

**Minutes of the Regular Meeting of the
Lemoore Planning Commission
March 24, 2008**

Chairperson Kim Moss called the meeting to order at 7:00 p.m.

Attendance: Chairperson Moss, Vice-chairperson Kendall, Commissioners Clement, Elgin, Nogaard, LeRoy, Ormonde, Planning Director Smyth, City Attorney Bacigalupi

Absent: None

Abstain Commissioner Clement stated that after consultation with Legal Counsel he has decided to abstain from the proceedings at this meeting due to his employment responsibilities with West Hills College which would affect his ability to make an unbiased and fair decision. Mr. Clement left at 7:05 p.m.

Chairperson Moss thanks Mr. Clement for coming forward.

Moss stated that she would like to put before the Planning Commission whether or not to move the meeting over to West Hills College Building 3, for a flyover that has been staged by the Navy. She stated that the opportunity to hear a flyover was given and that everyone would have to car pool out to West Hills College then come back to continue the meeting with a staff report and possibly some additional public comments which will be discussed at that time.

It was moved by Commissioner Nogaard, seconded by Commissioner Elgin to move the meeting out to West Hills College Building 3 for the flyover.

AYES: Voice Vote
NOES: None
ABSTAIN: None
ABSENT: Clement

Planning Director Smyth stated that she was informed by Commander Edelson they would have two plans fly in "dirty", which means that the landing gear and flaps will be down, which is the noisiest, then a couple of minutes latter a second flyover will be made by one airplane with all of its gear up.

Meeting moved to West Hills College at 7:05p.m. to listen to flyover.

Planning Commission meeting resumed at 7:50p.m. in the City Council Chambers

Moss thanked Captain Townsend for setting up the flyover this evening. She stated that we are going to have a staff report and as a courtesy if the Commission agrees we may here new public comments. She noted that we had two weeks of public hearings which was technically closed two weeks ago. She asked the Planning Commissioners if they would allow for public comments on the General Plan update from individuals that have not been previously spoken. She stated that this would not be a public hearing but additional public comments.

It was moved by Commissioner Norgaard, seconded by Commissioner Elgin to allow for new public comments from individuals that have not been heard in the last two meetings.

AYES: Norgaard, Elgin, Ormonde, LeRoy, Kendall, Moss
NOES: None
ABSTAIN: None
ABSENT: Clement

Public Comments and Inquiries: No public comments.

Continued Discussion on 2030 General Plan:

Moss stated that the Planning Director Smyth will give a staff report on the history on the Westside.

Smyth stated that there have been a lot of questions in the last couple of weeks about the Westside as well as some misinformation so she is going to take a few minutes to provide a brief synopsis of where we have been. She stated in 1978 Kings County adopted a 3 mile buffer zone between the City and NAS Lemoore, which some people call the clear zone or green belt, which put in place a AX2-40 zone which has remained intact. She stated that back in 1997 the City limit stopped at Highway 41 and at that time we were looking for a site for the West Hills College. After deliberation, a 100 acre site was selected west of Highway 41. The 1400 acres of land west of Highway 41 was annexed with Land Use Designations given while avoiding encroachment into the County's buffer zone. She stated that when this was annexed we did not have comments from the military at that time. She stated that additionally at that point in time, noise contours exceeding 60 CNEL were within the limits of the Base and did not affect the City of Lemoore. Smyth showed the land use maps for 1997 and 1998.

Smyth then showed maps in the same scale where the noise changes were made from that time to the proposed General Plan, which were increase at least four fold because of the new noise modeling being used by the military. She stated that we are trying to focus our infill in the City limits. Smyth stated that currently the city owns two sites on the west side. One is a water tank site of about 3 acres and a 10 acre ponding basin site which is partially developed and currently serves West Hills College and Leprino Foods. She stated that she just wanted to clarify some questions that seem to be misconceptions for the west site of Highway 41.

Smyth handed out a letter from Patricia Garcia received dated March 10th, requesting that the property at 700 N. Lemoore Avenue be considered to be changed to Mixed Use or Neighborhood Commercial. The letter was made part of the minutes and is attached. Smyth stated that she received a voice mail the day after our last meeting from a Benthat Carol who was concerned about the 2030 General Plan and that the boundary should be limited to the West Hills College and wanted to make this know for the record.

Moss stated that we will hear public comments from those who have not come to the podium before and please limit the comments to five minutes.

William Bowen of 1440 Lincoln Lane stated that he was on the Planning Commission and is a 30 year Navy vet. He apologized for approving the Westside area as he was on the Planning Commission when the General Plan amendment incorporated the Westside. He stated that because we did not have any objections we didn't think it would end up being such a big deal. He suggested to make the most of the area by incorporating the college campus in their plans.

Cheryl Wahl of 1314 Lincoln Lane stated she is child of a Navy family and currently teaches at Lemoore Elementary. She stated that the Navy's request for not expanding to the west is a fair consideration. She stated that things change. She stated that she has lived on bases where the city has encroached and many times if the pilots have to crash they don't need to worry about crashing into developments. She stated that cities state they won't get closer but they do. There are cities in the United States buying back land to keep the greenbelt between them. She stated that it would be cheaper for the pilots to go to Fallon and drop their bombs, the weather is nicer in the winter time, and the pollution is definitely less than the City of Lemoore. She continued that even if a sheet of paper is signed that they won't sue, it's no guarantee that they won't, they still do. She just wanted to state not to build west of West Hills College.

Jeff Garcia of 12 Heinlen in Lemoore stated that he served on the General Plan Steering Committee. He stated that its been 11 years since the City annexed the site west of Highway 41 and regardless of why the City moved forward we need not build in that area. He asked if these homes were going to be competitive to the surrounding areas and who would want to pay a premium for a home and live in these conditions. He stated that bases have closed because of this. We all know that noise and

residential is a bad mix. He would recommend that the Planning Commission recommend to the City Council to do some additional research and maybe reconvene the Steering Committee to look at other alternatives as it is never too late to do the right thing.

Chris Strickman of 135 Olive Street stated that she is from a military family. She stated that she has lived many years in San Diego below Montgomery Field and also by Miramar. She stated that the City encroached the air field and there were lawsuits from the homeowners and the bases had been there since the early 1900's. She continued that she remembers crashes of civilian planes. She stated that we have the choice of where we are, they don't. She mentioned that the property is best suited for industrial on the Westside.

Gorden McKay of 1155 Laurel Lane, small business man, retired navy, stated that we are fooling ourselves if we think the Navy won't leave. He has seen bases close that he thought would never close and he feels we should go with what the Navy wants.

Connie Wlaschin 448 C Street stated that she has two comments one that does not have to do with the agenda tonight. She stated that she owns a business in her home for alterations and a teddy bear shop. In 1998 she was told by Nick Verma that she is not retail and she would not be able to sell her teddy bears. She asked for a change in zoning to allow her alterations shop and to sell her teddy bears. She also asked if she could have a ten minute parking spot in front of her place. She stated that she had heard that the City was go to require people to sign documents not allowing people to sue due to the noise. She asked if the City could require the signing away of their children's rights.

Charles Huntkin 291 West Spruce Place stated that he came to the Base in 1964 and has been in the Navy for 31 years and he has been around to inspect weapons. He stated that when he went to Marimar the people were 23 miles away from the base, and now they are right up to the fence. He stated that Oceana is trying to buy back ground so that they won't go away. He stated that the Base didn't say anything in 1997 is because the military took it for granted that the people of Lemoore would not build towards them. He stated that he voted to have the College put out there and he thinks industrial should be the only thing built west of 41.

Luis Ledesma 10771 18³/₄ Avenue stated that he lives within the sphere of influence and he read the articles in the paper and feels that most cities grow north and he researched things of how decisions of the Planning Commission might effect him. He stated that some people consider property to the north as prime agricultur land but not his land. He stated that he reads the paper to update himself on what he can do with his land. He stated that he is for progress and he feels for Mr. Pederson. He stated that everything comes down to money. He stated that things change and he thinks the Navy should have more land for the future. He stated that what if something else happens then they have to expand more. He stated that he feels there's more going on here that will end up costing more money if the Base does not have more space.

John Bloyd lives south side of Lemoore stated that he is an Army guy, aviator, noise is loud, and his hearing is impaired. He stated as you move west you encroach upon the military. You have Leprino out there and when the wind comes south you get a lot of smell. You open yourself to noise and to the smell of Leprino on the Westside. He asked why are you putting houses out there, you have a whole bunch of problems out there and maybe residential is not the best use of the land. Why not leave it business. He stated that everything else has been said and he wanted to leave it at that.

Mark Diaz of 119 Seafoam Avenue in Monterey stated that he and his family attended Lemoore High and he read in the paper what was going on. He stated that he works for the Monterey County Environmental Health Department and he lives in the flight path of the Monterey Airport and all the houses of the neighborhood are retrofitted for noise. He stated that when you're dealing with noise you're dealing with the psychological concern. He stated most of the concern is the noise. Diaz gave explains of deed restrictions and said that people will complain no matter what. He stated that the average sound level does not mean the average annoyance level which is why people complain.

Bob Keenan, CEO of the Home Builders Association of Kings County, stated that earlier one of the speakers asked about forming a committee and sitting down and further reviewing land use options. He stated that the Base is valuable to this community and also to the entire County along with Fresno County and no one wants to jeopardize that. He stated that this community has a goal to be economically feasible and keep that. Keenan stated that his Association is offering their assistance to try to find a compromise should such Committee be formed.

Tim Palmquist, a representative for the ownership interest of 110 acres surrounding West Hills College to the north and the west, known as Victory Village was present. He stated that several years ago he became aware of the West Hills Specific Plan and his firm studied that specific plan and its proposed uses. He continued that they then studied the corresponding environmental impact report (EIR) that addressed traffic, noise, circulation, and neighborhood compatibility. He stated that based on that EIR, which did not mention the current noise issues, they made a business decision. He stated that they processed a Vesting Tentative Parcel Map which involved about two years of going before the Planning Commission and City Council. He continued to state that based on all the information that was given and Parcel Map being approved they invested \$2,000,000.00 cash to purchase property, and in good faith build a road for the charter school. He stated that he expects that they have made a good investment and hopes the City will continue in good faith.

Craig Pederson requested to ask a question of the Commission from the audience, and Chairperson Moss informed Mr. Pederson that he was out of line. Only questions from new persons were being taken this evening and Mr. Pederson would not be allowed to voice additional comments.

Jacob Frietas 10888 19½ Avenue stated that recently got home and looked at the information on the General Plan while he was home visiting and noticed there are not only noise issues but the Leprino smell. He stated that the Leprino buildings obstructs the skyline at the overpass and produces smell. He stated that you have all the issues in this area and they would be eliminated if you grew to the north, south or east. He stated that it seems to him that there would be too many negative impacts to build next to the college.

Charolet Ormonde of 49 West Glendale stated that she has been listening to everyone talking and they all have valid points. She stated that some of her family is in the military and she has many relatives who are also farmers. She stated that they were here before the military base. She stated that we are Americans and farmers and this is the bread basket of the world. She stated that this is too soon to make a decision and you need to exam those different sides. She stated that yes we need homes. She asked for the Commission to take a little more time to look into this and respect what the Navy is asking us and respect the land owners. She requested that the Commission take more time and if you do make a recommendation let it be for them.

Dick Jaques of 869 Garner Avenue in Hanford stated that he is the President of the Kings County Board of Realtors. He stated that at the regularly scheduled Board Meeting the Board of Directors passed a resolution to make a statement to the City of Lemoore. He stated that he was planning his statement for the City Council meeting upcoming. He stated that Mr. Keenan offered himself if help is needed on a committee and Mr. Jaques also offer the help of his group. He stated that he has heard of the problems this after noon that was new noise contours and now someone else brought up the Leprino smell. He stated that the Leprino smell is going to hurt the sale of housing. The additional requirements are going to add to the cost of homes and your aware of what happened to Katrina and based on that happened to Katrina, FEMA has gone throughout the United States to rezone areas. FEMA has come out with a new a flood map and it puts the College area in this flood zone. He stated this is going to cost the home buyers because the lenders will require more. He recommended putting off the decision until the FEMA zoning is final. He stated that he agrees with a statement made earlier this evening that he agrees with and that is that it is never too late to make the right decision.

Chairperson Moss closed the public comments portion and called for a break at 8:50 p.m. The meeting resumed at 8:55 p.m.

Moss stated that this portion of the meeting will be for discussion of the Planning Commission. She stated that this discussion is so that Commission can make a recommendation to the City Council on this 2030 General Plan, and that an additional public hearing will be held before Council.

Elgin asked Wlaschin if her house was between Fox and Hill. Wlaschin stated yes. Elgin asked Smyth if this wasn't being redesigned as Mixed Use. Smyth stated that it looks like it is re-designated in the Mixed Use DMX-3 zone which allows professional office, medium density residential with small scale support commercial use. Smyth stated that the idea will allow more flexibility in downtown to allow a larger variety of uses.

Elgin asked about the letter from Patricia Garcia, we did at the last meeting give her some other options. She stated in her letter she would prefer going along with Mixed Use or Neighborhood Commercial. Smyth stated that at the last meeting we read what was allowed in the Professional Office designation which would include a restaurant but not an auto service and the last she understood was that the Commission asked the Professional Office use proposed in the plan be kept. Smyth stated that where you have the designation it is contiguous and not spot zoning which is not allowed. The question is to the contiguousness of the property. She stated that it would include a professional office. She stated it would be from Cinnamon all the way down to the railroad track. Smyth stated that this Mixed Use is the most difficult to implement because it is up to the Commission to decide on a case by case basis what is allowed. This district will not be more clearly defined until the updated Zoning Ordinance is complete. Smyth gave some examples of what might be looked at in regards to the height of the buildings in a Mixed Use district. Smyth stated that the problem is this area if very narrow. Smyth stated that Commercial designations have heavier traffic.

Ormonde stated that we have the issue of the grocery store and the new church. Smyth stated that at the last meeting the Commission recommended to change the entire area out to Mixed Use.

Smyth stated that there were only four recommendations on issues brought up from the public that were brought up at the last meeting. Smyth reviewed the recommendations made by the Commission at the last meeting to update Commissioners LeRoy and Ormonde.

Smyth stated that Mrs. Bressler brought up the fact that Mixed Uses should not require residential on top of it so there was proposed changes to the Mixed Use language to read "with different uses on a single contiguous mixed use area." This allows for options to provide more buffering and allow the various uses over multiple parcels.

Smyth stated that Commission recommended leaving the Little League as a park and adding to the Land Use Diagram a notation that should the Little League move then we would change it out to Neighborhood Commercial and Medium Density Multi-Family Housing and at that location. This would avoid people thinking that the Little League was being eliminated and would stay until they were relocated.

Moss stated that one item to discuss is the industrial use where there was a wrecking yard and we wanted to leave the land use designation unchanged. Moss asked Mr. Lambert to address the Commission. The concern was when the wrecking yard goes away if it goes away what would happen to the land after that. Lambert stated that it's already been determined to be a Little League park in the proposed General Plan. Today's zoning is for the wrecking yard and if it closes I can't reopen as a wrecking yard. He stated that he would like to put industrial in if he can't put the wrecking yard, it's right off the freeway and being taken out right under him for recreation.

Elgin stated that there are two other land owners affected by the change. One owns the bait shop and another owner and they haven't come in to complain. Lambert stated that this is up to them and my property is across from commercial and I can't use it for commercial. Moss stated that by leaving the designation it is Mr. Lambert's option of leaving it designated currently. Smyth stated that the property is currently zoned Urban Reserve until he comes for a zone change however the current general plan shows the property as Highway Commercial. She stated that in talking to the Little League they need

about 20-25 acres to accommodate future growth to build out and this area is the most centrally located to everyone and has multiple street accesses. Smyth stated that the site is a legal nonconforming use now and still would be so under the proposed General Plan. It isn't until the City takes away all use of land that just compensation and land purchase is required.

Bacigalupi stated that the Commission needs to remember that none of your decision have to do with the current use or the current zoning this is a 30 year document. If you recommend it to the Council the land use provides for the next 30 years and any property owner can come in for change. These are land use designations only and the current businesses are still in place. None of the changes will require any current owner to change anything and can continue operating their businesses.

Elgin stated that at that time it was her understanding years ago that there could be a land swap for other industrial uses in the industrial park for the wrecking yard. Smyth stated that she was not aware of past discussions made with Mr. Lambert. Commissioners asked about moving the use to the Westside. Smyth noted that the City currently owns the 10 acre park/ponding basin that is adjacent to this particular area and it is easier to add acreage to the existing City property to accommodate the needed 23 or so acres. She stated that this located would also accommodate more of the population and would not require children to cross under Highway 41 along Bush to get to the Westside of Highway 41.

After a discussion on a 25 acre location for the Little League Park, Elgin asked Craig Pedersen what he thinks about a 25 acre park going on his land. Mr. Pederson stated that he can't answer that question this is the Commission's decision. He stated that as a reminder his family has already made a commitments and given land, over 100 acres to the College and 50 acres to future streets. He stated that he would have to see the plans and ramifications and whatever else is going to happen to this area before he could really comment. Pederson stated that there are number of parks already planned along with the ponding basins within the proposed General Plan.

Bacigalupi noted that the Council will make the ultimate decision on this parcel they are just looking for the Commission's best judgment and recommendation.

Norgaard stated that he would like to leave the future Little League location as is in the General Plan and Mr. Lambert might want to go to the City Council and talk to them during their public hearing. He stated that we have to have that park space and there isn't any other way to do it. Moss stated that will be the recommendation to City Council and asks if motions have to be made. Smyth says "no" and mentioned that she is counting the nodding of heads and general consensus. Moss again stated that Planning Commission is making recommendations to City Council but they will make the final call.

Norgaard stated that he is fine with item J regarding the possible changes to the FEMA Map. He stated that we have all the current adopted information now and if changes are made to FEMA, as stated by staff, they will be looked at during future updates to the General Plan at that time and make appropriated changes as needed. He stated that comments has been given that it might be a big problem but we can't know that until the FEMA Map is complete and adopted, it is only preliminary now. He recommended this item be sent to City Council as is. Moss stated that staff's position is that after the final adoption of the FEMA Map the City will determine if amendments to the Safety and Noise Element as well as the Land Use Element are needed.

Bacigalupi stated that the General Plan and EIR is based on the current FEMA Map and when or if it is changed you will be informed and have the opportunity to make amendments to the General Plan at that time. What you have in front of you is the best information at hand.

Norgaard suggested that on Item H Residential too close to Leprino Foods, other then the letter inserted made a case that they have not been all that welcome in other sites and they tend to be encroached on in a way. He stated that the only staff input is what we have here and a comment of a separation between residential and Leprino is can be accommodated be located some multi-family along the railroad across from Leprino. He asked if the Commission is comfortable with that comment.

Elgin asked Smyth if this had already been discussed. Smyth stated that City Manager Britz addressed this item in his comments at the last Commission meeting. He addressed all the issues and came back up and addressed them further. What he has proposed is having multifamily against it versus single family.

Nogaard asked if staff is satisfied with all letters except for Item A which is residential uses west of Highway 41. Moss stated that there had been a change of the buffer space from 150 ft. to 65 ft. Smyth stated that it's along the south side of the railroad tracks. She stated that it is really difficult for the City to maintain 150 foot buffer swath. Moss stated that she wants to be sure that much of the current buffer stays there. Smyth stated that it's proposed at 15 feet. Elgin asked if it's still going to be a bike path. Smyth stated that it is what we are hoping to do. Moss stated that it needs to be wider than 15 feet. Smyth stated that it was already approved along Victory Village at 15 feet. Elgin stated that Victory Village is pretty much the end of the line and that is probably fine there. Smyth agreed. Elgin stated that a minimum 50 feet buffer should be kept on the southside of the railroad tracks across from Leprino Foods. Smyth pointed out on the map the approved subdivision. Elgin agreed. Moss asks the Commission if they are in agreement with that. All agreed. Moss stated that this should adequately address the Leprino comment.

Norgaard stated that the next point that he wanted to tackle is the approval of Victory Village subdivision and they have a vested interest and they can sue the City to make that vested interest good. He stated that this concerns him and he does not feel this has been addressed. Bacigalupi stated that there are things that you have control over and some you don't. One thing you have control over is that you do have an approved vesting map. Bacigalupi explained vesting map procedure and the life of the map. He noted that if this map is recorded there is nothing you can do to stop the subdivision. If they record the map before it expires there is nothing you can do with this area. You can with the area that is still vacant and has no approvals. Bacigalupi nothing would apply to this subdivision because it came under the wire but you can modify everything else.

In regards to LeRoy's question about retrofitting homes for noise, Mark Diaz stated that its part of a federal program where they measure the 65dba lines within all large airports. If you are over 65dba the federal government will pay for three pain windows. He stated that because you are dealing with noise you don't hear the noise normally except for if it wakes you up first thing in the morning or during sleep. He stated that there is always something that is going to bother you about an airport.

Tim Palmquist stated that he believes that they are conditioned to mitigate dbi levels inside and outside on their approved Victory Village project. The condition is based on dbi interior or exterior. It is his understanding that they have to mitigate a certain dbi and he feels they are covered. Moss stated that if Victory Village is there if is recorded before it expires, they are not mitigated under the standards, this is not an issue that we don't have to discuss any further. What do we do with the rest of the land use designated residential to meet both.

Norgaard stated that he doesn't think there is anything that can be done or undo. Norgaard stated that he appreciates that we have had all the testimony, he thinks the Navy has a point and it would be nice to be able to start the Westside again but the other possibility is the General Plan shows that the marsh land is far west. He wonders if drawing the residential line not to build beyond 21st Avenue is the best choice. He stated that it is not in the General Plan. Would the Navy consider even thinking about that? He stated that we pretty much committed City funds and the General Plan costs paid to a consultant and that changes would be costly.

Ormonde stated that we have the river that we agreed to use for a boundary years ago. He asked if there is a wildlife reserve that we could not cross. Smyth stated that we did take on a venture with the NRCS and Fish and Wildlife to convert about 800 acres back into wetlands. She pointed out this wetlands area does have a conservation easement over it which goes all the way out to the river, but does miss a small triangular area of land next to Highway 198. Ormonde stated he is trying to see what options are in place that would naturally stop the City from going any farther west than the current City

limits. Smyth stated that we can add a policy to work with the County to move that AX Zone further to the East to provide more buffer as well. Smyth asked the Navy to clarify that they are ok with Commercial and Industrial development not residential. Captain Townsend agreed. Smyth continued that there were two meetings that about 70 community members attended where they sat and hashed out Westside issues and as was pointed out earlier, the College was there, Cimarron Park is already there, and of course Victory Village has already been approved, so based on those things, the proposed General Plan was the best balance between varied interests.

Moss stated that no residential is unrealistic at this time and asked why the business park couldn't be moved to the really low density along Marsh Drive so that Marsh Drive is the end of any kind of development. Ormonde stated that the Navy doesn't have a problem with the business park. Moss again questions what kind of Business Park is being talked about.

Smyth stated that some bases when they move major facilities into the area sometimes bring along their contract facilities and research and development like Bowling. The designations would remove the existing residential land use and provide a location for the Business Park in an area which is harder to get to due to the canal and old railroad bed.

Ormonde stated that another concern he had was why there wasn't any more regional commercial along the 198 flight pattern.

Smyth replied that on the original stages highway commercial and industrial that is on the south side of 198 was not deemed necessary within the 25 year horizon, but the community wanted it and Westside. However, there is limited access to the Westside and therefore Bush Street is very sensitive to traffic generation. She continued that Caltrans will not allow any access off of the highway within 2 miles of an interchange to interchange interface, which basically means, 21st Avenue and Bush are the only opportunities that anyone would have to get into that interior from State Highways which limits the amount and density of high traffic generating uses.

Ormonde questioned access off of Hanford-Armona. Smyth replied that the proposed Plan now makes a College Avenue alignment from Bush Street to Hanford-Armona Road to provide additional emergency access from the north. Ormonde stated that he could see moving some of that traffic to Hanford-Armona from this area, and continued that they have Bellehaven and College and possibly 21st at the railroad. Smyth replied not 21st, there is a no crossing of the railroad on 21st, it's difficult to get a crossing at the railroad, every time you get a crossing at the railroad you have to give up something else and we don't have much to give up.

Nogaard stated if they establish nothing west of 21st he would like to get that business park relocated and do as the Chairman suggest. He continued that you got to give up something or try to make a compromise and that's going to be money out of Mr. Pedersen's pocket if we move the business park and don't allow building there but you got to give up something, that's part of the compromise. Kendall agreed and stated that they couldn't consider he's interest.

Mr. Pederson asked to show the Commissioners something on the map. Moss allows him to go map and point out a few things. He stated that he was fine with giving up development on land east of 21st Avenue where the Business Park is designated as it will be difficult if not impossible to develop.

Nogaard stated that his question to the Navy is that if the development line is established at 21st and if it is developed as set out in the General Plan, are we truly in jeopardy from closure with the BRAC. Elgin stated that she also had a question. She stated that the Navy would also conduct their own EIR on the new plans and is concerned if their EIR shows that we are incompatible and they decide not to house the F 35 here what happens when the F18's are phased out.

Captain Townsend approached the podium and stated he believed that they would continue to house the F18. He continued that it was difficult to answer the broader question that Mr. Nogaard posed. He stated that the Navy doesn't make that ultimate decision, the BRAC process is a process established

by the Congress and executed by the Congress. He then stated that anyone in the room could speculate an opinion on the risk of the future of the Base is, and stated that he did not have that opinion to offer.

Nogaard questioned Captain Townsend if he shared the Commissioners concerns that the City has forked over alot money for infrastructure out there as well as the funds to do the proposed General Plan. Captain Townsend stated he not only shared his concerns, but acknowledges that there isn't anybody in the room who isn't motivated to do the right thing as they see it. He believes there is room for disagreement and that well intentioned people have different views. He clarified one characterization that was made earlier by staff that the flight path is significantly west of the College and does not agree with such characterization. What was demonstrated this evening over the College is about where they fly. He concurs with the noise contour maps within the study which if you went to the center of the contour would be directly over the College.

Norgaard stated what we are trying to do is try to create a compromise, such as limiting development west of 21st Avenue alignment. Townsend stated they appreciate the spirit that the City is trying to work a compromise. However, he would like to point out a few things that 1) the Navy has offered a Joint Land Use study with the City and will help pay for such study through the Office of Economic Adjustment which he believes is a viable path to come up with a win-win situation. Secondly, he hopes to not seam to be uncooperative, but he the Westside land is not his to give away, and he does believe that the Navy's position will not be one to compromise away the clear and present danger that they perceive and the risk of conflict for the installation against future conflict. We believe that there has been much discussion about how we have gotten to this point on the Westside but there has been little discussion about the danger of locating residential on the Westside. The EIR conclusion that 23% of the population will be highly annoyed, and the decibel levels and the sound readings establish a foundation of risk, and such risk is real, and future risk is real. I don't think the Navy is going to accept anything unless it addresses these risks in a more foundational manner.

Norgaard stated he is not sure of exactly what the possibility of the OEA will have, but he wants to know if the military has a way to extract the approvals to remove the problem. Townsend stated he is not sure, but OEA does not have truck loads of money to buy people out. Money comes out through DOD for land acquisitions. However, they can help in the costs of the Land Use Plan Study. The plan would evaluate land uses in a different way to try to come up with new ways to address the issues. He stated that it has been great working with the professional staff of the City but maybe everything has not been fully vetted to date.

Ms. Smyth, stated that one of the options that Michael Dyett wrote in an email to staff as an option was to incorporate a Westside AICUZ Noise study overlay on the Land Use Diagram that would put people on notice that the Westside has noise issues that will be further delineated once the AICUZ study is complete. Mr. Townsend projected that the AICUZ would be complete in November 2008.

Mr. Bacigalupi stated that AICUZ stands for Air Installation Compatibility Use Zone for those who are not familiar with the acronym. Page 8-28 of the General Plan includes noise policies that allows the coordination with NAS Lemoore to incorporate AICUZ study findings in future updates of the General Plan. The suggestion of the consultant is additional to this policy which puts a noise overlay on the Westside that would have additional regulations once they are known.

Mr. Ormonde asked if there is anyway to add into the policy that the update for the AICUZ and the General Plan be done within a certain time frame. Mr. Bacigalupi stated of course no one knows how long it will take to complete the studies as it involves Federal government as well as the City. Mr. Ormonde wanted to know if we could modify the policy to read that studies to be completed in a year, and if not in place the City can adopt or move forward as it wants. Mr. Bacigalupi stated that should a project come in before the new studies are adopted we would have to do what we do now which is impose what is in place now, cannot impose conditions not in place now.

Ms. Elgin asked if we don't get the new planes, and the F-18 are eventually phased out, could the Base be phased out? Townsend stated it is very speculative. Not sure the life of planes with any certainty. Thinks that Lemoore strategically has strengths that can always be leveraged to continue. Elgin asked what planes might move here. Townsend stated there has been no discussions of such to date.

LeRoy asked if it true that only 8 planes fly over the Westside daily and is this an average. Townsend stated that flights such as the one today in the GAF flight pattern have an average of 250 over flights per month with a peak of 600 over flights in a month. Over flight volumes in the future cannot be projected.

Smyth wanted to know what the City does if the new plane noise contours effect Lemoore all the way to 19th Avenue, what mitigation options are available. Can a third runway at the Base be considered on the Westside of the existing westerly runway. The concern is if we limit Westside development now based on current planes, will the next study just further affect the town east of State Highway 41 to where other mitigations maybe needed which may also solve the current noise contour issues on the Westside. Townsend stated this was the problem in Oceana, bigger equipment came in and then noise became a larger issue and was more objectionable to the population. Therefore, lawsuits ensued because the newer aircrafts of the Navy were now infringing upon the rights of the existing residents and therefore the Navy is now having to buy back properties. The solutions you have proposed are not very easy to execute such as an additional runway west of the existing one. If a Bill were passed in Congress today and appropriated, they couldn't build a runway until 2013 and the cost is prohibitively expensive.

LeRoy asked if this is similar to what happened in Moreno Valley where they were only going to go to a certain limit and ultimately went to the Base and was forced to shut down at March Air Force Base? Townsend stated he is not aware of what went on in Moreno Valley. LeRoy asked that Commissioners get the case study examples prior to the next meeting for Oceana and March Air Force Base. Bacigalupi stated that there are hundreds of law suites across the country over this issue. Most lawsuits have occurred in areas around airports when encroachment occurred in areas that jurisdictions or military installation did not already own easements and had to purchase such after the fact. The proposed Plan will insure that these lawsuits would not happen in Lemoore because the Plan requires developers to give avigation and noise easements which would not give future owners the right to sue. This does not mean that people cannot complain but that don't have right to sue. People could sue today because none of these policies or easements are in place today. LeRoy stated she would like to see the case law for the next meeting as she does not want to see our Base shut down. Norgaard stated that is why we are trying to come up with a compromise line maybe at 21st Avenue. LeRoy stated that Moreno Valley had drawn a line and they crossed it. Elgin stated that we cannot stop future decisions of future General Plans. Moss stated that one major difference is that we have natural boundaries like the river.

Elgin stated that when she looks at the whole map, she does not see any negative impacts of going any directions around the City. If we go east, the only cost is getting infrastructure across the Canal. If we go north we take away some Prime Agriculture land, which farmers are already selling off in 20 acre plots north of Glendale. When you go west there is noise, smell, flood zones and people will be required to waive their rights to sue. Additionally costs for construction will go up for noise mitigations as well as flood insurance plus owners would be required to waive their suing rights. She would run away from the area screaming and not looking back. She believes building residential on the Westside is absolutely irresponsible. She would like to see Council join with the Navy for these additional studies which would remove some but not all residential or she would like to see what is in City limits would stay the same and areas south of limits would be converted to parks, commercial, industrial, employment reserve and the like to protect the base. We don't know what will happen in the future, but the Base brings 300 million to the valley every year. Jeopardizing this would not be reasonable.

Kendall stated that the biggest problem is that Victory Village is already approved and we need to work with what we have. Need to look at what different land use combinations can be accommodated while working with what we have. We should not strip away a property owner's right to try to sell homes.

The market should decide. Who owns the property to the south of City limits. Mr. Baker is the one that owns that property not Pedersen and not the City. The City only owns the property where the water tank is, about 3 acres, and the ponding basing of about 6-10 acres on the Westside.

Moss stated that she agrees more with Kendall's statements as Victory Village is approved and there property rights are irrevocable. The college is out there now and will grow and needs residential units for students. We could have additional studies however, I do not feel we will get many changes or benefits of such. Feel the same way about the OEA, however we must look at what we can support economically. She agrees that areas south of the City limits should be put in employment reserve. Need to respect property owner's right but also have some compromise which may not fully address the Navy. Comfortable with a combination of Elgin's and Kendall's items and should make a recommendation to Council.

Smyth reminded Commission that there were still about ten individual property owner issues that had not been resolved.

Elgin asked how many residential units would be in the areas south of the City limits. Smyth stated that she was not sure but it would probably be about ½. Elgin stated that would be about 3,500 population which may be a good compromise. Smyth pointed out that the only challenge is that when residential is reduced too far it may cause commercial development to not come as they want to see rooftops around their developments. Smyth stated we would have to do studies to see if we the circulation and economic viability could support an employment reserve area. Elgin stated that maybe we don't even need to have that designation maybe just have a sphere of influence.

Smyth stated that this may be possible, however the changes being proposed are substantial and would require additional studies and re-circulation of the EIR which would be 3-6 month delay. If during this time frame Victory Village extends their map they would only be subject to those policies currently in place, which do not include the Navy noise mitigations. Bacigalupi stated that in reviewing the conditions of Victory Village, they only have noise mitigations for railroads not for Navy apartments.

LeRoy, Elgin and Moss agreed that if housing is on the Westside, it should include apartments for the students.

Moss stated that we do not have time to make a decision tonight and should be continued to April 14, 2008.

Ormonde asked if a special meeting can be held with the Navy to try to work out a compromise. Smyth stated that the recommendations of the General Plan Steering Committee are the only thing before the Commission. We cannot meet in private outside the meeting. Only Council has this option. Staff can bring back various options available at the next meeting. However the concern is that the longer nothing is in place, the more we are open up to residential projects coming in and being deemed complete prior to the Plan being adopted. It would be helpful for each of the Commissioners to write down their preference prior to the next meeting so that we can go over options.

Elgin asked if a draft Exhibit A can be prepared and attached to the staff report for next meeting.

Moss stated the discussion will be continued to the April 14, 2008 meeting and lots of material is available on the website. There will probably not be any additional testimony taken at the next meeting.

Bacigalupi asked if there is additional information they would like staff or the attorney to give to Commission before next meeting. LeRoy stated just the two military installations law suits stated earlier.

Planning Director's Report:

Reminder that Planner's Institute is this week Wednesday through Friday.

Commission's Report and Request for Information:

There was none.

Adjournment: The meeting adjourned at 11:15 p.m.

The meeting was continued to the April 14, 2008 Planning Commission meeting.