

**SUTTER COUNTY LOCAL AGENCY FORMATION COMMISSION
MINUTES**

December 11, 2003
Yuba City Council Chambers

1. CALL TO ORDER

Chairperson White called the meeting to order at 4:00 p.m.

2. ROLL CALL

Members Present: Commissioners Richards, Hager, White, Hilliard, and Whiteaker.

Members Absent: Commissioners Kroon and Islip.

Staff Present: Assistant Executive Officer Curt Coad, LAFCO Counsel Ron Erickson, Senior Planner Doug Libby, and Office Assistant Karna-Lisa Aucoin.

3. PLEDGE OF ALLEGIANCE

Senior Planner Doug Libby led the audience, staff, and Commission in the Pledge of Allegiance.

4. APPROVAL OF MINUTES

The minutes of the meeting of November 24, 2003, were approved as submitted on a motion by Commissioner Whiteaker and seconded by Commissioner Hilliard.

The motion was carried by a unanimous voice vote.

5. PUBLIC HEARINGS

- a. Continued Public Hearing; LAFCO 00-04:** A reorganization of territory designated as the South Highway 20 Reorganization No. 302. LAFCO is considering a filing for reconsideration proposing to enlarge the proposed reorganization boundary to include all unincorporated lands generally lying west of El Margarita Road and extending to and around Industrial Drive. This enlarged boundary was previously considered by the Commission on September 25, 2003.

Senior Planner Libby summarized the previously circulated staff report and described the area previously approved for annexation at the September and November LAFCO meetings. Mr. Libby noted that in November, the Commission chose to continue the public hearing for the request for reconsideration submitted by John Taylor Fertilizers Company to allow the company to provide evidence that it intends to pay for all necessary improvements required to extend surface water to a portion of the reorganization area. Mr. Libby noted that this matter was continued from the November LAFCO meeting and that a resolution has been prepared should the commission decide to approve John Taylor Fertilizers Company's request.

There being no comments from the commission, Chairperson White opened the public hearing.

- Eric Jenks Regulatory and Environmental Affairs Officer with Wilbur – Ellis Company, John Taylor Fertilizers Company’s parent company, 900 N. George Washington Blvd. spoke in support of the request for reconsideration. Mr. Jenks stated their company has participated in community outreach by holding two community meetings where citizens’ concerns could be addressed. Mr. Jenks said John Taylor Fertilizers Company is committed to extending water to a portion of the reorganization area and noted their attorney is in attendance to discuss the agreement that has been presented to the City of Yuba City.
- Jeff Taylor, President of John Taylor Fertilizers Company, spoke in support of the request for reconsideration noting the company intends to pay all costs associated with extending water to the contaminated area and pay for well destruction for approximately 80 residents and also to the businesses in the affected area. Mr. Taylor stated that their company wishes to resolve the water issue as soon as possible and noted that John Taylor Fertilizers Company has set aside the money required in a separate account to pay for what is being proposed.

Commissioner Hager questioned what the cost will be to extend City water to the area.

Mr. Taylor responded by saying the range is between one and two million dollars.

- George Carpenter – 2150 River Plaza Drive, Sacramento, attorney for John Taylor Fertilizers Company noted that they have drafted an agreement committing John Taylor Fertilizers Company to making the improvements previously discussed. Mr. Carpenter stated that the agreement is between John Taylor Fertilizers Company and the City of Yuba City. In closing, Mr. Carpenter said if the annexation is approved, they anticipate plans for improvements being ready by May 31, 2004 and construction would commence 60 days following plan approval.
- Eric Jenks stated that if the annexation goes forward, construction is anticipated to begin in late spring or early summer and should be completed within three months.

Commissioner Hilliard stated she has seen the agreement and will sign it if the annexation is approved.

- Ron Kelly – 850 N. George Washington Blvd., asked for clarification as to why he must be annexed to the City in order to be connected to the water system.

Commissioner Hilliard responded by stating that annexation is required in order to have access to the City’s municipal water system.

Assistant Executive Officer Curt Coad stated that it is his understanding that Commissioner Hilliard is correct.

- Ron Kelly – spoke in favor of the annexation due to concerns regarding water issues.
- Michael Fox – 3060 Industrial Drive, spoke in favor of the annexation.

- Rhett Secrist – 3040 Industrial Drive, spoke in favor of the annexation.
- Debra McCarthy – 650 Miller, spoke in favor of the annexation.

Chairperson White questioned if there was mention of water being safe for hand washing at a previous meeting.

Senior Planner Libby stated, to his knowledge, the Environmental Health Department has not made any formal statements regarding the water issue and this annexation.

There being no further public comment in favor, Chairperson White opened the floor to comments in opposition to the reconsideration requests.

- Robert Carr – 2961 Lynnwood, spoke in opposition to annexation.
- Butch Michaelis – 2943 Lynnwood Drive questioned what the advantages and disadvantages of annexation are and stated he is concerned about the water contamination in the area.

Commissioner Hilliard stated Lynnwood Drive is not a part of the proposed annexation area. They are just being asked to sign a Tri-Party Agreement.

- Tony Sorsi – A tenant on Industrial Drive feels annexation shouldn't be a stipulation to receive good water.

Chairperson White noted LAFCO must consider John Taylor Fertilizers Company's request for reconsideration regarding the proposed annexation.

LAFCO Counsel Ron Erickson explained the procedure for annexation and how the matter could go to a vote if there were sufficient protest.

Senior Planner Libby summarized the protest hearing proceedings.

There being no further public comment, Chairperson White closed the public hearing.

Commissioner Whiteaker asked if there is any way, other than annexation, for this area to receive city water.

Senior Planner Libby stated that in order to bring surface water to the area from the City of Yuba City, annexation is the only way, due to the City's policy. Mr. Libby said that under special circumstances, such as pre-zoning not yet having been done, owners can enter in to a Tri-Party agreement between the County, City and property owners and receive the necessary water from the City's municipal water system.

Commissioner Whiteaker asked if owners could sign a Tri-Party Agreement based on health concerns and Commissioner Richards asked why some residential areas are not included in the proposed annexation area.

In response to Commissioner Whiteaker's question, Denis Cook, the City's Community Development Director, responded by saying that the Tri-Party Agreement applies only to those properties located outside of the proposed annexation area and are not included in the proposed annexation due to reasons described by Senior Planner Libby.

There being no further comments from the commission, it was moved by Commissioner Hilliard and seconded by Commissioner Hager to adopt Resolution No. 2003-16 approving John Taylor Fertilizers Company's request for reconsideration and amendment of the South Highway 20 reorganization No. 302.

The motion was carried by a four to one roll call vote, with Commissioner Whitaker voting in opposition.

At the request of Chairperson White, Senior Planner Libby explained the next steps in the LAFCO process and that a protest hearing will be held on January 22, 2004. Mr. Libby noted that public notice will be provided for the January meeting at which time the Commission will accept public protest as discussed. Mr. Libby summarized the methods of how protest may be provided.

Counsel Ron Erickson noted the protest must be received by the end of the public hearing that will occur in January.

6. OTHER BUSINESS

None.

7. COMMENTS FROM THE PUBLIC

None.

8. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 4:53 p.m.

Respectfully submitted,

Larry T. Combs
Executive Officer