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

AGENDA ITEM No. 10

DATE: May 7, 2008

TO: Fresno Local Agency Formation Commission

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

SUBJECT: **Consider Approval - City of Parlier "City of Parlier Reorganization No. 06-02"**. A proposed reorganization to annex 81.97 acres to the City of Parlier and detach from the Fresno County Fire Protection District, the Kings River Conservation District and the Consolidated Irrigation District for territory located between the Madsen Avenue Alignment and Avila Street Alignment, south of E. South Avenue and north of E. Parlier Avenue (**LAFCo File No. RO-08-5**).

Applicant: Bruce O'Neal, Contract Planner, City of Parlier

Land Owners/Parties of Real Interest: AMG Associates, Lennar Fresno Inc., Richard M., Penny K. & Helen Nicholas, William J & Janie A Chiasson, Affordable Housing Land Consultants, LLC (C. Johnson & Alexis Gerorgian), Nachhatar Gurdial & Jagtar Dhaliwal

Recommendation:

Staff recommends that this application be continued to allow proponents time to provide information as requested by the Environmental Health Division of the Fresno County Health Department in order to address public health concerns. Staff also recommends that this proposal be re-noticed at such time as the issues discussed in this staff report are addressed.

Background:

- This proposal was presented to the Commission on April 9, 2008, and continued based upon certain health and safety issues raised by the Fresno County Environmental Health Department (Health Department) and the Central Valley Regional Water Quality Control Board (CVRWQCB) as related to a prior landfill facility that is located adjacent and to the west of the subject territory. The agencies requested that this application be continued in order to meet with proponents and seek a resolution to their concerns.
- On April 21, 2008, a meeting was held between representatives of the City of Parlier, the Health Department, CVRWQCB, and LAFCo staff to address these agencies' respective concerns. At that meeting the following actions were agreed upon:
 - It was determined that the City would submit a Work Plan to address Health Department concerns related to potential methane gas migration from the adjacent landfill site to the affected territories.
 - It was determined that City of Parlier records related to arsenic testing within the affected territories would be supplied to the CVRWQCB and the Health Department, and that following review of those records it would be determined whether additional arsenic testing would be necessary.

- LAFCo staff supplied City staff with comments submitted by Caltrans related to potential project-related traffic impacts at the Manning/SR 99 interchange. The City indicated it was previously unaware of these impacts and that it would be in contact with Caltrans to address the identified concerns.
- It was noted by City staff that a sewer line leading to the affected territories has been installed within the boundaries of the parcel containing the landfill site. The Health Department has since determined that, because this sewer line was installed without prior approval of the Health Department, the CVRWQCB, and the California Integrated Waste Management Board, a violation of Title 27 of the California Code of Regulations (CCR) 21190, post-closure land use requirements has occurred. A “Notice of Violation” was issued by the Health Department on April 25, 2008.

Staff Analysis:

Due to the nature of the concerns identified by the Health Department, the CVRWQCB, and Caltrans, and the above noted violation, it could be some time before all required testing and other remedial work is completed. As such, the City of Parlier has requested additional time to fully address the “Notice of Violation” and concerns identified by these agencies.

Government Code Section 56666 authorizes the Commission to continue any hearing “from time to time, but not to exceed 70 days from the date specified in the original notice.” Pursuant to Government Code Section 56106, however, the time provisions regarding continuances are directory, rather than mandatory, thereby giving the Commission the option of continuing this proposal beyond the 70-day time limit provided for in the statute.

Due to the uncertainty of when necessary work will be completed, staff recommends that this proposal be continued to a date uncertain. Staff will ensure that the future hearing on this proposal will be re-noticed to comply with all legal requirements.

Individuals and Agencies Receiving this Report

- LAFCo Commissioners and Alternates
- Kenneth Price, LAFCo Counsel
- Bruce O’Neal, Contract Planner, City of Parlier
- Lou Martinez, City Manager, City of Parlier
- Shun Patlan, Director of Community Development, City of Parlier
- Les Peterson, Lennar Fresno Inc.
- AMG Associates, LLC
- Bernard Jimenez, Planning Manager, Development Services Department
- Chris Motta, Public Works and Planning
- Chief Keith Larkin, Fresno County Fire Protection District
- David Orth, Kings River Conservation District
- Phil Desatoff, Consolidated Irrigation District
- Glenn Allen, County Health Department, Environmental Health Division
- Dale Essary, California Regional Water Quality Control Board
- California Integrated Waste Management Board



City of Parlier

April 30, 2008

Mr. Rick Ballantyne, Executive Officer
Fresno LAFCO
2115 Kern Street, Suite 310
Fresno, CA 93721

SUBJECT: City of Parlier Reorganization No. 06-02

Mr. Ballantyne:

The City of Parlier hereby requests that the above item be continued in order that we may more fully address issues raised by the Fresno County Health Department with regard to landfill and abandoned railroad right-of-way concerns.

We are working with various agencies to address these concerns and will keep you and your staff informed as to progress.

If you have questions, please call. Thank you for your continued cooperation in this matter.

Sincerely,
City of Parlier

Bruce O'Neal, AICP
Contract Planner

cc Shun Patlan



County of Fresno

DEPARTMENT OF PUBLIC HEALTH
EDWARD L. MORENO, M.D., M.P.H.
DIRECTOR-HEALTH OFFICER

NOTICE OF VIOLATION

April 25, 2008

FA0270875
PR0046167
PE 4433
CX

John Kashiki
Kash Incorporated
P.O. Box 785
Parlier CA 93648

Dear Mr. Kashiki,

Subject: Post-Closure Land Use Activities
Site: Kash Inc. / Parlier Disposal Site
Location: South Avenue / West of Newmark
APN: 355-020-81s



This letter is in response to the meeting that was held on April 21, 2008 at the offices of the Fresno County Local Agency Formation Commission (LAFCo). The meeting was attended by representatives from the Fresno County Environmental Health Department, Central Valley Regional Water Quality Control Board (CVRWQCB), LAFCo, and Garold Giersch, Shun Patlan, and Bruce Oneal from the City of Parlier and you. The meeting was requested by representatives from LAFCo regarding concerns from our department that were noted during the California Environmental Quality Act (CEQA) process. Our department's concerns pertained to the future developments that are being proposed adjacent to the Kash Inc. / Parlier Disposal Site relative to the potential existence of landfill gas and for it to migrate onto the adjacent proposed developments.

It was noted during the meeting by representatives from the City of Parlier that a sewer line has already been installed within the facility boundary of the landfill and a future road will be constructed within the landfill facility boundary. Installing the sewer line within the landfill facility boundary without prior approval from our department, the California Integrated Waste Management Board (CIWMB), and the CVRWQCB is a violation of Title 27 California Code of Regulations (CCR) 21190, Postclosure Land Use requirements.

A meeting with the City of Parlier, Kash Inc, and Simayof Investments was held at the City of Parlier on May 9, 2006, regarding development within the landfill facility boundary. Our office informed everyone at the meeting that prior to any development activities, including installing a sewer line within the facility boundary, that a workplan for a site assessment must be submitted to our department, the CVRWQCB, and the CIWMB for approval prior to the commencement of any construction activities within the facility boundary of the landfill. (See enclosed letter dated June 15, 2006).

Dedicated to Public Health

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Mr. John Kashiki
Notice of Violation
April 25, 2008
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Before any additional development can occur on the landfill parcel, a site assessment must be conducted to determine the footprint of the landfill, potential methane gas concentrations, as well as waste characterization. A workplan must be submitted and approved by our department as well as the CIWMB, and the CVRWQCB prior to any assessment activities being conducted at the landfill.

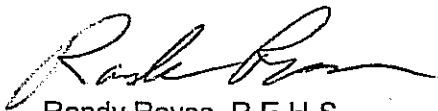
The workplan shall include the exact location, size, and depth of the previously installed sewer line and any mitigation measures that are required to provide protection to public health and safety and the environment. The owner / contractor shall be responsible to implement all approved mitigation measures regarding the existing sewer line which could include partial excavation of the sewer line or modifications to prevent methane gas migration should it exist. The workplan shall also include all other construction activities / postclosure landuses that will be conducted within the landfill facility boundary. The landfill facility boundary includes the entire parcel (355-020-81s).

The workplan shall be submitted to our office within 30 days.

The site assessment will determine which Title 27 requirements will be required for development activities on the property. All development within the parcel boundaries must comply with Title 27 California Code of Regulations, Article 2, Closure and Post Closure Maintenance Standards for Disposal Sites and Landfills.

Please contact me or Steve Crump of my staff at (559) 445-3271 if you have any questions regarding this letter. Our office is available to meet with you or your consultant if you have any questions or concerns prior to the submittal of the workplan.

Sincerely,



Randy Reyes, R.E.H.S.
Supervising Environmental Health Specialist
Environmental Health Division

CC: Edward L. Moreno, M.D. M.P.H., Director-Health Officer
Tim Casagrande, Director, Environmental Health Division
Glenn Allen, Environmental Health Specialist III
Hoa Gip, Environmental Health Specialist II
Dale Essary, Central Valley Regional Water Quality Control Board
Gino Yekta, California Integrated Waste Management Board
Rick Ballantyne, Executive Officer, LAFCo
Darrel Schmidt, LAFCo
Ken Price, LAFCo
Lou Martinez, City Manager, City of Parlier
Shun Patlan, Director of Community Development, City of Parlier
Garold D. Giersch, Giersch & Associates
Bruce O'Neal, Land Use Associates



County of Fresno

DEPARTMENT OF COMMUNITY HEALTH
EDWARD L. MORENO, M.D., M.P.H.
DIRECTOR-HEALTH OFFICER

June 15, 2006

City of Parlier
Lou Martinez, Interim City Manager
123 W. 6th street
Parlier, CA 93648

FA0270875
PR0046167
PE 4433
CX

Dear Mr. Martinez:

Subject: Kash Inc. / Parlier Disposal Site
South Avenue / West of Newmark
APN: 355-020-81s, 355-020-79 and 355-020-35

On May 5, 2006, our office received a call from Tony Garcia representing Simayof Investments regarding a proposed development on the Kash/Parlier Disposal Site parcels. Mr. Garcia informed our office that he was scheduled to be in Fresno on May 9, 2006, to meet with the City of Parlier to discuss his proposed development. Because of the postclosure regulation requirements, we asked Mr. Garcia if we could be included in this meeting with the City of Parlier to make sure that they were aware of these requirements and to answer any questions that they had regarding the development of residential homes on or adjacent to the landfill. On May 9, 2006, this meeting was held at the City of Parlier with Shun Patlan, Director of Community Development with the City of Parlier, and Mr. Garcia and our department to discuss the proposed residential subdivision on the landfill property.

In this meeting we explained that any development on top of or within a thousand feet of waste would require compliance with Title 27, California Code of Regulations, Article 2, Closure and Post Closure Maintenance Standards for Disposal Sites and Landfills. This means that before any development can occur on the landfill parcels, a site assessment must be conducted to determine the footprint of the landfill, methane gas concentrations, as well as waste characterization. A work plan must be submitted to our department as well as the California Integrated Waste Management Board (CIWMB), and the Central Valley Regional Water Quality Control Board (CVRWQCB) prior to any assessment activities being conducted at the landfill. We also informed Mr. Patlan that based on information in our file it appears that Assessor Parcel Numbers 355-020-81s, 355-020-79 and potentially 355-020-35 may be part of the landfill.

It was at this point in the meeting were Mr. Patlan informed the attendees that the City of Parlier intends to install a sewer main across a portion of the landfill to service a proposed subdivision to the east of the landfill. We then informed Mr. Patlan that a sewer main cannot be installed without further assessment being accomplished to meet the requirements of the postclosure landuse requirements and that approval would have to come from not only our office but also from the CIWMB and the CVRWQCB.

Mr. Garcia then stated that a phase II assessment was done in the area where the railroad tracks previously crossed the property. Before he closed escrow he wanted to know what levels of arsenic was on his property and what options he had to remediate the site. He then informed everyone at the meeting that arsenic was found during the assessment. We then recommended that he contact the CVRWQCB and the Department of Toxics to find out any regulatory requirements that he would need to comply with to insure removal of the arsenic before development of the property. Mr. Patlan and Mr. Garcia then stated that there are proposals for several developments adjacent to the parcels that contain the landfill.

Dedicated to Community Health

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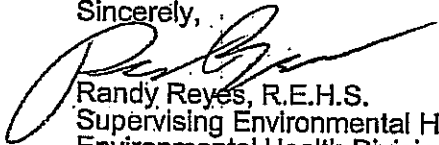
Lou Martinez, Interim City Manger
Kash Inc./Parlier Disposal Site
June 15, 2006
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It is our recommendation to the City of Parlier and to owners of any future developments, that a site assessment be conducted to determine if methane gas or any other constituents will impact those parcels thus causing a health and safety concern. It is also our recommendation that a site assessment be conducted prior to the City of Parlier issuing any building permits on any parcels that are adjacent to the landfill. Upon completion of a site assessment, our office, the CIWMB, and the CRWQCB, can make recommendations to the City of Parlier regarding health and safety issues associated with the landfill and any proposed developments.

Therefore, we are requesting that our Department and the City of Parlier discuss future development on and adjacent to the landfill and will be contacting the City to arrange the meeting:

If you have any questions regarding this letter or would like to meet to discuss some of these issues please feel free to contact me at 559-445-3271.

Sincerely,



Randy Reyes, R.E.H.S.
Supervising Environmental Health Specialist
Environmental Health Division

RR/sja

CC: Tim Casagrande, Director, Environmental Health Division
Dale Essary, Central Valley Regional Water Quality Control Board
Gino Yekta, California Integrated Waste Management Board
Tom Kovak, Department of Toxic Substances Control
Shun Patlan, Director of Community Development, City of Parlier
Tony Garcia, Simayof Investments