

Supplemental Material

For

City of Sacramento

City Council

Housing Authority

Redevelopment Agency

Economic Development Commission

Sacramento City Financing Authority

Agenda Packet

Submitted: November 29, 2005

For the Meeting of: November 29, 2005

- Additional Material
- Revised Material

Subject: Natomas Joint Vision – amended resolution #2 (Resolution Providing Comments and Requesting Local Agency Formation Commission (LAFCo) Modifications to the Memorandum of Understanding between the City of Sacramento and Sacramento LAFCo for Preparation of an Environmental Impact Report (EIR) for a Sphere of Influence (SOI) Amendment, Land Use Plan and Annexation Proposal for the Natomas Joint Vision Area (MO5-002)


Approved By: _____
for Steve Pedersen

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RESOLUTION NO. 2005-xxxx

Adopted by the Sacramento City Council

November 29, 2005

**RESOLUTION PROVIDING COMMENTS AND REQUESTING LOCAL AGENCY
FORMATION COMMISSION (LAFCo) MODIFICATIONS TO THE MEMORANDUM OF
UNDERSTANDING BETWEEN THE CITY OF SACRAMENTO AND SACRAMENTO
LAFCo FOR PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR)
FOR A SPHERE OF INFLUENCE (SOI) AMENDMENT, LAND USE PLAN AND
ANNEXATION PROPOSAL FOR THE NATOMAS JOINT VISION AREA (M05-002)**

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BACKGROUND

- A. On December 10, 2002, the Sacramento City Council and the Sacramento County Board of Supervisors approved the Memorandum of Understanding (MOU) regarding principles of land use and revenue sharing for the Natomas area. This has come to be known as the "Joint Vision for Natomas".
- B. The City-County MOU identifies the City of Sacramento as the appropriate agency for development within the Natomas Joint Vision Area.
- C. On September 16, 2003 the City Council approved a Natomas Joint Vision work plan and a map of the conceptual boundaries for the proposed sphere of influence and one – mile buffer alternative to be considered as part of the EIR.
- D. On August 3, 2005, the LAFCo authorized the LAFCo Executive Officer to sign a Memorandum of Understanding with the City of Sacramento setting forth terms and conditions for a collaborative relationship in the preparation of an Environmental Impact Report amending the City of Sacramento's Sphere of Influence.
- E. On September 27, 2005 the Sacramento City Council accepted the Technical Background Report for the General Plan Update which includes the Natomas Joint Vision area as part of the City's policy area for addressing the City's anticipated population growth of 200,000 residents by 2030.
- F. The City has determined that a comprehensive planning approach that addresses the City's annexation and land use planning objectives in conjunction with the SOI amendment will result in a more efficient, cost effective process that provides for better-informed decisions, and desires to enter into an MOU with LAFCo to prepare a single EIR for the SOI amendment, land use plan, and annexation proposal.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

The City Council of the City of Sacramento hereby requests modifications to the Memorandum of Understanding with Sacramento LAFCo to allow for preparation of an Environmental Impact Report for a Sphere of Influence amendment, land use plan, annexation plan for the Natomas Joint Vision area consistent with the principles in the City-County MOU and General Plan Update.

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Exhibit A: Memorandum of Understanding with LAFCo

Exhibit A

Memorandum of Understanding between the
Sacramento Local Agency Formation Commission and the City of Sacramento
Relating to the Preparation of an Environmental Impact Report
for the City of Sacramento's Application for a Sphere of Influence Amendment in the
Natomas Joint Vision Area

Recitals

1 The City of Sacramento and the County of Sacramento entered into a Memorandum of Understanding Relating to the City-County Natomas Joint Vision (December 2002)(Joint Vision MOU) that addresses their mutual land use policies and economic interests in accommodating limited long-term development while securing permanent preservation of open space in the Natomas area

2. The City of Sacramento's annexation policy is to assist property owners and residents within the City's adopted Sphere of Influence obtain adequate municipal services. In analyzing population data, the City has determined that it is necessary to amend its probable physical boundaries and service area in the Natomas Joint Vision area to accommodate projected future population growth. Therefore, the City has determined to initiate a General Plan Amendment, a General Plan Land Use Map Amendment, an Open Space Program, and a Sphere of Influence Boundary Amendment, including a Municipal Service Review, consistent with the principles and understandings contained in the Joint Vision MOU (the City's Project). Taken together these actions comprise a "project" within the meaning of and subject to the California Environmental Quality Act (Pub. Res. Code §21000 *et seq.*) (CEQA).

3. The Sacramento Local Agency Formation Commission will be the Lead Agency under CEQA for that part of the City's Project comprised of the Sphere of Influence Boundary Amendment and Municipal Service Review and, therefore, will require that the EIR adequately address the environmental issues associated with the Sphere of Influence Boundary Amendment. Similarly, the City will require the EIR to adequately address the environmental issues associated with the remainder of the City's Project comprised of the General Plan Amendment, a General Plan Land Use Map Amendment, and Open Space Program

4 It is well established in the law that a Lead Agency may comply with CEQA by adopting EIR materials provided by an applicant or an applicant's consultant as long as the Lead Agency independently reviews, evaluates, and exercises its independent judgment over the documents and the issues they raise and address (Guidelines for California Environmental Quality Act (14 CCR §15000 *et seq.*) (CEQA Guidelines) §15084; *Friends of La Vina v. County of Los Angeles* (1991) 232 Cal App

3rd 1446; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal App 4th 656)

5. City desires to have a single EIR prepared for City's Project and to have LAFCo schedule the public hearing on the Sphere of Influence Boundary Amendment within sixty (60) days of receipt by LAFCO of the Final EIR

6. City and LAFCO enter into this MOU to establish their respective roles and responsibilities relating to the oversight and management of the preparation of the EIR for City's Project to ensure that the resulting EIR adequately addresses the environmental issues of the Project as a whole and provides both LAFCO and the City with the information each needs to review, consider, and take action on the Project in full compliance with the law.

Determinations

The Sacramento Local Agency Formation Commission and the City of Sacramento agree to the following:

7. City shall adopt a resolution initiating with LAFCO the Sphere of Influence Amendment and Municipal Service Review. Subject to LAFCo concurrence, City may select and contract directly with a consultant to prepare an EIR on City's Project.

8. City and LAFCO shall cooperate and work collaboratively to insure that the EIR fully satisfies LAFCO's requirements for conducting a legally adequate environmental review of the Sphere of Influence Boundary Amendment in accordance with CEQA, the CEQA Guidelines, the Cortese-Knox-Hertzberg Local Governmental Reorganization Act of 2000 (Gov. Code §56000 *et seq.*), and LAFCO's locally adopted guidelines. The parties agree to the following protocols for preparation of the EIR:

A. City, through its staff, shall be the primary contact point for the EIR consultant for purposes of generally directing the work of preparing the EIR and the Municipal Services Review; transmitting, receiving and disseminating reports, studies, drafts, and other documents related to the EIR and the Municipal Services Report; transmitting, receiving and responding to questions, comments, requests for clarification or additional information; scheduling meetings; preparing and conducting all public notices and mailings, and the like, including necessary related administrative oversight.

B. LAFCO, through its Commission, staff, and independent consultants, shall have final oversight, review, and approval authority over the content of the administrative draft EIR (ADEIR), the draft EIR (DEIR), and the final EIR (FEIR) and the Municipal Service Review as they each relate to the Sphere of Influence Amendment. City, through its staff, shall coordinate and work cooperatively and collaboratively with LAFCO to ensure that LAFCO has sufficient and meaningful opportunity to review, evaluate, and exercise its independent judgment over the content of the EIR as it relates to Sphere of Influence Amendment and Municipal Service

Review To this end, LAFCO shall have the right to approve all studies, reports, drafts, and other documents prepared for or in connection with the EIR before public release, to edit or request changes to the ADEIR, DEIR, and FEIR and the Municipal Services Review, and request additional work as LAFCO, in the exercise of reasonable judgment and discretion, determines to be necessary to ensure the adequacy and objectivity of the EIR as needed for LAFCO's action on the Sphere of Influence Boundary Amendment and Municipal Service Review At a minimum, City shall reasonably in advance (minimum of 72 hours) notify and give LAFCO the opportunity to attend all meetings with the EIR consultant and shall copy LAFCO of all correspondence between the City and its consultant, except those related solely to contract and billing issues

C. City and LAFCO shall each identify and notify the other of their respective staff contacts responsible for implementing this MOU.

D. City and LAFCO staffs shall hold regular status meetings to discuss the progress of the work in conformance with the agreed schedule.

E. LAFCO shall schedule and hold at least one public hearing during the DEIR comment period to address comments on and revisions to the DEIR

9. City shall be fully and solely responsible for the costs of City's consultant for preparation of the EIR on City's Project and the Municipal Service Review. City shall reimburse LAFCO for the costs incurred by LAFCO for retaining its independent environmental consultant as well as its normal processing fees

10. City and LAFCO agree to use all reasonable effort and due diligence to process the Project through to the final hearings in a timely fashion to meet City's objective of having LAFCO initiate the hearing on the Sphere of Influence Boundary Amendment within sixty (60) days of receipt by LAFCO of the FEIR. City and LAFCO agree to work cooperatively to develop a Project schedule listing key steps and dates to aid in achieving City's objectives, which schedule shall be attached to and become a part of this MOU.

11. City and LAFCO agree to the following sequence of actions to be taken to complete processing of City's Project:

A. Adoption of Resolution initiating SOIA proceedings, timely submittal of a LAFCO application, and completion of FEIR and submittal to LAFCO

B. LAFCO hearing and action on certification of the FEIR and acceptance of the Municipal Services Report

C. City hearing and action on the General Plan Amendment, the General Plan Land Use Map Amendment, and the Open Space Program

D. LAFCO hearing and action on the Sphere of Influence Boundary
Amendment

Provided, that nothing stated in this MOU is intended, nor shall it be construed, to commit, control, or influence in any manner whatsoever the authority, judgment, or discretion of the LAFCO Commission or the City Council of City in their future hearings on all or any aspect of City's Project and the ultimate decision of each to approve, approve with conditions, or disapprove the Project, in whole or in part, or to require or impose mitigation measures as a result of the environmental review of the City's Project

This Memorandum of Understanding is entered into as of _____.

By _____
Peter Brundage, Executive Officer
Sacramento Local Agency
Formation Commission

By _____
Robert Thomas, City Manager
City of Sacramento