

LOCAL AGENCY FORMATION COMMISSION MINUTES

CITY MEMBERS

David Ayers
Jim Wadsworth
Sid Craighead - Alternate

COUNTY MEMBERS

Joe Neves – Chair
Jon Rachford - Vice Chair
Alene Taylor - Alternate

PUBLIC MEMBERS

Paul Thompson
Vacant - Alternate

CALL TO ORDER: A regular meeting of the Local Agency Formation Commission of Kings County was called to order by the Chairman, Joe Neves, at 3:30 p.m., on February 22, 2006, in the Board of Supervisors Chambers of the Kings County Government Center, located at 1400 W. Lacey Blvd., in Hanford, California.

COMMISSIONERS PRESENT: Joe Neves, Jon Rachford, Sid Craighead Jim Wadsworth, Paul Thompson

COMMISSIONERS ABSENT: None

STAFF PRESENT: Bill Zumwalt, Greg Gatzka, Marti Seniff, Pete Moock

VISITORS PRESENT: Cathy Cain, Richard Harriman, Alex Dwiggins

UNSCHEDULED APPEARANCES: None

MINUTES OF January 25, 2006:

The minutes of January 25, 2006 were unanimously approved by the members present on a motion by Commissioners (Rachford / Craighead) with two abstentions (Thompson / Rachford).

I. OLD BUSINESS:

A. LAFCO Case No. 05-12 – Hanford Reorganization No. 133

Mr. Gatzka stated that the Executive Officer has requested that the approval of Resolution 06-01 be rescinded for the following reason: that questions were brought up in the previous hearing regarding the notice that was provided and mailed out. He stated that at the hearing staff had indicated that they did not provide notice to Kings County Water District but in fact they were noticed because the District is listed on the standard mailing list. Mr. Gatzka stated that after looking further into State Law they determined that an affective agency is also any Special District which has territory with-in an annexation area even though there may not be any boundary changes to that District and so LAFCO would have to notice every district that overlaps any annexation territory. Mr. Gatzka stated that based upon this definition that the Lemoore Cemetery District did not receive notice, which is an affective agency. Notice was resent to them as well as to all 11 agencies that are considered affected, 200 property owners and 146 registered voters. This was done so the Commissioners could re-consider this proposal item again, but before this can happen the Commissioners would need to rescind the previous Resolution 06-01.

After Commission members discussed the proposal a motion was made and seconded by Commissioners (Craighead / Thompson) to rescind Resolution 06-01. Motion carried unanimously.

AYES: Commissioners: Craighead, Thompson, Neves, Rachford, Wadsworth
NOES: None
ABSENT: None
ABSTAIN: None

A. Reconsideration of LAFCO Case No. 05-12 – Hanford Reorganization No. 133

Mr. Gatzka stated that this item was previously considered last month and is the same item that was just rescinded. He stated that the proposal is to annex one area consisting of 162.73 acres which is surrounded by the City on two sides and annexing would result in a County Unincorporated Island. He handed out documents from the 2003 Housing Element which provides substantial analysis on sewer and water capacity throughout the Cities and County and was adopted by the City of Hanford and valid until the year 2008. It was also approved by the State Housing And Community Development Department. He pointed out that in the document the water and sewer capacity has adequate supplies as determined by the analysis from today on thru 2008, and covers future residential development through their General Plan build out. He stated that this document has been included in the packet and is adequate to cover the analysis for water and sewer provision.

Mr. Gatzka stated that staff has prepared another Resolution 06-02 to consider and it has one change found on page two of the Resolution which is the correction of the date from the last meeting.

Commissioner Neves opened the public hearing.

Mrs. Cathy Cain gave her address being 317 N. Douty Street, and works for the Hanford City as a Planner. She stated that she is present to answer any questions that the Commissioners may have and that the City of Hanford agrees with the staff and they would like the approval of the reorganization.

Mr. Richard Harriman gave his address being 4321 N. West Avenue, Suite 106, Fresno 93705, and stated that since the last hearing on LAFCO Case No. 05-12, Hanford Reorganization No. 133 he has investigated the impacts on what he testified before and so he wants it to be on the record reaffirming and incorporate his comments on behalf of Hanford Citizens for Responsible Planning and Valley Advocates. He stated that he wants to focus more specifically on the issues that are before the Commissioners presently and they should deny the application. He stated the issue is a concept of deferred Mitigation which he believes is coming into consideration. He stated that currently they can't show that the water quality is in compliance with the Federal Clean Drinking Water statute and they can not show that it would be for certain in affect deferring their analysis of this issue to the future. He stated that they need to have a focused Environmental Impact Report to look at the water quality and he stated that the Housing Element that was discussed was before the adoption of the New Federal Cleaning Water Standards, drinking water standards related to arsenic reduction. He stated that all the Housing Element talks about is the availability of sewer treatment and water quantity, not quality. He stated that the second factor not addressed which was raised with the connection of the Kemp and Sanchez annexation and is the subject to the law suit, was there's no evidence in the record that the over crossing at 12th Avenue and going over Interstate 198 has the capacity to serve the development. He stated that he contacted Caltrans and spoke with Mr. Stights to confirm the information that was reported in the Sentinel and when improvements would be made to widen the over crossing at 12th Avenue over 198 and Mr. Stights stated that it will not be done for at least 7 to 10 years. He stated that at the last hearing he specifically pointed out that there are already unsafe traffic conditions at Avenue 12 and at 198 and the off ramp going west bound and north bound and the off ramp going east bound and south bound are already stacking up into the lanes of the state highway and that is one of the reasons they named Caltrans as a real party of

interest in the original Kemp and Sanchez property law suit. Mr. Harriman summarized the three points, that they do not have enough substantial evidence in the record to support a finding that the City of Hanford can provide potable water in compliance with the Federal Drinking Water Standards for Arsenic. He stated that they have not got a long term environmental look at where the water is going to come from for the potable drinking water and if they don't go to the conjunctive use system. And he stated that there is substantial evidence in the record that there is an inadequate traffic solution over Avenue 12 and across State Highway 198. He stated that when you look at the Kemp and Sanchez annexation which is in litigation right now and this annexation and the others in the future, the Commission is the gate keeper of the City of Hanford and they should be doing an Environmental Review and not simply a Mitigated Negative Declaration tearing off a General Plan which does not address the issues. He stated that they respectfully ask that the Commissioners deny this application and remand it to the city to have them do at least a focused Environmental Review on the issues presently and have the City bring it back. He asked the Commissioners if they have any questions.

Commissioner Rachford asked Mr. Harriman if he was representing two groups of people.

Mr. Harriman answered yes.

Commissioner Rachford asked if it was the Valley Hanford group.

Mr. Harriman answered yes.

Commissioner Rachford asked if they are based from Fresno.

Mr. Harriman answered yes.

Commissioner Rachford asked if the other one was Hanford Citizens.

Mr. Harriman answered yes. Hanford Citizens for Responsible Planning.

Commissioner Rachford asked what their address is and who is their contact person.

Mr. Harriman stated that Steve Banister at 120 West 6th in Hanford, 93230 and he told the Commissioners before that he would get the Certificate of Unincorporated Association but just didn't have time and that he didn't forget.

Commissioner Rachford stated that he drives 198 over to 12th Avenue in the morning during the high commute time, the end of the work day and lunch hour. He stated that he has seen it back up on 198 west bound but only when Caltrans was working on the off ramp and never has seen it back onto the freeway as Mr. Harriman testified. He asked Mr. Harriman when does that occur.

Mr. Harriman stated that it occurred specifically during the Holiday time period, and he has reports from his clients that it occurred during Thanksgiving weekend and the Christmas shopping season addressing Commissioner Rachford and that he has tried to be very respectful. He stated that the local attorneys don't want to take on these types of issues so he tries to do his best when he is reporting to the Commissioners of what his clients are saying and what the problems are. He stated that the problems are with the City of Hanford, not with the County. He briefly summarized the issues with the Target Center and Wal-Mart and the inadequacy in the Environmental Review. He stated that what he sees occurring with the Kemp and Sanchez annexation and the proposed

annexation is that the traffic impacts will result in traffic safety hazards. He stated it was reported by local residents that there is already stacking happening onto 198 and the Wal-Mart Super Center, Auto Plaza is not open yet. He stated that at the Wal-Mart hearings there was testimony regarding comments from the California Highway Patrol which stated that they can't come out West bound onto Glen and cross over to get back onto the Freeway to go out because of the traffic that is backing up across the over crossing at 12th Avenue and 198. He stated that this is already occurring and that is why they are trying to get the City of Hanford to do the traffic study before the Commission grants their application for annexation.

Commissioner Rachford asked Mr. Harriman if these were comments from the Highway Patrol at the public hearing.

Mr. Harriman stated that there was a written statement in the letters, comments to the Wal-Mart EIR. He stated that it was an issue raised before the Hanford City Council during the Wal-Mart period. He stated that the response to that comment was "Oh that's Okay the Highway Patrol can turn right and go North bound on 12th Avenue and then pull a U turn and go back South bound onto 12th Avenue to go out onto 198." He stated that the problem with that is one of the Mitigation Measures in the Wal-Mart Environmental Impact Report was that they were going to close the first point in the 12th Avenue turn into Wal-Mart during the Holiday season, so then the Highway Patrol officer has to go all the way up to Lacey and come all the way back again and this is without this project.

Commissioner Craighead asked if what he is saying is that 12th Avenue is not good. And coming from 198 onto the 12th coming from Avenal coming east.

Mr. Harriman stated that coming east bound is also stacking out onto 198 coming off and on the off ramp going east bound for north bound traffic on 12th and south during the Holiday period.

Commissioner Craighead stated that it might be during the Holiday because he has traveled over this area quite often and has never seen it that far out but perhaps because of the stop light, but never seen it back out onto 198.

Commissioner Rachford addressed Mr. Harriman and stated that he would suggest something to him. He stated that if governments spent money to eliminate every possible point of congestion in our cities or county or where ever it occurs very seldom, and then he gave an example. He stated that as a reserve policeman in Pasadena he worked special events at the Rose Bowl, and he could guarantee that none of the roads including 134 and 210 were designed to handle the hundred thousand people coming in within three hours. He stated that government just can't eliminate every eventuality in the convenience of someone for 15 for 20 seconds.

Mr. Harriman addressed Commissioner Craighead's comments about the stacking up on the east bound off ramp from 12th Avenue. He asked Mr. Craighead that in the long term proposal for Caltrans improvements for that particular over crossing that several things are going to happen, they'll be dual lanes coming off it or they will widen the over crossing. He stated that right now they are doing the Mitigation Measure for the Wal-Mart by re-stripping it and making it four lanes which he stated doesn't solve the problem. He then addressed Commissioner Rachford's comments which he thought they were right on point. He stated that those things would not be done by the time that the proposed project is being built out and it wouldn't be done for 7 to 10 years. He stated that he noted with great interest that all of the cities of Kings County decided to up grade their priorities for the STIP priorities for parts spent by the State to focus on the over crossing rather than widening 198 from Hanford out to 99 which has significant health impacts. He stated that regarding Commissioner

Rachford's comment, they are not asking for government to do that, they are asking for government to follow the California Environmental Quality Act to disclose impacts and to avoid or lessen them by having the project applicants do the necessary studies and to pay for the necessary mitigation so it isn't the governments or tax payers who pays for the improvements. He stated that he grew up in Pasadena and that is a different situation because it's an event that takes place when the Rose Bowl is busy and this is not an occasional event. He stated that with the developments that the City has approved and the proposals in their pipe line there will be an overloading of all of the infrastructures and who is going to pay, it will be the tax payers rather than the developer because they haven't done an Environmental Review earlier in the process regarding those issues.

Commissioner Thompson asked Mr. Harriman how many concerned citizens are part of the group.

Mr. Harriman stated that he did not know the answer but he assumed that it would be about 10 to 15. He stated that there is a U. S. Supreme Court case that does not require disclosure of names but since the Commissioner asked him before he thought it was appropriate to do so. He stated that the reason they do not like to, is because it's an unpopular cause and they don't want to be harassed. He stated that it happened to come out of a case in 1968 NAACP when African American people were harassed in the South when they asserted their rights. He stated that is the history of it and that is not what is happening here but that is the reason why they come in as a group.

Commissioner Thompson stated that as part of the group it is important to him on approximately how many there are.

Mr. Harriman stated that he is here on behalf of Valley Advocates and on behalf of a local group because what they want to have compliance with the law. He stated that whether there is one two or one hundred it's important that the law be followed that is one of the important principles that Valley Advocates stands for.

Mr. Bill Zumwalt asked Mr. Harriman if he stated that the Kings County Association of Governments re-allocated the money from the Highway 198 expansion to the east to the 12th Avenue project.

Mr. Harriman stated that what he read was that the cities have agreed that they would prioritize funding to go to the improvements over 12th Avenue over 198 and as a result the 198 expansion which was in the discussion and was future on the list apparently dropped below that.

Mr. Zumwalt stated that isn't exactly correct. He stated that the pile of money that can be used for the expressway is a different pile of money that was re-assigned by the Cities and County was the 12th Avenue. He stated that the express way to the east is under a separate Regional allocation and they don't get it until the State took Prop 42--- away and then took the Kings County projects out of any possibility because the money was just not there. He stated that the money that they were talking about is money that has moved around from project to project that is in Kings County for improvements and for those that are a higher priority gets it quicker. He stated that this did not have anything to do with 198.

Mr. Harriman stated that in the article that he read, they are not going to have access to that money soon.

Mr. Zumwalt stated that the 12th Avenue project is not going to affect the timing on the 198.

Mr. Harriman stated that the point that he was making is even with the re allocation of money and that is why he called Mr. Stights at Caltrans, to find out with the re allocation would there be a shortening of the time that the improvement that would be made on Avenue 12 and he reassured him that it is still 7 to 10 years by the time they do a Environmental Review.

Mr. Zumwalt stated that the argument is not that point but what Mr. Harriman stated was that the money for the 12th Avenue interchange is going to affect the safety because of the upgrading on 198 to 99 and that isn't the same money.

Mr. Harriman stated that in his opinion it will keep 198 from being widened because they are focused on serving Hanford to the exclusion of others uses and they are still 7 to 10 years away from doing the over crossing. He stated that the inadequacies for the projects that exist are currently proved and this one which is being planned should have an Environmental Review. He stated that he spoke with several development representatives and they said that Hanford is one of the few cities in the valley that does not require an Environmental Review before it goes to LAFCO. He said that most other jurisdictions require that you come in with the General Plan Amendment if one is applicable and he said that in this case apparently it's not. He added that they would include the re-zoning; the Environmental Review for the project and it would go to city before it goes through LAFCO. He stated that Visalia, Merced, Modesto, all of them require the Environmental Review before they bring it to LAFCO. He stated that he respectfully submit that they are out of step, Hanford is out of step with many of the other cities in the county and would like to clear that. He stated that he appreciates the commission listening to him.

Commissioner Neves asked if there were any more comments.

Mr. Alex Dwiggins stated that he is with Zumwalt-Hansen and his firm represents the developer. He stated that if the Commissioners had any questions regarding the development of the property he would be more than happy to answer their questions.

Mrs. Cathy Cain stated that she is with the City of Hanford and stated that as far as the Environmental Review their ordinance does not allow the entitlement to go through on the project until after the pre-zone has been passed by the City Counsel and so it would make it difficult for them to come in to do their project at the same time as the annexation and they usually come in afterward. She stated that is why they do not have any details on the development at the time they are reviewing an annexation. She stated that during the initial study she always does a review based on what the protection use of the property is going to be and so she doesn't want to make guesstimates because the City Counsel are going to request an Environmental Review at the time when there is a subdivision or any other type of development. She stated that regarding Mitigation and the Impacts, all of the developers in Hanford have paid their fair share and they would say it was more. She said that regarding the 12th Avenue over pass near the Target Center and Wal-Mart, they all have paid for changes for the road way and in addition they have paid impact fees. She added that in addition to residential impact fees, they are paid when the permits are pulled and these will help fund projects including the over crossing. Mrs. Cain stated that they are always in contact with Caltrans regarding every project that comes through for their review so that the traffic studies are being done and Caltrans is very well aware of the cumulative impacts and sometimes they can't move forward on things because it is a State project and not the cities.

Commissioner Neves asked Mr. Gatzka if there were any written comments.

Mr. Gatzka stated that no they did not receive any written comments.

Commissioner Neves closed the public hearing and asked if there were any questions from the Commissioner.

A motion was made and seconded by Commissioners (Thompson / Rachford) to approve Resolution 06-02 as amended. Motion carried unanimously.

AYES: Commissioners: Thompson, Rachford Neves, Craighead, Wadsworth
NOES: None
ABSENT: None
ABSTAIN: None

II. NEW BUSINESS:

Mr. Zumwalt stated that the LAFCO budget must be adopted by June 15, 2006. He stated that he wants to begin the process early so all involved will have an opportunity to comment. He discussed the principle objectives of the 2006-07 LAFCO Budget. He stated that the Municipal Service Reviews are due January 1, 2007 and beginning January 1, 2008 any city or district which does not have an adopted MSR cannot annex any new territory because the Spheres of Influence will be voided unless the MSR is adopted and he so he proposes to complete those MSRs before the deadline. He stated that in order to complete this he is suggesting that they increase the allocation time to 5 hours a day to Mr. Gatzka, a planner and a technician for doing the MSRs and other projects such as annexations. He stated that other overhead would be for the Director, the Executive Officer, Executive Secretary and Account Clerk. He stated that for salaries the amount is \$72,566. He stated that there are some increases in the services and supplies and he summarized each one of those. He stated that there is revenue coming in and they plan to charge each city or district for the time put in to complete the MSRs and he stated that if they do not pay then they will not receive their MSR approval.

Commissioner Rachford stated that Avenal has a large city limit and they are not going to change.

Mr. Zumwalt stated that they will take a look at their service capabilities and there is a set time.

Commissioner Rachford asked what would happen if they don't do that.

Mr. Zumwalt stated that he would recommend to the Commission that they do not adopt their MSR.

Commissioner Rachford asked how that would affect Avenal if they don't do that.

Mr. Zumwalt stated that they would be without their Sphere of Influence and after January 2008 any action that the Commission would take for Avenal could not be done.

Commissioner Rachford stated that their Sphere of Influence is their city limits except for a piece going up Interstate 5.

Mr. Zumwalt stated that it is not going to cost much to do Avenal. Mr. Zumwalt stated that after all the revenue from all the fees have been collected then it is the responsibility of the Cities and County to split half the cost. He stated that the cities have agreed to split their half based on population. He concluded that the budget includes the updating of Spheres of Influence for the cities and special districts, processing all applications for boundary changes within the prescribed time limits, maintaining the reference book with the MSRs and updated S/Is of the cities and special districts.

Commissioner Rachford asked if they had spoken about the MSRs a year ago and that it was going to cost about \$30,000 at that time and Mr. Gatzka figured out a way that would cost less.

Mr. Zumwalt stated yes and this is how it's going to get done cheaper. He stated that the schedule for the adoption of LAFCO's 2006-07 budget as proposed on February 22, 2006, is to distribute the preliminary budget to appropriate agencies and set the first public hearing date for March 22, 2006. Introduce the Proposed Budget, open public hearing and continue the hearing to April 26, 2006, and close the public hearing and adopt the Final Budget.

Commissioner Neves stated that they will set the public hearing for February 22, 2006.

III. LEGISLATION

None

IV. MISCELLANEOUS

- A. Correspondence – None**
- B. Unscheduled Public Comments – None**
- C. Items from the Commission – None**
- D. Staff Comments – None**

V. CLOSED SESSION

- A. Pending Litigation: The Title is : Hanford Citizens for Responsible Planning and Valley Advocates v. Kings County Local Agency Formation Commission, City of Hanford, et al. re Kemp Land Company, Sanchez, et al. (Govt. Code Section 54956.9) No Decision**

V. ADJOURNMENT

- A. Next scheduled meeting is February 22, 2006 at 3:30 p.m.**

Respectfully submitted,

**LOCAL AGENCY FORMATION COMMISSION
OF KINGS COUNTY**

William R. Zumwalt, Executive Officer