

*Agenda Item No. 5.*

**SACRAMENTO LOCAL AGENCY FORMATION COMMISSION**  
**1112 I Street, Suite #100**  
**Sacramento, California 95814**  
**(916) 874-6458**

October 1, 2003

TO: Sacramento Local Agency Formation Commission

FROM: Peter Brundage, Executive Officer

RE: **Report Back: Proposed Schedule to Review Mitigation Measures  
Related to the Incorporation of Elk Grove**

**RECOMMENDATION**

1. Staff will report back on November 5, 2003, on whether or not the City of Elk Grove is in compliance with the ten (10) mitigation measures in LAFCo Resolution 1208, Resolution of the Sacramento Local Agency Formation Commission Adopting A Mitigation Monitoring and Reporting Program for the Incorporation of Elk Grove, California.
2. Staff will report back on November 5, on the status of terms and conditions contained in LAFCo Resolution No. 1207, Resolution of the Sacramento Local Agency Formation Commission Making Determinations for the Approval of the Incorporation of Elk Grove, California.

**BACKGROUND**

LAFCo Resolution 1208, dated June 2, 1999, imposed a Mitigation Monitoring and Reporting Program for the Incorporation of Elk Grove. A Mitigation Monitoring and Reporting Program for the City of Elk Grove was established pursuant to Section 21081.6 of the Public Resources Code.

The purpose of the Mitigation and Monitoring Reporting Program is to assure diligent and good faith compliance with mitigation measures that were recommended in the environmental document and adopted as part of the conditions of incorporation approval in order to avoid or mitigate potentially significant effects on the environment.

## **COMPLIANCE REQUIREMENT**

It shall be the responsibility of the project proponent to provide written notification to LAFCo's Environmental Coordinator, in a timely manner, of the completion of each mitigation measure. LAFCo's Environmental Coordinator will verify, within 10 business days of notification, that the project is in compliance. Any non-compliance will be reported to the project proponent, and it shall be the project proponent's responsibility to rectify the situation by bringing the project into compliance and re-notifying the Environmental Coordinator. Any indication that the project is proceeding without good faith compliance could result in the imposition of administrative, civil and/or criminal penalties upon the project proponent in accordance with State law.

Upon verification that compliance has been attained for all mitigation measures, the Local Agency Formation Commission will issue a Program Completion Certificate to the project proponent.<sup>1</sup>

## **MITIGATION MEASURES SET FORTH BY LAFCO**

1. Modify the proposed boundary to include only those areas southeast of Grant Line Road which have been generally subdivided into 20-acre and smaller lots and to exclude the remaining agricultural and natural preserve areas.
2. Require the City to maintain existing public transit service including applicable paratransit service required under the Americans with Disabilities Act. This shall be accomplished by requiring annexation into the Sacramento Regional Transit District, and activation of transit service within the City, in accordance with the procedures set forth in Sections 102062.5 and 102055 of the District's enabling legislation (Part 14 of Division 10 of the California Public Utilities Code).
3. Condition the incorporation approval to ensure that the City shall provide street lighting and roadway maintenance by either contract with Sacramento County, contract with a private company, or directly perform the maintenance. At a minimum, street lighting and roadway conditions shall be maintained at existing levels.
4. Condition the incorporation approval to require that existing transportation fee impact programs be continued at levels necessary to adequately fund approved road construction projects.
5. Ensure that the City of Elk Grove and the County of Sacramento enter into joint maintenance agreements for roads which have common boundaries.
6. Condition the incorporation approval to require the new City to contract with the Sacramento County Water Agency (SCWA) in water planning activities for Zone 13 and Zone 40.

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<sup>1</sup> Resolution No. LAFC 1208, Resolution of the Sacramento Local Agency Formation Commission Adopting a Mitigation Monitoring and Reporting Program for the Incorporation of Elk Grove, California (5-96), June 2, 1999, Attachment A., page 2 (Summary).

7. Condition the incorporation approval to require the new City to contract with Sacramento County for the continued use of Zones 11A, 12, 13, and the Metropolitan Storm Drain District for drainage planning and maintenance activities. Zones 11A, 12, 13, and the Metropolitan Storm Drainage District shall remain intact upon incorporation.
8. Condition the incorporation approval to require the City to participate and eventually become a co-permittee under the existing County-wide NPDES permit.
9. Condition incorporation approval to require that all conditions of land use entitlement approvals that are designed to mitigate environmental impacts be transferred to the new City's jurisdiction.
10. Condition the incorporation approval on requiring that the new City enter into an agreement with Sacramento County regarding the maintenance and funding of financing plans and programs affecting the incorporation are including, but not limited to, Laguna Community Facilities District, Laguna Area Roadway Development Fee, Elk Grove/West Vineyard Public Facilities Financing Plan, Hampton Village Assessment District, and East Elk Grove Specific Plan Public Facilities Financing Plan. These programs shall substantially [remain] intact in order for build[ing] and planned facilities to be funded.<sup>2</sup>

### **DISCUSSION**

Staff has met with representatives of the City of Elk Grove and discussed the mitigation measures listed above as well as other general terms and conditions contained in LAFCo Resolution 1207, approving the incorporation. The City of Elk Grove has submitted a status report explaining the status of these issues to your Executive Officer.

Staff is currently reviewing the City's responses to verify compliance and when appropriate, will verify compliance with the appropriate third parties. The Commission's Executive Officer, upon verification that compliance has been attained for all mitigation measures, is required to issue a Program Completion Certificate to the project proponent.

Your Executive Officer may issue either a partial or full program completion certificate, depending upon the circumstances. For example, a program completion certificate for one or all mitigation measures may be issued. I will report back in November on my findings and the status of any outstanding issues that may need to be resolved.

PB:Maf  
(Mitigation Measures Schedule)

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<sup>2</sup> Ibid., pp. 3-4.