

**SUTTER COUNTY LOCAL AGENCY FORMATION COMMISSION
MINUTES**

Date: April 26, 2007
Yuba City Council Chambers
1201 Civic Center Blvd., Yuba City

1. CALL TO ORDER

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

2. ROLL CALL

Members Present: Commissioners Munger, Montna, Maan, Richards, White, Islip, and Hager

Members Absent: None

Staff Present: Executive Officer Larry Combs, LAFCO Counsel Janet Bender, Senior Planner Doug Libby, and Office Assistant Gail Gould

3. PLEDGE OF ALLEGIANCE

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

4. APPROVAL OF MINUTES

Consideration to approve the minutes for the February 22, 2007, meeting.

On motion by Commissioner Montna and seconded by Commissioner Maan, the minutes of February 22, 2007 were approved by a unanimous voice vote.

5. PUBLIC HEARINGS

- a. **LAFCO-06-05: Bains-Costa Reorganization No. 331. A reorganization of territory proposing to annex 21.4 acres to the City of Yuba City and detachment of the land from County Service Area "G". The reorganization area is generally located north of Butte House Road at the intersection of Elmer Avenue.**

Senior Planner Libby summarized the previously circulated staff report.

Chairperson White opened the public hearing

David Lane, 1955 Elmer Avenue, Yuba City, CA, stated this proposal is substantially similar to the Tatla/Walker reorganization that was rejected by voters. Mr. Lane asserted that in size the proposal is not similar, but the effect is entirely similar. Mr. Lane stated the environmental document does not mitigate potential traffic impacts and the existing road system cannot handle additional development. Mr. Lane continued there is no master plan required by Yuba City ordinances. Until there is adequate assurance to protect the existing citizens, it is inappropriate to annex this at this time because annexation will permit development and there is not adequate infrastructure to serve it.

Enita Elphick, 1162 Putman Avenue, Yuba City, CA, stated she was opposed to this proposal because of a lack of master planning and infrastructure. She said she has been in the area for 20 years and it is getting extremely dangerous. Adding additional traffic without a traffic study and master plan is not appropriate.

Virginia Smith, 1979 Elmer Avenue, Yuba City, CA, stated she has the same concerns. Pulling out on Elmer Avenue is very dangerous. The roads have to be fixed before you can add additional development.

Denis Cook, representing the Bains family, stated the annexation is not substantially the same. The Tatla annexation of last year was to the north, well away from this. We applied for 9 ½ acres and staff proposed expanding the area to 21 acres. We do not have any opposition to that provided that people who live in that expanded area don't have opposition to it. Another concern is infrastructure in this area and it is sort of a Catch 22 because it will not have any infrastructure until annexed. The same is true for a master plan. Mr. Cook said that the Negative Declaration does not include all mitigations. Mitigations are not necessary if they are covered by city ordinance. Mr. Cook then requested the Commission approve the proposal.

Harry Dodson, 1848 Elmer Avenue, Yuba City, CA, asked if property in the 9 ½ acres could be accessed by Butte House as well as Elmer.

Senior Planner Libby responded the property had frontage on both Butte House and Elmer. If you are in the County, you will have to file for a County encroachment permit, and if you are in the City, you will have to file for a City encroachment permit. Executive Officer Combs stated he wanted to make it clear the Commission does not have jurisdiction over land issues. If this is annexed, it will fall under the jurisdiction of the City.

Chairperson White closed the public hearing.

Commissioner Montna stated he did not think annexation should be imposed on people on Elmer since they have already turned it down. He said the original annexation request was okay.

Senior Planner Libby stated that staff reviewed the Tatla/Walker protest and only expanded the proposal to include those property owners who had not protested the previous annexation.

Commissioner Montna said everybody either going home or going to work on Elmer Road has to pass those people on the road where it intersects Butte House.

Executive Officer Combs said with respect to the actual roads, staff normally recommends that a roads adjacent to an annexation be annexed to the City so the City has jurisdiction over the access to the area being annexed.

Discussion followed on access roads and jurisdiction

Chairperson White asked if the expanded area is taken out, then who has jurisdiction.

Senior Planner Libby responded the County does.

Commissioner Hager said traffic is a big problem.

Commissioner Maan asked what staff was basing their recommendation on.

Senior Planner Libby said it was based on size.

Commissioner Richards asked if this original area was included in the original 395 acres.

Senior Planner Libby replied it was.

Commissioner Richards said if they did not want in then, they probably don't want in now.

Commissioner Munger asked if the original area is approved, can the road in the expanded area be annexed down to the City limits. Senior Planner Libby replied they could.

Executive Officer Combs said if excluding the expanded area, if there is a development in the original area and the intersection needs to be improved, the County will still have to get involved. Mr. Combs reiterated that this proposal is a logical reorganization.

Aaron Busch, Community Development Director, City of Yuba City, stated should the Commission wish to grant the annexation, the City will evaluate any future development proposals based on the development of that property and that requires the preparation of a master plan this time. Also, the City would require the establishment of a financing mechanism to finance those improvements.

Chairperson White said what bothers him is it is the same thing and there is a traffic problem. Traffic is very congested in areas and we keep building and building. Chairperson White asked if they could take the part of the annexation affecting Butte House all way through, including the expanded area, to the City limits.

Executive Officer Combs said you certainly can. The City may or may not consider that adequate space to do the improvements. Since the plan for the development hasn't been done, we don't know that the expanded area land could be developed. Mr. Combs continued that it is possible some of that land might be needed for the necessary improvements to improve the awkward Butte House Road/Elmer Avenue intersection and the City can only evaluate that after they have a plan for development submitted by a developer and/or a master plan. Mr. Busch stated that as of this moment, the City will require a master plan. If that is the case, quite a bit of infrastructure could be required.

Chairperson White stated we should keep to the original application.

Commissioner Maan stated it makes sense to keep the expanded area in.

It was moved by Commissioner Hager and seconded by Commissioner Maan to adopt Resolution No. 2007-03 making determinations and approving the proposed reorganization of territory designated as the Bains-Costa Reorganization No. 331.

The motion did not carry by a 3 to 4 roll call vote.

Senior Planner Libby said if the Commission wishes to deny this annexation, it should be continued to the next meeting in order to prepare a resolution of denial.

Chairperson White suggested this go back for staff to prepare the paperwork to deny and then to take in the road area. The Commission concurred.

Senior Planner Libby questioned if the Commission wished to approve just the original area or did they want to include Elmer Avenue.

It was the consensus of the Commission to only consider the originally proposed annexation boundaries together with the adjoining County roads.

It was moved by Commissioner Montna and seconded by Commissioner Islip to continue the public hearing for the reorganization until May 24, 2007.

The motion was carried by a unanimous voice vote.

- b. **LAFCO-07-01 thru 07-03: George Washington Boulevard/Franklin Road Reorganization No. 332.** A reorganization of territory proposing to annex 352± acres to the City of Yuba City and detachment of the land from County Service Area “G” and the Consolidated Street Lighting District. The reorganization area is generally located south of State Highway 20 and the current city limits, north of and including Franklin Road, east of the Wildwood Estates subdivision and excluding the El Margarita Estates subdivision.

Senior Planner Libby summarized the previously circulated staff report.

Chairperson White opened the public hearing.

Michael Bodkin, 469 El Margarita Road, Yuba City, CA, opposed the annexation based upon traffic impacts and it could result in his family losing half of their front yard. He stated that no one who lives in this strip of homes is in favor of this proposal.

Elizabeth Bodkin, 469 El Margarita Road, Yuba City, CA, stated that in the pre-annexation zoning, El Margarita Estates was included and everyone in El Margarita Estates and our strip of homes voted against this. Then, the City excluded El Margarita Estates. Ms. Bodkin reiterated the traffic concerns and her concern that if the road was widened, her front yard would be eliminated.

Cynthia Struckmeyer, 563 El Margarita Road, Yuba City, CA, opposed the annexation based upon traffic and parking concerns.

Executive Officer Combs stated one of the reasons staff has proposed the expanded area as a logical reorganization is it allows the City to do adequate planning and provide adequate infrastructure. Because this did not previously happen, the community has developed some of the problems that exist today. The City has the ability to address the issue raised by the first parties who testified having to do with the problems on El Margarita and has the ability to address the issues having to do where traffic should be routed from those areas to the north in the original application that otherwise would just have the traffic coming down El Margarita worse then it is now unless the expanded area isn't annexed.

Denis Cook, representing all three of the property owners who have filed petitions for annexation, stated they did not have a problem with the expanded area being annexed. By the same token, they do not want to be penalized for the expansion and request the Commission reduce it to the original petitions if they do not want to annex the expanded area.

Jim Davis, representing the Church of the Nazarene on George Washington Boulevard, stated they have no objections to the annexation of their property.

Chairperson White closed the public hearing.

Commissioner Montna said in his opinion no matter what you do on El Margarita with the high school there, traffic will exist on El Margarita.

Commissioner Munger questioned if Bridge Street would be expanded to connect with El Margarita.

Aaron Busch, City of Yuba City, replied that at this time Bridge Street is shown to stop at that location on the General Plan, but as far as the master plan process, we would evaluate the entire circulation system to see what would be most adequate for this area as well as minimize traffic impacts through the existing neighborhood.

It was moved by Commissioner Montna and seconded by Commissioner Munger to adopt Resolution No. 2007-04 making determinations and approving the proposed reorganization of territory designated as the George Washington Boulevard/Franklin Road Reorganization No. 332.

The motion failed by a 3 to 4 roll call vote.

It was moved by Commissioner Richards and seconded by Commissioner Islip to adopt Resolution No. 2007-04 making determinations and approving the proposed reorganization of territory designated as the George Washington Boulevard/Franklin Road Reorganization No. 332, excluding the roads.

Commissioner Richards amended her motion to adopt Resolution No. 2007-04 making determinations and approving the proposed reorganization of territory designated as the George Washington Boulevard/Franklin Road Reorganization No. 332, including the roads. Commissioner Islip seconded the motion.

The motion carried by a 4 to 3 roll call vote.

- c. **LAFCO-07-04: Valley Development Reorganization No. 333; A reorganization of territory proposing to annex approximately 23± acres to the City of Yuba City and detachment of the land from County Service Area "G". The reorganization area is generally located south of State Highway 20 and immediately west of the Industrial Drive industrial park; Assessor's Parcel 19-010-139.**

Senior Planner Libby summarized the previously circulated staff report.

Chairperson White opened the public hearing.

Ernie Friesen, 677 Glenwood Drive, Yuba City, CA, stated he did not oppose the annexation, but requested that his property remain in the County because he does not wish to be annexed at this time.

Mike Singh, 1634 Poole Boulevard, representing Valley Development, requests his application be approved.

Chairperson White closed the public hearing.

Commissioner Richards asked Mr. Friesen how many acres he owns. Mr. Friesen replied it was 8 ½ acres.

Chairperson White said basically there are three landowners in this area.

Commissioner Montna said we discussed this property owned by Mr. Singh years ago when he was on the Board of Supervisors the first time. It was landlocked then. Now Mr. Singh has access and it is time something happened.

Commissioner Maan stated he thought it should be annexed.

It was moved by Commissioner Maan and seconded by Commissioner Montna to adopt Resolution No. 2007-05 making determinations and approving the proposed reorganization of territory designated as the Valley Development Reorganization No. 333, excluding the expanded area.

The motion carried by a unanimous roll call vote.

d. Consideration of a preliminary budget for fiscal year 2007-'08.

Senior Planner Libby summarized the previously circulated staff report.

Commissioner Richards asked about the \$25,000 in LAFCO fees and why the increase.

Senior Planner Libby replied this was for LAFCO being reimbursed for \$15,000 of contract work anticipated to occur but the expenses are being offset by increased fee revenue.

Chairperson White closed the public hearing.

It was moved by Commissioner Munger and seconded by Commissioner Richards to adopt the preliminary budget for fiscal year 2007-08.

The motion 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 6:00 p.m.

Respectfully submitted,

Larry T. Combs
Executive Officer

P:\Planning\LAFCO\ - MINUTES\Minutes 2007\4-26-07 Minutes