

**BUTTE LOCAL AGENCY FORMATION COMMISSION**  
**Minutes of February 2, 2017**

**1. Call to Order**

Chair Leverenz called the meeting to order at 9:01 a.m., February 2, 2017, in the Butte County Board of Supervisors Chambers, 25 County Center Drive, Oroville, California.

**1.1 Roll Call**

Present: Commissioners: Scott Lotter (City), Larry Duncan (Special District); Bill Connelly (County), Linda Dahlmeier (City), Steve Lambert (County) and Chair Carl Leverenz (Public). Alternate Commissioner Al McGreehan (Special District).

Absent: Commissioner, Tom Lando (Special District)  
Alternate Commissioners: Greg Steel (Public) and Larry Wahl (County)

Others Present: Stephen Lucas, LAFCO Executive Officer  
Stephen Betts, LAFCO Deputy Executive Officer  
Joy Stover, LAFCO Commission Clerk  
P. Scott Browne, LAFCO Legal Counsel

**2.1 Special Recognition – Departing Commissioner John Busch**

Commissioner Connelly made a motion to approve the resolution of commendation for John Busch. Commissioner Lambert seconded the motion. The motion carried by unanimous vote.

**2. Consent Agenda**

**2.1 Approval of the Minutes of January 5, 2017**

Chair Leverenz asked if there were any changes or corrections to the minutes. None stated.

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

**The motion was carried by the following vote:**

**AYES:** Commissioners Lotter, Duncan, Connelly, McGreehan, Dahlmeier, Lambert and Chair Leverenz  
**NOES:** None  
**ABSENT:** None  
**ABSTAINS:** None

### 3. NOTICED PUBLIC HEARINGS –

#### 3.1 17-06 – Paradise Irrigation District – Sphere of Influence Amendment and Neal Road Annexation No. 1 *(Continued from January 5, 2017 meeting)*

Steve Betts stated this item was continued from the January 5, 2017 LAFCo meeting, as there were several issues that were brought up. One of those was the Town of Paradise was not provided an opportunity to comment on the annexation. Staff provided them that opportunity and they did respond stating that they believe that annexation of this parcel to the town is not necessary. The other reason it was continued was staff was recommending that the Neal Road right-of-way, adjacent to the parcel proposed to be annexed, be included in the annexation. This is standard LAFCo practice to annex the road. This is not required by Commission policy or by state law it is just a good practice. Staff is still recommending that the annexation include the Neal Road right-of-way.

Chair Leverenz opened this item up for public comment.

Bob James, property owner for the affected parcel, provided a written statement to the Commission. He realizes from the staff report that the road being annexed is standard policy, but that is probably a result of the fact that districts have to create an infrastructure within that easement and therefore need it. In this case it is the landowner's private line that will be running under Neal Road. He would like to avoid the additional surveying cost involved in annexing the road since it is not PID's concern.

Chair Leverenz asked what the cost may be to survey.

George Barber, General Manager of the Paradise Irrigation District (PID), stated he reached out to two engineering firms to get an idea of the cost to include the Neal Road right-of-way. One bid came in at \$1500 to survey the one parcel only, and \$1800 to include the Neal Road right-of-way, which is a \$300 difference. As a representative of the PID, he feels it is important to make the point to the Commission that islands are okay for special districts and we don't want to set a precedent that we are just not going to object to adding every right-of-way that may be presented before this Commission. Islands are okay, it is a more straight forward process for this landowner, and therefore PID feels it should not be a requirement.

Chair Leverenz stated if we don't include the road, it is still a county road so maintenance is still provided by the county. If the Town of Paradise decided to annex the area, then the Town of Paradise would be responsible for the maintenance of the road.

Bob James stated he wanted to add one brief comment; the current legal description and plot map was prepared in 2004 and he suspects that they can do the necessary legal description and plot map from their previous records for this parcel, but they would have to do extra work for Neal Road. He feels the \$300 estimate is a low estimate.

Chair Leverenz closed this portion of the public hearing.

Commissioner Lotter stated he understands that one of the reasons for the preference of the staff to annex the road is so that if the Town of Paradise wanted to annex the area, it makes for an orderly annexation. Is there something also about the property tax on the pipes under the road?

Steve Betts stated staff believes there may be property tax cost savings when a jurisdiction puts their utility improvements in a road right-of-way as there is a potential for the district's infrastructure improvements to be taxed if the road right-of-way is not within the district's boundary.

**Commissioner Dahlmeier made a motion to approve the sphere of influence amendment and the annexation, as submitted by the staff, including the road right-of-way. The motion was seconded by Commissioner Lotter.**

Commissioner McGreehan asked who will incur the additional cost for surveying.

Chair Leverenz stated it would be the property owner.

**The motion was carried by the following roll call vote:**

<b>AYES:</b>	Commissioners Lotter, Duncan, Connelly, McGreehan, Dahlmeier, Lambert and Chair Leverenz
<b>NOES:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAINS:</b>	None

#### **4. REGULAR AGENDA**

##### **4.1 Items Removed from the Consent Agenda – None**

##### **4.2 17-08 – Paradise Irrigation District – Mountain View Drive Annexation No. 1**

Steve Betts stated the well on the property is failing and the landowner reports that the well is producing about a half a gallon a minute which is inadequate to provide water for the dwelling use on the property. The landowner stated he has had to ask neighbors to provide him with water. This annexation is logical, it is adjacent to PID boundaries, and there is already a PID waterline within Mountain View Drive. When asked for comments, the Town of Paradise Community Development Director stated that he would like the Commission not to take action on this annexation to PID until such time as the Town can initiate an annexation of this property to the Town. They believe this property and others within Mountain View Drive should be annexed. Steve Lucas spoke with the Town General Manager at length and the determination was that the Town would back off on their comments as they don't want to hold up the annexation of this single parcel while they do pre-zoning for this parcel and the adjacent parcels in the unincorporated area. Staff recommends approval of this annexation.

Chair Leverenz opened this item to the public for comment. No responses received. Chair Leverenz closed this portion of the public hearing.

**Commissioner Lotter made a motion to approve resolution No. 12 2016/17 submitted by the staff. Commissioner Duncan seconded the motion.**

Commissioner McGreehan asked what is the likelihood of the eleven other parcels being annexed and if they are currently within the Sphere of Influence of the Town of Paradise.

Steve Betts stated most of them are within the SOI of the Town, portions of one or two of the larger parcels and it would probably require an SOI amendment.

There was a discussion regarding the possible timeframe expected for the Town of Paradise to initiate annexation of this area.

**The motion was carried by the following roll call vote:**

**AYES:** Commissioners Lotter, Duncan, Connelly, McGreehan, Dahlmeier, Lambert and Chair Leverenz  
**NOES:** None  
**ABSENT:** None  
**ABSTAINS:** None

#### **4.3 17-09 – City of Chico – Extension of Services – 18 Mayfair Drive**

Steve Betts stated the septic system was reported as failing. LAFCO staff provided an emergency of extension of services authorization. The parcel is not contiguous to the City of Chico jurisdictional boundaries and annexation of this parcel would require a minimum of 40 additional parcels to create logical boundaries. Staff is recommending approval and an annexation agreement has been received.

**Commissioner Dahlmeier made a motion to adopt Resolution No. 13 2016/17, approving the extension of sanitary sewer service. Commissioner Duncan seconded the motion.**

**The motion was carried by the following roll call vote:**

**AYES:** Commissioners Lotter, Duncan, Connelly, McGreehan, Dahlmeier, Lambert and Chair Leverenz  
**NOES:** None  
**ABSENT:** None  
**ABSTAINS:** None

Steve Lucas stated as shown on the map provided, there are a fair number of parcels in this area that are slowly but surely being connected to sewer services. At some point you can expect your staff to start to press the City of Chico to annex this entire area. Staff is seeing an increase in septic system failures in this area and now that the sewer is available, there is a likelihood they are going to connect.

#### **4.4 Appointment of Budget Committee for the 2017/18 Fiscal Year**

Commissioners Lotter, Lando, Connelly, Alt. Steel, and Chair Leverenz were appointed to the Budget Committee.

### **5. Public Comment on Items not on the Agenda**

Chair Leverenz asked for 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.

Commissioner Lotter reported that Councilmember Bruce Johnson for the City of Gridley was appointed as the LAFCO alternate city representative.

**6.2 Correspondence – None**

**7. ADMINISTRATION – None**

**8. ADJOURNMENT.**

There being no further business, the meeting was adjourned at 9:35 a.m. to the Thursday, March 2, 2017 regularly scheduled meeting.

**LOCAL AGENCY FORMATION COMMISSION**



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**By: Stephen Lucas, Executive Officer**

Minutes prepared by Joy Stover, LAFCO Commission Clerk