

# SUTTER COUNTY

## LOCAL AGENCY FORMATION COMMISSION

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### SUTTER COUNTY LOCAL AGENCY FORMATION COMMISSION MINUTES

Date: July 28, 2011  
Yuba City Council Chambers  
1201 Civic Center Blvd., Yuba City

#### 1. Call to Order.

Chairperson Klotz called the meeting to order at 4:03 p.m.

##### a. Roll Call.

Members Present: Commissioners Montna, Klotz, White, Islip, Pardesi, Maan  
(arrived at 4:05) and Gallagher (arrived at 4:13)

Members Absent: None

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

##### b. Pledge of Allegiance.

Chairperson Klotz asked Commissioner Montna to lead the Commission and audience in the Pledge of Allegiance to the Flag.

##### c. Approval of Minutes.

Commissioner White made a motion to approve the minutes of the June 23, 2011, LAFCO meeting which was seconded by Commissioner Montna and unanimously approved by those present.

LAFCO Counsel Janet Bender recommended the Commission wait for Commissioners Maan and Gallagher to arrive before beginning the public hearings. After a brief discussion it was decided the Commission would consider agenda items 3a and 3b first.

**3. Other Business.**

**a. Consideration of a staff services Agreement between the County of Sutter and Sutter LAFCO and possible authorization of the Chairman to sign the Agreement. This item was continued from the June 23, 2011, meeting.**

Assistant Executive Officer Libby summarized the previously circulated staff report and stated this item was considered at the June 23, 2011, regular meeting and continued to allow staff to obtain information for the Commission regarding insurance and staff billing rates. After consulting with the County's Risk Manager, the proposed contract has been amended to provide for worker's compensation, general liability, and automobile liability insurance coverage to staff and the Commission. Mr. Libby further stated the provision of LAFCO indemnifying the County has been deleted. Mr. Libby also noted the current approved staff billing rates have been included as an attachment to the staff report.

Commissioner White asked LAFCO Counsel Janet Bender if the contract covers errors and omissions. After reviewing the document, Ms. Bender responded she did not see that provision in the contract but told the Commission the contract and insurance coverage had been reviewed and approved by the County's Risk Manager. After a brief discussion, Commissioner White made a motion to continue this item to the next meeting so LAFCO Counsel could obtain additional information from the County's Risk Manager, which was seconded by Commissioner Islip and unanimously approved by those present. Assistant Executive Officer Libby informed the Commission the next meeting is scheduled for August 25, 2011, but there are no items pending before the Commission at that time and recommended this item be continued to the September regular meeting. Commissioner Maan made a motion to continue consideration of a staff services agreement to September 22, 2011, which was seconded by Commissioner White and unanimously approved by those present.

**b. Minutes from the June 23, 2011, Conducting Authority public hearing carried out by staff.**

Assistant Executive Officer Libby informed the Commission the minutes from the Conducting Authority meeting held on June 23, 2011, were included for informational purposes only and no action was required.

It was noted Commissioner Maan had arrived.

## 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. This item was continued from the June 23, 2011, meeting.**

Assistant Executive Officer Libby summarized the previously circulated staff report and informed the Commission this item was considered at the June 23, 2011, regular meeting and continued to allow the City of Live Oak an opportunity to meet with citizens to address their questions and concerns. Assistant Executive Officer Libby noted Commissioners Montna and Gallagher were absent from the June meeting; however, they each listened to the tape of those proceedings this morning and are eligible to vote on this matter.

It was noted Commissioner Gallagher had arrived.

Chairperson Klotz informed the Commission that Gary Baland, Mayor of the City of Live Oak; Jim Goodwin, City Manager; and Denis Cook, Contract Planner for the City of Live Oak were in attendance at today's meeting and available to answer questions.

Commissioner Klotz opened the Public Hearing.

Jim Goodwin stated the City of Live Oak communicated by letter to the same group of property owners they contacted in December, 2010, and invited them to a public meeting on July 11, 2011, at the Live Oak City Hall. Mr. Goodwin stated the City of Live Oak's purpose is to be proactive in planning for the City's economic growth and the area to be annexed has been in the City's sphere of influence for many years.

Commissioner Gallagher noted residents raised questions and concerns at the June meeting about being forced to hook up to city utilities if the proposed annexation is approved, and asked the City of Live Oak to address those concerns.

Mr. Goodwin responded the City is not requiring anyone to hook-up to water or sewer but a property owner could be required to hook-up to city services per State regulations if their septic system failed. A lengthy discussion ensued regarding hook-up fees and regulations. Denis Cook, Contract Planner for the City of Live Oak, stated there are numerous homes within the

Live Oak city limits that have remained on wells and septic systems for many years.

Brynda Stranix, President and Chief Operating Officer of the Yuba-Sutter Economic Development Corporation spoke in favor of the proposed annexation and expressed the need to plan for future economic growth of the Live Oak area.

Gary Baland, Mayor of the City of Live Oak, spoke in favor of the proposed annexation. Mayor Baland stated the proposed project is within the plan and vision of the City of Live Oak and is well within the City's newly adopted General Plan Update.

Jerry Risenhoover, Jr., of Live Oak spoke against the proposed annexation and discussed his concerns about hook-up fees and the impact annexation will have on land use. Mr. Risenhoover acknowledged the City of Live Oak held a public meeting regarding this proposal in July and stated he was disappointed with the attendance. Mr. Risenhoover submitted a signed petition of people within the boundaries of the proposal opposing annexation.

Commissioner Maan asked Assistant Executive Officer Libby to explain the protest procedures, and Mr. Libby explained the protest process. A discussion followed between the Commission and Assistant Executive Officer Libby regarding the protest process and the numbers of parcels, property owners, and registered voters in the proposed annexation. Mr. Libby urged anyone interested in submitting a valid protest to contact him for additional information.

Jerry Risenhoover, Sr. of Live Oak spoke against the proposal and discussed the submitted petition. Commissioner Maan asked Mr. Risenhoover if all the signatures on the petition were from the North annexation area and Mr. Risenhoover responded that all of the signatures were from Reorganization #34.

Commissioner Gallagher asked Mr. Risenhoover what his biggest concern is about annexation, and Mr. Risenhoover responded he is concerned about being required to hook-up to City utilities and the cost that would be incurred. Mr. Risenhoover also expressed concern over the change in zoning and how that will affect him. Commissioner Gallagher asked Mr. Risenhoover if he addressed his zoning concerns with the City of Live Oak during the General Plan update process. Mr. Risenhoover, Jr. responded there seemed to be a breakdown in the communication process between the City of Live Oak and citizens. Chairperson Klotz asked Mr. Goodwin to respond to that issue.

Mr. Goodwin stated the General Plan update process began in 2005 and was completed in 2010. Mr. Goodwin further stated there were numerous public meetings and hearings throughout the General Plan update process, and the City sent letters regarding the proposed annexation to affected property owners in December 2010 and July 2011.

Armando Hernandez of Live Oak expressed concern about changes in zoning, as well as business and land use regulations if the proposal is approved. Chairperson Klotz urged Mr. Hernandez to meet with Jim Goodwin at the City of Live Oak to discuss his concerns.

Will Davis of Live Oak spoke against the proposal and expressed concern about an increase in traffic, too many homes being built in the area, and a desire to maintain his way of life. Mr. Davis asked who would maintain Riviera Road if the proposed annexation is approved. Assistant Executive Officer Libby told Mr. Davis the City of Live Oak will maintain Riviera Road following annexation.

Pat Kinkle of Live Oak spoke against the proposal and expressed concern about the change in zoning and her fear that she could eventually lose her property.

Naz Baksh of Live Oak expressed concern that a change in zoning would negatively impact his property at the corner of Highway 99 and Coleman Avenue. Assistant Executive Officer Libby informed the Commission the property Mr. Baksh was referring to is located in Reorganization #35, which was the next item on the agenda.

Wendy Hernandez of Live Oak acknowledged receiving letters from the City of Live Oak regarding the proposal and expressed her desire to maintain her lifestyle as well as concern for her husband's business and how the change in zoning and business regulations will affect him.

Jerry Pomeroy of Live Oak stated his property is located outside the proposed annexation but expressed concern his property will be annexed in the future and discussed his desire to maintain his current way of life. Commissioner Montna addressed Mr. Pomeroy's concerns and discussed future growth and development in the Live Oak area.

Chairperson Klotz closed the public hearing.

Commissioner Gallagher addressed concerns expressed by the public and voiced his support for the proposal stating it is consistent with Live Oak's General Plan, sphere of influence and is an area the City intends to expand into. Commissioner White also expressed his support for the proposal.

Commissioner Gallagher made a motion to approve LAFCO-11-004, Live Oak Reorganization #34, and adopt Resolution 2011-10, which was seconded by Commissioner White. The motion carried by a majority vote with Commissioners Montna, Gallagher, Maan, Klotz, White, and Pardesi voting in favor and Commissioner Islip in opposition. Commissioner Maan asked Assistant Executive Officer Libby to explain the protest process. Mr. Libby summarized the protest process and urged anyone with questions to contact him for additional information.

- 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. This item was continued from the June 23, 2011, meeting.**

Assistant Executive Officer Libby summarized the previously circulated staff report and provided a PowerPoint presentation which detailed the location of the proposed annexation. Mr. Libby stated this item was considered at the June 23, 2011, regular meeting and continued to allow the City of Live Oak the opportunity to meet with citizens to address their questions and concerns. Assistant Executive Officer Libby noted Commissioners Montna and Gallagher were absent from the June meeting; however, they listened to the tape of those proceedings this morning and are eligible to vote on this matter.

Chairperson Klotz opened the Public Hearing.

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

Commissioner Gallagher asked for clarification of the Live Oak zoning regulations pertaining to rebuilding a home that had been destroyed.

Denis Cook from the City of Live Oak explained Live Oak's zoning regulations noting the City is in the process of revising the code. After a brief discussion, Commissioner Maan made a motion to approve Live Oak Reorganization #35 and adopt Resolution 2011-11, 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 Maan made a motion to adjourn the meeting, which was seconded by Commissioner White and unanimously approved by those present. The meeting was adjourned at 5:26 p.m.

Respectfully submitted,



Doug Libby, AICP  
Assistant Executive Officer

DL:vp

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