



***MINUTES OF THE MEETING OF  
Wednesday, April 2, 2008***

The Sacramento Local Agency Formation Commission met the second day of April 2008, at 5:30 P.M. in Board Chambers of the Sacramento County Administration Center, 700 H Street, Sacramento, California 95814.

**PRESENT: Commissioners:**

Steve Miklos, Chair  
Jimmie Yee, Vice Chair  
Charles Rose, Christopher Tooker, Susan Peters, Gay Jones, and  
Robert King Fong

**Alternate Commissioners:**

Jerry Fox

**Staff:**

Peter Brundage, Executive Officer;  
Donald Lockhart, Assistant Executive Officer;  
Diane Thorpe, Commission Clerk; and  
Nancy Miller, Commission Counsel

**PUBLIC COMMENT FROM THE FLOOR**

None

**CONSENT CALENDAR**

1. Approve the Meeting Minutes of March 5, 2008
2. Claims dated thru March 27, 2008  
Motion: To approve the Consent Calendar  
Moved: Commissioner Rose  
Second: Commissioner Yee  
Unanimously passed

**PUBLIC HEARINGS AND ACTION ITEMS**

3. Oak Avenue Investors - Citrus Heights Water District Annexation (LAFC 03-08) CEQA Addendum to Negative Declaration  
Motion: To approve the Annexation and waive the Protest Proceedings  
Moved: Commissioner Rose  
Second: Commissioner Tooker  
Unanimously passed

4. City Of Sacramento Reorganization (Annexations And Related Detachment) Of Greenbriar Territory (LAFC 02-08) CEQA EIR

Commissioner Tooker recused himself, and left the room for the hearing of this item.

Motion: To approve staff's recommendation and to include the errata pages.

Moved: Commissioner Fong

Second: Commissioner Yee

Ayes: Peters, Yee, Jones, Fong and Miklos

Noes: Rose

Discussion:

The Greenbriar Reorganization Project is an annexation to the City of Sacramento, Sacramento Regional County Sanitation District and County Sanitation District No. 1. It's also a detachment from the dependent Natomas Fire Protection District. The 577 acres are within the Sphere of Influence of all the affected agencies. As a result of a public hearing held by the Commission last September, issues and concerns were raised relative to Federal, State and Local Regulatory concerns. Staff from the City of Sacramento addressed concerns raised by the public and the Commission. This reorganization has a joint MOU between the Commission and City of Sacramento for environmental review. The Commission certified an EIR. The EIR was also certified at the City of Sacramento. Mitigation Measures were attached both times. Another updated Mitigation Monitoring Program was put before the Commission this evening. The City of Sacramento, on January 29th, amended the General Plan for the project to be consistent. Pre-zoning was assigned, consistent with the General Plan Amendment. They adopted an Inclusionary Housing Plan and established a Planned Unit Development (PUD) needed for development. No turning of dirt has been approved by any actions of the City. A Draft Financing Plan was approved which is a companion for the Plans for Service. The project is bordered by urbanization to the south, to the east by the City of Sacramento, the approximate 2000± acre Metro Air Park in the unincorporated area of the County, and also further to the west is the International Airport. The 577 acres is the biggest annexation that the City of Sacramento has seen since the early 90s. At this time, since this is an actual annexation and detachment for reorganization, it is required that the proponents develop a Plan for Services which actually spells out how it can occur, and project has a financing plan that would be refined at the time of development and entitlements by how and when that may be expected to occur along with the timing and financing thereof. The project has a financing plan that would be refined at the time of development and entitlements by the City. Both the City and County have adopted a property tax exchange agreement which is required prior to having the public hearing with the commission. The boundary is consistent with state law, and does not split any boundaries or communities.

The lengthy terms and conditions that the Commission put in place dealing with flood control and floodplain development have been addressed and the recommendation by staff is for approval of the project. This area is suitably expected to develop; it is consistent with the Sacramento Area Council of Government's Regional Blueprint Strategy. There are infrastructure improvements including possibly Light Rail. The responsibilities of the U.S. Fish and Wildlife Service, the CA Department of Fish and Game regarding habitat criteria remain in place. Correspondence from those agencies indicates that they are prepared to continue to work with the applicants and City and work towards a new habitat conservation plan either

stand-alone for the site or for the larger Natomas Joint Vision area. As far as floodplain development, the City remains in consultation and will continue to abide with the Federal Emergency Management Agency (FEMA) and their criteria for levee improvements and levee certification.

Scot Mende from the City of Sacramento presented a slide show, answered questions and responded to concerns of the public and the Commission.

Phil Serna, Project Manager, was accompanied by the complete Project Team to answer any questions.

Roger Dickenson spoke as a member of the Board of Supervisors who represents the area where Greenbriar is located. He stressed the importance of the project relating to the Sacramento International Airport and to the extension of Light Rail from Downtown area through Natomas to the Airport. In order to make this extension a reality Federal funds are necessary. He stressed the urgency of the project related to obtaining limited Federal funding for the extension of the Light Rail.

Mike McKeever, SACOG Executive Director, elaborated on a couple of points:

1. The connection of the Downtown Area to Natomas to Airport Light Rail line: It was in the 2002 transportation plan adopted by the SACOG Board. It was in the 2008 plan that was unanimously adopted ten days ago by the board. It will be finished a decade sooner than in the prior plan. There is heightened commitment to get that transportation infrastructure built. It's critical not just to get the people from the airport and North and South Natomas, but to take those car trips off the freeway so that I-5 can function. It is one of the most congested parts of our highway system.
2. Transit ridership: 10% of all of the riders would come from this station. Well above the average ridership productivity from the 14 stations on that line.
3. Need to obtain funding from the Federal Government: even though it is not projected to get all the way to the airport for about a decade from now, we literally need to advocate to the Federal Government for the funds right now. We started that advocacy two months ago under the direction of the SACOG Board. The key first step is to convince the FTA to include this project in what they recommend to Congress to put in the next Federal Transportation Bill which will be authorized in 2009. Even though these time frames maybe difficult, if we want a future transportation system that works, we've got to start now and this land use project is a critical part.

Lori Soldano, Sacramento Asian Pacific Chamber of Commerce, said she realizes the importance of responsible growth management and applying more substantial urban planning practices. The project incorporates a wide variety of housing opportunities planned upon a proposed Light Rail Station and roadways designed according to more traditional grid patterns avoiding standard suburb cul-de-sacs. It lies next door to the Metro Airport employment center. The Chamber supports the project and requests the Commission approve the annexation.

Richard Vantine, Friends of Light Rail, spoke in support of the Greenbriar development.

Tom Ramos, representing the Metro Air Park property owners as he did on September 19<sup>th</sup>, mentioned again that they continue to support this project.

Jim Pachl, representing the Sierra Club Environmental Council of Sacramento, wanted to simply say he is a little puzzled why 500 acres of new development will somehow motivate the Federal Government and the taxpayers, via a sales tax, to pony up money for the Light Rail.

Commissioner Rose asked Jim Pachl if they are working with the City and with the County on the habitat plan.

Jim Pachl said they have not been working directly. Staying in touch with the wildlife agencies is sort of at an impasse right now.

Commissioner Rose mentioned to Jim Pachl that it would probably be good for his group to get a copy of the current Joint Vision and to work with the habitat group to try to make sure that this Mitigation Plan gets together. He feels that the Fish and Game are still concerned as well. It is one of the requirements under their mitigation but it is something we need to stay on top of.

Commissioner Rose said he did get a chance to open Jim's e-mail and saw that someone is following up on the flood problems that we are facing in the Delta and all around these rivers. He would like to see some continued follow-up on whether or not the funding plan is in place to take care of that. He agrees that it's not the right time to be approving 500 acres or 4000 new homes in a floodplain. However, in the future, that's a very good place for us to be able to have the transit put through. And I don't know that 500 acres is going to make the difference in Federal funding. He still doesn't know whether or not the plan would ever be built based on not having Federal funding because it is going to cost a lot of money to put Light Rail out there.

William Kopper, representing Environmental Council of Sacramento, Friends of Swainson Hawk, Rio Fergus, Jacob Schneider and Charles Ling, has several concerns that have arisen since the EIR was certified on this project. He believes this is the wrong time to approve this annexation. He urged the Commission to exercise discretion and deny it.

Chair Miklos: Mr. Copper, thank you for your comments. One request I have. As I look at the resource material that you handed to me this evening a lot is dated back in January. It would be helpful if the Commission would have gotten this back in January. We are being handed it this evening and you're asking to continue something with either revelations, or new information. It really puts us at a disadvantage. So all I'm asking, at your earlier convenience when you receive material please forward it to us.

Mr. Kopper: We had provided this to the City earlier and I thought the City might forward it. But I just wanted to make sure it was in the record. But next time I will make sure the commission gets it.

Chair Miklos: It would be easier. One City may be thinking something else sent it directly to us. Again, I don't want you to take it as a derogatory remark.

Commissioner Peters: I don't have any questions for you but I wanted Mr. Mende from the City of Sacramento or someone representing the City to comment on the statements about the health risk and noise standards and how those questions were vetted

Commissioner Rose: He was the one I believe that pointed out that the school site was too close to the freeway also, last time that you had testified? That was brought up again. I don't think the school site has been changed it is still sitting very close to the freeway.

Honey Walters, Air Quality staff for EDAW (EIR author), helped in preparation of the EIR. At the time the draft EIR impact analysis was prepared to address the exposure of the proposed residences and schools to toxic air emissions from the nearby freeways. The Sacramento Metropolitan air quality management district for which has jurisdiction over the air quality in this area had not adopted a significant threshold for determining that significant impact nor had they adopted a methodology to quantify or assess this impact. We did a site specific HRA, Health Risk Assessment, which was prepared by a research company, prepared to provide the relative level of risk for the City to make an informed decision. The office of Environmental Health Hazard Assessment has developed health risk guidelines but they are developed to deal with stationary source emissions not mobile source emissions. So what the research company did was they provided the best methodology they could to assess that impact at the time. We also adopted a threshold of significance of 10 cancer patients per million. We disclosed the results of the Health Risk Assessment in the Impact Analysis and we compared that with existing and future background levels and found it to be less than 10. That said post-development of this Impact Analysis, the Sacramento Metropolitan Air Quality Management District actually then adopted a screening level guidance to deal with this kind of impact. And what that guidance does is it provides look-up tables that they recommend that when a project has proposed residents in a certain distance you go into the look-up tables and you disclose the risk associated with that. That again was not available the first time we did the analysis. When that was made available to us and the re-circulated draft EIR, we actually provided those look-up number tables in the impact analysis and according to the methodology adapted by Sacramento Metro this project would not have a site specific HRA. One was done, nonetheless, to provide the site specific numbers and disclose those. The 500-foot recommendation from the California air resources board is an advisory recommendation. It is not a State-adopted standard. And also, I believe -- and it is stated in the impact analysis. The school site is sufficient distance from the freeway.

Commissioner Peters: There was a noise standard about the --

Honey Walters: Oh, the noise question. I can address that, Monitoring and with the military aircraft was disclosed in the Impact Analysis and there was an assessment of awakenings

associated with those military aircraft. It was found that awakenings were less than the percent threshold that that was adopted.

Chair Miklos: Phil, do you want to address some of these? I'll opt back to the City if you want to do any closing stuff.

Phil Serna: elaborated a little further on the testimony provided by EDAW as to some of the impact analyses. I want to impress upon the Commission, that this Commission acted back in September to address the CEQA Document.

Commissioner Rose: Looking at the plan, the blue section is the school, I believe.

Mr. Serna: Yes, the 10 acre site.

Commissioner Rose: Could that be switched with the section that happens to be park and still be a distance away from the airport?

Mr. Serna: No, because the orientation. School districts like square sites and because that site would have to be rotated essentially around you would actually be closer not farther away from the freeway.

Commissioner Jones: What is the footage away from the freeway for the school site?

Mr. Serna: I want to say that it is greater than 500 feet but I forget what the exact measurement is offhand.

Commissioner Jones: It's greater than 500 feet from the freeway?

Mr. Serna: Yes. Right.

Commissioner Jones: What are the recommended guidelines for schools?

Mr. Serna: I believe it is 500 feet.

Commissioner Jones: We have recommended State guidelines for away from the freeway for schools, then we have the actual distance of this site. What is the answer to (a) and then (b)?

Mr. Serna: The answer to (a) is 500 feet is the minimum distance it has to be away from the freeways. To my knowledge it is at a greater distance than 500 feet from the nearest freeway which I believe would be I-5.

Commissioner Jones: Well, the concern was raised it was too close and it's over 500.

Mr. Serna: It is to the nearest travel lane not to the shoulder.

Commissioner Peters: The engineer here (Commissioner Yee) just measured it at 600 feet.

Commissioner Yee: To the lower right-hand corner?

Mr. Serna: Right.

Commissioner Jones: Thank you, Commissioner Yee. 600 feet.

Chair Miklos: We will go ahead and close the public hearing.

Commissioner Fong: First of all, I do want to thank the LAFCo staff for working on this. It has been a bit of a road. Thank you. I would also like to recognize the City of Sacramento staff that has worked on this. It looks like we've got about two thirds of the City's workforce here tonight. So I certainly want to say thank you. I know this has been a very long process, very involved process, and the fact we have got so many of our departments represented here I think speaks to the thoroughness of which the City of Sacramento has approached this.

Commissioner Peters: I just want to say I think Rob said a lot of the things I was going to say. But this is really the first step in beginning the Joint Vision MOU. It's been in place long time, before I came on this board. It appears to have met all the conditions of the SOI approval.

Commissioner Jones: I have several specific questionable areas that I think our LAFCo Commission needs to consider. The project enjoys strong support. There is a very strong list of issues that support this project. I am not necessarily against this project. There is this question that I think LAFCo Commission needs to look at; how do we ensure that the Mitigation Measures proposed really happen? For example, this no vertical construction until 100-year floodplain, what is the legal weight to make sure that that really happens?

Nancy Miller, Commission Counsel: When we adopt Mitigation Measures we adopt also a Mitigation Monitoring Plan and as part of that monitoring plan we designate the agencies that actually monitor it to make sure that mitigation measures are complied with. We certified the EIR as the lead agency and we were and still remain the monitoring agency for those mitigation measures that were adopted. For the annexation, when the City pre-zoned the property, they are the monitoring agency for the mitigation monitoring plan they adopted. Tonight, as a responsible agency, we will make findings, adopt a new Mitigation Monitoring Plan because there have been some additional mitigations that set forth in the memo having to do with actually stronger environmental measures that we will be adopting. Once again, we will be the monitoring agency for most of those mitigations. So, it's not simply an adoption and then we shelve the document. There is an enforcement procedure should mitigations not be followed through.

Commissioner Jones: Then could you enumerate on what some of these additional mitigation measures are?

Nancy Miller, Commission Counsel: I gave you a memo that was dated March 31st and there were mitigation measures that were added to air quality. I think Phil spoke to one of those,

which was the addition of pine needled conifer trees. Which has been a discovery they have made in terms of transfer of oxygen so that's a mitigation measure? Open space. There was an additional 30.5 acres of open space added with the City's consideration of the project. That's attached to the mitigation measure resolution, there's a chart. For agricultural provisions the applicant was required to mitigate for impacts for species habitat by providing mitigation lands in the amount specified in the new Joint Vision Amendment of the MOU that has been entered into between the City and County. That mitigation measure went into the open space agreement which dealt with the additional habitat. I believe there was an additional mitigation on flooding, which was the City imposed condition having to do with 100-year flooding - no vertical construction until they are able to provide that certification.

Commissioner Jones: We have no vertical construction until 100 year floodplain. That's part of this time line. But what about having the habitat mitigation plans in place before the City starts turning the first shovel?

Nancy Miller, Commission Counsel: As part of the mitigation measures before a grading permit can be issued the mitigation will require a permit from U.S. Fish and Wildlife to be in place. So that will provide for permanent open space mitigation and habitat preservation in that permit area. That will be prior to any grading permit. So there won't be any development. Now, I will say that I think to the extent that it is phased, and this is where I will have the City talk to you a little bit as well, there may be phasing of open space mitigation depending on the rate of development.

Commissioner Jones: How will that phase happen?

Nancy Miller, Commission Counsel: It would typically be proportionately but once again U.S. Fish and Wildlife will have the final say on that.

Commissioner Jones: U.S. Fish and Wildlife is the guarantee for the habitat mitigation measures?

Nancy Miller, Commission Counsel: We are as well as the City since we impose the environmental mitigation measures dealing with the open space ourselves.

Commissioner Jones: If this is approved tonight our authority in terms of ensuring that these habitat set asides really do happen, that's not negated or weakened in any way?

Nancy Miller, Commission Counsel: No.

Commissioner Jones: Thank you. Then I have a concern about the traffic issue. My understanding is that this project is going to generate 43,000 vehicle trips a day? Any confirmation or violent objections to that?

Nancy Miller, Commission Counsel: We will need a transit person. I'm not sure if you're talking about freeway trips.



Commissioner Jones: Probably would be inclusive of all those.

Nancy Miller, Commission Counsel: All right.

Commissioner Jones: What I'm getting at is the overall thing here is to make sure that freeway on and off ramps, additional lanes, and so forth are truly adequate and there is legal weight of authority to make that happen as we have built out in the project.

Tom Buford, Senior Planner with Environmental Planning Services: First, I agree with Nancy in terms of the legal weight of the Mitigation Monitoring Plan. As you read through there the Mitigation Measures do hold the force of authority. We are entitled and empowered to enforce those. In the City of Sacramento many of those are assigned to the Development Services Department and that is the Department in which our Division is located. It also includes Planning and Building. When somebody comes in for any kind of a permit to turn dirt or to build that is where they go, is into the Building Department. We monitor parcels by the Assessor's parcel number that is assigned by the County Assessor. We have an electronic permit tracking system that is effective in pulling an APN even in the very unlikely event that some day there was somebody standing at a counter that had never heard of Greenbriar or the applicant or any of us out here. I guess they pick it up like that. But we do take that seriously and we do monitor that. I'm not a traffic expert but in terms of -- I would say this about the traffic and someone is here from our Department who can answer specific questions about traffic. The number we came up with was 39,000 plus vehicle trips per day. The traffic section clearly identifies and acknowledges and understands there is a traffic impact in the project. One of the things I would like to comment on because it is something that I felt was really outstanding about the project was that in the discussions we had with Caltrans, we identified impacts to the freeway. They're acknowledged to be significant and unavoidable. But the process we went through of identifying what would be needed, the amount of money that it would take to do it, and the applicant's fair share and charging the applicant that fair share, to go into the City's congestion relief fund was something that Caltrans has identified and acknowledged was something that had not really been done with the City before so it was truly groundbreaking. We have a letter in the record that it is accepted on part of Caltrans. I would be happy to provide any other information. We have other folks here if you would like further information.

Nancy Miller, Commission Counsel: Those are in Mitigation Measures that are adopted in part of the plan. So they are enforceable as well - the highway traffic improvements.

Commissioner Jones: What I'm getting at is, to make sure this doesn't leave our Commission without these guarantees, and these Mitigation Measures will happen. The other issue I have concerns public safety and getting into the drill down issue further than the MSR. I am concerned that the delineation for a fire station in this new area it has one paragraph in here and appears to be dismissed. I think it is very critical considering the overall development in the entire north region that appropriate guarantees are put in place for building a fire station and staffing it with new FTEs. Can somebody help me and drill down a little bit more on the service delivery for fire service issues, please?

Nancy Miller, Commission Counsel: When we looked at this in the EIR there are fees required and definite acknowledgment of the need for the service, a method to pay for it and a plan for services not just in the MSR about how that will be planned for and financed.

Scot Mende: Firstly on the capital side, there is a fair share requirement on the part of the applicant to build essentially a third fire station. It is incumbent upon other builders to give their fair share. In terms of the timing when it gets built it really is fee based. If the City determines that we need it sooner rather than later, we have the authority during the tentative map process, which is a subsequent stage, to in fact require the applicant to build it up front and they would be reimbursed by fees. The typical approach is we wait until fees are available and then we get it. But we can do it differently if needed. On the operational side what the fiscal impact analysis said is that Greenbriar throws out a neutral to slightly positive fiscal balance and that assumes the standard compliment of police, fire and other services that can be funded out of the revenues generated by Greenbriar. So, based on that we feel we can show that we can fully staff the future fire stations.

Commissioner Jones: How many stations have been built in the north Natomas area?

Scot Mende: Station 30 was recently built; there was a station off North Market, and one by the Airport. So there are three that are there now. There is one planned just south of Del Paso Road.

Commissioner Jones: Would that be in addition to the Greenbriar Metro Park Area?

Scot Mende: That's correct. The Greenbriar Metro Park Area/ Airport it is one to replace the existing station out there and then there would be a new one.

Commissioner Jones: I'm sorry, start again. Replace which one?

Scot Mende: There is already a fire station just to the west of the Airport and that one would be closed and in its place would be something either on Greenbriar, Metro Park or the Airport.

Commissioner Jones: So that's not an additional one?

Scot Mende: Replaced. Better situated.

Commissioner Jones: So where is the new fire station?

Scot Mende: That's a replacement, with upgraded facilities. The other one is just south of Del Paso Road.

Commissioner Jones: The Municipal Services Review for fire services, Station 30 responding with a seven-minute response time to Elkhorn and 99 which doesn't get you even into the project.

Scot Mende: Right.

Commissioner Jones: Whatever Mitigation Measures might be needed in order to ensure people that move into these homes, if you're in one of the locations according to the map, there is no real direct way in there and that will add another 3 to 6 minute response. So dependent upon the Station 30 response, I have a concern about public safety being in place when those are occupied.

Scot Mende: As stated we are doing a Fire Master Plan right now that would better refine exactly when it is needed. But with the finance plan we do have the mechanism to get that station when we need it.

Commissioner Jones: When do you need it? What's the trip wire?

Scot Mende: What the fire master plan will be determining.

Commissioner Jones: A guideline?

Scot Mende: There are standard thresholds and I believe it was six minutes, something like that, on a standard response 90% of the time, and I think 4.5 minutes for an emergency medical. I believe that's it. But I'm not exactly certain of those numbers.

Commissioner Jones: Is there something in the mitigation measures that will ensure appropriate response.

Don Lockhart: Certainly I'm not an expert on fire, but you do have, under Public Services within your Mitigation Measures Monitoring Plan, before you this evening. 6.5 decimal one which requires an agreement between Sac Fire and the developer. Let me just read; "The project applicants shall enter into an agreement with SFD to ensure adequate fire protection services would be in place before the issuance of the project's first occupancy permit." It goes on to say a few more things.

Scot Mende: Essentially occupancy permit could be either commercial or residential. It is essentially the final permit for residential. So this mitigation measure does require that to be pretty close to up front as soon as the first unit is ready to be occupied. The fire station needs to be in place.

Commissioner Jones: Okay. Commission Counsel, again, does this fall under the parameters of our authority for monitoring to make sure that happens?

Nancy Miller, Commission Counsel: Yes. It is in a Mitigation Monitoring Plan. It will be primary responsibility would be the City but we would also have authority as well.

Commissioner Jones: Again, another concern which might be outside our scope, I would ask Counsel Miller for this. I want to make sure that we don't rob Peter to pay Paul. For example, certain medic staff might be moved from one station to another station. It's not an additional

medic it's just a moving around of public services and I want to make sure no other area of the City suffers from trying to staff this new project.

Nancy Miller, Commission Counsel: Right. The plan for services talks about their plan, their master plan they are going to be doing for fire services and they talk about the need to actually put an additional fire station out in that area. They are just not sure of the actual location yet. So that's part of their plan. That's part of in the mitigation requirement that there must be adequate fire protection prior to the occupancy permit. So I think we've got it.

Commissioner Jones: Does that include a fire engine, a fire truck and a medic?

Scot Mende: Yes, that's standard equipment.

Commissioner Jones: Do we need to get that amount of detail for the mitigation monitoring?

Nancy Miller, Commission Counsel: What we require is a minimum insurance rating which does deal with all of that. So it is a minimum 2.0 insurance rating and that I'm fairly certain deals with equipment, personnel and proximity.

Commissioner Jones: All right, I know it is proximity. Again, I just want to make sure these Mitigation Measures that are critical for me to be able to support this project, that no authority is blocked by this Commission as responsible legal authority to be able to make sure it happens especially if memories fade two or three years from now.

Nancy Miller, Commission Counsel: I understand the concern. We have spent a lot of time on the project trying to make sure that we have all those bases covered. The City staff has been very diligent about that as has the project applicant. This is a large annexation for the City of Sacramento. So there were a lot of issues that needed to be dealt with and I think that over the years we have pretty much knocked them all down.

Commissioner Jones: Okay. So any of these issues or Mitigation Measures do not appear to be forth coming we can address it?

Nancy Miller, Commission Counsel: Yes.

Commissioner Yee: I listened to some of the concerns. As a Council-person we were all concerned by what you were concerned about - when to put fire houses up, how many police officers to put out there, transportation, making sure that the roadway, bridges, whatever you want is adequate to take care of the traffic problems. So all those questions you asked were good questions. All I have to say is if the City continues to do what they have done in the past they will make sure those issues are addressed. So with that, all I have to say is I agree with pretty much everything everyone has said and I'm ready to support this project.

Commissioner Rose: I echo a lot of the comments. I'm very proud of the applicant for working with the City and County and proud of the City and County for coming forward and doing all the work they have done to plan this project as well as they have. I'm concerned about a

couple of minor things. Obviously the floodplain. That's real concern about building homes in an area where at this time the government is saying to us, don't do that. Not just here but everywhere in the delta and I think that sends the wrong message when you go back to the Federal Government and say I would like you to give us some money to build a transit deal that comes from the City out into this floodplain. I'm also concerned about seeing agricultural land zoned Ag-80 go to rd-12, 12 units to the acre - really heavy density outside the urban boundary and outside the core of the City. Seems to me this could have been done a little bit better and smarter. I'm obviously also concerned about traffic. Although I do believe if we get the Light Rail in, if we were able to put that transit connection in, we may reduce the traffic on 5 and 99 substantially. That could help. I'm proud of the fact that they've planned it well enough that everybody in the area seems to be excited about us having a Light Rail transit facility that goes to our airport. I know you're moving forward with the airport and I like that idea too because I think that's something we need to plan for the future. I'm sorry to hear you think that the market is bad. The market is turning and getting much better in the housing market. Things have gotten much more affordable not on a good basis but it is much more affordable and people are coming and our projections are for doubling the population here by the year 2030. So this kind of infrastructure is necessary. I think in the long run it's probably a great project. I guess the question I've got isn't the action that we took last time, which the sphere of influence was okayed and given to the City, give them the right to move forward with their planning, move forward with their zoning, move forward with all the other part of the projection, except the annexation which would allow them to start doing construction and giving permits which could be done at a later date. The only thing that questions that is if we don't do it tonight do they have to start over some way with the EIR that's already been approved or is it just a matter of coming back two years from now, when we have the 100-year floodplain done and the mitigation done, habitat in place, and then just approve it as an administrative process to go ahead and finish the sphere of influence and letting them annex at that point in time? Could we do it that way?

Nancy Miller, Commission Counsel: Well, you have discretion tonight to approve or disapprove it. But I will just say to the comment that the annexation doesn't allow development out there. There is a lot that still has to happen; probably years away before all the conditions on the project, before you'll see any development. It's more of a planning process. They pre-zoned and they amended their general plan and adopted a PUD. But there is still a lot that has to go from a land use entitlement before anything has to happen. The first of which is another environmental report has to be done to deal with habitat, loss of Ag land and open space preservation that you're talking about. This is a long process. Even with the EIR they're not talking about actual development until the year? Scot?

Scot Mende: 2009; 2010; 2011; somewhere in there.

Nancy Miller, Commission Counsel: But a lot of things have to happen before then, all of which take time. So this isn't going out to get bulldozers out tomorrow. There is no land use entitlement here in terms of construction.

Commissioner Rose: So would there be a major setback for the developers or City if we just decided not to do the annexation tonight but wait for a year or two while they go through that process?

Nancy Miller, Commission Counsel: Well, I think major setback you would have to redo a lot of the documents which would be very cost consuming. There is not much more we would add to a year or two from now. I don't know if any of those issues would be addressed by then. Usually you don't look at those issues unless you have an application for development, and you're moving down that process.

Commissioner Rose: That's why I wondered in the past what we have done is done a sphere of influence, expanded out an area or moved the boundary and five to ten years later they came back and said now is the time we would like to go ahead and annex this and start developing it. We never seemed to have done this all at the same time.

Nancy Miller, Commission Counsel: We have never had an application quite this large from the City of Sacramento. This is their first major application in I'd say over 10 to 15 years. And it's an area that has gone through a lot of planning already. It's not an area that has not been planned. But in many of our other annexations we get they are smaller parcels and its infill. We haven't had a large annexation like this in quite some time. And they are usually like this.

Commissioner Rose: Actually, I'm not opposed to the project. I think the project is a very nice project. I just don't think at this time at this place in this location that it all makes sense or it has gotten to the point that I believe that it is a necessity tonight to do that. So, in the long run I think we may be off two years from now with a lot more information under our belt to say the annexation makes a lot more sense today especially if you made progress with the Federal Government and with building Light Rail across the American River a getting it into Natomas, and making progress in a lot of things we haven't made progress in. I think the City has all the capabilities of doing everything they have said that they would do and I don't think I have a real problem with the fact that the mitigating monitoring items that we have will be met and so in effect one way that tonight makes sense because we will put it in their lap and let them take care of it which is their job. We don't need to micro manage them. What we do need to do is make a decision based upon is - is it time to do this? And right now is not necessarily a good time to be approving or annexing floodplain. With the concerns we have in the delta and all around the united states of building on floodplains. I know the levees are there and they have looked at them and said no and came back and looked again and said no even though we requested different zoning capability which would allow us to do something different. The way that I understand it right now if you wanted to build something in there you would have to put in a mound of dirt of roughly 20 feet high and then still build it on stilts. That doesn't make a lot of sense to zone or annex anything at this time for that. And we in effect have a no build in Natomas right now. A stop notice to build anything else out there until we have done the work we need to do. And that may take until 2010.

Commissioner Fong: I'd just like to respond to that on behalf of the City of Sacramento. First of all, I don't think people are necessarily understanding that one of the significance of one of the preconditions was the City of Sacramento insists upon, which is, there will be no building, no

issuance of building permits to go vertical unless and until the levees have been certified at 100 years of flood protection. That's just part of it. So the idea that we are approving building in a floodplain is a little disingenuous. That's not what we are approving and not what's been approved by the City of Sacramento. I don't think there is anyone more concerned about the safety of its residents than the City of Sacramento, quite frankly. One thing we haven't talk about is - how will we pay for all those levee repairs? It's a catch-22. One of the things we haven't talked about is the impact of the housing slow down on the funding of those assessments but that's obviously a critical piece. It's not just going to be taxes. You know. It's going to be assessments that are paid frankly by developers who are building out there. The City of Sacramento is very concerned first and foremost with the integrity of its levees and safety of the 70,000 people who already live in that area, frankly. I don't want to leave people with the wrong impression at all. Approving the annexation tonight in no way does anything other than allowing the City of Sacramento to go about its business in that part of town. But there are so many preconditions to anything happening out there. Others have spoken to the habitat considerations and mitigations that have yet to be determined that will all have to be worked out. The City of Sacramento will then be in essence the lead responsible agency to make sure those things happen correctly. To talk about the timing, it was at this body, during my first year 3 years, that this body voted to process this sphere and annexation together. So you're right, Charlie, it is a departure from how we have done things in the past, but it's a departure that the City asked for and this body granted. So I think to try and undo that at this time would not serve anyone. Again, I would just like to repeat, and we haven't heard from our chair yet, but the City of Sacramento has voted consistently on a 9/0 vote to get to this point and to process this annexation. So I would respectfully submit that now is the time to go forward and, like I said, after everyone has had the chance to speak I would like the opportunity to make the motion to accept the staff's recommendation.

Chair Miklos: Actually, for Rob to say that the City has been consistently 9/0 vote. That's pretty rare. In our City we do have a lot of consistent 5/0 votes, but to have a body with nine and to get 9/0 votes on a projects is extremely rare. I have to agree 100% with you on the levee. One of those catch-22s. I actually think approving the annexation this evening will accelerate the 100-year floodplain protection. When we spoke back in the last year one of the first questions I said what kind of guarantees will you give this Commission as far as building a floodplain? And we talked about it. The statement and agreement was made at this body based on all of us discussing that we didn't want to see any sticks and bricks until we had protection. So there certainly is a check and balance there. So I think the consistency of the Commission is the turning point. We are concerned about the flood plain and this certainly gives the opportunity for someone to actually construct some of the issues that need protection in that area. The City of Folsom has been taken very seriously about our open space protection. In our SOI area South of highway 50, in our agreement with the County and in a charter measure we passed a number of years ago, it guarantees 30% of that area be left as natural open space. We don't count parks in that, schools, or playgrounds. 30% minimum natural open spaces. I know Peter was there, helped construct that language. As Charlie pointed out we are losing active Ag land habitat area so I thought we were short on the open spaces. Nancy pointed out we picked up another 35 and some acres. I'm pleased that came to fruition. Being a senior member of SACOG, I have seen a lot of hopscotch developments occur in this region until the region got educated and we came up with a blueprint. It co-alesced the

entire region on being smarter and doing things compared to what we used to. The synergy between North Natomas, Metro Park and the Airport is missing that. The million people coming in the next few years you have to look at things differently, you have to think differently. As an example, when we first indicated our desire to have Light Rail with Folsom it was almost a 20-year planning process because it took that year. Fortunately people got smarter, wiser, and more diligent on their approaches and thinking on how to make things happen sooner or later. So as was pointed out we are ten years away minimum before that Light Rail station opens but you've got to start planning now, especially if you're aware and cognizant of the Federal funding, how the cycles work. If they even have any at you will. So to actually start planning today for something that will happen ten years down the line really is not a long period. It's actually a very fast period. So, I guess I always come from you've got to start some place. This one makes too much sense for me because of the fact that I believe there be additional traffic. No question, its 500 acres. But I'm hoping that with the approach and commitment of the region that the Light Rail will be done sooner or later. I was one that would love to ride Light Rail from Folsom to the Airport and I think Roger Dickenson was correct saying it is the number 1 request in the region and I think the commitment is there from all. When I ran for City council in Folsom the first thing I ran on was a public safety platform and continued to monitor public safety in the City and region. So I went right to that section as well because I heard loud and clear about the North Natomas concerns about the public safety and I talked to my counter parts in City of Sacramento. I'm really comfort with that and the fact all the monitoring is in place. I think this is one of the few times that the City, County, majority of the stakeholders certainly, they I know we are going to lose some habitat but I think the smarter opportunities within the plan will allow the habitat to thrive better as things happen in the region. I just think this is one of the better plans I have seen on the 14 years on City Council and 12 years with SACOG.

#### **CLOSED SESSION (LITIGATION AND PERSONNEL MATTERS)**

##### 5. Conference with Legal Counsel - Anticipated and/or Threatened Litigation

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:

Reason for Closed Session:

Receipt of letter from the Arden Arcade Incorporation Committee dated March 12, 2008, stating due to the delay of the alleged mismanagement of contracts for the Comprehensive Fiscal Analysis that it was seeking legal advice to rectify the perceived injustice of a delayed election. They then asked for two remedies

On that basis, Counsel believes it's appropriate since we have an agreement with the proponent for Counsel to provide LAFCo with advice on the potential outcomes of that letter.

Report Back: Nothing to report

#### **OLD BUSINESS**

##### 6. Proposed Incorporation Of Arden-Arcade (LAFC 03-07)

LAFCo requested a follow-up meeting with the proponents. LAFCo will contact them to set up the meeting.

Beverly Burr requested LAFCo assistance in obtaining a retraction from the Sacramento Bee regarding recent articles.



**PRESENTATIONS**

7. FY 2008-09 Proposed Budget

Recommendation: To direct the Executive Officer to distribute the FY 2008-09 Proposed Budget to affected agencies for review and comment; and  
To direct the Executive Officer to schedule a Public Hearing for May 7, 2008

Moved: Chair Miklos

Second: Commissioner Yee

All in favor.

**REPORTS/QUESTIONS**

8. Executive Officer/Staff/Commission Counsel

- A. Special Districts Advisory Committee
- B. Legislation Status Report
- C. Work Plan Status Report
- D. Monthly Budget Report- Expenditure, Revenue & Trial Balance

9. Commission Chair/Commissioners - no reports

The meeting was adjourned at 8:17 P.M.

Respectfully submitted,

**SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**

Diane Thorpe  
Commission Clerk

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