

May 17, 2007

To: Local Agency Formation Commission

Re: Continued Public Hearing: LAFCO-06-05: Bains-Costa Reorganization No. 331. A reorganization of territory proposing to annex 21.4 acres to the City of Yuba City and detachment of the land from County Service Area "G". The reorganization area is generally located north of Butte House Road at the intersection of Elmer Avenue.

I. STAFF'S RECOMMENDED ACTION

Adopt the attached Resolution No. 2007-05 making determinations and approving the staff preferred Option No. 1 shown on Attachment "A-1" annexing the territory to the City of Yuba City and detachment of the property from County Service Area "G".

II. Background Information and Proposal Update

This proposal was continued from the April 26, 2007, meeting. At that time the Commission directed staff to prepare a resolution to deny the proposal and separately a resolution and map approving the proposal but reducing the annexation boundary to only those lands originally subject to the application together with adjoining County roads.

Staff believes the Commission has the following options available to it concerning this matter.

1. Approve the proposal with the expanded boundaries as recommended by staff [Attachments A-1 (Map) and D-1 (Resolution)].
2. Approve the proposal having only the original application boundaries and including the adjoining County Roads [Attachments A-2 (Map) and D-2 (Resolution)].
3. Approve the proposal with the original boundaries as applied for but including the property developed with Mr. Paul's Market and the adjoining County Roads [Attachments A-3 (Map) and D-3 (Resolution)].
4. Deny the proposal [Attachment D-4 (Resolution)].

Staff strongly recommends the Commission pursue Option No. 1 that includes the expanded boundaries discussed last month. Option No. 1 will result in a logical city boundary providing the City with the ability to address the traffic issues existing in the area. This includes the ability to fully widen roadways, acquire additional rights of way, fix intersections and work with adjoining property owners whose property will be in the city limits. It should be noted that none of the property owners proposed to be annexed spoke in opposition to the proposal at the April 26, 2007, meeting.

Options 2 and 3 would annex the adjoining roads but would not provide the City with the ability to fully widen and reconfigure roads as needed or allow the City to work with adjoining property owners to resolve traffic issues because adjoining parcels would be outside the City's jurisdiction. As a result, staff is recommending against Options 2 and 3.

Finally, a resolution to deny the proposal has been included at the Commission's request.

III. APPLICATION AND REQUEST

LAFCO has received a landowner petition proposing to annex 9.63 acres to the City of Yuba City and detachment of the property from County Service Area (CSA) "G". CSA "G" is a dependent County district established to provide fire protection services to unincorporated lands around the City of Yuba City.

In an effort to establish a more logical governmental boundary, staff has proposed enlarging the annexation area to include six additional parcels having a total annexation area of 21.4 acres (See Attachment A). In addition, the full width of Elmer Avenue and Butte House Road that border the properties under consideration have been included in the proposed annexation area.

The 21.4 acres comprises nine Assessor's parcels that include approximately 6 dwellings, some orchard, a mini-mart with gasoline pumps (Mr. Paul's Market) and numerous accessory structures.

The enlarged annexation area is zoned Neighborhood Apartment District (R-3) and General Commercial District (C-2) in the County. The City has assigned similar pre-annexation zoning designations with the exception of two parcels (1820 and 1725 Elmer Avenue) which have been assigned pre-annexation zoning of One-Family Residential District (R-1).

As the Commission will recall, the land subject to this proposal was a part of the Tatla-Walker Reorganization No. 326 (LAFCO-05-03) that was not approved by voters at the June 2006 Primary Election. That proposal would have annexed 395± acres to Yuba City. Government code Section 57090 states that no substantially similar proposal of the same or substantially the same territory may be filed with the commission within one year. The land subject to this proposal totals 21.4 acres and is significantly smaller than the Tatla-Walker application. The Commission has not adopted a policy defining what constitutes a "substantially similar proposal." As a result, staff has processed the request and it is up to the Commission to determine if this proposal is "substantially similar" to the Tatla-Walker

proposal. The proposed resolution of approval makes a determination that this new proposal is not substantially similar to the failed Tatla-Walker Reorganization.

Should the Commission determine the proposal is substantially similar to the Tata-Walker proposal, the statute [Government Code Section 57090(b)] allows the Commission to waive the “substantially similar” determination if the Commission finds these requirements to be detrimental to the public interest.

IV. THE LAFCO PROCESS

The annexation process can be initiated by individuals or by public agencies. If the process is initiated by individuals a petition is filed with LAFCO. If a proposal is filed by a public agency, such as Yuba City, a resolution of application is filed with LAFCO that has been adopted by the city council.

Because this proposal was submitted by individual property owners, LAFCO will consider their petition at a public hearing. At the hearing, LAFCO will hear public testimony from interested persons. Upon the conclusion of the hearing, LAFCO may approve, deny, or approve with modifications, the proposals. LAFCO may choose to modify the boundaries of the annexation area by either including or deleting properties. If LAFCO chooses to approve the applications it will do so by adopting a resolution. A copy of the proposed resolution of approval is included as Attachment “D” to this report.

If LAFCO approves the reorganization, it will commence a 30-day period where interested persons or agencies may file a request with the Executive Officer of LAFCO for reconsideration of LAFCO’s resolution of approval. Persons may file this request when they believe amendments to the adopted resolution are necessary or if they believe the resolution should be reconsidered entirely. The filing fee required to be submitted with the request for reconsideration is \$350.00. If a request is filed, it will be scheduled for the next available LAFCO meeting which the appropriate legal notice can be provided. If no request for reconsideration is filed, the proposal will then be scheduled for a second public hearing where LAFCO will act as the conducting authority, otherwise known as the protest hearing.

Staff will act on the Commission’s behalf and conduct the protest hearing on the same day as but before the regularly scheduled LAFCO meeting. At the protest hearing, staff will accept written protests against the reorganization. Protests may be filed by either landowners owning land within the reorganization area or by registered voters residing within the area.

Upon the protest hearing’s conclusion, staff will review the amount of protest that has been filed and present the information to LAFCO at its regular meeting later in the day. If the total percentage of registered voters filing protest is less than 25 percent of the total registered voters or the total percentage of land owners filing protests is less than 25 percent and those owners own less than 25 percent of the reorganization area’s land value, then LAFCO, acting as the conducting authority, is required to adopt a resolution approving the reorganization.

If LAFCO, acting as the conducting authority, approves the reorganization, a Certificate of Completion can be recorded that will complete the proceedings.

If the number of protests received is at least 25 percent but less than 50 percent of the total number of registered voters or at least 25 percent of the land owners who also own at least 25 percent of the assessed value of land in the annexation area have filed protest, an election is required to be called to determine the outcome of the matter.

If the number of protests received is at least 50 percent of the total registered voters living within the reorganization area, the Conducting Authority is required to adopt a resolution terminating the proceedings.

V. ENVIRONMENTAL

LAFCO is a responsible agency for this annexation which differs from being a lead agency. The California Environmental Quality Act (CEQA) defines a responsible agency as a public agency, other than the lead agency which has responsibility for carrying out or approving a project. Yuba City conducted an environmental review for the project and adopted a mitigated negative declaration as part of establishing pre-annexation zoning for the area. The CEQA Guidelines, Section 15096 state that a responsible agency complies with CEQA by considering the mitigated negative declaration prepared by the lead agency (Yuba City), and your Commission shall reach its own conclusions regarding the potential environmental impacts. If your Commission disagrees with the determinations reached by the City, your Commission may assume lead agency status and direct staff to prepare another environmental document addressing the issues that you may wish to be analyzed.

Staff is recommending the Commission consider the environmental document prepared by Yuba City and direct staff to file a Notice of Determination consistent with Section 15096(i) of the CEQA Guidelines. The proposed resolution, included with this report, includes language providing staff with this direction. The environmental document prepared by the City of Yuba City has been included as Attachment "B".

VI. TAX REVENUE EXCHANGE

The Sutter County Auditor's Office has estimated the County's portion of the property tax revenue subject to tax exchange by the Master Property Tax Exchange Agreement between Sutter County and the City of Yuba City is \$3,102. This does not include revenues from special road property taxes of \$164; or revenues received from CSA "G" of \$854. The Master Tax Agreement states that the City shall receive 100 percent of the Special Road property taxes and 45 percent of the base revenue property tax dollars. In addition, the contract between Yuba City and the County for the delivery of fire services within CSA "G" specifies that the City shall receive 100 percent of the property tax revenue for fire protection once annexation occurs. Based upon these percentages, the total property taxes to be transferred from Sutter County to Yuba City will be \$2,414 if LAFCO approves the expanded proposal.

There is a moderate amount of sales tax dollars subject to exchange within the boundaries of the proposal; however, due to the tax being generated by a single business (Mr. Paul's Market), that information is considered confidential.

VII. STATEMENT OF REASONS

This matter concerns a proposed reorganization of territory with the City of Yuba City and County Service Area "G". This type of action calls on the Commission to exercise its quasi-legislative authority. (See City of Santa Cruz v. Local Agency Form. Com. Of Santa Cruz County (1978) 76 Cal.App.3d 381, 387-388 ("boundary and annexation determinations of LAFCO.... are quasi-legislative in nature") (emphasis omitted).

Nevertheless, an agency exercising its quasi-legislative authority must have a sound basis for doing so. A court reviewing a quasi-legislative decision will uphold the decision if the agency has: (1) "adequately considered all relevant factors"; and (2) "demonstrated a rational connection between those factors, the choice made, and the purposes of the enabling statute."

(California Hotel & Motel Assn. v. Industrial Welfare Com. (1979) 25 Cal.3d 200, 212.) Findings of fact "bridge the analytical gap between the raw evidence and the ultimate decision or order." (Topanga Assn. For a Scenic Community v. County of Los Angeles (1974) 11 Cal.3d 506, 515.) In McBail & Co. v. Solano County Local Agency Form. Com. (1998) 62 Cal. App. 4th 1223, 1230, the court expressed its preference that "a statement of reasons be formally entered in the agency's resolution and committed to writing..." (Id., at p. 1230.)

The statement of reasons is organized around the "relevant factors" mentioned in McBail. The factors material to the reorganization are set out in Government Code section 56668. Those factors, because they are specifically set forth in Government Code section 56668, are "rationally related to the purposes" of the Cortese-Knox-Hertzberg Act, which govern the decisions on reorganization. The factors are grouped into fourteen subject areas, the relevant evidence for each factor is described, and the connection between that evidence and the conclusion for each subject area is articulated. Taken as a whole, the statement of reasons, if adopted by the Commission, will serve as the basis for the decision to approve the proposed reorganization.

The following statement of reasons for the proposed reorganization is submitted for LAFCO's consideration and approval.

a. Population

Population: Using the average population per tract of the 2000 census for the expanded reorganization area (2.52 persons per household), the estimated population is 15 persons.

Population Density: The reorganization area has a population density of 0.7 persons per gross acre.

Proximity to Other Populated Areas: The City of Yuba City borders the reorganization area to the south and east.

Likelihood of Significant Growth In the Subject and Adjacent Incorporated and Unincorporated Areas in the Next Ten Years: The adoption of the City's new General Plan for its sphere of influence in 2004 established a blueprint for future development in the sphere of influence. With the active housing market that we have experienced in recent years, staff anticipates significant growth will continue to occur in and around this area within the next ten years. The pace of growth will be dependent upon a variety of factors including but not limited to economic conditions, infrastructure capacities and if a strong demand for housing continues as it has in recent years.

Conclusion:

The expanded reorganization area is consistent with the population growth trends in Sutter County and is consistent with the County's and City's planning policies and growth projections.

b. Physical Characteristics:

1. Relevant Factors:

Land Area and Land Use: The expanded proposal totals 21.4 acres and has historically been used for a variety of land uses including both agricultural and residential.

Topography: The topography of the expanded reorganization area and vicinity is level with slopes generally ranging from 0-1 percent.

Natural Boundaries: There are no natural boundaries that are within or adjoin the reorganization area.

Drainage Basins: The reorganization area is not located within any recognized drainage basin.

2. Conclusion:

The expanded reorganization area will not affect the physical characteristics, topography or drainage basins of the project area.

c. Need for Services:

1. Relevant Factors:

Per Capita Assessed Valuation: The per capita assessed valuation of the property is \$113,220.

Need for Organized Community Services: Annexation will result in 21.4 acres of additional land being made available for development. If approved, future development projects will

require extension of the City's sanitary sewer and municipal water system to the area as a condition of development.

Properties utilizing individual septic systems can continue to use those systems until such time as either the property owner or the County Environmental Health Division determines that the property must connect to public sewer due to a system failure. The City of Yuba City does not have an ordinance or policy that requires persons to abandon their septic system in favor of connecting to their municipal sewer system.

Properties utilizing private wells can continue to use those systems if their property is annexed. The City has no requirement that property owners abandon their private well system and connect to the City's municipal system. If well problems arise in the future, the County Environmental Health Division or the State Division of Health Services will be responsible for deciding whether it is necessary to connect with the City's municipal water system.

Present Costs and Adequacy of Governmental Services and Controls in the Area: The territory involved in the reorganization area receives a full range of County and City services (criminal justice system, health and welfare, general government administration, etc.) that are provided throughout the entire county. These services are funded by a variety of federal, state, and local revenues (including, to some extent, local sales and property tax revenues). The area, or various portions of it, also receives a variety of services¹ including:

- Police and Traffic Enforcement. Patrol services are currently provided by the Sheriff's Department and traffic enforcement services are provided by the California Highway Patrol.
- Domestic Water. Water service is provided by private wells.
- Sewer Service. Sewer service is provided by private on-site septic tank and leach field systems.
- Fire Protection. Fire protection is provided by the City of Yuba City through a contract with CSA "G".
- Parks. All community parks maintained by Yuba City and the many recreational opportunities available within the unincorporated County are available to existing residents.
- Street Lighting. There are no street lighting services provided in the proposed

¹ It should be noted that the reorganization area also receives services from a variety of other local and regional agencies, including: Sutter County Flood Control & Water Conservation District; Sutter Cemetery District; Yuba Community College District; Feather River Air Quality Management District; Sutter-Yuba Mosquito and Vector Control District; Yuba City Unified School District; Sutter County Resource Conservation District; Levee District No. 9. The cost and adequacy of the services provided by these agencies, and the agencies themselves, will not be affected by the approval of this proposal.

reorganization area.

- Emergency Medical Services. Emergency Medical Services (EMS) is provided throughout the project boundaries by the Bi-County Ambulance Company. Yuba City Fire Department which provides fire protection services also responds to emergency medical calls.
- Streets and Roads. Sutter County currently maintains Elmer Avenue and that portion of Butte House Road within the expanded reorganization area.
- Drainage Services. The territory is within the boundaries of the Tierra Buena County Drainage District that is inactive and the Sutter County Water Agency. The Water Agency establishes Zones of Benefit for developed areas for the purpose of collecting fees to pay for drainage services. The Live Oak Canal is the drainage facility in the area that conveys urban runoff away from the City. At this time, the proposed reorganization area is not located within a Zone of Benefit.

Probable Future Needs For Those Services and Controls: In order for further urbanization of the area to occur, the extension of city sewer and water services will be necessary.

Probable Effects of the Reorganization and Alternative Courses of Action on the Cost and Adequacy of Services and Controls in the Area and Adjacent Areas and ability of the city to provide service to the area: Staff believes your Commission has the following options with respect to this proposal: (1) Approve the expanded reorganization as proposed with whatever conditions you determine; (2) Approve the proposal but modify the boundaries that have been proposed; (3) Deny the proposal.

If the reorganization is approved, the impact on the cost and adequacy of services and controls in the area would be as follows:

- Police and Traffic Enforcement: If approved, law enforcement service will continue to be provided by the Sheriff's Department. Pursuant to the Master Property Tax Exchange Agreement between Yuba City and Sutter County, law enforcement responsibilities of the North Beat area will continue to be provided by the County until such time as 90 percent of the dwelling units in that beat area have been annexed. Approval of the expanded reorganization will not affect the cost and adequacy of law enforcement service in the area. When future development occurs, impact fees will be collected to offset the impacts upon law enforcement services.

It is staff's belief the 90 percent threshold for transferring law enforcement services from the County Sheriff to the City Police has been reached, however; until such time as the City retains a sufficient number of staff to patrol the area, service will continue to be provided by the Sheriff's Department.

- Domestic Water: The expanded reorganization area is provided water by individual private wells. The City has stated that as long as a property owner's private well continues to function, the City has no requirement that property owners abandon their

system and connect to the City's municipal system. If well problems arise in the future, the County Environmental Health Division or the State Division of Health Services will be responsible for deciding whether it is necessary to connect with the City's municipal water system.

Future development will be required to connect to the City's municipal water system. The City stated in the environmental document that was adopted for pre-annexation zoning that their municipal water system has the capacity to serve the subsequent development that would occur within the reorganization area.

- Sewer Service: City residents utilizing individual septic systems can continue to use those systems until such time as the property owner or the County Environmental Health Division determines that the property must connect to public sewer due to a system failure.

Further urbanization of the area will be required to connect to Yuba City's municipal sewer system. The City stated in its environmental document adopted for pre-annexation zoning that their wastewater treatment facility and collection system are adequately sized to handle the increased flows that will result from subsequent development of the expanded reorganization area.

- Parks. Build-out of the area will result in a greater demand for community park facilities. The 2004 Yuba City General Plan has identified locations throughout the sphere of influence where community park facilities will be located as build-out of the sphere of influence occurs. Fees for community parks will be collected by the City prior to the issuance of building permits for future development. This will help ensure that adequate funds are available for development of community park facilities.
- Street Lighting. Street lighting services do not exist in the area, however future street lighting services will be provided by the City of Yuba City and future development will be responsible for paying the costs associated with providing that service.
- Emergency Medical Services. There will be no change in the service provided. Service will continue to be provided by the Bi-County Ambulance Company and the Yuba City Fire Department. Residents will see no changes in the service provided as a result of annexation.
- Streets and Roads. Street maintenance responsibilities of those portions of Elmer Avenue and Butte House Road within the proposed reorganization area will transfer from Sutter County to Yuba City if approved. To assist in paying maintenance costs of these roadways, 100 percent of the special road property tax dollars will be transferred from the County to Yuba City. In addition, developers will be required to pay for road improvements to serve their development and or pay fees to cover needed road improvements resulting from impacts of their projects.

The City has not adopted an ordinance to require existing residents to install curb, gutter or sidewalk facilities in areas that do not have these facilities today. If citizens

desire these types of improvements, the City will assist residents in forming an assessment district to fund the improvements. Residents and business owners will not see any increased taxes or fees as a result of the proposal.

- Drainage. The expanded reorganization area is within the boundaries of the Tierra Buena County Drainage District (an inactive district) and the Sutter County Water Agency. The Water Agency has not established a Zone of Benefit for the area to assess fees for drainage impacts. If approved, future development will be required to have a grading plan approved by the City prior to development occurring and the area will need to be added to an existing Zone of Benefit or a new Zone will need to be established to collect fees for necessary drainage improvements.
- Fire Protection. Yuba City currently provides fire protection services by contract to the expanded reorganization area. Approval of the proposal will result in the area being detached from CSA "G"; however, fire and emergency medical services will continue to be provided by the City as it is today. There will be no changes in the service provided or increased costs as a result of annexation.

Conclusions:

Approval of the proposal will not significantly affect services provided to the project area.

d. **Mutual Social and Economic Interests and Governmental Structure:**

1. Relevant Factors:

Effect of the Proposed Action and Alternative Actions on Adjacent Areas: Approval of the expanded proposal is growth inducing as municipal services will be allowed to be extended to the area allowing for further urbanization consistent with the City's pre-annexation zoning and General Plan.

Alternate actions available to the Commission include approving the proposal but modifying the boundaries and second, denying the proposal. Denying the proposal would result in the territory remaining unincorporated and largely staying in its present state of development. City sewer, water, and street sweeping services would not be made available to residents or business owners. In addition, undeveloped land within the affected territory would not be able to develop at any significant density beyond what exists today due to urban services being unavailable.

Mutual Social and Economic Interests: It is staff's belief the residents within the Yuba City sphere of influence and Sutter County, have a mutual interest in orderly and logical urban growth, the provision of adequate public facilities, and the efficient expenditure of public funds. It appears the proposal would further these mutual economic and social interests. This proposal is consistent with the Yuba City

General Plan, pre-annexation zoning, and is within the City's sphere of influence.

Effect of the Proposed Action and Alternative Actions on Local Governmental Structure of the County: The proposal will not have any significant change in the structure of government in Sutter County or the city of Yuba City; i.e. the expanded reorganization would neither create nor eliminate any governmental agencies.

e. Consistency with Growth and Agricultural Land Preservation Policies

1. Relevant Policies:

Conformity of Both the Proposal and Its Anticipated Effects With Both the Adopted Commission Policies on Providing Planned, Orderly, Efficient Patterns of Urban Development, and the Policies and Priorities specified in Section 56377: Government Code Section 56377(a) states that development or use of land for other than open space uses shall be guided away from existing prime agricultural lands in open space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.

The California Department of Conservation classifies the proposed reorganization area as urban. There is no prime agricultural soils recognized within the boundaries of the proposal.

The County's General Plan policies state that urban growth should be directed into the Yuba City and Live Oak spheres of influence and away from more valuable prime agricultural lands identified by the County's General Plan. This proposal is consistent with those policies, the City's General Plan and its sphere of influence.

Effect of the Proposal on Maintaining the Physical and Economic Integrity of Agricultural Lands as Defined by Section 56016.² : The County General Plan recognizes agricultural lands throughout the County. The expanded reorganization area was previously committed to development by the County's existing zoning designations of Neighborhood Apartment District (R-3) and General Commercial District (C-2) and the City applying the similar pre-annexation zoning designations. The proposed reorganization boundaries are located entirely within the Yuba City sphere of influence that was established in 1990 and validated by LAFCO on December 4, 2006.

This proposal will allow for an orderly expansion of urban growth onto lands that are not considered prime soils and that were previously committed to development. The proposal will not affect the physical and economic integrity of agricultural land as defined by Section 56016.

2 Government Code section 56016 defines "Agricultural Lands" as follows:
"Agricultural lands" means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program.

2. Conclusion:

The proposal is consistent with agricultural preservation policies specified in the Government Code and in the General Plan for the County of Sutter.

f. **Boundary Characteristics:**

1. Relevant Factors:

Definiteness and Certainty of the Boundaries of the Territory: The boundaries of the proposal are definitive and certain as shown on Attachment "A".

Nonconformance of Proposed Boundaries with Lines of Assessment: The boundaries of the proposal conform to the boundaries of all locally assessed parcels.

Creation of Islands or Corridors of Unincorporated Territory: If approved, the proposal will not create any islands of unincorporated territory.

Conformance with the Policies of the Commission or the County of Sutter: This proposal is within the sphere of influence of Yuba City which is the City's designated growth area. This proposal does not conflict with any of LAFCO's policies.

County General Plan Policy 1.B-2 states that the Yuba City sphere of influence shall serve as the boundary for urban development, particularly for residential urban development. This proposal is consistent with that policy and will allow urban development on land to occur consistent with the City's pre-annexation zoning. This proposal does not conflict with any policy of Sutter County.

2. Conclusion: The boundaries of the proposal are clearly defined and easily recognizable and will not conflict with any policy of the Commission or the County of Sutter.

g. **Consistency with Plans and Spheres of Influence:**

1. Relevant Factors:

Consistency with the County and City General Plans: Pre-annexation zoning for the area was established by the Yuba City City Council on June 21, 2005 (Attachment "C"). The established pre-annexation zoning is consistent with the City's adopted 2004 General Plan.

The County's General Plan directs urban growth to within City's sphere of influence. Annexation of this territory appears to be consistent with the County's policies for urban growth.

Sphere of Influence of Any Local Agency Which May Be Applicable: The expanded reorganization area is located entirely within the sphere of influence of Yuba City

and several dependent and independent districts. The proposal will not affect the sphere of influence of any agency.

2. Conclusion:

The proposal will not conflict with the County General Plan and will not conflict with any sphere of influence of any local agency.

h. Ability of the City of Yuba City to Provide Services, Including Sufficiency of Revenues.

The Initial Study prepared by Yuba City establishing pre-annexation zoning states the City has no sewer treatment or water distribution systems currently in place to serve the project area. The introduction of these services will be incremental and timed with the planned development and expansion of services in the area. The City stated it has the necessary water entitlements from the Feather River to serve the area and the sewer treatment plant is designed to be expanded to be able to accommodate future urban growth.

Revenues transferred in accordance with the Master Property Tax Exchange Agreement between the County and City assures that Yuba City will have sufficiency of revenues if this proposal is approved.

Conclusion:

Yuba City has the ability and sufficient revenues to provide services to the development in the expanded reorganization area.

i. Timely Availability of Water Supplies

The environmental document prepared by Yuba City establishing pre-annexation zoning for the area states the City has sufficient water entitlements from the Feather River together with the required treatment and distribution capacity to serve the proposed reorganization area.

Conclusion:

The proposal will have timely availability of water.

j. Effects Upon Meeting Regional Housing Needs

State Law requires that jurisdictions (City and County) designate enough land through zoning for housing for residents. This is addressed in the County's Housing Element of its General Plan.

If approved, the proposal will assist Yuba City in meeting its regional housing needs

for the community since additional vacant lands will be able to be developed residentially.

Conclusion:

The proposal will not adversely affect the area in its goal to meet its fair share regional housing needs for the community.

k. Other:

1. Comments of Any Affected Local Agency or Landowners:

The reorganization was circulated to the following agencies for review and comment:

Clerk of the Board, Sutter Co.	Sutter County Agricultural Commissioner
Board of Supervisors	Yuba City Police Department
Sutter Co. Sheriff's Department	Sutter County Public Works Department
Tierra Buena County Drainage District	Yuba City Public Works Department
Levee District No. 9	County Service Area "G"
Sutter County Community Services Dept.	Sutter Co. Flood Control & Water Conservation Dist.
Sutter-Yuba Mosquito Abatement District	Yuba City Unified School Dist.
Sutter County Elections Office	Feather River Air Quality Management District
Sutter Cemetery District	Sutter County Resource Conservation District
Sutter County Auditor's Office	Sutter County Water Agency
Yuba City Community Development Dept.	California Highway Patrol
Sutter County Assessor's Office	
City Clerk, Yuba City	
Sutter County Fire Services Department	
Yuba City Fire Department	

The Sheriff's Department provided comments on the original annexation submittal and requested that Mr. Paul's Market (Assessor's Parcel 17-114-032) be included in the annexation boundary because omitting the parcel could result in confusion and difficulties in delivering emergency services and the routing of 911 calls.

Staff comment: The expanded reorganization area includes Mr. Paul's Market.

There were no additional comments received by reviewing agencies or landowners with regard to this proposal.

2. Conclusion:

The expanded reorganization will not have any substantial impact upon any agency and there have been no comments received from any landowners.

VIII. PROPOSED CONDITIONS

1. The Chief Petitioners shall prepare the necessary legal description and map for the reorganization area, acceptable to the State Board of Equalization,

and pay all fees of the State Board of Equalization.

2. Prior to the recording of a Certificate of Completion for the proposal, the Chief Petitioners shall pay any outstanding balance incurred as a result of LAFCO processing the proposal.
3. The effective date of the reorganization shall be 30-days following the recording of the Certificate of Completion.
4. A Certificate of Completion for the reorganization shall be recorded within one year of the approval date or the Commission's approval shall expire, unless, prior to the expiration, an extension of time has been approved by the Commission (Expires May 24, 2008).

Respectfully submitted,

LARRY T. COMBS
EXECUTIVE OFFICER

Doug Libby, AICP
Senior Planner

DL:kf

Attachments: A – Maps and Aerial Photograph of the Reorganization Area
B – Yuba City's Initial Study and Proposed Mitigated Negative Declaration
C – Approved pre-annexation zoning
D – Proposed Resolutions