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May 2, 2025

SENT VIA EMAIL

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Chair Lisa Kaplan and Members of the Commission  
and Jose C. Henriquez, Executive Officer  
Sacramento Local Agency Formation Commission  
1112 I Street, Suite 100  
Sacramento, California 95814

**RE: May 7, 2025, LAFCo Meeting, Agenda Item V-6:  
LAFCo Project #2023-03**

Dear Chair Kaplan, Members of the Commission, and Mr. Henriquez:

On behalf of Sierra Club, Environmental Council of Sacramento and Friends of Swainson's Hawk, this letter provides comments regarding the continued public hearing to consider the Environmental Impact Report ("EIR") for the Airport South Industrial Project ("Project").

We note that LAFCO has revised its draft findings following the April 2, 2025 hearing. The most significant of these revisions is LAFCO's attempt to recast the "project" before it. The original findings, no doubt prepared by the City and for the City's sole use<sup>1</sup>, correctly identify the "Project" as the "Airport South Industrial Project." The revised findings, by contrast, assert, "The project presently before LAFCo is a proposed sphere of influence ("SOI") amendment for the City of Sacramento." This is patently false, misleading, and contrary to law.

CEQA cannot be more clear that a "project" is the "whole of the action," even when a project is comprised, as here, of multiple discretionary approvals by different agencies.<sup>2</sup> LAFCO is well aware of this rule, as it was the basis for the memorandum of

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<sup>1</sup> See our prior letter dated April 2, 2025.

<sup>2</sup> CEQA Guidelines, § 15378, subd. (c) ("The term 'project' refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term 'project' does not mean each separate governmental approval").

Chair Lisa Kaplan and Members of the Commission  
Jose C. Henriquez, Executive Officer  
Sacramento LAFCO  
May 2, 2025  
Page 2 of 3

understanding (“MOU”) with the City of Sacramento to designate both agencies as “co-lead agencies” for the Project.

This is not academic nitpicking. As a CEQA lead agency for the Project—specifically the South Airport Industrial Project—LAFCO can certify the EIR and approve the SOI amendment only if LAFCO affirmatively finds that the claimed benefits of the Project override its environmental impacts. (CEQA Guidelines, § 15043.) Here, the Project’s environmental impacts include loss of agricultural land, loss of habitat and direct take of special-status species, transportation safety impacts, and even human health impacts resulting from toxic air emissions.

Now that LAFCO correctly faces public scrutiny regarding these proposed findings and “overriding considerations,” staff attempts to backpedal from LAFCO’s CEQA lead agency status with revised findings purporting to limit the scope of LAFCO’s review and statement of overriding considerations to just the SOI amendment. This flagrantly violates CEQA. As the CEQA lead agency, its statement of overriding considerations necessarily applies to the entire project (i.e., the underlying development) and not just an individual approval (i.e., SOI amendment). (CEQA Guidelines, §§ 15043, 15378.) Certifying the EIR necessarily “endorses” the underlying development project, and LAFCO simply cannot distance itself from that.

A similar analysis applies to the scope of LAFCO’s underlying consideration of the SOI amendment. LAFCO staff asserted at the April 2 hearing that the Commission’s review was limited to only ensuring whether services can be provided. This is false. The LAFCO Policy Manual plainly states that its annexation policy considerations “will apply” to LAFCO’s consideration of SOI amendments: “[E]ach of the following sets of policies will apply to applications for amendments to Spheres of Influence: . . . Specific policies and standards for annexations to cities and special districts. . . .” (LAFCO Policy Manual, p. 50.) Further, LAFCO policy requires denial of SOI amendments for projects “that would result in significant unmitigable adverse effects upon other service recipients or other agencies serving the affected area.” (*Ibid.*) The recent letter from the Natomas Basin Conservancy, provided to LAFCO on April 17, 2025, establishes such impacts.

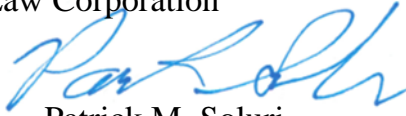
There is a straightforward resolution here. As noted at the April 2 hearing, the City can itself apply for the SOI amendment. This Commission therefore can and should deny the existing landowner; if the City is truly interested in moving forward with the Project—and is willing to make the affirmative finding that increased profit and tax revenue from land speculation overrides environmental and human health impacts—then the City can certify the EIR and apply for the SOI amendment.

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May 2, 2025  
Page 3 of 3

Very truly yours,

**SOLURI MESERVE**  
A Law Corporation

By:



Patrick M. Soluri

cc (via email):

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