

**SUTTER COUNTY LOCAL AGENCY FORMATION COMMISSION
MINUTES**

January 22, 2004
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 Hellberg, Hager, Kroon, Islip, White, Richards, and Whiteaker.

Members Absent: None.

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

3. PLEDGE OF ALLEGIANCE

Commissioner Hellberg led the audience, staff, and Commission in the Pledge of Allegiance.

4. APPROVAL OF MINUTES

The minutes of the meeting of December 11, 2003, were approved as submitted on a motion by Commissioner Kroon and seconded by Commissioner Islip.

The motion was carried by a unanimous voice vote, with Commissioner Hellberg abstaining.

5. Election of a Chair and Vice Chairperson for Calendar year 2004

Chairperson White suggested the Commission consider moving this agenda item to the end of the meeting after Agenda Item No. 7. There being no objection by any commissioners, Chairperson White continued to Item No. 6.

6. PUBLIC HEARINGS

- a. **LAFCO #03-03:** Conducting Authority (Protest Hearing) proceedings for the South Yuba City Reorganization No. 315 - A reorganization proposing to annex to the City of Yuba City those unincorporated lands lying generally along Highway 99 from Franklin Road south to Bogue Road and between Walton Avenue on the West and Railroad/Bunce Roads on the East and detach the properties from County Service Area "G" and the Consolidated Street Lighting District.

Senior Planner Doug Libby summarized the previously circulated staff report and noted the number of written protests that had been received by registered voters opposing the reorganization.

Chairperson White opened the public hearing to receive written protest.

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

Senior Planner Libby stated that since there appears to be enough valid registered voter signatures on an acceptable form, staff recommends this item be continued to the February meeting in order for the elections office to validate the signatures.

Executive Officer Combs noted that a vote must be taken to continue the item, and then stated that if it is determined enough valid signatures have been received the action the commission will take at the February LAFCO meeting would be to forward the item to the Board of Supervisors to be placed on the November ballot.

There being no further comments from the commission, it was moved by Commissioner Hager and seconded by Commissioner Kroon to continue LAFCO 03-03 to the February 26, 2004 meeting.

The motion was carried by a unanimous voice vote.

- b. LAFCO-00-04:** Conducting Authority (Protest Hearing) proceedings for the South Highway 20 Reorganization No. 302 - A reorganization proposing to annex 220 acres to the City of Yuba City and detach the property from County Service Area G. The affected territory is located south of State Highway 20 and extends southerly 2000± feet from the current city limits westerly to lands located west of George Washington Boulevard along Industrial Drive.

Senior Planner Libby summarized the previously circulated staff report and noted that one property owner had submitted a single landowner protest; however, it, by itself was not enough to meet the threshold for a valid landowner protest.

Chairperson White opened the public hearing to receive written protest.

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

Mr. Libby stated that staff recommends the Commission adopt the attached resolution determining that insufficient written protest had been filed. Mr. Libby also noted that this action would complete these proceedings.

There being no further comments from the commission, it was moved by Commissioner Kroon and seconded by Commissioner Whiteaker to adopt Resolution No. 2004 – 01 acting as the conducting authority making determinations on the value of written protest for the territory designated as the South Highway 20 Reorganization No. 302.

The motion was carried by a unanimous voice vote.

- c. **LAFCO-03-04**: Northeast Yuba City Reorganization No. 316 - A reorganization proposing to annex 154± acres to Yuba City lying southeast of the intersection of Pease Road and State Highway 99, west of Live Oak Boulevard, and north of the current City limits and detach the property from County Service Area G. The Commission may consider expanding the boundaries of the proposal to include those lands lying 1,200± feet north of Pease Road, east of State Highway 99, and west of Live Oak Boulevard, comprising 79± additional acres to the annexation boundary.

Senior Planner Libby summarized the previously circulated staff report and noted that six property owners had filed this petition for reorganization. Mr. Libby noted LAFCO staff and the City of Yuba City have proposed to expand the reorganization area to include lands north of Pease Road, comprising an additional 79 acres.

Some discussion ensued regarding land use and a possible agricultural buffer. Commissioner Kroon asked where these issues could be addressed.

At the request of Executive Officer Combs, Denis Cook – City of Yuba City Community Development Director stated the City has policies included in their General Plan for agricultural buffering which is about 160 feet including backyards and right-of-ways. Mr. Cook stated that the City anticipates their General Plan being adopted in the spring of 2004.

Chairperson White questioned how runoff would be addressed by resulting development that would occur.

Mr. Cook responded that the reorganization area is not located within the Gilsizer County Drainage District; however, he explained how drainage from the area, resulting from development, would be addressed.

Chairperson White opened the public hearing for comments in opposition of the proposed reorganization.

There being no comments in opposition, Chairperson White opened the public hearing for comments in support of the proposed reorganization.

- Sean Minard – MHM, Engineers and Surveyors, representative of the owner, and future developers. Mr. Minard explained they are preparing a tentative subdivision map and explained how storm drainage would be handled. Mr. Minard stated they have also been working on sewer, water, and storm drain infrastructure designs for the area.

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

Senior Planner Libby stated that staff recommends approval of this proposal but also recommends that the Commission expand the reorganization boundary to include all of Live Oak Boulevard along the reorganization boundary because it will be development occurring in the City that will impact the roadway.

After some discussion regarding the proposed annexation boundaries, Mr. Libby stated Mr. Cook suggested that the East Onstott Frontage Road be included within the boundaries as well.

There being no further comments from the commission, it was moved by Commissioner Kroon and seconded by Commissioner Islip to adopt Resolution No. 2004-02 making determinations and approving the proposed reorganization territory designated as the northeast Yuba City Reorganization No. 316 and include staff's recommended action to include Live Oak Boulevard and the East Onstott Frontage Road within the boundaries.

The motion was carried by a unanimous voice vote.

- d. **LAFCO-03-06:** Tierra Buena Reorganization No. 318 - A reorganization proposing to annex approximately 518 acres to Yuba City and detach the property from County Service Area G and the Consolidated Street Lighting District. In addition, LAFCO staff is proposing that the Tierra Buena Community Services District be dissolved as part of the proceedings. The affected territory is generally located west of Tierra Buena Road and Harter Road on the north side of State Highway 20 and generally includes those properties served by the City's ground water well system which was the former Hillcrest Water Company.

Senior Planner Libby summarized the previously circulated staff report.

Chairperson White questioned how the County would compensate for the property tax loss resulting from this reorganization.

Executive Officer Larry Combs explained that due to the tax exchange agreement in place between Yuba City and the County, a complex formula has been created to assure that each jurisdiction's needs are addressed and revenue are equitably shared.

Chairperson White opened the public hearing for comments in opposition of the proposed reorganization.

There being no comments in opposition, Chairperson White opened the public hearing for comments in support of the proposed reorganization.

- Denis Cook, City of Yuba City – spoke in favor of the proposed annexation noting the concern is to address the water issue in the area and noted the City has received public support from 80% of those whom responded to a recent survey that was circulated by the City.

Mr. Cook expressed concern by the City inheriting some of the debt related to the dissolution of the Tierra Buena Community Service District (CSD) and requested that the proposed dissolution of the District be removed from any action to be taken today. Mr. Cook noted he has identified parts of the resolution which should be deleted should the Commission concur.

Commissioner Whiteaker questioned who is concerned with the City inheriting debt related to the Tierra Buena CSD.

Mr. Cook stated in working with the City staff that Commissioner Hellberg could address that question.

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

Commissioner Hellberg stated the City does not wish to halt the reorganization process, but would like to address CSD at a later date. Mr. Hellberg noted that the system has problems and the City would like to separate the Tierra Buena CSD from the proposed reorganization.

Commissioner Kroon questioned whether there the CSD had any assets.

Executive Officer Combs responded that there is value to the Community Service District and was unaware the City had issue with the CSD being included in the proposed reorganization.

Commissioner Kroon stated the City would recoup any loss over time due to the value of the system.

Further discussion ensued regarding the dissolution of the Tierra Buena Community Services District and whether it should be included in the proposed reorganization.

Executive Officer Combs stated that the proposed reorganization must proceed with or without dissolving the CSD.

-George Musallam, Sutter County Public Works director addressed previous statements made by Commissioner Hellberg stating that he does not believe there is a soil contamination issue on the CSD property.

It was moved by Commissioner Hellberg to approve Resolution No. 2004 – 03 excluding the dissolution of the Tierra Buena Community Service District.

At the request of County Counsel Ron Erickson, Chairperson White repeated the motion made by Commissioner Hellberg. Mr. Erickson stated he would like to review the proposed changes to the resolution prepared by the City before the Commission acts upon it.

Mr. Combs stated we should see how Commissioner Hellberg's motion goes, and possibly bring back to counsel for review of a new resolution.

Due to a lack of a second, the motion died.

It was moved by Commissioner Kroon and seconded by Commissioner Islip to adopt Resolution No. 2004 – 03 making determinations and approving the proposed

reorganization of the territory designated as the Tierra Buena Reorganization No. 318 also including the dissolution of the Tierra Buena Community Service District.

The motion was carried by a unanimous roll call vote.

7. **OTHER BUSINESS**

- a. **LAFCO #03-07:** Montna Reorganization No. 319 - A reorganization proposing to annex 63 acres to Yuba City and detach the property from County Service Area G. The property is generally located on the north side of State Highway 20 between Greene Lane and Tulio Streets and is identified as Assessor's Parcel 17-090-053.

Senior Planner Libby summarized the previously circulated staff report and noted that since this proposal was a single landowner petition that has the consent by Yuba City and County Service Area "G", that the Commission can approve this item without a public hearing. Mr. Libby continued by stating that staff recommends the Commission accept public comments on the matter and noted that the law allows the Commission to waive protest hearing proceedings. Mr. Libby stated that staff has included a proposed condition that a Certificate of Completion cannot be recorded until the Tierra Buena reorganization is finalized in order to avoid forming a City island.

In answer to Commissioner Kroon's question, Mr. Libby stated that no public notice to adjoining property owners was required or provided for this proposal.

Chairperson White opened the floor to comments.

-George Carpenter – 2150 River Plaza Drive, Sacramento, spoke in favor of the proposed reorganization on behalf of the petitioner. Mr. Carpenter stated that the area recently went through pre-annexation zoning proceedings and adjoining property owners were notified of those public hearings which are a precursor to annexation.

Mr. Combs responded that adequate discussion took place at the City's public hearings in response to Commissioner Kroon's concern that adequate notice be provided.

Denis Cook responded that at the City's public hearings for pre-annexation zoning there was no opposition expressed by neighboring landowners.

Senior Planner Libby reminded the commission that this item is very similar to a previously approved reorganization in south Yuba City along Walton Avenue called the Sutter Cottages reorganization.

In response to Chairperson White's question as to why there are four parcels omitted from this proposal, Mr. Libby stated that those four parcels have not been pre-zoned by the City and therefore cannot legally be included in the reorganization.

Mr. Libby stated that the maintenance of the Colusa Highway frontage road should be included in the reorganization boundaries in response to Chairperson White's question.

Some discussion ensued regarding the borders of proposed reorganization.

It was moved by Commissioner Hellberg to adopt the resolution approving the reorganization, detaching from County Service Area G, but not including the N. Colusa frontage road.

Due to a lack of a second, the motion died.

It was moved by Commissioner Hager and seconded by Commissioner Richards to adopt Resolution No. 2004-04 making determinations and approving the proposed reorganization of the territory designated as the Montna Reorganization No. 319, including the North Colusa Highway frontage road area as described by staff.

The motion was carried by a unanimous voice vote.

8. Election of a Chair and Vice Chairperson for Calendar year 2004

On a motion by Commissioner Richards and seconded by Commissioner Whiteaker, Commissioner Kroon was nominated to be Chairperson for calendar year 2004.

The motion was carried by a unanimous voice vote.

On a motion by Commissioner Islip and seconded by Commissioner Richards, Chairperson White was nominated for the position of Vice Chairperson for calendar year 2004.

The motion was carried by a unanimous voice vote.

9. COMMENTS FROM THE PUBLIC

None.

10. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 5:15 p.m.

Respectfully submitted,

Larry T. Combs
Executive Officer