

**BUTTE LOCAL AGENCY FORMATION COMMISSION**  
**Minutes of November 3, 2016**

**1. Call to Order**

Chair Leverenz called the meeting to order at 9:00 a.m., November 3, 2016, 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), Tom Lando (Special District), John Busch (City-Alternate) and Chair Carl Leverenz (Public) Alternate Commissioner Al McGreehan (Special District).

Absent: Commissioner Linda Dahlmeier (City), Steve Lambert (County) & Scott Lotter (City)  
Alternate Commissioners: Greg Steel (Public) and Larry Wahl (County)

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

**2. Consent Agenda**

**2.1 Approval of the Minutes of October 6, 2016**

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

**Commissioner Lando 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 Duncan, Connelly, Lando, Busch and Chair Leverenz  
**NOES:** None  
**ABSENT:** Commissioners Lotter and Lambert  
**ABSTAINS:** Commissioner McGreehan

### 3. NOTICED PUBLIC HEARINGS –

#### 3.1 17-02 – City of Oroville – Riverview Terrace Annexation No. 1

Chair Leverenz asked if staff has additional information to add to the staff report.

Steve Betts stated this is an island annexation and is consistent with the island annexation provisions of the Cortese Knox Hertzberg Act. The County provided comments and recommended that several additional parcels be added to the annexation. Staff is not recommending adding the additional parcels as the project would no longer qualify as an island annexation. Several of the parcels are fairly large, owned by the State of California and do not require municipal services. There is a condition request that the City of Oroville consider annexing all parcels on the west side of the Feather River.

Chair Leverenz opened this item up for public comment. No comments received. Public portion of hearing closed.

**Commissioner Lando made a motion to adopt Resolution No. 06 2016/17 with conditions as suggested by staff, approving the annexation. The motion was seconded by Commissioner Duncan.**

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

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

### 4. REGULAR AGENDA

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

#### 4.2 17-03 – Lake Oroville Area Public Utility District – Olive Highway Annexation No. 1

Chair Leverenz asked if staff has additional information to add to the staff report.

Steve Betts, LAFCo Deputy Executive Officer, stated he had nothing new to add.

Chair Leverenz stated it was interesting to him that as federal enclave they really are not subject to any of the normal regulations related to zoning or general plan. It does make good sense to have them on sewer instead of septic systems.

Commissioner Duncan asked if the residential units the tribe is proposing to build in the future, would they have to conform.

Chair Leverenz stated they can build or not build them as they see fit.

Commissioner Duncan asked about the road improvements.

Chair Leverenz stated there was a notice of determination that was used, but internally there are no standards that apply from the County as far as what they do on their own reservation. The impact on traffic on the public streets would be something we would have to consider, but the analysis indicates that that is not a problem. If it was, the County could step up and not allow it to happen.

Commissioner Connelly asked if the Lake Oroville Area Public District is satisfied with how they have been treated by the tribe.

Steve Lucas indicated they are.

Chair Leverenz opened this item to the public for comment.

Terry Peterson, residing at 3954 Hildale Ave, Oroville, stated parcel #5 is directly opposite his property. Mr. Peterson asked why the road in front of the parcel needs to be annexed into the sewer district if the district is not planning to run the sewer line down Hildale Avenue.

Steve Lucas stated it is customary, for Special Districts, to routinely take in the road sections as a part of the annexation for any future infrastructure that may be required to be placed in the road.

Chair Leverenz stated if we don't annex the roadway, it would not be an orderly boundary line.

Terry Peterson stated previously LOAPUD proposed to run the sewer line down Hildale Avenue and the neighborhood voted to turn this down. Mr. Peterson asked if there is a plan in the near future to run the sewer line down Hildale Avenue.

Chair Leverenz stated he is not aware of any plans for that and the district would need to answer that question.

Terry Peterson stated it was mentioned that the road impacts/traffic would be considered for development.

Chair Leverenz stated Hildale Avenue is a county road and the tribe would need to get an encroachment permit to have a right to access that road from the county.

Terry Peterson asked if there would have to be notification and public hearing for such an encroachment.

Chair Leverenz stated generally no.

Scott Browne stated the tribe would still have to get an encroachment permit through the county.

Commissioner Connelly stated the county submitted comments on the traffic impacts on Hwy 162 that fronts the front of the property and he stated he felt they were addressed. When a tribe is in fee trust, there is nothing the county does on that land, but if they need sewer we can discuss that with them. If they need access to the road, the county would review the impact.

Steve Lucas stated LOAPUD did perform an initial study for this sewer connection project. This went through a public hearing process. The initial study pointed out issues related to Hildale Avenue. The county commented to the issues and the tribe's response was that that access shown for Hildale Avenue will be for emergency access only. At such time as they do want to access Hildale Avenue they would have to get an encroachment permit. This will be a gated entrance, according to the tribe, and only for emergency use.

Al McGreehan stated Mr. Peterson can contact the Butte County Public Works Department and request to be notified if an encroachment permit for Hildale Avenue is applied for.

Dwayne Long, general manager for the Lake Oroville Area Public Utility District, stated he wanted to answer a couple things there were brought up. Even though sovereign nation land is what the tribe is building on, they do the sewer construction to the district's standards. All their plans are designed with the district's standards. They have the ability to perform other methods of construction, but choose to use the district's standards and the district performs all the inspections. Mr. Long stated there is no immediate plan to have sewer service beyond the limits of the construction area for the tribe there.

Commissioner Duncan asked where the sewer lines are going to be.

Dwayne Long stated there are two locations right now that the sewer exits from the property. One location is near the existing subdivision to the east on Hildale. The other existing location is to the west on Hildale. Right now there is no new sewer line construction for this project. The district will use the existing lines and tie in onsite for the new construction.

Commissioner Duncan asked how the sewer line will get from Hildale to the tribe's property.

Dwayne Long stated the sewer line is already there. There is a sewer line that goes down the middle of Melrose ties into the intersection of Hildale and there are two points where sewer lines exit the properties from the tribe on to Hildale and they run down Melrose the main sewer line. There will be no new sewer line construction on Hildale.

Commissioner Lando stated the development plat makes it look like there will be a through road. Is this area supposed to be fenced on Hildale?

Steve Lucas stated that is what is indicated in the initial study.

Steve Betts stated the map showing the road was part of the initial study. The County provided comments to the initial study and the tribe has agreed to only have emergency access onto Hildale.

Commissioner Connelly made a motion to approve the staff recommendation. The motion died for a lack of a second.

Commissioner Connelly stated the sewer company was made whole; their lines are not at capacity and are not impacted. The only question here is if they would get an easement out of this somehow. We know they need an encroachment permit. We need to put people on sewer instead of having them get on septic.

Commissioner Connelly made a motion to approve on staff's recommendation.

Commissioner Lando asked if we any ability at all to limit access through this. He feels the tribe is being deceptive as clearly the plan shows access onto Hildale.

Steve Lucas stated we could put conditions on this, but the conditions could only apply to LOAPUD.

Scott Browne stated you could put a condition on this that the Certificate of Completion would not be recorded until the gate is installed.

**Commissioner Connelly made a motion to approve on staff's recommendation and add a condition that we will not record the Notice of Completion until the gate is on the road.**

**Scott Browne stated you are not telling them that they have to put in the gate, you are just saying we won't issue the Certificate of Completion.**

**Commissioner Lando seconded the motion.**

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

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

#### **4.3 Adoption of 2017 LAFCo Regular Meeting Calendar**

Steve Lucas stated there is a conflict in April with the CALAFCO workshop dates.

**Commissioner Lando made a motion to adopt the 2017 Calendar and change the April meeting date to Tuesday, April 4<sup>th</sup>, 2017. Commissioner Duncan seconded the motion.**

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

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

## **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 and provided an update to the CALAFCO Conference held in Santa Barbara. Butte LAFCo is ahead of most counties in dealing with disadvantaged unincorporated communities (DUCs) and we have annexed many of the DUCs in our area.

Scott Browne, LAFCo Counsel, stated Butte LAFCo nominated Steve Lucas as the most outstanding LAFCo professional and the awards committee determined it was appropriate to give Steve Lucas the award. Scott Browne stated this is an extremely well deserved award, Steve is extremely respected around the state and the CALAFCO executive director, Pamela Miller, relies on him a great deal and he has been extremely helpful throughout the state in helping LAFCo become a better organization. This was very well deserved.

Chair Leverenz stated he believes Butte LAFCo benefits by Steve Lucas being associated with CALAFCO as it benefits us locally.

Scott Browne provided an update to the legislature that states agencies cannot annex properties they area already provide services to. There is a fix to this in the works.

### **6.2 Correspondence – None**

## **7. ADMINISTRATION – None**

**8. ADJOURNMENT.**

There being no further business, the meeting was adjourned at 9:34 a.m. to the December 1, 2016 regularly scheduled meeting.

**LOCAL AGENCY FORMATION COMMISSION**



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**By: Stephen Lucas, Executive Officer**

Minutes prepared by Joy Stover, LAFCO Commission Clerk