

August 16, 2007

To: Local Agency Formation Commission

Re: **LAFCO-06-05: Bains-Costa Reorganization No. 331. A reorganization of territory 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 2007-08 if owners of land who own less than 50 percent of the total assessed value of land within the territory have filed and not withdrawn their protest.

II. APPLICATION

On July 2, 2007, LAFCO approved a proposal to annex 21.4 acres to the City of Yuba City and detachment of the property from County Service Area G. The affected territory is generally described as being located north of Butte House Road at the intersection of Elmer Avenue. A map of the reorganization area is included as Attachment "A".

There are six registered voters within the reorganization area so pursuant to Government Code Section 56046, the territory is considered uninhabited which is defined as a reorganization area having fewer than 12 registered voters.

III. CONDUCTING AUTHORITY PROCEEDINGS

Government Code section 57000(b) requires LAFCO to act as the conducting authority for this reorganization. The conducting authority must determine whether sufficient written protests have been filed that would require the proceedings be terminated. If sufficient written protests are not submitted, then the conducting authority is required to adopt a resolution finalizing the annexation.

On August 26, 2004, LAFCO adopted Resolution No. 2004-22, implementing Policy No. 22 of the Commission's Rules of Procedure directing staff to conduct protest hearings on the Commission's behalf and return the results of the hearing to the Commission at the next available meeting.

Staff will conduct a public hearing on this matter at 2:00 pm on August 23, 2007, prior to the Commission's regular meeting. During the protest hearing, staff will receive any protests, written or oral. It is important to note that in order to count as a valid protest; an oral protest must also be made in writing and filed before the end of the hearing. At the close of the hearing, staff will determine whether the level of protest received requires the Commission to order the annexation or terminate the proceedings. Staff will report the results to the Commission at its regular meeting held at 4:00 pm on August 23, 2007.

Pursuant to Government Code section 57075(b) (2), in the case of uninhabited territory, the Commission must finalize the annexation if landowners owning less than 50 percent of the assessed value of land within the reorganization area have filed and not withdrawn their protest.

If landowners owning 50 percent or more of the assessed value of land within the territory have filed and not withdrawn their protest, the proceedings are required to be terminated pursuant to Government Code Section 57078(a).

Staff has prepared a resolution for your use that assumes a sufficient number of valid protests will not be filed.

Respectfully submitted,

LARRY T. COMBS
EXECUTIVE OFFICER

Doug Libby, AICP
Principal Planner

DL:gg

Attachments: A – Map of the Reorganization Boundaries
B – Proposed Resolution of the Conducting Authority

ATTACHMENT A
Map of the Reorganization
Boundaries

ATTACHMENT B
Proposed Resolution of the
Conducting Authority