Kings River Conservation District
- North Central Fire Protection District
- Jeffrey T. Roberts, Granville Homes, Inc.

Shields-Grantland
No. 1 Annexation/Reorganization

LOCATION MAP

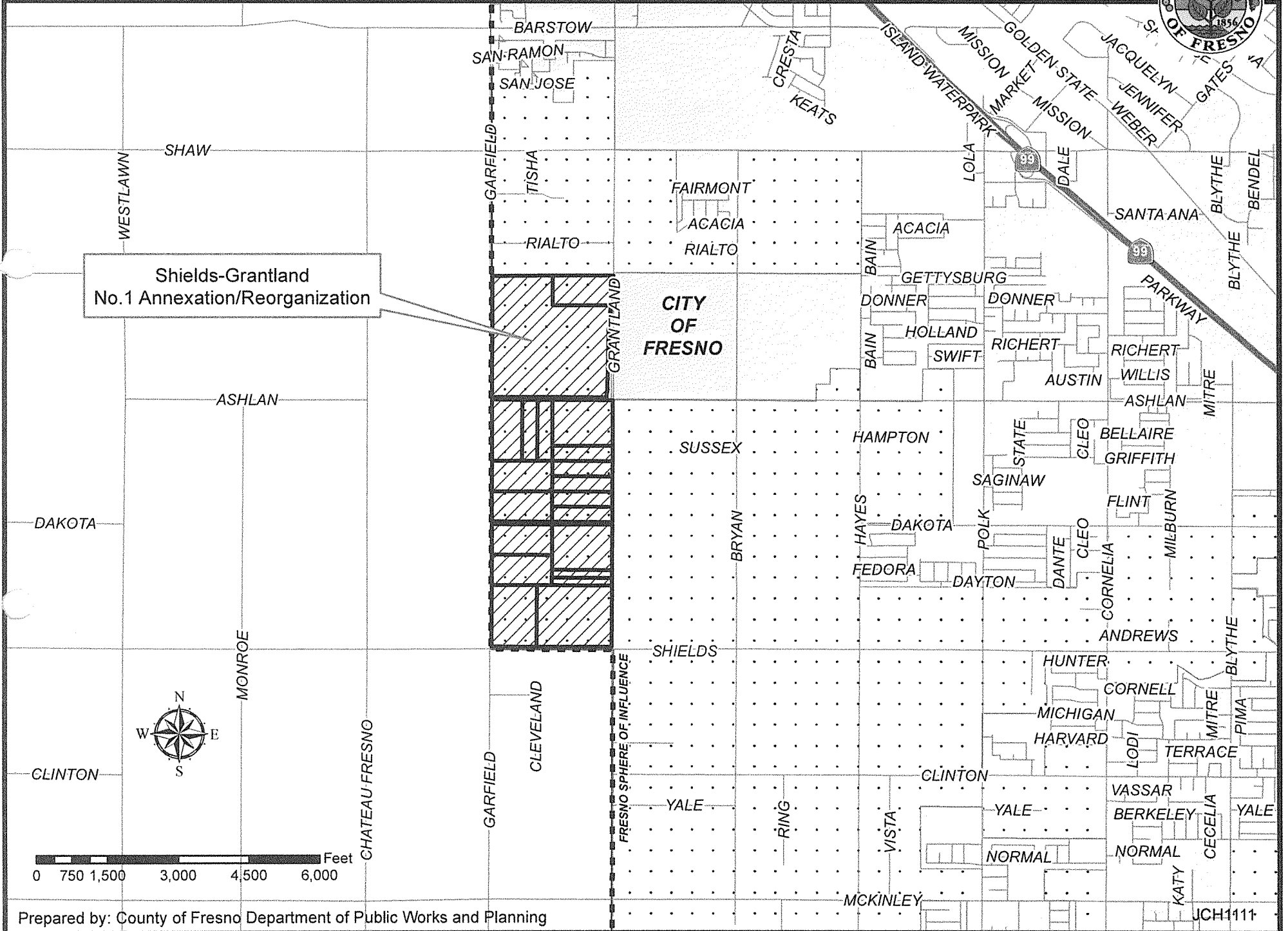
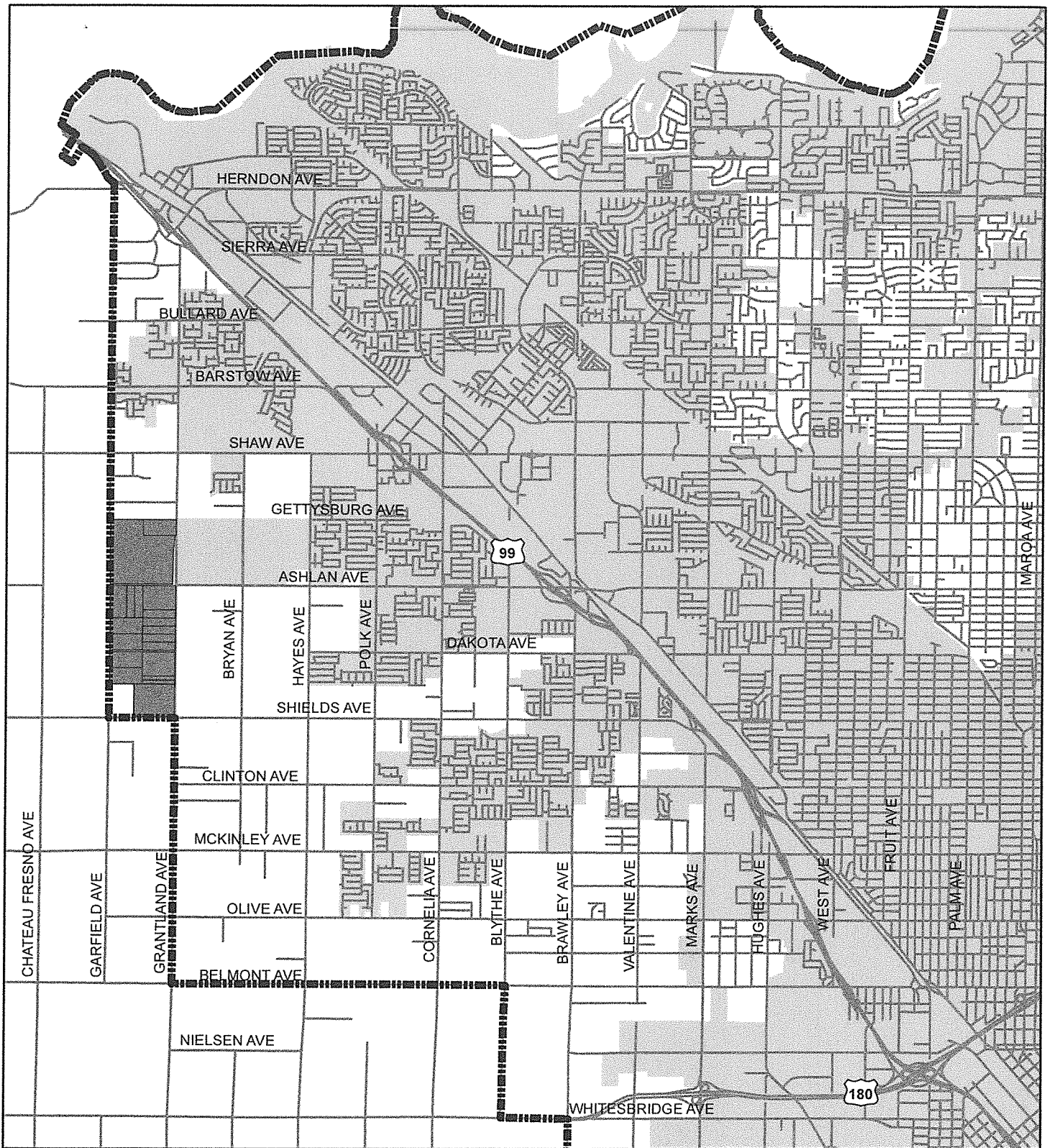





FIGURE 1 - GENERAL SITE LOCATION



Legend

-  Sphere of Influence
-  City Limits
-  Affected Territory

City of Fresno "Shields-Grantland
No. 1 (Westlake) Reorganization"
LAFCo File No. RO13-1

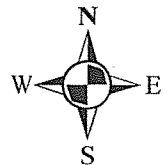
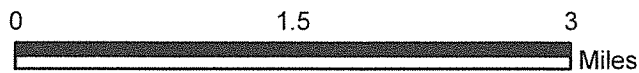





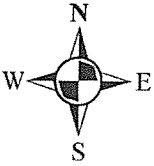
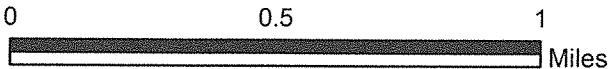
FIGURE 2 - ANNEXATION MAP



Legend

-  Sphere of Influence
-  City Limits
-  Affected Territory

City of Fresno "Shields-Grantland No. 1 (Westlake) Reorganization" LAFCo File No. RO13-1



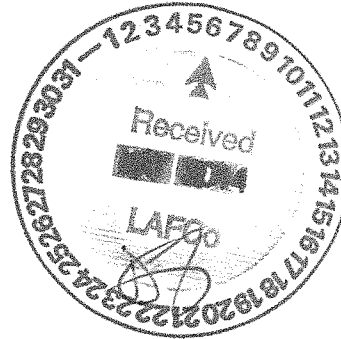


County of Fresno

COUNTY ADMINISTRATIVE OFFICE

JOHN NAVARRETTE

COUNTY ADMINISTRATIVE OFFICER



May 1, 2014

David E. Fey, AICP, Executive Officer
Fresno Local Agency Formation Commission
2607 Fresno Street, Suite B
Fresno, CA 93721

SUBJECT: Shields-Grantland No. 1 (Westlake) Reorganization

Dear Mr. Fey:

Fresno County has evaluated the above-referenced reorganization in accordance with the City of Fresno/County of Fresno Amended and Restated Memorandum of Understanding (MOU) and has determined that the proposed annexation boundary is not consistent with the MOU Annexation Standards (extends a peninsula and creates an irregular boundary) and that a Stand-Alone tax sharing agreement between the County and City of Fresno is required to make a finding of consistency.

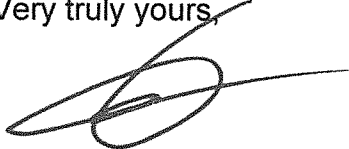
Fresno County staff can support a Stand-Alone tax sharing agreement for the above-referenced annexation provided the City of Fresno agrees to the following:

- Accept responsibility for any code enforcement issues for annexed properties.
- Provide fire emergency response for police and fire emergency calls.
- Provide specific traffic enforcement and road maintenance and improvement activities requested by the County of Fresno with the right-of-way of Shields, Hayes, Dakota, Cornelia, Blythe, Polk, Bryan and Ashlan Avenues.
- Provide pickup of illicitly dumped debris within the right-of-way of Shields, Hayes, Dakota, Cornelia, Blythe, Polk, Bryan and Ashlan Avenues.
- Obtain encroachment permit(s) for all water, sewer or dry utility improvements installed within the County right-of-way and enter into an agreement with the County whereby the City shall be responsible in perpetuity for all repairs with County right-of-way due to failure of construction and/or operation of said City improvements.

Mr. David E. Fey
LAFCo
May 1, 2014
Page 2

Recordation of the proposed annexation shall not occur until the proposed annexation is determined to be consistent with the current Amended and Restated MOU or the County and City enter into a Stand-Alone tax sharing agreement. If you have any questions, you may contact me at (559) 600-1710 or Bernard Jimenez, Deputy Director of Planning at (559) 600-4234.

Very truly yours,



John Navarrette
County Administrative Officer

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- c: Alan Weaver, Director, Department of Public Works and Planning
Bernard Jimenez, Deputy Director of Planning
Will Kettler, Division Manager, Development Services Division
Mohammad Khorsand, Senior Planner, Policy Planning Unit
Bruce Rudd, City Manager, City of Fresno
Jeff Roberts, Granville Homes

Exhibit B



Development and Resource Management Department

2600 Fresno Street, Third Floor
Fresno, California 93721-3604
(559) 621-8003, FAX (559) 498-1026

Jennifer K. Clark
Director

Please Reply To:

Mike Sanchez
(559) 621-8041
mike.sanchez@fresno.gov

May 6, 2014

David Fey, Executive Director
2607 Fresno Street Suite B
Fresno, CA 93721

David:

SUBJECT: Proposed Westlake Annexation

During the processing of the Westlake Project, numerous communications between city staff and the applicant's representative took place regarding future annexation to the City of Fresno. It was clearly understood that the only properties that were to be annexed were those controlled by the project applicant. No other properties were included in the Environmental Impact Report that was certified by the City Council on December 13, 2013. In addition, the proposed annexation was to be developer initiated with the project applicant bearing all costs and fees associated with said annexation.

The City is supportive of the Westlake annexation in its initially proposed format. However, the City is not in agreement with the proposed conditions of approval that are outlined in a letter dated May 1, 2014, to Mr. David Fey, from the Fresno County Administrative Office (see attached).

Within the next 90 days, the City of Fresno is committed to open a dialogue with Fresno County regarding orderly annexation policies and procedures.

If you have any further questions, please contact me at number listed above.

Sincerely,


Mike Sanchez
Planning Manager

Enclosure: Letter dated May 1, 2014

Exhibit C

LAFCo Policies Consistency Analysis Westlake Reorganization (RO-13-01)

The Executive Officer has evaluated the proposed reorganization for conformity with Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH," Government Code 56000 et seq.), and LAFCo Policies, Standards, and Procedures statute and local policies and has determined that proposed reorganization is not consistent with the policy 210-05 and 08.

Relevant Fresno LAFCo policies are listed in sequential order, italicized and intended. Conformity analyses are presented after each policy.

102-01 All proposals reviewed by the Commission, including changes of organization or reorganization, shall be consistent with the agency adopted spheres of influence and Commission policies. Within the sphere of influence each agency should implement an orderly, phased annexation program. A proposal should not be approved solely because the area falls within the sphere of influence of an agency. The sphere of influence is one factor among several considered in reviewing proposals.

Finding: Not consistent with policy. Please refer to analysis of policy 210-08.

210-01 Proposal is consistent with the adopted spheres of influence and does not conflict with the goals and policies of the Commission.

Finding: Consistent with policy. The Proposal is located within the City of Fresno's Sphere of Influence (SOI) and contiguous to the existing Fresno city limit.

210-02 Proposal is consistent with the City or County general and specific plans, including adopted goals and policies.

Finding: Consistent with policy. The Proposal is consistent with the City of Fresno's General Plan and implements the County's General Plan policies of directing growth to existing cities where infrastructure and a full range of municipal services are available to serve urban development.

210-03 Proposal shows that there is insufficient available land within the community plan area, consistent with the community plan, to accommodate the proposed development.

Finding: Consistent with policy. A review of available sites within the City of Fresno or its urban development boundary was conducted in the Proposal's EIR. This review concluded that there were no feasible alternative locations in the community plan area. Staff has reviewed this analysis and agrees with the EIR's conclusion that, "(t)he essential site attributes considered in this determination included site size and shape to accommodate lake development, availability of infrastructure, location within the City's Sphere of Influence, and availability of surface water transport to the site. The project proponent has no ownership of or access to any alternative

site. There was no evidence that even were such a site found its usage would avoid or significantly lessen any of the significant impacts of the project.”

210-04 Proposal mitigates any significant adverse affect on continuing agricultural operations on adjacent properties.

Finding: Consistent with policy. The Proposal’s EIR evaluated its potential impact “involving other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use” and concluded that because the project would be consistent with the General Plan’s policies to avoid premature conversions of farmlands through the incorporation of buffers and because implementation of Mitigation Measure #3.2.3 would provide remedies to address the urban and agricultural interface conflicts, the mitigation measure would lessen the impacts to a less than significant level.

210-05 Proposal would result in planned, well ordered, efficient development patterns and service areas, and does not encourage urban sprawl.

Finding: Not consistent with policy. Please refer to analysis of policy 210-08.

210-06 Proposal shows that there is existing substantial development or gives indication of future development, thereby requiring urban services. If no existing substantial development, a condition assuring that substantial development will occur upon annexation shall be made a part of the proposal.

Finding: Consistent with policy. Substantial development is planned for the affected territory. The Service Plan submitted for the Proposal indicates that all necessary urban services (water, sewer, police, fire, etc.) are available to serve the affected territory (attached to the staff report on our website at www.fresnolafco.org under the Hearings and Workshops tab in the April 9, 2014 Hearing Folder.)

210-07 Proposal shows that development can be provided all urban services and improvement or facilities necessary, as shown by the service plan and application.

Finding: Consistent with policy. A service plan was submitted to staff and deemed to comply with Commission Policy 400, as required by the Act sec. 56375(h).

210-08 Proposal would not create islands. Boundaries minimize creation of peninsulas and corridors, or other distortion of boundaries, and should include any developed islands or substantially surrounded area with the proposed developing area.

Finding: Not consistent with policy. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH), contains various legislative findings, which mandate "logical formation and modification of the boundaries of local agencies..." (Gov. Code section 56001).

GC 56300. (a) The Legislature intended that each commission, establish written policies and procedures and exercise its powers pursuant to the CKH in a manner consistent with those policies and procedures and that “encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space and agricultural lands within those patterns.”

The sufficiency of a project’s boundaries is therefore left to Fresno LAFCo to determine if they are logical and orderly pursuant to CKH. LAFCo policy 210-08 is used to evaluate the order and logic of a proposal’s boundary, and evaluate its service delivery efficiency. The conclusion of this will also bear on consistency with policy 210-05 which relates to “well-ordered, efficient development patterns.”

Policy 210-08’s goal is to “minimize creation of peninsulas.” This issue was the subject of recent Commission action on this question. In 2012-13, the Commission considered amendments to its peninsula policies based on comments by the Building Industry Association (hereafter referred to as the “2012-13 policy discussion”). The product of these workshops and hearings were the current peninsula policy guidelines. The approved policy guidelines were to be employed in the overall assessment of a proposal and not as prescriptive standards.

The 2012-13 policy discussion included the cities of Fresno, Clovis and Sanger and appears to have been driven by the building industry’s concern that strict peninsula standards would result additional parcels being added to ‘square off’ boundaries. The additional parcels would likely be existing rural residential uses resulting in probable successful protest by registered voters in inhabited annexations. The policy guidelines would be used to justify uninhabited reorganizations with peninsular boundaries. Approval of these projects would therefore be consistent—or at least not in conflict—with local LAFCo policies.

Staff does not dispute the BIA’s legitimate concerns about unyielding peninsula standards, but notes that an important factor missing from the 2012-13 policy discussion was Commission policy 102-01 which includes the following language, “...Within the sphere of influence each agency should implement an *orderly, phased annexation program...*” (emphasis added) In order to conform to this policy, a city should have (by practice or policy) a program of activities that support the annexation of territory within its sphere of influence ultimately leading to the implementation of its general plan.

This program is described in part in GC Section 56425(b) where, prior to a city “submitting an application to the commission to update its sphere of influence, representatives from the city and representatives from the county shall meet to discuss the proposed new boundaries of the sphere and explore methods to *reach agreement on development standards and planning and zoning requirements within the sphere to ensure that development within the sphere occurs in a manner that reflects the concerns of the affected city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere.* (emphasis added) Thus, a program could be cooperative agreements between a city and the county serve to

facilitate annexations and eventual fulfillment of a city's general plan. Other aspects of a program could be funding of annexation staff, outreach to county residents, agreements with special districts that facilitate annexations of developed properties, and so forth.

The program serves to describe the method and timing of annexations by a city; it is the means by which 'order' of annexations is described and provides the 'logic' for the project, its boundaries, and how it fits into the city's overall development plans.

A proposal's potential peninsula can therefore be evaluated in the context of a city's program for growth within its sphere of influence. This program, to reiterate CG Section 56425(b), is intended by the statute *to ensure that development within the sphere occurs in a manner that reflects the concerns of the affected city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere.*

Staff brought its concerns about an orderly, phased program to the attention of the Fresno City Manager and Planning Director on March 23, 2014, and again to senior DARM staff on April 23, 2014. Staff provided these parties with examples of activities that could constitute an annexation program. Also, the project applicant presented staff with several city of Fresno brochures¹ that supported an annexation program and informed the public about the benefits of annexation and answered frequently asked questions.

Prior to 2000 and the substantive update of annexation statute (Government Code section 56000 et seq.) there was little regulation to prevent this competition. However, legislature's approval of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, directed that the counties shall give greater deference to cities' plans and development policies for territory with their LAFCo-approved spheres of influence.

The City of Fresno DARM staff has provided a commitment to "open a dialog with Fresno County regarding orderly annexation policies and procedures;" this does not in itself demonstrate an orderly, phased annexation program, but is a suitable assurance of intent to work cooperatively for the next 90 days on such a program.

Creation of a program would permit LAFCo staff to evaluate the Proposal's boundaries in light of a program of activities that promotes the orderly development of the city of Fresno.

Given the extent of unincorporated territory (in excess of 1,100 acres) that would be substantially surrounded by the Proposal and the existing city limit, and that the City of Fresno has no orderly, phased annexation program to annex the unincorporated area north of Shields Avenue, it is probable that this area will remain unincorporated, that the Proposal will endure

¹ "Guide to the Annexation Process," "What are the Benefits of living in the City of Fresno Should I be Annexed, and "Frequently Asked questions Regarding annexation," as well as a powerpoint presentation describing the city's Proactive Island Annexation Program.

as an city peninsula long into the future, and that service delivery issues for both city and unincorporated area would result.

The question then is whether this configuration is consistent with the intent of CKH, commission policy, represents orderly, logical, and efficient boundaries. At this time, staff concludes that the project is not consistent with policy 210-08.

210-09 The proposal includes mitigation of any adverse affects to subject or affected agencies through a transition agreement or other means. (Amended 5/21/03)

Finding: Consistent with policy. The City of Fresno has a fire transition agreement in place with the North Central Fire Protection District.

210-10 The newly formed or receiving entity has the ability to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

Finding: Consistent with policy. The city of Fresno will be the primary urban service provider, assisted by the Fresno Metropolitan Flood Control District, Fresno Irrigation District. Each of these agencies has participated in the environmental and service review of the Proposal and has the ability to serve the Proposal.

210-11 There is a timely availability of water supplies adequate for projected needs as specified in Code section 65352.5.

Finding: Consistent with policy. In accordance with the requirements of Senate Bill 610 (SB 610) and Senate Bill 221 (SB 221), effective January 1, 2002, A Water Supply Assessment (WSA) was prepared to evaluate the Proposal's potential water demands and identify water sources to serve the Proposal. The WSA was adopted by the City in October 2011 and incorporated into the EIR analysis. The WSA estimated that the Proposal's average annual water demand of 1,506 acre-feet (af) can be supplied by the City of Fresno and the Fresno Irrigation District. In contrast to the Proposal, the water demand estimated for the land uses previously depicted by the 2025 General Plan (prior to the plan amendment for the Proposal) was 1,520 af per year based on the city's 2008 Urban Water Management Plan (UWMP) water use factors. An Urban Water Management Plan (UWMP) is the foundation document for compliance with both SB 610 and SB 221 and typically the primary source document for a Water Supply Assessment. The City of Fresno's UWMP was adopted by the City on August 19, 2008.

Water use for the lake feature was not directly discussed in the UWMP, but is fully evaluated in the WSA. The Proposal's 55-acre lake will require 224 af per year of non-potable surface water from the Fresno Irrigation District and assumes approval of such use by the City and the District. This surface water is included in the Proposal's annual 1,506 af water budget evaluated by the

WSA. The balance of the Proposal's water demand must be supplied from the City of Fresno's municipal system.

The EIR concluded:

- that the City of Fresno water system has sufficient capacity to supply the Proposal and other projected demands within the City's service area through the year 2030 without substantially depleting groundwater supplies or interfering substantially with groundwater recharge, with projected timely completion of the City's surface water treatment facilities in accord with the UWMP. Should such facilities not be completed as proposed, groundwater levels may continue to decline;
- No significant impact would result from the implementation of this Proposal whether or not the City successfully implements its facilities implementation program; and
- the Proposal will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Therefore, potential adverse impact on groundwater due to the proposed Proposals will be less than significant.

210-12 The proposal reasonably assists the receiving entity in achieving its fair share of the regional housing needs as determined by the local council of governments.

Finding: Consistent with policy. The Proposal would result in development of 2,600 dwelling units toward the City's Regional Housing Needs Allocation.

210-13 The proposal will include the annexation of a disadvantaged unincorporated community to a city of any territory greater than 10 acres that is contiguous to the area of proposed annexation, unless an application to annex the disadvantaged unincorporated community has already been filed with the executive officer.

There are no contiguous disadvantaged unincorporated communities.

210-13-01 Rezoning Requirement: As a condition to annexation a city is required to rezone the territory to be annexed.

Finding: Consistent with policy. The Proposal was rezoned by the City of Fresno to correspond to the General Plan land uses.

EXHIBIT D

FRESNO LAFCO'S CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR APPLICATION RO-13-1 (Westlake Annexation)

REQUIRED CEQA FINDINGS

FINDINGS OF FACT

1. CONSIDERATION OF THE EIR

The Commission has reviewed and considered the information in the Project's Environmental Impact Report (EIR SCH #2007121033) which consists of the Draft EIR and the Final EIR, among other documents. The Commission has reached its own conclusions on whether and how to approve the proposal. These findings and determinations constitute the independent findings and determinations by the Commission in all respects and are fully and completely supported by substantial evidence, both oral and written, in the entire record relating to the Project before the Commission.

2. RECORD OF PROCEEDINGS

The documents and other materials (including documents maintained in electronic format) that constitute the record of proceedings upon which this determination is based are in the custody of the Commission's Executive Officer, at 2607 Fresno Street, Suite B, Fresno, CA 93721.

The record of proceedings for Commission decisions on the proposal includes, but is not limited to, the following documents:

1. Public notices issued by the Commission in conjunction with the proposal.

The proposal is uninhabited and has the consent of all of the landowners. LAFCo prepared and distributed a notice to the affected agencies on May 2, 2014.

2. List all resolutions and ordinances provided by the City of Fresno associated with the proposal's land use development approvals, service delivery and environmental e

On November 6, 2013 the Fresno City Planning Commission adopted Resolution No. 13235 approving Vesting tentative Tract Map No. 5915/UGM.

On December 19, 2013 the Fresno City Council adopted:

- Ordinance No. 2013-39 to approve the rezoning of 430 acres of the Westlake project;

- Resolution No. 2013-212 certifying the EIR, adopting findings of facts, approving a mitigation monitoring program, adopting the statement of overriding considerations and affirming its approval of a water supply assessment; and
- Resolution No. 2013-213 amending the West Area Community Plan and the 2025 Fresno General Plan.

Although the findings below identify specific pages within the record in support of various conclusions, the Commission incorporates by reference and adopts as its own, the reasoning set forth in the EIR and related documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions herein. The Commission further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by the Commission with respect to any particular subject matter of the proposal must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

3. SIGNIFICANT IMPACTS IDENTIFIED IN THE EIR (SECTION 15091)

The Fresno City Council certified the EIR for the subject project, comprising a general plan amendment, and related approvals (Project) that will become effective upon annexation. The proposal before the Commission is a component of the implementation of the Fresno General Plan that anticipates and guides growth of the city and extension of services to the lands within the sphere of influence. The EIR identified certain significant environmental effects for the broader Project. Other than approving the Project analyzed in the EIR, changes and alterations to avoid or substantially lessen the significant environmental effects as identified in the EIR are within the responsibility and jurisdiction of the City of Fresno and not the Commission. Such changes have been adopted by the City or can and should be adopted by the City.

The Commission's jurisdiction to impose conditions on the Project is limited under Cortese-Knox-Hertzberg and CEQA Guidelines sections 15050 and 15096. As a responsible agency, the Commission has responsibility for mitigating or avoiding *only* the direct or indirect environmental effects of *those parts of the project that it decides to carry out, finance, or approve*. (CEQA Guidelines, § 15096(g)(1).)

With only a few exceptions, the proposed mitigation measures and alternatives identified in the EIR that might reduce or eliminate the significant adverse indirect environmental impacts of the proposal are not within the jurisdiction of the Commission.

The Commission hereby makes the following findings regarding the significant effects of the project, pursuant to Public Resources Code section 21081 and section 15091 of the State CEQA Guidelines. The discussion below does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the discussion provides a summary description of each potentially significant impact, describes the applicable mitigation measures identified in the Draft EIR or Final EIR and adopted by the City, and states the Commission's findings on the significance of each impact after imposition of the adopted mitigation

measures. A full explanation of these environmental findings and conclusions can be found in the DEIR and FEIR, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the FEIR's determinations regarding mitigation measures and the Project's impacts and mitigation measures designed to address those impacts. In making these findings, the Commission ratifies, adopts, and incorporates into these findings the analysis and explanation in the DEIR and FEIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the DEIR and FEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

Aesthetic Impacts

Impact 3.1.2: Substantially degrade the existing visual character or quality of the site and its surroundings which are open to public view. The Project will alter the visual character of the project site and will result in significant, unavoidable and irreversible impacts. However, development of farmland is not unknown or unexpected in this area that is adjacent to the City of Fresno, planned for urban development by the Fresno 2025 General Plan, and within the LAFCo-approved sphere of influence. The project would permanently alter the existing visual character of the site and area compared to existing conditions, this is considered a significant, unavoidable and irreversible impact. (DEIR 3.1-15 and 3.1-16)¹

Finding: Impact 3.1.2 is within the responsibility and jurisdiction of City of Fresno and not the Commission. It is not a direct impact of the proposal. No other feasible changes or alterations to the proposal, within the Commission's authority, would reduce this impact to less than significant.

The EIR identified other changes or alterations to the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such public agency or can and should be adopted by such public agency. (CEQA Guidelines, § 15091(a)(2).)

Facts in Support of Finding:

The developer will be required to comply with the substantial design review and design limitations required by the 2025 Fresno General Plan, the West Area Community Plan, and the City's adopted design guidelines and zoning regulations identified above, which require setbacks, landscaping and designs to limit impact to neighboring properties. (DEIR 3.1-16)

¹ Notation indicates page number cited in the Draft and Final environmental impact reports; DEIR and FEIR, respectively.

Impact 3.1.3: Introduction of New Sources of Light and Glare and Increased Lighting on the Night Sky as a Result of the Project. Development of the Project would introduce new light and glare sources. This is considered a potentially significant impact. (DEIR 3.1-16 – 3.1-17.)

Finding: Impact 3.1.3 is within the responsibility and jurisdiction of City of Fresno and not the Commission. It is not a direct impact of the proposal. No other feasible changes or alterations to the proposal, within the Commission’s authority, would reduce this impact to less than significant.

The EIR identified other changes or alterations to the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such public agency or can and should be adopted by such public agency. (CEQA Guidelines, § 15091(a)(2).)

Since the mitigation measures are within the jurisdiction and responsibility of another public agency, the Commission cannot ensure that said other agency will actually carry out the mitigation measures to mitigate the identified impact. While the Commission has no evidence that the identified mitigation measure(s) are not feasible, the Commission conservatively recognizes the potential for significant unavoidable adverse impact(s) should the necessary mitigation not occur. To the extent that these significant adverse impacts are not substantially lessened or avoided through the identified mitigation measure(s), the Commission finds that specific economic, social, and other considerations identified in the Statement of Overriding Considerations support approval of the proposal.

Facts in Support of Finding:

1. The City adopted mitigation measures 3.1.3a through 3.1.3e to mitigate the impact to a less than significant level. (FEIR 2-27 to 2-28.)
2. The Commission cannot monitor and enforce the aesthetic impacts potentially resulting from development pursuant to the City’s land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Agricultural Resources Impacts

Impact 3.2.1: Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses. The Project has the potential to result in conflict between urban and agricultural uses. The EIR considered this impact significant, unavoidable, and irreversible because continued agricultural use in the area is not feasible in the long-term (urban development on the project site and in the project area is planned and contemplated by the City’s General Plan) and because mitigation methods such as on-site preservation would reduce development and therefore not

fully meet the objectives of the project, there is no on-site mitigation required or available. (DEIR 3.2-18 to 3.2-21.)

Finding: Impact 3.2.1 is within the responsibility and jurisdiction of the Commission. This impact will be significant. However, the Commission finds that there are no feasible mitigation measures or alternatives that could be adopted that would reduce the environmental impact at the time of environmental review to a less-than-significant level.

Facts in Support of Finding:

1. The Project lies in the LAFCo-approved City of Fresno sphere of influence, which is designated as a plan for the probably physical boundaries and service area of the city.
2. Continued agricultural use in the area is not feasible in the long-term and there are no project-specific feasible mitigation measures available to reduce this impact to a less than significant level. (DEIR 3.2-20 and 3.2-21.)

Impact 3.2.3: Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use. The Project may create new development pressures or result in changes to the environment that would result in the conversion of farmland to non-agricultural use. (DEIR 3.2-22 and 3.2-23.)

Finding: Impact 3.2.3 is within the responsibility of the Commission for review. This impact will be potentially significant without the mitigation measures. However, the project is consistent with the General Plan's policies to avoid premature conversions of farmlands through the incorporation of buffers and because implementation of Mitigation measure No. 3.2.3.

Facts in Support of Finding:

Mitigation Measure #3.2.3 would provide remedies to address the urban and agricultural interface conflicts, the mitigation measure would lessen the impacts to a less than significant level. (FEIR 2-28.)

Air Quality Impacts

Impact 3.3.1: Violate any air quality standard or contribute substantially to an existing or projected air quality violation. The project would exceed the San Joaquin Valley Air Pollution Control District's regional thresholds during construction and operation for reactive organic gases (ROG), oxides of nitrogen (NOx) and particulate matter with particulates 10 microns or less in diameter (PM10) for various years. If Feasible Implementation Plan (FIP) reductions are not considered, such violations would be more frequent and quantitatively significant. Therefore, these would be considered potentially significant impacts. (DEIR 3.3-29 to 3.3-43)

Impact 3.3.3: Conflict with or obstruct implementation of any applicable air quality plan. In the Master EIR (MEIR) No. 10130 for the 2025 Fresno General Plan, the City of Fresno adopted mitigation measures that would be applied on both a city-wide and project-level basis through the implementation of the General Plan. Because of the region's non-attainment status it is possible the project would exceed the SJVAPCD's significance thresholds, then the project would be considered to conflict with the attainment plans and would be considered potentially significant impacts. (DEIR 3.3-52 to 3.3-54.)

Impact 3.3.4: Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable national or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors). Because impacts 3.3.1 and 3.3.3 are potentially significant impacts the cumulative effect would be considered a potentially significant impact. (DEIR 3.3-54 and 3.3-55.)

Finding: Impacts 3.3.1, 3.3.3 and 3.3.4 are within the responsibility and jurisdiction of the City of Fresno and not the Commission. They are not a direct impact of the proposal. The EIR concludes that these significant adverse impacts will not be reduced to less than significant through the City's adopted mitigation measures. To the extent that this significant adverse impact will not be substantially lessened or avoided, the Commission finds that specific economic, social, and other considerations identified in the Statement of Overriding Considerations support approval of the proposal. (FEIR 2-28 to 2-36)

Facts in Support of Finding:

The City adopted mitigation measures 3.3.1a through 3.1.3q to mitigate the impacts described above. However, the project would still violate air quality standards and the impact would be significant and unavoidable. EIR 2-28 to 2-36.)

Biological Resources Impacts

Impact 3.4.1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. (DEIR, 3.4-16 to 3.4-23.)

Finding: Impact 3.4.1 is within the responsibility and jurisdiction of City Fresno and not the Commission. It is not a direct impact of the proposal. Impacts to the burrowing owl, Swainson's hawk, California horned lark, northern harrier, San Joaquin kit fox and American Badger are potentially significant.

Facts in Support of Finding:

1. The City adopted mitigation measures 3.4.1a to 3.4.1c to reduce to a less-than-significant level the impacts to the burrowing owl, Swainson's hawk, California

horned lark, northern harrier, San Joaquin kit fox and American Badger. (FEIR 2-36 to 2-46)

2. The Commission cannot monitor and enforce the biological impacts potentially resulting from construction pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Impact 3.4.2: Aquatic Invasive Species (man-made lake). The focus of the project will be a 55-acre man-made lined lake. In addition to being a recreational amenity, the lake will also detain storm water and incidental drainage flows. There is the potential that non-native species may infest the proposed lake by indirect methods such as through the project storm drainage system and direct methods such as watercraft attachment and illegal dumping of material into the lake. This impact is considered potentially significant. (DEIR 3.4-23 and 3.4-24.)

Finding: Impact 3.4.2 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal. The California Department of Fish & Wildlife prepared the California Aquatic Invasive Species Management Plan (2008), which identified potential aquatic invasive species as well as management control.

Facts in Support of Finding:

1. The City adopted mitigation measures 3.4.2a and 3.4.2b to reduce to a less-than-significant level the Project impacts, if any, from aquatic invasive species. (FEIR 2-46 and 2-47.)
2. The Commission cannot monitor and enforce the indirect biological impacts potentially resulting from development pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Cultural Resources Impacts

Impact 3.5.1: Cause a substantial adverse change in the significance of a historical or archaeological resource as defined in Section 15064.5 of the CEQA Guidelines. The Cultural Resources Records search and technical report conducted for the Project found no evidence of historical or archaeological resources within the Project site. Due to the fact that a typical archaeological resource would be buried, there is a possibility that undocumented resources may be encountered. (DEIR 3.5-9.)

Impact 3.5.2: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature of paleontological or cultural value. Impacts on paleontological resources or geologic features can result either directly or indirectly from pre-construction activities and construction of a Project. Although there is no record evidence of paleontological resources or geologic features on the project site, there is the potential during project-related excavation and construction for the discovery of potential resources. (DEIR 3.5-9.)

Impact 3.5.3: Disturb any human remains, including those interred outside of formal cemeteries. Section 7050.5 of the California Health and Safety Code, if human remains are discovered during the construction phase of a development, all work must stop in the immediate vicinity of the find, and the County Coroner must be notified. Although there is no record evidence of human burials on the project site there is the potential during project-related excavation and construction for the discovery of such. (DEIR 3.5-10.)

Finding: Impacts 3.5.1, 3.5.2 and 3.5.3 are considered potentially significant impacts. However, they are within the responsibility and jurisdiction of City of Fresno and not the Commission. They are not a direct impact of the proposal.

The EIR identified other changes or alterations to the Project that avoid or substantially lessen the significant environmental effects as identified in the EIR. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such public agency or can and should be adopted by such public agency. (CEQA Guidelines, § 15091(a)(2).)

Facts in Support of Finding:

1. The City adopted mitigation measure 3.5.1 to reduce to a less-than-significant level the Project impacts on significant cultural resources, paleontological resources and geological features and human remains. (FEIR 2-47 and 2-48.)
2. The Commission cannot monitor and enforce the indirect cultural resource impacts potentially resulting from development pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Geology and Soils

Impact 3.6.1: Exposure of people and structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, ground failure, or landslides. The project site is not located within a currently designated Alquist-Priolo Earthquake Fault Zone. There are no known major or active faults crossing the site or in close proximity to the site. The City of Fresno is located in an area of low seismic activity, the faults and fault systems that lie along the eastern and western boundaries of Fresno County, as well as other regional faults, have the potential to produce high-magnitude earthquakes throughout the County. The project site has a low susceptibility to liquefaction and liquefaction-related phenomena. There are no substantial slopes on or near the project site. Therefore, the opportunity for slope failure in response to the long-term geologic cycle is unlikely. However, the project does propose to construct a 55-acre lake that would have a depth of 10 feet; this would alter the geomorphology of the project site and create a potential landslide hazard. (DEIR 3.6-13 to 3.6-15.)

Impact 3.6.3: Result in potential hazards due to construction on unstable soils. The Project will require the removal of unsuitable soils, the placement of engineered fill, and compaction to ensure that the proposed structures are adequately supported. These practices would ensure

that the Project is located on stable soils and geologic units and would not be susceptible to settlement or ground failure. (DEIR 3.6-16.)

Finding: Impacts 3.6.1 and 3.6.3 are considered potentially significant. However, they are within the responsibility and jurisdiction of the City of Fresno and not the Commission. They are not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. The City adopted mitigation measure 3.6.1 to reduce to a less-than-significant level the Project impacts on people and structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, ground failure, or landslides. (FEIR 2-48.)
2. The Commission cannot monitor and enforce the indirect biological impacts potentially resulting from development pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Hazards and Hazardous Materials Impacts

Impact 3.7.2: Create a significant health hazard to the public or the environment through the introduction of a man-made lake. The Project would introduce a 55-acre man-made lake and if not properly maintained it could serve as a source of mosquito activity. Because of the serious health risks associated with mosquito-borne diseases, this is a potentially significant impact. (DEIR 3.7-18 to 3.7-19.)

Finding: Impact 3.7.2 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. With the implementation of mitigation measures 3.7.2a and 3.7.2b, the potential for health hazard risks associated with mosquito-borne diseases would be less than significant. (FEIR 2-48 and 2-49.)
2. The Commission cannot monitor and enforce the indirect hazards and hazardous materials impacts potentially resulting from development pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Impact 3.7.4: Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment. The project site was formerly used for agricultural production. Therefore, the project applicant shall test the soil of the project site to determine whether residual concentrations of agricultural chemicals and /or diesel fuel are

present and, if so, whether these concentrations are within acceptable limits for residential and commercial developments. Because of the risk of hazardous materials, this is a potentially significant impact. (DEIR 3.7-19 to 3.7-24.)

Finding: Impact 3.7.4 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. With the implementation of mitigation measures 3.7.4a to 3.7.4c, the potential for health hazard risks associated with mosquito-borne diseases would be less than significant. (FEIR 2-49 and 2-50.)
2. The Commission cannot monitor and enforce the indirect hazards and hazardous materials impacts potentially resulting from development pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Hydrology and Water Quality Impacts

Impact 3.8.1: Violation of Water Quality Standards or Waste Discharge Requirements. Constituents found in urban runoff may degrade both surface water quality and eventually groundwater quality. Development of urban uses on the Project site would result in alteration in the existing site conditions and the introduction of urban pollutant sources. Urban runoff typically contains oils, grease, fuel, antifreeze, byproducts of combustion (such as lead, cadmium, nickel, and other metals) and other household pollutants. (DEIR 3.8-16 to 3.8-18.)

Finding: Impact 3.8.1 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. With the implementation of mitigation measure 3.8.1, the potential short term and long term water quality impacts would be less than significant. (FEIR 2-50 to 2-53.)
2. The Commission cannot monitor and enforce the indirect hydrology and water quality impacts potentially resulting from development pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Noise Impacts

Impact 3.10.1: Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Construction noise will occur at various locations within and outside of the Project site throughout the build-out period. During construction of the project, noise from

construction activities would potentially impact noise-sensitive land uses in the immediate area. Noise-sensitive land uses (residences, schools, etc.) planned for development would exceed the City of Fresno's noise standards; this would be a potentially significant impact. The greatest potential for on-site noise exposure that could exceed the city's standards would be loading operations and mechanical equipment associated with future commercial activities within the project site. Noise levels from the Lamanuzzi & Pantaleo plant and the stadium at the Deran Koligian Education Center could be potentially significant. (DEIR 3.10-34 to 3.10-35.)

Finding: Impact 3.10.1 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level with the exception of the offsite noise which is significant and unavoidable.

Facts in Support of Finding:

1. With the implementation of mitigation measures 3.10.1a to 3.10.1e, the potential residual impacts exposing persons to or generating noise levels defined in the 2025 General Plan or City Noise Ordinance impacts would be less than significant with the exception of the offsite noise from the Lamanuzzi & Pantaleo plant and the stadium at the Deran Koligian Education Center that are significant and unavoidable. (FEIR 2-53 to 2-55.)
2. The Commission cannot monitor and enforce the noise impacts potentially resulting from development pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Impact 3.10.3: Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. The Project would result in an offsite traffic-related violation of noise standards and a substantial permanent increase in offsite traffic-related ambient noise levels in the project vicinity above levels existing without the project. This would be a potentially significant impact. (DEIR 3.10-24 to 3.10-34.)

Finding: Impact 3.10.3 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and cannot be mitigated to a less than significant level.

Facts in Support of Finding:

1. No mitigation measures are feasible. Offsite transportation noise impacts would remain significant and unavoidable.
2. The Commission cannot monitor and enforce the noise impacts potentially resulting from development pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Impact 3.10.4: Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Construction noise will occur at various locations within and outside of the Project site throughout the build-out period.

During construction of the project, noise from construction activities would potentially impact noise-sensitive land uses in the immediate area. Noise-sensitive land uses (residences, schools, etc.) planned for development would exceed the City of Fresno's noise standards; this would be a potentially significant impact. The greatest potential for on-site noise exposure that could exceed the city's standards would be loading operations and mechanical equipment associated with future commercial activities within the project site. (DEIR 3.10-36 to 3.10-37.)

Finding: Impact 3.10.4 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. With the implementation of mitigation measures 3.10.1a to 3.10.1c, the potential residual impacts exposing persons to or generating noise levels defined in the 2025 General Plan or City Noise Ordinance impacts would be less than significant with the exception of the offsite noise from the Lamanuzzi & Pantaleo plant and the stadium at the Deran Koligian Education Center that are significant and unavoidable. (FEIR 2-55.)
2. The Commission cannot monitor and enforce the noise impacts potentially resulting from development pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Public Services and Recreation Impacts

Impact 3.12.1: Increased Demand for Fire Protection Services and Personnel. Development of the Project will increase the demand for fire protection services in northwest Fresno. This could require the City to hire more personnel and purchase additional equipment. The City has Fire Facilities Fees. In order to implement the goals and objectives of the City's general plan, and to mitigate the impacts caused by future development in the city, fire department facilities must be constructed. The City Council has determined that a Fire Facilities Fee is needed in order to finance these facilities and to pay for each development's fair share of the facilities' construction and acquisition costs. (DEIR 3.12-16 to 3.12-18.)

Finding: Impact 3.12.1 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. The City of Fresno adopted mitigation measure 3.12.1 to reduce the adverse fire protection effects of the Project to less than significant. (FEIR 2-56 and 2-57.)
2. The Commission cannot monitor and enforce the indirect fire protection services and personnel impacts potentially resulting from construction pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Impact 3.12.2: Increased Demand for Law Enforcement Services. The City also collects Police Facilities Fees. The purpose of the fees is to implement the goals and objectives of the City's general plan, and to mitigate the impacts caused by future development in the city certain police facilities must be constructed. The City Council has determined that a Police Facilities Fee is needed in order to finance such facilities and to pay for each development's fair share of the facilities' construction and acquisition costs. (DEIR 3.12-18.)

Finding: Impact 3.12.2 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. The City of Fresno adopted mitigation measure 3.12.2 to ensure adherence to City of Fresno General Plan policies and the payment of Police Facilities Fees and Fresno City impact fees will ensure that adequate law enforcement protection and public protection facilities are provided to serve residents in the project area. (FEIR 2-57.)
2. The Commission cannot monitor and enforce the indirect impacts related to law enforcement services potentially resulting from construction pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Impact 3.12.4: Increased Demand on Parks and Recreation. The City has a policy to pursue implementation of an open space standard of 3.0 acres of public park land for every 1,000 persons residing in the City's Planning Area. The Project could have a total population of 8,034 persons at build-out. This would equate to a need for almost 24 acres of parkland based on the City's standard. Based on the City's existing lack of accessible parks and public recreational space, project-related park and recreation facilities demand is a potentially significant impact. (DEIR 3.12-19 to 3.12-21.)

Finding: Impact 3.12.4 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. The City of Fresno adopted mitigation measure 3.13.1 (under recreation) to ensure that the project complies with the adopted City of Fresno open space policy and shall create "onsite" (or participate in the creation "offsite") an equivalent of 3 acres of park space/1000 persons; approximately 24 acres in total. (FEIR 2-57 and 2-58.)
2. The Commission cannot monitor and enforce the indirect impacts related to recreation services potentially resulting from construction pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Recreation

Impact 3.13.1: Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The City has a policy to pursue implementation of an open space standard of 3.0 acres of public park land for every 1,000 persons residing in the City's Planning Area. The Project could have a total population of 8,034 persons at build-out. This would equate to a need for almost 24 acres of parkland based on the City's standard. Based on the City's existing lack of accessible parks and public recreational space, project-related park and recreation facilities demand is a potentially significant impact. (DEIR 3.13-6 and 3.13-7.)

Finding: Impact 3.12.1 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. The City of Fresno adopted mitigation measure 3.12.1 to reduce the adverse fire protection effects of the Project to less than significant. (FEIR 2-58 and 2-59.)
2. The Commission cannot monitor and enforce recreation impacts potentially resulting from construction pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Traffic Impacts

The Project required an amendment to the 2025 Fresno General Plan Circulation Element to delete the planned major street segments of West Ashlan and West Dakota Avenues west of Grantland Avenue to accommodate the Project circulation system. The circulation system within the Project will consist of dedicated public streets and will incorporate roundabouts rather than stop-signed controlled intersections or internal traffic signals. A series of trails and bike lanes are planned that will link the various neighborhoods to each other and to future site school facilities.

Impact 3.14.1: Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

The Project is expected to create significant impacts or contribute to significantly impacted traffic conditions as various stages of development occur. The proposed elimination of Dakota Avenue as a planned collector street between Grantland and Garfield Avenues and the elimination of Ashlan Avenue as a planned arterial street between Grantland and Garfield

Avenues can be accommodated with acceptable traffic operations provided that the mitigations required of the Project are implemented. (DEIR 3.14-34 to 3.14-72.)

Finding: Impact 3.14.1 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and cannot be mitigated to a less than significant level.

Facts in Support of Finding:

1. The City adopted mitigation measures 3.14.1-1 to 3.14.1-117 and 3.14.2. The mitigation measures that have been identified would improve most of the unacceptable operations to acceptable levels (except those that are identified as constrained and accepted by the City as LOS F, as identified in mitigation measures: #3.14.1-59, #3.14.1-60, #3.14.1-67, #3.14.1-109, and #3.14.1-116). For these constrained road segments, the impact would be significant and unavoidable. (FEIR, 2-59 to 2-62)
2. The Commission cannot monitor and enforce the indirect traffic impacts potentially resulting from construction pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Impact 3.14.3: Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). The proposed roadways within the project site and roadways connecting to the regional transportation system may increase hazards due to design features or incompatible land uses. This is considered a potentially significant impact. (DEIR 3.14-72.)

Finding: Impact 3.14.3 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. The City adopted mitigation measure 3.14.3 to ensure City of Fresno improvement standards are developed to minimize hazards due to design features or incompatible uses and implementation of the above mitigation measure would reduce the impact to less than significant. (FEIR 2-62.)
2. The Commission cannot monitor and enforce the indirect traffic impacts potentially resulting from construction pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Impacts 3.13.4: Result in inadequate emergency access. Implementation of the Project has the potential to result in inadequate emergency access. This is considered a potentially significant impact. (DEIR 3.14-75.)

Finding: Impact 3.14.4 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. The City adopted mitigation measure 3.14.4 to ensure the Project site plans will be reviewed by the City fire and police departments to ensure adequate emergency access and implementation of the above mitigation measure would reduce the impact to less than significant. (FEIR 2-62.)
2. The Commission cannot monitor and enforce the indirect traffic impacts potentially resulting from construction pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

Greenhouse Gas Impacts

Impact 3.16.1: Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. Operational emissions would be reduced by 23.2 percent compared to Business as Usual emissions with regulations alone, this would not be consistent with the SJVAPCD quantitative threshold of a 29 percent reduction in Business as Usual emissions. Impacts would be potentially significant. (DEIR 3.16-32 to 3.16-37.)

Finding: Impact 3.16.1 is within the responsibility and jurisdiction of the City of Fresno and not the Commission. It is not a direct impact of the proposal and can be mitigated to a less than significant level.

Facts in Support of Finding:

1. The City adopted mitigation measure 3.3.1e to 3.3.1l (see Section 3.3 Air Quality of the DEIR) to ensure the 2020 emissions with regulation and mitigation measures results in an overall 36.5 reduction in greenhouse gas emission from "Business as Usual." The percent reduction achieves the recommended threshold established by the San Joaquin Valley Air Pollution Control District to find greenhouse gas emissions less than cumulatively significant. (FEIR 2-63.)
2. The Commission cannot monitor and enforce the indirect traffic impacts potentially resulting from construction pursuant to the City's land use approvals for the Project because it is beyond its authority to do so. (Gov. Code, § 56000 et seq.)

4. FINDINGS REGARDING ALTERNATIVES ANALYZED IN THE EIR

The EIR analyzed four alternatives to the Project. These are the No Project/No Build; No Plan Amendment; Reduced Intensity; and Increased Intensity.

CEQA Guidelines Section 15126.6(e) requires every EIR to include a "No Project Alternative" to compare the impacts of approving the Project with the impacts of not approving the Project. This alternative will look at the Project site if it were to remain agricultural land. In comparison

to the Project, the No Project Alternative would reduce impacts re aesthetics, biological resources, cultural resources, geology and soils, public services, and utilities and services systems. Impacts to hydrology/water supply/water quality and to hazards and hazardous materials would differ but are estimated to be less than those of the Project. Significant project impacts to agricultural resources, air quality, transportation/traffic, noise and global climate change would be eliminated. Impacts to land use planning would be greater. This alternative substantially reduces the environmental impacts in comparison to the Project, and eliminates all significant and unavoidable impacts but would not achieve any of the objectives of the Project.

Subsequent to annexation, the Project site could be developed with Medium Low, Medium and Medium High Density Residential, Neighborhood Commercial, Community Commercial, Public Facility (elementary school), Open Space, and Neighborhood Park land uses in accordance with the current City of Fresno General Plan. Thus, the site, would foreseeably be developed with approximately the same residential population and 50% less commercial land usage than the Project. In comparison to the Project, this No Plan Amendment Alternative could provide minimal reductions to impacts to hazards and hazardous materials, land use and utilities, and transportation/traffic. It would potentially increase aesthetic and recreation impacts. All other impacts would be unchanged. It does not eliminate any project-related significant and unavoidable impacts. However, it does not meet the project objective "to provide a quality on-site open space and recreational opportunity in the form of a man-made lake."

A feasible project alternative would be the development of the project site with reduced residential intensities and a correspondingly reduced commercial area and community center. It is assumed for purposes of analysis that, with a 50% reduction, the build out population would be 4,017, the build out commercial area would be 13 1/2 acres; the drainage basin site area would remain the same in order to serve potential future development in the basin's drainage-contributing area. The lake acreage, and the open space would remain the same, as would the project site. The project objectives would be partially achieved. However, it might not be feasible to provide a variety of housing opportunities with a complete range of densities, styles, sizes, and values.

As an example of the comparative environmental effects of a project alternative designed at increased intensity it has been assumed that the project would be constructed on the northerly 307 acres (the northerly 2/3) of the project site leaving the southerly 153 acres in periodic agricultural production. This alternative would have a 37 acre lake, 27 acres of open space/community center, 18 acres of commercial a 12 acre school site and 213 acres of residential. This may reduce impacts to agricultural resources, biological resources, cultural resources, geology and soils, hydrology/water supply/water quality, and population and housing. Impacts to air quality, hazards and hazardous materials, public services, utilities, and greenhouse gases will be the same. Increases will occur to aesthetics/visual resources, noise, recreation, land use and transportation and traffic impacts. The alternative does not eliminate any significant and unavoidable impacts of the project. However, it might not be feasible to

provide a variety of housing opportunities with a complete range of densities, styles, sizes, and values.

STATEMENT OF OVERRIDING CONSIDERATIONS (CEQA Guidelines §§ 15093, 15096(h))

The City of Fresno, acting as the Lead Agency, adopted a Statement of Overriding Considerations. Because the Project will result in the occurrence of significant effects which are identified in the FEIR that are not avoided or substantially lessened, and others that are only lessened by the actions of other agencies outside of the Commission's control, the Commission provides the following, specific reasons to support the proposal.

The Commission has made a reasonable and good faith effort to evaluate any alternatives or mitigation measures that would eliminate or substantially mitigate the environmental impacts resulting from the Project. The Commission has reviewed the actions by the City of Fresno to eliminate or substantially mitigate the environmental impacts, particularly the City's various mitigation measures, goals and policies identified in the EIR, General Plan and the adopted West Area Community Plan (hereafter "Project").

For the reasons set forth below, the Commission determines that any significant environmental impacts caused by the Project has been minimized to the extent feasible, and where not feasible, has been outweighed and counterbalanced by the significant economic, fiscal, social, and land-use benefits to be generated to the City. This Statement of Overriding Considerations justifies finding the unavoidable adverse environmental impacts from the Project acceptable.

The Commission finds that any one of the benefits set forth below is sufficient by itself to warrant approval of the Project, and justify the unavoidable adverse environmental impacts from the Project. This determination is based on the findings herein and the evidence in the record. Having balanced the unavoidable adverse environmental impacts against each of the benefits, the Commission hereby adopts this Statement of Overriding Considerations, for the following reasons.

1. Economic and Employment Considerations

Implementation of the project would result in substantial economic benefit to the City of Fresno through job creation and the generation of both sales and property tax revenues. The type of jobs created would include construction, retail, office, service industry and potentially other job types.

The Fresno Metropolitan Area and Fresno County have historically experienced considerably higher rates of unemployment than most areas of California. These areas have historically been highly dependent upon agriculture and related services as a major component of economic activity. It is apparent that substantial expansion and diversification of the area's economic base is appropriate to provide adequate resources to sustain the area's present and projected future population.

2. Infrastructure Improvements

The Project would contribute to substantial infrastructure improvements, particularly with respect to the area's transportation system. As determined by the City of Fresno, the Project will contribute into the City of Fresno Traffic Signal Mitigation Impact (TSMI), Fresno Major Street Impact (FMSI), and Regional Transportation Impact Fee (RTMF) fee programs. Payment of these City fees would contribute towards construction of the planned improvements to intersections and roadways on the programs' nexus studies. The Project will also construct various road improvements as part of the Project.

The Project will construct water, wastewater, and storm water facilities to service the project. In an effort to reduce water demands and achieve water demand offset, the project will provide for the ultimate irrigation of all public green spaces with non-potable water and install "purple pipe" within those areas. This system could, at a future date, accommodate Title 22 treated effluent for the purposes of irrigation of public green spaces. The project will also construct the 55-acre lake feature to accept Title 22 treated effluent, even though a source for such water is not yet available.

The Project will assist the Fresno Metropolitan Flood Control District in implementing their Master Plan. Improvements funded by the Project's payment of drainage fees would include major storm drains and an expanded storage basin south of the Project site that would benefit the Project and the surrounding area. The Project is also replacing the existing (planned) 20 acre drainage basin with a larger 25 acre drainage basin to serve the area.

3. Consistent with City of Fresno's Vision and General Plan Policies

The Project would help maintain consistency with and carry out the goals, policies and objectives of the City's General Plan and the West Area Community Plan. The Project site is within the adopted Sphere of Influence (SOI) of the City of Fresno and is planned for a variety of urban uses. Currently, the 430-acre project site is designated for urban uses by the 2025 Fresno General Plan. The City's General Plan currently designates the project site as Medium Low, Medium and Medium High Density Residential, Neighborhood Commercial, Commercial Office, Public Facility (elementary school), Open Space, and Neighborhood Park. The project site has approved pre-zoning for approximately 370 of the 430 acres. The Project will be consistent with the overall intent of the City's General Plan and West Area Community Plan's objectives and policies encouraging a range of services and facilities for residents in adherence to specific standards for various land uses, and minimization of land use conflicts between agricultural and urban uses.

The Project also provides an opportunity to have a "master planned" concept on the entire 430 acres, rather than a "piece-mealed" smaller development that could occur under the current General Plan designations on the site. By developing the site as a single project, the City can better control the timing and assurance of installation of appropriate infrastructure

(road improvements, water, wastewater, storm drainage, alternative transportation, recreational facilities, etc.).

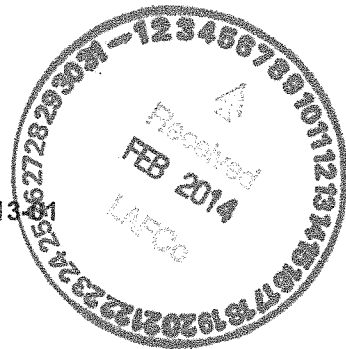
4. Provisions for Affordable Housing

For the Fresno Metropolitan Area to effectively compete for economic development and investment, it is necessary to provide a full range of housing opportunities. The project will designate land for various densities that will allow developers to offer single family and multiple family housing options. The provision of new housing options will help to ensure that the City has adequate housing availability, thus encouraging housing affordability.

5. Social Impacts

The Fresno Metropolitan Area and surrounding region has historically relied upon agriculture and related activities as the principal economic base to sustain the community. While agriculture activities will remain a major component of the local economy, it is apparent that a more diverse economy must be established in order to improve educational, social, economic, employment and health conditions within the community. Improved economic conditions necessitates additional land of appropriate size and location to accommodate expanded business and commercial opportunities. The Project will provide such opportunities in west Fresno.

CITY OF FRESNO
SERVICES & IMPROVEMENT PLAN
SHIELDS-GRANTLAND NO. 1 WESTLAKE REORGANIZATION NO. R-13-01
JANUARY 2014



A. INTRODUCTION

A plan for providing services and improvements to land being annexed to cities is required by the Local Agency Formation Commission (LAFECO).

1. It provides assurance to LAFECO that newly annexed territory to a city will be properly served as urban territory.
2. It provides a basis for determining the impact of an annexation when a determination is made pursuant to the California Environmental Quality Act (CEQA).
3. It provides information to property owners, districts and interested individuals who may have other plans or proposals underway in the immediate vicinity of a proposed annexation, reorganization or boundary change. A service plan indicates the City of Fresno's best intentions, assuming that no major financial crisis or disaster

B. SERVES EXISTING OR PROPOSED TO BE EXTENDED TO THE SHIELDS-GRANTLAND NO. 1 REORGANIZATION AREA (R-13-01)

1. Community Water Service

The subject property is currently served by several domestic wells. Once annexed to the City of Fresno, new development will require the extension of water mains or the development of municipal water wells, or both. The upgraded facilities will have to be installed in accordance with Rule 15 of the State Public Utilities Commission Rules and Regulations.

2. Sanitary Sewer

A 66-inch sewer trunk line lies beneath Grantland Avenue. This facility was designed to accommodate the projected sewer flows from the area that is the subject of this reorganization. Lateral sewer collection lines will be installed to accommodate the subject development as needed.

3. Solid Waste Collection

The City of Fresno will provide solid waste pick up and disposal services upon annexation.

4. Police and Fire Protection

The subject territory is currently provided police services by the Fresno County Sheriff's Department. Upon annexation, the property will then be served by the City of Fresno Police Department.

The subject property is currently served for fire protection by the North Central Fire Protection District, which is operated by the City of Fresno. The District has "instant aid" agreements with the City.

Upon annexation, the territory will be served by the City of Fresno. Two existing stations serve the area: A temporary facility at Bullard and Grantland (approximately 2 miles north of the site) and a permanent station about 2-1/2 miles east at Ashlan and Cornelia Avenues. Also, an existing North Central Fire Station (now used for paramedic services) is located across the street from the affected territory on the south side of West Shields Avenue.

It should be noted that fire sprinklers are required in all new construction. The entire area to be annexed will be affected by this fairly new State law.

5. Street Lighting

The area will be developed with a required street lighting system after annexation. The developer(s) of the site will be required to install the facilities. The street lights will be owned and operated by the City of Fresno and the developer may have to provide a Community Facilities District (CFD) for the funding of their ongoing maintenance.

6. Parks and Recreation

The City of Fresno requires that new development pay park impact fees for the development of park space in the City. Also, the City sometimes requires that the developer of the property install park space in lieu of payment of fees. The City does require that development install/pay for park space at a 3 acres/1,000 population. All public parks are owned and operated by the City of Fresno Parks and Recreation Department.

7. Transit Services

The City of Fresno owns and operates Fresno Area Express (FAX). Numerous routes transverse through and around the City. Currently, there is no bus service to the proposed annexation area.

8. Ambulance Service

The City of Fresno provides paramedic service at many of the existing fire stations. In addition (see No. 4 above), the City and North Central Fire Protection District have "instant aid" agreements and the North Central Fire Protection District owns and operates a paramedic station south of and across the street from the affected territory.

9. Storm Drainage

The affected territory lies wholly within the Fresno Metropolitan Flood Control District. The District will provide all of the necessary storm water collection/impoundment/recharge functions for this area when it develops. The District's service responsibility is not dependent upon annexation to the City of Fresno.

10. Extension of City Services

The necessary City of Fresno services will be extended as development occurs. The developer of the land will be responsible for the extensions.

11. Schools

The site proposed for annexation lies completely within the Central Unified School District (CUSD). The District provides K-12 service to this area. A new elementary school is

planned within the area to be annexed. CUSD has commented on the proposed project and the associated EIR and can provide service to the affected area.

12. Other City Services

The City of Fresno will also provide planning, public works and other vital services to the affected area. The distance to City Hall from the affected site is approximately 10 miles.

13. San Joaquin Valley Air Pollution Control District (SJVAPCD)

The affected site lies within the 8-county boundary of the SJVAPCD. This district provides permits and collects fees for commercial, industrial and residential (ISR) projects on an as-needed basis.

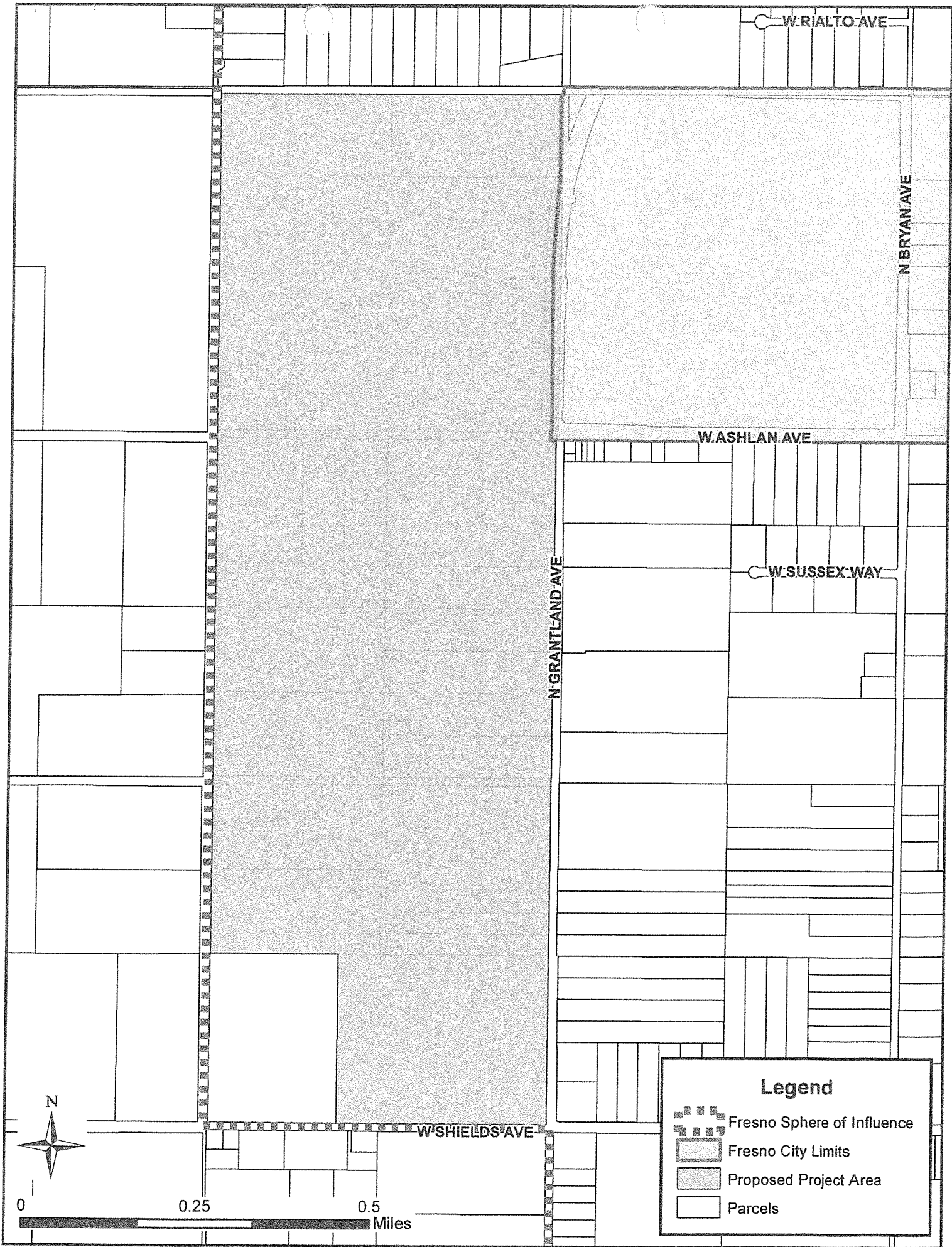
C. FINANCING OF SERVICES AND FACILITIES

All services are financed by one, or a combination, of the following methods:

1. Property tax.
2. Fees: Development Impact fees are enforced for parks, sewers, traffic signalization, storm drainage, city facilities fees are collected and fees for various business licenses and activities are collected.
3. State tax (extremely high source of funds due to nature and quality of business activity).
4. Developer installed Community Facilities District (CFD)/Benefit Assessment District (BAD).
5. State funds, i.e., gas tax, motor vehicle in lieu tax, are utilized by the City for street work and supporting the transit system.
6. Federal funds, i.e., Fresno-Madera Area Agency on Aging, Community Development Block Grant Funds.
7. Bonds and/or assessment districts as needed.

D. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

An EIR has been prepared and certified by the City of Fresno in compliance with the California Environmental Quality Act, as amended. The findings were posted as required by CEQA and were circulated to affected agencies.



STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT

Receipt # E201310000326

Lead Agency: CITY OF FRESNO Date: 12/20/2013

County Agency of Filing: FRESNO COUNTY CLERK Document No: E201310000326

Project Title: WESTLAKE DEVELOPMENT PROJECT

Project Applicant Name: CITY OF FRESNO-MIKE SANCHEZ Phone Number: (559) 621-4040

Project Applicant Address: 2600 FRESNO STREET THIRD FLOOR, FRESNO, CA 93721

Project Applicant: LOCAL PUBLIC AGENCY

ADMINISTRATION FEE	\$	50.00
ENVIR. IMPACT REPORT	\$	2995.25
Total Received	\$	3045.25

Signature and title of person receiving payment: 

E201310000326

Notice of Determination

Appendix D

To:
[] Office of Planning and Research
U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814

From:
Public Agency: City of Fresno, Dev. & Res. Mgmt.
Address: 2600 Fresno Street, Third Floor
Fresno, CA 93721
Contact: Mike Sanchez, Planning Manager
Phone: (559) 621-4040

FILED

[] County Clerk
County of: Fresno
Address: 2221 Kern Street
Fresno, CA 93721

Lead Agency (if different from above): DEC 20 2013
Address: FRESNO COUNTY CLERK
By: James McLaughlin
DEPUTY
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2007121033

Project Title: Westlake Development Project

Project Applicant: Westlake Development Company, Inc.

Project Location (include county): City of Fresno, Fresno County. X-streets: Gettysburg/Shields/Garfield/Grantland

Project Description:
Granville at Westlake, Inc. (the project Applicant) is proposing to develop a master planned 460 acre project with residential and commercial uses developed around a 55 acre man-made private lake. The project consisted of Plan Amendment No. A-07-012, Rezone Application No. R-07-08. The plan amendment application involved amending residential, commercial, public facility and open space planned land uses and circulation element of the 2025 Fresno General Plan and West Area Community Plan. The rezone application consisted of changing the zoning of several existing agriculture, residential, commercial zoned properties to various residential and commercial zoned districts.

This is to advise that the City Council of the City of Fresno has approved the above ([] Lead Agency or [] Responsible Agency)

described project on 12/19/2013 and has made the following determinations regarding the above (date) described project.

- 1. The project [] will [] will not] have a significant effect on the environment.
2. [] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
[] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [] were [] were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [] was [] was not] adopted for this project.
5. A statement of Overriding Considerations [] was [] was not] adopted for this project.
6. Findings [] were [] were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
City of Fresno Development & Resource Management Department, 2600 Fresno St., 3rd Floor, Fresno, CA 93721

Signature (Public Agency): Mike Sanchez Title: Planning Manager

Date: 12-20-13 Date Received for filing at OPR:



Fresno Local Agency Formation Commission

DATE: February 14, 2014
 TO: Morgan Barnett, Elections Division
 FROM: David E. Fey, AICP, Executive Officer *DF*
 SUBJECT: "Shields-Grantland No. 1 (Westlake) Reorganization"
 AGENCY NO.: RO-13-1



The attached application has been received for processing with the Local Agency Formation Commission (LAFCo) office. In accordance with Government Code Section 56386, your agency's assistance in reviewing and commenting on this application is requested. At this time we are requesting the following information indicated by an "X":

- A. _____ Please furnish a list of all registered voters along with their address as shown upon the most recent assessment roll being prepared by the County within 300 feet of the exterior boundary of the property.
- B. X Number of registered voters in the area. 1
- C. X If more than 11 registered voters, for notification purposes please furnish a list of all registered voters along with their address as shown upon the most recent assessment roll being prepared by the County. Also please furnish a list of registered voters along with their addresses for the territory within 300 feet of the exterior boundary of the property.
- D. _____ What percent of the registered voters in the proposal area does the attached petition represent? _____
- E. X Will the proposal adversely affect precinct boundaries or the conduct of elections? no
- F. _____ Other comments:

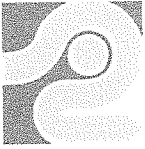
In order to proceed with the processing of this application, your comments need to be returned to this office by **February 28, 2014**. Your assistance is greatly appreciated. Thank you.

DEF:sh

Attachments: Map, Legal description

Morgan J. Barnett ITA
 Signature and Title

2/28/14
 Date

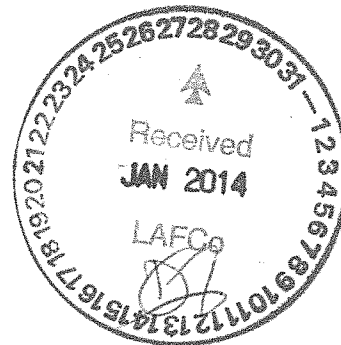


FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 170.44

January 24, 2014

Mr. David E. Fey, AICP, Executive Officer
Fresno Local Agency Formation Commission
2607 Fresno Street
Suite B
Fresno CA 93721



Dear Mr. Fey,

**Westlake Annexation Proposal
Drainage Area "CD"**

The proposed annexation boundary encompasses lands owned and within the Fresno Metropolitan Flood Control District and will be served by the District's Storm Drainage and Flood Control Master Plan. Drainage service by the Master Plan does not exist for the annexation area at this time.

It is our understanding there will be no change in the District's share of the property tax base, nor future property tax increments for the impacted Tax Rate areas.

The District further request its historic growth increment tax applied to this area.

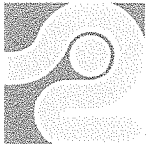
If you have any questions or require further information, please do not hesitate to contact us.

Very truly yours,

Bob Van Wyk
General Manager-Secretary

BVW/ems

bvw\letters\2014\lafco-ltr



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 170.44
310. "CD"

February 19, 2014



Mr. David E. Fey, AICP, Executive Officer
Fresno Local Agency Formation Commission
2607 Fresno Street, Suite "B"
Fresno, CA 93721

Dear Mr. Fey,

LAFCo File No. RO-13-1
Shields-Grantland No. 1 (Westlake) Reorganization
Drainage Area "CD"

The proposed annexation boundary encompasses lands within the Fresno Metropolitan Flood Control District and will be served by the District's Storm Drainage and Flood Control Master Plan. Drainage service by the Master Plan does not exist for the annexation at this time.

It is our understanding there will be no change in the District's share of the property tax base, nor future property tax increments for the impacted Tax Rate areas.

The District further requests its historic growth increment tax be applied to this area.

If you have any questions or require further information, please do not hesitate to contact us.

Sincerely,

Mark Wilh
Engineer III, RCE

MW/lrl

c: Bob Van Wyk, Fresno Metropolitan Flood Control District

k:\letters\misc letters\fresno\lafco ro-13-1(cg)(mw).docx



County of Fresno
DEPARTMENT OF PUBLIC HEALTH
DAVID POMAVILLE, M.B.A., R.E.H.S.
DIRECTOR

February 20, 2014

Mr. David E. Fey
Local Agency Formation Commission
2607 Fresno Street, Suite B
Fresno, CA 93721



LU0017579
2620

Dear Mr. Fey:

PROJECT NO: RO-13-1

SUBJECT: "Shields-Grantland No. 1 (Westlake) Reorganization"

1. Adequacy and availability of existing and proposed community water and sewer systems:
 - Construction permits for development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
 - Construction permits for the development should be subject to assurance that the City of Fresno community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Department of Health Services, Division of Drinking Water and Environmental Management (DDWEM). For more information call (559) 447-3300.
2. Need for services other than those proposed:
3. Effect of project on air or water quality:
4. Related County plans or projects:
5. Other comments:
 - As a measure to protect groundwater, any water wells and/or septic systems that have been abandoned within the project area shall be properly destroyed by an appropriately licensed contractor. At such time when the existing properties

Dedicated to Public Health



D
INTER OFFICE MEMO

Fresno County Public Library

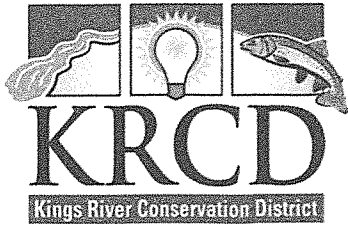


Date: March 3, 2014
To: David Fey, AICP, Executive Officer
From: Laurel Prysiazny, County Librarian
Subject: "Shields-Grantland No. 1 (Westlake) Reorganization"

No impact on any historic properties within the affected area. Using the following resources:

I have included references for further reference.
Thompson, Thos. H. 1891, *Atlas of Fresno County California*.
Harvey, William Sr., 1907, *Atlas of Fresno County California*.
Progressive Map Service, 1935, *Progressive Atlas of Fresno County*.

**If upon construction and digging there are any archaeological findings, they should not be disturbed until the right authorities are contacted.



4886 East Jensen Avenue
Fresno, California 93725

Tel: 559-237-5567
Fax: 559-237-5560

www.krcd.org



May 12, 2014

Mr. David Fey, Executive Officer
Fresno Local Agency Formation Commission
2607 Fresno Street, Suite B
Fresno, CA 93721

Re: Agency Consent for Waiver of Protest Hearing
Barstow-DeWolf Southeast Reorganization (RO-14-1)

Dear Mr. Fey:

Enclosed please find a signed Agency Consent for Waiver of Protest Hearing for the above referenced proceeding. Please feel free to contact me at (559) 237-5567 extension 115, if you have any questions or require further assistance.

Sincerely,

Steven Stadler, P.E.
Deputy General Manager of Water Resources

SPS/sjs

Enclosures: As Stated

L14-0062
File: 300.05.04.04

BOARD OF DIRECTORS

Division I, NORMAN B. WALDNER, Dinuba • Division II, MASARU YOSHIMOTO, Fowler • Division III, GILDO NONINI, Fresno • Division IV, MARK McKEAN, Riverdale
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MARK McKEAN, President • DR. DAVID CEHRS, Vice President • DAVID ORTH, General Manager-Secretary • RANDY SHILLING, Auditor

Local Agency Formation Commission
2607 Fresno Street, Suite B
Fresno, CA 93721

AGENCY CONSENT FOR WAIVER OF PROTEST HEARING

"Barstow-DeWolf Southeast Reorganization"
AGENCY NO.: RO-14-1

PLEASE BE ADVISED that all affected local agencies that will gain or lose territory as a result of this proposed annexation or reorganization must consent in writing to a waiver of protest proceedings or this proposal will automatically be scheduled for a protest hearing (Gov. Code Sec 56663(d)).

The written signature of an authorized official of your agency is necessary to preclude the scheduling and holding of a protest hearing. If you sign this waiver now and circumstances change, you may rescind this waiver and request protest proceedings at any time prior to and/or at the public hearing for this item.

If you are unable to sign this waiver we would appreciate an explanation outlining your reasons and/or a written statement summarizing the reasons your agency wishes LAFCo to hold a protest hearing for this proposal. In either case, if you do not sign this waiver your presence at its scheduled LAFCo hearing and following protest hearing is requested.

As representative of the **Kings River Conservation District**, an affected agency, my signature serves as consent for the Fresno Local Agency Formation Commission to waive Protest Proceedings for this reorganization pursuant to Section 56663 (If 100% of the landowners have consented to the proposed annexation).

Steve D. Slade DEPUTY CHIEF
OF WATER RESOURCES MAY 12, 2014
Signature Waiving Protest Proceedings Date
KINGS RIVER CONSERVATION DISTRICT
4886 E. JENSEN AVE., FRESNO CA 93725
Address



Development and Resource Management Department

2600 Fresno Street, Third Floor
Fresno, California 93721-3604
(559) 621-8003, FAX (559) 498-1026

Jennifer K. Clark
Director

Please Reply To:

Mike Sanchez
(559) 621-8041
mike.sanchez@fresno.gov

May 6, 2014

David Fey, Executive Director
2607 Fresno Street Suite B
Fresno, CA 93721



David:

SUBJECT: Proposed Westlake Annexation

During the processing of the Westlake Project, numerous communications between city staff and the applicant's representative took place regarding future annexation to the City of Fresno. It was clearly understood that the only properties that were to be annexed were those controlled by the project applicant. No other properties were included in the Environmental Impact Report that was certified by the City Council on December 13, 2013. In addition, the proposed annexation was to be developer initiated with the project applicant bearing all costs and fees associated with said annexation.

The City is supportive of the Westlake annexation in its initially proposed format. However, the City is not in agreement with the proposed conditions of approval that are outlined in a letter dated May 1, 2014, to Mr. David Fey, from the Fresno County Administrative Office (see attached).

Within the next 90 days, the City of Fresno is committed to open a dialogue with Fresno County regarding orderly annexation policies and procedures.

If you have any further questions, please contact me at number listed above.

Sincerely,

Mike Sanchez
Planning Manager

Enclosure: Letter dated May 1, 2014



County of Fresno

COUNTY ADMINISTRATIVE OFFICE

JOHN NAVARRETTE

COUNTY ADMINISTRATIVE OFFICER

May 1, 2014

David E. Fey, AICP, Executive Officer
Fresno Local Agency Formation Commission
2607 Fresno Street, Suite B
Fresno, CA 93721

SUBJECT: Shields-Grantland No. 1 (Westlake) Reorganization

Dear Mr. Fey:

Fresno County has evaluated the above-referenced reorganization in accordance with the City of Fresno/County of Fresno Amended and Restated Memorandum of Understanding (MOU) and has determined that the proposed annexation boundary is not consistent with the MOU Annexation Standards (extends a peninsula and creates an irregular boundary) and that a Stand-Alone tax sharing agreement between the County and City of Fresno is required to make a finding of consistency.

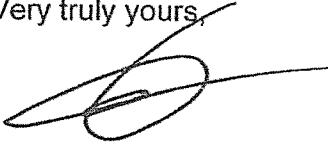
Fresno County staff can support a Stand-Alone tax sharing agreement for the above-referenced annexation provided the City of Fresno agrees to the following:

- Accept responsibility for any code enforcement issues for annexed properties.
- Provide fire emergency response for police and fire emergency calls.
- Provide specific traffic enforcement and road maintenance and improvement activities requested by the County of Fresno with the right-of-way of Shields, Hayes, Dakota, Cornelia, Blythe, Polk, Bryan and Ashlan Avenues.
- Provide pickup of illicitly dumped debris within the right-of-way of Shields, Hayes, Dakota, Cornelia, Blythe, Polk, Bryan and Ashlan Avenues.
- Obtain encroachment permit(s) for all water, sewer or dry utility improvements installed within the County right-of-way and enter into an agreement with the County whereby the City shall be responsible in perpetuity for all repairs with County right-of-way due to failure of construction and/or operation of said City improvements.

Mr. David E. Fey
LAFCo
May 1, 2014
Page 2

Recordation of the proposed annexation shall not occur until the proposed annexation is determined to be consistent with the current Amended and Restated MOU or the County and City enter into a Stand-Alone tax sharing agreement. If you have any questions, you may contact me at (559) 600-1710 or Bernard Jimenez, Deputy Director of Planning at (559) 600-4234.

Very truly yours,

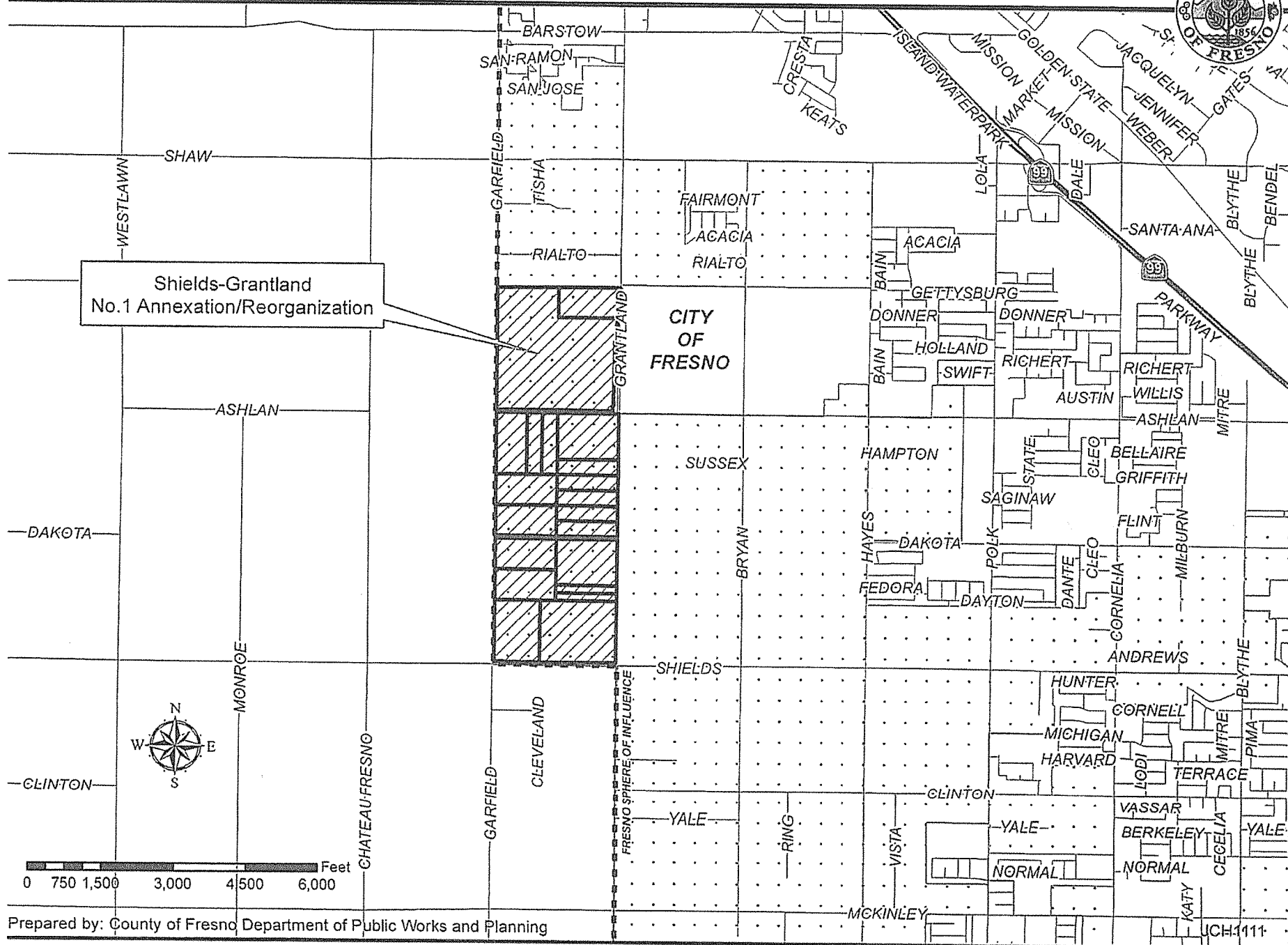


John Navarrette
County Administrative Officer

G:\4360Devs&PIn\PLANNING\ANNEXATIONS\Cities & Districts\Fresno\2014\Shields-Grant\and No. 1 (Westlake)\Shields_Grant\and No. 1.docx

c: Alan Weaver, Director, Department of Public Works and Planning
Bernard Jimenez, Deputy Director of Planning
Will Kettler, Division Manager, Development Services Division
Mohammad Khorsand, Senior Planner, Policy Planning Unit
Bruce Rudd, City Manager, City of Fresno
Jeff Roberts, Granville Homes

LOCATION MAP



Shields-Grantland
No. 1 Annexation/Reorganization



0 750 1,500 3,000 4,500 6,000 Feet

Notice of Determination

Appendix D

To:

Office of Planning and Research
 U.S. Mail: Street Address:
 P.O. Box 3044 1400 Tenth St., Rm 113
 Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
 County of: Fresno
 Address: 2221 Kern Street
Fresno, CA 93721

From:

Public Agency: City of Fresno, Dev. & Res. Mgmt.
 Address: 2600 Fresno Street, Third Floor
Fresno, CA 93721
 Contact: Mike Sanchez, Planning Manager
 Phone: (559) 621-4040

Lead Agency (if different from above):
 Address: _____
 Contact: _____
 Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.


State Clearinghouse Number (if submitted to State Clearinghouse): 2007121033

Project Title: Westlake Development Project

Project Applicant: Westlake Development Company, Inc.

Project Location (include county): City of Fresno, Fresno County. X-streets: Gettysburg/Shields/Garfield/Grantland

Project Description:

Granville at Westlake, Inc. (the project Applicant) is proposing to develop a master planned 460 acre project with residential and commercial uses developed around a 55 acre man-made private lake. The project consisted of Plan Amendment No. A-07-012, Rezone Application No. R-07-08. The plan amendment application involved amending residential, commercial, public facility and open space planned land uses and circulation element of the 2025 Fresno General Plan and West Area Community Plan. The rezone application consisted of changing the zoning of several existing agriculture, residential, commercial zoned properties to various residential and commercial zoned districts. 

This is to advise that the City Council of the City of Fresno has approved the above
 Lead Agency or Responsible Agency)

described project on 12/19/2013 and has made the following determinations regarding the above
 (date)
 described project.

1. The project will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was was not] adopted for this project.
5. A statement of Overriding Considerations was was not] adopted for this project.
6. Findings were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

City of Fresno Development & Resource Management Department, 2600 Fresno St., 3rd Floor, Fresno, CA 93721

Signature (Public Agency): Mike Sanchez Title: Planning Manager

Date: 12-20-13 Date Received for filing at OPR: _____

David E. Fey
RO-13-1
February 20, 2014
Page 2 of 2

connect to community water and/or sewer, the individual onsite systems shall be properly destroyed under permit and inspection with the appropriate agency.

Prior to destruction of agricultural wells, a sample of the upper most fluid in the water well column should be sampled for lubricating oil. The presence of oil staining around the water well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Transportation of these materials on public roadways may require special permits and licensure.

- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- Appropriate measures should be incorporated into the project to minimize potentially significant short-term localized noise impacts to noise sensitive receivers caused by the operation of construction equipment. Construction specifications for the project should require that all construction equipment be maintained according to the manufacturers' specifications, and that noise generating construction equipment be equipped with mufflers. In addition, consideration should be given to limiting noise-generating construction activities to daytime hours as specified in the City's Municipal Code.

If I can be of more assistance, please contact me at (559) 600-3271.

Sincerely,

Kevin Tsuda

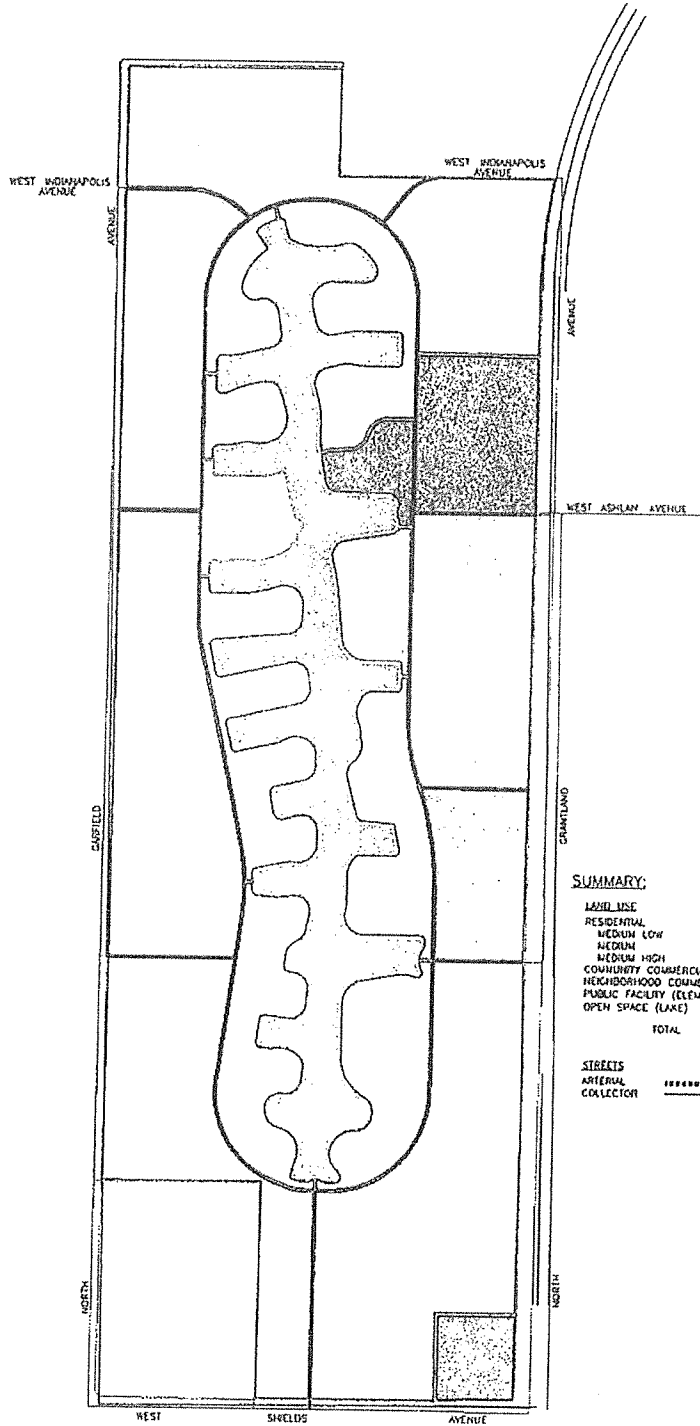
Digitally signed by Kevin Tsuda
DN: cn=Kevin Tsuda, o, ou=Fresno
County EH,
email=ktsuda@co.fresno.ca.us, c=US
Date: 2014.02.20 11:37:12 -08'00'

Kevin Tsuda, R.E.H.S.
Environmental Health Specialist II
Environmental Health Division

kt

cc Betsy Lichti, California Department of Public Health
Dale Harvey, Regional Water Quality Control Board
Jeff Roberts, Applicant (jroberts@gvhomes.com)

Exhibit "E":
 Proposed Planned Land Use Map (A-07-012)
 (Page 1)



SUMMARY:

LAND USE	AREA (ACRES)
RESIDENTIAL	92.42
MEDIUM LOW	207.00
MEDIUM HIGH	38.83
COMMUNITY COMMERCIAL	22.07
NEIGHBORHOOD COMMERCIAL	7.45
PUBLIC FACILITY (ELEMENTARY SCHOOL)	15.75
OPEN SPACE (LAKE)	55.68
TOTAL	430.00

STREETS
 ARTERIAL: —————
 COLLECTOR: —————

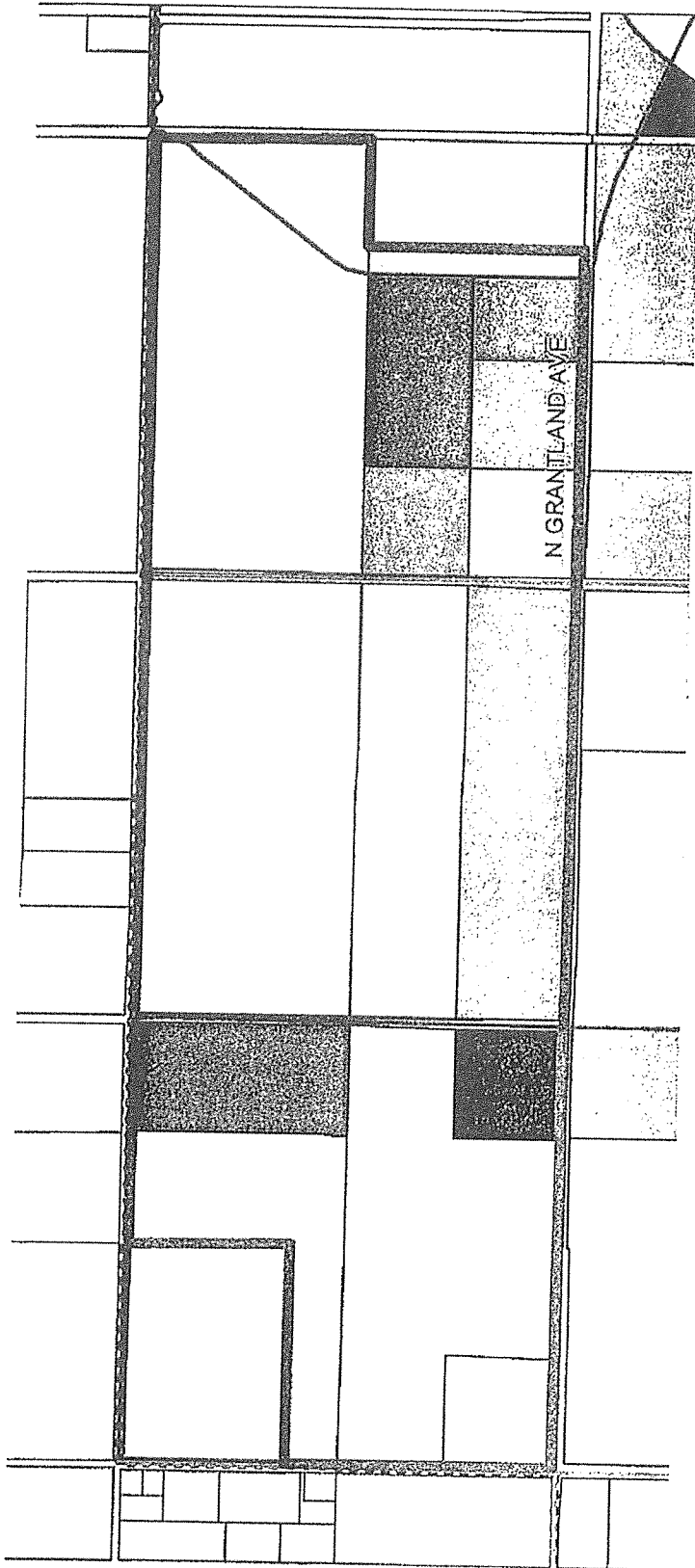
GARY G. GIANNETTA
 CIVIL ENGINEERING & LAND SURVEYING

1118 N. STREET
 PEORIA, IL 61603
 (309) 284-3030 FAX (309) 261-0666

DATE: 10/18/13

**Exhibit E
(page 2)**

**Existing Planned Land
Use Map for Subject
Property (From:)**



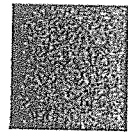

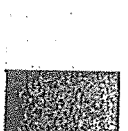
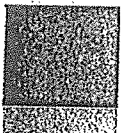
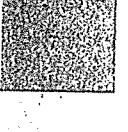
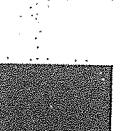
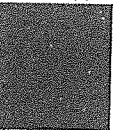
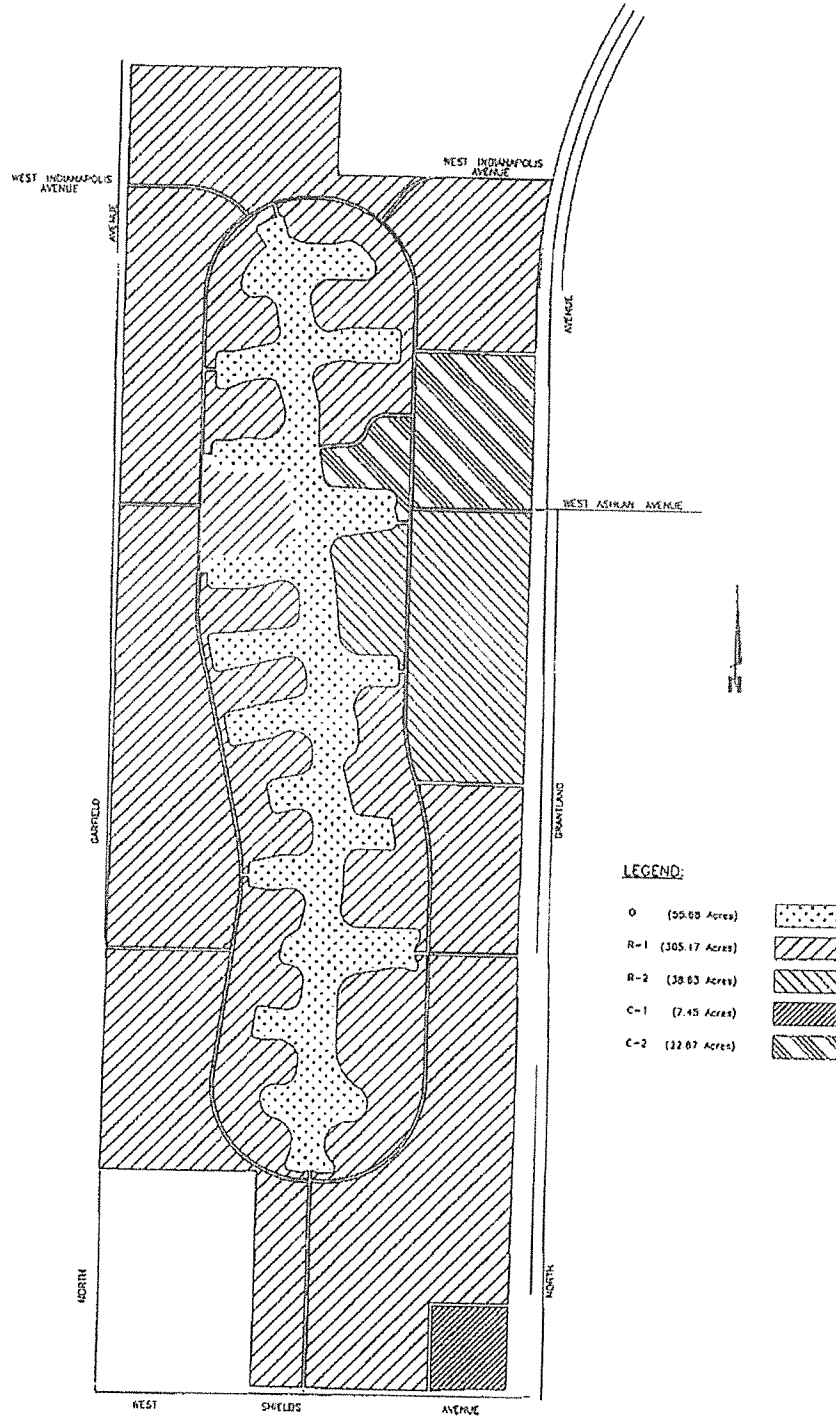
-  Public Facility (Elem School)
(±17 acres)
-  Medium-Low Density
Residential
(±194 acres)
-  Medium Density Residential
(±102 acres)
-  Open Space / Ponding Basin
(±26 acres)
-  Medium-High Density
Residential
(±61 acres)
-  Neighborhood Commercial
(±19 acres)
-  Office Commercial
(±11 acres)

Exhibit "F":
 Proposed Prezone/Rezone Map (R-07-008)
 (Page 1)



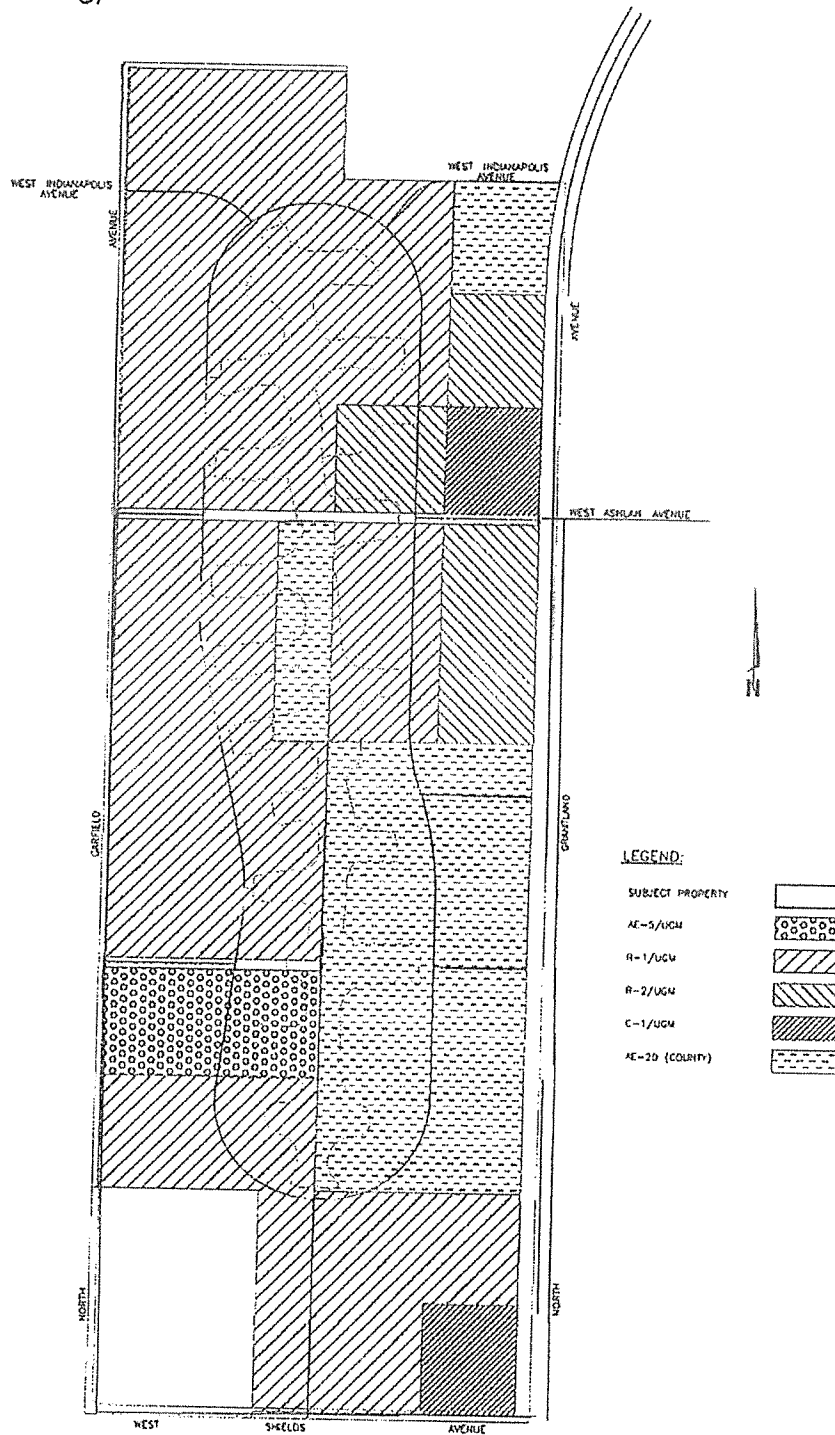
LEGEND:

O	(55.68 Acres)	
R-1	(305.17 Acres)	
R-2	(38.63 Acres)	
C-1	(7.45 Acres)	
C-2	(22.67 Acres)	

GARY G. GIANNETTA
 CIVIL ENGINEERING & LAND SURVEYING

1118 W. STREET
 FRESNO, CA 93721
 (509) 241-3100 FAX (509) 261-0094
 DATE 10/16/13

Exhibit "F":
 Proposed Prezone/Rezone Map
 (Existing Zoning)
 (Page 2)



CARY G. GIANNETTA
 CIVIL ENGINEERING & LAND SURVEYING
 1119 7th STREET
 FARMING, GA 30728
 (608) 664-2589 FAX (608) 364-6694
 DATE: 10/18/13

STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT

Receipt # E201310000326

Lead Agency: CITY OF FRESNO Date: 12/20/2013

County Agency of Filing: FRESNO COUNTY CLERK Document No: E201310000326

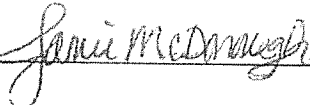
Project Title: WESTLAKE DEVELOPMENT PROJECT

Project Applicant Name: CITY OF FRESNO-MIKE SANCHEZ Phone Number: (559) 621-4040

Project Applicant Address: 2600 FRESNO STREET THIRD FLOOR, FRESNO, CA 93721

Project Applicant: LOCAL PUBLIC AGENCY

ADMINISTRATION FEE	\$	50.00
ENVIR. IMPACT REPORT	\$	2995.25
Total Received	\$	3045.25

Signature and title of person receiving payment: 

February 24, 2014

David E. Fey, AICP, Executive Officer
Fresno Local Agency Formation Commission
2607 Fresno Street, Suite B
Fresno, CA 93721

SUBJECT: Shields-Grantland No. 1 (Westlake) Reorganization

Dear Mr. Fey:

Fresno County has evaluated the above-referenced reorganization in accordance with the City of Fresno/County of Fresno Memorandum of Understanding (MOU) and has determined that the proposed annexation boundary is not consistent with the MOU Annexation Standards (irregular boundary) and that a Stand-Alone tax sharing agreement between the County and the City of Fresno is required to make a finding of consistency.

The County can support a Stand-Alone tax sharing agreement for the above-referenced annexation provided the City of Fresno agrees to the following provisions:

- Accept responsibility for any code enforcement issues for annexed properties.
- Provide first emergency response for police and fire emergency calls.
- Provide specific traffic enforcement and road maintenance and improvement activities requested by the County of Fresno within the right-of-way of Shields, Hayes, Dakota, Cornelia, Blythe and Ashlan Avenues.
- Provide pickup of illicitly dumped debris within the right-of-way of Shields, Hayes, Dakota, Cornelia, Blythe and Ashlan Avenues.
- Obtain encroachment permit(s) for all water, sewer or dry utility improvements installed within the County right-of-way and enter into an agreement with the County whereby the City shall be responsible in perpetuity for all repairs within County right-of-way due to failure of construction and/or operation of said City improvements.

Recordation of the proposed annexation shall not occur until the proposed annexation is determined to be consistent with the current MOU or the County and City enter into a Stand Alone tax sharing agreement. If you have any questions, you may contact me at (559) 600-1710 or Bernard Jimenez at (559) 600-4234.

Very truly yours,

John Navarrette
County Administrative Officer



February 27, 2014

David Fey
Executive Director
The California Association of Local Agency Formation Commissions
1215 K Street, Suite 1650
Sacramento, CA 95814
Phone: (530) 934-6540
Fax: (530) 934-6533

Dear Mr. Fey:

The purpose of this letter is to provide you with the information regarding the ownership for each of the landowners: Grantland Holdings 1, LLC, a California limited liability company ("Grantland 1"), Grantland Holdings 2, LLC, a California limited liability company ("Grantland 2"), ACAP Holdings, LLC, a California limited liability company ("ACAP"), and GVM Investments, LLC, a California limited liability company ("GVM")

Grantland 1:

The sole member of Grantland 1 is Farshid Assemi, Trustee of the Farid Assemi 1997 Ranch Trust dated June 30, 1997.

Grantland 2:

The sole member of Grantland 2 is Farid Assemi, Trustee of the Farshid Assemi 1997 Ranch Trust dated June 30, 1997.

ACAP:

The members of ACAP are Farid Assemi, Trustee of the Amended and Restated Farid Assemi Revocable Trust dated January 31, 2007, Farshid Assemi and Sonia Rosemary Assemi, Trustees of the Amended and Restated Farshid Assemi and Sonia Rosemary Assemi Revocable Trust dated January 31, 2007, and Darius Assemi, Trustee of the Amended and Restated Darius Assemi Revocable Trust dated January 30, 2007. Each of the trusts owns an equal 33% (1/3) membership interest in ACAP.

David Fey
February 27, 2014
Page 2

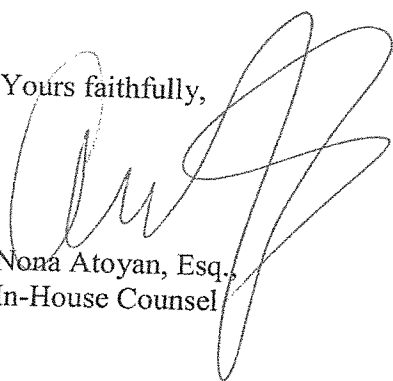
GVM:

The members of GVM are Farid Assemi, Trustee of the Farshid Assemi 1997 Ranch Trust dated June 30, 1997, Farshid Assemi, Trustee of the Farid Assemi 1997 Ranch Trust dated June 30, 1997, and Darius Assemi, Trustee of the Amended and Restated Darius Assemi Revocable Trust dated January 30, 2007. Each of the trusts owns an equal 33% (1/3%) membership interest in GVM.

Lastly, Jeffrey T. Roberts is authorized to sign any and all applications for the annexation of the "Shields – Grantland No. 1 Reorganization" area to the City of Fresno.

If you have any questions or concerns, please do not hesitate to contact me via email: srau@gvhomes.com or by telephone at 559-436-0900.

Yours faithfully,


Nona Atoyan, Esq.,
In-House Counsel



Passion, Commitment & Innovation *Everlasting*



2/27/14

David Fey, Executive Officer
Fresno Local Agency Foundation Commission
2607 Fresno St, Suite B
Fresno, CA 93721

Subject: 'Shields-Grantland No 1
Reorganization' (Westlake)

Granville Homes

Dear Mr. Fey,

As you are aware, we have been working since 2007 to process all of the necessary entitlement applications for the 'Westlake' Master Planned Development. This project will be developed in the City of Fresno according to the conditions imposed by the recent set of project approvals.

I am respectfully requesting that the April meeting of LAFCO be delayed for one week to April 16, 2014 to accommodate our reorganization request. The purpose of my request is twofold. First, the project applicant is interested in pulling the Grading Permit as soon as possible. The project can then be graded this spring and summer in advance of any adverse weather conditions. Additionally, Westlake is a large, multi-phased project that will require an extra-ordinary amount of site preparation to accommodate any future development. Second, I will not be in town on April 9, 2014. This is the same week that Fresno COG has scheduled the 'One Voice' trip to Washington, DC. I have signed up to attend the trip, as I have done since 2004, and I am the lead presenter on the Veterans Blvd. issue during this trip.

Every week counts. This project was taken quite a while to process and we are anxious to proceed forward. If the April meeting can be moved a week, it will save us 4 weeks of time because we won't have to wait until May to be considered at a public hearing.

We really do appreciate your consideration of this request. It is my understanding that you will present this request to the commission on March 12th for their consideration. I will be present at that hearing to state, in person the reasons for my request.

Please feel free to contact me if you have any questions.

Thanks again

Sincerely,

Jeffrey T. Roberts

"Shields-Grantland No. 1 (Westlake) Reorganization"
Report

- 1. **Proposal:**
Shields-Grantland No. 1 (Westlake) Reorganization, annex tp the City of Fresno and detach from North Central Fire Protection District
- 2. **Acreage:** 447.78 Ac.=/-
- 3. **Location Description:** West of Grantland, and North of Shields Ave to the "former" SPRR. spur.
- 4. **Cities and Districts included wholly or partially within proposal area:**
 - a. Fresno County
 - b. Fresno Co. Library
 - c. County Service Area 35
 - d. North Central Fire Control Dist
 - e. North Central Fire Control Dist, Zone 1
 - f. Fresno Metropolitan Flood Control Dist
 - g. Kings River Conservation Dist
 - h. Fresno Mosquito Abetment Dist
 - i. Central Unified School Dist
 - j. State Center Community College Dist
 - k. West Fresno Red Scale Pretension Dist
 - l. Fresno Irrigation Dist

5. **Agricultural Preserves and Land Conservation Contracts within proposal area:**
n/a

Agricultural Preserves and Land Conservation Contracts within adjoining territory:
n/a

6. **Comments of legal description and map received on:**

Correction Needed?	Comments a, b, c, d, e, f, g
Indefinite & uncertain boundaries?	No
Conflicts with lines of assessment?	No
Divides ownership?	No
Additional territory recommended?	No
Deletion of territory recommended?	No
Island? No	Island?
Corridor? No	Corridor?
Non-contiguous No	Non-contiguous boundary?
boundary?	
Is map insufficient for filing?	Yes, Comments e, f, g

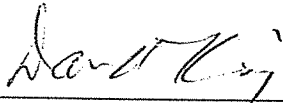


*Emailed to
Jeff Roberts
3/3/14*

"Shields-Grantland No. 1 (Westlake) Reorganization"

7.

- a. If the legal description or map is revised for any reason, the date revised must be shown on the same.
- b. Requirements for map and legal can be viewed at the following website;
<http://www.boe.ca.gov/proptaxes/sprdcont.htm>.
- c. The description on both the map and legal state: "Westlake Community"; but, the LAFCO submittal papers show the proposal name as: "Shields-Grantland No.1 (Westlake) Reorganization". Needs to be the same as LAFCO's reorganization name.
- d. Map and legal description: the courses need to be in a clockwise direction from the "Point of Beginning". See SBE requirements 3c. below.
- e. Map needs a scale bar. See SBE requirements.
- f. Map is missing APN 512-010-33S. See SBE requirements.
- g. Map is missing the "Suffex" to APN 512-043-29T



Dave King, Supervising Cadastral TechnicianWritten Geographic Description(s) of the Project Area(s)

Descriptions of the territory that are filed with the Board's Tax Area Services Section (TASS) are used to establish geodetic position and are not intended to establish property ownership in a court of law.² Subdivision maps, tract maps, recorded survey maps, survey monuments, and deeds are not on file with the Board. Boundary descriptions that merely cite recorded documents or refer to assessor's parcel numbers will not be accepted. Any supporting documents may be used as reference only and cannot be used as a substitution. Written geographic descriptions shall conform to the following specifications:

1. Every written geographic description (a document separate from the maps) must stand on its own without the necessity of reference to any extraneous document; a description that relies solely on the use of secondary references will not be accepted. The TASS cartographic staff must be able to plot the boundaries from the written description alone.
2. The written description shall be of the project area only. If a complete description of the special district is filed, the project area shall be clearly identified in a separate document.
3. The geographic description shall:
 - a. State the township and range, section number(s) or rancho(s)
 - b. Have a **point of beginning (POB)** referenced to a known major geographic position (e.g., section corners, intersection of street centerlines, or the intersection of street centerline and an existing district boundary at the time of filing). A description will be rejected if the POB refers only to a tract map, a subdivision map or a recorded survey map. It is preferable that the POB be the point of departure from an existing district boundary (when applicable).
 - c. Be expressed as a specific parcel description in sectionalized land (e.g., "The SW 1/4 of Section 22, T1N, R1W") or by bearings and distances. When the description is by bearings and distances, **all courses shall be numbered and listed individually** in a consistent clockwise direction. The description shall not be written in a narrative format. All courses required to close the traverse of the project area must be stated. All curves must be described by direction of concavity. Delta, arc length, chord, and radius shall be listed, including radial bearings for all points of non-tangency.

WESTLAKE COMMUNITY
ANNEXATION TO THE CITY OF FRESNO AND
DETACHEMENT FORM THE NORTH CENTRAL
FIRE PROTECTION DISTRICT AND
THE KINGS RIVER CONSERVATION DISTRICT
LEGAL DESCRIPTION

That portion of Sections 17 and 20 in Township 13 South, Range 19 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the Southeast corner of said Section 20;

thence (1) North $0^{\circ}33'22''$ East, along the East line of the Southeast Quarter of said Section 20, a distance of 2,648.56 feet to the East Quarter corner of said Section 20;

thence (2) North $0^{\circ}33'22''$ East, along the East line of the Northeast Quarter of said Section 20, a distance of 2,618.53 feet to a point on last said East line being 30.00 feet South of the Northeast corner of said Section 20, said point also on the existing limit line of the City of Fresno;

thence (3) South $89^{\circ}46'50''$ West, along the existing limit line of the City of Fresno, a distance of 118.74 feet;

thence (4) North $0^{\circ}13'10''$ West, along the existing limit line of the City of Fresno, a distance of 60.00 feet;

thence (5) North $45^{\circ}02'03''$ East, along the existing limit line of the City of Fresno, a distance of 21.31 feet;

thence (6) North $0^{\circ}17'15''$ East, parallel with and 104.00 feet West of the East line of the Southeast Quarter of said Section 17, also being along the existing limit line of the City of Fresno, a distance of 1,261.34 feet to the intersection with a tangent curve;

thence (7) Northeasterly along said tangent curve, concave to the Southeast, having a radius of 3,267.00 feet through a central angle of $12^{\circ}13'05''$, a distance of 696.67 feet along the existing limit line of the City of Fresno;

thence (8) North $0^{\circ}17'15''$ East, parallel with and 30.00 feet West of the East line of the Southeast Quarter of said Section 17, also being along the existing limit line of the City of Fresno, a distance of 674.55 feet;

thence (9) North 89°59'05" West, parallel with and 30.00 feet North of the North line of the Southeast Quarter of said Section 17, a distance of 2,616.14 feet;

thence (10) South 0°26'10" West, along the West line of the Southeast Quarter of said Section 17 and its Southerly prolongation, a distance of 2,669.00 feet to the South Quarter corner of said Section 17;

thence (11) South 0°28'26" West, along the West line of the Northeast Quarter of said Section 20, a distance of 2,644.39 feet to the center Quarter corner of said Section 20;

thence (12) South 0°28'26" West, along the West line of the Southeast Quarter of said Section 20, a distance of 1,322.20 feet to the intersection with the Westerly production of the North line of Lots 29 and 30 of Bullard Lands Irrigated Subdivision No. 9, according to the Map thereof recorded in Book 8, page 56 of Plats, Fresno County Records;

thence (13) South 89°52'36" East, along the North line of Lots 29 and 30 of said Bullard Lands Irrigated Subdivision No. 9, a distance of 996.57 feet to the intersection with the Northwest corner of the East Half of Lot 30 of said Bullard Lands Irrigated Subdivision No. 9;

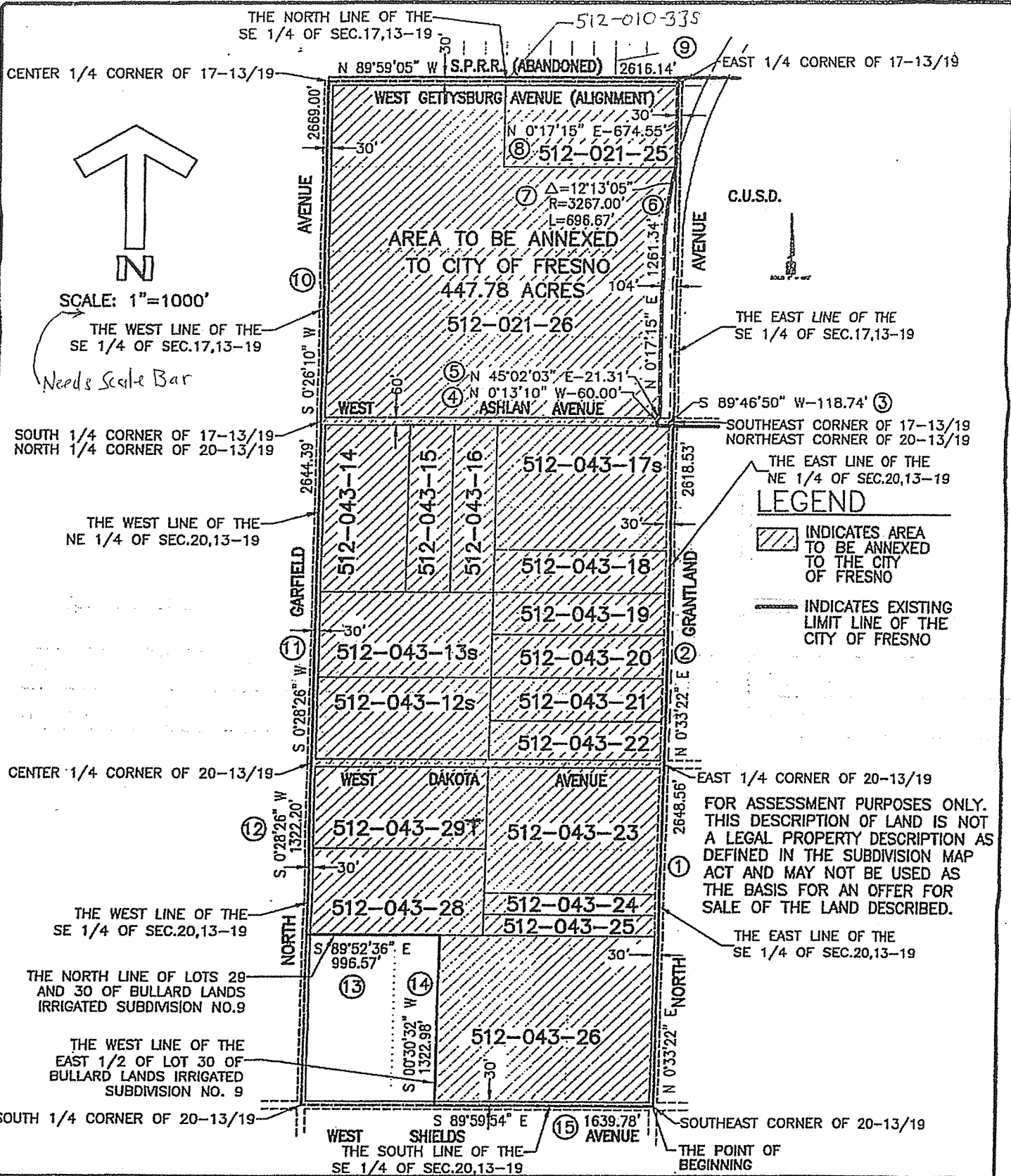
thence (14) South 0°30'32" West, along the West line of the East Half of Lot 30 of said Bullard Lands Irrigated Subdivision No. 9, a distance of 1,322.98 feet to the intersection with the South Line of the Southeast Quarter of said Section 20;

thence (15) South 89°59'54" East, along the South line of the Southeast Quarter of said Section 20, a distance of 1,639.76 feet to the Point of Beginning.

Contains 447.78 acres more or less

Dated: January 10, 2013

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.



PREPARED BY:

GARY G. GIANNETTA
1119 "S" STREET
FRESNO, CA 93721
559.264.3590

WESTLAKE COMMUNITY REORGANIZATION

A PORTION OF SECTIONS 17 AND 20 IN TOWNSHIP 13 SOUTH, RANGE 19 EAST, MOUNT DIABLO BASE AND MERIDIAN

TO BE ANNEXED TO THE CITY OF FRESNO AND DETACHED FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT

PREPARED:
1-10-13

REVISED:
11-18-13

CHECKLIST (This checklist is for your convenience only. Please, do not submit it with your filing.)

Did you include the following items?

- Statement of Boundary Change (Form BOE-400-TA)
- Certified copy of election results (Proposition 218)
- Certificate of Completion (if applicable)
- Copy of the Resolution(s)

Written geographic description:

- Can the geographic description stand alone?
- Is the description of the project area only?
- Does it include the township & range, section number(s) or rancho?
- Is there a point of beginning?
- Are the courses numbered to follow a clockwise direction from the point of beginning?
- Is the total acreage included?
- Does the information on the description match with the map(s)?

Map(s):

- Is the map accurately drawn to professional standards?
- Is it the original size copy?
- Is a vicinity map included? *N/A*
- Are existing boundaries shown and identified?
- Are existing streets, roads, and highways referenced with their current names?
- Does it include the township & range, section number(s), or rancho?
- Does it have a north arrow and scale bar?
- Is the Point of Beginning clearly shown?
- Is the boundary made apparent without masking adjacent background features?
- Are all courses numbered to follow the written description?
- Is each parcel that touches the new boundary and is within the project area labeled with an APN?
- Is an enlarge drawing included to show smaller areas of exclusion or inclusion, if applicable?
- Is there a key map for multiple sheets?
- Does the electronic filing conform to TASS standards?

- List of assessor's parcel numbers
- Letter of tax-rate area assignment from the county auditor (consolidated counties only)
- Fee. Make checks payable to the "Board of Equalization" with reference to Tax Area Services Section, MIC:59.

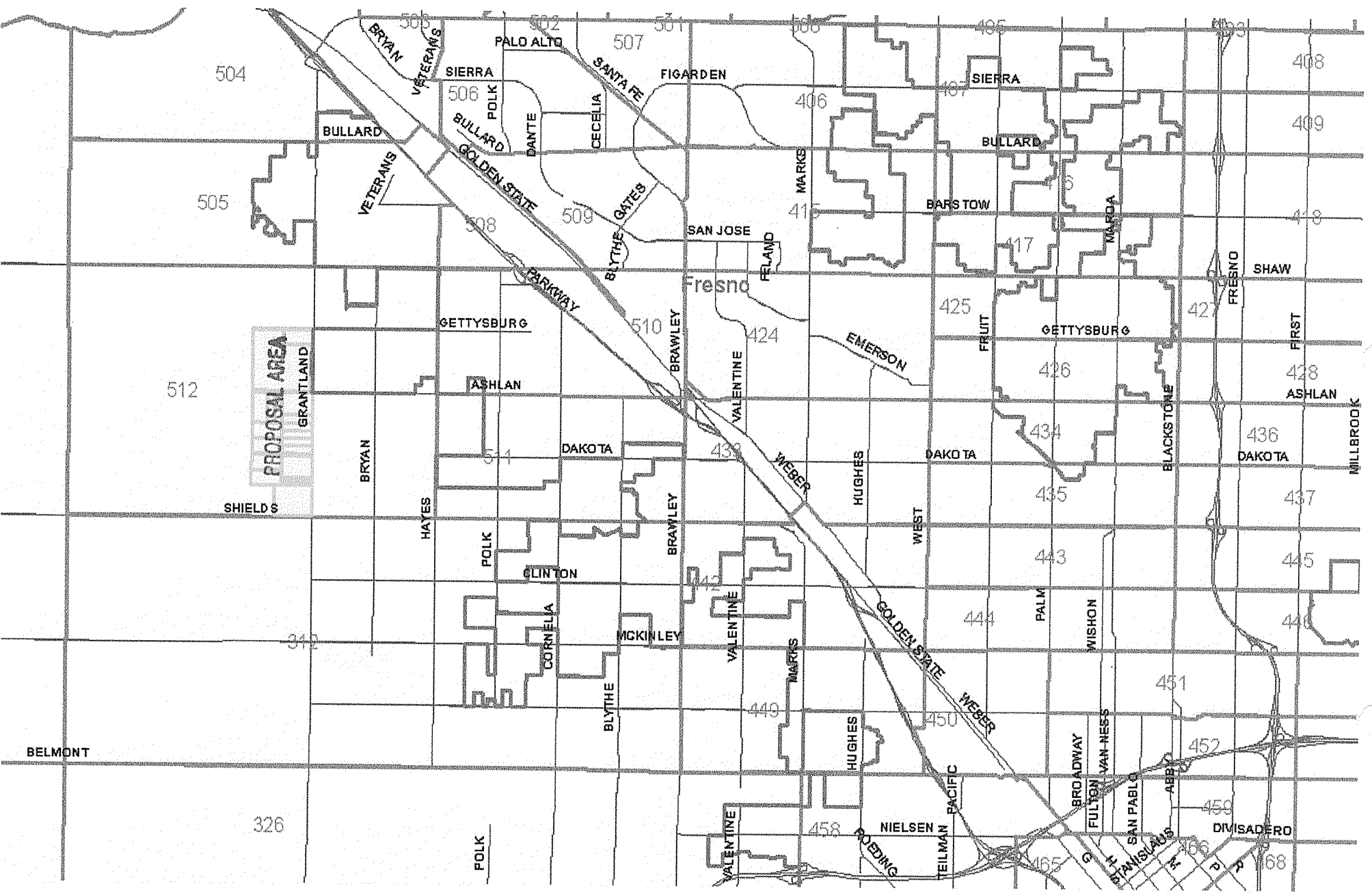
Mail completed package to:

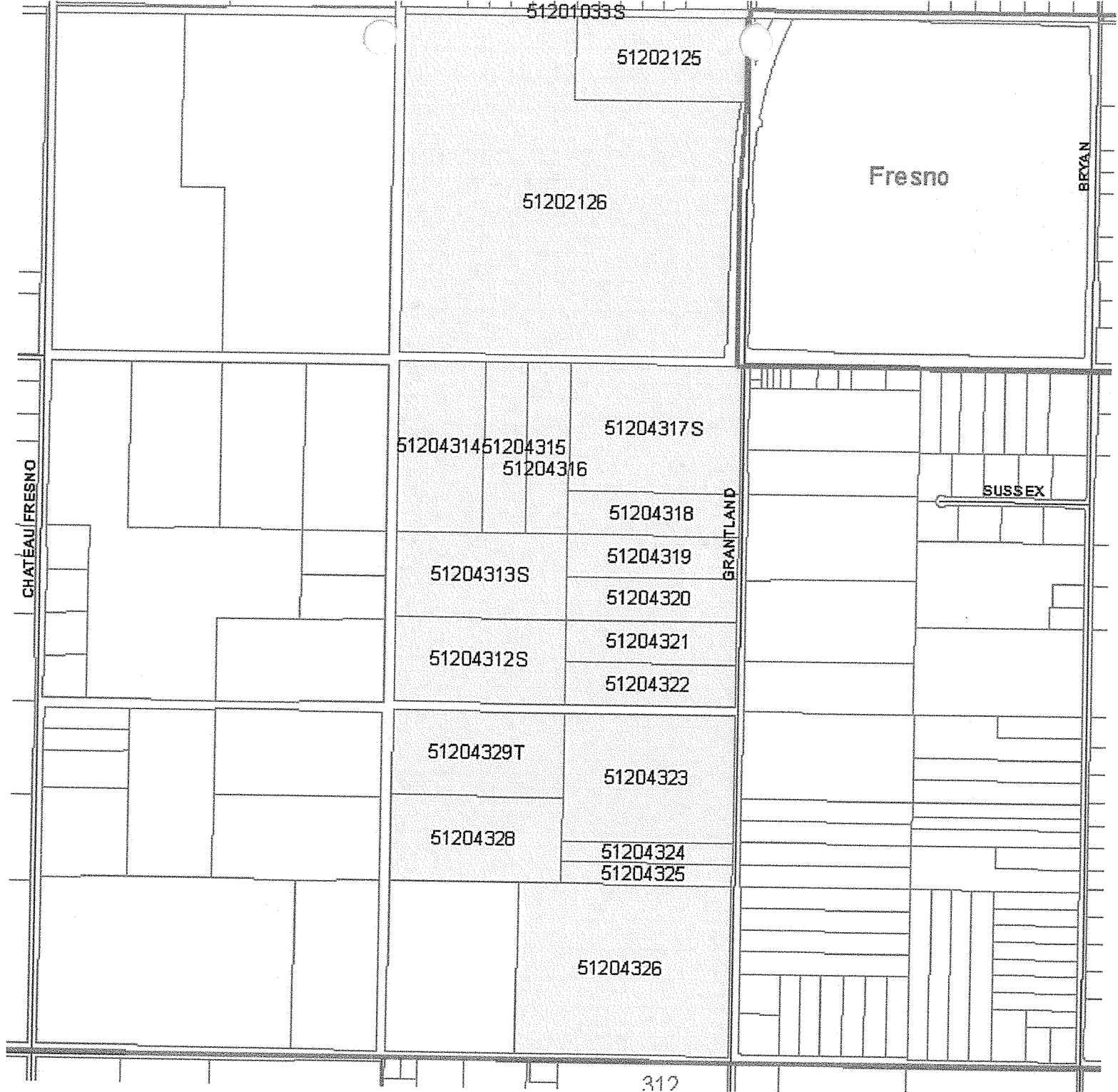
US Postal Delivery

State Board of Equalization
Tax Area Services Section
P.O. Box 942879
Sacramento, CA 94279-0059

FedEx or UPS Delivery

State Board of Equalization
Tax Area Services Section
450 N Street, MIC: 59
Sacramento, CA 95814





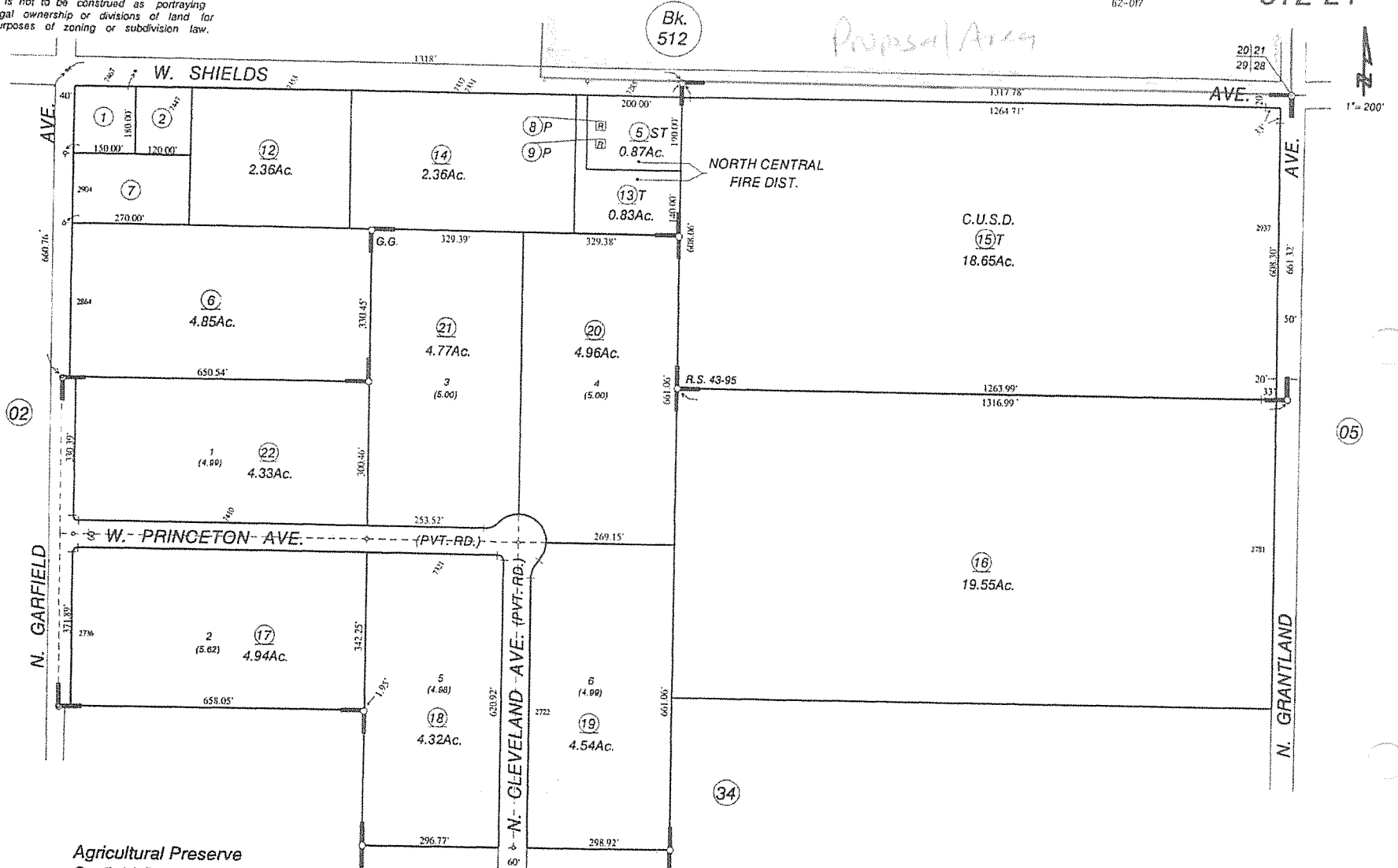
Washlake Community

... NOTE ...
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SUBDIVIDED LAND IN POR. SEC. 29, T. 13 S., R. 19 E., M.D.B. & M.

Tax Rate Area
 62-07

312-24



Agricultural Preserve
 Garfield Gardens - Tract No. 2503 - Plat Bk. 30, Pg. 31
 Record of Survey - Bk. 43, Pg. 95

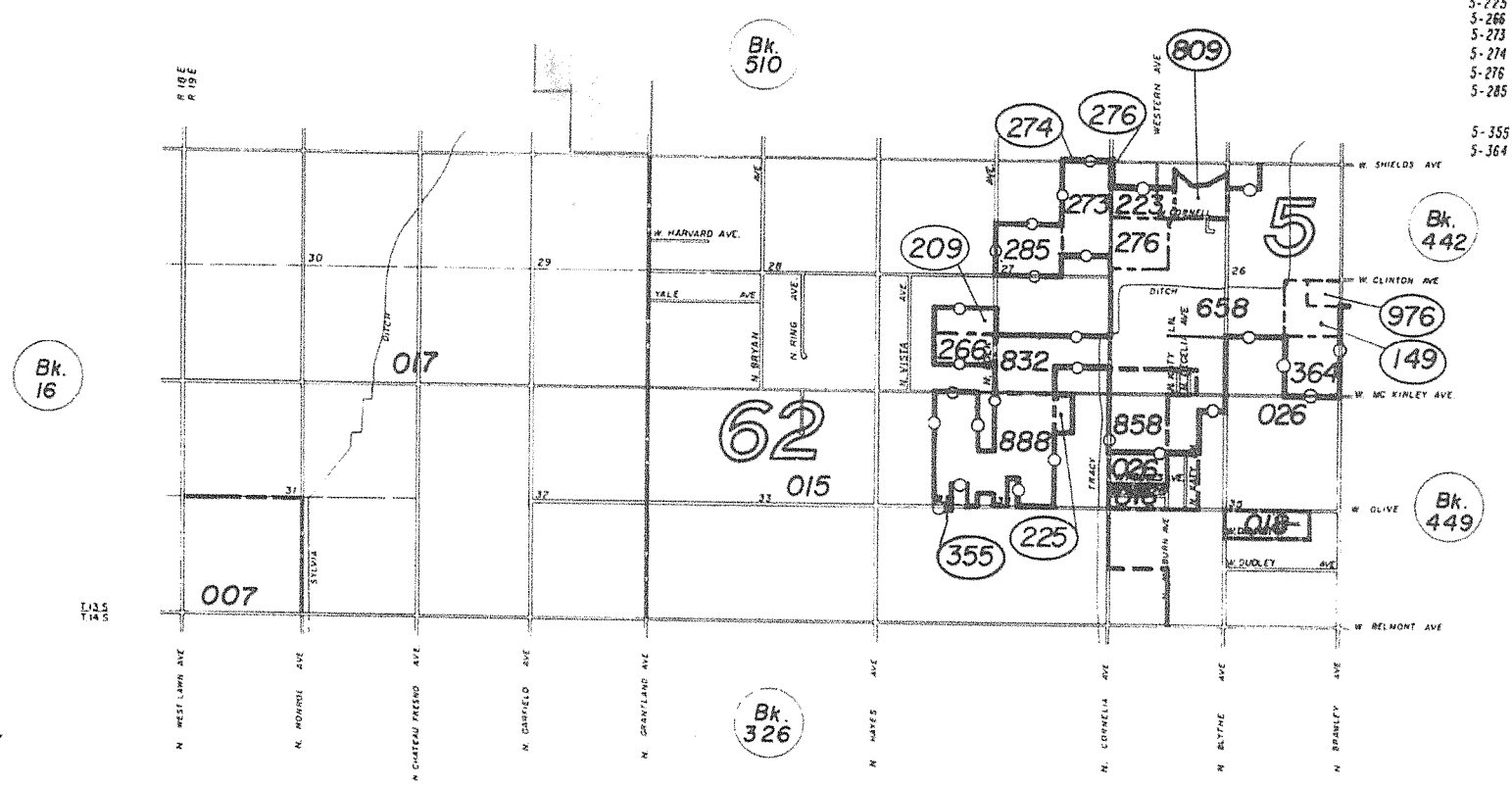
Assessor's Map Bk. 312 - Pg. 24
 County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
 Assessor's Parcel Numbers Shown in Circles.

POR. TOWNSHIP 13 SOUTH, RANGE 19 EAST, M.D.B.&M.

Tax Rate Area

62-007	5-658
62-015	5-809
62-016	5-832
62-017	5-858
62-018	5-888
62-026	5-976
	5-149
	5-209
	5-223
	5-225
	5-266
	5-273
	5-274
	5-276
	5-285



1973

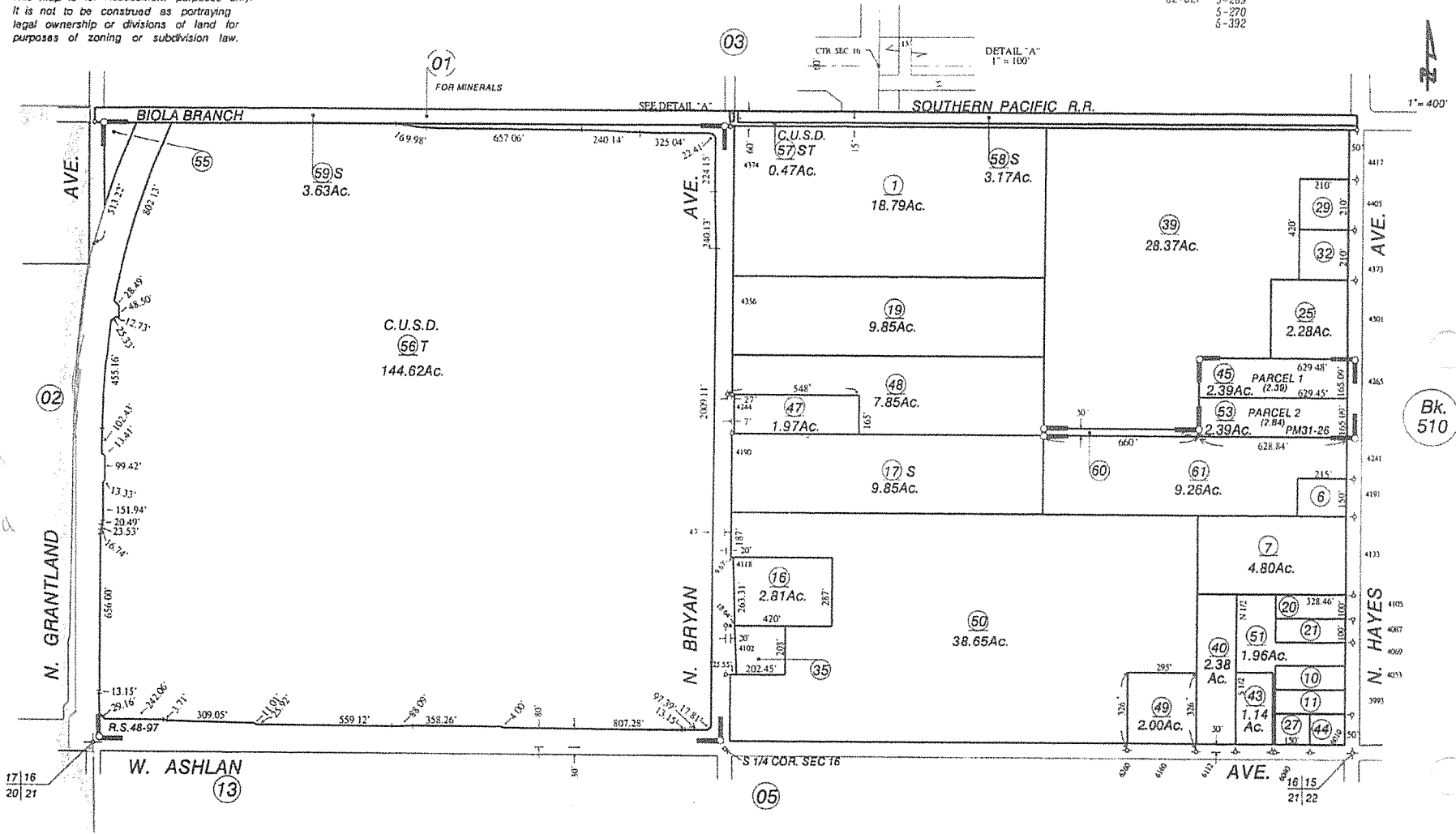
TAX RATE AREA
 BOOK 312
 Assessor's Maps
 County of Fresno, Calif.

--- NOTE ---
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SUBDIVIDED LAND IN POR. SEC. 16, T.13S., R.19E., M.D.B.&M.

Tax Rate Area
 62-021 5-269
 5-270
 5-392

512-07



Parcel Map No. 4474 - Bk.31, Pg.26
 Record of Survey - Bk. 48, Pg. 97

Assessor's Map Bk.512 - Pg. 07
 County of Fresno, Calif.

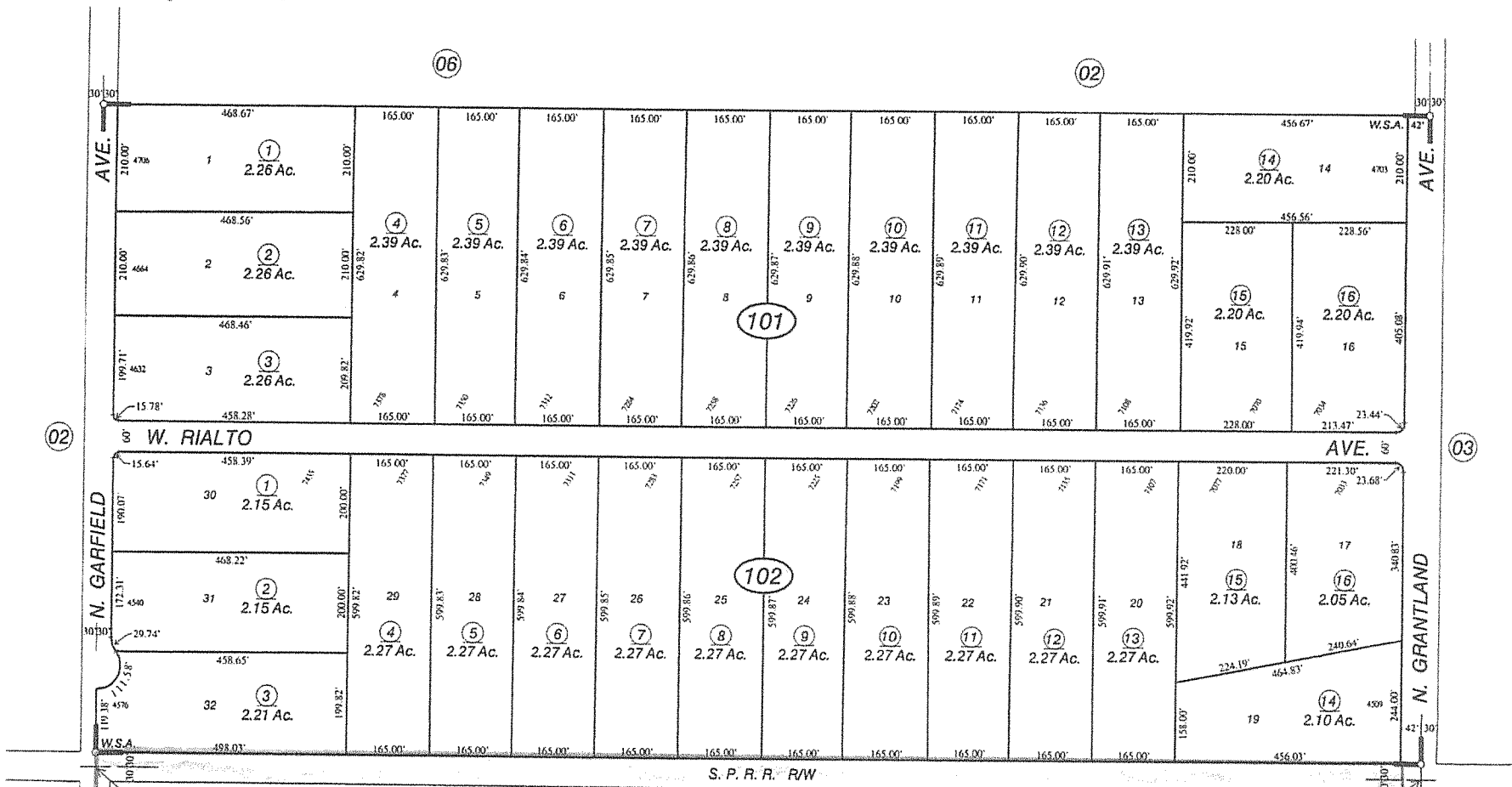
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SUBDIVIDED LAND IN POR. SEC. 17, T. 13 S., R. 19 E., M.D.B. & M.

Tax Rate Area
 62-015

512-10



West Shaw Acres, Tract No. 2932 - Plat Bk. 32, Pg. 94

Proposal Area

Assessor's Map Bk. 512 - Pg. 10
 County of Fresno, Calif.

04-05-2007

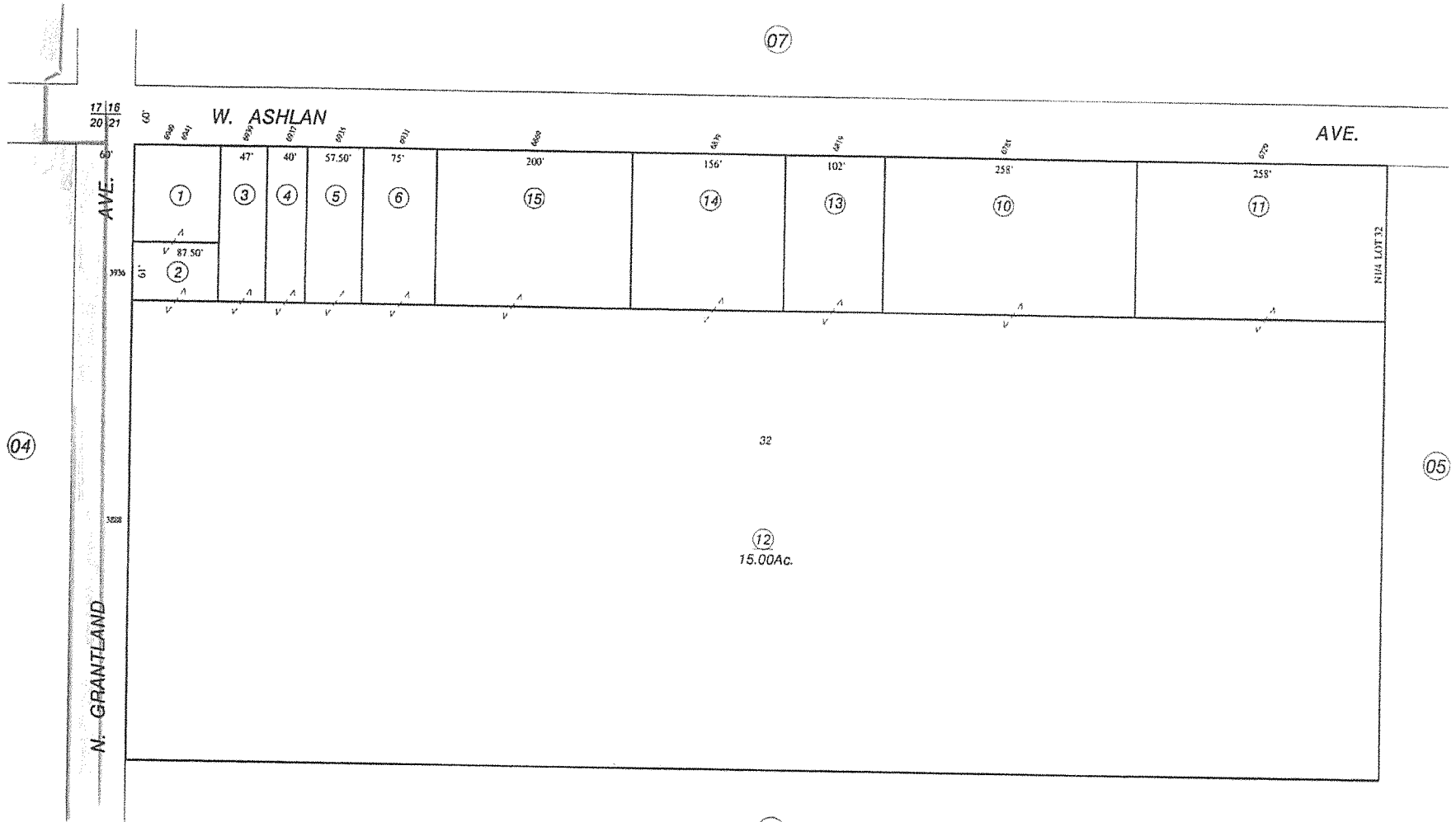
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SUBDIVIDED LAND IN POR. SEC. 21, T. 13 S., R. 19 E., M.D.B. & M.

Tax Rate Area
 62-015

512-13



Agricultural Preserve
 Duncan Tract - R. S. Bk. 3, Pg. 38

Assessor's Map Bk. 512 - Pg. 13
 County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
 Assessor's Parcel Numbers Shown in Circles.

04-05-2007



SUBDIVIDED LAND & POR. SEC. 21, T. 13 S., R. 19 E., M.D.B. & M.

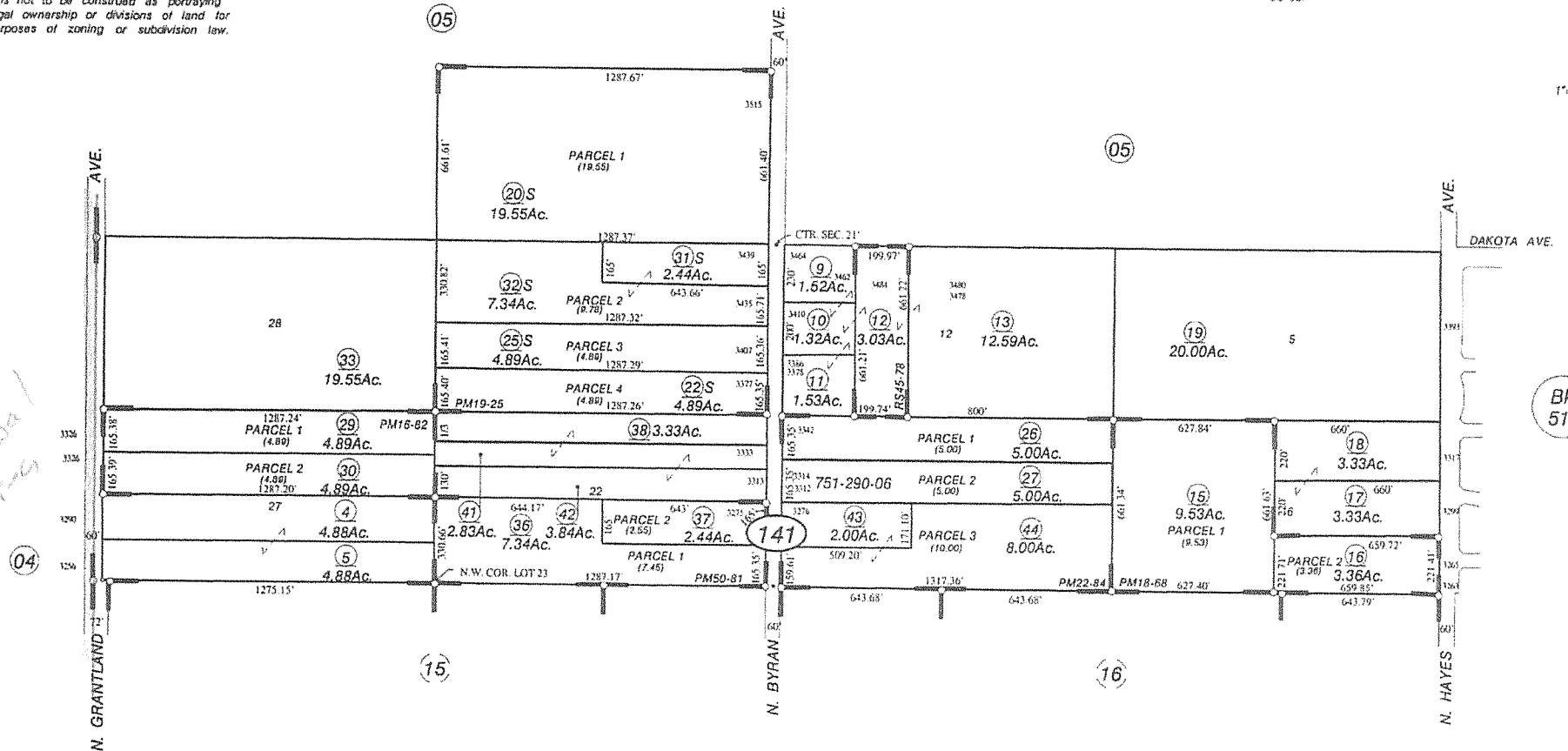
Tax Rate Area

512-14

62-015
62-021



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Agricultural Preserve
Duncan Tract - R.S. - Bk.3, Pg.38
Parcel Map No.2568 - Bk.16, Pg.82
Parcel Map No.2846 - Bk.18, Pg.68
Parcel Map No.2888 - Bk.19, Pg.25
Parcel Map No.3438 - Bk.22, Pg.84
Parcel Map No.7376 - Bk.50, Pg.81
Record of Survey - Bk.45, Pg.78

Assessor's Map Bk.512 - Pg. 14
County of Fresno, Calif.

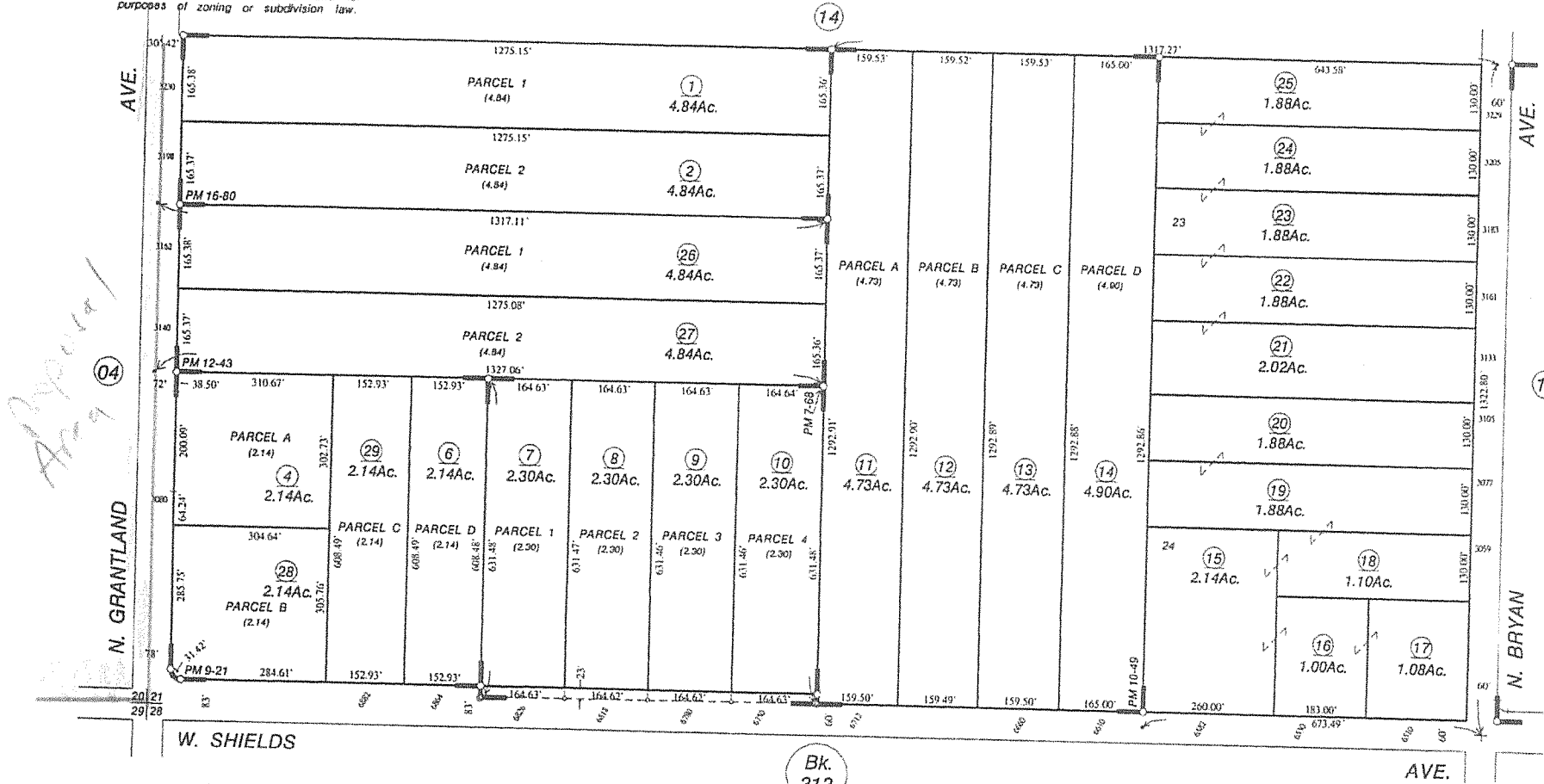
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SUBDIVIDED LAND IN POR. SEC. 21, T.13 S., R.19 E., M.D.B.&M.

Tax Rate Area
 62-015

512-15



Agricultural Preserve
 Duncan Tract - R.S. - Bk. 3, Pg. 38
 Parcel Map No. 2064 - Bk. 12, Pg. 43
 Parcel Map No. 1497 - Bk. 7, Pg. 68
 Parcel Map No. 1365 - Bk. 9, Pg. 21
 Parcel Map No. 1819 - Bk. 10, Pg. 49
 Parcel Map No. 2584 - Bk. 16, Pg. 80

03-16-07

NOTE - Assessor's Block Numbers Shown in Ellipses.
 Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 512 - Pg. 15
 County of Fresno, Calif.

ADDRESS3	ADDRESS4	CHANGE_DAT	RECORDING_	INSTRUMENT	PERCENT__1	JOINT_TE_1	CHANGE_D_1	RECORDING1	SHAPE_Area	Book_Pg	WORD_DESCR
FRESNO CA 93711		12/24/2009	12/24/2009	173701	0.0				416082.23864100000	51204	9.57 AC S1/2 OF LOT 13 BULLARD LANDS IRR SUB #9
		6/17/2004	6/17/2004	133533	0.0				416148.59522000000	51204	9.57 AC S1/2 LOT 2 BULLARD LANDS IRR SUB NO 9
		6/17/2004	6/17/2004	133533	0.0				832218.87010800000	51204	SUR RT 19.12 AC IN LOT 12 BULLARD LANDS IRR SUB #9
FRESNO CA 93711		12/24/2009	12/24/2009	173701	0.0				416115.28358300000	51204	9.57 AC N1/2 OF LOT 13 BULLARD LANDS IRR SUB #9
		12/9/2008	12/9/2008	167999	50.0		12/9/2008	12/9/2008	5622077.33705000000	51202	134.14 AC IN LOTS 50 55-58 63 64 MUSCATEL EST
		3/24/2004	3/24/2004	063336	0.0				832423.33108300000	51204	20.02 AC LOT 4 BULLARD LANDS IRR SUBD NO 9
		6/17/2004	6/17/2004	133533	0.0				416207.83300100000	51204	10.01 AC W1/2 OF LOT 3 BULLARD LANDS IRR SUB #9
		2/22/2005	2/22/2005	040259	0.0				416204.95873800000	51204	10.01 AC E1/2 OF LOT 3 BULLARD LANDS IRR SUB #9
		6/17/2004	6/17/2004	133533	0.0				1248645.44174000000	51204	SUR RT 28.72 AC IN LT 1 & 2 BULLARD LAND IRR SUB 9
		5/4/2005	5/4/2005	098616	0.0		5/4/2005		207983.49344900000	51204	4.78 AC PAR 1 P/M 1495 BK 8 PG 96 BULLARD LANDS 9
		5/4/2005	5/4/2005	098616	0.0		5/4/2005		207982.32654500000	51204	4.78 AC PAR 2 P/M 1495 BK 8 PG 96 BULLARD LANDS 9
		12/9/2008	12/9/2008	167999	50.0		12/9/2008	12/9/2008	2079771.19937000000	51204	49.99 AC IN LOTS 30-32 BULLARD LANDS IRR SUB #9
		6/17/2004	6/17/2004	133533	0.0				832085.79011100000	51204	SUR RT 19.1 AC LOT 15 BULLARD LAND IRR SUBD #9
		8/21/2007	8/21/2007	157756	0.0		12/28/2012	12/28/2012	1247925.39992000000	51204	30.02 AC IN LOT 19 & 20 BULLARD LANDS IRR SUB #9
FRESNO CA 93711		12/24/2009	12/24/2009	173701	0.0				416048.77136700000	51204	9.57 AC N1/2 LOT 14 BULLARD LANDS IRR SUB #9
FRESNO CA 93711		12/24/2009	12/24/2009	173701	0.0				416015.51321200000	51204	9.56 AC S1/2 OF LOT 14 BULLARD LANDS IRR SUB #9
		6/17/2004	6/17/2004	133533	0.0				831935.96013700000	51204	20.01 AC LOT 21 BULLARD LANDS IRR SUBD NO 9
		12/30/2011	12/30/2011	174254	0.0				810869.18487900000	51202	18.66 AC LOT 49 MUSCATEL ESTATES
		11/13/2013	11/13/2013	156573	0.0				156241.20311000000	51201	SUR RT 3.64 AC IN NE1/4 & SE1/4 SEC 17 T13R19
					0.0				831954.91437900000	51204	

TAX_AREA_C	LOT_WIDTH	LOT_DEPTH	LOT_AREA
62015	957.000	1.000	9.570
62015	957.000	1.000	9.570
62015	1900.000	1.000	19.000
62015	957.000	1.000	9.570
62015	13099.000	1.000	130.990
62015	2002.000	1.000	20.020
62015	1001.000	1.000	10.010
62015	1001.000	1.000	10.010
62015	2872.000	1.000	28.720
62015	478.000	1.000	4.780
62015	478.000	1.000	4.780
62015	4999.000	1.000	49.990
62015	1910.000	1.000	19.100
62015	3005.000	1.000	30.050
62015	957.000	1.000	9.570
62015	956.000	1.000	9.560
62015	2001.000	1.000	20.010
62015	1866.000	1.000	18.660
62015	364.000	1.000	3.640
0	0.000	0.000	0.000
total assessed value ==>			

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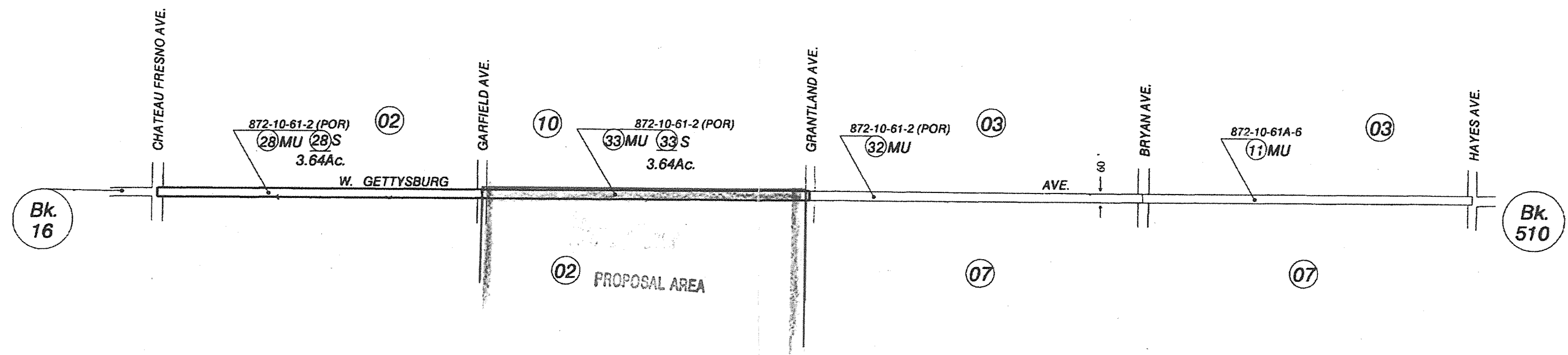
RAILROAD R/W THRU SEC'S. 14,15,16,17, & 18, T.13S., R.19E., M.D.B.& M.

Tax Rate Area
5-269 62-009
5-270 62-015

512-01



1" = 800'



Agricultural Preserve

4-1-2008

Assessor's Map Bk. 512 - Pg. 01
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

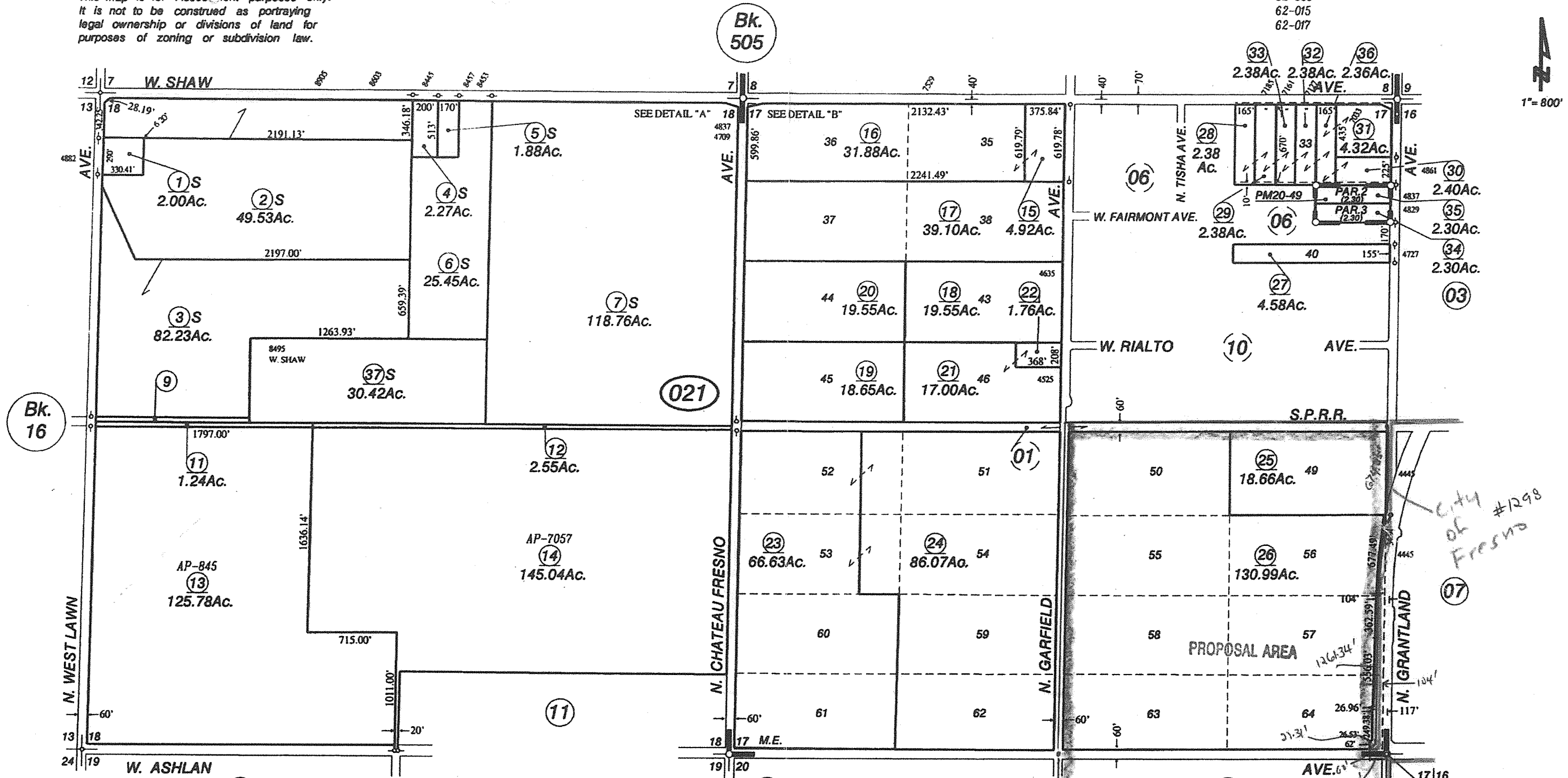


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SUBDIVIDED LAND IN POR. SEC'S. 17 & 18, T.13 S., R.19 E., M.D.B. & M.

Tax Rate Area
 62-009
 62-015
 62-017

512-02

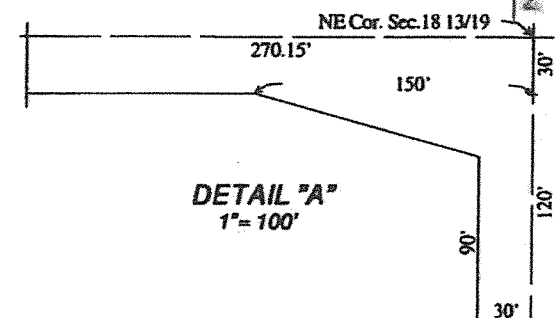
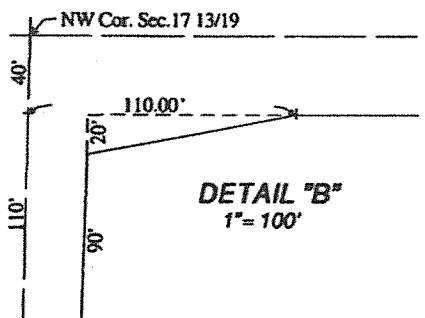


Bk. 16

Bk. 505

021

Agricultural Preserve
 Muscatel Estates - Plat Bk. 4, Pg. 67
 Parcel Map No.2692 - Bk.20, Pg.49



Assessor's Map Bk.512 - Pg. 02
 County of Fresno, Calif.

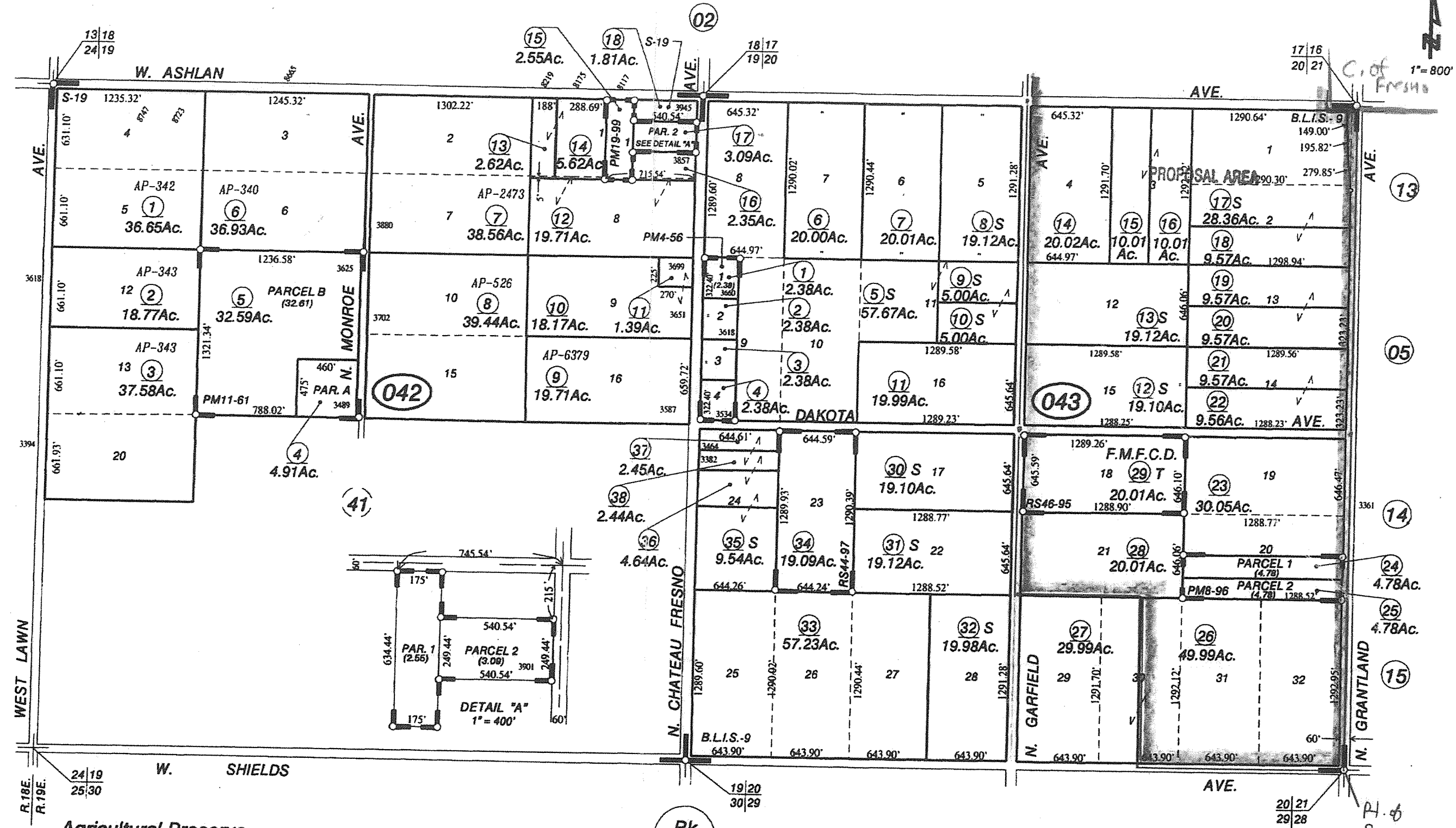
NOTE - Assessor's Block Numbers Shown in Ellipses.
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--- NO ---
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SUBDIVIDED LAND & POR. SEC'S, 19 & 20, T.13S., R.19E., M.D.B.&M.

Tax Rate Area
 62-015
 62-017

512-04



Agricultural Preserve
 Bullard Lands Irrigated Sub. No. 9, Plat Bk. 8, Pg. 56
 Parcel Map No. 1100 - Bk. 4, Pg. 56
 Parcel Map No. 1495 - Bk. 8, Pg. 96
 Parcel Map No. 1824 - Bk. 11, Pg. 61
 Parcel Map No. 2993 - Bk. 19, Pg. 99
 Subdivision of Sec. 19, T.13S., R.19E., Plat Bk. 9, Pg. 37

Record of Survey - Bk. 44, Pg. 97
 Record of Survey - Bk. 46, Pg. 95

Assessor's Map Bk. 512 - Pg. 04
 County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
 Assessor's Parcel Numbers Shown in Circles.



Fresno Local Agency Formation Commission

February 25, 2014

CERTIFICATE OF FILING

Mr. Jeffrey T. Roberts, Vice President
Granville Homes
1396 W. Herndon Avenue, #101
Fresno, CA 93711

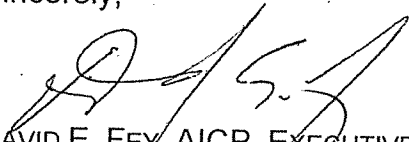
Dear Mr. Roberts:

Subject: "Shields-Grantland No. 1 (Westlake) Reorganization"

This notice certifies that on February 25, 2014, pursuant to Section 56658(g) of the Government Code, the proposed "Shields-Grantland No. 1 (Westlake) Reorganization" to the City of Fresno was accepted for filing with the Local Agency Formation Commission.

The proposal will be scheduled for 10:00 a.m. on the hearing date consistent with the Commission's adopted schedule for the month of April, or as amended.

Sincerely,



DAVID E. FEY, AICP, EXECUTIVE OFFICER
FRESNO LOCAL AGENCY FORMATION COMMISSION

DEF:cf

cc: Commissioners

NAMES OF LANDOWNERS OR PARTIES OF REAL INTEREST (Asterisk indicates consent):

City of Fresno Darius Assemi* Farid Assemi* Farshid Assemi*
Fresno Metropolitan Flood Control District*

Note: If you are an applicant for, or a participant in (actively supporting or opposing) any proceeding on the agenda and have made a campaign contribution of more than \$250 to or for any of the Commission members, state law provides for disqualification of Commissioner voting, or even prohibition of such gifts. These restrictions also apply to agents of applicants or participants. Please consult with Commission staff as to the requirements of the Political Reform Act (Government Code Section 84308).



Local Agency Formation Commission
2607 Fresno Street, Suite B
Fresno, CA 93721

AGENCY CONSENT FOR WAIVER OF PROTEST HEARING
"Shields-Grantland No. 1 (Westlake) Reorganization",
LAFCo Agency No. RO-13-1

PLEASE BE ADVISED that all affected local agencies that will gain or lose territory as a result of this proposed annexation or reorganization must consent in writing to a waiver of protest proceedings or this proposal will automatically be scheduled for a protest hearing (Gov Code Sec 56663(d)).

The written signature of an authorized official of your agency is necessary to preclude the scheduling and holding of a protest hearing. If you sign this waiver now and circumstances change, you may rescind this waiver and request protest proceedings at any time prior to and/or at the public hearing for this item.

If you are unable to sign this waiver we would appreciate an explanation outlining your reasons and/or a written statement summarizing the reasons your agency wishes LAFCo to hold a protest hearing for this proposal. In either case, if you do not sign this waiver your presence at its scheduled LAFCo hearing and following protest hearing is requested.

As representative of the **North Central Fire Protection District**, an affected agency, my signature serves as consent for the Fresno Local Agency Formation Commission to waive Protest Proceedings for this reorganization pursuant to Section 56663 (If 100% of the landowners have consented to the proposed annexation).

Jim Henry, DEPUTY FIRE CHIEF 2/20/2014
Signature Waiving Protest Proceedings Date


911 H STREET, FRESNO CA 93721
Address



Fresno Local Agency Formation Commission

DATE: February 20, 2014

TO: LAFCo Commissioners

FROM: David E. Fey, AICP. Executive Officer 

SUBJECT: Draft and Final EIRs for the City of Fresno "Shields-Grantland No. 1 (Westlake) Reorganization"

Staff anticipates soon having a complete application for the Westlake Reorganization and initiating its analysis to present to the Commission this spring.

The proposed project consists of the annexation of 447.78 acres to the City of Fresno and detachment from the North Central Fire Protection District and the Kings River Conservation District for territory located south of Gettysburg Avenue, north of Shields Avenue, east of Garfield Avenue and west of Grantland Avenue.

As a Responsible Agency under CEQA, the Commission must consider the EIR prepared for the project and make findings as required by Sections 15091 and 15093 of the CEQA Guidelines.

In preparation for the hearing on Westlake, we have placed the Environmental Impact Report for this project on our website at www.fresnolaftco.org under "CEQA Documents for Upcoming Applications" near the top of the page and encourage you to review the document at your convenience.

Please contact me with any questions.

Thank you.

DEF:sh

G:\LAFCO WORKING FILES\CEQA\EIR TRANSMITTAL FOR WESTLAKE.doc



Fresno Local Agency Formation Commission

February 25, 2014

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Mr. Jeffrey T. Roberts, Vice President
Granville Homes
1396 W. Herndon Avenue, #101
Fresno, CA 93711


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Sincerely,



DAVID E. FEY, AICP, EXECUTIVE OFFICER
FRESNO LOCAL AGENCY FORMATION COMMISSION

DEF:cf

cc: Commissioners

NAMES OF LANDOWNERS OR PARTIES OF REAL INTEREST (Asterisk indicates consent):

City of Fresno Darius Assemi* Farid Assemi* Farshid Assemi*
Fresno Metropolitan Flood Control District*

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Local Agency Formation Commission
2607 Fresno Street, Suite B
Fresno, CA 93721

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Jim Henry, DEPUTY FIRE CHIEF 2/20/2014
Signature Waiving Protest Proceedings Date


911 H STREET, FRESNO CA 93721
Address



Fresno Local Agency Formation Commission

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SUBJECT: Draft and Final EIRs for the City of Fresno "Shields-Grantland No. 1 (Westlake) Reorganization"

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Please contact me with any questions.

Thank you.

DEF:sh

G:\LAFCO WORKING FILES\CEQA\EIR TRANSMITTAL FOR WESTLAKE.doc

DATE: February 14, 2014
TO: Dave King, Assessor's Office
FROM: David E. Fey, AICP, Executive Officer 
SUBJECT: "Shields-Grantland No. 1 (Westlake) Reorganization"
AGENCY NO.: RO-13-1

The attached application has been received for processing with the Local Agency Formation Commission office. In accordance with Section 56386 of the Government Code, your agency's assistance in reviewing and commenting on this application is requested. At this time, we are asking that you please:

- A. Complete the Boundary Report.
- B. Furnish the following maps: (1) location map and (2) APN map of affected territory.
- C. Provide any owner's statement and request for notice of proposals affecting his/her property, on file with the county assessor, in accordance with the provisions of Government Code Section 58905.
- D. Please furnish the following assessment roll information for the purpose of mailed notice and tabulating value of protests: (1) updated ownership of the affected territory and (2) assessed valuation of affected territory.

In order to proceed with the processing of this application, your comments need to be returned to this office by **February 28, 2014**. Your assistance is greatly appreciated.

Thank you.

DEF:sh

Attachments: Application, Map, Legal Description, Resolution

20 DAYS ENDS
3/7/14


Mailed
2-14-14



Fresno Local Agency Formation Commission

DATE: February 14, 2014

TO: Bernard Jimenez, Deputy Director
Department of Public Works and Planning

FROM: David E. Fey, AICP, Executive Officer 

SUBJECT: "Shields-Grantland No. 1 (Westlake) Reorganization", File No. RO-13-1

The attached application has been received for processing with the Fresno Local Agency Formation Commission (LAFCo) office. In accordance with Government Code Section 56386, your agency's assistance in reviewing and commenting on this application is requested. At this time we are requesting information on the following factors (Attach extra sheets as necessary):

1. County plan designation for the area:

2. Consistency of the proposal with adopted county general and community plans and policies.

3. Any pending County plans, projects (i.e. community development, roads, etc.) or development permits:

4. Other related comments:

5. Recommendations:

In order to proceed with the processing of this application, your comments need to be returned to this office by **February 28, 2014**. Your assistance is greatly appreciated. Thank you.

DEF:sh

Attachments: Application, Map, Legal, Service Plan (if submitted), Resolution

DATE: February 14, 2014
 TO: Morgan Barnett, Elections Division
 FROM: David E. Fey, AICP, Executive Officer *DF*
 SUBJECT: "Shields-Grantland No. 1 (Westlake) Reorganization"
 AGENCY NO.: RO-13-1

The attached application has been received for processing with the Local Agency Formation Commission (LAFCo) office. In accordance with Government Code Section 56386, your agency's assistance in reviewing and commenting on this application is requested. At this time we are requesting the following information indicated by an "X":

- A. _____ Please furnish a list of all registered voters along with their address as shown upon the most recent assessment roll being prepared by the County within 300 feet of the exterior boundary of the property.
- B. X Number of registered voters in the area. _____
- C. X If more than 11 registered voters, for notification purposes please furnish a list of all registered voters along with their address as shown upon the most recent assessment roll being prepared by the County. Also please furnish a list of registered voters along with their addresses for the territory within 300 feet of the exterior boundary of the property.
- D. _____ What percent of the registered voters in the proposal area does the attached petition represent? _____
- E. X Will the proposal adversely affect precinct boundaries or the conduct of elections? _____
- F. _____ Other comments:


In order to proceed with the processing of this application, your comments need to be returned to this office by **February 28, 2014**. Your assistance is greatly appreciated. Thank you.

DEF:sh

Attachments: Map, Legal description

Signature and Title

Date

DATE: February 14, 2014
TO: Glen Allen, Supervising Environmental Health Specialist
Kevin Tsuda, Environmental Health
FROM: David E. Fey, AICP, Executive Officer 
SUBJECT: "Shields-Grantland No. 1 (Westlake) Reorganization"
AGENCY NO.: RO-13-1

The attached application has been received for processing with the Local Agency Formation Commission (LAFCo) office. In accordance with Government Code Section 56386, your agency's assistance in reviewing and commenting on this application is requested. At this time we are requesting information on the following particular factors:

1. Adequacy and availability of existing and proposed community water and sewer systems:

2. Need for services other than those proposed:

3. Effect of project on air or water quality:

4. Related County plans or projects:

5. Other comments:

In order to proceed with the processing of this application, your comments need to be returned to this office by **February 28, 2014**. Your assistance is greatly appreciated. Thank you.

Signature and Title

Date

DEF:sh


Attachments: Application, Map, Legal Description, Service Plan, Resolution



Fresno Local Agency Formation Commission

DATE: February 14, 2014

TO: County Committee on School District Reorganization
Central Unified School District
State Center Community College

FROM: David E. Fey, AICP, Executive Officer 

SUBJECT: "Shields-Grantland No. 1 (Westlake) Reorganization"

AGENCY NO.: RO-13-1

The attached application has been received for processing with the Local Agency Formation Commission (LAFCo) office. In accordance with Government Code Section 56386, your agency's assistance in reviewing and commenting on this application is requested. At this time we are requesting information on the following particular factors:

1. Under present attendance boundaries, which schools will students from this area attend?

2. Are any of the above schools of the District already at or near capacity? Please describe:

3. Will this proposal and other pending proposals create any overcrowded conditions at any of the above schools? Please describe:

4. Is there any agreement, ordinance, or other arrangement of the District and/or City to provide for school facilities that would affect any resulting overcrowding from this proposal? Please describe:


5. Describe any building plans of the District that would affect this proposal:

6. Other Comments:

In order to proceed with the processing of this application, your comments need to be returned to this office by **February 28, 2014**. Your assistance is greatly appreciated. Thank you.

DEF:sh

Attachments: Application, Map, Legal Description, Resolution

DATE: February 14, 2014
TO: North Central Fire Protection District
FROM: David E. Fey, AICP, Executive Officer 
SUBJECT: "Shields-Grantland No. 1 (Westlake) Reorganization"
AGENCY NO. RO-13-1

The attached application has been received for processing with the Local Agency Formation Commission (LAFCo) office. In accordance with Government Code Section 56386, your agency's assistance in reviewing and commenting on this application is requested.

Please return the attached "Agency Consent for Waiver of Protest Hearing" form and any comments you have regarding this proposed reorganization by **February 28, 2014**. Your assistance is greatly appreciated. Thank you.

DEF:sh

Attachments: Agency Consent for Waiver of Protest Hearing, Application, Map, Legal Description, Service Plan, and Resolution

Local Agency Formation Commission
2607 Fresno Street, Suite B
Fresno, CA 93721

AGENCY CONSENT FOR WAIVER OF PROTEST HEARING
"Shields-Grantland No. 1 (Westlake) Reorganization",
LAFCo Agency No. RO-13-1

PLEASE BE ADVISED that all affected local agencies that will gain or lose territory as a result of this proposed annexation or reorganization must consent in writing to a waiver of protest proceedings or this proposal will automatically be scheduled for a protest hearing (Gov Code Sec 56663(d)).

The written signature of an authorized official of your agency is necessary to preclude the scheduling and holding of a protest hearing. If you sign this waiver now and circumstances change, you may rescind this waiver and request protest proceedings at any time prior to and/or at the public hearing for this item.


If you are unable to sign this waiver we would appreciate an explanation outlining your reasons and/or a written statement summarizing the reasons your agency wishes LAFCo to hold a protest hearing for this proposal. In either case, if you do not sign this waiver your presence at its scheduled LAFCo hearing and following protest hearing is requested.

As representative of the **North Central Fire Protection District**, an affected agency, my signature serves as consent for the Fresno Local Agency Formation Commission to waive Protest Proceedings for this reorganization pursuant to Section 56663 (If 100% of the landowners have consented to the proposed annexation).

Signature Waiving Protest Proceedings

Date

Address

DATE: February 14, 2014
TO: Kings River Conservation District
FROM: David E. Fey, AICP, Executive Officer 
SUBJECT: "Shields-Grantland No. 1 (Westlake) Reorganization"
AGENCY NO. RO-13-1

The attached application has been received for processing with the Local Agency Formation Commission (LAFCo) office. In accordance with Government Code Section 56386, your agency's assistance in reviewing and commenting on this application is requested.

Please return the attached "Agency Consent for Waiver of Protest Hearing" form and any comments you have regarding this proposed reorganization by **February 28, 2014**. Your assistance is greatly appreciated. Thank you.

DEF:sh

Attachments: Agency Consent for Waiver of Protest Hearing, Application, Map, Legal Description, Service Plan, and Resolution

Local Agency Formation Commission
2607 Fresno Street, Suite B
Fresno, CA 93721

AGENCY CONSENT FOR WAIVER OF PROTEST HEARING
"Shields-Grantland No. 1 (Westlake) Reorganization",
LAFCo Agency No. RO-13-1

PLEASE BE ADVISED that all affected local agencies that will gain or lose territory as a result of this proposed annexation or reorganization must consent in writing to a waiver of protest proceedings or this proposal will automatically be scheduled for a protest hearing (Gov Code Sec 56663(d)).

The written signature of an authorized official of your agency is necessary to preclude the scheduling and holding of a protest hearing. If you sign this waiver now and circumstances change, you may rescind this waiver and request protest proceedings at any time prior to and/or at the public hearing for this item.

If you are unable to sign this waiver we would appreciate an explanation outlining your reasons and/or a written statement summarizing the reasons your agency wishes LAFCo to hold a protest hearing for this proposal. In either case, if you do not sign this waiver your presence at its scheduled LAFCo hearing and following protest hearing is requested.

As representative of the **Kings River Conservation District**, an affected agency, my signature serves as consent for the Fresno Local Agency Formation Commission to waive Protest Proceedings for this reorganization pursuant to Section 56663 (If 100% of the landowners have consented to the proposed annexation).

Signature Waiving Protest Proceedings

Date

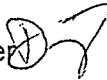
Address



Fresno Local Agency Formation Commission

DATE: February 14, 2014

TO: Baker, Manock, and Jensen
Laurel Prysiazny Fresno County Library
Historical Landmarks and Records Commission (HLRC)
Paul-Albert Marquez, Chief, Office of Transportation
Fresno Irrigation District
Fresno Metropolitan Flood Control District
West Fresno County Red Scale Protective District
Fresno Mosquito Abatement District

FROM: David E. Fey, AICP, Executive Officer 

SUBJECT: "Shields-Grantland No. 1 (Westlake) Reorganization", File No. RO-13-1

The attached application has been received for processing with the Local Agency Formation Commission (LAFCo) office. In accordance with Government Code Section 56386, your agency has been identified as an affected and/or interested agency and your assistance in reviewing and commenting on this application is requested.


The Fresno Local Agency Formation Commission (LAFCo) is in receipt of a resolution of application initiating proceedings for this proposal. LAFCo can not take any further action on this resolution of application for 10 days following this notice and request for comments.

If your agency files a written request for a hearing during this 10-day period, LAFCo must notice and hear this proposal at a public hearing. If no written request is filed by your agency, the Commission may proceed without notice and hearing if all required conditions pursuant to state law have been satisfied (Gov Code Sec 56663 (b))

Please return any comments you have regarding this proposed reorganization by **February 28, 2014**. Your assistance is greatly appreciated. Thank you.

DEF:sh

Attachments: Application, Map, Legal Description, Service Plan, and Resolution

Date: February 14, 2014
 To: Natural Resource Conservation Service
 From: David E. Fey, AICP, Executive Officer 
 Subject: "Shields-Grantland No. 1 (Westlake) Reorganization"
 Agency No.: RO-13-1

The attached application has been received for processing with the Local Agency Formation Commission (LAFCo) office. In accordance with Government Code Section 56386, your agency's assistance in reviewing and commenting on this application is requested. At this time we are requesting information on the following particular factors:

1. Relationship of the proposal to prime agricultural land* in the area:

2. Effect of the proposal on unique agricultural areas:

3. Effect of the proposal on any soil hazard or limitation:

4. Other comments:

*See Government Code Section 51201 for definition.

In order to proceed with the processing of this application, your comments need to be returned to this office by **February 28, 2014**. Your assistance is greatly appreciated. Thank you.

 Signature and Title


 Date

DEF:sh

Attachments: Application, Map, Legal Description, Resolution



Fresno Local Agency Formation Commission

Date: February 14, 2014
 To: Regional Water Quality Control Board
 From: David E. Fey, AICP, Executive Officer 
 Subject: "Shields-Grantland No. 1 (Westlake) Reorganization"
 Agency No.: RO-13-1

The attached application has been received for processing with the Local Agency Formation Commission (LAFCo) office. In accordance with Government Code Section 56386, your agency's assistance in reviewing and commenting on this application is requested. At this time we are requesting information on the following particular factors:

1. Adequacy and availability of existing and proposed community water systems:

2. Need for services other than those proposed:

3. Effect of project on water quality:

4. Related State or County plans or projects:

5. Other comments:

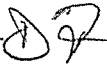
In order to proceed with the processing of this application, your comments need to be returned to this office by **February 28, 2014**. Your assistance is greatly appreciated. Thank you.

 Signature and Title

 Date

DEF:sh

Attachment: Application, Map, Legal Description, Service Plan, Resolution

Date: February 14, 2014
 To: State Department of Health Services
 From: David E. Fey, AICP, Executive Officer 
 Subject: "Shileds-Grantland No. 1 (Westlake) Reorganization"
 Agency No.: RO-13-1

The attached application has been received for processing with the Local Agency Formation Commission (LAFCo) office. In accordance with Government Code Section 56386, your agency's assistance in reviewing and commenting on this application is requested. At this time we are requesting information on the following particular factors:

1. Adequacy and availability of existing and proposed community water systems:

2. Need for services other than those proposed:

3. Effect of project on water quality:

4. Related State or County plans or projects:

5. Other comments:

In order to proceed with the processing of this application, your comments need to be returned to this office by **February 28, 2014**. Your assistance is greatly appreciated. Thank you.

 Signature and Title

 Date

DEF:sh

Attachment: Application, Map, Legal Description, Service Plan, Resolution

Date: February 14, 2014

To: Bureau of Reclamation, Attention David Woolley

From: David E. Fey, AICP, Executive Officer 

Subject: Notice of City Annexation, File No. RO-13-1 ("Shields-Grantland No. 1 (Westlake) Reorganization")

The attached application has been received for processing with the Local Agency Formation Commission (LAFCo) office. In accordance with Government Code Section 56386, your agency's assistance in reviewing and commenting on this application is requested. At this time we are requesting information on the following particular factors:

1. Adequacy and availability of existing and proposed community water systems:

2. Need for services other than those proposed:

3. Effect of project on water quality:

4. Related State or County plans or projects:

5. Other comments:

In order to proceed with the processing of this application, your comments need to be returned to this office by **February 28, 2014**. Your assistance is greatly appreciated. Thank you.

Signature and Title

Date

DEF:sh

Attachment: Application, Map, Legal Description, Service Plan, Resolution

CITY ANNEXATION APPLICATION

CHANGE OF ORGANIZATION OR REORGANIZATION
 CORTESE-KNOX LOCAL GOVERNMENT REORGANIZATION
 (Government Code Sec. 56000, et seq.)

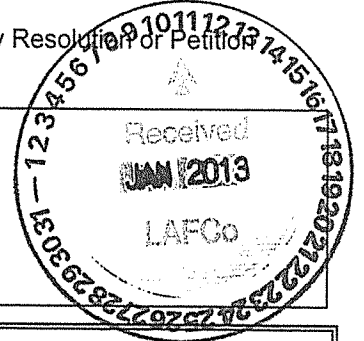
Proposals Initiated by Resolution or Petition

FRESNO LOCAL AGENCY FORMATION COMMISSION
 2607 FRESNO STREET, SUITE B
 Fresno, CA 93721 PHONE: (559) 600-0604

Jeff Witte, Executive Officer
 Candie Fleming, Commission Clerk

OFFICE USE ONLY:

LAFCo File No.
R0-13-1
 Date Received



Name of Proposal 'Westlake' Community

Changes of Organization listed in Resolution or Petition Annex to the City of Fresno and detach from the North Central Fire Protection District

Signature of Chief Petitioner or Representative of Initiating Agency [Signature] Date 01-04-2013

Name Jeffrey T. Roberts Title Granville Homes

Address 1396 W. Herndon #101, Fresno, Calif. 93711

Phone (559) 436-0900 Fax (559) 436-1659 Cell (559) 288-0688

Email Address jroberts@gvhomes.com

This application and attached documents are complete and are in all respects true and correct to the best of my knowledge.

List the name and address of officers or persons, not to exceed three in number, who are to receive the notice of hearing and the Executive officer's Report.

Name	Address, Zip Code, Phone Number, and Email Address
<u>Jeffrey T. Roberts</u>	<u>(559) 288-0688</u>
<u>1396 W. Herndon #101, Fresno, Calif. 93711</u>	
<u>jroberts@gvhomes.com</u>	

1. List of Affected Landowners and Financial Interests/Political Reform Act Compliance

Please provide the names of all landowners, lessees, any parties with an option to purchase or lease the property, or any other parties having any ownership or financial interest in the property. If the interest is a corporation, LLC, or partnership entity, please list the names of all individuals or entities who are shareholders, members, or partners in the corporation, LLC or partnership. If the corporation has more than 50 fifty shareholders, please provide the names of those individuals or entities owning more than 25% of the corporation's shares. If the entity is a trust or non-profit organization, list any directors or trustees, trustors, or beneficiaries. Please use additional pages if necessary.

Darius Assemi _____
Farid Assemi _____
Farsaid Assemi _____
Norm Liddell _____
Fresno Metropolitan Flood Control District _____

If an applicant for or participant of any proceeding has made a campaign contribution of more than \$250 to or for any of the Commission members, state law provides for disqualification of Commissioner voting, or even prohibition of such gifts. These restrictions also apply to agents of applicants or participants. Please consult with Commission staff as to the requirements of the Political Reform Act (government Code Section 84308).

2. Reasons for Proposal

- A. State the reasons for this change, and why the change is proposed at this time.
This property has been located in the City's SOI since 1983 and development is now proposed for 450 of the 480 acres proposed for annexation to the City of Fresno
- B. Describe in detail any proposed development:

Development location and acreage 450 Acres 'Master Planned' Project

Types of uses and number of units Commercial; 2600± units; Open Space

Project file numbers and status A-07-001; R-07-008; VTTM 5915

Other details: An EIR is being prepared and processed for this package of applications by the City of Fresno.

If already developed, describe in detail any added service and greater frequency or range of services to be provided to residents of this area.

N.A.

- C. What is the reason for the proposal boundaries? Describe the city plan to annex any remaining substantially surrounded area created.

The boundary is logical and adjacent to existing City limits. The City of Fresno has a strategy to annex Rural Residential areas using a rural overlay on the required pre-zoning for those areas.

- D. Amount of vacant land in acres in the community plan area already in the City that could accommodate the proposed development.

None. This is a large Master Planned project.

Comment on why the proposed annexation is justified given the amount of vacant land in the City already.

The vacant land in the City is not adequate in terms of size or shape to accommodate the project envisioned by the applicant.

3. Information on Proposal Area and Vicinity

- A. Current Acreage 480 Current No. of Registered Voters 0
No. of Residences None No. of Landowners 3
Current Population Est. 0 Current County Zoning AE-5
City Zoning Upon Annexation Various (C-1, R-1, R-2, C-2, '0')

- B. List the uses of land in the affected area and give acreage for each. If in agricultural use, list crops produced over the past three years.

The entire 480 acres has been farmed in the last 3 years with wheat. All of the area is affected

- C. If annexation/development is adjacent to agricultural parcels, how has the city buffered the developing area or mitigated the impact of development on agricultural parcels.

The city will require 'Right to Farm' covenants

- D. Is any of the affected territory in an agricultural preserve or under Land Conservation Contract?

No

If so, does the resolution of application state the city's intention not to succeed do the contract?

N.A.

E. Does the proposed development and change of organization conform to the City General and Specific Plans (explain if not conforming)?

Yes

What is the City plan designation?

Office, Commercial, Single and multi family residential

What is the County plan designation?

Agriculture

4. Information on Services

A. Comment on the municipal or other public service facilities or improvements which will serve the affected territory after annexation (i.e. water or sewer lines or facilities, fire stations, school facilities). Are any of these services or facilities below city standards, near or beyond their capacity to adequately serve the area? No * Are there any notices or orders to the city from state or federal agencies related to these services or facilities and their standards that would affect city services?

No

If yes, explain how these improvements/facilities will be upgraded, when and how financed, or how any deficiencies are being met.

* All improvements in infrastructure needed for the project will be developed as a condition of approval by the City of Fresno

B. List below the names of agencies or companies now providing services and which agency will provide service after annexation completion. Include estimated date new service will begin (use "UA", if upon annexation, "UD" if upon development).

<u>Existing</u>	<u>Proposed Change</u>	<u>Date</u>
Domestic Water <u>None /</u>	<u>City of Fresno /</u>	<u>upon annex</u>
Sewer Collection <u>None /</u>	<u>" /</u>	<u>"</u>
Solid Waste Collection <u>Private Haulers /</u>	<u>" /</u>	<u>"</u>
Street Lighting <u>None /</u>	<u>" /</u>	<u>"</u>
Parks and Recreation <u>County of Fresno /</u>	<u>" /</u>	<u>"</u>
Fire Protection <u>North Central /</u>	<u>" /</u>	<u>"</u>
(station distance) <u>1/2 mi</u>		
Paramedic <u>North Central /</u>	<u>" /</u>	<u>"</u>
(station distance) <u>1/2 mi</u>		
Police <u>Fresno County Sheriff /</u>	<u>" /</u>	<u>"</u>
Storm Drainage <u>F.M.F.C.D. /</u>	<u>N.A. /</u>	<u>-</u>
Elementary School <u>C.U.S.D. /</u>	<u>N.A. /</u>	<u>-</u>
High School <u>C.U.S.D. /</u>	<u>N.A. /</u>	<u>-</u>

5. Information on Costs and Revenue

A. Is there any outstanding general bonded indebtedness for any of the agencies whose boundaries are changed by this proposal?

None known

B. If so, give information listed below:

<u>Name of Agency</u>	<u>Bond Tax Rate for Affected Territory</u>	<u>Date of Maturity</u>	<u>General Purpose of Bond</u>
-----------------------	---	-------------------------	--------------------------------

C. Is the affected territory to be subject to all of the above general bonded indebtedness upon annexation? Yes

D. If any costs of services to be or already being received by residents within the affected territory will change as a result of this proposal, give breakdown of change for a typical residential landowner or resident in the affected territory for comparison purposes.

There are no residents living in the affected area

- E. If any resident or landowner in the affected area will be required to connect to sewer or water lines as a result of annexation or construct any other improvements (other than as a requirement for a proposed development), list requirements, when required, and any other special circumstances related. (A letter from City to residents and landowners should also indicate these requirements.)

A2-A.

6. Information on Processing Change of Organization or Reorganization

- A. Property Tax Exchange (Revenue & Tax Code 99 & 99.1) Check either:

- Master Tax Agreement should apply to the change. If so, provide letter indicating consistency with the master agreement.
- Other agreement for change is to be negotiated (Explain other agreement).

- B. Compliance with California Environmental Quality Act (1 paper and 1 electronic copy). Check either:

- Project is Exempt and a Notice of Exemption, prepared in consultation with LAFCo, is included.
- An initial study is complete and a Negative Declaration prepared for the annexation in consultation with LAFCo and other affected agencies and is included.
- An EIR ~~has been~~ ^{is being} prepared for the annexation project and is included.

- C. Initiation of Application. A clear and reproducible legal description and map meeting Commission standards must be included, and a copy also attached to the resolution or petition. Check either:

- A certified resolution of application is included.
- A petition of landowners or registered voters is included.

- D. Landowner Consent or Notice. Check either:

1. Signed LAFCo property owner consent forms for all landowners are included as shown on Assessor's roll.
2. Letter of Notification to Landowner and Residents (if no consent of all landowners).
- a. All property owners and residents must be notified of the change and how to receive notice of LAFCo hearing.
- b. For inhabited proposals, a City response to a neighborhood meeting, held for the annexation listing the issues and the City response.

- E. Municipal Service Plan (1 paper and 1 electronic copy). Check either:

- A Service Plan for the change is included.
- A Master Service Plan is filed with LAFCo and is current (updated in 1993 or later).

7. Boundary Description and Maps

Please submit one clear, reproducible copy of the property description and map of the affected territory, prepared in accordance with the State Board of Equalization's Guidelines for Maps and Legal Descriptions. See State Board of Equalization website (http://www.boe.ca.gov/proptaxes/pdf/sam_le-map_&_geographic_description.pdf) for requirements.

One copy of each of the following maps are required to give the Commission various related information. Each map must be clear, reproducible, and 8 1/2" x 11" in size.

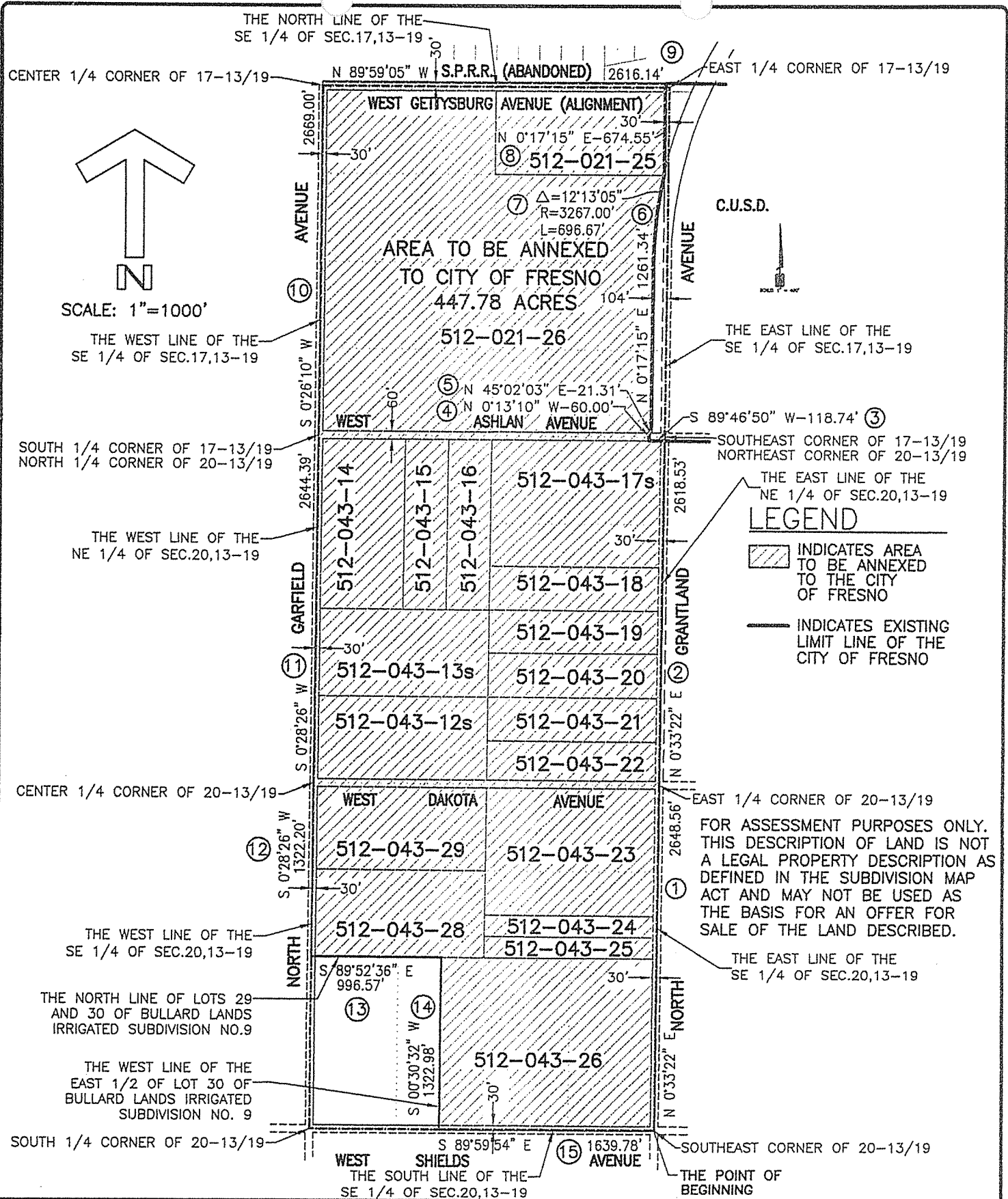
1. A land use map showing types of land use in the adjacent area and within the affected area.
2. A map showing the proposed service lines and facilities.
3. A map showing the proposed development (if any)
4. A map showing the existing and proposed zoning

8. Application Fees

A fee must accompany the application in accordance with the LAFCo fee schedule.

*\$16,800⁰⁰
(over 160 Ac.)*

A fee will also be required by the State Board of Equalization before the formation becomes complete and effective.



PREPARED BY:

GARY G. GIANNETTA
1119 "S" STREET
FRESNO, CA 93721
559.264.3590

WESTLAKE COMMUNITY REORGANIZATION

A PORTION OF SECTIONS 17 AND 20 IN TOWNSHIP 13 SOUTH, RANGE 19 EAST, MOUNT DIABLO BASE AND MERIDIAN
TO BE ANNEXED TO THE CITY OF FRESNO AND DETACHED FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT

PREPARED:
1-10-13

REVISED:
11-18-13

WESTLAKE COMMUNITY
ANNEXATION TO THE CITY OF FRESNO AND
DETACHEMENT FORM THE NORTH CENTRAL
FIRE PROTECTION DISTRICT AND
THE KINGS RIVER CONSERVATION DISTRICT
LEGAL DESCRIPTION

That portion of Sections 17 and 20 in Township 13 South, Range 19 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the Southeast corner of said Section 20;

thence (1) North $0^{\circ}33'22''$ East, along the East line of the Southeast Quarter of said Section 20, a distance of 2,648.56 feet to the East Quarter corner of said Section 20;

thence (2) North $0^{\circ}33'22''$ East, along the East line of the Northeast Quarter of said Section 20, a distance of 2,618.53 feet to a point on last said East line being 30.00 feet South of the Northeast corner of said Section 20, said point also on the existing limit line of the City of Fresno;

thence (3) South $89^{\circ}46'50''$ West, along the existing limit line of the City of Fresno, a distance of 118.74 feet;

thence (4) North $0^{\circ}13'10''$ West, along the existing limit line of the City of Fresno, a distance of 60.00 feet;

thence (5) North $45^{\circ}02'03''$ East, along the existing limit line of the City of Fresno, a distance of 21.31 feet;

thence (6) North $0^{\circ}17'15''$ East, parallel with and 104.00 feet West of the East line of the Southeast Quarter of said Section 17, also being along the existing limit line of the City of Fresno, a distance of 1,261.34 feet to the intersection with a tangent curve;

thence (7) Northeasterly along said tangent curve, concave to the Southeast, having a radius of 3,267.00 feet through a central angle of $12^{\circ}13'05''$, a distance of 696.67 feet along the existing limit line of the City of Fresno;

thence (8) North $0^{\circ}17'15''$ East, parallel with and 30.00 feet West of the East line of the Southeast Quarter of said Section 17, also being along the existing limit line of the City of Fresno, a distance of 674.55 feet;

thence (9) North $89^{\circ}59'05''$ West, parallel with and 30.00 feet North of the North line of the Southeast Quarter of said Section 17, a distance of 2,616.14 feet;

thence (10) South $0^{\circ}26'10''$ West, along the West line of the Southeast Quarter of said Section 17 and its Southerly prolongation, a distance of 2,669.00 feet to the South Quarter corner of said Section 17;

thence (11) South $0^{\circ}28'26''$ West, along the West line of the Northeast Quarter of said Section 20, a distance of 2,644.39 feet to the center Quarter corner of said Section 20;

thence (12) South $0^{\circ}28'26''$ West, along the West line of the Southeast Quarter of said Section 20, a distance of 1,322.20 feet to the intersection with the Westerly production of the North line of Lots 29 and 30 of Bullard Lands Irrigated Subdivision No. 9, according to the Map thereof recorded in Book 8, page 56 of Plats, Fresno County Records;

thence (13) South $89^{\circ}52'36''$ East, along the North line of Lots 29 and 30 of said Bullard Lands Irrigated Subdivision No. 9, a distance of 996.57 feet to the intersection with the Northwest corner of the East Half of Lot 30 of said Bullard Lands Irrigated Subdivision No. 9;

thence (14) South $0^{\circ}30'32''$ West, along the West line of the East Half of Lot 30 of said Bullard Lands Irrigated Subdivision No. 9, a distance of 1,322.98 feet to the intersection with the South Line of the Southeast Quarter of said Section 20;

thence (15) South $89^{\circ}59'54''$ East, along the South line of the Southeast Quarter of said Section 20, a distance of 1,639.78 feet to the Point of Beginning.

Contains 447.78 acres more or less

Dated: January 10, 2013

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

**PETITION
FOR PROCEEDINGS PURSUANT TO THE CORTESE-KNOX-HERTZBERG
LOCAL GOVERNMENT REORGANIZATION ACT OF 2000**

The undersigned hereby petitions the Local Agency Formation Commission of Fresno County for approval of a proposed change of organization and stipulates as follows:

1. The proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with Section 56000, Cortese-Knox-Hertzberg Local Government Reorganization act of 2000).
2. The specific changes of organization proposed are to Annex to the City of Fresno
3. The boundaries of the territory included in the proposal are as described in exhibits attached hereto and by this reference incorporated herein.
4. The territory included in the proposal is (~~inhabited~~/uninhabited).
5. This proposal (~~is/is not~~) consistent with the sphere of influence of the (name of city or district). City of Fresno
6. The reasons for the proposed reorganization at this time are development of the property is planned in the near future
7. The reason for the proposed boundary is the proposed 430 acre Westlake project is included in the annexation as well as two additional properties to 'square off' the annexation lines
8. The proposed reorganization is requested to be made subject to the following terms and conditions (if none, so indicate): ~~F.T.D.~~ F.T.D. water will/can be utilized for the proposed lake project.
9. The persons signing this petition have signed as (~~owners of land/registered voters~~) representative

Wherefore, petitioners requests that proceedings be taken in accordance with the provisions of Section 56000, et seq. of the Government Code and herewith affix signatures as follows:

Chief Petitioners (not to exceed three):

<u>DATE</u>	<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>RESIDENCE ADDRESS</u>
1. 1-11-2013	Jeffrey T. Roberts		for Granville Homes Inc. P.O. Box
2.			1396 W. Herndon #101
3.			Fresno, Calif. 93711

CITY OF FRESNO
SERVICES & IMPROVEMENT PLAN
SHIELDS-GRANTLAND NO. 1 WESTLAKE REORGANIZATION NO. R-13-01
JANUARY 2014



A. INTRODUCTION

A plan for providing services and improvements to land being annexed to cities is required by the Local Agency Formation Commission (LAFCO).

1. It provides assurance to LAFCO that newly annexed territory to a city will be properly served as urban territory.
2. It provides a basis for determining the impact of an annexation when a determination is made pursuant to the California Environmental Quality Act (CEQA).
3. It provides information to property owners, districts and interested individuals who may have other plans of proposals underway in the immediate vicinity of a proposed annexation, reorganization or boundary change. A service plan indicates the City of Fresno's best intentions, assuming that no major financial crisis or disaster

B. SERVES EXISTING OR PROPOSED TO BE EXTENDED TO THE SHIELDS-GRANTLAND NO. 1 REORGANIZATION AREA (R-13-01)

1. Community Water Service

The subject property is currently served by several domestic wells. Once annexed to the City of Fresno, new development will require the extension of water mains or the development of municipal water wells, or both. The upgraded facilities will have to be installed in accordance with Rule 15 of the State Public Utilities Commission Rules and Regulations.

2. Sanitary Sewer

A 66-inch sewer trunk line lies beneath Grantland Avenue. This facility was designed to accommodate the projected sewer flows from the area that is the subject of this reorganization. Lateral sewer collection lines will be installed to accommodate the subject development as needed.

3. Solid Waste Collection

The City of Fresno will provide solid waste pick up and disposal services upon annexation.

4. Police and Fire Protection

The subject territory is currently provided police services by the Fresno County Sheriff's Department. Upon annexation, the property will then be served by the City of Fresno Police Department.

The subject property is currently served for fire protection by the North Central Fire Protection District, which is operated by the City of Fresno. The District has "instant aid" agreements with the City.

Upon annexation, the territory will be served by the City of Fresno. Two existing stations serve the area: A temporary facility at Bullard and Grantland (approximately 2 miles north of the site) and a permanent station about 2-1/2 miles east at Ashlan and Cornelia Avenues. Also, an existing North Central Fire Station (now used for paramedic services) is located across the street from the affected territory on the south side of West Shields Avenue.

It should be noted that fire sprinklers are required in all new construction. The entire area to be annexed will be affected by this fairly new State law.

5. Street Lighting

The area will be developed with a required street lighting system after annexation. The developer(s) of the site will be required to install the facilities. The street lights will be owned and operated by the City of Fresno and the developer may have to provide a Community Facilities District (CFD) for the funding of their ongoing maintenance.

6. Parks and Recreation

The City of Fresno requires that new development pay park impact fees for the development of park space in the City. Also, the City sometimes requires that the developer of the property install park space in lieu of payment of fees. The City does require that development install/pay for park space at a 3 acres/1,000 population. All public parks are owned and operated by the City of Fresno Parks and Recreation Department.

7. Transit Services

The City of Fresno owns and operates Fresno Area Express (FAX). Numerous routes transverse through and around the City. Currently, there is no bus service to the proposed annexation area.

8. Ambulance Service

The City of Fresno provides paramedic service at many of the existing fire stations. In addition (see No. 4 above), the City and North Central Fire Protection District have "instant aid" agreements and the North Central Fire Protection District owns and operates a paramedic station south of and across the street from the affected territory.

9. Storm Drainage

The affected territory lies wholly within the Fresno Metropolitan Flood Control District. The District will provide all of the necessary storm water collection/impoundment/recharge functions for this area when it develops. The District's service responsibility is not dependent upon annexation to the City of Fresno.

10. Extension of City Services

The necessary City of Fresno services will be extended as development occurs. The developer of the land will be responsible for the extensions.

11. Schools

The site proposed for annexation lies completely within the Central Unified School District (CUSD). The District provides K-12 service to this area. A new elementary school is

planned within the area to be annexed. CUSD has commented on the proposed project and the associated EIR and can provide service to the affected area.

12. Other City Services

The City of Fresno will also provide planning, public works and other vital services to the affected area. The distance to City Hall from the affected site is approximately 10 miles.

13. San Joaquin Valley Air Pollution Control District (SJVAPCD)

The affected site lies within the 8-county boundary of the SJVAPCD. This district provides permits and collects fees for commercial, industrial and residential (ISR) projects on an as-needed basis.

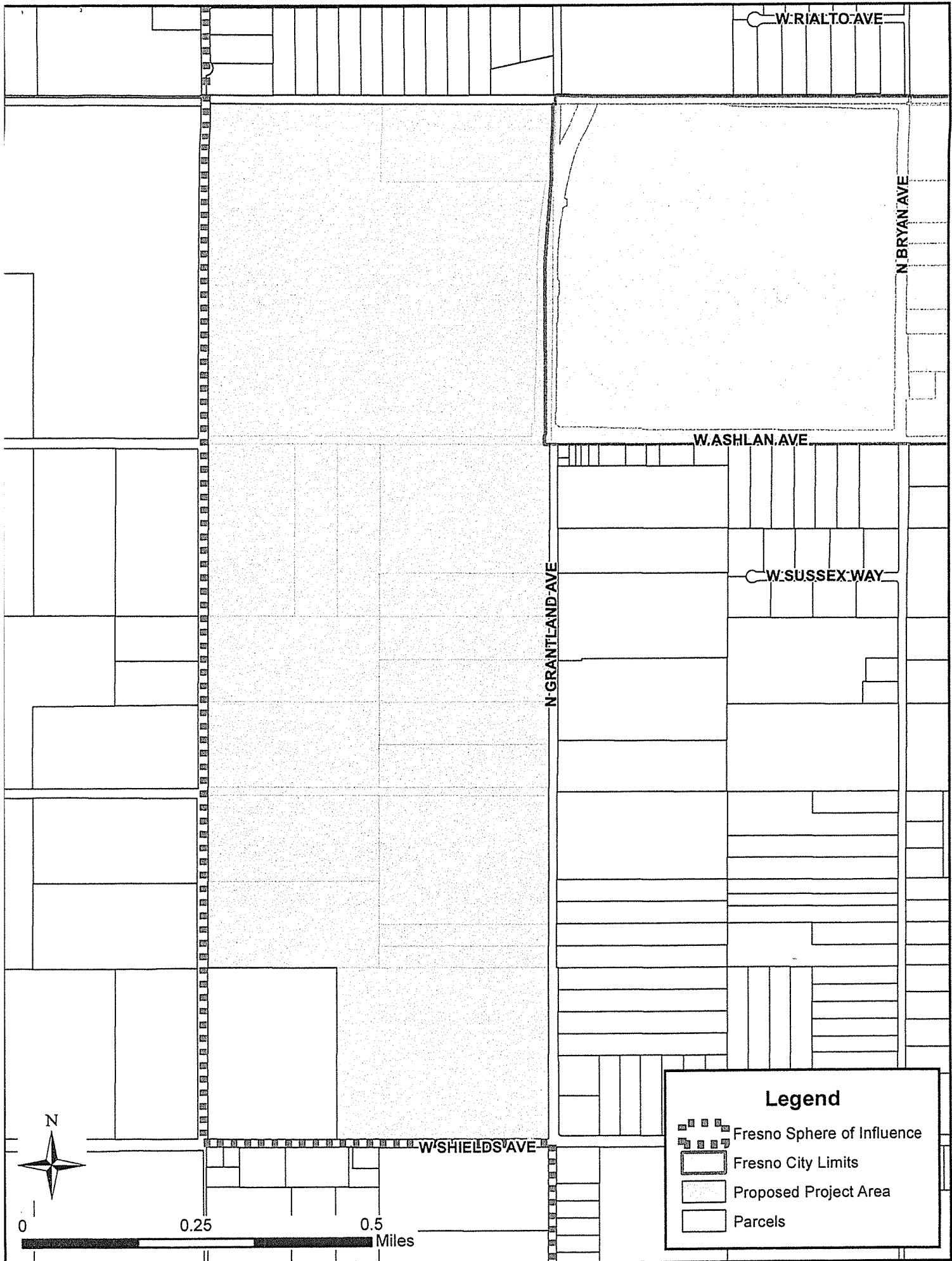
C. FINANCING OF SERVICES AND FACILITIES

All services are financed by one, or a combination, of the following methods:

1. Property tax.
2. Fees: Development Impact fees are enforced for parks, sewers, traffic signalization, storm drainage, city facilities fees are collected and fees for various business licenses and activities are collected.
3. State tax (extremely high source of funds due to nature and quality of business activity).
4. Developer installed Community Facilities District (CFD)/Benefit Assessment District (BAD).
5. State funds, i.e., gas tax, motor vehicle in lieu tax, are utilized by the City for street work and supporting the transit system.
6. Federal funds, i.e., Fresno-Madera Area Agency on Aging, Community Development Block Grant Funds.
7. Bonds and/or assessment districts as needed.

D. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

An EIR has been prepared and certified by the City of Fresno in compliance with the California Environmental Quality Act, as amended. The findings were posted as required by CEQA and were circulated to affected agencies.



W. RIALTO AVE

N. BRYAN AVE





W. ASHLAN AVE

W. SUSSEX WAY

N. GRANTLAND AVE

W. SHIELDS AVE

Legend

-  Fresno Sphere of Influence
-  Fresno City Limits
-  Proposed Project Area
-  Parcels



0 0.25 0.5 Miles

1. Need Parties of Interest and Consent Forms for:

- a. Grantland Holdings LLC
- b. GVM Investments LLC
- c. ACAP Holdings LLC

} All Granville

2. Need an electronic copy of the EIR and Service Plan

3. Sent consistency request to Bernard on 2/11/14. Waiting for reply



responded
5-1-14

Given to Jeff
2-11-14

Hendricks, Samantha

From: Jeffrey Roberts <JRoberts@gvhomes.com>
Sent: Wednesday, January 15, 2014 5:26 PM
To: Hendricks, Samantha
Cc: Fey, David
Subject: RE: Westlake Annexation

Thanks.

1. I will get the Rezoning Ordinance Bill from Mike Sanchez at the City when he returns next Monday.
- OK 2. I will get the map approval resolution from the Planning Commission Secretary as soon as I can. The Tract Map was approved in November, 2013 (Tract No. 5915)
3. I am on the Fresno Metropolitan Flood Control District Board of Directors agenda next week (1-22-14) and they will authorize the signing of the ownership form for the 20 acres that they own. We have the rest of the land in the requested annexation area.
4. The City Service Plan covers this area. It's been in the SOI for 30 years.
5. I will contact John Navarette about the MOU letter. Can you please ship me a copy of the letter you sent to him?

Thanks for all the help!

From: Hendricks, Samantha [<mailto:SHendricks@co.fresno.ca.us>]
Sent: Wednesday, January 15, 2014 3:11 PM
To: Jeffrey Roberts
Subject: Westlake Annexation

Thank you for bringing in the environmental information but before we can schedule it for hearing we still need the tract map resolution, pre-zone ordinance, signed consent form (or if Granville owns the entire thing proof of ownership) and service plan. Do you know when they will be submitted? We are also waiting on the County MOU letter stating that it is consistent with the City-County MOU. Any help would be appreciated.

Thank you,
Samantha



Fresno Local Agency Formation Commission

January 15, 2013

Mr. John Navarrette, County Administrative Officer
Hall of Records
2281 Tulare Street, Room #304
Fresno, CA 93721

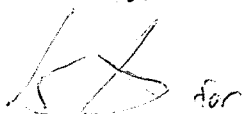
Dear Mr. Navarrette:

Subject: Proposed "Shields-Grantland No. 1 (Westlake) Reorganization"
(via Landowner Petition – Jeff Roberts, Vice President, Granville
Homes)

We have received the attached landowner petition from Mr. Jeff Roberts, Vice President of Granville Homes, requesting annexation of 480 acres to the City of Fresno and detachment from the North Central Fire Protection District.

We would appreciate your review of the application and map and determine if it is consistent with the Master Tax Sharing Agreement that was approved between the County Board of Supervisors and the Fresno City Council.

Sincerely,


JEFF WITTE
EXECUTIVE OFFICER

JW:sh

Cc: Mark Scott, City Manager, City of Fresno
Bernard Jimenez, Deputy Director of Planning, County of Fresno

*Emailed
to Bernard
1-11-14*

Attachments

G:\LAFCO WORKING FILES\MISC LETTERS&MEMOS\Navarrette Req. for Consistency Westlake.doc



Fresno Local Agency Formation Commission

January 15, 2013

Mr. Mark Scott, City Manager
City of Fresno
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Scott:

Subject: Proposed "Shields-Grantland No. 1 (Westlake) Reorganization"
(via Landowner Petition – Jeff Roberts, Vice President, Granville
Homes)

We have received the attached landowner petition from Mr. Jeff Roberts, Vice President of Granville Homes, requesting annexation of 480 acres to the City of Fresno and detachment from the North Central Fire Protection District.

We would appreciate your review of the application and map and determine if it is consistent with the Master Tax Sharing Agreement that was approved between the County Board of Supervisors and the Fresno City Council and provide us with any comments you may have.

Sincerely,

JEFF WITTE
EXECUTIVE OFFICER

JW:sh

Cc: John Navarrette, County Administrative Officer
Bernard Jimenez, Deputy Director of Planning, County of Fresno

Attachments

G:\LAFCO WORKING FILES\MISC LETTERS&MEMOS\Navarrette Req. for Consistency Westlake.doc

NOTICE OF INCOMPLETE APPLICATIONS

DATE: January 14, 2013
TO: Mr. Jeff Roberts
FROM: Jeff Witte, Executive Officer *LB*
SUBJECT: "Shields-Grantland No. 1 (Westlake) Reorganization"

Please be informed that the Fresno Local Agency Formation Commission (LAFCo) received your application materials for the Proposals listed above on January 11, 2013. Following a review of your application materials we find these applications to be incomplete. We have provided a list of the items that are needed to complete your applications.

After receiving an application the Executive Officer is allowed 30 days to determine whether the application is complete and acceptable for filing or whether the application is incomplete. A "complete" application is one that has been submitted in the form prescribed by the Commission and containing all of the information and data required pursuant to State law.

When an application is accepted for filing, the Executive Officer issues a Certificate of Filing to the applicant. From the date of issuance of a Certificate of Filing an application shall be deemed filed. If an application is determined not to be complete, the Executive Officer is required to transmit that determination to the applicant specifying those parts of the application which are incomplete and the manner in which they can be made complete.

Following the issuance of the Certificate of Filing, the Executive Officer will proceed to set the Proposal for hearing and give published notice. The hearing must take place within 90 days after issuance of the Certificate of Filing. Gov. Code sections 56652, 56653, 56654, 56700 *et seq.*

Application information is insufficient.

Environmental initial study and/or environmental documents not submitted.

Property tax transfer agreements not received.

Tract map resolution and pre-zoning ordinance not submitted.

Map and legal description.

Property owner consent forms are not included or are not complete.

Verification of notification of affected property owners not received.

Required supplemental maps not submitted. **A location, vicinity, water, sewer, zoning, and tract map are required.**

Application fee not submitted (\$_____).

Required Service Plan is not included or insufficient.

Request is inconsistent with sphere of influence of agency.

Other:

Comments:

All agencies gaining or losing territory must provide a waiver of protest proceedings in writing. While this office will notify these agencies and request each agency to sign a waiver of protest proceedings with regard to this proposal, if such signed statement is not received by this office prior to the scheduled hearing a Protest Hearing will be required (if approved). Proponents may wish to request such a statement from each affected agency and submit an original copy to this office. Please remember that the Fresno County Fire Protection District and the Kings River Conservation District are affected agencies and must submit signed written waivers of protest proceedings.

You have indicated that the affected territory is uninhabited (under 12 registered voters). How this proposal is legally noticed and the statutes regulating Conducting Authority Proceedings (protests) may change should the Elections Division determine the territory to be inhabited.

Your application materials will be returned if we do not receive the necessary items listed above to complete your application in 30 days (**February 14, 2013**). The items needed to complete your application may change depending on comments from affected agencies and responses to requests for information from County departments, responsible and interested agencies. Regardless of the date of submission, this proposal will not be scheduled for public hearing until the Executive Officer issues a Certificate of Filing. In order to have your request considered by the Commission, your application must be determined to be complete before the date necessary for submission of the legal notice to the publisher. You will be scheduled for the next LAFCo hearing available following the issuance of a Certificate of Filing and required legal noticing.

Thank you.

JW:sh



January 10, 2013

Jeff Witte, Executive Director
Fresno Local Agency Formation Commission
2607 Fresno Street, Suite B
Fresno, CA 93721

Subject: Annexation of 480 +/- Acres of Land to the City of Fresno
(Westlake Community)

Dear Mr. Witte,

As per our conversations over the past few months, I am submitting a "Petition to Annex" approximately 480 acres of land to the City of Fresno. This property is substantially owned/controlled by Granville Homes or entities related to Granville Homes.

Please feel free to contact me if you have any questions or comments. Thanks for your continued assistance regarding this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey T. Roberts", is written over the word "Sincerely,". The signature is fluid and cursive.

Jeffrey T. Roberts



Mark Scott
City Manager



March 13, 2013

Jeff Witte, Executive Officer
Fresno County Local Area Formation Commission (LAFCo)
2607 Fresno Street, Suite B
Fresno, CA 93721

Re: Pre-Application Review No. PA-12-2
Annexation to the City of Fresno Proposed by Granville Homes (Westlake Development)

Dear Mr. Witte:

This correspondence is to respond to your inquiries to the City regarding Pre-Application Review No. PA-12-2 for annexation of property proposed for the Westlake development. This property is approximately 460 acres bounded by Gettysburg, Grantland, Shields, and Garfield Avenues. This annexation has been proposed and initiated by the property owner, Granville Homes, not the City of Fresno.

The City of Fresno has recently been advised by your staff that other cities in the County routinely oppose applicant-initiated applications. While we have not taken that position in the recent past, we will do so in the future.

In this specific instance, we believe the annexation process would best be served if initiated through the City and we invite the applicant to do so. We are working closely with this applicant on the Westlake development, and it seems both efficient and timely that the annexation application should be initiated by the City as part of that coordinated effort. I feel confident that by doing so, we will be able to come to LAFCo jointly and on a timely basis.

Thank you for the opportunity to provide these comments.

Sincerely,

Mark Scott
City Manager/Interim DARM Director

c: Jeff Roberts, Granville Homes
Keith Bergthold, DARM

City of Fresno

City Hall • 2600 Fresno Street • Fresno, California 93721-3601
(559) 621-7770 • FAX (559) 621-7776 • www.fresno.gov

Fleming, Candace Lynn

From: Adams, John
Sent: Thursday, February 07, 2013 12:00 PM
To: Fleming, Candace Lynn
Cc: Witte, Jeff; Khorsand, Mohammad
Subject: RE: City Review of Shields-Grantland No 1 Westlake Annexation
Attachments: County Referral 930.pdf

Importance: High

Candie,

The County has received additional information from the City of Fresno and the City is not interested in annexing this property at this time. Please see the attached electronic copy of Mr. Bergthold's letter to the County.

John R. Adams, Planner II

*The County of Fresno
Department of Public Works & Planning
Development Services Division, Policy Planning Unit
2220 Tulare St., Suite B (Plaza Level)
2220 Tulare St., 6th Floor (Mailing Address)
Fresno, CA 93721
New Phone: (559) 600-4239 & Fax: (559) 600-4203
E-mail: jradams@co.fresno.ca.us
Please note that our office is closed every Friday @12:30 pm*

Public Works and Planning is continuing to work to improve customer services provided by the Department. Your feed back on how we are doing would be greatly appreciated. Please take a few minutes to complete our Customer Service Survey at the following link. https://www.surveymonkey.com/s/PWP_SuperShort5

From: Fleming, Candace Lynn
Sent: Monday, February 04, 2013 12:22 PM
To: Adams, John
Subject: RE: City Review of Shields-Grantland No 1 Westlake Annexation

Haven't heard anything yet but we haven't received today's mail yet either.

Candie

From: Adams, John
Sent: Monday, February 04, 2013 12:13 PM
To: Fleming, Candace Lynn
Subject: RE: City Review of Shields-Grantland No 1 Westlake Annexation

Candie,

Did you get a response from the City of Fresno regarding this proposed annexation?

John R. Adams, Planner II

*The County of Fresno
Department of Public Works & Planning*

Fleming, Candace Lynn

From: Adams, John
Sent: Thursday, February 07, 2013 3:28 PM
To: Fleming, Candace Lynn
Cc: Jeff Roberts (jroberts@gvhomes.com)
Subject: County Review of Shields-Grantland No 1 Westlake Annexation on Hold

Importance: High

Candie,

Per Exhibit 1, third bullet, No.3, of the Restated Memorandum of Understanding (MOU) between the City of Fresno and the County (attached), if no development exists on the area subject to annexation, at least 50% of the subject area must have an approved tentative subdivision map for a single family residential development or an approved site plan for other uses for the proposal to be acceptable.

It is my understanding of the Shields-Grantland No. 1 Westlake Annexation that the General Plan Amendment, re-zoning and the subdivision map applications have not yet been considered and approved by the City of Fresno.

As such, the County will put the request for consistency determination on the Shields-Grantland No. 1 Westlake Annexation on hold until such time that Vesting Tentative Tract Map (VTTM) No. 5915 is approved by the City of Fresno Planning Commission and City of Fresno General Plan Amendment Application No. A-07-001 and Rezone No. R-07-008 is approved by the Fresno City Council.

Please contact me if you have any questions at (559) 600-4239 or reply to this email to jradams@co.fresno.ca.us.

John R. Adams, Planner II

*The County of Fresno
Department of Public Works & Planning
Development Services Division, Policy Planning Unit
2220 Tulare St., Suite B (Plaza Level)
2220 Tulare St., 6th Floor (Mailing Address)
Fresno, CA 93721
New Phone: (559) 600-4239 & Fax: (559) 600-4203
E-mail: jradams@co.fresno.ca.us
Please note that our office is closed every Friday @12:30 pm*

Public Works and Planning is continuing to work to improve customer services provided by the Department. Your feed back on how we are doing would be greatly appreciated. Please take a few minutes to complete our Customer Service Survey at the following link. https://www.surveymonkey.com/s/PWP_SuperShort5

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Sent: Monday, February 04, 2013 12:22 PM
To: Adams, John
Subject: RE: City Review of Shields-Grantland No 1 Westlake Annexation

Haven't heard anything yet but we haven't received today's mail yet either.

Candie

From: Adams, John
Sent: Monday, February 04, 2013 12:13 PM
To: Fleming, Candace Lynn
Subject: RE: City Review of Shields-Grantland No 1 Westlake Annexation

Candie,

Did you get a response from the City of Fresno regarding this proposed annexation?

John R. Adams, Planner II

*The County of Fresno
Department of Public Works & Planning
Development Services Division, Policy Planning Unit
2220 Tulare St., Suite B (Plaza Level)
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From: Fleming, Candace Lynn
Sent: Wednesday, January 30, 2013 12:52 PM
To: Adams, John
Cc: Hendricks, Samantha
Subject: City Review of Shields-Grantland No 1 Westlake Annexation

John,

The City of Fresno is reviewing the application now and said they would give us their response by this Friday. I will forward a copy of their response when I get it.

Candie

From: Adams, John
Sent: Wednesday, January 30, 2013 12:49 PM
To: Fleming, Candace Lynn
Cc: Witte, Jeff
Subject: Shields-Grantland No 1 Westlake Annexation
Importance: High

Candie,

We are reviewing the Shields-Grantland No. 1 (Westlake) Landowner Petition for Annexation by Jeff Roberts. Page 2, Section 2B, Reasons for Proposal, of the packet you sent us, lists City of Fresno General Plan Amendment Application No. A-07-001, Rezone No. R-07-008, and Vesting Tentative Tract Map (VTTM) No. 5915. I did not see VTTM No. 5915 on the City of Fresno's View Fresno GIS program and the Petition says an Environmental Impact Report (EIR) is being prepared.

We cannot review the petition until the City of Fresno gives its approval. The fact that the EIR is still being prepared lends to my conclusion the Fresno City Council has yet to review this petition or the associated applications.

Have these applications been approved by the Fresno City Council?

John R. Adams, Planner II

The County of Fresno

Department of Public Works & Planning

Development Services Division, Policy Planning Unit

2220 Tulare St., Suite B (Plaza Level)

2220 Tulare St., 6th Floor (Mailing Address)

Fresno, CA 93721

New Phone: (559) 600-4239 & Fax: (559) 600-4203

E-mail: jradams@co.fresno.ca.us

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CITY ANNEXATION APPLICATION

CHANGE OF ORGANIZATION OR REORGANIZATION
 CORTESE-KNOX LOCAL GOVERNMENT REORGANIZATION
 (Government Code Sec. 56000, et seq.)

Proposals Initiated by Resolution or Petition

FRESNO LOCAL AGENCY FORMATION COMMISSION
 2607 FRESNO STREET, SUITE B
 Fresno, CA 93721 PHONE: (559) 600-0604

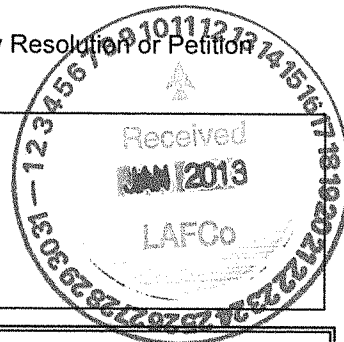
Jeff Witte, Executive Officer
 Candie Fleming, Commission Clerk

OFFICE USE ONLY:

LAFCo File No.

R0-13-1

Date Received



Name of Proposal 'Westlake' Community

Changes of Organization listed in Resolution or Petition Annex to the City of Fresno and detach from the North Central Fire Protection District

Signature of Chief Petitioner or Representative of Initiating Agency *[Signature]* Date 01-04-2013

Name Jeffrey T. Roberts Title Granville Homes

Address 1396 W. Herndon #101, Fresno, Calif. 93711

Phone (559) 436-0900 Fax (559) 436-1659 Cell (559) 288-0688

Email Address jroberts@gvhomes.com

This application and attached documents are complete and are in all respects true and correct to the best of my knowledge.

List the name and address of officers or persons, not to exceed three in number, who are to receive the notice of hearing and the Executive officer's Report.

Name	Address, Zip Code, Phone Number, and Email Address
<u>Jeffrey T. Roberts</u>	<u>(559) 288-0688</u>
<u>1396 W. Herndon #101, Fresno, Calif. 93711</u>	
<u>jroberts@gvhomes.com</u>	

1. List of Affected Landowners and Financial Interests/Political Reform Act Compliance

Please provide the names of all landowners, lessees, any parties with an option to purchase or lease the property, or any other parties having any ownership or financial interest in the property. If the interest is a corporation, LLC, or partnership entity, please list the names of all individuals or entities who are shareholders, members, or partners in the corporation, LLC or partnership. If the corporation has more than 50 fifty shareholders, please provide the names of those individuals or entities owning more than 25% of the corporation's shares. If the entity is a trust or non-profit organization, list any directors or trustees, trustors, or beneficiaries. Please use additional pages if necessary.

Darius Assemi _____

Farid Assemi _____

Farshid Assemi _____

Norm Liddell _____

Fresno Metropolitan Flood Control District _____

If an applicant for or participant of any proceeding has made a campaign contribution of more than \$250 to or for any of the Commission members, state law provides for disqualification of Commissioner voting, or even prohibition of such gifts. These restrictions also apply to agents of applicants or participants. Please consult with Commission staff as to the requirements of the Political Reform Act (government Code Section 84308).

2. Reasons for Proposal

- A. State the reasons for this change, and why the change is proposed at this time.
This property has been located in the City's SOI since 1983 and development is now proposed for 450 of the 480 acres proposed for annexation to the City of Fresno
- B. Describe in detail any proposed development:

Development location and acreage 450 Acres 'Master Planned' Project

Types of uses and number of units Commercial; 2600± units; Open Space

Project file numbers and status A-07-001; R-07-008; VTTM 5915

Other details: An EIR is being prepared and processed for this package of applications by the City of Fresno.

If already developed, describe in detail any added service and greater frequency or range of services to be provided to residents of this area.

N.A.

- C. What is the reason for the proposal boundaries? Describe the city plan to annex any remaining substantially surrounded area created.

The boundary is logical and adjacent to existing City limits. The City of Fresno has a strategy to annex Rural Residential areas using a rural 'overlay' on the required pre-zoning for these areas.

- D. Amount of vacant land in acres in the community plan area already in the City that could accommodate the proposed development.

None. This is a large Master Planned project.

Comment on why the proposed annexation is justified given the amount of vacant land in the City already.

The vacant land in the City is not adequate in terms of size or shape to accommodate the project envisioned by the applicant.

3. Information on Proposal Area and Vicinity

- A. Current Acreage 480 Current No. of Registered Voters 0
No. of Residences None No. of Landowners 3
Current Population Est. 0 Current County Zoning AE-5
City Zoning Upon Annexation Various (C-1, R-1, R-2, C-2, '0')

- B. List the uses of land in the affected area and give acreage for each. If in agricultural use, list crops produced over the past three years.

The entire 480 acres has been farmed in the last 3 years with wheat. All of the area is affected

- C. If annexation/development is adjacent to agricultural parcels, how has the city buffered the developing area or mitigated the impact of development on agricultural parcels.

The city will require 'Right to Farm' covenants

- D. Is any of the affected territory in an agricultural preserve or under Land Conservation Contract?

No

If so, does the resolution of application state the city's intention not to succeed do the contract?

N.A.

E. Does the proposed development and change of organization conform to the City General and Specific Plans (explain if not conforming)?

Yes

What is the City plan designation?

Office, Commercial, Single and multi family residential

What is the County plan designation?

Agriculture

4. Information on Services

A. Comment on the municipal or other public service facilities or improvements which will serve the affected territory after annexation (i.e. water or sewer lines or facilities, fire stations, school facilities). Are any of these services or facilities below city standards, near or beyond their capacity to adequately serve the area? No * Are there any notices or orders to the city from state or federal agencies related to these services or facilities and their standards that would affect city services?

No

If yes, explain how these improvements/facilities will be upgraded, when and how financed, or how any deficiencies are being met.

* All improvements in infrastructure needed for the project will be developed as a condition of approval by the City of Fresno

B. List below the names of agencies or companies now providing services and which agency will provide service after annexation completion. Include estimated date new service will begin (use "UA", if upon annexation, "UD" if upon development).

<u>Existing</u>	<u>Proposed Change</u>	<u>Date</u>
Domestic Water <u>None /</u>	<u>City of Fresno / upon annex</u>	<u>" / "</u>
Sewer Collection <u>None /</u>	<u>" /</u>	<u>" / "</u>
Solid Waste Collection <u>Private Haulers /</u>	<u>" /</u>	<u>" / "</u>
Street Lighting <u>None /</u>	<u>" /</u>	<u>" / "</u>
Parks and Recreation <u>County of Fresno /</u>	<u>" /</u>	<u>" / "</u>
Fire Protection <u>North Central /</u> (station distance) <u>1/2 mi</u>	<u>" /</u>	<u>" / "</u>
Paramedic <u>North Central /</u> (station distance) <u>1/2 mi</u>	<u>" /</u>	<u>" / "</u>
Police <u>Fresno County Sheriff /</u>	<u>" /</u>	<u>" / "</u>
Storm Drainage <u>F.M.F.C.D. /</u>	<u>N.A. /</u>	<u>- / -</u>
Elementary School <u>C.U.S.D. /</u>	<u>N.A. /</u>	<u>- / -</u>
High School <u>C.U.S.P. /</u>	<u>N.A. /</u>	<u>- / -</u>

5. Information on Costs and Revenue

A. Is there any outstanding general bonded indebtedness for any of the agencies whose boundaries are changed by this proposal?

None known

B. If so, give information listed below:

<u>Name of Agency</u>	<u>Bond Tax Rate for Affected Territory</u>	<u>Date of Maturity</u>	<u>General Purpose of Bond</u>
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C. Is the affected territory to be subject to all of the above general bonded indebtedness upon annexation? Yes

D. If any costs of services to be or already being received by residents within the affected territory will change as a result of this proposal, give breakdown of change for a typical residential landowner or resident in the affected territory for comparison purposes.

There are no residents living in the affected area

- E. If any resident or landowner in the affected area will be required to connect to sewer or water lines as a result of annexation or construct any other improvements (other than as a requirement for a proposed development), list requirements, when required, and any other special circumstances related. (A letter from City to residents and landowners should also indicate these requirements.)

N.A.

6. Information on Processing Change of Organization or Reorganization

- A. Property Tax Exchange (Revenue & Tax Code 99 & 99.1) Check either:
- Master Tax Agreement should apply to the change. If so, provide letter indicating consistency with the master agreement.
 - Other agreement for change is to be negotiated (Explain other agreement).
-
- B. Compliance with California Environmental Quality Act (1 paper and 1 electronic copy). Check either:
- Project is Exempt and a Notice of Exemption, prepared in consultation with LAFCo, is included.
 - An initial study is complete and a Negative Declaration prepared for the annexation in consultation with LAFCo and other affected agencies and is included.
 - An EIR ~~has been~~ *is being* prepared for the annexation project and is included.
- C. Initiation of Application. A clear and reproducible legal description and map meeting Commission standards must be included, and a copy also attached to the resolution or petition. Check either:
- A certified resolution of application is included.
 - A petition of landowners or registered voters is included.
- D. Landowner Consent or Notice. Check either:
- 1. Signed LAFCo property owner consent forms for all landowners are included as shown on Assessor's roll.
 - 2. Letter of Notification to Landowner and Residents (if no consent of all landowners).
 - a. All property owners and residents must be notified of the change and how to receive notice of LAFCo hearing.
 - b. For inhabited proposals, a City response to a neighborhood meeting, held for the annexation listing the issues and the City response.
- E. Municipal Service Plan (1 paper and 1 electronic copy). Check either:
- A Service Plan for the change is included.
 - A Master Service Plan is filed with LAFCo and is current (updated in 1993 or later).

7. Boundary Description and Maps

Please submit one clear, reproducible copy of the property description and map of the affected territory, prepared in accordance with the State Board of Equalization's Guidelines for Maps and Legal Descriptions. See State Board of Equalization website (http://www.boe.ca.gov/proptaxes/pdf/sam_le-map_&_geographic_description.pdf) for requirements.

One copy of each of the following maps are required to give the Commission various related information. Each map must be clear, reproducible, and 8 1/2" x 11" in size.

1. A land use map showing types of land use in the adjacent area and within the affected area.
2. A map showing the proposed service lines and facilities.
3. A map showing the proposed development (if any)
4. A map showing the existing and proposed zoning

8. Application Fees

A fee must accompany the application in accordance with the LAFCo fee schedule.

*\$16,800⁰⁰
(over 160 Ac.)*

A fee will also be required by the State Board of Equalization before the formation becomes complete and effective.

LEGAL INDEMNITY

Should the Fresno Local Agency Formation Commission ("Fresno LAFCo") be named as a party in any litigation (including a "validation" action under CCP 860 *et seq.*) or administrative proceeding in connection with the Applicant's proposal, Applicant agrees to indemnify, hold harmless, and promptly reimburse Fresno LAFCo for:

- 1) All reasonable expenses and attorney's fees in connection with the defense of Fresno LAFCo; and
- 2) Any damages, penalties, fines or other costs imposed upon or incurred by Fresno LAFCo, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document, which accompanies it. The Fresno LAFCo Executive Officer may require a deposit of funds sufficient to cover estimated expenses of the litigation. Applicant agrees that Fresno LAFCo shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that such actions shall not relieve or limit Applicant's obligations to indemnify and reimburse defense costs.

Applicant may be required by Fresno LAFCo to execute an additional indemnity agreement as a condition of approval for this application. Such an agreement in no way limits the effect of obligations provided for herein.

City or District Application

-or-

Land Owner Petition Application

City/District Representative Signature

Land Owner Signature

Print Name

Jeffrey T. Roberts
Print Name for Granville Homes, Inc.

Date

1-11-2013
Date.

**PETITION
FOR PROCEEDINGS PURSUANT TO THE CORTESE-KNOX-HERTZBERG
LOCAL GOVERNMENT REORGANIZATION ACT OF 2000**

The undersigned hereby petitions the Local Agency Formation Commission of Fresno County for approval of a proposed change of organization and stipulates as follows:

1. The proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with Section 56000, Cortese-Knox-Hertzberg Local Government Reorganization act of 2000).
2. The specific changes of organization proposed are to Annex to the City of Fresno
3. The boundaries of the territory included in the proposal are as described in exhibits attached hereto and by this reference incorporated herein.
4. The territory included in the proposal is (~~inhabited~~/uninhabited).
5. This proposal (~~is/is not~~) consistent with the sphere of influence of the (name of city or district). City of Fresno
6. The reasons for the proposed reorganization at this time are development of the property is planned in the near future
7. The reason for the proposed boundary is the proposed 430 acre Westlake project is included in the annexation as well as two additional properties to 'square off' the annexation lines
8. The proposed reorganization is requested to be made subject to the following terms and conditions (if none, so indicate): ~~the~~ F.T.D. water will/can be utilized for the proposed lake project.
9. The persons signing this petition have signed as (~~owners of land/registered voters~~)- representative

Wherefore, petitioners requests that proceedings be taken in accordance with the provisions of Section 56000, et seq. of the Government Code and herewith affix signatures as follows:

Chief Petitioners (not to exceed three):

<u>DATE</u>	<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>RESIDENCE ADDRESS</u>
1. 1-11-2013	Jeffrey T. Roberts		for Granville Homes Inc. PO Box
2.			1396 W. Herndon #101
3.			Fresno, Calif. 93711

FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13235

The Fresno City Planning Commission at its regular meeting on November 06, 2013, adopted the following resolution pursuant to the Subdivision Map Act of the Government Code of the State of California and the Municipal Code of the City of Fresno.

WHEREAS, Vesting Tentative Tract Map No. 5915/UGM was filed with the City of Fresno and proposes to subdivide the subject property for the purposes of creating a 29-lot subdivision with one Outlot on approximately 430 acres of property bounded by West Gettysburg, West Shields, North Garfield and North Grantland Avenues for purposes of facilitating the "Westlake" Development Project; and,

WHEREAS, the City, as the lead agency, prepared a Final Environmental Impact Report No. 10140 (SCH No. 2007121033), for the "Westlake" Development Project (hereinafter "Final EIR"), which evaluated the environmental impacts associated with the proposed project; and,

WHEREAS, the Development and Resource Management Department staff recommended approval of the proposed project subject to all conditions of approval contained in the staff report dated November 06, 2013; and,

WHEREAS, the Fresno City Planning Commission conducted a public hearing on November 06, 2013, to review the proposed subdivision and considered the staff report and invited testimony with respect to the proposed subdivision; and,

WHEREAS, the Fresno City Planning Commission considered the findings and mitigation monitoring program associated with the Final EIR, including comments received on the Draft EIR, the responses to those comments and other information added in compliance with the California Environmental Quality Act and recommended certification of the Final EIR to the Council of the City of Fresno.


NOW, THEREFORE, BE IT RESOLVED that the Fresno City Planning Commission finds that approval of the subject vesting tentative tract map is consistent with the adopted 2025 Fresno General Plan and the West Area Community Plan and the findings required pursuant to Section 66410 et. seq. of the Government Code.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby approves Vesting Tentative Tract Map No. 5915/UGM subject to the Development and Resource Management Department Conditions of Approval dated November 06, 2013

The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Commissioner Reed, seconded by Commissioner Torossian.

VOTING: Ayes - Reed, Torossian, Vasquez
 Noes - Hansen-Smith, Medina
 Not Voting - None
 Absent - Holt

DATED: November 6, 2013


Jennifer K. Clark, Secretary
Fresno City Planning Commission

Resolution No. 13235
Vesting Tentative Tract Map No. 5915/UGM
Filed by Westlake Development Company
Action: Approved



RESOLUTION NO. 2013-213

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AMENDING THE WEST AREA COMMUNITY PLAN AND THE 2025 FRESNO GENERAL PLAN (PLAN AMENDMENT APPLICATION NO. A-07-12)

WHEREAS, on November 19, 2002, by Resolution No. 2002-379, the City Council adopted the 2025 Fresno General Plan which correspondingly established the West Area Community Plan, as set forth in Appendix W of the 2025 Fresno General Plan, and by Resolution No. 2002-378 certified Master Environmental Impact Report No. 10130 which evaluated the potentially significant adverse environmental impacts of urban development within the City of Fresno's designated urban boundary line and extended sphere of influence; and,

WHEREAS, Plan Amendment No. A-07-12 has been filed with the City of Fresno by Westlake Development Inc., to amend the 2025 Fresno General Plan and the West Area Community Plan as described below and relating to the approximately 430 acres of property bounded generally by West Gettysburg Avenue on the north, West Shields Avenue on the south, North Garfield Avenue on the west and North Grantland Avenue on the east on the ("Subject Property") and as follows:

- i) Amend the planned land use designations within the proposed project boundary as follows:

Planned Land Use	(from) Existing Acreage	(to) Proposed Acreage
Medium Low Density Residential	±194 ac.	±82.42 ac.
Medium Density Residential	±102 ac.	±207 ac.
Medium High Density Residential	±61 ac.	±38.83 ac.
Office Commercial	±11 ac.	N/A
Neighborhood Commercial	±19 ac.	±7.45 ac.
Community Commercial	N/A	±22.87 ac.
Public Facility (Elementary School)	±17 ac.	±15.75 ac.



Open Space	±19 ac.	±55.68 ac.
Ponding Basin	±7 ac.	N/A

- ii) Amend the General Plan Circulation Element including the following: (1) Removal of portions of East Ashlan and East Dakota Avenues, thereby bifurcating the respective major street segments between North Garfield and North Grantland Avenues, on the Major Streets and Highways Plan; (2) Designation of the proposed "Westlake Loop" street and its segment connecting southerly to West Shields Avenue as a Collector Street on the Major Streets and Highways Plan; and (3) Re-designating the remaining segment of East Ashlan Avenue west of the proposed Westlake Loop and connecting to North Garfield Avenue as a Collector Street on the Major Streets and Highways Plan; and,
- iii) Relocate (and revise the shape of) Ponding/recharge Basin 'CD', which is currently planned to be located within the project boundary, to the southwest corner of West Shields and North Grantland Avenues in the County of Fresno; and, revise the boundaries of Drainage Districts 'CD' and 'CG' on the Storm Drainage and Flood Control Master Plan.

WHEREAS, the City, as Lead Agency, has prepared a Final Environmental Impact Report No. 10140 (SCH 2007121033) which evaluated the environmental impacts associated with the Project proposed by Westlake Development Inc., commonly referred to as the "Westlake Project" which includes this proposed plan amendment and amendments to adopted Official Plan Lines, rezoning, a Vesting Tentative Tract Map, and a Development Agreement, related to 430 acres of the Westlake Project; and,

WHEREAS, Environmental Impact Report No. 10140 was drafted in a manner that specifies that it shall serve as a Program Level EIR for Westlake Project; and,

WHEREAS Final Environmental Report No. 10140, dated December 2013 includes the Draft EIR dated April 2013, the technical analysis related thereto, the comments and recommendations received on the Draft EIR and the list of persons, organization and public agencies commenting on the Draft EIR; the responses of the Lead Agency to significant



RESOLUTION NO. 2013-213
Plan Amendment Application No. A-07-12
December 19, 2013
Page 3

environmental points raised in the review and consultation process, and additional information added by the City for purposes of clarification; and,

WHEREAS, the District 1 Plan and Implementation Committee, on January 22, 2008, reviewed the requested plan amendment and recommended approval to the Planning Commission and the City Council; and,

WHEREAS, on November 6, 2013, the Fresno City Planning Commission held a duly noticed public meeting at which the Commission considered and discussed the adequacy of the proposed Final EIR No. 10140 as an informational document, and found that the proposed Final EIR, as presented, adequately evaluates the potential significant impacts of the Westlake Project; and,

WHEREAS, on November 6, 2013, the Fresno City Planning Commission also considered the subject plan amendment and considered the proposed project in accordance with the policies of the 2025 Fresno General Plan and West Area Community Plan; and,

WHEREAS, during the above-noted public hearing, the Planning Commission considered the staff report and related information and received public testimony both in support and in opposition with respect to the proposed Final Environmental Impact Report No. 10140 and the proposed plan amendment recommended the following to the City Council:

- A. Certification of Final EIR No. 10140;
- B. Adoption of an appropriate Statement of Overriding Considerations because significant, unavoidable environmental impacts may result from the Westlake Project;
- C. Approve of the proposed plan amendment; and,

WHEREAS, the Commission reviewed and considered the information in the proposed Final EIR No.10140 prior to making a recommendation on the merits of the project which



include significant and unavoidable impacts to the environment with respect to Air Quality, Aesthetics, Agriculture and Forest Resources, Hydrology, Noise, Public Services and Traffic and Circulation; and,

WHEREAS, on December 12, 2013 , the Fresno City Council held a public hearing to consider Plan Amendment Application No. A-07-12 and received both oral testimony and written information regarding the proposed plan amendment application and after closing the public hearing continued its consideration of this Plan Amendment Application to its December 19, 2013 meeting during which it received additional testimony from City staff responding to questions and comments raised during the public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Fresno, based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided as follows:

1. The Council in a prior action on December 19, 2013 made all of the necessary findings pursuant to CEQA and the CEQA Guidelines to certify a Final Environmental Impact Report, certified Final Environmental Impact Report No. 10140, adopted the Findings of Fact, adopted the Statement of Overriding Considerations, and adopted the Mitigation Monitoring Program for the Westlake Project of which this proposed plan amendment is a part,
2. The Council finds the adoption of the proposed plan amendment as recommended by the Fresno City Planning Commission is in the best interest of the City of Fresno.
3. The Council approves Plan Amendment Application No. A-07-12 that amends the Land Use and Circulation elements of the 2025 General Plan and West Area Community Plan as follows and as referenced in Exhibit "E" to this Resolution:
 - i) Amend the planned land use designations within the proposed project boundary as follows:



Planned Land Use	(from) Existing Acreage	(to) Proposed Acreage
Medium Low Density Residential	±194 ac.	±82.42 ac.
Medium Density Residential	±102 ac.	±207 ac.
Medium High Density Residential	±61 ac.	±38.83 ac.
Office Commercial	±11 ac.	N/A
Neighborhood Commercial	±19 ac.	±7.45 ac.
Community Commercial	N/A	±22.87 ac.
Public Facility (Elementary School)	±17 ac.	±15.75 ac.
Open Space	±19 ac.	±55.68 ac.
Ponding Basin	±7 ac.	N/A

ii) Amend the General Plan Circulation Element including the following: (1) Removal of portions of East Ashlan and East Dakota Avenues, thereby bifurcating the respective major street segments between North Garfield and North Grantland Avenues, on the Major Streets and Highways Plan; (2) Designation of the proposed "Westlake Loop" street and its segment connecting southerly to West Shields Avenue as a Collector Street on the Major Streets and Highways Plan; and (3) Re-designating the remaining segment of East Ashlan Avenue west of the proposed Westlake Loop and connecting to North Garfield Avenue as a Collector Street on the Major Streets and Highways Plan.

iii) Relocate (and revise the shape of) Ponding/recharge Basin 'CD', which is currently planned to be located within the project boundary, to the southwest corner of West Shields and North Grantland Avenues in the County of Fresno; and, revise the boundaries of Drainage Districts 'CD' and 'CG' on the Storm Drainage and Flood Control Master Plan.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon its passage and adoption.

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RESOLUTION NO. 2013-213
Plan Amendment Application No. A-07-12
December 19, 2013
Page 6

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the City Council of the City of Fresno at a regular meeting held on the 19th day of December, 2013, by the following vote:

AYES : Baines, Brand, Brandau, Caprioglio, Quintero, Xiong
NOES : None
ABSENT : None
ABSTAIN : None
RECUSED: Olivier

YVONNE SPENCE
City Clerk

By *Yvonne Spence*

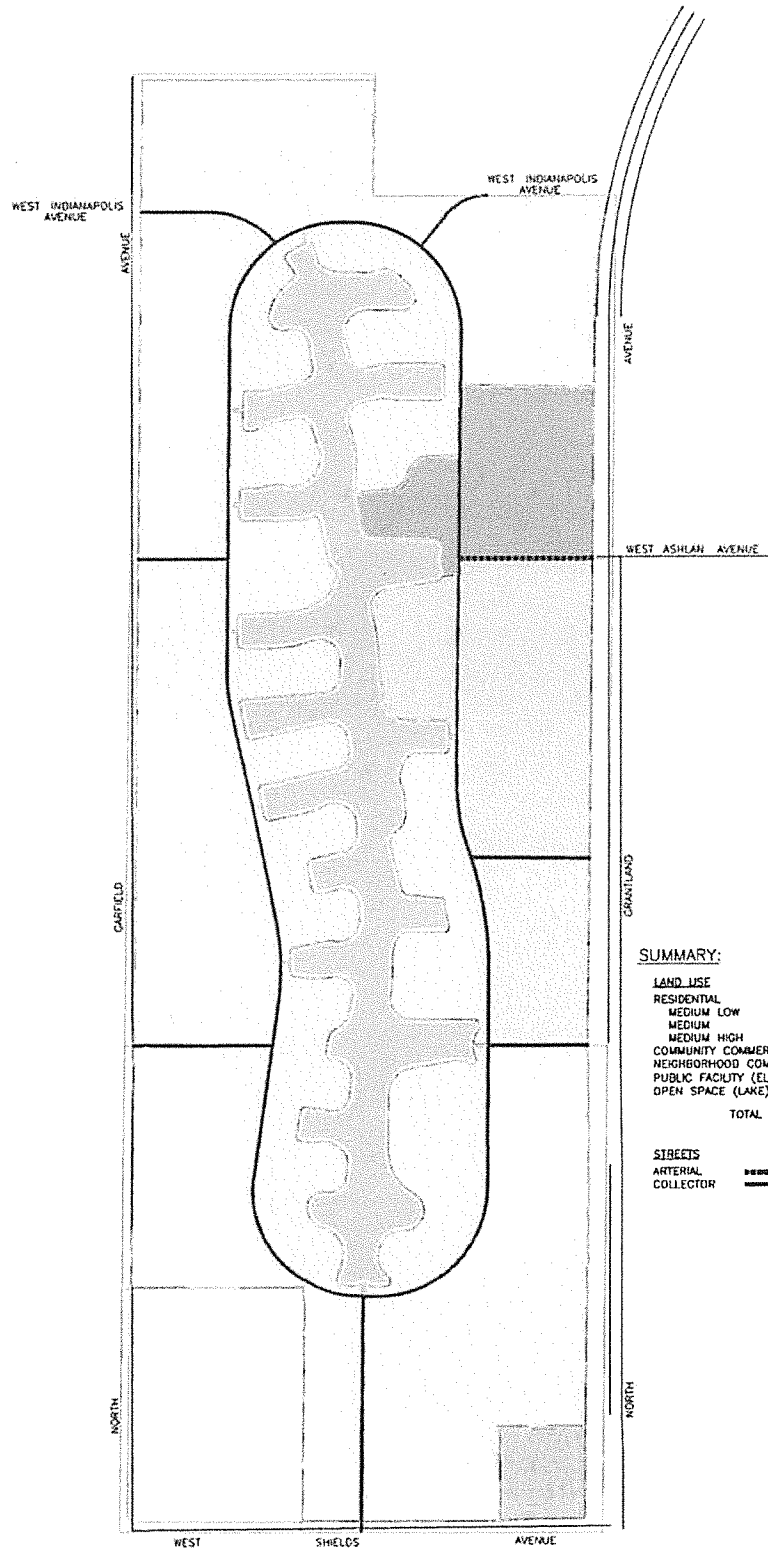
APPROVED AS TO FORM:

DOUGLAS T. SLOAN
CITY ATTORNEY

By *John W. Fox* 12/23/2013
John W. Fox, Consulting City Attorney

Plan Amendment Application No. A-07-12
Filed by Westlake Development Inc.
Assessor's Parcel Nos. Various

Exhibit "E"
Proposed Planned Land Use Map (A-07-012)
(Page 1)

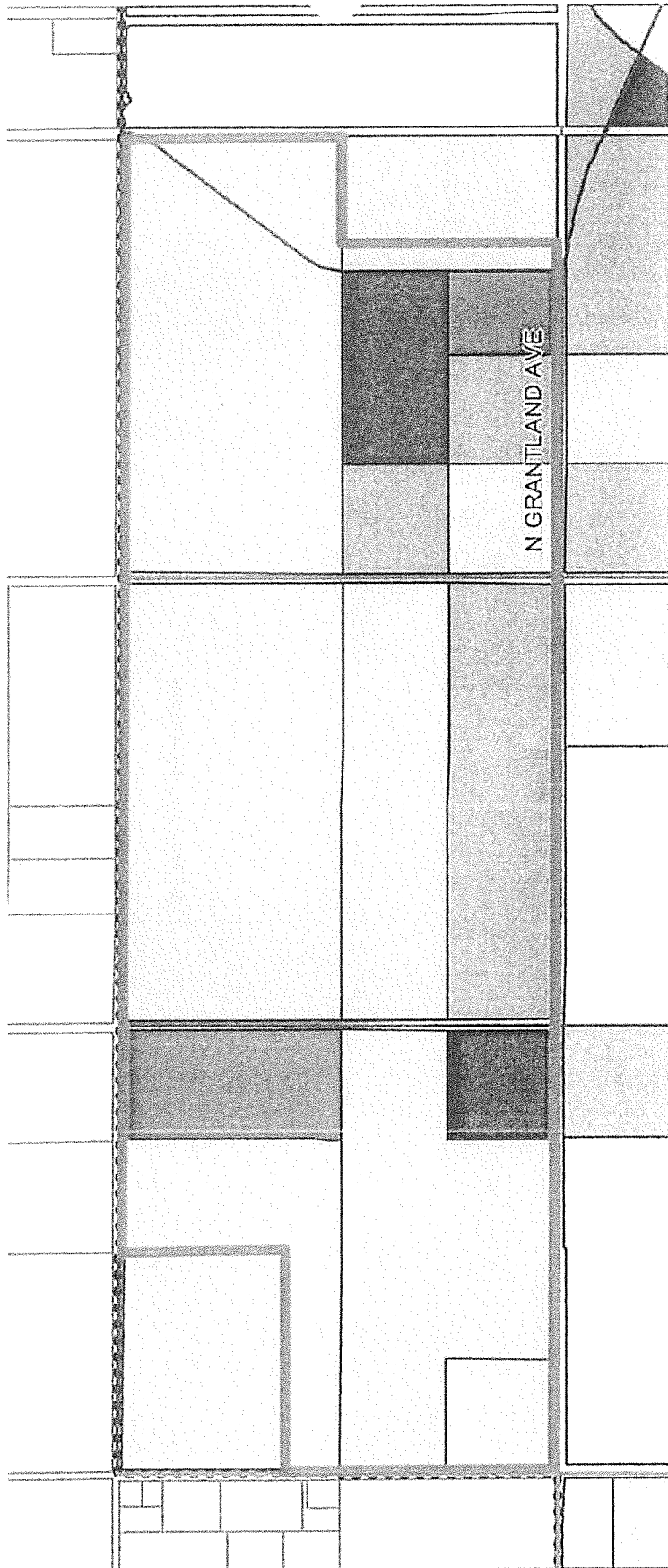


SUMMARY:

LAND USE	AREA (ACRES)
RESIDENTIAL	
MEDIUM LOW	82.42
MEDIUM	207.00
MEDIUM HIGH	36.83
COMMUNITY COMMERCIAL	22.87
NEIGHBORHOOD COMMERCIAL	7.45
PUBLIC FACILITY (ELEMENTARY SCHOOL)	15.75
OPEN SPACE (LAKE)	55.68
TOTAL	430.00

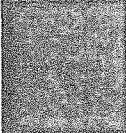

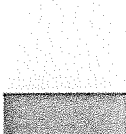



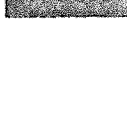
STREETS

ARTERIAL	—————
COLLECTOR	—————



**Exhibit E
(page 2)**

**Existing Planned Land
Use Map for Subject
Property (From:)**

-  **Public Facility (Elem School)**
(±17 acres)
-  **Medium-Low Density Residential**
(±194 acres)
-  **Medium Density Residential**
(±102 acres)
-  **Open Space / Ponding Basin**
(±26 acres)
-  **Medium-High Density Residential**
(±61 acres)
-  **Neighborhood Commercial**
(±19 acres)
-  **Office Commercial**
(±11 acres)



RESOLUTION NO. 2013-212

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, CERTIFYING ENVIRONMENTAL IMPACT REPORT NO.10140, SCH No. 2007121033 AS RELATED TO THE PROPOSED WESTLAKE PROJECT; ADOPTING FINDINGS OF FACT AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 21081(A) AND CEQA GUIDELINES, SECTION 15091, APPROVING A MITIGATION MONITORING PROGRAM AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 21081.6 AND CEQA GUIDELINES SECTION 15097, ADOPTING THE STATEMENT OF OVERRIDING CONSIDERATIONS AS REQUIRED BY PUBLIC RESOURCES CODE SEC. 21081(B) AND CEQA GUIDELINES SECTION 15093, AS RELATED TO THE PROPOSED WESTLAKE PROJECT; AND AFFIRMING ITS PREVIOUS APPROVAL OF A WATER SUPPLY ASSESSMENT PURSUANT TO WATER CODE SECTION 10910(g)

WHEREAS, in 2007 Westlake Development Inc., filed with the City of Fresno applications for Plan Amendment No. A-07-12, Rezone A No. R-07-08, and Vesting Tentative Tract Map No. T-5915 ("Project" or "Westlake Project") relating to the approximately 430 acres of property bounded generally by West Gettysburg Avenue on the north, West Shields Avenue on the south, North Garfield Avenue on the west and North Grantland Avenue on the east on the ("Subject Property") and,

WHEREAS, as a Water Supply Assessment was required to be prepared and approved for this project pursuant to Water Code, sections 10910 and 10912, at its regular meeting on October 27, 2011, the City Council adopted Resolution No. 2011-219 approving the Water Supply Assessment for the Westlake Development Project, and,

WHEREAS, in June 2013, Westlake Development Inc., submitted a proposed Development Agreement for the Westlake Project which will be considered on its own merits separate from the Westlake entitlements listed above ; and,

WHEREAS the proposed Westlake Project will be developed in multiple phases and will include up to 295,000 square feet of retail commercial space and up to 2600 residential dwelling units ; and,

Date Adopted: 12/19/2013
Date Approved: 12/19/2013
Effective Date: 12/19/2013

Resolution No. 2013-212



WHEREAS, upon submittal of the entitlement applications related to the Westlake Project, an Initial Study was performed by Quad Knopf ("Consultant") under the direction of the City, as Lead Agency, which identified potentially significant unmitigatable impacts resulting from the Project and concluded that an Environmental Impact Report needed to be prepared for the Project pursuant to the provisions of CEQA; and,

WHEREAS, on December 7, 2007, the City distributed a Notice of Preparation of Draft Environmental Impact Report No. 10140 (SCH No. 2007121033), pursuant to CEQA Guidelines Section 15082 and Public Resources Code Section 21080.4 providing notice of the 30-day period during which responsible agencies, trustee agencies and members of the general public could provide comments to the City regarding the scope of the proposed EIR; and,

WHEREAS, on December 17, 2007, the City conducted a public scoping meeting for the Westlake Project Draft Environmental Impact Report during which it received comments from regarding the scope of the proposed EIR; and,

WHEREAS, on April 16, 2013, the City published, filed with the Fresno County Clerk, and distributed a Notice of Availability of the draft EIR for the project dated April 2013 ("Westlake DEIR" or "Draft EIR"), for public comments pursuant to Public Resources Code Section 21092 and CEQA Guidelines Section 15087 which noticed the public that they had 45 days to provide comments on the contents of the Draft Environmental Impact Report; and,

WHEREAS, for at least 45 days following the date of publication of the Notice of Availability and Notice of Completion, the public was given opportunity to comment, in writing, on the adequacy of the Draft EIR as an informational document; and,

WHEREAS, at the conclusion of the 45-day public review and comment period related to the Draft EIR, the City caused the preparation of a Final EIR dated December 2013 ("Final Westlake EIR" or "FEIR") pursuant to CEQA Guidelines Sections 15088, 15089 and 15132 which included the Draft EIR No. 10140 (SCH No. _2007121033), responses to public comments on the Draft EIR and minor corrections; and,



WHEREAS, on November 6, 2013, the Fresno City Planning Commission held a duly noticed public meeting at which the Commission considered and discussed the adequacy of proposed Final EIR, as an informational document and voted to recommend to the City Council certification of the Final EIR; and,

WHEREAS, pursuant to CEQA Guidelines Section 15132, the Final EIR No. 10140 is required to be completed in compliance with CEQA; and,

WHEREAS, pursuant to Section 21092.5 of CEQA, on December 6, 2013, the City mailed written responses to comments to all public agencies as well as private parties that commented on the Draft EIR No. 10140; and,

WHEREAS, on December 12, 2013, the City Council conducted a public hearing and considered the record of proceedings for the EIR, which includes, but is not limited to the following:

- (1) The Notice of Preparation for the Project (the "NOP"), and all other public notices issued by the City in connection with the Project;
- (2) The Final Westlake EIR dated December 2013;
- (3) The Draft Westlake EIR dated April , 2013 ;
- (4) All written comments submitted by agencies or members of the public during any public review comment period on the Draft EIR;
- (5) All written and verbal public testimony presented during a noticed public hearing for the Project at which such testimony was taken, including without limitation, the Report to Council, including all attachment, any all presentations by City staff, the City's consultants, the applicant and the applicant's consultants, the public, and any other interested party; and
- (6) The Mitigation Monitoring and Reporting Program for the Project (the "MMRP");
- (7) The reports, studies and technical memoranda included and/or referenced in the DEIR and the FEIR and or their appendices;
- (8) All documents, studies, EIRs, or other materials incorporated by reference in the DEIR and the FEIR;
- (9) All Ordinances and Resolutions presented to and/or adopted by the City in connection with the Project; and all documents incorporated by reference therein, specifically including, but not limited to, this resolution and all of its exhibits, the plan amendment resolution, and the rezone ordinance bill ;



(10) Matters of common knowledge to the City, including but not limited, to federal, state, and local laws and regulations, adopted City plans, policies (including but not limited to the 2025 Fresno General Plan, and West Area Community Plan, and the professional qualifications of its staff members;

(11) Any documents expressly cited in this Resolution and its exhibits and/or the Report to Council; and

(12) Any other relevant materials required to be in the record of proceedings under Section 21167.6(e) of the Public Resources Code.

and,

WHEREAS, on December 12, 2013 and December 19, 2010 the City Council considered and discussed the adequacy of the proposed Final EIR as an informational document and applied its own independent judgment and analysis to the review and hereby desires to take action to certify the Final EIR, as having been completed in compliance with CEQA, based on the findings found herein; and

WHEREAS, CEQA requires in Public Resources Section 21081 the following:

§ 21081. Findings necessary for approval of project

Pursuant to the policy stated in Sections 21002 and 21002.1, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

(a) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.



WHEREAS, CEQA guidelines require the following for certification of a final environmental impact report:

Section 15090. Certification of the Final EIR.

- (a) Prior to approving a project the lead agency shall certify that:
- (1) The final EIR has been completed in compliance with CEQA;
 - (2) The final EIR was presented to the decision making body of the lead agency and that the decision making body reviewed and considered the information contained in the final EIR prior to approving the project; and
 - (3) The final EIR reflects the lead agency's independent judgment and analysis.

....

Section 15091. Findings.

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.



(e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Section 15092. Approval.

(a) After considering the final EIR and in conjunction with making findings under Section 15091, the lead agency may decide whether or how to approve or carry out the project.

(b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either:

(1) The project as approved will not have a significant effect on the environment, or

(2) The agency has:

(A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and

(B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

(c) With respect to a project which includes housing development, the public agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.

Section 15093. Statement of Overriding Considerations.

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.



(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.
2. Compliance with CEQA. The Final EIR, dated December 2013 which is incorporated herein by this reference (including the Draft EIR No. 10140 dated April 2013 and related appendices, Errata sheets, and Responses to Comments) was prepared in compliance with the requirements of the California Environmental Quality Act (CEQA).
4. FEIR Reviewed and Considered. The Council certifies that the Final EIR:
 - (a) has been completed in compliance with CEQA;
 - (b) was presented to the Council and that the Council has reviewed and considered the information contained in the Final EIR prior to approval of the Project, and all of the information contained therein has substantially influenced all aspects of the decision by the Council; and
 - (c) reflects Council's independent judgment and analysis.
5. Findings Regarding Significant Effects.

Council finds that the FEIR identified several significant effects of the Project. Pursuant to Section 21081(a) and CEQA Guideline section 15091, Council makes the following findings:

(a) Findings Regarding Potentially Significant But Mitigable Effects.

The Council finds, based upon substantial evidence in the records of proceedings, that with regard to the effects in **Exhibit A (Section B. p-9-42)** to this resolution, (titled "Findings Associated with Specific Impacts and Mitigation Measures"), which is hereby adopted and incorporated herein by reference, changes have been required in, or incorporated into, the project through the imposition of mitigation measures in the MMRP, which mitigate or avoid the significant effects on the environment. Council finds that to the extent that any of the mitigation measures are within the responsibility and jurisdiction of another public agency and not the City, those mitigation measures can and will be adopted and imposed by the other agency based on state and/or federal law, communications by those agencies, and/or existing policies and/or intergovernmental relationships with those agencies.



(b) Findings Regarding Unavoidable Significant Impacts.

The Council finds, based upon substantial evidence in the records of proceedings, that with regard to the effects in **Exhibit A (Section D. p. 45-50)** to this resolution, (titled "Findings Associated with Significant Cumulative Environmental Effects"), which is hereby adopted and incorporated herein by reference, that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the FEIR, including based upon the findings in **Exhibit A (Section D. p. 45-50)** to this resolution (titled "Findings Associated with Significant Cumulative Environmental Effects"), which is hereby adopted and incorporated herein by reference.

7. Alternatives. The City Council adopts the Statement of Findings on Rejection of Project Alternatives, attached hereto as **Exhibit A (Section E. p. 51-57)** and incorporated herein by this reference
8. Statement of Overriding Considerations. The Council adopts the Statement of Overriding Considerations, attached hereto as **Exhibit A p. 58-86**, which is incorporated herein by this reference, and finds that each of the Significant and Unavoidable impacts identified in **Exhibit A (Section E. p. 58-86)** may be considered acceptable.
9. Mitigation Monitoring. Pursuant to Public Resources Code Section 21081.6, the mitigation monitoring and reporting program dated December 2013 ("MMRP") set forth in **Exhibit B** is hereby adopted and incorporated herein by this reference to ensure that all mitigation measures adopted for the Westlake Project are fully implemented. Additionally, compliance by the applicant with the MMRP shall be made a conditions of the Development Agreement by and between the City of Fresno and Westlake Development Inc ..and shall be made a condition of approval of any subsequently approved Conditional Use Permit for the Westlake Project.
10. Location and Custodian of Documents. The record of project approval shall be kept in the office of the City Clerk, City of Fresno, City Hall, 2600 Fresno Street, Fresno, California 93721 which shall be held by the City Clerk as the custodian of the documents; all other record of proceedings shall be kept with the Development and Resource Management Department and the Director of the Development and Resource Management Department shall be the custodian of the documents.
11. Certification. Based on the above facts, findings and its own independent judgment, the Council of the City of Fresno certifies the Final EIR dated December , 2013 for the Westlake Project as accurate and adequate. The City Council further certifies that the FEIR was completed in compliance with CEQA and the CEQA Guidelines. The Director of Development and Resource Management is directed to file a Notice of Determination as required by the Public Resources Code and CEQA Guidelines
12. The Council of the City of Fresno hereby affirms its previous adoption of Resolution No. 2011-219 on October 27, 2011 approving the Water Supply Assessment for the Westlake Project.



BE IT FURTHER RESOLVED, that this resolution shall become effective immediately upon its passage and adoption.

Exhibits: A – CEQA Findings of Fact which include:
 Impacts Determined to be Less Than Significant
 Impacts Mitigated to Less Than Significant
 Significant Unavoidable Significant Adverse Impacts
 Alternatives Considered and Rejected and the Statement of Overriding
 Considerations

B – Mitigation Monitoring and Reporting Program

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, YVONNE SPENCE, CMC, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno at a regular meeting held on the 19th day of December 2013.

AYES : Baines, Brand, Brandau, Caprioglio, Quintero, Xiong
NOES : None
ABSENT : None
ABSTAIN : None
RECUSED: Olivier

YVONNE SPENCE, CMC
City Clerk

By Yvonne Spence

APPROVED AS TO FORM:

DOUGLAS T. SLOAN
CITY ATTORNEY

By John W. Fox
John Fox, Consulting Attorney
Aleshire & Wynder, LLP



BILL NO. B-42

ORDINANCE NO. 2013-39

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING THE OFFICIAL ZONE MAP OF THE CITY OF FRESNO HERETOFORE ADOPTED BY ARTICLES 1 TO 4.5 INCLUSIVE, CHAPTER 12, OF THE FRESNO MUNICIPAL CODE, BEING THE ZONING ORDINANCE OF THE CITY OF FRESNO

WHEREAS, on November 19, 2002, by Resolution No. 2002-379, the City Council adopted the 2025 Fresno General Plan which correspondingly and established the West Area Community Plan, referenced as Appendix W, and by Resolution No. 2002-378 certified Master Environmental Impact Report No. 10130 which evaluated the potentially significant adverse environmental impacts of urban development within the City of Fresno's designated urban boundary line and extended sphere of influence; and,

WHEREAS, Rezone Application No. R-07-08 has been filed with the City of Fresno by Westlake Development Inc., to rezone portions of 430 acres of property as described in attached Exhibit F.; and,

WHEREAS, Westlake Development Inc., filed Plan Amendment Application No. A-07-12 and Rezone Application No. R-07-08 relating to approximately 430^(ACRES) of property bounded generally by West Gettysburg Avenue on the north, West Shields Avenue on the south, North Garfield Avenue on the west and North Grantland Avenue on the east on the ("Subject Property") which is referred to as the "Westlake Project" and will be developed in multiple phases and will include up to 295,000 square feet of retail commercial retail and up to 2600 residential dwelling units; and,

WHEREAS, the proposed plan amendment proposes to amend the 2025 Fresno General Plan and West Area Community Plans as follows:

1. Amend the planned land use designations within the proposed project boundary as follows:

Date Adopted: 12/19/2013
Date Approved: 12/19/2013
Effective Date: 01/19/2014

Ordinance No. 2013-39



Planned Land Use	(from) Existing Acreage	(to) Proposed Acreage
Medium Low Density Residential	±194 ac.	±82.42 ac.
Medium Density Residential	±102 ac.	±207 ac.
Medium High Density Residential	±61 ac.	±38.83 ac.
Office Commercial	±11 ac.	N/A
Neighborhood Commercial	±19 ac.	±7.45 ac.
Community Commercial	N/A	±22.87 ac.
Public Facility (Elementary School)	±17 ac.	±15.75 ac.
Open Space	±19 ac.	±55.68 ac.
Ponding Basin	±7 ac.	N/A

2. Amend the General Plan Circulation Element including the following: (1) Removal of portions of East Ashlan and East Dakota Avenues, thereby bifurcating the respective major street segments between North Garfield and North Grantland Avenues, on the Major Streets and Highways Plan; (2) Designation of the proposed "Westlake Loop" street and its segment connecting southerly to West Shields Avenue as a Collector Street on the Major Streets and Highways Plan; (3) Re-designating the remaining segment of East Ashlan Avenue west of the proposed Westlake Loop and connecting to North Garfield Avenue as a Collector Street on the Major Streets and Highways Plan; and, ((4) An amendment to the Official Plan Lines of West Gettysburg Avenue (OPL No. 111) as recorded on July 16, 1987 in Volume 7 of Precise Plans at Pages 7 through 28, Fresno County Records.
3. Relocate (and revise the shape of) Ponding/recharge Basin 'CD', which is currently planned to be located within the project boundary, to the southwest corner of West Shields and North Grantland Avenues in the County of Fresno; and, revise the boundaries of Drainage Districts 'CD' and 'CG' on the Storm Drainage and Flood Control Master Plan.



WHEREAS, the project applicant has filed Rezone Application No. R-07-08 that proposes to amend the zone district classifications of the approximately 430 acres as depicted in Exhibit F and described as follows:

Zone District	(from) Existing Acreage	(to) Proposed Acreage
R-1/UGM (Single Family Residential District / Urban Growth Management)	±262 ac.	±305.17 ac.
R-2/UGM (Low Density Multiple Family Residential District / Urban Growth Management)	±40 ac.	±38.83 ac.
C-1/UGM (Neighborhood Shopping Center District / Urban Growth Management)	±19 ac.	±7.45 ac.
C-2/UGM (Community Shopping Center District / Urban Growth Management)	N/A	±22.87 ac.
O/UGM (Open Space District / Urban Growth Management)	N/A	±55.68 ac.

; and.

WHEREAS, Project Applicant has also filed an application for a Development Agreement by and between the City of Fresno and Westlake Development Inc., for the construction of the Westlake Project; and,

WHEREAS, the District 1 Plan and Implementation Committee, on January 22, 2008, reviewed the requested rezone application and recommended approval to the Planning Commission and City Council; and,

WHEREAS, the City, as Lead Agency, has prepared a Final Environmental Impact Report No. 10140 (SCH 2007121033) which evaluated the environmental impacts associated with the Westlake Project proposed by Westlake Development Inc., commonly



referred to as the "Westlake Project" which includes which includes this proposed rezoning, plan amendments including amendments to adopted Official Plan Lines, a Vesting Tentative Tract Map, and a Development Agreement, related to 430 acres of the Westlake Project; and,

WHEREAS, Environmental Impact Report No. 10140 was drafted in a manner that specifies that it shall serve as a Program Level EIR for the Westlake Project; and,

WHEREAS Final Environmental Report No. 10140, dated December 2013 includes the Draft EIR dated April 2013, the technical analyses and Appendices related thereto, the comments and recommendations received on the Draft EIR and, the list of persons, organization and public agencies commenting on the Draft EIR and the responses of the Lead agency to significant environmental comments raised in the review and consultation process, and additional information added by the City for purposes of clarification; and,

WHEREAS, pursuant to the provisions of Article 4, Chapter 12, of the Fresno Municipal Code, the Planning Commission of the City of Fresno held a duly noticed public hearing on the 6th day of November, 2013, to consider recommendations to the City Council related to the Westlake project, including Rezone Application No. R-07-08, during which hearing the Commission considered and discussed the adequacy of the proposed draft Final EIR No. 10140; and,

WHEREAS, on November 6, 2013, the Fresno City Planning Commission considered the staff report and related information, and received and considered public testimony with respect to the proposed rezone application, and considered the proposed project in accordance with the policies of the 2025 Fresno General Plan and West Area Community Plans, and recommended to the City Council the following:



- A. Certification of Final EIR No. 10140;
- B. Consider adopting an appropriate Statement of Overriding Considerations because significant, unavoidable environmental impacts may result from the Westlake Project;
- C. Approve Plan Amendment Application No. A-07-12;
- D. Approve the rezones proposed in Application No. R-07-08; and,

WHEREAS, on December 12, 2013, the Fresno City Council held a public hearing to consider Rezone Application No. R-07-08 and received both oral testimony and written information regarding the proposed rezone application and then, after closing the public hearing, continued its consideration of this rezone application to its meeting on December 19, 2013, and received on December 19 additional testimony from City staff responding to questions and comments received during the public hearing on December 12; and,

WHEREAS, even though the Traffic Impact Study prepared for the Westlake Project concluded there was sufficient traffic infrastructure to accommodate the Westlake Project the Council conditioned the rezone application which sets forth the schedule and timing for street improvements and mitigation measures which can only be superceded by a Development Agreement between the City of Fresno and Westlake Development Inc., as approved by the City Council.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. The Council in a prior action taken on December 19, 2013 made all of



the necessary findings pursuant to CEQA and the CEQA Guidelines to certify a Final Environmental Impact Report, certified Final Environmental Impact Reprt No. 10140, adopted the Findings of Fact, adopted the Statement of Overriding Considerations, and adopted the Mitigation Monitoring Program for the Westlake Project of which the proposed plan amendment and rezones are a part.

SECTION 2. The Council in a prior action taken on December 19, 2013, approved Plan Amendment Application No. A-07-12, as described above.

SECTION 3. The Council finds that the requested zone districts, as shown on Exhibits F, attached, are consistent with the land use designations of the 2025 Fresno General Plan and West Area Community Plan as amended by Plan Amendment Application No. A-07-12 and as specified in Section 12-403-B of the Fresno Municipal Code.

SECTION 4. The zone districts of the real property described in attached Exhibit F located in the City of Fresno and shown on the Official Zone Map of the City of Fresno is reclassified as illustrated on attached Exhibit F and as described in the 5th recital of this ordinance bill listed above covering approximately 430 acres, subject to the conditions set forth below.

SECTION 5. The zone district of the real property described in attached Exhibit F and as described in the 5th recital of this ordinance bill listed above , located in the City and County shall have the following conditions of zoning incorporated as part of the Westlake Project :

The Westlake Project shall comply with the City of Fresno, Department of Public Works, Memorandum dated October 23, 2013 which incorporates Exhibit A entitled "Conditions of Zoning – Rezone Application No. R-07-08" which specifies the phased implementation and construction of the Public



Works improvements for the Westlake Project and may only be superceded by the adoption of a Development Agreement by the City Council for the Westlake Project. A true and correct copy of the Department of Public Works Memorandum dated October 23, 2013 and its Exhibit A are attached hereto as Exhibit " F-2" of this ordinance bill.

SECTION 6. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage and annexation of applicable properties to the City of Fresno...

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing Ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 19th day of December, 2013, by the following vote:

Ayes : Baines, Brand, Brandau, Caprioglio, Quintero, Xiong
Noes : None
Absent : None
Abstain : None
Recused : Olivier

YVONNE SPENCE
City Clerk

By *Yvonne Spence*

APPROVED AS TO FORM:

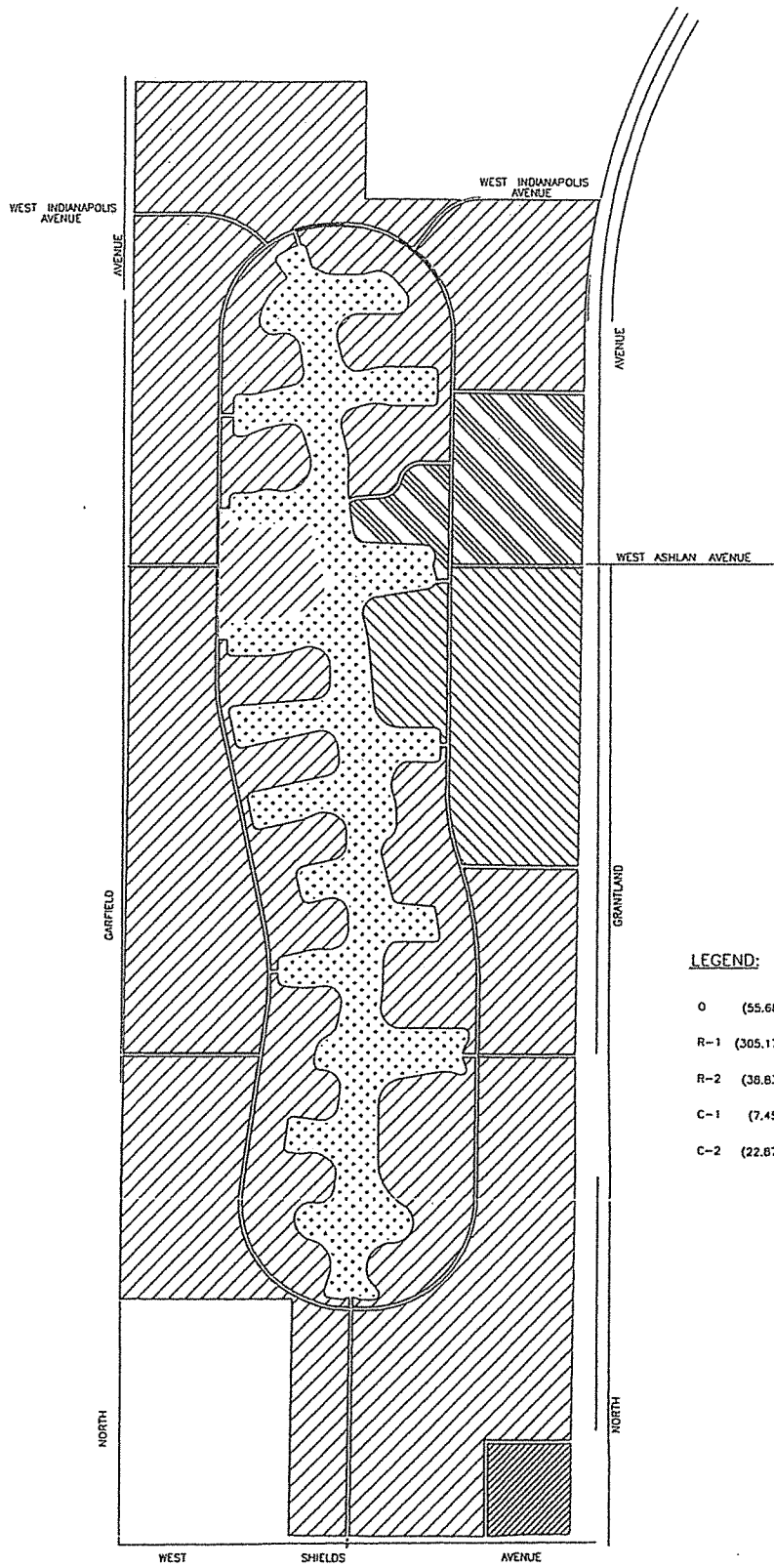
DOUGLAS T. SLOAN
City Attorney

By *John W. Fox* 12/23/2013
John W. Fox, Consulting Attorney

Rezone Application No. R-07-08
Filed by Westlake Development Inc.
Assessor's Parcel Nos. Various



Exhibit "F":
Proposed Prezone/Rezone Map (R-07-008)
(Page 1)



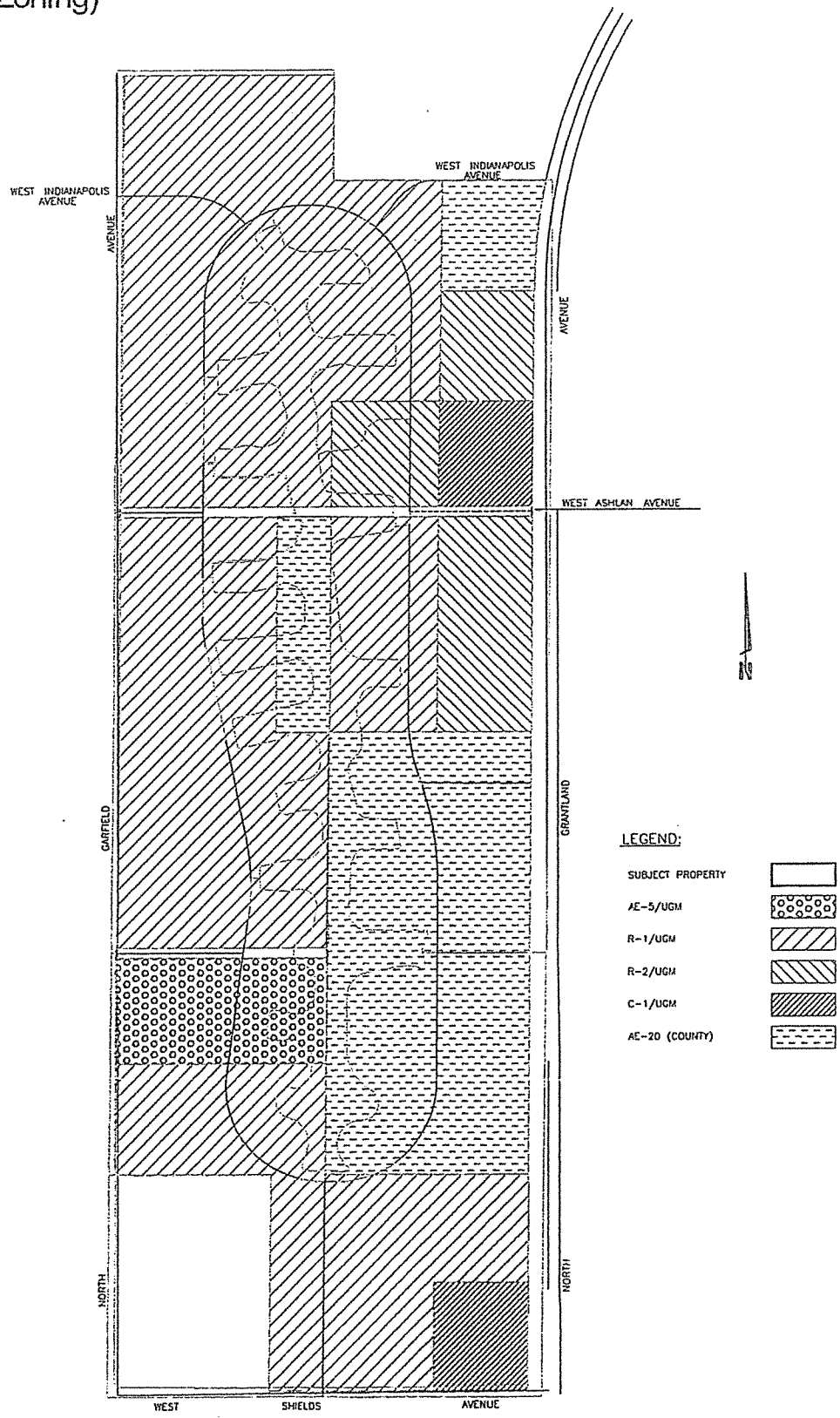
LEGEND:

O	(55.68 Acres)	
R-1	(305.17 Acres)	
R-2	(38.83 Acres)	
C-1	(7.45 Acres)	
C-2	(22.87 Acres)	

GARY G. GIANNETTA
CIVIL ENGINEERING & LAND SURVEYING
1118 W STREET
FRESNO, CA 93721
(558) 284-3590 FAX (558) 284-0206
DATE: 10/18/13



Exhibit "F":
Proposed Prezone/Rezone Map
(Existing Zoning)
(Page 2)



LEGEND:

SUBJECT PROPERTY	[White box]
JE-5/UGM	[Circular pattern]
R-1/UGM	[Diagonal lines]
R-2/UGM	[Diagonal lines]
C-1/UGM	[Diagonal lines]
AE-20 (COUNTY)	[Dashed pattern]



EXHIBIT F-2

EXHIBIT "A"

CONDITIONS OF ZONING

REZONE APPLICATION No. R-07-008

All improvements listed below shall be designed and constructed in accordance with the City of Fresno Public Works Standards. Details of said streets shall be depicted on the approved Street plans. Dedications shall be sufficient to accommodate arterial /collector standards and any other grading or transitions, as necessary, based on a 55 MPH design speed for Arterials / Super Arterials and 45 MPH for Collectors. Right-of-way shall be acquired by the developer, as necessary, to construct the improvements. The respective requirements are to be included as conditions of zoning for Rezone Application No. R-07-008.

These conditions of zoning shall remain in full force and effect throughout all future entitlements, subdivisions, conditional use permits and site plan approvals, unless superseded by a master development agreement for the Westlake project which sets forth the schedule and timing for street improvements and traffic mitigation measures. Updated traffic impact studies prepared in accordance with project EIR mitigation measure 3.14.2 may also provide the technical support and justification for modification of the timing and extent of each required improvement, through the appropriate processes associated with modification of EIR mitigation measures, rezone conditions or development agreement provisions as may be applicable.

Dedicate sufficient right-of-way and construct additional paving for U-turns wherever median left turns are conditioned per Public Works Standard P-66. Where medians are required beyond the limits of the subdivision, construct a concrete raised median at the 250' left turn pocket and bay tapers. An asphalt concrete dike may be constructed in the mid-portion of the median (between left turn pockets and bay tapers) as directed by the Traffic Engineer. All signals shall be complete with left turn phasing, actuation and signal pre-emption. This work is eligible for reimbursement and/or credit against Traffic Signal Mitigation Impact Fees.

City / County interfacing: Dedicate and construct offsite improvements per the City and County of Fresno, as needed, where the conditions interface with City and County boundaries.

~~To be constructed with Phase 1A consisting of approximately 446 residential units, plus 4.04 acres of commercial development, located generally north of Ashlan Avenue within TT-5915.~~

1. Construct all EIR traffic mitigation measures associated with the first 216 residential units.
2. Install TRAFFIC SIGNALS at the following intersections:
 - a. Grantland Avenue / Indianapolis Avenue (northern major entry to TT-5915)
 - b. Grantland Avenue / Ashlan Avenue including left turn pockets on each approach and a southbound right turn pocket.
3. Dedicate and construct the following SEGMENTS:
 - a. Grantland Avenue: Super Arterial



EXHIBIT F-2

- Dedicate and construct (2) 12' and (1) 17' (southbound) travel lanes and a (16'-26') raised concrete median island from the northern boundary of TT-5915 to Ashlan Avenue. Construct the median with 250' left turn pockets at all major intersections.

To be constructed with Phase 1B, consisting of additional development to bring the cumulative total to approximately 648 residential units, plus 6.99 acres of commercial development generally north of Ashlan Avenue within TT-5915.

1. Construct all EIR traffic mitigation measures associated with the first 648 residential units.
2. Dedicate and construct the following SEGMENTS:
 - a. **Shaw Avenue (Arterial)**
 - Dedicate and construct (1) 12' and (1) 17' (eastbound) travel lanes, (1) 12' and (1) 17' (westbound) travel lanes and a raised 16' concrete median island from Polk to Hayes. Construct a raised concrete median with 250' left turn pockets at all major intersections.
 - b. **Ashlan Avenue (Arterial)**
 - Dedicate and construct (1) 12' and (1) 17' (eastbound) travel lanes, (1) 12' and (1) 17' (westbound) travel lanes and a 16' raised concrete median island from Grantland to Polk Avenue, in addition to the Phase 1B EIR mitigation measure for the widening of Ashlan Avenue from Polk to Cornelia Avenue. Construct the median with 250' left turn pockets at all major intersections.
 - c. **Garfield Avenue (Collector)** – required with the first subdivision in Phase 1B which connects to Garfield Avenue:
 - Dedicate and construct (1) 17' (northbound) travel lane, (1) 17' (southbound) travel lane and a 12' center two-way left turn lane from Ashlan to Shaw. Stripe 200' left turn pockets at all major intersections.
 - Construct a 150' westbound left turn pocket from Shaw Avenue to Garfield Avenue.
 - Install an all-way stop at the intersection of Ashlan Avenue and Garfield Avenue.

To be constructed with Phase 2A, consisting of additional development to bring the cumulative total to approximately 1,020 residential units and 6.99 acres of commercial development generally north of Dakota Avenue within TT-5915.

1. Install TRAFFIC SIGNALS at the following intersections:
 - a. **Grantland Avenue / Dakota Avenue** - including left turn pockets on each approach and a southbound right turn pocket.
2. Improve the following INTERSECTIONS:
 - a. **Ashlan Avenue / Blythe Avenue** - Widen the intersection of for a second westbound left turn lane.
3. Dedicate and construct the following SEGMENTS:
 - a. **Shaw Avenue (Arterial)**
 - Dedicate and construct (1) 12' and (1) 17' (eastbound) travel lanes, (1) 12' and (1) 17' (westbound) travel lanes and a raised 16' concrete median island from Hayes to Bryan Avenue. Construct a raised concrete median with 250' left turn pockets at all major intersections.



EXHIBIT F-2

- Dedicate and construct (1) 17' (eastbound) travel lane, (1) 17' (westbound) travel lane and a 16'-26' raised concrete median island from **Bryan Avenue to Veterans Boulevard**. Construct the median with 250' left turn pockets at all major intersections.
- b. **Garfield Avenue (Collector)**
 - Dedicate and construct (1) 17' (northbound) travel lane, (1) 17' (southbound) travel lane and a 12' center two-way left turn lane from **the Ashlan to Dakota**. Stripe 200' left turn pockets at all major intersections.
 - Install an all-way stop at the intersection of Garfield Avenue and Dakota Avenue.
- c. **Grantland Avenue (Super Arterial)**
 - Dedicate and construct (2) 12' and (1) 17' (southbound) travel lanes, (1) 17' (northbound) and a 16'-26' raised concrete median island from **Ashlan to Dakota**. Construct the median with 250' left turn pockets at all major intersections.
- d. **Veterans Boulevard (Super Arterial)**
 - Dedicate and construct (1) 17' (northbound) travel lane, (1) 17' (southbound) travel lane and a 16'-26' raised concrete median island from **the northern end of TT-5915 to Shaw Avenue**. Construct the median with 250' left turn pockets at all major intersections.
- e. **Grantland-Gettysburg Diagonal (Arterial/Collector)**
 - Dedicate and construct (1) 17' travel lane (for each direction) and a 12' center two-way left turn lane from **Veterans Boulevard north of Gettysburg to Gettysburg Avenue at Bryan Avenue**. Stripe 200' left turn pockets at all major intersections.
 - Dedicate and construct (1) 17' (northbound) travel lane, (1) 17' (southbound) travel lane and a 16' raised concrete median island from **Veterans Boulevard to Shaw Avenue**. Construct the median with 250' left turn pockets at all major intersections.
 - Dedicate and construct a cul-de-sac at the south end of the existing segment of Grantland Avenue where Veterans Boulevard joins Grantland Avenue, in conjunction with construction of Veterans Boulevard and the Grantland-Gettysburg Diagonal connections.

To be constructed with Phase 2B, consisting of additional development to bring the cumulative total to approximately 1,757 residential units and 6.99 acres of commercial development generally north of Dakota Avenue within TT-5915.

1. Install TRAFFIC SIGNALS at the following intersections:
 - a. **Grantland Avenue / Shields Avenue**, including widening for left turn pockets on each approach.
2. Dedicate and construct the following SEGMENTS:
 - a. **Shaw Avenue (Arterial)**
 - Dedicate and construct (1) 12' and (1) 17' (eastbound) travel lanes, (1) 12' and (1) 17' (westbound) travel lanes and a 16'- 26' raised concrete median island from **Grantland to Bryan**. Construct a 250' westbound left turn pocket at Grantland Avenue. Construct a 250' westbound left turn pocket to accommodate dual left turn lanes at Veterans Boulevard. Construct a 150' eastbound right turn pockets at Veterans Boulevard and Bryan Avenue. Construct a raised concrete median with 250' left turn pockets at all major intersections.



EXHIBIT F-2

To be constructed with Phase 3, consisting of the balance of the development covered by the EIR and not developed within the earlier phases of TT-5915, the majority of which is anticipated to be south of Dakota Avenue and north of Shields Avenue:

1. Construct all EIR traffic mitigation measures not previously constructed with earlier phases, consistent with the 2021 Build-Out or 2030 Build-Out scenario as applicable per the EIR.

2. Dedicate and construct the following SEGMENTS:
 - a. **Shields Avenue: (currently Arterial to be amended to a Collector)**
 - Dedicate and construct (1) 17' (eastbound) travel lane, (1) 17' (westbound) travel lane and a 12' center two-way left turn lane from **Garfield to Hayes**. Stripe 200' left turn pockets at all major intersections.
 - b. **Garfield Avenue (Collector)**
 - Dedicate and construct (1) 17' (northbound) travel lane, (1) 17' (southbound) travel lane and a 12' center two-way left turn lane from **Dakota to Shields**. Stripe 200' left turn pockets at all major intersections.
 - Install an all-way stop at the intersection of Garfield Avenue and Shields Avenue.
 - c. **Grantland Avenue- (Arterial)**
 - Dedicate and construct (2) 12' and (1) 17' (southbound) travel lanes, (1) 17' (northbound) travel lane and a (16-26') raised concrete median island from **Dakota Avenue to Shields Avenue**. Construct the median with 250' left turn pockets at all major intersections.
 - d. **Dakota Avenue (Collector)**
 - Dedicate and construct (1) 17' (eastbound) travel lane, (1) 17' (westbound) travel lane and a 12' center two-way left turn lane from **Grantland to Hayes**. Stripe 200' left turn pockets at all major intersections.



Dave Braun
Development Department
City of Fresno
2600 Fresno St.
Fresno, CA 93721

March 28, 2008

Subject: Proposed annexation of +/- 500 acres generally east of Grantland Ave. and south of Ashlan Ave.

Dear Mr. Braun,

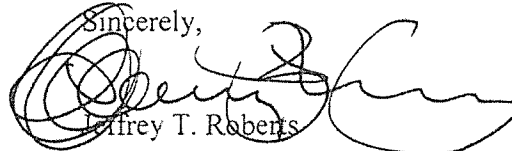
As we discussed earlier today in City Hall, we are in the process of going through the various entitlement processes for our 460 acre "Westlake" project. One of the issues being addressed in the Environmental Impact Report is the future annexation of the property to the City of Fresno.

Several months ago, we discussed this issue and I requested, in writing, that the City annex the subject property referenced above to provide for a very logical "bridge" for the "Westlake" property to annex at a future date.

After our discussion today, it became apparent that the City has not initiated any type of pro-active discussion or activities to annex the property. You did state that this annexation was "not a high priority for the City".

I would like to request that the City of Fresno make annexation of the 500+/- acres a "high priority". Obviously, this will help the "Westlake" project achieve a "developable" status at an earlier date, which should be viewed as a "positive" by the City of Fresno.

Could you please arrange a meeting with the appropriate City Staff members where we can discuss the "Westlake" project, the annexation of the 460 acre site, and the annexation of the 500+/- acres referenced above? Please feel free to contact me if you have any questions. Thank you.

Sincerely,

Jeffrey T. Roberts



Richard Ballantyne
Executive Director
Fresno Local agency Formation Commission
2115 Kern St. #310
Fresno, CA 93721

January 24, 2008

Subject: "Westlake" Master Planned Development; Fresno, CA

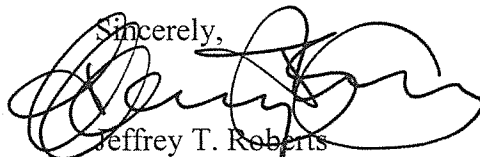
Dear Mr. Ballantyne,

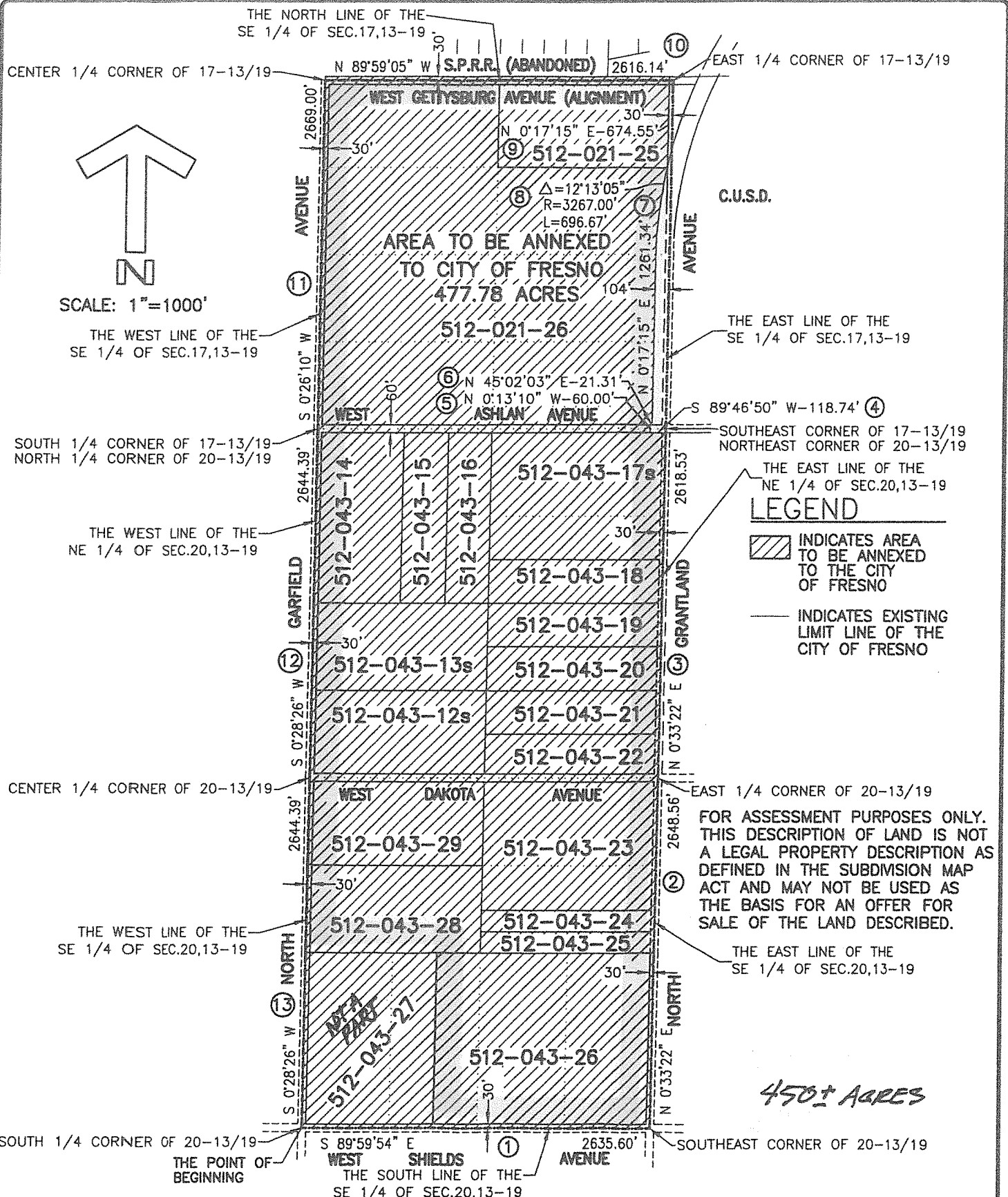
Thank you for meeting with me in your office on January 23rd, 2008 to discuss the topic referenced above. As you are aware from our recent and past meetings, we are pursuing development approval for the 460 acre property that is generally bounded by Gettysburg, Garfield, Shields, and Grantland Avenues.

The Environmental Impact Report is being prepared by the City of Fresno and this document will assess the environmental issues associated with annexation of the property to the City of Fresno. It is our intention, after approval of the pending applications (General Plan Amendment No. A-07-001; Rezone Application No. R-07-008; Vesting Tentative Tract Map No. 5915) by the City of Fresno, to file a "Petition to Annex" with LAFCo to annex the property to the City of Fresno.

The purpose of this letter is to request that I be invited to and allowed to attend any and all meetings that include the "Westlake" project (and future annexation) as a topic of discussion.

Thank you for your consideration of this request. Please feel free to contact me if you any questions.

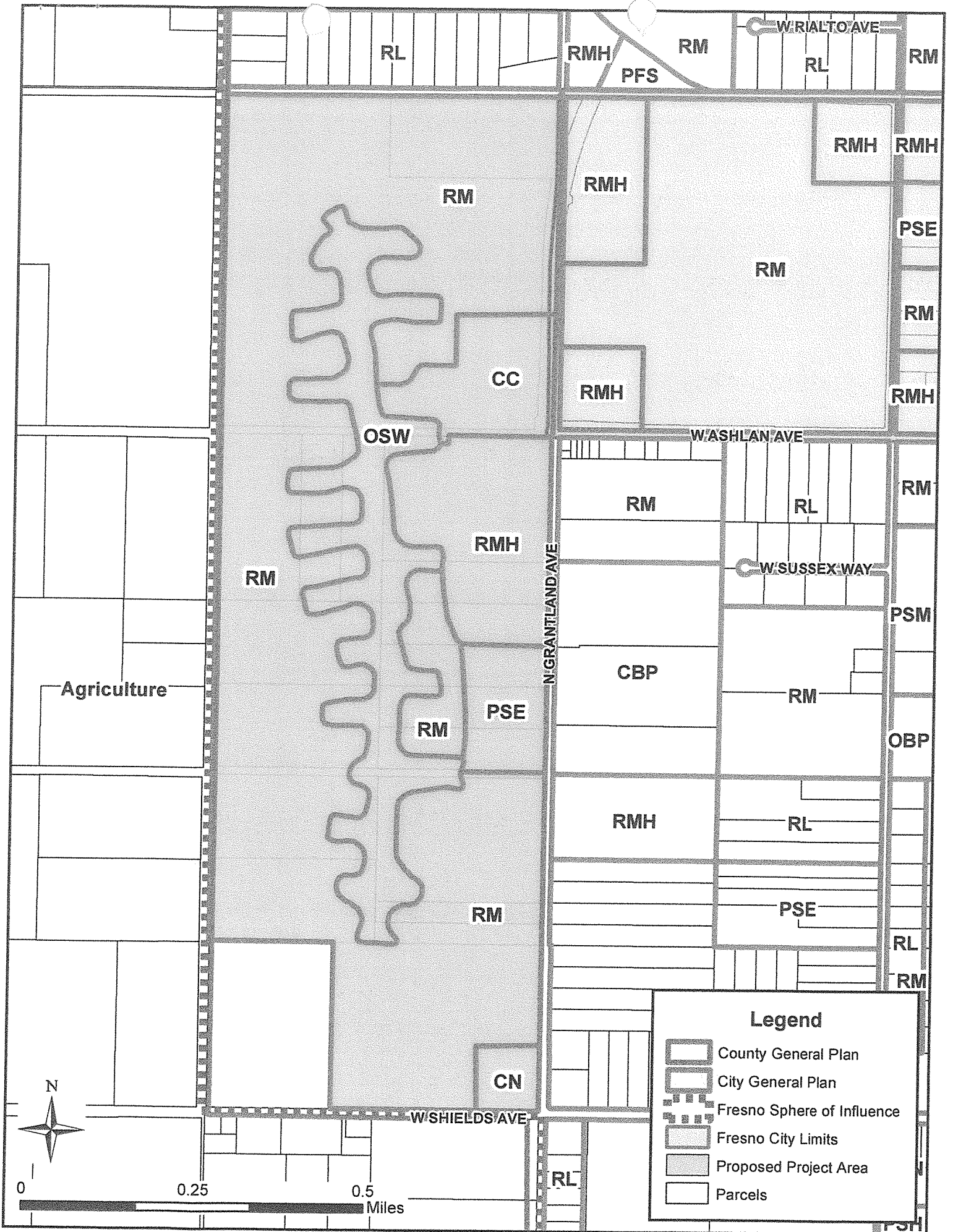
Sincerely,

Jeffrey T. Roberts

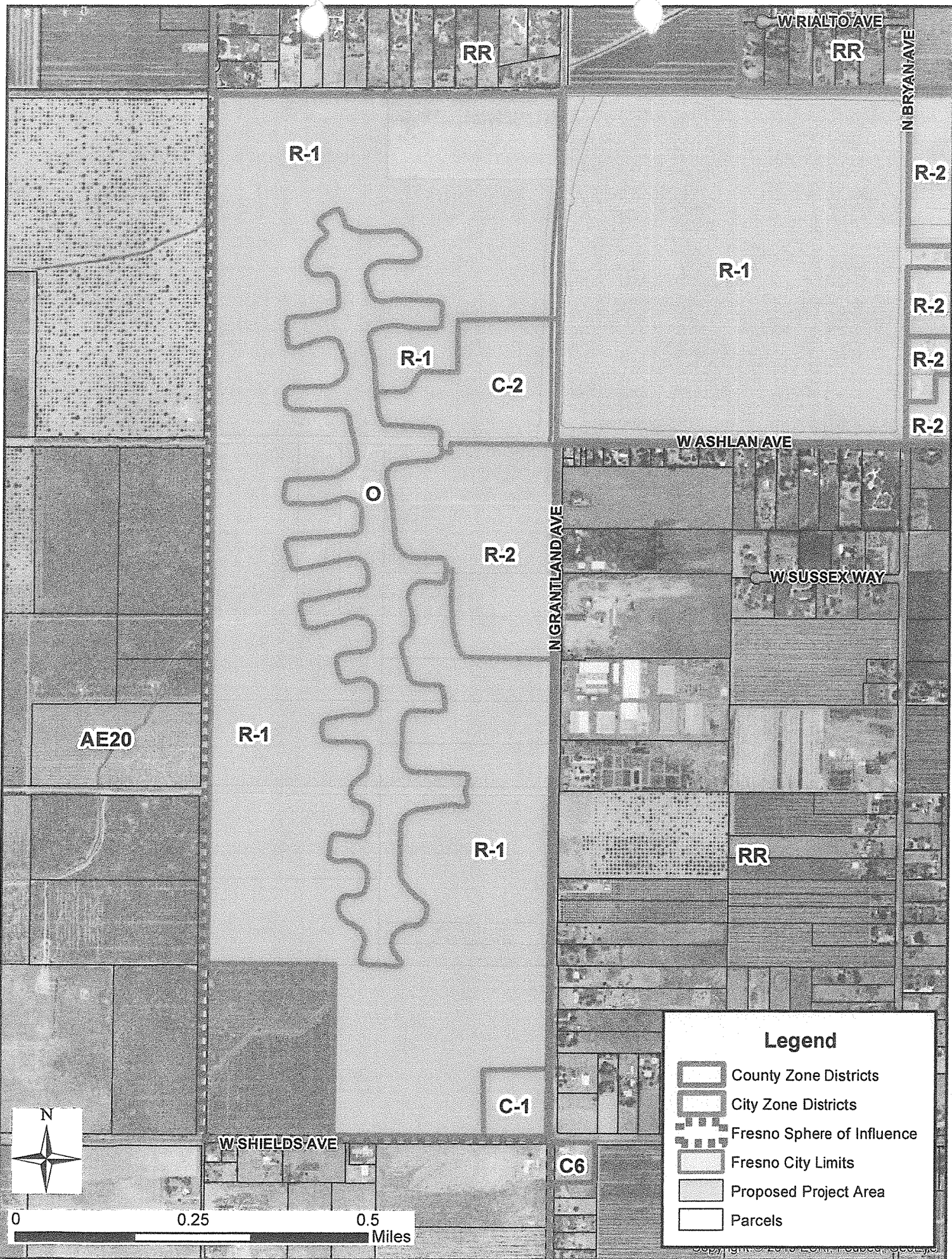


PREPARED BY:
 GARY G. GIANNETTA
 1119 "S" STREET
 FRESNO, CA 93721
 559.264.3590

WESTLAKE COMMUNITY REORGANIZATION
 A PORTION OF SECTIONS 17 AND 20 IN TOWNSHIP 13 SOUTH, RANGE 19 EAST, MOUNT DIABLO BASE AND MERIDIAN
 TO BE ANNEXED TO THE CITY OF FRESNO AND DETACHED FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT

PREPARED:
 1-10-13





W RIALTO AVE

RR

RR

N BRYAN AVE

R-1

R-2

R-1

R-2

R-2

R-1

C-2

R-2

W ASHLAN AVE

O

R-2

N GRANTLAND AVE

W SUSSEX WAY

AE20

R-1

R-1







RR

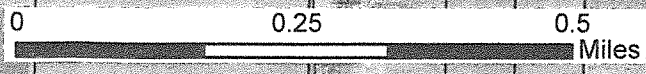
C-1

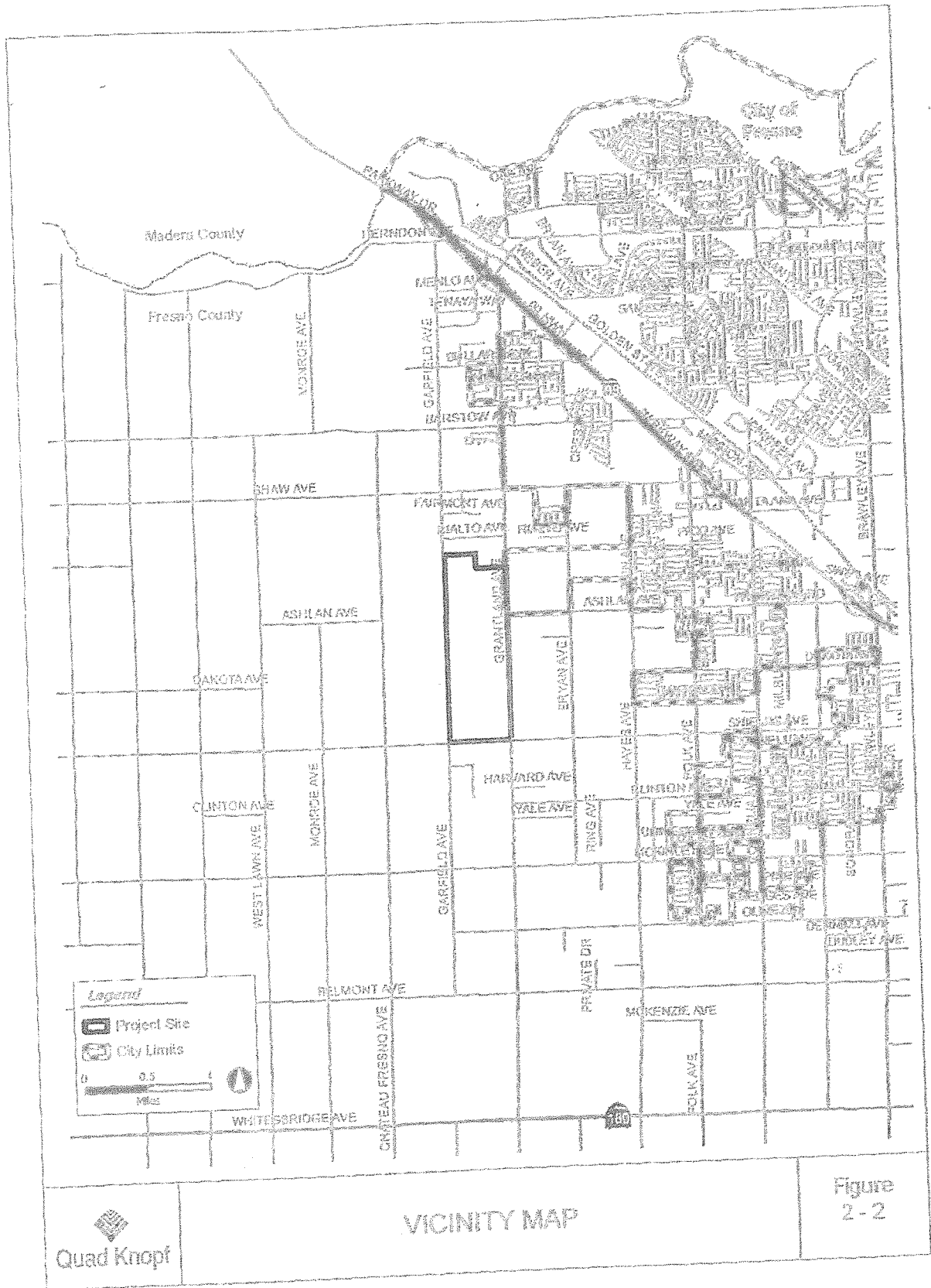
W SHIELDS AVE

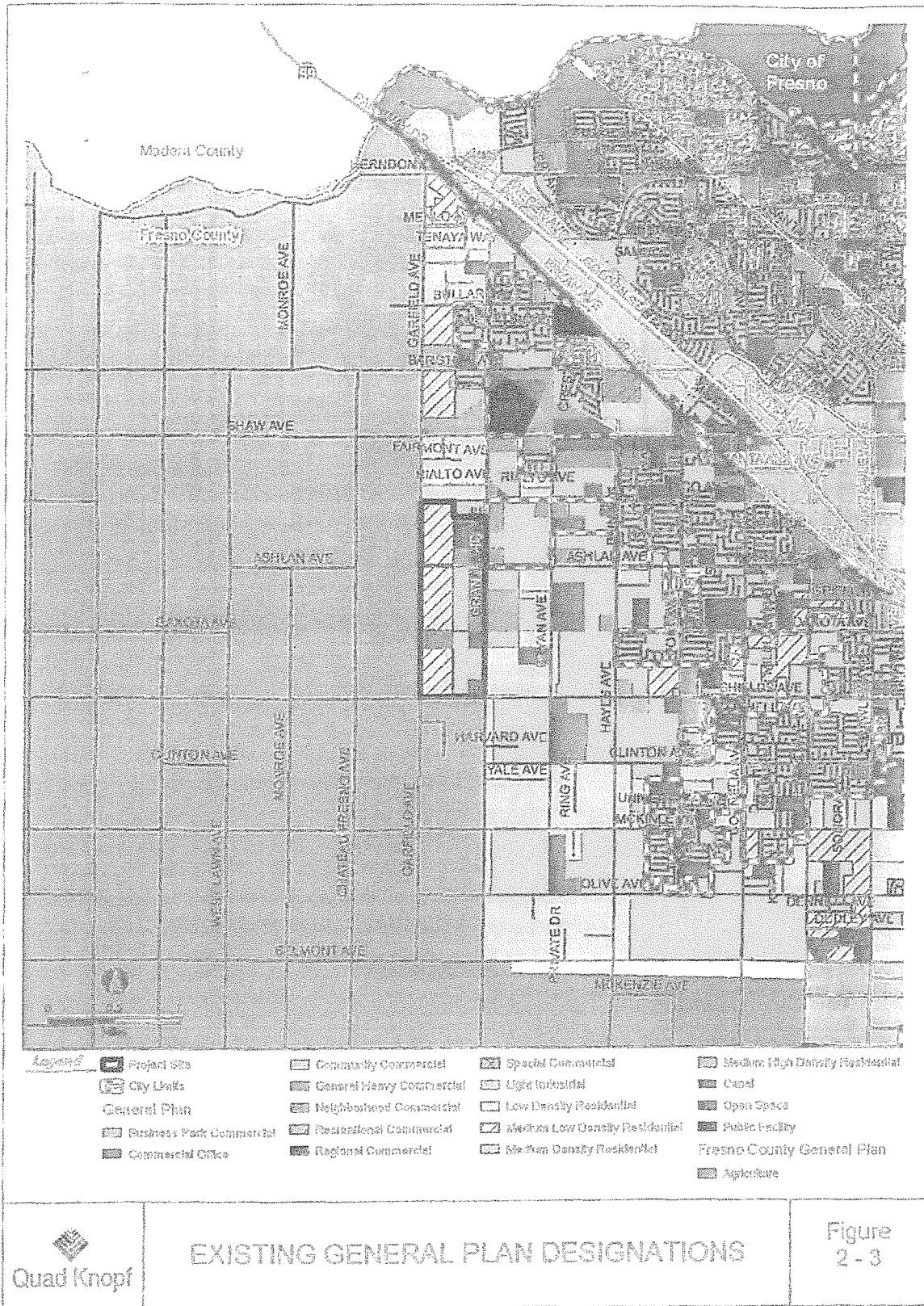
C6

Legend

-  County Zone Districts
-  City Zone Districts
-  Fresno Sphere of Influence
-  Fresno City Limits
-  Proposed Project Area
-  Parcels

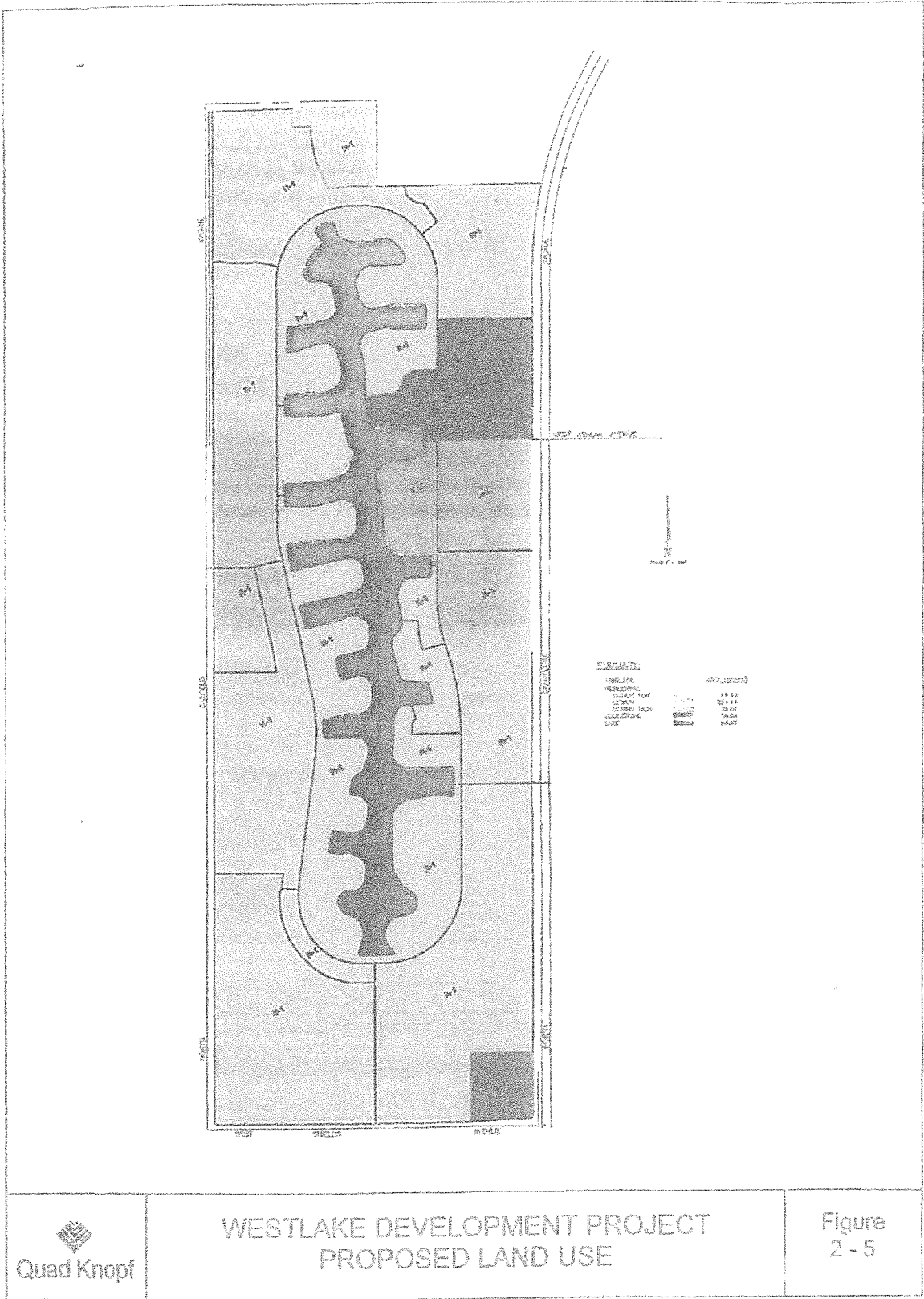






EXISTING GENERAL PLAN DESIGNATIONS

Figure 2-3



WESTLAKE DEVELOPMENT PROJECT
PROPOSED LAND USE

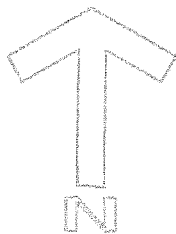
Figure
2 - 5

THE NORTH LINE OF THE SE 1/4 OF SEC.17,13-19

CENTER 1/4 CORNER OF 17-13/19

N 89°59'05" W S.P.R.L.B. (ABANDONED) 2616.14'

EAST 1/4 CORNER OF 17-13/19



SCALE: 1"=1000'

THE WEST LINE OF THE SE 1/4 OF SEC.17,13-19

SOUTH 1/4 CORNER OF 17-13/19
NORTH 1/4 CORNER OF 20-13/19

THE WEST LINE OF THE NE 1/4 OF SEC.20,13-19

CENTER 1/4 CORNER OF 20-13/19

THE WEST LINE OF THE SE 1/4 OF SEC.20,13-19

SOUTH 1/4 CORNER OF 20-13/19

THE POINT OF BEGINNING

S 89°59'54" E WEST SHIELDS AVENUE 2855.60'

THE SOUTH LINE OF THE SE 1/4 OF SEC.20,13-19

SOUTHEAST CORNER OF 20-13/19

WEST GETTYSBURG AVENUE (ALIGNED)

N 0°17'15" E - 674.58'

Δ=1213'05"
R=3267.00'
L=696.87'

AREA TO BE ANNEXED TO CITY OF FRESNO
477.78 ACRES

512-021-26

N 4°02'33" E - 21.31'

N 6°13'10" W - 60.00'

WEST ASHLAN AVENUE

C.U.S.O.

THE EAST LINE OF THE SE 1/4 OF SEC.17,13-19

S 89°46'50" W - 118.74'

SOUTHEAST CORNER OF 17-13/19
NORTHEAST CORNER OF 20-13/19

LEGEND

INDICATES AREA TO BE ANNEXED TO THE CITY OF FRESNO

INDICATES EXISTING LIMIT LINE OF THE CITY OF FRESNO

FOR ASSESSMENT PURPOSES ONLY, THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED.

THE EAST LINE OF THE SE 1/4 OF SEC.20,13-19

PREPARED BY:

GARY G. GIANNETTA
1119 S STREET
FRESNO, CA 93721
559.264.3690

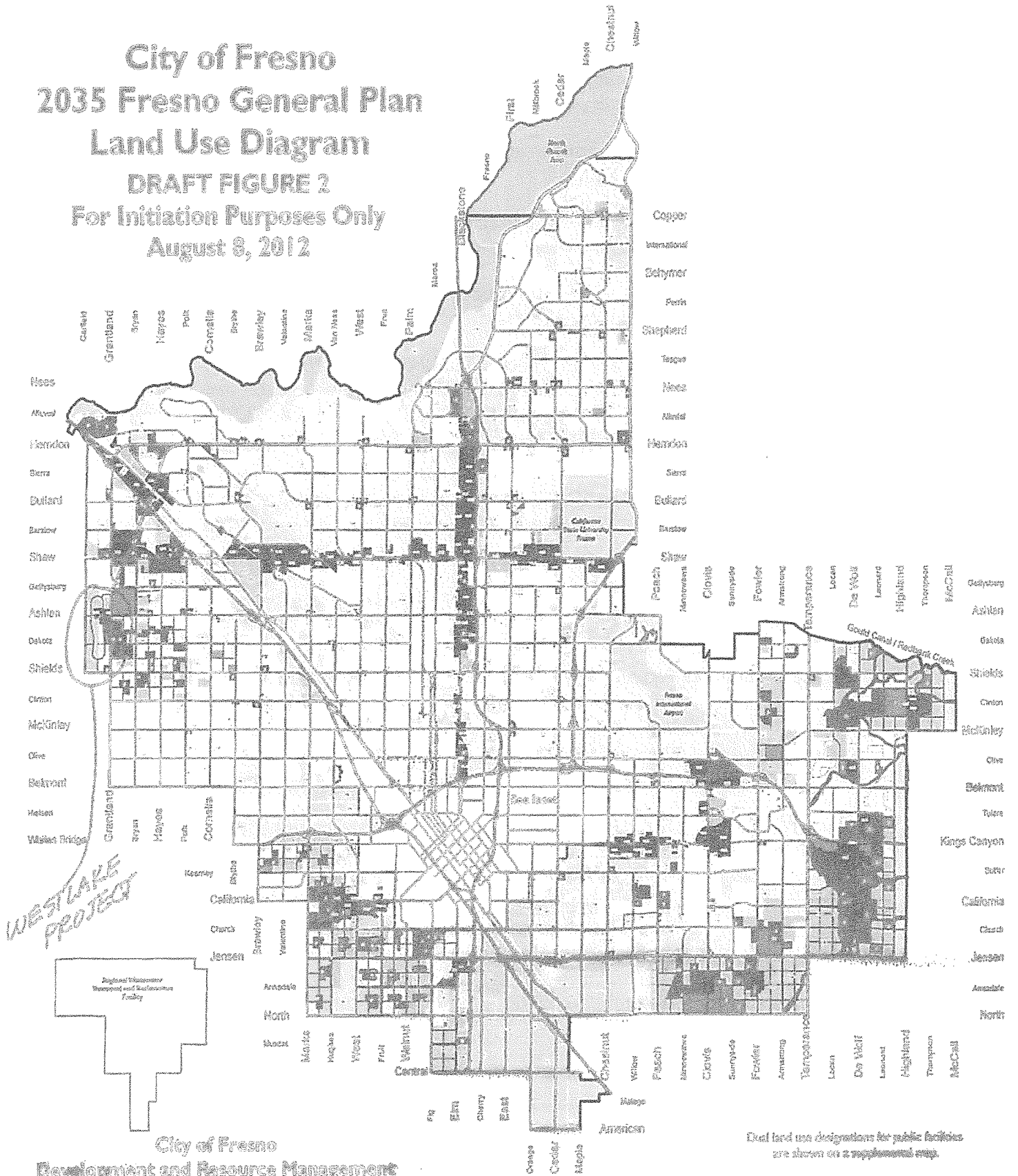
WESTLAKE COMMUNITY REORGANIZATION

A PORTION OF SECTIONS 17 AND 20 IN TOWNSHIP 13 SOUTH, RANGE 19 EAST, MOUNT DIABLO BASE AND MERIDIAN

TO BE ANNEXED TO THE CITY OF FRESNO AND DETACHED FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT

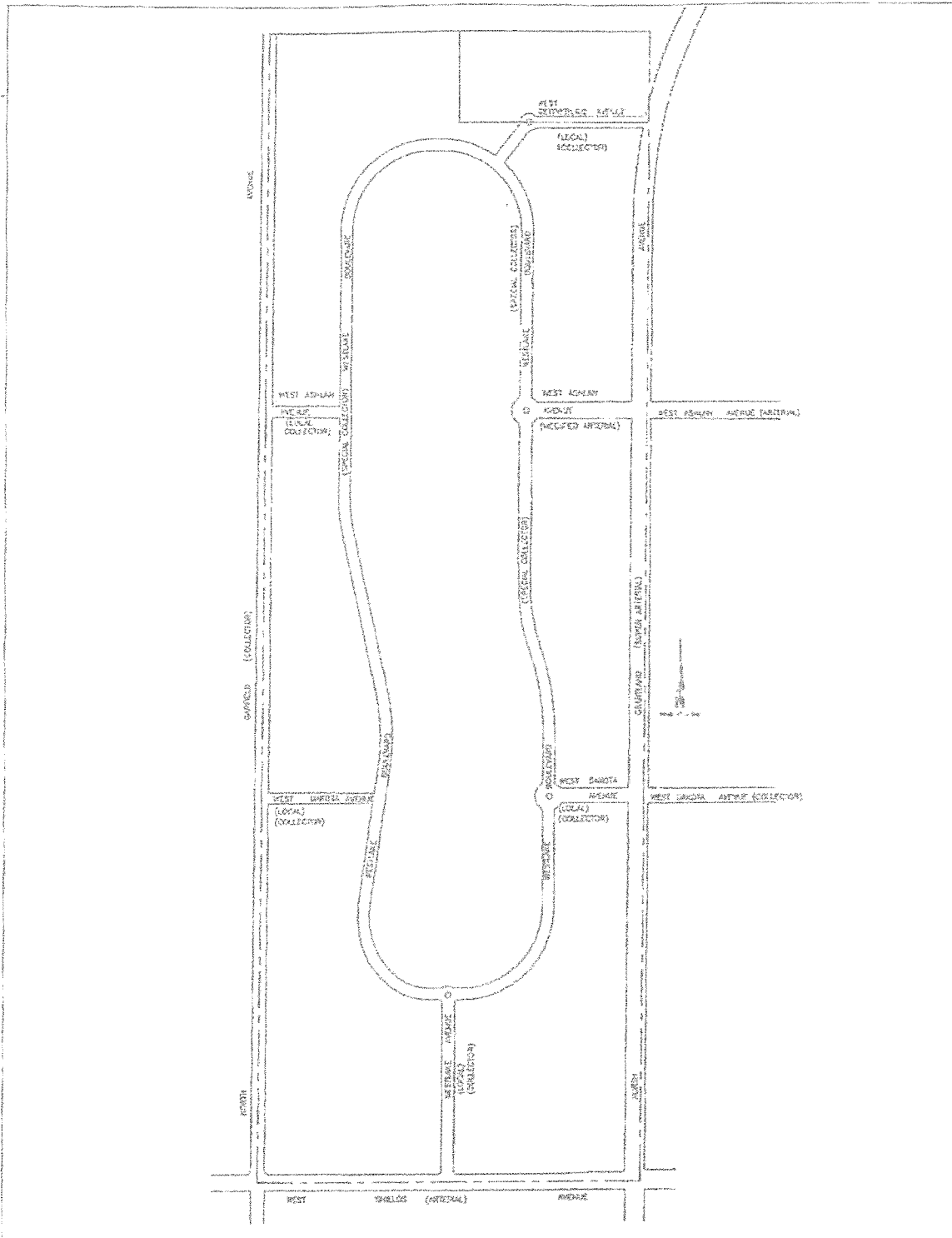
PREPARED:
1-10-13


City of Fresno 2035 Fresno General Plan Land Use Diagram DRAFT FIGURE 2 For Initiation Purposes Only August 8, 2012



City of Fresno
Development and Resource Management
Planning Division

Land use designations for public facilities
are shown on a supplemental map.



 <p>Quad Knopf</p>	<p>PROPOSED WESTLAKE DEVELOPMENT PROJECT MAJOR STREET LAYOUT</p>	<p>Figure 2 - 6</p>
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WESTLAKE COMMUNITY
ANNEXATION TO THE CITY OF FRESNO AND
DETACHEMENT FORM THE NORTH CENTRAL
FIRE PROTECTION DISTRICT AND
THE KINGS RIVER CONSERVATION DISTRICT
LEGAL DESCRIPTION

That portion of Sections 17 and 20 in Township 13 South, Range 19 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the South Quarter of said Section 20;

thence (1) South $89^{\circ}59'54''$ East, along the South line of the Southeast Quarter of said Section 20, a distance of 2,635.60 feet to the Southeast corner of said Section 20;

thence (2) North $0^{\circ}33'22''$ East, along the East line of the Southeast Quarter of said Section 20, a distance of 2,648.56 feet to the East Quarter corner of said Section 20;

thence (3) North $0^{\circ}33'22''$ East, along the East line of the Northeast Quarter of said Section 20, a distance of 2,618.53 feet to a point on last said East line being 30.00 feet South of the Northeast corner of said Section 20, said point also on the existing limit line of the City of Fresno;

thence (4) South $89^{\circ}46'50''$ West, along the existing limit line of the City of Fresno, a distance of 118.74 feet;

thence (5) North $0^{\circ}13'10''$ West, along the existing limit line of the City of Fresno, a distance of 60.00 feet;

thence (6) North $45^{\circ}02'03''$ East, along the existing limit line of the City of Fresno, a distance of 21.31 feet;

thence (7) North $0^{\circ}17'15''$ East, parallel with and 104.00 feet West of the East line of the Southeast Quarter of said Section 17, also being along the existing limit line of the City of Fresno, a distance of 1,261.34 feet to the intersection with a tangent curve;

thence (8) Northeasterly along said tangent curve, concave to the Southeast, having a radius of 3,267.00 feet through a central angle of $12^{\circ}13'05''$, a distance of 696.67 feet along the existing limit line of the City of Fresno;

thence (9) North 0°17'15" East, parallel with and 30.00 feet West of the East line of the Southeast Quarter of said Section 17, also being along the existing limit line of the City of Fresno, a distance of 674.55 feet;

thence (10) North 89°59'05" West, parallel with and 30.00 feet North of the North line of the Southeast Quarter of said Section 17, a distance of 2,616.14 feet;

thence (11) South 0°26'10" West, along the West line of the Southeast Quarter of said Section 17 and its Southerly prolongation, a distance of 2,669.00 feet to the South Quarter corner of said Section 17;

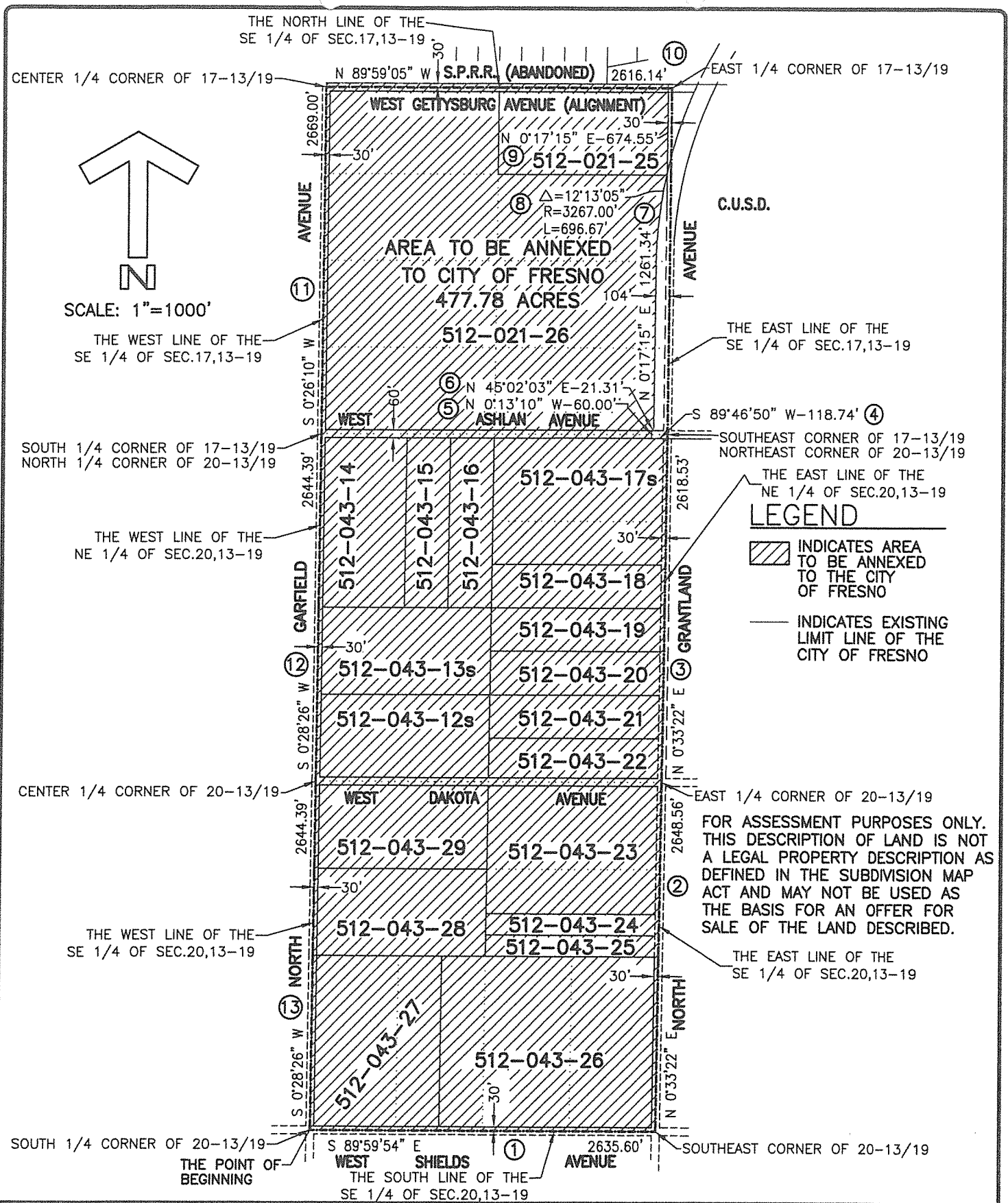
thence (12) South 0°28'26" West, along the West line of the Northeast Quarter of said Section 20, a distance of 2,644.39 feet to the center Quarter corner of said Section 20;

thence (13) South 0°28'26" West, along the West line of the Southeast Quarter of said Section 20, a distance of 2,644.39 feet to the **Point of Beginning**.

Contains **477.78** acres more or less

Dated: January 10, 2013

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.



PREPARED BY:

GARY G. GIANNETTA
 1119 "S" STREET
 FRESNO, CA 93721
 559.264.3590

WESTLAKE COMMUNITY REORGANIZATION

A PORTION OF SECTIONS 17 AND 20 IN TOWNSHIP 13 SOUTH, RANGE 19 EAST, MOUNT DIABLO BASE AND MERIDIAN

TO BE ANNEXED TO THE CITY OF FRESNO AND DETACHED FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT

PREPARED:

1-10-13

REMITTANCE ADVICE

LAFCO LAFCO
 2115 Kern Street, suite 310
 Fresno, CA 93721

Granville Management, Inc.
 Check Number 22-00047298
 Check Date Jan 10, 2013

Date	Invoice	Reference	Payment Amt	Retention	Discount	Lic. WHold.	Total Payment
01/04/2013	0023	Granville at Westlake, Inc. 1/12ANNEXWESTLAKE 1044C-Granville at Westlake - C	16,008.00	.00	.00	.00	16,008.00
		Total Remittance	16,008.00	.00	.00	.00	16,008.00

CITY OF FRESNO
DEVELOPMENT AND RESOURCE MANAGEMENT
NOTICE OF PUBLIC HEARING
PROPOSED "WESTLAKE" DEVELOPMENT PROJECT
AND DRAFT ENVIRONMENTAL IMPACT REPORT NO. 10140

NOTICE IS HEREBY GIVEN that the Fresno City Council in accordance with Section 65090 and 65091 (Planning and Zoning Law) of the Government Code and in accordance with the procedures of Articles 4 and 6, Chapter 12, of the Fresno Municipal Code, will conduct a public hearing to consider the following applications, filed by Granville Homes, pertaining to approximately 430 acres of property bounded by West Gettysburg, West Shields, North Garfield and North Grantland Avenues. The project area is shown on the attached map. At this hearing, the following will be considered:

1. **Draft Environmental Impact Report (EIR) No. 10140 (SCH# 2007121033):** A Draft Environmental Impact Report has been prepared for the proposed project (plan amendment, rezoning, and tentative tract map applications) and circulated to the public for comment pursuant to the California Environmental Quality Act (CEQA). The City Council will consider the proposed Final EIR or relevant portions thereof and the appropriateness and adequacy of the document or relevant portions thereof. The Council will also consider adopting appropriate findings of fact and statements of overriding consideration. The proposed Final EIR includes the Draft EIR, comments received on the Draft, the responses to those comments, and other information added in compliance with CEQA.

2. **Plan Amendment Application No. A-07-012:** Proposes to amend the 2025 Fresno General Plan and the West Area Community Plan to change the planned land use designations within the proposed project boundary to facilitate the Westlake Project development plan. The Westlake Project proposes to designate: (1) ±82 acres of Medium-Low Density Residential land; (2) ±207 acres of Medium Density Residential land; (3) ±39 acres of Medium-High Density Residential land; (4) ±30 acres of Neighborhood and Community Commercial land; (5) ±16 acres of Public Facility land for purposes of an elementary school; and, (6) ±56 acres of Open Space land for purposes of a lake feature within the project boundary. Amendments to several planned major street segments that will serve the area are also proposed, including a bifurcation of West Ashlan and Dakota Avenues west of North Grantland Avenue; and, modification of West Gettysburg Avenue in conjunction with an amendment to Official Plan Line No. 111. Finally, the plan amendment proposes to relocate a ponding/recharge basin, which is currently planned to be located within the project boundary, to the southwest corner of West Shields and North Grantland Avenues.

3. **Rezoning Application No. R-07-008:** Proposes to prezone the subject property in accordance with Plan Amendment Application No. A-07-012 in order to facilitate future annexation, subdivision and development pursuant to the Westlake Project development plan. Portions of the subject property have already been prezoned for annexation. The proposed rezoning application would supplement previously applied zoning designations in order to cover the balance of the subject property which were not previously prezoned and would also re-designate portions of the subject property as appropriate pursuant to the proposed plan amendment. The rezoning application proposes in total: (1) ±305 acres of R-1 (Single Family Residential); (2) ±39 acres of R-2 (Low Density Multiple Family Residential); (3) ±30 acres of C-1 (Neighborhood Shopping Center) and C-2 (Community Shopping Center); and, (4) ±56 acres of O (Open Conservation) zoned property for purposes of the project.

FRESNO CITY COUNCIL
Thursday, December 12, 2013
3:00 p.m., or thereafter
Fresno City Hall - Council Chamber, Second Floor
2600 Fresno Street, Fresno, California 93721

Any interested person may appear at the public hearing and present testimony in regard to these matters. If you challenge any of the above applications in court, you may be limited to raising only those issues, you, or someone else, raised at the public hearing described in this notice, or in written correspondence delivered at, or prior to, the public hearing.

If you wish additional information, contact Will Tackett, Supervising Planner, Development & Resource Management Department, Fresno City Hall, 2600 Fresno Street, Fresno, California 93721-3604, by telephone at (559) 621-8063, or via email at Will.Tackett@fresno.gov

Jennifer K. Clark, Director
Development and Resource Management Department
Yvonne Spence, CMC
Fresno City Clerk

DATED: November 27, 2013

APN(s): 512-021-26, 512-043-12 through 26 and 512-043-28 & 29

Pre-Application

Material

Jeffrey Roberts

From: Jeffrey Roberts
Sent: Thursday, October 25, 2012 4:02 PM
To: Witte, Jeff (jewitte@co.fresno.ca.us)
Subject: FW: Message from KMBT_C550; New Annexation to the City of Fresno
Attachments: SKMBT_C55012102515420.pdf

Here is a Pre-Application Application for the 480 acres that we have been discussing for the past few months.

As you can see from the attachment, most of this land (390 acres out of 480 acres) is currently pre-zoned consistent with the 2025 Fresno General Plan. The balance of the property will be pre-zoned when the pending application (R-07-008) is approved. I have been told by the City that we will be at hearing by next April.

All of this land has been in the adopted Sphere of Influence since 1984 and the proposed General Plan also includes this site and designates a variety of urban uses for the property.

I will be drop by your office tomorrow with the \$500.00 Pre- Application Fee. We can discuss more of the details then if you like.

Thanks for your help.

From: bizhubc550@gvhomes.com [mailto:bizhubc550@gvhomes.com]
Sent: Thursday, October 25, 2012 3:42 PM
To: Jeffrey Roberts
Subject: Message from KMBT_C550

PRE-APPLICATION REVIEW APPLICATION

FRESNO LOCAL AGENCY FORMATION COMMISSION
2607 FRESNO STREET, SUITE B
FRESNO, CA 93721 PHONE: (559) 600-0604

Jeff Witte, Executive Officer
Candie Fleming, Commission Clerk

OFFICE USE ONLY:

LAFCo File No.: _____

Date Received: _____

Applicant: <u>Granville Homes, Inc.</u>	Date: <u>10.25.2012</u>
Primary Contact: <u>Jeffrey T. Roberts</u>	Title (if any): _____
Address: <u>1396 W. Herndon #101 Fresno, Ca. 93711</u>	
Phone and/or Cell #: <u>(559) 288-0688</u>	Email Address: <u>jroberts@guhomes.com</u>

Notes: Additional Pages May Be Used to Answer Questions. Mark N/A if "not applicable".

1. Type of Application (i.e. Reorganization, Annexation, Sphere of Influence Revision, Extension of Services etc.): Annexation to the City of Fresno
2. Property Location: Street Addresses and/or Assessor Parcel Number(s): various parcel numbers (see below)
3. Describe any proposed development (including development type(s), number of lots, location, and acreages):

Note: If a site plan or subdivision map is available, please submit with Pre-Application

Annexation of 480± acres of land to the City of Fresno to provide for the development of the 'Westlake' mixed use project

4. Have any applications (i.e. General Plan Amendments, City Pre-Zoning, Subdivision Maps, etc.) been submitted to the City/County for review and approval? Yes Have any of these approvals been granted? Yes If "Yes", please identify the type of application and application number(s): R-04-81, R-07-008 (pending) etc.
5. Has the project been evaluated in accordance with the California Environmental Quality Act (CEQA) Yes or No? partially completed

6. Service Information

List the names of all public or private entities providing services and those that will provide service after annexation (if applicable):

<u>Existing:</u>	<u>Proposed Change:</u>
Domestic Water <u>individual wells</u>	<u>City of Fresno</u>
Sewer Collection <u>none</u>	<u>City of Fresno</u>
Solid Waste Collection <u>private hauler</u>	<u>City of Fresno (?)</u>
Street Lighting <u>none</u>	<u>City of Fresno</u>
Parks and Recreation <u>Co. of Fresno</u>	<u>City of Fresno</u>
Fire Protection <u>North Central</u>	<u>same</u>
(Station distance) <u>1/2 mile</u>	<u>same</u>
Paramedic <u>North Central</u>	<u>same</u>
(Station distance) <u>1/2 mile</u>	<u>same</u>
Police <u>County Sheriff</u>	<u>City Police</u>
Storm Drainage <u>FMFCO</u>	<u>FMFCO</u>

7. Information on Processing Change of Organization or Reorganization

Property Tax Exchange (Revenue & Tax Code 99 & 99.1). If proposal includes annexation to a City check either:

Master Tax Agreement should apply to the change. If so, note that a letter from the County and City indicating consistency with the Master Tax Sharing Agreement will be required at the time of application.

Other agreement for change is to be negotiated (Describe other agreement).

8. Is any portion of the affected territory being farmed at the present time (yes or no)? yes
 Within the last three years (yes or no)? yes Please describe: some dry farming on project area

9. Is any portion of the affected territory under a Williamson Act "Agricultural Land Conservation Contract" (yes or no)? No

10. Please provide any additional information that may be relevant to this proposal.

(230ac.) R-04-81 was approved and pre-zoned most of the project area. In addition, 60 additional acres have been pre-zoned as part of 2 other applications. Pending applications include

the balance of the land within the area bounded by Gettysburg, Shields, Garfield and Grantland.

THIS IS A LEGAL NOTICE

REZONE APPLICATION NO. R-04-081
 Btwn Garfield, Grantland, Shields and Gettysburg Aves.

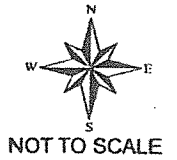
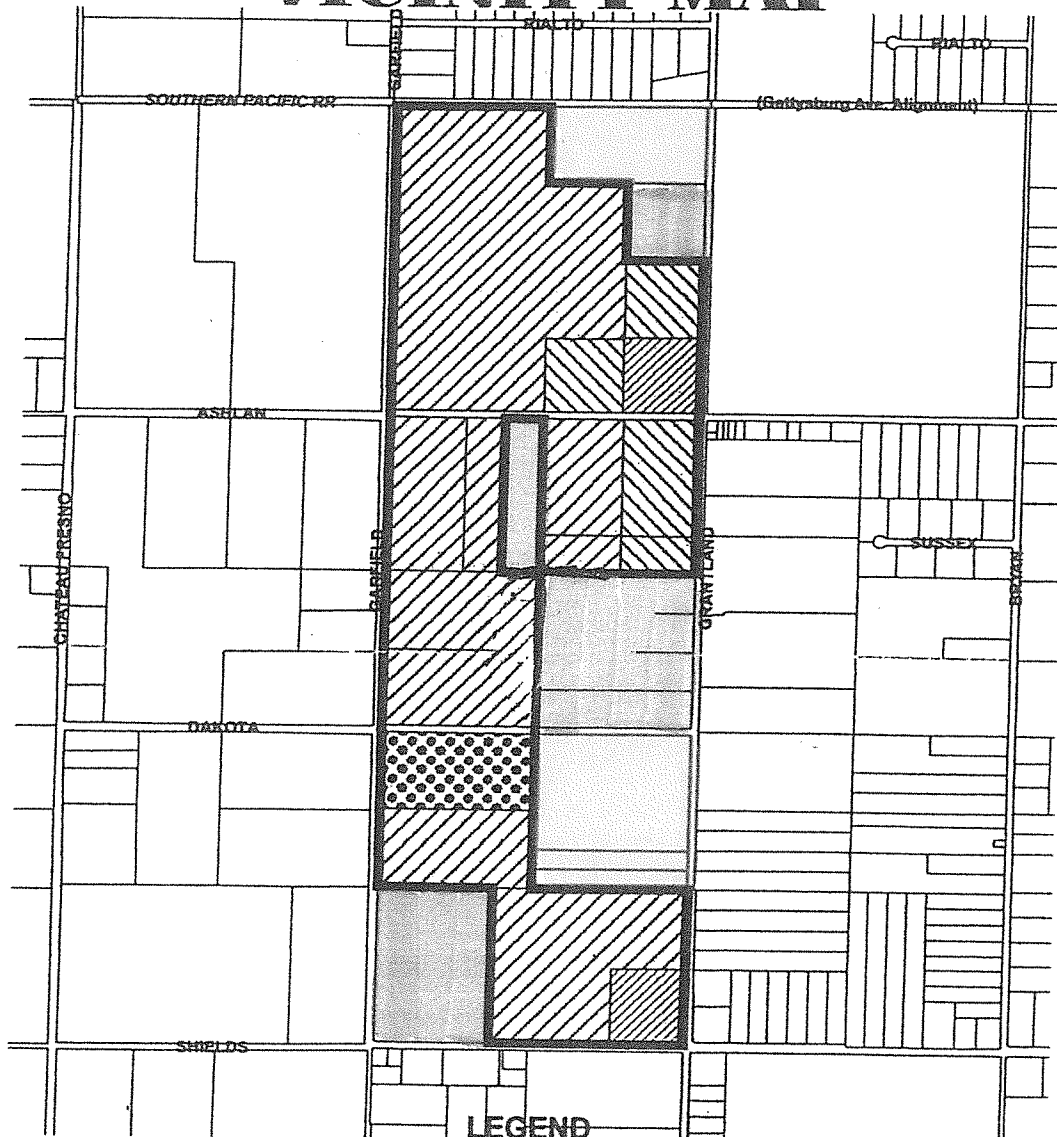
R-04-81 APN: 31104328

ACAP HOLDINGS LLC
 1396 W HERNDON #101
 FRESNO CA 93711








R-04-81

JUN 10 2011

VICINITY MAP



LEGEND

-  Subject Property
-  From AE-20 (County) to R-1/UGM
-  From AE-20 (County) to C-1/UGM
-  From AE-20 (County) to AE-5/UGM
-  From AE-20 (County) to R-2/UGM
-  *Additional approved rezoned with other applications*
-  *R-07-008/pending*

R-04-81 (Approved)

PRE-APPLICATION REVIEW RESPONSE**DATED REQUEST - PLEASE REPLY BY: NOVEMBER 13, 2012**Please FAX all responses to Fresno LAFCo at 495-0655; or email to clerking@co.fresno.ca.us

**Subject: *Pre-Application Review No. PA-12-2
Annexation to the City of Fresno***

This proposed reorganization includes annexation of approximately 480 acres to the City of Fresno and detachment from the North Central Fire Protection and Kings River Conservation Districts.

Please answer each question in relationship to your own policies and procedures. Additional space may be necessary to answer questions.

1. The proposed annexation is identified on the attached maps. Please indicate whether you believe this proposal will result in logical and orderly boundaries. If you believe it would be appropriate to include additional parcels in order to create a logical boundary, please identify these additional parcels. You may utilize the attached map to indicate the adjustments that you feel are necessary to meet your agency's policies.

The subject area is within the City of Fresno's Sphere of Influence (SOI) however the proposed annexation extends a peninsula.

2. Does your City/District have the capacity to supply the identified services? (For City Annexations only)

N/A to the County.

3. Identify any approvals that will be needed from your agency prior to annexation of the affected territory (or any already approved entitlements).

The Notice of Intent for annexation requires a letter of consistency from the County (e.g. consistent per the Memorandum of Understanding (MOU) between the City of Fresno and the County).

4. Does the proposal appear to conform to the Memorandum of Understanding (Tax Sharing Agreement) between the County of Fresno and the identified City? (For City and County only)

No, the subject area extends a peninsula and the resulting by-passed area will be difficult to annex in the future.

5. Please include any additional comments or recommendations as it may relate to your agency's policies and procedures:


Include the area bounded by Shaw Avenue on the north, Hayes Avenue on the east, Gettysburg Avenue on the south, and Grantland Avenue on the west in the proposed annexation.

Agency Name: Fresno County Department of Public Works and Planning, Development Services Division.



Your Name and Title: John Adams, Planner; Mohammad Khorsand, Senior Planner

Contact Phone No.: (559) 600-4022




City of Fresno

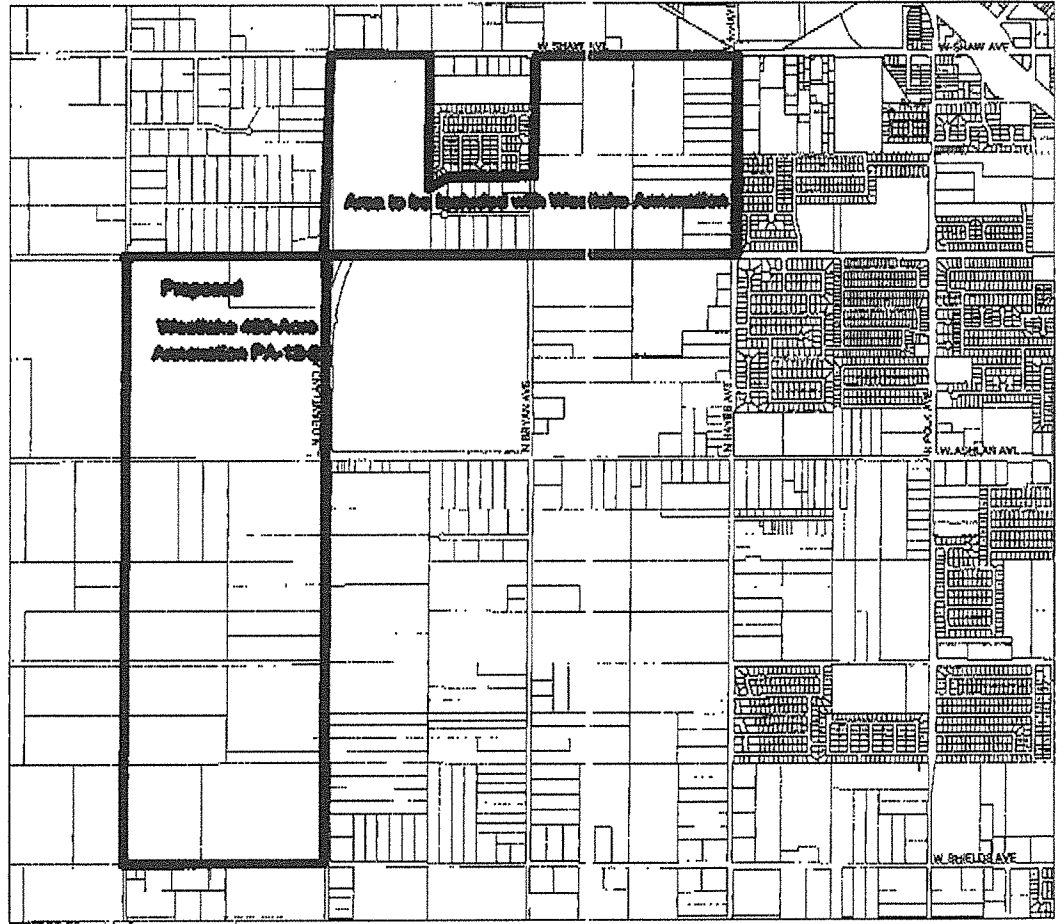
 **User Drawn Redlines**

Fresno

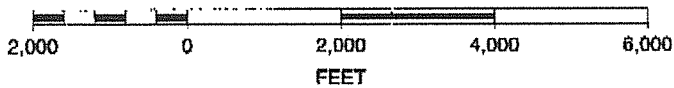
-  Incorporated Cities
-  Unincorporated Cities

Parcels

-  Parcels
-  City Limits
-  Fresno County



SCALE 1 : 26,822





CENTRAL UNIFIED SCHOOL DISTRICT
4605 North Polk Avenue · Fresno, CA 93722
Phone: (559) 274-4700 · Fax: (559) 271-8200

BOARD OF TRUSTEES
Cynthia Bertram
Terry Cox
Judith Geringer
Diana Miller
William Duane Peverill
Phil Rusconi
George Wilson, Jr.

SUPERINTENDENT
Michael A. Berg

November 13, 2012

Jeff Witte, Executive Officer
Fresno Local Agency Formation Commission
2607 Fresno Street, Suite B
Fresno, CA 93721



RE: Pre-Application Review No. PA-12-12

Dear Mr. Witte:

This pre-application pertains to the proposed annexation of approximately 480 acres to the City of Fresno for the Westlake Project. As this project has been in the works for several years, the District is familiar with the project and has had a number of interactions with project representatives and City staff during the environmental and entitlement processes.

The District has been proactive in planning for future development within its boundaries and in ensuring that school facilities will be provided for the students of new development projects. The District will be constructing a new high school at the Koligian Educational Center (northeast corner of Ashlan and Grantland) and is acquiring sites for two new elementary schools in the northwest portion of the District.

The District does not object to the proposed annexation as shown in the pre-application. We will continue to monitor the project and work with the applicant and City to assure that adequate school facilities can be provided and that the project will be compatible with existing and planned District facilities.

Thank you for the opportunity to comment on the pre-application review. Please contact me if you have any questions regarding this letter.

Sincerely,

Bert Contreras
Director, Operational Services

District Administration

*Laurel Ashlock, Ed.D., Assistant Superintendent, Chief Academic Officer · James H. Bauler, Assistant Superintendent, Chief Business Officer
Ketti Davis, Assistant Superintendent, Professional Development · Chris Williams, Assistant Superintendent, Human Resources
Valerie Johnson, Administrator, Special Education and Support Services · Caran Resciniti, Administrator, 7-12 and Alternative Education
Kevin Wagner, Administrator, Human Resources and Child Welfare & Attendance · Paul Birrell, Director, 9-12 and Adult Education · Karen Garlick, Director, K-6 Education*



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 170.44

November 2, 2012

Mr. Jeff Witte, Executive Officer
Fresno Local Agency Formation Commission
2607 Fresno Street, Suite "B"
Fresno, CA 93721



Dear Mr. Witte,

Pre-Application Review No. PA-12-2
Westlake Project
Annexation of 480 Acres to the City of Fresno
Drainage Area "CD"

The proposed annexation boundary encompasses lands within the Fresno Metropolitan Flood Control District and will be served by the District's Storm Drainage and Flood Control Master Plan. Drainage service by the Master Plan does not exist for the annexation at this time.

It is our understanding there will be no change in the District's share of the property tax base, nor future property tax increments for the impacted Tax Rate areas.

The District further requests its historic growth increment tax be applied to this area.

If you have any questions or require further information, please do not hesitate to contact us.

Sincerely,

Rick Lyons
Engineering Technician III

RL/lrl

c: Bob Van Wyk, Fresno Metropolitan Flood Control District

K:\Misc Letters\Fresno\lafco-preapp pa-12-2 westlake(cd)(rl).docx

PRE-APPLICATION REVIEW RESPONSE

DATED REQUEST - PLEASE REPLY BY: NOVEMBER 13, 2012

Please FAX all responses to Fresno LAFCo at 495-0655; or email to cflaming@co.fresno.ca.us

Subject:*Pre-Application Review No. PA-12-2
Annexation to the City of Fresno*

This proposed reorganization includes annexation of approximately 480 acres to the City of Fresno and detachment from the North Central Fire Protection and Kings River Conservation Districts.

Please answer each question in relationship to your own policies and procedures. Additional space may be necessary to answer questions.

1. The proposed annexation to the City of Fresno is identified on the attached maps. Please indicate whether you believe this proposal will result in logical and orderly boundaries. If you believe it would be appropriate to include additional parcels in order to create a logical boundary, please identify these additional parcels. You may utilize the attached map to indicate the adjustments that you feel are necessary to meet your agency's policies.

REFER TO ATTACHED LETTER DATED NOVEMBER 2, 2012.

2. Does your City have the capacity to supply the identified services? (For City Annexations only)

N/A

3. Identify any approvals that will be needed from your agency prior to annexation of the affected territory (or any already approved entitlements).

SEE #1 ABOVE.

4. Does the proposal appear to conform to the Memorandum of Understanding (Tax Sharing Agreement) between the County of Fresno and the identified City? (For City and County only)

SEE #1 ABOVE.

5. Please include any additional comments or recommendations as it may relate to your agency's policies and procedures:

SEE #1 ABOVE.

Agency Name: FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

Your Name and Title: RICK LYONS, ENGINEERING TECHNICIAN III

Contact Phone No.: 456-3292

RECEIVED

OCT 31 2012

PRE-APPLICATION REVIEW REQUEST

Date: October 30, 2012

FRESNO METROPOLITAN
FLOOD CONTROL DISTRICT

To: City of Fresno
Bernard Jimenez, Fresno County Development Services Manager
Ken Price, Maker, Manock and Jensen
Central Unified School District
State Center Community College District
Fresno County Library
Fresno Mosquito Abatement District
Fresno Irrigation District
Fresno Metropolitan Flood Control District
West Fresno County Red Scale Protection District
North Central Fire Protection District
Kings River Conservation District
Paul Marquez, Chief, Office of Transportation Planning

From: Fresno Local Agency Formation Commission (LAFCo) JW

Subject: Pre-Application Review No. PA-12-2 (Annexation to the City of Fresno)

Fresno LAFCo has received the attached Pre-Application Review request. The intent of a Pre-Application Review is to provide essential information to applicants concerning how their project(s) meet City, County, and LAFCo adopted policies and procedures at the outset of the development process.

The Pre-Application Review process is intended to help define a "preferred" annexation proposal (boundary) prior to processing any specific entitlement permit(s). Establishment of logical annexation boundaries can help promote orderly development and efficient extension of public services.

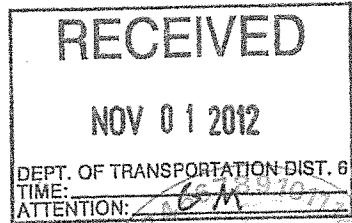
Establishment of appropriate annexation boundaries is necessary in order to determine all areas required to be pre-zoned and considered within the Lead Agency's environmental review (CEQA). This should be the first step in the development process. The Pre-Application process may also provide useful information for other types of organization or reorganization applications processed through LAFCo.

Your agency's comments may have a significant effect on the proposal that is ultimately submitted to LAFCo. Your assistance in providing responses to the questions listed on the attached page is greatly appreciated and will assist us in providing a comprehensive review/coordinated response. You may need to use additional paper for lengthy responses.

Fresno LAFCo appreciates your cooperation and timely response. If you have any questions, please contact Jeff Witte, Executive Officer at 600-0604.

Please note the requested response date on the attached sheet. Also note that a blank "Pre-Application Review Response" form may be obtained and filled out by going to the "Application and Documents" tab found on our website at: www.fresnolaftco.org.

FRE-99-20.949+/-



PRE-APPLICATION REVIEW REQUEST

Date: October 30, 2012

To: City of Fresno
 Bernard Jimenez, Fresno County Development Services Manager
 Ken Price, Maker, Manock and Jensen
 Central Unified School District
 State Center Community College District
 Fresno County Library
 Fresno Mosquito Abatement District
 Fresno Irrigation District
 Fresno Metropolitan Flood Control District
 West Fresno County Red Scale Protection District
 North Central Fire Protection District
 Kings River Conservation District
 Paul Marquez, Chief, Office of Transportation Planning



No Comment
11/7/12
Jenny [Signature]

From: Fresno Local Agency Formation Commission (LAFCo) JW

Subject: Pre-Application Review No. PA-12-2 (Annexation to the City of Fresno)

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PRE-APPLICATION REVIEW REQUEST

Date: October 30, 2012

To: City of Fresno
Bernard Jimenez, Fresno County Development Services Manager
Ken Price, Maker, Manock and Jensen
Central Unified School District
State Center Community College District
Fresno County Library
Fresno Mosquito Abatement District
Fresno Irrigation District
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Kings River Conservation District
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PRE-APPLICATION REVIEW RESPONSE

DATED REQUEST - PLEASE REPLY BY: NOVEMBER 13, 2012

Please FAX all responses to Fresno LAFCo at 495-0655; or email to cflaming@co.fresno.ca.us

Subject:*Pre-Application Review No. PA-12-2
Annexation to the City of Fresno*

This proposed reorganization includes annexation of approximately 480 acres to the City of Fresno and detachment from the North Central Fire Protection and Kings River Conservation Districts.

Please answer each question in relationship to your own policies and procedures. Additional space may be necessary to answer questions.

1. The proposed annexation to the City of Fresno is identified on the attached maps. Please indicate whether you believe this proposal will result in logical and orderly boundaries. If you believe it would be appropriate to include additional parcels in order to create a logical boundary, please identify these additional parcels. You may utilize the attached map to indicate the adjustments that you feel are necessary to meet your agency's policies.

2. Does your City have the capacity to supply the identified services? (For City Annexations only)

3. Identify any approvals that will be needed from your agency prior to annexation of the affected territory (or any already approved entitlements).

4. Does the proposal appear to conform to the Memorandum of Understanding (Tax Sharing Agreement) between the County of Fresno and the identified City? (For City and County only)

5. Please include any additional comments or recommendations as it may relate to your agency's policies and procedures:

Agency Name: _____

Your Name and Title: _____

Contact Phone No.: _____

PRE-APPLICATION REVIEW APPLICATION

FRESNO LOCAL AGENCY FORMATION COMMISSION
2607 FRESNO STREET, SUITE B
FRESNO, CA 93721 PHONE: (559) 600-0604

Jeff Witte, Executive Officer
Candie Fleming, Commission Clerk

OFFICE USE ONLY:

LAFCo File No.: PA-12-2

Date Received: _____

Applicant: Granville Homes, Inc. Date: 10.25.2012

Primary Contact: Jeffrey T. Roberts Title (if any): _____

Address: 1396 W. Herndon #101 Fresno, Ca. 93711

Phone and/or Cell #: (559) 288-0688 Email Address: jroberts@gvhomes.com

Notes: Additional Pages May Be Used to Answer Questions. Mark N/A if "not applicable".

1. Type of Application (i.e. Reorganization, Annexation, Sphere of Influence Revision, Extension of Services etc.): Annexation to the City of Fresno
2. Property Location: Street Addresses and/or Assessor Parcel Number(s): Various parcel numbers (see below)
3. Describe any proposed development (including development type(s), number of lots, location, and acreages):

Note: If a site plan or subdivision map is available, please submit with Pre-Application

Annexation of 480± acres of land to the City of Fresno to provide for the development of the 'Westlake' mixed use project

4. Have any applications (i.e. General Plan Amendments, City Pre-Zoning, Subdivision Maps, etc.) been submitted to the City/County for review and approval? Yes Have any of these approvals been granted? Yes If "Yes", please identify the type of application and application number(s): R-04-81, R-07-008 (pending) etc.
5. Has the project been evaluated in accordance with the California Environmental Quality Act (CEQA) Yes or No? partially completed

6. Service Information

List the names of all public or private entities providing services and those that will provide service after annexation (if applicable):

<u>Existing:</u>	<u>Proposed Change:</u>
Domestic Water <u>individual wells</u>	<u>City of Fresno</u>
Sewer Collection <u>none</u>	<u>City of Fresno</u>
Solid Waste Collection <u>private hauler</u>	<u>City of Fresno (?)</u>
Street Lighting <u>none</u>	<u>City of Fresno</u>
Parks and Recreation <u>Co. of Fresno</u>	<u>City of Fresno</u>
Fire Protection <u>North Central</u>	<u>same</u>
(Station distance) <u>1/8 mile</u>	<u>same</u>
Paramedic <u>North Central</u>	<u>same</u>
(Station distance) <u>1/8 mile</u>	<u>same</u>
Police <u>County Sheriff</u>	<u>City Police</u>
Storm Drainage <u>FMFCO</u>	<u>FMFCO</u>

7. Information on Processing Change of Organization or Reorganization

Property Tax Exchange (Revenue & Tax Code 99 & 99.1). If proposal includes annexation to a City check either:

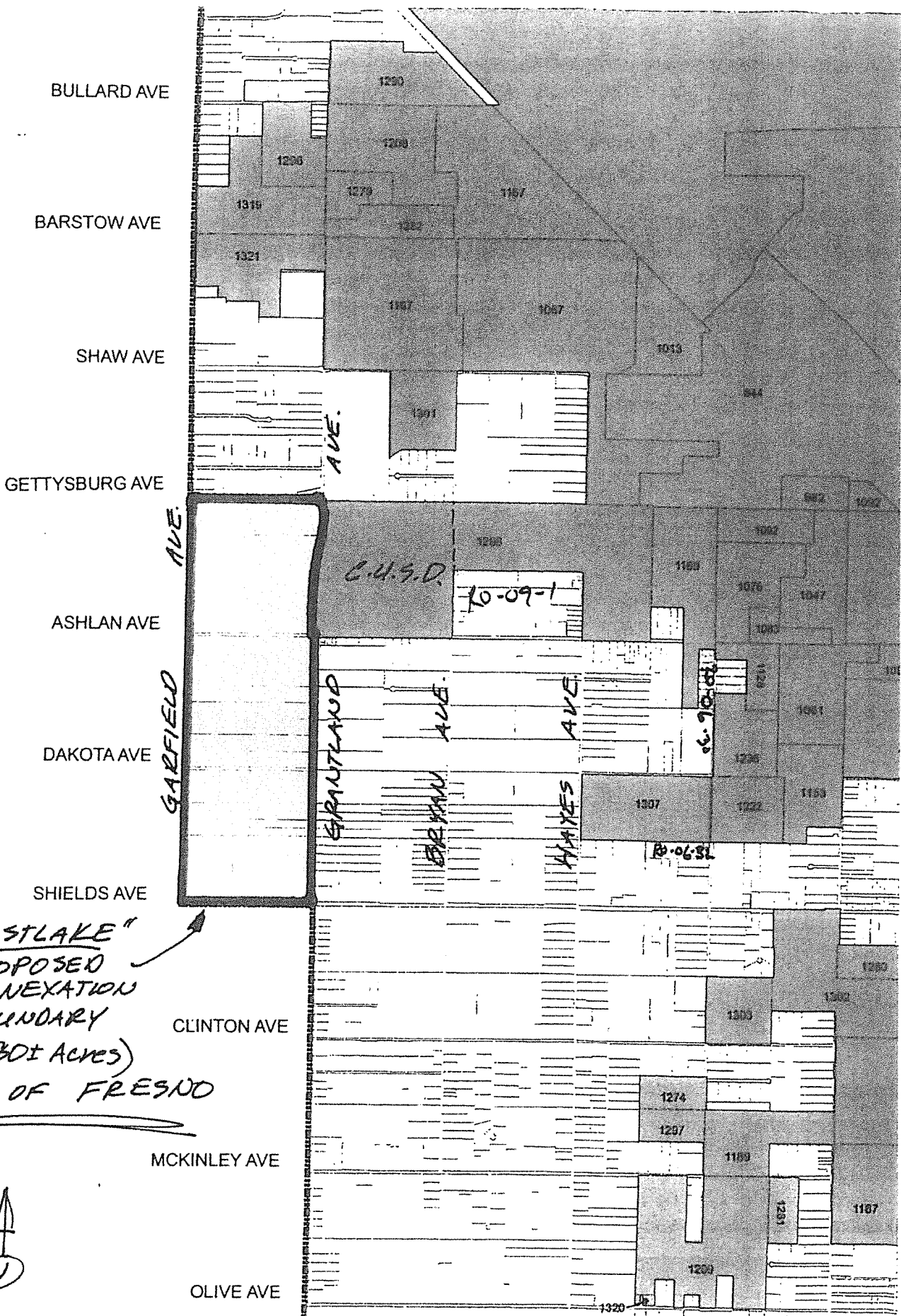
- Master Tax Agreement should apply to the change. If so, note that a letter from the County and City indicating consistency with the Master Tax Sharing Agreement will be required at the time of application.
- Other agreement for change is to be negotiated (Describe other agreement).

8. Is any portion of the affected territory being farmed at the present time (yes or no)? yes
 Within the last three years (yes or no)? yes Please describe: some dry farming on project area

9. Is any portion of the affected territory under a Williamson Act "Agricultural Land Conservation Contract" (yes or no)? No

10. Please provide any additional information that may be relevant to this proposal.
R-04-81 was approved and rezoned most (230ac.) of the project area. In addition, 60 additional acres have been rezoned as part of 2 other applications. Pending applications include

the balance of the land within the area bounded by Gettysburg, Shields, Garfield and Grantland.



"WESTLAKE"
 PROPOSED
 ANNEXATION
 BOUNDARY
 (480± ACRES)
 CITY OF FRESNO



THIS IS A LEGAL NOTICE
 REZONE APPLICATION NO. R-04-081
 Btwn Garfield, Grantland, Shields and Gettysburg Aves.

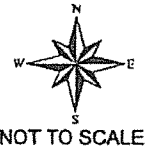
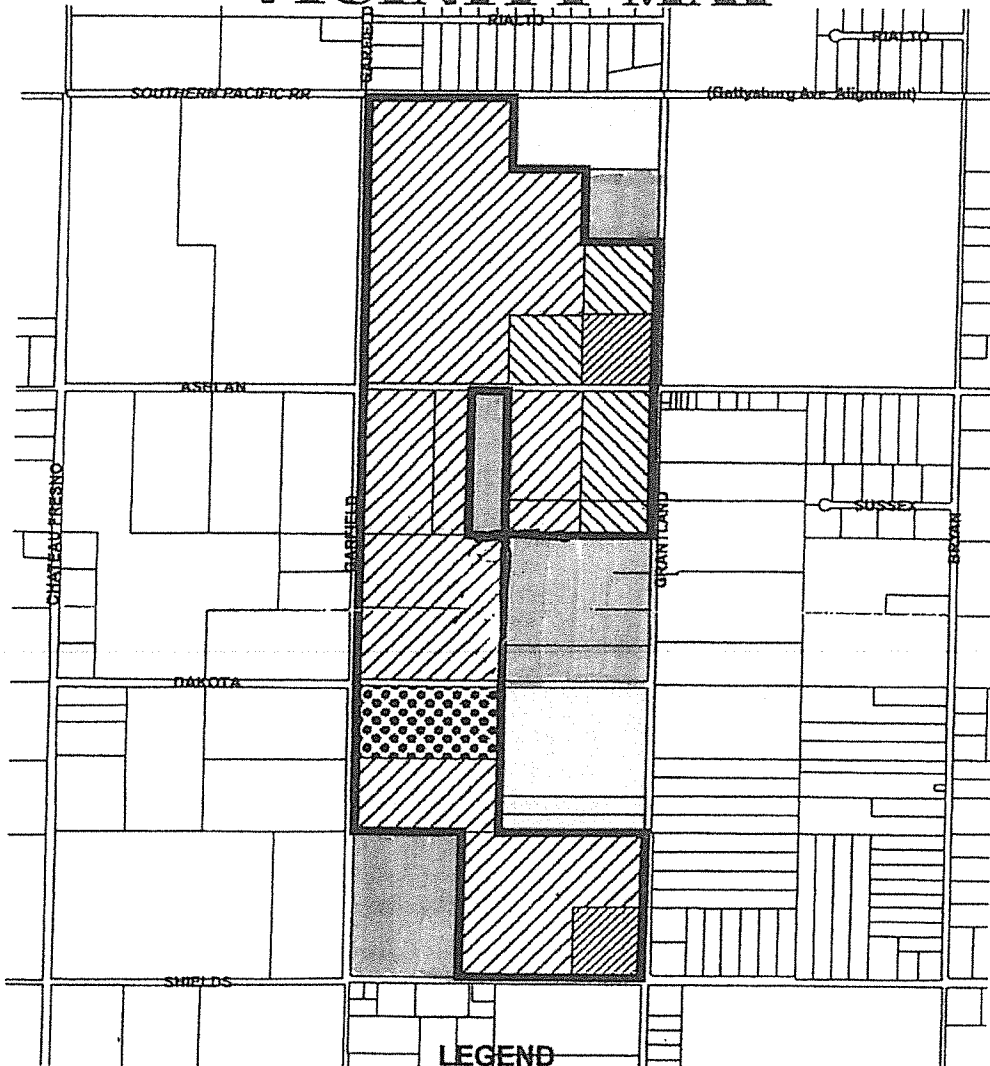
R-04-81 APN: 31104328

ACAP HOLDINGS LLC
 1396 W HERNDON #101
 FRESNO CA 93711

JUN 11 2011

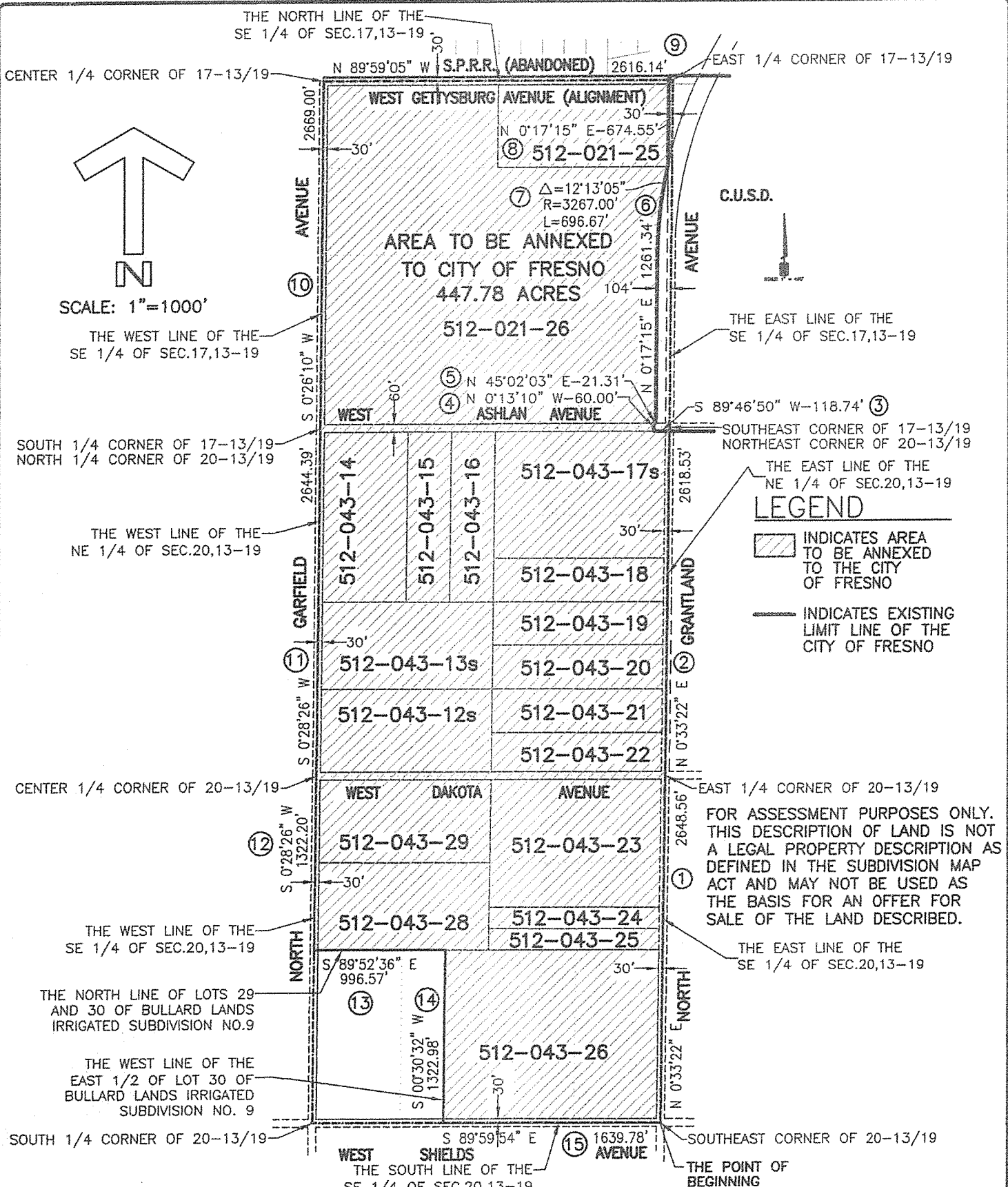
R-04-81

VICINITY MAP



LEGEND

- | | | |
|---------------------------------|--------------------------------|---|
| Subject Property | From AE-20 (County) to R-1/UGM | From AE-20 (County) to C-1/UGM |
| From AE-20 (County) to AE-5/UGM | From AE-20 (County) to R-2/UGM | <i>Additional approved</i>
<i>prezoned with other applications</i> |
| <i>R-04-81 (Approved)</i> | <i>R-07-008 (pending)</i> | |



PREPARED BY:
 GARY G. GIANNETTA
 1119 "S" STREET
 FRESNO, CA 93721
 559.264.3590

WESTLAKE COMMUNITY REORGANIZATION
 A PORTION OF SECTIONS 17 AND 20 IN TOWNSHIP 13 SOUTH, RANGE 19 EAST, MOUNT DIABLO BASE AND MERIDIAN
 TO BE ANNEXED TO THE CITY OF FRESNO AND DETACHED FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT

PREPARED:
 1-10-13
 REVISED:
 11-18-13

WESTLAKE COMMUNITY
ANNEXATION TO THE CITY OF FRESNO AND
DETACHEMENT FORM THE NORTH CENTRAL
FIRE PROTECTION DISTRICT AND
THE KINGS RIVER CONSERVATION DISTRICT
LEGAL DESCRIPTION

That portion of Sections 17 and 20 in Township 13 South, Range 19 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the Southeast corner of said Section 20;

thence (1) North $0^{\circ}33'22''$ East, along the East line of the Southeast Quarter of said Section 20, a distance of 2,648.56 feet to the East Quarter corner of said Section 20;

thence (2) North $0^{\circ}33'22''$ East, along the East line of the Northeast Quarter of said Section 20, a distance of 2,618.53 feet to a point on last said East line being 30.00 feet South of the Northeast corner of said Section 20, said point also on the existing limit line of the City of Fresno;

thence (3) South $89^{\circ}46'50''$ West, along the existing limit line of the City of Fresno, a distance of 118.74 feet;

thence (4) North $0^{\circ}13'10''$ West, along the existing limit line of the City of Fresno, a distance of 60.00 feet;

thence (5) North $45^{\circ}02'03''$ East, along the existing limit line of the City of Fresno, a distance of 21.31 feet;

thence (6) North $0^{\circ}17'15''$ East, parallel with and 104.00 feet West of the East line of the Southeast Quarter of said Section 17, also being along the existing limit line of the City of Fresno, a distance of 1,261.34 feet to the intersection with a tangent curve;

thence (7) Northeasterly along said tangent curve, concave to the Southeast, having a radius of 3,267.00 feet through a central angle of $12^{\circ}13'05''$, a distance of 696.67 feet along the existing limit line of the City of Fresno;

thence (8) North $0^{\circ}17'15''$ East, parallel with and 30.00 feet West of the East line of the Southeast Quarter of said Section 17, also being along the existing limit line of the City of Fresno, a distance of 674.55 feet;

thence (9) North 89°59'05" West, parallel with and 30.00 feet North of the North line of the Southeast Quarter of said Section 17, a distance of 2,616.14 feet;

thence (10) South 0°26'10" West, along the West line of the Southeast Quarter of said Section 17 and its Southerly prolongation, a distance of 2,669.00 feet to the South Quarter corner of said Section 17;

thence (11) South 0°28'26" West, along the West line of the Northeast Quarter of said Section 20, a distance of 2,644.39 feet to the center Quarter corner of said Section 20;

thence (12) South 0°28'26" West, along the West line of the Southeast Quarter of said Section 20, a distance of 1,322.20 feet to the intersection with the Westerly production of the North line of Lots 29 and 30 of Bullard Lands Irrigated Subdivision No. 9, according to the Map thereof recorded in Book 8, page 56 of Plats, Fresno County Records;

thence (13) South 89°52'36" East, along the North line of Lots 29 and 30 of said Bullard Lands Irrigated Subdivision No. 9, a distance of 996.57 feet to the intersection with the Northwest corner of the East Half of Lot 30 of said Bullard Lands Irrigated Subdivision No. 9;

thence (14) South 0°30'32" West, along the West line of the East Half of Lot 30 of said Bullard Lands Irrigated Subdivision No. 9, a distance of 1,322.98 feet to the intersection with the South Line of the Southeast Quarter of said Section 20;

thence (15) South 89°59'54" East, along the South line of the Southeast Quarter of said Section 20, a distance of 1,639.78 feet to the Point of Beginning.

Contains 447.78 acres more or less

Dated: January 10, 2013

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.