

SUTTER COUNTY

LOCAL AGENCY FORMATION COMMISSION

P.O. BOX 1555, YUBA CITY, CA 95992 (530) 822-7400 FAX (530) 822-7109



February 19, 2009

To: Local Agency Formation Commission

Re: **LAFCO-08-06**: Oak Grove Reorganization No. 30; A reorganization of territory proposing to annex ±35 acres to the City of Live Oak and detachment of the land from County Service Area "F." The reorganization area consists of Assessor's Parcels 09-140-019, -025, -026, -027, -031, and 038, located on the south side of the City of Live Oak, east of Richards Road.

I. **STAFF'S RECOMMENDED ACTION**

Adopt the attached resolution 2009-02 if:

- A. Less than 25 percent of the registered voters in the territory have filed valid protests; and
- B. If less than 25 percent of the number of owners of land who also own at least 25 percent of the assessed value of land within the affected territory have filed valid protest.

II. **APPLICATION**

LAFCO has received a Resolution of Application from the City of Live Oak proposing to annex ±35 acres to the City of Live Oak and detach property from County Service Area "F" (CSA "F"). CSA "F" is a dependent County district established to provide fire protection services to unincorporated lands around the City of Live Oak. The application was filed following the City of Live Oak establishing pre-annexation zoning for this parcel and others in the vicinity. The affected territory is generally located on the south side of the City of Live Oak, east of Richards Avenue. A map of the reorganization area is included in Attachment A.

Although the proposed annexation area is an island surrounded by the City limits, Government Code Section 56375.3 (b,5) states that LAFCO cannot waive protest proceedings for island annexations that consist of prime agricultural land.¹ The environmental document submitted by the City analyzes the impacts of the proposed project to prime agricultural land and the site currently contains a mature walnut orchard.

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 to be terminated or to approve the reorganization of territory subject to an election by the voters. If sufficient written protests are not submitted, then the conducting authority is required to approve the proposal.

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 February 26, 2009, 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 subject to election, terminate the proceedings, or order the annexation without an election. Staff will report the results to the Commission at its regular meeting held at 4:00 pm on February 26, 2009.

Pursuant to California Government Code section 57075, the Commission must order the annexation subject to confirmation by an election to be conducted within the area proposed for reorganization when either of the following occurs:

¹ Government Code Section 56064 defines "prime agricultural land" as meaning an area of land, whether a single parcel or contiguous parcel, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications: (a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible. (b) Land that qualifies for rating 80 through 100 Storie Index Rating. (c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003. (d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual bases from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre. (e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

1. At least 25 percent, but less than 50 percent, of the registered voters residing in the affected territory have submitted and not withdrawn written protests.
2. At least 25 percent of the number of owners of land who also own at least 25 percent of the assessed value of land within the affected territory have submitted and not withdrawn written protests.

The Commission must terminate the proceedings if 50% or more of the voters residing in the territory have submitted written protests that have not been withdrawn.

The Commission must order the annexation without an election if the written protests received do not satisfy either of the above thresholds.

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

Sydney Vergis
Senior Planner

SV:gg

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

P:\Planning\LAFCO\ PROJECTS\LAFCO Projects 2008\LAFCO-08-06 (Oak Grove Reorg)\Reports\LAFCO-08-06 Staff Report for 2-26-09 gg.doC