MEMORANDUM

TO: Local Agency Formation Commission
FROM: Stephen Lucas, Executive Officer
SUBJECT: Agenda Item 6.1 - Executive Officer’s Report
DATE: May 29, 2019 for the meeting of June 6, 2019

ADMINISTRATION:

1. The Special District regular non-enterprise Commissioner seat is vacant and subject to election. Staff circulated a ballot to the special districts for a third sixty day period with a closing date of July 5, 2019. As of the date of this report, nineteen (19) ballots have been returned, short of the 21 ballots required to obtain a quorum. During the interim period Special District alternate member McGreehan will fill the vacated seat.

PROJECT NOTES:

The following proposals are currently being considered:

- **Agriculture Groundwater Users of Butte County** - Proposed formation of California Water District (Landowner voter district) to serve agricultural lands roughly north of Durham to the Tehama County line and west of SR99 to the Sacramento River.
- **Thermalito Sewer and Water District** - Sphere of Influence Amendment and Annexation of the clay pits recreation area southeast of the Oroville airport along Larkin Road.
- **Oroville Mosquito Abatement District** - Dissolution and Annexation of territory to Butte County Mosquito and Vector Control District. Working with OMAD legal counsel to develop District dissolution resolution/application, preparation of 2018/19 audit and CalPERS exit.
- **County of Butte** - Expansion of Powers for CSA 164 to add fire protection services.
- **South Feather Water and Power Agency** - MSR/SOI Update and comprehensive annexation plan to address domestic water services to the Palermo area and other areas.
- **Lake Oroville Public Utility District** - Annexation of 50 acre/130 home Garden Oaks Subdivision located on southeast corner of Lincoln Blvd. and Ophir Road.
- Update to LAFCO service extension policy concerning consideration of exemptions under GC56133 which is currently being done by the Executive Officer.

CALAFCO:

LEGISLATION: The CALAFCO Daily Legislative Report of May, 2019 is provided (Attachment 1) for Commission information.

GENERAL NOTES: None
APPLICATION ACTIVITY:

<table>
<thead>
<tr>
<th>File</th>
<th>Applicant</th>
<th>Project Name</th>
<th>Date Application Received</th>
<th>Certificate of Filing</th>
<th>LAFCO Hearing Date</th>
<th>Certificate of Completion</th>
<th>SBE Submittal Date</th>
<th>Additional Comments</th>
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<tr>
<td>11-06</td>
<td>Butte County</td>
<td>CSA No. 114 - Expansion of Powers</td>
<td>02/02/11</td>
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<td>Chico</td>
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<td>Clay Pit State Recreation Area Annexation</td>
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CAMP FIRE RECOVERY UPDATE

1. Staff became aware that the Butte County Mosquito and vector Control District (BCMVCD) is facing an extremely dangerous mosquito breeding season within the Camp Fire burn scar due to thousands of exposed septic systems, unmanaged pools and a myriad of other standing water sources that offer breeding habitat. Based on LAFCos MSR prepared for the BCMVCD, Staff was keenly aware of the District's current operational and funding status and knew it could not ramp up to meet this threat. Staff reached out to a number of sources (BCPH, FEMA, USDA, NVCF/Butte Strong Fund) to connect them with the District for possible funding. Staff also provided a letter of support to the NVCF/BSF (Attachment 2) and requested a similar letter from the Butte County Medical Officer (Attachment 3). As of this date, funding options are favorable, but not guaranteed.

2. The Paradise Recreation and Park District (PRPD) contacted LAFCO Staff for assistance in determining house sizes (sq.ft.) that were destroyed by the Camp Fire and being rebuilt. The District will use this data to determine if development impact fees will need to be collected should rebuilt homes exceed the original square footage. The LAFCo Staff coordinated with the Butte County Assessor's Office and will be providing this data upon request of the District for the foreseeable future.

3. **AB 430** - Gallagher (Attachment 4) proposes to provide a streamlined permitting of housing units in the cities of Chico, Oroville, Biggs, Gridley and Orland (Glenn Co.) with the exception of the Town of Paradise by allowing for a ministerial review process for new residential development that would not be subject to CEQA. The Bill passed off the Assembly Floor on May 20, 2019 by a 70-1 vote and sent to Senate Rules Committee for assignment. At present, the Cities of Oroville, Gridley, Biggs, Paradise and Butte County support the Bill. The City of Chico is opposed to the Bill as it is perceived to be a loss of local control and bypasses public input.

As currently written, the Bill is restricted to proposals within the jurisdictional boundaries of the identified cities and has removed the language concerning spheres of influence.
with the exception of "specialized residential planning areas identified in the general plan of, and adjacent to existing urban development". The Bill also restricts the use of the Bill on agricultural or conservation lands among others. From a LAFCO perspective, this Bill is not likely to significantly affect LAFCO as we do not have authority over approvals of development proposals and generally act as a responsible agency under CEQA.

Camp Fire Outreach Log (4/25/19 to 5/29/19)

5/9/19 Attended Camp Fire Economic Summit with Dr. Robert Eyler. Made contact with Tammy Laizure, USDA; Joan Rave, FEMA; Sally Trip USDA all of whom asked the role of LAFCO and specific discussions about sewer services and mosquito impacts.

5/10/19 Follow-up with Sally Trip, USDA to schedule meeting with BCMVCD to explore funding options to address mosquito issues in burn scar.

5/13/19 Discussion with Leah Greenbaum, CAL OES Natural/Cultural Resources team. Discussed cemetery and park district needs to include historical structures, parks, outreach programs, communications, facilities and new wild fire programs and use of parks for emergency preparedness.

5/14/19 Attended Paradise Town Council meeting. Discussions concerning sewer, mosquitoes and water. Town elected to pursue the "local" sewer option which is to build a WWTP and collection system within Town limits.

5/14/19 Attended PID meeting at which the District explained the process moving forward to secure clean water delivery to all existing uses. This will involve several rounds of water line testing before a line is considered "clean".

5/16/19 Met with Sally Trip, USDA, Jack Slota, FEMA and Matt Ball to discuss mosquito fighting needs within the burn scar. Options available for funding.

5/22/19 Attended Paradise Town Council meeting for recovery plan update from UDA. The meeting focused on future fire prevention building standards and allowed residents to vote which features were liked/disliked.

5/24/19 Met with Matt Ball, BCMVCD to discuss funding options to combat increased mosquito threat.

Attachments: 1. CALAFCO Legislative Update
               2. LAFCO Letter of Support for the BCMVCD
               3. Butte County Public Health Letter of Support for the BCMVCD
               4. AB 430
AB 508  (Chu D) Drinking water: consolidation and extension of service: domestic wells.
Introduced: 2/13/2019
Last Amended: 5/6/2019
Status: 5/24/2019-In Senate. Read first time. To Com. on RLS. for assignment.
Summary:
The California Safe Drinking Water Act requires the State Water Resources Control Board, before ordering consolidation or extension of service, to, among other things, make a finding that consolidation of the receiving water system and subsumed water system or extension of service to the subsumed water system is appropriate and technically and economically feasible. This bill would modify the provision that authorizes consolidation or extension of service if a disadvantaged community is reliant on a domestic well described above to instead authorize consolidation or extension of service if a disadvantaged community, in whole or in part, is reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water.
Position:  Watch
Subject:  Disadvantaged Communities, Water
CALAFCO Comments:  This bill allows the SWRCB to order an extension of service in the case a disadvantaged community has at least one residence that are reliant on a domestic well that fails to provide safe drinking water. It allows members of the disadvantaged community to petition the SWRCB to initiate the process. It allows the owner of the property to opt out of the extension. The bill also places limitations on fees, charges and terms and conditions imposed as a result of the extension of service. Finally, the extension of service does not require annexation in the cases where that would be appropriate.

AB 600  (Chu D) Local government: organization: disadvantaged unincorporated communities.
Introduced: 2/14/2019
Last Amended: 4/29/2019
Status: 5/22/2019-Referred to Com. on GOV. & F.
Summary:
Under current law, an application to annex a contiguous disadvantaged community is not required if, among other things, a local agency formation commission finds that a majority of the registered voters within the disadvantaged unincorporated community are opposed to the annexation, as specified. This bill would additionally provide that an application to annex a contiguous disadvantaged community is not required if the commission finds that a majority of the registered voters within the affected disadvantaged unincorporated community would prefer to address the service deficiencies through an extraterritorial service extension.
Attachments:
CALAFCO Oppose letter_05_07_19
LAFCo Oppose letter template_05_07_19
CALAFCO Oppose Letter REV_April 19, 2019
LAFCo Oppose letter template REVISED
CALAFCO Oppose Letter_April 16, 2019
LAFCo Oppose letter template
Position:  Oppose
Subject:  Disadvantaged Communities, Water
CALAFCO Comments:  As amended on April 29, the bill still has a number of issues. The bill still allows for an extension of service in lieu of annexation. The bill adds (8)(C) to Government Code Section 56375. As written, this section creates confusion and contradicts §56375(8)(A). It appears the intention is to prohibit LAFCo from approving the annexation of two or more contiguous disadvantaged communities within five years that are individually less than ten acres but cumulatively more than ten acres. If so, then this language conflicts with §56375(8)(A), which allows for commission policies to guide the commission in determining the size of the area to be annexed. Further, the term “paragraph” as used in this section creates uncertainty as to what section or subsection is actually being addressed.
The bill does nothing to address the engineering and financial issues that must be solved in order to ensure sustainable service. Further it does not allow for local circumstances and conditions to be considered by offering a “one size fits all” approach.

**AB 1253 (Rivas, Robert D) Local agency formation commissions: grant program.**

*Current Text:* Introduced: 2/21/2019  [html](#)  [pdf](#)

*Introduced:* 2/21/2019

*Status:* 5/24/2019-In Senate. Read first time. To Com. on RLS. for assignment.

*Summary:* This bill would require the Strategic Growth Council, until July 31, 2025, to establish and administer a local agency formation commissions grant program for the payment of costs associated with initiating and completing the dissolution of districts listed as inactive, the payment of costs associated with a study of the services provided within a county by a public agency to a disadvantaged community, as defined, and for other specified purposes, including the initiation of an action, as defined, that is limited to service providers serving a disadvantaged community and is based on determinations found in the study, as approved by the commission. The bill would specify application submission, reimbursement, and reporting requirements for a local agency formation commission to receive grants pursuant to the bill. The bill would require the council, after consulting with the California Association of Local Agency Formation Commissions, to develop and adopt guidelines, timelines, and application and reporting criteria for development and implementation of the program, as specified, and would exempt these guidelines, timelines, and criteria from the rulemaking provisions of the Administrative Procedure Act. The bill would make the grant program subject to an appropriation for the program in the annual Budget Act, and would repeal these provisions on January 1, 2026. This bill contains other existing laws.

*Attachments:*  
LAFCo Support Letter Template  
CALAFCO Support letter Feb 2016

*Position:* Sponsor

*Subject:* Disadvantaged Communities, LAFCo Administration, Municipal Services, Special District Consolidations

*CALAFCO Comments:* This is a CALAFCO sponsored bill following up on the recommendation of the Little Hoover Commission report of 2017 for the Legislature to provide LAFCos one-time grant funding for in-depth studies of potential reorganization of local service providers. Last year, the Governor vetoed AB 2258 - this is the same bill. The Strategic Growth Council (SGC) will administer the grant program. Grant funds will be used specifically for conducting special studies to identify and support opportunities to create greater efficiencies in the provision of municipal services; to potentially initiate actions based on those studies that remove or reduce local costs thus incentivizing local agencies to work with the LAFCo in developing and implementing reorganization plans; and the dissolution of inactive districts (pursuant to SB 448, Wieckowski, 2017). The grant program would sunset on July 31, 2024. The bill also changes the protest threshold for LAFCo initiated actions, solely for the purposes of actions funded pursuant to this new section. It allows LAFCo to order the dissolution of a district (outside of the ones identified by the SCO) pursuant to Section 11221 of the Elections code, which is a tiered approach based on registered voters in the affected territory (from 30% down to 10% depending). The focus is on service providers serving disadvantaged communities. The bill also requires LAFCo pay back grant funds in their entirety if the study is not completed within two years and requires the SGC to give preference to LAFCOs whose decisions have been aligned with the goals of sustainable communities strategies. The fiscal request is $1.5 million over 5 years. CALAFCO is attempting to get this in the May revise budget so there is no General Fund appropriation (the reason Gov. Brown vetoed the bill).

**AB 1389 (Eggman D) Special districts: change of organization: mitigation of revenue loss.**

*Current Text:* Introduced: 2/22/2019  [html](#)  [pdf](#)

*Introduced:* 2/22/2019

*Status:* 5/3/2019-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/14/2019)(May be acted upon Jan 2020)

*Summary:* Would authorize the commission to propose, as part of the review and approval of a proposal for the establishment of new or different functions or class of services, or the divestiture of the power to provide particular functions or class of services, within all or part of the jurisdictional boundaries of a special district, that the special district, to mitigate any loss of property taxes, franchise fees, and other revenues to any other affected
local agency, provide payments to the affected local agency from the revenue derived from the proposed exercise of new or different functions or classes of service.

**Position:** Watch

**Subject:** CKH General Procedures

**CALAFCO Comments:** This bill allows LAFCo, when approving a proposal for new or different functions or class of service for a special district, to propose the district provide payments to any affected local agency for taxes, fees or any other revenue that may have been lost as a result of the new service being provided.

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**AB 1751** (Chiu D) Water and sewer system corporations: consolidation of service.

**Current Text:** Amended: 5/1/2019  html  pdf

**Introduced:** 2/22/2019

**Last Amended:** 5/1/2019

**Status:** 5/24/2019-In Senate. Read first time. To Com. on RLS. for assignment.

**Summary:**

Current law authorizes the State Water Resources Control Board to order consolidation of public water systems where a public water system or state small water system serving a disadvantaged community consistently fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking Water Act of 2019, would authorize a water or sewer system corporation to file an application and obtain approval from the commission through an order authorizing consolidation with a public water system or state small water system, or to implement rates for the subsumed water system.

**Position:** Watch

**Subject:** Water

**CALAFCO Comments:** This bill allows for water (public or state small) or sewer systems corps to file an application for consolidation with the SWRCB.

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**AB 1822** (Committee on Local Government) Local Government: omnibus.

**Current Text:** Amended: 4/8/2019  html  pdf

**Introduced:** 3/11/2019

**Last Amended:** 4/8/2019

**Status:** 5/22/2019-Referred to Com. on GOV. & F.

**Calendar:**

6/5/2019  9:30 a.m. - Room 112  SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

**Summary:**

Current law requires a commission to develop and determine the sphere of influence of each city and each special district within the county and enact policies designed to promote the logical and orderly development of areas within each sphere. Current law requires the commission, in order to prepare and update spheres of influence in accordance with this requirement, to conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission, as specified. Current law defines “sphere of influence” to mean a plan for the probable physical boundaries and service area of a local agency. Current law defines the term “service” for purposes of the act to mean a specific governmental activity established within, and as a part of, a general function of the special district, as specified. This bill would revise the definition of the term “service” for these purposes to mean a specific governmental activity established within, and as a part of, a function of the local agency.

**Attachments:**

CALAFCO Support letter_April 16, 2019
LAFCo Support letter template

**Position:** Sponsor

**Subject:** LAFCo Administration

**CALAFCO Comments:** This is the annual Omnibus bill.

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**SB 414** (Caballero D) Small System Water Authority Act of 2019.

**Current Text:** Amended: 5/17/2019  html  pdf

**Introduced:** 2/20/2019

**Last Amended:** 5/17/2019

**Status:** 5/24/2019-In Assembly. Read first time. Held at Desk.
Summary:
Would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified.

Position: Support
Subject: Water

CALAFCO Comments: This bill is very similar to AB 2050 (Caballero) from 2018. Several changes have been made. This bill is sponsored by Eastern Municipal Water District and the CA Municipal Utilities Assoc. The intent is to give the State Water Resources Control Board (SWRCB) authority to mandate the dissolution of existing drinking water systems (public, mutual and private) and authorize the formation of a new public water authority. The focus is on non contiguous systems. The SWRCB already has the authority to mandate consolidation of these systems, this will add the authority to mandate dissolution and formation of a new public agency. LAFCo will be responsible for dissolving any state mandated public agency dissolution, and the formation of the new water authority. The SWRCB's appointed Administrator will act as the applicant on behalf of the state. LAFCo will have ability to approve with modifications the application, and the new agency will have to report to the LAFCo annually for the first 3 years.

SB 646  (Morrell R)  Local agency utility services: extension of utility services.
Current Text: Amended: 5/7/2019  html  pdf
Introduced: 2/22/2019
Last Amended: 5/7/2019

Summary:
The Mitigation Fee Act, among other things, requires fees for water or sewer connections, or capacity charges imposed by a local agency to not exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed, unless a question regarding the amount of the fee or charge imposed in excess of the reasonable cost of providing the service or materials is submitted to and approved by 2/3 of the electors voting on the issue. The Mitigation Fee Act defines the term “fee” for these purposes. This bill would revise the definition of “fee” to mean a fee for the physical facilities necessary to make a water connection or sewer connection, and that the estimated reasonable cost of labor and materials for installation of those facilities bears a fair or reasonable relationship to the payor’s burdens on, or benefits received from, the water connection or sewer connection.

Position: Neutral
Subject: CKH General Procedures

CALAFCO Comments: UPDATE AS OF THE 4/11/19 AMENDMENTS: These amendments address all of our concerns and the bill now only addresses fees. This bill does 3 things. (1) Seeks to add a provision to 56133 that requires LAFCo to approve an extension of service regardless of whether a future annexation is anticipated or not. It further requires the service provider to extend the provision of service to a property owner regardless of whether there is a pending annexation or pre-annexation agreement. The newly proposed subsection directly contradicts subsection (b). (2) Changes the definition of “fee” by requiring the new few "is of proportional benefit to the person or property being charged." There is no reasonable definition or application of "proportional benefit". (3) Narrows the scope of application of Section 56133 to water or sewer service; and prohibits the service provider to charge higher fees and charges to those outside the jurisdictional boundaries.
May 22, 2019

Alexa Benson-Valavanis, President/CEO  
North Valley Community Foundation   
340 Main Street, Suite 260  
Chico, CA 95928  

Re: Camp Fire Impacts Letter of Support for the Butte County Mosquito and Vector Control District  

Dear Ms. Benson-Valavanis:  

The Butte Local Agency Formation Commission (LAFCo) offers its full support for the Butte County Mosquito and Vector Control District’s (BCMVCDD) request for financial assistance from the North Valley Community Foundation/Butte Strong Fund.  

The Butte LAFCO conducted an extensive Municipal Service Review and Sphere of Influence Update of the Mosquito Abatement Districts in Butte County. This study found that the BCMVCD was underfunded for combating the extreme mosquito breeding conditions that exist in Butte County. The BCMVCD is fully responsible for providing all mosquito abatement services within the entire Camp Fire burn scar area.  

Now the BCMVCD faces the unprecedented task of mitigating mosquito conditions in the Camp Fire burn scar area where there are approximately 14,000 abandoned septic tanks, several thousand abandoned swimming pools, and countless thousands of smaller water sources that will produce millions of adult mosquitoes and the potential for considerable disease transmission. The BCMVCD is not, nor could it be, prepared for this herculean task that will require additional manpower (surveillance, testing, treatment), equipment (specialized sprayers for aerial larvicides) and large quantities of treatment products (larvicides, adulticides). This effort will cost the BCMVCD hundreds of thousands of non-budgeted dollars to address, money that simply does not exist in their current budget scheme.  

Needless to say, this represents a clear and present public health problem that if not effectively addressed, may result in considerable public health impacts. It is for these reasons that we support an immediate request to the North Valley Community Foundation/Butte Strong Fund (NVCF/BSF) to provide much needed funding to address this issue that has a significant relationship with the Town’s recovery and the protection of thousands of day workers over the coming months and perhaps years.  

We strongly support the BCMVCD’s efforts and its request to the NVCF/BSF for financial assistance in order to mitigate the extreme health and safety concerns presented by untreated mosquito populations.  

Sincerely,  

Steve Lucas  
Executive Officer  

Sent Via Email to: avalavanis@nvcf.org  

cc: Matt Ball, BCMVCD  
LAFCO  
Scott Lotter
May 9, 2019

To: NVCF/BSF

Last year the Butte LAFCO did an extensive Municipal Service Review and Sphere of Influence Update of the Mosquito Abatement Districts in Butte County.

One of the results of this update was that all the Districts were found to be underfunded for the extreme mosquito breeding conditions that exist in Butte County.

Now the Butte County Mosquito and Vector Control District (BCMVCD) faces the unprecedented task of mitigating mosquito conditions in the Camp Fire burn scar area where there are approximately 14,000 abandoned septic tanks, several thousand abandoned swimming pools, and countless thousands of smaller water sources that will produce millions of adult mosquitoes and the potential for considerable disease transmission. The BCMVCD is not, nor could it be, prepared to adequately respond to this new threat. Additional response will be needed, including additional manpower (surveillance, testing, treatment), equipment (specialized sprayers for aerial larvacides) and large quantities of treatment products (larvacides, adulticides). This effort will cost the BCMVCD hundreds of thousands of non-budgeted dollars to address, money that simply does not exist in their current budget.

Needless to say, this represents a clear and present public health problem that if not effectively addressed, may result in considerable public health impacts. It is for these reasons that we support an immediate request to the North Valley Community Foundation/Butte Strong Fund (NVCF/BSF) to provide much needed funding to address this issue that has a significant relationship with the Town’s recovery and the protection of thousands of workers over the coming months and perhaps years. This letter is to show our support of funding to BCMVCD.

Best Regards,

Andrew Miller, M.D. Health Officer
Butte County Public Health
202 Mira Loma Drive
Oroville, CA 95966

Existing law authorizes a development proponent to submit an application for a development permit that is subject to a streamlined, ministerial approval process and not subject to a conditional use permit if the development satisfies specified objective planning standards, including that the development is a multifamily housing development that contains 2 or more residential units.

This bill would authorize a development proponent to submit an application for a residential development, or mixed-use development that includes residential units with a specified percentage of space designated for residential use, within the territorial boundaries or sphere of influence of a specialized residential planning area identified in the general plan of, and adjacent to existing urban development within, specified cities that is subject to a similar streamlined, ministerial approval process and not subject to a conditional use permit if the development satisfies specified objective planning standards. The bill would require a city local government to notify the development proponent in writing if the city local government determines that the development conflicts with any of those objective standards by a specified time; otherwise, the development is deemed to comply with those standards. The bill would limit the authority of a city local government to impose parking standards or requirements on a streamlined development approved pursuant to these provisions, as provided. The bill would provide that if a city local government approves a project pursuant to that process, that approval will not expire if that project includes investment in housing affordability, and would otherwise provide that the approval of a project expire expires automatically after 3 years, unless that project qualifies for a one-time, one-year extension of that approval. The bill would provide that approval pursuant to its provisions would remain valid for 3 years and remain valid thereafter so long as vertical construction of the development has begun and is in progress, and would authorize a discretionary one-year extension, as provided. The bill would prohibit a city local government from adopting any requirement that applies to a project solely or partially on the basis that the project receives ministerial or streamlined approval pursuant to these provisions. The bill would repeal these provisions as of January 1, 2026.

This bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all of the specified cities, including charter cities.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial
evidence that the project, as revised, would have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

By establishing a streamlined, ministerial approval process for certain housing developments, this bill would expand the exemption for the ministerial approval of projects under CEQA.

This bill would make legislative findings and declarations as to the necessity of a special statute for the cities specified in the bill.

By imposing new duties on local agencies within the County of Butte with respect to the streamlined, ministerial approval process described above, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known, and may be cited, as the Camp Fire Housing Assistance Act of 2019.

SEC. 2. The Legislature finds and declares all of the following
(a) The Camp Fire, which started on November 8, 2018, in the County of Butte, is the deadliest and most destructive wildfire in California.
(b) The fire displaced over 50,000 people and the surrounding areas do not have sufficient capacity to absorb this population.
(c) To provide timely housing relief for the area, it is necessary to streamline the building process within specified cities in the impacted region.

SEC. 3. Section 65913.7 is added to the Government Code, to read:

65913.7. SEC. 3. Section 65913.15 is added to the Government Code, to read:

65913.15. (a) Notwithstanding Section 65913.4, a development proponent may submit an application for a development that is subject to the streamlined, ministerial approval process provided by subdivision (b) and is not subject to a conditional use permit if the development satisfies all of the following objective planning standards:
(1) The development is located within the territorial boundaries or the sphere of influence of a specialized residential planning area identified in the general plan of, and adjacent to existing urban development within, any of the following:
(A) The City of Biggs.
(B) The City of Chico.
(C) The City of Gridley.
(D) The City of Orland.
(E) The City of Oroville.
(2) The development is either a residential development or a mixed-use development that includes residential units with at least two-thirds of the square footage of the development designated for residential use, not including any land that may be devoted to open-space or mitigation requirements.
(3) The development has a minimum density of at least four units per acre.
(3)
(4) The development is located on a site that either meets both of the following requirements:
(A) The site is no more than 50 acres.
(B) The site either:
(A) Is zoned for residential use or residential mixed-use development.

(B) Is consistent with the general plan and general plan policies and has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use, not including any land that may be devoted to open space or mitigation requirements.

(4) The development, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915, is consistent with objective zoning standards, objective subdivision standards, and objective design review standards in effect at the time that the development is submitted to the city local government pursuant to this section.

(5) The development will achieve sustainability standards sufficient to receive a gold certification under the United States Green Building Council’s Leadership in Energy and Environmental Design for Homes rating system, or the comparable rating under the GreenPoint rating system or voluntary tier under the California Green Building Code (Part 11 (commencing with Section 101) of Title 24 of the California Code of Regulations).

(6) The development is not located on a site that is any of the following:

(A) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

(B) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(C) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. A parcel is not ineligible within the meaning of this subparagraph if it is located on either of the following:

(i) A site excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179.

(ii) A site that has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(D) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(E) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

(F) Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is
otherwise eligible for streamlined approval under this section, a city local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that city local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

(i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the city local government.

(ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(G) Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a city local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that city local government that is applicable to that site.

(H) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(i) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by any of the following:


(ii) The California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code).

(iii) The Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(J) Lands under conservation easement.

(8) The development does not require the demolition of a historic structure that was placed on a national, state, or local historic register.

(9) The development shall not be upon an existing parcel of land or site that is governed under any of the following:

(A) The Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code).

(B) The Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code).

(C) The Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code).

(D) The Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(b) (1) If a city local government determines that a development submitted pursuant to this section is in conflict with any of the objective planning standards specified in subdivision (a), it shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, as follows:
(A) Within 60 days of submittal of the development to the city local government pursuant to this section if the development contains 150 or fewer housing units.

(B) Within 90 days of submittal of the development to the city local government pursuant to this section if the development contains more than 150 housing units.

(2) If the city local government fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the objective planning standards specified in subdivision (a).

(c) Any design review or public oversight of the development may be conducted by the city’s local government’s planning commission or any equivalent commission responsible for review and approval of development projects or the city council, as appropriate. That design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a city local government before submission of a development application, and shall be broadly applicable to development within the jurisdiction. That design review or public oversight shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

(1) Within 90 days of submittal of the development to the city local government pursuant to this section if the development contains 150 or fewer housing units.

(2) Within 180 days of submittal of the development to the city local government pursuant to this section if the development contains more than 150 housing units.

(d) (1) Notwithstanding any other law, a city, local government, whether or not it has adopted an ordinance governing automobile parking requirements in multifamily developments, shall not impose automobile parking standards for a streamlined development that was approved pursuant to this section in any of the following instances:

(A) The development is located within one-half mile of public transit.

(B) The development is located within an architecturally and historically significant historic district.

(C) When on-street parking permits are required but not offered to the occupants of the development.

(D) When there is a car share vehicle located within one block of the development.

(2) If the development does not fall within any of the categories described in paragraph (1), the city local government shall not impose automobile parking requirements for streamlined developments approved pursuant to this section that exceed one parking space per unit.

(e) (1) If a city local government approves a development pursuant to this section, then, notwithstanding any other law, that approval shall not expire if the project includes public investment in housing affordability and 50 percent of the units are affordable to households making below 80 percent of the area median income. For purposes of this paragraph, “public investment in housing affordability” does not include tax credits.

(2) If a city local government approves a development pursuant to this section and the project does not include 50 percent of the units affordable to households making below 80 percent of the area median income, that approval shall automatically expire after three years, except that a project may receive a one-time, one-year extension if the project proponent provides documentation that there has been significant progress toward getting the development construction ready, such as filing a building permit application.

(3) If a city local government approves a development pursuant to this section, that approval shall remain valid for three years from the date of the final action establishing that approval and shall remain valid thereafter for a project so long as vertical construction of the development has begun and is in progress. Additionally, the development proponent may request, and the city local government shall have discretion to grant, an additional one-year extension to the original three-year period. The city’s local government’s action and discretion in determining whether to grant the foregoing extension shall be limited to considerations and process set forth in this section.
A city local government shall not adopt any requirement, including, but not limited to, increased fees or inclusionary housing requirements, that applies to a project solely or partially on the basis that the project is eligible to receive ministerial or streamlined approval pursuant to this section.

This section does not affect a development proponent’s ability to use any alternative streamlined by right permit processing adopted by a city, local government, including the provisions of subdivision (i) of Section 65583.2.

For purposes of this section, the following terms have the following meanings:

1. “Development proponent” means the developer who submits an application for streamlined approval pursuant to this section.

2. “Local government” means a city or a county, including a charter city or a charter county, that has jurisdiction over a development for which a development proponent submits an application pursuant to this section.

3. “Objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, local government, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to subparagraph (B).

4. A development shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum allowable residential density within that land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted.

This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 4. The Legislature finds and declares that, for the reasons stated in Section 2 of this act, Section 3 of this act adding Section 65913.7 65913.15 to the Government Code addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 3 of this act adding Section 65913.7 65913.15 to the Government Code applies to all cities specified in that section, including charter cities.

SEC. 5. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the findings and declarations set forth in Section 2 of this act.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.