

BUTTE LOCAL AGENCY FORMATION COMMISSION
Minutes of December 4, 2008

1. Call to Order

Chair Leverenz called the meeting to order at 9:03 a.m., December 4, 2008, in the Butte County Board of Supervisors Chambers, 25 County Center Drive, Oroville, California.

1.1 Roll Call

Present: Commissioners Lotter, Sweany, Beck, Dolan, and Chair Leverenz

Absent: Commissioners Connelly & Busch

Others Present: Stephen Lucas, LAFCO Executive Officer
Stephen Betts, LAFCO Deputy Executive Officer
Jill Broderson, LAFCO Management Analyst
Joy Stover, LAFCO Commission Clerk
P. Scott Browne, LAFCO Legal Counsel
Greg Steel, Alternate LAFCo Commissioner

2. Consent Agenda

2.1 Approval of the Minutes of November 6, 2008.

2.2 09-06 – Town of Paradise / Paradise Irrigation District – Merrill Road Annexation No. 1

Action: *Moved item to the regular agenda.*

2.3 Approval of a Master Services Agreement with U.S. Bank for a Purchasing Card Program for Butte LAFCo.

Action: Adopt Resolution No. 08 2008-09 authorizing participation in the State of California's CAL-Card Program.

It was moved by Commissioner Sweany, seconded by Commissioner Beck, and carried to approve the Consent Agenda. *Item 2.2 was pulled to the regular agenda.*

The motion was carried by the following roll call vote:

AYES: Commissioners Lotter, Sweany, Beck, Dolan and Chair Leverenz
NOES: None
ABSENT: Commissioners Connelly and Busch
ABSTAINS: None

3. NOTICED PUBLIC HEARINGS – None

4. REGULAR AGENDA

**4.1 Items Removed from the Consent Agenda –
09-06 – Town of Paradise / Paradise Irrigation District – Merrill Road
Annexation No. 1**

Steve Betts, LAFCo Deputy Executive Officer, stated letters in opposition were received prior to and after the agenda packets were mailed out and copies have been distributed to the Commission for review. Mr. Betts went over some of the oppositions contained in the letters.

Chair Leverenz opened this item to the public.

Danielle Wyllie, residing on Merrill Road, Paradise, stated all surrounding property owners are against this annexation. Ms. Wyllie requested this item be postponed until at least the January LAFCo meeting to allow her time to further analyze the report & to meet with an attorney.

Ron Sonntag, son of applicants (Dr. Walter and Diane Sonntag), stated the subdivision project has been in the entitlement process for several years & was processed through the Town of Paradise and no appeal was made at that time.

Chris Chaluka stated he is a former planning commissioner from Eldorado County and a friend of the Merrill Road group. Mr. Chaluka stated part of the problem is the Initial Study for the Town of Paradise has been attached to this project and it has caused confusion with the surrounding property owners.

Angie Dodge, residing at Merrill Road & Mattel Road, stated she just found out about this project two days ago. Ms. Dodge stated this affects her very deeply as Merrill Road narrows right at her home. Ms. Dodge voiced her concerns over the approval of this project.

Steve Betts stated some approval dates made by the Town of Paradise for clarification purposes.

John Wyllie, property owner, stated the property owners on the north and east sides of this property oppose the annexation. He stated his main concern is health and safety issues especially where children are concerned.

Nicole Ledford, lead engineer with NorthStar Engineering for this project, stated she has been working on this project for the last 4 years. Fire related issues have been addressed with the fire department. Ms. Ledford stated the access road will be considerably improved. Hydrology on the property will be collected and analyzed. Run-off will be kept at pre-development level – most likely through some type of soil system, but has not been exactly designed at this time. The Septic Systems will be standard systems & will have to meet all the Town of Paradise's regulations.

Andrea Gaylord, landowner, gave a historical perspective of the property. Ms. Gaylord stated this property has been owned and occupied by her family for close to 100 years. Ms. Gaylord stated she wanted to speak for future generations and preservation of the property and stated she had not been informed of this project by the Town.

Scott McKenzie, property owner, stated most of the land owners that are contiguous to the property do not want this development. He stated this is a migratory deer issue and many different types of animals live in & migrate through this area. Mr. McKenzie gave his concerns on fire hazards in the area.

Evelyn Johnson, area resident, stated the whole project is designed to dump drainage south to the county and the county will be used as a dumping ground. Ms. Johnson stated her well is within 75 feet of the project boundary. She also voiced concerns over issues related to fire.

Angie Dodge, resident, voiced her concerns over traffic and fire related issues.

Robert Milberg, property owner, stated he would like at least to have a month to review the access issue before action is taken.

Craig Baker, Assistant Community Director for the Town of Paradise, thanked the people for showing up today and stated he welcomes the people to come into the Town offices to meet with town staff over this project. Mr. Baker stated it is his belief that the drainage would be handled adequately, noticing of the project was administered according to the 300 foot law, the road will be designed as a private road with private road standards, additional fire hydrants will be installed, homes will be of fire resistant construction and Paradise Irrigation District already has an agreement with the property owners. The project is in compliance with the Town's cul-de-sac requirements. Mr. Baker went over further issues related to the project.

Chair Leverenz asked if the Commission continues this item for 30 days will it cause a hardship to the Town or the applicants. Mr. Baker said he sees no hardship to the Town but perhaps to the applicant.

Commissioner Lotter asked if continuing this item would accomplish anything since it is beyond the appeal period and he didn't want to give people false hope that the Commission can change anything.

Chair Leverenz stated he would like to see the Commission give the people time to meet with the Town staff and go over their concerns with the staff and learn more about the project.

Commissioner Beck asked Ron Sonntag if there is any timeline hardship to the applicants if we table this item for 30 days. Mr. Sonntag stated in terms of a hardship, he can't say it would create a hardship but they [the concerned property owners] have had several years to appeal this to the Town Council.

Chair Leverenz closed the public portion of the hearing.

Commissioner Dolan asked Commissioner Lotter if the Town of Paradise held a hearing such as this LAFCo hearing. Commissioner Lotter stated yes and there was no opposition at that hearing.

Commissioner Beck moved for adoption of the annexation to the Town of Paradise, the motion died for lack of a second.

Commissioner Lotter moved to continue this item to the January 9th, 2009 LAFCo meeting, seconded by Commissioner Sweany, and carried.

The motion was carried by the following roll call vote:

AYES: Commissioners Lotter, Sweany, Dolan and Chair Leverenz
NOES: Commissioner Beck
ABSENT: Commissioners Connelly & Busch
ABSTAINS: None

4.2 Request for Waiver of Application Filing Fees for LAFCo File No. 09-05 – City of Chico – Extension of Services – Bidwell Avenue (Egan)

Chair Leverenz stated a letter was received from the applicant Ms. Egan for review by the Commission.

Commissioner Dolan voiced her concerns about the accuracy of the letter received and voiced her concerns that granting this waiver would be a violation of the gift of public funds.

Chair Leverenz opened the item for public comment. None received.

Commissioner Dolan moved to deny the request for waiver of fees, seconded by Commissioner Lotter, and carried.

The motion was carried by the following roll call vote:

AYES: Commissioners Lotter, Sweany, Beck, Dolan and Chair Leverenz

NOES: None
ABSENT: Commissioners Connelly & Busch
ABSTAINS: None

4.3 Consideration of the Municipal Service Review Scope of Work for the Oroville Area Wastewater Service Providers.

Steve Betts stated staff has prepared a preliminary Scope of Work showing the draft elements required to be in the review and emphasized this is only a draft showing basic information. A questionnaire will be sent to the affected agencies and once that is returned, staff will set up a meeting with the agencies to go over the issues raised.

Commissioner Dolan discussed a possible timeline for this review to be done. Mr. Betts stated we will give the agencies one month to return the questionnaire then it will probably taken approximately three months before we are ready to prepare the Draft MSR and present the Draft MSR to the Commission. We are looking at possibly May 2009 to start the public hearing process.

No action was taken at this time.

4.4 County Service Area Powers and Determination of Active and Latent Powers.

The County of Butte submitted a letter to the Commission requesting this item be removed from the agenda.

Steve Lucas, LAFCo Executive Officer, gave a brief review of the Butte LAFCo process involved in this item. Mr. Lucas stated there is an issue with some of the wording included in the list that was provided with the Staff Memo regarding this item.

Scott Browne, LAFCo legal counsel, stated he will research and confirm whether Butte LAFCo is required by the law to prepare a list. If we are required by the law to do the list, we will bring it back to the Commission as a discretionary matter as opposed to a mandatory matter.

Commissioner Dolan moved to table this item indefinitely, seconded by Commissioner Beck, and carried.

The motion was carried by the following roll call vote:

AYES: Commissioners Lotter, Sweany, Beck, Dolan and Chair Leverenz
NOES: None
ABSENT: Commissioners Connelly & Busch
ABSTAINS: None

5. Public Comment on Items not on the Agenda – None

6. Reports and Communications

6.1 Executive Officer's Report

Steve Lucas, LAFCo Executive Officer, summarized the Executive Officer's Report.

Mr. Lucas informed the Commission that the county has been looking at options to provide a County Wide Sewerage District and at this point no decision has been made. The County staff may be looking at presenting something to the Board of Supervisors sometime in the near future.

Mr. Lucas stated a vacancy has opened on the California Special Districts' Association Board and stated since Butte LAFCo is now a member of this association, Commission members can serve as a member on the board.

Mr. Lucas gave an update to the Sphere of Influence Review for the Parks & Recreation Update.

6.2 Correspondence – None

7. ADMINISTRATION – None

8. ADJOURNMENT.

There being no further business, the meeting was adjourned at 10:26 a.m. to the Friday, January 9, 2009 scheduled meeting at 9:00 a.m. in the Butte County Board of Supervisors Chambers.

LOCAL AGENCY FORMATION COMMISSION



By: Stephen Lucas, Executive Officer

Minutes prepared by Joy Stover, LAFCO Commission Clerk