

## **M E M O R A N D U M**

**TO:** Local Agency Formation Commission

**FROM:** Shannon Costa, Local Government Planning Analyst

**SUBJECT:** **Agenda Item 4.5 – Ratification of Extension of Services Determination for South Feather Water and Power - 8170 Grier Avenue (APN 027-290-019)**

**DATE:** September 30, 2021 for the meeting of October 7, 2021

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Pursuant to the Butte Local Agency Formation Commission Policies and Procedures, the Commission shall ratify the Executive Officer's determination to allow an extension of services when approved under urgent circumstances.

On August 11, 2021, LAFCo staff authorized an Emergency Extension of Services request to allow for the delivery of potable water to a 6.61-acre parcel located at 8170 Grier Avenue by the South Feather Water and Power Agency (SFWPA) (see **Exhibit A**). The property owner had notified SFWPA in the days prior that the domestic well serving the single-family home was going dry, and requested the delivery of bulk potable water to the site.

The affected territory is located at 8170 Grier Avenue in unincorporated Butte County, southwest of the community of Palermo. The territory is developed with a single-family residence and other ancillary structures. Surrounding development includes single-family homes at rural residential densities. The site is located approximately 370-feet south of the SFWPA Sphere of Influence boundary and is not currently served by SFWPA infrastructure.

Pursuant to Government Code Section 56133, the Commission may authorize a district to provide new or extended services outside its jurisdictional boundary and sphere of influence to respond to an existing or impending threat to the health and safety of the residents of the affected territory. Typically, such extensions are approved by the Commission in anticipation of a later change in organization and conditioned to require annexation, as was this extension of services request. At its September 2, 2021 meeting, LAFCo Commissioners provided direction to LAFCo staff to work with affected local agencies, the State Water Resources Control Board and CALAFCO to explore a more flexible process to allow bulk potable water deliveries outside of an agencies jurisdictional and sphere of influence boundaries under the existing drought proclamation. As such, staff recommends that the condition for annexation for this particular project not be required, but that the approval remain in place until such time that the drought proclamation expires.

**ACTION RECOMMENDED AND REQUESTED:** Consider and ratify the Emergency Extension of Services request by the South Feather Water and Power Agency for the provision of the delivery of potable water to the site without the requirement for annexation to the district until such time that the Butte County Drought Proclamation expires.



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## BUTTE LOCAL AGENCY FORMATION COMMISSION

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### Emergency Extension of Services Application

**Purpose:** This Emergency Extension of Services Application is intended to be used by a local agency to request an immediate authorization from Butte LAFCO for urgent service extensions subject to ALL of the following criteria:

1. The lack of service being requested constitutes an immediate health and safety concern; and
2. The property is currently developed; and
3. There are physical restrictions on the property that prohibit a conventional service delivery method typically suited to the unincorporated area (i.e., septic tank, private well, etc.)

**Process:** The local agency shall complete the Emergency Extension of Services Application and submit it to the Executive Officer (via mail, fax or email) who will immediately evaluate the request and is authorized to approve the immediate extension of services subject to submission by the affected agency within 30 days of emergency approval, a complete Extension of Services Application with appropriate fees for Commission consideration.

Please provide the following information:

Applicant (local agency) South Feather Water and Power Agency

Assessor's Parcel Number(s): 027-290-019

Street Address: 81 Grier Ave. Oroville, CA 95966

Landowner Name: William Anthony

Requested Service(s): Water

Reason for Emergency Extension of Service(s): Water well on parcel is not producing due to drought conditions. Requesting emergency annexation into SFWPA district in order for land owner to perform bulk fill of potable water.

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*(Note: Please attach documentation from the local agency, a licensed contractor or the Butte County Environmental Health Division if for a septic system or well failure.)*

As the local agency providing emergency services to the affected parcel, I certify that the reason for the emergency condition is accurate and the agency understands the responsibility to submit a formal application and all appropriate fees as noted above.

Authorized Local Agency Contact: Name: Rath Moseley  
Title: General Manager  
Signature: Rath Moseley

Approved by LAFCO Executive Officer (or designee) on 8/11/2021

\*\*\* Approval is conditioned on the submittal of annexation application and appropriate fees

Signed: Shannon Costa for Steve Lucas Exhibit A