

**BUTTE LOCAL AGENCY FORMATION COMMISSION**  
**Minutes of September 6, 2012**

**1. CALL TO ORDER**

Chair Leverenz called the meeting to order at 9:00 a.m., on September 6, 2012, in the Butte County Board of Supervisors Chambers, 25 County Center Drive, Oroville, California.

**1.1 Roll Call**

Present: Commissioners Larry Duncan (Special District), Bill Connelly (County), Loren Gill (Alternate-Special District), Jerry Fichter (City) and Chair Carl Leverenz (Public)

Absent: Commissioners Mark Sweany (Special District), Scott Lotter (City), Steve Lambert (County), and Alternate Commissioners Ann Schwab (City), Kim Yamaguchi (County) and Greg Steel (Public)

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

**2. CONSENT AGENDA**

**2.1 Approval of the Minutes of August 2, 2012**

Chair Leverenz noted one correction to the minutes.

**Commissioner Duncan made a motion to approve the Consent Agenda approving the minutes as corrected. The motion was seconded by Commissioner Fichter.**

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

**AYES:** Commissioners Duncan, Connelly, Gill, Fichter and Chair Leverenz

**NOES:** None

**ABSENT:** Commissioners Lotter and Lambert

**ABSTAINS:** None

**3. NOTICED PUBLIC HEARINGS – None**

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

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

##### **4.2 Consideration of Support for Development of Agricultural Mitigation Policies**

Steve Lucas summarized the staff report and stated the Northern California Regional Land Trust is preparing to develop an agricultural mitigation policy that would allow a comprehensive single policy to be developed over a period of time that could be supported by the Farm Bureau, LAFCo and the County of Butte. This policy would also be useful to the cities.

Chair Leverenz stated for uniformity the policy would need to be adopted by the County, LAFCo and the Cities within the county.

Commissioner Duncan asked how the Northern California Regional Land Trust (NCRLT) was formed.

Chair Leverenz opened this item to the public for comments.

Jamison Watts, Executive Director for the NCRLT, stated there is a belief that because the housing market has kind of flat lined, that open space and agricultural lands are not in danger of conversion. According to the CA Farmland mapping and monitoring program Butte County lost 7,565 acres of important farmland between 2004 & 2010; and 18,259 acres between 1988 and 2004. There is a trend out there of agricultural land conversion that zoning and other measures do no curb effectively. Pursuant to the Cortese-Knox-Hertzberg Act one of the Commission's core purposes is the preservation of open space and prime agricultural lands. Mr. Watts stated that is basically why he contacted LAFCo for support. Without the Commission's support, there is some concern that an agricultural mitigation ordinance would have limited effectiveness. A timeline was presented. Mr. Watts gave a brief historical review of the NCRLT organization and their functions.

Chair Leverenz stated the Commission has had a longstanding concern with trying to preserve prime farmland and stated the NCRLT needs to come up with some policies & mechanisms to assist the cities, such as the City of Gridley, that is surrounded by prime agricultural land.

There was discussion on how the Board of the NCRLT is selected and how the organization is funded.

Scott Browne stated this issue is quite common throughout the valley right now and if it is not addressed through a systemic approach, it is going to get addressed in individual lawsuits. It is really in the best interest of all the cities and the developers to develop a uniform policy. The failure to address the issue is what is creating so many problems.

Stacy Gore, President of the Butte County Farm Bureau, stated the Farm Bureau is in support of the creation of this policy and not only from a city/farm interface but from conversion of agricultural lands to habitat or some known farm use. It is not just that the Farm Bureau has issues with the growth into the farming areas.

Richard Price, Butte County Agricultural Commissioner, stated part of his job is to make sure everybody gets along at the Ag/Urban interface and this would create that opportunity to have that land available for Ag use and to have a voluntary program where growers can maintain the use of normal agricultural activities to promote, protect and enhance agriculture in this county.

Commissioner Connelly stated he is really supportive of this at the county level, but right now property values will not support another fee. He wants to make sure we not going to retroactively apply the policy to people who have already gone through the process. He stated current projects should be exempt as they have already gone through the whole general plan and zoning process.

It was agreed the policy will need to be implemented with the idea that it goes forward and doesn't affect anyone that has already approved development currently in place.

**Commissioner Fichter made a motion to direct staff to prepare a letter to the NCRLT giving the Commission's conceptual support for the development of agricultural mitigation policies. The motion was seconded by Commissioner Connelly.**

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

**AYES:** Commissioners Duncan, Connelly, Gill, Fichter and Chair Leverenz

**NOES:** None

**ABSENT:** Commissioners Lotter and Lambert

**ABSTAINS:** None

**4.3 Consideration of Request from the Sewerage Commission – Oroville Region to Support Its Proposition 84 Grant Application.**

Steve Lucas stated this is a request from the Sewerage Commission – Oroville Region in support of their grant application.

**Commissioner Connelly made a motion to direct staff to prepare a letter of support. The motion was seconded by Commissioner Duncan.**

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

**AYES:** Commissioners Duncan, Connelly, Gill, Fichter and Chair Leverenz

**NOES:** None

**ABSENT:** Commissioners Lotter and Lambert

**ABSTAINS:** None

**4.4 Acknowledgment of Correspondence from City of Chico Concerning Sewer Service Extensions Outside Its Jurisdictional Boundaries and Related Annexations.**

Steve Lucas summarized the staff report and added the City's letter mentions allowing the LAFCo Executive Officer to have the power to approve these types of connections. This would be a policy change that would need to be agendized for a later time. Steve

Lucas stated he would like to continue working with city staff to develop a comprehensive annexation plan and eliminate a lot of the paperwork we are doing on a case by case basis.

Fritz McKinley, Director of Building and Development Services for the City of Chico, would like to ask the LAFCo Chair to ask the City of Chico to allow city staff to discuss with LAFCo staff an annexation timeframe. With that request, there is support for an annexation schedule.

Chair Leverenz stated the Commission would like LAFCo's staff and the City's staff to work together to come up with a workable annexation plan.

There was discussion on the importance of having property owners sign the covenants when they are requesting to be connected to the city's sewer service.

Commissioner Duncan asked Mr. McKinley what the city has been doing regarding annexation since 2008.

Fritz McKinley explained the process used by the City historically and stated within the remaining areas to be annexed there is opposition from the property owners. There was discussion related to the City's sewer capacity.

Commissioner Duncan asked Steve Lucas if there was anything in the city's letter that Steve does not agree with.

Steve Lucas stated the city has posed some questions and staff can meet with the city staff and get those answered.

Chair Leverenz confirmed the Commission would like in their response letter to the City to confirm the list of properties within the city's letter that will be honored under the interim agreement, that LAFCo has lowered the fees for the nitrate plan areas and LAFCo current policy is reflected in our resolution. LAFCo is specifically requesting that the City staff and LAFCo staff meet and exercise their best efforts to come up with a comprehensive plan which will satisfy the City's concern to move forward so we don't have this problem in the future.

Steve Lucas stated the DUC policy may need to be revisited as the Commission reduced the size to one half acre and that could complicate this process. There was discussion on the advantages of the City of Chico being able to apply for grant funding for urban areas where the County is not able to do so.

It was decided to agendize any changes in the LAFCo policy related to giving the Executive Officer the power to approve extensions of service at a later time.

**Commissioner Duncan made a motion to direct staff to submit a response letter to the city confirming the list of properties within the cities letter that will be honored under the interim agreement, that LAFCo has lowered the fees for the nitrate plan areas, LAFCo current policy is reflected in our resolution and we encourage LAFCo staff and City staff to prepare a comprehensive plan. The motion was seconded by Commissioner Fichter.**

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

**AYES:** Commissioners Duncan, Connelly, Gill, Fichter and Chair Leverenz

**NOES:** None

**ABSENT:** Commissioners Lotter and Lambert

**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 and added that CalPERS is currently making changes that may affect the retirement changes LAFCo is in the process of implementing.

**6.2 Correspondence – None**

**7. ADMINISTRATION – None**

**8. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:56 a.m. to the **Wednesday, October 10, 2012** scheduled meeting.

**LOCAL AGENCY FORMATION COMMISSION**



**By: Stephen Lucas, Executive Officer**