

RESOLUTION NO. L AFC 2010-08-0519-03-07

THE SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

***ADOPTING FINDINGS OF FACT FOR THE
INCORPORATION OF THE CITY OF ARDEN ARCADE***

WHEREAS, the Sacramento Local Agency Formation Commission (LAFCO) is approving a petition and application for the incorporation of Arden Arcade. The approval of this plan is a “project” within the meaning of the California Environmental Quality Act (CEQA) (Public Resources Code sections 21000 et seq.), requiring the preparation of an Environmental Impact Report (EIR). LAFCO has prepared and certified an EIR that satisfies the requirements of CEQA. In that EIR, LAFCO identified certain significant adverse impacts that could occur with the approval and implementation of the incorporation. These impacts are summarized later in this document;

WHEREAS, prior to approving the incorporation, LAFCO is required to make written findings explaining how it has dealt with each significant environmental impact. LAFCO must make one of the following findings for each impact:

- That changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the environmental effects to less than significant as identified in the Final EIR;
- That such changes or alterations are within the purview and jurisdiction of another public agency, and such changes have been or can and should be adopted by that other agency; or
- That specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

WHEREAS, if a project will result in significant environmental impacts that will not be avoided or substantially lessened by mitigation measures, the agency must consider the environmentally superior alternatives in the EIR and find that they are “infeasible” before approving the project (Pub. Res. Code, § 21081, subd. (a)(3); 14 Cal. Code Regs. § 15091, subd. (a)(3).) As discussed in the EIR and outlined below, all significant impacts of the incorporation will be avoided or substantially lessened to less than significant by mitigation measures. Therefore, this finding is not required;

WHEREAS, the purpose of this document is to summarize the significant, adverse impacts associated with the incorporation of Arden Arcade and the mitigation measures recommended to avoid or substantially reduce these impacts to less than significant. In addition, this document contains findings on the feasibility of these mitigation measures and the options that were evaluated as alternatives.

NOW, THEREFORE, THE SACRAMENTO LOCAL AGENCY FORMATION COMMISSION RESOLVES AS FOLLOWS:

1. LAFCo has determined that the Final EIR (1) has been compiled in compliance with CEQA, (2) reflects LAFCo's independent judgment and analysis, and (3) was presented to the LAFCo Board of Directors, which reviewed and considered the information in it before approving the project.

2. LAFCo has determined that the Environmentally Superior Alternative is Boundary Alternative Scenario 2. The Final EIR concludes that the No Project Alternative is the Environmentally Superior Alternative because there is less likelihood of a failure of delivery of services under the No Project Alternative, but LAFCo finds that this conclusion is not supported. Failure of delivery services by special districts is equally possible under both Boundary Alternative Scenario 2 and the No Project Alternative because affected Special Districts are not impacted by the incorporation. Further, if a Special District failed, the effects would be exactly the same with or without the incorporation.

3. LAFCo hereby makes the following findings for each significant impact identified in the EIR. Detailed descriptions of each impact may be found in the Final EIR, incorporated herein by reference.

- a. Impact 3.1-7: The project would conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of greenhouse gases.

Finding: Potentially significant impact.

Recommended Mitigation Identified in the EIR: Mitigation Measure 3.1-7: "The new city should cooperate with the County of Sacramento by providing emissions inventory information to the County during and after the emission inventory preparation."

Finding: LAFCO finds that through Mitigation Measure 3.1-7, changes have been incorporated into the project that avoid or substantially lessen Impact 3.1-1. This finding is based on the requirements of current and proposed laws and regulations regarding the reduction of greenhouse gas emissions as outlined in the Final EIR. This mitigation measures was altered after the May 5, 2005, Commission Meeting to reflect current law.

- b. Impact 3.3-5: The project would be located within an airport Comprehensive Land Use Plan (CLUP) or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport. Additionally, the project would result in a safety hazard for people residing or working the project area.

Finding: Potentially significant impact.

Recommended Mitigation Identified in the EIR: Mitigation Measure 3-3.5: “Prior to the approval of specific land uses that affects an area within an airport planning boundary established by the ALUC, the new city shall refer the proposed action to the ALUC for consistency determination. Future development and/or proposed new land uses must comply with the 1992 McClellan Air Force Base CLUP development restrictions, as updated.”

Finding: LAFCO finds that through Mitigation Measure 3.3-5, changes have been incorporated into the project that avoid or substantially lessen Impact 3.3-5. This finding is based on the application of zoning requirements by the Airport Land Use Commission (ALUC) through airport safety zones and through the CLUP. Such regulations are intended to address airport safety issues.

- c. Impact 3.5-1: The proposed incorporation of Arden Arcade would physically divide an established community.

Finding: Potentially significant impact.

Recommended Mitigation Identified in the EIR: Mitigation Measure 3.5-1: “LAFCo shall condition the incorporation approval to require the new city (Arden Arcade) to consult with the County of Sacramento regarding the Mission Oaks Neighborhood Preservation Area in connection with the city’s new General Plan.”

Finding: LAFCO finds that through Mitigation Measure 3.5-1, changes have been incorporated into the project that avoid or substantially lessen Impact 3.5-1. This mitigation measure will prevent the further division of the Mission Oaks Neighborhood Preservation Area.

- d. Impact 3.5-2: The project would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Finding: Potentially significant impact.

Recommended Mitigation Identified in the EIR: Mitigation Measure 3.5-2: “LAFCo shall condition the incorporation approval to require the City (Arden Arcade) to develop vacant parcels within the incorporation area to uses that are consistent with the 1993 Sacramento County General Plan and/or the most recent and binding land use guidance document until such time the City adopts its own General Plan.”

Finding: LAFCO finds that through Mitigation Measure 3.5-2, changes have been incorporated into the project that avoid or substantially lessen Impact 3.5-2. This mitigation measure will prevent land uses inconsistent

with land use plans, policies, and regulations adopted by the County of Sacramento for the purpose of avoiding or mitigating an environmental effect by prohibiting such uses until the new city has its own governing plans, policies, and regulations.

- e. Impact 3.6-5: For a project located within an airport Comprehensive Land Use Plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, the project may expose people residing or working in the project area to excessive noise levels.

Finding: Potentially significant impact.

Recommended Mitigation Identified in the EIR: Mitigation Measure 3.3-5: "Prior to the approval of specific land uses that affects an area within an airport planning boundary established by the ALUC, the new city shall refer the proposed action to the ALUC for consistency determination. Future development and/or proposed new land uses must comply with the 1992 McClellan Air Force Base CLUP development restrictions, as updated."

Finding: LAFCO finds that through Mitigation Measure 3.3-5, changes have been incorporated into the project that avoid or substantially lessen Impact 3.6-5. This finding is based on the application of zoning requirements by the ALUC through airport safety zones and through the CLUP. Such regulations are intended to address airport safety issues. This mitigation measure replaced previous mitigation measure 3.6-5. The previous mitigation measure was repetitive.

- f. Impact 3.8-2: The project could potentially adversely impact law enforcement services.

Finding: Potentially significant impact.

Recommended Mitigation Identified in the EIR: Mitigation Measure 3.8-2: "LAFCo shall condition the incorporation approval to require that the city provide law enforcement services by a contract with Sacramento County or other city or public safety agency, a contract with a private company, or shall directly perform the service by an appropriate City agency. At a minimum, law enforcement services shall be maintained at existing levels."

Finding: LAFCO finds that through Mitigation Measure 3.8-2, changes have been incorporated into the project that avoid or substantially lessen Impact 3.8-2. This mitigation measure will ensure adequate law and traffic enforcement for the new city. A minor change was made from the previous mitigation measure proposed on May 5, 2010, in order to address an omission.

- g. Impact 3.8-6: The project would adversely impact animal control services.

Finding: Potentially significant impact.

Recommended Mitigation Identified in the EIR: Mitigation Measure 3.8-6: "LAFCo shall condition the incorporation approval to require that the city provide animal control services through the creation of a local department or on a contractual basis with other entities if legally permissible. At a minimum, animal control services shall be maintained at levels existing at the time of approval of the project EIR."

Finding: LAFCO finds that through Mitigation Measure 3.8-6, changes have been incorporated into the project that avoid or substantially lessen Impact 3.8-6. This mitigation measure will ensure adequate animal control services for the new city.

- h. Impact 3.8-7: The project would have sufficient water supplies available to serve the project from existing entitlements and resources, but it may adversely affect the provision of water supply.

Finding: Potentially significant impact.

Recommended Mitigation Identified in the EIR:

Mitigation Measure 3.8-7a: "LAFCo shall condition the approval of the incorporation to require the new City to coordinate with public and private water purveyors in water service planning."

Mitigation Measure 3.8-7b: "LAFCo shall condition the approval of the incorporation such that the city is encouraged to become a signatory to the Water Forum Agreement."

Finding: LAFCO finds that through Mitigation Measures 3.8-7a and 3.8-7b, changes have been incorporated into the project that avoid or substantially lessen Impact 3.8-7. These mitigation measures will ensure adequate provision of water supplies for the new city through requiring the city to coordinate with existing water service providers and encouraging compliance with the Water Forum Agreement. This mitigation measure was altered to reflect changes as discussed by the Executive Officer in the Final Executive Officer's Report, which states that the new city is to be encouraged to become a member of the Water Forum Agreement.

- i. Impact 3.8-9: The project would require or result in the construction of new storm water drainage facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects.

Finding: Potentially significant impact.

Recommended Mitigation Identified in the EIR:

Mitigation Measure 3.8-9a: “LAFCo shall condition the incorporation approval to require the new city to accept ownership and maintenance responsibility of the existing drainage system serving the incorporation area (including pump station D-05, channels, pipes, detention basins, and other pump stations located in the public rights of way, recorded and prescriptive easements and other such instruments, and owned or operated by the County of Sacramento or the Sacramento County Water Agency); develop standards for construction, operation, and maintenance of drainage facilities and to adopt and enact a Stormwater Utility program similar to, and levying the same SWU fee as, the County of Sacramento Stormwater Utility; and continue to have SWU services provided by the County of Sacramento, including the collection and retention of the new incorporation SWU fee to fund those services for one year after incorporation.”

Mitigation Measure 3.8-9b: “LAFCo shall condition the incorporation approval to continue to receive services provided by Zone 13 of the SCWA. Further, Zone 11B services and programs will no longer be carried out in the incorporation area and the incorporation area will be detached from Zone 11B upon incorporation.”

Mitigation Measure 3.8-9c: “LAFCo shall condition the incorporation approval to require the new city to participate and eventually become a co-permittee under the existing countywide NPDES permit.”

Finding: LAFCO finds that through Mitigation Measures 3.8-9a, 3.8-9b, and 3.8-9c, changes have been incorporated into the project that avoid or substantially lessen Impact 3.8-9. These mitigation measures will ensure compliance with all storm water related issues. Mitigation Measure 3.8-9a was edited to correct a typographical error in the draft presented at the May 5, 2010, and to make it consistent with current law.

- j. Impact 3.8-11: The project must comply with federal, state, and local statutes and regulations related to solid waste.

Finding: Potentially significant impact.

Recommended Mitigation Identified in the EIR: Mitigation Measure 3.8-11: “LAFCo shall condition the incorporation approval to require the new city to contract waste collection services through the County of Sacramento’s Department of Waste Management and Recycling Services, or competent public or private hauler to maintain current service levels, at a minimum.”

Finding: LAFCO finds that through Mitigation Measure 3.8-11, changes have been incorporated into the project that avoid or substantially lessen Impact 3.8-11. These mitigation measures will ensure compliance with all solid waste issues.

- k. Impact 3.8-14: The project would result in road, street, and landscape construction and maintenance services becoming a city responsibility, potentially altering current service standards.

Finding: Potentially significant impact.

Recommended Mitigation Identified in the EIR:

Mitigation Measure 3.8-14a: "LAFCo shall condition the incorporation approval to require that existing transportation fee impact programs be continued."

Mitigation Measure 3.8-14b: "LAFCo shall condition the incorporation approval to require the transfer of ownership, maintenance, and financial responsibility for Watt Avenue (Auburn Boulevard to Longview Drive), Auburn Boulevard (Park Road to Howe Avenue), Winding Way (Auburn Boulevard to 1000 feet east), and Bell Street (between the easterly and westerly legs of Auburn Boulevard) to the new city."

Mitigation Measure 3.8-14c: "LAFCo shall condition the incorporation approval to require that existing transportation fee impact programs to be continued at levels necessary to adequately fund approved road construction projects."

Finding: LAFCO finds that through Mitigation Measures 3.8-14a, 3.8-14b, and 3.8-14c, changes have been incorporated into the project that avoid or substantially lessen Impact 3.8-14. These mitigation measures will ensure that maintenance services will be maintained after incorporation.

- l. Impact 3.8-15: The project would result in street lighting services becoming a city responsibility, potentially altering current service standards.

Finding: Potentially significant impact.

Recommended Mitigation Identified in the EIR: Mitigation Measure 3.8-15: "LAFCo shall condition the incorporation approval to require that the new city shall provide street lighting maintenance either by contract with the County, by contract with a private company, or by directly performing the maintenance. At a minimum, street lighting and roadway conditions shall be maintained at existing levels, and close coordination between city and county staff will be required. In addition, LAFCo shall condition the incorporation approval to require the new city to enter into a joint lighting maintenance agreement with Sacramento County for public streets that define common boundaries."

Finding: LAFCO finds that through Mitigation Measure 3.8-15, changes have been incorporated into the project that avoid or substantially lessen

Impact 3.8-15. These mitigation measures will ensure that street lighting services will be maintained at the current service standards after incorporation.

- m. Impact 3.8-16: The project would potentially fragment or disrupt current regional planning activities.

Finding: Potentially significant impact.

Recommended Mitigation Identified in the EIR:

Mitigation Measure 3.8-16a: "LAFCo shall condition the incorporation approval to require that the new city shall petition SACOG for inclusion in its Joint Powers Agreement as a member city.

Mitigation Measure 3.8-16b: "LAFCo shall condition the incorporation approval to require that the new city shall petition Sac RT for inclusion in its Board of Directors as a member city, or to enter into an agreement to provide transit services within the new city's incorporated."

Finding: LAFCO finds that through Mitigation Measures 3.8-16a and 3.8-16b, changes have been incorporated into the project that avoid or substantially lessen Impact 3.8-16. These mitigation measures will ensure that the new city is involved in regional planning activities.

- n. Impact 3.9-7: The Project would conflict with adopted policies, plans or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks).

Finding: Potentially significant impact.

Recommended Mitigation Identified in the EIR:

Mitigation Measure 3.5-2: "LAFCo shall condition the incorporation approval to require the City (Arden Arcade) to develop vacant parcels within the incorporation area to uses that are consistent with the 1993 Sacramento County General Plan and/or the most recent and binding land use guidance document until such time the City adopts its own General Plan."

Mitigation Measure 3.8-16b: "LAFCo shall condition the incorporation approval to require that the new city shall petition Sac RT for inclusion in its Board of Directors as a member city, or to enter into an agreement to provide transit services within the new city's incorporated."

Finding: LAFCO finds that through Mitigation Measures 3.5-2 and 3.8-16b, changes have been incorporated into the project that avoid or substantially

lessen Impact 3.9-7. These mitigation measures will ensure that the new city is involved in regional planning activities related to alternative transportation plans and programs.

ON A MOTION made by Commissioner Tucker , seconded by Commissioner Jones , the foregoing Resolution No. LAFC 2010-08-0519-03-07 was adopted by the SACRAMENTO LOCAL AGENCY FORMATION COMMISSION, on this 19th day of May 2010 , by the following vote, to wit:

AYES: *Tucker, Jones, Peters, Rose, Budge, Yee and Cohn*


NOES:

ABSTAIN:

ABSENT:

By: 

Steve Cohn, Chair
SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

ATTEST:


Diane Thorpe
Commission Clerk