

RO-81-27

"Herndon-Blythe #4"

City of Fresno

LAFCO PROCEDURE CHECK LIST

RO-81-27
File Number

Alexander - Blythe #4
Name

City of Fresno
Proponent

City
Lead Agency for CEQA

North Central, KRED
Affected Agency(s)

Reg. Dec.
Environmental Determination

June 5, 1981
Date Received in office

Hearing/Presentation Date

SOI Revision Needed

Commission Action

	Date	Mailed	Returned
1. Environmental Assessment Requested	_____	_____	_____
2. Environmental Document Filed	_____	_____	_____
3. Application File Completed - Checked by Executive Officer	_____	_____	_____
Requested Additional Information from Proponent		6-30	_____
4. Request for Information: <i>1 of 8 - 6-12</i>			
<i>Res. & Develop.</i>		6-15	7-24
Assessor		6-15	7-21
Public Works		6-15	7-28
Planning		6-15	_____
Health		6-15	6-24
Elections		6-15	6-22
County Administrative Office		6-15	7-2
School District <i>FRESNO UNIFIED, HEARNON, TEAGUE,</i>		6-15	7-17
Affected Districts <i>& CENTRAL</i>		6-15	6-24
<i>Disposal Unit</i>		6-15	6-25
Soil Conservation Service		6-15	_____
Other <i>LAUDONIA FILE INSTITUTE: RON KLAMA</i>		6-15	6-20
_____		6-15	_____
5. Petition Certificate Verified (unless by resolution)	_____	_____	_____
6. Application Set for Hearing	7-31	_____	_____
7. Certificate of Filing Sent	8-4	_____	_____
8. Notices Mailed, Posted, Published (unless 100% consent)	8-10	_____	_____
9. Executive Officer's Report Mailed	_____	_____	_____
10. LAFCO Resolutions Mailed	_____	_____	_____
11. Notice of Determination Filed	_____	_____	_____
12. Notice of Completion Prepared	_____	_____	_____
13. Statement of Boundary Change Mailed	_____	_____	_____
14. County Recorder - Time, date & Document	11:05	12-29	113370 113371
15. Effective Notices Mailed	1-13-82	3-7-82	11-47



WILLIAM C. GREENWOOD
ASSESSOR

COUNTY OF FRESNO
OFFICE OF THE ASSESSOR
ROOM 201, HALL OF RECORDS
P.O. BOX 1146
FRESNO, CALIFORNIA 93715
(209) 488-3534

CARL FALCO
ASSISTANT ASSESSOR

January 11, 1982

Local Agency Formation Commission
4499 E. Kings Canyon Road
Fresno, California 93702

Attention: Marvin Panter
Executive Officer

Re: 1982 Assessment Roll #101

Dear Mr. Panter:

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: December 29, 1981

City/District: Fresno/ N-C Fire/ Ord./Reso. # 81-506
KRCO

Subject: "Herndon - Blythe #4" Reorganization

Yours very truly,

WILLIAM C. GREENWOOD
COUNTY ASSESSOR

Cyndi
Edgar Inke
Cadastral Mapping Supervisor

EI:cg



STATE BOARD OF EQUALIZATION

TAX AREA SERVICES SECTION

1823 14TH STREET, ROOM 201, SACRAMENTO, CALIFORNIA
(P.O. BOX 1713, SACRAMENTO, CALIFORNIA 95808)



GEORGE R. REILLY
First District, San Francisco
ERNEST J. DRONENBURG, JR.
Second District, San Diego
WILLIAM M. BENNETT
Third District, Kentfield
RICHARD NEVINS
Fourth District, Pasadena
KENNETH CORY
Controller, Sacramento
DOUGLAS D. BELL
Executive Secretary

Mr. Martin L. Panter
Executive Officer
Fresno County LAFCO
2220 Tulare Street - 8th Floor
Fresno, California 93721

January 5, 1982

Rec. 1-4-82

Dear Mr. Panter:

This is to acknowledge receipt of the statement(s), required by Section 54900, et seq., of the Government Code by which ~~Meriden-Blythe #4 Reorganization annexed territory to the City of Fresno and detached same from North Central Fire Protection District and Kings River Conservation District by Resolution No. 81-506.~~

The 1982 Board roll will reflect the action evidenced by the above statement(s) unless one or more of the statements are found to be inadequate. If a statement is found to be inadequate or its validity for assessment or taxation purposes is questioned, we will bring such a situation to your attention. The existence of any minor deficiencies in the statement is noted below.

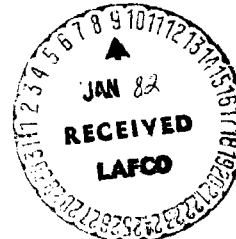
Sincerely yours,

Ray N. Jansen
Cadastral Management Analyst
Tax Area Services
Valuation Division

cc:

- County Assessor
- SBE Dept. Bus. Taxes
- Dept. of Education
- Dept. of Finance
- County Auditor

••





January 13, 1982

**Local Agency
Formation Commission**

**Marvin L. Panter
Executive Officer**

**TO: City of Fresno
Affected Districts
Secretary of State**

**FROM: Marvin L. Panter
LAFCO Executive Officer**

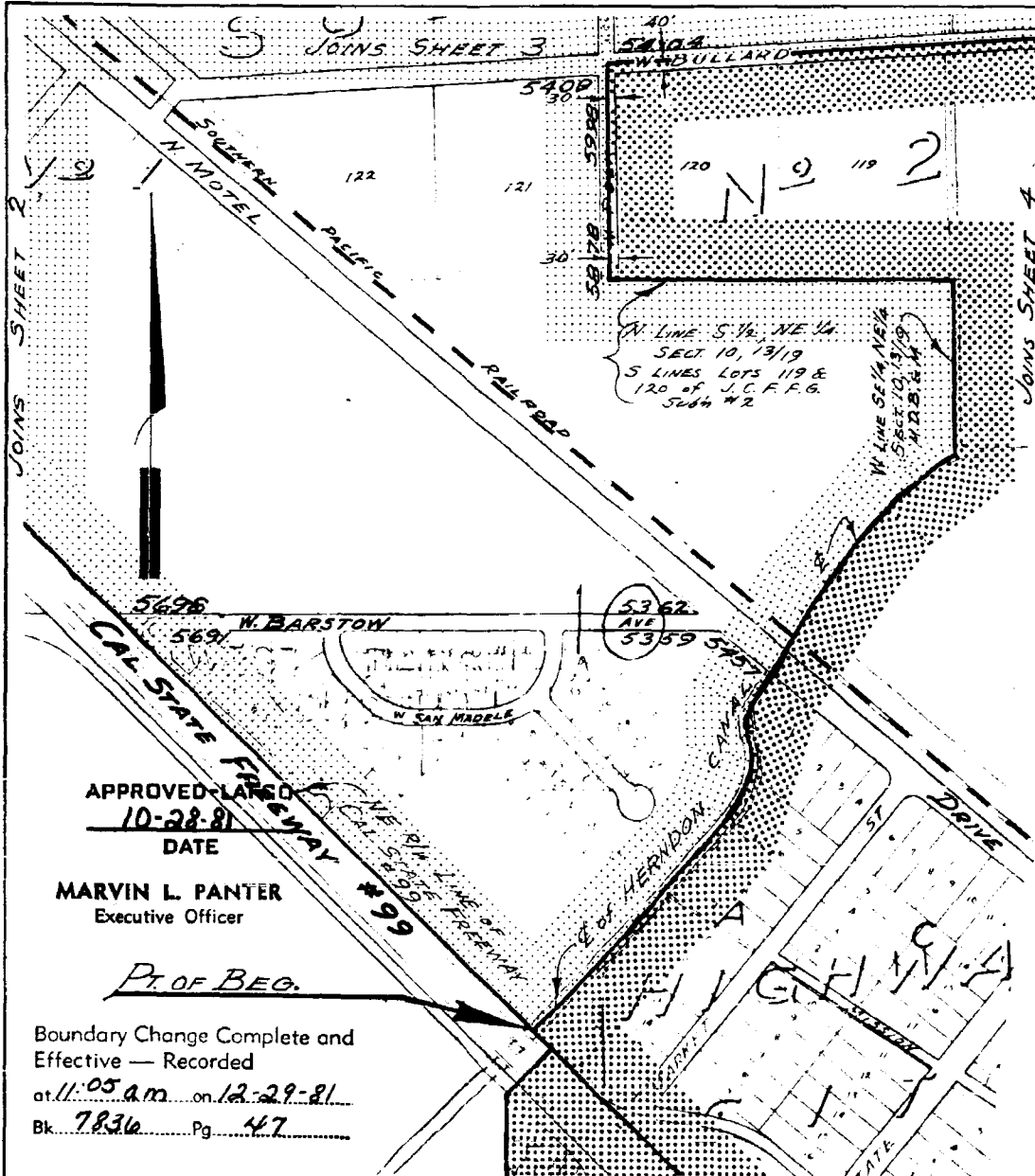
SUBJECT: Herndon-Blythe #4 Reorganization

All required findings for the subject change have been made. The annexation was effective on December 29, 1981.

A map of the change is attached.

MLP:kf

Attachment



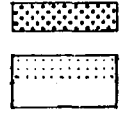
APPROVED-LAND
 10-28-81
 DATE

MARVIN L. PANTER
 Executive Officer

Pt. of Beg.

Boundary Change Complete and
 Effective — Recorded
 at 11:05 a.m. on 12-29-81
 Bk. 7836 Pg. 47

-LEGEND-



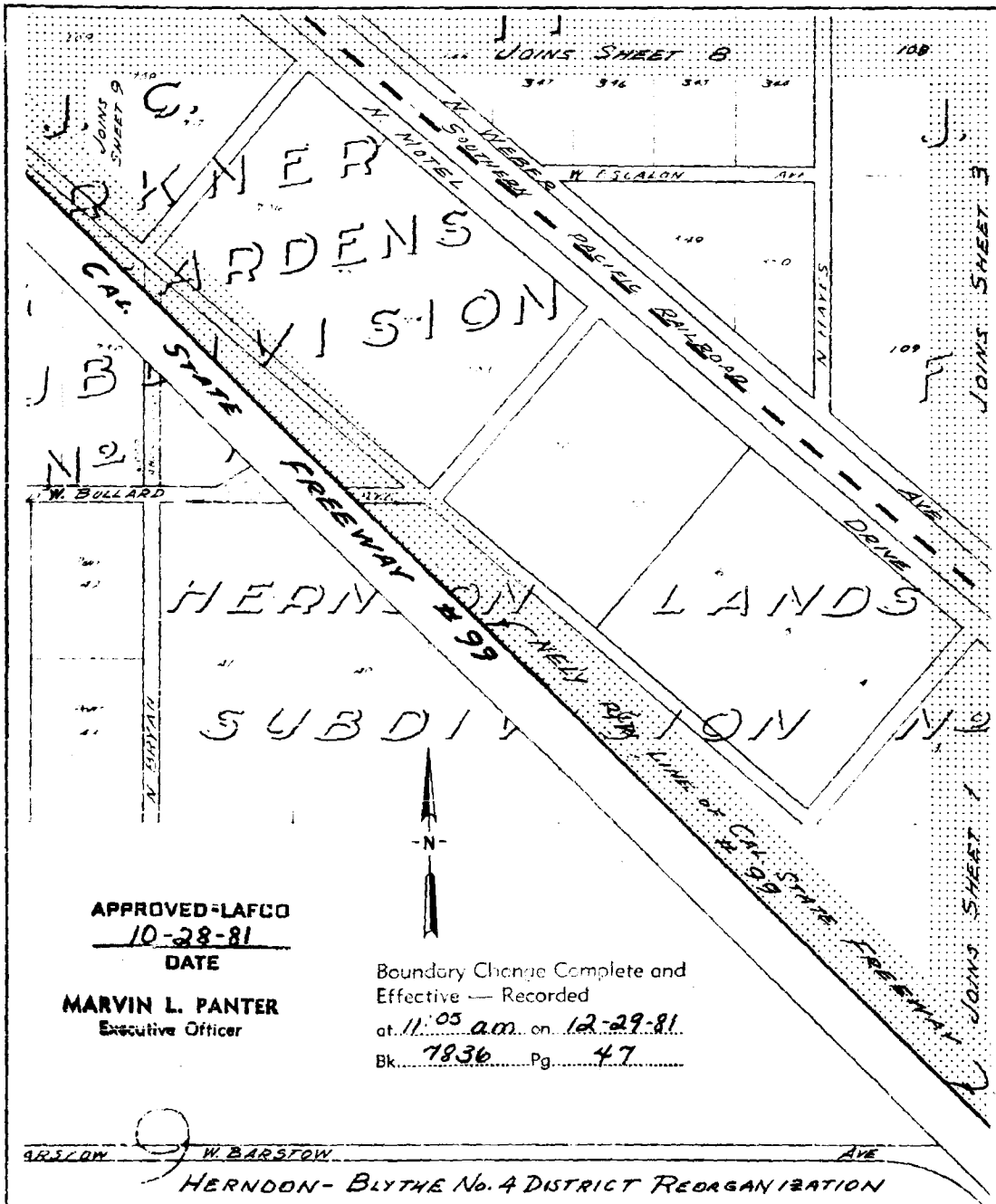
EXISTING CITY AREA

AREA TO BE DETACHED FROM THE NORTH CENTRAL FIRE PRO-
 TECTION DISTRICT AND THE KINGS RIVER CONSERVATION
 DISTRICT, AND ANNEXED TO THE CITY OF FRESNO

HERNDON-BLYTHE No. 4
 DISTRICT REORGANIZATION

ADDED ADDRESS SYSTEM SHEET 1 OF 12 SHEETS

Res. No. 81-506 ADOPTED 12-15-81		FILE No. 2088
Portions of Sections 27,28,33 and 34, T.12S., R.19E., M.D.B.&M.; Portions of Sections 2,3,4,9,10 and 11, T.13S., R.19E., M.D.B.&M.; together with those certain Subdivisions and portions of certain Subdivisions, lying within the aforementioned Sections.		ANNEX No. 1004
lo-81-27		ACRES= 2700±
ALLOCATED TO COUNCIL DISTRICT NO. AS PER COUNCIL DISTRICT MAP DATED 10-24-78		COUNCIL DISTRICT No.
		DR AY: TWB DATE: Aug. 1982 SCALE: 1"=500'
		6-A-1118



APPROVED - LAFCO
10-28-81
 DATE

MARVIN L. PANTER
 Executive Officer

Boundary Change Complete and
 Effective - Recorded
 at 11:05 a.m. on 12-29-81
 Bk. 7836 Pg. 47

W. BULLARD W. BARSTOW AVE
 HERNDON - BLYTHE No. 4 DISTRICT REORGANIZATION

LEGEND SHOWN ON SHEET 1

SHEET 2 OF 12 SHEETS

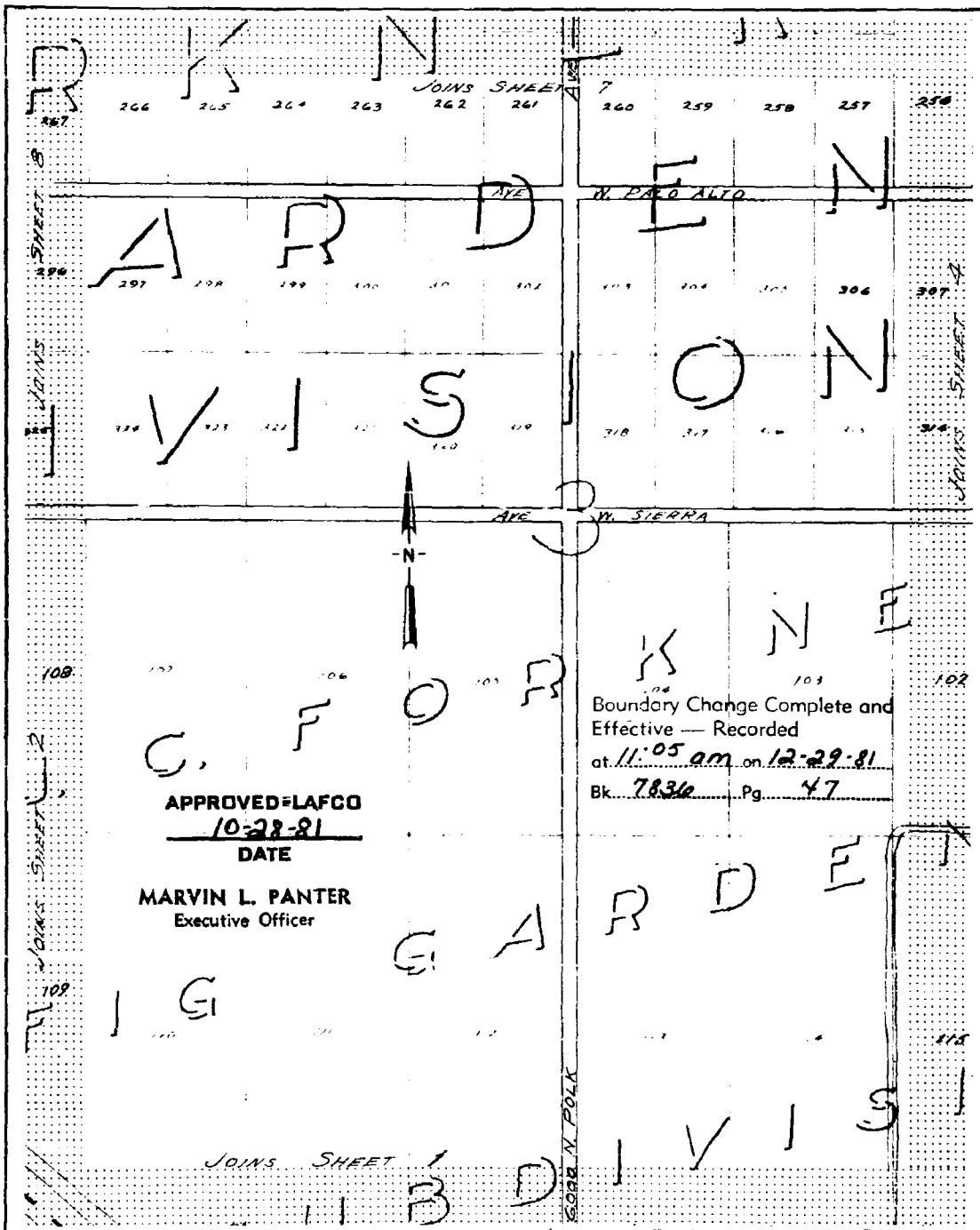
Portions of Sections 27, 28, 33 and 34, T.12S., R.19E.,
 M.D.B.&M.; Portions of Sections 2, 3, 4, 9, 10 and 11,
 T.13S., R.19E., M.D.B.&M.; together with those certain
 Subdivisions and portions of certain Subdivisions, lying
 within the aforementioned Sections.

FILE No. 2088
 ANNEX No. _____
 ACRES = 2700±
 COUNCIL DISTRICT No. _____

ALLOCATED TO COUNCIL DISTRICT NO. _____ AS PER COUNCIL
 DISTRICT MAP DATED 10-24-78

DR. BY: ZWB
 DATE: 1/16/1982
 SCALE: _____

6-A-1112



Boundary Change Complete and
 Effective — Recorded
 at 11:05 am on 12-29-81
 Bk. 7836 Pg. 47

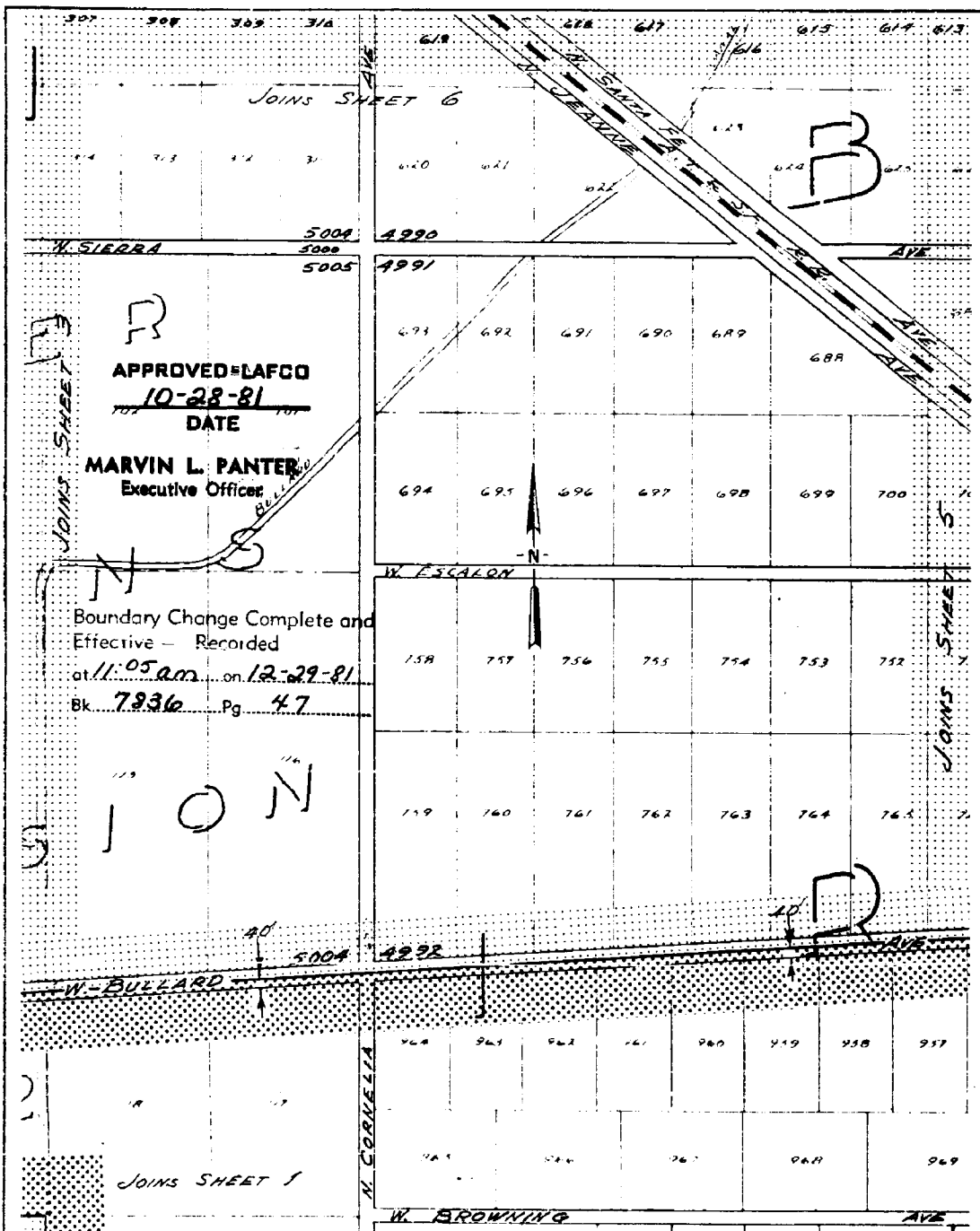
APPROVED=LAFCO
10-28-81
 DATE

MARVIN L. PANTER
 Executive Officer

LEGEND SHOWN ON SHEET 1

HERNDON - DISTRICT NO. 4 DISTRICT REORGANIZATION
 SHEET 3 OF 12 SHEETS

<p>Portions of Sections 27,28,33 and 34, T.12S., R.19E., M.D.B.&M.; Portions of Sections 2,3,4,9,10 and 11, T.13S., R.19E., M.D.B.&M.; together with those certain Subdivisions and portions of certain Subdivisions, lying within the aforementioned Sections.</p>	<p>FILE No. <u>2088</u> ANNEX No. _____ ACRES= <u>2700±</u> COUNCIL DISTRICT No. _____</p>
<p>ALLOCATED TO COUNCIL DISTRICT NO. _____ AS PER COUNCIL DISTRICT MAP DATED 10-24-78</p>	<p>DR. BY: <u>TWB</u> DATE: <u>AUG. 1980</u> SCALE: <u>1" = 500'</u> <u>6-A-1118</u></p>



APPROVED-LAFCO
10-28-81
 DATE

MARVIN L. PANTER
 Executive Officer

Boundary Change Complete and
 Effective - Recorded
 at 11:05 am on 12-29-81
 Bk. 7936 Pg. 47

ION

LEGEND SHOWN ON SHEET 1

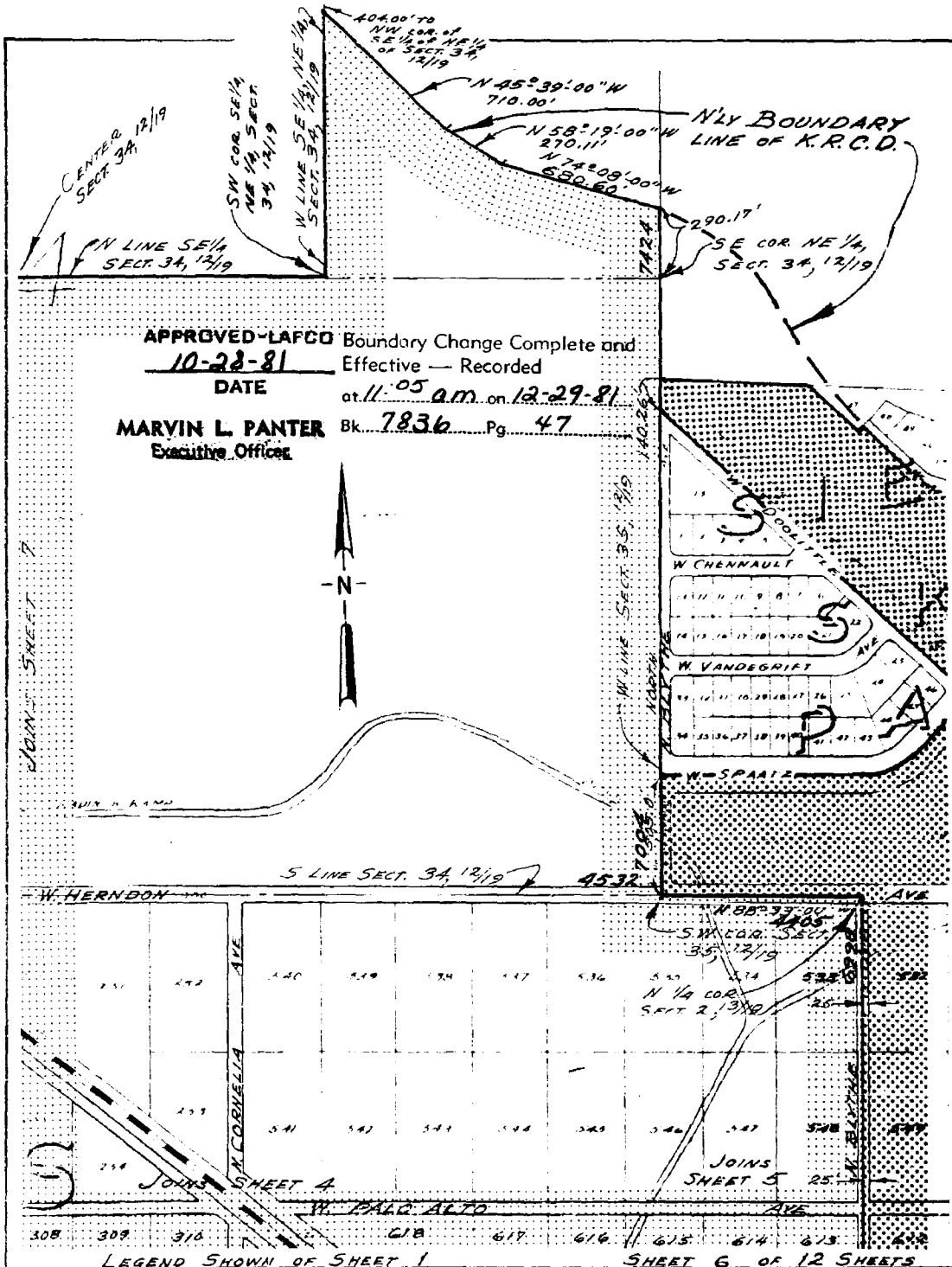
HERNDON-BRYTHE No. 4 DISTRICT REORGANIZATION
 SHEET 4 OF 12 SHEETS

Portions of Sections 27,28,33 and 34, T.12S., R.19E.,
 M.D.B.&M.; Portions of Sections 2,3,4,9,10 and 11,
 T.13S., R.19E., M.D.B.&M.; together with those certain
 Subdivisions and portions of certain Subdivisions, lying
 within the aforementioned Sections.

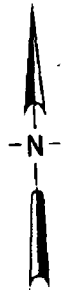
FILE No. 2088
 ANNEX No. _____
 ACRES = 2700 ±
 COUNCIL DISTRICT No. _____

ALLOCATED TO COUNCIL DISTRICT NO. _____ AS PER COUNCIL
 DISTRICT MAP DATED 10-24-78

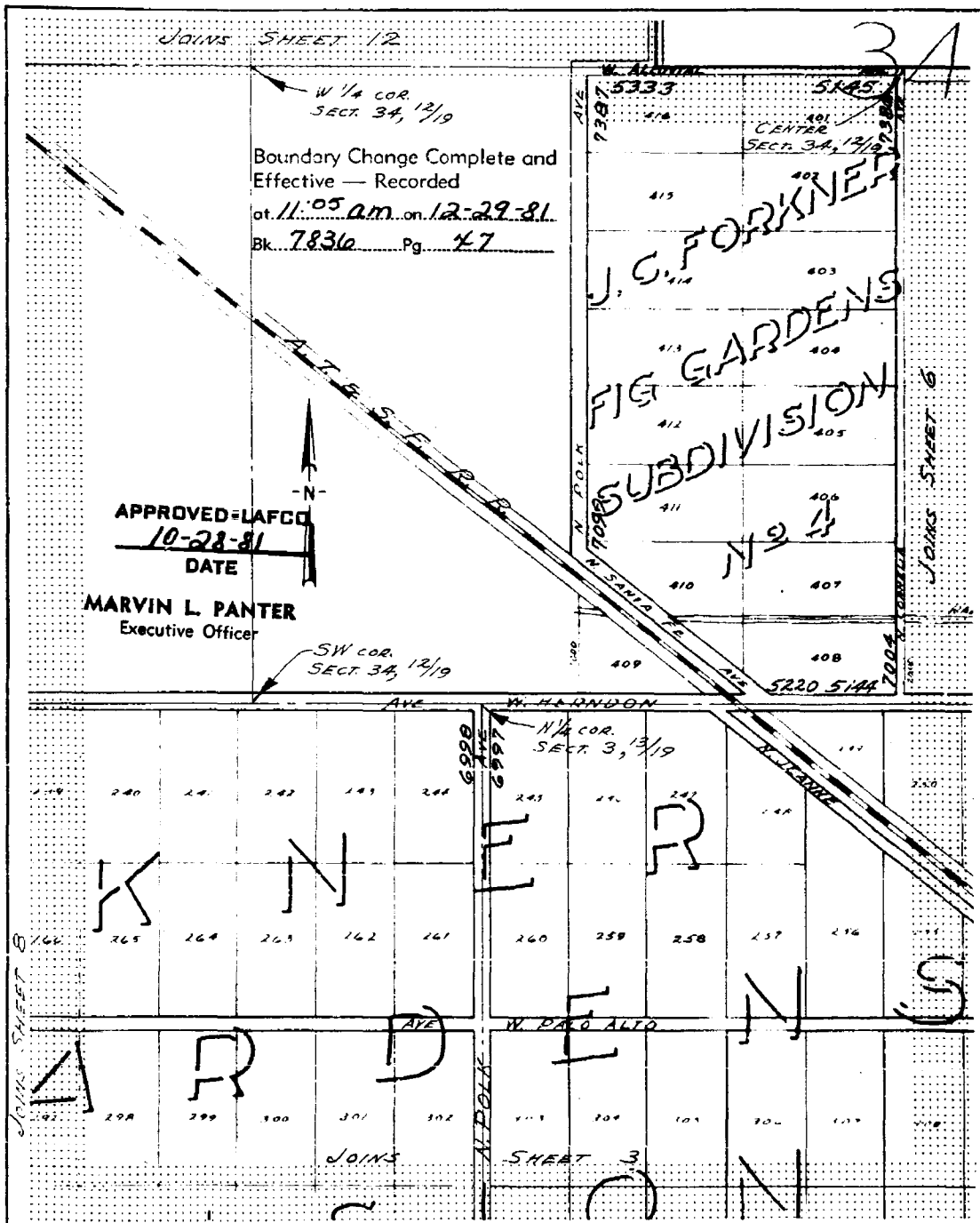
DR. BY: TFB
 DATE: Aug 1980
 SCALE: 1" = 500' **6-A-1118**



APPROVED-LAFCO Boundary Change Complete and
10-28-81 Effective — Recorded
 DATE at 11:05 a.m. on 12-29-81
MARVIN L. PANTER Bk. 7836 Pg. 47
 Executive Officer



HERNDON-BLYTHE No. 4 DISTRICT REORGANIZATION		FILE No. 2088
Portions of Sections 27, 28, 33 and 34, T.12S., R.19E., M.D.B.&M.; Portions of Sections 2, 3, 4, 9, 10 and 11, T.13S., R.19E., M.D.B.&M.; together with those certain subdivisions and portions of certain subdivisions, lying within the aforementioned Sections.		ANNEX No. _____
ALLOCATED TO COUNCIL DISTRICT NO. _____ AS PER COUNCIL DISTRICT MAP DATED 10-24-78		ACRES = 2700 ±
		COUNCIL DISTRICT No. _____
		DR. BY: <u>INB</u>
		DATE: <u>Aug. 1980</u>
		SCALE: <u>1" = 500'</u>
		6-A-1118



LEGEND SHOWN ON SHEET 1 HERNDON-BLYTHE No. 4 DISTRICT TRUNG. SHEET 7 OF 12 SHEETS

Portions of Sections 27,28,33 and 34, T.12S., R.19E., M.D.B.&M.; Portions of Sections 2,3,4,9,10 and 11, T.13S., R.19E., M.D.B.&M.; together with those certain Subdivisions and portions of certain Subdivisions, lying within the aforementioned Sections.	FILE No. 2088
	ANNEX No. _____
	ACRES = 2700±
	COUNCIL DISTRICT No. _____

ALLOCATED TO COUNCIL DISTRICT NO. _____ AS PER COUNCIL DISTRICT MAP DATED 10-24-78	DR. BY: TWB DATE: AUG. 1980 SCALE: 1" = 500'	6-A-1118
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JOINS SHEET 11

APPROVED-LAFCO

10-28-81

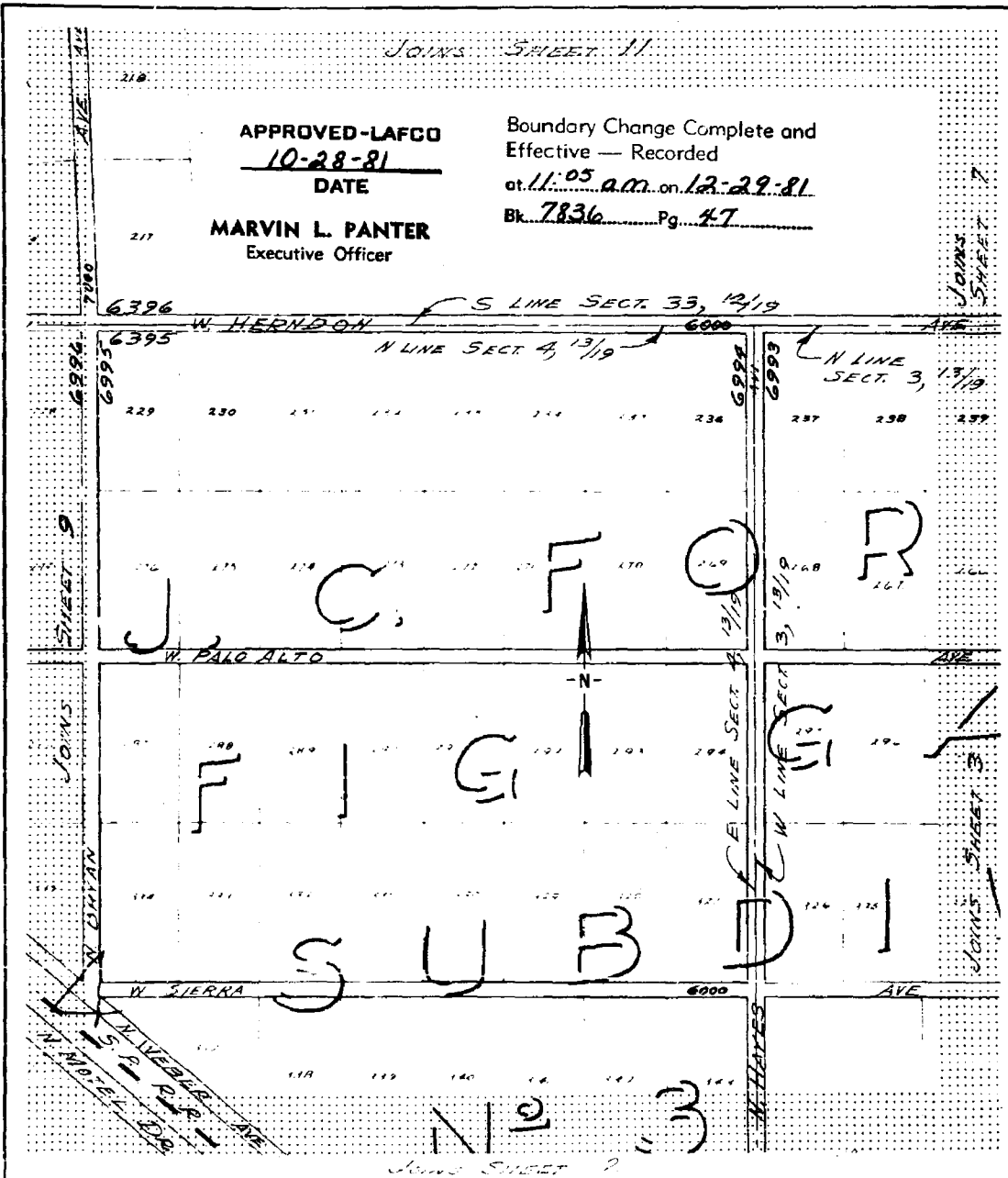
DATE

MARVIN L. PANTER
Executive Officer

Boundary Change Complete and
Effective — Recorded

at 11:05 a.m. on 12-29-81

Bk. 7836 Pg. 47

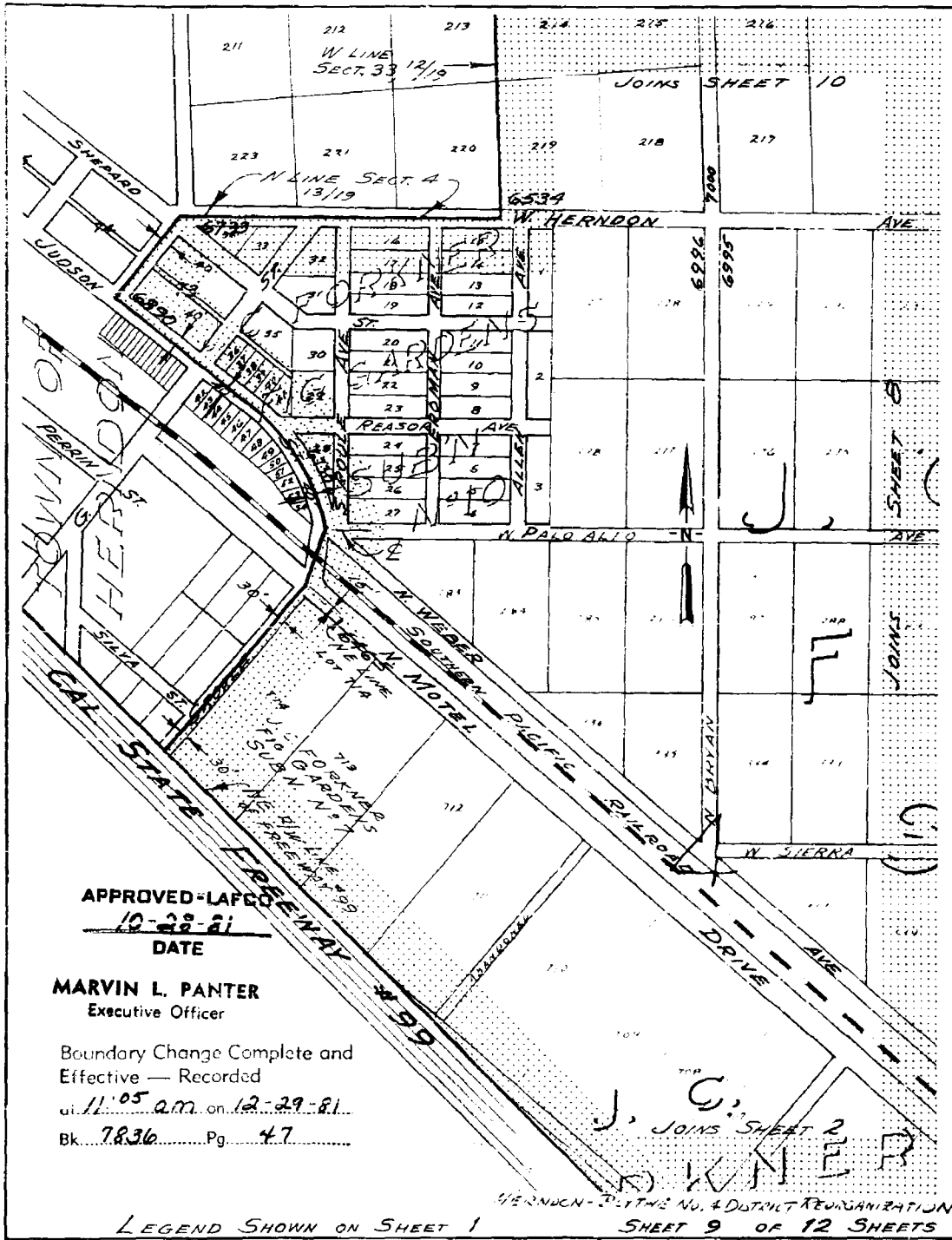


HERNDON-BLYTHE No. 4
DISTRICT REORGANIZATION.

LEGEND SHOWN ON SHEET 1

SHEET 8 OF 12 SHEETS

<p>Portions of Sections 27,28,33 and 34, T.12S., R.19E., M.D.B.&M.; Portions of Sections 2,3,4,9,10 and 11, T.13S., R.19E., M.D.B.&M.; together with those certain Subdivisions and portions of certain Subdivisions, lying within the aforementioned Sections.</p>	<p>FILE No. <u>2088</u> ANNEX No. _____ ACRES = <u>2700±</u> COUNCIL DISTRICT No. _____</p>
<p>ALLOCATED TO COUNCIL DISTRICT NO. _____ AS PER COUNCIL DISTRICT MAP DATED 10-24-78</p>	<p>DR. BY: <u>T.W.B.</u> DATE: <u>AUG. 1980</u> SCALE: <u>1" = 500'</u> 6-A-1118</p>



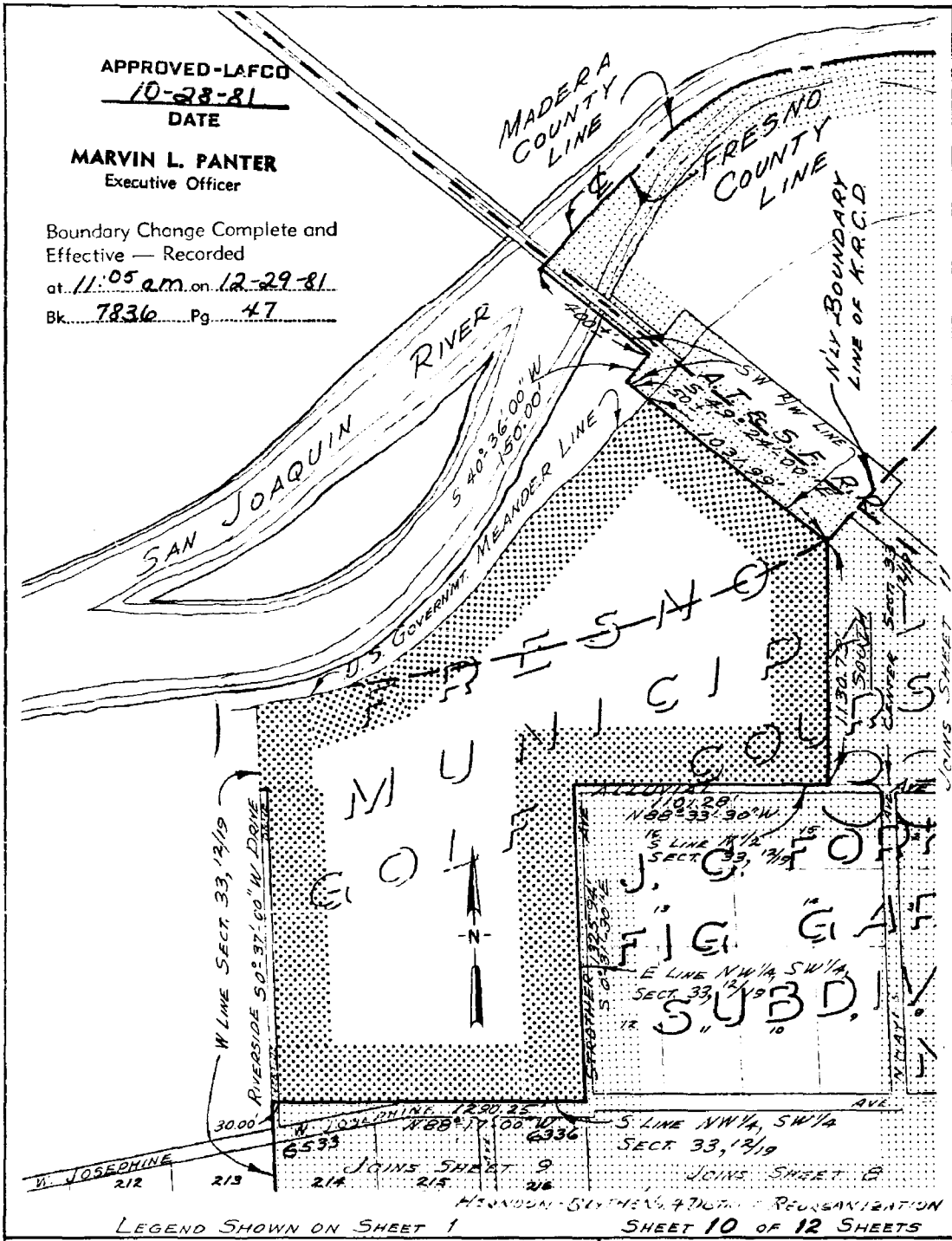
<p>APPROVED-LAFCO <u>10-28-81</u> DATE</p> <p>MARVIN L. PANTER Executive Officer</p> <p>Boundary Change Complete and Effective - Recorded at 11:05 a.m. on 12-29-81 Bk. 7836 Pg. 47</p> <p>LEGEND SHOWN ON SHEET 1</p>		<p>FILE No. <u>2088</u></p> <p>ANNEX No. _____</p> <p>ACRES = <u>2700±</u></p> <p>COUNCIL DISTRICT No. _____</p>	
<p>ALLOCATED TO COUNCIL DISTRICT NO. _____ AS PER COUNCIL DISTRICT MAP DATED 10-24-78</p>		<p>DR. BY: <u>TWB</u> DATE: <u>AUG 1980</u> SCALE: 1" = 500'</p>	

6-A-1118

APPROVED-LAFCO
10-28-81
 DATE

MARVIN L. PANTER
 Executive Officer

Boundary Change Complete and
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 at 11:05 a.m. on 12-29-81
 Bk. 7836 Pg. 47



LEGEND SHOWN ON SHEET 1

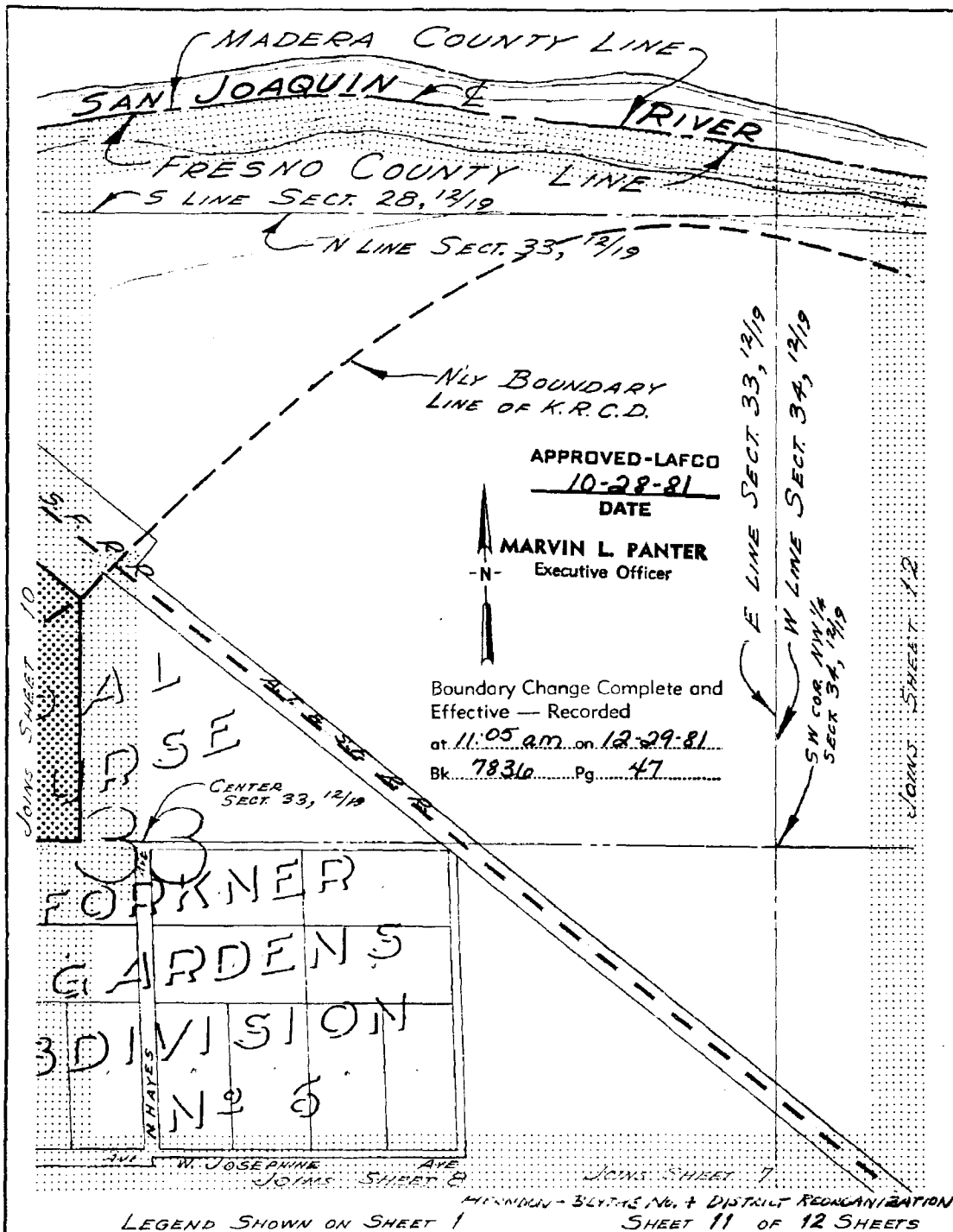
SHEET 10 OF 12 SHEETS

Portions of Sections 27, 28, 33 and 34, T.12S., R.19E., M.D.B.&M.; Portions of Sections 2, 3, 4, 9, 10 and 11, T.13S., R.19E., M.D.B.&M.; together with those certain Subdivisions and portions of certain Subdivisions, lying within the aforementioned Sections.

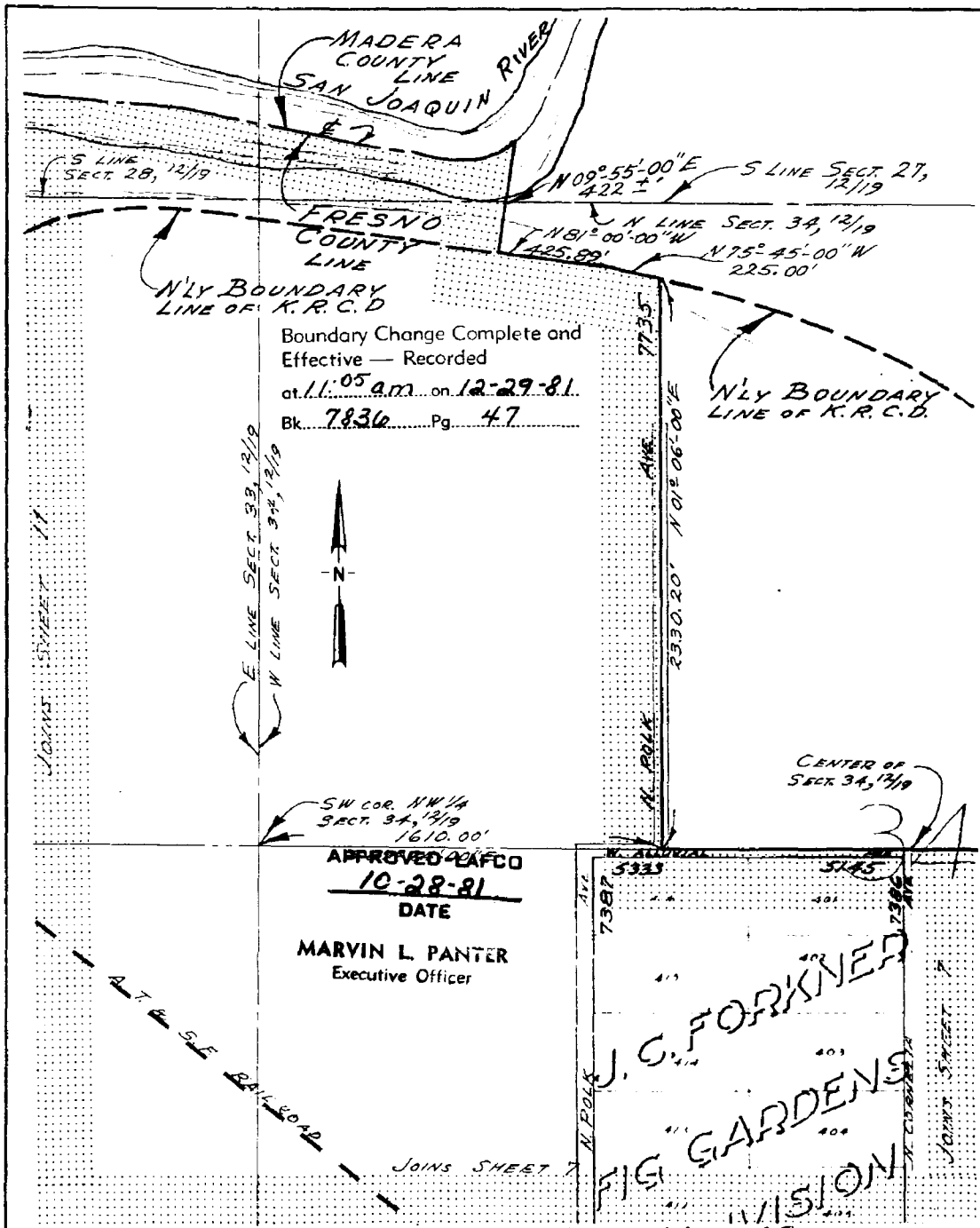
FILE No. 2088
 ANNEX No. _____
 ACRES = 2700±
 COUNCIL DISTRICT No. _____

ALLOCATED TO COUNCIL DISTRICT NO. _____ AS PER COUNCIL DISTRICT MAP DATED 10-24-78

DR. BY: TWB
 DATE: Aug. 1980
 SCALE: 1" = 500' 6-A-1118



<p>Portions of Sections 27,28,33 and 34, T.12S., R.19E., M.D.B.&M.; Portions of Sections 2,3,4,9,10 and 11, T.13S., R.19E., M.D.B.&M.; together with those certain Subdivisions and portions of certain Subdivisions, lying within the aforementioned Sections.</p>	<p>FILE No. <u>2088</u> ANNEX No. _____ ACRES = <u>2700±</u> COUNCIL DISTRICT No. _____</p>
<p>ALLOCATED TO COUNCIL DISTRICT NO. _____ AS PER COUNCIL DISTRICT MAP DATED 10-24-78</p>	<p>DR. BY: <u>JWB</u> DATE: <u>AUG. 1980.</u> SCALE: <u>1" = 500'</u> <u>6-A-1118</u></p>



LEGEND SHOWN ON SHEET 1		FILE No. 2088	
Portions of Sections 27, 28, 33 and 34, T.12S., R.19E., M.D.B.&M.; Portions of Sections 2, 3, 4, 9, 10 and 11, T.13S., R.19E., M.D.B.&M.; together with those certain Subdivisions and portions of certain subdivisions, lying within the aforementioned Sections.		ANNEX No. _____	
		ACRES = 2700±	
		COUNCIL DISTRICT No. _____	
ALLOCATED TO COUNCIL DISTRICT NO. _____ AS PER COUNCIL DISTRICT MAP DATED 10-24-78		DR. BY: JWB	6-A-1118
		DATE: Aug. 1982	
		SCALE: 1" = 500'	

Boundary Change Complete and
Effective — Recorded

at 11:05 a.m. on 12-29-81

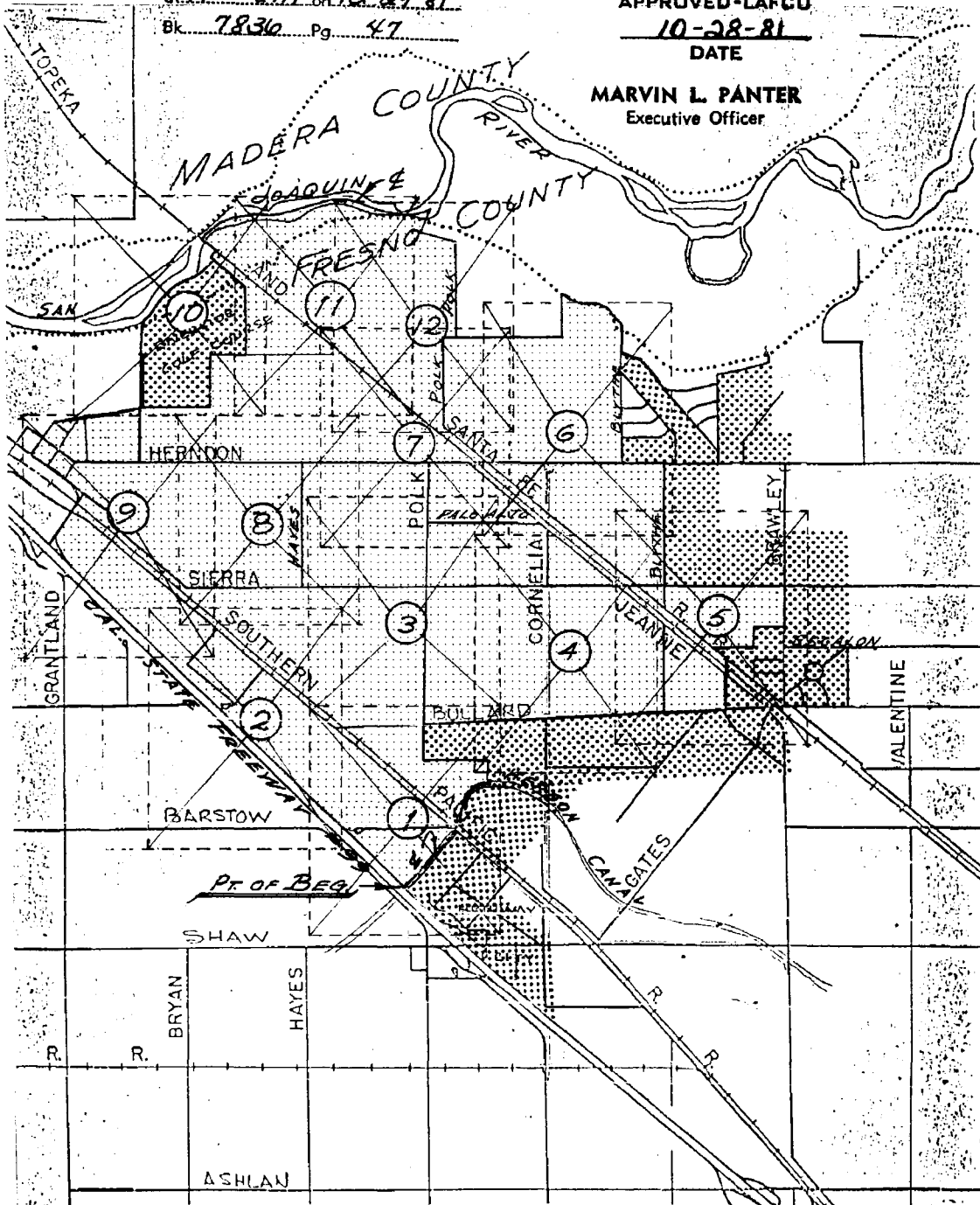
Bk. 7836 Pg. 47

APPROVED-LAFCO

10-28-81

DATE

MARVIN L. PANTER
Executive Officer



HERNDON-BLYTHE NO 4 DISTRICT REORGANIZATION



CITY OF FRESNO
PLANNING DIVISION
Date _____ Drawn By _____

① INDICATES SHEET NO 2 OF 12 SHEETS

HERNDON-BLYTHE NO. 4
DISTRICT REORGANIZATION

Area to be Detached from the North Central Fire Protection District and the Kings River Conservation District, and Annexed to the City of Fresno.

Consisting of portions of Sections 27,28,33 and 34, T12S, R19E, M.D.B.& M.; and portions of Sections 2,3,4,9,10 and 11, T13S, R19E, M.D.B.& M.; including, but not limited to the following lots: Lots 101 to 116, inclusive, Lots 121 and 122 of J.C. Forkner Fig Gardens Subdivision No. 2; Lots 214 to 219, inclusive, Lots 227 to 278, inclusive, Lots 283 to 350, inclusive, of J.C. Forkner Fig Gardens Subdivision No. 3; Lots 401 to 416, inclusive, of J.C. Forkner Fig Gardens Subdivision No. 4; Lots 1 to 16, inclusive, of J.C. Forkner Fig Gardens Subdivision No. 6; Lots 701 to 710, inclusive, and portions of Lots 711 to 714, inclusive, Lots 726, 730 and 731 of J.C. Forkner Fig Gardens Subdivision No. 7; Lots 1 to 41, inclusive, of J.C. Forkner Fig Gardens Subdivision No. 10; Lots 533 to 548, inclusive, Lots 613 to 626, inclusive, Lots 679 to 707, inclusive, Lots 748 to 770, inclusive, and portions of Lots 708 and 709, of Bullard Lands Irrigated Subdivision No. 6; Block 73 of the Town of Herndon.

BEGINNING at the intersection of the Northeasterly right-of-way line of the California State Freeway No. 99, with the center line of the Herndon Canal, being also, a point on the existing City Limits of the City of Fresno; thence Northeasterly, along the center line of said Herndon Canal, across the Southern Pacific Railroad right-of-way, being also, along the existing City Limits of said City, to the intersection with the West line of the Southeast Quarter of the Northeast Quarter of Section 10, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, as said Section is shown on the United States Government Township Plats; thence Northerly, along the West line of the Southeast Quarter of the Northeast Quarter of said Section 10, being also, along the existing City Limits of said City, to the intersection with the North line of the South Half of the Northeast Quarter of said Section 10, being also, the South line of Lot 119 of J.C. Forkner Fig Garden's Subdivision No. 2, as said lot is shown on the Map thereof filed in the Office of the County Recorder January 8, 1920 and recorded in Volume 8 of Plats at page 66, Fresno County Records; thence Westerly, along the North line of the South Half of the Northeast Quarter of said Section 10, being also, along the existing City Limits of said City, being also, along the South lines of Lots 119 and 120, of said J.C. Forkner Fig Gardens Subdivision No. 2, to the intersection with a line which is parallel with and 30.00 feet West of the West line of said Lot 120; thence Northerly, along a line which is parallel with and 30.00 feet West of the West line of said Lot 120, being also, along the existing City Limits of said City, to the intersection with a line which is parallel with and 40.00 feet North of the North line of said Lot 120; thence Easterly, along a line which is parallel with and 40.00 feet North of the North lines of Lots 120 to 117, inclusive, of said J.C. Forkner Fig Gardens Subdivision No. 2, and along a line which is parallel with and 40.00 feet North of the North lines of Lots 964 to 955, inclusive, of Bullard Lands Irrigated Subdivision No. 6, as said lots are shown on the Map thereof, filed in the Office of the County Recorder May 25, 1917 and recorded in Volume 8 of Plats at pages 25 and 26, Fresno County Records, and along a line which is parallel with and 40.00 feet North of the North lines of Lots 412 to 466, inclusive, of Figarden Subdivision No. 2, as said lots are shown on the Map thereof, filed in the Office of the County Recorder February 1921 and recorded in Volume 9 of Plats at page 8, Fresno County Records, being also, along the existing City Limits of said City, to the intersection with a line which is parallel with and 25.00 feet East of the East line of Lot 770 of said Bullard Lands Irrigated Subdivision No. 6; thence Northerly, along a line which is parallel with and 25.00 feet East of the East line of said Lot 770, being also, along the existing City Limits of said City, to the intersection with the Northeasterly right-of-way line of the Atchison, Topeka and Santa Fe Railroad, as shown on said map of said Bullard Lands Irrigated Subdivision No. 6; thence Northwesterly, along the Northeasterly right-of-way line of said railroad, being also, along the existing City Limits of said City, to the intersection with a line which is parallel with and 27.50 feet South of the South line of Lot 705 of said Bullard Lands Irrigated Subdivision No. 6; thence Easterly, along a line which is parallel with and 27.50 feet South of the South lines of Lots 705, 706 and 707, of said Bullard Lands Irrigated Subdivision No. 6, being also, along the existing City Limits of said City, to the intersection with the Southerly production of the West line of Lot 708, of said Bullard Lands Irrigated Subdivision No. 6; thence Northerly, along the Southerly production of the West line of said Lot 708, and along the West line of said Lot 708, being also along the existing City Limits of said City, to the intersection with a line which is parallel with and 488.00 feet North of the South line of said Lot 708; thence Easterly, along a line which is parallel with and 488.00 feet North of the South lines of Lots 708 and 709, of said Bullard Lands Irrigated Subdivision No. 6, being

Boundary Change Complete and
Effective — Recorded

APPROVED-LAFCO

10-28-81

DATE

Page 1 of 3

at 11:05 am on 12-29-81

Bk 7836 Pg 47

MARVIN L. PANTER
Executive Officer

also, along the existing City Limits of said City, to the intersection with the West line of Section 1, Township 13 South, Range 19 East, Mount Diablo Base and Meridian; thence Northerly, along the West line of said Section 1, being also, along the existing City Limits of said City, to the intersection with a line which is parallel with and 25.00 feet South of the South line of Lot 634 of said Bullard Lands Irrigated Subdivision No. 6; thence Westerly, along a line which is parallel with and 25.00 feet South of the South lines of Lots 634 to 627, inclusive, of said Bullard Lands Irrigated Subdivision No. 6, being also, along the South line of the Northeast Quarter of Section 2, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, being also, along the existing City Limits of said City, to the center of said Section 2; thence Northerly, along a line which is parallel with and 25.00 feet West of the West lines of Lots 627, 612, 549 and 532, of said Bullard Lands Irrigated Subdivision No. 6, being also, along the West line of the Northeast Quarter of said Section 2, being also, along the existing City Limits of said City, to the North Quarter corner of said Section 2, being also, a point on the South line of Section 35, Township 12 South, Range 19 East, Mount Diablo Base and Meridian; thence North 89°33'00" West, along the South line of said Section 35, being also, along the existing City Limits of said City, to the Southwest corner of said Section 35; thence North, along the West line of said Section 35, being also, along the existing City Limits, a distance of 505.00 feet; thence continuing North, along the West line of said Section 35, to a point on the center line of Doolittle Drive, as shown on the map of Sierra Sky Park, filed in the Office of the County Recorder October 23, 1946 and recorded in Volume 13 of Plats at page 27, Fresno County Records, being also, a point on the existing City Limits of said City; thence continuing North, along the West line of said Section 35, being also, along the existing City Limits of said City, a distance of 140.26 feet, to the Northwesterly corner of said Sierra Sky Park; thence continuing North, along the West line of said Section 35, to a point which is 290.17 feet North of the Southeast corner of the Northeast Quarter of Section 34, of said Township 12 South, Range 19 East; thence North 74°08'00" West, a distance of 680.60 feet; thence North 58°19'00" West, a distance of 270.11 feet; thence North 45°39'00" West, a distance of 710.00 feet, to a point on the West line of the Southeast Quarter of the Northeast Quarter of said Section 34, 404.00 feet South of the Northwest corner of said Southeast Quarter of the Northeast Quarter of said Section 34; thence Southerly, along the West line of the Southeast Quarter of the Northeast Quarter of said Section 34, to the Southwest corner of the Southeast Quarter of the Northeast Quarter of said Section 34; thence Westerly, along the North line of the Southeast Quarter of said Section 34, to the center of said Section 34; thence continuing Westerly, along the South line of the Northwest Quarter of said Section 34, to a point which bears South 89°24'00" East, and 1610.00 feet from the Southwest corner of the Northwest Quarter of said Section 34; thence North 01°06'00" East, a distance of 2330.20 feet; thence North 75°45'00" West, a distance of 225.00 feet; thence North 81°00'00" West, a distance of 425.89 feet; thence North 09°55'00" East, a distance of 422 feet, more or less, to the intersection with the center line of the San Joaquin River, being also the common boundary line between Madera County and Fresno County, and also lying in Section 27, Township 12 South, Range 19 East, Mount Diablo Base and Meridian; thence Southwesterly, Westerly and Southwesterly, along the various courses of the center line of said San Joaquin River, being also, along the County boundary line of said Fresno County, to the intersection with the Southwest right-of-way line of the Atchison, Topeka and Santa Fe Railroad; thence South 49°24'00" East, along the Southwest right-of-way line of said railroad, a distance of 400 feet, more or less, to a point of expansion of said railroad right-of-way; thence South 40°36'00" West, along the expansion line of said railroad right-of-way, a distance of 150.00 feet; thence South 49°24'00" East, along the Southwest right-of-way line of the expansion area of said railroad, a distance of 50 feet, more or less, to the intersection with the United States Government Meander line, being also, a point on the existing City Limits of said City; thence continuing South 49°24'00" East, along the Southwest right-of-way line of the expansion area of said railroad, being also, along the existing City Limits of said City, a distance of 1031.99 feet, thence South, along the existing City Limits of said City, a distance of 1130.73 feet, to the intersection with the South line of the North Half of Section 33, Township 12 South, Range 19 East, Mount Diablo Base and Meridian; thence North 88°33'30" West, along the South line of the North Half of said Section 33, being also, along the existing City Limits of said City, a distance of 1101.28 feet, to the Northeast corner of the Northwest Quarter of the Southwest Quarter of said Section 33; thence South 00°31'30" East, along the East line of the Northwest Quarter of the Southwest Quarter of said Section 33, being also, along the existing City Limits of said City, a distance of 1325.94 feet, to the Southeast corner of the Northwest Quarter of the Southwest Quarter of said Section 33; thence North 88°17'00" West, along the South line of the Northwest Quarter of the Southwest Quarter of said Section 33, being also, along the existing City Limits of said City, a distance of 1290.25 feet; thence continuing North 88°17'00" West, along the South line of the Northwest Quarter of the Southwest Quarter of said Section 33, a distance of 30.00 feet, to the intersection with the West line of said Section 33; thence South 00°37'00" West, along the West line of said Section 33, to the intersection with the North line of Section 4, Town-

ship 13 South, Range 19 East, Mount Diablo Base and Meridian; thence Westerly, along the North line of said Section 4, to the intersection with a line which is parallel with and 40.00 feet Northwest of the Northwest line of Block 73 of the Town of Herndon, as said Block 73 is shown on the Map thereof filed in the Office of the County Recorder and recorded in Miscellaneous Maps in Book 1 at page 27, Fresno County Records; thence Southwesterly, along said line which is parallel with and 40.00 feet Northwest of the Northwest line of said Block 73, to the intersection with a line which is parallel with and 40.00 feet Southwest of the Southwest line of said Block 73; thence Southeasterly, along said line which is parallel with and 40.00 feet Southwest of the Southwest line of said Block 73, and along a line which is parallel with and 40.00 feet Northeast of the Northeasterly lines of Lots 42 to 54, inclusive, of J.C. Forkner Fig Gardens Subdivision No. 10, as said lots are shown on the Map thereof, filed in the Office of the County Recorder, 1924, and recorded in Volume 10 of Plats at page 38, Fresno County Records, to the intersection with the center line of West Palo Alto Avenue, as said Avenue is shown as Palo Alto Boulevard, on the Map of said J.C. Forkner Fig Gardens Subdivision No. 10; thence Southerly, to the intersection of a line which is parallel with and 15.00 feet Northeast of the Northeast line of Lot 714 of J.C. Forkner Fig Gardens Subdivision No. 7, as said lot is shown on the Map thereof, filed in the Office of the County Recorder July 18, 1923 and recorded in Volume 10 of Plats at page 17, Fresno County Records, with a line which is parallel with and 30.00 feet Northwest of the Northwest line of said Lot 714; thence Southwesterly, along a line which is parallel with and 30.00 feet Northwest of the Northwest line of said Lot 714, to the intersection with the Northeasterly right-of-way line of the California State Freeway No. 99; thence Southeasterly, along the various courses of the Northeasterly right-of-way line of said California State Freeway No. 99, to the Point of Beginning.

All of that area lying Northerly of the Bluff line, is not included within the Kings River Conservation District, consisting of 100 Acres, more or less.

File No. 2088
 Drawing No. 6-A-1118
 Contains 2700 ± Acres
 7/22/80
 TWB/pt

APPROVED-LAFCD
10-28-81
 DATE

MARVIN L. PANTER
 Executive Officer

Boundary Change Complete and
 Effective — Recorded
 at 11:05 am on 10-29-81
 Bk. 7836 Pg. 47



Local Agency
Formation Commission

Marvin L. Panter
Executive Officer

STATEMENT OF BOUNDARY CHANGE OR CREATION

TO: Ray Jansen, State Board of Equalization
W. C. Greenwood, County Assessor
Gary Peterson, County Auditor

FROM: Marvin L. Panter, Executive Officer

SUBJECT: Merndon-Dlythe #4 Reorganization

In accordance with the requirements of Chapter 8 (beginning with Section 54900) of the State Government Code and in accordance with Chapter 6, Section 99, Subsection (c) of the State Revenue and Taxation Code, this statement is prepared and forwarded to you for filing.

Those agencies whose boundaries are affected by the change and the appropriate change desired are:

Annex to the City of Fresno and detach from the North
Central Fire Protection District and Kings River Conservation
District

The following agencies listed above have outstanding bonded indebtedness serviced by the property tax:
None

The affected territory will be taxed for existing bonded indebtedness or contractual obligations for the following affected agencies:
None

The regular County assessment roll will will not be utilized.

Property tax negotiations between City and/or County have been completed and a Certificate of Completion was executed by the Executive Officer on December 24, 1981.

A certified copy of the conducting agency ordinance/resolution of approval No. 81-306 and a map and description are attached.

For State Board of Equalization only:

Processing fees are included Quarterly payments authorized

Dated: December 24, 1981 Signed _____
Executive Officer

Please acknowledge the filing of this statement by sending receipt to our office.

CERTIFICATE OF COMPLETION

FRESNO LOCAL AGENCY FORMATION COMMISSION

The name of the conducting agency is the City of Fresno

The names of agencies whose territory is changed and the type of change for each are: Annex to the City of Fresno and detach from the North Central Fire Protection District and Kings River Conservation District

The counties in which the entire agency is located are Fresno

The short title, if any, of the annexation or detachment proceeding is Berndon-Alythe #4

The territory is uninhabited inhabited.

The change of organization was

- ordered without an election and the resolution ordering the change of organization was adopted by the conducting agency on December 15, 1961
- confirmed by the voters and the resolution confirming the change of organization after confirmation by the voters was adopted by the conducting agency on _____

A description of the territory affected by the change is set forth in the attached Exhibit A.

The terms and conditions, if any, of the change of organization are as follows:

I, MARVIN L. FANTER, the Executive Officer of the Fresno County Local Agency Formation Commission, hereby certify that the attached legal description and map, and terms and conditions of the change of organization do comply with the Commission resolution of approval.

Signed: _____
Executive Officer

Dated: December 24, 1961

RESOLUTION NO. 81-506

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, IN THE MATTER OF THE HERNDON-BLYTHE NO. 4 DISTRICT REORGANIZATION ORDERING A REORGANIZATION OF THE CITY OF FRESNO, THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT.

WHEREAS, the Council of the City of Fresno, pursuant to its Resolution of Application No. 81-206 adopted on June 2, 1981, requested the Fresno Local Agency Formation Commission to take appropriate proceedings for the annexation of the subject territory to the City of Fresno; and

WHEREAS, the proposed reorganization known as Herndon-Blythe No. 4 District Reorganization is described in Exhibit "A" and graphically depicted in Exhibit "B"; and

WHEREAS, with notice given according to law, LAFCO met on October 28, 1981 to hear interested persons, consider the proposed reorganization, and adopted Resolution No. RO-81-27 "Making Determination and Approving Proposed Herndon-Blythe No. 4, District Reorganization" of the City of Fresno, the North Central Fire Protection District and the Kings River Conservation District; and

WHEREAS, Resolution No. RO-81-27 authorized the Council to conduct the proceedings for the reorganization in the manner provided by law; and

WHEREAS, an application was received by LAFCO on behalf of several landowners, to revise said Resolution No. RO-81-27 to delete all terms and conditions of approval; and

WHEREAS, said application was scheduled for hearing before the Commission on October 28, 1981, and was continued to November 25, 1981, at the hour of 3:30 p.m., and notice was given as required by law; and

WHEREAS, the Commission did consider the testimony of the applicant and did hear all interested parties wishing to speak on the application; and

WHEREAS, the Local Agency Formation Commission of the County of Fresno, by the adoption of its Resolution No. RO-81-27b, approved the request to revise the resolution approving Herndon-Blythe No. 4 District Reorganization to delete all terms and conditions of approval; and

WHEREAS, on November 17, 1981, the Council initiated proceedings for said proposed reorganization by adopting Resolution No. 81-467, "Resolution Initiating Proceedings for the Reorganization of the City of Fresno, the North Central Fire Protection District and the Kings River Conservation District" and setting a hearing on the proposed reorganization for December 15, 1981 at 3:00 p.m. in the Council Chamber, City Hall, 2326 Fresno Street, Fresno, California, 93721; and

WHEREAS, the Council gave the required notice of the time and place for hearing objections to the proposed reorganization; and

WHEREAS, the Council conducted a hearing, at which time they heard all persons who wished to object to the proposed reorganization; and

WHEREAS, protests or objections in writing to the proposed reorganization, delivered to the Clerk of the City of Fresno before the hour set for hearing, were considered and are on file in the office of the Clerk of the City of Fresno, County of Fresno, State of California; and

WHEREAS, at said hearing and prior to consideration of protests, LAFCO's resolution making determination and approval was presented and summarized to the Council; and

WHEREAS, the Council considered all factors required by law for a proposed reorganization; and

WHEREAS, the Council determined that the territory to be reorganized is uninhabited and that written protests filed and not withdrawn represented less than fifty percent (50%) of the assessed value of land therein; and

WHEREAS, the Fresno County Assessor's roll will be used for the purpose of levying any assessments or taxes on the subject territory; and

WHEREAS, the subject territory proposed to be annexed to the City of Fresno will be exempt from taxation for the payment of principal or interest, or any other amounts which shall become due on account of any outstanding bonded indebtedness incurred by the City prior to the effective date of such annexation, and upon completion of this reorganization proposal, the subject territory will be included in Municipal Bond Area "D" and will not be taxed for any existing bonded indebtedness or contractual obligations; and

WHEREAS, pursuant to Fresno Municipal Code Section 2-208, the subject territory is allocated to Council District No. 2.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Council hereby orders that the territory referred to as Herndon-Blythe No. 4 District Reorganization and described in Exhibits "A" and "B", attached hereto, be annexed to the City of Fresno and the same territory be detached from the Kings River Conservation District and the North Central Fire Protection District of Fresno County.
2. The proposed reorganization is in the best interest of the territory of Herndon-Blythe No. 4 District Reorganization and lands have not been improperly omitted from or included within this reorganization.

3. The reasons for this proposed reorganization are:
 - a. The subject territory is within the City of Fresno's Sphere of Influence.
 - b. The owners of 106 of the 180 parcels within the project area have expressed a desire to annex to the City.
 - c. It is advantageous for the territory within Herndon-Blythe No. 4 District Reorganization to be a part of the City of Fresno.
4. The following conditions, originally imposed in LAFCO Resolution RO-81-27, have been fully complied with and have been deleted pursuant to LAFCO Resolution No. RO-81-27b:
 - a. Adequate arrangements be made to meet the fire needs of the area.
 - b. A plan for school district service shall be determined by the City, and agreed to by the affected school district or districts, which might possibly include:
 - (1) A transfer of territory occurring between Herndon Elementary School District and Fresno Unified for the affected territory.
 - (2) A contract offer by Fresno Unified to Central High and Herndon Elementary School Districts to accept students from the affected territory until Central and Herndon have capacity for the students.
 - (3) An agreement between the Central High and Herndon Elementary School Districts and the City of Fresno or the landowners, such agreement to mitigate the problem of overcrowding from development in the affected territory.

- (4) Or any combination of 1, 2, and 3 above and/or other mitigating measures to resolve the problem of overcrowding from development in the affected territory.
5. The City's effort to mitigate the problem of overcrowding from development in the affected territory and satisfy the above terms and conditions of approval resulted in the following:
- a. On September 22, 1981, the Council approved an agreement between the North Central Fire Protection District and the City for the provision of supplementary fire protection services whereby the City would open a temporary fire station in the Highway City area by January 1, 1983, said station to remain open until the proposed City Station No. 14 is open and operating.
 - b. Fresno Unified School District's consent to a transfer of that portion of the proposed reorganization planned for residential uses from Herndon School District to FUSD; and
 - c. On November 24, 1981, the Council adopted a school facilities policy as an amendment to the Public Facilities Section of the Land Use Element of the General Plan.

IT IS FURTHER RESOLVED by the Council of the City of Fresno that the Herndon-Blythe No. 4 District Reorganization be and is hereby allocated to Council District No. 2.

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss
CITY OF FRESNO)

I, JACQUELINE L. RYLE, City Clerk of the City of Fresno,
certify that the foregoing resolution was adopted by the Council
of the City of Fresno, California, at a regular meeting held on
the 15th day of December, 1981.

JACQUELINE L. RYLE
City Clerk

By *Ruth James Asst*
Deputy

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE

By: *Shelton*
Deputy

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HERNDON-BLYTHE NO. 4
DISTRICT REORGANIZATION

Area to be Detached from the North Central Fire Protection District and the Kings River Conservation District, and Annexed to the City of Fresno.

Consisting of portions of Sections 27,28,33 and 34, T12S, R19E, M.D.B. & M.; and portions of Sections 2,3,4,9,10 and 11, T13S, R19E, M.D.B. & M.; including, but not limited to the following lots: Lots 101 to 116, inclusive, Lots 121 and 122 of J.C. Forkner Fig Gardens Subdivision No. 2; Lots 214 to 219, inclusive, Lots 227 to 278, inclusive, Lots 283 to 350, inclusive, of J.C. Forkner Fig Gardens Subdivision No. 3; Lots 401 to 416, inclusive, of J.C. Forkner Fig Gardens Subdivision No. 4; Lots 1 to 16, inclusive, of J.C. Forkner Fig Gardens Subdivision No. 6; Lots 701 to 710, inclusive, and portions of Lots 711 to 714, inclusive, Lots 726, 730 and 731 of J.C. Forkner Fig Gardens Subdivision No. 7; Lots 1 to 41, inclusive, of J.C. Forkner Fig Gardens Subdivision No. 10; Lots 533 to 548, inclusive, Lots 613 to 626, inclusive, Lots 679 to 707, inclusive, Lots 748 to 770, inclusive, and portions of Lots 708 and 709, of Bullard Lands Irrigated Subdivision No. 6; Block 73 of the Town of Herndon.

BEGINNING at the intersection of the Northeasterly right-of-way line of the California State Freeway No. 99, with the center line of the Herndon Canal, being also, a point on the existing City Limits of the City of Fresno; thence Northeasterly, along the center line of said Herndon Canal, across the Southern Pacific Railroad right-of-way, being also, along the existing City Limits of said City, to the intersection with the West line of the Southeast Quarter of the Northeast Quarter of Section 10, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, as said Section is shown on the United States Government Township Plats; thence Northerly, along the West line of the Southeast Quarter of the Northeast Quarter of said Section 10, being also, along the existing City Limits of said City, to the intersection with the North line of the South Half of the Northeast Quarter of said Section 10, being also, the South line of Lot 119 of J.C. Forkner Fig Garden's Subdivision No. 2, as said lot is shown on the Map thereof filed in the Office of the County Recorder January 8, 1920 and recorded in Volume 8 of Plats at page 66, Fresno County Records; thence Westerly, along the North line of the South Half of the Northeast Quarter of said Section 10, being also, along the existing City Limits of said City, being also, along the South lines of Lots 119 and 120, of said J.C. Forkner Fig Gardens Subdivision No. 2, to the intersection with a line which is parallel with and 30.00 feet West of the West line of said Lot 120; thence Northerly, along a line which is parallel with and 30.00 feet West of the West line of said Lot 120, being also, along the existing City Limits of said City, to the intersection with a line which is parallel with and 40.00 feet North of the North line of said Lot 120; thence Easterly, along a line which is parallel with and 40.00 feet North of the North lines of Lots 120 to 117, inclusive, of said J.C. Forkner Fig Gardens Subdivision No. 2, and along a line which is parallel with and 40.00 feet North of the North lines of Lots 964 to 955, inclusive, of Bullard Lands Irrigated Subdivision No. 6, as said lots are shown on the Map thereof, filed in the Office of the County Recorder May 25, 1917 and recorded in Volume 8 of Plats at pages 25 and 26, Fresno County Records, and along a line which is parallel with and 40.00 feet North of the North lines of Lots 472 to 466, inclusive, of Figarden Subdivision No. 2, as said lots are shown on the Map thereof, filed in the Office of the County Recorder February 1921 and recorded in Volume 9 of Plats at page 8, Fresno County Records, being also, along the existing City Limits of said City, to the intersection with a line which is parallel with and 25.00 feet East of the East line of Lot 770 of said Bullard Lands Irrigated Subdivision No. 6; thence Northerly, along a line which is parallel with and 25.00 feet East of the East line of said Lot 770, being also, along the existing City Limits of said City, to the intersection with the Northeasterly right-of-way line of the Atchison, Topeka and Santa Fe Railroad, as shown on said map of said Bullard Lands Irrigated Subdivision No. 6; thence Northwesterly, along the Northeasterly right-of-way line of said railroad, being also, along the existing City Limits of said City, to the intersection with a line which is parallel with and 27.50 feet South of the South line of Lot 705 of said Bullard Lands Irrigated Subdivision No. 6; thence Easterly, along a line which is parallel with and 27.50 feet South of the South lines of Lots 705, 706 and 707, of said Bullard Lands Irrigated Subdivision No. 6, being also, along the existing City Limits of said City, to the intersection with the Southerly production of the West line of Lot 708, of said Bullard Lands Irrigated Subdivision No. 6; thence Northerly, along the Southerly production of the West line of said Lot 708, and along the West line of said Lot 708, being also along the existing City Limits of said City, to the intersection with a line which is parallel with and 488.00 feet North of the South line of said Lot 708; thence Easterly, along a line which is parallel with and 488.00 feet North of the South lines of Lots 708 and 709, of said Bullard Lands Irrigated Subdivision No. 6, being

APPROVED-LAFCO

10-28-81

DATE

Page 1 of 3

EXHIBIT "A"

MARVIN L. PANTER
Executive Officer

also, along the existing City Limits of said City, to the intersection with the West line of Section 1, Township 13 South, Range 19 East, Mount Diablo Base and Meridian; thence Northerly, along the West line of said Section 1, being also, along the existing City Limits of said City, to the intersection with a line which is parallel with and 25.00 feet South of the South line of Lot 634 of said Bullard Lands Irrigated Subdivision No. 6; thence Westerly, along a line which is parallel with and 25.00 feet South of the South lines of Lots 634 to 627, inclusive, of said Bullard Lands Irrigated Subdivision No. 6, being also, along the South line of the Northeast Quarter of Section 2, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, being also, along the existing City Limits of said City, to the center of said Section 2; thence Northerly, along a line which is parallel with and 25.00 feet West of the West lines of Lots 627, 612, 549 and 532, of said Bullard Lands Irrigated Subdivision No. 6, being also, along the West line of the Northeast Quarter of said Section 2, being also, along the existing City Limits of said City, to the North Quarter corner of said Section 2, being also, a point on the South line of Section 35, Township 12 South, Range 19 East, Mount Diablo Base and Meridian; thence North 88°33'00" West, along the South line of said Section 35, being also, along the existing City Limits of said City, to the Southwest corner of said Section 35; thence North, along the West line of said Section 35, being also, along the existing City Limits, a distance of 505.00 feet; thence continuing North, along the West line of said Section 35, to a point on the center line of Doolittle Drive, as shown on the map of Sierra Sky Park, filed in the Office of the County Recorder October 23, 1946 and recorded in Volume 13 of Plats at page 27, Fresno County Records, being also, a point on the existing City Limits of said City; thence continuing North, along the West line of said Section 35, being also, along the existing City Limits of said City, a distance of 140.26 feet, to the Northwesterly corner of said Sierra Sky Park; thence continuing North, along the West line of said Section 35, to a point which is 290.17 feet North of the Southeast corner of the Northeast Quarter of Section 34, of said Township 12 South, Range 19 East; thence North 74°08'00" West, a distance of 680.60 feet; thence North 58°19'00" West, a distance of 270.11 feet; thence North 45°39'00" West, a distance of 710.00 feet, to a point on the West line of the Southeast Quarter of the Northeast Quarter of said Section 34, 404.00 feet South of the Northwest corner of said Southeast Quarter of the Northeast Quarter of said Section 34; thence Southerly, along the West line of the Southeast Quarter of the Northeast Quarter of said Section 34, to the Southwest corner of the Southeast Quarter of the Northeast Quarter of said Section 34; thence Westerly, along the North line of the Southeast Quarter of said Section 34, to the center of said Section 34; thence continuing Westerly, along the South line of the Northwest Quarter of said Section 34, to a point which bears South 89°24'00" East, and 1610.00 feet from the Southwest corner of the Northwest Quarter of said Section 34; thence North 01°06'00" East, a distance of 2330.20 feet; thence North 75°45'00" West, a distance of 225.00 feet; thence North 81°00'00" West, a distance of 425.89 feet; thence North 09°55'00" East, a distance of 422 feet, more or less, to the intersection with the center line of the San Joaquin River, being also the common boundary line between Madera County and Fresno County, and also lying in Section 27, Township 12 South, Range 19 East, Mount Diablo Base and Meridian; thence Southwesterly, Westerly and Southwesterly, along the various courses of the center line of said San Joaquin River, being also, along the County boundary line of said Fresno County, to the intersection with the Southwest right-of-way line of the Atchison, Topeka and Santa Fe Railroad; thence South 49°24'00" East, along the Southwest right-of-way line of said railroad, a distance of 400 feet, more or less, to a point of expansion of said railroad right-of-way; thence South 40°36'00" West, along the expansion line of said railroad right-of-way, a distance of 150.00 feet; thence South 49°24'00" East, along the Southwest right-of-way line of the expansion area of said railroad, a distance of 50 feet, more or less, to the intersection with the United States Government Meander line, being also, a point on the existing City Limits of said City; thence continuing South 49°24'00" East, along the Southwest right-of-way line of the expansion area of said railroad, being also, along the existing City Limits of said City, a distance of 1031.99 feet, thence South, along the existing City Limits of said City, a distance of 1130.73 feet, to the intersection with the South line of the North Half of Section 33, Township 12 South, Range 19 East, Mount Diablo Base and Meridian; thence North 88°33'30" West, along the South line of the North Half of said Section 33, being also, along the existing City Limits of said City, a distance of 1101.28 feet, to the Northeast corner of the Northwest Quarter of the Southwest Quarter of said Section 33; thence South 00°31'30" East, along the East line of the Northwest Quarter of the Southwest Quarter of said Section 33, being also, along the existing City Limits of said City, a distance of 1325.94 feet, to the Southeast corner of the Northwest Quarter of the Southwest Quarter of said Section 33; thence North 88°17'00" West, along the South line of the Northwest Quarter of the Southwest Quarter of said Section 33, being also, along the existing City Limits of said City, a distance of 1290.25 feet; thence continuing North 88°17'00" West, along the South line of the Northwest Quarter of the Southwest Quarter of said Section 33, a distance of 30.00 feet, to the intersection with the West line of said Section 33; thence South 00°37'00" West, along the West line of said Section 33, to the intersection with the North line of Section 4, Town-

21

ship 13 South, Range 19 East, Mount Diablo Base and Meridian; thence Westerly, along the North line of said Section 4, to the intersection with a line which is parallel with and 40.00 feet Northwest of the Northwest line of Block 73 of the Town of Herndon, as said Block 73 is shown on the Map thereof filed in the Office of the County Recorder and recorded in Miscellaneous Maps in Book 1 at page 27, Fresno County Records; thence Southwesterly, along said line which is parallel with and 40.00 feet Northwest of the Northwest line of said Block 73, to the intersection with a line which is parallel with and 40.00 feet Southwest of the Southwest line of said Block 73; thence Southeasterly, along said line which is parallel with and 40.00 feet Southwest of the Southwest line of said Block 73, and along a line which is parallel with and 40.00 feet Northeast of the Northeasterly lines of Lots 42 to 54, inclusive, of J.C. Forkner Fig Gardens Subdivision No. 10, as said lots are shown on the Map thereof, filed in the Office of the County Recorder, 1924, and recorded in Volume 10 of Plats at page 38, Fresno County Records, to the intersection with the center line of West Palo Alto Avenue, as said Avenue is shown as Palo Alto Boulevard, on the Map of said J.C. Forkner Fig Gardens Subdivision No. 10; thence Southerly, to the intersection of a line which is parallel with and 15.00 feet Northeast of the Northeast line of Lot 714 of J.C. Forkner Fig Gardens Subdivision No. 7, as said lot is shown on the Map thereof, filed in the Office of the County Recorder July 18, 1923 and recorded in Volume 10 of Plats at page 17, Fresno County Records, with a line which is parallel with and 30.00 feet Northwest of the Northwest line of said Lot 714; thence Southwesterly, along a line which is parallel with and 30.00 feet Northwest of the Northwest line of said Lot 714, to the intersection with the Northeasterly right-of-way line of the California State Freeway No. 99; thence Southeasterly, along the various courses of the Northeasterly right-of-way line of said California State Freeway No. 99, to the Point of Beginning.

All of that area lying Northerly of the Bluff line, is not included within the Kings River Conservation District, consisting of 100 Acres, more or less.

File No. 2088
Drawing No. 6-A-1118
Contains 2700 ± Acres
7/22/80
TWB/pt

APPROVED-LAFCD

10-28-81

DATE

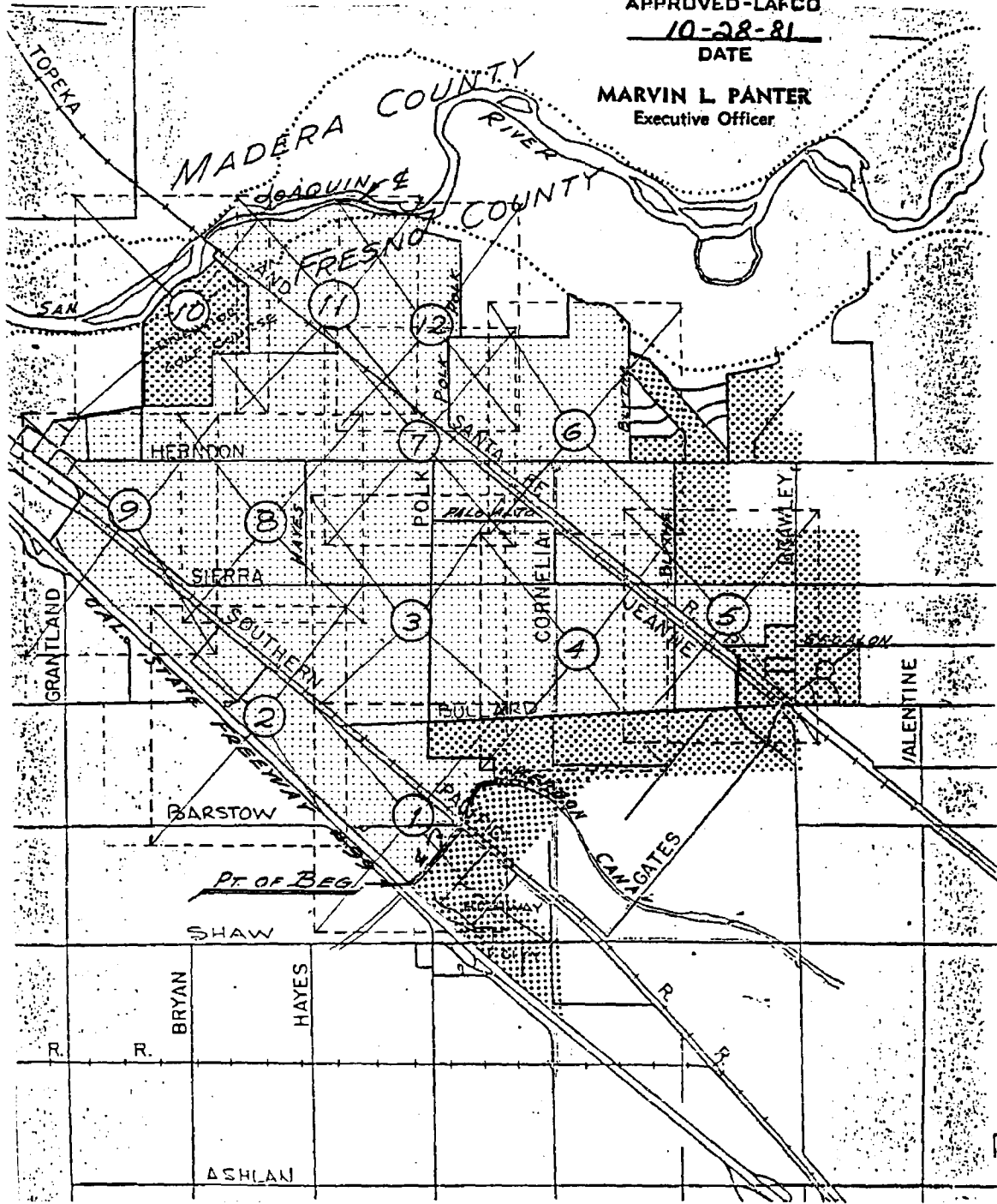
MARVIN L. PANTER
Executive Officer

APPROVED-LAFCO

10-28-81

DATE

MARVIN L. PANTER
Executive Officer



**MERNDON-BLYTHE NO. 4
DISTRICT REORGANIZATION**

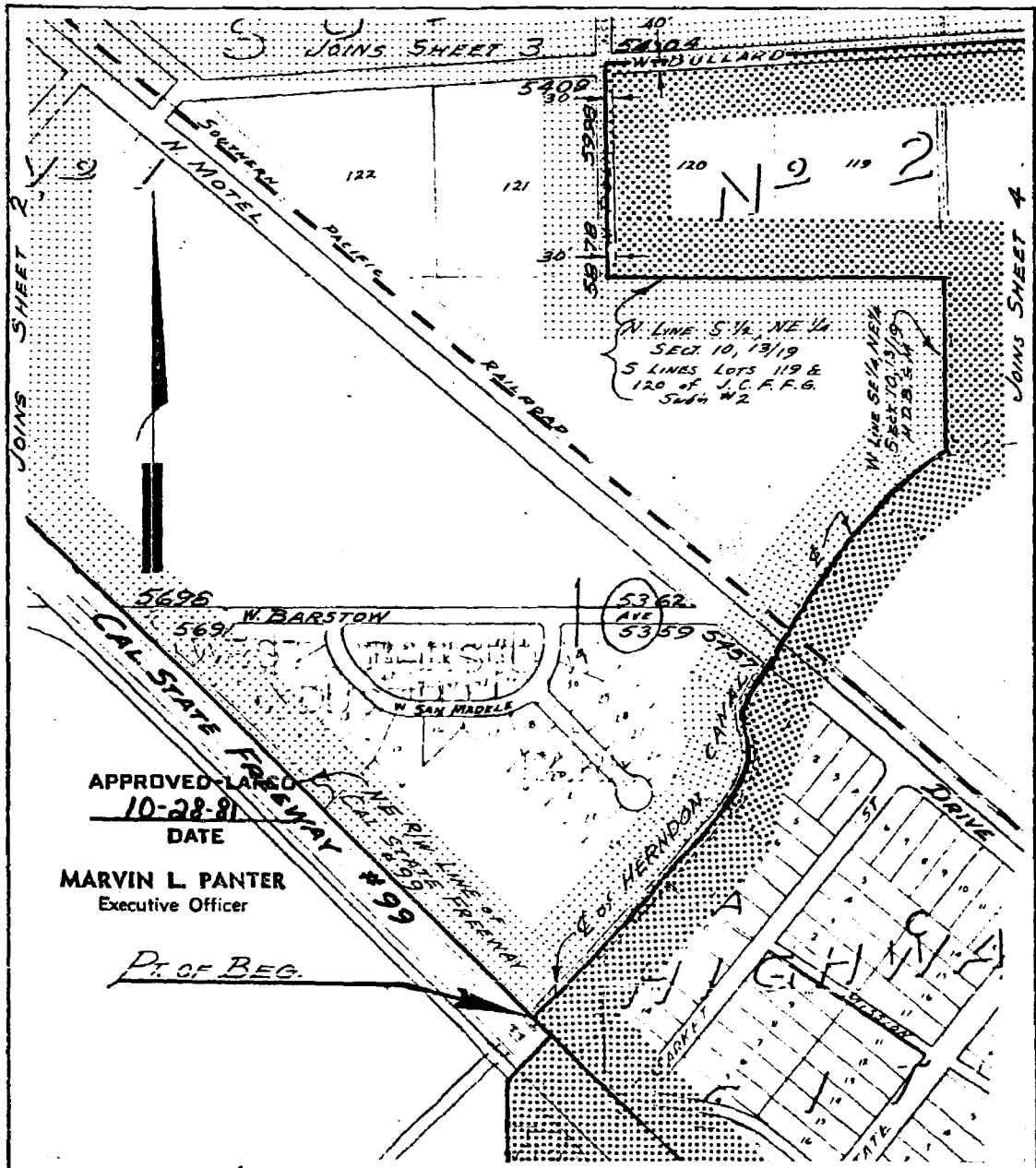
① INDICATES SHEET NO. OF 12 SHEETS



10

EXHIBIT "B"


3




APPROVED LARGO
10-28-81
 DATE
 MARVIN L. PANTER
 Executive Officer

Pt. of BEG. →

- LEGEND -

 EXISTING CITY AREA

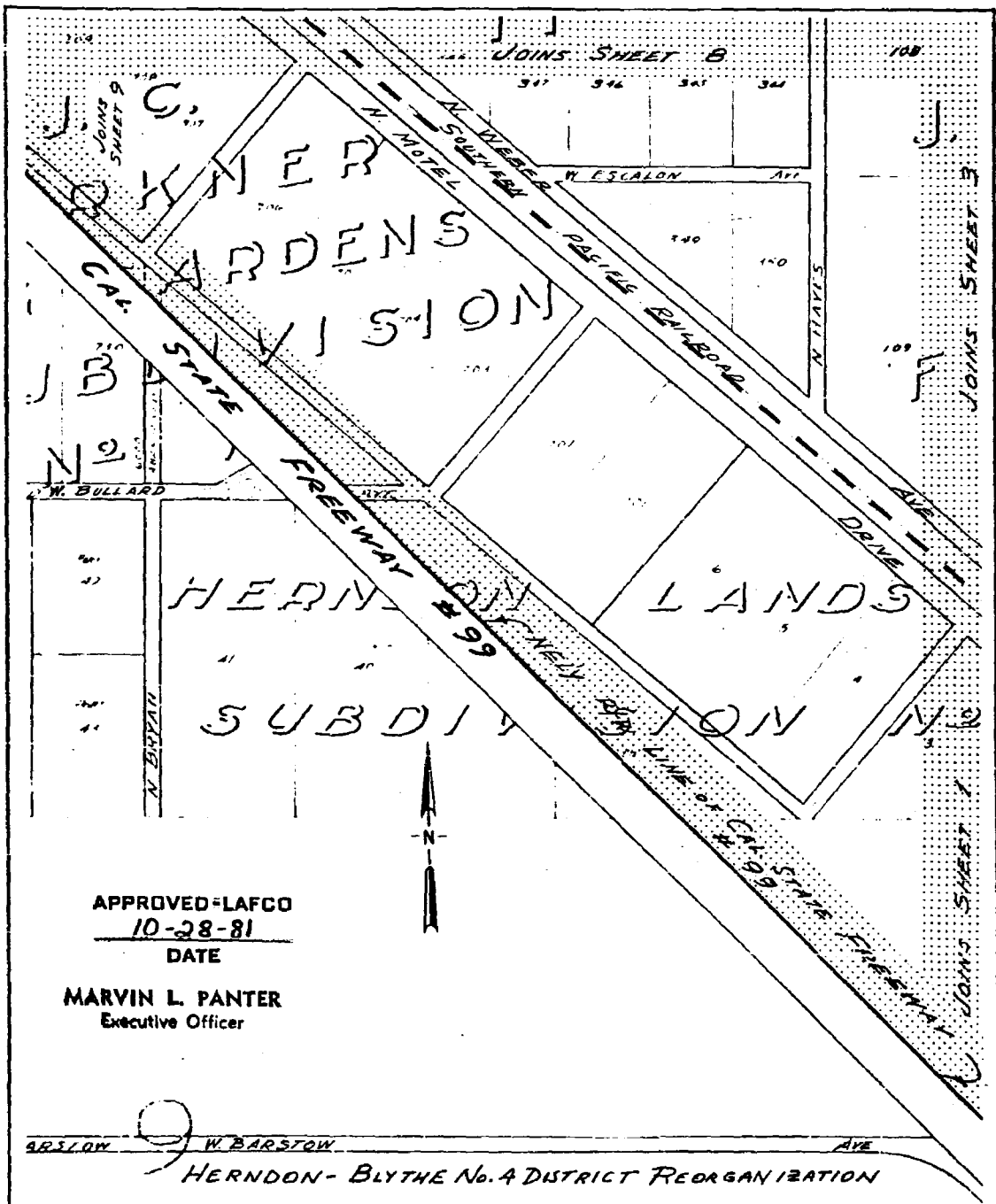
 AREA TO BE DETACHED FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT, AND ANNEXED TO THE CITY OF FRESNO

ADDED ADDRESS SYSTEM

HERNDON-BLYTHE No. 4
 DISTRICT REORGANIZATION

SHEET 1 OF 12 SHEETS

Res. No. 81-506 Adopted 12-15-81		FILE No. <u>2088</u>
Portions of Sections 27, 28, 33 and 34, T.12S., R.19E., M.D.B.&M.; Portions of Sections 2, 3, 4, 9, 10 and 11, T.13S., R.19E., M.D.B.&M.; together with those certain Subdivisions and portions of certain Subdivisions, lying within the aforementioned Sections.		ANNEX No. <u>1004</u>
		ACRES = <u>2700 ±</u>
		COUNCIL DISTRICT No. <u>2</u>
ALLOCATED TO COUNCIL DISTRICT NO. <u>2</u> AS PER COUNCIL DISTRICT MAP DATED 10-24-78		DR. BY: <u>TVA</u> DATE: <u>AUG. 1982</u> SCALE: 1" = 500'
		6-A-1118



APPROVED-LAFCO
10-28-81
 DATE

MARVIN L. PANTER
 Executive Officer

HERNDON-BLYTHE No. 4 DISTRICT REORGANIZATION

LEGEND SHOWN ON SHEET 1

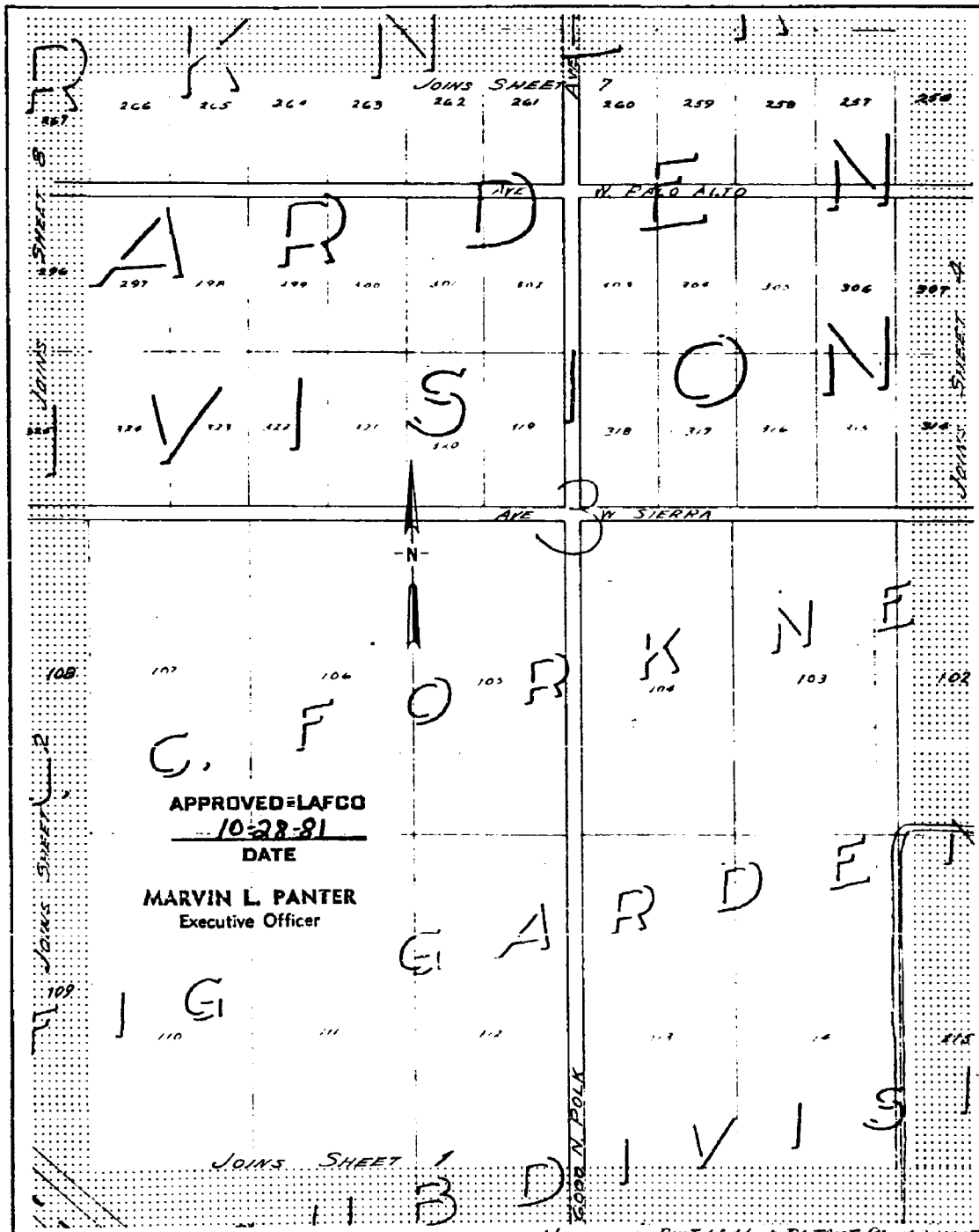
SHEET 2 OF 12 SHEETS

Res. No. 81-506 Adopted 12-15-81
 Portions of Sections 27,28,33 and 34, T.12S., R.19E., M.D.B.&M.; Portions of Sections 2,3,4,9,10 and 11, T.13S., R.19E., M.D.B.&M.; together with those certain Subdivisions and portions of certain Subdivisions, lying within the aforementioned Sections.

FILE No. 2088
 ANNEX No. 1004
 ACRES = 2700±
 COUNCIL DISTRICT No. 2

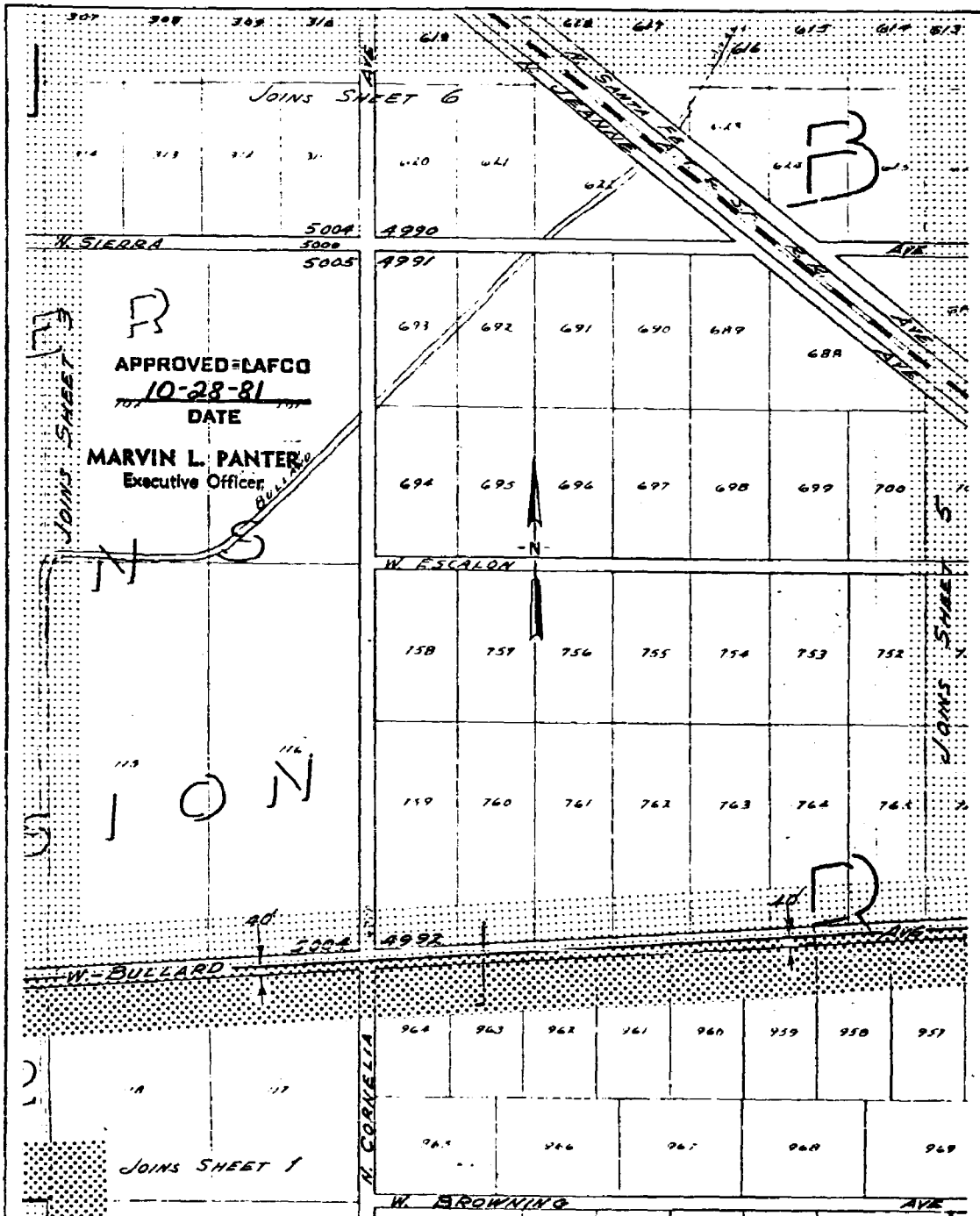
ALLOCATED TO COUNCIL DISTRICT NO. 2 AS PER COUNCIL DISTRICT MAP DATED 10-24-78

DR. BY: TWB
 DATE: Aug. 1982
 SCALE: 1" = 500' **6-A-1118**



LEGEND SHOWN ON SHEET 1 HERNDON-BLYTHE No. 4 DISTRICT REORGANIZATION SHEET 3 OF 12 SHEETS

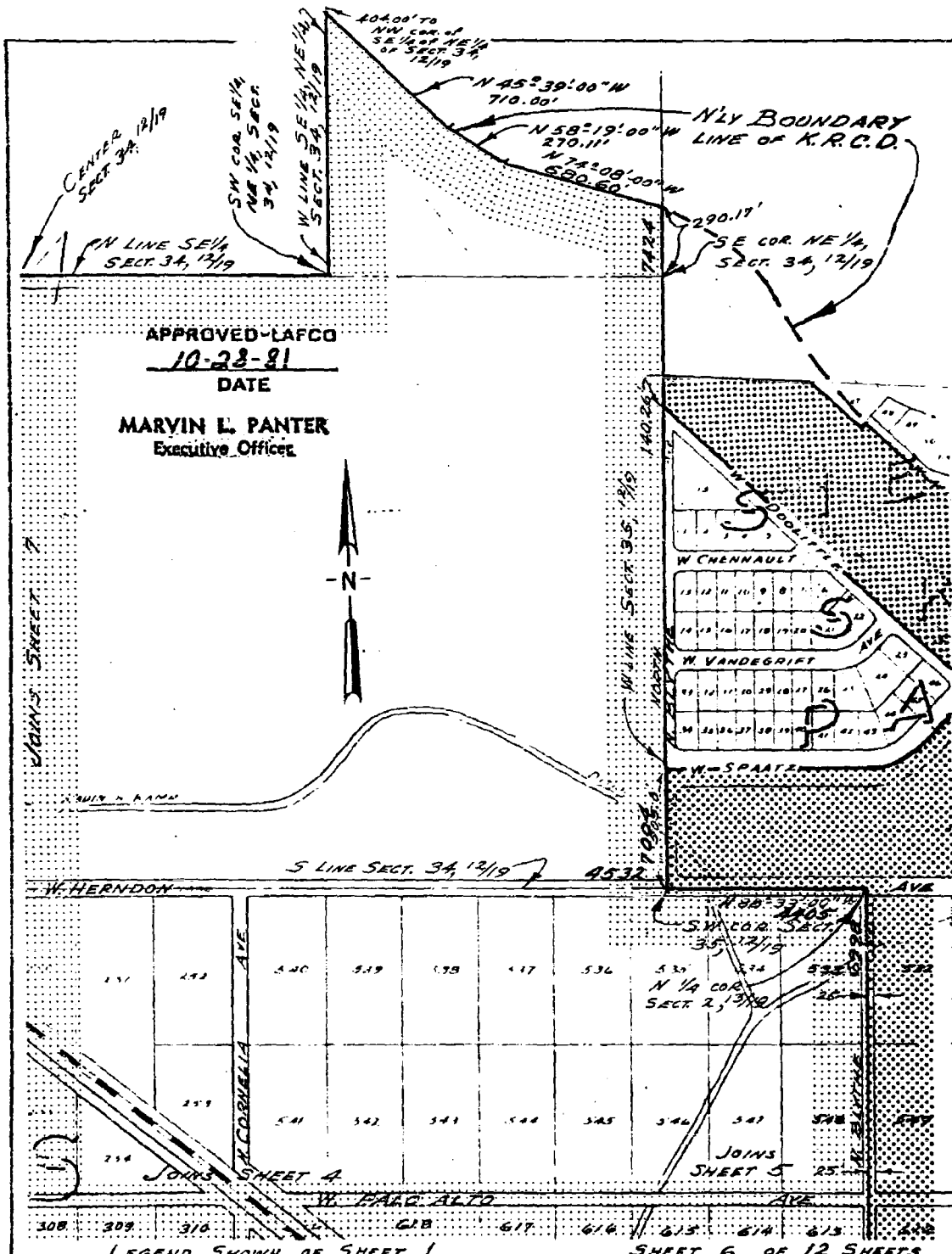
RES. No. 81-506 ADOPTED 12-15-81		FILE No. 2088
Portions of Sections 27, 28, 33 and 34, T.12S., R.19E., M.D.B.&M.; Portions of Sections 2, 3, 4, 9, 10 and 11, T.13S., R.19E., M.D.B.&M.; together with those certain Subdivisions and portions of certain Subdivisions, lying within the aforementioned Sections.		ANNEX No. 1004
		ACRES = 2700±
		COUNCIL DISTRICT No. 2
ALLOCATED TO COUNCIL DISTRICT NO. <u>2</u> AS PER COUNCIL DISTRICT MAP DATED 10-24-78		DR. BY: <u>JWB</u> DATE: <u>AUG. 1980</u> SCALE: <u>1" = 500'</u>
		6-A-1118



LEGEND SHOWN ON SHEET 1

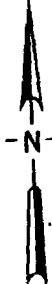
HERNDON-BLYTHE No. 4 DISTRICT REORGANIZATION SHEET 4 OF 12 SHEETS

<p>Res. No. 81-506 Adopted 12-15-81</p> <p>Portions of Sections 27,28,33 and 34, T.12S., R.19E., M.D.B.&M.; Portions of Sections 2,3,4,9,10 and 11, T.13S., R.19E., M.D.B.&M.; together with those certain Subdivisions and portions of certain Subdivisions, lying within the aforementioned Sections.</p>		<p>FILE No. <u>2088</u></p> <p>ANNEX No. <u>1004</u></p> <p>ACRES = <u>2700±</u></p> <p>COUNCIL DISTRICT No. <u>2</u></p>
<p>ALLOCATED TO COUNCIL DISTRICT NO. <u>2</u> AS PER COUNCIL DISTRICT MAP DATED 10-24-78</p>	<p>DR. BY: <u>TWB</u></p> <p>DATE: <u>Aug 1980</u></p> <p>SCALE: <u>1" = 500'</u></p>	<p>6-A-1118</p>



APPROVED-LAFCO
10-28-81
 DATE

MARVIN L. PANTER
 Executive Officer



JOHN'S STREET

W. LINE SECT 35, 1919

LEGEND SHOWN OF SHEET 1

SHEET 6 OF 12 SHEETS

HERNDON - BLYTHE No. 4 DISTRICT REORGANIZATION
 Portions of Sections 27, 28, 33 and 34, T.12S., R.19E.,
 M.D.B.6M.; Portions of Sections 2, 3, 4, 9, 10 and 11,
 T.13S., R.19E., M.D.B.6M.; together with those certain
 Subdivisions and portions of certain Subdivisions, lying
 within the aforementioned Sections.

FILE No. 2088
 ANNEX No. 1004
 ACRES = 2700 ±
 COUNCIL DISTRICT No. 2

ALLOCATED TO COUNCIL DISTRICT NO. 2 AS PER COUNCIL
 DISTRICT MAP DATED 10-24-78

DR. BY: JWB
 DATE: AUG. 1982
 SCALE: 1" = 500' **6-A-1118**

JOINS SHEET 11

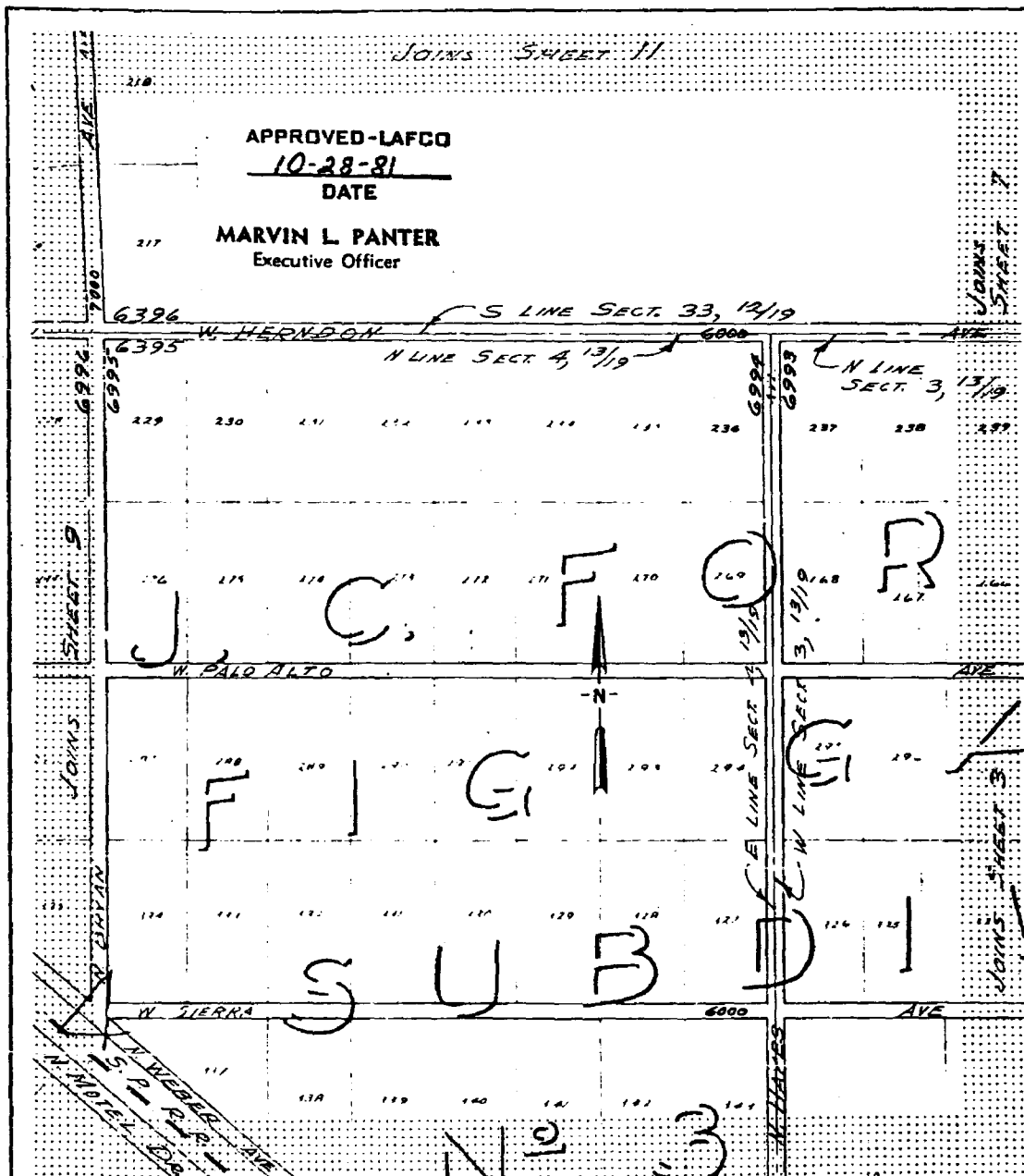
APPROVED-LAFCO

10-28-81

DATE

MARVIN L. PANTER

Executive Officer



JOINS SHEET 2

HERNDON-BLYTHE No. 4
DISTRICT REORGANIZATION

LEGEND SHOWN ON SHEET 1

SHEET 8 OF 12 SHEETS

RES. No. 81-506 ADOPTED 12-15-81

Portions of Sections 27,28,33 and 34, T.12S., R.19E., M.D.B.&M.; Portions of Sections 2,3,4,9,10 and 11, T.13S., R.19E., M.D.B.&M.; together with those certain Subdivisions and portions of certain Subdivisions, lying within the aforementioned Sections.

FILE No. 2088

ANNEX No. 1004

ACRES = 2700±

COUNCIL DISTRICT No. 2

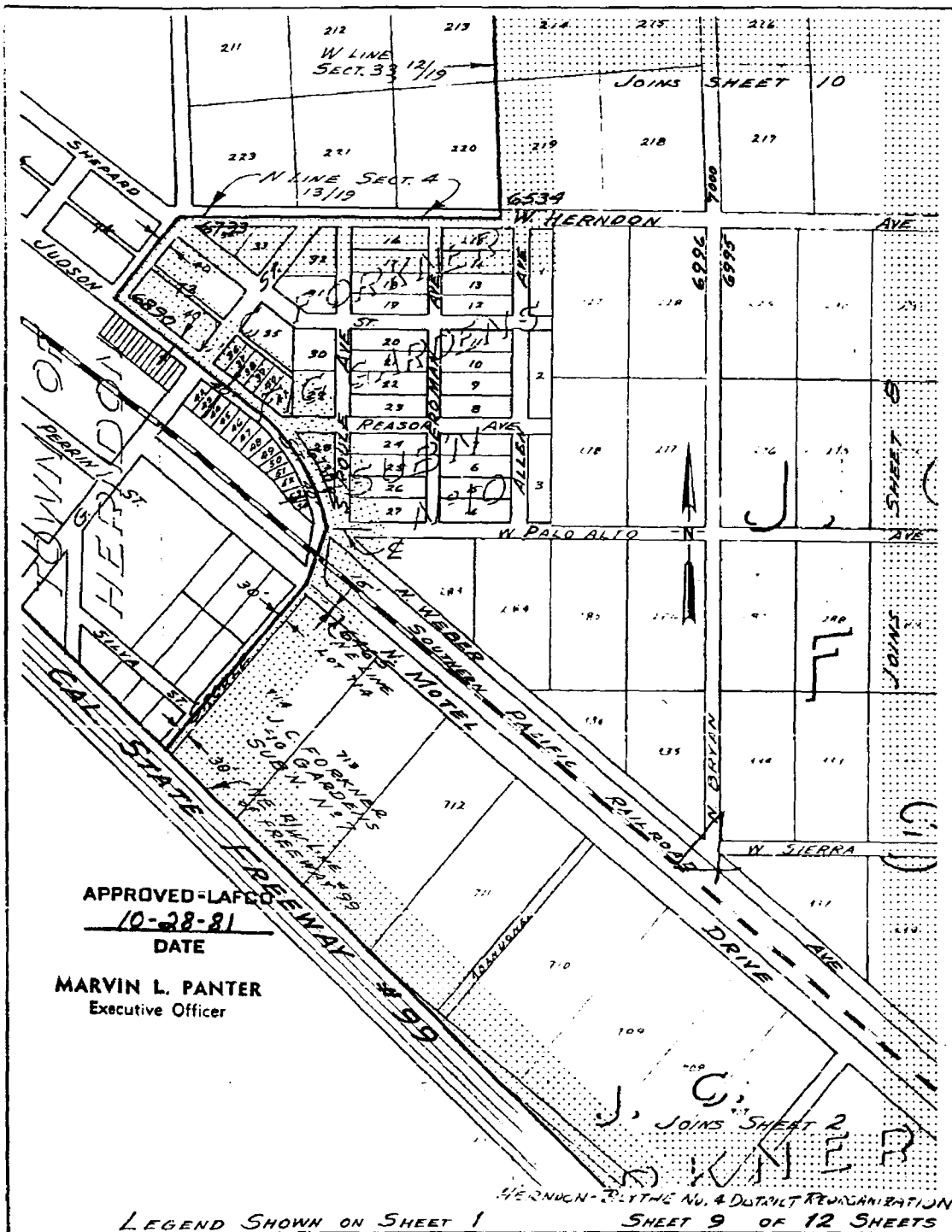
ALLOCATED TO COUNCIL DISTRICT NO. 2 AS PER COUNCIL DISTRICT MAP DATED 10-24-78

DR. BY: TWB

DATE: Aug. 1980

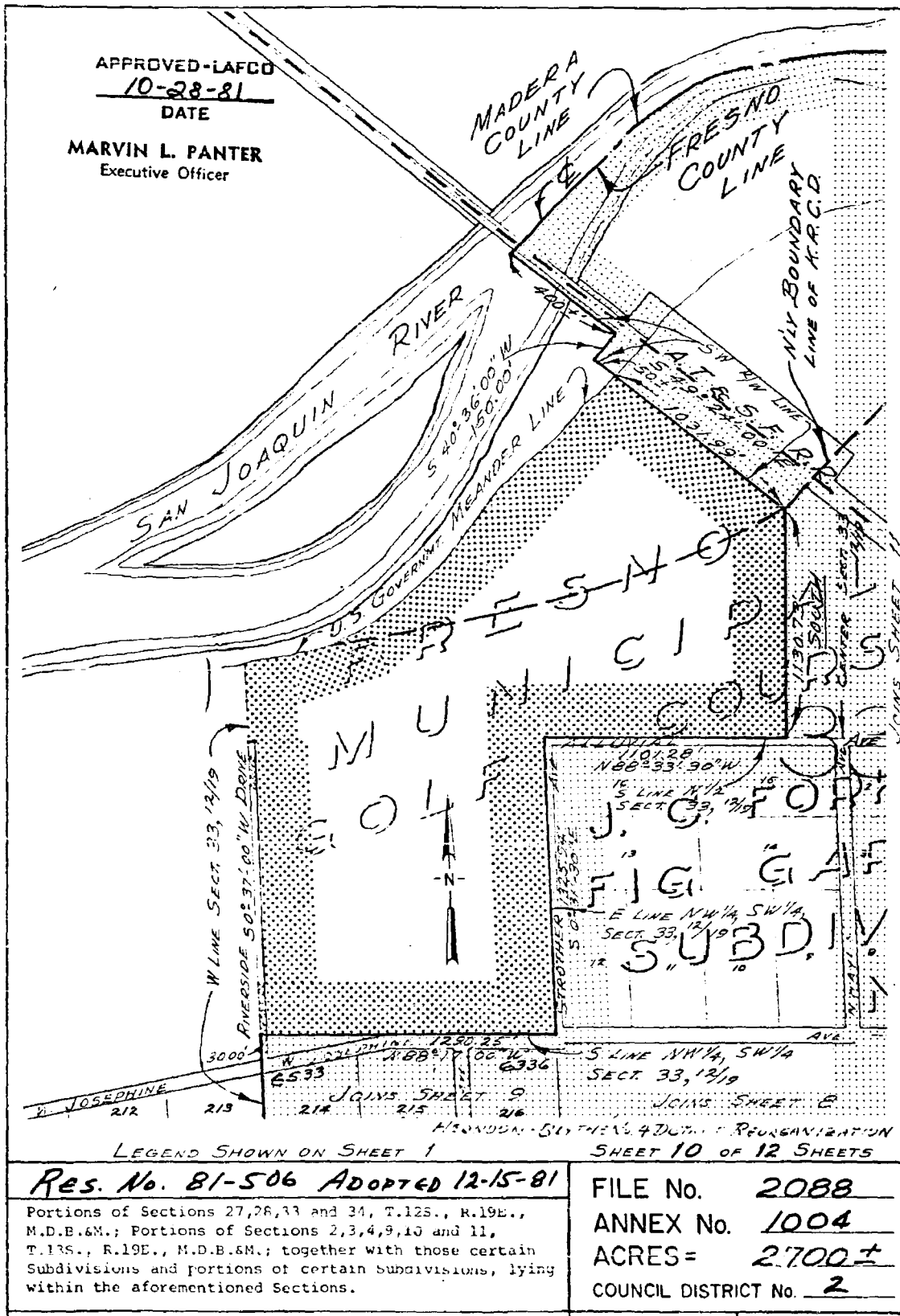
SCALE: 1" = 500'

6-A-1118



APPROVED-LAFCD
10-28-81
 DATE

MARVIN L. PANTER
 Executive Officer



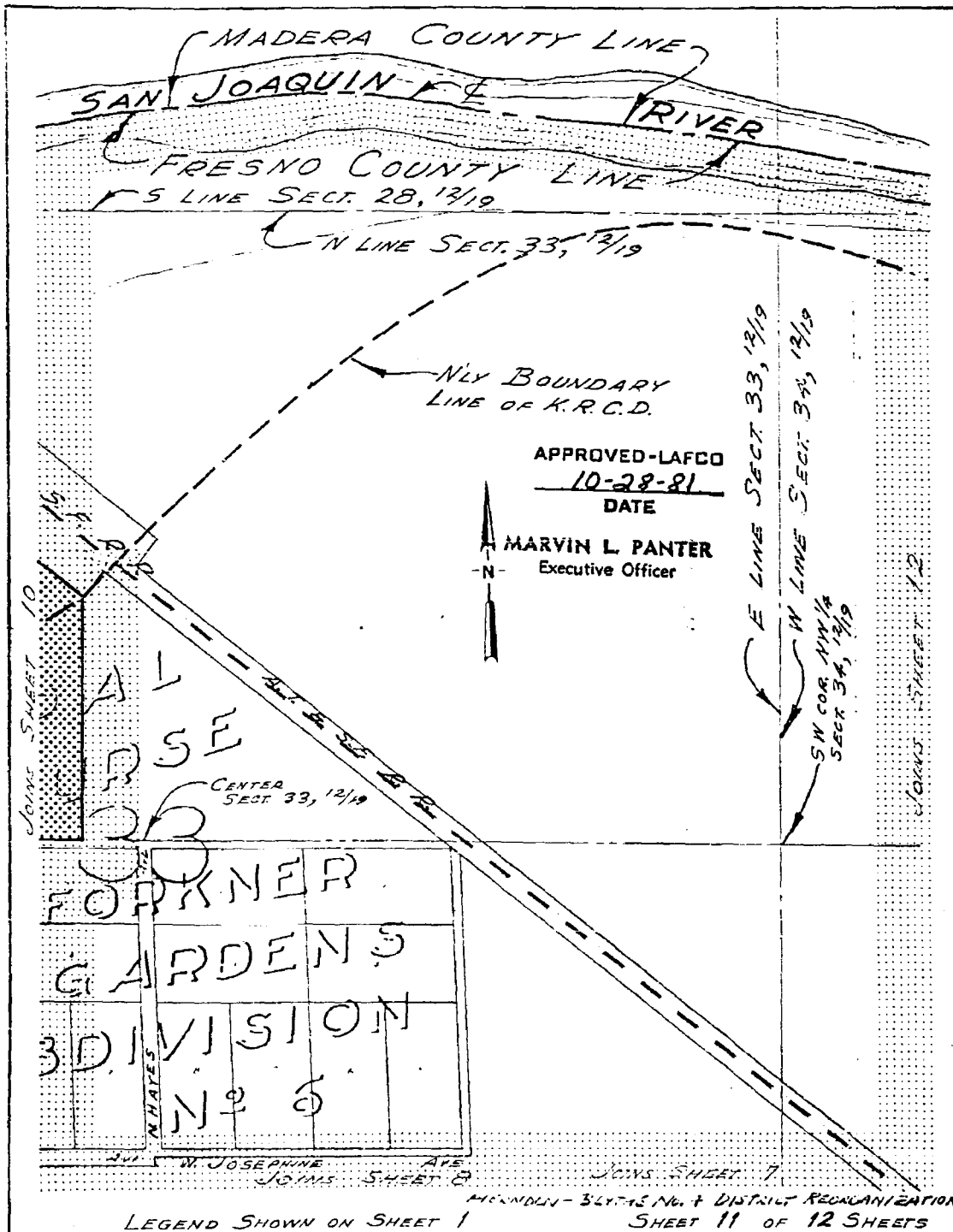
LEGEND SHOWN ON SHEET 1

SHEET 10 OF 12 SHEETS

Res. No. 81-506 ADOPTED 12-15-81

Portions of Sections 27, 28, 33 and 34, T.12S., R.19E., M.D.B.&M.; Portions of Sections 2, 3, 4, 9, 13 and 11, T.13S., R.19E., M.D.B.&M.; together with those certain Subdivisions and portions of certain Subdivisions, lying within the aforementioned Sections.

FILE No. 2088
 ANNEX No. 1004
 ACRES = 2700±
 COUNCIL DISTRICT No. 2

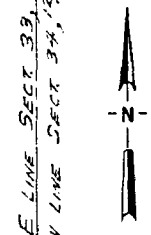
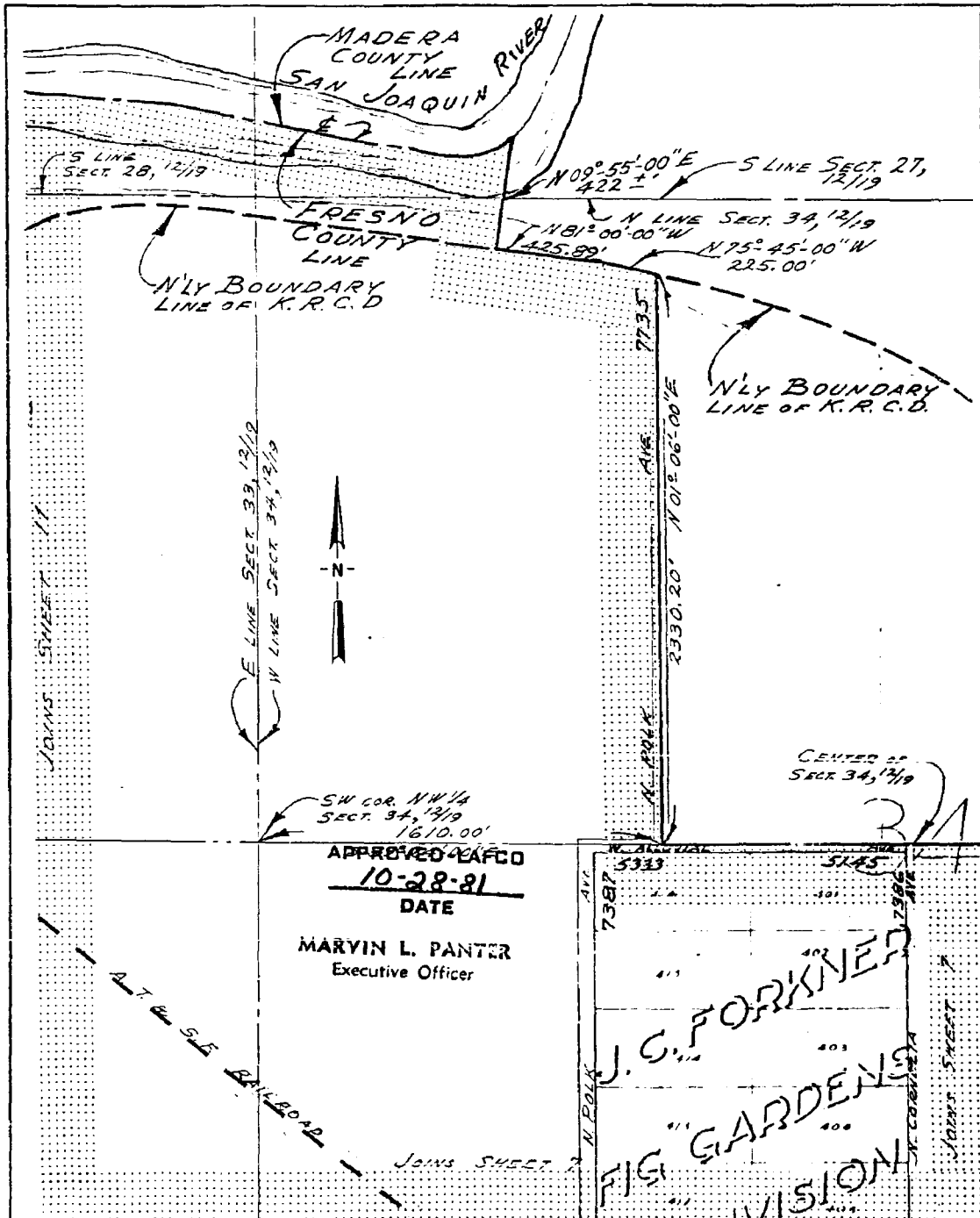


Res. No. 81-506 Adopted 12-15-81
 Portions of Sections 27, 29, 33 and 34, T.12S., R.19E., M.D.B.&M.; Portions of Sections 2, 3, 4, 9, 10 and 11, T.13S., R.19E., M.D.B.&M.; together with those certain Subdivisions and portions of certain Subdivisions, lying within the aforementioned Sections.

FILE No. 2088
 ANNEX No. 1004
 ACRES = 2700±
 COUNCIL DISTRICT No. 2

ALLOCATED TO COUNCIL DISTRICT NO. 2 AS PER COUNCIL DISTRICT MAP DATED 10-24-78

DR. BY: JWB
 DATE: Aug. 1980
 SCALE: 1" = 500'
6-A-1118



APPROVED ~~CAFCO~~
10-28-81
 DATE
 MARVIN L. PANTER
 Executive Officer

J. C. FORKNER
 FIG GARDENS
 DIVISION

LEGEND SHOWN ON SHEET 1 HENDERSON-BUTTE No. 4 DISTRICT REORGANIZATION SHEET 12 OF 12 SHEETS

<p>Res. No. 81-506 Adopted 12-15-81</p> <p>Portions of Sections 27, 28, 33 and 34, T. 12S., R. 19E., M.D.B. & M.; Portions of Sections 2, 3, 4, 9, 10 and 11, T. 13S., R. 19E., M.D.B. & M.; together with those certain Subdivisions and portions of certain Subdivisions, lying within the aforementioned Sections.</p>	<p>FILE No. 2088</p> <p>ANNEX No. 1004</p> <p>ACRES = 2700±</p> <p>COUNCIL DISTRICT No. 2</p>
<p>ALLOCATED TO COUNCIL DISTRICT NO. 2 AS PER COUNCIL DISTRICT MAP DATED 10-24-78</p>	<p>DR. BY: JWB</p> <p>DATE: AUG. 1982</p> <p>SCALE: 1" = 500'</p> <p>6-A-111B</p>

1 MAKING DETERMINATION AND APPROVING)
2 PROPOSED "HERNDON-BLYTHE #4")
3 REORGANIZATION)

RESOLUTION OF THE
FRESNO LOCAL AGENCY
FORMATION COMMISSION

4 WHEREAS, preliminary proceedings were initiated by the City of
5 Fresno to annex territory generally bounded by the San Joaquin River,
6 Brawley Avenue, Barstow Avenue, and Freeway 99 to the City of Fresno
7 and detach from the North Central Fire Protection District and Kings
8 River Conservation District in the County of Fresno; and

9 WHEREAS, an application for said proposal was accepted for
10 filing by the Executive Officer of this Local Agency Formation
11 Commission; and

12 WHEREAS, said application was set for hearing by the Executive
13 Officer on the 26th day of August, 1981, which application was
14 continued to September 23, 1981, at the hour of 1:30 p.m.; and

15 WHEREAS, notice of the hearing of said application was duly
16 given by mail, posting, and newspaper publication as required by
17 law; and

18 WHEREAS, the Executive Officer reviewed said application and
19 prepared a report, including his recommendations thereon, said
20 application and report having been presented to and considered by
21 this Commission; and

22 WHEREAS, this Commission did continue the hearing on the
23 proposal to September 23, 1981, at 1:30 p.m. requesting that the
24 City, affected school districts, and other interested parties reach
25 some agreement as to how school district impact and inadequate fire
26 service problems would be resolved; and

27 WHEREAS, this Commission did consider a request for revision
28 of their resolution of September 23, 1981, submitted by Mike
29 Licciardello and James Logan, to delete three parcels north of Shaw
30 Avenue and west of Freeway 99, the Commission granting such request
31 for deletion at their regular meeting of October 28, 1981; and

32

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

4 WHEREAS, the Commission has reviewed and considered the
5 information in the Bullard Community Plan EIR and the Negative
6 Declaration duly prepared, certified, and filed by the City of
7 Fresno.

8 NOW, THEREFORE, BE IT RESOLVED that the Local Agency Formation
9 Commission of the County of Fresno does HEREBY RESOLVE, DETERMINE,
10 AND ORDER as follows:

11 Section 1. Said proposal is approved subject to the terms and
12 conditions hereinafter specified. Any resolution of the conducting
13 agency ordering this reorganization shall provide that such
14 reorganization shall be subject to the following terms and
15 conditions:

16 a. Adequate arrangements be made to meet the fire needs of the
17 area.

18 b. A plan for school district service shall be determined by
19 the City, and agreed to by the affected school district or districts,
20 which plan might possibly include:

21 (1) A transfer of territory occurring between Herndon
22 Elementary School District and Fresno Unified for the affected
23 territory.

24 (2) A contract offer by Fresno Unified to Central High
25 and Herndon Elementary School Districts to accept students from the
26 affected territory until Central and Herndon have capacity for the
27 students.

28 (3) An agreement between the Central High and Herndon
29 Elementary School Districts and the City of Fresno or the landowners,
30 such agreement to mitigate the problem of overcrowding from develop-
31 ment in the affected territory.

1 (4) Or any combination of 1, 2, or 3 above and/or other
2 mitigating measures to resolve the problem of overcrowding from
3 development in the affected territory.

4 Section 2. Said territory is found to be uninhabited and
5 is assigned the following distinctive short form designation:
6 "Herndon-Blythe #4".

7 Section 3. The City of Fresno is designated as the conducting
8 agency, and the governing body of said agency is hereby directed to
9 initiate reorganization proceedings in compliance with this
10 resolution.

11 Section 4. Further proceedings shall be initiated by the
12 conducting agency not later than 35 days after the date of adoption
13 of the Commission resolution and shall be conducted and completed
14 pursuant to required law. Proceedings and any resolution of
15 approval shall comply with the Commission's resolution of approval.

16 Section 5. The Executive Officer is hereby authorized and
17 directed to mail certified copies of this resolution as provided
18 in Section 56272 of the Government Code.

19 ADOPTED this 28th day of October, 1981, by the following vote:

20 AYES: Howard, Wilder, Levy, Johnson

21 NOES: None

22 ABSENT: Tucci

23 STATE OF CALIFORNIA)
24 COUNTY OF FRESNO)

25 I, MARVIN L. PANTER, Executive Officer of the Local Agency
26 Formation Commission certify that the foregoing resolution was
27 adopted by the Fresno County Local Agency Formation Commission,
California, at a regular meeting held on the 28th day of October,
1981.

28 *Marvin L. Panter*
29 MARVIN L. PANTER, Executive Officer

1 APPROVAL OF REQUEST TO REVISE)
2 RESOLUTION APPROVING "HERNDON-)
3 BLYTHE #4" REORGANIZATION)

RESOLUTION OF THE
FRESNO LOCAL AGENCY
FORMATION COMMISSION

4 WHEREAS, on September 23, 1981, the Local Agency Formation
5 Commission did approve the proposed Herndon-Blythe #4 Reorganization
6 to annex to the City of Fresno and detach from the North Central
7 Fire Protection District and Kings River Conservation District,
8 subject to conditions related to fire protection and school district
9 services; and

10 WHEREAS, an application was received to revise said resolution
11 of approval by Mr. Carl Motschiedler, representing several land-
12 owners; and

13 WHEREAS, this application was scheduled for hearing before the
14 Commission on October 28, 1981, and was continued to November 25,
15 1981, at the hour of 3:30 p.m., and notice was given as required by
16 law; and

17 WHEREAS, the Commission did consider the testimony of the
18 applicant and did hear all interested parties wishing to speak on
19 the application.

20 NOW, THEREFORE, BE IT RESOLVED that the Local Agency Formation
21 Commission of the County of Fresno does hereby approve the request
22 of Carl Motschiedler to revise the resolution approving Herndon-
23 Blythe #4 Reorganization to delete all terms and conditions of
24 approval. Any resolution of the conducting agency ordering this
25 reorganization shall provide that such reorganization shall be
26 subject to no terms or conditions.

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1 ADOPTED this 25th day of November, 1981, by the following vote:
2 AYES: Levy, Howard, Johnson
3 NOES: Wilder
4 ABSENT: None
5 ABSTAIN: Tucci

6 STATE OF CALIFORNIA)
7 COUNTY OF FRESNO)

8 I, MARVIN L. PANTER, Executive Officer of the Local Agency
9 Formation Commission certify that the foregoing resolution was
10 adopted by the Fresno County Local Agency Formation Commission,
11 California, at a regular meeting held on the 25th day of November,
12 1981.

Marvin L. Panter

MARVIN L. PANTER, Executive Officer

27 32

1 APPROVAL OF REQUEST TO REVISE)
2 RESOLUTION APPROVING "HERNDON-)
3 BLYTHE #4" REORGANIZATION)

RESOLUTION OF THE
FRESNO LOCAL AGENCY
FORMATION COMMISSION

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WHEREAS, on September 23, 1981, the Local Agency Formation Commission did approve the proposed Herndon-Blythe #4 Reorganization to annex to the City of Fresno and detach from the North Central Fire Protection District and Kings River Conservation District, subject to conditions related to fire protection and school district services; and

WHEREAS, an application was received to revise said resolution of approval by Mr. Carl Motschiedler, representing several land-owners; and

WHEREAS, this application was scheduled for hearing before the Commission on October 28, 1981, and was continued to November 25, 1981, at the hour of 3:30 p.m., and notice was given as required by law; and

WHEREAS, the Commission did consider the testimony of the applicant and did hear all interested parties wishing to speak on the application.

NOW, THEREFORE, BE IT RESOLVED that the Local Agency Formation Commission of the County of Fresno does hereby approve the request of Carl Motschiedler to revise the resolution approving Herndon-Blythe #4 Reorganization to delete all terms and conditions of approval. Any resolution of the conducting agency ordering this reorganization shall provide that such reorganization shall be subject to no terms or conditions.

1 ADOPTED this 25th day of November, 1981, by the following vote:
2 AYES: Levy, Howard, Johnson
3 NOES: Wilder
4 ABSENT: None
5 ABSTAIN: Tucci

6 STATE OF CALIFORNIA)
7 COUNTY OF FRESNO)

8 I, MARVIN L. PANTER, Executive Officer of the Local Agency
9 Formation Commission certify that the foregoing resolution was
10 adopted by the Fresno County Local Agency Formation Commission,
11 California, at a regular meeting held on the 25th day of November,
12 1981.

Marvin L. Panter
MARVIN L. PANTER, Executive Officer

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Inter Office Memo

Date: November 25, 1981
To: LAFCO Commissioners
From: Marvin Panter ^{MP} LAFCO Executive Officer
Subject: PUBLIC HEARING TO CONSIDER A REQUEST BY CARL MOTSCHIEDLER
TO REVISE THE LAFCO RESOLUTION APPROVING CONDITIONALLY
THE HERNDON-BLYTHE #4 REORGANIZATION

RECOMMENDATION:

Deny requested revision.

BACKGROUND:

On August 26, your Commission considered this proposal for 2,700 acres to be annexed to the City of Fresno initiated by the City of Fresno. The staff recommendation was to approve the proposal in part to include only that territory within the boundaries of the Fresno Unified School District, also being the territory south and east of Herndon and Cornelia Avenues. The major issues identified by staff were the size of the territory proposed for annexation, the implications related to urban sprawl by such annexation, the loss of agricultural land, the creation of two unincorporated islands, inadequate school district and fire protection services, and the lack of an Environmental Impact Report (EIR). The recommendation by staff for approval of the smaller 450-acre area mitigated all of these issues.

At your August hearing, after considerable testimony for and against the proposal, the item was continued until September 23. Your Commission requested the City, the affected school districts, and the developers come to some agreement which would mitigate the impacts on the school districts; and requested the City to provide specific information as to how interim and long-range fire protection would be provided. The motion for continuance passed unanimously.

On September 23, at the continued hearing your Commission learned that no agreement had been arrived at. The City of Fresno had provided additional information related to school district and the overcrowding issue and had also provided information concerning fire protection. Since no meeting had been called related to the school district issue, your staff did call a meeting just prior to your September hearing, but was not able to obtain an agreement from any of the affected parties. Because the issues had not been resolved, staff recommended again that approval be given only to the 450-acre territory within the Fresno Unified School District.

However, after lengthy testimony both for and against the proposal, a motion was made and passed unanimously to approve the entire proposal conditionally, one of the alternatives presented by staff, such conditions to assure adequate fire and school district services within the affected area. Both conditions provided latitude for a number of options to deal with the problem. Since that time, considerable work and effort has been made to resolve the problems.

DISCUSSION OF REQUEST:

The request of Mr. Motschiedler initially stated that a rehearing was justified because of "error in the proceedings which may have affected the decision of the Commission, mistake or misunderstanding of fact or law substantially affecting the decision, the existence of new matter not considered by the Commission and which may have affected the decision". In response to staff's letter requesting specific information as to the errors, mistakes, or new matter, Mr. Motschiedler's reply includes none of the three but rather deals with items that were considered by the Commission in one or all of the previous hearings.

To answer each of his reasons for request of rehearing:

1. Regarding the condition of adequate arrangements be made to meet fire needs of the area, it is the responsibility of the Executive Officer to determine compliance with the condition prior to completion of the application. Staff would work closely with the City and fire district to assure adequate fire protection before completion. If there was any question as to adequacy, staff would bring the matter back to the Commission at the earliest possible moment. Also a number of deficiencies in the fire service plan were pointed out by staff and the Commission. These are part of the staff report and tape of the hearing.
2. Although the action of the school district to support the transfer of territory from the Herndon School District to Fresno Unified had not been officially taken, testimony of staff from the Fresno Unified School District indicated the Fresno Unified School District's willingness to serve the area. This is not really any new information.
3. Several options were given to resolve the school district problem, each of which required agreement among several parties. Your Commission was well aware of the need that these agreements would need to be worked out prior to completion of the annexation. This point was emphasized at the end of your September meeting.

What LAFCO in effect was saying was that before the annexation can be completed the problem must be worked out in at least one of a number of ways. The responsibility to work out a solution thus became a part of the City, the school districts, and the landowners responsibility.

4. It is the opinion of LAFCO Counsel that the school related condition is proper. The point that the condition is unlawful or unnecessary is an opinion expressed by the applicant in this matter.
5. It is the responsibility of LAFCO to consider the adequacy of services related to the proposal and the effect of the proposal on other governmental entities. Adequacy of services does not apply only to those cities or districts under the jurisdiction of LAFCO. Clearly, LAFCO has responsibility to consider adequacy of school services.
6. The statement that the LAFCO conditions are unlawful are again the opinion of the applicant.
7. The statement that LAFCO conditions are unlawful are repeated again and has been responded to in Items 5 and 6 above.
8. LAFCO's action was to require conditions to deal with issues that were not resolved properly by the time of the hearing. Any conditions of a proposal must be complied with before that annexation can be completed. These conditions apply to the entire proposal, the boundaries of which were proposed by the applicant. However, your Commission has already deleted a portion of the territory because the school district issues did not apply (Shaw-Lola #4).
9. The statement of Mr. Lozano regarding the County School District Policy is a part of the tape transcript of the meeting but was not a part of the action taken by the Commission. The Commission resolution does not address all comments or testimony made at the hearing.

As staff has stated before, considerable effort has been made to make this proposal and the conditions "work". The attempts to revise the resolution have caused some confusion and delays to your staff in that we do not know how to proceed. Your Commission was aware when you approved the resolution with conditions it would take some time to implement these conditions.

LAFCO Commissioners
Page 4
November 25, 1981

Staff recommends that your Commission deny the request for a change in the resolution and allow staff and the other affected parties to resolve the two matters related to fire and school district service. Attached is the request of Mr. Motshciedler for rehearing with the revised draft of the resolution prepared by Mr. Motschiedler. Also attached is the staff report prepared for your August hearing for your information and the resolution approved by your Commission.

MLP:kf

cc: Mr. Carl Motschiedler, Attorney
Mr. Dave Herb, City Planning & Inspection Department
Mrs. Angela Hill, Herndon Elementary School District
Mr. Byron Gavrilis, Central Union High School District
Dr. John Stremple, Fresno Unified School District
Mr. Lou Lozano, Attorney

MOTSCHIEDLER & MICHAELIDES

ATTORNEYS AT LAW
1255 WEST SHAW AVENUE
SUITE 103
FRESNO, CALIFORNIA 93711
TELEPHONE (209) 227-3524

J. CARL MOTSCHIEDLER
PHILLIP G. MICHAELIDES
EMORY WISHON

October 22, 1981

Mr. Willard H. Johnson
Chairman
LOCAL AGENCY FORMATION COMMISSION
ORGANIZATION
2200 Tulare
Eighth Floor
Fresno, California 93721

Re: Request for Rehearing Regarding
Herndon-Blythe No. 4 District
Reorganization

Dear Mr. Johnson:

Mr. Panter's letter of October 2 in response for rehearing requested the additional information set out in this letter.

First, our request is that the Commission take action on October 28 to modify and delete conditions to the reorganization. Second, if the Commission is unable to modify its action of September 23 without another duly noticed hearing, our request is that notice be given and a rehearing held at the Commission's regular meeting in November.

The form of requested resolution is enclosed with this letter. We believe that it is supported by the expressed intentions of the Commissioners, the testimony, and the Commission's purpose and policies.

The reasons for this request are summarized as follows:

1. Resolution No. RO-81-27, prepared by Mr. Panter, includes the condition, "Adequate arrangements be made to meet the fire needs of the area." This does not define what is "adequate", who will determine adequacy and when it will be determined. The Commissioners did not point

Mr. Willard H. Johnson
Chairman
October 22, 1981
Page Two

out any deficiencies in the City's implementation of fire service under its UGM procedures. If there are deficiencies in the City's plan, we believe the Commissioners should identify them and allow the City to propose specific solutions to the specific concerns stated by the Commissioners.

2. On October 8, 1981, the Board of Trustees of the Fresno Unified School District voted to initiate and support a transfer of the affected territory from the Herndon School District to Fresno Unified School District. Whatever doubt the Commissioners may have had concerning Fresno Unified's willingness and ability to serve the area should be dispelled.

3. The school district boundary change could be accomplished quickly if Herndon School District cooperates. Without that cooperation the boundary change would almost certainly be delayed for at least one year and possibly as much as five or six years. LAFCO has, in effect, placed the control over the timing of annexation and development into the hands of the Herndon School District. LAFCO should, instead, make the determination that a reasonable and feasible mitigation measure - school district reorganization - is available and should be implemented. LAFCO should not place control of the annexation into the hands of the school district over which LAFCO has neither jurisdiction nor control.

4. The school-related condition requiring an agreement to mitigate the problem of overcrowding is either unnecessary or unlawful. If the intent is to require the developer or the City to pay or do more than is permitted by SB-201, the requirement is unlawful. SB-201 pre-empts any government agency from imposing a higher condition. If the intent is to require no more than what SB-201 permits, the requirement is unnecessary; because the City has already adopted and is prepared to implement SB-201.

5. Cities, not LAFCO's, have the legal right and responsibility to determine and implement school-related restrictions or conditions upon development entitlements.

6. The state constitution and court decisions clearly and specifically declare that it is the obligation of the state to provide for public education. LAFCO's conditions, to the extent they impose obligations on the

Mr. Willard H. Johnson
Chairman
October 22, 1981
Page Three

City or property owners in excess of those expressly authorized by the legislature, are unlawful.

7. LAFCO's conditions with respect to school facilities are unlawful.

8. LAFCO's action does not address the affect of the absence of an "agreement" regarding school facilities upon the portion of the property planned for non-residential use and the portion already within the Fresno Unified School District.

9. Mr. Lozano, representing the Central and Herndon districts, stated at the September 23 meeting that the districts would withdraw their opposition to the annexation if the City were to adopt the school policy adopted by the County of Fresno. That concession is not reflected in the resolution prepared by Mr. Panter.

Very truly yours,

J. Carl Motschiedler
J. Carl Motschiedler

JCM:alp
Enclosure
cc: Edward M. Kashian
(w/enclosure)
Douglas Holland,
Deputy City Attorney
(w/enclosure)



Revised Draft by Carl Motochieder

1 MAKING DETERMINATION AND APPROVING)
2 PROPOSED "HERNDON-BLYTHE #4")
3 REORGANIZATION)

RESOLUTION OF THE
PRESNO LOCAL AGENCY
FORMATION COMMISSION

4 WHEREAS, preliminary proceedings were initiated by the City of
5 Fresno to annex territory generally bounded by the San Joaquin River
6 Brawley Avenue, Barstow Avenue, and Freeway 99 to the City of Fresno
7 and detach from the North Central Fire Protection District and Kings
8 River Conservation District in the County of Fresno; and

9 WHEREAS, an application for said proposal was accepted for
10 filing by the Executive Officer of this Local Agency Formation
11 Commission; and

12 WHEREAS, said application was set for hearing by the Executive
13 Officer on the 26th day of August, 1981, which application was
14 continued to September 23, 1981, at the hour of 1:30 p.m.; and

15 WHEREAS, notice of the hearing of said application was duly
16 given by mail, posting, and newspaper publication as required by
17 law; and

18 WHEREAS, the Executive Officer reviewed said application and
19 prepared a report, including his recommendations thereon, said
20 application and report having been presented to and considered by
21 this Commission; and

22 WHEREAS, this Commission did continue the hearing on the
23 proposal to September 23, 1981 at 1:30 p.m. requesting that the
24 City, affected school districts, and other interested parties reach
25 some agreement as to how school district impact and inadequate fire
26 service problems would be resolved; and

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

30 WHEREAS, the Commission has reviewed and considered the
31 information in the Bullard Community Plan EIR and the Negative
32 Declaration duly prepared, certified, and filed by the City of Fresno.

1 NOW, THEREFORE, BE IT RESOLVED that the Local Agency Formation
2 Commission of the County of Fresno does HEREBY RESOLVE, DETERMINE,
3 AND ORDER as follows:

4 Section 1. Said proposal is approved subject to the terms and
5 conditions hereinafter specified. Any resolution of the conducting
6 agency ordering this reorganization shall provide that such
7 reorganization shall be subject to the following terms and
8 conditions:

9 Adequate school district service shall be provided by any
10 of the following alternatives:

11 (1) A contract offer by Fresno Unified School District
12 to Central High and Herndon Elementary School Districts to accept
13 students from the affected territory until Central and Herndon
14 have capacity for the students.

15 (2) Fresno Unified School District shall consent to
16 a transfer of the affected territory from Herndon School District.

17 (3) An agreement between Central High, Herndon Ele-
18 mentary School Districts and either the City of Fresno or the
19 landowners to mitigate the problem of overcrowding from de-
20 velopment in the affected territory.

21 (4) The City may adopt a school facilities policy in
22 the form now in effect in the County of Fresno subject to such
23 limitations as may exist under state law.

24 (5) Or any combination of 1, 2, or 3 above and/or
25 other mitigating measures to resolve the problem of overcrowding
26 from development in the affected territory.

27 Section 2. Said territory is found to be uninhabited and
28 is assigned the following distinctive short form designation:
29 "Herndon-Blythe #4".

30 Section 3. The City of Fresno is designated as the conducting
31 agency, and the governing body of said agency is hereby directed to
32

1 initiate reorganization proceedings in compliance with this
2 resolution.

3 Section 4. Further proceedings shall be initiated by the
4 conducting agency not later than 35 days after the date of adoption
5 of the Commission resolution and shall be conducted and completed
6 pursuant to required law. Proceedings and any resolution of
7 approval shall comply with the Commission's resolution of approval.

8 Section 5. The Executive Officer is hereby authorized and
9 directed to mail certified copies of this resolution as provided
10 in Section 56272 of the Government Code.

11 ADOPTED this 23rd day of September, 1981, by the following vote:

12 AYES: Wilder, Howard, Huey, Johnson

13 NOES: None

14 ABSENT: Levy, Tucci

15 STATE OF CALIFORNIA)
16 COUNTY OF FRESNO)

17 I, MARVIN L. PANTER, Executive Officer of the Local Agency
18 Formation Commission certify that the foregoing resolution was
19 adopted by the Fresno County Local Agency Formation Commission,
California, at a regular meeting held on the 23rd day of September,
1981.

20 

21 MARVIN L. PANTER, Executive Officer
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Inter Office Memo

To: LAFCO Commissioners Date: August 26, 1981
From: Marvin L. Panter, LAFCO Executive Officer *MLP*
Subject: PROPOSED "HERNDON-BLYTHE #4" REORGANIZATION INITIATED BY FRESNO CITY COUNCIL RESOLUTION NO. 81-206 TO ANNEX TO THE CITY OF FRESNO AND DETACH FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND KINGS RIVER CONSERVATION DISTRICT

RECOMMENDED ACTIONS:

Approve the proposed "Herndon-Blythe #4" Reorganization in part. The boundaries shall be revised to include only that territory south and east of the Herndon and Cornelia Avenue centerlines, and a revised map and legal description drawn for approval by the County Assessor's Office to show the boundaries approved by LAFCO shall be submitted.

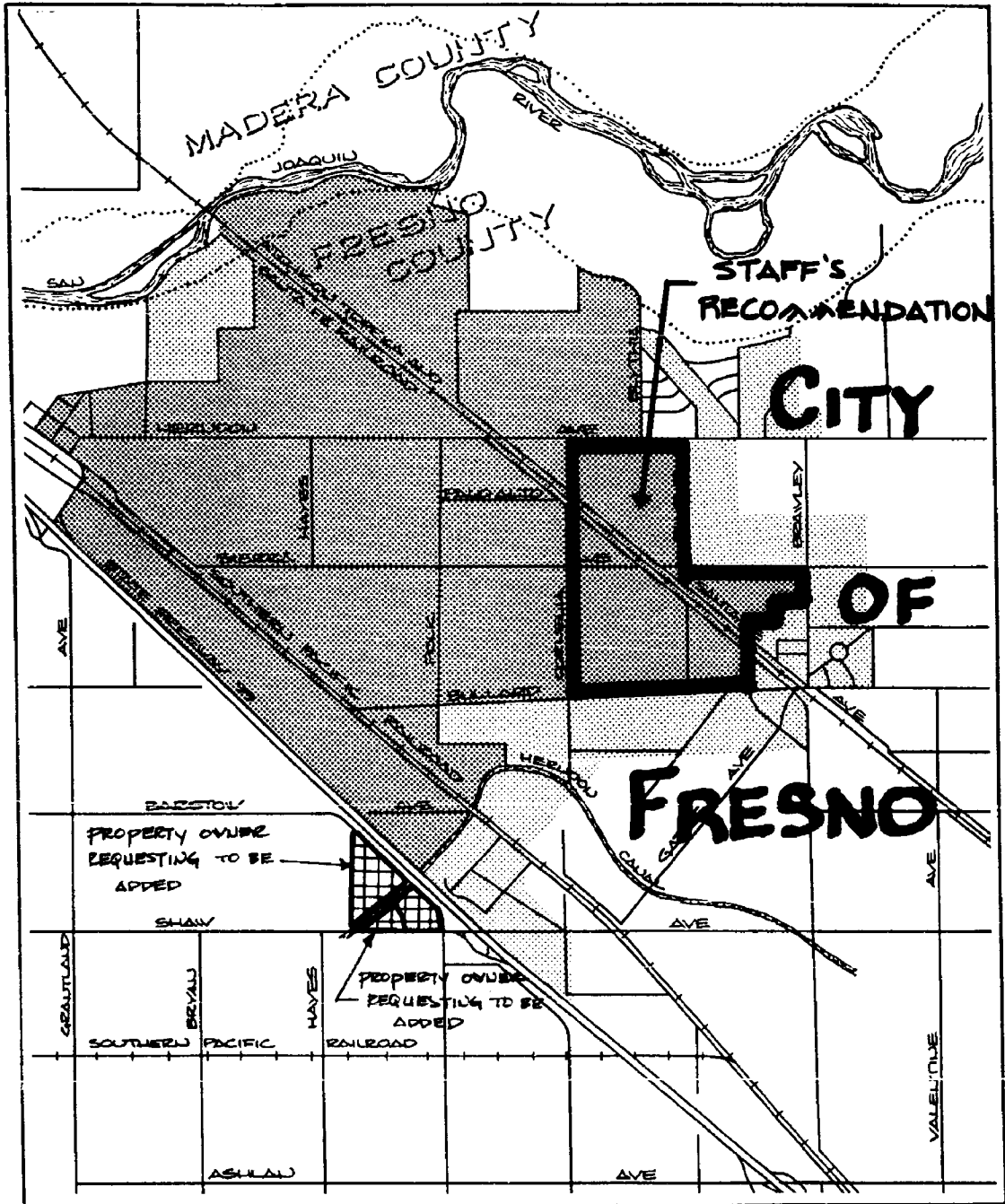
Find that the territory is uninhabited.

Designate the City of Fresno as the conducting agency and direct such agency to take proceedings for the reorganization in accordance with the District Reorganization Act of 1965 commencing with Section 56290, subject to compliance with the Commission's resolution making determination.

DESCRIPTION OF THE PROPOSAL:

The subject proposal is to annex approximately 2,700 acres to the City of Fresno and detach the same from the North Central Fire Protection District and Kings River Conservation District. The area of the proposal lies in the northwest portion of the City bounded generally along the west side by Freeway 99, along the south by Bullard Avenue, along the west by Blythe Avenue, and on the north by the San Joaquin River. The area consists of older fig orchards (approximately 2,000 acres), as well as some vacant land (approximately 500 acres). There are also approximately 150 acres of industrial and commercial properties (including the Fruehauf Industrial Plant) and only seven dwelling units with seven registered voters. The total assessed valuation of the area is \$7,319,737 (including land and improvements). With the exception of the industrial/commercial property along the Freeway, the entire area can be considered agricultural or rural.

The 1975 Fresno-Clovis Metropolitan Area Plan and the Bullard Community Plan have designated almost the entire area for both residential (low to medium-high density) and light industrial use.



**HERNDON-BLYTHE NO. 4
DISTRICT REORGANIZATION**



CITY OF FRESNO
PLANNING DIVISION
Date _____ Drawn By _____

The industrial use is designated for that area just east of the Freeway and the Southern Pacific Railroad line. According to City estimates, the existing General Plan designations for the proposal area will result in 7,205 total dwelling units over a period of time. These densities and total dwelling unit numbers could increase significantly if City staff proposals for the General Plan update now being considered are approved. Also, some of the area shown for residential just east of the railroad is being proposed for light industrial use.

This proposal is one of the largest proposals received by your Commission and, consequently, deserves special attention in that each of the issues and impacts increases in intensity due to the size. The proposal is similar in area to one approved by the Commission in 1974 (Friant-Shepherd #2) located near Woodward Park. The proposal area, being 2,700 acres, is larger in area than each of the cities in the County outside of the Fresno-Clovis metropolitan area; the largest city being just under 2,000 acres.

COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

This proposal comes to you with a Negative Declaration filed by the City of Fresno and supplemented with material related to the issues of service impact, both City and schools, and loss of agricultural lands. This Negative Declaration is attached as a supplement to this Report. The CEQA issue related to this proposal has been discussed for a number of years. The position of your staff was outlined in a letter dated February 13, 1980, to Mr. Ed Kashian, who represents many of the property owners within the proposal area. Basically, the staff position was that even though an Environmental Impact Report (EIR) had been prepared for the Bullard Community Plan, that EIR is now approximately six years old and conditions have changed, as well as proposed land uses; also the Community Plan considered an area and issues much larger in scope than the subject proposal, and an EIR should be prepared. The EIR is necessary when the impacts of annexation and development would be significant; these impacts are related to providing services, loss of agricultural land, growth-inducement, and school district impact (see attached letter to Ed Kashian). However, your staff also discussed with the proponents the possibility of mitigation of these adverse effects by supplementing both the service delivery plan and land use plan for the area, neither of which has been adequately provided.

After the City filed their Negative Declaration, an appeal was made of the City staff decision by your Executive Officer and by the affected Herndon Elementary School District and Central Union High

LAFCO Commissioners
Page 3
August 26, 1981

School District. This appeal was heard by the City Planning Commission on May 20, 1981 and was denied. The reason given for denial was that no development was proposed by the landowners in the annexation and, consequently, no environmental impacts could result through annexation. The City staff justified the City Negative Declaration primarily on the basis that the Bullard Community Plan EIR completed in July, 1975, addressed all of the issues related to this annexation and, therefore, no subsequent EIR was required.

Your staff disagrees with this position for the reasons stated, which include the lack of information on school district impacts and mitigation measures, the lack of information on the higher densities now proposed by the City and change in land uses, the continuing deterioration of air quality in the region, and the loss of over 2,500 acres of open space and agricultural lands. The decision of the City as lead agency for the project in making the determination of Negative Declaration of environmental effect is final unless appealed through the court.

SCHOOL DISTRICT IMPACT:

The subject area is serviced by the Fresno Unified School District in part, being generally that area south of Herndon Avenue and east of Cornelia Avenue (approximately 450 acres). The remaining area is served by the Central Union High School District and the Herndon and Teague Elementary School Districts. The Teague Elementary School District area is designated entirely for industrial use; consequently, impacts of annexation and development are slight. The response of the Fresno Unified School District was that eventual development would not result in any overcrowding in the affected schools, being Lawless Elementary School, Edison High School (9th grade), and Bullard High School.

However, the response of both Central Union High School District and Herndon Elementary School District indicate a very significant impact which would result from development occurring in the proposed annexation area. This impact would result in severe overcrowding in the District schools which are currently under capacity. The Herndon School District, K-8, has a capacity of approximately 300 students with available unused capacity of 100 students. With full development of the area, student enrollment could be increased by approximately 3,800 students compared to the existing enrollment of 200 students. The Central Union High School District, with a current enrollment of 900 students, can expect an additional approximately 1,700 students over present levels of enrollment. All of this is based on present General Plan densities and current student generation factors. The City is contemplating increases in

residential densities in the current General Plan update along with changes in land use which could have the overall effect of increasing school district impact on all districts.

Your School District Policy adopted several months ago requires that information on school district impact be considered by the City and the school district at an early stage of annexation processing and that the City develop mitigation measures which may include adoption of a SB 201 Ordinance (and fee schedule). Your Policy also states that the Commission may approve annexations with overcrowding impacts where there are overriding social, economic, or environmental considerations. In this instance, the impacts on the school districts of full development are tremendous. Student growth in the Herndon Elementary School District under planned densities would be 1,900 percent, and in the Central Union High School District would be 189 percent. No overriding social, economic, or environmental reasons were given in the proposal made by the City. The only mitigation measure offered by the City is the SB 201 Ordinance adopted by the City of Fresno; however, this Ordinance is not effective for the subject school districts until the districts are able to make a finding of overcrowding and request the City Council to concur and adopt a schedule of fees. This schedule of fees has not yet been adopted for the subject districts (the City Council is currently considering adopting a schedule for the McKinley-Roosevelt School District to the south). The school district information and response of the City is attached in the supplemental information.

Your Commission is well aware of the problems of the SB 201 provisions in resolving school district problems related to residential growth. The school district impact has been discussed with both the City and a representative of major landowners in the area who has also discussed this problem with the affected school districts. To date, however, no other solution or agreement has been made by the City or developer and the school districts. This issue is probably the most significant related to this annexation and should be resolved more completely prior to your action on this proposal.

PROVISION OF CITY SERVICES:

The City Service Plan included in the supplemental information indicates generally how services will be provided and lists applicable City Ordinances. Providing City water and sewer does not present any great difficulty. These lines will be extended as development occurs in the area. Existing service lines are primarily located along Herndon and Cornelia Avenues.

There are no parks or recreation facilities in the area; however, under the Urban Growth Management Ordinance, fees will be required of developers for the construction of parks. Maintenance of City facilities will be through revenues received from future development of the area, such as property tax increment. No Urban Growth Management Service Delivery Plan giving cost revenue information for projected or proposed development has been provided, however. Your Commission has requested such information on occasions in the past. This information would prove very beneficial for both LAFCO and the City for a proposal of this magnitude.

In the Service Plan, the City has indicated that the Police Department cannot address the significant workload increase which would occur as development occurs without the addition of manpower and modification of patrol beats. Without additional manpower, the level of services would decrease the current level of services. The Plan also goes on to state that the urban growth processes should provide the funds needed to allow for reduction of current levels of police service. These funds would be generated by added property tax, sales tax, and other general City revenues.

Fire protection appears to be the most significant City service related issue for this proposal. The area is now served by the North Central Fire Protection District from Station No. 2 at Shaw and Brawley Avenues one to four miles distant from the nearest and farthest points, with backup from Station No. 7 at Bullard and Channing Avenues located two to five miles away. Upon annexation, the City would immediately be responsible for fire protection from their nearest station (No. 12) at Marks and Acacia Avenues located two to five miles distant (see fire station location map attached). The City's new Fire Station No. 2, located at West and Herndon Avenues will provide backup; distances are estimated to be 2½ to 6 miles. The City of Fresno is currently negotiating the purchase of property for Fire Station No. 14 near Polk and Bullard Avenues, located within the subject area. According to the City, this station could be operational within approximately two years. Since fire stations are financed by revenues from urban growth management development fees, this date would be dependent upon the rate and magnitude of development which would occur. Experience in some cases in the past has shown that the fire station may not be constructed until up to seven years after annexation, such as occurred with Station No. 2, just recently opened.

The effect of the annexation and detachment on North Central Fire Protection District will be the loss of 2,700 acres from the service area of Station No. 2 at Shaw and Brawley Avenues. This loss coupled with the recent Highway City annexation and annexations of the industrial area along Shaw and Freeway 99 will effectively

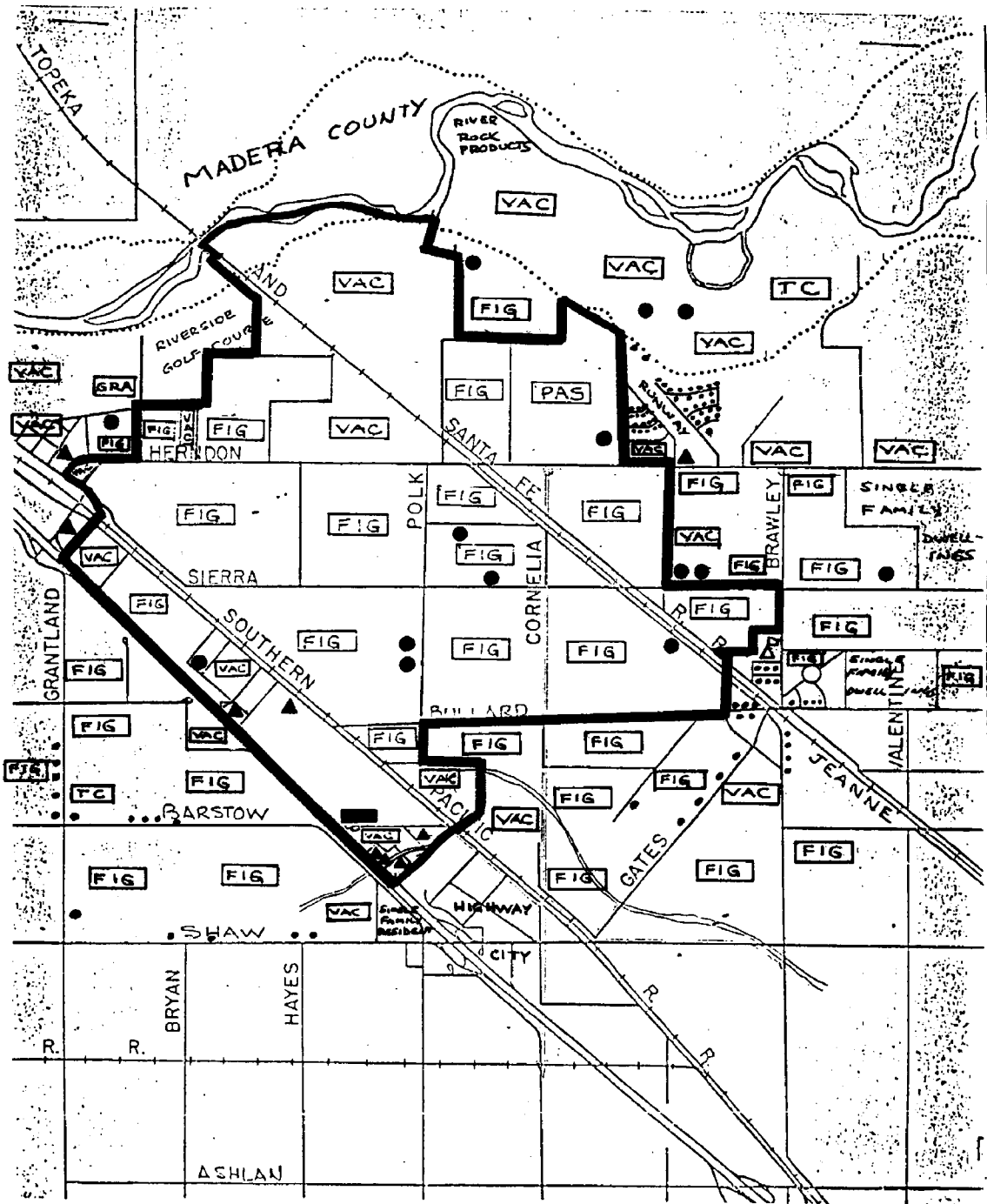
remove almost the entire service area for this station and could lead to its closure within a very short period of time. The loss of property tax revenue to the District by this annexation amounts to approximately \$50,000. Several years ago, your Commission required as a condition of another annexation in this area that the City begin to negotiate with North Central an agreement that would provide for transfer of personnel from this station upon its closure. This agreement has been negotiated and signed by both parties.

With the loss of District Station No. 2 and the assumption of service by the City Fire Department, there will be a serious inadequacy in fire protection service until Station No. 14 is constructed and operating. Although the City has stated the Station could be operational within two years, there is no assurance for this time period. Also, there is no plan for interim fire protection service until the Station is constructed. Even a City/Fire District instant aid agreement (which has yet to be consummated) would not give much assistance in this situation if District Station No. 2 ceases operation in the near future. The net result of annexation if the District Station is closed would be distances of from two to five miles from nearest to farthest point. Similar distances would occur for paramedic services.

CONSIDERATION OF AGRICULTURAL LANDS:

Approximately 2,000 acres within the subject proposal are agricultural lands. Most of this acreage is fig orchards planted many years ago. Although the soils are not prime agricultural soils, as measures by the Land Classification Rating and Storie Index Rating system, the fig orchards themselves are designated by the U.S. Soil Conservation Service as "unique agricultural land". Information provided for the City by the California Fig Institute indicated that most of these figs are Calamyrnas with approximately 500 acres producing fig paste. The orchards are rated as poor condition, but the quality of fruit is fair to good. The poor condition of the orchards could be a result of their age and a result of land development speculation. This latter factor usually leads to a deterioration of agricultural practices.

The significance of this annexation related to agricultural lands is that one of the largest stands of fig orchards in Fresno County is being considered for annexation to the City. The remaining significant acreages are northeast of Clovis, approximately 400 acres, which is planned for and developing to rural residential, two-acre parcels; the remaining stand of approximately 2,500 acres



HERNDON-BLYTHE NO. 4 DISTRICT REORGANIZATION

LAND USE MAP



CITY OF FRESNO
PLANNING DIVISION
DRAWN BY *FCB*
REV. 4-18-81

Legend

- | | |
|--|---|
| <ul style="list-style-type: none"> ● Single Family Dwelling ▲ Commercial Development ■ Industrial Development Ⓜ School | <ul style="list-style-type: none"> FIG Fig Orchard PAS Pasture VAC Vacant Land TC Truck Crops GRA Grapes |
|--|---|

is found west of Freeway 99 in the area considered by the City of Fresno for future urban development also. The chart prepared by the Fig Institute indicates there is significant existing production and projected production in Merced and Madera Counties to the north. The acreages lost to development in Fresno County will be substituted by production in the northern counties. In summary, the production of figs and the fig industry in Fresno County appears to have a short duration, if current plans are implemented.

BOUNDARIES OF THE PROPOSAL:

The proposal area boundaries are fairly regular in shape and take in a fairly homogeneous area. The proposal would make the City's Riverside Golf Course contiguous with the City limits. Along the west, the boundaries follow a logical line being Freeway 99. However, the urbanized Herndon community to the northwest has been excluded because the area is inhabited. Also excluded is a small inhabited County island (part of Sierra Sky Park Subdivision) created by this proposal, which is north of Herndon and east of Blythe Avenues. A second inhabited island is formed by this proposal consisting of a much larger area along the San Joaquin River which includes the east half of Sierra Sky Park Subdivision and the San Joaquin Country Club residential area. As you know, State law prohibits creation of unincorporated islands. This prohibition may be waived by your Commission upon your making the two findings, that the area cannot be reasonably annexed to another City or incorporated as a new City and that the restriction would be detrimental to orderly development (Government Code Section 35150e). The City of Fresno has indicated that both of these islands will be the subject of future annexation proposals.

The proposal should have also included the remnant City-owned parcel (golf course) being APN 305-020-01 and two commercial properties south of Herndon Avenue near the Freeway being APN 305-090-16, 47 to include all areas south of Herndon Avenue and west of Freeway 99.

REQUESTS FROM PROPERTY OWNERS FOR INCLUSION:

Two requests have been received from landowners north of Highway City and west of Freeway 99. The landowners own 47 acres, being APN 306-080-16, 17, and 18 (see attached map). These three parcels are already included in other annexation proposals in varying stages of processing and are not recommended for inclusion. One of the parcels is currently designated as rural residential and should not be annexed under the current plan designation. Amendments to the Plan have been filed with the City but have not been

completed, thus the annexation is premature. The other two parcels (zoned M-1 and C-6) would not be contiguous with the proposal without including the former parcel, and are the subject of another proposal. Adding proposals as requested in this manner, although facilitating greatly the annexation of the proponents property, violates the normal review process and further entrenches a practice of developers that could lead to confusion over both proposal boundaries and the effects of annexation.

COMMISSION RESPONSIBILITY TO DISCOURAGEMENT OF URBAN SPRAWL:

No development is proposed for any of the subject area. The sole justification for annexation is transfer of jurisdiction from County to City and provision of City services to a primarily agricultural area. No phasing of development is indicated in either the adopted City plans or the application for annexation. Future development will be controlled by City zoning and subdivision processes and urban growth management. In cases such as this where the area requested for annexation is significant in size and no development proposals have been submitted to the City, the mandate to discourage urban sprawl given your Commission cannot be fulfilled by annexation approval. Your Commission by approval would pass on that responsibility to the City to fulfill as enabled under existing City Ordinances and City plans.

SUMMARY AND RECOMMENDATION:

In the Report, the staff has listed the major issues of the annexation, being the proposal size, lack of an EIR, school district and fire protection service issue, loss of agricultural lands, control of urban sprawl, and the boundaries. Those issues related to services, for both City and school districts, are very significant, and the proposal lacks a clear description of how these issues will be resolved. One way to mitigate all significant issues related to this proposal, including that related to the school districts, is approval of only that portion in the Fresno Unified School District (approximately 450 acres) bounded by Herndon and Cornelia Avenues. This would also minimize the service issue related to fire protection and loss of agricultural lands. Clearly, until the service issue of fire protection and school district impact are resolved, this proposal should not be approved. The impacts related to these two factors are too significant to the community.

MLP:kf

1 MAKING DETERMINATION AND APPROVING)
 2 PROPOSED "HERNDON-BLYTHE #4")
 3 REORGANIZATION)

RESOLUTION OF THE
 FRESNO LOCAL AGENCY
 FORMATION COMMISSION

4 WHEREAS, preliminary proceedings were initiated by the City of
 5 Fresno to annex territory generally bounded by the San Joaquin River,
 6 Brawley Avenue, Barstow Avenue, and Freeway 99 to the City of Fresno
 7 and detach from the North Central Fire Protection District and Kings
 8 River Conservation District in the County of Fresno; and

9 WHEREAS, an application for said proposal was accepted for
 10 filing by the Executive Officer of this Local Agency Formation
 11 Commission; and

12 WHEREAS, said application was set for hearing by the Executive
 13 Officer on the 26th day of August, 1981, which application was
 14 continued to September 23, 1981, at the hour of 1:30 p.m.; and

15 WHEREAS, notice of the hearing of said application was duly
 16 given by mail, posting, and newspaper publication as required by
 17 law; and

18 WHEREAS, the Executive Officer reviewed said application and
 19 prepared a report, including his recommendations thereon, said
 20 application and report having been presented to and considered by
 21 this Commission; and

22 WHEREAS, this Commission did continue the hearing on the
 23 proposal to September 23, 1981, at 1:30 p.m. requesting that the
 24 City, affected school districts, and other interested parties reach
 25 some agreement as to how school district impact and inadequate fire
 26 service problems would be resolved; and

27 WHEREAS, this Commission did consider a request for revision
 28 of their resolution of September 23, 1981, submitted by Mike
 29 Licciardello and James Logan, to delete three parcels north of Shaw
 30 Avenue and west of Freeway 99, the Commission granting such request
 31 for deletion at their regular meeting of October 28, 1981; and

32

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

4 WHEREAS, the Commission has reviewed and considered the
5 information in the Bullard Community Plan EIR and the Negative
6 Declaration duly prepared, certified, and filed by the City of
7 Fresno.

8 NOW, THEREFORE, BE IT RESOLVED that the Local Agency Formation
9 Commission of the County of Fresno does HEREBY RESOLVE, DETERMINE,
10 AND ORDER as follows:

11 Section 1. Said proposal is approved subject to the terms and
12 conditions hereinafter specified. Any resolution of the conducting
13 agency ordering this reorganization shall provide that such
14 reorganization shall be subject to the following terms and
15 conditions:

16 a. Adequate arrangements be made to meet the fire needs of the
17 area.

18 b. A plan for school district service shall be determined by
19 the City, and agreed to by the affected school district or districts,
20 which plan might possibly include:

21 (1) A transfer of territory occurring between Herndon
22 Elementary School District and Fresno Unified for the affected
23 territory.

24 (2) A contract offer by Fresno Unified to Central High
25 and Herndon Elementary School Districts to accept students from the
26 affected territory until Central and Herndon have capacity for the
27 students.

28 (3) An agreement between the Central High and Herndon
29 Elementary School Districts and the City of Fresno or the landowners,
30 such agreement to mitigate the problem of overcrowding from develop-
31 ment in the affected territory.

32

1 (4) Or any combination of 1, 2, or 3 above and/or other
2 mitigating measures to resolve the problem of overcrowding from
3 development in the affected territory.

4 Section 2. Said territory is found to be uninhabited and
5 is assigned the following distinctive short form designation:
6 "Herndon-Blythe #4".

7 Section 3. The City of Fresno is designated as the conducting
8 agency, and the governing body of said agency is hereby directed to
9 initiate reorganization proceedings in compliance with this
10 resolution.


11 Section 4. Further proceedings shall be initiated by the
12 conducting agency not later than 35 days after the date of adoption
13 of the Commission resolution and shall be conducted and completed
14 pursuant to required law. Proceedings and any resolution of
15 approval shall comply with the Commission's resolution of approval.

16 Section 5. The Executive Officer is hereby authorized and
17 directed to mail certified copies of this resolution as provided
18 in Section 56272 of the Government Code.

19 ADOPTED this 28th day of October, 1981, by the following vote:
20 AYES: Howard, Wilder, Levy, Johnson
21 NOES: None
22 ABSENT: Tucci

23 STATE OF CALIFORNIA)
24 COUNTY OF FRESNO)

25 I, MARVIN L. PANTER, Executive Officer of the Local Agency
26 Formation Commission certify that the foregoing resolution was
27 adopted by the Fresno County Local Agency Formation Commission,
28 California, at a regular meeting held on the 28th day of October,
29 1981.

30 
31 MARVIN L. PANTER, Executive Officer
32

1 MAKING DETERMINATION AND APPROVING)
2 PROPOSED "HERNDON-BLYTHE #4")
3 REORGANIZATION)

RESOLUTION OF THE
FRESNO LOCAL AGENCY
FORMATION COMMISSION

4 WHEREAS, preliminary proceedings were initiated by the City of
5 Fresno to annex territory generally bounded by the San Joaquin River,
6 Brawley Avenue, Barstow Avenue, and Freeway 99 to the City of Fresno
7 and detach from the North Central Fire Protection District and Kings
8 River Conservation District in the County of Fresno; and

9 WHEREAS, an application for said proposal was accepted for
10 filing by the Executive Officer of this Local Agency Formation
11 Commission; and

12 WHEREAS, said application was set for hearing by the Executive
13 Officer on the 26th day of August, 1981, which application was
14 continued to September 23, 1981, at the hour of 1:30 p.m.; and

15 WHEREAS, notice of the hearing of said application was duly
16 given by mail, posting, and newspaper publication as required by
17 law; and

18 WHEREAS, the Executive Officer reviewed said application and
19 prepared a report, including his recommendations thereon, said
20 application and report having been presented to and considered by
21 this Commission; and

22 WHEREAS, this Commission did continue the hearing on the
23 proposal to September 23, 1981 at 1:30 p.m. requesting that the
24 City, affected school districts, and other interested parties reach
25 some agreement as to how school district impact and inadequate fire
26 service problems would be resolved; and

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

30 WHEREAS, the Commission has reviewed and considered the
31 information in the Bullard Community Plan EIR and the Negative
32 Declaration duly prepared, certified, and filed by the City of Fresno.

1 NOW, THEREFORE, BE IT RESOLVED that the Local Agency Formation
2 Commission of the County of Fresno does HEREBY RESOLVE, DETERMINE,
3 AND ORDER as follows:

4 Section 1. Said proposal is approved subject to the terms and
5 conditions hereinafter specified. Any resolution of the conducting
6 agency ordering this reorganization shall provide that such
7 reorganization shall be subject to the following terms and condition
8 conditions:

9 a. Adequate arrangements be made to meet the fire needs of the
10 area.

11 b. A plan for school district service shall be determined by
12 the City, and agreed to by the affected school district or districts,
13 which plan might possibly include:

14 (1) A transfer of territory occurring between Herndon
15 Elementary School District and Fresno Unified for the affected
16 territory.

17 (2) A contract offer by Fresno Unified to Central High
18 and Herndon Elementary School Districts to accept students from the
19 affected territory until Central and Herndon have capacity for the
20 students.

21 (3) An agreement between the Central High and Herndon
22 Elementary School Districts and the City of Fresno or the landowners,
23 such agreement to mitigate the problem of overcrowding from develop-
24 ment in the affected territory.

25 (4) Or any combination of 1, 2, or 3 above and/or other
26 mitigating measures to resolve the problem of overcrowding from
27 development in the affected territory.

28 c. The boundaries of the proposal shall be revised to include
29 those three parcels north of Shaw Avenue, west of Freeway 99, and
30 east of Hayes Avenue as requested by the property owners.

31

32

1 CONTINUING HEARING ON HERNDON-)
2 BLYTHE #4 REORGANIZATION TO)
3 SEPTEMBER 23, 1981 AT 1:30 P.M.)

RESOLUTION OF THE
FRESNO LOCAL AGENCY
FORMATION COMMISSION

4 WHEREAS, preliminary proceedings were initiated by the City of
5 Fresno to annex territory generally bounded by the San Joaquin
6 River, Brawley Avenue, Barstow Avenue, and Freeway 99 to the City
7 of Fresno in the County of Fresno; and

8 WHEREAS, an application for said proposal was accepted for
9 filing by the Executive Officer of this Local Agency Formation
10 Commission; and

11 WHEREAS, said application was set for hearing by the Executive
12 Officer on the 26th day of August at the hour of 1:45 p.m. of said
13 day; and

14 WHEREAS, notice of the hearing of said application was duly
15 given by mail, posting, and newspaper publication as required by
16 law; and

17 WHEREAS, the Local Agency Formation Commission desired to
18 continue the item requesting that the City, affected school
19 districts, and developers provide an agreement to mitigate impact
20 on the school districts (which could be through contractual arrange-
21 ment with the Fresno Unified School District), and that the City
22 provide specific information regarding how interim and long-range
23 fire protection will be provided.

24 NOW, THEREFORE, BE IT RESOLVED that this hearing is continued
25 to September 23, 1981, at the hour of 1:30 p.m.

26 ADOPTED this 26th day of August, 1981, by the following vote:

27 AYES: Howard, Levy, Tucci, Johnson

28 NOES: None

29 ABSENT: Wilder

30 STATE OF CALIFORNIA)
31 COUNTY OF FRESNO)

32 I, MARVIN L. PANTER, Executive Officer of the Local Agency
Formation Commission certify that the foregoing resolution was
adopted by the Fresno County Local Agency Formation Commission,
California, at a regular meeting held on the 26th day of August, 1981.

COUNTY OF FRESNO
FRESNO, CALIFORNIA


MARVIN L. PANTER, Executive Officer

CITY OF FRESNO

AGENDA ITEM NO. CA00RAL

COUNCIL MEETING 9/24/81

MEMORANDUM

TO: *Gerald E. Newfarmer*
GERALD E. NEWFARMER
CITY MANAGER

FROM: *Leland L. Hill*
LELAND L. HILL
FIRE CHIEF

SUBJECT: AGREEMENT BETWEEN THE NORTH CENTRAL FIRE PROTECTION DISTRICT
AND THE CITY OF FRESNO FOR SUPPLEMENTARY FIRE PROTECTION

(1)

As you are aware, we have been in negotiations with the North Central Fire Protection District concerning an Agreement for Supplementary Fire Protection between the North Central Fire Protection District and the City of Fresno. There have been offers and counter offers made between the District and the City of Fresno, but to this point in time, no agreement has been signed.

Mr. Marvin Panter, Executive Officer of the Local Agency Formation Commission, has proposed a compromise to the agreements that have been passed back and forth between the City of Fresno and the District. The compromise involves five items. They are:

1. The reimbursement fee schedule in the agreement would be similar to that offered by the City of Fresno.
2. The agreement would have a three year termination clause with 60 day mutual cancellation as offered by the North Central Fire District.
3. The long range transition agreement would be extended to December 1, 1982.
4. The North Central Fire District would leave open Fire Stations No. 6 and 7 until an agreement is finalized between the City and District on the station closures and transfer of employees and benefits.
5. The North Central Fire Protection District would leave Station No. 2 open until after July 1, 1982, or until the City would open a temporary station in the Highway City area. The City would agree to open a temporary station by October 1, 1982. Such station to remain open until Station No. 14 of the City is open and operating.

The Fire Department and its staff have looked at Mr. Panter's recommendations and have no problem agreeing to his recommendation with the exception of Item 5.

Item 5 mandates the City to open a temporary station in the Highway City area by October 1, 1982. We could support Item 5 if the date was changed to January 1, 1983. The reason for the change is two-fold: (1) It would be physically impossible to open a temporary station in the Highway City area in a three month time frame, and; (2) We already have an agreement with the North Central Fire Protection District for the transfer of six of their personnel to the Fresno City Fire Department. The condition of this agreement is that we would hire the six employees six months after the closing of the District's Station No. 2 at Shaw and Brawley Avenues. With six months to open a temporary station and a six month time frame for the fulfilling of the terms of the Personnel Agreement with the District, then the date of January 1, 1983, seems more appropriate. If this one change for a three month period would be acceptable in Item 5, then Mr. Panter's proposal would be totally acceptable to the Fire Department.

Presented to City Council
On: 9/23/81
Date: _____

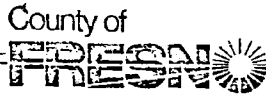
GERALD E. NEWFARMER
SEPTEMBER 22, 1981
PAGE TWO

RECOMMENDATION

I would recommend that the Council approve the recommendations of changes in the Agreement for Supplementary Fire Protection as suggested by Mr. Marvin L. Panter, Executive Officer of the Local Agency Formation Commission, with the exception that the date in Item 5 be changed from October 1, 1982 to January 1, 1983.

LLH:js

Attachment



September 18, 1981

**Local Agency
Formation Commission**

Marvin L. Panter
Executive Officer

Gerald Newfarmer
City Administrative Officer
City of Fresno
2326 Fresno Street
Fresno, CA 93721

Chief Manuel Souza
North Central Fire Protection
District
7285 W. Shields Avenue
Fresno, CA 93711

SUBJECT: CITY/DISTRICT INSTANT AID AGREEMENT

Gentlemen:

As you are well aware, the Fresno Local Agency Formation Commission is very concerned about coordination and cooperation in the service of fire protection in the metropolitan area. Both the Fire District and the City have agreed with the concept of instant aid; however, an agreement has not yet been reached. Both the City and Fire District have prepared and presented an agreement which so far has not been acceptable to the other party.

After comparing the two agreements and discussing the issues with both the City and Fire District, it really seems that a compromise in the two agreements is possible. Listed below are several changes that are recommended for the agreement which may bring the City and District position together:

1. The reimbursement fee schedule in the agreement would be similar to that offered by the City of Fresno.
2. The agreement would have a three-year termination clause, with 60-day mutual cancellation as offered by the North Central Fire District.
3. The long-range transition agreement would be extended to December 1, 1982.
4. The North Central Fire District would leave open Fire Stations No. 6 and 7 until an agreement is finalized between the City and District on the station closure and transfer of employees and benefits.
5. The North Central Fire District would leave Station No. 2 open until after July 1, 1982 or until the City would open a temporary station in the Highway

Gerald Newfarmer
Chief Manuel Souza
Page 2
September 18, 1981

City area. The City would agree to open a temporary station in the Highway City area by October 1, 1982, such station to remain open until Station No. 14 of the City is open and operating.

The last item also implements the fire service delivery plan for the Highway City annexation and would resolve the concern about inadequate fire protection for the Herndon-Blythe #4 Reorganization now under consideration by LAFCO.

I would be pleased to hear your comments regarding the above suggestions as soon as possible. I would also think it appropriate for the City and Fire District officials to meet as soon as possible to discuss these suggestions and any other suggestions leading to the signing of an instant aid agreement.

Sincerely,



Marvin L. Panter
Executive Officer

MLP:kf

cc: ✓Chief Leland Hill
LAFCO Commissioners and Alternates

(2)

AGREEMENT

THIS AGREEMENT is made and entered into on this 8th day of May, 1980, by and between the CITY OF FRESNO, a municipal corporation, hereinafter called "City," and NORTH CENTRAL FIRE PROTECTION DISTRICT, a political subdivision of the State of California, hereinafter called "District."

RECITALS

WHEREAS, the parties are public entities empowered to provide and presently providing fire services within the sphere of influence of the City of Fresno; and

WHEREAS, annexation and reorganization activities of the City have assimilated substantial territory in the vicinity of the District's Fire Station No. 2 located at Shaw Avenue and Brawley Avenue; and

WHEREAS, the parties desire to provide for the transfer of District employees to the City in the event the District's Fire Station No. 2 is permanently closed.

NOW, THEREFORE, the parties agree as follows:

1. Personnel Transfers. The City shall employ and accept the transfer of not more than six employees of the District, subject to the following terms and conditions:

(a) The District shall give the City written notice of its decision to close its Fire Station No. 2 not less than six months prior to such closure.

(b) The number of employees transferred shall be the number of permanent employees assigned, including relief personnel assigned to Fire Station No. 2 as of the date three months immediately preceding the notice

APPROVED BY CITY COUNCIL
11/13 19 79
JACQUELINE L. RYLE, CITY CLERK
By [Signature]
DEPUTY

required in subsection (a) of this section; provided that in no event shall the number of employees eligible for transfer to the City exceed six;

(c) The pool of employees of the District who shall be considered for transfer to the City shall be selected on a basis mutually agreeable to the Fire Chief of each party;

(d) To be eligible for employment with the City, the employees of the District selected for transfer consideration pursuant to subsection (c) of this section shall be required to pass a physical examination using the same standards and procedures applicable to existing City employees of comparable age, length of service and job classification; and

(e) To be eligible for employment with the City, the employees of the District selected for transfer consideration pursuant to subsection (c) of this section shall be required to pass a qualifying oral subject matter examination in accordance with Section 2-1604 of the Fresno Municipal Code.

2. Disqualification by Oral Board. In the event an employee of the District is disqualified by the Oral Board as provided in subsection (e) of Section 1, the City shall transmit the reasons for such disqualification to the District's Board of Directors in a letter signed by the Personnel Director of the City. The Board of Directors shall retain the confidentiality of such letter and nothing contained herein shall constitute a waiver of such confidentiality under the California Public Records Act.

3. Employment Rights of Transferred Employees. Personnel transferred to the City pursuant to Section 1 of this Agreement, hereinafter called "transferred employees," shall have the following employment rights and benefits:

(a) Transferred employees shall be placed on the salary schedule of the City at the salary step closest to but not less than, the salary received from the District at the time employment with the District is terminated;

(b) Transferred employees shall accrue vacation, sick leave, and other employment benefits of the City, except retirement, with rates of accrual based upon the combined length of service with both the City and the District;

(c) Transferred employees shall be credited for their period of employment seniority with the District for purposes of determining any future layoffs;

(d) Transferred employees who have vested in the County Employees Retirement System at the time of employment termination with the District may leave contributions in that System and shall enter the City Retirement System as new employees;

(e) Transferred employees who have not vested in the County Employees Retirement System at the time of employment termination with the District shall be credited for their period of employment with the District, not to exceed five years, upon entry in the City Retirement System, for vesting purposes only; and

(f) Except as otherwise provided herein, such employees shall enjoy such other employment rights and benefits as other City employees similarly situated.

4. Workers Compensation. The District's insurance carrier shall pay all workers compensation claims filed by the District employees employed by the City pursuant to this Agreement, which claims arose from specific identifiable incidents, all of which occurred during said employees employment with the District, unless said incident was further aggravated during employees' employment with Fresno City. Such payment and settlement may be

District responsibility, Fresno City responsibility or joint responsibility as set forth and determined by Workers Compensation Appeals Board.

The District insurance carrier shall pay to the City a proportionate share for claims arising out of cumulative injury, including but not limited to mental stress, heart condition and nervous disorder as deemed proper by the Workers Compensation Appeals Board.

Such proportionate share shall be determined by the Workers Compensation Appeals Board, taking into consideration the ratio of years employed by the District, years employed by Fresno City, working conditions or other related factors.

All occupational disease or cumulative injury claims filed after January 1, 1978 shall be limited to the liability period as set forth in Section 5500.5 of the Labor Code, State of California.

5. Annual Leave of Absence. The District will insure that, prior to employment with the City, transferred employees shall take annual leave of absence pursuant to Government Code Section 53250 and shall be compensated by the District for all accrued sick leave pursuant to the District policy in effect on the date of this Agreement.

6. Future Annexations or Reorganization. In the event that the Unify Fresno Plan is approved by the voters, the terms and conditions of this Agreement shall apply to those personnel affected by the District's closing of Station #6 (located at Marks and Nielsen) and Station #7 (located at Bullard and Channing).

7. Probation Contingency. Any transferred employee who does not successfully complete his probationary period with the City, as required pursuant to Fresno Municipal Code Section 2-1655, shall be restored to his former position with the District. For each such employee, the City shall employ and accept, pursuant to Section 1 of this Agreement, an additional District employee.

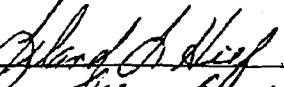
8. Severability. If any provision or provisions of this Agreement is for any reason held to be invalid, such holding or holdings shall not affect the validity of the remaining portions of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement in Fresno, California.

ATTEST:
JACQUELINE L. RYLE
City Clerk

CITY OF FRESNO,
a municipal corporation

By 
Deputy

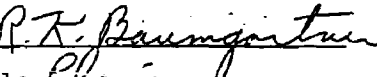
By 
Title Fire Chief

APPROVED AS TO FORM:

JAMES A. MCKELVEY
City Attorney

NORTH CENTRAL FIRE PROTECTION
DISTRICT, a political subdivision
of the State

By 

By 
Title Chairman

11/14/79
DI:DCH:rk

OFFICE OF THE BOARD OF EDUCATION
Fresno Unified School District

October 27, 1981

October 8, 1981
Regular Board Meeting
Agenda Item #B-21

3

DISCUSS reorganization to transfer territory from Herndon
School District to Fresno Unified School District

Superintendent Stremple stated that J. Carl Motschiedler, representing the Figarden New Town, had requested an opportunity to address the Board regarding the Herndon-Blythe No. 4 annexation approved by LAFCO on September 23, 1981, which includes territory within the Herndon School District (HSD) that HSD is unable to serve with its facilities but which Fresno Unified would be able to serve; that the Figarden New Town was requesting that the Board join in a petition for the reorganization as provided for in Education Code Section 35700(c) or consent to the transfer if the action is initiated by petition of electors or property owners.

Carl
Motschiedler

Mr. Motschiedler addressed the Board, commenting that he was present on behalf of his client, Ed Kashian, who is the owner of one-third of the property which was the subject of the recent LAFCO action; that the area referred to encompasses 2700 acres located between Bullard Avenue on the south and the San Joaquin Bluffs, Valentine Avenue on the east and Highway 99 that the property is currently undeveloped however, there are four or five homes and three registered voters living in this area. Mr. Motschiedler added that when this property is developed, there will not be adequate school facilities in the Herndon School District to accommodate the potential student population; that this matter had been discussed with some administrators in Fresno Unified School District, who believe Fresno Unified has sufficient capacity now and in the future to serve this area; that it is anticipated there will be some 4500 students to serve. Mr. Motschiedler informed the Board that if the Herndon School District and Central Union High School serve these students, it will require an expenditure of \$30-40 million to construct a new high school and six elementary schools.

Concluding, Mr. Motschiedler requested that the Fresno Unified School District Board of Education petition the County Committee for Reorganization of this territory to transfer it into the Fresno Unified School District or support the filing of a petition by giving Board consent. Mr. Motschiedler stated that it is the belief of himself and his client that every public agency

involved will want to take whatever steps necessary that will be in the best public interest and provide quality public education at the lowest cost. He added that this same request will be presented to the Herndon School District at a special meeting scheduled for November 6, 1981.

Member Gadebusch recalled that the Board and Administration have spent considerable time reviewing and discussing growth potential in the northwest area of the District. Mrs. Gadebusch reported that she and Glen Rathwick, Associate Superintendent, Instruction Division, attended the LAFOO hearings on this subject. She added that with the District's new construction in this area, Fresno Unified could easily accommodate this potential student population.

In response to Member Chun's inquiry, John Mulligan, Associate Superintendent, Business Division, stated that property owners in this area would not be subject to tax assessments for the current Lease/Purchase Program in the Fresno Unified School District.

Responding to Member Rohlfing's inquiry, Mr. Motschiedler stated that it is projected that 80% of the subject property will be developed over a twenty-year period.

Motion to
Support
Petition

Member Gadebusch moved that the Fresno Unified School District Board of Education join in whatever action necessary to facilitate the reorganization to transfer territory from the Herndon School District to the Fresno Unified School District. Member Laval seconded the motion, which carried unanimously.

CERTIFICATION

I, John L. Stremple, Superintendent and Secretary to the Fresno Unified School District Board of Education, do hereby certify that the above excerpt from the Board of Education minutes for the regular meeting held October 8, 1981, is a true and correct copy of the action on this matter. It should be noted, however, that these minutes have not been officially approved by the Board of Education at this time.

John L. Stremple
Superintendent and Secretary

October 23, 1981

MEMORANDUM

4

TO: Gerald E. Newfarmer, City Manager
FROM: George A. Kerber, Director
Department of Planning and Inspection
SUBJECT: General Plan Policy Regarding School Facilities

The Fresno Metropolitan Area covers a sizable territory with school facilities and services being provided by several separate districts. The largest jurisdiction is the Fresno Unified School District, and enrollment in this district has been either stable or declining over recent years. However, in contrast to FUSD there are numerous smaller districts located on the fringe of the urban area. Some of these smaller districts have been experiencing problems as new development has begun to expand into their jurisdiction.

The City has responded to the issue of overcrowding in the smaller districts by adopting the ordinance necessary to implement SB 201. SB 201 provides a process whereby the City may establish a fee schedule for temporary facilities. Beyond this, the City may also utilize the State Subdivision Map Act to require the dedication of land for school sites.

The Attorney General has opined that a city "may not levy a fee upon builders of residential developments for the purpose of providing permanent school facilities" [62 Attorney General Opinions (1979) 601, 609.] The City Attorney has concurred in this analysis and has repeatedly and consistently stated that a fee levied upon builders of residential developments to cover the cost of constructing permanent school facilities may not be imposed. Both the Attorney General and the City Attorney have opined that the Legislature's adoption of SB 201 and the express grant of authority to local agencies to impose impact fees and dedications for temporary facilities, pursuant to such statutory provisions, evidences a clear intent by the Legislature to preempt the field to the exclusion of local regulation. "[T]he matter of developer land dedications and fees for the purpose of providing school facilities is of statewide rather than merely local concern." [62 Attorney General Opinions (1979) 601, 606.]

The County of Fresno disagrees with the opinions of the Attorney General and City Attorney on this issue and has adopted a policy in its General Plan which is designed to "encourage school districts and developers of residential projects to agree on equitable methods of insuring that school overcrowding, caused by new development, does not occur." The specific policies read as follows:

"Residential development projects should not be approved by the County without the appropriate school districts' certification that adequate school facilities exist when the total enrollment of the school district, including enrollment from all proposed residential development, does not exceed the capacity of the district, as determined by the districts' governing board. Residential

Gerald E. Newfarmer
Page 2
October 23, 1981

development in this context includes tentative subdivisions, special use permits, or changes in zoning that would permit new residential development. Projects proposing the use of mobile homes are also included.

The conversion of an existing apartment building into condominiums, where no new dwelling units are created, is excluded from the provisions of 312-02:3.01.

The County may approve a residential development project, even though the school district has not provided a certification of adequacy, if the County finds that, in its judgment, adequate school facilities will be available, or there are specific overriding fiscal, economic, social, or environmental factors which will benefit the County."

The County policy essentially allows a school district to exact permanent school facilities from a developer before the school district would issue the appropriate "certification" to allow a residential development to proceed. Despite the opinions of the Attorney General and the City Attorney, the school districts have viewed such a policy as a panacea for their overcrowding ailments. The school districts have urged the Local Agency Formation Commission (LAFCO) to condition annexations upon city adoption of a policy similar to that of the County. LAFCO is currently ignoring the opinions of the Attorney General and City Attorney and are holding several annexation proposals hostage by either continuing the hearings on such proposals or approving them subject to onerous conditions pertaining to the provision of permanent school facilities.

Staff will not suggest Council ignore the very real plight of the school districts in furnishing adequate school services to new anticipated residential development. It should be evident by the Council's adoption of an SB 201 ordinance and application of this ordinance for the benefit of Teague and McKinley-Roosevelt Elementary School Districts, the Council is sympathetic to the problem and willing to utilize every legal remedy available. Nevertheless, as the Attorney General and our City Attorney have opined, the legal limits of the City's authority to impose such legal remedies are believed to be far more limited than that asserted by the County and urged by LAFCO and the school districts.

In an attempt to resolve the current impasse, staff is recommending the adoption of the attached school facilities policy as an amendment to the Public Facilities Element of the General Plan. This policy is similar to the County policy but it reaffirms the commitment of the City to impose as a condition of approval of any residential development all conditions authorized under state law for the mitigation of conditions of overcrowding.

It is the intent of staff to recommend the Council only impose those conditions allowed by law consistent with the opinions of the Attorney General and City Attorney. If a school district, however, is dissatisfied with the approval of any particular development proposal, the school district, pursuant to the policy, is specifically provided a judicial

Gerald E. Newfarmer
Page 3
October 23, 1981

forum and may seek judicial imposition of any or all conditions on the development proposal which may be authorized or permitted by law.

Staff believes this proposed policy reflects the City concern for the situation of the school districts and the legal limits of the City's ability to respond to the overcrowded school problem. The policy clearly reaffirms the City's desire to do everything legally possible to assist and aid overcrowded schools and provides the school districts with an appropriate forum for the imposition of any additional remedy which may be legally available. In addition, this policy will enable the City to rapidly expand its efforts in the aid of overcrowded schools if it becomes lawful for the City to do so.

RECOMMENDATION:

It is recommended that the Council initiate the attached policy as an amendment to the Public Facilities Element of the General Plan and refer the proposed policy to the Planning Commission for review and comment.

GAK:DH:sdp:ml
10/23/81
Attachment

RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO ADDING A GOAL AND RELATED POLICY
TO THE PUBLIC AND INSTITUTIONAL FACILITIES
SECTION OF THE LAND USE ELEMENT OF THE
GENERAL PLAN

WHEREAS, the Council of the City of Fresno has concerns regarding the adequacy of public school facilities and services required to serve residential developments planned within the City; and

WHEREAS, the Council has adopted Article 8 to Chapter 13 of the Fresno Code, relating to development in the area of overcrowded schools, and Section 12-1021 of the Fresno Municipal Code, relating to school site dedication, and such provisions have been expressly authorized under state law; and

WHEREAS, the Council desires to assist overcrowded school districts to the extent allowed under the law.

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FRESNO that the following goal and related policy are hereby added to the Public and Institutional Facilities Section of the Land Use Element of the General Plan.

GOAL: Adequate school facilities should be available for all children generated from new or planned residential developments.

POLICIES:

Developers of new and planned residential developments shall be required to the maximum extent allowed under the law to contribute to the provision of such facilities as may be necessary to alleviate conditions of school overcrowding. This policy shall be implemented according to the following procedures and considerations:

1. Residential development projects should not be approved by the City without the appropriate school district's certification that adequate school facilities exist when the total enrollment of the school district, including enrollment from

all proposed residential development, does not exceed the capacity of the district, as determined by the district's governing board. Residential development in this context includes tentative subdivision and tentative parcel maps, time extensions for subdivisions, special use permits, or changes in zoning that would permit new residential development. Projects proposing the use of mobile homes are also included.

2. Certification of adequate school facilities shall only be required for proposed residential development within districts for which the Council has established a schedule of fees pursuant to Fresno Municipal Code Section 12-805(b).

3. The conversion of an existing apartment building into condominiums, where no new dwelling units are created, is excluded from the provisions of this policy.

4. It is the intent of the Council in the adoption of this policy to impose as a condition of approval of any residential development any and all conditions or requirements authorized or permitted under the law of the State of California to alleviate or mitigate conditions of overcrowding which may occur as a result of a residential development. In the event the Council does not invoke the provisions of Section (5) of this policy, any school district which is dissatisfied with the approval of a residential development proposal may initiate legal action and seek judicial imposition of any or all conditions on such proposal which are authorized or permitted under the laws of the State of California.

5. The City may approve a residential development project, even though the school

district has not provided a certification of adequacy, if the City finds that, in its judgment, adequate school facilities will be available, or there are specific overriding fiscal, economic, social, or environmental factors which will benefit the City.

* * * * *

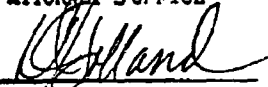
CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, JACQUELINE L. RYLE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the _____ day of _____, 1981.

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE

By: 
Deputy

JACQUELINE L. RYLE
City Clerk

By _____
Deputy

DGH:mk
10/23/81

BOARD OF EDUCATION
William Stegall, President
Dorothy Rohlfing, Clerk
Keith Chun
Ruth M. Gadebusch
Darlene Laval

SUPERINTENDENT OF SCHOOLS
John L. Stremple, Ed.D.



FRESNO UNIFIED SCHOOL DISTRICT

EDUCATION CENTER
TULARE AND M STREETS
FRESNO, CALIFORNIA 93721
TELEPHONE (209) 441-3000

November 10, 1981

DIVISION OF BUSINESS

John F. Mulligan
Associate Superintendent
Anthony V. Trovato
Bus. Mgr./Controller
Kenneth G. Check
Director of Maintenance, Operations
and Construction
Myron L. Bowen
Director of Purchasing
Ronald W. Diebert
Director of Budget
& Financial Services
Dorothy E. Sarakon
Director of Food Services

Marvin Panter
Executive
Officer
Local Agency Formation Commission
2220 Tulare
Fresno, CA 93721

Dear Mr. Panter:


On October 8, 1981, the Fresno Unified Board of Education voted to support efforts to transfer to Fresno Unified the territory included in the proposed Herndon-Blythe Annexation No. 4 that lies within the boundaries of the Herndon Elementary School District.

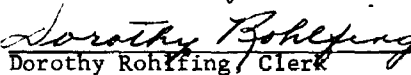
If this transfer occurs, the Fresno Unified School District Board intends not to support further transfers from Herndon Elementary School District unless both districts concur that such transfers would be appropriate. We take this position because currently unused capacity in those schools reasonably accessible to Herndon Elementary would be eliminated if City of Fresno student projections for the Herndon-Blythe Annexation No. 4 are realized.

Additionally, with respect to the area west of the Southern Pacific rail line that is included in the annexation, we recommend leaving this area in the Herndon Elementary District.

Dated this 10th day of November, 1981

BOARD OF EDUCATION
FRESNO UNIFIED SCHOOL DISTRICT


William Stegall, President


Dorothy Rohlfing, Clerk


Keith Chun, Member


Ruth M. Gadebusch, Member


Darlene Laval, Member



JM/gpm

BREON, GALGANI & GODINO
ATTORNEYS AT LAW

November 6, 1981

KEITH V. BREON •
ROBERT A. GALGANI •
RICHARD V. GODINO •
MARGARET E. O'DONNELL •

JON A. HUDAK
JAMES D. PINNELL
MARTHA BUELL SCOTT
DIANA K. SMITH
PATRICIA W. MILLS
PRISCILLA BROWN
LOUIS T. LOZANO
SANDRA WOLIVER
JOHN I. MEEKER
MARK W. GOODSON
GREGORY J. DANNIS
• PROFESSIONAL CORPORATION

333 MARKET STREET, SUITE 950
SAN FRANCISCO, CA 94105
(415) 346-0400

5777 MADISON AVE., SUITE 310
SACRAMENTO, CA 95841
(916) 334-3696

1539 FIFTH AVENUE
SAN RAFAEL, CA 94901
(415) 459-3008

EDUCATION BLDG., COUNTY CIVIC CENTER
VISALIA, CA 93277
(209) 825-2666

REPLY TO: Visalia Office

J. Carl Motschieder
Attorney at Law
1255 W. Shaw Avenue, Suite 103
Fresno, California 93711

Re: Herndon-Blythe No. 4

Dear Mr. Motschieder:

This letter is in response to your letter dated October 20, 1981, requesting from Central Union High School District and Herndon School District a proposed agreement between Fig Garden New Towne and my clients.

Before my clients are able to provide you with a detailed statement of their needs, we must be informed of your client's development plans, which includes the number of units, type of units, the anticipated time of development, the areas to first be developed, and other information.

In the course of negotiating the agreement between developers in the McKinley-Roosevelt School District which, you will recall, took place over several months, the parties exchanged information and made compromises which resulted in a mutually acceptable agreement.

If your client is sincerely interested in reaching a mutually acceptable accommodation with the affected school districts, I invite you to contact me immediately so that we can meet to discuss our needs and yours and attempt to reach an understanding.

Page 2
November 6, 1981
J. Carl Motschiedler

I look forward to hearing from you.

Very truly yours,

BREON, GALGANI & GODINO



Louis T. Lozano

LTL:cbc

cc: Byron Gavrilis, Superintendent
Angie Hill, Superintendent
Bill Johnson, Board of Supervisors
Larry Wilder, Assistant Superintendent
John Howard
Sharon Levy, Board of Supervisors
Ralph Tucci, Councilman
Harry Huey, Board of Supervisors
✓ Marvin Panter, Executive Director of LAFCO



COPY

MOTSCHIEDLER & MICHAELIDES

ATTORNEYS AT LAW
1255 WEST SHAW AVENUE
SUITE 103

FRESNO, CALIFORNIA 93711

TELEPHONE (209) 227-3524

J. CARL MOTSCHIEDLER
PHILLIP G. MICHAELIDES
EMORY WISHON

November 9, 1981

Mr. Louis T. Lozano
Attorney at Law
BREON, GALGANI & GODINO
Education Building
County Civic Center
Visalia, California 93277

Re: Herndon-Blythe No. 4

Dear Mr. Lozano:

Your letter of November 6 is not responsive to Fig Garden New Town's request that the school district provide a written proposal setting out the essence of an agreement that would be acceptable to them.

Your letter declares that you cannot make a proposal until you have detailed development plans. Detailed development plans will not be and cannot be made available at the time of annexation. In light of your letter, the districts should not resist the annexation but should plan on working with the property owners and the City as specific, detailed development plans are proposed in the normal course of events after annexation has been accomplished.

The detailed information you say the districts need cannot be made available now. If is an impossibility, not unwillingness on my client's part, that makes this true. Please consider these problems:

1. Annexation itself will affect both the kind of developments and their timing. If LAFCO denies the annexation or imposes unreasonable conditions, development would proceed under County jurisdiction. The County would undoubtedly have different development policies, perhaps allowing lesser or greater density or relocating residential development.

MOTSCHIEDLER & MICHAELIDES
ATTORNEYS AT LAW

Mr. Louis T. Lozano
Attorney at Law
November 9, 1981
Page Two

2. Development will be affected by consumer demand and general economic conditions. These factors affect the time of development and the kind of units, both of which your letter declares to be essential items of information. For example, development tends to occur at a more rapid rate when interest rates are low. We cannot predict for more than a few months the trend of interest rates and are quite unable to predict the cycles over several years with sufficient certainty to be relied upon by you. Consumer demand for various kinds of units also change, sometimes quite rapidly.

3. The cost of developing specific development plans is enormous. Premature detailed planning is a waste of money and will eventually result in higher housing prices.

4. More than forty property owners are involved in this annexation. Most have no development experience and only a general idea of the development potential of their property.

Public agencies, including schools, must plan within a range of potential events. The most reliable data available for your planning is the Bullard Community Plan, which has been available to the districts since 1974. Fig Garden New Town and other property owners have executed a covenant with the city agreeing that development will be in conformance with the applicable community plan.

We suggest that for discussion purposes the districts should rely on the community plan. That plan contains single family residential and multi-family unit projections. While the plan assumes development over 20 years, we believe that the districts would be well advised to assume a worst-case for planning purposes: 80% development over a 10 to 15 year period would be a prudent worst-case assumption.

The community plan data is set out in the plan, in the plan EIR, and in the service delivery plan for this annexation prepared for LAFCO by the city. For your convenience, I have extracted from those documents the following data:

MOTSCHIEDLER & MICHAELIDES
ATTORNEYS AT LAW

Mr. Louis T. Lozano
Attorney at Law
November 9, 1981
Page Three

POPULATION AND DWELLING UNIT PROJECTION

<u>Year</u>	<u>Population</u>	<u>Dwelling Units</u>	
		<u>Single Family</u>	<u>Multiple Family</u>
1975	24	8	0
1985	4,702	1,374	209
1995	12,080	3,454	1,546

The total annexation area encompasses approximately 1,770 acres, of which approximately 430 acres is now within the Fresno Unified School District and 1,340 acres is within the Herndon School District. We estimate that the residential units will be apportioned between the two district's present areas roughly in proportion to their respective acreages. The following table reflects our estimate of the apportionment as of 1985 and 1995:

FRESNO UNIFIED (19.5%)

<u>Year</u>	<u>Population</u>	<u>Single Family</u>	<u>Multiple Family</u>
1985	917	268	41
1995	2,356	674	301

HERNDON (80.5%)

<u>Year</u>	<u>Population</u>	<u>Single Family</u>	<u>Multiple Family</u>
1985	3,785	1,106	168
1995	9,724	2,780	1,245

Regardless of whether annexation occurs school services will be necessary. Urbanization will occur under City or County jurisdiction; the district should not expect the problem to go away. If this territory is not to be served by Fresno Unified, the two districts you represent must declare their needs and specific proposals to meet

MOTSCHIEDLER & MICHAELIDES
ATTORNEYS AT LAW

Mr. Louis T. Lozano
Attorney at Law
November 9, 1981
Page Four

them. Please provide us with the proposals that we have
been requesting.

Very truly yours,

J. Carl Motschiedler
J. Carl Motschiedler

JCM:alp

cc: Byron Garvilis, Superintendent
Angie Hill, Superintendent
Bill Johnson, Board of Supervisors
Larry Wilder, Assistant Superintendent
John Howard
Sharon Levy, Board of Supervisors
Ralph Tucci, Councilman
Harry Huey, Board of Supervisors
Marvin Panter, Executive Director of LAFCO
Edward M. Kashian





Inter Office Memo

To: LAFCO Commissioners Date: October 28, 1981

From: Marvin L. Panter, ^{MD} LAFCO Executive Officer

Subject: REQUEST TO REVISE RESOLUTION NO. RO-81-27 (HERNDON-BLYTHE #4); AND PROPOSED "SHAW-LOLA #4" REORGANIZATION INITIATED BY LANDOWNER PETITION (LEO MCCARTHY, CHIEF PETITIONER) TO ANNEX TO THE CITY OF FRESNO AND DETACH FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND KINGS RIVER CONSERVATION DISTRICT

LOCATION:

The proposal is generally located north of Shaw Avenue and west of Freeway 99, northwest of the Highway City area (57.4 acres).

RECOMMENDATION:

To be made at the hearing.

CEQA:

The City of Fresno, as lead agency, issued a Negative Declaration on April 17, 1981 for the Herndon-Blythe #4 Reorganization. On September 28, 1981, your Commission found that the addition of the subject area to the Herndon-Blythe proposal had no additional environmental effects beyond those already addressed.

BACKGROUND:

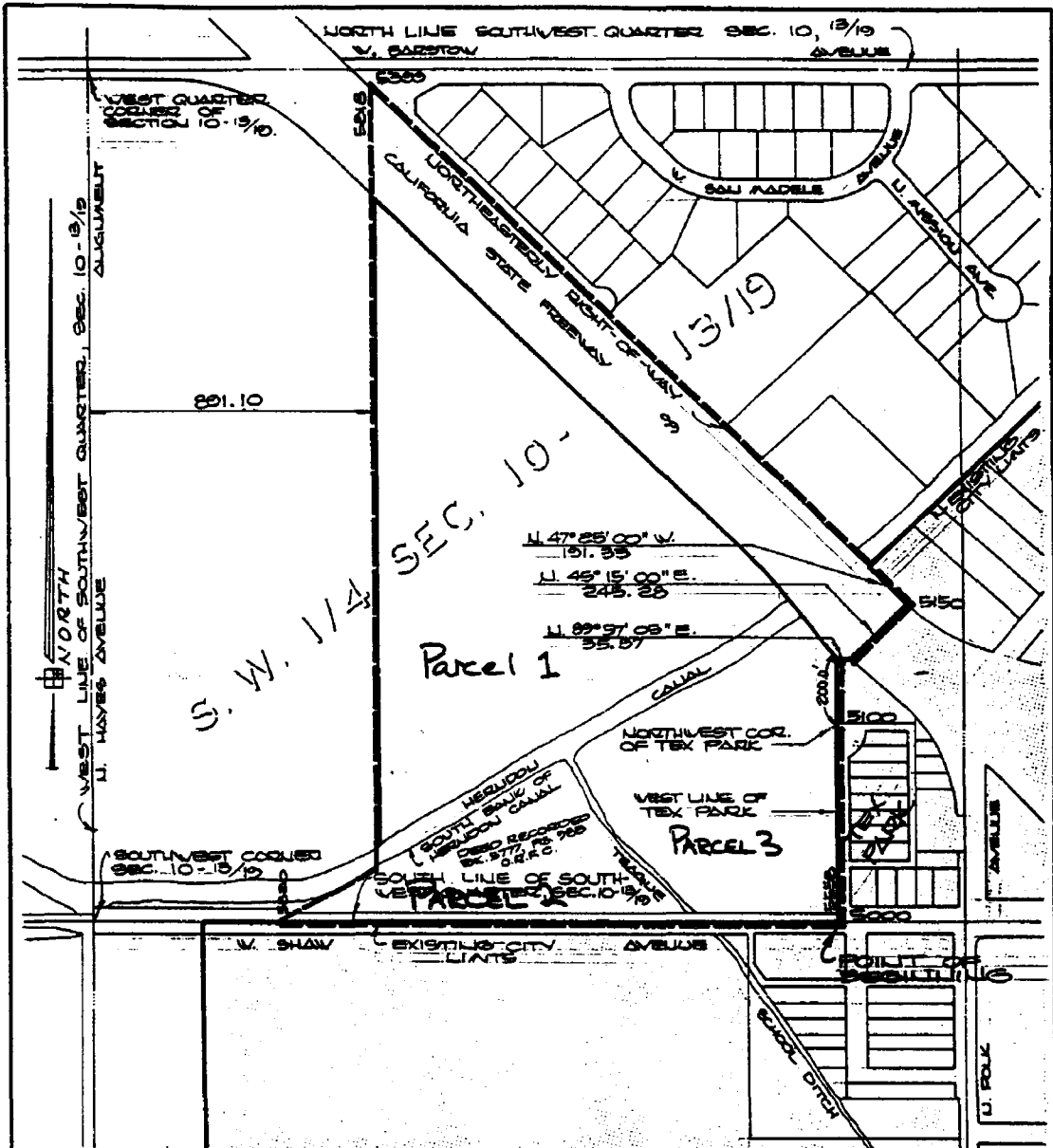
The territory within the Shaw-Lola #4 proposal was included within the boundaries of the Herndon-Blythe #4 proposal, approved with conditions at your last hearing. However, since it may be a few months before these conditions can be fulfilled, the landowners have filed a separate annexation proposal (Shaw-Lola #4) by petition and are requesting deletion from the Herndon-Blythe #4 proposal. The basis for the request is that since the property is either planned or proposed for commercial or industry, the condition regarding school impact is not related and the area is within acceptable distance from existing fire stations.

Your Commission has already approved annexation of this to the City, attached to the Herndon-Blythe #4 proposal. No adverse effects are seen by approval as a separate annexation. However, most of the area is still designated as rural residential in the County and City plans (Parcels 1 & 2 on map). Although amendments to the plan for industrial use are being processed by the City, no final determination has been made by either the City or County. Staff has consistently requested cities to process necessary general plan amendments prior to annexation, in accordance with your policies. Annexation of agricultural or rural residential areas prior to plan amendment are only speculative.

LAFCO Commissioners
Page 2
October 28, 1981

NOTE: The subject proposal has been processed under the provisions of law pertaining to annexations having consent of all the landowners. All landowners have not consented. If consent is not provided by the time of your hearing, the proposal must be held over until either consent is provided or public notice is given. No recommendation will be made until the hearing.

MLP:kf



EXISTING CITY LIMITS

BOUNDARY LINE OF AREA TO BE DETACHED FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT, THE KING RIVER CONSERVATION DISTRICT, AND ANNEXED TO THE CITY OF FRESNO

REVISED 10/20/81
REVISED 10/6/81

ADDRESS SYSTEM ADDED

SHEET 1 OF 1 SHEET

SHAW - LOLA NO. 4
DISTRICT REORGANIZATION
AREA TO BE DETACHED FROM THE NORTH CENTRAL
FIRE PROTECTION DISTRICT, THE KING RIVER
CONSERVATION DISTRICT, AND ANNEXED TO THE
CITY OF FRESNO

FILE No. 2109
ANNEX No.
ACRES = 57.4±
COUNCIL DISTRICT No. 2

ALLOCATED TO COUNCIL DISTRICT NO. 2 AS PER COUNCIL
DISTRICT MAP DATED 10-24-78

DR. BY: ALAN
DATE: SEPT 1981
SCALE: 1" = 400'

6-A-1139

October 2, 1981

Mr. Carl Motschieder
Motschieder & Michaelides
1255 W. Shaw, Suite 103
Fresno, CA 93711

Dear Mr. Motschieder:

Our office has received your letter of September 25, 1981 requesting rehearing for the Herndon-Blythe #4 Reorganization. Your request, which is to ask the Commission to rehear the subject proposal, will be scheduled at 3:00 p.m. on October 28 in the Board of Supervisors' chambers.

Before presenting your request to the Commission on October 28, I would request certain additional information to give to the Commission in the Staff Report for this request:

- a. Please indicate how you desire the Commission to revise their resolution at the requested rehearing.
- b. Please state specifically what the "error in the proceedings, mistake or misunderstanding of fact or law, and the existence of new matter" are which may have affected the Commission's decision.

In accordance with the provisions of Section 54779.1 and the Commission procedures, the Commission may either deny or approve your request, or provide for notice and hearing upon your request before denying or approving it. Should you have any questions, please feel free to call our office.

Sincerely,

Marvin L. Panter
Executive Officer

MLP:kf

cc: LAFCO Commissioners and Alternates
Sam McMurray, City of Fresno
Tom Riggs, LAFCO Counsel
Herndon Elementary School District
Central High School District
North Central Fire District

MOTSCHIEDLER & MICHAELIDES

ATTORNEYS AT LAW
1255 WEST SHAW AVENUE
SUITE 103

FRESNO, CALIFORNIA 93711

TELEPHONE (209) 227-3524

J. CARL MOTSCHIEDLER
PHILLIP G. MICHAELIDES
EMORY WISHON

September 25, 1981

Mr. Bill Johnson
Chairman
FRESNO COUNTY LOCAL AGENCY FORMATION
COMMISSION
2200 Tulare
Eighth Floor
Fresno, California 93721

Re: Request for Rehearing Regarding
Herndon-Blythe No. 4 District
Reorganization

Dear Mr. Johnson:

On behalf of my client, Fig Garden New Town, which owns property within the subject reorganization, we request that the commission take action at its next meeting to order the subject matter reheard. Our request is based on the following grounds:

- (a) Error in the proceedings which may have affected the decision of the Commission.
- (b) Mistake or misunderstanding of fact or law substantially affecting the decision.
- (c) The existence of new matter not considered by the Commission and which may have affected the decision.

I would appreciate being given the opportunity to appear before the commission to explain this request more specifically. This is a summary of our concerns:

1. Portions of the territory are unaffected by school facilities issues because they are within the Fresno Unified School District, are planned for industrial or other nonresidential uses, or are subject to an agreement already

MOTSCHIEDLER & MICHAELIDES
ATTORNEYS AT LAW

Mr. Bill Johnson
September 25, 1981
Page Two

approved by the Teague School District. The affect of the commission's resolution upon these portions of the territory was not understood or considered.

2. The commissioner's decision was based on a mistake or misunderstanding concerning the number of affected landowners and how many of them must concur in an acceptable mitigation plan.

3. The commissioner's decision was based on a misunderstanding of the affect of its decision on the resolution of schools facilities issues.

4. The commissioner's decision was based on a misunderstanding or mistake concerning the intent of Commissioner Wilder's motion concerning mitigation measures that would be sufficient but which do not have the concurrence of the Herndon School District.

5. The public was not provided adequate notice and fair opportunity to consider and comment upon the meaning, purpose and affect of Mr. Panter's recommendation set out in his memorandum to the Commissioners dated September 23, 1981, concerning the conditions of annexation with respect to school services, which recommendations formed the basis of the Commissioner's resolution.

Very truly yours,

J. Carl Motschiedler
J. Carl Motschiedler

JCM:alp

cc: James A. McKelvey,
City Attorney
Samuel S. McMurry
Edward M. Kashian
LAFCO Commissioners and
Alternates





Inter Office Memo

To: LAFCO Commissioners Date: September 23, 1981
From: Marvin L. Panter, LAFCO Executive Officer *MLP*
Subject: ADDENDUM TO STAFF REPORT FOR HERNDON-BLYTHE #4
UPDATE ON MAJOR ISSUES

BULLARD COMMUNITY PLAN EIR

The City of Fresno is the lead agency for the project. The City has said that no EIR is required for this annexation because an EIR was prepared for the Bullard Plan that addresses all impacts of the annexation. The Plan EIR has been supplemented by information in the City's Negative Declaration filed for this project.

Since LAFCO had not reviewed the Bullard EIR, on September 8, I asked the City for copies so you could review it prior to making a decision on the proposal. Copies were received last Friday and were hand-delivered to each of you.

The City of Fresno, lead agency for the project, has asked your Commission, as responsible agency, to state in your resolution that you have reviewed the EIR and Negative Declaration for the project, as required by CEQA.

FIRE SERVICE ISSUE

After your hearing, a letter was sent, on August 25, to the City of Fresno officially transmitting your concern over both interim and long-range fire service in the area and the need for adequate fire protection.

The City has prepared additional information on fire service which was delivered to our office last Friday and hand-delivered to each Commissioner on the same day. This information gives details about how the UCM processes would work in providing for a fire station and for protection. It also gives the details of the fire service plan for the completed Highway City annexation, to the southwest of the subject area. ~~No additional agreement has been offered by the City from your last hearing.~~

As a related item, a letter was sent out by your staff to North Central and the City of Fresno on the instant aid agreement offering suggestions for an alternative agreement. If implemented, that agreement would resolve Commission concerns over fire protection. Since the letter was just recently sent out, no response from either the ~~City or~~ District is available. *The City has indicated they will ignore the compromise agreement as of last night, and will probably comment further on the agreement.*

SCHOOL DISTRICT SERVICE

Rather than meet with the affected district and landowners,
The response of the City to your Commission's request was to give more information on alternatives for the City and school district. The City staff position is that all solutions made available by the State have been used and they can do no more. The City will proceed with SB 201 implementation.

A meeting was called by LAFCO staff
~~The results of the meeting called by your Executive Officer~~ held yesterday with the affected school districts, agencies, and representatives of some landowners follows. The agenda and a list of those attending is attached.

The results are as follows:

1. A transfer of territory for the 2,700 acres to Fresno Unified was discussed with all of the affected agencies. The Fresno Unified School District representative indicated that the Fresno District could accommodate all of the student growth anticipated, using the figures given by the City Planning Department. The students would be accommodated in schools located in the northwest area. He also stated that in addition to student growth from the annexation area, the District could still accommodate growth from development in other parts of the school district. The figures by Fresno Unified showed a student population, grades K-12, to be 4,555 by 1995. The impact on Herndon and Central High School Districts was primarily the loss of potential average daily attendance (ADA) and State monies. Also, these Districts feel that residents would not approve a transfer with the Fresno Unified School District. There would be very little immediate effect on the Districts since there are no students involved. Since the question of transfer may ultimately go to an election, the wishes of the residents will decide the outcome of any transfer. A unification election is scheduled on December 22 for school districts within Central High School District. Although unification may increase the difficulty of any transfer of territory with Fresno Unified, according to the County School's Office a transfer could still occur.
2. A transfer of territory from Fresno Unified to the Herndon Elementary School District was also discussed, being that territory around the empty Fig Garden Elementary School. The transfer of this territory could assist the Herndon District by making an empty school facility available to house future student population, since the facility is not now being used by Fresno Unified. The transfer would be complicated since the area is inhabited and children in the area are now attending Fresno Unified Schools. Also according to Fresno Unified staff, the school facility must still be purchased by Herndon and the transfer of students may adversely affect the minority balance within Fresno Unified.

3. The City of Fresno presented their response to your Commission's request for an agreement between the schools, landowners, and the City. The City's response was essentially that in the view of the City attorney, the SB 201 Ordinance is all that the City can legally do, although negotiated outside agreements between the school district and land developers are still possible.
4. The possibility of an agreement at this time between the land developers and the districts was brought up but came to no positive conclusion.

Further information given at the meeting discussed the process of a transfer which involves either a registered voter or landowner petition, or resolution of an affected school district board to begin the process of transfer. A County committee on the transfer schedules a public hearing on the issue. The transfer, if approved, is then sent to the State Board of Education. The State Board also determines where the election to decide the issue will be held, whether in the affected area only or in all of the affected school districts.

SUMMARY

The request of the Commission for the City, districts, and landowners to work out an agreement to resolve the school ~~and fire protection~~ issues has not been carried out. Fire service plans are the same as last August, and there has been nothing worked out on the school issue, although there has been discussion of the impacts of a district transfer of territory.

As to alternatives available to your Commission without a resolution of the issues as requested, they are as follows:

1. Approve the proposal in part as recommended by staff. This would mitigate the major issues and allow the City and landowners to resolve the other issues prior to any reinitiation.
2. Continue the proposal for an additional month to October 28, at 1:30 p.m. to allow for time for ~~a City and~~ fire district response to instant aid and for the City and school districts to continue to work out an agreement.
3. Deny the proposal for lack of a resolution of the issues.
4. Approve the proposal with conditions requiring requested agreements be made prior to completion of annexation. Wording of the conditions is a problem, but suggested wording is given following:

*** However the instant aid agreement, if signed by North Central, would provide for a temporary solution.*

- a. The City shall agree to revise the fire service plan to provide a temporary fire station in the affected territory or the Highway City area until City Station No. 14 is operating.
- b. A plan for school district service shall be determined by the City, and agreed to by the affected school district or districts, which plan ~~shall be one of the following:~~
- (1) A transfer of territory occurring between ~~Central Union High School District~~ ^{Herndon} and Fresno Unified for the affected territory.
 - (2) A contract offer by Fresno Unified to Central High and Herndon Elementary School Districts to accept students from the affected territory until Central and Herndon have capacity for the students.
 - (3) An agreement between the Central High and Herndon Elementary School Districts and the City of Fresno or the landowners, such agreement to mitigate the problem of overcrowding from development in the affected territory.

MLP:KF

* Might possibly be:
4. any combination of the above and
or other mitigating measures to
resolve the problem of overcrowding in the
affected territory.
* bring back to Commission.

MEETING AGENDA

September 22, 1981

1. Background of School Issue Related to Annexation - LAFCO
2. Discussion of Boundary Transfer
 - A. Transfer Process - County Superintendent of Schools
 - B. Impact on Affected Districts - Fresno Unified, Herndon Elementary, and Central Union
3. Response to LAFCO Request for Agreement - City of Fresno
4. Other Solutions or Comments

LAFCO Hearing, September 23, at 1:30 p.m. in the Board of Supervisors' Chambers

Meeting Attendance

Byron Gavrilis, Central Union High School District
Alvin J. Quist, Central Union High School District
Lou Lozano, Breon, Galgoni, & Godino
Robert Simonian, Herndon School District Trustee
Angela Hill, Herndon Elementary School District
Garlin Gentry, County Schools
Carl Motschieder, Attorney, Fig Garden New Town
Ed Kashian, Self-Employed
Glen Rathwick, Fresno Unified School District
Sam McMurray, City of Fresno
James McKelvey, City of Fresno
Tom Riggs, County Counsel
Al Solis, City of Fresno
Dave Herb, City of Fresno
Marvin Panter, LAFCO



Inter Office Memo

To: LAFCO Commissioners Date: September 23, 1981
From: Marvin L. Panter, LAFCO Executive Officer *MLP*
Subject: CONTINUED HEARING FOR THE HERNDON BLYTHE #4
REORGANIZATION

To bring you up-to-date and review the background, this proposal was continued by the Commission from last month's hearing. The motion for continuance also requested the City, affected school districts, and developers to provide an agreement to mitigate the impact on school districts; and that the City provide specific information regarding how interim and long-range fire protection would be provided. The motion passed unanimously for continuance.

The staff report had recommended approval but with a major revision of boundaries to include only that area within the Fresno Unified School District boundaries (approximately 450 acres). Issues pointed out by staff other than school district impact and inadequate fire service included the size (2,700 acres), lack of an EIR, loss of unique fig lands, creation of County islands, requests for two inclusions, and responsibility to discourage urban sprawl (see attached staff report).

Since your last hearing, the City has been preparing a response on fire and school service for the Commission, which has not yet been received, but will be forwarded to you as soon as possible. Your staff has scheduled a meeting with the City and school districts to explore the idea of a boundary transfer or contract between the Herndon Elementary/Central Union High School Districts and the Fresno Unified School District and other ideas. The results of this meeting will be known and discussed at the time of the hearing.

Last, an EIR was not prepared for this proposal. The City, as lead agency, prepared a Negative Declaration, primarily because an EIR had been prepared in 1976 for the Bullard Community Plan which addressed all of the impacts. Since your Commission is also a responsible agency and must review the environmental document for the project, I have requested that the City provide enough copies of the EIR for your review, prior to your hearing. These copies have not been forwarded.

Further comment on all of the above matters will be given at the time of your hearing.

MLP:kf

September 8, 1981

Mr. Gerald Newfarmer
City of Fresno
2326 Fresno Street
Fresno, CA 93721

SUBJECT: HERNDON-BLYTHE #4 REORGANIZATION

Dear Mr. Newfarmer:

The Commission at their last hearing indicated that if the issues of fire service and schools can be adequately resolved, they may approve the subject proposal. It is my concern that any approval comply with whatever CEQA requirements are applicable.

It has been the City's position, as lead agency, that no Environmental Impact Report (EIR) is required for the subject proposal because an EIR has already been prepared for the Bullard Community Plan, which addresses all of the impacts related to this project. The EIR for the Plan and the Negative Declaration for the annexation provide all of the documentation necessary, according to the City.

In this case, the Commission has not reviewed the final EIR for the Bullard Community Plan. After discussing this matter with LAFCO Counsel, it is my opinion that the Bullard final EIR should be made available to the Commission for their review and consideration.

Could you please provide us with sufficient copies (8) of the final EIR as soon as possible so we can forward them to each Commissioner.

Thank you.

Marvin L. Panter
Executive Officer

MLP:kf

cc: Dave Herb, City Planning & Inspection
Doug Holland, City Attorney's Office
Tom Riggs, LAFCO Counsel

BREON, GALGANI & GODINO

ATTORNEYS AT LAW

September 14, 1981

KEITH V. BREON •
ROBERT A. GALGANI •
RICHARD V. GODINO •
MARGARET E. O'DONNELL •

JON A. HUDAK
JAMES D. PINNELL
MARTHA BUELL SCOTT
DIANA K. SMITH
PATRICIA W. MILLS
PRISCILLA BROWN
LOUIS T. LOZANO
SANDRA WOLIVER
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EDUCATION BLDG., COUNTY CIVIC CENTER
VISALIA, CA 93277
(209) 825-2666

REPLY TO: Visalia

Mr. Carl J. Motschiedler
Attorney At Law
1255 W. Shaw Avenue, Suite 103
Fresno, CA 93711

Re: Herndon-Blythe No. 4

Dear Mr. Motschiedler:

We are in receipt of your letter to Mr. Panter requesting a meeting with the affected school districts concerning resolution of the school overcrowding problem posed by the above-referenced annexation.

I have been in contact with Dr. Stremple to arrange such a meeting, but have received no specific meeting date from him.

On behalf of Central Union High School District and Herndon School District, I invite you and your clients to meet with us to explore possible solutions to our mutual problem, regardless of Fresno Unified School District's ability to participate in the meeting.

I am also notifying you that on September 21, 1981, at 7:30 p.m. a meeting of the Board of Trustees will be held at the Herndon School, 6265 N. Grantland Avenue, Fresno, to receive the views of all interested persons on how the Herndon School should respond to the proposed annexation and to consider alternatives available to the District, including adjusting boundaries with Fresno Unified School District, to accommodate the needs of the future residents of the area.

Please contact me so that we may arrange a

Carl J. Motschiedler
September 14, 1981
Page 2

mutually convenient time to further discuss this matter.

Very truly yours,

BREON, GALGANI & GODINO

Louis T. Lozano

LOUIS T. LOZANO

LTL:rs

cc: Angela Hill, Superintendent
Herndon School District
Byron Gavrilis, Superintendent
Central Union High School District
Marvin Panter
Douglas Holland
Sharon Levy
Ralph Tucci
Willard "Bill" Johnson
John Howard
Lawrence R. Wilder



August 28, 1981

Gerald Newfarmer
City Administrative Officer
City of Fresno
2326 Fresno Street
Fresno, CA 93721

SUBJECT: HERNDON-BLYTHE #4 ANNEXATION TO THE CITY OF FRESNO

Dear Jerry:

This annexation proposal was continued for 30 days by the Local Agency Formation Commission because of their concern over the issues of both fire protection and school district impact, which I know are also concerns of the City of Fresno. The Commission requested that the City provide necessary assurances that adequate interim and long-range fire protection will be provided, and that the Herndon and Central Union School Districts impact will be mitigated (which could be through contractual arrangements with Fresno Unified School District).

I would be happy to meet with you or other City staff and other affected fire or school district officials to discuss the Commission's request and/or ways to develop the necessary information and solutions.

Very Sincerely,

Marvin L. Panter
Executive Officer

MLP:kf

cc: Lou Lozano, Attorney
Carl Motschieder, Attorney
Chief Rhode, City of Fresno
Doug Holland, City Attorney's Office
Dave Herb, City Planning & Inspection



CENTRAL UNION HIGH SCHOOL DISTRICT

2045 NORTH DICKENSON AVENUE FRESNO, CALIFORNIA 93711 (209) 486-7620

September 18, 1981

Local Agency Formation Commission
Members of the Commission
2220 Tulare Street - 8th Floor
Fresno, CA. 93721

Dear Commissioner:

At the August 26th meeting of the Commission, I indicated in my address that the Central Union High School District has not been able to meet with representatives of the building industry for the purpose of negotiating fees for future home-building within our district. Our attorney, Mr. Lou Lozano has contacted the attorney for several local builders, but to this date no sessions have been scheduled.

With regard to the Herndon-Blythe No.4 Annexation, I must assure you that Mr. Ed. Kashian has repeatedly met with representatives of our district to discuss his plans for development and his willingness to assist in providing school property for a new campus. Although no formal assurances have been signed by Mr. Kashian, he has indeed taken the initiative, for several years, to meet with us and a number of elementary districts for the purposes of discussing his plans and to seek a solution to the pending school overcrowding which would occur within this same development.

The Central Union High School District will continue in its efforts to meet with all affected developers for the purpose of resolving the overcrowded condition which our district faces.

Sincerely,

Byron C. Gavrilis

Byron C. Gavrilis
Superintendent/Principal

BOG:bgs

BYRON C. GAVRILIS
Superintendent/Principal

DONALD J. CARTER
Assistant Principal/Projects Director
Athletic Director

DONALD A. BERGMAN
Dean of Students

THOMAS L. KELLNER
Director of Continuation Education
Director of Adult Education

RANDALL C. CHASE
Business Manager



Gerald E. Newfarmer
City Manager

September 16, 1981

Marvin L. Panter
Executive Officer
Local Agency Formation Commission
2220 Tulare Street - 8th Floor
Fresno, California 93721

Dear Mr. Panter:

Attached are two staff memorandums which respond to the issues raised at the LAFCO Meeting of August 26, 1981 on the Herndon-Blythe No. 4 District Reorganization and your letter of August 28, 1981.

It is my understanding that a meeting has been scheduled with you for this Friday September 18, 1981 to discuss these issues in depth. It has also come to my attention that comments made by Mr. Lou Lozano at the LAFCO hearing on August 28, 1981 in regard to comments made by Mr. Mulligan of the Fresno Unified School District were not correct.

We have been assured by the F.U.S.D. that they will attend and/or send you a letter indicating that the F.U.S.D. can serve any or all of the students generated by the urbanization of the area in question.

If you have any questions concerning any of the attached materials, please bring them up during the meeting of September 18, 1981.


Gerald E. Newfarmer

Attachments



CITY OF FRESNO

September 16, 1981

MEMORANDUM

TO: Samuel S. McMurry, Assistant City Manager
FROM: *George A. Kerber*
George A. Kerber, Director
Department of Planning and Inspection
SUBJECT: Proposed Herndon-Blythe No. 4 District Reorganization

The contents of this memorandum provide background information related to the Herndon-Blythe No. 4 District Reorganization school district issues discussed during the LAFCO hearing of August 26, 1981.

Portions of the subject territory fall within the jurisdiction of the Teague Elementary, Fresno Unified, Herndon Elementary and Central Union High School Districts. The most affected Districts would be Herndon Elementary and the Central Union High School District as the territory falling within the boundaries of the Teague Elementary School District is zoned for light industrial uses and, therefore, will cause no impact on the District's existing and projected school facilities. Full projected development of the properties situated within the service area of the Fresno Unified School District will not create facilities overcrowding since all of the potential students generated can be absorbed within existing F.U.S.D. schools.

The Herndon Elementary School District and the Central Union High School District have developed yield factors for school facility planning. A student yield factor is the average number of children per housing unit which can be expected to attend kindergarten through high school. The Herndon Elementary School District yield factor is .79 students per household (K-8). The "Yield Study" is currently being conducted by Dr. Thomas Riley of the Fresno County Office of Education, Research and Evaluation.

The Fresno County Department of Education has extrapolated a student yield factor of .35 students per household for Central Union High School. This study was also conducted by Dr. Thomas Riley.

Herndon Elementary School District has a current enrollment of 200 students and a capacity to support 299 students. Based on existing applications for discretionary entitlements, including subdivisions, on file with the City, there are no single family or multiple family residential dwelling units proposed for development within the boundaries of the Herndon Elementary School

District. Within the boundaries of the proposed development, a maximum of 4,804 dwelling units can be constructed, based on existing plans and policies. An additional 3,795 elementary school students are estimated to reside within this reorganization proposal.

Central Union High School District has a current enrollment of 900 students and a capacity to support 1,250 students. Based on existing applications for discretionary entitlements including subdivisions, on file with the City, there are 675 single-family and 544 multiple-family residential dwellings proposed for development within the boundaries of the Central Union High School District. These figures represent estimates for development in territory outside of the boundaries of the proposed Herndon-Blythe No. 4 District Reorganization. Within the boundaries of the proposed development, 4,804 dwelling units can be constructed based on existing plans and policies. An additional 1,681 high school students are estimated, on the basis of the above yield factor of .35, to reside within this reorganization proposal.

I. Yield Factors

Changing social and economic conditions can greatly influence the reliability of yield factors. In order to be reliable, the factor used must be representative of the cross section of the population, preferably reflective of similar social-economic characteristics anticipated in the proposed development. The following conditions should be considered:

- A. Population Trends. Total Fresno County Schools enrollments fell by 7% between 1974 and 1980. During the same period, population increased by 14%. A growing population, therefore, does not necessarily mean a corresponding increase in school enrollment. In 1974 the Fresno County average yield factor was .69 (.48 for K-8, .21 for 9-12) while it dropped to .51 in 1980 (.35 for K-8, .16 for 9-12). Although these are county wide figures, they represent significant drops in relative overall yield.
- B. Average Household Size. Household size is linked to, but not determined solely by declining birth rates. Declining household size can partially be attributed to declining birth rates but it is also linked to an increasing number of households which have no children. This group includes single adults, young marrieds, and "empty nesters" who have grown

children. Traditionally, rural households have consisted of the nuclear family with one or more children. As an area urbanizes, and particularly as housing costs increase, alternative household types increase and average household size drops.

- C. Number of Bedrooms and Housing Types. Samples from existing neighborhoods indicate close correlation between the number of bedrooms per unit and the number of students. There is wide disparity between

yields for two bedroom units, three bedroom units, and for four or more bedroom units. This disparity suggests that projections may be most accurate if yield factors are used on a per bedroom basis. While there is close correlation between the number of bedrooms and student yield, the influence of housing type on yield tends to vary according to local marketing conditions and preferences. It is therefore imperative accurate data relating to yield factors by housing types in relation to local trends be developed. In the Tinker Study, incidentally, the decision was made not to address multi-family yield because such units could not be studied on the same random sample basis used for single family subdivisions.

- D. Affect of Neighborhood Age. Long term studies of enrollment patterns reveal that older neighborhoods yield fewer students per dwelling than newer neighborhoods. This explains, in part, the discrepancy between the overall Fresno County K-8 yield factor of .35 and the Herndon yield factor of .79 based on samples with new subdivisions.

- E. Additional Influences Upon Student Yield. There are additional influences which could be a significant factor in determining overall student yield:

1. Private School Enrollment. Private school enrollment in Fresno County constitutes approximately 9% of all K-12 students. This figure is significant enough to have an affect upon projected public school enrollment. For example, the Tinker Yield Study Questionnaire asked only for the number of the children per house, not the number of children per house attending public schools. Any resulting yield factor for public school enrollment purposes is therefore artificially high by an undetermined amount.

2. "Drop Out" Rate. If a significant portion of students do not complete high school, this factor can influence enrollment patterns. These factors mean that yield factors could be tested periodically, in relation to actual yields from other districts, the average county wide actual yield, and to monitored yields from the district.

II. School Facility Financing

The most significant impact of enrollment increases would occur if adequate school construction funds were not available. The primary source of school funding is based on average daily attendance with the amount allocated based on a revenue limit established by state law. For example, if a district had 5,000 students and a revenue limit of \$1,000, the district would receive \$5,000,000 per year. ADA revenues are primarily funded by local tax revenues and provide funds for operation and maintenance (salaries, textbooks, supplies) and generally increase with enrollment. ADA does not provide sufficient funds for new construction.

Constructing financing options were drastically altered by Proposition 13. Prior to its passage, construction programs were funded through state and local programs. Voters, for example, could authorize a tax rate increase to finance bonds for construction. At a point when the district had taxed itself to within 5% of assessed valuation, and a need for additional facilities still existed, the state funded remaining construction needs. Otherwise state funds were not available. If bonds were not passed, and they usually were not in California, a district was forced to institute measures such as double sessions, extended days, or year around school. Such measures were fairly common in high growth districts in the 1950's and 1960's.

In response to this situation, the Leroy Green lease-purchase program was adopted by the state. This program provided for tax increases which could be used to make lease payments on school facilities which had been financed by state funds. This method of funding was the most common pre-Proposition 13 school financing method. Proposition 13 generally eliminated the ability of district voters to authorize tax increases for repayment of bond/lease obligations, because, under the legislation, all property tax increases are subject to continued voter approval every four years.

Current sources of school financing are neither adequate nor certain. The initial response to these limitations has been to assess development fees. The fees are normally levied at the time of building permit application and are thus added to the cost of the home. An important consideration must therefore be the economic and social implications of such a policy.

The following table contrasts the home buying power of a medium income family in 1979 with the average cost home of that year.

EFFECTS OF HOUSING COST INCREASES

	<u>1970</u>	<u>1979</u>
Median Income	\$ 8,622	\$ 19,300
Max. Monthly Payment Capability ¹	239	539
Average Home Price	21,420	67,000
Minimum Monthly Payment	2202	715 ³
Minimum Monthly Income Requirement	600 (\$7000/yr)	909 ⁴
		2,145 (\$25,740/yr)
% of Qualifying Households	50%	2,727 (\$32,724/yr) 18%

¹Based on a 3/1 ratio of income to mortgage payment

²Based on 90% financing at 9%

³Based on 90% financing at 14%

⁴Based on 90% financing at 18%

SOURCES: Preliminary Draft Housing Element of the General Plan for the FCMA, September, 1980. Profile on Fresno, Fresno County and City Chamber of Commerce, 1980.

The data reveals a dramatic loss in buying power from 1970. In 1970, the income level of over 50% of metropolitan households was sufficient to qualify for an average priced home, a figure which fell to less than 18% in 1979. During this period the median income rose by 223%, while the average sales price of a new home rose by 314% and the monthly income needed to qualify for a loan rose by 1,364%. Since 1979, average house prices have risen an additional \$10,000 while the median income has risen an estimated \$1,000.

The current crisis of housing costs and supply is expected to worsen in the coming decade. Thus, any measure which threatens to exacerbate the present situation could be contrary to the public objective of the provision of sufficient adequate housing for all sectors of the population.

Development fees for school financing are especially deleterious because the increased home cost directly effects the ability of many to qualify for home mortgages. In addition, while the school receives a one-time fee, the home owner repays that fee many times over during the life of the mortgage. The Building Industry Association estimates that, statewide, for each \$1,000 increase in home prices, 100,000 potential home buyers are priced out of the market.

If all new permanent facilities were to be built with development fees, the cost per housing unit for K-12 facilities is estimated in range of \$5,000-\$6,000 or about 10% of the value of the new homes currently being built west of Freeway 99.

It has long been the goal of the state and city to provide affordable housing and a quality education. When these two mandates conflict, there must be compromise recognizing both private and public financial constraints.

III. Provision of School Services

Development impact upon schools changes constantly due to changing political and economic factors. This service plan is a "point in time" document which outlines currently feasible measures for the provision of school services. The questions of school facility adequacy should be considered with the recognition that "public agencies have obligations to balance other public objectives, including economic and social factors in determining whether and how a project should be approved."

There is no single agency which alone has the authority to establish school facility standards, or which disburses funds for educational and/or school facility construction. Furthermore, the role of each jurisdiction concerned with school districts, and school district funding, is subject to change as a result of legislative action.

Determining adequacy of school facilities is a political decision and must be understood as such. Provisions for school facilities are influenced by state, regional, local and district policies and laws. A feasible measure must meet the requirements of each of these policies and laws. The jurisdiction and authorities of involved agencies frequently overlap. Interagency cooperation is therefore essential both in the implementation of current measures and the development of new ones.

A. The Role of State Government

State government plays a major role in the determination and allocation of educational funds, both through legislative action and through the state agencies which administer state educational programs.

The Legislature has the power to set the educational apportionment from one State budget. It further has the authority to set eligibility requirements and to determine the manner in which such funds may be used. The State Legislature also has the authority to determine the manner in which local governments can create school funding sources.

1. Leroy-Green Lease Purchase Act. At the present time the State provides funds for the construction of permanent facilities through the Leroy-Green lease purchase act. Through this program the State will acquire school sites and construct school facilities and then lease on a lease/purchase basis to districts which meet their stringent facility impactation eligibility requirements. There are several problems with relying on this program. A district must operate at, or close to, the Board of Allocation's determination of capacity. It is possible for a district to incur severe overcrowding without receiving relief from the lease/purchase program. A second major problem is that the program's future funding is uncertain. The 1981-1982 preliminary Budget prepared by the State Senate has eliminated school construction funds. This possible program cut illustrates the need for concentrated lobbying by local governments and school boards for the continuance of state financed school construction programs. It is also necessary to develop measures which could be implemented in case of, or, in spite of, the end of state funded school financing programs.
2. SB 201 and AB 8. The State has provided means of alleviating overcrowding which can occur prior to the construction of permanent facilities in two ways:
 - a. The 1979 Emergency School Classroom Act, as part of AB 8, established a program whereby an overcrowded school can lease temporary facilities from the state. However, a district cannot base need on projected enrollment; it must actually be impacted at the time of application to lease the temporary classrooms.

- b In 1977, in response to specific legislative requests the Legislature adopted SB 201 which allows local governments to assess fees, in districts found to be overcrowded, for the provision of temporary classrooms.

The fees are not to exceed the sum required for five annual lease payments of such facilities.

- c The legislature created another means for local financing of school facilities through the passage of a section of AB 8 which authorizes the creation of an assessment district for the purposes of generating school construction funds. This will be evaluated as a measure which can be implemented by local governments.

- B. The Role of Local Government. Certainly local government is obligated to consider burdens on public facilities in the evaluation of development proposals. Nevertheless, the extent to which certain mitigation techniques involving developer contributions for permanent school facilities can be utilized is uncertain. The Attorney General has opined that a city or county may not levy a fee upon builders of residential developments for the purpose of providing permanent school facilities. (62 Attorney General's Opinions (1979) 601.).

In addition, there are several practical problems with this form of mitigation measure, as explained by the following excerpt from Reedley City Planning Commission Staff Report: Provision for School Facilities Through the Development Regulation Process, March 9, 1981:

"Direct Negotiation with the Developer"

The School District has requested a different approach which would involve direct negotiation with the District by a developer as a condition of project approval. This approach follows the policies proposed for Fresno County which states that new residential development simply will not be approved by the County unless adequate school facilities are or will be available at the time when the development sends children into the school system.

To apply such a policy, it would have to be incorporated into the General Plan. However, there are serious deficiencies in this approach to be considered carefully before using it in Reedley. It does not describe any uniform policy for negotiation, basis of fees, equity with respect to other project negotiations, or responsibility of other projects which have been approved but not yet finalized through final subdivision maps and agreements with the City. It gives a school district almost carte blanche in the negotiating process with the clear possibility of requiring a given developer to pay a disproportionate share of the burden. Finally, the City, in effect, abrogates its responsibility in development regulation to assure adequate housing to meet needs in the community. This would occur if the developer decided that the asking price was too high and therefore killed the project."

Developer school financing could also prove infeasible. The cost of a 1,500 student senior high school is presently approximately \$20,000,000. This amounts to approximately \$13,333 per student or a high school home buyer fee of almost \$4,000 alone.

However, perhaps even more significant than the potential fiscal impact of a developer financed school is the fact that such a program would result in severe overcrowding prior to the construction of a high school. In the case of high school impact mitigation, solutions beyond development related financing must be developed.

In addition to requiring mitigation as a development prerequisite, there are several means available to a city to require mitigation of school impact, as authorized by the State Legislature.

1. Dedication of Land. A city has the authority to require the dedication of land as a condition of subdivision map approval. This policy power is allowed by the school site dedication requirements of the Subdivision Map Act.

2. SB 201. The City of Fresno has adopted an ordinance as authorized by SB 201, which allows the assessment of fees for the provision of temporary classrooms, for a period not to exceed five years. This bill was designed as an interim measure to alleviate overcrowding prior to permanent facility construction. This measure could also be implemented to alleviate interim peak overcrowding.

The school districts serving the study area have objected to SB 201 as a solution, on the grounds that their districts enrollment will be permanently increasing and permanent facilities will be accordingly needed. As cited above, however, the City apparently does not have the power to require development fees for construction of permanent school facilities. Nevertheless, it is recognized the elimination of state Leroy-Green construction funds would make SB 201 ineffective as the legislation is specifically designated to provide facilities for the period between the time a school reaches capacity, and the completion of permanent Leroy-Green lease/purchase facilities.

3. AB 8 Owner's Development Lien. AB 8, in addition to providing for a state-funded emergency temporary classroom program, provides a means for acquiring funds for school facility construction directly from new development.

The provisions of this bill are described in this quote from the draft of Financing Services for New Development, Available Options and Limitations Imposed by Proposition 13, prepared by Larry Seeman Associates, Inc., Newport Beach, California, June, 1980, pp. 9-10.

"AB 8 also provides a means of generating revenues for new school construction directly from new development. With the acquiescence of the developer, a school district can establish a non-profit corporation with a lien on each of the subdivided parcels of a proposed development for the purpose of

collecting an assessment for debt service on bonds to be issued by the corporation. The proceeds from the sale of the bonds would be used to construct new school facilities, which would be leased back to the school districts. A local agency reviewing the tentative tract map for a development could make applicant acquiescence to formation of the non-profit corporation a condition of tentative tract map approval.

This method appears to be a viable method of financing new schools in growth-impacted areas. The facilities constructed need not be "interim" facilities (commonly assumed to be portable classrooms), as is the case with SB 201 school impact fees. Furthermore, large sums of money can be generated prior to completion of the project enabling a school district to build facilities on a timetable more in keeping with developer phasing schedules. Finally, unlike school impact fees, the process is relatively voluntary. The size of the bond issue and the facilities to be constructed are all subject to negotiation, even if formation of the non-profit corporation is made a condition of tentative tract map approval. This mechanism provides for a clear quid pro quo situation where a builder can contribute to the provision of quality neighborhood school facilities where under current circumstances, they might not occur."

This measure could be instituted even if state funded school construction programs ended. An established means of collecting revenues would exist if this occurred which could be used to construct all needed facilities. In the end, however, the home owner would still carry the costs of new school construction which could render this measure infeasible.

The City has authority pursuant to SB 201, to make findings of overcrowding and to require mitigation. There are currently no consistent standards for the determination and assessment of capacity, yield factors, and school facility

needs. If findings of overcrowding and mitigation requirements are to be made on an equitable basis, it is essential that a consistent set of criteria be developed for the evaluation of school issues.

The City desires to work with all local school districts and other concerned parties to establish criteria for the evaluation of overcrowding and needs for school facility funding. The following should be incorporated into such a policy:

- a. Class Size Standards. The City should adopt an acceptable standard for maximum class size. At the present time Fresno Unified and Clovis School Districts have an average class size comparable to the capacity set by the state (29 and 30.1 pupils per class, respectively). Districts who would wish to use smaller class size standards should have to specify substantiation for such an idea.
- b. Capacity Determination. It is recognized that the State Allocations Board capacity standards are stringent and often unrelated to a school's actual facilities. However, the standards of the Department of Education, Bureau of Facilities Planning are generally recognized to consider fairly the individual situation of each facility. Capacity determinations which deviate from these standards should be thoroughly justified.
- c. Student Yield Projections. The establishment of a student yield factor is critical for it is this figure which is used to determine the basis of future enrollment, and thus determines the perceived future school facility requirements. A yield factor may be developed by sampling yields from neighborhoods comparable to those expected by using available census data and enrollment records, or by making projections of existing yields or a combination of methods. Due to the variety of influences which can affect a student yield estimate it is recommended that any student yield (a) be tested against other districts' yield factors, and other information sources, and (b) be updated and evaluated yearly.

The Clovis Unified School District is considering adding a questionnaire to Federal Employment Survey Forms. These forms are sent out yearly to all districts to all students and their return is mandatory. Yield information gathered in this manner would be based on a 100% sample of the student population. Questions could be developed to: (1) assess current yield from new developments; (2) assess yield by housing type; (3) monitor neighborhood yield patterns; and (4) predict future enrollment by monitoring the number of preschool children.

- C. Role of School Districts in Mitigating School Impaction Problems. Just as state and local governments have an obligation to ensure adequate school facilities, school districts have an obligation to use all possible means of mitigating school impaction which do not adversely impact other social, economic, or environment conditions of the community.

In the present era of economic limitations, this obligation can mean the necessity to consider all means of temporarily accommodating students in existing facilities without resorting to local financing programs which could have an immediate and long term adverse impact on housing supplies and costs.

Thus, all school districts which are overcrowded, or are threatened with overcrowding, should attempt to use all means available to mitigate overcrowding prior to applying to local governments for development fees. Accordingly, school districts should be required to document evidence of having exhausted their own sources of mitigating overcrowding as a part of a request to local government to implement development fees. However, there are presently a number of mitigation measures which could be used by local districts to mitigate school impaction.

1. Legislation Lobbying. Future legislative action could provide additional funding which would be directly available to school districts. Lobbying efforts on the behalf of school districts, local government and the building industry could help to obtain such legislation.
2. AB 8. This bill established funds for state purchase of temporary classrooms which can be leased by local districts.

The major limitations with the mitigation measure are that: (1) a district applying for such classrooms must be presently overcrowded to receive them, and (2) a district must wait approximately six months to receive such facilities following application. This mitigation measure is available only as long as it is budgeted by the Legislature.

3. Joint Occupancy of School Facilities. AB 8 created a means whereby impacted school districts may lease facilities from other districts with empty facilities. Such facilities would not be considered in the determination of eligibility for the Leroy-Green lease purchase program. Thus, an impacted district could house its students temporarily in the leased facilities until enrollment reached sufficient numbers for the Leroy-Green school construction lease purchase program, without having to incur actual facility impactation.

The major liabilities of the proposal are the lease and potential costs. However, these additional costs could be covered by development related fees.

This proposal could be implemented as a mitigation measure for the West of 99 school districts. (K-8 grade levels).

It may also be possible to negotiate a joint powers agreement between Central Union and Fresno Unified. Both Bullard and Fresno High Schools are experiencing declining enrollments and are approximately the same distance from the study area as is Central. If high school students from the study area could attend FUSD high schools, the impact on Central would be mitigated, thus maintaining the rural nature of the existing campus and simplifying overall school impact mitigation. Since development related financing is especially costly and probably infeasible for high school construction purposes, joint occupancy is especially likely to be a viable means of mitigation against high school overcrowding.

4. Year Round Use of School Facilities. Year round use of school facilities would increase the enrollment capacity of a school by 33%. This program could be implemented on a temporary basis to accommodate students until permanent facilities were constructed or to accommodate a peak enrollment.
5. Double Sessions and Extended Day Programs. These programs could use existed facilities without increasing class size and achieve up to twice the capacity per school site. Such programs could be implemented on a temporary basis to house interim and/or peak enrollment overcrowding.
6. Transfer of District Territory, Annexation of Adjacent District and Unification. Each of the above measures could be initiated by a school district to mitigate school impaction.

Annexation of Territory:

Sections 35761 and 35767 of the Education Code describes means whereby an elementary district may grant territory to an adjacent unified district. The action can be initiated only by a petition signed by 25% of the District's registered voters or by the majority of the School Board Members of the district to be transferred. This petition must be agreed to by a petition signed by the majority of the Board members of 25% of the registered voters of the district to be transferred.

These petitions are then sent to the County Superintendent of schools who processed the request according to Sections 35690, 35694 and 36698 of the Education Code.

The Superintendent accordingly must refer the matter to a County Committee on School District Reorganization.

This committee conducts public meetings to discuss the issue. It may approve the transfer only if it is determined that the transfer won't adversely affect the ethnic or racial balance of either district. If the transfer is approved by the Committee it is referred to the County Board of Education who conducts hearings according to the provisions of Sections 35704, 35705 and 35706 of the Education Code.

The Board has the option of approving the transfer, calling additional hearings or demanding elections in both districts. If school Board from either district protests the findings of the Board, an election is mandatory. The determination of the Board can be further appealed to the State Board of Education.

In the case of school districts in the study area transfer of territory to Fresno Unified may be a viable approach. Fresno Unified has a declining enrollment and the ability to absorb students from new developments. The study area is extremely close to Fresno Unified School District and it would be possible to transfer other urbanizing areas to FUSD and retain the rural segments of the District. Thus the districts would not be impacted by urbanization annexation.

Annexation is a similar mitigation approach, however, annexation would transfer the entire district to the unified district, in this case FUSD. Procedurally an annexation is similar to a territory transfer, except that an election of the district to be annexed would be required.

7. Unification. Unification would not transfer territory, but would combine all of the elementary districts and the high school districts into one jurisdiction. There are several advantages to unification although they are largely short term. Unified districts receive a larger per pupil share of state funds than non-unified districts. A single administration for a larger district can also be more efficient than several offices for small districts. Finally, a larger district can more easily handle fluctuating enrollment patterns which occur in all school districts. For example, a larger district may have schools in older neighborhoods with declining enrollments, which could handle overcrowding occurring in newer neighborhoods. These advantages are short term, however, because the issue of new school construction must eventually be faced.

8. Master Plan of School Needs. If funds are to be allocated locally for school facility construction, these funds should be applied to a well planned program. Accurate current capacity determinations and yield projections and building rate trends can be used to predict future long term and short term school facility needs. A school facilities master plan should consider:

- (1) The maximum estimated permanent facilities, and
- (2) Temporary programs to handle the temporary peak enrollment numbers.

As actual development patterns and related yield patterns occur, they can be used as a basis for refining school master plans.

IV. SUMMARY

In conclusion, it is the position of City staff that we have used all of the solutions made available to us by the Legislature, and that we can do no more in this area. The State has preempted the field and our City Attorney agrees with the Attorney General's opinion that we can go no further than SB 201. The Legislature must now solve the remaining problems, and in the interim the City will proceed under the provisions of SB 201. The foregoing memorandum has outlined a number of mitigation measures that local districts may wish to pursue to mitigate school impaction.

CITY OF FRESNO

SEPTEMBER 15, 1981

MEMORANDUM

TO: SAMUEL S. McMURRY, ASSISTANT CITY MANAGER
FROM: D. M. ROHDE, DEPUTY FIRE CHIEF
OPERATIONS BUREAU - FIRE DEPARTMENT *DMR*
SUBJECT: HERNDON - BLYTHE NO. 4 ANNEXATION

RECEIVED

SEP 15 1981

PLANNING & INSPECTION DEPT.
CITY OF FRESNO

Reference: Letter from Mr. Marvin Panter, Executive Office, Local Agency Formation Commission, to Mr. Gerald Newfarmer, City Administrative Officer, dated August 28, 1981, regarding interim and long-range fire protection of the proposed annexation.

On October 16, 1979, the Fresno City Council adopted Ordinance No. 79-109, relating to fire station and neighborhood park fees in the urban growth management area. Concurrently Council adopted Resolution 79-445 establishing UGM fire station service areas No. 14 and 15 and UGM fire station capital fees within the established UGM fire service areas.

UGM fire station service area No. 14 was established to cover the area of Highway City and territory of the Herndon-Blythe No. 4 annexation (see attachment "Exhibit A").

The UGM fire station ordinance and resolution will provide for the following:

1. Establish the criteria by which development can occur beyond the primary service area of an existing fire station without being required to individually provide for the total capital cost of providing a new fire station.
2. Establish the UGM fire station service areas in advance of the need to construct the stations.
3. Establish a mechanism for the collection of UGM fire station fees which provide the capital costs for construction of fire stations in UGM area.
4. Provide an equitable means through which the provision of fire service can be addressed throughout the UGM area.

The ordinance will allow for the construction of 5,000 units within the extended service area of an existing fire station prior to reaching the threshold level of development which triggers the need to construct a new fire station.

The Fire Department has determined that 5,000 units represents the maximum level of development beyond the primary service area of an existing fire station which can be provided fire service without triggering the need for the construction of a new fire station.

SAMUEL S. McMURRY, ASSISTANT CITY MANAGER
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SEPTEMBER 14, 1981

5,000 units shall be determined by the collection of an amount of money, at an accelerated rate, determined to represent the full cost of site acquisition, constructing and equipping a fire station. The service rate, which is based on all developable land within a particular fire service area, reflects each development's proportionate share of the cost for providing fire protection upon full development within that service area. Subsequent to collection of an amount representing the actual cost of constructing an operable fire station, the fire station fee will be reduced from the accelerated rate to the service rate. As funds are collected at the service rate level, reimbursements representing the difference between the accelerated and service rates will be made to those developers who had paid at the higher accelerated rate.

The 5,000 unit threshold level has been established based on historical data collected relative to the frequency of service calls received by land use density and on the required response capability of an engine company at a given density of development.

With respect to extended fire service areas, residential development will be allowed to occur up to five miles from an existing fire station subject to the following conditions:

- A. Between the second and third mile, the accelerated fee is paid.
- B. Between the third and fourth mile, the accelerated fee is paid;
and
 - (1) There is a 100-foot separation between units; or
 - (2) There is a 50-foot separation between units; and the following safety standards are observed:
 - a. Noncombustible roofs;
 - b. Noncombustible facing surfaces;
 - c. No combustible surfaces within 50 feet of each other;
- C. Between the fourth and fifth mile, the accelerated fee is paid
and there is a 100-foot separation between units.

The 50-foot or 100-foot separations will be accomplished by requiring developers to build on every other or every third lot as necessary to gain the separation. Lot sizes required under current land use policies will not be varied in order to meet separation requirements.

Commercial and industrial development will be permitted between the second and third mile from an existing fire station subject to payment of the appropriate fee and compliance with such conditions as the Fire Chief may designate and the Council approve as necessary for safety purposes, such as spacing, sprinkler systems, etc. The ordinance further provides that in no event would commercial or industrial development occur beyond the three mile extended zone of an existing fire station.

SAMUEL S. McMURRY, ASSISTANT CITY MANAGER
PAGE 3
SEPTEMBER 14, 1981

The preceding conditions would not apply (excepting payment of the appropriate fees) if the developer enters into a contract with a fire protection district which can provide an acceptable level of service according to City of Fresno standards.

On June 1, 1981, the territory known as the Highway City annexation was annexed to the City of Fresno. In order to accomplish the Highway City annexation consistent with the conditions placed on that annexation by the Local Agency Formation Commission, the City of Fresno revised the service plan for the territory to include the following:

1. Since State law provides that withdrawal of fire district territory occurring after January 1 of a year obligates the district to provide fire protection to the area until June 30 of the next year, the City would withdraw the area effective July 1, 1982.

Until that time North Central Fire Protection District will provide from their closest station. If an instant aid agreement is reached, an agreement hoped for by the City, the City could provide protection if North Central closes their Station No. 2.

2. On and after July 1, 1982, the City will provide protection. If North Central Station No. 2 is closed before July 1, 1982, protection will be provided from Fresno City Station No. 12. This is the station that would respond under an instant aid agreement. Fresno Station No. 12 is only 0.75 miles farther than North Central Station No. 2 and provides paramedic protection which is considerably closer than that of North Central.
3. If after July 1, 1982, North Central closes Station No. 2 or if no Instant Aid Agreement exists while Station No. 2 is open, the City will provide protection either by:
 - A. A temporary two-man station in Highway City, or
 - B. A permanent station built and operating at or near Bullard and Polk Avenues.

Negotiations have been completed for the acquisition of property for the future construction of Fire Station No. 14. The proposed site is a 1.1 acre of land located on the west side of Polk Avenue between Sierra and Bullard Avenues.

It is expected that the Fresno City Council will authorize the purchase of the property for Station No. 14 on September 22, 1981.

Summary

The City of Fresno proposes to provide fire protection to the proposed Herndon-Blythe No. 4 annexation through commitments made for the Highway City annexation and/or with revenues generated through the collection of UGM fire station capital fees in fire service area No. 14 based on the following:

SAMUEL S. McMURRY, ASSISTANT CITY MANAGER
PAGE 4
SEPTEMBER 15, 1981

1. The City of Fresno will continue to negotiate and enter into an instant aid agreement with the North Central Fire Protection District, or
2. Should an agreement not be signed, and North Central Fire Station No. 2 is closed after July 1, 1982, the City of Fresno will provide a temporary or permanent fire station in or near Highway City.
3. The City of Fresno will construct permanent Fire Station No. 14 when sufficient capital fees have been collected, at the accelerated rate, from development within Fire Station No. 14 service area. Such development, however, would only occur within the extended fire protection zones of existing fire stations as defined on Page 2 of this report.
4. If a developer desires to develop outside of the existing extended fire protection zones, and inadequate funds are available in the Station 14 capital account, the City of Fresno will enter into an agreement with the developer to provide a fire station and equipment for fire service area No. 14. In turn the developer shall agree to front-end the balance of funding necessary to acquire and equip the fire station.






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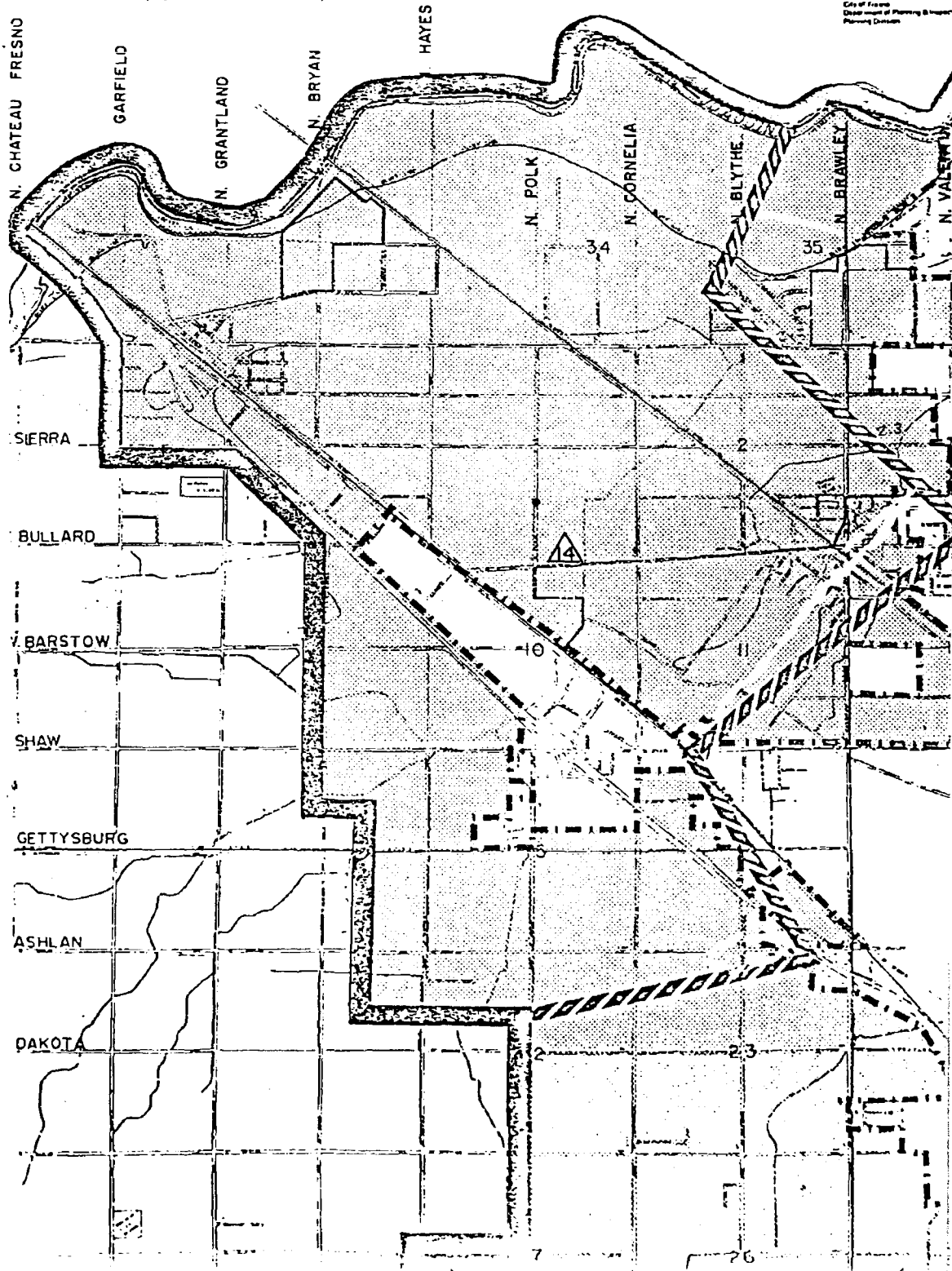
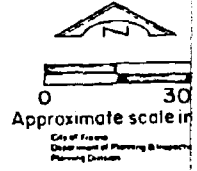
Attachment

Copy to: J. A. McKelvey, City Attorney
✓ A. Solis, Deputy Director
Planning and Inspection Department
L. L. Hill, Fire Chief
Fire Department

EXHIBIT "A"
U.G.M. FIRE STATION SERVICE AREA
 FIRE STATION NO.14

LEGEND

-  U.G.M. Fire Station Service Boundary
-  Urban Growth Management Area Boundary
-  Fresno City Limits
-  Urban Growth Management Area
-  Fresno City Sphere of Influence Boundary





Inter Office Memo

To: LAFCO Commissioners Date: September 23, 1981
From: Marvin L. Panter, LAFCO Executive Officer *MLP*
Subject: ADDENDUM TO STAFF REPORT FOR HERNDON-BLYTHE #4
UPDATE ON MAJOR ISSUES

BULLARD COMMUNITY PLAN EIR

The City of Fresno is the lead agency for the project. The City has said that no EIR is required for this annexation because an EIR was prepared for the Bullard Plan that addresses all impacts of the annexation. The Plan EIR has been supplemented by information in the City's Negative Declaration filed for this project.

Since LAFCO had not reviewed the Bullard EIR, on September 8, I asked the City for copies so you could review it prior to making a decision on the proposal. Copies were received last Friday and were hand-delivered to each of you.

The City of Fresno, lead agency for the project, has asked your Commission, as responsible agency, to state in your resolution that you have reviewed the EIR and Negative Declaration for the project, as required by CEQA.

FIRE SERVICE ISSUE

After your hearing, a letter was sent, on August 25, to the City of Fresno officially transmitting your concern over both interim and long-range fire service in the area and the need for adequate fire protection.

The City has prepared additional information on fire service which was delivered to our office last Friday and hand-delivered to each Commissioner on the same day. This information gives details about how the UGM processes would work in providing for a fire station and for protection. It also gives the details of the fire service plan for the completed Highway City annexation, to the southwest of the subject area. No additional agreement has been offered by the City from your last hearing.

As a related item, a letter was sent out by your staff to North Central and the City of Fresno on the instant aid agreement offering suggestions for an alternative agreement. If implemented, that agreement would resolve Commission concerns over fire protection. Since the letter was just recently sent out, no response from either the City or District is available.

LAFCO Commissioners

Page 2

September 23, 1981

SCHOOL DISTRICT SERVICE

The response of the City to your Commission's request was to give more information on alternatives for the City and school district. The City staff position is that all solutions made available by the State have been used and they can do no more. The City will proceed with SB 201 implementation.

The results of the meeting called by your Executive Officer held yesterday with the affected school districts, agencies, and representatives of some landowners follows. The agenda and a list of those attending is attached.

1. A transfer of territory for the 2,700 acres to Fresno Unified was discussed with all of the affected agencies. The Fresno Unified School District representative indicated that the Fresno District could accommodate all of the student growth anticipated, using the figures given by the City Planning Department. The students would be accommodated in schools located in the northwest area. He also stated that in addition to student growth from the annexation area, the District could still accommodate growth from development in other parts of the school district. The figures by Fresno Unified showed a student population, grades K-12, to be 4,555 by 1995. The impact on Herndon and Central High School Districts was primarily the loss of potential average daily attendance (ADA) and State monies. Also, these Districts feel that residents would not approve a transfer with the Fresno Unified School District. There would be very little immediate effect on the Districts since there are no students involved. Since the question of transfer may ultimately go to an election, the wishes of the residents will decide the outcome of any transfer. A unification election is scheduled on December 22 for school districts within Central High School District. Although unification may increase the difficulty of any transfer of territory with Fresno Unified, according to the County School's Office a transfer could still occur.
2. A transfer of territory from Fresno Unified to the Herndon Elementary School District was also discussed, being that territory around the empty Fig Garden Elementary School. The transfer of this territory could assist the Herndon District by making an empty school facility available to house future student population, since the facility is not now being used by Fresno Unified. The transfer would be complicated since the area is inhabited and children in the area are now attending Fresno Unified Schools. Also according to Fresno Unified staff, the school facility must still be purchased by Herndon and the transfer of students may adversely affect the minority balance within Fresno Unified.

3. The City of Fresno presented their response to your Commission's request for an agreement between the schools, landowners, and the City. The City's response was essentially that in the view of the City attorney, the SB 201 Ordinance is all that the City can legally do, although negotiated outside agreements between the school district and land developers are still possible.
4. The possibility of an agreement at this time between the land developers and the districts was brought up but came to no positive conclusion.

Further information given at the meeting discussed the process of a transfer which involves either a registered voter or landowner petition, or resolution of an affected school district board to begin the process of transfer. A County committee on the transfer schedules a public hearing on the issue. The transfer, if approved, is then sent to the State Board of Education. The State Board also determines where the election to decide the issue will be held, whether in the affected area only or in all of the affected school districts.

SUMMARY

The request of the Commission for the City, districts, and landowners to work out an agreement to resolve the school and fire protection issues has not been carried out. Fire service plans are the same as last August, and there has been nothing worked out on the school issue, although there has been discussion of the impacts of a district transfer of territory.

As to alternatives available to your Commission without a resolution of the issues as requested, they are as follows:

1. Approve the proposal in part as recommended by staff. This would mitigate the major issues and allow the City and landowners to resolve the other issues prior to any reinitiation.
2. Continue the proposal for an additional month to October 28, at 1:30 p.m. to allow for time for a City and fire district response to instant aid and for the City and school districts to continue to work out an agreement.
3. Deny the proposal for lack of a resolution of the issues.
4. Approve the proposal with conditions requiring requested agreements be made prior to completion of annexation. Wording of the conditions is a problem, but suggested wording is given following:

LAFCO Commissioners
Page 4
September 23, 1981

- a. The City shall agree to revise the fire service plan to provide a temporary fire station in the affected territory or the Highway City area until City Station No. 14 is operating.
- b. A plan for school district service shall be determined by the City, and agreed to by the affected school district or districts, which plan may be one of the following:
 - (1) A transfer of territory occurring between Central Union High School District and Fresno Unified for the affected territory.
 - (2) A contract offer by Fresno Unified to Central High and Herndon Elementary School Districts to accept students from the affected territory until Central and Herndon have capacity for the students.
 - (3) An agreement between the Central High and Herndon Elementary School Districts and the City of Fresno or the landowners, such agreement to mitigate the problem of overcrowding from development in the affected territory.

MLP:kf

MEETING AGENDA

September 22, 1981

1. Background of School Issue Related to Annexation - LAFCO
2. Discussion of Boundary Transfer
 - A. Transfer Process - County Superintendent of Schools
 - B. Impact on Affected Districts - Fresno Unified, Herndon Elementary, and Central Union
3. Response to LAFCO Request for Agreement - City of Fresno
4. Other Solutions or Comments

LAFCO Hearing, September 23, at 1:30 p.m. in the Board of Supervisors' Chambers

Meeting Attendance

Byron Gavrilis, Central Union High School District
Alvin J. Quist, Central Union High School District
Lou Lozano, Breon, Galgoni, & Godino
Robert Simonian, Herndon School District Trustee
Angela Hill, Herndon Elementary School District
Garlin Gentry, County Schools
Carl Motschieder, Attorney, Fig Garden New Town
Ed Kashian, Self-Employed
Glen Rathwick, Fresno Unified School District
Sam McMurray, City of Fresno
James McKelvey, City of Fresno
Tom Riggs, County Counsel
Al Solis, City of Fresno
Dave Herb, City of Fresno
Marvin Panter, LAFCO

MINUTES

AUGUST 26, 1981 LAFCO MEETING

The meeting was called to order at 1:35 p.m., and the roll was called.

Members Present: Commissioners Howard, Levy, Tucci, Johnson

Members Absent: Commissioner Wilder

Staff Present: Marvin Panter, Executive Officer
Tom Riggs, LAFCO Counsel
Ed Paz, Staff Analyst II
Kathy Ferry, Secretary

The minutes of the July 29 and August 12 meetings were approved unanimously.

Consent Calendar

The Commission received a request to consider separately one of the consent calendar items. The rest of the consent calendar was approved unanimously and consisted of the following:

- RO-81-33 - Harvey-Garden #4 (City of Fresno) - approved
- RO-81-32 - Huntington-Peach #1 (City of Fresno) - approved

RO-81-34 - Woodward-Maple #3

This item was pulled off the consent calendar at the request of Mr. Edward Pabst. Marvin Panter gave a brief staff report recommending approval of the annexation. Dave Herb, from the City of Fresno, spoke in support of the proposal. Mr. Pabst spoke in opposition to the annexation.

The Commission unanimously approved the annexation.

RO-81-31 - Highland-Floral Reorganization

Mr. Panter gave a brief staff report and recommended approval of the reorganization. King Leonard, City of Selma Planning Director, spoke in support of the proposal.

The Commission unanimously approved the reorganization.

RO-81-20 - Church-Minnewawa #2 (Request for Revision of LAFCO Resolution)

LAFCO received written requests from Mr. Dirk Van Gelder, Mr. Richard Worrel, and Mr. Dick Ailanjian to revise the LAFCO resolution, which was approved by LAFCO on July 3, 1981. Mr. Panter gave a staff report recommending approval of the requests. Dirk Van Gelder and Mr. Cliff Davis spoke in support of the requested revision. Dave Herb from the

City of Fresno and Mr. George Beatty spoke in support of the Commission reaffirming their previous decision.

The Commission unanimously denied the request to revise the LAFCO resolution.

RO-81-27 - Herndon-Blythe #4

Mr. Panter gave a staff report recommending approval of part of the proposal. The major issues related to fire protection and schools. Dave Herb, Doug Holland, and Deputy Fire Chief Rhode, all from the City of Fresno, spoke in support of the annexation. Don Barry, Building Industry Association; Carl Motschieder, representing several landowners; John Turner; Jack Wolfe; and Truman Williams all spoke in support of approving the entire proposal area. Mike Karr, with Lance Kashian and Associates, also spoke in support of the proposal and presented four letters in support of the annexation to the Commission.

Jim Logan and Mike Licciardello each spoke requesting that property owners they were representing be added to the Herndon-Blythe #4 proposal. Lou Lozano, representing Teague, Herndon, and Central School Districts; Byron Gavrilis, Central High School District; and Mike Machesny, Teague Elementary School District spoke in opposition to the proposal in that it would have a tremendous impact on the school districts. Mr. Mike Hoop, who has property adjacent to the subject proposal area, spoke against annexation and development of the area.

A motion was made to continue the item to September 23, 1981, at 1:30 p.m. requesting that the City, affected school districts, and developers provide an agreement to mitigate impact on the school districts (which could be through contractual arrangement with the Fresno Unified School District) and that the City provide specific information regarding how interim and long-range fire protection will be provided. The motion passed unanimously.

DD-80-1 - Waterworks District No. 32 Detachment (Request for Extension of Time)

LAFCO received a letter from Waterworks District No. 32 requesting a 60-day extension of time. The District Detachment was approved by LAFCO on August 27, 1980. The Commission unanimously approved the requested extension.

There is a tape of the meeting which can be made available by contacting the LAFCO Office.

Marvin L. Panter

MARVIN L. PANTER
Executive Officer

City of



Gerald E. Newfarmer
City Manager

June 4, 1981

Mr. Marvin Panter, Executive Officer
Fresno Local Agency Formation Commission
2220 Tulare Street, Eighth Floor
Fresno, CA 93721

Dear Mr. Panter:

Subject: Proposed Herndon-Blythe No. 4 District Reorganization
(2700 Acres)

It is the intention of the Council of the City of Fresno to initiate proceedings whereby the above designated area would be detached from the North Central Fire Protection District and a 2600 acre portion from the Kings River Conservation District, and the entire 2700 acres annexed to the City of Fresno. A copy of the Council's resolution requesting approval to file this application with LAFCO is enclosed.

Pursuant to Section 54791 of the California Government Code, this application is being filed with you for approval by the Local Agency Formation Commission.

An Environmental Analysis has been completed and the Director of Planning and Inspection has reviewed the project and filed a Negative Declaration in accordance with the proper rules and regulations. A copy of the Negative Declaration is enclosed as part of this application.

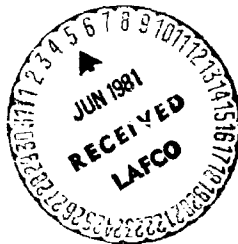
The required \$500.00 annexation fee for the Herndon-Blythe No. 4 District Reorganization will be paid by the City of Fresno at the time of billing by the Fresno Local Agency Formation Commission.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gerald E. Newfarmer".

Gerald E. Newfarmer

Enclosures



10-51-27

RESOLUTION NO. 81-206

RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO APPLYING TO THE FRESNO LOCAL AGENCY FORMATION COMMISSION IN THE MATTER OF THE PROPOSED HERNDON-BLYTHE NO. 4 DISTRICT REORGANIZATION INCLUDING THE DETACHMENT OF CERTAIN TERRITORY CONSISTING OF 2700 ACRES FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT, AND A 2600 ACRE PORTION FROM THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF THE ENTIRE 2700 ACRES TO THE CITY OF FRESNO

WHEREAS, this proposal is made pursuant to the District Reorganization Act of 1975 contained in Division 1 of Title 6 (commencing with Section 56000) of the California Government Code; and

WHEREAS, the nature of the proposed change is a reorganization consisting of the detachment of certain territory consisting of 2700 acres and hereinafter called the "subject territory" from the North Central Fire Protection District and a 2600 acre portion from the Kings River Conservation District, and annexation of the entire 2700 acres to the City of Fresno; and

WHEREAS, no other counties, cities, or district are affected; and

WHEREAS, the proposed reorganization is uninhabited, is described in Exhibit "A" and graphically depicted in Exhibit "B"; and

WHEREAS, pursuant to the requirements set forth in Government Code Section 35102, a service plan for the subject territory has been prepared and is attached hereto as Exhibit "C"; and

WHEREAS, review and analysis of Environmental Assessment No. 3773, relating to said district reorganization project, has resulted in the filing of a Negative Declaration by the Director of Planning and Inspection; and

WHEREAS, said findings for Environmental Assessment No. 3773 were appealed by the attorney representing the Herndon Elementary and Central High School Districts and the Executive Officer of the Fresno Local Agency Formation Commission; and

WHEREAS, on May 20, 1981, the Fresno City Planning Commission, by its Resolution No. 7496, denied the appeal of said Environmental Assessment No. 3773 and affirmed the findings that significant adverse effects are not expected to occur as a result of the proposed Herndon-Blythe No. 4 District Reorganization; and

WHEREAS, no new districts are proposed to be formed by this reorganization and

WHEREAS, the Fresno County Assessor's roll will be used for the purpose of levying any assessments or taxes on the subject territory; and

11 000
11 000
6/2/81

WHEREAS, the subject territory proposed to be annexed to the City of Fresno will be exempted from taxation for the payment of principal or interest, or any other amounts which shall become due on account of any outstanding bonded indebtedness incurred by the City prior to the effective date of such annexation, and upon completion of this reorganization proposal, the subject territory will be included in Municipal Bond Area "D" and will not be taxed for any existing bonded indebtedness or contractual obligations; and

WHEREAS, the reasons for this proposal are stated as follows:

1. The subject territory is within the City of Fresno's Sphere of Influence.
2. The owners of 106 of the 180 parcels within the project area have expressed a desire to annex to the City.
3. It is advantageous for the subject territory to be a part of the City.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Fresno hereby requests that proceedings be taken by the Fresno Local Agency Formation Commission for the herein proposed Herndon-Blythe No. 4 District Reorganization, including the detachment of the subject territory consisting of 2700 acres from the North Central Fire Protection District and a 2600 acre portion from the Kings River Conservation District, and annexation of the entire 2700 acres to the City of Fresno.

BE IT FURTHER RESOLVED, the Council of the City of Fresno finds adoption of this resolution making application for reorganization constitutes an approval and a determination to carry out a project within the meaning and intent of Public Resources Code Section 21152 and directs staff to file an appropriate notice of determination consistent with the California Environmental Quality Act.

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, JACQUELINE L. RYLE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 2nd day of June, 1981.

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE

By: [Signature]

Deputy

JACQUELINE L. RYLE
City Clerk

By: [Signature]

Deputy

FEG:co
5/14/81

APPLICATION FOR CITY CHANGE OF ORGANIZATION OR REORGANIZATION
(Section 35000/56000 et seq California Government Code)

FRESNO LOCAL AGENCY FORMATION COMMISSION
2220 Tulare Street, 8th Floor, Fresno, CA 93721
Phone (209) 488-1688

Marvin L. Panter
Executive Officer

Kathy Ferry
Secretary

I. APPLICANT'S QUESTIONNAIRE

- A. Please give name (short term designation) of proposal.

Herrndon-Blythe No. 4 District Reorganization

- B. Describe the type of change proposed (e.g. annexation to City and detachment from fire district). Name each agency affected.

Detachment of 2700 acres from the North Central Fire Protection District and a 2600 acre portion from the Kings River Conservation District, and annexation of the entire 2700 acres to the City of Fresno.

- C. What terms or conditions are shown in the petition or resolution of application?

Request that the creation of an unincorporated island (portion of Sierra Sky Park) be waived as provided for by law.

- D. Give the justification for this change and why it is proposed at this time.

To enhance the orderly annexation of territories contiguous to urban development existing in the City of Fresno, and to respond to requests for annexation by the owners of 106 of the 180 parcels included within the proposal boundaries.

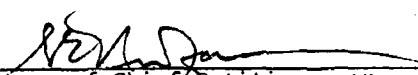
- E. Give the justification for the proposal boundaries. Include justification for creation of any unincorporated island or corridor or incorporated peninsula or other irregular boundary.

The project boundaries were established to include the applicants' property and maximize the area to include existing industrial development which is being served by the City of Fresno. The area of Sierra Sky Park which will be surrounded by this proposal will be the subject of a future inhabited annexation proposal.

- F. Who is the lead agency for compliance with the California Environmental Quality Act? City of Fresno

If an environmental document has been prepared, what is the finding and date of finding? Please note requirements for attachments.

The proposed project will not have a significant adverse affect on the environment as per Negative Declaration No. 3773, filed on April 16, 1981.


Signature of Chief Petitioner or
Representative for initiating agency

Name G.E. Newfarmer

Address 2326 Fresno St., Fresno, CA 93721

Phone (209) 488-1563

Filing Fee \$500.00

OK

II. AGENCY INFORMATION

A. Existing Area Information

Acreage 2700 No. of Registered Voters 7
Population 21 No. of Dwelling Units 7
Zoning M-1, Interim R-A, AL-20 No. of Landowners 68
Total Assessed Valuation (land & improvements) \$7,066,118

Give breakdown of land use by acreage. If in agricultural use, list crops produced over past 3 years.

Agriculture - 1956 Acres - Fig Orchards & Pasture; Vacant Land - 554 Acres; Industrial - 125 Acres; Commercial - 18 Acres; Institutional - 3 Acres; Single Family Residential - 3 Acres.

Is any of the affected territory in an agricultural preserve or under Land Conservation Contract? No

B. Existing Service Information

List names of agencies or companies now providing services:

Domestic water City of Fresno
Sewer collection City of Fresno
Solid waste collection Private Company
Street lighting None
Parks and recreation City of Fresno
Fire (give nearest station & distance) North Central Station No. 2 (1.0 Mile)
Police California Highway Patrol, Fresno County Sheriff
Storm drainage None
Public transit None
Public schools Fresno Unified, Herndon Elementary, Teague Elementary & Central High School Districts

Which of the agencies affected by this proposal have been contacted regarding this proposal, and the possible change in service area or responsibility?

All of the above.

Will the proposal require public services from any agency or company now operating at or near capacity? If yes, please explain.

No

C. Proposal Information

What will zoning be after annexation to the City? M-1, Interim R-A, AE-5.

What does the City General and Specific Plans indicate for the affected territory? A copy of the Plan for the area must accompany the application unless already on file with the Commission office.

Low, medium-low, medium & medium-high density residential; light industrial; neighborhood commercial; elementary school, and open space uses.

What does the County General and Specific Plans indicate for the affected territory?

Low, medium-low, medium & medium-high density residential; light industrial; neighborhood commercial; elementary school, and open space uses.

Describe the proposed development, acreages of uses and number of dwelling units proposed. If no development proposed, please indicate.

No development is proposed at this time

Does the proposed development conform to the City and County General and Specific Plans?

Not applicable.

Please state the relationship of the proposed development to the city policies related to timing or phasing of urban growth and development for this area.

Not applicable.

D. Financial Information

Property Tax Revenue Exchange for Affected Agencies (including city).

<u>Affected Agency</u>	<u>Anticipated Property Tax Revenue Exchange (Show plus or minus)</u>	
City of Fresno	+ \$40,594.60	CITY + 9584.00
North Central FPD	- \$40,594.60	COUNTY - 9584.00

(Above figures reflect PP = \$451,400)

Is there any outstanding Bonded Indebtedness for any of the affected agencies? If so, please give information listed below.

<u>Name of Agency</u>	<u>Existing Agency Bond Tax Rate if Affected Territory Subject</u>	<u>Date of Maturity</u>	<u>General Purpose of Bond</u>

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, please give breakdown of change for a typical residential landowner or resident in affected territory, for comparison purposes.

<u>Service</u>	<u>Before Annexation</u>	<u>After Annexation</u>
Sewer	Varies	Reduced 1/3
Water	"	" "
Solid Waste	"	City rates in 5 yrs.

The application and attached documents are complete, and are in all respects true and correct to the best of my knowledge.

Date June 4, 1981

Signed

Address 2326 Fresno St., Fresno, CA 93721 Title City Manager

Phone (209) 488-1563

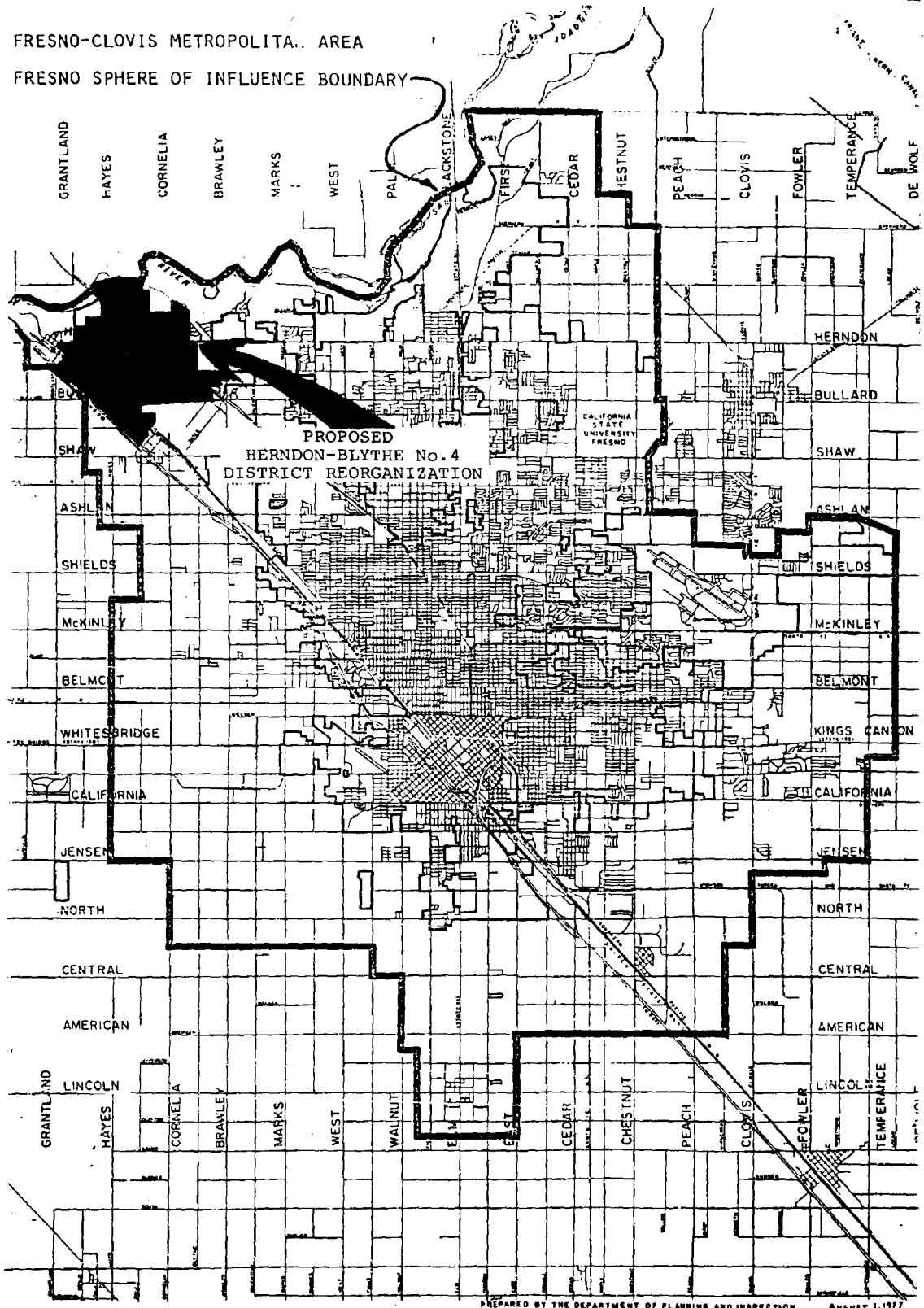
Agency City of Fresno

Mailings

List the name and address of officers or persons, not to exceed three in number, who are to receive copies of the Executive Officer's Report and mailed Notice of Hearing

<u>Name</u>	<u>Address (include zip code)</u>
G.E. Newfarmer, City Manager, 2326 Fresno St., Fresno, CA 93721	
Jim McKelvey, City Attorney " " " " " "	
Al Solis, Deputy Director, Planning Division 2326 Fresno St., Fresno, CA 93721	

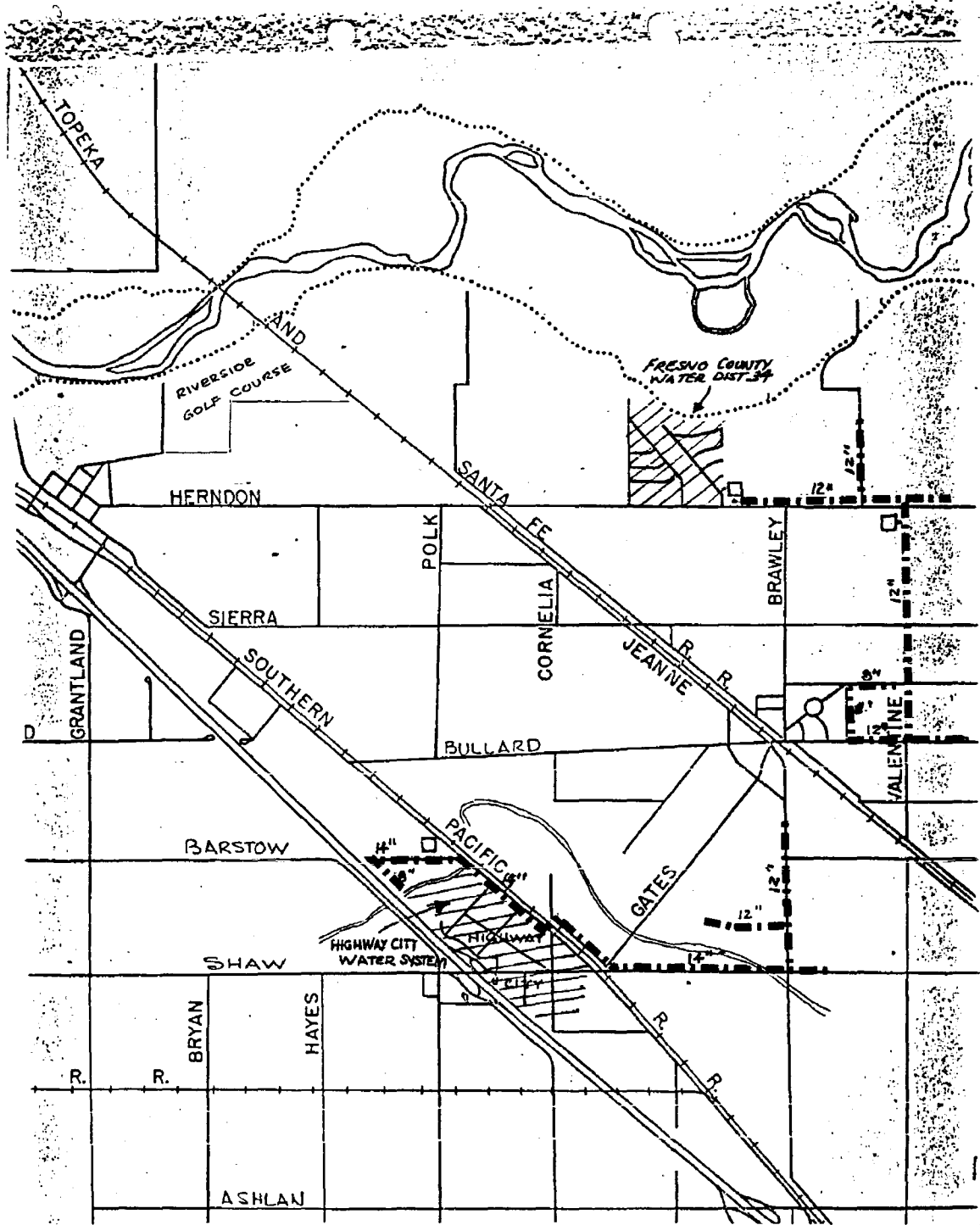
FRESNO-CLOVIS METROPOLITAN AREA
FRESNO SPHERE OF INFLUENCE BOUNDARY



PREPARED BY THE DEPARTMENT OF PLANNING AND INSPECTION AUGUST 1, 1977

VICINITY MAP





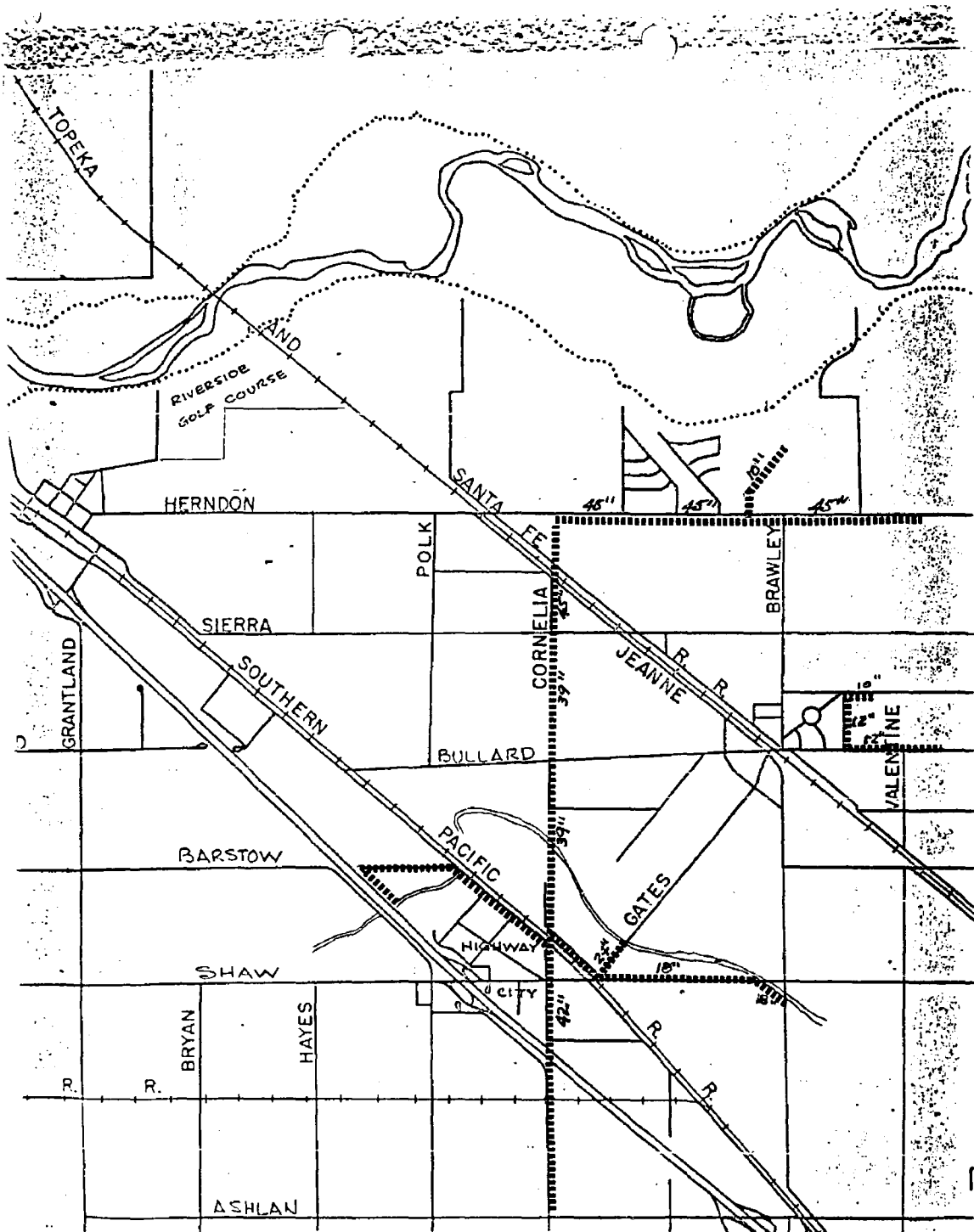
EXISTING WATER MAINS

CITY OF FRESNO
DEPT. OF PUBLIC WORKS

Herndon-Blythe No. 4



EXHIBIT B-1



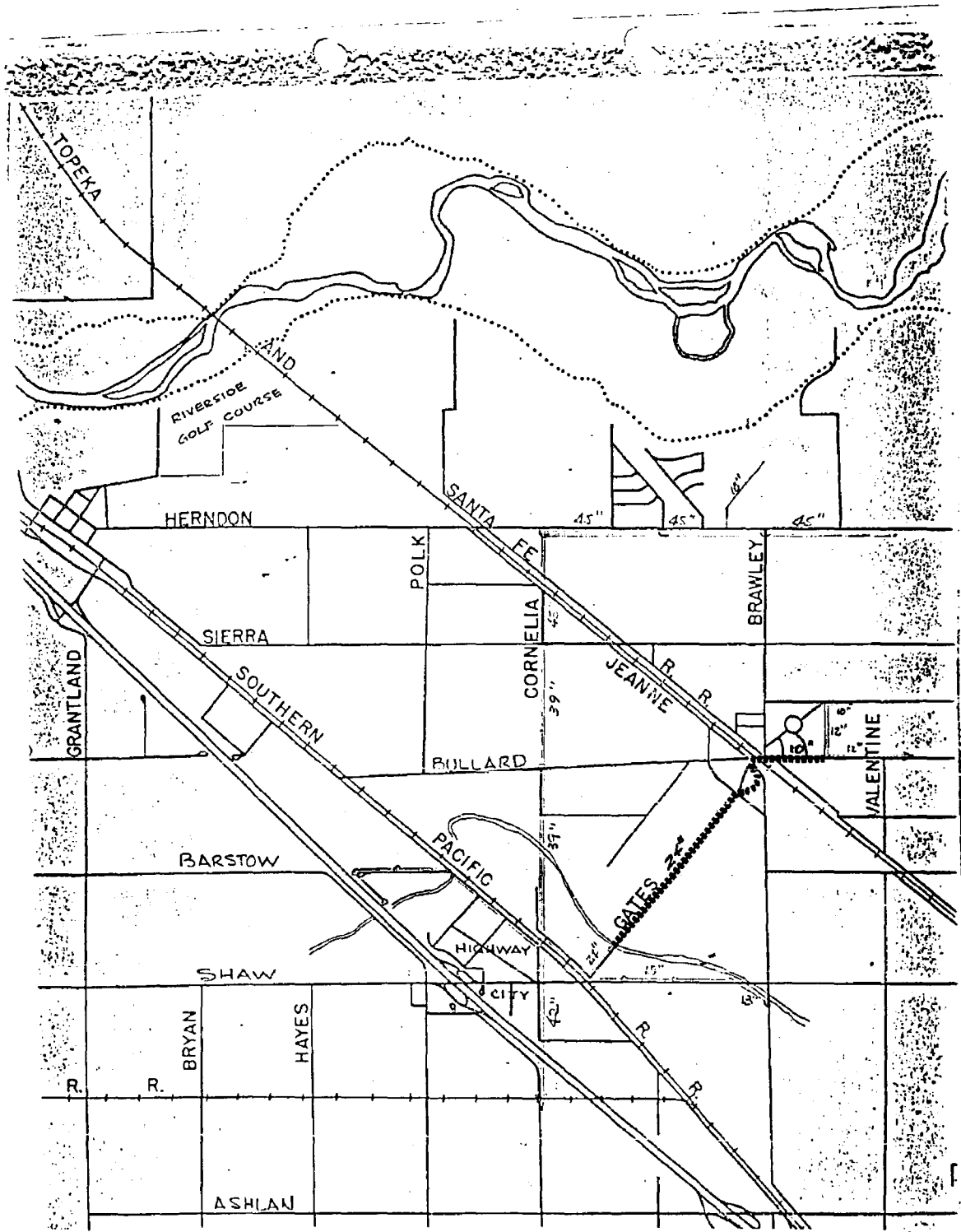
EXISTING SEWER MAINS

CITY OF FRESNO
DEPT. OF PUBLIC WORKS

Herndon-Blythe No. 4

NORTH
2" = 1 mile

EXHIBIT A-1



PROPOSED SEWER MAINS

CITY OF FRESNO
 DEPT. OF PUBLIC WORKS

Herndon-Blythe No. 4

NORTH
 2" = 1 mile

EXHIBIT A-2