

**BUTTE LOCAL AGENCY FORMATION COMMISSION**  
**Minutes of December 2, 2010**

**1. CALL TO ORDER**

Chair Leverenz called the meeting to order at 9:00 a.m., on December 2, 2010, in the Butte County Board of Supervisors Chambers, 25 County Center Drive, Oroville, California.

**1.1 Roll Call**

Present: Commissioners Lotter, Duncan, Connelly, Sweany, Fichter, Lambert and Chair Leverenz.  
Alternate Commissioners Gill and Steel

Absent: Alternate Commissioners Yamaguchi and Schwab

Others Present: Stephen Lucas, LAFCO Executive Officer  
Stephen Betts, LAFCO Deputy Executive Officer  
Jill Broderson, LAFCO Management Analyst  
Joy Stover, LAFCO Commission Clerk  
Scott Browne, LAFCO Legal Counsel

**1.2 Welcome New Commissioner (County) – Supervisor Steve Lambert**

**1.3 Special Recognition of Service – Commissioner Jane Dolan**

**Commissioner Lotter made a motion to adopt Resolution No. 06 2010/11 – Resolution of Commendation for Jane Dolan. Commissioner Duncan seconded the motion and the motion carried with a unanimous vote.**

**2. CONSENT AGENDA**

**2.1 Approval of the Minutes of November 4, 2010**

**2.2 Adoption of 2011 LAFCO Calendar.**

**Commissioner Fichter made a motion to approve the consent agenda. The motion was seconded by Commissioner Lotter.**

**The motion was carried by the following vote:**

**AYES:** Commissioners Lotter, Duncan, Connelly, Sweany, Fichter, Lambert and Chair Leverenz  
**NOES:** None  
**ABSENT:** None  
**ABSTAINS:** None

### 3. NOTICED PUBLIC HEARINGS –

#### 3.1 11-03 MS – Review and Consideration of the Public Review Draft Municipal Service Review Update and Sphere of Influence Plan for the City of Gridley.

Steve Lucas, LAFCo Executive Officer, gave a quick background to the General Plan process for all five cities. Gridley, per LAFCo instructions, included in their General Plan Update a request for their Sphere of Influence Update which included an environmental review that was conducted for the sphere update.

Chair Leverenz addressed the audience and stated this is a public hearing and anyone who wishes to speak will be given an opportunity to do so.

Steve Betts, LAFCo Deputy Executive Officer, gave a brief overview of the City of Gridley's General Plan and Environmental Impact Report process. Steve Betts stated the City of Gridley does have an existing Sphere of Influence Plan which is dated 1986. State law requires that a Municipal Service Review be adopted by the Commission prior to adopting this update. In 2008, the Commission adopted the existing MSR for the City of Gridley. We are recommending changes to some of the determinations to ensure the information in the SOI plan is based on accurate and up to date information. Staff is recommending the Commission affirm the City's General Plan EIR as the environmental review for this proposal, affirm the City's Statement of Overriding Considerations and adopt the Sphere Plan.

Andrea Redamonti, Community Development Director for the City of Gridley, stated the City is pleased to see the Sphere Plan come before LAFCo Commission. Being the first Sphere Plan adopted under the new Laws and Policies we hope it serves as a model envisioned by the Commission for future Sphere Plan Updates. Andrea Redamonti thanked LAFCo staff for all their guidance and help in putting the Sphere Plan together. Andrea Redamonti gave a brief historical review of the Sphere Plan progress.

Beverly Burr, Burr Consulting, Consultant for the City of Gridley, went over the updates that have been prepared for the Municipal Service Review. Beverly Burr provided a PowerPoint presentation showing the proposed updates for the Sphere of Influence Plan.

The process used to anticipate growth in the Gridley area was explained. Beverly stated there is a 48 month timeline between Sphere expansion and the ability to reach annexation, based on entitlement and other constraints. Beverly Burr stated there will need to be coordination between the cities of Biggs and Gridley to assure economies scale for both of these relatively small cities to ensure services and facilities are extended in the most efficient way.

Jeff Goldman, AECOM, Planner on the General Plan working with the City of Gridley, discussed the implementation of the General Plan that would include growth both within the existing city and within the growth area. Jeff Goldman went into the process that was used in looking at agriculture and prime farmland and the impacts development can have. Jeff Goldman stated the City wants to recognize that agriculture and agricultural operations should be allowed to continue as they always have and a Right-to-Farm ordinance can address that. Ag Buffers were mentioned and the importance of their use as urban expansion occurs. The comprehensive EIR that was prepared for the City of Gridley was explained.

Commissioner Connelly stated since the City is trying to protect Ag land, why don't they adopt the [Ag Buffer] setbacks required by the County when there is urbanization so it is consistent with the County instead of stating they will adopt [Ag Buffer] policies in the future?

Andrea Redamonti stated she met with Tim Snellings, with Butte County Land Development, to initiate a conversation regarding how the City's Ag Buffer policy can incorporate the County standards. In the past, the 300 foot buffer wasn't really effective as an agricultural buffer. In the new General Plan the city is looking for a more permanent way to buffer agriculture lands between urban uses such as trails, walkways, park systems, etc. The City intends to adopt Ag Buffer policies that are consistent with what the County has adopted.

Steve Lucas gave a historical review of how the Ag Buffer has been used in the past and how it came to be. Steve Lucas stated the 300 foot Buffer may become idle land as the city continues to grow to the north.

Commissioner Connelly stated the County and City Ag Buffer policies need to be consistent.

Steve Betts stated staff outlines some of the land use policies in the staff report provided to the Commission and it states that in most cases the Ag Buffers should be under 300 feet.

Chair Leverenz opened the item to the public.

Scott Friend, City Planner for the City of Biggs stated he wanted to give Biggs' input on this issue. The City of Biggs has enjoyed a positive working relationship with the City of Gridley lately and they want to continue that. Scott Friend said they are not here to oppose the City of Gridley's General Plan, their Sphere of Influence Amendment request, or the plan as it is being presented. We are here to ask you to consider an alternative to what is being offered. Scott Friend asked the Commission to consider allowing the expansion of the City of Gridley's Sphere within the "near term development horizon" as shown on Figure 1.2. City of Biggs is 100% respectful of this request. Let the process that was started by the adoption of the Area of Concern play out. The City of Biggs council is very much concerned that if the Commission approves the whole sphere amendment today that you are really compromising the integrity of what the vision of the Area of Concern was about. If you are going to approve the whole sphere amendment at this time, then the City of Biggs ask that you rescind the Area of Concern designation.

Chair Leverenz asked about the overlapping areas mentioned in the City of Biggs' letter and Chair Leverenz stated he doesn't see any overlap. Scott Friend concurred. Chair Leverenz asked if the City of Biggs anticipates that they will provide a Sphere of Influence and General Plan update that will go to that south line. It appears there would be about 60% of the Area of Concern lands remaining and if the City of Biggs intends to add the rest of the lands in the Area of Concern to their sphere then he can understand doing away with the Area of Concern designation.

Scott Friend clarified on the map the area, about 10 or 12 parcels, that is the heart of what the area of concern dialogue was all about. Scott Friend stated the City of Biggs has started their General Plan update again and showed on the map the area Biggs is looking

at putting in their sphere. Scott Friend stated they are not at the point of requesting a sphere of influence amendment so he cannot responsibly answer the question as to what the City of Biggs is going to bring forth. The City of Biggs sees some of the area proposed to be put into the City of Gridley's sphere potentially being put into the City of Biggs' sphere.

There was discussion regarding which city has the ability to provide services to the proposed City of Gridley Sphere Amendment area over the next 10 to 20 years.

Chair Leverenz stated from a LAFCo perspective, the City of Gridley has come to LAFCO stating here is our General Plan, here's what we can serve and we are entitled to have some certainty. To restrict that would require some type of overriding consideration that the City of Biggs is suggesting that the needs and future planning for Biggs is going to be impacted. Obviously we need to balance that with the right of Gridley to get some degree of certainty.

Mike Boeger stated his father's Trust owns the biggest block of property to the west of the railroad tracks (120 acres) and he does not want to be in the Biggs Sphere of Influence or be in the City of Biggs. Mike Boeger stated the Commission needs to make political and economic decisions & he hopes the Commission will give the freedom to Gridley to make the decisions that they think are in their best interest.

David Halimi, lives and owns businesses in the Butte County for the past 48 years and he wants to give his support to the Sphere of Influence Plan. David Halimi stated the time is now to open all doors that create opportunities for the much needed economic stimulus and the proposed action before the Commission does exactly that.

Chair Leverenz closed the public portion of the hearing.

Beverly Burr stated she would like to respond to one comment related to the Area of Concern. Gridley preferred the area to remain within the designated Area of Concern. The Area of Concern offers Gridley and Biggs some notice, that when proposals for development come in, that those two cities are noticed there could be some benefit. If an official LAFCo Area of Concern is not the vehicle of joint planning, perhaps some type of joint ordinance between the two cities could be the vehicle for joint planning. Joint planning requires that both agencies to be actively conducting planning.

Commissioner Lambert asked for clarification on a large parcel just north of town.

Steve Lucas stated this was a proposal that was submitted by Dunmore Communities to the City of Gridley before the economic down turn and the proposal is currently on hold with the City. This parcel was previously known as the Deniz Ranch.

Commissioner Connelly asked LAFCo counsel when two communities are like this is there some legal precedence such as the first one to do their sphere update gets the land or what?

Scott Browne, LAFCo counsel stated the Commission is vested with broad discretion as to where you draw these lines.

Commissioner Connelly stated he loves both communities and he'd like to see some kind of compromise between both communities.

Steve Lucas showed on the map the current City of Biggs' General Plan area and that line does not overlap with what Gridley has proposed.

Steve Lucas recommended that the area remain within the Area of Concern instead of being removed as previously recommended by staff.

**Commissioner Duncan made a motion to approve the LAFCo staff recommendation and adopt Resolution No. 05 2010/11 with amendments as noted. The motion was seconded by Commissioner Lambert. The resolution to be amended to state the area is to remain within the Gridley & Biggs Area of Concern and wording stating no annexation to the City of Gridley shall be approved which proposes urban development that will be adjacent to properties active in agricultural production unless the proposal includes a Buffer between the urban development and the agricultural use. The Buffer shall be consistent with the County Agricultural Buffer requirements. The Buffer condition may provide for elimination of the Buffer at such time as the adjacent farmland is converted to non-agricultural use.**

There was discussion regarding restrictions in the event developers determine the City of Biggs can provide sewer services more economically or more efficiently. It was stated that as development progresses, if it is found that a developer wants to annex into the City of Biggs then the applicant would need to apply for a Sphere Amendment to remove the parcel from Gridley's Sphere.

**The motion was carried by the following roll call vote:**

<b>AYES:</b>	Commissioners Lotter, Duncan, Connelly, Sweany, Fichter, Lambert and Chair Leverenz
<b>NOES:</b>	None
<b>ABSENT:</b>	None
<b>ABSTAINS:</b>	None

**4. REGULAR AGENDA**

**4.1 Items Removed from the Consent Agenda – None**

**5. PUBLIC COMMENTS NOT ON THE AGENDA –**

**6. REPORTS AND COMMUNICATION**

**6.1 Executive Officer's Report – None**

**6.2 Correspondence –**

Scott Browne stated an associate of his, Marsha Burch; recently received a ruling on a case she had appealed to the Fifth District Court that involves the Building Industry versus the County of Stanislaus and it basically upholds a right of a City or County to require farmland conservation easements. This is a first time we have a ruling out of a

court of record, which upholds the use of a requirement of conservation easements for mitigating conversion of farmland to urban uses.

**7. ADMINISTRATION – None**

**8. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:55 a.m. to the January 6, 2011 regularly scheduled meeting.

**LOCAL AGENCY FORMATION COMMISSION**



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**By: Stephen Lucas, Executive Officer**

Minutes prepared by Joy Stover, LAFCO Commission Clerk