

RESOLUTION NO. DD-09-1

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

IN THE MATTER OF

LAFCO DETERMINATION

A LANDOWNER PETITION REQUESTING	)	APPROVED WITH CONDITIONS
DETACHMENT OF TERRITORY FROM	)	
THE PINEDALE COUNTY WATER	)	
DISTRICT	)	

WHEREAS, these proceedings were initiated by Landowner Petition to detach 5.17 acres of territory from the Pinedale County Water District; said territory being located on the west side of N. Harrison Avenue, north of W. Bedford Avenue, and also being described within Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, the Chief Petitioner requested approval of this detachment to allow the City of Fresno to provide water service to an approved mini storage site to be developed on the subject property; and

WHEREAS, in 1974, the Commission approved the annexation of the affected territory into the City of Fresno (LAFCo File AC-74-16) and, as a result, the affected territory is located within both the boundaries of the Pinedale County Water District and the City of Fresno; and

WHEREAS, at the time of this annexation, the Commission did not expressly or impliedly limit the authority of the City of Fresno to provide water to overlapping territories, which includes the affected territory; and

WHEREAS, the City of Fresno and the Pinedale County Water District are parties to an agreement, executed in 1985, that appears to determine which agency will provide water service to the overlapping territories served by both agencies; and

WHEREAS, although LAFCo staff believes that the City likely has the legal authority to provide water service to the affected territory, the City has informed LAFCo that it is unwilling to do so without a detachment from the Pinedale County Water District; and

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

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

WHEREAS, this Commission reviewed and considered all information contained within the Environmental documents prepared and submitted by the City of Fresno (Lead Agency), all of which were included within the Executive Officer's report to this Commission; and

WHEREAS, this Commission, acting as "Lead Agency" with respect to the detachment, reviewed and considered whether the detachment was categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Regulations 15320 "Changes in Organization of Local Agencies"; and

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

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

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

Section #2. Acting as "Lead Agency" pursuant to California Environmental Quality Act (CEQA) Guidelines, this Commission finds that the Detachment qualifies for categorical exemption from environmental review, CEQA Regulation Section 15320 "Changes in Organization of Local Agencies".

Section #3. This Commission finds that the proposed reorganization is consistent with *Fresno LAFCo Policies, Standards, and Procedures* Sections 101, 102, and 210, and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Section #4. This Commission assigns the distinctive short form designation "Derrel's Mini Storage Detachment" and approves the detachment subject to the following conditions of approval:

1. Prior to recordation, Cotdale L.P. shall execute an indemnification agreement with the Commission, agreeing, among other things, to defend, indemnify, and hold harmless the Commission from and against any claims, actions (including those filed by any state or local governmental agencies), costs, or damages arising out of or in connection with the Commission's actions related to this matter. The agreement shall be prepared by LAFCo's Counsel.

Note: A fee as established by LAFCo's Fee Schedule to cover the preparation costs shall be paid prior to preparation and agreement execution.

2. Prior to recordation and before Occupancy Permits are issued by the City of Fresno, the proponent shall provide evidence satisfactory to the Executive Officer that it has complied with Mitigation Measure D-12 as identified in the Mitigation Monitoring Checklist prepared for Master Environmental Impact Report No. 10130 / SCH No. 2001071097 for the 2025 Fresno General Plan.
3. Prior to recordation, the landowner and the District shall execute and record an easement agreement allowing for the District to construct a portion of a looped water conveyance system on landowner's property. In the event that this agreement is not executed within 30 days of this August 12th hearing, this condition shall be excused.

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

1. The territory is uninhabited.
2. All landowners have consented to the detachment.

Section #6. This Commission hereby waives further Conducting Authority Proceedings and orders the detachment subject to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the 30-day reconsideration period.

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

* * * * *

ADOPTED THIS 12TH DAY OF AUGUST, 2009, BY THE FOLLOWING VOTE:

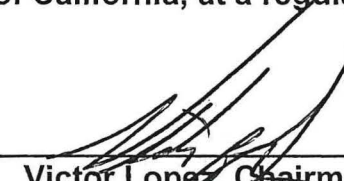
AYES: Commissioners Perea, Rodriguez, Fortune, Lopez

NOES: None

ABSTAIN: Commissioner Anderson

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

I, Victor Lopez, Chairman of the Fresno Local Agency Formation Commission certify that the foregoing resolution was adopted by the Local Agency Formation Commission of Fresno County, State of California, at a regular meeting held on the 12th day of August, 2009.



Victor Lopez, Chairman
Fresno Local Agency Formation Commission

TIME 3:15 p.m. DATE 4/20/10DOCUMENT # 201000508PROPOSAL NO. DD-09-1 EFFECTIVE April 20, 2010

**AREA TO BE DETACHED FROM THE PINEDALE COUNTY
WATER DISTRICT AND ATTACHED TO THE CITY OF FRESNO
WATER DEPARTMENT**

GEOGRAPHIC DESCRIPTION

Parcel B of Lot Line Adjustment No. 2008-11, recorded January 15, 2009 as Document No. 2009-0004849 of Official Records of Fresno County, and more particularly described as follows:

That portion of Outlot "A" of Parcel Map No. 77-23, in the City of Fresno, County of Fresno, State of California, according to the map thereof recorded in Book 24 at Pages 81 and 82 of Parcels Maps, Fresno County Records, lying within Section 32, Township 12 South, Range 20 East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at the Southwest corner of said Section 32; thence South 89° 51' 00" East, along the South line of said Section 32, a distance of 2737.05 feet; thence North 00° 14' 00" East, a distance of 3172.00 feet to the Southeast corner of said Outlot "A", said point being on the existing boundary of the Pinedale County Water District and said point being the **TRUE POINT OF BEGINNING**;

thence (1) North 89° 51' 00" West, leaving the existing boundary of the Pinedale County Water District, along the South line of said Outlot "A", a distance of 803.17 feet to the Southwest corner of said Outlot "A";

thence (2) North 00° 02' 48" West, along the Westerly line of said Outlot "A", a distance of 256.84 feet to a point on a line that is parallel with and 256.84 feet North of the South line of said Outlot "A";

thence (3) South 89° 51' 00" East, along said parallel line, a distance of 555.70 feet;

thence (4) North 00° 09' 08" East, a distance of 74.96 feet to a point on a line that is parallel with and 331.80 feet North of said South line;

thence (5) South 89° 51' 00" East, along last said parallel line, a distance of 248.84 feet to a point on the existing boundary of the Pinedale County Water District, said point being on the Easterly line of said Outlot "A";

thence (6) South 00° 14' 00" West, along the existing boundary of the Pinedale County Water District, along the Easterly line of said Outlot "A", a distance of 331.80 feet to the **TRUE POINT OF BEGINNING**.

Containing an area of: 5.17 Acres

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

Revised September 15, 2010

APPROVED

LAFCO RES. # DD-09-1

August 12, 2009
DATE

PROPOSAL NO. DD-09-1

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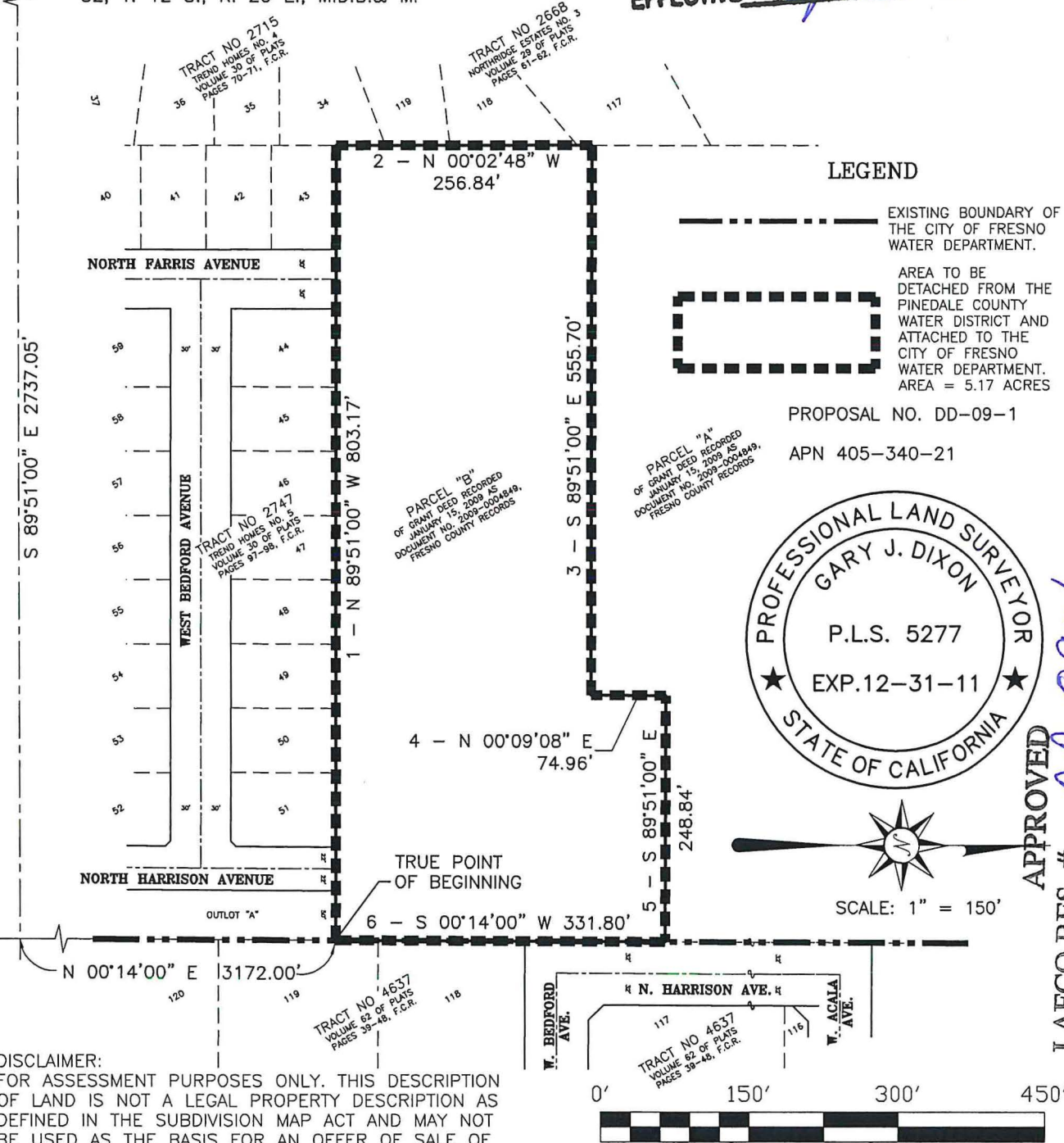
Revised September 15, 2010

APPROVED
LAFCO RES. # DD-09-1
August 12, 2009
DATE

DEED BY CHANGE RECORDED

TIME 3:15 p.m. DATE 4/20/10
DOCUMENT # 20100050876
EFFECTIVE April 20, 2010

POINT OF COMMENCEMENT:
SOUTHWEST CORNER OF SECTION
32, T. 12 S., R. 20 E., M.D.B. & M.



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

PORTION OF SECTION 32, TOWNSHIP
12 SOUTH, RANGE 20 EAST, MOUNT
DIABLO BASE & MERIDIAN, TO BE
DETACHED FROM THE PINEDALE
COUNTY WATER DISTRICT AND
ATTACHED TO THE CITY OF FRESNO
WATER DEPARTMENT.

PREPARED BY:

DIXON & ASSOCIATES, INC.
LAND SURVEYING

620 DEWITT, #101
CLOVIS, CALIFORNIA, 93612

PH: (559)297-4200 FAX: (559)297-4272

DATE: 9-15-2010
SCALE: 1" = 150'
DWN BY: GJD
WO: 08-068

REVISIONS:
9-15-2010
-

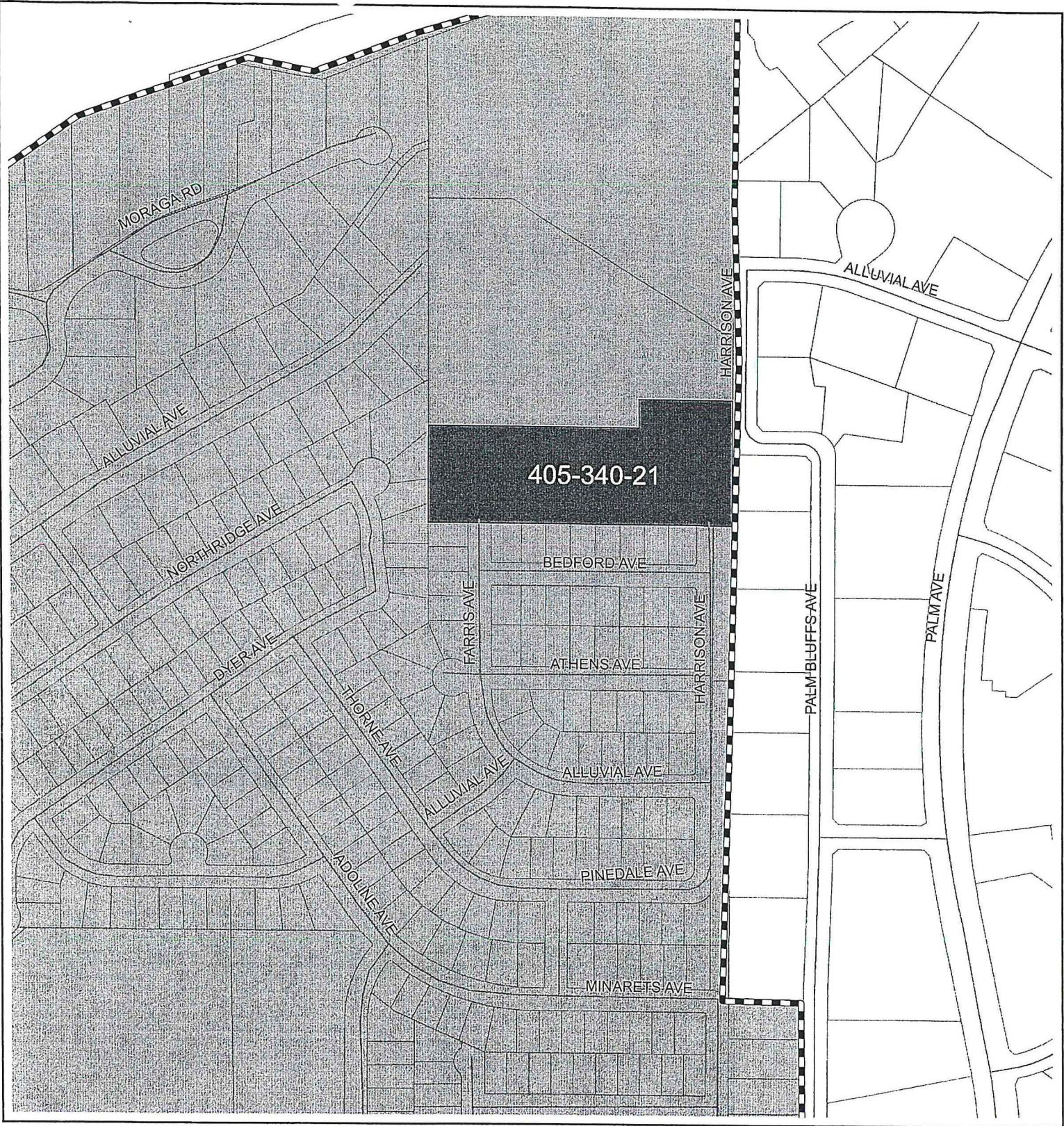
DRAWING NO.

1

OF 1 SHEETS

APPROVED
LAFCO RES. # 09-09-1
August 12, 2009
DATE

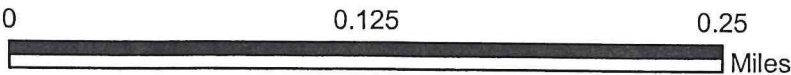
EXHIBIT "A"



Legend

- District SOI
- District Area
- Affected Territory

Pinedale County Water District
"Derrel's Mini Storage Detachment"
LAFCo File No. DD-09-1



RECORDING REQUESTED BY AND MAIL TO

NAME FRESNO LAFCO

STREET 2115 KERN STREET, #310

CITY & STATE FRESNO, CA 93721

ATTN: CANDIE, STOP #186



FRESNO County Recorder

Robert C. Werner

DOC- 2010-0050876

Tuesday, APR 20, 2010 15:15:02

Ttl Pd \$0.00

Nbr-0003199455

GSF/R7/1-4



**“DERREL’S MINI STORAGE
DETACHMENT”**

CERTIFICATE OF COMPLETION
FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)

The Fresno Local Agency Formation Commission is the Conducting Authority.

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

Detachment from the Pinedale County Water District.

The county in which the entire boundary change is located is Fresno County.

The short title, if any, of the detachment proceeding is "Derrel's Mini Storage Detachment"
LAFCo File No. DD-09-1

The territory is uninhabited.

The change of organization was ordered without an election. Resolution No. DD-09-1 ordering the change of organization was adopted by the Fresno Local Agency Formation Commission on August 12, 2009.

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

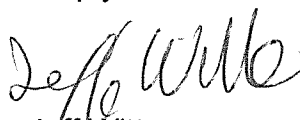
The terms and conditions of the change of organization, if any, are as follows:

1. Cotdale L.P. has executed an indemnification agreement with the Commission, agreeing, among other things, to defend, indemnify, and hold harmless the Commission from and against any claims, actions (including those filed by any state or local governmental agencies), costs, or damages arising out of or in connection with the Commission's actions related to this matter. The agreement was prepared by LAFCo's Counsel.

Note: A fee as established by LAFCo's Fee Schedule to cover the preparation costs was paid prior to preparation and agreement execution.

2. The City of Fresno, the proponent, provided evidence satisfactory to the Executive Officer that it has complied with Mitigation Measure D-12 as identified in the Mitigation Monitoring Checklist prepared for Master Environmental Impact Report No. 10130 / SCH No. 2001071097 for the 2025 Fresno General Plan, prior to recordation and before Occupancy Permits were issued.
3. The landowner and the District executed and recorded an easement agreement, prior to recordation, allowing for the District to construct a portion of a looped water conveyance system on landowner's property. In the event that this agreement was not executed within 30 days of the August 12th hearing, this condition would have been excused.

I, Jeff Witte, Executive Officer of the Fresno Local Agency Formation Commission, hereby certify that the attached legal description does comply with the Commission's resolution of approval.


Jeff Witte
Executive Officer

Dated: April 20, 2010

97

EXHIBIT "A"

PROPOSAL NO. DD-09-1

AREA TO BE DETACHED FROM THE PINEDALE COUNTY WATER DISTRICT AND ATTACHED TO THE CITY OF FRESNO WATER DEPARTMENT

GEOGRAPHIC DESCRIPTION

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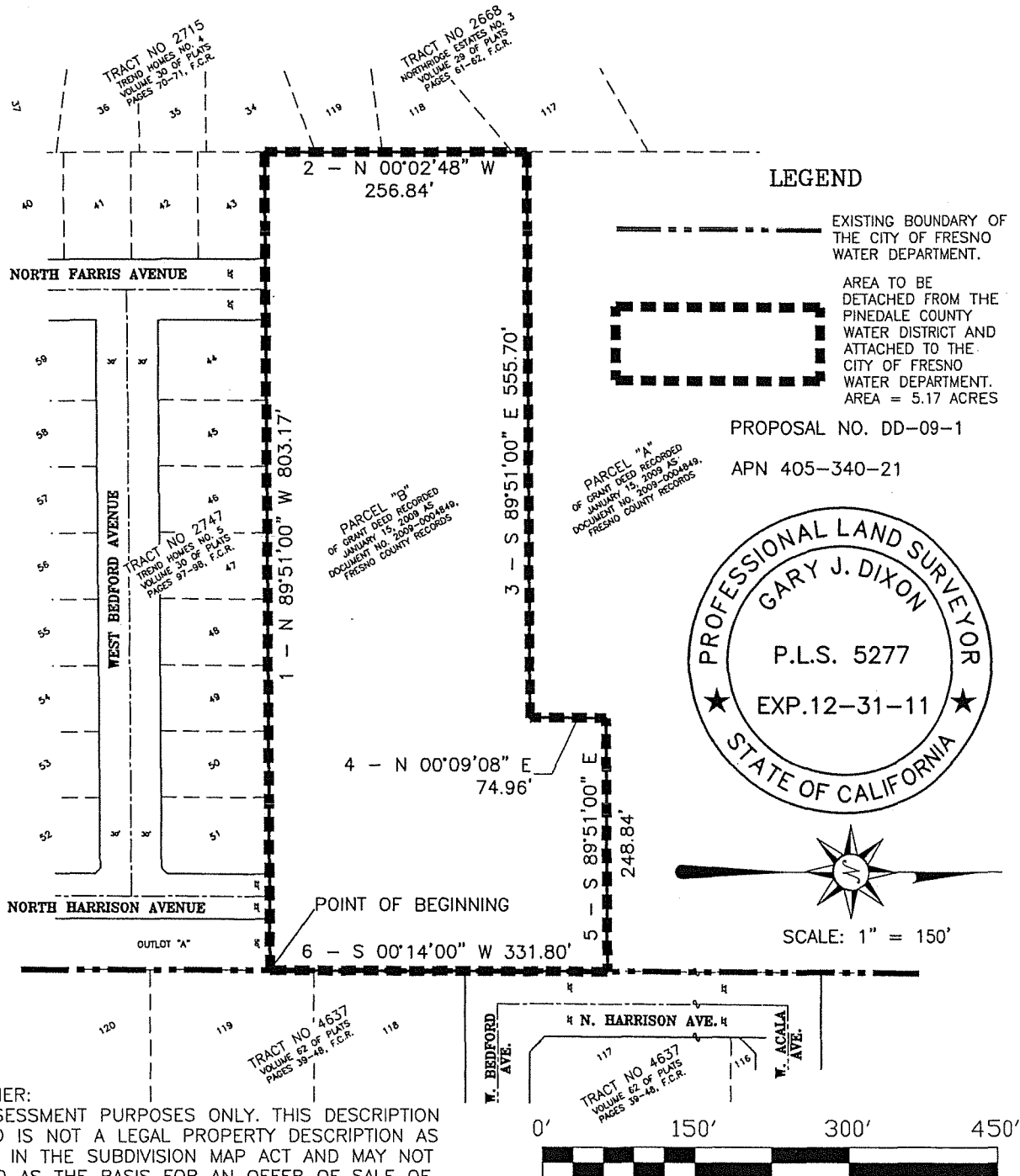
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Containing an area of: 5.17 Acres

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APPROVED
LAFCO RES. # DD-09-1
August 12, 2009
DATE

APPROVED
LAFCO RES. # DD-39-1
August 12, 2009
DATE



AREA TO BE DETACHED FROM THE PINEDALE COUNTY WATER DISTRICT AND ATTACHED TO THE CITY OF FRESNO WATER DEPARTMENT.

PREPARED BY:

DIXON & ASSOCIATES, INC.
LAND SURVEYING

620 DEWITT, #101
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PH: (559)297-4200 FAX: (559)297-4272

DATE: 4-05-10
SCALE: 1" = 150'
DWN BY: GJD
WO: 08-068

REVISIONS:

DRAWING NO.

1

OF 1 SHEETS

4

**CERTIFICATE OF COMPLETION
FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)**

The Fresno Local Agency Formation Commission is the Conducting Authority.

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

Detachment from the Pinedale County Water District.

The county in which the entire boundary change is located is Fresno County.

The short title, if any, of the detachment proceeding is "Derrel's Mini Storage Detachment"
LAFCo File No. DD-09-1

The territory is uninhabited.

The change of organization was ordered without an election. Resolution No. DD-09-1 ordering the change of organization was adopted by the Fresno Local Agency Formation Commission on August 12, 2009.

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

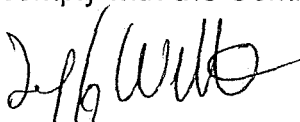
The terms and conditions of the change of organization, if any, are as follows:

1. Cotdale L.P. has executed an indemnification agreement with the Commission, agreeing, among other things, to defend, indemnify, and hold harmless the Commission from and against any claims, actions (including those filed by any state or local governmental agencies), costs, or damages arising out of or in connection with the Commission's actions related to this matter. The agreement was prepared by LAFCo's Counsel.

Note: A fee as established by LAFCo's Fee Schedule to cover the preparation costs was paid prior to preparation and agreement execution.

2. The City of Fresno, the proponent, provided evidence satisfactory to the Executive Officer that it has complied with Mitigation Measure D-12 as identified in the Mitigation Monitoring Checklist prepared for Master Environmental Impact Report No. 10130 / SCH No. 2001071097 for the 2025 Fresno General Plan, prior to recordation and before Occupancy Permits were issued.
3. The landowner and the District executed and recorded an easement agreement, prior to recordation, allowing for the District to construct a portion of a looped water conveyance system on landowner's property. In the event that this agreement was not executed within 30 days of the August 12th hearing, this condition would have been excused.

I, Jeff Witte, Executive Officer of the Fresno Local Agency Formation Commission, hereby certify that the attached legal description does comply with the Commission's resolution of approval.


Jeff Witte
Executive Officer

Dated: April 20, 2010

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

AGENDA ITEM No. 7

DATE: August 12, 2009

TO: Fresno Local Agency Formation Commission

FROM: Rick Ballantyne, Executive Officer
Darrel Schmidt, Deputy Executive Officer

SUBJECT: **Consider Conditional Approval – Pinedale County Water District “Derrel’s Mini Storage Detachment”**. A proposed detachment submitted by landowner petition consisting of 5.17 acres from the Pinedale County Water District. The affected territory is located on the west side of N. Harrison Avenue and north of W. Bedford Avenue (**LAFCo File No. DD-09-1**).

Applicant: Paul Ridenour (Derrel's Mini Storage)

Land Owners/Parties of Real Interest: Cotdale L.P. [General Partner: Ridenour Corporation. Limited Partners: Derrel A. Ridenour Trust, Paul A. Ridenour Trust, Susan L. Wayte Trust, Dianne J. Dalich Trust, George A. Aquino Trust, JDMS Investment Co. Inc. (AKA Derrel A. Ridenour Trust, Paul A. Ridenour Trust, Julie L. Ridenour Trust, Brandon Anthony Ridenour and Kailey Lynn Ridenour), Staircraft Sales, Inc.]

Background / Proposal:

- This proposal consists of the detachment of a single 5.17 acre parcel from the Pinedale County Water District (CWD) that is planned and presently being constructed as a mini-storage facility. Per LAFCo records, the affected territory is located within Pinedale CWD's water and sewer service areas.
- This proposal was initiated by landowner petition. A Certificate of Sufficiency and a Certificate of Filing have been issued by the Executive Officer.
- On November 5, 2008, the City of Fresno approved a Lot Line Adjustment, General Plan Amendment, Rezoning Application, and Conditional Use Permit (CUP) to allow the development of a 110,456 square-foot mini storage facility (Derrel's Mini Storage) on this site located within the City of Fresno. The facility is under construction. However, as of the writing of this staff report, the question of whether the City or Pinedale CWD will be the provider of water service is still at issue and shall be resolved before the City will grant an occupancy permit.
- As per required conditions of the City approved CUP, water is to be served either by hooking up to Pinedale CWD facilities or provided by the City of Fresno—provided that it first detaches from the District.
- The affected territory is located within both the boundaries of the Pinedale CWD and the City of Fresno. This circumstance resulted at the time of a large annexation (2,885 acres) approved by the Commission in 1974 (LAFCo File AC-74-16). At the time, the annexation did not specify which service provider (the City of Fresno or Pinedale CWD) would provide water and other services to the annexed area.

- At the time this property was annexed to the City, the City had apparently stated that it had no immediate plans for development or extension of City services. The staff report prepared for the annexation proposal did not address the potential conflicts that might arise between the City and District when development would eventually take place within the City of Fresno. Addressing provision of water and sewer service within the annexation area the report stated:

"Though the annexation boundaries include property owned by the Pinedale County Water District (PCWD) and the PPUD (Pinedale Public Utilities District), no alteration in the operation of those two districts' facilities is anticipated. We would hope that the districts and the City would cooperate in the planning and installation of water and sewer lines so that service duplication would not occur."

- The City and Pinedale CWD are parties to an agreement executed in 1985 that appears to determine which agency will provide water service to the overlapping territories served by both agencies.
- Although LAFCo staff believes that the City likely has the legal authority to provide water service to the affected territory, the City has informed LAFCo that it is unwilling to do so without a detachment from the Pinedale CWD.

Environmental Determination:

This environmental determination consists of two parts. Because the affected territory is within the jurisdiction of the City of Fresno, the City serves as the Lead Agency under the California Environmental Quality Act (CEQA) for the development entitlements (Lot Line Adjustment, General Plan Amendment, Rezoning Application, and Conditional Use Permit (CUP)) approved for affected territory. LAFCo serves as the Responsible Agency under CEQA with respect to these entitlements, as the Commission is required to review and consider the City's environmental documents prior to taking its action on the proposal under the Commission's consideration – detachment from the Pinedale CWD.

The proposed detachment from the Pinedale CWD has been submitted by petition of the landowner and may not have been fully evaluated by the City in its CEQA review. The detachment is considered a "project" under CEQA, however, and is required to undergo CEQA review for consideration by the Commission. Fresno LAFCo, therefore, has been requested to assume the role of Lead Agency under CEQA for purposes of the detachment proposal only.

Environmental Review for City of Fresno Development Entitlements:

The City of Fresno acting as the "Lead Agency" pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act "CEQA"), evaluated the potential environmental effects of the General Plan Amendment, Rezone, and Conditional Use Permit applications. The City determined that the project was a subsequent project that was not fully within the scope of the Master Environmental Impact Report (MEIR) No. 10130 and, therefore, subsequently prepared an Initial Study to evaluate potential impacts not previously examined in the MEIR.

Following its review the City determined that, although the proposed project could have significant effects on the environment, such effects could be mitigated. The City, therefore,

applied the MEIR mitigation checklist as well as project specific mitigations and adopted a Mitigated Negative Declaration for the project.

As a Responsible Agency under CEQA, the Commission is required to review and consider the City's MEIR, Initial Study and Mitigated Negative Declaration prior to taking its action. If the Commission determines that these documents are adequate (pursuant to CEQA), the Commission should make a finding that the Commission independently reviewed and considered the information in the Initial Study and the Mitigated Negative Declaration and that these environmental documents are sufficient on which to make a determination on the proposed project.

LAFCo staff notes that since the City's approval of the mini storage project, the City's MEIR has been revised to include additional water related mitigation measures. Mitigation measure D-12 of the MEIR states that for projects, that would increase water demand beyond levels allocated in the version of the City's Urban Water Management Plan (UWMP) in effect at the time a project's environmental assessment was conducted, the additional water demand is required to be offset or mitigated in a manner acceptable to the City Department of Public Utilities. Staff has learned that the mini storage project will result in an increase in water demand and that the City will require such demand to be offset before connecting to the City's water supply. Staff recommends that the Commission, as a condition of approval of this application, require that prior to recordation, the proponent demonstrate to the satisfaction of the Executive Officer that this requirement has been met before the City issues occupancy permits for the project.

Environmental Review for Proposed Detachment:

Fresno LAFCo has been requested to act as the "Lead Agency" as per CEQA requirements with respect to the "detachment" of the affected territory from the Pinedale CWD. LAFCo staff has determined that such proposal qualifies for a general exemption from environmental review based upon CEQA Regulation Section 15320, "Changes in Organization of Local Agencies", which consists of *"changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised"*.

The affected territory is located within the boundaries of both the Pinedale CWD and City of Fresno and both agencies' existing powers entitle them to provide water service to this territory. Both the City and District provide service to adjacent properties—Pinedale CWD to the south and the City of Fresno to the east. If the Commission determines that this portion of the project is exempt from CEQA, staff will prepare and file a Notice of Exemption with the County of Fresno, as required by CEQA Section 15062.

Staff Analysis:

- According to the Initial Study prepared by the City of Fresno for the project both on-site and off-site fire hydrants necessary to serve the mini-storage facility are required to provide a minimum flow of 1,500 gallons per minute (gpm) at 20 pounds per square inch (psi) pressure. A copy of a memo dated May 29, 2009, from the City Fire Department to the City Attorney's office, states that this flow requirement is consistent with the 2007 *California Fire Code* and the City of Fresno Fire Department's *Development Standards for Access and Hydrants*.
- The project proponent states that detachment of the affected territory from the Pinedale CWD is necessary because the District's water system cannot deliver sufficient water to

meet Fresno Fire Department's minimum 1,500 gpm requirements. The proponent has submitted a report from the City of Fresno Fire Department identifying the results of two water flow tests performed on fire hydrants located within the Pinedale CWD.

The first test, which the Fire Department's report notes was conducted on a hydrant that is part of the District's gridded infrastructure and was receiving water from two directions, supplied water at 1,415 gpm at 20 psi. The second test was conducted on a dead-end water main at the northwest corner of the project site with results indicating 1,290 gpm at 20 psi. The Fire Department's memo further states that these two tests were conducted in the presence of a representative of Pinedale CWD. The Department also indicates that a third test was conducted on a City of Fresno fire hydrant located adjacent to the affected territory. This hydrant provided a water flow of 2,800 gpm as reported by the City.

The aforementioned water flow/pressure testing was conducted on May 28, 2009, between the hours of 7:00 and 8:00 p.m. This is a peak usage time for water use. In a January 28, 2009, letter (see Exhibit "A") from Byron Beagles, Fire Prevention Engineer for the City Fire Department to James McKelvey (the proponents attorney), the City Fire Department indicated that a prior hydrant flow test conducted on a Pinedale CWD hydrant during December, 2008 in the afternoon (when there was little domestic water demand) indicated an available fire flow of 2,200 gpm at 20 psi. The Fire Department noted, however, that the December test was not conducted during a time of peak demand for Pinedale CWD's water system which primarily serves domestic uses in this area.

- Further supporting its fire flow requirements, this January 28, 2009 letter indicates that the District was operating under requirements of the Public Utilities Commission rather than the California Fire Code and that the minimum requirements for water delivery were quite different. He further states that under the most strenuous water delivery times (such as during a 110 degree day during July at 7:00 p.m.), adequate fire flow must be provided for.
- The Fresno Fire Department in its January 28th letter did indicate two additional options for meeting the Fire Department's requirements without detaching from Pinedale CWD. These options included installation of fire sprinklers in all buildings or upgrading Pinedale CWD's water system such that it could meet "peak demand" fire flow requirements.

The proponent has estimated that installation of fire sprinklers would cost more than \$200,000. With respect to improving Pinedale CWD's system to meet fire flow requirements, the proponent states that the District did not identify the specific requirements, but additional wells, and/or booster pumps, and/or increasing the size of existing main lines were all identified as potential required improvements. While specific costs were not identified, the proponent believes that the cost of such improvements would even exceed the cost of installing sprinklers. Given this information, the proponent determined detachment to be the most suitable alternative.

- With respect to their overlapping boundaries and which of the two governmental entities is legally allowed to provide water service to the affected territory—LAFCo law does not preclude either entity from legally serving the affected territory—even without the consent of the other party.
- It should also be pointed out that the previously mentioned 1985 Agreement entered into between the City and District would allow for water service to be provided by the City—but as mutually agreed upon by the parties. At the time of this writing, the District has not consented to the City providing water to the affected territory. The proponent, therefore, has

submitted a petition to detach the affected territory from the District, in order to comply with the conditions of the Conditional Use Permit and to allow the City to provide water service without violating the terms of the agreement between the City and the District.

- The City's CUP and other reports and comments from Pinedale CWD, as well as Pinedale Public Utilities District, indicate there may have been some confusion on the part of the different agencies as to the sewer provider for the affected territory. As stated above, LAFCo records show that the affected territory is located within Pinedale CWD's water and sewer service areas. This analysis has focused solely on provision of water service as that is the only service being contended. In order to avoid any potential ambiguity, however, it must be noted that the detachment proposal includes detachment from Pinedale CWD's water *and* sewer service areas. Staff believes detachment from both water and sewer service areas and provision of both services by one service provider, the City, is logical and is consistent with the policies identified in the LAFCo Policies, Standards and Procedures Section, below. The City's analysis indicated it is able, and City staff has confirmed, that it will provide sewer service to the affected territory.

Consistency with LAFCo Policies, Standards and Procedures:

- The Proposal is consistent with the *2025 Fresno General Plan* and the *Bullard Community Plan*. The affected territory is designated for Commercial Office use and has been appropriately zoned and a conditional use permit granted for the proposed mini storage use.
- The City of Fresno has indicated it can provide water to the affected territory provided the proponent is able to off-set the project's water use at another location within the City's service area. The project proponent has been working with the City to identify how to do this in compliance with the City's MEIR Mitigation Measure D-12, but final plans have not been approved by the City. As discussed in the Environmental Determination Section above, staff recommends a condition of approval be included which requires, prior to recordation, confirmation be provided that the applicant has complied with the City's water mitigation measure(s).

Section 101 of Fresno LAFCo's adopted *Policies, Standards, and Procedures* sets forth the following additional standards for encouraging orderly formation and development of agencies:

"Reorganization of overlapping and competing agencies is recommended. The Commission encourages implementation of reorganizations where the result will be better service, reduced cost, and/or more efficient and visible administration of services to the citizens".

In this case, the City of Fresno is able to provide water service that meets the City Fire Department's fire flow requirements.

Section 102 of Fresno LAFCo's adopted *Policies, Standards, and Procedures* sets forth the following additional standards for encouraging consistency with Spheres of Influence and recommended reorganization of agencies:

"Within their Sphere of Influence, Cities should be the provider of urban services. Districts within a City's Sphere of Influence should develop plans for orderly detachment of territory from the District".

Section 210 of Fresno LAFCo's adopted *Policies, Standards, and Procedures* sets forth standards for annexation to Cities and Urban Services Districts. While this proposal is a detachment rather than an annexation, it nonetheless, appears to be consistent with Section 210 Policies including:

- *Proposal would result in planned, well ordered, efficient development patterns and service areas, and does not encourage urban sprawl.*
- *Proposal is consistent with the adopted Spheres of Influence and does not conflict with the goals and policies of the Commission.*
- *Proposal is consistent with the City or County General and Specific Plans, including adopted goals and policies.*

Staff believes that the proposal is consistent with these guidelines and that the proposal is consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et. seq.) and *LAFCo Policies, Standards, and Procedures*, including, but not limited to, Sections 100 and 200.

Indemnification:

Staff recommends, as a condition of approval, that the Commission require the petitioner agree to execute a separate agreement indemnifying the Commission from any claims or actions related to this application.

Recommendation:

Approve this detachment subject to the following findings and conditions:

- A. Acting as "Responsible Agency" pursuant to California Environmental Quality Act (CEQA) Guidelines, find that prior to approving the Detachment, the environmental effects of the project as shown in the CEQA documents prepared, adopted, and submitted by the City of Fresno (Lead Agency) were reviewed and considered, and determine these documents to be legally adequate pursuant to CEQA Guidelines Section 15096.
- B. Acting as "Lead Agency" pursuant to California Environmental Quality Act (CEQA) Guidelines, find that the Detachment qualifies for categorical exemption from environmental review, CEQA Regulation Section 15320 "Changes in Organization of Local Agencies".
- C. Find that the proposed reorganization is consistent with *Fresno LAFCo Policies, Standards, and Procedures* Sections 101, 102, and 210, and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
- D. Assign the distinctive short form designation "Derrel's Mini Storage Detachment" and approve the detachment subject to the following conditions of approval:
 1. Prior to recordation, Cotdale L.P. shall execute an indemnification agreement with the Commission, agreeing to defend, indemnify, and hold harmless the Commission from and against any claims, actions (including those filed by any state or local governmental agencies), costs, or damages arising out of or in connection with the Commission's actions related to this matter. The agreement shall be prepared by LAFCo's Counsel.

Note: A fee as established by LAFCo's Fee Schedule to cover the preparation costs shall be paid prior to preparation and agreement execution.

2. Prior to recordation and before Occupancy Permits are issued by the City of Fresno, the proponent shall provide evidence satisfactory to the Executive Officer that it has complied with Mitigation Measure D-12 as identified in the Mitigation Monitoring Checklist prepared for Master Environmental Impact Report No. 10130 / SCH No. 2001071097 for the 2025 Fresno General Plan.

E. Find and determine pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 that:

1. The territory is uninhabited.
2. All landowners have consented to the detachment.

F. Waive further Conducting Authority Proceedings and order the detachment subject to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the 30-day reconsideration period.

APPLICATION INFORMATION

1. Affected Territory

Acreage:	5.17 Acres
Current Land Use:	Currently being developed as a mini storage facility. Land was vacant immediately prior to this development.
Number of Residences/ Population:	Residences: 0 / Population: 0
Landowners/ Registered Voters:	Landowners: 1 / Registered Voters: 0
City Zoning:	S-L (Storage Limited)
Assessor Parcel Number(s):	405-340-21

2. Proposed Development: The affected territory is in the early stages of construction as a mini storage facility.

3. Surrounding Territory: Territories to the south and west are developed with single-family residences. Territory to the east is commercial. Territory to the north is vacant.

4. Consistency with Adopted Sphere of Influence (SOI): The affected territory is within the City of Fresno's adopted Sphere of Influence and within the City of Fresno's boundaries. The territory is also within the Sphere of Influence and boundaries of the Pinedale County Water District.

5. Consistency with City and County General and Specific Plans: The Proposal is consistent with the City of Fresno's *2025 General Plan* and the City's *Bullard Community Plan*. The Proposal furthers the County's General Plan policies of directing growth to existing cities where infrastructure and a full-range of municipal services are available to serve urban development.

6. Existing Service Agencies and Proposed Service Changes

Service	Existing Service	Change
Water	None	City of Fresno
Sewer	None	City of Fresno
Fire Protection	City of Fresno	None
Police	City of Fresno	None

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

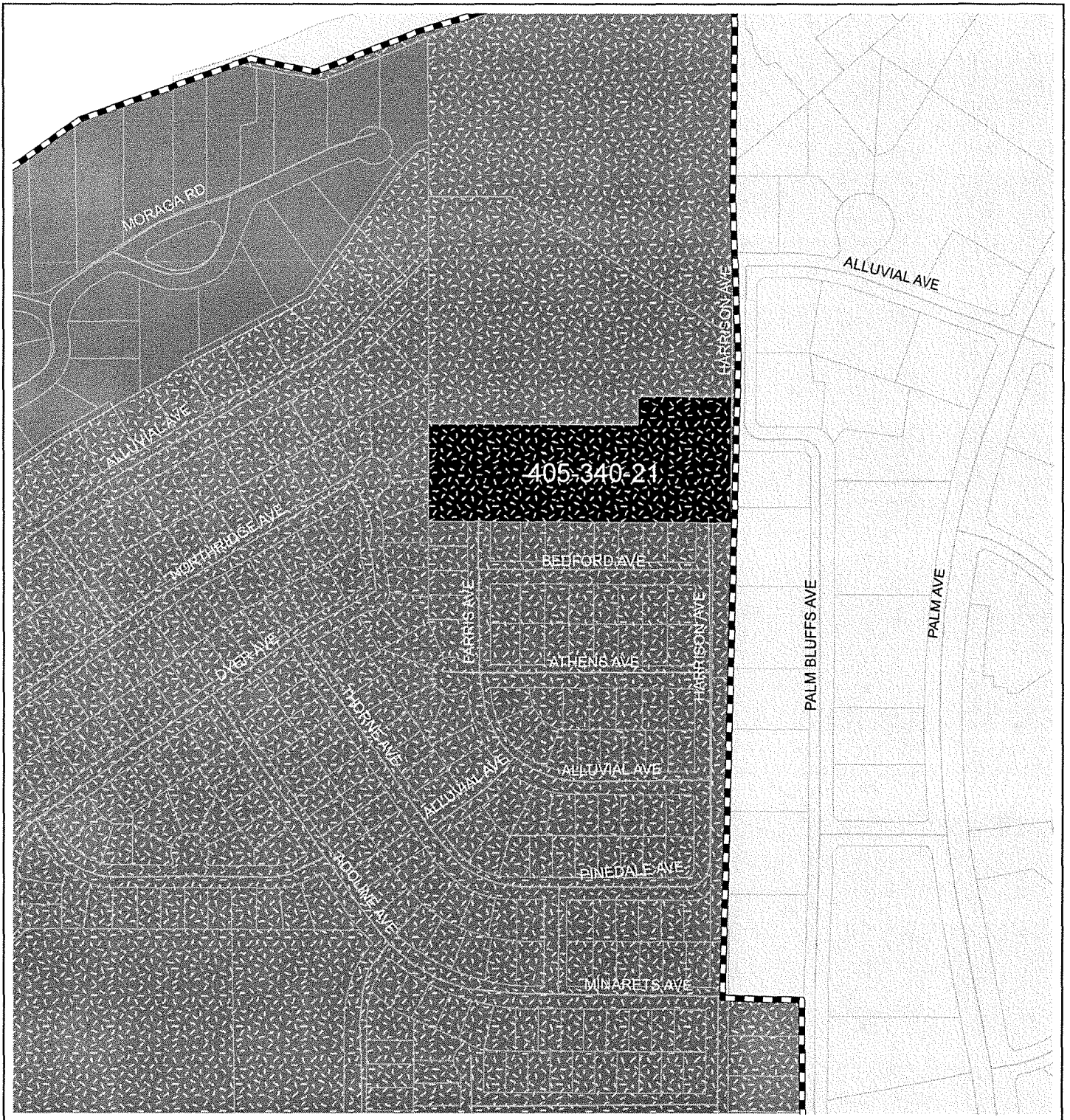
County of Fresno	City of Fresno
Fresno County Library District	West Fresno County Red Scale Protective District
Fresno Irrigation District	Clovis Unified School District
State Center Community College District	Consolidated Mosquito and Vector Control District
County School Service	Fresno Metropolitan Flood Control District
West Fresno Red Scale District	Pinedale County Water District
Clovis Memorial Cemetery District	

8. Costs and Other Changes Affecting Residents or Landowners

The affected territory is located within the City of Fresno. The property owners will be responsible for paying water connection and other applicable fees to the City of Fresno.

9. **Agencies and Individuals Submitting Comments:** (see Correspondence and Comments)
- Bernard Jimenez, Development Services Manager, Public Works and Planning, County of Fresno
 - Betty Vaughn, Elections Division, County of Fresno
 - Doug McCauley, Fresno Metropolitan Flood Control District
 - Glenn Allen, Fresno County Department of Public Health, Environmental Health Division
 - William R. Stretch, Fresno Irrigation District
10. **Territory Boundaries:** The boundaries of the proposed annexation are definite and certain, and there are no conflicts with lines of assessment ownership.
11. **Registered Voter Data**
- The County of Fresno Elections Office reported that on July 21, 2009, there were zero (0) registered voters in the affected territory.
12. **Compliance with the Requirements of CEQA**
- General Plan Amendment, Rezone, Conditional Use Permit, Lot Line Adjustment**
Lead Agency: City of Fresno - **Level of Analysis:** Initial Study
Finding: Mitigated Negative Declaration. The Initial Study and Notice of Determination can be found at www.fresnolaftco.org.
- Detachment Proposal**
Lead Agency: Fresno Local Agency Formation Commission - **Level of Analysis:** Categorical Exemption.
Finding: Exempt pursuant to CEQA Regulation 15320 "Changes of Organization of Local Agencies".
13. **Proponent:** Cotdale L.P. (Paul Ridenour - Derrel's Mini Storage)
14. **Public Notice of Hearing** – Public notice concerning this Proposal was issued by the Executive Officer pursuant to State law.
15. **Individuals and Agencies Receiving this Report**
- LAFCo Commissioners and Alternates
 - Ken Price, Baker, Manock, and Jensen—LAFCo Counsel
 - Andrew T. Souza, City Manager, City of Fresno
 - Keith Bergthold, Fresno Planning and Development Department
 - Rene Ramirez, Director, Fresno Department of Public Utilities
 - Randy Bruegman, Chief, Fresno Fire Department
 - John Fox, Senior Deputy City Attorney, City of Fresno
 - Pinedale County Water District
 - Neal Costanzo, Pinedale County Water District
 - Paul Ridenour
 - James A. McKelvey
 - Bob Braitman

FIGURE 2 - DETACHMENT AREA



Legend

-  District SOI
-  District Area
-  City Overlapping District
-  City of Fresno
-  Affected Territory

Pinedale County Water District
 "Derrels Mini Storage Detachment"
 LAFCo File No. DD-09-1

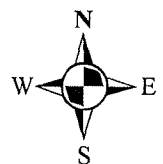
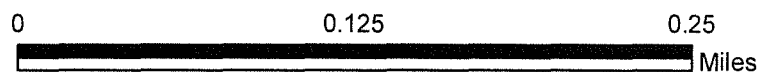


Exhibit "A"



Randy R. Bruegman
Fire Chief

Fire Prevention and Investigative Services Division
911 H Street
Fresno, California 93721-2510
(559) 621-4181 FAX (559) 498-4323
www.fresno.gov

January 28, 2009

JAMES A MCKELVEY
of Counsel
NUTTING & JORGENSEN
5703 N WEST AVENUE
SUITE 103
FRESNO CA 93711

**SUBJECT: PROPOSED DERREL'S MINI-STORAGE AT BEDFORD AND HARRISON
AVENUE'S; FIRE FLOW REQUIREMENTS**

Dear Mr. McKelvey:

The purpose of this letter is to document our Department's position on fire flow for the required private fire hydrant system needed to protect this development. As you know, the Fresno Fire Department has reviewed many such projects over the years throughout the City. Over the years, the project design professionals for Derrel's Mini Storage have come up with building designs that limit fire areas to 5,000 square feet in order to meet the restrictions of local fire sprinkler ordinance and keep the construction cost per square to a practical level.

Fresno Fire has also allowed an onsite fire flow reduction to 1,500 gallons per minute (gpm) instead of the normal 2,500 gpm for non-sprinklered developments in recognition of the limitation on building size and the good fire loss record of such facilities locally. In making this determination a significant factor was that, when served by the City of Fresno Water Division, fire flows well in excess of 2,500 gpm are available at the public hydrants in commercial areas.

The current proposal is within the water service delivery area of the Pinedale County Water District (PCWD). It also borders the City of Fresno Water Division service area on the west side. The existing PCWD infrastructure south of the project primarily serves residential development. Street access and water main connections to the east are cut off by the commercial development along Palm Bluffs Drive. Only one water main (located in W. Beechwood) connects the western portion of the PCWD service area with the remainder of the district to the east. A copy of the PCWD Infrastructure map indicates only one water well (1,200 gpm) is located west of North Harrison.

"To protect and put service above all else."

JAMES A MCKELVEY

SUBJECT: PROPOSED DERREL'S MINI-STORAGE @ BEDFORD AND HARRISON AVES; FIRE FLOW REQUIREMENTS

January 28, 2009

Page 2 of 2

Fire hydrant flow tests were conducted by PCWD and FFD separately. FFD results revealed an available fire flow at 20 psi of approximately 2,200 gpm. However, this flow test was conducted on a cold December day in the afternoon when there was very little domestic water demand. Based on the number of residential and condominium parcels in the western service area, peak domestic water demand is estimated at approximately 1,500 gpm (using Water Division residential use modeling parameters). Our concern is that with the large number of residential parcels served, that during a peak demand period on a 100° + day in the summer that an additional 1,500 gpm for fire flow will not be available for the private hydrants within the development. In addition, the safety factor of additional fire flow in the public mains as referenced above would not be available.

Previous e-mail from the PCWD engineer disagrees with our assessment using the argument that the district need only meet Public Utility's Commission only requires that the 1,500 gpm minimum fire flow requirement above average peak daily demand. As authorized under the *California Fire Code*, Fresno Fire requires that fire flow be available at any time as needed. If a fire were to occur on a 110° day in July at 7:00 pm, fire flow must be available.

We see the following options available for the developer:

1. Negotiate with PCWD on improvements needed to meet peak demand fire flow. Modeling of peak demand and water production capability is usually the first step in determine what is needed.
-or-
2. Provide fire sprinklers in all the buildings.
-or-
3. Connect the development to the existing City of Fresno commercial water main infrastructure on North Harrison for fire and domestic water services.

If this Department may be of any assistance to you in this matter, please feel free to call our office at (559) 621-4181.

Sincerely,



Byron Beagles, Fire Prevention Engineer

Cc: Bruce Barnes, Project Manager, Development Dept. Administration
Richard Fultz, Senior Fire Prevention Inspector
Neil Montgomery, Chief Engineering Technician, Water Division

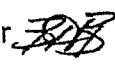


DATE: May 29, 2009

TO: JOHN FOX, Senior Deputy City Attorney
City Attorney's Office

KEITH BERGTHOLD, Planning and Development Director
KEVIN FABINO, Planning Manager
Planning and Development Department

THROUGH: KERRI L. DONIS, Deputy Chief 
Fire Prevention and Investigation Division

FROM: BYRON BEAGLES, Fire Prevention Engineer 
Fire Prevention and Investigation Division

SUBJECT: WATER FLOW TEST RESULTS IN PINEDALE COUNTY WATER
DISTRICT CONDUCTED ON MAY 27, 2009

On May 27, 2009 between 1900 and 2000 hours, with the assistance of the Fresno Fire Department (FFD), Station No. 2, commanded by Fire Captain Mark Martinez, and I conducted two water flow tests on fire hydrants in the Pinedale County Water District (PCWD) for the purpose of determining if fire flow is available for a proposed Derrel's Mini Storage in the 7500 block of North Harrison Avenue.

The following individuals were also present and witnessed all portions of the two tests: Jason Franklin (PCWD), Paul Ridenour (Owner, Derrel's Mini Storage), and Robin Frost (Construction Manager, Derrel's Mini Storage).

Attached is the completed utilized by the FFD to document fire flow tests. This methodology is standard practice for fire departments, water purveyors, and insurance companies and has been used to determine water supply availability for fire fighting for over 100 years. These test procedures are the same procedures used by Insurance Service Office's (ISO) when they conducted over 100 fire flow tests last year as a portion of their rating survey for the City of Fresno. These procedures are documented in the *National Fire Protection Association (NFPA) Standards* and in the *Factory Mutual (FM) Standards*.

MEMO

SUBJECT: WATER FLOW TEST RESULTS IN PINEDALE COUNTY WATER DISTRICT
CONDUCTED ON MAY 27, 2009

May 29, 2009

Page 2 of 4

The two water flow tests performed on May 27, 2009, involved taking a "static" pressure reading on the water supply (in this case, done on a fire hydrant) and, while a second hydrant is flowed, a "residual" pressure is taken on the first fire hydrant. The flow is measured using a test instrument called a "pitot tube" which measures velocity pressure coming out of the opening in the hydrant or which was done in this case, a 4 inch diameter "flow tube". A flow tube is used to straighten out the flow stream in order to give a more accurate velocity pressure reading. Without this device, the water is discharging at 90 degrees as it leaves the open hydrant and is very turbulent, making accurate readings problematic. The pressure reading is taken on the pressure gauge mounted to the pitot tube and that pressure is noted and later converted to a gallon per minute flow using a standard hydraulic conversion table; in this case, as published in *Factory Mutual Standards*. This flow is then adjusted by a coefficient suited to the particular opening used then the results were multiplied by .9 for the two-foot long 4 inch flow tube.

The test results were entered on our industry standard form which includes a logarithmic flow graph for pressure and flow. The actual test results may then be projected on this graph to determine flow available at 20 psi residual pressure. The *California Fire Code* and *American Water Works Association (AWWA) Standards* determine maximum available fire flow at 20 psi; drawing the water system below this pressure can result in damage to water mains and potentially could cause backflow from domestic water services into the water main system.

Test No. 1 results indicate that 1,415 gallons per pitot was available at 20 psi in the PCWD water mains south of the project area. The minimum requirement in the 2007 *California Fire Code* and *Fresno Fire Department Development Standards for Access and Hydrants* is a minimum fire flow of 1,500 gpm at 20 psi residual pressure. The hydrant flowed is part of the gridded infrastructure and was receiving water from two directions.

Test No. 2 was conducted on a dead end water main at the northwest corner of the project and results were 1,290 gpm at 20 psi.

In order to take full advantage of what is available from PCWD, the developer would need at least two points of connection. As Test No. 1 was done on a fire hydrant with water coming from two directions already, it is not anticipated that an on site private hydrant served by connections to PCWD's water mains on West Bedford Avenue and West Alluvial Avenue would improve upon the flow test results from hydrant No. 401.

After completion of the two tests in PCWD, Fire Station No. 2 assisted me with a third flow test not witnessed by PCWD on a Fresno City Water Division fire hydrant adjacent to the project entrance on North Harrison Avenue. The results of that test indicate that a fire flow of 2,800 gpm is available from the City's system to this development.

KLD:BB:ns
Attachments

TEST LOCATION N. HARRISON/R. BEARDS & W. ALLUVIAL BEARDS (PCWD)

DATE 5/27/09 TIME 1915-1935 TEMP. 96°F

BY B. Beasley & Engine 2 in command of Capt Martinez

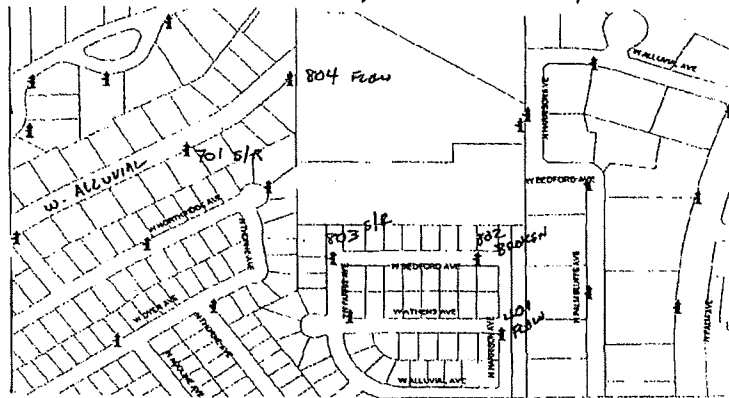
	HYDR. NO. OR HOSE BIB LOC.	STATIC (PSI)	RESIDUAL (PSI)	PITOT (PSI)	OPENING DIA. (IN.)	FLOW (GPM)	.9 x FLOW (GPM)
TEST #1	#803	43	24				
	#401			9	4" Flange	1433	1290
TEST #2	#701	45	24				
	#804			7 1/2	4" Flange	1807	1176

Flow at 20 psi Residual TEST #1 = 1415 GPM TEST #2 = 1300 GPM

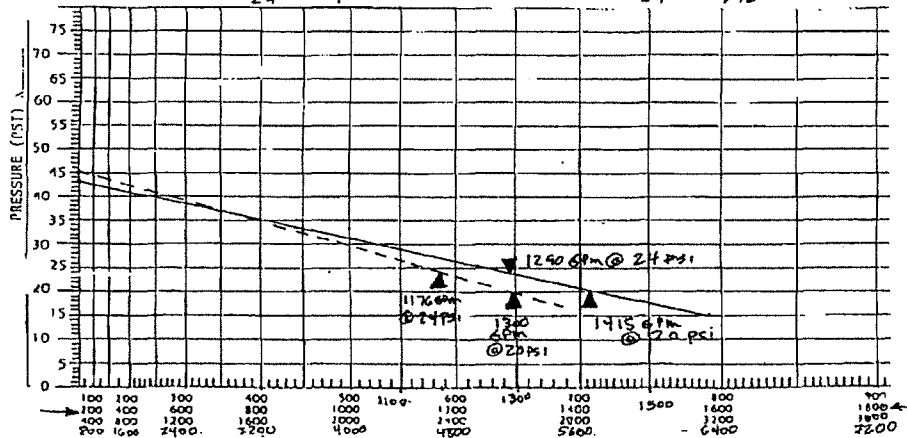
For Fire Sprinkler Calculations: Static 40 Residual 25 GPM 1300
(Square ft)

Analysis By - BRB

MAP (and comments) Note: PCWD system uses pressure tanks. Flow test readings based on residual pressure stabilizing.



Min.	Static	Residual	Pitot	Min.	Static	Residual	Pitot
0	43			0	45		
1		30	11	1		26	8
2		26	10	2		24	8
3		24	9	3		24	7 1/2
4		24	9	4		24	7 1/2
5		24	9	5		24	7 1/2



TEST LOCATION 7500 Bck N. Haverhill

DATE 5/27/09 TIME 2015 Hrs TEMP. 94°F

BY B. Boughs / S.H. Z

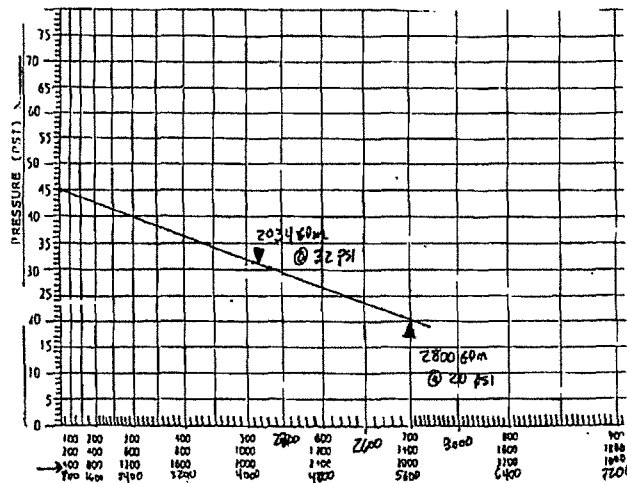
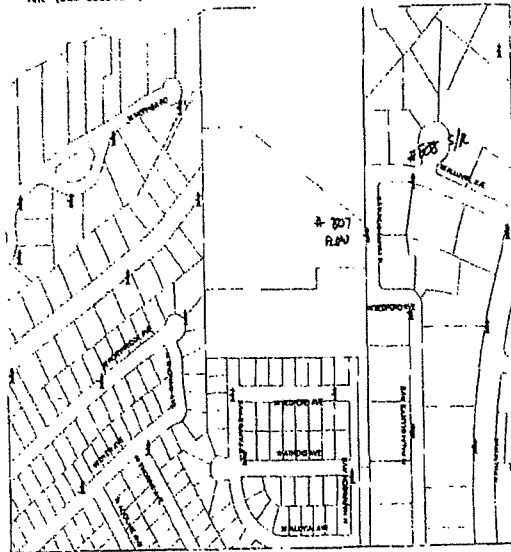
HYD. NO. OR ROSE NIB LOC.	STATIC (PSI)	RESIDUAL (PSI)	PIST (PSI)	OPENING DIA. (IN.)	FLOW (GPM)	.9 x FLOW (GPM)
#808	45	32				
#807			14	14" Flowtech	2260	2034

Flow at 20 psi Residual 2800

For Fire Sprinkler Calculations: Static 45 Residual 35 GPM 1350
(C=100, K=8)

Analysis By -B.B.

NAP (and comments)



**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No.

Date:

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F																															
D-12. All applicants for development projects shall provide data (meeting City Department of Public Utilities criteria for such data) on the anticipated annual water demand and daily peak water demand for proposed projects. If a development project would increase water demand at a project location (or for a type of development) beyond the levels allocated in the version of the City's Urban Water Management Plan (UWMP) in effect at the time the project's environmental assessment is conducted, the additional water demand will be required to be offset or mitigated in a manner acceptable to the City Department of Public Utilities. Allocated water demand rates are set forth in Table 6-4 of the 2008 UWMP as follows: <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 25%;">FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES</th> <th colspan="3">PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:</th> </tr> <tr> <th style="font-size: small;">(Analysis shall include acreage to all street centerlines.)</th> <th style="font-size: small;">01/01/2005 THROUGH 12/31/2010</th> <th style="font-size: small;">01/01/2010 THROUGH 12/31/2024</th> <th style="font-size: small;">AFTER 01/01/2025</th> </tr> </thead> <tbody> <tr> <td>Single family residential</td> <td style="text-align: center;">3.8</td> <td style="text-align: center;">3.5</td> <td style="text-align: center;">3.5</td> </tr> <tr> <td>Multi-family residential</td> <td style="text-align: center;">6.5</td> <td style="text-align: center;">6.2</td> <td style="text-align: center;">6.2</td> </tr> <tr> <td>Commercial and institutional</td> <td style="text-align: center;">2</td> <td style="text-align: center;">1.9</td> <td style="text-align: center;">1.9</td> </tr> <tr> <td>Industrial</td> <td style="text-align: center;">2</td> <td style="text-align: center;">1.9</td> <td style="text-align: center;">1.9</td> </tr> <tr> <td>Landscaped open space</td> <td style="text-align: center;">3</td> <td style="text-align: center;">2.9</td> <td style="text-align: center;">2.9</td> </tr> <tr> <td>South East Growth Area</td> <td style="text-align: center;">3.4</td> <td style="text-align: center;">3.2</td> <td style="text-align: center;">3.2</td> </tr> </tbody> </table> NOTE: The above land use classifications and demand allocation factors may be amended in future updates of the Urban Water Management Plan	FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES	PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:			(Analysis shall include acreage to all street centerlines.)	01/01/2005 THROUGH 12/31/2010	01/01/2010 THROUGH 12/31/2024	AFTER 01/01/2025	Single family residential	3.8	3.5	3.5	Multi-family residential	6.5	6.2	6.2	Commercial and institutional	2	1.9	1.9	Industrial	2	1.9	1.9	Landscaped open space	3	2.9	2.9	South East Growth Area	3.4	3.2	3.2	Prior to approval of development project	Department of Public Utilities					
FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES	PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:																																						
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Commercial and institutional	2	1.9	1.9																																				
Industrial	2	1.9	1.9																																				
Landscaped open space	3	2.9	2.9																																				
South East Growth Area	3.4	3.2	3.2																																				

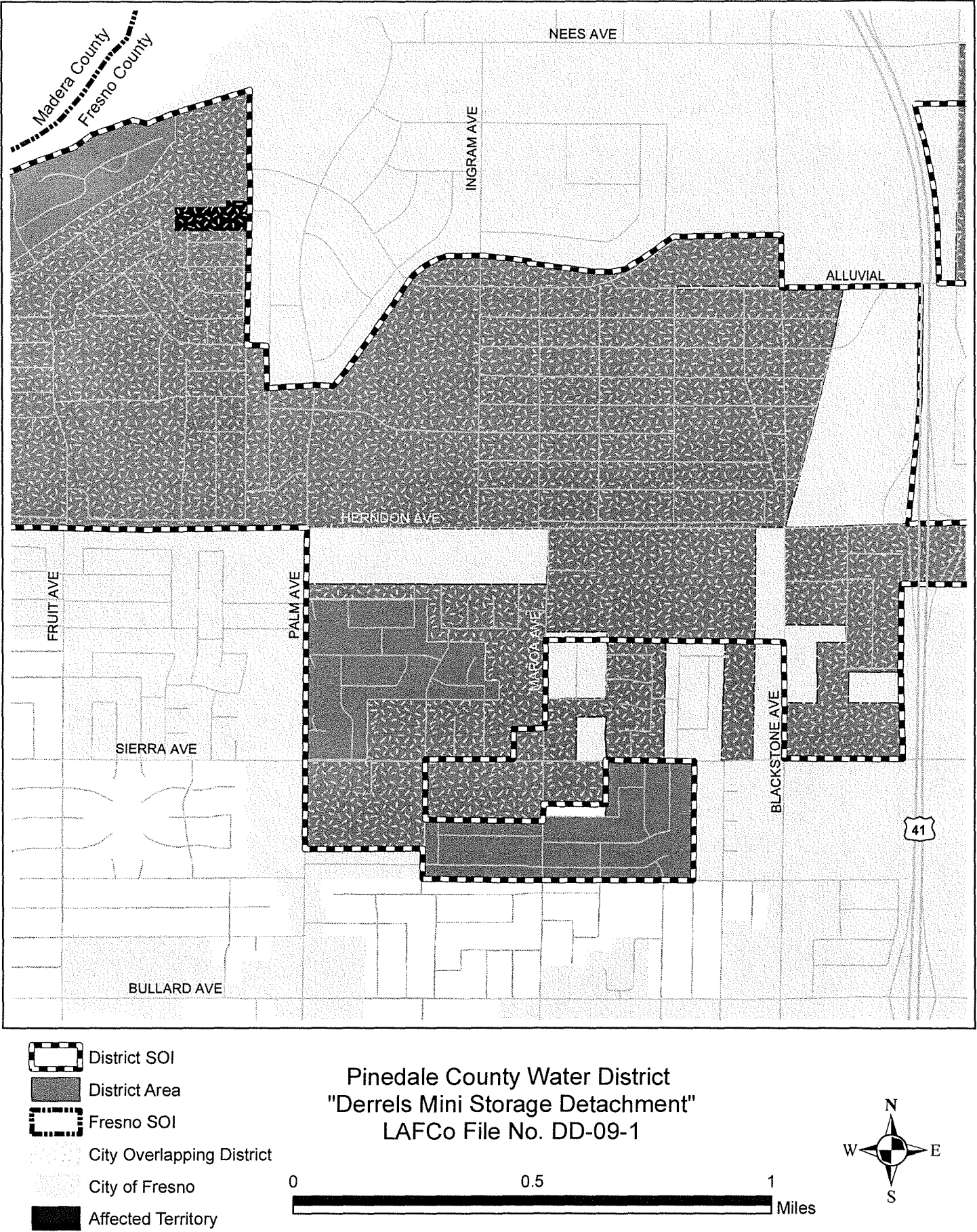
Exhibit "B"

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

FIGURE 1 - GENERAL SITE LOCATION



PROPOSAL NO. DD-09-1

AREA TO BE DETACHED FROM THE PINEDALE COUNTY WATER DISTRICT AND ATTACHED TO THE CITY OF FRESNO WATER DEPARTMENT

GEOGRAPHIC DESCRIPTION

Parcel B of Lot Line Adjustment No. 2008-11, recorded January 15, 2009 as Document No. 2009-0004849 of Official Records of Fresno County, and more particularly described as follows:

That portion of Outlot "A" of Parcel Map No. 77-23, in the City of Fresno, County of Fresno, State of California, according to the map thereof recorded in Book 24 at Pages 81 and 82 of Parcels Maps, Fresno County Records, described as follows:

BEGINNING at the Southeast corner of said Outlot "A", said point being on the existing boundary of the Pinedale County Water District;

thence (1) North 89° 51' 00" West, leaving the existing boundary of the Pinedale County Water District, along the South line of said Outlot "A", a distance of 803.17 feet to the Southwest corner of said Outlot "A";

thence (2) North 00° 02' 48" West, along the Westerly line of said Outlot "A", a distance of 256.84 feet to a point on a line that is parallel with and 256.84 feet North of the South line of said Outlot "A";

thence (3) South 89° 51' 00" East, along said parallel line, a distance of 555.70 feet;

thence (4) North 00° 09' 08" East, a distance of 74.96 feet to a point on a line that is parallel with and 331.80 feet North of said South line;

thence (5) South 89° 51' 00" East, along last said parallel line, a distance of 248.84 feet to a point on the existing boundary of the Pinedale County Water District, said point being on the Easterly line of said Outlot "A";

thence (6) South 00° 14' 00" West, along the existing boundary of the Pinedale County Water District, along the Easterly line of said Outlot "A", a distance of 331.80 feet to the **POINT OF BEGINNING**.

Containing an area of: 5.17 Acres

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

BOUNDARY CHANGE RECORDED

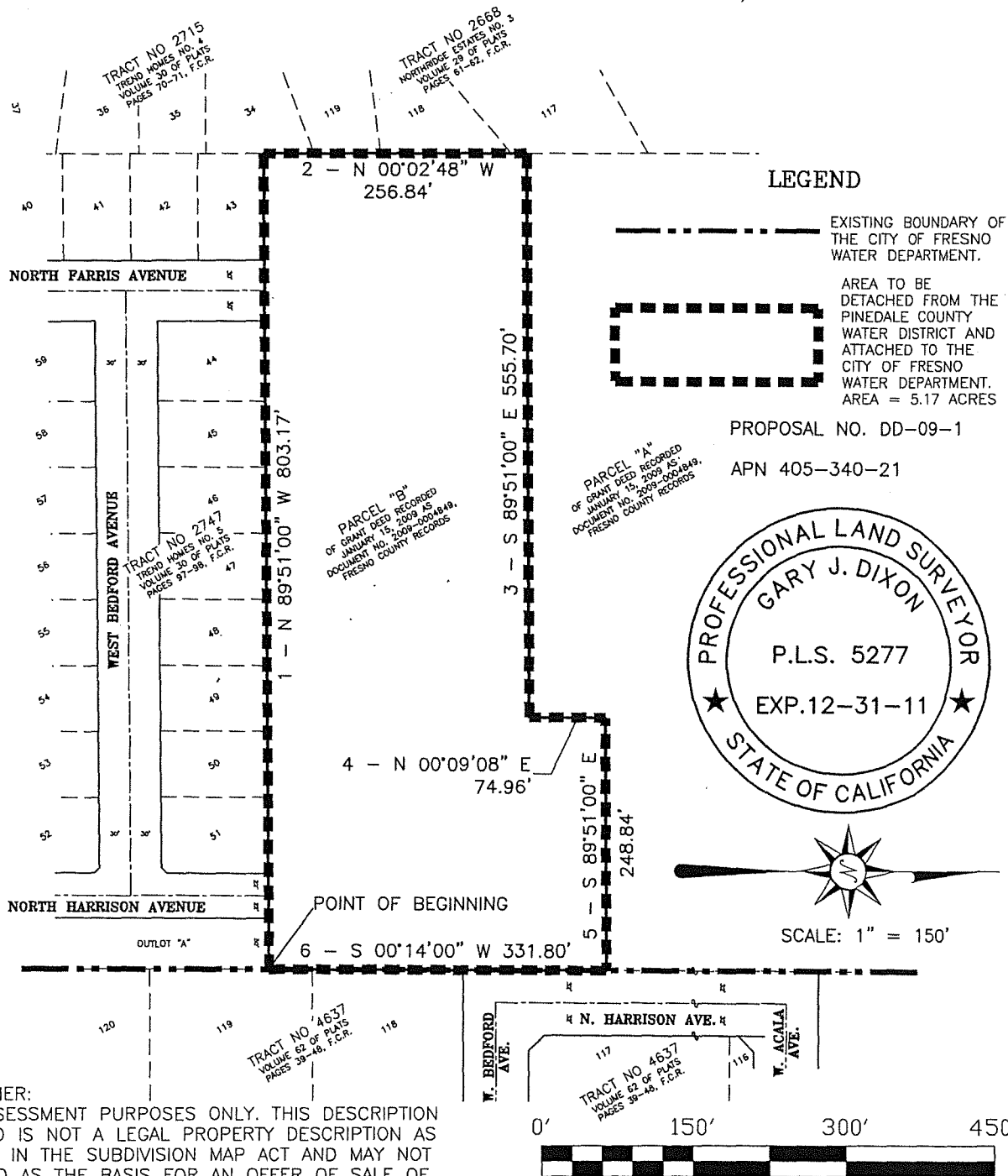
TIME 3:15 p.m. DATE 4/20/10
DOCUMENT # 20100650876
EFFECTIVE 4/20/10

APPROVED

LAFCO RES. # DD-09-1
August 12, 2009
DATE

APPROVED
LAFCO RES. # DD-09-1
August 12, 2009
DATE

BOUNDARY CHANGE RECORDED
TIME 3:15 p.m. DATE 4/20/10
DOCUMENT # 20100050876
EFFECTIVE 4/20/10



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

AREA TO BE DETACHED FROM THE
PINEDALE COUNTY WATER DISTRICT
AND ATTACHED TO THE CITY OF
FRESNO WATER DEPARTMENT.

PREPARED BY:

DIXON & ASSOCIATES, INC.
LAND SURVEYING

620 DEWITT, #101
CLOVIS, CALIFORNIA, 93612

PH: (559)297-4200 FAX: (559)297-4272

DATE: 4-05-10
SCALE: 1" = 150'
DWN BY: GJD
WO: 08-068

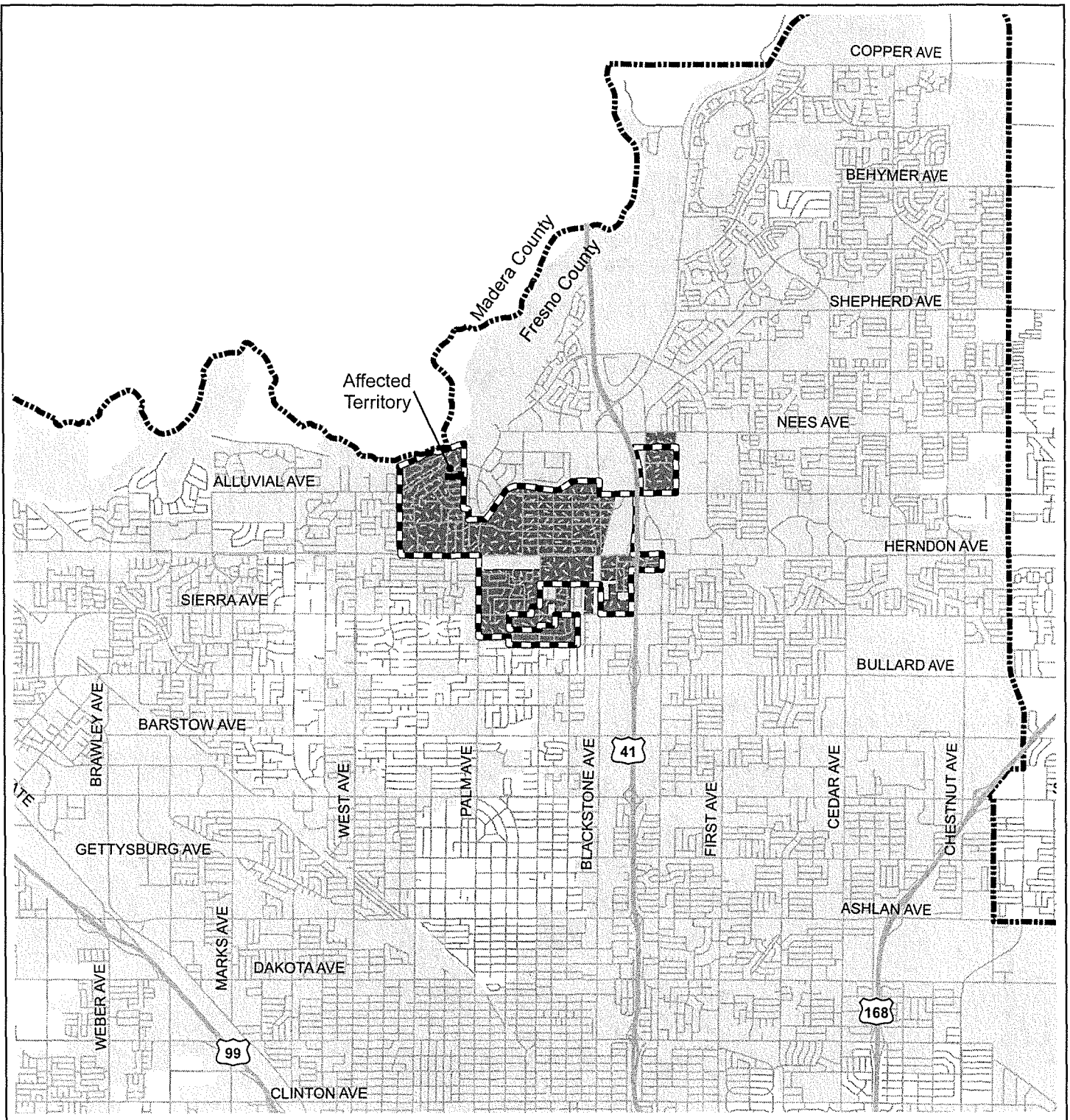
REVISIONS:

DRAWING NO.

1

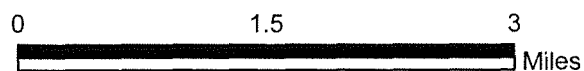
OF 1 SHEETS

GENERAL SITE LOCATION



-  District SOI
-  District Area
-  Affected Territory
-  Fresno SOI
-  City Overlapping District
-  City of Fresno

Pinedale County Water District
 "Derrels Mini Storage Detachment"
 LAFCo File No. DD-09-1



2895

DATE: September 15, 2010
TO: Dave King, Assessor's Office
FROM: Candie Fleming, LAFCo
SUBJECT: "Derrel's Mini Storage Detachment" DD-09-1

Please review the attached revised map and/or legal description, and approve or notify us as to how it is insufficient. We would appreciate your comments as soon as possible.

Thank you.

cf

Attachment: Map/Legal Description

9-15-2010

The map & legal are o.k.

David King

2895
PROPOSAL NO. DD-09-1

**AREA TO BE DETACHED FROM THE PINEDALE COUNTY
WATER DISTRICT AND ATTACHED TO THE CITY OF FRESNO
WATER DEPARTMENT**

GEOGRAPHIC DESCRIPTION

APPROVED
RKC

Parcel B of Lot Line Adjustment No. 2008-11, recorded January 15, 2009 as Document No. 2009-0004849 of Official Records of Fresno County, and more particularly described as follows:

That portion of Outlot "A" of Parcel Map No. 77-23, in the City of Fresno, County of Fresno, State of California, according to the map thereof recorded in Book 24 at Pages 81 and 82 of Parcels Maps, Fresno County Records, lying within Section 32, Township 12 South, Range 20 East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at the Southwest corner of said Section 32; thence South 89° 51' 00" East, along the South line of said Section 32, a distance of 2737.05 feet; thence North 00° 14' 00" East, a distance of 3172.00 feet to the Southeast corner of said Outlot "A", said point being on the existing boundary of the Pinedale County Water District and said point being the **TRUE POINT OF BEGINNING**;

thence (1) North 89° 51' 00" West, leaving the existing boundary of the Pinedale County Water District, along the South line of said Outlot "A", a distance of 803.17 feet to the Southwest corner of said Outlot "A";

thence (2) North 00° 02' 48" West, along the Westerly line of said Outlot "A", a distance of 256.84 feet to a point on a line that is parallel with and 256.84 feet North of the South line of said Outlot "A";

thence (3) South 89° 51' 00" East, along said parallel line, a distance of 555.70 feet;

thence (4) North 00° 09' 08" East, a distance of 74.96 feet to a point on a line that is parallel with and 331.80 feet North of said South line;

thence (5) South 89° 51' 00" East, along last said parallel line, a distance of 248.84 feet to a point on the existing boundary of the Pinedale County Water District, said point being on the Easterly line of said Outlot "A";

thence (6) South 00° 14' 00" West, along the existing boundary of the Pinedale County Water District, along the Easterly line of said Outlot "A", a distance of 331.80 feet to the **TRUE POINT OF BEGINNING**.

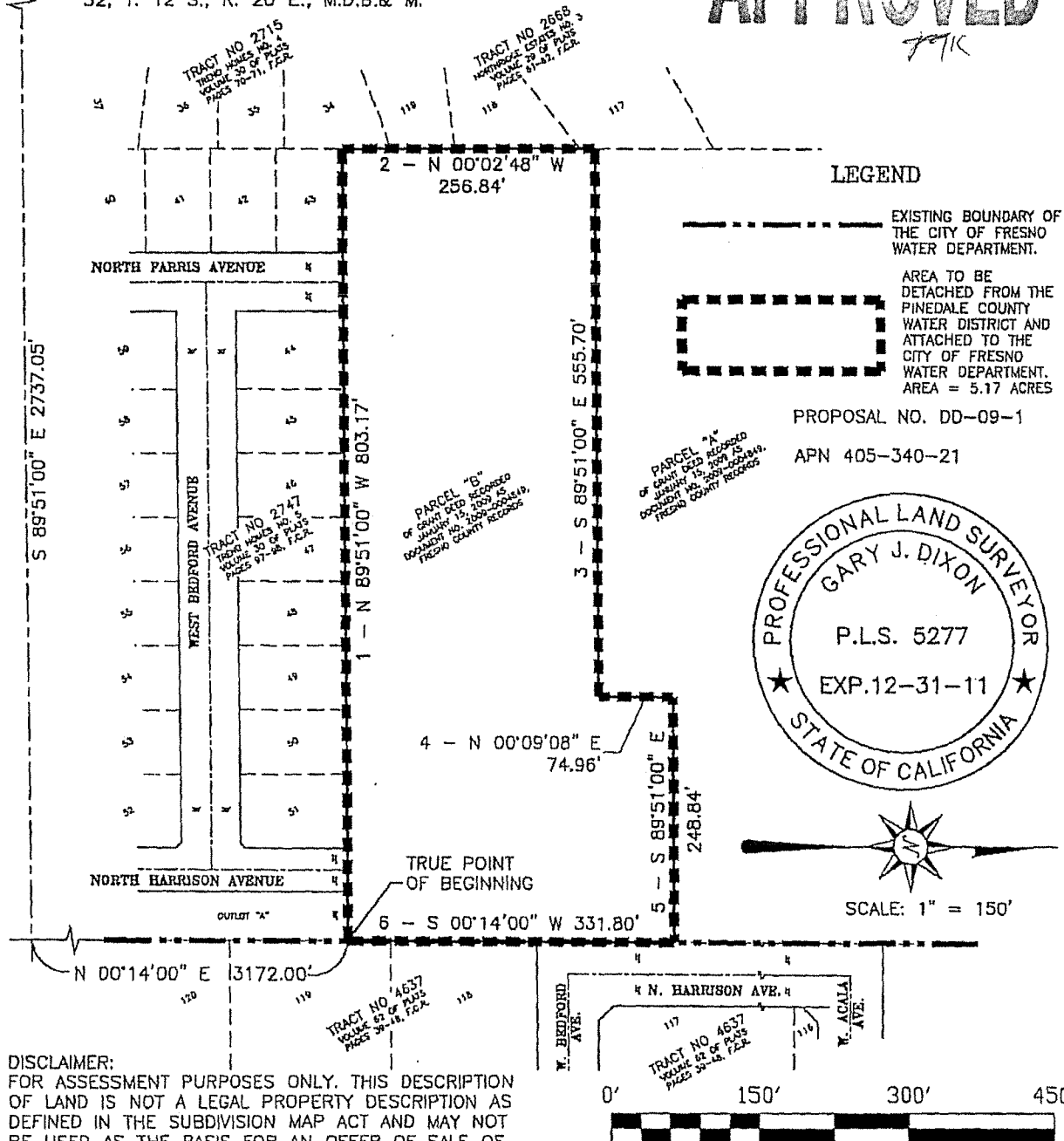
Containing an area of: 5.17 Acres

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

Revised September 15, 2010

APPROVED

72710



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

PORTION OF SECTION 32, TOWNSHIP
12 SOUTH, RANGE 20 EAST, MOUNT
DIABLO BASE & MERIDIAN, TO BE
DETACHED FROM THE PINEDALE
COUNTY WATER DISTRICT AND
ATTACHED TO THE CITY OF FRESNO
WATER DEPARTMENT.

PREPARED BY:

DIXON & ASSOCIATES, INC.
LAND SURVEYING

620 DEWITT, #101
CLOVIS, CALIFORNIA, 93612

PH: (559)297-4200 FAX: (559)297-4272

DATE: 9-15-2010
SCALE: 1" = 150'
DWN BY: GJD
WO: 08-058

REVISIONS:
9-15-2010

DRAWING NO.

1
OF 1 SHEETS



Fresno Local Agency Formation Commission

Date: July 15, 2010
To: Dave King, Assessor's Office
From: Samantha Hendricks, LAFCo
Subject: "Darrel's Mini Storage Detachment" DD-09-1



Please review the attached revised map and approve or notify us as to how it is insufficient.
We would appreciate your comments as soon as possible.

Thank you.

sh

Attachment: Map and Legal Description

8-3-2010

The map and legal are O.K. for a local change.

* If this is to be sent to the SBE, the point of beginning (and reference to Outlot A ...) is not sufficient.

See original comment B and C.

David King

Sent to Darrel 8/3/10



STATE OF CALIFORNIA

STATE BOARD OF EQUALIZATION
PROPERTY AND SPECIAL TAXES DEPARTMENT
450 N STREET, MIC: 59, SACRAMENTO, CALIFORNIA
PO BOX 942879, SACRAMENTO CALIFORNIA, 94279-0059
TELEPHONE (916) 322-7189
FAX (916) 327-4251
<http://www.boe.ca.gov/>

BETTY T. YEE
First District, San Francisco

BARBARA ALBY
Second District, Ontario

MICHELLE STEEL
Third District, Santa Ana

JEROME HORTON
Fourth District, Los Angeles

JOHN CHAING
Controller, Sacramento

RAMON J. HIRSIG
Executive Director



Mr. Jeff Witte, Executive Officer
Fresno LAFCo
2115 Kern Street
Fresno, CA 93721

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

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

Assessment Roll: **2011/12**

County: **10 Fresno**

District: **72 COUNTY WATER - PINEDALE [0295]**

Conducting Authority: **WAIVED**

Short Title: **DERREL'S MINI STORAGE DETACHMENT**

Type of Action: **07 District - Detachment**

Resolution/Ord. No.:

LAFCo No.: **DD-09-1**

Effective Date: **04/20/2010**

Fee: **\$350.00**

Acreage: **5.17**

BOE File No.: **2011-005**

Received at BOE: **09/20/2010**

Date of Acknowledgement: **10/04/2010**

Distribution: **4**

City Boundary Change

Estimated Population: **0**

Total assessed value of all property in subject territory: **0**

Ralph L. Davis

Ralph Davis
Research Manager (GIS)
Tax Area Services Section

cc: County Assessor, County Auditor



Fresno Local Agency Formation Commission

September 16, 2010

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

Dear Ms. Thorne:

Subject: Final Filing Documents for the "Derrel's Mini Storage Detachment"

Enclosed are the revised legal description and most current Statement of Boundary Change Form you requested Fresno LAFCo submit in order to complete the filing with the State Board of Equalization for the above district detachment.

Please let me know immediately if you require anything else. Thank you.

Sincerely,


Candie Fleming
Commission Clerk

Enclosures

STATEMENT OF BOUNDARY CHANGE

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



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

BOE File No.:

COUNTY FRESNO	COUNTY NUMBER 10	ACREAGE 5.17	FEE 350	Res./Ord. NUMBER N/A
CONDUCTING AUTHORITY WAIVED BY LAFCO				LAFCO. RES. DD-09-1
SHORT FORM DESIGNATION "DERREL'S MINI STORAGE DETACHMENT"				EFFECTIVE DATE APRIL 20, 2010

SECTION 1: TYPE OF ACTION (CHECK ONE ONLY)

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

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

PINEDALE COUNTY WATER DISTRICT

SECTION 3: AFFECTED TERRITORY

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

SECTION 4: ELECTION

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

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

- | | | |
|--|---|---|
| ☒ Fees | ☒ Certificate of Completion (LAFCo. only) | ☐ County auditor's letter of TRA assignment (consolidated counties only) |
| ☒ Legal description | ☒ Map(s) and supporting documents | |
| ☒ Resolution of conducting authority | ☒ Assessor parcel number(s) of affected territory | |

SECTION 6: CITY BOUNDARY CHANGES ONLY

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

Estimated Population: _____ Total assessed value of all property in subject territory: _____

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

Board of Equalization will acknowledge receipt of filing to:		BOE USE ONLY	
NAME JEFF WITTE		chk #:	
TITLE EXECUTIVE OFFICER			
AGENCY FRESNO LOCAL AGENCY FORMATION COMMISSION		amt:	
STREET 2115 KERN STREET, SUITE 310			
CITY FRESNO	ZIP CODE 93721	ltr #:	
TELEPHONE NUMBER (include area code) (559) 95-0604	FAX NUMBER (include area code) (559) 95-0655		
E-MAIL ADDRESS jewitte@co.fresno.ca.us			
SIGNATURE OF AGENCY OFFICER 		DATE 4/16/10	

THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION



STATE BOARD OF EQUALIZATION
PROPERTY AND SPECIAL TAXES DEPARTMENT
450 N STREET, MIC: 59, SACRAMENTO, CALIFORNIA
PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0059
TELEPHONE (916) 322-7189
FAX (916) 327-4251
www.boe.ca.gov

September 9, 2010

SECOND NOTICE

Mr. Jeff Witte
Executive Officer
Fresno County LAFCo
2115 Kern Street, Suite 310
Fresno, CA 93721

Dear Mr. Witte:

The statement filed with Tax Area Services as described below is not complete:

Derrel's Mini Storage Detachment, Resolution No. DD-09-1

To satisfy the requirements of Sections 54901 and 54902 of the Government Code, you must file the items below with us. Your statement cannot be processed for the 2011/12 Assessment Roll unless the items are received on or before **December 1, 2010**.

Statement of Boundary Change Form BOE-400-TA

- Effective October 15, 2009, the only form we accept is the BOE-400-TA REV. 02 (10-09). The form submitted is an old version. The new form can be downloaded from our website: <http://www.boe.ca.gov/proptaxes/pdf/400ta.pdf>. Please submit a new form.

Map(s) do not meet requirements as detailed in "Change of Jurisdictional Boundary." To view our requirements, please visit our website at <http://www.boe.ca.gov/proptaxes/pdf/jurboundaryreq.pdf>.

- Project maps(s) shall state the township and range, section numbers or rancho of the annexation area.

Geographic description does not meet requirements as detailed in "Change of Jurisdictional Boundary." To view our requirements, please visit our website at <http://www.boe.ca.gov/proptaxes/sprdcont.htm>

- The description shall state the township and range, section numbers or rancho of the annexation area.

Please contact Nikkole Thorn at (916) 323-2898 if you have any questions.

Sincerely,

Ralph L. Davis, Research Manager
Tax Area Services Section

cc: Fresno County Assessor
Fresno County Auditor



BETTY T. YEE
First District, San Francisco

MICHELLE STEEL
Third District, Rolling Hills Estates

JEROME E. HORTON
Fourth District, Los Angeles

JOHN CHIANG
State Controller

BARBARA ALBY
Acting Member
Second District, Sacramento

RAMON J. HIRSIG
Executive Director

STATEMENT OF BOUNDARY CHANGE

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



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

BOE File No.:

COUNTY FRESNO	COUNTY NUMBER 10	ACREAGE 5.17	FEE 350	Res./Ord. NUMBER N/A
CONDUCTING AUTHORITY WAIVED BY LAFCO				LAFCo. RES. DD-09-1
SHORT FORM DESIGNATION "DERREL'S MINI STORAGE DETACHMENT"				EFFECTIVE DATE APRIL 20, 2010

SECTION 1: TYPE OF ACTION (CHECK ONE ONLY)

- | | | | |
|--|--|--|---|
| ☐ City - Annexation (02) | ☐ District - Formation (09) | ☐ District - Name Change (11) | ☐ School District - Transfer of Territory (13) |
| ☐ City - Detachment (14) | ☐ District - Annexation (01) | ☐ Redevelopment - New Project (15) | |
| ☐ City - Incorporation (04) | ☒ District - Detachment (07) | ☐ Redevelopment - Amendment to Project (10) | |
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| ☐ County Boundary Change (16) | ☐ District - Dissolution/Removal from Board Roll (08) | ☐ School District - Thompson Unified (19) | |

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

PINEDALE COUNTY WATER DISTRICT

SECTION 3: AFFECTED TERRITORY

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

SECTION 4: ELECTION

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

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

- | | | |
|--|---|---|
| ☒ Fees | ☒ Certificate of Completion (LAFCo. only) | ☐ County auditor's letter of TRA assignment (consolidated counties only) |
| ☒ Legal description | ☒ Map(s) and supporting documents | |
| ☒ Resolution of conducting authority | ☒ Assessor parcel number(s) of affected territory | |

SECTION 6: CITY BOUNDARY CHANGES ONLY

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

Estimated Population: _____ Total assessed value of all property in subject territory: _____

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

Board of Equalization will acknowledge receipt of filing to:

BOE USE ONLY

NAME JEFF WITTE		chk #:
TITLE EXECUTIVE OFFICER		
AGENCY FRESNO LOCAL AGENCY FORMATION COMMISSION		amt:
STREET 2115 KERN STREET, SUITE 310		
CITY FRESNO	ZIP CODE 93721	ltr #:
TELEPHONE NUMBER (include area code) (559) 95-0604	FAX NUMBER (include area code) (559) 95-0655	
E-MAIL ADDRESS jewitte@co.fresno.ca.us		
SIGNATURE OF AGENCY OFFICER 		DATE 9/16/10

THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION



STATE BOARD OF EQUALIZATION
PROPERTY AND SPECIAL TAXES DEPARTMENT
450 N STREET, MIC: 59, SACRAMENTO, CALIFORNIA
PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0059
TELEPHONE (916) 322-7189
FAX (916) 327-4251
www.boe.ca.gov

September 9, 2010

SECOND NOTICE

Mr. Jeff Witte
Executive Officer
Fresno County LAFCo
2115 Kern Street, Suite 310
Fresno, CA 93721

Dear Mr. Witte:

The statement filed with Tax Area Services as described below is not complete:

Derrel's Mini Storage Detachment, Resolution No. DD-09-1

To satisfy the requirements of Sections 54901 and 54902 of the Government Code, you must file the items below with us. Your statement cannot be processed for the 2011/12 Assessment Roll unless the items are received on or before **December 1, 2010**.

Statement of Boundary Change Form BOE-400-TA

- Effective October 15, 2009, the only form we accept is the BOE-400-TA REV. 02 (10-09). The form submitted is an old version. The new form can be downloaded from our website: <http://www.boe.ca.gov/proptaxes/pdf/400ta.pdf>. Please submit a new form.

Map(s) do not meet requirements as detailed in "Change of Jurisdictional Boundary." To view our requirements, please visit our website at <http://www.boe.ca.gov/proptaxes/pdf/jurboundaryreq.pdf>.

- Project maps(s) shall state the township and range, section numbers or rancho of the annexation area.

Geographic description does not meet requirements as detailed in "Change of Jurisdictional Boundary." To view our requirements, please visit our website at <http://www.boe.ca.gov/proptaxes/sprdcont.htm>

- The description shall state the township and range, section numbers or rancho of the annexation area.

Please contact Nikkole Thorn at (916) 323-2898 if you have any questions.

Sincerely,

Ralph L. Davis, Research Manager
Tax Area Services Section

cc: Fresno County Assessor
Fresno County Auditor

BETTY T. YEE
First District, San Francisco

MICHELLE STEEL
Third District, Rolling Hills Estates

JEROME E. HORTON
Fourth District, Los Angeles

JOHN CHIANG
State Controller

BARBARA ALBY
Acting Member
Second District, Sacramento

RAMON J. HIRSIG
Executive Director





STATE BOARD OF EQUALIZATION
PROPERTY AND SPECIAL TAXES DEPARTMENT
450 N STREET, MIC: 59, SACRAMENTO, CALIFORNIA
PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0059
TELEPHONE (916) 322-7189
FAX (916) 327-4251
www.boe.ca.gov

June 28, 2010



BETTY T. YEE
First District, San Francisco

MICHELLE STEEL
Third District, Rolling Hills Estates

JEROME E. HORTON
Fourth District, Los Angeles

JOHN CHIANG
State Controller

BARBARA ALBY
Acting Member
Second District, Sacramento

RAMON J. HIRSIG
Executive Director

Mr. Jeff Witte
Executive Officer
Fresno County LAFCo
2115 Kern Street, Suite 310
Fresno, CA 93721

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Map(s) do not meet requirements as detailed in "*Change of Jurisdictional Boundary*." To view our requirements, please visit our website at <http://www.boe.ca.gov/proptaxes/pdf/jurboundaryreq.pdf>.

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- The description shall state the township and range, section numbers or rancho of the annexation area.

Please contact Nikkole Thorn at (916) 323-2898 if you have any questions.

Sincerely,

Ralph L. Davis, Research Manager
Tax Area Services Section

cc: Fresno County Assessor
Fresno County Auditor

Note: If you have not already done so, you must file a complete set of documents, except for the processing fee, with the county assessor and county auditor.



Fresno Local Agency Formation Commission

July 6, 2010

Mr. Paul Ridenour, Sr. Vice President
Cotdale L.P.
3265 W. Ashlan Avenue
Fresno, CA 93722

Dear Mr. Ridenour:

Subject: "Derrel's Mini Storage Detachment"

We just received the attached notice from the State Board of Equalization stating that the map and legal description for the "Derrel's Mini Storage Detachment" does not meet their requirements.

For your convenience I have attached a copy of their requirements. Please make the required changes to the map and legal description and return to me as soon as possible so that we may complete the filing with the State Board of Equalization for this detachment.

Sincerely,

Jeff Witte
Executive Officer

JW:cf

Attachment

G:\LAFCO WORKING FILES\MISC LETTERS&MEMOS\Darrel's SBE Correction.docx

Fleming, Candace Lynn

From: Fleming, Candace Lynn
Sent: Tuesday, June 22, 2010 3:05 PM
To: 'Thorn, Nikkole'
Cc: Witte, Jeff; Hendricks, Samantha
Subject: RE: Pinedale County Water District
Attachments: SCAN6865_000.pdf

Attached is the documentation for the Derrel's Mini Storage Detachment. I believe the fee (based on acreage) should be \$350 (if a fee is owed) which was previously sent to the SBE. As far as the Tutelian detachment goes, it was for only 19.77 acres, not detachment of the whole district. It was my understanding that the Pinedale County Water District is paid by assessing the property owner a fee and is not paid by property taxes. It was also my understanding that if property taxes are not involved, the proposal doesn't even need to be filed with the SBE. We have filed informal filings in the past as an FYI. Please let me know if my understanding is incorrect.

Candie Fleming
(559) 495-0604

From: Thorn, Nikkole [mailto:Nikkole.Thorn@boe.ca.gov]
Sent: Monday, June 21, 2010 9:26 AM
To: Fleming, Candace Lynn
Subject: RE: Pinedale County Water District

Candie,

I received the documents you sent me for the Pinedale County Water District Detachment (Tutelian) and looked them over. I don't recall this filing because it was an issue back in 2006 and I am not understanding why it was decided this was thought to involve the whole district when it looks like it is just a detachment of a small area. I can't find in our records where this filing was even processed. Even if it was considered to involve the whole district there would have been a fee. The original letter that was included with this filing that was addressed to Mike Harris says, "No filing with the State Board of Equalization is required. The subject district did not receive property tax levy and this subject change of organization will not result in receiving property tax revenue." I am unclear on why the letter says that but there was an issue and now I can't find anything in the system showing it was done. If Rick Ballantyne wants to call me and try to explain to me what the issue was with the Pinedale County Water District Detachment (Tutelian) filing that would be fine. Then I might understand better what is going on with that.

I need a full packet for the Derrel's Mini Storage Detachment so that I can review it and determine what the fees are. The first packet you sent has the BOE-400, the Certificate of Completion and a Vicinity Map. I need all other documents (Resolution, Geographic Description and Project Map) to move forward. I will review the filing when the remainder arrives and determine what to do.

Nikkole Thorn

Research Analyst I (GIS)
California State Board of Equalization
Tax Area Services Section
916.323.2898 ~ office



Fresno Local Agency Formation Commission

TO: Mike Harris, State Board of Equalization
Robert Werner, County Assessor
Vicki Crow, County Auditor

SUBJECT: "Derrel's Mini Storage Detachment"

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

A certificate of completion was executed by the Executive Officer on April 20, 2010.

The change was effective on April 20, 2010.


Jeff Witte
Executive Officer

Date: April 20, 2010

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

**RESPONSES TO ARGUMENTS MADE IN CORRESPONDENCE FROM
ATTORNEYS REPRESENTING THE PINEDALE COUNTY WATER DISTRICT**

Claim No. 1: Once the looping of the District's water lines is completed, the District can easily achieve the purported 1,500 gallons per minute fire flow requirement.

Response:

1.1 The District's has conceded that the Fire Flow tests performed by the FFD established that during peak hours the District's water system is unable to meet the required fire flow demands during summer peak hour demand periods.

1.2 In a June 16th memo to the Board of Directors of the PCWD, its District Engineer stated the following:

The fire flow available to the District's system in this particular area will be improved after the subject property, **including the vacant property immediately north of Derrel's**, is developed. These distribution system improvements would provide for looping of the three water mains stubbed into the property, which **should** increase available fire flow to this area to **marginally** meet the 1,500 gpm requirement of the City. **However, this improved fire flow would be available only if the City enforces the conditions of approval for Derrel's and requires the same conditions for the property to the north.**

(June 16th Memorandum, p. 3.)

As such, the District's own engineer has stated that even with the proposed conditions, he can only opine that these improvements "should" increase available fire flow to this area to "marginally" meet the fire flow requirements. Furthermore, this improvement in water pressure occurs only if improvements are installed not only of the Derrel's property **but also the property to the north.**

Currently, the City has no idea when the property to the north will develop.

Claim No. 2: Allowing the Detachment will Result in the City violating its 1985 Agreement with the PCWD.

Response:

2.1 If the Subject Property is detached from the PCWD will not result in the City breaching the agreement because:

2.1.1 The agreement clearly addresses the situation of when the City will provide water service to customers in the District's service area. If property is detached from the District's service area, the agreement no longer applies.

2.1.2 Nothing in the agreement precludes the city from providing water service to properties that have been detached from the District's service area.

2.1.3 Derrel's mini-storage has right, independent from the subject contract, to seek detachment through LAFCO from the District.

2.1.4 Other properties that previously were within the District's service area have petitioned for and were granted detachment from the District's service area

2.1.5 Nothing in the Agreement requires the City to agree to the splitting with the District water service between domestic service and fire service.

Claim No. 3: The City must first amend its Urban Water Management Plan to include the Derrel's property within its Water Service Area before it can offer to provide water service to Derrel's:

Responses:

3.1 The Urban Water Management Plan is not the legal document that establishes the area where the City is legally permitted to provide water service. Those determinations are made by LAFCO.

3.2 The policies behind the requirement of Urban Water Management Plans are:

3.2.1 The conservation and efficient use of water shall be actively pursued to protect both the people of the state and their water resources.

3.2.2 The conservation and efficient use of urban water supplies shall be a guiding criterion in public decisions.

(See Water Code, section 10610.4)

3.3 The City has included in its UWMP water supply contingencies in the event the City were to assume the responsibility of providing water service to areas of the City currently served by other water districts and water companies, including the Pinedale County Water District, **after 2013**. Specifically, the UWMP includes low and high land use based water demands. The low land use based demand assumes, in part, that the City would not assume the water service responsibilities of **Pinedale**, Bakman, CSUF, and other private uses to the City systems. (UWMP, p. 6-6, paragraph 6.) The high land use based demand assumes that after 2013, the City would assume the water service responsibilities of **Pinedale**, Bakman, CSUF, and other private uses to the City systems and that this transition would begin to occur in 2013. (UWMP, p. 6-8, paragraph 5.) As such, the City has planned for the possibility in the future of it providing water service to customers currently served by the PCWD.

3.4 Water Code, section 10640 does require the City to periodically review and, if necessary, amend or update its UWMP. This review is to take place at least every 5 years. However, nowhere in the Water Code state that every time it adds a new customer to its service area it must first amend its plan. Again, the purpose of the plan is to provide for the conservation and efficient use of water.

3.5 In this case, the City and Derrel's has already agreed that Derrel's will fully offset its water demand from the Subject Property by reducing water demands at other Derrel's facilities within the City. Therefore, the net effect of providing water to the Subject Property is zero.

Claim No. 4: **The Use of the Categorical Exemption by LAFCO for the approval of this Detachment is not appropriate.**

Response:

The City has no issue with LAFCO's use of the Class 20, Categorical Exemption.



Fresno Local Agency Formation Commission

April 20, 2010

NOTICE OF COMPLETION OF BOUNDARY CHANGE

To: Clerk, Pinedale County District
Clerk, City of Fresno

From: Jeff Witte, Executive Officer *JW*

Subject: "Derrel's Mini Storage Detachment"

All filings for the above have been made, as required by Government Code Section 57200 et seq. The subject change is now complete and effective.

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

The maps showing the change of boundaries were also sent to those agencies listed on the attached letter of transmittal.

JW:cf

Attachments



Fresno Local Agency Formation Commission

DATE: April 20, 2010
TO: Fresno County Recorder - Stop #4
FROM: Jeff Witte, Executive Officer
SUBJECT: "Derrel's Mini Storage Detachment"

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

Please assist the completion of this filing by making the required filing of the boundary description with the County Assessor's Office.

Please provide the information below for verification purposes. Thank you for your assistance.

Recorded at 3:15 pm on April 20, 2010

Document Number 04/20/2010, 20100050876

Signed Jeff Witte

cc: Dave King, Assessor's Office



Fresno Local Agency Formation Commission

DATE: April 20, 2010

TO: Pinedale County Water District
County Elections, Precinct Activities - STOP #28
Stephanie Kahl, Environmental Health - STOP #147
Bernard Jimenez, Public Works & Planning Department, Development
Services Division - STOP #214
Will Kettler, Public Works & Planning Department, Development Services
Division - STOP #214
Development Engineering - STOP #214
Robin Quinn, Road Maintenance - STOP #214
Pat Guerrero, EMIS - STOP #214

FROM: Jeff Witte, Executive Officer 

SUBJECT: "Derrel's Mini Storage Detachment"

All required filings for the subject change have been made. The change was effective on April 20, 2010.

A map of the change is attached.

Attachment



CORPORATE OFFICE: 3265 W. ASHLAN AVE., FRESNO, CA 93722 (559) 224-9900 FAX: (559) 224-1884



April 16, 2010

LAFCO
Attn: Candie Fleming
2115 Kern Street, Suite #310
Fresno, California 93721

Re: Derrel's Mini Storage Detachment

Dear Candie,

Enclosed is our check for \$350.00 payable to the State Board of Equalization.

If you have any questions, please contact me at 224-9901, extension 3005.

Sincerely,

Margaret De Leon
Administrative Assistant

cc: Check #63846

PROPOSAL NO. DD-09-1

AREA TO BE DETACHED FROM THE PINEDALE COUNTY WATER DISTRICT AND ATTACHED TO THE CITY OF FRESNO WATER DEPARTMENT

GEOGRAPHIC DESCRIPTION

Parcel B of Lot Line Adjustment No. 2008-11, recorded January 15, 2009 as Document No. 2009-0004849 of Official Records of Fresno County, and more particularly described as follows:

That portion of Outlot "A" of Parcel Map No. 77-23, in the City of Fresno, County of Fresno, State of California, according to the map thereof recorded in Book 24 at Pages 81 and 82 of Parcels Maps, Fresno County Records, described as follows:

BEGINNING at the Southeast corner of said Outlot "A", said point being on the existing boundary of the Pinedale County Water District;

thence (1) North 89° 51' 00" West, leaving the existing boundary of the Pinedale County Water District, along the South line of said Outlot "A", a distance of 803.17 feet to the Southwest corner of said Outlot "A";

thence (2) North 00° 02' 48" West, along the Westerly line of said Outlot "A", a distance of 256.84 feet to a point on a line that is parallel with and 256.84 feet North of the South line of said Outlot "A";

thence (3) South 89° 51' 00" East, along said parallel line, a distance of 555.70 feet;

thence (4) North 00° 09' 08" East, a distance of 74.96 feet to a point on a line that is parallel with and 331.80 feet North of said South line;

thence (5) South 89° 51' 00" East, along last said parallel line, a distance of 248.84 feet to a point on the existing boundary of the Pinedale County Water District, said point being on the Easterly line of said Outlot "A";

thence (6) South 00° 14' 00" West, along the existing boundary of the Pinedale County Water District, along the Easterly line of said Outlot "A", a distance of 331.80 feet to the **POINT OF BEGINNING**.

Containing an area of: 5.17 Acres

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

BOUNDARY CHANGE RECORDED

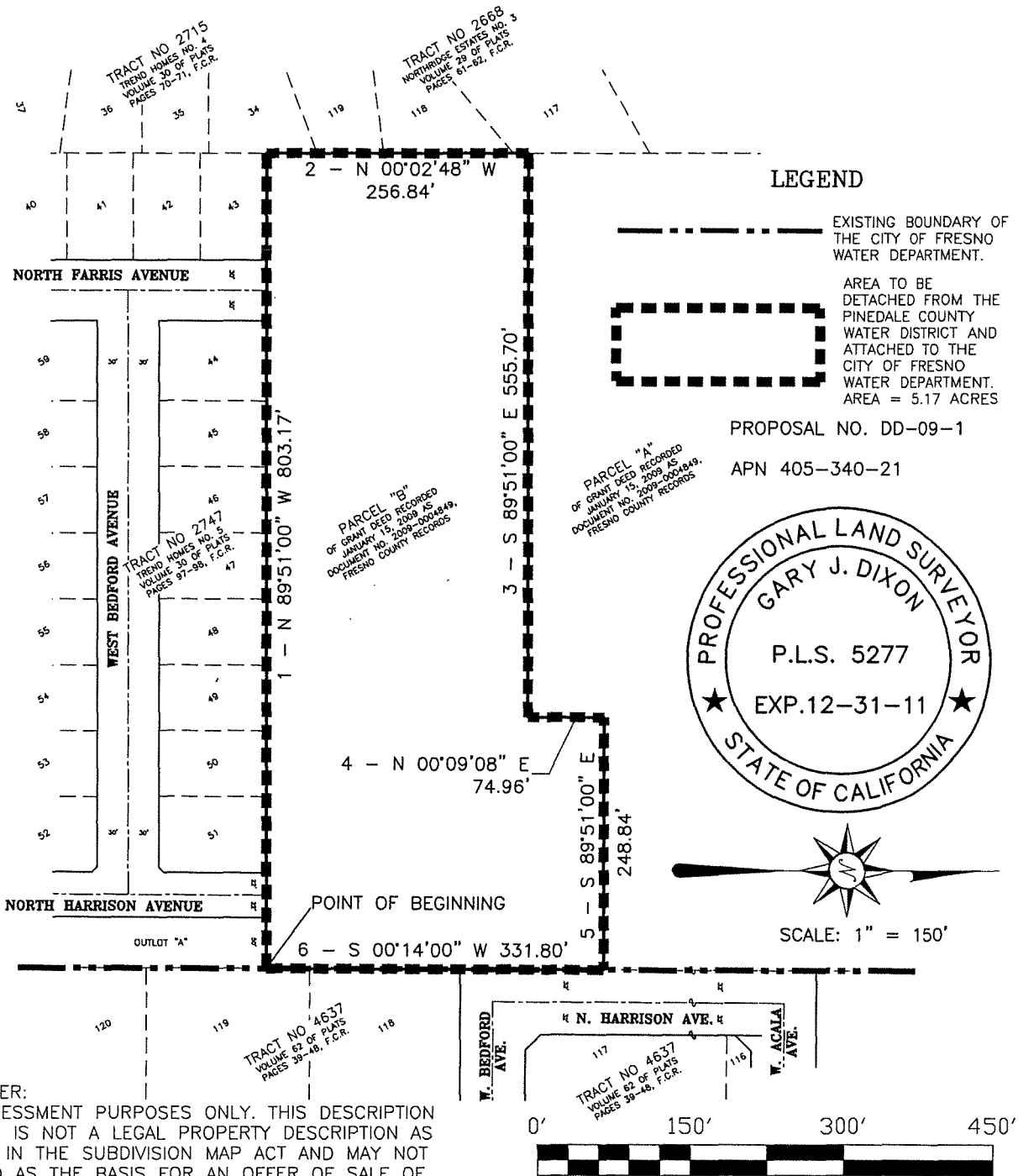
TIME 3:15 p.m. DATE 4/20/10
DOCUMENT # 20100650876
EFFECTIVE 4/20/10

APPROVED

LAFCO RES. # DD-09-1
August 12, 2009
DATE

APPROVED
LAFCO RES. # DL 09-1
August 12, 2009
DATE

BOUNDARY CHANGE RECORDED
TIME 3:15pm. DATE 4/20/10
DOCUMENT # 201000800876
EFFECTIVE 4/20/10



AREA TO BE DETACHED FROM THE PINEDALE COUNTY WATER DISTRICT AND ATTACHED TO THE CITY OF FRESNO WATER DEPARTMENT.

PREPARED BY:

DIXON & ASSOCIATES, INC.
LAND SURVEYING

620 DEWITT, #101
CLOVIS, CALIFORNIA, 93612

PH: (559)297-4200 FAX: (559)297-4272

DATE: 4-05-10
SCALE: 1" = 150'
DWN BY: GJD
WO: 08-068

REVISIONS:

DRAWING NO.

1

OF 1 SHEETS

Derrel's Mini Storage Detachment
Assessor Parcel Number

405-340-21

Fleming, Candace Lynn

From: Thorn, Nikkole [Nikkole.Thorn@boe.ca.gov]
Sent: Monday, June 21, 2010 9:26 AM
To: Fleming, Candace Lynn
Subject: RE: Pinedale County Water District

Candie,

I received the documents you sent me for the Pinedale County Water District Detachment (Tutelian) and looked them over. I don't recall this filing because it was an issue back in 2006 and I am not understanding why it was decided this was thought to involve the whole district when it looks like it is just a detachment of a small area. I can't find in our records where this filing was even processed. Even if it was considered to involve the whole district there would have been a fee. The original letter that was included with this filing that was addressed to Mike Harris says, "No filing with the State Board of Equalization is required. The subject district did not receive property tax levy and this subject change of organization will not result in receiving property tax revenue." I am unclear on why the letter says that but there was an issue and now I can't find anything in the system showing it was done. If Rick Ballantyne wants to call me and try to explain to me what the issue was with the Pinedale County Water District Detachment (Tutelian) filing that would be fine. Then I might understand better what is going on with that.

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Nikkole Thorn

Research Analyst I (GIS)
California State Board of Equalization
Tax Area Services Section
916.323.2898 ~ office
916.327.4251 ~ fax
nikkole.thorn@boe.ca.gov

From: Fleming, Candace Lynn [mailto:CFleming@co.fresno.ca.us]
Sent: Friday, June 04, 2010 3:13 PM
To: Thorn, Nikkole
Subject: RE: Pinedale County Water District

From: Thorn, Nikkole [mailto:Nikkole.Thorn@boe.ca.gov]
Sent: Thursday, June 03, 2010 11:09 AM
To: Fleming, Candace Lynn
Subject: Pinedale County Water District

Candie,

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Derrel's Mini Storage Detachment
Assessor Parcel Number

405-340-21



County of Fresno

Robert C. Werner
Assessor - Recorder

4/22/2010

Local Agency Formation Commission
Fresno County Plaza
Fresno, CA 93711



Re: 2011-12 Assessment Roll

Dear Mr. Ballantyne:

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: APRIL 20,, 2010
City/ District: PINEDALE COUNTY WATER DISTRICT

Ord./Resolution #: DD-09-1

Subject: DERREL'S MINI STORAGE DETACHMENT

Yours Truly,
Robert C. Werner
Fresno County Assessor

Virginia Quevedo
Cadastral Technician III

Fleming, Candace Lynn

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Fresno Local Agency Formation Commission

TO: Mike Harris, State Board of Equalization
Robert Werner, County Assessor
Vicki Crow, County Auditor

SUBJECT: "Derrel's Mini Storage Detachment"

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

A certificate of completion was executed by the Executive Officer on April 20, 2010.

The change was effective on April 20, 2010.


Jeff Witte
Executive Officer

Date: April 20, 2010

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

**CERTIFICATE OF COMPLETION
FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo)**

The Fresno Local Agency Formation Commission is the Conducting Authority.

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

Detachment from the Pinedale County Water District.

The county in which the entire boundary change is located is Fresno County.

The short title, if any, of the detachment proceeding is "Derrel's Mini Storage Detachment"
LAFCo File No. DD-09-1

The territory is uninhabited.

The change of organization was ordered without an election. Resolution No. DD-09-1 ordering the change of organization was adopted by the Fresno Local Agency Formation Commission on August 12, 2009.

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

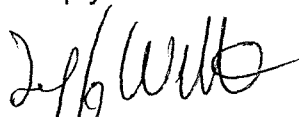
The terms and conditions of the change of organization, if any, are as follows:

1. Cotdale L.P. has executed an indemnification agreement with the Commission, agreeing, among other things, to defend, indemnify, and hold harmless the Commission from and against any claims, actions (including those filed by any state or local governmental agencies), costs, or damages arising out of or in connection with the Commission's actions related to this matter. The agreement was prepared by LAFCo's Counsel.

Note: A fee as established by LAFCo's Fee Schedule to cover the preparation costs was paid prior to preparation and agreement execution.

2. The City of Fresno, the proponent, provided evidence satisfactory to the Executive Officer that it has complied with Mitigation Measure D-12 as identified in the Mitigation Monitoring Checklist prepared for Master Environmental Impact Report No. 10130 / SCH No. 2001071097 for the 2025 Fresno General Plan, prior to recordation and before Occupancy Permits were issued.
3. The landowner and the District executed and recorded an easement agreement, prior to recordation, allowing for the District to construct a portion of a looped water conveyance system on landowner's property. In the event that this agreement was not executed within 30 days of the August 12th hearing, this condition would have been excused.

I, Jeff Witte, Executive Officer of the Fresno Local Agency Formation Commission, hereby certify that the attached legal description does comply with the Commission's resolution of approval.


Jeff Witte
Executive Officer

Dated: April 20, 2010

RESOLUTION NO. DD-09-1

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

IN THE MATTER OF

LAFCO DETERMINATION

A LANDOWNER PETITION REQUESTING DETACHMENT OF TERRITORY FROM THE PINEDALE COUNTY WATER DISTRICT	))))	APPROVED WITH CONDITIONS
--	----------------------------	---------------------------------

WHEREAS, these proceedings were initiated by Landowner Petition to detach 5.17 acres of territory from the Pinedale County Water District; said territory being located on the west side of N. Harrison Avenue, north of W. Bedford Avenue, and also being described within Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, the Chief Petitioner requested approval of this detachment to allow the City of Fresno to provide water service to an approved mini storage site to be developed on the subject property; and

WHEREAS, in 1974, the Commission approved the annexation of the affected territory into the City of Fresno (LAFCo File AC-74-16) and, as a result, the affected territory is located within both the boundaries of the Pinedale County Water District and the City of Fresno; and

WHEREAS, at the time of this annexation, the Commission did not expressly or impliedly limit the authority of the City of Fresno to provide water to overlapping territories, which includes the affected territory; and

WHEREAS, the City of Fresno and the Pinedale County Water District are parties to an agreement, executed in 1985, that appears to determine which agency will provide water service to the overlapping territories served by both agencies; and

WHEREAS, although LAFCo staff believes that the City likely has the legal authority to provide water service to the affected territory, the City has informed LAFCo that it is unwilling to do so without a detachment from the Pinedale County Water District; and

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

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

WHEREAS, this Commission reviewed and considered all information contained within the Environmental documents prepared and submitted by the City of Fresno (Lead Agency), all of which were included within the Executive Officer's report to this Commission; and

WHEREAS, this Commission, acting as "Lead Agency" with respect to the detachment, reviewed and considered whether the detachment was categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Regulations 15320 "Changes in Organization of Local Agencies"; and

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

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

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

Section #2. Acting as "Lead Agency" pursuant to California Environmental Quality Act (CEQA) Guidelines, this Commission finds that the Detachment qualifies for categorical exemption from environmental review, CEQA Regulation Section 15320 "Changes in Organization of Local Agencies".

Section #3. This Commission finds that the proposed reorganization is consistent with *Fresno LAFCo Policies, Standards, and Procedures* Sections 101, 102, and 210, and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Section #4. This Commission assigns the distinctive short form designation "Derrel's Mini Storage Detachment" and approves the detachment subject to the following conditions of approval:

1. Prior to recordation, Cotdale L.P. shall execute an indemnification agreement with the Commission, agreeing, among other things, to defend, indemnify, and hold harmless the Commission from and against any claims, actions (including those filed by any state or local governmental agencies), costs, or damages arising out of or in connection with the Commission's actions related to this matter. The agreement shall be prepared by LAFCo's Counsel.

Note: A fee as established by LAFCo's Fee Schedule to cover the preparation costs shall be paid prior to preparation and agreement execution.
2. Prior to recordation and before Occupancy Permits are issued by the City of Fresno, the proponent shall provide evidence satisfactory to the Executive Officer that it has complied with Mitigation Measure D-12 as identified in the Mitigation Monitoring Checklist prepared for Master Environmental Impact Report No. 10130 / SCH No. 2001071097 for the 2025 Fresno General Plan.
3. Prior to recordation, the landowner and the District shall execute and record an easement agreement allowing for the District to construct a portion of a looped water conveyance system on landowner's property. In the event that this agreement is not executed within 30 days of this August 12th hearing, this condition shall be excused.

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

1. The territory is uninhabited.
2. All landowners have consented to the detachment.

Section #6. This Commission hereby waives further Conducting Authority Proceedings and orders the detachment subject to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the 30-day reconsideration period.

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

* * * * *

ADOPTED THIS 12TH DAY OF AUGUST, 2009, BY THE FOLLOWING VOTE:

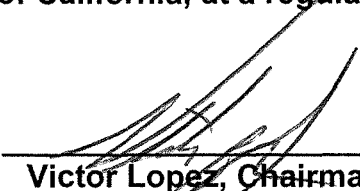
AYES: Commissioners Perea, Rodriguez, Fortune, Lopez

NOES: None

ABSTAIN: Commissioner Anderson

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

I, Victor Lopez, Chairman of the Fresno Local Agency Formation Commission certify that the foregoing resolution was adopted by the Local Agency Formation Commission of Fresno County, State of California, at a regular meeting held on the 12th day of August, 2009.



**Victor Lopez, Chairman
Fresno Local Agency Formation Commission**

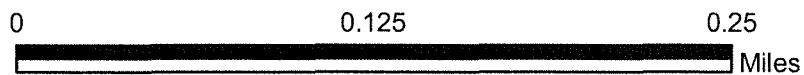
EXHIBIT "A"



Legend

-  District SOI
-  District Area
-  Affected Territory

Pinedale County Water District
"Derrel's Mini Storage Detachment"
LAFCo File No. DD-09-1





Fresno Local Agency Formation Commission

April 20, 2010

Ms. Nikkole Thorn
State Board of Equalization
Property and Special Taxes Department
450 N Street, MIC 59
Sacramento, CA 9479-0059

Dear Ms. Thorn:

Pre our conversation yesterday regarding the detachment of territory from the Pinedale County Water District in Fresno County, I am attaching a memo I found in file from you stating that payment of the SBE fee was not necessary for the "Pinedale County Water District Detachment (Tutelian)" which was a recent similar detachment. As you may recall, I agreed to send a fee in the amount of \$350 for the "Derrel's Mini Storage Detachment" from the Pinedale County Water District, and if after your review you find the fee unnecessary, you were going to return the check.

Thank you for your assistance in this matter.

Sincerely,

Candie Fleming
Clerk to the Commission

Attachment

MEMO TO FILE

Date: June 14, 2006
From: Rick Ballantyne
Subject: June 9th State Board of Equalization Letter

I talked with the State Board of Equalization (Nicole Thorn) regarding their request to pay an additional \$800. After explaining what the detachment/annexation involved, they determined that the \$800 payment was not necessary. They indicated that they thought the application involved the entire district.



STATE BOARD OF EQUALIZATION
PROPERTY AND SPECIAL TAXES DEPARTMENT
450 N STREET, MIC: 59, SACRAMENTO, CALIFORNIA
PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0059
TELEPHONE (916) 322-7185
FAX (916) 327-4251
www.boe.ca.gov

June 9, 2006



BETTY T. YEE
Acting Member
First District, San Francisco

BILL LEONARD
Second District, Ontario

CLAUDE PARRISH
Third District, Santa Ana

JOHN CHIANG
Fourth District, Los Angeles

STEVE WESTLY
Controller, Sacramento

RAMON J. HIRSIG
Executive Director

Mr. Richard S. Ballantyne
Interim Executive Officer
Fresno County LAFCo
2115 Kern Street, Suite 310
Fresno, CA 93721

Dear Mr. Ballantyne:

The statement filed with Tax Area Services as described below is not complete:

Pinedale County Water District Detachment (Tutelian), Resolution No. DD-05-1

To satisfy the requirements of Sections 54901 and 54902 of the Government Code, you must file the items below with us. Your statement cannot be processed for the 2007/2008 Assessment Roll unless the items are received on or before **December 1, 2006**.

Processing fee. See enclosed schedule. Please make check payable to State Board of Equalization. Mail to: P. O. Box 942879, MIC: 59, Sacramento, CA 94279-0059.

- Please submit a check in the amount of \$800.00, payable to the Board of Equalization. Please reference: Tax Area Services Section, MIC: 59.

Acreage	Fee
19.77	\$800.00
Amount Paid	\$0.00
Amount Due	\$800.00

Please contact Nikkole Thorn at (916) 323-2898 if you have any questions.

Sincerely,

William M. Harris, Supervisor
Tax Area Services Section

WMH:nt

cc: Fresno County Assessor
Fresno County Auditor

Note: If you have not already done so, you must file a complete set of documents, except for the processing fee, with the county assessor and county auditor.

NEAL E. COSTANZO
MICHAEL G. SLATER

LAW OFFICES
COSTANZO & ASSOCIATES
A PROFESSIONAL CORPORATION
575 E. LOCUST AVENUE
SUITE 115
FRESNO, CALIFORNIA 93720-2928
(559) 261-0163

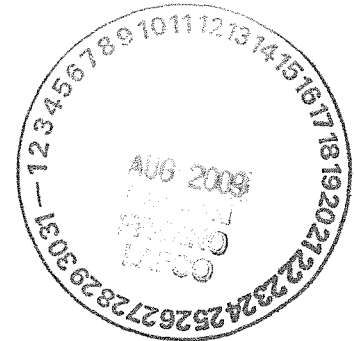
FAX (559) 261-0706

OUR FILE NO. 03343-003

August 10, 2009

SENT VIA U.S. MAIL/FACSIMILE: 495-0655

The Honorable Victor Lopez
Chairman and Members of the Local
Agency Formation Commission (LAFCo)
2115 Kern Street, Suite 310
Fresno, CA 93721



**Re: Pinedale County Water District; Derrel's Mini Storage Detachment;
LAFCo File No. DD-09-1**

Dear Chairman Lopez:

This office serves as the General Counsel for the Pinedale County Water District (PCWD), the affected agency with respect to the referenced proposed detachment submitted by landowner petition. The Executive Officer, in accordance with applicable law, issued his report recommending approval of the proposed detachment. The recommendation for approval is premised on an erroneous determination of the true facts bearing on the proposed detachment and a flawed analysis of the legal obligations and rights of the City of Fresno and PCWD and of LAFCo's obligations under the California Environmental Quality Act (CEQA). Contrary to the conclusions of the Executive Officer's report, approval of this detachment proposal would violate CEQA, the provisions of the Water Code relating to the Urban Water Management Plan (Plan) applicable to the City of Fresno pursuant to Part 2.6 of Division 6 of the Water Code commencing with §10610, and would induce the breach of a 1985 water service contract between the City of Fresno and PCWD. The true factual background of this matter, which is not accurately reflected in the report, compels the conclusion that the application for detachment must be rejected.

1. Background Information.

As noted in the Executive Officer's report "per LAFCo records, the affected territory [a 5.17 acre parcel planned to be developed as a Derrel's Mini Storage facility] is located within Pinedale CWD's water and sewer service areas." Also, as noted in the report, the affected territory is located "within both the boundaries of the Pinedale CWD and the City of Fresno," a circumstance resulting from a 1974 annexation of the entire territory of the

Honorable Victor Lopez
August 10, 2009
Page 2

District into the City of Fresno in 1974. (LAFCo File No. AC-74-16). (Report p. 1). As the report points out, at the time of that annexation, the City of Fresno disclaimed any intent to develop or extend City services into the area served by PCWD and it is clear from "LAFCo records" that the "affected territory is located within Pinedale CWD's water and sewer service areas" and is not located within the City of Fresno's service area. (See, Report at p. 5). In fact, in the 1974 resolution, the Commission noted:

"Though the annexation boundaries include property owned by Pinedale County Water District (PCWD) and the PPUD (Pinedale Public Utilities District), no alteration in the operation of those two districts' facilities is anticipated. We would hope that the Districts and the City would cooperate in the planning of water and sewer lines so that service duplication would not occur."

(Report at p. 2).

The report further points out that the City and PCWD subsequently entered into an agreement in 1985 which the report acknowledges "appears to determine which agency will provide water service to the overlapping territory served by both agencies." In fact, the agreement specifically addresses the situation involved in this detachment proceeding. As with prior developments, here the agreement dictates that the District is to provide domestic water service to the development and the City is to provide water for two on-site fire hydrants on the easterly side of the development with the District to provide water service for an on-site hydrant on the west side of the development. Under the agreement, the District's monthly water service charges would be reduced to account for the City's cost to provide water for fire protection. The agreement provides that the City is to accept 60 percent of the applicable rate for their monthly service charges for standby fire protection. A copy of the 1985 agreement for the provision of water service with the City of Fresno is attached as Exhibit A. According to the report, the detachment proceeding is being prosecuted for the purpose of allowing the City of Fresno to provide water service to the development in derogation of the obligations imposed on the City by virtue of the agreement which was put in place to address the 1974 directive of this Commission that the City and PCWD work cooperatively to address any conflicts that might arise between the City and the District when development takes place within the shared territory of these agencies. (See, Report at p. 4-5). The report states, incorrectly, that a detachment will "allow the City to provide water service without violating the terms of the agreement between the City and the District." (Id. at p. 5). In fact, there is nothing about a detachment that will affect the obligations imposed upon the City of Fresno by virtue of this agreement. In determining a detachment petition, the Commission examines a number of factors, but allowing the City to breach an agreement is not one of the factors the Commission is directed to consider.

The project was considered by the Fresno City Planning Commission on November 5, 2008, pursuant to an application for a Conditional Use Permit (CUP) (No. C-06-94), amendment of the General Plan (A-06-06) and Rezone (R-06-032). PCWD commented on the project in a September 25, 2008, memorandum, a copy of which is attached and incorporated by reference as Exhibit B. The memorandum notes that the parcel is within the District's service area and identifies the applicable connection fees and improvements required to be made by the developer to establish water service. These improvements include the submission of a water plan by the developer for review and approval by the District showing the location of all service laterals and "indicating how service will be extended to the proposed on-site fire hydrants." The developer's plan was also required to "show how the three existing dead-end-water mains belonging to the District shall be looped together at full buildout of the vacant property in this area." (See, Ex. B at p. 2). The September 25, 2008, memorandum by the District came in response to a directive of the project manager of the City of Fresno Department of Public Works advising that the project site is "located within the jurisdiction of another provider for water service" and that the "applicant should contact Pinedale County Water District for service conditions and/or restrictions." The project manager's memorandum makes clear that the "project site SHALL NOT connect to the 8-inch water main in North Harrison Avenue," the water main maintained by the City of Fresno. The project manager's September 3, 2008, memorandum is attached as Exhibit C and incorporated by reference.

The City conducted an environmental assessment (A-06-06/R-06-032/C-06-094), finding a variety of environmental impacts and proposing various mitigation measures to address them. With respect to water, the initial study notes:

"The project is located within the sphere of influence of the Pinedale County Water District and is required to obtain water service from the District. The District has three 8-inch diameter water lines stubbed into the property along the Alluvial, Harrison and Ferris Avenue alignments. It is expected that the eventual buildout of the 26-acre parcel, including the 5.16 acre subject property, will loop these three water lines for the provision of water service to the property."

The study notes impacts to water supply and provides for implementation of mitigation measures. The initial study is attached as Exhibit D and incorporated by reference. The discussion of the water supply issue appears at pp. 7-9 of the initial study. The project was approved by the Planning Commission subject to a series of conditions including Condition No. 18 which provides as follows:

"Comply with memorandum from the Pinedale County Water District dated September 25, 2008, unless applicant seeks detachment from the District through the Fresno Local Agency Formation Commission, in which case the

applicant shall secure water from the City of Fresno. Connect sewer line to the Pinedale Public Utility District, unless applicant seeks detachment from the District through the Fresno Local Agency Formation Commission in which case the applicant shall secure sewer from the City of Fresno."

As noted, the September 25, 2008, memorandum from the District which the developer is required to comply with provides for the extension of the District's water lines into the property on North Harrison Avenue and North Ferris Avenue through the site. These extensions are required in order to allow the District to establish a "looped" water system with a third water main in Alluvial Avenue which is currently stubbed into the property north of the project and within the District's service area. The District's engineer will provide testimony at the hearing concerning the effect of the looping of the system in this area and the consequences to the District's ability to serve the remaining territory it serves if the loop is not established. If the property is detached, the loop cannot be established. The purpose of establishing the loop is to increase the water flow both to the project area and to the area which remains in the District's service area. Once the loop is achieved, which is expected to occur in accordance with the conditions of the CUP on the development of this property, the District can easily achieve the purported 1,500 gallons per minute (gpm) fire flow requirement. If the loop is not established, it will impede the District's ability to provide water service and satisfactory fire-flow requirements to the area currently being served.

2. The proposed detachment is not exempt from CEQA and allowing the City of Fresno to provide water service to the project violates applicable provisions of the Water Code and CEQA.

Part 2.6 of Division 6 of the Water Code, commencing with §10610, define the City as an urban water supplier subject to the requirements of that act because it has more than 3,000 connections. (Water Code §10617). Sections 10620 and 10621 require urban water suppliers like the City of Fresno to adopt an Urban Water Management Plan (Plan). The Plan adopted by the City is lengthy, but attached as Exhibit E are excerpts from Chapters 1 and 3 of the Plan. To provide water service to any area, an agency subject to this Act must develop a plan which includes a description of the service area. The Act essentially requires a detailed description of the water supply needed to match the demand necessary to provide service to the identified service area. (Water Code §10610). Any changes to the Plan must be made in conformity with the Act, which requires public hearings and a comment process similar to that applicable to an EIR. (Water Code §§10621, 10640, and 10642). A change in the service area is a change which must be made in conformity with the Act or an urban water supplier simply cannot provide service to that area. As shown by the excerpts from the City's Plan, the service area of Pinedale County Water District is excluded from the service area contemplated by the Plan. Fresno cannot lawfully provide water service to this area without amending its Plan in accordance with the provisions of

the Water Code. The report does not address the requirements of the Water Code or the fact that under its current Plan, the City of Fresno cannot lawfully serve the project.

A project under CEQA is any activity that may cause a direct or indirect change in the physical environment that requires any form of discretionary entitlement being granted by a public entity. (Public Resources Code §21065). The approval of boundary or territory adjustments that do not allow for or otherwise pave the way for a change in the type or extent of land use have been found not to constitute projects subject to CEQA. (*Simi Valley Recreation and Park District v. LAFCo* (1975) 51 Cal.App.3d 648, 662-666 (detachment of uninhabited land from District in circumstances where the detachment was purely "ministerial" did not constitute a direct or indirect change in the environment because detachment was not "necessary to the carrying out of some private project involving a physical change to the environment" and the development of the property was not dependent upon detachment)). But, there is a distinction between "governmental approval which constitutes an essential step culminating in action which may affect the environment and approval of a reorganization which portends no particular action affecting the environment." (*Fullerton Joint Union High School District v. State Board of Education* (1982) 32 Cal.3d 779, 796-797; *County of Amador v. City of Plymouth* (2007) 149 Cal.App.4th 1089, 1101). The report suggests that this detachment is categorically exempt from CEQA under 14 CCR §15320. This is a provision which essentially codifies the aforementioned case law relating to when environmental assessment of a reorganization or change in organization proceeding by LAFCo is required. This detachment, as shown by the report, is one which is necessary (if at all) to completion of a private project and the development of the project is dependent upon the detachment. It does not fall within the category of projects which portend no particular action affecting the environment. Here, the report acknowledges that if water service is provided by the City of Fresno, that will "increase water demand beyond levels allocated" in the City's current Plan. (Report at p. 3). Thus, the report itself identifies an environmental impact from the detachment that is required to be analyzed under CEQA and as to which an EIR may be required.

The suggestion of the report that the project is categorically exempt under 14 CCR §15320 is baseless. That provision is a categorical exemption applicable to "changes in the organization or reorganization of local governmental agencies where the changes do not change the geographic area in which previously existing powers are exercised. The report reasons, incorrectly, that because the affected territory is located within both the boundaries of Pinedale and Fresno, both agencies have the right to provide water service to this territory. But, as noted above, this project is within the Pinedale service area and not within the service area of the City.

It is clear from the report that neither PCWD or the City is or has provided water service to this area. Thus, the change in organization is not one that will change the geographic area in which previously existing powers are exercised by the City since the

City does not now provide water service to this territory. Whether the City and PCWD are, as stated in the report, both "entitled" to provide water service to this territory is irrelevant. The conclusion that the City is "entitled" to provide water service to this territory disregards the fact that the territory is within the defined service area of the District according to LAFCo records. It also disregards the fact that this territory is not covered by the City's Plan and, therefore, not an area in which the City can lawfully provide water service without the required amendments to its Plan. Further, the 1985 agreement makes clear that the City can only provide water to customers within the District's defined service area when that is "mutually agreeable" between the District and the City. (See, Ex. A at p. 1, ¶ 1). There is plainly no basis for concluding that the project is categorically exempt under this or any other section of the guidelines. Indeed, it is plain that the detachment will inappropriately appropriate water supplies for this project not contemplated either by the City's General Plan or by its Urban Water Management Plan. CEQA review of a project involving the transfer of the right to provide service from one entity to another is plainly required. (*Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 956).

Despite its acknowledgment that the project will increase water demand beyond levels allocated in the current version of the City's Plan and that mitigation measures are required to address that impact (at p. 3), the report suggests that this Commission may avoid compliance with CEQA by enacting "as a condition of approval of this application," a requirement that the project proponent offset or mitigate the increased water demand by providing an "offset" that is acceptable to the City. The report suggests that this can be accomplished by incorporating a mitigation measure included in a version of the City's Master Environmental Impact Report (MEIR) issued after the City's approval of this project. The mitigation measure is a vague one of requiring offset or mitigation in a manner acceptable to the City Department of Public Utilities. (See, Report at p. 3). The City approved this project on a Mitigated Negative Declaration (MND). The adoption of a condition by this Commission to include the revised mitigation measures included after the fact in the MEIR necessarily means that the MND is being changed by adding new mitigation measures. Without regard to the sufficiency of the mitigation measure required, this action would require the re-circulation of the MND. Re-circulation is required if there is significant information added to an EIR or MND, or if there are any changes in the document that deprive the public of a meaningful opportunity to comment on feasible project alternatives. (*Laurel Heights Improvement Assoc. v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1120; *Federation of Hillside and Canyon Associations v. City of Los Angeles* (2004) 126 Cal.App.4th 1180, 1200). In *City of San Jose v. Great Oaks Water Co.* (1987) 192, Cal.App.3d 1005, the City was required to generate a supplemental or further EIR in light of evidence that a change in the water provider for the project which would draw on a new water source that could cause significant environmental impacts not addressed in the original EIR. The contemplated change of the water provider from Pinedale to Fresno, and the necessary use of a different water source for the project

is substantial evidence that the change may cause significant new environmental impacts that are not considered or addressed in the MND.

Further, it is decidedly improper to rely on mitigation measures being incorporated into the MND by action of this Commission in order to enable the Commission to determine that the project is categorically exempt. Mitigation measures cannot be used to create eligibility for a categorical exemption. (*Salmon Protection and Water Shed Network v. Marin* (2004) 125 Cal.App.4th 1098, 1102). Finally, the proposed mitigation measure that is intended to be included by action of this Commission, one that an offset or mitigation measure satisfactory to a City department be provided, is not an enforceable or valid mitigation measure. Mitigation measures that are so undefined that it is impossible to gauge their effectiveness are not adequate. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727) (mitigation calling for purchases of replacement water supplies without specifying whether water was available is an inadequate measure for mitigating project's effect on groundwater supplies); *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 195 (EIR failing to evaluate impact of supplying water and including mitigation measure that development shall not proceed if adequate water is not available is inadequate)). It goes without saying that the City's MND which the report recommends this Commission find to be legally adequate as a responsible agency is not, in fact, legally adequate because it does not address, or provide any mitigation measure for the increased water demand beyond levels allocated in the City's current Plan necessitated by this project. Approval of the detachment will result in a violation of CEQA. LAFCo's Policies, Standards and Procedures, section 558, make clear that this detachment is not exempt from CEQA because the project is not one involving a detachment where "services are no longer provided, are not needed or contemplated by the agency for future provision." LAFCo will be violating its own policies and procedures by approving this detachment without conducting the environmental analysis required by CEQA. The City will be violating the Water Code, if the detachment is approved and the City provides water service to the project because the project is not within its service area defined by its Plan.

3. The 1985 agreement precludes the City from providing water service to this territory unless that is agreed to by PCWD and precludes LAFCo from inducing a breach of the agreement by detaching the territory.

By law, there are identified factors that LAFCo must consider in determining a proposal for a change of organization, including a detachment. (Government Code §56668). The report does not evaluate any of the factors that are to be taken into consideration and provides no guidance as to how those factors should be applied in connection with this proposal. The report does mention the 1985 agreement on three occasions. First, it states that PCWD and City are "parties to an agreement executed in 1985 that appears to determine which agency will provide water service" to this project.

(At p. 2). It acknowledges that the agreement precludes the City from providing water service to this territory unless that has been agreed to by the District and that the "District has not consented to the City providing water to the affected territory." (At. p. 4). It identifies the entire purpose of the detachment proposal, and the basis upon which LAFCo is recommended to approve it, as a measure that will "allow the City to provide water service without violating the terms of the agreement." (Id. at p. 5). But, regardless of what LAFCo does, by providing water service in this territory which is within the District's service area, the City will be breaching the agreement.

The agreement strictly precludes it from providing service to any area within the District's service area and mandates that if it does provide service to such territory, it must accept 60 percent of its normal charges for that service with the balance going to PCWD. PCWD disagrees with staff's legal conclusion that by detaching the territory, it will save the City from breaching this contract; but, whether that is or is not the case is irrelevant. What is relevant is that a desire to allow the City to avoid a contractual obligation is not one of the factors that LAFCo may legitimately take into consideration in determining whether to approve or disapprove this proposal. Those factors are identified by statute. The desire to induce the breach of a contract is not among the factors that LAFCo may consider. The contract imposes a non-discretionary, voluntarily assumed duty on the part of the City to adhere to the protocol prescribed by that agreement for providing service to this project. The failure to adhere to that protocol will necessarily result in the breach of the agreement. Because of the nature of the agreement, which essentially dictates which of the two agencies is to provide water service to a given territory and the terms and conditions under which that service is to be provided, a breach of contract is not compensable in damages and the District is entitled to have the contract specifically enforced. It is clear that the City cannot avoid by these detachment proceedings the contractual obligation imposed on it by this agreement and if LAFCo does approve the detachment of this territory, PCWD will file a complaint in the superior court enjoining the detachment determination from being given effect and requiring the City to perform its obligations under the 1985 agreement. (See, *Ellison v. Ventura Port District* (1978) 80 Cal.App.3d 574, 582; *California Teachers Assoc. v. Nielson* (1978) 87 Cal.App.3d 25, 28-29). The City has a ministerial obligation to comply with this contract.

4. The facts relating to the District's ability to provide adequate fire flow are misrepresented in the report.

The report relies extensively and exclusively on letters and memoranda issued by Byron Beagles, Fire Prevention Engineer with the City of Fresno to conclude that the Fire Code requirements are for 1,500 gallons per minute minimum available fire flows "at any time." (See, documents attached as Ex. A to the report). However, Mr. Beagles was requested by virtue of a formal Public Records Act Request to provide documentation reflecting his interpretation of the Fire Code requirements and could provide nothing. A

copy of a February 20, 2009, letter to Mr. Beagles making this request together with his response of February 25, 2009, reflecting that there is no document that supports his novel interpretation of the Fire Code requirements are attached and incorporated by reference as Exhibit F. As can be seen from the materials attached to Mr. Beagles' response to the Public Records Act Request, the requirement is that the water system capacity meet average daily demand plus fire flow or peak hour demand, not peak hour demand plus fire flow. Shortly after the project was approved, the District and the City each separately tested the District's fire flow at the subject hydrants. The District's fire flow tests conducted by an independent contractor showed a fire flow of 2,400 gallons per minute. The City Fire Department was dissatisfied with this test and conducted their own test and obtained a flow rate of 2,200 gallons per minute. Because these test results did not provide the City with any basis for claiming that the District could not satisfy the Fire Code requirement, Mr. Beagle embarked on a crusade to essentially change the requirement, which is nowhere reflected by any ordinance, state law or other enactment, taking the position that the 1,500 gpm fire flow requirement must be achievable during peak usage hours. As noted, the District disagrees with that determination. LAFCo is not equipped, and is not authorized, to adjudicate factual disputes and to interpret the meaning of state law (the Fire Code) in a detachment proceeding. Here, the City and PCWD have a legal/factual dispute that can only be resolved by intervention of the courts. Certainly, LAFCo does not have the authority to determine what is required by state law relative to fire flow, or to determine whether or not the District can or has achieved those requirements.

In an effort to secure information that would, in its view, justify the City's breach of the 1985 agreement, on May 28, during peak usage time, the Fire Department conducted a third test and obtained a reading of 1,415 gpm, slightly less than the purported 1,500 gpm requirement set by the Fire Code, at least as interpreted by Mr. Beagles. Given the significant reduction from prior test results, there are substantial questions surrounding the validity of the test results or the methodology used by the Fresno Fire Department to secure them. Regardless, it is beyond dispute that once the District's mains are looped as required by the CUP issued by the City, and which will necessarily be accomplished as a part of this project, the District will easily be able to meet the 1,500 gpm requirement at any time of the day. In the report, there is an irrelevant and erroneous discussion about "options" available to PCWD or the developer to satisfy the "peak demand fire flow requirements." (At p. 4). The report characterizes these options as consisting of upgrades to the District's system involving additional wells or booster pumps and increasing the size of existing main lines. (Id.). Needless to say, such improvements would be cost prohibitive for this developer, but more importantly, they would not be necessary. Once the system is looped, any arbitrary fire flow requirement the Fire Department unilaterally attempts to impose on the District can be easily met. That, of course, is the very reason for the District's requirement of those improvements as set forth in its September 25, 2008, memorandum incorporated into Condition 18 of the CUP.

5. The proposal is not consistent with LAFCo Policies, Standards or Procedures, creates an illogical boundary and inefficiencies in the District's water supply system.

As noted, if the detachment is permitted, the District cannot loop its water mains. This will preclude the District from enhancing pressure and water flow throughout its water supply system. It will reduce the fire flow available to service the existing territory of the District. In short, the detachment will effectively prohibit the District from implementing a planned improvement designed to increase the efficiency of its water system.

The proposal is not consistent with the City's General Plan or the Bullard Community Plan because both of those plans provide for water service to the District's territory to be provided by the District.

Literally, the only policy, standard or procedure referred to in the report which might arguably cut in favor of approval of the proposal is that portion of Section 102 of the LAFCo's Policies, Standards and Procedures stating that a city should develop plans for orderly detachment of territory from the District so as to be the provider of urban services of territory within its sphere of influence. (At p. 5). Here, of course, as shown above, the City has not developed any plans for orderly detachment of territory from the District and has, in fact, entered into an agreement with the District which it now wishes to disregard which dictates who, between the two of them, should provide service to a given location. Further, the reliance on this sole passage from the Policies, Standards and Procedures disregards all other factors that the Commission is statutorily obliged to consider in determining the proposal. Whether the territory is within a sphere of influence of the City is simply one consideration of many that LAFCo is statutorily required to consider in determining this petition.

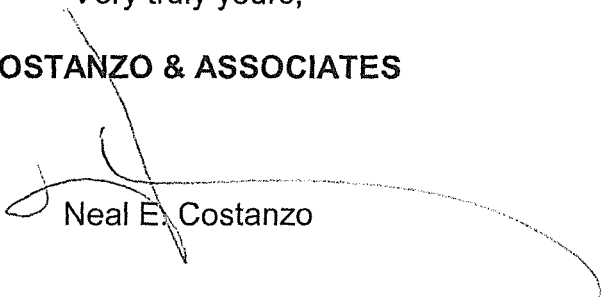
Here, it is clear from the report that there is no determination that the City can even provide water to the affected territory because there are significant questions concerning the proponent's ability to offset the project's water use. That the proposal is not consistent with orderly and logical development in establishment of service areas is plain from a review of the map that is attached to the report. The map shows that detachment will create a peninsula within the District's service area, a condition that has been consistently recognized by this Commission as an illogical and disorderly development. Given the utter lack of any even arguable legitimate factual or legal basis for approving this proposal, it seems clear to PCWD that what this Commission is doing is advancing its desire to see the District merged or acquired by City. That desire is plainly reflected in an October 10, 2007, resolution of this Commission (Resolution No. MSR-07-35B). In reality, the Commission is engaged and has long been engaged in a piece-meal taking of territory from the District and granting that territory to the City. The practice will apparently continue until there is no territory left in the District or until the territory is so small that the District

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Page 11

cannot economically service it. By engaging in these piece-meal takings and annexations, the Commission is effectively disenfranchising the voters and depriving them of their statutory right to vote on a merger of the District with the City. (See, Government Code §§57107-57109, 57114). In this respect, the Commission is not proceeding in a manner that is not authorized by applicable law. The proposal is required to be rejected.

Very truly yours,

COSTANZO & ASSOCIATES



Neal E. Costanzo

NEC/tm
Enc.

cc: Rick Ballantyne, Executive Officer
Darrell Schmidt, Deputy Executive Officer
Local Agency Formation Commission
Pinedale County Water District
James McKelvey
Ken Price, Esq.

EXHIBIT A

AGREEMENT FOR THE PROVISION OF WATER SERVICE

THIS AGREEMENT is made and entered into on this 31st
day of DECEMBER, 1985, by and between PINEDALE COUNTY
WATER DISTRICT (hereinafter the "District", and the CITY OF FRESNO
(hereinafter the "City"), agree as follows:

RECITALS

WHEREAS, the District is furnishing water service to customers
pursuant to the provision of Water Code 30.000 et seq within the
County of Fresno and City of Fresno;

WHEREAS, the service area within which the District provides
water service (hereinafter the "service area"), is located within
Fresno County and portions of the City; and

WHEREAS, the District and the City desire to provide water
service to their respective customers in the most efficient and
economical way;

NOW, THEREFORE, in consideration of the mutual promises and
covenants recited herein, the parties agree as follows:

I

Covenants of the City

1. When mutually agreeable, the City will provide water to
customers within the District service area.
2. The water service charges to the customer in the district
service area, shall be billed by the district in accordance with
the districts schedules of fees and charges.
3. The City agrees to accept as payment for water used, an
amount equal to 60% of the applicable City rate(s).
4. The City agrees to a bi-monthly payment and billing cycle.
5. ~~The City agrees to pay the District any service charges,
or portions thereof collected in accordance with this agreement,
within 45 days of close of billing period.~~
6. The City agrees to be responsible for maintenance of city
owned mains and services.
7. The City agrees, the attached Exhibit "A" is the list of
customers in the city service area served by the District.
8. The City agrees, the attached Exhibits "A" and "B", may
be changed by addendum; adding, or deleting items listed.

BY [Signature] Pinedale District
BY [Signature] City of Fresno
11-10-85

Addenda shall be signed by the City and District Water Manager.

II

Covenants of the District

1. When mutually agreeable, the District will provide water service to customers within the City service area.
 2. The water service charges to the customer in the city service area, shall be billed by the City in accordance with the City's schedule of fees and charges.
 3. The District agrees to accept as payment for water used, an amount equal to 60% of the applicable district rate(s).
 4. The District agrees to a bi-monthly payment and billing cycle.
 5. ~~The District agrees to pay the City any service charges, or portions thereof, collected in accordance with this agreement, within 45 days of close of billing period.~~
 6. The District agrees to be responsible for maintenance of district owned mains and services.
 7. The District agrees, the attached Exhibit "B" is the list of customers in the district service area served by the city.
 8. The District agrees, the attached Exhibits "A" and "B", may be changed by addendum; adding, or deleting items listed.
- Addenda shall be signed by the City and District Water Managers.

BY Donna L. Miller Pinedale District
BY Br. W. Miller City of Fresno

III

Other Provisions

1. This agreement shall continue unless terminated by the first one of the following events: (a) adoption of an agreement superseding this agreement; (b) the delivery of a notice of termination, 180 days minimum by either party.
2. This Agreement shall be binding upon and to the benefit of the District and the City and their respective successors and assigns.
3. This Agreement shall be deemed to be a contract under the law of the State of California and for all purposes shall be construed in accordance with the laws of said state.
4. Articles and section headings used in this Agreement are for convenience only and shall not affect the construction of this agreement.

5. This Agreement may be executed in counterparts, each of which once so executed and delivered shall be deemed to be an original and all of which together shall constitute but one and the same Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers and representatives as of the day and year recited hereinbelow, which shall be the effective date of this Agreement.

CITY OF FRESNO
a municipal corporation

Date: 1/3, 1986 By [Signature]

Pinedale County Water District

DATE: Sept 17, 1985 By [Signature]

BM/rg
8/7/85

APPROVED AS TO FORM

CITY ATTORNEY'S OFFICE

By: [Signature]
Deputy

ATTEST:

JACQUELINE L. RYLE, C.M.C.
CITY CLERK

By: [Signature]
Deputy

EXHIBIT "A"

Customers in the City Service Area served
by the district

Service	Name/Address	APN
Size/Type		

EXHIBIT "B"

Customers in the District service area served by
the City

<u>DATE</u>	<u>SERVICE</u> Size/Type	<u>NAME/ADDRESS</u>	<u>APN</u>
1/86	4" Fire Service	Kingsview Corp. 1470 W. Herndon Fresno, CA 93711	405-370-01
1/86	2" Commercial Water Service	Kingsview Corp. 1470 W. Herndon Fresno, CA 93711	405-370-01

CITY OF FRESNO
a municipal corporation

Date: 1-3-86, 1986

By

Randy J. Lamer

Pinedale County Water District

Date: Jan 3, 1985

By

Donna L. Lamer

EXHIBIT "B"

Customers in the District service area served by the City

<u>DATE</u>	<u>SERVICE</u>	<u>NAME/ADDRESS</u>	<u>APN</u>
3/86	All 1" or 3/4" residential services	320 E. Warner Avenue	408-062-18
		330 E. Warner Avenue	408-062-17
		342 E. Warner Avenue	408-062-16
	On PCWD water line	352 E. Warner Avenue	408-062-15
	On PCWD water line	364 E. Warner Avenue	408-062-14
	On PCWD water line	374 E. Warner Avenue	408-062-13
		308 E. Warner Avenue	408-062-25
		307 E. Warner Avenue	408-063-06
		319 E. Warner Avenue	408-063-07
		329 E. Warner Avenue	408-063-08
		341 E. Warner Avenue	408-063-09
		351 E. Warner Avenue	408-063-10
		363 E. Warner Avenue	408-063-11
	a lot -	373 E. Warner Avenue	408-063-12
		321 E. Herndon Avenue	408-062-07
		331 E. Herndon Avenue	408-062-08
	a lot -	343 E. Herndon Avenue	408-062-09
		353 E. Herndon Avenue	408-062-10
		365 E. Herndon Avenue	408-062-11
	a lot -	375 E. Herndon	408-062-12
		294 E. Magill	408-063-20
		306 E. Magill	408-063-19
		318 E. Magill	408-063-18
		328 E. Magill	408-063-17
		340 E. Magill	408-063-16
		350 E. Magill	408-063-15
		362 E. Magill	408-063-14
		6709 N. Fresno St.	408-063-13
		6685 N. Fresno St.	408-070-08

Kandarian HM

HM

1470 W. Herndon HM

CITY OF FRESNO
a municipal corporation

Date: 4-15-86, 1986 By R.W. Miller

Pinedale County Water District

Date: 4-16-86, 1986 By Dan McEnroe

AGENDA ITEM NO. 1A-2

COUNCIL MEETING December 31, 1985

APPROVED BY

DEPARTMENT DIRECTOR

CITY MANAGER

December 26, 1985

FROM: Public Works Department

BY: R. L. Garner, Acting Water Systems Manager

SUBJECT: AGREEMENT WITH PINEDALE COUNTY WATER DISTRICT
WATER SERVICE TO BOUNDARY AREAS

BACKGROUND

From time to time Council has authorized the City to enter into contractual water service agreements with other metropolitan area water purveyors. These agreements allow either party to provide water to customers within the other party's service area in order to provide economical service to adjacent developing properties. Benefits derived from these agreements include prevention of duplicate facilities in boundary streets, elimination of long water main extensions to remote parcels, and in some cases improved fire protection capabilities. Each party will maintain ownership of and will provide maintenance for, those facilities contained within their respective service areas. Each party agrees to accept as payment for water used, an amount equal to 60% of their own applicable rates; the remaining balance will be allocated to the party having jurisdiction over the service area to offset service billings, collections, and facilities maintenance expenses.

At the present time, the City and Pinedale County Water District have not entered into a cooperative agreement for the provision of water service. This District wishes to enter into a master agreement allowing either party to extend water service into the other's service area when mutually beneficial and agreeable. Specific parcels to be served by each party will appear as exhibits to the master agreement. Authority is granted to the City and District Water Systems Managers to add or delete parcels by addenda to the master agreement which shall be signed by both water managers.

The District's request was prompted by the immediate need to serve a parcel (A.P.N. No. 405-370-01) located at the northeast corner of Delno and Herndon Avenues. This parcel, consisting of 2.16 acres, is located within the District's service area and can be more economically served from the City's water system. The parcel is located within 50 feet of the nearest City distribution main, located in West Herndon frontage road and within 300 feet of the District's nearest main, which is located in north Fruit Avenue. Proposed services for this parcel include a 2-inch water service, a 4-inch on-site fire service, and a single public fire hydrant. The developer will fund all facilities, including an eight-inch main in Delno Avenue to complete a tie loop between existing City dead-end mains located in Boston and Herndon Avenues, as well as the necessary 12-inch main extension in Herndon Avenue to the point of service.

THE ISSUE

Should the City enter into an agreement with the Pinedale County Water District for the provision of water service adjacent to common service boundaries?

ALTERNATIVES AVAILABLE TO COUNCIL: IMPLICATIONS OF ALTERNATIVES

1. The Council may authorize the City to enter into an agreement which will provide water service to boundary areas at reasonable cost.
2. The Council may elect not to authorize the City to enter into this agreement which would ultimately increase the cost of water service to the boundary areas.

CONCLUSIONS AND RECOMMENDATIONS

It is recommended that Council authorize the City to enter into an agreement with Pinedale County Water District for the provision of water service to boundary areas and further authorize the Public Works Director to sign the agreement on behalf of the City.

RLG:ml

Presented to City Council

Date

Disposition

12/31/85

Approved

EXHIBIT B

Pinedale County Water District

Phone: (559) 439-2362 FAX: (559) 439-1309
480 W. Birch St. Pinedale, California 93650

September 25, 2008

Derrel's Mini Storage
3265 W. Ashlan Avenue
Fresno, CA 93722

FAX: (559) 224-1884

Attn: Joshua Latham

Subject: Proposed Mini Storage
Harrison Avenue North of Bedford Street
Amendment Application A-06-006
Rezone Application R-06-032
Conditional Use Permit Application C-06-094
Lot Line Adjustment 2008-11

Dear Sir:

The District has received a site plan for a proposed mini storage facility on the subject site. The site plan depicts 29 individual storage facilities totaling approximately 110,350 square feet of storage area, to be constructed in two phases. There are 3 on-site fire hydrants shown on the plan and perimeter landscape improvements.

Please submit two copies of a utility plan to the District for review and approval to show how service will be provided for fire hydrants and landscape services. Any proposed water service shall be metered and equipped with a reduced pressure principle (RPP) backflow device.

The parcel is within the service area of the Pinedale County Water District. The following comments are offered with respect to the provision of water service by the District.

Water Connection Fees:

Currently, water connection fees are based upon the number of units for residential services and the square footage of the building area for commercial and industrial uses, with each 1,500 square feet of building area representing one unit equivalent. The current rate is \$1,230/unit for water. Frontage fees are also applicable unless main line construction is provided and facility ownership is transferred to the District.

Based upon the proposed square footage, the development would be equivalent to 74 units. The following connection fee would apply:

$$\text{Water Production - 74 Units @ } \$1,230.00 = \$ 91,020.00$$

It is assumed that water mains will be constructed by the applicant and ownership of the facilities transferred to the District. Plan check and inspection fees will also apply to this construction.

As previously advised, the District has three water mains stubbed into the vacant property in this area. Two of these mains are located on Farris and Harrison Streets at the southerly end of your proposed parcel. The other water main is stubbed to the westerly side of the remaining vacant lot north of your project site at the existing end of Alluvial Avenue.

The site plan does not show how the remainder of the vacant parcel will be developed. In any event, the District has always anticipated that the three dead-end water mains described above would eventually be looped together with the development of the vacant property in this area.

Proposed Conditions:

1. A water plan shall be submitted to the District for review and approval showing the locations of any service laterals and indicating how service will be extended to the proposed on-site fire hydrants.
2. The water plan shall show how the three existing dead-end water mains belonging to the District shall be looped together at full build-out of the vacant property in this area.
3. The developer shall pay all costs for design and construction of the water main and pay appropriate plan check and inspection fees to the District.
4. Easements for water mains passing through the site shall be provided to the District. However, any costs for maintenance of on-site water improvements or restoration of on-site improvements shall be the responsibility of the property owner.
5. Upon completion of construction, applicant/engineer shall provide an as-built plan of on-site utilities and submit the plan to Pinedale County Water District. The as-built plan shall be drawn to highlight water facilities connected to District mains and constructed within the project site.
6. Water improvements for the remaining vacant parcel to the north may be deferred until the time of development of that parcel.

The following notes are provided for your information:

1. Inspection of the construction shall be coordinated with District personnel. Contact the District office at (559) 439-2362 a minimum of 48 hours in advance of the construction.
2. On-site utility construction, i.e. service lines to the building, shall be inspected by the City of Fresno through appropriate application for a plumbing permit.
3. A street work encroachment permit shall be required from the City of Fresno if any work is performed within the street right-of-way.
4. Any backflow devices shall be inspected and tested by a certified backflow prevention specialist, and a copy of the report shall be provided to the District. It will be the applicant/property owner's responsibility to perform the annual test on the backflow device and submit the reports to the District.

Should there be any questions, you may contact the District's General Manager, Larry DeSantos, by telephoning (559) 439-2362 during normal business hours.

Sincerely,

Frank L. Daniele
District Engineer for the
Pinedale County Water District

Cc: Larry DeSantos, General Manager
Bruce Barnes, City of Fresno

EXHIBIT C

City of



DEPARTMENT OF PUBLIC UTILITIES

Date: September 03, 2008

To: BRUCE BARNES, Project Manager
Planning and Development Department, Planning

From: CHRIS WEIBERT, Management Analyst II
Public Utilities Department, Administration

Subject: A-06-006, R-06-032, C-06-094, LLA-2008-011, revised applications have been filed by Sol Development on behalf of Darrels Mini Storage regarding the southern most 5.14 acres of a larger 26.0 acre property located on the west side of North Palm Avenue, between East Alluvial Avenue and the East Nees Avenue Alignment. A-06-006 is requesting to amend the 2025 Fresno General Plan and the Bullard Community Plan from the medium low density residential planned land use designation to the office-commercial planned land use designation. The plan amendment also includes the reclassification of West Alluvial Avenue between North Palm and North Harrison Avenues from a collector street to a local street and remove North Harrison Avenue as a collector street north of West Alluvial Avenue. R-06-032 is requesting a rezone from the AE-20-UGM, Twenty-Acre Agriculture Exclusive-Urban Growth Management, zone district to the S-L-UGM, Storage Limited-Urban Growth Management, zone district. C-06-094 proposes the development of a two phased 110,000 plus square foot mini storage facility that will not contain a caretakers residence. LLA-2008-011 proposes to reconfigure the two existing parcels into resulting in a 21.08 acre parcel and a 5.17 acre parcel.

Environmental Comments

Project site is located within the jurisdiction of another provider for water service. The applicant should contact Pinedale County Water District for service conditions and/or restrictions.

Therefore, the project site SHALL NOT connect to the 8" water main in North Harrison Avenue.

EXHIBIT D

CHAPTER 1. INTRODUCTION

PURPOSE

10620 (a) Every urban water supplier shall prepare and adopt an urban water management plan in the manner set forth in Article 3 (commencing with Section 10640).

10621 (a) Each urban water supplier shall update its plan at least once every five years on or before December 31, in years ending in five and zero.

In accordance with Urban Water Management Planning Act, as included in the California Water Code, Division 6, Part 2.6, every urban water supplier in California providing water for municipal purposes either directly or indirectly to more than 3,000 customers, or supplying more than 3,000 acre-feet of water annually, is required to prepare and adopt an Urban Water Management Plan (UWMP). The adopted UWMP must then be updated at least once every five years on or before December 31, in years ending in five and zero. An urban water supplier that does not prepare, adopt and submit its UWMP to the California Department of Water Resources (DWR) is ineligible to receive certain grant funding or receive drought assistance from the state.

The City of Fresno (City) is a water retailer. In 2007, the City supplied 165,798 acre-feet (af)¹ of potable water to 130,167 water services² in the City of Fresno water service area, and is therefore subject to the requirements of the Urban Water Management Planning Act (UWMP Act).

PLAN CONTENTS, ORGANIZATION AND FORMAT

The UWMP Act, established in 1983 by Assembly Bill 797 and amended numerous times since then (most recently in 2005 by Senate Bill 1087), establishes the requirements for a UWMP. The latest version of the UWMP Act is provided in Appendix A. This 2008 UWMP for the City has been prepared in accordance with those requirements and contains information which is necessary to plan for the efficient use of urban water supplies within the City's water service area. This information is contained in the following chapters:

- Chapter 1: Introduction
- Chapter 2: Plan Preparation, Coordination and Adoption
- Chapter 3: Water Service Area
- Chapter 4: Water Supply
- Chapter 5: Water Supply Reliability
- Chapter 6: Water Demand
- Chapter 7: Comparison of Supply and Demand

¹ Source: City of Fresno Production Statistics (prdstats.xls), water supply shown is for 2007 calendar year.

² Source: City of Fresno Public Water System Statistics Report for Calendar Year 2007.

- Chapter 8: Demand Management Measures
- Chapter 9: Water Shortage Contingency Plan
- Chapter 10: Recycled Water

Appendices to this UWMP include the following additional information:

- Appendix A: UWMP Act
- Appendix B: Agency and Public Notices Regarding UWMP Preparation and Adoption
- Appendix C: Resolution to adopt this updated UWMP
- Appendix D: USBR and FID water supply contracts and agreements
- Appendix E: Fresno Area Regional Groundwater Management Plan
- Appendix F: City Municipal Code Water Regulations and Provisions
- Appendix G: Annual Conservation Program Status Report
- Appendix H: Excerpts from City Water Conservation Plan
- Appendix I: Residential Water Meter Plan
- Appendix J: Draft Resolution for the Implementation of the Water Shortage Contingency Plan

To demonstrate compliance with applicable water codes, applicable water code provisions are shown in italics at the beginning of each chapter or section. Furthermore, to demonstrate completeness and assist DWR in their review of this 2008 UWMP, where applicable, tables in this 2008 UWMP include corresponding DWR table numbers from DWR's Guidebook for Preparation of a 2005 Urban Water Management Plan (see Table ES-1 in the Executive Summary showing table cross-references).

GLOSSARY OF TERMS AND ACRONYMS

The following terms and acronyms have been used throughout this UWMP to improve document clarity and readability.

ADAF	Average day annual flow
ADWF	Average dry weather flow
Af	Acre-feet
afa, af/yr	Acre-feet per year
Bakman	Bakman Water Company
BMPs	Best Management Practices
BOD	Biological Oxygen Demand
Bureau	United States Bureau of Reclamation

CEQA	California Environmental Quality Act
Cfs	Cubic feet per second
CI	Commercial and industrial
CII	Commercial, industrial and institutional
CIMIS	California Irrigation Management Information System
City	City of Fresno
CSUF	California State University, Fresno
CUWCC	California Urban Water Conservation Council
CVP	Central Valley Project
CVWAC	Central Valley Water Awareness Committee
DMMs	Demand Management Measures; fourteen water conservation measures included in the UWMP Act
DOF	State of California Department of Finance
DWR	State of California Department of Water Resources
Et _o	Evapotranspiration
FARGMP	Fresno Area Regional Groundwater Management Plan
FID	Fresno Irrigation District
FY	Fiscal year
FYP	Flex Your Power
GIS	Geographic Information System
Gpcd	Gallons per capita per day
Gpd	Gallons per day
GWMP	Groundwater Management Plan
HCF	Hundred cubic feet
Herndon	Herndon Water Company
KRWA	Kings River Water Association
MEF	Modified Energy Factor
MG	Million gallons
Mgd	Million gallons per day
Mg/L	Milligrams per liter
MOU	Memorandum of Understanding
NRDC	National Resources Defense Council
OES	Office of Emergency Services
Park Van Ness	Park Van Ness Mutual Water Company
PG&E	Pacific Gas and Electric Company
Pinedale	Pinedale County Water District
RWQCB	Regional Water Quality Control Board

RWRF	Regional Wastewater Reclamation Facility
SOI	Sphere of Influence
SWTF	Surface Water Treatment Facility
TDS	Total Dissolved Solids
TSS	Total Suspended Solids
UAFW	Unaccounted-for Water
ULFT	Ultra Low Flush Toilet
USBR	United States Bureau of Reclamation
UWMP	Urban Water Management Plan
UWMP Act	Urban Water Management Planning Act; enacted in 1983; establishes requirements for a UWMP
WF	Water Factor
WMP	Water Master Plan
WRCC	Western Regional Climate Center
WRF	Wastewater Reclamation Facility
WRIME	Water Resources & Information Management Engineering, Inc.; preparer of regional groundwater model (see Chapter 4)
WYA	West Yost Associates; preparer of this UWMP

CHAPTER 3. WATER SERVICE AREA

WATER SERVICE AREA

10631 (a) Describe the service area of the supplier; including current and projected population, climate and other demographic factors affecting the supplier's water management planning. The project population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available.

Service Area Description

The City currently encompasses over 110 square miles and the City Water Division serves an estimated service area population of 502,657 people (as of January 1, 2008). With the exception of the Bakman Water Company (Bakman), Pinedale County Water District (Pinedale), Herndon Water Company (Herndon)¹, Park Van Ness Mutual Water Company (Park Van Ness), California State University at Fresno (CSUF), and private groundwater users located within county islands, the City serves the entire area encompassed by its City Limits and Sphere of Influence (SOI). The SOI is coincident with the General Plan Boundary and therefore, includes all lands planned to be annexed by the City by 2025. Figure 3-1 shows the City's water service area. Future growth includes the area known as the Southeast Growth Area, and expansion of the City limits along the western and southern boundaries to the SOI.

Service Area Population

Historical and projected population was developed using data collected from the City and the California Department of Finance (DOF). The actual methodology used to develop existing and future population estimates is described in more detail below.

Historical Water Service Area Population

The City of Fresno (City) was founded in 1885 in the heart of the nation's richest agricultural county and has historically been one of the fastest growing cities in the United States, with the population increasing from 10,818 persons in 1900 to 60,685 in 1940, and 218,202 in 1980 (Census data)². According to the U.S. Census, the City population was 354,282 in 1990, and 427,652 in 2000³.

In the 1986 City of Fresno Urban Water Management Plan (UWMP), it was estimated that the population served by the City Water Division was 269,824; 15,176 less than the City population of 285,000⁴, which accounted for areas within the City Limits which were served by private water

¹ It should be noted that the City is considering acquiring the Herndon Water Company and incorporating it into the City's water service area in the near future.

² City of Fresno Urban Water Management Plan 1986-1995, page 28,

³ U.S. Census website (www.factfinder.census.gov), 1990 and 2000 Census data for the City of Fresno.

⁴ City of Fresno Urban Water Management Plan 1986-1995, page 29 footnote.

companies, special districts, or their own wells. In 1989, the City Water Division acquired numerous County water facilities and began serving customers previously served by the County. This added a significant number of customers to the City's water service area; however, the exact number of customers added is unknown.

In 2000, the City Water Division developed a methodology for calculating the population of the City's water service area. The methodology involved summing all of the Census tract data for the April 2000 Census for the City's overall service area, and subtracting out tracts not served by the City. These tracts included areas served by Bakman, Pinedale, Herndon, Park Van Ness, and the City of Clovis, as well as areas outside the City service area, unserved areas within County areas, unserved areas within City areas and areas with only partial service (i.e., straddling City service areas). This population was then adjusted based on a 1.9 percent annual growth rate (based on the Fresno County Council of Government's (COG) growth rate for the City of Fresno from 1990 to 2000⁵) to determine the January 2001 water service area population.

For subsequent years, the City Water Division has used an annual population increase of 1.9 percent, based on the COG annual growth rate, to account for growth within the water service area. The estimated population for the City water service area for the last eight years is shown in Table 3-1.

Table 3-1. City of Fresno Water Service Area Population (2001-2008)^(a)

	2001	2002	2003	2004	2005	2006	2007	2008
Historical Service Area Population	440,608	448,980	457,511	466,203	475,061	484,087	493,285	502,657

^(a) Populations are for January 1 of the year shown. As estimated by the City Water Division ("census pop.xls").

WYA estimated the water service area population from 1989 to 2000 by using the DOF population estimates for the City of Fresno, adjusted to account for additional population served by the City as a result of the acquisition of County facilities in 1989. The adjustment was based on the average difference between the City of Fresno DOF population and the City Water Division water service area population for 2001 through 2006. The resulting estimated historical water service area population is shown on Figure 3-2, indicating that the City's water service area population is somewhat higher than the City of Fresno population.

Projected Future Water Service Area Population

In the future, the population of the City's water service area is anticipated to continue to grow. Figure 3-3 shows the projected population to be served by the City Water Division. A range of projections has been made based on different projection methodologies. The first methodology

⁵ Fresno County Council of Government website (www.fresnocog.org) "Census 1990-Census 2000 Population Growth Fresno County and its Jurisdictions."

involved projecting the actual population served (as calculated by the City Water Division) using the 1.9 percent COG annual growth rate. This results in a service area population of approximately 692,203 in 2025 and 760,509 in 2030.

The City of Fresno General Plan (General Plan) has somewhat different projections, and assumes a higher starting population in 2000 for the Community Plan Area (482,495 as compared to the City Water Division estimate of 435,814 for April 2000). According to the General Plan, the population of the Community Plan Area will increase to 790,955 by 2025, representing an approximately 2 percent annual growth rate⁶. As shown on Figure 3-3, if the General Plan Community Plan Area grows at only a 1.9 percent annual rate (per the COG growth rate), buildout of the General Plan Community Plan Area would not occur until about 2026.

Table 3-2 summarizes both the high and low projected population estimates for the City's water service area.

Table 3-2. City of Fresno Water Service Area Population Projections (DWR Table 2)

Population Projection	2000	2005	2010	2015	2020	2025	2030
High Estimate: General Plan Projection ^(a)	482,495	544,187	605,879	667,571	729,263	790,955	(b)
Low Estimate: Projection Per Water Division Estimates of Current Population Served and Uniform Growth Rate of 1.9% ^(c)	435,814	475,061	521,940	573,444	630,032	692,203	760,509

(a) 2025 City of Fresno General Plan, Table 1, Population Projection by Community Plan Area. 2025 population of 790,955 is considered to be buildout of the General Plan area.

(b) No projection available as buildout of the General Plan occurs in 2025.

(c) Growth rate of 1.9 percent per Fresno County Council of Governments (www.fresnocog.org).

Water Customers

Affordable Housing Units

10631.1 (a) The water use projections required by 10631 shall include projected water use for single-family and multi-family residential housing needed for lower income households as identifies in the housing element of any city or county in the service area of the supplier.

Senate Bill 1087 (SB 1087) approved in October 2005 amended a portion of the Water Code related to the preparation of UWMPs. It requires that UWMPs include water use projections for single-family and multi-family residential lower income households as identified in the housing element of any city or county in the service area of the supplier.

⁶ 2025 City of Fresno General Plan, Table 1, Population Projections by Community Plan Area.

Per the City's Planning and Development Department⁷, the number of existing lower income households within the City can be estimated based on information provided in the City's June 2008 Housing Element. In the City's Housing Element, lower income households are listed under two categories:

- Federal Housing and Urban Development (HUD) Federally Assisted Projects, and
- Low Income Housing Tax Credit Program Projects (State Assisted Projects).

The number of lower income households in these programs is listed in Table 3-3. As shown, all of the HUD Federally Assisted Projects and most of the Low Income Housing Tax Credit Program Projects are multi-family units (i.e., apartments).

As shown in Table 3-3, based on available data, there were approximately 4,800 lower income housing units in the City in 2008. Based on this data, the number of existing water connections for lower income households has been estimated. As shown in Table 3-3, for the single family residential units, each water service connection is assumed to serve one household unit. Therefore, in 2007 it is estimated that only 0.007 percent of the total single family residential water connections were lower income households (8 out of a total of 107,107 total single family connections in 2007⁸).

Table 3-3. 2002 City of Fresno Lower Income Households

Program	Lower Income Single Family	Lower Income Multi-Family	Total Lower Income
HUD Federally Assisted Projects ^(a)	0	1,991	1,991
Low Income Housing Tax Credit Program Projects ^(b)	8	2,800	2,808
Total Lower Income Housing Units in 2008	8	4,791	4,799
Total Number of Water Connections in 2007 ^(c)	107,107	8,297	115,404
Estimated Number of Housing Units per Water Connection ^(d)	1	10	--
Estimated Total Number of Housing Units in 2007 (Number of Water Connections x Housing Units per Water Connection)	107,107	82,970	190,077
Percent of Total Housing Units Estimated to be Lower Income ^(e)	0.007%	5.8%	2.5%

^(a) Table 4-14, City of Fresno Housing Element dated June 2008.

^(b) Table 4-15, City of Fresno Housing Element dated June 2008. Some projects listed in the Housing Element Table 4-15 were also listed in Housing Element Table 4-14 and have been subtracted out to avoid double-counting of projects.

^(c) City of Fresno DWR Public Water System Statistics Report for 2007 Calendar Year.

^(d) Based on January 2007 population (493,285) and assumed number of people per housing unit (about 2.9 people per single family housing unit and 2.2 people per multi-family housing unit).

^(e) Total lower income units in 2008 divided by 2007 total dwelling units.

⁷ E-mail from Sara Pomare, City of Fresno Planning and Development Department dated July 23, 2008.

⁸ Source: City of Fresno Public Water System Statistics Report for Calendar Year 2007.

For the multi-family residential housing units, each water service connection serves multiple housing units (i.e., one water service connection serves a number of apartment units). Based on the January 2007 population (493,285) and the number of single family and multi-family water connections in 2007, and an assumed number of people per housing unit (about 2.9 people per single family housing unit and 2.2 people per multi-family housing unit), it is estimated that each multi-family water connection serves an average of 10 multi-family housing units. Therefore, the number of 2007 multi-family water connections (8,297) is estimated to serve 82,970 multi-family housing units (10 units/connection x 8,297 connections), which means that the 4,791 lower income multi-family housing units in 2008 equated to about 5.8 percent of the total multi-family housing units in 2007 (4,791 housing units out of a total of 82,970 total multi-family housing units in 2007⁹).

These estimated percentages are used below to estimate the number of existing and future lower income households and water service connections and will be used in Chapter 6 of this UWMP to estimate the existing and projected future water demand for lower income households.

Water Connections

In 2007, the City had approximately 130,167 water service connections¹⁰. Approximately 83 percent of these connections are single-family residential, which are currently unmetered. The remaining 17 percent of the connections are multi-family residential, commercial/institutional, industrial, landscape irrigation, and fire service connections. Table 3-4 provides a summary of the City's water connections in 2007.

⁹ Source: City of Fresno Public Water System Statistics for Calendar Year 2007.

¹⁰ Source: City of Fresno Public Water System Statistics Report for Calendar Year 2007.

Table 3-4. City of Fresno 2007 Water Service Connections^(a)

Land Use Type	Number of Connections in 2007	Percent of Total Connections
Single-Family Residential		
Estimated Market Value	107,099	82.3%
Estimated Lower Income ^(b)	<u>8</u>	<u>0.0%</u>
	107,107	82.3%
Multi-Family Residential		
Estimated Market Value	7,451	5.7%
Estimated Lower Income ^(c)	<u>479</u>	<u>0.4%</u>
	7,930	6.1%
Commercial/Institutional	9,211	7.1%
Industrial	121	0.1%
Landscape Irrigation	3,016	2.3%
Other	72	0.1%
Fire Service	2,710	2.1%
Total Connections	130,167	100.0%

^(a) City of Fresno Public Water System Statistics Report for Calendar Year 2007.

^(b) Estimated based on overall percentage of lower income single family households estimated for 2007, 0.007 percent (see discussion above).

^(c) Estimated based on overall percentage of lower income multi-family households estimated for 2007, 5.8 percent (see discussion above).

In the future, the number of water connections is anticipated to increase. The projected future number of water connections, by land use type, has been estimated based on future projected General Plan land use, current development densities, and projected future development densities and are presented in Table 3-5.

Table 3-5. City of Fresno Future Projected Water Service Connections^(a)

Land Use Type	2000 ^(b) (Actual)	2005 ^(b) (Actual)	2010	2015	2020	2025	2030
Single-Family Residential							
Estimated Market Value	95,143	103,506	120,818	137,520	154,223	170,925	187,627
Estimated Lower Income ^(c)	<u>7</u>	<u>7</u>	<u>8</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>
	95,150	103,513	120,826	137,530	154,233	170,937	187,641
Multi-Family Residential							
Estimated Market Value	6,901	7,088	7,663	8,262	8,862	9,462	10,061
Estimated Lower Income ^(d)	<u>425</u>	<u>436</u>	<u>472</u>	<u>509</u>	<u>546</u>	<u>583</u>	<u>619</u>
	7,326	7,524	8,135	8,771	9,408	10,044	10,681
Southeast Growth Area	0	0	9,876	19,752	29,628	39,504	49,379
Commercial/Institutional	7,416	7,882	8,086	9,472	10,858	12,244	13,631
Industrial	106	96	96	130	164	197	231
Landscape Irrigation	1,516	2,243	2,313	2,410	2,507	2,604	2,701
Fire Service	395	2,568	2,960	3,503	4,047	4,590	5,133
Total Connections	111,909	123,826	152,292	181,568	210,844	240,121	269,397

- (a) Estimated based on future projected General Plan land use, current development densities and projected future development densities. Land use values for 2015 and 2020 interpolated from 2010 and 2015 data. Land use values for 2030 extrapolated from 2025 data.
- (b) 2000 and 2005 actual data based on City of Fresno DWR Public Water System Statistics for calendar year 2000 and 2005.
- (c) Based on overall percentage of lower income single family households estimated for 2007, 0.007 percent (see discussion above and Table 3-3).
- (d) Based on overall percentage of lower income multi-family households estimated for 2007, 5.8 percent (see discussion above and Table 3-3). One multi-family residential water service connection is estimated to serve an average of about 10 multi-family housing units (e.g., apartments) (see Table 3-3).

Service Area Characteristics

Climate

The City of Fresno's service area is located in California's San Joaquin Valley in Fresno County along Highway 99. The climate of the area is best described as Mediterranean, characterized by hot dry summers and cool winters. Precipitation in the area averages around 11 inches per year as shown in Table 3-6 which shows the average monthly temperature and rainfall for a weather station located near the Fresno airport. Average evapotranspiration (E_t) is based on data from a monitoring station located at Fresno State University.

Table 3-6. Climate Data (DWR Table 3)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Average Et _o , inches ^(a)	0.85	1.63	3.23	5.23	6.96	7.97	8.65	7.64	5.41	3.59	1.68	0.85	53.69
Average Temperature, °F ^(b)	46.0	51.0	55.3	61.2	68.8	76.0	81.8	80.0	74.9	65.4	53.7	45.9	63.3
Average Max Temperature, °F ^(b)	54.4	61.5	66.9	74.6	83.4	91.6	98.1	96.2	90.5	79.8	65.2	54.6	76.4
Average Min Temperature, °F ^(b)	37.6	40.6	43.7	47.8	54.1	60.2	65.4	63.7	59.3	50.9	42.2	37.2	50.2
Average Rainfall, inches ^(b)	2.13	1.88	1.94	1.00	0.37	0.15	0.01	0.1	0.17	0.53	1.17	1.58	10.94

^(a) Source: CIMIS Website: www.cimis.water.ca.gov, Station 80 Fresno State (1988 to Present), Monthly Average Et_o Report, August 2006.

^(b) Source: National Climatic Data Center, Climatology of the United States, Fresno WSO AP Weather Station (No. 043257), Period of Record 7/1/48 to 12/31/05.

These climate characteristics highly influence the City's water use. As described in Chapter 6, the City's water use in the summer months is significantly higher than that in the winter, reflecting increased water use for irrigation purposes during the hot, dry summers.

Other Demographic Factors

A number of other demographic factors also influence water use in the City. As discussed above, most of the City's water customers are single-family residential homes, which are currently unmetered. Because they are unmetered, customers are unaware of the water that they actually use and have no real incentive for water conservation since they are billed on a monthly flat rate structure. This undoubtedly contributes somewhat to the high water demands experienced in the City in the summer months. As the City implements its Residential Water Metering Program (see Chapter 8 and Appendix I), fewer and fewer customers will be unmetered and more customers will become aware of the quantity of water they use, and the need for and benefits of water conservation. As this occurs, summertime residential water demands will likely decrease somewhat.

The City also has a number of food processing facilities that use large amounts of water throughout the year, particularly in the summer when fruits and vegetables are being harvested and processed.

EXISTING WATER SYSTEM

Historical Overview

The original Fresno water system began operations in 1876 as a non-profit organization inaugurated by a group of public-minded citizens. Initially, the water system consisted of one pumping station composed of small pumps and two storage tanks located above the second floor of one of the early store buildings. This building was located on Fresno Street between "J" and "K" Streets, presently known as Broadway and Fulton.

By 1888, the town had grown to a small city, which demanded an improved water distribution system. This was necessary because of several large fires, including the destruction of the first permanent courthouse. In 1888, the first pumping station and water tower, of a permanent nature, were constructed at Fresno and "O" Streets. These facilities were designed to be an integral part of a larger and continually expanding water system. This No. 1 station was in continuous use until 1959, when it was retired having served its useful purpose. Today, this building is known as the "Water Tower" and has been declared a historic structure.

Between the years of 1887 and 1890, 4-inch and 2½-inch cast iron pipe, as well as 4-inch wrought iron water mains were laid out. Some of these original "permanent pipes" are still an integral part of the present water supply system.

The owner and operator of the system in 1888 was the Fresno Water Company. In 1904, the Fresno Water Company was purchased by Balch, Kerckhoff & Wishon, and was reorganized as the Fresno City Water Company. In 1926, the plant and distribution system was purchased by the California Water Service Company. This Company then sold the water system to the City of Fresno in 1931, which operated as a municipal utility. It was first managed under an appointed water board, but currently is a Division of the Public Utilities Department.

Historically, the City's supply of water consisted of direct pumping from wells drilled into the underground aquifer. Today, groundwater remains as the City's primary water supply source, and there are presently about 250 municipal groundwater wells located throughout the City.

In the 1960s, the City purchased surface water made available from the United States Bureau of Reclamation (USBR). The City contracted with USBR for 60,000 acre-feet of water per year from the Friant Division (Millerton Lake) and developed a system to recharge the groundwater basin by "intentional recharge," percolating the imported surface water supplies in constructed recharge basins. The City's USBR supplies are conveyed to the City via Fresno Irrigation District (FID) canals. In 1976, the City signed a contract with the FID for delivery of surface water supplies from the Kings River based on the City's pro rata share of FID's water entitlements. The City also obtains surface water from the Fresno Irrigation District (FID) for groundwater recharge purposes.

In 2004, the City also began treating surface water supplies for direct potable use at its new Surface Water Treatment Facility (SWTF). The SWTF located in northwest Fresno currently provides about 12 percent of the City's potable water supplies¹¹.

Existing Water System

The City's existing water system consists of about 1,740 miles of transmission and distribution pipelines, 250 operational groundwater wells, a 30 mgd surface water treatment facility, storage facilities, and booster pump facilities. The distribution system is divided into four quasi-pressure zones to help regulate minimum and maximum system pressures in the various topographic areas of the City. Figure 3-4 shows the City's existing water system facilities.

¹¹ Based on 2007 production data (Source: pumpingstats.xls obtained from City). Total water production in 2007 was 165,798 acre-feet. Deliveries from the Surface Water Treatment Facility were 20,650 acre-feet. Remaining production of 145,148 acre-feet, was from groundwater.

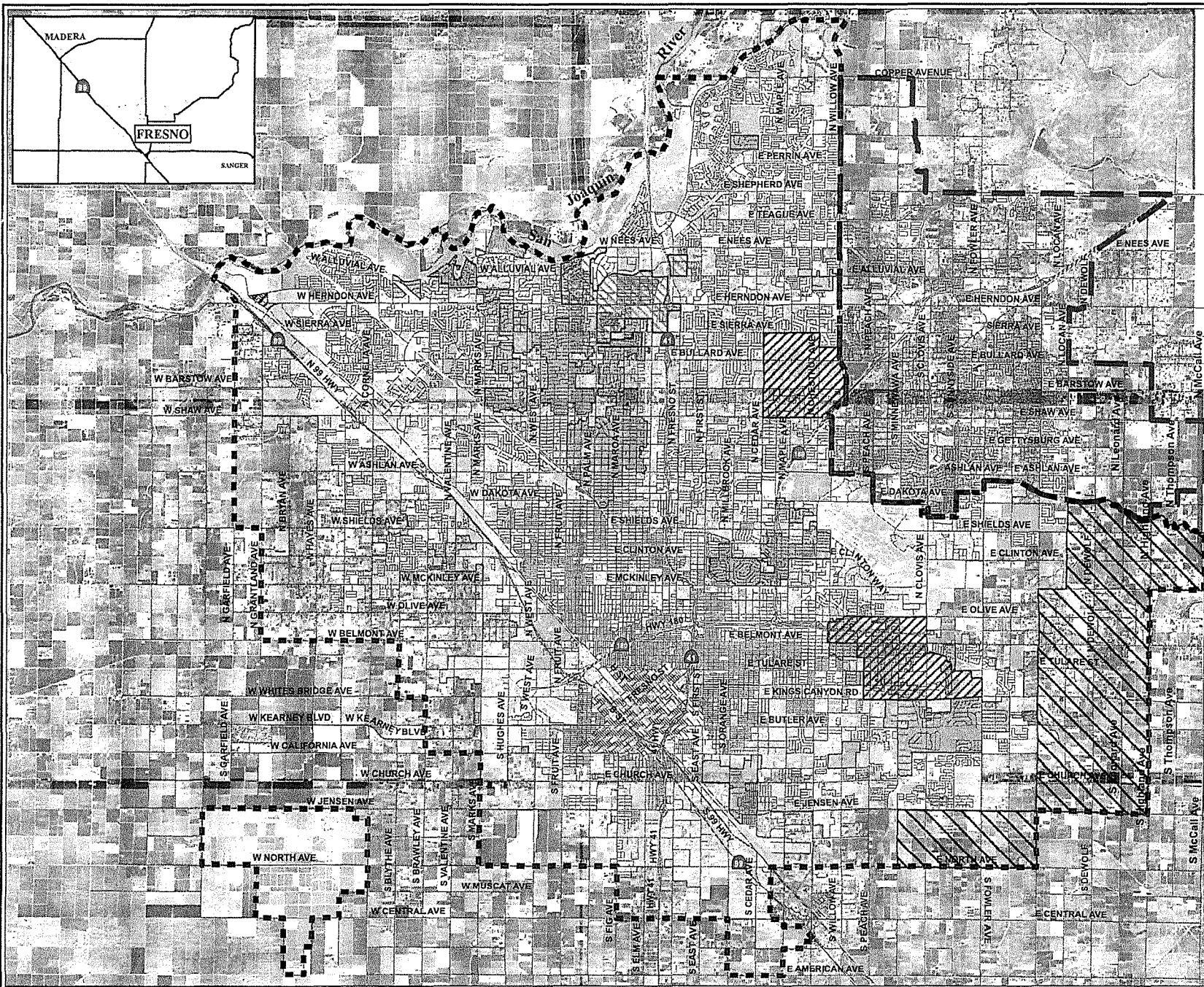
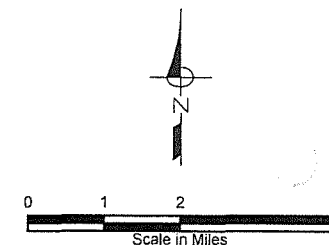


FIGURE 3-1
City of Fresno
Urban Water
Management Plan
EXISTING AND FUTURE
STUDY AREA



NOTES:

- Fresno Sphere of Influence
- Clovis Sphere of Influence
- Pinedale County Water Dist.
- Bakman Water Company
- California State Univ., Fresno
- Herndon
- Park Van Ness
- Southeast Growth Area
- County Island
- City Limit



2000

WEST YOST
ASSOCIATES
 Consulting Engineers

Figure 3-2. City of Fresno Water Service Area Estimated Historical Population

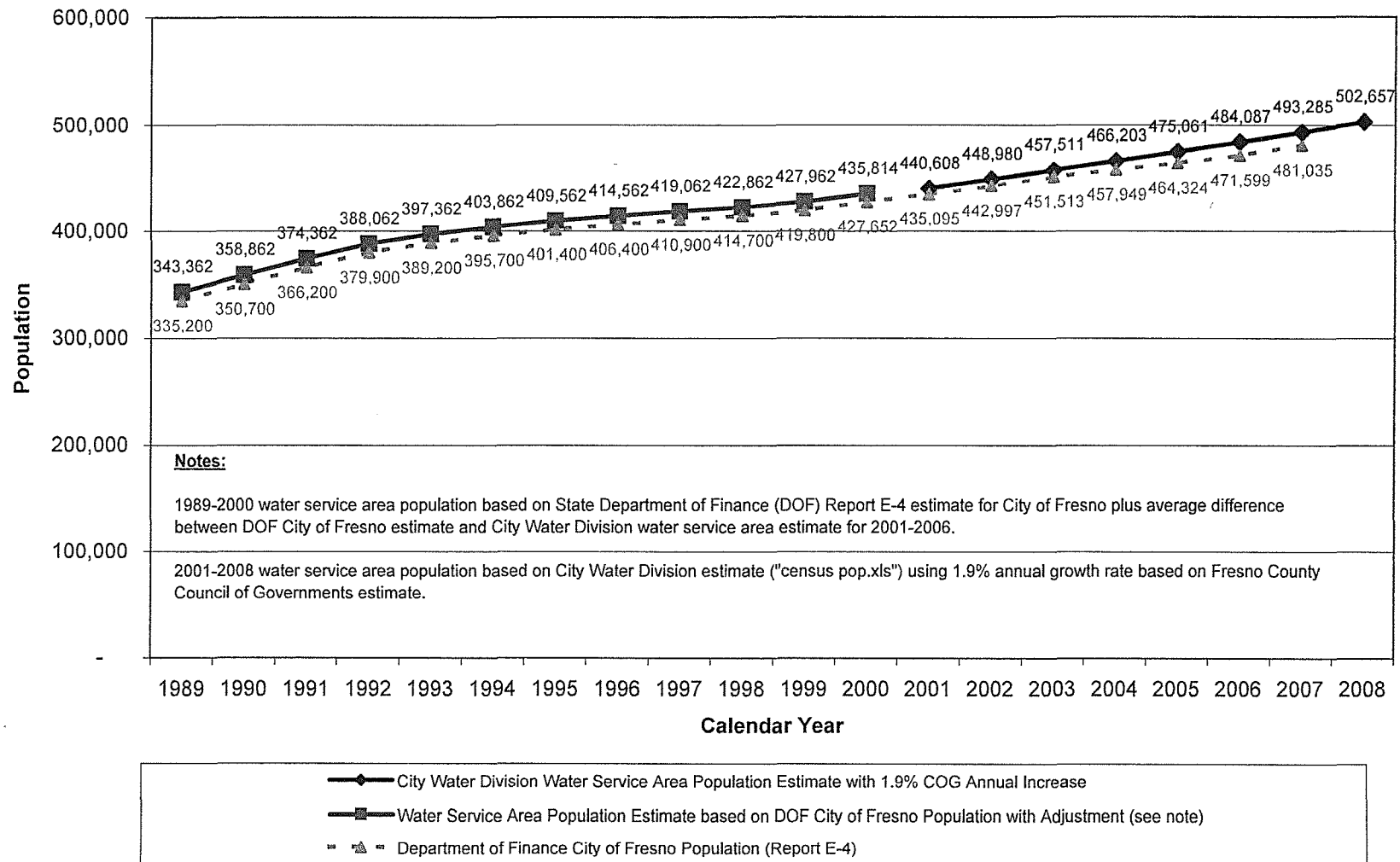
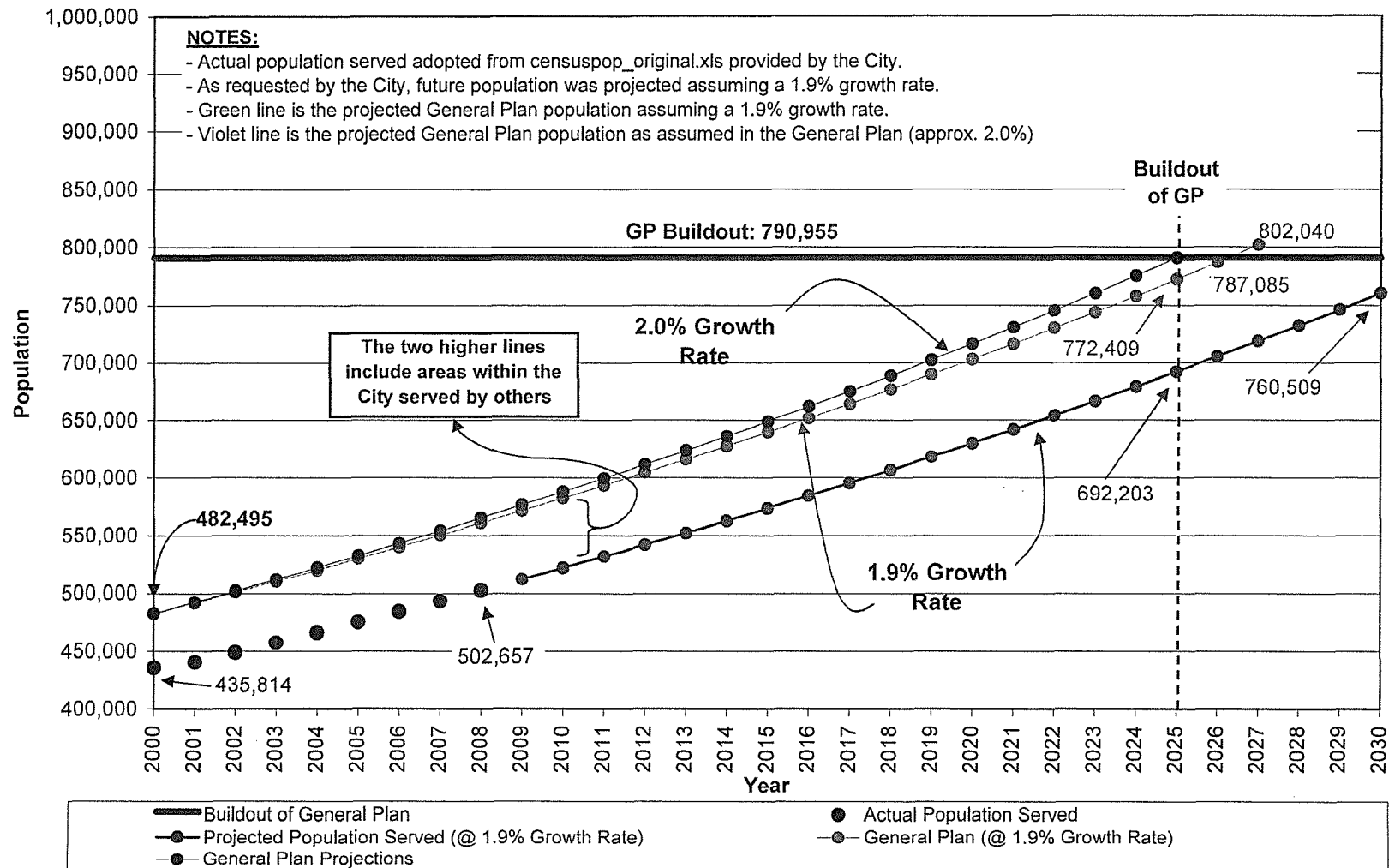


Figure 3-3. Projected Population Served by the City



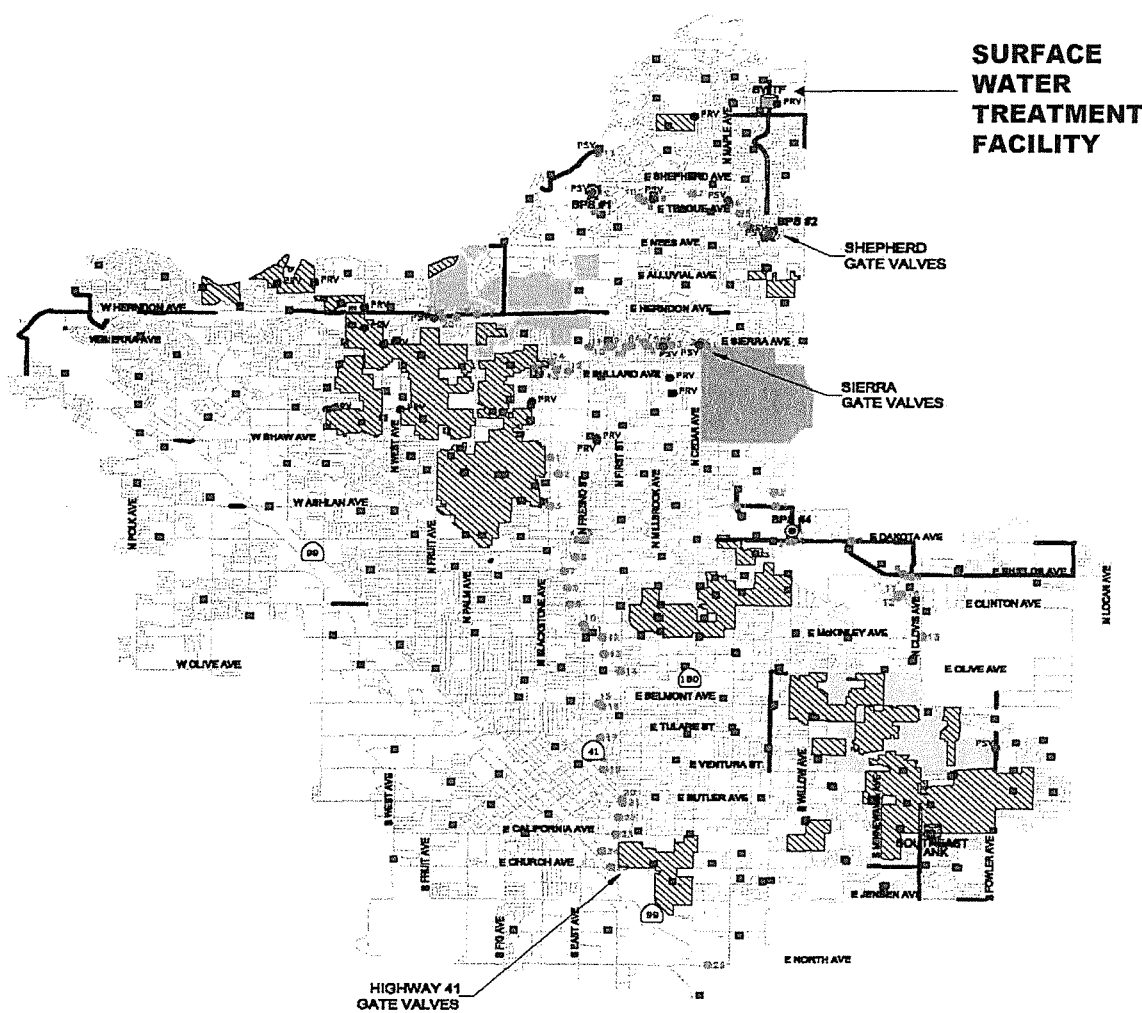


FIGURE 3-4

**City of Fresno
Urban Water Management
Plan**

**EXISTING WATER
DISTRIBUTION SYSTEM**



0 4000 8000
SCALE IN FEET

NOTES:

A. Boundaries are approximated based on gate valve locations shown by GIS information provided by City Staff.

LEGEND:

- Existing City Wells
- Existing Storage Facility
- Booster Pump Station
- Existing 14-inch and Smaller Pipeline
- Existing 18-inch and Larger Pipeline
- Shepherd
- Sierra A
- Sierra B (Pinedale County Water District)
- Highway 41
- Highway 41B (CA State University, F.)
- Highway 41C (Bakeman Water Company)
- Westside
- Fluoride Districts
- County Islands
- Closed or Partially Closed Gate Valve Location
- PSV Location
- Fluoride District PRV Location



EXHIBIT E

CITY OF FRESNO MITIGATED NEGATIVE DECLARATION

FILED

OCT 02 2008

Initial Study is on file in the Planning and Development Department, City Hall
2600 Fresno Street, Fresno, California 93721
(559) 621-8277

Environmental Assessment Number:
A-06-06/R-06-032/C-06-094

APPLICANT: JDMS Investments
3265 N. Ashlan
Fresno, CA 93722

Assessor's Parcel Numbers:
APN's 405-340-04 & 05

FRESNO COUNTY CLERK
Hayden
DEPUTY

PROJECT DESCRIPTION AND LOCATION: Plan Amendment Application No. A-06-06, Rezone Application No. R-06-032, Conditional Use Permit Application No. C-06-094, and Environmental Assessment No. A-06-06/R-06-032/C-06-094 pertain to approximately 5.16 acres of a larger 26.0 acre property located west of the corner of the North Harrison Avenue and East Bedford Avenue alignments. Plan Amendment Application No. A-06-06 requests a change in the 2025 Fresno General Plan and the Bullard Community Plan to redesignate the subject property from the medium low density residential planned land use designation to the office commercial planned land use designation. Rezone Application No. A-06-032 would redesignate the site from the AE-20/UGM (Twenty Acre Agriculture Exclusive/Urban Growth Management) zone district to the S-L/UGM (Storage Limited/Urban Growth Management) zone district. Conditional Use Permit No. C-06-094 proposes the development of a two-phased 110,456 square foot mini-storage facility that will not include a caretaker's residence.

Filed with:
REBECCA E. KLISCH, City Clerk
2nd Floor - City Hall
2600 Fresno Street
Fresno, California 93721-3603

The proposed project has been determined to be a subsequent project that is not within the scope of the Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan ("MEIR"). Pursuant to Public Resources Code § 21157.1 and CEQA Guidelines § 15177, this project has been evaluated with respect to each item on the attached environmental checklist to determine whether this project may cause any additional significant effect on the environment which was not previously examined in the MEIR. This completed checklist reflects comments of any applicable responsible agencies and research and analysis conducted to examine the interrelationship between the proposed project and the physical environment. The information contained in the Environmental Assessment Application, the checklist, and any attachments to the checklist, combine to form a record indicating that an initial study has been completed in compliance with the State CEQA Guidelines and the California Environmental Quality Act.

The responses in the attached Environmental Checklist Form indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant that a specific adverse environmental effect has been identified in a category which is of sufficient magnitude to be of concern. Such an effect may be inherent in the nature and magnitude of the project or may be related to the design and characteristics of the individual project. Effects rated in this manner are not sufficient in themselves to require the preparation of an Environmental Impact Report and/or have been mitigated to the extent feasible.

All new development activity and many non-physical projects contribute directly or indirectly toward a cumulative impact on the physical environment. The incremental effect contributed by this project toward such a cumulative effect is not considered substantial in itself. Based upon the evaluation using the Environmental Checklist Form, it was determined that there are foreseeable impacts from the Project that are additional to those identified in the MEIR. However, it has been determined that those impacts may be mitigated to less than significant with the project specific mitigation measures.

With the project specific mitigation imposed there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effect on the environment that were not identified and analyzed in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR"). After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code, Section 21157.6(b)(1), the Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. The MEIR mitigation checklist will be imposed on this project.

INITIAL STUDY PREPARED BY:

Bruce Barnes
Project Manager

SUBMITTED BY:

Ben Barnes
Darrell Unruh, Planning Manager
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: October 2, 2008

EXHIBIT F

LAW OFFICES
COSTANZO & ASSOCIATES

NEAL E. COSTANZO
MICHAEL G. SLATER

A PROFESSIONAL CORPORATION
575 E. LOCUST AVENUE
SUITE 115
FRESNO, CALIFORNIA 93720-2928
(559) 261-0163

FAX (559) 261-0706

OUR FILE NO. 03343-002

February 20, 2009

Byron Beagles
Fresno City Fire Department
Fire Prevention Engineer
911 H Street
Fresno, CA93721

Re: Proposed Derrell's Mini Storage

Dear Mr. Beagles:

We represent the Pinedale County Water District. The purpose of this letter is to address issues relating to the proposed Derrell's Mini Storage at Bedford and Harris Avenues. After review of correspondence between the City, the District, and representatives of the developer, including your letter to James A. McKelvey dated January 28, 2009, it appears clear that the City is intent on using false or misleading statements about the PCWD's ability to provide service within the District's boundaries to coerce developers to request detachment from the PCWD so that the City can annex those properties. In your January 28 letter, you state various reasons why, in your view, the PCWD is unable to supply adequate fire flow for the proposed development. However, all of your statements appear to be based on non-existent standards that do not conform to the current standard Fire Code relating to fire flow capacity or are premised on unreliable assumptions derived from incomplete and/or inaccurate information. This practice is not only unsound but likely in derogation of vested rights the City or County has already granted this developer.

In an effort to determine how you have reached these determinations, the District engineer has informally requested that you provide the information on which these determinations are based. Because you have failed to respond to informal requests, the PCWD is now formally requesting such information. Therefore, pursuant to the California Public Records Act (Govt. Code §6250 et seq), the District requests that the City provide copies of the following:

1. The City's ordinance that adopted the California Fire Code and any additions, deletions, or revisions.

Byron Beagles
February 20, 2009
Page 2

2. All documents related to the Fresno City Fire Department's determination of required fire flow for the Derrell's Mini Storage project including, but not limited to notes, calculations, reports, memorandum, emails, and correspondence.
3. All documents related to the proposed Derrell's Mini Storage project including, but not limited to, Planning Department/Planning Commission and/or City Council reports, resolutions, vesting tentative maps, environmental documentation, site plans, permits, or other development entitlements and notes, calculations, emails, and correspondence relating thereto.

We sincerely hope that the documents requested reveal a legitimate basis for your attempts to coerce this developer into detaching from the district based on actual or implied threats to further condition the development or not issue or interfere with issuance of permits for the development. If they do not, it would appear that you are engaged in tortious activity or acting in a manner that subjects the City to issuance of a writ of mandate or injunctive relief requiring that the City to cease these unlawful activities. Please inform our office when the above documents are ready to be picked up along with an invoice for the cost of providing such copies.

If you have any questions or comments regarding this matter please do not hesitate to contact our office.

Very truly yours,

COSTANZO & ASSOCIATES

Neal E. Costanzo

MGS/js

C/C: Larry DeSantos, General Manager, PCWD
Shannon Chaffin, Deputy City Attorney
James A. McKelvey of Counsel Nutting & Jorgensen
Kenneth Price, LAFCO General Counsel



Randy R. Bruegman
Fire Chief

Fire Prevention and Investigation Division
911 H Street
Fresno, California 93721-3083
(559) 621-4181 FAX (559) 498-4323
www.fresno.gov

February 25, 2009

NEAL E. CONTANZO
CONTANZO AND ASSOCIATES
575 W LOCUST, SUITE 115
FRESNO, CA 93720-2928

SUBJECT: PROPOSED DERRELL'S MINI STORAGE – LETTER DATED 2-20-09

Dear Mr. Contanzo:

The information regarding California Fire Code adoption and local standards requested by Mr. Frank Daniele, PE and Engineer for the Pinedale County Water District, was sent out via e-mail on February 11, 2009. I have enclosed a copy of that e-mail as verification of response to the District's request. Requested documents were included as PDF attachments and internet link to the City Clerk's office for the requested information.

The additional information your office requested will take a few days to gather. I will contact your office by the end of the week so that all requested information may be picked up as stated in your letter.

Sincerely,

Byron Beagles
Fire Prevention Engineer

BB:nh

Cc: Larry De Santos, General Manager, PCWD
Shannon Chaffin, Deputy City Attorney
James A. McKelvey of Counsel for Nutting and Jorgenson
Kenneth Price, LAFCO General Counsel

Byron Beagles

From: Byron Beagles
Sent: Wednesday, February 11, 2009 3:49 PM
To: 'fdaniele@comcast.net'
Subject: RE: Proposed Derrel's Mini Storage north of Bedford, west of Harrison
Attachments: FPD-H-1 FFD DEVELOPMENT STANDARDS.091508.ns.doc; univision pump test.doc

Frank, sorry to not get back to you sooner on this.

The link to the City's adoption of the 2007 CFC: <http://www.municode.com/Resources/gateway.asp?pid=14478&sid=5>
Go to Chapter 10, Article 5 for the Fire Code adoption.

Also, attached is the FFD planning standards.

To answer your question about city hydrants on Harrison as a back up to any on site hydrants that would be supplied from Pinedale:

The requirement is for a minimum of 1500 gpm to be available at the onsite hydrant as that is where the fire fighting operations will commence. In an unsprinklered complex the fire flow must be available immediately to the fire engine taking suction from the hydrant and with the simplest logistics possible.

I have also sent you something of interest that just came across my desk that illustrates our concerns about the district being able to meet fire flow at peak demand in perimeter areas of the service boundary. It is a fire pump acceptance test done for the diesel fire pump at 601 Univision Plaza midday in October. This is a 1000 gpm fire pump and part of the acceptance involves a flow at 150% of rated volume (1500 gpm) through a flow test header. Note the residual pressure on the inlet side of the pump of 16 psi! All the buildings on this site have fire sprinklers so I won't lose any sleep over this.....
bhb.

----- Original Message -----

From: "pam einsel" <pe-pcwd@sbcglobal.net>
To: "Frank Daniele" <fdaniele@comcast.net>
Sent: Wednesday, January 7, 2009 10:53:38 AM GMT -08:00 US/Canada Pacific
Subject: Fw: RE: Proposed Derrel's Mini Storage north of Bedford, west of Harrison

--- On Tue, 1/6/09, Byron Beagles <Byron.Beagles@fresno.gov> wrote:

From: Byron Beagles <Byron.Beagles@fresno.gov>
Subject: RE: Proposed Derrel's Mini Storage north of Bedford, west of Harrison
To: "fdaniele@comcast.net" <IMCEAMAILTO-fdaniele+40comcast+2Enet@fresno.gov>
Cc: "Richard Fultz" <Richard.Fultz@fresno.gov>
Date: Tuesday, January 6, 2009, 12:02 PM

Mr. Daniele:

Any developer of commercial or residential property in the City of Fresno served by the Pinedale Water District is required to meet the fire flow requirements of the California Fire Code. For purposes of fire protection the minimum fire flow of 1500 gpm must be available at all hours of domestic demand, not an average daily consumption as you reference from PUC regulations.

If a fire occurs at 1900 hours on a 110F day in July (typical peak demand), the minimum fireflow must be available. If the District's position is that they need only comply with minimum PUC regulations, then the developer is required to provide mitigation. This is usually done by requiring automatic fire sprinklers. Due to the type of buildings Derrell's designs for mini-storage, the cost of such a system relative to square foot construction costs is quite expensive.

FFD's position is that the practical course of action is for the developer of this dense commercial project to request annexation to the City of Fresno water service area and obtain fire service from an existing infrastructure on their frontage designed to protect commercial development.

From: Richard Fultz

Sent: Tuesday, December 30, 2008 8:29 AM

To: Byron Beagles

Subject: FW: Proposed Derrel's Mini Storage north of Bedford, west of Harrison

Byron,

Pinedale's response to fireflow.

From: fdaniele@comcast.net [mailto:fdaniele@comcast.net]

Sent: Monday, December 29, 2008 9:27 PM

To: Richard Fultz

Cc: pe-pc wd@sbcglobal.net; jlatham@derrels.com; pridenour@derrels.com; Bruce Barnes

Subject: Proposed Derrel's Mini Storage north of Bedford, west of Harrison

The Pinedale County Water District was copied an e-mail from Byron Beagles from the City of Fresno Fire Department sent to you on December 17, 2008. In the e-mail, Mr. Beagles made some assumptions and concluded that the District could not meet the fire flow requirement of 1,500 gpm during peak hour conditions on a summer day and suggested that the District hire an engineering firm (subject to the City's approval) to perform a hydraulic analysis of the District's water system to verify his conclusions. Otherwise, he presented two alternatives for Derrel's mini storage as conditions of approval, including 1) providing a "dry" sprinkler system or 2) getting a release from the District and have the City provide water service to the site.

With regard to fire flow, the District hired a fire sprinkler specialist who tested the District's system and determined an available fire flow of 2,400 gpm with a 20 psi residual pressure adjacent to the site. The City's own test found an available fire flow of 2,200 gpm with 20 psi residual. Both tests demonstrated that the District's system met the required fire flow of 1,500 gpm at this time of year. We disagree with his comment that there was "little if any domestic use" at this time of year.

With regard to the District's ability to meet the fire flow condition during a peak hour summer condition, I refer you to the past and present California Waterworks Standards. Generally, system capacity is required to meet average day demand plus fire flow or peak hour demand, not peak hour demand plus fire flow. Accordingly, the District does not agree with Mr. Beagles' assertion that the system should be able to provide peak hour demand plus fire flow, nor does the District agree with his

"condition" that the District hire an engineering consultant to perform a hydraulic analysis of the water system to prove his assumptions.

The District also does not consider his alternative to allow the City to provide service to the property as an option. The property is within the District boundary and included in the District's sphere of influence for water service areas. Changes to that boundary or sphere should involve review and approval through the LAFCO Board, which was not a part of the original land use application.

Please advise the District if the City still has issues with available fire flows to the site from the District's water system. Otherwise, we expect that the development will move forward with water service (including fire flow) provided to the site by the District.

If you have any questions, please contact the District office at 439-2362.

Frank L. Daniele, PE
District Engineer for the
Pinedale County Water District

RESOLUTION DISTRIBUTION
DERREL'S MINI STORAGE DETACHMENT
RESOLUTIONS MAILED AUGUST 24, 2009

Lon Martin, Assistant Director of Public Utilities
Ken Price, Baker, Manock & Jensen
Andrew T. Souza, City Manager, City of Fresno
Keith Bergthold, Interim Director, City of Fresno Planning Dept.
Rene Ramirez, Director, Fresno Department of Public Utilities
Randy Bruegman, Chief, Fresno Fire Department
John Fox, Senior Deputy City Attorney, City of Fresno
Larry DeSantos, General Manager, Pinedale County Water District
Neal Costanzo, Pinedale County Water District Legal Counsel
Paul Ridenour
James A. McKelvey, Attorney for Paul Ridenour
911 Communications
Assessor's Office

Lon Martin, Assistant Director
Public Utilities Department
City of Fresno
2600 Fresno Street
Fresno, CA 93721

Ken Price
Baker, Manock & Jensen
5260 N. Palm, 4th Floor
Fresno, CA 93704

John Fox, Sr. Deputy Attorney
City of Fresno
2600 Fresno Street
Fresno, CA 93721

Paul Ridenour
Cotadale, L.P.
3265 W. Ashlan Avenue
Fresno, CA 93722

Andrew Souza, City Manager
City of Fresno
2600 Fresno Street
Fresno, CA 93721

Rene Ramirez, Director
Department of Public Utilities
City of Fresno
2600 Fresno Street
Fresno, CA 93721

Larry DeSantos, General Mgr.
Pinedale Co. Water District
480 W. Birch
Pinedale, CA 93650

James A. McKelvey
2222 W. Shaw, #202
Fresno, CA 93711

Keith Berglund, Interim Director
Planning & Development Dept.
City of Fresno
2600 Fresno Street
Fresno, CA 93721

Randy Bruegman, Chief
Fresno Fire Department
911 H Street
Fresno, CA 93721

Neal Costanzo
Costanzo & Associates
575 E. Locust, #115
Fresno, CA 93720-2928

Stop #3
Assessor's Office
Attn: Nick LaVerne

Schmidt, Darrel S.

From: Paul Ridenour [pridenour@derrels.com]
Sent: Tuesday, August 18, 2009 4:45 PM
To: Schmidt, Darrel S.
Subject: RE: Indemnity Agreement

Dear Darrel,

Yes, please proceed.

Thanks,
Paul

From: Schmidt, Darrel S. [mailto:DSchmidt@co.fresno.ca.us]
Sent: Tuesday, August 18, 2009 1:38 PM
To: 'Paul Ridenour'
Subject: Indemnity Agreement

Paul,

As you know, one of the conditions of approval for the Darrel's Mini Storage detachment from Pinedale CWD was that an indemnity agreement be entered into, as shown below.

1. Prior to recordation, Cotdale L.P. shall execute an indemnification agreement with the Commission, agreeing to defend, indemnify, and hold harmless the Commission from and against any claims, actions (including those filed by any state or local governmental agencies), costs, or damages arising out of or in connection with the Commission's actions related to this matter. The agreement shall be prepared by LAFCo's Counsel.

Note: A fee as established by LAFCo's Fee Schedule to cover the preparation costs shall be paid prior to preparation and agreement execution.

The fee for preparing this agreement is \$500. Should I direct Ken Price to begin preparing the agreement? Please let me know. Thanks.

Darrel Schmidt, Deputy Executive Officer
Fresno Local Agency Formation Commission
2115 Kern Street, Suite 310
Fresno, CA 93721
phone: (559) 495-0604
fax: (559) 495-0655

Visit www.fresnolafco.org for LAFCo agendas, staff reports, maps, forms, and much more.

CONSTRUCTION AND ACQUISITION AGREEMENT

THIS CONSTRUCTION AND ACQUISITION AGREEMENT ("Agreement") is made and entered into effective as of September 11, 2009, by and between PINEDALE COUNTY WATER DISTRICT, a county water district ("District"), and COTDALE, L.P., a California limited partnership ("Owner").

Recitals

A. Owner owns certain real property in the City of Fresno, County of Fresno, State of California, more particularly described on Exhibit "A" attached hereto and incorporated by reference herein ("Owner's Property").

B. District is a county water district organized and existing pursuant to the Water Code of the State of California, with its principal place of business in Fresno County, California, with a service area that originally included Owner's Property.

C. On August 12, 2009, the Fresno County Local Agency Formation Commission ("LAFCO") approved Owner's application to detach Owner's Property from District's service area on condition that, *inter alia*, Owner convey certain easements to District over Owner's Property for the installation and maintenance of District facilities, *viz.*, water pipelines, to serve the remaining properties in District's service area.

D. Owner and District have reached an agreement with respect to the conveyance of easements in Owner's Property, the purpose of which is the installation and maintenance of District facilities in satisfaction of LAFCO's condition of detachment, pursuant to a separate instrument effective September 11, 2009. The legal descriptions for said easements are marked Exhibits "B" and "C" attached hereto and incorporated by reference herein.

E. District objected to LAFCO's approval of Owner's request for detachment of its property from District's service area based on, *inter alia*, District's contention that LAFCO's action was taken in violation of the California Environmental Quality Act ("CEQA").

F. District and Owner have agreed to resolve all of District's contentions and objections in accordance with the terms and conditions of this Agreement.

Agreement

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants and conditions contained herein, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereby agree as follows:

1. **Construction of District Facilities.** Owner shall cause to be installed two (2) eight-inch (8") water pipelines (the "Facilities") in the easements to be conveyed to District by Owner pursuant to the Easement Agreement, at Owner's sole cost and expense. The Facilities shall be installed concurrently with Owner's construction of improvements, e.g., a storage facility, on Owner's Property. Owner's construction of the Facilities shall be substantially complete not later than the date on which the City of Fresno issues a Certificate of Occupancy for such improvements or, if such improvements are constructed by Owner in phases, upon the issuance of a Certificate of Occupancy for the first phase.

2. **District Specifications.** Owner will construct and install the Facilities in a good and workmanlike manner in accordance with District's specifications, to wit: two (2) 8-inch water mains to be constructed in accordance with American Waterworks Association (AWWA) standards for PVC water pipe (AWWA C-900, Class 150, DR 18). District represents and warrants to Owner that these specifications constitute all of District's requirements with respect to the construction and installation of the Facilities.

3. **Estimated Cost of Construction.** Before Owner begins construction of the Facilities, Owner shall deliver to District an Engineer's Estimate (the "Estimate") of its cost of construction for review and approval by District's engineer. If District objects to the Estimate within ten (10) business days of the date of delivery of the Estimate, District shall set forth its objection(s) to the Estimate in writing in sufficient detail to explain the reason(s) for its objection(s), including but not limited to the estimate cost of any component(s) of the Facilities it believes to be a correct estimate. The parties shall endeavor in good faith to resolve District's objections. Owner may, but shall not be obligated to, commence construction prior to the resolution of the District's objections, if any. The resolution of District's objections, if not resolved before the commencement of construction of the Facilities, may be deferred until construction of the Facilities is substantially complete without prejudice to District or Owner.

4. **District Inspections.** Within five (5) business days of Owner's written request to District, District will cause the District engineer to inspect Owner's construction and installation of the Facilities, including but not limited to the trenches, the pipe, the pipe bedding, any valves, gates, intakes, outflows, connections or stubs, or other fittings or appurtenances required by the District's specifications. All such inspections shall be accomplished prior to Owner filling and covering the trenches in which the Facilities are located. If District fails to inspect the construction and installation of the Facilities within the time provided hereby, in the absence of any cause beyond the control of District, such inspection shall be waived and the District shall be deemed to have approved the construction and installation of the Facilities.

5. **Certificate of Approval.** Within two (2) business days of Owner's substantial completion of the construction and installation of the Facilities in accordance with District's specifications and District's inspection thereof, District shall issue a certificate certifying that such construction and installation has been completed in accordance with District's specifications and is approved for acquisition by the District. If, upon District's completion of the inspection of the Facilities, District determines that Owner's construction and installation of the Facilities is not in accordance with District's specifications, within two (2) business days thereof, District shall deliver to Owner a written itemization describing each item

which District contends must be corrected ("Punch List"). Owner shall make such corrections and District shall inspect the construction and installation of the Facilities, as corrected, as provided in this paragraph 5 and thereupon, within two (2) business days thereafter, issue its Certificate of Approval; provided, however, that if Owner disputes District's Punch List or any item thereon, and if District and Owner are unable to resolve the disagreement after a good faith effort, either Owner or District, or both, may request an inspection by an independent registered professional engineer ("Third-Party Inspector") whose determination shall be conclusive. If District and Owner are unable to agree on a Third-Party Inspector, District and Owner shall each nominate a registered professional engineer, and such nominees shall select the Third Party Inspector. District shall pay the fees of its nominee; Owner shall pay the fees of its nominee; the fees of the Third-Party Inspector shall be borne one-half (1/2) each by District and Owner. If District fails to issue a Certificate of Approval as required hereby, Paul Ridenour may execute such Certificate of Approval as District's attorney-in-fact; such agency shall be deemed to be irrevocable in that it is coupled with an interest.

6. **Acquisition of Facilities.** Owner hereby agrees to sell to District, and District hereby agrees to purchase from Owner, the Facilities in an amount equal to Owner's cost of construction, subject to the terms and conditions hereof. Title to the Facilities purchased pursuant hereto shall be conveyed by Owner to District by an appropriate instrument as of the acceptance date. The purchase price of the Facilities shall be Owner's actual cost of constructing the Facilities, including permit fees, engineering, inspection, testing, design and other similar incidental costs, including but not limited to Owner's cost of administering contracts of all contractors and subcontractors engaged by Owner for such construction, in an amount not to exceed two percent (2%) of the contract costs, all as reviewed and approved by District's engineer. Owner shall deliver an itemized schedule of its actual cost of construction of the Facilities to District on or before the date of the Certificate of Approval. If Owner's actual cost of construction of the Facilities is equal to or less than the Estimate, or as adjusted for any District objection(s) thereto ("Adjusted Estimate"), Owner's actual cost shall be conclusive as to the purchase price. If Owner's actual cost of construction of the Facilities exceeds the Adjusted Estimate and the parties are unable to resolve their disagreement within five (5) business days of the date of the Certificate of Approval, such disagreement shall be resolved by the Third-Party Inspector in the same method and manner as set forth for the resolution of any disagreement with respect to District's Punch List as provided in paragraph 5 hereof. The acceptance date shall be as of the date of the Certificate of Approval. On or before the expiration of five (5) business days from the date of the Certificate of Approval, but not later than the date of Owner's delivery of the instrument of conveyance to District, District shall pay Owner the purchase price by a draft issued by the District or by wire transfer.

7. **Transfer of Warranties.** Concurrently with Owner's sale and District's acquisition of the Facilities pursuant to this Agreement, Owner shall transfer to District all warranties from all contractors and subcontractors received in connection with the construction and installation of the Facilities. District agrees that if any defects in the Facilities are discovered after District's acquisition of the Facilities, it shall rely only on the warranties of the contractors and subcontractors transferred to District, and, upon the transfer of such warranties, will waive any rights, claims or liabilities it may have against Owner in connection with the construction of the Facilities. To the extent to which Owner performs any of the work of the construction and

installation of the Facilities, Owner warrants that the work and materials shall not be defective for a period of one (1) year from the date of issuance of the Certificate of Approval.

8. **Release of All Claims.** District, on behalf of itself, its officers, directors, shareholders, members, partners, employees, agents, representatives, attorneys, heirs, trustees, beneficiaries, successors and assigns, in consideration for execution and delivery of this Agreement by Owner, voluntarily and knowingly executes this release with the express intention of effecting the legal consequences provided by Sections 1541 and 1542 of the California Civil Code and, with the intention of binding itself, its officers, directors, shareholders, members, partners, employees, agents, representatives, attorneys, heirs, trustees, beneficiaries, successors and assigns, hereby expressly releases and discharges Owner and LAFCO from any and all claims, demands, actions, judgments, costs, liabilities and executions which the undersigned or its officers, directors, shareholders, members, partners, employees, agents, representatives, attorneys, heirs, trustees, beneficiaries, successors and assigns may have or claim to have created by or arising out of the detachment of Owner's Property from District's service area under CEQA, or at all, and all of said rights, actions, claims, demands, liabilities, judgments and executions are hereby deemed satisfied in full, terminated and forever discharged.

District has read and understands the following statutory language of Section 1542 of the California Civil Code: "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor." Having been so apprised, District, on behalf of itself and its assignors, nevertheless hereby knowingly and voluntarily expressly releases Owner, its officers, directors, agents, employees and representatives, from any and all liability or claims, known or unknown, heretofore or hereafter arising from the subject of this release in favor of Owner, its heirs, executors, administrators, successors or assigns.

Prior to the execution of this release, District apprised itself of sufficient relevant data, either through experts or other sources of its own selection, in order that it might intelligently exercise its own judgment in deciding whether to execute this release, and the decisions of District were not predicated on or influenced by any declarations, representations or inducements of Owner, its officers, directors, agents, employees or representatives.

This release is entered into solely for the purpose of compromising and settling matters in dispute. It does not constitute and shall not be construed as an admission by any party of the truth or validity of any claim asserted or of any liability whatsoever. This Release and the settlement upon which it is predicated shall not be admissible in evidence as an admission of liability or of any fact pursuant to the provisions of Evidence Code sections 1152 and 1154.

9. **No Third-Party Beneficiaries.** This Agreement is not intended by either party to, and shall not, confer any benefit on any third party, whether identified or named herein or not, including without limitation any broker, finder, agent, or other person.

10. **Time of the Essence.** Time is of the essence in this Agreement and all of the conditions, covenants and restrictions herein contained. Any waiver of the timely

performance of any term, condition or covenant hereof shall not be construed to be a waiver of the timely performance of the same or any other term, condition or covenant when due.

11. **Binding.** This Agreement shall be binding upon and inure to the benefit of the heirs, executors, successors, administrators and assigns of the parties hereto.

12. **Notices.** All notices required or permitted pursuant to this Agreement shall be in writing and shall be delivered, mailed or transmitted to the parties at the following addresses. Each notice shall be deemed effective and given upon receipt, if personally delivered; upon the date of receipt as specified in the return receipt, if sent by certified mail with a return receipt requested; on the day of receipt if transmitted by telecopier or electronic mail on a business day prior to 2:00 p.m., and on the next business day following the date of receipt if transmitted by telecopier or electronic mail after 2:00 p.m. on a business day or at any time on a non-business day; or on the third (3rd) day after mailing, if mailed via first class mail, postage prepaid, addressed as follows:

If to Owner:

Cotdale, L.P.
Attn: Derrel A. Ridenour
3265 West Ashlan Avenue
Fresno, CA 93722
Fax: 559.224.1884

With a copy to:

James A. McKelvey, Esquire
Perkins, Mann & Everett
2222 West Shaw Avenue, Suite 202
Fresno, CA 93711
Fax: 559.447.5600

If to District:

Pinedale County Water District
480 West Birch Avenue
Pinedale, CA 93650
Fax: 559.439.1309

With a copy to:

Neal E. Costanzo, Esquire
Costanzo & Associates
575 East Locust Avenue, Suite 115
Fresno, CA 93720
Fax: 559.261.0706

Each notice shall be dated. A party may change its address for notice purposes by giving notice of such change to the other party(s) as provided in this paragraph.

13. **Integration.** No representations, warranties, agreements or covenants have been made with respect to any of the matters with which this Agreement is concerned other than those expressly set forth herein. This Agreement is intended as a complete and exclusive statement of the terms of the agreement of the parties, contains the full and complete agreement

and understanding of the parties, and supersedes all prior or contemporaneous negotiations, agreements or understandings (oral or written). This Agreement may not be modified, amended or supplemented except in writing signed by the parties hereto.

14. **Severability.** If one or more of the terms, conditions, covenants or agreements in this Agreement should be prohibited by or inconsistent with a provision of law contrary to which parties may not contract, then such term(s), condition(s), covenant(s) or agreement(s) shall be null and void and shall be deemed separable from the remaining terms, conditions, covenants and agreements and shall in no way affect the validity of this Agreement or the effect of any such remaining term, condition, covenant or agreement.

15. **Attorney Fees.** Each party shall bear its own attorney fees and costs to the date of execution and delivery of this Agreement. If suit is brought to enforce or interpret any part of this Agreement, the prevailing party shall be entitled to recover as an element of its costs of suit, and not as damages, a reasonable attorney fee to be fixed by the court. The "prevailing party" shall be the party who is entitled to recover its costs of suit, whether or not the suit proceeds to final judgment. A party not entitled to recover its costs shall not recover attorney fees. No sum for attorney fees shall be counted in calculating the amount of a judgment for purposes of determining whether a party is entitled to recover its costs or attorney fees.

16. **Recitals.** The recitals at the beginning of this Agreement shall be conclusive proof of the truthfulness thereof, and the terms and conditions set forth in the recitals, if any, shall be deemed to be a part of the Agreement.

17. **Counterparts.** The parties hereto may execute this Agreement in two or more counterparts which shall, in the aggregate, be signed by all the parties; each counterpart shall be deemed an original instrument as against any party who has signed it.

18. **California Law.** This Agreement shall be governed according to the laws of the State of California.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

"OWNER"

"DISTRICT"

COTDALE, L.P., a California limited partnership
By: RIDENOUR CORPORATION, its general partner

PINEDALE COUNTY WATER DISTRICT, a county water district

By:  9-16-09
Derrel A. Ridenour Date
President

By:  OCT 6, 2009
DAVID ROODMAN Date

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No.

Date:

Mitigation Monitoring Checklist

MITIGATION MEASURE				WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F																																
D-12. All applicants for development projects shall provide data (meeting City Department of Public Utilities criteria for such data) on the anticipated annual water demand and daily peak water demand for proposed projects. If a development project would increase water demand at a project location (or for a type of development) beyond the levels allocated in the version of the City's Urban Water Management Plan (UWMP) in effect at the time the project's environmental assessment is conducted, the additional water demand will be required to be offset or mitigated in a manner acceptable to the City Department of Public Utilities. Allocated water demand rates are set forth in Table 6-4 of the 2008 UWMP as follows: <table border="1"> <thead> <tr> <th align="center">FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.)</th> <th align="center" colspan="3">PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:</th> </tr> <tr> <th></th> <th align="center">01/01/2005 THROUGH 12/31/2010</th> <th align="center">01/01/2010 THROUGH 12/31/2024</th> <th align="center">AFTER 01/01/2025</th> </tr> </thead> <tbody> <tr> <td>Single family residential</td> <td align="center">3.8</td> <td align="center">3.5</td> <td align="center">3.5</td> </tr> <tr> <td>Multi-family residential</td> <td align="center">6.5</td> <td align="center">6.2</td> <td align="center">6.2</td> </tr> <tr> <td>Commercial and institutional</td> <td align="center">2</td> <td align="center">1.9</td> <td align="center">1.9</td> </tr> <tr> <td>Industrial</td> <td align="center">2</td> <td align="center">1.9</td> <td align="center">1.9</td> </tr> <tr> <td>Landscaped open space</td> <td align="center">3</td> <td align="center">2.9</td> <td align="center">2.9</td> </tr> <tr> <td>South East Growth Area</td> <td align="center">3.4</td> <td align="center">3.2</td> <td align="center">3.2</td> </tr> </tbody> </table> NOTE: The above land use classifications and demand allocation factors may be amended in future updates of the Urban Water Management Plan				FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES (Analysis shall include acreage to all street centerlines.)	PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:				01/01/2005 THROUGH 12/31/2010	01/01/2010 THROUGH 12/31/2024	AFTER 01/01/2025	Single family residential	3.8	3.5	3.5	Multi-family residential	6.5	6.2	6.2	Commercial and institutional	2	1.9	1.9	Industrial	2	1.9	1.9	Landscaped open space	3	2.9	2.9	South East Growth Area	3.4	3.2	3.2	Prior to approval of development project	Department of Public Utilities						
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A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

INDEMNITY AGREEMENT

(FRESNO LOCAL AGENCY FORMATION COMMISSION – PAUL RIDENOUR)

THIS INDEMNITY AGREEMENT (this “Agreement”) is made and entered into this 4th day of September, 2009 (the “Effective Date”), by and between the LOCAL AGENCY FORMATION COMMISSION OF FRESNO COUNTY (hereinafter “LAFCo”) and COTDALE L.P. and its General Partner, the RIDENOUR CORPORATION (hereinafter “APPLICANT”). LAFCo and APPLICANT may be collectively referred to as the “Parties” and singularly by their individual names or as a “Party.”

R E C I T A L S

A. Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Gov. Code Section 56000 *et seq.*), LAFCo has approved APPLICANT’S application for detachment, identified by LAFCo as the “Derrel’s Mini Storage Detachment” – LAFCo File No. DD-09-1 (hereinafter, the “Detachment”), which includes certain affected territory (the “Territory”) to be detached from Pinedale County Water District (hereinafter, “Pinedale CWD”).

B. The Territory is approximately 5.17 acres generally located on the west side of Harrison Avenue north of Bedford Avenue, and is more particularly described in Exhibit “A” attached hereto and incorporated herein by this reference.

C. The Territory is located within both the boundaries of the Pinedale CWD and the City of Fresno (the “City”) and both agencies’ existing powers entitle them to provide water service to this Territory. Under a 1985 agreement between the City and Pinedale CWD addressing territory lying within the City and Pinedale CWD, the City of Fresno is permitted to provide water services to the Territory with the consent of Pinedale CWD. LAFCo is not a part to the 1985 agreement and is not subject to such provisions. APPLICANT submitted the petition to detach the Territory from Pinedale CWD in order to allow the City to provide water service without violating the terms of the agreement between the City and Pinedale CWD.

D. APPLICANT will develop an 110,456 square-foot mini storage facility on the Territory (the “Development”).

E. Because the Development will be constructed on Territory within the jurisdiction of the City, the City serves as the Lead Agency under the California Environmental Quality Act (“CEQA”) (Public Resources Code Section 21000 *et seq.*) for the Development entitlements approved for the Territory. LAFCo serves as the Responsible Agency under CEQA with respect to these entitlements because LAFCo is required to review and consider the City’s environmental documents prior to taking its action on the Detachment.

F. The Detachment is considered a “project” under CEQA and is required to undergo separate CEQA review. LAFCo shall assume the role of Lead Agency under CEQA for purposes of the Detachment only.

G. The City, as Lead Agency, evaluated the potential environmental impacts of the Development. The City determined that the Development was a subsequent project that was not fully within the scope of the Master Environmental Impact Report (the "MEIR") No. 10130 and, therefore, prepared an initial study (the "Initial Study") to evaluate the potential environmental impacts not previously examined in the MEIR.

H. Following its review, the City determined that, although the Development could have significant effects on the environment, specifically water supply, such effects could be effectively mitigated. The City, therefore, applied the MEIR mitigation checklist as well as project specific mitigations and adopted a Mitigated Negative Declaration for the Development.

I. CEQA Regulation Section 15320 categorically exempts the Detachment from environmental review. This regulation exempts "Changes in Organization of Local Agencies" from environmental review, which includes "changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised." Since the Detachment is categorically exempt from CEQA, LAFCo was not required to prepare an initial study.

J. According to the Initial Study prepared by the City for the Development and correspondence from the Fresno Fire Department, both on-site and off-site fire hydrants necessary to serve the Development are required to provide a minimum flow of 1,500 gallons per minute (gpm) at 20 pounds per square inch (psi) pressure. The City and Pinedale CWD each conducted water flow/pressure tests on Pinedale CWD and City fire hydrants. The Fresno Fire Department determined that such water flow and pressure produced by Pinedale CWD's water system was not sufficient to meet these minimum standards.

L. On August 12, 2009, following public hearings and after consideration of all evidence, LAFCo made certain findings, determinations, and approvals reflected in LAFCo resolution number DD-09-1 (hereinafter the "LAFCo Resolution"), attached hereto as Exhibit "B" and incorporated herein by this reference, in connection with the Detachment, and determined that APPLICANT met all legal requirements contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 *et seq.*).

M. LAFCo's approval of the Detachment was conditioned on APPLICANT entering this Agreement.

N. APPLICANT acknowledges that there are frequent challenges to governmental approvals, which may expose LAFCo to liability for damages, costs, and attorneys' fees.

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

P. LAFCo incurs great expense in the active defense of such litigation and, if unsuccessful, may also be required to pay the prevailing party's attorney's fees and costs.

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

R. APPLICANT and LAFCo mutually desire to enter into this Agreement, by which APPLICANT shall indemnify, defend, save and hold LAFCo harmless, as provided herein, to ensure that LAFCo shall bear no fiscal or financial burden whatsoever resulting from any challenge, which includes, but is not limited to, LAFCo's approval of the Detachment.

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

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

a. "APPLICANT" is Cotdale, L.P. and its General Partner, the Ridenour Corporation, and his heirs, assigns or successors in interest;

b. "LAFCo Approval" shall include any act or omission or benefit arising from or in connection with LAFCo's consideration and approval of the Detachment.

2. INDEMNIFY, DEFEND, AND HOLD HARMLESS.

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

b. APPLICANT shall pay all attorneys' fees and costs related to the representation of LAFCo in any action brought against LAFCo, and/or APPLICANT arising from, resulting from, or in connection with the LAFCo Approval.

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

3. NOTIFICATIONS AND COOPERATION. Within thirty (30) business days of its receipt of any demand, claim, action, proceeding, or litigation related to the

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

4. LAFCO'S RIGHTS TO PARTICIPATE IN DEFENSE. Nothing contained herein shall prohibit LAFCo, in its sole discretion, from participating in the defense of any demand, claim, action, proceeding, or litigation over and above representation by outside counsel provided by APPLICANT or from participating in the defense of any demand, claim, action, proceeding or litigation. If LAFCo elects to participate in the defense, it shall do so in good faith and shall bear its own cost for such participation in the defense; provided, that APPLICANT shall timely reimburse LAFCo for all fees and costs paid by LAFCo to LAFCo's legal counsel for any time and costs on matters relating to APPLICANT's defense of LAFCo (including, but not limited to, communications with APPLICANT and APPLICANT's legal counsel), in addition to those obligations imposed upon APPLICANT in Section 2 of this Agreement. In no event shall LAFCo's participation in the defense of any demand, claim, action, proceeding, or litigation affect the obligations imposed upon APPLICANT in Section 2 of this Agreement.

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

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

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

b. APPLICANT petitions LAFCo to terminate this Agreement by providing to LAFCo a written opinion of APPLICANT's legal counsel, in form and substance acceptable to LAFCo and its legal counsel, and LAFCo, in its sole reasonable

discretion, determines that termination of this Agreement is in the best interest of the public and LAFCo. It is understood and agreed that LAFCo, in making the determination of whether or not to terminate this Agreement, may reasonably rely upon said opinion of APPLICANT's legal counsel.

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

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

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

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

11. BINDING EFFECT. Subject to the provisions of Paragraph 10 of this Agreement, the provisions of this Agreement, and the covenants and conditions contained in this Agreement, shall be continuous and shall be binding upon and inure to the benefit of the heirs, successors, and assigns of the Parties to this Agreement.

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

To LAFCo at:

Fresno LAFCo
2115 Kern Street, Suite 310
Fresno, California 93721
Facsimile Number: (559) 495-0655
Attn: Executive Officer

With a copy to:

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

5260 N. Palm Avenue, Suite 421
Fresno, California 93704-2209
Facsimile Number: (559) 432-5620

To APPLICANT at: Cotdale, L.P.
Attn: Paul Ridenour
3265 W. Ashlan Avenue
Fresno, CA 93722
Facsimile Number: (559) 224-1884

With a copy to: Jim McKelvey
Perkins, Mann & Everett
2222 W. Shaw Avenue, Suite #202
Fresno, CA 93711
Facsimile Number: (559) 447-5600

Any Party or designated recipient may change his address for purposes of this Paragraph 12 by giving written notice of such change to the other Party and/or designated recipients in the manner provided for in this Paragraph 12.

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

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

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

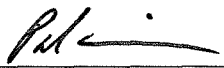
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16. FURTHER ACTION. The Parties to this Agreement shall execute such other documents, and shall take such other actions, as may be necessary or appropriate to carry out the foregoing.

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

APPLICANT: COTDALE, L.P.

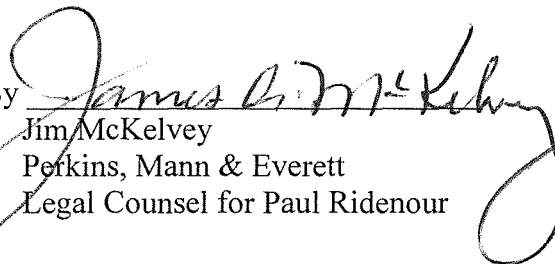
LAFCo: LOCAL AGENCY FORMATION
COMMISSION OF FRESNO COUNTY

By 
Paul Ridenour

By 
Name
Title LAFCO EXECUTIVE OFFICER

APPROVED AS TO LEGAL FORM:

APPROVED AS TO LEGAL FORM:

By 
Jim McKelvey
Perkins, Mann & Everett
Legal Counsel for Paul Ridenour

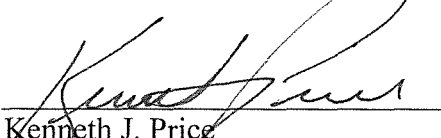
By 
Kenneth J. Price
BAKER, MANOCK & JENSEN
Legal Counsel for LAFCo

EXHIBIT "A"

"DERREL'S MINI STORAGE DETACHMENT" Detachment from the Pinedale County Water District

Parcel B of Lot Line Adjustment No. 2008-11, recorded January 15, 2009 as Document No. 2008-0004849 of Official Records of Fresno County, and more particularly described as follows:

That portion of Outlot "A" of Parcel Map No. 77-23, in the City of Fresno, County of Fresno, State of California, according to the map thereof recorded in Book 24 at Pages 81 and 82 of Parcels Maps, Fresno County Records, described as follows:

BEGINNING at the Southeast corner of said Outlot "A"; thence North 89° 51' 00" West, along the South line of said Outlot "A", a distance of 803.17 feet to the Southwest corner of said Outlot "A"; thence North 00° 02' 48" West, along the Westerly line of said Outlot "A", a distance of 256.84 feet to a point on a line that is parallel with and 256.84 feet North of the South line of said Outlot "A"; thence South 89° 51' 00" East, along said parallel line, a distance of 555.70 feet; thence North 00° 09' 08" East, a distance of 74.96 feet to a point on a line that is parallel with and 331.80 feet North of said South line; thence South 89° 51' 00" East, along last said parallel line, a distance of 248.80 feet to a point on the Easterly line of said Outlot "A"; thence South 00° 14' 00" West, along said Easterly line, a distance of 331.80 feet to the Point of Beginning.

EXHIBIT "B"

RESOLUTION NO. DD-09-1

FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA

IN THE MATTER OF

LAFCO DETERMINATION

A LANDOWNER PETITION REQUESTING)
DETACHMENT OF TERRITORY FROM)
THE PINEDALE COUNTY WATER)
DISTRICT)

APPROVED WITH CONDITIONS

WHEREAS, these proceedings were initiated by Landowner Petition to detach 5.17 acres of territory from the Pinedale County Water District; said territory being located on the west side of N. Harrison Avenue, north of W. Bedford Avenue, and also being described within Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, the Chief Petitioner requested approval of this detachment to allow the City of Fresno to provide water service to an approved mini storage site to be developed on the subject property; and

WHEREAS, in 1974, the Commission approved the annexation of the affected territory into the City of Fresno (LAFCo File AC-74-16) and, as a result, the affected territory is located within both the boundaries of the Pinedale County Water District and the City of Fresno; and

WHEREAS, at the time of this annexation, the Commission did not expressly or impliedly limit the authority of the City of Fresno to provide water to overlapping territories, which includes the affected territory; and

WHEREAS, the City of Fresno and the Pinedale County Water District are parties to an agreement, executed in 1985, that appears to determine which agency will provide water service to the overlapping territories served by both agencies; and

WHEREAS, although LAFCo staff believes that the City likely has the legal authority to provide water service to the affected territory, the City has informed LAFCo that it is unwilling to do so without a detachment from the Pinedale County Water District; and

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

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

WHEREAS, this Commission reviewed and considered all information contained within the Environmental documents prepared and submitted by the City of Fresno (Lead Agency), all of which were included within the Executive Officer's report to this Commission; and

WHEREAS, this Commission, acting as "Lead Agency" with respect to the detachment, reviewed and considered whether the detachment was categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Regulations 15320 "Changes in Organization of Local Agencies"; and

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

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

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

Section #2. Acting as "Lead Agency" pursuant to California Environmental Quality Act (CEQA) Guidelines, this Commission finds that the Detachment qualifies for categorical exemption from environmental review, CEQA Regulation Section 15320 "Changes in Organization of Local Agencies".

Section #3. This Commission finds that the proposed reorganization is consistent with *Fresno LAFCo Policies, Standards, and Procedures* Sections 101, 102, and 210, and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Section #4. This Commission assigns the distinctive short form designation "Derrel's Mini Storage Detachment" and approves the detachment subject to the following conditions of approval:

1. Prior to recordation, Cotdale L.P. shall execute an indemnification agreement with the Commission, agreeing, among other things, to defend, indemnify, and hold harmless the Commission from and against any claims, actions (including those filed by any state or local governmental agencies), costs, or damages arising out of or in connection with the Commission's actions related to this matter. The agreement shall be prepared by LAFCo's Counsel.

Note: A fee as established by LAFCo's Fee Schedule to cover the preparation costs shall be paid prior to preparation and agreement execution.

2. Prior to recordation and before Occupancy Permits are issued by the City of Fresno, the proponent shall provide evidence satisfactory to the Executive Officer that it has complied with Mitigation Measure D-12 as identified in the Mitigation Monitoring Checklist prepared for Master Environmental Impact Report No. 10130 / SCH No. 2001071097 for the 2025 Fresno General Plan.
3. Prior to recordation, the landowner and the District shall execute and record an easement agreement allowing for the District to construct a portion of a looped water conveyance system on landowner's property. In the event that this agreement is not executed within 30 days of this August 12th hearing, this condition shall be excused.

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

1. The territory is uninhabited.
2. All landowners have consented to the detachment.

Section #6. This Commission hereby waives further Conducting Authority Proceedings and orders the detachment subject to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the 30-day reconsideration period.

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

* * * * *

ADOPTED THIS 12TH DAY OF AUGUST, 2009, BY THE FOLLOWING VOTE:

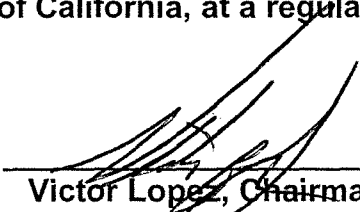
AYES: Commissioners Perea, Rodriguez, Fortune, Lopez

NOES: None

ABSTAIN: Commissioner Anderson

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

I, Victor Lopez, Chairman of the Fresno Local Agency Formation Commission certify that the foregoing resolution was adopted by the Local Agency Formation Commission of Fresno County, State of California, at a regular meeting held on the 12th day of August, 2009.



Victor Lopez, Chairman
Fresno Local Agency Formation Commission

EXHIBIT "A"

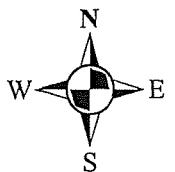


Legend

-  District SOI
-  District Area
-  Affected Territory

Pinedale County Water District
"Derrel's Mini Storage Detachment"
LAFCo File No. DD-09-1

0 0.125 0.25 Miles



PLEASE RECORD AND, WHEN
RECORDED, RETURN TO:

Neal E. Costanzo, Esquire
Costanzo & Associates
575 East Locust Avenue, Suite 115
Fresno, CA 93720



FRESNO County Recorder
Robert C. Werner

DOC- 2009-0149311

Acct 7-North American Title Company Inc.

Thursday, OCT 29, 2009 08:00:00

Ttl Pd \$0.00

Nbr-0003098810

EMF/R5/1-13

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT ("Agreement") is made, executed and delivered effective September ~~10th~~, 2009, by and between COTDALE, L.P., a California limited partnership ("Grantor"), and PINEDALE COUNTY WATER DISTRICT, a county water district ("District").

Recitals

A. Grantor is the owner of that certain real property in the City of Fresno, County of Fresno, State of California, more particularly described on Exhibit "A" attached hereto and incorporated by reference herein ("Grantor's Property").

B. District is a county water district, organized and existing pursuant to the Water Code of the State of California, with its principal place of business in Fresno County, California, with a service area that originally included Grantor's Property.

C. On August 12, 2009, the Fresno County Local Agency Formation Commission ("LAFCO") approved Grantor's application to detach Grantor's Property from District's service area on condition that, *inter alia*, Grantor convey certain easements to District over Grantor's property for the installation and maintenance of District facilities, viz, water pipelines, to serve the remaining properties in the District's service area.

D. Grantor is willing to convey the easements described herein to District in accordance with the terms of this Agreement and District's strict compliance with each and every term, condition and covenant contained herein.

Grant of Easements

1. For a valuable consideration, receipt of which is hereby acknowledged, Grantor hereby grants to District, which grant shall be effective only upon the recordation of this Agreement, the easements on and under Grantor's Property as more particularly described on Exhibits "B-1" and "B-2" and Exhibits "C-1" and "C-2", copies of which are attached hereto and incorporated by this reference herein, subject to and in accordance with the terms and conditions of this Agreement.

Conditions to Grant of Easements

2. The easements granted by this Agreement are easements to construct, operate, maintain and repair District facilities consisting of water pipelines which are necessary for the provision of District services to the lands and structures located within District's remaining service area.

3. The easements granted by this Agreement include incidental rights of ingress and egress over and across the driveways on Grantor's Property only when and if required to provide access to the easement areas themselves.

4. In exercising its easement and incidental access rights granted herein, District shall use reasonable care, including but not limited to the protection of Grantor's Property and the use of safety measures necessary to protect persons, Grantor's Property, and the property of Grantor's tenants from any damage or injury caused by or resulting from District's installation, use, repair or maintenance of District's facilities located within the easements. District maintains general liability insurance; District shall provide Grantor a certificate evidencing such insurance within ten (10) days after the execution and delivery of this Agreement. If any persons are injured or any damage results to Grantor's Property or the property of Grantor's tenants, District shall promptly repair any such damage and restore Grantor's Property and the property of Grantor's tenants to the condition to which it existed prior to the damage caused by the operation, repair or maintenance of District's facilities.

5. The easements granted by this Agreement shall last for only so long as such facilities are necessary for District's provision of water service to the lands and improvements within its service area, or until District no longer exists, whichever occurs first. Upon termination of either or both of the easements granted by this Agreement, District shall record a Notice of Termination of Easement in the Official Records of the County of Fresno, State of California. If District fails to record a Notice of Termination of Easement as provided herein within ten (10) business days of the occurrence of an event pursuant to which the easements or either of them granted by this Agreement shall terminate, District appoints a representative of Grantor or of Grantor's successors or assigns who may then own the servient tenement to execute and record such Notice of Termination as District's attorney-in-fact, which appointment is irrevocable because it is coupled with an interest, i.e., the fee simple estate of the real property to which the easements are the dominant tenement.

6. The easements granted by this Agreement are non-exclusive. Grantor hereby reserves the right to make any use of Grantor's Property that does not unreasonably interfere with District's use of the easements and the operation, repair and maintenance of the District facilities located within the easements.

7. District shall pay any and all costs and expenses for operating, maintaining and repairing the facilities within the easements, including but not limited to the cost of repairing or restoring any improvements which may be damaged by reason of District's use of the

easements or the operation, maintenance and repair of the facilities within the easements, or any part thereof, during the term of the easements. District shall not permit the structures or improvements on Grantor's Property to be damaged as a result of its operation, repair or maintenance of the facilities within the easements.

8. To the extent to which the District is required by any emergency to repair any of the District facilities located within the easements granted by this Agreement, District shall comply with Grantor's rules with respect to ingress or egress on or over Grantor's Property, including but not limited to utilizing Grantor's electronic access code system which operates Grantor's gate controls.

9. The City of Fresno ("City") has issued a Conditional Use Permit (No. C-06-094) to Grantor, pursuant to which City has required Grantor to convey to the City an easement for a public trail over the same area as shown on Exhibits "C-1" and "C-2" in which a pipeline easement is granted to the District by this Agreement; such trail shall be operated, maintained and repaired by the City for the benefit of the public. District hereby consents to Grantor's conveyance of such an easement to the City, and the grant of the easements granted to District hereby are expressly conditioned upon District's consent to Grantor's conveyance of such an easement to the City.

10. The covenants contained in this Agreement shall constitute covenants running with the land and shall bind the successors and assigns of Grantor and District for the benefit of Grantor and Grantor's successors and assigns.

11. District agrees to indemnify and hold Grantor and Grantor's Property harmless from any and all personal injury, property damage, cost, claims, liability expense, or charges, including but not limited to reasonable attorney fees, arising from or connected or related in any way to the easements and right of entry granted under this Agreement. In the event any lien, including any mechanic's lien, is filed against Grantor's Property, as a result of any act or omission of District or District's agents, contractors, employees or representatives, District shall cause the lien to be discharged within ten (10) business days after the filing thereof; provided, however, that District may contest any such lien if Grantor's Property is released from such lien by the recording of a bond sufficient in an amount and form pursuant to California Civil Code Section 3143, as amended or replaced, within such ten (10) day period.

12. All notices required or permitted pursuant to this Agreement shall be in writing and shall be delivered, mailed or transmitted to the parties at the following addresses. Each notice shall be deemed effective and given upon receipt, if personally delivered; upon the date of receipt as specified in the return receipt, if sent by certified mail with a return receipt requested; on the day of receipt if transmitted by telecopier or electronic mail on a business day prior to 2:00 p.m., and on the next business day following the date of receipt if transmitted by telecopier or electronic mail after 2:00 p.m. on a business day or at any time on a non-business day; or on the third (3rd) day after mailing, if mailed via first class mail, postage prepaid, addressed as follows:

If to Grantor: Cotdale, L.P.
Attn: Derrel A. Ridenour
3265 West Ashlan Avenue
Fresno, CA 93722
Fax: 559.224.1884

With a copy to: James A. McKelvey, Esquire
Perkins, Mann & Everett
2222 West Shaw Avenue, Suite 202
Fresno, CA 93711
Fax: 559.447.5600

If to District: Pinedale County Water District
480 West Birch Avenue
Pinedale, CA 93650
Fax: 559.439.1309

With a copy to: Neal E. Costanzo, Esquire
Costanzo & Associates
575 East Locust Avenue, Suite 115
Fresno, CA 93720
Fax: 559.261.0706

Each notice shall be dated. A party may change its address for notice purposes by giving notice of such change to the other party(s) as provided in this paragraph.

13. This Agreement shall be binding upon and inure to the benefit of the heirs, executors, successors, administrators and assigns of the parties hereto.

14. Each party shall bear its own attorney fees and costs to the date of execution and delivery of this Agreement. If suit is brought to enforce or interpret any part of this Agreement, the prevailing party shall be entitled to recover as an element of its costs of suit, and not as damages, a reasonable attorney fee to be fixed by the court. The "prevailing party" shall be the party who is entitled to recover its costs of suit, whether or not the suit proceeds to final judgment. A party not entitled to recover its costs shall not recover attorney fees. No sum for attorney fees shall be counted in calculating the amount of a judgment for purposes of determining whether a party is entitled to recover its costs or attorney fees.

15. No representations, warranties, agreements or covenants have been made with respect to any of the matters with which this Agreement is concerned other than those expressly set forth herein. This Agreement contains the full and complete understanding of the parties and supersedes all prior or contemporaneous negotiations, agreements or understandings

(oral or written). This Agreement may not be modified, amended or supplemented except in writing signed by the parties hereto.

16. The recitals at the beginning of this Agreement shall be conclusive proof of the truthfulness thereof, and the terms and conditions set forth in the recitals, if any, shall be deemed to be a part of the Agreement.

17. The representations, warranties, covenants and agreements made in this Agreement shall survive the recordation and delivery of this Agreement.

18. The parties hereto may execute this Agreement in two or more counterparts which shall, in the aggregate, be signed by all the parties; each counterpart shall be deemed an original instrument as against any party who has signed it.

19. This Agreement shall be governed according to the laws of the State of California.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

"GRANTOR"

COTDALE, L.P., a California limited
partnership
By: RIDENOUR CORPORATION, its
general partner

By: Derrel A. Ridenour 9-10-09
Derrel A. Ridenour Date
President

"DISTRICT"

PINEDALE COUNTY WATER
DISTRICT, a county water district

By: David Rodriguez 9/10/09
Date
DAVID RODRIGUEZ
PRESIDENT

CALIFORNIA ACKNOWLEDGMENT

STATE OF CALIFORNIA

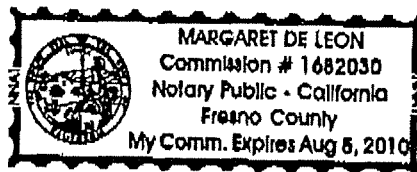
COUNTY OF FRESNO

On 10/14/09 before me Margaret De Leon, Notary Public,

personally appeared Derrel A. Ridenour
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Margaret De Leon

(Seal)

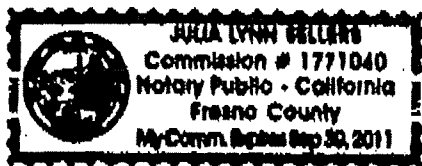
STATE OF CALIFORNIA)
) ss.
 COUNTY OF FRESNO)

On Sept. 10, 2009, before me Julia Lynn Sellers, a notary public, personally appeared David Rodriguez who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

(SEAL)



Julia Lynn Sellers
 Signature of Notary Public

STATE OF CALIFORNIA)
) ss.
 COUNTY OF FRESNO)

On 10/15/09, before me Margaret De Leon, a notary public, personally appeared Dancy A. Rider who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

(SEAL)

 Signature of Notary Public

EXHIBIT A

LEGAL DESCRIPTION

Real property in the City of FRESNO, County of Fresno, State of California, described as follows:

PARCEL ONE:

Parcel B of Lot Line Adjustment No. 2008-11, recorded January 15, 2009 as Document No. 2009-0004849 of Official Records of Fresno County, and more particularly described as follows:

That portion of Outlot "A" of Parcel Map No. 77-23, in the City of Fresno, County of Fresno, State of California, according to the map thereof recorded in Book 24 at Pages 81 and 82 of Parcels Maps, Fresno County Records, described as follows:

BEGINNING at the Southeast corner of said Outlot "A"; thence North 89° 51' 00" West, along the South line of said Outlot "A", a distance of 803.17 feet to the Southwest corner of said Outlot "A"; thence North 00° 02' 48" West, along the Westerly line of said Outlot "A", a distance of 256.84 feet to a point on a line that is parallel with and 256.84 feet North of the South line of said Outlot "A"; thence South 89° 51' 00" East, along said parallel line, a distance of 555.70 feet; thence North 00° 09' 08" East, a distance of 74.96 feet to a point on a line that is parallel with and 331.80 feet North of said South line; thence South 89° 51' 00" East, along last said parallel line, a distance of 248.80 feet to a point on the Easterly line of said Outlot "A"; thence South 00° 14' 00" West, along said Easterly line, a distance of 331.80 feet to the Point of Beginning.

PARCEL TWO:

AN EASEMENT AS CONVEYED TO COTDALE L.P., A CALIFORNIA LIMITED PARTNERSHIP IN THAT CERTAIN INSTRUMENT ENTITLED "SLOPE EASEMENT AGREEMENT" EXECUTED BY NORTH PALM INVESTORS, A CALIFORNIA GENERAL PARTNERSHIP RECORDED JANUARY 28, 2009 AS INSTRUMENT NO. 2009-0010228 OF OFFICIAL RECORDS OF FRESNO COUNTY, CALIFORNIA

APN: 405-340-05 (Portion)

EXHIBIT B-1

WATER LINE EASEMENT

That portion of Parcel "B" of Lot Line Adjustment No. 2008-11 as described in Grant Deed recorded January 15, 2009 as Document No. 2009-0004849, Official Records of Fresno County, lying in the West half of Section 32, Township 12 South, Range 20 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California described as follows:

A strip of land, 10.00 feet in width, the centerline of which being described as follows:

COMMENCING at the Southwest corner of said Parcel "B";

Thence South 89°51'00" East, along the South line of said Parcel "B", a distance of 123.46 feet to the **TRUE POINT OF BEGINNING** of said centerline;

Thence along said centerline, the following courses:

North 00°09'25" East, a distance of 35.25 feet;

Thence North 89°51'00" West, a distance of 81.61 feet;

Thence North 00°09'25" East, a distance of 187.76 feet;

Thence North 22°20'35" West, a distance of 13.07 feet;

Thence North 00°09'25" East, a distance of 21.75 feet to a point on the North line of said Parcel "B", said point being South 89°51'00" East, a distance of 37.89 feet from the Northwest corner of said Parcel "B", said point also being the terminus of said centerline.

The sidellines of this strip shall be lengthened or shortened as to terminate on the North and South lines of said Parcel "B".

Containing 3,318 Square Feet, more or less.

**RESPONSES TO ARGUMENTS MADE IN CORRESPONDENCE FROM
ATTORNEYS REPRESENTING THE PINEDALE COUNTY WATER DISTRICT**

Claim No. 1: Once the looping of the District's water lines is completed, the District can easily achieve the purported 1,500 gallons per minute fire flow requirement.

Response:

1.1 The District's has conceded that the Fire Flow tests performed by the FFD established that during peak hours the District's water system is unable to meet the required fire flow demands during summer peak hour demand periods.

1.2 In a June 16th memo to the Board of Directors of the PCWD, its District Engineer stated the following:

The fire flow available to the District's system in this particular area will be improved after the subject property, **including the vacant property immediately north of Derrel's**, is developed. These distribution system improvements would provide for looping of the three water mains stubbed into the property, which **should** increase available fire flow to this area to marginally meet the 1,500 gpm requirement of the City. **However, this improved fire flow would be available only if the City enforces the conditions of approval for Derrel's and requires the same conditions for the property to the north.**

(June 16th Memorandum, p. 3.)

As such, the District's own engineer has stated that even with the proposed conditions, he can only opine that these improvements "should" increase available fire flow to this area to "marginally" meet the fire flow requirements. Furthermore, this improvement in water pressure occurs only if improvements are installed not only of the Derrel's property **but also the property to the north.**

Currently, the City has no idea when the property to the north will develop.

Claim No. 2: Allowing the Detachment will Result in the City violating its 1985 Agreement with the PCWD.

Response:

2.1 If the Subject Property is detached from the PCWD will not result in the City breaching the agreement because:

2.1.1 The agreement clearly addresses the situation of when the City will provide water service to customers in the District's service area. If property is detached from the District's service area, the agreement no longer applies.

2.1.2 Nothing in the agreement precludes the city from providing water service to properties that have been detached from the District's service area.

2.1.3 Derrel's mini-storage has right, independent from the subject contract, to seek detachment through LAFCO from the District.

2.1.4 Other properties that previously were within the District's service area have petitioned for and were granted detachment from the District's service area

2.1.5 Nothing in the Agreement requires the City to agree to the splitting with the District water service between domestic service and fire service.

Claim No. 3: The City must first amend its Urban Water Management Plan to include the Derrel's property within its Water Service Area before it can offer to provide water service to Derrel's:

Responses:

3.1 The Urban Water Management Plan is not the legal document that establishes the area where the City is legally permitted to provide water service. Those determinations are made by LAFCO.

3.2 The policies behind the requirement of Urban Water Management Plans are:

3.2.1 The conservation and efficient use of water shall be actively pursued to protect both the people of the state and their water resources.

3.2.2 The conservation and efficient use of urban water supplies shall be a guiding criterion in public decisions.

(See Water Code, section 10610.4)

3.3 The City has included in its UWMP water supply contingencies in the event the City were to assume the responsibility of providing water service to areas of the City currently served by other water districts and water companies, including the Pinedale County Water District, **after 2013**. Specifically, the UWMP includes low and high land use based water demands. The low land use based demand assumes, in part, that the City would not assume the water service responsibilities of **Pinedale**, Bakman, CSUF, and other private uses to the City systems. (UWMP, p. 6-6, paragraph 6.) The high land use based demand assumes that after 2013, the City would assume the water service responsibilities of **Pinedale**, Bakman, CSUF, and other private uses to the City systems and that this transition would begin to occur in 2013. (UWMP, p. 6-8, paragraph 5.) As such, the City has planned for the possibility in the future of it providing water service to customers currently served by the PCWD.

3.4 Water Code, section 10640 does require the City to periodically review and, if necessary, amend or update its UWMP. This review is to take place at least every 5 years. However, nowhere in the Water Code state that every time it adds a new customer to its service area it must first amend its plan. Again, the purpose of the plan is to provide for the conservation and efficient use of water.

3.5 In this case, the City and Derrel's has already agreed that Derrel's will fully offset its water demand from the Subject Property by reducing water demands at other Derrel's facilities within the City. Therefore, the net effect of providing water to the Subject Property is zero.

Claim No. 4: **The Use of the Categorical Exemption by LAFCO for the approval of this Detachment is not appropriate.**

Response:

The City has no issue with LAFCO's use of the Class 20, Categorical Exemption.

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

Receipt # E200910000256

Lead Agency: FRESNO LOCAL AGENCY FORMATION COMMISSION Date: 08/13/2009

County Agency of Filing: FRESNO COUNTY CLERK Document No: E200910000256

Project Title: PINEDALE COUNTY WATER DISTRICT "DERREL'S MINI STORAGE DETACHMENT"

Project Applicant Name: LAFCO Phone Number: (559) 495-0604

Project Applicant Address: 2115 KERN STREET, STE. 310, FRESNO, CA 93721

Project Applicant: LOCAL PUBLIC AGENCY

ADMINISTRATION FEE	\$	50.00
CATEGORICAL EXEMPTION	\$	0.00
Total Received	\$	50.00

Signature and title of person receiving payment: 

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

Receipt # E200910000256

Lead Agency: FRESNO LOCAL AGENCY FORMATION COMMISSION Date: 08/13/2009

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Project Applicant Address: 2115 KERN STREET, STE. 310, FRESNO, CA 93721

Project Applicant: LOCAL PUBLIC AGENCY

ADMINISTRATION FEE	\$	50.00
CATEGORICAL EXEMPTION	\$	0.00
Total Received	\$	50.00

Signature and title of person receiving payment: 

NOTICE OF EXEMPTION

FILED

To: _____ Office of Planning and Research **From:** Fresno Local Agency Formation
 1400 Tenth Street, Room 121 Commission, Fresno County, California
 Sacramento, CA 95814 2115 Kern Street, Suite 310
 Fresno, CA 93721

☒ County Clerk
 County of Fresno

AUG 13 2009

By Manuel
 FRESNO COUNTY CLERK
 DEPUTY

Project Title: Pinedale County Water District "Derrel's Mini Storage Detachment" (LAFCo File No. DD-09-1)

Project Location: On the west side of N. Harrison Avenue, north of W. Bedford Avenue in the City of Fresno, Fresno County.

Description of Project: A proposed detachment of 5.17 acres from the Pinedale County Water District, submitted by landowner petition.

Name of Public Agency Approving Project: Fresno Local Agency Formation Commission, Fresno County

Name of Person Carrying Out Project: Rick Ballantyne, Executive Officer, Fresno Local Agency Formation Commission, Fresno County

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080 (b) (1); 15268);
☐ Declared Emergency (Sec. 21080 (b) (3); 15269(a));
☐ Emergency Project (Sec. 21080 (b) (4); 15269(b) (c));
☒ Categorical Exemption: CEQA Guidelines Section 15320
☐ Statutory Exemptions.
☐ General Rule (Sec. 15061 (b) (3))

Reasons why Project is Exempt: Pursuant to the California Environmental Quality Act (CEQA), Guidelines Section 15320 (Changes in Organization of Local Agencies) it has been determined that the project is Categorical Exempt. The subject parcel is located within the boundaries of both the Pinedale County Water District (CWD) and the City of Fresno. Both agencies' existing powers entitle them to provide water service to this parcel. Both the City and Pinedale CWD provide service to adjacent properties – Pinedale CWD to the south and the City of Fresno to the east.

Lead Agency: Fresno Local Agency Formation Commission, Fresno County

Contact Person: Rick Ballantyne, Executive Officer Area Code/Telephone: 559/495-0604

Signature: Rick Ballantyne, Rick Ballantyne, Executive Officer Date: 8/13/09

☒ Signed by Lead Agency



INTER OFFICE MEMO

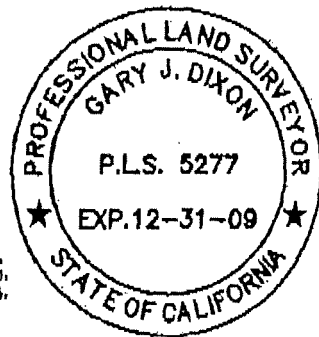
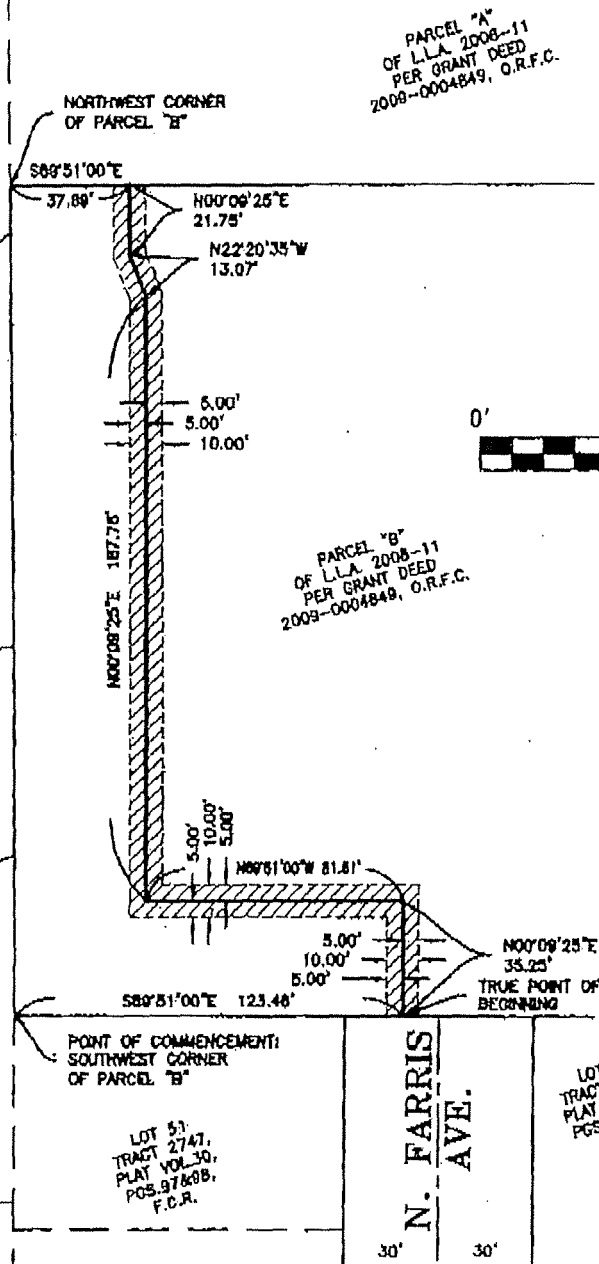
County Free Library

FAX (559) 495-0655

DATE: September 11, 2009
TO: Rick Ballantyne, Executive Officer
FROM: Karen Bosch Cobb, County Librarian
SUBJECT: **Derrel's Mini Storage Detachment DD-09-1**

The subject property encompasses no known historic sites, properties or districts, and is not inherently historic; nor does it have any known association with any individuals or events of importance. It is not listed on the County's Index of Historic Properties.

EXHIBIT B-2



Rel. & Rev. C- - - -	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	Proj. No.: - Fund. No.: - Org. No.: -
Plat No.: 2008 - - -	A PORTION OF PARCEL "B" OF LOT LINE ADJUSTMENT 2008-11 PER GRANT DEED RECORDED AS DOC. NO. 2008-0004849, O.R.F.C., LYING IN THE NORTHWEST QUARTER OF SECTION 32, T.12S., R.20E., M.D.B.&M., TO BE DEEDED TO THE PINEDALE COUNTY WATER DISTRICT FOR WATER EASEMENT PURPOSES.	Dr. By: W. H. H. H. Ch. By: G. H. H. Date: - - - Scale: 1"=30'
		SHEET NO. 1 OF 1 SHEETS 15-A- - -

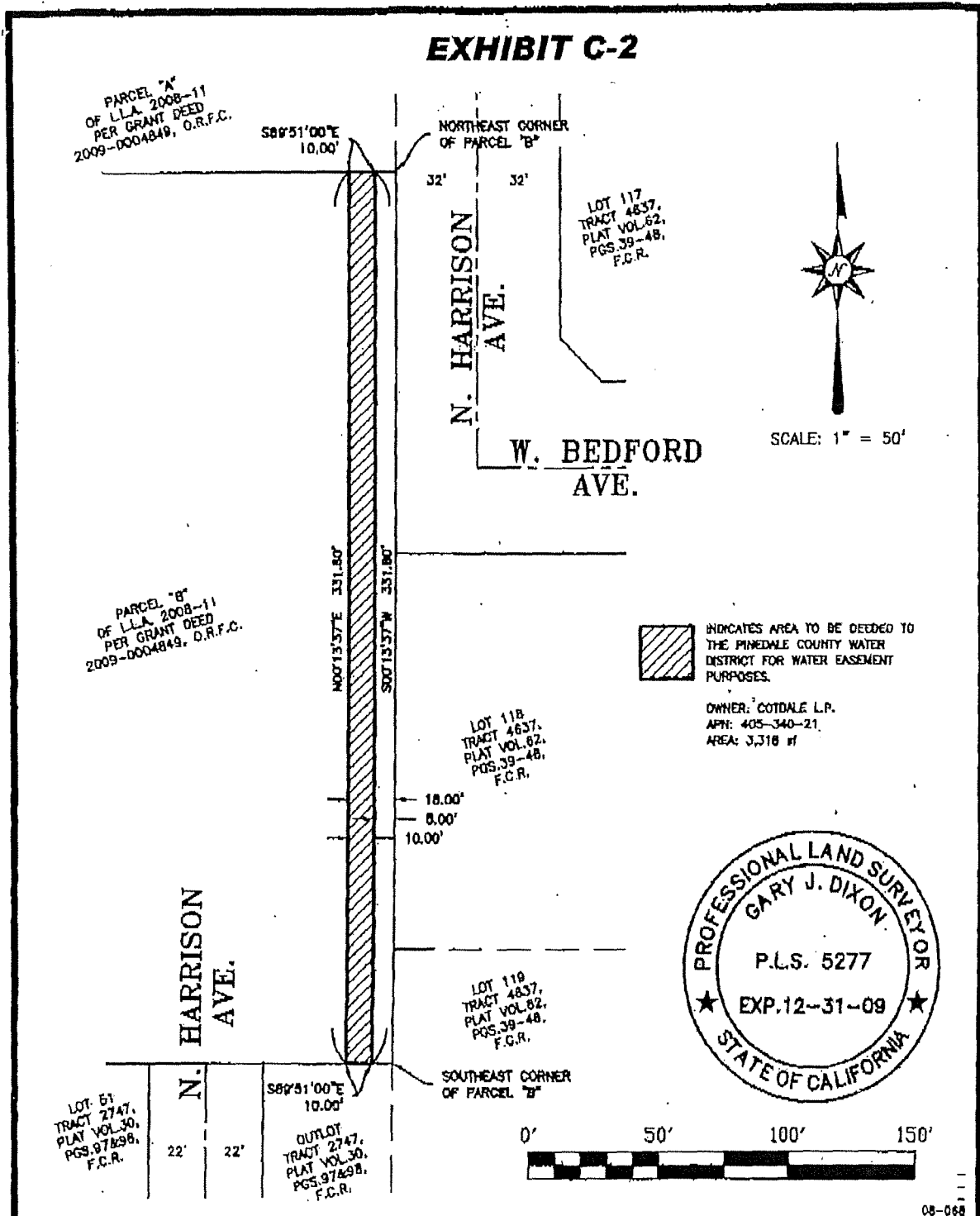
EXHIBIT C-1

WATER LINE EASEMENT

The West 10.00 feet of the East 18.00 feet of Parcel "B" of Lot Line Adjustment No. 2008-11 as described in Grant Deed recorded January 15, 2009 as Document No. 2009-0004849, Official Records of Fresno County, lying in the West half of Section 32, Township 12 South, Range 20 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California.

Containing 3,318 Square Feet, more or less.

EXHIBIT C-2



Ref. & Rev. C-2	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS		Proj. ID: - Fund No.: - Org. No.: -
Plot No: 2009 -	A PORTION OF PARCEL "B" OF LOT LINE ADJUSTMENT 2008-11 PER GRANT DEED RECORDED AS DOC. NO. 2009-0004849, O.R.F.C., LYING IN THE NORTHWEST QUARTER OF SECTION 32, T.12S., R.20E., M.D.B.A.M., TO BE DEEDED TO THE PINEDALE COUNTY WATER DISTRICT FOR WATER EASEMENT PURPOSES.		Dr. By: Khirring Ck. By: GAO Date: Scale: 1"=30'
			SHEET NO. 1 OF 1 SHEETS 15-A-

RECORDING REQUESTED BY:
Pinedale County Water District

WHEN RECORDED MAIL TO:

Neal E. Costanzo, Esquire
Costanzo & Associates
575 E. Locust Avenue, Suite 115
Fresno, CA 93720

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Easement Agreement dated September 10, 2009, from COTDALE, L.P., a California limited partnership, to Pinedale County Water District, a county water district, organized and existing pursuant to the California Water Code, is hereby accepted by the undersigned agent on behalf of the Board of Directors pursuant to authority conferred by the Board of Directors of the Pinedale County Water District at its regular meeting on September 1, 2009, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: 9/10/09

PINEDALE COUNTY WATER DISTRICT

By:

Larry De Santos
Larry De Santos, General Manager

PLEASE RECORD AND, WHEN
RECORDED, RETURN TO:

Neal E. Costanzo, Esquire
Costanzo & Associates
575 East Locust Avenue, Suite 115
Fresno, CA 93720

10
FRESNO County Recorder

Robert C. Werner

DOC- 2009-0149312

Root 7-North American Title Company Inc.

Thursday, OCT 29, 2009 08:00:00

Ttl Pd \$0.00

Nbr-0003098811

EMF/R5/1-10

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT ("Agreement") is made, executed and delivered effective September ~~10th~~ 2009, by and between The McCaffrey Group, Inc., a California corporation, formerly Trend Homes, Inc. a California corporation ("Grantor"), and PINEDALE COUNTY WATER DISTRICT, a county water district ("District").

Recitals

A. Grantor is the owner of the real property in the City of Fresno, County of Fresno, State of California, more particularly described on Exhibit "A" attached hereto and incorporated by reference herein ("Grantor's Property").

B. District is a county water district, organized and existing pursuant to the Water Code of the State of California, with its principal place of business in Fresno County, California, with a service area that originally included Grantor's Property.

C. On August 12, 2009, the Fresno County Local Agency Formation Commission ("LAFCO") approved an application filed by a neighboring property owner (Cotdale L.P., a California limited partnership) to detach its Property from District's service area on condition that, *inter alia*, Cotdale convey certain easements to District over its property for the installation and maintenance of District facilities, viz, water pipelines, to serve the remaining properties in the District's service area.

D. The District wishes to connect the pipelines referenced above to facilities it currently owns and maintains to the immediate South of Grantor's property. In order for those pipelines to be connected to District's existing facilities, Grantor is willing to convey the easements described herein to District in accordance with the terms of this Agreement and District's strict compliance with each and every term, condition and covenant contained herein.

Grant of Easements

1. For a valuable consideration, receipt of which is hereby acknowledged, Grantor hereby grants to District, which grant shall be effective only upon the recordation of this Agreement, the easement on and under Grantor's Property as more particularly described on

Exhibits "B-1" and "B-2", copies of which are attached hereto and incorporated by this reference herein, subject to and in accordance with the terms and conditions of this Agreement.

Conditions to Grant of Easements

2. The easement granted by this Agreement is an easement to construct, operate, maintain and repair District facilities consisting of water pipelines which are necessary for the provision of District services to the lands and structures located within District's remaining service area.

3. In exercising its easement, District shall use reasonable care, including but not limited to the protection of Grantor's Property and the use of safety measures necessary to protect persons, Grantor's Property, and the property of Grantor's tenants from any damage or injury caused by or resulting from District's installation, use, repair or maintenance of District's facilities located within the easements. District maintains general liability insurance; District shall provide Grantor a certificate evidencing such insurance within ten (10) days after the execution and delivery of this Agreement. If any persons are injured or any damage results to Grantor's Property or the property of Grantor's tenants, District shall promptly repair any such damage and restore Grantor's Property and the property of Grantor's tenants to the condition to which it existed prior to the damage caused by the operation, repair or maintenance of District's facilities.

4. The easement granted by this Agreement shall last for only so long as such facilities are necessary for District's provision of water service to the lands and improvements within its service area, or until District no longer exists, whichever occurs first. Upon termination of the easement granted by this Agreement, District shall record a Notice of Termination of Easement in the Official Records of the County of Fresno, State of California. If District fails to record a Notice of Termination of Easement as provided herein within ten (10) business days of the occurrence of an event pursuant to which the easement granted by this Agreement shall terminate, District appoints a representative of Grantor or of Grantor's successors or assigns who may then own the servient tenement to execute and record such Notice of Termination as District's attorney-in-fact, which appointment is irrevocable because it is coupled with an interest, i.e., the fee simple estate of the real property to which the easement is the dominant tenement.

5. The easement granted by this Agreement is non-exclusive. Grantor hereby reserves the right to make any use of Grantor's Property that does not unreasonably interfere with District's use of the easement and the operation, repair and maintenance of the District facilities located within the easement.

6. District shall pay any and all costs and expenses for constructing, operating, maintaining and repairing the facilities within the easement, including but not limited to the cost of repairing or restoring any improvements which may be damaged by reason of District's use of the easement or the operation, maintenance and repair of the facilities within the easement, or any part thereof, during the term of the easement. District shall not permit any structures or improvements on Grantor's Property to be damaged as a result of its operation, repair or maintenance of the facilities within the easement.

7. To the extent to which the District constructs a pipeline in the easement or is required at some future date to repair any of the District facilities located within the easement granted by this Agreement, District shall comply with Grantor's rules with respect to ingress or egress on or over Grantor's Property.

8. The City of Fresno ("City") has required Grantor to convey to the City an easement for a public trail over the same area as shown on Exhibits "B-1" and "B-2" in which a pipeline easement is granted to the District by this Agreement. District hereby acknowledges the existence of the City's easement. The easement granted to District hereby is expressly conditioned upon District's acknowledgement of the existence of said easement.

9. The covenants contained in this Agreement shall constitute covenants running with the land and shall bind the successors and assigns of Grantor and District for the benefit of Grantor and Grantor's successors and assigns.

10. District agrees to indemnify and hold Grantor and Grantor's Property harmless from any and all personal injury, property damage, cost, claims, liability expense, or charges, including but not limited to reasonable attorney fees, arising from or connected or related in any way to the easement and right of entry granted under this Agreement. In the event any lien, including any mechanic's lien, is filed against Grantor's Property, as a result of any act or omission of District or District's agents, contractors, employees or representatives, District shall cause the lien to be discharged within ten (10) business days after the filing thereof; provided, however, that District may contest any such lien if Grantor's Property is released from such lien by the recording of a bond sufficient in an amount and form pursuant to California Civil Code Section 3143, as amended or replaced, within such ten (10) day period.

11. All notices required or permitted pursuant to this Agreement shall be in writing and shall be delivered, mailed or transmitted to the parties at the following addresses. Each notice shall be deemed effective and given upon receipt, if personally delivered; upon the date of receipt as specified in the return receipt, if sent by certified mail with a return receipt requested; on the day of receipt if transmitted by telecopier or electronic mail on a business day prior to 2:00 p.m., and on the next business day following the date of receipt if transmitted by telecopier or electronic mail after 2:00 p.m. on a business day or at any time on a non-business day; or on the third (3rd) day after mailing, if mailed via first class mail, postage prepaid, addressed as follows:

If to Grantor:

The McCaffrey Group, Inc.
Attn: Robert McCaffrey, CEO
7020 N. Van Ness Boulevard
Fresno, California 93711
Fax: (559) 224-1623

If to District: Pinedale County Water District
480 West Birch Avenue
Pinedale, CA 93650
Fax: 559.439.1309

With a copy to: Neal E. Costanzo, Esquire
Costanzo & Associates
575 East Locust Avenue, Suite 115
Fresno, CA 93720
Fax: 559.261.0706

Each notice shall be dated. A party may change its address for notice purposes by giving notice of such change to the other party(s) as provided in this paragraph.

12. This Agreement shall be binding upon and inure to the benefit of the heirs, executors, successors, administrators and assigns of the parties hereto.

13. Each party shall bear its own attorney fees and costs to the date of execution and delivery of this Agreement. If suit is brought to enforce or interpret any part of this Agreement, the prevailing party shall be entitled to recover as an element of its costs of suit, and not as damages, a reasonable attorney fee to be fixed by the court. The "prevailing party" shall be the party who is entitled to recover its costs of suit, whether or not the suit proceeds to final judgment. A party not entitled to recover its costs shall not recover attorney fees. No sum for attorney fees shall be counted in calculating the amount of a judgment for purposes of determining whether a party is entitled to recover its costs or attorney fees.

14. No representations, warranties, agreements or covenants have been made with respect to any of the matters with which this Agreement is concerned other than those expressly set forth herein. This Agreement contains the full and complete understanding of the parties and supersedes all prior or contemporaneous negotiations, agreements or understandings

(oral or written). This Agreement may not be modified, amended or supplemented except in writing signed by the parties hereto.

15. The recitals at the beginning of this Agreement shall be conclusive proof of the truthfulness thereof, and the terms and conditions set forth in the recitals, if any, shall be deemed to be a part of the Agreement.

16. The representations, warranties, covenants and agreements made in this Agreement shall survive the recordation and delivery of this Agreement.

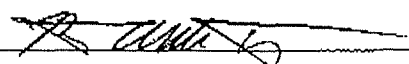
17. The parties hereto may execute this Agreement in two or more counterparts which shall, in the aggregate, be signed by all the parties; each counterpart shall be deemed an original instrument as against any party who has signed it.

18. This Agreement shall be governed according to the laws of the State of California.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

"GRANTOR"

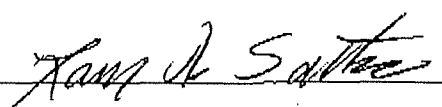
THE MCCAFFREY GROUP, INC., a
California corporation
Formerly: TREND HOMES, INC. a
California corporation

By: 

Date 9/10/09

"DISTRICT"

PINEDALE COUNTY WATER DISTRICT,
a county water district

By: 

Date 9-10-09

STATE OF CALIFORNIA)
) ss.
 COUNTY OF FRESNO)

On 9/10/09, before me Michele L. Hogan, a
 notary public, personally appeared Robert A. McLaffrey who proved to me on the
 basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
 instrument and acknowledged to me that he/she/they executed the same in his/her/their
 authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the
 entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
 the foregoing paragraph is true and correct.

Witness my hand and official seal.



(SEAL)

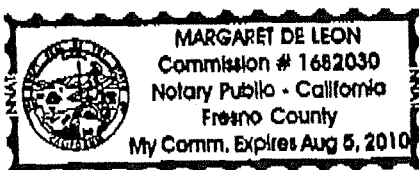
[Signature]
 Signature of Notary Public

STATE OF CALIFORNIA)
) ss.
 COUNTY OF FRESNO)

On 9/10/09, before me Margaret De Leon, a
 notary public, personally appeared Lawrence De Santos Aka Larry who proved to me on
 the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the
 within instrument and acknowledged to me that he/she/they executed the same in his/her/their
 authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or the
 entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
 the foregoing paragraph is true and correct.

Witness my hand and official seal.



[Signature]
 Signature of Notary Public (SEAL)

LEGAL DESCRIPTION

Real property in the City of FRESNO, County of FRESNO, State of California, described as follows:

OUTLOT "A" OF TRACT NO. 2747, TREND HOMES NO. 5, IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 30 PAGES 97 AND 98 OF PLATS, FRESNO COUNTY RECORDS.

APN: 405-204-09 and 405-217-07

EXHIBIT A

EXHIBIT B-1

WATER LINE EASEMENT

That portion of Outlot "A" of Tract No. 2747, Trend Homes No. 5, according to the map thereof recorded in Volume 30 of Plats at Pages 97 and 98, Fresno County Records, lying in the West half of Section 32, Township 12 South, Range 20 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, described as follows:

BEGINNING at the Northeast corner of said Outlot "A";

Thence South $00^{\circ}13'37''$ West, along the East line of said Outlot "A", a distance of 128.00 feet, to a point being 7.00 feet North of the Easterly prolongation of the centerline of West Bedford Avenue as shown on the map of said Tract No. 2747;

Thence North $89^{\circ}51'00''$ West, parallel with and 7.00 feet North of the Easterly prolongation of the centerline of said West Bedford Avenue, a distance of 50.00 feet, to a point on the West line of said Outlot "A";

Thence North $00^{\circ}13'37''$ East, along the West line of said Outlot "A", a distance of 10.00 feet, to a point being 17.00 feet North of the Easterly prolongation of the centerline of said West Bedford Avenue;

Thence South $89^{\circ}51'00''$ East, parallel with and 17.00 feet North of the Easterly prolongation of the centerline of said West Bedford Avenue, a distance of 32.00 feet, to a point being 18.00 feet West of the East line of said Outlot "A";

Thence North $00^{\circ}13'37''$ East, parallel with and 18.00 feet West of the East line of said Outlot "A", a distance of 118.00 feet, to a point on the North line of said Outlot "A";

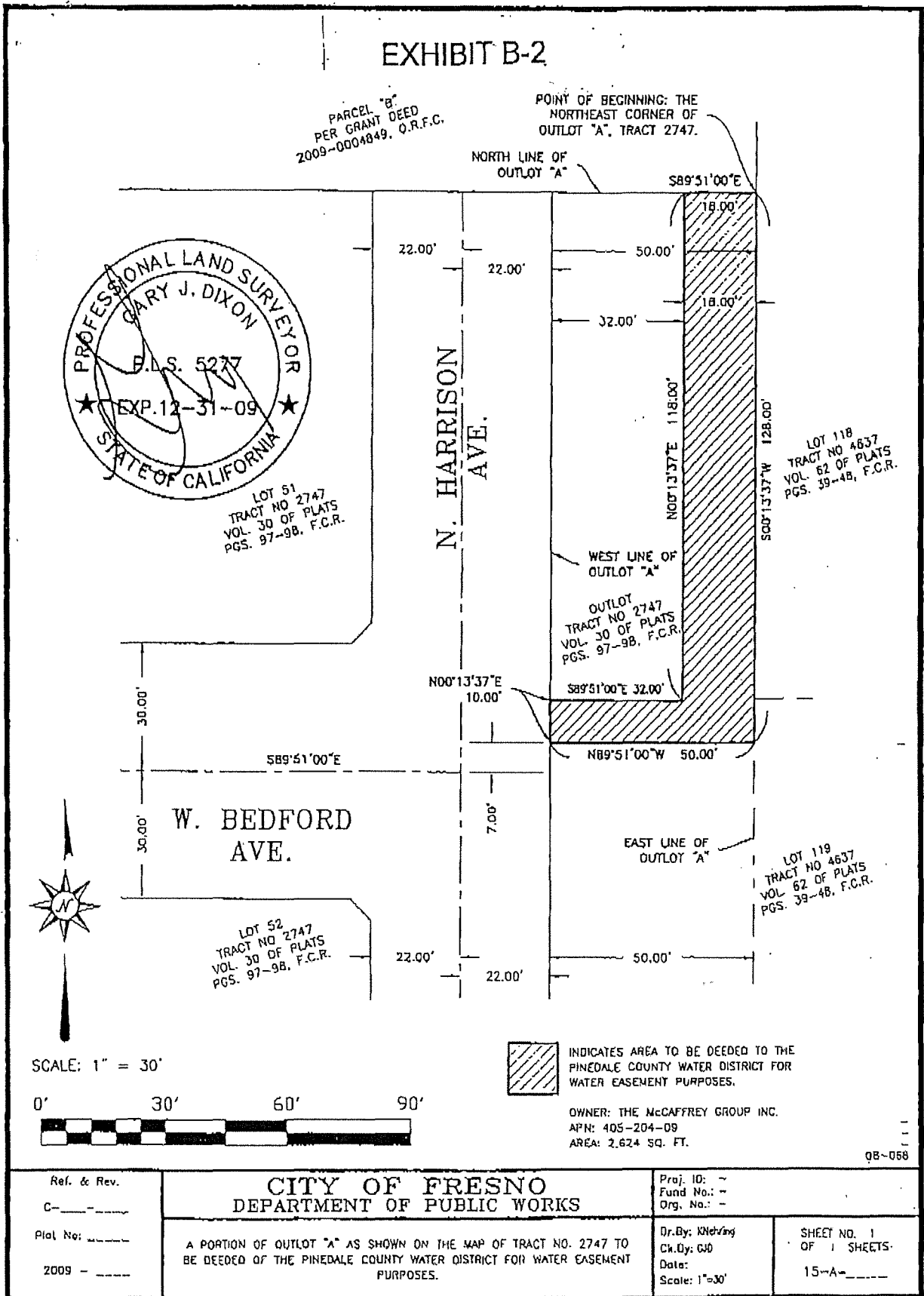
Thence South $89^{\circ}51'00''$ East, along the North line of said Outlot "A", a distance of 18.00 feet to the **POINT OF BEGINNING**.

Containing 2,624 Square Feet, more or less.



C- _____
200 _____
15-A- _____

EXHIBIT B-2



RECORDING REQUESTED BY:
Pinedale County Water District

WHEN RECORDED MAIL TO:

Neal E. Costanzo, Esquire
Costanzo & Associates
575 E. Locust Avenue, Suite 115
Fresno, CA 93720

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Easement Agreement dated September 10, 2009, from MCCAFFREY GROUP, INC., a California corporation, to Pinedale County Water District, a county water district, organized and existing pursuant to the California Water Code, is hereby accepted by the undersigned agent on behalf of the Board of Directors pursuant to authority conferred by the Board of Directors of the Pinedale County Water District at its regular meeting on September 1, 2009, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: 9/10/09

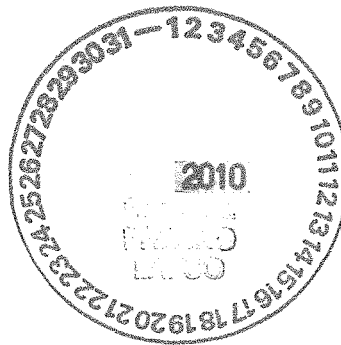
PINEDALE COUNTY WATER DISTRICT

By: 
Larry De Santos, General Manager



CORPORATE OFFICE: 3265 W. ASHLAN AVE., FRESNO, CA 93722 (559) 224-9900 FAX: (559) 224-1884

January 29, 2010



LAFCO
Jeff Witte, Executive Officer
2115 Kern Street, #310
Fresno, California 93721

Re: Harrison & Bedford

Dear Mr. Witte,

Enclosed is a recorded copy of Easement Agreement between Pinedale Water District, Cotdale L.P. and The McCaffrey Group along with Construction and Acquisition Agreement.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Ridenour".

Paul Ridenour
Senior Vice President Development & Construction

**RESPONSES TO ARGUMENTS MADE IN CORRESPONDENCE FROM
ATTORNEYS REPRESENTING THE PINEDALE COUNTY WATER DISTRICT**

Claim No. 1: Once the looping of the District's water lines is completed, the District can easily achieve the purported 1,500 gallons per minute fire flow requirement.

Response:

1.1 The District's has conceded that the Fire Flow tests performed by the FFD established that during peak hours the District's water system is unable to meet the required fire flow demands during summer peak hour demand periods.

1.2 In a June 16th memo to the Board of Directors of the PCWD, its District Engineer stated the following:

The fire flow available to the District's system in this particular area will be improved after the subject property, **including the vacant property immediately north of Derrel's**, is developed. These distribution system improvements would provide for looping of the three water mains stubbed into the property, which **should** increase available fire flow to this area to **marginally** meet the 1,500 gpm requirement of the City. **However, this improved fire flow would be available only if the City enforces the conditions of approval for Derrel's and requires the same conditions for the property to the north.**

(June 16th Memorandum, p. 3.)

As such, the District's own engineer has stated that even with the proposed conditions, he can only opine that these improvements "should" increase available fire flow to this area to "marginally" meet the fire flow requirements. Furthermore, this improvement in water pressure occurs only if improvements are installed not only of the Derrel's property **but also the property to the north.**

Currently, the City has no idea when the property to the north will develop.

Claim No. 2: Allowing the Detachment will Result in the City violating its 1985 Agreement with the PCWD.

Response:

2.1 If the Subject Property is detached from the PCWD will not result in the City breaching the agreement because:

2.1.1 The agreement clearly addresses the situation of when the City will provide water service to customers in the District's service area. If property is detached from the District's service area, the agreement no longer applies.

2.1.2 Nothing in the agreement precludes the city from providing water service to properties that have been detached from the District's service area.

2.1.3 Derrel's mini-storage has right, independent from the subject contract, to seek detachment through LAFCO from the District.

2.1.4 Other properties that previously were within the District's service area have petitioned for and were granted detachment from the District's service area

2.1.5 Nothing in the Agreement requires the City to agree to the splitting with the District water service between domestic service and fire service.

Claim No. 3: The City must first amend its Urban Water Management Plan to include the Derrel's property within its Water Service Area before it can offer to provide water service to Derrel's:

Responses:

3.1 The Urban Water Management Plan is not the legal document that establishes the area where the City is legally permitted to provide water service. Those determinations are made by LAFCO.

3.2 The policies behind the requirement of Urban Water Management Plans are:

3.2.1 The conservation and efficient use of water shall be actively pursued to protect both the people of the state and their water resources.

3.2.2 The conservation and efficient use of urban water supplies shall be a guiding criterion in public decisions.

(See Water Code, section 10610.4)

3.3 The City has included in its UWMP water supply contingencies in the event the City were to assume the responsibility of providing water service to areas of the City currently served by other water districts and water companies, including the Pinedale County Water District, **after 2013**. Specifically, the UWMP includes low and high land use based water demands. The low land use based demand assumes, in part, that the City would not assume the water service responsibilities of **Pinedale**, Bakman, CSUF, and other private uses to the City systems. (UWMP, p. 6-6, paragraph 6.) The high land use based demand assumes that after 2013, the City would assume the water service responsibilities of **Pinedale**, Bakman, CSUF, and other private uses to the City systems and that this transition would begin to occur in 2013. (UWMP, p. 6-8, paragraph 5.) As such, the City has planned for the possibility in the future of it providing water service to customers currently served by the PCWD.

3.4 Water Code, section 10640 does require the City to periodically review and, if necessary, amend or update its UWMP. This review is to take place at least every 5 years. However, nowhere in the Water Code state that every time it adds a new customer to its service area it must first amend its plan. Again, the purpose of the plan is to provide for the conservation and efficient use of water.

3.5 In this case, the City and Derrel's has already agreed that Derrel's will fully offset its water demand from the Subject Property by reducing water demands at other Derrel's facilities within the City. Therefore, the net effect of providing water to the Subject Property is zero.

Claim No. 4: The Use of the Categorical Exemption by LAFCO for the approval of this Detachment is not appropriate.

Response:

The City has no issue with LAFCO's use of the Class 20, Categorical Exemption.

**RESPONSES TO ARGUMENTS MADE IN CORRESPONDENCE FROM
ATTORNEYS REPRESENTING THE PINEDALE COUNTY WATER DISTRICT**

Claim No. 1: Once the looping of the District's water lines is completed, the District can easily achieve the purported 1,500 gallons per minute fire flow requirement.

Response:

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1.2 In a June 16th memo to the Board of Directors of the PCWD, its District Engineer stated the following:

The fire flow available to the District's system in this particular area will be improved after the subject property, **including the vacant property immediately north of Derrel's**, is developed. These distribution system improvements would provide for looping of the three water mains stubbed into the property, which **should** increase available fire flow to this area to **marginally** meet the 1,500 gpm requirement of the City. **However, this improved fire flow would be available only if the City enforces the conditions of approval for Derrel's and requires the same conditions for the property to the north.**

(June 16th Memorandum, p. 3.)

As such, the District's own engineer has stated that even with the proposed conditions, he can only opine that these improvements "should" increase available fire flow to this area to "marginally" meet the fire flow requirements. Furthermore, this improvement in water pressure occurs only if improvements are installed not only of the Derrel's property **but also the property to the north.**

Currently, the City has no idea when the property to the north will develop.

Claim No. 2: Allowing the Detachment will Result in the City violating its 1985 Agreement with the PCWD.

Response:

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2.1.2 Nothing in the agreement precludes the city from providing water service to properties that have been detached from the District's service area.

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2.1.4 Other properties that previously were within the District's service area have petitioned for and were granted detachment from the District's service area

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Responses:

3.1 The Urban Water Management Plan is not the legal document that establishes the area where the City is legally permitted to provide water service. Those determinations are made by LAFCO.

3.2 The policies behind the requirement of Urban Water Management Plans are:

3.2.1 The conservation and efficient use of water shall be actively pursued to protect both the people of the state and their water resources.

3.2.2 The conservation and efficient use of urban water supplies shall be a guiding criterion in public decisions.

(See Water Code, section 10610.4)

3.3 The City has included in its UWMP water supply contingencies in the event the City were to assume the responsibility of providing water service to areas of the City currently served by other water districts and water companies, including the Pinedale County Water District, **after 2013**. Specifically, the UWMP includes low and high land use based water demands. The low land use based demand assumes, in part, that the City would not assume the water service responsibilities of **Pinedale**, Bakman, CSUF, and other private uses to the City systems. (UWMP, p. 6-6, paragraph 6.) The high land use based demand assumes that after 2013, the City would assume the water service responsibilities of **Pinedale**, Bakman, CSUF, and other private uses to the City systems and that this transition would begin to occur in 2013. (UWMP, p. 6-8, paragraph 5.) As such, the City has planned for the possibility in the future of it providing water service to customers currently served by the PCWD.

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3.5 In this case, the City and Derrel's has already agreed that Derrel's will fully offset its water demand from the Subject Property by reducing water demands at other Derrel's facilities within the City. Therefore, the net effect of providing water to the Subject Property is zero.

Claim No. 4: **The Use of the Categorical Exemption by LAFCO for the approval of this Detachment is not appropriate.**

Response:

The City has no issue with LAFCO's use of the Class 20, Categorical Exemption.

APPROVED

N. LaVerne 4/12/10



DATE: April 6, 2010
TO: Nick LaVerne, Assessor's Office
FROM: Candie Fleming, LAFCo *cf*
SUBJECT: "Derrel's Mini Storage Detachment"

Please review the attached revised map and/or legal description, and approve or notify us as to how it is insufficient. We would appreciate your comments as soon as possible.

Thank you.

cf

Attachment: Map/Legal Description

Candie;

This is approved. Once again, our original comments remain in effect.

Nick LaVerne
Cadastral Technician / Assessors Office

4/12/10

PROPOSAL NO. DD-09-1

APPROVED

R. Raderne 4/12/10

**AREA TO BE DETACHED FROM THE PINEDALE COUNTY
WATER DISTRICT AND ATTACHED TO THE CITY OF FRESNO
WATER DEPARTMENT**

GEOGRAPHIC DESCRIPTION

Parcel B of Lot Line Adjustment No. 2008-11, recorded January 15, 2009 as Document No. 2009-0004849 of Official Records of Fresno County, and more particularly described as follows:

That portion of Outlot "A" of Parcel Map No. 77-23, in the City of Fresno, County of Fresno, State of California, according to the map thereof recorded in Book 24 at Pages 81 and 82 of Parcels Maps, Fresno County Records, described as follows:

BEGINNING at the Southeast corner of said Outlot "A", said point being on the existing boundary of the Pinedale County Water District;

thence (1) North 89° 51' 00" West, leaving the existing boundary of the Pinedale County Water District, along the South line of said Outlot "A", a distance of 803.17 feet to the Southwest corner of said Outlot "A";

thence (2) North 00° 02' 48" West, along the Westerly line of said Outlot "A", a distance of 256.84 feet to a point on a line that is parallel with and 256.84 feet North of the South line of said Outlot "A";

thence (3) South 89° 51' 00" East, along said parallel line, a distance of 555.70 feet;

thence (4) North 00° 09' 08" East, a distance of 74.96 feet to a point on a line that is parallel with and 331.80 feet North of said South line;

thence (5) South 89° 51' 00" East, along last said parallel line, a distance of 248.84 feet to a point on the existing boundary of the Pinedale County Water District, said point being on the Easterly line of said Outlot "A";

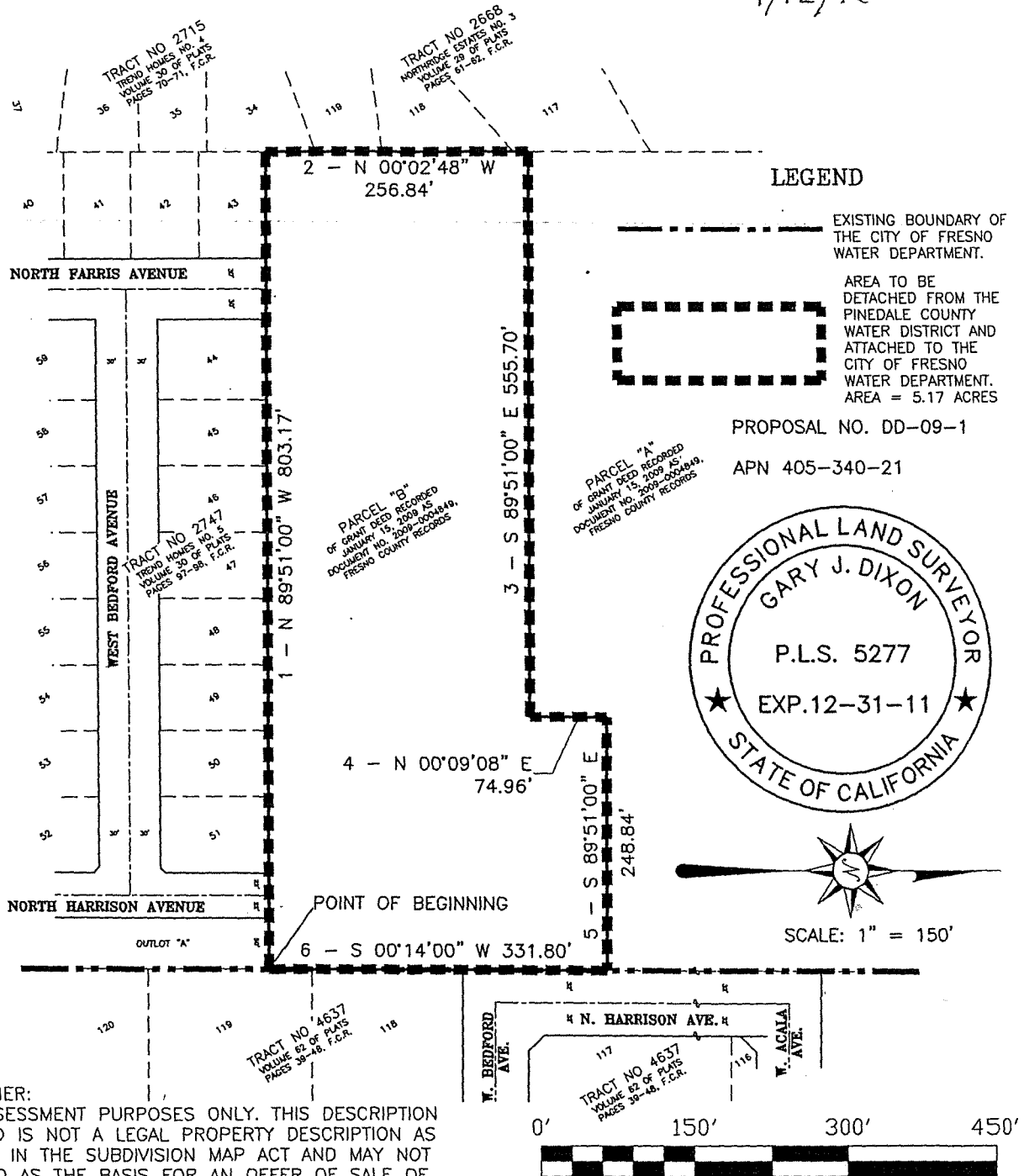
thence (6) South 00° 14' 00" West, along the existing boundary of the Pinedale County Water District, along the Easterly line of said Outlot "A", a distance of 331.80 feet to the **POINT OF BEGINNING**.

Containing an area of: 5.17 Acres

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

APPROVED

R. Katherine
4/12/10



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

AREA TO BE DETACHED FROM THE
PINEDALE COUNTY WATER DISTRICT
AND ATTACHED TO THE CITY OF
FRESNO WATER DEPARTMENT.

PREPARED BY:

DIXON & ASSOCIATES, INC.
LAND SURVEYING

620 DEWITT, #101
CLOVIS, CALIFORNIA, 93612

PH: (559)297-4200 FAX: (559)297-4272

DATE: 4-05-10
SCALE: 1" = 150'
DWN BY: GJD
WO: 08-068

REVISIONS:

DRAWING NO.

1

OF 1 SHEETS

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

Fresno Local Agency Formation Commission (LAFCo)
2115 Kern Street, Suite 310, Fresno, CA 93721
Phone: (559) 495-0604 FAX: (559)495-0655

PROPOSAL: "DERREL'S MINI STORAGE DETACHMENT"

The above proposal has been approved by the Commission. Before this proposal can be recorded, there is a 30-day reconsideration period during which time any person may request the Commission to reconsider its action approving a proposal.

The following items are necessary in order for us to complete the proceedings once the 30-day reconsideration period has passed:



Corrected Maps and Legal Descriptions.



Evidence of compliance with all conditions of approval, if applicable. (See attached EVIDENCE OF COMPLIANCE WITH LAFCO CONDITIONS form.)



Check made payable to State Board of Equalization for fees. A fee is required if property tax revenue is to be exchanged, or if a separate tax rate delineator is needed to collect a special assessment. The fee for your proposal is: \$350.00



The following information required by the State Board of Equalization for all city annexations:

1. An alphabetical listing of all existing streets within the affected area to include beginning and ending street numbers. If a street is on the border of the affected area, indicate if the odd or even numbers are in the affected area.
2. Two copies of Maps of the city boundary change showing existing streets and limiting street address ranges.
3. Two copies of Vicinity or Location maps showing the City boundary in relation to annexation area.
4. Estimated current population of city boundary change area: _____

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

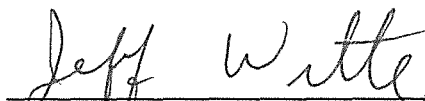
- ☐ A copy of the City's Certificate of Land Conservation Contract Termination adopted pursuant to Section 51243.5 of the Gov. Code, including a legal description of the land for which the City terminates the Contract, all to be recorded with the County Recorder at the same time as LAFCo files and records the Certificate of Completion.
- ☐ A Master Street Address Guide Change Request form if street names or addresses will change. If you have any questions regarding this form, please contact Sheila LaPonte at 488-1614.

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

SUBMITTED BY: _____

AGENCY: _____

PHONE NUMBER: _____



Jeff Witte, LAFCo Executive Officer

NEAL E. COSTANZO
MICHAEL G. SLATER

LAW OFFICES
COSTANZO & ASSOCIATES

A PROFESSIONAL CORPORATION
575 E. LOCUST AVENUE
SUITE 115
FRESNO, CALIFORNIA 93720-2928
(559) 261-0163

FAX (559) 261-0706

OUR FILE NO. 03343-003

August 10, 2009

SENT VIA U.S. MAIL/FACSIMILE: 495-0655

The Honorable Victor Lopez
Chairman and Members of the Local
Agency Formation Commission (LAFCo)
2115 Kern Street, Suite 310
Fresno, CA 93721



**Re: Pinedale County Water District; Derrel's Mini Storage Detachment;
LAFCo File No. DD-09-1**

Dear Chairman Lopez:

This office serves as the General Counsel for the Pinedale County Water District (PCWD), the affected agency with respect to the referenced proposed detachment submitted by landowner petition. The Executive Officer, in accordance with applicable law, issued his report recommending approval of the proposed detachment. The recommendation for approval is premised on an erroneous determination of the true facts bearing on the proposed detachment and a flawed analysis of the legal obligations and rights of the City of Fresno and PCWD and of LAFCo's obligations under the California Environmental Quality Act (CEQA). Contrary to the conclusions of the Executive Officer's report, approval of this detachment proposal would violate CEQA, the provisions of the Water Code relating to the Urban Water Management Plan (Plan) applicable to the City of Fresno pursuant to Part 2.6 of Division 6 of the Water Code commencing with §10610, and would induce the breach of a 1985 water service contract between the City of Fresno and PCWD. The true factual background of this matter, which is not accurately reflected in the report, compels the conclusion that the application for detachment must be rejected.

1. Background Information.

As noted in the Executive Officer's report "per LAFCo records, the affected territory [a 5.17 acre parcel planned to be developed as a Derrel's Mini Storage facility] is located within Pinedale CWD's water and sewer service areas." Also, as noted in the report, the affected territory is located "within both the boundaries of the Pinedale CWD and the City of Fresno," a circumstance resulting from a 1974 annexation of the entire territory of the

Honorable Victor Lopez
August 10, 2009
Page 2

District into the City of Fresno in 1974. (LAFCo File No. AC-74-16). (Report p. 1). As the report points out, at the time of that annexation, the City of Fresno disclaimed any intent to develop or extend City services into the area served by PCWD and it is clear from "LAFCo records" that the "affected territory is located within Pinedale CWD's water and sewer service areas" and is not located within the City of Fresno's service area. (See, Report at p. 5). In fact, in the 1974 resolution, the Commission noted:

"Though the annexation boundaries include property owned by Pinedale County Water District (PCWD) and the PPUD (Pinedale Public Utilities District), no alteration in the operation of those two districts' facilities is anticipated. We would hope that the Districts and the City would cooperate in the planning of water and sewer lines so that service duplication would not occur."

(Report at p. 2).

The report further points out that the City and PCWD subsequently entered into an agreement in 1985 which the report acknowledges "appears to determine which agency will provide water service to the overlapping territory served by both agencies." In fact, the agreement specifically addresses the situation involved in this detachment proceeding. As with prior developments, here the agreement dictates that the District is to provide domestic water service to the development and the City is to provide water for two on-site fire hydrants on the easterly side of the development with the District to provide water service for an on-site hydrant on the west side of the development. Under the agreement, the District's monthly water service charges would be reduced to account for the City's cost to provide water for fire protection. The agreement provides that the City is to accept 60 percent of the applicable rate for their monthly service charges for standby fire protection. A copy of the 1985 agreement for the provision of water service with the City of Fresno is attached as Exhibit A. According to the report, the detachment proceeding is being prosecuted for the purpose of allowing the City of Fresno to provide water service to the development in derogation of the obligations imposed on the City by virtue of the agreement which was put in place to address the 1974 directive of this Commission that the City and PCWD work cooperatively to address any conflicts that might arise between the City and the District when development takes place within the shared territory of these agencies. (See, Report at p. 4-5). The report states, incorrectly, that a detachment will "allow the City to provide water service without violating the terms of the agreement between the City and the District." (Id. at p. 5). In fact, there is nothing about a detachment that will affect the obligations imposed upon the City of Fresno by virtue of this agreement. In determining a detachment petition, the Commission examines a number of factors, but allowing the City to breach an agreement is not one of the factors the Commission is directed to consider.

Honorable Victor Lopez
August 10, 2009
Page 3

The project was considered by the Fresno City Planning Commission on November 5, 2008, pursuant to an application for a Conditional Use Permit (CUP) (No. C-06-94), amendment of the General Plan (A-06-06) and Rezone (R-06-032). PCWD commented on the project in a September 25, 2008, memorandum, a copy of which is attached and incorporated by reference as Exhibit B. The memorandum notes that the parcel is within the District's service area and identifies the applicable connection fees and improvements required to be made by the developer to establish water service. These improvements include the submission of a water plan by the developer for review and approval by the District showing the location of all service laterals and "indicating how service will be extended to the proposed on-site fire hydrants." The developer's plan was also required to "show how the three existing dead-end-water mains belonging to the District shall be looped together at full buildout of the vacant property in this area." (See, Ex. B at p. 2). The September 25, 2008, memorandum by the District came in response to a directive of the project manager of the City of Fresno Department of Public Works advising that the project site is "located within the jurisdiction of another provider for water service" and that the "applicant should contact Pinedale County Water District for service conditions and/or restrictions." The project manager's memorandum makes clear that the "project site SHALL NOT connect to the 8-inch water main in North Harrison Avenue," the water main maintained by the City of Fresno. The project manager's September 3, 2008, memorandum is attached as Exhibit C and incorporated by reference.

The City conducted an environmental assessment (A-06-06/R-06-032/C-06-094), finding a variety of environmental impacts and proposing various mitigation measures to address them. With respect to water, the initial study notes:

"The project is located within the sphere of influence of the Pinedale County Water District and is required to obtain water service from the District. The District has three 8-inch diameter water lines stubbed into the property along the Alluvial, Harrison and Ferris Avenue alignments. It is expected that the eventual buildout of the 26-acre parcel, including the 5.16 acre subject property, will loop these three water lines for the provision of water service to the property."

The study notes impacts to water supply and provides for implementation of mitigation measures. The initial study is attached as Exhibit D and incorporated by reference. The discussion of the water supply issue appears at pp. 7-9 of the initial study. The project was approved by the Planning Commission subject to a series of conditions including Condition No. 18 which provides as follows:

"Comply with memorandum from the Pinedale County Water District dated September 25, 2008, unless applicant seeks detachment from the District through the Fresno Local Agency Formation Commission, in which case the

applicant shall secure water from the City of Fresno. Connect sewer line to the Pinedale Public Utility District, unless applicant seeks detachment from the District through the Fresno Local Agency Formation Commission in which case the applicant shall secure sewer from the City of Fresno."

As noted, the September 25, 2008, memorandum from the District which the developer is required to comply with provides for the extension of the District's water lines into the property on North Harrison Avenue and North Ferris Avenue through the site. These extensions are required in order to allow the District to establish a "looped" water system with a third water main in Alluvial Avenue which is currently stubbed into the property north of the project and within the District's service area. The District's engineer will provide testimony at the hearing concerning the effect of the looping of the system in this area and the consequences to the District's ability to serve the remaining territory it serves if the loop is not established. If the property is detached, the loop cannot be established. The purpose of establishing the loop is to increase the water flow both to the project area and to the area which remains in the District's service area. Once the loop is achieved, which is expected to occur in accordance with the conditions of the CUP on the development of this property, the District can easily achieve the purported 1,500 gallons per minute (gpm) fire flow requirement. If the loop is not established, it will impede the District's ability to provide water service and satisfactory fire-flow requirements to the area currently being served.

2. The proposed detachment is not exempt from CEQA and allowing the City of Fresno to provide water service to the project violates applicable provisions of the Water Code and CEQA.

Part 2.6 of Division 6 of the Water Code, commencing with §10610, define the City as an urban water supplier subject to the requirements of that act because it has more than 3,000 connections. (Water Code §10617). Sections 10620 and 10621 require urban water suppliers like the City of Fresno to adopt an Urban Water Management Plan (Plan). The Plan adopted by the City is lengthy, but attached as Exhibit E are excerpts from Chapters 1 and 3 of the Plan. To provide water service to any area, an agency subject to this Act must develop a plan which includes a description of the service area. The Act essentially requires a detailed description of the water supply needed to match the demand necessary to provide service to the identified service area. (Water Code §10610). Any changes to the Plan must be made in conformity with the Act, which requires public hearings and a comment process similar to that applicable to an EIR. (Water Code §§10621, 10640, and 10642). A change in the service area is a change which must be made in conformity with the Act or an urban water supplier simply cannot provide service to that area. As shown by the excerpts from the City's Plan, the service area of Pinedale County Water District is excluded from the service area contemplated by the Plan. Fresno cannot lawfully provide water service to this area without amending its Plan in accordance with the provisions of

the Water Code. The report does not address the requirements of the Water Code or the fact that under its current Plan, the City of Fresno cannot lawfully serve the project.

A project under CEQA is any activity that may cause a direct or indirect change in the physical environment that requires any form of discretionary entitlement being granted by a public entity. (Public Resources Code §21065). The approval of boundary or territory adjustments that do not allow for or otherwise pave the way for a change in the type or extent of land use have been found not to constitute projects subject to CEQA. (*Simi Valley Recreation and Park District v. LAFCo* (1975) 51 Cal.App.3d 648, 662-666 (detachment of uninhabited land from District in circumstances where the detachment was purely "ministerial" did not constitute a direct or indirect change in the environment because detachment was not "necessary to the carrying out of some private project involving a physical change to the environment" and the development of the property was not dependent upon detachment)). But, there is a distinction between "governmental approval which constitutes an essential step culminating in action which may affect the environment and approval of a reorganization which portends no particular action affecting the environment." (*Fullerton Joint Union High School District v. State Board of Education* (1982) 32 Cal.3d 779, 796-797; *County of Amador v. City of Plymouth* (2007) 149 Cal.App.4th 1089, 1101). The report suggests that this detachment is categorically exempt from CEQA under 14 CCR §15320. This is a provision which essentially codifies the aforementioned case law relating to when environmental assessment of a reorganization or change in organization proceeding by LAFCo is required. This detachment, as shown by the report, is one which is necessary (if at all) to completion of a private project and the development of the project is dependent upon the detachment. It does not fall within the category of projects which portend no particular action affecting the environment. Here, the report acknowledges that if water service is provided by the City of Fresno, that will "increase water demand beyond levels allocated" in the City's current Plan. (Report at p. 3). Thus, the report itself identifies an environmental impact from the detachment that is required to be analyzed under CEQA and as to which an EIR may be required.

The suggestion of the report that the project is categorically exempt under 14 CCR §15320 is baseless. That provision is a categorical exemption applicable to "changes in the organization or reorganization of local governmental agencies where the changes do not change the geographic area in which previously existing powers are exercised. The report reasons, incorrectly, that because the affected territory is located within both the boundaries of Pinedale and Fresno, both agencies have the right to provide water service to this territory. But, as noted above, this project is within the Pinedale service area and not within the service area of the City.

It is clear from the report that neither PCWD or the City is or has provided water service to this area. Thus, the change in organization is not one that will change the geographic area in which previously existing powers are exercised by the City since the

City does not now provide water service to this territory. Whether the City and PCWD are, as stated in the report, both "entitled" to provide water service to this territory is irrelevant. The conclusion that the City is "entitled" to provide water service to this territory disregards the fact that the territory is within the defined service area of the District according to LAFCo records. It also disregards the fact that this territory is not covered by the City's Plan and, therefore, not an area in which the City can lawfully provide water service without the required amendments to its Plan. Further, the 1985 agreement makes clear that the City can only provide water to customers within the District's defined service area when that is "mutually agreeable" between the District and the City. (See, Ex. A at p. 1, ¶ 1). There is plainly no basis for concluding that the project is categorically exempt under this or any other section of the guidelines. Indeed, it is plain that the detachment will inappropriately appropriate water supplies for this project not contemplated either by the City's General Plan or by its Urban Water Management Plan. CEQA review of a project involving the transfer of the right to provide service from one entity to another is plainly required. (*Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 956).

Despite its acknowledgment that the project will increase water demand beyond levels allocated in the current version of the City's Plan and that mitigation measures are required to address that impact (at p. 3), the report suggests that this Commission may avoid compliance with CEQA by enacting "as a condition of approval of this application," a requirement that the project proponent offset or mitigate the increased water demand by providing an "offset" that is acceptable to the City. The report suggests that this can be accomplished by incorporating a mitigation measure included in a version of the City's Master Environmental Impact Report (MEIR) issued after the City's approval of this project. The mitigation measure is a vague one of requiring offset or mitigation in a manner acceptable to the City Department of Public Utilities. (See, Report at p. 3). The City approved this project on a Mitigated Negative Declaration (MND). The adoption of a condition by this Commission to include the revised mitigation measures included after the fact in the MEIR necessarily means that the MND is being changed by adding new mitigation measures. Without regard to the sufficiency of the mitigation measure required, this action would require the re-circulation of the MND. Re-circulation is required if there is significant information added to an EIR or MND, or if there are any changes in the document that deprive the public of a meaningful opportunity to comment on feasible project alternatives. (*Laurel Heights Improvement Assoc. v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1120; *Federation of Hillside and Canyon Associations v. City of Los Angeles* (2004) 126 Cal.App.4th 1180, 1200). In *City of San Jose v. Great Oaks Water Co.* (1987) 192, Cal.App.3d 1005, the City was required to generate a supplemental or further EIR in light of evidence that a change in the water provider for the project which would draw on a new water source that could cause significant environmental impacts not addressed in the original EIR. The contemplated change of the water provider from Pinedale to Fresno, and the necessary use of a different water source for the project

is substantial evidence that the change may cause significant new environmental impacts that are not considered or addressed in the MND.

Further, it is decidedly improper to rely on mitigation measures being incorporated into the MND by action of this Commission in order to enable the Commission to determine that the project is categorically exempt. Mitigation measures cannot be used to create eligibility for a categorical exemption. (*Salmon Protection and Water Shed Network v. Marin* (2004) 125 Cal.App.4th 1098, 1102). Finally, the proposed mitigation measure that is intended to be included by action of this Commission, one that an offset or mitigation measure satisfactory to a City department be provided, is not an enforceable or valid mitigation measure. Mitigation measures that are so undefined that it is impossible to gauge their effectiveness are not adequate. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727) (mitigation calling for purchases of replacement water supplies without specifying whether water was available is an inadequate measure for mitigating project's effect on groundwater supplies); *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 195 (EIR failing to evaluate impact of supplying water and including mitigation measure that development shall not proceed if adequate water is not available is inadequate)). It goes without saying that the City's MND which the report recommends this Commission find to be legally adequate as a responsible agency is not, in fact, legally adequate because it does not address, or provide any mitigation measure for the increased water demand beyond levels allocated in the City's current Plan necessitated by this project. Approval of the detachment will result in a violation of CEQA. LAFCo's Policies, Standards and Procedures, section 558, make clear that this detachment is not exempt from CEQA because the project is not one involving a detachment where "services are no longer provided, are not needed or contemplated by the agency for future provision." LAFCo will be violating its own policies and procedures by approving this detachment without conducting the environmental analysis required by CEQA. The City will be violating the Water Code, if the detachment is approved and the City provides water service to the project because the project is not within its service area defined by its Plan.

3. The 1985 agreement precludes the City from providing water service to this territory unless that is agreed to by PCWD and precludes LAFCo from inducing a breach of the agreement by detaching the territory.

By law, there are identified factors that LAFCo must consider in determining a proposal for a change of organization, including a detachment. (Government Code §56668). The report does not evaluate any of the factors that are to be taken into consideration and provides no guidance as to how those factors should be applied in connection with this proposal. The report does mention the 1985 agreement on three occasions. First, it states that PCWD and City are "parties to an agreement executed in 1985 that appears to determine which agency will provide water service" to this project.

(At p. 2). It acknowledges that the agreement precludes the City from providing water service to this territory unless that has been agreed to by the District and that the "District has not consented to the City providing water to the affected territory." (At. p. 4). It identifies the entire purpose of the detachment proposal, and the basis upon which LAFCo is recommended to approve it, as a measure that will "allow the City to provide water service without violating the terms of the agreement." (Id. at p. 5). But, regardless of what LAFCo does, by providing water service in this territory which is within the District's service area, the City will be breaching the agreement.

The agreement strictly precludes it from providing service to any area within the District's service area and mandates that if it does provide service to such territory, it must accept 60 percent of its normal charges for that service with the balance going to PCWD. PCWD disagrees with staff's legal conclusion that by detaching the territory, it will save the City from breaching this contract; but, whether that is or is not the case is irrelevant. What is relevant is that a desire to allow the City to avoid a contractual obligation is not one of the factors that LAFCo may legitimately take into consideration in determining whether to approve or disapprove this proposal. Those factors are identified by statute. The desire to induce the breach of a contract is not among the factors that LAFCo may consider. The contract imposes a non-discretionary, voluntarily assumed duty on the part of the City to adhere to the protocol prescribed by that agreement for providing service to this project. The failure to adhere to that protocol will necessarily result in the breach of the agreement. Because of the nature of the agreement, which essentially dictates which of the two agencies is to provide water service to a given territory and the terms and conditions under which that service is to be provided, a breach of contract is not compensable in damages and the District is entitled to have the contract specifically enforced. It is clear that the City cannot avoid by these detachment proceedings the contractual obligation imposed on it by this agreement and if LAFCo does approve the detachment of this territory, PCWD will file a complaint in the superior court enjoining the detachment determination from being given effect and requiring the City to perform its obligations under the 1985 agreement. (See, *Ellison v. Ventura Port District* (1978) 80 Cal.App.3d 574, 582; *California Teachers Assoc. v. Nielson* (1978) 87 Cal.App.3d 25, 28-29). The City has a ministerial obligation to comply with this contract.

4. The facts relating to the District's ability to provide adequate fire flow are misrepresented in the report.

The report relies extensively and exclusively on letters and memoranda issued by Byron Beagles, Fire Prevention Engineer with the City of Fresno to conclude that the Fire Code requirements are for 1,500 gallons per minute minimum available fire flows "at any time." (See, documents attached as Ex. A to the report). However, Mr. Beagles was requested by virtue of a formal Public Records Act Request to provide documentation reflecting his interpretation of the Fire Code requirements and could provide nothing. A

copy of a February 20, 2009, letter to Mr. Beagles making this request together with his response of February 25, 2009, reflecting that there is no document that supports his novel interpretation of the Fire Code requirements are attached and incorporated by reference as Exhibit F. As can be seen from the materials attached to Mr. Beagles' response to the Public Records Act Request, the requirement is that the water system capacity meet average daily demand plus fire flow or peak hour demand, not peak hour demand plus fire flow. Shortly after the project was approved, the District and the City each separately tested the District's fire flow at the subject hydrants. The District's fire flow tests conducted by an independent contractor showed a fire flow of 2,400 gallons per minute. The City Fire Department was dissatisfied with this test and conducted their own test and obtained a flow rate of 2,200 gallons per minute. Because these test results did not provide the City with any basis for claiming that the District could not satisfy the Fire Code requirement, Mr. Beagle embarked on a crusade to essentially change the requirement, which is nowhere reflected by any ordinance, state law or other enactment, taking the position that the 1,500 gpm fire flow requirement must be achievable during peak usage hours. As noted, the District disagrees with that determination. LAFCo is not equipped, and is not authorized, to adjudicate factual disputes and to interpret the meaning of state law (the Fire Code) in a detachment proceeding. Here, the City and PCWD have a legal/factual dispute that can only be resolved by intervention of the courts. Certainly, LAFCo does not have the authority to determine what is required by state law relative to fire flow, or to determine whether or not the District can or has achieved those requirements.

In an effort to secure information that would, in its view, justify the City's breach of the 1985 agreement, on May 28, during peak usage time, the Fire Department conducted a third test and obtained a reading of 1,415 gpm, slightly less than the purported 1,500 gpm requirement set by the Fire Code, at least as interpreted by Mr. Beagles. Given the significant reduction from prior test results, there are substantial questions surrounding the validity of the test results or the methodology used by the Fresno Fire Department to secure them. Regardless, it is beyond dispute that once the District's mains are looped as required by the CUP issued by the City, and which will necessarily be accomplished as a part of this project, the District will easily be able to meet the 1,500 gpm requirement at any time of the day. In the report, there is an irrelevant and erroneous discussion about "options" available to PCWD or the developer to satisfy the "peak demand fire flow requirements." (At p. 4). The report characterizes these options as consisting of upgrades to the District's system involving additional wells or booster pumps and increasing the size of existing main lines. (Id.). Needless to say, such improvements would be cost prohibitive for this developer, but more importantly, they would not be necessary. Once the system is looped, any arbitrary fire flow requirement the Fire Department unilaterally attempts to impose on the District can be easily met. That, of course, is the very reason for the District's requirement of those improvements as set forth in its September 25, 2008, memorandum incorporated into Condition 18 of the CUP.

5. The proposal is not consistent with LAFCo Policies, Standards or Procedures, creates an illogical boundary and inefficiencies in the District's water supply system.

As noted, if the detachment is permitted, the District cannot loop its water mains. This will preclude the District from enhancing pressure and water flow throughout its water supply system. It will reduce the fire flow available to service the existing territory of the District. In short, the detachment will effectively prohibit the District from implementing a planned improvement designed to increase the efficiency of its water system.

The proposal is not consistent with the City's General Plan or the Bullard Community Plan because both of those plans provide for water service to the District's territory to be provided by the District.

Literally, the only policy, standard or procedure referred to in the report which might arguably cut in favor of approval of the proposal is that portion of Section 102 of the LAFCo's Policies, Standards and Procedures stating that a city should develop plans for orderly detachment of territory from the District so as to be the provider of urban services of territory within its sphere of influence. (At p. 5). Here, of course, as shown above, the City has not developed any plans for orderly detachment of territory from the District and has, in fact, entered into an agreement with the District which it now wishes to disregard which dictates who, between the two of them, should provide service to a given location. Further, the reliance on this sole passage from the Policies, Standards and Procedures disregards all other factors that the Commission is statutorily obliged to consider in determining the proposal. Whether the territory is within a sphere of influence of the City is simply one consideration of many that LAFCo is statutorily required to consider in determining this petition.

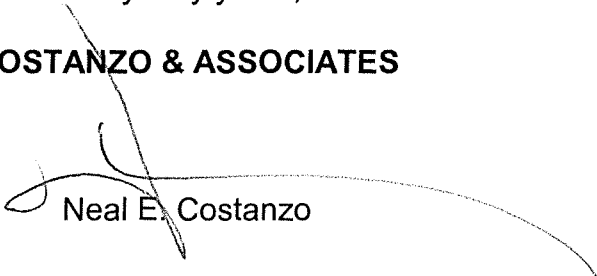
Here, it is clear from the report that there is no determination that the City can even provide water to the affected territory because there are significant questions concerning the proponent's ability to offset the project's water use. That the proposal is not consistent with orderly and logical development in establishment of service areas is plain from a review of the map that is attached to the report. The map shows that detachment will create a peninsula within the District's service area, a condition that has been consistently recognized by this Commission as an illogical and disorderly development. Given the utter lack of any even arguable legitimate factual or legal basis for approving this proposal, it seems clear to PCWD that what this Commission is doing is advancing its desire to see the District merged or acquired by City. That desire is plainly reflected in an October 10, 2007, resolution of this Commission (Resolution No. MSR-07-35B). In reality, the Commission is engaged and has long been engaged in a piece-meal taking of territory from the District and granting that territory to the City. The practice will apparently continue until there is no territory left in the District or until the territory is so small that the District

Honorable Victor Lopez
August 10, 2009
Page 11

cannot economically service it. By engaging in these piece-meal takings and annexations, the Commission is effectively disenfranchising the voters and depriving them of their statutory right to vote on a merger of the District with the City. (See, Government Code §§57107-57109, 57114). In this respect, the Commission is not proceeding in a manner that is not authorized by applicable law. The proposal is required to be rejected.

Very truly yours,

COSTANZO & ASSOCIATES



Neal E. Costanzo

NEC/tm

Enc.

cc: Rick Ballantyne, Executive Officer
Darrell Schmidt, Deputy Executive Officer
Local Agency Formation Commission
Pinedale County Water District
James McKelvey
Ken Price, Esq.

AGREEMENT FOR THE PROVISION OF WATER SERVICE

THIS AGREEMENT is made and entered into on this 31st day of DECEMBER, 1985, by and between PINEDALE COUNTY WATER DISTRICT (hereinafter the "District", and the CITY OF FRESNO (hereinafter the "City"), agree as follows:

RECITALS

WHEREAS, the District is furnishing water service to customers pursuant to the provision of Water Code 30.000 et seq within the County of Fresno and City of Fresno;

WHEREAS, the service area within which the District provides water service (hereinafter the "service area"), is located within Fresno County and portions of the City; and

WHEREAS, the District and the City desire to provide water service to their respective customers in the most efficient and economical way;

NOW, THEREFORE, in consideration of the mutual promises and covenants recited herein, the parties agree as follows:

I

Covenants of the City

1. When mutually agreeable, the City will provide water to customers within the District service area.
2. The water service charges to the customer in the district service area, shall be billed by the district in accordance with the districts schedules of fees and charges.
3. The City agrees to accept as payment for water used, an amount equal to 60% of the applicable City rate(s).
4. The City agrees to a bi-monthly payment and billing cycle.
5. ~~The City agrees to pay the District any service charges, or portions thereof collected in accordance with this agreement, within 45 days of close of billing period.~~
6. The City agrees to be responsible for maintenance of city owned mains and services.
7. The City agrees, the attached Exhibit "A" is the list of customers in the city service area served by the District.
8. The City agrees, the attached Exhibits "A" and "B", may be changed by addendum; adding, or deleting items listed.

BY [Signature] Pinedale District
BY [Signature] City of Fresno

Addenda shall be signed by the City and District Water Manager.

II

Covenants of the District

1. When mutually agreeable, the District will provide water service to customers within the City service area.
 2. The water service charges to the customer in the city serviced area, shall be billed by the City in accordance with the City's schedule of fees and charges.
 3. The District agrees to accept as payment for water used, an amount equal to 60% of the applicable district rate(s).
 4. The District agrees to a bi-monthly payment and billing cycle.
 5. ~~The District agrees to pay the City any service charges, or portions thereof, collected in accordance with this agreement, within 45 days of close of billing period.~~
 6. The District agrees to be responsible for maintenance of district owned mains and services.
 7. The District agrees, the attached Exhibit "B" is the list of customers in the district service area served by the city.
 8. The District agrees, the attached Exhibits "A" and "B", may be changed by addendum; adding, or deleting items listed.
- Addenda shall be signed by the City and District Water Managers.

BY Pinedale District
BY City of Fresno

III

Other Provisions

1. This agreement shall continue unless terminated by the first one of the following events: (a) adoption of an agreement superseding this agreement; (b) the delivery of a notice of termination, 180 days minimum by either party.
2. This Agreement shall be binding upon and to the benefit of the District and the City and their respective successors and assigns.
3. This Agreement shall be deemed to be a contract under the law of the State of California and for all purposes shall be construed in accordance with the laws of said state.
4. Articles and section headings used in this Agreement are for convenience only and shall not affect the construction of this agreement.

5. This Agreement may be executed in counterparts, each of which once so executed and delivered shall be deemed to be an original and all of which together shall constitute but one and the same Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers and representatives as of the day and year recited hereinbelow, which shall be the effective date of this Agreement.

CITY OF FRESNO
a municipal corporation

Date: 1/3, 1986 By [Signature]

Pinedale County Water District

DATE: Sept 17, 1985 By [Signature]

BM/rg
8/7/85

APPROVED AS TO FORM

CITY ATTORNEY'S OFFICE

By: [Signature]
Deputy

ATTEST:

JACQUELINE L. RYLE, C.M.C.
CITY CLERK

By: [Signature]
Deputy

EXHIBIT "A"

Customers in the City Service Area served
by the district

Service	Name/Address	APN
Size/Type		

EXHIBIT "B"

Customers in the District service area served by
the City

<u>DATE</u>	<u>SERVICE</u> Size/Type	<u>NAME/ADDRESS</u>	<u>APN</u>
1/86	4" Fire Service	Kingsview Corp. 1470 W. Herndon Fresno, CA 93711	405-370-01
1/86	2" Commercial Water Service	Kingsview Corp. 1470 W. Herndon Fresno, CA 93711	405-370-01

CITY OF FRESNO
a municipal corporation

Date: 1-3-86, 1986

By

Ronald J. Lamer

Pinedale County Water District

Date: Jan 3, 1985

By

Dennis L. Lamer

EXHIBIT "B"

Customers in the District service area served by the City

DATE	SERVICE	NAME/ADDRESS	APN
3/86	All 1" or 3/4" residential services	320 E. Warner Avenue	408-062-18
		330 E. Warner Avenue	408-062-17
		342 E. Warner Avenue	408-062-16
	On PCWD water line	352 E. Warner Avenue	408-062-15
	On PCWD water line	364 E. Warner Avenue	408-062-14
	On PCWD water line	374 E. Warner Avenue	408-062-13
	HM	308 E. Warner Avenue	408-062-25
		307 E. Warner Avenue	408-063-06
		319 E. Warner Avenue	408-063-07
		329 E. Warner Avenue	408-063-08
		341 E. Warner Avenue	408-063-09
		351 E. Warner Avenue	408-063-10
		363 E. Warner Avenue	408-063-11
	a lot -	373 E. Warner Avenue	408-063-12
		321 E. Herndon Avenue	408-062-07
		331 E. Herndon Avenue	408-062-08
	a lot -	343 E. Herndon Avenue	408-062-09
		353 E. Herndon Avenue	408-062-10
		365 E. Herndon Avenue	408-062-11
	a lot -	375 E. Herndon	408-062-12
		294 E. Magill	408-063-20
		306 E. Magill	408-063-19
		318 E. Magill	408-063-18
		328 E. Magill	408-063-17
		340 E. Magill	408-063-16
		350 E. Magill	408-063-15
		362 E. Magill	408-063-14
		6709 N. Fresno St.	408-063-13
		6685 N. Fresno St.	408-070-08

1470 W. Herndon HM

CITY OF FRESNO
a municipal corporation

Date: 4-15-86, 1986 By R.W. Miller

Pinedale County Water District

Date: 4-16-86, 1986 By Dan Mc Carlin



REPORT TO THE CITY COUNCIL

AGENDA ITEM NO.	1A-2
COUNCIL MEETING	December 31, 1985
APPROVED BY	
DEPARTMENT DIRECTOR	<i>[Signature]</i>
CITY MANAGER	<i>[Signature]</i>

December 26, 1985

FROM: Public Works Department

BY: R. L. Garner, Acting Water Systems Manager

SUBJECT: AGREEMENT WITH PINEDALE COUNTY WATER DISTRICT
WATER SERVICE TO BOUNDARY AREAS

BACKGROUND

From time to time Council has authorized the City to enter into contractual water service agreements with other metropolitan area water purveyors. These agreements allow either party to provide water to customers within the other party's service area in order to provide economical service to adjacent developing properties. Benefits derived from these agreements include prevention of duplicate facilities in boundary streets, elimination of long water main extensions to remote parcels, and in some cases improved fire protection capabilities. Each party will maintain ownership of and will provide maintenance for, those facilities contained within their respective service areas. Each party agrees to accept as payment for water used, an amount equal to 60% of their own applicable rates; the remaining balance will be allocated to the party having jurisdiction over the service area to offset service billings, collections, and facilities maintenance expenses.

At the present time, the City and Pinedale County Water District have not entered into a cooperative agreement for the provision of water service. This District wishes to enter into a master agreement allowing either party to extend water service into the other's service area when mutually beneficial and agreeable. Specific parcels to be served by each party will appear as exhibits to the master agreement. Authority is granted to the City and District Water Systems Managers to add or delete parcels by addenda to the master agreement which shall be signed by both water managers.

The District's request was prompted by the immediate need to serve a parcel (A.P.N. No. 405-370-01) located at the northeast corner of Delno and Herndon Avenues. This parcel, consisting of 2.16 acres, is located within the District's service area and can be more economically served from the City's water system. The parcel is located within 50 feet of the nearest City distribution main, located in West Herndon frontage road and within 300 feet of the District's nearest main, which is located in north Fruit Avenue. Proposed services for this parcel include a 2-inch water service, a 4-inch on-site fire service, and a single public fire hydrant. The developer will fund all facilities, including an eight-inch main in Delno Avenue to complete a tie loop between existing City dead-end mains located in Boston and Herndon Avenues, as well as the necessary 12-inch main extension in Herndon Avenue to the point of service.

THE ISSUE

Should the City enter into an agreement with the Pinedale County Water District for the provision of water service adjacent to common service boundaries?

ALTERNATIVES AVAILABLE TO COUNCIL: IMPLICATIONS OF ALTERNATIVES

1. The Council may authorize the City to enter into an agreement which will provide water service to boundary areas at reasonable cost.
2. The Council may elect not to authorize the City to enter into this agreement which would ultimately increase the cost of water service to the boundary areas.

CONCLUSIONS AND RECOMMENDATIONS

It is recommended that Council authorize the City to enter into an agreement with Pinedale County Water District for the provision of water service to boundary areas and further authorize the Public Works Director to sign the agreement on behalf of the City.

RLG:ml

Presented to City Council:
Date 12/31/85
Disposition Approved

[Close Window](#)[Print](#)[Email This Page](#)**Map layers that overlap the selected geographic area**

Location Clicked: X = 6324319.86350137 Y = 2192265.78503539

Street Address	
Number	7531
Fraction	
Street Direction	N
Street Name	HARRISON
Street Type	AVE
Post Direction	
Apartment Number	S/A

Parcels	
Parcel Number	40534021
Date Parcel Created	Date UnKnown

Sphere of Influence	
Agency Name	Fresno

Zoning	
District	S-L
Condition	S-L/UG
Effective Date	Date UnKnown

Township/Range/Section	
Township	12S
Range	20E
Section	32

Unified School District	
Code	S19
Name	Clovis Unified
Trustee Area Name	Clovis Unified Trustee Area #1

Water Districts	
Name	Pinedale County Water

Pest Control District	
Name	WEST FRESNO RED DISTRICT

Phone Service Areas	
Provider	FRESNO (SBC)

Exchange	FRESNO EXCHANGE
Post Office Community Delivery Areas	
Zip Code	93711
Name of Delivery Area	FRESNO
Power Company Services Districts	
Provider Name	PG&E - FRESNO #8
Septic Tank Dry	
Not allowed	NO RESTRICTIONS
Septic Tank Factors	
Factor	25
FID Service Area	
Name	Forkner Ditch
FID Boundary	
ID	5
Senatorial Districts	
Name	14th Senate Dist.
Soil Types Eastern Fresno County	
Name	DA Ex
City Council Districts	
Name/Number	Fresno City Council Dist. #2
County Supervisorial Districts	
Number	District 2
County Boundary	
County Name	Fresno
Memorial Districts	
Name	Clovis Memorial
Mosquito Abatement District	

Name	CONSOLIDATED
FMFCD District Name	FMFCD
Irrigation Districts Name	Fresno Irrigation Dist
County Election Precinct Precinct Number	298A
County Election Root Precinct Root Precinct Number	298
2000 Census Tracts Tract Number	44.07
FMFCD Inlet Boundaries Inlet Number	0
FMFCD Landuse Landuse	+
FMFCD Drainage Boundary Name Acres	CO1 397.97
County Hauler Rate Areas Name	URBAN
Archeological Sensitive Area Code	H
Assessor Map Index Book Number	405
2000 Census Block Group Block Group	0044072
Special Interest Group	

Name	FIG GARDEN HOMEOWNERS ASSOC.	SAN JOAQUIN RIVER CONSERVANCY	Motschieder, Michaelides & Wishon. LLP
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City Limits	
Agency Name	Fresno

Assessor Information for the selected parcel: 40534021

Primary Owner	
APN	<u>40534021</u>
Name Line One	NORTH PALM INVESTORS
Name Line Two	
Mailing Address	8080 N PALM #207
Mailing Address	FRESNO CA 93711
Mailing Address	
Mailing Address	
Percent Interest	0
Joint Tenancy	
Change Date	1/15/2009
Last Recorded Document Date	1/15/2009
Last Recorded Instrument Number (Internal Use Only!)	<u>004851</u>
Owner Percent Interest	0
Joint Tenancy	
Change Date	
Next to Last Recorded Document Date	
Next to Last Recorded Instrument Number (Internal Use Only!)	<u>000000</u>

Parcel Attributes	
APN	<u>40534021</u>
Word Description of Property	5.17 AC IN POR OF OUTLOT A PM 24-81
Tax Area Code	
Lot Width	0
Lot Depth	0
Lot Area(Acres)	0
Total Assessed Value	
Last Recorded Date	1/15/2009
Assessed Land Value	
Assessed Improvement Value	

Trade Fixtures Improvement Value Personal Property Value Mobile Home Value Homeowner Exemption Value	
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Assessor Use Codes APN Highest and Best Use Primary Use Code Secondary Use Code	<u>40534021</u>
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[Show Map](#)[Close Window](#)[Print](#)[Email This Page](#)



Fresno Local Agency Formation Commission

July 27, 2009

Mr. Larry De Santos, General Manager
Pinedale County Water District
480 W. Birch Street
Pinedale, CA 93650

Dear Mr. De Santos:

Subject: Written Demand of Pinedale County Water District for Notice and Hearing on
the Petition or Resolution of Application, Agency No. DD-09-1

Attached per your request is a copy of the Legal Notice that was mailed on Monday, July 20, 2009, to the Pinedale County Water District, as well as to other affected and interested individuals and agencies.

LAFCo Counsel, Kenneth Price of Baker Manock and Jensen, will forward a copy of the legal notice to your General Counsel, Costanzo & Associates via facsimile as per your request.

Sincerely,

Candie Fleming
Clerk to the Commission

Cc: Kenneth Price, Baker Manock & Jensen

Attachment

"Derrel's Mini Storage Detachment"
Report

1. **Proposal:**
Detachment from the Pinedale County Water District and Attachment to City of Fresno Water Dept.
 2. **Acreage:** 5.17 Ac. +/-
 3. **Location Description:** North of W. Bedford Ave. and West of N. Harrison Ave.
 4. **Cities and Districts included wholly or partially within proposal area:**
 - a. City of Fresno
 - b. County of Fresno
 - c. Fresno County Library
 - d. Fresno Met Flood CO-1
 - e. Clovis Memorial
 - f. Consolidated Mosq
 - g. Clovis Unified
 - h. State Center Community College
 - i. County School Service
 - j. W Fresno Red Scale
 - k. Fresno Irrigation District
 5. **Agricultural Preserves and Land Conservation Contracts within proposal area:** None
- Agricultural Preserves and Land Conservation Contracts within adjoining territory:** None



6. **Comments of legal description and map received on:** 7/24/09

Correction Needed?	Comments a,b,c
Indefinite & uncertain boundaries?	No
Conflicts with lines of assessment?	No
Divides ownership?	No
Additional territory recommended?	No
Deletion of territory recommended?	No
Proposal will create: Island?	No
Corridor?	No
Non-contiguous boundary?	No
Is map insufficient for filing?	Comments a,b,c

7. **Comments:**

"Derrel's Mini Storage Detachment"

- a. If the legal description or map is revised for any reason, the date revised must be shown on the same.
- b. Requirements for map and legal can be viewed at the following website;
<http://www.boe.ca.gov/proptaxes/sprdcont.htm>.
- c. Neither the map or legal as they currently exist would satisfy SBE requirements. However, since the Pinedale County Water District is not a revenue sharing entity, submission to the SBE may not be a concern.

Must be filed w/SBE

Dave King

Dave King, Supervising Cadastral Technician

"DERREL'S MINI STORAGE DETACHMENT"
Detachment from the Pinedale County Water District

Parcel B of Lot Line Adjustment No. 2008-11, recorded January 15, 2009 as Document No. 2008-0004849 of Official Records of Fresno County, and more particularly described as follows:

That portion of Outlot "A" of Parcel Map No. 77-23, in the City of Fresno, County of Fresno, State of California, according to the map thereof recorded in Book 24 at Pages 81 and 82 of Parcels Maps, Fresno County Records, described as follows:

BEGINNING at the Southeast corner of said Outlot "A"; thence North 89° 51' 00" West, along the South line of said Outlot "A", a distance of 803.17 feet to the Southwest corner of said Outlot "A"; thence North 00° 02' 48" West, along the Westerly line of said Outlot "A", a distance of 256.84 feet to a point on a line that is parallel with and 256.84 feet North of the South line of said Outlot "A"; thence South 89° 51' 00" East, along said parallel line, a distance of 555.70 feet; thence North 00° 09' 08" East, a distance of 74.96 feet to a point on a line that is parallel with and 331.80 feet North of said South line; thence South 89° 51' 00" East, along last said parallel line, a distance of 248.80 feet to a point on the Easterly line of said Outlot "A"; thence South 00° 14' 00" West, along said Easterly line, a distance of 331.80 feet to the Point of Beginning.

DD-09-1

2895

PROPOSAL AREA

APN

NAME1

ADDRESS1

ADDRESS2

40534021 ** NORTH PALM INVESTORS

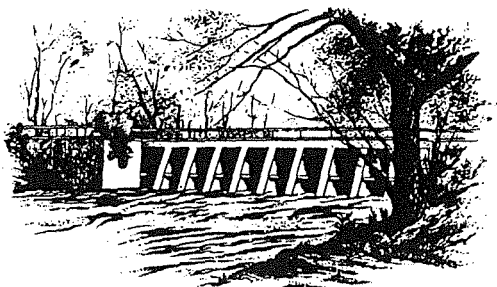
8080 N PALM #207

FRESNO CA 93711

* NOTE - NO PARCEL VALUE INFORMATION AVAILABLE AT THIS TIME
ON OUR SERL OR SMOW SCREENS

** DOC 2009-0010227 RECORDED 1/28/09
SHOWS NEW OWNERSHIP TO BE:

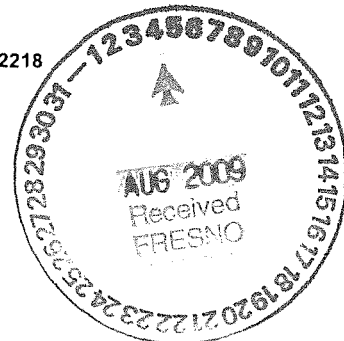
COTDALE L.P., A CALIFORNIA LIMITED
PARTNERSHIP
3625 W. ASHLAN
FRESNO, CA. 93722
224-9900



YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
FRESNO
IRRIGATION DISTRICT

TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2218



July 31, 2009

Mr. Rick Ballantyne
Fresno Local Agency Formation Commission
2115 Kern Street, Suite 310
Fresno, CA 93721

RE: "Derrel's Mini Storage Detachment", File No. DD-09-1
N/W Herndon & Palm Avenues

Dear Mr. Ballantyne:

The Fresno Irrigation District (FID) has reviewed the "Derrel's Mini Storage Detachment" application, to allow the applicant detachment from the Pinedale County Water District, located northwest Herndon and Palm Avenues and has the following comments:

1. FID does not own, operate, or maintain any facilities located within the limits of the proposed development as indicated on the attached FID exhibit map.
2. FID expects no adverse impacts from the approval of the subject proposal.

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions please feel free to contact James Shields at 233-7161 extension 319 or jshields@fresnoirrigation.com.

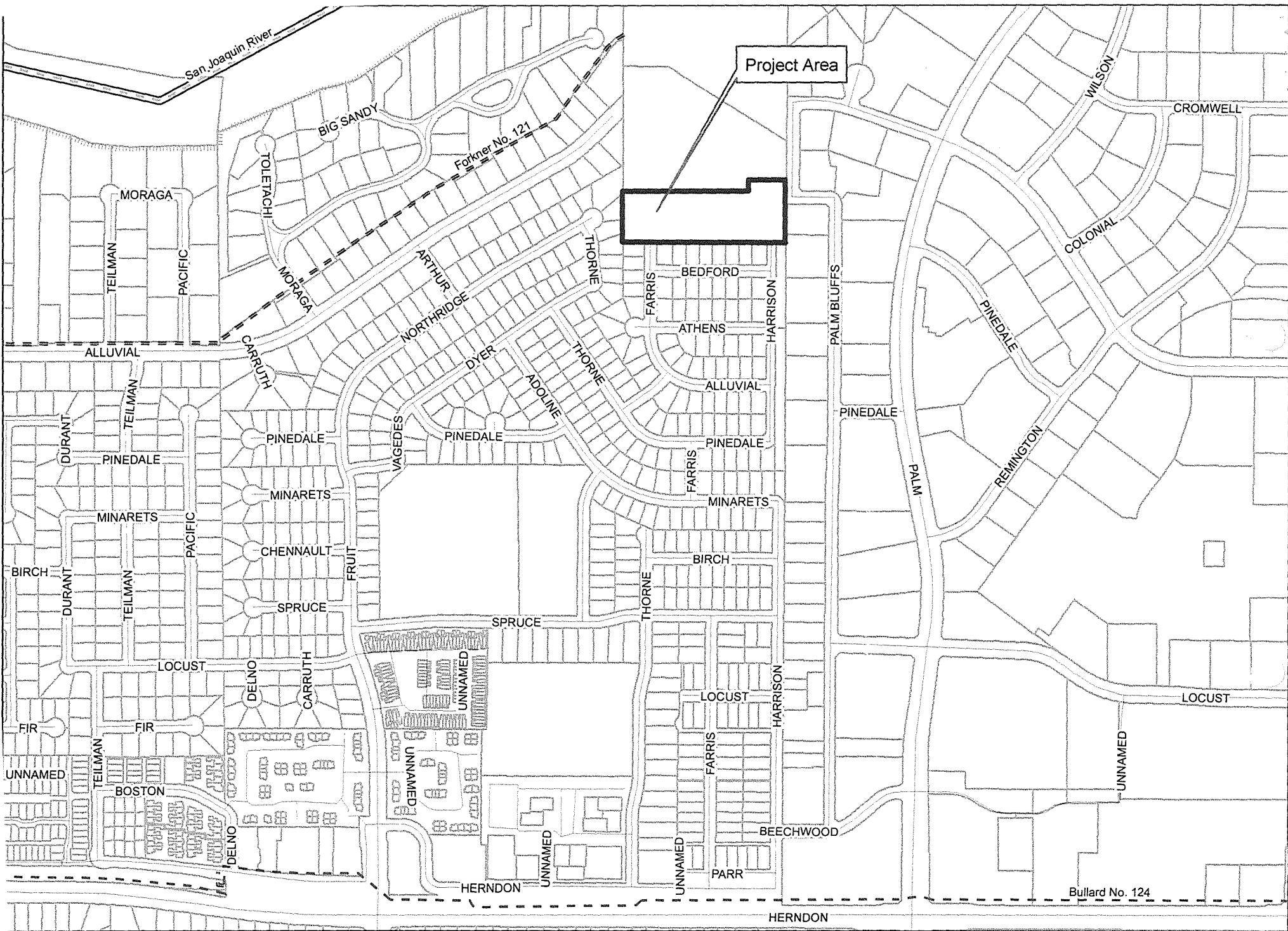
Sincerely,

William R. Stretch, P.E.
Chief Engineer

Attachment

cc: Paul Ridenour – Applicant
James McKelvey - Applicant

G:\Agencies\LAFCO\DD-09-1.doc



FRESNO IRRIGATION DISTRICT

Legend

- | | | | | |
|-----------------|--------------------|-------------------|---------------|-----------------------|
| FID Canal | FID Pipeline | Other-Creek/River | FID Boundary | Parcel |
| Private Canal | Private Pipeline | Other-Pipeline | Railroad | FMFCD Acquired Basins |
| Abandoned Canal | Abandoned Pipeline | | Major Streets | FMFCD Proposed Basins |



4/27/2009



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 170.44

July 22, 2009

Mr. Rick Ballantyne, Executive Officer
Local Agency Formation Commission of Fresno County
2115 Kern Street, Suite 310
Fresno, CA 93721



Dear Mr. Ballantyne,

**Derrel's Mini Storage Detachment, DD-09-1
Drainage Area "CO₁"**

The proposed detachment boundary encompasses lands within the Fresno Metropolitan Flood Control District and will be served by the District's Storm Drainage and Flood Control Master Plan. Drainage service by the Master Plan does exist for the property at this time.

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

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

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

Sincerely,

Doug McCauley
Project Manager

DM/lrl

c: Bob Van Wyk, Fresno Metropolitan Flood Control District

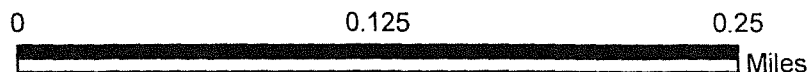
EXHIBIT "A"



Legend

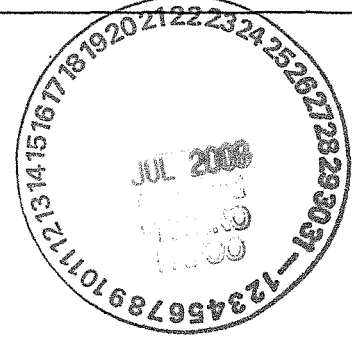
-  District SOI
-  District Area
-  Affected Territory

Pinedale County Water District
"Derrels Mini Storage Detachment"
LAFCo File No. DD-09-1





Fresno Local Agency Formation Commission



DATE: July 17, 2009
TO: Elections Division, Stop #28
FROM: Rick Ballantyne, Executive Officer *RB for*
SUBJECT: "Derrel's Mini Storage Detachment"
AGENCY NO.: DD-09-1

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

- A. X Number of registered voters in the area. 0
- B. **If 12 or more registered voters**, for notification purposes please furnish **two** sets of labels that show all registered voters in the affected area along with their address. Also please furnish **one** set of labels for all registered voters residing within 300 feet of the exterior boundary of the property as shown upon the most recent assessment roll being prepared by the County.
- D. What percent of the registered voters in the proposal area does the attached petition represent?
- E. X Will the proposal adversely affect precinct boundaries or the conduct of elections? No
- F. Other comments:

In order to proceed with the processing of this application, your comments need to be returned to this office by **July 31, 2009**. Your assistance is greatly appreciated. Thank you.

RB:cf

Attachments: Map, Legal description

Betty Vaughan, SPA III
Signature and Title

July 21, 2009
Date



County of Fresno

Department of Public Health

Edward L. Moreno, M.D., M.P.H., Director-Health Officer

July 22, 2009

FA0277294
LU0015321
PE 2620

Mr. Rick Ballantyne
Local Agency Formation Commission
2115 Kern St., Suite 310
Fresno, CA 93721

Dear Mr. Ballantyne:

PROJECT NO: DD-09-1
SUBJECT: Derrel's Mini Storage Detachment

1. Adequacy and availability of existing and proposed community water and sewer systems:
2. Need for services other than those proposed:
3. Effect of project on air or water quality:
4. Related County plans or projects:
5. Other comments:

The Fresno County Department of Public Health, Environmental Health Division has reviewed the proposed detachment and has no comments to offer at this time.

If I can be of more assistance, please contact me at (559) 445-3357.

Sincerely,

Glenn Allen

Digitally signed by Glenn Allen
DN: cn=Glenn Allen, o=Environmental Health
Division, ou=Public Health, email=gallan@co.fresno
ca.us, c=US
Date: 2009.07.22 15:49:18 -07'00'

R.E.H.S., M.S.
Environmental Health Specialist III
Environmental Health Division

ga

DD-09-1 Derrel's Mini Storage Detachment



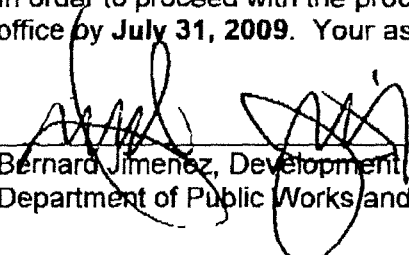
Fresno Local Agency Formation Commission

DATE: July 29, 2009
TO: Bernard Jimenez, Planning Department, Stop #214
Department of Public Works and Planning
FROM: Rick Ballantyne, Executive Officer
SUBJECT: "Derrel's Mini Storage Detachment" (DD-09-1)

The attached application has been filed for processing with the Fresno Local Agency Formation Commission (LAFCo) office. In accordance with Government Code Section 56386, your agency's assistance in reviewing and commenting on this application is requested. At this time we are requesting information on the following factors (Attach extra sheets as necessary):

1. County plan designation for the area:
The subject parcel is designated Medium Low Density Residential within the County adopted Bullard Community Plan and is located within the Pinedale County Water District Sphere of Influence and the city limits of the City of Fresno.
2. Consistency of the proposal with adopted county general and community plans and policies.
The County's General Plan directs commercial/industrial uses to connect with the services of the local district or city that service the area where they are located.
3. Any pending County plans, projects (i.e. community development, roads, etc.) or development permits:
None.
4. Other related comments:
None.
5. Recommendations:
None.

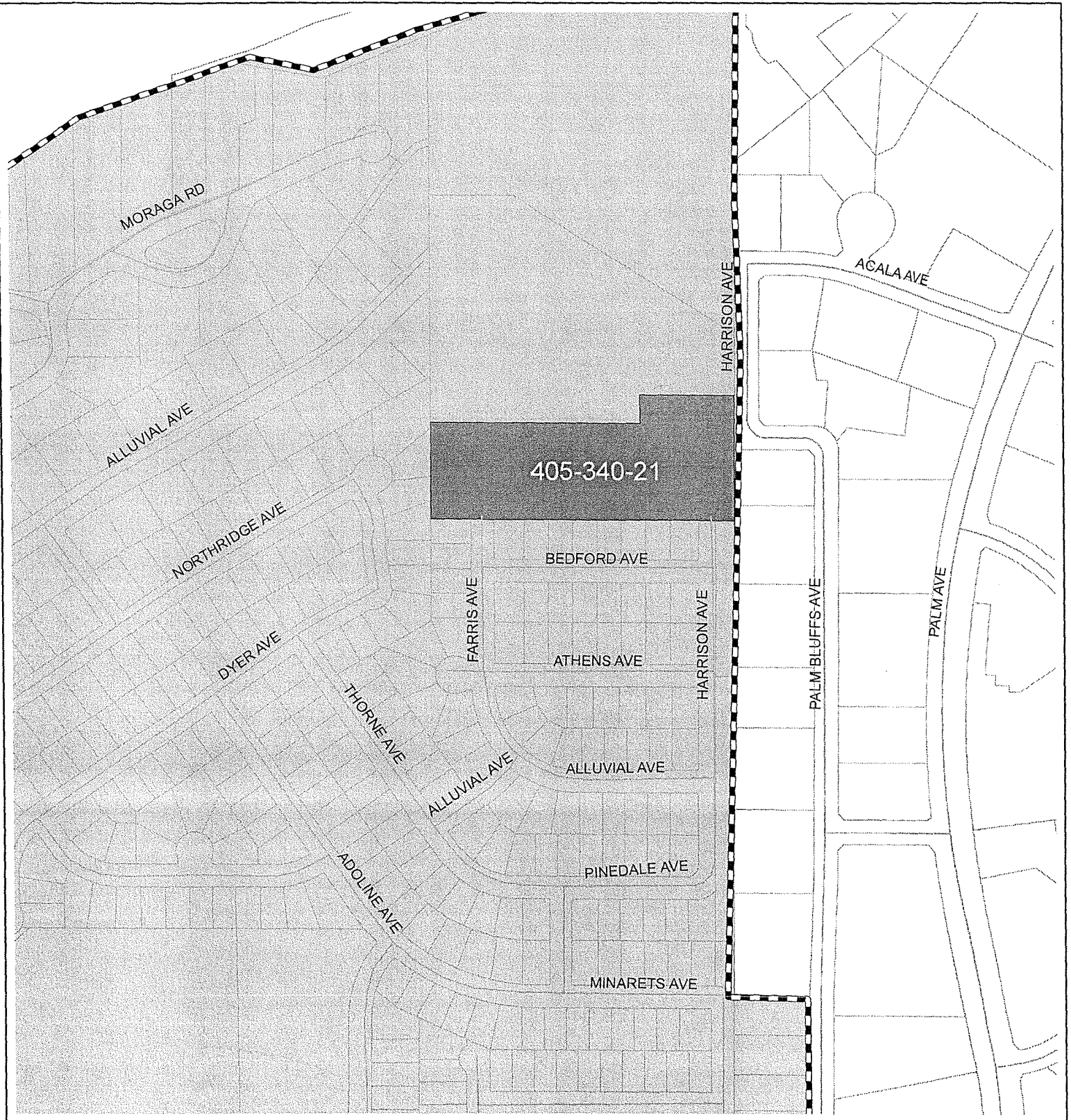
In order to proceed with the processing of this application, your comments need to be returned to this office by **July 31, 2009**. Your assistance is greatly appreciated. Thank you.


Bernard Jimenez, Development Services Manager
Department of Public Works and Planning

7-30-09
Date

G:\4360Devs&Plan\PLANNING\ANNEXATIONS\Cities & Districts\Districts\Pinedale Co Water Dist\Derrels Mini StorageDD-09-1.doc

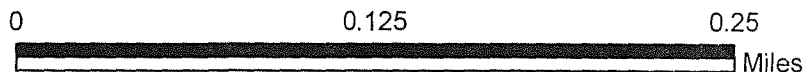
EXHIBIT "A"



Legend

-  District SOI
-  District Area
-  Affected Territory

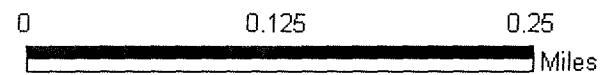
Pinedale County Water District
"Derrels Mini Storage Detachment"
LAFCo File No. DD-09-1

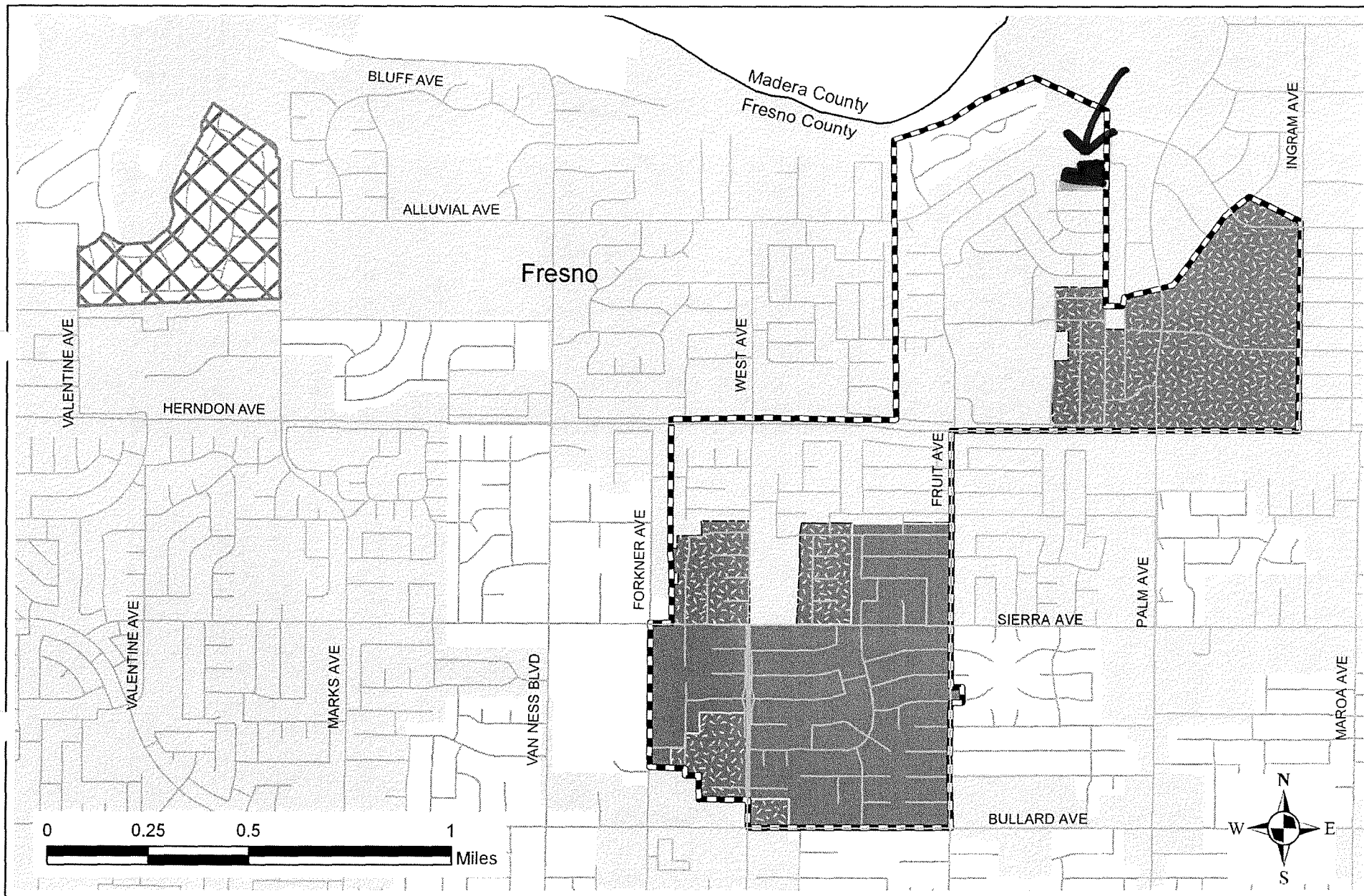




Legend

- | | |
|--|---|
|  Fresno S01 |  Pinedale CWD Area |
|  City of Fresno |  City Overlapping District |
|  Pinedale CWD S01 |  Affected Territory |





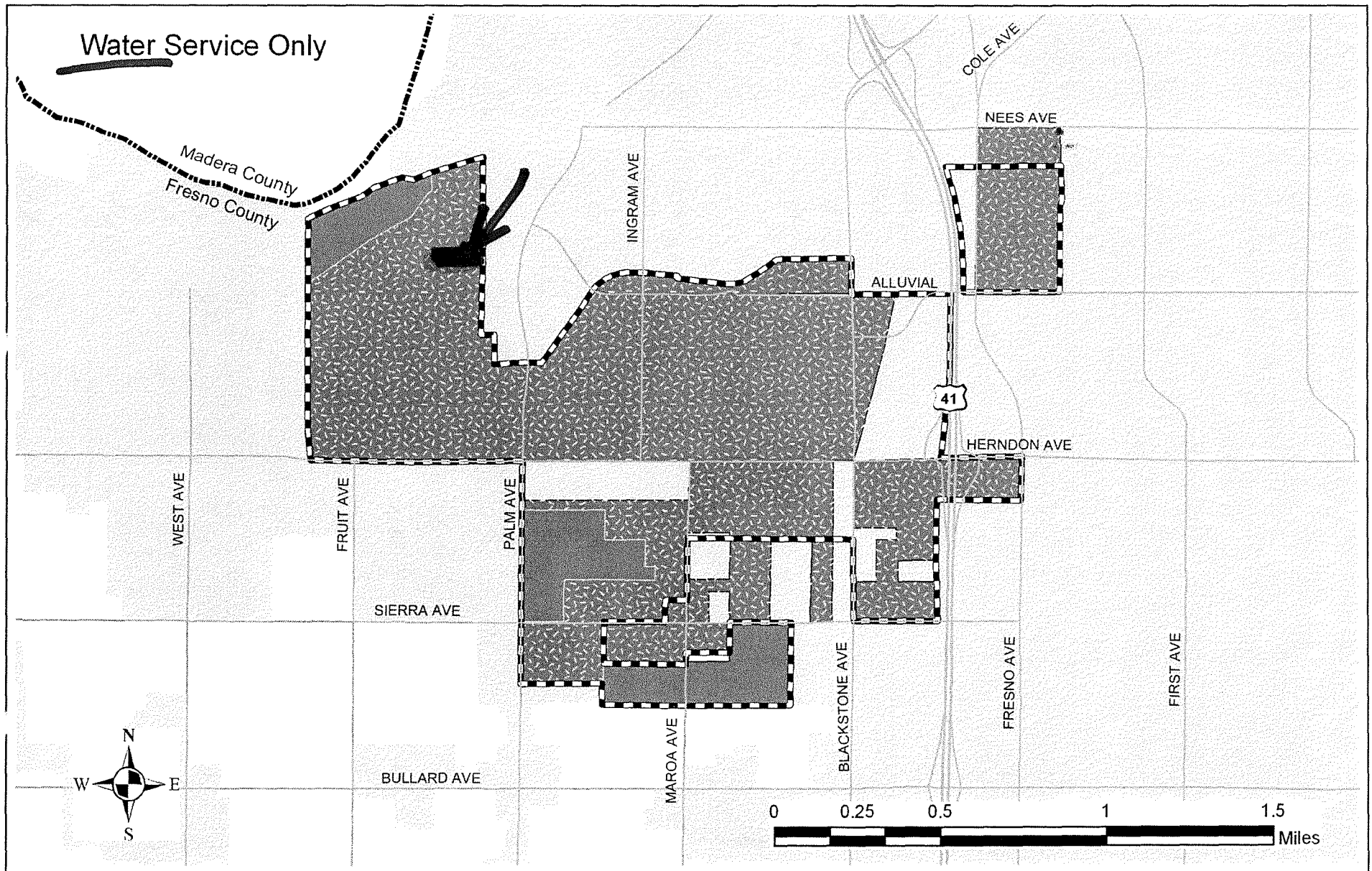
Legend

- | | | | |
|---|--------------------------|---|---------------------------|
|  | District SOI |  | City Areas |
|  | District Areas |  | City Overlapping District |
|  | Service Outside District | | |

Fresno Local Agency Formation Commission Pinedale Public Utilities District

District Formed: 1950
SOI Adopted: 04/23/1975
SOI Updated: 10/10/2007

Map Date: November 2007
District Area: 362 Acres
Sphere Area: 645 Acres
Service Outside
District Area: 70 Acres

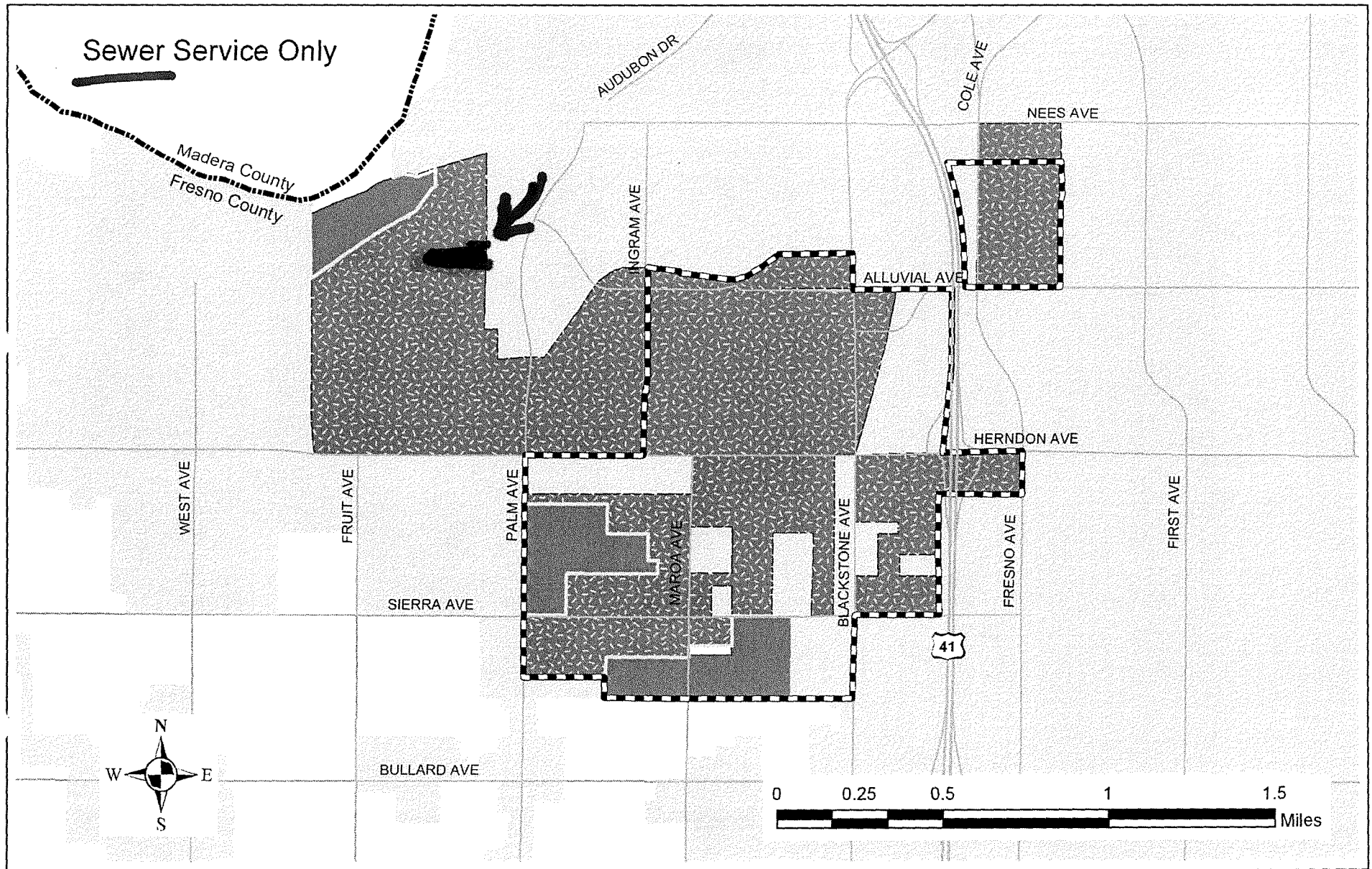


-  District SOI
-  District Area
-  Fresno SOI
-  City of Fresno
-  City Overlapping District

Fresno Local Agency Formation Commission Pinedale County Water District

District Formed: 1954
 SOI Adopted: 03/14/1975
 SOI Updated: 10/10/2007

Map Date: November 2007
 District Area: 850 Acres
 Sphere Area: 915 Acres



-  District SOI
-  District Area
-  Fresno SOI
-  City of Fresno
-  City Overlapping District

Fresno Local Agency Formation Commission Pinedale County Water District

District Formed: 1954
SOI Adopted: 03/14/1975
SOI Updated: 10/10/2007

Map Date: November 2007
District Area: 850 Acres
Sphere Area: 699 Acres

NEAL E. COSTANZO
MICHAEL G. SLATER

LAW OFFICES
COSTANZO & ASSOCIATES

A PROFESSIONAL CORPORATION
575 E. LOCUST AVENUE
SUITE 115
FRESNO, CALIFORNIA 93720-2928
(559) 261-0163

FAX (559) 261-0706

OUR FILE NO. 03343-002

February 20, 2009

Byron Beagles
Fresno City Fire Department
Fire Prevention Engineer
911 H Street
Fresno, CA93721

Re: Proposed Derrell's Mini Storage

Dear Mr. Beagles:

We represent the Pinedale County Water District. The purpose of this letter is to address issues relating to the proposed Derrell's Mini Storage at Bedford and Harris Avenues. After review of correspondence between the City, the District, and representatives of the developer, including your letter to James A. McKelvey dated January 28, 2009, it appears clear that the City is intent on using false or misleading statements about the PCWD's ability to provide service within the District's boundaries to coerce developers to request detachment from the PCWD so that the City can annex those properties. In your January 28 letter, you state various reasons why, in your view, the PCWD is unable to supply adequate fire flow for the proposed development. However, all of your statements appear to be based on non-existent standards that do not conform to the current standard Fire Code relating to fire flow capacity or are premised on unreliable assumptions derived from incomplete and/or inaccurate information. This practice is not only unsound but likely in derogation of vested rights the City or County has already granted this developer.

In an effort to determine how you have reached these determinations, the District engineer has informally requested that you provide the information on which these determinations are based. Because you have failed to respond to informal requests, the PCWD is now formally requesting such information. Therefore, pursuant to the California Public Records Act (Govt. Code §6250 et seq), the District requests that the City provide copies of the following:

1. The City's ordinance that adopted the California Fire Code and any additions, deletions, or revisions.

Byron Beagles
February 20, 2009
Page 2

2. All documents related to the Fresno City Fire Department's determination of required fire flow for the Derrell's Mini Storage project including, but not limited to notes, calculations, reports, memorandum, emails, and correspondence.
3. All documents related to the proposed Derrell's Mini Storage project including, but not limited to, Planning Department/Planning Commission and/or City Council reports, resolutions, vesting tentative maps, environmental documentation, site plans, permits, or other development entitlements and notes, calculations, emails, and correspondence relating thereto.

We sincerely hope that the documents requested reveal a legitimate basis for your attempts to coerce this developer into detaching from the district based on actual or implied threats to further condition the development or not issue or interfere with issuance of permits for the development. If they do not, it would appear that you are engaged in tortious activity or acting in a manner that subjects the City to issuance of a writ of mandate or injunctive relief requiring that the City to cease these unlawful activities. Please inform our office when the above documents are ready to be picked up along with an invoice for the cost of providing such copies.

If you have any questions or comments regarding this matter please do not hesitate to contact our office.

Very truly yours,

COSTANZO & ASSOCIATES

Neal E. Costanzo

MGS/js

C/C: Larry DeSantos, General Manager, PCWD
Shannon Chaffin, Deputy City Attorney
James A. McKelvey of Counsel Nutting & Jorgensen
Kenneth Price, LAFCO General Counsel



Randy R. Bruegman
Fire Chief

Fire Prevention and Investigation Division
911 H Street
Fresno, California 93721-3083
(559) 621-4181 FAX (559) 498-4323
www.fresno.gov

February 25, 2009

NEAL E. CONTANZO
CONTANZO AND ASSOCIATES
575 W LOCUST, SUITE 115
FRESNO, CA 93720-2928

SUBJECT: PROPOSED DERRELL'S MINI STORAGE – LETTER DATED 2-20-09

Dear Mr. Contanzo:

The information regarding California Fire Code adoption and local standards requested by Mr. Frank Daniele, PE and Engineer for the Pinedale County Water District, was sent out via e-mail on February 11, 2009. I have enclosed a copy of that e-mail as verification of response to the District's request. Requested documents were included as PDF attachments and internet link to the City Clerk's office for the requested information.

The additional information your office requested will take a few days to gather. I will contact your office by the end of the week so that all requested information may be picked up as stated in your letter.

Sincerely,

Byron Beagles
Fire Prevention Engineer

BB:nh

Cc: Larry De Santos, General Manager, PCWD
Shannon Chaffin, Deputy City Attorney
James A. McKelvey of Counsel for Nutting and Jorgenson
Kenneth Price, LAFCO General Counsel

Byron Beagles

From: Byron Beagles
Sent: Wednesday, February 11, 2009 3:49 PM
To: 'fdaniele@comcast.net'
Subject: RE: Proposed Derrel's Mini Storage north of Bedford, west of Harrison
Attachments: FPD-H-1 FFD DEVELOPMENT STANDARDS.091508.ns.doc; univision pump test.doc

Frank, sorry to not get back to you sooner on this.

The link to the City's adoption of the 2007 CFC: <http://www.municode.com/Resources/gateway.asp?pid=14478&sid=5>
Go to Chapter 10, Article 5 for the Fire Code adoption.

Also, attached is the FFD planning standards.

To answer your question about city hydrants on Harrison as a back up to any on site hydrants that would be supplied from Pinedale:

The requirement is for a minimum of 1500 gpm to be available at the onsite hydrant as that is where the fire fighting operations will commence. In an unsprinklered complex the fire flow must be available immediately to the fire engine taking suction from the hydrant and with the simplest logistics possible.

I have also sent you something of interest that just came across my desk that illustrates our concerns about the district being able to meet fire flow at peak demand in perimeter areas of the service boundary. It is a fire pump acceptance test done for the diesel fire pump at 601 Univision Plaza midday in October. This is a 1000 gpm fire pump and part of the acceptance involves a flow at 150% of rated volume (1500 gpm) through a flow test header. Note the residual pressure on the inlet side of the pump of 16 psi! All the buildings on this site have fire sprinklers so I won't lose any sleep over this.....

bhb.

----- Original Message -----

From: "pam einsele" <pe-pcawd@sbcglobal.net>
To: "Frank Daniele" <fdaniele@comcast.net>
Sent: Wednesday, January 7, 2009 10:53:38 AM GMT -08:00 US/Canada Pacific
Subject: Fw: RE: Proposed Derrel's Mini Storage north of Bedford, west of Harrison

--- On Tue, 1/6/09, Byron Beagles <Byron.Beagles@fresno.gov> wrote:

From: Byron Beagles <Byron.Beagles@fresno.gov>
Subject: RE: Proposed Derrel's Mini Storage north of Bedford, west of Harrison
To: "fdaniele@comcast.net" <IMCEAMAILTO-fdaniele+40comcast+2Enet@fresno.gov>
Cc: "Richard Fultz" <Richard.Fultz@fresno.gov>
Date: Tuesday, January 6, 2009, 12:02 PM

Mr. Daniele:

Any developer of commercial or residential property in the City of Fresno served by the Pinedale Water District is required to meet the fire flow requirements of the California Fire Code. For purposes of fire protection the minimum fire flow of 1500 gpm must be available at all hours of domestic demand, not an average daily consumption as you reference from PUC regulations.

If a fire occurs at 1900 hours on a 110F day in July (typical peak demand), the minimum fireflow must be available. If the District's position is that they need only comply with minimum PUC regulations, then the developer is required to provide mitigation. This is usually done by requiring automatic fire sprinklers. Due to the type of buildings Derrell's designs for mini-storage, the cost of such a system relative to square foot construction costs is quite expensive.

FFD's position is that the practical course of action is for the developer of this dense commercial project to request annexation to the City of Fresno water service area and obtain fire service from an existing infrastructure on their frontage designed to protect commercial development.

From: Richard Fultz

Sent: Tuesday, December 30, 2008 8:29 AM

To: Byron Beagles

Subject: FW: Proposed Derrel's Mini Storage north of Bedford, west of Harrison

Byron,

Pinedale's response to fireflow.

From: fdaniele@comcast.net [mailto:fdaniele@comcast.net]

Sent: Monday, December 29, 2008 9:27 PM

To: Richard Fultz

Cc: pe-pcwg@sbcglobal.net; jlatham@derrels.com; pridenour@derrels.com; Bruce Barnes

Subject: Proposed Derrel's Mini Storage north of Bedford, west of Harrison

The Pinedale County Water District was copied an e-mail from Byron Beagles from the City of Fresno Fire Department sent to you on December 17, 2008. In the e-mail, Mr. Beagles made some assumptions and concluded that the District could not meet the fire flow requirement of 1,500 gpm during peak hour conditions on a summer day and suggested that the District hire an engineering firm (subject to the City's approval) to perform a hydraulic analysis of the District's water system to verify his conclusions. Otherwise, he presented two alternatives for Derrel's mini storage as conditions of approval, including 1) providing a "dry" sprinkler system or 2) getting a release from the District and have the City provide water service to the site.

With regard to fire flow, the District hired a fire sprinkler specialist who tested the District's system and determined an available fire flow of 2,400 gpm with a 20 psi residual pressure adjacent to the site. The City's own test found an available fire flow of 2,200 gpm with 20 psi residual. Both tests demonstrated that the District's system met the required fire flow of 1,500 gpm at this time of year. We disagree with his comment that there was "little if any domestic use" at this time of year.

With regard to the District's ability to meet the fire flow condition during a peak hour summer condition, I refer you to the past and present California Waterworks Standards. Generally, system capacity is required to meet average day demand plus fire flow or peak hour demand, not peak hour demand plus fire flow. Accordingly, the District does not agree with Mr. Beagles' assertion that the system should be able to provide peak hour demand plus fire flow, nor does the District agree with his

"condition" that the District hire an engineering consultant to perform a hydraulic analysis of the water system to prove his assumptions.

The District also does not consider his alternative to allow the City to provide service to the property as an option. The property is within the District boundary and included in the District's sphere of influence for water service areas. Changes to that boundary or sphere should involve review and approval through the LAFCO Board, which was not a part of the original land use application.

Please advise the District if the City still has issues with available fire flows to the site from the District's water system. Otherwise, we expect that the development will move forward with water service (including fire flow) provided to the site by the District.

If you have any questions, please contact the District office at 439-2362.

Frank L. Daniele, PE
District Engineer for the
Pinedale County Water District

CITY OF FRESNO MITIGATED NEGATIVE DECLARATION

FILED

OCT 02 2008

Initial Study is on file in the Planning and
Development Department, City Hall
2600 Fresno Street, Fresno, California 93721
(559) 621-8277

Environmental
Assessment Number:
A-06-06/R-06-032/C-06-094

APPLICANT: JDMS Investments
3265 N. Ashlan
Fresno, CA 93722

Assessor's Parcel Numbers:
APN's 405-340-04 & 05

FRESNO COUNTY CLERK
Stacy Warrick
DEPUTY

PROJECT DESCRIPTION AND LOCATION: Plan Amendment Application No. A-06-06, Rezone Application No. R-06-032, Conditional Use Permit Application No. C-06-094, and Environmental Assessment No. A-06-06/R-06-032/C-06-094 pertain to approximately 5.16 acres of a larger 26.0 acre property located west of the corner of the North Harrison Avenue and East Bedford Avenue alignments. Plan Amendment Application No. A-06-06 requests a change in the 2025 Fresno General Plan and the Bullard Community Plan to redesignate the subject property from the medium low density residential planned land use designation to the office commercial planned land use designation. Rezone Application No. A-06-032 would redesignate the site from the AE-20/UGM (Twenty Acre Agriculture Exclusive/Urban Growth Management) zone district to the S-L/UGM (Storage Limited/Urban Growth Management) zone district. Conditional Use Permit No. C-06-094 proposes the development of a two-phased 110,456 square foot mini-storage facility that will not include a caretaker's residence.

Filed with:
REBECCA E. KLISCH, City Clerk
2nd Floor - City Hall
2600 Fresno Street
Fresno, California 93721-3603

The proposed project has been determined to be a subsequent project that is not within the scope of the Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan ("MEIR"). Pursuant to Public Resources Code § 21157.1 and CEQA Guidelines § 15177, this project has been evaluated with respect to each item on the attached environmental checklist to determine whether this project may cause any additional significant effect on the environment which was not previously examined in the MEIR. This completed checklist reflects comments of any applicable responsible agencies and research and analysis conducted to examine the interrelationship between the proposed project and the physical environment. The information contained in the Environmental Assessment Application, the checklist, and any attachments to the checklist, combine to form a record indicating that an initial study has been completed in compliance with the State CEQA Guidelines and the California Environmental Quality Act.

The responses in the attached Environmental Checklist Form indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant that a specific adverse environmental effect has been identified in a category which is of sufficient magnitude to be of concern. Such an effect may be inherent in the nature and magnitude of the project or may be related to the design and characteristics of the individual project. Effects rated in this manner are not sufficient in themselves to require the preparation of an Environmental Impact Report and/or have been mitigated to the extent feasible.

All new development activity and many non-physical projects contribute directly or indirectly toward a cumulative impact on the physical environment. The incremental effect contributed by this project toward such a cumulative effect is not considered substantial in itself. Based upon the evaluation using the Environmental Checklist Form, it was determined that there are foreseeable impacts from the Project that are additional to those identified in the MEIR. However, it has been determined that those impacts may be mitigated to less than significant with the project specific mitigation measures.

With the project specific mitigation imposed there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effect on the environment that were not identified and analyzed in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR"). After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code, Section 21157.6(b)(1), the Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. The MEIR mitigation checklist will be imposed on this project.

INITIAL STUDY PREPARED BY: Bruce Barnes
Project Manager
Bruce Barnes

SUBMITTED BY: *Bruce Barnes* Son D.U.
Darrell Unruh, Planning Manager
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: October 2, 2008

City of



DEPARTMENT OF PUBLIC UTILITIES

Date: September 03, 2008

To: BRUCE BARNES, Project Manager
Planning and Development Department, Planning

From: CHRIS WEIBERT, Management Analyst II
Public Utilities Department, Administration

Subject: A-06-006, R-06-032, C-06-094, LLA-2008-011, revised applications have been filed by Sol Development on behalf of Darrels Mini Storage regarding the southern most 5.14 acres of a larger 26.0 acre property located on the west side of North Palm Avenue, between East Alluvial Avenue and the East Nees Avenue Alignment. A-06-006 is requesting to amend the 2025 Fresno General Plan and the Bullard Community Plan from the medium low density residential planned land use designation to the office-commercial planned land use designation. The plan amendment also includes the reclassification of West Alluvial Avenue between North Palm and North Harrison Avenues from a collector street to a local street and remove North Harrison Avenue as a collector street north of West Alluvial Avenue. R-06-032 is requesting a rezone from the AE-20-UGM, Twenty-Acre Agriculture Exclusive-Urban Growth Management, zone district to the S-L-UGM, Storage Limited-Urban Growth Management, zone district. C-06-094 proposes the development of a two phased 110,000 plus square foot mini storage facility that will not contain a caretakers residence. LLA-2008-011 proposes to reconfigure the two existing parcels into resulting in a 21.08 acre parcel and a 5.17 acre parcel.

Environmental Comments

Project site is located within the jurisdiction of another provider for water service. The applicant should contact Pinedale County Water District for service conditions and/or restrictions.

Therefore, the project site SHALL NOT connect to the 8" water main in North Harrison Avenue.

Pinedale County Water District

Phone: (559) 439-2362 FAX: (559) 439-1309
480 W. Birch St. Pinedale, California 93650

September 25, 2008

Derrel's Mini Storage
3265 W. Ashlan Avenue
Fresno, CA 93722

FAX: (559) 224-1884

Attn: Joshua Latham

Subject: Proposed Mini Storage
Harrison Avenue North of Bedford Street
Amendment Application A-06-006
Rezone Application R-06-032
Conditional Use Permit Application C-06-094
Lot Line Adjustment 2008-11

Dear Sir:

The District has received a site plan for a proposed mini storage facility on the subject site. The site plan depicts 29 individual storage facilities totaling approximately 110,350 square feet of storage area, to be constructed in two phases. There are 3 on-site fire hydrants shown on the plan and perimeter landscape improvements.

Please submit two copies of a utility plan to the District for review and approval to show how service will be provided for fire hydrants and landscape services. Any proposed water service shall be metered and equipped with a reduced pressure principle (RPP) backflow device.

The parcel is within the service area of the Pinedale County Water District. The following comments are offered with respect to the provision of water service by the District.

Water Connection Fees:

Currently, water connection fees are based upon the number of units for residential services and the square footage of the building area for commercial and industrial uses, with each 1,500 square feet of building area representing one unit equivalent. The current rate is \$1,230/unit for water. Frontage fees are also applicable unless main line construction is provided and facility ownership is transferred to the District.

Based upon the proposed square footage, the development would be equivalent to 74 units. The following connection fee would apply:

Water Production - 74 Units @ \$1,230.00 = \$ 91,020.00

It is assumed that water mains will be constructed by the applicant and ownership of the facilities transferred to the District. Plan check and inspection fees will also apply to this construction.

As previously advised, the District has three water mains stubbed into the vacant property in this area. Two of these mains are located on Farris and Harrison Streets at the southerly end of your proposed parcel. The other water main is stubbed to the westerly side of the remaining vacant lot north of your project site at the existing end of Alluvial Avenue.

The site plan does not show how the remainder of the vacant parcel will be developed. In any event, the District has always anticipated that the three dead-end water mains described above would eventually be looped together with the development of the vacant property in this area.

Proposed Conditions:

1. A water plan shall be submitted to the District for review and approval showing the locations of any service laterals and indicating how service will be extended to the proposed on-site fire hydrants.
2. The water plan shall show how the three existing dead-end water mains belonging to the District shall be looped together at full build-out of the vacant property in this area.
3. The developer shall pay all costs for design and construction of the water main and pay appropriate plan check and inspection fees to the District.
4. Easements for water mains passing through the site shall be provided to the District. However, any costs for maintenance of on-site water improvements or restoration of on-site improvements shall be the responsibility of the property owner.
5. Upon completion of construction, applicant/engineer shall provide an as-built plan of on-site utilities and submit the plan to Pinedale County Water District. The as-built plan shall be drawn to highlight water facilities connected to District mains and constructed within the project site.
6. Water improvements for the remaining vacant parcel to the north may be deferred until the time of development of that parcel.

The following notes are provided for your information:

1. Inspection of the construction shall be coordinated with District personnel. Contact the District office at (559) 439-2362 a minimum of 48 hours in advance of the construction.
2. On-site utility construction, i.e. service lines to the building, shall be inspected by the City of Fresno through appropriate application for a plumbing permit.
3. A street work encroachment permit shall be required from the City of Fresno if any work is performed within the street right-of-way.
4. Any backflow devices shall be inspected and tested by a certified backflow prevention specialist, and a copy of the report shall be provided to the District. It will be the applicant/property owner's responsibility to perform the annual test on the backflow device and submit the reports to the District.

Should there be any questions, you may contact the District's General Manager, Larry DeSantos, by telephoning (559) 439-2362 during normal business hours.

Sincerely,

Frank L. Daniele
District Engineer for the
Pinedale County Water District

Cc: Larry DeSantos, General Manager
Bruce Barnes, City of Fresno

CHAPTER 1. INTRODUCTION

PURPOSE

10620 (a) Every urban water supplier shall prepare and adopt an urban water management plan in the manner set forth in Article 3 (commencing with Section 10640).

10621 (a) Each urban water supplier shall update its plan at least once every five years on or before December 31, in years ending in five and zero.

In accordance with Urban Water Management Planning Act, as included in the California Water Code, Division 6, Part 2.6, every urban water supplier in California providing water for municipal purposes either directly or indirectly to more than 3,000 customers, or supplying more than 3,000 acre-feet of water annually, is required to prepare and adopt an Urban Water Management Plan (UWMP). The adopted UWMP must then be updated at least once every five years on or before December 31, in years ending in five and zero. An urban water supplier that does not prepare, adopt and submit its UWMP to the California Department of Water Resources (DWR) is ineligible to receive certain grant funding or receive drought assistance from the state.

The City of Fresno (City) is a water retailer. In 2007, the City supplied 165,798 acre-feet (af)¹ of potable water to 130,167 water services² in the City of Fresno water service area, and is therefore subject to the requirements of the Urban Water Management Planning Act (UWMP Act).

PLAN CONTENTS, ORGANIZATION AND FORMAT

The UWMP Act, established in 1983 by Assembly Bill 797 and amended numerous times since then (most recently in 2005 by Senate Bill 1087), establishes the requirements for a UWMP. The latest version of the UWMP Act is provided in Appendix A. This 2008 UWMP for the City has been prepared in accordance with those requirements and contains information which is necessary to plan for the efficient use of urban water supplies within the City's water service area. This information is contained in the following chapters:

- Chapter 1: Introduction
- Chapter 2: Plan Preparation, Coordination and Adoption
- Chapter 3: Water Service Area
- Chapter 4: Water Supply
- Chapter 5: Water Supply Reliability
- Chapter 6: Water Demand
- Chapter 7: Comparison of Supply and Demand

¹ Source: City of Fresno Production Statistics (prdstats.xls), water supply shown is for 2007 calendar year.

² Source: City of Fresno Public Water System Statistics Report for Calendar Year 2007.

- Chapter 8: Demand Management Measures
- Chapter 9: Water Shortage Contingency Plan
- Chapter 10: Recycled Water

Appendices to this UWMP include the following additional information:

- Appendix A: UWMP Act
- Appendix B: Agency and Public Notices Regarding UWMP Preparation and Adoption
- Appendix C: Resolution to adopt this updated UWMP
- Appendix D: USBR and FID water supply contracts and agreements
- Appendix E: Fresno Area Regional Groundwater Management Plan
- Appendix F: City Municipal Code Water Regulations and Provisions
- Appendix G: Annual Conservation Program Status Report
- Appendix H: Excerpts from City Water Conservation Plan
- Appendix I: Residential Water Meter Plan
- Appendix J: Draft Resolution for the Implementation of the Water Shortage Contingency Plan

To demonstrate compliance with applicable water codes, applicable water code provisions are shown in italics at the beginning of each chapter or section. Furthermore, to demonstrate completeness and assist DWR in their review of this 2008 UWMP, where applicable, tables in this 2008 UWMP include corresponding DWR table numbers from DWR's Guidebook for Preparation of a 2005 Urban Water Management Plan (see Table ES-1 in the Executive Summary showing table cross-references).

GLOSSARY OF TERMS AND ACRONYMS

The following terms and acronyms have been used throughout this UWMP to improve document clarity and readability.

ADAF	Average day annual flow
ADWF	Average dry weather flow
Af	Acre-feet
afa, af/yr	Acre-feet per year
Bakman	Bakman Water Company
BMPs	Best Management Practices
BOD	Biological Oxygen Demand
Bureau	United States Bureau of Reclamation

CEQA	California Environmental Quality Act
Cfs	Cubic feet per second
CI	Commercial and industrial
CII	Commercial, industrial and institutional
CIMIS	California Irrigation Management Information System
City	City of Fresno
CSUF	California State University, Fresno
CUWCC	California Urban Water Conservation Council
CVP	Central Valley Project
CVWAC	Central Valley Water Awareness Committee
DMMs	Demand Management Measures; fourteen water conservation measures included in the UWMP Act
DOF	State of California Department of Finance
DWR	State of California Department of Water Resources
Et _o	Evapotranspiration
FARGMP	Fresno Area Regional Groundwater Management Plan
FID	Fresno Irrigation District
FY	Fiscal year
FYP	Flex Your Power
GIS	Geographic Information System
Gpcd	Gallons per capita per day
Gpd	Gallons per day
GWMP	Groundwater Management Plan
HCF	Hundred cubic feet
Herndon	Herndon Water Company
KRWA	Kings River Water Association
MEF	Modified Energy Factor
MG	Million gallons
Mgd	Million gallons per day
Mg/L	Milligrams per liter
MOU	Memorandum of Understanding
NRDC	National Resources Defense Council
OES	Office of Emergency Services
Park Van Ness	Park Van Ness Mutual Water Company
PG&E	Pacific Gas and Electric Company
Pinedale	Pinedale County Water District
RWQCB	Regional Water Quality Control Board

RWRF	Regional Wastewater Reclamation Facility
SOI	Sphere of Influence
SWTF	Surface Water Treatment Facility
TDS	Total Dissolved Solids
TSS	Total Suspended Solids
UAFW	Unaccounted-for Water
ULFT	Ultra Low Flush Toilet
USBR	United States Bureau of Reclamation
UWMP	Urban Water Management Plan
UWMP Act	Urban Water Management Planning Act; enacted in 1983; establishes requirements for a UWMP
WF	Water Factor
WMP	Water Master Plan
WRCC	Western Regional Climate Center
WRF	Wastewater Reclamation Facility
WRIME	Water Resources & Information Management Engineering, Inc.; preparer of regional groundwater model (see Chapter 4)
WYA	West Yost Associates; preparer of this UWMP

CHAPTER 3. WATER SERVICE AREA

WATER SERVICE AREA

10631 (a) Describe the service area of the supplier; including current and projected population, climate and other demographic factors affecting the supplier's water management planning. The project population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available.

Service Area Description

The City currently encompasses over 110 square miles and the City Water Division serves an estimated service area population of 502,657 people (as of January 1, 2008). With the exception of the Bakman Water Company (Bakman), Pinedale County Water District (Pinedale), Herndon Water Company (Herndon)¹, Park Van Ness Mutual Water Company (Park Van Ness), California State University at Fresno (CSUF), and private groundwater users located within county islands, the City serves the entire area encompassed by its City Limits and Sphere of Influence (SOI). The SOI is coincident with the General Plan Boundary and therefore, includes all lands planned to be annexed by the City by 2025. Figure 3-1 shows the City's water service area. Future growth includes the area known as the Southeast Growth Area, and expansion of the City limits along the western and southern boundaries to the SOI.

Service Area Population

Historical and projected population was developed using data collected from the City and the California Department of Finance (DOF). The actual methodology used to develop existing and future population estimates is described in more detail below.

Historical Water Service Area Population

The City of Fresno (City) was founded in 1885 in the heart of the nation's richest agricultural county and has historically been one of the fastest growing cities in the United States, with the population increasing from 10,818 persons in 1900 to 60,685 in 1940, and 218,202 in 1980 (Census data)². According to the U.S. Census, the City population was 354,282 in 1990, and 427,652 in 2000³.

In the 1986 City of Fresno Urban Water Management Plan (UWMP), it was estimated that the population served by the City Water Division was 269,824; 15,176 less than the City population of 285,000⁴, which accounted for areas within the City Limits which were served by private water

¹ It should be noted that the City is considering acquiring the Herndon Water Company and incorporating it into the City's water service area in the near future.

² City of Fresno Urban Water Management Plan 1986-1995, page 28,

³ U.S. Census website (www.factfinder.census.gov), 1990 and 2000 Census data for the City of Fresno.

⁴ City of Fresno Urban Water Management Plan 1986-1995, page 29 footnote.

companies, special districts, or their own wells. In 1989, the City Water Division acquired numerous County water facilities and began serving customers previously served by the County. This added a significant number of customers to the City's water service area; however, the exact number of customers added is unknown.

In 2000, the City Water Division developed a methodology for calculating the population of the City's water service area. The methodology involved summing all of the Census tract data for the April 2000 Census for the City's overall service area, and subtracting out tracts not served by the City. These tracts included areas served by Bakman, Pinedale, Herndon, Park Van Ness, and the City of Clovis, as well as areas outside the City service area, unserved areas within County areas, unserved areas within City areas and areas with only partial service (i.e., straddling City service areas). This population was then adjusted based on a 1.9 percent annual growth rate (based on the Fresno County Council of Government's (COG) growth rate for the City of Fresno from 1990 to 2000⁵) to determine the January 2001 water service area population.

For subsequent years, the City Water Division has used an annual population increase of 1.9 percent, based on the COG annual growth rate, to account for growth within the water service area. The estimated population for the City water service area for the last eight years is shown in Table 3-1.

Table 3-1. City of Fresno Water Service Area Population (2001-2008)^(a)

	2001	2002	2003	2004	2005	2006	2007	2008
Historical Service Area Population	440,608	448,980	457,511	466,203	475,061	484,087	493,285	502,657

^(a) Populations are for January 1 of the year shown. As estimated by the City Water Division ("census pop.xls").

WYA estimated the water service area population from 1989 to 2000 by using the DOF population estimates for the City of Fresno, adjusted to account for additional population served by the City as a result of the acquisition of County facilities in 1989. The adjustment was based on the average difference between the City of Fresno DOF population and the City Water Division water service area population for 2001 through 2006. The resulting estimated historical water service area population is shown on Figure 3-2, indicating that the City's water service area population is somewhat higher than the City of Fresno population.

Projected Future Water Service Area Population

In the future, the population of the City's water service area is anticipated to continue to grow. Figure 3-3 shows the projected population to be served by the City Water Division. A range of projections has been made based on different projection methodologies. The first methodology

⁵ Fresno County Council of Government website (www.fresnocog.org) "Census 1990-Census 2000 Population Growth Fresno County and its Jurisdictions."

involved projecting the actual population served (as calculated by the City Water Division) using the 1.9 percent COG annual growth rate. This results in a service area population of approximately 692,203 in 2025 and 760,509 in 2030.

The City of Fresno General Plan (General Plan) has somewhat different projections, and assumes a higher starting population in 2000 for the Community Plan Area (482,495 as compared to the City Water Division estimate of 435,814 for April 2000). According to the General Plan, the population of the Community Plan Area will increase to 790,955 by 2025, representing an approximately 2 percent annual growth rate⁶. As shown on Figure 3-3, if the General Plan Community Plan Area grows at only a 1.9 percent annual rate (per the COG growth rate), buildout of the General Plan Community Plan Area would not occur until about 2026.

Table 3-2 summarizes both the high and low projected population estimates for the City's water service area.

Table 3-2. City of Fresno Water Service Area Population Projections (DWR Table 2)

Population Projection	2000	2005	2010	2015	2020	2025	2030
High Estimate: General Plan Projection ^(a)	482,495	544,187	605,879	667,571	729,263	790,955	^(b)
Low Estimate: Projection Per Water Division Estimates of Current Population Served and Uniform Growth Rate of 1.9% ^(c)	435,814	475,061	521,940	573,444	630,032	692,203	760,509

^(a) 2025 City of Fresno General Plan, Table 1, Population Projection by Community Plan Area. 2025 population of 790,955 is considered to be buildout of the General Plan area.

^(b) No projection available as buildout of the General Plan occurs in 2025.

^(c) Growth rate of 1.9 percent per Fresno County Council of Governments (www.fresnocog.org).

Water Customers

Affordable Housing Units

10631.1 (a) The water use projections required by 10631 shall include projected water use for single-family and multi-family residential housing needed for lower income households as identifies in the housing element of any city or county in the service area of the supplier.

Senate Bill 1087 (SB 1087) approved in October 2005 amended a portion of the Water Code related to the preparation of UWMPs. It requires that UWMPs include water use projections for single-family and multi-family residential lower income households as identified in the housing element of any city or county in the service area of the supplier.

⁶ 2025 City of Fresno General Plan, Table 1, Population Projections by Community Plan Area.

Per the City's Planning and Development Department⁷, the number of existing lower income households within the City can be estimated based on information provided in the City's June 2008 Housing Element. In the City's Housing Element, lower income households are listed under two categories:

- Federal Housing and Urban Development (HUD) Federally Assisted Projects, and
- Low Income Housing Tax Credit Program Projects (State Assisted Projects).

The number of lower income households in these programs is listed in Table 3-3. As shown, all of the HUD Federally Assisted Projects and most of the Low Income Housing Tax Credit Program Projects are multi-family units (i.e., apartments).

As shown in Table 3-3, based on available data, there were approximately 4,800 lower income housing units in the City in 2008. Based on this data, the number of existing water connections for lower income households has been estimated. As shown in Table 3-3, for the single family residential units, each water service connection is assumed to serve one household unit. Therefore, in 2007 it is estimated that only 0.007 percent of the total single family residential water connections were lower income households (8 out of a total of 107,107 total single family connections in 2007⁸).

Table 3-3. 2002 City of Fresno Lower Income Households

Program	Lower Income Single Family	Lower Income Multi-Family	Total Lower Income
HUD Federally Assisted Projects ^(a)	0	1,991	1,991
Low Income Housing Tax Credit Program Projects ^(b)	8	2,800	2,808
Total Lower Income Housing Units in 2008	8	4,791	4,799
Total Number of Water Connections in 2007 ^(c)	107,107	8,297	115,404
Estimated Number of Housing Units per Water Connection ^(d)	1	10	--
Estimated Total Number of Housing Units in 2007 (Number of Water Connections x Housing Units per Water Connection)	107,107	82,970	190,077
Percent of Total Housing Units Estimated to be Lower Income ^(e)	0.007%	5.8%	2.5%

^(a) Table 4-14, City of Fresno Housing Element dated June 2008.

^(b) Table 4-15, City of Fresno Housing Element dated June 2008. Some projects listed in the Housing Element Table 4-15 were also listed in Housing Element Table 4-14 and have been subtracted out to avoid double-counting of projects.

^(c) City of Fresno DWR Public Water System Statistics Report for 2007 Calendar Year.

^(d) Based on January 2007 population (493,285) and assumed number of people per housing unit (about 2.9 people per single family housing unit and 2.2 people per multi-family housing unit).

^(e) Total lower income units in 2008 divided by 2007 total dwelling units.

⁷ E-mail from Sara Pomare, City of Fresno Planning and Development Department dated July 23, 2008.

⁸ Source: City of Fresno Public Water System Statistics Report for Calendar Year 2007.

For the multi-family residential housing units, each water service connection serves multiple housing units (i.e., one water service connection serves a number of apartment units). Based on the January 2007 population (493,285) and the number of single family and multi-family water connections in 2007, and an assumed number of people per housing unit (about 2.9 people per single family housing unit and 2.2 people per multi-family housing unit), it is estimated that each multi-family water connection serves an average of 10 multi-family housing units. Therefore, the number of 2007 multi-family water connections (8,297) is estimated to serve 82,970 multi-family housing units (10 units/connection x 8,297 connections), which means that the 4,791 lower income multi-family housing units in 2008 equated to about 5.8 percent of the total multi-family housing units in 2007 (4,791 housing units out of a total of 82,970 total multi-family housing units in 2007⁹).

These estimated percentages are used below to estimate the number of existing and future lower income households and water service connections and will be used in Chapter 6 of this UWMP to estimate the existing and projected future water demand for lower income households.

Water Connections

In 2007, the City had approximately 130,167 water service connections¹⁰. Approximately 83 percent of these connections are single-family residential, which are currently unmetered. The remaining 17 percent of the connections are multi-family residential, commercial/institutional, industrial, landscape irrigation, and fire service connections. Table 3-4 provides a summary of the City's water connections in 2007.

⁹ Source: City of Fresno Public Water System Statistics for Calendar Year 2007.

¹⁰ Source: City of Fresno Public Water System Statistics Report for Calendar Year 2007.

Table 3-4. City of Fresno 2007 Water Service Connections^(a)

Land Use Type	Number of Connections in 2007	Percent of Total Connections
Single-Family Residential		
Estimated Market Value	107,099	82.3%
Estimated Lower Income ^(b)	<u>8</u>	<u>0.0%</u>
	107,107	82.3%
Multi-Family Residential		
Estimated Market Value	7,451	5.7%
Estimated Lower Income ^(c)	<u>479</u>	<u>0.4%</u>
	7,930	6.1%
Commercial/Institutional	9,211	7.1%
Industrial	121	0.1%
Landscape Irrigation	3,016	2.3%
Other	72	0.1%
Fire Service	2,710	2.1%
Total Connections	130,167	100.0%

^(a) City of Fresno Public Water System Statistics Report for Calendar Year 2007.

^(b) Estimated based on overall percentage of lower income single family households estimated for 2007, 0.007 percent (see discussion above).

^(c) Estimated based on overall percentage of lower income multi-family households estimated for 2007, 5.8 percent (see discussion above).

In the future, the number of water connections is anticipated to increase. The projected future number of water connections, by land use type, has been estimated based on future projected General Plan land use, current development densities, and projected future development densities and are presented in Table 3-5.

Table 3-5. City of Fresno Future Projected Water Service Connections^(a)

Land Use Type	2000 ^(b) (Actual)	2005 ^(b) (Actual)	2010	2015	2020	2025	2030
Single-Family Residential							
Estimated Market Value	95,143	103,506	120,818	137,520	154,223	170,925	187,627
Estimated Lower Income ^(c)	<u>7</u>	<u>7</u>	<u>8</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>
	95,150	103,513	120,826	137,530	154,233	170,937	187,641
Multi-Family Residential							
Estimated Market Value	6,901	7,088	7,663	8,262	8,862	9,462	10,061
Estimated Lower Income ^(d)	<u>425</u>	<u>436</u>	<u>472</u>	<u>509</u>	<u>546</u>	<u>583</u>	<u>619</u>
	7,326	7,524	8,135	8,771	9,408	10,044	10,681
Southeast Growth Area	0	0	9,876	19,752	29,628	39,504	49,379
Commercial/Institutional	7,416	7,882	8,086	9,472	10,858	12,244	13,631
Industrial	106	96	96	130	164	197	231
Landscape Irrigation	1,516	2,243	2,313	2,410	2,507	2,604	2,701
Fire Service	395	2,568	2,960	3,503	4,047	4,590	5,133
Total Connections	111,909	123,826	152,292	181,568	210,844	240,121	269,397

(a) Estimated based on future projected General Plan land use, current development densities and projected future development densities. Land use values for 2015 and 2020 interpolated from 2010 and 2015 data. Land use values for 2030 extrapolated from 2025 data.

(b) 2000 and 2005 actual data based on City of Fresno DWR Public Water System Statistics for calendar year 2000 and 2005.

(c) Based on overall percentage of lower income single family households estimated for 2007, 0.007 percent (see discussion above and Table 3-3).

(d) Based on overall percentage of lower income multi-family households estimated for 2007, 5.8 percent (see discussion above and Table 3-3). One multi-family residential water service connection is estimated to serve an average of about 10 multi-family housing units (e.g., apartments) (see Table 3-3).

Service Area Characteristics

Climate

The City of Fresno's service area is located in California's San Joaquin Valley in Fresno County along Highway 99. The climate of the area is best described as Mediterranean, characterized by hot dry summers and cool winters. Precipitation in the area averages around 11 inches per year as shown in Table 3-6 which shows the average monthly temperature and rainfall for a weather station located near the Fresno airport. Average evapotranspiration (E_t) is based on data from a monitoring station located at Fresno State University.

Table 3-6. Climate Data (DWR Table 3)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Average Et _o , inches ^(a)	0.85	1.63	3.23	5.23	6.96	7.97	8.65	7.64	5.41	3.59	1.68	0.85	53.69
Average Temperature, °F ^(b)	46.0	51.0	55.3	61.2	68.8	76.0	81.8	80.0	74.9	65.4	53.7	45.9	63.3
Average Max Temperature, °F ^(b)	54.4	61.5	66.9	74.6	83.4	91.6	98.1	96.2	90.5	79.8	65.2	54.6	76.4
Average Min Temperature, °F ^(b)	37.6	40.6	43.7	47.8	54.1	60.2	65.4	63.7	59.3	50.9	42.2	37.2	50.2
Average Rainfall, inches ^(b)	2.13	1.88	1.94	1.00	0.37	0.15	0.01	0.1	0.17	0.53	1.17	1.58	10.94

(a) Source: CIMIS Website: www.cimis.water.ca.gov, Station 80 Fresno State (1988 to Present), Monthly Average Et, Report, August 2006.

(b) Source: National Climatic Data Center, Climatology of the United States, Fresno WSO AP Weather Station (No. 043257), Period of Record 7/1/48 to 12/31/05.

These climate characteristics highly influence the City's water use. As described in Chapter 6, the City's water use in the summer months is significantly higher than that in the winter, reflecting increased water use for irrigation purposes during the hot, dry summers.

Other Demographic Factors

A number of other demographic factors also influence water use in the City. As discussed above, most of the City's water customers are single-family residential homes, which are currently unmetered. Because they are unmetered, customers are unaware of the water that they actually use and have no real incentive for water conservation since they are billed on a monthly flat rate structure. This undoubtedly contributes somewhat to the high water demands experienced in the City in the summer months. As the City implements its Residential Water Metering Program (see Chapter 8 and Appendix I), fewer and fewer customers will be unmetered and more customers will become aware of the quantity of water they use, and the need for and benefits of water conservation. As this occurs, summertime residential water demands will likely decrease somewhat.

The City also has a number of food processing facilities that use large amounts of water throughout the year, particularly in the summer when fruits and vegetables are being harvested and processed.

EXISTING WATER SYSTEM

Historical Overview

The original Fresno water system began operations in 1876 as a non-profit organization inaugurated by a group of public-minded citizens. Initially, the water system consisted of one pumping station composed of small pumps and two storage tanks located above the second floor of one of the early store buildings. This building was located on Fresno Street between "J" and "K" Streets, presently known as Broadway and Fulton.

By 1888, the town had grown to a small city, which demanded an improved water distribution system. This was necessary because of several large fires, including the destruction of the first permanent courthouse. In 1888, the first pumping station and water tower, of a permanent nature, were constructed at Fresno and "O" Streets. These facilities were designed to be an integral part of a larger and continually expanding water system. This No. 1 station was in continuous use until 1959, when it was retired having served its useful purpose. Today, this building is known as the "Water Tower" and has been declared a historic structure.

Between the years of 1887 and 1890, 4-inch and 2½-inch cast iron pipe, as well as 4-inch wrought iron water mains were laid out. Some of these original "permanent pipes" are still an integral part of the present water supply system.

The owner and operator of the system in 1888 was the Fresno Water Company. In 1904, the Fresno Water Company was purchased by Balch, Kerckhoff & Wishon, and was reorganized as the Fresno City Water Company. In 1926, the plant and distribution system was purchased by the California Water Service Company. This Company then sold the water system to the City of Fresno in 1931, which operated as a municipal utility. It was first managed under an appointed water board, but currently is a Division of the Public Utilities Department.

Historically, the City's supply of water consisted of direct pumping from wells drilled into the underground aquifer. Today, groundwater remains as the City's primary water supply source, and there are presently about 250 municipal groundwater wells located throughout the City.

In the 1960s, the City purchased surface water made available from the United States Bureau of Reclamation (USBR). The City contracted with USBR for 60,000 acre-feet of water per year from the Friant Division (Millerton Lake) and developed a system to recharge the groundwater basin by "intentional recharge," percolating the imported surface water supplies in constructed recharge basins. The City's USBR supplies are conveyed to the City via Fresno Irrigation District (FID) canals. In 1976, the City signed a contract with the FID for delivery of surface water supplies from the Kings River based on the City's pro rata share of FID's water entitlements. The City also obtains surface water from the Fresno Irrigation District (FID) for groundwater recharge purposes.

In 2004, the City also began treating surface water supplies for direct potable use at its new Surface Water Treatment Facility (SWTF). The SWTF located in northwest Fresno currently provides about 12 percent of the City's potable water supplies¹¹.

Existing Water System

The City's existing water system consists of about 1,740 miles of transmission and distribution pipelines, 250 operational groundwater wells, a 30 mgd surface water treatment facility, storage facilities, and booster pump facilities. The distribution system is divided into four quasi-pressure zones to help regulate minimum and maximum system pressures in the various topographic areas of the City. Figure 3-4 shows the City's existing water system facilities.

¹¹ Based on 2007 production data (Source: pumpingstats.xls obtained from City). Total water production in 2007 was 165,798 acre-feet. Deliveries from the Surface Water Treatment Facility were 20,650 acre-feet. Remaining production of 145,148 acre-feet, was from groundwater.

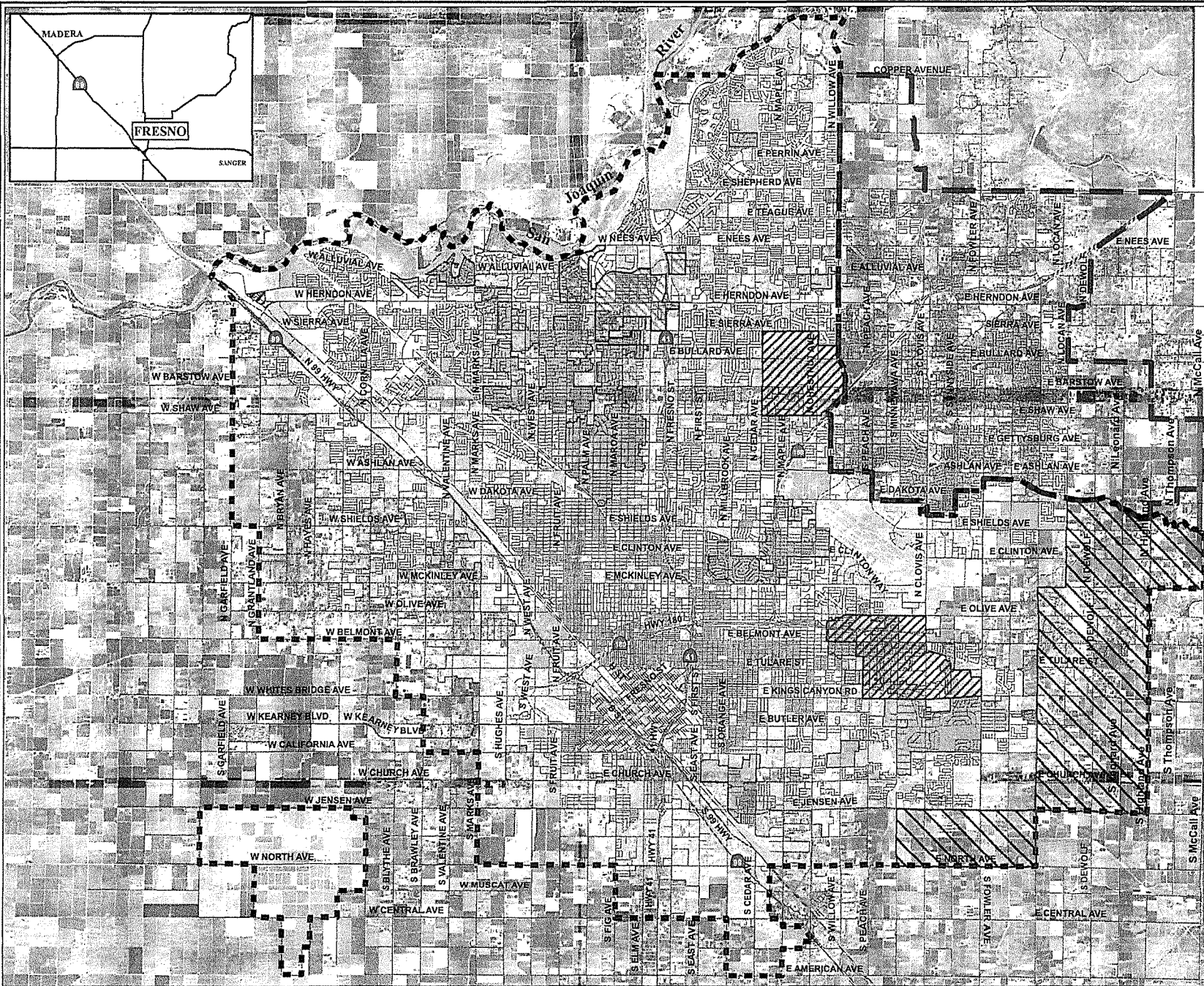
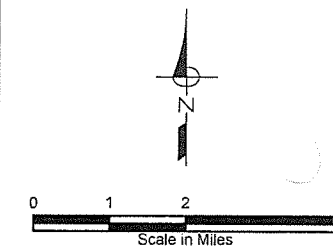


FIGURE 3-1
City of Fresno
Urban Water
Management Plan
EXISTING AND FUTURE
STUDY AREA



NOTES:

- Fresno Sphere of Influence
- Clovis Sphere of Influence
- Pinedale County Water Dist.
- Bakman Water Company
- California State Univ., Fresno
- Herndon
- Park Van Ness
- Southeast Growth Area
- County Island
- City Limit



Figure 3-2. City of Fresno Water Service Area Estimated Historical Population

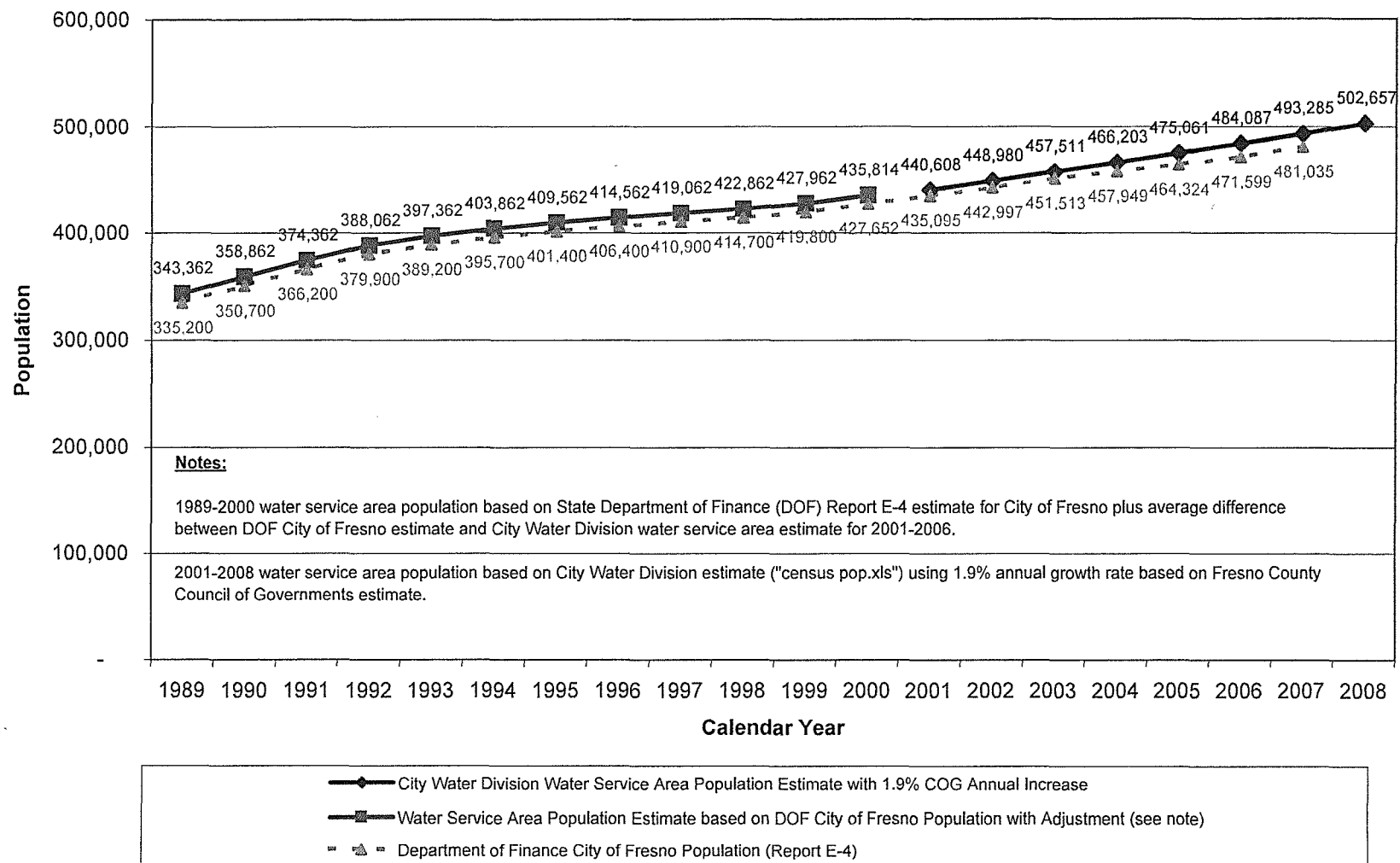


Figure 3-3. Projected Population Served by the City

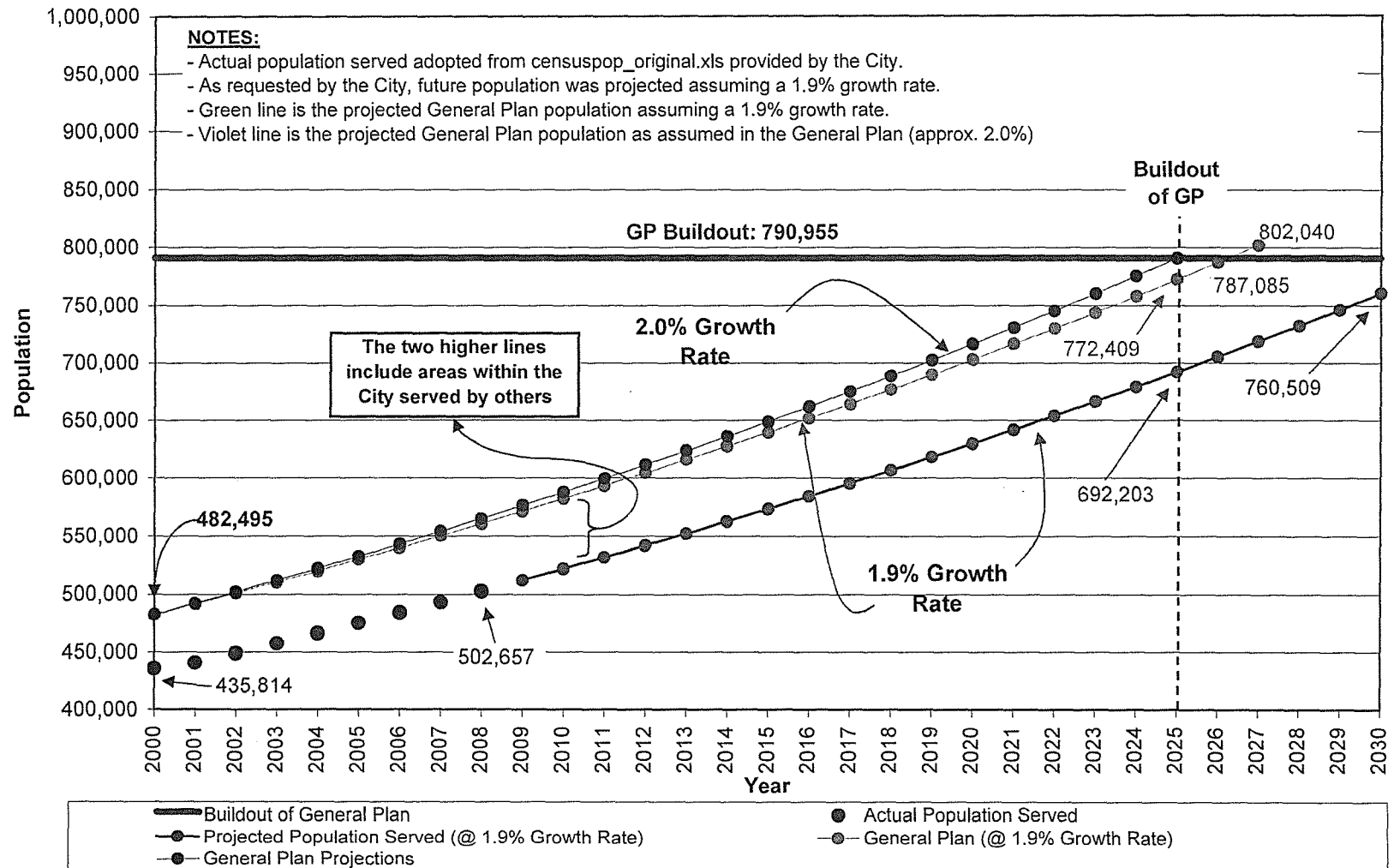
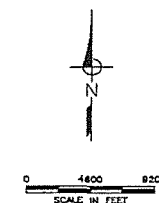


FIGURE 3-4

**City of Fresno
Urban Water Management
Plan**

EXISTING WATER DISTRIBUTION SYSTEM



NOTES:

A. Boundaries are approximated based on gate valve locations shown by GIS information provided by City Staff.

LEGEND:

- ☐ Existing City Wells
- ☐ Existing Storage Facility
- ☒ Booster Pump Station
- Existing 14-inch and Smaller Pipeline
- Existing 18-inch and Larger Pipeline
- Shepherd
- Sierra A
- Sierra B (Pinalde County Water District)
- Highway 41
- Highway 41B (CA State University, Fr.)
- Highway 41C (Belmont Water Company)
- Westside
- Fluoride Districts
- County Islands
- ☒ Closed or Partially Closed Gate Valve Location
- ☒ PSV Location
- ☒ Fluoride District PRV Location





Randy R. Bruegman
Fire Chief

Fire Prevention and Investigative Services Division
911 H Street
Fresno, California 93721-2510
(559) 621-4181 FAX (559) 498-4323
www.fresno.gov

January 28, 2009

JAMES A MCKELVEY
of Counsel
NUTTING & JORGENSEN
5703 N WEST AVENUE
SUITE 103
FRESNO CA 93711

SUBJECT: PROPOSED DERREL'S MINI-STORAGE AT BEDFORD AND HARRISON AVENUE'S; FIRE FLOW REQUIREMENTS

Dear Mr. McKelvey:

The purpose of this letter is to document our Department's position on fire flow for the required private fire hydrant system needed to protect this development. As you know, the Fresno Fire Department has reviewed many such projects over the years throughout the City. Over the years, the project design professionals for Derrel's Mini Storage have come up with building designs that limit fire areas to 5,000 square feet in order to meet the restrictions of local fire sprinkler ordinance and keep the construction cost per square to a practical level.

Fresno Fire has also allowed an onsite fire flow reduction to 1,500 gallons per minute (gpm) instead of the normal 2,500 gpm for non-sprinklered developments in recognition of the limitation on building size and the good fire loss record of such facilities locally. In making this determination a significant factor was that, when served by the City of Fresno Water Division, fire flows well in excess of 2,500 gpm are available at the public hydrants in commercial areas.

The current proposal is within the water service delivery area of the Pinedale County Water District (PCWD). It also borders the City of Fresno Water Division service area on the west side. The existing PCWD infrastructure south of the project primarily serves residential development. Street access and water main connections to the east are cut off by the commercial development along Palm Bluffs Drive. Only one water main (located in W. Beechwood) connects the western portion of the PCWD service area with the remainder of the district to the east. A copy of the PCWD Infrastructure map indicates only one water well (1,200 gpm) is located west of North Harrison.

"To protect and put service above all else."

JAMES A MCKELVEY

SUBJECT: PROPOSED DERREL'S MINI-STORAGE @ BEDFORD AND HARRISON AVES; FIRE FLOW REQUIREMENTS

January 28, 2009

Page 2 of 2

Fire hydrant flow tests were conducted by PCWD and FFD separately. FFD results revealed an available fire flow at 20 psi of approximately 2,200 gpm. However, this flow test was conducted on a cold December day in the afternoon when there was very little domestic water demand. Based on the number of residential and condominium parcels in the western service area, peak domestic water demand is estimated at approximately 1,500 gpm (using Water Division residential use modeling parameters). Our concern is that with the large number of residential parcels served, that during a peak demand period on a 100° + day in the summer that an additional 1,500 gpm for fire flow will not be available for the private hydrants within the development. In addition, the safety factor of additional fire flow in the public mains as referenced above would not be available.

Previous e-mail from the PCWD engineer disagrees with our assessment using the argument that the district need only meet Public Utility's Commission only requires that the 1,500 gpm minimum fire flow requirement above average peak daily demand. As authorized under the *California Fire Code*, Fresno Fire requires that fire flow be available at any time as needed. If a fire were to occur on a 110° day in July at 7:00 pm, fire flow must be available.

We see the following options available for the developer:

1. Negotiate with PCWD on improvements needed to meet peak demand fire flow. Modeling of peak demand and water production capability is usually the first step in determine what is needed.
-or-
2. Provide fire sprinklers in all the buildings.
-or-
3. Connect the development to the existing City of Fresno commercial water main infrastructure on North Harrison for fire and domestic water services.

If this Department may be of any assistance to you in this matter, please feel free to call our office at (559) 621-4181.

Sincerely,



Byron Beagles, Fire Prevention Engineer

Cc: Bruce Barnes, Project Manager, Development Dept. Administration
Richard Fultz, Senior Fire Prevention Inspector
Neil Montgomery, Chief Engineering Technician, Water Division

PINEDALE PUBLIC UTILITY DISTRICT
2560 W. SHAW, #102
FRESNO, CA 93711
TELEPHONE: 431-8516 FAX: 431-8511

DATE SENT: 4/22/09

PAGES BEING SENT (INCLUDING COVER SHEET): 2

TO Nal Kere

FAX # 228-3033

FROM Mary

COMMENTS:

PLEASE CALL (559) 431-8516 AND ADVISE IF TRANSMITTAL IS
INCOMPLETE OR RECEIVED IN ERROR.

Pinedale Public Utility District

2580 W. Shaw
Suite 102
Fresno, CA 93711
◆
Phone 559-431-8516
Fax 559-431-8511

April 22, 2009

Attn: Doug Hecker
(Doug.Hecker@Fresno.gov)
Fax: 457-1457

Pursuant to your email of April 14, 2009, the undersigned has been authorized by the Board of Directors of the Pinedale Public Utility District (PPUD) to execute this letter of understanding.

The PPUD requests that the Derrel's Mini Storage Facility at Bedford & Harrison Avenues to be serviced by the City of Fresno sewer main to be extended by Derrel's Mini Storage. PPUD will collect all applicable City of Fresno sewer connection fees and transmit them to the City per our current agreement. The monthly sewer service billing will be billed by PPUD and transmitted to the City of Fresno per our current agreement.

If you have any questions, please contact this office.


Gordon Martindale, PPUD Board President

cc: Hal Lore, Lore Engineering
Fax: 228-3033

NOTICE OF INTENT TO FILE PETITION
§56700.4(a)

Government Code § 56700.4 - (a) Before circulating any petition for change of organization, the proponent shall file with the Executive Officer a notice of intention that shall include the name and mailing address of the proponent and a written statement, not to exceed 500 words in length, setting forth the reasons for the proposal. The notice shall be signed by a representative of the proponent. (b) After the filing required pursuant to subdivision (a), the petition may be circulated for signatures.

NAME: Cotdale L.P. (Paul Ridenour) DATE: 7-14-09

ASSESSOR'S PARCEL NO(s): 405-340-21

NOTICE IS HEREBY GIVEN OF THE INTENTION TO CIRCULATE A PETITION
PROPOSING TO: Detach from Pinedale County Water District (PCWD)

THE REASONS FOR THE PROPOSAL ARE:

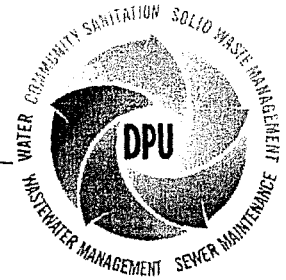
PCWD can't deliver enough water to satisfy the City of Fresno
Fire Departments minimum flow requirements.

City of



Department of Public Utilities

Administration Division
2600 Fresno Street, Room 3065
Fresno, California 93721-3624
559-621-8600 – FAX 559-498-1304
www.fresno.gov



Providing Life's Essential Services

April 14, 2009

Bill Robinson
Sol Development Associates, LLC
906 N Street, Ste 100
Fresno, CA 93721
Fax: 559-497-0301

Paul Ridenour
Derrel's Mini Storage
3265 West Ashlan Avenue
Fresno, CA 93722
Fax: 559-224-1884

Subject: Derrel's Mini Storage and City of Fresno Water Service at 7531 N. Harrison

Dear Mr. Robinson:

Derrel's Mini Storage presented fees for permit(s) to connect to the City of Fresno's Water system, which were inadvertently accepted and processed by the City. This was brought to the City's attention, and after review, it was determined that the proposed project located at 7531 N. Harrison is not within the City's water service area. Instead, the project is located within Pinedale County Water District. As such, the City will not be providing domestic water or fire services. Therefore, the City will return all water-related fees received from Derrel's Mini Storage associated with this issue.

We regret any confusion that may have arisen.

Sincerely,

A handwritten signature in black ink, appearing to read "Lon M. Martin".

Lon M. Martin, P.E.
Assistant Director Public Utilities

cc: Shannon Chaffin, Deputy City Attorney
Jim Bier, Chief Engineering Technician
Rene Ramirez, Director Public Utilities
Neil Montgomery, Chief Engineering Technician

City of



Department of Public Utilities

Administration Division
2600 Fresno Street, Room 3065
Fresno, California 93721-3624
559-621-8600 – FAX 559-498-1304
www.fresno.gov



Providing Life's Essential Services

May 11, 2009

Bill Robinson
Sol Development Associates, LLC
906 N Street, Ste 100
Fresno, CA 93721
Fax: 559-497-0301

Paul Ridenour
Derrel's Mini Storage
3265 West Ashlan Avenue
Fresno, CA 93722
Fax: 559-224-1884

Subject: Derrel's Mini Storage and City of Fresno Water Service at 7531 N. Harrison

Dear Mr. Robinson

Jim McKelvey, the attorney representing Derrel's Mini Storage ("Derrel's") has requested clarification of the City's notice regarding water service dated April 14, 2009.

Condition No. 18 of Conditional Use Permit No. C-06-094 requires Derrel's to either connect to PCWD water or de-annex from the district. Derrel's did not contest or seek modification of the CUP, and did not connect to PCWD water or de-annex from PCWD. Instead, Derrel's submitted payment to the City for connection to City water services, which were inadvertently processed by the City notwithstanding Derrel's non-compliance with the prerequisites established by the CUP. Upon being brought to the City's attention, the City promptly reviewed the matter and determined that Derrel's had not satisfied the necessary requirements for connection to the City's water system. In its April 14, 2009, letter the City issued stated it could not currently provide water service and would return the fee payments related to water.

To clarify, the notice itself does not preclude Derrel's from obtaining City water services if it complies with the terms of the CUP. In addition, the notice itself does not preclude Derrel's from seeking to modify the terms of CUP. Likewise, written authorization from PCWD to connect to the City's system, along with de-annexation required by the CUP, is also not precluded by the notice. Finally, the notice does not preclude discussions between the Fire Department and PCWD engineers with regard to standard for water pressure requirements given the Fire Department's requirement of 1,500 gpm.

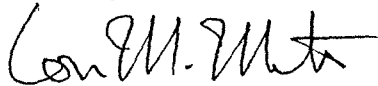
However, please note the project area is not included in the City's Urban Water Management Plan or Metropolitan Water Resources Management Plan. As such, incremental projects like this will unbalance the City's water supply unless developers developing within the boundaries of the PCWD, such as Derrel's, mitigate the impact on the

City's water supply through measures that decrease water demands and/or provide new water supplies. Complicating the issue is the proximity of the TCE plume, which restricts well production in the project area. Simply stated, Fresno has a finite water supply, and the City will not be able to support deannexation by Derrel's from PCWD without mitigation of its impact to the City's water supply. Appropriate mitigation to allow connection to the City's water supply after deannexation can be accomplished by Derrel's either bringing its own water (such as FID) or providing equivalent water saving offsets to the City's Urban Water Management Plan area.

We are more than happy to work with Derrel's to identify mitigation measures to off-set this project's water demands. We would request, however, that Derrel's retain a consultant to calculate the anticipated water demand from this project and also identify potential mitigation measures to off-set its demand within the City's water service area. Such measures at a volume equivalent to the demand of the project could include the retrofitting of nearby homes with low flow fixtures, modifying the landscape in a park or median island decreasing water demand, purchase of surface water from Fresno Irrigation District, etc. Derrel's can submit a proposal to the City based upon the Consultant's analysis for the City's review and approval.

If after reviewing this correspondence you have any questions, please feel free to contact me.

Sincerely,



Lon M. Martin P.E.
Assistant Director Public Utilities

Sincerely,



Keith Bergthold
Interim Planning & Development Director

cc: Rene Ramirez, Director Public Utilities
John Fox, Senior Deputy City Attorney
Jim Bier, Chief Engineering Technician
Michael Carbajal, Supervising Engineering Technician
Brian Leong, Building and Safety Services Manager
Bruce Barns, Project Manager
James McKelvey, Esq.

FRESNO LOCAL AGENCY FORMATION COMMISSION
LANDOWNER CONSENT FORM

Name of Proposal: Detachment from Pinedale County Water District (PCWD)

Location of Proposal: APN 405-340-21

Annex to: _____

Detach from: Pinedale County Water District

Each of the undersigned represents that he/she/they are the owner(s) of the property described opposite their name(s) and located within the territory described in the attached legal description, and hereby consent to the change of organization or reorganization described above

<u>DATE</u>	<u>NAME</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>	<u>COUNTY ASSESSOR'S PARCEL NUMBER</u>
7-14-09	Cotdale L.P.	<i>Paul Ridenour</i> <i>PR</i>	3265 W. Ashlan, Fresno	APN 405-340-21
	(Type or Print Name)			
	(Type or Print Name)			
	(Type or Print Name)			
	(Type or Print Name)			
	(Type or Print Name)			

Each individual listed on the last equalized assessment roll of the County must sign for the subject parcel(s).

You should be aware that if you are an applicant for, or a participant in any proceeding on the agenda and have made a campaign contribution of more than \$250 to or for any of the Commission members, State law provides for disqualification of Commissioner voting, or even prohibition of such gifts. These restrictions also apply to agents of applicants or participants. Please consult with Commission staff as to the requirements of the Political Reform Act (Government Code Section 84308).

Reference: Section 56837, Govt. Code.

(06/05)

G:\LAFCO WORKING FILES\miscellaneous\CONSENT FORM.doc

July 8, 2009

James McKelvey
Attorney at Law
Perkins, Mann & Everett
2222 W Shaw Ave Suite #202
Fresno, CA 93711

City of Fresno Water Service Within Pinedale County Water District

Dear Jim:

At your request I have reviewed the message from the Fresno City Attorney's office (John Fox) and a 1985 agreement between the City and the Pinedale County Water District.

In my judgment the interagency agreement does not void or interfere with the City's legal authority to provide water service within its boundaries. The agreement does not alter my previous statement that the City is legally authorized to provide water to the affected property, irrespective of whether the Ridenour Project site is detached from the Pinedale CWD.

Interestingly there is no sanction whatsoever if either party serves water in a manner that is not anticipated by the terms of the agreement. It does not interfere with the City's authorization to provide water service within its boundaries regardless of whether the recipient of the water is in the area subject to the agreement.

This position is underscored by the fact that the District cannot prevent detachment of land and customers and the subsequent provision of water service by the City. In a real sense the City is able to provide water service within its boundaries without the consent of the Pinedale CWD.

Perhaps the threat of detachment would be sufficient to motivate the Pinedale CWD manager to agree to the proposed Ridenour water service by the City.

Please let me know if you have questions or would like to discuss this matter further.

Sincerely,

BOB BRAITMAN

PETITION
FOR PROCEEDINGS PURSUANT TO
THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION
ACT OF 2000

The undersigned hereby petitions the Local Agency Formation Commission of Fresno County for approval of a proposed change of organization and stipulates as follows:

1. This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with section 56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000).

2. The specific changes of organization proposed are to ~~annex to~~ ^{detach from}
PCWD

3. The boundaries of the territory included in the proposal are as described in exhibits attached hereto and by this reference incorporated herein.

4. The territory included in the proposal is inhabited/uninhabited.

5. This proposal ^{is} is not consistent with the sphere of influence of the
City of Fresno

6. The reasons for the proposed reorganization at this time are to
receive water service from City of Fresno

7. The reason for the proposed boundary is to receive water service
from City of Fresno

8. The proposed reorganization is requested to be made subject to the following terms and conditions:

(Conditions)

9. The persons signing this petition have signed as registered voters/owners of land.

Wherefore, petitioners requests that proceedings be taken in accordance with the provisions of Section 56000, et seq. of the Government Code and herewith affix signatures as follows:

<u>DATE</u>	<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>RESIDENCE ADDRESS</u>
1. 7/14/09	Paul Ridenour		3265 W. Ashlan, Fresno, CA 93722

2. _____

3. _____

Items Necessary for Complete Application

LAFCo Agency No. _____

Application Name Detachment from Pinedale County Water District (PUD)

☒ Pre Application Meeting With LAFCo and the County (**Required**)

☒ Complete and Signed LAFCo Application Form (**Required**)

☐ **CEQA Documents** (When LAFCo is Responsible Agency)

___ Initial Study or Draft and Final EIR (1 Paper and 1 Electronic) (**Required**)

___ Statement of Overriding Considerations

___ Notice of Determination (**Required**)

___ Resolution of Findings if Separate from Resolution of Application

___ Proposed Negative Declaration or Proposed Mitigated Negative Declaration

___ Final Negative Declaration or Final Mitigated Negative Declaration

___ Notice of Exemption

___ Finding of Conformity with MEIR (Fresno Only)

☐ Letter from John Navarrette, County CAO stating the proposal is consistent with the City/County MOU (City Applications Only) (**Required**)

Resolution or Petition Initiating the Proposal (**Required**)

☐ Resolution of Application Initiating the Proposal

☒ Petition Signed by Landowner(s) or Registered Voter(s)

☒ **Maps**

☒ Map & Legal Description (These Will have to be Approved by the County Assessor Before the Proposal can be Completed) (**Required**)

___ Sent to Assessor _____

___ Location Map

___ Vicinity Map

___ Water Map

___ Sewer Map

___ Zoning Map

___ Tract Map/Site Plan map

☒ Landowner Consent Forms with Original Signatures (if not 100% Consent, our Policies, Standards, and Procedures require an Informational Meeting to be Held and Require us to Notice all Affected Property Owners)

☐ Signed Affected Agency Protest Waiver Forms with Original Signatures (Application is not 100% without all Affected Agencies Waiving Protest Rights (Will be obtained by LAFCo after application is submitted))

21 Day Notice _____

Application Fee (**Required**)

☐ Service Plan (1 Paper and 1 Electronic Copy) (**Required**)

☐ **Williamson Act Contracts**

- ☐ Copy of Contract
- ☐ City Resolution Protesting Contract (if applicable)
- ☐ Board of Supervisors or LAFCo's Resolution Upholding the Protest
- ☐
- ☐

☐ **Other**

- ☐ Rezoning Ordinance (**Required**)
- ☐ Tract Map Resolution (if applicable)
- ☐ Signed Legal Indemnification Form (**Required**)

☐ **Districts Only**

- ☐ Budget
- ☐ Assessment Information
- ☐ Services Provided
- ☐ Operations Statement
- ☐ Engineers Report
- ☐ 218 Information
- ☐ Findings per State Law
- ☐
- ☐
- ☐

ALERTS

- ☐ No Transition Agreement
- ☐ Not 100% Consent
- ☐ Inhabited
- ☐ Project Description in environmental not adequate
- ☐
- ☐

LEGAL INDEMNITY

Should the Fresno Local Agency Formation Commission ("Fresno LAFCo") be named as a party in any litigation (including a "validation" action under CCP 860 *et seq.*) or administrative proceeding in connection with the Applicant's proposal, Applicant agrees to indemnify, hold harmless, and promptly reimburse Fresno LAFCo for:

- 1) All reasonable expenses and attorney's fees in connection with the defense of Fresno LAFCo; and
- 2) Any damages, penalties, fines or other costs imposed upon or incurred by Fresno LAFCo, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document, which accompanies it. The Fresno LAFCo Executive Officer may require a deposit of funds sufficient to cover estimated expenses of the litigation. Applicant agrees that Fresno LAFCo shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that such actions shall not relieve or limit Applicant's obligations to indemnify and reimburse defense costs.

Applicant may be required by Fresno LAFCo to execute an additional indemnity agreement as a condition of approval for this application. Such an agreement in no way limits the effect of obligations provided for herein.

City or District Application

-or-

Land Owner Petition Application

City/District Representative Signature

Land Owner Signature

Print Name

Paul Ridenour
Print Name

Date

7-14-09
Date.

THE BUSINESS JOURNAL

FRESNO | KINGS | MADERA | TULARE

P.O. Box 126

Fresno, CA 93707

Telephone (559) 490-3400

(Space Below for use of County Clerk only)

IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

NOTICE OF PUBLIC HEARING

Pinedale County Water District "Derrel's Mini Storage Detachment"

(LAFCo File No. DD-09-1)

MISC. NOTICE

DATE AND TIME OF HEARING:

AUGUST 12, 2009, at 1:30 P.M.

DECLARATION OF PUBLICATION (2015.5 C.C.P.)

NOTICE OF PUBLIC HEARING FRESNO LOCAL AGENCY FORMATION COMMISSION

NOTICE IS HEREBY GIVEN that the Fresno Local Agency Formation Commission (LAFCo) will consider the following "Proposal" at a public hearing on August 12, 2009.

Pinedale County Water District "Derrel's Mini Storage Detachment". A proposed detachment submitted by landowner petition consisting of 5.17 acres from the Pinedale County Water District. The affected territory is located north and west of the intersection of N. Harrison and W. Bedford Avenues (LAFCo File No. DD-09-1).

PLEASE BE INFORMED THAT the public hearing to consider this Proposal will be held at 1:30 p.m., or soon thereafter, on **Wednesday, August 12, 2009**, in Room 301, Hall of Records, Tulare and "M" Streets, Fresno. All interested parties are invited to attend this hearing and present testimony on these matters. For additional information contact Rick Ballantyne, Fresno LAFCo Executive Officer, Fresno LAFCo, at 2115 Kern Street, Suite 310, Fresno, CA 93721 (Telephone: (559) 495-0604, e-mail:

rballantyne@co.fresno.ca.us) The staff report for the above proposal will be available to view on our website at: www.fresnolafo.org after August 6, 2009.

DATED: July 22, 2009

07/22/2009

STATE OF CALIFORNIA

COUNTY OF FRESNO

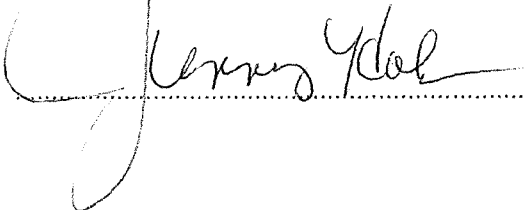
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or intrested in the above entitled matter. I am the principal clerk of **THE BUSINESS JOURNAL** published in the city of Fresno, County of Fresno, State of California, Monday, Wednesday, Friday, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of March 4, 1911, in Action No.14315; that the notice of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

JULY 22, 2009

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Fresno, California,

JULY 22, 2009

ON



THIS IS A LEGAL NOTICE

NOTICE OF PUBLIC HEARING FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCo) FRESNO COUNTY, CALIFORNIA

PLEASE BE ADVISED THAT the Local Agency Formation Commission (LAFCo) will hold a public hearing to consider the following:

"Derrel's Mini Storage Detachment" - A proposed detachment submitted by Landowner Petition to detach 5.17 acres from the Pinedale County Water District. The affected territory is located on the west side of N. Harrison Avenue, north of W. Bedford Avenue (see location map) (**LAFCo File No. DD-09-1**).

This proposal has been submitted to LAFCo in order for the City of Fresno to provide adequate water service to the subject territory.

THE PUBLIC HEARING will be held on Wednesday, August 12, 2009, at 1:30 p.m., or as soon thereafter as possible, in the Fresno County Board of Supervisors' Chamber, Room 301, Hall of Records, Tulare and "M" Streets, in downtown Fresno. Interested agencies and individuals are invited to attend this meeting and give public testimony on this item.

For additional information, please contact Darrel Schmidt, Deputy Executive Officer at Fresno LAFCo, 2115 Kern Street, Suite 310, Fresno, CA 93721, phone: 559/495-0604, e-mail address: dschmidt@co.fresno.ca.us.

**Dated: July 20, 2009
File: DD-09-1**


**Darrel Schmidt, Deputy Executive Officer
Local Agency Formation Commission**

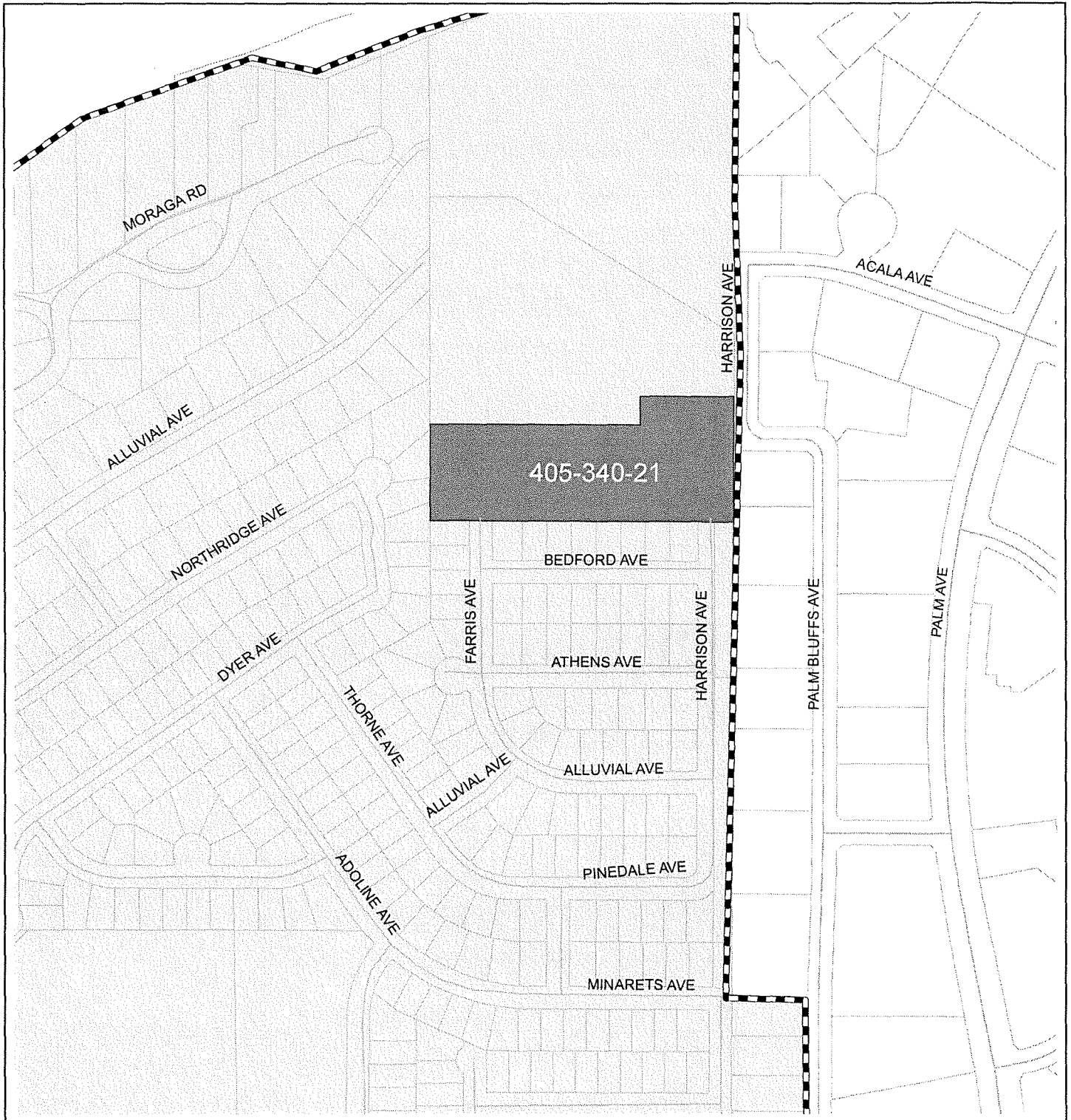
(1) If you are an applicant for, or a participant in, any proceeding on the agenda for a **land use entitlement** and have made a **campaign contribution** of more than \$250 to any member or alternative member of the Commission **within twelve (12) months prior to the Commission considering your application**, please immediately inform the Commission of your contribution. State law **disqualifies** each Commissioner and Alternative Commissioner from participating in and voting on land use entitlement decisions (which include changes of organization and reorganizations) if the Commissioner or Alternative Commissioner has received campaign contributions from (i) an applicant for a land use entitlement, (ii) someone who lobbies the Commission or LAFCo staff regarding an application for land use entitlement, (iii) someone who testifies in person before the Commission regarding an application for land use entitlement, or (iv) someone who otherwise acts to influence the outcome of an application for land use entitlement.

State law also prohibits applicants and participants from making campaign contributions to a Commissioner or Alternate Commissioner within three (3) months **after** the Commission's action. If you have any questions regarding these requirements which are contained within the **California Political Reform Act** (Government Code Section 84308 *et seq.*), please consult with Commission staff at 559/495-0604.

(2) In compliance with the Americans with Disabilities Act (**ADA**), if you need special assistance to participate at this meeting, please contact Ms. Candie Fleming, Clerk to the Commission at 559-495-0604. Notification 48 hours prior to the meeting will enable the Clerk to make reasonable arrangements to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically disabled.

(3) A Staff report prepared for this item will be posted on the Fresno LAFCo Website: www.fresnolafco.org, five days prior to the public hearing.

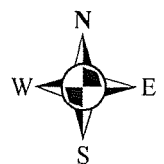
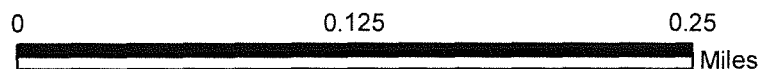
EXHIBIT "A"



Legend

-  District SOI
-  District Area
-  Affected Territory

Pinedale County Water District
"Derrel's Mini Storage Detachment"
LAFCo File No. DD-09-1



DURHAM RONICA
1150 W BEDFORD
FRESNO CA 93711

SALHI BASSAM A & MARY
1138 W BEDFORD AVE
FRESNO CA 93711

NAZARYAN HAYKAZ & ANNA
GHAZARYAN & MERUZHAN & SHAKRO
KHACHATRYAN
1130 W BEDFORD
FRESNO CA 93702

BELTRAN ARACELI
1121 W BEDFORD
FRESNO CA 93711

NORTH PALM INVESTORS
8080 N PALM #207
FRESNO CA 93711

PALM BLUFFS PROFFESIONAL
CENTER LLC
7511 N PALM BLUFFS #104
FRESNO CA 93711

ELECTROSTATIC STIMULATORS
P O BOX 22920
CARMEL CA 93922

MILLER KATHRYN M TRUSTEE
ET AL
1462 W TENAYA WAY
FRESNO CA 93711

PICCIRILLI RUSSELL &
DOROTHY L
1230 W NORTHRIDGE
FRESNO CA 93711

PUIG VIRGINIA H
AGUILAR VICKY H
1229 W ALLUVIAL
FRESNO CA 93711

TOPACHIKYAN HAKOB
7470 N THORNE
FRESNO CA 93711

CANADIAN STEVEN R &
DENELLE M
1214 W NORTHRIDGE
FRESNO CA 93711

HENTON JOHNNY D
7423 N FARRIS
FRESNO CA 93711

ANDERSON GEORGIA B
1128 W ATHENS
FRESNO CA 93711

BRECHMANN MICHAEL J &
SHEILA
1122 W BEDFORD
FRESNO CA 93711

ANARADIAN TIMOTHY
MITCHELL
1110 W BEDFORD AVE
FRESNO CA 93711

HARRIS RODERICK O M D INC
PROFIT SHARING PLAN
2788 W BLUFF
FRESNO CA 93711

DUGGINS BARRY & MARIE
1182 W BEDFORD
FRESNO CA 93711

SCRIVNER DOUGLAS L &
KATHLEEN
1169 W BEDFORD AVE
FRESNO CA 93711

PALM-FS LLC
% DIRECTOR OF R/EST
200 KAUFMAN FINANCIAL CTR
30833 NORTHWESTERN HWY
FARMINGTON HILLS MI 48334

VADLAMANI SANJAY & SEETA
AMBATI
411 PARK #326
SAN JOSE CA 95110

MILLER KATHRYN M TRUSTEE
1462 W TENAYA WAY
FRESNO CA 93711

HARRIS RODERICK O &
CYNTHIA L TRS
2788 W BLUFF AVE
FRESNO CA 93711

PAULSEN JAMES L & CANDYCE
1157 W BEDFORD
FRESNO CA 93711

DALENA PETER & SUE
3131 E VIA MONTE VERDI
CLOVIS CA 93619

ECHEVERRIA SYLVIA
1245 W NORTHRIDGE
FRESNO CA 93711

POWERS BILL D & MICHELE L
1219 W DYER
FRESNO CA 93711

JOHNSON TRACEY E TRUSTEE
7446 N THORNE
FRESNO CA 93711

PANTALEO NICHOLAS FRANK
& ELONA LOU TRS
1665 W ROBERTS
FRESNO CA 93711

GAETA JENNIFER A
1136 W ATHENS
FRESNO CA 93711

MAYDOLE LAWRENCE A
NELSON MARY KAYE
7450 ROBLAR RD
PETALUMA CA 94952

KORSINEN ROBERT F & MARILEE
TRUSTEES
BARNARD CHARLES ROBERT & JILL
522 E WOODHAVEN LN
FRESNO CA 93720

YBARRA ALEJANDRO JR &
GENEVA
1242 W NORTHRIDGE
FRESNO CA 93711

EVANS KENNETH R & CAROLYN S
TRUSTEES
1226 W DYER
FRESNO CA 93711

AGUILAR GARY E
7482 N THORNE
FRESNO CA 93711

O BRIEN MICHAEL P
1237 W ALLUVIAL
FRESNO CA 93711

SWEIDAN MALIK & PHALLIN
8879 DAFFODIL PL
GILROY CA 95020

HANEY MICHELLE A
1137 W BEDFORD
FRESNO CA 93711

MILLER PALM PARTNERS LP
8080 N PALM #207
FRESNO CA 93711

BADEER GILBERT H
% SHELTER PROP MGMT
285 W SHAW #206
FRESNO CA 93704

San Joaquin River Conservancy
5469 East Olive Avenue
Fresno, CA 93727

Fresno Irrigation District
2907 S. Maple Avenue
Fresno, CA 93725-2218

Clovis Memorial District
453 Hughes
Clovis, CA 93612

State Center Community
College District
1525 E. Weldon Avenue
Fresno, CA 93704

CATRON LORIANN M TRUSTEE
1222 W NORTHRIDGE
FRESNO CA 93711

PAREDES ALICIA LOPEZ
1149 W BEDFORD
FRESNO CA 93711

DWYER ROXANNA P
1206 W NORTHRIDGE
FRESNO CA 93711

ALANIZ ARMANDO & HOPE
1180 W ATHENS
FRESNO CA 93711

SARGENT ERIC T & LINDA
TRUSTEES
P O BOX 768
PARADISE CA 95967

JOLLIFF RICHARD & SUZANNE
1245 W ALLUVIAL
FRESNO CA 93711

EMERSON MARILYN JEAN
1158 W BEDFORD
FRESNO CA 93711

Keith Bergthold, Interim Director of Planning
Fresno City Hall,
2600 Fresno Street
Fresno, CA 93721

Fresno Metropolitan
Flood Control District
5469 E. Olive Avenue
Fresno, CA 93727

City of Fresno
Public Utilities Department
2600 Fresno Street
Fresno, Ca. 93721

Clovis Unified School District
1450 Herndon Avenue
Clovis, Ca 93611

LAZALDE ISMAEL & PATRICIA
ANN
7458 N THORNE
FRESNO CA 93711

LOYD DONALD L & LYNNE
1233 W NORTHRIDGE AVE
FRESNO CA 93711

DENNIE BRUCE J
1215 W ALLUVIAL
FRESNO CA 93711

ADANALIAN WILLIAM LEE
TRUSTEE
1415 W SHAW AVE
FRESNO CA 93711

WIGINTON ROBERT D &
COLLEEN A
1439 W MAGILL
FRESNO CA 93711

GRICEWICH GEORGE A
7435 N FARRIS
FRESNO CA 93711

DISTRICTS LISTED BELOW

Pinedale County Water District
480 W. Birch
Pinedale, CA 93650

West Fresno County Red Scale
Protective District
21136 Trimmer Springs Road
Sanger, CA 93657

Karen Bosch-Cobb
Fresno County Library
Stop #185

Fig Garden Homeowners
Association
PO Box 5796
Fresno, CA 93755

Assessor's Office
Attn: Dominick LaVerne

Public Works
Stop # 214

Elections
Betty Vaughan

Stop #147
Environmental Health
Sheri Clark

Pinedale County Water District
480 W. Birch
Pinedale, CA 93650

City of Fresno
Public Utilities Department
2600 Fresno Street
Fresno, Ca. 93721

Keith Bergthold, Interim Director of
Planning
Fresno City Hall,
2600 Fresno Street
Fresno, CA 93721

Baker Manock & Jensen
ATTN: Ken Price
5260 N. Palm- 4th Floor
Fresno, CA 93704

Karen Bosch-Cobb
Fresno County Library
Stop #185

Historical Landmarks &
Records Commission
Attn: Karen Bosch-Cobb
Stop #185

Marc Birnbaum, Chief
Office of Transportation Planning
1352 W. Olive Avenue
Fresno, CA 93728

Clovis Memorial District
453 Hughes
Clovis, CA 93612

Fresno Irrigation District
2907 S. Maple Avenue
Fresno, CA 93725-2218

Fresno Metropolitan
Flood Control District
5469 E. Olive Avenue
Fresno, CA 93727

West Fresno County Red Scale
Protective District
21136 Trimmer Springs Road
Sanger, CA 93657

Natural Resource Conservation Service
4625 W. Jennifer, Suite 125
Fresno, CA 93722

Regional Water Quality Control Board
Central Valley Region
1685 E Street
Fresno, CA 93706-2020

State Department of Health Services
Office of Drinking Water
265 W. Bullard Ave., Suite 101
Fresno, CA 93704

Bureau of Reclamation
David Woolley
1243 "N" Street
Fresno, CA 93721

Prepared on 7-17-09
Mailed on 7-20-09

CERTIFICATE OF SUFFICIENCY – LANDOWNER PETITION

Fresno Local Agency Formation Commission

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

The undersigned certifies as follows:

I am the duly appointed Executive Officer of the Local Agency Formation Commission of the above County.

The attached petition entitled, "Derrel's Mini Storage", was accepted by me on July 21, 2009.

Said petition is signed by landowners and, pursuant to Section 56756 of the Government Code, I have compared the names of the signers on said petition against the names of the persons shown as owners of land on the last equalized assessment roll of the County and have ascertained therefrom the matter required by section 56756

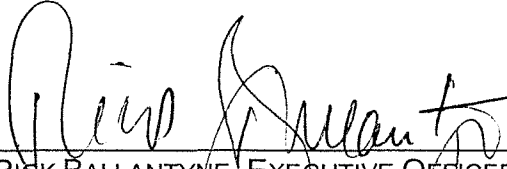
The results of my examination are as follows:

1. All signatures on the petition were secured within six months of the date of which the first signature on the petition was affixed.
2. The minimum signature requirements for a sufficient petition are:

Registered Voter District - Not less than 25 percent of the registered voters within the territory proposed to be detached or not less than 25 percent of the number of landowners within the territory proposed to be detached who also own not less than 25 percent of the assessed value of land within the territory.
3. Said petition was signed by 100% of the landowners owning 100% of the 5.17 acres of land proposed for detachment.

Based upon this examination, it is hereby determined and certified that the petition qualified as a sufficient petition and was signed by the requisite number of qualified signers for a sufficient petition.

Date: July 21, 2009



RICK BALLANTYNE, EXECUTIVE OFFICER
FRESNO LOCAL AGENCY FORMATION COMMISSION



Fresno Local Agency Formation Commission

July 21, 2009

CERTIFICATE OF FILING

Mr. Paul Ridenour
Cotdale L.P.
3265 W. Ashlan Avenue
Fresno, CA 93722

Dear Mr. Ridenour:

Subject: "Derrel's Mini Storage Detachment"

This notice certifies that on July 21, 2009, pursuant to Section 56658(g) of the Government Code, the proposed detachment from the Pinedale County Water District "Derrel's Mini Storage Detachment" was accepted for filing with the Local Agency Formation Commission.

The date and place for the Local Agency Formation Commission's consideration of the subject request is August 12, 2009, in Room 301, Hall of Records, Tulare and "M" Streets, Fresno.

Sincerely,



RICK BALLANTYNE, EXECUTIVE OFFICER
FRESNO LOCAL AGENCY FORMATION COMMISSION

RB:cf

cc: Commissioners
James McKelvey

NAMES OF LANDOWNERS OR PARTIES OF REAL INTEREST (Asterisk indicates consent):

Pinedale County Water District City of Fresno Cotdale L.P. (Paul Ridenour)

Note: If you are an applicant for, or a participant in (actively supporting or opposing) any proceeding on the agenda and have made a campaign contribution of more than \$250 to or for any of the Commission members, state law provides for disqualification of Commissioner voting, or even prohibition of such gifts. These restrictions also apply to agents of applicants or participants. Please consult with Commission staff as to the requirements of the Political

Paul Ridenour

From: Byron Beagles [Byron.Beagles@fresno.gov]
Sent: Friday, June 05, 2009 11:11 AM
To: Paul Ridenour
Subject: Lianas Scan.pdf - Adobe Reader
Attachments: Lianas Scan.pdf

Mr. Ridenour; attached is the test results an letter to PCWD's legal council from the City Manager.

6/16/2009



Andrew T. Souza
City Manager

June 1, 2009

Michael Slater, Esq.
Costanzo & Associates
525 E. Locust Avenue, Suite 115
Fresno, CA 93720-2928

SUBJECT: Derrel's Mini Storage, 7531 N. Harrison

Dear Mr. Slater:

Enclosed please find the written report prepared by the Fresno Fire Department which documents the results of the fire flow tests performed on May 27, 2009. As you may know, a representative of the Pinedale County Water District witnessed the two tests performed at fire hydrants supplied by the PCWD. You will note that both of the tests revealed that the fire flows were below the minimum requirements of 1500 gpm psi, established by the 2007 California Fire Code and Fresno Fire Department Development Standards for Access and Hydrants. The first test resulted in flows of 1415 gpm at 20 psi. The second test resulted in flows of 1290 gpm at 20 psi.

During the telephone conference on May 14, 2009 with John Fox, Senior Deputy City Attorney, I understand you stated that the PCWD would consent to Derrel's connecting to the City's water system under the following two conditions: 1. The City demonstrate to the PCWD that the PCWD's system was not capable of supplying the minimum flows of 1500 gpm; and 2. Derrel's allow the PCWD to loop its water lines on Derrel's property. The fire flow test results satisfy the first condition and we understand that Derrel's has already agreed to the second condition. Therefore, and in the interest of public health and safety, the City respectfully requests that the PCWD voluntarily consent to Derrel's Mini Storage facility at 7531 N. Harrison Avenue connecting to the City's water system.

Derrel's has indicated an urgent need to move forward with the construction at the site but cannot do so until this issue is resolved. As the two conditions requested by PCWD on May 14, 2009 have been met, we ask that the PCWD provide the letter of consent to the City's Interim Director of Planning and Development, Keith Bergthold, by no later than close of business on Wednesday, June 3, 2009.

The City desires to resolve this issue as soon as possible. As such, if the City has not received the consent letter by the end of business on June 3, 2009, the City will have to pursue its other options to allow for Derrel's to connect to the City's water system.

If after reviewing this correspondence you have any questions, please do not hesitate to contact the undersigned.

Thank you for your courtesy and prompt attention to this very important matter.

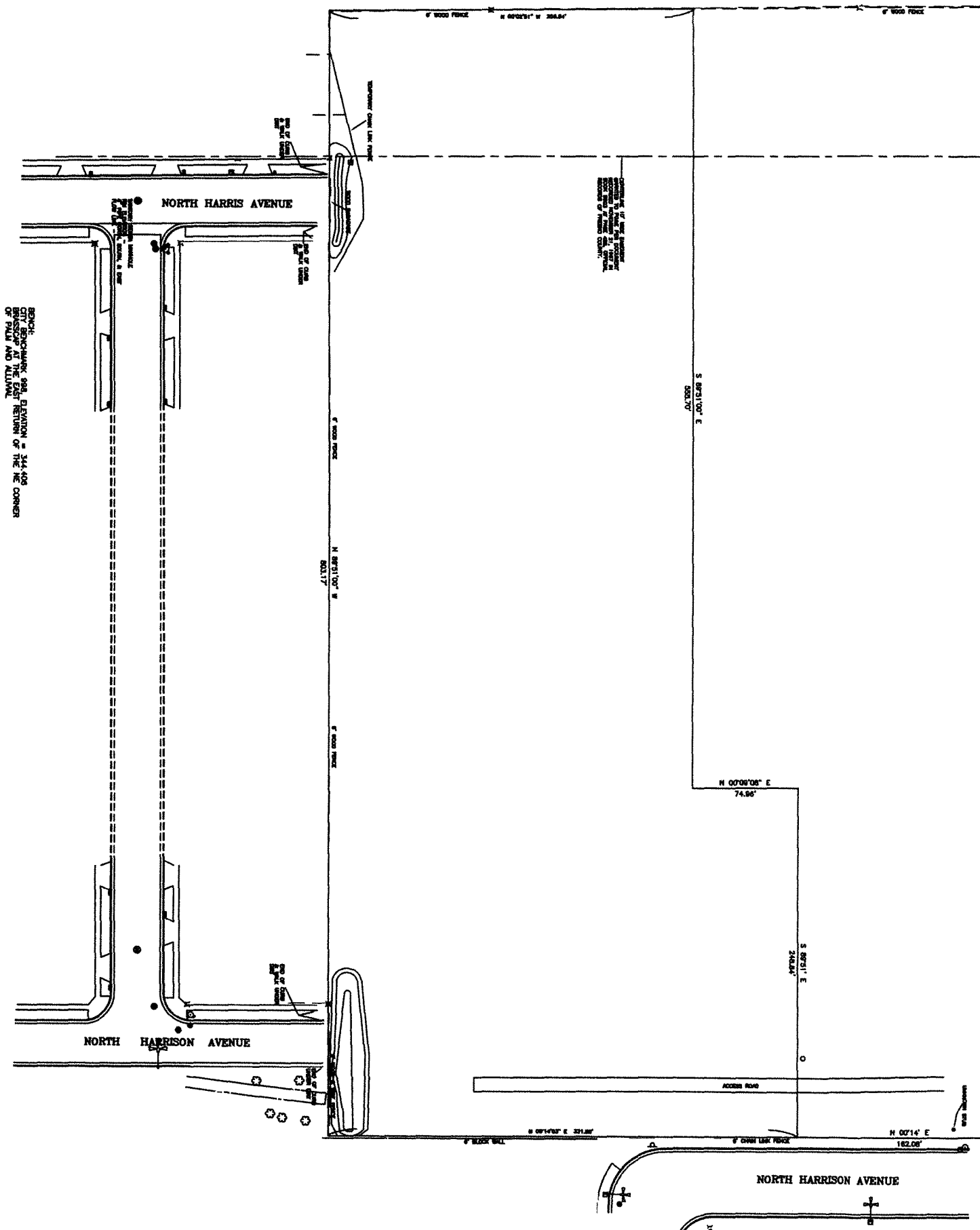
Sincerely,

A handwritten signature in black ink that reads "Andrew T. Souza".

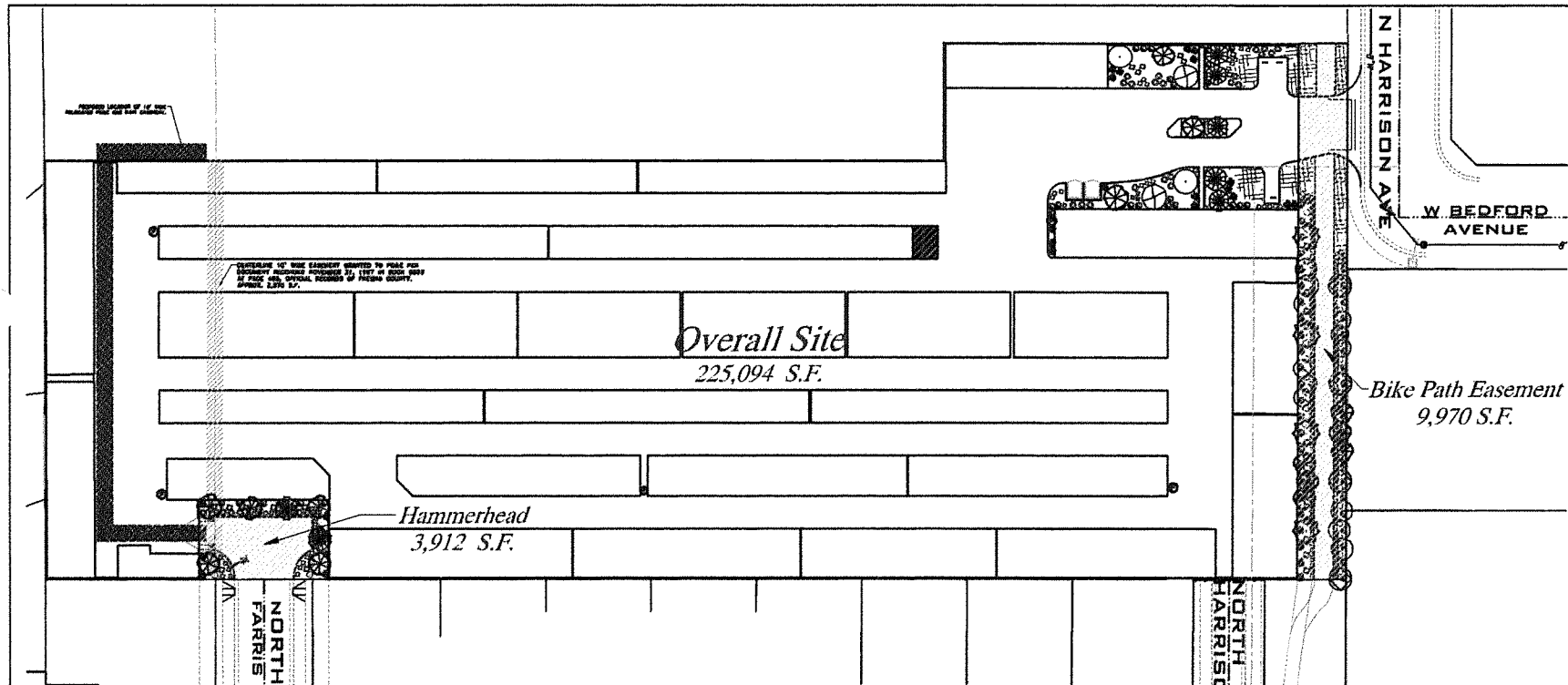
Andrew T. Souza
City Manager

City of Fresno

City Hall • 2600 Fresno Street • Fresno, California 93721-3601
(559) 621-7770 • FAX (559) 621-7776 • www.fresno.gov

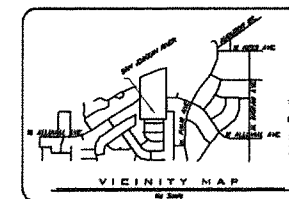


1/12/09



Square Footage

Overall	225,094 S.F.	
Bike Path	9,970 S.F.	
Hammerhead	3,912 S.F.	
Net	211,212 S.F.	4.84



Buildable Square Footage



REVISIONS:



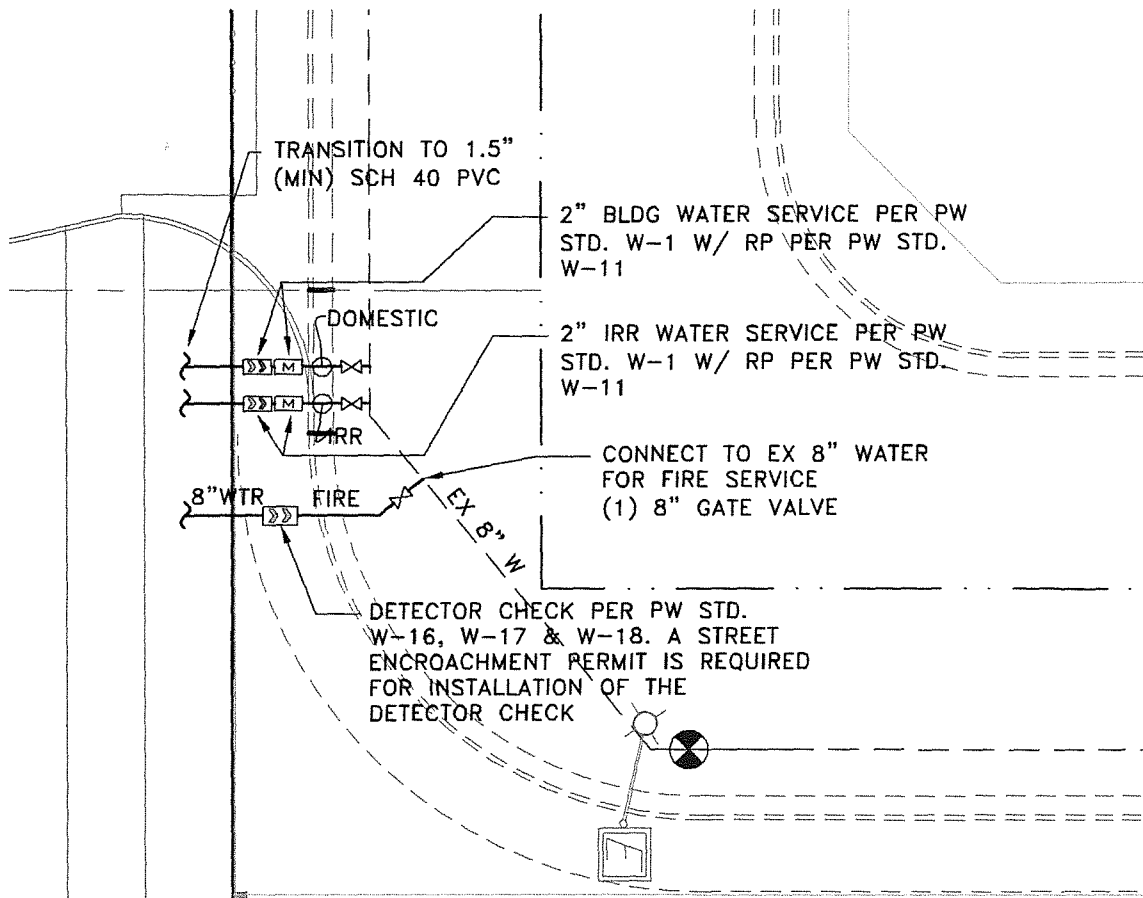
3265 W ASHLAN AVE
FRESNO CA 93722 (559) 224-9900

APPROVALS

Date of Birth: January 9, 2008
 Sex: Male
 Breed: Not to 2008
 Color: L. L.
 Height: 1.1 m
 Square Footage: Fresno
 Palm Satellite (B)

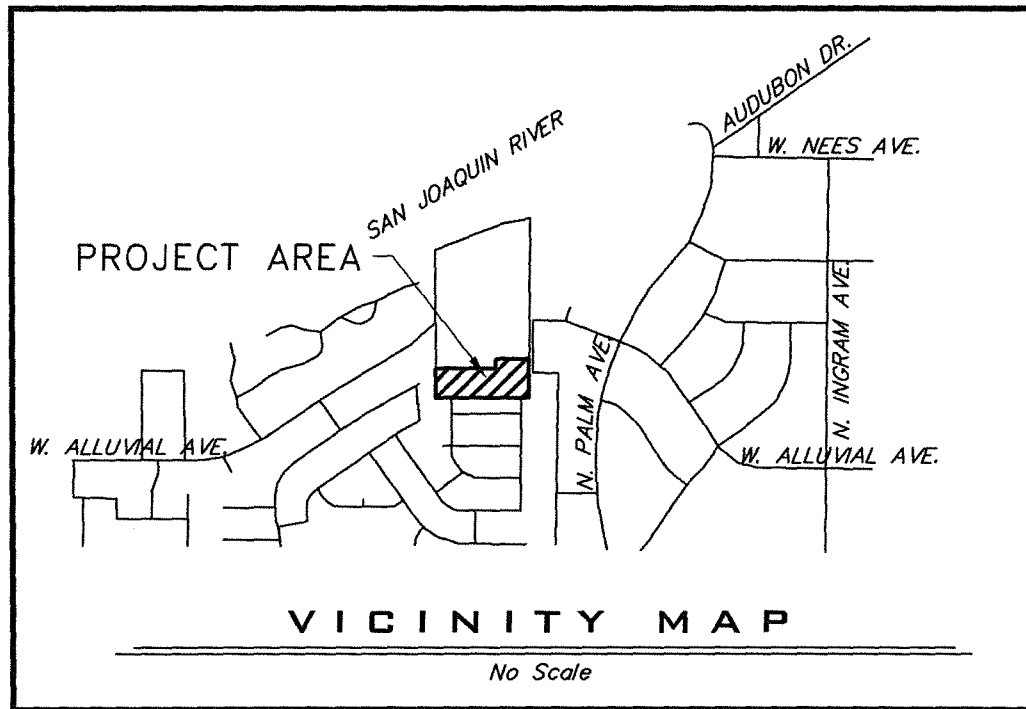
S-1

HARRISON



BEDFORD

CONNECTION DETAIL
SCALE: 1"=20'



Schmidt, Darrel S.

From: Paul Ridenour [pridenour@derrels.com]
Sent: Monday, July 20, 2009 11:30 AM
To: Schmidt, Darrel S.
Subject: FW: Derrel's mini storage

Darrel, I believe the messages below answer your question about sewer service. Paul

From: Hal Lore [mailto:hal@lore-engineering.com]
Sent: Monday, April 27, 2009 11:48 AM
To: 'Paul Ridenour'
Subject: FW: Derrel's mini storage

Paul, per Doug's email below we should be in good shape. I'll get him everything he needs today.

From: Doug Hecker [mailto:Doug.Hecker@fresno.gov]
Sent: Monday, April 27, 2009 10:33 AM
To: Hal Lore
Cc: Lon Martin; Jim Bier; Rene Ramirez
Subject: RE: Derrel's mini storage

Hal,

This e-mail is to confirm that the City has received the PPUD authorization letter that was requested by our attorneys. The City has approved the request of Derrel's mini storage at 7531 N. Harrison Avenue to connect to the City sanitary sewer system within W. Bedford Avenue. This is to be achieved by a required extension of an 8-inch public sewer main in W. Bedford Avenue.

This approval is for sanitary sewer connection only. The City's approval to consent to the connection to the City's sanitary sewer system does not, in any way, indicate or imply that the City is consenting to Derrel's connection to the City's water system.

To provide a complete submittal package for City review please include:

- (5) copies of your sewer plan folded.
- Engineers estimate
- Check for \$500

If you have any questions please call.

Thanks
Doug Hecker

From: Hal Lore [mailto:hal@lore-engineering.com]
Sent: April 22, 2009 4:00 PM
To: Doug Hecker
Cc: Lon Martin; 'Paul Ridenour'
Subject: RE: Derrel's mini storage

Doug, attached is the letter you requested from PPUD. With this and the plan check I will give to you is it possible to move forward on the sewer main plan check?

From: Doug Hecker [mailto:Doug.Hecker@fresno.gov]

Sent: Tuesday, April 14, 2009 10:06 AM

To: Hal Lore

Cc: Lon Martin

Subject: Derrel's mini storage

Hal,

The City Attorney's got involved in the issues pertaining to water and sewer service to Derrel's mini storage. DPU just received an opinion from our City Attorney's office that I am passing on to you, which I am requesting you will pass on this info to Jimmy Tsouroka. The proposed project area is not located within the jurisdiction for water service by the City of Fresno for domestic and fire service. The City will not allow sewer connection to our sewer system until the following things happen:

If PPUD would prefer Derrel's Mini Storage to connect to the City's sewer system, at a minimum I would recommend the following:

- 1) A written letter or document from Jim Tsouroka;
- 2) A statement Jim has authority to act on behalf of PPUD; and
- 3) Based on that authority, PPUD consents to having Derrel's Mini Storage connect to the City's sewer system for service.

Our Attorney's office does not have reservations about providing sewer service (based on the facts currently known) to a PPUD customer as long as there is authorization in writing from Jim Tsouroka as outlined above.

If you have any further questions please call me at 621-8554.

Thanks

Doug

Schmidt, Darrel S.

From: Ken Price [KPrice@bakermanock.com]
Sent: Monday, July 20, 2009 5:22 PM
To: Schmidt, Darrel S.; Ballantyne, Richard
Cc: Amanda M. Neal
Subject: FW: LAFCo - overlapping service areas

Rick & Darrel:

Please see this excellent recap to me from my colleague Amanda Neal. Although not dispositive, there are statutes and cases that make us think that both the City of Fresno and Pinedale Water District could both provide water service to the same area. Pay special note to the second case in Amanda's e-mail. These two have been fighting for many years. There are cases, however, that describe the general purposes of LAFCo to help avoid duplication and to assist in the provision of efficient services.

Just something to keep in your files for now.

Kenneth J. Price, Esq.
BAKER, MANOCK & JENSEN
5260 North Palm, Suite 421
Fresno, CA 93704
Telephone (559) 432-5400
Facsimile (559) 432-5620
kprice@bakermanock.com

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Please e-mail the message back to the sender by using the reply feature of your e-mail system. After replying to the sender, please immediately delete this e-mail from your In Box and empty your Trash folder. Thank you.

REQUIRED DISCLOSURE PURSUANT TO U.S. DEPARTMENT OF TREASURY CIRCULAR 230:

In order to comply with requirements imposed by the Internal Revenue Service, we inform you that any U.S. tax advice contained in this communication (including any attachments and enclosures) is not intended to be used, and cannot be used, referred to or relied upon, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any tax-related transaction or matter addressed in this communication, including any attachments and enclosures.

From: Amanda M. Neal
Sent: Monday, July 20, 2009 3:54 PM
To: Ken Price
Subject: LAFCo - overlapping service areas

Ken,

You have asked me for a written summary of the information I found last week regarding whether two public agencies can have overlapping service areas. I was not able to find any information directly on point. In particular, I was not able to find a statute within the Cortese-Knox-Hertzberger Act which expressly prohibits overlapping service areas. However, I was able to find some circumstantial evidence that overlapping service areas are not prohibited.

The Cortese-Knox-Hertzberger Act

(1) Section 56886.5 states: "If a new single purpose entity is deemed necessary, the Commission shall *consider* reorganization with other single purpose local agencies that provide related services."

Here the statute provides that the Commission only must consider reorganization, but it does not specify that organization is required. Since organization is not required, it can be inferred that overlapping service areas are not prohibited.

(2) Section 56430(b): When conducting a service review to update a sphere of influence, the Commission shall review "all of the agencies that provide the identified service or services within the designated geographic area."

Here, this statute appears to say that it is possible that more than one agency will provide a particular service in a specific geographic area. If this is true, then it can be inferred that overlapping service areas are not prohibited.

(3) Section 56824.12(a)(3): In organization/reorganization proceeds for new or different services, the plan or services shall include "existing providers of the new or different function/services and the potential fiscal impacts."

Since this statute specifically states that all providers of a specific service shall be listed, it can be inferred that overlapping service areas are not prohibited.

Case Law

(1) *Home Gardens Sanitary District v. City of Corona* (2002) 96 Cal.App.4th 87

In that case, the City of Corona annexed property within a sanitary district's boundaries. The City then required that all property owners within its boundaries, including those who were also within the boundaries of the sanitary district, connect to the City's sewers. The sanitary district challenged the rule.

During the annexation proceedings before LAFCo, it was noted that the overlapping boundaries of the two agencies would create the potential for the duplication of sewer services. Although the commission's staff recommended that the city and the District "work together within the next few years to arrive at the best solution for delivering sewer service within the city under a single purveyor," the commission did not order the two agencies to do so. The city and the district never agreed to a single purveyor of sewer service in the area.

There, because the City of Corona was a general law city, the City could be enjoined from interfering with the District's exercise of the powers conferred upon the district by state law (sanitary districts are created pursuant to state law).

Here, this case may be distinguishable on the fact that the City of Fresno is a charter city and not a general law city.

Note: Section A of the Analysis in this case is entitled "Because LAFCo made no decision regarding sewer service, the District's action is not an untimely challenge to a LAFCo decision." However, pursuant to California Rules of Court, rules 976(b) and 976.1, that portion of the opinion was not certified for publication and was not available on Westlaw.

(2) *City of Fresno v. Pinedale County Water District* (1986) 184 Cal.App.3d 840

The City of Fresno is a municipal corporation and a charter city, which is empowered to provide solid waste management services, including trash collection, to its citizens. The District is a limited power county water district, which is also empowered to provide trash collection services to its residents.

The City has expended by annexing land, including land that lies within the District. In fact, more than 80% of the area District is authorized to serve is now within the City's boundaries. In July 1978, the Fresno City Council discussed District's trash collection service to residents of City who also resided in District. The City decided to permit the District to continue its trash collection in the overlapping area for a period of five years only.

Regarding municipal affairs, the city charter is paramount to any inconsistent laws on the subject enacted by the Legislature, subject to basic constitutional limits. In *City of Fresno*, the court found that solid waste collection services is a municipal affair, therefore the charter of the City of Fresno and its ordinances were paramount to inconsistent laws on the subject.

In the City of Fresno, a permit is required prior to collecting solid waste in the City. Pinedale did not obtain such a permit. Since Fresno is a charter city, and its ordinances require a permit to collect solid waste within the city limits, the District could not collect solid waste within the city without obtaining a permit.

Note: The court states that the validity of the City's annexation of more than 80% of the District's territory was not challenged. "Those annexations are complete and without condition, restriction, or agreements pertaining to solid waste collection."

Together, these cases appear to demonstrate that it is not improper to have overlapping service areas.

Amanda M. Neal
Baker Manock & Jensen, PC
5260 North Palm, Suite 421
Fresno, CA 93704
Telephone (559) 432-5400
Facsimile (559) 432-5620
aneal@bakermanock.com

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REQUIRED DISCLOSURE PURSUANT TO U.S. DEPARTMENT OF TREASURY CIRCULAR 230:

In order to comply with requirements imposed by the Internal Revenue Service, we inform you that any U.S. tax advice contained in this communication (including any attachments and enclosures) is not intended to be used, and cannot be used, referred to or relied upon, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any tax-related transaction or matter addressed in this communication, including any attachments and enclosures.

PINEDALE PUBLIC UTILITY DISTRICT
2560 W. SHAW, #102
FRESNO, CA 93711
TELEPHONE: 431-8516 FAX: 431-8511

DATE SENT: 4/22/09PAGES BEING SENT (INCLUDING COVER SHEET): 2TO Nal KorelFAX # 228-3033FROM Mary

COMMENTS:

PLEASE CALL (559) 431-8516 AND ADVISE IF TRANSMITTAL IS
INCOMPLETE OR RECEIVED IN ERROR.

Pinedale Public Utility District

2560 W. Shaw
Suite 102
Fresno, CA 93711
◆
Phone 559-431-8516
Fax 559-431-8511

April 22, 2009

Attn: Doug Hecker
(Doug.Hecker@Fresno.gov)
Fax: 457-1457

Pursuant to your email of April 14, 2009, the undersigned has been authorized by the Board of Directors of the Pinedale Public Utility District (PPUD) to execute this letter of understanding.

The PPUD requests that the Derrel's Mini Storage Facility at Bedford & Harrison Avenues to be serviced by the City of Fresno sewer main to be extended by Derrel's Mini Storage. PPUD will collect all applicable City of Fresno sewer connection fees and transmit them to the City per our current agreement. The monthly sewer service billing will be billed by PPUD and transmitted to the City of Fresno per our current agreement.

If you have any questions, please contact this office.


Gordon Martindale, PPUD Board President

cc: Hal Lore, Lore Engineering
Fax: 228-3033

Schmidt, Darrel S.

From: Doug Hecker [Doug.Hecker@fresno.gov]
Sent: Monday, July 27, 2009 3:06 PM
To: Lon Martin; Schmidt, Darrel S.
Cc: Ballantyne, Richard; John Fox
Subject: RE: Derrel's Mini Storage Connection to City Water
Attachments: PPUD Authorization Letter.pdf

To All,

The attached document is an Authorization Letter from Pinedale Public Utility District (PPUD). Jim Tsouraka was the point person on this project. He stated "that the sewer provider was PPUD and that PPUD would release Darrel's for sewer service to the City of Fresno." The City of Fresno has not received a "Authorized Release Letter" from Pinedale County Water District (PCWD). The Engineering firm of record for the project is Hal Lore - his e-mail address is hal@lore-engineering.com

Doug Hecker

From: Lon Martin
Sent: July 27, 2009 9:40 AM
To: Schmidt, Darrel S.
Cc: Ballantyne, Richard; Doug Hecker; John Fox
Subject: RE: Derrel's Mini Storage Connection to City Water

Darrel, sorry for the delayed response, we are very busy this time of year.

1. Paul did submit a proposed offset for water supply. They planned on changing their sprinklers at a facility in Fresno with ones that provided improved efficiency. Although the idea is creative it is not a guaranteed water supply due to the inability to control irrigation duration. Using logical irrigation assumptions they estimated current water usage and expected water usage after the change out of the sprinklers. When I checked our water usage records they are using three time as much water than their analysis predicted, revealing an inherent flaw in their analysis. Therefore, I instructed them that the offset idea/strategy needed to be a hard water supply not subjected to operational idiosyncrasies. A revised water supply analysis has not been submitted for my review.

2. The sewer issue is news to me? I will have to contact Doug Hecker and see what is going on.

Lon

From: Schmidt, Darrel S. [mailto:DSchmidt@co.fresno.ca.us]
Sent: Friday, July 24, 2009 10:43 AM
To: Lon Martin
Cc: Ballantyne, Richard
Subject: Derrel's Mini Storage Connection to City Water
Importance: High

Lon,

As I assume you are aware, Paul Ridenour/Derrel's Mini Storage has applied to LAFCo to detach from the Pinedale County Water District so that the project can receive water from the City of Fresno. We have scheduled this for hearing before our Commission on August 12, beginning at 1:30 and hope that you and/or other appropriate City personnel will be

in attendance to answer likely questions from the Commission and to support the proposal. Though we haven't received any comments yet from Pinedale CWD, I expect that they will attend to speak against the proposal.

I'm in the process of drafting the staff report and have a few questions:

- Per a May 11 letter signed by you and Keith Bergthold, you state that Derrel's will need to demonstrate how it will off-set water use elsewhere within the City's water service area before the City will allow connection. Paul Ridenour states that they have done some testing demonstrating how they will off-set the new facility's water use by reducing water consumption at another nearby Derrel's facility. Paul indicated they had submitted this data to you, but that you wanted some additional information and/or more of a narrative explaining Derrel's methods, etc. I have asked Paul to get this additional information to you as soon as possible as I hope to get a copy of your response, which will presumably agree that their plan to off-set water use is adequate, so that I can include this information in my staff report. My report will be finalized no later than August 6. Has Paul submitted this additional information to you yet?
- The mitigated negative declaration and conditions of the CUP indicate Pinedale Public Utilities District (**not Pinedale County Water District**) or the City of Fresno will be the sewer service provider. Paul also forwarded me an April 27 email from Doug Hecker to Hal Lore (copied to you) that states the City received an authorization letter from Pinedale PUD consenting to Derrel's connecting to the City sewer, and based on that letter, the City has approved connection to the City's sewer system. My question with respect to this is to verify that Pinedale PUD was indeed the proposed sewer service provider. While all City and other documents I have seen indicate this, **our records show Pinedale CWD as the sewer provider for that area** (though our records also show that it is in the sphere of influence of Pinedale PUD, as identified in the City's negative declaration). Surprisingly, Pinedale CWD doesn't appear to have commented on the Derrel's property being located within its sewer service area, in addition to its water service area. Do you have any relevant information related to this?

Please respond today if at all possible, even to state that you need to look into the issue further if that is the case, as I'll be out of the office all of next week (July 27 through July 31). If you are not able to respond before next week, please also copy Rick Ballantyne at rballantyne@co.fresno.ca.us so that he can follow up as necessary. Thanks.

Darrel Schmidt, Deputy Executive Officer

Fresno Local Agency Formation Commission

2115 Kern Street, Suite 310

Fresno, CA 93721

phone: (559) 495-0604

fax: (559) 495-0655

Visit www.fresnolafco.org for LAFCo agendas, staff reports, maps, forms, and much more.

Schmidt, Darrel S.

From: Paul Ridenour [pridenour@derrels.com]
Sent: Friday, July 24, 2009 2:33 PM
To: Schmidt, Darrel S.
Cc: Ballantyne, Richard
Subject: RE: Additioanal Detachment Questions

From: Schmidt, Darrel S. [mailto:DSchmidt@co.fresno.ca.us]
Sent: Friday, July 24, 2009 2:24 PM
To: 'Paul Ridenour'
Subject: Additioanal Detachment Questions

Paul,

I'm sorry to keep nickel and diming you with questions, but they don't all come up at the same time when working on a report on and off over a number of days.

Given that Pinedale CWD doesn't want you to detach, to further support your request, I believe we need to address why the two options other than detachment that the City identified in the January 28 letter from Byron Beagles, City Fire Prevention Engineer to Jim McKelvey, are less desirable/practical than detachment. These options were:

- "Negotiate with PCWD on improvements needed to meet peak demand fire flow. Modeling of peak demand and water production capability is usually the first step in determining what is needed; or
- Provide fire sprinklers in all the buildings."

I believe you previously stated that installation of sprinklers would add significant cost to construction, but I do not recall if you gave an amount. Do you know how much this would add? OVER \$200,000

With respect to making improvements needed to meet peak demand fire flow, did PCWD identify what types of improvements would be needed and their approximate cost? PCWD NEVER IDENTIFIED SPECIFICALLY. THEY COMMENTED THAT WE MAY HAVE TO ADD ADDITIONAL WELLS AND/OR BOOSTER PUMPS AND/OR INCREASE SIZE OF EXISTING MAIN LINES. WE GOT THE IMPRESSION THE UPGRADE COSTS WOULD EXCEED FIRE SPRINKLERS.

Any additional information you can provide with respect to these two issues would be helpful. When you reply, please also copy your response to Rick Ballantyne at rballantyne@co.fresno.ca.us, as I'll be out of the office on vacation next week. Thanks.

Darrel Schmidt, Deputy Executive Officer
Fresno Local Agency Formation Commission
2115 Kern Street, Suite 310
Fresno, CA 93721
phone: (559) 495-0604
fax: (559) 495-0655

Visit www.fresnolafco.org for LAFCo agendas, staff reports, maps, forms, and much more.



Pinedale County Water District

PHONE (559) 439-2362 FAX (559) 439-1309
480 W. BIRCH ST. PINEDALE, CALIFORNIA 93650

July 23, 2009



Rick Ballantyne, Executive Officer
Fresno Local Agency Formation Commission
2115 Kern Street, Suite 310
Fresno, CA 93721

**Re: Written Demand of Pinedale County Water District for Notice and
Hearing on the Petition or Resolution of Application
Agency No. DD-09-1**

Dear Mr. Ballantyne:

Please accept this notice as a written demand by the Pinedale County Water District for a noticed hearing on the Petition or Resolution of Application for Detachment referred to in your letter to the District dated July 17, 2009.

The District will forward comments related to the proposed Detachment as soon as those comments are complete.

In addition to furnishing a copy of the Executive Officer's report to the District, please furnish a copy to our General Counsel, Costanzo & Associates, via facsimile at (559) 261-0706 when that report is complete.

Sincerely,

PINEDALE COUNTY WATER DISTRICT

Larry De Santos
General Manager

cc: Costanzo & Associates

Recommended Conditions of Approval:

- Prior to any development upon the northern 21.08 acre parcel, the applicant will be required to provide a specific closure/postclosure maintenance plan for the development of this site by complying with the provisions set forth in Title 27, California Code of Regulations, Article 2, Closure and Post Closure Maintenance Standards for Disposal Sites and Landfills. Contact Janet Gardner with the Fresno County Department of Public Health, Environmental Health Division, Solid Waste Program at 559-445-3271 for more information. *North Palm Inv.*
- ✓ Prior to occupancy, the applicant shall complete and submit either a Hazardous Materials Business Plan or a Business Plan Exemption form to the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 445-3271 for more information. *Boiler-plate statement*
- All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.

REVIEWED BY:

Glenn Allen, Environmental Health Specialist III

(559) 445-3357

ga

cc: Vince Mendes, Environmental Health Division (CT 4407)
Randy Reyes, Environmental Health Division
Janet Gardner, Environmental Health Division

DEPARTMENT OF PUBLIC WORKS

TO: Bruce Barnes, Project Manager
Planning Division

FROM: **Hilary Kimber, Parks Supervisor II (559.621.8794)**
Public Works, Engineering Services

DATE: September 2, 2008

SUBJECT: SITE PLAN REVIEW APPLICATION NO. C-06-094; Plan Amendment Application No. A-06-006; Rezone Application No. R-06-032; Lot Line Adjustment No. LLA-2008-11:

The Department of Public Works offers the following comments regarding plans for the property located on the southwest elbow of North Harrison and West Bedford Avenues:
GENERAL REQUIREMENTS

1. The Fresno Municipal Code requires street trees to be planted at minimum rate of 60-foot intervals along street frontages. The street frontages along N. Harrison and North Farris Avenues are minimal and no street trees are required at this time.
2. The adjacent property to the south on North Harrison Avenue has an existing 30' landscaped easement with an eight (8') bicycle path. The proposed landscape plan dated April 17, 2008 shows an extension of that path with landscaping. Please transition the plant material from the existing path to the future path.
3. The property owner shall submit a landscape and irrigation plan at the scale of 1"=20' to the Public Works, Engineering Division for review.

DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE
P. O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-4347
FAX (559) 488-4088
TTY (559) 488-4066



Flex your power!
Be energy efficient!

October 27, 2008

2131-IGR/CEQA
6-FRE-41-31.6+/-
A-06-006, C-06-094, & R-06-032
DERREL'S MINI STORAGE
SCH # 2008101021

Mr. Bruce Barnes
City of Fresno Development Department
2600 Fresno Street
Fresno, CA 93721

11/3/08 Per MCK, Caltrans must return
the \$1,251 if they haven't begun work
in three years.

Dear Mr. Barnes:

Caltrans previously reviewed the plan amendment, rezone, use permit, and traffic study for the Derrel's Mini Storage proposed for the west side of North Palm Avenue between East Alluvial Avenue and the East Nees Alignment. Our comments from May 25, 2006 are still valid. We had the following comments at that time:

Caltrans finds the trip generation/trip distribution satisfactory.

The project location is approximately 1 mile west of the State Route (SR) 41 interchange at Friant Road. Based on the trip generation study for mini-storage facilities in the Fresno area (Peters Engineering, September 2005), it is projected that such a facility would generate 14 trips during the evening peak travel period. Given the nature of the development and its location near residential subdivisions, it is anticipated that there would likely be negligible impacts to the SR 41 ramps at Friant Road. However, this Office does anticipate that approximately 20% of the 14 trips (3 trips) would impact the undercrossing at the SR 41 interchange at Friant Road. Previous traffic studies have identified the need for an additional 4 lanes at the undercrossing. The current estimated cost for this improvement is \$1,959,000. Per our "Interim Agreement" with the City of Fresno, we have used the "City's Formula" to calculate a fair share. This results in a cost-per-trip of \$417 and a total pro rata fair share of \$1,251 for this project to mitigate for cumulatively significant impacts to the State Highway System.

~~offer to pay if
they make the \$21
in improvements.~~

The estimate of 3 project trips impacting the undercrossing is based solely on the engineering judgement of Caltrans' Traffic Engineers. If the lead agency or project applicant do not concur with this estimate, then we recommend that study data be provided to Caltrans that would identify the proposed development's impacts to the undercrossing.

~~Why doesn't Caltrans provide study
proving that 20% impact is true?~~

Mr. Bruce Barnes
October 27, 2008
Page 2

If you have any questions, please call me at (559) 488-4347.

Sincerely,

A handwritten signature in cursive script that reads "Joanne Striebich". The signature is written in black ink and is positioned above the printed name and title.

JOANNE STRIEBICH
Office of Transportation Planning
District 6

C: Mr. Scott Mozier, City of Fresno Public Works Department
Mr. Bryan Jones, City of Fresno Public Works Department
Mr. Tony Boren, Council of Fresno County Governments



September 22, 2008

RECEIVED

Bruce Barnes
City of Fresno
Planning & Development Department
2600 Fresno Street, Third Floor
Fresno, CA 93721

SEP 25 2008
Planning Division
Planning & Development Dept
CITY OF FRESNO

Project: Plan Amendment Application A-06-006 & Rezone Application R-06-032

District Reference No: 20060981

Dear Mr. Barnes:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and finds:

1. The project is expected to have no significant adverse impact on air quality.
2. The proposed project would be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include any one of the following:
 - 2,000 square feet of commercial space;
 - 25,000 square feet of light industrial space;
 - 100,000 square feet of heavy industrial space;
 - 20,000 square feet of medical office space; or
 - 39,000 square feet of general office space.

Information about how to comply with District Rule 9510 can be found online at:
<http://www.valleyair.org/ISR/ISRHome.htm>.

3. District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than seeking final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last

discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees, be made a condition of the project's approval.

4. The proposed project may be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

If you have any questions or require further information, please call Daniel Barber, Ph.D., at (559) 230-5840.

Sincerely,

Dave Warner
Director of Permits Services

for: 
Arnaud Marjolet
Permit Services Manager

DW: dg

Cc: File

City of



DEPARTMENT OF PUBLIC UTILITIES

Date: September 03, 2008

To: BRUCE BARNES, Project Manager
Planning and Development Department, Planning

From: CHRIS WEIBERT, Management Analyst II
Public Utilities Department, Administration

Subject: A-06-006, R-06-032, C-06-094, LLA-2008-011, revised applications have been filed by Sol Development on behalf of Darrels Mini Storage regarding the southern most 5.14 acres of a larger 26.0 acre property located on the west side of North Palm Avenue, between East Alluvial Avenue and the East Nees Avenue Alignment. A-06-006 is requesting to amend the 2025 Fresno General Plan and the Bullard Community Plan from the medium low density residential planned land use designation to the office-commercial planned land use designation. The plan amendment also includes the reclassification of West Alluvial Avenue between North Palm and North Harrison Avenues from a collector street to a local street and remove North Harrison Avenue as a collector street north of West Alluvial Avenue. R-06-032 is requesting a rezone from the AE-20-UGM, Twenty-Acre Agriculture Exclusive-Urban Growth Management, zone district to the S-L-UGM, Storage Limited-Urban Growth Management, zone district. C-06-094 proposes the development of a two phased 110,000 plus square foot mini storage facility that will not contain a caretakers residence. LLA-2008-011 proposes to reconfigure the two existing parcels into resulting in a 21.08 acre parcel and a 5.17 acre parcel.

Environmental Comments

Project site is located within the jurisdiction of another provider for water service. The applicant should contact Pinedale County Water District for service conditions and/or restrictions.

Therefore, the project site SHALL NOT connect to the 8" water main in North Harrison Avenue.

Pinedale County Water District

Phone: (559) 439-2362 FAX: (559) 439-1309
480 W. Birch St. Pinedale, California 93650

September 25, 2008

Derrel's Mini Storage
3265 W. Ashlan Avenue
Fresno, CA 93722

FAX: (559) 224-1884

Attn: Joshua Latham

Subject: Proposed Mini Storage
Harrison Avenue North of Bedford Street
Amendment Application A-06-006
Rezone Application R-06-032
Conditional Use Permit Application C-06-094
Lot Line Adjustment 2008-11

Dear Sir:

The District has received a site plan for a proposed mini storage facility on the subject site. The site plan depicts 29 individual storage facilities totaling approximately 110,350 square feet of storage area, to be constructed in two phases. There are 3 on-site fire hydrants shown on the plan and perimeter landscape improvements.

Please submit two copies of a utility plan to the District for review and approval to show how service will be provided for fire hydrants and landscape services. Any proposed water service shall be metered and equipped with a reduced pressure principle (RPP) backflow device.

The parcel is within the service area of the Pinedale County Water District. The following comments are offered with respect to the provision of water service by the District.

Water Connection Fees:

Currently, water connection fees are based upon the number of units for residential services and the square footage of the building area for commercial and industrial uses, with each 1,500 square feet of building area representing one unit equivalent. The current rate is \$1,230/unit for water. Frontage fees are also applicable unless main line construction is provided and facility ownership is transferred to the District.

Per Frank Daniele, reduced: one unit per 1/4 Acre = 4 units/Acre

Based upon the proposed square footage, the development would be equivalent to 74 units. The following connection fee would apply:

Water Production - 74 Units @ \$1,230.00 = \$ 91,020.00

It is assumed that water mains will be constructed by the applicant and ownership of the facilities transferred to the District. Plan check and inspection fees will also apply to this construction.

As previously advised, the District has three water mains stubbed into the vacant property in this area. Two of these mains are located on Farris and Harrison Streets at the southerly end of your proposed parcel. The other water main is stubbed to the westerly side of the remaining vacant lot north of your project site at the existing end of Alluvial Avenue.

The site plan does not show how the remainder of the vacant parcel will be developed. In any event, the District has always anticipated that the three dead-end water mains described above would eventually be looped together with the development of the vacant property in this area.

Proposed Conditions:

1. A water plan shall be submitted to the District for review and approval showing the locations of any service laterals and indicating how service will be extended to the proposed on-site fire hydrants.
- ② The water plan shall show how the three existing dead-end water mains belonging to the District shall be looped together at full build-out of the vacant property in this area.
3. The developer shall pay all costs for design and construction of the water main and pay appropriate plan check and inspection fees to the District.
- ④ Easements for water mains passing through the site shall be provided to the District. However, any costs for maintenance of on-site water improvements or restoration of on-site improvements shall be the responsibility of the property owner.
5. Upon completion of construction, applicant/engineer shall provide an as-built plan of on-site utilities and submit the plan to Pinedale County Water District. The as-built plan shall be drawn to highlight water facilities connected to District mains and constructed within the project site.
6. Water improvements for the remaining vacant parcel to the north may be deferred until the time of development of that parcel.

Per Daniele, worded too liberal. Shouldn't state that we maintain

*of 20
in for Mck*

Per Mck, no need to address since it is illegal.

The following notes are provided for your information:

1. Inspection of the construction shall be coordinated with District personnel. Contact the District office at (559) 439-2362 a minimum of 48 hours in advance of the construction.
2. On-site utility construction, i.e. service lines to the building, shall be inspected by the City of Fresno through appropriate application for a plumbing permit.
3. A street work encroachment permit shall be required from the City of Fresno if any work is performed within the street right-of-way.
4. Any backflow devices shall be inspected and tested by a certified backflow prevention specialist, and a copy of the report shall be provided to the District. It will be the applicant/property owner's responsibility to perform the annual test on the backflow device and submit the reports to the District.

Should there be any questions, you may contact the District's General Manager, Larry DeSantos, by telephoning (559) 439-2362 during normal business hours.

Sincerely,

Frank L. Daniele 6-960-4542
District Engineer for the
Pinedale County Water District

Cc: Larry DeSantos, General Manager
Bruce Barnes, City of Fresno



September 16, 2008

Bruce Barnes, Project Manager
Planning & Development Department
City of Fresno
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

Subject: Plan Amendment No. A-06-006, Rezone No. R-06-032, Conditional Use
Permit No. C-06-094, and Lot Line Adjustment No. LLA-2008-11
West side of N. Palm Avenue between the E. Alluvial and E. Nees
Avenue alignments

Dear Mr. Barnes:

This letter is in response to your request for comment on the above-referenced applications, which would authorize the construction of a mini-storage facility consisting of 110,356 square feet of storage space on 5.17 acres.

The Clovis Unified School District currently levies a school facilities fee of \$3.26 per square foot for residential development and \$0.47 per square foot for commercial/industrial development. Our practice in the past for this type of facility has been to charge the residential fee for the on-site residence, the commercial/industrial fee for the office space and no fee for the storage space. However, since there is no office or caretaker's residence proposed on this site, no fee would be charged for this development.

Thank you for the opportunity to comment. Please contact me if you have any questions regarding this letter.

Sincerely,

Steve Ward
Associate Superintendent
Administrative Services

Governing Board

Sandra A. Bengel

Brian D. Heryford

Ginny Hovsepian

Richard Lake, C.P.A.

Elizabeth J. Sandoval

Jim Van Volkinburg, D.D.S.

Susan M. Walker, D.H.Sc.

Administration

Terry Bradley, Ed.D.
Superintendent

Daniel E. Kaiser, Ed.D.
Deputy Superintendent

Steve Ward
Associate Superintendent

Janet Young, Ed.D.
Associate Superintendent

Michelle Steagall, Ed.D.
Chief Curriculum Officer



County of Fresno

Department of Public Health

Edward L. Moreno, M.D., M.P.H., Director-Health Officer

September 8, 2008

RECEIVED

FA0277294
FA0272567
LU0012407
PE 2602

Bruce Barnes
City of Fresno
Development Department
2600 Fresno Street
Fresno, CA 93721

SEP 12 2008
Planning Division
Planning Department
CITY OF FRESNO

Dear Mr. Barnes:

PROJECT NUMBER: A-06-006, R-06-032, C-06-094, LLA-2008-11 (Revised)

Revised applications for Plan Amendment, Rezone, Conditional Use Permit and Lot Line Adjustment have been filed by Sol Development on behalf of Darrel's Mini Storage regarding the southernmost 5.14 acres of a larger 26.0 acre property located on the west side of N. Palm Avenue between E. Alluvial Avenue and the E. Nees Avenue alignment. **Plan Amendment Application A-06-006** is requesting to amend the 2025 Fresno General Plan and Bullard Community Plan from the medium low density residential planned land use designation to the office-commercial planned land use designation. The plan amendment also includes the reclassification of W. Alluvial Avenue between N. Palm and N. Harrison Avenues from a collector street to a local street and removes N. Harrison Avenue as a collector street north of W. Alluvial Avenue. **Rezone Application No. R-06-032** is requesting a rezone from the AE-20/UGM zone district to the S-L/UGM zone district. **Conditional Use Permit Application No. C-06-094** proposes the development of a two phased 110,000+ square-foot mini storage facility that will not contain a caretaker's residence. **Lot Line Adjustment LLA-2008-11** proposes to reconfigure the two existing parcels, resulting in a 21.08 acre parcel and a 5.17 acre parcel.

Comments/Concerns:

- Due to the location of this project and the potential to be on or near a known landfill and/or areas of methane gas, special provisions shall be taken to comply with guidelines pertaining thereto. *Probably stated because we are still legally part of 26.0 acre parcel.*
- As the lead Agency for the approval of the Closure/Postclosure Plan, the California Integrated Waste Management Board (CIWMB) should be given an opportunity to comment on this project. Please contact:

CAL-EPA Building, CIWMB
Closure and Remediation Branch
Attn: Michael Wochnick
1001 "I" Street
PO Box 4025
Sacramento, CA 95812-4025

Emergency Access Only Roadways

Emergency accesses are required to be dedicated fire protection easements.

All gates on the "emergency access roadway" shall be fitted with a Police/Fire bypass lock (BEST LOCKS: Padlock 21B700 series or Cylinder lock 1W7B2). Gates/fences shall not obstruct the minimum width required for fire lanes.



DATE: October 22, 2008

TO: Bruce Barnes, Project Manager
Planning and Development Department, Planning Division

FROM: Greg Jenness, Senior Engineering Technician
Public Works Department, Engineering Division

SUBJECT: Conditions of Approval for **C-06-094**

APN: 405-340-05por.

ADDRESS: 7531 North Harrison Avenue

SITE PLAN REQUIREMENTS: This site plan is incomplete. Please provide the following information prior to Building Permits:

A. General Requirements

1. **Parcel of Record:** Identify the entire parcel at the time of permits and a legal description. If only a portion of an existing parcel is to be developed, a key map shall be included showing the entire parcel.
2. **Property Lines:** Identify and dimension existing and proposed property lines.
3. **Easements:** Identify and dimension all existing and proposed easements.

B. Offsite Information:

1. **Center Lines:** Identify all center lines.
2. **Dedications:** Identify all proposed dedications. Provide a dimension.
3. **Street Improvements:** Identify existing and proposed curb, gutter, sidewalks (provide width), driveway approaches (provide width), street lights.
4. **Street furniture:** Identify utility poles, boxes, guy wires, signs, fire hydrants, trash receptacles, etc.

C. Onsite Information:

1. **Access:** Provide pedestrian, vehicular and service access. Provide turning templates for large vehicles.
2. **Parking Lots:** (proposed)
 - a. **Directional flow of traffic:** Identify existing and proposed directional arrows

D. Other Important Information:

1. **Lot Line Adjustments:** L.L.A. 2008-11

PUBLIC IMPROVEMENT REQUIREMENTS

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, on which this review process is dependent, will be imposed whenever such conditions are disclosed.

Questions relative to dedications, street improvements or off-street parking geometrics may be directed to Greg Jenness at (559) 621-8812 / Greg.Jenness@fresno.gov, Ann Lillie at (559) 621-8690 / Ann.Lillie@fresno.gov or Mario Rocha at (559) 621-8684 / Mario.Rocha@fresno.gov , Engineering Division, Traffic Planning Section.

Submit the following, as applicable, in a single package to the City of Fresno Public Works Department Engineering Division (559-621-8650), Plan Check and GIS Mapping Section and Traffic Engineering, for review and approval, **prior** to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Signal Plans.

Underground all existing off-site overhead utilities within the limits of this site/map as per FMC Section 12-1011 and Resolution No. 78-522/88-229.

Survey Monuments and Parcel Configuration

All survey monuments within the area of construction shall be preserved or reset by a person licensed to practice Land Surveying in the State of California.

The parcel configuration depicted for the proposed development does not conform to record information: **lot line adjustment 2008-11** is required to establish this configuration **prior** to building permits. Contact the Planning and Development Department for details or submit a revised exhibit confining the proposed development within existing parcel lines.

Street Dedications, Vacations and Encroachment Permits

Identify all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc. within the public right of way. Also, identify the required 4' minimum path of travel along the public sidewalk directly in front of property, as required by the California Administration Code (Title 24). **A pedestrian easement may be required if Title 24 requirements cannot be met.**

North Harrison Avenue: Local Industrial (64')

- 1. Dedicate 30' of property, from property line, for Multi-purpose trail easement within the limits of this application, see Exhibit "A".

North Farris Avenue: Local (60')

- 1. Dedicate a special cul-de-sac, for public street purposes, at the north end of this street adjacent to this entitlement, to meet the current City of Fresno Local Standard, **P-21**, (with a 4 ½' side pattern).

Deed documents for the required dedications shall be prepared by the applicant's engineer and submitted to the Public works Department, Engineering Division, Special Districts / Projects and Right of Way Section with verification of ownership **prior** to issuance of building permits. The cost of deed document processing and recordation fee must be paid at the time of deed submittal. Deed documents must conform to the format specified by the city. Document format specifications may be obtained from the City of Fresno Public Works Department, Engineering Division, Special Districts / Projects and Right of Way Section, (559) 621-8694.

The construction of any overhead, surface or sub-surface structures and appurtenances in the public rights-of-way is prohibited unless an encroachment permit is approved by the City of Fresno Public Works Department, Engineering Division, Special Districts / Projects and Right of Way Section, (559) 621-8693. Encroachment permits must be approved **prior** to issuance of building permits.

Street Improvements

All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department. Street construction plans are required and shall be approved by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian and utility easements) requires a **STREET WORK PERMIT prior** to commencement of work. Contact the City of Fresno Public Works Department, Engineering Services Section at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the city **prior** to occupancy.

Repair all damaged and/or off grade off-site concrete and/or alley improvements as determined by the City of Fresno Public Works Department, Construction Management Division, (559) 621-5600.

North Harrison Avenue: Local Industrial (64')

1. Bike and Pedestrian Trail/Path: Construct a **12'** wide concrete Bike and Pedestrian trail/path, complete with signing, striping and landscaping, per the 2025 Fresno General Plan, Multi-Purpose Trails Plan Map and Public Works Standards **P-59, P-60** and **P-60A**. Identify with a cross section. Submit engineered construction plans to Public Works. Submit signing and striping plan to Traffic Engineering for approval. Submit grading, landscape and irrigation plans to Engineering Services.
2. Construct a **35'** driveway approach to Public Works Standard(s) **P-76**. **Provide 10' of red curbing (3 coats) on both sides of the proposed driveway approaches.** Street type approaches must meet standard drawing minimum requirements.

North Farris Avenue: Local (60')

SEE 11-5-08 memo Barnes to PC

1. Construct a special cul-de-sac to Public Works Standard **P-21** → *Do hammerhead*
2. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed **4 1/2'** from property line, with a **4'** monolithic sidewalk.
3. Construct permanent paving within the limits of this application and proposed special cal-de-sac, with A.C. transition as needed.
4. Construct a **20'** emergency access to Public Works Standard(s) **P-67**.
5. Construct an underground street lighting system to Public Works Standard **E-2** within the limits of this application. Spacing and design shall conform to Public Works Standard **E-9** for Local Streets. **-OR-** show the existing street light locations on the plans, **-AND-** that they are constructed per current City of Fresno Standards.

North Harrison Avenue: Local (44') (South end of project)

1. Construct concrete curb, gutter and sidewalk to Public Works Standard **P-5**. The curb shall be constructed to a **10'** residential pattern.
2. Multi-purpose Trail/Path: Construct a **8' - 12'** wide concrete Bike and Pedestrian trail transition, complete with signing, striping and landscaping, per the 2025 Fresno General Plan, Multi-Purpose Trails Plan Map and Public Works Standards **P-59, P-60** and **P-60A**. Identify route on

the site plan complete with a cross section. Submit engineered construction plans to Public Works. Submit signing and striping plan to Traffic Engineering for approval. Submit grading, landscape and irrigation plans to Engineering Services.

Off-Street Parking Facilities and Geometrics

- 1. Off-Street parking facilities and geometrics shall conform to the City of Fresno Public Works Department, Parking Manual and Standard Drawing(s) **P-41, P-42, P-43**.
- 2. Install **30"** state standard "STOP" sign(s) at location(s) shown. Sign shall be mounted on a **2"** galvanized post with the bottom of the sign **7'** above ground; located behind curb and immediately behind a major street sidewalk.
- 3. Provide parking space needs, circulation, access, directional signs (e.g. "Entrance," "Exit," "Right Turn Only," "One Way" signs, etc.) as noted on **Exhibit "A"**.

Traffic Impact Study

This development will generate a total of **17** a.m. / **28** p.m. peak hour trips and generate a count of **275** Average Daily Trips (A.D.T.), based upon the following:

*See memo 11-5-03
Barnes to PC* $111 \times 1.43 = 158.73 \text{ ADT}$ **157 ADT**

Land Use	Size	Average Daily Trips (ADT)	AM Pk Hour	PM Pk Hour
Mini-warehouse	110,000sf	275 157	17	24

A Traffic Impact Study **is not** required.

Traffic Signal Mitigation Impact (TSMI) Fee:

This project shall pay its TSMI Fee **at the time of building permit** based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual.

Fresno Major Street Impact (FMSI) Fees:

This entitlement is in the **New Growth Area**; therefore pay all applicable growth area fees and City-wide regional street impact fees.

State of California Department of Transportation (Caltrans) Fees:

Applicant shall pay fair share contribution as determined by the State of California Department of Transportation (Caltrans) to be collected by the City of Fresno Public Works Department Traffic Engineering, (559) 621-8820, **prior** to a Building Permit.

550.10
"CO 1"

CITY OF FRESNO - PLANNING AND DEVELOPMENT DEPARTMENT
REQUEST FOR COMMENTS, CONDITIONS, ENVIRONMENTAL ASSESSMENT,
AND ENTITLEMENT APPLICATION REVIEW OF REVISED
PLAN AMENDMENT APPLICATION NO. A-06-006, REZONE APPLICATION NO. R-06-032, CONDITIONAL
USE PERMIT APPLICATION NO. C-06-094, AND LOT LINE ADJUSTMENT NO. 2008-11

Fresno Metropolitan Flood Control District

RECEIVED
SEP 03 2008
FRESNO METROPOLITAN
FLOOD CONTROL DISTRICT

Return Completed Form to:
Bruce Barnes, Project Manager
Email: Bruce.Barnes@fresno.gov
Telephone: 559-621-8047
Planning & Development Department
2600 Fresno Street, Third Floor
Fresno CA 93721-3604

REVISED PROJECT DESCRIPTION AND LOCATION:

Revised applications for Plan Amendment, Rezone, Conditional Use Permit, and Lot Line Adjustment have been filed by Sol Development on behalf of Darrel's Mini Storage regarding the southern most 5.14 acres of a larger 26.0 acre property located on the west side of N. Palm Avenue between E. Alluvial Avenue and the E. Nees Avenue alignment. Plan Amendment Application No. A-06-006 is requesting to amend the 2025 Fresno General Plan and Bullard Community Plan from the medium low density residential planned land use designation to the office-commercial planned land use designation. The plan amendment also includes the reclassification of W. Alluvial Avenue between N. Palm and N. Harrison Avenues from a collector street to a local street and remove N. Harrison Avenue as a collector street north of W. Alluvial Avenue. Rezone Application No. R-06-032 is requesting a rezone from the AE-20/UGM (Twenty-Acre Agriculture Exclusive/Urban Growth Management) zone district to the S-L/UGM (Storage Limited/Urban Growth Management) zone district. Conditional Use Permit Application No. C-06-094 proposes the development of a two phased 110,000+ square-foot mini storage facility that will not contain a caretaker's residence. Lot Line Adjustment No. LLA-2008-11 proposes to reconfigure the two existing parcels into resulting in a 21.08 acre parcel and a 5.17 acre parcel.

APN: 405-340-04, 05 ZONING: From AE-20/UGM to S-L/UGM ADDRESS: Unassigned

REVISED DATE RE-ROUTED: August 28, 2008 REVISED COMMENT DEADLINE: September 9, 2008

If no response is received by the comment deadline, it will be assumed you have no comments to submit.

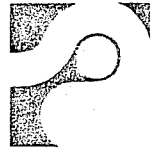
WILL THIS PROJECT AFFECT YOUR AGENCY/JURISDICTION? (If yes, specify.)
REFER TO FMFCD COMMENTS AND CONDITIONS FOR CUP 2006-094R DATED 8/12/08.
REFER TO LETTER DATED 9/9/08 FOR REZONE R-06-032.

SUGGESTION(S) TO REDUCE IMPACTS/ADDRESS CONCERNS:
SAME AS ABOVE.

REQUIRED CONDITIONS OF APPROVAL:
SAME AS ABOVE.

IS ANY ADDITIONAL INFORMATION NEEDED FOR YOU TO COMPLETE YOUR REVIEW? (Be specific):
NO.

REVIEWED BY: RICK LYONS, ENG. TECH. II 456-3292 9/9/08
Name and Title Telephone Number Date



FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 210.414 "CO₁"

September 9, 2008

Bruce Barnes, Project Manager
City of Fresno, Development Department, Planning Division
2600 Fresno St., Third Floor
Fresno, CA 93721-3604

Dear Mr. Barnes,

Rezone 2006-032
Drainage Area "CO₁"

The District has reviewed the land use changes proposed with the subject rezone. The District's existing Master Plan drainage system is designed to serve medium density residential uses and the existing Master Plan storm drainage facilities do not have capacity to serve the proposed storage-limited land use.

The District requests that as a condition of the rezone, the developer be required to mitigate the impacts of the increased runoff from the proposed storage-limited land use to a rate that would be expected if developed to medium density residential. The developer may either make improvements to the existing pipeline system to provide additional capacity or may use some type of permanent peak reducing facility in order to eliminate adverse impacts on the existing system. Implementation of the mitigation measures may be deferred until the time of development.

Should the developer choose to construct a permanent peak reducing facility, such a system would be required to reduce runoff from a ten-year storm produced by the storage-limited development, to a two-year discharge, which would be produced by the property if developed to medium density residential.

The developer will be required to submit improvement plans to the District for review and approval showing the proposed method of mitigation prior to implementation.

Should you have any questions concerning this matter, please feel free to contact us.

Sincerely,

Rick Lyons
Engineer Technician II

RL/lrl

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

PUBLIC AGENCY

Mr. Gil Haro, Planning Manager
Planning & Development Department
City of Fresno
2600 Fresno Street
Fresno, CA 93721

DEVELOPER

DERREL'S MINI STORAGE
3265 W. ASHLAN AVE.
FRESNO, CA 93722
-

PROJECT NO.	2006-094R	PRELIMINARY FEE(S) (See below)	
DRAINAGE AREA	" CO1 " " - "	DRAINAGE AREA	" CO1 " \$34,591.00
DATE	8/12/08	DRAINAGE AREA	" - " -
APN	405-340-05	TOTAL FEE	\$34,591.00
		ADDRESS	UNASSIGNED

The proposed development will generate storm runoff which produces potentially significant environmental impacts and which must be properly discharged and mitigated pursuant to the California Environmental Quality Act and the National Environmental Policy Act. The District in cooperation with the City and County has developed and adopted the Storm Drainage and Flood Control Master Plan. Compliance with and implementation of this Master Plan by this development project will satisfy the drainage related CEQA/NEPA impact of the project mitigation requirements.

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through February 28, 20 09 based on the site plan submitted to the District on 07/30/08 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

Considerations which may affect the fee obligation(s) or the timing or form of fee payment:

- a) Fees related to undeveloped or phased portions of the project may be deferrable.
- b) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.
- c) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.

CUP

No. 2006-094R

NOTICE OF REQUIREMENTS

Page 2 of 4

- e) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.

Approval of this development shall be conditioned upon compliance with these District Requirements.

1. X a. Drainage from the site shall be directed to Farris and/or Harrison Avenues.
- b. Grading and drainage patterns shall be as identified on Exhibit No. 1 // 2
- c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:
- Developer shall construct facilities as shown on Exhibit No. 1 as "Master Plan Facilities to be constructed by Developer".
- X None required.
3. The following final improvement plans shall be submitted to the District for review prior to final development approval:
- X Grading Plan Storm Drain Plan Final Map
- Street Plan Water & Sewer Plan Other
4. Availability of drainage facilities:
- X a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City of Fresno that runoff can be safely conveyed to the Master Plan inlet(s).
- b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.
- c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.
Temporary service is available through _____
- X d. See Exhibit No. 2.
5. The proposed development:
- Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS
Page 3 of 4

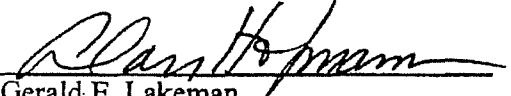
CUP
No. 2006-094R

- _____ Appears to be located within a 500 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District.
- X Does not appear to be located within a flood prone area.
6. _____ The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.
7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.
- a. State General Permit for Storm Water Discharges Associated with Construction Activities, approved August 1999, (modified December 2002.) A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
- b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 1997 (available at the District Office.) A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
NOTICE OF REQUIREMENTS

Page 4 of 4

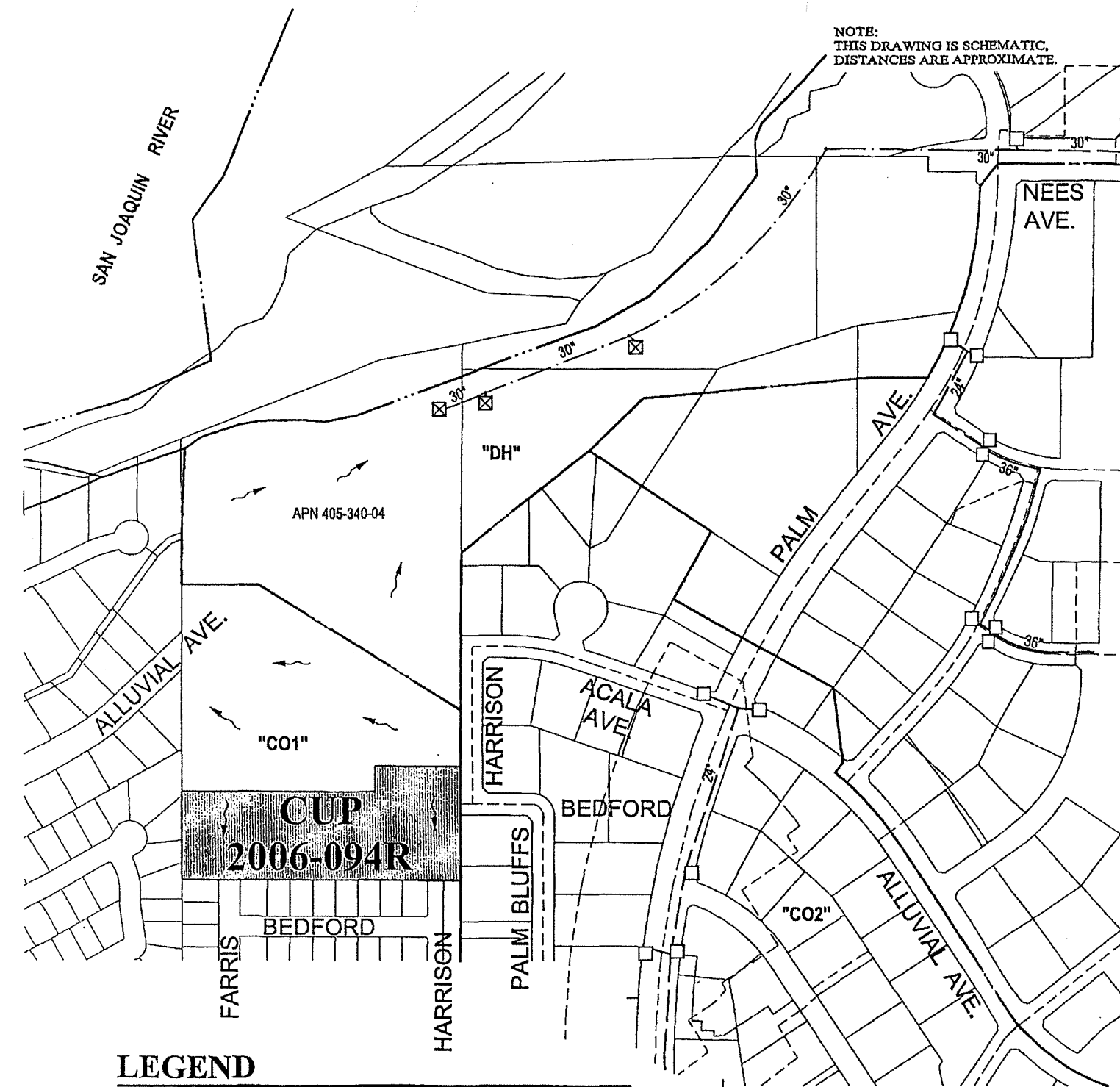
- c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.
10. X See Exhibit No. 2 for additional comments, recommendations and requirements.


Gerald E. Lakeman,
District Engineer


Project Engineer: Rick Lyons

C: -
-
-
-

NOTE:
THIS DRAWING IS SCHEMATIC,
DISTANCES ARE APPROXIMATE.



LEGEND

- ☒ — Future Master Plan Facilities
- — Existing Master Plan Facilities
- ↗ — Direction Of Drainage
- - - - Inlet Boundary
- . . - - Drainage Area Boundary

SCALE = 1"=400'



CUP 2006-094R
DRAINAGE AREAS:
"DH" and "CO1"

EXHIBIT NO. 1

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT



OTHER REQUIREMENTS
EXHIBIT NO. 2

The subject site is located within the District's Drainage Area "CO₁". Runoff from the "CO₁" system will ultimately drain to the San Joaquin River. Drainage runoff from commercial and industrial land uses directly to the river is prohibited by City of Fresno and District policy. The District is therefore requiring on-site mitigation of the runoff quality prior to discharge to the public drainage system. The specific plan and detail of the proposed mitigation must be reviewed and approved by the District prior to implementation. The developer is responsible to implement mitigation features which will maintain compliance with the Local, State, and EPA standards and regulations throughout the life of the project.

The District's existing Master Plan drainage system is designed to serve medium density residential uses and the existing Master Plan storm drainage facilities do not have capacity to serve the proposed storage limited land use. The developer shall be required to mitigate the impacts of the increased runoff from the proposed storage limited land use to a rate that would be expected if developed to medium density residential. The developer may either make improvements to the existing pipeline system to provide additional capacity or may use some type of permanent peak reducing facility in order to eliminate adverse impacts on the existing system. Implementation of the mitigation measures may be deferred until the time of development. Should the developer choose to construct a permanent peak-reducing facility, such a system would be required to reduce runoff from a ten-year storm produced by a storage limited density development, to a two-year discharge, which would be produced by the property if developed medium density residential.

The developer will be required to submit improvement plans to the District for review and approval showing the proposed method of mitigation.

No surface run-off shall be directed towards the bluffs.

In an effort to improve storm water runoff quality, outdoor storage areas shall be constructed and maintained such that material which generates contaminants will not be conveyed by runoff into the storm drain system.

The District encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.

Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be directed through landscaped areas or otherwise treated before discharging it off-site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system. Storm drains receiving untreated runoff from such areas that directly connect to the District's system will not be permitted. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to these requirements. The District's policy governing said industrial site NPDES program requirements are attached.

City of



DEPARTMENT OF PUBLIC UTILITIES

Date: September 02, 2008

To: BRUCE BARNES, Project Manager
Planning and Development Department, Planning

From: CHRIS WEIBERT, Management Analyst II
 Public Utilities Department, Administration

Subject: A-06-006, R-06-032, C-06-094, LLA-2008-011, revised applications have been filed by Sol Development on behalf of Darrels Mini Storage regarding the southern most 5.14 acres of a larger 26.0 acre property located on the west side of North Palm Avenue, between East Alluvial Avenue and the East Nees Avenue Alignment. A-06-006 is requesting to amend the 2025 Fresno General Plan and the Bullard Community Plan from the medium low density residential planned land use designation to the office-commercial planned land use designation. The plan amendment also includes the reclassification of West Alluvial Avenue between North Palm and North Harrison Avenues from a collector street to a local street and remove North Harrison Avenue as a collector street north of West Alluvial Avenue. R-06-032 is requesting a rezone from the AE-20-UGM, Twenty-Acre Agriculture Exclusive-Urban Growth Management, zone district to the S-L-UGM, Storage Limited-Urban Growth Management, zone district. C-06-094 proposes the development of a two phased 110,000 plus square foot mini storage facility that will not contain a caretakers residence. LLA-2008-011 proposes to reconfigure the two existing parcels into resulting in a 21.08 acre parcel and a 5.17 acre parcel.

Does Project Affect Your Agency/Jurisdiction

Yes - Project will be serviced by Solid Waste Division

Suggestions to Reduce Impacts/Address Concerns

Enclosure shall be constructed on a level surface.

Recommended Conditions of Approval

Project will be serviced by Solid Waste Division.

Enclosure shall be built in accordance with current Solid Waste standards.

Two cell trash enclosure required.

Provide access to gates by 5:30 a.m. or provide remote, key or access code.

Additional Information

Location of enclosure is acceptable

PLAN DESIGNATION AND CONSISTENCY	The proposed S-L/UGM zone district is consistent with the proposed plan amendment request to the 2025 Fresno General Plan and Bullard Community Plan planned land use designation for the subject property from the medium low density planned land use designation to the office commercial planned land use designation.
ENVIRONMENTAL FINDING	A Mitigated Negative Declaration was filed with the County Clerks office on October 2, 2008.
PLAN COMMITTEE RECOMMENDATION	On September 22, 2008 the Council District 2 Plan Implementation Committee recommended approval of Plan Amendment No. A-06-06, Rezone Application No.R-06-032 and Conditional Use Permit No. C-06-094.
STAFF RECOMMENDATION	Recommend approval of Conditional Use Permit Application No. C-06-094, subject to Exhibits A, E, and L dated August 28, 2008 and the Conditions of Approval dated November 5, 2008.
PLANNING COMMISSION RECOMMENDATION	N/A
SPECIAL POLICY AREA APPLICABLE POLICIES	N/A
RELATED APPLICATIONS	A-06-06, R-06-032
COVENANTS/ZONING CONDITIONS	N/A
HISTORIC INFORMATION HISTORIC SITE/DISTRICT	N/A

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Land Use
North	Medium Low Density Residential	AE-20/UGM (Twenty Acre Agriculture Exclusive/Urban Growth Management)	Vacant
South	Medium Low Density Residential	R-1/UGM (Single Family Residential/Urban Growth Management)	Single Family Residential
East	Light Industrial	C-M/UGM (Commercial- Light Manufacturing /Urban Growth Management)	Commercial Office
West	Medium Low Density Residential	R-1/UGM (Single Family Residential/Urban Growth Management)	Single Family Residential

ENVIRONMENTAL DOCUMENT

DOCUMENT:

Environmental Assessment filed with County Clerk Date October 2, 2008

Notice Published in Newspaper Date October 14, 2008

Appeal/Comment Period Deadline Date November 5, 2008

Public Hearing:

 Planning Commission Date November 5, 2008

 Council Date NA

DeMinimus Filed with County Clerk and Date N/A

Notice of Determination Filed with County Clerk Date N/A

ENVIRONMENTAL FINDING

An environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the Bullard Community Plan area including the Master Environmental Impact Report (MEIR No. 10130) for the 2025 Fresno General Plan. These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and, student generation projections and school facility site location identification.

The proposed amendment of the adopted 2025 Fresno General Plan, has been determined to not be fully within the scope of MEIR No. 10130 as provided by the California Environmental Quality Act (CEQA), as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). It has been further determined that all applicable mitigation measures of MEIR No. 10130 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Section 15178(a). Therefore, it has been determined that based upon the evidence in the record that the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and recommends adoption of a mitigated negative declaration for this project. A public notice of the attached mitigated negative declaration finding for Environmental Assessment Application No. A-06-06/R-06-32/C-06-94 was published on October 2, 2008.

CONDITIONAL USE PERMIT APPLICATION NO. C-06-094 has been filed by Sol Development on behalf of JDMS Investments (Derrel's Mini-Storage), and pertains to approximately 5.16 acres of a 26 acre property at 7531 N. Harrison Avenue (APN 405-340-05) located west of the corner of the North Harrison Avenue and East Bedford alignments. Conditional Use Permit Application No. C-06-094 requests authorization to construct a 110,456 square foot mini-storage facility that will **not** contain a caretaker's residence. The project will be developed on land that is currently vacant. The subject property is designated low density residential by the 2025 Fresno General Plan and the Bullard Community Plan and is in the AE-20/UGM (Exclusive Twenty Acre Agricultural/Urban Growth Management) zone district. The applicant requests that the southern 5.16 acres of the 26 acre site be designated office commercial planned land use and designated as the S-L/UGM (Storage Limited/UGM) zone district. To complete the project the applicant intends to request approval of Lot Line Adjustment No. LLA-2008-11 which is subject to the Planning Director's approval.

FORMER LANDFILL ADJACENT TO SUBJECT SITE

Post-Closure Land Use Plan

The proposed mini-storage site is located approximately 250 feet south of a former landfill. A detailed report was prepared for the property owner by Technicon Engineering Services in response to concerns by the Fresno County Department of Community Health regarding landfill gases. The extensive report, formally known as the "Post Closure Land Use Plan, A.G. Richter Property, West of Alluvial and Harrison Avenues, Pinedale, California", dated October 8, 2008 was prepared for the landowner. The report was prepared in accordance California Code of Regulations (CCR) Title 27. The report identifies the "footprint" of the former landfill and further indicates soil boring points, gas sampling points, well monitoring locations and gas well locations.

The Fresno County Department of Community Health reviewed the report and, in their letter dated June 27, 2007, had the following comments:

*"The southern parcel, APN 504-304-05, [where the mini-storage facility is being proposed] does not contain waste and is therefore not under Fresno County LEA [Local Enforcement Agency] jurisdiction. The northern parcel, APN 504-403-04 does contain waste and does fall under Title 27 CCR regulations for Solid waste and is therefore under Fresno County LEA jurisdiction. However, construction of residential homes within 1,000 feet of a landfill footprint is **strongly discouraged** due to migration of landfill gases, and health and safety concerns with methane and other landfill gases migrating into residential homes (emphasis added).*

The letter goes on to conclude as follows:

*Again, construction of residential homes within 1,000 feet of a landfill footprint is **strongly discouraged** due to health and safety concerns with landfill gas accumulation inside residential homes (emphasis added).*

Based on the concerns of the Fresno County Department of Community Health, the requested plan amendment to the office commercial land use designation and to the S-L/UGM (Storage Limited/Urban Growth Management) zone district allows for an appropriate and reasonable use of the property and which safeguards the health and safety of the public.

Council District 2 Plan Implementation Advisory Committee

The applicant meet with the Committee on September 22, 2008 and described the proposed project and the reasons a mini-storage facility would be appropriate for the site, i.e. explained that the site would not be appropriate for single family residential due to the site being within 1,000 feet of a former landfill. He also explained that the developer would, for the property owners backing on to the facility, either remove their back fence and tie in the side fences to the new wall or do whatever the adjoining property owner would like him to do. The developer explained that many of the nearby offices would rather store their "office records" in a nearby storage facility than the more expensive office space. Of course, nearby single family customers could also use the storage lockers to meet their storage needs. The Committee recommended approval of the project 5-0 with the condition that the developer work with the adjacent property owners and that the developer make reasonable accommodations for rear yard landscaping in order to "soften" the impact of the proposed 9'2" wall abutting the backyards of the affected properties.

Neighborhood Meeting

The applicant invited all property owners within 1,000 feet of the mini-storage site to a meeting at Nelson Elementary School on September 23, 2008. The applicant and city staff met with approximately 30 neighbors. A number of neighbors that attended would “back onto” the mini-storage facility. The applicant explained that he would accommodate each property owner and remove the back fence and “tie in” their side fences if requested by the property owner. The developer then introduced his construction foreman that would actually be doing the work if the project is approved. Staff explained to the neighbors that “residential” development for the property, as originally designated in the 2025 General Plan, was not a reasonable option given the potential problems with landfill gases accumulating inside residential homes as recommended by the Fresno County Community Health Department.

LAND USE PLANS AND POLICIES

Bullard Community Plan

The subject site is designated for low density residential planned land uses by the Bullard Community Plan. However, due to the potential problems caused by landfill gases from the former landfill, residential development of the site is “strongly discouraged” by the Fresno County Community Health Department. Therefore, it is recommended that the planned land use designation be amended from the low density residential to the office commercial land use designation. In addition to the public health and safety issues, staff has determined that the following policies in the 2025 Fresno General Plan support the plan amendment from the low density residential planned land use to the office commercial planned land use designation as follows:

2025 Fresno General Plan

Policy C-12 Objective

Commercial land use shall be classified, located, sized, and developed to meet needs for goods and services while minimizing travel requirements, infrastructure demands, and adverse impacts.

The proposed mini-storage facility is located ideally to serve the local offices and local residents to meet their storage needs and minimize travel requirements.

Policy C12.a Objective

Ensure that all commercial land uses are developed and maintained in manner complementary to and compatible with adjacent residential land uses, to minimize interface problems with the surrounding environment and to be compatible with public facilities and services.

The mini-storage facility will be a “quiet and secure” neighbor adjacent to and abutting the rear yard of 12 single family homes. The mini-storage facility will operate from 7 a.m. to 7 p.m. seven days a week. The facility will be closed for major holidays such as Christmas and Thanksgiving day. Customer traffic will not be driving through local residential neighborhoods to access facility so the facility is very compatible to the surrounding environment.

Other Agencies

All comments received from the applicable agencies have been incorporated into the Conditions of Approval for Conditional Use Permit Application No. C-0-094. The project will comply with all zoning requirements including setbacks, landscaping and parking requirements, as incorporated into the Conditions of Approval dated November 5, 2008.

FINDINGS PER FRESNO MUNICIPAL CODE SECTION 12-405-A-2	
a. All applicable provisions of this Code are complied with and the site of the proposed use is adequate in size and shape to accommodate said use, and accommodate all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,	
Finding a:	The subject site is approximately 5.16 acres in size and has an adequate amount of space, when developed as required in accordance with the project's site plan and to meet all applicable requirements of the Code, including yards, spaces, walls and fences, parking, landscaping and other required features.
b. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use,	
Finding b:	The proposed mini-storage facility will be accessed from West Alluvial Avenue, a Collector, and North Harrison and Bedford Avenues, local streets. Emergency access will be provided from North Farris Avenue. All special conditions required under Conditional Use Permit Application No. C-06-094 have been incorporated into the Conditions of Approval of the subject application. Furthermore, the Public Works, Traffic Engineering Division reviewed the proposed project and assessed the adjacent streets to ensure that the proposal would not have significant impacts on traffic and the surrounding community.
c. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. The third finding shall not apply to uses that are subject to the provisions of Section 12-306-N of this Code.	
Finding c:	The staff of the Planning and Development Department has determined that the proposed use will not be detrimental to the public welfare or be injurious to property or improvements in the area in which the property is located if developed in accordance with the various conditions/requirements established through the conditional use permit applicant.

CONCLUSION / RECOMMENDATION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan, and the Bullard Community Plan; its compatibility with surrounding existing or proposed uses; and, its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that the proposed Conditional Use Permit Application No. C-06-094 is appropriate for the project site.

CONDITIONS OF APPROVAL

Conditional Use Permit Application No. C-06-094 is approved subject to the following conditions:

1. Development shall take place in accordance with Exhibits A, E, and L dated August 28, 2008.
2. Development shall take place in accordance with the Conditions of Approval, dated November 5, 2008.

Planning Manager Recommendation:

☐ Approval

Date: _____ Signature: _____

☐ Denial

Date: _____ Signature: _____

Department Director Determination:

☐ Approval

Date: _____ Signature: _____

☐ Denial

Date: _____ Signature: _____

**CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT**

**CONDITIONS OF APPROVAL
NOVEMBER 5, 2008**

CONDITIONAL USE PERMIT APPLICATION NO. C-06-094

PART A - PROJECT INFORMATION

1. Assessor's Parcel No: 405-340-05 (southern 5.16 acres)
2. Zone Map No: 1649
3. Job Address: 7531 North Harrison
4. Street Location: Located west corner of the North Harrison Avenue and North Bedford Avenue alignments
5. Existing Zoning: AE-20/UGM (*Exclusive Twenty Acre-Agricultural/Urban Growth Management*)
6. Planned Land Use: Low Density Residential
7. Plan Areas: Bullard Community Plan and the 2025 Fresno General Plan
8. Project Description: Conditional Use Permit Application No. C-06-094 is a request to develop a two-phased 110,456 square foot mini-storage facility that will not include a caretaker's residence. The project will be required to make street and site improvements including landscaping and an irrigation system on approximately 5.16 acres of a larger 26.0 acre property located west of the corner of the North Harrison Avenue and East Bedford Avenue alignments. Lot line Adjustment No. LLA-2008-11 proposes to reconfigure the two existing parcels into a 20.84 acre and a 5.16 acre parcel and is subject to the Planning Director's approval.

PART B - GENERAL CONDITIONS AND REQUIREMENTS

The Planning and Development Director on November 5, 2008, approved the special permit Conditional Use Permit Application No. C-0-094, subject to Exhibits A, E, and L dated August 28, 2008 and the Conditions of Approval dated November 5, 2008.

City of Fresno Planning & Development Department has prepared a Mitigated Negative Declaration, which incorporates an Initial Study and Mitigation Monitoring Checklist (see part F, Miscellaneous, below). This environmental finding was posted with the Fresno County Clerk on October 2, 2008.

No further environmental assessment will be needed at this time.

To complete the back-check process for building permit relative to planning and zoning issues, submit eight copies of this corrected, final site plan, together with six copies of the elevations, landscape, and irrigation plans, and any required covenants and/or studies or analyses to the Planning Division, Current Planning Section, for final review and approval, ten days before applying for building permits.

Copies of this final approved site plan, elevations, landscape, and irrigation plans stamped by the Planning Division must be substituted for unstamped copies of same in each of the four sets of construction plans submitted for plan check prior to issuance of building permits. The final approved site plan must also include all corrections identified in the plan check process.

Be advised that on-site inspections will not be authorized unless the final stamped approved site plan, elevations, landscape, and irrigation plans are included in the plan check file copy.

Please call for an appointment for final sign-off for building permits following your receipt and substitution of the four copies of the stamped, corrected, approved exhibits in the plan check sets. Contact Bruce Barnes at (559) 621-8047 or via e-mail at Bruce.Barnes@fresno.gov to schedule an appointment.

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through site plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval are listed in the last section of this list of conditions under the heading "Part F - Miscellaneous" and may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings pursuant to Fresno Municipal Code (FMC) Section 12-405.A can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Planning and Development Director within 15 days.

In the event you wish to appeal the Director's decision or discretionary conditions of approval, you may do so by filing a written appeal with the Director. The appeal shall include a statement of your interest in or relationship to the subject property, the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld. Your appeal must be filed by November 20, 2008.

Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose

and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:

1. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
2. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property;
3. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.

Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. The Planning and Development Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.

No uses of land, buildings, or structures other than those specifically approved pursuant to this site plan shall be permitted. **(Include this note on the site plan.)**

Transfer all red line notes, etc., shown on all original site plan exhibits (dated August 28, 2008) to the final site plan. CORRECTIONS SHALL INCLUDE ALL THOSE LISTED IN THIS DOCUMENT AND THOSE LISTED IN THE CORRECTION LIST PROVIDED BY THE PLAN CHECK PROCESS.

The exercise of rights granted by this special permit must be commenced by November 5, 2012 (four years from the date of Director approval). There is no exception.

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservation or exactions imposed on the development project.

This notice does not apply to those fees, dedications, reservations or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

PART C - PUBLIC IMPROVEMENT REQUIREMENTS

The following requirements are based on city records and the accuracy of the existing and proposed on-site and off-site conditions depicted on the exhibits submitted. Requirements not addressed due to omission or misrepresentation of information, for which this review process is dependent, will be imposed whenever such conditions are disclosed. Questions relating to dedications, street improvements or off-street parking lot geometrics may be directed to Greg Jenness at (559) 621-8812 of the Public Works Department, Engineering Division.

STREET ENCROACHMENT PERMITS, DEDICATIONS AND VACATIONS

- a) Exhibit A is required to include all street furniture, e.g.: public utility poles and boxes, guy wires, signs, fire hydrants, bus stop benches, mail boxes, news stands, trash receptacles, tree wells, etc., within the existing and proposed public rights of way. Identify the required four feet minimum path of travel along the public sidewalk directly in front of the property, as required by the California Administration Code (Title 24). A pedestrian easement may be required if Title 24 requirements cannot be met.
- b) The construction of any overhead, surface or sub-surface and appurtenances in the public rights-of-way is prohibited unless an encroachment permit is approved by the Public Works Department, Engineering Division, Special Districts/Projects and Rights-of-Way Section. Encroachment permits must be approved prior to the issuance of building permits. Please call (559) 621-8693 for additional information.

STREET IMPROVEMENTS

All improvements shall be constructed in accordance with the Standard Specifications and Standard Drawings of the City of Fresno, Public Works Department or street construction plans required and approved by the City Engineer. The performance of any work within the public street rights-of-way (including pedestrian, water and sewer utility easements) requires a Street Work Permit issued by the Public Works Department, Engineering Services Division, prior to commencement of the work. Contact the Public Works Department, Engineering Services Section at (559) 621-8686 for detailed information. All required street improvements must be completed and accepted by the City prior to occupancy.

- a) Repair all damaged and/or off grade off-site concrete improvements as determined by the Public Works Department, Construction Management Division. For additional information you may call (559) 621-5500.
- b) Install streetlights, served underground, on all frontages to City Standards. The Public Works Department Engineering Division, (559) 621-8800, prior to street light installation, must approve street lighting plans. Plans shall be prepared by a registered civil engineer -or- show the existing street light locations on the plans, and that they are constructed per current City of Fresno Public Works Standards.
- c) Install a concrete pedestrian walkway behind all driveway approaches as identified on Exhibit "A". Asphalt concrete paving per City of Fresno Public Works Standard Drawing

P-41 may be substituted for concrete. (Refer to City of Fresno Public Works Standard Drawings P-1 through P-3 for additional information).

- d) Submit the following as a single package to the Public Works Department Engineering Division, Plan Check and GIS Mapping Section for review and approval, prior to issuance of building and street work permits: Street Improvement Plans, Signing and Striping Plans, Street Lighting Plans and Landscape and Irrigation Plans. For additional information call (559) 621-8682.

OFF-STREET PARKING FACILITIES AND GEOMETRICS

- a) Off-Street (on-site) parking facilities and geometrics shall conform to the City of Fresno, Public Works Department, Parking Manual and City of Fresno Public Works Standard Drawings P-41, P-42 and P-43.
- b) Provide parking space needs, circulation, access, directional signs (e. g. "Entrance," "Exit," "Right Turn Only," "One Way signs, etc.) as noted on Exhibit "A."

SURVEY MONUMENTS AND PARCEL CONFIGURATION

- a) All survey monuments within the area of construction shall be preserved and if disturbed, shall be reset by a person licensed to practice land surveying in the State of California.

URBAN GROWTH MANAGEMENT MAJOR STREET REQUIREMENTS

- a) The project site is located within an Urban Growth Management (UGM) Major Street Zone area.

PART D - PLANNING/ZONING REQUIREMENTS

1) PLANNING

- a) Development is subject to the following plans and policies:
 - i) S-L/UGM (*Storage Limited/Urban Growth Management*)
 - ii) Bullard Community Plan
 - iii) 2025 Fresno General Plan

2) POPULATION DENSITY (Residential Projects)

- a) Not applicable, this is not a residential project.

3) PROPERTY REZONING

The parcel (southern 5.16 acres of APN #405-340-05) is currently zoned AE-20/UGM (*Exclusive Twenty Acre-Agricultural/Urban Growth Management*). Development of the project is proposed in accordance with the S-L/UGM zoning district requested under Rezone Application No. R-06-032 which is permitted in the requested office commercial planned land use designation

requested under A-06-06.

4) BUILDING HEIGHT

- a) The height of the building shall not exceed 11 feet, which is within the height limitations of the zone district.

5) BUILDING SETBACK, OPEN SPACES AND LANDSCAPING

- a) Provide the following minimum building setbacks:
 - i) Comply with setback requirements as depicted and required per Fresno Municipal Code (FMC) § Section 12.226 14-E.
 - ii) Where "S-L" District adjoins a street, or where the building are not located on the property line, a yard of no less than 10 feet shall be provided, landscaped and maintained in accordance with paragraph j of subsection 12-306-N-24.
- b) No structures of any kind (*including free standing signs and/or fences*) may be installed or maintained within the above-landscaped areas. No exposed utility boxes, transformers, meters, piping (excepting the backflow prevention device), etc., are allowed to be located in the landscape areas or setbacks or on the street frontages of the buildings. All transformers, etc., shall be shown on the site plan. The backflow device shall be screened by landscaping or such other means as may be approved (**Include this note on the site plan**).

6) SPACE BETWEEN BUILDINGS

- a) No requirements for nonresidential buildings.

7) FENCES, HEDGES, AND WALLS

- a) All fences, hedges and walls shall conform to the provisions of Section 12-306-H. Temporary fences to secure projects under construction are allowed.
- b) A storage building located on the property line may be used as a required wall.
- c) A wrought iron fence or gate or an approved equivalent shall be required at the entrance to the facility, to be placed behind the required front yard setback. The fence or gate shall be equipped with a police/fire bypass key system.

8) OFF-STREET PARKING

- a) A minimum of 1 automobile handicap parking space is required per State of California Building Code, "Development Requirements for Handicapped Accessibility." Exhibit A, dated August 28, 2008 depicts 3 automobile parking spaces.

- b) All handicapped stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the Municipal Code shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles. **(Include this note on the site plan.)**
- c) All handicapped parking stalls shall be placed adjacent to facility access ramps or in strategic areas where the handicapped shall not have to wheel or walk behind parked vehicles while traveling to or from handicapped parking stalls and ramps. **(Include this note on the site plan.)**

9) LIGHTING

- a) Applicant shall hood and direct all lighting of the facility away from all nearby residential properties. This will be an ongoing requirement and will remain the applicant and owner's responsibility to address and resolve any complaints from neighboring property owners regarding the lighting. A new street light will be required at the throat of the new cul-de-sac on North Farris Avenue.

10) ACCESS

- a) There shall be vehicular access from North Harrison Avenue (near the intersection of West Bedford). Emergency access shall be provided at North Farris Avenue via a new "modified cul-de-sac. The cul-de-sac shall be constructed to accommodate a three-point turn so the City's solid waste truck can pick up the three refuse containers from the northwestern most home on North Farris Avenue. The design of the access points shall be approved by the Department of Public Works.

11) OUTDOOR ADVERTISING

- a) Signs, other than directional signs, if applicable, are not approved for installation as part of this special permit. **(Include this note on the site plan.)** Should additional signs be required, the applicant must submit for a Sign Review Permit. Applications and requirements for submittal are available at the Planning Division's Public Front Counter.

12) OTHER REQUIREMENTS

- a) Applicant shall be responsible to maintain the area between the mini-storage wall and the property line of the adjacent single-family homes free of weeds and vermin.

PART E - CITY AND OTHER SERVICES

13) FIRE PROTECTION REQUIREMENTS

- a) All gates on common access drives shall be equipped with approved Police/Fire bypass locks (Best Locks: Padlock 21B700 Series or Cylinder Lock 1w7B2). Gates/fences shall not obstruct the minimum width required for fire lanes.
- b) Comply with the City of Fresno Fire Department memorandum, dated September 3, 2008.

14) TRANSPORTATION/TRAFFIC PLANNING REQUIREMENTS

- a) Comply with City of Fresno Public Works Traffic Division memorandum dated October 22, 2008 and Exhibit A, dated August 28, 2008.

15) FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

- a) Comply with the Fresno Metropolitan Flood Control District memorandum dated September 9, 2008. This shall include the \$34, 591 Drainage Area fee.

16) SOLID WASTE COLLECTION

- a) Comply with the requirements of the attached Public Utilities memorandum, dated September 2, 2008.

17) SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

- a) Comply with letter from the San Joaquin Valley Air Pollution Control District (SJVAPCD) dated September 22, 2008.

18) PINEDALE COUNTY WATER DISTRICT AND PINEDALE PUBIC UTILITIES DISTRICT

- a) Comply with Memorandum from the Pinedale County Water District dated September 25, 2008, unless the applicant seeks detachment from the District through the Fresno Local Agency Formation Commission in which case the applicant shall secure water from the City of Fresno. Connect sewer line to Pinedale Public Utility District, unless the applicant seeks detachment from the District through the Fresno Local Agency Formation Commission in which case the applicant shall secure sewer from the City of Fresno.

19) CLOVIS UNIFIED SCHOOL DISTRICT

- a) Comply with letter from Clovis Unified School District dated September 16, 2008 and pay required school facilities fee.

20) FRESNO COUNTY DEPARTMENT OF COMMUNITY HEALTH

- a) Comply with letter dated September 8, 2008, including requirements of the California Integrated Waste Management Board as it relates to the Closure/Postclosure Plan for the development of the northern 21.08 acres.

21) DISTRICT 2 IMPLEMENTATION COMMITTEE

- a) Applicant is required to address the concerns of the committee as stated in the Council District 2 Plan Implementation Committee Project Record dated September 22, 2008 related to making reasonable accommodations for landscaping to soften the effect of the 9-foot-2 inch wall abutting the backyards of the affected residential properties.

leave it alone. Nobody knows what it means.

22) DEPARTMENT OF PUBLIC WORKS, STREET TREE REQUIREMENTS

- a) Comply with the attached Department of Public Works, street tree requirement memorandum dated September 2, 2008. Applicant shall resubmit the landscape plans to depict these requirements.

23) CALTRANS

- a) Comply with letter from Caltrans dated October 27, 2008 including payment of \$1,251 to Caltrans.

PART F - MISCELLANEOUS

Approval of this site plan is contingent upon the submittal of corrected site plans showing all existing/proposed on-site conditions as reflected on all exhibits (dated August 28, 2008) and the following:

- 1) Include a color and material schedule on the site plan and the elevations for the exterior of all proposed buildings.
- 2) Roof-mounted and detached mechanical equipment shall be screened from view and acoustically baffled to prevent the noise level rating for the equipment from exceeding 55 Ldn measured at the nearest property line. **(Include this note on the site plan.)**
- 3) If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately. **(Include this note on the site plan.)**
- 4) If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: 916/653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: 805/644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archaeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation. **(Include this note on the site plan.)**
- 5) If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. A paleontologist shall conduct an assessment and, if the paleontologist determines the material to be significant, it shall be preserved. **(Include this note on the site plan.)**

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed in writing to the Planning and Development Department Director within 15 days.



Date: September 03, 2008

To: BRUCE BARNES, Project Manager
Planning and Development Department , Planning

From: RICHARD FULTZ, Senior Fire Prevention Inspector
Fire Department, Fire Prevention & Investigative Services

Subject: A-06-006, R-06-032, C-06-094, LLA-2008-011, revised applications have been filed by Sol Development on behalf of Darrels Mini Storage regarding the southern most 5.14 acres of a larger 26.0 acre property located on the west side of North Palm Avenue, between East Alluvial Avenue and the East Nees Avenue Alignment. A-06-006 is requesting to amend the 2025 Fresno General Plan and the Bullard Community Plan from the medium low density residential planned land use designation to the office-commercial planned land use designation. The plan amendment also includes the reclassification of West Alluvial Avenue between North Palm and North Harrison Avenues from a collector street to a local street and remove North Harrison Avenue as a collector street north of West Alluvial Avenue. R-06-032 is requesting a rezone from the AE-20-UGM, Twenty-Acre Agriculture Exclusive-Urban Growth Management, zone district to the S-L-UGM, Storage Limited-Urban Growth Management, zone district. C-06-094 proposes the development of a two phased 110,000 plus square foot mini storage facility that will not contain a caretakers residence. LLA-2008-011 proposes to reconfigure the two existing parcels into resulting in a 21.08 acre parcel and a 5.17 acre parcel.

General

Streets highlighted on the plan shall be identified as fire lanes as provided in the California Vehicle Code, Section 22500.1. Designate highlighted curbs as fire lanes (red curb with "Fire Lane" in 3" white letters every 50 feet or approved signs every 50 feet).

Provide sign(s) (17" X 22" minimum) at all public entrance drives to the property "Warning - Vehicles stopped, parked or left standing in fire lanes will be immediately removed at owner's expense - 22658 California Vehicle Code - Fresno Police Department 621-2300."

This plan was originally submitted prior to the change in fire department access requirements. Future projects will need to meet the following requirement: Turns in private drives for emergency vehicle access shall have minimum 44 foot centerline turn radius.



CONDITIONAL USE PERMIT
APPLICATION NO.

C-06-094

November 5, 2008 <i>Date Accepted</i>	Bruce Barnes	06-628	\$6,286
May 1, 2006 Staff Review Completed:	Staff Analyst	HTE PZ No.	Fee

PROJECT INFORMATION

PROJECT	Conditional Use Permit Application No. C-06-094 is a request to develop a two-phased 110,456 square foot mini-storage facility that will not include a caretaker's residence. The project will be required to make street and site improvements including landscaping and an irrigation system on approximately 5.16 acres of a larger 26.0 acre property located west of the corner of the North Harrison Avenue and East Bedford Avenue alignments.
APPLICANT	Sol Development Associates, LLC 906 N Street #100 Fresno, CA 93721
LOCATION	West corner of the North Harrison Avenue and North Bedford Avenue alignments (7531 North Harrison) (southern 5.16 acres of APN #405-340-05) (Council District 2, Councilmember Calhoun)
SITE SIZE	5.16 acres
LAND USE	Existing - Undeveloped Proposed - 110,456 square foot mini-storage facility with no on-site caretaker's residence
ZONING	Proposed rezone from AE-20/UGM (<i>Exclusive Twenty Acre-Agricultural/Urban Growth Management</i>) zone district to S-L (<i>Storage Limited/Urban Growth Management</i>) zone district

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL DOCUMENT
AND TAX STATEMENT TO:
Cotdale L.P.
3265 West Ashlan Avenue
Fresno, CA 93722



FRESNO County Recorder
Robert C. Werner
DOC- 2009-0010227
Acct 5-First American Title Insurance Company
Wednesday, JAN 28, 2009 08:00:00
Ttl Pd \$766.30 Nbr-0002919670
APR/R1/1-3

Space Above This Line for Recorder's Use Only

A.P.N.: PORTION OF APN 405-640-05

File No.: 1004-997856 (DE)

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$**751.30**; CITY TRANSFER TAX \$**NONE**;
SURVEY MONUMENT FEE \$**NONE**

- [☒] computed on the consideration or full value of property conveyed, OR
[☐] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
[☐] unincorporated area; [☒] City of **FRESNO**, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **NORTH PALM INVESTORS, A CALIFORNIA GENERAL PARTNERSHIP**

hereby GRANTS to **COTDALE L.P., A CALIFORNIA LIMITED PARTNERSHIP**

the following described property in the City of **FRESNO**, County of **Fresno**, State of **California**:

Parcel B of Lot Line Adjustment No. 2008-11, recorded January 15, 2009 as Document No. 2008-0004849 of Official Records of Fresno County, and more particularly described as follows:

That portion of Outlot "A" of Parcel Map No. 77-23, in the City of Fresno, County of Fresno, State of California, according to the map thereof recorded in Book 24 at Pages 81 and 82 of Parcels Maps, Fresno County Records, described as follows:

BEGINNING at the Southeast corner of said Outlot "A"; thence North 89° 51' 00" West, along the South line of said Outlot "A", a distance of 803.17 feet to the Southwest corner of said Outlot "A"; thence North 00° 02' 48" West, along the Westerly line of said Outlot "A", a distance of 256.84 feet to a point on a line that is parallel with and 256.84 feet North of the South line of said Outlot "A"; thence South 89° 51' 00" East, along said parallel line, a distance of 555.70 feet; thence North 00° 09' 08" East, a distance of 74.96 feet to a point on a line that is parallel with and 331.80 feet North of said South line; thence South 89° 51' 00" East, along last said parallel line, a distance of 248.80 feet to a point on the Easterly line of said Outlot "A"; thence South 00° 14' 00" West, along said Easterly line, a distance of 331.80 feet to the Point of Beginning.

Grant Deed - continued

Date: **01/26/2009**

A.P.N.: PORTION OF APN 405-640-05

File No.: 1004-997856 (DE)

Dated: **01/26/2009**

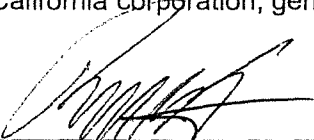
NORTH PALM INVESTORS, A CALIFORNIA
GENERAL PARTNERSHIP

By: Central Pacific Investments
Corporation, general partner



By: Steve Lutton, Secretary/Treasurer

By: North Palm Partners, L.P., general
partner By: Russell G. Smith, Inc., a
California corporation, general partner



By: Russell G. Smith, President

CALIFORNIA ACKNOWLEDGEMENT

STATE OF CALIFORNIA
COUNTY OF FRESNO

On JANUARY 27, 2009 before me DARRYL EVANS, NOTARY PUBLIC,

personally appeared RUSSELL G. SMITH AND STEVE LUTTON
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

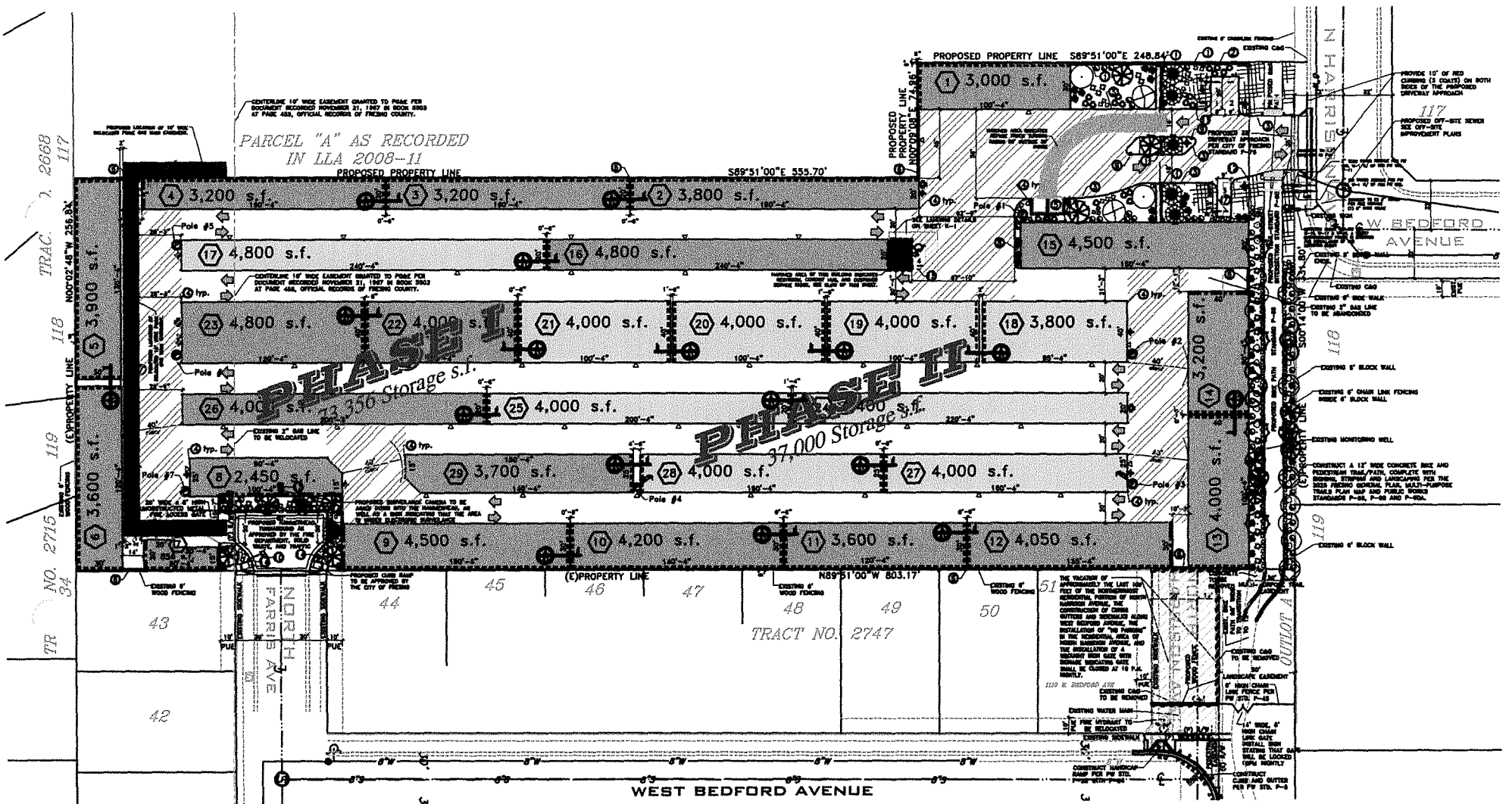


Signature

Darryl Evans

(Seal)

3



RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL DOCUMENT
AND TAX STATEMENT TO:
Cotdale L.P.
3265 West Ashlan Avenue
Fresno, CA 93722

FRESNO County Recorder
Robert C. Werner
DOC- 2009-0010227
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APR/R1/1-3

Space Above This Line for Recorder's Use Only

A.P.N.: PORTION OF APN 405-640-05

File No.: 1004-997856 (DE)

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$751.30; CITY TRANSFER TAX \$NONE;
SURVEY MONUMENT FEE \$NONE

- [X] computed on the consideration or full value of property conveyed, OR
[] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
[] unincorporated area; [X] City of FRESNO, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, NORTH PALM INVESTORS, A
CALIFORNIA GENERAL PARTNERSHIP

hereby GRANTS to COTDALE L.P., A CALIFORNIA LIMITED PARTNERSHIP

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Parcel B of Lot Line Adjustment No. 2008-11, recorded January 15, 2009 as Document No.
2008-0004849 of Official Records of Fresno County, and more particularly described as
follows:

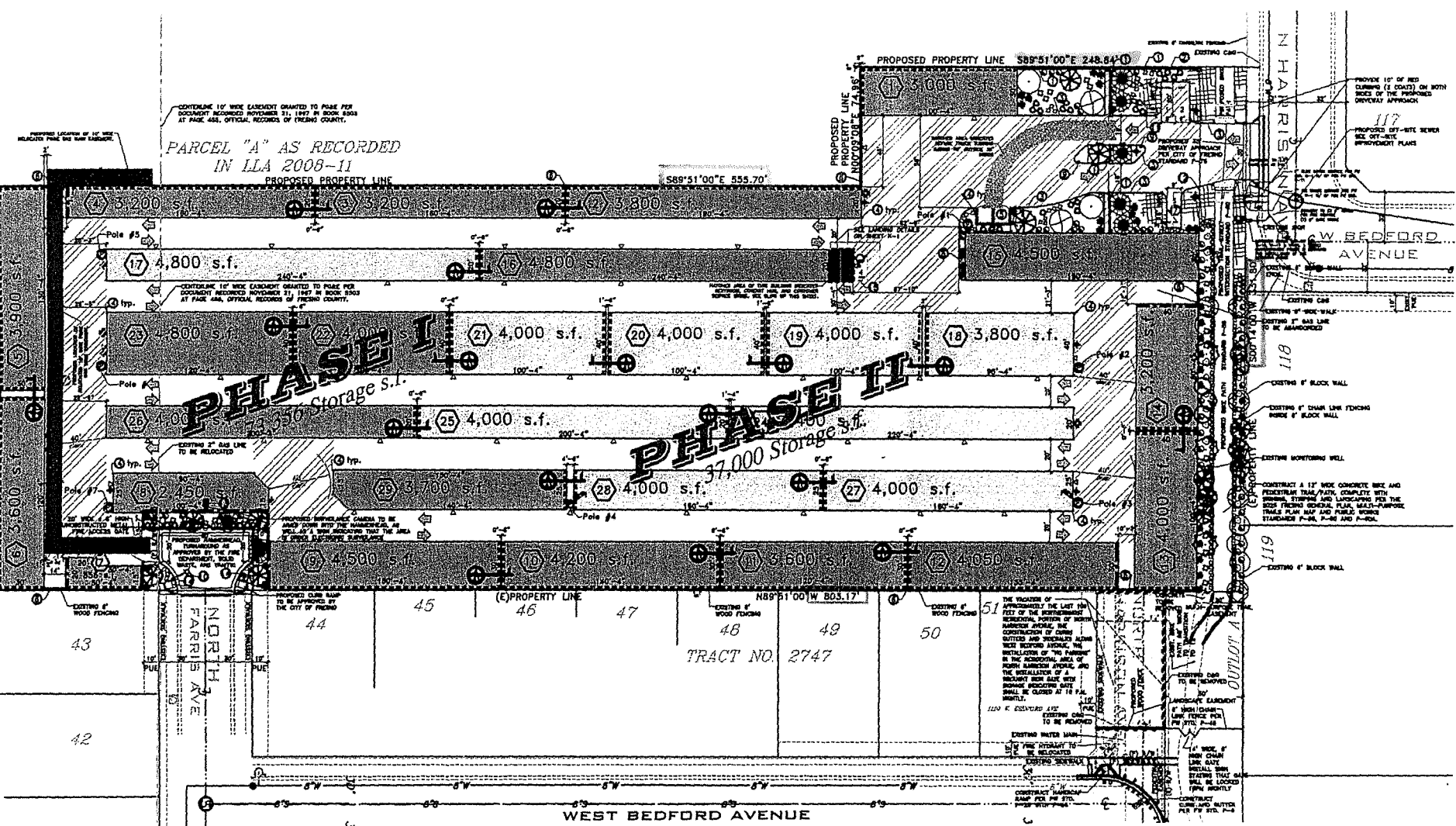
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East, along last said parallel line, a distance of 248.80 feet to a point on the Easterly line of
said Outlot "A"; thence South 00° 14' 00" West, along said Easterly line, a distance of 331.80
feet to the Point of Beginning.

Samantha,

This map & legal would not 'fly' with the SBE but they
are adequate for this package.

Ronnick Katerne
7/29/09





REPORT TO THE PLANNING COMMISSION

AGENDA ITEM NO. VIII-A

COMMISSION MEETING 11/5/08

APPROVED BY


DEPARTMENT DIRECTOR

November 5, 2008

FROM: DARRELL UNRUH, Planning Manager 
Planning and Development Department

BY: BRUCE BARNES, Project Manager 
Planning Division

SUBJECT: CONSIDERATION OF PLAN AMENDMENT APPLICATION NO. A-06-06,
REZONE APPLICATION NO. R-06-032, CONDITIONAL USE PERMIT NO.
C-06-94 AND RELATED ENVIRONMENTAL FINDING FOR
ENVIRONMENTAL ASSESSMENT NO. A-06-06/R-06-032/C-06-094

EXECUTIVE SUMMARY

Plan Amendment Application No. A-06-06, Rezoning Application No. R-06-32 and Conditional Use Permit No. C-06-094 filed by JDMS Investments (Derrel's Mini-storage), pertain to approximately 5.16 acres of a larger 26.0 acre property located west of the corner of the North Harrison Avenue and East Bedford Avenue alignments. The plan amendment application requests a change in the 2025 Fresno General Plan and the Bullard Community Plan from the medium low density residential planned land use designation to the commercial office planned land use designation. The rezone application requests the site be redesignated from AE-20/UGM (*Twenty Acre Agriculture Exclusive/Urban Growth Management*) zone district to the S-L/UGM (*Storage Limited /Urban Growth Management*) zone district. The applicant has also submitted Conditional Use Permit Application No. C-06-94, which proposes the development of a two-phased 110,456 square foot mini-storage facility that will not contain a caretaker's residence. To complete the project the applicant intends to request approval of Lot Line Adjustment No. LLA-2008-11 which is subject to the Planning Director's approval.

The northern portion of the 26 acre site was previously a landfill. In the Post-Closure Report, dated October 8, 2008, the Fresno County Department of Community Health "strongly discouraged" the construction of residential homes within 1,000 feet of the landfill footprint due to health and safety concerns related to potential migration of methane and other landfill gases into residential homes. The proposed mini-storage site is located approximately 250 feet south of the landfill. The request to develop a mini-storage facility, which would not contain a caretaker's residence, would be appropriate for this site.

PROJECT INFORMATION

PROJECT

Plan Amendment Application No. A-06-06 and Rezone Application No. R-06-32 pertain to approximately 5.16 acres of a larger 26.0 acre property located west of the North Harrison Avenue and East Bedford Avenue alignments. It is proposed that the planned land uses of the 2025 Fresno General Plan and Bullard Community Plan be change from the medium low density residential land use designation to the commercial office land use designation. The related rezone application would change the project site's AE-20/UGM (*Twenty Acre Agriculture Exclusive/Urban Growth Management*) zone district to the S-L/UGM (*Storage Limited /Urban Growth Management*) zone district. The related Conditional Use Permit Application No. C-06-94, would authorize the development of a two-phased 110,456 square foot mini storage facility that will not contain a caretaker's residence.

APPLICANT	JDMS Investments
AGENT	Sol Development
PROPERTY OWNER	Lisa Lepper ?
LOCATION	West corner of the North Harrison Avenue and North Bedford Avenue alignments (Council District 2, Councilmember Calhoun).
SITE SIZE	Approximately 5.16 acres of a larger 26.0 acre property
LAND USE	Existing - Vacant Proposed - The development of a two-phased 110,456 square foot mini-storage facility that will not contain a caretaker's residence.
ZONING	Existing - AE-20/UGM <i>(Twenty Acre Agriculture Exclusive/Urban Growth Management)</i> Proposed - S-L/UGM <i>(Storage Limited /Urban Growth Management)</i>
PLAN DESIGNATION AND CONSISTENCY	The proposed S-L/UGM zone district is consistent with the proposed plan amendment request to amend the 2025 Fresno General Plan and Bullard Community Plan planned land use designation for the subject property from the medium low density residential planned land use designation to the commercial office planned land use designation.
ENVIRONMENTAL FINDING	Finding of Mitigated Negative Declaration filed on October 2, 2008 (see attached)
PLAN COMMITTEE RECOMMENDATION	The Council District 2 Implementation Committee recommended approval of the requested plan amendment, rezone and conditional use permit applications at its meeting held on September 22, 2008 (attached).
STAFF RECOMMENDATION	Recommend approval of Plan Amendment Application No. A-06-06, Rezone Application No. R-06-032, Conditional Use Permit No. C-06-094 and Environmental Assessment No. A-06-06/R-06-032/C-06-094 to the City Council.

BORDERING PROPERTY INFORMATION

	Planned Land Use	Existing Zoning	Existing Use
North	Medium Low Density Residential	AE-20/UGM (Twenty Acre Agriculture Exclusive/Urban Growth Management)	Vacant
South	Medium Low Density Residential	R-1/UGM (Single Family Residential//Urban Growth Management)	Single Family Residential
East	Light Industrial	C-M/UGM (Commercial and Light Manufacturing/Urban Growth Management)	Commercial Office
West	Medium Low Density Residential	R-1/UGM (Single Family Residential//Urban Growth Management)	Single Family Residential

ENVIRONMENTAL FINDING

An environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the Bullard Community Plan area including the Master Environmental Impact Report (MEIR No. 10130) for the 2025 Fresno General Plan. These environmental and technical studies have examined projected sewage generation rates of planned urban uses, the capacity of existing sanitary sewer collection and treatment facilities, and optimum alternatives for increasing capacities; groundwater aquifer resource conditions; water supply production and distribution system capacities; traffic carrying capacity of the planned major street system; and, student generation projections and school facility site location identification.

The proposed amendment of the adopted 2025 Fresno General Plan, has been determined to not be fully within the scope of MEIR No. 10130 as provided by the California Environmental Quality Act (CEQA), as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). It has been further determined that all applicable mitigation measures of MEIR No. 10130 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Section 15178(a). Therefore, it has been determined that based upon the evidence in the record that the project will not have a significant impact on the

environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Based upon the attached environmental assessment and the list of identified mitigation measures, staff has determined that there is no evidence in the record that the project may have a significant effect on the environment and recommends adoption of a mitigated negative declaration for this project. A public notice of the attached mitigated negative declaration finding for Environmental Assessment Application No. A-06-06/R-06-32/C-06-94 was published on October 14, 2008.

BACKGROUND / ANALYSIS

Plan Amendment Application No. A-06-06 and Rezone Application No. R-06-032 filed by JDMS Investments, pertain to approximately 5.16 acres of a larger 26.0 acre property located west of the corner of the North Harrison Avenue and West Bedford alignments. Approval of the plan amendment and rezone applications will allow consideration of a two-phased 110,456 square foot mini storage facility that will not contain a caretaker's residence as provided by related Conditional Use Permit Application No. C-06-094.

Plans and Policies

Plan Amendment Application No. A-06-06 requests a change in the 2025 Fresno General Plan and the Bullard Community Plan to redesignate the subject property from the medium low density residential planned land use designation to the commercial office planned land use designation.

The Bullard Community Plan, reaffirmed with the 2025 Fresno General Plan, adopted November 19, 2002, specifies medium low density residential land uses for the 5.16 acre site and surrounding area. The site's current zoning, however, is AE-20/UGM (*Exclusive Agricultural, 20-Acre Minimum Parcel Size/Urban Growth Management*) reflecting Fresno County's policy of using 20-acre agricultural zoning on the urban fringe within the City of Fresno's Sphere of Influence until such time as it is proposed to be developed.

Landfill Gases

The proposed project requests a change in the planned land use designation of the 2025 Fresno General Plan and the Bullard Community Plan from the medium low density residential planned land use designation to the commercial office planned land use designation. The proposed change in land use is appropriate due to the recommendation from the County Community Health Department that "strongly discouraged" residential homes within 1,000 feet of a former landfill for health and safety reasons related to the potential migration of methane and other landfill gases into residential homes thus making the proposed mini-storage use suitable for the site.

In addition, the change in land use is not as significant because it will be compatible with the adjacent light industrial and office development located to the east of the site while also providing storage units close to the surrounding commercial, residential and industrial development. Travel distance between residential, commercial and industrial uses in the area will be reduced by locating this facility in proximity to the neighborhoods it will serve. The businesses in the area will be able to store office records, office furniture and other business storage needs in a less expensive mini-storage locker, rather than the more expensive office space. Aesthetic considerations are managed by the development standards of the S-L zone district General Plan.

Objective C-12 states that *"Commercial land uses shall be classified, located, sized, and developed to meet the needs for goods and services while minimizing travel requirements, infrastructure demands, and adverse impacts."* Also, General Plan Policy C-12-a is to *"Ensure that all commercial land uses are developed and maintained in a manner complementary to and compatible with adjacent residential land uses, to minimize interface problems with the surrounding environment and to be compatible with public facilities and services."* Section 4.2.3 of the Bullard Community Plan, Goal 2. states that *"new commercial land use designations should be distributed at logical, marketable, convenient and accessible locations"*. The proposed land use is consistent with these 2025 Fresno General Plan and Bullard Community Plan goals, policies and objectives in that the proposed land use will provide necessary services close to office and residential areas which require these services; reduce travel distances; be compatible with the surrounding land uses; be located in a convenient and accessible location; and be consistent with the infill goals of the plans.

Multi-Purpose Trail

The approval of this project will continue to implement another segment of the Multi-Purpose Trail Plan along the west side of North Harrison Avenue which the developer will be required to install. This trail will ultimately provide access to the San Joaquin River bottom.

The General Plan requires that there is assurance that public facilities and services will be provided to accommodate demand increases or characteristics (peak factors, disruptive traffic movements, fire suppression water demands, *et al.*) in a manner that will maintain an acceptable level of service to the proposed use and surrounding community in accordance with adopted plans and policies and development standards. The Pinedale County Water District, Pinedale Public Utilities District and City of Fresno Public Works Department made the necessary sewer, water, and traffic capacity findings for this project and have imposed Urban Growth Management and project conditions necessary to ensure that this project contributes its share toward completion of the urban service network.

Based upon previous actions and the applicability of adopted development standards, plan policies/implementation measures, and applicable mitigation measures of the above-referenced environmental documents, it is concluded that consideration of the proposed land use relationship will further promote the achievement of the overall urban form/land use objectives of the 2025 Fresno General Plan, and that the proposed project will have a less than significant impact upon the area's land use.

Circulation

East Alluvial Avenue, a 2-lane undivided local industrial street, and North Harrison Avenue, a 2-lane local street, will provide primary access to the site. Therefore, access to the site will not be through the existing residential neighborhoods to south and west of the proposed project so there will be no traffic related traffic impacts to these residential neighborhoods. The City's street plans are the product of careful planning that projects traffic capacity needs based on the planned land uses anticipated at build-out of the planned area and are intended to provide sufficient access to support planned development of adjacent properties as well as affording the community an adequate and efficient circulation system.

The Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan (incorporated herein by reference) utilized macro-level traffic analysis techniques to examine the traffic flow level of service (LOS) for major street segments that would occur in the year 2025. This analysis utilized the unadjusted COG traffic model projected traffic volumes and the Florida Tables, which are an accepted national tabular standard of the Highway Capacity Manual (HCM) methodology. LOS is a characterization of a street's traffic flow operations that range from a LOS of A (reflecting a very low traffic volume with no travel delay) to a LOS of F (reflecting a very high traffic volume with substantial congestion and travel delay).

The developer of this project, in accordance with the mitigation measures of the Master Environmental Impact Report (No. 10130) which was certified by the Council with the adoption of the 2025 Fresno General Plan, will be required to pay impact fees specific to the traffic signalization of the major street intersections. The Traffic Signal Mitigation (TSMI) Fee of \$45.98 per ADT, payable at the time of building permit, is based on the trip generation rates set forth in the latest edition of the ITE Trip Generation Manual. The property owner/developer is required to pay the TSMI fee for this project, which is based on ~~275 ADT and equals \$12,644.50~~ ¹⁵⁷ ~~\$7,218.86~~ ^{SEE 11-5-08 memo from Barnes to P.C.}

Along with other cities and Fresno County, the City of Fresno has partnered with the Fresno County Council of Governments and Caltrans on a regional study for the greater Fresno-Clovis-Madera Metropolitan area. The study may provide the nexus/rough proportionality study necessary for determining a developer's proportionate responsibility for capital improvements to the state highway system.

In addition, the project will be required to dedicate right-of-way and construct improvements to North Farris, North Harrison Avenues (both locations) and the Bike/Pedestrian Trail along North Harrison Avenue. Conditional Use Permit No. C-06-094 will contain a detailed set of conditions designed to further mitigate traffic impacts to less than significant.

North Farris Avenue Cul-de-sac

The developer will be required to dedicate adequate space and construct a "modified" cul-de-sac at the northern terminus of North Farris Avenue. The cul-de-sac will serve two purposes. First, it will provide a second point of entry into the mini-storage facility, but will be for emergency vehicles only, not mini-storage customers. Second, it will provide a "turn-around" space to accommodate City solid waste trucks, allowing them to make a three point turn and pick up refuse containers in front of the northwestern most single family residence on North Farris Avenue. Heretofore, this resident was required to roll the three refuse containers and place in front the neighbor's house next door.

In order to address safety concerns and discourage unwanted activity in the newly created cul-de-sac the developer will be required to place a new street light at the throat of the new cul-de-sac.

State Department of Transportation

Caltrans has reviewed the project and has determined that it would impact the State Route (SR) 41 Interchange at Friant Road. Pursuant to the "Interim Agreement" dated February 13, 2006, Caltrans has calculated the project's fair share mitigation for cumulatively significant impacts to the SR 41/Friant Road Interchange to be \$1,251.00 as detailed in their letter dated October 27, 2008.

Urban Services-Water, Sewer and Flood Control

The project is located within the Pinedale County Water District (PCWD). PCWD will require payment of a water connection fee in the amount of \$91,020 and frontage fees are also applicable unless main construction is provided and facility ownership is transferred to the District. The applicant has indicated that they may consider applying to the Local Agency Formation Commission to detach from the PCWD so that can receive water from the City of Fresno. The Pinedale Public Utilities District (PPUD) will provide sewer service to the site. PPUD will charge a sewer connection fee of \$6,769.00. Applicable Urban Growth Management fees related to sewer facilities will also be applied to this project. The project will be required to construct a sewer line in East Alluvial Avenue fronting the site.

+ pay PPUD connection fee?

→ Error: Barnes will correct/fix before C. to whom

The Fresno Metropolitan Flood Control District has indicated that the District's storm drain system is designed for medium density residential land uses and the existing Master Plan storm drainage facilities do not have adequate capacity to serve the proposed neighborhood commercial development. The property owner/developer will be required to mitigate the impacts of the increased runoff from the proposed neighborhood commercial use to a rate that would be expected if developed to medium density residential uses as planned. The owner/developer will be required to either make improvements to the existing pipeline system to provide additional capacity or will be required to use some type of permanent peak reducing facility in order to eliminate adverse impacts on the existing system. More detailed requirements that will offset drainage impacts will be included in the Conditions of Approval for Conditional Use Permit Application No. C-06-094.

CONCLUSION AND RECOMMENDATION

The appropriateness of the proposed project has been examined with respect to its consistency with goals and policies of the 2025 Fresno General Plan and Bullard Community Plan; its compatibility with surrounding existing or proposed uses; and its avoidance or mitigation of potentially significant adverse environmental impacts. These factors have been evaluated as described above and by the accompanying environmental assessment. Upon consideration of this evaluation, it can be concluded that Plan Amendment Application No. A-06-06, Rezone Application No. R-06-032 and Conditional Use Permit No. C-06-094 are appropriate for the project site.

Action by the Planning Commission regarding the plan amendment, rezone and conditional use permit applications will be a recommendation to be forwarded to the City Council for consideration and final action.

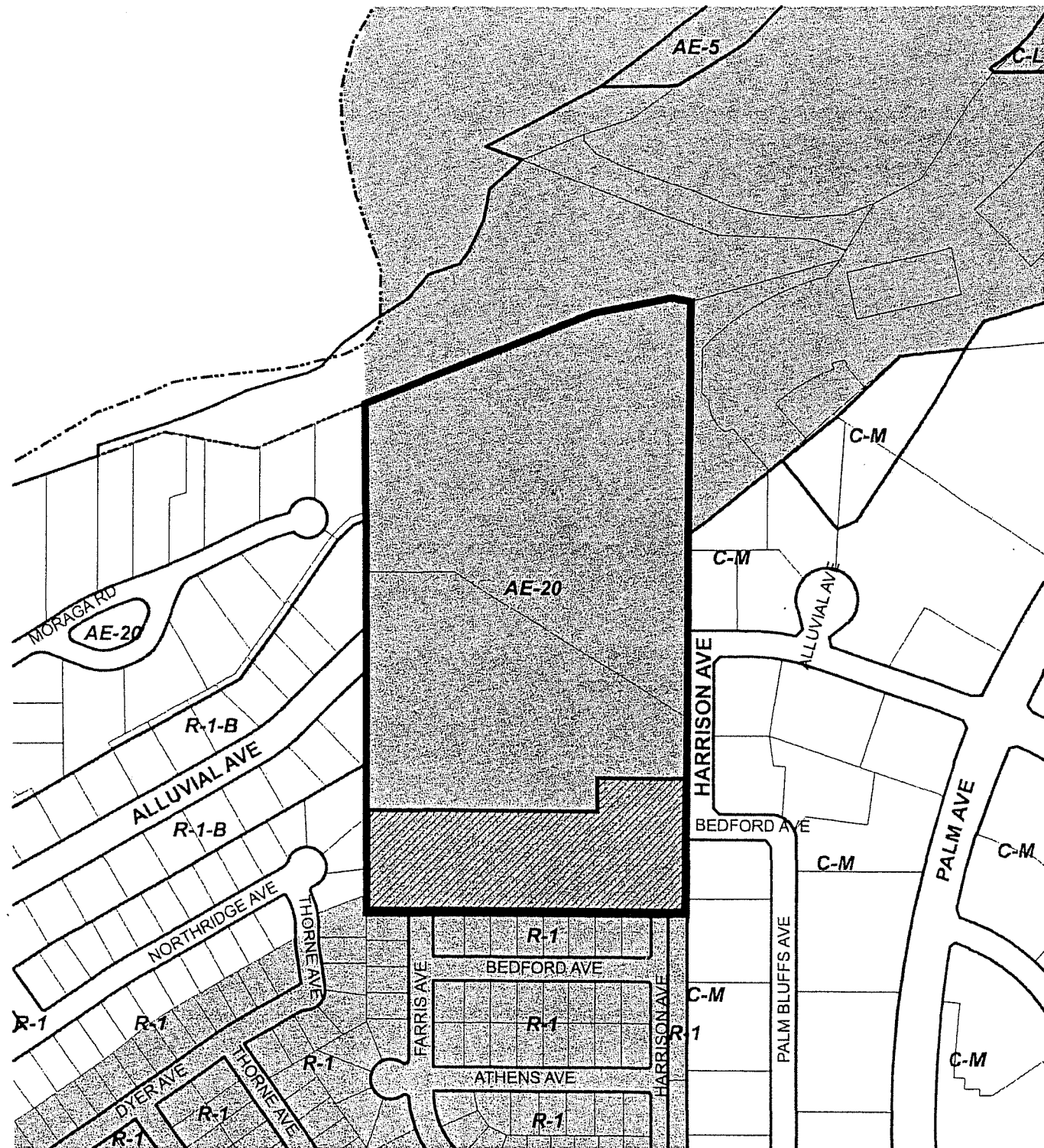
The Planning and Development Department staff recommends that the Commission take the following actions:

1. RECOMMEND APPROVAL to the City Council of the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-06-06/R-06-32/C-06-94 dated October 2, 2008.
2. RECOMMEND APPROVAL to the City Council of Plan Amendment Application No. A-06-06 proposing to amend the 2025 Fresno General Plan and Bullard Community Plan from the medium low density residential planned land use designation to the office-commercial planned land use designation.

REPORT TO THE PLANNING COMMISSION
Plan Amendment Application No. A-06-06
Rezone Application No. R-06-32
Conditional Use Permit No. C-06-094
November 5, 2008
Page 8

3. RECOMMEND APPROVAL to the City Council of Rezone Application No. R-06-32 which proposes to redesignate the site from the AE-20/UGM (*Twenty Acre Agriculture Exclusive/Urban Growth Management*) zone district to the S-L/UGM (*Storage Limited /Urban Growth Management*) zone district.
4. RECOMMEND APPROVAL of Conditional Use Application No. C-06-094 to allow for the development of a two-phased 110,456 square foot mini-storage facility that will not contain a caretaker's residence subject to special permit Exhibits A, E and L dated August 28, 2008, the Planning and Development Department Conditions of Approval dated November 5, 2008, and all related memorandums and letters attached thereto.

Attachments: Vicinity Map
 2008 Aerial Photograph of Site
 Planned Land Use Map
 Proposed Site Plan
 Elevations
 Council District 2 Plan Implementation Committee recommendation dated
 September 22, 2008
 Conditional Use Permit No. C-06-94 and attachments
 Environmental Assessment No. A-06-06/R-06-32/C-06-94, (Finding of Mitigated
 Negative Declaration) issued October 2, 2008.



LEGEND



Subject Property



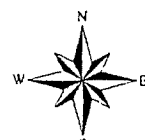
From Med. Low Density Res.
to Office Commercial



U.G.M. Area

VICINITY MAP

PLAN AMENDMENT NO. A-06-006
From Med. Low Density Res. to Office Comm.
REZONE APPLICATION NO. R-06-032
From AE-20/UGM to S-L/UGM
CONDITIONAL USE PERMIT NO. C-06-094



PLANNING & DEVELOPMENT DEPARTMENT

A.P.N.: 405-340-04.05

ZONE MAP: 1649

City of Fresno

 User_Obj_Layer

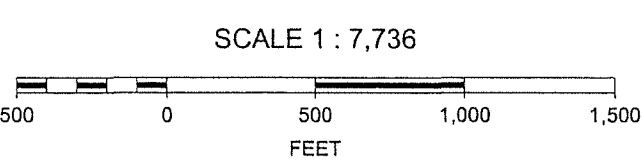
Parcels

 Parcels

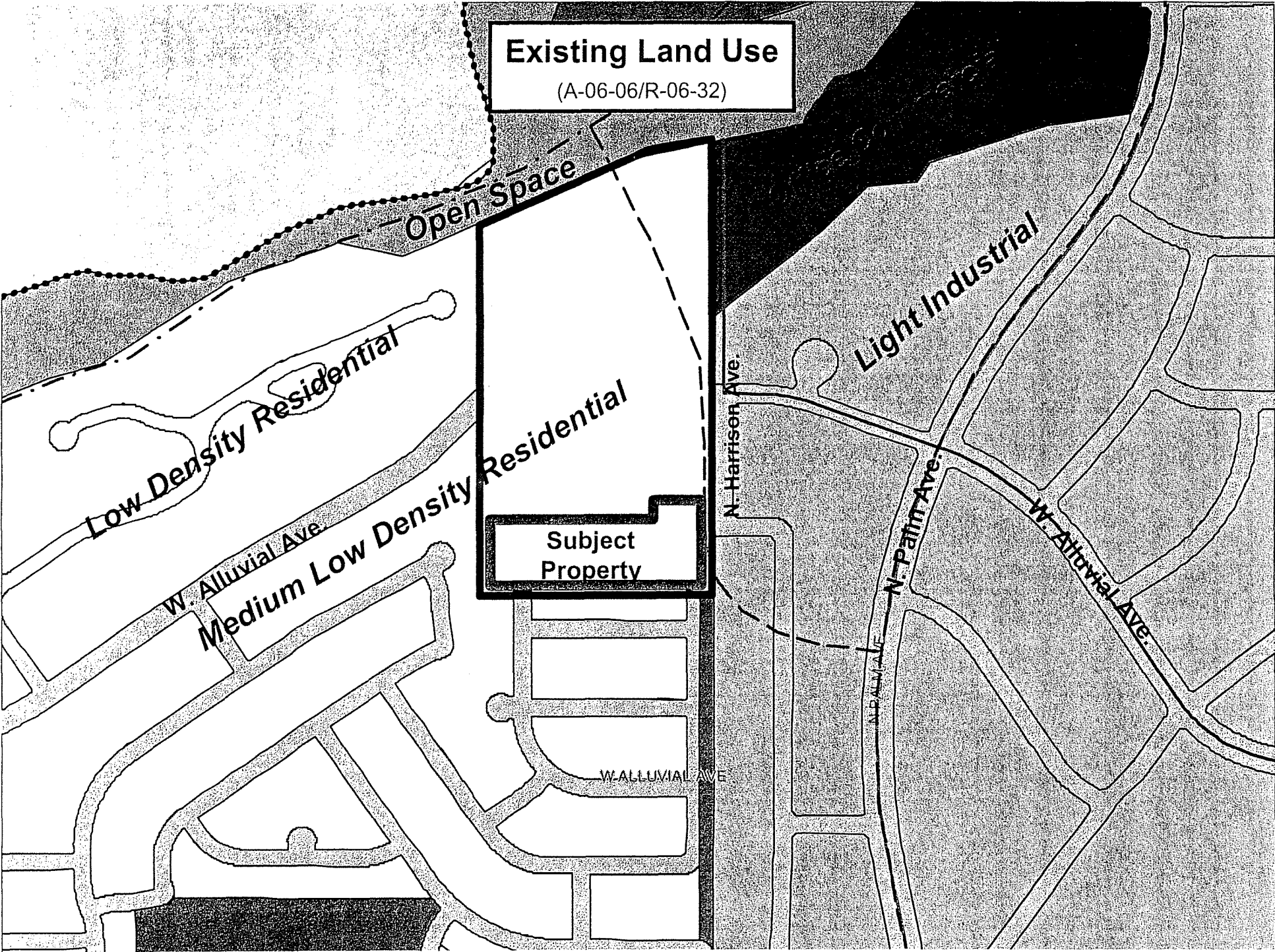
Aerials

 City Limits

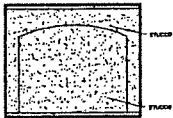
 Fresno County



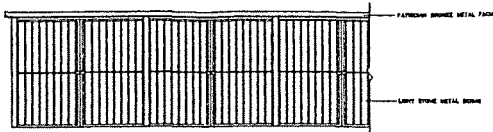
Existing Land Use
(A-06-06/R-06-32)



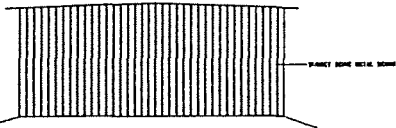
NOTES:
1) PROVIDE ONE (1) COARSE SAND FILL OVER
EXISTING FLOORING. WALL, INCLUDING ARCHES, AND
COLUMN. REPAIRS TO EXISTING WALL FOR ARCHES
COLUMN SHALL BE REPAIRED. THE COLUMN AFTER
EXISTING WALL IS DAMAGED ONE (1) STUDY
CONTRACTOR.
2) ALL CORNERS TO HAVE CORNER AIR. WEAP SCREED
AT BOTTOM OF WALL.
3) COLUMN TO BE BLUE SAND BRASS 1-1/2" COORD
LATE 1/2" ARCHES COLUMN FRAMES BRASS COLUMN
COLUMN BOTTOM.



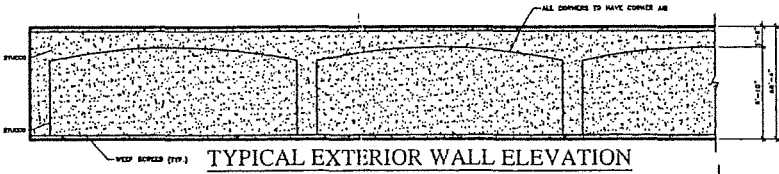
TYPICAL END WALL ELEVATION



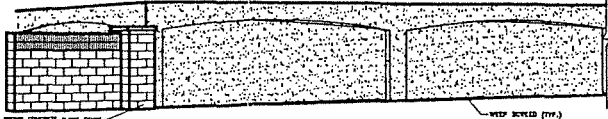
FACILITY INTERIOR - SIDE ELEVATION OF STORAGE (TYP.)



FACILITY INTERIOR - END ELEVATION OF STORAGE (TYP.)



TYPICAL EXTERIOR WALL ELEVATION



TYPICAL FENCE SECTION

PERIMETER WALL DETAIL

APPROVED: R-01-032,
C-01-041, LLA-08-11 E
APPL. NO. 812818
EXHIBIT E
DATE 8/28/08
PROJ. ENG. DATE
TRAFFIC ENG. DATE
COND. APPROVED BY DATE
CITY OF FRESNO PLANNING & DEVELOPMENT DEPT

Revisions:

DERRELS Lmini STORAGE
1765 W. ASHLAN AVE. FRESNO, CA. 93722 (559) 224-9900

DATE: February 8, 2008
SCALE: 1/2" = 1'-0"
PROJECT: Storage
LOCATION: Exterior Elevations
CITY: Fresno
PROJECT: Palm Satellite (B)

R-2

Exterior Elevations



COUNCIL DISTRICT 2 PLAN IMPLEMENTATION COMMITTEE

PROJECT REVIEW - SEPTEMBER 22, 2008

Project Record

PROJECT INFORMATION

REVISED APPLICATIONS

Plan Amendment Application No. A-06-06, Rezone Application No. R-06-32, Conditional Use Permit application No. C-06-94, Lot Line Adjustment No. LLA-2008-11

West side of North Palm Avenue between East Alluvial Avenue and the East Nees Avenue alignment for approximately 5.14 acres (APN: 405-340-04, 05)

Revised applications for Plan Amendment, Rezone, Conditional Use Permit, and Lot Line Adjustment have been filed by Sol Development on behalf of Derrel's Mini Storage regarding the southern most 5.14 acres of a larger 26.0 acre property located on the west side of North Palm Avenue between East Alluvial Avenue and the East Nees Avenue alignment. Plan Amendment Application No. A-06-006 requests to amend the 2025 Fresno General Plan and Bullard Community Plan from the medium-low density residential planned land use designation to the office-commercial planned land use designation. The plan amendment also includes the reclassification of West Alluvial Avenue between North Palm and North Harrison Avenues from a collector street to a local street and remove North Harrison Avenue as a collector street north of West Alluvial Avenue. Rezone Application No. R-06-32 requests to rezone the subject property from the AE-20/UGM (Exclusive Twenty-Acre Agricultural Exclusive/Urban Growth Management) zone district to the S-L/UGM (Storage Limited/Urban Growth Management) zone district. Conditional Use Permit Application No. C-06-094 proposes the development of a two phased 110,000+ square-foot mini storage facility that will not contain a caretaker's residence. Lot Line Adjustment No. LLA-2008-11 proposes to reconfigure the two existing parcels into a 21.08-acre parcel and a 5.17-acre parcel.

COMMITTEE RECOMMENDATION

APPROVE APPROVE WITH CONDITIONS DENY NO ACTION

	Hendry	Holtkamp	Kowalczyk	Kloose	Napoli	Poptanich	Reed	Rodriguez	Scott
Approve			Y	Y-S		Y	Y		Y-M
Deny									
Abstain									
Absent	A	A			A			A	

COMMITTEE CONDITIONS / COMMENTS

Bill Robinson of Sol Development, representing Derrel's Mini Storage, was present to answer questions; stated this would be a satellite facility proposed on 5.14 acres; stated the project was adjacent to the Palm Bluff's Corporate Center with existing offices to the east and residential uses to the west and south; stated it would be an unmanned facility open 7 a.m. to 7 p.m. 7 days a week; stated access would be from North Harrison Avenue, just north of West Bedford Avenue; stated the facility needed a second point of access, which would be from North Farris Avenue;

stated the back wall of the storage facility was 9 feet 2 inches in height and served as the required wall in the SL (Storage Limited) zone district; stated the perimeter wall of the facility would be built in phase 1 of the project; stated there would not be a water fountain treatment in the landscaping along North Harrison Avenue; stated there was a planned trail along the frontage of North Harrison Avenue that connected to Pinedale and the trail would need to be extended 30 feet to the north end of the property; stated 22 feet of right-of-way needed to be abandoned, which was the last half; stated there would not be a cul-de-sac at the south end of North Harrison Avenue, it would be a hammerhead; stated Harrison Avenue from West Alluvial to West Bedford was requested to be redesignated from a collector street to a local street. Committee members asked if the applicant had met with the adjacent homeowners about the project; asked about property security, property landscaping related to the wall of abutting residential properties to the south and west. Bill Robinson stated they planned to have a neighborhood meeting soon. Paul Ridenour stated the facility was a quiet neighbor and its design would blend into the neighborhood; stated the SL (Storage Limited) zone district required a wall and the back wall of the facility served as the wall abutting the residential land uses. Bill Robinson stated lighting would be hooded and shined inward away from residential property; stated the lights were louvers that pointed away; stated there would be security cameras; stated the design was one year old and would be going through further modifications and refinements; stated the existing Derrel's Mini Storage facility to the north of the subject property was completely rented; stated area businesses were seeking additional storage for business records and the proposed satellite facility would be able to satisfy the storage need.

Committee member Scott moved to recommend approval with the condition by Committee member Reed that the developer meet with the adjacent residential property owners regarding reasonable accommodations for landscaping to soften the effect of the 9-foot 2-inch wall abutting the backyards of the affected residential properties; motion second by Kloose (M/S/C, vote 5-0-4).

Staff Liaison:  Date: 9-22-08

DISTRICT DETACHMENT APPLICATION

ORGANIZATION OR REORGANIZATION
[X] LOCAL GOVERNMENT REORGANIZATION
(code Sec. 56000, et seq.)

Proposals Initiated by Resolution or Petition

LOCAL AGENCY FORMATION COMMISSION
OFFICE, SUITE 310
PHONE: (559) 495-0604

Executive Officer
Commission Clerk

OFFICE USE ONLY:

LAFCo File No.

DD-09-1

Date Received



Proposal Derrel's Mini Storage Detachment
Organization listed in Resolution or Petition Detachment from Pinedale County
District (PCWD)

Chief Petitioner or
Head of Initiating Agency

7-14-09
Date

Principal L.P. (Paul Ridenour) Title Sr. Vice President

Office 5 W. Ashlan Fresno 93722

Phone 1-9900 Fax 224-1884 Cell 269-0844

Email pridenour@derrels.com

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

I hereby authorize the Executive officer to contact and address of officers or persons, not to exceed three in number, who are to receive the notice of the Executive officer's Report.

Address, Zip Code, Phone Number, and Email Address

Myself 3265 W. Ashlan, Fresno, 93722, 224-9900, pridenour@derrels.com

Myself 2222 W. Shaw Suite 202, Fresno, 93711 447-5700, jmckelvey@pmelaw.com

Affected Landowners and Financial Interests/Political Reform Act Compliance

Provide the names of all landowners, lessees, any parties with an option to purchase or lease the property, or any other parties having any ownership or financial interest in the property. If the interest is a corporation, LLC, or partnership entity, please list the names of all individuals or entities who are shareholders, partners, or partners in the corporation, LLC or partnership. If the corporation has more than 50 shareholders, please provide the names of those individuals or entities owning more than 25% of the corporation's shares. If the entity is a trust or non-profit organization, list any directors or trustees, trustors, or beneficiaries. Please use additional pages if necessary.

L.P.	Partner	Partner
	Ridenour Corporation	
Derrel A. Ridenour Trust		Paul A. Ridenour Trust
L. Wayne Trust	Dianne J. Dalich Trust	George A. Aquino Trust
Investment Co., Inc.	Staircraft Sales, Inc.	

If any person or participant of any proceeding has made a campaign contribution of more than \$250 to or for any of the members, state law provides for disqualification of Commissioner voting, or even prohibition of such contributions also apply to agents of applicants or participants. Please consult with Commission staff as to the provisions of the Political Reform Act (government Code Section 84308).

Statement for Proposal

State the reasons for this change, and why the change is proposed at this time.

Detach from PCWD since they can't deliver enough water to satisfy the
City of Fresno Fire Departments minimum flow requirements.

Describe in detail any added service and greater frequency or range of services to be removed from landowners/residents of this area.

Remove PCWD as water provider. City of Fresno to provide water.

What is the reason for the proposal boundaries?

See 1 A

tion on Proposal Area and Vicinity

Current Acreage 4.84 Current No. of Registered Voters 0

Current Population Est. 0 Current Zoning S-L (Storage Limited)

List the uses of land in the affected area and give acreage for each.

Self storage 4.84 ac.

Does the proposed change of organization conform to applicable General and Specific Plans (explain if not conforming)?

Yes

What is the plan designation?

CO (Commercial office)

ion on Services

List below the names of agencies or companies now providing services to those removed by district detachment. PCWD

Comment on the existing district public service facilities or improvements which will no longer serve his proposal.

PCWD

on on Costs and Revenue

Is there any outstanding general bonded indebtedness for any of the agencies whose boundaries are changed by this proposal?

so, give information listed below:

ame of gency	Bond Tax Rate for Affected Territory	Date of Maturity	General Purpose of Bond
-----------------	---	---------------------	----------------------------

the affected territory to remain subject to all of the above general bonded indebtedness upon detachment?

any costs of services to be or already being received by residents within the affected territory will change as a result of this proposal, give breakdown of change for a typical residential landowner or resident in the affected territory for comparison purposes.

N/A

1 on Processing Change of Organization or Reorganization

Property Tax Exchange (Revenue & Tax Code 99 & 99.1) Check either:

the Master Tax Agreement should apply to the change..

Other agreement for change is to be negotiated (Explain other agreement)

Compliance with California Environmental Quality Act. Check either:

Project is Exempt and a Notice of Exemption, prepared in consultation with LAFCo, is included.

An initial study is complete and a Negative Declaration prepared for the annexation in consultation with LAFCo and other affected agencies and is included.

An EIR has been prepared for the annexation project and 10 copies are included.

Initiation of Application. A clear and reproducible legal description and map meeting Commission standards must be included, and a copy also attached to the resolution or petition. Check either:

A certified resolution of application is included.

A petition of landowners or registered voters is included.

Landowner Consent or Notice. Check either:

- 1. Signed LAFCo property owner consent forms for all landowners are included as shown on Assessor's roll.
- 2. Letter of Notification to Landowner and Residents (if no consent of all landowners).
 - a. All property owners and residents must be notified of the change and how to receive notice of LAFCo hearing.
 - b. For inhabited proposals, a City response to a neighborhood meeting, held for the annexation listing the issues and the City response.

District Service Plan. Check either:

A Service Plan for the change is included.

A Master Service Plan is filed with LAFCo and is current (updated in 1997 or later).

Waiver of Conducting Authority proceeding.

Check if all landowners have consented in writing to the detachment, and if all affected agencies have consented in writing. Include State Board of Equalization filing information and fees.

n Fees

It accompany the application in accordance with the LAFCo fee schedule.

1,500

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No.

Date:

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
B-5. Circulation and site design measures shall be considered for development projects so that local trips may be completed as much as possible without use of, or with reduced use of, major streets and major street intersections. Appropriate consideration must also be given to compliance with plan policies and mitigation measures intended to promote compatibility between land uses with different traffic generation characteristics.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.						
B-6. New development projects and major street construction projects shall be designed with consideration and implementation of appropriate features (considering safety, convenience and cost-effectiveness) to encourage walking, bicycling, and public transportation as alternative modes to the automobile.	Prior to approval or prior to funding of major street project.	Public Works Dept./Traffic Planning; Planning and Development Dept.						
B-7. Bicycle and pedestrian travel and use of public transportation shall be facilitated as alternative modes of transportation including, but not limited to, provision of bicycle, pedestrian and public transportation facilities and improvements to connect residential areas with public facilities, shopping and employment. Adequate rights-of-way for bikeways, preferably as bicycle lanes, shall be provided on all new major streets and shall be considered when designing improvements for existing major streets.	Ongoing	Public Works Dept./Traffic Planning; Planning and Development Dept.						

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No.

Date:

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
C-1. In cooperation with other jurisdictions and agencies in the San Joaquin Valley Air Basin, the City shall take the following necessary actions to achieve and maintain compliance with state and federal air quality standards and programs. a. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals. b. Maintain internal consistency within the General Plan between policies and programs for air quality resource conservation and the policies and programs of other General Plan elements. c. City departments preparing environmental review documents shall use computer models (software approved by local and state air quality and congestion management agencies) to estimate air pollution impacts of development entitlements, land use plans and amendments to land use regulations. d. Adopted state and SJVAPCD protocols, standards, and thresholds of significance for greenhouse gas emissions shall be utilized in assessing and approving proposed development projects. e. Continue to route information regarding land use plans, development projects, and amendments to development regulations to the SJVAPCD for that agency's review and comment on potential air quality impacts.	Ongoing	Planning and Development Department Dept.						

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No.

Date:

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
C-2. For development projects potentially meeting SJVAPCD thresholds of significance and/or thresholds of applicability for the Indirect Source Review Rule (Rule 9510) in their unmitigated condition, project applicants shall complete the SJVAPCD Indirect Source Review Application prior to approval of the development project. Mitigation measures incorporated into the ISR analysis shall be incorporated into the project as conditions of approval and/or mitigation measures, as may be appropriate.	Ongoing	Planning and Development Department Dept. SJVAPCD						
C-3. The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.	Ongoing	Various city departments						
C-4. The City shall continue efforts to improve technical performance, emissions levels and system operations of the Fresno Area Express transit system, through such measures as: a. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions. b. Siting new transit centers and other multi -modal transportation transfer facilities to maximize utilization of mass transit. c. Continuing efforts to improve transit on-time performance, increase frequency of service, extend hours of operation, add express bus service and align routes to capture as much new ridership as possible. d. Initiating a program to allow employers and institutions (e.g., educational facilities) to purchase blocks of bus passes at a reduced rate to facilitate their incentive programs for reducing single-passenger vehicle use.	Ongoing	Fresno Area Express						

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No.

Date:

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
D-1. The City shall monitor impacts of land use changes and development project proposals on water supply facilities and the groundwater aquifer.	Ongoing	Dept of Public Utilities and Planning and Development Dept						
D-2. The City shall ensure the funding and construction of facilities to mitigate the direct impacts of land use changes and development within the 2025 General Plan boundaries. Groundwater wells, pump stations, intentional recharge facilities, potable and recycled water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. Site specific environmental evaluations shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing (City-wide); and prior to approval of land use entitlement as applicable	Department of Public Utilities and Planning and Development Department						
D-3. The City shall implement the future water supply plan described in the City of Fresno Metropolitan Water Resources Management Plan Update and shall continue to update this Plan as necessary to ensure the cost-effective use of water resources and continued availability of good-quality groundwater and surface water supplies.	Ongoing	Department of Public Utilities						
D-4. The City shall work with the Fresno Metropolitan Flood Control District to prevent and reduce the existence of urban stormwater pollutants to the maximum extent practical and ensure that surface and groundwater quality, public health, and the environment shall not be adversely affected by urban runoff, and shall comply with NPDES standards.	Ongoing	Planning and Development Department						

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No.

Date:

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
D-5. The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods. The City shall expand this protected area in the Riverbottom pursuant to expanded floodplain and/or floodway maps, regulations, and policies adopted by the Central Valley Flood Protection Board and the National Flood Insurance Protection Program.	Ongoing	Planning and Development Department						
D-6. The City shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect: a. Allowable construction in this area from being damaged by the intensity of flooding in the riverbottom; b. Water quality in the San Joaquin River watershed from flood damage-related nuisances and hazards (e.g., the release of raw sewage); and c. Public health, safety and general welfare from the effects of flood events.	Ongoing	Planning and Development Department						
D-7. The City shall advocate that the San Joaquin River not be channelized and that levees shall not be used in the river corridor for flood control, except those alterations in river flow that are approved for surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).	Ongoing	Planning and Development Department						

to ensure the project is aesthetically appealing will be further defined upon review of Conditional Use Permit Application No. C-06-094. As a result, the project will have a less than significant impact on aesthetics.

14.0--HISTORICAL/ARCHAEOLOGICAL

There are no adjacent historical or archaeological sites on the property. To ensure that any possible sites will be protected, the following conditions will be imposed on the development during the special permit approval:

1. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
2. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists. An archaeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation.
3. If animal fossils are uncovered, the Museum of Paleontology at U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist and, if the paleontologist determines the material to be significant, it shall be preserved.

These conditions will ensure that any potential impacts to historical or archeological resources are less than significant.

15.0--ENERGY

Excessive energy consumption is not expected to occur with occupancy of the development. Due to the facility being unoccupied and being located near the residential populations it will serve, it is expected that this project will decrease energy usage below that which would otherwise be consumed if the site were developed with the existing medium low density residential planned land use. As a result, the impacts to energy consumption would be less than significant.

MANDATORY FINDINGS OF SIGNIFICANCE

In summary of all the information presented and referenced in the preceding Initial Study:

- This project does not have environmental impacts which will cause substantial adverse effects on human beings, neither directly nor indirectly.
- This project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish/wildlife or native plant species (or cause their population to drop below self-sustaining levels), does not threaten to eliminate a native plant or animal community, and does not threaten or restrict the range of a rare or endangered plant or animal.
- This project does not eliminate important examples of elements of California history or

prehistory.

- This project does not have impacts which would be cumulatively considerable even though individually limited.

Therefore, there are no mandatory findings of significance and preparation of an Environmental Impact Report is not warranted for this project.

DETERMINATION

Based upon these previous actions and the applicability of adopted development standards, plan policies/implementation measures, and applicable mitigation measures of the above-referenced environmental documents, it is concluded that the proposed land uses will not result in a significant indirect adverse environmental effect.

On the basis of this initial evaluation, it is determined that the proposed project is consistent with all applicable city plans and policies and conforms to all applicable zoning standards and requirements. Pursuant to Section 15070 of the California Environmental Quality Act (CEQA) Guidelines, it is further determined that there is no substantial evidence in the record that the proposed project may have a significant effect on the environment. **This is based upon the mitigation measures required as conditions of project approval which are referenced by this environmental assessment and are conditions upon which a mitigated negative declaration can be recommended.** A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN**

Project/EA No. A-06-06/R-06-032/C-06-094

Date: October 2, 2008

Mitigation Monitoring Checklist

Following is the mitigation monitoring checklist from MEIR No. 10130 as applied to the above noted Project Environmental Assessment as required by City Council Resolution No. 2002-378 and Exhibit "E", thereof, adopted on November 19, 2002, certifying the MEIR for the 2025 Fresno General Plan Update.

NOTE: Letters B-Q in mitigation measures refer to the respective section of Chapter V of MEIR No. 10130

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
B-1. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an Average Daily Traffic (ADT) level of service (LOS) D or better in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/transportation improvements that will contribute to achieving and maintaining LOS D.	Prior to approval of land use entitlement application	Public Works Dept./ Transportation Planning/Planning and Development Dept.	X					
B-2. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS E in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining LOS E.	Prior to approval of land use entitlement application	Public Works Dept./ Transportation Planning/Planning and Development Dept.	X					
B-3. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS F shall not cause further substantial degradation of conditions on those segments before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining a LOS equivalent to that anticipated by the General Plan. Further substantial degradation is defined as an increase in the peak hour vehicle/capacity (v/c) ratio of 0.15 or greater for roadway segments whose v/c ratio is estimated to be 1.00 or higher in 2025 by the General Plan MEIR traffic analysis.	Prior to approval of land use entitlement application	Public Works Dept./ Transportation Planning/Planning and Development Dept.	X					

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN**

Project/EA No. A-06-06/R-06-032/C-06-094

Date: October 2, 2008

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
B-4. For development projects that are consistent with plans and policies, a site access evaluation shall be required to the satisfaction of the Public Works Director. This evaluation shall, at a minimum, focus on the following factors: a. Disruption of vehicular traffic flow along adjacent major streets, appropriate design measures for on-site vehicular circulation and access to major streets (number, location and design of driveway approaches), and linkages to bicycle/pedestrian circulation systems and transit services. b. In addition, for development projects that the City determines may generate a projected 100 or more peak hour vehicle trips (either in the morning or evening), the evaluation shall determine the project's contribution to increased peak hour vehicle delay at major street intersections adjacent or proximate to the project site. The evaluation shall identify project responsibilities for intersection improvements to reduce vehicle delay consistent with the LOS anticipated by the 2025 Fresno General Plan. For projects which affect State Highways, the Public Works Director may direct the site access evaluation to reference the criteria presented in Caltrans Guide for the Preparation of Traffic Impact Studies.	Prior to approval of land use entitlement application	Public Works Dept./ Transportation Planning/Planning and Development Dept.	X					
B-5. Circulation and site design measures shall be considered for development projects so that local trips may be completed as much as possible without use of, or with reduced use of, major streets and major street intersections. Appropriate consideration must also be given to compliance with plan policies and mitigation measures intended to promote compatibility between land uses with different traffic generation characteristics.	Prior to approval of land use entitlement application	Public Works Dept./ Transportation Planning/Planning and Development Dept.	X					
B-6. New development projects and major street construction projects shall be designed with consideration and implementation of appropriate features (considering safety, convenience and cost-effectiveness) to encourage walking, bicycling, and public transportation as alternative modes to the automobile.	Prior to approval or prior to funding of major street project.	Public Works Dept./ Transportation Planning/Planning and Development Dept.	X					
B-7. Bicycle and pedestrian travel and use of public transportation shall be facilitated as alternative modes of transportation including, but not limited to, provision of bicycle, pedestrian and public transportation facilities and improvements to connect residential areas with public facilities, shopping and employment. Adequate rights-of-way for bikeways, preferably as bicycle lanes, shall be provided on all new major streets and shall be considered when designing improvements for existing major streets.	Ongoing	Public Works Dept./ Transportation Planning/Planning and Development Dept.	X					

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN**

Project/EA No. A-06-06/R-06-032/C-06-094

Date: October 2, 2008

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
C-1. In cooperation with other jurisdictions and agencies in the San Joaquin Valley Air Basin, the City shall take the following necessary actions to achieve and maintain compliance with state and federal air quality standards and programs. a. Develop and incorporate air quality maintenance considerations into the preparation and review of land use plans and development proposals. b. Maintain internal consistency within the General Plan between policies and programs for air quality resource conservation and the policies and programs of other General Plan elements. c. City departments preparing environmental review documents shall use computer models (software approved by local and state air quality and congestion management agencies) to estimate air pollution impacts of development entitlements, land use plans and amendments to land use regulations. d. Continue to route information regarding land use plans, development projects, and amendments to development regulations to the SJVAPCD for that agency's review and comment on potential air quality impacts.	Ongoing	Planning and Development Department	X					
C-2. The City shall continue efforts to improve technical performance, emissions levels and system operations of the Fresno Area Express transit system, through such measures as: a. Selecting and maintaining bus engines, transmissions, fuels and air conditioning equipment for efficiency and low air pollution emissions. b. Siting new transit centers and other multi-modal transportation transfer facilities to maximize utilization of mass transit. c. Continuing efforts to improve transit on-time performance, increase frequency of service, extend hours of operation, add express bus service and align routes to capture as much new ridership as possible. d. Initiating a program to allow employers and institutions (e.g., educational facilities) to purchase blocks of bus passes at a reduced rate to facilitate their incentive programs for reducing single-passenger vehicle use.	Ongoing	Fresno Area Express					X	
C-3. The City shall implement all of the Reasonably Available Control Measures (RACM) identified in Exhibit A of Resolution No. 2002-119, adopted by the Fresno City Council on April 9, 2002. These measures are presented in full detail in Table VC-3 of the MEIR.	Ongoing	Various city departments	X				X	
D-1. The City shall monitor impacts of land use changes and development project proposals on metropolitan water supply facilities and the groundwater aquifer.	Ongoing	Dept of Public Utilities and Planning and Development Dept	X	X				

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN**

Project/EA No. A-06-06/R-06-032/C-06-094

Date: October 2, 2008

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
D-2. The City shall ensure the funding and construction of facilities to mitigate the direct impacts of land use changes and development within the 2025 General Plan boundaries. Groundwater wells, pump stations, recharge facilities, water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. Site specific environmental evaluations shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing	Department of Public Utilities and Planning and Development Department			X		X	
D-3. The City shall implement the Fresno Metropolitan Water Resources Management Plan and update this plan as necessary to ensure the cost-effectiveness use of water resources and continued availability of good-quality groundwater and surface water supplies.	Ongoing	Department of Public Utilities					X	
D-4. The City shall work with the Fresno Metropolitan Flood Control District to prevent and reduce the existence of urban storm water pollutants to the maximum extent practical and ensure that surface and groundwater quality, public health, and the environment shall not be adversely affected by urban runoff, and shall comply with NPDES standards.	Ongoing	Planning and Development Department	X				X	
D-5. The City shall preserve undeveloped areas within the 100-year floodway within the city and its general plan area, particularly the San Joaquin Riverbottom, for uses that will not involve permanent improvements which would be adversely affected by periodic floods.	Ongoing	Planning and Development Department						X
D-6. The city shall establish special building standards for private structures, public structures and infrastructure elements in the San Joaquin Riverbottom that will protect: a. Construction in this area from being damaged by the intensity of flooding in the riverbottom; and, b. Water quality in the San Joaquin River watershed from flood damage-related nuisances and hazards (e.g., the release of raw sewage); and, c. Public health, safety and general welfare from the effects of flood events.	Ongoing	Planning and Development Department						X
D-7. The City shall advocate that the San Joaquin River not be channelized and that levees shall not be used in the river corridor for flood control, except those alterations in river flow that are approved for surface mining and subsequent reclamation activities for mined sites (e.g., temporary berms and small side-channel diversions to control water flow through ponds).	Ongoing	Planning and Development Department						X
D-8. The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management of all sources of water available to the planning area which is periodically updated to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development.	Ongoing	Department of Public Utilities					X	
D-9. If the City is unable to renew its 60,000-acre foot USBR water supply contract due to the city's Charter meter prohibition, replacement water supplies and/or conservation measures of equal benefit shall be secured.	Ongoing	Department of Public Utilities					X	
D-10. The City will conform to the requirements of Waste Discharge Requirements Order No. 5-01-254, including groundwater monitoring and subsequent Best Practical Treatment and Control (BPTC) assessment and findings.	Ongoing	Department of Public Utilities					X	

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN**

Project/EA No. A-06-06/R-06-032/C-06-094

Date: October 2, 2008

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
E-1. The City shall continue to implement and pursue strengthening of urban growth management service delivery requirements and annexation policy agreements, including urging that the county continue to implement similar measures within the boundaries of the 2025 Fresno General Plan, to promote contiguous urban development and discourage premature conversion of agricultural land.	Ongoing	Planning and Development Department					X	
E-2. To minimize the inefficient conversion of agricultural land, the City shall pursue the appropriate measures to ensure that development within the planned urban boundary occurs consistent with the General Plan and that urban development occurs within the city's incorporated boundaries.	Ongoing	Planning and Development Department					X	
E-3. The City shall pursue appropriate measures, including recordation of right to farm covenants, to ensure that agricultural uses of land may continue within those areas of transition where planned urban areas interface with planned agricultural areas.	Ongoing	Planning and Development Department						X
E-4. Development of agricultural land, or fallow land adjacent to land designated for agricultural uses, shall incorporate measures to reduce the potential for conflicts with the agricultural use. Implementation of the following measures shall be considered: a. Including a buffer zone of sufficient width between proposed residences and the agricultural use. b. Restricting the intensity of residential uses adjacent to agricultural lands. c. Informing residents about possible exposure to agricultural chemicals. d. Where feasible and permitted by law, exploring opportunities for agricultural operators to cease aerial spraying of chemicals and use of heavy equipment near proposed residences. e. Recordation of right to farm covenants to ensure that agricultural uses of land can continue.	Ongoing	Planning and Development Department						X
F-1. The City shall ensure the provision for adequate trunk sewer and collector main capacities to serve existing and planned urban and economic development, including existing developed uses not presently connected to the public sewer system, consistent with the Wastewater Master Plan. When appropriate, the City will coordinate with the City of Clovis and other agencies to ensure that planning and construction of facilities address regional needs in a comprehensive manner.	Ongoing	Dept. of Public Utilities and Planning and Development Department	X	X				
F-2. The City shall continue the development and use of citywide sewer flow monitoring and computerized flow modeling to ensure the availability of sewer collection system capacity to serve planned urban development.	Ongoing	Dept. of Public Utilities					X	
F-2-a. The City shall provide for containment and management of leathers and sludge adequate to prevent groundwater degradation.	Ongoing	Dept. of Public Utilities					X	

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN**

Project/EA No. A-06-06/R-06-032/C-06-094

Date: October 2, 2008

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
F-3. The City shall ensure the provision of adequate sewage treatment and disposal by using the Fresno-Clovis Regional Wastewater Reclamation Facility as the primary facility when economically feasible for all existing and new development within the General Plan area. Smaller, subregional wastewater treatment facilities may also be constructed as part of the regional wastewater treatment system, when appropriate. Site specific environmental evaluation and development of Waste Discharge Requirements by the Regional Water Quality Control Board shall precede the construction of these facilities. Mitigation measures identified in these evaluations shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing	Dept. of Public Utilities	X				X	
F-4. The City shall ensure that adequate trunk sewer capacity exists or can be provided to serve proposed development prior to the approval of rezoning, special permits, tract maps and parcel maps, so that the capacities of existing facilities are not exceeded.	Ongoing/prior to approval of land use entitlement application	Dept. of Public Utilities and Planning and Development Department	X	X				
F-5. The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Dept. of Public Utilities	X					
G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Fire Dept/Police Dept/ Planning and Development Dept.				X		
H-1. Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.	Ongoing/prior to construction	Parks and Recreation Dept./Planning and Development Dept.				X		
I-1. Projects that could adversely affect rare, threatened or endangered wildlife and vegetative species (or may have impacts on wildlife, fish and vegetation restoration programs) may be approved only with the consent of the California Department of Fish and Game (and the U.S. Fish and Wildlife Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval.	Ongoing/prior to approval of land use entitlement application	Planning and Development Dept.						X
I-2. Where feasible, development shall avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas shall including siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation shall consist of native species similar to those removed.	Ongoing/prior to approval of land use entitlement application	Planning and Development Dept.						X

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN**

Project/EA No. A-06-06/R-06-032/C-06-094

Date: October 2, 2008

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
I-3. Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be substantially equivalent in nature to the habitat lost and shall be provided at a ratio suitable to assure that, at a minimum, there is no net loss of habitat acreage or value. Typically, the U.S. Fish and Wildlife Service and California Department of Fish and Game require a ratio of three replacement acres for every one acre of high quality riparian or wetland habitat lost.	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.						X
I-4. Existing and mature riparian vegetation shall be preserved to the extent feasible, except when trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment shall occur outside of the drip lines of any trees to be preserved.	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.						X
I-5. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing and habitat enhancement and protection).	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.						X
I-6. All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species.	Ongoing/prior to approval of land use entitlement application and during construction	Planning and Development Dept.						X
J-1. If the site of a proposed development or public works project is found to contain unique archaeological or paleontological resources, and it can be demonstrated that the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options, or equivalent measures: a. Modifying construction plans to avoid the resources. b. Setting aside sites containing these resources by deeding them into permanent conservation easements. c. Capping or covering these resources with a protective layer of soil before building on the sites. d. Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them. e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft.	Ongoing/prior to approval of land use entitlement application	Planning and Development Dept.	X				X	

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN**

Project/EA No. **A-06-06/R-06-032/C-06-094**

Date: **October 2, 2008**

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
J-2. An archaeological assessment shall be conducted for the project if prehistoric human relics are found that were not previously assessed during the environmental assessment for the project. The site shall be formally recorded, and archaeologists' recommendations shall be made to the City on further site investigation or site avoidance/ preservation measures.	Ongoing/prior to submittal of land use entitlement application	Planning and Development Dept.	X				X	
J-3. If there are suspected human remains, the Fresno County Coroner shall be contacted immediately. If the remains or other archaeological materials are possibly of Native American origin, the Native American Heritage Commission shall be contacted immediately, and the California Archaeological Inventory's Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists.	Ongoing	Planning and Development Dept./ Historic Preservation Commission staff	X				X	
J-4. Where maintenance, repair stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Weeks and Grimmer, 1995), the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.	Ongoing	Planning and Development Dept./ Historic Preservation Staff					X	
K-1. The City shall adopt the land use noise compatibility standards presented in Figure VK-2 for general planning purposes.	Ongoing	Planning and Development Dept.	X				X	
K-2. Any required acoustical analysis shall be performed as required by Policy H-1-d of the 2025 Fresno General Plan for development projects proposing residential or other noise sensitive uses as defined by Policy H-1-a, to provide compliance with the performance standards identified by Policies H-1-a and H-1-k. (Note: all are policies of the 2025 General Plan.) The following measures can be used to mitigate noise impacts; however, impacts may not be fully mitigated within the 70 dBA noise contour areas depicted on Figure VK-4. • Site Planning. See Chapter V for more details. • Barriers. See Chapter V for more details. • Building Designs. See Chapter V for more details.	Ongoing/upon submittal of land use entitlement application	Planning and Development Dept.	X					
K-3. The City shall continue to enforce the California Administrative Code, Title 24 Noise Insulation Standards. Title 24 requires that an acoustical analysis be performed for all new multi-family construction in areas where the exterior sound levels exceed 60 CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 CNEL or below.	Ongoing/prior to building permit issuance	Planning and Development Dept.	X				X	
L-1. Any construction that occurs as a result of a project shall conform to current Uniform Building Code regulations which address seismic safety of new structures and slope requirements. As appropriate, the City shall require a preliminary soils report prior to subdivision map review to ascertain site specific subsurface information necessary to estimate foundation conditions. This report shall reference and make use of the most recent regional geologic maps available from the California Department of Conservation, Division of Mines and Geology.	Ongoing	Planning and Development Dept.	X				X	

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130
2025 FRESNO GENERAL PLAN**

Project/EA No. A-06-06/R-06-032/C-06-094

Date: October 2, 2008

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
N-1. The City shall cooperate with appropriate energy providers to ensure the provision of adequate energy generated and distribution facilities, including environmental review as required.	Ongoing	Planning and Development Dept.			X			
Q-1. The City shall establish and implement design guidelines applicable to all commercial and manufacturing zone districts. These design guidelines will require consideration of the appearance of non-residential buildings that are visible to pedestrians and vehicle drivers using major streets or are visible from proximate properties zoned or planned for residential use.	Ongoing	Planning and Development Dept.	X				X	

CITY OF FRESNO

ENVIRONMENTAL ASSESSMENT (EA) NO. A-06-06/R-06-032/C-06-094

PROJECT-SPECIFIC MITIGATION MONITORING CHECKLIST

October 2, 2008

This monitoring checklist for the above noted environmental assessment is being prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), as required under Assembly Bill 3180, and is intended to establish a project-specific reporting/monitoring program for Plan Amendment Application No. A-06-06, Rezone Application No. R-06-032, and Conditional Use Permit No. C-06-094 for Derrel's Mini Storage. Prior to issuance of permits to construct and operate the project described in EA No. A-06-06/R-06-032/C-06-094, verification will be required for compliance with this mitigation measure as well as those measures specified in the mitigation monitoring checklist prepared for this project pursuant to the 2025 Fresno General Plan Master Environmental Impact Report (City of Fresno MEIR No. 10130 / State Clearinghouse No. 2001071097),.

10.0 TRAFFIC IMPACTS: This project represents a land use change which will generate traffic impacts on major streets

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
Pay traffic impact fees pursuant to letter from City of Fresno Traffic Engineer Bryan Jones to Peters Engineering Group, dated October 21, 2006, predicated upon a traffic impact analysis prepared by Peters Engineering Group dated October 6, 2006	Applicant	Prior to issuance of construction permits for the project	City of Fresno Planning & Development Department Permit Center City of Fresno Public Works Department

PROJECT-SPECIFIC MITIGATION MEASURE CHECKLIST

EA No. A-06-06/R-06-032/C-06-094

October 2, 2008

Page 2

12.0 POTENTIAL HAZARDS FROM LANDFILL OR TOXIC WASTE SITES: This property is within 1,000 feet of a closed, unlined former landfill which has been discovered to generate methane gas

MITIGATION MEASURE	IMPLEMENTED BY	WHEN IMPLEMENTED	VERIFIED BY
Comply with any requirements of the most current version of the Post-Closure Land Use Plan prepared for the Richter Property as these requirements may pertain to the subject property which comprises the southerly portion of the area analyzed in the June 23, 2008 Post Closure Land Use Plan prepared by Technicon (this plan may be revised and updated in the future)	Applicant	Prior to approval of grading and construction plans, and throughout the life of the project.	City of Fresno Planning & Development Department Permit Center Fresno County Environmental Health California Integrated Waste Management Board

EXHIBIT D

MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097 FOR THE 2025 FRESNO GENERAL PLAN

Project/EA No.

Date:

Mitigation Monitoring Checklist

Following is the mitigation monitoring checklist from MEIR No. 10130 as applied to the above-noted Project Environmental Assessment as required by City Council Resolution No. 2002-378 and Exhibit E thereof, adopted on November 19, 2002, certifying the MEIR for the 2025 Fresno General Plan Update.

- A** - Incorporated into Project
- B** - Mitigated
- C** - Mitigation in Progress
- D** - Responsible Agency Contacted
- E** - Part of City-wide Program
- F** - Not Applicable

NOTE: Letters B-Q in mitigation measures refer to the respective sections of Chapter V of MEIR No. 10130

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
B-1. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an Average Daily Traffic (ADT) level of service (LOS) D or better in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/transportation improvements that will contribute to achieving and maintaining LOS D.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.						
B-2. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS E in 2025, with planned street improvements, shall not cause conditions on those segments to be worse than LOS E before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining LOS E.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.						

CITY OF FRESNO MITIGATED NEGATIVE DECLARATION

FILED

OCT 02 2008

Initial Study is on file in the Planning and
Development Department, City Hall
2600 Fresno Street, Fresno, California 93721
(559) 621-8277

Environmental
Assessment Number:
A-06-06/R-06-032/C-06-094

APPLICANT: JDMS Investments
3265 N. Ashlan
Fresno, CA 93722

Assessor's Parcel Numbers:
APN's 405-340-04 & 05

FRESNO COUNTY CLERK

DEPUTY

PROJECT DESCRIPTION AND LOCATION: Plan Amendment Application No. A-06-06, Rezone Application No. R-06-032, Conditional Use Permit Application No. C-06-094, and Environmental Assessment No. A-06-06/R-06-032/C-06-094 pertain to approximately 5.16 acres of a larger 26.0 acre property located west of the corner of the North Harrison Avenue and East Bedford Avenue alignments. Plan Amendment Application No. A-06-06 requests a change in the 2025 Fresno General Plan and the Bullard Community Plan to redesignate the subject property from the medium low density residential planned land use designation to the office commercial planned land use designation. Rezone Application No. A-06-032 would redesignate the site from the AE-20/UGM (Twenty Acre Agriculture Exclusive/Urban Growth Management) zone district to the S-L/UGM (Storage Limited/Urban Growth Management) zone district. Conditional Use Permit No. C-06-094 proposes the development of a two-phased 110,456 square foot mini-storage facility that will not include a caretaker's residence.

Filed with:
REBECCA E. KLISCH, City Clerk
2nd Floor - City Hall
2600 Fresno Street
Fresno, California 93721-3603

The proposed project has been determined to be a subsequent project that is not within the scope of the Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan ("MEIR"). Pursuant to Public Resources Code § 21157.1 and CEQA Guidelines § 15177, this project has been evaluated with respect to each item on the attached environmental checklist to determine whether this project may cause any additional significant effect on the environment which was not previously examined in the MEIR. This completed checklist reflects comments of any applicable responsible agencies and research and analysis conducted to examine the interrelationship between the proposed project and the physical environment. The information contained in the Environmental Assessment Application, the checklist, and any attachments to the checklist, combine to form a record indicating that an initial study has been completed in compliance with the State CEQA Guidelines and the California Environmental Quality Act.

The responses in the attached Environmental Checklist Form indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant that a specific adverse environmental effect has been identified in a category which is of sufficient magnitude to be of concern. Such an effect may be inherent in the nature and magnitude of the project or may be related to the design and characteristics of the individual project. Effects rated in this manner are not sufficient in themselves to require the preparation of an Environmental Impact Report and/or have been mitigated to the extent feasible.

All new development activity and many non-physical projects contribute directly or indirectly toward a cumulative impact on the physical environment. The incremental effect contributed by this project toward such a cumulative effect is not considered substantial in itself. Based upon the evaluation using the Environmental Checklist Form, it was determined that there are foreseeable impacts from the Project that are additional to those identified in the MEIR. However, it has been determined that those impacts may be mitigated to less than significant with the project specific mitigation measures.

With the project specific mitigation imposed there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effect on the environment that were not identified and analyzed in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR"). After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code, Section 21157.6(b)(1), the Planning and Development Department, as lead agency, finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. The MEIR mitigation checklist will be imposed on this project.

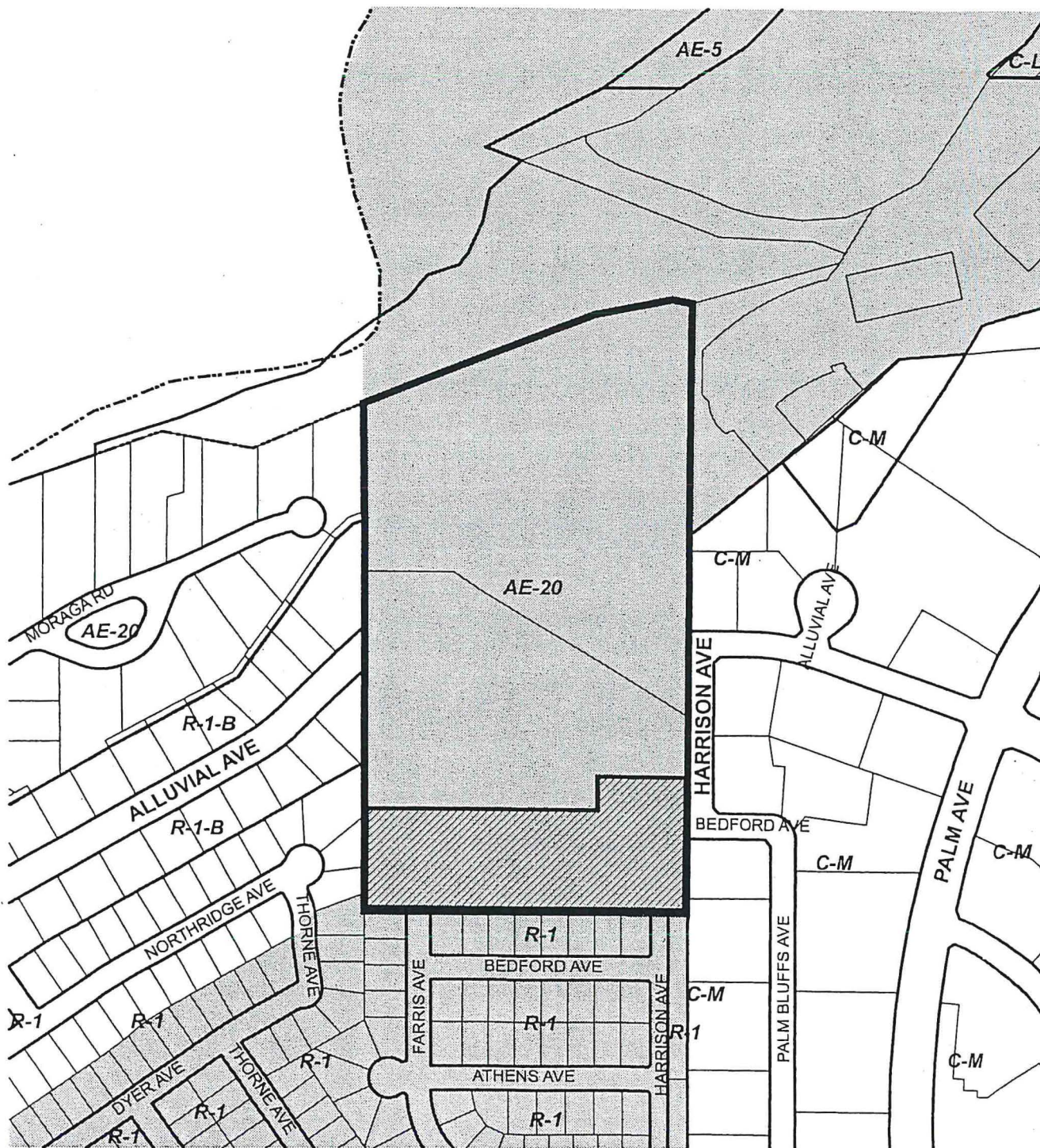
INITIAL STUDY PREPARED BY:

Bruce Barnes
Project Manager

SUBMITTED BY:

Darrell Unruh, Planning Manager

PLANNING AND DEVELOPMENT DEPARTMENT



LEGEND



Subject Property



From Med. Low Density Res.
to Office Commercial



U.G.M. Area

VICINITY MAP

PLAN AMENDMENT NO. A-06-006
From Med. Low Density Res. to Office Comm.
REZONE APPLICATION NO. R-06-032
From AE-20/UGM to S-L/UGM
CONDITIONAL USE PERMIT NO. C-06-004

PLANNING & DEVELOPMENT DEPARTMENT



A.P.N.: 405-340-04.05

ZONE MAP 1610

ENVIRONMENTAL IMPACT SUMMARY CHECKLIST for EA No. A-06-06/ R-06-032/C-06-094

Potential Environmental Effects

- 1.0 TOPOGRAPHIC, SOIL, GEOLOGIC
- 1 1.1 Geologic hazards, unstable soil conditions
- 1 1.2 Adverse change in topography or ground surface relief
- 1 1.3 Destruction of unique geologic or physical features
- 1 1.4 Increased water erosion
- 2.0 AIR QUALITY
- 1 2.1 Generates substantial indirect source pollution
- 1 2.2 Direct on-site pollution generation
- 1 2.3 Generation of objectionable odors
- 1 2.4 Generation of dust except during construction
- 1 2.5 Adverse local climatic changes
- 3.0 WATER
- 1 3.1 Insufficient groundwater for long-term project use
- 1 3.2 Uses large quantities of ground water
- 1 3.3 Wasteful use of water
- 1 3.4 Pollution of surface water or groundwater supplies
- 1 3.5 Reduces groundwater recharge
- 4.0 PLANT LIFE
- 1 4.1 Reduces numbers of any rare/unique/ endangered species
- 1 4.2 Reduction in acreage of agricultural crop
- 1 4.3 Premature or unnecessary conversion of prime agricultural land
- 5.0 ANIMAL LIFE
- 1 5.1 Reduces numbers of any rare/unique/ endangered species
- 1 5.2 Deterioration/displacement of valuable habitat
- 2 6.0 HUMAN HEALTH/SAFETY--Potential for causing injury/illnesses
- 7.0 NOISE
- 1 7.1 Increases existing noise levels
- 1 7.2 Increases exposure to high noise levels
- 8.0 LIGHT AND GLARE
- 1 8.1 Production of glare, which will adversely affect residential areas
- 1 8.2 Exposure of residences to high levels of glare
- 9.0 LAND USE
- 1 9.1 Incompatible with adopted plans and policies
- 1 9.2 Accelerates growth rate
- 1 9.3 Induces unplanned growth
- 1 9.4 Causes adverse change in existing or planned area characteristics
- 10.0 TRANSPORTATION AND CIRCULATION
- 1 10.1 Generation of vehicle traffic sufficient to cause capacity deficiencies on existing street system
- 2 10.2 Cumulative increase in traffic on a major street for which capacity deficiencies are projected
- 1 10.3 Specific traffic hazard to motorists, bicyclists, or pedestrians
- 1 10.4 Routes non-residential traffic through residential area
- 1 10.5 Insufficient or poorly located parking
- 1 10.6 Substantial increase in rail and/or air traffic
- 11.0 URBAN SERVICES
- 1 11.1 Availability of fire protection
- 1 11.2 Lack of emergency vehicle access
- 1 11.3 Adequacy of design for crime prevention
- 1 11.4 Overcrowding of school facilities
- 1 11.5 Availability of water mains of adequate size
- 1 11.6 Availability of sewer line and treatment capacity
- 1 11.7 Availability of storm water drainage facilities (on or off-site)
- 1 11.8 Availability of adequate park and recreation areas
- 1 11.9 Unusually high solid waste generation

- 12.0 HAZARDS
- 1 12.1 Risk of explosion or release of hazardous substances
- 1 12.2 Site subject to flooding
- 1 12.3 Adverse change in course of flow of flood waters
- 1 12.4 Potential hazards from aircraft accidents
- 2 12.5 Potential hazards from landfill and/or toxic waste sites
- 13.0 AESTHETICS
- 1 13.1 Obstructs public/ scenic vista or view
- 1 13.2 Creates aesthetically offensive conditions
- 1 13.3 Removes street trees or other valuable vegetation
- 1 13.4 Architecturally incompatible with surrounding area
- 14.0 CULTURAL/PALEONTOLOGICAL
- 1 14.1 Removal of historic building, or disruption of archaeological site
- 1 14.2 Construction or use activity incompatible with adjacent historic site
- 15.0 ENERGY
- 1 15.1 Uses substantial amounts of fuel or energy
- 1 15.2 Substantial increase in demand upon existing sources of energy
- 1 15.3 Wasteful use of energy

Explanation of Ratings

"0" Insufficient Information

Insufficient information is available for this category and project to determine the potential environmental effects which may result from the proposed project.

"1" No Significant Environmental Effect

In this category, the proposed project will not have an adverse environmental effect, or any such effect is not substantially unusual or of undesirable magnitude. This rating is also utilized in cases where the category is not applicable to the project under consideration.

"2" Moderate Environmental Effect

In this category, the proposed project could have an adverse environmental effect which is of sufficient magnitude to be of some concern. However, this effect is not substantial enough in itself to require preparation of an Environmental Impact Report, and is mitigable through project changes and conditions.

"3" Significantly Adverse Environmental Effect

The environmental effect identified in this category substantiates in itself, or contributes toward, a finding that the proposed project has a potentially significant adverse effect on the environment sufficient to require the preparation of an Environmental Impact Report.

CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT
ENVIRONMENTAL ASSESSMENT - INITIAL STUDY
Application No. A-06-06/R-06-032/C-06-094

PROJECT DESCRIPTION:

Plan Amendment Application No. A-06-06, Rezone Application No. R-06-032, Conditional Use Permit No. C-06-094 and Environmental Assessment No. A-06-06/R-06-032/C-06-094 have been filed by JDMS Investments. These applications pertain to approximately 5.16 acres of a larger 26.0 acre property located west corner of the corner North Harrison Avenue and East Beford Avenue.

Plan Amendment Application No. A-06-06 requests a change in the 2025 Fresno General Plan and the Bullard Community Plan to redesignate the subject property from the medium low density residential planned land use designation to the office commercial planned land use designation. Rezone Application No. A-06-032 would redesignate the site from the AE-20/UGM (*Twenty Acre Agriculture Exclusive/Urban Growth Management*) zone district to the S-L/UGM (*Storage Limited /Urban Growth Management*) zone district.

Conditional Use Permit No. C-06-094 proposes the development of a two-phased 110,456 square foot mini-storage facility that will not contain a caretaker's residence.

BORDING PROPERTY INFORMATION

	PLANNED LAND USE	EXISTING ZONING	EXISTING USE
NORTH	Medium Low Density Residential	AE-20/UGM (<i>Twenty Acre Agriculture Exclusive/Urban Growth Management</i>)	Vacant
SOUTH	Medium Low Density Residential	R-1/UGM (<i>Single Family Residential /Urban Growth Management</i>)	Single Family Residential Subdivision
EAST	Commercial Office and Light Industrial	C-M/UGM (<i>Commercial and Light Manufacturing/Urban Growth Management</i>)	Commercial Shopping Center and Commercial Office
WEST	Medium Low Density Residential	R-1/UGM (<i>Single Family Residential/Urban Growth Management</i>)	Single Family Residential Subdivision

Staff has reviewed the above-referenced project proposal and consulted with affected agencies and interest groups. The proposed project has been evaluated with respect to the provisions of the adopted 2025 Fresno General Plan (City Council Resolution No. 2002-379) and Bullard Community Plan, and the corresponding potential adverse environmental impacts, adopted environmental impact mitigation measures and determinations of overriding considerations established by the certification of the related Master Environmental Impact Report (MEIR) No. 10130 (City Council Resolution No. 2002-378). The proposed

project, which includes an amendment of the adopted 2025 Fresno General Plan and Bullard Community Plan, has been determined to not be fully within the scope of MEIR No. 10130 as provided by the California Environmental Quality Act (CEQA), and as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c).

Based upon an analysis of the project, as summarized in the following environmental assessment initial study, it has been determined that the project may contribute to the creation of certain moderate environmental effects or the project may be adversely impacted by existing conditions as addressed below. It has been further determined that all applicable mitigation measures of MEIR No. 10130 have been applied to the project, together with project specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts and irreversible significant effects beyond those identified by MEIR No. 10130 as provided by CEQA Section 15178(a). Therefore, it has been determined that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of California Environmental Quality Act (CEQA) Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Master Environmental Impact Report No. 10130 examined the potential adverse environmental impacts of implementation of the 2025 Fresno General Plan, which provides plans and policies to accommodate projected population and employment growth through the year 2025. The City of Fresno has determined that specific economic, legal, social, technological and other considerations related to the implementation of the 2025 General Plan outweigh the unavoidable adverse environmental effects identified in the Final MEIR, including any effects not mitigated because of the infeasibility of mitigation measures and that the identified adverse environmental effects are considered acceptable.

The following impacts were identified by City Council Resolution No. 2002-378 certifying Final MEIR No. 10130 (2025 Fresno General Plan Update) as significant but mitigable effects:

1. Impact on Water Supply, Quality and Hydrology.
2. Increased Demand for Utilities and Service Systems.
3. Increased Demand for Public Services.
4. Increased Demand for Recreational Services.
5. Loss of Biological Resources.
6. Potential Disturbance of Cultural Resources.
7. Geology and Soils Impact.
8. Increased Demand for Energy.
9. Potential Aesthetic Concerns.

In addition, Resolution No. 2002-378, also identifies the following unavoidable significant impacts and statement of overriding considerations for these impacts:

1. Transportation and Circulation - The vehicular traffic level of service (LOS) of E and F projected for identified major streets and highway network is considered a significant and unavoidable adverse impact which can not be completely mitigated. Furthermore, there are no reasonable mitigation measures available only to the City of Fresno which would reduce this impact to a less than significant level while allowing for the implementation of other appropriate alternative transportation

facilities.

2. Air Quality - The adverse air quality impacts associated with the myriad of activities associated with the long range general plan for the Fresno Metropolitan area can be expected to be significant and unavoidable, and cannot be completely mitigated. Furthermore, there are no reasonable mitigation measures available only to the City of Fresno which would assure the reduction of air quality impacts to a less than significant level. In order to provide a suitable living environment within the metropolitan area, the general plan strives to facilitate expanded economic growth that will support increased employment opportunities.
3. Preservation of Agricultural Land - The conversion of agricultural land to urban uses within the planned boundary to accommodate the projected population and employment growth of the 2025 Fresno General Plan is a significant and unavoidable adverse impact, which can not be completely mitigated. Furthermore, there are no reasonable mitigation measures available only to the City of Fresno which would assure the reduction of impacts upon agricultural land within the planned urban area to a less than significant level, while also allowing for prudently planned development to accommodate project population and employment growth.
4. Noise - The innumerable activities associated with urban living environments typically generate noise that contributes to the ambient noise levels that occur within the community. The MEIR identifies numerous mitigation measures intended to reduce the impacts of increased noise upon sensitive land uses. The 2025 Fresno General Plan, as the project, also specifies numerous general plan goals and implementing objectives and policies directed to reducing exposure to excessive noise levels. However, sufficient mitigation measures are not reasonably available only to the City of Fresno, which would assure the reduction of noise impacts to less than a significant level.

In addition to MEIR No. 10130 (2025 Fresno General Plan), other environmental documents have been certified for major public facilities to accommodate population growth and urban development including Final EIR No. 10118 (Fresno/Clovis Regional Wastewater Treatment and Reclamation Facility Capacity Expansion) and Final EIR No. SCH 95022029 (Fresno Metropolitan Water Resources Management Plan). These environmental impact analyses and conclusions, together with supporting technical studies, further address the impacts of population growth and the necessary public facility capacity expansion associated with the urban development that will accommodate the growth projected by the 2025 Fresno General Plan. To the extent that these referenced environmental impact analyses, conclusions, findings and mitigation measures are applicable to the subject project they are incorporated herein by reference, pursuant to CEQA Guidelines Section 15150.

1.0--TOPOGRAPHIC, SOIL, GEOLOGIC CONSIDERATIONS

No adverse environmental effects related to topography or geology are expected as a result of this project. There are no geologic hazards known to exist on the site. The site is not near any known active earthquake faults, is not in any Alquist-Priolo Special Studies Zones, and is in an area having overall low seismic activity levels. The existing topography is relatively flat with no apparent unique or significant land forms such as wetlands or vernal pools. The site is not located in a 100 year flood zone. Development of the property requires compliance with grading and drainage standards of the City of Fresno and Fresno Metropolitan Flood Control District Standards. As a result, the project will not result in an increase in water erosion. Also, the site will not be allowed to drain to the San Joaquin River bluffs. Grade differentials at property lines must be limited to one foot or less, or a cross-drainage covenant must be executed with affected adjoining property owners.

The site is located near a closed landfill. The site soils conditions are defined in the Post Closure Land Use Plan prepared by Technicon Engineering Services, Inc. dated June 23, 2008.

All surface vegetation and any miscellaneous surface obstructions should be removed from the project area, prior to any site grading. It is anticipated stripping of vegetation will involve the upper 3 to 4 inches. Surface strippings should not be incorporated into fill unless they can be sufficiently blended to result in an organic content less 3 percent by weight. Stripped topsoil, with an organic content greater than 3 percent by weight, may be stockpiled and used as non-structural fill (i.e. landscaped areas). If extended periods of time pass during site development, re-established vegetation should be stripped from the building area. Stripping depths should be determined at the time of grading.

Mitigation Measures:

1. The proposed project shall implement and incorporate, as appropriate, the topographic, soils and geologic related mitigation measures as identified in the attached Project Specific Mitigation Monitoring Checklist dated October 1, 2008.
2. The proposed project shall implement and incorporate, as appropriate, the topographic, soils and geologic related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan Mitigation Monitoring Checklist, dated October 1, 2008.

2.0--AIR QUALITY

The project site is located in Fresno County and within the San Joaquin Air Basin. This region has had chronic non-attainment of federal and state clean air standards for ozone/oxidants and particulate matter due to a combination of topography and climate. The San Joaquin Valley is hemmed in on three sides by mountain ranges, with prevailing winds carrying pollutants and pollutant precursors from urbanized areas to the north. The Mediterranean climate of this region, with a high number of sunny days and little or no measurable precipitation for several months of the year, fosters photochemical reactions in the atmosphere, creating ozone and particulate matter.

Exceedances of ozone/oxidant standards set by the U. S. Environmental Protection Agency (EPA) and California Air Resources Board primarily occur during summer months, caused by the effect of heat and sunlight on ozone precursors such as reactive organic gases (ROG) and nitrates of oxygen (NOX). ROG and NOX are typically formed and by combustion of fossil fuels in internal combustion vehicle engines, heating appliances, etc.

This area is also designated by federal and state agencies as being in as severe non-attainment area for particulate matter. Particulate matter exceedances may also be caused by photochemical reactions, but are primarily caused and exacerbated by fugitive dust: the effect of wind on open areas of disturbed soil, unpaved and dirty roadways. Particulate mater is also caused by agricultural burning, fireplace use and woodburning in urban areas (historically—residential wood burning has been curtailed by local building ordinances that prohibit fireplace and wood stove installation, and by wood burning control rules adopted by the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). Control efforts over the past decade have been alleviating particulate matter to the point where the most recent monitoring period indicates attainment with the Federal particulate matter standard (formal approval of "Attainment" status is pending).

The region's high incidence of asthma, particularly childhood asthma, is primarily attributed to ozone and particulate matter exceedances, but may also be in part due to the nature of the pollutants encountered in the Valley, such as defoliants and pollen associated with agricultural operations. Household exposures to tobacco smoke, allergens and respiratory irritants are also being investigated as causal in the development of asthma.

With respect to adopted air quality standards of the United States Environmental Protection Agency (EPA) and California Air Resources Board (CARB), the SJVAB has been classified as follows:

Ozone: The San Joaquin Valley Air Basin is classified as "Serious Nonattainment" by the EPA (8-hour standard) and "Severe Nonattainment" by CARB (1 hour standard). An Ozone Attainment Demonstration Plan (OADP) has been prepared, which identifies emission reductions and additional air pollution control Rules needed to attain the air quality standard by this date. A State Implementation Plan is pending for ozone.

Particulate matter: (PM₁₀, less than 10 microns; PM_{2.5}, less than 2.5 microns). An "Attainment" rating for federal PM₁₀ classification is pending and being processed by the EPA (the San Joaquin Valley Air Basin's previous classification was Serious Nonattainment). The Basin's PM₁₀ classification under state standards remains "Nonattainment." The Basin meets current federal PM_{2.5} standards, but there are proposed revisions to federal standards that would likely change the Basin's rating to "Nonattainment."

Carbon monoxide (CO): "Attainment" classification by EPA and CARB; however, the Fresno Urbanized Area was previously in non-attainment and is being monitored for maintenance of attainment status

Nitrogen Oxides (NO_x): "Unclassified/Attainment" rating by EPA and "Attainment" by CARB.

Sulfur Oxides (SO_x): "Unclassified": rating by EPA and "Attainment" by CARB.

Sulfates: [no adopted federal standard] "Attainment" classification by CARB.

Lead: [no adopted federal standard] "Attainment" classification by CARB.

Hydrogen sulfide (H₂S): [no adopted federal standard] "Unclassified" rating by CARB.

Visibility: [no adopted federal standard] "Unclassified" rating by CARB.

The SJVUAPCD is the local air quality jurisdiction charged with attainment planning, rule making, rule enforcement, and monitoring under Federal and State Clean Air Acts and Clean Air Act Amendments. In response to the SJVAB's chronic nonattainment status for ozone and particulate matter, the San Joaquin Valley Air Pollution Control District has adopted air quality attainment plans as required by State and federal regulations. Table VC-1 of MEIR No. 10130 lists the air quality attainment plans that have been adopted by the SJVUAPCD as of the date of MEIR certification. Air quality attainment and implementation plans are periodically adopted and updated in response to area needs and federal and state mandates.

The principal components of air quality attainment plans consist of data describing measured air pollutant and pollutant precursor levels in the affected region's atmosphere; a baseline emissions inventory for the region; descriptions of control measures that will reduce future emissions; a future emissions inventory that reflects decreases due to implementation of emissions controls as well as increases due to increased population; and the results from a photochemical analysis model relating emissions to ambient pollutant levels, demonstrating attainment of the appropriate standard at a future target date. SJVUAPCD attainment

and implementation plans prepared in response to the federal Clean Air Act are also intended to fulfill requirements of the California Clean Air Act, with emphasis on meeting California ambient air quality standards. The proposed project will not impact the implementation of the SJVUAPCD attainment and implementation plans.

The letter from the SJVUAPCD, dated August 10, 2006, incorporates several references to rules which would apply to this project.

It is the SJVUAPCD's strategy to implement multiple tactics or control measures, focusing on not only specific pollutant sources, but on overall transportation planning which relates to funding for major roadway construction and mass transit. Its new Indirect Source Review process is intended to encompass regional planning, transportation system, and site mitigation issues. The SJVUAPCD's formal Rulemaking process provides for public input and economic impact analysis and regulates consumer products and activities contributory to air pollution; permitting and enforcement activities conducted by the SJVUAPCD; and public education campaigns. Due to the nature of the project being an unoccupied limited storage facility, it will not be a substantial indirect source of pollution. Also, it will not generate direct on-site air pollution, objectionable odors, dust, or result in any adverse local climatic changes.

The MEIR prepared for the 2025 Fresno General Plan requires that the URBEMIS computer model be used to analyze development projects and estimate future air pollutant emissions that can be expected to be generated from operational emissions (vehicular traffic associated with the project), area-wide emissions (sources such as ongoing maintenance activities and use of appliances), and construction activities. The URBEMIS computer model evaluates the following emissions: ozone precursors (Reactive Organic Gases (ROG) and NOx; CO, SOx, and PM10. For key pollutants and pollutant precursors, the SJVUAPCD has adopted Threshold Levels of Significance, expressed in tons per year.

As required by MEIR No. 10130, the proposed project has been analyzed by City of Fresno Planning Division staff using URBEMIS. The URBEMIS model analyzed impacts related to construction of 110,456 square feet of industrial warehousing. The URBEMIS program requires information inputs regarding pedestrian and bicycle amenities that will serve the development, availability of public transit; street trees, and street lighting. The analysis also incorporates mitigation measures required by the City and feasibly incorporated at this stage of project analyses. These mitigation measures include watering of construction sites and unpaved construction roads three times daily; reducing speed on construction roadways to 15 mph; and a prohibition of residential wood burning.

The following URBEMIS analysis was done with information available at the current stage of project approval. Refinements to URBEMIS and its inputs may yield somewhat different results in future air quality impact modeling pursuant to SJVUAPCD Rule 9510, the Indirect Source Review Rule, other mitigation measures may be applied during construction and would be incorporated into the project. When the applicant completes the Indirect Source Review Rule application, SJVUAPCD will prepare a more elaborate URBEMIS analysis incorporating more defined project information that would be available at the special permit and construction permit levels of project development, such as information relating to construction fleet equipment and other potential mitigation factors including enhanced energy efficiency measures such as added insulation and solar equipment.

All data in the following table is expressed in tons per year, and utilizes an estimated construction start time of 2008.

URBEMIS 2002 AIR QUALITY IMPACTS

<i>All data in tons/year</i>	ROG	NOX	CO	PM10	SOX
Area Source Emissions	0.22	0.15	0.19	0.00	0.00
Operational Emissions	1.16	1.51	13.03	1.10	0.01
Totals	1.38	1.66	13.22	1.10	0.01
Level of Significance or Requirements for Offset	10	10	100	14.6	27.375

Based on 110, 456 square feet of industrial warehousing.

URBEMIS analysis shows that air quality impacts related to the overall urban development of the subject 5.14 acres, with the proposed 110,456 square feet of industrial warehousing, would not exceed the air quality thresholds as set forth in the URBEMIS Air Quality Model and therefore would be considered less than significant. Also, implementation of the mitigation measures set forth in the Project Specific Mitigation Monitoring Checklist and MEIR No. 10130 prepared for the 2025 Fresno General Plan will further reduce the project's potential air quality impacts.

However, as noted above, this project will require mitigation under Rule 9510. This Rule provides for incorporation of a wide range of mitigation measures into projects, and levies fees for pollutants generated by development projects. The fees are used to provide for regional air quality improvements and mitigations. Specifically, Rule 9510 requires that operational (traffic-associated) and construction equipment emissions of projects be reduced by at least 32% and 45%, respectively. This would reduce the potential emissions of nitrogen oxides (NOx) below the threshold of significance.

Rule 9510 alone would not reduce the project's potential emissions of reactive organic gases (ROG) below a level of significance. In certifying MEIR No. 10130 for the 2025 Fresno General Plan and Bullard Community Plan, the City of Fresno adopted a Finding of Overriding Considerations for air quality, holding that generation of air pollutants is an unavoidable significant impact tributary to population growth and the urban development necessary to house and employ the increased population; acknowledging that, with present technology, it may not be feasible to mitigate these impacts below a level of significance.

Mitigation Measures:

1. The proposed project shall implement and incorporate, as appropriate, the air quality related mitigation measures as identified in the attached Project Specific Mitigation Measure Monitoring Measure Checklist dated October 1, 2008.
2. The proposed project shall implement and incorporate, as appropriate, the air quality related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan Mitigation Monitoring Checklist, dated October 1, 2008.

3.0--WATER

Fresno is one of the largest cities in the United States, which relies on groundwater for the vast majority of its public water supply. Surface water treatment accounts for 15 percent of the City's potable water supply.

While the aquifer exceeds a depth of 300 feet and is large enough to provide adequate quantities of safe drinking water to the metropolitan area well into the twenty-first century, groundwater degradation, increasingly stringent water quality regulations, as well as high consumptive use of water on a per capita basis (267 gallons per day per capita), have resulted in a decline in the total usable potable water supply.

The adverse groundwater conditions of limited supply and compromised quality have been well-documented by planning, environmental impact report and technical studies over the past 20 years including the Master Environmental Impact Report No. 10130 for the 2025 Fresno General Plan, Final EIR No. 10100, Final EIR No. 10117, and Final EIR No. SCH 95022029 (Fresno Metropolitan Water Resource Management Plan), et al. These conditions include water quality degradation due to DBCP, arsenic, iron, and manganese concentrations; low water well yields; limited aquifer storage capacity and recharge capacity; and, intensive urban or semi-urban development occurring upgradient from the Fresno Metropolitan Area. The proposed project places additional demand upon peak water use capacity. The proposed project must contribute to short-term and long-range water supply and distribution remediation projects in order to adequately address any deficiencies.

The Fresno Metropolitan Water Resource Management Plan has been adopted and the accompanying Final EIR (SCH #95022029) certified. The purpose of the management plan is to provide safe, adequate, and dependable water supplies to meet the future needs of the metropolitan area in an economical manner; protect groundwater quality from further degradation and overdraft; and, provide a plan of reasonably implementation measures and facilities. In addition, the proposed project must contribute to the completion of the Fresno Metropolitan Flood Control District's master planned storm drainage facilities. Stormwater ponding basins provide significant opportunity to recharge groundwater with collected storm water run-off and surface water obtained from the Fresno Irrigation District and United States Bureau of Reclamation on the northern edge of the current urban limit boundary.

The mitigation measures of EIR No. 10130 are incorporated herein by reference and are required to be implemented by the attached mitigation monitoring checklist. In summary, these mitigation measures require participation in the development of groundwater recharge in an amount equal to the project's estimated water consumption. Alternative measures to satisfy this requirement include paying fees established by the city for construction of recharge facilities, the construction of recharge facilities directly by the project, or participation in augmentation/enhancement/enlargement of the recharge capability of Fresno Metropolitan Flood Control District storm water ponding basins. While the proposed project may be served by conventional groundwater pumping and distribution systems, full development of the 2025 Fresno General Plan boundaries may necessitate utilization of treated surface water due to inadequate groundwater aquifer recharge capabilities.

Implementation of the 2025 Fresno General Plan policies, the Water Resources Management Plan, and the applicable mitigation measures of approved environmental review documents will address the issues of providing an adequate, reliable, and sustainable water supply for the project's urban domestic and public safety consumptive purposes.

The project is located within the sphere of influence of the Pinedale County Water District and is required to obtain water service from the District. The district has three 8-inch diameter water lines stubbed into the property along the Alluvial, Harrison, and Farris Avenue alignments. It is expected that the eventual buildout of the 26 acre parcel, including the 5.16 acre subject property, will loop these three water lines for the provision of water service to the property. The exact alignment will be dependent on the layout of the development. The development will be subject to payment of water production (connection) fees to the district. The fees will be based upon the rate in effect at the time of payment. The District may request that property be set aside for a new water well with the costs for the well site being credited against the payment

of connection fees. Detailed provisions for water service must be coordinated with the District.

In September of 1992, four groundwater monitoring wells were installed near the subject site. The wells were reported to have been installed to a depth of approximately 135 feet. The depths to groundwater were reported to be approximately 104 to 126 feet below grade. The wells were subsequently sampled and analyzed for TCE, TCA, PCE, benzene, chromium, Volatile Halocarbons and Volatile Aromatics (EPA Method 8260), Priority Pollutant Metals (EPA 129) and General Minerals. According to the laboratory reports, "no detectable concentrations of Volatile Halocarbon or Aromatic compounds (including TCE, TCA, PCE, DCE, benzene) were present in the water samples collected from the monitoring wells". The Priority Pollutant Metal analyses revealed concentrations of arsenic, chromium, copper, and zinc at concentrations below State Drinking Water Standards for Maximum Contaminant Levels (MCLs). The General Mineral Analysis revealed that the water quality beneath the 26 acre site, including the 5.16 acre subject property, was "generally of good quality". The groundwater conditions are further detailed in the Post Closure Land Use Plan prepared by Technicon Engineering Services, Inc., dated June 23, 2008, section 3.0 Previous Investigations, pages 1 – 4.

In accordance with the provisions of the 2025 Fresno General Plan and Master EIR No. 10130 mitigation measures, project specific water supply and distribution requirements must assure that an adequate source of water is available to serve the project. Groundwater wells, pump stations, recharge facilities, water treatment and distribution systems shall be expanded incrementally to mitigate increased water demands. There will be no caretaker on-site. The project water consumption will be limited to landscape irrigation and thus the project will not wastefully use groundwater. The Pinedale County Water District estimated that the proposed mini-storage development will have an adequate source of water to serve the project. However, upon review of Conditional Use Permit C-06-94, more detailed requirements will be imposed on the development of the site. Implementation of the mitigation measures as identified in the attached MEIR No. 10130 prepared for the 2025 Fresno General Plan will reduce the project's water impacts to less than significant.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the water related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130 2025 Fresno General Plan Mitigation Monitoring Checklist dated October 1, 2008.

4.0--PLANT LIFE and 5.0--ANIMAL LIFE

The subject site is currently vacant and is not used for agricultural purposes. There are no native plants, riparian vegetation, significant wildlife populations or wetlands known to exist on the project site and the site does not support any rare or endangered species. Furthermore, the site, although proximate to the San Joaquin River, does not contain any trees that may provide refuge for small animals along the river. As a result, the project will not impact plant and animal life and therefore is not subject to the mitigation measures listed in the attached MEIR Mitigation Monitoring Checklist dated October 1, 2008.

6.0--HUMAN HEALTH AND SAFETY

Aside from temporary dust, noise, and potentially offensive aesthetic conditions during the construction of the project, it is not expected to have any other long term impacts on human health. Implementation of the mitigation measures listed in the attached Project Specific Monitoring Checklist, dated October 1, 2008, will reduce the human health and safety impacts to less than significant. The mitigation measures are further

detailed in this initial study, Section 12.0, Hazards.

1. The proposed project shall implement and incorporate, as appropriate, the human health and safety related mitigation measures as identified in the attached Project Specific Mitigation Measure Monitoring Measure Checklist dated October 1, 2008.

7.0--NOISE

The proposed storage use could generate additional noise above the existing medium low density planned land use for the site. However, given the layout of the site and its proposed limited storage use, noise can be properly mitigated with the placement of buildings, required landscaping and limited hours of operation. Also, the storage facility will not have a caretaker on-site and thus would not be impacted by noise from surrounding land uses. The project will also be subject to the requirements of the City noise ordinance to ensure that the storage facility does not exceed the maximum allowable noise exposure levels identified in the 2025 Fresno General Plan. Implementation of the mitigation measures listed in the attached MEIR Mitigation Monitoring Checklist will reduce the noise impacts to less than significant. Conditional Use Permit No. C-06-94 will also contain a detailed set of conditions which will further mitigate noise impacts from the project to less than significant.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the noise related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130 2025 Fresno General Plan Mitigation Monitoring Checklist dated October 1, 2008.

8.0--LIGHT AND GLARE

The storage will not be occupied by a caretaker and thus is not subject to light and glare impacts from adjacent properties. The project will have limited on-site lighting for security purposes. Security lighting used to illuminate the project site shall be hooded and directed away from adjacent properties. Conditional Use Permit No. C-06-94 will contain a detailed set of conditions designed to mitigate project light and glare impacts to less than significant.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the light and glare related mitigation measures as noted in the attached Project Specific Monitoring Checklist, dated October 1, 2008.

9.0--LAND USE AND PLANNING

Plan Amendment Application No. A-06-06 requests a change in the 2025 Fresno General Plan and the Bullard Community Plan to redesignate the subject property from the medium low density residential planned land use designation to the office commercial planned land use designation.

The Bullard Community Plan, reaffirmed with the 2025 Fresno General Plan, adopted November 19, 2002, specifies medium low density residential land uses for the 5.16acre site and surrounding area. The site's current zoning, however, is AE-20/BP/UGM (*Exclusive Agricultural, 20-Acre Minimum Parcel Size/Urban*

Growth Management) reflecting Fresno County's policy of using 20-acre agricultural zoning on the urban fringe within the City of Fresno's Sphere of Influence until such time as it is proposed to be developed.

The proposed project requests a change in the planned land use designation of the 2025 Fresno General Plan and the Bullard Community Plan from the medium low density residential planned land use designation to the office commercial planned land use designation. The proposed change in land use would not be considered significant because it will be compatible with the adjacent light industrial and office development located to the east of the site while also providing a service to the surrounding commercial, residential and industrial development. Travel distance between residential, commercial and industrial uses in the area will be reduced by locating this facility in proximity to the neighborhoods it will serve. Aesthetic considerations are managed by the development standards of the S-L zone district. Also, as indicated in the Fresno County Health Departments letter dated June 27, 2007, construction of residential uses within 1,000 feet of the landfill footprint is strongly discouraged due to health and safety concerns related to the potential migration of methane and other landfill gases into residential homes thus making the proposed storage use suitable for the site.

General Plan Objective C-12 states that "Commercial land uses shall be classified, located, sized, and developed to meet the needs for goods and services while minimizing travel requirements, infrastructure demands, and adverse impacts." Also, General Plan Policy C-12-a is to "Ensure that all commercial land uses are developed and maintained in a manner complementary to and compatible with adjacent residential land uses, to minimize interface problems with the surrounding environment and to be compatible with public facilities and services." Section 4.2.3 of the Bullard Community Plan, Goal 2. states that new commercial land use designations should be distributed at logical, marketable, convenient and accessible locations. The proposed land use is consistent with these 2025 Fresno General Plan and Bullard Community Plan goals, policies and objectives in that the proposed land use will; provide necessary services close to residential areas which require these services; reduce travel distances; be compatible with the surrounding land uses; be located in a convenient and accessible location; and be consistent with the infill goals of the plans.

The General Plan requires that there is assurance that public facilities and services will be provided to accommodate demand increases or characteristics (peak factors, disruptive traffic movements, fire suppression water demands, *et al.*) in a manner that will maintain an acceptable level of service to the proposed use and surrounding community in accordance with adopted plans and policies and development standards. The Pinedale County Water District, Pinedale Public Utilities District and City of Fresno Public Works Department made the necessary sewer, water, and traffic capacity findings for this project and have imposed Urban Growth Management and project conditions necessary to ensure that this project contributes its share toward completion of the urban service network.

Based upon previous actions and the applicability of adopted development standards, plan policies/implementation measures, and applicable mitigation measures of the above-referenced environmental documents, it is concluded that consideration of the proposed land use relationship will further promote the achievement of the overall urban form/land use objectives of the 2025 Fresno General Plan, and that the proposed project will have a less than significant impact upon the area's land use.

Mitigation Measures:

1. The proposed project shall implement and incorporate, as applicable, the land use related mitigation measures as noted in the attached Project Specific Monitoring Checklist, October 1, 2008.

2. The proposed project shall implement and incorporate, as applicable, the land use related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated October 1, 2008.

10.0--TRANSPORTATION AND CIRCULATION

Access to the site will not be through the existing residential neighborhoods south and west of the proposed project and thus no non-residential project related traffic will impact those neighborhoods. The City's street plans are the product of careful planning that projects traffic capacity needs based on the planned land uses anticipated at build-out of the planned area and are intended to provide sufficient access to support planned development of adjacent properties as well as affording the community an adequate and efficient circulation system.

The Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan (incorporated herein by reference) utilized macro-level traffic analysis techniques to examine the traffic flow level of service (LOS) for major street segments that would occur in the year 2025. This analysis utilized the unadjusted COG traffic model projected traffic volumes and the Florida Tables, which are an accepted national tabular standard of the Highway Capacity Manual (HCM) methodology. LOS is a characterization of a street's traffic flow operations that range from a LOS of A (reflecting a very low traffic volume with no travel delay) to a LOS of F (reflecting a very high traffic volume with substantial congestion and travel delay).

As required by the mitigation measures established by the certification of MEIR No. 10130, a traffic impact study (TIS) dated October 6, 2006 was prepared to evaluate the number of vehicle trips projected to be generated by the proposed project when the proposed site was located at the north end of the 26 acre site. The current project site is located at the south end of the 26 acre site and, according to Peters Engineering Group (original preparer of the October 6, 2006 TIS), the trip generation characteristics (and the mitigation measures) are nearly identical to the October 6, 2006 TIS report. The project TIS prepared by the applicant evaluated the number of vehicle trips projected to be generated by the project and its impacts to the surrounding circulation network. Applying the factors outlined in the Institute of Traffic Engineers Trip Generation Manual, the TIS determined that the project would generate approximately 156 average daily vehicle trips (ADT's), 14 trips during the AM peak hour and 16 trips during the PM peak hour. North Palm Avenue is expected to carry approximately 30,000 ADT in 2025 and this project represents .0052% of the future expected traffic volume.

Compared to the existing medium low density residential planned land use, the City of Fresno Traffic Planning Section indicates that the proposed office commercial land use designation will decrease traffic from 249 ADT to 156 ADT. This represents a decrease of 93 ADT, or a 40% reduction in average daily traffic. Although this proposed plan amendment represents a decrease in traffic compared to the current medium low density planned land use designation planned for the subject property, the project is still required to mitigate its traffic impacts.

The developer of this project, in accordance with the mitigation measures of the Master Environmental Impact Report (No. 10130) which was certified by the Council with the adoption of the 2025 Fresno General Plan, will be required to pay impact fees specific to the traffic signalization of the major street intersections. The Traffic Signal Mitigation (TSMI) Fee of \$45.98 per ADT, payable at the time of building permit, is based on the trip generation rates set forth in the latest edition of the ITE Trip Generation Manual. The property owner/developer is required to pay the TSMI fee for this project, which is based on 156 ADT and equals \$7,172.88.

Along with other cities and Fresno County, the City of Fresno has partnered with the Fresno County Council of Governments and Caltrans on a regional study for the greater Fresno-Clovis-Madera Metropolitan area. The study may provide the nexus/rough proportionality study necessary for determining a developer's proportionate responsibility for capital improvements to the state highway system.

Caltrans has reviewed the project and has determined that it would impact the State Route (SR) 41 Interchange at Friant Road. Pursuant to the "Interim Agreement" dated February 13, 2006, Caltrans has calculated the project's fair share mitigation for cumulatively significant impacts to the SR 41/Friant Road Interchange to be \$1,251.00 as detailed in their letter dated May 25, 2006.

Conditional Use Permit No. C-06-94 will contain a detailed set of conditions designed to further mitigate traffic impacts to less than significant.

Mitigation Measure:

1. The proposed project shall implement and incorporate, as applicable, the traffic and circulation related mitigation measures as noted in the attached Project Specific Monitoring Checklist, October 1, 2008.
2. The proposed project shall implement and incorporate, as applicable, the traffic and circulation related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated October 1, 2008.

11.0--URBAN SERVICES

This project is not expected to have any significant impacts on urban services. Because this property is in the Urban Growth Management Area, the applicant is responsible for expanding City infrastructure beyond normal street frontage dedication and improvements and payment of UGM fees above that of ordinary connection fees for water and sewer services. Implementation of the mitigation measures listed in the attached MEIR Mitigation Monitoring Checklist will reduce the urban services impacts to less than significant.

Mitigation Measure:

1. The proposed project shall implement and incorporate, as applicable, the urban services related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated October 1, 2008.

11.1 FIRE PROTECTION, 11.3 POLICE PROTECTION

The project site is located within the City's Urban Growth Management area and must comply with the applicable service delivery requirements necessary to provide not less than the minimum acceptable level of fire protection facilities and services appropriate for urban uses. The City Fire Department reviewed the proposed plan amendment and indicated that adequate fire protection is available to serve the project. The site will be served by Fire Station No. 3 located at 7114 N. West Avenue which is approximately 2.1 miles from the site. The Fire Department has indicated that on-site hydrants with a 1500 GPM, 8-inch water main minimum, and public street hydrant(s) will be required to be installed. Two points of ingress/egress must be provided and maintained during all phases of development. The project will need "Emergency Access" from the north end of North Farris or all structures in the project will need to be fire sprinklered (travel distance to a

fire station will exceed 2 miles). These requirements are outlined in the Fire Department memorandum dated September 3, 2008.

Project specific fire protection requirements, including but not limited to, hydrant locations, flows, access, fire sprinklers, etc., will be detailed upon review of Conditional Use Permit No. C-06-094. The site will also be designed for crime protection. The storage facility will be fenced with a security gate at the main entrance. The site will be monitored with video cameras from the adjacent storage facility approximately one-half mile northeast of the proposed storage facility. Security lighting will also be provided at the site. Payment of UGM fees by the project will also contribute towards city fire and police facilities thus further reducing the project's impacts to fire and police services to less than significant. These mitigation measures are listed in the Project Specific Mitigation Monitoring Checklist and MEIR No. 10130 prepared for the 2025 Fresno General Plan.

Mitigation Measures:

1. The proposed project shall implement and incorporate, as applicable, the fire and police related mitigation measures as noted in the attached Project Specific Monitoring Checklist, October 1, 2008.
2. The proposed project shall implement and incorporate, as applicable, the fire and police related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated October 1, 2008.

11.4 Overcrowding of Schools

The Clovis Unified School District levies a fee of \$0.42 per square foot for commercial development. However, since this project will include only storage space, with no caretaker's residence or office space, the District has indicated that the project is not subject to a school facilities fee. As a result, no school mitigation is required for this project. The District's comments are detailed in their letter to the City of Fresno dated August 15, 2006.

11.5 Availability of Water Mains of Adequate Size

The project is located within the sphere of influence of the Pinedale County Water District and is required to obtain water service from the district. The district has three 8-inch diameter water lines stubbed into the 26 acre property along the Alluvial, Harrison, and Farris Avenue alignments. It is expected that the development of the 26 acre parcel will eventually loop these three water lines for the provision of water service to the property. The exact alignment will be dependent on the layout of the development.

The development will be subject to payment of water production (connection) fees to the District. The fees will be based upon the rate in effect at the time of payment. The district may request that property be set aside for a new water well, with the costs for the well site being credited against the payment of connection fees. Detailed provisions for water service must be coordinated with the District. Also, due to the underlying landfill, landscape watering practices must strive to use only sufficient water to sustain and promote plant growth. Well-maintained low-volume emitter irrigation (drip system) is best suited. Therefore, it is suggested that a landscape architect be consulted to assist in the selection of plant species that can be sustained in the local climate zone. These mitigation measures will reduce the project water impacts to less than significant. Conditional Use Permit No. C-06-094 will contain a detailed set of conditions related to water service which will further reduce the project water impacts.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the water related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated October 1, 2008.
2. The proposed project shall implement and incorporate, as applicable, the water related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated October 1, 2008.

11.6 Availability of Sewer Lines of Adequate Capacity

The project is located within the sphere of influence of the Pinedale Public Utilities District (PPUD) and will be provided sewer service by the PPUD. If a sanitary sewer service is needed at the site, a \$6,769.00 connection fee will be required to be paid to the PPUD. Applicable Urban Growth Management fees related to sewer facilities will also be applied to this project. These mitigation measures will reduce the project sewer impacts to less than significant. Conditional Use Permit No. C-06-094 will contain a detailed set of conditions related to sewer service which will further reduce the project sewer impacts.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the sewer related mitigation measures as noted in the attached Project Specific Monitoring Checklist dated October 1, 2008.
2. The proposed project shall implement and incorporate, as applicable, the sewer related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated October 1, 2008.

11.7 Availability of Storm Water Drainage Facilities On or Off Site

The Fresno Metropolitan Flood Control District (FMFCD) has reviewed the proposed general plan amendment and rezone. FMFCD indicates that their Master Plan drainage system is designed for medium low density residential land uses and the existing Master Plan storm drainage facilities do not have adequate capacity to serve the proposed storage facility use.

The FMFCD has indicated that the property owner/developer will be required to mitigate the impacts of the increased runoff from the proposed storage facility use to a rate that would be expected if developed to medium low density residential uses as planned. The owner/developer will be required to either make improvements to the existing pipeline system to provide additional capacity or will be required to use some type of permanent peak reducing facility in order to eliminate adverse impacts on the existing system. No surface run-off is allowed to be directed towards the San Joaquin River Bluff. The site is not located in a flood zone and is not subject to flooding. The development may be required to grant drainage covenants to allow surface run-off to reach future Master Planned facilities located in the northeast portion of the 26 acre parcel (APN: 405-304-04). Implementation of the mitigation measures may be deferred until the time of development.

Conditional Use Permit No. C-06-094 will contain a detailed set of conditions related to the 5.16 acre mini-storage that will mitigate impacts to the FMFCD storm drain system to less than significant. Also, implementation of the mitigation measures listed in the attached Project Specific Monitoring Checklist and the attached MEIR Mitigation Monitoring Checklist will reduce storm water related impacts to less than significant.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the storm water related mitigation measures as noted in the attached Project Specific Monitoring Checklist, dated October 1, 2008.
2. The proposed project shall implement and incorporate, as applicable, the storm water related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated October 1, 2008.

11.9 Solid Waste

The City Public Utilities Department, Solid Waste Division, has reviewed the proposal and determined that adequate solid waste services are available to the project. The project will be required to provide a backing limit of 45 feet for solid waste vehicles, a 44 foot truck turning radius, a minimum width of 18 feet for a truck path, an 18 foot minimum gate clearance, and a two cell trash enclosure. The Solid Waste Divisions requirements are further detailed in their comments dated September 2, 2008. Compliance with these conditions will reduce the solid waste impacts to less than significant. Conditional Use Permit No. C-06-094 will contain a detailed set of conditions related to the 5.16 acre mini storage that will further mitigate impacts to solid waste.

Mitigation Measures

1. The proposed project shall implement and incorporate, as applicable, the solid waste related mitigation measures as noted in the attached Project Specific Monitoring Checklist, dated October 1, 2008.
2. The proposed project shall implement and incorporate, as applicable, the solid waste related mitigation measures as identified in the attached Master Environmental Impact Report No. 10130-2025 Fresno General Plan Mitigation Monitoring Checklist dated October 1, 2008.

12.0 HAZARDS

12.5 Potential Hazards from Landfill and/or Toxic Waste Sites

The proposed mini-storage is located near a site previously used as a landfill for unregulated disposal for construction debris and household waste. The land fill was primarily located at the north end of the 26 acre site. A Post Closure Land Use Plan, prepared by Technicon Engineering Services, Inc., dated June 23, 2008 indicated that *"The southernmost 5.17 acres of land contains no debris and therefore requires no special mitigation with regard to subdividing the property."*

13.0--AESTHETICS

The development standards of the S-L zone district were formulated with the specific objective of preserving residential standards and character so that self-storage facilities could be beneficially integrated into neighborhoods. The project is required to provide for landscaping along its frontage on North Harrison Avenue and a masonry wall and gates with aesthetic treatment along its street frontage. Landscaping will also be required along the multi-purpose trail on the east side of the property. No public or scenic vista will be obstructed by the development, and no valuable vegetation will be removed for this project. Conditions

BP820U03

City of Fresno
Payment Due Selection

Fac 50s

2/09/09
16:37:36

Application nbr . . : 09 00000952
Property : 7531 N HARRISON AVE S/A

Water Permit

select fees due, press Enter.
1=Select entire amount

Opt	Amount to apply	Amount due	Str	Permit	Insp	Fee Description
—	975.00	975.00				*FRONTAGE CHARGE
—	1253.88	1253.88				*WATER TGM BOND DEBT
—	2671.00	2671.00				*WATER SERVICE & METER
—	4000.00	4000.00				TIME AND MATERIALS -
—	3317.88	3317.88				*TRANS GRID AREA A
—	2671.00	2671.00				*WATER-L/S SERV & METER
—	6300.36	6300.36				*WATER SUP WELL 201-S
Tot	21189.12					

Contact Eric Campbell @

621-5356 for installation.

#50 SI

This fee pays for the
hot taps by the City
Water Division for our

(2) 2" Services
(1) 8" Service

Plus amt includes
our Water impact fees

020 - 29795 40%

020 - 29935 60%

52980

Vendor Name: CITY OF FRESNO

Batch No
2009-000483Entry No
Water Connection Fees 2/10/09Transaction Amount
\$21,189.12
\$21,189.12

Total

CITY OF FRESNO
*** CUSTOMER RECEIPT ***
Oper: KATHRYNM Type: DV Drawer: 1
Date: 2/10/09 01 Receipt no: 34055

Description	Quantity	Amount
2009	952	
BP BUILDING PERMITS	1.00	\$21189.12

DERREL'S MINI STORAGE INC
3265 W ASHLAN AVE
FRESNO CA
559 224-9900

Tender detail		
CK CHECK	52980	\$21189.12
Total tendered		\$21189.12
Total payment		\$21189.12

Trans date: 2/10/09 Time: 11:27:06

09-952

CITY OF FRESNO

PLANNING AND DEVELOPMENT DEPARTMENT
BUILDING AND SAFETY DIVISION

WATER CHARGE
LAND DIVISION AND ENGINEERING SECTION

SERVICE ADDRESS: 7531 N. Harrison Ave.
Derrell's Mini Storage A.P.N.: 405-340-05
LOT/BLOCK: _____ TRACT/P.M.: _____ ZONING: AE-20/UGM () CITY () COUN

WATER CONNECTION CHARGES

5.16 acre
portion

1. SERVICE CHARGE
2 - 2" service of water # 5,342.-
1 - 8" F.S. (shortside) # 4,000.-
_____ Inch Service..... () Existing..... () Install..... \$ _____
2. METER CHARGE
_____ Inch Meter..... () Existing..... () Install..... \$ _____
3. FRONTAGE CHARGE
150' L.F. @ \$6.50/L.F. \$ 975.-
_____ L.F. @ \$3.25/L.F. \$ _____
() Corner Credit applied
4. TRANSMISSION GRID MAIN CHARGE (\$70.00 min. charge)
A. For NON-UGM Areas:
For Parcels 5 Gross Acres and Above
_____ Gross Acres @ \$643.00/ac. \$ _____
For Parcels Under 5 Gross Acres
_____ Net Acres @ \$804.00/ac. \$ _____
B. For UGM Areas: U.G.M. Service Area: A
For Parcels 5 Gross Acres and Above
5.16 Gross Acres @ \$643.00/ac. \$ 3,317.88
For Parcels Under 5 Gross Acres
_____ Net Acres @ \$804.00/ac. \$ _____
5. TRANSMISSION GRID MAIN BOND DEBT SERVICE CHARGE (\$100.00 min.)
For Parcels 5 Gross Acres and Above
5.16 Gross Acres @ \$243.00/ac. \$ 1,253.88
For Parcels Under 5 Gross Acres

WELLHEAD TREATMENT FEE

_____ Wellhead Treatment Service Area.

_____ UNITS @ \$ _____ / Unit..... \$ _____

3. RECHARGE AREA FEE

_____ Recharge Service Area.

_____ UNITS @ \$ _____ / Unit..... \$ _____

1. 1994 BOND DEBT SERVICE FEE

_____ 1994 Bond Debt Service Area.

_____ UNITS @ \$ _____ / Unit..... \$ _____

0. U.G.M WATER SUPPLY FEE

SINGLE WELL – Water Supply Area No.: _____

_____ Gross Acres @ \$ _____ /gross acre..... \$ _____

MULTI-WELL – Water Supply Area No.: 201 s15.48 UNITS @ \$ 407.- / Unit..... \$ 6,300.36

UNIT BASIS: For Wellhead, Recharge, Bond Debt, & Multi-Well Water Supply Fees

() Living Units

() Living Unit Equivalent 3.05.16 Net Acres X 5.81 living unit equivalentsper net acre = 15.48 Living Unit EquivalentsTOTAL WATER CONNECTION CHARGES..... \$ 21,189.12
11,847.12

The total water connection charge obligations are based on fee rates now in effect. The fee rates in effect at the time the water connection fees are due and payable shall apply. Any questions related to this estimate should be directed to 621-8277.

ESTIMATE BY: Daniel H. WilmanDATE: 10-28-08

PREPARED 2/09/09, 11:38
City of Fresno

PAYMENTS DUE RECEIPT
PROGRAM BP820L

APPLICATION NUMBER: 09-00000875 7531 N HARRISON AVE S/A
FEE DESCRIPTION AMOUNT DUE

MICROFILM FEES	5.25
PLUMBING COM	1183.00
WORKERS COMP	7.40
TOTAL DUE	1195.65

Please present this receipt to the cashier with full payment.

#60 SI
2/9/2009
Permit fee for (us to install)
on-site fireline
+ water service utility plan (own
plan (2) 2" (1) 8" (F1))

020-29931 100%

52979

Vendor Name: CITY OF FRESNO

Batch No

Entry No

Transaction Amount

2009-000475

(No Inv. #) Permit Fee 2/9/09

\$1,195.65

Total

\$1,195.65

CITY OF FRESNO

*** CUSTOMER RECEIPT ***

Oper: ROSALIAM Type: DV Drawer: 1
Date: 2/09/09 01 Receipt no: 29718

Description	Quantity	Amount
2009	875	
BP	BUILDING PERMITS	
	1.00	\$1195.65

DERREL'S MINI STORAGE, INC
3265 W ASHLAN AVE
FRESNO, CA 93722
224-9900

Tender detail		
CK CHECK	52979	\$1195.65
Total tendered		\$1195.65
Total payment		\$1195.65

Trans date: 2/09/09 Time: 16:26:39

CITY OF FRESNO
Planning & Development Department
Building and Safety Division
Plumbing Section
Fax Inspection

2600 Fresno Street
Fresno, Ca. 93721
Tel: (559) 621-8116
Tel: (559) 498-4357

Application Number 09-00000875 Date 2/09/09
Application pin number 791125
Property Address 7531 N HARRISON AVE S/A
Assessor's Parcel Number 405-340-05
Tract Lot
Tenant nbr, name DERREL'S MINI STORAGE
Application type description SITE UTILITY PLUMBING
Subdivision Name
Property Use
Property Zoning EXCLUSIVE TWENTY ACRE AG
Application valuation 0

Owner

Contractor

NORTH PALM INVESTORS
% R SMITH
8080 N PALM #207
FRESNO CA 93711

DERREL'S MINI STORAGE INC
3265 W ASHLAN AVENUE
FRESNO CA 93722
(559) 225-4117

--- Structure Information 000 000 SITE HYDRANT PLUMBING

Permit PLUMBING COMMERCIAL
Additional desc DE ONSITE UTILITIES
Phone Access Code 3373024
Permit pin number 3373024
Permit Fee 1183.00 Plan Check Fee 331.24
Issue Date 2/09/09 Valuation 0
Expiration Date 8/08/09

Qty	Unit	Charge	Per		Extension
				BASE FEE	20.00
3.00		9.5000	EA	FIRE HYDRANT	28.50
2.00		11.5000	EA	BACKFLOW PREVENT	23.00
1150.00		.9500	EA	SITE HYDRANT/F SPRINK	1092.50
2.00		9.5000	EA	WATER PIPE <4" WITH SERVICE	19.00

Special Notes and Comments

Site hydrant service plumbing

Other Fees	MICROFILM FEES	5.25
	WORKERSCOMP	7.40

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	1183.00	.00	.00	1183.00
Plan Check Total	331.24	331.24	.00	.00
Other Fee Total	12.65	.00	.00	12.65

Note: "Other Fees" & "Other Fee Total" may include amounts from previous transactions. Certifications required by State Law were executed and incorporated by reference. Original on file with City permit.

END OF PERMIT

CITY OF FRESNO
Planning & Development Department
Building and Safety Division
Plumbing Section
Fax Inspection

2600 Fresno Street
Fresno, Ca. 93721
Tel: (559) 621-8116
Tel: (559) 498-4357

Application Number	09-00000875	Page	2
Application pin number	791125	Date	2/09/09
Grand Total	1526.89 331.24	.00	1195.65

Note: "Other Fees" & "Other Fee Total" may include amounts from previous transactions. Certifications required by State Law were executed and incorporated by reference. Original on file with City permit.

END OF PERMIT

**Bk.
305**

The map displays a complex arrangement of land parcels and geographical features. At the top left, 'MADERA COUNTY' is labeled diagonally. To its right, the 'San Joaquin River' flows along a dashed line. Below the river, two agricultural parcels are identified as 'AP-1643 (18)S 0.76Ac.' and 'AP-1643 (17)S 8.75Ac.'. Further east, 'Bk. 402' is circled, encompassing several smaller lots. A 'LOW WATER LINE' is indicated by a dashed line running horizontally across the middle. To the right of the river, the 'OLD SAN JOAQUIN CANAL' is shown. A vertical road, 'INGRAM AVE.', runs through the center-right, with a 'P.C.-2' marker at its intersection with a horizontal road. Various numbered sections are scattered throughout, some enclosed in circles or parentheses. Specific dimensions for boundary segments are noted, such as '111.92'', '299', '130.49'', and '555.70''. A yellow-shaded area is labeled '(PM 24-81)' and '5.17Ac.'. The bottom of the map shows more numbered sections, including (22), (31), (33), (44), (53), (54), (55), and (56).

Assessor's Map Bk. 405 - Pg. 34
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

PREPARED 2/09/09, 9:12:57
City of Fresno

PAYMENTS DUE RECEIPT
PROGRAM BP820L

APPLICATION NUMBER: 09-00000875 7531 N HARRISON AVE S/A
FEE DESCRIPTION AMOUNT DUE

PLAN CHECK FEES	331.24
TOTAL DUE	331.24

Please present this receipt to the cashier with full payment.

#50 SI 2/9/09

Plan Check fees
for Site Utility Plan: (F-1)^{dup}
Fine line and 2" Water Services

D20-29931 100%

Vendor Name: CITY OF FRESNO

52963

Batch No
2009-000470

Entry No
(NO Inv. #)Plan Check Fees 2/9/09

Transaction Amount
\$331.24
\$331.24

Total

CITY OF FRESNO
*** CUSTOMER RECEIPT ***
Oper: ROSALIAM Type: DV Drawer: 1
Date: 2/09/09 01 Receipt no: 28565

Description	Quantity	Amount
2009	875	
BP	BUILDING PERMITS	
	1.00	\$331.24

DERREL'S MINI STORAGE INC
3265 W ASHLAN AVE
FRESNO, CA 93722
224-9900

Tender detail		
CK CHECK	52963	\$331.24
Total tendered		\$331.24
Total payment		\$331.24

Trans date: 2/09/09 Time: 11:15:59

1974 Annexation Report

Agenda Item #15

FRESNO COUNTY LOCAL AGENCY FORMATION COMMISSION EXECUTIVE OFFICER'S REPORT

August 28, 1974

LAFCO

AC-74-16: Proposed "Friant-Shepherd No. 1" Annexation to the City of Fresno.

PROPONENT: R. W. Hanley, Chief Administrative Officer, City of Fresno.

ACREAGE & LOCATION:

Approximately 2,885 acres, straddling Highway 41 and located generally north of Herndon Avenue, east of Van Ness Avenue, south of and adjacent to the San Joaquin River and west of Cedar Avenue.

PUBLICA- TION:

Fresno Bee, August 13, 1974

PURPOSE:

To control the planning and development of a vast area which includes agricultural, industrial, and scattered residential development.

FINDINGS:

Boundaries are definite and certain, as revised.

Proposed annexation is contiguous to the present boundaries of the City of Fresno.

There are conflicts with lines of assessment or ownership; however, the assessor reports that an assessment problem will not be created.

Fresno City Council consents to the filing of this proposal.

Assessor reports that the map is insufficient for filing with the State Board of Equalization.

Assessor reports that the following Land Conservation Contract is within the proposal and not under protest: 1643; the following LCC is within the proposal area and under protest by the City of Fresno: 5749; the following LCCs are within one mile of the proposal area and not under protest: 113, and a portion of 1643.

The City of Fresno has certified that all property owners involved in this annexation have been notified of the filing of this proposal.

The proposal area is within the sphere of influence of the City of Fresno, as determined by your commission.

A final environmental impact report for this annexation was distributed to your commission on June 24, 1974.

ANALYSIS:

This proposal, due to its size and due to the conditions which the City Council of the City of Fresno has placed upon it, represents a departure from the typical city annexation proposal considered by your commission. The territory is made up largely of territory (approximately 1,700 acres) owned by a single property owner (Hallee Properties), although the city staff has included several additional parcels.

Background. On November 28, 1973 your commission denied the proposed Zinkin Annexation to the Pinedale Public Utility District which contemplated the annexation of approximately 500 acres of territory to that district for the provision of public water and sewer service for a proposed industrial park directly north of the Pinedale community. One of your staff's concerns

regarding that proposal was that an industrial park normally requires the full range of municipal services; therefore, we felt annexation of the area to the City of Fresno should be considered. Subsequently, the City of Fresno filed with your commission a proposal to annex approximately 3,000 acres of territory, which included the territory previously proposed for annexation to the Pinedale Public Utility District, as well as a vast area, the majority of which includes the holdings of Hallee Properties. Prior to your commission's consideration of that proposal, the Appellate Court in Ventura County issued its decision in the Bozung vs. Ventura County LAFCO case. The major finding of that case was that annexations are projects as defined in the California Environmental Quality Act of 1970. A second finding in that case was that annexation to a city, wherein development would result, would require a formal environmental impact report. Subsequent to the Bozung decision, the City of Fresno withdrew the proposed "Alluvial-First Annexation" and in June, submitted the subject proposal to your commission along with a final environmental impact report for the annexation. The boundaries of this annexation, which will be discussed in some detail in a latter section of this analysis are significantly different from the first annexation proposed by the city. In comparison to the Alluvial-First Annexation, the proposal before you includes less agricultural land, less territory under the Williamson Act, and less territory which is unsuited for urban development.

Justification. The stated purpose of this annexation is to allow the city to control the planning and development of the subject area. Basically, the city's goal is to prevent development of the fringe areas in the unincorporated area so that (1) the city can control the timing and location of development, and more importantly, (2) so the city will not face the prospect of being surrounded by yet another unincorporated inhabited area such as Sunnyside, Fig Garden, Pinedale, Calwa, or Malaga which will resist eventual annexation to the city. Obviously, the city also intends to provide municipal services to the proposal area when and if development is allowed.

The City of Fresno has determined to impose on this annexation certain unique conditions in order to insure that future urban development will be orderly, logical, economically feasible in terms of city costs and revenues, and environmentally sound. These conditions as outlined in the city's EIR are as follows:

(1) That all territory included in this annexation be rezoned to an AE-20 classification (20 acre minimum) upon annexation, except for those properties presently zoned AE-20, the presently developed Tri-Wall Containers property, Nelson School property, property owned by the Pinedale Co. Water and Pinedale Public Utility Districts, and the Clovis High School and Elementary School property.

(2) That no property be allowed to be rezoned from AE-20 to a more urban type classification until all of the following conditions have been met: (a) the application shall be in conformance with the applicable general and community plans, (b) the application shall be accompanied with an adopted specific plan, (c) the application shall comply with CEQA of 1970, (d) the application shall be accompanied by a cost revenue analysis, (e) the application shall be consistent with existing urban growth and development policies developed by the city council. Although not listed as a specific condition, the city has also indicated that "EIRs will be prepared for subsequent Community and Development Plans". It is assumed that these reports will address the impact of development upon adjacent areas and the metropolitan area generally.

From the staff's point of view, these conditions are generally sound. We would hope that their imposition does not divert development to the unincorporated area as discussed in the city's EIR, however, the county's policy of referring applications for urban development which lie within $\frac{1}{2}$ mile of a city to that city for annexation, should mitigate this possibility. We are also aware that the rezoning of the proposal area to AE-20 could be a hardship for a property owner with development plans which have already been approved by the county.

Provision of Municipal Services

Water and Sewer. The provision of public sewer service to the vast majority of the subject area will not be possible until the construction of the Herndon-Cornelia sewer trunk line. According to city staff, that line will be installed within approximately 2 years. The Pinedale Public Utility District (PPUD) has the capacity for providing certain areas within the annexation with interim sewer services until the completion of the sewer trunk line. Paradoxically, while the district has protested this annexation as being within the district's "sphere of influence" it has also indicated that a portion of the district's capacity will be available for the Hallee property. Though the annexation boundaries include property owned by the Pinedale County Water District (PCWD) and the PPUD, no alteration in the operation of those two district's facilities is anticipated. We would hope that the districts and the city would cooperate in the planning and installation of water and sewer lines so that service duplication would not occur.

Fire Service. The city's EIR correctly notes that this annexation, if it is accompanied by subsequent withdrawal of the territory from the North Central Fire Protection District and the Mid Valley Fire Protection District, will result in an overall decline of the level of fire service the subject area now enjoys. The nearest city fire station is located on North Fresno Street between East Barstow and East Bullard Avenues, while Mid Valley has a station near the intersection of Herndon and Millbrook Avenues, and North Central has a station located on Bullard between West and Fruit Avenues. The recent destruction of a mobile home in the newly constructed mobile home park located in the river valley underlines the possible hazard which would be faced by currently developed areas included within this annexation if some arrangement cannot be provided for at least a continuance of the current level of structural fire protection. The city's failure to withdraw the territory from the fire district would result in the city and district both levying a property tax for structural fire protection. Staff would hope that either a contract or a policy can be developed between the city and the districts to ensure that an adequate level of fire protection can be provided to the developed portions of this annexation until the city can provide these services.

Boundaries. The subject proposal contains 11 registered voters and, therefore, under state law is considered legally uninhabited requiring no election. The staff is cognizant of the difficulty the city faces in "winning" inhabited city annexations; historically, developed areas which have essential public services from special districts are generally reluctant to vote in favor of annexation to an adjacent city. For this reason, the City of Fresno, as well as other cities throughout the state, regularly "gerrymander" city annexation boundaries to exclude inhabited areas. Therefore, the Pinedale community, which would theoretically benefit from the provision of urban

services as well as the existing mobile home parks located at the corner of Fresno and Alluvial Avenues, and other adjacent inhabited areas have not been included within this annexation.

The boundaries, as submitted by the city, would create an unincorporated island of approximately 500 acres, bounded generally by Blackstone on the west, Browning on the south, Fresno Street on the east, and the Spruce Street alignment on the north. While legally an unincorporated island, this area is in fact part of the general urban pattern of land use on both sides of Blackstone which is not in the City of Fresno. While the City Annexation Statutes prohibit the creation of unincorporated islands, your commission may waive that prohibition if you find that the imposition of the prohibition would be detrimental to the orderly development of the community and that the area that will be enclosed by the annexation of incorporation is so located that it cannot reasonably be annexed to another city or incorporated as a new city. While this island, as all islands, may create a certain amount of confusion for emergency response services, such as police and fire, we do not feel that the formation of the island is critical to your determination regarding the merits of this annexation.

Requests from Property Owners for Exclusion

Not surprisingly in an annexation of this size, several property owners have requested exclusion of their holdings from the boundaries of this annexation (please see Map C). These requests are as follows:

(1) Tri-Wall Containers, a cardboard manufacturing company, has requested that its plant, north of the community of Pinedale, be excluded from this annexation. The company's request is based upon: (a) its concern that the city would not grant M-3 zoning for the expansion of the plant, (b) the added city tax, (c) the drop in the level of structural fire protection that would be received from the city, (d) fears that city police patrol would not be as regular as the county sheriff, and (e) the company's predilection to rural areas.

The staff has carefully considered this request for exclusion and we do not feel it should be granted. The conditions the city has imposed on this annexation do not mean that any future request for M-3 zoning will be denied. Our understanding of the AE-20 zoning is that it is an interim zoning. While the annexation would increase the company's property taxes by approximately \$2000 per year, we would doubt that city police patrol service would be lower than that currently provided by the county. As we have alluded to earlier, the company's concerns regarding fire protection are valid. We would challenge the idea that the Pinedale area is a rural community; the basis of the annexation is that the proposal area is in the path of growth in the metropolitan area. This is true regardless of whether this annexation is completed.

As a final comment regarding this request, the staff feels that industrial uses such as the Tri-Wall property should be within the city and pay its fair share of the costs of local government in the metropolitan area. That this annexation has not occurred in the past is no reason to consider that industrial uses are not suited to being included within cities.

(2) Ben Nakamura, a principal involved in a proposed subdivision which has been approved by the county has indicated his concern that the city would not honor his development plans if

this annexation is completed. This ownership is located between Herndon, Van Ness Extension, North Harrison, and Alluvial Avenues. While Mr. Nakamura has not formally requested exclusion from your commission, the staff would be reluctant to see that development occur in the unincorporated area. While the status of the development plans are a matter between the city and the developer, we would urge you to leave this ownership within the annexation.

(3) Karl Matus, owner of approximately 10 acres located at the southwest corner of Alluvial and West Avenues, has requested exclusion on the basis of anticipated higher taxes and the existing rural character of his neighborhood. Again, while we admit that additional property taxes will be levied, they will not, in our judgment, be confiscatory. Secondly, Mr. Matus' ownership is in an area of increasing residential development; we would not agree that being included within the city suddenly changes the character of a neighborhood, or necessarily indicates wall-to-wall development. Therefore, we would not recommend this exclusion.

(4) Mr. Roland Killian, the owner of a 22 acre parcel just south of the Fort Washington subdivision which is under Williamson Act contract has indicated that unless the city agreed to leave the area under contract, he would request exclusion from this annexation. Because the entire area is now zoned for agriculture, we would urge that you honor Mr. Killian's request for exclusion.

(5) Vira N. Jones, through her attorney, has requested that her 30 acre ownership located at the very northeast of the proposed annexation be excluded on the basis that the annexation is premature. Inasmuch as this territory is zoned for agricultural use, we feel that her request should be honored.

Lastly, as discussed earlier, the Pinedale Public Utility District has protested this annexation as including territory within the district's "sphere of influence". Obviously, this is not precisely correct inasmuch as your commission alone has the responsibility for determining spheres of influence for cities and special districts. Regardless of what the district considers to be its future service area, we would urge you to not exclude any territories on the basis that the district intends to serve them.

Recommended Boundary Changes

The staff feels that, as a rule, areas which are zoned for agricultural use should not be included within the city and be liable for the city's tax rate unless (1) the property owners are specifically requesting annexation, and/or (2) the exclusion of those areas would result in unacceptably complex city boundaries. Your commission has on previous occasions made decisions on that basis. Although we feel that the proposed boundaries are far superior to those originally proposed in the Alluvial-First Annexation, we feel that certain modifications are in order (please see Map D). First, there are parcels which are under Williamson Act contract with the county which are included within this annexation. Those parcels, APN no.s 302-020-07S (2 acres), 302-050-57S (26 acres), and 302-030-43S (22 acres) should be excluded inasmuch as no urban development is proposed for these areas for the next ten years, if ever. Secondly, the area lying south of Herndon Avenue should be excluded since the city will be assured "control" of this area by virtue of the county's policy of referring development proposals to the

city which lie within $\frac{1}{2}$ mile of the city. For similar reasons, we see no need to include the 80 acres immediately south of the Fort Washington subdivision zoned for agricultural use, or the 40 acres at the northwest intersection of First and Nees Avenues. We would further recommend that the undeveloped territory zoned for commercial uses (1) at the southeast intersection of Fresno and Alluvial Streets, and (2) at the southwest intersection of Nees and Fresno Streets be included within this annexation, as well as the undeveloped territory currently zoned for trailer park development which is located within the Pinedale County Water District, bounded generally by Nees, Fresno, Alluvial, and First Avenues. Lastly, we would recommend that the 15 acre parcel north of Alluvial, between West and Van Ness Extension which is currently being proposed as a 16 unit low-density subdivision in the county be included within this annexation. This inclusion would be in accordance with your policy that developing residential areas should be included within and receive services from cities as opposed to special districts.

Conclusions

On November 28, 1973 your staff recommended that the proposed "Shaw-Valentine Annexation" to the City of Fresno, which involved approximately 900 acres north of Shaw Avenue and west of Valentine, be denied on the basis that the city could not provide municipal services, particularly sewer service. In a similar fashion, we have given serious consideration as to whether or not this annexation is premature on the basis of a lack of municipal services and a lack of specific development plans indicating a need for these services. We feel that the circumstances involved in this annexation and the earlier one are different in several respects. First of all, very little of the subject area is under active agricultural use, nor as the EIR points out, is it prime agricultural land. Secondly, unlike the case of the Shaw-Valentine Annexation, there are existing special districts which may expand into the proposal area if the city should not annex the territory. In light of the recent proposed Zinkin Annexation to PPUD, alluded to earlier, special districts expansion within the proposal area is a real possibility. Since your commission has on several occasions indicated your policy that those areas which are in need of urban services should be within cities and should receive urban services from cities, your denial of this annexation might well pave the way to expansion of the PCWD and PPUD districts in an area which seems destined for urban growth within the next 20 years. Lastly, the conditions that the city council of the City of Fresno has imposed on this annexation were not imposed on the earlier annexation.

The Govt. Code states that the purpose of your commission is to discourage urban sprawl and encourage the logical and orderly development of local government, based on local circumstances. While we are convinced that the City of Fresno is the logical agency to provide services and controls to the proposal area, we cannot, without specific development plans, assure you that urban sprawl or leapfrog development will not occur as a result of this annexation. Accordingly, if you determine to approve this annexation you will be to a certain extent transferring your responsibilities to discourage urban sprawl to the City of Fresno. Under most circumstances we would be reluctant to recommend such a transfer of responsibility. However, we feel that the city, in imposing the above referenced conditions upon this annexation is cognizant that your commission fully expects that future development within the proposal area will be timed and directed in a logical and orderly fashion. We, therefore, feel that this annexation should be allowed to proceed with the exclusions and deletions recommended above.

So that the staff's posture with regard to future annexations will not be misinterpreted, we would reiterate that we will continue to oppose fringe area annexations to cities where (1) the territory is being actively farmed or is zoned for agricultural use, (2) there are no existing special districts which threaten to expand into the area, (3) where no specific development plans have been submitted, and (4) where the city involved cannot provide the full range of municipal services in the near future.

**RECOMMENDED
ACTIONS:**

(1) Approve the proposed annexation to be known as the "Friant-Shepherd No. 1 Annexation" to the City of Fresno.

***Conditioned upon:**

(A) The inclusion of the following areas within the boundaries of this proposal:

APN

- | | |
|------------------------------------|--|
| 1. 302-050-04S
-05S | Proposed 16 unit subdivision between West and Van Ness Extension, north of Alluvial. |
| 2. 303-190-07 | C-1 parcel at the intersection of Alluvial and Fresno Streets. |
| 3. 303-190-01 | C-2 parcel at the intersection of Nees Avenue and Fresno Street. |
| 4. 303-190-02
-03
-04
-32 | Undeveloped area zoned for TP, bounded generally by Fresno Street, Nees Avenue, First Street, and Alluvial Avenue within the Pinedale County Water District. |

(B) The exclusion of the following areas from the boundaries of this annexation:

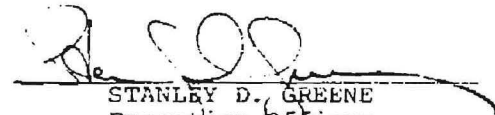
APN

- | | |
|--|---|
| 1. 302-020-07S
-57S | The two Williamson Act contract areas west of Hwy. 41. |
| 2. 302-030-32S
-32M
-42S
-42M
-43S
-43M | The 80 acres south of the Fort Washington subdivision, including a 22 acre area under the Williamson Act. |
| 3. 302-020-87 | The 30 acre parcel located at the northeast corner of the proposed annexation. |
| 4. 302-020-31 | The 40 acres at the northwest intersection of First and Nees Avenue. |
| 5. 406-060-01
-02
-05S
-05M | The 20 acres located south of Herndon Avenue. |

(C) The city's submittal of a revised map and legal description reflecting the changes recommended above.

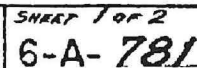
(2) That you determine to waive the restriction of Section 35002.5 of the Govt. Code which prohibits the creation of an unincorporated island upon your finding that the application of the restriction would be detrimental to the orderly development of the community and that the area that will be enclosed by the city is so located that it cannot reasonably be annexed to another city or incorporated as a new city.

(3) Authorize the City of Fresno to initiate subsequent proceedings in compliance with the findings of the Local Agency Formation Commission.



STANLEY D. GREENE
Executive Officer

SDG:KMT:jg



- D. Which agencies (or private company, if that is the case) presently provide services within the area to be annexed?

Police protection
Fire protection
Water distribution
Sewer collection & treatment
Refuse collection
Street lighting
Street maintenance

SEE ATTACHED LIST

- E. What will be the effect of the annexation upon any districts having jurisdiction and providing service in the area? Describe any policy or agreement the city may have with the district with respect to the annexation of areas which are within the district. The City has a written agreement with the Pinedale Public Utility District concerning use of the Herndon-Cornelia Interceptor and bilateral agreement on any "outside" service proposals. A similar agreement is anticipated with the Pinedale County Water Works District.
- F. Is it anticipated that any of the territory proposed for annexation to the city will, upon annexation, be detached from any special district? If so, which district(s)? Following annexation, the territory is expected to be withdrawn from the Mid Valley and North Central Fire Protection Districts.

V. SERVICE INFORMATION

- A. List the services and controls which will be provided by the city automatically upon completion of this annexation. Police, street maintenance, construction controls, water pumping control, housing conservation, refuse collection, and planning.
- B. List the services and controls which can be provided by the city upon completion of this annexation, dependent upon the wishes of the property owners (i.e. extension of water or sewer lines, etc). Under certain circumstances, traffic safety, street lighting, and upon the installation of permanent pavement, and concrete improvements, street cleaning services.
Yes
- C. Is the city prepared to furnish all of the services referred to in A and B above upon annexation? If not, at what time in the future will they be provided?
Yes
- D. What will need to be done in order to provide the services referred to in A and B above? For example, will it be necessary to extend water and sewer lines, install street lights, purchase new equipment or build a new facility? At such time as the specific planning is completed and the Council determines a favorable cost revenue ratio, the urbanization of this territory will be permitted. This will be accomplished on a phased basis and all City services will be available prior to actual development.

appropriate for the County to permit development to enable the "infilling" of areas already urban in character.

- Within areas urban in character, parcels which are vacant or not fully developed, which are "beyond" one-half mile of the City, and are not readily annexable, would be deemed appropriate for development within unincorporated areas to enable the "infilling" of areas already urban in character.

As the initial act relating to the proposed annexation, this policy of the Council of the City of Fresno, to be implemented by an ordinance adding the AE-20 District and integrated conditions to the Zoning Ordinance of the City of Fresno, is an integral part of the proposed annexation and is, therefore, inseparable from consideration under the definition of "project" as set forth by the guidelines for implementation of the California Environmental Quality Act.

The following conclusions concerning the pertinent environmental effects related to the project as a whole are based on an analysis of information presented in the Draft Environmental Impact Report.

- ✓ 1. The assumption that the act of annexation carries some prohibition on development within the project area is unwarranted, given the pre zoning of the area and the related review requirements.
2. Contrary to the view that "infilling" development will be strengthened as the result of transfer of control to the City of Fresno.
3. The change of jurisdiction over the project area from Fresno County and certain special districts to the City of Fresno may have a long term regional consequence in relationship to the pattern and area of public service delivery and the ultimate physical boundaries of the Cities of Fresno and Clovis. However, no significant adverse effects related to conflicting jurisdictional boundaries or service areas are expected due to the adoption of the Spheres of Influence plan for Fresno and Clovis.

1985 Agreement

Monday, July 20, 2009
9:49 AM

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06/11/2009 19:02 5594475600

(BND) 647-647
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P.1
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AGREEMENT FOR THE PROVISION OF WATER SERVICE

THIS AGREEMENT is made and entered into on this 23/25
day of DECEMBER, 1985, by and between PINESDALE COUNTY
WATER DISTRICT (hereinafter the "District", and the CITY OF FRESNO
(hereinafter the "City"), agree as follows:

RECITALS

WHEREAS, the District is furnishing water service to customers
pursuant to the provision of Water Code 30,000 et seq within the
County of Fresno and City of Fresno;

WHEREAS, the service area within which the District provides
water service (hereinafter the "service area"), is located within
Fresno County and portions of the City; and

WHEREAS, the District and the City desire to provide water
service to their respective customers in the most efficient and
economical way;

NOW, THEREFORE, in consideration of the mutual promises and
covenants recited herein, the parties agree as follows:

I

Covenants of the City

1. When mutually agreeable, the City will provide water to
customers within the District service area.
2. The water service charges to the customer in the district
service area, shall be billed by the district in accordance with
the districts schedules of fees and charges.
3. The City agrees to accept as payment for water used, an
amount equal to 80% of the applicable City rate(s).
4. The City agrees to a bi-monthly payment and billing cycle.
5. ~~The City agrees to pay the District any service charges,
or portions thereof collected in accordance with this agreement,
within 15 days of close of billing period.~~
6. The City agrees to be responsible for maintenance of city
owned mains and services.
7. The City agrees, the attached Exhibit "A" is the list of
customers in the city service area served by the District.
8. The City agrees, the attached Exhibits "A" and "B", may
be changed by addendum, adding, or deleting items listed.

By [Signature] Pinedale District
By [Signature] City of Fresno

Addenda shall be signed by the City and District Water Manager.

II

Covenants of the District

1. When mutually agreeable, the District will provide water service to customers within the City service area.
 2. The water service charges to the customer in the city service area, shall be billed by the City in accordance with the City's schedule of fees and charges.
 3. The District agrees to accept as payment for water used, an amount equal to 60% of the applicable district rate(s).
 4. The District agrees to a bi-monthly payment and billing cycle.
 5. ~~The District agrees to pay the City any service charges, or portions thereof, collected in accordance with this agreement, within 45 days of close of billing period.~~
 6. The District agrees to be responsible for maintenance of district owned mains and services.
 7. The District agrees, the attached Exhibit "B" in the list of customers in the district service area served by the city.
 8. The District agrees, the attached Exhibits "A" and "B", may be changed by addendum, adding, or deleting items listed.
- Addenda shall be signed by the City and District Water Managers.

By Debra M. Smith District
City of Fresno

III

Other Provisions

1. This agreement shall continue unless terminated by the first one of the following events: (a) adoption of an agreement superseding this agreement; (b) the delivery of a notice of termination, 180 days minimum by either party.
2. This Agreement shall be binding upon and to the benefit of the District and the City and their respective successors and assigns.
3. This Agreement shall be deemed to be a contract under the law of the State of California and for all purposes shall be construed in accordance with the laws of said state.
4. Articles and section headings used in this Agreement are for convenience only and shall not affect the construction of this agreement.

5. This Agreement may be executed in counterparts, each of which once so executed and delivered shall be deemed to be, an original and all of which together shall constitute but one and the same Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers and representatives as of the day and year recited hereinbelow, which shall be the effective date of this Agreement.

CITY OF FRASERO
a municipal corporation

Date: 1/3, 1986 By [Signature]

Pinedale County Water District

DATE: Sept 17, 1985 By [Signature]

RM/ig
8/7/05

APPROVED AS TO FORM

CITY ATTORNEY'S OFFICE

By: [Signature]
Deputy

ATTEST:

JACQUELINE L. NYLE, C.W.C.
CITY CLERK

By: [Signature]
Deputy

JUL-8-2009 03:58P FROM: BRAITMAN & ASSOC
06/11/2009 19:02 5594475600

(005) 647-7647
FM&E

TO: 15594950655

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EXHIBIT "A"

Customers in the City Service Area served
by the district

Service Size/Type	Name/Address	APN
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EXHIBIT "B"

Customers in the District service area served by
the City

<u>DATE</u>	<u>SERVICE</u> Size/Type	<u>NAME/ADDRESS</u>	<u>APN</u>
1/86	4" Fire Service	Kingsview Corp. 1470 W. Herndon Fresno, CA 93711	405-370-01
1/86	2" Commercial Water Service	Kingsview Corp. 1470 W. Herndon Fresno, CA 93711	405-370-01

2

CITY OF FRESNO
a municipal corporation

Date: 1-3-86, 1986

By

Randy L. Gauer

Pinedale County Water District

Date: Jan 2, 1986

By

Dennis L. Laker

EXHIBIT "A"

Customers in the District service area served by the City

DATE	SERVICE	NAME/ADDRESS	APH
3/86	All 1" or 1/4" residential services	320 E. Warner Avenue	408-062-10
		330 E. Warner Avenue	408-062-17
		342 E. Warner Avenue	408-062-16
	On-PCWD water line	352 E. Warner Avenue	408-062-15
	On-PCWD water line	364 E. Warner Avenue	408-062-14
	On-PCWD water line	374 E. Warner Avenue	408-062-13
		308 E. Warner Avenue	408-062-25
		307 E. Warner Avenue	408-063-06
		319 E. Warner Avenue	408-063-07
		329 E. Warner Avenue	408-063-08
		341 E. Warner Avenue	408-063-09
		351 E. Warner Avenue	408-063-10
		361 E. Warner Avenue	408-063-11
	a lot	373 E. Warner Avenue	408-063-12
		321 E. Herndon Avenue	408-062-07
		331 E. Herndon Avenue	408-062-08
	a lot	343 E. Herndon Avenue	408-062-09
		353 E. Herndon Avenue	408-062-10
		365 E. Herndon Avenue	408-062-11
	a lot	375 E. Herndon	408-062-12
		384 E. Magill	408-063-20
		306 E. Magill	408-063-19
		318 E. Magill	408-063-18
		328 E. Magill	408-063-17
		340 E. Magill	408-063-16
		350 E. Magill	408-063-15
		362 E. Magill	408-063-14
		6700 W. Fresno St.	408-063-13
		6805 W. Fresno St.	408-070-08

1470 W. Herndon HM

CITY OF FRESNO
A municipal corporation

Date: 4-15-86, 1986 By: B.W. Miller

Fresno County Water District

Date: 4-15-86, 1986 By: D. M. Parker

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No.

Date:

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
N-1. The City shall cooperate with appropriate energy providers to ensure the provision of adequate energy generated and distribution facilities, including environmental review as required.	Ongoing	Planning and Development Dept.						
Q-1. The City shall establish and implement design guidelines applicable to all commercial and manufacturing zone districts. These design guidelines will require consideration of the appearance of non-residential buildings that are visible to pedestrians and vehicle drivers using major streets or are visible from proximate properties zoned or planned for residential use.	Ongoing	Planning and Development Dept.						

A - Incorporated into Project
B - Mitigated

C - Mitigation in Process
D - Responsible Agency Contacted

E - Part of City-Wide Program
F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No.

Date:

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
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D-8. The City shall maintain a comprehensive, long-range water resource management plan that provides for appropriate management and use of all sources of water available to the planning area, and shall periodically updated this plan to ensure that sufficient and sustainable water supplies of good quality will be economically available to accommodate existing and planned urban development. Project-specific and city-wide water conservation measures shall be directed toward assisting in reaching the goal of balancing City groundwater operations by 2025.	Ongoing	Department of Public Utilities						

D-9. The City shall continue its current water conservation programs and implement additional water conservation measures to reduce overall per capita water use within the City with a goal of reducing the overall per capita water use in the City to its adopted target consumption rate. The target per capita consumption rate adopted in 2008 is a citywide average of 243 gallons per person per day, intended to be reached by 2020 (which includes anticipated water conservation resulting from the on-going residential water metering program and additional water conservation by all customers: 5% by 2010, and an additional 5% by 2020.)	Ongoing	Department of Public Utilities						

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No.

Date:

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
D-10. All development projects shall be required to comply with City Department of Public Utilities conditions intended for the City to reach its overall per capita water consumption rate target. Project conditions shall include, but are not limited to, water use efficiency for landscaping, use of artificial turf and native plant materials, reducing turf areas, and discouraging the development of artificial lakes, fountains and ponds unless only untreated surface water or recycled water supplies are used for these decorative and recreational water features, as appropriate and sanitary.	Prior to approval of land use entitlement	Department of Public Utilities						
D-11. When and if the City adopts a formal management plan for recycled and/or reclaimed water, all development shall comply with its standards and requirements. Absent a formal management plan for recycled and/or reclaimed water, new development projects shall install reasonably necessary infrastructure, facilities and equipment to utilize reclaimed and recycled water for landscape irrigation, decorative fountains and ponds, and other water-consuming features, provided that use of reclaimed or recycled water is determined by the Department of Public Utilities to be feasible, sanitary, and energy-efficient.	Prior to approval of development project	Department of Public Utilities						

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No.

Date:

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F																															
D-12. All applicants for development projects shall provide data (meeting City Department of Public Utilities criteria for such data) on the anticipated annual water demand and daily peak water demand for proposed projects. If a development project would increase water demand at a project location (or for a type of development) beyond the levels allocated in the version of the City's Urban Water Management Plan (UWMP) in effect at the time the project's environmental assessment is conducted, the additional water demand will be required to be offset or mitigated in a manner acceptable to the City Department of Public Utilities. Allocated water demand rates are set forth in Table 6-4 of the 2008 UWMP as follows: <table border="1" data-bbox="174 716 1089 1219"> <thead> <tr> <th data-bbox="174 716 585 824">FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES</th> <th colspan="3" data-bbox="590 716 1089 824">PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:</th> </tr> <tr> <th data-bbox="174 828 585 927">(Analysis shall include acreage to all street centerlines.)</th> <th data-bbox="590 828 751 927">01/01/2005 THROUGH 12/31/2010</th> <th data-bbox="756 828 917 927">01/01/2010 THROUGH 12/31/2024</th> <th data-bbox="921 828 1089 927">AFTER 01/01/2025</th> </tr> </thead> <tbody> <tr> <td data-bbox="174 930 585 976">Single family residential</td> <td data-bbox="590 930 751 976">3.8</td> <td data-bbox="756 930 917 976">3.5</td> <td data-bbox="921 930 1089 976">3.5</td> </tr> <tr> <td data-bbox="174 979 585 1024">Multi-family residential</td> <td data-bbox="590 979 751 1024">6.5</td> <td data-bbox="756 979 917 1024">6.2</td> <td data-bbox="921 979 1089 1024">6.2</td> </tr> <tr> <td data-bbox="174 1027 585 1073">Commercial and institutional</td> <td data-bbox="590 1027 751 1073">2</td> <td data-bbox="756 1027 917 1073">1.9</td> <td data-bbox="921 1027 1089 1073">1.9</td> </tr> <tr> <td data-bbox="174 1076 585 1122">Industrial</td> <td data-bbox="590 1076 751 1122">2</td> <td data-bbox="756 1076 917 1122">1.9</td> <td data-bbox="921 1076 1089 1122">1.9</td> </tr> <tr> <td data-bbox="174 1125 585 1170">Landscaped open space</td> <td data-bbox="590 1125 751 1170">3</td> <td data-bbox="756 1125 917 1170">2.9</td> <td data-bbox="921 1125 1089 1170">2.9</td> </tr> <tr> <td data-bbox="174 1174 585 1219">South East Growth Area</td> <td data-bbox="590 1174 751 1219">3.4</td> <td data-bbox="756 1174 917 1219">3.2</td> <td data-bbox="921 1174 1089 1219">3.2</td> </tr> </tbody> </table> NOTE: The above land use classifications and demand allocation factors may be amended in future updates of the Urban Water Management Plan	FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES	PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:			(Analysis shall include acreage to all street centerlines.)	01/01/2005 THROUGH 12/31/2010	01/01/2010 THROUGH 12/31/2024	AFTER 01/01/2025	Single family residential	3.8	3.5	3.5	Multi-family residential	6.5	6.2	6.2	Commercial and institutional	2	1.9	1.9	Industrial	2	1.9	1.9	Landscaped open space	3	2.9	2.9	South East Growth Area	3.4	3.2	3.2	Prior to approval of development project	Department of Public Utilities					
FOR GROSS DEVELOPED PROJECT ACREAGE OF THE FOLLOWING DEVELOPMENT CATEGORIES	PER-UNIT FACTORS, in acre-ft/acre/yr, for projects projected to be completed during these intervals:																																						
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C - Mitigation in Process
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E - Part of City-Wide Program
F - Not Applicable

**MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 / SCH No. 2001071097
FOR THE 2025 FRESNO GENERAL PLAN**

Project/EA No.

Date:

Mitigation Monitoring Checklist

MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
D-13. The City will conform to the requirements of Waste Discharge Requirements Order 5-01-254, including groundwater monitoring and subsequent Best Practical Treatment and Control (BPTC) assessment and findings.	Ongoing	Department of Public Utilities						
E-1. The City shall continue to implement and pursue strengthening of urban growth management service delivery requirements and annexation policy agreements, including urging that the county continue to implement similar measures within the boundaries of the 2025 Fresno General Plan, to promote contiguous urban development and discourage premature conversion of agricultural land.	Ongoing	Planning and Development Department						
E-2. To minimize the inefficient conversion of agricultural land, the City shall pursue the appropriate measures to ensure that development within the planned urban boundary occurs consistent with the General Plan and that urban development occurs within the city's incorporated boundaries.	Ongoing	Planning and Development Department						
E-3. The City shall pursue appropriate measures, including recordation of right to farm covenants, to ensure that agricultural uses of land may continue within those areas of transition where planned urban areas interface with planned agricultural areas.	Ongoing	Planning and Development Department						

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E-4. Development of agricultural land, or fallow land adjacent to land designated for agricultural uses, shall incorporate measures to reduce the potential for conflicts with the agricultural use. Implementation of the following measures shall be considered: a. Including a buffer zone of sufficient width between proposed residences and the agricultural use. b. Restricting the intensity of residential uses adjacent to agricultural lands. c. Informing residents about possible exposure to agricultural chemicals. d. Where feasible and permitted by law, exploring opportunities for agricultural operators to cease aerial spraying of chemicals and use of heavy equipment near proposed residences. e. Recordation of right to farm covenants to ensure that agricultural uses of land can continue.	Ongoing	Planning and Development Department						
F-1. The City shall ensure the provision for adequate trunk sewer and collector main capacities to serve existing and planned urban and economic development, including existing developed uses not presently connected to the public sewer system, consistent with the Wastewater Master Plan. Where appropriate, the City will coordinate with the City of Clovis and other agencies to ensure that planning and construction of facilities address regional needs in a comprehensive manner.	Ongoing	Dept. of Public Utilities and Planning and Development Department						
F-2. The City shall continue the development and use of citywide sewer flow monitoring and computerized flow modeling to ensure the availability of sewer collection system capacity to serve planned urban development.	Ongoing	Dept. of Public Utilities						

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MITIGATION MEASURE	WHEN IMPLEMENTED	COMPLIANCE VERIFIED BY	A	B	C	D	E	F
F-2-a. The City shall provide for containment and management of leathers and sludge adequate to prevent groundwater degradation.	Ongoing	Dept. of Public Utilities						
F-3. The City shall ensure the provision of adequate sewage treatment and disposal by using the Fresno-Clovis Regional Wastewater Reclamation Facility as the primary facility when economically feasible for all existing and new development within the General Plan area. Smaller, subregional wastewater treatment facilities may also be constructed as part of the regional wastewater treatment system, when appropriate. This shall include provision of tertiary treatment facilities to produce recycled water for landscape irrigation and other non-potable uses. Site specific environmental evaluation and development of Waste Discharge Requirements by the Regional Water Quality Control Board shall precede the construction of these facilities. Mitigation measures identified in these evaluations shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing	Dept. of Public Utilities						
F-4. The City shall ensure that adequate trunk sewer capacity exists or can be provided to serve proposed development prior to the approval of rezoning, special permits, tract maps and parcel maps, so that the capacities of existing facilities are not exceeded.	Ongoing/prior to approval of land use entitlement	Dept. of Public Utilities and Planning and Development Department						

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F-5. The City shall provide adequate solid waste facilities and services for the collection, transfer, recycling, and disposal of refuse for existing and planned development within the City's jurisdiction. Site specific environmental evaluation shall precede the construction of these facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Dept. of Public Utilities						
G-1. Site specific environmental evaluation shall precede the construction of new police and fire protection facilities. Results of this evaluation shall be incorporated into each project to reduce the identified environmental impacts.	Ongoing/prior to construction	Fire Dept/Police Dept/ Planning and Development Dept.						
H-1. Site specific environmental evaluation shall precede the construction of new public parks. Results of this evaluation shall be incorporated into the park design to reduce the environmental impacts.	Ongoing/prior to construction	Parks and Recreation Dept.; Planning and Development Dept.						
I-1. Projects that could adversely affect rare, threatened or endangered wildlife and vegetative species (or may have impacts on wildlife, fish and vegetation restoration programs) may be approved only with the consent of the California Department of Fish and Game (and the U.S. Fish and Wildlife Service, as appropriate) that adequate mitigation measures are incorporated into the project's approval.	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.						

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I-2. Where feasible, development shall avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas shall including siting structures at least 100 feet from the outermost edge of the wetland. If complete avoidance is not possible, the disturbance to the wetland shall be minimized to the maximum extent possible, with restoration of the disturbed area provided. New vegetation shall consist of native species similar to those removed.	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.						
I-3. Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided. The replacement habitat shall be substantially equivalent in nature to the habitat lost and shall be provided at a ratio suitable to assure that, at a minimum, there is no net less of habitat acreage or value. Typically, the U.S. Fish and Wildlife Service and California Department of Fish and Game require a ratio of three replacement acres for every one acre of high quality riparian or wetland habitat lost.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.						
I-4. Existing and mature riparian vegetation shall be preserved to the extent feasible, except when trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment shall occur outside of the drip lines of any trees to be preserved.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.						
I-5. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing and habitat enhancement and protection).	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.						

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I-6. All areas within identified riparian corridors shall be maintained in a natural state or limited to recreation and open space uses. Recreation shall be limited to passive forms of recreation, with any facilities that are constructed required to be non-intrusive to wildlife or sensitive species.	Ongoing/prior to approval of land use entitlement and during construction	Planning and Development Dept.						
J-1. If the site of a proposed development or public works project is found to contain unique archaeological or paleontological resources, and it can be demonstrated that the project will cause damage to these resources, reasonable efforts shall be made to permit any or all of the resource to be scientifically removed, or it shall be preserved in situ (left in an undisturbed state). In situ preservation may include the following options, or equivalent measures: a. Amending construction plans to avoid the resources. b. Setting aside sites containing these resources by deeding them into permanent conservation easements. c. Capping or covering these resources with a protective layer of soil before building on the sites. d. Incorporating parks, green space or other open space into the project to leave these resources undisturbed and to provide a protective cover over them. e. Avoiding public disclosure of the location of these resources until or unless the site is adequately protected from vandalism or theft.	Ongoing/prior to approval of land use entitlement	Planning and Development Dept.						

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J-2. An archaeological assessment shall be conducted for the project if prehistoric human relics are found that were not previously assessed during the environmental assessment for the project. The site shall be formally recorded, and archaeologist recommendations shall be made to the City on further site investigation or site avoidance/ preservation measures.	Ongoing/prior to submittal of land use entitlement application	Planning and Development Dept.						
J-3. If there are suspected human remains, the Fresno County Coroner shall be contacted immediately. If the remains or other archaeological materials are possibly of Native American origin, the Native American Heritage Commission shall be contacted immediately, and the California Archaeological Inventory's Southern San Joaquin Valley Information Center shall be contacted to obtain a referral list of recognized archaeologists.	Ongoing	Planning and Development Dept./ Historic Preservation Commission staff						
J-4. Where maintenance, repair stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Weeks and Grimmer, 1995), the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.	Ongoing	Planning and Development Dept./ Historic Preservation Staff						
K-1. The City shall adopt the land use noise compatibility standards presented in Figure VK-2 for general planning purposes.	Ongoing	Planning and Development Dept.						

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K-2. Any required acoustical analysis shall be performed as required by Policy H-1-d of the 2025 Fresno General Plan for development projects proposing residential or other noise sensitive uses as defined by Policy H-1-a, to provide compliance with the performance standards identified by Policies H-1-a and H-1-k. (Note: all are policies of the 2025 Fresno General Plan.) The following measures can be used to mitigate noise impacts; however, impacts may not be fully mitigated within the 70 dBA noise contour areas depicted on Figure VK-4. ■ Site Planning. See Chapter V for more details. ■ Barriers. See Chapter V for more details. ■ Building Designs. See Chapter V for more details.	Ongoing/upon submittal of land use entitlement application	Planning and Development Dept.						
K-3. The City shall continue to enforce the California Administrative Code, Title 24, Noise Insulation Standards. Title 24 requires that an acoustical analysis be performed for all new multi-family construction in areas where the exterior sound levels exceed 60 CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 CNEL or below.	Ongoing/prior to building permit issuance	Planning and Development Dept.						
L-1. Any construction that occurs as a result of a project shall conform to current Uniform Building Code regulations which address seismic safety of new structures and slope requirements. As appropriate, the City shall require a preliminary soils report prior to subdivision map review to ascertain site specific subsurface information necessary to estimate foundation conditions. This report shall reference and make use of the most recent regional geologic maps available from the California Department of Conservation, Division of Mines and Geology.	Ongoing	Planning and Development Dept.						

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B-3. Development projects that are consistent with plans and policies but that could affect conditions on major street segments predicted by the General Plan MEIR traffic analysis to perform at an ADT LOS F shall not cause further substantial degradation of conditions on those segments before 2025 without completing a traffic and transportation evaluation. This evaluation will be used to determine appropriate project-specific design measures or street/ transportation improvements that will contribute to achieving and maintaining a LOS equivalent to that anticipated by the General Plan. Further substantial degradation is defined as an increase in the peak hour vehicle/capacity (v/c) ratio of 0.15 or greater for roadway segments whose v/c ratio is estimated to be 1.00 or higher in 2025 by the General Plan MEIR traffic analysis.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.						
B-4. For development projects that are consistent with plans and policies, a site access evaluation shall be required to the satisfaction of the Public Works Director. This evaluation shall, at a minimum, focus on the following factors: a. Disruption of vehicular traffic flow along adjacent major streets, appropriate design measures for on-site vehicular circulation and access to major streets (number, location and design of driveway approaches), and linkages to bicycle/pedestrian circulation systems and transit services. b. In addition, for development projects that the City determines may generate a projected 100 or more peak hour vehicle trips (either in the morning or evening), the evaluation shall determine the project's contribution to increased peak hour vehicle delay at major street intersections adjacent or proximate to the project site. The evaluation shall identify project responsibilities for intersection improvements to reduce vehicle delay consistent with the LOS anticipated by the 2025 Fresno General Plan. For projects which affect State Highways, the Public Works Director may direct the site access evaluation to reference the criteria presented in Caltrans Guide for the Preparation of Traffic Impact Studies.	Prior to approval of land use entitlement	Public Works Dept./Traffic Planning; Planning and Development Dept.						

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DD-09-1

2895

BUFFER AREA

APN	NAME1	NAME2	ADDRESS1	ADDRESS2	ADDRESS3	ADDRESS4
40518117	TONEY L'TANYA M		P O BOX 27004	FRESNO CA 93729		
40520104	ECHEVERRIA SYLVIA		1245 W NORTHRIDGE	FRESNO CA 93711		
40520105	LOYD DONALD L & LYNNE		1233 W NORTHRIDGE AVE	FRESNO CA 93711		
40520106	EVANS KENNETH R & CAROLYN S TRUSTEES		1226 W DYER	FRESNO CA 93711		
40520107	MILLER KATHRYN M	MILLER KATHRYN M TRUSTEE ET AL	1462 W TENAYA WAY	FRESNO CA 93711		
40520304	YBARRA ALEJANDRO JR & GENEVA		1242 W NORTHRIDGE	FRESNO CA 93711		
40520305	PICCIRILLI RUSSELL & DOROTHY L		1230 W NORTHRIDGE	FRESNO CA 93711		
40520306	CATRON LORIANN M TRUSTEE		1222 W NORTHRIDGE	FRESNO CA 93711		
40520307	CANADIAN STEVEN R & DENELLE M		1214 W NORTHRIDGE	FRESNO CA 93711		
40520308	DWYER ROXANNA P		1206 W NORTHRIDGE	FRESNO CA 93711		
40520309	AGUILAR GARY E		7482 N THORNE	FRESNO CA 93711		
40520310	TOPACHIKYAN HAKOB		7470 N THORNE	FRESNO CA 93711		
40520311	LAZALDE ISMAEL & PATRICIA ANN		7458 N THORNE	FRESNO CA 93711		
40520312	JOHNSON TRACEY E TRUSTEE		7446 N THORNE	FRESNO CA 93711		
40520313	POWERS BILL D & MICHELE L		1219 W DYER	FRESNO CA 93711		
40520314	VADLAMANI SANJAY & SEETA AMBATI		411 PARK #326	SAN JOSE CA 95110		
40520322	SWEIDAN MALIK & PHALLIN		8879 DAFFODIL PL	GILROY CA 95020		
40520323	HENTON JOHNNY D		7423 N FARRIS	FRESNO CA 93711		
40520324	GRICEWICH GEORGE A		7435 N FARRIS	FRESNO CA 93711		
40520325	HARRIS RODERICK O M D INC	PROFIT SHARING PLAN	2788 W BLUFF	FRESNO CA 93711		
40520326	PANTALEO NICHOLAS FRANK & ELONA LOU TRS		1665 W ROBERTS	FRESNO CA 93711		
40520327	MILLER KATHRYN M TRUSTEE		1462 W TENAYA WAY	FRESNO CA 93711		
40520401	DUGGINS BARRY & MARIE		1182 W BEDFORD	FRESNO CA 93711		
40520402	HARRIS RODERICK O & CYNTHIA L TRS		2788 W BLUFF AVE	FRESNO CA 93711		
40520403	EMERSON MARILYN JEAN		1158 W BEDFORD	FRESNO CA 93711		
40520404	DURHAM RONICA		1150 W BEDFORD	FRESNO CA 93711		
40520405	SALHI BASSAM A & MARY		1138 W BEDFORD AVE	FRESNO CA 93711		
40520406	NAZARYAN HAYKAZ & ANNA GHAZARYAN	NAZARYAN MERUZHAN & SHAKRO KHACHATRYAN	1130 W BEDFORD	FRESNO CA 93702		
40520407	BRECHMANN MICHAEL J & SHEILA		1122 W BEDFORD	FRESNO CA 93711		
40520408	ANARADIAN TIMOTHY MITCHELL		1110 W BEDFORD AVE	FRESNO CA 93711		
40520409T						
40520501	BADEER GILBERT H		% SHELTER PROP MGMT	285 W SHAW #206	FRESNO CA 93704	
40520502	SCRIVNER DOUGLAS L & KATHLEEN		1169 W BEDFORD AVE	FRESNO CA 93711		
40520503	PAULSEN JAMES L & CANDYCE A		1157 W BEDFORD	FRESNO CA 93711		
40520504	PEREDES ALICIA LOPEZ		1149 W BEDFORD	FRESNO CA 93711		
40520505	HANEY MICHELLE A		1137 W BEDFORD	FRESNO CA 93711		
40520506	SARGENT ERIC T & LINDA TRUSTEES		P O BOX 768	PARADISE CA 95967		
40520507	BELTRAN ARACELI		1121 W BEDFORD	FRESNO CA 93711		
40520508	MAYDOLE LAWRENCE A	NELSON MARY KAYE	7450 ROBLAR RD	PETALUMA CA 94952		
40520509	HARRIS RODERICK O & CYNTHIA L TRS		2788 W BLUFF AVE	FRESNO CA 93711		
40520510	WIGINTON ROBERT D & COLLEEN A		1439 W MAGILL	FRESNO CA 93711		
40520511	ANDERSON GEORGIA B		1128 W ATHENS	FRESNO CA 93711		
40520512	GAETA JENNIFER A		1136 W ATHENS	FRESNO CA 93711		
40520513	HARRIS RODERICK O M D INC	PROFIT SHARING PLAN	2788 W BLUFF	FRESNO CA 93711		
40520514	HARRIS RODERICK O M D INC	PROFIT SHARING PLAN	2788 W BLUFF	FRESNO CA 93711		
40520515	ADANALIAN WILLIAM LEE TRUSTEE		1415 W SHAW AVE	FRESNO CA 93711		
40520516	ALANIZ ARMANDO & HOPE		1180 W ATHENS	FRESNO CA 93711		
40554101	PALM BLUFFS PROFFESIONAL CENTER LLC		7511 N PALM BLUFFS #104	FRESNO CA 93711		
40554102	DALENA PETER & SUE		3131 E VIA MONTE VERDI	CLOVIS CA 93619		
40554103	KORSINEN ROBERT F & MARILEE TRUSTEES	BARNARD CHARLES ROBERT & JILL R	522 E WOODHAVEN LN	FRESNO CA 93720		
40554201	PALM-FS LLC		% DIRECTOR OF R/EST	200 KAUFMAN FINANCIAL CTR	30833 NORTHWESTERN HWY	FARMINGTON HILLS MI 48334
40554208	MILLER PALM PARTNERS LP		8080 N PALM #207	FRESNO CA 93711		
40554219	PALM-FS LLC		% DIRECTOR OF R/EST	200 KAUFMAN FINANCIAL CTR	30833 NORTHWESTERN HWY	FARMINGTON HILLS MI 48334
40554220	ELECTROSTATIC STIMULATORS L P		P O BOX 22920	CARMEL CA 93922		
40554221	ELECTROSTATIC STIMULATORS L P		P O BOX 22920	CARMEL CA 93922		
40554224	ELECTROSTATIC STIMULATORS L P		P O BOX 22920	CARMEL CA 93922		
40518123	GIEL JOSEPH W JR & BEVERLY Y		1232 W ALLUVIAL	FRESNO CA 93711		
40518124	SIMMONS ALLEN H & JEANETTE M TRUSTEES		1216 W ALLUVIAL	FRESNO CA 93711		
40518204	JOLLIFF RICHARD & SUZANNE P		1245 W ALLUVIAL	FRESNO CA 93711		
40518205	O BRIEN MICHAEL P		1237 W ALLUVIAL	FRESNO CA 93711		
40518206	PUIG VIRGINIA H	AGUILAR VICKY H	1229 W ALLUVIAL	FRESNO CA 93711		
40518207	DENNIE BRUCE J		1215 W ALLUVIAL	FRESNO CA 93711		
40534004	NORTH PALM INVESTORS		8080 N PALM #207	FRESNO CA 93711		
40534020	NORTH PALM INVESTORS		8080 N PALM #207	FRESNO CA 93711		

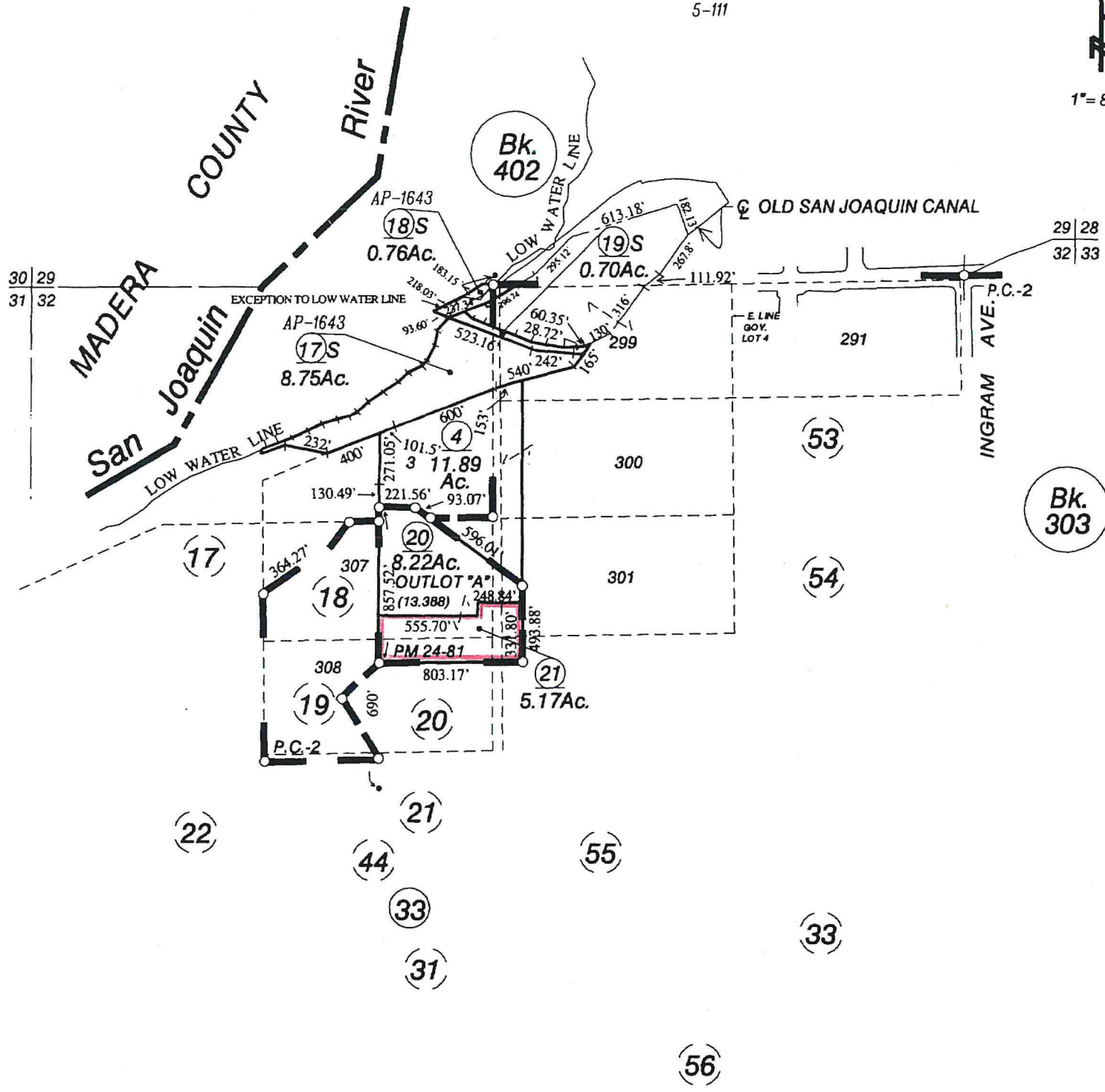
--- NOTE ---

This map is for Asses. purposes only.
It is not to be construed as portraying
legal ownership or divisions of land for
purposes of zoning or subdivision law.

5-029 5-233
5-089 5-512
5-090 5-929
5-111



Bk.
305

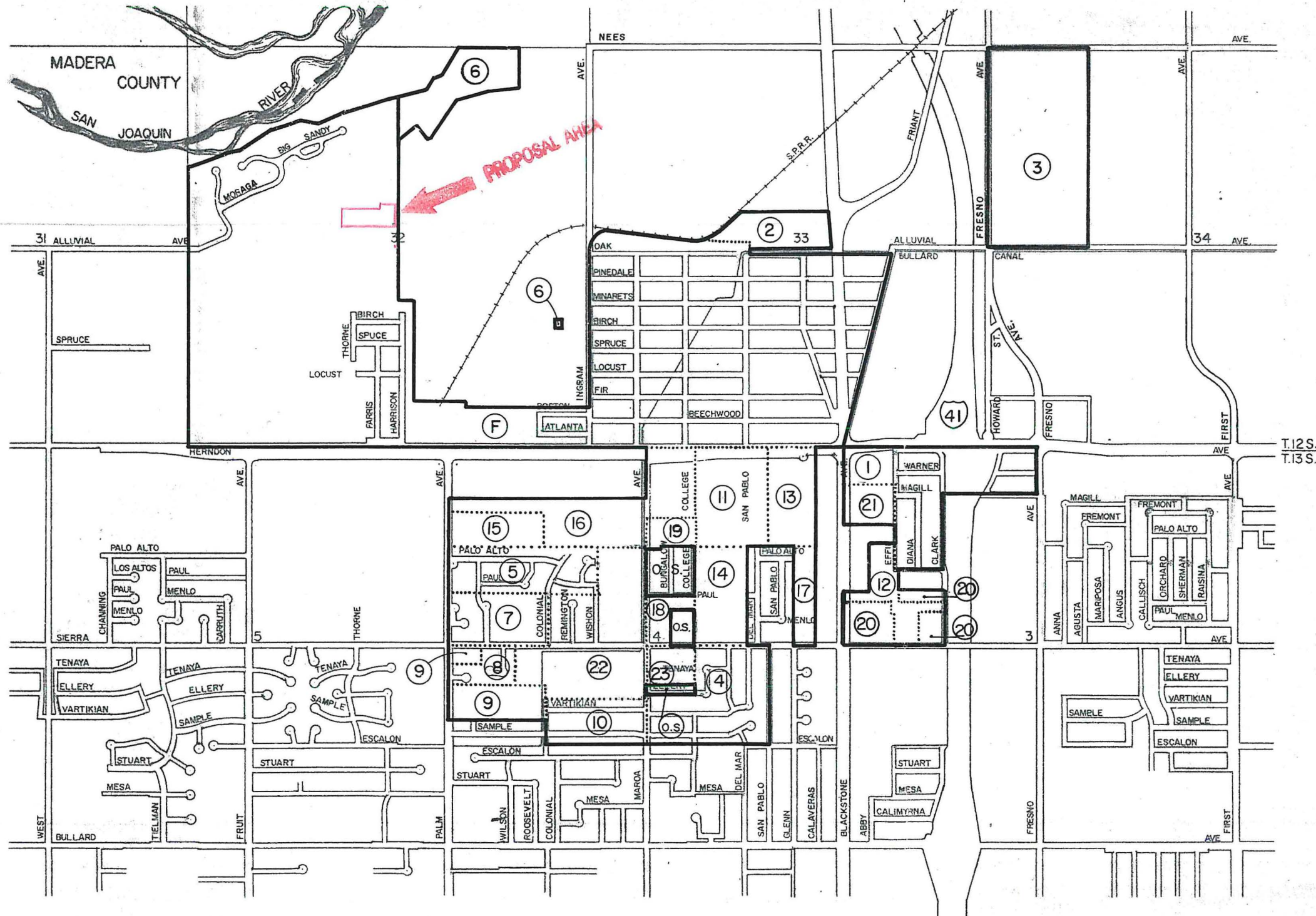


Agricultural Preserve
Perrin Colony No.2 - (Amended) - Plat Bk.4, Pg.68
Parcel Map No.77-23, Bk.24, Pg.81

Assessor's Map Bk.405 - Pg. 34
County of Fresno, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

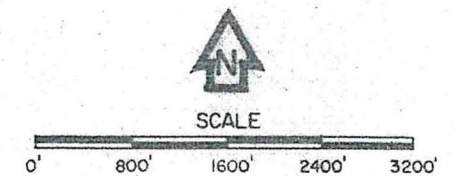
Pinedale County Water District



FORMED OCTOBER 25, 1954

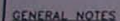
REF NO.	CHANGE	EFF. DATE	REMARKS
1	ANNEX - 1	5-26-56	
2	ANNEX - 2	8-22-61	
3	ANNEX - 3	1-23-62	
4	ANNEX - 4	4-29-64	
5	ANNEX - 5	9-22-64	
6	ANNEX - 6	11-16-64	
7	ANNEX - 7	10-26-65	
8	ANNEX - 8	1-24-67	
9	ANNEX - 9	2-5-68	
10	ANNEX - 10	3-7-69	
11	ANNEX - 11	12-3-69	
12	ANNEX - 12	1-25-71	
13	ANNEX - 13	2-22-71	
14	ANNEX - 14	9-24-74	
15	ANNEX - 15	9-24-74	
16	ANNEX	7-12-78	
17	ANNEX	7-12-78	
18	ANNEX	7-12-78	
19	ANNEX	12-27-78	
20	ANNEX	6-12-80	
21	ANNEX	7-2-81	
22	ANNEX	11-20-81	
23	ANNEX	10-26-82	
24	DETACH	12-4-98	

FRESNO COUNTY ASSESSOR'S OFFICE



T.12 S., R.20 E., M.D.B.&M.
T.13 S., R.20 E., M.D.B.&M.

	1,000 L.F.	100 L.F.
ELI	3 EA.	
ELI	2 EA.	
TEX	2 EA.	
WFLD REDUCER	3 EA.	
GATE VALVE	3 EA.	
GATE VALVE	2 EA.	
simply	2 EA.	
	1 EA.	
	8 EA.	



- [illegible]

CITY OF FRESNO GENERAL NOTES

- [illegible]



SITE DATA	
OWNER: JENSEN'S MINI STORAGE	LAND AREA TOTAL: 0.147 ACRES
3205 W. ADAMS AVENUE	
FRESNO, CA 93722	Phase 1 72,304 S.F.
CHW1234-0000	Phase 2 27,600 S.F.
	TOTAL 100,000 S.F.
APN NO. 600-340-03	

ALLOWABLE SQUARE FOOTAGE	
STORAGE BUILDINGS	5000 SQ. FT. X 1.75 = 8750 MAX
OFFICE	STORAGE BUILDINGS: 5-1

Domestic and Fire Water Utility Plan

REVISIONS:

DERRELL'S  Linni STORAGE
855-714-5555 (toll free) 855-714-5555



City of Sacramento, California
Department of Public Works
Date: January 29, 2008
From: 1st = 40'-0"
To: 2nd = 2'-0"
Project: FIRE LINE
Fresno

F-1