

BUTTE LOCAL AGENCY FORMATION COMMISSION
Minutes of December 6, 2012

1. CALL TO ORDER

Chair Leverenz called the meeting to order at 9:00 a.m., on December 6, 2012, 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). Alternate Commissioner Kim Yamaguchi (County).

Absent: Commissioners Mark Sweany (Special District), and Alternate Commissioners Ann Schwab (City), *Loren Gill (Alternate-Special District) and Greg Steel (Public)

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

1.2 Special Recognition of Service – Commissioner Mark Sweany and Alternate Commissioner Kim Yamaguchi

Commissioner Fichter made a motion to approve the resolutions of Special Recognition of Service for Commissioner Mark Sweany and Alternate Commissioner Kim Yamaguchi. The motion was seconded by Commissioner Connelly and approved by unanimous vote.

*Alternate Commissioner Loren Gill arrived at 9:04 a.m.

2. CONSENT AGENDA

2.1 Approval of the Minutes of November 1, 2012

2.2 Review and Adoption of a Resolution Authorizing an Amendment to the Existing Contract between the Board of Administration California Public Employees' Retirement System and the Butte Local Agency Formation Commission

Chair Leverenz asked if anyone had any questions or wanted either of these items removed from the Consent Agenda. No responses received.

Commissioner Lotter made a motion to approve the Consent Agenda approving the minutes and the CalPERS Contract Amendment. The motion was seconded by Commissioner Duncan.

The motion was carried by the following vote:

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

NOES: None

ABSENT: None

ABSTAINS: Commissioners Gill and Lambert

3. NOTICED PUBLIC HEARINGS – None

4. REGULAR AGENDA

4.1 Items Removed from the Consent Agenda – None

4.2 13-05 – City of Chico – Extension of Services – 2805 & 2811 Morseman Avenue

Steve Betts stated this item and the next two items are for extension of sewer service requests and all 3 project areas are located along Morseman Avenue and are within 100 to 200 feet of each other. This item originally came in as an emergency request to hook up to the sewer system due to a failed septic system for two parcels. Each parcel has an existing five unit apartment complex and there is no area for a replacement septic system. On Oct. 18, 2012 the Executive Officer approved an emergency extension of sewer service on these two parcels.

Commissioner Connelly asked if any of the staff or city staff asked if the intervening property owner was interested in annexing into the City.

Steve Betts stated LAFCo staff did not contact the intervening property owner.

Chair Leverenz stated due to the nature of the septic system failing, we needed to go ahead and approve the emergency hook up. LAFCo can not initiate the annexation and either the City or the property owner would have to initiate the annexation request.

Chair Leverenz opened this item to the public. No response and the public portion was closed.

Commissioner Duncan made a motion to adopt Resolution No. 09 2012/13 approving the extension of sanitary sewer services. The motion was seconded by Commissioner Gill.

Commissioner Connelly stated it would be worth it to send a letter to the intervening property owner(s) to see if they are interested in annexation and the County could initiate the annexation if the property owner or City is not willing to do so.

The motion was carried by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAINS: None

4.3 13-07 – City of Chico – Extension of Services – 2925 & 2931 Morseman Avenue

Steve Betts stated the septic systems have not failed on this parcel, there is no documented failure and the owner has not stated there has been a failure. The property owner wants to hook up to the City's sewer system as the sewer line is right in front of the property. This property is not contiguous to the City of Chico boundary; there are numerous intervening parcels.

Chair Leverenz opened this item to the public. No response received and the public portion was closed.

Commissioner Lotter made a motion to adopt Resolution No. 13 2012/13 approving the extension of sanitary sewer services. The motion was seconded by Commissioner Fichter.

The motion was carried by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAINS: None

4.4 13-06 – City of Chico – Extension of Services – 2923 Morseman Avenue (Boeger)

Steve Betts stated this is a 3 acre parcel and the development potential for this parcel is zoned for medium to high density residential and anywhere from 7 to 14 units per acre are possible if it is connected to the City's sewer system. LAFCo staff did place a condition on this project stating that the extension of services request is only for existing development. In this case, if it is approved, only the existing house can hook up to the City's sewer and any new development would have to come back to LAFCo for review. This parcel is not contiguous to the City of Chico boundary and there are numerous intervening parcels

Commissioner Connelly stated he is not against approving this project, especially in light of potential future development.

Chair Leverenz stated we want to encourage development in this area based on the zoning of this parcel.

Chair Leverenz opened this item to the public.

Dan Hayes, representing the property owner, George Boeger, stated he provided a letter to the Commission stating his authorization to represent Mr. Boeger. Mr. Hayes stated they are concerned about the 'condition' for approval that states "any development without coming back to LAFCo".

Chair Leverenz stated Mr. Boeger could develop using a septic system but not hooking up new development to the sewer system without coming back to LAFCo for further approval. There's nothing that stops the property owner from applying for annexation to the City.

Dan Hayes stated Mr. Boeger met with the City regarding annexation of the parcel and the City is not interested in annexing this parcel at this time.

There was discussion regarding the property owner submitting the annexation application to LAFCo. Dan Hayes stated he is concerned his client would be on the hook for all LAFCo annexation costs that may potentially involve many other property owners.

It was agreed the wording in the condition listed on page 8 of 12 of the staff report to be changed to state:

“The authorization to extend City of Chico sewer services to the subject parcel (APN 007-200-101) is explicitly restricted to the current, existing use on the parcel as of the date of the LAFCo authorization. The existing use has been identified as a 1,572 square foot, 3 bedroom single-family dwelling. Prior to the City of Chico or County of Butte authorizing or otherwise allowing any new or additional development on the parcel that alters the existing use, and requires sewer service from the City of Chico. The City or County shall provide such proposals to the LAFCO Executive Officer for review of compliance with this sewer extension authorization.”

Commissioner Gill asked about the size of this sewer connection. Dan Hayes stated there is an existing 8 inch lateral that normally is 4 inch for residential & 6 inch for development. Somehow the City provided an 8 inch lateral and the lateral is large enough to provide for the highest and best use of the property.

Commissioner Connelly made a motion to adopt Resolution No. 12 2012/13, as amended, 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, Gill, Fichter, Lambert and Chair
Leverenz
NOES: None
ABSENT: None
ABSTAINS: None

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. Staff suggested the January 3, 2013 meeting be cancelled as there are no action items that must be heard allowing the Commission to cancel the meeting. The Commission voted to unanimously cancel the January 3, 2013 meeting and continue the meeting to Thursday, February 7, 2013.

Under Project Notes, staff received three proposals to prepare the El Medio Fire Protection District MSR/SOI Plan Update. Staff is preparing an agreement, in consultation with the Fire District, with Plan West Partners.

Under Legislative notes, Steve Lucas stated the CALAFCO Legislative Committee meets on Friday, Dec. 7, 2012 and we are asking to re-submit AB2624 that would give staff access to Prop 84 planning grants. Another big piece of legislation that may come out in tomorrow's meeting is the renewal of the island annexation law and raising it from the 150 acre maximum island size to 300 acre maximum island size.

6.2 Correspondence – None

7. ADMINISTRATION – None

8. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:44 a.m. to the **Thursday, February 7, 2013** regularly scheduled meeting. *The Commission agreed to cancel the January 3, 2013 LAFCo meeting.*

LOCAL AGENCY FORMATION COMMISSION



By: **Stephen Lucas, Executive Officer**

Minutes prepared by Joy Stover, Commission Clerk