

July 19, 2007

To: Local Agency Formation Commission

Re: **LAFCO-07-04: Valley Development Reorganization No. 333; A reorganization of territory proposing to annex 34± acres to the City of Yuba City and detachment of the land from County Service Area “G”. The reorganization area is generally located south of State Highway 20 and immediately west of the Industrial Drive industrial park.**

I. STAFF’S RECOMMENDED ACTION

Deny the request for reconsideration because there have been no new or different facts presented that were not previously presented to the Commission at its April 26, 2007, meeting.

II. RECONSIDERATION REQUEST AND ANALYSIS

LAFCO received a timely filing for reconsideration of Resolution No. 2007-04, adopted by the Commission on April 26, 2007. The resolution approved the annexation of one parcel, owned by Valley Development Company, generally located south of State Highway 20 and immediately west of the Industrial Drive industrial park and detachment of the property from County Service Area (CSA) “G”. A map of the approved reorganization area is provided as Attachment B.

The request for reconsideration was submitted by Aaron Busch, Community Development Director of Yuba City (Attachment A). The City has requested the Commission reconsider the boundaries of the reorganization area. It appears a basis for the Commission’s approval of the smaller annexation was the objection of an adjoining property owner, Ernie Friesen, owner of the All Seasons RV Parts and Service Center.

Government Code Section 56895(a) states requests for reconsideration must state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration.

In the City's filing for reconsideration, information is provided concerning the All Seasons RV property that was not discussed during the April meeting, although the information was contained in the April 26, 2007, staff report. The City's filing states the All Seasons RV property is already provided access by a frontage road maintained by Yuba City. In addition, the property is provided water by the City. Finally, fire protection is already provided by the Yuba City Fire Department through its contract with CSA "G". Due to these factors, it seems logical this property should be annexed to the City.

Staff included this parcel together with an adjoining property owned by Dennis and Penelope Heitman at the April public hearing. Staff believes the expanded reorganization area originally proposed will establish a logical governmental boundary between the City and County consistent with the Yuba City sphere of influence. As most services to the property are already provided by the City, Staff was supportive of the proposal presented at the April meeting, however, because there have been no new or different facts presented that were not previously reflected in staff's previous report, staff cannot support this request for reconsideration.

III. COMMISSION OPTIONS

The Commission has the following options in addressing this matter.

1. The Commission may deny the request for reconsideration. If this option is chosen, Resolution No. 2007-04, approving the reorganization on April 26, 2007, remains valid and the Commission's decision becomes final. The proposal will then move forward to the Conducting Authority that will be scheduled to occur on August 23, 2007.
2. The Commission may grant the request for reconsideration by adopting a new resolution superseding Resolution No. 2007-04. If the reconsideration is granted, the proposal, as amended, will move forward to the Conducting Authority proceedings that will be scheduled on August 23, 2007.

If LAFCO rescinds and adopts a new resolution, the Commission's action will become final and conclusive pursuant to Government Code Section 56895(h). The law was written in this manner to prevent subsequent filings for reconsideration from being filed that could permanently prevent the proposal from moving forward to the Conducting Authority (protest hearing).

Respectfully submitted,

LARRY T. COMBS
EXECUTIVE OFFICER

Doug Libby, AICP
Principal Planner

DL:gg

Attachments: A – Request for Reconsideration
B – Resolution 2007-04 adopted on April 26, 2007
C – April 26, 2007, Staff Report
D – Proposed Resolution of Approval and Map