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

AGENDA ITEM No. 9

DATE: July 17, 2013

TO: Fresno Local Agency Formation Commission

FROM: David E. Fey, AICP, Executive Officer

SUBJECT: **Consider Approval:** City of Kerman, “Kerman Annexation No. 12-01, Mid Valley Disposal”. Proposed annexation of 28.36 acres to the City of Kerman and detachment from the Kings River Conservation District for territory located south of Church and north of Madera Avenues, and east of Del Norte and west of Madera Avenues **(LAFCo File No. RO-13-3) (Continued from June 7, 2013 Hearing).**

Applicant: City of Kerman

Land Owners/Parties of Real Interest: Kalpakoff Properties, LLC* (Joseph J. Kalpakoff*, John J. Kalpakoff*, and Jonathan J. Kalpakoff*) (Asterisk indicates consent in writing.)

Note: The Commission continued this item to the July 17, 2013 hearing, to allow the public time to review the environmental documents.

Recommendation – Approve by Taking the Following Actions:

- A. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, find that prior to approving the proposed reorganization the environmental effects of the project as shown in the CEQA documents prepared, adopted, and submitted by the Lead Agency were reviewed and considered, and determine these documents to be legally adequate pursuant to CEQA Guidelines Section 15096.
- B. Find that the Commission independently reviewed and considered the information in the Initial Study and Mitigated Negative Declaration and that these environmental documents are sufficient on which to make a determination on the proposed reorganization.
- C. Find that the proposed reorganization is consistent with LAFCo Policies, Standards and Procedures Section 210 - Standards for Annexation to Cities and Urban Service Districts (01-13), and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the “Act”).

- D. Assign the distinctive short form designation "Kerman Annexation No. 12-01, Mid Valley Disposal" and approve the reorganization (annexation and detachment) subject to the following conditions of approval:
 - 1. The City of Kerman shall submit to the Executive Officer verification that a Right-to-Farm Covenant is required and made a part of the City's development agreement.
 - 2. Ownership of land permitting, the annexation shall include the full existing rights-of-way along Jensen and Church Avenues.
- D. Find pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("Act") that:
 - 1. The territory is uninhabited.
 - 2. All landowners and affected agencies have consented to the annexation.
- F. Waive further Conducting Authority Proceedings and approve the annexation and detachment subject to the requirements of the "Act", the 30-day reconsideration period, and compliance with all of the above conditions.

BACKGROUND:

This item was noticed for public hearing for the Commission's June 5, 2013, meeting. During the public portion of the meeting, a speaker expressed concerns about potential environmental impacts and that the public did not have an opportunity to review the environmental documents because they were not available on LAFCo's website.

Kerman City Manager Louis Patlan addressed questions about the CEQA process and observed that as the Lead Agency under CEQA, the City had evaluated all the areas required by CEQA and circulated the Initial Study pursuant to State law. Mr. Patlan stated that the City had done its due diligence including holding several meetings open to the public. The Commission asked if anyone had protested the environmental documents or the project during the circulation period or during a public hearing. Mr. Patlan responded that the City had only received comment letters from interested agencies but none were in protest of the project.

The Commission continued this matter to its July 17, 2013 hearing. Shortly after the hearing staff posted the complete environment document on the website.

The City of Kerman initiated this Proposal on February 20, 2013, with the adoption of Resolution No. 13-12 and a Certificate of Filing has been issued. The City pre-zoned the territory from County AE-20 (Exclusive Agriculture, 20-acre minimum) zone district to City M-2 (Heavy Industrial) zone district.

This Proposal is to annex 28.36 acres to the City of Kerman and detach from the Kings River Conservation District for territory located south of Church Avenue, north of Jensen Avenue, east of Del Norte Avenue, and west of Madera Avenue. The territory is located within the City of Kerman's adopted sphere of influence.

The City of Kerman acting as Lead Agency prepared an initial study and adopted a Mitigated Negative Declaration for the project on February 25, 2013.

This proposed reorganization has been placed on the consent agenda since the territory is uninhabited and all property owners and affected agencies have consented in writing to the annexation (100% consent).

Proposal / Land Use:

- The proposal consists of the annexation of 28.36 acres to the City of Kerman and detachment from the Kings River Conservation District. The annexation is to expand an existing Recycling and transfer station owned by Mid Valley Disposal.
- The affected territory is currently used for agricultural purposes. It is bounded by agriculture to the south and east, light, and the City of Kerman's Wastewater Treatment Plant to the west.

Environmental Determination:

The City of Kerman prepared an Initial Study to evaluate the potential environmental effects of the proposed reorganization and development proposal. The City made findings that the project, as revised and mitigated, will have no significant effect on the environment. The City of Kerman adopted a Mitigated Negative Declaration and Mitigation Monitoring Plan on February 25, 2013 (see Environmental Documents).

As Responsible Agency, the Commission is required to review and consider the City's Initial Study and Mitigated Negative Declaration prior to taking its action. A Responsible Agency complies with CEQA by considering the Negative Declaration prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project. The Commission may then make a finding that it independently reviewed and considered the information in the Initial Study and Mitigated Negative Declaration and that these environmental documents are sufficient on which to make a determination on the proposed reorganization. Under CEQA, there are limited circumstances that would allow a Responsible Agency to prepare additional environmental review beyond a Lead Agency's Negative Declaration such as where a project or the circumstances surrounding a project have substantially changed since a Lead Agency certified the Negative Declaration, or where a Lead Agency, in preparing the environmental document, utterly failed to communicate with a Responsible Agency.

Response to Environmental and Social Justice Concerns:

Ms. Veronica Garibay, Co-Director of the Leadership Council for Justice and Accountability, spoke generally about environmental justice (EJ) and civil rights concerns at the June 5th meeting. Though the speaker did not bring specific examples of how this project conflicts with EJ goals, a brief explanation of EJ goals and how they relate to this project are provided for the Commission's consideration. The California Attorney General's office describes EJ as "the fair

treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.”¹

Section 56668 of the Act (o) identifies EJ as a factor to consider in review of a proposal and describes EJ as “the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.”

To examine the EJ context of this proposal, staff will use the Fresno Council of Governments’ three main principles of EJ:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low income populations;
- To ensure the full and fair participation by all potentially affected communities in the... decision- making process; and
- To prevent the denial of, reduction in or significant delay in the receipt of benefits by minority and low income populations.²

Staff will now evaluate the project’s relationship with each EJ principle in light of the information in the public record.

Does the project avoid, minimize or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low income populations?

Potential health and environmental impacts were addressed and appeared to have been mitigated in the Initial Study provided by the applicant. A summary of three of the many potential impacts evaluated is provided as follows:

Water Quality

- Business owner will secure a NPDES General Permit, revise the existing General Industrial Storm Water permit, and develop a new Surface Water Pollution Prevention Plan; potential impacts to ground water were addressed by the proposed “zero discharge leachate system” wherein any water percolating through waste piles will be collected and detained on-site.

Air Quality

- Potential impacts were modeled by the applicant and the results evaluated by the San Joaquin Valley Air Pollution Control District. The District recommended performing a Health Risk Assessment to model increases in potential cancer risk. The HRA performed by the applicant concluded that the potential cancer risk is less than the SJVAPCD’s significance threshold.

Availability of Water Supply

- The California Department of Public Health requires that water providers be capable of meeting the maximum day demand with the highest producing well off line. The City of Kerman provided documentation that its water system can provide 6.48 million gallons (MG) of water for the maximum day with one of the highest producing wells off line. The City also

¹ <http://oag.ca.gov/environment/communities/justice>.

² <http://www.fresnocog.org/environmental-justice>.

has 1.5 mg in storage capacity that is available to meet the fire flow demand on the maximum day. The total water demand for the City of Kerman for 2012 was 1,122 mg and the maximum day was measured on August 3rd at 6.12 mg. The City of Kerman has the ability to produce 360,000 gallons per day (gpd) more than maximum day demand based on the 2012 measurements, which is considerably greater than the demand for this project of 20,400 gpd.

Staff concludes that the applicant has complied with the CEQA process and that the project avoids, minimizes, and mitigates potential impacts to the environment and EJ populations.

Was the full and fair participation by all potentially affected communities in the decision-making process?

The speaker observed that she did not have an opportunity to review the environmental documents because they were not available on LAFCo's website. The statement accurately reflected the oversight on staff's part in not posting the subject material to the website. To provide sufficient time to review the material, the Commission continued this matter to its July 17, 2013 hearing and shortly after the hearing staff posted the complete environmental document on the website.

Kerman City Manager Patlan stated that the City had performed the CEQA in accordance with the guidelines and statutes and circulated the Initial Study pursuant to State law. Mr. Patlan stated that the City had done its due diligence including holding several meetings open to the public. In response to a Commission question whether anyone had protested the environmental documents or the project during the circulation period or during a public hearing, Kerman City Manager Luis Patlan stated that the City had only received comment letters from interested agencies but none were in protest of the project.

Staff concludes that the applicant and the Commission have ensured the full and fair participation by all potentially affected communities in the decision-making process for this project.

Were the receipt of benefits by minority and low income populations prevented, denied, reduced, or significant delayed?

The speaker stated that the City of Kerman is 71% Latino and considered disadvantaged with a poverty level of 20%, though no documentation to substantiate this comment was presented to the Commission. Nonetheless, such an observation does not place this project next to a Disadvantaged Unincorporated Community (DUC), as defined in the Commission's Policies, Standards, and Procedures (Section 106 LAFCo Disadvantaged Communities Policy) because there are no DUCs that lie within or are contiguous to this reorganization's boundaries. This matter is discussed further in this report.

Mr. Patlan noted that Mid-Valley Disposal was a very important local company and that the annexation would add jobs and business activity for the City and would facilitate economic development.

Staff concludes that the project has the potential to create jobs and business activity for the City and would facilitate economic development, a potential benefit to minority and low income populations.

This concludes staff's evaluation of Ms. Garibay's June 5th comments.

Consistency with LAFCo Policies, Standards and Procedures

- The affected territory is located within the City of Kerman's Sphere of Influence (SOI) and is adjacent to the existing City Limits along the north and west sides (see Maps and Figures).
- The Proposal is consistent with the City of Kerman's General Plan designation of M-2 (Heavy Industrial) Zoned District.
- 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.

Analysis:

- The affected territory is located within the boundaries of the North Central Fire Protection District and will continue to be served by the District upon annexation.
- Annexation and development of the subject property represents a logical continuation of the existing development pattern within the City of Kerman's Sphere of Influence in conformance with the Amended and Restated Memorandum of Understanding between the City of Kerman and the County of Fresno. (See letter from Mr. Will Kettler, Development Services Manager, Fresno County Department of Public Works and Planning).
- The Service Plan submitted for this Proposal indicates that all the necessary urban services will be available to serve the affected territory (see Service Plan).
- Government Code section 56668(k) requires that the Commission consider the factor that timely water supplies adequate for projected needs as specified in Government Code section 65352.5 have been demonstrated.

Accordingly, the Executive Officer has determined that the proposed reorganization is consistent with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code 56000 et seq.), and LAFCo Policies, Standards, and Procedures, including, but not limited to, Sections 100 and 200.

Location and Characteristics of any Disadvantaged Unincorporated Communities

SB 244 and Fresno LAFCo policies define a "disadvantaged unincorporated community" to mean inhabited territory with 12 or more registered voters with an annual median household income that is less than 80 percent of the statewide annual median household income and includes at least 15 dwelling units at a density not less than one unit per acre.

Except as provided for in the Act, the Commission shall not approve an annexation to a city of any territory greater than 10 acres, where there exists a DUC with 12 or more registered voters that has been identified and evaluated in any MSR or Sphere of Influence Update for that city or has been subsequently identified by staff to be contiguous to the area of the proposed annexation unless an application to annex the DUC to the subject city has been filed with the LAFCo Executive Officer. There do not appear to be any disadvantaged unincorporated communities close to the annexation area. With the exception of a few scattered homes, all of the residential development is within the city and receives city services.

In 2009, the most recent year staff was able to get income comparisons for the median income for a household in Kerman was \$47,905, where the state median household income was \$58,931. In 2009, Kerman was about 81 percent of the median household income with about 17% of the population that was below the poverty level.

APPLICATION INFORMATION

1. Affected Territory:

Acreage:	28.36 acres
Current Land Use:	Alfalfa
Number of Residences/ Population:	Residences: 0/ Population: 0
Landowners/ Registered Voters:	Landowners: 3 / Voters: 0
Previous County Zoning:	AE-20
City Zoning Upon Annexation:	M-2
Ag. Preserves/Contracts:	0
Assessor's Parcel Number:	023-080-20S, 023-080-21S

- 2. Proposed Development:** The proposed project will expand the existing recycling and transfer station operation in three phases.
- 3. Surrounding Territory:** Surrounding land uses include agriculture to the south and east, light industrial, and the City of Kerman's Wastewater Treatment Plant to the west.
- 4. Consistency with Adopted Sphere of Influence (SOI):** The affected territory is within the City of Kerman's adopted Sphere of Influence.
- 5. Consistency with City and County General and Specific Plans:** The Proposal is consistent with the City of Kerman's General 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 Kerman
Sewer	None	City of Kerman
Fire Protection	North Central Fire Protection District	None
Distance to Station	1 – 2 miles	None

Please Note: Comments and a service plan for this Proposal can be viewed on-line at www.fresnolafo.org.

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

County of Fresno	Fresno County Library District
Central Valley Pest Control District	CSA No. 35
State Center Com. College District	Kerman Unified School District
North Central Fire Protection District	Kings River Conservation District
Fresno Irrigation District	Fresno Mosquito Abatement District
West Fresno Co. Red Scale Prot. Dist.	

8. **Costs and Other Changes Affecting Residents or Landowners:**

No costs are anticipated that will affect residents or landowners.

9. **Agencies and Individuals Submitting Comments (see Correspondence and Comments):**

- John Navarrette, County Administrative Officer
- Will Kettler, Manager, Development Services Division, Department of Public Works and Planning
- Morgan L. Barnett, Fresno County Elections Division
- Janet Gardner, Environmental Health Specialist
- Betsy Lichti, Senior Sanitary Engineer, Southern California Drinking Water Field Operations Branch, California Department of Public Health
- Jennifer Bryan-Sanchez, Chief of Transportation Planning, Department of Transportation
- Byron Beagles, Fire Prevention Engineer, North Central Fire Protection District
- Jennifer Bryan-Sanchez, Department of Transportation
- Laurel Prysiazny, County Librarian
- Paul-Albert Marquez, Chief, Office of Transportation
- Luis Patlan, City Manager, City of Kerman (Gary Horn P.E., letter)

10. **Territory Boundaries:** The boundaries of the proposed reorganization are definite and certain, and there are no conflicts with lines of assessment ownership. The map and description are sufficient per Dave King (Fresno County Assessor, Assessment Services Supervisor) for recordation and filing with the State Board of Equalization.

11. **Registered Voter Data:** The County of Fresno Elections Office reported that on April 30, 2013, there were **zero** (0) registered voters in the affected territory.

12. **Compliance with the Requirements of CEQA:**

Lead Agency: City of Kerman - **Level of Analysis:** Initial Study

Finding: Mitigated Negative Declaration (see Environmental Documents).

13. **Names of Landowners or Parties of Real Interest**

Kalpakoff Properties, LLC*	Joseph J. Kalpakoff*
John J. Kalpakoff*	Jonathan J. Kalpakoff*

Proponent: Luis Patlan, City Manager, City of Kerman

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, LAFCo Counsel, Baker, Manock, and Jensen
- Luis Patlan, City Manager, City of Kerman
- Olivia Pimentel, Planning Tech, City of Kerman
- Dave Orth, Secretary, Kings River Conservation District
- Will Kettler, Manager, Development Services Division, Public Works and Planning Department

FIGURE 1 - GENERAL SITE LOCATION



Legend

-  Sphere of Influence
-  City Limits
-  Affected Territory

City of Kerman "Annexation
No. 12-01 (Mid-Valley Disposal)"
LAFCo File No. RO-13-3

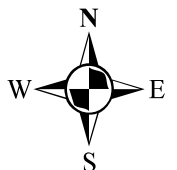
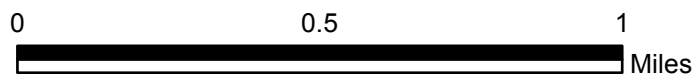
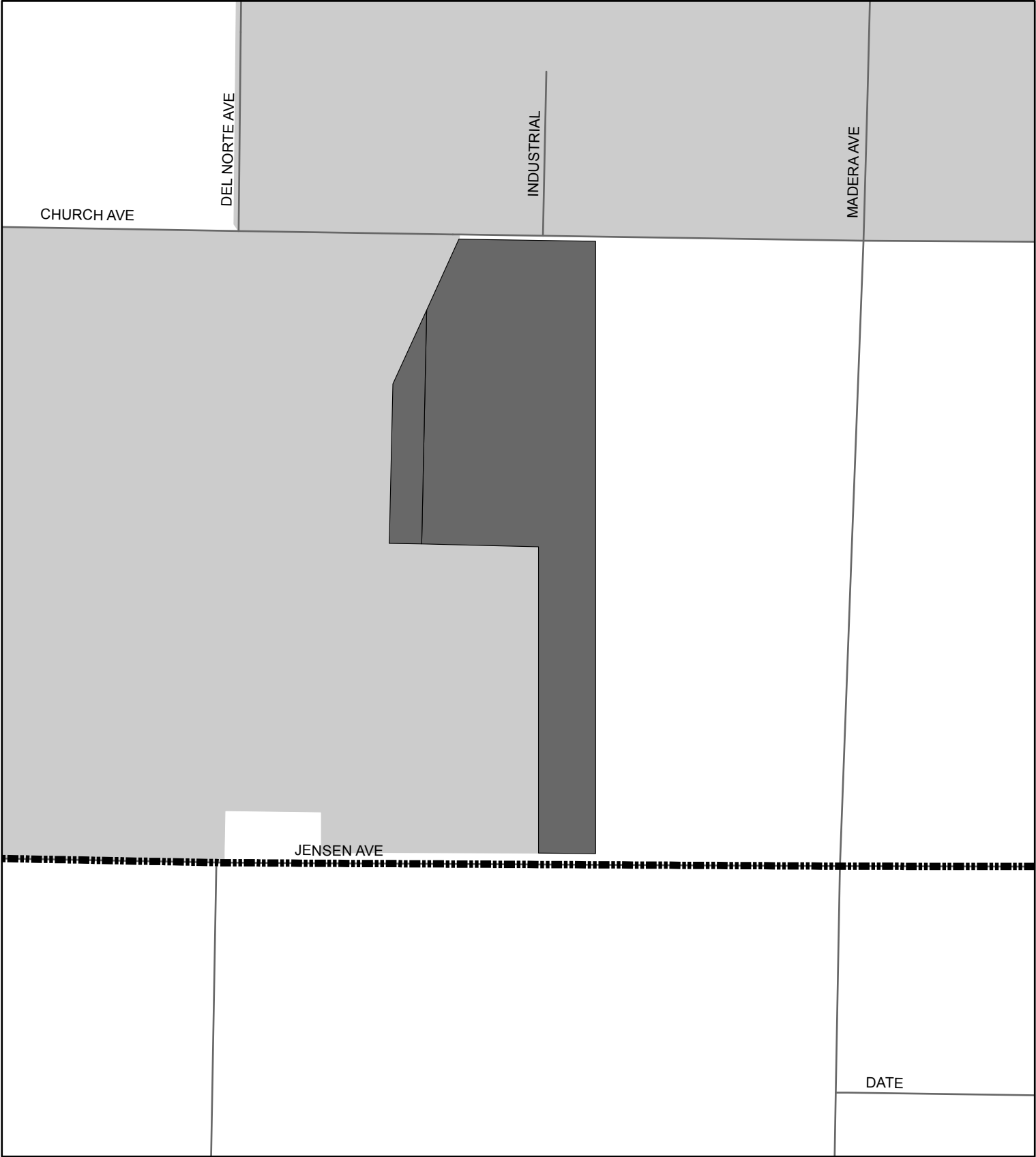





FIGURE 2 - ANNEXATION MAP



Legend

-  Sphere of Influence
-  City Limits
-  Affected Territory

City of Kerman "Annexation
No. 12-01 (Mid-Valley Disposal)"
LAFCo File No. RO-13-3

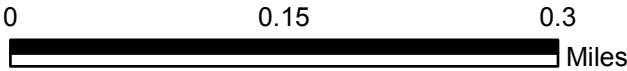
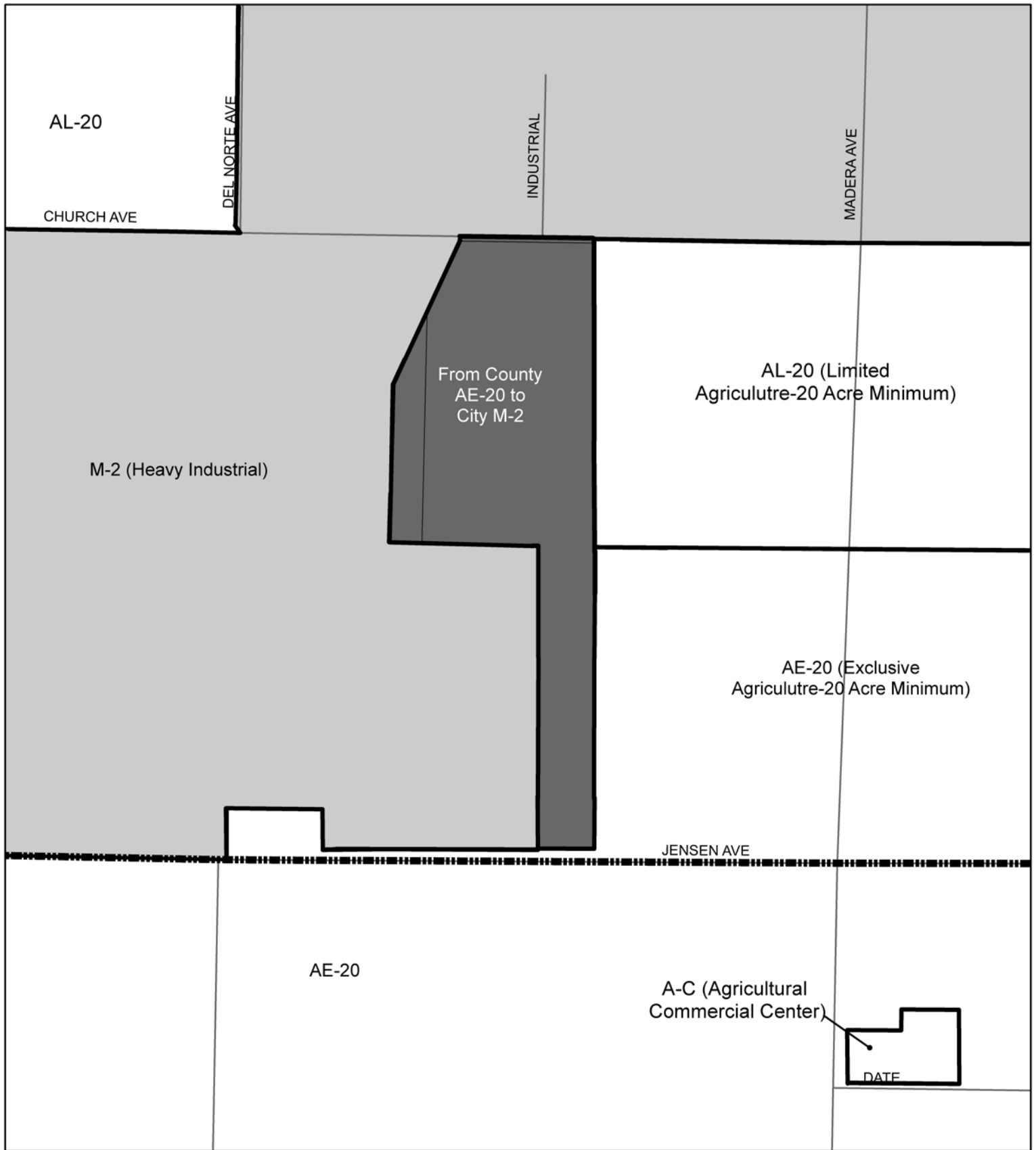





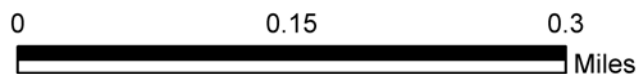
FIGURE 3 - EXISTING ZONING AND PRE-ZONING



Legend

-  Sphere of Influence
-  City Limits
-  Affected Territory

City of Kerman "Annexation
No. 12-01 (Mid-Valley Disposal)"
LAFCo File No. RO-13-3





County of Fresno

COUNTY ADMINISTRATIVE OFFICE

JOHN NAVARRETTE

COUNTY ADMINISTRATIVE OFFICER

April 10, 2013

Luis Patlan, City Manager
City of Kerman
850 S. Madera Avenue
Kerman, CA 93630



SUBJECT: Notice of Intent to File the Mid Valley Recycling and Disposal Facility
Annexation/Reorganization

Dear Mr. Patlan:

In accordance with the City of Kerman-County of Fresno Memorandum of Understanding, we have reviewed the annexation proposal described in the letter from you received on March 29, 2013.

We have determined that the proposed annexation by the City of Kerman is consistent with the Standards for Annexation contained in the City of Kerman-County of Fresno Memorandum of Understanding. It is recommended that the full width right-of-way along Jensen and Church Avenues be included in this annexation.

If you have any questions, you may contact me at (559) 600-1710 or Will Kettler at (559) 600-4497.

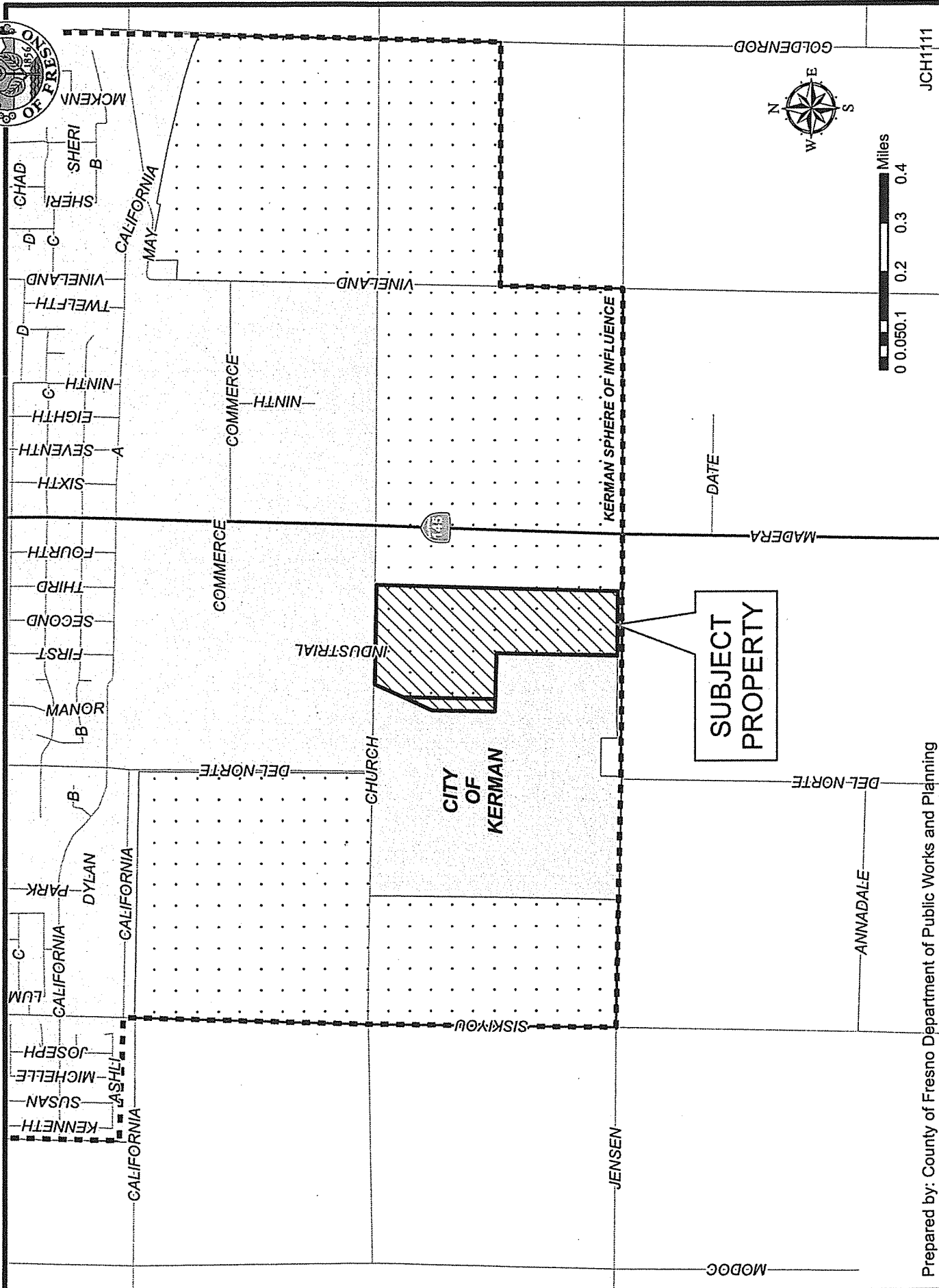
Very truly yours,

John Navarrette
County Administrative Officer

JN:JA:jem
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Disposal\ConsistencyLtr_CA01trhd.doc

c: Alan Weaver, Director, Department of Public Works and Planning
Bernard Jimenez, Deputy Director of Planning
Will Kettler, Division Manager, Development Services Division
Mohammad Khorsand, Senior Planner, Development Services Division
Jeff Witte, Executive Officer, LAFCo

Kerman Annexation 12-01 Mid Valley Disposal LOCATION MAP





County of Fresno

DEPARTMENT OF PUBLIC HEALTH

EDWARD L. MORENO, M.D., M.P.H.

DIRECTOR-HEALTH OFFICER

April 22, 2013

LU0016742

2620

CX

Mr. Jeff Witte
Local Agency Formation Commission
2115 Kern St., Suite 310
Fresno, CA 93721

Dear Mr. Witte:

PROJECT NO: RO-13-3

SUBJECT: Kerman Annexation No. 12-01 (Mid Valley Sisposal)

1. Adequacy and availability of existing and proposed community water and sewer systems:

- The applicant shall submit an application to the Fresno County Department of Public Health, Environmental Health Division, for revision of the Solid Waste Facility Permit. Contact the Solid Waste Program staff at (559) 600-3271 for more information.

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:

- Any water wells and/or septic systems that exist or have been abandoned within the project area shall be properly destroyed by an appropriately licensed contractor.

Prior to destruction of agricultural wells, a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Transportation of these materials on public roadways may require special permits and licensure.

- Should any abandoned underground petroleum storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

Dedicated to Public Health

1221 Fulton Mall / P.O. Box 11867, Fresno, California 93775 / (559) 600-3271/ FAX (559) 600-7633

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Jeff Witte
RO-13-3
April 22, 2013
Page 2 of 2

- Appropriate measures should be incorporated into the project to minimize potential noise impacts to noise sensitive receivers caused by the operation of the Solid Waste Facility equipment.

If I can be of more assistance, please contact me at (559) 600-3271.

Sincerely,

Janet Gardner

Digitally signed by Janet Gardner
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email=jgardner@co.fresno.ca.us, c=US
Date: 2013.04.22 15:16:45 -07'00'

R.E.H.S., M.P.H.
Environmental Health Specialist III
Environmental Health Division

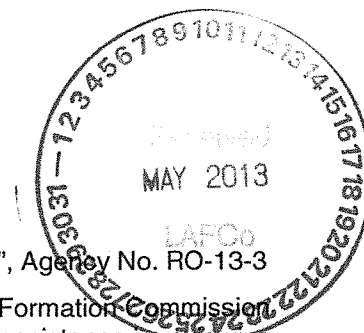
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LAFCo RO-13-3 Kerman Annex



Fresno Local Agency Formation Commission


DATE: April 26, 2013
TO: Will Kettler, Division Manager, Development Services Division
Department of Public Works and Planning
FROM: Jeff Witte, Executive Officer
SUBJECT: "Kerman Annexation No. 12-01 (Mid Valley Disposal) Reorganization", Agency No. RO-13-3



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 annexation area is designated for General Industrial Reserve and Agriculture in the Kerman Community Plan.
2. Consistency of the proposal with adopted County General and Community Plans and Policies.
The County's General Plan directs the location of urban density uses to incorporated cities and unincorporated communities where necessary support services are available. Annexation and development of the subject property represents a logical continuation of the existing development pattern within the City of Kerman's Sphere of Influence (SOI) in conformance with the Amended and Restated Memorandum of Understanding (MOU) between the City of Kerman and the County of Fresno.
3. Any pending County plans, projects (i.e. Community Development, roads, etc.) or development permits:
None.
4. Other related comments:
On April 10, 2013, the County reviewed the "Kerman Annexation No. 12-01 (Mid Valley Disposal) Reorganization" and determined that the reorganization was consistent with the Standards of Annexation contained in the MOU between the City of Kerman and the County of Fresno.
5. Recommendations:
It is recommended that the City of Kerman include the full existing rights-of-way along Jensen and Church Avenues.

In order to proceed with the processing of this application, your comments need to be returned to this office by **April 30, 2013**. Your assistance is greatly appreciated. Thank you.



William Kettler, Development Services Manager
Department of Public Works and Planning

4/26/13

Date

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DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

1352 WEST OLIVE AVENUE

P.O. BOX 12616

FRESNO, CA 93778-2616

PHONE (559) 488-7307

FAX (559) 488-4088

TTY (559) 488-4066

*Flex your power!
Be energy efficient!*

March 14, 2013

2131-IGR/CEQA
6-FRE-145-33.115+/-
KERMAN ANNEXATION
PA-13-1Mr. Jeff Witte
Fresno LAFCo
2115 Kern Street, Suite 310
Fresno, CA 93721

Dear Mr. Witte:

We have completed our review of the annexation request to reorganize approximately 29 acres to the City of Kerman. This acreage is located on W. Jensen Avenue between Del Norte Avenue and S. Madera Avenue/State Route (SR) 145. Caltrans has the following comments:

Caltrans has no objection to the annexation of the 29 acres to the City of Kerman. However, given the close proximity of the surrounding acreage to the SR 145, we request that prior to the granting of entitlements, any future proposed projects be submitted to Caltrans for review.

If you have any questions, please call me at (559) 488-7307.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Bryan-Sanchez".
JENNIFER BRYAN-SANCHEZ
Office of Transportation Planning
District 06



RON CHAPMAN, MD, MPH
Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

April 30, 2013
Public Water System 1010018

Jeff Witte, Executive Officer
Fresno Local Agency Formation Comm.
2607 Fresno Street, Suite B
Fresno, CA 93721

RE: Kerman Annexation No. 12-01 – Mid Valley Disposal

Dear Mr. Witte:



The California Department of Public Health – Drinking Water Program (Department) has received your request, dated April 18, 2013, seeking comment on a proposed annexation to the City of Kerman (City). Upon review of the attachments you provided, the Department has the following comments for your Commission's consideration.

Adequacy and Availability of Existing and Proposed Community Water System

The City's overall operation and maintenance of the drinking water system is adequate. There have not been any recent violations of the Total Coliform Rule or other MCL exceedances. There are several water quality monitoring deficiencies that are being addressed.

Historically, the City's older sources were unable to meet primary drinking water standards. In 2008, the Department permitted three new wells to replace older wells that exceeded the Uranium maximum contaminant level (MCL). The City's Well No. 10 is the City's sole remaining older well and has previously produced water that exceeds the uranium MCL. The 2008 permit classified Well No. 10 as a standby source, which limits the use to cases of emergency, and for less than 15 days per calendar year.

The City reported that Well No. 10 was used for 94 days during the 2011 calendar year. The extensive use of Well No. 10 indicates that the City needs additional source capacity to meet existing system demands, especially during peak demand seasons. In 2012, the Department reclassified the source as an active source, but has not yet received any uranium monitoring.

The City has constructed a test well in the northern portion of the community, and found favorable results. The Department understands that the City is proceeding with the construction of a new production well at that site. The permitting and activation of the new production well should remove the demand stresses that caused the activation of Well No. 10.

LAFCo might require that the City obtain the Department's permit approval for the new well, prior to approving the annexation. Alternatively, the City might further evaluate the

specific water demands due to the annexation, and certify whether the existing source capacity would be sufficient to meet those demands.

If you have any questions regarding this letter, please call Philip Dutton or me at (559) 447-3300.

Sincerely,

A handwritten signature in black ink, appearing to read "Betsy Lichti". The signature is fluid and cursive, with the first name "Betsy" and last name "Lichti" clearly distinguishable.

Betsy S. Lichti, P.E.
Senior Sanitary Engineer, Fresno District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

BSL/PD

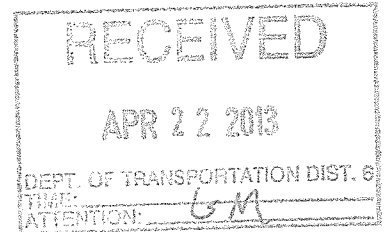
Sent via email: cfleming@co.fresno.ca.us



Fresno Local Agency Formation Commission

DATE: April 18, 2013

TO: County of Fresno
North Central Fire Protection District
Laurel Prysiakny Fresno County Library
Historical Landmarks and Records Commission (HLRC)
Paul-Albert Marquez, Chief, Office of Transportation
Fresno Irrigation District



FROM: Jeff Witte, Executive Officer *JW*

SUBJECT: "Kerman Annexation No. 12-01 (Mid Valley Disposal)" Reorganization; AGENCY NO.:
RO-13-3

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 has been identified as an affected and/or interested agency and your assistance in reviewing and commenting on this application is requested.

The Fresno Local Agency Formation Commission (LAFCo) is in receipt of a resolution of application initiating proceedings for this proposal. LAFCo can not take any further action on this resolution of application for 10 days following this notice and request for comments.

If your agency files a written request for a hearing during this 10-day period, LAFCo must notice and hear this proposal at a public hearing. If no written request is filed by your agency, the Commission may proceed without notice and hearing if all required conditions pursuant to state law have been satisfied (Gov Code Sec 56663 (b))

Please return any comments you have regarding this proposed reorganization by **April 30, 2013**. Your assistance is greatly appreciated. Thank you.

JW:cf

Attachments: Application, Map, Legal Description, Service Plan, and Resolution

No Comment

Jenny M. ATP
4/25/13

**CITY OF KERMAN
PLAN FOR SERVICES
MID VALLEY DISPOSAL, INC. RECYCLING AND TRANSFER
STATION EXPANSION PROJECT (ANNEXATION NO. 12-01)
FEBRUARY 2013**

(Reorganization to detach from Kings River Conservation District and annex to the City of Kerman)

A. INTRODUCTION

A Plan for providing services and improvements to land being annexed to cities is required by the Local Agency Formation Commission (LAFCO).

1. It provides assurance to LAFCO that newly annexed territory to a city will be properly served as urban territory.
2. It provides a basis for determining the impact of an annexation when a determination is made pursuant to the California Environmental Quality Act (CEQA).
3. It provides information to property owners, districts and interested individuals who may have other plans or proposals underway in the immediate vicinity of a proposed annexation, reorganization or boundary change. A service plan indicates the City of Kerman's best intentions, assuming that no major financial crisis or disaster occurs.

B. SERVICES EXISTING OR PROPOSED TO BE EXTENDED TO THE MID VALLEY DISPOSAL, INC. RECYCLING AND TRANSFER STATION EXPANSION PROJECT (ANNEXATION NO. 12-01):

The following is the plan for services which would be required or provided by the City of Kerman for the territory designated Annexation 12-01, Mid Valley Disposal, Inc. Recycling and Transfer Station Expansion Project, should the 28± acre site be annexed to the City of Kerman.

1. Community Water Service:

The subject site is currently being served by an existing 12-inch water line. The development of the 28± acre site will extend existing 12-inch water line to serve the annexation.

2. Sanitary Sewer Service:

The subject site is currently being served by an existing 27-inch sanitary sewer lines. The development of the 28± acre site will extend 27-inch sanitary sewer line to serve the annexation.

3. Refuse/ Solid Waste Collection Service:

The subject territory is currently undeveloped. Upon annexation, services shall be provided by the City of Kerman franchise waste hauler. The City contracts with Mid Valley Disposal, Inc. (the applicant) for refuse collection.

4. Police Protection:

The subject territory is currently provided service by the Fresno County Sherriff' Department and the California Highway Patrol. Upon annexation, services shall be provided by the City of Kerman Police Department. The City of Kerman Police Department presently provides service to the adjacent development to the west and to the north.

5. Fire:

The subject property is presently receiving fire protection services from the North Central Fire Protection District. Upon annexation, fire protection services will be provided by North Central Fire Protection District Station 21 located at 15850 W. Kearney Boulevard.

6. Ambulance:

The nearest hospital is Fresno Community Hospital located on the northeast corner of Fresno Street and R Street. The subject property is presently receiving ambulance services from the North Central Fire Protection District. Upon annexation, ambulance services will be provided by North Central Fire Protection District Station 21 located at 15850 W. Kearney Boulevard.

7. Transit Services:

The Fresno County Rural Transit Authority (FCTRA) provides fixed transit service routes to the City of Kerman and other west side cities. Demand response service is provided in the community Monday through Sunday from 7:00 a.m. to 4:00 p.m. Scheduled, multiple-round trip, intercity service is provided to the Fresno-Clovis Metropolitan Area, Mendota and Firebaugh Monday through Friday between the hours of 7:46 a.m. to 4:44 p.m. the transit service serves the general public.

8. Street lighting:

The Pacific, Gas and Electric Company provide service to the area . Street lighting shall be provided by the developer in accordance with the City of Kerman Development standards. The lighting shall be maintained by the City of Kerman.

9. Parks and Recreation:

The City of Kerman's 2025 General Plan constitutes an update of the City's Master Parks Plan. The provision of neighborhood and community parks is guided and ensured by a specific planning and funding sources directed toward meeting community needs for parks and related recreational programs. The development of the proposed territory is planned for industrial uses. The demands for recreational service impacts are mitigated through the payment of Parks Development Impact Fees for parks and recreation facilities. The nearest existing park is located approximately 1.7 miles to the north, on the northeast corner of Siskiyou Avenue and Kearney Boulevard.

10. Planning and Building

The expansion proposed for the site is consistent with the existing General Plan Land Use designations. The site will be designated Heavy Industrial (M-2). The proposed expansion that was approved for the site includes 28 plus acres to be developed in three phases. At full build out Mid Valley Disposal Recycling and Transfer Station will expand its current operations, increasing daily tons per day from 500 tons to 1,500 tons per day, adding composting, anaerobic digestion, and material recovery facility operations.

11. Street Sweeping:

Streets included in the subject territory and any new streets developed on the site and dedicated to the City will be scheduled for street sweeping. Street sweeping is financed through the state gas tax. Streets are swept once a week.

12. Storm Drainage:

The City of Kerman provides storm drainage services to the area. The proposed site for annexation will receive drainage services through the City's system of storm drain basins. The City's system has adequate capacity to serve the site. Storm drainage fees paid to the City contribute to the construction of these facilities. The developers of the site will extend storm drain pipelines to the site.

13. Extension of City Services:

All City services are planned to be extended to the area as development occurs and makes it feasible. Minor roadway improvements on the south side of Church along the property frontage will be required including the extension of sewer, water, and storm drain to serve the site.

14. Curb and Gutter:

Curb and gutter along dedicated streets will be required at the time the property is subdivided or developed. The property owner or developer would be responsible for the cost of installation.

15. Schools:

The proposed territory is within the enrollment of the Kerman Unified School District. Because of the growth occurring within the district boundaries, the school district has advised that the district has adopted developer fees in accordance with current state law, which will require the developers of the subject property to pay a fee for school facilities per the adopted schedule of fees.

C. FINANCING OF SERVICES AND FACILITIES:

1. Property tax
2. Fees: the following development impact fees are required: parks, fire, police, water, sewer, storm drain, street improvements, traffic signalization, and railroad crossing. City permit and license fees are also collected.
3. Sales tax.
4. State funds (i.e., gas tax, motor vehicle in lieu tax) are utilized by the City for street work and supporting transit system.
5. Federal funds (i.e., Community Development Block Grant Fund, transportation funds) are utilized by the City of street work and supporting infrastructure expansion, maintenance, and repair.

D. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The City of Kerman, as lead agency, prepared, circulated, and certified a Mitigated Negative Declaration for the proposed development and subsequent annexation in compliance with the California Environmental Quality Act (CEQA). The findings were noticed as required by CEQA and were circulated to affected agencies for review and comment.

E. EXHIBITS

1. Location Map

Exhibit 1
Location Map

