

SUTTER COUNTY

LOCAL AGENCY FORMATION COMMISSION

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SUTTER COUNTY LOCAL AGENCY FORMATION COMMISSION MINUTES

Date: June 23, 2011
Yuba City Council Chambers
1201 Civic Center Blvd., Yuba City

1. Call to Order.

Chairperson Klotz called the meeting to order at 4:05 p.m.

a. Roll Call.

Members Present: Commissioners Maan, Klotz, White, Islip and Pardesi

Members Absent: Commissioners Gallagher and Montra

Staff Present: LAFCO Counsel Janet Bender, Assistant Executive Officer Doug Libby, and LAFCO Clerk Virginia Perry

b. Pledge of Allegiance.

Chairperson Klotz asked Commissioner Maan to lead the Pledge of Allegiance to the flag.

c. Approval of Minutes.

Commissioner White made a motion to approve the minutes of the May 26, 2011, meeting which was seconded by Commissioner Maan and approved by those present.

2. Public Hearings.

- a. **LAFCO-11-004: Live Oak Annexation Area No. 4, Reorganization No. 34; a reorganization of territory to annex 265.6 acres to the City of Live Oak and detachment of the property from County Service Area "F". The boundaries of the proposal are generally described as being located north of the existing Live Oak city limits on both sides of State Highway 99, and bounded by Riviera Road to the north, Larkin Road on the east and the Union Pacific Rail line to the west.**

Assistant Executive Officer Libby summarized the previously circulated staff report and provided a PowerPoint presentation detailing the location of this annexation in relation to other proposals that have recently come before the Commission. Assistant Executive Officer Libby stated that a number of inquiries for general information had been received from the public, but staff had not received any letters or comments opposing this proposal.

Chairperson Klotz informed the Commission that Jim Goodwin, Live Oak City Manager, was present to answer questions. Chairperson Klotz opened the public hearing.

Gerry Pomeroy of 2695 Riviera Road, Live Oak asked if the north boundary of the annexation will go to the south edge of Riviera Road. Assistant Executive Officer Libby responded the northern boundary of the proposal includes the full road width of Riviera Road. Assistant Executive Officer Libby told Mr. Pomeroy the annexation does not include property north of Riviera Road.

Jerry Risenhoover of 10928 Hwy 99, Live Oak acknowledged he received a Public Hearing Notice from LAFCO informing him of this proposal but asked why he had not been notified by the City of Live Oak. Mr. Risenhoover asked the Commission not to approve the proposal at this time.

Assistant Executive Officer Libby informed the Commission and Mr. Risenhoover the City of Live Oak went through a public hearing process when it was conducting its General Plan update and went through a separate public hearing process for the Pre-Annexation Zoning. Mr. Libby further stated the City of Live Oak adopted Resolutions of Application which were submitted to Sutter LAFCO and LAFCO issued public hearing notices 21 days prior to this public hearing.

Jim Goodwin, Live Oak City Manager, informed the Commission the City of Live Oak sent letters to all identified property owners in the area informing them of the City's intent to pursue annexation of the area prior to submitting the applications to LAFCO.

Naz Baksh who owns property at 2289 Coleman Avenue, Live Oak told the Commission the Public Hearing Notice he received from LAFCO informing him of

this proposal was the first notice he received. Mr. Baksh indicated he did not receive notice of the proposal from the City of Live Oak. Mr. Baksh asked the Commissioners what the advantages of annexation would be to the landowners, when the annexation would become effective and how annexation will affect his taxes.

Assistant Executive Officer Libby responded that the Coleman Avenue property is included in LAFCO Project 11-005 and will be addressed later in the meeting. Mr. Libby outlined the annexation process and timeline following approval of this proposal and estimated the annexation could be recorded late this summer or early fall and take effect 30 days after it is recorded. Mr. Libby also discussed the advantages of annexation. Commissioner Islip informed Mr. Baksh that he can protest this proposal and should contact Assistant Executive Officer Libby for information. Mr. Libby noted this is the first step in the development process and it could be years before development occurs.

Jerry Risenhoover, Jr. of Live Oak expressed concern that other landowners might not have been notified of this annexation by the City of Live Oak.

Assistant Executive Officer Libby advised the Commissioners he is available to meet with landowners to discuss this proposal. Commissioner Maan stated this is the first step at the LAFCO level and anything prior to this has occurred at the City level. Commissioner Maan further stated the City of Live Oak maintains records of who was notified regarding this proposed annexation and he urged landowners to contact the City of Live Oak to address their questions.

Denis Cook, contract planner for the City of Live Oak, addressed concerns expressed by speakers, discussed the benefits of annexation, and told the Commission the City of Live Oak mailed courtesy letters to all property owners months before filing the application with LAFCO. Mr. Cook further stated that all legal notice requirements were met by LAFCO staff.

No one else from the public wished to address the Commission, and Chairperson Klotz closed the Public Hearing.

After a lengthy discussion Commissioner White made a motion to continue this matter to the July meeting, which was seconded by Commissioner Islip and unanimously approved by those present. The proposal was continued to the July 28, 2011, LAFCO general meeting.

- b. LAFCO-11-005: Live Oak Annexation Area No. 5, Reorganization No. 35; a reorganization of territory to annex 117.7 acres to the City of Live Oak and detachment of the property from County Service Area "F". The boundaries of the proposal are generally described as being located on the south side of the existing Live Oak city limits and bound by**

Reclamation District No. 777 Lateral number nine to the north, State Highway 99 on the west, Sinnard Avenue and the Sunset Lateral Canal on the east and extending to a point approximately 1,360 feet south of Bishop Avenue and comprising Assessor's Parcels 9-190-005, -023, -018, -028, -027, -021, -025, -026, 09-270-029, -025, -014, -027, -016, -011, -010.

Assistant Executive Officer Libby summarized the previously circulated staff report and provided a PowerPoint presentation detailing the location of this annexation in relation to other proposals that have recently come before the Commission. Mr. Libby further stated that a number of inquiries have been received from the public asking for general information, but staff has not received letters or comments opposing this proposal.

Chairperson Klotz opened the Public Hearing.

Brian Bole of 2139 Briar Lane, Yuba City, and one of the owners of a Coleman Avenue property told the Commission he spoke with his neighbors and LAFCO did a great job of notifying property owners of this proposal, but the City of Live Oak did not. Mr. Bole stated he met with Assistant Executive Officer Libby who addressed his questions and concerns.

Commissioner Maan suggested this proposal be postponed to the July LAFCO meeting in order to give landowners time to meet with the City of Live Oak and Assistant Executive Officer Libby to address their questions and concerns.

Commissioner White urged the City of Live Oak to publicize and hold a town hall meeting to discuss this proposal with landowners in the annexation area.

Naz Baksh who owns property at 2289 Coleman Avenue, Live Oak stated his family is planning to build a family home on Coleman Avenue and expressed concern about how a change in jurisdictions will impact the requirements to build his home. Commissioners White and Maan urged Mr. Baksh to meet with the City of Live Oak and Assistant Executive Officer Libby to address his concerns.

No one else from the public wished to address the Commission, and Chairperson Klotz closed the Public Hearing.

After a brief discussion Commissioner Maan made a motion to continue this proposal to the July LAFCO meeting, which was seconded by Commissioner Islip and unanimously approved by those present. The proposal was continued to the July 28, 2011, LAFCO meeting.

3. **Other Business.**

- a. **LAFCO-11-001: Live Oak Annexation #1, Reorganization No. 32; A report from staff on the results of the public hearing of the Conducting Authority Proceedings and consideration to adopt a resolution making determinations on the value of written protest for a reorganization of territory to annex 23.1 acres to the City of Live Oak and detachment of the property from County Service Area "F". The affected territory is located west of the City of Live Oak on either side of Pennington Road and includes all parcels from the existing City limits to the eastern boundary of the Live Oak Cemetery.**

Assistant Executive Officer Libby summarized the previously circulated staff report and provided a PowerPoint presentation detailing the location of this annexation in relation to other proposals that have recently come before the Commission. Mr. Libby stated a protest hearing was conducted today at 2:00 p.m. and there was no protest either in person or in writing provided. Mr. Libby informed the Commission the law requires that a resolution be adopted making a determination of insignificant protest that will complete the proceedings.

Commissioner White made a motion to approve Resolution No. 2011-12, which was seconded by Commissioner Maan and unanimously approved by those present.

- b. **Consideration of a staff services Agreement between the County of Sutter and Sutter LAFCO and possible authorization of the Chairman to sign the Agreement.**

Assistant Executive Officer Libby summarized the previously circulated staff report detailing the history behind this matter and outlining the provisions of the proposed agreement.

Commissioner White asked if the LAFCO Commissioners have insurance coverage while acting on behalf of LAFCO. LAFCO Counsel Janet Bender responded that she believes they are covered under Sutter County's insurance and that this proposal had been reviewed by the County's Risk Manager; however she offered to confirm that Sutter County's insurance covers the Commission. After a brief discussion it was decided this matter should be continued to the July meeting in order to provide LAFCO Counsel the opportunity to confer with the County's Risk Manager. Additionally, the Commission requested a copy of staff's current billing rates be provided.

Commissioner White made a motion to continue this proposal to the July 28, 2011, meeting, which was seconded by Commissioner Islip and unanimously approved by those present.

4. **Comments from the Public.**

There were no comments from the public.

5. **Adjournment.**

Commissioner White made a motion to adjourn the meeting which was seconded by Commissioner Maan and unanimously approved by those present. The meeting was adjourned at 5:04 p.m.

Respectfully submitted,



Doug Libby, AICP
Assistant Executive Officer

DL:vp

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