

MINUTES OF MEETING OF FEBRUARY 7, 2007

The Sacramento Local Agency Formation Commission met this seventh day of February, 2007, at 5:30 P.M. in Board Chambers of the Sacramento County Administration Center, 700 H Street, Sacramento, California.

PRESENT: Christopher Tooker, Chair; Charles Rose, Vice Chair; Commissioners: Robert King Fong, Susan Peters, Gay Jones, Sophia Scherman and Roberta MacGlashan.

ABSENT: Jimmie Yee; Alternates Steve Miklos, Kevin McCarty.

STAFF: Executive Officer, Peter Brundage; Assistant Executive Officer, Donald Lockhart; Commission Counsel, Nancy Miller; Commission Clerk, Marilyn Ann Flemmer.

CONSENT CALENDAR

The Chair called the meeting to order at 5:32 P.M. Commissioner Jones led the Pledge of Allegiance. The Clerk called the roll. The Executive Officer announced Ms. Gay Jones' election to Office No. 6, Special District Commissioner. Commissioner Scherman moved approval of the Consent Calendar [Minutes, December 6, 2006; Claims January 31, 2007]. The motion was seconded by Commissioner Rose and unanimously passed.

PRESENTATIONS

Mike Savino, President, Save Our Sandhill Cranes, presented a slide show on the work of the organization and the state of habitat in Sacramento County. Mr. Savino used maps to show Sandhill Crane wintering sites in Sacramento County; he described crane habitat as row crops and stated "2,300 acres are lost to development each year. As caretakers of this valley, we have a duty and responsibility for other species, we need to build up, not out. Mitigation requires more than a bare minimum standard; it should be held at one acre of open space for every acre of development," stated Mr. Savino. Mr. Savino continued, stating, "We need open space and agricultural lands for food production, flood protection, economic benefits, and habitat preservation for the protection of the biodiversity of life. We have a duty to ensure the survival of all creatures," concluded Mr. Savino.

Ms. Jude Lamare, Friends of the Swainson's Hawk, used a powerpoint presentation to give the background of the organization and showed Swainson Hawk habitat and a map depicting 170 of the 1,377 nesting sites in Sacramento County. Ms. Lamare described the Natomas Basin Habitat Conservation Plan stating, "762 acres of Swainson's Hawk habitat are preserved; 15,569 acres of Swainson Hawk habitat are not preserved but assumed not to develop. Grasslands are half of the habitat; half of the unpreserved

habitat in Natomas. The Natomas Basin Habitat Conservation Plan is unproven as it will take a longer period of time to ascertain the effectiveness of mitigation. Until the NBHCP is proven to protect species harmed by City and Sutter County development in Natomas, no further development should be considered in this basin," stated Ms. Lamare. "Cities must look to infill policies," concluded Ms. Lamare.

Mike Bradbury, Biologist, Swainson's Hawk Technical Advisory Committee, gave a powerpoint presentation. Mr. Bradbury has studied the Hawk for two decades. "Open space, and particularly grasslands, are required for its survival. The Swainson's Hawk Advisory Committee is made up of the foremost biologists in California. They share research with the Department of Fish and Game and help to make decisions to protect them. Areas of research include genetics, migratory patterns, nesting sites and population," stated Mr. Bradbury. "Pre-1800, the estimated nesting pairs of Swainson's Hawk in California was 20,000; current estimates of nesting pairs is 1,500 due to loss of foraging habitat and loss of nesting sites," continued Mr. Bradbury. Mr. Bradbury stated, "The myths of habitat enhancement include: current range of the species is already likely at maximum density; enhancement is not always possible because not enough acres of alfalfa are dedicated to the hawks and if a significant amount of alfalfa is grown, the territory does not contain the nesting sites required for the hawk. The myth of forced relocation does not work," stated Mr. Bradbury. "Protection of the agricultural lands in Sacramento County is vital for the survival of the species," concluded Mr. Bradbury.

Ms. Alta Tura, Habitat 20-20 Committee, addressed the Commission with a powerpoint tour that described the California Heartland Project, the natural preserves throughout the County, stating, "We need to start protecting what we have." Ms. Tura described the protection of birds, wild flowers, peat soils, and other flora and fauna of Delta Meadows, Cosumnes River Preserve, Howard Ranch Vernal Pool Preserve, Deer Creek Hills Preserve, Folsom Lake Chaparral, Natomas Basin and American River Parkway. These Preserves "enhance our quality of life and renew the human spirit," concluded Ms. Tura.

Jerry Spencer, Sacramento County Farm Bureau, addressed the Commission stating, "The Sacramento Farm Bureau opposes leap frog development; expanding Spheres of Influence should be done only out of necessity." He addressed right to farm ordinances and mitigation measures and urged the Commission to adopt policies that protect farm land.

Stein M. Buer, Executive Director, Sacramento Area Flood Control Agency, addressed the Commission. Mr. Buer stated, "Levees are not safe; development is pushing; global warming may well create more flooding. There is not enough funding available so communities must prioritize. Open space preservation would ensure safety from flooding long term," stated Mr. Buer.

Laura Keister, President, Herald Area Civic Association, addressed the Commission. Ms. Keister stated the residents of Herald are concerned with saving one of the last remaining areas of rural Sacramento County. She stated concerns about the Borden Ranch Surface

Mining Operation. Ms. Keister said, "The group is concerned with traffic issues, air pollution, land preservation and habitat preservation."

Aimee Rutledge, Sacramento Valley Conservancy, addressed the Commission. Ms. Rutledge stated, "Your policy could be very important in light of the absence of an effective regional preservation mechanism. We want to collaborate with you. We preserve agricultural lands, habitat, scenic lands, and protect flood resources. All agricultural land has multiple benefits," stated Ms. Rutledge. "We believe we can work together to get very good results."

Ms. Robin Kristnfek, Sacramento Resident, addressed the Commission. Ms. Kristnfek stated development should not be sprawling, "there are options for infill which should be encouraged; we need to encourage smart growth and more light rail development."

Chelsea McDaniel, McClatchy Ecology Club and Save the American River Association, addressed the Commission. Ms. McDaniel stated, "We support open space for its aesthetic values, ecological value and protection of diverse species. We need to preserve open space; it is essential to our well being; we need to preserve the future."

Jim Pachl, addressed the Commission. Mr. Pachl stated, "The Natomas Basin Habitat Conservation Plan gave 8,000 acres to the City, 7,500 acres to Sutter County and 2,000 acres to Metro Air Park. The Habitat Conservation Plan was created on the basis that very little development would occur outside of these areas and the rest would remain in agriculture. On that basis, they approved a mitigation ratio of 1/2 : 1. Now, about 5,000 acres have been developed; the other 1,700 undeveloped, and we do not know if it will work or not. The Natomas Basin is a flood hazard area. SAFCA has set 2012 as the date for levee upgrade completion. Open space policies will not do any good if everything is paved over," continued Mr. Pachl. "Large urban areas have significant infill space. There are large vacant lots in South Sacramento and the County and in North Sacramento. If we continue to expand outward, this infill will not take place. Local government needs to be focused on infill. I strongly suggest that if you want to promote infill, you need to hold the development line at the Urban Services Boundary. Do not approve Sphere of Influence changes until all Urban Service Boundary infill has been exhausted," concluded Mr. Pachl.

Richard Seyman, Gray Panthers, Sacramento Mobility Coalition, addressed the Commission. Mr. Seyman stated, "Solano County has class one soils." He addressed the pressures that cause loss of agricultural land to development: freeways, land prices, growth pressures. "If we cannot stop sprawl, Dixon will not hold the line. You have a critical line to hold. The Urban Services Boundary could be built out to Ione. It is up to you. One of our biggest concerns is that the planning process is so unfriendly to citizen input. As a community organizer, it wears you down. Sacramento County can look like San Jose or Phoenix; you don't have to do it that way. It is about the quality of life," concluded Mr. Seyman.

Eric Duran, Habitat 20-20, addressed the Commission. Mr. Duran stated, "Sprawl hurts us all. The petroleum supply worldwide is going to be under higher demand; it seems that development will require infrastructure that means consuming less. We need local agriculture to feed local populations; we need to focus more on local production."

**Commission Counsel Opinion Regarding
Agriculture - Open Space Policies**

Nancy Miller stated she has concluded that "CEQA law applies to the Commission's adoption of the proposed Agriculture - Open Space Policies. We currently have agriculture policies that are very general," stated Counsel. She continued, saying "With the advent of many new cities; we do not have jurisdiction over the County, so, before now, we have not had these issues before us. There is a constitutional mandate to protect agricultural lands and open space. Our policies do not violate that constitutional mandate but our policies do not implement land use; our policy is advisory only. For a measure of advising cities, we are looking toward mitigation for open space. We have the authority to protect agricultural land and open space. We can adopt conditions," stated Ms. Miller. She then addressed mitigation measures, 1:1 ratio, stating "this is controversial. We may decide not to pursue these policies at all. In terms of your legal authority, you have that in my opinion," stated Ms. Miller. There was Commission discussion.

Gregory Thatch, representing Reynen & Bardis, addressed the Commission. Mr. Thatch stated, "Although advisory, none of us see it as advisory. It would be difficult for any city to come forward to LAFCo with these (proposed) policies. We are opposed to a LAFCo prescription in telling us how it should be done. It is a legal issue, as drafted, it violates land use conditions; it crosses the line," stated Mr. Thatch. He continued, stating, "Yolo LAFCo has adopted policies; it has not been tested in the courts. Who pays for all this? How are you going to do this? It is beyond the ability of LAFCo to fund. What about administering it? It presents problems with city budgets. You don't regulate the County, you regulate the cities. Rely on a case by case basis," concluded Mr. Thatch. There was Commission discussion regarding mitigation ratios, CEQA costs, and other policy issues. Mr. Thatch stated to the Commission, "We'd be fine with the status quo."

Jim Pachl addressed the Commission. Mr. Pachl stated, "If you want to carry out your charge, you should adopt policies; impose mitigation ratios as a process of annexation and Spheres of Influence; that is well within your charge. If you want to get a read out, ask for an opinion from the Attorney General's Office. Elk Grove has a 1:1 ratio. There is no reason why the other cities should have less than Elk Grove," concluded Mr. Pachl.

Sean Wirth, Save Our Sandhill Cranes, addressed the Commission. Mr. Wirth stated, "I see LAFCo as having a regional oversight, one of the first lines of defense against sprawl. You are not doing the job. Dealing with it on a case by case basis lowers quality of habitat because mitigation lands are not connected." "I suggest," concluded Mr. Wirth, "that until a Habitat Conservation Plan has been approved, Sphere of Influence

Amendments be denied. That will hand it back to the cities and they will get what they want."

Chris White addressed the Commission. Mr. White asked, "If the process is working, why are we sitting here? Why have we gone from 20,000 pair of Swainson's Hawks in 1800 to 1,500 pairs currently? Mr. Thatch is correct in saying these policies give clear direction for denial. What is wrong with that? We should give clear direction."

Public Hearing closed.

***Request from Miller Owen & Trost, for Conflict Waiver
Related to City of Sacramento***

Commission Counsel stated her firm has representation in negotiations with Thomas Enterprises regarding purchasing land in the railyard. "The City of Sacramento has an unrelated application before the Commission at this time. We have not accepted the work because I wanted to make sure there was no conflict of interest. I will not be working on the railyard project; Trost will be doing that," stated Ms. Miller. Commissioner Peters moved to grant Miller, Owen & Trost a Conflict Waiver related to the City of Sacramento; the motion was seconded by Commissioner Rose, and unanimously passed.

***Authorize Executive Officer to sign MOU with City of Sacramento
on Natomas Joint Vision EIR and MSR***

Commissioner Fong moved approval of staff's recommendation; the motion was seconded by Commissioner Scherman and unanimously passed.

***Authorization to Execute Contracts with Jones & Stokes
and DKS Traffic Engineering for the Preparation of an EIR and MSR
for the Camino Norte Sphere of Influence Amendment to City of Sacramento***

Mr. Brundage reported that a Memorandum of Understanding between LAFCo and the City of Sacramento has been drafted for the preparation of an Environmental Impact Report and Municipal Services Review for the Camino Norte Sphere of Influence Amendment to the City of Sacramento. The Executive Officer requested authorization to execute contracts with Jones & Stokes and DKS Traffic Engineering for the preparation of these documents. On a motion made by Commissioner Rose, seconded by Commissioner Fong, the motion unanimously passed.

Request from City of Citrus Heights to Waive LAFCo Policies for Concurrent Sphere of Influence Amendment and Annexation of Roseville Pointe

Mr. Brundage reported the area contains approximately 25 acres, now largely developed with single family residential uses, but when the petition for incorporation of Citrus Heights was circulated, the territory was not yet developed. It is sandwiched between the City and the Roseville railyard and logically belongs in the City of Citrus Heights. Commissioner MacGlashan moved to approve the City's request; the motion was seconded by Commissioner Peters and unanimously passed.

Sub-Committee Recommendation to Appoint Alternate Public Member

Commissioner Peters requested a continuance of this item until Commissioner Yee could be present. Commissioner Peters moved continuance to March 7, 2006; the motion was seconded by Commissioner MacGlashan and unanimously passed.

Chair/ Vice Chair Annual Rotation

Commissioner Peters requested a continuance of this item until Commissioner Yee could be present. Commissioner Scherman asked direction on the rotation process. There was Commission discussion. Commissioner Peters moved continuance of this item; Commissioner Scherman seconded the motion which was unanimously passed.

Updates

There were brief updates by staff on Budget, Legislation and Work Plan.

Closed Session

Commission Counsel reported, "There is nothing to report."

There was no further business; the meeting was adjourned at 9:03 P.M.

Respectfully submitted,

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

Marilyn Ann Flemmer
Commission Clerk

MAF
(Minutes February 7, 2007)