TO: Local Agency Formation Commission
FROM: Stephen Lucas, Executive Officer
SUBJECT: LAFCo File 20-04 – City of Chico – Extension of Services – 216 Centennial Avenue
DATE: November 26, 2019, for the meeting of December 5, 2019

Summary
On behalf of the landowner (Avila), the City of Chico is requesting approval to extend temporary sanitary sewer services to a single unincorporated parcel that is approximately 7.13 acres. The property owner has submitted an Administrative Permit application (Attachment 1) to the Butte County Department of Development Services under its Urgency Ordinance (Chapter 53) to establish a temporary RV Park with 17 spaces for people displaced by the Camp Fire. The parcel is currently developed with one single family home and a guest cottage. The parcel is marginally contiguous to City of Chico jurisdictional boundaries via a small strip of land area and annexation may be feasible but for the temporary nature of the land use proposed.

Staff recommends that the Commission approve the temporary extension of services request and adopt Draft Resolution 06 2019/20 (Attachment 2) containing recommended conditions of approval.

General Information

Application Submitted: November 08, 2019
Application Deemed Complete: November 08, 2019
100% Landowner Consent: Yes
Notice and Hearing Required: No
Proponent: City of Chico
Landowners: Maplewood LLC Series One
Location: The subject parcel is located at the southeast corner of Centennial Avenue and Manzanita Avenue in the unincorporated Chico area. The subject parcel is identified as Assessor’s Parcel Number 018-010-135 (216 Centennial Avenue), Chico, CA. The territory is located in Supervisorial District 3.
Proposal: Extension of City of Chico sanitary sewer service to a single parcel.
Requested Action: Adopt Resolution 06 2019/20 (Attachment 2) approving the temporary extension of City of Chico sanitary sewer services.
DISCUSSION AND ANALYSIS

Background

The subject parcel, which is approximately 7.13 acres in size, is developed with a 2,500 square foot 3-bedroom, 3 bath single-family home and a 500 square foot guest cottage. Domestic water supply for the dwelling is provided by the California Water Service Company. The parcel fronts on Manzanita Avenue, which is a public county road. Manzanita Avenue is partially improved with curbs, gutters, and sidewalks north of this area. Land uses on the surrounding parcels are primarily single-family dwellings. A City of Chico sewer line is located within the Manzanita Avenue adjacent to the subject parcel.

As shown on the map (Exhibit A) on page 2, the parcel is contiguous to the City of Chico jurisdictional boundaries on the northwest side. Annexation of the parcel may not be feasible as annexation may not create logical boundaries without annexing additional contiguous parcels. The parcel is located within a large 112 parcel, 177 acre island area. The City has not indicated a desire to annex this area at this time. Annexation of the subject parcel would not ensure the creation of logical, efficient, and effective jurisdictional boundaries.

Sewage disposal for the dwellings on the subject parcel are handled by two on-site septic systems. Connection of the parcel to a public sanitary sewer is required for new development on the parcel if there is a sewer line within 250 feet of the parcel. Additionally, the County Administrative Permit for the proposed Temporary RV Park is required to utilize the existing sewer system.

Land Use/Zoning Designations

The Butte County General Plan designates the subject parcel as VLDR - Very Low Density Residential (up to 1 dwelling unit per acre) and the parcel is zoned VLDCR – Very Low Density Country Residential (up to 1 dwelling unit per acre). The City of Chico’s General Plan designates the parcel as Very Low Density Residential (up to 2 units per acre) and the City has prezoned the parcel as R1-10 (2 units per acre). The City has tentatively approved a 21 lot residential subdivision on the subject parcel pending annexation. This service extension proposal has no direct relationship to the approved subdivision or the eventual annexation of the site to the City.
The current multi-family residential use on the subject parcel is consistent with both the County's and the City's General Plans and zoning ordinances and the proposed temporary RV park use is consistent with the General Plan under the County's Urgency Ordinance in Chapter 53 of the Butte County Code.

**Governing Law and LAFCo Policy**

Provisions for extension of service requests are found in Government Code §56133 and in Section 4.5 of the Commission Policies and Procedures. In brief, the law permits the Commission to authorize a city or district to provide new or extended service outside its jurisdictional boundaries but within its sphere of influence (SOI) *in anticipation of a later change of organization*. These documents offer the following guidance:

- Extensions of service are to be in *anticipation of annexation*, which at a minimum requires the parcel to be located within the agency's Sphere of Influence (Butte LAFCo Policy 4.5.4.A.5; GC56133(b)).
- Annexations to cities and special districts are generally preferred for providing public services (Butte LAFCo Policy 4.5.4.A.1).
- Health, safety, or emergency concerns may warrant the approval of an extension of service where annexation is *not practical or deemed undesirable* for other policy reasons (Butte LAFCo Policy 4.5.4.A.1).
- Extension of service agreements are usually considered to be a *temporary measure*, typically in response to an existing or impending public health and safety threat (e.g., failing septic system or domestic water well) or when annexation is not feasible (Butte LAFCo Policy 4.5.4.A.1).
- The Commission gives great weight to properly documented existing health and safety needs when considering justification of such extensions (Butte LAFCo Policy 4.5.4.A.1).
- The Commission discourages use of contract service extensions for the purpose of extending services to new development and will approve such extensions only under extraordinary circumstance and may apply strict limitations on such services (Butte LAFCo Policy 4.5.4.A.1).

**Criteria for Approval**

In accordance with State law, requests and approvals for extensions of service are to be filed and acted upon prior to an agency providing services. All requests *shall explain the specific circumstances that make annexation infeasible* and justify extension of service by contract. The Commission may condition any extension of services where it finds local circumstances warrant applying greater scrutiny and guidance.

Whenever the Commission approves a service extension it generally requires the owner of record to execute an Annexation Consent Agreement and Covenant consenting to annex the territory which is then recorded and binds future owners of the property.

Pursuant to Butte LAFCo Policy 4.5.4.D, the Executive Officer is required to evaluate the following five factors when reviewing an extension of services request. The factors are intended to provide the Commission with information about certain topics that are relevant to extension of services request. No single factor is determinative. An evaluation of these factors as it relates to the proposed extension of service request follows.

1) The ability of the local agency to provide service to the proposal area without detracting from current service levels.
The City of Chico owns and maintains a wastewater collection, treatment, and disposal system. As indicated in the City’s Municipal Service Review (adopted by the Commission in 2018), and the City’s General Plan (adopted by the City in 2011), the City of Chico’s wastewater system has sufficient capacity to provide service to the affected parcel without detriment to current service recipients. A City of Chico sanitary sewer line is located within the Manzanita Avenue.

The City does not, and will not, provide any other parcel specific service, such as fire protection and law enforcement services, to the subject parcel. The existing public services provided to the subject parcel by Butte County will not change as a result of this proposal until such time as the parcel is annexed to the City of Chico.

2) The proposal’s consistency with the policies and general plans of all affected local agencies.

The affected parcel is developed with a single-family dwelling unit and a guest cottage. This use is consistent with the City of Chico’s General Plan land use designation of Very Low Density Residential and with the City’s R1-10 prezoning of the parcel. The existing use is also consistent with the County’s General Plan land use designation of Very Low Density Residential and the County’s zoning of Very Low Density Country Residential.

3) The proposal’s effect on growth and development within and adjacent to the affected land.

The proposal to connect to the City of Chico’s sanitary sewer system will facilitate the temporary use of the parcel for a temporary RV Park with 17 spaces. The extension of services will be conditioned to state that the extension of sewer services is for Temporary RV Park Use Only and the use and sewer extension will expire when the County Urgency Ordinance expires on December 30, 2020. Any additional development on the parcel, such as a replacement dwelling or a third dwelling unit, will not be allowed unless the parcel is first annexed to the City of Chico. Additionally, a condition of the authorization to allow the parcel to temporarily connect to the City’s sewer system requires the City of Chico to initiate an annexation of the subject parcel.

4) Whether the proposal contributes to the premature conversion of agricultural land or other open space land.

No agricultural uses are found on the subject parcel. The proposed extension of sanitary sewer service to the subject parcel will not affect agricultural lands.

5) The likelihood of a later change of organization being initiated by the affected agency.

The subject parcel is minimally contiguous to the City of Chico jurisdictional boundaries and annexation to the City may be feasible but not logical, especially in light of the temporary use of the parcel. The sewer service extension is conditioned to expire when the County Urgency Ordinance terminates on December 30, 2020. The Butte LAFCo Annexation Consent Agreement and Covenant was submitted with the extension of services application, which binds the current and future owners of the parcel to the future annexation of the parcel.

The City of Chico does not support the annexation of the affected parcel at this time.

Discussion/Recommendation

Staff recommends the Commission find that the extension of temporary sewer service shall include the following conditions:
A. All LAFCo fees must be paid in full prior to the extension of service authorization becoming effective.

B. The extension of sewer service approval will be effective upon the applicant submitting to the Executive Officer a copy of the Temporary Administrative Permit for a Recreational Vehicle Park issued by the County of Butte.

C. The extension of sewer service approval will terminate upon the termination of the County issued Administrative Permit for a Temporary Recreational Vehicle Park under the County’s Urgency Ordinance, Chapter 53 and the City of Chico shall terminate sewer services to the subject parcel and the temporary use.

D. The authorization to extend City of Chico sewer services to the subject parcel (APN 015-010-135 – 216 Centennial Avenue), is explicitly restricted to the temporary RV Park. 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, the City or County shall provide such proposals to the LAFCo Executive Officer for review of compliance with this sewer extension authorization. This condition will become inapplicable following a future annexation to the City of Chico.

Environmental Analysis

The proposed temporary extension of service is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) – General Rule Exemption. This section can be used when the activity 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 General Rule exemption is appropriate for this proposal because: 1) the subject parcel is developed with a single-family residential use and one guest cottage; 2) the residential use is consistent with the City’s General Plan and prezoning and with the County’s General Plan and Zoning Ordinance.

ALTERNATIVES FOR COMMISSION ACTION

After reviewing this report and any testimony or materials that are presented, the Commission can take one of the following actions:

OPTION 1 – APPROVE the proposal as submitted:

A. Find that the extension of temporary services request is not subject to the provisions of the California Environmental Quality Act per Section 15061(b)(3), General Rule Exemption.

B. Adopt Resolution No. 06 2019/20 authorizing the City of Chico to provide temporary sanitary sewer service outside the City’s boundary to the property located at 216 Centennial Avenue (APN 018-010-135) in the unincorporated Chico area.

OPTION 2 - DENY the proposal.

OPTION 3 - CONTINUE this proposal to a future meeting for additional information.
ACTION REQUESTED: Approve OPTION 1.

Respectfully submitted,

Stephen Lucas
Executive Officer

Attachments: 1. Administrative Permit Application
              2. Draft LAFCo Resolution No. 06 2019/20
## Project Information

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<thead>
<tr>
<th>Applicant's Name</th>
<th>(If applicant is different from owner an affidavit is required)</th>
<th>Assessor's Parcel Number</th>
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<tbody>
<tr>
<td>Kevin Avila</td>
<td></td>
<td>018 - 101 - 135</td>
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<tr>
<th>ADDRESS:</th>
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<tbody>
<tr>
<td>216 Centennial Ave Chico CA 95928</td>
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| E-Mail: | Kavila044@yahoo.com |

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<tr>
<th>Owner's Name:</th>
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<td>250 Vallombrosa Ave Suite 175, Chico CA 95926</td>
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## Property Information

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<tr>
<th>Name of Proposed Project (if any)</th>
<th>Site Size (in square feet or acres)</th>
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<tr>
<td>Temp RV Park</td>
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<tr>
<th>Location of Project</th>
<th>Major Cross Streets and Address, if any</th>
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<td>Centennial Ave and Manzanita</td>
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<th>Existing Land Use</th>
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(Check One)

- Property is or proposed to be on well water
- Property is or proposed to be on public water
- Property is or proposed to be on septic

## Application Type

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<tr>
<td>ADMINISTRATIVE PERMIT</td>
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<td>LEGAL LOT DETERMINATION</td>
<td>TENTATIVE PARCEL MAP</td>
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<tr>
<td>CONDITIONAL USE PERMIT</td>
<td>WAIVER OF PARCEL MAP</td>
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<td>MINOR USE PERMIT</td>
<td>CERTIFICATE OF CORRECTION</td>
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<td>VARIANCE</td>
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<td>LOT LINE ADJUSTMENT</td>
<td>DEVELOPMENT AGREEMENT</td>
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<tr>
<td>CERTIFICATE OF MERGER</td>
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## Project Description

Full Description of Proposed Project (Attach necessary sheets. If this application is for a land division, describe the number and size of parcels.)

*Temporary RV Park - Urgency Ordinance*

## Owner Certification

I certify that I am presently the legal owner or the authorized agent of the owner of the above described property. Further, I acknowledge the filing of this application and certify that all of the above information is true and accurate. (If an agent is to be authorized, execute an affidavit of authorization and include the affidavit with this application.)

Date: 10/04/19
Signature: [Signature]

Please contact Planning Division Staff with any questions.
RESOLUTION NO. 06 2019/20

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF BUTTE
AUTHORIZING THE CITY OF CHICO TO
PROVIDE OUT-OF-AGENCY TEMPORARY SANITARY SEWER SERVICES
TO 216 CENTENNIAL AVENUE (APN 018-010-135), CHICO, CA

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

WHEREAS, a proposal for the extension of temporary public sanitary sewer services by the City of Chico to 216 Centennial Avenue (APN 018-010-135), Chico, CA, located outside of the Chico city limits but within the City of Chico's Sphere of Influence, in the County of Butte, was heretofore filed by the City of Chico and accepted for filing on November 8, 2019, 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, a City of Chico sanitary sewer line is installed within the Manzanita Avenue right-of-way and the City of Chico's sanitary sewer system and wastewater treatment plant have adequate capacity to serve the subject parcel; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56658, set December 5, 2019, as the hearing date on this proposal; 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 December 5, 2019, 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

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 temporary extension of services request is not subject to the provisions of the California Environmental Quality Act per Section 15061(b)(3) (General Rule Exemption).

Section 2. Determinations:
A. The Commission has considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, Sphere of Influence and City of Chico General Plan and zoning consistency, the City of Chico Municipal Service Review, and other factors specified in Government Code Section 56133, and as described in the staff report dated November 26, 2019, for the meeting of December 5, 2019.

B. The Commission authorizes the City of Chico to extend temporary sanitary sewer service outside the City’s boundary to the property located at 216 Centennial Avenue (APN 018-010-135), in the unincorporated Chico area.

C. The proposal is assigned the following short form designation: 20-04 - City of Chico – Extension of Services – 216 Centennial Avenue.

D. The purpose of the extension of services is to allow the City of Chico to provide temporary public sanitary sewer service to the proposed temporary RV Park for 17 spaces on the subject parcel.

E. The City of Chico’s sanitary sewer system has adequate capacity to serve the dwelling on the subject parcel and a City of Chico sanitary sewer line is located within the Manzanita Avenue.

F. The territory is located within the City of Chico’s Sphere of Influence and is not within the Sphere of Influence or the district of any other sanitary sewer service provider.

G. This extension of sanitary sewer services is only to temporarily support development of the temporary RV Park as proposed on the application to LAFCo.

Section 3. Conditions requested by LAFCo:

A. All LAFCo fees must be paid in full prior to the extension of service authorization becoming effective.

B. The extension of sewer service approval will be effective upon the applicant submitting to the Executive Officer a copy of the Temporary Administrative Permit for a Recreational Vehicle Park issued by the County of Butte.

C. The extension of sewer service approval will terminate upon the termination of the County issued Administrative Permit for a Temporary Recreational Vehicle Park under the County’s Urgency Ordinance, Chapter 53 and the City of Chico shall terminate sewer services to the subject parcel and the temporary use.

D. The authorization to extend City of Chico sewer services to the subject parcel (APN 018-010-135 – 216 Centennial Avenue), is explicitly restricted to the temporary RV Park. 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, the City or County shall provide such proposals to the LAFCo Executive Officer for review of compliance with this sewer extension authorization. This condition will become inapplicable following a future annexation to the City of Chico.
PASSED AND ADOPTED by this Local Agency Formation Commission of the County of Butte, on the 5th day of December 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINS:

ATTEST:

______________________________  ________________________________
Clerk of the Commission        CARL LEVERENZ, Chair
Butte Local Agency Formation Commission