



**RESOURCE  
MANAGEMENT AGENCY  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

KUYLER CROCKER  
District One

PETE VANDER POEL  
District Two

AMY SHUKLIAN  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** August 28, 2018

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
County Counsel Sign-Off	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
CONTACT PERSON: Celeste Perez      PHONE: 559-624-7010		

**SUBJECT:** Agreement for Termination of the Andersen Village Specific Plan Environmental Impact Report (EIR) Tolling Agreement

**REQUEST(S):**  
That the Board of Supervisors:

1. Ratify and approve Agreement to Terminate Tolling Agreement between Consolidated Irrigation District, and Central Kings Groundwater Sustainability Agency, County of Tulare, Steve Hash Farms, and Steven Cecil Hash and Elizabeth McNalley Shafer, for the Anderson Village Specific Plan Environmental Impact Report Tolling Agreement, retroactive to August 13, 2018. This Agreement is retroactive due to the parties having reached an agreement in regards to the EIR.
2. Find that that Board had authority to enter into the proposed agreement as of August 13, 2018, and that it was in the County's best interest to enter into the agreement on that date.
3. Ratify the Chairman's signature on the Agreement.

**SUMMARY:**  
On June 26, 2018, the County Board of Supervisors held a public hearing and approved the "Andersen Village (Hash Farms)" Development Project (the "Project"), a 200-unit single family/multi-family residential Project including the Final Environmental Impact Report (EIR). The Notice of Determination (NOD) was filed for the EIR on June 26, 2018. This agreement is to terminate the agreement approved on July 24, 2018 for tolling the statute of limitations applicable to Petitioners filing a lawsuit challenging the approval of the Project. The Chairs

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approval of the Termination Agreement was petitioned for by Resource Management Agency on August 13, 2018 signed, and delivered to the applicant and the opposing party's attorneys on August 14, 2018.

**FISCAL IMPACT/FINANCING:**

The applicant cost for a Zone Change is an initial deposit of \$6,451 to the Tulare County RMA. Additional fees of \$100 per hour are charged if actual cost of processing the application exceeds the deposits. The applicant has an indemnification and cost recovery agreement on file. CEQA documentation and compliance for the Project is also charged at a full cost recovery basis.

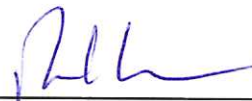
**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's five-year strategic plan includes the "Economic Well Being Initiative - to promote economic development opportunities, effective growth management and a quality standard of living." The requested zone change amendment helps encourage growth consistent with the County General Plan.

**ADMINISTRATIVE SIGN-OFF:**



\_\_\_\_\_  
Aaron Bock  
Interim Assistant Director  
Economic Development & Planning



\_\_\_\_\_  
Reed Schenke, P.E.  
Director

cc: County Administrative Office

Attachment(s) Attachment A – Agreement to Terminate Tolling Agreement

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF AGREEMENT FOR ) Resolution No. \_\_\_\_\_  
TERMINATION OF THE ANDERSEN ) Agreement No. \_\_\_\_\_  
VILLAGE SPECIFIC PLAN )  
ENVIRONMENTAL IMPACT REPORT )  
(EIR)TOLLING AGREEMENT )

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD August 28, 2018, BY  
THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: MICHAEL C. SPATA  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

1. Ratified and approved Agreement to Terminate Tolling Agreement between Consolidated Irrigation District, and Central Kings Groundwater Sustainability Agency, County of Tulare, Steve Hash Farms, and Steven Cecil Hash and Elizabeth McNalley Shafer, for the Anderson Village Specific Plan Environmental Impact Report Tolling Agreement, retroactive to August 13, 2018. This Agreement is retroactive due to the parties having reached an agreement in regards to the EIR.
2. Found that that Board had authority to enter into the proposed agreement as of August 13, 2018, and that it was in the County's best interest to enter into the agreement on that date.
3. Ratified the Chairman's signature on the Agreement.

# **Attachment A**

Agreement to Terminate Tolling Agreement

**AGREEMENT TO TERMINATE TOLLING AGREEMENT**

This AGREEMENT TO TERMINATE TOLLING AGREEMENT (the "Agreement") is entered into as of August 13, 2018, by and among CONSOLIDATED IRRIGATION DISTRICT and CENTRAL KINGS GROUNDWATER SUSTAINABILITY AGENCY ("Petitioners"); COUNTY OF TULARE ("County"); STEVE HASH FARMS, STEVEN CEÇIL HASH and ELIZABETH MCNALLEY SHAFER, as Trustees of the HASH/SHAFER REVOCABLE TRUST (collectively "Applicants"), each individually referred to as "Party" and collectively referred to as the "Parties."

WHEREAS, the Parties have entered into a Tolling Agreement effective as of July 24, 2018 (the "Tolling Agreement");

WHEREAS, the Tolling Agreement provides for automatic termination effective as of midnight on September 26, 2018;

WHEREAS, the Parties now desire to terminate the Tolling Agreement effective August 13, 2018.


NOW THEREFORE, in consideration of the agreements, promises, covenants, and provisions contained in this Agreement, the receipt and legal sufficiency of which are hereby acknowledged for all purposes, the Parties, intending to be legally bound, agree as follows:

1. The Tolling Agreement is terminated effective as of August 13, 2018.

IN WITNESS WHEREOF, the Parties have signed as of the date set forth above.

FOR PETITIONER:


BAKER MANOCK & JENSEN, PC

By:   
Lauren D. Layne, Attorneys for  
Consolidated Irrigation District, and  
Central Kings Groundwater  
Sustainability Agency

FOR COUNTY OF TULARE:

By: 

FOR APPLICANTS:

By:   
Bruce M. Brown

**APPROVED AS TO FORM:  
COUNTY COUNSEL**

By:   
**Deputy**

Agreement No. \_\_\_\_\_