

**SUTTER COUNTY LOCAL AGENCY FORMATION COMMISSION
SPECIAL MEETING MINUTES**

Date: July 2, 2007
Veteran's Hall
1425 Veterans Memorial Cir., 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 Richards. Commissioner Islip arrived late.

Members Absent: None

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

3. PLEDGE OF ALLEGIANCE

Commissioner Richards led the audience, Staff and Commission in the Pledge of Allegiance.

4. COMMENTS FROM THE PUBLIC

None.

5. PUBLIC HEARING

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 discussed the change in meeting location and that it was his understanding that all Commissioners present were either at the meetings in which this matter was heard or had listened to the audio tapes of the meetings in which they were not in attendance. Mr. Coad informed the Commission that a letter in support of annexation had been received by Denis Okano and the Okano Family Living Trust in support of this annexation proposal.

Principal Planner Libby discussed with the Commission the statute regarding annexations and the formation of islands and summarized the Commission's options concerning this matter.

Chairperson White asked if the Commission had any questions of Staff. There were none.

Chairperson White opened the public hearing and asked the public limit their comments to new information only.

Mr. Coad asked that the record reflect the arrival of Commissioner Islip and stated that he understood that she had attended some of the pertinent meetings and listened to the tapes of those she had not attended.

David Lane, 1955 Elmer Avenue, stated that if anything is annexed it should be all of Butte House Road and the fact that it would create an island is irrelevant. He stated traffic problems will not be solved unless the County and City work together. He stated he opposes annexation and reminded the Commission that this proposed area had already been defeated and the Commission would have to make special findings to over rule that decision. He stated that size does not constitute a significant difference.

Commissioner Maan questioned Mr. Lane if there was an agreement between the City and the County, regarding road maintenance? Mr. Lane stated that it would be acceptable if the agreement worked but he doesn't see that happening. He said that something does need to be done about the traffic problem on Butte House Road.

Chairperson White asked if there was comment from the public in favor of the proposal. There was none. Chairperson White closed the public hearing.

Chairperson White questioned staff as to whether the City has implemented development fees.

Commissioner Maan discussed the City's impact fees

Mr. Coad stated that he and LAFCO Counsel were wondering if there was anyone else who was opposed to this reorganization that would like the opportunity to speak.

Chairperson White asked if there was more opposition.

Someone from the public asked for clarification on development fees that would be charged by the City.

Discussion ensued between Commissioner Maan and the public regarding fees that could be charged by the City and the process of determining what those fees would be.

Enita Elphick, 1200 Putman Avenue, spoke about impact fees and then stated that it is LAFCO's responsibility to make sure resident's needs are met. She said the annexation was voted down because of no planning and without a master plan no one knows what the fees are. Ms. Elphick stated that she is not against growth but is against non-planning.

Commissioner Maan suggested the meeting was getting off of the subject and these issues should be addressed by the City Council. He stated this property will not be developed without a master plan and the Commission is not discussing development but annexation.

Commissioner Montna questioned and discussed the creation of an island.

Mr. Libby discussed the statute concerning the formation of islands and reiterated the establishment of an unincorporated island not Staff's recommendation.

Commissioner Montna questioned the existing development pattern in the area.

Mr. Libby affirmed the area is mostly built-out.

Commissioner Islip asked if the area being considered would create an island. Mr. Libby discussed LAFCO's policies and that this proposal would not create an island.

There being no further comment from the public, Chairperson White brought the discussion back to the Commission.

Commissioner Hager questioned whether it would help solve traffic problems for Butte House Road to be annexed.

Mr. Libby responded it would not because the City would have a difficult time acquiring additional rights of way.

Commissioner Islip questioned if eminent domain could be exercised to acquire right of way.

Mr. Libby responded that eminent domain cannot be used for areas outside City's jurisdiction.

Commissioners Maan and Islip both stated that annexing the road does not help because the City can't exercise eminent domain.

Chairperson White discussed jurisdictional problems.

Commissioner Islip asked about the cost effectiveness, on Elmer Avenue, to include annexation only to the two parcels being considered.

Commissioner Maan stated that is where the impact is.

Commissioner Montna stated that he felt they couldn't annex all of Elmer Avenue because voters previously denied the Tatla-Walker annexation.

Someone from the public discussed development and road improvement versus non-development. She referenced Blevin Road and how the City said that it would be improved after development but it hasn't been and there are traffic problems.

Commissioner Hager stated the public hearing had been closed.

Discussion ensued as to whether the public hearing was, in fact, ever closed.

Mr. Coad said that Staff understood that when Chairperson White brought the discussion back to the Commission that it was closed at that time.

Janet Bender, LAFCO Counsel, advised the public hearing be opened since it wasn't clear that it was ever closed and to allow the public to speak.

Chairperson White made the decision the public hearing was still open.

Enita Elphick, 1200 Putman Avenue, stated that what the public is saying is this annexation is part of the annexation that was previously voted down and that none of the services that should be given to residents have been presented to LAFCO. She reiterated that a master plan does not exist for the area.

Chairperson White asked if there was any more public comment. There was none.

Chairperson White closed the public hearing.

Commissioner Hager said that creating an island is not acceptable.

Commissioner Islip stated her concerns were regarding what Ms. Elphick had said. She asked for clarification on options and wanted to know why the Commission had come back to this matter when it was denied at a previous meeting.

Mr. Libby responded the proposal was not denied at the April 26, 2007, meeting but rather the Commission provided direction to staff to return with additional options including a resolution to deny. Mr. Libby went on to clarify the options.

Commissioner Islip voiced her concern that she felt this annexation had already been denied by the owners along Elmer Avenue and wondered if it even could be re-addressed.

Mr. Libby clarified that one year had passed since the Tatla-Walker Reorganization was denied so application could be made. He stated staff might be reluctant to expand the boundaries due to property owner's previous opposition.

Commissioner Maan stated that it was time to vote on the proposal and that he agreed with the Staff recommended proposal.

Commissioner Munger stated that annexing the road right now is the best option.

Commissioner Montna stated that LAFCO can approve or deny this annexation but he would like to annex Butte House all of the way to Tierra Buena Road so the City can do what they need to.

Chairperson White stated that development would bring progress, if the development fees cover the cost, and he doesn't see a problem with services.

Commissioner Munger asked if that portion of Butte House Road being discussed could be added onto the proposal today.

Principal Planner Libby stated that it could, with specific findings from the Commission.

Commissioner Islip requested clarification.

Commissioner Richards asked if the Commission could hear what the City and County thought about annexing the road before they voted.

The Commission discussed the various options.

Commissioner Islip questioned if the City didn't need money from developers to help pay for the cost. She stated there are no landowners that would pay that kind of money for development.

Chairperson White confirmed with Staff there were four resolutions.

Mr. Libby outlined the four Commission options and clarified the resolution number.

A motion was made by Commissioner Montna and seconded by Commissioner Maan to approve option one listed in the staff report.

The motion carried 5-2 with Commissioners White and Islip voting in opposition.

Mr. Libby requested clarification for the record, the vote included in the language adoption of Resolution 2007-06.

Commissioner Montna so moved and Commissioner Munger seconded the motion Referencing Resolution No. 2007-06. The motion carried 5-2 with Commissioner's White and Islip voting in opposition.

Chairperson White explained Option One for the benefit of the public.

6. ADJOURNMENT

There being no further business before the Commission, Chairperson White thanked the public and the meeting was adjourned at 4:50 p.m.

Respectfully submitted,

Larry T. Combs
Executive Officer

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