

# SUTTER COUNTY LOCAL AGENCY FORMATION COMMISSION MINUTES

April 22, 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 Jim Lewis, Senior Planner Doug Libby, and Office Assistant Karna-Lisa Aucoin.

## 3. PLEDGE OF ALLEGIANCE

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

## 4. APPROVAL OF MINUTES

On a motion by Commissioner Whiteaker and seconded by Commissioner Islip, the minutes of the meeting of March 25, 2004, were approved.

The motion was carried by a unanimous voice vote.

## 5. PUBLIC HEARINGS

- a. **Continued Public Hearing: LAFCO 03-04:** Northeast Yuba City Reorganization No. 316 (Request for Reconsideration) - 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 and including Live Oak Boulevard, comprising 79± additional acres to the annexation boundary.

Senior Planner Doug Libby summarized the previously circulated staff report.

Commissioner Kroon questioned whether the letters received from the City and Dunmore Homes accomplish what was discussed at the last meeting as far as protecting Mr. Takher's farming operation.

LAFCO Counsel Jim Lewis stated that while the letters are not binding, they are a good gesture on the part of the City and the developer.

Some discussion ensued regarding the County's Right to Farm Ordinance. Counsel Lewis stated the ordinance is mainly informational and provides disclosure, however; it doesn't protect farming operations.

There being no further discussion, Chairperson Kroon opened the public hearing:

- Denis Cook, City of Yuba City Community Development Director spoke in favor of the proposed annexation and stated that the City has done all that is possible to honor Mr. Takher's requests and noted the City has an honorable record.

- Richard Desmond, attorney for Mr. Takher stated they appreciate the letters from the City and Dunmore Homes. Mr. Desmond stated that Mr. Takher withdraws his request that his property be excluded from the proposed annexation; and that while he is not in favor of being annexed, asked that some language asking the City to consider the County's agricultural buffer guidelines when proposing development of this area be added to the resolution.

- Sean Minard, MHM, Inc. 529 J Street, Marysville – engineer for Dunmore Homes spoke in favor of the proposed annexation noting he has worked with the City of Yuba City and has modified the tentative map so that Mr. Takher's property will not be affected.

- Steve Miller, Dunmore Homes spoke in favor of the proposed annexation and wanted to provide reassurance that Dunmore Homes will keep their word as stated in their letter.

- George Carpenter, attorney for the petitioners Beymer Farms and the Takhers spoke in favor of the proposed annexation noting there are different zoning designations for the proposed area.

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

Commissioner Hellberg said he believes the City's and Dunmore Homes' intentions are good and stated he is in favor of the proposed annexation.

Some discussion ensued regarding buffer zones and whether LAFCO could place such a request on the resolution.

Chairperson Kroon stated the commission could request, but not impose.

Commissioner Whiteaker stated he has spoken with property owners and many wish to be annexed.

Commissioner White stated he would vote in favor of the proposed annexation after having received the two letters today.

There being no further comments from the Commission, it was moved by Commissioner White and seconded by Commissioner Hager to adopt Resolution 2004–10 making determinations and approving the request for reconsideration for the territory designated as the Northeast Yuba City Reorganization No. 316 with added text stating the City will seriously consider the County’s agricultural buffer guidelines when imposing development in the annexation area.

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 of territory annexing 518± acres to Yuba City and detachment of the property from County Service Area G and the Consolidated Street Lighting District and the establishment of the Tierra Buena Community Services District as a subsidiary district of the city of Yuba City. 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 Doug Libby summarized the previously circulated staff report.

At the request of Chairperson Kroon, Mr. Libby clarified that members of the public are welcome to comment, but under the law, valid protest can be received only in writing.

Chairperson Kroon opened the public hearing.

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

There being no comments from the Commission, it was moved by Commissioner White and seconded by Commissioner Whiteaker to adopt Resolution 2004–11, making determinations on the value of written protest for the territory designated as the Tierra Buena Reorganization No. 318.

The motion was carried by a unanimous voice vote.

- c. **Consideration of a preliminary Budget for LAFCO for fiscal year 2004-‘05.**

Senior Planner Doug Libby summarized the previously circulated staff report and requested the Commission to review the proposed budget, conduct a public hearing and direct staff to bring the matter back to the May 27, 2004 meeting for a final public hearing.

Some discussion ensued regarding the LAFCO fees and the cost apportionment of LAFCO’s budget. Executive Officer Combs stated that the special districts are allowed to hold a meeting where they can re-apportion the amounts each district is required to pay.

Commissioner Richards requested un-audited actuals be made available to the commission next month.

Chairperson Kroon opened the public hearing.

- Jim Van Dyke – South Sutter Water District, stated he felt the amount his district is required to pay is unreasonable and asked if user fees could be raised.

Mr. Combs answered that LAFCO isn't able to raise rates to keep districts from having to pay a portion. Mr. Combs noted that the state has imposed studies that must be done regardless of the size of the LAFCO and stated that rates might possibly be lowered after the required studies are done.

Commissioner White stated that in the past, independent districts have met and changed the amounts each district was required to pay and noted that a majority of the districts present at the meeting could vote to facilitate such a change.

Don Cochran - President of the Independent District Selection Committee, stated he would call a special district meeting in response to Commissioner White's comment.

Mr. Van Dyke expressed concern that some districts may not agree to pay more so another district can pay less.

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

It was moved by Commissioner Kroon and seconded by Commissioner Islip to adopt the LAFCO Preliminary Budget for the 2004-2005 fiscal year.

The motion was carried by a unanimous voice 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 4:58 p.m.

Respectfully submitted,

Larry T. Combs  
Executive Officer