

Public Items Submitted for Meeting #2 on March 11, 2010

Item	Description	Material Dated	Page(s)	Comment
1	Letter from Landowners in the Eastern Area of Elk Grove's SOI Application	March 8, 2010	4	Elk Grove Planning Department received on March 8, 2010
2	PowerPoint presentation handout from the Landowners in the Eastern Area of Elk Grove's SOI Application	No Date	2	Elk Grove Planning Department received on March 8, 2010
3	Tom Mahon's Presentation Notes	March 11, 2010	1	Presented during Outreach Meeting by author
4	Louise William's Presentation Notes	No Date	1	Presented during Outreach Meeting by author
5	Wilton Action Group's Comments on the MOU	March 2010	2	Provided at sign-in/agenda table
6	Wayne Gallup's Commentary Handout	No Date	2	Provided at sign-in/agenda table

LANDOWNERS IN THE EASTERN AREA OF ELK GROVE'S SOI APPLICATION



March 8, 2010

City of Elk Grove
8380 Laguna Palms Way, Suite 200
Elk Grove, CA 95758
Attn: Laura S. Gill, City Manager

County of Sacramento
700 H St., Room 7650
Sacramento, CA 95814
Attn: Steven C. Szalay, County Executive

Subject: City of Elk Grove Sphere of Influence (SOI) Submittal to LAFCO
and Draft MOU / Joint Policy Vision for the Cosumnes River Basin
Eastern Area of SOI Submittal

Dear Ms. Gill and Mr. Szalay;

We, the undersigned, own land within Eastern Segment of the City of Elk Grove's current SOI Application to LAFCO. Many of our families have owned and farmed this area for over 100 years and are long-term stewards of the land, including the river, floodplain and upland. We have a vested interest in protecting it. We support the City's application for inclusion of this area within the City's Sphere of Influence, including the land from Grant Line Road to the Cosumnes River. We also support the draft MOU / Joint Policy Vision for the Cosumnes River Basin document, providing the SOI for Elk Grove extends to the Cosumnes River. The basis for our support was described in our previous letter of June 18, 2009.

We have recognized the possibility of urban development for the upland outside of the 100 year floodplain since 1993, when the County of Sacramento defined the Urban Services Boundary (USB) across this area in their General Plan. The County's existing USB is essentially unchanged in the City's SOI application for this area.

Landowners in the Eastern Area of Elk Grove's SOI Application

No Development in Floodplain

Although a number of comments were generated in last year's "Listening Sessions" and in other submittals, the substantive, unique points boiled down to only a few for the Eastern Area of the SOI application. The most significant of these was that the floodplain area not be developed. Although this was stated in the original SOI application, the draft MOU stated this in many places and in no uncertain terms. In fact, the undated letter from Bill Kutzer and the Wilton Action Group (WAG) to Susan Peters ("Re: October 2009 Draft Memorandum of Understanding Between the County of Sacramento and the City of Elk Grove (City) Regarding Elk Grove's Proposed Expansion of its Sphere of Influence") agrees that the principle issues that they had raised were addressed by the MOU / Joint Policy Vision document, even though wish to keep the floodplain in the county.

Mandated Mitigation

The following statements are included in the MOU / Joint Policy Vision document, under Exhibit B Joint Policy Vision / IV Planning Principles:

2. Land Use

Farmland and open space lands within the 100-year flood plan shall be permanently protected. This protection shall be accomplished through buffers and conservation easements. This policy is not intended as a plan for public acquisition of private lands. However, preservation may be viewed as being accomplished by project proponents through the requirement of mitigation land.

5. Farmland

Mitigation for the loss of farmland within the Urbanization Area by permanent preservation (through conservation easements) of existing farmland outside the Urbanization area shall be required for all projects.

6. Flood Plain Protection

'Whenever development is proposed on properties that contain land both within and outside the floodplain, those portions of land within the floodplain shall be placed into a floodplain conservation easement in perpetuity as a condition of project approval.'

The document states that the "...policy is not intended as a plan for public acquisition of private lands." Even though it is tied to approval of a development project for the adjacent land that is within the USB, mandating easements is *de facto* acquisition. As property owners in the affected area, we advocated for this provision under the assumption that the City would be the single entity responsible for project approval. We would not accept this condition if the floodplain portion of the same parcel was in the county, as clarified below.

- We have long envisioned that the development of the area within the USB be accompanied by a comprehensive plan to procure, protect, preserve, enhance and maintain the floodplain area. The county is not able to fund this effort.
- If the floodplain area is used as mitigation to offset development within the USB, the developer will provide all of the costs associated with procuring, protecting, preserving, enhancing and maintaining the floodplain area. The county cannot provide this leverage if the developable land is not within their jurisdiction.
- Planning of the floodplain conservation area can be done comprehensively for large tracts if done in conjunction with a development project.

Landowners in the Eastern Area of Elk Grove's SOI Application

- Land moved into conservation easements must include initial funding for habitat restoration and creation and ongoing funding for maintenance. This is best done by the agency controlling development as a comprehensive whole, not piecemeal between the city and county.
- Note that land moved into mitigation is controlled by the Implementing Entity (i.e., the conservation easement and/or land holder), not by the agency with jurisdiction (i.e., city or county).
- The county does not currently provide adequate police and other services to the area. This will become worse if only the floodplain area is in county jurisdiction because it will be even more isolated.
- Approval of a development project for the area within the USB must satisfy many requirements from various agencies. However, the complexity is too great to spread between the separate city and county planning departments. Not only is it inefficient, it is unfair because it is an unusual hardship burden.

"Runaway Real Estate Speculation"

Although most of the May 22, 2009 ECOS letter addresses other land areas of the SOI application, one interesting fallacy should be noted. The second bullet point under "Basis for Concern" suggests that approval of the SOI would "...trigger runaway real estate speculation...which would escalate the cost of acquiring conservation easements to mitigate for development within the USB." With the entire Eastern area to the Cosumnes River within Elk Grove's SOI and with the wording of the MOU as stated above, it is not necessary to artificially suppress land values in order to obtain mitigation land. Of the total Eastern area of the SOI application, well over 50% (more than 1500 acres) would be set aside assuming that all of developable land was developed. This is at no cost to the city or county because it is provided by the development. Note also that it is very unlikely that protection of such acreage would be possible within the framework of the South Sacramento Habitat Conservation Plan (SSHCP), where the funding is unknown, and acquisition is based on the optimistic 'willing seller-willing buyer' premise.

Summary

As noted above, we also recognize and fully support the prohibition of urban development outside of the USB and within the 100-yr. floodplain of the Cosumnes River including Deer Creek. This is clearly reflected in the SOI application and even more clearly stated in the draft MOU/Joint Policy Vision for the Cosumnes River Basin document. With these documents, LAFCo should approve Elk Grove's SOI application for this area.

Your careful consideration of the above points is appreciated.

Respectfully submitted;

Landowners in the Eastern Area of Elk Grove's SOI Application

ADDRESS /RANCH / APN #	NAME	SIGNATURE
Kleinsorge Ranch 134-0130-010 134-0130-012 134-0120-002	Louise K. Williams Douglas E. Williams Alanson Kleinsorge	<i>Louise K. Williams</i> <i>Douglas E. Williams</i> <i>Alanson K. Kleinsorge</i>
Daehling Ranch 134-0190-001	134-0190-001 JOE Daehling June Daehling	<i>Joe Daehling</i> <i>June Daehling</i>
Windmill Ranch 134-0120-014 134-0120-019	Dale W. Mahon	<i>Dale W. Mahon</i>
<i>Mosher Ranch</i> <i>134-0190-002</i> <i>302 ac.</i>	<i>William A. Mosher</i> <i>Quida K. GARM</i> <i>HERB A. GARMS</i>	<i>William A. Mosher</i> <i>Quida K. Garm</i> <i>Herb A. Garms</i>

Cc: Elk Grove City Council Members
 Sacramento County Board of Supervisors Members
 Sacramento County LAFCO members
 Don Hazen, Planning Director, Elk Grove
 Robert Sherry, Planning Director, Sacramento County
 Peter Brundage, Executive Director, Sacramento Area Council of Governments

