March 1, 2005

Lisa Kaplan, President
Susan Heredia, Vice President
Jennifer Baker, Member
B. Teri Burns, Member
Ron Dwyer-Voss, Member
Superintendent Steve Farrar
Natomas Unified School District
1901 Arena Blvd
Sacramento, CA 95834

Dear President Kaplan, Members of the Board and Superintendent Farrar:

Friends of the Swainson’s Hawk and Sierra Club are writing you about a matter of environmental concern. We understand that the District is considering purchase of a site on farmland in the County of Sacramento adjacent to the City of Sacramento’s western boundary north of Del Paso Road and South of I-5. At a recent City of Sacramento Council hearing (February 15), your representative said that the District was negotiating with the owner of the so-called “West Lakeside project” for purchase of an elementary school site.

The District seems to be relying on the assumption that “West Lakeside” will be approved for development. It also sounded like your representative said that the school would only be constructed at that site if “West Lakeside” was developed.

The District should be aware that there will be serious community opposition to the development of “West Lakeside” and that there are significant impediments to that development. The District should consider the possibility that this land may never be approved for development.

Here are some of the issues that you should consider.

First, the “West Lakeside” property is outside the County urban services boundary. Development will require annexation to the City and approval of LAFCO, the local agency formation commission.
Second, the “West Lakeside” property is outside the Permit area for the Natomas Basin Habitat Conservation Plan and Incidental Take Permits issued by state and federal wildlife agencies. New Permits will be required. The area is habitat both for the Giant Garter Snake, listed as threatened under the Federal and California Endangered Species Acts, and the Swainson’s Hawk, listed as threatened under the California ESA.

Third, a substantial portion of the “West Lakeside” project area is inside the Swainson’s Hawk zone, an area that is designated by the Natomas Basin Habitat Conservation Plan as a conservation area for protection of the Swainson’s Hawk. The City of Sacramento has promised not to develop within this area as a condition of its present incidental take permit for Natomas development. Wildlife agencies will be reluctant to issue a permit for development in this area.

Fourth, both the City Councilman for the area, Ray Tretheway, and Mayor Heather Fargo stated at the February 15 hearing that they do not look favorably upon developing in the “West Lakeside” project area.

Fifth, the Sacramento County Department of Airports has serious concerns about residential development west of the present City boundary due to potential noise conflicts between airport operations and residential needs. The “West Lakeside” project is approximately 3000 feet below the south departure path for airlines leaving Sacramento International Airport, and closer to the Airport than Westlake. It is anticipated that the number of flights will double during the next ten years. [The Sacramento County Grand Jury reported its investigation of encroaching land use impacts on Sacramento’s airport system on June 30, 2002.]

Sixth, California Education Code § 17215 prohibits the use of public funds to acquire or construct a school within two miles of a runway, or the site of a proposed runway designated in an approved Airport Master Plan, unless the site is first approved by the California Department of Transportation, Division of Avionics. The draft Airport Master Plan calls for adding 3500 feet to the east runway, and that will assuredly be approved. We understand that current proposal is to add 1,750 feet to each end, but that could change. The Airport wants to configure the lengthening to avoid closing or relocation of Elverta Road where it runs past the Airport’s northern boundary. Under any of these scenarios, a large portion of proposed "West Lakeside” is subject to Education Code § 17215.

Seventh, neighbors in Westlake Village have stated to us and others that they are opposed to development west of them. Some of them paid premium prices for houses adjacent to the “West Lakeside” project area because it is adjacent to zoned open space, and they say that they were not told that it might be re-designated for urban development.

The east bank of Fisherman’s Lake is the western boundary of proposed West Lakeside. Last week, the City Planning Commission recommended that the City Council designate an 800 foot buffer between Fisherman’s Lake (starting at the RD 1000 property line) south of Del Paso Road and the proposed "Natomas Central” development. Although the City Council has not yet made its decision on the buffer, the
Planning Commission’s action, and the concerns expressed by the Mayor and Councilmember Tretheway, may indicate that the City is moving towards permitting no new development west of the existing City limit in that area. The “conceptual map,” separately adopted by the Sacramento City Council after it approved the “Natomas Joint Vision” MOU on December 10, 2002, excluded the “West Lakeside” property from the proposed Sphere of Influence. There is no reason to believe that Sacramento County will permit development of “West Lakeside” independent of the City, particularly in light of potential conflicts with Airport flight operations.

We do not think this is an appropriate place or an appropriate set of circumstances for negotiating purchase of a school site. We are also concerned about the uncertainties associated with the Natomas Central design (just south of Del Paso from Westlake) and how that may affect a school site for students west of El Centro.

Finally, we would caution you that school districts have faced public criticism and legal action as a result of negotiated land purchases that were perceived to be the result of undue developer influence over school districts. For example, see the Sacramento Grand Jury report, June 30, 2002, and Bee coverage of the investigation and lawsuits, attached.

We would welcome a meeting or public hearing to discuss alternatives and creative solutions.

Sincerely,

Jude Lamare,
President, Friends of the Swainson’s Hawk
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Vicki Lee
Conservation Chair
Mother Lode Chapter, Sierra Club
916-447-3670

cc:  Andy Sawyer, President, Environmental Council of Sacramento
    Barbara Graichen, Pres., Natomas Community Assoc.
    Ray Tretheway, Sacramento City Council
    Mayor Heather Fargo
Elk Grove school site too costly, grand jury finds
Sacramento BEE
July 3, 2002
Section: METRO
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By    Sandy Louey
Bee Staff Writer

--A Sacramento County grand jury report found that the Elk Grove Unified School District paid too much for a school site at Bond and Bradshaw roads, costing taxpayers almost $2.5 million.

The grand jury concluded the district had failed in its fiduciary responsibility to taxpayers when it bought the land for $6.9 million and that, had it been more diligent, it might have purchased the land for closer to a lower appraised value of about $4.4 million.

The 107-acre parcel is the proposed site for Pleasant Grove High School and Katherine L. Albiani Middle School.

The grand jury's investigation was a result of a complaint filed in October by Citizens for Responsible Planning.

District officials strongly disagreed Tuesday with the grand jury, calling the finding erroneous. The grand jury ignored, or was unaware of, the state regulations that school districts that must following in buying property, officials said.

"It's both misleading and suggestive of a wrongdoing without substantiating it," Elk Grove Superintendent David Gordon said. "We do things properly in Elk Grove."

The same property, at the northwest corner of Bond and Bradshaw roads, also is the subject of a lawsuit filed against the district last year by Citizens for Responsible Planning.

The group contends a campus of 4,000 students on the site would create traffic and safety problems.

Lora Stewart, president of the 73-member group, said the grand jury's finding supports the contention that the district's purchase should be rescinded.

"The whole thing, from the start, has not been done properly," she said "I don't think they're being careful at all with taxpayers' money."

Part of the lawsuit alleges the district abused its discretion by paying more than the fair market value when it bought the site for $6.9 million from Frank Stathos and Angelo Tsakopoulos in January 2001.

Stathos said he had agreed to buy the property for $3.4 million 10 months before escrow closed in November 2000. According to the grand jury report, the district had two independent appraisals - one setting fair market value about $4.4 million, the other at $6.9 million. The district accepted the higher appraisal, believing it more accurately reflected the market value. Stathos said the citizens group members are simply residents who don't want a school in their back yard. The value of the site has doubled since the district bought it, Stathos said.
"The school district made a great buy on the property," he said.

The grand jury recommended the district develop formal policies and procedures for purchase of school sites that protect financial interests of taxpayers and eliminate the appearance of favoritism to any landowner, land developer or real estate agent; publish in a newspaper an official notice of any decision by the district to establish a new school or seek a new site; and direct staff to use all available resources to select property for school construction, including physical inspection of properties for sale within the area of interest.

The district has until Sept. 30 to respond to the finding and the recommendations, which Gordon said it will do.

As a result of the citizens group's lawsuit, the district is in the process of preparing a new environmental impact report.

Superior Court Judge Gail Ohanesian ruled in October 2001 that the district failed to comply with the California Environmental Quality Act when it selected the Bond and Bradshaw site.

Ohanesian ruled that the new report should look at alternative locations for the schools, but she didn't order the district to select another site.