

**SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**

**1112 I Street, Suite #100  
Sacramento, California 95814  
(916) 874-6458**

August 3, 2005

TO: Sacramento Local Agency Formation Commission

FROM: Peter Brundage, Executive Officer

RE: **City of Sacramento Request for Waiver of LAFCo Policies  
For Concurrent Sphere of Influence Amendment and Annexation  
of the Proposed Greenbriar Farms Development**

**RECOMMENDATION**

Your Commission policies appear to permit flexibility and discretion regarding a request for waiver of Commission policies. Your policy deliberations have been designed to include consideration of specific and current conditions and circumstances that may allow exemptions. **For the reasons discussed in this report, I do not recommend that your Commission grant a waiver of Commission policies for the concurrent processing of a SOI Amendment and Annexation of the Greenbriar Farms Development site in which the City proposes to act as lead agency for the preparation of an EIR.**

**However, if the following three actions are taken by the City of Sacramento, I would recommend that your Commission grant a conditional waiver of Commission policies exclusively for this project:**

- (1) If the City Council adopts a Resolution stating its assurance that no other application for a SOI Amendment and Annexation proposal within the Natomas Joint Vision Area north of Elkhorn Boulevard will be submitted to LAFCo prior to completion of the Natomas Joint Vision Area Sphere of Influence Amendment; and**
- (2) If the City of Sacramento adopts co-lead agency status with LAFCo for the Environmental Impact Report; a Memorandum of Understanding is developed setting forth the terms and conditions for LAFCo/ City co-lead agency status; and LAFCo certifies the EIR for the SOI<sup>1</sup> prior to certification by the City of Sacramento; and**

---

<sup>1</sup> The City of Sacramento may then proceed to approve land use entitlements including rezoning. The annexation will then come before your Commission for consideration.

**(3) If the City of Sacramento reissues the Notice of Preparation stating that LAFCo is a co-lead agency with the City of Sacramento for this project.**

**Only if these three conditions are met can I recommend that your Commission waive policies for the specific and exclusive processing of the proposed SOI Amendment and concurrent Annexation of the Greenbriar Farms Development site. Your Commission may also impose conditions, as appropriate.<sup>2</sup>**

Because I believe a waiver of Commission policies will likely lead to the subsequent piecemeal application for Sphere of Influence Amendments and concurrent Annexation applications, I cannot recommend waiver of your policies unless the three conditions listed above are acted upon by the City of Sacramento for the proposed Sphere of Influence Amendment and Concurrent Annexation of the Greenbriar Development site. Note: Even with a conditional waiver of Commission policies, approval of said waiver has implications for future Commission policy considerations.

### **BACKGROUND**

The City of Sacramento has received an application to process entitlements for a 577 acre site known as Greenbriar. The project site is located at the northwest intersection of State Route 99 (SR 99) and Interstate 5 (I-5). The site is located in the unincorporated territory of Sacramento County in the area generally described as North Natomas. It is located outside the Sacramento County General Plan Urban Services Boundary as well as the Urban Policy Area.

On the south and east, the site abuts the City of Sacramento city limits. The land is in agricultural production. There are rice fields to the north. I-5 and new mixed-use development lies to the south (within the City of Sacramento). SR 99 and a new residential community currently under development within the City's North Natomas Community lie to the east. Metro Air Park, under development, abuts the proposal site on the west. Slightly further west, and adjacent to Metro Air Park, is the Sacramento International Airport, an area first developed and opened for operation in 1967.

While LAFCo has not officially received a SOI/Annexation application, staff has had several meetings with City staff and representatives of the proponent to discuss the project and the process. ***I believe it would be prudent if your Commission would make a determination related to the Request for Waiver sooner rather than later.***

The City of Sacramento issued a Notice of Preparation for a Draft Environmental Impact Report. The NOP indicates that the City of Sacramento will be the lead agency with respect to preparing the Environmental Impact Report. LAFCo has provided comments

---

<sup>2</sup> This recommendation assumes the proposed Greenbriar Farms development project is no longer subject to the Settlement Agreement dated May 10, 2001 and the City of Sacramento Council Resolution No. 2001-518 dated July 24, 2001.

on the NOP.<sup>3</sup> These comments cite policies of your Commission which state that LAFCo shall be the lead agency for environmental documents on Sphere of Influence Amendments.

Further, your Commission policies do not generally allow you to consider piecemeal Sphere Of Influence Amendments and/or concurrent annexations for undeveloped parcels. LAFCo staff is currently working with City of Sacramento staff to process a General Plan Amendment/ Sphere of Influence Amendment for the overall Natomas Joint Vision area. The area consists of almost 9,000 acres and the project is much more complex and far-reaching than the proposed Greenbriar Farms development project. The discussions regarding the Natomas Joint Vision project examine the development of a comprehensive Sphere based on principles already established, as well as currently in development, by the City of Sacramento and the County of Sacramento, and which will also reflect the development of General Plan policies for each of these jurisdictions.

In the case of the proposed Greenbriar development project, the City of Sacramento has accepted an application from property owners known as Greenbriar Farms. City staff has determined it will process this project on a fast track rather than withhold processing the application until the larger Sphere study is completed.<sup>4</sup>

Planning law permits cities to establish planning areas for property that is located outside its corporate boundary and outside its Sphere of Influence. However, the entitlements granted have no land use authority until the area is annexed. Annexation of an area may not occur until it is within the City's Sphere of Influence. Concurrent processing of a Sphere of Influence change and an annexation is generally not allowed under your Commission policies unless certain factors are present. This is not a typical process because your Commission has the discretion to amend or deny any SOI proposal and any annexation proposal. Nonetheless, some California cities do engage in this entitlement process.

A Sphere of Influence is intended to function as a planning tool that indicates where a city should grow as well as provide a preliminary evaluation of anticipated service delivery issues and the timing of annexations. The timing of annexation is dependent upon a number of variables and may occur quickly---or conversely---because of the many variables that impact project timing,<sup>5</sup> annexation may require many years of processing following Commission approval of an SOI Amendment.

From time to time, your Commission has concurrently processed Sphere of Influence Amendments and Annexation proposals. Generally, these projects have been located in urbanized areas and have been nearly surrounded by the city to which it was annexed.

---

<sup>3</sup> See attached comments in Nancy Miller correspondence to Tom Buford dated July 11, 2005.

<sup>4</sup> Many LAFCOs allow the concurrent processing of Sphere of Influence Amendments and Annexation proposals.

<sup>5</sup> For example, various complexities such as infrastructure development, financing, mitigation measures, General Plan and Zoning approvals and other entitlement documents.

In 1990, your Commission approved the Cosumnes River Reorganization. Staff recommended a concurrent SOI Amendment and Annexation to the City of Sacramento because the application had been on file prior to adoption of Sacramento LAFCo Policies, Procedures and Standards. LAFCo prepared a Negative Declaration for this project.

In 1992, your Commission approved the Alder Creek Reorganization (annexation of the Folsom Auto Mall to the City of Folsom). The City of Folsom did not request a waiver of LAFCo policies regarding the environmental documentation of the proposal. The City of Folsom prepared an Environmental Impact Report and rezoned the subject property prior to submitting the application to LAFCo. Sacramento LAFCo staff re-circulated the EIR to address LAFCo issues.

In 2003, your Commission approved the Laguna West Reorganization, annexing territory to the City of Elk Grove. The entire affected territory was urbanized and your staff recommended that the annexation be processed concurrently with the SOI Amendment because during the incorporation process, your Commission acknowledged that ultimately, Laguna West should be within the City of Elk Grove. LAFCo was the lead agency on this project.

While the Greenbriar Farms development site is not within the City of Sacramento's Sphere of Influence, it has long been recognized that if the Natomas Joint Vision area is to develop, it should develop within the corporate boundary of the City of Sacramento. Moreover, the Natomas Joint Vision calls for the Greenbriar Farms property, and other Natomas properties, to be evaluated in the Natomas Joint Vision Sphere of Influence Study Area.

### **History of City of Sacramento Sphere of Influence**

The City of Sacramento's Sphere of Influence was adopted October 21, 1981, almost twenty-five years ago. Since that time, there have been relatively few adjustments to the City's Sphere of Influence. There have been relatively few annexations. The Cosumnes River College SOI/ Annexation was completed in 1990. Northgate Market Place Reorganization was completed in 1991. The Panhandle area was included in the City SOI in 1995; and a portion of the Natomas Boot was finally put in the City Sphere of Influence in 1995. These Sphere Amendments in terms of a ninety-five square mile city are considered to be relatively minor. A majority of the development (build out) during this period occurred in south Sacramento, South and North Natomas as well as the unincorporated area and the City of Folsom. Since 2000, the City and County of Sacramento have developed principles and policies related to the City of Sacramento SOI study areas.

The proposed SOI Study Area is composed of a number of different sub-areas. Except for the Natomas Joint Vision Study Area, the sub-areas are composed of relatively small parcels that are already located in relatively close proximity to new development and infrastructure. Therefore, these sub-areas could develop sooner than originally anticipated. Thus, there will be continual pressure to process Sphere of Influence

Amendments based on current build out projections within the current City limits. In addition to that, there will likely be continual pressure to process Sphere of Influence Amendments even if the Natomas Joint Vision SOI study proceeds in a timely fashion.

### **PROPOSED PROJECT**

The proponents of the proposed Greenbriar Farms project request a Sphere of Influence Amendment, Annexation to the City of Sacramento, General Plan Amendment, Community Plan Amendment, Prezone, Development Agreement, Master Tentative Parcel Map, and Tentative Subdivision Map. The City of Sacramento anticipates that one EIR will address all these actions.<sup>6</sup>

Currently, the City of Sacramento NOP identifies the City of Sacramento as the lead agency for the environmental documentation. The City and the proponents have requested that Sacramento LAFCo not be the lead agency for the SOI but rather act as the responsible agency on the environmental document and that LAFCo process the proposed Sphere of Influence Amendment and Annexation concurrently. **Note:** On July 25, 2005, the City of Sacramento sent a letter to LAFCo indicating that co-lead status with LAFCo would be acceptable to the City.

Tina Thomas, Attorney for the proponents, has submitted an opinion stating that LAFCo is not the "lead agency" for a Sphere of Influence Amendment but a "Responsible Agency." Your Commission Counsel respectfully disagrees.<sup>7</sup>

### **LAFCO POLICIES**

Commission policies, standards and procedures provide the following guidance related to the two issues for which policy direction is requested.

1. **"Typically, LAFCo will act as Lead Agency in reviewing Sphere of Influence plans,** city incorporations or city annexations where no pre-zoning has been undertaken by the city prior to LAFCo approval."<sup>8</sup>
2. **LAFCo generally will not consider a SOI Amendment concurrently with a proposal for annexation.** However, LAFCo policies also provide that LAFCo will make exceptions to the requirement of this standard but only if:
  - a. The exception is rendered necessary due to unique circumstances.
  - b. The exception results in improved quality or lower cost of service.
  - c. There exists no feasible and logical alternative to the exception.

---

<sup>6</sup> In reissuing the NOP, the scope may be expanded to encompass a joint EIR/ EIS, in light of Natomas Basin Habitat Conservation Plan considerations.

<sup>7</sup> See Opinions of Tina Thomas dated July 7, 2005 and Nancy Miller dated July 22, 2005.

<sup>8</sup> Sacramento Local Agency Formation Commission, Policies, Standards and Procedures for LAFCo, adopted September 5, 1990; Amended May 5, 1003, page IV-7.

## DISCUSSION

### Issue 1: Lead Agency

The California Environmental Quality Act and CEQA Guidelines provide for the following:

#### **15367. Lead Agency.**

Lead Agency means the public agency which has the principal responsibility for carrying out, or approving, the project. The lead agency will decide whether an EIR or Negative Declaration will be required for the project and will cause the document to be prepared. Criteria for determining which agency will be the lead agency for a project are contained in Section 15051.

#### **15051. Criteria for Identifying the Lead Agency.**

Where two or more public agencies will be involved with a project, the determination of which agency will be the lead agency shall be governed by the following criteria:

- (a) If the project will be carried out by a public agency, that agency shall be the lead agency even if the project would be located within the jurisdiction of another public agency.
- (b) If the project is to be carried out by a nongovernmental person or entity, the lead agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole.
  - (1) The lead agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose such as an air pollution control district or a district which will provide a public service or public utility to the project.
  - (2) Where a city rezones an area, the city will be the appropriate lead agency for any subsequent annexation of the area and should prepare the appropriate environmental document at the time of the rezoning. The local agency formation commission shall act as a responsible agency.
- (c) Where more than one public agency equally meet the criteria in subsequent (b), the agency which will act first on the project in question shall be the lead agency.
- (d) **Where the provisions of subsections (a), (b), and (c) leave two or more public agencies with a substantial claim to be the lead agency, the public agencies may by agreement designate an agency as the lead agency. An agreement may also provide for cooperative efforts by two or more agencies by contract, joint exercise of powers, or similar devices.**

**15052. Shift in Lead Agency Designation.**

- (a) Where a responsible agency is called on to grant an approval for a project subject to CEQA for which another public agency was the appropriate lead agency, the responsible agency shall assume the role of the lead agency when any of the following conditions occur:
  - (1) The lead agency did not prepare any environmental documents for the project, and the statute of limitations has expired for a challenge to the action of the appropriate lead agency.
  - (2) The lead agency prepared environmental documents for the project, but the following conditions occur:
    - (A) A subsequent EIR is required pursuant to Section 15162;
    - (B) The lead agency has granted a final approval for the project; and
    - (C) The statute of limitations for challenging the lead agency's action under CEQA has expired.
  - (3) The lead agency prepared inadequate environmental documents without consulting with the responsible agency as required by Sections 15072 or 15082, and the statute of limitations has expired for a challenge to the action of the appropriate lead agency.
- (b) When a responsible agency assumes the duties of a lead agency under this section, the time limits applicable to a lead agency shall apply to the actions of the agency assuming the lead agency duties.

**15053. Designation of Lead Agency by Office of Planning and Research.<sup>9</sup>**

- (a) If there is a dispute over which of several agencies should be the lead agency for a project, the disputing agencies should consult with each other in an effort to resolve the dispute prior to submitting it to OPR. If an agreement cannot be reached, any public agency, or the applicant if a private project is involved, may submit the dispute to OPR for resolution.
- (b) OPR shall designate a lead agency within 21 days after receiving a completed request to resolve a dispute.
- (c) Regulations adopted by OPR for resolving Lead Agency disputes may be found in Title 14, California Code of Regulations, Sections 16000 et seq.

---

<sup>9</sup> Amended effective July 22, 2003.

- (d) Designation of a lead agency by OPR shall be based on consideration of the criteria in Section 15051 as well as the capacity of the agency to adequately fulfill the requirements of CEQA.

### **ANALYSIS**

**As the Executive Officer of your Commission, I do not recommend that LAFCo act as the responsible agency for the SOI portion of the proposed project.** LAFCo staff would prefer to process the SOI Amendment using a separate environmental document with LAFCo acting as lead agency prior to processing an application for annexation.

**However, in discussing this matter with the proponents, City staff, and Commission Counsel, your Commission could consider a compromise to act as co-lead agency with the City of Sacramento if your Commission is permitted to certify the EIR and approve the SOI Amendment prior to city of Sacramento approval.** Commission action prior to City action will allow the proper sequence of SOI / Annexation to proceed shortly after City Council approves the zoning. The additional time needed to process the Annexation should be minimal.

I have found four examples of agreements regarding co-lead agency status. I believe that as a co-lead agency, LAFCo and the City of Sacramento should enter into a Memorandum of Understanding Agreement that sets forth the respective roles and responsibilities of each agency. Listed below are the examples of co-lead agency status on projects in California.

1. **Water Forum Agreement**

The City of Sacramento and County of Sacramento are designated Co-Lead Agencies. Other public agency stakeholders that use this EIR to support adoption of the Water Forum Agreement are Responsible Agencies as defined by CEQA Section 21069 and State CEQA Guidelines Section 15381. The City-County Office of Metropolitan Water Planning, a joint effort of the City of Sacramento and the County of Sacramento, is providing staffing and coordination for the Water Forum effort, including CEQA compliance.

2. **Peninsula Corridor Joint Powers Board**

This is a Memorandum of Understanding, dated January 25, 2000, by and between the Peninsula Corridor Joint Powers Board (JPB) and the City and County of San Francisco (City). The JPB has prepared a draft EIR/ EIS in conjunction with the Federal Transit Administration concerning the proposed extension of CalTrain to downtown San Francisco in the vicinity of the Transbay Bus Terminal (Project). The City and the JPB wish to act as co-lead agencies for purposes of completing environmental review under CEQA.

3. **Natomas Basin Habitat Conservation Plan**

An EIR/EIS was prepared for the Natomas Basin HCP in compliance with CEQA and NEPA requirements. The US Fish and Wildlife Service is the lead agency for the preparation of an EIS and the City of Sacramento and Sutter County are co-lead agencies for the preparation of an Environmental Impact Report for the Natomas Basin Habitat Conservation Plan.

4. **Imperial Local Agency Formation Commission**

Over the past few years, the Imperial Local Agency Formation Commission has, on occasion, found itself in the uniquely unpleasant position of being the last hearing body to consider projects that may have been through a city process for a year or more, only to find that the Commission and/or the public have significant concerns over the environmental documents prepared by the lead agency. While the Commission has several options, if it finds that the CEQA documents are not adequate, the Commission is required to act as lead agency and prepare a new environmental document. However, a responsible agency also has to use, if possible, the CEQA documents prepared by the lead agency, when the Commission considers the project.

In an effort to have better coordination, better communication and a voice from the beginning of a project, the Commission delivered a letter outlining its concerns to each of the cities. In short, the Commission desires to be either a co-lead agency or be actively involved and/or consulted during the process.

**Proposed MOU Principles**

As stated above, LAFCo could act as a co-lead agency with the City of Sacramento and enter into a Memorandum of Understanding with the City of Sacramento, which clarifies the co-lead agency status of each agency and which contains, at a minimum, the following provisions.

1. LAFCo and City will cooperate in the scoping and drafting of the EIR.
2. LAFCo will retain the authority to certify the Draft EIR as to the SOI issues.
3. LAFCo will retain the authority to adopt independent mitigation measures and independently review the issue of SOI environmental impacts.
4. LAFCo and the City are not waiving any rights with respect to their lead agency status.
5. LAFCo will certify the EIR prior to certification by the City of Sacramento.

Attorney for the proponent has drafted the attached Memorandum of Understanding for your review which, with the exception of No. 5, is consistent with these points.

***Issue No. 2    Concurrent Processing of Sphere of Influence  
Amendment and Annexation***

Commission policies state that generally, Sphere of Influence Amendments and Annexation proposals will not be processed concurrently. Considerations that would appear to support a waiver of Commission policy related to concurrently processing this proposal include:

1. The City has demonstrated that currently there is a limited supply of land available for future development within the City of Sacramento.

The City is projected to have 650,000 residents by 2030. This figure includes the current City boundaries, the Panhandle, and the Natomas Joint Vision Area. This amount of growth reflects an average of 8,000 additional residents every year, for a total growth of 200,000 new residents between 2005 and 2030.

The City is projected to have 450,000 employees by 2030. Employment refers primarily to those jobs that generate demand for retail, office, and industrial space within the existing City limits, the Panhandle, and the Natomas Joint Vision Area. This level of growth reflects roughly 60,000 new jobs per decade, or a total of 180,000 new jobs between 2000 and 2030.

2. The City of Sacramento has a Sphere of Influence. However, the City Sphere does not provide legitimate growth territory for the City. The area within the Sphere is currently developing, or has been developed, as part of the unincorporated territory of Sacramento County. The City is processing the "Panhandle" infill site through annexation. The Panhandle lies within the City's Sphere of Influence but annexation has been met with opposition, which has included City resident opposition, as well as opposition from affected special districts.
3. The subject territory is within current growth and development patterns. It does not represent leap frog development. Growth projections and build-out adjacent to the project site have occurred at a faster rate than initially projected. The subject territory is surrounded on three sides by development. The project site is a logical area for projected population growth because infrastructure is available nearby and can readily be extended to support growth. Annexation of the area is consistent with the City's General Plan Update which anticipates annexation of Greenbriar and the balance of the Natomas Joint Vision Area into the City. Annexation supports Regional Transit with Transit's efforts to improve ridership and the Downtown Natomas Airport (DNA) light rail line.
4. If approved, the annexation will have little or no impact on fire and park districts within the subject territory. The site is currently not within the boundaries of a

park district. The site is within the Natomas Fire District. The City of Sacramento serves Natomas Fire District territory by contract.

5. The City of Sacramento believes the proposed project will implement smart growth principles. The proposal site is consistent with SACOG's Blueprint Vision Area and principles for development.

For these reasons, the City of Sacramento and the project applicant request that your Commission concurrently process the Sphere of Influence Amendment and Annexation of the Greenbriar Farms project to the City of Sacramento. The projected timeline proposes that the proposal would be scheduled for hearing before the Commission March/ April, 2006, after the City of Sacramento approves land entitlements. Annexations cannot be processed until the City has adopted rezoning on the affected territory. In addition, the City will likely be required to amend its Natomas Basin Habitat Conservation Plan.

Generally, the timing between adoption of a Sphere of Influence and Annexation proposal is dependent upon the timing of a city's rezoning process. In this case, the City of Sacramento believes it can process zoning entitlements such that an annexation to the City could be approved by your Commission in a shorter period of time because the rezoning requirement will be fulfilled. However, this sequence is not typical of larger SOI Amendments and annexation proposals.

Nonetheless, the proposal area has potential issues that will need to be evaluated and analyzed. The environmental document and your staff's analysis of the proposal will identify the potential impacts of the project. Mitigation measures, as well as other terms and conditions, will likely be required before either your Commission or the City Council can make determinations and authorize their respective approval.

### **OPPOSITION TO REQUEST FOR WAIVER**

Your staff has received one statement of opposition to the proposal. Due to "project size, substantial and substantive project-related issues and potential impacts," the Natomas Community Association opposes the requested waivers.<sup>10</sup> Based on the terms and conditions of a previous Settlement Agreement with the City of Sacramento, Friends of the Swainson's Hawk plan to submit opposition to the City's request for a policy waiver.

### **PROPONENTS JUSTIFICATION FOR REQUEST**

Tina Thomas, Attorney for the project applicant, provides several arguments supporting the requested waiver of LAFCo policies.

---

<sup>10</sup> See attached e-mail dated July 12, 2005.

1. ***Lead Agency Status***

Based on her interpretation of CEQA Guidelines and statutes, Ms. Thomas believes that the statute allows the City of Sacramento to act as lead agency on this project. However, Ms. Thomas has suggested that the City and LAFCo could participate as co-lead agencies.

2. ***Concurrent SOI/Annexation***

Ms. Thomas argues that the merits of the project does allow concurrent processing of the SOI and annexation. The project supports the growth principles of Sacramento Area Council of Governments' Blueprint Vision, including its Smart Growth Principles, and will provide housing near existing and proposed employment centers.<sup>11</sup>

**OPTIONS**

Your Commission has the following options related to the City's request for a waiver of LAFCo policies:

1. Deny the applicant's request to waive LAFCo policies. Require LAFCo to process SOI prior to annexation and require LAFCo to be the lead agency for the SOI Amendment in the preparation of the appropriate environmental document.
2. Based on Commission findings that the proposed project has unique considerations, waive LAFCo policies pursuant to the City of Sacramento's request.
3. Request that the Governor's Office of Planning and Research make a determination related to lead agency status for the SOI portion of this application.
4. Enter into a Memorandum of Understanding with the City of Sacramento to establish a process by which LAFCo and the City of Sacramento would collaborate in the preparation of an EIR that allows LAFCo to actively participate in this process as a co-lead agency and require the City Council to adopt a Resolution agreeing not to process further SOI Amendment and annexation proposals in the Natomas Joint Vision Area until that Sphere study is completed. Also require the City of Sacramento to reissue the NOP stating that LAFCo is a co-lead agency for this project. Allow for the concurrent processing of the application for a Sphere of Influence Amendment and Annexation proceeding, based on findings and the reasons cited above that support a waiver for this specific and unique project. The proposal site is surrounded on three sides by recent

---

<sup>11</sup> See letter to Nancy Miller dated July 7, 2005.

development and, as a consequence, it appears that infrastructure is currently available to serve the proposal site.

### **CONCLUSION**

**For the reasons stated above, I do not recommend that your Commission grant a waiver of Commission policies for the concurrent processing of a SOI Amendment and Annexation of the Greenbriar Farms Development site in which the City proposes to act as lead agency for the preparation of an EIR. However, if the following three actions are taken by the City of Sacramento, I would recommend that your Commission grant a conditional waiver of Commission policies exclusively for this project:**

**(1) If the City Council adopts a Resolution stating its assurance that no other application for a SOI Amendment and Annexation proposal within the Natomas Joint Vision Area north of Elkhorn Boulevard will be submitted to LAFCo prior to completion of the Natomas Joint Vision Area Sphere of Influence Amendment; and**

**(2) If the City of Sacramento adopts co-lead agency status with LAFCo for the Environmental Impact Report; a Memorandum of Understanding is developed setting forth the terms and conditions for LAFCo/ City co-lead agency status; and LAFCo certifies the EIR for the SOI<sup>12</sup> prior to certification by the City of Sacramento; and**

**(3) If the City of Sacramento reissues the Notice of Preparation stating that LAFCo is a co-lead agency with the City of Sacramento for this project.**

---

<sup>12</sup> The City of Sacramento may then proceed to approve land use entitlements including rezoning. The annexation will then come before your Commission for consideration.

**Only if these three conditions are met can I recommend that your Commission waive policies for the specific and exclusive processing of the proposed SOI Amendment and Concurrent Annexation of Greenbriar Farms Development site.**

Respectfully submitted,

***SACRAMENTO LOCAL AGENCY FORMATION COMMISSION***

Peter Brundage  
Executive Officer

PB:Maf  
Attachments

(Greenbriar)