



BUTTE LOCAL AGENCY FORMATION COMMISSION Minutes of October 7, 2021

(A complete voice recording of the Commission's meetings can be obtained from www.buttelafco.org)

1. CALL TO ORDER

Steve Lucas called the meeting to order at 9:01 a.m., October 7, 2021, through Zoom Webinar attendance due to the COVID-19 pandemic.

1.1 Roll Call

Commissioners Present: Carl Leverenz (Chair-Public)
Al McGreehan (Special District)
James T. "Bo" Sheppard (City)

Commissioners Absent: Greg Bolin (City), Bill Connelly (County), Bill Sharman (Special District) & Tod Kimmelshue (County)

Alternate Commissioners Present: Steve Betts (Public), Larry Bradley (Special District)
Bruce Johnson (City) & Debra Lucero (County)

Alternate Commissioners Absent: None

Others Present: Stephen Lucas, LAFCO Executive Officer
Jill Broderson, LAFCO Management Analyst
Shannon Costa, LAFCO Government Planning Analyst
Joy Stover, LAFCO Commission Clerk
Marsha Burch, LAFCO Legal Counsel Representative

2. CONSENT AGENDA

2.1 Approval of the Minutes of Sept. 2, 2021

Steve Lucas stated staff would like to make one change on page 3 and asked if there are any other changes requested to the minutes.

Commissioner McGreehan identified some changes he would like to see made for clarification.

Chair Leverenz made a motion to approve the consent agenda, approving the Sept. 2, 2021 minutes with requested amendments. The motion was seconded by Commissioner Sheppard.

The motion was carried by the following roll call vote:

AYES: Chair Leverenz, Johnson, Lucero, McGreehan, Bradley and Sheppard
NOES: None

ABSENT: Kimmelshue
ABSTAINS: None

3. NOTICED PUBLIC HEARINGS - None

4. REGULAR AGENDA

4.1 Items Removed from the Consent Agenda- None

4.2 LAFCo File 22-01 - South Feather Water and Power Agency - Dunstone Drive Annexation No. 1

Shannon Costa stated this is a proposal to annex a single parcel and adjacent road right-of-way to the South Feather Water & Power Agency. The proposed annexation would allow South Feather Water & Power Agency to provide irrigation water to the approximately 20 acre parcel for fire suppression during the construction of a single family home.

Steve Lucas opened this item to the public for comments. None stated.

Commissioner McGreehan made a motion to adopt Resolution No. 01 2021/22 approving the annexation as recommended by staff. The motion was seconded by Commissioner Lucero.

The motion was carried by the following roll call vote:

AYES: Chair Leverenz, Johnson, Lucero, McGreehan, Bradley and Sheppard
NOES: None
ABSENT: Kimmelshue
ABSTAINS: None

4.3 LAFCo File 22-02 - South Feather Water and Power Agency - Long Bar Road Annexation No. 1

Shannon Costa stated this is a proposal to annex an approximately 34 acre parcel to the South Feather Water and Power Agency (SFWPA). The annexation would allow SFWPA to supply domestic water to the parcel to support the future development of the site.

Steve Lucas opened this item to the public for comments. None stated.

Commissioner Lucero made a motion to adopt Resolution No. 02 2021/22 approving the annexation. The motion was seconded by Commissioner Sheppard.

The motion was carried by the following roll call vote:

AYES: Chair Leverenz, Johnson, Lucero, McGreehan, Bradley and Sheppard
NOES: None
ABSENT: Kimmelshue
ABSTAINS: None

4.4 LAFCo File 22-03 - South Feather Water and Power Agency - Pioneer Trail Annexation No. 1

Shannon Costa stated this is a proposal to annex a single parcel and adjacent road-right-of-way to the SFWPA. The annexation would allow SFWPA to supply irrigated water to the site to mitigate fire risk for an existing residential use. Staff has received one comment from a neighbor regarding possible cannabis cultivation regulations. The neighbor was referred to Butte County staff as those regulations are controlled by the County.

Commissioner McGreehan stated it looks like there is still a couple of island areas that maybe this agency should consider.

Shannon stated we don't try to fill in the gaps for Special Districts and the landowners near the parcel were notified of the proposed annexation. Staff has not received additional request to annex.

Chair Leverenz stated if this was a municipality like a city, we would want to make sure we include an island as it makes a difference regarding municipal services. With a water district, the law is not as demanding.

Commissioner Lucero asked when these parcels are being annexed are most of them on domestic wells and will they continue to use domestic wells as well as SFWPA water.

Shannon stated the parcels that are going to receive irrigation water would receive the water through a ditch. A project that is requesting domestic water, the Butte County Environmental Health would require the existing well be abandoned.

Steve Lucas opened this item to the public for comments. None stated.

Commissioner McGreehan made a motion to adopt Resolution No. 03 2021/22 approving the annexation. The motion was seconded by Commissioner Lucero.

The motion was carried by the following roll call vote:

AYES: Chair Leverenz, Johnson, Lucero, McGreehan, Bradley and Sheppard
NOES: None
ABSENT: Kimmelshue
ABSTAINS: None

4.5 LAFCo File 22-04 - South Feather Water and Power - Ratification of Extension of Services Determination for 8170 Grier Avenue (APN 027-290-019)

Shannon Costa provided an update to this project. In this particular project, the landowner never followed through with the South Feather Water & Power Agency to obtain a bulk water delivery and therefore the SFWPA did not follow up with submitting an extension of services application or an annexation request. Staff is requesting the Commission ratify the Emergency Extension of Services request by the SFWPA for the provision of the delivery of potable water to the site.

Commissioner Lucero asked for clarification whether the landowner was currently receiving emergency water delivery services.

Shannon stated she met with representatives from SFWPA last week and was told the agency never heard back from the landowner.

Commissioner Lucero asked Steve Lucas how LAFCO staff monitors wells going dry.

Steve stated we do not have a direct process that we link to the county for that information. We traditionally go through Environmental Health for that information.

Steve Lucas opened this item to the public. No comments received.

Commissioner Lucero made a motion to approve the staff recommendation. The motion was seconded by Commissioner Sheppard.

The motion was carried by the following roll call vote:

AYES: Chair Leverenz, Johnson, Lucero, McGreehan, Bradley and Sheppard
NOES: None
ABSENT: Kimmelshue
ABSTAINS: None

4.6 Paradise Irrigation District Options Study

Steve Lucas stated the Paradise Irrigation District (PID) Options Study has been released. Steve provided his comments regarding three issues he sees as concerns. One is that the Options Study is looking at infrastructure, water quality and water quantity issues instead of the report being focused on the financial capabilities of the District. Two, the Study continues to suggest water transfers south or north of the Delta remain to be options in the Study. This option has been clearly disfavored as an option by the stakeholder group as any “excess” water can be utilized in Butte County to assist our own water sustainability planning. Third, the Options report should include the recognition that Butte LAFCo is the appropriate agency to consider any local agency reorganizations to reinforce that all decisions will be made locally.

Commissioner McGreehan thanked Steve for submitting comments and stated he shares Steve’s concerns.

Commissioner Lucero stated she has been attending the stake holder’s meetings and is concerned regarding the lack of public participation.

Steve Lucas opened this item up for public comments.

Tom Lando stated he agrees with what Debra and Steve. PID went through a very long process with the Department of Finance to negotiate a two year grant. Initially the condition was to explore consolidation. There never was a discussion about consolidation with Cal Water. The District agrees that LAFCO has a very significant role both in PID’s viability and any change in organization that may occur. This is a study headed by Sac State.

Commissioner Lucero stated at the meeting it was brought up about the environmental option of sending water down Butte Creek to help the fisheries. Is that something that will be added to the Study as an environmental option?

Tom Lando stated it is definitely one of the things that will be explored. Tom stated he thinks everybody is in favor of this. It's a question of how it affects the viability and potentially the sale elsewhere within the County but he feels it is a great option.

No other comments and Steve closed this portion to comments. Steve stated this portion of the Study was to identify the options. The next step is the evaluation and ranking and the draft is intended to be out on Nov. 12th. The proposed date of Dec. 17th is set for the final report.

5. Public Comment on Items not on the Agenda

Steve Lucas asked if there were any comments on items not on the agenda. None stated.

6. Reports and Communications

6.1 Executive Officer's Report

Steve Lucas summarized the Executive Officer's report and provided updates. Steve stated Commissioner Connelly has been re-elected to the CALAFCO Board of Directors for an additional two years and he has moved up to Vice Chair of the Board.

There was discussion on the proposed City of Chico Annexation Plan. Chair Leverenz provided a historical review for the newer Commissioners on how Chico ended up having so many islands and the impact to services this creates. There are four island areas that still need to be annexed.

Commissioner Lucero asked for the names of these four remaining island areas.

Steve stated Centennial Ave Area, Forest Ave Area, W. East Ave/Guynn Island Area and West Sacramento Island Area bordered by Bidwell Ave to the south. The City of Chico recently initiated an annexation of the Glenwood Island Area that should come before the Commission possibly in December.

There was a discussion on the importance of attempting to find a location to hold a public in-person meeting location for the Dec. 2, 2021 meeting to schedule the proposed Tuscan Water District project. Steve stated no action would be taken on this project at this time but we can open it up for discussion and asked if anyone wanted to speak on this item.

Pam Stoesser stated she was at the Board of Supervisor's meeting where this project was on the agenda. Pam stated there was little to no information provided by the Board but they did let people voice their concerns. Pam asked what does LAFCO do with the comments the commission receives for projects.

Steve Lucas stated historically LAFCO requests comments from the various entities, the comments go to the LAFCO staff for review and staff provides comments back to LAFCO. This issue is far more intense in terms of public participation as seen so far in

other board meetings. The individual comments will be provided in the staff packet for the Commission.

Aimee Raymond stated her concern is the petitions are not on the website and you have to go into the LAFCO office to view them. She has concerns on the format of the petitions. Aimee stated the application for the proposed Tuscan Water District was altered after it was submitted to the Water Board and the Butte County Board of Supervisors for review and comment.

Steve Lucas stated this project has not been presented to the Commission for hearing yet.

Commissioner Lucero stated her concerns regarding the public being able to comment on this issue. Commissioner Lucero asked when does the public have a chance to comment, other than a 3 minute comment at a public hearing.

Marsh Burch, LAFCO counsel representative stated there are multiple opportunities for the public to participate. They can submit written comments at any time and all of those are considered by the agencies that are involved in the decision making process. The answers to the questions can be prepared and included in the staff report. To say that a member of the public only has 3 minutes to participate in this hearing is a miss-statement of their actual ability to participate. During an update on the status of this item is really not the appropriate time for Steve to be addressing these very technical and legal questions that will be fully analyzed as those comments are received from the public.

Commissioner Lucero asked does that happen at the meeting, after the meeting or before the meeting.

Marsh Burch stated the public has the opportunity to submit written comments at any time and those comments are evaluated by the agency that is going to be making a decision on this proposal. That can happen at any time. It's a fundamental misunderstanding of the process to say that every concern must be raised in that 3 minute window and that the Commission has literally moments to make a decision.

Chair Leverenz stated he wanted to clarify what is being talked about. The very issues that have been raised by several of the speakers here today are all legitimate issues. As part of the process by the staff and the legal staff, they will look at all of those and they will be incorporated in a discussion and dealt with in a staff report. The staff report then will be available long before the actual public meeting. Historically, when we have something that is reasonably controversial, not only do we try to deal with those issues at the time but we have no problem continuing an item for a month or two while we analyze information that may be new. Hopefully the people who are concerned will be submitting these very issues to the staff in writing.

6.2 Correspondence - None

7. ADMINISTRATION - None

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:24 a.m. to the next LAFCO meeting scheduled for Thursday, November 4, 2021. The next LAFCO meeting is proposed to be a Zoom meeting.

LOCAL AGENCY FORMATION COMMISSION



By: Stephen Lucas, Executive Officer

Minutes prepared by Joy Stover, Commission Clerk