

BUTTE LOCAL AGENCY FORMATION COMMISSION
Minutes of September 11, 2013

1. CALL TO ORDER

Chair Leverenz called the meeting to order at 9:00 a.m., on September 11, 2013, 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), Commissioner Steve Lambert (County) and Chair Carl Leverenz (Public). Alternate Commissioner Greg Steel (Public)

Absent: Alternate Commissioners Loren Gill (Special District), Ann Schwab (City) 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

1.2 Presentation of CALAFCO Lifetime Achievement Award to Carl Leverenz.

Steve Lucas presented Chair Leverenz with the CALAFCO Lifetime Achievement Award and stated Carl has been a commissioner on LAFCo for 40 of the 50 years of the existence of LAFCO.

2. CONSENT AGENDA

2.1 Approval of the Minutes of July 10, 2013

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

Commissioner Fichter made a motion to approve the consent agenda. The motion was seconded by Commissioner Lambert.

The motion was carried by the following vote:

AYES: Commissioners Lotter, Duncan, Connelly, Fichter, Lambert and Chair Leverenz
NOES: None
ABSENT: Alternate Commissioner Gill
ABSTAINS: None

3. NOTICED PUBLIC HEARINGS - None

4. REGULAR AGENDA

4.1 Items Removed from the Consent Agenda – None

4.2 13-20 – City of Chico – Extension of Sewer Services – 1328 Bruce Street

Steve Betts stated this is not an emergency request and staff has received the signed Annexation Consent Covenant for this parcel. Staff is recommending approval.

Commissioner Connelly made a motion to adopt Resolution No. 07 2013/14 approving the extension of sanitary sewer services. The motion was seconded by Commissioner Lotter.

The motion was carried by the following roll call vote:

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

NOES: None

ABSENT: Alternate Commissioner Gill

ABSTAINS: None

4.3 Letter of Appreciation for Assembly Member Dan Logue for Sponsoring AV 743 – Island Annexation Law Extension

Steve Lucas thanked Commissioner Connelly for contacting Assembly Member Dan Logue.

Commissioner Connelly made a motion to approve sending a letter of appreciation to Assembly Member Dan Logue. The motion was seconded by Commissioner Duncan.

The motion was carried by the following vote:

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

NOES: None

ABSENT: Alternate Commissioner Gill

ABSTAINS: None

4.4 2013 CALAFCO Report to the Membership and General Activity Update

Steve Lucas summarized the staff memorandum and provided highlights from the 2013 CALAFCO Conference.

There was discussion on LAFCO's possible future role working with mutual water districts.

Steve Lucas stated Stanislaus recently adopted an agricultural preservation policy that essentially states when it comes to LAFCo, if the agency has not mitigated it, LAFCo will on a one to one basis. We have an abundance of tools available at our disposal if we want to pursue this.

Scott Browne, LAFCo legal counsel, stated it is going to become an issue for the Commission if you have a conversion situation. It would be better for the Commission to

deal with this proactively instead of reactively. When the development revives, the Commission is probably going to be getting some significant applications that involve conversion of significant areas of prime agricultural land. It is usually better to have a policy in place that you can refer people to, so everyone knows what the rules are.

Greg Steel, alternate LAFCO Commissioner, stated he worked at Stanislaus County as a Planner for 22 years. There are 9 cities there, most of which were surrounded by class one or two soils. Stanislaus County has been impacted by a great deal of growth from the Bay Area. Their policy, which was approved last September, is to guide development away from agricultural lands where possible and encourage efficient development within the cities. Their policy includes- 1) If you annex or want to expand your SOI, you must provide for the removal of agricultural land from the existing SOI in order offset in whole or in part, a proposed SOI; 2) Or you can have a policy adopting a one for one offset that can be through mitigation bank or other provisions; 3) Or you can have a voter approved urban growth boundary. Greg Steel said he was very surprised that this policy was adopted.

Chair Leverenz stated Butte County is currently in a slow growth mode, but the projections are that Butte County will be a county that will be subject to a certain level of growth over the next 5 to 10 years. It may be wise to take our existing policy and try to modify it similar to what Stanislaus County has done.

Greg Steel agreed.

Steve Lucas stated from a practical staffing perspective he agrees with Scott Browne and Greg Steel and our current policies defer those mitigations to whatever the lead agency prepares. The Commission should be proactive regarding this issue instead of being reactive.

It was decided the commissioners would like to review the new Stanislaus LAFCO adopted agricultural land preservation policy. This item will be added as a discussion item to a future LAFCO agenda for Commission review.

Rick Barnett, General Manager for Northstate Hulling Company in Chico, stated he doesn't know if Stanislaus County has a Greenline or if we have the same kind of issues in Butte County.

Greg Steel stated Stanislaus County does not have a Greenline but they require voter approval for any sewer extension.

Rick Barnett stated his company is across the Greenline in the agricultural protected area and they are an almond hulling processing facility on Miller Avenue. The company is very concerned with being able to maintain the viability of agricultural property and maintain the viability of their agricultural operation. The company processes about 11 thousand acres of almonds and they have been there 50 years.

Chair Leverenz stated LAFCO has existing policies relating to the issue presented and LAFCO is conscious of this issue. LAFCO has no control over the city's pre-zoning but the Commission does have the ability to deny an application if it is not consistent with LAFCO policies. The City of Chico and the County have developed an urban limit line that is adhered to by in large. It is up to the City of Chico and the County to make any adjustments. The Commission's ability is only to react to what is presented to us. Chair

Leverenz recommended Rick Barnett speak with the City of Chico Council members and the City of Chico planning department and tell them that he met with the Commission and the Commission will be applying our standards to any future annexation.

Commissioner Lotter stated it is interesting that the Greenline which has extensively protected agricultural land sprawl ends up threatening an agricultural industry in the way it was drawn.

Steve Lucas asked the Commission if they had any interest in meeting with commissioners from other counties in the north region to talk about issues.

Chair Leverenz asked if this would be once a year or more often.

Steve Lucas stated there was no definite decision on that. Maybe more than once a year unless a specific topic came up.

5. PUBLIC COMMENTS NOT ON THE AGENDA - None

6. REPORTS AND COMMUNICATION

6.1 Executive Officer's Report –

Steve Lucas summarized the Executive Officer's Report which included an update to the voting for a Special District *Non-Enterprise* Regular Commissioner and a Special District Alternate Commissioner; information on the annual audit services by Matson and Isom; the status of the El Medio Fire Protection District's Municipal Service Review and Sphere of Influence Update; Legislative update; Financial Report for Fiscal Year End 2012-13; and the Application Activity status.

6.2 Correspondence – None

7. ADMINISTRATION.

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:00 a.m. to the Thursday, October 3, 2013 regularly scheduled meeting.

LOCAL AGENCY FORMATION COMMISSION


By: **Stephen Lucas, Executive Officer**

Minutes prepared by Joy Stover, Commission Clerk