

March 17, 2004

To: Local Agency Formation Commission

Re: LAFCO #03-04: Northeast Yuba City Reorganization No. 316 (Request for Reconsideration) - Sutter LAFCO has received an application to reconsider its action of January 22, 2004 (Resolution no. 2004-02), approving the proposal to annex 232± acres to Yuba City and detachment of the property from County Service Area "G". The affected territory is generally described as those unincorporated lands lying east of State Highway 99, west of and including Live Oak Boulevard, north of the current city limits and extending north of Pease Road 1,200± feet.

I. STAFF'S RECOMMENDED ACTION

Adopt the attached resolution making determinations, rescinding Resolution No. 2004-02 and re-approving the Northeast Yuba City Reorganization No. 316 annexing the territory shown on Exhibit "A" to Yuba City and detaching the property from County Service Area G.

II. RECONSIDERATION REQUEST AND ANALYSIS

LAFCO has received a filing for reconsideration of Resolution No. 2004-02, adopted by the Commission on January 22, 2004. The resolution that was adopted annexes all lands lying along Pease Road, east of State Highway 99, west of and including Live Oak Boulevard and north of the current city limits. In addition the properties would be detached from County Service Area "G". A map showing the reorganization area is attached as Exhibit "A".

The request for reconsideration was filed by Curt Coad, Assistant LAFCO Executive Officer. The filing for reconsideration was submitted because following LAFCO's approval on January 22, 2004, it was learned that the Election's Office inadvertently omitted some of the registered voter data when that information was supplied to LAFCO staff for the previous public hearing notice. As a result, approximately 234 persons were not notified as required by law. In order to facilitate adequate public input and fairness, staff believes it is appropriate to re-notice and rehear the proposed reorganization.

For this public hearing LAFCO issued 528 public hearing notices to both property owners and registered voters living both within the proposed reorganization area and within 300-feet of the proposal's boundaries. For the previous public hearing, only 294 notices were mailed.

Staff is recommending that your Commission conduct a public hearing on this proposal and accept public comment. If your Commission chooses to re-approve the proposal, language has been added to the proposed resolution, attached as Exhibit "E" that will rescind your Commission's previous resolution (No. 2004-02) adopted on January 22, 2004.

If LAFCO grants the reconsideration as proposed, 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. Staff anticipates scheduling protest hearing proceedings for your April 22, 2004, regular meeting.

Respectfully submitted,

LARRY T. COMBS
EXECUTIVE OFFICER

Doug Libby, AICP
Senior Planner

DL:kla

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Attachments: Exhibit A – Map of the Reorganization Area
Exhibit B – Request for Reconsideration
Exhibit C – Staff Report Packet from the January 22, 2004 Meeting
Exhibit D – Public Comments Received
Exhibit E – Proposed Resolution of Approval

EXHIBIT A
Map of the Reorganization Area

EXHIBIT B
Request for Reconsideration

EXHIBIT C
Staff Report Packet from the January 22, 2004, Meeting

EXHIBIT D
Public Comments Received

EXHIBIT E
Proposed Resolution of Approval