

**SUTTER COUNTY LOCAL AGENCY FORMATION COMMISSION
MINUTES**

Date: May 24, 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 Montna, Richards, White, Islip, and Hager

Members Absent: Commissioners Munger and Maan

Staff Present: Interim Assistant County Administrator Curt Coad representing Executive Officer Larry Combs, LAFCO Counsel Janet Bender, Office Assistant Gina Garcia, and Office Assistant Gail Gould

3. PLEDGE OF ALLEGIANCE

Mr. Coad led the audience, staff and Commission in the Pledge of Allegiance.

4. APPROVAL OF MINUTES

Consideration to approve the minutes for the April 26, 2007, meeting.

On motion by Commissioner Hager and seconded by Commissioner Islip, the minutes of April 26, 2007, were approved by a unanimous voice vote.

5. PUBLIC HEARINGS

- a. **Continued Public Hearing: 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.**

Mr. Coad stated that after the agenda had been distributed staff had received a request that the item be continued due to the absence of the representative of the applicants, Denis Cook. Staff recommended a continuance and that it be opened to a public hearing.

Chairperson White opened the public hearing.

David Lane, 1955 Elmer Avenue, stated that no one was noticed of the request for continuance and that many people were in attendance to be heard on the matter. He also stated that, although he is in opposition to the annexation, staff should include a fifth proposal that the entirety of Butte House Road be annexed all the way to Township Road, if the matter is continued.

There was discussion between the Commission, Mr. Coad, and Mr. Lane regarding jurisdiction over roads and clarification from Mr. Lane about which portion of Butte House Road he was referring to. He clarified that the portion of road to which he referred was between Romero and Tierra Buena.

Richard Henrich, 1975 Elmer Avenue, stated that he has lived on Elmer Avenue for 34 years and has witnessed the increase in traffic. He wanted to know if roads would be improved if the area was annexed.

Earl Pelfrey, 1820 Elmer Avenue, stated that he has lived on Elmer Avenue for 45 years and would like to see improvement plans for the roads implemented.

Warren Campbell, 1855 Elmer Avenue, stated that he is concerned about the absence of facilities that would access all of the homes being thought of in the area and doesn't see a hope for resolution. He inquired if the City had thought about placing a roundabout at Harter and Butte House Roads instead of stop signs.

Keith Martin, 2182 Elmer Avenue, stated that traffic, on Butte House Road, is a nightmare with speeders. He also stated that Harter Road is a nightmare and that the City should take care of existing traffic before allowing more development. He relayed that the Commission did not understand the problems and that the biggest problem is the traffic.

Judy Tarrell, 1725 Elmer Avenue, stated that she is concerned about the contamination of the Bains-Costa properties and was wondering if the contaminated soil has been taken care of. She is concerned about the water and was wondering if the soil contamination was the reason for annexation so that the City water would take over. She also stated that everyone on Elmer Avenue is opposed to this annexation.

Harold Steininger, 1725 Elmer Avenue, stated that he is concerned about where people would be accessing the road from the property, after development, and if Elmer were widened what that would do to the existing properties. He also stated that traffic is already a problem.

Commissioner Montna responded that if the property is annexed into the City and if the developer wants to develop they will have to improve the road that is touched by the property they develop. Once it is improved it is turned over to the

City. Until the area is annexed there is no money for road improvement and, after annexation, the City would have to set forth criteria for development. He also stated that no property can connect to City facilities until it is annexed.

Parm Bains, 381 South George Washington Boulevard, spoke in favor of the annexation. He asked that the Commission consider continuing the matter to the next meeting so that their consultant would be able to attend as well as Mr. Costa and other family members.

Mr. Coad stated that if the Commission were to continue the matter staff would not have a problem with looking at the suggestion for including Butte House Road in the annexation. He suggested that staff from the County and the City be present at the next meeting to discuss the issues with the roads and traffic plans.

Commissioners White and Montna clarified for the audience that the purpose of the Commission is to approve or deny reorganization proposals based on testimony, not to plan, and that the planning cannot start until the area is annexed into the City.

Aaron Busch, Community Development Director, City of Yuba City, 1201 Civic Center Boulevard, stated the City Planning Department would be willing to get together with the County Planning Department to discuss the issues and help the Commission. He shared that, should the project be annexed, the developer would have to go through the Master Plan process which evaluates the project and, at this point, they do not have any development projects to evaluate since the area is not within the City limits. The City recognizes that there are existing challenges for the neighborhood and project plans would have to go through the public hearing process if area is annexed.

Chairperson White, the Commission, and Mr. Busch discussed the City Master Plan process regarding roads, how the roads need improvement, and how the City is moving forward to implement the Master Plan. Members of the audience participated in the discussion. Mr. Busch stated the roads, in the area of the proposed annexation, are included in the City's Master Plan.

Also discussed, by the Commission and audience, was the question of this area being involved in a previous reorganization proposal and it was stated, by a member of the audience, that it had been previously proposed and denied. Mr. Busch reminded the Commission that staff had asserted the Bains-Costa Reorganization was substantially different from the previous proposal (Tatla-Walker Reorganization).

Commissioner Islip read from the minutes of the April 24, 2007, meeting stating that the motion to approve this reorganization did not carry and she was under the impression that the Commission was meeting today to deny the proposal.

Chairperson White stated the Commission's options, this day, were to either approve continuation of the matter to the next meeting to hear more testimony or not to continue and deny the reorganization.

Mr. Bains reminded the Commission that the initial denial was based on the way staff proposed the reorganization and that the landowners wanted to come back to propose the original application. He also stated that his consultant would be better able to answer questions and inform the Commission.

Chairperson White inquired of Counsel what the Commission's options were. Mrs. Bender instructed that the Commission needed to vote on whether to grant the continuance and if they voted not to continue then they would close the public hearing.

Mr. Coad recommended that if they vote to continue the matter staff strongly recommends the hearing be left open.

Commissioner Islip asked for clarification for continuing the matter to the next meeting.

Mr. Lane instructed the Commission that if the public hearing were continued all options would be open to the Commission regarding the reorganization since there was no final action.

There was discussion between the Commissioners, Mr. Lane, Mr. Bains and audience as to the events of the last meeting, why this matter was continued, and the options that the Commission would have.

Mr. Coad pointed out, to the Commission, that staff had provided three options regarding the reorganization in the staff report and that the Commission could take the action it deems appropriate. If the matter were denied the applicants would have to re-apply.

Chairperson White brought the matter back to the Commission and asked the pleasure of the Commission in regards to continuing this matter to the June 28, 2007, meeting.

Commissioner Hager made a motion to continue the hearing to the next meeting so the applicants and their representative could have the same representation as the people on Elmer Avenue.

Commissioner Montna seconded the motion.

The motion carried by a 4 to 1 roll call vote to continue the public hearing to the June 28, 2007, meeting with Commissioner Islip dissenting.

Mr. Coad stated that Staff would like to ask for direction on whether to include the portion of Butte House Road in the reorganization proposal as requested by Mr. Lane. Discussion followed and the Commission instructed staff to include it in the staff report for the next meeting.

b. Consideration to approve a final budget for fiscal year 2007-'08.

Chairperson White opened and closed the public hearing with no testimony being received.

Commissioner Richards stated that she had questions to ask of Mr. Libby and since he was not in attendance she asked that this matter be continued to the next meeting.

Mr. Coad instructed that the Commission was required to adopt a budget by June 15, 2007.

Chairperson White inquired as to the possibility of adopting a tentative budget.

Mr. Coad stated that it would be in violation of statute.

Chairperson White stated his concern that they be able to amend the budget, if need be, after it was adopted. Mr. Coad agreed that it could be amended.

On a motion by Commissioner Montna and seconded by Commissioner Hager, the final budget for fiscal year 2007-'08 was adopted. 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 5:00 p.m.

Respectfully submitted,

Larry T. Combs
Executive Officer

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