

**SUTTER COUNTY LOCAL AGENCY FORMATION COMMISSION
MINUTES**

Date: June 28, 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 White, Montna, Maan, Munger, Hager and District Alternate, Van Ruiten

Members Absent: Commissioners Richards and Islip

Staff Present: Interim Assistant County Administrator Curt Coad representing Executive Officer Larry Combs, LAFCO Counsel Janet Bender, Principal Planner Doug Libby, and Office Assistant Gina Garcia

Chairperson White invited District Alternate, George Van Ruiten, to join the Commission in place of Commissioner Islip.

3. PLEDGE OF ALLEGIANCE

Mr. Libby led the audience, Staff and Commission in the Pledge of Allegiance.

4. APPROVAL OF MINUTES

Consideration to approve the minutes for the May 24, 2007, meeting.

On motion by Commissioner Montna and seconded by Commissioner Hager, the minutes of May 24, 2007, were approved by a unanimous voice vote with Commissioner Maan abstaining, due to his absence at that meeting.

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.**

Chairperson White opened the floor to Staff.

Principal Planner Libby summarized the previously circulated staff report and discussed the Commission's options regarding the proposal. In concluding, Mr. Libby invited Diana Langley, an Engineer with Yuba City's Public Works Department, to address the Commission regarding transportation issues.

Diana Langley, Yuba City Public Works Department, addressed the city's proposed impact fees, the build-out of the City's General Plan and the City's policies for development and opportunities for public input during the development process. She concluded by stating the City will be unable to address many of the public's complaints over existing conditions unless the property is annexed.

A discussion ensued between staff and the Commission regarding developer fees, problems in acquiring rights-of-way and the problems that landowners face if Butte House Road is annexed without the adjoining properties.

Chairperson White questioned what action was taken by the Commission at its April meeting.

Mr. Libby responded the Commission had directed staff to return with a proposed resolution for denial and separately to prepare an amended map having boundaries of the lands originally proposed for annexation together with adjoining County roads.

Chairperson White asked if the Commission had voted on the two options.

Mr. Libby reminded the Commission they did not have a resolution for denial to consider at the time and had requested the two options be returned to them for further consideration.

Chairperson White questioned LAFCO Counsel if that was the way she understood it. Mrs. Bender responded that it was.

Commissioner Montna questioned if the City could improve the road if they wanted to and if Elmer could be realigned. Mr. Libby stated City Staff could better address this question.

Ms. Langley responded and discussed road improvements and intersection design.

Commissioner Maan questioned if Butte House could be widened without annexing adjoining parcels.

Ms. Langley responded the City would still have to acquire right of way which would be difficult if the land is outside of the City's jurisdiction.

A discussion ensued amongst the Commission regarding the City's boundaries.

Chairperson White opened the public hearing and requested that comments be limited to new information or concerns.

Denis Cook, Representative of the Bains family, raised his concern regarding the previous application because the applicants were not consulted regarding the project expansion. He considers this proposal as significantly different from the Tatla-Walker annexation because it did not include these properties. Mr. Cook agreed with Staff on all three options and agreed that if the area is not annexed road improvements cannot occur. He went on to quote from the Staff Report regarding Option 1.

Mike Smith, 1979 Elmer Avenue and 2033 Elmer Avenue, inquired as to the cost of a traffic light.

Diana Langley, City of Yuba City, stated a recently installed traffic light at Garden Highway and Eureka Road, for example, cost \$235,000 and that did not include street improvements.

There was discussion between Mr. Smith and Ms. Langley regarding whether the developer on Blevin Road paid an impact fee, whether there will be a light at Elmer Avenue and Butte House, and whether development in the annexation area will access Elmer Avenue or Butte House Road.

Mr. Smith was concerned about intersection safety with more traffic and no traffic light.

Earl Pelfrey, 1820 Elmer Avenue, requested to see the borders of the proposed annexation. He stated that he is against the annexation because of the traffic and he doesn't feel the problem will be addressed.

There was discussion between Mr. Libby and Chairperson White regarding what constituted an island and if Mr. Paul's market being taken out of the proposal creates an island. Mr. Libby summarized state law and LAFCO's policies regarding islands and noted the Sheriff's Department requested that Mr. Paul's market be included in the annexation in order to establish an easily recognizable city limit boundary.

Keith Martin, 2182 Elmer Avenue, stated that he has trouble seeing out onto Butte House Road from Harter due to the bushes. He also stated that there are no site distance problems on Elmer and Butte House. He questioned if the City is going to allow traffic to exit onto Butte House Road from the annexed property, if it is developed.

There was discussion between Diana Langley, City of Yuba City, and Mr. Martin regarding the City's development policies.

Chairperson White stated the discussion was getting into planning issues which are not part of the decision before LAFCO.

Enita Elphick, 1200 Putman Avenue, stated that her daughter and son-in-law live on Elmer Avenue, therefore, she is concerned about the increased traffic and questioned Yuba City's track record in addressing traffic issues. She stated this annexation was previously voted down and questioned if this property was included in the previous Tatla-Walker Reorganization.

Principal Planner Libby responded that it was part of the previous proposal.

Ms. Elphick questioned if the City or County had made an effort to find out why residents were against the failed proposal. She stated that she believes it was due to the traffic issues. She stated that it is LAFCO's responsibility to make sure there are appropriate services to serve the area and so far there has been nothing presented to the Commission to show this. Ms. Elphick contended the City is incorrect in saying they can't come up with a master plan until the property is annexed.

Principal Planner Libby clarified that LAFCO is charged to look at the overall picture and has no land use authority and can't require that improvements be made. He continued that LAFCO needs to look at the City General Plan and sphere of influence regarding annexation and reminded the Commission the required elements were addressed in their staff report to approve the annexation, if they so chose.

Chris Hrones, 1338 Hunn Road, stated the City is collecting fees because, as a developer, he is charged impact fees.

Enita Elphick, 1200 Putman Avenue, questioned Mr. Libby's statement and said that it was incorrect that a City does not have to master plan before it is annexed. It was her contention that cities master plans before the annexations and then submit them to LAFCO. She reiterated that LAFCO has the responsibility to assure that services are available.

Virginia Smith, 1979 Elmer Avenue, stated that she was concerned to see that there was no road improvement after the development on Blevin road and is concerned about when improvements would occur on Elmer Avenue.

Chairperson White stated that comments were beginning to get repetitious.

Judy Tarrell, 1725 Elmer Avenue, asked when the property owners would know about the plans for development of the proposed property. She was curious about the contaminated soil on that property, how it is affecting the water supply, and what was going to be done about it. She was also concerned about increased traffic.

Commissioner Maan stated that any contamination would be addressed after development plans are submitted to the City and that development is not permitted on contaminated soil. He reminded the public the purpose of this meeting was only to talk about annexation and that issues being raised would be addressed during the development review process of the City and that it would be the developer's responsibility to provide necessary improvements.

Richard Henrich, 1975 Elmer Avenue, stated that he talked to property owners along Elmer Avenue about their concerns and the main concerns were traffic and emergency services. He wanted to know why this matter was brought back after it had been voted down previously.

Mr. Libby stated explained state law with regard to the current proposal.

There was discussion regarding the failed Tatla-Walker reorganization and how this current proposal was not substantially similar due to its size.

Ralph Secor, 2000 Elmer Avenue, was concerned about the traffic problems that could be created on Elmer Avenue. He stated he doesn't feel that traffic is an issue on Butte House and requested a 3-way stop at Harter and Butte House Roads.

Mr. Libby responded that a four lane road for Butte House Road would occur over time as the City's General Plan is implemented and won't occur immediately.

Chairperson White closed the public hearing and asked for questions from the Commission.

Commissioner Maan stated the only way to improve the roads is to allow development that can pay for it. The road needs to be annexed to allow for improvements.

Alternate Commissioner Van Ruiten stated he agrees there should be a master plan.

Commissioner Montna stated in order for roads to improve there will need to be development and Butte House will eventually be four lanes due to population growth but he doesn't see Elmer Avenue being widened.

Chairperson White stated he has not heard anything about mitigation of cumulative environmental impacts on Butte House Road. He spoke about the possible charging of fees and knows that development needs to be done.

Chairperson White asked for a motion from the Commission.

Mr. Coad interjected that Staff has determined there was not a quorum present to vote on this proposal. He continued that it was his understanding that only those Commissioners that attended all of the meetings or reviewed the tapes could participate in the vote. Mr. Coad asked Mr. Van Ruiten if he had attended the meeting or had a chance to listen to the tapes of the meetings.

Mr. Van Ruiten responded that he had not.

It was determined that Alternate Commissioner Van Ruiten, Commissioner Munger, and Commissioner Maan did not attend the May 24, 2007, meeting.

LAFCO Counsel Janet Bender, suggested the Commission take a recess in order to determine the next step.

After a 10 minute recess Chairperson White called the meeting to order. Chairperson White put item 5a. Continued Public Hearing: LAFCO-06-05 on hold until LAFCO Counsel was able to make a determination and moved on to item 5b. on the agenda.

- b. **LAFCO 06-02: Virga-Jones Reorganization No. 329. A reorganization of territory proposing to annex 9.8 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 Lincoln Road along Karen Drive.**

Principal Planner Libby discussed previously circulated staff report and apologized on behalf of one the applicants, Chris Hrones, who had to leave the meeting.

Chairperson White asked the Commission if they had questions of Staff. There were no questions.

Chairperson White opened the public hearing.

Norm Plantenga, 862 Karen Drive, expressed support for the annexation.

With no further comment Chairperson White closed the public hearing.

On a motion by Commissioner Maan and seconded by Commissioner Hager, Resolution No. 2007-05 was adopted making determinations and approving the proposed reorganization of territory designated as the Virga-Jones Reorganization No. 329. The motion carried by a unanimous roll call vote.

The Commission returned to item 5a on the agenda.

- 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 a quorum did not exist to vote on the proposal. He advised Commissioners they will need to listen to tapes of the meetings they missed. He reminded the Commission that LAFCO has to take action on a proposal within 70 days of the time the hearing is scheduled so this proposal would need to be acted on within the following week. Mr. Coad said that staff recommended the matter be continued, that the public hearing be left open, and to have a special meeting take place within the next 6 days with all eligible commissioners in attendance.

There was discussion between Chairperson White, Mr. Coad, Ms. Bender and Mr. Libby regarding the consequences of not acting upon the proposal within the 70 day period.

The motion was made by Commissioner Hager and seconded by Alternate Commissioner Van Ruiten to continue the public hearing of LAFCO 06-05 Bains-Costa Reorganization No. 331 to a special meeting to be held on Monday, July 2, 2007, at 4:00 p.m. in the City of Yuba City Council Chambers.

Commissioner Maan stated there was to be a City Council meeting held in the Chambers at 5:00 p.m.

There was discussion about whether the special meeting should be open to public comment. It was decided that it would be best.

There was also discussion about where to hold the meeting should Chambers be unavailable since Staff would not be able to contact City personnel until in the morning. Mr. Coad suggested people call the LAFCO office.

Janet Bender, LAFCO Counsel, requested the motion include they were calling a special meeting for this item.

Commissioner Hager made a motion which was seconded by Commissioner Maan.

Mr. Coad stated the Commissioners would need to listen to meeting recordings of meetings that they missed and Mr. Libby continued by instructing they would need to do this by 4:00 p.m. on Monday, July 2, 2007.

Commissioner White asked Mr. Libby to notify Commissioners Islip and Richards.

The special meeting was voted on and carried by unanimous voice vote.

6. OTHER BUSINESS

Consideration to accept the letter of resignation from Assistant Executive Officer, Richards Hall.

On a motion by Commissioner Hager and seconded by Commissioner Maan the resignation of Assistant Executive Officer Richards Hall was accepted. The motion carried by unanimous voice vote.

Consideration to attend the 2007 CALAFCO Annual Conference.

Principal Planner Libby informed the Commission there were monies budgeted for the Commission to attend the 2007 CALAFCO Annual Conference in Sacramento. He suggested that if anyone was interested to contact him.

7. COMMENTS FROM THE PUBLIC

None

8. **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 5:55 p.m.

Respectfully submitted,

Larry T. Combs
Executive Officer

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