

City of Elk Grove
Memorandum of Understanding
Public Meeting
Wednesday, March 31, 2010, 6:30 p.m. – 8:00 p.m.

Welcome and Introductions

Taro Echiburu, Environmental Planning Manager
Robert Sherry, Sacramento County Planning Director
Gerald Park, City of Elk Grove Senior Planner
Pam Johns, Facilitator
Don Nottoli, Sacramento County Supervisor District 5
Sophia Scherman, Elk Grove Mayor
Gary Davis, Elk Grove City Councilmember District 4

Meeting Summary

Much of what was heard at the previous meetings was reiterated at this meeting. Participants remain concerned about development in the floodplain and would like to see strict language stating that there will be no development in the floodplain. Clearly defining the terms, concepts and City/County intentions within the MOU was also reiterated at this meeting. Such an example included that the transition zone (with regard to land use) needs to be clearly defined, otherwise it is a 'blank slate' for development; and as transcribed within the notes, one attendee provided direction on how to better define this language. Staff informed attendees that these and other public input with regard to the MOU will be discussed at the upcoming City Council meeting on April 14th.

Some attendees were in favor of a transition zone, pointing out the major differences between urban and rural ways of life. There was some concern as well about clearly defining the floodplain boundaries, as the maps that are provided by FEMA are risk maps, and not always accurate.

Attendees also brought up the legality of the MOU document and expressed concern about the enforceability of it. Staff explained that the MOU will be additionally submitted as part of the SOI application to LAFCo and therefore, would potentially become a condition of SOI approval, making the MOU a stronger document.

Meeting Minutes

Slide Presentation

Purpose of Meeting

- Joint City/County meeting relative to City SOI request.
- Soliciting comments directly on draft MOU.
- Comments will be addressed as they come up.
- Today we'll go over to-date what the staff may recommend to Council.
- This is a general meeting.
- We'll go through the background of the MOU and SOI.

What is the MOU?

- Signed agreement that establishes common principles; through SOI process we've had several topics that came out of those meetings.
- We've been working with the County to capture comments and topics.
- In January of 2008, Council selected preferred SOI boundary and directed staff to prepare application with LAFCo.

- Sacramento County then commented on the boundary; City Council then modified the SOI boundary (reduced the size) in part to address those comments.
- In May, Elk Grove (Elk Grove) submitted application to LAFCo.
- There were some points that the City/County were not in full agreement on, so since April, they've been working together to find common ground. Held listening sessions, etc.
- As a result, in July of 2009, Council and Board of Supervisors received a draft MOU written by City/County staff. Once County and Council received document, staff was instructed to take it to the public for input on the document.
- In March of 2010, we questioned lands south of Grant Line being included in document. Council requested to have this topic discussed at the April 14th Council meeting.

How will MOU be used?

- I want to emphasize that while the Council and County have seen the MOU, they haven't had the opportunity to have meaningful dialogue yet. They first wanted to have comments from the public. The intent is after comments are incorporated, the MOU will be signed.

Overview of Draft MOU

- It is the 11 page document that staff has drafted. The bulk of the agreement is the last 6 pages (Exhibit B), Statement of Intent (Planning Principles).
- There's been a lot of disagreement about the transition zone, so we've included a map.
- We're asking for your input on what you like, don't like, what's missing, etc. It's more helpful to know what specifically you don't like, what you want changed, etc. Those details are really helpful.
- The goal is no urban development in Cosumnes River, low intensity access to regional trail system, protect farmland and open space in 100 year floodplain, create viable rural/urban interface.
- Jurisdictional coordination...this is the required language, we heard feedback that this is a bit muddy, unclear.
- We've heard that 100-year floodplain needs consistency with HCP.
- The recognition of balance between protection of habitat and trails; farmland ensure compatibility, implement right to farm policy; require for mitigation through specific conservation easements.
- Floodplain protection – document says no development – we've heard that the language is 'fluffy' and needs to be more detailed.

Easy fixes

- The way we're shaping the approach and next steps is there's an item on Elk Grove City Council agenda on April 14th. Floodplain will be discussed. We also want to provide a summary of these meetings. We've categorized into three categories:
 - o New definitions – what is clustering, what does that mean? Language that needs to be clarified. Be more specific; cross references in document
 - o Restrictions in floodplain
 - o New topics that are not in document that we agree are good topics where City/County have common interests, for example, water resources
- At the April 14th meeting, you won't see the new language. We will present comments, minutes, written comments. All will be presented to Council.
- Other questions are policy related questions where we ask for direction from Council, i.e. boundaries (floodplain); alternatives to the transition zone; thresholds, i.e. should there be a trigger for City to actually expand? (Reminder: the SOI is not an expansion of the City - that happens only with annexation); so in that context, should the City have a threshold? Final question - whether all or some should be left to the voters.

Public Comment/Question

- We've heard that MOU is voluntary document. Can either party opt out on any part of the MOU or is it a complete agreement one way or another?

- ❖ I realize that I've been referring to it as an agreement. It's an MOU meaning the City/County has an understanding. One body can opt out of it, yes. But the point is that it is a public statement where City/County has a common agreement. It becomes compelling on part of jurisdictions to make it work. It has a great deal of strength in working out opposition.
 - ❖ Precisely for that reason, staff brought forth the idea that an MOU would be a condition of LAFCo. Because we had heard there was a lot of mistrust, so our idea was to make it a statement, but also as a condition of approval to make for a stronger statement.
- Is there any way to make the agreement legally binding? I would feel better if that were the case. New topics, I'd like to see sustainability addressed and how we address Greenhouse gases (GHG)? Can City categorically state that the SOI will not be used for rooftops and strip mall development? What prevents County/City from making it legally binding?
 - ❖ This is the tool which has traditionally been used for the LAFCo process for same reasons; if there's another tool available that folks could recommend, great. I don't know of another tool that would be legally binding.
 - Will this be sent to Council?
 - ❖ Yes, all comments in a report will be sent to Council.
 - Uncertain of definition of transitional land uses. When you go to #3 (jurisdictional coordination) it talks about no land use changes without approval of jurisdiction approval, so what land uses? It seems like we're leaving a blank slate.
 - ❖ We've heard that comment; the concept of transitional land use/zones needs to be tightened up. The intent – if SOI is approved, and later proposed for annexation, the assumption is existing land use would be changed. As a mechanism of checks and balances in the transitional use area (intent to have logical and good transition between rural and urban uses), if the City proposes a land use change in the transition zone, the City will refer to County to ensure that the change doesn't cause conflict. We've heard from some groups that there should be no transitional land use. I understand where the comment is coming from and we've captured it [in the notes]
 - I think what gets a lot of us is that we're using these tools. And when Elk Grove became a city, they were trying to get away from what was happening in the County. When you say there's not another tool being used. If you're looking for another tool, you're looking for more of the same. We're looking for something from scratch. What the people are saying they want to have done. We're not seeing the differences.
 - To tag onto that comment, the reason it's happening is that people in planning/development have been trained in the same way. I have heard some unique things happen in other states. It would be fun if we could come up with interesting ideas (staff). My question on page 10...on input to staff...bullet point three...80% of 8,000 acres. I got the impression he was suggesting this idea before you even begin the SOI process. This has been played around with a little bit. I didn't get the impression he was talking about annexation. Conditions of approval have been broken in the past. They were not followed, they did not protect rural residents, so they can be broken here. There were no ramifications.
 - I've been coming to all meetings, we've seen very few of Council people. Why haven't they shown up until now? I beg to differ with Council not being here, they miss the flavor, the passion of citizens that are coming to these meetings. We've seen staff tell Council that the residents are not for it and those [staffers] are gone. My question was – whether or not Elk Grove has the technical know-how to really get involved in that floodplain. With

regard to HCP, staff said we have to defer to the environmentalists with that question. My question is if you get into SOI with HCP, why aren't you experts on this? What credentials will you require from employees on floodplain management? I question the quality of staff we have, the money in this City to hire engineers, etc. This is a serious matter. I wonder if Council really understands that. I want to see true leadership, really address the issues coming forward since February 2007. We've been coming, saying the same thing. We have 5 Council members talking to themselves up there.

- Back on transition zone, my comment is, make sure we don't put specific zoning requirements. You need to let planners be able to plan in those areas.
- Bill Mosher: I know a lot of Wilton neighbors are here and Grant Line neighbors. Our Mosher Ranch; Mayan Ranch; Daehling Ranch; Kleinsorge Ranch; I'd like to remind of differences between East and West side. The east is owned by long time farmers and ranchers. The west is part of urban services boundary. One thing to point out, we're for the right to farm. It has required mitigation through loss of farming...I heard someone say there was developers involved. There is no developer interested in that land right now. In our situation as an option, maybe we want to sell for development. 50% of our ranch is in the urban services boundary, 50% in floodplain. We would take the bottom land and put a conservation easement on it so it would be protected. It would be protected from vineyards, orchards, etc. That would be what we work out. As landowners, we want to go to the river to keep property inside the city limit to have that option. It won't impact in a negative way.
- Darren Suen: Comment on floodplain. As a civil engineer with the Army Corps. of Engineers, those maps identify areas of risk, not necessarily floodplain. It is worth knowing that if you're defining the floodplain, it should be done with more accuracy. The FEMA maps are based on USGS topo-maps which are often inaccurate. To define floodplain line, basing on FEMA map not best way to use.
- But that's what we have to go by. Under what is in the MOU, the 1st bullet at the bottom – that always triggers things in my mind. It's all about land use – that says development/suburbia. We still have 8,000 acres for development. There have been some successful people coming in. But even proceeding with SOI, let's take care of what we have now and in the future proceed with SOI. We don't need it in this economy.
- This is the 4th meeting and with the minutes, there were several people including our family on the west side of 99, where we've had land 150 years. Eschinger Road...in favor of transitional zone. We think it's good for the City and County. I want to make note that several people made that comment [in previous meetings], people in support of transition zone. We want Council to keep in mind that while there are a lot of voices from people who don't own land, they need to give precedence to people who own the land that will be affected. Before when landowners came to SOI meetings, we were a smaller group, but we've been long time landowners [which means] we should have a greater voice.
- I want to point that it's been true for 70 to 100 years that land use includes agricultural uses, it does not necessarily mean development. When you talk about what land use could mean, there is a bias of some people – not necessarily so. To save AG land you have to plan for it, look to future to see what mitigation needs, etc. They require attention. Plan properly for AG use and mitigation.
- Joe Daehling: Landowners have been good stewards to land for many years. According to Sac Bee they're understaffed and underfunded. The Elk Grove police won't protect either. If landowners don't protect, the homeless people from American River will move in there. This will be the dumping ground for junk. Now, landowners clean it up. The Cosumnes is the main water recharge for South County. In the 80's I was raising corn,

we pumped irrigation out of the river. A man came out and measured the water I pumped out of the river. When I protested, they told me they were not getting paid for water, so they charged for water I pumped out. We notice 2/3 of the water was absorbed through sand into the underground water supply. This is valuable for South County. After 1st good rain you can have ...it disappears in sand and replenishes groundwater. It would be in best interest of Elk Grove to be in control of water supply – I encourage City to expand SOI to floodplain.

- I'm concerned about the legacy of Elk Grove. Now the legacy is determined by Council and Council is not to be trusted. I had more luck with the County. There is no establishment of a planning advisory council. Instead, we have ghost town development. We've seen collapse in our economy and we shouldn't have to suffer for that. Friday will be a Blueprint update. We'll talk about health; adverse effects of sprawl and congestion. We need infill development. We need to rethink if we'll ask government for money. Why extend any further? No mark of sensible rational market study to prevent development from doing this. If we want protection from flood, we need to work with County and existing government, but extending doesn't make it safer.
- I kept all news articles and minutes, and back from February 2007, we were in a much different world than we are now. We have families without homes, families without jobs, empty stores. Things have changed. And I don't know how we can say it – in watching this process and silently acquiescence and staff being charged with leading us along something that citizens were against from very beginning. We're being asked to buy into this, offer our amateur look at MOU which is a very serious document; it's a false premise we're working from. Just dragging this thing out. This document is a handshake. We've talked about that it isn't a regulatory agreement in any sense. It's based on City of Elk Grove General Plan, which is a visionary and can be changed at any time. Within the General Plan, 3 members of Council can vote and develop. Citizens will pay true assessments for open space and habitat. We have not had discussion with citizens. Where are citizens in this mix? We're in background. Where are we in this?
 - ❖ We identified two focused groups and two general public meetings [general public welcome at all meetings], rather than doing behind scenes meetings with focus groups.
- I represent a farming family on the Cosumnes Basin. The fact that County has AG policies...we contribute...2 million. The City's sole purpose is urban resources and not governing AG and open space land. The Cosumnes is a viable resource for open space land. It would be a detriment in the Elk Grove. Market study that is being conducted now, which will reflect on what is actually needed.
- Comment on what Mike had to say. We are the governors and tax payers so when they put mall into redevelopment, we are paying. When City gets land to develop, citizens will pay. I want to see those who will benefit in the process.
- You say you want a transition zone; there won't be an easy transition between city/country people. You have people who drive that don't respect animals and farmers and they don't understand what you're doing. Because city people have never lived a day in the country. Who will keep up with this stuff? Will it be like the ranches in Wilton? Right now Grant Line overpass is full of weeds. Who pays for all that once it's sold and transitions?
- I'm Jean Hardesty – we love the country. My views are different than most people. The more cement you pour, the more I get flooded. The more building, the more crime. Our transition is out of whack. Do we not want farming in Sacramento County anymore? We need our food supply here.

- When the owner of the Elk Grove Citizen...Elk Grove look at reasonable sphere...whether Wilton should be part of Elk Grove SOI...all of us sit here for almost over a year and somehow we're not getting the message out. Council has told us over and over that we have no plans to go to Wilton.
- When I read minutes, I feel like I was hearing the people talking. I think minutes are very well covered. We'll see what our friends said. Who will be drafting the MOU? Will a final be presented?
 - ❖ On April 14th there won't be final – the draft will go in its form with topics from these meetings (comments). Some are certain, others require Council direction. City/County staff will collectively write final MOU.
- I'd like to add change for floodplain language [typed comment from attendee]: Floodplain protection: Both the City and County agree that the land within the 100-year FEMA defined floodplain must be PRESERVED (definition of preservation: to keep unaltered, maintain unchanged). As such future planning for this area must follow open space and permanent agricultural land use requirements as set forth by Sacramento County Agriculture Land Use policy. Any proposed future land use decisions must be made only after public hearings and a conscience agreement is reached by area CPACs (County Planning Advisory Committee); landowners and any constituents whose well-being maybe connected to this floodplain. The City and the County agree that any development, mitigation, or alteration of the floodplain will be prohibited. Definition of development: human alteration of the existing land, i.e. building a trail, building a kiosk or human comfort station (includes residential units).
- If floodplain is dropped from SOI, what becomes of the MOU?
 - ❖ There are other topics in MOU, so I would imagine we would continue with other topics.
- I remember when boulevard stopped on 99. I have kids and I started in Elk Grove and they're all disgusted that there is a SOI. What I see is rapid development and some of my friends voted for cityhood because they thought it would stop and they're very angry about it. I disagree with SOI completely.
- Question for Mr. Sherry or Mr. Nottoli, with respect to management of the river...Has there been a precedent of City/County management?
 - ❖ Not a particularly good example, but the American River Parkway.
- Who is charged with regulation?
 - ❖ The County is
 - ❖ It is publicly owned land, so not perfectly analogous.
- Is there any kind of agreement/MOU the County worked with bordering cities? Is there a document you developed?
 - ❖ Yes, signed by City of Sacramento, Rancho, etc. then we took to the State.
- Could we have a copy of that document? To compare with this one which seems simplistic? Who would have to adopt this beyond...to manage this. Where does it go from here? Does it become as elaborate as with the parkway?
 - ❖ No, what's being proposed here is a simple document.
- Why not the same magnitude as the parkway? It's as complex and needs as much regulatory oversight?
 - ❖ There's another piece which is a measure that went before the voters back in 70's which...certain regulatory agreement. That could happen, I don't know that two entities will be dictated...we want to be regulated. That has evolved over 40

year period. Publicly held lands are different than private. Different situation where urban pushed to river.

- If you are going to be preserving, you're going to end up with something that's quasi-public land. There's nothing indicating how you'll finance this. I would think that if the citizens came up with measure that would speak to this, then you would be in same kind of position where citizen driven. You'd have to deal more with the regulatory agencies. It would be a different kind of agreement. It's no longer a casual agreement; it becomes much more binding.
- I think that everyone in the room needs to take a gulp of humility. When I was in 50's, I went to these meetings that spanned Elk Grove, the County. If we go back, we have Williamson Act because assessor assessed as if there would be a house 50 years later. To say that February 2007 was big time for history of this area is crazy. We need to take a deep breath and see how tax policy changed, how you pay for things. Focus on cities, not counties. We had levees that were put up. Some people didn't want levees back a few feet. There are a number of big issues. Williamson Act was part of that. We had specific plans that didn't stick with that specific plan. Now all of you didn't look at those documents. To say that these things haven't been talked about and that Council hasn't been attending. We need more humility. Look at how east and west. When Elk Grove City...LAFCo couldn't decide to have two boundaries. Therefore regional people felt there needed to be transition or some dividing. It was initiated by this process. You have opportunity to express on each and every parcel. So you shouldn't be worried because there's no history. But I think we stop the rhetoric that February 2007 was the incredible. There was a whole history of tax policy and AG needs that have evolved over time. There were a lot of people in that process. Just because you come to 7 meetings, does not make you the flag bearer for the whole process. All of that is impacting how we look at this area. Yes, there's more awareness of environmental, but there wasn't a way to come to consensus. Try to facilitate the process. Don't get rhetoric so high that we can't find reasonable solutions. We have an incredible person interested in constituents. We had assessment of the dollars when cityhood went in. We worked very hard not to overstate the case. There was transparency. We tried to find areas that we could discuss. I think that approach will allow us to get us further along. There are plenty of opportunities.
- I'm concerned about one of the items, floodplain. At one point everyone called it floodplain, then it was 100 year, then 500 year. No one truly knows where this is. When you look at north east, the whole thing is floodplain. I've seen several floods. In early 80's most counties had some major flooding. Napa was completely under water. Builders have managed to pay people off to get them out of floodplain. Dumping dirt doesn't get rid of floodplain, it shoves it to someone else. We need something that is going to hold people's feet to the fire.
- Is there any precedence for transitional area in County?
 - ❖ Concept is having area whereby residential not going to farmers. It's common to look at transition. What's different in this case is we're looking at transition area across City/County line (potentially). Not sure if occurred quite like this in the County.
- Gary Adams, Wilton: One of the things I'm concerned is about the newspaper article. That scares the heck out of me. The other point is the fact that there's a group of people that are acting as a firewall for Council. We put out a lot of questions and make a lot of points. Not hearing a whole lot from the County. I feel there should be more comments, more opinions from Sacramento County. We can't vote on City Council, but they're trying to have major impact on our lives.

- Question on page two of Exhibit B, 3rd paragraph...opportunity for land use...this sounds like leapfrog development if this is your policy on land use. How does that protect the environment that is so close to the river and floodplain?
 - ❖ That concept is in context of transitional land use. The idea (and again we've received comments) instead of having development spread out, is to provide option of clustering development and density bonuses. You take area that could potentially be developed and cluster that development in one section of entire area and protect other through conservation easements.
- How is that not leapfrog development?
 - ❖ Because you're doing it within the transitional area; you have opportunity to decide where clustering happens to avoid leapfrog. That's just one option.
- I live in what would be transition zone. And I think it's a good idea. Like Sheldon Road. Currently on west side of freeway, there's nowhere to buy two acres and build a house. My children can't build on my property. The city people will never understand country people. It's like when you build airport and people come in and they don't like the noise. You need that buffer between people. You've already got something like that on Sheldon.
- How much money has City/County spent on this process since it began? I'm referring to cityhood meeting? How much money separately? City and County? On the SOI – overall cost.
- Comment on east side and floodplain issue. It seems to me that there's lots of concern on floodplain. I think that 1) Urban services boundary was established when the General Plan was adopted...I think there is a lot of issues/concerns about where the growth lines drawn...what kind of boundary to draw? I think the floodplain is a natural boundary. What I hear are messages coming to the City that they do not believe development should ever occur in the floodplain. I haven't heard anyone thinking or stating that Elk Grove will jump the creek and urbanize into the Wilton area, because the floodplain will provide that natural boundary. 2) It seems if there's discussion about rubber meeting the road when urbanize, etc. those issues are addressed as part of the SOI – the idea stated earlier relative to enforceability that many of Wilton people suggest similar to Natomas. They look more to a model where it went beyond MOU, through conditions by LAFCo where City has to demonstrate and meet [certain thresholds before annexing lands] that is enforceable. Folsom still has to go through a process to meet conditions. Lastly, everyone realizes the landowners have been here for long time. All property... lands are still in Williamson Act. There are no developers driving their interest, they have long standing history in their relation with Elk Grove, that's where their support comes from. Envision how City, County, everyone affected; they have managed the floodplain the way it needs to be managed. Where they're coming from is to protect floodplain.
- City Council meeting on 4/14.
- End of meeting

Notes from Boards

- Is the MOU legally binding?
- Does it address sustainability (GHG)?
- No rooftops/development
- What prevents City/County from making it legally binding?
- Property owners in east will protect floodplain
- Defining floodplain more accurately. FEMA is risk map. Need better definition.
- Do not proceed with SOI until we take care of existing
- Question the quality of staff that can handle floodplain protection
- No zoning parameters in transition areas
- Difference between east and west side of proposed SOI

- New/different tool to address SOI (new ideas)
- Threshold for SOI application; not for annexation
- Conditions of approval get broken
- In favor of transition zone (land owner west of 99)
- Decision makers should give preference to property owners affected
- Land use includes agricultural mitigation; not necessarily development
- Land owners in the east have been good stewards of the floodplain
- County does not have resources to protect and maintain
- Area is important recharge area
- City should be in charge of ground water
- MOU – can one agency opt out in certain areas?
- Definition of transitional land uses
- Concern of legacy of City; why extend south? Concentrate on infill development
- City shouldn't be involved in managing AG lands; happy with County policies; include market study
- Conflicts with city/country living in transition zone
- More hardscape = more flooding
- Who will be drafting the MOU?
 - o City/County staff
- If floodplain is removed from SOI...what becomes of the MOU?
- American River Parkway – example of County/City partnership
- Too much rhetoric in SOI meetings
- Any precedence of transition zone? In other areas?
- Page 2, Exhibit B; density bonus = leap frog development
- In 2007 there was a different environment
- MOU is not a legal agreement
- General Plan allows fill of floodplain/funds O.S. through assessments but no public input
- Transition zones: maintenance of ranchettes?
- Communication breakdown (Citizen article) re: Wilton
- Change “protect” to “preserve” (comments submitted at meeting)
- What happens to MOU if floodplain is removed?
- Disagree with SOI
- Examples of similar agreements
- Voters can make it stronger through ballot measure
- Need strict floodplain regulation
- Need more input from Sac County
- Clarify transition zone/clustering
- Support buffer zones
- How much has City spent on SOI process?
- MOU language and affected property owners are clear that no development should happen in floodplain. It is a natural barrier to development
- MOU concepts can be converted into COA that are binding and enforceable by LAFCo
- Owners support protection of floodplain