

**SUTTER COUNTY LOCAL AGENCY FORMATION COMMISSION
MINUTES**

Date: August 23, 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, Munger, Maan, Richards, Islip, Hager, and County Alternate Whiteaker

Members Absent: Commissioner Montna

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

4. APPROVAL OF MINUTES

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

On motion by Commissioner Munger and seconded by Chairperson White, the minutes of July 26, 2007, were approved by a unanimous voice vote.

5. OTHER BUSINESS

a. **LAFCO 06-02: Virga-Jones Reorganization No. 329. A report from staff on the result of the public hearing of the Conducting Authority Proceedings and consideration to adopt a resolution making determinations on the value of written protest for the reorganization of territory.**

b. **LAFCO 06-05: Bains-Costa Reorganization No. 331. A report from staff on the result of the public hearing of the Conducting Authority Proceedings and consideration to adopt a resolution making determinations on the value of written protest for the reorganization of territory.**

Principal Planner Libby summarized the previously circulated staff report and the Conducting Authority public hearing staff conducted at 2:00 p.m. Mr. Libby stated there were no protests filed regarding either reorganization.

It was moved by Commissioner Munger and seconded by Commissioner Richards to adopt Agenda items 5a. and 5b. making determinations and approving the reorganization of territories designated as the Bains-Costa Reorganization No. 331 and the Virga-Jones Reorganization No. 329.

The motion carried by a unanimous voice vote.

Mr. Libby clarified that the motion included Resolutions 2007-07 and 2007-08. That was confirmed by the Commission.

Chairperson White recognized the late arrival of Commissioner Islip to the meeting.

6. **PUBLIC HEARINGS**

- a. **Continued Public Hearing LAFCO 07-01 thru 07-03: George Washington Boulevard/Franklin Road Reorganization No. 332. Sutter LAFCO has received a filing to reconsider its action of April 26, 2007, (Resolution no. 2007-03) a reorganization of territory annexing 139± acres to the City of Yuba City and detachment of the land from County Service Area "G". The lands potentially affected by the reconsideration are 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.**

Interim Assistant County Administrator Curt Coad representing Executive Officer Larry Combs stated, for the benefit of the audience and for the record, all Commissioners present had been present at the previous meeting or had listened to the tape of the previous meeting and that all Commissioners present were eligible to participate in voting on this agenda item.

Principal Planner Libby summarized the proposal's history and previous Commission action and discussed the City's request for reconsideration.

Aaron Busch, City of Yuba City, 1201 Civic Center Blvd., discussed the City's request for reconsideration and rationale for expanding the annexation boundary to coincide with the City's master plan boundary.

Mr. Busch stated the City was willing to exclude the homesites located on the east side of El Margarita Road since the existing right of way is sufficient to accommodate needed road widening.

Chairperson White asked for questions from the Commission.

Commissioner Munger questioned how improvements would be made if the road and homes on the east side of El Margarita Road were excluded from the annexation.

Mr. Busch, the Commission and Staff discussed excluding the homesites on the east side of El Margarita Road. Mr. Busch stated since sufficient rights of way exist, the City could work with the County on an agreement for any necessary road improvements on El Margarita Road.

Mr. George Musallam, Director of Public Works, City of Yuba City, 1201 Civic Center Blvd., discussed with the Commission the curb-to-curb width of the existing right of way and utility easements on El Margarita Road.

Seeing there were no further questions from the Commission, Chairperson White opened the public hearing.

Ron Hood, 391 El Margarita, stated that he did not agree that there was a 52 foot right of way. He stated that there was only a 40 feet easement.

Elizabeth Bodkin, 469 El Margarita, explained that the widths between people's fences/yards and the roadway were insufficient to widen the road. She stated that widening the road would take property owner's yards.

Principal Planner Libby clarified the County Public Works Department staff and not city staff provided the right of way information. Mr. Libby continued that if people had inadvertently developed their yard landscaping in the County right of way, that landscaping is already at risk today.

Discussion ensued regarding encroachments into the right of way, perceived permission from the County to do so, and the possible widening of El Margarita Road.

Commissioner Whiteaker stated the purpose of today's meeting is to decide an annexation boundary and that future road improvements are a separate issue not subject to LAFCO.

Mrs. Bodkin stated that she is against the annexation, as a whole

The Commission discussed the proposed exclusion of the homesites on the east side of El Margarita Road and it's affect on the property owners in regards to which agency would be in control of the road right of way and utilities.

Mrs. Bodkin asked if the exclusion of those properties would keep the City from encroaching on their properties.

Commissioner Maan stated that any decision would not affect the right of way because it already exists. The City will not have authority over the road if it is within the County but the City could establish an agreement with the County to make road improvements. He reiterated that the Commission was there to decide whether or not to annex the land and not possible road widening.

There was discussion as to whether property owners would have to be on City sewer and water if they were annexed. Commissioner Mann responded that it would not be mandatory unless there was a failure of a septic system.

Michael Bodkin, 469 El Margarita, stated his opposition to the reorganization due to lack of room for the road widening and voiced his desire to stay in the County.

Cecil Bybee, 459 El Margarita, stated his opposition to the annexation due to his belief that if Harter Road were improved there would be no need to expand El Margarita. He also stated that he doesn't feel it is right to disturb people's property and way of life.

Mr. Bodkin stated that the development of the Parkway would take the pressure off of El Margarita.

Commissioner Whiteaker and Mr. Bodkin discussed the proposed boundary, the exclusion of properties on the east side of El Margarita Road and how that would affect his property and if he would be in favor of being excluded from the annexation.

Laurie Loehrer, 419 El Margarita, stated that she does not want to be annexed into the City and does not want the property immediately behind her property annexed either.

Tom McKibbin, 381 El Margarita, stated that he has lived on this property for 55 years and when he moved there the right of way was 40 feet wide. He also stated that El Margarita Road is not centered on the right of way; it's mostly on the east side. Mr. McKibbin does not believe there is a 50 foot right of way.

Commissioner Maan asked how many feet is the right of way to east and west.

Principal Planner Libby stated he did not know the roadway's location within the right of way.

Chairperson White asked Mr. Musallam if he knew where the road is located within the right of way.

Mr. Musallam responded that he did not have the information at this time.

Pam Hardwick, 449 El Margarita, said she does not believe there is 50 feet of right of way. She stated her opposition to the annexation due to concerns of yards and houses disturbed to widen the road, past experience with the City Council, traffic problems, costs, and lack of infrastructure. She also stated that property owners were not notified of this meeting.

Commissioner Maan and Principal Planner Libby discussed public hearing notification requirements.

Lauren Ahlers, owns the 20 acres north of El Margarita Estates and stated he is in favor of annexation because he can no longer farm the property due to encroaching development and problems with trash resulting from development. He explained the benefits of annexation.

Rollin Ahlers, 3089 Acacia Ave., also owns the property north of the El Margarita Estates and encourages the annexation of the territory so that the property is not an island and they can develop it.

Jim Haynes, 626 El Margarita, stated that he farmed his 20 acres until he received too many complaints from homeowners and is in favor of annexation.

Nadine Haynes, 626 El Margarita and 470 El Margarita, stated that she is in favor of the annexation.

Chris Hrones, 1338 Hunn Rd., stated he is the owner of land under LAFCO-07-03. He is in favor of the annexation and of excluding the properties on the east side of El Margarita Road.

There being no further testimony Chairperson White closed the public hearing and brought the matter back to the Commission for comments.

Commissioner Maan reiterated that the survey information was provided by the County and if there are questions they should be referred to the County. He stated this meeting is not the arena to discuss City issues and that those comments should be brought up at a City Council meeting. He also stated that the City likes to have orderly development and voiced his support for the reconsideration.

Commissioner Munger stated the road widening issue would come up at a later time. He discussed the problems of septic and wells versus City sewer and water. For the benefit of the audience, he also discussed the prices of putting in new septic systems.

Commissioner Whiteaker stated he walked El Margarita Road talking to residents about the proposal and ascertained that the west side was in favor but the east side was not. He also stated that he wanted to support those who favored annexation and supports the modification to exclude the east side of El Margarita Road from annexation.

Chairperson White said he was originally against the annexation and has never seen the master plan from the City. He stated that he understands the difficulty in farming next to development.

Seeing there were no further comments from the Commission or staff, Chairperson White brought the matter before the Commission for a vote.

It was moved by Commissioner Munger and seconded by Commissioner Hager to adopt Resolution No. 2007-09, with modifications, approving the request for reconsideration of the reorganization of territory designated as the George Washington Boulevard/Franklin Road Reorganization No. 332.

Principal Planner Libby clarified the modification was to the map that excludes the homesites located on the east side of El Margarita Road north of the intersection of Franklin Road. He stated that staff would prepare a new map for the chairman's review.

There was discussion among the audience, LAFCO Counsel, and Chairperson White regarding the legality of the City to make the modification excluding those properties. It was ascertained by LAFCO Counsel that it is legal.

Commissioner Maan clarified the choices before the Commission

LAFCO Counsel Janet Bender directed the motion clearly state that the Commission would be partially granting the request for reconsideration and that Resolution 2007-09 would supersede the prior Resolution 2007-03.

It was so moved by Commissioner Munger and seconded by Commissioner Hager.

Chairperson White and Principal Planner Libby discussed and clarified the boundary that was being considered by motion.

The motion carried by a 4 to 3 roll call vote with Commissioners Islip, Whiteaker, and White dissenting.

- b. Continued Public Hearing LAFCO-07-04: Valley Development Reorganization No. 333. Sutter LAFCO has received a filing to reconsider its action of April 26, 2007, (Resolution no. 2007-04) a reorganization of territory annexing 23± acres to the City of Yuba City and detachment of the land from County Service Area "G". The lands potentially affected by the reconsideration are generally located south of State Highway 20 and immediately west of the Industrial Drive industrial park comprising Assessor's Parcels 19-010-035, -130, -139.**

Principal Planner Libby summarized the previously circulated staff report noting the City's recently received letter withdrawing their request for reconsideration. It was noted the proposal would be scheduled for protest hearing proceedings on September 27, 2007.

Chairperson White and LAFCO Counsel discussed that there was no need for further action from the Commission.

7. COMMENTS FROM THE PUBLIC

None

8. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 5:45 p.m.

Respectfully submitted,

Larry T. Combs
Executive Officer

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