

# 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 May 24, 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, Paul Thompson, Sid Craighead, Jim Wadsworth

**COMMISSIONERS ABSENT:** None

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

**VISITORS PRESENT:** Cathy Cain, Richard Harriman

**UNSCHEDULED APPEARANCES:** None

## MINUTES OF April 26, 2006:

The minutes of April 26, 2006 were unanimously approved by the members present on a motion by Commissioners (Craighead / Wadsworth).

## II. NEW BUSINESS:

### A. LAFCO Case No. 06-01, Corcoran Reorganization No. 2006 B

Mr. Gatzka summarized the proposal to annex one area totaling 1.75 acres to the City of Corcoran and detach the same from the Kings River Conservation District, Tulare Lake Resource Conservation District, and Corcoran Irrigation District. He stated that the territory is adjacent to the City of Corcoran and located along the east side of Pickerell Avenue, at the Bell Avenue intersection. Mr. Gatzka stated that the single property owner is in consent of the reorganization and so it does not require a public hearing. He also noted one modification to the Resolution which added more details regarding who the property owners are.

Mr. Zumwalt explained why they decided to annex a parcel in the middle of the street and explained that the property wishes to subdivide the property but is required by County General Plan Policies to annex. He also noted a typographical error in the description of the parcel.

After Commission members discussed the proposal a motion was made and seconded by Commissioners (Wadsworth / Craighead) to approve Resolution 06-05. Motion carried unanimously.

AYES: Commissioners: Wadsworth, Craighead, Rachford, Neves

NOES: None

ABSENT: Commissioner Thompson

**B. LAFCO Case No. 06-02, Hanford Reorganization No. 134**

Mr. Gatzka summarized the proposal to annex one area consisting of 7 parcels and totaling 55.37 acres to the City of Hanford and detach the same from the Kings River Conservation District and the Excelsior - Kings River Resource Conservation District. He stated that the territory is adjacent to the City of Hanford and located along the north and south sides of State Highway 198, approximately ¼ mile east of 13<sup>th</sup> Avenue. Mr. Gatzka stated that the project does represent 100 percent consent of all land owners and does not require a public hearing. He noted that there is one correction to the Resolution with the property owner’s names and dates when signed.

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

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

**Note: Commissioner Paul Thompson arrives**

**C. LAFCO Case No. 06-03, Hanford Reorganization No. 137**

Mr. Gatzka summarized the proposal to annex one area consisting of 4 parcels and totaling 56.20 acres to the City of Hanford and detach the same from the Kings River Conservation District and the Excelsior - Kings River Resource Conservation District. He stated that the territory is adjacent to the City of Hanford and located along the south side of Hanford Armona Road, approximately 1/8 mile east of 13<sup>th</sup> Avenue. Mr. Gatzka stated that prior to these parcels being annexed the previous parcel LAFCO Case No. 06-02 needs to be recorded. He stated that this would insure there would be sufficient City boundaries adjacent to the territory. He stated that the City can provide cities services. Mr. Gatzka stated that the project does represent 100 percent consent of all land owners and does not require a public hearing and one parcel is under a Williamson Act Contract which is considered protested and valid.

Mr. Gatzka handed out a copy of the letter from the Department of Conservation regarding their concerns over the validity of the protested land. He stated that in response to the letter, staff has provided a revised staff report and Resolution which includes more documentation and research in verifying the validity of the protested contract. Mr. Gatzka also stated that additional findings have also been made that are required in order for the City to annex the land. The City’s stated intent to not succeed to the contract has also been added to the Resolution.

Mr. Richard Harriman addressed the Commission by stating that he wished to invoke his right to speak as part of the Brown Act. Mr. Harriman gave his address as 4321 N. West Avenue, Suite 106, Fresno 93705, and stated that he is speaking on behalf of Hanford Citizens for Responsible Planning. Mr. Harriman then submitted into record a marked up copy of the 2002 Hanford General Plan Update, 2002 General Plan Draft EIR, Hanford Arsenic Reduction Plan, and Kings Water District Groundwater Management Plan. He then discussed some of his concerns that he feels have not been addressed. He stated that his comments are similar to those in the past, and stated that what they are asking from LAFCO is to not approve Reorganization No. 137, on the grounds that the Environmental Impact Report proposed by the City is legally inadequate. He stated that he believes the City is not in compliance with the Federal and State Arsenic Standards for drinking water which

came into affect January 23, 2006. He summarized the reasons why they would like to see the project sent back to the City of Hanford to provide an adequate Environmental Impact Report document.

Commissioner Neves discussed the over abundance of water coming from the reservoirs and the lack of storage in the upper elevation so that it can be used in future.

Mrs. Cathy Cain, City of Hanford, stated that she would like to address some of the comments made by Mr. Harriman. She summarized why the City is not considered out of compliance at this time with the Federal and State Arsenic Standards for drinking water.

Commissioner Wadsworth wanted more clarification of the protested land. Mr. Zumwalt explained the rules for protested land and how the findings are made. Commissioner Wadsworth asked about the comments made regarding Arsenic Standards and if there is a document that states that the City is out of compliance. Mr. Zumwalt stated that they do not have documentation stating that the City is not in compliance. He stated that the standards did change but the City has a program in place to meet those standards and he stated that Mrs. Cain did address those procedures that are in place. Commissioner Wadsworth reiterated that there is no document that states the City is out of compliance. Mrs. Cain stated that the City is in compliance. Commissioner Thompson stated that Mr. Harriman stated that the City is in an overdraft situation. Mr. Zumwalt stated that overdraft means you pull more water out of the ground than is replenished back into the aquifer. He stated that the City is in discussion with the Kings County Water District to address that issue.

Mr. Harriman stated that he appears each month at the meetings to try to encourage the Commissioners to require the City to enter into a conductive use agreement with the Kings County Water District. He also stated that he agreed with Commissioner Neves that there needs to be ground water banking instead of sending it down to Tulare Lake.

Commissioner Craighead stated that he was concerned the Island that would be left if they annex the proposed parcels. Mr. Zumwalt stated that the owner who owns that parcel does not wish to be annexed at this time and he agreed that the parcel would be a substantially surrounded Island. Commissioner Wadsworth asked if an overdraft situation creates an issue with CEQA. Mr. Zumwalt stated that the Cities EIR clearly discusses those issues.

After Commission members discussed the proposal a motion was made and seconded by Commissioners (Rachford / Craighead) to approve Resolution 06-07. Motion carried unanimously.

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

#### **D. LAFCO Case No. 06-04, Hanford Reorganization No. 138**

Mr. Gatzka summarized the proposal to annex one area consisting of 4 parcels and totaling 88.27 acres to the City of Hanford and detach the same from the Kings River Conservation District and the Excelsior - Kings River Resource Conservation District. He stated that the territory is adjacent to the City of Hanford and located along the south side of Fargo Avenue, approximately 1/4 mile west of 12th Avenue. He stated that the project does represent 100 percent consent of all land owners and does not require a public hearing. All four parcels are under two Williamson Act Contracts which are considered protested and valid. He stated that municipal services can be provided by the City.

Mr. Gatzka stated that he has handed out a copy of the letter from the Department of Conservation regarding their concerns related to the protested land. He stated that in response to the letter staff has provided a revised staff report and Resolution which includes more documentation and research verifying the validity of the protested contracts. Mr. Gatzka stated that the legal counsel for the applicant also provided documentation to LAFCO and it contains the same findings and determinations that determined by LAFCO. He stated a portion of one of the parcels, representing 22 acres, was outside the 1 mile boundary from the City limit. That portion of the contracted property would have to be annexed and the city succeed to the contract. A notice of non renewal was filed on the Williamson Act Contract. He stated that there is documentation in the Resolution reflecting that.

Commissioner Rachford wanted to know who will respond to the letter from the Department of Conservation letter. Mr. Zumwalt summarized how LAFCO responds to them and the documentation and findings provided.

Mr. Richard Harriman, 4321 N. West Avenue, Suite 106, Fresno 93705, stated that he is speaking on behalf of Hanford Citizens for Responsible Planning and Valley Advocates. He asked what the name of the counsel that is representing the applicant. LAFCO Counsel answered his question. He then reiterated the issue of the Arsenic Standards, the CEQA and Air Quality issues.

After Commission members discussed the proposal a motion was made and seconded by Commissioners (Rachford / Craighead) to approve Resolution 06-08. Motion carried unanimously.

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

### III. LEGISLATION

None

### IV. MISCELLANEOUS

- A. **Correspondence** – Mr. Zumwalt stated that Sacramento Local Formation Commission sent a letter out to all the LAFCO members and Alternate members that they are accepting nominations for different offices until August 2, 2006.
- B. **Unscheduled Public Comments** – None
- C. **Items from the Commission** – None
- D. **Staff Comments** – Mr. Gatzka gave a summary of the CALALFCO Workshop at South Lake Tahoe. He also asked if the Commissioners would like more information or even a study session on the issue of Williamson Act protested land. The Commissioners stated that they would like additional information.

### 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 action taken.
- B. **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 Lennar/Cambridge, Souza, et al. (Govt. Code Section 54956.9)** No action taken.

**V. ADJOURNMENT**

**A. Next scheduled meeting is June 21, 2006 at 3:30 p.m.**

Respectfully submitted,

**LOCAL AGENCY FORMATION COMMISSION  
OF KINGS COUNTY**

William R. Zumwalt, Executive Officer

h:\lafco\admin\minutes\2006\Mar-22-06.doc