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

TO: Local Agency Formation Commission
FROM: Stephen Lucas, Executive Officer
SUBJECT: **LAFCo File 19-05 – City of Chico – Extension of Services – 1212 Glenwood Avenue**
DATE: December 26, 2018, for the meeting of January 3, 2019

Summary

The City of Chico is requesting approval to extend sanitary sewer services to a single unincorporated parcel that is developed with a single residential unit use (**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 with a condition that requires the City of Chico to initiate the annexation of the parcel within three (3) months of the approval of this extension of services request. Draft Resolution 09 2018/19 (**Exhibit B**) contains recommended conditions of approval.

General Information

Application Submitted: December 06, 2018

Application Deemed Complete: December 11, 2018

100% Landowner Consent: Yes

Notice and Hearing Required: No

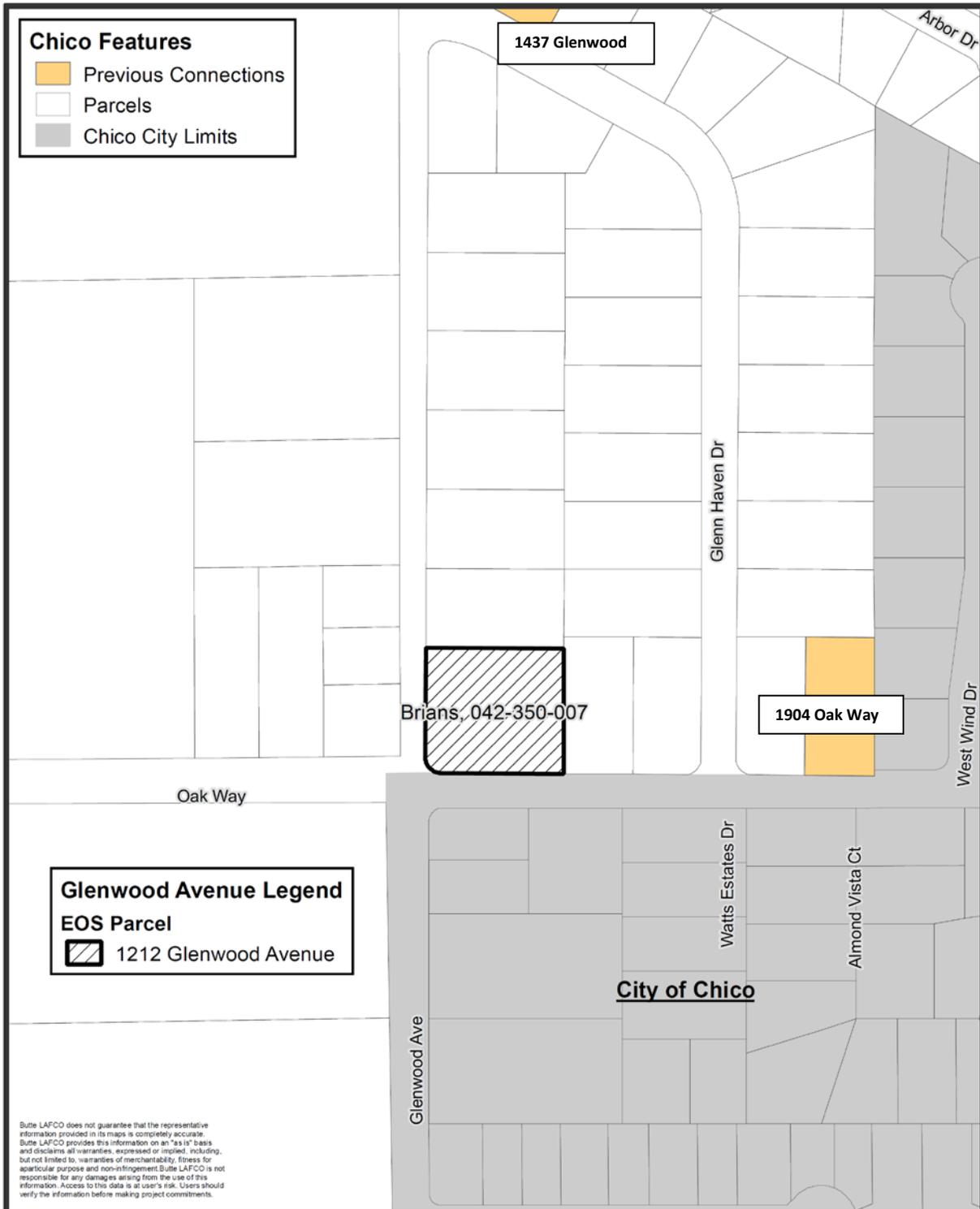
Proponent: City of Chico

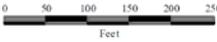
Landowners: Matthew and Brenna Brians

Location: The subject parcel is located south and west of Glen Haven Drive, north of Oak Way and east of Glenwood Avenue in the unincorporated Chico area. The subject parcel is identified as Assessor’s Parcel Number 042-350-007 (1212 Glenwood Avenue), Chico, CA. The territory is located in Supervisorial District 2.

Proposal: Extension of City of Chico sanitary sewer service to a single parcel.

Requested Action: Adopt Resolution 09 2018/19 (**Exhibit B**) approving the extension of City of Chico sanitary sewer services.



Butte Local Agency Formation Commission		 City of Chico Extension of Services 1212 Glenwood Avenue
City of Chico - Extension of Services - 1212 Glenwood Avenue		
Applicant: City of Chico	Date: January 3, 2019 @ 9:00 a.m.	File: 19-05
		 c:\projects\lafco_projects \lafco_glenwood_ave_19_05 \glenwood_av_19_05.mxd Data: LAFCO, City of Chico

DISCUSSION AND ANALYSIS

Background

The subject parcel, which is approximately 0.84 acres in size, is developed with a 3-bedroom, 2-bath, 2,327 square foot single-family residential dwelling built in 1961. Domestic water supply for the dwelling is provided by the California Water Service Company and a private well. The parcel fronts on the corner of Glenwood Avenue and Oak Way, which are public county roads. Oak Way is partially improved with curbs, gutters, and sidewalks. Land uses on the surrounding parcels are single-family dwellings to the north, east and south and single-family dwellings and agriculture to the west. A City of Chico sewer line is located within the Glenwood Avenue and the Oak Way right-of-ways.



Project Site – 1212 Glenwood Avenue (Photo – Google Maps)

As shown on the map (Exhibit A) on page 2, the parcel is contiguous to the City of Chico jurisdictional boundaries on the south side. Annexation of the parcel is very feasible given the contiguity to the City's boundaries and would have been directed by Staff to annex first if not for the emergency connection scenario discussed below. The City has not indicated a desire to annex this area at this time. Annexation of the subject parcel would ensure the creation of logical, efficient, and effective jurisdictional boundaries.

Until recently, sewage disposal for the dwelling on the subject parcel was handled by an on-site septic system. A recent inspection (**Exhibit C**) of the septic system determined that the septic tank leach field was not discharging liquid from the tank and was considered failed. 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 November 14, 2018, the City of Chico staff submitted an emergency extension of services application to allow the City of Chico to connect the parcel to the City's sanitary sewer system. On November 14, 2018, 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. The parcel owner has signed the Annexation Consent and Covenant which consents to the annexation of the parcel at any future date.

Land Use/Zoning Designations

The Butte County General Plan designates the subject parcel as Medium Density Residential (up to 6 dwelling unit per acre) and the parcel is zoned Medium Density Residential (up to 6 dwelling unit per acre). The City of Chico's General Plan designates the parcel as Low Density Residential (2.1 up to 7 units per acre) and the City has rezoned the parcel as R1 (2.1 to 7 units per acre). The single-family residential 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 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 Glenwood Avenue and Oak Way right-of-ways.

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. This use is consistent with the City of Chico's General Plan land use designation of Low Density Residential and with the City's R1 rezoning of the parcel. The existing use is also consistent with the County's General Plan land use designation of Medium Density Residential and the County's zoning of Medium Density 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 single-family 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. 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 the City of Chico jurisdictional boundaries and annexation to the City is feasible. The emergency sewer connection authorization (**Exhibit D**) allowing the parcel to connect to the City's sewer system noted that the Commission may 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 City of Chico does not support the annexation of the affected parcel at this time and provided the following response in its application:

"The City does not believe a single-parcel annexation would result in improved logical boundaries or the enhanced provision of public services. Further, the City is currently coordinating with Butte LAFCo on a significant annexation of the Morseman "island" and will also be incorporating the Chapman and Mulberry areas in July 2020. City sewer lines were extended down Glenwood Avenue as part of the larger Nitrate Compliance Program. The provision of sewer service in the street in front of the property is an existing condition, and it makes sense to allow this parcel with a failing septic to hook-up to the more efficient and environmentally sensitive sanitary sewer system. When a larger development proposal in this area is proposed, it would logically result in the annexation of the area."

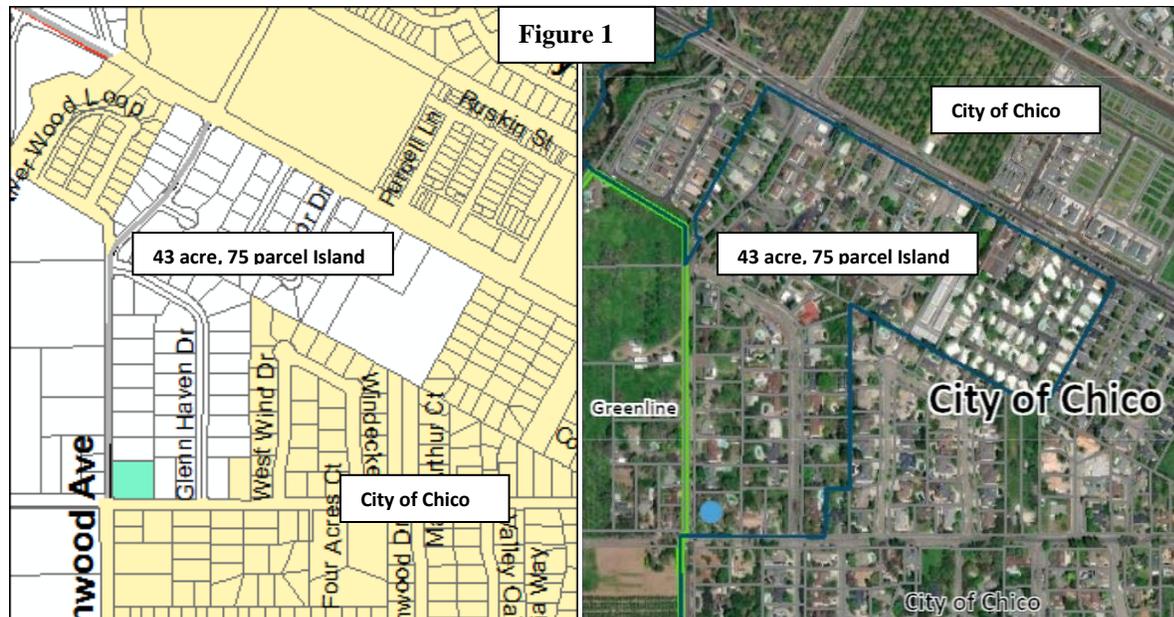
Discussion/Recommendation

Consistent with past (1904 Oak Way - 3 parcels to the east of this proposal, 2273 E. 8th St.), similar Commission approvals and policy, Staff recommends the Commission find that the annexation of the parcel is feasible, that annexation is preferable to a service extension by contract and the request be approved subject to the following conditions:

- The authorization to extend City of Chico sewer services to the subject parcel (APN 042-350-007 – 1212 Glenwood Avenue) 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, 2,327 square foot single-family residential dwelling. 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.
- The City of Chico shall initiate, through a resolution of application, the annexation of the parcel within three (3) months of the approval of the extension of service authorization

Alternative Actions

- An alternative action would be to consider the City's comments above and approve the request and determine that annexation is not desirable or practical at this time and wait for a larger development to trigger an annexation of the area. As shown in Figure 1 below, the affected parcel is located in a 43 acre island area bordering on the Greenline that is fully developed and it appears unlikely that a new development will be proposed in this area that would trigger an annexation.
- Staff does concur with the City's comment that this single parcel annexation may not be the best approach in this scenario. Given the past sewer extensions in this area (1904 Oak Way, 1437 Glenwood Ave) including another recently approved emergency connection at 1417 Glenwood, it would be reasonable and logical for the City to initiate an island annexation of this area that would allow all landowners to connect to the City sewer system at their convenience without any further LAFCO involvement. This would no doubt assist the owners of numerous multifamily units on the north end of Glenwood Avenue with smaller lots on existing septic systems as well as the manufactured home park fronting Nord Avenue (SR32) on the northeast corner of the island area.



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.

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. 09 2018/19 authorizing the City of Chico to provide sanitary sewer service outside the City's boundary to the property located at 1212 Glenwood Avenue (APN 042-350-007) 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 - Approve the requested service extension and 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 entire 43 acre island area utilizing the island annexation law within three (3) months of approval of this extension of services authorization.

OPTION 3 - DENY the proposal.

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

ACTION REQUESTED: Approve OPTION 1.

Respectfully submitted,

Stephen Lucas

Stephen Lucas
Executive Officer

Attachments:

Exhibit A: Area Map – pg. 2

Exhibit B: Draft LAFCo Resolution No. 09 2018/19 – pg. 8

Exhibit C: Septic Pumper Report – pg. 11

Exhibit D: Signed Emergency Extension of Services Authorization – pg. 12-13

DRAFT

Exhibit B

RESOLUTION NO. 09 2018/19

**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 1212 GLENWOOD AVENUE (APN 042-350-007), 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 1212 Glenwood Avenue (APN 042-350-007), 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 December 11, 2018, 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 one side 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 November 14, 2018; 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 Glenwood Avenue and Oak Way right-of-ways 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 January 3, 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 January 3, 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 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 December 20, 2018, for the meeting of January 3, 2019.
- B. The Commission authorizes the City of Chico to extend sanitary sewer service outside the City's boundary to the property located at 1212 Glenwood Avenue (APN 042-350-007), in the unincorporated Chico area.
- C. The proposal is assigned the following short form designation: 19-05 - City of Chico – Extension of Services – 1212 Glenwood Avenue.
- D. The purpose of the extension of services is to allow the City of Chico to provide public sanitary sewer service to the existing development 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 Glenwood Avenue and Oak Way right-of-ways.
- 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 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 042-350-007 – 1212 Glenwood Avenue), 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, 2,327 square foot single-family dwelling. 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 3rd day of January 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINS:

ATTEST:

Clerk of the Commission

CARL LEVERENZ, Chair
Butte Local Agency Formation Commission

Exhibit C



P.O. Box 6302
 Chico CA 95927
 Lic. #772565
 (530)343-0330

BILL TO

Brenna and Matthew Brians
 1212 Glenwood Avenue
 Chico, CA 95926 USA

ESTIMATE 5133093	ESTIMATE DATE Nov 02, 2018
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JOB ADDRESS

Brenna and Matthew Brians
 1212 Glenwood Avenue
 Chico, CA 95926 USA

Job: 4915636

Completed Date:

ESTIMATE DETAILS

Sanitary sewer - Copy: Sewer lateral tie into the street has to performed due to septic tank leak field has been failed due to not discharging for liquid from tank. This residence has no facilities at this time. This is a urgent matter.

TASK	DESCRIPTION	QTY	PRICE	TOTAL
DR001	Drain Line Replacement - BID: Excavation from residence to tie in street. Supply and install Sewer with two way clean outs in SDR 35 pipe. Obtain all permits for work. Back fill of dirt after work performed. Replace of asphalt in road way after work performed. Landscaping to be restored by owner after work performed.	1.00	\$14,782.14	\$14,782.14

MEMBER SAVINGS	\$0.00
SUB-TOTAL	\$14,782.14
TAX	\$0.00
TOTAL	\$14,782.14

Thank you for trusting us with your home. We hope you've been pleased with our service. If you're not, please let us know. If you are, please tell your friends about us. We welcome your referrals.

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): 042-350-007-000_____

Street Address: _____ 1212 Glenwood

Landowner Name: _____Matt and Brenna Brians

Requested Service(s): Sewer

Reason for Emergency Extension of Service(s): _____Failed Leach Lines per Plumber's Est.

(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: Matt Thompson_____
Title: Sr. Civil Eng.
Signature: _____ *MET*

Approved by LAFCO Executive Officer (or designee) on 11-14-18

Executive Officer Signature

* SEE CAUTION NOTICE
ON BACK SIDE

Emergency Service Extension Authorization Caution Notice

November 14, 2018
1212 Glenwood Ave (Brians)
APN 042-350-007

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 by the Commission.

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.