



BUTTE LOCAL AGENCY FORMATION COMMISSION

Draft Minutes of June 3, 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 9:00 a.m., June 3, 2021, through Zoom Webinar attendance due to the COVID-19 pandemic.

1.1 Roll Call

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

Commissioners Absent: Greg Bolin (City) and Bill Connelly (Vice Chair-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
P. Scott Browne, LAFCO Legal Counsel

1.2 Welcome Commissioner Kimmelshue, reappointed by Board of Supervisors for a term ending May 2025.

Steve Lucas welcomed Tod Kimmelshue to the Commission as the Board of Supervisors reappointed him to serve as a County member for the next four years. Steve Lucas also welcomed Steve Betts as he was appointed to the Commission to serve as the alternate Public member.

2. CONSENT AGENDA

2.1 Approval of the Minutes of May 6, 2021

Steve Lucas asked if there was any changes to the minutes. No changes requested.

Commissioner McGreehan made a motion to approve the consent agenda. The motion was seconded by Commissioner Sheppard.

The motion was carried by the following roll call vote:

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

3. NOTICED PUBLIC HEARINGS

3.1 Amendment to Current Staff Charge-out Rates, Including Continuation of the Application of the Annual Cost Escalator based upon the Employment Cost Index (ECI).

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

Chair Leverenz made a motion to approve the amendment to current staff charge-out rates as submitted. The motion was seconded by Commissioner McGreehan.

The motion was carried by the following roll call vote:

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

4. REGULAR AGENDA

4.1 Items Removed from the Consent Agenda- None

4.2 Paradise Sewer Project – Notice of Preparation of Environmental Impact Report

Steve Lucas stated this is not an item to take any action this morning. The Commission has desired to stay informed and requested this item be placed on the agenda as necessary. Staff prepared a response to the Notice of Preparation (NOP), which discusses the concerns LAFCO feels might be relevant to this discussion moving forward and it was our first opportunity to comment. Staff has since met with the Town of Paradise Staff and the consultant to go over our concerns.

Steve Lucas asked if the Commission has any questions they might have on this NOP response.

Chair Leverenz stated he wanted to compliment the staff and Scott Browne as he stated the environmental laws are very straight forward.

Commissioner Lucero stated her question concerns the actual Notice of Preparation document. Some of the County staff comments at our Board of Supervisors meeting was that the Notice was incomplete and there wasn't a real good description of the project. Commissioner Lucero asked if LAFCO agreed with that assessment.

Steve Lucas stated it is their NOP and they prepared it. We have to work with what we have and he feels there was sufficient information in the NOP that he was able to comment on it.

Commissioner Lucero stated she understood from County staff that it was rather incomplete as to where the pipeline would be laid.

Commissioner Kimmelshue stated he just wanted to reiterate what Supervisor Lucero just said. We at the County level were not overly impressed with how this has been presented and most importantly where the actual pipeline is going to be. We need a much better description of where that pipeline will be situated. It looks like it will go through much of the agricultural land west of Chico, so the concern is the possible impact to the agriculture area in the region and where it might cross Butte Creek or other waterways.

Commissioner Lucero stated she has had several calls from residents living on Crouch Lane who are quite concerned about this.

Commissioner Kimmelshue stated he had a meeting with the Town of Paradise this week and he encouraged them to start notification of residents that reside in that area.

Steve Lucas stated the Town staff has been very cooperative with us to date & he will follow up with the Town based on both of these responses.

Steve Lucas asked Richard Harriman if he wanted to speak.

Richard Harriman stated he is appearing and speaking as a resident of the City of Chico, a property tax payer, a rate payer for the City of Chico and as General Counsel for the Northern California Environmental Defense Center. He wanted to compliment Mr. Lucas and staff for their comments and he joins in the comments of Supervisor Kimmelshue and Lucero. Mr. Harriman stated he is deeply concerned about how this project is going to be described, particularly the funding which is being sought through our congress person to increase infrastructure for travel and circulation with the Stonegate and Entler interchange. Mr. Harriman stated his clients and himself absolutely support the redevelopment of the Town of Paradise. We are in favor of it being done quickly. Mr. Harriman stated he believes that one of the conditions of approval for this project if it were to come before LAFCO, would be that the Town of Paradise would have completed and updated its General Plan. The interplay between project description and the lack of an adequate and updated General Plan may be fatal to this project when it comes back to this Commission. He asked isn't it going to be necessary for the Town of Paradise to have an updated General Plan at the time they apply for this project approval from LAFCO?

Scott Browne, LAFCO Counsel, stated Richard raised a good question. It would be very helpful if the Town's General Plan was updated. That would provide a very clear description of the kind of growth that can be anticipated once this project is complete. Without an updated General Plan (GP) it is going to be less clear what growth may occur. Ordinarily, under CEQA you tend to have to suppose a worst case scenario. Whereas if you have an actual updated GP you just go with that. It is definitely desirable but he doesn't think it is legally required. Without it, it puts the burden on the writer of the EIR to make certain assumptions about what growth will occur in Paradise and base the environmental analysis on that. It is not ideal but it can be done.

Richard Harriman stated the other issue that tiers off of this discussion is if we don't know what the Sphere of Influence and the actual limits of the Town of Paradise are under its new General Plan, then what it really leaves uncertain and difficult for the County to analyze is how much of the redevelopment is going to take place in the County and what is the County's duty going to be to provide services. He stated his concerns for transportation as well.

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

Commissioner Lucero asked if the same would apply to the City of Chico with its General Plan.

Steve Lucas stated the City of Chico's General Plan is much newer & more current.

Commissioner Kimmelshue wanted to clarify that this new sewer pipeline is only for the Town of Paradise and will not be allowed to be used by Chico. There's no opportunity for Chico to connect into this new sewer line?

Steve Lucas stated his understanding is that this will be an extension directly from the City of Chico's treatment plant to the Town's first legitimate customer. The Commission has a statutory obligation to condition this extension in any way they feel is necessary to support their policy. This Commission is very concerned about the connections to this line somewhere in between the two points.

Commissioner Lucero stated putting the pipeline aside, what about the plan for a pump station for the top of the hill and a pump station at the bottom of the hill. Could this be the very growth inducing concept and a giveaway to developers at the base of Skyway? There is concern as to who is going to own that infrastructure.

Steve Lucas stated anything is a possibility between the City of Chico and the Town of Paradise as they construct their legal agreement that will stipulate who does what, who owns what and how the flows work. It would be nice if a lot of that information was known at this time. We are going to have to look at what those agreements look like. The Commission is going to be able to have the final say as to whether or not that extension is useful, desirable and makes logical sense.

4.3 21-09 – City of Chico – Extension of Service – 1511 Bidwell Avenue

Shannon Costa introduced the project and stated the site is developed with a single family home. On May 13th the City of Chico submitted an emergency extension of sanitary sewer service application to LAFCO after the property owner had a sewer inspection that revealed that the sewer system was failing. The emergency sewer extension was approved by the LAFCO Executive Officer on May 14th. The City followed up on May 19th with the regular extension of services application. This parcel is not contiguous and the City has not indicated any desire to annex this parcel at this time. Staff is recommending approval subject to the conditions contained in the resolution.

Steve asked if the Commission has any questions for Shannon.

Commissioner Lucero asked when something like this happens and it is a 450 foot connection, who pays for that 450 feet.

Shannon stated the sewer line is installed currently in Bidwell Drive in front of this parcel and with the Nitrate Compliance program the City installed laterals to each of these parcels. The property owner just needs to get a plumber to connect it.

It was clarified that if the parcel is within 250 feet of a sewer line, the County won't approve the sewer repair.

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

Commissioner Lucero made a motion to approve the extension of sewer services and adopt Resolution No. 12 2020/21. The motion was seconded by Commissioner McGreehan.

The motion was carried by the following roll call vote:

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

4.4 Review and Consideration of LAFCo Voluntary Indemnification Agreements

Commissioner McGreehan excused himself at this time.

Steve Lucas stated the staff report is pretty self-explanatory. Steve opened this item for Commission comments/questions. None received.

Steve Lucas opened this item for public comments. No comments received.

No action is required on this item and as there was no opposition, Steve Lucas stated staff will begin using the new Voluntary Indemnification Agreement for projects.

4.5 Presentation of New LAFCo Website and interactive Map

Shannon Costa provided a presentation of the new Butte LAFCo website.

Commissioner Lucero stated the website looks awesome, is very easy to navigate, she loves the interactive map but it might be helpful to explain what a MSR is somewhere on the page so people understand what that is.

Shannon stated she can look into adding that.

Commissioner Kimmelshue stated he wanted to compliment staff & Shannon on this website. As he goes out as a Supervisor and meets with people he always tells them about LAFCO, what it does and how important it is and this website helps to add to that.

Steve opened this item for public comments. No comments received.

No action was taken on this item.

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 the City of Biggs is moving forward with developing an Annexation Plan. The City provided public presentation on this and it was very well done and showed how they want to expand their City over the next few years.

Commissioner Sheppard stated the City is moving forward, the public meeting went well and all the comments received were positive.

Mark Sorensen, City Administrator, stated this is another step in a very long process that is all very consistent with the City's General Plan.

Steve Lucas stated it is an ongoing saga of what PG&E is actually going to do with the Miocene Canal. Ultimately what LAFCO may do is work on an extension of services application from the Paradise Irrigation District to truck water to the affected residents.

Commissioner Lucero stated Mike Ramsey is very unhappy with what is going on with the Miocene Canal and he showed the Supervisors a picture of the yellow legged frog and said the Canal is going to be rebuilt.

Commissioner Kimmelshue asked if there are any request or future applications of Thermalito to annex into the City of Oroville.

Steve stated staff is currently working on one project called the Feather Avenue Annexation (aka Ruddy Creek Annexation) but that project is considered incomplete for many issues. The larger proposal is all of Thermalito and that project has a lot of conflicting components. The City of Oroville has a big uphill battle and staff will keep the Commission informed.

Richard Harriman submitted an email comment asking is LAFCO monitoring the City of Chico's update of its Housing Element. Is the City updating any other Elements of its General Plan to be consistent with its New Housing Element? Will it come before LAFCO before it is approved by the City?

Steve stated the City of Chico's Housing Element has no requirement to be approved by LAFCO in any way. We are interested in Housing Elements because it demonstrates their capability to meet their population projections so we do think of it as a component of a review. Steve stated he is not aware of any updated individual elements of the City's General Plan at this time. If they are going to do so, he would hope the City is going to circulate it for comments.

Commissioner Lucero stated the Chico Village Vision Plan came before the Board of Supervisors and the Board had a lot of concerns about the roundabout and how that was being planned. That is in the City's jurisdiction and LAFCO has nothing to do with it, is that correct?

Steve stated that is correct.

Commissioner Lucero voiced her concerns over the number of units planned.

Steve stated LAFCO doesn't have much of a role to play internally within any agency's jurisdiction as it relates to land use, but how it affects new growth is an issue for LAFCO.

Commissioner Kimmelshue asked about the possibility of in person meetings.

6.2 Correspondence - None

7. ADMINISTRATION

Steve stated we were informed by County staff that the Board of Supervisors Chambers would be available once again. There is obviously mechanics to work out. The Board Room has 5 seats and LAFCO has 7 Commissioners and alternates so there are some logistics we are going to have to work through. The way the Board Room is set up now would be very difficult for us to function in that current configuration.

Commissioner Lucero stated Andy Pickett stated they are looking at another conference room area that could be set up to fit more people.

Steve stated we also had an offer from the City of Oroville to use their chambers as well so that is a possibility if that room/space looks more convenient for the way we operate.

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:02 a.m. to the next LAFCO meeting scheduled for July 1, 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