

# BUTTE LOCAL AGENCY FORMATION COMMISSION

## Minutes of June 5, 2014

### 1. CALL TO ORDER

Chair Leverenz called the meeting to order at 9:00 a.m., on June 5, 2014, 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), Jerry Fichter (City), Steve Lambert (County) and Chair Carl Leverenz (Public).

Absent: Commissioner Tom Lando (Special District). Alternate Commissioners Wes Gilbert (Special District), Ann Schwab (City), 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  
Scott Browne, LAFCO Legal Counsel

### 2. CLOSED SESSION

It was decided a closed session was not necessary at this time.

### 3. CONSENT AGENDA

#### 3.1 Approval of the Minutes of May 1, 2014

Chair Leverenz asked if anyone wanted any corrections or changes to the minutes. None stated.

**Commissioner Lotter made a motion to approve the minutes of May 1, 2014. The motion was seconded by Commissioner Duncan.**

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

**AYES:** Commissioners Lotter, Duncan, Connelly, Lambert and Chair Leverenz

**NOES:** None

**ABSENT:** Commissioner Lando

**ABSTAINS:** Commissioner Fichter

### 4. NOTICED PUBLIC HEARINGS

#### 4.1 14-02 – City of Chico – Boucher Street Annexation No. 6 (Continued from May 1, 2014)

Steve Betts stated the market that is on the parcel is currently being remodeled and that remodel is expected to be finished in early August. The market uses will be up and running before the annexation takes place.

Chair Leverenz opened this item to the public.

William Coats, residing at 1420 Boucher Street, asked who is LAFCO and what is their authority.

A brief history of LAFCO was provided by Chair Leverenz.

William Coats asked what statute LAFCO falls under.

Steve Lucas provided Government Code Section 56000.

Karen Branson, landowner of 1346 Boucher Street, wanted clarification regarding the market on the property. She wanted to know if the permit includes conditions of use.

Chair Leverenz stated the property is currently in the County and is proceeding under County rules. Once it annexes into the City, the City has some other rules, but both in the County and in the City, this property is restricted in that no alcohol will be sold at the market. Chair Leverenz stated LAFCO does not mandate land use.

Harvey Janda stated he owns 1406 Boucher Street; he will not be selling alcohol in the market. He does not plan to open a sit down restaurant in the market and as he has no plan to have a deli at this time.

Floyd Wood, landowner at 1360 Boucher Street, stated he received a letter regarding ambient noise and he wanted to know what that means.

Steve Betts stated ambient noise is the everyday noise this is in the area, including traffic, people walking, airplanes, and even the races in the area.

Chair Leverenz stated the City of Chico has a noise ordinance that is regulated. Once this parcel is annexed into the City, the noise and everything else would be governed by the City of Chico.

Chair Leverenz closed the public portion of the hearing.

**Commissioner Connelly made a motion to approve the annexation. The motion was seconded by Commissioner Fichter.**

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

**AYES:** Commissioners Lotter, Duncan, Connelly, Fichter, Lambert and Chair Leverenz

**NOES:** None

**ABSENT:** Commissioner Lando

**ABSTAINS:** None

#### **4.2 Amendment Single Flat Hourly Rate Based Upon the Employment Cost Index.**

Chair Leverenz asked if there was any further discussion. None stated

**Commissioner Lotter made a motion to adopt Resolution No. 34 2013/14 approving an amendment to the current single flat hourly rate from \$148/hour to \$150/hour. The motion was seconded by Commissioner Fichter.**

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

**AYES:** Commissioners Lotter, Duncan, Connelly, Fichter, Lambert and Chair Leverenz

**NOES:** None

**ABSENT:** Commissioner Lando

**ABSTAINS:** None

## **5. REGULAR AGENDA**

**5.1 Items Removed from the Consent Agenda – None**

**5.2 14-07 – City of Chico – Extension of Services – 710 Oak Lawn Avenue**

Commissioner Lotter asked if Agenda Items 5.2 through 5.8 can be taken as one action as they are all extension of sewer services actions.

Chair Leverenz stated we need to have a motion.

**Commissioner Lotter made a motion to hear items 5.2 through 5.8 as one item. Commissioner Duncan seconded the motion. The motion carried by unanimous vote.**

**5.3 14-08 – City of Chico – Extension of Services – 773 Colorado Street**

**5.4 14-09 – City of Chico – Extension of Services – 1349 Guill Street**

**5.5 14-10 – City of Chico – Extension of Services – 792 Cleveland Avenue**

**5.6 14-11 – City of Chico – Extension of Services – 877 Cleveland Avenue**

**5.7 14-12 – City of Chico – Extension of Services – 558 East 23<sup>rd</sup> Street**

**5.8 14-13 – City of Chico – Extension of Services – 867 Cleveland Avenue**

Chair Leverenz opened these items to the public. No comments received. Public portion closed.

**Commissioner Lotter made a motion to approve the extension of sanitary sewer services and adopt Resolution No. 28 2013/14, Resolution No. 29 2013/14, Resolution No. 30 2013/14, Resolution No. 31 2013/14, Resolution No. 32 2013/14, Resolution No. 35 2013/14 and Resolution No. 36 2013/14 approving the extensions of sanitary sewer services. The motion was seconded by Commissioner Duncan.**

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

**AYES:** Commissioners Lotter, Duncan, Connelly, Fichter, Lambert and Chair Leverenz

**NOES:** None

**ABSENT:** Commissioner Lando

**ABSTAINS:** None

**5.9 Update of Sewer Service Extensions in the City of Chico**

Chair Leverenz stated there isn't anything additional to add to this item at this time.

**6. PUBLIC COMMENTS NOT ON THE AGENDA**

Commissioner Duncan thanked everyone that thought of him during his recent stay in the hospital and stated it meant a great deal to him.

**7. REPORTS AND COMMUNICATION**

**7.1 Executive Officer's Report**

Steve Lucas summarized the Executive Officer's Report.

There was discussion regarding the proposed Pomona Avenue Annexation project. Concerns were voiced regarding setting setback limits related to agricultural land impacts. Staff will keep the Commission informed on the progress of this project.

Under Legislative Notes: Scott Browne, LAFCO legal counsel, stated one of the key provisions of all of these proposed legislative proposal is well drilling and requiring permits setting the amount of water that can be pumped. In the meeting with OPR staff, it was stated the Governor prefers local control over a government take over.

Rick Barnett, General Manager for North State Hulling Cooperative Inc., stated he is here to speak on the Pomona Avenue Annexation project being considered by the City of Chico. There needs to be thoughts into whether student housing should be placed so close to the North State Hulling facility. How can the Hulling Co. continue to operate when the City of Chico is reducing setback limits and increasing the housing density? The Hulling Co. will be holding a tour at 10:30 tomorrow and he invited anyone on the Commission interested to come take the tour.

Commissioner Connelly stated the County set the 300 foot setback limits in the County General Plan.

Rick Barnett stated North State Hulling looked into expanding away from the City Limits to create their own setback area, but the landowners in the area are not interested in selling.

**7.2 Correspondence**


- a. April 30, 2014 Letter from CALAFCO
- b. May 27, 2014 Letter of Support for AB2156

**8. ADMINISTRATION – None**

**9. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:55 a.m. to the next LAFCo meeting to be held on Thursday, **July 3, 2014** at 9:00 a.m.

**LOCAL AGENCY FORMATION COMMISSION**

  
By: **Stephen Lucas, Executive Officer**

Minutes prepared by Joy Stover, Commission Clerk