

**SUTTER COUNTY LOCAL AGENCY FORMATION COMMISSION
MINUTES**

February 26, 2004
Yuba City Council Chambers

1. CALL TO ORDER

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

2. ROLL CALL

Members Present: Commissioners Hellberg, Richards, Hager, Islip, Kroon, White, 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 Richards led the audience, staff, and Commission in the Pledge of Allegiance.

4. APPROVAL OF MINUTES

On a motion by Commissioner Hager and seconded by Commissioner Whiteaker, the minutes of the meeting of January 22, 2004, were approved with typographical corrections as noted by Senior Planner Doug Libby.

The motion was carried by a unanimous voice vote.

5. PUBLIC HEARINGS

- a. Continued from January 22, 2004; 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.

Senior Planner Libby clarified for Commissioner White that there was a shortage of 137 valid voter signatures to have terminated the proceedings.

Chairperson Kroon opened the public hearing to receive comments for or against.

There being no comments, Chairperson Kroon closed the public hearing.

There being no further comments from the commission, it was moved by Commissioner Hellberg and seconded by Commissioner Hager to adopt Resolution 2004-05 acting as the conducting authority, making determinations on the value of written protest for the reorganization of territory designated as South Yuba City Reorganization No. 315

The motion was carried by a unanimous voice vote.

- b. LAFCO-03-06:** Conducting Authority (Protest Hearing) proceedings for the 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 for the purposes of addressing water quality issues associated with the City's groundwater system in the area. 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. The boundaries of the proposal were established by LAFCO at its January 22, 2004, public hearing through the adoption of Resolution 2004-03. The proposal was initiated by the city of Yuba City.

Senior Planner Libby explained that staff has received a letter from the City of Yuba City requesting reconsideration of Resolution No. 2004-03 which was adopted at the January LAFCO meeting for the Tierra Buena Reorganization No. 318. Due to the receipt of the request for reconsideration, staff recommends items 5b and 5c be removed from this agenda and noted that reconsideration of the item would be brought before the commission at the March 25, 2004 LAFCO meeting.

Chairperson Kroon opened the floor to comments.

Hearing none, it was moved by Commissioner White and seconded by Commissioner Islip to remove the agenda items as recommended by staff.

The motion was carried by a unanimous voice vote.

- c. LAFCO-03-06:** Tierra Buena Reorganization No. 318 - LAFCO will hold a separate protest hearing on the dissolution of the Tierra Buena Community Services District (CSD) following the protest hearing for the reorganization discussed above. The Tierra Buena CSD provides sewer service for approximately 105 properties generally located east of Jori Court, west of the Live Oak Canal, North of Monroe Road and along Jefferson Road. Since annexation is proposed for the area it is proposed that the Tierra Buena CSD be dissolved and the city of Yuba City would assume the responsibility for maintenance and operation of the Tierra Buena CSD sewer treatment system as outlined in LAFCO Resolution No. 2004-06. This proposal was initiated by the Local Agency Formation Commission.

(Refer to Staff recommendation and action taken on agenda Item 5b)

- d. **LAFCO-03-13**: North Sanborn Road Reorganization No. 320 – A reorganization of territory proposing to annex 30± acres to Yuba City and detach the property from County Service Area G that provides fire protection to unincorporated areas around Yuba City. The Commission may consider expanding the reorganization area to include those properties lying immediately south of the annexation area, east of Sanborn Road and North of Lincoln Road, comprising an additional 9.1 acres, in order to form a more logical governmental boundary. The affected territory is generally located on the west side of Yuba City between Cherry and Lincoln Roads and east of Sanborn Road to the current city limits.

Senior Planner Libby summarized the previously circulated staff report and stated that staff is recommending approval of the proposal.

Some discussion ensued regarding the current County zoning and the City's pre-zoning of the area and it was noted that agricultural use of the area could continue should the annexation take place.

Denis Cook, Community Development Director for the City of Yuba City reiterated the City's zoning provides for the continuation of agricultural use and Mr. Cook noted that there are two subdivisions in the works for the proposed annexation area.

Some additional discussion regarding land use took place.

Chairperson Kroon noted that there are so few people in the area that they could easily terminate the proceedings by a registered voter protest.

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

- Rick Elkins whose property's borders are within the expanded reorganization area spoke in opposition to being included in the proposal.

Mr. Combs stated the originally proposed area had been changed to form logical boundaries and noted that if this annexation is approved, the protest hearing will be held at the April LAFCO meeting. Mr. Combs continued by explaining the percentage of registered voter signatures needed by the April meeting in an effort to terminate the proceedings or to require an election on the matter.

- Russell Cox, 2101 Lincoln Road, spoke in opposition to the proposal stating concerns about traffic enforcement, utilities, taxes and landscape maintenance.

Commissioner Hellberg stated the area should have more law enforcement as a result of annexation and that citizens would not be required to connect to sewer unless their system fails at which time the County Environmental Health Department would determine what is required. In addition, Commissioner Hellberg stated that taxes will not change as a result of annexation.

Some discussion ensued regarding landscaping, taxes, and the process required connecting to City services.

In response to Commissioner White's question, a member of the audience pointed out the location of a private road that lies within the annexation area and noted which parcels use and maintain the private road.

Denis Cook discussed where sewer and water lines would run. Mr. Cook noted that landscape and lighting districts were formed for the newly developed areas in north Yuba City and the property owners pay an assessment to keep the area maintained. Mr. Cook stated that the areas to the south were in the county when they were developed and lighting and landscape districts were not established and therefore maintenance does not occur.

Some discussion ensued regarding lot size of the properties in the expanded reorganization area.

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

- Sean O'Neill, Genesis Engineering 521 J Street, Marysville – representative for property owners spoke in favor of the proposed annexation.

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

It was moved by Commissioner White and seconded by Commissioner Islip to adopt Resolution No. 2004 – 06, but excluding the expanded area, making determinations and approving the original proposal as filed to LAFCO designated as the North Sanborn Road Reorganization No. 320.

Senior Planner Libby stated that if the Commission so chooses, staff would suggest modifying the proposed resolution by adding a new Section 14 to the resolution stating that if written documentation from CSA G and the City of Yuba City are filed with LAFCO consenting to the reorganization, the Commission may waive protest hearing proceedings.

Some discussion ensued regarding the motion on the floor and Mr. Combs clarified that only the original area would be annexed and there would be no protest hearing.

The motion was carried by a unanimous roll call vote.

- e. **LAFCO-03-05:** Lincoln Road Reorganization No. 317 – A reorganization of territory proposing to annex 12.73 acres to Yuba City and detach the property from County Service Area G that provides fire protection to unincorporated areas around Yuba City. The property is generally located at the southeast corner of the intersection of Phillips and Lincoln Roads at 1146 Lincoln Road.

Senior Planner Libby summarized the previously circulated staff report and noted that staff recommends approval of the proposal that would also waive protest hearing proceedings.

Chairperson Kroon opened the public hearing to receive comments for or against.

There being no comments, Chairperson Kroon closed the public hearing.

It was moved by Commissioner Hellberg and seconded by Commissioner Whiteaker to adopt Resolution No. 2004 – 07 making determinations and approving the proposed reorganization of the territory designated as the North Lincoln Road Reorganization No. 317.

The motion was carried by a unanimous roll call vote.

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 4:55 p.m.

Respectfully submitted,

Larry T. Combs
Executive Officer