

January 19, 2006

To: Local Agency Formation Commission

LAFCO #05-04: South Butte House Road Reorganization No. 327 - A reorganization of territory annexing 206± acres to the City of Yuba City and detachment of the property from County Service Area G.

**I. STAFF'S RECOMMENDED ACTION**

Adopt the attached resolution 2006-02 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**

On December 1, 2005, LAFCO approved a proposal to annex 206± 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 south of Butte House Road, east of Township Road, north of and including the existing bike/running path and west of the existing single family homes in Yuba City. The full road widths of Township and Butte House Roads are included in the proposal. A map of the reorganization area is included as Attachment "A".

**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 2pm on January 26<sup>th</sup>, 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 4pm on January 26<sup>th</sup>.

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. 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.

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

Respectfully submitted,

LARRY T. COMBS  
EXECUTIVE OFFICER

Doug Libby, AICP  
Senior Planner

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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**