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

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**AGENDA ITEM No. 9**

**DATE:**       **March 5, 2008**

**TO:**           **Fresno Local Agency Formation Commission**

**FROM:**       **Rick Ballantyne, Executive Officer**

**SUBJECT:**   **Consider a Request for Reconsideration of Approval of the“McKinley-Brawley No. 4” Reorganization (Request for Reconsideration Filed by Dirk Poeschel, Land Development Services, Inc.).** A Reorganization to annex 41.89 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located at the northwest corner of W. McKinley and N. Brawley Avenues **(RO-07-24)**.

**Background**

At the January 9, 2008 meeting the Commission approved a reorganization request filed by the City of Fresno to annex 41.89 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located at the northwest corner of W. McKinley and N. Brawley Avenues. A copy of the Commission's Resolution approving this application is attached as Exhibit "A".

After the meeting, staff received a timely written request for reconsideration of the Commission's action by Dirk Poeschel, Land Development Services, Inc. who represents the subdivision developer. Mr. Poeschel asserts that new or different facts, not available at the hearing on January 9, 2008, and not disclosed to the Commission at that time of public hearing, came to light after the LAFCo hearing that warrant reconsideration of the Commission's prior action. A copy of Mr. Poeschel's original request for reconsideration is attached as Exhibit "B" and a second letter providing additional information in support of the reconsideration request is attached as Exhibit "C".

**The Reconsideration Process**

Requests for amendment or reconsideration of a Commission's Resolution making determinations are governed by Government Code Section 56895. When a Commission has adopted a resolution making determinations, any person or affected agency may file a written request with the Executive Officer requesting amendments to or reconsideration of such resolutions. A request for reconsideration must state the specific modification to the resolution being requested and what new or different facts that could not have been presented previously that are claimed to warrant the reconsideration.

Upon receipt of a timely request, the Executive Officer can not take any further action until the Commission acts on the reconsideration request. At its public meeting the Commission may approve or disapprove the request, with or without amendment, wholly, partially, or conditionally. If the Commission disapproves the request, it is not required to adopt a new resolution making determinations.

If the Commission approves the request, with or without amendment, wholly, partially, or conditionally, the Commission is required to adopt a resolution making determinations superseding the resolution previously issued. The determinations of the Commission are final and conclusive. No person or agency is allowed to make any further request for the same change or a substantially similar change, as determined by the Commission

### **Summary of Previous Actions**

The Commission on January 9, 2008, tentatively approved the McKinley-Brawley No. 4 Reorganization subject to conditions. Because the application did not contain consent to the reorganization by all property owners and registered voters residing within the affected territory, the Commission ordered that a protest hearing be scheduled. Staff indicated that because the affected territory contained 12 registered voters, that it was considered by State law to be an “inhabited” annexation and that if a majority of the registered voters residing within the affected territory were to file official protests, that the annexation action would be terminated.

At the Commission hearing, several persons owning property along N. Sonora Avenue within the westerly portion of the affected territory testified in opposition to the annexation. These individuals voiced concern related to the future use of their properties and the ability to maintain their farm animals. The City representative, Dave Braun, testified that the City had pre-zoned these properties to an R-A (Rural Agricultural) District and was in the process of creating an “overlay” zone district that would provide for a rural residential lifestyle.

At the meeting, staff reported that the County had recommended that the McKinley-Blythe No. 1 Reorganization (being currently processed and located directly to the west) be recorded prior to recordation of the subject reorganization. The County had indicated that such condition was necessary in order to avoid the potential creation of a substantially surrounded island and provide for squared-off boundaries. After the Commission considered such request and heard testimony from the proponents that indicated that the extension of public facilities (i.e. sewer and water lines) to properties to the west could be better accommodated by allowing his development to be constructed first, the Commission made necessary findings as instructed by LAFCo Counsel and the recordation condition was deleted (See Exhibit “A”).

### **Analysis and Discussion**

The developer’s representative is requesting that Resolution No. RO-07-24 making determinations and approving the Reorganization be reconsidered. The request for reconsideration lists two primary factors that they believe constitute “new and different facts” that could not have been presented at the January 9<sup>th</sup> hearing. The assumption is that if these new and different facts would have been known by the Commission at the hearing LAFCo may have made different determinations. The following facts have been set forth by Mr. Poeschel in support of his request:

1. *Until the LAFCo hearing of January 9, 2008, there was no definitive information relating to the level of objection to the proposed annexation. Had LAFCo amended the boundaries of the annexation prior to that hearing, it would have potentially violated the due process rights of those property owners. Subsequent communications with the property owners and residents of properties fronting on N. Sonora Avenue have reinforced the level of objection.*

Response: LAFCo Policy related to “inhabited” annexations require a neighborhood meeting be conducted prior to public hearing to review the proposal and answer neighbors questions related to the proposal. The applicant has stated that: “On February 22, 2007, I hosted a neighborhood meeting which several of those residents attended as well as Mr. David Braun from the City. The property owners in attendance generally did not want to be annexed into the City. The January 9<sup>th</sup> hearing made it clear to my client and I that the neighbors on N. Sonora Lane do not wish to have their property annexed to the City”. Staff believes that the opponents had made their positions clear prior to the public hearing and that such position does not constitute new information.

2. *Until the LAFCo Executive Officer, in response to an inquiry by my office, requested and received a determination from the LAFCo Counsel, was it known that the boundaries could not be modified after the LAFCo hearing date. Had this information been known by the LAFCo Executive Officer or my office, it could have been presented at the hearing. However, this determination was not made until after the hearing and, therefore, could not have been raised at the hearing.*

Response: Mr. Poeschel is correct in his statement that he did contact the LAFCo Office after the hearing and LAFCo Counsel did advise that such adjustment could not be made after the Commission’s action. Staff did not present such option at the meeting since to do so would not have been consistent with LAFCo Policies that discourage the creation of islands and peninsulas should the westerly portion of the affected territory be excluded.

The applicant has also raised the following points in support of his request:

- The N. Sonora Lane neighbors are opposed to annexation into the City. If they vote against the annexation at the March 5, 2008 hearing the Commission cannot release that property from the annexation boundary. This would result in significant economic hardship to my client in delays to his project not in his control.
- The property is within the City of Fresno Sphere of Influence and designated for urban development on the City of Fresno General Plan.
- As provided in the California Government Code, if the proposed annexation is terminated by a majority vote, a similar annexation may not be submitted for a period of two (2) years. This would result in undue financial hardship to the developer.
- If the proposed annexation fails, then the tract map cannot be completed which is contrary to the Goals, Policies, and Objectives of both the City of Fresno and Fresno County General Plans.
- If the annexation is terminated, the only timely alternative for development would be for the developer to request permission to process the tract map in the County to City standards. Such a process would result in substantial additional costs in preparing the map to County standards, processing fees, and substantial delays.

The Commission is required to consider the points raised by the proponents and consider whether or not new information has been presented that was not available for consideration during the public hearing. Pursuant to Government Code § 56895(a) a request for reconsideration must state the specific modification(s) to the resolution(s) being requested, and what new or different facts that could not have been presented previously that are claimed to warrant the reconsideration.

While staff is sympathetic to the applicant's position and his desire to move forward with his project, staff does not believe sufficient justification has been provided in the form of new information not considered previously. The Commission during its public hearing considered testimony from neighbors who voiced opposition and the proponents did not request at any time during the hearing process that the rural residential neighborhood to the west not be included within the proposal.

**Recommendation:** Disapprove the request. If the Commission believes that the proponents have raised new or different facts that could not have been considered by your Commission at its January 9, 2008 hearing, and desire to amend the reorganization proposal by deleting the westerly portion, staff would recommend that you continue the item to allow affected agencies the ability to review and comment upon the new proposal.

Should the Commission determine to disapprove the request; a protest hearing will be scheduled for April 9, 2008.

RESOLUTION NO. RO-07-24

FRESNO LOCAL AGENCY FORMATION COMMISSION  
FRESNO COUNTY, CALIFORNIA

In the Matter of:

LAFCo Determination:

A REQUEST BY THE CITY OF FRESNO )  
FOR APPROVAL OF THE "MCKINLEY-- )  
BRAWLEY NO. 4 REORGANIZATION" )

APPROVED WITH CONDITIONS

**WHEREAS**, reorganization proceedings were initiated by the City of Fresno to annex 41.89 acres of territory to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located at the northwest corner of W. McKinley and N. Brawley Avenues; and

**WHEREAS**, an application was submitted to this Commission by the City of Fresno as required by State Law, and the application for said proposed reorganization was accepted for filing by the Executive Officer and set for hearing on the 9<sup>th</sup> day of January, 2008, at the hour of 1:30 p.m.; and

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

**WHEREAS**, the North Central Fire Protection District and the City of Fresno have a transition agreement in full force and effect that applies to fire protection services within the affected territory on file with the Commission; and

**WHEREAS**, a Master Property Tax Sharing Agreement exists between the City of Fresno and the County of Fresno, the responsible local agencies for the exchange of property tax revenues covering this reorganization; and

**WHEREAS**, the County of Fresno submitted a letter to this Commission stating that the County has determined that the proposed annexation of the affected territory to the City of Fresno is consistent with the Master Property Tax Sharing Agreement; and

**WHEREAS**, the Executive Officer reviewed the application and prepared a report to this Commission, including a recommendation for approval upon certain conditions, said report having been mailed at least five days before the public hearing; and

**WHEREAS**, said report was duly considered by this Commission pursuant to State Law; and

**WHEREAS**, this Commission reviewed and considered the information in the Master Environmental Impact Report (MEIR) No. 10130, prepared and certified for the 2025 Fresno General Plan by the Lead Agency, the City of Fresno, which was included in the Executive Officer's report to this Commission; and

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

**WHEREAS**, the annexation of the subject territory without annexing property located immediately adjacent to the west of the subject territory (contained in the proposed McKinley-Blythe No. 1 Reorganization) will result in the adjacent territory being "substantially surrounded" by the City of Fresno; and

**WHEREAS**, "substantially surrounded" territory is defined in the LAFCo Policies, Standards, and Procedures Manual Section 005 as either (a) at least three sides contiguous with city boundaries; or (b) at least 75% of the property's perimeter is contiguous with city boundaries; and

**WHEREAS**, the County of Fresno requested that the Commission condition the annexation of the subject territory on the certificate of recordation of the McKinley-Blythe No. 1 Reorganization; and

**WHEREAS**, the representative for the developer, Mr. Dirk Poeschel, requested that the Commission not impose the condition recommended by the County of Fresno because the land owner and/or developer of the subject territory would have no ability to ensure that the McKinley-Blythe No. 1 Reorganization be completed, and as a result, the annexation of the subject territory could be delayed; and

**WHEREAS**, LAFCo Counsel stated that LAFCo laws and policies disfavor the creation of substantially surrounded territories, which may result in an island of unincorporated territory; and

**WHEREAS**, LAFCo Counsel advised the Commission that in order to comply with the LAFCo Policies, Standards, and Procedures Manual it would be advisable to make a finding as required by Government Code Section 56375(m) that, in order to waive restrictions on islands as per Government Code Section 56744, the Commission should make the determination that the annexation of the subject territory is necessary to promote orderly development, and that the annexation of the adjoining territory cannot, at this time, be reasonably annexed to the City of Fresno; and

**WHEREAS**, the representative for the developer, Mr. Poeschel, did provide evidence in support of the requested exception stating that the extension of public utilities to his property from existing lines to the north would make future extensions to serve the Ennis property to the west (McKinley-Blythe No. 1 Reorganization) more orderly; and

**WHEREAS**, the Commission was informed by the City of Fresno that, while the application by resolution for the McKinley-Blythe No. 1 Reorganization was not ready to be submitted to LAFCo, the City anticipated the application for annexation shall be submitted to the Commission within the next few months; and

**WHEREAS**, this Commission did consider the request for waiver of the condition and found that requiring recordation of the McKinley-Blythe No. 1 Reorganization prior to recordation of the subject proposal would be detrimental to orderly development.

**NOW, THEREFORE, BE IT RESOLVED** that the Fresno Local Agency Formation Commission does **HEREBY STATE, FIND, RESOLVE, DETERMINE, AND ORDER** as follows:

**Section #1.** Acting as a Responsible Agency under CEQA Guidelines, this Commission considered the information in the Initial Study and the Finding of Conformity with the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130) prepared for this Proposal by the City of Fresno prior to making its determination and finds as follows:

1. The subsequent Proposal is within the scope of the (overall) project covered by the MEIR prepared and certified for the 2025 Fresno General Plan.
2. The proposed Proposal will have no additional significant effect, as defined by subdivision (d) of Section 21158 of the Public Resources Code, on the environment that was not identified in the MEIR.
3. No new or additional mitigation measures or alternatives are required in order to avoid or mitigate a significant environmental effect (CEQA Section 15177).
4. The Lead Agency's Initial Study and "Finding of Conformity with the MEIR" were prepared in accordance with the requirements of CEQA Guidelines and are consistent with State law.
5. The City's environmental documents and findings prepared for this Proposal are determined to be legally adequate pursuant to CEQA Guidelines Section 15096.

**Section #2.** This Commission finds that the proposed reorganization is consistent with LAFCo Policies, Standards and Procedures Section 210 - Standards for Annexation to Cities and Urban Service Districts (01-10), and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

**Section #3.** This Commission assigns the distinctive short form designation "McKinley-Brawley No. 4 Reorganization" and approves 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. Satisfactory verification that the City has accepted a final tract map shall be submitted to the Executive Officer prior to completion (recordation) of the annexation.
3. Ownership of land permitting, the reorganization shall include the full existing right-of-way width of adjacent streets.

**Section #4.** This Commission finds and determines that the annexation of the subject territory is necessary to promote orderly development, and that the annexation of the adjoining territory to the West cannot, at this time, be reasonably annexed to the City of Fresno.

**Section #5.** This Commission finds and determines pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 that:

1. The territory is inhabited.
2. All landowners have not consented to the Reorganization in writing.

**Section #6.** This Commission directs staff to set a protest hearing pursuant to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 57000 et seq.).

**Section #7.** This Commission's actions approving this proposal shall expire one year from the date of this Resolution unless all proceedings are complete, including compliance with all conditions of approval, terms and conditions, and the issuance of a Certificate of Completion by the Executive Officer.

**Section #8.** The Executive Officer is hereby authorized and directed to mail certified 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.

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**ADOPTED THIS 9<sup>TH</sup> DAY OF JANUARY, 2008, BY THE FOLLOWING VOTE:**

**AYES: Commissioners Anderson, Rodriguez, Fortune and Lopez**


**NOES Commissioner Perea**

**ABSENT: None**

STATE OF CALIFORNIA)  
COUNTY OF FRESNO )

**CERTIFICATION**

I, Victor Lopez, Chairman 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 9<sup>th</sup> day of January, 2008.







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Victor Lopez, Chairman  
Fresno Local Agency Formation Commission

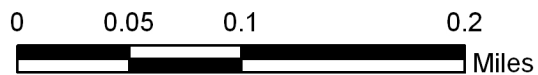
# EXHIBIT "A"



## Legend

-  City Limits
-  Affected Territory
-  Proposed McKinley-Blythe

City of Fresno "McKinley-Brawley  
No. 4 Reorganization"  
LAFCo File No. RO-07-24



DIRK POESCHEL

Land Development Services, Inc.

923 Van Ness Avenue, Suite 200 • Fresno, California 93721

559/445-0374 • FAX: 559/445-0551 • email: dpoeschel@dplds.com

February 4, 2008  
Hand Delivered

Mr. Rick Ballantyne  
Executive Officer  
LAFCo  
2115 Kern St., Suite 310  
Fresno, CA 93721



SUBJECT: Request to Reconsider T-5587 LAFCO Annexation R-07-24 - McKinley-Brawley No. 4

Dear Mr. Ballantyne:

As you know the subject annexation was heard by the LAFCO Board on Wednesday, January 9, 2008. The project annexation boundary was determined by the County of Fresno, City of Fresno and LAFCo at a meeting on October 6, 2006. The boundary includes eight rural residential homes on N. Sonora Lane and one rural residential home with access onto W. McKinley Avenue.

On February 22, 2007 I hosted a neighborhood meeting which several of those residents attended as well as Mr. David Braun from the city. They property owners in attendance generally did not want to be annexed into the city. The January 9, 2007 hearing made it clear to my client and I that the neighbors on N. Sonora Lane do not wish to have their property annexed to the city. I sent the attached January 22, 2008 letter to the neighbors who are included in the proposed annexation boundary with a copy of the City of Fresno text amendment No. TA-07-02 the "ANX" Annexed Rural Residential Overlay District. The N. Sonora Lane neighbors are opposed to annexation into the city. If they vote against the annexation at the March 5, 2008 hearing the commission cannot release that property from the annexation boundary. This would result in significant economic hardship to my client in delays to his project not in his control.

Therefore, pursuant to Section 6, Article 3 of The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, my client is requesting reconsidering of the resolution to eliminate assessor's parcel numbers 312-082-17, 18, 21, 30, 31, 32, 33, 34 and 35, from the proposed annexation area or to create an agreement to allow TTM 5587

Mr. Rick Ballantyne  
February 4, 2008  
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to develop their property in the County of Fresno to the City of Fresno building standards. The six property owners to the east of the N. Sonora Lane development including Mr. David Dyck support the proposed annexation.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Dirk Poeschel". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right.

Dirk Poeschel, AICP

Enclosures

c: Mr. Andrew T. Souza w/enclosures  
Mr. Bart Bohn w/enclosures  
Mr. William M. Kettler w/enclosures  
Mr. David Braun w/enclosures  
Mr. David Dyck w/enclosures

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January 22, 2008

**SCANNED**  
1-31-08**SUBJECT:** Tentative Tract Map 5587 – City of Fresno Annexation

Dear Neighbor:

As you know my firm is working with Artel Farms on a proposed development of 11.35+/- acres on the northwest corner of W. McKinley and N. Brawley Avenues in Fresno. Artel Farms has submitted and received approval of Tract Map No. 5587 from the City of Fresno for a 52 lot subdivision. They have also submitted an annexation request to LAFCO. As required by both Fresno County and the City of Fresno, your property is included within the boundaries of the proposed annexation area.

Your property is located in Fresno County within the City of Fresno Sphere of Influence. The County of Fresno and the City of Fresno plans intend for your property to be annexed into the City of Fresno.

The City of Fresno has proposed an amendment to their zoning ordinance to create an overlay district that is intended to protect existing Rural Residential land uses such as yours when the property is annexed to the city. The ordinance will allow permitted existing rural residential land uses to continue until the time that the property is further developed in accordance with the Fresno 2025 General Plan. If a parcel does not change uses, the existing uses may remain. As long as the uses you have established as Rural Residential continue you have the right to stay as you are.

The zoning ordinance text amendment was approved by the city planning commission on December 19, 2007. The city council will hear the item on February 26, 2008. A copy of the staff report to the Planning Commission is enclosed for your review. I encourage you to read the report so that you can be assured that any legal uses that you now enjoy on your property will continue after annexation.

Upon annexation you may, if you wish, connect to the water service that will be brought closer to your homes. Fire insurance rates will likely decrease due to the improved proximity to fire hydrants.

If you have any questions, please feel free to contact me.

Sincerely,



Dirk Poeschel, AICP

Enclosure

c: Mr. David Dyck  
Mr. Dave Braun via E-mail  
Mr. William Kettler via E-mail  
Councilman Blong Xiong

**DIRK POESCHEL***Land Development Services, Inc.*

923 Van Ness Avenue, Suite 200 • Fresno, California 93721

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February 6, 2008  
Hand Delivered

Mr. Rick Ballantyne  
Executive Officer  
LAFCo  
2115 Kern St., Suite 310  
Fresno, CA 93721



SUBJECT: Request for Reconsideration – Fresno LAFCo Annexation R-07-24 -  
McKinley-Brawley No. 4

Dear Mr. Ballantyne:

Per our recent discussions, I am offering the following additional information in support of the request that has been filed for reconsideration of the LAFCo decision regarding application R-07-04 (McKinley-Brawley No. 4).

On Wednesday January 9, 2008 the Fresno Local Agency Commission (LAFCo) held a public hearing regarding application R-07-04. This application was originally filed to allow the annexation of property within Tentative Tract Map 5587 (TTM 5587), which was previously approved by the City of Fresno. However, the boundary proposal considered by LAFCo included several properties that were not related to TTM.

The developer of TTM 5587 and the property owners east and north of TTM 5587 support the annexation. However, it appears that many, if not all, of the eight (8) property owners immediately west of TTM 5587 (with homes fronting on N. Sonora Ave.) that are within the proposed annexation boundary, do not support the annexation. Moreover, the inclusion of the properties fronting on N. Sonora Ave. within the annexation boundary results in the proposed annexation being subject to the rules of an "inhabited annexation".

In the course of the LAFCo public hearing, property owners fronting on N. Sonora Ave. appeared before LAFCo to express their objection to the proposed annexation boundary. Nonetheless, at the conclusion of the January 9, 2008 hearing LAFCo approved the proposed annexation boundary that included the area of TTM 5587, as well as properties to the east, north and west (those fronting on N. Sonora Ave.).

Prior and subsequent to the LAFCo hearing, both the developer of TTM 5587 and I met and communicated with, several of the property owners and residents of property located on N. Sonora Ave. As shown from the testimony at the LAFCo hearing, and the

Mr. Rick Ballantyne

February 6, 2008

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responses we have received to our communications, it appears that many if not all of those property owners and residents do not support the proposed annexation boundary. The applicant and I spoke to the opponents after the hearing. They were clear that they simply do not want to be annexed.

As provided in California Government Code §56895 (Chapter 6, Article 3 of the *Guide to the Cortese-Knox Hertzberg Local Government Reorganization Act of 2000*) I filed a request for LAFCo reconsideration of this item on February 4, 2008. The bases for the request are as follows:

- Until the LAFCo hearing of January 4, 2008 there was no definitive information relating to the level of objection to the proposed annexation. Had LAFCo amended the boundaries of the annexation prior to that hearing, it would have potentially violated the due process rights of those property owners. Subsequent communications with the property owners and residents of properties fronting on N. Sonora Ave. have reinforced the level of objection.
- Until the LAFCo executive officer, in response to an inquiry by my office, requested and received a determination from the LAFCo counsel, was it known that the boundaries could not be modified after the LAFCo hearing date. Had this information been known by the LAFCo executive officer or my office, it could have been presented at the hearing. However, this determination was not made until after the hearing and, therefore, could not have been raised at the hearing.

When considering this request it is appropriate to note the following:

- The property within the boundaries of TTM 5587 and those that support the annexation (north and west of TTM 5587) are within the City of Fresno SOI and are designated for urban development by the City of Fresno General Plan.
- The City of Fresno has approved TTM 5587 subject to its annexation to the City of Fresno.
- As provided in California Government Code §50790(a), if the proposed annexation is terminated by a majority vote, a similar annexation may not be submitted for a period of two (2) years. This would result in undue financial hardship to the developer of TTM 5587.
- If the proposed annexation fails, then TTM 5587 cannot be completed which is contrary to the Goals, Policies and Objectives of both the City of Fresno and Fresno County General Plans relating to urban development.
- If the annexation is terminated, the only timely alternative for development would be for the developer to request permission to process TTM 5587 in the unincorporated portion of the county to City of Fresno development standards. However, if granted, such a process would result in substantial additional costs in preparing the map to County standards, processing fees and substantial delays.

Mr. Rick Ballantyne

February 6, 2008

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Based on the foregoing, we are requesting that LAFCo reconsider annexation application R-07-24 to revise the boundaries of the proposed annexation. Such revision would remove those parcels fronting on N. Sonora Ave. (APN 312-082-18, 21, 30, 31, 32, 33, 34 and 35) from the annexation boundary. All other provisions of the annexation proposal would remain in place.

Both my client and I appreciate your consideration of this request and look forward to it being heard at the earliest possible LAFCo hearing. Please feel free to contact me if you have any questions.

Sincerely,



Dirk Poeschel, AICP

Enclosure (Check No. 1040 Reconsideration Fee)

c: Mr. David Dyck  
Mr. Andrew T. Souza  
Mr. Bart Bohn  
Mr. William M. Kettler  
Mr. David Braun