

LASSEN COUNTY LOCAL AGENCY FORMATION COMMISSION
Board of Supervisors Chambers 707 Nevada Street Susanville, CA 96130

REGULAR MEETING
October 16, 2017 - 3:00 p.m.

Meeting was called to order at 3:00 p.m. by Chairperson Eid.

Roll call of members present: Joe Franco, Brian Wilson, Chris Gallagher and Chairperson Todd Eid.
Absent: Jeff Hemphill

Staff Present: John Benoit, Executive Officer, Jennifer Stevenson, Assistant Executive Officer, and Gwenna MacDonald, Clerk.

Approval of Agenda

Motion by Commissioner Wilson to approve the agenda as submitted; Commissioner Franco provided a second and the motion carried. Ayes: Wilson, Franco, Gallagher and Eid. Absent: Hemphill.

Correspondence Mr. Benoit reviewed correspondence received from the County regarding Williamson Act Land notification.

Minutes

Motion by Commissioner Gallagher to approve the minutes of the August 14, 2017 meeting; Commissioner Wilson provided a second and the motion carried. Ayes: Gallagher, Wilson, Franco and Eid. Absent: Hemphill.

Public Comments No comments.

Continued Public Hearing: City of Susanville Sphere of Influence Update

Mr. Benoit introduced Jennifer Stevenson, and stated that she would be presenting the report.

Jennifer Stevenson reported that a map and memo had been provided in the packet. The map is a culmination of the discussions to date regarding the Sphere of Influence (SOI). Ms. Stevenson described the proposed and existing sphere on the map, noting the recommended reduction in the North, and the expansion in the south, to include areas already zoned for urban land uses. None of the areas in the proposed SOI are Williamson Act Lands. The proposed SOI is one idea of how LAFCo could move forward. There are several considerations that are odds; LAFCo is charged with the preservation of agricultural lands and promoting efficient services and logical boundaries. The focus on agricultural preservation is creating some illogical boundaries. Generally cities are the municipal service providers so it is recommended that the entirety of the Johnstonville area is included. Williamson Act lands provide a barrier between the northern and southern Johnstonville area. There are several instances of cities that have included agricultural land within their boundaries, with a developed agricultural land preservation policy prior to that inclusion that was determined by LAFCo to meet the responsibility to preserve agricultural land.

Ms. Stevenson explained that there were a few concerns with water service at the airport, and noted that the southern portion of the airport was not included in the proposed SOI. The City has indicated an interest to expand the water system to include the airport and that they are precluded from doing so because the area is not included in the Sphere. If LAFCo wanted to support the City in that expansion,

then it could either include that area in the SOI or develop a policy to make an exception given the agricultural land barrier.

Commissioner Gallagher asked if there was a possibility for the City and County to provide the service without it being included in the Sphere.

Mr. Benoit responded that the area has to be located in the Sphere unless it is a health or safety issue, then there is a method by which LAFCo could grant an out of area service agreement, making the finding that it is a health and safety issue. In that case, the City should be the applicant to LAFCo.

Mayor pro tem Franco asked what would be the determining factor or authorization to prove that it is a health and safety issue.

Mr. Benoit answered that a determination by the Lassen County Health Department and probably input from the State would be adequate determination. He added that the out of area service agreement would not be implemented to facilitate development, but rather to remedy an existing condition.

There was a general discussion regarding the water systems in place in Johnstonville, the opportunity to expand the existing system to serve area residents and the process to include new users into the system.

Ms. Stevenson continued by discussing island annexations, probable boundaries, and the establishment of a SOI that would include probable boundaries that indicate an anticipation that the territory would be annexed to the City at some point. There are concerns with extending the Sphere as far as it is depicted in the proposed map, and the importance of initiating discussion within the City and County to look to the future and come to some agreement about how the area will look. At this point, the County could uniformly decide to develop the area outside of the City's boundaries, and the City does not have a say in how that development would look and it would impact the ability of the City to extend infrastructure and future services to the area. It is not something that is likely to happen in the next 10 or 15 years, based upon current growth, but certainly in the next 20 to 30 years it could occur.

Commissioner Franco asked if the SOI remains as it is, could the City move forward and provide water services within the Sphere, without annexation of the property to the City first.

Mr. Benoit explained that LAFCo could grant an out of area services agreement, but it has to be in anticipation of annexation. LAFCo's adopted policies state that it has to be within a two year period.

Ms. Stevenson responded that generally when adopting a SOI, there is some type of pre-planning or zoning that has occurred. In this case, the City has not planned for these areas and the concern is that the SOI would be adopted to include areas prior to putting in that effort. LAFCo could adopt a provisional sphere, have the City come back with a General Plan update or some other steps taken to establish a zone for these areas, or if that has not occurred, roll back the SOI to what it had been before.

Commissioner Wilson stated that he is not in favor of that.

Chairperson Eid asked if there was any reason for the City to look at expanding the existing Sphere of Influence.

Commissioner Gallagher commented that with decreasing population in the City and County, there does not appear to be any urgency to expand the SOI.

Maury Anderson, Planning Director, stated that the County has half as many houses being built in the County than the previous year, and there is currently no development pressure that exists to warrant an increase in the SOI. It is important to be good stewards of the land, and the expansion of the SOI should start with looking at the Area Plan, and go through the planning process first.

Commissioner Wilson commented that a previous discussion indicated that the City SOI should mirror the SOI adopted by the Susanville Sanitary District.

Jim Chapman, Public Member alternated, commented that the law requires that LAFCo have the discussion regarding the SOI, it does not require that it be expanded or changed. He discussed growth rates in the region, the expansion of services and the impact that annexations have on existing customers. The planning process is important and should occur first.

Chairperson Eid thanked him for his comments and asked Mr. Benoit what the next steps should be.

Mr. Benoit stressed the importance of the City and County coming together to conduct joint planning for the Susanville Area. They should update the Area Plan, the City should then utilize that information to update the General Plan, and at that time, LAFCo would expand the SOI based upon the results of that planning effort. It is essential to not put the cart before the horse, and have a strategy and plan for development. It would be vetted through the CEQA process, the City and County would be in agreement on how it is supposed to progress, and he said that the point cannot be stressed enough.

Commissioner Wilson stated that the City has a priority list of projects and activities and he personally does not feel as if the planning effort is at the top of the list at this time, given the need for funding other priorities.

It was the general direction of the Commission to remove the parcel that was a portion of the Bartley Ranch from the SOI, and to bring it back for approval at the December meeting.

Chairperson Eid thanked Ms. Stevenson for her presentation, stating it was very thorough, readable, and understandable. He wanted to recognize the efforts. He thanked everyone for their comments.

Commissioner Franco stated that the discussion was important, valuable, and the Commission accomplished what it was supposed to.

At 3:57 p.m. Chairperson Eid continued the Public Hearing to December 11, 2017.

Appointment of Deputy Executive Officer Mr. Benoit explained that he has relied on the assistance of Ms. Stevenson in the past year to complete an increasing amount of his LAFCO duties, and in the interest of succession planning, it would be prudent for the Board to appoint her as the Deputy Executive Officer. The LAFCO law allows for that, and there would be no increase to the budget to make that appointment, and he discussed the value of having a back-up executive officer. Upon his retirement from the position, the Board would be under no obligation to appoint Ms. Stevenson to the position of Executive Officer.

Motion by Commissioner Franco to appoint Jennifer Stevenson to the position of Deputy Executive Officer for Lassen LAFCo; Commissioner Gallagher provided a second and the motion carried. Ayes: Franco, Gallagher, Wilson, and Eid. Absent: Hemphill.

Authorize Payment of Claims for August and September 2017 Mr. Benoit reviewed the claims presented for August and September, 2017 in the amount of \$9,463.39.

Motion by Commissioner Wilson to approve the claims for August and September, 2017 in the amount of \$9,463.39, Commissioner Gallagher provided a second and the motion carried. Ayes: Wilson, Gallagher, Franco and Eid. Absent: Hemphill.

Executive Officer's Monthly Report Mr. Benoit stated that he would be meeting with Tony Shaw and Bob Burns regarding the Lassen Modoc Floor Control District. He anticipated contact from the Southern Cascade CSD regarding additional information related to the MSR and SOI update. He was also meeting with the Agricultural Commissioner's office regarding the Big Valley Weed Abatement issue, and he discussed legislation that was relevant to the region, including SB448 which provides a definition of Inactive Districts. He discussed legislation that provides a mechanism for Special Districts to be represented on the LAFCo board.

Commissioner Reports

There was a general discussion regarding attendance at the upcoming CalLAFCo conference and it was the determination that Commissioner Gallagher or Commissioner Franco would attend.

Motion by Commissioner Gallagher, second by Commissioner Wilson to adjourn until December 11, 2017; motion carried. Ayes: Gallagher, Wilson, Franco and Eid. Absent: Hemphill.

The meeting adjourned at 4:13 p.m.

Todd Eid, Chairperson

Gwenna MacDonald, Recording Secretary

Approved _____