

## **LAFCo Resolutions**

**Resolution 2012-01-0118-04-11 Resolution of the Sacramento Local Agency Formation Commission Certifying The Final Environmental Impact Report For The Annexation To The City Of Folsom And Sacramento Regional County Sanitation District And Detachment From Sacramento Metropolitan Fire District And Wilton-Cosumnes Parks And Recreation Area (County Service Area 4b)**

**Resolution 2012-02-0118-04-11 Resolution of the Sacramento Local Agency Formation Commission Adopting Findings Of Fact And A Statement Of Overriding Considerations For The Annexation To The City Of Folsom And Sacramento Regional County Sanitation District And Detachment From Sacramento Metropolitan Fire District And Wilton-Cosumnes Parks And Recreation Area (County Service Area 4b)**

**Resolution 2012-03-0118-04-11 Resolution of the Sacramento Local Agency Formation Commission Adopting A Mitigation Monitoring And Reporting Program For The Annexation To The City Of Folsom And Sacramento Regional County Sanitation District And Detachment From Sacramento Metropolitan Fire District And Wilton-Cosumnes Parks And Recreation Area (County Service Area 4b)**

**Resolution 2012-04-0118-04-11 Resolution of the Sacramento Local Agency Formation Commission Approving The Application For Annexation To The City Of Folsom And To The Sacramento Regional County Sanitation District And Detachment From Sacramento Metropolitan Fire District And Wilton-Cosumnes Parks And Recreation Area (County Service Area 4b)**



**RESOLUTION NO. LAFC 2012-01-0118-04-11**

**THE SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**

**CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE  
ANNEXATION TO THE CITY OF FOLSOM AND  
SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT AND  
DETACHMENT FROM SACRAMENTO METROPOLITAN FIRE DISTRICT AND  
WILTON-COSUMNES PARKS AND RECREATION AREA (COUNTY SERVICE AREA 4B)  
(State Clearinghouse No. 2008092051) (Dated January 2012)**

**WHEREAS**, the Sacramento Local Agency Formation Commission is the entity authorized to approve an Application for Annexation pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act;

**WHEREAS**, on August 24, 2011, the City of Folsom ("City") submitted an application to the Commission for Annexation to the City of Folsom and Sacramento Regional County Sanitation District, and detachment from the Sacramento Metropolitan Fire District, Wilton-Cosumnes Parks and Recreation Area (County Service Area 4B) and County of Sacramento roads ("Proposal" or "Application");

**WHEREAS**, the Sacramento Local Agency Formation Commission has undertaken a comprehensive analysis of the City of Folsom's Annexation Application; and

**WHEREAS**, in June 2001, the Sacramento Local Agency Formation Commission (LAFCo) designated the undeveloped land south of U.S. Highway 50 between Prairie City Road, White Rock Road, and the El Dorado County line as part of the City's Sphere of Influence (SOI) by way of Resolution No. LAFC 1196; and

**WHEREAS**, in 2004 and 2005, the City of Folsom held a City-wide visioning process which resulted in the Folsom Plan Area Specific Plan for the SOI area; and

**WHEREAS**, an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) has been prepared pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) for the Folsom Plan Area Specific Plan; and

**WHEREAS**, the Draft EIR/EIS was circulated for public review from June 28, 2010, to September 10, 2010, pursuant to the provisions of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA); and

**WHEREAS**, Sacramento LAFCo submitted comments on the Draft EIR/EIS to the City during the public comment period; and

**WHEREAS**, a Public Workshop was held at Folsom City Hall on August 2, 2010, and a Public Hearing to receive public input on the Draft Environmental Impact Report/Draft Environmental Impact Statement was held at Folsom City Hall on August 4, 2010; and

**WHEREAS**, local jurisdictions, community groups, businesses, and other interested parties provided testimony throughout the planning and evaluation process; and

**WHEREAS**, public agencies have reviewed, and commented upon, the project; and

**WHEREAS**, sufficient public notice has been provided in accordance with state law for all hearings on the matter; and

**WHEREAS**, the Final EIR/EIS consists of the Draft EIR/EIS, all appendices to the Draft and Final EIR/EIS, comments and recommendations received on the Draft EIR/EIS, a list of the persons, organizations and public agencies commenting on the Draft EIR/EIS, the responses to significant environmental points raised during the public review period, text changes to the Draft EIR/EIS, and a summary of impacts and mitigation measures (collectively the "EIR/EIS"); and

**WHEREAS**, the Final EIR/EIS constitutes the complete environmental documentation and review of the City of Folsom Annexation Application pursuant to the requirements of the California Environmental Quality Act;

**WHEREAS**, the City is the Lead Agency for environmental review of the Annexation Proposal, while the Commission is a Responsible Agency;

**NOW, THEREFORE, THE SACRAMENTO LOCAL AGENCY FORMATION COMMISSION** does hereby resolve as follows:

**SECTION 1: Recitals**

The above recitals are true and correct, and the Sacramento Local Agency Formation Commission hereby so finds.

**SECTION 2: Procedural Findings**

- A. The Notice of Preparation for the Draft Environmental Impact Report was duly prepared, noticed, and properly circulated in accordance with the provisions of the California Environmental Quality Act;
- B. The Draft Environmental Impact Report was duly prepared, noticed, and properly circulated in accordance with the provisions of the California Environmental Quality Act;
- C. After providing adequate public notice, the Draft Environmental Impact Report was duly circulated in accordance with the provisions of the California Environmental Quality Act, and public hearings which were properly noticed, were conducted by the City of Folsom in compliance with the provisions of the Act;
- D. A noticed public hearing was held on August 4, 2010 on the Draft Environmental Impact Report. The City also conducted a public workshop on August 2, 2010.

The public hearing was recorded and transcripts were made of public comments received both at the workshop and at the hearing. Written comments were received from Federal, state, and regional and local agencies, and from organizations and individuals; comments were also received during the public hearing. The City considered the comments received on the DEIR. The Final EIR/EIS was published on May 6, 2011;

- E. The Folsom Planning Commission, at its regular meeting on May 18, 2011, considered the Final EIR/EIS and Folsom Plan Area Specific Plan Project at a duly noticed public hearing as prescribed by law, and recommended that the City Council certify the EIR/EIS;
- F. All comments received during the period of public review were duly considered and incorporated into the Final Environmental Impact Report, and where necessary, replied to, in accordance with the provisions of the California Environmental Quality Act;
- G. A Final EIR/EIS has been prepared for the Folsom Plan Area Specific Plan, including the General Plan Amendment of the area, which EIR/EIS was certified on June 14, 2011, by Folsom City Council Resolution No. 8860;
- H. Written responses were provided to all public agency comments that were received on the Draft Environmental Impact Report at least 10 days before certification of the Final EIR pursuant to the provisions of the California Environmental Quality Act;
- I. A good faith effort was been made to incorporate alternatives into the Final Environmental Impact Report, and all reasonable alternatives were considered in the review process under the provisions of the California Environmental Quality Act relating to the decisions and recommendations as described in this Resolution;
- J. The Final Environmental Impact Report for the proposed City of Folsom Annexation has been properly completed and has identified all significant environmental effects of the proposed project, and there are no known potential environmental effects that are not addressed in the Final Environmental Impact Report;
- K. A good faith effort was been made to seek out and incorporate all points of view in the preparation of the Draft Environmental Impact Report and Final Environmental Impact Report; and
- L. The Commission has utilized its own independent judgment in adopting this Resolution and in certifying the Final Environmental Impact Report.

**SECTION 3: Certification of the Final Environmental Impact Report**

- A. The Sacramento Local Agency Formation Commission hereby certifies the Final EIR/EIS consisting of all the environmental documents described in this Resolution as adequate and complete and certifies that the Final EIR/EIS has been completed in compliance with the California Environmental Quality Act.
- B. The Sacramento Local Agency Formation Commission further finds that there have been no significant changes in the project or in the environment since preparation of the Final Environmental Impact Report, and that the Final Environmental Impact Report is adequate and complete.
- C. The Sacramento Local Agency Formation Commission finds and determines that it has considered all public comments, testimony, and staff reports in making this determination.

**BE IT FURTHER RESOLVED** that Resolution No. **L AFC 2012-01-0118-04-11** was adopted by the **SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**, on the **18th day of January 2012**, by the following vote, to wit:

	Motion	2nd	Aye	No	Absent	Abstain
Robert Jankovitz	_____	_____	_____	_____	_____	_____
Christopher Tooker	_____	_____	_____	_____	_____	_____
Ron Greenwood	_____	_____	_____	_____	_____	_____
Jerry Fox	_____	_____	_____	_____	_____	_____
Susan Peters	_____	_____	_____	_____	_____	_____
Jimmie Yee	_____	_____	_____	_____	_____	_____
Jay Schenirer	_____	_____	_____	_____	_____	_____

Commission Vote Tally      Aye \_\_\_\_\_ No \_\_\_\_\_ Absent \_\_\_\_\_ Abstain \_\_\_\_\_  
 Passed                      Yes \_\_\_\_\_ No \_\_\_\_\_

By:

\_\_\_\_\_  
**Robert Jankovitz, Vice Chair**  
**SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**

**ATTEST:**

\_\_\_\_\_  
**Diane Thorpe**  
**Commission Clerk**

**RESOLUTION NO. LAFC 2012-02-0118-04-11**

**THE SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**

**ADOPTING FINDINGS OF FACT AND A STATEMENT OF OVERRIDING  
CONSIDERATIONS FOR THE ANNEXATION TO THE CITY OF FOLSOM AND  
SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT, AND DETACHMENT  
FROM SACRAMENTO METROPOLITAN FIRE DISTRICT AND WILTON-COSUMNES  
PARKS AND RECREATION AREA (COUNTY SERVICE AREA 4B)  
(State Clearinghouse No. 2008092051) (Dated January 18, 2012)**

**WHEREAS**, on August 24, 2011, the City of Folsom ("City") submitted an application to the Commission for Annexation to the City of Folsom and Sacramento Regional County Sanitation District, and detachment from the Sacramento Metropolitan Fire District, Wilton-Cosumnes Parks and Recreation Area (County Service Area 4B) and County of Sacramento roads ("Proposal" or "Application"); and

**WHEREAS**, the Sacramento Local Agency Formation Commission has undertaken a comprehensive analysis of the City of Folsom's Annexation Application; and

**WHEREAS**, in June 2001, the Sacramento Local Agency Formation Commission (LAFCo) designated the undeveloped land south of U.S. Highway 50 between Prairie City Road, White Rock Road, and the El Dorado County line as part of the City's Sphere of Influence (SOI) by way of Resolution No. LAFC 1196; and

**WHEREAS**, in 2004 and 2005, the City of Folsom held a City-wide visioning process which resulted in the Folsom Plan Area Specific Plan for the SOI area; and

**WHEREAS**, the City and Commission prepared and released a Notice of Preparation for a Draft Environmental Impact Report/Environmental Impact Statement ("Draft EIR/EIS") for public comment on September 12, 2008; and

**WHEREAS**, the Draft EIR/EIS was circulated for public review from June 28, 2010, to September 10, 2010, pursuant to the provisions of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA); and

**WHEREAS**, Sacramento LAFCo submitted comments on the Draft EIR/EIS to the City during the public comment period; and

**WHEREAS**, a Public Workshop was held at Folsom City Hall on August 2, 2010, and a Public Hearing to receive public input on the Draft Environmental Impact Report/Draft Environmental Impact Statement was held at Folsom City Hall on August 4, 2010; and

**WHEREAS**, local jurisdictions, community groups, businesses, and other interested parties have provided testimony throughout the planning and evaluation process, and have reviewed and commented upon the project; and

**WHEREAS**, as lead agency on the proposed Annexation, the City of Folsom certified the Final

EIR/EIS, consisting of the Draft EIR/EIS, all appendices, comments and recommendations received, a list of commenters, the responses to comments, text changes to the Draft EIR/EIS, and a summary of impacts and mitigation measures (collectively the " Final EIR"), on June 14, 2011; and

**WHEREAS**, the City also amended the City's existing General Plan (Resolution No. 8861), approved the Folsom Area Specific Plan (Resolution No. 8863), and adopted an uncodified ordinance pre-zoning approximately 3,600 acres of the unincorporated Annexation area (Ordinance No. 1148). Before actual development may occur, the City will have to approve additional entitlements. The only issue currently before LAFCo is the City's Annexation Proposal; and

**WHEREAS**, the Commission, in consideration of the Annexation Proposal, considered the Final EIR during its meeting on January 18, 2012; and

**WHEREAS**, the Commission, in consideration of the Annexation Proposal, has certified that the Final EIR was prepared in full compliance with the terms of the California Environmental Quality Act, by means of Resolution No. LAFC 2012-01-0118-04-11; and

**WHEREAS**, the Commission concurrently approved the Mitigation Monitoring and Reporting Plan, as stated in Resolution No. LAFC 2012-03-0118-04-11; and

**WHEREAS**, the Findings of Fact and mitigation measures set forth in Exhibit A, attached hereto, are consistent with the Findings of Fact and mitigation measures adopted by the City of Folsom, except for the addition of Mitigation Measure 3A.10-3, relating to Agricultural Impacts;

**NOW, THEREFORE, THE SACRAMENTO LOCAL AGENCY FORMATION COMMISSION** does hereby resolve as follows:

1. The Commission finds that, for the purposes of the Annexation Proposal, the Commission is a responsible agency as required under California Code of Regulations, title 14, section 15051, subdivision (b)(2) and LAFCo Policies and Procedures, section IV.F.1.
2. The Commission hereby approves and adopts the Findings of Fact and Statement of Overriding Consideration attached hereto as Exhibit A, which are incorporated herein, pursuant to CEQA Guidelines §§ 15091, 15092 and 15093.
3. The Commission certifies that the EIR has been presented to it, the Commission has reviewed the EIR and has considered the information contained in the EIR prior to acting on the Annexation Proposal, and that the EIR reflects the Commission's independent judgment and analysis.
4. The Commission finds that the Final EIR certified by the Commission is adequate and complete.
5. The Commission directs that, upon approval of the Annexation, the Executive Officer shall file a Notice of Determination with the County Clerk Recorder of Sacramento



County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA section 21152.

6. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the Commission has based its decision are located in and may be obtained from, the Commission Clerk at 1112 I Street, Sacramento, California.

**BE IT FURTHER RESOLVED** that Resolution No. *L AFC 2012-02-0118-04-11* was adopted by the *SACRAMENTO LOCAL AGENCY FORMATION COMMISSION*, on the 18th day of January 2012, by the following vote, to wit:

	Motion	2nd	Aye	No	Absent	Abstain
Robert Jankovitz	_____	_____	_____	_____	_____	_____
Christopher Tooker	_____	_____	_____	_____	_____	_____
Ron Greenwood	_____	_____	_____	_____	_____	_____
Jerry Fox	_____	_____	_____	_____	_____	_____
Susan Peters	_____	_____	_____	_____	_____	_____
Jimmie Yee	_____	_____	_____	_____	_____	_____
Jay Schenirer	_____	_____	_____	_____	_____	_____

Commission Vote Tally	Aye	_____	No	_____	Absent	_____	Abstain	_____
Passed	Yes	_____	No	_____				

By:

\_\_\_\_\_  
**Robert Jankovitz, Vice Chair**  
**SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**

**ATTEST:**

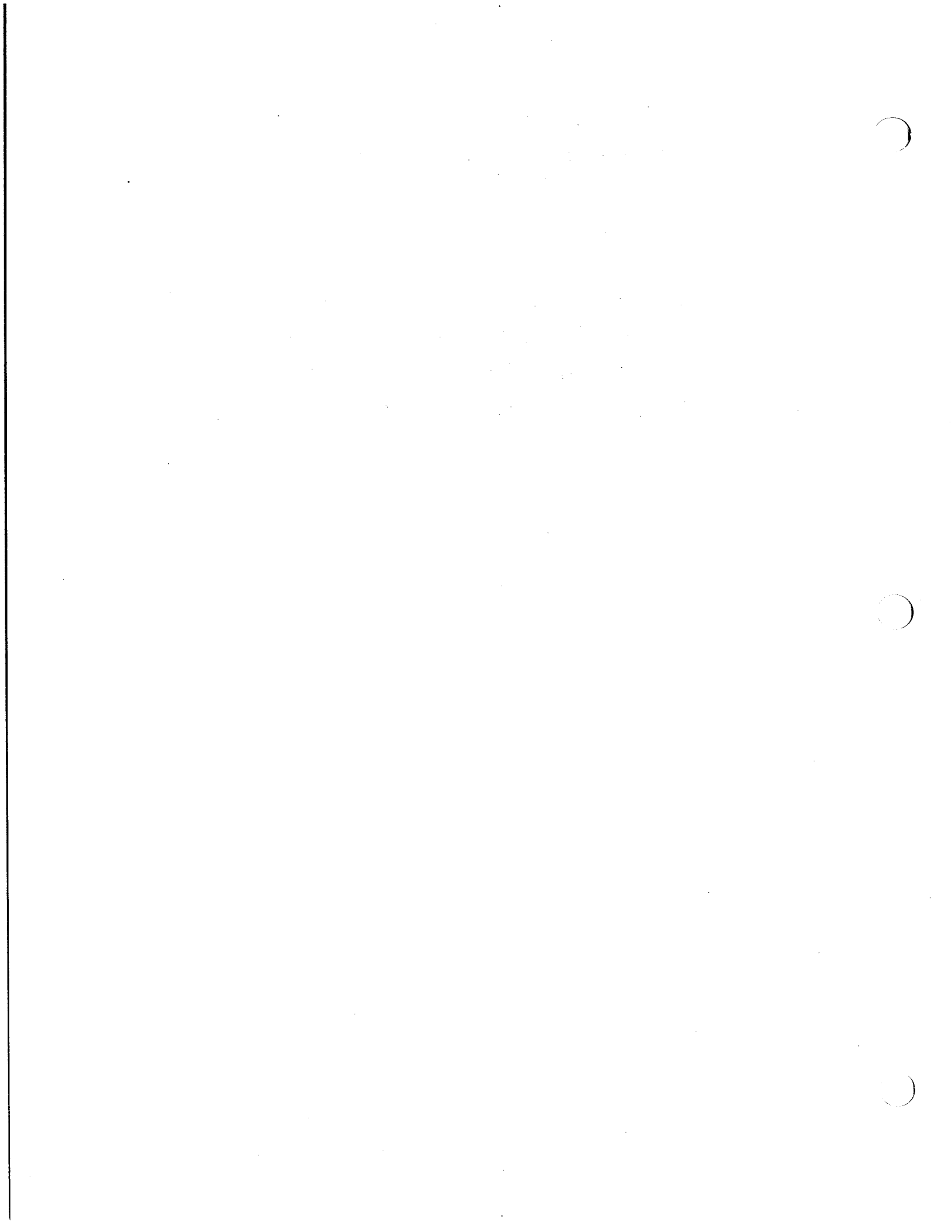
\_\_\_\_\_  
**Diane Thorpe**  
**Commission Clerk**

Attachments: 1. Findings of Fact and Statement of Overriding Considerations



**Attachment to LAFC  
Resolution No. 2012-02-0118-04-11**

**The attachment to Resolution No. 2012-02-0118-04-11: Findings of Fact and Statement of Override is contained in the CD in the front pocket of the Commission Packet**



**RESOLUTION NO. LAFC 2012-03-0118-04-11**

**THE SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**

**ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE  
ANNEXATION TO THE CITY OF FOLSOM AND  
SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT AND  
DETACHMENT FROM SACRAMENTO METROPOLITAN FIRE DISTRICT AND  
WILTON-COSUMNES PARKS AND RECREATION AREA (COUNTY SERVICE AREA 4B)  
(State Clearinghouse No. 2008092051) (Dated January 18, 2012)**

**WHEREAS**, the Sacramento Local Agency Formation Commission is the entity authorized to approve an Application for Annexation pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act;

**WHEREAS**, on August 24, 2011, the City of Folsom ("City") submitted an application to the Sacramento Local Agency Formation Commission ("Commission"), which includes a request for Annexation of the affected territory to the City of Folsom and Sacramento Regional County Sanitation District and detachment from the Sacramento Metropolitan Fire District and Wilton-Consumes Parks and Recreation Area (County Service Area 4B) ("Proposal" or "Annexation Proposal");

**WHEREAS**, the Commission approved the Sphere of Influence Amendment on June 6, 2001, by Resolution No. LAFC 1196, wherein the Commission identified certain conditions for annexation, including mitigation measures set forth in Resolution No. LAFC 1193, in order encourage well-ordered, efficient urban development with sufficient services and to preserve open space resources, agricultural land and habitat for species;

**WHEREAS**, the Commission has confirmed that the conditions for annexation, including mitigation measures set forth in Resolution No. LAFC 1193, have been satisfied;

**WHEREAS**, the City is the Lead Agency for environmental review of the Annexation Proposal, while the Commission is a Responsible Agency;

**WHEREAS**, Sacramento LAFCo submitted comments on the Draft EIR/EIS to the City during the public comment period from June 28, 2010, to September 10, 2010; and

**WHEREAS**, the City certified the Final EIR/EIS for the Folsom Plan Area Specific Plan (Resolution No. 8860), approved the General Plan Amendment for the Folsom Plan Area Specific Plan Project (Resolution No. 8861), approved the Folsom Plan Area Specific Plan (Resolution No. 8863), and approved pre-zoning (Ordinance No. 1148), on June 14, 2011;

**WHEREAS**, the Final EIR/EIS for the Folsom Plan Area identifies mitigation measures for the environmental impacts described in the Final EIR/EIS;

**WHEREAS**, the Commission, in consideration of the proposed Annexation, has certified that the Final EIR/EIS was prepared by the City in full compliance with the terms of the California Environmental Quality Act (CEQA), by means of **Resolution No. LAFC 2012-01-0118-04-11**.

**NOW, THEREFORE, THE SACRAMENTO LOCAL AGENCY FORMATION COMMISSION** hereby resolves as follows:

1. The attached document entitled "Mitigation Monitoring and Reporting Program for the Folsom Annexation" (Attachment A) is hereby adopted and incorporated by reference as though wholly set forth herein.

2. Adoption of this Mitigation Monitoring and Reporting Program does not constitute the approval of any project.

**BE IT FURTHER RESOLVED** that Resolution No. *LAFCo 2012-03-0118-04-11* was adopted by the **SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**, on the 18th day of January 2012, by the following vote, to wit:

	Motion	2nd	Aye	No	Absent	Abstain
Robert Jankovitz	_____	_____	_____	_____	_____	_____
Christopher Tooker	_____	_____	_____	_____	_____	_____
Ron Greenwood	_____	_____	_____	_____	_____	_____
Jerry Fox	_____	_____	_____	_____	_____	_____
Susan Peters	_____	_____	_____	_____	_____	_____
Jimmie Yee	_____	_____	_____	_____	_____	_____
Jay Schenirer	_____	_____	_____	_____	_____	_____

Commission Vote Tally	Aye	No	Absent	Abstain
Passed	Yes	No		

By:

\_\_\_\_\_  
**Robert Jankovitz, Vice Chair**  
**SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**

**ATTEST:**

\_\_\_\_\_  
**Diane Thorpe**  
**Commission Clerk**

- Attachments:
1. LAFCo Mitigation Monitoring and Reporting Program
  2. Mitigation Monitoring and Reporting Program Table 1
  3. Mitigation Monitoring and Reporting Program Folsom South of Highway 50 Specific Plan Project – Adopted by the City of Folsom (State Clearinghouse No. 2008092051)

**SACRAMENTO LAFCO**  
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**FOR THE FOLSOM ANNEXATION**

**INTRODUCTION**

This Environmental Mitigation Monitoring and Reporting Program (MMRP) has been prepared pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines to provide for the monitoring of mitigation measures required of the Folsom Annexation Project (proposed project) as set forth in the Final Environmental Impact Report/Environmental Impact Statement (FEIR/EIS) prepared for the project.

Section 21081.6 of the California Public Resources Code and Section 15091(d) and 15097 of the State CEQA Guidelines require public agencies "to adopt a reporting or monitoring program for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment." A Mitigation Monitoring and Reporting Program (MMRP) is required for the proposed project because the EIR for the project identified potentially significant adverse impacts related to construction and implementation activities, and mitigation measures have been identified to reduce most of those impacts to a less-than-significant level.

This MMRP was adopted by the Folsom City Council and Sacramento Local Agency Formation Commission (LAFCo) when they approved their respective elements of the project.

This MMRP will be kept on file at the City of Folsom, and at Sacramento LAFCo, 1112 I Street, Suite 100, Sacramento, CA 95814.

**PURPOSE OF THE MMRP**

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed according to schedule and maintained in a satisfactory manner during project construction and implementation, as required. The MMRP may be modified by the City or LAFCo during project implementation, as necessary, in response to changing conditions or other refinements. A Summary Table (attached) has been prepared to assist the responsible parties in implementing the MMRP. The table identifies individual mitigation measures, monitoring/mitigation timing, responsible person/agency for implementing the measure, monitoring procedures, and a record of implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the EIR/EIS.

**ROLES AND RESPONSIBILITIES**

Unless otherwise specified herein, the City is responsible for taking all actions necessary to implement the mitigation measures under its jurisdiction according to the specifications provided for each measure and for demonstrating that the action has been successfully completed. The City, at its discretion, may delegate implementation responsibility or portions thereof to a licensed contractor or other designated agent. Areas in grey shading indicate that enforcement is required by an agency other than the City, and therefore no verification is required.

The City would be responsible for overall administration of the MMRP and for verifying that City staff members and/or the construction contractor has completed the necessary actions for each measure. The

City will report to LAFCo on the implementation of the MMRP on the milestones specified in the MMRP Summary Table. The City would designate a project manager to oversee implementation of the MMRP. Duties of the project manager include the following:

- ▶ Ensure that routine inspections of the construction site are conducted by appropriate City staff; check plans, reports, and other documents required by the MMRP; and conduct report activities.
- ▶ Serve as a liaison between the City and the contractor or project applicant regarding mitigation monitoring issues.
- ▶ Complete forms and maintain reports and other records and documents generated by the MMRP.
- ▶ Coordinate and ensure that corrective actions or enforcement measures are taken, if necessary. The responsible party for implementation of each item would identify the staff members responsible for coordinating with the City on the MMRP.

## REPORTING

The City's project manager shall prepare a monitoring report, upon completion of the project, on the compliance of the activity with the required mitigation measures. Information regarding inspections and other requirements shall be compiled and explained in the report. The report shall be designed to simply and clearly identify whether mitigation measures have been adequately implemented. At a minimum, each report shall identify the mitigation measures or conditions to be monitored for implementation, whether compliance with the mitigation measures or conditions has occurred, the procedures used to assess compliance, and whether further action is required. The monitoring report shall be presented to the City Council and to Sacramento LAFCo.

In addition to receiving the monitoring report, and monitoring compliance with all mitigation measures, LAFCo shall enforce compliance with Mitigation Measures 3A.10-3, 3A.18-1, 3A.18-2a, and 3A.18-2b. These Mitigation Measures have been revised accordingly, as attached hereto.

## MMRP SUMMARY TABLE

The MMRP Summary Table that follows should guide the City and LAFCo in their evaluation and records of the implementation of mitigation measures. The column categories identified in the MMRP Summary Table are described below:

- ▶ **Summary of Mitigation** – lists the mitigation measures by number identified in the EIR and provides the text of the mitigation measures identified in the EIR.
- ▶ **Timing** – lists the time frame in which the mitigation will take place.
- ▶ **Enforcement** – This column identifies the party responsible for enforcing compliance with the requirements of the mitigation measure.
- ▶ **Dated Signature for Verification of Compliance** – This column is to be dated and signed by the person (either project manager or his/her designee) responsible for verifying compliance with the requirements of the mitigation measure. Areas in grey shading do not require verification.



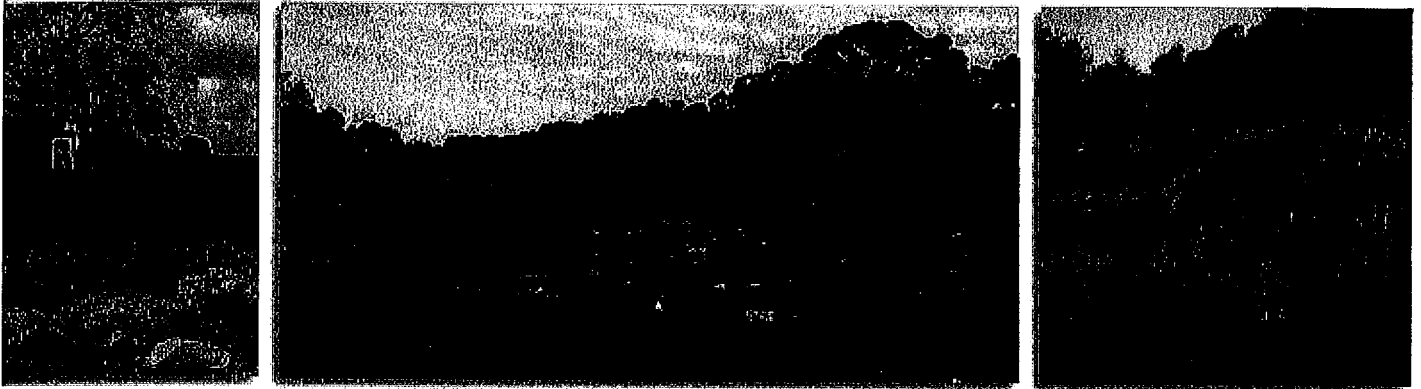
Table 1  
 (Additions to City of Folsom MMRP)  
 Mitigation Monitoring and Reporting Plan for the Folsom Annexation

Mitigation Measure	Timing	Implementation	Enforcement	Dated Signature for Verification of Compliance
<p><b>3B.10 LAND USE AND AGRICULTURAL RESOURCES – WATER</b></p> <p><u>Mitigation Measure 3.A.10-3: Succeed to All Williamson Act Contracts.</u>                      The City shall succeed to the rights, duties, and powers of the County under all Williamson Act contracts that are in the process of nonrenewal, pursuant to Government Code sections 51243 and 56754. Project applicant(s) for development of parcels under Williamson Act contract would apply to the City of Folsom for contract cancellation; as a result, the City Council will determine consistency with the statutory requirements pursuant to California Government Code Section 51282.</p>	<p>Effective date of Annexation; Upon receipt of application to cancel contract</p>	<p>City of Folsom</p>	<p>Sacramento LAFCo</p>	
<p><b>3A.18 WATER SUPPLY - LAND</b></p> <p><u>Mitigation Measure 3A.18-1: Submit Proof of Surface Water Supply Availability.</u></p> <p>a. Prior to approval of any small-lot tentative subdivision map subject to Government Code Section 66473.7 (SB 221), the City shall comply with that statute. Prior to approval of any small-lot tentative subdivision map for a proposed residential project not subject to that statute, the City need not comply with Section 66473.7, or formally consult with any public water system that would provide water to the affected area; nevertheless, the City shall make a factual showing or impose conditions similar to those required by Section 66473.7 to ensure an adequate water supply for development authorized by the map.</p> <p>b. Prior to recordation of each final subdivision map, or prior to City approval of any similar project-specific discretionary approval or entitlement required for nonresidential uses, the project applicant(s) of that project phase or activity shall demonstrate the availability of a reliable and sufficient water supply from a public water system for the amount of development that would be authorized by the final subdivision map or project-specific discretionary nonresidential approval or entitlement. Such a demonstration shall consist of information showing that both existing sources are available or needed supplies and improvements will be in place prior to occupancy.</p>	<p>Before approval of final maps and issuance of building permits for any project phases.</p>	<p>The project applicant(s) of all project phases.</p>	<p>City of Folsom                      Community Development Department and                      City of Folsom Public Works Department;                      Sacramento LAFCo</p>	

<p><b>Mitigation Measure 3A.18-2a: Submit Proof of Adequate Off-Site Water Conveyance Facilities and Implement Off-Site Infrastructure Service System or Ensure That Adequate Financing Is Secured.</b></p> <p>Before the approval of the final subdivision map and issuance of building permits for all project phases, the project applicant(s) of any particular discretionary development application shall submit proof to the City of Folsom that an adequate off-site water conveyance system either has been constructed or is ensured or other sureties to the City's satisfaction. The off-site water conveyance infrastructure sufficient to provide adequate service to the project shall be in place for the amount of development identified in the tentative map before approval of the final subdivision map and issuance of building permits for all project phases, or their financing shall be ensured for the satisfaction of the City. A certificate of occupancy shall not be issued for any building within the SPA until the water conveyance infrastructure sufficient to serve such building has been constructed and is in place.</p>	<p>Before approval of final maps and issuance of building permits for any project phases.</p>	<p>The project applicant(s) for any particular discretionary development application.</p>	<p>City of Folsom Community Development Department and City of Folsom Public Works Department; <u>Sacramento LAFCo</u></p>	
<p><b>Mitigation Measure 3A.18-2b: Demonstrate Adequate Off-Site Water Treatment Capacity (if the Off-Site Water Treatment Plant Option is Selected).</b></p> <p>If an off-site water treatment plant (WTP) alternative is selected (as opposed to the on-site WTP alternative), the project applicant(s) for any particular discretionary development application shall demonstrate adequate capacity at the off-site WTP. This shall involve preparing a tentative map-level study and paying connection and capacity fees as determined by the City. Approval of the final project map shall not be granted until the City verifies adequate water treatment capacity either is available or is certain to be available when needed for the amount of development identified in the tentative map before approval of the final map and issuance of building permits for all project phases. A certificate of occupancy shall not be issued for any building within the SPA until the water treatment capacity sufficient to serve such building has been constructed and is in place.</p>	<p>Before approval of final maps and issuance of building permits for any project phases.</p>	<p>The project applicant(s) for any particular discretionary development application.</p>	<p>City of Folsom Community Development Department and City of Folsom Public Works Department; <u>Sacramento LAFCo</u></p>	

**Attachment 3**

Mitigation Monitoring and Reporting Program  
**Folsom South of U.S. Highway 50 Specific Plan Project**



SCH #2008092051

The Complete City of Folsom MMRP  
is set forth in Exhibit "O"  
of the Executive Officer's Staff Report  
Dated January 18, 2012

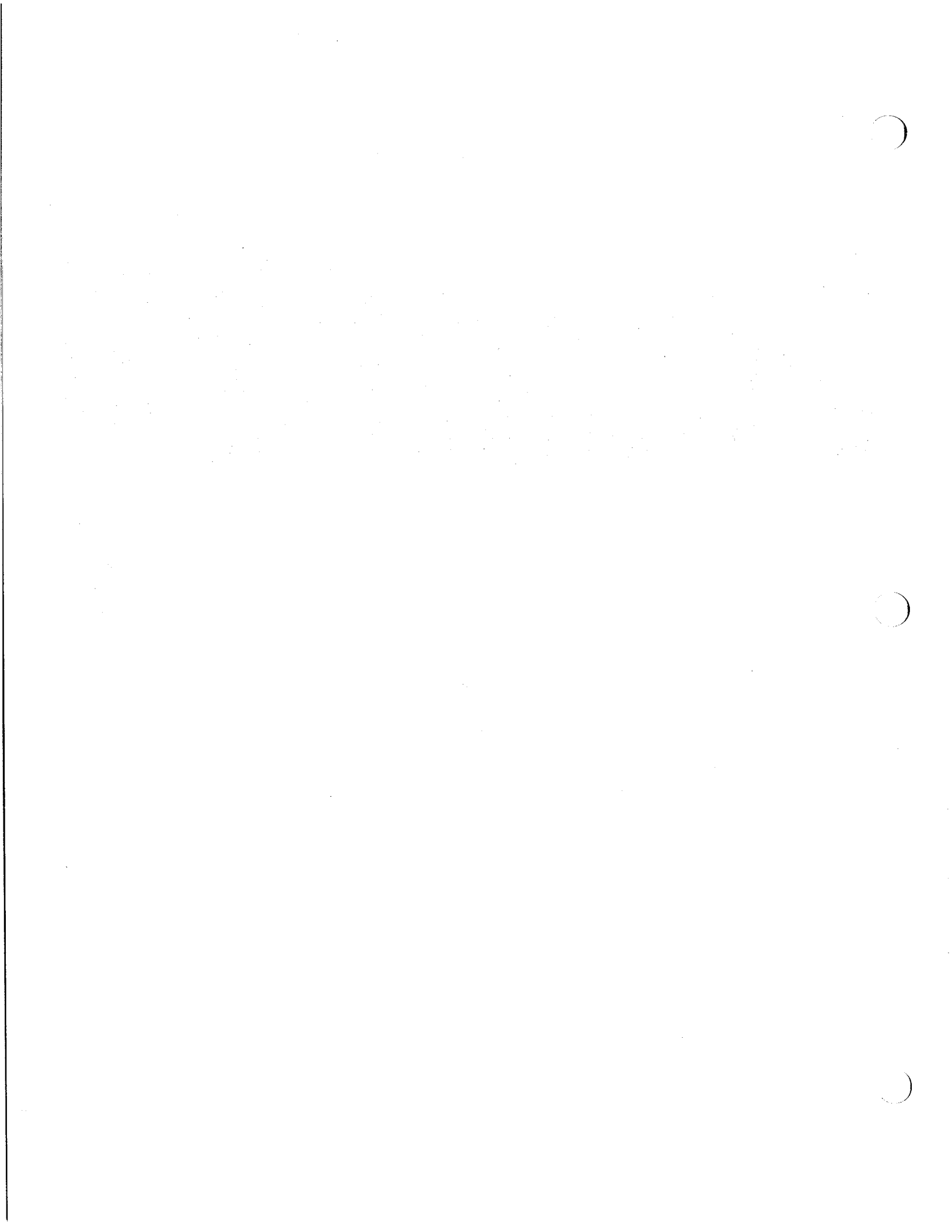


CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE

Prepared by:

**AECOM**

May 2011



**RESOLUTION No. LAFC 2012-04-0118-04-11**

**THE SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**

**APPROVING THE APPLICATION FOR ANNEXATION TO THE CITY OF FOLSOM AND TO THE SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT AND DETACHMENT FROM SACRAMENTO METROPOLITAN FIRE DISTRICT AND WILTON-COSUMNES PARKS AND RECREATION AREA (COUNTY SERVICE AREA 4B)  
(State Clearinghouse No. 2008092051) (Dated January 18, 2012)**

**WHEREAS**, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Act) establishes procedures for local government changes of organization, including annexations to a city and/or detachments from affected special districts;

**WHEREAS**, the Sacramento Local Agency Formation Commission ("Commission") is the sole entity authorized to approve an annexation pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000;

**WHEREAS**, pursuant to Government Code section 56375, subdivision (a), the Commission is authorized to consider and approve an annexation application;

**WHEREAS**, on November 14, 2000, the City of Folsom (City) and the County of Sacramento (County) entered into a Memorandum of Understanding (MOU) which expresses the two entities' intent regarding sound regional-long-range planning efforts by establishing and recognizing planning principals that would be incorporated into any annexation process relative to the Sphere of Influence (SOI) area of the City;

**WHEREAS**, on June 6, 2001, the Commission approved, by way of Resolutions LAFC Nos. 1193, 1194, 1195, and 1196, the City's Sphere of Influence Amendment (SOIA) Application for the undeveloped land south of Highway 50 between Prairie City Road, White Rock Road and the El Dorado County line;

**WHEREAS**, the SOIA conditions of approval require, prior to annexation of the SOIA area, the following plans, among others documents, be completed and submitted to the Commission: a Transit Master Plan, an Operational Air Quality Mitigation Plan, a Bikeway Master Plan, a Public Facilities Finance Plan, an updated Master Services Element, a Water Supply Assessment and Master Plan, and related plans and documents;

**WHEREAS**, under the November 2, 2004, City of Folsom election (Measure W), the Folsom City Charter was amended to add, by a vote of the people, Section 7.08 ("Local Control of Land South of Highway 50"), which requires the City perform certain actions with respect to water supply, transportation infrastructure and planning, open space designation, schools, and development plan, prior to approval by the Commission of annexation of any of the land bounded by Highway 50, White Rock Road, Prairie City Road and the El Dorado County Line;

**WHEREAS**, in 2004 and 2005, the City of Folsom held a City-wide visioning process which resulted in the Folsom Plan Area Specific Plan (FPASP) for the SOI area;

**WHEREAS**, the Draft EIR/EIS for the Folsom Plan Area Specific Plan and rezoning for an annexation was circulated for public review from June 28, 2010, to September 10, 2010, pursuant to the provisions of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA);

**WHEREAS**, a Public Workshop was held at Folsom City Hall on August 2, 2010, and a Public Hearing to receive public input on the Draft Environmental Impact Report/Draft Environmental Impact Statement was held at Folsom City Hall on August 4, 2010;

**WHEREAS**, on June 14, 2011, the Folsom City Council certified the FPASP Environment Impact Report (EIR) for a General Plan Amendment, including rezoning for an annexation. The City Council also adopted Findings of Fact and a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program for the FPASP project. On June 28, 2011, the Folsom City Council approved the FPASP and the Pre-Zoning for the Annexation Proposal Area; on July 12, 2011, the Folsom City Council approved the Tier 1 Development Agreement for the Annexation Proposal area, the Transit Master Plan, the Operational Air Quality Mitigation Plan, Water Supply Assessment and Master Plan (herein WSA), Wastewater Master Plan, Drainage Master Plan, and the Public Facilities Financing Plan and on July 26, 2011, the Council approved the updated Bikeway Master Plan;

**WHEREAS**, the Commission commented on the EIR as a Responsible Agency;

**WHEREAS**, on June 28, 2011, the City Council approved Ordinance No. 1148, an uncodified ordinance of the City of Folsom “pre-zoning approximately 3,510.4 acres of unincorporated property in the SOI area,” and Resolution No. 8863, a resolution approving the Folsom Plan Area Specific Plan;

**WHEREAS**, the Folsom City Council passed Resolution No. 8879 on July 26, 2011, authorizing the Folsom City Manager to submit an annexation application to the Commission in order to initiate proceedings for the Folsom Plan Area Specific Plan Project (FPASP);

**WHEREAS**, the City of Folsom submitted an application, dated August 24, 2011, to the Commission for annexation to the City of Folsom and Sacramento Regional County Sanitation District (SRCSD), and detachment from the Sacramento Metropolitan Fire District (SMFD), Wilton-Cosumnes Parks and Recreation Area – County Service Area 4B (“Annexation Proposal”);

**WHEREAS**, an Updated Municipal Services Element (MSE), dated August 20, 2011, was prepared and submitted by the City as an appendix to the Annexation Proposal, as well as a Public Facilities Financing Plan dated June 2010 and addendum dated May 2011 (PFFP);

**WHEREAS**, the Commission has adopted Local Standards, Policies and Procedures which guide annexation and reorganization proceedings;

**WHEREAS**, the City has met and conferred with affected districts regarding impacts to the districts and their operations that would result from the Proposal;

**WHEREAS**, on December 6, 2011, both the County Board of Supervisors and the Folsom City Council approved the Property Tax Sharing Agreement between the City and the County; on

December 21, 2011, the Sacramento Metropolitan Fire District approved a Property Tax Sharing Agreement with the City of Folsom; on November 15, 2011, an agreement with El Dorado Water District was approved; and on November 8, 2011, an agreement with the Sacramento Public Library Authority was approved by the City.

**WHEREAS**, the Commission is a responsible Agency under CEQA for the Request for Reorganization. (Cal. Code Regs., tit. 14, § 15051, subd. (b)(2); Commission Policies and Procedures, IV.F.1.);

**WHEREAS**, the annexation evaluation and review process involved numerous public participation opportunities and public hearings;

**WHEREAS**, the Executive Officer has prepared an Executive Officer Report dated January 18, 2012, (Executive Officer Report) recommending approval of the Annexation;

**WHEREAS**, local jurisdictions, community groups, businesses and other interested parties have provided testimony throughout the planning and evaluation process;

**WHEREAS**, public agencies have reviewed and commented upon the Annexation Proposal; and

**WHEREAS**, the Commission has undertaken a comprehensive analysis of the City's Annexation Proposal;

**NOW, THEREFORE, THE SACRAMENTO LOCAL AGENCY FORMATION COMMISSION** does hereby find, determine, resolve and order as follows:

1. The Commission approves the Annexation Proposal. Approval of this Annexation Proposal results in annexations to the City of Folsom and Sacramento Regional County Sanitation District (SRCSD); and detachment from the Sacramento Metropolitan Fire District and detachment from Wilton-Cosumnes Parks and Recreation Area, County Service Area 4B of the property described in Exhibit A and Exhibit B attached hereto and incorporated herein. This approval is based on the Administrative Record of this action and the findings in this Resolution and is subject to the terms and conditions set forth in this Resolution. In approving the Annexation Proposal, the Commission has considered the factors required by law and its policies, and has made findings as set forth in this Resolution. While these findings list references to certain documents or facts, each finding is based on the whole of the Administrative Record of the Annexation Proposal.

2. The Commission finds that notice as required by law has been given. The Commission finds that proper notice has been provided to all interested parties and agencies including the legislative body and Executive Officer of all affected agencies consistent with Government Code section 56123.<sup>1</sup>

3. The Commission finds that public hearings have been conducted on the Proposal consistent with Section 56662(b).

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<sup>1</sup> Unless otherwise indicated, all section references throughout are to California Government Code.

4. The Commission finds that it has received and considered the Executive Officer's Report consistent with Section 56666.

5. The Commission finds that the Annexation Proposal for annexation complied with the requirements of Sections 56652, 56654, and 56700.

6. The Commission finds that it previously acted as lead agency for the Sphere of Influence Amendments, conducted an Initial Study of the Sphere of Influence Amendments, and caused an Environmental Impact Report ("EIR") to be prepared which was certified by the Commission, as complying with the California Environmental Quality Act, pursuant to Resolution No. LAFC 1192. A Mitigation Monitoring and

Reporting Plan was adopted pursuant to Resolution No. LAFC 1193 and Findings and a Statement of Overriding Considerations was adopted pursuant to Resolution No. LAFC 1195. For the Annexation Proposal, the Commission as a Responsible Agency concurrently certifies the Final Environmental Impact Report pursuant to Resolution No. LAFC 2012-01-0118-04-11 and further adopts a Mitigation Monitoring and Reporting Plan pursuant to Resolution No. LAFC 2012-03-0118-04-11 and Findings of Fact and Statement of Overriding Considerations adopted pursuant to Resolution No. LAFC 2012-02-0118-04-11 (Cal. Code of Regulation, Title 14, section 15096(h)). The proposed Findings of Fact and Statement of Overriding Considerations reflect the mitigation measures, as adopted by the City, as well as additional input received from other agencies since the Commission approved the Sphere of Influence Amendment (Resolution No. LAFC 1196).

7. As required by the Commission Policies Standards and Procedures Section IV.C., the Commission finds that the boundaries of the Annexation Area are definite, certain, and fully described as set forth in Exhibit A and Exhibit B.<sup>2</sup>

a. In accordance with Policy IV.I.3, the Commission finds that the boundary of the proposed Annexation Area is consistent with the City's Sphere of Influence adopted by the Commission June 6, 2001, in Resolution LAFC No. 1196. The Sphere of Influence for the City of Folsom is now coterminous with City boundaries.

b. The following lists the agencies currently providing public services within the Annexation Proposal area and the corresponding agency that will provide services upon approval of the proposed change of organization:

Service	Current Agency	Proposed Agency
Police	Sacramento County Sheriff	City of Folsom Police
Fire	Sacramento Metro Fire & El Dorado Hills Fire Dept.	City of Folsom & El Dorado Hills Fire Dept.
Water	El Dorado Irrigation District (EID)	City of Folsom & EID
Sewer	El Dorado Irrigation District	City of Folsom, SRCSD & EID

<sup>2</sup> Unless otherwise indicated, all references to Policy are to the Commission's adopted Policies Standards and Procedures for LAFCo.



Service	Current Agency	Proposed Agency
Garbage	Sacramento County	City of Folsom
Street Lighting	Sacramento County	City of Folsom
Road Maintenance	Sacramento County	City of Folsom & Sacramento County
Flood Control	Sacramento County	City of Folsom
Parks & Recreation	Sacramento County (Area 4B)	City of Folsom
Library Services	Sacramento Public Library	City of Folsom
Electricity	SMUD	SMUD
Transit	Regional Transit	City of Folsom & Regional Transit
Building & Code Enforcement	Sacramento County	City of Folsom
Animal Control	Sacramento County	City of Folsom
Other	Folsom Cordova USD	Folsom Cordova USD

c. Upon annexation, the City of Folsom's Public Works Department will assume responsibility for storm water and Utilities Department for wastewater collections and management for the entire Annexation Proposal area, with the exception of the 178-acres (APN 072-0070-001 & 023 and APN 072-0270-028) in the northeastern portion that will continue to be served by the El Dorado Irrigation District. SRCSD will be responsible for wastewater treatment for the entire territory, with the exception of the 178-acres (APN 072-0070-001 & 023 and APN 072-0270-028) in the northeastern portion of the Annexation Proposal area that will continue to be served by the El Dorado Irrigation District. Both SRCSD and El Dorado Irrigation have provided letters that they have the ability to serve the proposed area to be annexed in their respective capacities.

d. Upon annexation, the City of Folsom Fire Department (FFD) will assume the responsibility for fire protection for the entire area pursuant to the Property Tax Exchange Agreement dated November 15, 2011, between the City and the El Dorado Hills Fire Department.

8. The Commission approves the MSE<sup>3</sup> and finds that the City submitted a Master Services Element dated August 20, 2011, and a Finance Plan which contained all of the following information in accordance with section 56653:

- a. An enumeration and description of the services to be extended to the affected territory.
- b. The level and range of those services.
- c. An indication of when those services can feasibly be extended to the affected territory.

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<sup>3</sup> The Master Services Element (MSE) is determined under Commission policies and is the equivalent and also known as a Municipal Services Review (MSR) consistent with Government Code Sections 56425 and 56430.

d. An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.

e. Information with respect to how those services will be financed.

f. In accordance with Policy IV.I.4, the Commission finds that the annexation is consistent with the City's Master Services Element.

9. In Resolution Nos. LAFC 1193 and 1196, the Commission required that the City demonstrate compliance with certain terms and conditions prior to annexation of the property (Conditions of Approval). The Commission finds that the City has complied with these Conditions of Approval, as stated more fully in Exhibit C attached hereto and incorporated herein by reference.

10. The Commission finds that it has considered all relevant factors set forth in Section 56668 and all other relevant factors in reaching its conclusions regarding the Proposal including, but not limited to, the following:

a. Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

i. The Annexation Area is uninhabited. The proposed area for Annexation consists of approximately 3,676 acres of undeveloped land wholly within the City of Folsom Sphere of Influence (SOI) area as more specifically described in Exhibit C attached hereto and incorporated herein. Approximately 642-acres of Blue Oak Woodland exist in the area west of Scott Road, south of U.S. Highway 50 and east of Prairie City Road. An existing single-family residence and several radio broadcasting towers are located on the project.

ii. The Annexation Proposal area consists of two distinct topographic regions: hillside and valley floor. The hillside region includes all of the property east of Placerville Road and consists of hilly terrain located where the lower foothills of the Sierra Nevada mountain range join the Sacramento Valley floor.

iii. The Annexation Proposal area is directly adjacent and contiguous to the City of Folsom's southern boundary. To the east, in El Dorado County, is the El Dorado Hills community with its residential neighborhoods and Town Center. To the south, across White Rock Road, are undeveloped open grasslands used for cattle grazing. The Aerojet missile and propulsion facility is located immediately west as well as the recently approved master-planned communities of Glenborough at Easton and Easton Place.

iv. The proposed area of Annexation is situated in an area envisioned for urbanization, largely surrounded by urban development on the west, east, and north boundaries. Further, the Annexation Proposal conforms to the Sacramento Area Council

of Government's (SACOG) current Preferred Sacramento Regional Blueprint Transportation and Land Use Study (Blueprint) dated December 2004. The Blueprint's preferred land use scenario identifies the Annexation Proposal Area for varied density mixed-use, residential, and commercial land uses. The City and Blueprint's Smart Growth principles have been applied to the proposed development of the Annexation Area.

b. The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed reorganization (annexation and detachments), or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

The MSE, dated August 20, 2011, provides an adequate plan for providing services to the area of the Annexation Proposal. The Executive Officer has reviewed the MSE and has determined it to be adequate. The MSE contains the required information as set forth under the Commission's policies. Exhibit C also contains findings related to the adequacy of the MSE.

c. The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

The Commission has considered the effects of the annexation and detachment as contemplated under the Annexation Proposal and, as set forth in this Resolution, finds that the County and adjacent areas are not adversely affected by the Proposal.

d. The conformity of both the proposal and its anticipated effects with both the adopted Commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.

i. The Commission imposed a number of conditions upon the City at the time of adoption of the Sphere of Influence Amendment. (See Resolution Nos. LAFC 1193 and 1196.) The City has complied with the requirements of those conditions, many of which related to the Commission's policies on planned, orderly, and efficient development and others of which related to environmental mitigation measures, as more specifically set forth in Exhibit C attached hereto and incorporated herein.

ii. The Annexation Area is consistent with the City/County MOU dated November 14, 2000, which contemplates growth in this portion of the County to accommodate demand.

iii. The Annexation Proposal also supports jobs and housing balance, since it would provide a relatively short commute to existing and proposed employment centers located and proposed within the City of Folsom.

e. The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

i. As required under Policy IV.E., LAFCo finds that the annexation will not result in the conversion of prime agricultural land in open spaces to other uses, as the Annexation Proposal area does not include any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as defined in Appendix G of the State CEQA Guidelines. The Sacramento County Important Farmland map, published by the California Department Conservation's (DOC's) Division of Land Resource Protection, designates the entire Annexation Proposal Area as Grazing Land. Approximately 1,530 acres of the Annexation Proposal area consists of lands under existing Williamson Act contracts that are in the process of nonrenewal. Notices of nonrenewal were filed on these parcels in 2004 and 2006; as a result, these contracts will expire in 2014 and 2016.

ii. As required under the City's Measure W, which was adopted as an amendment to the City's Charter, article 7.08, thirty percent (30%) of the Annexation Proposal area has been set aside for open space for the preservation and conservation of oak woodlands, drainage corridors, and other resources and also to prevent the loss of habitat and biological resources. The City will administer this area by obtaining dedicated conservation easements. The City of Folsom is required under the documents approving the General Plan Amendment to address the financing methods to fund the maintenance of Open Space and other public property.

f. The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

The boundaries of the territory are definite and certain, as shown in Exhibit A and B, each of which is attached and incorporated herein. The boundaries conform to lines of ownership, do not create islands or corridors of unincorporated territory, do not split neighborhoods or divide an existing identifiable community, or other area having a shared social or economic identity, and do not raise any other similar issues.

g. A regional transportation plan adopted pursuant to Section 65080, and its consistency with city or county general and specific plans.

The City of Folsom has prepared a Transit Master Plan for the territory to be annexed, which the Commission finds is consistent with the City's General Plan.

h. The sphere of influence of any local agency which may be applicable to the proposal being reviewed.

On June 6, 2001, the Commission approved a Sphere of Influence Amendment that changed the Sphere of Influence for the City to include the Annexation Area (Resolution Nos. LAFC 1192, 1193, 1194, 1195, 1196). The proposed annexation is consistent with the SOI for the City of Folsom. It is also consistent with other local agency Sphere of Influence.

- i. The comments of any affected local agency or other public agency.

The commission has considered the comments of affected local agencies and has not received any opposition to the proposed annexation/detachment.

- j. The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

The City submitted an MSE and Plan of Finance, which discuss the City's ability to provide services in the annexation area, including the sufficiency of revenues for those services after the proposed annexation. Funding sources identified in the addendum include but are not limited to: existing city fees levied on development within the Annexation Proposal area, special developer fees specific to the Annexation Proposal area and other funding sources external to the City. The results of the addendum study concluded that the proposed Annexation Proposal area project is generally considered financially feasible. City services are funded by the City's General Fund Revenues (property taxes, sales taxes, transient occupancy taxes, etc.), user fees, fee for services, utility rates, and other revenues as determined by the City Council.

- k. Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.

- i. The Commission determines that the City of Folsom has demonstrated its ability to have timely availability of water supplies adequate for projected needs as specified in Section 65352.5. This finding is based on the Record of the Proceedings including but not limited to the following: the Executive Officer Report, the MSE, WSA, and FEIR and the findings contained in Exhibit C.

- ii. Background: At the time of approval of the Folsom SOI, the Commission adopted conditions to annexation concerning the timely availability of water supplies. Under the conditions, the City must identify a water source(s) and the ability to acquire said water source(s) sufficient to serve the area contained in the annexation application. The City must also identify the process the City will undertake to acquire and secure a water supply sufficient for the Commission.

- iii. Natomas Central Mutual Water Company Assignment of Water Supply: Under the Annexation Proposal, the City will meet water demands through various agreements resulting in assignment of a Sacramento River surface water supply from the Natomas Central Mutual Water Company (NCMWC) currently operating under a Memorandum of Understanding with the property owners. The water supply to be assigned is a long-term "Project Water" supply. An initial purchase and sale agreement between South Folsom Properties LLC (SFP) and NCMWC identifies the conditions which ultimately need to be satisfied by both parties to finalize the sale, which will ultimately lead to an assignment of the water supply to the City. The City through an agreement with SFP has rights to an assignment of such water. The City will seek modification of the Project Water delivery schedule from the USBR such that water may be delivered to the

City on a year-round municipal and industrial (M&I) schedule. Water will be conveyed from the Freeport diversion facility to the Folsom Annexation Proposal area via both Freeport Regional Water Authority (FRWA) facilities, which are already under construction, as well as facilities that will be constructed by the City of Folsom. The water may be either treated by SCWA or the City of Folsom pending further review of various conveyance and treatment alternatives.

iv. City of Folsom and Sacramento County Water Agency MOU: The City of Folsom and the Sacramento County Water Agency (SCWA) have approved a Memorandum of Understanding concerning the Annexation Proposal Area and sharing of Freeport Project Capacity (City-SCWA MOU). The City-SCWA MOU commits each party to try to find a mutually agreeable solution to the issue of system capacity in the FRWA facilities so that the City of Folsom can use some of that capacity to deliver Sacramento River water to the Annexation Proposal area. The use of this water does not impact either the City's or El Dorado Irrigation District's (EID) existing water supplies or conveyance facilities.

v. The U.S. Bureau of Reclamation (USBR): The assignment of water supply from NCMWC to the City of Folsom requires approval from the USBR. That approval will not be secured until environmental analysis has been completed. Alternatives to water supply, in the event the USBR does not agree to the assignment, are set forth below.

vi. Water Supply Assessment: The Water Supply Assessment and Master Plan (WSA) concluded that the water supply that the City would acquire from NCMWC would meet projected water demands in normal and critically dry years, and it is reasonably certain that the surface water supplies could be delivered to the Annexation Proposal area in the amounts needed to serve at build out. However, since additional actions by the Bureau of Reclamation and SCWA are necessary, it is not a certainty that this water will be available. In case the surface water supplies do not become available because the required regulatory and legal approvals are not made, an analysis of optional sources of water is provided.

vii. Options in the Event a Water Supply is Not Obtained from NCMWC or USBR: The following options have been developed and are evaluated as part of the Annexation Proposal herein.

Option 1 – Groundwater from the Central Sacramento Groundwater Basin: Under this option, the City would serve potable water demands within the Annexation Proposal area using groundwater supplies from the South American Groundwater Sub-basin (also known as Central Sacramento Groundwater Basin).

Option 2 – Other Senior Sacramento River Water Right Holders: Under option 2, the City would acquire up to 8,000 AFY from one or more senior water rights holders on the Sacramento River to meet dry-year conditions. Supplemental water supplies could be purchased by the City from one or more of the following potential senior

water rights holders: Anderson-Cottonwood Irrigation District, Conaway Preservation Group, Reclamation District 108, and River Garden Farms Company.

Option 3 – Conservation of Existing City Supplies and Water System Retrofit: Under this option, the overall intent would be to retrofit the City's existing water infrastructure to reduce existing losses and use the supplies conserved within the Folsom Annexation Proposal area.

viii. City of Folsom and County of Sacramento MOU / Tax Sharing Agreement: The City of Folsom and the County of Sacramento entered into an MOU to frame future discussions regarding the purchase of capacity in the FRWA facilities to deliver water to the Annexation Proposal Area. The Agreement between the County of Sacramento, the Sacramento County Water Agency and the City of Folsom relating to Transportation and Water Supply Issues Involving the South of Highway 50 Folsom Plan Area Annexation further clarifies this MOU.

ix. Additional Measures to address water supply availability: The Commission will adopt additional mitigation measures to ensure proof of surface water supply availability prior to development within the Annexation Area. (See Exhibit C attached hereto and incorporated herein.)

x. The City is a signatory to the Water Forum Agreement and the foregoing is consistent with the principals contained therein.

1. The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Section 65580.

i. Folsom has a current, verified and adopted Housing Element. The City's Housing Element (third revision) was adopted by the City in July 2009, and certified by the State Department of Housing and Community Development (HCD) in August 2009.

ii. The 2009 Housing Element demonstrates the City's adequate sites available to meet the 2006-2013 RHNA provisions. The Housing Element lists affordable housing incentives ranging from RDA and City subsidies, to density bonuses and several other incentives to encourage production of affordable housing. In addition, the City complied with the Condition 1(b) required under Resolution No. LAFC 1196, as set forth in Exhibit C.

m. Any information or comments from the landowner or owners, voters, or residents of the affected territory.

No objections to the Proposal have been made by any landowner.

n. Any information relating to existing land use designations.

i. The Annexation Proposal contemplates a comprehensively planned community that proposes new development patterns based on the current principles of "Smart Growth" and Transit Oriented Development. Consistent with these principles, the

Annexation Proposal encompasses a mix of residential, commercial, employment and public uses complemented by recreational amenities including a significant system of parks and open spaces, all within close proximity to one another. The proposed number of dwelling units is 10,210 consisting of the following and is broken down as follows: 4,620 single-family and high density single-family dwelling units; 4,909 low, medium and high density multi-family dwelling units; and 681 mixed use dwelling units.

ii. The summary of land uses by category and percent of Annexation Proposal area is as follows: Residential: 42.0 % of Area; Commercial/Office: 14.6%; Public/Quasi Public: 8.6%; Open Space: 30.0%; and Major Circulation: 4.8%.

o. The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

The City of Folsom has several programs aimed at meeting the environmental justice needs of the community and that promote the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The City's Housing Element articulates the City's plan for reaching RHNA goals. The City's Housing Trust Fund provides revenue to support the environmental justice goals and needs of the community. Section 3A.6.3 of the EIR states that implementation of off-site improvements would not cause a disproportionately high and adverse impact on low-income populations. Moreover, the City has numerous ordinances and policies that promote establishment of housing opportunities for all (City General Plan Policy 18.1, 18.2, 18.3, 19.1-19.8).

11. As required by Section 56375, subdivision (a)(7) and in accordance with Policy IV.B, the Commission finds that the City rezoned the area to be annexed on June 14, 2011, through Ordinance No. 1148, consistent with the objectives, goals and policies of the Folsom General Plan.

12. As required by Policy IV.D and Revenue and Tax Code section 99, the Commission finds that the City and Sacramento County have entered into a Property Tax Exchange Agreement dated December 21, 2011; further, on December 21, 2011, the Sacramento Metropolitan Fire District approved a Property Tax Sharing Agreement with the City of Folsom; on November 15, 2011, an agreement with El Dorado Water District was approved; and on November 30, 2011, an agreement with the Sacramento Public Library Authority was approved by the City.

The foregoing tax exchange agreements comply with Commission Policies requiring that an annexation be revenue neutral to the public agencies affected. The City of Folsom will not detach from the El Dorado Irrigation District (EID). After annexation, the small northeast section of the Annexation Proposal area (APN 072-0070-001 & 023 and APN 072-0270-028) will continue to be served by EID (water, wastewater and non-potable water).

13. Approximately 1,530 acres of the Annexation Proposal area consists of lands under existing Williamson Act contracts that are in the process of nonrenewal. There are no other



Williamson Act contract lands in the Annexation Proposal area. Pursuant to Section 56754, the Commission finds, based on substantial evidence in the record, that the City shall succeed to the rights, duties, and powers of the County. (Sections 56754, 51243, and 51243.5).

14. In accordance with Policy IV.I.2, the Commission finds that the annexation is consistent with the General Policies and General Standards in Chapters III and IV of its Policies.

15. In accordance with Policy IV.I.5, the Commission finds that the Annexation provides the lowest cost and highest quality of urban services for the affected population. The Commission determines that the City possesses the capability to provide the most efficient delivery of the applicable urban services for the affected population. This finding is based on the following:

a. The Annexation is consistent with the policies of the General Plan of the City of Folsom.

b. The Annexation does not create islands, corridors or peninsulas or distort existing boundaries.

c. The Annexation does not exclusively contain revenue-producing properties.

d. Under the Annexation, no parcels are split and no area that is difficult to serve is created.

e. The Annexation results in orderly growth and is not "leap frog" development in relation to existing development.

f. The Annexation does not pose a threat to public health and safety.

g. The Annexation will not result in significant inmitigable adverse effects upon other service recipients or other agencies serving the affected area.

h. Currently, the City has the capacity to provide public services to area residents and commercial/industrial customers. However, approval of the Annexation will necessitate that the City budget and plan for the expansion of facilities and services.

i. The responsibilities and jurisdiction of the service providers in the Annexation Area are outlined in detail in the MSE and the Public Facilities Financing Plan.

j. Sacramento County will continue to provide the following county-wide services to future residents: Agricultural Commissioner; Coroner; Courts; District Attorney; Public Defender; probation; jail; juvenile hall; human assistance; health and human services; elections; recordation; assessments; and tax collection. The County General Fund primarily finances these services, with revenues from both incorporated and unincorporated areas.

16. In accordance with Policy IV.I.7, the Commission finds that there are existing roads and rights of way contained within the Annexation Proposal Area and include U.S. Highway 50; Prairie City Road, White Rock Road, Scott Road and Placerville Road. Additionally rights-of-way within the project territory include the Sacramento-Placerville Transportation Corridor. All roads and highways or portions of a road or highway in the Annexation Proposal area which had been accepted into the county road system pursuant to Section 941 of the Streets and Highways Code shall become City streets on the effective date of the Annexation, except where such roads or highways are located on the boundary line of the Annexation Proposal area, and in such case, the City street or highway shall extend only to the centerline of such road or highway. (Section 57329). The City and County are encouraged to enter into joint road or highway maintenance agreements to maintain jointly owned roads or highways.

17. In accordance with Policy V.C., the Commission finds that the project site is currently served by the Sacramento Metropolitan Fire District (SMFD). With implementation of the project, the project will detach from SMFD. Likewise, the territory will detach from the Wilton-Cosumnes Parks and Recreation Area (County Service Area 4B). Sacramento County Waste Management will no longer provide services to the area of the Annexation Proposal. The City will assume responsibility for the services provided by these agencies. No objections to the Proposal have been made by the affected agencies and further, the detachment does not significantly reduce the efficiency of service delivery to the remaining inhabitants of the current service provider's territory from which the detachment will occur.

18. The Commission finds that the Proposal is consistent with the Commission's purpose and responsibility for planning, shaping and coordinating the logical and orderly development of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities. In making all of the findings and determinations heretofore, the Commission has considered numerous factors and documents, including but not limited to:

- a. The Executive Officer's Report;
- b. The updated Master Services Element, dated August 20, 2011;
- c. The Public Facilities Financing Plan dated June 2010 and addendum dated May 2011;
- d. The Annexation Proposal for Annexation from the City to the Commission dated August 24, 2011, and attachments and appendices thereto;
- e. The Memorandum of Understanding between the City of Folsom and County of Sacramento dated November 2000;
- f. The Draft and Final EIR;
- g. Responses to comments received after circulation of the Final EIR;
- h. All oral and written public comments;

i. Public agency comments, staff reports and other pertinent information in the Commission's Record of Proceedings;

j. City Ordinance Nos. 1148 and 1149 and City Resolutions including 8860, 8861, 8863, 8812, 8870, 8878, 8918, 8919, 8920, 8921, 8022, 8923, and 8926; and

k. Resolution Nos. LAFCo 1192, 1193, 1194, 1195, 1196, 2012-01-0118-04-11, 2012-02-0118-04-11, and 2012-03-0118-04-11.

19. The Commission may approve a proposal subject to conditions pursuant to Sections 56375(a) and 56886. The Commission adopts and imposes the following conditions:

a. The City shall comply with all mitigation measures stated in the Final EIR and Mitigation Monitoring and Reporting Plan as adopted concurrently in Resolution 2012-01-0118-04-11 and Resolution 2012-03-0118-04-11;

b. Pursuant to Folsom City Resolution No. 8926, the Commission includes in its annexation approval this condition that an Avigation Easement substantially in the form provided in Exhibit D attached hereto and incorporated herein or as may be modified by the City, be recorded prior to development of the Annexation Proposal area.

20. The Conducting Authority shall be waived due to 100% percent landowner and subject agencies consent in accordance with Section 56663(c) and the Executive Officer is authorized and directed to take all necessary actions to complete the Annexation Proposal contemplated under this Resolution.

21. The Annexation shall take effect on the date the Executive Officer files the Certificate of Completion.

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**BE IT FURTHER RESOLVED** that Resolution No. **L AFC 2012-04-0118-04-11** was adopted by the **SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**, on the **18th day of January 2012**, by the following vote, to wit:

	Motion	2nd	Aye	No	Absent	Abstain
Robert Jankovitz	_____	_____	_____	_____	_____	_____
Christopher Tooker	_____	_____	_____	_____	_____	_____
Ron Greenwood	_____	_____	_____	_____	_____	_____
Jerry Fox	_____	_____	_____	_____	_____	_____
Susan Peters	_____	_____	_____	_____	_____	_____
Jimmie Yee	_____	_____	_____	_____	_____	_____
Jay Schenirer	_____	_____	_____	_____	_____	_____

Commission Vote Tally	Aye	_____	No	_____	Absent	_____	Abstain	_____
Passed	Yes	_____	No	_____				

By:

\_\_\_\_\_  
**Robert Jankovitz, Vice Chair**  
**SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**

**ATTEST:**

\_\_\_\_\_  
**Diane Thorpe**  
**Commission Clerk**

- Attachments: Exhibit A – Legal Description  
 Exhibit B – Map of Affected Territory  
 Exhibit C – Findings on Compliance with Conditions of Approval From Sphere of Influence Amendment, Resolution Nos. L AFC 1193 and 1196  
 Exhibit D – Avigation Easement

## EXHIBIT A

### LEGAL DESCRIPTION

(APNs: 072-0231-048, 072-0060-072, 072-0060-074, 072-0060-045, 072-0270-129, 072-0270-133, 072-0060-048, 072-0270-030, 072-0060-037, 072-0070-138, 072-0070-032, 072-0060-038, 072-0060-012, 072-0070-021 (portion), 072-0270-028, 072-0070-001, 072-0070-023, 072-0070-006, 072-0060-007, 072-0060-073, 072-0060-041, 072-0060-011, 072-0060-013, 072-0070-025)

#### **Description of Property Transferred from Sacramento County to City of Folsom:**

All that real property situated in the County of Sacramento, State of California being a portion of Sections 7, 8, 9, 10, 15, 16, 17, 19, 20, 21, and 22, Township 9 North, Range 8 East, Mount Diablo Meridian together with those portions of projected Sections 12, 13 and 24, Township 9 North, Range 7 East, Rancho Rio de los Americanos, together with a portion of Section 13, Township 9 North, Range 7 East, Mount Diablo Meridian, more particularly described as follows:

1. Beginning at a point on the County line between Sacramento and El Dorado Counties at the intersection of the southeast corner of the Russell Ranch / East Folsom Annexation to the City of Folsom and US Highway 50; thence from said **True Point of Beginning** 1. South  $18^{\circ}10'56''$  East along the County line between Sacramento and El Dorado Counties a distance of 5,813 feet, more or less to its intersection with the centerline of White Rock Road; thence southwesterly following the centerline of White Rock Road the following 61 courses:
  2. South  $26^{\circ}14'23''$  West a distance of 870.26 feet;
  3. thence South  $37^{\circ}35'23''$  West a distance of 580.07 feet;
  4. thence in a southwesterly direction with a tangent curve turning to the right with a radius of 1200.00 feet, having a chord bearing of South  $55^{\circ}12'23''$  West and a chord distance of 726.35, having a central angle of  $35^{\circ}14'00''$  and an arc length of 737.93';
  5. thence South  $72^{\circ}49'23''$  West a distance of 759.40 feet;
  6. thence in a westerly direction with a tangent curve turning to the right with a radius of 300.00 feet, having a chord bearing of South  $85^{\circ}34'23''$  West and a chord distance of 132.42, having a central angle of  $25^{\circ}30'00''$  and an arc length of 133.52';
  7. thence North  $81^{\circ}40'37''$  West a distance of 475.00 feet;
  8. thence in a westerly direction with a tangent curve turning to the left with a radius of 250.00 feet, having a chord bearing of South  $85^{\circ}40'23''$  West and a chord distance of 109.50, having a central angle of  $25^{\circ}18'00''$  and an arc length of 110.39';
  9. thence South  $73^{\circ}01'23''$  West a distance of 954.50 feet;
  10. thence South  $82^{\circ}01'19''$  West a distance of 115.27 feet;
  11. thence South  $70^{\circ}41'30''$  West a distance of 300.09 feet;
  12. thence South  $70^{\circ}25'17''$  West a distance of 349.57 feet;
  13. thence South  $70^{\circ}30'31''$  West a distance of 205.87 feet;
  14. thence South  $70^{\circ}42'04''$  West a distance of 207.09 feet;
  15. thence South  $71^{\circ}46'23''$  West a distance of 212.38 feet;

16. thence South  $71^{\circ}54'29''$  West a distance of 201.24 feet;
17. thence South  $72^{\circ}14'05''$  West a distance of 194.41 feet;
18. thence South  $72^{\circ}05'04''$  West a distance of 414.29 feet;
19. thence South  $71^{\circ}38'38''$  West a distance of 192.46 feet;
20. thence South  $71^{\circ}25'51''$  West a distance of 207.72 feet;
21. thence South  $71^{\circ}29'13''$  West a distance of 189.94 feet;
22. thence South  $72^{\circ}24'58''$  West a distance of 196.86 feet;
23. thence South  $72^{\circ}23'27''$  West a distance of 197.36 feet;
24. thence South  $73^{\circ}1'40''$  West a distance of 177.22 feet;
25. thence South  $73^{\circ}37'46''$  West a distance of 202.20 feet;
26. thence South  $74^{\circ}28'00''$  West a distance of 187.33 feet;
27. thence South  $74^{\circ}17'37''$  West a distance of 191.85 feet;
28. thence South  $74^{\circ}42'37''$  West a distance of 168.31 feet;
29. thence South  $74^{\circ}38'34''$  West a distance of 190.59 feet;
30. thence South  $74^{\circ}35'53''$  West a distance of 193.41 feet;
31. thence South  $74^{\circ}41'47''$  West a distance of 193.97 feet;
32. thence South  $74^{\circ}40'15''$  West a distance of 186.11 feet;
33. thence South  $74^{\circ}35'52''$  West a distance of 190.09 feet;
34. thence South  $74^{\circ}08'46''$  West a distance of 231.01 feet;
35. thence South  $74^{\circ}18'57''$  West a distance of 396.51 feet;
36. thence South  $74^{\circ}25'26''$  West a distance of 191.34 feet;
37. thence South  $74^{\circ}12'47''$  West a distance of 257.81 feet;
38. thence South  $74^{\circ}21'04''$  West a distance of 183.97 feet;
39. thence South  $74^{\circ}29'29''$  West a distance of 170.08 feet;
40. thence South  $75^{\circ}02'07''$  West a distance of 334.19 feet;
41. thence South  $75^{\circ}21'03''$  West a distance of 248.42 feet;

42. thence in a southwesterly direction with a non-tangent curve turning to the left with a radius of 701.85 feet, having a chord bearing of South  $67^{\circ}42'33''$  West and a chord distance of 169.60, having a central angle of  $13^{\circ}52'44''$  and an arc length of 170.01';

43. thence South  $59^{\circ}37'38''$  West a distance of 177.70 feet;
44. thence South  $59^{\circ}24'23''$  West a distance of 1098.20 feet;

45. thence in a southwesterly direction with a non-tangent curve turning to the right with a radius of 1737.03 feet, having a chord bearing of South  $66^{\circ}19'24''$  West and a chord distance of 357.65, having a central angle of  $11^{\circ}49'05''$  and an arc length of 358.28';

46. thence in a westerly direction with a non-tangent curve turning to the right with a radius of 1742.37 feet, having a chord bearing of South  $74^{\circ}01'39''$  West and a chord distance of 356.05, having a central angle of  $11^{\circ}43'44''$  and an arc length of 356.68';

47. thence South  $79^{\circ}45'20''$  West a distance of 165.37 feet;
48. thence South  $80^{\circ}14'28''$  West a distance of 194.20 feet;
49. thence South  $80^{\circ}26'49''$  West a distance of 384.39 feet;
50. thence South  $80^{\circ}18'14''$  West a distance of 375.36 feet;
51. thence South  $80^{\circ}20'21''$  West a distance of 333.52 feet;
52. thence South  $80^{\circ}31'16''$  West a distance of 756.53 feet;

53. thence in a westerly direction with a non-tangent curve turning to the right with a radius of 2300.00 feet, having a chord bearing of South  $84^{\circ}24'18''$  West and a chord distance of 314.54, having a central angle of  $07^{\circ}50'30''$  and an arc length of 314.79';

54. thence South  $88^{\circ}19'33''$  West a distance of 846.67 feet;
55. thence South  $87^{\circ}02'10''$  West a distance of 204.99 feet;
56. thence South  $84^{\circ}59'49''$  West a distance of 1041.87 feet;
57. thence South  $81^{\circ}54'06''$  West a distance of 111.75 feet;
58. thence South  $76^{\circ}26'10''$  West a distance of 531.86 feet;
59. thence South  $75^{\circ}10'30''$  West a distance of 124.14 feet;
60. thence South  $71^{\circ}29'19''$  West a distance of 213.53 feet;
61. thence South  $70^{\circ}01'10''$  West a distance of 2266.17 feet;

62. thence South  $55^{\circ}07'50''$  West a distance of 275.88 feet to the intersection with the centerline of Prairie City Road; thence northwesterly along the centerline of Prairie City Road the following 14 courses:

63. North  $00^{\circ}37'19''$  West a distance of 1819.67 feet;
64. thence North  $00^{\circ}08'49''$  West a distance of 2679.38 feet;
65. thence North  $00^{\circ}08'49''$  West a distance of 2079.19 feet;

66. thence in a northerly direction with a tangent curve turning to the left with a radius of 200.00 feet, having a chord bearing of North  $13^{\circ}37'39''$  West and a chord distance of 93.25, having a central angle of  $26^{\circ}57'40''$  and an arc length of 94.11';

67. thence North  $27^{\circ}06'29''$  West a distance of 680.26 feet;

68. thence in a northwesterly direction with a tangent curve turning to the left with a radius of 650.00 feet, having a chord bearing of North  $43^{\circ}26'02''$  West and a chord distance of 365.42, having a central angle of  $32^{\circ}39'04''$  and an arc length of 370.42';

69. thence North  $59^{\circ}45'34''$  West a distance of 280.44 feet;

70. thence in a northwesterly direction with a tangent curve turning to the right with a radius of 992.00 feet, having a chord bearing of North  $53^{\circ}34'56''$  West and a chord distance of 213.48, having a central angle of  $12^{\circ}21'15''$  and an arc length of 213.90';

71. thence North  $47^{\circ}24'19''$  West a distance of 88.77 feet;

72. thence in a northwesterly direction with a tangent curve turning to the right with a radius of 983.00 feet, having a chord bearing of North  $38^{\circ}12'54''$  West and a chord distance of 313.99, having a central angle of  $18^{\circ}22'49''$  and an arc length of 315.35';

73. thence North  $29^{\circ}01'29''$  West a distance of 466.50 feet;

74. thence in a northerly direction with a tangent curve turning to the right with a radius of 647.00 feet, having a chord bearing of North  $17^{\circ}07'01''$  West and a chord distance of 267.00, having a central angle of  $23^{\circ}48'57''$  and an arc length of 268.94';

75. thence North  $05^{\circ}52'42''$  West a distance of 268.54 feet;

76. thence North  $10^{\circ}47'36''$  West a distance of 328.61 feet;

77. thence North  $14^{\circ}17'28''$  West a distance of 813.52 feet;

78. thence North  $01^{\circ}43'36''$  West a distance of 184.45 feet;

79. thence North 33°20'04" West a distance of 477.29 feet; to the intersection with the southerly line of the Prairie City Annexation to the City of Folsom; thence easterly along said southerly line the following 6 courses:

80. North 53°52'03" East a distance of 30.00 feet;  
81. thence South 48°17'08" East a distance of 355.95 feet;  
82. thence South 28°59'45" East a distance of 384.45 feet;  
83. thence South 71°10'59" East a distance of 208.20 feet;  
84. thence South 81°00'26" East a distance of 505.30 feet;  
85. thence South 89°48'17" East a distance of 492.19 feet to a point on the southerly line of the Russell Ranch / East Folsom Annexation; thence along the southerly line of the Russell Ranch / East Folsom Annexation the following 6 courses:

86. South 89°00'41" East a distance of 463.19 feet;  
87. thence South 00°53'55" East a distance of 146.80 feet;

88. thence in a easterly direction with a non-tangent curve turning to the left with a radius of 20000.00 feet, having a chord bearing of North 88°08'48" East and a chord distance of 1367.80, having a central angle of 03°55'09" and an arc length of 1368.07';

89. thence North 86°1'13" East a distance of 13234.96 feet;

90. thence in a easterly direction with a tangent curve turning to the left with a radius of 3000.00 feet, having a chord bearing of North 76°17'59" East and a chord distance of 1030.26, having a central angle of 19°46'28" and an arc length of 1035.39';

91. thence North 66°24'46" East a distance of 3171.36 feet; to the point of beginning.

**Containing 3676 acres, more or less.**

**Description prepared by:**

**MACKAY & SOMPS CIVIL ENGINEERS, INC.**  
**1552 Eureka Road , Suite 100 , Roseville , CA 95661**  
**David W Kopp, PLS 4533**

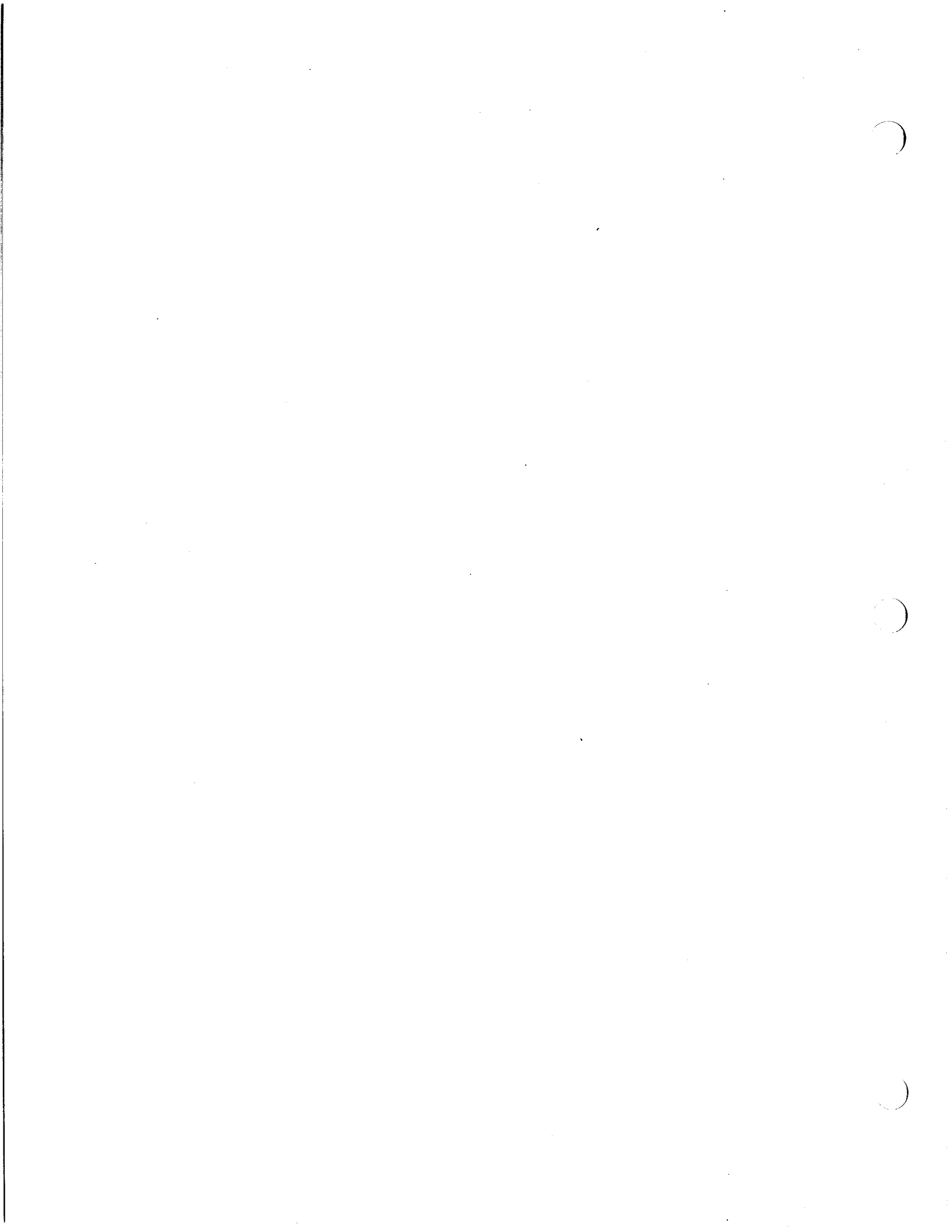
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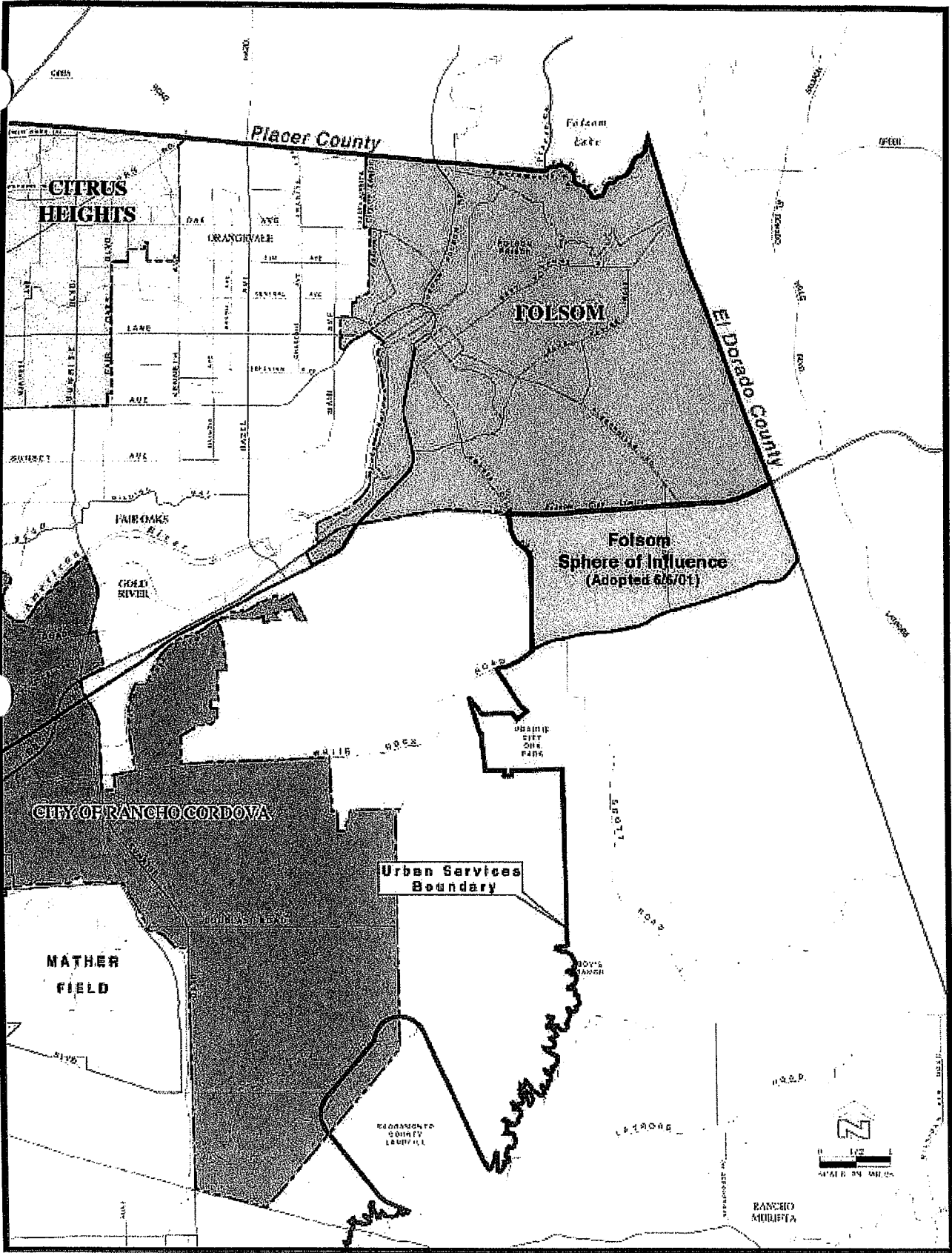


**EXHIBIT B**

**MAP OF AFFECTED TERRITORY**

To Be Included







**EXHIBIT C**

**FINDINGS ON COMPLIANCE WITH CONDITIONS OF APPROVAL  
FROM SPHERE OF INFLUENCE AMENDMENT,  
RESOLUTION Nos. LAFC 1193 AND 1196**

The SACRAMENTO LOCAL AGENCY FORMATION COMMISSION (Commission) does hereby find, determine, resolve and order that the City of Folsom (City) has satisfied the Conditions of Approval of the Resolutions 1193 and 1196, as imposed by the Commission. These Conditions of Approval, and the evidence supporting the Commission's finding that the Conditions have been satisfied, are set forth herein below. While these findings may reference certain documents or facts, each finding is based on the whole of the Administrative Record of the Annexation Proposal.

1. MOU Consistency and Compliance

Finding: The Commission has reviewed the MOU and the City's Annexation Proposal and based thereon, determined that the Annexation Proposal is consistent with the City/County MOU, which contemplates growth in this portion of the County to accommodate demand.

2. General Plan Consistency:

Finding: The territory is within the Sacramento County General Plan and not within any established community plan.

3. Pre-zoning; Open Space:

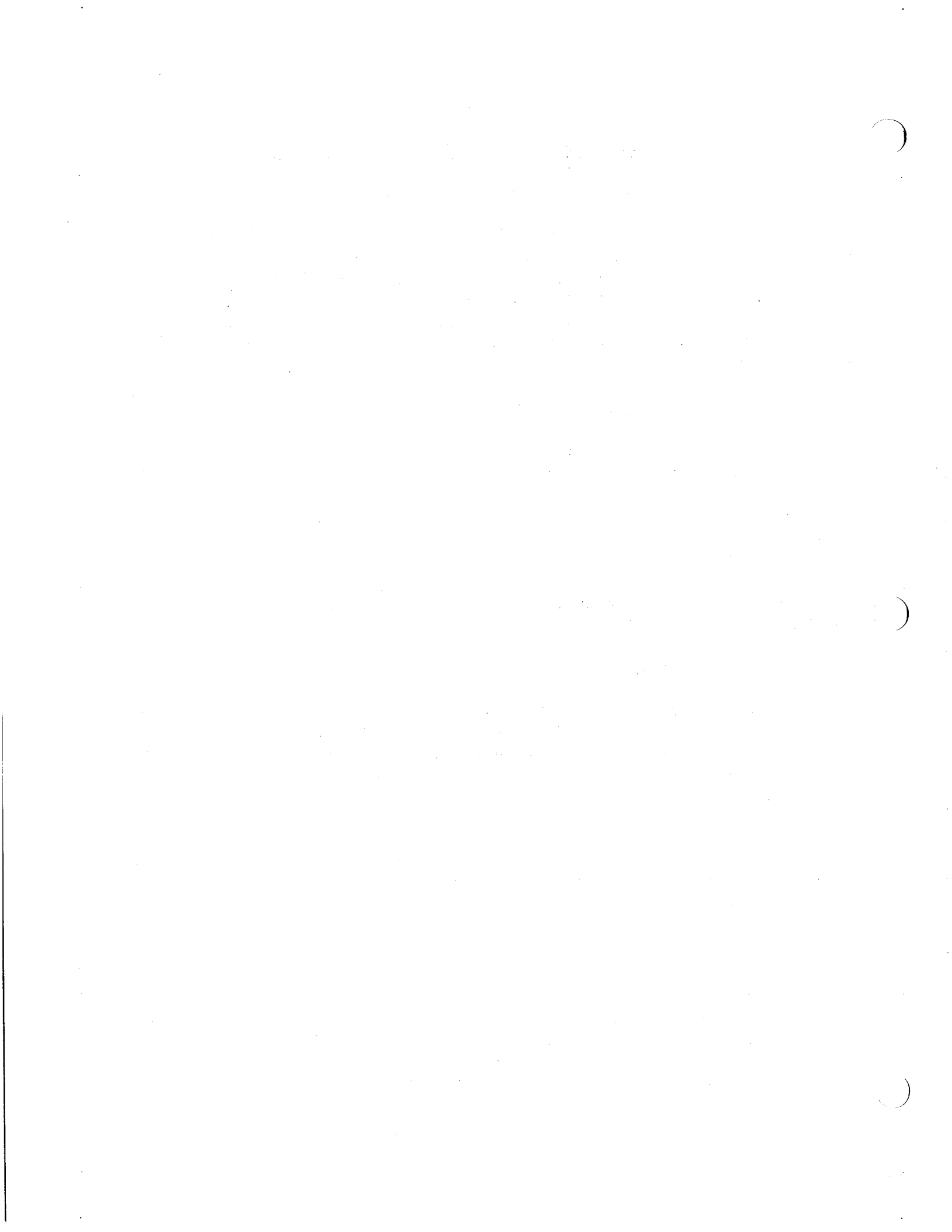
Finding: The Commission finds that the City rezoned the territory to be annexed on June 14, 2011, through Ordinance No. 1148, which established Plan zoning designations for the Annexation Proposal consistent with the objectives, goals and policies of the Folsom General Plan. As required, 30% of the Annexation Proposal area is designated as open space.

4. Tax Sharing Agreement:

Finding: As required by Policy IV.D and Revenue and Tax Code section 99, the Commission finds that the City and Sacramento County and other affected taxing entities have entered into Property Tax Exchange Agreements as required.

5. Valid Housing Element:

Condition: Obtain a determination of substantial compliance from the California Department of Housing and Community Development (HCD) consistent with Government Code section 65585(d) or (h). The City of Folsom shall establish in its approved Housing Element that it has or will meet its regional share housing needs for all income levels for the second and third housing element revisions, as defined in Government Code section 65588. (Resolution No. LAFC 1196, ¶ 1(b).)



Finding: Folsom has a current, verified and adopted Housing Element. The City's Housing Element (third revision) was adopted by the City in July 2009, and certified by HCD in August 2009. (The City completed its second revision to the Housing Element in 2002.) The City has demonstrated that it has set aside sufficient acreage to meet its regional share housing needs consistent with law.

a. The approval from HCD includes a finding that the City increased its higher density housing opportunities and rezoned additional properties to compensate for previous shortfalls.

b. The 2009 Housing Element demonstrates the City's adequate sites available to meet the 2006-2013 RHNA provisions. The Housing Element lists affordable housing incentives ranging from RDA and City subsidies, to density bonuses and several other incentives to encourage production of affordable housing as follows:

- Adoption of Housing Trust Fund.
- Rezoning of land for higher-density, multi-family housing.
- General Plan amendments to allow higher-density residential development by right.
- Accommodation of the proportional amount of the City's regional share of housing in the Annexation Proposal area to ensure that higher density residential sites are preserved throughout development (See City General Plan Policies 18.1, 18.2, 18.3, 19.1 – 19.8).
- The Tier 1 Development Agreement provides for the City to adjust any land uses, adopt ordinances and policies/programs in the annexation area to meet future Housing Element requirements for zoning to comply with any future RHNA requirements for high density residential zoning.

c. The City sunsetted its Inclusionary Housing Ordinance after determining that the Ordinance impaired its efforts to provide affordable housing. As a result, the City anticipates providing increased opportunities for housing low and very low income families by dedicating all of its housing resources towards affordable rental projects.

d. Currently, SACOG is preparing the 2013 RHNA update, assuming the Annexation Proposal area is annexed to the City. The Annexation Proposal provides 49.9 acres of high density multi-family residential land with a density range of 20 to 30 du/ac that meets the state minimum default density of 20 units per acre for "suburban jurisdictions" that shall be deemed appropriate to accommodate housing for lower income households. The allocated residential unit count for the Annexation Proposal Area multi-family high density designation is estimated to be 1,249 units or 12% of the total Annexation Proposal area residential units consistent with the proposed update.

#### 6. Land Use Designations:

On June 28, 2011, the City rezoned consistent with the City's General Plan, all property within the SOI Amended Area.

7. Water Supply Assessment:

Condition: The Master Services Element (MSE) shall identify a water source(s) and the ability to acquire said water source(s) sufficient to serve the area contained in the annexation application. The MSE shall identify the process the City will undertake to acquire and secure a water supply sufficient for the Commission to determine compliance with Condition (3) and (11)(a) of Resolution No. LAFC 1196, which states:

Prior to LAFCo approval of any application to annex property within the Sphere of Influence Amendment area, the City of Folsom shall demonstrate that it has a sufficient water supply to serve existing customers, future customers within the existing service area, and all proposed uses within the annexation application area, in compliance with the terms and conditions of the Water Forum Agreement. The information provided shall be sufficient for LAFCo to determine water availability to the area pursuant to Gov. Code section 56668(k) or its successor.

Finding: Based on the following, the City has provided a sufficient MSE and has demonstrated its ability to have timely availability of water supplies adequate for projected needs.

a. The City will meet water demands by securing an assignment of a Sacramento River surface water supply from the Natomas Central Mutual Water Company (NCMWC) pursuant to NCMWC's CVP settlement contract with the United States Bureau of Reclamation (USBR). The water supply to be assigned is a long-term "Project Water" supply. An initial purchase and sale agreement between South Folsom Properties LLC (SFP) and NCMWC identifies the conditions which ultimately need to be satisfied by both parties to finalize the sale, which will ultimately lead to an assignment to the City. Currently, NCMWC diverts water and conveys it to its shareholders that apply water to agricultural lands in northern Sacramento County and southern Sutter County. NCMWC's contract provides for delivery of Project Water on an agricultural schedule, with the Project Water delivered during the late irrigation season in the months of July and August.

b. The City will seek modification of the Project Water delivery schedule from the USBR such that water may be delivered to the City on a year-round municipal and industrial (M&I) schedule in southern Sacramento County. Water will be conveyed from the Freeport diversion facility to the Folsom Annexation Proposal area via both FRWA facilities, which are already under construction, as well as facilities that will be constructed by the City of Folsom. The water may be either treated by SCWA or the City of Folsom pending further review of various conveyance and treatment alternatives.

c. The City of Folsom and the Sacramento County Water Agency (SCWA) have approved the Memorandum of Understanding between the City of Folsom and Sacramento County Water Agency Concerning the Folsom Sphere of Influence Area and Sharing of Freeport Project Capacity (City-SCWA MOU). The City-SCWA MOU commits each party to try to find a mutually agreeable solution to the issue of system capacity in the FRWA facilities so that the City of Folsom can use some of that capacity to deliver Sacramento River water to the Folsom Annexation Proposal area. The use of this water supply does not impact either the City's or EID's



existing water supplies or conveyance facilities. Through SFP, the City intends to acquire water from NCMWC to serve only the Folsom Annexation Proposal area.

d. The Water Supply Assessment (WSA) prepared by the City concluded that the water supply that the City would acquire from NCMWC would meet projected water demands in normal and critically dry years, and it is reasonably certain as a physical matter that the surface water supplies could be delivered to the Annexation Proposal area in the amounts needed to serve the Proposed Project Alternative at build out.

e. In case the surface water supplies do not become available because of the required regulatory and legal approvals, an analysis of optional sources of water in addition to the City's proposed water supply is provided in the environmental impact report, (Section 3A.18.5 Water Supply Options To Long-Term Water Supply Folsom South of U.S. Highway 50 Specific Plan DEIR/DEIS Water Supply, Appendix E). Water Supply Options have been developed and evaluated.

- Option 1 – Groundwater from the Central Sacramento Groundwater Basin
- Option 2 – Other Senior Sacramento River Water Right Holders
- Option 3 – Conservation of Existing City Supplies and Water System Retrofit

f. The City and SCWA have an MOU in place that outlines principals in which convey could be used for the project. The terms and provisions for a conveyance agreement will be negotiated once the project has advanced, including completion of the CEQA and NEPA processes to secure the water supply with Natomas Mutual Water Company.

g. The City and SCWA are working together to cooperatively plan for reliable water supplies in the east County areas that include the project area.

h. The City of Folsom and the County of Sacramento entered into an MOU to frame future discussions regarding the purchase of capacity in the FRWA facilities to deliver water to the Annexation Proposal Area. The Agreement between the County of Sacramento, the Sacramento County Water Agency and the City of Folsom relating to Transportation and Water Supply Issues Involving the South of Highway 50 Folsom Plan Area Annexation further clarifies this MOU. The MOU provides for the following:

i. The City of Folsom agrees that the detailed actual costs to be used in any potential contractual agreement to purchase FRWA capacity from the Sacramento County Water Agency (SCWA) to deliver surface water to the Annexation Proposal area will be developed exclusively through negotiations between the City of Folsom and SCWA consistent with the provisions of the MOU.

ii. The MOU provides conceptual concepts for future negotiations; the MOU does not bind or create any obligation for either party to enter into negotiations.

iii. The MOU shall not be considered as either an explicit or implicit determination or commitment that either party will ultimately negotiate or enter into a specific future agreement for supplying or delivering water to the Annexation Proposal area.

i. The Bureau of Reclamation has a pending request to permanently assign 8,000 acre-feet of "Project" water to the City of Folsom. The water proposed for assignment is water diverted under permits held by Reclamation and included within the terms of a contract with Natomas Central Mutual Water District as part of its Sacramento River Settlement contract. By the terms of that contract, any assignment of water under the contract is subject to the approval of the Bureau of Reclamation. In a letter dated November 9, 2011, the Bureau of Reclamation states that approval has not yet been granted. While no decision has been made relative to the request for assignment, such approval is neither guaranteed nor assured.

j. In addition, the City of Folsom and Sacramento LAFCo have adopted mitigation measures which restrict the issuance of building permits until water supply is available.

i. Mitigation Measure 3A.18-1: Submit Proof of Surface Water Supply Availability.

(a) Prior to approval of any small-lot tentative subdivision map subject to Section 66473.7 (SB 221), the City shall comply with that statute. Prior to approval of any small-lot tentative subdivision map for a proposed residential project not subject to that statute, the City need not comply with Section 66473.7, or formally consult with any public water system that would provide water to the affected area; nevertheless, the City shall make a factual showing or impose conditions similar to those required by Section 66473.7 to ensure an adequate water supply for development authorized by the map.

(b) Prior to recordation of each final subdivision map, or prior to City approval of any similar project-specific discretionary approval or entitlement required for nonresidential uses, the project applicant(s) of that project phase or activity shall demonstrate the availability of a reliable and sufficient water supply from a public water system for the amount of development that would be authorized by the final subdivision map or project-specific discretionary nonresidential approval or entitlement. Such a demonstration shall consist of information showing that both existing sources are available or needed supplies and improvements will be in place prior to occupancy

ii. Mitigation Measure 3A.18-2a: Submit Proof of Adequate Off-Site Water Conveyance Facilities and Implement Off-Site Infrastructure Service System or Ensure That Adequate Financing Is Secured.

Before the approval of the final subdivision map and issuance of building permits for all project phases, the project applicant(s) of any particular discretionary development application shall submit proof to the City of Folsom that an adequate off-site water conveyance system either has been constructed or is ensured or other sureties to the City's satisfaction. The off-site water conveyance infrastructure sufficient to provide adequate service to the project shall be in place for the amount of development identified in the tentative map before approval of the final subdivision map and issuance of building permits for all project phases, or their financing shall be ensured to the satisfaction of the City. A certificate of occupancy shall not be issued for any building within the Annexation Proposal area until the water conveyance infrastructure sufficient to serve such building has been constructed and is in place.

iii. Mitigation Measure 3A.18-2b: Demonstrate Adequate Off-Site Water Treatment Capacity (if the Off-Site Water Treatment Plant Option is Selected).

If an off-site water treatment plant (WTP) alternative is selected (as opposed to the on-site WTP alternative), the project applicant(s) for any particular discretionary development application shall demonstrate adequate capacity at the off-site WTP. This shall involve preparing a tentative map-level study and paying connection and capacity fees as determined by the City. Approval of the final project map shall not be granted until the City verifies adequate water treatment capacity either is available or is certain to be available when needed for the amount of development identified in the tentative map before approval of the final map and issuance of building permits for all project phases. A certificate of occupancy shall not be issued for any building within the S Annexation Proposal area until the water treatment capacity sufficient to serve such building has been constructed and is in place.

k. Water Service, treatment, and distribution infrastructure for both on and off-site needs has been adequately planned.

i. The Water Supply Assessment and Master Plan (WSA) were approved by the Folsom City Council on July 28, 2011 and the components of the plan include an off-site transmission (conveyance) main as well as an on-site water treatment plant, storage tanks, booster stations, distribution mains and laterals. Construction of on-site water infrastructure will be phased with the initial necessary off-site backbone water infrastructure and an on-site water treatment plants. As an alternative to an on-site water treatment plant, the city may choose to locate the plant off-site if a suitable location can be found and the property owners agree (see the EIR/EIS, Water Master Plan, the PFFP and the Addendum to the PFFP).

ii. The non-potable or "purple pipe" system plans are included in the Water Master Plan approved by the Folsom City Council on July 28, 2011. The system is designed to route non-potable water to parks, landscape parkways and other locations appropriate for non-potable water use. The system is anticipated to reduce the use of potable water for landscape irrigation in the Annexation Proposal area (see Folsom South of U.S. 50 Specific Plan Project EIR/EIS, Water Master Plan, the PFFP and the Addendum to the PFFP). Implementation of a non-potable water system will be based on the draft non-potable water policy developed between SCWA and the City.

8. Updated Master Services Element:

Condition: In any application to annex property within the Sphere of Influence Amendment area, the City of Folsom shall submit to the Commission for its review and approval, an updated Master Services Element (MSE) which includes a program of implementation and financing measures necessary to support the provision of major components of infrastructure and services, and other essential facilities, needed to support the proposed distribution, location, extent and intensity of land uses proposed within the Sphere of Influence Amendment area. (Resolution No. LAFC 1196, ¶ 3.)

Finding: The Commission finds that the City submitted a Master Services Element dated August 20, 2011 and a Public Facilities Financing Plan dated June 2010 and addendum to the plan dated May 2011 (referred to herein as the PFFP), which contained all of the following information in accordance with Section 56653:

- a. An enumeration and description of the services to be extended to the affected territory.
- b. The level and range of those services.
- c. An indication of when those services can feasibly be extended to the affected territory.
- d. An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
- e. Information with respect to how those services will be financed.

9. Transit Master Plan:

Finding: The City has submitted with its Annexation application a Transit Master Plan consistent with the foregoing condition

10. Bikeway Master Plan:

Condition: Any application to annex property within the Sphere of Influence Amendment area shall include an updated Bikeway Master Plan to delineate bikeway and pedestrian facilities within the Sphere of Influence Amendment area consistent with the goals and policies of the City's General Plan. The update shall incorporate bikeway designations for Prairie City Road and White Rock Road to be equivalent, or better, than those contained in the *Sacramento City/County Bikeway Master Plan*. (Resolution No. LAFC 1196, ¶ 7.)

Finding: The City has submitted with its Annexation application a Bikeway Master Plan consistent with the foregoing condition and which is equivalent to the County of Sacramento Bikeway Plan.

11. School Impact Mitigation:

Condition: Where permitted by law, the City of Folsom shall incorporate feasible school impact mitigation requirements into development agreements that would take effect upon annexation of property within the Sphere of Influence area. The extent to which mitigation requirements may be necessary will depend upon availability of school facilities at the time of development, the type of development that occurs within the Sphere of Influence Amendment (residential compared to non-residential uses) and school district policies on providing enrollment space for non-residents who are employed within district boundaries. (Resolution No. LAFC 1196, ¶ 13.)

Finding: The Tier 1 Development Agreement (Ordinance No. 1149) requires the property owners prior to or concurrent with the execution of the Tier 2 Development Agreement to comply with the provision to incorporate feasible school impact mitigation requirements set forth in LAFC Resolution No. 1196 and as required in Folsom's Measure W adopted by the residents of Folsom. On July 12, 2011, the Folsom City Council approved the Tier 1 Development Agreement for the Annexation Proposal area.

12. Air Quality Plan:

Condition: Prior to submission of any application for annexation of the SOIA area, the City of Folsom will prepare an Air Quality Plan for the SOIA area. (Resolution No. LAFC 1193, SOI Mitigation Measure 4.5-2).

Finding: On July 12, 2011, the Folsom City Council approved the Operational Air Quality Mitigation Plan (Resolution No. 8870). After annexation, the Area will continue under the jurisdiction of the Sacramento Metropolitan Air Quality Management District (SMAQMD).

Mitigation Measure 3A.2-2 for the Annexation Approval area implements "all Measures Prescribed by the Air Quality Mitigation Plan to Reduce Operational Air Pollutant Emissions" and states

To reduce operational emissions, the project applicant(s) for any particular discretionary development application shall implement all measures prescribed in the SMAQMD-approved *Folsom Plan Area Specific Plan Air Quality Mitigation Plan* (AQMP) (Torrence Planning 2008). . . . The AQMP is intended to improve mobility, reduce vehicle miles traveled, and improve air quality as required by AB 32 and SB 375. The AQMP includes, among others, measures designed to provide bicycle parking at commercial land uses, an integrated pedestrian/bicycle path network, transit stops with shelters, a prohibition against the use the wood-burning fireplaces, energy star roofing materials, electric lawnmowers provided to homeowners at no charge, and on-site transportation alternatives to passenger vehicles (including light rail) that provide connectivity with other local and regional alternative transportation networks.

13. Drainage Master Plan; No Construction in Flood-plain:

Condition: Any application to annex property within the Sphere of Influence Amendment area shall include hydraulic and hydrologic modeling of that portion of Alder Creek which traverses the planning area and include a Drainage Master Plan for the Sphere of Influence Amendment area. The Drainage Master Plan shall address flood hazards and the use of flood protection measures. The objective of the Master Plan shall conform to a no net increase in floodwater surface elevations downstream of the Sphere of Influence Amendment area. (Resolution No. LAFC 1196, ¶ 8.)

Finding: Consistent with the foregoing condition, the City of Folsom has developed a Drainage Master Plan for the area to be annexed. On July 28, 2011 the City Council approved

Water Supply Assessment and Master Plan, Wastewater Master Plan, and Drainage Master Plan by way of City Resolution No. 8870.

14. Plan for Improvements to Local Roadway Network:

Finding: The City has prepared and submitted an updated MSE, PFFP, Master Transit Plan, and Bikeway Master Plan as well as a summary of the roadway improvements, in compliance with this condition.

In addition to constructing all of the streets shown in Figure 6.4, the developers of the Annexation Proposal Area will be responsible for their fair share funding of a number of improvement to U.S. Highway 50, Sacramento County road segments and intersections, El Dorado County road segments and intersections and existing City of Folsom road segments and intersections to mitigate for impacts caused by development of the Annexation Proposal Area.

15. Traffic and Transportation Mitigation Measures:

Condition: Prior to the Commission approval of any application to annex property within the Sphere of Influence area (SOIA), the City of Folsom, with the cooperation of Caltrans, Sacramento County, El Dorado County, the El Dorado County Transportation Commission and the Sacramento Area Council of Governments, shall identify the traffic/transportation measures that must be implemented to mitigate the potential impacts on regional transportation infrastructure from proposed development within the SOIA area consistent with mitigation measure 4.4-2 in the Mitigation Monitoring and Reporting Plan. The City shall further set forth a funding strategy to construct the traffic/transportation measures necessary to fully mitigate the impacts from the development of the SOIA area and a proposed timeline for the construction of such improvements. The timeline shall be linked to the approval and construction of new development within the SOIA, within a time frame intended to mitigate the long-term impacts from the SOIA development. Where appropriate, the City shall utilize assessment districts and impact fee programs to fund improvements. As soon as reasonably possible, the improvements identified in this paragraph that are of regional significance shall be programmed in the Metropolitan Transportation Plan (MTP) and the Metropolitan Transportation Improvement Program (MTIP). The City shall request the programming of the improvements in the MTP as soon as the improvements are identified through the General Plan Amendment Process, and shall request the programming of the improvements in the MTIP consistent with the financing plan established for implementation of the improvements. (Resolution No. LAFC 1196, ¶ 5.)

Finding: In satisfaction of this Condition, the City of Folsom and the County of Sacramento have agreed to the following related transportation issues as set forth in the Property Tax Sharing Agreement:

a. *Management of Access through Folsom Annexation Proposal Area:* The City of Folsom will be responsible for establishing and managing appropriate routes for commercial truck access through the Folsom Annexation Proposal area to Highway 50. Any physical improvements required by the City to accommodate this will be funded and constructed by the City.

b. *Collaboration and Agreement on Prairie City Road:* The City of Folsom and the County of Sacramento will collaborate and mutually agree on the design, financing, and construction schedule of future improvements to special road design for Prairie City Road between White Rock Road and Highway 50. The Agreement will occur prior to quarry generated truck traffic exceeding 700 loaded truck trips per day on existing Prairie City Road.

c. *Truck Management Plan:* The City of Folsom will comply with any Truck Management Plan (TMP) adopted by the County that addresses truck traffic through or in the vicinity of the Folsom Annexation Proposal Area.

d. *Mitigation of Roadway Impacts to County Roadways:* Prior to approval of any land uses within the Folsom Annexation Proposal Area, the City of Folsom will analyze any impacts to the County's roadways as part of its environmental document prepared to the requirements of the California Environmental Quality Act (CEQA). Mitigation will be identified and provided for through actions on individual projects. See Also Annexation Proposal area Mitigation Measure 3A.15-1o ("Participate in Fair Share Funding of Improvements to Reduce Impacts on Eastbound U.S. 50 as an alternative to improvements at the Folsom Boulevard/U.S. 50 Eastbound Ramps Intersection (Caltrans Intersection 4)").

16. Multi-species Habitat Mitigation Strategy:

Condition: Any application to annex property within the Sphere of Influence Amendment area shall include the City of Folsom's multi-species habitat mitigation strategy (e.g., Habitat Conservation Plan (HCP)) for the Sphere of Influence Amendment area consistent with the goals and policies contained in the City's General Plan. The strategy shall address the mitigation of development impacts upon habitat and biological/environmental resources in a manner that meets federal and state regulatory requirements. The City may fulfill the requirements of this condition by becoming a participant in the Sacramento County HCP process for the southeast County. (Resolution No. LAFC 1196, ¶ 9.)

Finding: The City of Folsom has adopted a Habitat Conservation Plan consistent with this condition for the proposed territory. The City consulted and coordinated with the participants in the South Sacramento County HCP process during development of the Folsom HCP. The final EIR includes a number of mitigation measures related to a habitat mitigation strategy.

17. Aerojet Property:

Condition: Any application to annex Aerojet General Corporation property, or a portion of such property, within the Sphere of Influence Amendment area, must include information sufficient to demonstrate that on-site surface contamination has been remediated to standards determined to be acceptable by federal and state regulatory agencies and that either the groundwater contamination has been remediated or that measures to remediate the contamination are in place and working satisfactorily. In addition, the City of Folsom shall provide evidence of any covenants and restrictions limiting the surface or subsurface use of the property. (Resolution No. LAFC 1196, ¶ 10.)

Finding: The Annexation Proposal area contains Area 40, part of the Aerojet Superfund site, which has the potential to create a hazard to public health or the environment. Ongoing remediation activities could delay or limit project development on or near the site of those remediation activities. As such, no development will be permitted until contamination has been remediated on the Aerojet property that is contaminated. This land will be zoned open space and restricted from development until the clean up has been completed. (See Annexation Proposal area Mitigation Measures 3A.8-3a – d.)

18. Wastewater Transmission and Treatment Capacity:

Condition: Prior to the Commission's approval of any application to annex property within the Sphere of Influence area, the City of Folsom shall identify the timely availability of sufficient wastewater transmission and treatment capacity to serve existing customers, future customers with the existing service area, and all proposed uses within the annexation application area. (Resolution No. LAFC 1196, ¶ 11(b).)

Finding: Upon annexation of the Annexation Proposal area, the City of Folsom's Utilities Department will assume responsibility for wastewater management and collection for the entire Annexation Proposal area, with the exception of the 178-acres (APN 072-0070-001 & 023 and APN 072-0270-028) in the northeastern portion of the Annexation Proposal area that will continue to be served by the El Dorado Irrigation District. Sacramento Regional County Sanitation District will be responsible for treatment for the entire Annexation Proposal area, with the exception of the 178-acres (APN 072-0070-001 & 023 and APN 072-0270-028) in the northeaster portion that will continue to be served by the El Dorado Irrigation District.

The Wastewater Master Plan was approved by the Folsom City Council on 28 July 2011, and the system will consists of gravity sewer mains, pump stations, force mains, localized collector lines and individual laterals. The topography of the Annexation Proposal area dictates that wastewater will generally flow from east to west through gravity mains. A pump station is proposed for the northwest corner to pump all Annexation Proposal area wastewater flows, except from those areas which may flow to EID, to an existing (dry) 24-inch force main constructed within Iron Point Road (north of the Area), to serve the Annexation Proposal area (see Wastewater Master Plan, EIR/EIS, PFFP). In addition, Sacramento Regional County Sanitation District and El Dorado Irrigation have provided letters stating they have the ability and capacity to serve the proposed area to be annexed. The City of Folsom will not detach from the El Dorado Irrigation District.

19. Preservation of Woodlands:

Condition: At the time of submittal of any annexation application, the City of Folsom shall demonstrate its compliance with the provisions of Condition 5 of the Memorandum of Understanding, the City of Folsom Master Services Element dated November 4, 1997, and the Final Environmental Impact Report to preserve woodlands and to prevent loss of habitat and biological resources, including setting aside a minimum of thirty percent (30%) of the Sphere of Influence area, approximately 1,075 acres, for permanent open space as defined by State law, for preservation of habitat for species and for conservation of agricultural land. (Resolution No. LAFC 1196, ¶ 16.)



**Finding:** The City of Folsom has preserved 30 percent of the Annexation Proposal area for oak woodlands and to prevent the loss of habitat and biological resources. The City will administer this area by obtaining dedicated conservation easements. The Tier 1 Development Agreement requires the Landowners and the City of Folsom to address the financing methods to fund the maintenance of Open Space and other public property in the Tier 2 Development Agreement.

**20. Compliance with Mitigation Monitoring and Reporting Plan:**

**Condition:** Subsequent to submittal of any application to annex property within the Sphere of Influence Amendment area, the Commission shall review the Mitigation Monitoring and Reporting Plan approved as part of the Sphere of Influence Amendment for compliance and shall undertake additional environmental review in accordance with the California Environmental Quality Act. (Resolution Nos. LAFC 1193, 1196.)

**Finding:** The Commission has reviewed the Mitigation Monitoring and Reporting Plan approved as part of the Sphere of Influence Amendment (Resolution Nos. LAFC 1193, 1196) for compliance and has undertaken additional environmental review in accordance with the California Environmental Quality Act. The Commission finds the City has complied with the mitigation measures to be implemented by the project applicant(s) and successors either prior to annexation and/or ongoing during development of the SOIA area, which mitigation measures include the following, as set forth in Resolution No. LAFC 1193.

- a. Mitigation Measure 4.4-1: Establish necessary improvements and financing mechanisms for regional roadways. The City has submitted an Updated MSE and PFFP for this purpose.
- b. Mitigation Measure 4.4-2: Establish necessary improvements, phasing plan, and financing plan for U.S. 50. The City has submitted an Updated MSE and PFFP for this purpose.
- c. Mitigation Measure 4.4-3: Prepare Transit Master Plan. The City has prepared a Transit Master Plan (Resolution No. 8870, July 12, 2011).
- d. Mitigation Measure 4.4-4: Update Bikeway Master Plan. The City has prepared a Bikeway Master Plan (Resolution No. 8870, July 12, 2011).
- e. Mitigation Measure 4.4-5: Incorporate bikeway improvements identified by Sacramento County for White Rock Road and Prairie City Road in the updated Bikeway Master Plan. The City has prepared a Bikeway Master Plan as required.
- f. Mitigation Measure 4.4-6: Establish necessary improvements and financing mechanisms for regional roadways under cumulative conditions. The City has submitted an Updated MSE and PFFP for this purpose.

g. Mitigation Measure 4.5-1: Implement requirements to reduce construction equipment air emissions. The City has prepared an Air Quality Plan. (Resolution No. 8870, July 12, 2011).

h. Mitigation Measure 4.5-2: Prepare Air Quality Plan. The City has prepared an Air Quality Plan. (Resolution No. 8870, July 12, 2011).

i. Mitigation Measure 4.5-5a: Do not permit urban development prior to 2005 or adoption of air quality attainment maintenance plan. This provision is no longer applicable.

j. Mitigation Measure 4.5-5b: Ensure that SOIA development is included in the emissions inventory prepared for the air quality attainment / maintenance plan. The City has prepared an Air Quality Plan.

k. Mitigation Measure 4.7-2a: Complete tree survey of SOIA area. A tree survey has been completed.

l. Mitigation Measure 4.7-2b – h: Implement tree protection measures. Tree protection measures have been implemented and planned.

m. Mitigation Measure 4.7-6a – c: Complete biological survey, adopt avoidance and mitigation policies, prepare a Habitat Conservation Management Plan (HCMP). A biological survey has been performed and corresponding avoidance and mitigation policies and HCMP prepared.

n. Mitigation Measure 4.7-6d: Tree removal to occur only during non-nesting periods. The City has adequate taken measures to comply with this condition.

o. Mitigation Measure 4.8-2: During planning for the SOIA area, minimize incompatibility and impacts on historic landscapes. The City has taken adequate measures to comply with this condition.

p. Mitigation Measure 4.8-2: During implementation of urban development of the SOIA area, minimize incompatibility and impacts to historic landscapes. The City has taken adequate measures to comply with this condition.

q. Mitigation Measure 4.9-1: Implement hazardous materials plans if such materials are encountered during construction. The City has taken adequate measures to comply with this condition.

r. Mitigation Measure 4.9-2: Investigate and remediate the railroad right of way, mining, and radio/transfer sites prior to development. The City has taken adequate measures to comply with this condition.

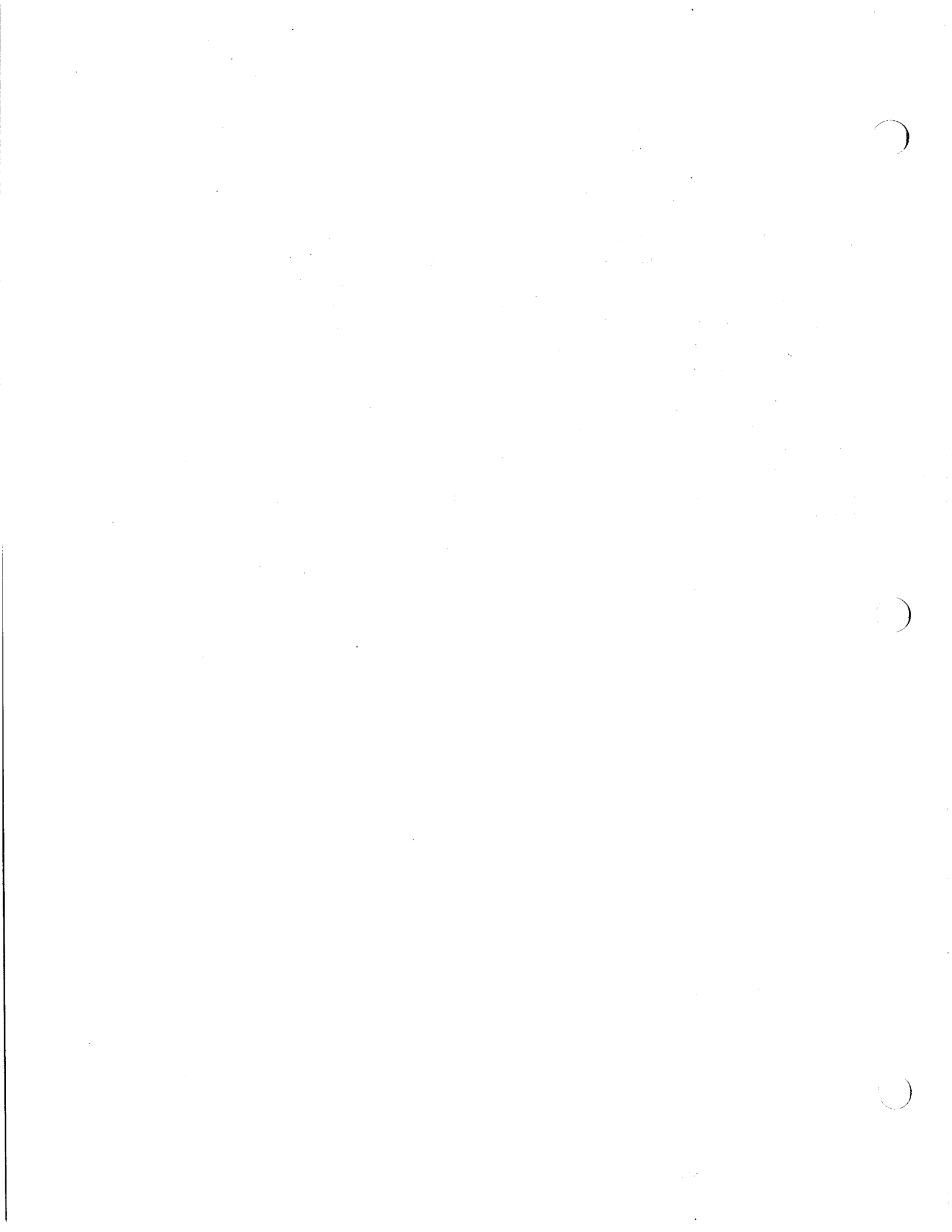
s. Mitigation Measure 4.10-2: Define the Alder Creek 100-year floodplain; site development so that post-development flood elevations are not increased. The City has taken adequate measures to comply with this condition.

t. Mitigation Measure 4.10-6: Identify and secure sufficient water supplies. This City has complied with this condition.

21. Policy of Well-planned and Orderly Annexations:

**Condition:** The City of Folsom is encouraged to promote annexations within the Sphere of Influence Amendment area that are well planned, capable of being efficiently served, have an orderly development pattern, and avoid the premature conversion of open space and agricultural lands within the Sphere of Influence area. Consistent with its General Plan policy, the City of Folsom is encouraged to develop an orderly annexation program and should discourage the filing of any annexation application seeking to annex property prematurely or in a piece-meal manner. (Resolution No. LAFC 1196, ¶ 2.)

**Finding:** Consistent with Resolution 1196, the Commission finds that approval of the City proposal will promote annexations within the Sphere of Influence Amendment area that are well planned, capable of being efficiently served, have an orderly development pattern, and avoid the premature conversion of open space and agricultural lands within the Sphere of Influence area. Consistent with its General Plan policy, the City of Folsom has developed an orderly annexation program.



**EXHIBIT D**

**AVIGATION EASEMENT**



FOR THE BENEFIT OF THE CITY OF FOLSOM  
PURSUANT TO GOVERNMENT CODE §6103

RECORDING REQUESTED BY CITY CLERK

WHEN RECORDED MAIL TO:

CITY CLERK  
CITY OF FOLSOM  
50 NATOMA STREET  
FOLSOM, CALIFORNIA 95630

### GRANT OF AVIGATION EASEMENT

The Grant of Avigation Easement (herein collectively referred to as "Avigation Easement"), is made on \_\_\_\_\_, 2011, by and between \_\_\_\_\_, (herein referred to as "Grantor"), the County of Sacramento, a Political Subdivision of the State of California, acting by and through its Board of Supervisors and the City of Folsom, a municipal corporation, acting by and through its City Council (herein collectively referred to as "Grantees") with reference to the following facts:

A. Grantor owns real property in Sacramento County, California ("Grantor's Property"). The legal description for Grantor's Property is attached as Exhibit "A". Grantor's Property includes the air space above it. An application to annex Grantor's Property to the City of Folsom is pending with the Sacramento Local Agency Formation Commission ("LAFCO") and when complete, the Grantor's Property will be in the City of Folsom city limits.

B. The County of Sacramento owns and operates Sacramento Mather Airport in Sacramento County, California (the "Airport").

C. The Airport is a General Aviation airport for the region and also has various other aviation and related activity. Grantors and Grantees recognize and understand that the Airport will grow and traffic will increase over time.

D. Grantor has requested and received certain land use approvals including a Specific Plan and a Tier 1 Development Agreement. The land use approval requires Grantor to record an Avigation Easement on its property pending with the City of Folsom and to enter into an amendment to its Development Agreement (the "Tier 2 Development Agreement") to address rights and obligations for future development of Grantor's Property. This Avigation Easement is a negotiated term of the Tier 1 Development Agreement between the City of Folsom and all landowners in the Folsom Sphere of Influence to which the annexation application applies.

E. Grantor has requested and in consideration for the land use approval, Grantor has agreed to grant the County of Sacramento and the City of Folsom the Avigation Easement described below.

NOW, THEREFORE, the parties agree as follows:

**Section 1. Grant of Avigation Easement**

A. For valuable consideration, Grantor grants to the County of Sacramento and the City of Folsom a perpetual, nonexclusive, assignable Avigation Easement in and over Grantor's Property for noise and other negative impacts resulting from aircraft flying to and from, and other operations at the Airport ("Airport Operations") and a right-of-way for the free and unrestricted passage of aircraft of any and all kinds now or hereafter known in, through, across and about the airspace beginning at an altitude of one thousand (1000) feet above the top of the highest obstacle on Grantor's Property (hereinafter "Permitted Airspace"). This Avigation Easement specifically permits the imposition of light, smoke, air currents, electronic or other emissions, vibrations, discomfort, inconvenience, and interference with use and enjoyment resulting from Airport Operations producing noise. This Avigation Easement is fully effective as of the date set forth above.

B. Such Avigation Easement and right-of-way includes, but is not limited to:

1. The Avigation Easement and right-of-way is for the use and benefit of the public and includes the continuing right to fly, or cause or permit the flight by any and all persons, of aircraft, of any and all kinds now or hereafter known, in, through, across or about any portion of the Permitted Airspace; and
2. The right to cause or create, permit or allow to be caused or created within all space above the existing surface of said Grantor's Property and any and all airspace laterally adjacent to said Grantor's Property, such noise, vibration, current and other effects of air, illumination and fuel consumption as may be inherent in, or may arise or occur from Airport Operations, or during the operation of aircraft of any and all kinds, now or hereafter known or used, for navigation of or flight in air within the Permitted Airspace; and
3. Nothing in this easement is intended to or shall it be interpreted to alter noise standards and methods of measurements or permit noise or vibration in excess of the standards utilized by the Federal Aviation Administration.
4. A continuing right to clear, and keep clear the Permitted Airspace and extending upwards thereafter (as necessary for air transportation or air operation purposes) of any portions of building, structures, or improvements of any and all kinds, and of trees or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees or other things which extend into or above said Airspace and the right to cut to those portions of any trees which extend into or above the Airspace; and
5. The right to mark and light, or cause or require to be marked or lighted, as obstructions to air navigation, any and all buildings, structures or other



improvements, and trees or other objects, which extend into or above the Permitted Airspace; and

6. The right to ingress to, passage within, and egress from the hereinabove described Grantor's Property for the purposes described in subparagraphs "4" and "5" above.

C. Grantor, on behalf of itself, its successors and assigns, hereby covenants with the County of Sacramento and the City of Folsom and for the direct benefit of the real property constituting Sacramento Mather Airport as follows:

1. That Grantor, its successors and assigns will not construct, install, permit or allow any building, structure, improvement, tree, or other object on the Grantor's Property described herein, to extend into or above the Permitted Airspace, or to obstruct or interfere with the use of the Avigation Easement and right-of-way herein granted.

2. Nothing in the Avigation Easement is intended to nor shall it affect Grantor's land use rights or require any additional land use review beyond that ordinarily required in the land use entitlement process.

D. The Avigation Easement and right-of-way granted herein shall be deemed both appurtenant to and for the direct benefit of that real property which constitutes the Sacramento Mather Airport, and shall further be deemed in gross, being conveyed to the Grantees for the benefit of the Grantees and any and all members of the general public who may use said Avigation Easement or right-of-way or derive benefit from the taking off from, landing upon or operating such aircraft in or about the said Sacramento Mather Airport, or in otherwise flying through said Permitted Airspace.

E. This Avigation Easement shall not operate to deprive the Grantor, its successors or assigns, of any rights, which it may from time to time have against any air carrier or private operator for negligent or unlawful operation of aircraft or any other rights, claims or causes of action that are not inconsistent with the Avigation Easement granted herein.

F. These covenants and agreement run with the land and are binding upon the heirs, administrators, executors, successors and assigns of the Grantor, and for the purpose of this instrument, the Grantor's Property as described in Exhibit "A" is the servient tenement and said Sacramento Mather Airport is the dominant tenement.

## **Section 2. Release**

Grantor releases the City of Folsom, the County of Sacramento and Airport operators and aircraft operators using the Airport from any claims, losses, liabilities or expenses (collectively, "Losses") arising from the impositions permitted by this Avigation Easement, as well as from noise and other negative impacts resulting from Airport Operations prior to the date of this Avigation Easement. This Release covers all past, present and future Losses, whether

known or unknown. This Release includes damages for physical or emotional injuries, nuisance or any taking of Grantor's Property. Grantor specifically waives application of California Civil Code, Section 1542, which provides as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

Grantor shall not sue for damages in connection with Losses released by this Avigation Easement, nor seek to enjoin the impositions permitted by this Avigation Easement. The County of Sacramento will not have to set aside buffer lands, re-route air traffic, erect sound or other barriers, establish curfews, relocate Airport Operations or take other measures to eliminate or lessen the impositions permitted by this Avigation Easement. Flights paths may be altered or modified from time to time by the Federal Aviation Administration or the County of Sacramento to fly over Grantor's Property.

**Section 3. Continuous Benefits and Burdens**

This Avigation Easement burdens the Grantors' Property for the benefit of the Airport. It runs with the land under California Civil Code Section 1468. The benefits and burdens created by this instrument apply to and bind the parties' successors, heirs and assigns.

Grantor agrees that in any marketing material regarding transfers, in whole or in part, of the Grantor's Property, this Avigation Easement and the terms thereof shall be disclosed. In addition, Grantor agrees that it will inform all interested parties including, but not limited to, those holding liens or encumbrances on all or a portion of the Property, about this Avigation Easement and shall provide a copy of this Avigation Easement if they so request.

**Section 4. Recordation**

The County of Sacramento shall record this document in the Official Records of Sacramento County.

GRANTOR: \_\_\_\_\_

Dated: \_\_\_\_\_ By: \_\_\_\_\_

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California }  
County of Sacramento }

On \_\_\_\_\_, before me, \_\_\_\_\_, Notary Public,

Personally appeared \_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of State of California that the forgoing paragraph is true and correct.

WITNESS my hand and official seal.

SIGNATURE \_\_\_\_\_

PLACE NOTARY SEAL ABOVE

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of attached document**

Title or type of document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other than Named Above: \_\_\_\_\_ None

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**CERTIFICATE OF ACCEPTANCE**

This is to certify that the interest in real property conveyed by the within deed, the provisions of which are incorporated by this reference as though fully set forth in this Certification, to the County of Sacramento, a political subdivision of the State of California, is hereby accepted by the undersigned officer pursuant to authority conferred by Resolution No. 2011-0011 of the Board of Supervisors of said County adopted on January 11, 2011, and the Grantee consents to recordation thereof by its duly authorized officer.

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Director of General Services

Date

**CITY OF FOLSOM  
CERTIFICATE OF ACCEPTANCE**

This is to certify that the interest in the real property conveyed by the within Deed, the provisions of which are incorporated by this reference as though fully set forth in this Certification, to the City of Folsom, a political subdivision of the State of California, is hereby accepted by the undersigned officer pursuant to authority conferred by Resolution No. 2435 of the City Council of said City adopted on July 18, 1988, and the grantee consents to recordation thereof by its duly authorized officer.

Signature & Date: \_\_\_\_\_

Evert W. Palmer  
City of Folsom  
City Manager

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT**

\_\_\_\_\_  
\_\_\_\_\_  
State of California    }  
County of Sacramento }

On \_\_\_\_\_, before me, \_\_\_\_\_, Notary

Public, personally appeared Evert W. Palmer

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of State of California that the forgoing paragraph is true and correct.

WITNESS my hand and official seal.

SIGNATURE \_\_\_\_\_

PLACE NOTARY SEAL ABOVE

**EXHIBIT "A"**

**LEGAL DESCRIPTION**