

**BUTTE LOCAL AGENCY FORMATION COMMISSION**  
**Minutes of January 9, 2009**

**1. Call to Order**

Chair Pro Tem Connelly called the meeting to order at 9:02 a.m., January 9, 2009, in the Butte County Board of Supervisors Chambers, 25 County Center Drive, Oroville, California.

**1.1 Roll Call**

Present: Commissioners Lotter, Duncan, Steel, Sweany, Holcombe, Dolan, and Chair Pro Tem Connelly

Absent: None

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

**2. Consent Agenda**

**2.1 Approval of the Minutes of December 4, 2008.**

**It was moved by Commissioner Dolan, seconded by Commissioner Steel, and carried to approve the Consent Agenda.**

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

**AYES:** Commissioners Lotter, Steel, Sweany, Holcombe, Dolan and Chair Pro Tem Connelly  
**NOES:** None  
**ABSENT:** None  
**ABSTAINS:** Commissioner Duncan

**3. NOTICED PUBLIC HEARINGS –**

**3.1 Review and Consideration of the Draft Municipal Service Review for the City of Oroville.**

Steve Lucas, LAFCo Executive Officer, gave an update to the status of the Municipal Service Reviews (MSR) for all the agencies within the

county and stated the City of Oroville's MSR is the last one to be completed. Mr. Lucas discussed the remaining process that needs to be completed before this MSR can be fully adopted.

David Early, consultant with Design Community & Environment (DCE), presented a slide show presentation showing the findings to date within this MSR. Mr. Early stated DCE needs a closing date to the written comments in order to allow time for the administrative copy of the Final MSR to be prepared, but they would continue take comments until the Final MSR is adopted.

Commissioner Holcombe asked for clarification on section 3.5-3 Park Planning fees and stated under 4.1-2 the Impacts Fees section may need to note as a financial constraint, that the City is not collecting as high as it could under the Quimby Act.

Commissioner Dolan asked if the MSR is intended to be for the City as the existing city limits exists now or if it is for the Sphere of Influence area. Steve Lucas stated the MSR is a snapshot of those services that exist today and the level of those services and there's nothing statutory in the law that says it is specifically for within the city limits or the sphere of influence.

Mr. Early stated he understands the MSR to be an assessment of the city's ability to provide the services that it needs to provide and to ensure that those services are provided where the city is not the service provider, both within the city limits and those areas where the city might want to annex in the future.

There was further discussion on other areas of the MSR that need updates or revisions.

Chair Pro Tem Connelly voiced his concerns regarding approving this MSR without completing the sewer study, comments involving the El Medio Fire Department, and the Parks section and the impact fee situation that exist.

Eric Teitelman, Community Services Director for the City of Oroville, commented on some of the areas of the MSR brought up today and stated he will be submitting more comments to LAFCo.

Greg Melton, with Land Image Landscape Architects and Planners, speaking on behalf of the Feather River Recreation & Park District, said they would like some more time to get together with the consultants and LAFCo to discuss some of the items in the Parks & Recreation section of the MSR.

David Pittman, newly elected City of Oroville Councilman, stated he would like to respond to a couple of items in the MSR and request more time to prepare his comments as he just recently took office. Mr. Pittman stated a March adoption date would work better for him.

David Early requested a date of January 30, 2009 to close the formal written comments portion so the administrative draft can be published in time for the LAFCo meeting in March. Mr. Early clarified that this closes the comment period on the draft MSR only, but anyone can comment on this until the moment the Commission takes action on the Final MSR. Further comments can be received after the document is published and the public hearing is held.

It was clarified that the wastewater section would remain open until the regional sewer MSR is completed and language would be inserted in the Wastewater Collection section addressing this.

**Commissioner Duncan moved to close the formal written comments portion, including the public and all agencies, on January 30, 2009 (excluding the wastewater section) and direct staff to work with the agencies to bring back the Final Municipal Service Review for approval at the March 5, 2009 LAFCo meeting, seconded by Commissioner Dolan, and carried.**

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

**AYES:** Commissioners Lotter, Duncan, Steel, Sweany, Holcombe, Dolan and Chair Pro Tem Connelly  
**NOES:** None  
**ABSENT:** None  
**ABSTAINS:** None

#### **4. REGULAR AGENDA**

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

**4.2 LAFCo File 09-06 – Town of Paradise / Paradise Irrigation District – Merrill Road Annexation No. 1 (Continued from December 4, 2008 LAFCo meeting)**

Steve Betts, LAFCo Deputy Executive Officer, reported on the Town of Paradise meeting he attended on Dec. 18, 2008. Mr. Betts went over recent correspondence received on this project.

Commissioner Dolan asked Commissioner Lotter if he was in attendance at the Town meeting. Mr. Lotter said yes and stated there was opposition raised as well as support for the project. Mr. Lotter confirmed the subdivision has been approved by the Town of Paradise and the appeal period has expired.

Ron Sonntag spoke on behalf of his parents, Dr. Walter and Diane Sonntag, the applicants for this project. Mr. Sonntag stated his parents request the Commission's approval at this time. Mr. Sonntag went over project timeframes that have been met by his parents and stated his parents have agreed to all of the conditions of the Initial Study. He stated the Town's Planning Commission and the Town Council both approved this project and no appeal was raised during that time.

Ed Myers, Paradise resident, voiced his concerns regarding how development within the current town limits, even without this annexation, would severely impact the Paradise Irrigation District concerning water issues and fire protection.

Andrea Gaylord, Paradise landowner, asked the Commission under what circumstances would LAFCO not have this annexation go forward.

Commissioner Dolan stated the Commission would have to make the findings that the Town of Paradise is incapable of providing services.

Public Hearing was closed.

Commissioner Duncan stated during the fire if you were in the Paradise Irrigation District you were well protected under pressured water. The homes that burned were not in the Paradise Irrigation District.

**Commissioner Lotter moved to approve the annexation, seconded by Commissioner Duncan, and carried.**

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

**AYES:** Commissioners Lotter, Duncan, Steel, Sweany, Holcombe, Dolan and Chair Pro Tem Connelly  
**NOES:** None  
**ABSENT:** None  
**ABSTAINS:** None

**5. Public Comment on Items not on the Agenda**

