

**City of Elk Grove**  
**Memorandum of Understanding**  
**Public Meeting**  
**Thursday, March 11, 2010, 6:30 p.m. – 8:00 p.m.**

**Welcome and Introductions**

Don Hazen, City of Elk Grove Planning Director  
Robert Sherry, Sacramento County Planning Director  
Taro Echiburu, City of Elk Grove Environmental Planning Manager  
Gerald Park, City of Elk Grove Senior Planner  
Pam Johns, Facilitator

**Meeting Summary**

Comments from this meeting were more focused on changes to the MOU document. Many people felt that the terminology in the document needed to be better defined. They also encouraged the City to revisit the transitional land use concept. There were some questions about the enforceability of the MOU. People were concerned that if the MOU is adopted today, it can easily be overturned with new electeds on City Council and the Board of Supervisors.

There were attendees who spoke up in support of the SOI and the MOU. Some felt that it would help land use designations and others were concerned over splitting jurisdictions on their property.

**Meeting Minutes**

*Purpose of Meeting – Don Hazen*

Background on SOI and draft MOU

- A MOU is a signed agreement between the City (EG) and County outlining common principles and policies mutually agreed upon to guide future development in the SOI.
- We want to present a document that we believe clearly outlines those policies.
- SOI application is currently being reviewed by LAFCo. The intent is that if the MOU is approved, it will be submitted to LAFCo. Then LAFCo would incorporate as a binding agreement in SOI.
- In January 2008, EG City Council selected preferred SOI boundary. In February 2008, the County formally commented on the SOI boundary.
- In February 2008, the City Council modified boundary based on input from County and agreed to collaborate with County.
- In May 2008, EG submitted SOI application to LAFCo.
- In April/May 2009, City/County held listening sessions to get input on what elements to be included in draft MOU.
- In July 2009, briefings from staff on MOU document.
- No formal decision has been made. Council directed staff to take document to public review, so this is the 2<sup>nd</sup> of the outreach sessions.
- City Council meeting on April 14<sup>th</sup> – discussion about the potential removal of SOI out of 100-year floodplain and also the draft MOU.
- We're taking the collective body of input plus the draft MOU to the City Council to say 'this is what the public thought about the draft MOU. Based on that direction, City and County staff will proceed.
- April 14<sup>th</sup> is also an important City Council meeting for public to attend.

*How will MOU be used? – Robert Sherry*

Part 1: How will we use as City proceeds with LAFCo?

- Board will use to articulate what our position is on the SOI.
- Assuming success, MOU will get incorporated into LAFCo application.

➤ Public Comment/Question

❖ Staff's Response

- Important to keep in mind that City and County will be neighbors for a long time. Regardless, we're trying to capture important common interests and set the stage for our dialogue for years to come.

Part 2: After LAFCo occurs:

- Dialogue between City and County staff. We thought it was important to capture that dialogue.
- This isn't the first time we've done this.
- The MOU is intended to be a speaking piece we can use as we're presenting to Council and Board about rules of engagement and land use concepts.
- The goal of this meeting is to hear public comments on draft MOU.

## Public Comment/Questions

Are there questions or comments about how we got here?

- I appreciate that SOI is causing discussion between the City and County, but keep in mind the MOU is something LAFCo gives weight to when they consider SOI. It's my opinion that I don't want the County to enter into the MOU. This is simply a vehicle to move the SOI forward.
- In the City's newsletter (Feb/March), the dates for the MOU meetings are not correct. SOI meetings were stated as 2<sup>nd</sup>, 16<sup>th</sup> and 25<sup>th</sup>. Correct on website, but not on newsletter.
- Morgan: Pg. 2 of MOU what do you mean by clustering?
  - ❖ Clustering means if you have property with sensitive environmental restraints, like floodplain (if constraint to development) shift density from one piece to another to make more suitable for development.
  - ❖ If you have a piece of property with environmental constraints, there may be portions of the property that shouldn't be developed. We would rather have development be shifted to where development works. More compatible areas for development.
  - ❖ We will clarify these terms in the next draft of the MOU.
- Sierra Club/Habitat 2020: You'd do a full buildout outside of SOI, so this clustering is not the plan of the regional preserve. This plan may have value on local level. You'll take a huge chunk of land away.
  - ❖ It's a great comment and good to understand within context of MOU.
  - ❖ Clustering is not a blanket concept.
  - ❖ It's been suggested for floodplain and other areas.
- How legally binding is MOU? Will we know that this is how region will be developed?
  - ❖ The MOU is intended to be an agreement between City and County. This isn't an iron clad agreement.
- If there are different council members/board members in 5 to 10 years, can they reject today's MOU? None of it is legal?
  - ❖ It is not a legally binding contract. It is a public agreement. Once an action is taken by LAFCo to put a condition, then it has a different condition altogether. Its binding once incorporated by LAFCo.
- I believe LAFCo does not have authority to oppose land use on land within the SOI - it can oppose mitigation conditions but can't tell City it has to hold to certain designations.
  - ❖ Because that came up at last meeting as well, we'll consult with LAFCo to address that specific question.
- There is something in LAFCo law that says no 3<sup>rd</sup> party has the right to sue.

Document input to inform subsequent staff work

- This tells you what is drafted at this point. We'll be hearing your comments and making changes before it goes forward.

- What's in exhibit B (includes a statement of intent, etc.)
- What's drafted currently, we want specific suggestions about how to improve this document.

#### Topic 1 – Land Use

- Ensure no urban development in Cosumnes River floodplain
  - Low intensity
  - Protect farmland
  - Create viable rural and urban interface (this is where zoning and clustering comes up)
- Sean Wirth: In # 4 you mentioned in land use section that preservation...increase preservation...this is an ironic statement. If you preserve more lands, you increase the value. It makes no sense. You're reducing open space which increases values. Mitigate for ½ mile s of Eschinger. I'm interested in having rural interface completely changed. Do what Davis does just chop it. Don't do Ag-Res. Increase quality of life and land value. Ag-Res doesn't do a lot to preserve.
  - You don't define 100-year floodplain. So floodplain should be defined as of certain date so people have map they can rely on.
  - Transition area (1/2 mile width) makes sense for AG land. Interface with AG and a residential use, the recommendation is 200 ft. I found this in 5 or 6 communities. Need to relook at transition maybe with buffer area. Maybe it's all residential to take care of densities.
  - How does the City assure that the great majority of approximately 8,000 acres of undeveloped land is 80% developed before build out? I vision that people south of SOI (developers) will try to develop while there's still thousands of acres of undeveloped land within the City. How do we assure land is developed to its potential before we develop south?
  - By starting with Land Use, you missed a very important phrase: it is the last undammed river south of the Sierras...(clapping)
  - I'm a property owner (Eschinger Road) and I like the SOI, but I don't like transitional land use. If you want to do anything, you have to get application from County and City which will create problems for landowners. I'm for the SOI – but everyone seems to be against the transitional land use – maybe that should be tossed.
  - Doug Williams: landowner with other farms on Grant Line (Eastern part). Permanently protect farmland. There are major misconceptions – many families have been there over 100 yrs. We tend to think that because it's associated with SOI that it will be developed. It has come up in MOU (3 times) Land use, Farm Land, Floodplain Protection. Farm land within the 100-year floodplain should be permanently protected. In a way, understand that landowners are essentially giving land away. We are the ones who suggested this wording. We did that because the only way you'll protect the vast majority of land on the floodplain is to ensure it happens with the development. If you allow SOI to go through, land will skyrocket, then you can't buy conservation land. But it doesn't matter what the land cost it's still protected. And as landowners we support this, we wouldn't support if property were split. It makes no sense.
  - Clarification on page 2 under land use – urbanized land uses would occur north of Eschinger Road yet transition – what happens to land north of Eschinger?
    - ❖ Transition would be more of a rural density. Not to say that it is a no build zone, would be rural density.

- On transition area, up until now there hasn't been an option. I appreciate that there is an option for the property south of Eschinger. I think it makes sense to have some transition from urban area.
- The other thing we've said is no urban development within the floodplain. Where did that come from? Landowners, developers have never said we should develop in the floodplain.
- So many of us who live along Grant Line Road have land in the upland. (Attendee reads letter she wrote). Farmland along Grant Line has been passed through 3 generations – we've paid taxes, farmed it although we've been aware that top would be developed. We would never build below though. We approve of SOI as currently proposed because we believe logical jurisdiction. We don't want parcels split between City and County. We want to be under one jurisdiction. We were involved in proposing the MOU which clearly states there will be no development in floodplain area. Still we are met with opposition – landowners are committed to keeping no development. There is more under the surface to the opposition.
- Suzanne Pechi: Resident of EG Ag-Res 5-acre parcel. My neighborhood was evacuated by County in 1997, I'm concerned about the floodplain and the protection it affords. The idea that floodplain could be filled comes from the City's General Plan. Alternate between floodplain – clearly state exactly what that is – you vacillate between language (Cosumnes River Basin, etc.). What will the floodplain line be when new map comes out? I've tried to call County and City. The effective date is 2/18/2011. So if City continues with SOI and this boundary will be there, when will the line be changed in application? How will it affect application of developable acres and when can we have that.
  - ❖ What takes precedence? We will have to define that in the MOU better than what we've done.
- On floodplain issue it seems like MOU should address 200-year rather than 100-year. Since state law will kick in that will prohibit development in 200 year. It should reference this. We ought to know what that is.
- Bill Moser representing the family on Grant Line Road in potential SOI area. We've been working with our neighbors (Dale and Pat Mahon). All these ranches had gone back to Spanish land grants. Vast majority goes and dead ends in the river. I keep hearing protect the floodplain and I worked for several years with Supervisor Natoli. We had the largest break. Wilton flooded because of a choke point of the Wilton bridge being so narrow. Open up choke point and clear out the river. The floodplain we're talking about services those areas, Deer Creek, Carson Creek. When it flooded in '97 we had three days of massive snow melt. This floodplain is different.
- Option 2: Clustering with transitional area at Eschinger. I'm in favor of transition zone. It would be great to go from dense urban to rural because it makes sense to keep density to Eschinger then south of Eschinger start the transition.
- Joe Daeling: I'm 2 miles from shopping center which will be finished someday. We have a subdivision across street. Grant Line will be widened to 6 lanes. My house is in the County, mailbox in the City. We want our property in the MOU. Remember Chevron? We agree there should be no development in floodplain.
- I was in that flood in Wilton. If it wasn't for your floodplain we would have gotten a lot more. Provide for low intensity...if we have a floodplain there and trail, what is low intensity?

- ❖ The MOU does not assume that there is a regional trail network, but it doesn't want to preclude the future opportunities if/when there would be a plan developed. Low means its passive, no high intensity activity.
- It helps but the fact is, somewhere down the road if developers change the floodplain so the water goes south. Get floodplain out of MOU and leave the way it is now with County and federal government.
- Options 1 - 4: Is preservation consistent with Sacramento Conservation Plan? How does transition zone / clustering work with conservation? Will agencies sign off?
  - ❖ You're bringing up an issue that we have become aware of. The idea behind cluster is so we don't have to rezone south of Eschinger. We basically put homes in strategic locations. The homes impact habitat and that's an issue and we recognize it. For this to happen it would have to be consistent with habitat issues.
- As a rural landowner, two acres is not rural living. It does nobody any good and it shouldn't exist.
- As part of another family, my questions are what will be proposed for transition zone and why does it end suddenly?
  - ❖ We felt it was important to transition density to match south of Eschinger. So City wouldn't put pressure on landowners. So we needed to match up with to the south.
  - ❖ On the opposite side you have floodplain which is why it doesn't extend.
- I'm part of 5<sup>th</sup> generation farmer in Cosumnes River area. We're proud of our industry. My concern is when you create buffers/transition, you lose that viability of AG in 1 unit land mass. The County has AG department and City does not. It's a concern that we continue to raise food and it has to come from thoughtful land use planning especially when you have trail proposed. Land use element needs to be revised – AG has to be in a land mass.
- The transition area – any consideration to land value south of Eschinger? What if you don't want to farm?
  - ❖ City does not want its SOI line to influence any change of zoning. From City perspective, we don't want to have a negative impact.
- Will you designate that area for farmland only?
  - ❖ It is currently designated farmland so with the transition, it will remain farmland.
- Will it be in the buffer? I'm worried about the value of my property.
  - ❖ There is nothing that will have a direct impact
- The flyer said it was supposed to be about landowners. Tom Mahon of Mahon. Our family has raised a variety of agricultural products. We need to clearly state our position. We intend to continue farming for the next 100 years. Our main focus is on sustaining AG. County has done a good job on their AG policies. We understand logic behind EG expansion. We are planning to make sure future development on upland portion of our property is consistent with AG.

#### Jurisdictional coordination

- City/County concur in transitional zone.
- City and Board will be decision making bodies

#### Open Space/Habitat

- Protect 100-year floodplain
- Require consistency with South Sacramento Conservation Plan
- Recognize balance – visitors enjoy but not threaten

#### Farmland

- Ensure compatibility of lands consistent with AG
- Implementation of right to farm policy
- Require mitigation

#### Floodplain Protection

- Record development within 100 year floodplain is inappropriate
- It discourages fill. Once you raise the land above the floodplain, it's not floodplain anymore. It should be clear that fill land is not an alternative.
- Clarify how MOU addresses farmland. You want to mitigate for farmland - what about outside USB?
- Inappropriate and unacceptable are not stern enough. More language that's specific and stern.
- Bill Kutzer from Wilton: What's become apparent is that every time you come up with something for the City that deals with AG and open space, it has a hard time communicating. And that's because a city is designed for urban services. They're not designed to deal with open land and AG space. Our feeling is that those things that deal with open land (floodplain), it should be left with the County because the County is used to dealing with that. We're always talking about the floodplain. You cannot guarantee that that area will not be changed without building in concrete unmovable assurances.
- Under #4 open space – the intent of policy to serve checks and balances – I would like to see citizens groups. One question not answered is what was the City's motivation to put forth SOI to begin with.
- In Sac Bee – depressed Detroit downsizes. We might be looking at the same scenario.
- I've been in Wilton for 30 years – this is about the future of Wilton. We don't want EG there.
- The issue is the governance of land use policy within buffer zone. If that's annexed, I don't trust EG. I want some influence over my elected officials so I have some degree of influence.
- Colleen Adams: I live in transition zone. If they develop to Eschinger, those houses will be too close. To the south, I have dairy. From them I get flies and dairy smells which is fine with me. But the houses don't like it. So I'm in favor of transition land to make a buffer between rural and urban land. To dissipate the smells in both directions.
- In reading this, it sounds like a wish list for development. Where is the funding coming from? I found in EG General Plan that the City envisioned financing through fees and assessments on citizens. Where will all the funding come from? Will it be clear that it won't all be on the backs of citizens?
- Useful to explain difference between 100- and 200-year floodplain. There's a misconception.

- ❖ We can update the maps to show 200-year limits. Because of relatively shallow flood area a 200 yr might only change a few feet.
- Downstream of floodplain - this is a regional facility – it is important that we have a body that is consistently governing this regional floodplain.
- We lost something in our notes when she talked about her 2 acre parcel. Transition should be larger acreage (specified by 5 acre parcel).
- Clarify in the recitals what is the motivating force behind this. Landowner jurisdictional choice. Also the fact that by including floodplain in City SOI, it will develop more densely. As a taxpayer in EG, I don't want more density produced. It should also recognize the Wilton petition that shows discontent with the process. In the actions at the end of this should state how the City will fund through; new development fees? Taxes?
- Revisit transition zone. We're saying that City/County has to approve, but we don't know what that is. We need to look at transition as far as approval and really look at realistic buffer.
- After all this outreach, can they (City Council) summarily reject all input?
  - ❖ Arguably yes, but a lot of the input has already been discussed as an easy fix. There's a lot of things that are more political and needs direction/input.

#### Next Steps

- Comments received will be compiled and brought to the City Council on April 14
- You can attend and we'll have follow up notes.
- They will also talk about floodplain boundary
- Next meeting March 16
- Last meeting March 31

#### Meeting Notes from Boards

- County should not support MOU as vehicle to have SOI move into the Cosumnes River Basin
- Newsletter dates are wrong
- Clustering? Page 2
- Open space should be handled by County
- City is not set up to handle open space/farmland
- Assurances for no development in floodplain needs to be concrete and unmovable
- Citizen's group in concurrence process
- General Plan allows fill in floodplain
- MOU uses too many references, i.e. Cosumnes River Corridor, Basin, Floodplain
- Floodplain line change
  - o How affect language?
  - o Timing
- MOU need to address 200-year floodplain
- Wilton Road bridge acts as a "choke" for flow
- Transition should start south of Eschinger
- Discourage "fill" language needs to be added to MOU, i.e. like GP
- Loss of farmland outside of transition zone – needs mitigation
- MOU land use section II
  - o Rural interface/AG res. Language needs rework "no transition"
- No "transition zone"
  - o Approval by City and County makes it difficult
- Future development subject to preservation condition
- What does transition zone north of Eschinger entail?

- Wilton does not want Elk Grove
- No trust for Elk Grove
- Land use decisions need to be influenced by residents
- Transition zone should be at least 5 acres
- Recitals: driving forces to MOU
  - o Property owner development desires
  - o Petition by Wilton
- How it will be funded
- Reconsider transition zone (definitions, buffers)
- In favor of transition zone – separation of AG/urban
- Financing Plan for MOU area (i.e. preservation, trails, etc.)
- Need for governing body for floodplain area for consistency
- Better define floodplain, i.e. as of “date” (Map)
- Transition zone: look again, i.e. 200 foot buffer
- How to ensure that development inside City happens first?
- Throw plan in trash
- Explain concept of regional trail
- 2 acre lots should not exist (5 acre minimum size)
- Transition zone impacts viable farmland units
- Land values south of Eschinger
- Inappropriate – unacceptable not stern enough language
- Clustering does not work from a regional habitat plan perspective
- Will MOU be legally binding?
- How can MOU be stronger?
- Concern that floodplain will be altered. Leave out of SOI
- ACOE will not allow development in floodplain
- Clustering removes mitigation land inventory south of Eschinger