
**BUTTE LOCAL AGENCY FORMATION COMMISSION (LAFCO)
EXECUTIVE OFFICER’S REPORT**

TO: Local Agency Formation Commission
FROM: Stephen Betts, Deputy Executive Officer
SUBJECT: **LAFCo File 15-22 – City of Chico – Extension of Services – 2273 East 8th Street**
DATE: August 25, 2015, for the meeting of September 9, 2015

Summary

The City of Chico is requesting approval to extend sanitary sewer services to a single unincorporated parcel that is developed with a single-family dwelling unit (**Exhibit A**). An emergency authorization was approved to allow the parcel to connect to the City’s sanitary sewer system due to a failed septic system. The parcel is contiguous to City of Chico jurisdictional boundaries and annexation is both logical and feasible.

Staff recommends that the Commission approve the extension of services request but with a condition that requires the City of Chico to initiate an annexation of the parcel within three (3) months of approval of the extension request. Draft Resolution 04 2015/16 (**Exhibit B**) contains recommended conditions of approval.

General Information

Application Submitted: June 25, 2015

Application Deemed Complete: July 17, 2015

100% Landowner Consent: Yes

Notice and Hearing Required: No

Proponent: City of Chico

Landowner: Douglas G. & Kathleen D. Alexander Revocable Trust

Location: The subject parcel is located on the south side of East 8th Street, approximately 400 feet east of El Monte Avenue, in the unincorporated east Chico area. The subject parcel is identified as Assessor’s Parcel Number 002-150-039 (2273 East 8th Street), 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 04 2015/16 (**Exhibit B**) approving the extension of City of Chico sanitary sewer services.

Exhibit A



Butte Local Agency Formation Commission		 City of Chico Extension of Services 2273 East 8th Street c:\projects\lafco_projects lafco_e_8th_st_15_22 least_8th_st_15_22.mxd Date: LAFCO, City of Chico
City of Chico - Extension of Services - 2273 East 8th Street		
Applicant: City of Chico	Date: September 9, 2015 @ 9:00 a.m.	File: 15-22

DISCUSSION AND ANALYSIS

Background

The subject parcel, which is approximately 0.8 acres in size, is developed with a 3-bedroom, 2-bath, 2,035 square foot conventionally-built dwelling unit built in 1965. Domestic water supply for the dwelling is provided by the California Water Service Company. The parcel fronts on East 8th Street, which is a public road and which is paved and improved with curbs and gutters on both sides of the street, and a sidewalk on the north side of the street. East 8th Street is within, and maintained by, the City of Chico. Land uses on the surrounding parcels include single-family dwellings to the west, east, and south, and Bidwell Park to the north.



Project Site – 2273 East 8th Street (Photo – Google Maps)

The parcel is contiguous to the City of Chico jurisdictional boundaries on the parcel's east and north sides. Annexation of the parcel is very feasible given the contiguity on two sides and would have been directed by Staff to annex first if not for the emergency connection scenario discussed below. The parcel is within the 100-acre, 81-parcel Forest Avenue unincorporated island area, which consists mostly of single-family dwellings on large lots and several commercial uses. The island area is not within an identified nitrate "hotspot" area but it is believed that high groundwater levels found in some parts of the island area have reduced the effectiveness of septic systems that may ultimately result in failed septic systems. There has been no push from the residents to annex this area to the City of Chico and some have voiced opposition in years passed at public meetings.

Until recently, sewage disposal for the dwelling on the subject parcel was handled by an on-site septic system. An inspection of the septic system discovered that the septic system leach lines had failed and that new leach lines were needed (see **Exhibit C**). However, Butte County Environmental Health Division policies require, in the event of a failed or failing septic system, connection of the parcel to a public sanitary sewer if there is a sewer line within 250 feet of the parcel. On June 25, 2015, the LAFCo Executive Officer authorized an emergency extension of services to allow the City of Chico to connect the parcel to the City's sanitary sewer system (see **Exhibit D**). The authorization specifically and clearly noted that LAFCo would likely require the City to initiate annexation of the subject parcel if the City connected the parcel to their sewer system. As of the date of this report the City of Chico has not initiated the annexation. The parcel owner has no opposition to annexation.

Land Use/Zoning Designations

The Butte County General Plan designates the parcel as Very Low Density Residential (up to 1 dwelling unit per acre) and the parcel is zoned 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 and the City has rezoned the parcel as RS-20 (Residential Suburban, 20,000 square foot lots). The single-family dwelling use on the subject parcel is consistent with both the County's and the City's General Plans and zoning ordinances.

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 is generally defined by LAFCo as meaning the area is located within the agency's Sphere of Influence (Butte LAFCo Policy 4.5.4.A.5).
- Annexations to cities and special districts are generally preferred for providing public services (Butte LAFCo Policy 4.5.4.A.1).
- Local circumstances, health and safety, emergency service, or other 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 considered 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 immediately feasible, and in anticipation of a future annexation (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).

Requests 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 determines to condition the approval upon a later annexation of the affected property, the condition shall normally include a requirement that the owner record an agreement consenting to annex the territory, which agreement shall bind future owners of the

property. A signed, notarized annexation agreement was submitted with the extension of services application.

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 often 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 2006), 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 East 8th Street right-of-way.

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 one single-family dwelling unit. 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 R-20 rezoning 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 County 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 continued use of the parcel for residential purposes. The extension of services will be conditioned to state that the extension of sewer services is for existing development only. Any additional development on the parcel, such as a replacement dwelling or a second dwelling unit, will not be allowed unless the parcel is first annexed to the City of Chico. Additionally, a condition of the emergency authorization to allow the parcel to 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 or in the area. 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 contiguous to City of Chico jurisdictional boundaries on two sides and annexation to the City is very feasible. The emergency sewer connection authorization (**Exhibit D**) that allowed the parcel to connect to the City's sewer system noted that a condition of this extension of services request will require that the City of Chico initiate an annexation of the subject parcel.*

A 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 annexation consent agreement and covenant has been recorded with the Butte County Recorder's Office and all prospective buyers of the parcel will be aware of annexation requirement.

Environmental Analysis

The proposed 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 residential use; 2) the residential use is consistent with the City's General Plan and rezoning and with the County's General Plan and Zoning Ordinance; and 3) the City has already extended sewer infrastructure to the area.

Staff Recommendation

This proposal meets all of the five criteria established to review service extensions in that:

- 1) The City has documented its ability to provide service;
- 2) The proposal is consistent with current land use plans for the City;
- 3) The proposal will have an insignificant effect on growth and development;
- 4) The proposal will not cause impacts to agricultural land.

The fifth criterion is difficult to assess in that the City has clearly indicated no desire to initiate annexation of the subject parcel. However, an annexation consent agreement and covenant for the subject parcel was submitted with the extension of services application. Additionally, this extension of services proposal has been conditioned to require the City of Chico to initiate an annexation of the subject parcel.

This extension of services authorization is intended only for development on the effected parcel that existed at the time of application to LAFCo, which for this project is one single-family dwelling unit. Staff recommends that the Commission approve the extension of City of Chico sanitary sewer services to the subject parcel, but with the following condition that prohibits new development that requires additional sewer service:

The authorization to extend City of Chico sewer services to the subject parcel (APN 002-150-039 - 2273 East 8th Street) is explicitly restricted to the current, existing use on the parcel as of the date of the LAFCo authorization, which is a 3-bedroom, 2-bath, 2,035 square foot conventionally built dwelling unit. 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.

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 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. 04 2015/16 authorizing the City of Chico to provide sanitary sewer service outside the City's boundary to the property located at 2273 East 8th Street (APN 002-150-039) in the unincorporated Chico area.
- C. Direct the Executive Officer to provide written notice to the City of Chico stating that the City of Chico shall initiate an annexation of the subject parcel within three (3) months of approval of this extension of services authorization.

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 Betts

Stephen Betts
Deputy Executive Officer

Attachments:

Exhibit A: Area Map – pg. 2

Exhibit B: Draft LAFCo Resolution No. 04 2015/16 – pg. 8

Exhibit C: Septic System Inspection Report – pg. 11

Exhibit D: Signed Emergency Extension of Services Authorization – pg. 12

DRAFT

Exhibit B

RESOLUTION NO. 04 2015/16

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF BUTTE
AUTHORIZING THE CITY OF CHICO TO
PROVIDE OUT-OF-AGENCY SANITARY SEWER SERVICES
TO 2273 EAST 8TH STREET (APN 002-150-039), 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 public sanitary sewer services by the City of Chico to 2273 East 8th Street (APN 002-150-039), 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 July 17, 2015, 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 subject parcel is contiguous to the City of Chico's jurisdictional boundaries on two sides and annexation of the parcel to the City of Chico is highly feasible due to this contiguity. Annexation of the subject parcel would result in logical, efficient, and effective jurisdictional boundaries; and

WHEREAS, due to failing leach lines and to prevent potential health and safety issues, the subject parcel was allowed to connect to the City of Chico's sanitary sewer system under an emergency authorization granted by the LAFCo Executive Officer on June 25, 2015; and

WHEREAS, the signed emergency authorization for the subject parcel contained a note that stated LAFCo will place a condition on the extension of services application that requires the City of Chico to initiate annexation of the subject parcel; and

WHEREAS, a City of Chico sanitary sewer line is installed within the East 8th Street 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 September 9, 2015, 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 September 9, 2015, 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 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 August 25, 2015, for the meeting of September 9, 2015.
- B. The Commission authorizes the City of Chico to extend sanitary sewer service outside the City's boundary to the property located at 2273 East 8th Street (APN 002-150-039), in the unincorporated Chico area.
- C. The proposal is assigned the following short form designation: 15-22 - City of Chico – Extension of Services – 2273 East 8th Street.
- D. The purpose of the extension of services is to allow the City of Chico to provide public sanitary sewer service to the subject parcel.
- E. The City of Chico's sanitary sewer system has adequate capacity to serve the subject parcel and a City of Chico sanitary sewer line is located within the East 8th Street right-of-way.
- 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 to support development on the subject parcel that existed at the time of application to LAFCo.

Section 3. Conditions requested by LAFCo:

- A. The City of Chico shall initiate, through a resolution of application, the annexation of the parcel within three (3) months of the approval of this extension of services authorization.
- B. All LAFCo fees must be paid in full prior to the extension of service authorization becoming effective.
- C. The authorization to extend City of Chico sewer services to the subject parcel (APN 002-150-039 - 2273 East 8th Street) is explicitly restricted to the current,

existing use on the parcel as of the date of the LAFCo authorization, which is a 3-bedroom, 2-bath, 2,035 square foot conventionally built dwelling unit. 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.

PASSED AND ADOPTED by this Local Agency Formation Commission of the County of Butte, on the 9th day of September 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINS:

ATTEST:

Clerk of the Commission

CARL LEVERENZ, Chair
Butte Local Agency Formation Commission

Exhibit C

THRIFTY ROOTER INVOICES Client History

INVOICE # 157122

Find Current Service Address 2273 E. 8TH ST.

<input type="checkbox"/> Old Invoices	First DOUG	Client # 8597	<input checked="" type="radio"/> Current <input type="radio"/> Archived	Job City CHICO	
	Last / Firm ALEXANDER			Ordered By DOUG	
Total Waived	Address 2273 E. 8TH ST			Service Date 6/8/15	
	CHICO, CA 95928			Worker(s) JAY/WILL/AL	
Finance Waived	Phone 345-6242		<input type="button" value="Unlock"/>	Service Charge \$350.00	
	Remarks OPENED TANK, PUMPED DOWN, JETTED TIGHT LINE AND LOCATED D-BOX. LINES ARE FAILED. OWNER NEEDS NEW LEACH LINES IMMEDIATELY.			Inspection Fee	
Principal Waived				Vacuum Truck \$150.00	
				Miscellaneous	
Last Bill				Materials	
				Sales Tax \$0.00	
				Discounts	
				Total \$500.00	

Service Performed LEACH LINE INVESTIGATION

Cause Of Stoppage Roots Grease Other

Length Of Line Total Feet Cleaned Pipe Diameter Gallons Pumped

Principal \$500.00 Finance \$0.00 Total Due If Paid On Or Before 7/8/2015: \$500.00

Principal	Finance	Date Paid	Amount	Current	Check #	Bank #	Check Total	Charge
\$500.00				<input type="checkbox"/>				<input type="checkbox"/>
				<input type="checkbox"/>				<input type="checkbox"/>
				<input type="checkbox"/>				<input type="checkbox"/>
				<input type="checkbox"/>				<input type="checkbox"/>
				<input type="checkbox"/>				<input type="checkbox"/>
				<input type="checkbox"/>				<input type="checkbox"/>

Exhibit D



BUTTE LOCAL AGENCY FORMATION COMMISSION

1453 Downer Street, Suite C • Oroville, California 95965-4950
(530)538-7784 • Fax (530)538-2847 • www.buttelafco.org

Emergency Extension of Services Application

Purpose: This Emergency Extension of Services Application is intended to be used by a local agency to request an immediate authorization from Butte LAFCO for urgent service extensions subject to ALL of the following criteria:

1. The lack of service being requested constitutes an immediate health and safety concern; and
2. The property is currently developed; and
3. There are physical restrictions on the property that prohibit a conventional service delivery method typically suited to the unincorporated area (i.e., septic tank, private well, etc.)

Process: The local agency shall complete the Emergency Extension of Services Application and submit it to the Executive Officer (via mail, fax or email) who will immediately evaluate the request and is authorized to approve the immediate extension of services subject to submission by the affected agency within 30 days of emergency approval, a complete Extension of Services Application with appropriate fees for Commission consideration.

Please provide the following information:

Applicant (local agency) CITY OF CHICO

Assessor's Parcel Number(s): 002-150-039

Street Address: 2273 E. 8th ST

Landowner Name: DOUGLAS ALEXANDER

Requested Service(s): Sewer

Reason for Emergency Extension of Service(s): FAILED LEACH LINES

(Note: Please attach documentation from the local agency, a licensed contractor or the Butte County Environmental Health Division if for a septic system or well failure.)

As the local agency providing emergency services to the affected parcel, I certify that the reason for the emergency condition is accurate and the agency understands the responsibility to submit a formal application and all appropriate fees as noted above.

Authorized Local Agency Contact: Name: RICK RODRIGUEZ
Title: ENG. TECH. II
Signature: [Handwritten Signature]

Approved by LAFCO Executive Officer (or designee) on JUNE 25, 2015 *

[Handwritten Signature]
Executive Officer Signature

*** SEE NOTE ON BACK SIDE
OF THIS FORM.**

**JUN 17 2015
OROVILLE, CA**

Emergency Service Extension Authorization Caution Notice

June 25, 2015
2273 E. 8th Street (Alexander)

This parcel is contiguous to City boundaries and therefore it is feasible to annex to the City in order to obtain sewer services.

Staff will recommend to the Commission that the sewer service extension authorization be conditioned to require the City to initiate annexation of the parcel. Such a condition was placed on previous service extension applications (e.g. 1904 Oak Way).

If annexation cannot be supported by the City, the City may wish to reconsider whether or not to provide sewer services under this Emergency Authorization and wait for the Commission to consider the request without the decision burdened by an existing sewer connection that would be difficult to undo.

Alternatively, the City may wish to advise the property owner to immediately seek annexation if circumstances allow.