

MINUTES OF MEETING OF September 3, 2003

The Sacramento Local Agency Formation Commission met this sixth day of August, 2003, at 5:30 P.M. in Board Chambers, Sacramento County Administration Center, 700 H Street, Sacramento, California.

PRESENT: Elliot Mulberg, Chair, Christopher Tooker, Roberta MacGlashan, Charles Rose, Muriel Johnson, Lauren Hammond.
Also Present: John Jachens, Sophia Scherman.

ABSENT: Illa Collin. Not Present: Roger Dickinson, Dave Jones

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

CONSENT CALENDAR:

On a motion made by Commissioner Hammond, seconded by Commissioner Johnson, the Minutes of the Meeting of August 6, 2003, and the Claims dated August 29, 2003, were unanimously approved.

ADOPTION OF SPHERE OF INFLUENCE FOR CITY OF ELK GROVE and CONCURRENT ANNEXATION OF LAGUNA WEST TO THE CITY OF ELK GROVE (05-01) [CEQA: Exemption/ Negative Declaration]

Executive Officer Peter Brundage reviewed his Amended Recommendations dated September 3, 2003.

The Commission discussed condition 14 [Open Space Buffers], condition 15 [Capital Region Compact developed by Valley Vision], and condition 16 [Swainson's Hawk Mitigation Measure] in Resolution 1261, "Resolution of the Sacramento Local Agency Formation Commission Making Determinations for the Approval of the Sphere of Influence and Concurrent Annexation of Laguna West to the City of Elk Grove."

The Commission reviewed the matter of the City of Elk Grove's compliance with the terms and conditions of the LAFCo's Resolution Nos. 1205 and 1208 Approving Incorporation. Commission Counsel stated that conditions 14, 15, and 16 do not deal directly with the affected territory in Laguna West, however, the Commission has implemented these kinds of policies in the past which condition future applications for Spheres of Influence or annexation proposals.

The Commission also discussed condition 13 of Resolution No. 1261, the matter of provision of fair share of regional housing needs allocation. Commission Counsel stated that "Regional housing need, determined by SACOG, is supposed to be an on-going responsibility to be met as you are approving housing units. LAFCo does not determine regional fair share housing; we look at the impacts of affordable housing for the entire region. The City and County have a conferring

process, and I believe SACOG would prefer to have this kind of generic language," stated Ms. Miller.

Mr. Eric Norris, Planning Department, City of Elk Grove, addressed the Commission. Mr. Norris addressed the LAFCo conditions regarding open space, housing and the Swainson's Hawk, stating "We will agree but they should be dealt with at the appropriate time. We are committed to working out spending our money on Hawk habitat." In answer to a question concerning funding additional police officers from the Commission, Mr. Norris stated "We have conducted a fiscal analysis; we can provide increased levels of police service." Regarding buffer space, Mr. Norris stated "We have been working with the County and Galt and we are talking about the Cosumnes River as a permanent buffer."

There was Commission discussion and Mr. Norris answered further questions from the Commission. The Commission Chair opened the public hearing.

Mr. Vern Goehring, South County Citizens for Responsible Growth, addressed the Commission. Mr. Goehring stated his organization is concerned about "major regional growth and a lack of understanding of these problems on the part of the City of Elk Grove. We want to remind the City of its responsibility for water, open space, Capital Region Compact and Swainson's Hawk. The City has \$1 Million to buy Swainson's Hawk property, without an agreement from Fish and Game. We believe there are benefits of the proposal; we would ask that you adopt the resolution [stating the conditions] before you, and to monitor the City and we will do likewise," concluded Mr. Goehring.

Mr. Dan Kramer, ten year Resident of Laguna West, addressed the Commission. Mr. Kramer stated the residents of Laguna West overwhelming support the annexation. He further stated that "LAFCo staff did a good job; it is a logical annexation; the three reasons Laguna West wants to be a part of the City of Elk Grove include local control, community identity, and a better law enforcement presence."

Ms. Vicki Lee, Sierra Club, addressed the Commission. Ms. Lee stated the Sierra Club has 6,500 members in Sacramento County; "we are very interested in the way this region grows. We do not challenge Elk Grove's application for annexation but we do challenge their legal right to appear in good standing as the City has neglected to mitigate for Hawk Habitat," stated Ms. Lee. "I believe conditions 13, 14, 15 and 16 are a good start for addressing unbridled growth. We would be interested in a one year status report," concluded Ms. Lee.

Ms. Alta Tura, Habitat 2020, South County Habitat Conservation Plan, addressed the Commission. Ms. Tura stated her group appreciated the conditions; "Elk Grove needs to fulfill its responsibilities; LAFCo needs to supply guidance for Elk Grove's responsibilities for open space and ag land." Ms. Tura requested that the Commission strengthen condition 16 [Swainson's Hawk] and require more than documentation. She spoke against the City of Elk Grove's consideration of "paying an organization with no track record to buy grasslands for hawk habitat when crop lands is what the hawk needs to survive."

Mr. Jim Pachl, Friends of Swainson's Hawk, addressed the Commission. Mr. Pachl stated he urged LAFCo to "carry out its enforcement obligation and postpone the annexation proposal until the City of Elk Grove has come into compliance with its regulations. The City has collected \$1.2 Million in Swainson's Hawk fees; it has been suggested that Elk Grove will possibly put much of its money in the Gibson Ranch Bank for wetlands and vernal pools. This is not approved by Fish and Game for Swainson's Hawk habitat," stated Mr. Pachl. He expressed the concern that the longer Elk Grove waits to purchase land, the higher the price of the land will go; for that reason, he requested the Commission defer this issue until the City comes into compliance. Mr. Pachl then addressed Commissioners' questions.

Mr. Alvin Livingston, President, Laguna West Association, addressed the Commission. Mr. Livingston stated he has lived in Laguna West since 1992. "Laguna West is a creature of County zoning, permits, entitlements, and congestion." He spoke against delay, stating Laguna West needs additional law enforcement services, and urged the Commission to approve the annexation.

Ms. Lori Alaniz, Elk Grove Chamber of Commerce, addressed the Commission. Ms. Alaniz stated the Elk Grove Chamber of Commerce supports the annexation which will provide businesses more services, business development, police and a City Council to represent them.

Mr. Carl Amundson, Elk Grove resident, addressed the Commission. Mr. Amundson stated his support for the annexation of Laguna West into the City of Elk Grove.

Ms. Kellie Randle, Concerned Citizen, addressed the Commission. Ms. Randle urged Commission approval of the proposal for police protection. "I need to be part of the City of Elk Grove for the safety of my family," stated Ms. Randle.

Mr. Dennis Rogers, Director of Governmental Affairs, Building Industry Association of Superior California, addressed the Commission. Mr. Rogers stated the BIA supports the annexation and is in full agreement with the Sierra Club. He requested that conditions 14 and 16 be amended. "We have a concern due to loss of flexibility because loss of flexibility increases prices which we place on our homes. We want these conditions amended so that we can have the flexibility for the City's ability to purchase habitat. We want to do habitat in the most cost effective way possible," stated Mr. Rogers.

Ms. Sophia Scherman, Mayor, City of Elk Grove, addressed the Commission. Ms. Scherman stated the Laguna West area has long been identified with Elk Grove and the residents want annexation; better police protection will benefit businesses and residents. "The proposed annexation is long overdue," concluded Ms. Scherman.

The Chair closed the Public Hearing at 7:39 P.M. The Commission discussed amendments to condition 16. Mr. David Storer, Planning Director, City of Elk Grove, stated "We'd be happy if 16 were deleted and we report back in six months and demonstrate all compliances." The Chair ordered a ten minute recess.

Condition 16. Swainson's Hawk Habitat

Upon resumption of the meeting, Commission Counsel read the first and second versions of condition 16. Commissioner Hammond moved approval of the second version of condition 16; Commissioner Rose seconded the motion. There was unanimous approval of the new version of condition 16.

As a condition of adopting the proposal, the Commission finds that the City of Elk Grove collects fees for the preservation and maintenance of the Swainson's Hawk and other listed protected species pursuant to an Ordinance similar to the County of Sacramento imposed as a development fee condition. Elk Grove is required to implement this mitigation measure. Based upon comments of affected agencies, the Commission determines that it is in the best interest of the community for the City of Elk Grove to participate in a regional solution for habitat conservation in the south county. In addition, prior to submitting future Sphere of Influence amendments or annexations, or processing existing applications, the City of Elk Grove shall document to the satisfaction of the Commission its compliance with the Swainson's Hawk mitigation measure and shall demonstrate that the City of Elk Grove is actively participating in the development of the South County Habitat Conservation Plan.

Certification of Negative Declaration

Commissioner Hammond moved approval of Resolution LAFC 1260, Resolution of the Sacramento Local Agency Formation Commission Certifying the Negative Declaration Adopting a Mitigation Monitoring for the City of Elk Grove Sphere of Influence and Concurrent Annexation [of Laguna West to the City of Elk Grove] (05-01). Commissioner Rose seconded the motion which was unanimously approved.

Approval of Sphere of Influence and Concurrent Annexation Of Laguna West to City of Elk Grove (05-01)

Commissioner MacGlashan moved approval of Resolution LAFC 1261, Resolution of the Sacramento Local Agency Formation Commission Making Determinations for the Approval of the Sphere of Influence and Concurrent Annexation of the Laguna West Territory to the City of Elk Grove (05-01, as amended). The motion was seconded by Commissioner Tooker and unanimously approved.

Status Report on Mitigation Monitoring

Commissioner Tooker moved to direct staff to prepare a schedule for reviewing the status of the City of Elk Grove's conditions of incorporation and the entirety of the mitigation monitoring program. Commissioner Rose seconded the motion which was unanimously approved.

Other Matters

Mr. Brundage reported that the election for Alternate Special District Commissioner has resulted in a three-way run-off election. Results will not be known until after November 7, 2003. The

Executive Officer then gave a budget update, reporting that we came closer than expected to our projected fund balance and stated he would give a full report at the October 1, 2003, Commission meeting. The Assistant Executive Officer reviewed legislation. Chair Mulberg stated the election on special district allocation methodology did not yield a majority of votes cast and the time for voting on this issue will be extended to October 10. Mr. Mulberg also announced the Executive Officer's Annual Evaluation is scheduled for the October 1 Commission meeting. Commissioner Tooker stated the CALAFCo Conference is scheduled in San Francisco, September 24-26; Dan Walters will be the keynote speaker. Dr. Tooker also suggested the Commission should consider hosting the CALAFCo Annual Conference in 2007.

There was no further business. The meeting was adjourned at 8:40 P.M.

Respectfully submitted,

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

Marilyn Ann Flemmer
Commission Clerk

MAF
(Minutes September 3, 2003)