

## M E M O R A N D U M

TO: Local Agency Formation Commission

FROM: Stephen Betts, Deputy Executive Officer

**SUBJECT: Agenda Item 4.1 – LAFCO File 14-02 – City of Chico - Boucher Street Annexation No. 6**

DATE: May 23, 2014, for the Meeting of June 5, 2014

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At the April 3, 2014, LAFCo meeting the Commission considered the proposed Boucher Street Annexation No. 6 to the City of Chico. The annexation was initiated by the owner of a single parcel via petition to LAFCo and staff recommended that the Commission expand the boundaries of the annexation to include sixteen additional parcels located on the west side of Boucher Street. Several landowners/residents of the territory spoke in opposition to the annexation and numerous letters objecting to the annexation were received at the meeting. At the April 3, 2014, meeting the Commission continued the hearing open until the Commission's May 1, 2014, meeting to allow time for LAFCo staff to review the written comments to determine the probability of a successful protest of the annexation as recommended. At the May 1, 2014, meeting the Commission continue the public hearing open until the Commission's June 5, 2014, meeting.

Per the Commission's direction, staff reviewed each written comment. Based upon the signers of the comments, either as a landowner and/or a registered voter, staff made the following determinations:

- Total number of Registered Voters in the territory – 18
- Number of objecting landowners and family members who are also registered voters in the territory and would be expected to object to annexation as registered voters – 13 (72% of registered voters)
- Total Assessed Land Value of territory - \$538,971
- Number of landowners objecting to annexation – 8 (47% of landowners)
- Assessed land value of objecting landowners - \$150,969 (28% of total assessed land value)

Based upon the above findings staff concludes that a protest of the annexation of all of the parcels on the west side of Boucher Street has a very high probability of being successful, which would result in termination of the annexation. Staff recommends that the Commission consider this information in making its decision as to whether to include the additional sixteen parcels to the annexation proposal. Staff recommends that only the single petitioned parcel be annexed at this time. Staff has prepared a new resolution that only includes the annexation of the single parcel (see **Exhibit A**).

### ALTERNATIVES FOR COMMISSION ACTION

After reviewing this memorandum, the staff report for the April 3 LAFCo meeting, the oral and written comments received at the April 3 LAFCo meeting, and any additional testimony or materials that are presented, the Commission can take one of the following actions:

OPTION 1 – APPROVE the proposal:

- A. Find that the proposed annexation is exempt from the California Environmental Quality Act per the General Rule exemption (California Government Code Section 15061(b)(3).
- B. Adopt Resolution 33 2013/14 approving a 100% landowner consent annexation consisting only of APN 005-404-004, totaling approximately 0.3 acres.

OPTION 2 – Make a motion of intent to approve the annexation of specific parcels as identified by the Commission. Staff will prepare a resolution and bring the proposal back to the Commission for final review and adoption.

OPTION 3 – DENY the proposal.

OPTION 4 - CONTINUE this proposal to a future meeting for additional information.

ACTION REQUESTED:

Approve OPTION 1.

# Exhibit A

## RESOLUTION NO. 33 2013/14

### RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF BUTTE MAKING DETERMINATIONS AND ORDERING THE ANNEXATION OF TERRITORY DESIGNATED AS 14-02 CITY OF CHICO REORGANIZATION BOUCHER STREET ANNEXATION NO. 6

**RESOLVED**, by the Local Agency Formation Commission of the County of Butte, State of California, that

**WHEREAS**, a proposal for the annexation of a single parcel, identified as Assessor's Parcel Number 005-404-004 (1406 & 1406½ Boucher Street), to the City of Chico in the County of Butte was heretofore submitted by a landowner petition, which was determined to be sufficient and was accepted for filing on February 3, 2014, by the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

**WHEREAS**, the parcel petitioned for annexation is contiguous to City of Chico jurisdictional boundaries on the parcel's west side and annexation to the City of Chico is feasible due to the contiguity; and

**WHEREAS**, to ensure the creation of logical, efficient, and effective jurisdictional boundaries, LAFCo staff recommended that sixteen parcels be added to the annexation of the single petitioned parcel. The sixteen parcels added to the annexation did not have 100% landowner consent and would have resulted in an inhabited annexation; and

**WHEREAS**, the Executive Officer, pursuant to Government Code Section 56658, set April 3, 2014, as the hearing date on this proposal and gave the required notice of public hearing; and

**WHEREAS**, the Executive Officer, pursuant to Government Code Section 56665, has reviewed this proposal and prepared a report, including recommendations thereon, and has furnished a copy of this report to each person entitled to a copy; and

**WHEREAS**, this Commission called for and held a hearing on April 3, 2014, and at the hearing this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer; and

**WHEREAS**, at the April 3, 2014, meeting, several landowners/residents spoke in opposition to the annexation of the sixteen additional parcels and numerous written comments in opposition to the annexation of the sixteen additional parcels were presented to the Commission; and

**WHEREAS**, the Commission continued the hearing open until the Commission's May 1, 2014, to allow LAFCo Staff time to review the written comments and make a determination as to if a protest of the annexation of the sixteen additional parcels would be successfully; and

**WHEREAS**, the at the May 1, 2014, meeting the Commission continued the public hearing open until the Commission's June 5, 2014, meeting; and

**WHEREAS**, LAFCo staff determined, based upon the received written comments, that a protest of the annexation of the sixteen additional parcels would have a very high probability of being successful based upon an estimated registered voter opposition of approximately 72%,

which is well over the minimum 50% registered voter opposition needed to terminate an inhabited annexation proposal; and

**WHEREAS**, this Commission considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56668; and

**WHEREAS**, the owner of the territory proposed for annexation has consented in writing to the annexation of his parcel to the City of Chico; and

**WHEREAS**, the subject territory is legally uninhabited with less than twelve registered voters; and

**NOW, THEREFORE**, the Local Agency Formation Commission of the County of Butte **DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

**Section 1.** Environmental Action:

- A. The Commission finds that the annexation of APN 005-404-004 is not subject to the provisions of the California Environmental Quality Act per Section 15061(b)(3) (General Rule Exemption). The proposed annexation is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The primary overriding concern is whether, or not, the annexation may have a 'significant' effect on the environment. CEQA defines a significant effect on the environment as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance." The Commission finds and determines, for the reasons set out below, that the General Rule Exemption applies to the Project and that no further environmental analysis is required:

1. The territory is located in the highly urbanized south Chico area and is already provided with a wide range of urban services, including electricity, natural gas, telephone/internet, domestic water; paved public streets, and police and fire protection services. A City of Chico sewer line is already installed in the Boucher Street right-of-way. Both structures within the territory are already connected to the City of Chico's sanitary sewer system.
2. The territory is level and does not contain any significant natural features or any agricultural lands. Access to the parcel is from a paved, public street.
3. The territory is already developed and new development in the territory as a result of annexation is not anticipated due to the small size of the subject parcel and due to the location of existing development on the parcel.
4. The City of Chico 2030 General Plan has already anticipated the annexation of the territory to the City and existing and future land use patterns of the territory, and the City analyzed potential environmental impacts in the 2030 General Plan EIR.
5. The Environmental Impact Report for the City of Chico's 1992 Sewer Master Plan analyzed the expansion of City sewer service area to be coterminous with the City's Sphere of Influence, which included the extension of sewer lines into the Chapman neighborhood unincorporated island area.

**Section 2. General Terms and/or Conditions:**

- A. The Commission has considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to: Butte LAFCo Policies and Procedures; Sphere of Influence and General Plan consistency; the City of Chico Municipal Service Review; the Domestic Water and Wastewater Service Providers Municipal Service Review; the City of Chico 2030 General Plan and 2030 General Plan EIR; the City of Chico Zoning Ordinance; the Final Report Chapman, Mulberry, and Stewart Avenue Annexation Study; the Butte County General Plan 2030 and Zoning Ordinance; the Chapman-Mulberry Neighborhood Plan, and other factors specified in Government Code Section 56668 and as described in the staff report dated March 24, 2014, for the meeting of April 3, 2014, and in the memorandum dated May 23, 2014, for the meeting of Jun 5, 2014.
- B. The Commission finds that the proposal has 100% support of the affected property owner and orders the annexation complete without a protest hearing pursuant to Government Code Section 56663.
- C. The annexation area shall consist of one parcel, Assessor's Parcel Number 005-404-004 (1406 & 1406½ Boucher Street), totaling approximately 0.3 acres, as submitted by the petitioner, and as described in Exhibit "A" and "B".
- D. The subject area is found to be uninhabited, and is assigned the following short form designation: 14-02 - City of Chico – Boucher Street Annexation No. 6.
- E. The purpose of the annexation is to support orderly jurisdictional boundaries, to incrementally reduce an island of unincorporated parcels, and for the provision of municipal services, such as sewer service, and police and fire protection, for existing development on the subject parcel.
- F. The territory is located in an urban area, is developed, and is not considered to be prime agricultural land pursuant to Butte LAFCo Policy 2.13.5.
- G. Waive the application of Government Code Section 25210.90, and find that the exclusion of the territory from:  
  
County Service Area No. 14 (East Chico Street Lighting District)  
  
would deprive the territory of needed services to insure the health and safety of the residents of the area, and find that a waiver would not affect the ability of the City of Chico to provide any service.
- H. The parcel proposed for annexation will be detached from the following districts:
1. County Service Area No. 114 (Chico Area Nitrates);
  2. County Service Area No. 164 (Butte County Animal Control District);  
and
  3. Butte County Resource Conservation District
- I. The exchange of property tax revenues between the County of Butte and the City of Chico will be performed in accordance the Amended Master Property Tax Exchange Agreement, executed between the City of Chico and the Butte County Board of Supervisors on November 4, 1987.
- J. The territory is developed with two uses – a ~2,913 square foot retail market (1406 Boucher Street) and a ~720 square foot, 1-bedroom, 1-bath, conventionally built single-family dwelling unit (1406½ Boucher Street). The Butte County Planning Division has determined that the retail market is a

permitted use under the County's current Neighborhood Commercial (NC) zoning of the parcel and that the retail market is an established, on-going, legal use. The Butte County Planning Division has determined that the dwelling unit is a legal, nonconforming use as this use was established when such use was permitted by right.

**Section 3.** Conditions adopted by LAFCo:

- A. All LAFCo, County of Butte, and State of California fees must be paid in full prior to filing the Certificate of Completion.
- B. The legal description and map, if amended by action of the Commission, will be revised at the expense of the applicant, prior to filing the Certificate of Completion.
- C. The map and legal description shall comply with the State Board of Equalization requirement and if rejected by the State Board of Equalization, will be revised at the expense of the applicant.
- D. The effective date of the annexation shall be no later than six (6) months from Commission approval of the annexation, with the Certificate of Completion to be recorded at the discretion of the Executive Officer.

**Section 4.** The boundaries, as set forth in the proposal or as amended by action of the Commission, are hereby approved as submitted and are as described in Exhibits "A" and "B" attached hereto and by this reference incorporated herein.

**Section 5.** Further protest proceedings are waived and the Commission orders the annexation, pursuant to Part 4 commencing with Section 57000.

**Section 6.** The Executive Officer is hereby authorized and directed to mail certified copies of this Resolution as provided in Section 56882 of the Government Code.

**PASSED AND ADOPTED** by this Local Agency Formation Commission of the County of Butte, on the 5<sup>th</sup> day of June 2014, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINS:**

**ATTEST:**

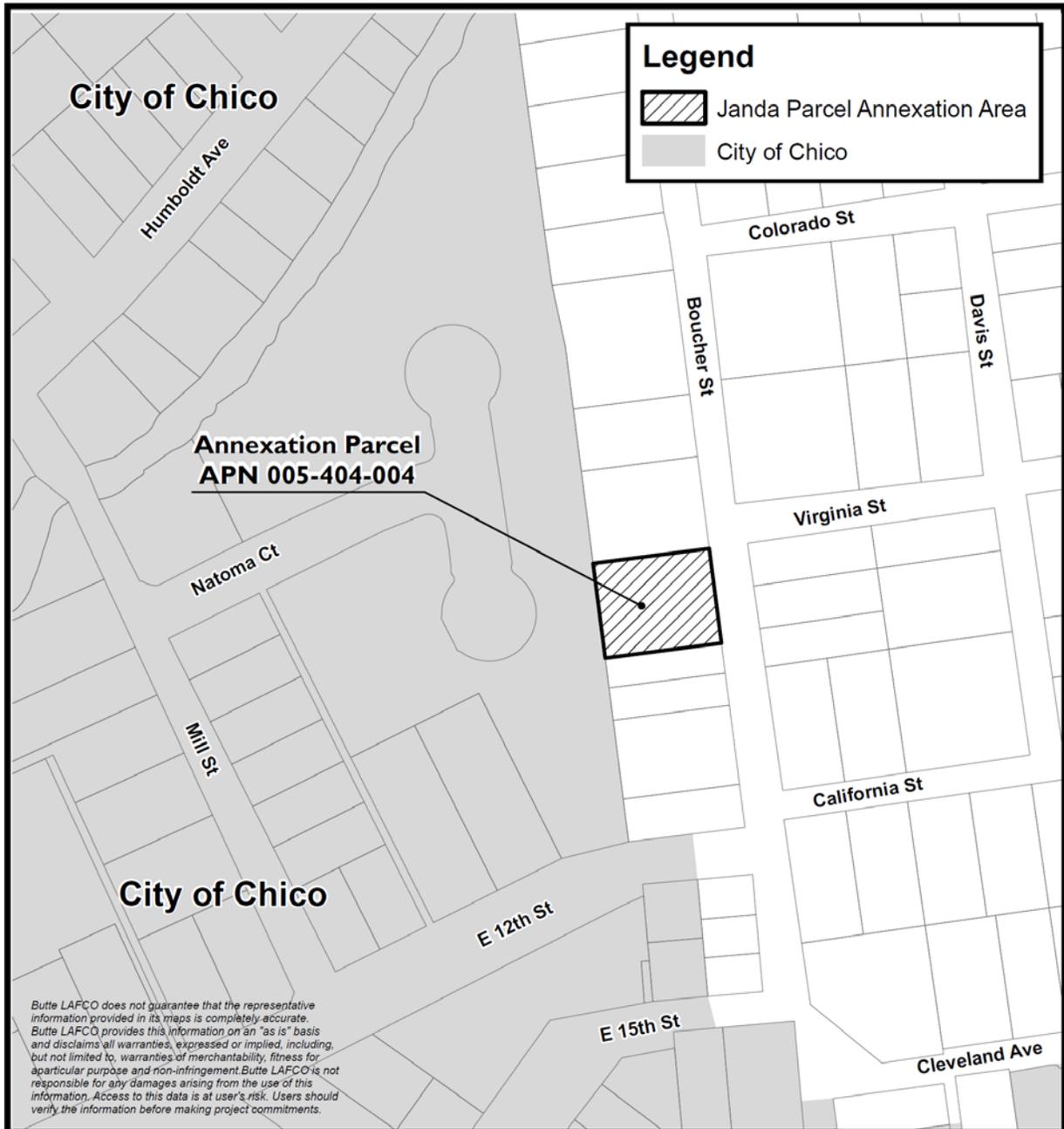
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Clerk of the Commission

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**CARL LEVERENZ**, Chair  
Butte Local Agency Formation Commission

# Attachment A to Resolution 33 2013/14



Butte LAFCO does not guarantee that the representative information provided in its maps is completely accurate. Butte LAFCO provides this information on an "as is" basis and disclaims all warranties, expressed or implied, including, but not limited to, warranties of merchantability, fitness for a particular purpose and non-infringement. Butte LAFCO is not responsible for any damages arising from the use of this information. Access to this data is at user's risk. Users should verify the information before making project commitments.

**Butte Local Agency Formation Commission**



City of Chico  
Boucher Street  
Annexation No. 6

**City of Chico - Boucher Street Annexation No. 6**



Applicant: Harbinder Singh Janda  
(by petition to LAFCo)

Date: June 5, 2014 @ 9:00 a.m.

File No. 14-02

Data: LAFCO, City of Chico