

June 16, 2004

To: Local Agency Formation Commission

Re: LAFCO #04-03: A request for consideration to allow for an out of agency sewer service connection to be made to the City of Yuba City for the new high school property located west of Yuba City, east of El Margarita Road and south of State Highway 20.

Recommended Action

- A. Consider the request and adopt the attached resolution approving the extension of sewer service to those lands described in Exhibit “A” of the resolution.

Current Proposal

- A. Project Description:

A request has been made to your Commission pursuant to Government Code Section 56375(p) to allow a sewer connection to serve the new high school property located west Yuba City, east of El Margarita Road and south of State Highway 20. Yuba City Unified School District desires to open a temporary Butte Vista School later this summer. The property is identified as Assessor’s Parcel Number 19-050-089 and totals 50± acres.

- B. Background

The subject property was a part of the South Highway 20 Reorganization No. 302 proceedings that your Commission approved on December 11, 2003, and completed conducting authority proceedings on January 22, 2004. Due to pending legal action challenging the environmental document prepared by Yuba City and adopted by LAFCO as a responsible agency, the South Highway 20 reorganization cannot be recorded and finalized until the environmental document used for those proceedings is upheld and settled. As a result, the school district is required to petition LAFCO for an out-of-agency sewer connection so that the new school facilities can operate.

- C. Previous Commission Action

On October 22, 2002, your Commission approved an out-of-agency sewer connection request for two unincorporated properties located at the northeast corner of the intersection of Highway 99 and Hunn Road. The proponents developed a car wash on one of those parcels which are identified as Assessor’s Parcel Numbers 26-080-042, and 26-080-043.

On February 27, 2003, your Commission approved an out-of-agency sewer connection request to allow sewer service for a parcel located easterly of the intersection of Walton Avenue and Camino De Flores.

That property was a part of the Saini Reorganization No. 311 (LAFCO-02-04) that had a mail ballot election conducted that approved of the reorganization in May of 2003. That parcel is now within the city.

D. Environmental Consideration:

LAFCO is the lead agency for this proposal under the California Environmental Quality Act (CEQA). An Initial Study was prepared for this project in accordance with CEQA and the Guidelines. The study revealed that the project (an out of agency sewer connection), would not have a significant impact on the environment. Therefore, should the Commission wish to approve the request, staff is recommending the Commission adopt the attached Negative Declaration. The proposed environmental document is attached as Exhibit C.

Staff Analysis

One of the responsibilities assigned to LAFCO by the legislature is to oversee the location of city and special district boundaries. When a city desires to extend service outside its jurisdictional boundaries, written approval is required by LAFCO as specified in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code Section 56133.

As your Commission will recall, LAFCO approved a service extension request made by Yuba City in March of 2001, to allow it to provide water service anywhere within its sphere of influence. This request was made due to the City's purchase of the Hillcrest Water Company which supplies potable water to unincorporated areas within the sphere of influence.

A sewer trunk line currently exists in Lassen Boulevard and serves development in that area and would be extended westward by easement across property owned by the Lanza Family Trust.

Staff is supportive of the school district's request because the affected property is within the Yuba City sphere of influence and the district had previously filed a petition requesting annexation (LAFCO-00-04) that was approved. It was beyond their control that the environmental document prepared for pre-annexation zoning would be legally challenged due to the loss of the Onstott House. Staff believes these circumstances make this request unique, therefore warranting approval so that the school may open as planned. If the circumstances associated with this request did not exist, staff would not be supportive of the proposal.

Respectfully submitted,
LARRY T. COMBS
EXECUTIVE OFFICER

Doug Libby, AICP
Senior Planner

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| Attachments: | Exhibit A | Request for Sewer Service Extension |
| | Exhibit B | Will-Serve Letter from the City of Yuba City |
| | Exhibit C | Initial Study and Proposed Negative Declaration |
| | Exhibit D | Proposed Resolution of Approval |

EXHIBIT A
Request for Sewer Service Extension

EXHIBIT B
Will-Serve Letter from the City of Yuba City

EXHIBIT C
Initial Study and Proposed Negative Declaration

EXHIBIT D
Proposed Resolution of Approval