

BUTTE LOCAL AGENCY FORMATION COMMISSION
DRAFT Minutes of December 3, 2015

1. CALL TO ORDER

Chair Leverenz called the meeting to order at 9:00 a.m., on December 3, 2015, 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), Tom Lando (Special District), Steve Lambert (County) and Chair Carl Leverenz (Public). Alternate Commissioner John Busch (City)

Absent: Commissioners Bill Connelly (County) and Linda Dahlmeier (City). Alternate Commissioners Larry Wahl (County) and Greg Steel (Public).

Others Present: Stephen Lucas, LAFCO Executive Officer
Stephen Betts, LAFCO Deputy Executive Officer
Joy Stover, LAFCO Commission Clerk
Scott Browne, LAFCO Counsel

2. CONSENT AGENDA

2.1 Approval of the Minutes of November 5, 2015

Chair Leverenz stated he will entertain a motion to approve the minutes of last month's meeting. No corrections noted.

Commissioner Lando 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, Lando, Busch, Lambert and Chair Leverenz

NOES: None

ABSENT: Commissioner Connelly

ABSTAINS: None

3. NOTICED PUBLIC HEARINGS - None

4. REGULAR AGENDA

4.1 Items Removed from the Consent Agenda – None

4.2 16-01 – City of Chico – Extension of Services – 1437 Glenwood Avenue

Steve Betts stated this parcel is developed with a residential duplex and the septic system failed. The property owner applied for and was granted an emergency connection to avoid a public health and safety issue. The rear of this parcel abuts the City of Chico jurisdictional boundaries and is contiguous to the City. Staff is not recommending the annexation of this parcel as it would create

illogical boundaries and make it very difficult for the City of Chico to provide services and would be confusing for fire and law enforcement to respond to this parcel. A signed covenant and annexation agreement was received for this project.

Commissioner Duncan asked if the real estate people are required to advise new buyers of the covenant.

Steve Betts stated this is a recorded document and it runs with the property.

Chair Leverenz stated the recorded covenant would show up on the Title Report during the sale of the property.

Chair Leverenz opened this item to the public. No comments received.

Commissioner Lando made a motion to adopt Resolution No. 06 2015/16 authorizing the City of Chico to provide sanitary sewer service to the property. The motion was seconded by Commissioner Duncan.

The motion was carried by the following roll call vote:

AYES: Commissioners Lotter, Duncan, Lando, Busch, Lambert and Chair Leverenz

NOES: None

ABSENT: Commissioner Connelly

ABSTAINS: None

4.3 15-08MS – Review, Consideration and Adoption of the Public Review Draft Municipal Service Review Update & Sphere of Influence Plan Update for the City of Biggs

Steve Betts stated this is the public review draft of the Municipal Service Review (MSR) and Sphere of Influence (SOI) Plan update for the City of Biggs. The City is proposing to add 149 parcels totaling approximately 1,815 acres to the City's SOI and removing 7 parcels totaling approximately 37 from the City's existing SOI. The draft SOI Plan and draft MSR update was circulated for a 21-day noticed public review period that began on Nov. 12, 2015 and ended Dec. 2, 2015. Comments were received from CalFIRE and the Butte County Development Services regarding the draft documents.

The updated MSR determined that the City is well managed and provides adequate levels of municipal services to City residents and that the City has adequate levels of revenue to fund city services.

The staff report recommended changes to the draft MSR and staff recommends that these changes be incorporated into the final MSR. Additional changes to the MSR were recently received from the Butte County Development Services and the Butte County Fire Department/CalFIRE.

The Development Services Department recommends that under section 1.0-4, municipal service providers on page 1.0-7 it should be noted that Butte County provides building inspection services under contract to the City of Biggs. Staff recommends that table 1.0-2 on page 1.0-8 also be revised to reflect the updated information. This is just a minor change to make sure we have the most accurate information.

The Butte County Fire Department/CalFIRE recommended numerous changes to section 3.6 of the MSR. These changes are not substantial but do provide clarification and more accurate information on City fire protection services. These changes were provided to the Commission today.

Staff supports the updated MSR and recommends that the Commission adopt the updated MSR.

Steve Betts stated the Sphere of Influence Update is defined as a plan for the probable physical boundaries and service area of a local agency in the foreseeable future. Territory included in an agency's sphere indicates that the probable need for service has been established and that the subject agency has been determined by LAFCO to be the most logical service provider for the area. Once the SOI is established, annexations must still be individually considered and evaluated on their own merit. There is no automatic annexation just because specific territory is within the agency's SOI and many factors may influence the future annexation decision.

Steve Betts stated the proposed SOI will include two areas totaling 774 acres that will be designated as "Special Study Areas." These two Special Study Areas are intended to recognize and preserve the existing agricultural uses in these areas until such time as these areas are needed to accommodate population growth or other revenue generating uses the City feels are necessary for its fiscal health. Approximately 900 acres of the proposed SOI will be within the LAFCo designated Biggs-Gridley Area of Concern, where these two cities are expected to grow. Approximately 160 acres of the proposed SOI is currently being developed with Phase 2 of the City's wastewater treatment enhancement project and no urban uses will be able to be placed on this area.

Steve Betts went over the proposed SOI map for the Commission, identifying the various areas as listed in the staff report. Staff recommends that the Commission approve Option 1 as listed in the staff report adopting Resolution No. 05 2015/16.

Chair Leverenz asked if the resolution attached to the staff report would authorize staff to make the changes as discussed today and also deal with the environmental findings.

Steve Betts stated that is correct.

Commissioner Lando stated he is very impressed with City of Biggs' Council and Administrator Mark Sorensen in terms of the fiscal health of the city and its improvement. He apologized for missing the last meeting and asked why the parcels are proposed to be removed.

Steve Lucas stated those 37 acres represent Red Top Dryers and City staff has indicated they have no interest in annexing those areas into the City and have no anticipation for need of City services.

Chair Leverenz opened this item to the public for comments. No comments received. Chair Leverenz closed the public portion of the hearing.

Commissioner Duncan made a motion to approve the MSR Update and approve the Sphere of Influence Plan for the City of Biggs, as modified by the Commission and with the changes as identified in the report. The motion was seconded by Commissioner Lando.

The motion was carried by the following roll call vote:

AYES: Commissioners Lotter, Duncan, Lando, Busch, Lambert and Chair Leverenz
NOES: None
ABSENT: Commissioner Connelly
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 provided an update on the sale of the Buzztail Community Services (CSD) water service to Del Oro Water Company. The sale was approved by the Public Utility Commission and Del Oro can immediately begin taking over the water service from the CSD. Staff will have the draft Municipal Service Review update ready soon and hopefully have it on the February agenda.

7. **ADMINISTRATION** – None

8. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:31 a.m. to the next LAFCo meeting to be held on **Thursday, January 7, 2015** at 9:00 a.m.

LOCAL AGENCY FORMATION COMMISSION

By: Stephen Lucas, Executive Officer

Minutes prepared by Joy Stover, Commission Clerk