



CITY COUNCIL SPECIAL MEETING

City Hall
2729 Prospect Park Drive, Rancho Cordova

Friday, September 19, 2008

11:00 A.M. – Special Meeting
Coloma Room

AGENDA

A. SPECIAL MEETING – CALL TO ORDER / ROLL CALL

Council Members Sander, Cooley, McGarvey, Skoglund, and Mayor Budge

B. PUBLIC COMMENT

At a special meeting, citizens wishing to address the Council for any matter on the agenda may do so at the time the matter is discussed. Note, under the provisions of the California Government Code, the City Council is prohibited from discussing or taking action on any unagendized item.

C. AGENDA ITEM

Subject: Vineyard Area Citizens v. City of Rancho Cordova – Public City Attorney Report

Recommendation: Adopt Resolution No. 117-2008.

Result of Recommended Action: Adoption of Resolution No. 117-2008 will set aside portions of the final Environmental Impact Report for the Sunrise Douglas Community Plan and SunRidge Specific Plan project and rescind the Sunrise Douglas Community Plan and SunRidge Specific Plan.

By adopting Resolution 117-2008, the City will comply with the Supreme Court decision and the superior court's Writ. The Resolution will:

- (1) Set aside the certification of the portions of the FEIR concerning: (a) long-term water supplies for the project; and (b) the potential impact of groundwater pumping from the North Vineyard Well Field on Consumnes River flows and fish migration.
- (2) Set aside the Sunrise Douglas Community Plan.
- (3) Set aside the SunRidge Specific Plan.

Staff Report: Adam Lindgren, City Attorney's Office

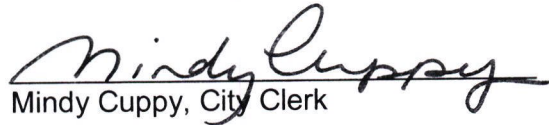
D. ADJOURNMENT

Public documents related to items on the open session portion of this agenda, which are distributed to the City Council less than 72 hours prior to the meeting, shall be available for public inspection at the time the documents are distributed to the Council. Documents are available for inspection at the City Clerk's office located in Rancho Cordova City Hall.

CERTIFICATION OF POSTING OF AGENDA

I, Mindy Cuppy, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the September 19, 2008 Special Meeting of the Rancho Cordova City Council/CRA/RCFC was posted and available for review on September 18, 2008 at City Hall of the City of Rancho Cordova, 2729 Prospect Park Drive, Rancho Cordova, California, 95670. The agenda is also available on the city web site at www.cityofranhocordova.org.

Signed this 18th day of September 2008 at Rancho Cordova, California.


Mindy Cuppy, City Clerk

Public documents related to items on the open session portion of this agenda, which are distributed to the City Council less than 72 hours prior to the meeting, shall be available for public inspection at the time the documents are distributed to the Council. Documents are available for inspection at the City Clerk's office located in Rancho Cordova City Hall.

MEMORANDUM



DATE: September 19, 2008
TO: Honorable Mayor and Council Members
FROM: Adam U. Lindgren, City Attorney
SUBJECT: VINEYARD AREA CITIZENS V. CITY OF RANCHO CORDOVA –
PUBLIC CITY ATTORNEY REPORT

RECOMMENDATION

Adopt attached Resolution No. 117-2008.

RESULT OF RECOMMENDED ACTION

Adoption of Resolution No. 117-2008 will set aside portions of the final Environmental Impact Report for the Sunrise Douglas Community Plan and SunRidge Specific Plan project and rescind the Sunrise Douglas Community Plan and SunRidge Specific Plan.

By adopting Resolution 117-2008, the City will comply with the Supreme Court decision and the superior court's Writ. The City Attorney has explained both these decisions in detail to the City Council and management staff. The Resolution will:

- (1) Set aside the certification of the portions of the FEIR concerning: (a) long-term water supplies for the project; and (b) the potential impact of groundwater pumping from the North Vineyard Well Field on Consumnes River flows and fish migration.
- (2) Set aside the Sunrise Douglas Community Plan.
- (3) Set aside the SunRidge Specific Plan.

It is critical to understand that this resolution will not prevent the City from continuing to approve permits for over 10,000 fully approved units that are not subject to these court decisions.

BACKGROUND

On July 17, 2002, the Board of Supervisors of the County of Sacramento certified a Final Environmental Impact Report ("FEIR") for the Sunrise Douglas Community Plan and the SunRidge Specific Plan Project, and approved the Sunrise Douglas Community Plan and the SunRidge Specific Plan. The County's decisions were challenged in a lawsuit alleging noncompliance with CEQA. On July 1, 2003, the City incorporated and assumed jurisdiction over the Sunrise Douglas Community Plan and Sunridge Specific Plan Project, and also substituted in for the County as the respondent in the ongoing lawsuit.

On February 1, 2007, the California Supreme Court held in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, that portions of the FEIR for the Sunrise Douglas Community Plan and SunRidge Specific Plan do not comply with the CEQA. On May 29, 2008, the Sacramento County Superior Court issued its Judgment After Appeal and Peremptory Writ of Mandate. The Writ commanded the City to set aside the certification of those portions of the FEIR that the California Supreme Court held to be procedurally and factually inadequate, namely the portions of the FEIR concerning: (a) long-term water supplies for the project; and (b) the potential impact of groundwater pumping from the North Vineyard Well Field on Consumnes River flows and fish migration. The Writ further commanded the City to rescind the approvals of the project comprised of the Sunrise Douglas Community Plan and the SunRidge Specific Plan.

The Writ expressly stated that “[a]ny tentative subdivision maps you approved in project areas subsequent to the project approvals are excluded from this order to rescind the project approvals.” Accordingly, none of the tentative maps that have been approved in the Project area are being set aside.

The Writ further requires the City, in accordance with the requirements of CEQA, to prepare the following analyses in a revised draft EIR, circulate them for public comment, and take them into account in reconsidering the project for approval:

- a) an analysis of the long-term water needs of the project which identifies intended water sources, explains how the identified sources are likely to meet the project’s water needs, evaluates the environmental impacts of exploiting the identified sources, and discusses measures and alternatives to mitigate the impacts ;
- b) an analysis of potential project impacts on Consumnes river flows and fish migration; and
- c) an analysis of project impacts on public trust resources within the project area.

The City is in the process of preparing the revised EIR to comply with the Writ. The attached resolution also directs City staff to prepare the revised draft environmental impact report required by the Peremptory Writ of Mandate and bring the document to the Council to take into account in reconsidering the Sunrise Douglas Community Plan and the SunRidge Specific Plan for approval. The full cost to the City of the EIR, the processing of these modifications to the land use entitlements, and the litigation is being paid by the developers.

ATTACHMENT

Resolution No. 117-2008.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 117-2008

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
SETTING ASIDE PORTIONS OF THE FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE SUNRISE DOUGLAS COMMUNITY PLAN AND SUNRIDGE SPECIFIC
PLAN PROJECT AND RESCINDING THE SUNRISE DOUGLAS COMMUNITY PLAN
AND SUNRIDGE SPECIFIC PLAN**

WHEREAS, on July 17, 2002, the Board of Supervisors of the County of Sacramento adopted CEQA Findings of Fact and Statement of Overriding Considerations and certified a Final Environmental Impact Report ("FEIR") for the Sunrise Douglas Community Plan and the SunRidge Specific Plan Project; and

WHEREAS, on July 17, 2002, the Board of Supervisors of the County of Sacramento approved Resolution No. 2002-0901, a Resolution of the Board of Supervisors of the County of Sacramento, State of California, Amending the Cordova and Southeast (Cosumnes) Community Plans and Adopting the SunRidge Specific Plan; and

WHEREAS, on July 17, 2002, the Board of Supervisors of the County of Sacramento approved Resolution No. 2002-0902, a Resolution of the Board of Supervisors of the County of Sacramento, State of California, Amending the Cordova and Southeast (Cosumnes) Community Plans and Adopting the Sunrise Douglas Community Plan; and

WHEREAS, on July 1, 2003, the City of Rancho Cordova (City) incorporated and assumed jurisdiction over the Sunrise Douglas Community Plan and Sunridge Specific Plan Project; and

WHEREAS, on July 1, 2003, the City adopted Resolution No. 04-2003, whereby the City adopted the Sacramento County General Plan, including specific provisions regarding the Sunrise Douglas Community Plan, to remain in effect from July 1, 2003 until the City Council adopts a general plan for the City; and

WHEREAS, on June 26, 2006, the City adopted Resolution No. 117-2006, by which the City adopted the City of Rancho Cordova General Plan and repealed all previously adopted Interim General Plan resolutions, including Resolution No. 04-2003; and

WHEREAS, on February 1, 2007, the California Supreme Court held in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, that portions of the FEIR for the Sunrise Douglas Community Plan and SunRidge Specific Plan do not comply with the California Environmental Quality Act (CEQA); and

WHEREAS, on May 29, 2008, the Sacramento County Superior Court issued its Judgment After Appeal and Peremptory Writ of Mandate in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, Sacramento County Superior Court Case No. 02CS01214; and

WHEREAS, the Peremptory Writ of Mandate commanded the City of Rancho Cordova to set aside the certification of those portions of the FEIR for the Sunrise Douglas Community Plan and Sunridge Specific Plan that the California Supreme Court in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412 held to be procedurally and factually inadequate, namely the portions of the FEIR concerning: (a) long-term water supplies for the project; and (b) the potential impact of groundwater pumping from the North Vineyard Well Field on Consumnes River flows and fish migration; and

WHEREAS, the Peremptory Writ of Mandate further commanded the City of Rancho Cordova to rescind the approvals of the project comprised of the Sunrise Douglas Community Plan and the Sunridge Specific Plan; however, the Peremptory Writ further provided that any tentative subdivision maps that had been approved in the Sunrise Douglas Community Plan and SunRidge Specific Plan areas are excluded from the court's order to rescind the project approvals; and

WHEREAS, the Peremptory Writ of Mandate further commanded the City of Rancho Cordova to, in accordance with the requirements of CEQA, prepare the following analyses in a revised draft environmental impact report, circulate them for public comment, and take them into account in reconsidering the project for approval: (a) an analysis of the long-term water needs of the project which identifies intended water sources, explains how the identified sources are likely to meet the project's water needs, evaluates the environmental impacts of exploiting the identified sources, and discusses measures and alternatives to mitigate the impacts; (b) an analysis of potential project impacts on Consumnes River flows and fish migration; and (c) an analysis of project impacts on public trust resources within the project area.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the Supreme Court's decision and Peremptory Writ of Mandate issued by the superior court, the City Council of the City of Rancho Cordova hereby sets aside the certification of the portions of the FEIR for the Sunrise Douglas Community Plan and the Sunridge Specific Plan Project concerning: (a) long-term water supplies for the project; and (b) the potential impact of groundwater pumping from the North Vineyard Well Field on Consumnes River flows and fish migration.

BE IT FURTHER RESOLVED that the City Council of the City of Rancho Cordova hereby rescinds the Sunrise Douglas Community Plan and the SunRidge Specific Plan.

BE IT FURTHER RESOLVED that pursuant to the trial court's order excluding any tentative maps from the order to rescind the project approvals, the City is authorized to continue to approve permits in reliance on the approved tentative subdivision maps in the Sunrise Douglas Community Plan and Sun Ridge Specific Plan areas.

BE IT FURTHER RESOLVED that the City Council of the City of Rancho Cordova hereby directs City staff to prepare the revised draft environmental impact report required by the Peremptory Writ of Mandate and bring the document to the Council to take into account in reconsidering the Sunrise Douglas Community Plan and the SunRidge Specific Plan for approval.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 19th day of September, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda Budge, Mayor

ATTEST:

Mindy Cuppy, City Clerk