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FINAL ENVIRONMENTAL IMPACT REPORT  
VOLUME III

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*SACRAMENTO COUNTY GENERAL PLAN  
UPDATE*



*Control Number: 2002-GPB-0105*  
*State Clearinghouse Number: 2007082086*  
*April 2010*

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COUNTY OF SACRAMENTO  
DEPARTMENT OF ENVIRONMENTAL  
REVIEW AND ASSESSMENT  
827 7TH STREET, ROOM 220  
SACRAMENTO, CALIFORNIA 95814



## COMMENTS AND RESPONSES

The list of comment letters below notes each Draft EIR reviewer that submitted written comments. The letters are listed within an overall order of Federal Agency, State Agency, Local Agency, Organization, and individual, and alphabetically within those groups. Oral comments use the same organization, but are further organized according to the hearing during which the oral comments were presented. Oral comments begin after the written comments.

Each letter has been given a numeric designation (e.g. Letter 1) in the upper, right-hand corner. Individual comments within each letter are labeled on the left-hand side of the pages, based on letter designation and comment number (e.g. 1-1). Each letter is followed by responses to the comments. Oral comments have been paraphrased (denoted by italics), with a response following each comment.

In addition to the letters and oral testimony, the final section of the Response to Comments is devoted to the recommendations and comments made by the Sacramento County Planning Commission as part of formal motions and/or actions on the Project. In most cases the recommendations are the result of commentary by multiple Commission members, which made verbatim quotation or even paraphrasing somewhat cumbersome; as a result, the “comment” is a summarization of the recommendations/comments. The responses to these comments focus on the implications for the EIR analysis, should the Board of Supervisors choose to include the Planning Commission’s recommended changes or analyses.

Pursuant to Section 15088 of the CEQA Guidelines, no written responses are provided for those letters or comments that did not address the adequacy of the DEIR. Comments in that category were forwarded to the Planning Department for consideration, and copies of the letters are included in this chapter for consideration by the Board of Supervisors. A “comment noted” response indicates that the comment was a statement that did not require an answer. While no further response to the comment is provided, the comment letters are forwarded to the Board of Supervisors via this EIR.

The written comment period for the DEIR closed on July 27, 2009. Opportunity for oral comment on the DEIR was offered at the Planning Commission on June 8, 2009, June 22, 2009, July 13, 2009, and July 27, 2009. Oral comments made during these hearings are not contained in this chapter if they repeated written comments submitted by the speaker.



LIST OF WRITTEN COMMENTS

*FEDERAL (BEGINS ON PAGE 10)*

1. United States Army Corps of Engineers, Sacramento District
2. United States Environmental Protection Agency
3. United States Fish and Wildlife Service

*STATE (BEGINS ON PAGE 27)*

4. California Department of General Services
5. California Department of Justice, Office of the Attorney General
6. California Department of Transportation
7. Central Valley Flood Protection Board

*LOCAL (BEGINS ON PAGE 56)*

8. City of Elk Grove
9. City of Folsom
10. City of Rancho Cordova
11. Sacramento County Airport System
12. Sacramento County Department of Waste Management and Recycling
13. Sacramento County Farm Bureau
14. Sacramento Metropolitan Air Quality Management District
15. Sacramento Regional County Sanitation District
16. Southgate Recreation and Park District

*ORGANIZATION (BEGINS ON PAGE 109)*

17. Brookfield Sacramento Land Holdings LLC
18. California Native Plant Society, Sacramento Valley Chapter
19. Center for Biological Diversity
20. Ecological Council of Sacramento/Friends of the River/Sierra Club
21. Ecological Council of Sacramento

22. Hefner, Stark, & Marois
23. John J. Tracy Living Trust
24. Law Offices of George E. Phillips, on behalf of Barton Ranch
25. Law Offices of George E. Phillips, on behalf of Sacramento Rendering Company
26. Law Offices of George E. Phillips, on behalf of the Ose Family et. al.
27. Law Offices of Gregory Thatch
28. Law Offices of Gregory Thatch, on behalf of South of Elk Grove Owners Group
29. Lennar Homes
30. Natural Resources Voters
31. North State Building Industry Association
32. North State Building Industry Association
33. North State Building Industry Association
34. River Oaks Community Association
35. Sacramento Area Bicycle Advocates
36. Schaber Company
37. Siddiqui Family Partnership
38. Taylor and Wiley, on behalf of Stonebridge Properties, LLC
39. Taylor and Wiley, on behalf of Teichert, Inc.
40. Taylor and Wiley, on behalf of Stonebridge Properties, LLC
41. Taylor and Wiley, on behalf of Teichert, Inc.
42. Syndicor Real Estate Group, Inc.
43. WalkSacramento

*INDIVIDUAL (BEGINS ON PAGE 443)*

44. Davis, Bill
45. Fuentes, Roxanne
46. Hood, Russ
47. Karl, Christine

- 48. King, Sharon
- 49. King, Sharon and Aeschliman, Randall
- 50. King, Sharon
- 51. King, Sharon
- 52. Klinger, Karen
- 53. Klinger, Karen
- 54. Morgan, Keith
- 55. Mort, Marty
- 56. Rae, James
- 57. Rae, James
- 58. Waegell, Judith
- 59. Wiedmann, John
- 60. Willet, Robert

ORAL COMMENTS: SACRAMENTO COUNTY PLANNING COMMISSION JUNE 8, 2009 (BEGINS ON PAGE 508)

*ORGANIZATION*

- 1. Law Offices of George E. Phillips
- 2. Lennar Homes
- 3. MacKay and Soms
- 4. North State Building Industry Association
- 5. Schaber Company
- 6. Walk Sacramento

*INDIVIDUAL*

- 7. Bastian, Bob
- 8. Bridges, Jerry
- 9. King, Sharon
- 10. Klinger, Karen

11. Moore, Charlea
12. Rae, James
13. Robillard-Ramatici, Marlene
14. Sterzik, Amy
15. Waegell, Judith

ORAL COMMENTS: SACRAMENTO COUNTY PLANNING COMMISSION JUNE 22, 2009 (BEGINS ON PAGE 514)

*ORGANIZATION*

1. Hefner, Stark, & Marois
2. North State Building Industry Association
3. Sacramento Area Bicycle Advocates
4. Sacramento County Farm Bureau
5. Schaber Company
6. Walk Sacramento

*INDIVIDUAL*

7. Aeschliman, Randall
8. Bullinger, John
9. Fuentez, Roxanne
10. King, Sharon
11. Klinger, Karen
12. Miller, Hal
13. Robillard-Ramatici, Marlene
14. Sterzik, Amy
15. Villalobos, Frank
16. Waegell, Judith

ORAL COMMENTS: SACRAMENTO COUNTY PLANNING COMMISSION JULY 13, 2009 (BEGINS ON PAGE 522)

*LOCAL*

1. City of Folsom

*ORGANIZATION*

2. Ecological Council of Sacramento
3. Ecological Council of Sacramento
4. Friends of the Swainson's Hawk
5. Hefner, Stark, & Marois
6. North State Building Industry Association
7. Sacramento Metropolitan Air Quality Management District
8. Schaber Company
9. Walk Sacramento
10. Walk Sacramento

*INDIVIDUAL*

11. Barker, Billie
12. Bianchi, John
13. Brazil, Diana
14. Cornelius, Dawn
15. Cornelius, Jack
16. Costa, Ronald
17. Costa, Ted
18. Dewitt, Jack
19. Fuentez, Roxanne
20. Khatoonian, Alan
21. Klinger, Karen
22. Linderman, Julie

23. Murai, Ken
24. Norton, Jeffrey
25. Perry, Coleen
26. Perry, John
27. Rae, James
28. Rosa, Rod
29. Ross, Robert
30. Waegell, Judith
31. Willet, Bob

ORAL COMMENTS: SACRAMENTO COUNTY PLANNING COMMISSION JULY 27, 2009 (BEGINS ON PAGE 533)

*ORGANIZATION*

1. Friends of the Swainson's Hawk (Jim Pachl)
2. Hazel Road Community Association (Ruzich, Joseph (President)
3. North State Building Industry Association (Costa)
4. Environmental Council of Sacramento (Rob Burness)
5. Environmental Council of Sacramento (Ludith Lamare)
6. Law Offices of George E Phillips (Rendering)
7. Law Offices of George E Phillips (NJV)

*INDIVIDUAL*

8. Fortier, Brigitte
9. Fuentez, Roxanne
10. Klinger, Karen
11. Linderman, Julie
12. Perry, John
13. Shattuck, Bob
14. Siddiqui, Javed T

15. Spitzer, Guy

16. Sterzick, Amy

17. Willet, Bob

LIST OF PLANNING COMMISSION COMMENTS (BEGINS ON PAGE 540)

1. Transportation Diagram
2. Policy Changes
3. Mitigation Measure LU-1
4. Landowner Requests

## **Written Comments on the DEIR**



Letter 1

**From:** Gibson, Lisa M SPK[SMTP:LISA.M.GIBSON2@USACE.ARMY.MIL]  
**Sent:** Friday, July 31, 2009 3:16:07 PM  
**To:** Hocker, Lauren (MSA)  
**Subject:** 2002-0105; Draft EIR for the Sacramento County General Plan Update  
**Auto forwarded by a Rule**

Good Afternoon Lauren,

I understand that the comment period was closed for comments on July 27, 2009. However, I was asked to review the Draft EIR this week, and have some comments from the Corps of Engineers. Here are my comments.

1-1

1. On Page 7-8 of the DEIR, under Section "Rivers and Harbors Act," there is a discussion of the Corps role in evaluating and permitting projects under Section 301, 402 and 404 of the Clean Water Act (CWA). This should not be included in the section about the Rivers and Harbors Act, as the Clean Water Act is a totally different law than the RHA. In addition, the Corps has the authority to issue permits under Section 404 of the Clean Water Act. Section 301 of the Clean Water Act prohibits the discharge of fill or pollutants without a permit, and Section 402 has to do with the National Pollutant Discharge Elimination System (NPDES), which is not under the authority of the Corps. In addition, Section 10 of the Rivers and Harbors Act requires a permit for structures and/or work in or affecting navigable waters of the United States. A navigable water of the United States is defined in 33 CFR 329.4 as "those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce."

In the second paragraph under this section, it states..."(e)nvironments potentially subject to Corps jurisdiction include: wetland habitat and the deepwater habitat of rivers and streams." However, in accordance with 33 CFR 329.11(a), for non-tidal waters, the Corps' jurisdiction extend "laterally to the entire water surface and bed of a navigable waterbody, which includes all the land and waters below the ordinary high water mark. Jurisdiction thus extends to the edge (as determined above) of all such waterbodies, even though portions of the waterbody may be extremely shallow, or obstructed by shoals, vegetation or other barriers." The Corps of Engineers would only regulate wetland habitat under Section 10 of the Rivers and Harbors Act in so far as the area is subject to inundation by the ordinary high waters.

In addition, in this section, you did not address tidal waters. Because there are portions of at least the Sacramento River, within Sacramento County that are tidally influenced, you may want to address this under the "Rivers and Harbors Act" Section. In accordance with 33 CFR 329.12(a)(2), for tidal waters, the shoreward limit of jurisdiction "extends to the line on the shore reached by the plane of the mean (average) high water. Where precise determination of the actual location of the line becomes necessary, it must be established by survey with reference to the available tidal datum, preferably averaged over a period of 18.6 years. Less precise methods, such as observation of the 'apparent shoreline' which is determined by reference to physical markings, lines of vegetation, or changes in type of vegetation, may be used only where an estimate is needed of the line reached by the mean high water."

Finally, in this section, on page 7-9, it states "The OHWM can also be defined as the elevation the water reaches during 50 percent of winter storms." I'm not sure where this definition came from, but it was not developed by the Corps, nor is it a Corps definition. Therefore, that definition should be removed from this section. In order to determine the OHWM or MHW of a stream/river/ocean for purposes of Section 10 of the Rivers and Harbors Act, would need to utilize Corps regulations at 33 CFR 329 as well as Regulatory Guidance Letter (RGL) 05-05.

- 1-2 2. On Page 8-3 of the DEIR, please note that for Sacramento County, wetland delineations must be conducted in accordance with not only the 1987 Corps of Engineers Wetland Delineation Manual, but also the Arid West Regional Supplement.
- 1-3 3. Also on Page 8-3, regarding the discussion of mitigation. Mitigation includes those actions that avoid, minimize and compensate for the loss of waters of the U.S. The actual hierarchy for mitigation is 1) avoidance of impacts, 2) minimization of impacts, 3) compensation for those impacts that cannot be avoided or minimized (33 CFR 320.4(r)). It should be specified in this section that the hierarchy is for compensatory mitigation.
- 1-4 4. On Page 8-20, under the Section "Wetlands," there is a section on "Permanent Wetlands." Generally, if a wetland contains hydrology year round, it is referred to as a "Perennial Wetland," not a "Permanent Wetland." Also, there are additional types of wetland habitat that occur within Sacramento County, including, but not limited to: seeps, riparian wetlands, seasonal marsh, etc. Generally, man-made stock ponds are not considered "wetlands," and are instead considered to be other waters of the U.S., such as streams, creeks, rivers, oceans, lakes, etc.
- 1-5 5. Within the discussions of waters of the U.S. within the review area, I could not find anything estimating the total amount of waters that occur or the amount proposed to be impacted under the proposed General Plan.
- 1-6 My final comment is that the Corps of Engineers requires a permit if a project would involve work in or affecting navigable waters of the U.S. or the discharge of fill material into waters of the U.S. If development within the General Plan Area would involve these activities, the applicant must request and receive a permit from the Corps prior to construction.

Thank you for the opportunity to comment.

If you have any questions, please let me know.

Thank you,  
Lisa

**Lisa M. Gibson**

Regulatory Project Manager

United States Army Corps of Engineers, Sacramento District

1325 J Street, Room 1480

Sacramento, CA 95814-2922

ph: 916-557-5288

fax: 916-557-6877

e-mail: [lisa.m.gibson2@usace.army.mil](mailto:lisa.m.gibson2@usace.army.mil)

Please visit the Regulatory Branch website:

<http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/index.html>

Letter 1

**Lisa M. Gibson, Regulatory Project Manager, United States Army Corps of Engineers, Sacramento District; written correspondence; July 31, 2009**

**Response 1-1**

The discussion has been amended in the text to reflect the comments.

**Response 1-2**

A correction to the test has been made to address this comment.

**Response 1-3**

These corrections have been made in the FEIR.

**Response 1-4**

This section has been changed to address the comment.

**Response 1-5**

Impacted acreages are discussed on pages 8-32 through 8-34 (impacts of new growth areas).

**Response 1-6**

Permitting is discussed on page 8-3.

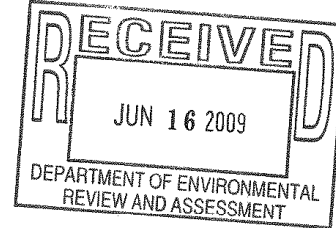


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Letter 2

JUN 15 2009



Joyce Horizumi  
Sacramento County Environmental Coordinator  
Department of Environmental Review and Assessment  
827 7th Street, Room 220  
Sacramento, CA 95814

Subject: Draft Environmental Impact Report (DEIR) for the Sacramento County General Plan Update

Dear Ms. Horizumi:

We are writing to express our concern with several aspects of the subject DEIR being written under the requirements of the California Environmental Quality Act (CEQA). While we appreciate the effort that has gone into both the County's update and the DEIR, a number of the descriptive and substantive statements in the DEIR are inaccurate and should be revised.

2-1 For example, in the Biological Resources Chapter 8, EPA's role in the Clean Water Act permitting and enforcement programs is first described in a section entitled "Federal and State Regulatory Authority" on page 8-2 in which it states:

"The two major federal laws regulating impacts to wetlands and wildlife species are the Clean Water Act (Section 404 and 401) and the Endangered Species Act (Section 7, 9, and 10). The US Army Corps of Engineers (Army Corps) is responsible for administering the Clean Water Act (CWA), Section 404, with the **US Environmental Protection Agency serving in an advisory capacity**" (emphasis added).

This statement is not correct. EPA jointly administers the CWA Section 404 program with the US Army Corps of Engineers and serves in an oversight capacity. Contrary to being advisory, EPA's Section 404(b)(1) Guidelines are binding and substantive federal regulations the Corps is required to comply with through the issuance or denial of CWA Section 404 permits (40 CFR Part 230). This is widely understood among wetland and aquatic resource managers and is well documented on various EPA and Corps websites (see [www.epa.gov/owow/wetlands](http://www.epa.gov/owow/wetlands)). The above statement underscores a major misunderstanding of the CWA Section 404 program and does not reflect the program knowledge of other members of Sacramento County staff or the close working relationship between the County of Sacramento and EPA.

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2-1  
cont'

Another example appears further down on page 8-4 in Chapter 8 under a discussion entitled "Federal Endangered Species Act" in which we find the following:

"Vernal pools are a prominent jurisdictional wetland throughout much of developable Sacramento County. Vernal pools harbor endangered vernal pool fairy shrimp and vernal pool tadpole shrimp. To fill jurisdictional wetlands providing habitat for endangered species requires the Army Corps formally consult with Fish and Wildlife. This consulting process between the two federal agencies is required by Section 7 of FESA. **The US EPA and Fish and Wildlife provide direction to the Army Corps as to when a permit should be approved or denied. This direction, typically authored by Fish and Wildlife, is referred to as a Biological Opinion, and direction given usually results in one of two conclusions:**

- 1) Fish and Wildlife determines that the impact will not jeopardize the continued existence of a species and thus issue a permit, or
- 2) The impact will jeopardized the continued existence of the species and no permit is issued" (emphasis added).

This statement is also inaccurate as the EPA has no role in the writing or approval of Biological Opinions under the Endangered Species Act. EPA's Clean Water Act Section 404(b)(1) Guidelines (Guidelines) stipulate that no discharge of dredged or fill material shall be permitted if that activity jeopardizes the continued existence of species listed under the FESA (40 CFR § 230.10(b)(3)), however the process of writing Biological Opinions and making jeopardy determinations is entirely the purview of the US Fish and Wildlife Service.

2-2

On page 8-28 of the DEIR in the section on "Significance Criteria: Wetland and Riparian Areas" the following excerpt describes 404 permitting and further illustrates our concern with how the CWA Section 404 program is characterized:

"The County has not defined nor does CEQA identify a quantifiable threshold of significance for wetland loss. However, the State CEQA guidelines and County policy were used to determine whether adoption of the draft General Plan Update would have a qualitatively significant impact on wetland resources. According to the CEQA Guidelines, a project would have a significant impact on wetlands if it would have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, and other seasonal and perennial wetlands) through direct removal, filling, and/or hydrological interruption. **Federally protected wetlands are typically referred to as jurisdictional wetlands, that is, wetlands that fall under the jurisdiction of the federal government, namely, the US Army Corps of Engineers. Typically, a wetland is jurisdictional if hydrologic connectivity to a navigable waterway can be demonstrated.** Wetlands that lack this connectivity are considered isolated and are not under the jurisdiction of the Army Corps. However, under County policy, isolated wetlands are an important biological resource and mitigation is required for loss. Under County policy any loss of wetland is a significant or potentially significant impact and

2-2  
cont'

mitigation is generally available to reduce wetland loss impact to less than significant. **The fulcrum point for defining whether wetland impacts are significant despite mitigation rests on whether the impact is substantial**" (emphasis added).

The two sentences emphasized above are inconsistent with standard interpretations in the CWA Section 404 program of how wetlands are delineated, how jurisdiction is established, and the application of the Guidelines in determining appropriate avoidance, minimization and other forms of mitigation. The 1987 Corps of Engineers Wetlands Delineation Manual is used to determine if an area is a wetland. Wetlands are then evaluated by the US Army Corps of Engineers (Corps), in consultation with EPA, to determine if they are subject to CWA jurisdiction. Issues pertaining to significance of impacts are analyzed in the context of demonstrating compliance with the CWA §404 Guidelines in which the least environmentally damaging practicable alternative must be identified. No discharge of dredged or fill material is permitted if it will cause or contribute to significant degradation of waters of the US (40CFR 230.10(c)). Factual determinations of cumulative effects on the aquatic ecosystem, including secondary effects, need to be examined in the process of determining compliance with the Guidelines. Finally, we would note that wetlands subject to CWA jurisdiction are regulated pursuant to the CWA by the Corps, EPA, and authorized state water agencies (in this case, the State Water Resources Control Board and the Regional Water Quality Control Board).

2-3

Next, in the section entitled "Significance Determination on Impacts to Wetlands and Riparian Habitat from Proposed Policies" the DEIR goes on to state on page 8-32:

"The purpose of the policies proposed in the Draft General Plan Update are [sic] to provide guidance on mitigation strategies and requirements, which are beneficial measures, and will not result in substantial adverse effects on any wetlands or riparian areas; impacts to wetland and riparian habitats are *less than significant*" (emphasis in original).

This statement implies the County is relying heavily on the South Sacramento County Habitat Conservation Plan (SSCHCP). An important issue here is that the SSCHCP is not completed. It is still undergoing review under CEQA, National Environmental Policy Act (NEPA), and the federal Endangered Species Act (ESA). Because EPA has been involved in the SSCHCP process since its inception and has awarded the County over \$750,000 toward completion of this plan, we have a reasonable understanding of where the SSCHCP is in the approval process. Given that the County is relying on the SSCHCP in its General Plan Update to satisfy CEQA with respect to aquatic resource impacts, should not the County first complete the SSCHCP and demonstrate that Plan is in compliance with CEQA, NEPA and ESA? Additionally, the DEIR does not provide the data or analysis necessary to support the selection of the preferred alternative.

We remain concerned that the significance determination for the large area of impacts envisioned in the General Plan Update places inordinate reliance on the ultimate implementation of the SSCHCP. The Impacts chapter states on page 1-17 that 832 acres of wetlands, streams, and riparian habitat are expected to be permanently lost – "figures that only includes [sic] habitat within the Jackson Highway Corridor, Grant Line East, and Easton." These are very sizeable

2-3  
cont'

impacts for which there might be less environmentally damaging practicable alternatives. This magnitude of loss of waters of the US may surpass CWA criteria for cumulative impacts and significant degradation.

2-4

Finally, in the section on New Growth Areas under a subsection entitled "Significance Determination on Impacts to Wetland and Riparian Habitats in New Growth Areas" the DEIR states on page 8-34:


"Wetlands and riparian habitat are distributed throughout the New Growth Areas, particularly the two largest, in relatively high densities. In most of these New Growth Areas, existing urban uses are either minimal or near-absent, and as a result many of these wetland assemblages and riparian areas are of higher quality. Though both the existing and the proposed General Plan contain policies requiring mitigation for the loss of wetland and riparian resources, the potential loss within these large portions of the County is substantial. Impacts are considered *significant and unavoidable*" (emphasis in original).

Here the County appears to be making qualitative judgements about the condition of wetlands inside the New Growth areas as compared to those within existing urban areas without data to justify such claims, and goes on to state the impacts are unavoidable. Again, this is potentially in conflict with the CWA Section 404 Guidelines which states there is a rebuttable presumption that a less environmentally damaging practicable alternative exists. Table BR-3 lists alternatives and levels of impacts; however, there does not appear to be a substantive analysis in this DEIR to justify or defend selection of the preferred alternative which, if done properly, would demonstrate that none of the less environmentally damaging alternatives is practicable.

The comments above are not inclusive and do not address some of our concerns with respect to water quality impacts, as these reside primarily within the purview of the State Water Resources Control Board and Central Valley Regional Water Quality Control Board. However, we have some parallel concerns with these sections but defer to the state agencies on these subjects.

If you wish to discuss this matter further, please call me at (415) 972-3464 or Paul Jones of my staff at (415) 972-3470.

Sincerely,

  
for David W. Smith, Supervisor  
Wetlands Office

cc: Michael Jewell, US Army Corps of Engineers  
✓ Ken Sanchez, U.S. Fish and Wildlife Service  
✓ Jeff Drongesen, California Department of Fish and Game  
Bill Orme, State Water Resources Control Board  
✓ Greg Vaughn, Central Valley Regional Water Quality Control Board



Letter 2

**David W. Smith, Supervisor, Wetlands Office, United States Environmental Protection Agency; written correspondence; June 15, 2009**

### **Response 2-1**

In the cited paragraph on page 8-2, the phrase “advisory capacity” has been changed to “oversight capacity”. For the cited paragraph on page 8-4, the section has been clarified.

### **Response 2-2**

The first section emphasized by the comment does not speak to how wetlands are delineated – that is, how it is determined whether or not a surface water is a wetland, and how the boundaries of the wetland are defined. It is agreed that this is determined using the 1987 Corps of Engineers Wetland Delineation Manual, a fact which is stated in the DEIR on page 8-3. The section cited by the comment simply states that any surface water that has been determined to be a wetland is typically considered jurisdictional by the federal government if hydrologic connectivity can be demonstrated. It is also agreed that wetlands protected by the Clean Water Act are also regulated by the Regional Water Quality Control Board; however, this regulatory authority rests in Clean Water Act Section 401 (which is stated on page 8-2, in the final paragraph). The section cited by the comment is found under a discussion of Section 404, and therefore does not mention the Regional Water Quality Control Board.

The second section emphasized by the comment speaks to how an impact is considered significant pursuant to CEQA, not pursuant to the Clean Water Act permitting process. Pursuant to CEQA, an impact to wetlands does rest on whether the impact is substantial. The sentence has been modified to begin with the phrase “Pursuant to CEQA”, to ensure that this is clear.

### **Response 2-3**

The County relies on data gathered as part of the South Sacramento Habitat Conservation Plan (SSHCP), but does not rely on the SSHCP in any portion of the Biological Resources chapter in order to justify significance conclusions. The DEIR does contain a lengthy background discussion of the SSHCP, throughout which the plan is referred to as proposed. The section of the DEIR cited in this comment refers to the impact determination made specific to the new and modified biological resources *policies* of the proposed General Plan, not to the impacts of the contemplated growth. All of the proposed new and modified policies of the proposed General Plan provide protections for wetlands and other surface waters, so the impacts are beneficial; a less than significant conclusion is appropriate. The discussion of the SSHCP in this section is only provided to indicate what the implementation of those beneficial policies requiring mitigation would be like, depending on whether the SSHCP does or does not apply. The conclusion for the impacts of the proposed new growth is found on page 8-34, and it is found to be significant and unavoidable.

**Response 2-4**

The statement that wetlands found within non-urbanized areas are typically of higher quality than wetlands found within dense urban environments is a reasonable assumption predicated on facts presented within the DEIR. Wetlands data gathered through the SSHCP (8-29) when compared with data gathered through staff experience with projects in the urbanized environment (page 8-38) shows that wetlands in the open areas of the east County are of higher quality than in the urbanized environment. With respect to the significance conclusion, this comment describes procedures and protocols used in the permitting process. The EIR made the significance conclusion after following the procedures and protocols outlined in the CEQA Guidelines. In accordance with the CEQA Guidelines, an EIR should analyze reasonable Alternatives to the Project to reduce impacts, and identify which Alternative is environmentally superior (results in the least damaging impacts). The DEIR includes this analysis. The least environmentally damaging practicable alternative (LEDPA) is a term used in the National Environmental Policy Act and does not apply to this project. Arguments to justify approving the Project or an Alternative (which this comment appears to request) must be left to the decision-making authority, which in this case is the Sacramento County Board of Supervisors.



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846



Letter 3

In reply refer to:  
81420-2009-TA-0858-1

22 July 2009

Joyce Horizumi, Director  
Department of Environmental  
Review and Assessment  
County of Sacramento  
700 H Street, Suite 2450  
Sacramento, CA 95814

Subject: Comments on the Draft Environmental Impact Report for the Sacramento County  
General Plan Update, May 2009

Dear Ms. Horizumi:

3-1

This responds to the May 1, 2009, County of Sacramento request for comments on the May 2009 Draft Environmental Impact Report (DEIR) for the Sacramento County General Plan Update in Sacramento County, California. The U.S. Fish and Wildlife Service (Service) is providing comments in accordance with the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (ESA). Of the 20 federally-listed species identified in the Service's 2005 *Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon* (Recovery Plan), the federally-endangered vernal pool tadpole shrimp (*Lepidurus packardii*) and Sacramento Orcutt grass (*Orcuttia viscida*), and the federally-threatened vernal pool fairy shrimp (*Branchinecta lynchi*) and slender Orcutt grass (*Orcuttia tenuis*) are known to occur within the project area. The federally-threatened giant garter snake (*Thamnophis gigas*), valley elderberry longhorn beetle (*Desmocerus dimorphus californicus*), and California tiger salamander (*Ambystoma californiense*) also exist within the project area. The Service believes the proposed General Plan Update (proposed project) is likely to result in significant impacts to federally listed species, in particular those species associated with vernal pool habitats. Habitat conversion for urban, agricultural, and industrial uses has filled much of the vernal pool habitat in Sacramento County, and the remaining habitat has become increasingly fragmented. The Service is particularly concerned about development impacts in the large Jackson Highway Corridor and Grant Line East New Growth Areas identified in the proposed project and resulting impacts to vernal pool ecosystems including core recovery areas and designated critical habitat. We are also concerned that approving the General Plan Update prior to approving the South Sacramento Habitat Conservation Plan (SSHCP) will delay the successful completion and implementation of the SSHCP.

TAKE PRIDE  
IN AMERICA

Ms. Joyce Horizumi

2

3-2

The Service would first like to commend Sacramento County in their continued planning efforts related to successfully completing the SSCHCP and stated objectives to implement environmentally friendly development principles such as those presented in the Sacramento Area Council of Governments (SACOG) "Blueprint". We look forward to continued partnerships with County staff to minimize impacts to trust resources in planning efforts and development proposals considered by the County. The EIR proposed project is significantly inconsistent with low impact development principles identified in the SACOG Blueprint. We remain concerned and have provided comments previously regarding County planning efforts and development proposals considered by the County and their impacts on vernal pool resources within south Sacramento County. Most recently, the Service has provided comments regarding the Jackson Highway and Grant Line East Visioning process (Service file #: 81420-2009-TA-0115-1) dated November 13, 2008 (attached). The Service had previously provided comments on the Draft South Mather Wetlands Management Plan (Service file #: 81420-2008-TA-1801-1) dated September 3, 2008 (attached). Sacramento County planning efforts, including the General Plan Update, continue to be inconsistent and contrary to input provided by the Service, and are of significant concern.

3-3

The Jackson Highway Corridor and Grant Line East New Growth Areas constitute a significant portion of the Mather Core Recovery Area (Core Area), as defined in the Recovery Plan. The Core Area is designated a Priority One Core Recovery Area, and as such is considered essential to species' recovery (USFWS 2005). Southern Sacramento County and the Core Area are particularly important to vernal pool animal and plant species and their recovery, particularly the vernal pool tadpole shrimp, vernal pool fairy shrimp, slender Orcutt grass, and Sacramento Orcutt grass. The DEIR states that vernal pool conservation goals in the proposed project include conserving only 50 percent of suitable vernal pool habitat in the project area and mitigating for losses in the region south of the Cosumnes River. The Recovery Plan recommends preserving eighty-five to ninety-five percent of the suitable habitat in the Core Area in order to achieve listed species recovery. Conservation goals for the Core Area, as established in the Recovery Plan, would likely not be achieved under the proposed project described in the DEIR. Additionally, the proposed project includes mitigating for habitat loss within the Cosumnes-Rancho Seco Core Area south of the Cosumnes River, which is not an appropriate conservation strategy for all listed species. The vernal pool plant and animal communities within the Mather Core Area are considerably different than those occurring in the Cosumnes-Rancho Seco Core Area and are not an appropriate surrogate in mitigating for impacts occurring in the Mather Core Recovery Area. The Service recommends that habitat conservation occur within the same Core Area as the impact.

3-4

Portions of the Jackson Highway new growth area and former Mather Air Force Base are contiguous with the entire Mather Critical Habitat Unit (Federal Register 70: 46924-46999). Critical habitat is an essential component of successful federally-listed species conservation. The Mather Critical Habitat Unit is small relative to other Critical Habitat Units. However, this new growth area is located within the Mather Core Area and, as mentioned above, this region is vitally important to the recovery of a number of vernal pool species. Conserving suitable amounts of vernal pool habitat within the Mather Critical Habitat Unit is a priority for the Service. After reviewing the land use plans and associated mitigation presented in the DEIR, the Service is concerned that potential impacts of the proposed project to this small, yet vital critical



Ms. Joyce Horizumi

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3-4  
cont'

habitat unit may adversely impact the role of the Mather Critical Habitat Unit in providing for species survival and recovery. The DEIR does not sufficiently analyze the role of Core Areas or critical habitat in vernal pool species recovery, or the potential impacts of the proposed project on vernal pool resources occurring within Core Areas or designated critical habitat. As such, the Service recommends a more critical evaluation of actual housing needs in the region, especially in light of current markets, and how best to strike a balance to fulfill this need while minimizing impacts to federally-listed species.

3-5

The Service also disagrees with the statement on page 1-18 of the DEIR regarding whether "General Plan policies and existing regulations provide all feasible protections for wetland and riparian habitat." General Plan policies and existing County regulations provide little to no formal protection of sensitive areas such as wetlands and riparian habitats or special status species inhabiting these areas. County planning policies and regulations rely on compliance with State or Federal regulations to protect these resources, yet existing County policy and regulation does not make consultation with State or Federal regulatory agencies compulsory. The Service requests that the final EIR proposed project and the General Plan Update include new requirements that applicants demonstrate compliance with State and Federal natural resource laws and regulations prior to a project receiving County approval.

3-6

The Service is concerned about inconsistencies between the proposed new growth areas identified in the DEIR proposed project and the principles and recommendations contained within the Blueprint. The DEIR provides little to no analysis or discussion of why the proposed project exceeds housing needs developed by SACOG by 25,000 to 75,000 dwelling units. Additional information and analysis is needed in the final EIR document to explain why 25,000 to 75,000 excess housing units are included in the proposed project. The new growth areas along Jackson Highway and Grant Line East are also inconsistent with Blueprint recommendations regarding new development near existing development and infrastructure. Although phased development has been proposed to mitigate certain urban impacts in the Jackson Highway corridor, the proposed project will still contribute to a "leap frog" effect of development into sensitive vernal pool habitats. In addition, the development proposed along the Jackson Highway Corridor conflicts with some vernal pool habitat preservation, species corridor, and ecosystem connectivity goals and biological objectives that are essential components of the SSHCP draft conservation strategy.

3-7

We are deeply troubled because the EIR proposed project includes no mitigation measures for the likely leap frog or greenfield development within the larger Grant Line East new growth area. Mitigation measures that will prevent destructive leap frog and greenfield development patterns inside the very large Grant Line East new growth area must be added to the final EIR proposed project to help slow the destruction of critically important vernal pool habitats in this large area. Based on information presented in the DEIR the Service believes that project Alternative 1 (Remove Grant Line East), Alternative 2 (Focused Growth) or project Alternative 3 (Mixed Use) as discussed in the DEIR, are more practicable than the proposed project in meeting County housing needs through 2030 while also significantly reducing natural resource impacts associated with new development.

Ms. Joyce Horizumi

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3-8

Beginning in 1995 and more intensely since 2001, Service and County staff have worked closely with numerous local stakeholders to develop a draft SSHCP, a regional approach to addressing urban development, habitat conservation, open space protection, and agricultural protection in the south County, including the proposed new growth areas. The County and the Service jointly published a Notice of Preparation and a Notice of Intent to prepare an Environmental Impact Report/Environmental Impact Statement on the draft SSHCP in June 2008, and a final SSHCP is scheduled to be completed in January 2011. Because the Service and the County have extended considerable effort to develop a draft SSHCP, we are concerned that the County now proposes to approve new growth areas of this scale while the SSHCP is still being developed, and the SSHCP document has not been released in its entirety for public review and comment. The Service is concerned that the County's approval of the two new growth areas at this time is pre-decisional, and may jeopardize the successful and timely completion of the SSHCP and EIS/EIR.

3-9

The DEIR also appears to rely significantly on a SSHCP conservation strategy that is still being developed to mitigate for environmental impacts resulting from the proposed project General Plan Update, including the large New Growth Areas. It is our belief that the reliance on an HCP that is not yet complete not only jeopardizes successfully completing the SSHCP, but questions whether it is advisable for the County Supervisors to proceed in approving the final EIR and adopting a General Plan Update that relies so substantively on an HCP that does not yet exist to minimize impacts. We request that the County add additional information and analysis to the final EIR to explain what will happen to an approved General Plan Update if, for some unexpected reason, the SSHCP is never finalized or never permitted. Is there an alternative way to mitigate the environmental impacts of the two new growth areas? The Service recommends the County postpone finalizing the EIR and the General Plan Update until completing the SSHCP.

3-10

Many pages of detailed information about the SSHCP were inserted in the DEIR document for public comment at this time. As stated previously, the SSHCP planning process began in 1995 and the Plan has evolved over that time. The information about the SSHCP included in the DEIR is several years old and is no longer current. Analysis and conclusions in the DEIR based on this outdated biological information are not valid. New impact analysis is needed in the final EIR to support any conclusions based entirely or in part on the SSHCP information that was included in the DEIR, including the DEIR's determination of significance for some resources.

In 2008, the SSHCP lead California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) agencies updated all information on the SSHCP for use in their separate SSHCP public scoping process. Much of the out-dated information in the DEIR regarding the SSHCP content and process is not consistent with the current status of the SSHCP, and is not consistent with the SSHCP Notice of Intent and the public scoping materials now in front of the public for comment and review. As required under NEPA, the public scoping process for the SSHCP will remain open until shortly before the Draft EIS/EIR and Draft SSHCP are released to the public. The Service believes that concurrently presenting outdated and conflicting information about the SSHCP in the DEIR is confusing, and is jeopardizing the on-going NEPA public-participation process for the SSHCP EIS/EIR. Any public confusion about the SSHCP will slow the preparation of the draft and final EIS/EIR, ultimately delaying the



Ms. Joyce Horizumi

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3-10  
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Service's permit decision on the SSHCP. Therefore, the Service requests that the final EIR delete all SSHCP information, commitments, take amounts, and preserve acreages presented in the DEIR that were not specifically included in the 2008 Notice of Intent, or specifically included in the 2008 SSHCP scoping materials.

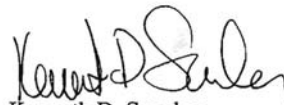
3-11

The Service also submits this comment on the draft General Plan Update (dated April or May 2009): several Elements of that document specify that the new General Plan need only "be consistent with Habitat Conservation Plans that ...are in draft format". The Service is concerned that outdated early informal drafts of the SSHCP will be used to guide future mitigation and conservation within the proposed new growth areas over the next 30 years. The Service requests that the final EIR and the final General Plan Update reference only the final SSHCP and SSHCP permits, if these are issued by the Service and the California Department of Fish and Game (CDFG).

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Sacramento County General Plan Update, May 2009. We are committed to working with Sacramento County to ensure proposed development in the County adequately protects federally-listed species and designated critical habitat and remains consistent with conservation strategies being developed as part of the SSHCP.

Please contact Terry Adelsbach, Senior Biologist, Sacramento Valley Branch; Nina Bicknese, Senior Biologist, Conservation Planning Branch; or myself at 916-414-6600 if you have any questions or concerns regarding this letter.

Sincerely,



Kenneth D. Sanchez  
Assistant Field Supervisor

Attachments (2)

cc:

Mr. David Defanti, Sacramento County  
Mr. Richard Radmacher, Sacramento County  
Ms. Kathleen Dadey, Army Corps of Engineers  
Mr. Paul Jones, Environmental Protection Agency  
Mr. Greg Vaughn, Central Valley Regional Water Quality Control Board  
Ms. Sandy Morey, California Department of Fish and Game, Region 2

Letter 3

**Kenneth D. Sanchez, Assistant Field Supervisor, United States Fish and Wildlife Service; written correspondence; July 22, 2009**

**Response 3-1**

The EIR concludes that the Project will have significant and unavoidable impacts to listed species. Comment noted.

**Response 3-2**

Comment noted.

**Response 3-3**

The concerns expressed by this comment are based on several sentences which paraphrase apparent statements within the DEIR. These are that the vernal pool conservation goals in the proposed project include preserving only 50% of suitable vernal pool habitat and mitigating for losses in the region south of the Cosumnes River, and that the proposed project includes mitigating for habitat loss within the Cosumnes-Rancho Seco Core Area south of the Cosumnes River. The EIR preparers cannot find either of these references within the EIR. In fact, the term “Cosumnes-Rancho Seco” does not appear anywhere within the Biological Resources chapter. It appears that these comments may be related to what is currently part of the anticipated South Sacramento Habitat Conservation Plan (SSCHP), or what had been part of that plan at one time. The EIR does not state where impacts must be mitigated, or give a percentage of habitat that must be preserved. The EIR indicates how much habitat has the potential to be impacted, and states that any impacts will require mitigation pursuant to existing regulations and County policy.

**Response 3-4**

The USFWS-designated Mather Critical Habitat Unit does overlay the Jackson Highway New Growth Area generally within a block bounded by Excelsior Road, Eagles Nest Road, the Kiefer Road alignment, and Jackson Highway. The Habitat Unit excludes a broad strip of land fronting the north side of Jackson Highway and a portion fronting Excelsior Road. The block of land just to the south of the Mather Critical Habitat Unit is within the New Growth Area and includes a number of properties that contain wetlands and are protected with conservation easements. The DEIR concluded that the project's impacts to vernal pool species in the Jackson Highway Corridor would be significant and unavoidable. If future land uses are proposed to convert habitat to urban uses, the requested conversion would undergo analysis of project impacts and cumulative impacts, pursuant to CEQA.

**Response 3-5**

Sections 404 and 401 of the Clean Water Act require no net loss of jurisdictional wetland acreages. Existing General Plan Conservation Element Policy CO-62 requires no net loss of marsh or riparian habitat, CO-83 requires no net loss of vernal pool habitats, and CO-96 requires no net loss of wetland habitats. These regulations and policies ensure that any project which will result in losses of wetland or riparian habitats



will require compensatory mitigation, and Mitigation Monitoring and Reporting Programs will ensure that this compensatory mitigation has been provided before a project can be constructed. A Lead Agency cannot require that an applicant mitigate for a project impact prior to a project being approved, as seems to be suggested by this comment.

**Response 3-6**

An EIR is not required to include analyses that investigate why a proponent has chosen to propose a project under consideration. The purpose of an EIR is to analyze the project's potential impacts. The EIR analyzes the Project as scoped by the Sacramento County Board of Supervisors. The EIR identifies conflicts with smart growth principles and significant impacts to listed species and habitats.

**Response 3-7**

Mitigation Measure LU-1 requires phased development within both the Jackson Highway Corridor and Grant Line East. It is not accurate to state that no mitigation is provided to prevent leapfrog growth.

**Response 3-8**

Comment noted. This comment has been forwarded to the hearing body for consideration.

**Response 3-9**

See Response 2-3. Comment noted.

**Response 3-10**

All details regarding the SSHCP have been stricken and language used to refer to the SSHCP has been moderated to clearly highlight that it is not a published document. See Response 2-3.

**Response 3-11**

This recommendation has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.



State of California • Arnold Schwarzenegger, Governor  
State and Consumer Services Agency

**DEPARTMENT OF GENERAL SERVICES**

**Executive Office**

707 Third Street • West Sacramento, CA 95605 • (916) 376-5000 • Fax (916) 376-5018 • [www.dgs.ca.gov](http://www.dgs.ca.gov)

Letter 4

June 11, 2009

Ms. Joyce Horizumi, Director  
Environmental Coordinator  
County of Sacramento  
Department of Environmental Review and Assessment  
827 7<sup>th</sup> Street, Room 220  
Sacramento, CA 95814

Dear Ms. Horizumi:

4-1

Thank you for the opportunity to review the unincorporated County of Sacramento Draft 2030 General Plan Update, Draft Environmental Impact Report, dated May 1, 2009. The Department of General Services (DGS) has the following comment for your consideration.


The DGS owns over 90 acres located at 9645 Butterfield Way, between Mayhew and Bradshaw Roads, a site included within the boundaries of the area being addressed in the County of Sacramento 2030 General Plan Update. The consolidated headquarters for Franchise Tax Board (FTB) is housed in 1.85 million square feet (SF) in seven buildings on this property. The facility provides operational needs to administer the tax code and law, and the collection and distribution of state tax revenues.

The State of California has a vested interest as a land owner in this area for over 20 years and has seen this as a significant State-owned asset. Over the years the office building campus has grown to reflect that vision and most recently, added 1 million SF of office space to reach its current 1.85 million SF.

As stated in previous letters (see attached) to the County of Sacramento and the Sacramento Regional Transit District, and in conversations with their respective staff, the DGS remains committed to this site with future plans for the remaining land to include construction of an additional State-owned office facility and parking structure.

We appreciate your consideration of our comments. If you have any questions, please contact Cathy Buck of my staff at (916) 375-4888.

Sincerely,

  
Zachary Miller, Assistant Chief  
Asset Management Branch  
Department of General Services

cc: Cathy Buck, Supervising Senior Real Estate Officer, Asset Management Branch,  
Real Estate Services Division, Department of General Services  
Ken Uribe, Regional Portfolio Manager, Asset Management Branch, Real Estate  
Services Division, Department of General Services

BUILDING GREEN • BUYING GREEN • WORKING GREEN

Letter 4

**Zachary Miller, Assistant Chief, Asset Management Branch, California Department of General Services; written correspondence; June 11, 2009**

**Response 4-1**

Comment noted.

Letter 5

EDMUND G. BROWN JR.  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



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July 13, 2009

Joyce Horizumi  
Department of Review and Assessment  
Sacramento County  
827 7th Street, Room 220  
Sacramento, CA 95814

RE: Comments on Draft Environmental Impact Report for General Plan Update  
SCH # 2007082086

Dear Ms. Horizumi:

The Attorney General submits these comments on the Draft Environmental Impact Report (DEIR) for the County's proposed General Plan Update (General Plan).<sup>1</sup> We note at the outset that the County has already taken a number of steps to address climate change in a meaningful way, such as joining various climate protection organizations, conducting an inventory of greenhouse (GHG) emissions and adopting energy conservation and green fleet measures for its facilities and vehicles. Sacramento County also has shown considerable leadership by being among the first jurisdictions in the State to adopt Transit Oriented Districts, which can provide significant reductions in carbon emissions by providing alternative mobility choices to the car.

The County has recognized in its DEIR the very important role that local governments play in the fight against global warming and has stated its intent to take action; unfortunately, this intent is

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<sup>1</sup> The Attorney General submits these comments pursuant to his independent power and duty to protect the natural resources of the State from pollution, impairment, or destruction in furtherance of the public interest. (See Cal. Const., art. V, § 13; Gov. Code, §§ 12511, 12600-12612; *D'Amico v. Bd. of Medical Examiners* (1974) 11 Cal.3d 1, 14-15). While this letter sets forth some areas of particular concern, it is not intended to be an exhaustive discussion of the DEIR's compliance with the California Environmental Quality Act (CEQA).

Joyce Horizumi  
Department of Review and Assessment  
Sacramento County  
July 13, 2009  
Page 2

unlikely to be fully realized with the existing documents. Our concerns and questions, as discussed below, relate to (1) proposed land use patterns that will increase vehicle miles traveled (VMT) and related GHG emissions; and (2) the absence of specific proposed General Plan policies and enforceable mitigation measures that could mitigate GHG emissions. According to the DEIR, part of the mitigation for significant impacts related to GHG emissions requires adoption of a Climate Action Plan (CAP).<sup>2</sup> Our comments below about mitigation are relevant to the CAP as well as proposed mitigation measures in the DEIR and policies in the General Plan.

### Land Use Patterns

The CAP acknowledges the County's increase in VMT is outpacing its increase in population: From 1997 to 2005, Sacramento County's population grew by 22.9%, and VMT in the County increased by 27.4 %. (CAP, p. 3.2-2.) The County has identified as the proposed project a General Plan update that puts the County in danger of continuing this increase in VMT. The proposed General Plan expands the area designated for development—the Urban Policy Area (UPA)—by 145,000 units, “nearly double what is necessary to meet projected demand.” (Staff Report, p. 5.) The Staff Report analyzes the potential consequences of prematurely committing more land to urbanization than can be absorbed in the market, including the encouragement of sprawl and contribution to climate change.

We appreciate that both the Staff Report and the DEIR frankly discuss the adverse impacts that could occur from this over-designation. However, CEQA requires that the County not only disclose adverse impacts, but take action to avoid or minimize them. Accordingly, the County should consider more aggressive approaches to curbing this substantial increase than either the Staff Report or the DEIR recommends.

5-1

As discussed below, these approaches include: (1) careful consideration of the feasibility of a General Plan alternative that would reduce the area designated for development while increasing density; (2) development phasing so that land is not developed prematurely; and (3) coordination between the County and the cities in its jurisdiction about where future growth should occur. The County's goal should be to ensure that expansion of the UPA does not occur until available infill land (areas in or adjacent to developed areas) has been used to the maximum extent feasible.

<sup>2</sup> The 25-page Sacramento County Draft Climate Action Plan (Phase 1, May 2009) is set forth in a separate document, available at [http://www.climatechange.saccounty.net/coswems/groups/public/@wcm/@pub/@sccc/documents/webcontent/sac\\_018841.pdf](http://www.climatechange.saccounty.net/coswems/groups/public/@wcm/@pub/@sccc/documents/webcontent/sac_018841.pdf). It appears that to this point, the CAP has been developed on a separate track from the General Plan Update and DEIR.

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Department of Review and Assessment  
Sacramento County  
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Page 3

# 1. Alternatives

5-2

In light of the significant impact the General Plan will have on climate change, it is incumbent on the County to carefully consider whether it should adopt one of the alternatives to the proposed General Plan. CEQA requires public agencies to refrain from approving projects with significant environmental impacts when there are feasible alternatives that can substantially lessen or avoid those impacts. (*Mountain Lion Foundation v. Fish & Game Commission* (1997) 16 Cal.4th 105,134; Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15002, subd. (a)(3), 15021, subd. (a)(2).) The “ cursory rejection ” of a proposed alternative “ does not constitute an adequate assessment of alternatives as required under CEQA ” and it “ fails to provide solid evidence of a meaningful review of the project alternative that would avoid the significant environmental effects identified . . . . ” (*Mountain Lion Foundation*, 16 Cal.4th at 136.)

Based on the existing record, there appear to be a number of alternatives to the proposed General Plan which, alone or combined, would significantly reduce GHG emissions generated by VMT. These alternatives include:

- Mixed Use Alternative: The Mixed Use Alternative would have a smaller increase in housing and employment than other alternatives, but would still adequately accommodate growth. This alternative would result in the lowest increase in VMT. (DEIR, p. 9-34.) It exhibits the largest share of non-automotive travel (walking, biking, and public transit) (DEIR, p. 9-35) and is considered consistent with the Smart Growth Principles articulated in the Project Description. (See DEIR, p. 3-81.) It also would have the greatest residential accessibility to transit service, as well as the greatest employment accessibility to light rail transit (LRT), bus rapid transit (BRT) and other transit service. (DEIR, p. 9-34.) The Mixed Use Alternative is identified as the environmentally superior alternative (excluding the no project alternative).
- Grant Line East Alternative: The Grant Line East Alternative, which would eliminate the 8,000+ acre area referred to as the Grantline East New Growth Area, has the greatest residential accessibility to LRT/BRT. (DEIR, p. 9-34.)
- City – Urban Centered Alternative: The DEIR does not disclose or analyze the amount of growth that could be accommodated in a City and Urban Centered Alternative (including vacant legal suburban and rural lots of record in the County). It is reasonable to assume that such an alternative could result in even lower VMT and GHG emissions.

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Department of Review and Assessment  
Sacramento County  
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5-3

## 2. Development Phasing Requirements

The Staff Report recommends that the County adopt a phased approach that expands the UPA but limits growth in the next 10 years to an “Urban Development Area” and reserves future growth to an “Urban Reserve.” This approach, according to the Staff, will manage growth effectively while providing the County and developers flexibility and certainty. We agree with the Staff that phasing provides an effective approach to managing the pace and location of growth, but recommend that the County consider some more stringent phasing protections.

As discussed in the Staff Report, the Attorney General’s settlement agreement with the City of Stockton provides for Stockton to phase in new growth in a manner that will not undermine downtown Stockton, and would complement existing commercial and residential zones. Phasing can ensure that land designated for urban development is used efficiently. The agreement, a copy of which is attached to these comments, stipulates that Stockton will locate a specified number of new housing units in infill areas (§§ 6.a.,6.b) Stockton will also consider limits on growth outside the city limits until certain criteria are met. (§ 7.)

Another example of phasing the County could consider is in the Visalia General Plan. Like the County, Visalia’s General Plan includes different “growth boundaries” for the purpose of managing growth. Visalia, however, gives substance to these boundaries by setting specific growth criteria that must be met before development can advance to the next growth area.<sup>3</sup> According to the City of Visalia’s Assistant City Manager and Community Development Director, the phasing policy has resulted in orderly concentric growth, efficient use of land and infrastructure and revitalization of the downtown. This type of approach could be paired with the Staff’s recommendation and Mitigation Measure LU-3, which provides criteria for UPA expansion (DEIR, p. 3-43), as well as other prerequisites for expanding growth boundaries (e.g. completion, adoption and incorporation of the Phase II CAP into the General Plan, or meeting or exceeding emissions reduction targets).

These types of phasing approaches, particularly in combination with a lower-carbon alternative, would provide the flexibility and certainty the County needs, while resulting in more compact growth, fewer VMT, and fewer adverse impacts on climate change. The County should review these examples and analyze whether adopting similar phasing measures would be feasible and would further the County’s stated Smart Growth Principles.

<sup>3</sup> These criteria include: (1) adequate residential, commercial and industrial capacity for the projected population; (2) inclusion of a 30% vacancy factor (flexibility factor) for residential development and 20% for commercial development [in the growth boundary]; (3) adequacy of infrastructure and other urban services and facilities; and (4) community growth priorities, among other factors.

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### 3. City-County Coordination

5-4

Coordination between cities and counties is a critical component of optimizing patterns of growth and reducing greenhouse gas emissions and, therefore, can be a very important climate change-related mitigation measure.<sup>4</sup> Even though the County does not have jurisdiction over land use inside city limits, the County does have jurisdiction within city spheres of influence and planning areas making coordination between the County and its cities important to ensuring that these areas are developed with climate change in mind. This is particularly important in light of the information in the Draft CAP that shows that Sacramento County and Sacramento County Unincorporated have higher per capita rates of GHG emissions than all the cities in the county (p. 2-10).<sup>5</sup>

There are many instances of County-City collaborations directed at climate change (see, e.g., the Sonoma County Climate Action Plan<sup>6</sup>), at more sustainable patterns of development (see, e.g., Kings County Joint Housing Element<sup>7</sup>), and at revenue sharing (see, e.g., Yolo County's pass through agreements with its cities<sup>8</sup>).

The County General Plan should consider including specific policies to facilitate collaboration with the cities. The General Plan could, for example, include policies to support collaboration and incentives for cities to cooperate. We would be happy to provide the staff with other examples that could serve as models for the County to consider.

<sup>4</sup> Coordination has other benefits as well, including, but not limited to, revenue sharing from commercial development.

<sup>5</sup> It is not clear how the County calculated these emission rates. For example, did the County include trips by non-residents to the airport in these figures?

<sup>6</sup> See <http://coolplan.org/>.

<sup>7</sup> Kings County and its four cities jointly prepared and adopted the current housing element and are in the process of jointly preparing a housing element update. This collaboration allows the County and its cities to share the cost of the housing element update, and to direct new housing to the best locations in the County, including within its cities. San Mateo County, an urban county like Sacramento County, and its cities are collaborating on their housing element updates by sharing resources, successful strategies and best practices. (See <http://www.21elements.com>.)

<sup>8</sup> The Yolo County-Davis Pass Through Agreement has provided protection for the City of Davis against disorderly growth in its Sphere of Influence and Planning Area for over a decade. The Agreement requires that Yolo County not approve urban development in the areas surrounding the City. In return, the City has agreed to "pass through" to the County a certain share of the revenue of any development it approves in the area. Yolo County has similar agreements with each of its four cities.



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Department of Review and Assessment  
Sacramento County  
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**Proposed Mitigation Strategies**

5-5

We have several questions about the proposed CAP adoption process and timeframes. For example, we are uncertain about the timing of the adoption of the proposed Climate Change Program, which includes a fee on development to fund CAP activities and reduction targets for new development.

We are also uncertain about the County's statement in CC-2 that it intends to adopt, concurrently with the General Plan update, "[r]eduction targets that apply to new development." If by this the County intends to establish carbon efficiency-based thresholds of significance for new development projects as set forth in Table CC-9, the document does not appear to contain substantial evidence to support them. (See CEQA Guidelines, § 15064.7, subd. (b).) For example, the table assumes that in 2020, each sector will retain its current percentage slice of the emissions pie, even as the pie shrinks. In fact, some sectors likely are more amenable to reductions than others. Further, the table assumes that new development need only achieve a sector-specific average carbon efficiency in order for the County to reach its sector-specific emissions target. This assumption runs counter to the likelihood that new development will have to achieve above-average efficiencies for the County to meet its emission targets, given the ongoing contribution of existing development, which is much less efficient. We do not mean to suggest that efficiency-based performance standards for new development cannot be part of a programmatic Climate Action Plan, but only that a lead agency must be able to show that those performance standards, together with all other measures and strategies (including some that may apply to existing development), are likely to achieve the community-wide emissions reduction targets.

5-6

The DEIR also states that the County shall adopt a second-phase CAP within one year of adoption of the General Plan update and that this CAP will include "economic analysis and detailed programs and performance measures." Does this mean that the County is committing to adopt a CAP that contains enforceable mitigation measures within a year?

We recognize that it may not be possible for the County immediately to adopt a fully realized Climate Action Plan as described in the Governor's Office of Planning and Research's proposed CEQA Guidelines (see § 15183.5, subd. (b)(1)) and in the Attorney General's Frequently Asked Questions (attached, see p. 6). What the County should do, however, is to (1) commit in the General Plan to adopting by a date certain a CAP with defined attributes (targets, enforceable measures to meet those targets, monitoring and reporting, and mechanisms to revise the CAP as necessary) that will be integrated into the General Plan; (2) incorporate into the General Plan interim policies to ensure that any projects considered before completion of the CAP will not undermine the objectives of the CAP<sup>9</sup>; and (3) for all GHG impacts the County has designated as significant, adopt feasible mitigation measures that can be identified today and that

<sup>9</sup> See, e.g., Stockton Agreement, ¶ 9.

Joyce Horizumi  
Department of Review and Assessment  
Sacramento County  
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5-6  
cont'

do not require further analysis. These actions will help the County avoid an argument that it is deferring climate change-related mitigation. (See CEQA Guidelines, § 15126.4, subd. (a)(1)(B)).

#### 1. Mining the Phase 1 CAP for Mitigation Strategies

5-7

The County should consider taking as many proposed actions out of the Draft CAP as possible, and make them policies of the General Plan so that they may be implemented right away. For example, the County may be able to begin auditing County buildings to determine if they could be upgraded for energy efficiency. The County has already done this with 10 of its buildings. Other actions the County may be able to undertake now include (1) developing a green building policy<sup>10</sup> for leased County buildings; and (2) adopting an energy policy specific to the needs of its various departments responsible for infrastructure (e.g., idling restrictions for construction equipment, and water conservation and efficiency measures during construction).<sup>11</sup>

The Draft CAP also contains potential actions for water use efficiency that the County should consider putting into the General Plan as policies. These actions include (1) conducting energy and water efficiency audits of water and drainage infrastructure, and implementing necessary conservation measures; (2) auditing and reducing the use of water at County facilities such as parks and golf courses; (3) incorporating water efficiency goals and measures into County green building programs; and (4) advertising and promoting the Energy Star rebate program.

The above are just a few examples of CAP actions that the County could readily incorporate as General Plan policies or mitigation measures. The County should review the CAP and move as many actions as possible from the CAP to the General Plan or DEIR. The County also needs to cross-check all three documents and incorporate relevant policies and measures into the General Plan. This will ensure not only that the documents are complete and consistent, but may also allow future development projects to benefit from the tiering allowed under CEQA.

<sup>10</sup> The County, according to the CAP, is considering adopting a green building ordinance, but has not made a firm commitment to do so. Many jurisdictions have already adopted such ordinances (see <http://ag.ca.gov/globalwarming/greenbuilding.php>). The County should consider whether, at the same time that it adopts the General Plan, it can commit to adopting a mandatory green building ordinance by a date certain. We note that the City of Sacramento has agreed to adopt a green building ordinance by 2012, and we understand that the City and County intend to coordinate their efforts.

<sup>11</sup> The DEIR states that the County shall update the Energy Element of the General Plan to include policies on alternative energy production, but does not indicate a timeframe for completing this.

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## 2. Other Potentially Feasible Mitigation

5-8

There is a great deal of discussion concerning the importance of reducing VMT in the CAP, General Plan, and DEIR. (See, e.g., the goal to “Reduce total vehicle miles traveled per capita in the community and the region.” CAP, p. 3.2-5.) Therefore, it is important that the DEIR fully explore feasible measures to reduce VMT, including land uses, policies and implementation measures. There are numerous additional measures the County might consider, including more incentives and requirements for accomplishing increased density and mixed use development, and transit-oriented development.

For example, the County could consider adopting a differential fee program that allows infill developments to pay lower fees than developments in outlying or greenfield areas. (See Stockton Agreement, ¶¶ 6.c., 7.c.) The California Air Pollution Control Officers Association (CAPCOA) recently issued a set of model general plan policies for GHG emissions. CAPCOA included several model policies “to provide financial and administrative incentives” to support desirable land uses and transit. (See CAPCOA GHG Model Policies for Greenhouse Gases in General Plans), policies LU 5.1 – 5.1.4, p. 79, available at <http://www.capcoa.org>.) In addition to using differential fees to support transit, the County could also consider requiring new development to be sufficiently dense to support transit and designed to be internally accessible to all modes of transit and transportation. (See Stockton Agreement, ¶¶ 5.b., 5.d..)

The County could also consider additional policies to increase densities. According to the County, subsequent to the adoption of the 1993 General Plan, development densities for specific plans in new growth areas averaged approximately 4.4 residential units per net acre, far below the proposed General Plan density requirement of 6.0 units per acre. As a result, housing to meet population growth now absorbs one-third more land than average under General Plan assumptions. (Inter-Departmental Correspondence for Agenda, October 23, 2002.)

Policy LU-6, for example, states that all residential projects involving more than ten units, excluding remainder lots and Lot A’s, shall not have densities less than 75% of zoned maximums, unless physical or environmental constraints make achieving the minimum densities impossible. We suggest changing the 75% to 100%. The DEIR suggests this change, but only if the Mixed Use Alternative is adopted. It would be desirable to make this change no matter which Alternative is selected. Also, the County should consider adding to the Draft Land Use Element policies that increase minimum densities in the various land use designations, reduce areas designated for low densities, and provide for density transfers to eliminate development from conservation or farmland.

5-9

The DEIR lists additional smart growth policies as well as strengthened policies that are part of the Mixed Use Alternative. (DEIR, pp. 3-81 to 3-82.) These policies should be considered regardless of what alternative is adopted.

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5-9  
cont'

Finally, if the County has not already done so, it could use the CAPCOA GHG Model Policies as a checklist to determine whether it has considered a reasonably full range of mitigation measures, or whether there are additional measures that could further reduce GHG emissions and foster sustainable development.

### 3. Ensuring Specific and Enforceable Mitigation

5-10

The County must ensure that the proposed mitigation measures, general plan policies, and implementation measures are specific and enforceable. Currently, they fall short.

Many of the policies in the Draft General Plan propose “promoting” instead of “requiring” actions, and state that certain measures “should” be done instead of stating that they “shall” be done. The Circulation Element, for example, includes discussions of the importance of providing a variety of transportation options enabling County residents to replace the private automobile with bicycling, walking and transit. However, numerous policy proposals, as presently worded, are not enforceable and therefore cannot be relied upon to reduce emissions.

The DEIR recognizes that policy wording must be strengthened. The Transportation and Circulation section contains a “smart growth analysis” that concludes by recommending that the County strengthen policies and standards in the proposed General Plan to mitigate the impacts on traffic and air quality “to increase the probability and magnitude of success of smart growth.” (DEIR, p. 9-130.) This recommendation is commendable, but there are many other ways that the General Plan could incorporate smart growth principles, in the form of stronger and additional policies, specific land use changes and alternatives, and implementation measures.

### Conclusion

The County should be proud of a number of steps it has taken to combat climate change. It has compiled an emissions inventory and done a thorough analysis of emissions sources. It has also taken progressive steps to reduce its GHG emissions, such as approving flexible County workforce schedules, the SRWTP Cogeneration Facility, and the SCAS Jet Fuel Farm. The County has also stated its intent to fight climate change through better planning, as reflected in its Smart Growth Principles. In their current state, however, the General Plan and DEIR are unlikely to achieve the County’s objectives, and likely will not provide the CEQA streamlining benefits that an adequate and thorough programmatic document can deliver.

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Consistent with the purposes of CEQA, our comments are intended to assist the County in improving its General Plan and DEIR. We have put together additional information that we would be happy to share with the staff in an informal setting, and look forward to doing anything we can to assist the County in achieving its GHG reduction goals.

Sincerely,

/s/

LISA TRANKLEY  
Deputy Attorney General

For EDMUND G. BROWN JR.  
Attorney General

Letter 5

**Lisa Trankley, Deputy Attorney General for Edmund G. Brown, Attorney General, California Department of Justice, Office of the Attorney General; written correspondence; July 13, 2009**

**Response 5-1**

This comment summarizes the more detailed points to follow. Refer to the responses below.

**Response 5-2**

These recommendations have been forwarded to the hearing body via this FEIR. The City and Urban Centered Alternative described in this comment is the Mixed Use Alternative. The Mixed Use Alternative maximizes the amount of development that could be accommodated by the vacant and underutilized parcels within unincorporated Sacramento County's urban areas. This Alternative does not discuss growth that could be accommodated within the incorporated Cities because the County has no jurisdictional control over these areas, and because the Mixed Use Alternative is focused on accommodating the amount of housing identified for unincorporated Sacramento County in the Blueprint.

**Response 5-3**

These recommendations have been forwarded to the hearing body via this FEIR. Although recommended Mitigation Measure LU-1 has not been modified, the discussion leading up to the measure has been altered to include a discussion of alternative or modified versions of mitigation that were recommended by this letter.

**Response 5-4**

These recommendations have been forwarded to the hearing body via this FEIR. With regard to footnote 5, for more detail on the Sacramento County Greenhouse Gases Inventory, please refer to the Inventory found at <http://www.climatechange.saccounty.net/default.htm> within the Reports and Publications section. Transportation emission rates were based on total vehicle miles traveled within each jurisdiction, regardless of origin or destination. As a result, the unincorporated Sacramento County's transportation inventory includes all of the emissions from freeway travel within the County boundaries on S.R. 99, U.S. 50, Business 80, I-80, and I-5.

**Response 5-5**

When the Board of Supervisors adopts Mitigation Measure CC-2, the Department of Environmental Review and Assessment and the Sustainability Program Manager will immediately begin implementation of the measure. Table CC-9 does contain the suggested reduction targets that would apply to new development. It is acknowledged that local, state, and federal measures; the development of new technologies; and other factors may result in steeper reductions within particular sectors over time. The reduction targets do not reflect this possibility, because there is no means of reasonably determining how the percentage contribution of each sector may change over time. It

was determined to be too speculative to do such an analysis, and so each sector has been made responsible for reductions based on the proportion it contributes to emissions as of the baseline. It is also acknowledged that other jurisdictions have chosen to place a larger burden for reductions on new development, rather than existing development. As the comment notes this is based on the premise that existing development is much less efficient, and so new development will need to make up the difference. After much consideration, the EIR preparers used three primary factors in the determination to expect equal reductions:

- 1) In the case of unincorporated Sacramento County, although existing developed areas contribute more emissions from energy usage, the per capita vehicle emissions are lower because most existing development is in the urban core with better access to transit and jobs (refer to the Smart Growth analysis within the Transportation and Circulation chapter).
- 2) The energy efficiency of existing development can be improved substantially through relatively simple measures, such as adding insulation, replacing single-paned windows, and replacing aging HVAC systems. This means that simple changes can result in substantial emissions reductions. New development, on the contrary, is already required by Title 24 to be very efficient, so increasing efficiency beyond that point requires more complex strategies to achieve. In terms of actual technology and physical requirements, it is far easier to achieve substantial emission reductions from existing development than from new development.
- 3) The motivation to require steeper reductions from new development appears to be related to financial concerns rather than concerns about the most logical place to require reductions.

The first point demonstrates that when looking at the whole of the emissions, it does not appear that existing development generates substantially more emissions than most new development in unincorporated Sacramento County. The second point is that in terms of physical improvements, the greatest benefits can be gained from improving the energy efficiency of existing development. These two factors together lead to the conclusion in the third point. Greater requirements are imposed on new development largely because mitigation provides a regulatory vehicle and it can be accomplished at the expense of the developer rather than at the expense of the local government or state. In many cases reducing emissions from existing development requires imposing costs on existing homeowners, which is politically difficult, or the government shouldering the burden of costs. It was decided that expecting greater reductions within new development than within existing developed areas would not be equitable and its need is not supported by the evidence.

### **Response 5-6**

The reasons for adopting the Climate Action Plan (CAP) in two phases are explained within the Climate Change chapter. As the comment states, it did not appear to be possible to adopt a CAP with performance measures, monitoring, and mechanisms for revision of those performance measures concurrently with the proposed General Plan.

The County determined that to adopt such measures, community outreach was both necessary and desirable, which is a lengthy process. It was determined that the most appropriate action was not to defer adoption of a CAP, but to engage in a two-part process, with a Phase I CAP adopted at the time of General Plan adoption, and a Phase II CAP adopted one year later. This comment states that the County should do three things, all of which the EIR includes as mitigation: 1) Mitigation Measure CC-1 establishes the County reduction target, and Mitigation Measure CC-2 requires the adoption of the Phase II CAP, which will include performance measures and ongoing monitoring; 2) and 3) application of the development thresholds would, pursuant to standard CEQA procedure, require mitigation of any project that failed to meet the thresholds and ensure that those projects were designed in ways consistent with the purpose of the CAP. In response to this concern about whether Phase II will be adequate, Mitigation Measure CC-2 has been modified slightly to explicitly state that the Phase II CAP will also include timelines and estimated reduction amounts.

**Response 5-7**

The purpose of keeping the CAP as a document apart from the General Plan is to ensure that the CAP can be updated more readily. If made part of the General Plan, any beneficial changes or additions to CAP policies would require a General Plan Amendment, an adoption process which occurs only four times a year on set dates. Information on climate change and the best strategies to address its risks and impacts is being updated frequently, and likewise, it was decided that the CAP may need to be updated either frequently or quickly. As a result, it was decided that it would be most useful to adopt the overall reduction target within the General Plan, but to house all the specific strategies apart from the General Plan, within the CAP.

With regard to footnotes 10 and 11, the comment is correct that no date certain is included in Mitigation Measure CC-2 for the Green Building Program or the update to the Energy Element. At the time of EIR completion, the EIR preparers spoke at length to County staff about a reasonable time frame, but because of severe budget issues no one could provide a date that had any certainty. It was therefore decided that placing a date within the mitigation would be misleading because it would be stating a commitment without being able to demonstrate that the commitment was achievable. Since then, federal stimulus money and a block grant have been obtained, and these funds are already being used to develop a regional task force on green building, and to develop the Green Building Program. As a result of these developments it has been determined that stipulating an adoption time of 2012 for the Green Building Program (to mimic the City of Sacramento) is achievable. Mitigation Measure CC-2 has been amended to reflect this. A similar change for the Energy Element could not be made, for the aforementioned reasons.

**Response 5-8**

The Traffic and Circulation chapter contains a lengthy analysis and discussion of Smart Growth and vehicle miles traveled reductions, which also includes mitigation along the lines suggested by this comment. Mitigation recommended includes adoption of a smart growth program directed at the expansion of walkways, bikeways, and transit services and decreases in vehicle miles traveled. The mitigation states that the policy



should include an overall mobility standard so that future projects are not analyzed based merely on their impacts to vehicles, a policy that allows vehicle impacts to be offset through improvements to non-vehicular mobility, and replacement or alteration of the existing parking standards. In response, the Sacramento County Planning and Community Development Department has recommended the adoption of a policy document called the “Smart Growth Streets” that includes these three items and more. In recognition that native tree mitigation can be both prohibitively difficult and costly for infill projects, a further mitigation measure is included that would (for quality infill projects) allow less difficult and costly alternatives to the standard native tree mitigation.

This comment recommends that mitigation related to policy LU-6 be applied to the Project as well as the Mixed Use Alternative, and that the County should consider increases to minimum densities. Both of these strategies were considered for the General Plan, but the concern is that applying such policies to the Project would substantially increase the already-excessive holding capacity proposed. Therefore, mitigation to increase densities was included for the Mixed Use Alternative, but not for any proposal that included far more housing than necessary.

#### **Response 5-9**

Some of the policy language uses words such “promote” rather than “require” because they discuss issues not within County control. For instance, the County is not a transit provider, and cannot guarantee any policy that speaks to provision of transit. Instead, these policies speak to promoting transit or collaborating with providers to provide transit. In other cases, policies discuss issues that are within County control, and yet they still use softer language. As suggested by this comment, the EIR preparers have reviewed the Land Use Element policies and Circulation Element policies that are related to smart growth to find those policies that could be amended to include firm language. A mitigation measure has been added requiring that these policies be so amended. The EIR preparers have also reviewed the policy menu within the California Air Pollution Control Officer’s Association model general plan policies for GHG (a document that was published after publication of the DEIR) and has included a discussion in the Climate Change chapter noting which of those policies are already within the General Plan, which could be included as mitigation, and which could be included within an update to the Energy Element.

#### **Response 5-10**

The EIR preparers hope that the changes incorporated in the FEIR combined with the explanations given in the above responses address the expressed concern.

**DEPARTMENT OF TRANSPORTATION**

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Letter 6



*Flex your power!  
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July 9, 2009

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Sacramento County General Plan

Draft Environmental Impact Report

SCH# 2007082086

Ms. Joyce Horizumi

County of Sacramento

Department of Environmental Review and Assessment

827- 7<sup>th</sup> Street, Room 220

Sacramento, California 95814

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report for the Sacramento County General Plan Update dated May 2009. This letter is divided into sections which address policies from the draft General Plan Update and the Draft Environmental Impact Report. Our comments are as follows:

Circulation Element

6-1

- Transportation Plan Diagram. The Transportation Plan reflects the planned roadway and transit system in Sacramento County.
  - The Transportation Plan shows the build out of future interchanges at I-5/Lambert Road, I-5/Arena Boulevard, I-5/Metro Parkway, an urban interchange at SR 16/Watt Avenue, US 50/Rancho Cordova Parkway, US 50/Oak Avenue, US 50/Empire Ranch Road, SR 99/Eschinger Road, SR 99/north of Calvine Road, and SR 99/Elverta Road. The I-5/Arena Boulevard interchange has been built and should be reflected on the Plan as existing. The “future” interchange at SR 99/ Calvine Road should be labeled at “existing”.
  - Caltrans concurs with the need for future grade separations for vehicles/bicycles/pedestrians shown at I-5/Power Line Road, and I-80/Palm Avenue.
  - Caltrans notes there are future wildlife corridor/trails grade separations shown at SR 16/Eagles Nest, south of US 50/Folsom Boulevard, across US 50 to Iron Point Road, south of US 50/Prairie City Road, and south of US 50/Oak Avenue.
  - Caltrans concurs with many rail corridors being shown as Transportation Reservation Corridor to protect the corridor for future transportation uses.

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cont'

- However, the Corridor that runs along a portion of SR 104 should not preclude potential necessary improvements to SR 104.

  - SR 160 on the Sacramento River levee in the south County, SR 104, and SR 220 should be labeled on the Plan.
- Acknowledging Bus/Carpool Lane System. Page 8. We applaud the County's support of the planned High Occupancy Vehicle lane (HOV) network. The HOV network is partially funded by Measure A sales tax monies and for consistency we suggest that the General Plan call the facility "Bus/Carpool" Lanes instead of HOV lanes. Additionally, we suggest that the section define Bus/Carpool lanes as "a system of exclusive lanes signed and striped for use by vehicles, buses, and vanpools with multiple occupants (two or more or three or more persons). Bus/Carpool lanes are designed to reduce traffic congestion, improve safety, reduce fuel consumption, and improve air quality."
- Complete Streets Goal. Page 11. Caltrans applauds the County's incorporation of the Complete Streets concept into the design of the transportation system. This will help provide mode choice for residents, employees, and visitors. Caltrans Deputy Directive 64, "Accommodating Non-Motorized Travel", was signed in October 2008 and formalizes our consideration of bicycle and pedestrian modes in all of our projects. We want to coordinate with the County on Complete Streets needs, especially for the SR 16 corridor.
- Freeways. Page 5. Caltrans suggests that the verbiage defining a freeway include a description from the Highway Capacity Manual 2000, "A multilane divided highway with a minimum of two lanes for the exclusive use of traffic in each direction and full control of access without traffic interruption."
- Right of Way Setbacks. Policy CI-5 Page 12. In addition to the need for transportation facilities to be consistent with County and Caltrans standards, the Policy should specifically address the need to preserve right of way for future improvements of County roads and State Highways.
- Level of Service (LOS) Consistency. Policy CI-7 Page 13. The County's Level of Service goal is LOS E on urban roadways within the Urban Services Boundary, and LOS D on rural roadways outside the Urban Services Boundary. The County should use the LOS forecasts for individual State Highways as they are shown in Caltrans Corridor System Management Plans or Transportation Corridor Concept Reports. Copies of the CSMPs for I-5/SR 99, US 50, and I-80 will be forwarded to the Sacramento County Department of Transportation. These CSMPs in Caltrans District 3 are also available at [www.corridormobility.org](http://www.corridormobility.org).

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cont'

- Acknowledge Responsibility. Policy CI-8 Page 13. This policy states that “Land development projects shall be responsible to mitigate the project’s adverse impacts to local and regional traffic.” Caltrans recommends that the language be added defining local and regional traffic to include “pedestrian, bicycle, transit, local roads, and State Highway facilities.” Additionally, we are available to work with the County to create sub-regional fee programs which can mitigate cumulative transportation impacts from local development projects. The City of Sacramento, City of Elk Grove, City of West Sacramento, Regional Transit, SACOG, and Caltrans recently worked together to examine the need for a fair, efficient, and equitable process to mitigate the impacts of local development on the State Highway System. The work of this group recently culminated in the production of a summary paper entitled “Policy Recommendations for the Evaluation and Mitigation of Significant Impacts from Local Development Projects on the State Highway System” (copy enclosed) wherein the new process is described. We suggest that a similar process be used to develop a sub-regional fee program(s) within the County.
- New Access. Policy CI-9 Page 13. We support the policy which states that freeways and thoroughfares should have limited access and maintain functional characteristics that accommodate through-traffic. Language should be added to this policy that supports the use of parallel local roads, instead of the highway system, for local trips.
- Fees. Policy CI-12 Page 13. This policy states that sources of funding will be pursued for the development, improvement, and maintenance of the roadway system. We suggest that that “roadway system” be defined to include local roads and the State Highway System. Additionally, it is suggested that a similar policy that pursues sources of funding be included in the Rail, and Air Transportation sections to ensure that every mode is supported monetarily.
- Traffic Impact Study Guidelines. Implementation Measure D. Page 14. Roadway Goal Implementation Measure D. Page 14. In addition to the County’s Traffic Impact Analysis Guidelines, land development projects should use Caltrans Traffic Impact Study Guidelines when analysis of State Highways is needed.
- Relinquishment. Roadway Goals. Page 12. We recommend that an additional Policy be added to address appropriate relinquishments of State Highways to the County, depending on the function of the route segment as either a local, regional, or interregional roadway.
- Acknowledging Corridor System Management Plans. Policy CI-32. Page 17. Because of the Corridor System Management Plans focus on making travel through a corridor more efficient for multiple modes, Caltrans recommends that the Corridor System Management Plans (CSMPs) for I-5/SR 99, US 50, and I-80 be referenced in this Policy with this language:

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“The CSMP provides for the integrated management of travel modes and roadways so as to facilitate the efficient and effective mobility of people and goods within the County’s most congested transportation corridors. Each CSMP presents an analysis of existing and future traffic conditions and proposes traffic management strategies and transportation improvements to maintain and enhance mobility. CSMPs address State Highways, local roadways, transit, and other transportation modes. The County will be a full participant in the management of each corridor”

- Rail Transportation. Page 17. Caltrans concurs with the Rail policies which includes support for improvements to at-grade rail crossings, and development of high-speed rail service
- Air Transportation. Page 18. We recommend this text be added to the Goal, “Preserve sufficient airport capacity to meet the County’s current and future demand for all air services needed.”
- Air Transportation. Page 18. We recommend this text be added to the Policy CI-37, “Support Federal and State regulations governing operations and land use restrictions related to airports in the County.”
- High Occupancy Vehicle (HOV) Lane Network. Page 20. We applaud the County’s support of the planned High Occupancy Vehicle lane (HOV) network. This diagram shows the planned HOV System but needs to be made consistent with Caltrans plans for the HOV lanes in the Sacramento region. Accordingly, the diagram should reflect HOV lanes on I-5 from Hood-Franklin Road to Woodland in Yolo County, and HOV lanes on SR 99 from the San Joaquin/Sacramento County line to the Sacramento/Sutter County line. Additionally, the HOV network is partially funded by Measure A sales tax monies in Sacramento County and for consistency with that funding source we suggest that the General Plan call the facility “Bus/Carpool” Lanes instead of HOV lanes.
- Scenic Highways. Page 22. This section highlights the State and County Scenic Routes. There is only one officially designated State Scenic Route in Sacramento County--State Route 160.
  - There is no designated SR 160 State Scenic Route in Contra Costa County. The 2 miles of SR 160 in Contra Costa County has not been officially designated as State Scenic Highways and the text should be changed.
  - Clarifying language should be added to differentiate a County designated Scenic Route from a State designation in the text and map titles.
  - Policy CI-44. Page 31. The County, not the State, would propose the Garden Highway to be considered as an Official County Scenic Highway. The policy language should be changed.

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- CI-46. Page 31. Caltrans would like to coordinate with the County and other stakeholders to develop language and implement direction for establishing a master landscape plan for the Interstates and State Routes within the County.

#### Land Use Element

- Jackson Highway Visioning Area. Page 22. Caltrans looks forward to working with Sacramento County and other stakeholders on the near-term and long-term planning efforts for the area and the circulation network that will serve it.

6-2

#### Draft Environmental Impact Report (Draft EIR)

- Appendix D. Table TC-9. Pages D-25 to D-28. Existing Average Daily Traffic Volumes.
  - US 50 between Sunrise Boulevard and Hazel Avenue should be changed to 127,000 (from 103,000).
  - US 50 between Hazel Avenue and Folsom Boulevard should be changed to 119,000 (from 93,000).
  - Thus, the forecasted volumes for these segments should be revised based on this update.
- Appendix D. Table TC-15. Pages D-50 to D-52. Cumulative Traffic Volumes. For the following segments of the Interstate and State Highways, the growth rates used in the General Plan Update are significantly lower than the growth rates that Caltrans uses. (State Highway Inventory and SACMET model growths). In many instances the 2030 Daily Volumes are similar to the existing volumes indicating with little or no growth. We are providing the annual growth percentages that we use for these segments so that the DEIR can be updated:
  - Business 80 from E Street to Auburn Boulevard: 1.5% to 2.5% per year.
  - I-5 from San Joaquin County Line to Airport Boulevard: 2.5% to 4.0% per year.
  - US 50 from Pioneer Bridge to Sunrise Boulevard: 2.0% to 2.5% per year.
  - US 50 from Sunrise Boulevard to Shingle Springs Road: 2.5% to 3.5% per year.
  - I-80 from Truxel Road to Taylor Road: 2.25% to 3.25% per year.
  - SR 99 from Sheldon Road to US 50: 1.5% to 2.5% per year.

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- Existing Roadway Level of Service. Page 9-33. Jackson Highway currently operates at LOS F near Sunrise Boulevard. The General Plan Update which shows LOS E should be updated.

We would appreciate an opportunity to meet with County staff to review these comments. If you have any questions regarding these comments or to schedule the meeting, please contact Larry Brohman at (916) 274-0627.

Sincerely,

A handwritten signature in black ink that reads "Alyssa Begley". The script is cursive and fluid.

ALYSSA BEGLEY, Chief  
Office of Transportation Planning – South

Enclosure

cc: David Defanti, Sacramento County Planning  
Michael Penrose, Sacramento County Department of Transportation

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Letter 6

**Alyssa Begley, Chief, Office of Transportation Planning – South, California  
Department of Transportation; written correspondence; July 9, 2009**

**Response 6-1**

These are comments on the Project, not on the adequacy of the EIR. These recommendations and comments have been forwarded to the Sacramento County Planning and Community Development Department, the Sacramento County Department of Transportation, and the hearing body.

The commentor requests that the EIR analysis use the Caltrans LOS forecasts contained in Caltrans Corridor System Management Plans or Transportation Corridor Reports. The purpose of the EIR transportation analysis is to evaluate and highlight the differences between the various alternatives. Use of the Caltrans LOS forecasts does not allow for such a comparison, since there is only one Caltrans long-term forecast based on one set of assumptions regarding future land use and transportation networks. Therefore, use of the Caltrans' LOS forecasts does not meet CEQA requirements to analyze the differences between the alternatives.

**Response 6-2**

As noted in Table TC-9, the traffic volumes presented in the table do not include vehicles in HOV and auxiliary lanes. The latest available Caltrans AADT information for 2008 was reviewed and provides the following information:

- 2008 AADT – Sunrise Boulevard to Hazel Avenue – 120,000
- 2008 AADT – Hazel Avenue to Folsom Boulevard – 112,000

These values are lower than those referenced by the commentor, and include vehicles in both the HOV and auxiliary lanes. The volumes presented in Table TC-9 are representative of existing conditions, specifically daily volumes in only the mixed flow lanes.

The commentor requests that the EIR analysis use Caltrans growth rates in the analysis. Further, the commentor asserts that the growth rates used in the EIR transportation analysis are significantly lower than the growth rates that Caltrans uses.

As noted on page 9-19 of the DEIR, future traffic conditions were determined using SACOG's regional SACMET travel model. The DEIR analysis did not use a growth rate method as asserted by the commentor. The preparers of the analysis are unaware of any official Caltrans growth rates, although growth rates are sometimes used by Caltrans in the projection of traffic volumes in rural areas. For major transportation planning projects in the urban and suburban Sacramento area, both SACOG and Caltrans use the regional SACMET travel model.

The purpose of the EIR transportation analysis is to evaluate and highlight the differences between the various alternatives. Use of the Caltrans range of growth rates



does not allow for such a comparison, since there is no way to determine which growth rate should be used on each freeway segment to represent the effects of a specific alternative. Therefore, use of the Caltrans' growth rates does not meet CEQA requirements to analyze the differences between the alternatives.

Table TC-R-1 presents a comparison of growth rates on various segments of the area freeway system. For historical purposes, growth rates have been calculated over a 16-year period from 1992 through 2008. As shown in the table, growth rates vary widely, from negative growth in traffic volumes in one location to a simple annual growth rate of over eight percent on a portion of I-5.

The table also presents simple annual growth rates from 2008 to 2030 based upon the analysis of the General Plan Update, and from 2008 to 2035 based upon SACOG's forecasts for the 2035 MTP. The General Plan Projections show growth rates ranging from 0.5 to 6.4 percent per year, while the SACOG 2035 MTP projections have growth rates ranging from 0.4 to 5.2 percent per year. The growth rates associated with the General Plan Update analysis are slightly higher on average than those associated with the SACOG 2035 MTP (1.8 percent versus 1.6 percent).

### **Response 6-3**

It is inferred that the commentor is addressing the segment of Jackson Road between Sunrise Boulevard and Grant Line Road, which is shown as operating at LOS "E" on Exhibit TC-3. The determination of level of service for this segment is based upon the existing daily traffic volume of 13,800 vehicles (as shown in Table TC-8 in Appendix D), and the daily volume thresholds for a two-lane highway shown in Table TC-7 in Section 9 of the DEIR. (It is noted that the Caltrans' 2008 daily traffic volume for this segment is lower at 12,800 vehicles). Based upon this information, the segment should not operate near LOS "F" conditions. Peak period congestion is currently observed at the intersection of Grant Line Road and Jackson Road which stems from the lack of left turn lanes (and the a resulting "split phase" signal timing) on the Grant Line Road approaches to that intersection. If left turn lanes were provided, this intersection would function at LOS "E" conditions.

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, GOVERNOR

**CENTRAL VALLEY FLOOD PROTECTION BOARD**

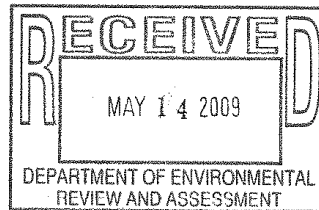
3310 El Camino Ave., Rm. LL40  
SACRAMENTO, CA 95821  
(916) 574-0609 FAX: (916) 574-0682  
PERMITS: (916) 574-0685 FAX: (916) 574-0682



Letter 7

May 12, 2009

Ms. Joyce Horizumi  
Sacramento County  
827 Seventh Street, Room 220  
Sacramento, CA 95814



Dear Ms. Horizumi:

State Clearinghouse (SCH) Number: 2007082086  
Draft Environmental Impact Report (DEIR) Sacramento County General Plan Update

Staff for the Department of Water Resources has reviewed the subject document and provides the following comments:

7-1

The proposed project is located within the jurisdiction of the Central Valley Flood Protection Board (Formerly known as The Reclamation Board). The Board is required to enforce standards for the construction, maintenance and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2).

A Board permit is required prior to starting the work within the Board's jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee(CCR Section 6);
- Existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6).

7-2

There is limited information in the "7. HYDROLOGY AND WATER QUALITY" section as to the analysis used to determine areas that are not levee-protected or are in areas with certified and adequate levees. Information was not provided including required distance for set backs from a levee, regulated stream or designated floodway. The area required for set backs would reduce the area available for future development and impact development densities.

7-3

As shown on page 7-24 "The other purpose of this detention basin, which will ultimately be approximately 1,600 acre-feet, is the reduction of existing downstream flows in order to control the inter-basin transfer that spills along Bradshaw Road to north of Gerber Creek." Estimates for the acreage needed for detention basins as mitigation measures for potential flooding were

Joyce Horizumi  
May 12, 2009  
Page 2 of 2

7-3 cont' I not included in the analysis. As a result, there is an unknown effect on the area available for future development and impact to development densities.

7-4 I The statement shown on p. 7-26 "Mitigation Measures: None recommended", does not adequately mitigated potential impacts from flooding. Further analysis on the direct impacts from the project that results in environmental impacts including, but not limited to potential flood impacts are needed. Detention basins are described on p. 7-24 as "... reducing downstream flows..", which conflicts with the mitigation measure recommendation.

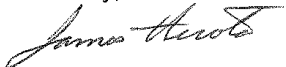
7-5 I As shown on page 7-26 "Areas protected from the 100-year floodplain by a levee should be clearly identified, both for the purposes of making informed land use decisions, and so that citizens may know whether it is appropriate to invest in flood insurance." These areas have not been clearly identified, as a result the potential impacts and necessary mitigation measures cannot be determined.

7-6 I Further analysis based on the requested information is needed to determine whether mitigation measures are adequate for the Draft Environmental Impact Report (DEIR) Sacramento County General Plan Update.

The permit application and Title 23 CCR can be found on the Central Valley Flood Protection Board's website at <http://www.cvfpb.ca.gov/>. Contact your local, federal and state agencies, as other permits may apply.

If you have any questions please contact me at (916) 574-0651 or by email [jherota@water.ca.gov](mailto:jherota@water.ca.gov).

Sincerely,



James Herota  
Staff Environmental Scientist  
Floodway Protection Section  
Division of Flood Management

cc:

Governor's Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

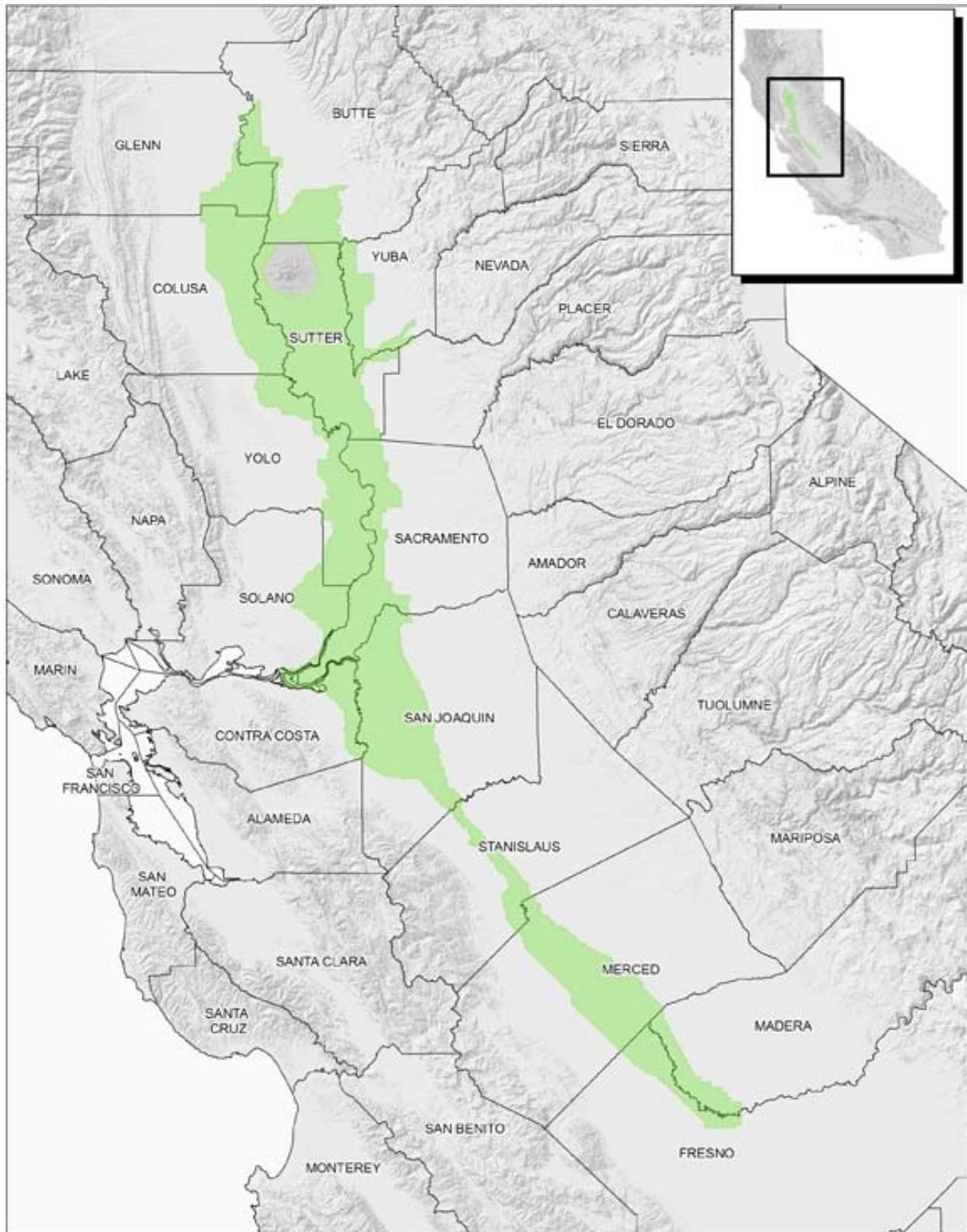
Letter 7

**James Herota, Staff Environmental Scientist, Central Valley Flood Protection Board; written correspondence; May 12, 2009**

**Response 7-1**

Comment noted. Based on the map that is currently posted on the [www.cvfpb.ca.gov](http://www.cvfpb.ca.gov) website it appears that most of the County and all of the proposed New Growth Areas may actually be outside of the jurisdiction of the Central Valley Flood Protection Board (CVFPB) (see Plate RC-1). Regulations already in place by other state and federal agencies (FEMA, EPA, Fish and Wildlife Service, Army Corps, Fish and Game), combined with County ordinances and standards and engineering practices should suffice to assure public safety and to meet any expectations of the CVFPB even if no Board permits are required.

**Plate RC-1**  
**Central Valley Flood Protection Board Jurisdictional Boundaries**



**Response 7-2**

Sacramento County Department of Water Resources maintains a levee map and information about the certification status of levees; this is the information that was used in Chapter 7. Information related to setbacks from particular levee areas or natural stream areas is very specific to location, and this level of detail is not necessary at the General Plan level. This information is disclosed and evaluated at the project-level, when there are specific development plans to compare with setback locations. Though the EIR preparers agree that this will influence development densities within very specific areas, it does not have any appreciable effects on the overall General Plan holding capacities and densities that were identified in this Project.

**Response 7-3**

The analysis identifies a rough estimate of the amount of detention, in acre-feet, that may be needed at build-out. The physical footprint of the basin(s) constructed to satisfy detention needs cannot be determined at this time. The basin footprint(s) will depend on the depth and side-slopes of the proposed basin(s), which would be determined through future drainage master planning, pursuant to General Plan policy. Though the EIR preparers agree that this will influence development densities within very specific areas, it does not have any appreciable effects on the overall General Plan holding capacities and densities that were identified in this Project.

**Response 7-4**

Though this comment states that mitigation and further analysis is necessary, no substantiation demonstrating this need is provided. The statement that detention basins will be needed in the future does not conflict with the DEIR statement that mitigation is not necessary. Refer to DEIR page 7-24, final paragraph, referencing General Plan Policy SA-5.

**Response 7-5**

All proposed new development areas of the Project that are within the 100-year floodplain and hazard areas related to levees are identified within Chapter 7 of the DEIR, beginning on page 7-25. The analysis does not discuss areas of existing development subject to these hazards, because this is an existing condition. An existing condition is not an impact of the Project, and therefore no mitigation is applied. The quoted section simply states that these areas should be mapped, because this would obviously be beneficial and further notes that this mapping effort is in progress.

**Response 7-6**

Based on the responses above, the EIR preparers disagree.

Letter 8

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Web: [www.elkgrovecity.org](http://www.elkgrovecity.org)

8401 Laguna Palms Way  
Elk Grove, California 95758



June 10, 2009

Joyce Horizumi, Environmental Coordinator  
Department of Environmental Review and Assessment  
827 7<sup>th</sup> Street, Room 220,  
Sacramento, CA 95814

RE: Sacramento County General Plan Update Draft Environmental Impact Report  
Control Number: 02-GPB-0105

Dear Ms. Horizumi:

City of Elk Grove reviewed the Sacramento County General Plan update draft EIR and below are the City's comments:

- 8-1 1. The projected 2030 traffic volumes on the City of Elk Grove roadways under represents the City's traffic projections. Sacramento County used SACOG's 2038 land use projections to develop their 2030 land-use. This land use was used in the modeling process which ultimately resulted in the traffic projection for roadways within the City of Elk Grove. The City of Elk Grove expressed concern to SACOG during their land use update process that the 2038 land use projections do not adequately represent the City of Elk Grove's percentage of build out. Therefore using SACOG's 2038 land use to develop the 2030 land use results in drastically lower traffic projections and potentially in traffic impacts being unidentified within the City of Elk Grove and the immediately surround roadways.
- 8-2 2. The City of Elk Grove's General Plan calls for Grant Line Road / Kammerer Road west of Promenade Parkway to Bradshaw Road to be 8 lanes. The County's General Plan should be updated to reflect this.
- 8-3 3. Bradshaw Road and Waterman Road are planned to be realigned to intersection with Grant Line Road at a 90 degree angle. The intersection of Waterman Road / Grant Line Road is currently designed and estimated to be constructed by the fall 2010. The County should reflect these changes on their General Plan map.

Page 1 of 2

Thank you for the opportunity to comment on the General Plan DEIR. If you have any questions, I can be reached at (916) 478-2233.

Sincerely,



Gwen Owens  
Senior Engineer  
City of Elk Grove, Public Works

CC: Taro Echiburu, City of Elk Grove  
File

Page 2 of 2



Letter 8

**Gwen Owens, Senior Engineer, City of Elk Grove; written correspondence; June 10, 2009**

**Response 8-1**

SACOG does not have year 2038 land use projections. The City of Elk Grove developed its own year 2038 land use and traffic volume projections for use in City planning efforts. These forecasts are based upon the City's own projections of future land development, and include substantially more development than the SACOG 2035 projections. The SACOG 2035 projections are the longest official area-wide projections developed for use in regional land use and transportation planning.

As noted on page 9-19 of the DEIR, land use projections (for transportation analysis purposes) outside the unincorporated County are based upon SACOG year 2035 projections prorated to the 2030 General Plan horizon year. As such, total development levels outside the unincorporated county are less than both the SACOG 2035 projections and the City of Elk Grove 2038 projections.

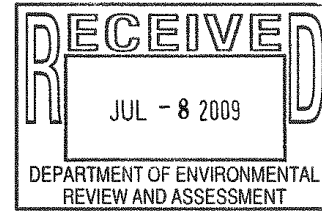
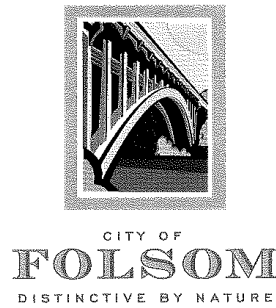
The EIR analysis of the General Plan Update is based upon year 2030 conditions, as that is the horizon year for the General Plan. Consideration of a later horizon year, such as 2035 or 2038, would result in the addition of both additional land development and transportation infrastructure to the analysis process, which would result in different analysis results. However, these years were not analyzed as they are beyond the horizon of the General Plan Update.

**Response 8-2**

This is a comment on the Project, not on the adequacy of the EIR. This comment has been forwarded to the Planning Department, the Department of Transportation, and the hearing body for consideration. The Department of Transportation has indicated that they will recommend to the hearing body that this change be made.

**Response 8-3**

This is a comment on the Project, not on the adequacy of the EIR. This comment has been forwarded to the Planning Department, the Department of Transportation, and the hearing body for consideration. The Department of Transportation has indicated that they will recommend to the hearing body that this change be made.



Letter 9

July 6, 2009

Environmental Review and Assessment  
827 7th Street, Room 220  
Sacramento, CA 95814

Re: Sacramento County's Draft 2030 General Plan and Draft Environmental Impact Report

Dear Environmental Coordinator:

Thank you for the opportunity to comment on the Sacramento County's Draft 2030 General Plan and Draft Environmental Impact Report (EIR). In addition to commenting on the EIR, the City of Folsom appreciates the opportunity to comment on the Sacramento County's Draft 2030 General Plan (GP) project as a stakeholder in sustainable regional growth and specifically in the context of Smart Growth.

There are several areas of interest and/or concern relative to the draft GP and associated EIR, which are summarized under the three topic areas outlined below:

**Proposed Expansion of the Urban Policy Area to facilitate the development of "New Growth Areas"**

9-1

The City of Folsom is concerned about the designation of large areas (approximately 20,000 acres) currently outside of the Urban Policy Area (UPA) as "New Growth Areas." In fact, a portion of the proposed area is within and/or adjacent to the City of Folsom's Area of Concern which was not discussed in either the General Plan or the associated EIR. The Land Use section of the EIR lacked information about the pending City of Folsom annexation project (Notice of Preparation September 12, 2008) and its existing Area of Concern recognized by LAFCo since 1996. The "New Growth Areas" impacts the Cities of Rancho Cordova and Folsom by competing for regional urbanization that may be best suited within incorporated cities.

Within the Land Use Element of the proposed General Plan (page 288), it states,  
*"the County is dedicated to planning for new development that is more compact, transit oriented, and features a mix of uses in order to implement the Blueprint project's principles and the regional community's desired growth pattern. Future development must target assets in existing communities, including vacant and underutilized parcels,*

Page | 1

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9-1  
cont'

*old or historic structures ready for reuse or rehabilitation, and reinvestment in main streets and commercial corridors. The region must provide a range of transportation options, a variety of housing choices, protection of natural resources, and quality design of communities and structures. Implementing these principles (which embody the will of the regional community) will have an enormous benefit for the unincorporated area and the region as a whole. Failure to do so will support the status quo and continue business as usual, leading to more sprawling growth, more traffic problems, worsening air quality, less affordable housing, less open space and agriculture, less stable local economies, and less desirable places to live and work."*

However, as discussed in the EIR, the inclusion of the proposed New Growth Areas appear to be counter to Sacramento Area Council of Government's (SACOG) Regional Blueprint goals and objectives and does not relate to the positive statements within the General Plan as highlighted above. Development of the New Growth Areas will not only increase the "Vehicle Miles Traveled" because of disconnected pedestrian, bicycle and transit facilities, but also demand additional energy to provide essential service. Along with the associated air quality and climate change impacts, the agricultural and open space resources are not being managed efficiently or effectively. Given the cost and demand to bring urban services and necessary infrastructure to serve these green-field areas, the proposed land use appears speculative. It would seem prudent to focus development towards existing infill sites or vacant areas that are within the developed portion of Sacramento County while maintaining the current agricultural open space integrity of area outside of the Urban Policy Area.

County staff has identified an elaborate phasing plan to minimize the harm from the development of New Growth Areas, but the result is a cumbersome implementation for leapfrog development. Even with an elaborate phasing plan mitigation measure, identifying "when" and "how" the New Growth Areas should be developed, the New Growth Areas remain a Significant and Unavoidable impact. However, with focused infill policies, Sacramento County has the existing holding capacity within the existing Urban Policy Area to meet SACOG's growth projections and avoid the associated environmental impacts altogether.

We understand that the County is looking for activities and initiatives to improve its long-term fiscal sustainability. However, as the County goes down the path of urbanization, competing with Cities for development projects, it not only creates fiscal impacts for the County, but Cities are forced to share higher tax allocations to underwrite the County's cost of urbanization as they annex property. This urban development paradigm facilitates 40% - 100% oversupply of growth projections and may not be sustainable.

The General Plan land use policies could best be directed to reusing and revitalizing the areas developed within the unincorporated areas of Sacramento County. One example that I am aware of as a stakeholder (since 2007) is the Greenback Lane Economic Development Strategies project. After two years, implementation of this worthwhile project has yet to begin. In fact, the Orangevale Community Plan has not been amended in 33 years. The County has 12 such Community Plans of which 8 have had no recent updates for more than twenty years. Existing communities like Orangevale should be given priority for planning and redevelopment. The county has a wonderful opportunity to work in conjunction with the cities to facilitate regional

9-1  
cont'

development within the incorporated areas and focus on serving existing communities, preserve valuable agricultural land, habitat and open space areas.

In regards to efficient land and resource use, the General Plan (page 298) states: *"Efficiency can be achieved by committing to a pattern of land use that concentrates development in configurations designed to protect valuable agricultural and rangelands, conserve natural areas and resources, reduce travel distances, reduce air pollutant emissions, conserve energy, and enhance the efficiency of providing infrastructure and services. Efficient use of land requires reinvestment in existing communities to help them become or remain desirable places to live."* The City of Folsom agrees with the above-referenced statement and concludes that the policies for New Growth Areas are inconsistent.

#### **Mather**

9-2

The EIR discusses two Mather Airfield 60 CNEL Noise Contour Methodology: 1) the Master Plan Capacity and 2) the Theoretical Capacity. The EIR should also address the noise impacts of the single events that are beyond the 60 CNEL standard. Noise from overflights to and from Mather poses significant impact to a larger area of residential neighborhoods in the General Plan planning area, including the City of Folsom. Existing single event noise impacts are experienced by existing residential neighborhoods farther away from Mather. An even greater impact will be felt by future residential developments around the Mather Airport. Used alone, the 60 CNEL standard is no longer an adequate tool in evaluating noise compatibility and defining impacts from airport operation. To that end, this EIR should identify planned enlargement of cargo operations at the Mather Airport and its effect on the regional area and include appropriate mitigation measures, not defer the environmental assessment of the operations of Mather with the Mather Master Plan. Additionally, the contour of the Overflight Safety Zone should be reevaluated to follow more closely with commercial and land-based transportation corridors or the undeveloped areas with the County in order to minimize noise impact to residential neighborhoods (i.e., U.S. Highway 50).

#### **Surface Mining Operations and Aggregate Facilities**


9-3

The City is concerned that the three proposed surface mining operations and aggregate facilities in the eastern portion of Sacramento County are omitted and not discussed in the General Plan and associated EIR. The aggregate materials would be transported using heavy trucks within the GP planning area. Because of the quarry applications directly south of the City's annexation area, the City has legitimate and significant concerns about the individual and cumulative environmental impacts of these projects, including but not limited to truck traffic, noise, air quality and land use compatibility to the planned development in the SOI annexation area and the U.S. Highway 50 corridor<sup>1</sup>. Planning for aggregate facilities must take noise, vibration and air quality impacts from the quarry trucks into consideration and adequate environmental evaluation is needed in all relevant sections of the EIR, including Climate Change. The EIR

<sup>1</sup> Notice of Preparation for the Environmental Impact Report/Environmental Impact Statement for the SOI Annexation area was released to the public on September 12, 2008, and the development in the SOI area is scheduled to commence in or around 2012 over a 25-year period.

- 9-3  
cont'
- should recognize the City's annexation and development of the SOI area as a reasonably foreseeable and probable future project and include a critical impact analysis.
- Truck routes, including the Service Transportation Assistance Act of 1982 (STAA) routes, in the eastern part of the GP planning area need to be shown, disclosed, and analyzed. It is noted that the maps in the draft GP currently do not include areas in the eastern part of the county past Rancho Cordova.
- 9-4
- In general, the General Plan excludes discussions of the existing cities in the County and does not recognize that appropriate land use policies for urban development should be located within incorporated city limits with reasonable controls on annexations and land use plans that support connectivity, transit and walkability; and limiting county land use planning to the protection of resources. Working together, Sacramento County and Cities can direct logical development patterns and support the essence of the Blueprint in the County. The City appreciates the opportunity to comment on the proposed General Plan 2030 project. Based upon the foregoing, the City respectfully requests that the County consider the issues identified in this comment letter, and support constructive urbanization policies that support the region as a whole.

Sincerely,



David E. Miller, AICP  
Community Development Director

cc: Kerry L. Miller, City Manager  
Sacramento County Board of Supervisors  
Folsom City Council

Letter 9

**David E. Miller, Community Development Director, City of Folsom; written correspondence; July 6, 2009**

**Response 9-1**

The referenced Notice of Preparation for the City of Folsom annexation project was published September 12, 2008, a full year after the proposed General Plan Update Notice of Preparation was published (August 13, 2007), and at a time when the analysis of the project was well underway. Pursuant to CEQA Guidelines 15125(a), the General Plan Update project's Notice of Preparation publication date forms the baseline for the analysis. The remainder of this comment addresses concerns about the Project, and recommendations for changes to the Project; it is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

**Response 9-2**

There are no regulations or standards related to single-event noise, so the analysis does not discuss this noise type. The proposed Project does not include any proposals to change the operations of Mather Airport. Therefore, it is not a deferral to assess the impacts of any changes at the airport to the Mather Airport Master Plan project. With regard to the Overflight Zone, the analysis must use, and has used, the adopted Comprehensive Land Use Plan in effect at the time the EIR is published.

**Response 9-3**

As reasonably foreseeable projects, the proposed surface mining operations in eastern Sacramento County were included in the No Project condition of the traffic analysis. The impacts of the quarries on the City of Folsom were not analyzed, because this EIR analyzes the impacts of the Project, not the impacts of the quarries. As stated, the quarries are part of the No Project condition. The City of Folsom annexation was not included in the EIR because it post-dates the Project Notice of Preparation (see Response 9-1).

**Response 9-4**

This comment addresses concerns about the Project, and recommendations for changes to the Project; it is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.



**Planning Department**

Letter 10

**Dan Skoglund**  
Mayor

**Ken Cooley**  
Vice Mayor

**Linda Budge**  
Councilmember

**Robert McGarvey**  
Councilmember

**David Sander**  
Councilmember

July 27, 2009

Ms. Joyce Horizumi  
Environmental Coordinator  
Department of Environmental Review and Assessment  
827 7<sup>th</sup> Street, Room 220  
Sacramento, CA 95814

Re: Draft Environmental Impact Report for the Sacramento County General Plan Update

Ms. Horizumi:

Thank you for the opportunity to review the Draft EIR for the Sacramento County General Plan Update. As an adjacent jurisdiction, the City of Rancho Cordova is concerned about potential impacts to the City resulting from implementation of the General Plan.

**Transportation and Circulation**

The County has developed a great deal of analysis that will be useful in future planning. The multi-modal analysis and the regional service measures will be a valuable tool in shaping future transportation planning discussions. Specific comments on the T&C section are provided below.

10-1

1. The City of Rancho Cordova has initiated our "Rancho CordoVan" which is the seed project for our city transit system. We would like to offer the following language for inclusion in the Transit section of the Existing System section of the General Plan.

**Rancho CordoVan**

The City of Rancho Cordova has initiated a shuttle system that is intended to provide connections to the regional transit system along the Sacramento Regional Transit Gold Line. The initial service will provide access between the Cordova Town Center Station and residential and business areas along Zinfandel Drive south of Highway 50. Additional shuttle routes are planned in the near future.

10-2

2. We are concerned about the tone of the level-of-service analysis for Sunrise Boulevard between White Rock Road and Folsom Boulevard. The plan seems to underestimate the congestion issues we are facing today, and minimizes the intensity of congestion in horizon years. The LOS analysis assumes this is an arterial with high access control, and states that the level of service today and in the future will be acceptable or in the LOS "E" range.

2729 Prospect Park Drive, Rancho Cordova, CA 95670 • (916) 851-8700 • Fax (916) 851-8787 • [www.cityofranchocordova.org](http://www.cityofranchocordova.org)

10-2  
cont'

This is not an accurate representation of conditions along Sunrise Boulevard. We regularly experience 10 minute delays on this mile long stretch that includes 6 traffic signals, 14 driveways and 6 intersecting side streets. These are not characteristics of a high access control corridor. Evaluating this section of Sunrise Boulevard as a moderate or low access control corridor will result in a more accurate representation of travel conditions.

10-3

3. We have also noted that the General Plan recommends specific improvements for the Sunrise Corridor between Highway 50 and the American River. These recommendations include right turn auxiliary lanes and a grade separated intersection at Coloma Road. It is our hope that the County will remain flexible on solutions for this very demand-constrained corridor, and that as the City and County continue discussions for this area there will be opportunities for alternative solutions.

10-4

4. Lastly, we would like to express concern about alternatives that include 22,974 housing units in the Grant Line East area. The City of Rancho Cordova's General Plan anticipates approximately 13,700 units in this area, and the City's roadway sizing plan will probably not be able to serve the additional travel demand that the County is proposing. Should you approve this level of development, there will need to be a reevaluation of roadway sizing focusing on east-west streets between White Rock Road and Jackson Highway, and focusing on northerly access to Highway 50. Additionally, the EIR should identify roadway improvements necessary to support the County's anticipated development in this area above and beyond what was anticipated in the City's General Plan, and should identify mechanisms for funding such improvements.

#### Land Use

10-5

The City is concerned about potential impacts to the City resulting from land uses in County areas adjacent to the City. In the City of Rancho Cordova General Plan, the City identified and analyzed potential land use plans for areas within the City's Planning Area. The Draft EIR for the Sacramento County General Plan Update acknowledges the presence of two land use plans over these areas, but declines to discuss land use conflicts between the plans because the City does not have jurisdiction over these areas. The City of Rancho Cordova is concerned about this dismissal of City land use plans as implementation of the County's General Plan could have significant impacts on City resources which were not anticipated by the City's General Plan.

Thank you again for the opportunity to review the Draft EIR. If you have any questions regarding the above issues, please contact me by phone at (916) 851-8750 or by email at [pjunker@cityofranchocordova.org](mailto:pjunker@cityofranchocordova.org).

Sincerely,



Paul Junker  
Planning Director  
City of Rancho Cordova  
[pjunker@cityofranchocordova.org](mailto:pjunker@cityofranchocordova.org)  
(916) 851-8750



## LETTER 10

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**Paul Junker, Planning Director, City of Rancho Cordova; written correspondence; July 27, 2009**

**Response 10-1**

This language has been added to the FEIR.

**Response 10-2**

The EIR analysis actually breaks up the section of Sunrise Boulevard referenced by this comment into two segments: Folsom Boulevard to Trade Center Road, and Trade Center Road to White Rock Road. In the cumulative condition, the segment from Folsom Boulevard to Trade Center Road carries 61,100 trips and is LOS F. It is the segment from Trade Center Road to White Rock Road which carries 49,600 trips and is LOS E. For a road with six lanes, LOS E can be maintained for a high access control roadway carrying up to 60,000 trips, a moderate access control roadway carrying up to 54,000 trips, and a low access control roadway carrying up to 45,000 trips. The LOS would only be elevated to F if the second segment were designated a low access control. The number of actual stops (3 signals within the segment), the speed limits (45 mph), and the number of lanes on this segment (6) do not support a low access control designation.

**Response 10-3**

Comment noted.

**Response 10-4**

The EIR includes the requested analysis. The traffic study analyzes the impacts of cumulative development on both County and City roadways, which includes the proposed Project development along with development within adjacent incorporated cities.

**Response 10-5**

The lands in question are within unincorporated Sacramento County, and land use authority over these areas lies with Sacramento County. These lands are not City resources. The EIR discloses the prospective planning areas identified by the City, but recognizes that these plans have no regulatory impact on the lands so identified.

**Sacramento County Airport System**  
G. Hardy Acree, Director of Airports



**County Executive**  
Terry Schutten

Letter 11

## County of Sacramento

July 13, 2009

Joyce Horizumi  
Environmental Coordinator  
Department of Environmental Review and Assessment (DERA)  
Sacramento County Administration Building  
827 Seventh Street, Room 220  
Sacramento, CA 95814

**Subject:** Comments on Draft EIR - Sacramento County General Plan Update,  
Control Number 2002-GPB-0105, Clearinghouse Number: 2007082086

Dear Ms. Horizumi:

This letter provides comments of the Sacramento County Airport System (County Airport System) on the above-referenced Draft EIR (DEIR). As you know, on September 17, 2007 the County Airport System submitted comments in response to the Notice of Preparation (NOP) issued by DERA for this project on August 13, 2007. The County Airport System also provided comments to the Planning and Community Department (County Planning) regarding the General Plan update on several occasions, including a letter dated June 18, 2007. The primary focus of the County Airport System's comments has been inconsistencies between the draft General Plan Update and the Master Plan Update for Sacramento International Airport (Sacramento International) approved by the Board of Supervisors on August 7, 2007. We have also conveyed comments on potential inconsistencies between the draft General Plan Update and the draft Master Plan for Mather Airport now undergoing environmental review.

The basis of our previously conveyed concerns has been the potential for certain proposed draft General Plan Update policies and implementation measures to exacerbate conditions attractive to hazardous wildlife near the five airports managed by the County Airport System.<sup>1</sup> Those concerns remain relevant because, as emphasized by the Federal Aviation Administration (FAA), "Land-use practices that attract or sustain hazardous wildlife populations on or near airports can significantly increase the potential for wildlife strikes."<sup>2</sup> The comments below focus strictly on the DEIR, and do not include comments

<sup>1</sup> Airports within the County Airport System include Franklin Field, Mather Airport, Sacramento Executive Airport, and Sacramento International. The County Airport System manages McClellan Airport on behalf of the County's Department of Economic Development and Intergovernmental Affairs (DEDIA).

<sup>2</sup> Federal Aviation Administration (FAA) Advisory Circular (AC) 150/5200-33B, *Hazardous Wildlife Attractants on or Near Airports*, August 28, 2007 (hereinafter *FAA Hazardous Wildlife Advisory*), Section 1-1.

**Sacramento International Airport • Mather Airport • Executive Airport • Franklin Field**  
6900 Airport Boulevard • Sacramento, California 95837 • phone (916) 874-0719 • fax (916) 874-0636  
[www.saccounty.net](http://www.saccounty.net) • [www.sacairports.org](http://www.sacairports.org)

Joyce Horizumi  
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on the revised draft General Plan Update elements released April 13, 2009. Our comments primarily address the DEIR Chapters titled Land Use, Biological Resources, and Summary of Impacts and Their Disposition (Chapters 3, 8 and 17).

Ongoing discussions between County Planning and the County Airport System have resulted in a number of positive changes to the Open Space Vision Diagram and its subcomponent exhibits. In addition, County Planning recently proposed that an airport section be included in the Land Use Element of the General Plan Update. The primary purpose of such a section would be to affirmatively address policies and actions needed to minimize the threat of hazardous wildlife incursions on airport land and within the approach, departure and circling airspace surrounding airports. The County Airport System looks forward to collaborating with County Planning in developing the new airport section. Recognizing that the new section has yet to be finalized, however, a number of the following comments should be evaluated by DERA and County Planning as if such a new section were not contemplated.

#### Urban Services Boundary (USB)

11-1

Page 3-11 and Plate LA-4 of the DEIR reference the current Urban Services Boundary (USB). Solely for the purpose of ensuring that previous action taken by the Board of Supervisors is not overlooked, please note that the USB for Sacramento International shown on LA-4 does not reflect the adjustment made pursuant to the Sacramento International Airport Master Plan and Mitigation Monitoring and Reporting Program (MMRP) approved on August 7, 2007. On April 23, 2008, the Board approved Resolution 2008-0391, which approved a General Plan Amendment by which the County General Plan Land Use Diagram was amended. As a result, the USB now includes the 13 parcels encompassing 296 acres bounded by I-5 on the north, Power Line Road on the east, the RD 1000 West Drainage Canal on the south, and the airport property line on the west. The Board's action also changed the land use designation of this area from AG-Cropland (Agricultural) to Public/Quasi Public. The Board's action implemented Mitigation Measure LU-1 in the MMRP.

#### Agricultural Land Use Policies

11-2

A discussion of policies for mitigating the loss of agricultural land in the County starts on page 3-39 of the DEIR. It is mentioned that proposed policy AG-5 would require that mitigation for the loss of agricultural land occur within the County of Sacramento. It is also noted that the Agricultural Commissioner has expressed reservations about allowing out-of-County mitigation, and would prefer that all losses of agricultural land occur within the County. Absent in this discussion is any recognition that decisions and actions to mitigate the loss of agricultural land through preservation of agricultural land near airports could significantly increase the Bird Aircraft Strike Hazard (BASH) situation at the County's five airports. As noted in policy documents published by the Federal

Joyce Horizumi  
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11-2  
cont'

Aviation Administration (FAA)<sup>3</sup>, virtually every agricultural crop will attract hazardous wildlife during some phase of production, particularly during seed development and when harvest remnants are left on the ground.

We therefore suggest that a thorough analysis should be conducted by DERA relative to how implementation of Policy AG-5 could potentially increase the risk of bird-aircraft collisions near the County's five airports. As pointed out in Section 1 of the *FAA Hazardous Wildlife Advisory*, "When considering proposed land uses, airport operators, local planners, and developers must take into account whether the proposed land uses, including new development projects, will increase wildlife hazards." We therefore suggest that the DEIR should analyze potential hazardous wildlife implications when actions undertaken pursuant to the draft General Plan Update policies--particularly those related to the agriculture, open space and conservation elements--would occur within the three separation zones where land use practices attractive to hazardous wildlife should be avoided. The greatest degree of potential County land use control and influence is in most cases restricted to the first two zones listed below.

- Perimeter A: a 5,000-foot perimeter around airports that only support propeller-driven aircraft.
- Perimeter B: a 10,000-foot perimeter around airports that serve turbine-powered ("jet") aircraft.
- Perimeter C: a five-mile radius around an airport.

We suggest that an additional General Plan Update policy related to minimizing the incidence of BASH is needed, and that the DEIR analysis will be incomplete without an evaluation of the bird-aircraft collision risks associated with a number of the proposed land use policies. As stated in a May 4, 2009 email sent by the County Airport System to the County Planning Department<sup>4</sup>,

...the location of any proposed agricultural mitigation must be carefully planned to minimize hazardous wildlife attractants, keeping in mind that the fundamental and ultimately most successful method for minimizing bird-aircraft strikes is to manage land use to restrict the availability of food, shelter and water that support hazardous wildlife species. Many varieties of crops particularly attractive to hazardous wildlife may need to be excluded near airports, in conformance with policy directives issued by the Federal Aviation Administration (FAA). Parcels proposed for agricultural mitigation must also be analyzed for potential synergistic hazardous wildlife interactions with other current and proposed land uses such as habitat preserves, stormwater retention and detention basins, and certain types of open space and conservation land uses.<sup>5</sup>

<sup>3</sup> See in particular "FAA Hazardous Wildlife Advisory," and AC 150/5300-13, *Airport Design*, Appendix 17.

<sup>4</sup> This excerpt has been slightly edited from the original email for improved clarity.

<sup>5</sup> Detention basins are often confused with retention basins. The former is intended to drain within a specified period of time (typically 48 hours) following conclusion of a rainstorm. A retention basin will typically contain water throughout the year, and is therefore potentially more problematic in terms of attracting hazardous wildlife.

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Impact: Conversion of or Conflict With Farmland

11-3  
cont'

This section of the DEIR starts on page 3-46, and suggests changes to Policy AG-1 for the protection of prime farmlands and other classes of farmland. The focus is on protecting such farmland from urban encroachment. We suggest that consideration should be given to developing a parallel policy that would prevent or place restrictions on the expansion of agricultural activities in a manner that would cause hazardous wildlife encroachment into the approach, departure and circling airspace of airports.

In this same section, the DEIR suggests that Policy AG-5 be modified to provide in-kind protection of farmland by various measures, including easements for agricultural purposes. We suggest that this verbiage be modified to specify that such measures and easements would need to be analyzed by County Planning and the County Airport System for their potential to exacerbate the potential for conflicts between avian activity and safe aircraft operations. When advisable, comments by the FAA on such measures should also be sought.

Impact: Airport Safety Zone Incompatibility

11-4

This discussion, which starts on page 3-58 and is repeated in a number of subsequent portions of section 3 of the DEIR, focuses strictly on land uses as they relate to the Comprehensive Land Use Plan (CLUP). The focus therein is with respect to aircraft noise impacts and human safety on the ground. The County Airport System respectfully suggests that the DEIR should include an analysis of potential incompatible land uses with respect to hazardous wildlife attractants within the Approach/Departure Zone and Overflight Zone. In other words, land use designations for the preservation of agriculture, wildlife preserves and open space can have potentially significant impacts on the ability of aircraft to operate in a safe manner, but an analysis of such impacts is absent from the DEIR.

For example, it was originally believed that migratory Canada Geese responsible for disabling the engines of US Airways Flight 1549 on January 15, 2009. There was a subsequent hypothesis, however that the geese responsible for the collision were of the "resident" variety, which have become accustomed to feeding and nesting in agricultural and preserve areas near New York City's largest airports year-round. Ultimately it was determined that resident geese did indeed cause the accident. Regardless of whether migratory or resident birds are responsible for bird-aircraft collisions near airports, the most relevant factor is that La Guardia Airport (LGA) shares common features with Sacramento International Airport (SMF) which are conducive to BASH, including:

- Nearby aquatic habitat that induces use by migratory and resident birds;
- The presence of habitat preserves in the area surrounding the airport; and
- Location within a coastal migratory flyway.

Joyce Horizumi  
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Page 5 of 6

11-4  
cont'

Given the local presence of such features conducive to increasing the BASH risk (in addition to agriculture), we suggest that the DEIR should more fully evaluate the consequences of those draft General Plan Update policies that could further increase the risk of bird-aircraft collisions in the County of Sacramento.

Smart Growth Principles

11-5

The DEIR includes lengthy discussions (starting on page 3-64) about the Regional Blue Print and Smart Growth. We suggest that the DEIR could likewise benefit from a discussion and analysis of the aviation safety benefits of excluding incompatible land uses near airports, i.e. of observing the three hazardous wildlife attractant perimeters specified in the *FAA Hazardous Wildlife Advisory* (summarized on page 3 of this letter).

Section 8 – Biological Resources

11-6

The discussion starting on page 8-7 of the DEIR references FAA policies with respect to the location of stormwater retention facilities near airports. We compliment DERA for including this excellent discussion relative to the avoidance of wildlife hazards. However, the discussion of proposed General Plan Update policies for preserving and protecting wetlands and certain agricultural areas in the southern portion of the County and in the Natomas Basin does not include an analysis of how such policies may negatively impact aviation safety. We anticipate, however, that the forthcoming airport section of the Land Use Element will include applicable policies and methods for reconciling such policies with the values associated with wetlands, open space and agriculture.

Section 17 – Summary of Impacts and Their Disposition

11-7

In recognition of the comments above, we suggest that this section should be amended to include a summary of how the provisions of the draft General Plan Update could impact aviation safety and the methods for addressing such impacts relative to all five of the public use airports operated by the County of Sacramento.

Questions regarding the above comments may be directed to Greg Rowe, Senior Environmental Analyst – Planning and Environment, at 874-0698. The County Airport System appreciates the opportunity to comment on the NOP for the General Plan Update.

Sincerely,



Greg Rowe  
Senior Environmental Analyst – Planning and Environment

Joyce Horizumi  
July 13, 2009  
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C: Paul Hahn, Administrator – Municipal Services Agency  
G. Hardy Acree, Director of Airports  
Carl W. Mosher, Deputy Director, Airport Planning and Design  
Glen Rickelton, Manager – Planning and Environment  
Robert Sherry, Director – Planning and Community Development  
Dave DeFanti, Planner III – Planning and Community Development  
Antonia Barry, Assistant Director – DERA  
Diane McElhern, Deputy County Counsel  
Tim Hawkins, Sr. Environmental Analyst – Long Range Planning Division, DERA  
Doug Pomeroy, Environmental Protection Specialist – FAA SFO-ADO  
Elizabeth Louie, FAA Certification – FAA Western-Pacific Region

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Letter 11

**Greg Rowe, Senior Environmental Analyst – Planning and Environment,  
Sacramento County Airport System; written correspondence; July 13, 2009**

**Response 11-1**

The comment is correct. Plate LA-4 has been updated to reflect this information. In addition, Plate PD-5 was also corrected.

**Response 11-2**

In response to this comment the Sacramento County Airport System (SCAS) has prepared a draft airport section for the Land Use Element of the General Plan.

The section will present the goal of ensuring appropriate land use planning around airports, provide a background discussion on SCAS facilities and explain the regulatory process for various airport related land use issues. This section will discuss hazardous wildlife considerations and conclude with a suggested policy that provides guidance when siting new land use projects and activities near airports operated by the County of Sacramento.

The draft policy states:

Because land use decisions around airports by local governments have a direct impact on an airport's long-term viability, proposed new land use projects and land use practices near airports operated by the County of Sacramento, over which the County has control authority, shall consider consistency with current Federal, State, and local airport land use compatibility regulations, policies, plans, standards and guidance pertaining to public safety and minimization of hazardous wildlife attractants within five statute miles of County airports.

The implementation measures call for review of applications and plans for proposed public and private projects, land use activities, and facilities within the hazardous wildlife separation distances specified by the FAA. Since this new policy would only call for consistency with regulations, policies and standards that are already in place, it does not place a further restriction on land use than already exists. It merely highlights policies that have heretofore been more obscure to those proposing new land uses within the five statute miles of County airports. Thus, this policy would cover the concerns this comment expresses in relation to agricultural lands used for mitigation near airports.

The new policy would require consistency with FAA Advisory Circular 150/5300-13 (FAA AC) which includes guidance for land use practices on or near airports that potentially attract hazardous wildlife. This guidance has recommendations for a variety of land uses such as waste disposal operations, agricultural practices, water management facilities and others. The FAA AC also describes the separation zones noted in the comment and provides the perimeter distances needed for each type of airport.



The draft airport section for the Land Use Element of the General Plan and its goals and policies were submitted to the Sacramento County Planning Commission, which recommended its approval. This section has now been forwarded to the Sacramento County Board of Supervisors for consideration.

**Response 11-3**

Agricultural activities are not subject to CEQA. Further it would be highly unlikely that a landowner would request a land use conversion from commercial, industrial or residential uses to agricultural. Further, there are no new growth areas that include provision for expansion of agricultural lands. Thus, such a modification to Policy AG-1 would go unused. Agricultural mitigation lands would be subject to the policy discussed above.

**Response 11-4**

See Response 10-2.

**Response 11-5**

See Response 10-2.

**Response 11-6**

The comment is correct in that the airport section of the Land Use Element will reconcile other General Plan policies to be consistent with airport needs regarding wildlife hazards.

**Response 11-7**

See Response 10-2.

## Department of Waste Management & Recycling


Letter 12

County of Sacramento  
9850 Goethe Road  
Sacramento, CA 95827-3561

Municipal Services Agency  
Mail Code: 61-001  
Phone: (916) 875-6789  
Fax: (916) 875-6767

### MEMORANDUM

Date: June 15, 2009

**To:** Lauren Hocker, Environmental Review and Assessment  
**From:** Paul Philleo, Sacramento County Waste Management and Recycling   
**Subject:** Sacramento County General Plan Update Draft Environmental Impact Report

Sacramento County Waste Management and Recycling Department has reviewed the Draft Environmental Impact Report (Draft EIR) and have the following comments:

**1. Page 4-9, State Solid Waste Regulatory Setting:**

We recommend the revised EIR note that The California Water Resources Control Board and the Central Valley Regional Water Quality Control Board (RWQCB) also regulate waste disposal. Regulation by the RWQCB preceded regulation by the CIWMB.

We also recommend that the revised EIR note that SB 1016, signed into law on September 26, 2008, represents a fundamental shift in the way local jurisdictions will be measured for compliance with state diversion mandates, evaluating the programs a jurisdiction has implemented and measuring per capita waste disposal rather than diversion percentage.

**2. Page 4-13, Local Solid Waste Regulatory Setting:**

For the sake of consistency with the remainder of the document, we recommend the revised EIR describe the County's electronic waste (e-waste) as consisting of 700 tons rather than 1.4 million pounds.

**3. Page 4-13, Local Solid Waste Regulatory Setting:**

We recommend this section include a new County recycling program, the County Construction and Demolition (C&D) Debris Ordinance that requires building permit seekers for projects over \$250,000 in value to submit a waste management plan, recycle certain construction materials, and report their results. This program and an identical one administered by the City of Sacramento dovetail with a Sacramento Regional Solid Waste Authority (SWA) ordinance described in comment number 5.

**4. Page 4-13, Sacramento County Integrated Waste Management Plan:**

We recommend the revised EIR note that the Countywide Integrated Waste Management Plan (CIWMP) was re-approved, as part of the mandatory 5-year review process, in March, 2009.

12-1

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Printed on recycled paper, naturally!

12-1  
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**5. Page 4-14, Sacramento Regional Solid Waste Authority (SWA):**

We recommend that the descriptions of both the multifamily recycling and business recycling ordinances be replaced by the following, more accurate and condensed description that also includes an additional SWA ordinance:

*SWA ORDINANCES*

The SWA has adopted three recycling ordinances that target three distinct waste streams: (1) The Business Recycling Ordinance, adopted in 2007 for commercial generators who subscribe to 4 cubic yards or more of refuse service per week; (2) The Certification of C&D Debris Sorting Facilities Ordinance, adopted in 2008, that creates a program for mixed C&D facilities that dovetails with both City and County C&D Ordinances for builders; and (3) The Multifamily Recycling Ordinance, adopted in 2009, that requires owners of multifamily properties with over 5 units subscribe to a recycling service for their tenants.

12-2

**6. Page 4-20, Proposed Policies and Appendix A:**

To accurately reflect the adopted landfill buffer, we recommend the proposed policy modifying current policy PF-20 be revised to state the “landfill’s permitted **disposal** boundary.”

12-3

**7. Page 4-21, New Growth Areas and Commercial Corridors:**

We recommend that the two (2) references to “SWA Business Recycling Ordinance” be revised to more accurately reflect the current array of recycling programs. They should instead read “SWA and County recycling ordinances.”

**8. Page 4-21, New Growth Areas:**

We recommend that the revised EIR state, in replacement of the first sentence in paragraph two in this section, that “The County met AB 939’s requirement with a 58% diversion rate and is in compliance with SB 1016’s per capita disposal maximum of 7.7 pounds per person per day by disposing only 5.9 pounds per person per day. The County is expected to continue waste diversion...”

**9. Multiple references to Kiefer landfill capacity:**

We recommend that references to Kiefer landfill capacity under various scenarios in the revised EIR state “until 2035 or later” instead of “until 2037.” These revisions are needed on pp. 4-21 (2x), 4-30, 4-32, 4-35, 4-38, 18-4, 18-5, and 18-7.

Please contact Dave Ghirardelli at 875-4557 if you need additional information.



Letter 12

**Paul Philleo, Sacramento County Waste Management and Recycling; written correspondence; June 15, 2009**

**Response 12-1**

The recommended changes have been incorporated.

**Response 12-2**

This is a comment on the Project, not on the adequacy of the EIR. This comment has been forwarded to the Planning Department and the hearing body.

**Response 12-3**

The recommended changes have been incorporated.



**SACRAMENTO COUNTY FARM BUREAU**

8970 Elk Grove Boulevard • Elk Grove, California 95624-1946  
(916) 685-6958 • Fax (916) 685-7125

Letter 13

July 13, 2009

Joyce Horizumi, Environmental Coordinator  
Department of Environmental Review and Assessment  
827 Seventh Street, Room 220  
Sacramento, CA 95814

via e-mail at: [DERA@saccounty.net](mailto:DERA@saccounty.net).

**RE: SACRAMENTO COUNTY GENERAL PLAN UPDATE**

Dear Ms. Horizumi:

On behalf of the Sacramento County Farm Bureau, I wish to comment on the Draft Environmental Impact Report for the Sacramento County General Plan update to 2030.

Sacramento County agriculture represents a \$356 million industry in farm gate sales and over \$1.2 billion with related industries such as transportation, marketing, sales and processing. Agriculture has long been, and continues to be, an important component of the County's economy and culture. Agriculture not only provides a hearty economic base, it also provides wildlife resources, hydrological benefits, canopy infiltration, among other positive components to a healthy environment.

For the reasons above, Farm Bureau's comments are:

- 13-1 1. When conversion of agriculture land to non-agricultural uses occurs, it must be mitigated for in a 1:1 conversion.
- 13-2 2. Sacramento County General Plan projects need to account for sewer and water services. When those services cannot provide for planned projects then proposed projects should be prohibited.
- 13-3 3. In addition, any proposed city urbanization projects that cannot provide for water and sewer services should also be prohibited.
- 13-4 4. Farm Bureau supports in-fill projects within the existing Urban Policy Area. The Jackson Highway and Grant Line East projects pose significant impacts to agriculture, water supply and sewer service. New water sources should be determined first before future projects are approved.

We appreciate your consideration of the concerns we have outlined above.

Sincerely,

Charlotte Mitchell,  
Sacramento County Farm Bureau

*To Represent and Promote Agriculture in Sacramento County*

Letter 13

**Charlotte Mitchell, Sacramento County Farm Bureau; written correspondence;  
July 13, 2009**

**Response 13-1**

Mitigation Measure LU-6 would require a 1:1 ratio for mitigation.

**Response 13-2**

Comment noted.

**Response 13-3**

City projects are not within the control of Sacramento County.

**Response 13-4**

Comment noted.

Letter 14



Larry Greene  
AIR POLLUTION CONTROL OFFICER

July 13, 2009

Joyce Horizumi, Environmental Coordinator  
Department of Environmental Review and Assessment  
County of Sacramento  
827 7th Street, Room 220  
Sacramento, CA 95814

**SUBJECT: Draft Environmental Impact Report for the  
Sacramento County General Plan Update  
Control#: 02-GPB- 0105  
SMAQMD#: SAC200701173**

Dear Ms. Horizumi:

Thank you for providing the Sacramento Metropolitan Air Quality Management District (District) the opportunity to review Draft Environmental Impact Report (DEIR) for the Sacramento County General Plan Update (GPU). Our comments concern the analyses of the Air Quality, Land Use and Circulation Elements, as well as the Climate Change analysis. Our comments on the Land Use Element analysis suggest urban expansion phasing mitigation measures which can help mitigate impacts for increased automobile vehicle miles traveled (VMT), and associated pollutants, resulting from urban expansion. Our comments on the climate change analysis suggest mitigation measures for the GPU's climate change impacts. Finally, our comments on the Circulation Element analysis address the impacts of roadway widening, and suggest revisions to strengthen the Smart Growth Streets policy document

- 14-1 Air Quality Element Analysis**  
The Air Quality Element analysis evaluates multiple different land development alternatives for air quality significance in the general areas of impacts to sensitive receptors; construction impacts; naturally occurring asbestos; operational stationary, area and off-road impacts and on-road mobile source emissions impacts. All alternatives evaluated were found significant and unavoidable for on-road mobile source emissions impacts. This finding is inevitable given the scope of the project. Pursuant to our review of the draft analysis in March 2009, this analysis is adequate.
- 14-2 Toxic Air Contaminants**  
Toxic air contaminants are air pollutants that may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health. The DEIR Air Quality Element addresses the effects of these pollutants on sensitive receptors. Sensitive receptors are segments of the population most susceptible to poor air quality such as children, the elderly, and those with compromised immune systems. Land uses where sensitive receptors are most likely to spend time include residential communities, schools and school yards, day care centers, parks and playgrounds, hospitals and medical facilities.

777 12th Street, 3rd Floor ■ Sacramento, CA 95814-1908  
916/874-4800 ■ 916/874-4899 fax  
www.airquality.org

July 13, 2009

14-2  
cont'

The District commends the County for following the District's board endorsed Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways (Roadway Protocol) in assessing the potential cancer risk for its most heavily trafficked roadways. The District also commends the County for including our recommended roadway toxics mitigation measures in the DEIR, which include plantings of finely needled vegetation. The County's use of the Roadway Protocol supports our efforts in urging local jurisdictions to consider the risk associated with siting sensitive land uses adjacent to freeways and major roadways, and to mitigate those risks.

SMAQMD recommends the following edits to the Air Quality Element's discussion of toxic air contaminants:

1. Page 51 cites an incorrect link to the District's webpage for the Roadway Protocol. The correct link is <http://www.airquality.org/ceqa/RoadwayProtocol.shtml>.
2. Page 89 contains the statement that roadways with ADT less than 100,000 (urban) and 50,000 (rural) will not result in elevated health risks due to toxic risk impacts. This is not true and we therefore recommend removing this statement from the DEIR.
3. Page 92, first paragraph, first sentence: the District suggests changing "sensitive land uses" to "sensitive receptors".
4. The Roseville Rail Yard cancer risk isopleths maps shown beginning on page 94 are difficult, if not impossible, to read. The District suggests that the County's GIS department create maps that are easily readable in order to better inform the public of the health risks associated with living in the affected area surrounding the Roseville Rail Yard.

***SUGGESTED ACTION: The District recommends the revisions enumerated above to the Air Quality Element discussion of toxic air contaminants.***

14-3

Finally, the Air Quality Section uses the District's 2004 Guide to Air Quality Assessment in Sacramento County to assess air quality impacts. Please note that the District is in the process of updating its CEQA guidance and some of the recommendations contained therein. Examples include Enhanced Fugitive PM Dust Control Practices, and Basic Construction Emission Control Practices. While the updates to our CEQA Guide are still in draft form, the County may wish to use it for assessing the DEIR's air quality impacts or cite it for use with subsequent projects. The CEQA guide updates can be found on our website at <http://www.airquality.org/ceqa/ceqaguideupdate.shtml>.

14-4

#### **Land Use Element Analysis**

The Land Use Element analysis should fully address the GPU's consistency with the Sacramento Region Blueprint Preferred Scenario, the Metropolitan Transportation Plan 2035 (MTP) and the 2009 Sacramento Metropolitan Area 8-hour Ozone Attainment Plan (State Implementation Plan or SIP). The Land Use Element must be consistent with the MTP, in order to support the District's SIP. The land use and transportation assumptions adopted in the current MTP are the land use and transportation foundations for the region's recently adopted SIP. The SIP is required by the Federal Clean Air Act, and demonstrates how the Sacramento region will meet National Ambient Air Quality Standards (NAAQS). The Sacramento region does not currently meet these standards



14-4  
cont'

and must comply with its SIP to avoid Federal penalties, as well as to protect public health and the environment.

The GPU's housing capacity is not fully consistent with the MTP housing capacity assumption; and therefore, it is not fully consistent with the SIP. The GPU provides for a total housing capacity in the unincorporated County of between 100,000 and 145,000 units by 2030. The MTP capacity assumption is 88,000 units of housing in the unincorporated County by 2035. The GPU provides for more housing capacity than the MTP / SIP baseline assumption. The GPU growth capacity therefore allows for more VMT and associated air quality impacts in the unincorporated County than assumed in the MTP or the SIP – unless these are mitigated in some manner such as phasing development over time.

14-5

#### **Land Use Element Densities**

The District supports higher housing densities for the Jackson Highway Corridor and Grant Line East New Growth Areas than allowed for in the GPU. The GPU allows for the urbanization of 20,000 acres of land by 2030 in these areas, with assumed housing densities averaging between 5 and 10 dwelling units per net acre. These assumed densities roughly bracket the difference between the regional housing densities for new growth in the Blueprint Base Case Scenario and the Blueprint Preferred Scenario (which represents the adopted SIP land use assumptions).

The District supports average housing densities of *at least* 7 to 10 dwelling units per net acre in the new growth areas. Low density development is not supportive of efficient transit service or pedestrian or bicycle transportation. More compact development has a demonstrated potential to reduce VMT by 20 to 40 percent, relative to low density development<sup>1</sup>. This tremendous reduction of VMT results in a commensurate reduction in motor vehicle emissions, and many other significant environmental co-benefits. Housing densities of at least 7 to 10 dwelling units per net acre are easily achievable and can substantially reduce air quality impacts associated with urban expansion.

Providing the housing densities needed to reduce VMT and support transit, pedestrian and bicycle transportation would easily accommodate a holding capacity that is consistent with the SIP, without requiring the urbanization of 20,000 acres of land. A housing capacity that is consistent with the SIP would be most efficiently accommodated using housing densities of at least 7 to 10 dwelling units per net acre.

14-6

#### **Expansion Phasing Mitigation Measures**

We have demonstrated that the GPU housing capacity is not fully consistent with the MTP, and therefore the SIP. We recommend two urban expansion phasing measures to mitigate for resulting air quality impacts. One measure revises a phasing measure already in the Land Use Element, and the other uses a transportation-related performance factor (see District correspondence to the County on the Notice of Preparation for the DEIR, dated September 5, 2007.) These measures provide for sequential, orderly growth contingent on sufficient development of existing urban areas; and they can help mitigate impacts associated with the GPU's expanded housing capacity and lowered densities.

We recommend that both of these measures be adopted as policies in the GPU Land Use Element. The measures must be used in concert to provide adequate phasing for new growth areas and all

<sup>1</sup> Ewing, Reid, Keith Bartholomew, Steve Winkelman, Jerry Walters and Don Chen. Growing Cooler: The Evidence on Urban Development and Climate Change. (Washington, D.C.: Urban Land Institute, 2008.)

July 13, 2009

14-6  
cont'

areas within the existing Urban Policy Area. Further, we commend Mitigation Measure LU-2 in the Land Use Element analysis, to strengthen criteria for accepting applications to amend the General Plan Land Use Diagram for areas outside of the Urban Policy Area. Our recommended mitigation measures are as follows:

1. The County shall prepare and implement a phasing plan for urban development that requires that an established VMT performance factor be met prior to phased development into new growth areas. New development must demonstrate consistency with this factor prior to approval. This performance factor shall use an average VMT per person or per household threshold that is consistent with the VMT averages assumed in creating the 2009 Sacramento Metropolitan Area 8-hour Ozone Attainment Plan, and other applicable regulatory documents.
2. Revise Mitigation Measure LU-1 as follows: An urban development phasing plan shall be included in any Specific Plan or other type of master planning proposal for unincorporated Sacramento County. The phases shall be defined by a specific geographic area. Phases slated for earliest urban development shall be located adjacent to existing urban areas that are developed to at least 75% of holding capacity. Phases slated for subsequent later urban development shall be located successively further outward. Each phase shall represent a geographic area that will accommodate no more than 10 years of growth, based on the latest SACOG projections. Development within the phases shall occur sequentially; and residential or commercial development in each subsequent phase shall be prohibited until the prior phase is developed to at least 75% of holding capacity.

These measures can help mitigate impacts associated with the GPU's expanded housing capacity and lowered densities. The first measure requires a VMT performance factor which over time would reduce the VMT per person or per household for unincorporated Sacramento County. Additionally, it addresses the District's concerns regarding consistency with the SIP, by requiring a threshold that is consistent with the SIP. The second measure requires that new development be phased successively outward from existing urban areas; so growth is provided as needed, thereby limiting excessive growth associated with an expanded housing capacity. Additionally, by requiring that existing urban areas be sufficiently developed prior to new growth, it limits the potential for excessively low densities. In concert, these measures provide for sequential, orderly development of both new growth and existing urban areas.

***SUGGESTED ACTION: The District recommends the above enumerated measures be adopted as policies in the GPU Land Use Element.***

14-7

### **Climate Change**

Chapter 12 of the DEIR is devoted to the topic of climate change, including a discussion of the impacts to the project from climate change and the impacts of the project on climate change. Both sets of impacts are determined to be significant and unavoidable and two mitigation measures are included as "all feasible measures." The chapter also presents greenhouse gas (GHG) thresholds of significance for new land use development and discusses Phase One of a Climate Action Plan. The County is to be commended for taking these proactive steps to discuss issues which are evolving on all fronts- regulatory, legislative, legal, and technical. The act of quantitatively determining a GHG threshold of significance is a bold one and the County has taken an interesting approach in its methodology. The District offers the following comments on this chapter and on The Climate Action Plan, Phase One.

14-7  
cont'

Relative to the impact of the General Plan "project" on climate change, the document states the unincorporated County's GHG emissions in 2005 were 6.5 MMT CO<sub>2</sub>E/year. Using that figure, the author(s) of the DEIR derive the County's 1990 emissions to be 5.5 MMT CO<sub>2</sub>E/yr. The goal of AB32 is to reduce the state's emissions down to 1990 levels by 2020. However, according to the DEIR, by the 2030 build-out of the General Plan, the County's GHG emissions are projected to grow to between 56%- 58% above the 1990 levels, to 12.3 MMT CO<sub>2</sub>E to 13.2 MMT CO<sub>2</sub>E, depending on which alternative is chosen. Because of this increase, the document determines the impact of the project on climate change is significant.

The document states that future implementation of the state strategies outlined in ARB's Scoping Plan will reduce emissions by an unknown amount. The document also references federal activities which will have an effect as well. Given these unknowns, the County defers to a 15% reduction target which is discussed in the ARB Scoping Plan.<sup>2</sup> The District recommends an expansion of this section by a few sentences in order to clearly state the County's percentage reduction target. We realize GHG reduction target setting is a new issue and various lead agencies have taken differing approaches. Some lead agencies actually attempt to calculate the reductions which may be achieved by the state regulations and do a "gap analysis" on the reductions which remain, presumably the responsibility of the jurisdiction. The DEIR should clearly state the County's reduction target and explain the rationale for the choice, the fact the County is relying on the Scoping Plan's discussion.

In addition, the County's greenhouse gas reduction target should be one which has the ability to adjust after 2020 to accommodate an escalation in reductions required of the state after 2020. According to the Governor's Executive Order S-3-05, GHG emissions will need to be reduced by 80% by 2050. We understand this Executive Order does not apply to local jurisdictions, however, it previews what may come in the future. Since the General Plan Update covers the years 2005-2030, the GHG reduction target should reflect the fact the target may have to become more aggressive after 2020.

***SUGGESTED ACTION: The District realizes the County may adopt a General Plan policy to "reduce greenhouse gas emissions to 1990 levels by 2020." The District recommends the DEIR and perhaps the General Plan itself clearly state the County's GHG reduction target (15%) as well. Any discussion of the reduction target should discuss the fact it may have to be adjusted after 2020.***

14-8

#### **GHG Mitigation Measures**

As mitigation for the significant GHG impact on climate change, the document presents two mitigation measures, CC1 and CC2. The first measure basically states:

***CC1*** *The following policy will be added to the General Plan: It is "the goal of the County to reduce greenhouse gas emissions to 1990 levels by the year 2020. This shall be achieved through a mix of State and local action."*

With this mitigation measure, the DEIR suggests the addition of an important policy to The County's General Plan. The District supports the inclusion of this policy, which will be one of the few statements about climate change in the whole County's General Plan.

<sup>2</sup> ARB, "Climate Change: Proposed Scoping Plan", October 2008, pg. 27

14-8  
cont'

This yet-to-be policy reiterates state law: the County will have to comply with the goal to reduce emissions outlined in AB32. The measure states compliance with the policy is the responsibility of both the County and the state. Because of the comingling of governmental entities, there is little "teeth" in this statement. Every government entity needs to be involved in the goal to reduce GHG. The County may not have influence on emission standards for cars, but it will have a great deal of influence on local land use planning.

If the County were to actually adopt a specific reduction target for which it was responsible as a mitigation measure or implementation strategy, there would be more "teeth." As it is currently, there is little County commitment inherent in this proposed policy.

14-9

The Draft General Plan itself currently contains only one mention of climate change/GHG. It is in The Air Quality Element. Policy **AQ-22**<sup>3</sup> reads: *Reduce greenhouse gas emissions from County operations as well as private development.* This measure should be augmented with a specific reduction goal and reference to AB32. The General Plan also should have a policy related to the County's commitment to adapt to climate change's effects.

The California Air Pollution Control Officers Association (CAPCOA) has just published a set of model policies on greenhouse gases for local governments' General Plans entitled Model Policies for Greenhouse Gases. It is available at [www.capcoa.org](http://www.capcoa.org). It contains sample goals, objectives and sample policies divided up by possible General Plan Elements that could be easily inserted into General Plans. We recommend the County review this document and include applicable policies into the GPU. For example the following policies would add the needed strength to policy in the Air Quality Element of the General Plan:

**Reduction Policies**

- *The County will establish a Municipal Climate Action Plan which will include measures to reduce GHG emissions from municipal activities by at least 30% by 2020 compared to the "business as usual" municipal emissions (including any reductions required by ARB under AB32.)*
- *The County will, in collaboration with the stakeholders from the community at large, establish a Community Climate Action Plan (CCAP), which will include measures to reduce GHG from community, municipal and business activities by at least 30% by 2020, compared to "business as usual."*<sup>4</sup>

**Adaptation Policy**

- *Determine Sacramento County specific climate change effects: Participate in research that examines the effects of climate change on human and natural systems in Sacramento County.*

**SUGGESTED ACTION:** *The District recommends that policies such as Policy AQ-22 in the General Plan Air Quality Element contain reference to AB32, target reductions, and commitments to action regarding adaptation to climate change.*

<sup>3</sup> Sacramento County General Plan of 2005-2030, Air Quality Element, pg. 6.

<sup>4</sup> Model Policies for GHGs in General Plans, CAPCOA, June 2009, pg 71

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14-10

The second mitigation measure offered by the DEIR, **CC-2**, described as an implementation measure to the "policy required by CC1" and says the County shall include three things as implementation measures:

- A. *The adoption of Phase One of a Climate Action Plan*
- B. *The adoption of Phase Two of a Climate Action Plan within a year*
- C. *The update of the Energy Element of the General Plan with no set date.*

Furthermore, **CC2A** states the County shall adopt a first-phase Climate Action Plan that contains:

- *a GHG inventory, updated every 3 years*
- *a Green Building Program*
- *a future Climate Change Program which includes*
  - o *a fee and reduction targets for new development*
- *a section on targets*

#### **A. Draft Climate Action Plan (CAP), Phase One**

The DRAFT Climate Action Plan, Phase One, May 2009 was distributed with the DEIR. A review of it shows it does **not** currently fully meet the requirements of mitigation measure CC2A, listed above. It simply does not contain all the elements the mitigation measure promises it will contain. For example:

- **Green Building Program**

The Climate Action Plan contains information on current goals and actions related to energy use. "Green" components are mentioned in this section but there is no clear discussion of a "Green Building Program." Since this program is called out in the mitigation measure, the program should be presented and well defined in the CAP.

- **Future Climate Change Program**

The Climate Action Plan, Phase One does not reference a future Climate Change Program with fees. Again, since this program is called out in the mitigation measure, the program should be discussed and well defined in the CAP

- **Section on Targets**

Although there is a section entitled "Sacramento County's Emissions Reduction Targets"<sup>5</sup> in the Climate Action Plan, Phase One, it is not clearly stated what target the County has embraced. There are two references<sup>6</sup> to a 15% reduction target in ARB's 2008 Scoping Plan, but there is no actual statement that **the County** commits to this goal. The section weakly implies the County is adopting a 15% reduction, but it is never actually stated. Since this is an implementation strategy to the General Plan's goal to reduce GHG, the District recommends that the Climate Action Plan, Phase One actually have clear statements about what GHG reduction targets the County will commit to with justification as to why that target or range of targets is appropriate.

***SUGGESTED ACTION: The District recommends that the Climate Action Plan, Phase One be substantially revised to actually contain the elements promised by Mitigation Measure CC2A and that it clearly state a GHG reduction target.***

#### **B. The adoption of Phase Two of the Climate Action Plan within a year**

<sup>5</sup> Draft Climate Action Plan, Phase One, pg 2-10

<sup>6</sup> Draft Climate Action Plan, Phase One, pg ES-2 and pg 2-10

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14-11

Mitigation measure CC-2 commits to the adoption of a next phase for the Climate Action Plan within a year. The measure states it will include "economic analysis and detailed programs and performance measures." The District believes Phase Two is where the "meat" of the Climate Action Plan will be. The programs and measures chosen will need to be enforceable and need to be ones which will actually reduce the GHG from the entire County, both existing and new development.

The District is concerned that these enforceable programs and measures are not included in the General Plan at this time. The fact that the measures won't be chosen for a year puts off the choice of mitigation until a later time. Usually, putting off mitigation in a CEQA analysis is acceptable when there is a clear commitment to a performance standard and to the types of measures to look at are clearly committed to in the environmental document. In this case, the performance standard has been weakly stated and there is no analysis of the efficiency of the proposed measures. It's difficult to see how much strength is behind this future mitigation. The DEIR has identified a significant greenhouse gas impact but has not yet identified mitigation for it.

**SUGGESTED ACTION: The District recommends a reduction target be clearly identified for the future Climate Action Plan, Phase Two and that there be a more comprehensive description of what its programs and measures will achieve.**

14-12

In addition, the District is concerned that the future mitigation measures in the Climate Action Plan, Phase Two may not be closely aligned with the policies in various elements in the General Plan Update. It appears that the Climate Action Plan, Phase One was written without any coordination with policies in The General Plan. The District believes policies in the General Plan should inform The Climate Action Plan.

The General Plan Update, in fact, gives almost no mention to climate change and greenhouse gases. Many of the policies, however, are ones which will help prevent the creation of GHG. Those policies which indirectly affect the creation of GHG could be consolidated into an Appendix- "Policies that Address Climate Change/GHG" so as to demonstrate that the General Plan, indeed does have climate-friendly policies.

**SUGGESTED ACTION: The District recommends that The Climate Action Plan, Phase One and Phase Two be more closely aligned with actual policies in The General Plan Update. In addition, the District recommends there either be a GHG Element to the General Plan or that there be an Appendix to the General Plan which highlights those policies which are supportive to the reduction of GHG.**

14-13

**C. The update of the Energy Element of the General Plan with no set date.**

Mitigation Measure CC-2 also commits to an update of the Energy Element of the General Plan. This section is also a future action and is so vaguely worded as to render the commitment almost meaningless. The DEIR should have some discussion of strength of the mitigative effectiveness of this action and a date by when it will be complete.

**SUGGESTED ACTION: The District recommends more discussion be included about the intent or impact of the revised Energy Element and that a date be given.**

14-14

**Thresholds of Development/Significance**

The DEIR presents a set of "thresholds for development" in Table CC-9. These thresholds are sector-based and the sectors reflect those used in the creation of the County's GHG inventory (i.e. residential, commercial, transportation). The values in the "thresholds" column of the table

14-14  
cont'

represent targets which reflect the County's desired inventory per sector in 2020 (a 15% reduction from current emissions). The values in the "thresholds" column also reflect the assumption that in 2020, GHG emissions will be coming from various sources in exactly the same proportion as they came in 1990. The District has two concerns with the assumptions behind this table:

- a. It is not assured that emissions in 2020 will be generated from sources in the exact same proportion as they are in 1990. For example, perhaps the transportation-related emissions will be less than 55% of total GHG because of the low carbon fuel standard. The District believes there should be some discussion of the validity of that assumption.
- b. It is assumed from the table that a 15% reduction from new development will be adequate to help the County and state reach the goals of AB32. The District believes there should be a discussion of this assumption. Many parties believe that new development should have higher requirements because of how difficult it will be to garner emissions reductions from existing development.

It is presumed applicants will analyze the GHG impacts from their new development projects and will compare their results by sector to these thresholds. The by-sector approach is a new one and will need explanation as it could be confusing. Applicants are more accustomed to having one mass emission number per day (for NOX or ROG) for their projects.

Because of the newness of this approach, the District recommends: 1. The County develop guidance on how proponents should use this table; 2. That the table's sector labels be more descriptive, i.e.- "Residential energy", "Commercial & Industrial energy"; 3. That guidance include whether or not proponents will be able to over-mitigate in one sector while under mitigate in another; 4. That some methodology be provided to allow all sectors' contribution to be expressed in like units.

***SUGGESTED ACTION: The District recommends guidance be provided on how proponents are to use the sector-based "thresholds of development." For purposes of the DEIR, the District recommends more explanation be added so that readers understand how the table will be used by new development going forward.***

14-15

The DEIR is silent about how new development will mitigate their GHG impacts if their projects are found to be "cumulatively considerable" once compared to the County's "Thresholds for Development." SMAQMD draft guidance suggests that projects in this category create a Greenhouse Gas Reduction Plan which would be endorsed by the District and approved by the County. Lists of appropriate mitigation measures have been created by the District, the Attorney General and others. Those measures include project characteristics that reduce VMT and energy use by buildings, among other things. The quantification of those measures is an evolving technology. The District believes the DEIR should make reference to these possible mitigation strategies.

***SUGGESTED ACTION: The District recommends the DEIR discusses mitigation strategies for new development projects that are determined to be "cumulatively considerable."***

**Phasing for New Development – Concern about Leapfrog Development**

14-16

The General Plan presents a discussion of "New Growth Areas."<sup>7</sup> Those areas will be able to accommodate up to 47,000 new residential units. The General Plan states in the Land Use section (policy LU4) that the County will "focus investment of public resources on revitalization efforts within existing communities, especially within commercial corridors, while also allowing planning and development to occur within strategic new growth areas." The District is concerned that mechanisms are not in place to assure entitlement and development of the new growth areas will not occur in a leapfrog manner. Far areas of the County seem to be allowed to be entitled years in advance of their development and without regard to an orderly progression of development. In the meantime, the effects of climate change could be shown to be worse than originally believed.

Given the fact that the VMT-related transportation sector contributes the largest portion of the County's GHG inventory (55%)<sup>8</sup>, the District has already suggested two land use mitigation measures to assure that entitlement and development in the New Growth areas not be allowed unless certain VMT-related criteria of careful phasing are met. Refer to pages 3-4 of this letter. They are very important for GHG mitigation as well. These would constitute the Expansion Phasing Mitigation for land use.

It may also be appropriate to explore the use of a GHG/capita metric to be used in addition or in lieu of the VMT related/capita metric. This metric would probably not be the same as the transportation-related "threshold for development" the County proposed for its CEQA process (4.56 MT/capita). That target can be mitigated by project features. The County needs to mitigate the impacts of all development (sprawl and otherwise) that has been approved in the past before it can seriously tackle the issue of climate change. The District is not in a position at this point to call out what that metric would be, but would like to continue discussing the possibility with the County in the next few weeks.

**SUGGESTED ACTION:** *The District recommends the inclusion of the already recommended Expansion Phasing Mitigation Measures in the Land Use mitigation of the DEIR for GHG mitigation purposes. Also, the District recommends further collaboration with the District on the development of a GHG metric which could also help identify when proposed new growth development is "leapfrog."*

### Circulation Element Analysis

14-17

The GPU Circulation Element analysis proposes a smart-growth program as mitigation for reduced roadway level of service (LOS) due to urban expansion. We maintain that the LOS standard is not equitable for all modes of transportation as it measures service for automobiles only; nevertheless a smart-growth program of development that it facilitates non-automobile modes is an effective way of alleviating automobile congestion.

The Circulation Element analysis indicates that this mitigation requirement may be satisfied by adopting the proposed Smart Growth Streets program. The Smart Growth Streets (SGS) policy document, released at the June 22, 2009 Planning Commission hearing, provides language for a policy that is a good start to satisfying the requirement. To provide the full benefits of Smart Growth development in mitigating impacts associated with increased automobile traffic, including LOS and air quality impacts, it must incorporate the following:

<sup>7</sup> County of Sacramento General Plan, Draft Land Use Element, pg. 27.

<sup>8</sup> Sacramento County DRAFT Climate Action Plan – Phase One, pg 2-5



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cont'

1. A clear indication of which roadways the SGS policy applies to. To be most effective, it should apply to all collector, arterial and thoroughfare roadways.
2. A provision that environmental review for projects on these roadways shall evaluate development impacts on all modes of travel, not only automobile travel.
3. Include language requiring Complete Streets throughout SGS designated roadways. Complete Streets are designed and operated to enable safe access for all users. Pedestrians, bicyclists, motorists and bus riders of all ages and abilities are able to safely move along and across a complete street. They include accommodations for all travel modes, including bicycle lanes and separated sidewalks. There are Complete Streets provisions in the Sacramento County Street Improvement Standards, but an SGS policy designed to facilitate multi-modal access must specifically include a requirement for Complete Streets.
4. Include a requirement for striped crosswalks with pedestrian signalization at all roadway intersections. This provision is contained in the Sacramento County Street Improvement Standards, but an SGS policy designed to facilitate multi-modal access must specifically include a requirement for adequate crosswalks.
5. Include connectivity standards. Roadway networks without adequate connectivity do not provide adequate access for non-motorized travelers. Non-motorized travel requires good connectivity because due to its slower speeds (relative to motorized travel), longer than necessary distances between destinations are especially inefficient.

The Institute of Transportation Engineers (ITE) has produced a recommended practice document called Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities. This document provides principles to determine connectivity. It recommends expanding the definition of collectors to recognize their role in connecting local origins and destinations to distribute trips efficiently keep short trips off the arterial system and provide a choice of routes for all modes. It recommends building network capacity through a dense, connected multi-modal network rather than through an emphasis on high levels of vehicle capacity on arterials. By emphasizing a diversity of multi-modal routes to destinations, rather than high vehicle capacity on a few larger arterial routes, this approach gives equal access to non-motorized travelers.

Some pre-established, useful connectivity standards include (1) the ratio of intersections divided by the sum of intersections and dead-ends; (2) the number of surface street intersections within a given area as a measure of intersection density and (3) the ratio of direct travel distances to actual travel distances (The Victoria Transportation Policy Institute, [www.vtpi.org](http://www.vtpi.org)).

In its document Recommended Guidance for Land Use Emission Reductions, the District recommends block size perimeters of no more than 1,350 feet. Block size may be a good connectivity standard, as smaller block sizes allow for more direct routes between destinations.

6. We commend the language encouraging shared driveways. Shared driveways should be required for new development, and a concerted effort should be made to consolidate driveways for existing development.

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14-17  
cont"

7. We commend the measure to encourage shared parking. Any parking for new development should be required to be shared parking. We suggest further measures to reduce impacts of urban growth on parking availability. Possible measures include performance parking pricing, a parking benefit district and unbundling parking from commercial rents. These measures are demonstrated to be cost-effective and efficient in alleviating perceived need for copious parking. More information on these measures is available in The High Cost of Free Parking, by Donald Shoup<sup>9</sup>.

8. Roadways serving local destinations should generally be designed for speeds of no more than 35 miles per hour. The ITE recommended practice document on Context Sensitive Solutions designates 35 miles per hour as a maximum speed for walkable communities. It provides comprehensive parameters for collectors, arterials and thoroughfares that accommodate maximum speeds of 35 miles per hour. Lane widths of more than 11 feet, and roadways of more than 4 – 6 lanes, facilitate increased vehicular speeds and associated collisions. Correspondingly enlarged curb radii, of over 20 feet, facilitate vehicle turning speeds that pose a significant threat to pedestrians crossing at intersections.

Faster speeds are dangerous, and serve no benefit other than to facilitate vehicular travel, which is primarily the role of freeway travel. Minor reductions in vehicular speeds, to accommodate alternative modes improvements, have not to date been shown to result in significant increases in motor vehicle emissions<sup>10</sup>. Finally, enlarged roadway widths, based primarily on motor vehicle proportions, are incompatible with pedestrian-scaled development, and compromise its effectiveness in reducing vehicle miles traveled.

**SUGGESTED ACTION:** *The District recommends the revisions enumerated above to the Smart Growth Street policy document.*

14-18

#### **Roadway Width**

Sacramento County staff recommended modifications to the Circulation Element transportation plan at the June 22, 2009 Planning Commission hearing. The modifications generally apply designations to major roadways that reflect their existing width, rather than designations for wider roadways. The Draft GPU applies designations to many major roadways that widen them, for example from collector to arterial; in contrast, the modifications apply designations that reflect the roadways' existing widths, for example applying a collector designation to an existing 2-lane collector roadway.

We support the modifications to maintain existing roadway widths. They will help mitigate air quality impacts associated with increased VMT resulting from the GPU. Roadway expansion is often associated with "induced demand," or the inducement of VMT due to increased roadway capacity<sup>11</sup>. Induced demand results in increased air quality pollutants and greenhouse gas emissions, associated with increased VMT; it also reduces or even negates the congestion reduction benefits of the road widening.

<sup>9</sup> Shoup, Donald, The High Cost of Free Parking, American Planning Association, 2005

<sup>10</sup> Planning Dynamics Group, Central City Two-Way Conversion Study, Prepared for the City of Sacramento, California January 2006.

San Francisco Planning Department, San Francisco Bicycle Plan Draft Environmental Impact Report, San Francisco, California November 2008, 790 – 813.

<sup>11</sup> Peter Hills (1996), "What is Induced Traffic?" Transportation, Vol. 23, No. 1, pp. 5-16.

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cont'

Mitigation Measure TC-1 calls for widening portions of White Rock Road, Kiefer Boulevard and Excelsior Road to six-lane thoroughfares, to mitigate for reduced LOS. We have indicated that LOS is not an equitable standard, and maintain that roadway widening induces VMT.

**Roadway Widening Process**

We recommend measures to require a clear demonstration of need prior to any roadway widening, through a full public participation process. The American Association of State Highway and Transportation Officials (AASHTO) and the Federal Highway Administration (FHWA) have supported a decision-making process for transportation projects called "Context Sensitive Solutions," available at [www.contextsensitivesolutions.org](http://www.contextsensitivesolutions.org). This process involves the creation of shared stakeholder vision to provide a basis for decisions; the demonstration of a comprehensive understanding of land use, social and other contexts for roadway projects ongoing communication and collaboration to achieve consensus and flexibility and creativity to shape effective transportation solutions, while preserving and enhancing community and natural environments. This process is demonstrated effective, and would reduce air quality impacts associated with increased VMT resulting from the GPU.

**SUGGESTED ACTION:** *The District supports establishing a public participation process, consistent with the ITE's Context Sensitive Solutions, to thoroughly evaluate project need prior to any future roadway widening.*

**Conclusion**

District staff thanks the County for the opportunity to present our comments. Please address any questions about these comments to Jeane Borkenhagen for climate change (916-874-4880 | [jborkenhagen@airquality.org](mailto:jborkenhagen@airquality.org)), Molly Wright (916-874-4886 | [mwright@airquality.org](mailto:mwright@airquality.org)) or Rachel DuBose (916-874-4876 | [rdubose@airquality.org](mailto:rdubose@airquality.org)).

Sincerely,



Larry Greene  
Executive Director/Air Pollution Control Officer  
Sacramento Metropolitan Air Quality Management District

Letter 14

**Larry Greene, Executive Director, Sacramento Metropolitan Air Quality Management District; written correspondence; July 13, 2009**

**Response 14-1**

Comment noted.

**Response 14-2**

Recommended edits 1 and 3 have been incorporated. The sentence discussed in recommended edit 2 has not been deleted, but it has been corrected. It is acknowledged that better maps, per recommended edit 4, would be ideal but they are not possible to generate. The EIR preparers do not have access to the GIS layers or detailed data that was used to generate the maps published by the Air Resources Board, and consequently cannot make better maps.

**Response 14-3**

The updated Guide was published subsequent to this comment. The EIR has been amended to refer to the December 2009 Guide instead of the 2004 Guide.

**Response 14-4**

A discussion of the SIP and MTP has been added to the Air Quality chapter analysis of On-Road Mobile Source Emissions.

**Response 14-5**

See Response 5-8.

**Response 14-6**

A VMT factor for phasing is an innovative approach that could have benefits, but there are implementation problems. A strict number for all new development would not suffice, because there are substantial differences between the number of trips generated by commercial, residential, and industrial uses. There are even substantial differences in trips generated by different *types* of commercial uses. It would not be advisable to impose a standard that would ensure certain types of commercial or industrial uses could never move forward. Even assuming that the measure would only apply to residential development, since that is the primary concern, there are issues with a single VMT factor. Although certainly it is beneficial to have higher housing densities nearer the urbanized areas, these densities would have biological resources and land use compatibility impacts if located on the edge of the Urban Services Boundary. These fringe areas are better suited to much lower density development, and such development may not be able to meet the VMT requirement. Since the purpose of the VMT standard would be to reduce emissions, it is the opinion of the EIR preparers that it is more advisable to deal directly with air quality emissions and greenhouse gas emissions, rather than using VMT as a proxy for emissions.

The EIR preparers do not recommend application of the phasing requirement for all specific plans and master planning. There are development areas that would fall under

the category of “master planning” that are either small or consist mainly of redevelopment, and requiring that those areas be further divided into smaller phases would not be beneficial. Examples are the Commercial Corridors and the West of Watt New Growth Area. The measure applies to the Jackson Highway Corridor and to Grant Line East because those are the only growth areas identified in the Project that involve substantial amounts of land area – and indeed, are the only such large areas within the proposed Urban Policy Area that do not yet have a master plan.

Likewise, the EIR preparers also do not recommend changing the required phase build-out from 50% to 75%. Multiple meetings were held with the Planning and Community Development Department to derive the 50% figure. The intent is to balance two needs: 1) the need to ensure that a phase reaches a sufficient threshold of investment, so that its completion is assured and 2) the need to recognize that market processes work on longer timeframes. As to the latter, it takes significant time and investment to develop, process, and implement a master plan, or even a tentative subdivision map – between 3 to 5 years from initial investment to the beginning of development is an optimistic assessment. Such processes are difficult to finance without some assurance to investors that the property is in a developable condition. Therefore, many of these processes will not begin within a subsequent phase until the first phase is at or near the benchmark figure of 50% (or 75%, as recommended). At 75%, the concern is that this leaves too small an area remaining before planning for the next phase begins. A limit of 75% development would only leave 2.5 years of supply left, and as stated the processing of development within the next phase would be expected to take longer than 2.5 years. This could constrain logical extensions of infrastructure within the next phase, and could have negative effects on pricing due to an undersupply. It may seem odd to be concerned about negatively increasing prices during these economic times, but this is a long-range plan. It should be assumed that the current downturn will not always persist. High prices are a burden on affordable housing, school site purchases, mitigation land purchases, and other such necessary developments.

#### **Response 14-7**

Additional clarifying language pertinent to the stated reduction target of 1990 levels by 2020 has been added to the Climate Change chapter. The Climate Change chapter regulatory section does discuss Executive Order S-3-05, and states that it includes a reduction of 80% below 1990 levels by 2050. This section has been expanded to note that all of the analysis to follow relies on the provisions of AB 32, because this encapsulates the only required target at this time, but that over the life of the General Plan various policies and strategies will need to be amended should the 2050 target become adopted regulation.

#### **Response 14-8**

The EIR preparers are not certain why the SMAQMD regards this policy as having no “teeth”. The statement that the target will be achieved through a mix of state and local action is merely a statement of fact. The goal of AB 32 is to achieve a reduction to 1990 levels, estimated to be 15% from 2005 levels. The goal is not to achieve a reduction of 15% from the State *and separately* a 15% reduction from local governments, as this would result in a reduction of greater than 15% and far less than 1990 levels. Clearly,

the state government and local governments will be expected to work cooperatively on reaching this target. Indeed, as this comment indicates, some jurisdictions have attempted to determine how much of the 15% figure will fall to the local government to achieve.

In this EIR the target has been framed as 1990 levels by the year 2020, rather than as a percentage reduction, because this will ensure that the target remains correct even if data changes. The estimated reduction needed to reach 1990 levels is currently reported in the AB 32 Scoping Plan as 15%, but that number has been both higher and lower. By framing the target as the year 1990, even if the estimated percentage reduction changes again in the coming years, the specified target will still be correct. It also ensures that even if the proportion of reduction that comes from the state goes down or goes up, the County goal remains clear: 1990 levels. The way the target is stated appears to be at least as effective as stating a specific percentage, and perhaps more so because it has a greater chance of remaining accurate over time. As County emissions are inventoried every 3 years (as stipulated by Mitigation Measure CC-2) the County will be able to track progress with meeting the reduction goal, and make adjustments to the Climate Action Plan as needed.

#### **Response 14-9**

The reduction goal will be stated by the policy included in Mitigation Measure CC-1. Also refer to Response 5-9.

#### **Response 14-10**

The comment is correct that the Draft Climate Action Plan is not currently consistent with what is required within Mitigation Measure CC-2. Should the Board adopt Mitigation Measure CC-2, the Climate Action Plan will need to be revised to achieve consistency prior to adoption of the Final Climate Action Plan. That said, the summation of the requirements of CC-2 contained in this comment are not quite correct. Mitigation Measure CC-2 does not require that the Climate Action Plan contain a Green Building Program, it states that it should contain a policy requiring the adoption of a Green Building Program that must be updated every 5 years. Also refer to Response 5-7; this measure has been amended to specify that the program be adopted by 2012. Again, with the Climate Change Program the measure requires that the Climate Action Plan contain a policy requiring the enactment of a program, not that the Climate Action Plan contain the program itself (the program will need to be adopted separately by resolution of the Board, or through an Ordinance, or similar). The Program is already in preliminary development, and should the Board adopt the mitigation measure the program will be enacted as quickly as procedurally possible.

The EIR preparers disagree that the CAP target is weakly stated, given that the target is even given as a specific amount of metric tons. However, the preparers agree that the target could be more clearly highlighted rather than being within a larger paragraph. This recommendation has been forwarded to the Sacramento County Sustainability Program Manager for clarification within the Final CAP.

**Response 14-11**

The EIR preparers disagree that a clear performance standard has not been stated (Mitigation Measure CC-1 sets this standard). Refer to the various responses to this letter, and to Response 5-6.

**Response 14-12**

The Draft Sacramento County General Plan had already been published and was being reviewed during Board of Supervisors workshops at the time that AB 32 became an issue. As a result, the Draft General Plan does not address climate change directly. The CAP was drafted as an offshoot of the EIR process for the General Plan, during which the EIR preparers identified the need to address climate change. The recommendation to include a list or appendix of climate-friendly policies has been forwarded to the Sacramento County Planning and Community Development Department for consideration. Also refer to the Traffic and Circulation Chapter, which contains a list of Smart Growth policies within the General Plan.

**Response 14-13**

See Response 5-7.

**Response 14-14**

See Response 5-5. The Department of Environmental Review and Assessment will be generating a guidance document.

**Response 14-15**

The adoption of reasonable and feasible mitigation is a requirement of CEQA for any impact that is determined to be significant. It is not seen as necessary to state that projects failing to meet the development thresholds will be required to provide mitigation to reduce emissions.

**Response 14-16**

See Response 14-6.

**Response 14-17**

Mitigation Measure TC-3 requires a new policy that supplements the LOS standard with an overall mobility standard. These recommendations have been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

**Response 14-18**

Comment noted. These recommendations have been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

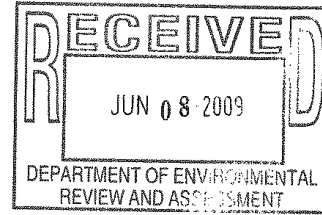


10545 Armstrong Avenue  
 Yuba City, CA 95605  
 Tel: (916) 874-6400  
 Fax: (916) 874-6160  
 Website: www.srscsd.com

June 2, 2009

Joyce Horizumi  
 Environmental Coordinator  
 Department of Environmental Review and Assessment  
 827 7<sup>th</sup> Street, Room 220  
 Sacramento, CA 95814

Wastewater Treatment



Letter 15

**Board of Directors**  
 Representing:

- County of Sacramento
- County of Yolo
- City of Citrus Heights
- City of Elk Grove
- City of Folsom
- City of Rancho Cordova
- City of Sacramento
- City of West Sacramento

**Subject: Draft Environmental Impact Report for the Sacramento County General Plan Update**

Dear Ms. Horizumi:

Sacramento Regional County Sanitation District (SRCSD) and the Sacramento Area Sewer District (SASD) have reviewed the Draft Environmental Impact Report for the Sacramento County General Plan Update and have the following comments:

**Section 5 – Sewer Services**

Page 5-1, Paragraph 2 should read as follows:

A result of the centralization of wastewater treatment services is the Sacramento Regional Wastewater Treatment Plant (SRWTP) constructed in the south part of the County at 8521 Laguna Station Road, *near the City of Elk Grove adjacent to Interstate 5 and discharged near the town of Freeport. Sewage is initially routed through the local collectors and trunks owned by SASD, and the Cities of Sacramento and Folsom. From the local collection systems, sewerage is routed to SRWTP by the interceptor collection systems owned by SRCSD.* The SRWTP is a high purity oxygen activated sludge facility, and is permitted to treat an average dry weather flow (ADWF) of 181 MGD and a daily peak wet weather flow of 392 MGD. After secondary treatment and disinfection, a portion of the effluent from the plant is further treated in SRCSD's Water Reclamation Facility, *located in the SRWTP property, and then used for non-potable purposes, such as landscape irrigation, within select areas of the City of Elk Grove and the SRWTP.* The majority of the treated wastewater is dechlorinated and discharged into the Sacramento River.

Page 5-1, Paragraph 3

It should be clearly stated that SASD and the Cities of Folsom and Sacramento are responsible for *local* collection system operation and maintenance. SRCSD is responsible for regional collection system operation and maintenance.

Mary K. Snyder  
 District Engineer  
 Prabhakar Somavarapu  
 Plant Manager  
 Stan R. Dean  
 District Manager  
 Marcia Maurer  
 Chief Financial Officer

15-1

15-2

Sacramento Regional County Sanitation District



Joyce Horizumi  
Page 2  
June 3, 2009

- 15-3 **Sacramento Regional Wastewater Treatment Plant Master Plan 2020**  
Page 5-4: The SRCSD Board of Directors approved the SRWTP 2020 Master Plan 2020 in summer of 2004, not fall 2003.
- 15-4 **Table SE-1 Land Use Categories, Design ESD Densities, and Flow Estimates**  
Page 5-6: The land use code for Open Space, Recreation, Parks and Cemeteries should be changed from 0 ESDs per Acre to 6 ESDs per Acre and the Flow Estimates should be changed from 0 gpd to 1,860 gpd.
- 15-5 **Water Recycling Program**  
Page 5-7: Paragraph 1 should read as follows:  
  
SRCSD, in partnership with the Sacramento County Water Agency (SCWA), has a small-scale non-potable water recycling program. SRCSD is responsible for producing and wholesaling recycled water to SCWA, while the SCWA is responsible for retailing the recycled water to select customers. SRCSD is currently evaluating the feasibility of a large-scale program. SRCSD's small scale water recycling program began to serve select communities in the City of Elk Grove in 2003. *Recycled water is also used at the SRWTP. The existing Water Reclamation Facility (WRF) Phase I, located at the SRWTP, has a design capacity of 5 MGD of recycled water. The recycled water is used in-lieu of potable water for non-potable purposes, such as landscape irrigation of parks, school fields, commercial sites, landscaped streets and roadways, etc.* This facility was constructed to be expanded as demand increased.  
  
Page 5-8: The Water Recycling Opportunities Study (WROS) was completed in February 2007.  
  
Page 5-8, Paragraph 2 should read as follows:  
  
Implementation of a large-scale Water Recycling Program that may include short-term and long-term strategies with multiple partners and jurisdictions can become quite complex. The WROS provides a roadmap outlining and sequencing the major steps for short-term and long-term implementation strategies. *The WROS identifies goals, objectives, and evaluates potential water recycling opportunities at a high planning level. The actual implementation of any of these opportunities is yet to be determined and depends on many factors, such as participation of all key stakeholders, permitting requirements, financial feasibility, etc.*
- 15-6 **Existing Conditions**  
Page 5-8: The SRWTP receives and treats approximately 141 million gallons per day (mgd) average dry weather flow (ADWF).
- 15-7 **Regulatory Setting**  
Page 5-9: This entire section appears to be focused on stormwater and should include a discussion of NPDES permits for POTWs, industry etc, and TMDLs for accuracy.

Joyce Horizumi  
Page 3  
June 3, 2009

New Growth Areas

15-8

Page 5-15: The statement "*The planning horizon used in the SRWTP, SRCSD and SASD Master Plans is 2020*" is incorrect. The SRWTP 2020 Master Plan was the year 2020 as was the SASD Master plan; however, the Interceptor Master Plan assumed buildout of the service area.

15-9

Page 5-15: Paragraph 2 in this section is incorrect for the SRWTP: "*As previously stated, SRCSD and SASD wastewater flow estimates and ultimate buildout wastewater demands are calculated using an average equivalent single family dwelling units (ESDs) per acre, with one ESD representing the effluent generated by one single family residence.*" The SRWTP 2020 Master Plan was based on population projections

15-10

The 2020 master plan proposed to expand the treatment capacity of the plant from 181 million gallons per day (mgd) average dry weather flow (ADWF) to 218 mgd (ADWF). As noted above, the SRWTP currently receives and treats approximately 141 million gallons per day (mgd) average dry weather flow (ADWF).

If you have any questions regarding these comments, please contact me at (916) 876-9994.

Sincerely,



Sarena Deeble  
SRCSD/SASD  
Policy and Planning

cc: Ruben Robles  
Michael Meyer  
SRCSD Development Services  
SASD Development Services

Letter 15

**Sarena Deeble, Sacramento Regional County Sanitation District; written correspondence; June 2, 2009**

**Response 15-1**

These additional details have been added.

**Response 15-2**

The clarifying language has been added.

**Response 15-3**

The correction has been made.

**Response 15-4**

Ms. Deeble was contacted for clarification of this comment, and responded via phone on 6-10-09. The Sewerage Facilities Expansion Master Plan 2006 Update (page 2-10) lists the ESD for Open Space, Recreation, Parks, and Cemeteries as zero, but Ms. Deeble indicated that this was an error. It should have read 6 ESDs, consistent with the SASD Design Standards dated Feb 13, 2008 (page 22, section 3.1.7). The EIR table has been changed to be consistent with this information.

**Response 15-5**

These additional details have been added.

**Response 15-6**

The correction has been made.

**Response 15-7**

Additional language has been added to this regulatory section, as requested.

**Response 15-8**

The correction has been made.

**Response 15-9**

This quoted sentence was only intended to refer to the conveyance facilities master planning, not to the SRWTP capacity planning. The sentence has been clarified.

**Response 15-10**

The correction has been made.

Letter 16

July 8, 2009

Ms. Joyce Horizumi, Environmental Coordinator  
Department of Environmental Review and Assessment  
827 – 7<sup>th</sup> Street, Room 220  
Sacramento, CA 95814



SUBJECT: Comments on the Draft Environmental Impact Report for Sacramento County General Plan Update (Control Number 2002-GPB-0105; State Clearinghouse Number: 2007082086)

Dear Ms. Horizumi;

*Sheldon*  
*Administrative Headquarters*  
6000 Orange Avenue  
Sacramento, CA 95823-3225  
Phone 916-428-1171  
Facsimile 916-428-7334  
[www.southgaterecandpark.net](http://www.southgaterecandpark.net)

*Board of Directors*  
Rolfé P. Appel  
John E. Cockerham  
Edwin A. Smith  
Christine Thompson  
Shirley J. Wirth

*General Manager*  
Ward Winchell

*Assistant General Manager*  
Maureen Casey



Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Sacramento County General Plan Update. The project proposes the adoption of an updated General Plan for the County of Sacramento. The existing Sacramento County General Plan, adopted in 1993, is approaching its time horizon of 2010. The proposed General Plan is intended to guide the growth and development of the County through the year 2030 and covers the entire unincorporated portion of Sacramento County, which encompasses approximately 496,083 acres or 775 square miles. The incorporated areas within the County that are not part of the Sacramento County General Plan are the cities of Sacramento, Citrus Heights, Folsom, Rancho Cordova, Galt, Elk Grove and Isleton.

Southgate Recreation and Park District is an independent special district that lies completely within the unincorporated portion of Sacramento County and is part of the South Sacramento and Vineyard Communities. The District is approximately 52 square miles and is generally bounded by Jackson Highway to the north and Calvine Road to the south; and Grant Line Road to the east and State Highway 99 to the west. The District is responsible for the planning of parkland, open space and recreational facilities and the ownership and maintenance of existing and planned facilities within the District boundaries. It may be helpful for you to review the District map and the respective facilities, which would potentially be impacted by the Sacramento County General Plan Update (Attachment A).

The District works closely with County Planning Staff and other County Departments to plan parkland, open space and recreational facilities for Specific and Community Plans as well as individual project applications. The District requests that the following comments, which were approved by the Southgate Board of Directors at their July 7, 2009 meeting, be considered and included in the Final Environmental Impact Report where applicable.

**CHAPTER 3 – LAND USE**

16-1

The proposed General Plan includes four distinct growth management strategies, which are buildout of vacant and underutilized infill parcels; buildout of previously master-planned communities such as Vineyard Springs, North Vineyard Station, and Florin-Vineyard GAP; commercial corridor planning and revitalization; and expansion of the Urban Policy Area (UPA) to accommodate new growth areas such as Jackson Highway Corridor, Grant Line East, West of Watt, and Easton. Combined, these strategies result in between 103,500 and 150,000 additional housing units, which exceeds the number of units the Blueprint determined would need to be accommodated.

The District lies within the following plan areas: South Sacramento and Vineyard Community Plans, Florin Vineyard GAP Community Plan (to be adopted), North Vineyard Station Specific Plan, and Vineyard Springs Comprehensive Plan. The District also fully or partially encompasses the following commercial corridors identified for planning and revitalization: Stockton Blvd, Franklin Blvd, and Florin Rd areas. Residential infill parcels have been identified within the District and the expansion of the UPA boundary to accommodate the Jackson Highway new growth area will occur within the District. All four growth management strategies of the General Plan Update will significantly impact the future growth and development of the District.

The District is supportive of mitigation measure LU-1, which requires a phasing plan for development of the new growth areas in order to provide better consistency with smart growth principles. However, the District also recommends that the proposed phasing plan also provide for further progress toward buildout of previously planned communities before developing within new growth areas.

**CHAPTER 4 – PUBLIC SERVICES**

16-2

The proposed General Plan Update does not include any significant modifications to the Public Facilities Element pertaining to park services. The District, in cooperation with Sacramento County Regional Parks and other Park Districts, determined that an update would be beneficial and worked to create an updated version of the portion of the Public Facilities Element pertaining to park services, separate from the General Plan Update process. This version was submitted to the Planning and Community Development Department and was included in Appendix G of the DEIR as an alternative to the current General Plan proposal.

The District is concerned that existing policies do not support funding for operation and maintenance of parks and construction of new parks adequately. The current policies focus only on local park land acquisition. As a consequence, it is possible that new development and the increased demand for parks will result in potentially significant impacts on the District's ability to provide adequate ongoing park services. To ensure that these impacts are mitigated, the District supports the County Planning Staff's recommendation and DEIR's mitigation measure PF-1 to adopt the park districts' proposed alternative (or a similar updated version) as part of the General Plan.

**CHAPTER 8 – BIOLOGICAL RESOURCES**

16-3

The proposed General Plan Update growth management strategies will result in unavoidable and significant impacts to wetlands and riparian areas, special status species, and native trees. Within the County there are a number of programs and projects in place which are working to manage the County's biological resources. The proposed policies of the General Plan Update Conservation Element strengthen the 1993 Conservation Element and mitigation requirements seek to maintain and restore natural habitats and their functionality, with a general goal of creating larger preserve and wildlife corridors to facilitate species movement.

The District supports many of the new Conservation Element policies related to interagency cooperation and planning; establishment of funding mechanisms for preserve areas; the consideration and integration of trails and passive recreational opportunities within or adjacent to preserve areas; and the preservation and enhancement of the Laguna Creek Parkway and other stream corridors throughout the County.

The South Sacramento Habitat Conservation Plan (SSHCP) will also provide a comprehensive framework for managing biological resources within the SSHCP plan area, which is where much of the County's biological richness remains. Please see the District's comment letter dated August 8, 2008 on the SSHCP DEIR Notice of Preparation. The District requests the Department of Environmental and Review Assessment (DERA) to further evaluate the General Plan Update's consistency with the proposed SSHCP's conservation strategies.

**CHAPTER 9 – TRANSPORTATION AND CIRCULATION**

16-4

The proposed General Plan Update contains land use and transportation strategies, goals, and policies related to smart growth. Smart growth is an urban planning and transportation theory that advocates compact, transit-oriented, walkable, bicycle-friendly land use.

The District is responsible for planning bicycle and pedestrian facilities within its boundaries and is planning an extensive bicycle/pedestrian trail system along the Laguna, Morrison, Gerber, Elder, and Florin creek corridors, various utility corridors, Grantline Road, and the Central California Traction Railroad. The District also owns and maintains Tillotson Parkway and numerous pedestrian landscape corridors along its major thoroughfares. The District has also worked with the County Planning and Department of Transportation (DOT) to develop design guidelines for "Parkways" to provide a pedestrian oriented streetscape for improved aesthetics, comfort, and safety for pedestrians as well as bicyclists (Attachment B).

The District supports the new Circulation Element's proposed policies addressing planning, funding, and implementing bikeways and walkways. The District is also supportive of mitigation measure TC-3 to adopt a smart-growth program that will facilitate the expansion of walkways, bikeways, and transit services and requests that the County consider the District's Parkway design guidelines when developing the smart-growth program.

Once again, the District would like to thank the County of Sacramento Department of Environmental Review and Assessment for the opportunity to comment on the Draft Environmental Impact Report for the Sacramento County General Plan Update. The District appreciates the County's consideration of the comments and requests in this letter. The District shall coordinate with the County and all related agencies to minimize the effects of significant impacts and maximize the availability of parkland, open space and recreational facilities throughout the District's boundaries within unincorporated Sacramento County.

Please continue to forward documentation related to this project to the District. If you require additional information or assistance please do not hesitate to contact me or Roxie Anderson at (916) 428-1171, ext. 14, or via e-mail at [randerson@southgaterecandpark.net](mailto:randerson@southgaterecandpark.net).

Sincerely,



Maureen Casey  
Assistant General Manager

Attachments:

- A. Southgate District Parks and Facilities Map
- B. Design Guidelines for Parkways and Greenstreets Memo

RESOLUTION 09-01

**RESOLUTION OF THE BOARD OF DIRECTORS OF SOUTHGATE RECREATION & PARK DISTRICT APPROVING COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SACRAMENTO COUNTY GENERAL PLAN UPDATE**

WHEREAS, the District is in receipt of the Draft Environmental Impact Report (DEIR) for the Sacramento County General Plan Update; and

WHEREAS, the project proposes the adoption of an updated General Plan for the County of Sacramento that will guide the growth and development of the unincorporated areas of Sacramento County through 2030; and

WHEREAS, the Southgate Recreation and Park District lies completely within the unincorporated portion of Sacramento County and is responsible for the planning and maintenance of parkland, open space and recreation facilities within the District boundaries; and

WHEREAS, Southgate Recreation & Park District has prepared General Plan level comments which discuss land use, public services (park and recreation facilities), biological resources, and transportation and circulation policies and strategies addressed by Sacramento County Department of Environmental Review in the DEIR; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Southgate Recreation & Park District hereby approves the comments contained in the attached letter to be considered by the Sacramento County Department of Environmental Review and Assessment and included in the Final Environmental Impact Report.

BE IT FURTHER RESOLVED that adequate response to the District's comments and incorporation of the proposed mitigation be conditioned as requirements for the certification of the Sacramento County General Plan Environmental Impact Report.

PASSED AND ADOPTED by the Board of Directors of the Southgate Recreation and Park District this 7<sup>th</sup> day of July, 2009, by the following vote to wit:

AYES: Appel, Cockerham, Smith,  
Wirth

  
\_\_\_\_\_  
Rolfe Appel, Chair

NOES:

  
\_\_\_\_\_  
Edwin Smith, Clerk

Absent: Thompson



*Sheldon*  
*Administrative Headquarters*  
6000 Orange Avenue  
Sacramento, CA 95823-3225  
Phone 916-428-1171  
Facsimile 916-428-7334  
[www.southgaterecandpark.net](http://www.southgaterecandpark.net)

*Board of Directors*  
Rolfe P. Appel  
John E. Cockerham  
Edwin A. Smith  
Christine Thompson  
Shirley J. Wirth

*General Manager*  
Ward Winchell

*Assistant General Manager*  
Maureen Casey



Attachment B



## MEMORANDUM

6000 Orange Avenue  
Sacramento, CA 95823  
PH (916) 428-1171, ext. 29  
FAX (916) 428-7334

E-MAIL: mcasey@southgaterecandpark.net

**To:** Southgate Board of Directors  
**From:** Maureen Casey, Assistant General Manager  
**Date:** October 10, 2006  
**In Re:** Design Guidelines and Quimby Credit for GAP Parkways and Greenstreets

In May 2005, the Southgate Recreation and Park District Board approved a new Parkway policy. The vision for these Parkways was to provide a pedestrian oriented streetscape for improved aesthetics, comfort, and safety for pedestrians as well as bicyclists.

The District has proposed the development of Parkways for specific sections of Gardner Avenue and Hedge Avenue (and possibly Florencia Road) through the Florin-Vineyard GAP Community Plan Area providing enhanced access to and from surrounding neighborhoods linking significant educational, recreational and natural amenities in the community. These designated Parkway streets were originally proposed to include a generously planted median and enhanced landscaped corridors. After extensive discussions with the County Transportation and Planning Departments, as well the Developers, the District is proposing the following Parkway design guidelines and Quimby requirement allowances for the GAP plan area:

### **Parkway Corridor Design and Improvements**

The Gardner Avenue and Hedge Avenue Parkways will include a minimum 35 foot wide landscape corridor on one side of the street (the side that includes the community park and school site; this would be the west side for Gardner Avenue and the east side for Hedge Avenue) and two, 5 foot wide striped Class II Bike Lanes (one on each side). Included in the landscape corridor will be a generous tree lined boulevard, a 10 foot wide concrete sidewalk with an attached 2 foot wide decomposed granite jogging path, as well as additional landscape plantings. These corridors would also include enhanced streetscape amenities such as lighting, benches, signage and distinctive crosswalks. The other side of the Parkway streets will have houses facing the street with a tree lined boulevard and separated sidewalk.

At this time center planted medians are not being considered for the Parkway Streets. The County Department of Transportation had concerns that the medians would restrict left turn access along the roadway. In addition, roadway medians have traditionally been owned and maintained by the County.

The developers are proposing a system of “secondary” Greenstreets within the GAP plan area. This “Greenstreets” program affects the primary residential streets within the area and includes wider planting boulevards and sidewalks than required by current County standards. These streets, along with the designated Parkway streets, will provide a cohesive, connected ‘hierarchy’ of street patterns within the Florin-Vineyard Community Plan Area resulting in a safer, attractive system of pedestrian friendly streets.

The District would like to have the proposed Parkway and Greenstreets design guidelines included by the County in the Florin-Vineyard Community Plan Development Guidelines in order to have consistency in the corridor design and street improvements for the subdivisions along these streets as the GAP plan area develops.

#### **Quimby Dedication Allowances**

District staff is recommending to give Quimby credit for the linear Parkway Corridors in the GAP Plan Area as follows:

45 feet in width for Parkway Corridors along Gardner Avenue and Hedge Avenue south of Florin Road (and possibly Florencia Road). This includes a 35 foot wide planted landscape corridor on one side of the street and two-5 foot wide Class II Bike Lanes.

20 feet in width for landscape corridors along Hedge Avenue north of Florin Road. This section of Hedge Avenue is a designated Collector Street and subdivisions are required to provide a 15 foot wide landscape corridor and Class II Bike Lanes. The District is willing to give Quimby credit for the extra width of landscape corridor to reach the desired 35 foot wide Parkway Corridor.

The Quimby area dedication for each map would be calculated by multiplying the length of Parkway included in the subdivision map by the appropriate width for that section of street as described above.

The Parkway and Greenstreets design guidelines suggested above for the Florin-Vineyard GAP Community Plan area encompass the essential characteristics of the Parkway concept envisioned by the District which included: 1.) Providing a road that is greener than other roads, where the overall ratio of green space to paving is greater than the surrounding streets; 2.) Providing an enhanced transportation corridor with separated pedestrian and bicycle paths with easy access to and from surrounding neighborhoods linking significant educational, recreational and natural amenities in the community; and 3.) Providing a public place that is safe, inviting and a beautiful gem of the community.

## LETTER 16

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**Maureen Casey, Assistant General Manager, Southgate Recreation and Park District; written correspondence; July 8, 2009**

**Response 16-1**

Comment noted. This recommendation has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

**Response 16-2**

Comment noted. This recommendation has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

**Response 16-3**

Comment noted. Although a Notice of Preparation was issued for the South Sacramento Habitat Conservation Plan, the formal Draft of this plan has not been published. Until that time, it would be speculative to engage in any detailed analysis.

**Response 16-4**

Comment noted. This recommendation has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

Letter 17

## Brookfield Sacramento Land Holdings LLC

July 27, 2009

Mr. David Defanti  
827 7<sup>th</sup> Street  
Sacramento, CA 95814

Re: General Plan Update

Dear David :

17-1

Our company controls several thousand acres of property affected by the draft General Plan Amendment, and supporting EIR. There are a number of policies that seem inconsistent, and/or unclear as to their intent. In addition, there are a number of policies that increase the cost of providing commercial, office, and residential land uses without providing a nexus as relates to the impact from development. We ask that staff consider modifying these policies to make them less restrictive to future businesses considering locating in the County of Sacramento.

Here are several examples for your consideration:

**General:** The Draft General Plan Update makes numerous references that all plans and proposals should be consistent with the goals and objectives of draft or adopted habitat conservation plans. We feel that this statement is too broad in its description, and should be modified/clarified by adding the words "South Sacramento Habitat Conservation Plan" since the language appears to be addressing that issue. Saying that all draft HCP's should be considered is too onerous. Draft HCP's can change, and so can adopted ones for that matter.

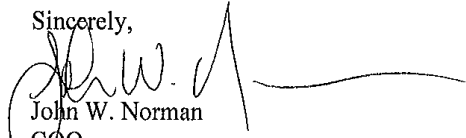
**Policy AG-2:** We find the policy statement to onerous in that an application would be rejected before any consideration of the benefits associated with moving the USB.

**Policy AG-5:** You may be aware that a recent court case has struck down a Central Valley County's agricultural mitigation requirement. We believe that this policy alone would introduce anywhere from \$1,200 to \$5,000 of additional cost per home. More analysis is needed to quantify the effect on commercial, and office space, but this policy could weaken Sacramento's competitive position in California let alone the rest of the nation.. Please keep in mind that this would be in addition to habitat mitigation costs which can cost anywhere from \$15,000 per acre to \$350,000 per acre depending on the type of impacts.

2271 Lava Ridge Court, Suite 220, Roseville, CA 95661  
916-783-1177 Fax: 916-783-1161

These are just a few examples of areas within the GPU we feel need further attention, and modification before adoption. Thank you for your consideration, and please feel free to contact me if you have any questions concerning the above.

Sincerely,



John W. Norman  
COO

C: Robert Sherry  
Leighann Moffitt  
Planning Commissioners (Kathilynn Carpenter, Joe Debbs, Greg Peterson, and  
Howard Yee)

2271 Lava Ridge Court, Suite 220, Roseville, CA 95661  
916-783-1177 Fax: 916-783-1161

Letter 17

**John W. Norman, COO, Brookfield Sacramento Land Holdings LLC; written correspondence; July 13, 2009**

**Response 17-1**

These are not comments on the adequacy of the EIR. These comments have been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

Letter 18

COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) for  
SACRAMENTO COUNTY GENERAL PLAN UPDATE

SUBMITTED BY:

Dr. Glen Holstein

Chapter Botanist

1509 Pacific Dr., Davis, CA 95616

Phone: (530) 758-6787

Email: Holstein@cal.net

ON BEHALF OF:

Sacramento Valley Chapter of California Native Plant Society

8 BIOLOGICAL RESOURCES

18-1

This section of the DEIR is extremely inadequate and contains numerous misstatements, omissions, and violations of Sacramento County new and modified conservation element policies related to biological resources. It is apparently not coincidental that this DEIR chapter, unlike others, contains no bibliographic references since no literature sources for its misinformation exist.

On its first page the statement is made that “Sacramento County once supported widespread oak savannah and woodland, with an herbaceous layer of perennial grasses and both annual and perennial wildflowers. Treeless grassland expanses may have occurred only in limited areas on relatively impermeable soil types.” This statement is wrong and is the basis for much misinformation that follows in the chapter. On the chapter’s page C-14 the South Sacramento HCP Conservation Zones & Habitat Cover-Types Map clearly indicates “valley grassland”, a treeless vegetation type, is overwhelmingly the dominant vegetation type in non-developed or otherwise urbanized parts of the county.

The reason for the overwhelming dominance of treeless vegetation in Sacramento County is evident in DEIR’s chapter 13 on soils and geology since in the Sacramento region vegetation is closely linked to underlying soils. The chapter’s soil groups starting on page 13-8 are clearly derived by unacknowledged use of Sacramento County’s soil survey (Tugel 1993) and are mapped on page 13-10 with an uncredited copy of a map published in the survey. Since each soil group may lump several different soils they can also include more than one vegetation type. Nevertheless, they do generally conform to the county’s pattern of natural vegetation as follows:

Soil Group	Vegetation
1	Riparian forest
2	Freshwater marsh and riparian forest
3	Riparian forest and valley oak woodland
4	Freshwater marsh and perennial grassland
5	California prairie with minor valley oak woodland
6	Prairie-oak-pine savannah mosaic

18-1  
cont'

7	California prairie
8	Blue oak woodland on metavolcanics and California prairie on metasediments

Note that groups 5 and 7, which are overwhelmingly the most extensive groups in the DEIR region were also overwhelmingly naturally vegetated by California prairie, a treeless plant community included in “valley grassland” in the South Sacramento HCP Habitat Cover-types map.

Why does natural vegetation closely match soil groups in the Sacramento region? Because in Mediterranean-type climates like that of Sacramento factors plants need for growth are out of phase since warmth and light are maximal in summer and water is maximal in winter. Consequently how water is stored in soil between winter and summer determines the type of vegetation (Walter 1979). Where soils are deep and a perennial water table is available because of nearby streams and rivers originating in the Sierra Nevada as in groups 1, 3, and parts of 2, forest vegetation occurs. Where soils are shallow because of a hardpan as in groups 5 and 7, only relatively shallow rooted herbs of California prairie can occur. Where soil drainage is poor because of an excessively high water table as in group 4 and parts of group 2, only herbs adapted to freshwater marsh and perennial grassland can occur, and where conditions are intermediate as in groups 6 and 8, a more complex vegetation mosaic is present.

Since soil groups 5 and 7 are the most extensive in the DEIR area, it is evident that their natural vegetation, California prairie is also the most extensive natural vegetation in the DEIR area. While it is common practice, as in the South Sacramento HCP, to refer to California prairie as “valley grassland” this is a misnomer. Its spring dominants are *Triteleia laxa* and *Triphysaria eriantha*, while its summer dominant is *Holocarpha virgata*, none of which are grasses. Numerous other native plant species, few of which are grasses, make it a plant community particularly rich in biodiversity. While numerous weedy grasses are abundant in this plant community, so are non-grass weeds like *Centaurea solstitialis* as well as its native dominants. Since it is inappropriate to name native plant communities for their weeds and the native dominants of this community are not grasses, calling it grassland is extremely inappropriate. California prairie is the appropriate and accurate term (Holstein 2001, 2009; Keeler-Wolf et al. 2007; Minnich 2008; Wigand 2007).

DEIR’s false statement on the first page of its Biological Resources chapter that “Treeless grassland expanses may have occurred only in limited areas on relatively impermeable soil types” is particularly problematic since it causes much else in the chapter to also be wrong. This is particularly important since DEIR’s own maps clearly indicate that its major new growth areas, Grant Line East and Jackson Highway Corridor, are almost entirely underlain by such “relatively impermeable soil types” and almost entirely, except where natural vegetation has been removed, vegetated by native California prairie including its seasonal wetland vernal pool phase. For example on page 8-2 of the chapter it is stated that “Grassland is found throughout the County’s open areas, much of it converted from native prairie to grazing land consisting of mostly non-



18-1  
cont'

native grasses.” In fact grazing causes no such conversion. It preserves native prairie by limiting its invasion by non-native weeds (Witham 2006).

California native prairie is similarly inaccurately dismissed as “annual grassland and agricultural cropland” on Pp. 8-23 and 8-24 of the chapter. As discussed above, it is not true that “Native species comprise a small portion of the annual grassland [i.e. prairie] flora.” In fact they are numerous and diverse there (Minnich 2008, Wigand 2007). The statement on 8-23 that in prairie “Raptor abundance and diversity are limited by prey availability and the scarcity of nest sites” suggests that it is unimportant raptor habitat. In fact it is the most important raptor habitat in the Central Valley in general and Sacramento County in particular. For example among DEIR’s special status raptor and other bird species list it is primary habitat for northern harrier, prairie falcon, western burrowing owl, and long-billed curlew as well as secondary habitat for loggerhead shrike, merlin, short-eared owl, white-tailed kite, and Swainson’s hawk. It is also primary habitat for other raptors not on the list like red-tailed hawk, rough-legged hawk, and golden eagle as well as grasshopper sparrow, a rare passerine. It is additionally primary habitat for non-bird special status species on the DEIR list including American badger, California tiger salamander, western spadefoot toad, and delta green ground beetle. The numerous special status vernal pool plant species on the DEIR list can also not survive without pollinator nesting provided by undisturbed California upland prairie.

Most significantly DEIR considers impacts of its projects on wetland and riparian areas, special status species, and native trees, but completely ignores their impacts on California native prairie. It thus fails its mission and violates numerous new and modified Sacramento County conservation element policies related to biological resources. These include:

- 72. Ensure mitigation occurs for any loss of or modification of the following types of acreage and habitat function: vernal pools, wetlands, riparian, native vegetative habitat, and special status species habitat.
- 154. Protect the ecological integrity of California Prairie habitat.
- 155i. Identify high priority areas for protection based on existing prairie vegetation assemblages.
- 155j. Target areas for restoration based on soil profiles that favor California Prairie plant assemblages.

18-2

On page 8-20 discusses Greeprint policies calling for doubling the tree canopy in 40 years that are also potentially in conflict with Conservation Element Policy 152 that Prohibit[s] native vegetative habitat mitigation and/or other public plantings onto incompatible substrates i.e. tree planting in vernal pool hardpan. On the next page (8-21) the misstatement is made that “Habitats with greater woody biomass such as oak woodlands riparian woodlands, and the urban forest provide a higher level of carbon sequestration than wetlands and grasslands.” The actual figures on typical carbon sequestration are as follows:

Habitat	Biomass C (kg/m2)	Soil C (kg/m2)	Total C (kg/m2)
Temperate forest	8	11.8	19.8

18-2 cont	Temperate prairie	3	19.2	21.2
	Wetland	2.7	68.6	71.3
	It is readily seen that, even though forests do have greater biomass, prairie actually sequesters slightly more carbon and wetlands sequester vastly more because they sequester it in soil. There it is more permanent and less readily lost to fire and other forms of biomass loss (Schlesinger 1991). Of course these figures do not include the carbon lost because of energy inputs needed to plant and continue irrigating trees planted in soils and habitats where they do not naturally occur and are consequently unsustainable.			
18-3	On page 8-22 a distinction is made between seasonal wetlands and vernal pools that is incorrect. Vernal pools are a specific type of seasonal wetland occurring in prairie habitats with relatively impermeable soils. All vernal pools are thus seasonal wetlands, but not all seasonal wetlands are vernal pools (Tiner 1999).			
18-4	On page 8-23 there is no mention of the importance of stock ponds for the DEIR special status species California tiger salamander even though this is acknowledged in its DEIR special status species account.			
	PUBLIC SERVICES			
18-5	Although on Page 4-29 the Increased Demand for Parks and Recreation Facilities section acknowledges the Local and Regional Park Acquisition section in Appendix G, it does not adequately discuss the importance of the “New Growth Areas” for implementing park needs of growth elsewhere.			
	SEWER SERVICES			
18-6	Mathematics is wrong on Page 5-17 since according to Table SE-3 new growth areas will generate 37.2 mgd, not 27.2 mgd. Instead of the total rising to 167.2 mgd, it will rise to 177.2 mgd, which is just short of plant’s 181 mgd capacity. On page 5-19 the second sentence of “regional impacts” is incomplete and makes no sense.			
	WATER SUPPLY			
18-7	On page 6-70 energy use for pumping is an unmentioned impact of groundwater use.			
	CLIMATE CHANGE			
18-8	On page 12-45 the second paragraph is unclear and poorly written, while the third paragraph has an extra ‘be’ in the fifth line.			
	GEOLOGY AND SOILS			

- 18-9 On page 13-1 the regional geology discussion is wrong since the Sacramento region never had a “series of interglacial seas”. Similarly, contrary to page 13-2, there is no “boulder-strewn topography” in the region. On page 13-3 the “currently unnamed fault” does have a name. It is the Sherman Island Fault.

#### CULTURAL AND PALEONTOLOGICAL RESOURCES

- 18-10 In Table CR-3 on Page 15-4 how can the Archaic run from 6000 BC to 1000 AD if its subdivisions run from 2500 BC to 1800 AD?

#### CONCLUSION

- 18-11 The California Native Plant Society Sacramento Valley Chapter supports Alternative 3: Mixed Use as the alternative most compatible with protection of the Sacramento region’s native plants and vegetation.

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Native Plant Society Sacramento Valley Chapter.

Letter 18

**Dr. Glen Holstein, Chapter Botanist, California Native Plant Society, Sacramento Valley Chapter; written correspondence; July 13, 2009**

**Response 18-1**

The EIR preparers agree that much of the habitat in the developing areas of Sacramento County is valley grassland, also referred to as California prairie. The EIR preparers also concur with the comment that the County's vegetation mosaic is closely related to soils – this is particularly apparent with the semi-impermeable soils underlying the County's grasslands. The EIR preparers did not mean to infer that cattle grazing converted native grasslands to non-native range land. This process resulted from the invasion of Mediterranean grasses and herbs which out-competed the native grasses. The dispersal of non-native grasses and herbs occurred through various means typical of seed transport such as wind, water, and general animal movement. The intent of the EIR preparers was not to limit the importance of valley grasslands to wildlife species, or to dismiss the diversity of native plants within the grassland prairies. As the comment states, valley grassland also functions as habitat for numerous other species. The existing foraging habitat mitigation requirements for species such as Swainson's hawk benefit many other species dependent on valley grassland for foraging and nesting. The cited policies CO-72, CO-154, CO-155i, and CO-155j have not been adopted and cannot be used to evaluate impacts to California prairie. The paragraph under the heading Local Context has been revised to more accurately reflect the dominant habitat of valley grasslands.

**Response 18-2**

The Greenprint policy to double tree canopy in 40 years can be addressed without expanding the canopy into undeveloped areas that historically did not support the establishment of shade trees. The focus of the Greenprint policy is to realize the benefits of increasing canopy in developed or developing areas. Policy CO-152 does not conflict with Greenprint policies.

Woodland, grassland, and wetlands provide for carbon sequestration. According to the comment, woodlands have the greatest biomass volume but sequester the least amount of carbon compared to the other two habitat types. The FEIR text has been revised accordingly.

**Response 18-3**

Given the importance of vernal pools in Sacramento County and their relationship to endangered species, land use constraints, and native habitat, the EIR preparers purposefully separated vernal pool habitat from other seasonal wetland habitat. The commenter correctly notes that all vernal pools are seasonal wetlands but not all seasonal wetlands are vernal pools.

**Response 18-4**

The brief discussion on stock ponds notes that such wetted features provide deeper water habitat for some amphibian species, although it does not specifically call out the California tiger salamander.

**Response 18-5**

This comment provides neither substantiation nor explanation of the statement.

**Response 18-6**

The cited figure in the DEIR is correct. Table SE-3 is associated with the paragraph preceding it, not the paragraph that follows. Table SE-3 reports the estimated amount of wastewater that will travel through the conveyance system, while the paragraph that follows reports the estimated amount of wastewater needing treatment. The Methodology section of the Sewer Services chapter explains why these rates are calculated differently. The sentence on page 5-19 is complete and understandable to the EIR preparers. Since the comment does not explain the source of the confusion, no further response is possible.

**Response 18-7**

Regardless of source, all water supply usage requires energy. The use of energy is not in and of itself an impact.

**Response 18-8**

There is no page 12-45 in the DEIR. The EIR preparers were unable to find the cited section.

**Response 18-9**

The reference to interglacial seas has been omitted and the discussion has been adjusted. The reference to boulder strewn topography is a generalized statement about the Low Foothills subunit, which as the reviewer notes is not particularly applicable to Sacramento County itself. The fault map provided by the United States Geological Survey did not provide a name for the listed fault, and this comment does not provide a citation demonstrating that it is indeed named Sherman Island. The EIR preparers did additional research to determine if, with this information in hand, it could be demonstrated that Sherman Island was the correct name, but the determination was unable to be made. No change has been made in the FEIR.

**Response 18-10**

The Draft EIR incorrectly represents the chronology of human occupation, or Periods, that Fredrickson documented in Central California. The following provides background and clarifies the misrepresentation that occurs in Table CR-3 of the “Cultural and Paleontological Resources” Chapter:

In 1973 and 1974 Fredrickson presented a modification to the Central California Taxonomic System (CCTS) by defining four broad temporal “Periods”: the Early Lithic, Paleo-Indian, Archaic, and Emergent. In Sacramento County, the earliest

clearly documented human occupation occurred during the Archaic and spanned through the Emergent Period.

The Archaic, as defined by Fredrickson (1973), spans from 6000 BC to 500 AD and is made up of three sub-periods: the Lower Archaic, Middle Archaic, and Upper Archaic. The Emergent Period occurred from 500 AD to 1800 AD.

Table CR-3 has been updated to show the correct chronology as noted above.

In addition, the column header “Archaeological Unit” in Table CR-3 has been modified to “Archaeological Pattern”, as they are considered general patterns that have been verified through excavation in various archaeological units in the region. It should be noted that the archaeological patterns (namely the Windmill, Berkeley and Augustine) defined and discussed at length in the EIR chapter are considered to be the more specific chronological sequence for prehistoric human occupation within the proposed project area, as they represent information documented in the Sacramento region specifically; whereas, Fredrickson’s periods are more general and apply to the broader Central California zone.

**Response 18-11**

Comment noted.



CENTER for BIOLOGICAL DIVERSITY

July 13, 2009

*Via Electronic and Regular Mail*

Sacramento County Environmental Coordinator  
Environmental Review and Assessment  
827 7th Street, Room 220  
Sacramento, CA 95814  
[DERA@saccounty.net](mailto:DERA@saccounty.net)

**Re: Comments on Draft Environmental Impact Report for County of  
Sacramento General Plan Update (SCN#2007082086)**

Dear Environmental Coordinator:

These comments are submitted on behalf of the Center for Biological Diversity (“Center”) on the Draft Environmental Impact Report (“DEIR”) for the County of Sacramento General Plan Update. The Center is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center’s Climate Law Institute works to reduce greenhouse gas emissions to protect biological diversity, our environment, and public health. We work to educate the public about the impacts of climate change on our world and to build the political will to enact solutions. The Center has over 225,000 members and e-activists including those located in the County of Sacramento.

19-1

These comments focus on the DEIR’s failure to comply with the California Environmental Quality Act’s requirements for proper analysis and mitigation of climate change impacts. While the Center appreciates that the General Plan sets a greenhouse gas emissions reduction target, the discussion of measures to reach this target is improperly cursory and deferred. In addition, while the DEIR, General Plan Update, and Draft Climate Action Plan pay lip service to the importance of reducing vehicle miles traveled (VMT), the growth contemplated under the General Plan Update is expressly contrary to smart growth principles and the regional blueprint aimed at reducing VMT. Moreover, growth envisioned under the proposed General Plan would sprawl over farmland and vernal pools, devastating the region’s ecology. The Center urges the County to adopt an alternative growth pattern that is consistent with a sustainable, low-carbon future and takes advantage of existing infrastructure in the County and its cities.

19-2

The DEIR mistakenly suggests that state-level action will ultimately be sufficient to meet the emission reduction targets set forth in the California Global Warming Solutions Act of 2006 (AB 32). (DEIR at 12-39.) To the contrary, actions to reduce greenhouse gas emissions at all levels – state, regional, and local – will be required to

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19-2  
cont'

achieve AB 32 emissions reduction target and place within reach California's executive order target of reducing statewide emissions 80% below 1990 levels by 2050.<sup>1</sup> As the land-use planning document for the County, the general plan designates policies and land uses that have profound implications for global warming. While climate change is a global issue, it will take the efforts of local government to bring about meaningful on-the-ground reductions in greenhouse gas emissions. As recognized in the AB 32 Scoping Plan, to do its fair share to address the climate crisis, local governments should establish emission reduction goals "that parallel the State commitment to reduce greenhouse gas emissions by approximately 15 percent from current levels by 2020." (ARB AB 32 Scoping Plan at 27.) Yet here the County is content with a General Plan that would result in a 58% increase in emissions from 1990 levels by 2030 – a point in time at which emissions should be even further reduced from 2020 targets. (DEIR at 12-33.) The County's failure to consider and adopt all feasible alternatives and mitigation measures to limit this astronomical growth in emissions is counter to a sustainable future and renders the DEIR inadequate as a matter of law.

19-3

Importantly, the County can reap numerous benefits through substantive action to reduce its greenhouse gas emissions. For example, smart growth policies that discourage sprawl not only reduce greenhouse gas emissions but also reduce the cost of public services, improve public health, and minimize impacts to biological, agricultural and water resources.<sup>2</sup> Thus, the proposed Mixed Use Alternative, which most closely reflects smart growth principles, is the environmentally superior alternative for a range of impacts. The Center urges the County to seize the opportunity to adopt a forward-thinking plan for future growth rather than attempt to skate through the general plan process with a deferred global warming analysis and the adoption of a development pattern that embodies business-as-usual sprawl.

#### **I. The DEIR Fails to Consider a Reasonable Range of Alternatives**

19-4

An EIR is required to describe a reasonable range of alternatives to the project, which would feasibly attain most of its basic objectives but would avoid or substantially lessen its significant effects. Guidelines § 15126.6(a). "Without meaningful analysis of alternatives in the EIR, neither courts nor the public can fulfill their proper roles in the CEQA process." *Laurel Heights Improvement Ass'n v. Regents of University of California*, 47 Cal.3d 376, 404 (1988). Accordingly, "[a] major function of an EIR 'is to ensure that all reasonable alternatives to proposed projects are thoroughly assessed by the responsible official.'" *Save Round Valley Alliance v. County of Inyo*, 157 Cal.App.4th 1437, 1456 (2007) (citations omitted).

The EIR fails to consider a reasonable range of alternatives. While the DEIR discusses the anticipated growth needs for the region, it is unclear if the expected growth is for unincorporated areas or the entire County inclusive of its cities. To adequately set forth a reasonable range of alternatives, a revised DEIR must examine the possibility of

<sup>1</sup> Anders, S. et al., Applying California's AB 32 targets to the regional level: A study of San Diego County greenhouse gases and reduction strategies, *Energy Policy* 37 (2009) 2831-35.

<sup>2</sup> See Carruthers, J. & Ulfarsson, G., "Does 'Smart Growth' Matter to Public Finances?" (2007).

19-4

accommodating some, if not all, of projected growth in the County's existing cities, where per capita emissions are significantly less. (See Sacramento County Draft Climate Action Plan at 2-10.) A "city-centered" growth alternative would reduce impacts to a greater level than that of the limited range of alternatives currently set forth in the DEIR.

**II. The Proposed General Plan is Contrary to Smart Growth Principles and the Regional Blueprint and Should be Rejected in Favor of an Environmentally Superior Alternative**

19-5

To its credit, the DEIR is largely forthcoming about the many flaws in the overly expansive growth pattern envisioned under the proposed General Plan. For example, because the Jackson Highway Corridor "overlays land predominantly composed of agricultural fields, grazing lands, wetlands, and other waterways," designating this area for significant development as envisioned under the proposed General Plan "conflicts with smart growth principle 7 [to preserve open space, farmland, natural beauty, and critical environmental areas]." (DEIR at 3-4, 3-31.) Indeed, the DEIR concludes that planned growth in "the proposed Jackson Highway Corridor conflicts so significantly with principles 5 and 7 that it outweighs the potential consistency with other principles" and will "significantly conflict with the smart growth principles outlined in the Blueprint." (DEIR at 3-32.) Similarly, the Grant Line East New Growth Area "conflicts even more substantially with principles 5 and 7 than does the Jackson Highway Corridor" and "will significantly conflict with the smart growth principles outlined in the Blueprint." (DEIR at 3-32, 3-33.)

Under CEQA, the County has a substantive duty to adopt feasible, environmentally superior alternatives. Pub. Res. Code § 21002, Guidelines §§ 15002(a)(3), 15021(a)(2). A lead agency cannot abdicate this duty unless substantial evidence supports a finding that the alternative is infeasible. See, e.g., *Citizens of Goleta Valley v. Board of Supervisors*, 197 Cal.App.3d 1167, 1181 (1988). Among the limited range of alternatives proposed, the Mixed Use alternative would avoid development in the Grant Line and Jackson Highway Corridor areas while still meeting the County's purported growth needs. Indeed, the Mixed Use alternative is environmentally superior to the proposed project in virtually every respect. Accordingly, the County cannot legitimately dismiss the Mixed Use Alternative and adopt the General Plan in the form currently proposed.

**III. The DEIR Improperly Defers the Formulation of Mitigation Measures and a Meaningful Climate Action Plan**

19-6

CEQA requires that an EIR propose "feasible" mitigation measures "to minimize significant effects on the environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy." Pub. Res. Code §§ 21000(b)(3), 21002.1(b); Guidelines § 15126.4(a)(1); *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors*, 91 Cal.App.4th 342, 360 (2001). "Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified." Guidelines § 15126.4(a)(1)(B).

19-6  
cont'

Importantly, mitigation measures must be “fully enforceable through permit conditions, agreements, or other measures” so “that feasible mitigation measures will actually be implemented as a condition of development.” *Federation of Hillside & Canyon Ass’ns v. City of Los Angeles*, 83 Cal.App.4th 1252, 1261 (2000). In addition, specific formulation of mitigation measures should not be deferred to some future time. *San Joaquin Raptor Rescue Center v. County of Merced*, 149 Cal.App.4th 645, 670 (2007). As noted by the Attorney General’s Office, “while a menu of hortatory GHG policies is positive, it does not count as adequate mitigation because there is no certainty that the policies will be implemented.” (Attorney General FAQ, The California Environmental Quality Act, Addressing Global Warming Impacts at the Local Agency Level: Mitigation Measures (last updated May 15, 2009).) Thus, in *Sierra Club v. City of Tulare*, the trial court struck down a general plan EIR that attempted to mitigate GHG emissions through future development of a climate action plan that would “set a target for the reduction of emissions attributable to the City’s discretionary land use decisions and its own government operations” because the mitigation impermissibly deferred the formulation of the measure and did not include any specific performance criteria. *Sierra Club v. City of Tulare et. al.*, Case No. 08-228122 (March 16, 2009).

While the DEIR sets a policy of reducing County emissions to 1990 levels by 2020, contrary to CEQA’s prohibition against deferred mitigation, no specific measures are in place to meet this objective.<sup>3</sup> Rather, the General Plan allows for a sprawling land use pattern that would further increase VMT and undermine efforts to reach the proposed emission reduction targets. Similarly, the Phase 1 Climate Action Plan simply identifies potential emission reduction measures without any specificity or assurance that particular measures will ultimately be adopted. Other mitigation measures proposed in the DEIR, such as a fee assessment for new development projects to fund the Climate Action Plan and the update of the General Plan’s Energy Element also have no specific criteria. There is no legitimate reason for deferral of these measures. The lack of any specific mitigation measures to reduce greenhouse gas emissions, coupled with a development trajectory flatly inconsistent with a low-carbon future, render the DEIR inadequate as a matter of law.

#### **IV. The Proposed Greenhouse Gas Significance Threshold for New Development is Fatally Flawed**

19-7

The DEIR’s effort to develop thresholds of significance under CEQA for greenhouse gas emissions “to determine compliance of future development with the Climate Action Plan and with AB 32” is fundamentally flawed on numerous grounds. Though expressed in various metrics, the proposed thresholds appear to contemplate reductions from 15% below business-as-usual as a means to determine the significance of greenhouse gas impacts from new development under CEQA.

<sup>3</sup> Because the General Plan envisions growth to 2030, targets must be set to account for the further decreases in emissions necessary in this timeframe. See CA Attorney General, *Climate Change, CEQA & General Plans* at 4 (2009) (“community-wide targets should align with an emissions trajectory that reflects aggressive GHG mitigation in the near term and California’s interim (2020) and long-term (2050) GHG emissions limits.”) (emphasis added).

19-7  
cont'

A significance threshold for greenhouse gases must reflect the grave threats posed by the cumulative impact of additional new sources of emissions into an environment where deep reductions from existing emission levels are necessary to avert the worst consequences of global warming. *See Communities for Better Env't v. California Resources Agency*, 103 Cal.App.4th 98, 120 (2002) ("the greater the existing environmental problems are, the lower the threshold for treating a project's contribution to cumulative impacts as significant."); *see also Center for Biological Diversity v. National Highway Traffic Safety Administration*, 508 F.3d 508, 550 (9th Cir. 2007) ("we cannot afford to ignore even modest contributions to global warming."). The failure to immediately and significantly reduce emissions from existing levels will result in devastating consequences for the economy, public health, natural resources, and the environment. Based on scientific and factual data, thresholds that are not highly effective at reducing emissions are inadequate in the face of the profound threats posed by global warming. Guidelines § 15064(b)("[t]he determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible *on scientific and factual data*." (emphasis added)).

19-8

To support a 15% below BAU threshold, the County needs to explain how the cumulative total of the emissions it is not capturing will not have a significant environmental effect. By using a 15% BAU threshold, the County is saying that allowing 85% of emissions from new development to be released into the atmosphere would not have a cumulatively significant environmental effect. This would seem to be an unsupportable conclusion given that emissions must be reduced by more than 80% below 1990 levels to avoid dangerous climate change. *See Matthews H.D. & Caldeira, K., Stabilizing the Climate Requires Near-Zero Emissions*, 35 GEOPHYSICAL RESEARCH LETTERS L04705 (2008) (finding that "the net addition of CO<sub>2</sub> to the atmosphere from human activities must be decreased to nearly zero" to achieve "atmospheric carbon dioxide levels that lead to climate stabilization."); U.S. Global Change Research Program, GLOBAL CLIMATE CHANGE IMPACTS IN THE UNITED STATES at 23 (2009) (finding that "atmospheric concentration of carbon dioxide would need to be stabilized in the long term at around today's levels" to have a "good chance (but not a guarantee)" of avoiding severe, widespread, and irreversible impacts). The deep emissions cuts necessary to minimize the risk of dangerous climate change simply cannot be met if new development contributes significant additional amounts of greenhouse gas pollution into an already oversaturated atmosphere. Thus, as determined by CAPCOA, a 90% reduction from business-as-usual, *effective immediately*, is necessary to meet the emission reduction targets set by Executive Order S-3-05. (CAPCOA, CEQA & Climate Change at 33 (emphasis added).) A 50 percent reduction from business-as-usual will prohibit California from reaching the goals of Executive Order S-3-05 even if existing emissions were 100 percent controlled. (*Id* at 33-34). According to CAPCOA, a 28-33% business-as-usual (BAU) emission reduction has "low" emission reduction effectiveness. The DEIR fails to address the overwhelming contrary evidence that cumulative environmental effects would still occur even where a project complies with the proposed threshold.

19-8  
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Because there is a fair argument that application of a threshold with limited effectiveness at reducing emissions would still result in environmental effects, reliance on a threshold that is not highly effective at reducing greenhouse gas emissions leaves projects open to legal challenge under the fair argument standard. *Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099, 1109 (2004) (“[N]otwithstanding compliance with a pertinent threshold of significance, the agency must still consider any fair argument that a certain environmental effect may be significant.”). For example, in *Center for Biological Diversity v. Town of Yucca Valley*, Case No. CIVBS800607 (San Bernardino Sup. Ct., May 14, 2009), the court invalidated an EIR’s less than significant determination of global warming impacts for, among other things, ignoring “the CAPCOA scientific and factual analysis regarding attainment of California GHG emission targets in its discussion of the cumulative impact of the Project.” In light of the overwhelming evidence that a 15% BAU reduction falls far short of the level necessary to avoid dangerous climate change, adoption of this threshold is a disservice to project proponents who may find their projects challenged were they to apply this threshold.

19-9

In addition, the proposed threshold is premised on the unsupported assumption that the reductions to meet 2020 targets will be shared equally between existing and future development. Until a finalized climate action plan with specific, enforceable measures is finalized, this presumption is premature. Reducing energy consumption and VMT from existing housing stock will likely be more challenging than from future development. The DEIR currently estimates the Project will result in emission 58% above 1990 levels by 2030. Until the County develops a plan to reduce these emissions to a level consistent with a 2050 trajectory and assesses how proposed measures will reduce emissions from both existing and future development, it cannot legitimately assume that future development need only reduce emissions to the same extent as existing development.

**A. A Valid Threshold of Significance for Greenhouse Gases Must Be Tied to an Environmental Objective, Not Compliance with a Regulatory Target**

19-10

Linking a significance threshold under CEQA with achievement of AB 32’s emission reduction objective is not a valid means for determining significance of a project’s impact on the environment. Under CEQA, a regulatory standard such as AB 32’s emissions reduction target cannot “be applied in a way that would foreclose the consideration of other substantial evidence showing that there might be a significant environmental effect from a project.” *Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099, 1109 (2004). The emissions reduction target set forth in AB 32 marks only a first and interim step toward avoiding dangerous climate change. By myopically focusing on AB 32, the proposed threshold for new development ignores the long term emission reductions necessary to stabilize the climate and the relevant environmental objective from which to derive a threshold of significance for greenhouse gases.

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CEQA calls for the identification of “any critical thresholds for the health and safety of the people of the state.” Pub. Res. Code § 21000(d). With regard to GHGs, this critical threshold is not AB 32 compliance, but avoiding dangerous anthropogenic interference (DAI) with the climate system. Article 2 of the United Nations Framework Convention on Climate Change (UNFCCC) calls for “stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference (DAI) with the climate system.”<sup>4</sup> With the United States and over 180 other countries as signatories, the UNFCCC’s objective of avoiding DAI with the climate is widely viewed as the international regulatory standard for protecting the global climate. The environmental objective of avoiding DAI is recognized in ARB’s Draft GHG Threshold Guidance. (ARB Preliminary Draft Staff Proposal, Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the CEQA (“ARB Draft GHG Threshold”), Oct. 24, 2008 at 3.) In its Policy Objective for the Interim GHG Threshold for Industrial Projects, SCAQMD sets a roughly analogous objective of “reducing GHG emissions to stabilize climate change.” (SCAQMD Interim GHG Significance Threshold Staff Proposal (revised), at 3-2.) Notably, both ARB and SCAQMD reject tying significance exclusively to conformity with AB 32 emission reduction objectives. (See, e.g., ARB Draft GHG Threshold at 4 (“any non-zero threshold must be sufficiently stringent to make substantial contributions to reducing the State’s GHG emissions peak, to causing that peak to occur sooner, and to putting California on track to meet its interim (2020) and long-term (2050) emissions reduction targets.” (emphasis added)). Indeed, in apparent recognition of the flaws in linking significance to attainment of AB 32 emissions reduction targets, OPR specifically removed draft CEQA guideline language suggesting significance could be determined through consistency with AB 32’s emissions reduction goals. (Compare OPR, Preliminary Draft CEQA Guideline Amendments for Greenhouse Gas Emissions, Jan. 8, 2009, with OPR, CEQA Guidelines Sections Proposed to be Added or Amended, Apr. 13, 2009.) Thus, linking significance under CEQA to AB 32 reduction targets is not only contrary to science, but also contrary to the views of multiple agencies. Guidelines § 15064(b)(“[t]he determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible *on scientific and factual data.*”) (emphasis added). In order to promulgate a legitimate threshold of significance, the County must examine how a proposed threshold is consistent with the emissions reduction trajectory scientists have determined is necessary to minimize the risk of dangerous climate change.

Even assuming one could develop a threshold of significance for greenhouse gases based only on near-term 2020 emission reduction targets, reducing greenhouse gas emissions to 1990 levels is not sufficient to put atmospheric concentrations of greenhouse gas emissions on a trajectory to substantially reduce the risk of dangerous climate change. According to the International Panel on Climate Change, developed countries need to reduce emissions to 25-40% below 1990 levels by 2020 to stabilize atmospheric

<sup>4</sup> United Nations Framework Convention on Climate Change, art. 2, May 9, 1992, available at [http://unfccc.int/essential\\_background/convention/background/items/1349.php](http://unfccc.int/essential_background/convention/background/items/1349.php).

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greenhouse gas concentrations at 450 ppm CO<sub>2</sub>eq.<sup>5</sup> Not only does AB 32 fail to reach this near-term objective, but a stabilization target of 450 ppm CO<sub>2</sub>eq provides only a 50/50 chance of limiting global average temperature increase to 2°C (3.6° F) from pre-industrial levels and a 30% chance that global average temperature would rise more than 3°C (5.4° F).<sup>6</sup> The consequences of a 2°C temperature increase include the displacement of millions of people due to sea level rise, irreversible loss of entire ecosystems, the triggering of multiple climactic “tipping points” such as complete loss of summer Arctic sea ice and the irreversible melting of the Greenland ice sheet, loss of agricultural yields, and increased water stress for billions of people.<sup>7</sup> As dire as the projected impacts are from a 2°C average temperature increase, increases above 2°C would result in impacts exponentially more devastating. At a 3°C temperature increase from pre-industrial levels, 22 percent of ecosystems would be transformed, losing 7 to 74 percent of their extent.<sup>8</sup> An additional 25 to 40 million people would be displaced from coasts due to sea level rise, an additional 1.2 – 3 billion people would suffer an increase in water stress, and 65 countries would lose 16 percent of their agricultural gross domestic product.<sup>9</sup> Accordingly, leading scientists warn that “to preserve a planet for future generations similar to that in which civilization developed and to which life on Earth is adapted . . . CO<sub>2</sub> will need to be reduced from its current 385 ppm to at most 350 ppm.”<sup>10</sup> Thus, even if 2020 could be viewed as an appropriate time-frame from which to establish a threshold under CEQA, targeting reductions to reach 1990 levels by 2020 is inconsistent with scientific data on the near-term reductions necessary to avoid dangerous climate change. See Guidelines § 15064(b).

## V. The DEIR Must Be Redrafted and Recirculated

19-11

CEQA requires recirculation of a revised draft EIR “[w]hen significant new information is added to the environmental impact report” after public review and comment on the earlier draft DEIR. Pub. Res. Code § 21092.1. This includes the situation where, as here, “[t]he draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.”

<sup>5</sup> S. Gupta et al., *Policies, Instruments and Co-operative Arrangements*, in CLIMATE CHANGE 2007: MITIGATION, CONTRIBUTION OF WORKING GROUP III TO THE FOURTH ASSESSMENT REPORT OF THE INTERNATIONAL PANEL ON CLIMATE CHANGE 776 (2007) (by 2050, emissions would need to be reduced to 80 to 95% below 1990 levels).

<sup>6</sup> UNION OF CONCERNED SCIENTISTS, HOW TO AVOID DANGEROUS CLIMATE CHANGE: A TARGET FOR U.S. EMISSIONS 16 (2007); Malte Meinshausen, *What Does a 2°C Target Mean for Greenhouse Gas Concentrations? A Brief Analysis Based on Multi-Gas Emission Pathways and Several Climate Sensitivity Uncertainty Estimates*, in AVOIDING DANGEROUS CLIMATE CHANGE 270-72 (2006).

<sup>7</sup> Rachel Warren, *Impacts of Global Climate Change at Different Annual Mean Global Temperature Increases* in AVOIDING DANGEROUS CLIMATE CHANGE 95, 98 (2006).

<sup>8</sup> *Id.* at 99.

<sup>9</sup> *Id.* at 96-97.

<sup>10</sup> James Hansen et al., *Target Atmospheric CO<sub>2</sub>: Where Should Humanity Aim?* 2 OPEN ATMOSPHERIC SCI. J. 217, 226 (2008). 450 CO<sub>2</sub>eq is approximately equivalent to 400 ppm CO<sub>2</sub> stabilization, and 400 CO<sub>2</sub>eq is approximately equivalent to 350-375 ppm CO<sub>2</sub> stabilization. Michel den Elzen & Malte Meinshausen, *Multi-Gas Emission Pathways for Meeting the EU 2°C Climate Target*, in AVOIDING DANGEROUS CLIMATE CHANGE 300, 305 (2006).

19-11  
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Guidelines § 15088.5(b)(4). The opportunity for meaningful public review of significant new information is essential “to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom.” *Sutter Sensible Planning, Inc. v. Sutter County Board of Supervisors*, 122 Cal.App.3d 813, 822 (1981); *City of San Jose v. Great Oaks Water Co.*, 192 Cal.App.3d 1005, 1017 (1987). An agency cannot simply release a draft report “that hedges on important environmental issues while deferring a more detailed analysis to the final [EIR] that is insulated from public review.” *Mountain Lion Coalition v. California Fish and Game Comm’n*, 214 Cal.App.3d 1043, 1053 (1989).

In order to cure the panoply of defects identified in this letter, the County will have to obtain substantial new information to adequately assess the proposed Project’s environmental impacts, and to identify effective mitigation capable of alleviating the Project’s significant impacts. CEQA requires that the public have a meaningful opportunity to review and comment upon this significant new information in the form of a recirculated draft EIR.

### CONCLUSION

Thank you for your consideration of these comments. We look forward to working with the County now and in the future to reach our shared goals of reducing greenhouse gas emissions and protecting biological diversity, public health, and our environment.

The Center for Biological Diversity wishes to be placed on the mailing/notification list for all future environmental decisions regarding this Project. If you have any questions regarding these comments, please do not hesitate to contact Matthew Vespa at (415) 436-9682 x309 or [mvespa@biologicaldiversity.org](mailto:mvespa@biologicaldiversity.org).

Sincerely,



Matthew Vespa  
Senior Attorney



Letter 19

**Matthew Vespa, Senior Attorney, Center for Biological Diversity; written correspondence; July 13, 2009**

**Response 19-1**

This comment summarizes more specific comments that follow. Refer to the responses below.

**Response 19-2**

The published AB 32 Scoping Plan referenced throughout the Climate Change chapter includes a table of estimated reductions that will result from implementation of Scoping Plan strategies. This table shows that implementation of the strategies will result in the achievement of 1990 levels. Therefore, the statement in the EIR is correct. This comment quotes a portion of a sentence within the Scoping Plan. The full text of that sentence reads:

“In addition to tracking emissions using these protocols, ARB encourages local governments to adopt a reduction goal for municipal operations emissions and move toward establishing similar goals for community emissions that parallel the State commitment to reduce greenhouse gas emissions by approximately 15 percent from current levels by 2020.”

When read in its entirety, the quoted section is less than definitive. Local governments are “encourage[d]” to adopt municipal targets, and to “move toward” establishing community targets. Despite this weak language in the State Scoping Plan, the County EIR does recognize the need for local governments to participate in the reduction process, which is why the establishment of a target, a Climate Action Plan, and development thresholds are recommended through mitigation.

**Response 19-3**

Unmitigated, the Project would result in the emissions cited. The EIR does identify mitigation, and does identify feasible alternatives. The County has not yet taken action on the proposed Project, so the statement that the County has failed to adopt feasible alternatives and mitigation measures is incorrect. Indeed, this comment recognizes this by recommending adoption of the Mixed Use Alternative.

**Response 19-4**

The Blueprint housing allocations cited throughout the document are specific to unincorporated Sacramento County. As stated within the EIR, the Blueprint was a vision whose sole purpose was to identify a growth pattern that would promote smart growth on the regional level. After analyzing multiple scenarios, it was determined that it was beneficial for unincorporated Sacramento County to absorb significant growth. Analyzing an Alternative that places all growth within the incorporated Cities would not be consistent with what was determined to be the Preferred Blueprint scenario. Growth within the incorporated Cities is outside of the control or jurisdiction of Sacramento County. Other than the “city-centered” Alternative, which evidence does not support as

being more beneficial, the comment does not suggest any additional Alternatives that should have been analyzed. The EIR preparers disagree that the three Alternatives – all of which contemplate substantial changes to the proposed Project – are “limited” in their scope.

#### **Response 19-5**

Comment noted. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

#### **Response 19-6**

As found in *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1026 – 1030, an EIR may defer formulating specific mitigation if the lead agency commits to a clear performance standard. The EIR sets this standard with Mitigation Measure CC-1, which requires that the County achieve an emissions reduction of 1990 levels by the year 2020. Mitigation Measure CC-2, the Draft CAP, and the development thresholds set forth the framework for achieving this goal. Therefore, although it is true that the more specific and detailed measures pertinent to achieving 1990 levels are not a part of the EIR at this time, the EIR sets forth a clear performance standard to reach that target, and sets a clear deadline by which the specific measures must be formulated (one year after Project adoption). The referenced fee assessment is already in development, and would be adopted as quickly as procedurally possible after the Board of Supervisors adopted the mitigation measure. The purpose of an update to the Energy Element is to provide a framework for alternative energy; the EIR does not rely on this measure to reduce emissions. The impact discussion is quite clear that measures CC-1 and CC-2.A. and CC-2.B. are the measures that will achieve quantitative reductions. Measure CC-2.C is included because it has the potential to help with implementation, not because it will result in quantifiable reductions.

#### **Response 19-7**

It is not clear from this comment what is meant by the term “business-as-usual”. The comment appears to assert that the threshold is a 15% reduction from estimated 2030 emissions – which it is not. The development thresholds show the 15% reduction necessary from calculated 2005 levels, which would achieve 1990-level emissions. Therefore, it is not correct to state that the County has determined that allowing 85% of emissions from new development to be released would not have a cumulatively significant impact. If that statement were accurate, then the total 2020 target listed in the table would be higher than the 2005 level. It clearly is not.

#### **Response 19-8**

The stated need of 80% below 1990 levels is by the year 2050, a full 20 years after the proposed General Plan time horizon, and even more years beyond when the General Plan will next be updated. The EIR relies on current regulatory targets that are within the time horizon of the proposed General Plan. Furthermore, the EIR ultimately concludes that impacts of the Project remain significant and unavoidable, specifically because there is so much future uncertainty about what near-term and long-term

actions will be sufficient, whether the targets will need to be amended, and whether all other parts of the world will reduce emissions.

**Response 19-9**

See Response 5-5.

**Response 19-10**

The setting of a 2020 target to reduce emissions to 1990 levels does put the County on track to do its part in offsetting the most significant effects of climate change. As stated above, this is the nearer-term goal that falls within the time horizon, or the scope, of the Project. It would not be appropriate to set a 2050 target within a document that will expire 20 years earlier. It is inaccurate on the part of the Center for Biological Diversity to state that the reason the California Governor's Office of Planning and Research (OPR) removed compliance with AB 32 from the draft CEQA Guidelines language is because it felt that would be "flawed". In fact, the Final Statement of Reasons for Regulatory Action (Final Statement) published by the Natural Resources Agency in December 2009 as part of the rulemaking on SB 97 addresses the reason that AB 32 "compliance" was specifically excluded from the revised CEQA Guidelines (discussion begins on page 97 of the Final Statement). The reasons stated are *not* related to the use of the overall AB 32 target of 1990 levels; the reason stated is that it "may" be improper to rely on the *regulations* adopted pursuant to AB 32 to mitigate or assess a project's impact. To put this another way, a lead agency cannot simply state that a project is subject to a regulation related to AB 32, and thus conclude that impacts are not significant. The EIR for the Sacramento County General Plan has not done this.

**Response 19-11**

The EIR preparers disagree, based on the responses to comments above.

Letter 20



July 13, 2009

Sacramento County Environmental Coordinator  
Department of Environmental Review and Assessment  
827 7<sup>th</sup> Street, Room 220  
Sacramento, CA 95814

Re: Comments of ECOS, Friends of the River, and Sierra Club Sacramento Group  
Draft Environmental Impact Report (DEIR) – Sacramento County General Plan Update  
SCN #2007082086

To Whom It May Concern:

These comments are submitted by the Environmental Council of Sacramento (ECOS), the Sierra Club Sacramento Group, and the Friends of the River. These are membership-based not-for-profit organization located in Sacramento County and committed to achieving a sustainable Sacramento County and region.

20-1

Based on our review of the County of Sacramento's General Plan Update (Project or GPU) and the Draft Environmental Impact Report (DEIR) prepared for this Project, we have concluded that the DEIR fails to comply with state law requirements under the California Environmental Quality Act (CEQA) in the following ways: the DEIR fails to properly and fully analyze the significant environmental impacts associated with the Project and fails to properly analyze appropriate mitigation measures for these impacts; additionally, the DEIR fails to properly consider a reasonable range of alternatives and fails to provide a proper analysis of alternatives as required by CEQA.

#### **A. Mitigation of Significant Environmental Impacts**

A DEIR must describe feasible mitigation measures to minimize the significant environmental impacts of a Project. (*See* Pub. Res. Code, §§ 21002.1, subd. (a), 21100, subd. (b)(3); Guidelines § 15126.4 subd. (a).) Specifically, CEQA requires that "[e]ach public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." (*See* Pub. Res. Code, § 21002.1, subd. (b).) This CEQA requirement is at the very "core of an EIR." (*See Citizens of Goleta Valley v. Board of Supervisors of Santa Barbara County* (1990) 52 Cal.3d 553, 564-65.) Further, Sacramento County must ensure that mitigation measures "are fully enforceable through permit conditions, agreements, and other measures." (*See* Pub. Res. Code, § 21081.6, subd. (b).)

- 20-1  
cont' The Project as proposed presents numerous significant environmental impacts. Many of these impacts can be mitigated. Yet the County appears poised to approve the GPU and the accompanying Environmental Review without a full and robust analysis of mitigation measures and without sufficient implementation and enforcement mechanisms to ensure that mitigation actually occurs. Given the critical importance that state law places on the process of identifying and mitigating significant environmental impacts, the County must fulfill this obligation. However, the County has failed to properly identify and mitigate significant environmental impacts across a number of issue areas, including: land use, water supply, hydrology and water quality, biological resources, traffic and circulation, air quality, and climate change.
- 20-2 Of particular concern with regard to mitigation is the County's failure to properly analyze and mitigate climate change impacts and impacts on water supply and quality. Under state law, the analysis of impacts and proposed mitigation measures must include a discussion of any cumulative impacts associated with a project. This portion of the EIR should include an analysis of the impacts of "past, present and probable future projects." (*See* Pub. Res. Code, §§ 21083, subd. (b); Guidelines § 15130, subd. (b)(1)(A), 15355.) This is critically important for avoidance of piecemeal approval of specific projects without consideration of the total impact of these projects in sum. (*See San Joaquin Raptor Rescue Center v. County of Stanislaus* (1994), 27 Cal.App.4th 713, 740.) There will clearly be numerous cumulative impacts exacerbating climate change and reduced water supply under this GPU. The DEIR fails to fully and properly analyze these cumulative impacts based on "probable future projects" and fails to fully mitigate these impacts as required by state law.
- 20-3 With regard to climate change, though the County deserves some small amount of credit for agreeing to develop future mitigation measures in a Climate Action Plan, this commitment clearly falls far short of state law requirements. The County can not approve an EIR that relies on a commitment to develop a mitigation plan at some later date unless the plan is sufficiently formulated at the time of approval such that it provides a high level of assurance that the objective of the plan, real mitigation, will actually be achieved. (*See Sacramento Old City Assn. v. City Council* (1999) 229 Cal.App.3d 1011, 1020-22, 1028-30; *Lincoln Place Tenants Assn. v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 446.) As currently proposed, the County's Climate Action Plan improperly defers mitigation in violation of state law. (*See, e.g., San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670.)
- 20-4 State law now not only includes the requirements of CEQA and the accompanying case law but also, as codified in Assembly Bill 32 (AB 32) and the California Air Resources Board (CARB) Scoping Plan prepared pursuant to AB 32 requirements, a strong commitment to reducing the emissions of greenhouse gases (GHG) to 1990 levels by the year 2020 and ultimately to 80% below 1990 levels by the year 2050. (*See* California Air Resources Board, Climate Change information, at <http://www.arb.ca.gov/cc/ab32/ab32.htm>.) The Scoping Plan looks to local governments to make substantial commitments in furtherance of these statewide goals. Sacramento County, however, appears poised to approve a Project that will result in substantial increases in GHG emissions. The County's failure to analyze and ultimately adopt all feasible alternatives and mitigation measures to limit these impacts is a clear violation of state law.

20-5

With regard to water supply and quality, the County is projecting over-allocation of existing water resources over the life of this Project. Over-allocation will have irreversible detrimental impacts on both water supply and quality that will ultimately render non-viable certain biological and agricultural resources. Even more troubling, we believe that the County has underestimated the over-allocation and that the increase in demand for water generated by the growth projected by the Plan will far exceed available water supplies in the future. A number of factors suggest that future water supplies may be substantially less abundant and reliable than has historically been the case. The County has a legal obligation to fully analyze the impacts of its GPU on water supply and quality and to then mitigate those impacts to the full extent feasible. The County's failure to do so is a clear violation of state law.

#### **B. Alternatives Analysis**

20-6

State law requires that a DEIR contain a meaningful and robust analysis of project alternatives. (*See Laurel Heights Improvement Ass'n v. Regents of University of California*, 47 Cal.3d 376, 403 (1988).) We have serious concerns about the DEIR's alternatives analysis — or, rather, the lack of a sufficient analysis of project alternatives. State law requires the DEIR to describe a reasonable range of alternatives that would feasibly achieve most of the Project's objectives while avoiding or reducing the significance of the impacts. (*See Pub. Res. Code § 21002, Guidelines § 15126.6(a)*). This is a critically important process as the alternatives analysis is supposed to provide the public with a clear sense of why a government agency is approving a particular project over a set of feasible alternatives. California courts have noted that “[w]ithout meaningful analysis of alternatives in the EIR, neither courts nor the public can fulfill their proper roles in the CEQA process.” (*See Laurel Heights Improvement Ass'n v. Regents of University of California*, 47 Cal.3d 376, 404 (1988)).

The County's DEIR fails to fully consider and evaluate a reasonable range of alternatives. Though the DEIR does consider projected growth under the Project, it is unclear why a more compact alternative is not superior and feasible. Substantive alternatives do exist that are feasible and that do not present the range of significant environmental impacts presented by the Project as proposed. We strongly urge the County to comply with state law and prepare and recirculate a DEIR that fully analyzes alternative approaches to future growth that would accommodate all or most projected growth within already urbanized/developed areas.

The future growth in currently undeveloped areas that is projected by the GPU is so extensive that it is simply nonsensical for the County to even attempt to argue that it can approve this Project and the accompanying Environmental Review and somehow ultimately mitigate the significant impacts on land use, water supply, hydrology and water quality, biological resources, agricultural, traffic and circulation, air quality, and climate change. Given that superior alternatives do exist, the County has a legal obligation to fully explore these alternatives.

The County of Sacramento is faced with a critical choice: whether it will approve this Project without doing the environmental review required by state law and thus expose itself to potential litigation or instead direct staff to redo and then recirculate the DEIR to comply with the requirements of CEQA. It is within the County's means to adopt a GPU that does not present such significant unavoidable environmental impacts. In fact, one of the County's own

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alternatives presents the possibility of doing a Project that achieves all of the County's objectives without almost any of the significant environmental impacts associated with the GPU as proposed. Without a proper DEIR, however, it is impossible for the public to know precisely what the impacts of this Project will be, how the County plans to mitigate these impacts, and why the County is pursuing the Project as proposed rather than an alternative that does not present such significant impacts. The comments below are provided in the hope that the County will choose the wiser path.

### C. New Urban Growth and Leapfrog Development

20-7

Although certain language in the GPU emphasizes a logical progression of urban development and the prioritization of existing urban areas for future growth, we are concerned that the GPU does not provide sufficient measures to ensure the effective implementation of these strategies — certainly not in ways consistent with the majority public position on growth gathered throughout the planning process. Protection of the Urban Services Boundary (USB) for the life of this planning cycle is crucial yet the GPU provides for a dramatic expansion of the Urban Policy Area (UPA) to include thousands of acres of new growth areas (e.g., the Easton Planning Area, the Jackson Highway Corridor, and the Grant Line East Area) with capacity to accommodate one-third of projected population growth over the next 20 years. (*See Draft Land Use Element, May 30, 2007, p. 39-43.*) Unless carefully phased and built to meet desired densities, this growth will greatly exacerbate identified impacts in the DEIR and threaten the long-term viability of the USB. What's more, many of the GPU policies designed to address the importance of a logical progression of urban development and the prioritization of existing urban areas for future growth are not enforceable.

The GPU identifies the objective for new growth areas as including a “mix of housing, jobs and retail development configured in a compact and transit supportive manner” but the projected acreage and densities do not support this objective. One-third of projected population growth equals approximately 33,000 residents. The new growth areas included in the expanded UPA total more than 15,000 acres. This means that the County is prepared to accept very low density development (approximately 2 du/acre) in areas for which the stated objective is urban, mixed use development. This discordance between projected demand and supply is particularly disturbing in light of the County's demonstrably poor record to date in achieving desired densities in its new growth areas. (Note: This presents a significant internal inconsistency in the GPU between the County's stated goals and projected targets. This internal inconsistency is a violation of state General Plan law and must be addressed in the Final Environmental Impact Report (FEIR). ECOS commented on this issue previously in September 2007 comments on the County's Draft General Plan Update.)

The DEIR for the GPU addresses the land use impacts on environmental health and conversion of or conflict with farmland. Another potential impact of land use is conversion of or conflict with sensitive habitat. Leapfrog development presents a significant impact to public health in that it generates more vehicle miles traveled (VMT) and associated emissions than does contiguous or infill development. This is consistently demonstrated in air quality modeling using emissions factors from the California Air Resources Board, including modeling for the Sacramento Region Metropolitan Transportation Plan. Sacramento is not in attainment of

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National Ambient Air Quality Standards, pursuant to the Federal Clean Air Act. The Clean Air Act regulates pollutants which are known hazards to human health. Most of these pollutants are generated from emissions associated with VMT. Facilitating leapfrog development, which significantly increases these emissions, is particularly indefensible in this context. Further, leapfrog development has demonstrated growth-inducing impacts, which can result in impacts to habitat conservation and farmland protection efforts.

Due to its scope, the GPU has significant and unavoidable environmental impacts in the areas of land use, air quality, climate change and conservation. Because these impacts are significant and unavoidable, all feasible mitigation measures must be identified and analyzed. Mitigation measure LU-1, to include a phasing plan for any master planning proposal for the Jackson Highway and Grant Line East new growth areas, is certainly a step in the right direction, but this measure does not provide full mitigation for its associated impact: land use plan compatibility. In the same manner, mitigation measure LU-2, which addresses policy LU-120's potential to enable leap-frog development, and other measures associated with this impact, provide limited mitigation for the impact of land use policy compatibility. We therefore recommend that the following new mitigation measures be incorporated into the EIR and Mitigation Measure LU-2 be slightly modified. These measures are feasible and would help mitigate environmental health impacts associated with leapfrog development:

New Mitigation Measure LU-A – Modify Policy LU-6 as follows:

LU-6. All residential projects involving ten or more units, excluding remainder lots and Lot A's, shall not have densities less than ~~75%~~ **80%** of zoned maximums ~~unless physical or environmental constraints make achieving the minimum densities impossible.~~

New Mitigation Measure LU-B – Add the following implementation measure for Policy LU-6 under Urban Growth Accommodation Strategy:

F. Amend the Zoning Code to incorporate a minimum density requirement consistent with Policy LU-6. (The variance process in the zoning code eliminates the need for the “physical and environmental constraints” exception in the policy, which has been widely abused in the approval of previous projects.)

New Mitigation Measure LU-C – Modify Policy LU-13 as follows:

LU-13. The County ~~should~~ **shall** promote new urban developments within identified growth areas and **shall** prohibit **all** land use projects which are for noncontiguous development, specifically proposals outside of the Urban Policy Area (i.e., leapfrog development).

New Mitigation Measure LU-D – Modify Policy LU-16 as follows:

LU-16. Planning and development of new growth areas ~~shall~~ **should** be consistent with the South Sacramento Habitat Conservation Plan and other efforts to preserve and protect natural resources.



20-7  
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New Mitigation Measure LU-E – Modify Policy LU-17 as follows:

LU-17. The County will initiate and lead processes (including Community Plans, Specific Plans, Comprehensive Plans, etc.) to plan for development within the Jackson Highway Area, as illustrated in Figure 7. **Any resulting plan from this effort shall be consistent with the vision plan resulting from the *Jackson Visioning Study Area* effort.**

Modified Mitigation Measure LU-2 (showing only ECOS recommended changes to LU-2 as bold and strikeout) – Modify Policy LU-120 as follows:

LU-120. Except as permitted by LU-60, the County shall not accept applications to amend the General Plan Land use Diagram from a designation in Column A to a designation in Column B for property located outside of the Urban Policy Area but within the Urban Services Boundary unless the expansion is deemed to be minor and logical, as follows:

- The property adjoins property substantially developed, **to at least 80% build-out**, with urban land uses and its shape and extent comprise a logical extension of infrastructure and services; and
- There is clear evidence that infrastructure capacity and service availability exist or can be easily extended to the property; and
- The proposed development is consistent with draft or adopted Habitat Conservation Plans; and
- The Board finds that the unincorporated area land supply within the Urban Policy Area contains an insufficient land supply to accommodate a 10 year supply of growth.

#### D. Impacts on Biological Resources

20-8

The County's reliance on an as yet to be completed South Sacramento Habitat Conservation Plan (SSHCP) to provide for the bulk of the preservation and conservation component of the new development anticipated in the Sacramento County GPU is problematic. The SSHCP is deep into its second decade of preparation and although the Zone 40 water delivery deadline is fast approaching, and as such is providing a definite sense of urgency to complete the Plan, it still might be some time before it is completed. As well, the reliance on an incomplete document adds the additional difficulty that any reliance on or discussion of that document is complicated by the fact that the specifics of that document could change before its completion.

The DEIR essentially looks to the future SSHCP, the existing Natomas HCP, and the standard project-by-project consultation with the appropriate agencies (USFWS, CDFG, USACOE, etc.) to deal with habitat and listed species issues. The County's hodge-podge and highly speculative analysis of possible mitigation measures does not comply with state law. The DEIR needs to

20-8  
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provide a thorough analysis of how the County will actually mitigate the impacts of this Project on biological resources.

The SSHCP intends to deal with listed species and habitat issues on a more regional scale, creating large connected preserves. The plan clearly recognizes that given development trends and the resultant small isolated preserves, it is essential to change how the mitigation component works, in terms of ratios, siting, and management. Given that a substantial amount of development is anticipated within the SSHCP boundaries, that the document is yet to be completed, and that falling back on a project-by-project process is clearly inadequate, what will the impact be on species conservation if the plan is changed, further delayed, or not completed? Answering this question by stating that the standard process of consultation with the agencies will provide all necessary protection is inadequate because the necessity of the regional approach of the SSHCP already admits the inadequacy of the standard approach.

20-9

In terms of the activities likely not covered under the SSHCP, this document lists rural residential development, which we take to be synonymous with agricultural residential development. It is our understanding that rural residential development within the USB is to be covered under the SSHCP while it is not planned to be covered outside the USB. If rural residential development is not covered under the SSHCP inside the USB, what is the likely impact of the potential shift of development patterns away from low density suburban development to more of a city-centric infill pattern? Given the increased challenges associated with suburban low density development, with the added requirements of AB 32, SB 375, ever-tightening water supplies and sewage capacity, as well as the cost of gasoline and increased commute times, it is likely that rural residential development could become the best return per acre for many speculators and developers. As such, if rural residential development is not covered then the resultant mitigation ratios are likely to be reduced since it is likely that the County's Swainson's Hawk ordinance will be relied upon. This ordinance does not guarantee a 1:1 ratio but rather works on a sliding scale based on parcel size. The impact of this can be seen in the proposed Florin Vineyard Gap Community development plan.

A stampede towards rural residential development could have a direct and substantial impact on the "take" analysis of the SSHCP and result in reduced protection through lower minimum mitigation ratios. Has this scenario been examined? What would be the impact of this scenario on species conservation? Have real estate trends been examined in an effort to predict the severity of such a potential shift? Why is there not a General Plan Policy to set the minimum mitigation ratios for rural residential development at the same level as that in the SSHCP?

20-10

For these and other reasons, we conclude that the DEIR's reliance on the future SSHCP, the Natomas HCP, and the standard project-by-project consultation with the appropriate agencies to deal with habitat and listed species issues is insufficient mitigation to actually protect biological resources. The County's analysis of this set of issues and the associated mitigation measures needs to be redone to comply with state law and then recirculated. Please see recommended additional mitigation measures in the following section.

#### **E. Urban Growth Impacts on Agriculture, Natural Resources, and Open Space Lands**

20-11

With any strategy that includes the build-out of new communities on natural habitat or agricultural lands, the county must recognize that there are irreplaceable resources the loss of which cannot be fully mitigated. Many of these natural and open space resources are essential components of a fully integrated and thriving community and region seeking self-sustainability. The county also must be mindful of the basic human need for access to nature and open space.

The challenges presented by the location of irreplaceable resources in the path of development are also the keys to making denser development more attractive and more livable for residents. By identifying high-value resource areas as off-limits for housing, using those areas to separate distinct communities, and requiring development to connect to resource areas with multi-use, non-vehicular trails and bikeways, people living in higher density communities *would* have access to open space and recreation and irreplaceable resources would not be lost.

Unfortunately, the GPU continues the County's standard process of identifying new growth areas in the General Plan and then developing specific plans to deal with them on an area-by-area basis. Open spaces, agricultural lands, and natural resources — in particular vernal pools — are entirely secondary to the primary urban development objectives of the specific plan and may or may not be adequately protected in the context of an integrated network of urban open space. The recent completion of the draft SSHCP recognizes the need for natural preserves inside the USB and is a step in the right direction. However, the substantial expansion of the UPA presents major new challenges to protecting these important resources. The DEIR fails to fully and properly analyze these impacts or mitigate them.

As noted above, the DEIR's analysis of natural resource impacts defers to the regulatory system to mitigate impacts on biological resources. And though the DEIR's analysis of land use impacts offers some mitigation in the form of stronger policy language, the GPU is proposing vast new growth areas that could accommodate as many as 64,000 people. There are additional feasible means of mitigating the impacts associated with this growth. The County has an obligation under state law to fully analyze these impacts and feasible measures for mitigating these impacts. The DEIR fails to do so.

20-12

We recommend several additional measures to substantially strengthen the protection of biological resources, agricultural lands, and open space resources that would be significantly impacted by development of new growth areas envisioned by the GPU. Specifically, we recommend mitigation that would add or amend the following provisions of the General Plan:

New Mitigation Measure LU-F – The following policy shall be added to the General Plan:

**Zoning or other entitlements shall not be approved for urban development within new growth areas until such time as: 1) the County implements Policy OS-7; and 2) the County adopts an open space protection plan for undeveloped land between the UPA as defined by the General Plan in 2008 and the USB. Such plan shall identify high value biological resources that require protection as per the SSHCP, important agricultural lands that should be maintained for their productivity, and land with important open space and/or aesthetic values. Such plan shall integrate identified**

20-12  
cont'

**high value open space resources into a cohesive and interconnected network of open space that provides a framework for urban development.**

20-13

Modified Mitigation Measure LU-3 (showing only ECOS recommended changes to LU-3 as bold and strikeout) – Modify Policy LU-121 as follows:

LU-121. The Urban Policy Area is intended to provide a 25-year supply of developable land sufficient to accommodate projected growth. The UPA shall also include additional preserve lands to ensure an appropriate supply of open space. It is the policy and intent of the County to evaluate the UPA at a minimum of five year intervals to determine if an expansion is needed to maintain a constant adequate supply of land.

Guidelines to be considered by the Board in determining the expansion of the Urban Policy Area include:

- Buildout rates by type of use, unit type and density for the previous 5-year period
- Infill trends and opportunities
- Population and job growth projections as reflected by a minimum of three independent sources
- Evidence that the infrastructure capacity and service availability exist or can be extended to the property
- Evidence that the proposed expansion is consistent and complies with draft or adopted habitat conservation Plan goals and objectives
- **Evidence that important natural resource lands, agricultural lands that should be maintained for their productivity, and land with important open space and/or aesthetic values will be protected and integrated into a cohesive and interconnected network of open space within the UPA.**

20-14

New Mitigation Measure LU-G – Modify Policy LU-28 as follows:

LU-28. When planning for new development in either new or existing communities, the following features shall be considered for their public health benefits and ability to encourage more active lifestyles:

- Compact, mixed use development and a balance of land uses so that everyday needs are within walking distance, including schools, parks, jobs, retail and grocery stores.
- Streets, paths and public transportation that connect multiple destinations and provide for alternatives to the automobile.

20-14  
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- Wide sidewalks, shorter blocks, well-marked crosswalks, on street parking, shaded streets and traffic-calming measures to encourage pedestrian activity.
- Walkable commercial areas with doors and windows fronting on the street, street furniture, pedestrian-scale lighting and served by transit when feasible.
- **Open space, including important habitat, wildlife corridors, and agricultural areas incorporated as community separators and appropriately accessible via non-vehicular pathways**

#### F. Water Supply

20-15

Most of the new growth areas identified in the Project would occur in the Jackson Highway Corridor and the Grantline East Area, served by the Sacramento County Water Agency (SCWA) Zone 40. Our overriding concern is that the DEIR does not identify firm and certain new water supply sources needed to accommodate this growth.

If the Project is adopted, new General Plan land use designations would require the adoption of appropriate zoning. Since new development entitlements will be anticipated, there should be certainty that sufficient water supplies will be available to serve areas newly designated for urban growth. Because this DEIR currently lacks sufficient water supply certainty, present and prospective landowners cannot know for certain that subsequent environmental review at the Specific Plan level will be able to meet Water Code requirements that prior to project approval an assured water supply must be available to serve the new project — that is, water supply in addition to that needed to serve other planned growth in the County.

#### 1. The Central Groundwater Basin

20-16

One measure of whether the GPU would result in a significant impact to the region's water supply is if it would contribute toward exceeding the average yearly sustainable yield of the Central Groundwater Basin. The DEIR uses 273,000 AFA as the sustainable yield, as estimated in the 2000 Water Forum Agreement. We believe that there is a need for a new analysis of the sustainable yield, as well as new studies determining actual groundwater demand. Without a new analysis the County is left with increasing uncertainty about the Central Groundwater Basin, and the DEIR cannot document that sufficient supply will be present to meet demand.

- The current estimate of the sustainable yield is a decade old and total Central Basin groundwater pumping at buildout (244,049 AFA) is already approaching the Basin's presumed capacity (DEIR, Page 6-67). Obtaining a higher degree of certainty regarding the sustained yield of the Basin is now imperative.
- How much of the capacity of the Central Basin will be impacted by the Aerojet cleanup; and how much water will be remediated?
- The DEIR makes an assumption as to how much groundwater can be supplied to new urban growth in the unincorporated area of Zone 40 consistent with the sustainable yield of the

20-16  
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Central Groundwater Basin. The DEIR must look at the cumulative environmental impacts of proposed projects, yet potential new water demands of the growing cities of Elk Grove and Rancho Cordova are not accounted for in the DEIR.

- Central Basin demands resulting from private groundwater pumping by rural landowners should also be a part of the additional analysis.

## 2. Water Supply Shortage Associated With the Proposed Project

20-17

In spite of the DEIR's failure to address the uncertainties above and its best-case scenario for the yield of the Central Basin, a water supply shortage is still anticipated in the County's ability to serve the supply needs estimated by the Project. To cover whatever the shortage may be, a number of measures to boost supply are discussed with varying degrees of feasibility and reliability. Beyond recycled water, which is expensive but has a high degree of reliability, the other sources of new surface water appear highly speculative, some are unrealistic, and none are secured by contracts or water rights. Thus the County's analysis here fails state law requirements on two fronts: cumulative impacts and deferred mitigation.

### Enhanced Conservation

Given the past performance of water purveyors in Sacramento County, the suggestion that an enhanced level of water conservation can be achieved invites skepticism. The DEIR already assumes purveyors will achieve new water conservation of 25.6%; that will be difficult enough. The number is derived from a Water Forum Agreement estimate based on what would be achievable by the region if all the Water Conservation best management practices (BMPs) were fully implemented by all purveyors which are signatories to the Agreement. However, none of the water purveyors relying on the Central Basin to date have come close to achieving this level of conservation. Through 2006, SCWA had met only three of ten Water Conservation BMP targets. (*See Water Forum Water Conservation Report, Years Five and Six.*)

### Robust Conjunctive Use Based on Obtaining New Surface Water Supplies

Robust conjunctive use depends on new surface water. Yet no new water rights, contracts, or other assurances of new surface water are documented. Possibilities mentioned include:

- Unused Freeport Diversion and Conveyance Capacity. This could be a source of remediated water but a number of other water purveyors already intend to make use of Freeport capacity, including East Bay Municipal Utility District and the City of Folsom. Furthermore, the Freeport facility lacks the federal permits that it needs to become operational. Those permits are directly dependent on the successful adoption of the South Sacramento Habitat Conservation Plan. The Freeport diversion may also be held hostage to adoption of the Bay-Delta Habitat Conservation Plan.
- Expanded water rights. The prospects of obtaining revoked Auburn Dam water rights are unlikely. The entire available American River supply is already subject to existing water rights and even if the State Water Resources Control Board saw fit to issue additional water

20-17  
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rights, SCWA would be junior to a number of more senior water right holders. Additionally, the granting of any new water rights on either the Sacramento River or American River is very much in doubt given the fact that more water rights have been granted in California than exist in terms of actual available water resources and that the San Francisco Bay-Delta is in a state of collapse and subject to ongoing adjudication.

### 3. Mitigation of Water Supply Shortage

20-18

The above discussion leads to the conclusion that the discrepancy between actual water supply and projected water demand may be greater than calculated in the DEIR and that the potential sources of additional supply may be very difficult to achieve. However, the significant and unavoidable impact of inadequate supply to accommodate the project can be mitigated by the adoption of stronger policies to ensure that entitlements for new development do not create both an expectation of supply and a legal obligation to provide a supply which may not be achievable. Mitigation measure WS-1 is a step in the right direction.

WS-1. The following policy shall be added to the General Plan: New Development that will generate additional water demand shall not be approved or building permits shall not be issued if sufficient water supply is not available.

20-19

However, the trigger for withholding approval is far too late in the development process to avoid the expectation and obligation of available water. More importantly, the new growth contemplated in the Project is of sufficient scale to warrant pause in assuring that the estimates of current yield for the Central Basin are valid in light of current circumstances and consideration of how the sustainable yield will be shared among jurisdictions with land use control in Zone 40. We recommend the following revision to WS-1 to make it a much more effective mitigation of the significant impact identified by the DEIR.

Modified Mitigation Measure WS-1 – The following policy shall be added to the General Plan:

~~New Development that will generate additional water demand shall not be approved or building permits shall not be issued if sufficient water supply is not available.~~ **Zoning or other entitlements shall not be approved for urban development within new growth areas in Zone 40 (as identified by appropriate exhibit) until such time as**

- 1) **A review of the sustainable yield from the Central Basin Groundwater System has been completed and adopted by Water Forum participants**
- 2) **Jurisdictions with land use control in Zone 40 have signed an agreement allocating among them the sustainable groundwater yield established by the Water Forum Agreement, and**
- 3) **An additional long-term water supply has been secured and funded via agreement and/or ordinance to provide recycled, remediated, new surface water or other supply sufficient to accommodate the projected cumulative demand of all planned**

20-19  
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**growth within Zone 40 as identified in the extant General Plan, without assuming additional conservation reductions.**

#### 4. Water Supply and Climate Change

20-20

The DEIR acknowledges the potential for climate change to impact water supply in Sacramento: “It can be concluded that Sacramento County will see a significant reduction in snowmelt-driven water supply by the end of the century” although, “in the shorter term, over the life of the proposed General Plan, it is less clear whether there will be a significant reduction in snowpack. Modeling results indicate that snowpack may either increase by 6% or decrease by 29% by year 2034.” (See pages 12-19, if numbered properly, of DEIR.)

However, the DEIR concludes that “the most reasonable approach is to determine that an unknown amount of reduction in water supply is likely by 2030 and to implement adaptive measures over the life of the General Plan intended to reduce water usage and increase conveyance efficiency.” (See pages 12-20, if numbered properly, of DEIR.) The DEIR does not identify what these adaptive changes may be and the recommended climate change mitigation measures do not make reference to water.

We recommend that a much more proactive and conservative approach is warranted with respect to the potential affect of climate change on water supply in Zone 40, where almost all of the projected growth associated with the project will occur. The recommended approach is to ensure that a portion of existing Zone 40 water supply is not committed to supply new growth areas but is held in reserve pending more accurate climate change impact modeling and assessment and demonstrated progress toward adaptive changes (i.e., conservation).

The last sentence of the second-to-last paragraph on page 12-44 (actual page 12-20) of the DEIR should be amended as follows:

The most reasonable approach is to determine that an unknown amount of reduction in water supply is likely by 2030, **with greater reduction increasingly likely beyond 2030, and to conserve supply by managing entitlements so as to maintain a reserve to accommodate anticipated climate-induced supply reductions while** simultaneously implementing adaptive measures over the life of the General Plan intended to reduce water usage and increase conveyance efficiency.

New Mitigation Measure CC-3 – The following policy shall be added to the General Plan:

**Zoning or other entitlements shall not be approved for urban development within new growth areas in Zone 40 (as identified by appropriate exhibit) that would cause the cumulative water demand within Zone 40 to exceed 80% of the Total Water Supply established by the most recent Urban Water Management Plan for Zone 40.**

#### G. Climate Change and Carbon Emissions



20-21

The DEIR contains a significant discussion of the causes of climate change and the general impacts associated with climate change, as does the first-phase Climate Action Plan which is to be adopted concurrent with the General Plan. The DEIR concludes that the County is taking all reasonable and feasible steps to reduce the Project effects on climate change, but that the impacts remain significant and unavoidable. The DEIR also indicates that the GHG emissions associated with the three DEIR alternatives (1. Remove Grant Line East; 2. Focused Growth; and 3. Mixed Use) would be less than that associated with the Project.

The Climate Change section of the DEIR contains two mitigation measures. The first mitigation measure, CC-1, is a fairly generic policy stating that it is the goal of the County to reduce greenhouse gas emissions to 1990 levels by the year 2020. This is already required by state law and is therefore superfluous. The second mitigation measure, CC-2, includes some implementation measures for the above policy, including the adoption of first-phase and second-phase Climate Action Plans. Also included in this mitigation measure are some elements that are to be included in the first-phase Climate Action Plan. These include:

- a. The County shall complete a GHG emissions inventory every three years to track progress with meeting emission reduction targets.
- b. The County shall adopt a Green Building Program, which shall be updated every 5 years.
- c. The County shall enact a Climate Change Program that includes the following:
  - i. A fee assessed for all new development projects for the purpose of funding the ongoing oversight and maintenance of the Climate Action Plan.
  - ii. Reduction targets that apply to new development.
- d. A section on Targets that discusses the 2020 reduction target.

Neither the DEIR nor the draft first-phase Climate Action Plan contain any specific climate change mitigation for this project. The DEIR refers to the Climate Action Plan as mitigation, yet the Climate Action Plan includes only existing and “potential” actions. No actual additional mitigation is proposed in the Climate Action Plan for the Project. This is a clear violation of state law. The County can not defer discussion of actual mitigation of the significant impacts of this Project to some later date.

Since the DEIR indicates that 55% of the GHG emissions are from transportation sources, and further acknowledges that the DEIR alternatives which call for more compact growth have a lesser impact, an additional mitigation measure or Climate Change Action Plan implementation measure is called for. This implementation measure would add an element to the first phase Climate Action Plan and would consist of an Expansion Phasing Plan. Outward expansion into new growth areas would be predicated upon meeting specific GHG reduction targets or achieving milestones toward achieving those targets. The California Air Resources Board is currently in the process of establishing regional greenhouse gas reduction targets for the transportation sector related to land use. At the present, there is adequate information available

20-21  
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to establish an interim target for land use, including the information contained in this document. We believe the addition of an Expansion Phasing Plan as mitigation for the Project is both reasonable and feasible. It is perhaps the most reasonable and feasible mitigation available. We therefore call for the addition of the following to Mitigation Measure CC-2:

Modify Measure CC-2 Section A to add the following provision:

- e. The County shall prepare an Expansion Phasing Plan, as an element of the first-phase Climate Action Plan, which requires that established GHG emission targets, or milestones in reaching those targets, be met prior to phased expansion into the next phase of outward expansion into new growth areas.**

## **H. Circulation Impacts**

20-22

We commend the County for making certain additions and modifications toward sustainability in the Circulation Element since the last draft. However, there are some crucial concerns that were not adequately addressed in the draft EIR evaluating the proposed update to the General Plan. There need be additional alternatives for the Circulation Element to effectively address Sacramento County transportation planning issues, and coordinate with land use planning consistent with the SACOG Blueprint and with the goals of SB 375 during the life of this General Plan. We would also like to see more alternatives, such as bus rapid transit with frequent intervals during rush hour in an existent highway lane so as to make that alternative faster and cheaper than driving a fossil fuel-powered motor vehicle.

### **1. Existing Roadway System**

This section is essentially framed around one form of road use: single-passenger vehicular transportation. The County writes about balancing “mobility” and “access” but this is just a trade-off for vehicular transportation because providing enhanced mobility for vehicles almost always restricts both access and mobility for pedestrians, cyclists, and people using other modes of transportation (e.g., scooters, wheelchairs, etc.). This is because people who are walking or riding a bike or using a wheelchair are not safe and do not want to be forced to travel directly alongside high-speed traffic. The County should address this basic dynamic and suggest consistent alternatives.

The DEIR does not adequately deal with the societal and environmental impacts of large roadways, including growth-inducing impacts, increased water runoff and water management challenges, intensified urban “heat island” effect; reduced access and safety for bicyclists, pedestrians, and persons with disabilities, increased risk of fatal crashes, increased noise, and exacerbated air quality problems and greenhouse gas emissions. The affect of this and the alternative of measures to encourage more transportation through means other than motor vehicles should be covered in more depth.

The ECOS 50-Year Transportation Vision (*see <http://www.ecosacramento.net/Vision.htm>*) lays out a model regional circulation system with absolutely no road widenings beyond 4 lanes on any roadway types, including freeways. When widened beyond four lanes, roads of all classes

20-22  
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are incompatible with mixed-use development and hinder the development of walkable/bikeable neighborhoods. Widening roads also directly increases VMT by inducing additional traffic. These impacts need be pointed out and dealt with adequately.

Urban interchanges and grade separations are detrimental to neighborhoods and are incompatible with walking and cycling. Better alternatives need be suggested and the impact of this needs to be mentioned. We agree with the analysis of the impact of losing urban forests to development and mitigation that will replace and/or restore canopies on pp. 9-54/55.

The impact of not requiring that bikeways be included on major roadways, as well as the alternative of requiring that bikeways be part of all roadways except local streets, were not adequately addressed.

Traffic congestion is an inevitable byproduct of urbanization and an indicator that roadways are being used at maximum efficiency (i.e., maximum number of vehicles/hour during peak hours). Freedom from congestion is simply unrealistic in an urban region. The alternative of aggressively increasing access to and use of all non-vehicular transportation options (walking, biking and transit) needs to be considered. Proposed roadway modifications should include multiple measures of level of service (LOS) to ensure that the interests of car drivers are not met at the expense of everyone else who uses the roadways. LOS should be established for bicycle, pedestrian, public transit and other modes of transit as an alternative to planning and evaluating only the LOS of motor vehicles.

The alternative of land development projects being required to assist with mitigation of the traffic and parking impacts of a development without non-car-oriented design, minimized parking facilities, and/or a fee to be dedicated to operation and maintenance of local transit services, should be considered. To improve mobility and access in the most congested transportation corridors, the County should initiate processes to evaluate and adopt appropriate transportation measures of the Mobility Strategies for County Corridors. These measures should not include the addition of lanes or grade-separated facilities.

Roadways should not be designed to be wider than necessary to accommodate the maximum traffic volumes anticipated by the Land Use element of the General Plan. No roadways should be designed to be wider than four (4) lanes. When roads with more than two lanes are planned, the negative impacts on walking and bicycling (especially for vulnerable groups such as children, seniors and the disabled) must be considered and mitigated.

## **2. Bicycle and Pedestrian Facilities**

The relatively cursory attention given to alternatives to gas-powered motor vehicle modes of travel is indicative that walking, biking and transit are not priorities of the County or of this GPU. The expansion of the viability and use of these alternative modes of travel is inadequately addressed in the DEIR. The provision of safe, comfortable, continuous, efficient, integrated, and accessible bicycle and pedestrian systems that encourage the use of the bicycles and walking as viable transportation modes and as a form of recreation and exercise should be an alternative in the DEIR. There should be an alternative that plans for on-street bicycle facilities on all

20-22  
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roadways except neighborhood streets. “Complete streets” should also be recommended in the DEIR as an alternative to streets dedicated to cars and trucks so that there are plans to construct and maintain bikeways and multi-use trails to minimize conflicts between bicyclists, pedestrians, and motorists.

Mitigation measures should include planning for bikeways and multi-use trails that have direct, continuous linkages between destinations and have amenities to make travel comfortable, including benches, shade trees, directional signage, and drinking fountains. The DEIR needs to address the fact that excessive vehicle parking consumes land that could otherwise accommodate more efficient and dense urban development and exacerbates numerous environmental and public health and safety problems, including but not limited to: neighborhood deterioration, water pollution, car-oriented land use patterns, excessive urban heat, and light pollution.

### 3. Parking

An alternative goal should be added to support mixed use development and alternative transportation, consistent with the “Blueprint” and SB 375 goals and to reduce development costs by reducing the amount of vehicle parking provided around commercial developments, especially in commercial corridors. Another alternative regarding parking for gas-powered motor vehicles could include development of parking construction standards that minimize the negative effects of automobile parking, based on the Sacramento County General Plan Transit-Oriented Development Design Guidelines.

Other parking-related alternatives could include reduction of the amount of automobile parking provided in all areas of the County through the use of maximum parking quotas, mixed-use developments and shared parking space programs; requirements for new residential developments to allow on-street parking; achieving higher parking density by enforcing standards for the maximum allowed length of parking spaces; and establishment and implementation of bicycle parking standards, including standards for the design of bicycle racks.

Most of the mitigation measures in the DEIR seem to be provided in TC-1 through 5 on pp. 9-56/57, and one or more of these measures (especially TC-5) are reiterated as mitigation measures throughout the document. The DEIR regarding the Circulation Element does not adequately address:

- Using the Transit-Oriented Development Design Guidelines when development is proposed along transportation corridors;
- Collaboration with the Planning Department in creating circulation components of community plans for transportation corridors based on the Transit-Oriented Development Design Guidelines, that divert arterial traffic from Transit Oriented Development centers, so as to provide a comprehensive network of multiple and direct pedestrian and bicycle routes between destinations, and enhance multi-modal transportation;

20-22  
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- Collaboration with the Planning Department in developing circulation components of specific plans that divert arterial traffic from areas of high pedestrian connectivity, provide a comprehensive network of multiple and direct pedestrian and bicycle routes between destinations, and enhance multi-modal transportation;
- Ensuring that all roadway construction, especially construction associated with collector or local roadways, prioritizes pedestrian and bicycle connectivity, using the Transit-Oriented Development Design Guidelines;
- Collaboration with public transit providers to ensure accessible, safe, frequent and convenient transit service and improved transit stop design along all transportation corridors, and to all Transit Oriented Development;
- A recommendation that transit facilities will at minimum feature pedestrian shelter, convenient passenger loading zones, and multi-modal features such as secure bicycle storage, especially in Transit Oriented Development and along transportation corridors.
- The alternative of using developer fees, development exactions and improvement districts to contribute to improved transit, pedestrian and bicycle facilities, and facilitate non-vehicular access between residential areas, commercial areas, employment centers, and transit facilities in transportation corridors.

#### **4. Connectivity/Accessibility**

The County needs to include and analyze the alternative that all new developments should provide seamless connections to all surrounding radial streets so that access to the development shall be allowed for all members of the public. It should be noted in the DEIR that the result is that those who walk, bike, ride transit or use some means other than a car to get around are burdened with tremendous difficulty and inconvenience when traveling. The County should consider adding access points and through connections in existing developments where this is cost-effective as a means of enhancing the pedestrian and bicycle network, or of reducing peak hour congestion, as an alternative.

The DEIR should note that transportation systems that give very high priority to rapid mobility based primarily on personal automobile travel make it very difficult for people who do not drive to move around their communities, creating a gross imbalance between the modes of mobility and terrible disparities among the population. It should be recognized that a large portion of young, elderly, disabled and low-income populations have limited or no access to automobile mobility and others increasingly choose alternative modes for environmental, economic, or health reasons.

An alternative should be stated in the DEIR that alternate modes of mobility are given a much higher priority relative to individual automobile mobility so that those who do not drive cars will not continue to experience an increasingly unjust, problematic and dangerous situation.

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Effective alternative transportation systems for people who do not drive should be planned as an alternative to roadways.

A stronger mitigation measure needs to be included for development and implementation of best industry “complete streets” practices for roadway, street and sidewalk design so as to improve safety and accessibility for all individuals, with particular focus on the needs of those who can not or choose not to drive their own private automobiles. This should include increased support for Regional Transit and Paratransit in their efforts to provide transit access to young people, persons with disabilities, and those seniors age 70 or older.

The circulation system is the skeleton around which all of the residents and businesses of Sacramento County construct their lives. The approach of previous General Plans, to reduce congestion by building ever-larger roadways, has not worked and must be discontinued. Unless and until Sacramento County commits to coordination of land use and circulation development patterns framed around traditional urban densities, mixed uses, neighborhood grids, and complete streets, consistent with the “Blueprint” and goals of SB 375 and AB 32, all of the laudable goals of smart growth and sustainability will not be readily achievable.

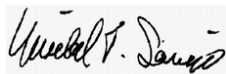
We embrace the recommendation in the final paragraph of the DEIR regarding the circulation element: “To mitigate the Project impacts on traffic and air quality, the County should strengthen policies and standards included in the proposed General Plan to increase the probability and magnitude of success of smart growth. The benefits of smart growth can extend beyond the new growth areas and infill corridors. Through the appropriate location of new land use and the expansion of walkways, bikeways, and transit services, the transportation characteristics of existing development can also be modified to reduce cumulative LOS, delay, congestion, and mobility impacts. The adoption of smart-growth principles can have a synergistic effort. Producing the densities and mix of land uses that support the use of transit and non-motorized modes creates the demand for better transit service and facilities for non-motorized travel. Providing better transit services and facilities for non-motorized modes increases the demand for these modes, but also increases the attractiveness and demand for smart-growth development. As a result of this smart-growth analysis, mitigation measure TC-5 is recommended to reduce Project impacts on the transportation system and on air quality.”

# **I. Conclusion**

20-23

The DEIR fails in critical ways: it fails to fully and properly disclose and mitigate significant impacts and it fails to provide a robust analysis of alternatives to the Project. The County needs to redo and recirculate this DEIR. We urge the County to use the recommendations contained in this comment letter as a guide. Thank you for your consideration.

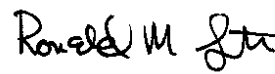
Sincerely,



Mike Savino, Vice Chair  
Sierra Club Sacramento Group



Alex Kelter, President  
ECOS



Ron Stork, Senior Policy Advocate  
Friends of the River

Letter 20

**Alex Kelter, President, Environmental Council of Sacramento / Ron Stork, Senior Policy Advocate, Friends of the River / Mike Savino, Vice Chair, Sierra Club Sacramento Group; written correspondence; July 13, 2009**

**Response 20-1**

These comments are generalized, and are based on the more specific assertions in comments to follow. Refer to the responses below.

**Response 20-2**

This comment does not state what “probable future projects” the EIR allegedly fails to analyze, and thus the comment fails to provide substantiation of the allegation. Clearly, the EIR preparers do not disagree with the comment that there will be numerous cumulative impacts exacerbating climate change and reduced water supply under the proposed project. The EIR has a robust climate change impact analysis and the Climate Action Plan, Phase 1 discusses adaptation. The water supply analysis assumes a 25% reduction in surface water due to climate change. The EIR clearly presents the argument that the increase in water demand cannot be met by water purveyors’ existing or future projected supplies. This conclusion would not change no matter how many additional projects were added to the cumulative analysis. Thus, while the EIR preparers disagree that the climate change impacts and water supply impacts are underestimated, the preparers agree that this is a significant impact. Further, we have been unable to fully mitigate these impacts and found them to be unavoidable. That conclusion is consistent with CEQA.

**Response 20-3**

Refer to Response 19-6.

**Response 20-4**

The EIR includes mitigation measures CC-1 and CC-2 to offset the impacts of the Project. This comment does not state why these measures are alleged to be lacking, or what other feasible measures are lacking, and thus the comment fails to provide substantiation of the allegation. The EIR does present a compact smart growth alternative that avoids new growth areas in greenfield areas, yet accommodates the expected population growth predicted by SACOG. That alternative is the Mixed Use Alternative that is also identified as the Environmentally Superior Alternative. That alternative results in the fewest GHG emissions and meets the project objectives.

**Response 20-5**

The EIR includes a detailed analysis of water supply, and as noted, found that the Project will result in water demands that will exceed the existing planned-for amount within the Zone 40 Water Supply Master Plan. The EIR provides multiple strategies for obtaining additional supplies, and discussed the negative impacts associated with obtaining those supplies. The analysis of Zone 40 supply also assumes a reduction in available surface water due to climate change. This comment does not substantiate its

claims that the analysis has underestimated impacts and has failed to analyze the impacts of obtaining additional supply. The EIR preparers disagree with this comment.

**Response 20-6**

The EIR includes three Alternatives (aside from the No Project), all of which make the proposed General Plan growth more compact. The EIR also concludes that the most compact Alternative, the Mixed Use Alternative, is the Environmentally Superior Alternative. This comment does not substantiate its claims that the EIR fails to analyze a reasonable range of Alternatives. The EIR preparers disagree with this comment.

**Response 20-7**

Most of this comment addresses the General Plan itself, rather than the EIR analysis. This response will focus on the section of the comment that discusses mitigation. The comment proposes several new mitigation measures (LU-A, LU-B, LU-C, LU-D, LU-D and a modification to measure LU-2 of the EIR).

LU-A: The change from 75% to 80% of holding capacity is negligible, and the removal of the language that provides an exception for physical and environmental constraints will have substantial impacts. A common example is when there are valuable biological resources on a site that should be preserved. If the suggested measure is adopted, the policy would not allow a project to be less dense if doing so would preserve critical habitat or other sensitive features.

LU-B: The variance process would not provide the flexibility provided by the language that LU-A suggests be stricken. The variance process allows variations from the Zoning Code, not from the General Plan.

LU-C: It is not clear how requiring the promotion of urban development within the new growth areas would mitigate an impact when the rest of the letter states that this development should not be approved at all. The proposed LU-13 already states “and prohibit land use projects”, which does not allow any room for exceptions. Adding the language “shall” and “all” would be redundant.

LU-D: At the request of the United States Fish and Wildlife Service, proposed measure LU-16 will be removed. The South Sacramento Habitat Conservation Plan (SSHCP) has not been published for public review at this time, and as such the Fish and Wildlife Service indicated that it would be inappropriate to include this policy at this time.

LU-E: The substantive difference between the existing proposed language and the language proposed by this comment is essentially the exchanging of the word “should” with “shall”. In this case, the proposal would strengthen the policy. However, as stated for suggested measure LU-C, it is unclear how requiring conformance of growth with the Vision would reduce impacts. The Vision was a study, not a Project, and as a consequence there has been no environmental analysis to demonstrate that compliance would be beneficial.



Modified Measure LU-2: In reference to the suggested 80% buildout of adjoining lands, refer to Response 14-6. This comment will be forwarded to both the Planning Department and the Board of Supervisors for consideration.

**Response 20-8**

The EIR does not rely on the SSHCP to mitigate project impacts. In fact, the only discussion of the SSHCP is within the setting section and within the policy impact discussion. None of the analyses of habitat or species impacts rely on the SSHCP in any manner whatsoever, specifically because it is not a public-review draft, much less an adopted plan. The FEIR setting discussion of the SSHCP has in fact been revised to be less specific, at the request of the United States Fish and Wildlife Service. The EIR concludes that existing regulations and General Plan policies constitute all reasonable and feasible mitigation, but does not state that this will result in less than significant impacts. Impacts are determined to be significant and unavoidable.

**Response 20-9**

The thrust of this comment appears to be that the EIR should include an analysis of the SSHCP and how implementation could be impacted by various types of development, or development scenarios. This analysis would be inappropriate and entirely speculative, because as has been stated, even a public-review draft has not been published at this time.

**Response 20-10**

See Response 20-8.

**Response 20-11**

See Response 20-8.

**Response 20-12**

Recommended mitigation measure LU-F would take many years to implement, which would result in a building moratorium for that span of time within the Project area. Furthermore, it requires mitigation within an area not contemplated for growth by the Project. This mitigation is therefore not reasonable, and also does not meet the nexus requirements of CEQA.

**Response 20-13**

This proposed modification would be redundant to the requirement for evidence of consistency with draft or adopted habitat conservation plans. It may be of use where a habitat conservation plan either will not exist, or does not yet exist. For this reason, proposed Mitigation Measure LU-3 has been modified to incorporate this suggestion, though not exactly as stated by the comment.

**Response 20-14**

Although it is agreed that non-vehicular paths provide public health benefits and more active lifestyles, smart growth generally discourages the separation of communities. The second bullet item already captures the need for non-vehicular paths in general,

and there is no demonstrated need to specify that some should be within open space or greenspace areas.

#### **Response 20-15**

Comment noted. The comment is correct that although the EIR identifies potential means of obtaining additional water supply, the process to ensure certain water supplies (through an update to the Zone 40 Water Supply Master Plan) will not be undertaken unless the Project is approved. Mitigation ensures that development will not move forward until necessary supply is obtained, but even so, the impacts have been determined to be significant and unavoidable.

#### **Response 20-16**

As stated, Project impacts to the Central Groundwater Basin are only one of the means by which the EIR draws conclusions about impacts to water supply. The Water Forum Agreement remains the best available information about sustainable groundwater yields, and although this comment asserts that new studies are needed, no evidence is provided to demonstrate that conditions have changed sufficiently to require a new analysis. The questions posed by this comment about Aerojet cleanup activities, growth within other city areas, and rural landowner pumping only require an answer if the amount of groundwater that the County and other users can draw has no fixed ceiling. This is not the case. The Water Forum Agreement resulted in the allocation of specific groundwater yields that would be sustainable. As stated on page 6-68, the Sacramento County Water Agency will not exceed the amount of groundwater allocated for its use. To ensure that this occurs, mitigation was included in the EIR (WS-2) to ensure that any new Water Supply Master Plan adheres to the sustainable yields of the Central Groundwater Basin.

#### **Response 20-17**

A General Plan analysis is not required to provide the level of detail expected of Specific Plans or other developments that are subject to SB 610 (which applies to Specific Plans) or SB 221 (which applies to Tentative Maps). Case laws makes clear that at this stage an analysis would be inadequate if after concluding there was insufficient water, the EIR failed to explain the likely sources of water and the potential impacts of those water sources (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 392)). The EIR analysis for the Project is sufficient, because it has included this analysis.

#### **Response 20-18**

The first sentence of this comment states that the difference between supply and demand may be larger than stated because the likely water sources may not be obtainable. However, the impact of the Project is based on the difference between expected water demand and the actual firm supply contained within the adopted Zone 40 Water Supply Master Plan – not based on projected future supplies.

#### **Response 20-19**

The mitigation proposed by this comment is actually less robust than Mitigation Measure WS-1 in several ways. Firstly, the proposed mitigation would apply only to

Zone 40, even though there are other water purveyors with a demonstrated lack of future water supply. The mitigation would also only apply to “new growth areas”, rather than to any development. Projects such as major commercial developments that do not require an entitlement process to move forward would not be captured, because the suggested language removes the reference to building permits. Mitigation Measure WS-1 has been modified slightly to include the language “whichever occurs first”, to ensure that projects only fall under the building permits provision if the entitlement phase is already past.

As to the portions that include more specific requirements that are not less robust, these are not necessary. As stated in Response 20-16, the need for the first item has not been demonstrated. As to the second item, the Sacramento County Water Agency is the water purveyor for Zone 40, and Mitigation Measure WS-2 states that the sustainable yield for the Central Groundwater Basin shall not be exceeded. For the third and last item, the Zone 40 Water Supply Master Plan will need to be updated if the Project is approved, which would result in secured water supplies.

#### **Response 20-20**

The analysis of Zone 40 water supply needs included an assumed reduction of surface water supplies by 25% as a result of climate change (page 6-48), which is a conservative assumption given the data repeated in this comment on estimated snowpack changes. The impacts of climate change on water supply within the major new growth areas have already been analyzed within the Water Supply chapter. Strategies to reduce water demand are included within the current draft of the Climate Action Plan, a document that is required pursuant to Mitigation Measure CC-2. Therefore, the additional measures suggested by this comment are not necessary.

#### **Response 20-21**

See Response 19-2, Response 19-6, and Response 14-6.

#### **Response 20-22**

The comments regarding the circulation analysis all assert that the EIR analysis is inadequate, but no substantiation is provided. The impact of development of the General Plan (which includes roads) on water quality, noise, air quality, and greenhouse gases are all analyzed in the appropriate topical chapters. The Traffic and Circulation chapter analyzes the impacts of the Project on non-automotive travel, and even includes a detailed smart growth analysis that analyzes increases to vehicle miles traveled and non-vehicular travel modes. The traffic modeling performed for the Project accounts for increases to traffic associated with wider roads. An Alternative is included in the EIR (the Mixed Use Alternative) which includes replacing additional travel lanes with exclusive mass-transit lanes. Mitigation Measure TC-3 requires a new policy that supplements the LOS standard with an overall mobility standard, requires new parking standards that will result in less required parking, and provides that mitigation for vehicle mobility impacts can be directed to non-vehicular mobility improvements. There are many policies within the proposed General Plan that address non-vehicular mobility improvements, including Land Use Element Policy LU-28, which was referenced earlier within this comment letter (also refer to the list of smart growth policies beginning on

page 9-93 and the list of smart growth policies within Appendix A) . The Land Use chapter includes a discussion of environmental health. The various concerns expressed by this comment are analyzed within the EIR or are otherwise addressed within proposed General Plan policy.

**Response 20-23**

Based on the responses above, the EIR preparers disagree.

Letter 21



909 12th Street, Suite 100 • Sacramento, CA • 95814 • (916) 444-0022

July 27, 2009

Sacramento County Environmental Coordinator  
Department of Environmental Review and Assessment  
827 7<sup>th</sup> Street, Room 220  
Sacramento, CA 95814

RE: Additional ECOS Comments, Draft EIR, Sacramento County General Plan Update  
SCN #2007082086

To Whom It May Concern:

In a letter dated July 13, 2009, Environmental Council of Sacramento (ECOS), together with Friends of the River and Sierra Club Sacramento Group, submitted their comments on the Draft EIR for the Sacramento County General Plan Update.

The additional comments submitted below by ECOS address concerns that were not addressed in the previous letter. ECOS is a membership-based not-for-profit organization located in Sacramento County and committed to achieving a sustainable Sacramento County and region.

Impacts of Growth on Sewage Discharges

21-1

The analysis of sewer system capacity in Section 5 of the DEIR identifies a current permitted capacity of 181 mgd for the Sacramento Regional Sanitation District (SRCSD) secondary treatment plant at Freeport. The SRCSD's 2020 Master Plan proposes to increase the treatment plant capacity to 218 mgd, and the District is seeking permits for expansion to 218 mgd. Currently, permitting is on hold pending litigation of the 2020 Master Plan EIR (CCWD et al v. SRCSD). The DEIR shows a projected wastewater flow from current and projected development authorized by the County and cities in the District, based on the proposed County General Plan and adopted city general plans which would very substantially exceed 218 mgd.

Recent studies by Dr. Richard Dugdale of San Francisco State University have indicated that ammonia may disrupt the food chain in the Sacramento-San Joaquin Delta and may be contributing to the decline of threatened fish species in the Delta. In April 2009, a panel of independent scientists assembled by the CalFed Bay Delta Authority affirmed that ammonia from urban wastewater is a likely contributor to environmental shifts in the Sacramento-San Joaquin Delta and called for more research to determine the extent of the threat.

[www.ecosacramento.net](http://www.ecosacramento.net)

21-1  
cont'

In the above-cited litigation, a Sacramento Superior Court judge ruled against the District on a number of points, including that the district ignored a significant component of the environment by failing to fully assess the additional nutrients pumped into the Delta in the region's wastewater. Ammonia is one of those nutrients.

As a consequence of these recent developments, ECOS strongly recommends that the DEIR include an analysis of the additional discharges of ammonia that would be introduced into the Sacramento River as a consequence of additional growth that would be allowed by the updated General Plan.

21-2

Moreover, it appears increasingly likely that state and federal regulatory agencies will require, as a prerequisite to any expansion, that SRCSD, as one of the last and certainly the largest dischargers of secondary-treated sewage into the Sacramento River, join other jurisdictions in providing tertiary treatment to remove ammonia. The very high cost of tertiary treatment may raise significant obstacles to securing the necessary funding for expansion. It is therefore appropriate that mitigation language in the DEIR address the potential that sewage treatment capacity for the project may not ultimately be available.

Therefore, ECOS recommends an additional mitigation measure as follows:

New Mitigation Measure SE-3:

Zoning and other entitlements for development within new growth areas shall not be approved until such time as the SRCSD has obtained all necessary permits from the Regional Water Quality Control Board and secured funding to expand treatment plant capacity sufficient to accommodate flows from growth authorized by City and County General Plans in effect in 2010 including the flow generated by growth within the new growth areas.

Rural Road Expansion

21-3

The Transportation Diagram identifies a number of rural roads outside the USB for expansion within the 2030 horizon of the plan that were not previously identified. It is unclear to ECOS why it is necessary to expand roads in areas where the land is and will always be open space and farmland. Moreover, ECOS is concerned that rural road widening will result in the loss of wetland resources, and that, although included by reference as a covered activity in the proposed language of the draft South Sacramento HCP, will not be supported for mitigation by federal regulatory agencies. ECOS recommends that additional analysis of the impacts of the Transportation Diagram changes to the rural road system on wetlands and wetlands mitigation be included within the DEIR.

Sincerely,



Robert Burness  
ECOS

[www.ecosacramento.net](http://www.ecosacramento.net)

Letter 21

**Robert Burness, Environmental Council of Sacramento; written correspondence; July 27, 2009**

**Response 21-1**

The EIR has disclosed that if the lawsuit is resolved, the existing treatment plant has the capacity to serve the proposed Project, but cumulative growth in the region will outstrip the ability of the treatment plant to serve the growth. A detailed analysis of the impacts of an expansion is not possible, because it would involve an unreasonable amount of speculation related to how capacity is expanded and what treatment methods are used.

Sacramento Regional County Sanitation District would need to pursue an additional update to their Master Plan in order to increase permitted capacity, which would require analysis pursuant to CEQA. Mitigation Measure SE-2 prohibits project approval if treatment capacity does not exist. This ensures that new development cannot be approved until the impacts of treatment plant expansion have been disclosed and mitigated through a Master Plan update process.

**Response 21-2**

Mitigation Measure SE-2 already addresses the issue that sewage treatment capacity may not be sufficient, by stating that new development shall not be approved unless sufficient capacity exists.

**Response 21-3**

It is unclear to which rural roads this comment refers. As part of document preparation, the EIR preparers compared the 1993 General Plan Transportation Plan to the proposed General Plan Transportation Plan to identify the areas where road designations had been changed. Very few rural roads (those that occur outside the Urban Services Boundary) have been modified. Based on the comment that there are widenings proposed “where the land is and will always be open space and farmland”, it is assumed that the comment refers to roads in the eastern and southern portions of the County rather than within the pockets of Rio Linda that occur outside the Urban Services Boundary. In this eastern and southern portion of the County, all but one of the roadway changes are within or adjacent to Elk Grove (such as Harvey Road and New Hope Road) or are north of White Rock Road and south of Highway 50. The Elk Grove roads have been up-designated to 4-lane arterials or 2-lane collectors in response to City of Elk Grove existing or proposed growth, and the roads in the vicinity of White Rock Road and Highway 50 have been up-designated in response to the Easton project and other potential future development by the City of Folsom. The only other change is the removal of a short extension to Arno Road.



Letter 22



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June 18, 2009

**Hand Delivered**

Planning Commission  
Sacramento County  
700 H Street, Suite 2450  
Sacramento, CA 95814

**Re: Draft 2030 General Plan Growth Management Strategies**

Dear Commissioners:

22-1

Our office represents Lennar, a California corporation, landowner and developer in the "Elbow Area" in south Sacramento County, located as shown on the attached **Exhibit "1."** At the May 11 workshop, the Planning Staff presented Growth Management Strategies for the Draft 2030 General Plan that emphasize buildout of vacant and underutilized infill parcels, buildout of previously planned communities, commercial corridor revitalization, and expansion of the Urban Policy Area (UPA). This letter discusses the Elbow Area and addresses the assumptions underlying these Growth Management Strategies.

**The Elbow Area is Ideally Suited for Near-Term Development**

Bisected by Florin Road, and located west of Excelsior Road, the Elbow Area is located in an ideal location to develop as a logical extension of three existing planning areas: the Florin-Vineyard "Gap" Community Plan, the North Vineyard Station Specific Plan and the Vineyard Springs Comprehensive Plan. Infrastructure from the North Vineyard Station Specific Plan is already available, as a sewer interceptor has been built and a surface water treatment plant is under construction. The proximity to this new infrastructure will make development of the Elbow more competitive and economically sustainable because the cost of infrastructure is reduced. Also, several major road projects and drainage improvements have already been constructed or are included in approved financing plans. Furthermore, transportation projects identified in the SACOG MTP would allow development of the Elbow Area as a transit-friendly development, as two bus rapid transit lines are planned along Florin and Excelsior Roads.

Inexplicably, staff proposes to shift the Elbow Area into an Urban Reserve, as depicted on the attached **Exhibit "2."** Lennar requests that the Planning Commission recommend that the Board of Supervisors put the Elbow Area in the Urban Development Area, or simply in the UPA if no Urban Reserve is designated.

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cont'

### **“Proactive” Growth Management Strategy**

Staff argues that the UPA expansion area contains more land than is “needed” during the timeframe of the Draft 2030 General Plan, based on an ambitious program of infill development. Accordingly, staff proposes to restrict the rate of growth within the UPA expansion area through a “proactive strategy” of growth management that would impose artificial timing constraints on the development of new growth areas. However, this “proactive strategy” is fundamentally flawed in light of the following realities:

- The time required to obtain development entitlements and build housing is already far too long to accommodate artificial timing constraints.
- Properties that may appear “next” in line for development often cannot be developed in sequence due to lack of landowner motivation, financial constraints, legal difficulties, environmental obstacles, and various other limitations.
- Artificially limiting the amount of land available for development drives up the cost of land and inhibits the production of affordable housing.
- A significant amount of Sacramento’s development activity has already moved to nearby Placer and Yuba counties. Adding restrictions in the Draft 2030 General Plan will only exacerbate the displacement of growth to other locations.

### **Projected Holding Capacity: Existing UPA**

In order to frame the analysis of Growth Management Strategies proposed in the Draft 2030 General Plan, staff has estimated a holding capacity for land within the existing UPA, which is reproduced in **Table 1**. The 2004 holding capacity study emphasized the fact that the total estimated yield of infill units did take any market absorption rate into account:

*“The [total] residential units represent potential supply and **not the housing that is expected to be constructed within the next 20-year planning cycle.** The absorption rate for land was not considered when calculating holding capacity of each growth management strategy.”* (2004 holding capacity study, with emphasis)

Even if a generous rate of growth is assumed for areas within the Existing UPA, the likelihood of reaching full buildout within the timeframe of the next General Plan is remote at best. Several reasons account for this:

- Not all property owners in the UPA are interested in development.
- Not all parcels in the UPA are physically suitable for development.
- Many of the existing residents within the UPA are opposed to development near their neighborhoods.
- The high costs of development make many small projects infeasible.

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cont'

- The status and availability of underground infrastructure in many of the county's older communities is not well known.

**Table 1**

<b>Infill</b>	<b>Units</b>
Buildout of vacant parcels	8,545
Buildout of underutilized parcels (reduced from 2004 holding capacity)	4,462
Buildout of residential projects in commercial zones	336
County-Initiated Rezone Program	1,591
Commercial Corridor Development	10,000
<i>Subtotal</i>	<i>(24,934)</i>
<b>Buildout of Planned Communities</b>	
Aspen IV	254
East Antelope Specific Plan	382
Easton	4,883
Elverta Specific Plan	4,882
Entercom (rezone site in Antelope)	301
Florin-Vineyard "Gap" Community Plan	8,355
North-Vineyard Station Specific Plan	5,635
South Mather Master Plan (Pending)	1,800
Vineyard Springs Community Plan	3,911
<i>Subtotal</i>	<i>(30,403)</i>
<i>Less building permits issued since 2004</i>	<i>- 2,280</i>
<b>Total</b>	<b>53,057</b>

Considering all of the constraints, it is highly unlikely that 53,057 units will be developed in the existing UPA in the timeframe of the 2030 General Plan.

#### **Projected Holding Capacity: UPA Expansion**

Even though the holding capacity assigned to the existing UPA does not account for market absorption rates, staff counts the entire 53,057 units toward meeting the housing demand of the Draft 2030 General Plan. Staff then adds an estimated 90,000 units from the new growth areas and concludes that this capacity is more than double the number of units needed to satisfy the SACOG projection. Staff fails to note that an oversupply of units is necessary to allow market forces to function and avoid a shortage of available supply. An extra 20-30% of land is often cited as being necessary to allow the market to function, which works out to around 90,000 to 97,500 units. Assuming that only half the projected units are constructed in the existing UPA (or 26,500 units), an additional 63,500 to 71,000 units would be needed in the new growth areas to reach the SACOG projection.

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cont'

Staff repeatedly assumes that the new growth areas in the Jackson Highway visioning area and other UPA expansion areas will buildout at the SACOG preferred density of 6.8 units per gross acre. After deducting for the many commercial sites, parks, roads, and other land that is not developed, this translates to a density of approximately 10 units per net developable acre. Residential density of this intensity is very difficult to build and market, and requires most units to be developed as apartments, townhomes and condominium units. However, most homebuyers still prefer detached single family homes. At a more realistic (but still very aggressive) density of 5.25 units per gross acre (or approximately 7.5 units per net developable acre), staff estimates that all UPA expansion areas would yield 70,922 units. This is well within the SACOG projection for 2030 when combined with a realistic absorption of units in the existing UPA.

In conclusion, the Elbow Area presents an opportunity to plan a new smart-growth community that takes advantage of newly constructed infrastructure and planned transportation improvements. Conversely, the proposed "proactive" planning strategy is unnecessary and will only make housing more scarce and costly. Finally, the holding capacity analysis upon which staff has based its growth projections for the Draft 2030 General Plan assumes full buildout of the existing community plans and approximately 25,000 units of infill, with unrealistic density expectations for the new growth areas.

If you have any questions about the information presented in this letter please contact me at your earliest convenience.

Very truly yours,

HEFNER, STARK & MAROIS, LLP



By

Timothy D. Taron

Attachments

TDT:gaf:dan

K:\Letter Communities\Excelsior - Advocacy (5789-0024)\tr planning commission.doc

Exhibit 1

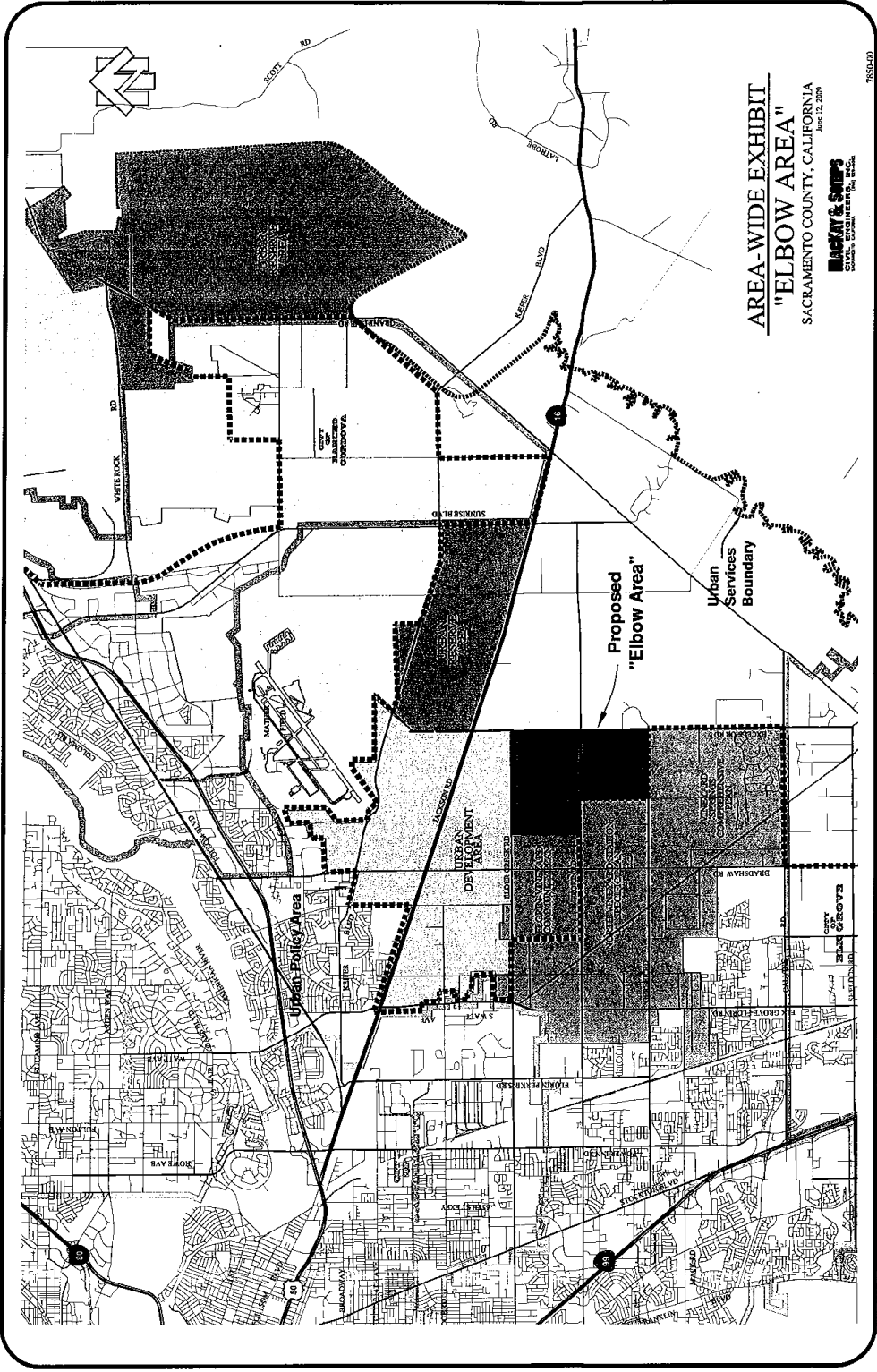
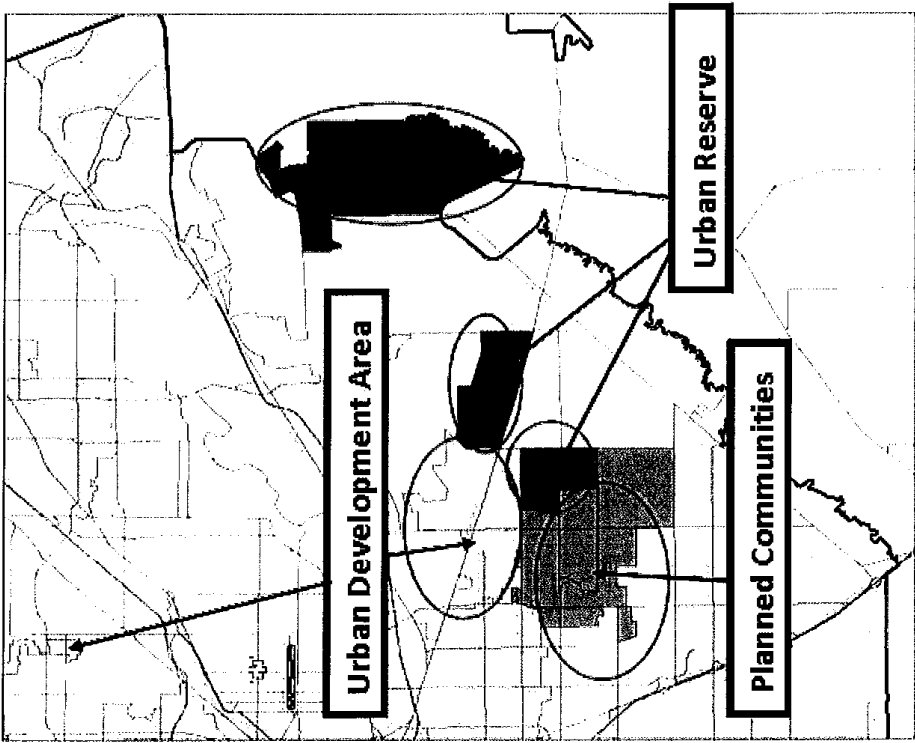


Exhibit 2



**Recommendation:**  
**Areas to designate**  
***Urban Development Area***  
***& Urban Reserve Areas***

Letter 22

**Timothy D. Taron, Hefner Stark & Marois; written correspondence; June 18, 2009**

**Response 22-1**

This is not a comment on the adequacy of the EIR. This comment has been forwarded to the Planning Department and the hearing body. Comment noted.

**Unknown**

**From:** Maulit, Justin (MSA)  
**Sent:** Monday, June 15, 2009 4:54 PM  
**To:** Barry, Toni (MSA); Hocker, Lauren (MSA)  
**Subject:** FW: Comment on Draft EIR

**From:** Smith, Tom [mailto:smitht@AyresAssociates.com]  
**Sent:** Monday, June 15, 2009 4:43 PM  
**To:** DERA (Web Page)  
**Subject:** Comment on Draft EIR

Comments on Draft Environmental Impact Report, Sacramento County General Plan Update,  
 From:  
 John J. Tracy Living Trust, etc.  
 3601 Grant Line Road  
 Rancho Cordova, CA 95742

23-1

Chapter 3-20 - There is a brief reference to Grant Line East as a "New Growth Area" and that Cordova Hills has filed an application. The Tracy Trust is bounded on the south and east by this proposed development and they would like the same consideration should they decide to develop in the immediate future or interact with that proposed development plan. The Trust is currently in the process of studying their own environmental values and verifying survey boundary issues. Can you explain how the adoption of this General Plan Update would affect their ability to proceed with their own plans?

They are also concerned about the impacts to the Trust property by changes to Grant Line Road as a result of the Cordova Hills infrastructure improvements. This is important since the Trust has approximately one and one-half miles of frontage on Grant Line. And finally because there is an existing residence adjacent to Grant Line Road on the east side, it is requested that any improvement to the Road be entirely on the west side through out the Trust property (Section 2 and 11).

Ayres Associates has been requested to submit these comments in the name of the Tracy Trust. They appreciate all the planning efforts by Sacramento County and look forward to cooperating in the process. Please reply directly to me (email OK) and I will be responsible for informing Kimee and John.  
 Sincerely,

**Thomas W. Smith, PE GE**  
**Vice President - Water Resources in California**



**Ayres Associates**  
 2150 River Plaza Drive, Suite 330  
 Sacramento, CA 95833  
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8/27/2009



Letter 23

**John J. Tracy Living Trust, individual representative; written correspondence;  
June 15, 2009**

**Response 23-1**

This is not a comment on the adequacy of the EIR. This comment has been forwarded to the Planning Department and the hearing body for consideration.

Letter 24

Law Offices of  
**GEORGE E. PHILLIPS**

2306 Garfield Avenue  
Carmichael, California 95608  
Telephone (916) 979-4800  
Telefax (916) 979-4801

July 13, 2009

Kathilynn Carpenter  
Chair, Sacramento County Planning Commission  
700 H Street, Suite 2450  
Sacramento, CA 95814

Re: Comments on the Sacramento County General Plan Update  
July 13, 2009 Planning Commission Agenda

Dear Chair Carpenter and Commissioners:

24-1

On behalf of Barton Ranch, we wish to submit the following comments on the Sacramento County General Plan Update.

The Barton Ranch property comprises approximately 2,980 acres in eastern Sacramento County, located on the east and west sides of Scott Road, approximately 1¼ miles south of White Rock Road, in the Cosumnes community. The Barton Ranch property is currently zoned AG-80 (Agricultural, one dwelling unit per 80 acres) and designated as General Agriculture under the existing General Plan. Barton Ranch is located outside the Urban Services Boundary.

#### Circulation Element

CI-38. Strengthen the scenic corridor provisions of the Zoning Code to require design review of all signs and other structures within the corridor.

Title III, Chapter 35, Article 3 establishes a Special Sign Corridor designation for certain roadways within the County. The purpose of the Special Sign Corridor designation is to establish special standards for signage along designated roadways. Presently, Scott Road from White Rock Road south to Latrobe Road, Michigan Bar Road, and Twin Cities Road from Highway 160 east to Highway 99 are designated as Special Sign Corridors. See Section 335-36 of the Zoning Code.

Kathilynn Carpenter  
July 13, 2009  
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24-1  
cont'

Neither the existing General Plan Scenic Highways Element or the existing Zoning Code provide use or design restrictions applicable to scenic corridors, apart from the special signage requirements described above. Article 3 presently establishes requirements for signage within Special Sign Corridors and requires Conditional Use Permit approval for certain signs. We do not believe that the requirements applicable to designated "scenic corridors" should be expanded to include design review approval for every proposed sign, as the existing Zoning Code requirements appear sufficient to preserve the scenic views along the designated roadways. We further object to the requirement of design review for all structures within designated "scenic corridors," especially when no criteria is specified for the range of land use and design restrictions that would be required by the County in order to preserve scenic values. If the intent of this Policy to require amendments to the Zoning Code to restrict development density, building height or land uses along designated corridors compared to what is allowed under the base zoning designation, this should be described in the General Plan Update. Finally, we are concerned about the potential of this Policy to trigger the otherwise unnecessary preparation of Environmental Impact Reports for small projects, on the basis of project impacts to a designated Scenic Corridor. See CEQA Guidelines Appendix G, which defines potential impacts to the environment as including "substantial adverse effect on a scenic vista" and "substantially damage scenic resources."

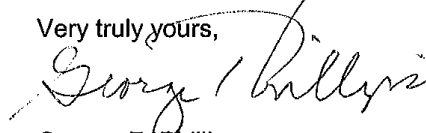
CI-45. Provide scenic corridor protection for Scott Road from White Rock Road south to Latrobe Road, Michigan Bar Road, and Twin Cities Road from Highway 160 east to Highway 99.

As stated above with regard to Policy CI-38, we are concerned about the proposed designation of Scott Road as a scenic corridor, since it is not known what impact such a designation would have on the existing and future use of property along this roadway, including Barton Ranch. As discussed above, Scott Road is already subject to Special Sign Corridor restrictions to preserve scenic values along this roadway.

#### Conclusion

We appreciate the opportunity to provide comments on the General Plan Update, and look forward to further participation in the process as it continues. If you have any questions regarding our comments, please let us know.

Very truly yours,

  
George E. Phillips

Letter 24

**George E. Phillips, Law Offices of George E. Phillips, on behalf of Barton Ranch;  
written correspondence; July 13, 2009**

**Response 24-1**

This is a comment on the Project, not on the adequacy of the EIR. As a side note, CEQA review is only required for discretionary projects. Staff-level design review is typically not discretionary.

Letter 25

Law Offices of  
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July 13, 2009

Hand Delivered

Chair Kathilynn Carpenter  
Sacramento County Planning Commission  
700 H Street, Suite 2450  
Sacramento, California 95814

All comment 25-1

Re: Draft 2030 General Plan Update  
Sacramento Rendering Company

Dear Chair Carpenter and Commissioners,

On behalf of Sacramento Rendering Company, we respectfully submit these comments on the Sacramento County 2030 General Plan Update (April 13, 2009) (GPU). We have reviewed the draft elements of the GPU and been an active participant in the County's Jackson Road Visioning and South Sacramento County Habitat Conservation Plan (SSHCP) processes.

Sacramento Rendering Company (SRC) owns approximately 810± acres at the southwest corner of Kiefer and Sunrise Boulevards. SRC's property is south of Kiefer Boulevard, north of Jackson Highway and west of Sunrise Boulevard. SRC's holdings are on both sides of Eagles Nest Road and the Folsom South Canal separates SRC's property from Sunrise Boulevard, as shown on Exhibit A. The County's Mather property is immediately north of the SRC property, across Kiefer Boulevard and the City of Rancho Cordova is northeast, across Sunrise Boulevard. The site is within the County's Urban Services Boundary (USB) and zoned Industrial (M-2).

**Shared Problem and an Economic Development Opportunity**

SRC and the County have a shared land use problem that could be addressed by including tools in the GPU to solve the problem. The shared land use problem is that SRC has operated an industrial rendering plant at Kiefer/Sunrise Boulevard since 1955

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and the County, over the years, has approved development projects that have created a condition of urban encroachment and land use incompatibility.

This problem is unique to this site and does not apply to ANY other property in the County.

The solution to this problem is to create a policy framework in the GPU that identifies this issue and results in the timely relocation of the rendering plant and redevelopment of the SRC site to create a land use pattern that is compatible. This problem is an economic development as well as land use strategy for the County in that it would enable the continued expansion of urban uses at Mather and it provides an exit and relocation strategy for SRC.

#### **Sacramento Rendering Company Provides a Critical Service**

On the northeast corner of its property, near the intersection of Kiefer and Sunrise Boulevards, SRC operates a rendering plant on approximately fifty acres. SRC is a privately-owned family business that was founded in 1913. From 1913 to 1955, known as Sacramento Reduction and Tallow Works, SRC operated a rendering plant in the South Land Park area of Sacramento. In the 1950s, operations were moved to the current location on Kiefer Boulevard where it is known as Sacramento Rendering Company. The plant was moved from South Land Park to its location on Kiefer Boulevard as a result of urban encroachment when the Land Park area developed.

The SRC plant accepts and processes (renders) animal waste materials from grocery stores, butcher shops, restaurants, feedlots, ranches and dairies. SRC takes these materials, that would otherwise be discarded and deposited in local landfills, and recycles them into materials that are used in the manufacturing of soap, paints, cosmetics, lubricants, candles, animal feed and biofuel. SRC recycles approximately 240 million pounds of products annually.

Nationally, the rendering industry is a major force in maintaining a clean environment. Each year, 50 billion pounds of perishable material generated by the livestock/poultry processing, food processing, grocery store and restaurant industries are recycled by the rendering industry. The rendering process is a sustainable approach to processing and recycling animal waste products. Without it, billions of pounds of animal waste per year would impact landfills, dead animals would cause nuisances, and sewer systems would face operational problems as excess grease and debris would clog lines and impact waterways. The contribution of the rendering industry today to our overall effort to maintain a clean and healthful environment is significant.

Renderers operate approximately 225 plants in North America. In California, there are three main rendering companies, including Sacramento Rendering Company.

As the only rendering company in the Sacramento region, SRC employs 129 and serves most of Northern California and the Reno area. SRC is a longstanding business in Sacramento County and provides a critical service to farmers and businesses in Sacramento County and Northern California. As part of the rendering industry, SRC provides a critical service and is a vital component of the region's economy, agricultural community and overall public health.

### SRC is Surrounded by Existing and Proposed Development

The SRC site is surrounded by existing and proposed development in the County and City of Rancho Cordova. Within a one mile radius of the SRC site, approximately 4,550 units are planned or approved/built and within a two-mile radius, 15,624 units (Exhibit B). These totals do not include additional units that would result from development within the Jackson Road Visioning Area which surrounds the SRC site on the west and south and is projected to accommodate a total 25,000 to 35,000 units.

**Existing and Planned Residential Units within One and Two Miles of SRC Site**

			Proximity to SRC Site	
			Units Within 1 Mile	Units Within 2 Miles*
Independence at Mather	Sacramento County	Built	450	1,271
SunRidge Specific Plan	Rancho Cordova	Approved, Partially Built	800	2,694
SunCreek Specific Plan	Rancho Cordova	Approved, Partially Built	0	5,459
Arboretum-Waegell Specific Plan	Rancho Cordova	Proposed	2,100	5,037
South Mather Master Plan/Centex	Sacramento County	Proposed	1,200	1,200
			4,550	15,661
Jackson Road Visioning Area	Sacramento County	25,000 – 35,000 Units		

\* Unit count within two miles include total within one mile.

The following is a brief description of development (Exhibit B) surrounding the SRC site.

- **Mather.** The Mather area is located immediately north of the SRC site, south of Highway 50. The closure of Mather Air Force Base in 1993 afforded Sacramento County a tremendous economic development opportunity. Today, the 5,716-acre Mather community is home to 2,200 residents and 5,000 employees. The long-term development plan for Mather represents a \$550 million investment of private and public funds.

The County's commitment to successful redevelopment of Mather is evidenced by the establishment of the Mather Redevelopment Area (1995), creation of the Mather Field Specific Plan (1997) and Financing Plan for Infrastructure

Improvements (2002) in support the creation of public facilities financing and assessment districts.

- **Mather Commerce Center.** Mather Commerce Center is located on the north side of Mather featuring approximately sixty private and public businesses, a sports complex and over two million square feet of commercial office space on 305 acres. The Mather Commerce Center is home to employers including several County offices, the Veteran's Administrative Campus, Governor's Office of Emergency Services, United Parcel Service, McGraw Hill, Blood Source, National Guard, and ABX Air/DHL.
- **Mather Airport.** Mather features a full-service public airfield operated by the Sacramento County Airport System with a strong air cargo business base complementing the smaller business, government and private aviation users.
- **Independence at Mather.** Independence at Mather is a residential community of 1,271 single family homes situated in the general surroundings of South Mather.
- **Mather Recreational and Open Space Amenities.** At Mather, the County Department of Regional Parks manages more than 1,600 acres of open space and park land at Mather including a public 18-hole golf course, trail network, a lake stocked with bass and trout, and a 1,100-acre environmental preserve.
- **Planned Development of Mather Opportunity Sites.** Within the 2,875 acre Mather Airport area, the County identified nine opportunity sites on 452 acres surrounding the airfield. The sites will be developed with uses compatible with airfield operations such as corporate aviation, commercial, light industrial, warehouse and active recreation. In May 2009, the Board directed Staff to enter into negotiations with three private development groups on development agreements for the nine opportunity sites.
- **South Mather Master Plan/Centex Development Site.** The southeast corner of the Mather property, near the intersection of Sunrise and Kiefer is planned as a mixed use development site known as the South Mather Master Plan<sup>1</sup>. The County is working with a private group led by Centex on a landmark development concept for the 600-acre site, located immediately north and across Keifer Boulevard from the SRC site. It is envisioned that the site will include a regional land use feature (i.e. a university) as well as a high quality mixed use development. The project will establish the Kiefer/Sunrise intersection as a gateway to the Mather community.

<sup>1</sup> This site is known as the South Master Plan in the GPU Updated Holding Capacity Study, March 2009.



- **Sunrise Douglas Community Plan/SunRidge Specific Plan (SDCP/SSP).** The Sunrise Douglas Community Plan, including the SunRidge and SunCreek Specific Plan areas, is located east of Sunrise Boulevard generally northeast of the SRC site. Approved by the County in 2002 and developed in the City of Rancho Cordova in the last few years, the SDCP/SSP includes the Anatolia neighborhoods along Sunrise Boulevard, closest to SRC. The Sunrise Douglas Community Plan and SunRidge Specific Plan include 22,503 and 10,020 units, respectively.
- **Arboretum-Waegell Specific Plan.** The 5,037-unit Arboretum-Waegell Specific Plan<sup>2</sup> is proposed in the City of Rancho Cordova, immediately east of the SRC site, east of Sunrise Boulevard and north of Jackson Road. The project proposes 5,037 units at an average density of eight units per acre and 48 acres of retail and village commercial uses. The City of Rancho Cordova is reviewing the Specific Plan and is scheduled to complete the project EIR by the end of 2009. Hearings on the project are expected to be complete in 2010.
- **Jackson Highway Visioning Area.** The Jackson Highway Visioning area is one of four New Growth Areas identified in the GPU and includes the SRC site and extends widely along the Jackson Highway from Elk Grove-Florin Road to the Cosumnes River. The area could accommodate between 25,000 and 35,000 residential units.<sup>3</sup>

#### Encroaching Land Uses are Detrimental to SRC's Operation

As described above, SRC has been subjected to encroaching land uses approved by the County. The most significant land use changes that have resulted in encroachment are the Mather Field Specific Plan and the Sunrise Douglas Community Plan.

The Mather Field Specific Plan (MFSP) was initiated to facilitate the conversion of Mather Field from a military air base to a mixture of private and public uses. Given the proximity of the Mather area to the SRC site, SRC representatives participated in the planning process for the MFSP and voiced concerns about the incompatibilities of SRC's operations with urban uses. When the County approved the MFSP, a requirement to provide disclosures about SRC's operations was included in the planning documents:

"The owner/lessee of this property/building acknowledges that the Sacramento Rendering Company plant is in a location predominantly upwind of this site. Owner/lessee also acknowledges that the Sacramento Rendering Company plant

<sup>2</sup> Arboretum-Waegell Specific Plan, Draft, City of Rancho Cordova, 2009.

<sup>3</sup> Policies for Jackson and Grant Line East Visioning Areas, November 2008.

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produces objectionable odors that will be detectable at this location during certain times of the year depending on wind speed, wind direction, other meteorological conditions, and the operating conditions of Sacramento Rendering Company. Owner/lessee agrees to hold Sacramento Rendering Company harmless from any odors produced by Sacramento Rendering Company that may affect the owner/lessee's property/building or any occupants of said property/buildings."<sup>4</sup>

The Board approved the MFSP in 1997.

The Sunrise Douglas Community Plan/SunRidge Specific Plan (SDCP/SSP) includes 22,000 units on 6,000 acres, immediately east of the SRC plant. In letters to the County and hearings for the SDCP/SSP project, SRC expressed concerns about the proposed location of residential development in close proximity to SRC's facility on Kiefer Boulevard. SRC's testimony stated that "development of sensitive receptors (such as housing and schools) in this area may create potential impacts that do not currently exist." Correspondence to the County from SRC regarding the SDCP/SSP is included as Exhibit D.

The SDCP/SSP Environmental Impact Report (EIR)<sup>5</sup> found that there would be recurring incompatibilities between the rendering plant and proposal urban uses related primarily to odor, which was considered a significant and unavoidable impact. The SDCP/SSP project required disclosure of SRC's operations and developers of the SDCP/SSP to fund odor control improvements at SRC's facility. Nonetheless, the County approved the SDCP/SSP project in July 2002.

#### **Rendering and Urban Residential Uses Are Incompatible Land Uses**

Rendering facilities have impacts that are typical of industrial uses such as noise, adverse visual impacts and odors. Odor is the primary nuisance of rendering operations as a result of handling and processing of perishable materials. Odor is difficult to measure, irregular and its detection is dependent on the sensitivity of the receiving party. Odors resulting from SRC's operations vary daily depending the distance from the plant, weather conditions and SRC's operations at the time.

In 2004, with financial participation from developers of the Sunrise Douglas project, SRC completed a \$5.5 million upgrade to buildings and the installation of air scrubbers. The upgrades improved SRC's ability to better remove odors as they occur in the rendering process. Today, SRC expends \$40,000 monthly to operate and maintain its state of the art odor control system.

<sup>4</sup> Ordinance No. 97-0021, Establishing a Special Planning Area, known as the Mather Field Special Planning Area.

<sup>5</sup> Sunrise Douglas Community Plan/SunRidge Specific Plan Final Environmental Impact Report, November 2001.

Page 7

No federal regulations control the emission of odors from rendering plants. SRC has a positive working relationship with the Sacramento Metropolitan Air Quality Management District (SMAQMD) to address its operations and odor management.

Despite its best and consistent efforts to contain and control odors, SRC's operations occasionally impact adjacent land uses, which is evidenced by complaints from neighbors in the Anatolia community in Rancho Cordova, immediately east of the SRC site. Individual complaints and an organized group of Anatolia residents<sup>6</sup> are angry and their statements (Exhibit C) demonstrate that citizens do not understand that SRC's operations on Kiefer Boulevard precede any development in the surrounding area.

These complaints express the mounting tension between SRC and adjacent uses. Residential and rendering uses are incompatible and the only feasible solution is to relocate the SRC operation.

#### **SRC Must Relocate to Alleviate Land Use Incompatibility**

SRC's operations are incompatible with encroaching urban residential uses and with future urban uses.

In 1955, the current location of SRC's plant on Kiefer Boulevard was selected because it was on a large piece of property (810 acres) in an undeveloped, agricultural area, south of Mather Air Force Base. Since 1955, urban uses have encroached closer to SRC's operations and citizen complaints regarding odors and operations have increased proportionally. Just as the plant moved from Land Park to its current location in 1955 in response to urban encroachment, it must move again to escape existing urban encroachment created by the SDSP/SSP and other projects approved by the County.

*SRC and the County have a shared land use problem.* The SRC plant must be relocated in the near term to eliminate the land use incompatibility dilemma that has been created over time through encroachment of land uses. This problem is unique to this site and does not apply to ANY other property in the County.

If the plant is not relocated, additional urban encroachment will take place and the County's plans for development at the Centex site (mixed use project in Mather South Master Plan) and areas within the Jackson Highway Visioning Area will be compromised by odor and other nuisances. Also, the SRC plant must be moved so that SRC's business is not affected by additional regulations resulting from citizen complaints.

<sup>6</sup> What Is That Smell, [www.whatisthatismell.net](http://www.whatisthatismell.net)

Relocation and construction of a modern rendering facility will alleviate the emerging land use incompatibility issue in the Kiefer/Sunrise area. Relocation would require a significant capital investment of approximately \$30 million to construct a contemporary rendering plant. SRC intends to fund the relocation and construction of a new facility from redevelopment of its 810-acre property. The process of identifying a new site, obtaining necessary entitlements for the new site and constructing the new facility will take a minimum of three years.

Master planning of the SRC site must be initiated in the very near term to give ample time to comprehensively plan the site and complete a parallel entitlement effort for the new property on which the rendering facility will be relocated. It is SRC's objective to transfer its operations from the old to the new site with no operational down time since SRC's services are in demand year-round.

#### **Redevelopment of SRC Site is An Opportunity for Land Use Compatibility**

The SRC property is an exceptional opportunity for redevelopment due to its size, single-party ownership, location adjacent to major roadways and proximity to existing infrastructure. As an infill site, adjacent to Mather and Sunrise Douglas, the SRC site is far more appropriate for near term planning and development than many other sites in the South County, including the Jackson Corridor and Grant Line East Visioning Areas.

Redevelopment of the SRC site presents distinctive opportunities to plan for land uses that are compatible with existing adjacent uses, consistent with Blueprint planning principles and achieve the County's objectives for housing types and amenities. A key offering of the SRC property is that approximately 40% of the site, including most of the land west of Eagles Nest Road, is characterized by wetland resources. Long-term preservation of these lands would enhance the 1,100 acre preserve at Mather and make a considerable contribution to habitat preservation under the SSHCP.

#### **GPU Should Reflect A Strategy for Addressing Existing Land Use Incompatibilities**

The GPU identifies the SRC property within the Jackson Highway Vision area, in an area identified to be included in the Urban Policy Area (UPA). The GPU, as currently drafted, is silent on provisions for addressing the land use incompatibility that has been created by steady urban encroachment from projects approved by the County.

To address this situation, we recommend a three-pronged approach to revising the GPU and handling the SRC site:

1. Add Text Describing Strategy for Addressing Land Use Incompatibility

The Growth Management and Design Section (Strategy III) (Land Use Element, page 47) describes how growth will be managed so that its design and function will serve residents. This section includes topics such as Urban Design, Community and Neighborhood Identity, Complete Communities, Mixed Use, etc.

This section should address the condition of Existing Land Use Incompatibilities that occur in the County, such as the Sunrise/Kiefer area where urban encroachment is incompatible with industrial uses (SRC). This section should describe the County's intent, strategies and implementation measures to address incompatibilities.

Text on page 43 of the Land Use Element describes Sunrise Boulevard as a node in the Jackson Highway Corridor. This section de-emphasizes Mather when it should be the focus. This section should also emphasize existing and approved proximate development, including the redevelopment of the SRC site.

2. Designate SRC Property Within Urban Development Area

In the GPU, the SRC site is located within the Jackson Highway Corridor New Growth Area and in an area proposed for addition to the Urban Policy Area (UPA) (Figure 1 of Land Use Element). Staff proposes to designate the site as Urban Reserve, as shown on Exhibit E. Identifying the site as Urban Reserve and including it in the UPA is inconsistent with the GPU description:

"The area between the USB and UPA is referred to as the "urban reserve." This land has been identified for eventual urban development consideration, but is not available for urban uses **within the current planning period.**" [Land Use Element, page 18.emphasis added]

The current planning period of the GPU is 2030 and, taken literally, this language suggests that the site would not be considered for inclusion in the UPA for another 21 years, at minimum. The SRC site has been well-suited for development for several years. Waiting until after 2030 to consider including it in the UPA would exacerbate the current land use incompatibility condition and diminish SRC's viability. Waiting until 2030 to develop the SRC site would also overlook a key property that the County needs more urgently to address habitat and resource preservation.

SRC requests that the Planning Commission recommend that the Board of Supervisors identify the SRC site in the Urban Development Area (UDA) or within the UPA.

### 3. Remove the SRC Site from the Jackson Highway Vision

We request that the SRC site be removed from the Jackson Visioning Study Area shown on Figure 3, page 25 of the GPU Land Use Element. The GPU states that “planning and buildout of this area will span a number of decades, and will reach far beyond the 2030 planning horizon of this General Plan” (Land Use Element, page 22) and the future planning and entitlements steps for the Jackson High Study Area are layered and confusing.

Out of necessity, SRC’s timeline for planning requires relocation and redevelopment of the site in the near term. The timeline for the Jackson Visioning Study and SRC are in conflict and keeping SRC in the Jackson Visioning Study area would further complicate and ignore the County’s and SRC’s urgent land use matter.

SRC should be named as a fifth New Growth Area (Land Use Element, page 27) or be advanced by the County Economic Development Department as an immediate economic development project to address land use incompatibilities affecting the furtherance of Mather development plans.

### 4. Initiate Master Planning Effort for Redevelopment of SRC Site

We suggest that an implementation measure be added to the New Growth Areas section of the GPU, following Policy LU-17 (Land Use Element, page 44). Identical to Implementation Measure D that addresses the West of Watt area, new Implementation Measure E would initiate a master planning effort for the SRC site.

E. Initiate a master planning effort for the Sacramento Rendering Company site to alleviate land use incompatibilities and to define redevelopment of the site, including a relocation strategy for the existing rendering plant.

Master planning of the SRC site must be initiated in the short-term (next twelve months) to give sufficient time to comprehensively plan the site and complete a parallel entitlement effort for the property on which the rendering facility will be relocated, with the objective of a seamless transfer between the old and new locations with no interruption in operation.

### **Relationship Between Jackson Highway Visioning Effort and GPU Is Confusing**

SRC participated in the extensive Jackson Highway Visioning Study (JHVS) process last year that the Planning Commission and Board reviewed in Spring 2009. The JHVS included the Conceptual Jackson Highway Vision maps with conceptual land

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use patterns for the Vision Area, including the SRC site. The JHVS also contained hundreds of specific policies and development regulations aimed at shaping future development proposals.

1. The JVHS Conceptual Vision Maps Were Not Endorsed by the Board

Text in the description of Urban Designations regarding the Jackson Corridor Planning Area states, "All subsequent master plans (such as a Specific Plan or comprehensive plan) must be consistent with the adopted vision. Urban development and/or rezones will not be approved until a master plan is adopted and the Jackson Highway designation is removed" (Land Use Element, page 8).

During the JHVS, the Vision maps prepared reflect conceptual approaches to land uses and Staff represented to the Planning Commission and Board that the maps were conceptual in nature and reflected one possible approach, among many, to the planning of the Jackson Highway Visioning Area.<sup>7</sup> Language on page 8 of the GPU suggests that all future master plans must be consistent with the adopted vision. When the Board reviewed the JHVS in the Spring 2009, it did not "adopt" the vision. The Board simply received and filed the results of the visioning studies and directed Staff to conduct background work necessary to initiate a Community Plan Amendment for a portion of the Jackson Highway Area upon adoption of the 2030 General Plan. The GPU gives the Vision Maps greater standing than the Board directed.

2. Future Planning Process in the Jackson Highway Area is Sketchy

Finally, LU-3 states that a strategic, comprehensive multi-disciplinary *visioning study* will occur and text in the Land Use Element (page 8) states all subsequent *master plans* must be consistent with the adopted vision. The Board's action included direction to Staff to prepare a *Community Plan Amendment*. The overall hierarchy and relationships of these planning efforts (i.e. visioning study, community plan amendment, master plans, specific plans, comprehensive plans) is unclear and confusing.

The JVHS effort was intended to simplify the step between the GPU and subsequent development proposals. It is counter-productive to pursue multiple future planning processes (i.e. community plan amendment, master plans, specific plans) that are only possible if taken one at a time. The objective should be to streamline these processes to enable the quality development in the desired locations.

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<sup>7</sup> Staff report to Planning Commission, September 9, 2009, page 8:  
"These conceptual maps are a visual representation of one way the County's vision for this area (as outlined in the policy document) may be implemented."

Policy LU-3 suggests that there will be another visioning effort in the future:

LU -3 Support a strategic, comprehensive multi-disciplinary visioning effort for the greater Jackson Highway area, initiated and led by the County, which looks beyond the planning period of the adopted General Plan to ensure that high quality and cohesive development patterns are achieved consistent with regional smart growth objectives.

Is the visioning effort described in LU-3 the same process that occurred last year and concluded in Spring 2009 or is another visioning effort planned? The number of processes described in the GPU are confusing.

#### **Redevelopment of the SRC Site is Not Leapfrog**

The June 22, 2009 report to the Planning Commission describes Staff's interpretation of leapfrog development in the context of LU-13. However, Staff's interpretation is inconsistent with the literal interpretation of the policy.

LU-13 The County will promote new urban developments within identified growth areas and prohibit land use projects which are for **noncontiguous** development, specifically proposals outside of the Urban Policy Area (i.e. leapfrog development). [Emphasis added]

The staff report states that the intent is prevent leapfrog on a macro (master plan) scale rather than at the micro (parcel-level) scale. However, the policy prohibits land use projects which are for noncontiguous development. Staff's stated interpretation and the wording of the policy are not parallel.

The staff report provides no definition of leapfrog development although it suggests that the County's definition of leapfrog development includes development of parcels in non-linear, non-contiguous, sequential manner. We suggest that a more traditional definition of leapfrog development is a dispersed development pattern that results in an increasingly fragmented land use pattern. Under this definition, a proposal to develop a large-scale residential community outside the UPA and USB, a great distance from existing urban uses and services, would be considered leapfrog development.

Redevelopment of the SRC site would not be considered leapfrog development for several reasons, the least of which is that the site is included within the USB and the UPA because, and by Staff's definitions, these are the limits of the urban area and the area expected to receive urban services within the planning period. Next, redevelopment of the SRC site would not be considered leapfrog development because the land use pattern would not be dispersed in any way because it would be adjacent



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to Mather, the South Mather Master Plan (Centex), the SDCP/SSP project area and proposed Arboretum-Waegell Specific Plan. The availability of existing infrastructure and transportation facilities (i.e. Jackson Highway, Sunrise Boulevard, Keifer Boulevard) further preclude the SRC site from being considered leapfrog development.

The staff report compares development costs for a single family residence in Carmichael with the costs for a unit in North Vineyard Station and Elverta and concludes that leapfrog development is more costly. This comparison is silly. North Vineyard Station Specific Plan and Elverta Specific Plan are growth areas designated in the 1993 General Plan as part of a planned growth strategy. In the 1993 General Plan, they were named as growth areas because of their ability to provide adequate services and facilities and the characteristics that made them ideal growth areas in the 1993 General Plan negate the argument that they are leapfrog development today.

Finally, redevelopment of the SRC site would not add unreasonable costs to providing infrastructure and services. SRC's costs to provide infrastructure will be approximately the same as costs for the County's South Mather Master Plan/Centex project across from the SRC site. In fact, the County's costs with the Centex project will be greater if SRC is not available to cost share on infrastructure and services of mutual benefit.

#### **Phasing Policies in the GPU Are Unworkable and Create Monopolies**

Proposed GPU policy LU-13 and Mitigation Measure LU-1 of the GPU Draft Environmental Impact Report (DEIR) (April 29, 2009) handicap the market with arbitrary requirements for phasing.

LU-13 describes states that land use projects that are noncontiguous will be prohibited. Mitigation Measure (MM) LU-1 eclipses any practical approach to phasing with requirements for the earliest phases closest to the urban area, no more than ten years of growth in any phase and restricting development until 50% of the holding capacity of the prior phase has been exhausted.

GPU Policy LU-13 The County will promote new urban developments within identified growth areas and prohibit land use projects which are for **noncontiguous** development, specifically proposals outside of the Urban Policy Area (i.e. leapfrog development). [Emphasis added]

Mitigation Measure LU-1 (Draft EIR) A phasing plan shall be included in any Specific Plan or other type of master planning proposal for the Jackson Highway Corridor and Grant Line East New Growth Areas. The phases shall be defined by a specific geographic area, with the **earliest phases closest in to the existing urban areas**, and the later phases

farthest outward. Each phase shall represent a geographic area that will accommodate **no more than 10 years of growth**, based on the latest SACOG projections. Development within the phases shall occur sequentially, and residential or commercial development in each subsequent phase shall be prohibited until the prior phase is developed to at least **50% of holding capacity**. [Emphasis added]

Policy LU-13 and MM LU-1 assume that controlling phasing as described will achieve a controlled growth pattern. The unintended consequence of these measures will likely be that development will be severely paralyzed. The restrictions of LU-1, alone, assume that the development occurs in a linear fashion extending from one direction to another and that market demand can be satisfied with the finite supply of uses in each phase, over a period of ten years. The assumptions inherent in these policies are flawed and disconnected from market realities of successful large scale development.

For instance, within typical large scale development project, there are a mix of land uses, housing types, non-residential uses, parks, open space and public facilities. The typical approach to phasing of a project of this size involves several factors. The first phase is typically closest to existing development and requires the construction of backbone infrastructure that will allow a cross section of land uses to move forward initially. This approach “feeds” the market a limited supply of each type of land use (i.e. single-family residential, multi-family, parks) and creates cash flow to address debt requirements and to fund subsequent phases. Land uses in the first phase may not be contiguous and may be dependent on other factors such as market demand for specific land uses, internal efficiencies, financing mechanisms, bonding capacity, regulatory permitting, and ownership interests. Subsequent phases typically include a second supply of residential types and more specialized uses (i.e. commercial, amenities, public facilities) that are more costly to deliver or slower to absorb. Phasing of economically-viable development is driven by factors that are independent of linear or contiguous land uses.

The staff report for the June 8, 2009 Planning Commission meeting recommends that the Jackson Highway Area west of Excelsior Road be identified as the first phase and designated Urban Development Area.

If each phase accommodates no more than ten years of growth (consistent with MM LU-1), and subsequent phases can not move forward until the prior phase is nearly built out, then the developer of each phase will have, at least, a ten-year monopoly on growth in the South County and perhaps longer if the project contains more than a ten-year supply of growth.

**Distribution of Ten Year Supply of Growth**

	Proposed General Plan Approach (MM LU-1)	Existing Market-Based Approach Typical Condition
Project 1	All of supply	Portion of supply
Project 2	None	Portion of supply
Project 3	None	Portion of supply
Project 4	None	Portion of supply
Project 5	None	Portion of supply

Many projects have attributes that will be desirable to the market at various times. Market demand is a natural tool for phasing that favors development that is cost-efficient, well-located and desired by the free market. Manipulating this process is harmful.

#### **Phasing Policies Hinder Planning Efforts**

Proposed GPU policy LU-13 and Mitigation Measure LU-1 will affect neighborhood and community planning and the ability to deliver large scale infrastructure projects.

Today, during the planning of Project A, infrastructure, roadways, land uses, schools and parks are considered with respect to the future of adjacent Project B and Projects C, D, and E, which are nearby and share in the responsibilities for public services (i.e. fire station, schools, parks, water storage). In the future, under restrictions of MM LU-1, when only contiguous development can occur in ten year increments, there will be no need for Project A to ever consider connectivity and relationship with Project B or the existence of Projects C, D, and E. Project A won't need to consider other projects because they will not know future projects (perhaps up to ten years) and because Project A won't be able to carry any costs for future reimbursement by Project B. Imagine this scenario over a much larger landscape with multiple projects. The result will be projects that internally oriented with little connectivity and efficiencies among them, as illustrated in Exhibit F.

This approach will severely affect large-scale infrastructure projects that are dependent on the velocity of building permit revenue to fund multiple phases of improvements over time. Today, infrastructure projects (i.e. water lines, sewer interceptors, etc.) are built to serve large areas and are funded on a fair share basis over large areas. In the future, under the proposed phasing policies, infrastructure projects may be downsized which will make them more costly and less efficient. Projects may not achieve the critical mass necessary to fund infrastructure projects and the shortfall will be passed back to the development community. Right-of-way

Page 16

acquisition and construction of infrastructure improvements will be more costly and impeded by the diminished ability to acquire right of way or the ability to construct through “hold-out” parcels and parcels that are not eligible for development under the proposed phasing policies.

As SACOG stated in its June 24, 2009 letter to Robert Sherry<sup>8</sup>, maximizing return on all infrastructure dollars, not just for transportation, is critical to maintaining housing prices that are attainable for a broad section of the population. Not only is it especially difficult to fund a transportation system for low-density development, the cost of providing other infrastructure, such as water, sewer, parks, green infrastructure (mitigation lands), etc. is relatively higher for low density development. SACOG’s research indicates that the more compact Blueprint land use pattern will reduce infrastructure costs compared to the base case pattern by approximately \$16 billion through 2050, or almost \$20,000 per new housing unit. Infrastructure costs spread over a relatively small number homes, either the result of low-density development or poor phasing of development, can increase the price of housing.

The phasing policies also hinder the ability to take the long-range view for infrastructure planning. For example, today drainage master planning involves evaluating entire drainage sheds (i.e. creeks, drainages) to determine pre- and post-development conditions and the need for regional drainage solutions (i.e. detention basins). The drainage shed approach considers a large geographical area. Under the proposed phasing policies, this approach will be extremely difficult because individual development projects can not rely on timely delivery of drainage improvements on other projects or on regional drainage solutions.

Proposed LU-14 confuses the issue of public facilities/infrastructure financing further by requiring that a Public Facilities Financing Plan be prepared and approved by the Board of Supervisors prior to the approval of any zoning for urban uses in urban growth areas. This policy should be adjusted to state that a Public Facilities/Infrastructure Master Plan be prepared *as part of any new development project*. As written, Policy LU-14 suggests that the Public Facilities/Infrastructure Master Plan will be prepared and approved by the Board of Supervisors in advance of consideration of development projects.

<sup>8</sup> Letter from Mike McKeever of Sacramento Area Council of Governments to Robert Sherry, June 24, 2009, Attachment B to Staff Report to Planning Commission, July 13, 2009.

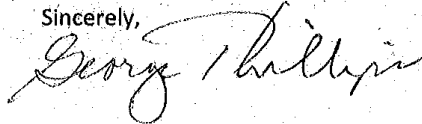
Page 17

In closing, we request that the Planning Commission recommend to the Board of Supervisors:

- Identify the SRC site in the Urban Development Area (UDA) or within the Urban Policy Area (UPA).
- Remove the SRC from the Jackson Visioning Study area boundaries.
- Add Implementation Measure E to the New Growth Areas section of the GPU (following Policy LU-17) that initiates a master planning effort for the SRC site.

We appreciate the opportunity to provide comments on the General Plan Update and look forward to working with you, the Board and County staff on a strategy for addressing a land use problem shared by the County and SRC.

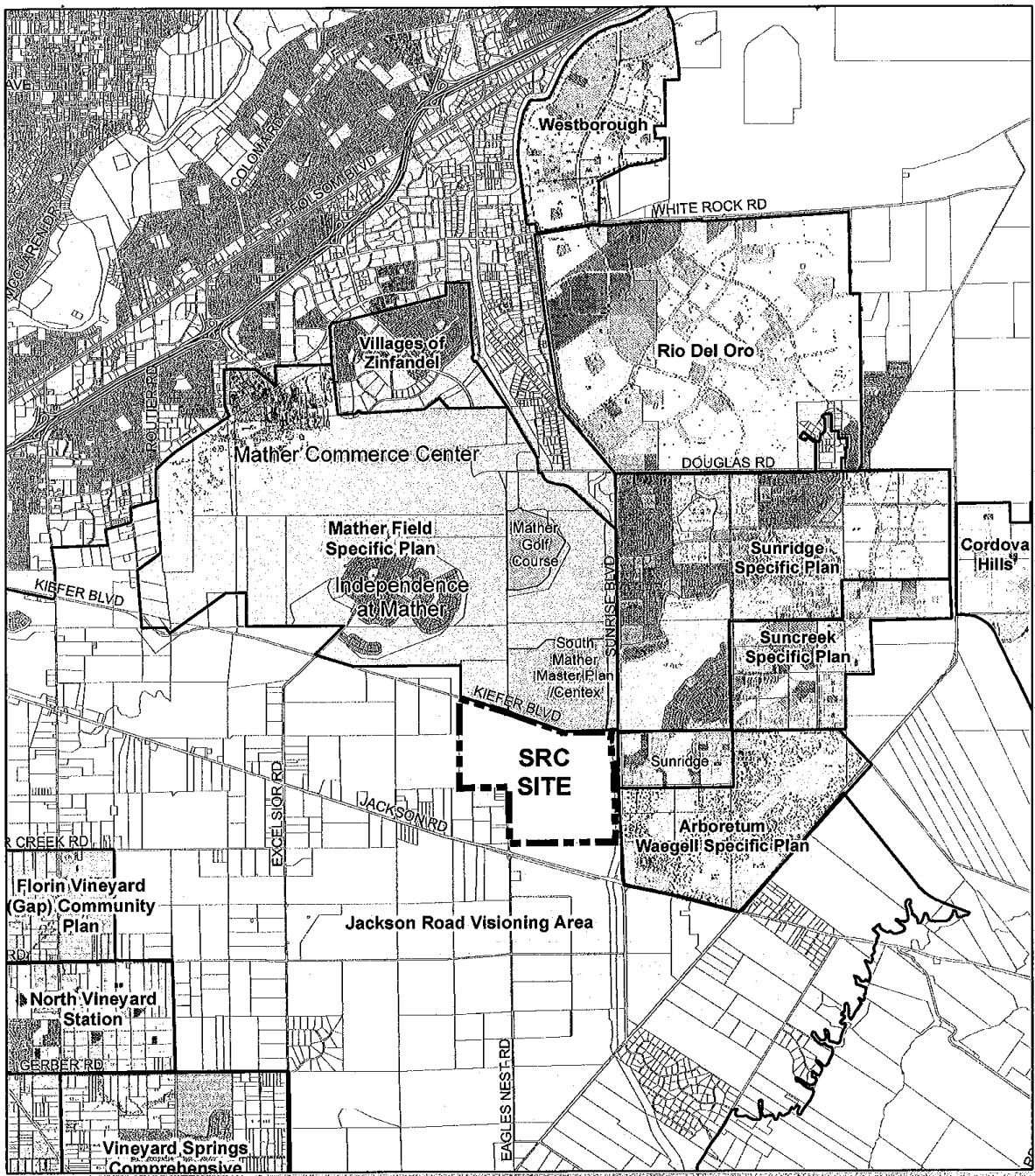
Sincerely,



George Phillips

Exhibit A Sacramento Rendering Company Property - Location  
Exhibit B Surrounding Development Map  
Exhibit C Recent Citizen Complaints/Website  
Exhibit D Correspondence Regarding Sunrise Douglas/SunRidge  
Exhibit E Staff's Urban Development Area/Urban Reserve Proposal  
Exhibit F Phasing Illustration

cc: Board of Supervisors  
Paul Hahn  
Rob Leonard  
Robert Sherry, Planning  
Leighann Moffitt, Planning  
Dave Defanti, Planning  
Michael Koewler, Sacramento Rendering Company

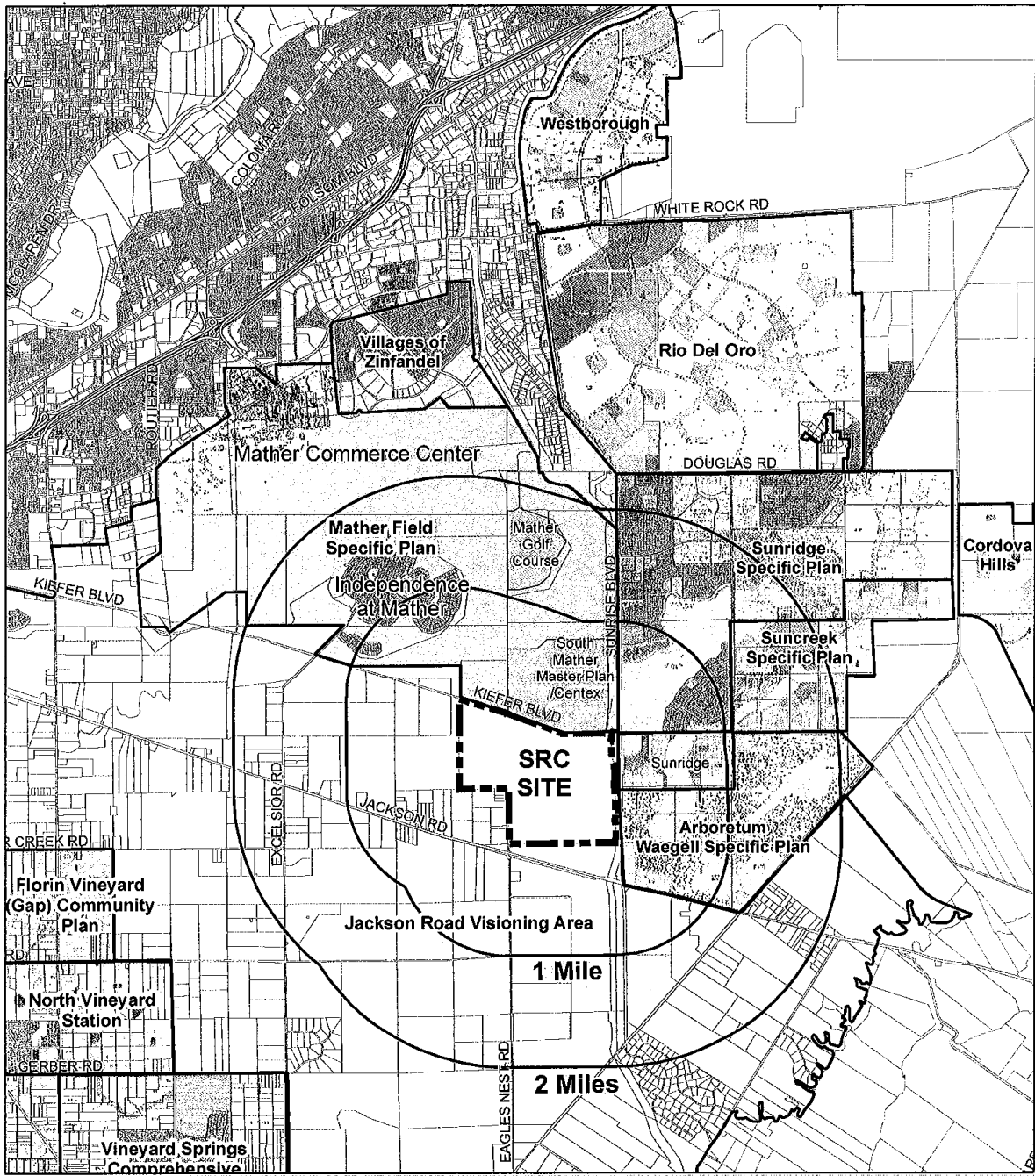


Not to Scale

## Exhibit A

### Sacramento Rendering Company Vicinity Map

**MACKAY & SOMPS**  
CIVIL ENGINEERS, INC.  
CIVIL ENGINEERING LAND PLANNING LAND SURVEYING  
SACRAMENTO, CALIFORNIA 95811-4000



Not to Scale

## Exhibit B

### Surrounding Development

**MACKAY & SOMPS**  
CIVIL ENGINEERS, INC.  
CIVIL ENGINEERS AND PLANNERS AND SURVEYORS  
SACRAMENTO, CALIFORNIA  
815524-0022

## Exhibit C

**Email from Brad Porter to Sacramento Rendering Company  
March 31, 2009  
Emphasis Added**

**From:** Brad Porter [<mailto:portermortgage@hotmail.com>]  
**Sent:** Tuesday, March 31, 2009 7:16 PM  
**To:** [airyourthoughts@srccompanies.com](mailto:airyourthoughts@srccompanies.com)  
**Subject:** Another nail.....

7pm on the most beautiful evening we have had in weeks. 70 some odd degrees wind almost nill people at the park playing tennis, jogging by the house, kids out enjoying themselves. I am getting ready to BBQ dinner and having a beer in the backyard and YOU fucking assholes decide it is prime time to burn your fucking pathological waste (Dead fucking animals)!!!!

**You just put another nail in the coffin of your [obscenity] up family owned business Junior.**

**I warned you once.**



## Exhibit C

### Email from John Goddard to Sacramento Rendering Company June 13, 2009 Emphasis Added

---

**From:** james goddard [mailto:jgoddard41@hotmail.com]  
**Sent:** Saturday, June 13, 2009 2:02 AM  
**To:** airyou7rthoughts@srccompanies.com  
**Cc:** jgoddard41@hotmail.com; opinion@sacbee.com; publiceve@sacbee.com; ttaylor@airquality.org; nottolid@saccounty.net; rmgarvey@cityofranchocordova.org; tgaebler@cityofranchocordova.org; ken.cooley@cityofranchocordova.org; aolson@waterboards.ca.gov; Alina Vakhnenko  
**Subject:** SRC Plant - STOP!!! You are hurting children, elderly and feable.

To who might actually care!

Well, Do you really want me to "air" my "thoughts"? **Sacramento Rendering Plant Must GO!!!**

Even if your scrubbers are working and the air is 95% cleaner than without, it is not good enough!!! You foul the air for miles! This is happening on a daily basis!!!! The Air Quality Management bureau does not like you being close to residential areas, schools, businesses and parks. So why were these facilities allowed to be built?

I was never given a discloser about SRC and many people who bought in the area were told a bag of lies about the discloser they signed. At least this is what I have learned. Now I am angry, angry that the right thing is being ignored due to greed! It is time to get organized!

I realize the board of supervisors of Sacramento County ultimately approved the building of residential homes in your nearby proximity. The builders gave you money (millions) to create a "state of the art" dead animal kitchen for recycling the remains of these animals. Your company serves a need but it needs to be at least located 4 to 5 miles away from residential areas. This was the recommendation of the Air Quality Management. Why wasn't this followed???

I have every intention on staying in Anatolia, going after the builders, Sacramento County Supervisors and the lawmakers. Going after you directly won't do me much good, at least for now. I do believe you misled the Board of Supervisors about your ability to control the air released into the neighborhood. When I find this out, **I will go after you!** This allowed them to make a bad decision. The air quality Engineer who represented the SRC lied about how well these scrubbers will to purify the air. It is impossible to remove all odors from the air. This odor is poison!!!! People can't walk the streets at night, leave their windows open or enjoy the park due to the poison that is always prevalent in the air. I don't by your excuse that it is a nearby dump, or that it is from cars and trucks passing by on Sunrise. I grew up in Chicago next to the "ELevated track", with one busy street on one side and another on another

side. Yes factory soot would build up on cars and have to be washed off, otherwise it would hurt the car finish. Living in Chicago isn't half a polluted as the air is in Rancho Cordova due to the Sacramento Rendering Plant (SRC).

My wife and daughter must move out of Anatolia due to this STINK that is produced by your plant. I too will probably move, as I can't afford two residences. I may have to sell my home, or allow it to slide into foreclosure. I can't believe you helped convince the County Board of Supervisors to approve building of these subdivisions around your plant. You should have stood up and told them NO the smell will not disappear. You should have done the right thing!! How do you live with yourself? Children live here, elderly live here with respiratory ailments, and people live here with asthma from all ages.

Why don't you have a Sign in Front of your Plant? Is this to hide your work? Does polluting the air of nearby residents embarrass you? Go pollute in the desert! A real desert or on an abandoned oilrig out to sea and have your goods shipped out to you.

One of two things will eventually happen. Either you will win by driving people away from here or you will end up moving your plant and operation due to the encroachment of residential neighborhoods, parks, schools, business etc. Guess what, I believe the latter will happen and I for one will be working not directly against you, but through the system, **by suing those responsible for this mess, and the end result will be you will move!!**

I welcome any of the Board of Supervisors to come stay at my home and live through this stink!! Come talk with the neighbors and here their story! I have only lived in Anatolia for the past 12 months, the dirty little secret is that most residents I have talked too are hoping that they can move away and claim ignorance about your smelly plant without having to disclose they know anything about it. If they disclose information about your plant, it will drive the price down of their home and cost them money. They feel like they have been duped and so do I.

I would love nothing more than to walk away from my home but since I can't do that in good conscience, I will have to fight this, the best way I know how. Through politics, publicity, and fact-finding. You are not the only thing that is fouling up the air. I am sure there are dirty fingers that tapped into the millions of dollars that went into funding your "upgrade". I will find out!!

**See you in Court.**

Jim Goddard  
707-975-0923  
Anatolia Resident

Rancho Cordova, CA

## Exhibit C

### What Is That Smell Website [www.whatisthatssmell.com](http://www.whatisthatssmell.com)

[Login to rate today's smell](#)

### **What is that smell?**

- [home](#)
- [media](#)
- [contact](#)
- [about us](#)

### **The Smell of Death: New Home for the Rendering Plant?**

August 13th, 2008

By Geoffrey Sakala, [Ranchocordovapost.com](http://Ranchocordovapost.com)

Neighbors in Anatolia have a burning desire to rid the air of the foul stench of rotten flesh. The smell is the rendering plant on Sunrise blvd. and Kiefer. There has been a recent spike in the frustrations with the awful odor emanating from the plant which burns road kill for Sacramento county and surrounding areas.

Angela Davy, the Sacramento Metropolitan Air Quality inspector who regularly visits the plant, is requesting that complaints about the smell be submitted either through their website at [www.airquality.org](http://www.airquality.org) programs->complaints or by calling locally 874-4800 or toll free 1-800-880-9025. According to Angela, the plant is usually not burning on Sundays for clean up, but the plant typically gets deliveries during the day ...

[\(more...\)](#)

Posted in [Rendering Plant](#) | [No Comments »](#)

### **Odor issues continue for rendering plant**

August 11th, 2008

By Wesley DeBerry, [SacBee.com](http://SacBee.com)

Local residents continue to have complaints about a Sacramento County rendering plant, a battle that is about a decade old.

The aroma from the plant's daily operation of recycling animal waste materials is a nuisance to some nearby residents, who have moved into new homes.

Rendering plant officials declined to comment. When the issue was first raised by developers in the early 1990s, they argued that the plant has the right to continue to operate because it was there first.

The Sacramento Rendering Co. has occupied its 11350 Kiefer Blvd. site since 1955, long before there were any housing developments in sight.

Anatolia residents Jared and Cari Ricci said they have noticed an unpleasant odor during the evening hours on average ...

[\(more...\)](#)

Posted in [Rendering Plant](#) | [No Comments »](#)

## **What is it?**

May 30th, 2007

If you have noticed the nasty smell that blows through Anatolia with some regularity, you are not alone! That smell belongs to our local rendering plant owned and operated by Sacramento Rendering Companies. The plant is located just off of Sunrise Blvd. at Kiefer Blvd., less than 2 miles from the Anatolia master planned community [[click here for map](#)].

Posted in [Rendering Plant](#) | [4 Comments »](#)

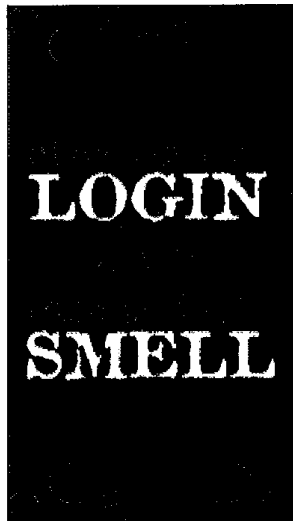
## **Plant Manager Bill Eckstein**

August 24th, 2006

One suggestion solicited by the plant's manager Bill Eckstein is that neighbors should call him and alert him of smell, time of day etc. I was told that he wants to hear from us and do what he can to keep the smell contained. And that he leaves the plant at 3:00 pm each day.

Plant Manager Bill Eckstein: 916.363.4821

Posted in [Contact](#), [Rendering Plant](#) | [18 Comments »](#)



- **Archives**
  - [August 2008](#)
  - [May 2007](#)
  - [August 2006](#)
- **Categories**
  - [Contact \(1\)](#)
  - [Rendering Plant \(4\)](#)
- **Links**
  - [File a complaint with the SMAQMD](#)
  - [Web Design by Black Dog Studios](#)
- **Menu**
  - [Log in](#)
  - [Register](#)

[Entries \(RSS\)](#) and [Comments \(RSS\)](#).

## Exhibit D

### MORRISON & FOERSTER LLP

ATTORNEYS AT LAW

PLEASE RESPOND TO:

P.O. BOX 8130

WALNUT CREEK, CALIFORNIA 94596-8130

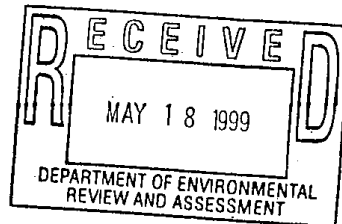
101 YGNACIO VALLEY ROAD, SUITE 450

WALNUT CREEK, CALIFORNIA 94596-4095

TELEPHONE (925) 295-3300

TELEFACSIMILE (925) 946-9912

May 17, 1999



SAN FRANCISCO  
LOS ANGELES  
SACRAMENTO  
ORANGE COUNTY  
PALO ALTO  
DENVER  
WASHINGTON, D.C.

NEW YORK  
LONDON  
BRUSSELS  
BEIJING  
HONG KONG  
SINGAPORE  
TOKYO

By Facsimile  
and U.S. Mail

Ms. Kate Brownfield  
County of Sacramento  
Dept of Environmental Review and Assessment  
827 Seventh Street, Room 220  
Sacramento, CA 95814

Writer's Direct Contact  
Telephone: (925) 295-3317  
Telefacsimile: (925) 946-9912  
cmorrison@mof.com

Re: Comments on the Sunrise Douglas Community Plan/Sun Ridge  
Specific Plan (SCDP/SRSP) Draft EIR (SCH#97022055)

Dear Ms. Brownfield:

We appreciate the opportunity to comment on the subject Draft EIR ("DEIR") on behalf of the Sacramento Rendering Company ("SRC").

As recognized by the DEIR, SRC has been operating at its present location since 1956. In fact, SRC commenced operations in Sacramento County in 1913, but was forced to move to its present location due to encroaching urban development. As recognized by the DEIR, SRC has in the past two years undertaken measures to control odors at its facility, including improvements to its air flow system.

We have in the past expressed concern about the proposed location of residential development in close proximity to SRC's facility on Kiefer Boulevard, and appreciate the County's recognition of our concerns. The development of sensitive receptors (such as housing and schools) in this area may create potential impacts that do not currently exist. SRC's recent efforts to improve air quality at its facility are intended to reduce these potential impacts but, as recognized by the DEIR, there are steps that can be taken by SRC's new neighbors to further enhance the compatibility of urban and agricultural land uses operating in proximity. We therefore concur with the mitigation measures identified in the DEIR.

wc-30866

Page 23.79a

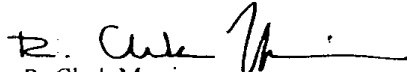
MORRISON & FOERSTER LLP

Ms. Kate Brownfield  
May 17, 1999  
Page Two

You should note that, notwithstanding these measures, we have some concern that the middle/high school is proposed at a location that may on occasion subject its students to impacts from the SRC facility. As you know, schools are sensitive receptors and we would suggest a location further to the north or east of its proposed location, or south below Kiefer.

If the County or the landowners wish to discuss these issues further, we remain available to assist. We look forward to working with you further.

Sincerely,

  
R. Clark Morrison

cc: Mr. Mike Koewler  
Ms. Julia LeBoeuf

\*

**MORRISON & FOERSTER LLP**

SAN FRANCISCO  
LOS ANGELES  
SACRAMENTO  
ORANGE COUNTY  
PALO ALTO  
DENVER  
WASHINGTON, D.C.

ATTORNEYS AT LAW

PLEASE RESPOND TO:  
P.O. BOX 8130

WALNUT CREEK, CALIFORNIA 94596-8130

101 YGNACIO VALLEY ROAD, SUITE 450  
WALNUT CREEK, CALIFORNIA 94596-4095  
TELEPHONE (925) 295-3300  
TELEFACSIMILE (925) 946-9912

NEW YORK  
LONDON  
BRUSSELS  
BEIJING  
HONG KONG  
SINGAPORE  
TOKYO

August 25, 1999

Writer's Direct Contact  
(925) 295-3317  
CMorrison@mofo.com

By Facsimile

Patricia Shelby  
Chair, Policy Planning Commission  
Sacramento County  
700 "H" Street, Suite 2450  
Sacramento, CA 95814

Re: SunRidge Specific Plan and EIR

Dear Ms. Shelby:

We represent Sacramento Rendering Company ("SRC"), the owner of the rendering plant located proximate to and southwest of the planning area of the proposed SunRidge Specific Plan. As the County may be aware, SRC has been a taxpaying enterprise contributing to the County economy and business community since 1910. It was relocated to its current site in 1956.

SRC appreciates the Sacramento County's ongoing efforts to develop mitigation measures to reduce the likelihood of land use conflicts between SRC's facility and the proposed new community. As you know, the draft environmental impact report ("DEIR") for the Specific Plan proposes mitigation measures (Nos. LA-3 and AI-4) and a condition of approval (No. 5) to address this issue. These measures require that (1) an odor easement shall be granted over all residential properties in favor of SRC and (2) a recorded disclosure shall appear in perpetuity (or until a future closure or relocation of the plant) on all residential property deeds. In our May 17, 1999 comment letter on the DEIR, we remarked favorably on these measures.

wc-34467

Page 23.79c



MORRISON & FOERSTER LLP

Patricia Shelby  
August 25, 1999  
Page Two

We understand that requests have been made of the County to develop alternative measures to address the potential incompatibilities between SRC's facility and the proposed new uses.

Please understand that there is precedent in Sacramento County for the type of mitigation proposed in the DEIR. As you know, the County included a similar mitigation measure, Mitigation Measure LA-1, in the Mather Field Specific Plan Final EIR certified in 1997. Mitigation Measure LA-1 provided that:

"All future sale or lease agreements for lands and buildings located within the Commercial-Recreation land use district shall specify the following:

The owner/lessee of this property/building acknowledges that the Sacramento Rendering Company plant is in a location predominantly upwind of this site. Owner/ lessee also acknowledges that the Sacramento Rendering Company plant produces objectionable odors that will be detectable at this location during certain times of the year depending on wind speed, wind direction, other meteorological conditions, and the operating conditions of Sacramento Rendering Company. Owner/lessee agrees to hold Sacramento Rendering Company harmless from any odors produced by Sacramento Rendering Company that may affect the owner/lessee's property/building or any occupants of said property/buildings." *Board of Supervisors of the County of Sacramento, Findings of Fact and Statement of Overriding Considerations for the Mather Field Specific Plan (5/6/97).*

Additionally, the County required the owner to notify all subsequent owners/tenants of the property/building that odors from the SRC plant will be detectable.

SRC supports the proposed easement and disclosure as appropriate to assure that, among other things, future property owners/tenants are aware of the potential odors related to the rendering plant. With respect to the question of whether a disclosure such as the one proposed can be recorded, we are aware that the Attorney General recently issued an opinion that may be relevant. 82 Cal. Ops. Atty. Gen. 107. Even if the County concludes that this opinion prevents any mitigation measure requiring the recordation of a *disclosure* (we are not convinced that the opinion is controlling in this case), it does *not* prevent the odor easement itself from being recorded in order to provide the appropriate notice. In fact, an odor easement can and typically is recorded to ensure that

wc-34467

Page 23.79d

MORRISON & FOERSTER LLP

Patricia Shelby  
August 25, 1999  
Page Three

subsequent owners and lessees are both subject to and on notice of its terms. Cal. Code of Civ. Proc. §§ 801(8) Cal. Gov't. Code §27280. Moreover, it certainly does not prevent any requirement that *unrecorded* disclosures be provided to potential buyers.

We understand the County may consider requiring the developers to enter into an agreement with SRC to assist in providing necessary equipment and technology to eliminate odors and emissions from the SRC. While our client may be willing to accept such assistance, we assume that these costs would be shouldered by the developers. Although SRC has reached an agreement for limited retrofit payments from the Sunridge Specific Plan, to date. The developers of the Sunrise Douglas Community Plan and the developing Sunrise Douglas 2 Specific Plan have not offered any such assistance. Certainly the terms of any such agreement would be the subject of open discussions between SRC and the other parties.

As always, SRC remains willing to discuss mutually acceptable measures to address the odor issues with the County and other interested parties. However, open communication is necessary in order for these discussions to be meaningful. To that end, SRC would request that the County and Sunrise Douglas inform SRC of their efforts to address the odor issues related to the rendering plant *before* the parties determine a course of action. Certainly we would resist any proposal to relocate the SRC facility.

We appreciate the Planning Commission's consideration of the concerns raised in this letter.

Very truly yours,



R. Clark Morrison

cc: Ms. Ann Baker  
Ms. Michelle Bach, Esq.  
Ms. Cindy Turner, Clerk of the Board  
Mr. Mike Koewler

JUL 3 2001 6:21PM MORRISON & FOERSTER

NO. 408 P. 2/3

**MORRISON & FOERSTER LLP**

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SAN DIEGO

ATTORNEYS AT LAW

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TOKYO

July 3, 2001

Writer's Direct Contact  
(925) 295-3357  
JLeBoeuf@mfo.com

By Telefacsimile

Ms. Kate Brownfield  
County of Sacramento  
Department of Environmental Review and Assessment  
827 7th Street, Room 220  
Sacramento, CA 95814

Re: Comment on Sunrise Douglas Community Plan/Sun Ridge Specific  
Plan Revised Recirculated Draft Environmental Impact Report  
(SCH # 97022022; Control No. 93-SFB-GPB-CZB-0243  
and 97-SDB-0037)

Dear Ms. Brownfield:

Morrison & Foerster LLP represents Sacramento Rendering Company ("SRC"), the owner of the rendering plant located proximate to and southwest of the proposed Sun Ridge Specific Plan area. We appreciate the opportunity to comment on the potential development project during this public review and comment period. We wish to enter into the administrative record an update regarding an issue raised in earlier environmental analyses prepared for the Sunrise Douglas Community Plan and Sun Ridge Specific Plan ("SDCP/SRSP").

As the County may recall, the SDCP/SRSP Draft EIR (SCH No. 97022055) identified, among other concerns, the possibility for odor to become an issue between the existing SRC facility and potential new land uses proposed within SDCP and SRSP areas. Mitigation Measures LA-3 and AI-4 were included in the Draft EIR to minimize odor impacts. Condition of Approval No. 5 was also identified to address potential odor effects.

As we have stated in the past, SRC wishes to be a good neighbor with existing and potential new surrounding uses. In this regard, this letter is to notify the County that SRC and the SDCP/SRSP project developers have been and are continuing to work

WB-57073

Page 23.159a

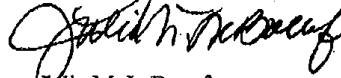
MORRISON & FOERSTER LLP

Ms. Kate Brownfield  
July 3, 2001  
Page Two

towards positive solutions to minimize potential odor incompatibilities. SRC and the project development team have been negotiating an agreement to improve equipment at SRC to minimize, to the extent feasible, the generation of odor emissions which may reach new development if approved in the Sunrise Douglas Community Plan or Sun Ridge Specific Plan areas.

We appreciate the opportunity to enter into the administrative record the progress being made between SRC and the SDCP/SRSP project development team to resolve potential odor issues between the potential adjacent uses.

Respectfully,



Julia M. LeBoeuf  
Land Use Analyst

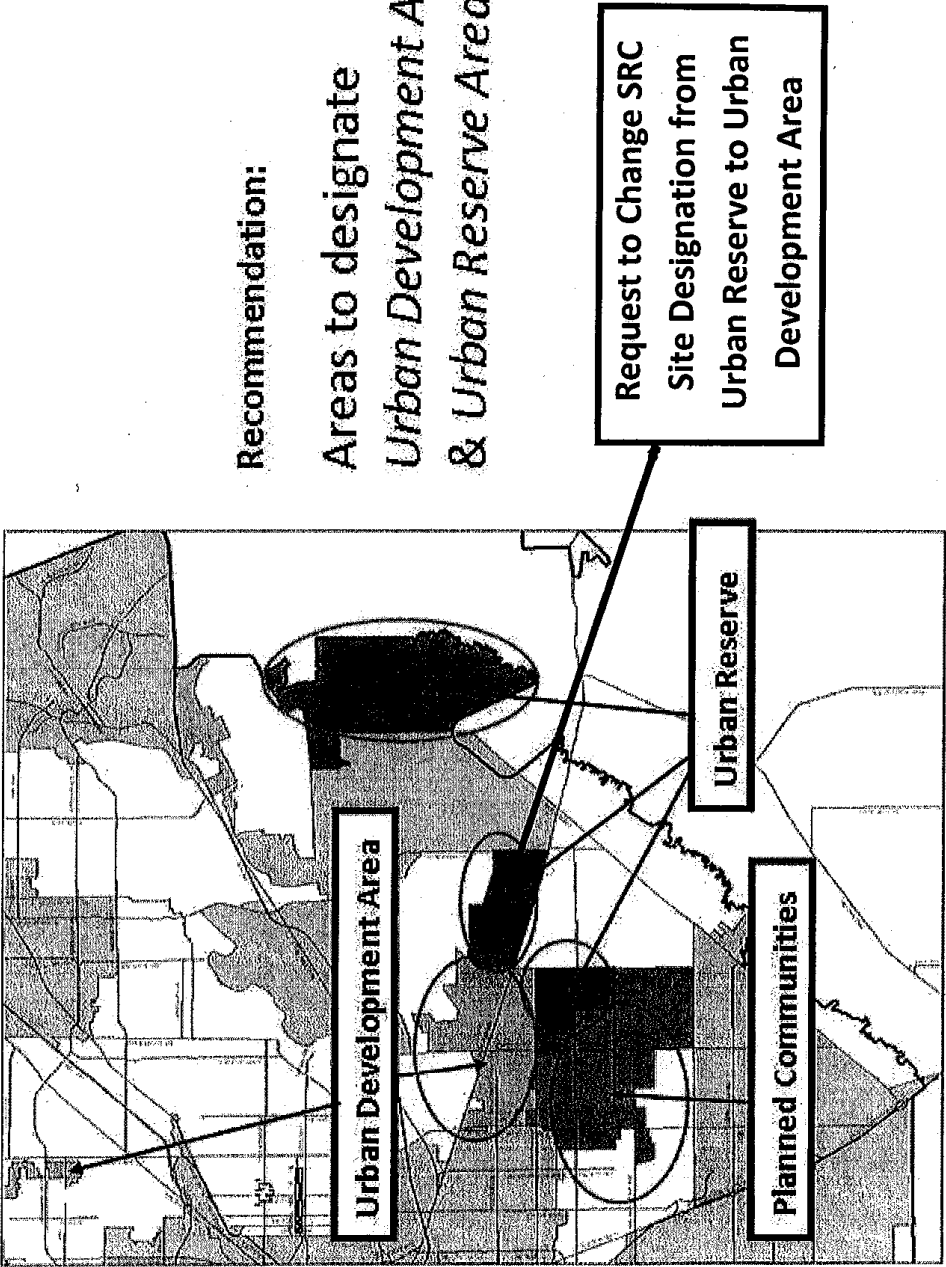
cc: R. Clark Morrison  
Michael Koewler Sr.  
Michael Koewler Jr.

wo-57073

Page 23.159b

**Exhibit E**

**Recommendation:**  
Areas to designate  
*Urban Development Area*  
& *Urban Reserve Areas*

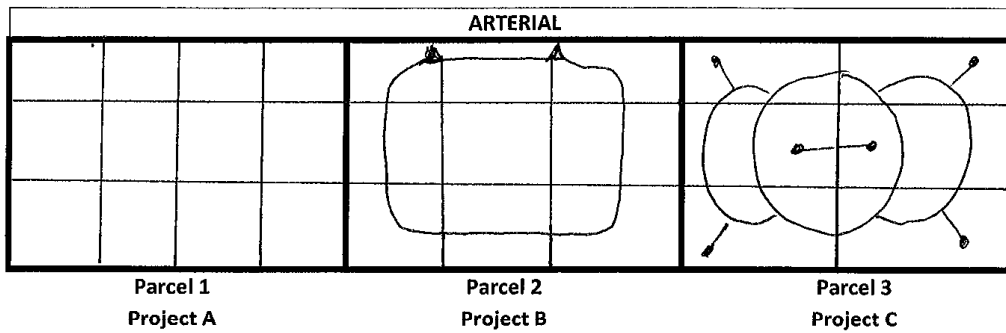


## Exhibit F

### Phasing Illustration

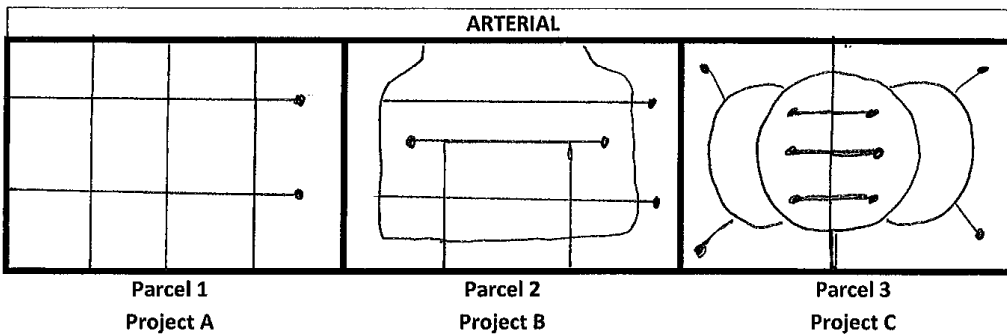
#### Typical Neighborhood Design

- Infrastructure and roadways connect among projects.
- Improved design and connectivity among projects.
- Connections can be made because contiguous projects move forward in parallel.
- Parcel A can risk extending infrastructure and roadways because reimbursements/cost sharing from Parcel B and C are likely in a known timeframe.



#### Potential Neighborhood Design That Could Result from General Plan Update Policies

- Infrastructure and roadways not likely to connect among projects.
- Less attractive design and no connectivity among projects.
- Connections are less likely because contiguous projects won't move forward in parallel.
- Parcel A can not risk extending infrastructure and roadways because reimbursements/cost sharing from Parcel B and C are unlikely in a known timeframe.



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July 13, 2009

Kathilynn Carpenter  
Chair, Sacramento County Planning Commission  
700 H Street, Suite 2450  
Sacramento, CA 95814

Re: Comments on the Sacramento County General Plan Update  
July 13, 2009 Planning Commission Agenda

Dear Chair Carpenter and Commissioners:

On behalf of Barton Ranch, we wish to submit the following comments on the Sacramento County General Plan Update.

The Barton Ranch property comprises approximately 2,980 acres in eastern Sacramento County, located on the east and west sides of Scott Road, approximately 1¼ miles south of White Rock Road, in the Cosumnes community. The Barton Ranch property is currently zoned AG-80 (Agricultural, one dwelling unit per 80 acres) and designated as General Agriculture under the existing General Plan. Barton Ranch is located outside the Urban Services Boundary.

#### Circulation Element

CI-38. Strengthen the scenic corridor provisions of the Zoning Code to require design review of all signs and other structures within the corridor.

Title III, Chapter 35, Article 3 establishes a Special Sign Corridor designation for certain roadways within the County. The purpose of the Special Sign Corridor designation is to establish special standards for signage along designated roadways. Presently, Scott Road from White Rock Road south to Latrobe Road, Michigan Bar Road, and Twin Cities Road from Highway 160 east to Highway 99 are designated as Special Sign Corridors. See Section 335-36 of the Zoning Code.

Kathilynn Carpenter  
July 13, 2009  
Page 2

Neither the existing General Plan Scenic Highways Element or the existing Zoning Code provide use or design restrictions applicable to scenic corridors, apart from the special signage requirements described above. Article 3 presently establishes requirements for signage within Special Sign Corridors and requires Conditional Use Permit approval for certain signs. We do not believe that the requirements applicable to designated "scenic corridors" should be expanded to include design review approval for every proposed sign, as the existing Zoning Code requirements appear sufficient to preserve the scenic views along the designated roadways. We further object to the requirement of design review for all structures within designated "scenic corridors," especially when no criteria is specified for the range of land use and design restrictions that would be required by the County in order to preserve scenic values. If the intent of this Policy to require amendments to the Zoning Code to restrict development density, building height or land uses along designated corridors compared to what is allowed under the base zoning designation, this should be described in the General Plan Update. Finally, we are concerned about the potential of this Policy to trigger the otherwise unnecessary preparation of Environmental Impact Reports for small projects, on the basis of project impacts to a designated Scenic Corridor. See CEQA Guidelines Appendix G, which defines potential impacts to the environment as including "substantial adverse effect on a scenic vista" and "substantially damage scenic resources."

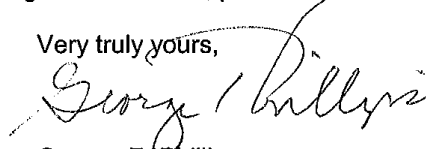
CI-45. Provide scenic corridor protection for Scott Road from White Rock Road south to Latrobe Road, Michigan Bar Road, and Twin Cities Road from Highway 160 east to Highway 99.

As stated above with regard to Policy CI-38, we are concerned about the proposed designation of Scott Road as a scenic corridor, since it is not known what impact such a designation would have on the existing and future use of property along this roadway, including Barton Ranch. As discussed above, Scott Road is already subject to Special Sign Corridor restrictions to preserve scenic values along this roadway.

#### Conclusion

We appreciate the opportunity to provide comments on the General Plan Update, and look forward to further participation in the process as it continues. If you have any questions regarding our comments, please let us know.

Very truly yours,



George E. Phillips



Letter 25

**George E. Phillips, Law Offices of George E. Phillips, on behalf of the Sacramento Rendering Company; written correspondence; July 13, 2009**

**Response 25-1**

Excepting the reference to Mitigation Measure LU-1, this letter consists of comments and recommendations related to the Project, not to the adequacy of the EIR. Mitigation Measure LU-1 has been revised slightly to be more clear. It has been interpreted to mean that there should be sub-phasing plans *within* any Specific Plans or other master planning for the growth areas, and on balance it is easy to understand why the measure has been interpreted this way. The language does appear to suggest that approach. The actual intent of the measure is to require phasing *consisting of* Specific Plans or other master planning, with the first master plans closest to existing urban environments.

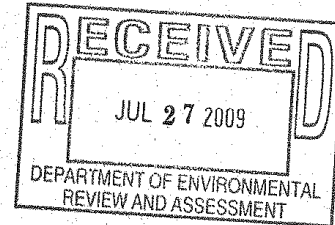
Letter 26

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July 27, 2009

Ms. Joyce Horizumi  
Department of Environmental Review and Assessment  
County of Sacramento  
827 7<sup>th</sup> Street, Suite 220  
Sacramento, CA 95814



Re: Sacramento County General Plan Draft EIR  
Control No. 02-GBP-0105

Dear Ms. Horizumi,

On behalf of our clients the Ose Family, Peter Bollinger and Steve Gidaro, and Jeff Norton thank you for the opportunity to review, and submit these comments on, the Draft Environmental Impact Report ("DEIR") for the Sacramento County General Plan Update ("GPU" or "Project"). Based on our review, we have a number of questions regarding the County's approach to CEQA review for the GPU, which we request be addressed as this project moves forward. Our concerns regarding specific policy provisions of the GPU are addressed in separate letters to be submitted to the County.

For the sake of organization, we have grouped our questions and comments by subject matter, with specific references to the Draft EIR as appropriate.

A. Policy Revisions as "Mitigation"

The Draft EIR identifies a total of 27 separate Mitigation Measures to address project impacts. Of these 27 Mitigation Measures, 22 require the Board to either amend the existing language of policies expressed in the GPU, or to adopt new policies that are not part of the GPU document. This raises several concerns:

1. Project Description Concerns.

We are concerned that the extensive reliance in the Draft EIR upon changes to policy language as "mitigation" has the potential to materially alter the Project Description, with significant consequences to the review process. CEQA

26-1

26-1  
cont'

defines an EIR as primarily “an informational document.” Public Resources Code § 21061. The regulations add that, as such, its main purpose is to “inform public agency decisionmakers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.” CEQA Guidelines § 15121(a).

A clear and comprehensive description of the project being proposed for approval is critical to meaningful public review. A project description that omits integral components of the project can easily result in an EIR that fails to disclose the actual impacts of the project. *Santiago County Water Dist. v. County of Orange*, 118 Cal. App. 3d 818, 829 (1981). Thus, it has been said that “[a]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” *County of Inyo v. City of Los Angeles*, 71 Cal. App. 3d 185, 193 (1977). The adequacy of an EIR’s project description is closely linked to the adequacy of the EIR’s analysis of the project’s environmental effects. If the description is inadequate because it fails to discuss the complete project, the environmental analysis will usually reflect the same mistake.

The Project Description section of the Draft EIR describes the “project” for CEQA purposes as being the adoption of the proposed General Plan, which in turn refers to the General Plan Update document dated April 13, 2009. We are concerned that if the Board were to accept the recommendations of the Draft EIR and adopt the new or revised language to 22 separate policies, the public would end up with a General Plan Update decidedly different from the April 13, 2009 document identified as the “project” under review in the Draft EIR. This situation is not without environmental consequences, which the Draft EIR does not apparently address. Moreover, characterizing these policy changes as “mitigation” does not relieve the County of the obligation to assess associated impacts. See CEQA Guidelines §15126(a)(1)(D)(“ If a mitigation measure would itself create significant environmental impacts, those effects must be discussed in the EIR but in less detail than the significant effects of the proposed project.”)

26-2

To address climate change, the Draft EIR proposes Mitigation Measure CC-2, which requires the addition of the following language as implementation measures to the General Plan Update:

- A. The County shall adopt a first-phase Climate Action Plan, concurrent with approval of the General Plan update, that contains the following elements and policies:
  - a. The County shall complete a GHG emissions inventory every three years to track progress with meeting emission reduction targets.
  - b. The County shall adopt a Green Building Program, which shall be updated a minimum of every 5 years.

26-2  
cont'

- c. The County shall enact a Climate Change Program that includes the following:
  - i. A fee assessed for all new development projects for the purpose of funding the ongoing oversight and maintenance of the Climate Action Plan.
  - ii. Reduction targets that apply to new development.
- d. A section on Targets that discusses the 2020 reduction target.
- B. The County shall adopt a second-phase Climate Action Plan within one year of adoption of the General Plan update that includes economic analysis and detailed programs and performance measures.
- C. The County shall update the Energy Element of the General Plan to include policies related to alternative energy production within the County, which may include a General Plan Land Use Diagram overlay designation reflecting prime or allowable areas for alternative energy production (such as solar or wind farms).

We are concerned that the measures in CC-2 are sufficiently broad-ranging in effect as to justify consideration by the Board at the policy level, not simply in terms of their effectiveness (or lack thereof) as mitigation in the CEQA context. The Draft EIR does not analyze the cost of these measures on future development, or discuss their impact on the implementation of the General Plan. Due to the unspecified nature of most of these measures, it is difficult for us to assess the magnitude of economic and other consequences<sup>1</sup>, but it seems clear that acceptance of these measures will place Sacramento County at a severe economic and competitive disadvantage compared to other jurisdictions without similar burdens. We appreciate the struggle that all local jurisdictions face in trying to achieve the goals of AB 32; however, we believe that the best way to reach these goals is through an open policy discussion. By mandating the identified measures as "mitigation" the Draft EIR does not facilitate this process.

<sup>1</sup> We believe that the unspecified nature and uncertain timing of these measures, as well as extensive reliance on future County action, calls into question the validity of these measures as "mitigation" under CEQA. Lead agencies should avoid vague, incomplete, or untested mitigation measures. A court may find mitigation measures identified in an EIR legally inadequate if they are so undefined that it is impossible to gauge their effectiveness. *San Franciscans for Reasonable Growth v City & County of San Francisco* (1984) 151 CA3d 61 (requirement that fee of undetermined amount be paid for unspecified transit funding mechanism was inadequate mitigation measure). Moreover, mitigation measures should describe the actions that will be taken to reduce or avoid an impact; it is ordinarily inappropriate to defer formulation of a mitigation measure to the future. CEQA Guidelines §15126.4(a)(1)(B). Mitigation measures calling for a mitigation plan to be devised based on future studies are legally inadequate if they do not describe the nature of the actions expected to be incorporated in the plan.

26-3 Another example of where proposed mitigation results in a significant change to the policy language of the General Plan can be found in Mitigation Measure LU-6. This measure would amend draft Policy AG-5 to require a 1:1 mitigation ratio for all types of protected farmland, which would include prime farmland, farmland of statewide importance, farmland of local importance and unique farmland. We observe that Policy AG-5 as proposed requires mitigation land to be “nearby” land impacted for development. By adding the requirement that easements be acquired at a 1:1 ratio for all land classifications, Mitigation Measure LU-6 assures that land within the New Growth Areas will be dedicated toward agricultural preserves rather than development. This would tend to frustrate, rather than promote, the development of the New Growth Areas the General Plan Update identifies. The Draft EIR should analyze the potential of the expanded easement requirements of Mitigation Measure LU-6 to reduce holding capacity for development, and the impacts that will occur when this development is displaced.

26-4 Mitigation Measure PF-1 requires the adoption of an alternative (Park District) version of the Park Facilities portion of the Public Facilities Element, which is entirely different from the April 2009 General Plan Update version that is nominally analyzed as the “project.” The alternative Park District version contains numerous policies related to park services and proposed funding programs not contained in the General Plan Update version. A mitigation measure that requires the wholesale substitution of an entire section of a General Plan Element militates toward a shift in the project description.

## 2. Potential Recirculation Concerns

26-5 As described by the Draft EIR, a number of the proposed amendments to draft policy language identified as Mitigation Measures would reduce the stated severity of identified impacts to less-than significant. These Mitigation Measures include LU-2, LU-3, LU-4, LU-5, PF-1, WS-2, and HY-1. CEQA does not require that a lead agency adopt every mitigation measure recommended by the EIR, and in this case the Board of Supervisors is not compelled to adopt any of the revisions to draft policy language as proposed by the Draft EIR. See CEQA Guidelines §15091.

By characterizing these Mitigation Measures as being capable of reducing an otherwise significant impact to less-than significant, it follows that these impacts would be individually regarded as significant and unavoidable in the event that the Board elects not to adopt the mitigative policy provision in question. This raises the potential requirement for recirculation of the Draft EIR in this circumstance.

Under CEQA Guidelines §15088.5, recirculation of a Draft EIR is required when the EIR is “changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible

26-5  
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project alternative) that the project's proponents have declined to implement." As an example of a situation where recirculation is required, Section 15088.5 includes:

"a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance."

In each instance where the Board may determine not to adopt the recommended mitigation measure language as policy, the impact in question would require re-classification to significant and unavoidable. This would constitute a "substantial increase" in the severity of the impact, compared to the conclusion of the Draft EIR document. Because these changes would occur as the result of Board action taken at the same time as the EIR is certified, this would comprise a situation where the public was deprived of a meaningful opportunity to comment on a substantial adverse environmental effect of the General Plan Update. Recirculation would be required by CEQA Guidelines §15088.5 in this circumstance, because the Draft EIR does not contain discussion or analysis of any alternative mitigation strategies beyond the identified policy revisions.

The extensive use of General Plan Update policy language revisions as "mitigation" creates a difficult choice in the event the Board would disagree with the recommendations of the Draft EIR. In such a case, the Board of Supervisors is forced to either accept the revised policy language in each instance to avoid re-circulation of the Draft EIR, or accept re-circulation as the cost of exercising its discretion on the policy language.

### 3. Effect on Future Legal Findings.

26-6

As stated above, a lead agency such as the Board of Supervisors is not compelled by law to adopt each and every mitigation measure identified by an EIR. However, if and when the Board rejects any of the mitigation measures identified in the Draft EIR for a significant impact it must make specific findings that the rejected measures are "infeasible." *Public Resources Code* §21081(a)(3); *CEQA Guidelines* §15091(a)(3). These findings must show the agency's reasons for rejecting mitigation measures that the EIR recommends. *CEQA Guidelines* §15091(c); *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982), 134 Cal. App.3d 1022. An agency may reject a mitigation measure recommended in an EIR if it finds that it would be infeasible to implement the measure because of "specific economic, legal, social, technological, or other considerations." *Public Resources Code* §21081(a)(3) and *CEQA Guidelines* §§15021(b), 15091(a)(3). "Feasible," as defined in *Public Resources Code* §21061.1, means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors."

26-6  
cont'

For the reasons stated above under the discussion of the measures in question, we believe that a finding of infeasibility by the Board as to each and all of them would be justified. In the event that such findings are made by the Board, the underlying impact would remain significant and unavoidable and would thus require a Statement of Overriding Considerations in order for the General Plan Update to be adopted. See CEQA Guidelines §§15043, 15091-93. Part and parcel of a Statement of Overriding Considerations is the finding that there is no feasible way to lessen or avoid the significant impact. CEQA Guidelines §15043, 15091. As indicated above, there is no attempt in the Draft EIR to analyze whether any other mitigation strategies beyond policy revisions could be applied to reduce the impacts in question. We are concerned that the required finding that "no feasible mitigation" is available would lack evidentiary support, since no other mitigation options have been explored.

B. Traffic and Circulation

As stated on page 9-43 of the Draft EIR, "for impact determination purposes, the Proposed Project is compared to the No Project Alternative, because the No Project is the cumulative condition baseline." Under CEQA, the No Project Alternative is not the equivalent of the environmental baseline, and the two scenarios are not interchangeable.

26-7

The purpose of a no-project alternative is to provide a comparison of the environmental impacts that would result if the project is not approved with those that would occur if the project is approved. CEQA Guidelines §15126.6(e)(1). When a project involves a proposed change to an existing land use plan, regulatory plan, policy, or ongoing operation, a decision to reject the project would leave the existing plan, policy, or operation in place. In such a situation, the no-project alternative should be defined as a continuation of the existing plan, policy, or operation. The EIR's discussion of the no-project alternative compares the projected impacts of the change that would result from approval of the project with the impacts that would occur under the existing plan. CEQA Guidelines §15126.6(e)(3)(A).

A no-project alternative that assesses probable future conditions in this way cannot be treated as the baseline for the EIR's impact analysis. In *Environmental Planning & Info. Council v County of El Dorado* (1982) 131 CA3d 350, the EIR on proposed amendments to a general plan treated development in accordance with the existing plan (the no-project alternative) as the baseline for purposes of its impact analysis. The court held that the EIR should have used existing conditions as the baseline for its impact analysis; it should not have limited the impact analysis to the differences between the existing and proposed plans. Although the new plan called for less growth than the existing plan, the EIR was inadequate because it did not consider the changes to the existing environment that would occur under the proposed plan. Per the CEQA Guidelines, a General Plan EIR must treat the existing plan as the no-project alternative, and the existing environment as the baseline for assessing the impacts of the amendments. CEQA Guidelines §§15125, 15126.6(e)(1).

26-7  
cont'

It is therefore not appropriate for an EIR for a General Plan to compare potential impacts of the proposed plan against the impacts from the *potential* development of the existing General Plan. Instead, the County is required to consider the impacts of the General Plan Update against the existing physical environment. "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published .... *This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.*" (CEQA Guidelines, § 15125, subd. (a) (emphasis added); see also *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, 1278 ("section 15125 of the [CEQA] Guidelines supplies the definition of 'environmental setting' against which environmental impacts are measured...."); *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 119-120 (existing environmental conditions normally represent the environmental baseline against which the project's impacts must be measured).)

In light of these CEQA requirements, we are confused would by the inclusion of the proposed Cordova Hills development as part of the No Project scenario. The Cordova Hills development requires approval of General Plan Amendments and is not within the "envelope" of development anticipated by the 1993 General Plan. Including this project within the environmental baseline would appear to minimize the true magnitude of impacts of the General Plan on traffic and circulation. The development associated with Cordova Hills (8,700 residential units, 2,500 student housing units, 67.8 acres of retail uses, 33.8 acres of mixed use office/retail and a private university) should be removed from the environmental baseline for impact assessment purposes and more appropriately analyzed in the cumulative impact scenario as a reasonably foreseeable project.<sup>2</sup>

#### C. Alternatives Analysis

26-8

Other than the No Project Alternative, the Draft EIR considered only three alternatives to the Proposed Project: a Remove Grant Line East Alternative, a Focused Growth Alternative, and a Mixed Use Alternative. This does not appear to us as a faithful effort to study meaningful alternatives to the Proposed Project, and one that seems short of CEQA requirements.

First, as described above, we believe that by including certain projects in the No Project Alternative that have not received final approval by the County and are not within the 1993 General Plan (e.g. Cordova Hills, Florin Vineyard Gap), the County has overstated the environmental baseline compared to existing conditions and thus minimized impacts. If the No Project Alternative is to represent what CEQA intends, projects that have not received final approval and are not consistent with land use designations and development assumptions in

<sup>2</sup> This error in impact assessment appears in other sections of the Draft EIR as well, including loss of farmland impacts (p. 3-71) and water supply (p. 6-46).



26-8  
cont'

the 1993 General Plan should be removed, and instead considered as part of the cumulative scenario.

26-9

A substantial flaw in any alternatives analysis is the failure to identify and consider a reasonable range of alternatives that reduce project impacts, as CEQA requires. See CEQA Guidelines § 15126.6(c); *Citizens of Goleta Valley*, 52 Cal.3d at 566. Without this analysis, there is no means for the County to evaluate whether it should approve the Project as proposed notwithstanding the significant and unavoidable impacts that the Draft EIR identifies. See CEQA Guidelines § 15126.6(c) ("[t]he range of potential alternatives to the proposed project *shall* include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects") (emphasis added).

We observe that in many cases, the significance of environmental impacts of the General Plan Update are assessed by reference and comparison to "Smart Growth" principles, rather than by reference to adopted thresholds of significance as CEQA prefers. See, e.g. page 3-4 of the Draft EIR, where Smart Growth principles are listed under "Regulatory Setting." This results in analysis and conclusions that is predominantly subjective, rather than the more objective approach that adopted thresholds are intended to promote. The CEQA Guidelines encourage public agencies to develop and publish generally applicable thresholds of significance to be used in determining whether impacts are significant. The Guidelines state that a threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect. See CEQA Guidelines §15064.7(a). The Smart Growth principles identified in the Draft EIR (from the SACOG *Blueprint*) are sound planning principles, but were never intended to serve as micro-level thresholds of significance, or to create a paragon from which any departure would be regarded as a significant impact on the environment on that basis alone. In this regard, the analysis of alternatives is presented more as a Smart Growth beauty contest, instead of a measured assessment of the ability of each alternative to reduce one or more significant impacts of the General Plan Update project while achieving project objectives.

We do not believe that the range of alternatives in the EIR satisfies CEQA requirements. Alternative 1, Remove Grant Line East, simply deletes one of the proposed future New Growth Areas as a means of reducing overall development. Alternative 2, Focused Growth, is described as having identical impacts as Alternative 1, save for impacts to farmland and consistency with Smart Growth principles. See Draft EIR at p. 18-2. Alternative 3, Mixed Use, is a reduced development alternative that limits new growth areas in the County to West of Watt and Easton. As relates to Alternatives 1 and 2 in particular, we believe that the Draft EIR should strive to identify alternatives that would meet the stated objectives of the General Plan, while reducing significant environmental impacts. Since accommodating Blueprint growth assumptions for the County is a key project objective, we submit that the alternatives analysis should have focused

26-9  
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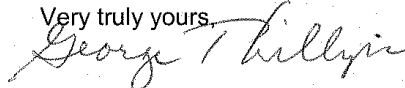
on finding ways to accommodate the same level of growth identified in the General Plan Update in alternative locations.

We believe that an obvious location for study as an Alternative would be the Natomas Joint Vision area. To the extent that Smart Growth criteria are determinative, such as the need to "take advantage of compact building and community design" and "strengthen and direct development toward existing communities." It should be considered that the Joint Vision Area is closer to Downtown Sacramento than the New Growth Areas identified in the General Plan Update. The Joint Vision as an element of a project alternative would reduce vehicle miles travelled, with consequent benefits on air quality and climate change impacts. We recognize that this alternative would increase impacts to prime farmland and habitat (Giant Garter Snake) compared to the alternatives studied.<sup>3</sup> We believe that the comparative environmental benefits of growth within the Joint Vision Area are sufficient to warrant evaluation as a feasible Alternative for the purposes of the Draft EIR.

#### Conclusion

We appreciate the opportunity to provide comments on the Draft EIR, and look forward to further participation in the General Plan Update process as it continues. Please provide us with copies of written responses when completed. If you have any questions regarding our comments, please let us know.

Very truly yours,



George E. Phillips

cc: Doug Ose  
Peter Bollinger  
Paul Bollinger  
Steve Gidaro  
Jeff Norton  
Krista Whitman

<sup>3</sup> As explained in greater detail in our other letters, our base position is that the Natomas Joint Vision area should be included as part of the General Plan Update in addition to the identified New Growth Areas, not in substitution of those areas (or any of them). This would be consistent with recent Board direction to pursue the planning process for urbanization of portions of the Joint Vision area within the planning horizon of the General Plan Update.

## LETTER 26

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**George E. Phillips, Law Offices of George E. Phillips, on behalf of the Ose Family, Peter Bollinger and Steve Gidaro, and Jeff Norton; written correspondence; July 27, 2009**

### **Response 26-1**

CEQA Guidelines Section 15126.4(a)(2) specifically states that when the project under consideration is a plan or policy document, mitigation can be incorporated as policy. It is common for mitigation to result in changes to a project, to some degree (redesigns to preserve trees, for instance). The EIR preparers agree that the mitigation cannot so substantially change the project description as to render it a fundamentally different project – this is in fact the purpose of CEQA Alternatives, not mitigation. However, the EIR preparers disagree that the proposed mitigation alters the Project in such a fundamental way. The Land Use Element alone contains 127 policies. Compared with the number of policies within the General Plan itself, the number of new and modified policies proposed through mitigation is very small.

### **Response 26-2**

Where mitigation would itself result in environmental impacts, the EIR has analyzed these secondary effects. The Climate Change chapter includes an outline of the types of policies to be included in the Climate Action Plan, and their potential secondary impacts. CEQA does not require an analysis of financial impacts – CEQA Guidelines Section 15131 states that economic or social effects shall not be treated as significant effects on the environment. The Draft Climate Action Plan was published on May 12, 2009, subsequent to the release of the EIR and was agendized and heard by the Board of Supervisors. This is a public document, available for review by interested persons. Also, as found in *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1026 – 1030, an EIR may defer formulating specific mitigation if the lead agency commits to a clear performance standard. CC-1 sets this clear performance standard, and CC-2 provides the framework for meeting the standard.

### **Response 26-3**

Policy AG-5 states “*such as easements for agricultural purposes of nearby farmland*” (emphasis added). It does not require that mitigation occur nearby, though it does require that mitigation be within Sacramento County. Therefore, the proposed mitigation does not assure that land within the New Growth Areas will be dedicated to agricultural preserves rather than new development. Also, the mitigation measure would merely establish certainty as to how much mitigation is required – the Draft General Plan policy already requires mitigation be provided for the specified farmland types.

### **Response 26-4**

The EIR preparers disagree that the Park District alternative document changes are so substantial that they constitute a fundamental change of the Project.

**Response 26-5**

As stated by this comment, the EIR has already disclosed that without mitigation the various impacts would be significant – and in fact the Executive Summary makes this very clear by containing columns showing the level of significance before and after mitigation. Thus, the impacts of not adopting a measure have already been disclosed. The EIR would not be adequate if the EIR were recirculated without these reasonable and feasible mitigation measures. The EIR preparers do not have other reasonable and feasible mitigation measures to offer that would be adopted in place of the published measures. Even if that were the case, there are provisions in CEQA that revisions to the document are not required if it can be determined that the replacement measures are equivalent or more effective at mitigating the impact. As a result it is unclear how a recirculated EIR would be different from the published DEIR.

CEQA Guidelines Section 15088.5 is cited in this comment to support the conclusion that recirculation would be required if the Lead Agency declined to adopt measures included in the DEIR, but the full text of the relevant portion of the Guidelines states otherwise. Recirculation is required if: “A feasible project alternative or mitigation measure *considerably different from others previously analyzed* would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it” (emphasis added). As indicated, this applies to new mitigation that was not analyzed and disclosed within the published DEIR that the Lead Agency declines to adopt, not to mitigation published in the EIR that the Lead Agency declines to adopt. It is always the case that a Lead Agency can choose not to adopt mitigation measures recommended within an EIR, regardless of whether they are stated as policy. An EIR need not be recirculated as a result of a Lead Agency exercising its discretion in a manner allowed by the CEQA Guidelines.

**Response 26-6**

Comment noted. This comment has been forwarded to the hearing body for consideration. The adoption of the recommended mitigation as General Plan policy is merely the implementation mechanism. It is not clear how changing the mitigation to use a different implementation mechanism would change the actual mitigation itself in any substantive manner. In terms of the substance of the measures themselves, the EIR preparers do not have any significantly different alternative measures to suggest that could outright replace the measures contained in the EIR.

**Response 26-7**

For a standard traffic analysis there are two scenarios: Project impacts compared to the existing traffic conditions, and Project impacts compared to cumulative No Project conditions. In the case of this proposed Project, there is no reasonable “existing condition” analysis to perform. The vast majority of the proposed development will not occur in the near-term, and it would not be reasonable to attempt to fabricate a scenario where certain portions of the General Plan are assumed to occur within the first few years. Thus, the only scenario included for this analysis is the cumulative 2030 analysis, which should properly be compared to the cumulative scenario baseline, the 2030 No Project condition.

**Response 26-8**

Pursuant to CEQA Guidelines Section 15126.6, the No Project Alternative should consist of the continuation of the existing plan as well as what would be reasonably expected to occur in the foreseeable future. So-called “reasonably foreseeable” projects typically include projects that are approved but not constructed as well as projects that have not been approved but that are in the midst of processing. The Cordova Hills project falls into this latter category, along with projects such as the proposed east County mining projects. Refer to Response 26-9 for a response to the criticism of the range of alternatives.

**Response 26-9**

Consistency with smart growth principles is only one of the many criteria of significance that was used to analyze the proposed Project. Only the Land Use chapter explicitly uses these criteria as a significance criteria, and that same chapter also uses many other measures against which to determine impacts. Smart growth is referenced elsewhere in the EIR as a means to reduce impacts, but is nowhere else used to determine significance. Page 2-9 of the EIR states that the suggested Alternatives were formulated using the method recommended by this comment: to identify alternatives that reduce impacts but that still accommodate Blueprint growth. Where the analysis differs from this comment, is that the comment indicates that the full Project growth should be accommodated in alternative locations, whereas the EIR analysis reduces proposed growth. The reason is that the EIR analysis concludes that the Project contains far more growth than the Blueprint indicates is necessary. As stated in CEQA Guidelines Section 15126.6, “An EIR need not consider every conceivable alternative to a project”. The three primary alternatives offered are each very different from the proposed Project, and meet the requirement to provide a reasonable range.

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Letter 27

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July 9, 2009

Ms. Joyce Horizumi  
 Environmental Coordinator  
 Department of Environmental Review and Assessment  
 County of Sacramento  
 827 7<sup>th</sup> Street, Room 220  
 Sacramento, California 95814

RE: Comments on General Plan Update Draft EIR

Dear Ms. Horizumi:

Our office represents Conwy LLC, the owner and developer of the Cordova Hills Project in eastern Sacramento County. On its behalf, we have reviewed the Draft Environmental Impact Report ("DEIR") for the County General Plan Update Project. As a result of that review, we offer the below comments on the DEIR.

**Overall Comments**

27-1

Consistent No Project Alternative Description. We ask for clarification as to whether the No Project Alternative has been properly evaluated in all chapters of the DEIR with a consistent definition of what constitutes the No Project Alternative for the analysis made in each chapter. The No Project Alternative is defined in the Project Description (DEIR, page 2-9) as buildout of the 1993 General Plan plus buildout of the Easton Area and Cordova Hills Area as reasonably foreseeable development that will provide total growth up to 55,000 dwelling units. While the DEIR states that the Easton Area will provide between 4,000 and 6,000 units (DEIR, page 2-5), it never describes how many units were assumed to be provided by the Cordova Hills Area. Current plans for the Cordova Hills Project have been developed in close cooperation with the County of Sacramento's Planning Department and will provide approximately 7,100 new units. In its preparation of the Transportation and Circulation chapter of the DEIR, the County's consultant, DKS Associates, has confirmed that it assumed the Cordova Hills Project would provide 8,341 new dwelling units, plus 2,500 units of student housing. Consequently, please verify whether the No Project Alternative, including the Cordova Hills Project, will be providing a total holding capacity for up to 55,000 new units or a different number, such as 65,841 units.

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27-2

That leads us to the second problem with the No Project Alternative's description. In some chapters of the DEIR, the No Project Alternative clearly includes the Cordova Hills Project as part of the No Project. In other chapters, as noted in more detail below, it is unclear whether the analysis conducted included the Cordova Hills Project as part of the No Project situation. For this reason, we ask that you carefully reevaluate the DEIR and clarify for each chapter whether the Cordova Hills Project was included as part of the No Project Alternative for purposes of the CEQA analysis.

27-3

Remove Grant Line East Alternative. One of the CEQA alternatives evaluated by the DEIR was the Remove Grant Line East Alternative. As described on Page 2-9 of the DEIR, this Alternative would remove any growth in the Grant Line East area. Thus, it appears that the Remove Grant Line East Alternative would also prohibit any development of the currently pending Cordova Hills Project. Please clarify for us if that is the case under the Remove Grant Line East Alternative. Such a definition of the Remove Grant Line East Alternative seems somewhat incongruous, since the No Project Alternative specifically would include the Cordova Hills Project. It appears that a more accurate definition of the Remove Grant Line East Alternative would be to forego all new growth in the Grant Line East Area, except for the Cordova Hills Project.

#### Project Description – Chapter 2

27-4

The DEIR's description of the New Growth Areas in Chapter 2 of the Project Description is incomplete and does not accurately describe the Cordova Hills Project within the context of the Grant Line East New Growth Area. The Cordova Hills Project is a private application for an expansion of the Urban Policy Area which the County's Board of Supervisor's voted to allow in May 2007. An application was initially submitted on July 1, 2008 for amendment of the existing General Plan and an expansion of the Urban Policy Area ("UPA") for the approximately 2,400 acres within the Cordova Hills Project area. The County Planning Department has been meeting virtually biweekly since then with the proponents of the Cordova Hills Project to craft a specific land use plan for this area, and an environmental consultant has been selected to embark upon preparation of the environmental impact report for this project. Like the Easton Project, the Cordova Hills Project is not being driven by the current General Plan Update, and can proceed independently of it.

As required by CEQA, the DEIR examines a number of CEQA alternatives to the proposed General Plan Update. The description of the "No Project Alternative" states that it includes the future development of the Cordova Hills Project as reasonably foreseeable development under the No Project Alternative. We endorse that description.

Alternative 1 described in the Project Description is called "Remove Grant Line East" (DEIR, page 2-9) Only a very brief and sketchy description is made of the Remove Grant East Alternative. That description is so cryptic that we cannot determine if it also



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includes elimination of the Cordova Hills Project as part of the growth area that would be eliminated under the Remove Grant Line East Alternative. Please clarify whether the DEIR's Remove Grant Line East Alternative includes the Cordova Hills Project area as part of the area where future growth would not be allowed. It is also important to note that the Cordova Hills Project represents approximately thirty percent (30%) of the total gross acreage of the Grant Line East Area.

### Land Use – Chapter 3

27-5

Williamson Act Contracts. The diagram on Page 3-8 of the DEIR's Land Use chapter which depicts the status of Williamson Act contracts in Sacramento County needs to be revised to reflect the fact that the approximately 485 ± parcel owned by Solitu, LLC, in the Cordova Hills Project area (Sacramento County APN 073-0040-024) is a contract nonrenewal parcel under the Williamson Act. The diagram mistakenly shows it as an active Williamson Act contract parcel.

27-6

Adjacent Urban Development. The DEIR stated on pages 3-32 and 3-33 that development of the Grant Line East Area would substantially conflict with smart growth principles because there were no major transportation routes within the area and because there was no adjacent urban development from which to phase outward. The DEIR has completely neglected to mention or discuss the planned Capitol South East Connector. At least one of the alignments for the Connector has the potential to turn Grant Line Road into a major six lane roadway. Please see the enclosed Project Map for the Capital Southeast Connector Alignment, as well as the enclosed copy of the County's own diagram of the "Conceptual Grant Line East Vision." Both of those documents show Grant Line Road as a six lane expressway. In addition, the DEIR improperly characterizes the existing urban growth in Rancho Cordova which borders Grant Line Road as undeveloped open space. The Sunrise Douglas Community Plan area and the Sunridge Specific Plan area in Rancho Cordova contain significant growth, with approved subdivision maps and existing houses. This area of Rancho Cordova has urban land use entitlements and is adjacent to the Grant Line East Area. In light of these facts, it is misleading and inaccurate for the DEIR to state that the neighboring land in the City of Rancho Cordova is undeveloped open space. It might not all be built out, but it is not open space from the land use perspective. It has been approved, mapped and zoned for urban development, with approved financing and infrastructure plans in place. Thus, it is not correct for the DEIR to state that there is no adjacent urban land to phase outward from in the Grant Line East Area, and to then conclude that Grant Line East conflicts with the SACOG Blueprint's smart growth principles. Such a conclusion is simply unsupported by the facts.

27-7

Vehicle Trips/Commute. On Page 3-44, the DEIR states "because of the size and locations of the growth areas [in the Jackson Highway and Grant Line East Areas] there are likely to be long vehicle trips involved for work commutes. This circumstance will



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be a detriment to air quality, and a commensurate detriment to respiratory function." A similar statement is made on Page 3-73 in the fourth paragraph. The DEIR has once again failed to take into account the situation in the Rancho Cordova area, which has a severe jobs housing imbalance of approximately 3 to 1, with too many jobs. Some 40,000 commuters drive into and out of the Rancho Cordova-Highway 50 corridor area every day from areas further out than the Cordova Hills Project and Grant Line East Area due to Rancho Cordova's 3 to 1 jobs to housing imbalance. Moreover, the Grant Line East Area has the most nearly perfect jobs housing balance of any of the New Growth Areas in the entire General Plan Update. This is demonstrated in the Transportation and Circulation chapter of the DEIR at Page 9-22 which states that the Grant Line East Area will provide 14,629 dwelling units and 15,197 jobs. In actuality, given its immediate proximity to Rancho Cordova and its own inherent jobs housing balance, the Grant Line East Area is the *least* likely of any of the New Growth Areas identified in the General Plan Update to cause any of the undesirable long commutes and air quality impacts the DEIR speculates about on Page 3-44. The DEIR's conclusion that the Grant Line East Area's residents will have the long commutes described on Page 3-44 and Page 3-69 is simply not supported by any evidence or analysis whatsoever. Moreover, it is extremely important to note that the new university being proposed for the Cordova Hills Project will require 90% of its undergraduate students to reside on campus, a fact not mentioned in the DEIR's analysis. The new university at Cordova Hills will not be a "commuter campus" with many long commutes in single-occupancy vehicle.

27-8

Farmland. We take issue with the unsupported conclusion on Page 3-51 of the DEIR that the Grant Line East Area will have significant impacts caused by the loss of Unique Farmland and Farmland of Local Importance. Plate LA-5 on Page 3-55 shows all of the Grant Line East area as grazing land, and none as Unique Farmland or Farmland of Local Importance. Moreover, the Grant Line East area contains no farmlands with prime soils. Consequently, the DEIR's conclusion on Page 3-51 is unsupported by any evidence and is contradicted by information shown on the DEIR's own Plate LA-5. Table LA-10 on Page 3-71 states that Cordova Hills has 8 acres of Unique Farmland. Attached is a letter dated July 9, 2009 from Mr. Craig Hiatt of Ecorp Consulting Inc. who analyzed the Unique Farmland issue at the Cordova Hills Project in the Grant Line East Area. Mr. Hiatt found that the area of Cordova Hills being characterized as Unique Farmland in the DEIR is actually an area of dead tree stumps from a grove of Tasmanian Blue gum trees (*Eucalyptus globulus*) that was cut down in 2007. Such trees are considered an invasive species by the California Invasive Plant Council. Consequently, we ask that you revise the DEIR at Page 3-51 to note that there is no Unique Farmland at the Cordova Hills Project site within the Grant Line East Area.

The DEIR's Table LA-8 (at Page 3-4) also shows that there would be a greater unmitigated loss of prime farmlands and farmland of statewide importance from additional development in the infill and planned communities areas than there would be in the Grant Line East Area, a fact which the DEIR neglects to mention. According to

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Table LA-8, future growth at the infill and planned communities would result in the loss of 3,333 acres of prime farmland, unique farmland, farmland of statewide important and farmland of local importance. Development of the Grant Line East Area, however, would only result in the loss of 717 acres of farmland of local importance, the lowest category of agricultural land. Consequently, a close examination of Table LA-6 and Table LA-8 of the DEIR shows that the Grant Line East Area has the lowest impact on prime farmlands and farmlands of statewide importance when compared to any of the other future growth areas, including the infill and planned communities.

Table LA-10 on Page 3-71 of the DEIR also is inconsistent with Plate LA-6 (at Page 3-55). Table LA-10 shows 8 acres of Unique Farmland at Cordova Hills, while Plate LA-6 correctly shows that there is no Unique Farmland in the Grant Line East Area, let alone the Cordova Hills Project. This mistake in the DEIR needs to be corrected, along with its conclusions about the loss of farmland in the Grant Line East Area.

27-9

Proximity to Development. Page 3-73 also further restates the earlier misconception of the DEIR that development in the Grant Line East Area would result in long commutes because it is the area "farthest from the existing urban environment." As noted previously, the Grant Line East Area is within five miles of the jobs rich Rancho Cordova-Highway 50 corridor. Moreover, Grant Line East is immediately adjacent to the areas in the City of Rancho Cordova that have been designated and developed with urban uses, including approved subdivision maps and housing in the Sunridge Specific Plan area and Sunrise Douglas Community Plan area. Consequently, there is no factual support for the conclusion in the DEIR that removal of the Grant Line East Area as an area for urban growth would stimulate more dense development within the Jackson Highway Corridor. It is just as likely that the Grant Line East Area might be brought into and developed as part of the City of Rancho Cordova, which has already given the area urban land use designations under its general plan. (See enclosed "Conceptual Land Plan of the East Planning Area" from the Rancho Cordova 2006 General Plan.) As a result, please state what studies were performed to support the DEIR's conclusion that removing the Grant Line East Area would displace development to the Jackson Highway Corridor.

#### Sewer Services – Chapter 5

27-10

Please see the enclosed letter from Holger Fuerst, P.E., of MacKay & Soms, dated June 5, 2009, which comments on the DEIR's treatment of impacts on sewer services. The contents of that letter are hereby incorporated by reference.

No Project Alternative. We ask that you clarify whether the Cordova Hills Project was included as part of the No Project Alternative for purposes of determining the No Project Alternative's environmental impacts in Chapter 5 pertaining to Sewer Services. It appears to us that Chapter 5 on Sewer Services did not include the Cordova Hills Project as part of the development scenario under the DEIR's No Project

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Alternative. The description of the No Project Alternative on Page 5-20 fails to mention that the Cordova Hills Project would be part of the No Project Alternative. Instead the DEIR's discussion on Page 5-20 implies that the No Project Alternative only includes the "Planned Communities" and infill areas.

27-11

Sewer Impacts from Grant Line East. The sewer impacts of the Grant Line East area appear to be overstated in Chapter 5. Table SE-3 estimates the acreage of the Grant Line East Area that would be producing effluent as 8,000 acres. While that is the approximate overall size of the Grant Line East Area, not all of it will be producing effluent. A significant part of the Grant Line East Area, between 500 and 1,500 acres, would be put into habitat preserves by the South Sacramento Habitat Conservation Plan, and therefore would not produce any effluent needing treatment at the Sacramento Regional Water Treatment Plant. Thus, the DEIR has significantly overestimated the gallons of effluent that would be produced by the Grant Line East Area and overstated its impact on the Sacramento Regional Wastewater Treatment Plant.

27-12

Treatment Plant Capacity. Capacity in the Sacramento Regional Wastewater Treatment Plant is unclear in the DEIR. For many pages it states the plant's existing capacity is 181 mgd and on Page 5-17 states that there is capacity available to accommodate the General Plan Update's wastewater flows, so the General Plan Update has a less than significant impact. However, on page 5-18, the DEIR then states that the proposed General Plan Update would increase existing flows to 192.9 mgd, which exceeds the treatment plant's current permitted capacity. Please explain that discrepancy.

#### Water Supply – Chapter 6

27-13

Cordova Hills as part of No Project Alternative. As a continuing comment, it is unclear whether the DEIR considered the Cordova Hills Project's water demands as part of the No Project Alternative for purposes of its analysis of water supply impacts. In addition, please clarify whether Table WS-27 on Pages 6-26 and 6-27 includes the water needs of the Cordova Hills Project as part of the No Project Alternative's water needs.

27-14

Growth Area Water Demand. Enclosed is a letter dated June 5, 2010 from MacKay & Soms commenting on the DEIR's analysis of water supply issues. That letter questions the assumptions made in the water supply demand analysis made for the New Growth Areas. On Page 6-24 the DEIR stated that the year 2030 water demand was estimated by adding a factor of 1.23 AF/AC/Yr to the buildout scenarios discussed. However, there is never any explanation of what those buildout scenarios were. The DEIR simply states that the 1.23 factor "accounts for the additional land uses expected." Please explain what additional land uses were used in deriving that factor. It is impossible to know if the factor used by the DEIR for its analysis was based upon the SACOG Blueprint's 2050 high densities or the Blueprint's 2050 base case scenario's low densities, or something entirely different. In addition, it is impossible to tell if the



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calculation of estimated water demand by the DEIR took into account the open space habitat preserves that will be located in the New Growth Areas, which will have the effect of reducing the demand for water. Similarly, it is impossible to tell whether the DEIR took into account the reduction in water demand from the Governor's 20x2022 water conservation plan, which will require local agencies to implement water conservation measures which go beyond the 25% water conservation goal of the Urban Water Management Plan.

27-15

Cordova Hills Recharge Capability. In the Cordova Hills Project Area, there are some soils types which due to the underlying hardpan layer have a negligible groundwater recharge capability. Specifically, the central drainage corridor the DEIR identified as an area of high groundwater capability has been determined to be an area which has virtually no groundwater recharge capability. Please see the enclosed letters from Dr. Bill Christner, Fluvial Geomorphologist, of Ecorp Consulting Inc. dated June 4, 2009 and from Kurt Balasek, Director of Environmental, of Wallace-Kuhl & Associates, Inc. dated June 15, 2009 which confirm that the soils at the Cordova Hills Project, and the central drainage corridor in particular, have virtually no groundwater recharge capability. Thus, new development in such an area would not have any impact on groundwater recharge capability, let alone a significant impact. Consequently, we believe the conclusions reached at Pages 6-58 and 6-75 of the DEIR that development in the Cordova Hills Project Area and Grant Line East Area will have a significant impact on groundwater recharge capability are unsupported by any substantial evidence. Contrary to the text in the DEIR, Plate WS-7 on Page 6-61 shows that the vast majority of the Grant Line East Area has no recharge capability whatsoever. Most of the area is shown as having neither low, medium or high recharge capability. As a further point of clarification, the area shown on Plate WS-7 of the DEIR as an area of high groundwater recharge capability at the center of the Cordova Hills Project is not a creek. It is considered an intermittent drainage by the U.S. Army Corps of Engineers in an approved wetlands delineation. (See enclosed copy of approved delineation dated March 6, 2009). In light of the study performed by Ecorp Consulting, whose conclusion was confirmed by Wallace-Kuhl & Associates, the DEIR should be revised to state that development of the Cordova Hills Project will not have any adverse impacts on groundwater recharge in the Central Groundwater Basin.

We also fail to see how the DEIR can reach the conclusion that the Jackson Highway Corridor would have a less than significant impact on groundwater recharge capability when an opposite conclusion was reached about the Grant Line East Area. If the same General Plan Update policies CO-20, CO-21 and CO-27 are applied to the Grant Line East area, it should also have a less than significant impact. The Grant Line East Area does not have a large number of exhausted gravel mining sites like the Jackson Highway Corridor does, so the Jackson Highway Corridor may have an even higher groundwater recharge potential than Grant Line East.

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27-15 **Mitigation Measure WS-2.** Refinement is needed to Mitigation Measure WS-2 that proposes adding a new policy to the General Plan Update concerning water supply plans for the Jackson Highway Corridor and Grant Line East New Growth Areas that will demonstrate they will not cause the sustainable yield of the Central Groundwater Basin to be exceeded. We suggest that Mitigation Measure WS-2 be revised to provide as follows:

“Prior to approving any tentative maps for new development in the Jackson Highway Corridor and Grant Line East New Growth Areas, a water supply verification pursuant to Government Code Section 66473.7 shall be obtained from the Zone 40 Water Agency.”

**Hydrology and Water Quality – Chapter 7**

27-17 **Stormwater Drainage.** Attached hereto is a letter dated June 5, 2010 from Holger Fuerst, PE, of MacKay & Soms commenting on the DEIR’s analysis of stormwater drainage issues. At page 7-25, the DEIR states that it is not clear what detention would be required at the Cordova Hills Project to control stormwater peak flows and volumes. Such a statement is not correct. As noted in the letter, existing County drainage and flood control ordinances are very clear and specific as to what mitigation must be provided by new development.

27-18 **Flood Area.** Page 7-45 states that roughly 18% of the Grant Line East New Growth Area is constrained by flood hazards. The DEIR should clarify that this area with the flood constraints is only the area currently being mined in the north for aggregate resources. The flood constraints discussion does not pertain to the Cordova Hills project area whatsoever.

**Biological Resources – Chapter 8**

Please see the enclosed letter from Craig Hiatt of Ecorp Consulting Inc., dated May 27, 2009, which comments on the DEIR’s treatment of impacts to Biological Resources. The contents of that letter are hereby incorporated by reference.

27-19 **Species Extirpation.** Some of the species accounts in the DEIR for the Grant Line East New Growth Area, as well as for other New Growth Areas, automatically conclude that extirpation of a species’ local population will be the end result of new development. This conclusion is reached without any citation to authority or to any field studies that show the species is actually known to be present and inhabiting the area in question. For example, on Page 8-45 the DEIR states that the American Badger will be extirpated in the Grant Line East Area, although there are no documented sightings or studies which show that the American badger is even present in the Grant Line East Area. It is not accurate to assume that just because there are sightings of the American Badger within 2.5 miles of the perimeter of the Grant Line East Area, that the badger is present and inhabiting the

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- 27-19 cont' Grant Line East Area. (Such logic is tantamount to saying that because Swainson's hawks have been seen foraging within 2.5 miles of Chavez Park in downtown Sacramento, then Chavez Park must be presumed to be Swainson's hawk foraging habitat.) The DEIR reaches similar conclusions about local extirpation for the loggerhead shrike, northern harrier, Swainson's hawk and Sanford's arrowhead, although there are no documented sightings and no CNDDDB listed occurrences for those species in the Grant Line East Area.
- Extirpation, although possible in some cases, is not a foregone conclusion for every local population of a species, and the DEIR's language should be revised to allow for other, less dire outcomes. Local extirpation of populations should not be the automatic conclusion for all species for which impacts are significant and unavoidable. At the Cordova Hills Project, hundreds of acres of land with vernal pools will likely be preserved, together with the species of vernal pool invertebrates that are found in those pools. The species accounts in the DEIR should be revised and the conclusion that all local populations will be extirpated removed.
- 27-20 CNDDDB Records. Many of the species accounts in the DEIR state that the species is found in the New Growth Areas, or outside the area, but within a certain number of miles of the New Growth Areas according to CNDDDB records. Please provide the CNDDDB element occurrence numbers in cases where the species in question has been documented to occur on site in each area.
- 27-21 Ringtail and Cooper's Hawk. There is no discussion in the DEIR (pages 8-45 to 8-48) of whether the Grant Line East Area will have any impacts on the Ringtail and the Cooper's Hawk. Please clarify whether this is an oversight or if it was determined that these species were not present in the Grant Line East Area.
- 27-22 Vernal Pools. Page 8-47 of the DEIR states that the Grant Line East Area has 2,090 acres of vernal pool complexes, without any citation to authority or description of how the DEIR reached that conclusion. In addition to being unsupported, the statement that the Grant Line East area contains 2,090 acres of vernal pool complexes appears inconsistent with Plate BR-5 on Page 8-36 of the DEIR which shows 135 acres of vernal pools in the Grant Line East Area. The DEIR should explain the distinction between vernal pools and vernal pool complexes so the readers of the DEIR are not misled into thinking that they are equivalent. Please explain whether Plate BR-5 means that there are 135 acres with vernal pools on them, or if the "wetted" acres of vernal pools equals 135.
- 27-23 Habitat Loss Significance. Inconsistent conclusions seem to be reached in several instances within the DEIR's species accounts when it examines the loss of habitat. For instance, on Page 8-45 the DEIR finds that the loss of loggerhead shrike nesting and foraging habitat in the Grant Line East Area will lead to the local extirpation of the species and be a significant and unavoidable impact. However, in the case of the Folsom



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Boulevard Commercial Corridor, the loss of good quality foraging habitat is found to contribute to cumulative impacts associated with the decline of the loggerhead shrike, but that impact is found to be a less than significant impact if mitigation is imposed requiring preconstruction surveys for active nests and avoidance if they are found (DEIR at page 8-57). Please explain why the same mitigation measure could not be implemented in the Grant Line East Area to similarly reduce the impacts to loggerhead shrike to a less than significant level.

27-24

Inconsistent Mitigation. A somewhat similar inconsistency is found with regard to the Easton Area's impacts on biological resources. The Easton Area had impacts to many of the same species as the Grant Line East Area, such as vernal pool invertebrates, northwestern pond turtle, nesting raptors including Swainson's hawks, and special-status songbirds. The DEIR (at Page 8-53) even notes that the Easton Area's final environmental impact report (that was similarly prepared by the Sacramento County Dept of Environmental Review and Assessment) determined that impacts to the species in question could be mitigated to a less than significant level by way of various mitigation measures. Please explain why similar mitigation measures could not be employed in the Grant Line East Area (as well as the other New Growth Areas) to reduce significant impacts on the same biological resources to a less than significant level.

27-25

Habitat "Conserved." Table BR-1 on Page 8-82 of the DEIR is entitled "Habitat Conserved by Focused Growth Alternative (in acres)" and purports to show the acres of various habitat types in the Grant Line East and "Jackson East of Excelsior" growth areas that would not be developed if the County adopted the "Focused Growth Alternative" proposed in the DEIR. It is not accurate to describe land in this table as "habitat conserved." No habitat would be conserved by the Focused Growth Alternative. That Alternative would simply *temporarily avoid* any impacts to the habitat types in those growth areas; it would not "conserve" those habitats in the legal sense of a conservation easement or open space easement. Avoidance and conservation are two different concepts, and the DEIR needs to observe the distinction between them when it comes to biological resources. Those new growth areas are all within the USB, so they are contemplated for future development, not preservation.

A similar situation is also found in Table BR-2 of the DEIR on Page 8-85 which is entitled "Habitat Conserved by Mixed Use Alternative (in acres)." That table purports to reflect the number of acres of various habitat types that would be "conserved" in the Grant Line East and Jackson Highway New Growth Areas if the County adopts the "Mixed Use Alternative" proposed in the DEIR, instead of adopting the General Plan Update. The Mixed Use Alternative would not "conserve" any habitat types in those other areas; it would simply avoid any immediate impacts to them. They are all within the USB.

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**Transportation and Circulation – Chapter 9**

Please see the enclosed letter from Richard Dowling, Ph.D., P.E., of Dowling Associates, Inc., dated July 8, 2009, which comments on the DEIR's Transportation and Circulation analysis. The contents of that letter are hereby incorporated by reference.

- 27-26 **No Project Description.** Once again, we are concerned that the DEIR may not be using a consistent description of what constitutes the "No Project Alternative" throughout the entire environmental document. The DEIR originally describes the No Project Alternative as being the buildout under the 1993 General Plan, plus the Cordova Hills Project and Easton Project. On page 9-22 of the DEIR, the No Project Alternative in the Transportation and Circulation chapter is described as only being the 1993 General Plan and Cordova Hills Project, with no mention made of the Easton Project. Please clarify what was included within the No Project Alternative for purposes of the traffic analysis and impact modeling used in the DEIR's Transportation and Circulation chapter.
- 27-27 **Bus Rapid Transit.** Page 9-24 of the DEIR states bus rapid transit ("BRT") is included in the Project and all cumulative alternatives, other than the No Project Alternative. However, the DEIR is subsequently inconsistent with that statement on Page 9-37, where it states that no BRT or light rail is planned to serve the Grant Line East Area.
- 27-28 **Transit Mode Share.** A conclusion is reached on Page 9-37 of the DEIR that the Grant Line East Area would have the lowest accessibility to transit of any of the New Growth Areas. That conclusion seems to be based on the assumption that transit service would be limited to feeder line bus transit, and not on geographic location and uses proposed in the Grant Line East Area. As part of the Grant Line East Area, the Cordova Hills Project will include an 186-acre mixed-use Town Center and 224-acre University of Sacramento campus adjacent to Grant Line Road. If high quality transit service were expanded to this area, a moderate rate of transit usage could be expected given the proximity of employment centers in Rancho Cordova and the proximity to Regional Transit's Light Rail Gold Line stations at Sunrise Boulevard and Hazel Avenue. The Grant Line East Area is part of the General Plan Update Project. Please clarify whether the analysis of Transportation and Circulation impacts for the General Plan Update Project did or did not assume BRT services to the Grant Line East Area.
- 27-29 **Grant Line Road Level of Service ("LOS").** Plate TC-6 of the DEIR (at Page 9-46) shows Grant Line Road to be at LOS "F" with the General Plan Update Project. Please explain the analysis used by the DEIR to reach that conclusion and the assumptions that were made. It would appear that according to page 41 of Appendix D of the DEIR, Grant Line Road south of Douglas Boulevard is expected to carry 74,200 ADT under the General Plan Update. That roadway segment is nonetheless assumed by the DEIR to be a high access control six-lane arterial with a capacity of only 60,000 ADT.



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Since the expected volume of 74,200 ADT exceeds that assumed 60,000 ADT capacity, the DEIR concluded that the roadway segment was projected to operate at LOS F. However, it appears that the DEIR's analysis failed to take into consideration the City of Rancho Cordova's General Plan for this same segment of Grant Line Road. Rancho Cordova assumed that this segment of Grant Line Road would be widened to a six-lane expressway by 2030 with a capacity of 81,000 ADT. (Please see enclosed copy of Page 4.5-7 of the Draft Environmental Impact Report for the City of Rancho Cordova General Plan, March 2006, as well as the enclosed copy of the Rancho Cordova General Plan diagram entitled "Roadway System and Sizing" adopted June 26, 2006.) The Circulation Element of the Rancho Cordova General Plan also assumes grade-separated intersections on Grant Line Road at Douglas Road and White Rock Road. Thus, the majority of Grant Line Road between White Rock Road and Kiefer Boulevard was envisioned as an uninterrupted flow expressway. Consequently, these roadway facilities should have a greater capacity than the 60,000 ADT used in the DEIR's Appendix D analysis. This type of expressway road facility is known to have a greater capacity than 60,000 ADT; the Florida Department of Transportation has even calculated a capacity of 105,000 ADT for a six-lane divided uninterrupted highway for planning purposes. (See <http://www.pbis-eis.com/pdf/Draft-EIS-Documents/Appendix%201.pdf>)

27-30

Grant Line East Arterials. We did not find any description in the DEIR of the internal arterial roadways that are assumed to be constructed within the Grant Line East Area for analysis purposes. Plate TC-6 does not show any new roadways in this area whatsoever. The Grant Line East Area will be designed with a series of north-south arterial roadways that will enable travel between adjacent properties without using Grant Line Road. Such arterials have been shown in both the County's own "Conceptual Grant Line East Vision" diagram, as well in the City of Rancho Cordova General Plan's "Roadway System and Sizing" diagram and "Transit System Map" adopted June 26, 2006. Please see the enclosed copies of those diagrams.

27-31

Reconsideration of Grant Line Road Impacts. In light of the foregoing considerations, the DEIR should reconsider the traffic impacts of the General Plan Update Project on Grant Line Road based on the following:

- (1) If Grant Line Road were designed and evaluated as an expressway, it would have adequate capacity to accommodate the project traffic flows.
- (2) The DEIR's traffic modeling should consider and disclose the planned internal north-south parallel roads within the Grant Line East Area that will serve local trips.
- (3) Consideration needs to be given for a grade-separated intersection at Grant Line Road and Douglas Road. This will be a very heavily travelled and important intersection in the east area of Sacramento County.
- (4) The impacts on Grant Line Road in light of the Capitol South East Corridor Project.

Ms. Joyce Horizumi  
 Department of Environmental Review and Assessment  
 July 9, 2009

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- 27-32 **No Project Alternative – Transit Impact.** On Page 9-62, the first paragraph of the discussion of transit impacts states that the No Project Alternative would not involve any growth within new planning areas. The Cordova Hills Project is situated within the larger area identified in the DEIR as the Grant Line East New Growth Area. It is our understanding that the No Project Alternative includes the development of the Cordova Hills Project area. Please clarify whether the Cordova Hills Project area's potential 8,341 new residential units and 2,500 units of university student housing were taken into account when the DEIR's chapter on Transportation and Circulation examined the transit impacts of the No Project Alternative. At least some portions of the Transportation chapter's analysis used those assumptions for their analysis, but it is unclear whether the No Project Alternative analysis did so. If the Cordova Hills Project was not taken into account, then the DEIR needs to be corrected.
- 27-33 **SACOG Blueprint – Grant Line East Area.** A serious misstatement of fact is found on Page 9-103 of the DEIR concerning the land uses for the Grant Line East Area described in the SACOG Blueprint. The DEIR states that the Grant Line East Area will consist of open space and vacant urban land under the Blueprint. In point of fact, the SACOG Blueprint actually shows the Grant Line East Area as a mixture of single family small lot and large lot residential, medium density mixed residential, high density mixed residential, vacant urban land, and open space. All uses, except for the vacant urban land, were assumed by SACOG's Blueprint to occur by 2050. (See enclosed copy of the Blueprint's "Scenario Map – Rancho Cordova, Sacramento County")
- 27-34 **Rancho Cordova Development.** Please explain how the DEIR could reach the conclusion that the Grant Line East Area is the most remote growth area from current urban uses (at Page 9-103), when it is approximately one mile from existing homes and infrastructure in the City of Rancho Cordova. The Sunrise Douglas Community Plan area, which is situated on the west side of Grant Line Road, is anticipated to result in 22,503 dwelling units, 479 acres of supporting commercial and mixed uses, 177 acres of parkland, and 148 acres of elementary, middle and high school uses. Within the Sunrise Douglas Community Plan area is the smaller Sunridge Specific Plan area. All projects within the Sunridge Specific Plan area were to receive city approvals prior to the adoption of Rancho Cordova's General Plan in 2006 (See Pages 4.1-19, 4.1-20 and 4.1-52 of the Draft Environmental Impact Report for the City of Rancho Cordova General Plan, March 2006.) This demonstrates that the DEIR has consistently failed to recognize the current baseline environmental conditions in this part of the County by completely ignoring the existing and planned development in the City of Rancho Cordova and by continually referring to the Grant Line East Area as remote from urban areas and leap-frog development. Please explain the factual basis for the DEIR's conclusion, given the current urban uses in Rancho Cordova that are adjacent to the Grant Line East Area.

Ms. Joyce Horizumi  
 Department of Environmental Review and Assessment  
 July 9, 2009

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#### Noise – Chapter 10

- 27-35 **Project Alternative Description.** It appears that for purposes of the noise analysis conducted for Chapter 10 concerning noise impacts of the General Plan Update, the DEIR did not consider the development of the Cordova Hills project area as part of the No Project Alternative. See page 10-25 where the DEIR states: “[u]nder the No Project Alternative, the only growth would consist of buildout of existing areas designated for urban uses that are undeveloped or underdeveloped.” Please explain whether this failure to include the Cordova Hills Project area as part of the No Project Alternative would alter any of the conclusions in the DEIR concerning noise impacts.

#### Climate Change – Chapter 12

- 27-36 **Grant Line East – Climate Change Impacts.** The discussion of climate change impacts related to the Grant Line East Area found at page 12-42 contains a number of inaccuracies. The DEIR once again states that the Grant Line East Area is leapfrog and sprawl development, completely ignoring the adjacent current urban development in the City of Rancho Cordova. Moreover, the DEIR speculates that allocating more land than is necessary for future development may result in lower housing densities elsewhere, which would in turn result in higher vehicle miles traveled, without citation to any study, analysis or authority to support that conclusion.

- 27-37 **SACOG Blueprint and Climate Change.** Page 12-42 of the DEIR also misstates that the SACOG Blueprint shows eventual growth in the Grant Line East Area, but not until 2050. The SACOG Blueprint actually assumes that the Grant Line East Area will be developed with a mix of single family small lot and large lot residential, medium density residential, high density mixed residential, vacant urban land and open space *prior to 2050*, not after 2050. The SACOG Blueprint Scenario is a way for the Sacramento region to grow *through* 2050, not after 2050. (See enclosed copies from the SACOG Blueprint describing the Preferred Blueprint Scenario.) That is a significant difference to an understanding of the SACOG Blueprint. Due to this fundamental misunderstanding in the DEIR as to what was represented and contained in the SACOG Blueprint, we ask that the DEIR’s environmental analysis be corrected and revised to reflect an accurate understanding of the SACOG Blueprint as it relates to the General Plan Update.

#### Summary of Impacts and Their Disposition - Chapter 17

- 27-38 **Land Use Plan Conflict with Smart Growth Principles.** In its summary at page 17-1, the DEIR once again completely disregards the existing and future planned urban development in the City of Rancho Cordova that is adjacent to the Grant Line East Area. By ignoring existing urban development in Rancho Cordova, the DEIR then mistakenly concludes that the Grant Line East Area is remote from any urbanized area, and therefore



Ms. Joyce Horizumi  
 Department of Environmental Review and Assessment  
 July 9, 2009

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27-38  
 cont'

inconsistent with smart growth principles. In 2006, the City of Rancho Cordova reached an opposite conclusion about its general plan which designated the same Grant Line East Area for urban development. Rancho Cordova's Draft environmental impact report for its general plan stated:

"The proposed [Rancho Cordova] General Plan has been designed to be generally consistent with SACOG's Blueprint Plan design principles. This includes increasing compact land use patterns, a mix of residential densities, mixed-use projects, transportation choices, a variety of housing choices and density, encouraging infill, quality design, and natural resource conservation." (Page 4.1-47, Draft Environmental Impact Report, Rancho Cordova General Plan, March 2006.)

In light of the above, we find the DEIR to be mistaken in its assumptions as to the current conditions and the existence of urban development in the east Sacramento County area.

27-39

Water Supply – Groundwater Recharge. Groundwater recharge potential in the Grant Line East Area has been greatly overstated by the DEIR and inaccurately described at Page 17-2. Based upon the analysis performed by Ecorp described above, the intermittent drainage feature at the Cordova Hills Project in the middle of the Grant Line East Area has a negligible recharge potential, not a high groundwater recharge potential. Another area is designated with a low recharge capability near the northern end of Grant Line East. There are no areas whatsoever that have a medium groundwater recharge potential. More importantly, the vast majority of the Grant Line East area has no recharge designation whatsoever according to Plate WS-7 on page 6-61 of the DEIR. For the DEIR to conclude that development of the Grant Line East Area would have significant and unavoidable adverse impacts on groundwater recharge is simply not accurate.

#### Summary of CEQA Alternatives – Chapter 18

27-40

Alternative 1: Remove Grant Line East. Once again, please clarify in the DEIR's summary of the CEQA alternatives (Pages 18-1 to 18-2) whether the "Remove Grant Line East" Alternative does or does not include the future development of the Cordova Hills Project which the Board of Supervisors has approved for processing as a future development within an amended UPA. Planning for the Cordova Hills Project was underway for approximately a year before the DEIR was released. To suggest that the Remove Grant Line Alternative means that no development will take place at the Cordova Hills Project is somewhat incongruous.

27-41

Water Supply – No Project. Once again, we believe the DEIR has incorrectly stated the groundwater recharge capability of the Cordova Hills Project Area on Page 18-11 and the resulting impacts from developing that project. The vast majority of the Cordova Hills Project is not in an area of high groundwater recharge capability, and the

Ms. Joyce Horizumi  
 Department of Environmental Review and Assessment  
 July 9, 2009

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27-41  
 cont'

intermittent drainage feature found in the center of the project area will be avoided, as will the creek system on the eastern boundary of the project area. Moreover, the study by Ecorp Consulting determined that the intermittent drainage feature has no recharge capability. Consequently, it is a misstatement for the DEIR to suggest that the Cordova Hills Project will have significant and unavoidable impacts on groundwater recharge.

27-42

Noise – No Project. Page 18-25 contains a description of the No Project Alternative which describes it as the buildout of existing areas designated for urban uses that are undeveloped or underdeveloped. That description does not appear to include the Cordova Hills Project as part of the No Project Alternative.

27-43

Climate Change – Remove Grant Line East. Page 18-29 again reflects the DEIR's misunderstanding of the SACOG Blueprint. The Blueprint shows growth *through* 2050, not growth that would not occur until the year 2050 as misstated in the DEIR. It is incorrect for the DEIR to state that "though the Blueprint does show eventual growth within the Grant Line East area, it is not shown until the year 2050."

#### Conclusion

27-44

Thank you for the opportunity to provide our comments on the DEIR. As noted in more detail above, we believe the DEIR has deficiencies due to its failure to adequately discuss, let alone mention, the Capitol South East Connector Project and the Connector's relationship to the General Plan Update's New Growth Areas and the future County transportation system. In addition, the DEIR needs to acknowledge the existing urban development in the City of Rancho Cordova which is adjacent to the Cordova Hills Project and Grant Line East Area, which demonstrates that the future development of these areas will not be "leapfrog development" remote from any other urban land uses. It is a serious oversight for the DEIR to completely ignore existing and planned future growth in Rancho Cordova when evaluating the General Plan Update's New Growth Areas. Rancho Cordova has designated those areas for future urban development since 2006, and even acknowledged in its General Plan's Draft EIR that such land use designations were inconsistent with Sacramento County's General Plan and would be a significant and unavoidable impact of the City's General Plan. (See the enclosed Pages 4.1-47 to 4.1-50 and 4.1-55 to 4.1-56 of the Draft Environmental Impact Report for the Rancho Cordova General Plan, March 2006.) Moreover, we are concerned that the DEIR has misunderstood the SACOG Blueprint for the growth estimated to occur by the year 2050. The DEIR has consistently misinterpreted the Blueprint as showing growth areas where SACOG would not have any growth take place until after 2050, when the Blueprint was indicating the footprint of growth through the year 2050. We also find that some chapters of the DEIR inconsistently defined the extent of development under the

Ms. Joyce Horizumi  
Department of Environmental Review and Assessment  
July 9, 2009

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27-44  
cont'

No Project Alternative and did not clearly describe what development would be allowed under the Remove Grant Line East Alternative. As a result of all these deficiencies and flaws, the analysis in the DEIR is inconsistent and incomplete, and the DEIR needs to be corrected.

Very truly yours,

LAW OFFICES OF  
GREGORY D. THATCH



MICHAEL DEVEREAUX

MD/kr  
D6998.doc  
Encls.

cc w/enc: Conwy, LLC

List of Enclosures

1. Capital SE Connector Alignments
2. Conceptual Grant Line East Vision (Sacramento County)
3. July 9, 2009 letter from Ecorp Consulting Inc.
4. Conceptual Land Use Plan for East Planning Area (City of Rancho Cordova)
5. June 5, 2009 letter from MacKay & Soms
6. June 4, 2009 letter from Ecorp Consulting Inc.
7. June 15, 2009 letter from Wallace Kuhl & Associates Inc.
8. March 6, 2009 letter from U.S. Army Corps of Engineers
9. May 27, 2009 letter from Ecorp Consulting Inc.
10. July 8, 2009 letter from Dowling Associates Inc.
11. Page 4.5-7 of Draft EIR for Rancho Cordova General Plan
12. Roadway System and Sizing Diagram and Transit System Map, Rancho Cordova General Plan
13. SACOG 2050 Blueprint Scenario Map – Rancho Cordova
14. Page 4.1-19 of Draft EIR for Rancho Cordova General Plan
15. Page 4.1-12 of Draft EIR for Rancho Cordova General Plan
16. Page 4.1-52 of Draft EIR for Rancho Cordova General Plan
17. SACOG 2050 Blueprint Scenario description (2 pages)
18. Pages 4.1-47 to 4.1-50 of Draft EIR for Rancho Cordova General Plan
19. Pages 4.1-55 to 4.1-56 of Draft EIR for Rancho Cordova General Plan





connectorjpa

About JPA

Calendar

Public Participation

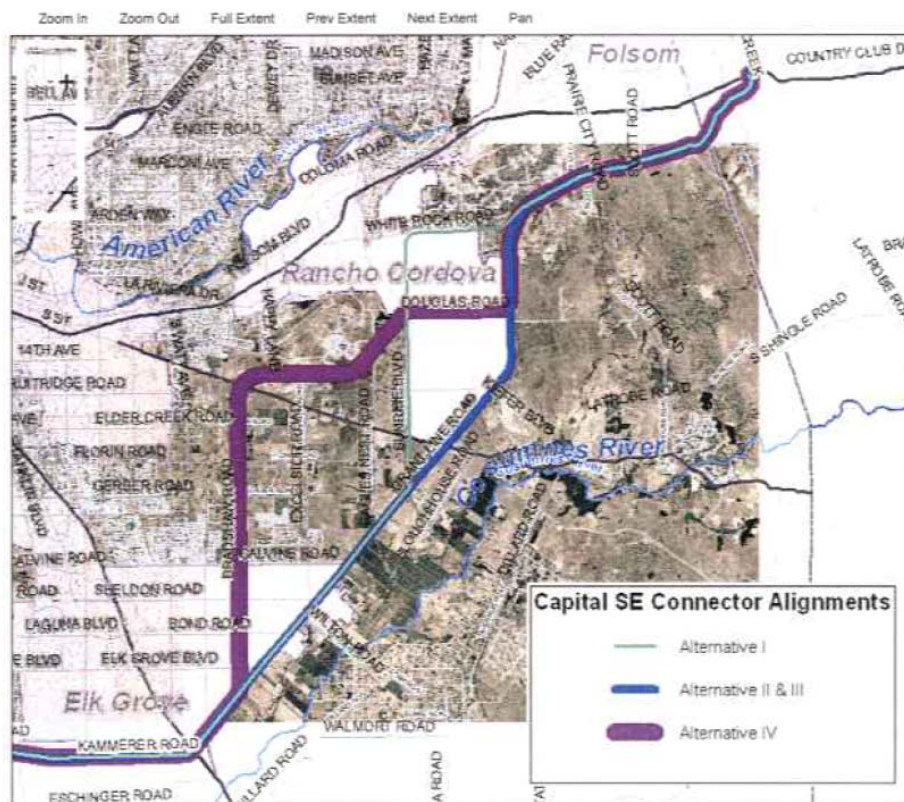
Environmental Process

Contact JPA

Project Status

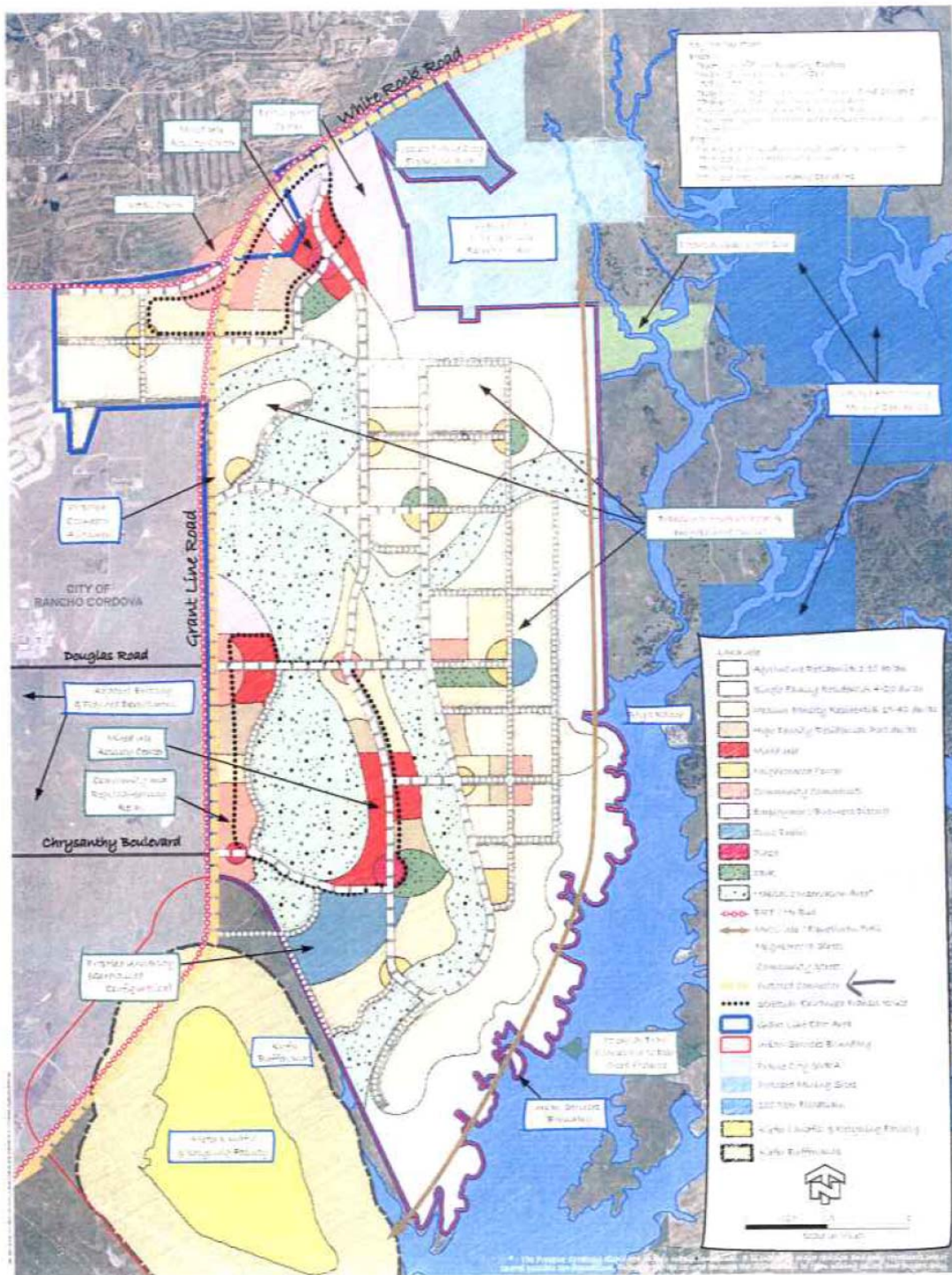
## Project Map

Use the toolbar below to move around the map. Zoom In will show an aerial view of the map.



The full legal name of the Capital SouthEast Connector Authority is the "Elk Grove - Rancho Cordova - El Dorado Connector Authority." The Authority has been known as the Capital SouthEast Connector Authority since August 22, 2008.





### Conceptual Grant Line East Vision



ECORP Consulting, Inc.  
ENVIRONMENTAL CONSULTANTS

9 July 2009

Mr. Mark Hanson  
Conwy, LLC  
5241 Arnold Ave  
McClellan, CA 95652

**Re: County of Sacramento General Plan Update**

Dear Mr. Hanson:

ECORP Consulting, Inc. (ECORP) has completed a review of the County of Sacramento General Plan Open Space and Agricultural Elements, dated 13 April 2009.

While the documents are not project-specific, several items relative to the proposed Cordova Hills project merit discussion. Figure 1 – Agricultural Lands located on page 8 of the Agricultural Elements document designates a portion of the Cordova Hills property as "unique farmland." Based upon review of this exhibit and ECORP's knowledge of the project area, this area corresponds to a former approximately 8-acre stand of Tasmanian blue gum trees (*Eucalyptus globulus*). *Eucalyptus* sp. are a non-native, invasive species native to Western Australia. This stand of trees was planted in the 1980s and may have been intended for firewood production. This stand of trees was removed from the Cordova Hills site in 2007 due to fire concern. This species is listed by the California Invasive Plant Council (CAL-IPC) as having "moderate" impact, invasiveness and distribution (<http://www.cal-ipc.org/ip/inventory/weedlist.php?key>). Contrary to the above-referenced figure, the Agriculture Component exhibit on page 7 of the Open Space Element document does not list this area as anything other than grazing land.

ECORP recommends that this designation be removed from the property as *Eucalyptus* sp. are not considered a "cash crop" nor are the soils in this area of unique importance. No special-status species are known to exclusively use these trees for habitat.

We trust that the above comments adequately address any project-related impacts to the proposed Cordova Hills project. Should you have further questions, please feel free to contact me directly at (916) 390-4970 or [chiatt@ecorpconsulting.com](mailto:chiatt@ecorpconsulting.com).

Sincerely,

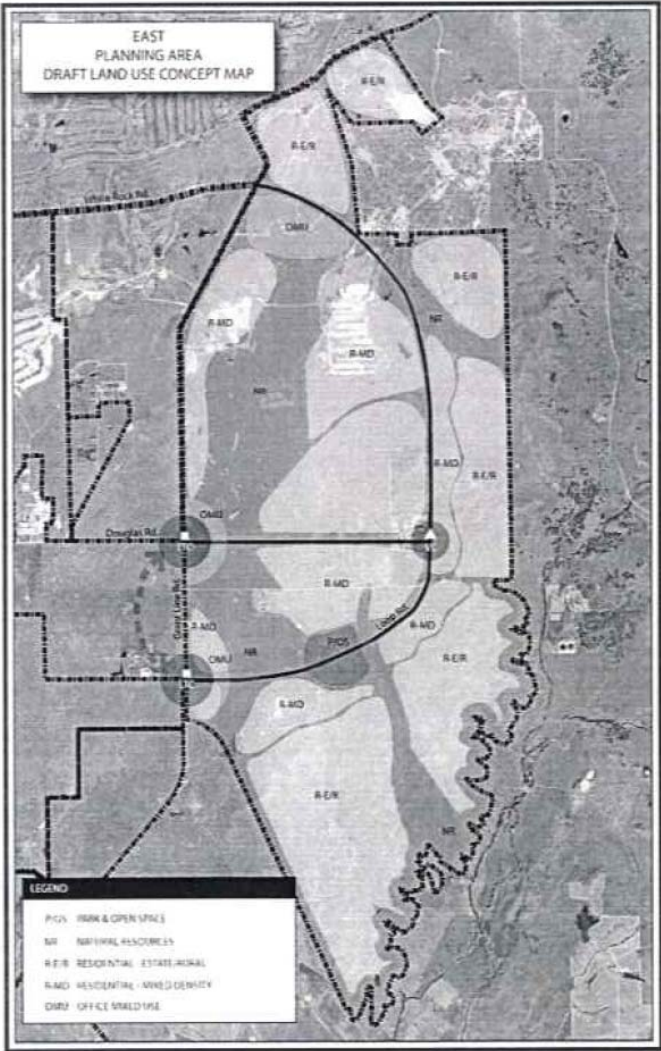
Craig W. Hiatt  
Senior Project Manager  
ECORP Consulting, Inc.

2525 Warren Drive • Rocklin, CA 95677 • Tel: (916) 782-9100 • Fax: (916) 782-9134 • Web: [www.ecorpconsulting.com](http://www.ecorpconsulting.com)

II LAND USE



FIGURE LU-12  
CONCEPTUAL LAND PLAN FOR  
THE EAST PLANNING AREA







June 5, 2009

7968-10

Mr. Mark Hanson  
Conwy, LLC  
c/o SBM Site Services  
5241 Arnold Avenue  
McClellan, CA 95652

RE: GP UPDATE DEIR – Comments on Infrastructure Chapters

Dear Mark,

On behalf of Cordova Hills, MacKay & Somps has reviewed Chapter 5 – Sewer Service, Chapter 6 – Water Supply, and Chapter 7 – Hydrology and Water Quality of the Draft Environmental Impact Report for the County of Sacramento General Plan Update. We would like the County to consider the following comments.

In its discussion of available capacity on existing sewer lines to serve new development in commercial corridors and infill areas on page 5-13, the DEIR only addresses a lack of capacity of the sewer lines serving the aforementioned corridors and infill areas, yet fails to address potential displacement of already designated growth and associated sewer capacity within effected regional sewer shed areas. The trunk and interceptor sewer master plans of SASD and SRCSD, respectively, identify numerous capacity deficiencies that already exist within the existing regional sewer system without the additional burdens new growth in commercial corridors and infill areas would potentially place on said system. Rather than downplaying such potential impacts as less than significant, requiring only "a small sewer study ... in many cases", the DEIR should consider evaluating the impact of such additional growth on the existing regional sewer infrastructure and existing planned growth within the associated regional sewer sheds.

On page 6-24 the DEIR states that "For each of the new growth areas located within Zone 40, year 2030 water demand was estimated by adding a factor of 1.23 AF/Ac/Yr to the buildout scenarios discussed.... to account for the additional land uses expected within these new growth areas". While we do not argue that the new growth areas will likely contain higher net densities per developable acre than existing suburban development within Zone 40, we would ask that at the same token some credence be given not only to areas within the new growth areas targeted for preservation via the SSHCP, but that consistent with the Governor's 20x2020 water conservation plan, additional credence be given to emerging water conservation measures beyond the 25% addressed in the existing Urban Water Management Plan.

In its discussion about areas of moderate and high groundwater recharge potential, on page 6-58 the DEIR discusses proposed policies CO-20 and CO-21, prohibiting urban development in such

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OFFICES: PLEASANTON ROSEVILLE SACRAMENTO

Mr. Mark Hanson  
June 2, 2009  
Page 2 of 2

areas of potential moderate or high groundwater recharge and requiring urban developments within a quarter mile of such recharge areas to "supply hydrologic data that demonstrates that there would not be any negative impact to recharge capability before the rezone application can be considered complete". It goes on to state that implementation of these policies would cause the impacts of development in the Jackson Highway Corridor on groundwater recharge potential to be less than significant. Conversely, for the Grant Line East New Growth Area, the DEIR projects that the loss of areas of LOW groundwater recharge capability alone is causing a significant and unavoidable impact, even though the DEIR also projects that the areas mapped for HIGH recharge potential are likely to be preserved. This "logic" appears inconsistent and is furthermore based on some conjecture of future land use in an area that has to date not expressed any sign or interest to develop within the horizon of the proposed General Plan.

We would also ask that CO-21 be clarified to clearly define (and limit) its scope. The way it is currently proposed, it would seem wide open to interpretation as to the impacts of runoff infiltration, in addition to being redundant to emerging standards related to urban runoff water quality treatment requirements associated with the County's pending MS4 permit.

On page 7-25 the DEIR mentions that County DWR is not certain to what extent the peak flow and volume [increases due to development within the central drainage corridor of Cordova Hills] should be offset through detention. We ask that this be clarified, given that existing County drainage and flood control ordinances are very clear and specific as to development mitigation requirements. We also believe that emerging hydromodification mitigation standards that will be the subject of the pending HMP of the Sacramento Stormwater Quality Partnership need to be carefully considered in this context, as they may very well be in direct conflict with this statement in the DEIR and existing County drainage ordinances.

Lastly, on page 7-45 the DEIR states that at least 18% of the Grant Line East area is constrained by flood hazards. Subsequent Table HY-6 then identifies the area as that area proposed for surface mining. We thus ask that the text preceding the table be amended to very clearly state that the flood hazards identified within the Grant Line East area are only related to the surface mining areas and nothing else.

Sincerely,  
**MacKay & Somp Civil Engineers, Inc.**



Holger Fuerst, PE

Cc: Greg Thatch, Attorney at Law



ECORP Consulting, Inc.  
ENVIRONMENTAL CONSULTANTS

4 June 2009

Mark Hansen  
SBM Real Estate  
5241 Arnold Avenue  
McClellan, California 95652

**RE: Ground Water Recharge Capabilities of Central Drainage Corridor on the Cordova Hills Project Site**

Dear Mr. Hansen:

Per your request, I have reviewed chapter 6 (Water Supply) of the Sacramento County Draft General Plan EIR, specifically the portion designating the central drainage corridor (CDC) on the Cordova Hills site as a "high groundwater recharge zone." It is my professional opinion this area is not a "high" groundwater recharge zone" to the Central Groundwater basin for the following reasons.

1. Soils in the CDC are very shallow, ranging from 7 – 22 inches in depth over a restrictive layer. Saturated hydraulic conductivities ( $K_{sat}$ ) for these soils range from 4.2 to 11.3 (mm/s). The combination of shallow soils and low hydraulic conductivities diminish the soils' ability to transmit water, and therefore diminishes their ability to recharge groundwater.
2. Soils in the CDC are dominated by Group D of the Hydrologic Soils Group as classified by the USDA-NRCS. Hydrologic Soils Groups are based on a soil's estimated runoff potential. Soils are grouped into one of four categories (A – D). Soils in Hydrologic Soil Group D are described as having very slow infiltration rates and slow rate of water transmission.

2005-217 WRG/LTR\_Mark Hansen\_Jun\_09\_

2525 Warren Drive • Rocklin, CA 95677 • Tel: (916) 782-9100 • Fax: (916) 782-9134 • Web: www.ecorpconsulting.com

3. The slope though the CDC is relatively steep which compounds the soil's ability to infiltrate and transmit water. Because of the steep slopes water has a greater tendency to runoff than infiltrate.
4. Lack of residence time. Water needs time to percolate into the soil and through the vadose zone to reach, and recharge, groundwater aquifers. ECORP monitored the stormwater runoff through the CDC from a 2008 storm with a rainfall intensity of 1.8 – 1.9 (in/hr). Our results indicate very little, if any, precipitation infiltrated the soil. The discharge measured at the downstream end of the CDC indicates the precipitation that fell on the project site ended up as streamflow, not groundwater recharge.

The physical characteristics of the soils in the CDC, as outlined above, all severely limit the ability of the area to act as a groundwater recharge area for the Central Groundwater Basin of Sacramento County. Additionally, since the proposed Cordova Hills development will preserve the CDC, and the CDC is the area mapped by the County as having groundwater recharge characteristics, the proposed Cordova Hills development will not adversely impact the groundwater recharge of the Central Groundwater Basin.

Sincerely,



Bill Christner, Ph.D.  
Fluvial Geomorphologist

2005-217 WRG/LTR\_Mark Hansen\_Jun\_09\_



June 15, 2009

Mr. Mark Hanson  
SBM Real Estate  
5241 Arnold Avenue  
McClellan, California 95652

*Groundwater Recharge Opinion Letter Follow-up*


**CORDOVA HILLS**  
Sacramento, California  
WKA No. 6431.02

As a follow-up to my May 29, 2009 Groundwater Recharge Opinion letter, I have reviewed both the October 3, 2008 *draft Alternative Analysis of the Hydrologic Impacts for Proposed Cordova Hills Development* report and the June 4, 2009 *Ground Water Recharge* letter both prepared by ECORP Consulting Inc. The report and letter state that ECORP monitored the stormwater runoff through the central drainage corridor (CDC) from a 2008 storm event. The ECORP letter reported that observations indicated very little, if any, precipitation infiltrated the soil. The letter concluded by stating that "the physical characteristics of the soils in the CDC, (as outlined above) all severely limit the ability of the area to act as a groundwater recharge area for the Central Groundwater Basin of Sacramento County.

Based on the above ECORP report, the Wallace-Kuhl & Associates observations of soil characteristics during exploratory geotechnical trenching and review of the descriptions of soil mapped and published in the April 1993 U.S. Department of Agriculture, Soil Conservation Service (SCS) *Soil Survey of Sacramento County, California* I concur with the conclusions stated in the ECORP letter of June 4, 2009.

If you have any questions or need additional information, please contact me at (916) 372-1434.

Wallace-Kuhl & Associates, Inc.

  
Kurt Balasek  
Director of Environmental



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REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO CA 95814-2922

March 6, 2009

Regulatory Division (SPK-2004-00116)

Mr. Craig Hiatt  
ECORP Consulting, Inc.  
2525 Warren Drive  
Rocklin, California 95677

Dear Mr. Hiatt:

We are responding to your request, on behalf of Cordova Hills Partners, for a Pre-Rapanos, approved jurisdictional determination (JD) for the Conwy portion of the Cordova Hills Project site. This approximately 1932-acre site is located in Sections 14, 15, 23 and 24, Township 8 North, Range 7 East, and Sections 18, Township 8 North, Range 8 East, MDBM, Latitude 38.547179, Longitude -121.162841, Sacramento County, California.

Based on available information, we concur with the estimate of waters of the United States, as depicted on ECORPS' February 9, 2009, revised *Cordova Hills Wetland Delineation* drawing. Approximately 68.44 acres of waters of the United States, including vernal pools and other wetlands, are present within the survey area. These waters are regulated under Section 404 of the Clean Water Act since they are tributary and/or adjacent to tributaries to Deer and Laguna Creeks which are tributary to the Cosumnes and Sacramento Rivers which are navigable waters of the United States.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331.

A Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form is enclosed. If you request to appeal this determination you must submit a completed RFA form to the South Pacific Division Office at the following address: Administrative Appeal Review Officer, Army Corps of Engineers, South Pacific Division, CESPDPDS-O, 1455 Market Street, San Francisco, California 94103-1399, Telephone: 415-503-6574, FAX: 415-503-6646.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the NAP. Should you decide to submit an RFA form, it must be received at the above address by 60 days from the date of this letter. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

-2-

You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

This determination has been conducted to identify the limits of Corps of Engineers' Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

We appreciate your feedback. At your earliest convenience, please complete our customer survey at [http://www.spk.usace.army.mil/customer\\_survey.html](http://www.spk.usace.army.mil/customer_survey.html). Your passcode is "conigliaro".

Please refer to identification number SPK-2004-00116 in any correspondence concerning this project. If you have any questions, please contact me at our Division, email [michael.c.finan@usace.army.mil](mailto:michael.c.finan@usace.army.mil), or telephone 916 557 5324. You may also use our website: [www.spk.usace.army.mil/regulatory.html](http://www.spk.usace.army.mil/regulatory.html).

Sincerely,

Mike Finan  
Project Manager/Wetland Specialist  
Regulatory Division

Enclosures

Copy Furnished without enclosures:

✓ Mr. Mark Hansen, Cordova Hills Partners, 5241 Arnold Avenue, McClellan, California 95652  
Mr. William Marshall, Central Valley Regional Water Quality Control Board, 11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114  
Mr. Ken Sanchez, U.S. Fish and Wildlife Service, Endangered Species Division, 2800 Cottage Way, W-2605, Sacramento, California 95825  
Mr. Paul Jones, U.S. Environmental Protection Agency, Region IX, Wetlands Regulatory Office, (WTR-8), 75 Hawthorne Street, San Francisco, California 94105

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL		
Applicant:	File No.: SPK-200400116	Date: March 6, 2009
Attached is:	See Section below	
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E
<p><b>SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <a href="http://www.usace.army.mil/inet/functions/cw/cecwo/reg">http://www.usace.army.mil/inet/functions/cw/cecwo/reg</a> or Corps regulations at 33 CFR Part 331.</b></p>		
<p><b>A: INITIAL PROFFERED PERMIT:</b> You may accept or object to the permit.</p> <ul style="list-style-type: none"> <li><b>ACCEPT:</b> If you received a Standard Permit, you may sign the permit document and return it to the DISTRICT engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.</li> <li><b>OBJECT:</b> If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the DISTRICT engineer. Your objections must be received by the DISTRICT engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the DISTRICT engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the DISTRICT engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.</li> </ul>		
<p><b>B: PROFFERED PERMIT:</b> You may accept or appeal the permit</p> <ul style="list-style-type: none"> <li><b>ACCEPT:</b> If you received a Standard Permit, you may sign the permit document and return it to the DISTRICT engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.</li> <li><b>APPEAL:</b> If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the DIVISION (not district) engineer (address on reverse). This form must be received by the DIVISION engineer within 60 days of the date of this notice.</li> </ul>		
<p><b>C: PERMIT DENIAL:</b> You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the DIVISION (not district) engineer (address on reverse). This form must be received by the DIVISION (not district) engineer within 60 days of the date of this notice.</p>		
<p><b>D: APPROVED JURISDICTIONAL DETERMINATION:</b> You may accept or appeal the approved JD or provide new information.</p> <ul style="list-style-type: none"> <li><b>ACCEPT:</b> You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.</li> <li><b>APPEAL:</b> If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the DIVISION (not district) engineer (address on reverse). This form must be received by the DIVISION engineer within 60 days of the date of this notice. Exception: JD appeals based on new information must be submitted to the DISTRICT engineer within 60 days of the date of this notice.</li> </ul>		
<p><b>E: PRELIMINARY JURISDICTIONAL DETERMINATION:</b> You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.</p>		



<b>SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT</b>		
<b>REASONS FOR APPEAL OR OBJECTIONS:</b> (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)		
<b>ADDITIONAL INFORMATION:</b> The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.		
<b>POINT OF CONTACT FOR QUESTIONS OR INFORMATION:</b>		
If you have questions regarding this decision and/or the appeal process you may contact: <b>DISTRICT ENGINEER</b> Sacramento District, Corps of Engineers Attn: Mike Finan, Project Manager, Regulatory Division 1325 J Street, Room 1480, Sacramento, CA 95814-2922 916 557 5324, FAX-6877 (Use this address for submittals to the <b>DISTRICT ENGINEER</b> )	If you only have questions regarding the appeal process you may also contact: <b>DIVISION ENGINEER</b> Army Engineer Division, South Pacific, CESPD-CM-O Attn: Tom Cavanaugh, Administrative Appeal Review Officer, Army Corps of Engineers, CESPD-PDS-O, 1455 Market Street, San Francisco, CA 94103-1399 (415-503-6574, FAX 415-503-6646) (Use this address for submittals to the <b>DIVISION ENGINEER</b> )	
<b>RIGHT OF ENTRY:</b> Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.		
_____ Signature of appellant or agent.	Date: _____	Telephone number: _____





ECORP Consulting, Inc.  
ENVIRONMENTAL CONSULTANTS

May 27, 2009

Mr. Mark Hanson  
SBM, Project Manager  
Cordova Hills Partners  
5241 Arnold Avenue  
McClellan, CA 95652

Re: Biological Review of Sacramento County General Plan Update

Dear Mr. Hanson;

As per your request, ECORP Consulting, Inc. has read and reviewed the biology section of the Sacramento County General Plan Update. ECORP biologists reviewed Chapter 8 Biological Resources for accuracy and with an eye toward implications for the Cordova Hills development project. The following bullet list summarizes notes and caveats made during the review.

- Biological: throughout- Comment: accepted convention is to refer to species' Latin name at first reference of a species in a document. Do a search and insertion for every referenced species.
- Biological: throughout- Comment: reference to agencies is lacking in formality ("Fish and Wildlife" for USFWS, "Fish and Game" for CDFG, and "Army Corps" for ACOE). Use full acronym or entire, formal title of agency.
- Biological: throughout- Comment: double check species common names and correct all: western spadefoot (not toad), California tiger salamander, California red-legged frog (pg 8-22)
- pg. 8-2- Sentence: "The species that inhabit..." Comment: include reptiles and amphibians in lists of potential wildlife
- pg. 8-2- Sentence: "The species that inhabit..." Comment: revise to read: "Cropland provides habitat values, typically for foraging *raptors and songbirds*."
- pg. 8-17-Covered Species. Comment: include list of 40 species as table in the document rather than sending reader to website
- pg. 8-21-Permanent Wetlands. Sentence: "Species include warm water fish, resident and migratory song birds, ..." Comment: include reptiles and amphibians in lists of potential wildlife
- pg. 8-24-Native California Oaks. Sentence: "Native California oaks include..." Comment: Remove parenthetical Latin names and place earlier in document
- pg. 8-29-Methodology. Sentence: "Impacts within the Urban Services Boundary were considered by mainly using SSHCP materials." Comment: Awkward and unclear-revise.

2525 Warren Drive • Rocklin, CA 95677 • Tel: (916) 782-9100 • Fax: (916) 782-9131 • Web: [www.ecorpconsulting.com](http://www.ecorpconsulting.com)



- pg. 8-29-Methodology. Sentence: "Tree canopy impacts were evaluated..."  
Comment: Last sentence of paragraph unclear. The boundaries of the Corridors were not precisely located in the same manner as the New Growth Areas? Revise to provide more clarity
- pg. 8-30-Wetland and Riparian Impact. Sentence: "It includes the Delta..."  
Comment: change "whose" to "where"
- pg. 8-30-Wetland and Riparian Impact. Sentence: "For wetlands, developers..."  
Comment: change "individual permits" to "permits"
- pg. 8-30-Wetland and Riparian Impact. Sentence: "Unfortunately, it has resulted in a patchwork of habitat mitigation efforts that generally do a poor job of building cohesive and integrated high functioning ecosystems, thus limiting options for eventual species recovery." Comment: this sentence reads like a value judgment. There may be some truth in it, in which case a citation is called for, or language can be tempered a bit so that it is not so opinionated
- pg. 39-Impacts to Special Status Species. Sentence: "The New Growth Areas have a considerable amount of contiguous undeveloped land...The reduction in size of habitat reduces a species' ability to persist in an area, and will eventually lead to the area being uninhabitable or detrimental to those that remain. Plants or animals attempting to survive in these substandard habitats are not able to produce offspring, and eventually die without contributing to the overall population. The development of New Growth Areas will contribute toward the cumulative impact associated with the decline of listed species by removing large areas of listed species habitat and create smaller isolated pieces of substandard habitat."  
Comment: text within this paragraph is extremely generalized and definitively stated. The reduction in size of habitat *may* reduce a species' ability to persist, or *may* lead to an area being uninhabitable or detrimental to individuals that remain. Plants or animals remaining may not be able to produce *enough* offspring to offset mortality. These are species-specific biological concepts, however, and the threshold criteria for American Badger are much different than for Burrowing Owls, Valley elderberry longhorn beetles, or dwarf downingia, for example. To use global, definitive statements in this discussion is not accurate and does not capture the range of possibilities that may occur. Revise-
- Biological: throughout. Comment: citations are missing for statements of fact (e.g. pg. 8-40; 1<sup>st</sup> paragraph: "Badgers require large (100 – 1,000 acres) amount of land ...for denning and foraging." Strong assertions, based on field data or studies, should be cited accordingly throughout.
- Biological: throughout. Comment: numerous species accounts, starting with American Badger (pg. 8-40), conclude that local extirpation (extinction of a population) will be the end result of development. This result, although possible in some cases, is not a foregone conclusion for many species, and language should be tempered to allow for other, less dire outcomes. Local extirpation of populations should not be the refrain for all species for which impacts are significant and unavoidable. Species accounts should be revised and this verbiage deleted or modified accordingly.
- Biological: throughout. Comment: CNDDDB element occurrence numbers should be provided in cases where the species in question has been documented in the

- area. In each species account, indicate whether CNDDB records exist for the area.
- Biological: throughout, starting with ringtail (pg. 8-40). Comment: are impacts less than significant (ringtail) or less-than-significant (Cooper's hawk)?
  - pg 8-41-Loggerhead shrike. Comment: for all birds, active nests *must* be avoided (under MBTA). Language in species accounts should be changed to reflect the importance of avoiding *all* active nests (not "if they are found.").
  - pg. 8-41-Swainson's hawk. Comment: cite appropriate CDFG Swainson's hawk guidelines (CDFG 1994)
  - pg. 8-42-Western burrowing owl. Comment: cite CDFG Staff Report on Burrowing Owl Mitigation (CDFG 1995).
  - pg. 8-43-Northwestern pond turtle. Sentence: "Turtles require a year-round water supply and basking habitat along the drainage." Comment: western pond turtles also require upland habitat for hibernation, aestivation, and egg-laying (to approximately 500 meters according to one study (Reese and Welsh 1997)).
  - pg. 8-43-Western Spadefoot Toad. Comment: western Spadefoot is not a toad. Take "toad" out of name.
  - pg. 8-43-Valley Elderberry Longhorn Beetle. Comment: there are elderberry shrubs in the area, and there may be stands of them in riparian areas. Writer does not site any comprehensive study showing stands are not there, thus the conclusion that the area "does not have stands of elderberry bushes that are necessary to support a population of VELB..." is premature. Also, VELB acronym is parenthetical in each subsequent VELB section. Take out after 1<sup>st</sup> reference.
  - pg. 8-43-Vernal pool species. Comment: provide definition or table showing all vernal pool species encompassed within this category. Reader needs to go 2/3 of the way through the paragraph to see the species to which this designation applies. Also, are California tiger salamander and western spadefoot included? Reconcile. California tiger salamander may need to be addressed separately.
  - pg. 8-48-American Badger. Comment: conclusion is that cumulative impacts are significant and unavoidable. Given the paucity of records and the fragmented nature of the area, reducing the degree of impacts from significant and unavoidable to potentially significant may be advisable.
  - pg 8-51-Northwestern Pond Turtle. Comment: Conclusion is that area does not have a "significant population of turtles due to shallow depths, short widths, and seasonal water supply." Please note, however, that streams and creeks in the area may provide dispersal corridors from other areas, for both young and adults.
  - pg. 8-55-Burrowing owl. Sentence: "The overgrown vegetation, small lot size, and fragmented positioning of the open lots within the corridor makes the undeveloped parcels unsuitable for maintaining a burrowing owl population." Comment: this is a definitive statement that should be tempered. The same verbiage occurs in later discussions of burrowing owl.
  - pg. 8-57 3<sup>rd</sup> paragraph (and subsequently). Comment: what is a TOD?
  - pg. 8-60-Swainson's hawk. Sentence: "There are no farmed crops which Swainson's hawk forage on more frequently than fallow overgrown fields, which are found in the Corridor." Comment: awkward wording- revise



- pg. 8-61-Vernal Pool Species. Comment: reconcile tense throughout. Also, be clear of the difference between vernal pools individually (“...some of these species are unlikely to occur because they generally require deep and well developed *vernal pools* not observed in the corridor” (last sentence pg 8-61)) and vernal pools collectively (i.e. “Due to the small amount of vernal pool habitat within the corridor...” (pg 8-62 1<sup>st</sup> sentence))
- pg. 8-66-Residential Infill. Sentence: “However, infill impacts may be considered significant if habitat is connected to a larger significant habitat, where development blocks a dispersal corridor, or where development directly impacts the habitat of a listed species.” Comment: unclear. What is meant by a “larger significant habitat?”
- pg. 8-68-Jackson Highway Corridor. Sentence: “These habitat types occur linearly along the beds of the creeks and provide habitat for mammal and bird species” Comment: change “mammal and bird” to “wildlife”
- Biological: throughout. Comment: there is an overuse of the word “habitat.” Search and delete or replace with more appropriate or precise word or concept when possible
- pg. 8-77-Build-out of Planned Communities. Comment: should Cordova Hills be listed here?
- Implications for Cordova Hills: We saw nothing that has unexpected implications for Cordova Hills. The project is only referred to by name late in the document, starting on pg. 8-79. Project is referred to parenthetically in the analysis of the No Project Alternative.

Please contact me at (916)782-9100 if you have any questions.

Sincerely;

  
Craig Hiatt  
Project Manager  
ECORP Consulting, Inc.

**Dowling Associates, Inc.**  
Transportation Engineering • Planning • Research • Education



July 8, 2009

Conwy, LLC  
Mr. Mark Hanson  
5241 Arnold Ave  
McClellan, CA 95652

**Subject: Sacramento County General Plan Update DEIR - Traffic** P09039

Dear Mr. Hanson:

At your request we have reviewed the Transportation and Circulation Section 9 of the Sacramento County General Plan Update DEIR and have the following comments:

1. Last line, Page 9-22. Since Cordova Hills is included in the No-Project Alternative, it is illogical to exclude it from the alternatives to the proposed project. Since "No-Project" is by definition, "No-Project", an alternative to the "Proposed Project" cannot be a change in the "No-Project".
  - a. The above comment impacts Table TC-4, page 9-21 and subsequent traffic results for the General Plan alternatives.
2. In essence, it appears from Table TC-4 that all of the project alternatives (Without Grant Line East, Focused Growth, and Mixed Use) are really lower growth alternatives to the Proposed Project, not different mixes or arrangements for the same amount of growth.
  - a. A lower growth alternative will, of course, have fewer traffic impacts than a higher growth alternative, regardless of location. The EIR authors could have removed the same amount of growth from downtown Sacramento and also found a reduction in traffic impacts as they found for the Without Grant Line East, Focused Growth, and Mixed Use alternatives.
3. Table TC-4. The lower growth alternatives to the General Plan have not been "balanced". Jobs and housing balance varies by alternative and the "Totals" for the region vary by alternative.
  - a. The EIR consultant needs to state how they balanced work trip productions and attractions (every job must have a worker, every worker must have a job) for each alternative by changing the number of external trips assumed for each alternative.
  - b. The EIR consultant failed to move the reduced growth in Sacramento County for the project alternatives (Without Grant Line East, Focused Growth, and Mixed Use) to another county. Thus the project alternatives are not truly comparable.

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180 Grand Avenue, Suite 250, Oakland, CA 94612 Phone: 510.839.1742 Fax: 510.839.0871  
428 J Street, Suite 500, Sacramento, CA 95814 Phone: 916 266-2190 Fax: 916-266-2195

Page 2  
Mr. Mark Hanson  
July 8, 2009

- c. The project alternatives might be more appropriately labeled year 2020 interim stages leading to the proposed project in 2030. They are NOT alternatives for accommodating the same amount of forecasted growth for the region.
  - d. Since the alternatives to the General Plan deal with different growth forecasts for Sacramento County without adjustments to other counties, either the proposed project or its alternatives (or both) are inconsistent with regional growth forecasts produced by SACOG for 2030.
4. On page 3-69, the statement is made that, "People will live in the Cordova Hills vicinity and commute back to the urban centers, and students of the university may follow the opposite pattern. These factors will result in long vehicle trips, many with single occupancy, and will contribute to adverse air quality impacts." This statement is predicated upon unstated but implied assumptions that Cordova Hills will be a traditional Sacramento County suburban subdivision development with no transit service except the very limited service (if any) that might be provided by existing transit agencies.
- a. The statement on page 3-69 also does not reflect an understanding of the specifics of the university proposed for the site. The university will NOT be a commuter day-student college.
  - b. We agree with the last sentence at the bottom of Page 3-68, "At the General Plan level, subdivision maps and site plans are not available, so it is difficult to engage in this assessment." Perhaps this statement on Page 3-69 could be rephrased as follows: "For the purposes of this General Plan Update EIR, it was necessary to make assumptions about the development levels, types, internal circulation roads, and trip making patterns of the Cordova Hills development without knowledge of the actual specifics of the development. Consequently, this EIR has assumed a worst case for this development, a traditional auto-oriented suburban development with little or no transit service, little internal circulation, few (if any) land use and transit oriented design elements to encourage internalization of traffic, and a commuter day-student college as opposed to a university with a high proportion of full-time students living on campus."
  - c. Might also add, "It would be inappropriate for the reader to draw conclusions as to the impacts of development of the Cordova Hills project or the East Grant Line Area based upon the information in this General Plan DEIR."
5. Plate TC-5, page 9-45. Since the No-Project alternative assumes development of Cordova Hills, the county, following current standard development approval procedures, would automatically require Cordova Hills to construct and widen the portion of Grant Line Road within its frontage to mitigate the project impacts and to meet the County's current LOS standards.
-

Page 3

Mr. Mark Hanson

July 8, 2009

- a. Thus the short stretch of Grant Line Road shown to be at LOS "F" in Plate TC-5 is inconsistent with current County policies and not truly a reflection of the "No-Project" conditions.
  - b. The EIR consultant should assume that the short stretch of Grant Line Road south of Douglas Road will be mitigated per current county policies by the Cordova Hills development under the "No-Project" alternative.
6. Table TC-7, page 9-31. There is a discrepancy between the Level of Service E/F daily volume threshold (capacity) for Grant Line Road between the County General Plan DEIR and the June 2006 Rancho Cordova General Plan DEIR. The draft Sacramento County General Plan has Grant Line Road designated as a 6-lane Arterial with High Access Control with an LOS E/F capacity of 60,000 ADT. Rancho Cordova uses the same ADT thresholds as Sacramento County, but has Grant Line Road designated as a 6-lane expressway with an LOS E/F capacity of 81,000 (Table 4.5-1 of Rancho Cordova General Plan DEIR).
7. Page 9-37. Under Grant Line East the statement is made, "The Grant Line East New Growth Area would have the lowest accessibility to transit of any of the new growth areas considered in the General Plan Update." This needs to be clarified for the reader.
  - a. The EIR authors have assumed that no new transit service would be provided by the developments in the area, thus they conclude that transit service would be lowest. It is a self-fulfilling prophecy.
  - b. A better way to state the situation would be: "This EIR analysis has conservatively assumed that locally supported or funded transit service would not be provided by new developments in the Grant Line East area. The result of this conservative assumption is that this area would have to rely only on available regional services and this assumption results in this area having the lowest transit accessibility of any of the new growth areas considered in the General Plan Update."

Please contact me at 916-266-2190 x302 if you have any questions.

Sincerely,

**Dowling Associates, Inc.**



Richard Dowling, Ph.D., P.E.

Principal

C:\Work\proj\proj2009\p09039 cordova hills\sac county gp\traffic comments2.doc



## 4.5 TRANSPORTATION AND CIRCULATION

TABLE 4.5-1  
ROADWAY SEGMENT DAILY VOLUME THRESHOLDS<sup>1</sup>

Facility Type	Number of Lanes	Daily Volume Threshold				
		LOS A	LOS B	LOS C	LOS D	LOS E
Residential	2	600	1,200	2,000	3,000	4,500
Residential collector with frontage	2	1,600	3,200	4,800	6,400	8,000
Residential collector without frontage	2	6,000	7,000	8,000	9,000	10,000
Arterial, low access control	2	9,000	10,000	12,000	13,500	15,000
	4	18,000	21,000	24,000	27,000	30,000
	6	27,000	31,500	36,000	40,500	45,000
Arterial, moderate access control	2	10,800	12,600	14,400	16,200	18,000
	4	21,600	25,200	28,800	32,400	36,000
	6	32,400	37,800	43,200	48,600	54,000
Arterial, high access control	2	12,000	14,000	16,000	18,000	20,000
	4	24,000	28,000	32,000	36,000	40,000
	6	36,000	42,000	48,000	54,000	60,000
Expressway, 6-lanes <sup>2</sup>	6	24,300	39,720	56,700	72,900	81,000
Rural, 2-lane highway	2	2,400	4,800	7,900	13,500	22,900
Rural, 2-lane road, paved shoulders	2	2,200	4,300	7,100	12,200	20,000
Rural, 2-lane road, no shoulders	2	1,800	3,600	5,900	10,100	17,000

Notes:

1. County of Sacramento Traffic Impact Analysis Guidelines, July 2004.
2. Based on capacities contained in the Placer Vineyards EIR (Quad Knopf, July 2003)

TABLE 4.5-2  
FREEWAY MAINLINE LOS CRITERIA

LOS	Description	Density <sup>1</sup>
A	Free-flow speeds prevail. Vehicles are almost completely unimpeded in their ability to maneuver within the traffic stream.	< 11
B	Free-flow speeds are maintained. The ability to maneuver with the traffic stream is only slightly restricted.	> 11 to 18
C	Flow with speeds at or near free-flow speeds. Freedom to maneuver within the traffic stream is noticeably restricted, and lane changes require more care and vigilance on the part of the driver.	> 18 to 26
D	Speeds decline slightly with increasing flows. Freedom to maneuver with the traffic stream is more noticeably limited, and the driver experiences reduced physical and psychological comfort.	> 26 to 35
E	Operation at capacity. There are virtually no usable gaps within the traffic stream, leaving little room to maneuver. Any disruption can be expected to produce a breakdown with queuing.	> 35 to 45
F	Represents a breakdown in flow.	*

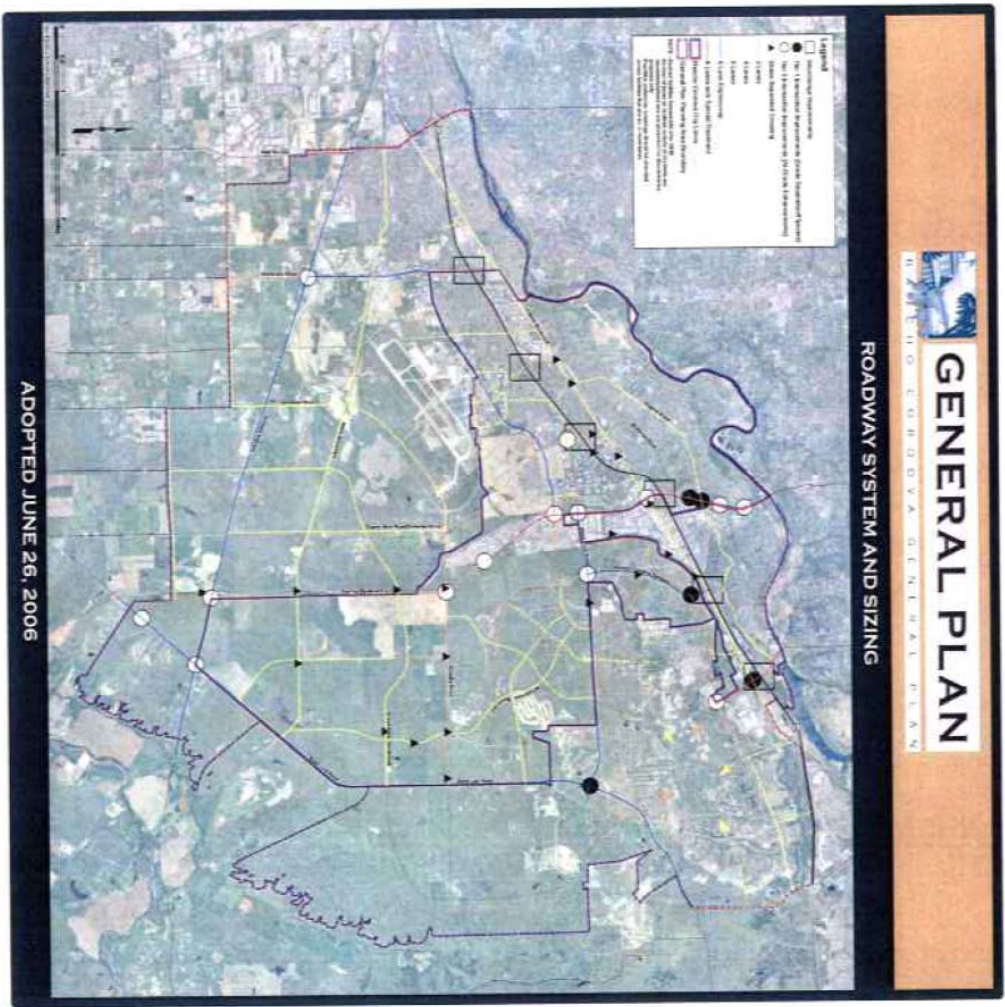
Notes: <sup>1</sup> Density in passenger cars per mile per lane.

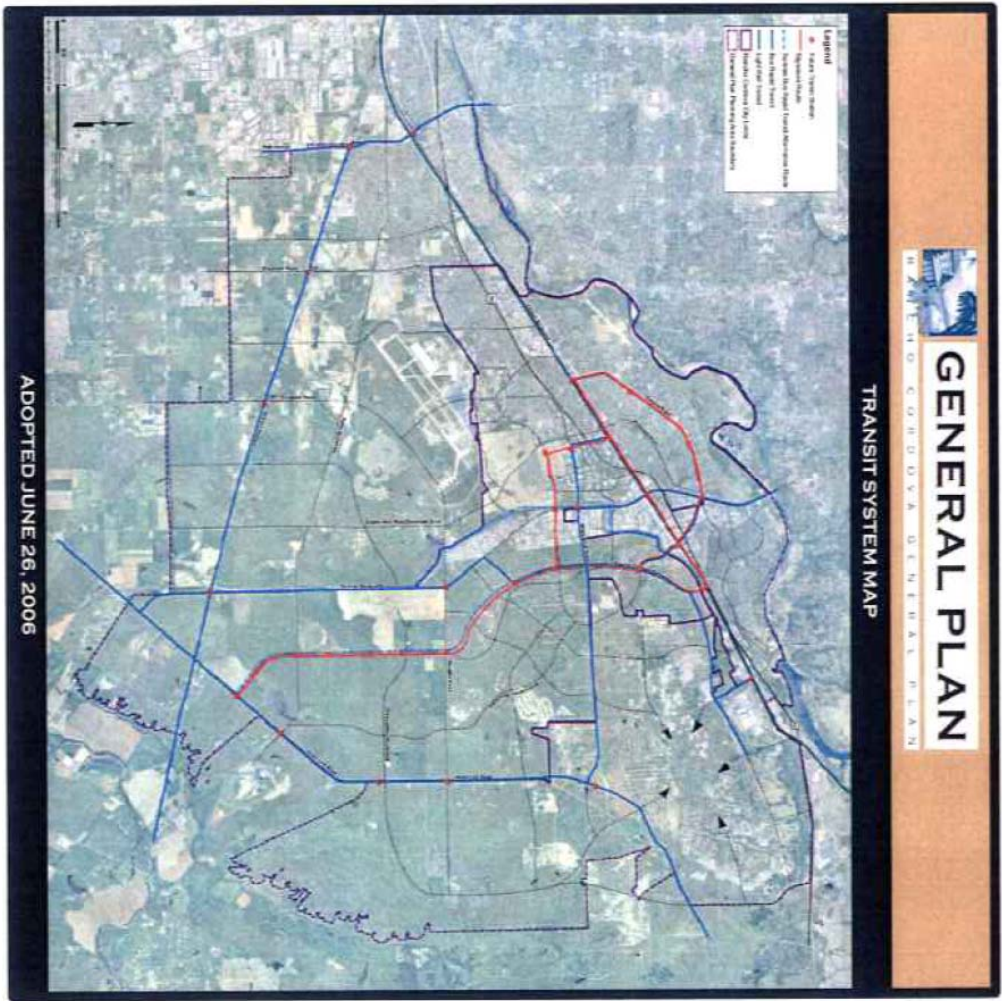
Source: Highway Capacity Manual (Transportation Research Board, 2000).

City of Rancho Cordova  
March 2006

City of Rancho Cordova General Plan  
Draft Environmental Impact Report

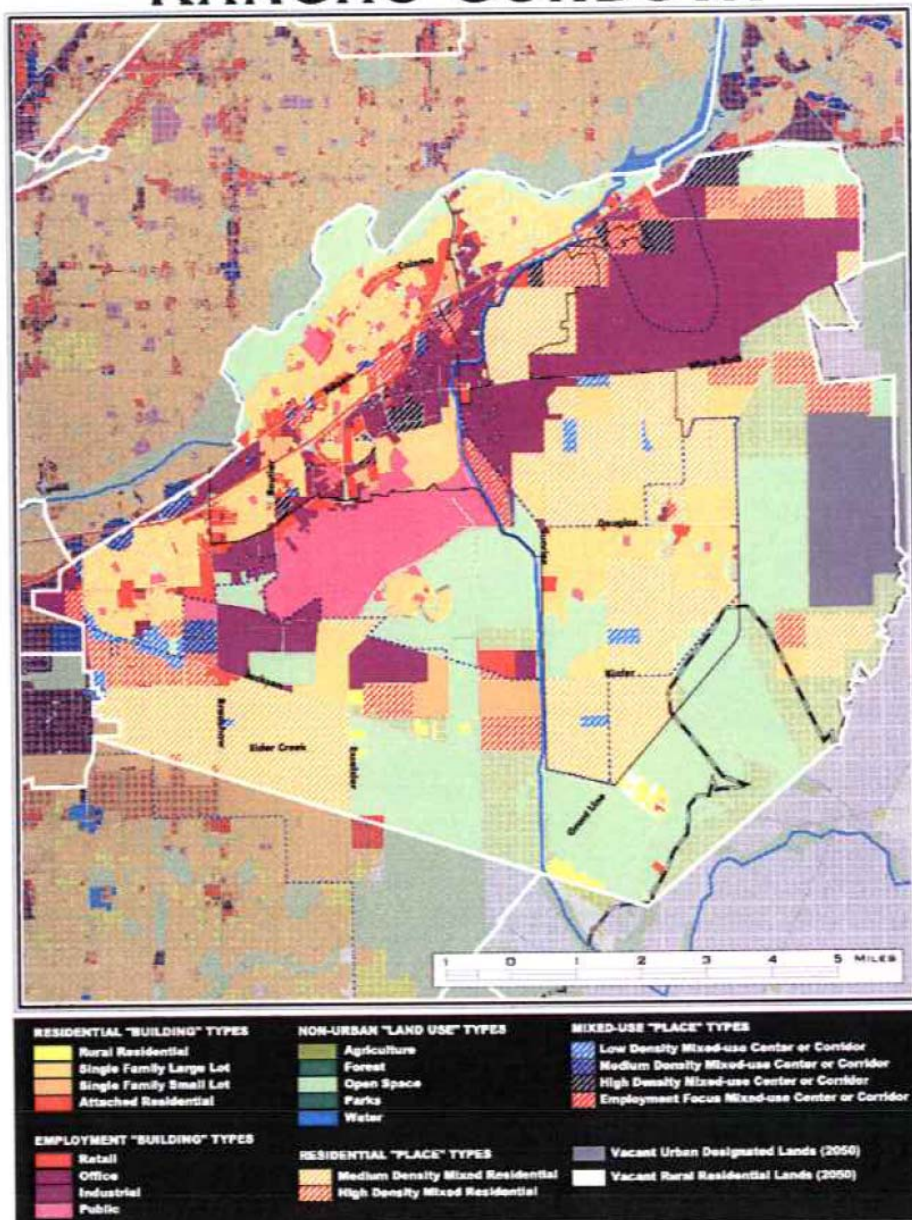
4.5-7







## RANCHO CORDOVA



<http://www.sacregionbluenprint.org/sacregionbluenprint/the-project/maps/counties/sacramen...> 5/28/2009



#### 4.1 LAND USE

The following statements have been identified as guiding visions for the CCP:

- Overcoming obstacles created by physical, neighborhood, and jurisdictional boundaries;
- Redesigning Folsom Boulevard to be more pedestrian friendly;
- Creating a better balance of housing and jobs;
- Revitalizing the community's older neighborhoods; and
- Creating more diversity in the community's housing stock, in particular, through the development of more "move-up" housing choices.

The vision statements in the CCP reflect the concepts that will be used as the basis for preparing the proposed Rancho Cordova General Plan. The Cordova Community Plan includes land use objectives and implementation actions relevant to land use impacts within Rancho Cordova. CCP policies that are of particular note include:

- LU-1 pertaining to improving the existing development through revitalization efforts;
- LU-2 and LU-3 pertaining to land uses in Mather;
- LU-4 pertaining to connections to light rail stations and adjacent land uses within ¼-mile of stations;
- LU-5 and LU-6 pertaining to promoting high-quality, efficient and cohesive mixed-use development projects minimizing impacts on adjacent uses and traffic; and
- LU-9 pertaining to promoting a "town center" concept for Folsom Boulevard.

##### Sunrise Douglas Community Plan

The Sunrise Douglas Community Plan (SDCP), which was approved by the Sacramento County Board of Supervisors on July 17, 2002, established the overall conceptual framework and policy direction for the urbanization of the approximately 6,015-acre Community Plan area. Development of the SDCP area is anticipated to result in the construction of approximately 22,503 dwelling units, 479 acres of supporting commercial and mixed uses, 177 acres of parkland, and 148 acres designated for elementary, middle, and high school sites. The SDCP is consistent with the general growth policies of the existing Sacramento County General Plan and was designated as an Urban Growth Area, which indicates the County's intention to allow for urbanized land uses in the area during the current planning horizon. The SDCP contains key guiding principles related to land use including LU-2 and LU-6 pertaining to providing an urban core area with regional access and a bicycle and pedestrian circulation system that encourages alternative modes of transportation, LU-4 pertaining to providing shopping, recreation and services within the SDCP area to minimize travel outside of the plan area, and LU-7 pertaining to providing appropriate buffers between incompatible land uses. The entire Suncrest/Preserve Planning Area of the proposed General Plan is located within the SDCP area. The environmental impacts associated with implementation of the SDCP were addressed in the SDCP/SRSP EIR (SCH No. 97022055), which was certified by the Sacramento County Board of Supervisors in July 2002.

## 4.1 LAND USE

### Sunridge Specific Plan

The Sunridge Specific Plan (SRSP) was the first Specific Plan area within the SDCP and was approved concurrently with the SDCP by the Sacramento County Board of Supervisors in July of 2002. The SRSP encompasses approximately 2,605-acres, or 43.3 percent of the SDCP area. The SRSP area was allocated 1,904 acres of low density residential, 45 acres of medium density residential, 174 acres of commercial and office, and 482 acres of open space/natural preserve. The maximum residential allocation in the SRSP area was 9,886 dwelling units. The SRSP provided a detailed framework for development of the specific plan area and implementation of the guiding principles and policies in the SDCP. The SRSP also incorporates land use, circulation, resources management, and public facilities and infrastructure master plans. The SRSP contains key policies related to land use including LU-2 and LU-5 pertaining to providing an urban core area with regional access and a bicycle and pedestrian circulation system that encourages alternative modes of transportation, LU-4 pertaining to providing shopping, recreation and services within the SDCP area to minimize travel outside of the plan area, and LU-6 pertaining to providing appropriate buffers between incompatible land uses. All the projects within the SRSP area have either been approved or will be approved prior to adoption of the General Plan. These projects, which include North Douglas, Anatolia I, II, III & IV, Montelena, Sunridge Lot J, Sunridge Park, and the Sunridge East projects (formerly known as Grant Line 208, Douglas 103, Douglas 98, and Arista del Sol), are in various stages of development. The environmental impacts associated with implementation of the SRSP were addressed in the SDCP/SRSP EIR (SCH No. 97022055), which was certified by the Sacramento County Board of Supervisors in July 2002.

### **City of Rancho Cordova Revised Draft Land Use Map Book**

The Revised Draft Land Use Map (as amended January 17, 2006) reflects an approach that combines specific land use designations in some areas of the City and more general descriptions of land uses in areas planned for future growth—i.e., the “Planning Areas” shown on the Draft Land Use Map (and described below). It is anticipated that more detailed planning will be required for most of the Planning Areas after adoption of the General Plan, such as the adoption of Specific Plans (as has already occurred for the Sunridge Specific Plan area). The reader is referred to Section 3.0 (Project Description) for a detailed discussion on the City of Rancho Cordova Land Use Map Book.

A variety of new land use designations are established with the Draft Land Use Map to reflect the more mixed and (in many cases) more intense land uses envisioned for the City. These “mixed use” categories provide the opportunity for combining of residential, commercial, and office uses on a single site (depending on the designation). In some cases, the mixing may be “horizontal” (for example, residential uses next to commercial uses); in others, the mixing may be “vertical” (residential uses over commercial or office in multi-story buildings). The City anticipates that compact mixed-use developments will be the standard pattern for future development and redevelopment proposed under the General Plan. The Draft Land Use Map also designates the general location of several “Town Centers” of varying size and intensity. The locations are conceptual, but illustrate the City’s intent to provide for a variety of shopping, working, and living opportunities throughout the city, and to take advantage of the opportunities provided by Highway 50, light rail, and other major access points to build regionally-oriented commercial centers.

There are 16 individual Planning Areas identified in the Rancho Cordova Revised Draft Land Use Map Book and the associated Land Use Map. Land uses within these Planning Areas are described in general and mapped with conceptual land use plans. It is anticipated that more detailed planning (e.g., Specific Plans) will be required for most of the Planning Areas after

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connectivity, improved access and calming measures. The Folsom Boulevard Specific Plan, which will be adopted after the General Plan is complete, will further implement the Master Plan. Therefore, no conflicts would arise between these plans. This would be a less than significant impact.

##### Sunrise Douglas Community Plan

The Sunrise Douglas Community Plan (SDCP) established the overall conceptual framework and policy direction for the urbanization of approximately 6,015 acres in east Sacramento County. Development of the SDCP area was anticipated to result in the construction of approximately 22,503 dwelling units, 479 acres of supporting commercial and mixed uses, 177 acres of parkland, and 148 acres designated for elementary, middle, and high school sites. The SDCP established a policy framework, land use holding capacity and acreage estimates, and a basic infrastructure framework. The SDCP provided conceptual land uses for six villages, which were assumed in order to evaluate the cumulative impacts of the development of the area. The SDCP document states, "Within the subareas the land use mix should be considered the maximum that will be permitted in the subsequent specific plans." The Rancho Cordova General Plan shows the Sunridge Specific Plan projects as individual projects with lotting and roadway networks, and shows the remainder of the SDCP area (that contains the Preserve at Sunridge and SunCreek projects) with conceptual land uses. The SunCreek/Preserve Planning Area includes Villages G, H, and I, and a portion of Village F of the SDCP. The SDCP allocated a total of 7,835 residential units for Villages G, H and I. Village F was allocated a total of 1,889 residential units. The Rancho Cordova General Plan SunCreek/Preserve Planning Area allocates a total of 9,263 residential units. The proposed mix of land uses for the two projects in the SunCreek/Preserve Planning Area is substantially consistent with the SDCP and the proposed Rancho Cordova General Plan.

The SDCP also contains key guiding principles related to: providing an urban core area with regional access and a bicycle and pedestrian circulation system that encourages alternative modes of transportation; providing shopping, recreation and services within the SDCP area to minimize travel outside of the plan area; and providing appropriate buffers between incompatible land uses. The Rancho Cordova General Plan policies are consistent with the SDCP guiding principles related to land use. Therefore, these two plans are consistent and the impact would be less than significant.

##### Sunridge Specific Plan

The Sunridge Specific Plan (SRSP) encompasses 2,632 acres, or approximately 42 percent of the SDCP area. The SRSP area was allocated 1,904 acres of low density residential, 45 acres of medium density residential, 174 acres of commercial and office, and 482 acres of open space/natural preserve. The maximum residential allocation in the SRSP area was 9,886 dwelling units on 1,772 acres and 173.6 acres of commercial mixed use and community commercial. All the projects within the SRSP area have either been approved or are expected to be approved prior to adoption of the General Plan. These projects include North Douglas, Anatolia I, II, III & IV, Montelena, Sunridge Lot J, Sunridge Park, and the Sunridge East projects (formerly known as Grant Line 208, Douglas 103, Douglas 98, and Arista del Sol). Currently, 9,096 residential units on 1,551 acres and 68.8 acres of commercial have been proposed or approved in the SRSP area. Therefore, the Rancho Cordova General Plan is consistent with the SRSP in terms of land uses, as the total units and acreages do not exceed the land uses specified in the SRSP. Additionally, the Rancho Cordova General Plan policies are consistent with the SRSP policies related to land use, including providing an urban core area with regional access and a bicycle and pedestrian circulation system that encourages alternative modes of transportation, providing shopping,



## What the Blueprint Maps Show

The Blueprint map (shown in comparison to the base case on this page, and in detail in the center spread of this report) depicts a way for the region to grow through the year 2050 in a manner generally consistent with the growth principles summarized on page 4-5 and 8-9 of this report. The map is a result of numerous public workshops and meetings with local staff and elected officials. The map is intended to be interpreted and used as a concept-level illustration of the growth principles. It was developed with parcel-level data and analysis to help ensure that the growth concepts were being applied in a realistic manner; however, it is not intended to be applied or implemented in a literal, parcel-level manner.

For example, the map assumes certain levels and locations of both "reinvestment," i.e. additional development on already built parcels and greenfield development, i.e. large-scale development on vacant land. The purpose of this mapping is to illustrate, generally, the amounts and locations for these types of growth. It is not intended to indicate that a specific parcel should or should not be developed in a particular manner. That level of planning is the responsibility of local governments, and is beyond the specificity appropriate for regional-scale, long-term scenario planning.

## The Base Case and the Preferred Blueprint Scenario for 2025:

# How the Scenarios Compare

The starting point for the Blueprint Project is the Base Case Scenario, which shows how the region would develop through 2050 if patterns of the recent past continue. Under the Base Case Scenario, growth would continue outward into largely rural areas and on the fringes of development. The Preferred Blueprint Scenario—the option developed as an alternative—takes a different approach. Built on the principles of smart growth, it includes a greater range of housing products, reinvest-



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TECHNOLOGY OF PROJECT  
 BASE CASE  
 PREFERRED BLUEPRINT SCENARIO  
 SMART GROWTH PRINCIPLES  
 LEVELS OF WORKSHOPS  
 FORUM  
 AWARDS  
 ELECTED OFFICIALS SUMMIT  
 IMPLEMENTATION  
 LOCAL GOVERNMENT FEATURES  
 HOME

## THE PROJECT

### Preferred Scenario

The Preferred Blueprint Scenario depicts a way for the region to grow through the year 2050 in a manner generally consistent with the Blueprint growth principles. A special report, available in PDF, provides an overview of the Preferred Scenario approved by the SACOG Board in December 2004.

### Preferred Scenario Map

The scenario is a result of numerous public workshops and meetings with local government staff and elected officials. It should be interpreted and used as a concept-level illustration of the growth principles. It was developed with parcel-level data and analysis to help ensure that the growth concepts were being applied in a realistic manner; however, it is not intended to be applied or implemented in a literal, parcel-level manner.

The map assumes certain levels and locations of both "reinvestment" (i.e., additional development on already-built parcels) and greenfield development (i.e., large-scale development on vacant land). The purpose of this mapping is to illustrate, generally, the amount and locations for these types of growth. It is not intended to indicate that a specific parcel should or should not be developed in a particular manner. That level of planning is the responsibility of local governments, and is beyond the specificity appropriate for regional-scale, long-term scenario planning.

Transportation projects were added to the region's road and transit systems in the development and evaluation of each of the scenarios in the Blueprint Project. The objective in each scenario was to match the transportation system with the land use parameters. While a list of projects was developed and is available for the Preferred Scenario, the

[http://www.sacregionblueprint.org/sacregionblueprint/the\\_project/discussion\\_draft\\_preferr...](http://www.sacregionblueprint.org/sacregionblueprint/the_project/discussion_draft_preferr...) 5/28/2009



#### 4.1 LAND USE

##### SACOG Blueprint

Early during the preparation of the City's new General Plan, the Rancho Cordova City Council endorsed the SACOG Blueprint process and the preferred Blueprint land use map (Scenario C) adopted by SACOG. The General Plan Land Use Map is more parcel-specific than the Blueprint Plan and has been refined through the City's General Plan development process including detailed land use modeling (City of Rancho Cordova PLACE'S Land Use Model). This refinement also has included fiscal and retail/office market demand analyses for the Planning Area (referred to hereafter as the "Proforma") (see City of Rancho Cordova City Council Staff Reports – Findings of the Market Analysis/Retail Strategy, December 19, 2005; Revisions to the Draft General Plan Land Use Map, January 3, 2006 and Adoption of Revised Land Use Map Book, January 17, 2006). The Proforma also analyzed projected revenues and expenditures related to future development, capital improvements and services needed for the City to accommodate growth, and how the rate and form of growth would impact the fiscal viability of the City. The General Plan has applied the "Blueprint" principles at the micro-scale looking at onsite constraints such as vernal pools, creeks, roadways, surface mining, and Mather Airport operation constraints. The SACOG Blueprint Plan looked at land uses for the six-county region at a macro-scale.

The proposed General Plan has been designed to be generally consistent with SACOG's Blueprint Plan design principles. This includes increasing compact land use patterns, a mix of residential densities, mixed-use projects, transportation choices, a variety of housing choices and density, encouraging infill, quality design, and natural resource conservation.

##### Sacramento County General Plan

As previously discussed, the existing Sacramento County General Plan policies are applicable those areas of the Planning Area currently located outside the city limits but planned for annexation during the planning horizon of the proposed Rancho Cordova General Plan. The County's General Plan Land Use Diagram has the following land use designations for the unincorporated portions of the Planning Area within the current Urban Policy Area (UPA): Low Density Residential; Commercial/Offices; Urban Development Area; Recreation; Cemetery – Public and Public Quasi; Extensive Industrial; Intensive Industrial; High Density Residential; and Aggregate Resource Area. The following Rancho Cordova General Plan Planning Areas are located outside the current city limits but within the current UPA; portions of the Folsom Boulevard Planning Area, east of Watt Avenue to Bradshaw Road and Sunrise Boulevard to Hazel Avenue; portions of the Sunrise Boulevard South Planning Area; the Mather Planning Area; portions of the Jackson Planning Area; and the Countryside/Lincoln Village Planning Area. Therefore, these Planning Areas are subject to policy direction from the Sacramento County General Plan and planned and designated for urbanized land uses until such time as they are annexed by the City.

The proposed General Plan Land Use Map does have potential conflicts with specific planning areas in the existing Sacramento County General Plan—specifically: the Jackson Planning Area, Grant Line South Planning Area, Grant Line North Planning Area, and East Planning Area. Specific conflicts between the proposed General Plan Land Use Map and County General Plan are:

- Sacramento County designates the land along both sides of Jackson Highway as General Agriculture (20 acre) and the land along Bradshaw Road as Intensive Industrial and public/quasi-public, whereas the proposed Rancho Cordova General Plan

#### 4.1 LAND USE

designates the area for a mix of natural resources, residential mixed-density, estate residential, office mixed use, light industrial, surface mining and public/quasi-public.

- The Sacramento County General Plan designates the Mather Planning Area for industrial, recreation, low-density residential, and public/quasi-public uses, whereas the Rancho Cordova General Plan designates the area for natural resources, heavy and light industrial, park/open space, public/quasi public, mixed density and higher density residential, office mixed use, and village center.
- The Sacramento County General Plan designates the Grant Line South Planning Area as General Agriculture (20 acre), whereas the Rancho Cordova General Plan designates the area as estate/rural residential, natural resources, mixed density residential, village center, office mixed use and local town center.
- The Sacramento County General Plan designates the Grant Line North Planning Area as General Agriculture (80 acre) and medium-density residential, whereas the Rancho Cordova General Plan designates the area as mixed density residential, higher density residential, natural resources, village center, local town center, park/open space, estate/rural residential.
- The Sacramento County General Plan designates the East Planning Area as General Agriculture (80 acre), whereas the Rancho Cordova General Plan designates the area as mixed density residential, estate/rural residential, natural resources, park/open space, office mixed use, local town center and village center.
- The Sacramento County General Plan designates the Aerojet Planning Area as Extensive Industrial, and Intensive Industrial, which is the same as the Rancho Cordova General Plan designations.
- The Sacramento County General Plan designates the Rio del Oro Planning Area as Intensive Industrial, whereas the Rancho Cordova General Plan designates the area as mixed density residential, public/quasi public, office park, high density residential, natural resources, village center, local town center, and regional town center.
- The Sacramento County General Plan designates the Westborough Planning Area as Intensive Industrial, whereas the Rancho Cordova General Plan designates the area as mixed density residential, commercial mixed use, park/open space, public/quasi public, office mixed use, regional town center, and natural resource.
- The Sacramento County General Plan designates the Glenborough Planning Area as Intensive Industrial, whereas the Rancho Cordova General Plan designates the area as mixed density residential, higher density residential, commercial mixed use, regional town center, park/open space, and natural resource.
- The Sacramento County General Plan designates the Sunrise South Planning Area as industrial with only small areas of commercial at Douglas Road and US 50, whereas the Rancho Cordova General Plan designates the area as light industrial, commercial mixed use, office mixed use and heavy industrial.
- Additionally, the Rancho Cordova General Plan conflicts with the Sacramento County General Plan Open Space Preservation Strategy Land Use Map for land within the Mather and Jackson Planning Areas. The area referred to as "Vineyard/Mather" on the Sacramento County Open Space Preservation Strategy Land Use Map, which comprises

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land north of Grant Line Road between Elk Grove-Florin and Sunrise Boulevard. According to the Sacramento County General Plan, the area is planned for major urban growth and the primary natural features of open space significance include the floodplains of Laguna, Morrison and Elder Creeks, as well as a concentration of vernal pools in the vicinity of the Multi-cultural Park site and Mather Lake within the Mather Planning Area. According to the Sacramento County General Plan, "additional vernal pools are located throughout this area but they are generally not in large enough groupings to merit designation for permanent protection." The Rancho Cordova Plan designates more area as open space in the Mather and Jackson Planning Areas than Sacramento County has designated.

- The Sacramento County General Plan Land Use Element addresses development of new urban growth areas and establishes policies to guide development. The County intends to develop land at the edge or fringe of existing urban development if a development project meets four criteria: need for additional land to meet housing and employment demands; ability to provide adequate services and facilities; potential for public transit service; and ability to preserve and conserve natural and environmental features.
- County Policies LU-42 and LU-43 allow for new development to occur within agricultural-residential areas if it supports limited retail and other service needs and results in a contiguous area of similar land use, and in areas along the USB where they are integrated with other uses. The Rancho Cordova General Plan would be consistent with these policies in the Jackson, Grant Line South and East Planning Areas where agricultural land would be converted to urban uses.
- Figure III-1 of the Sacramento County General Plan shows the Mather Air Force Base (Mather Planning Area) and Douglas-Sunrise (Suncreek/Preserve Planning Area) as urban growth areas. Additionally, the Sacramento County General Plan Land Use Element states, "The Plan depicts Mather Air Force Base as an Urban Development Area because the Base will close during the planning period. It is the intent of the County that portions of Mather Air Force Base develop at urban densities and intensities during the planning period. The County will prepare a special study for the Base pursuant to its closure which will determine the feasibility of transit-oriented development and establish the location, densities and intensities of land uses on the Base."
- The Rancho Cordova General Plan would conflict with Sacramento County General Plan Policies LU-42 and LU-43 pertaining to locating future agricultural-residential development in designated areas within the existing buffer along the USB, and in other areas if they can be functionally integrated with other urban uses. The Rancho Cordova General Plan would remove the agricultural lands from these Planning Areas, which is a significant impact. The reader is referred to Impact 4.2.1 (Loss and Conversion of Agricultural Land) in Section 4.2 (Agricultural Resources) of this EIR for a discussion related to the loss and conversion of agricultural land.
- While the Rancho Cordova General Plan does not designate the same areas of land for industrial uses as the Sacramento County General Plan, the General Plan would not conflict with Sacramento County General Plan Policy LU-37 pertaining to supplying adequate industrial land, because the Rancho Cordova General Plan provides for industrial land uses along Sunrise Boulevard, in Aerojet, along Jackson Highway, in Mather, and in areas impacted by land use restriction associated with Mather Airport CLUP/ALUCP.



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- The Sacramento County General Plan anticipated some urbanization of portions of the Rancho Cordova Planning Area; however, the Sacramento County General Plan did not anticipate urbanization at the density and intensity proposed by the Rancho Cordova General Plan.
- The Rancho Cordova General Plan would result in more intense uses and more residential units, commercial, office and industrial uses than Sacramento County General Plan anticipated in the Planning Area – particularly in the East, Grant Line South and Glenborough Planning Areas. Additionally, the Rancho Cordova General Plan would remove land from agricultural production and surface mining operations (see Sections 4.2 and 4.8 of this EIR).
- The Rancho Cordova General Plan would result in more environmental effects than the Sacramento County General Plan (e.g., agricultural resources, traffic, air quality, noise, natural resources, public services and utilities, etc.). The environmental effects of the proposed General Plan are addressed in the sections 4.2 through 4.13 of this EIR. It should be noted that the 1993 Sacramento County General Plan was adopted prior to the SACOG Blueprint visioning process and the assessment of land area and densities necessary to accommodate the projected growth in the region. The increased intensity of land uses associated with the Rancho Cordova General Plan would result in more localized environmental effects than the Sacramento General Plan, but would reduce environmental impacts in the Sacramento region associated with anticipated growth and the demand for additional housing. This would be a significant impact.

##### Mather Field Specific Plan

The Mather Field Specific Plan (MFSP) establishes the location, intensity and character of land uses in Mather Field, circulation patterns, necessary infrastructure improvements, the location and general configuration of parks, as well as open space and community facilities necessary to support new development in Mather Field. The Land Use Plan in the MFSP designates the Airfield as public/quasi-public, the Independence at Mather community as low density residential, the land at the corner of Zinfandel Drive/Eagles Nest Road/Douglas Road as industrial-intensive, the Mather Golf Course, regional park and surrounding land as recreation, and the Main Base and campus as commercial & office, public/quasi-public, and recreation. The MFSP contains policies pertaining to creating new development potential for major industrial and distribution uses desiring airport and freeway access on 120 acres along the south side of Old Placerville Road near Routier Road, maximizing opportunities for major public and private sector aviation and industrial uses along the southern edge of the airfield, preserving, protecting and utilizing the natural resources within the Airport area and west of Eagles Nest Road (e.g., vernal pools and Morrison Creek), concentrating active recreational uses east of Eagles Nest Road; introducing local-serving convenience retail to serve residents and employees, and allowing a major visitor destination or institutional use in the southeastern portion of Mather Field.

The proposed General Plan designates the area along the south side Old Placerville Road near Routier Road as light industrial. This is consistent with the MFSP designation for the area. However, the proposed General Plan designates the Mather Airfield as heavy industrial, whereas the MFSP designates it as public/quasi-public. The proposed General Plan designates the main base and campus as heavy industrial, whereas the MFSP designates it as commercial & office, public/quasi-public and recreation. The proposed General Plan designates the land along the east side of Eagles Nest Road as public/quasi-public, residential higher density, parks/open space and natural resources and the land along the west side as natural resource, whereas the MFSP designates the area on both sides of Eagles Nest Road as recreation and designates an

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The Mather Planning Area is the only General Plan Planning Area within the Clear Zone and Approach/Departure Zone for Mather Airport. The Downtown Planning Area and Mather Planning Area are both within the Overflight Zone. The General Plan Conceptual Land Plan for the Mather Planning Area shows heavy industrial uses in the Clear Zone, and heavy and light industrial uses in the Approach/Departure Zone. The Mather Airport CLUP permits heavy and light industrial uses in the Clear Zone and the Approach/Departure Zone. The General Plan Conceptual Land Plan for the Mather Planning Area shows public/quasi-public, residential mixed density and residential higher density, parks/open space, and natural resources in the Overflight Zone. The General Plan Conceptual Land Plan for the Downtown Planning Area shows a mix of local town center, office mixed use, and commercial mixed use in the Overflight Zone. All of the proposed land uses are consistent with the Mather Airport CLUP. Therefore, the General Plan is consistent with the Mather Airport CLUP for Airport Safety Restriction Area. This would be a less than significant impact.

The reader is referred to Section 4.7 (Noise) of this EIR for a discussion related to the noise impacts associated with Mather Airport and the noise contours. The Visual Resources section of this EIR (Section 4.13) addresses visual and aesthetic impacts associated with tall buildings in the Downtown Planning Area.

##### American River Parkway Plan

The concept of the 1985 American River Parkway Plan is to balance the goals of preserving naturalistic open space and protecting environmental quality within the urban environment along the American River while contributing to the provision of recreational opportunity in Sacramento. The key policies of are related to requiring mitigation or elimination of uses that adversely affect the Parkway, providing buffers between the Parkway and adjacent uses, prohibiting new aggregate mining within the Parkway, and locating access points and parking lots in the least environmentally sensitive areas. The Rancho Cordova General Plan does not propose any new land uses within the American River Parkway. Additionally, the Rancho Cordova General Plan policies do not conflict with the policies in the ARPP. Therefore, this would be a less than significant impact.

##### Proposed General Plan Policies and Action Items That Provide Mitigation

The following General Plan policies and action items are contained in the General Plan Land Use Element are applicable to reduce land use plan conflicts in association with the General Plan Land Use Map.

Policy LU.2.4	Use Community Plans, Specific Plans, and development projects to promote pedestrian movement via direct, safe, and pleasant routes that connect destinations inside and outside the plan or project area.
Action LU.2.4.1	Establish, as a part of design review, a system or mechanism that evaluates the effectiveness of a proposed project in meeting these requirements.
Policy LU.3.3	Coordinate with regional planning agencies to set land use and environmental policies and cooperate in the implementation of programs consistent with General Plan policy.
Action LU.3.3.1	Establish and maintain agreements or working relationships with Sacramento County and the cities of Folsom, Sacramento, and Elk Grove

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	to facilitate a coordinated approach to land use decisions that affect each jurisdiction.
Policy LU.3.4	Participate in the Sacramento Area Council of Governments' regional planning programs (e.g., Blueprint, Regional Housing Needs Plan, Metropolitan Transportation Plan) and coordinate City plans and programs with those of the Council of Governments.
Policy LU.3.5	Consult with state and federal regulatory and resource agencies during initial review of development projects to identify potential environmental conflicts and establish, if appropriate, concurrent application processing schedules.
Policy LU.3.11	Ensure that land uses adjacent to or near Mather Airport are subject to the location, use, and height restrictions of the most recently adopted CLUP at the time of development consideration, except when the CLUP is under an update process. In the circumstance of a CLUP update, coordinate with the County in the review of development projects to determine the most appropriate development restrictions for the continued operation of the airport.

#### Mitigation Measures

See above.

While adherence to federal regulations, the Mather Airport Comprehensive Land Use Plan guidelines, Mather Airport Planning Area policies, and implementation of the above General Plan policies, action items and mitigation measures would reduce potential consistency issues with the Mather Airport CLUP, the proposed General Plan would still conflict with key provisions of the Sacramento County General Plan, Mather Airport CLUP (Rio del Oro Planning Area) and Mather Field Specific Plan associated with agricultural preservation, aggregate resource preservation and overall land use pattern and intensity. No mitigation is available to fully mitigate this impact. Thus, this impact is **significant and unavoidable**.

#### **Conflict with Applicable Habitat Conservation Plan**

**Impact 4.1.4** The Rancho Cordova General Plan has the potential to conflict with the South Sacramento Habitat Conservation Plan, which is the only applicable habitat conservation plan in the Planning Area. This is considered a **less than significant** impact.

There are currently no adopted habitat conservation plans or natural community conservation plans in the General Plan Planning Area. The South Sacramento County Habitat Conservation Plan (SSHCP) is currently being developed by several public agencies and other interested stakeholders. The City of Rancho Cordova is a participating agency in the SSHCP. The SSHCP, which is managed by the Sacramento County Planning and Community Development Department, is an environmental study that seeks strategies that allow commercial, residential, and other development, while balancing the needs of sensitive plant and animal species and the preservation of agricultural operations. The geographic scope of the SSHCP includes approximately 340,000 acres in the unincorporated County area bounded by US-50 to the north, the County line to the east and south; excluding the Delta, and Interstate 5 to the west. The SSHCP also covers land within the cities of Rancho Cordova, Elk Grove and Galt.

## LETTER 27

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**Michael Devereaux, Law Offices of Gregory D. Thatch, on behalf of Conwy LLC; written correspondence; July 9, 2009**

### **Response 27-1**

The traffic study assumptions and land use data were used throughout the other topical chapters, such as air quality and water supply. Thus, all of these chapters consistently use the same No Project description. The traffic study assumptions of housing for Cordova Hills were based on the most updated information available from the Cordova Hills applicant at the time. The Project Description summary of the No Project scenario was based on an earlier estimate of holding capacity provided by the applicant for Cordova Hills, which was inadvertently not updated at the time the traffic assumptions were updated. While the traffic study and other analyses assumed 8,345 residential units for Cordova Hills (see Table TC-4), the Project Description states the number as approximately 7,200 units. The Project Description has been updated in the FEIR.

### **Response 27-2**

Comment noted. This evaluation was performed, and any necessary clarifications or corrections made. Also refer to the specific responses to comments below.

### **Response 27-3**

This is correct: the Remove Grant Line East Alternative assumes that there is no urbanized development within the area, which means that Cordova Hills is also excluded. Though it is not typical that an Alternative removes a reasonably foreseeable No Project proposal, it is also not typical for such a reasonably foreseeable project to be located within the boundaries of the Project itself. Given this unusual circumstance, it was decided that if the Alternative assumes the hearing body does not move the Urban Policy Area to include the Grant Line East area, that therefore it should also be assumed that Cordova Hills does not develop. Since an EIR is an informational document it is prudent to provide this range of alternatives to more accurately demonstrate the impacts of the growth areas, including Cordova Hills.

### **Response 27-4**

The Cordova Hills project area is only a portion of the total Grant Line East area. In the Project description and subsequent analyses, explicit reference to Cordova Hills typically is not included because the chapters are analyzing the impacts of development within Grant Line East as a whole, not development of specific portions. More explicit references to Cordova Hills are left to the No Project analyses. Also refer to Response 27-3.

### **Response 27-5**

The referenced parcel is not shown on Plate LU-3 as an active Williamson Act contract, it is shown as an “active” non-renewal. This means that the land in question has been filed for non-renewal, and is in the midst of the 9-year period during which the contract



remains active and the annual tax assessment gradually increases. At the end of the 9-year period, the contract is terminated.

#### **Response 27-6**

It is agreed that the referenced section of the Land Use discussion can be expanded to reference the potential for Grant Line East to become a major roadway. This has been included in the FEIR. The referenced section states that Grant Line East is adjacent to lands within Rancho Cordova that are designated for urban growth, but that are currently undeveloped open space. This is an accurate description of the land use environment and the physical environment. Nonetheless, there is room in this section to expand on the statement that the area is “designated for urban growth”, as some designations provide greater certainty of future development than others. This comment is correct to point out that the urban designations in this area are part of a Specific Plan that includes infrastructure financing and other detailed growth measures. The FEIR discussion has been expanded to include this information. The EIR analysis still concludes that development of the entire Grant Line East area conflicts with smart growth principles, for the reasons stated in the EIR.

#### **Response 27-7**

The statements about commute lengths are supported by the Smart Growth analysis portion of the Traffic and Circulation chapter, which concludes that the Grant Line East area will generate the highest vehicle miles traveled per household (see Plate TC-28). Though this comment discusses the university proposal for Cordova Hills, and its likely commute structure, the application for Cordova Hills was incomplete at the time of EIR preparation. To have relied on these details would have been speculative, and so the analysis used a more conservative approach.

#### **Response 27-8**

The exhibit on page 3-51 actually does show areas of Local Importance and Unique Farmland, but these areas are so small relative to the growth area that they are difficult to see within the greater “noise” of the dark-colored Grazing lands and the thick red boundary line. For instance, the two largest areas of Farmland of Local Importance are located in the far northern portion of the growth area near White Rock Road, and look almost like the white “non-designated” lands until one looks closely to see the evidence of hatch-marking. Since this exhibit is difficult to read, an additional exhibit has been added to follow it that clearly shows the areas of regulated Farmland. The CEQA Guidelines specify within Appendix G that impacts should be determined based on farmland types “as shown by the Farmland Mapping and Monitoring Program of the California Resources Agency”. The California Department of Conservation maintains the important farmland map for Sacramento County, and consistent with the CEQA Guidelines it is this map data that was used in the analysis. Areas designated Unique Farmland do not typically have prime soils, which is why they are not designated Prime Farmland.

As a rule, the EIR does not compare the various growth strategies to one another in any of the topical analyses. The only exceptions are where the significance criteria are directly related to the type of growth, such as the smart growth analysis. The EIR does

not specifically compare the Grant Line East farmland impacts to other growth areas or strategies, but the information allowing such a comparison to be made is clearly stated.

As noted in this comment, the tables clearly show that the buildout of planned communities and infill strategies will result in more loss of protected farmland than will development of Grant Line East.

#### **Response 27-9**

See Response 27-7. It is logical to conclude that if the size of the total area allocated for growth is restricted, that more development attention will be focused on the remaining developable areas.

#### **Response 27-10**

Modifications to the No Project discussion in the Sewer Service chapter have been made in response to this comment.

#### **Response 27-11**

It is acknowledged that in all of the new growth areas an unknown but potentially sizable amount of land will remain in non-urbanized or in open space conditions. As shown in Table SE-1, the Sacramento Area Sewer District calculates effluent flows and estimates needed pipe sizes based on standard generation rates per acre of land. Note that even open space uses are assumed to generate 1,860 gallons per day, per acre. As the Sacramento Area Sewer District is the agency that would be responsible for conveying wastewater flows, the EIR has relied on that agency's methodologies to assess impacts. Also note that Table SE-3 shows the conveyance needs of the project, not the amount of wastewater anticipated at the treatment plant. SRCSD uses a per capita generation rate, rather than per acre, so the amount of open space land versus developed acreage is not a factor. The holding capacities for the growth areas were used.

#### **Response 27-12**

The Impact and Analysis section that begins on page 5-13 addresses each growth strategy separately, as do most of the other chapters in the EIR. Taken singularly each strategy could be accommodated by the existing system. To make it clear that the significance conclusion is specific to each strategy, the text either precedes the significance statement with the name of the strategy ("Commercial Corridors and infill strategies are") or by a phrase indicating it is being looked at stand-alone ("this growth strategy's singular contribution"). These individual strategies are then combined in the Summary of Impacts section, which notes that the combination of all the strategies will result in 192.9 mgd, which exceeds the 181 mgd capacity.

#### **Response 27-13**

The water supply analysis relied on the land use data generated through the traffic study, and thus does include Cordova Hills – as does Table WS-27. Page 6-74 specifically notes that Cordova Hills is included.

#### **Response 27-14**

The land use data generated for the traffic study was used for the water supply analysis. A statement to this effect has been added to page 6-23 of the FEIR. Page 6-23 of the

DEIR states that the 25.6% conservation factor was used. The Governor's plan is not adopted regulation, so it would be inadvisable to assume a greater conservation rate at this time.

**Response 27-15**

The study data related in the Background to the Conservation Element of the General Plan constituted the best available information for the discussion of groundwater recharge. As stated at the outset of the Interference with Groundwater Recharge section in the DEIR, this is the information that informed the analysis. The analyses attached to this comment are dated June 2009, over one month after publication of the DEIR, and thus were unavailable for analysis. As discussed on page 6-58 of the DEIR, General Plan policies CO-20, CO-21, and CO-27 only apply to areas of moderate or high groundwater recharge capabilities. Areas of low groundwater recharge capabilities such as those within the Grant Line East area are still important to recharge, and are unprotected by General Plan policy.

The DEIR analysis generically refers to Deer Creek and its tributaries. To address this concern, the text has been modified to state "creeks and intermittent drainages".

**Response 27-16**

Government Code Section 66473.7 is part of the implementing code for Senate Bill 221, which requires a water supply assessment. Mitigation Measure WS-2 is not intended to ensure that an SB 221 analysis occurs – this is already required by regulation and needs no mitigation. The purpose of WS-2 is to ensure compliance with the provisions of the Water Forum Agreement pursuant to sustainable yields, and as such needs to remain as written.

**Response 27-17**

The significance conclusion on page 7-25 agrees with this statement, inasmuch as it concludes that compliance with County Ordinances, Improvement Standards, and General Plan Policy will ensure less than significant impacts. Certainly, the end-product must meet the standards referenced by the comment and the EIR, but the exact manner in which this will be accomplished will not be determined until it reaches project-level analysis.

**Response 27-18**

A clarifying parenthetical statement has been added noting that the floodplain is associated with mined areas.

**Response 27-19**

Because detailed development plans are not available for the Grant Line East New Growth Area, the EIR preparers assumed total development would occur with no on-site habitat preservation. The EIR preparers agree that habitat preservation could prevent the local extirpation of some of the listed species found within the Grant Line East Area, but without details, the effectiveness of the preservation could not be analyzed in the EIR.

The absence of documented species occurrence from the CNDDDB is not an accurate indicator of a species presence or absence on a property. There are many areas within the County of Sacramento that have not had biological surveys and therefore do not have documented species occurrences. Even if there were biological surveys in these areas, there is no requirement to report the occurrence of species to DFG for inclusion in the CNDDDB. In the absence of a documented occurrence it is necessary to base presence and absence determination on the best available habitat and range data.

The EIR preparers believe the American badger is likely to occupy the Grant Line East New Growth Area due to the close proximity to documented occurrence, presence of prey, and lack of development. Because the badger is a relatively large carnivore and forages on small prey, they frequently require large ranges; therefore, the loss of large expanses of habitat is likely to cause the extirpation of badger from the Grant Line East New Growth Area. The DEIR conclusion remains appropriate.

**Response 27-20**

The occurrence number for each sighting of a species whether it be nesting, foraging, or resting provides an overview of species occurrence within a specific area. However, it is not a comprehensive survey since the CNDDDB relies on field biologists to voluntarily submit their sightings or observations. Including the occurrence numbers in the document without the maps identifying their location would have little meaning. With the document already lengthy the EIR preparers opted to exclude the CNDDDB maps.

CNDDDB records are available through the California Department of Fish and Game.

**Response 27-21**

The omission of a discussion regarding impacts of development in the Grant Line East New Growth Area on ringtail and Cooper's hawk was an oversight. These discussions have been added to the FEIR.

**Response 27-22**

Plate BR-5 only approximates the sum of vernal pools, which is the area that ponds water (sometimes referred to as "wetted acres"). Clarifying text explaining the difference between vernal pools and vernal pool complexes has been added on page 8-23 of the FEIR.

**Response 27-23**

The majority of the Folsom Boulevard Commercial Corridor is urbanized with a small amount (25.5 acres out of 749 acres) of non-urbanized land, while the Grant Line East New Growth Area has no urbanization (roughly 8,000 undeveloped acres) and significantly more suitable habitat. Because the development of the Grant Line East New Growth Area would potentially impact a much larger amount of loggerhead shrike habitat it was considered a more significant impact than the loss of similar habitat in the Folsom Boulevard Commercial Corridor. With the loss of thousands of acres of potential foraging habitat the shrike is unlikely to persist in the area. A mitigation measure calling for nest avoidance during the breeding season would be insufficient to



reduce this impact in the Grant Line East New Growth Area to a less-than-significant level.

### **Response 27-24**

According to the Easton Project EIR there are 1.088 acres of vernal pools and 26.32 acres of other wet features. According to Plate BR-5 of the General Plan DEIR, the Grant Line East New Growth Area contains approximately 135 acres of vernal pools. The vernal pool habitat within the Easton Planning Area does not consist of the high-quality vernal pool complexes and high acreages that can be found in the Grant Line East New Growth Area. The vernal pools within the Easton area were likely created relatively recently by mining activity since the uplands consist of dredger tailings, while the vernal pools and associated uplands in the Grant Line East New Growth Area remain relatively undisturbed. The vernal pools in the Grant Line East area generally have intact associated uplands compared to the mining tailings of the Easton Area. The Easton Project identified a large area of riparian habitat to be preserved along Alder Creek, significantly reducing project-related impacts on riparian species, such as the western pond turtle, song birds, and nesting raptors. Of the 1,414 acres of land in the Easton Planning Area, there are approximately 767.7 acres of open habitat mostly consisting of dredge tailings, which is not considered quality Swainson's hawk foraging habitat, due to low prey availability. The following is a habitat description of from page 14-14 of the Easton Project EIR:

Disturbed areas are relatively unsuitable for wildlife and are primarily lacking vegetation. These areas include the cobble/boulder-dominated substrate of dredge tailings, graded or modified areas dominated by weedy plants, and buildings or other facilities used for Aerojet operations. Disturbed areas dominate the project area, encompassing approximately 525 acres, and are common along the proposed security fence alignment (ECORP 2007h). These are considered low quality habitat for wildlife. Habitat generalists may be found within the disturbed areas, and other wildlife species may pass through. Typical species include western fence lizard, western rattlesnake (*Crotalus viridis*), rock wren (*Salpinctes obsoletus*), mourning dove, house mouse (*Mus musculus*), and deer mouse (*Peromyscus* sp.).

In contrast, the Grant Line East area has large expanses of open and relatively undisturbed prairie with more suitable foraging habitat, when compared to the Easton Planning Area.

The Easton Project EIR analyzed specific project-level information, in contrast to the general nature of the new growth areas identified in the proposed General Plan Update. As specific individual projects within the new growth areas are proposed, additional environmental review will be required to analyze each project's specific impacts to biological resources, among other things. Because this detailed level of information is not currently available for the new growth areas other than Easton, similar mitigation measures to those adopted for the Easton Project cannot be employed at this time.

**Response 27-25**

Comment noted. The titles of Tables BR-1 and BR-2 have been changed in the FEIR text.

**Response 27-26**

The Easton project is not included in the No Project description because it is already part of the 1993 General Plan scenario described in the previous sub-section (Easton was approved in December 2008). The No Project scenario states that it is the 1993 General Plan scenario, plus Cordova Hills.

**Response 27-27**

The commentor alleges that there is inconsistency in the document. On page 9-24, it is stated that BRT is included in the Project and all cumulative Alternatives other than the No Project Alternative. On page 9-37, it is stated that no BRT or light rail is planned to serve the Grant Line East Area. These are not inconsistent statements. The project and all cumulative Alternatives other than the No Project Alternative do include BRT, but do not include BRT or light rail to serve the Grant Line East Area.

**Response 27-28**

As noted on page 9-37, no LRT or BRT service is planned to serve the Grant Line East area. Such high frequency and high capacity transit services were not include in the analysis as neither Regional Transit nor the County have any plans to provide such services, and the sources of capital and operational funding for such services have not been identified at this time. As such, additional transit services have not been analyzed, and the preparers of the document cannot comment on the claim of the commentor that a “moderate” rate of transit usage could be expected.

**Response 27-29**

The purpose of the EIR analysis is to evaluate the General Plan Update and its Alternatives. As shown on the proposed transportation plan (Plate PD-7), this roadway segment is proposed as a six-lane thoroughfare, not as an expressway. Accordingly, the roadway has been analyzed as proposed, using the daily volume thresholds shown in Table TC-7. This is not an assumption of the analysis, but rather, an analysis of the General Plan Update as proposed. Implementation of this facility as an expressway or any other type of facility would likely necessitate a change in the project description if implemented in the near-term, or a General Plan amendment if implemented after adoption of an updated General Plan or alternative. It is recognized that other jurisdictions and agencies may have other plans for the roadway. However, as shown on the transportation plan, this segment of Grant Line Road is not proposed as an uninterrupted facility with grade-separated intersections.

**Response 27-30**

No roadways have been shown within this area because no roadways have been officially proposed. While various plans have been developed, including the Visioning effort, no conclusions regarding the internal roadway system have been adopted by the County. The City of Rancho Cordova has no jurisdiction regarding roadways outside its boundaries, whether or not they are shown on maps of that jurisdiction.

For travel modeling purposes, a conceptual roadway system was assumed within the Grant Line East area that generally follows the roadway system on the Grant Line East Vision Diagram. However, the purpose of this system was only to allow for reasonable forecasting of travel volumes on facilities outside the Grant Line East area. No conclusions have been reached regarding the appropriate type or sizing of an internal roadway network.

If the Grant Line East area is incorporated into the adopted General Plan Update, it is anticipated that General Plan amendments will be necessary at a later date to incorporate a specific internal roadway system based upon further master planning and CEQA review of the area.

### **Response 27-31**

Regarding items (1) and (3), the transportation analysis of the General Plan Update has evaluated the Transportation Plan as proposed. The proposed Transportation Plan does not include Grant Line Road as an expressway, and does not include a grade-separation at the intersection of Grant Line Road and Douglas Road. It is recognized that both of these changes would increase roadway capacity in the corridor and could partially mitigate some impacts of the Project.

Regarding item (2), the travel modeling has assumed a conceptual north-south roadway system within the Grant Line East area. However, this system is only conceptual at this time, and no decisions have been made regarding the appropriate internal roadway system for the Grant Line East area. It is anticipated that such decisions would be made during later planning and CEQA review specific to the Grant Line East area.

Regarding item (4), the Capital Southeast Connector project has not been incorporated into the proposed General Plan Update, as its planning and review has not progressed to a point where a specific proposal has been adopted. It is envisioned that any implementation of the Connector project will involve future County review and potential amendments to the General Plan.

### **Response 27-32**

The last sentence of the first paragraph in the “Transit” subheading on Page 9-64 of the FEIR (page 9-62 of the DEIR) has been clarified. Table TC-4 shows the land use assumptions for the Grant Line East area, including the level of development associated with the No Project Alternative.

### **Response 27-33**

The EIR preparers agree that the statement “SACOG’s Blueprint Vision shows this area as ‘Open Space’ and ‘Vacant Urban Designated Land’ through 2050” is incorrect. Development of the area is shown on the 2050 SACOG Blueprint. However, SACOG land use forecasts, reflecting the Blueprint Vision, do not include any development in this area through the year 2035, five years beyond the planning horizon of this General Plan Update. The sentence has been modified to read accordingly.

**Response 27-34**

The text on page 9-103 refers to “current urban areas and infrastructure.” The commentor mentions many developments in the City of Rancho Cordova, almost all of which are future, not current. The Grant Line East area is at the edge of urban development in Sacramento County, which is substantially different from the situation of the other growth areas. The commentor acknowledges that the area is “approximately one mile from existing homes and infrastructure,” while the other growth areas are immediately adjacent to and/or surrounded by existing development. Regarding transportation infrastructure, historical development has focused the transportation system, particularly the transit system, on the Central City of Sacramento. The Grant Line East area is the most remote from the Central City. The highest transit mode share in the region is oriented to the Central City of Sacramento, and the farther the development is from the Central City, the lower the propensity of residents to travel there.

The commentor states that the DEIR “has consistently failed to recognize the current baseline environmental conditions in this part of the County by completely ignoring the existing and planned development in the City of Rancho Cordova ...,” but offers no evidence of such omissions. The commentor is referred to page 9-19, where it is mentioned that land use outside the unincorporated County is based upon SACOG projections through 2035 prorated to the 2030 horizon year. This land use includes development in the City of Rancho Cordova. The future year transportation networks also include all funded facilities of the City of Rancho Cordova (as reflected in their General Plan) anticipated to be implemented by the year 2030.

The transportation analysis does not refer to any development under consideration in the General Plan Update as “leapfrog” development.

**Response 27-35**

The Noise chapter relies on the data generated through the traffic analysis, and as a result it does include the Cordova Hills project even though the description is not inclusive. A sentence explicitly referencing Cordova Hills has been added to page 10-25 of the FEIR.

**Response 27-36**

See Response 27-6 and Response 27-9.

**Response 27-37**

See Response 27-33.

**Response 27-38**

See Response 27-6 and Response 27-33.

**Response 27-39**

See Response 27-15.

**Response 27-40**

See Response 27-3.

**Response 27-41**

See Response 27-15.

**Response 27-42**

A sentence explicitly referencing Cordova Hills has been added to the FEIR.

**Response 27-43**

See Response 27-33.

**Response 27-44**

This comment summarizes the various comments made in the previous sections of the letter. Refer to the various responses above.

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Letter 28

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July 27, 2009

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RE: Comments on General Plan Update and  
Draft Environmental Impact Report  
on behalf of the South of Elk Grove Owners Group

Dear Mr. Sherry and Ms. Horizumi:

The South of Elk Grove Owners Group ("SEGOG") has asked our office to review and comment on the Sacramento County General Plan Update ("GPU") and its Draft Environmental Impact Report ("DEIR"). In light of that review, we offer the below comments.

SEGOG is an organization formed by the owners of properties located south of Kammerer Road, west of Highway 99, east of Bruceville Road, and north of Eschinger Road. The properties involved in SEGOG are part of a larger approximately 10,500 ± acre area for which the City of Elk Grove filed an application with the Sacramento LAFCO for an amendment to the City's Sphere of Influence on May 21, 2008 (the "SOI Amendment"). The SOI Amendment area is outside of the Sacramento County Urban Policy Area and Urban Services Boundary. A diagram showing the SOI Amendment area is enclosed for your reference.

Failure to Note SOI Amendment

28-1

The GPU recognized that the General Plan must take into account the planning efforts of other government entities and that "no jurisdiction is an island." (General Plan

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Update, page 5-7). Nonetheless, the GPU never looked at the actions of the cities in areas where the GPU had conflicting land use designations for the same area. In our review of the GPU, we could find no mention made of the proposed SOI Amendment or the SEGOG area's future development plans. That failure to mention the SOI Amendment is also found in the Draft Environmental Impact Report on the GPU.

The City of Elk Grove has had the SOI Amendment area within its general plan as a planning area for future development since adoption of the Elk Grove General Plan on November 19, 2003. Elk Grove identified it as a study area for its development potential. (See enclosed copy of Figure LU-2 from the Elk Grove General Plan.) While the SOI Amendment was filed with the Sacramento LAFCO on May 21, 2008, SEGOG and the City of Elk Grove had been in discussions with Sacramento County since the Summer of 2007 over the SOI Amendment and the impacts the SOI Amendment area might have on the draft South Sacramento Habitat Conservation Plan ("SSHCP"). Moreover, as early as February of 2007, the County Executive wrote a letter to the Elk Grove City Manager expressing concerns with the City of Elk Grove's proposed future annexation on the South Sacramento Habitat Conservation Plan. That letter noted that there had been discussions concerning the impact of adding Elk Grove's annexation area to the SSHCP as early as January 2006. Given that these discussions and contacts took place long before the SOI Amendment application was ever filed with LAFCO, we find it surprising that neither the GPU nor its DEIR mention the SOI Amendment or Elk Grove's General Plan. At the very least, the GPU and DEIR need to be revised and amended to include a discussion of the SOI Amendment as an area of likely future development and its cumulative future development examined as part of the cumulative growth scenario in the DEIR.

#### Capitol South East Connector

28-2

Another omission in the GPU and DEIR is its failure to discuss the pending Capitol South East Connector project that will connect Interstate 5, Highway 99 and Highway 50 with an expressway through southeastern Sacramento County. While the final route for the Connector has not yet been chosen, all of the proposed route alternatives include travelling along Kammerer Road and Grant Line Road in the SOI Amendment area. An environmental impact report for the Connector is now in preparation. Thus, we believe that the Connector was also a reasonably foreseeable project that the GPU and DEIR should have taken into consideration, especially in the analysis of cumulative transportation and circulation impacts on the County's future roadway system. While Kammerer Road and Grantline Road are currently both in the County's jurisdiction, the potential impacts of the Connector on them as part of the General Plan Update's circulation system is never mentioned in the DEIR or GPU. If the Connector was not known at the time the Notice of Preparation for the DEIR was issued, the Connector is certainly significant new information the County needs to consider in a subsequent CEQA environmental document for the GPU because of its impacts on the



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County's future transportation and circulation system. The potential diversion of traffic from I-5 and Highway 99 to the Connector in the SOI Amendment area is certainly an issue which merits discussion and consideration in terms of cumulative traffic analysis.

GPU Annexation Policy

28-3

Land Use Element / Policy LU-113. The General Plan Update's significant failure to mention the SOI Amendment is a major issue which needs to be discussed in light of Policy LU-113 of the Land Use Element (page 109). Policy LU-113 provides that the County should only advocate annexations which are consistent with the County's general plan and any community plans. Since annexation and development of the SOI Amendment area is outside the UPA and USB of the County's proposed General Plan Update, it would not be consistent. Moreover, this is a significant inconsistency that should have been noted and discussed in the DEIR.

28-4

Policy LU-113 would have the effect of predisposing the County to refrain, as a matter of official policy, from supporting any and all annexations by cities (and other local agencies) of lands which are outside of the UPA and USB boundaries established by the County. Establishing such an arbitrary policy in the GPU is detrimental to inter-governmental cooperation and fails to respect the permissible growth patterns of cities. Moreover, the policy fails to recognize that counties normally do not plan for urban growth next to cities because the land in question is expected to be annexed by the adjacent city and planned for future urban growth by that city. Thus, it should not be considered unusual that a county would not plan for urban development or the extension of infrastructure in areas adjacent to cities, since such planning is more properly within the discretion of the city. However, it would be unwise for the County to take the official position as a matter of policy that, since the County has not designated an area for future urban development or urban infrastructure, it would not actively support that area's annexation into a nearby city.

Such a policy is an unwise and arbitrary decision for the County to be making in advance without having the benefit of knowing the reasons and rationale for an area's annexation into an adjacent city. It is a recipe for conflict between the County, the cities and other local government entities and demonstrates insensitivity to their current and future needs. Cities and special districts may have compelling needs that an annexation that varies from the County's General Plan or a County-adopted community plan would solve.

Moreover, Policy LU-113 would effectively remove the discretion and decision making power of the Board of Supervisors by taking the official position that the County should not support annexations that are not consistent with the County's General Plan and the UPA and USB. Future Boards of Supervisors should always retain the flexibility and discretion to determine their position on a case by case basis. They should not have their hands tied by an arbitrary policy enacted without reference to a real world situation.



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The genesis of Policy LU-113 is not clear from the GPU, but it appears to be an over zealous attempt to lock into place the current USB, UPA, General Plan and community plans. Land use decisions made by the Board are some of the most important ones they make for the County's future; it is not good government policy to completely remove the Board's power to make land use decisions and take away its ability to make those decisions in light of the circumstances then in existence at the time an annexation proposal is brought forward. In light of the foregoing, Policy LU-113 should be revised to simply read:

"Policy LU-113. Annexations should only be advocated which:

- ensure provisions and demonstrate maintenance for adequate municipal services;
- are consistent with state law and LAFCO standards and criteria;
- provide for equitable distribution, based on region-wide analysis, of social services and low income housing needs;
- ~~are consistent with General Plan and Community Plan policies;~~ and
- preserve community identity."

#### General Plan Update Comments

In light of the GPU's failure to address the pending SOI Amendment and the arbitrary policy of withholding support for any annexation proposal that might vary from the GPU, we are compelled to make comments on a number of other policies in the GPU. Under other circumstances our client would be unconcerned about these County policies, focusing instead on City of Elk Grove policies. We are also especially troubled with a number of the GPU policies that would preclude or restrict the extension of infrastructure facilities necessary to serve urban development in new annexation areas that might be outside the GPU's existing UPA or USB areas.

Public Facilities Element / Policy PF-9. We are concerned with the requirement of Policy PF-9 that trunk and interceptor sewer systems be designed to accommodate the flows that would be generated by full urban development at urban densities within the sewer service area. Such a requirement may well result in oversized sewer infrastructure, which will be expensive to build and maintain, and that will not function properly if the sewer flows are too low. Moreover, the South Sacramento Habitat Conservation Plan may well dictate that many areas will not build out to full urban densities because of the need to have habitat and vernal pool preserves within the UPA (and USB). Such preserves would reduce the footprint of ultimate urban development significantly beyond

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the footprint that would be expected by simply using the GPU's Land Use Diagram as the basis for the ultimate build out of the County with urban uses. Moreover, if the GPU's policies on the preservation of farmland are adopted and implemented without revision, then the acreage of land available within the UPA and USB for ultimate urban development will be significantly reduced as well. Consequently, we suggest revising Policy PF-9 to read as follows:

"PF-9. Design trunk and interceptor systems to accommodate flows generated by full urban development at urban densities within the ultimate service area, taking into account the effects of implementing the South Sacramento Habitat Conservation Plan and the farmland preservation policies of the General Plan on the reduced size of areas designated for urban development. This could include phased construction where deferred capital costs are appropriate."

Public Facilities Element / Policy PF-11. The Public Facilities Element's discussion of extensions of the sewer system notes that SRCSD entered into a Master Interagency Agreement ("MIA") with Sacramento County and the cities of Folsom and Sacramento. The GPU further notes that the MIA only allows the SRCSD to annex properties into its service area if they have been designated for urban uses in the general plans of the County and the cities of Folsom and Sacramento. Insofar as the SOI Amendment area is not designated for urban development by the County's General Plan or the General Plan Update, this creates an issue concerning sewer service to the SOI Amendment area.

The extension of sewer service by SRCSD to the SOI Amendment area is also complicated by Policy PF-11 which states that "the County shall not support extension of the regional interceptor system to areas within the County which are beyond the Urban Service Boundary." As written, Policy PF-11 would diminish, if not remove, the discretion and decision making power of the Board of Supervisors when it is evaluating annexation requests. This Policy would arbitrarily and automatically make the Board opposed to any and all annexations into the SRCSD service area if the land in question were outside of the County's USB. If the land in question is being annexed into a city, then the County should not be opposed to annexing that land into the SRCSD service area. Policy PF-11 should not reduce the power of the Board of Supervisors to determine in each specific case whether or not the annexation should be supported by the County. We suggest revising and clarifying Policy PF-11 as follows:

"Policy PF-11. The County ~~should~~ shall not support extension of the regional interceptor system to areas within the County which are beyond the Urban Service Boundary unless the area is being annexed into an incorporated city."

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Public Facilities Element / Policy PF-18. We are concerned that a literal reading or interpretation of Policy PF-18 of the Public Facilities Element could lock in the current sewer facility plans of SRCSD and SCSD and potentially preclude County support for any new development projects which are not currently consistent with those plans. In addition, Policy PF-18 would make the County arbitrarily and automatically opposed to the installation of interim sewer facilities, regardless of whether there were compelling reasons for the use of interim facilities. The County should not be placing itself in a straitjacket with the policies of its General Plan Update. It needs to retain the flexibility to amend the current sewer facility plans, as well as allow the use of interim sewer facilities when it is necessary and appropriate to do so, as determined by the Board of Supervisors in its discretion. We suggest revising Policy PF-18 to read as follows:

*"Policy PF-18. New development projects which require extension or modification of the trunk or interceptor sewer systems shall be consistent with sewer facility plans, as such plans may be amended to accommodate the new development, and shall participate in established funding mechanisms. When determined to be appropriate, the County will allow the phased extension or modification of trunk or interceptor systems to serve new development, including, but not limited to, the use of interim sewer facilities. The County will not support development projects that are not consistent with sewer master plans and that requires installation of interim sewer facilities."*

Conservation Element / Policy CO-6. Conservation Element Policy CO-6 declares that "Land use entitlements for new growth areas shall not be granted until a Master Plan for a sustainable water supply has been approved by the Board of Supervisors and all agreements and financing for implementing a Master Plan for water supplies are in place." We are concerned that CO-6 may be interpreted as imposing more stringent requirements than those already found in Water Code sections 10910 to 10915. First, there is no definition provided in the GPU of what constitutes a "Master Plan for a sustainable water supply." Second, clarification is needed in order to understand what is meant by the phrase "all agreements and financing for implementing a Master Plan are in place." Third, Policy CO-06 has been drafted in a way that would remove the Board of Supervisors' discretion to nonetheless approve a project even if a water assessment determines that planned water supplies are not sufficient under Water Code section 10911(c), because CO-6 states that land use entitlements "shall not be granted."

Neither Policy CO-6, nor the GPU's accompanying Implementation Measures, provide any definition of what constitutes the "Master Plan for a sustainable water supply" that the Board of Supervisors must approve. Under Water Code section 10910, a project specific water supply assessment based upon an urban water management plan is supposed to be prepared by the water system operator for each new development which



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examines the availability of water for a projected 20-year time period, including years of normal supply, a single dry year supply, and multiple dry year supply situations. For instance, it is unclear whether a "Master Plan" is the same as an urban water management plan. Policy CO-6 also fails to describe whether it is the County which is to prepare the Master Plan or the local water purveyor, since the County is served by a large number of independent water companies, as well as by County controlled water agencies. We fail to see how the County could prepare a Master Plan for an independent water company the County does not even control. In addition, the Policy is uncertain as to whether the phrase "sustainable water supply" equates to the 20-year water supply projection used in Water Code section 10910 or some other standard, which is not defined in the GPU. Insofar as CO-6 is deviating from current state law requirements without providing any definitions of its terms and identifying the specific entity responsible for preparing a Master Plan, it is creating an unworkable new policy that may lead to litigation over what it means.

Second, we are concerned with the requirement of Policy CO-6 that "all agreements and financing for implementing a Master Plan for water supplies be in place." That could be interpreted to go far beyond what is required under Water Code section 10910. Policy CO-6 seems to imply that all agreements and financing must be completed and in place for the water supplies, which is far different from the requirements of state law. In a water supply assessment prepared under Water Code section 10910, the assessment need only (a) identify the contracts or proof of entitlements to an identified water supply; (b) describe the adopted capital outlay program for financing the delivery of water; (c) identify the federal, state and local permits needed to construct the necessary infrastructure to deliver the water supply; and (d) describe the necessary regulatory approvals that are required to deliver the water. (Water Code section 10910(d)) The supplies of water, the permits and the financing mechanisms need not yet be in place under the Water Code, yet Policy CO-6 would seem to require it.

Finally, and of great importance, Policy CO-6 would completely remove the Board of Supervisors' authority to approve a project even if the water supply assessment determined that there are inadequate water supplies. Under Water Code section 10911, the Board is not prohibited from approving a project with inadequate water supplies if the Board complies with the requirements of Water Code section 10911 concerning the future provision of additional water supplies for the project. Policy CO-6 would divest the Board of its authority to pursue that statutory alternative in situations where the Board determined that it was appropriate to do so.

Consequently, we see no reason why Policy CO-6 should attempt to go beyond the requirements of state law with regard to the provision of adequate water supplies for new development. Adequate protections are already in place to assure an adequate future water supply under state law. A poorly defined local requirement would be duplicative and would add nothing to the existing statutory framework. It would only reduce the

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power and authority of the Board. Moreover, if the ultimate goal of Policy CO-6 is to prevent new development until there is an adequate water supply to serve its needs, such a goal is already a state requirement found in Government Code section 66473.7 which requires water supply verifications before a final subdivision map can be recorded for large residential subdivisions. Policy CO-6 should be deleted from the GPU.

Conservation Element / Policy CO-9. Policy CO-9 is very similar to Policy CO-6, with the only significant difference being that it specifically focuses on water purveyors whose water supply comes from groundwater. Policy CO-9 provides "Development entitlements shall not be granted in areas where insufficient ground water exists and water purveyors have reached their capacity to deliver treated water unless all necessary agreements and financing to obtain an additional water supply are secured." Under state law, every significant new project needs a water supply assessment prepared under Water Code sections 10910 – 10915. It does not matter whether the water purveyor obtains its water supply from surface waters or from groundwater, the same basic issues must be analyzed as to the adequacy of the future water supply. If water supplies are found to be insufficient, then the water supply assessment is required to state the water purveyor's plans for acquiring additional water supplies, and to set forth the measures being undertaken to acquire and develop those supplies. Consequently, we fail to see the need for Policy CO-9.

More important, Policy CO-9 suffers from the same infirmity as Policy CO-6 in that it states that approvals "shall not be granted" by the Board unless there is compliance with the policy. If there is an inadequate groundwater supply, Policy CO-9 would remove the Board's authority to nonetheless approve a project. As noted above, Water Code section 10911 does not preclude the Board from approving a project with inadequate water supplies if the Board complies with the requirements of Water Code section 10911 concerning the future provision of additional water supplies for the project. Policy CO-9 would divest the Board of its authority to pursue that statutory alternative for projects where the Board determined that it was necessary and proper to do so. Once again, if the ultimate goal of Policy CO-9 is to prevent new development in areas with an inadequate ground water supply for the new development, there is already a mechanism in place to do so in Government Code section 66473.7. Policy CO-9 should be deleted from the GPU.

Conservation Element / Policy CO-13. GPU Policy CO-13 would require new projects to ensure that sufficient water supplies are maintained for existing farming practices that may compete for the same source of water whether surface or groundwater. That is an infeasible burden to place on new projects. No water purveyor can ensure or guarantee that its water supply will be sufficient from year to year for existing farming practices to continue without adjustment or modification, regardless of natural fluctuations in the water supply. We do not see how the County expects a new project to do what even the water purveyor cannot do. Moreover, new projects cannot prevent state and federal wildlife agencies from creating competing water demands for the protection

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of listed species that will reduce water supplies from the Sacramento River. Such alterations and reductions in water deliveries from the Sacramento River will doubtless have an adverse impact on existing agricultural uses in Sacramento County. Policy CO-13 should be removed from the General Plan Update.

Conservation Element / Policy CO-86. The difficulty with placing specific design requirements in a policy of the General Plan is demonstrated by Policy CO-86. This Policy would require that all projects adjacent to stream corridors and vernal pools provide a public street paralleling at least one side of the corridor with vertical curbs, gutters, foot path, street lighting, and post and cable barriers to prevent vehicle entry. Such elaborate precautions to prevent vehicle entry may not be necessary if the General Plan did not require a public street to be located on at least one side of the stream corridor. Parks, trails and detention basins can also be used to prevent vehicle entry into stream corridors and vernal pool preserves. However, a more basic problem with this proposed policy is its potential to be in conflict with the requirements imposed by the state and federal resource agencies, such as the California Department of Fish and Game, Regional Water Quality Control Board, United States Fish and Wildlife Service and the United States Army Corps of Engineers. When they issue permits conditioned upon the preservation of streams, vernal pools and other wetlands, those permits virtually always contain requirements for setbacks and specify what may be installed in those setbacks. The specific requirements of Policy CO-86 may not always be consistent with the conditions in the permits issued by the resource agencies. While the CO-86 design requirements might be consistent with many of the permits being issued currently by the resource agencies, such is not always the case and may not be the case over the next 15 or 20 years. Current requirements have evolved over time as the resource agencies gained experience with preserve design issues. As more experience is gained with preserve design issues in the future, the requirements will doubtless continue to change. There is no guarantee that what is considered an "environmentally friendly" preserve design today with a street along one side of the preserved area, will still be considered an environmentally friendly design in 5, 10 or 15 years.

Moreover, by placing the specific design requirements of CO-86 in the General Plan, it complicates and restricts the Board of Supervisors' ability to alter those specific design requirements in light of the particular needs of a project and would require an amendment to the General Plan in order to do so. It is not good governance or good land use planning to place those design requirements in the general plan, whose purpose is to serve as the constitution for land use matters. We suggest deleting Policy CO-86 entirely or revising it to simply state:

"Policy CO-86 *Development adjacent to stream corridors and vernal pools shall be designed in such a manner as to prevent unauthorized vehicular entry into protected areas.*"



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Conservation Element / Policy CO-134. Policy CO-134 is another example of specific design requirements that should not be in the General Plan. Policy CO-134 will require 200 foot setbacks along each side of any stream corridor in a developed area, along with detailed specifications for what may or may not be placed within that buffer area. Site conditions may well require variances from specific design requirements, yet it would require an amendment to the General Plan to alter them for an individual project.

More important, the state and federal resource agencies, such as the California Department of Fish and Game, Regional Water Quality Control Board, United States Fish and Wildlife Service and United States Army Corps of Engineers, may have different requirements and specifications for setbacks along stream corridors. As noted, the setback requirements of those agencies have changed dramatically over the last 15 years, and there is little reason to expect that they will not continue to evolve into the future. CO-134 should therefore be removed from the GPU.

Air Quality Element / Policy AQ-5. Policy AQ-5 would discourage single occupancy vehicle trips in areas with a limited parking supply by requiring undefined "controllable access" and "pricing controls" at the parking lots. It is a mistake for the County to get involved in establishing parking fees and charges for private developments and private property, as would be required by Policy AQ-5. Moreover, this policy is poorly written and seems to imply that the SMAQMD also will be involved in deciding when "pricing controls" would be dictated by the County to the owners of private property. Any such County-mandated "pricing controls" are likely to have the unintended consequence of forcing new development to move to areas outside of the County to escape such County "pricing controls." As a result, Policy AQ-5 is likely inconsistent with Policies ED-37, ED-38, ED-39 and ED-40 of the GP's Economic Development Element, which are aimed at encouraging, rather than discouraging, development within Sacramento County. We suggest that Policy AQ-5 be deleted.

Air Quality Element / Policy AQ-10. Ongoing funding of transportation services to reduce the demand for roadway infrastructure would be required from large developments under AQ-10. Again, this is a poorly written and ill defined policy that will be difficult, if not impossible to apply, as well as add excessive costs on new development. The term "large development" is never defined in the GPU. There is not even any guidance provided in the GPU for determining what would be considered a "large development." There are a number of ways to determine what would be a large development, such as the number of units, the size in acres or the square footage of the buildings being proposed. This policy is so indefinite that it poses a danger of being applied arbitrarily and inconsistently. A similar problem exists with regard to the phrase "mechanism for on-going funding of transportation services that help reduce the demand for existing roadway infrastructure," which is never defined or explained. It would appear to be an attempt to impose a new type of tax, assessment or fee on real property that is developed in order to pay for impacts on existing roadways. Again, this is a policy that will only serve to increase the cost of doing business in the unincorporated areas of

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the County and drive businesses and new development farther away from the existing urban core areas in order to escape this burden. It has the potential to exacerbate regional air quality problems, rather than reduce them, by forcing "large developments" to locate outside of Sacramento County in order to avoid any such funding mechanisms. Since any development large enough to have significant impacts on the County's transportation system is usually required to fund or construct roadway improvements to reduce impacts on roadway infrastructure as a CEQA mitigation measure, this policy seems to accomplish nothing more than the creation of an added burden on new development.

Land Use Element / Policy LU-6. This policy would establish a requirement in the General Plan that all projects involving ten (10) or more residential units must have a density of not less than 75% of the maximum density allowed by its zoning. In essence, this new Policy LU-6 effectively revises all of the density ranges in the County zoning code by eliminating three-quarters (3/4) of the dwelling unit ranges allowed in each zoning category by raising the minimum density to no less than 75% of the highest density allowed under the zoning code. Such a new policy is too restrictive and does not allow for the consideration of any market forces to help determine what types of residential housing units will be built in a project. It once again removes and restricts the discretion and decision making authority of the Board of Supervisors and makes it subservient to a General Plan policy that may not be appropriate in every situation. Policy LU-6 will also create implementation and enforcement problems. Policy LU-6 needlessly complicates zoning requirements.

Land Use Element / Policy LU-25. Land Use Policy LU-25 is another one of the policies that would remove and reduce the discretion and authority of the Board of Supervisors in land use matters. As written, it would require "compact, mixed use developments" as part of all new growth areas and commercial corridors. The current Board of Supervisors, and all future Boards, should always retain the discretion to determine whether it is proper and appropriate to require compact, mixed use developments. There are cases where the Board may want to improve a development which provides for estate type lots. Instead of specifying that compact, mixed use development shall be part of new growth areas and commercial corridors, Policy LU-25 should state that compact, mixed use development should be part of the development in new growth areas and commercial corridors only when it is found to be appropriate by the Board. Consequently, we suggest modifying Policy LU-25 to read:

"Policy LU-25. Providing compact, mixed-use developments ~~should~~ shall be an integral part of all master planning efforts for new growth areas and commercial corridors."

Land Use Element / Policy LU-34. A literal reading of Land Use Policy LU-34 would seem to require compliance with TOD development requirements for all land within ½ mile of a bus stop. However, the Policy fails to define what is considered a "transit stop/station" that would trigger compliance with TOD requirements. It is



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nonsensical to require a TOD around every bus stop in a new growth area. Instead of stating all "development applications within ½ mile of a transit stop/station shall comply with the TOD development requirement as listed on Page 8," the Policy should be revised to specify that compliance should take place where feasible and appropriate. Moreover, the policy should also clarify that it pertains to major Light Rail or Bus Rapid Transit stops or stations, and does not apply to every bus stop. Not every bus stop should be a trigger for meeting TOD development requirements. We recommend revising Policy LU-34 as follows:

"Policy LU-34. It is the policy of Sacramento County to support and encourage Transit Oriented Development (TODs) in appropriate areas throughout the County. Development applications within ½ mile of a major Light Rail or Bus Rapid Transit (BRT) transit stop/station shall comply with the TOD development requirements as listed on Table 8 where appropriate and feasible. Appropriate locations include major transit stops ~~for or nodes in commercial corridors~~, Bus Rapid Transit (BRT) ~~or and~~ Light Rail stations, ~~transit stops in new growth areas, or opportunity sites~~ identified in Regional Transit's Master Plan. If the Planning Department determines that an application is inconsistent with the intent of this policy, the Board of Supervisors shall be the appropriate hearing body to determine ~~feasibility of consistency (see Table 8)~~."

Land Use Element / Policy LU-44. Another mandatory design requirement is being created by LU-44, which will require separated sidewalks in all new growth areas along arterials and thoroughfares. While a laudatory goal, it should not be mandatory. There could be instances where such a requirement is not feasible because of site constraints, costs or other considerations. Again, this is another instance where the word "shall" as used in Policy LU-44 should be replaced with the phrase "should, where feasible and appropriate:"

"Policy LU-44. Master planning efforts for new growth areas ~~shall~~ should, where feasible and appropriate, provide for separated sidewalks along all arterials and thoroughfares to make walking a safer and more attractive transportation option."

Land Use Element / LU-50. This Policy of the Land Use Element would require any "automobile-oriented commercial area" to be located more than one-half (1/2) mile away from a TOD commercial core area. The meaning and intent of Policy LU-50 are unclear. The GPU contains no definition or description of what is an "automobile-oriented commercial area." It could be interpreted to mean that auto dealerships and auto repair shops need to be located at least one-half mile from a TOD area, although that makes little sense and no explanation for this requirement is given in the GPU. On the other hand, it might be interpreted to mean that retail establishments and offices which have large parking areas, such as grocery stores, office complexes, big box retailers,

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department stores and shopping malls must be located at least one half mile away from the nearest TOD. Again, the GPU gives no rationale for such a Policy and no definition of what the County considers an "automobile-oriented commercial area." Policy LU-50 seems to be ill conceived and poorly designed and should be eliminated.

Land Use Element / LU-80. Pursuant to Policy LU-80, the County would support agricultural-residential uses on lands adjacent to the inside boundary of the USB. While we do not disagree that an agricultural-residential use is a compatible use, there are many other compatible uses which can take place on the inside of the USB boundary. Also, in some instances, the same effect can be achieved on the edge outside of the USB. Every project needs to be sensitive to the edge between urban and agricultural uses. The type of development that is allowed along the edge needs to be looked at in individual circumstances so that creativity can be used to plan the edge of the USB boundary. LU-80 should not be interpreted as a policy which specifies the exclusive use allowed next to the USB boundary. Consequently, we suggest revising LU-80 to clarify this point:

"LU-80. The County shall encourage compatible uses ~~generally supports Agricultural—Residential uses~~ adjacent to the inside of the USB to both establish a smooth transition from urban uses within the USB to the rural uses found outside the USB, as well as to reinforce the integrity of the USB by limiting the potential for urban uses to reach beyond it."

Open Space Element / Policy OS-1. Policy OS-1 may be interpreted to be an absolute and strict requirement to permanently protect all areas with natural resource value as open space, regardless of whether the areas have significant values or minimal values. There should be no requirement to protect areas with poor natural resource values. Consequently, we suggest that Policy OS-1 be revised to read:

"Where feasible, permanently protect, as open space, areas of significant and important natural value, including high quality wetland preserves, riparian corridors, woodlands and floodplains."

Open Space Element / Policy OS-10. A regional park standard of 20 acres per 1,000 residents would be required by Policy OS-10. That is an unworkable and infeasible standard for a number of reasons. Implementation of such a standard would require an extremely high fee, on top of the existing park fees / Quimby Act fees already imposed on new development. It would add another fee at a time when a significant effort is being made to reduce and limit the fees that are placed on new development. Moreover, since the GPU basically seeks to preserve all agricultural lands outside of the USB and significantly restrict public access to them (See GPU Conservation Element CO-65, CO-83, CO-97, CO-98, and CO-121; GPU Agricultural Element Policies AG-12, Ag-1, Ag-16, AG-19, and AG-21), it is unclear where the County would locate all this additional regional park land. Another unanswered question is where the County will find the

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ongoing funding sources to operate and maintain all this additional regional park land in the future, since the County has severe budget constraints adversely impacting its current regional park system.

Public Facilities Element / Policy PF-38. Policy PF-38 seems to be at variance with state law concerning the funding sources for new school facilities. This Policy would require Specific Plans to include funding assurances for the acquisition of future school sites. This is not a proper topic for inclusion in the General Plan. State law, as found in Government Code Section 65995 and Education Code 17620, provides that the provisions of state law are full and complete mitigation for the impacts of new development for the planning, use and development of new school facilities to serve that new development "to the exclusion of all other measures, financial or nonfinancial, on the subject." (See, Government Code Section 65995(e)). In addition, the California Legislature has stated that it

"finds and declares that the financing of school facilities and the mitigation of the impacts of land use approvals, whether legislative or adjudicative, or both, on the need for school facilities are matters of statewide concern. For this reason, the Legislature hereby occupies the subject matter of requirements related to school facilities levied or imposed in connection with, or made a condition of, any land use approval, whether legislative or adjudicative act, or both, and the mitigation of the impacts of land use approvals, whether legislative or adjudicative, or both, on the need for school facilities, to the exclusion of all other measures, financial or nonfinancial, on the subject." (Government Code Section 65995(e))

State law further specifies that except for the school impact fees it allows, that a "fee, charge, dedication, or other requirement for the construction or reconstruction of school facilities may not be levied or imposed in connection with, or made a condition of, any legislative or adjudicative act, or both, by any state or local agency involving, but not limited to, the planning, use, or development of real property." (Government Code Section 65995(a)). Consequently, Policy PF-38 may not require the funding of school site acquisition by new development. Attempting to require such funding by way of a specific plan would be a violation of Government code Section 65995. PF-38 should be modified to simply read:

"Policy PF-38. Specific Plans shall show the location of future school sites based upon adopted school district master plans and criteria in the General Plan." ~~and shall include assurances of funding for acquisition.~~

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Thank you for the opportunity to comment on the DEIR and the General Plan Update.

Very truly yours,

LAW OFFICES OF

GREGORY D. THATCH



MICHAEL DEVEREAUX

MD/kr  
D7009.doc  
Encls.

cc w/enc.: SEGOG  
Sacramento County Board of Supervisors  
Sacramento County Planning Commission  
Elk Grove City Manager





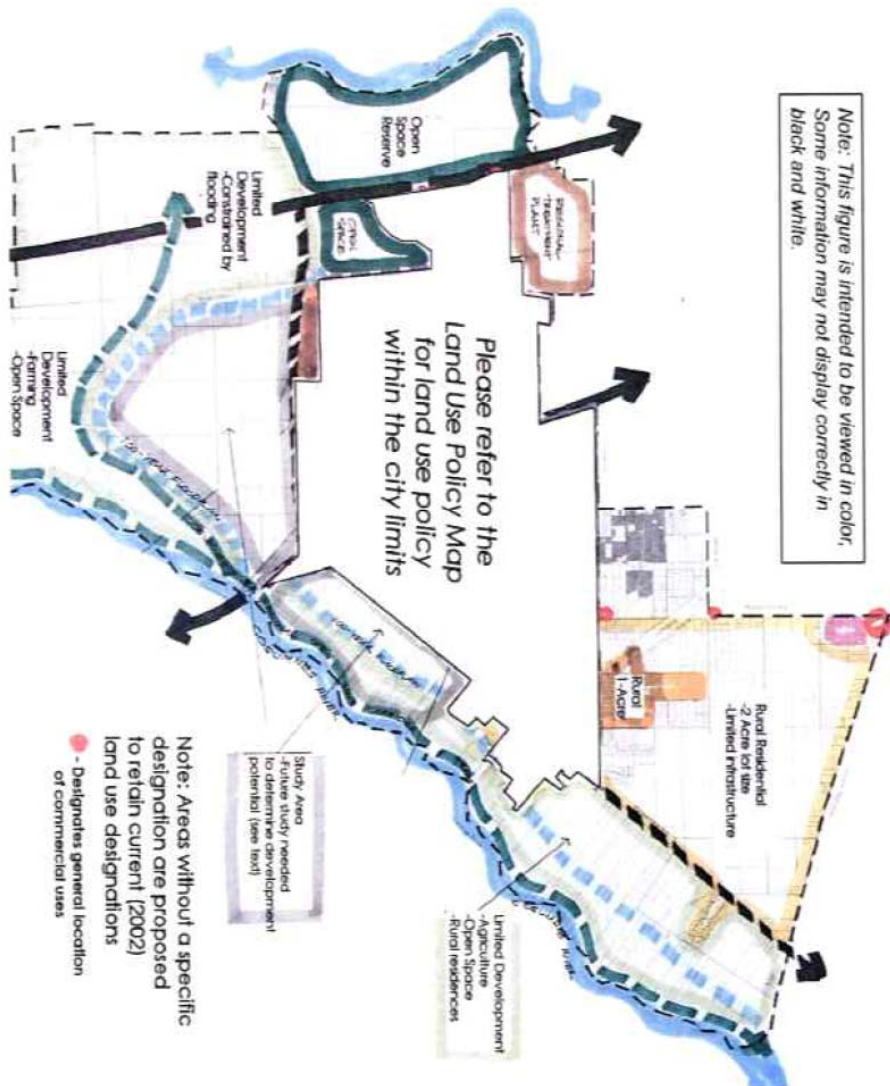
Elk Grove General Plan

Land Use Element

Figure LU-2: Planning Area Land Use Concept



Note: This figure is intended to be viewed in color. Some information may not display correctly in black and white.



Adopted 11/19/03 | Reflects Amendments through July 23, 2008

Letter 28

**Michael Devereaux, Law Offices of Gregory D. Thatch, on behalf of South of Elk Grove Owners Group; written correspondence; July 27, 2009**

**Response 28-1**

Although the City of Elk Grove SOI amendment has been under consideration for some time, it was not a formal proposal until much more recently. The application for the City of Elk Grove SOI Amendment was filed May 21, 2008, nearly a year after the proposed General Plan Update Notice of Preparation was published (August 13, 2007). Pursuant to CEQA Guidelines 15125(a), the General Plan Update project's Notice of Preparation publication date forms the baseline for the analysis.

**Response 28-2**

The Capital Southeast Connector project has not been incorporated into the proposed General Plan Update, as its planning and review has not progressed to a point where a specific proposal has been adopted. It is envisioned that any implementation of the Connector project will involve future County review and potential amendments to the General Plan.

**Response 28-3**

See Response 28-1.

**Response 28-4**

The remainder of this letter contains comments on the Project, not on the adequacy of the EIR. This letter has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

LENNAR		Letter 29
29-1	<p>June 17, 2009</p> <p>Joyce Horizumi County of Sacramento Department of Environmental Review and Assessment 827 7<sup>th</sup> Street, Suite 220 Sacramento, CA 95814</p> <p><b>RE: Draft Environmental Impact Report for the Sacramento County General Plan Update (Control Number 2002-GPB-0105) State Clearinghouse Number: 2007082086</b></p> <p>Dear Ms Horizumi:</p> <p>Lennar, one the nation's largest homebuilders and an owner of properties in Sacramento County, submits the following comments on the DEIR for the Sacramento County General Plan Update.</p> <p>The DEIR concludes that the Jackson Highway Corridor is inconsistent with Smart Growth Principals that direct development toward existing urbanized environments and away from open space and that this is a significant impact. Mitigation requiring phasing (LU-1) is proposed to reduce the significant impact associated with the Jackson Highway Corridor to less than significant levels.</p> <p>DERA's conclusion that the entire Jackson Highway Corridor is inconsistent with Smart Growth Principals is overbroad and flawed. Portions of the Jackson Highway Corridor provide excellent opportunities to achieve the goals of the Smart Growth Principals. For example, the "Elbow" area portion of the Jackson Highway Corridor, which is located south of Elder Creek Road and west of Excelsior Road, abuts the existing and comprehensively planned communities of Vineyard Springs, North Vineyard Station and the Florin-Vineyard Gap.</p> <p>The "Elbow" area provides for a logical extension of these existing and planned urbanized areas. The "Elbow", unlike other growth areas, is not dependent on leap frog extension of infrastructure to support development. The infrastructure required to serve the "Elbow", such as drainage, sewer, water, and transportation is readily available by extending planned infrastructure from the adjacent North Vineyard Station and Florin-Vineyard Gap areas. Including the "Elbow" area into the infrastructure planning and financing of the adjacent North Vineyard Station and Florin-Vineyard Gap areas will help to spread the overall infrastructure costs in an efficient and logical manner.</p> <p>Major infrastructure is already being planned or is already under construction for the "Elbow" area including the FRWA Water Treatment Plant and transmission mains, and drainage channel improvements and enhancements to the Elder</p>	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <p style="font-size: 2em; margin: 0;">RECEIVED</p> <p style="margin: 0;">JUN 17 2009</p> <p style="font-size: 0.8em; margin: 0;">DEPARTMENT OF ENVIRONMENTAL REVIEW AND ASSESSMENT</p> </div> <div style="margin-top: 10px;"> </div>
<p style="font-size: 0.8em;">Lennar Communities • 1075 Creekside Ridge Drive, Suite 110, Roseville, CA 95678 • Phone: 916-783-3224 • Fax: 916-783-3914</p> <p style="text-align: center; font-weight: bold;">LENNAR.COM</p> <div style="text-align: right;"> </div>		



29-1  
cont'

Creek and Gerber Creek drainage sheds. Major arterial roadways and their corresponding intersections which provide access to the "Elbow" are funded and are planned for improvement including Gerber Road, Florin Road, Excelsior Road, and Bradshaw Road.

Rather than diverting other development away from existing communities, development of the "Elbow" will help make the North Vineyard Station and Florin-Vineyard Gap areas more viable by sharing infrastructure costs, and completing the required transportation and drainage systems.

The phasing scheme proposed in LU-1 is also not feasible in a practical, real world sense. Development rarely occurs in a perfectly sequential fashion because of many external factors including the williness or unwillingness of property owners to develop, the high costs associated with development, environmental issues, and a host of other factors that will determine when certain properties might develop. Artificially constraining properties located in later phases will not produce higher quality development in earlier phases and in fact will tend to drive up the overall costs of housing which, in turn, could lead to other significant environmental impacts.

For the reasons stated above, it does not make practical or environmental sense for the "Elbow" area to be designated in a phase later than any other portion of the Jackson Highway Corridor. For many reasons, the "Elbow" area is less constrained from an environmental, infrastructure and location standpoint than are most areas located in the Jackson Highway Corridor. It also does not make sense to establish artificial thresholds by way of phasing to determine the timing of development in the Jackson Highway Corridor.

We appreciate the opportunity to provide these comments to the DEIR for the General Plan Update and we look forward to participating in the upcoming public hearings.

Respectfully,

Lennar



Don Barnett  
Senior Community Planning Manager

cc: Dave Defanti- Sacramento County  
Planning Commission Members

Letter 29

**Don Barnett, Lennar Homes; written correspondence; June 17, 2009**

**Response 29-1**

The EIR preparers agree: it is not true that development anywhere within the Jackson Highway Corridor would be inconsistent with smart growth principles. The inconsistency identified within the DEIR is related to the fact that the corridor taken as a whole is so large that with no master planning or phasing there is no way to ensure that growth proceeds in a manner that is consistent with the smart growth principles. In fact, the DEIR concludes that the Focused Growth Alternative, which ends the Jackson Highway Corridor at Excelsior Road, is consistent with smart growth principles and that Mitigation Measure LU-1 would not be needed in that case. The Focused Growth Alternative includes the “elbow” area referenced in this comment letter.

Unknown

**From:** Maulit, Justin (MSA)  
**Sent:** Tuesday, July 14, 2009 8:45 AM  
**To:** Hocker, Lauren (MSA); Barry, Toni (MSA)  
**Subject:** FW: comments: DEIR Sacramento county Genral Plan Update

-----Original Message-----

From: Rick Bettis [mailto:rickb@gardennet.com]  
 Sent: Monday, July 13, 2009 8:50 PM  
 To: DERA (Web Page)  
 Cc: lwvs@lwvsacramento.org  
 Subject: comments: DEIR Sacramento county Genral Plan Update

To: Sacramento County DERA

The following comments on the DEIR for the Sacramento County General Plan Update are submitted for your consideration.

Chapter 3- Land Use

30-1

LU-6. Should be modified to read "not less than" than the maximum adopted density. Allowing densities of 75% of maximum would not be consistent with the smart growth and climate change goals of adopted State legislation

LU-9, LU-10, A policy that emphasizes that the County encourages and will provide incentives for the modification of current Specific Plans and Zoning to increase densities should be added and evaluated. this policy should be consistent with or exceed the requirement of recent State legislation SB 375 and the Scoping plan for AB 32.

LU-87. this policy should be modified to read that the expansion of Agricultural residential land use should be discouraged and reduced where possible. I believe that there is already an excessive amount of land zoned for this use.

Chapter 6 - Water Supply

30-2

The EIR should address the fact that the groundwater contamination on the Aerorjet property in the Central Basin has reduced by 40,000 acre feet the available groundwater below the originally estimated 273,000 acre feet.

The EIR should address the water supply demands of other proposed urban development including the Cities of Elk Grove, Galt and Folsom Sphere of Influence expansions.

The EIR should address the need for and benefits of more emphasis on more compact land use, water conservation and recycling.

The EIR should also address the potential impact on water supplies by the action of other agencies such as the El Dorado Water Agency with their proposal to obtain rights to 30,000 acre feet or more from the American River, and the potential impact on water supplies of actions by the State of California and U. S. Bureau of Reclamation regarding water demands and requirements in the Delta and downstream thereof.

Chapter 7 Hydrology and Water Quality

30-3

The EIR should address more fully the impacts of and difficulty in remediating groundwater contamination.

The following should be added to the list of agencies on page 7-8.

- California Dept of Toxics Substances Control
- California Dept of Health Services
- U. S. Environmental Protection Agency
- U.S. Air Force, Dept of Defence
- Sacramento Groundwater Authority
- Central Sacramento Groundwater Authority

#### Chapter 9. Traffic and Circulation

30-4

The EIR should include an evaluation of the soon to be adopted Sacramento Regional Transit Master Plan, especially the increase in transit ridership due to Land Use modifications to encourage and facilitate transit useage as demonstrated by SRT Scenario C+.

In order to meet the requirements of SB 375 the EIR should evaluate the reductions in Vehicle Miles Traveled by implementing smart growth, compact transit oriented land use policies.

#### Chapter 11 - Air Quality

30-5

Ratner than just referring to curent California Air Resources Board and Sacramento Metropolitan Air District protocols the EIR should address the more recent studies of the health effects of fine particulate matter PM2.5 or less. the EIR should als address the research and findings regarding the use of vegetation as a mitigation measure for fine PM.

#### Chapter 12 Climate Change

30-6

The EIR should include more detail and emphasis on land use and transportation mitigation measures in accordance with the requirements of AB 32 and SB 375. Water conservation should also be addressed since the conveyance and treatment of water requieres more than 20 percent of the electrical energy use in the County.

#### Chapter 15 Cultural Resources

30-7

As an mitigation measure the EIR should evaluate the adoption of a Preservation Ordinance similiar to that of the Cty of Sacramento and many other local governments.

Thank you for your considration.

Sincerely,  
Rick Bettis  
Natural Resources Voters of Sacramento County

Letter 30

**Rick Bettis, Natural Resources Voters of Sacramento County; written correspondence; July 14, 2009**

**Response 30-1**

These are comments on the Project, not on the adequacy of the EIR. These comments have been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

**Response 30-2**

The contaminated groundwater from the Aerojet property is actually available for use in the form of remediated water. The Water Supply chapter of the EIR analyzes the cumulative water demands within the affected water districts. This analysis includes scenarios for obtaining additional water supply, and the relative difficulty of obtaining these supplies. Among the options are obtaining water rights and a more robust conservation program, but because this is a Plan-level analysis the discussion simply states whether or not this strategy is likely to be difficult without going into the details suggested by this comment. Should the Project be approved, the Zone 40 Water Supply Master Plan would need to be updated, and at that time more detailed analysis of supply would be completed.

**Response 30-3**

The purpose of the EIR is to analyze the impacts of the Project. The Project will not cause substantial groundwater contamination, so there is no need for a discussion about the difficulties of groundwater remediation. This list of agencies was not intended to be comprehensive.

**Response 30-4**

The purpose of the EIR is to analyze the impacts of the Project, not the impacts of other projects. The Transportation and Circulation chapter does include analyses of vehicle miles traveled (“Evaluation of Smart Growth in the General Plan Update” section), and also recommends mitigation aimed at reducing vehicle miles traveled.

**Response 30-5**

Analyses of PM<sub>2.5</sub> are contained within the Air Quality chapter (e.g. page 11-7). Tiered vegetative plantings are discussed on page 11-90.

**Response 30-6**

Comment noted. The EIR has included reasonable and feasible mitigation for this impact, including mitigation that addresses vehicle emissions (e.g. Development Thresholds in Table CC-9).

**Response 30-7**

This recommendation has been forwarded to the hearing body for consideration.

Letter 31

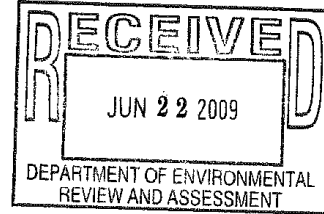
Planning Communities. Building Dreams.

northstatebia.org



June 22, 2009

Kathilynn Carpenter  
Chair, Sacramento County Planning Commission  
700 H Street, Suite 1450  
Sacramento, CA 95814



**RE: Planning Commission Review of the Draft General Plan of the County of Sacramento**

Chair Carpenter:

31-1

On behalf of the North State Building Industry Association I am writing today to express our concerns with the Draft General Plan policies. At the outset we wish to acknowledge the difficulty of crafting a General Plan given the myriad federal and state laws and regulations that must be taken into account.

The Board of Supervisors (Board) has directed staff to undertake a comprehensive cost reduction evaluation of any and all costs related to new development. The Board rightly has surmised that during the last up-cycle in the real estate market, the commensurate increase in local government costs placed on new development is unsustainable.

While that excesses of Wall Street enabled the prices of housing to increase beyond what our regional wage rates could support, those excesses have clearly been removed from the financial markets. Underwriting criteria has been and is continuing to be scrutinized in such a way as to decrease not increase the ability of a mortgage applicant to finance ever greater housing costs.

Given the systemic change in real estate and the Board's commitment to achieve cost reductions placed on new development, we view with great concern the multitude of policies within the General Plan that will increase costs. In addition, we would question the logic of a policy that would be more restrictive than either a federal or state requirement, further driving up costs.

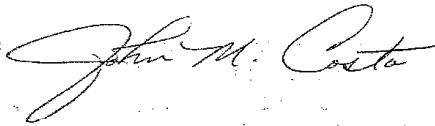
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We remain committed to working collaboratively and in a timely manner with the stakeholders and the County staff to evaluate and address the various general plans policy issues and our concerns. We respectfully request that the Planning Commission provide direction to staff to thoroughly review the implications of the proposed policy recommendations contained within the General Plan.

Contained within this letter are three points that highlight our policy concerns. We are crafting a full list of comments, which layout our overall concerns. We look forward to sitting down with staff to work through our concerns.

We appreciate your time and consideration of our concerns.

Sincerely,

A handwritten signature in cursive script that reads "John M. Costa". The signature is written in dark ink and is positioned above the printed name and title.

John Costa  
Senior Legislative Advocate

**Proposed General Plan Policies (brief list)**

**LU-1 and Growth Management-**

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cont'

Implements a phasing program that designates some areas as "Urban Development Area" and the remainder areas as "Urban Reserve".

Then staff proposes a phasing plan with earliest phases being closest to existing urban area and later phases farthest outward. Each phase shall represent a geographical area that will accommodate no more than 10 years growth and subsequent phases shall be prohibited until the prior phase is developed to at least 50% of the holding capacity.

The phasing scheme is not practical. Development rarely occurs in perfectly sequential pattern because of other factors such as ownership issues, legal issues, environmental issues and the high costs associated with development. Artificially constraining properties located in later phases will cause land costs and development costs to increase and make housing less affordable. Staff and DEIR's justification for the phased approach and for the urban reserves is the potential oversupply of up to 100%. The Board of Supervisors are interested in providing as indicated in the staff report, "long-term supply of land for business, commerce, employment, homes and community amenities." How would a phasing plan insure the implementation of the Board's direction?

**See Exhibit J-**

Staff's criteria for accepting applications- this process sets up a process, whereby the staff establishes the rules, and the authority to choose a project based on preference. This process could be highly subjective, and very expensive for an applicant to prepare an application only to be told staff does not think they meet the criteria. Additionally, some applicants may tend to over-promise the merits of a project to get the application accepted and later it is determined there are infeasible results. We would like to avoid these types of situations.

**Excess capacity/Oversupply-**

Staff has determined there is a potential over supply of units upwards of 100% of housing demand. However, Staff's assumption for the existing UPA seem highly optimistic given the real world constraints to development including the opposition of existing residents to infill development, environmental and legal constraints, unwillingness of

3



1  
cont'

some property owners to develop, and the high costs of development, especially for smaller parcels.

Staff's assumption for 71,000 units in the UPA expansion areas also seems overly optimistic. The new growth areas assume a density of 6.8 units per acre gross acre. After factoring in schools, parks, road and other nonresidential uses, the net density increases to approximately 10 units per net acre which is a very high average net density. If both the existing UPA and UPA expansion assumptions are overstated, then the oversupply is also over stated. Finally, an oversupply of units is healthy and allows the market to function properly and avoids a shortage of available supply, which in turn keeps costs down and discourages sprawl to outside jurisdictions.

## LETTER 31

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**John Costa, North State Building Industry; written correspondence; June 22, 2009**

**Response 31-1**

These are not comments on the adequacy of the EIR. These comments have been forwarded to the Planning Department and the hearing body for consideration.



July 12, 2009

Robert Sherry,  
827 7<sup>th</sup> Street, Room 230  
Sacramento, CA 95814

**RE: BIA Comments – Draft General Plan**

All comment 32-1

Mr. Sherry:

On behalf of the North State Building Industry Association, contained within this letter are our concerns with the Draft General Plan policies. As you are aware, the Board of Supervisors (Board) has directed staff to undertake a comprehensive cost reduction evaluation of any and all costs related to new development. Given this commitment, we have concerns with the multitude of policies within the General Plan that will increase costs. In addition, we would question the logic of a policy that would be more restrictive than either a federal or state requirement, further driving up costs.

As we discussed in our meeting last week, we were encouraged and support the need for the UPA expansion area to be considered for growth with the update to the general plan. Though we focused majority of our discussion on two critical issues: the Holding Capacity Study and the proposed Phasing Plan.

**1) Holding Capacity Study (Attachment C – Scenario 3)**

Staff has determined there is a potential over supply of units upwards of 100% of housing demand. However, staff's assumption for the existing UPA seems highly optimistic given the real world constraints to development including the opposition of existing residents to infill development, environmental and legal constraints, unwillingness of some property owners to develop, and the high costs of development, especially for smaller parcels.

Staff's assumption for 71,000 units in the UPA expansion areas

also appears to be overly optimistic. Referring to the attachment c – holding capacity, it appears the new growth areas assume a density of 6.8 units per acre gross acre. However, after factoring in schools, parks, road and other nonresidential uses, the net density increases to approximately 10 units per net acre which is a very high average net density. A quick rule of thumb is to consider that infrastructure takes up roughly 30% of the acre. We believe that both the existing UPA and UPA expansion assumptions are overstated, and therefore the oversupply is also over stated. If the UPA is expanded as staff has recommended, then it should actually be roughly 30% higher than the demand of 74,000 units as opposed to the 100%, which is currently being assumed by County staff. If the 6.8 units per acre assume the infrastructure is netted out, we would request that staff demonstrate how they calculated the numbers found within the study.

Our review of the numbers indicates that the land use / unit count numbers being used for the growth areas identified is overstated. In the study, it is indicated that “assuming that 85% of Holding Capacity of underutilized parcels will not be built during 2005 - 2030.” Using this number and applying that to the realistic land plan it can be demonstrated that the holding capacity of the new growth areas is overstated. For example, utilizing the proposed land use plan numbers of the Cordova Hills project and applying those numbers to the Jackson Highway New Growth area and the Grant Line East area applying the numbers to the Cordova Hills project assumptions gives us roughly a 30%-33% oversupply. In fact, a 30% oversupply of units is healthy and allows the market to function properly and avoids a shortage of available supply, which in turn keeps costs down and discourages sprawl to outside jurisdictions.

## 2) Proposed Phasing Plan

The proposed phasing program designates some areas as "Urban Development Area" and the remainder areas as "Urban Reserve". Staff is proposing a phasing plan with earliest phases being closest to existing urban area and later phases farthest outward. Each phase shall represent a geographical area that will accommodate no more than 10 years growth and subsequent phases shall be prohibited until the prior phase is developed to at least 50% of the holding capacity. However, this proposed phasing scheme is not practical. Given market realities

?

projects move forward and do not move forward for various reasons. In fact, most projects contain a build out plan to aid with the ups and downs of the market. The proposed phasing plan will artificially constrain properties located in later phases causing land costs and development costs to increase and ultimately making housing less affordable.

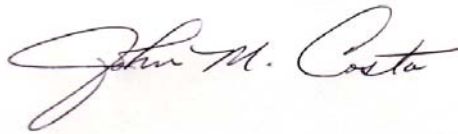
The staff and DEIR's justification for the phased approach is due to the potential oversupply presented in the holding capacity study, however, as indicated above we believe the holding capacity study is overstated. By eliminating the proposed phasing plan the County will insure the implementation of the Board of Supervisors' direction to provide "long-term supply of land for business, commerce, employment, homes and community amenities." The BIA requests that the general plan eliminate the phasing plan. There is no need to have this if the holding capacity is adjusted and the supply is slightly above the demand, which is healthy and allows the market to function properly.

Given the systemic change to the overall cost structure in the real estate market and the Board's commitment to achieve cost reductions placed on new development, we view with great concern the multitude of policies within the General Plan that will increase costs, specifically, the two critical issues addressed above.

We remain committed to working collaboratively and in a timely manner with yourself and your staff to evaluate and address the various policy issues and concerns. Thank you for your consideration.

*Attached: list of our issues/comments*

Sincerely,

A handwritten signature in dark ink, reading "John M. Costa". The signature is fluid and cursive, with the first name "John" being the most prominent.

John Costa  
Senior Legislative Advocate

### ***Proposed General Plan Policies***

Staff Report (Monday, June 8, 2009)

***See Exhibit J-*** Staff's criteria for accepting applications-

This process sets up a process, whereby the staff establishes the rules, and the authority to choose a project based on preference. This process could be highly subjective, and very expensive for an applicant to prepare an application only to be told staff does not think they meet the criteria. Additionally, some applicants may tend to over-promise the merits of a project to get the application accepted and later it is determined there are infeasible results.

***Excess capacity/Oversupply-***

Staff has determined there is a potential over supply of units upwards of 100% of housing demand. However, Staff's assumption for the existing UPA seem highly optimistic given the real world constraints to development including the opposition of existing residents to infill development, environmental and legal constraints, unwillingness of some property owners to develop, and the high costs of development, especially for smaller parcels.

Staff's assumption for 71,000 units in the UPA expansion areas also seems overly optimistic. The new growth areas assume a density of 6.8 units per acre gross acre. After factoring in schools, parks, road and other nonresidential uses, the net density increases to approximately 10 units per net acre which is a very high average net density. If both the existing UPA and UPA expansion assumptions are overstated, then the oversupply is also over stated.

Finally, an oversupply of units is healthy and allows the market to function properly and avoids a shortage of available supply, which in turn keeps costs down and discourages sprawl to outside jurisdictions.

***LU-1 and Growth Management-***

Phasing plan – staff has indicated that absent a phasing plan, there will be significant impacts to the County. However, the Board of Supervisors are interested in providing as indicated in the staff report, "long-term supply of land for business, commerce, employment, homes and community amenities." How would a phasing plan insure the implementation of the Board's direction?

Policy LU-1 Implements a phasing program that designates some areas as "Urban Development Area" and the remainder areas as "Urban Reserve". Then staff proposes a phasing plan with earliest phases being closest to existing urban area and later phases farthest outward. Each phase shall represent a geographical area that will accommodate no more than 10 years growth and subsequent phases shall be prohibited until the prior phase is developed to at least 50% of the holding capacity. The phasing scheme is not practical.

Development rarely occurs in perfectly sequential pattern because of other factors such as ownership issues, legal issues, environmental issues and the high costs associated with development. Artificially constraining properties located in later phases will cause land costs and development costs to increase and make housing less affordable. Staff and DEIR's justification for the phased approach and for the urban reserves is the potential oversupply of up to 100%.

#### **OS-8**

The intent of this plan is to preserve floodplain, habitat, agriculture, and greenbelts/parkways. Why would you need this plan when the SSHCP will already be preserving habitat species and there are already state and federal laws protecting floodplains? In addition, protecting farmland within the USB (as indicated by the OS map) seems contrary to the Blueprint. Lastly protecting greenbelts seems appropriate, but why not create a policy just for ensuring connectivity of greenbelts? Having an Open Space Plan is a duplicating layer of regulation and will likely lead to another development fee (implementation measure C), which is contrary to the County's current efforts.

#### **OS-10**

That is an unworkable and infeasible standard for a number of reasons. Implementation of such a standard would require an extremely high fee, on top of the existing park fees / Quimby Act fees already imposed on new development. Moreover, since the GPU basically wants to preserve all agricultural lands outside of the USB and restrict public access to them (See GPU Conservation Element CO-65, CO-83, CO-97, CO-98, and CO-121; GPU Agricultural Element Policies AG-12, Ag-1, Ag-16, AG-19, and AG-21), we fail to see where the County would locate all this additional regional park land. Moreover, Policy OS-10 does not specify whether it is intended that

the 20 acres per 1,000 people standard will apply to the people living in the unincorporated areas of the County, or if that standard has to be met for the entire County population as a whole, including the population of the incorporated cities. Another unanswered question is where the County will find the ongoing funding sources to operate and maintain all this additional regional parkland in the future, since the County has severe budget constraints adversely impacting its current regional park system operations. This is extremely contrary to the County's current effort to reduce fees. We would strongly encourage the County to maintain the current park obligation, per Quimby.

**AG -1**

This policy should specifically state the focus is on areas outside the USB. If not, then this is contrary to the blueprint. Why would you preclude development within the USB, when it will only result in sprawl to areas further outside Sacramento County? Maybe protect prime agriculture within the USB, but unique and local importance? Most farmers do not want this and to have to operate someday within the USB next to urban uses.

**AG-2**

We are concerned with the impacts of completely removing the power of the current and all future Boards of Supervisors that would result from the enactment of Policy AG-2. As written, Policy AG-2 absolutely prohibits the Board from accepting and considering all applications for General Plan amendments for the re-designation of lands outside of the Urban Services Boundary (USB) if the land involved contains prime farmland, unique farmland, farmlands of statewide importance, farmland of local importance, or farmland with intensive agricultural investments. Instead of such a broad sweeping absolute prohibition, any such applications should be considered by the Board of Supervisors on a case-by-case basis, based upon the merits of the application and the circumstances then existing. It is simply not good government for this Board to tie its own hands, and the hands of all future Boards, by flatly declaring that any such application for an expansion of the USB will never be accepted during the 25-year life of this General Plan Update. Implementation Measure "B" (at page 7) associated with Policy AG-2 should be deleted from the GPU as well; moreover, it goes beyond the scope of Policy AG-2 by preventing the Board from accepting any application to expand the USB if the land in question is not contiguous to existing urban development.



**AG -5**

The scope of the types of farmland for which mitigation must be provided would be greatly expanded by Policy AG-5. Instead of merely requiring mitigation for the loss of "prime" farmland, the new Policy AG-5 adds the categories of "farmland of statewide importance," "unique farmland," and "farmland with intensive agricultural investments," as well as requiring all such mitigation to take place on nearby farmland. Requiring mitigation for such additional categories of farmland will add significant and substantial costs to a project. Moreover, by requiring such mitigation to be on "nearby farmland," this policy is arguably inconsistent with the rest of the GPU, which is trying to focus development within the UPA boundary. By requiring farmland mitigation nearby within the UPA, the County will be forcing the County's future development to expand the UPA sooner than originally anticipated because of this new requirement for more farmland to be mitigated within the UPA. It will exhaust the supply of developable land much sooner, especially at the 1:1 mitigation ratio proposed in the Draft DEIR for the GPU. In any event, if mitigation for the loss of agricultural lands is going to be required, then credit against such a requirement should be given for any lands, which are preserved for the mitigation of biological resources and wetlands, such as Swainson's hawk habitat, vernal pool and riparian areas. The policy is too vague on this.

**AG-12**

Eliminate Policy AG-12, which requires the County to indemnify agricultural property owners against losses from recreational users. Decisions to site recreation uses near agricultural should have sufficient review and conditions to eliminate the need.

**AQ-3**

Refers to the AQMD's protocol for sensitive land uses and major roadways and potential buffers. Policy CI-40 refers to 660-foot setbacks along "scenic freeways" – what constitutes a scenic freeway? What are the impacts to the various specific plans with these setbacks/buffers?

**AQ-4**

It is important that the imposition of this requirement be properly timed so it does not occur either too soon or too late during the development process. It should not be required too early in the development process when the exact qualities of a project's development are not yet known. We suggest requiring preparation and approval of an Air Quality Management Plan only after the

developer has obtained County approval of a tentative subdivision map. Approval of a Plan can be a condition of approval, which must be satisfied in order to obtain the first final subdivision map for the project in question.

**AQ-10**

Replace requiring with "Encourage" This is too restrictive and from project to project there may be a better solution than contributing to transit funding to reduce VMT. In addition, this is another fee on development and is contrary to the County's current fee reduction effort. Ongoing funding of transportation services to reduce the demand for roadway infrastructure would be required from large developments under AQ-10. Again, this is a poorly written and ill-defined policy that will be difficult, if not impossible to apply, as well as add excessive costs on new development. The term "large development" is never defined in the GPU. There is no guidance in the GPU for determining what would be considered a "large development." A similar problem exists with regard to the phrase "mechanism for on-going funding of transportation services that help reduce the demand for existing roadway infrastructure," which is never defined or explained. It would appear to be an attempt to impose a new type of tax or fee on real property that is developed in order to pay for impacts on existing roadways. Again, this is a policy that will only to serve to increase the cost of doing business in the unincorporated areas of the County and drive businesses and new development farther away from the existing urban core areas in order to escape this burden. It has the potential to exacerbate regional air quality problems, rather than reduce them, by forcing "large developments" to locate outside of Sacramento County.

**AQ Implementation Measure A (air Quality Fee)**

There is no mention of a mitigation measure that would help reduce greenhouse gases of existing homes. Why put a majority of the burden on new development e.g. a new fee when the County is trying to reduce fees now. The policy should state if a development project exceeds the County's established thresholds for residential, transportation, and commercial, then a fee could be a solution of many solutions to lessen the impact. However, if a project is below the County thresholds then a fee shall not apply. In addition, why not the encouragement of a policy to implement a tax assessment on existing homes for energy efficiency improvements; just like the Berkeley model. At the discretion of homeowners and the assessment carries with the home and not homeowner. If the goal were to improve our regional air quality, then a huge bang for our buck would be with

existing homes and not with new development that is already well below 1990 levels. Existing homes should not be ignored and another fee should not be place on new development.

**CO-6**

As written, Conservation Element Policy CO-6 would preclude all land use entitlements in new growth areas until there is a Board approved Master Plan for a sustainable water supply, as well as all agreements and financing in place for that Master Plan. That is unworkable and it is not feasible to expect all financing to be in place before any land use entitlements have been approved. No landowner would enter into any binding financing agreement until the landowner had assurance that the necessary land use entitlements were in place to increase the value of the subject property and provide the necessary lien to value ratio for the financing mechanism being used. Moreover, we see no reason why the County should attempt to go beyond the requirements of state laws with regard to the provision of adequate water supplies for new development. Adequate protections are already in place to assure an adequate future water supply under state law. A County requirement would be duplicative and would add little to the existing statutory framework.

**CO-9**

This is similar to Policy CO-6 in the sense that it will preclude the County from granting any development entitlements in areas with insufficient groundwater until the all-necessary agreements and financing is in place to obtain an additional water supply. This Policy CO-9, as written, would make it impossible to enter into all necessary agreements and financing, because virtually no financing can be obtained until the land has some development entitlements. The Policy should be revised to provide that no final subdivision maps or parcel maps might be approved until the necessary agreements and financing are in place to obtain the additional water supply.

**CO-13**

GPU Policy CO-13 would require new projects to ensure that sufficient water supplies are maintained for existing farming practices that may compete for the same source of water. That is an infeasible burden to place on new projects. No water purveyor can guarantee its water supply from year to year, so we do not see how the County expects a new project to do what even the water purveyor cannot do. It is impossible. Moreover, new projects cannot prevent state and federal wildlife agencies from creating new water demands for the protection

of listed species that will reduce water supplies available for existing agricultural uses.

**CO-28**

Requires all development projects excluding single-family homes to incorporate water efficient landscaping. This policy is not consistent with AB 1881 and discussions underway with the BIA and water purveyors. Policy CO-29 may cover the aspect of single-family homes.

**CO-57**

Suggests use of recycled asphalt or base for all roadway construction to the maximum extent possible. Should change the wording to the maximum extent practical of eliminate?

**CO-63, 64, 65**

These policies are discouraging conversion of farmland and making the determination of significant environmental effect for the purposes of CEQA.

**CO-73**

May restrict habitat mitigation to within Sacramento County. This policy may not promote the best the species recovery strategy. The language does use "should" thus it is not a strict requirement.

**CO-86**

This policy is too proscriptive as a General Plan Policy. These implementation measures (i.e. the type of street curb) should be eliminated from the Policy.

**CO-110, 111, 112 and SA-21**

These policies are meant to discourage or disallow development within the 100-year floodplain by limiting fill within these areas.

**CO-134**

Are an implementation measure and not a policy. It is far too proscriptive and detailed and should be implemented in creek master plans.

**CO-165**

Suggests use of pervious parking lot material around trees. This is an implementation measure and not a policy.

**PF-9**

The sizing of all infrastructures should take into account the SSHCP. Infrastructure should not be sized according to land that will not

develop and will be preserved in perpetuity. This is one way of many to help reduce costs and contribute to the countywide fee reduction effort.

**AQ-5**

We believe it is a mistake for the County to get involved in establishing parking fees and charges for private developments and private property, as would be required by Policy AQ-5. The County does not have the expertise or staff to evaluate and set parking prices. Moreover, this policy is poorly written and seems to imply that the SMAQMD will be involved in deciding when the County to the owners of private property would dictate “pricing controls”. Any such County-mandated “pricing controls” are likely to have the unintended consequence of forcing new development to move to areas outside of the County’s to escape such County “pricing controls.” As a result, Policy AQ-5 is likely inconsistent with Policies ED-37, ED-38, ED-39 and ED-40 of the GP’s Economic Development Element.

**AQ-7**

The new Policy AQ-7 will require all new “employment intensive development” to implement a “model trip reduction program.” The GPU fails to define what level of employment would be considered an “employment intensive development.” It could be based on number of employees per acre, building size, or size in acres of the parcel of land upon which the employment generating uses were located. The GPU never defines what it means by use of the term “employment intensive development.” Moreover, the nature and cost of implementing a “model trip reduction program” is completely unknown and undefined. Such programs can be very expensive to design and operate, and will likely cause new employers to stay away from locations in Sacramento County because it adds to their cost of doing business. Moreover, Policy AQ-7 would also apply to Sacramento County, which is hardly in a position to pay for the cost of developing and implementing a “model trip reduction program” given the County’s current financial situation. While AQ-7 may be good intentioned, it is too ill defined and will be difficult to implement, especially during a time of economic distress for both the public and private sectors. Moreover, it is not uncommon for CEQA mitigation measures to require developments which will have significant air quality and traffic impacts to implement TSM Plans, so we question why it is even necessary to propose such a policy in the first instance

**LU-1 (and Growth Management)**

Phasing plan – staff has indicated that absent a phasing plan, there will be significant impacts to the County.

Policy LU-1 Implements a phasing program that designates some areas as "Urban Development Area" and the remainder areas as "Urban Reserve". Then staff proposes a phasing plan with earliest phases being closest to existing urban area and later phases farthest outward. Each phase shall represent a geographical area that will accommodate no more than 10 years growth and subsequent phases shall be prohibited until the prior phase is developed to at least 50% of the holding capacity. The phasing scheme is not practical.

Artificially constraining properties located in later phases will cause land costs and development costs to increase and make housing less affordable. Staff and DEIR's justification for the phased approach and for the urban reserves is the potential oversupply of up to 100%.

**LU-6**

This policy would establish a requirement in the General Plan that all projects involving ten (10) or more residential units would be required to have a density of not less than 75% of the maximum density allowed by its zoning. In essence, this new Policy LU-6 effectively revises all of the density ranges in the zoning code by eliminating three quartets (3/4) of the dwelling unit ranges allowed in each zoning category. It would raise the minimum density allowed to no less than 75% of the highest density. Such a new policy is too restrictive and does not allow the market to dictate what types of residential housing units will be built in a project. Moreover, it once again removes the discretion and decision making authority of the Board of Supervisors and makes it subservient to a General Plan policy that may not be appropriate in every situation. It will also create implementation and enforcement problems. County Staff will be required to explain to disgruntled members of the public why the density ranges shown in the zoning code are not really accurate, because the new General Plan now says that all projects over 10 units must achieve a density which is 75% of the highest density allowed under the zoning code.

**LU-9**

Minimum of approved plan densities in planned communities. Forces property owners (small properties in particular) into unwanted development & tie their hands. Examples include family legacy TM's & carve outs for existing homes.

**LU-13**

As explained in the County Staff Report for the June 22, 2009 Planning Commission hearing on the GPU, Policy LU-13 is intended to be a policy that prohibits leapfrog development. While we do not disagree with that goal, we do believe that Policy LU-13 needs to be revised to explicitly state the clear intent of the County in this regard. The ambiguity in the currently drafted policy needs to be removed by re-wording the policy. Five years from now, future County Planning Staff, developers and landowners cannot be expected to refer back to a June 22, 2009 Staff Report in order to interpret what was meant by Policy LU-13. Consequently, we suggest that the County revise Policy LU-13 to read as follows:

“The County will promote new urban development within identified growth areas and prohibit land use projects which are not contiguous to existing planned communities or master plan areas for ~~noncontiguous development~~, specifically proposals outside of the Urban Policy Area (i.e. leapfrog development).”

**LU-14**

The Land Use Element’s Policy LU-14 would require the preparation of public facilities financing plans before any zoning is approved in urban growth areas. This is out of sequence and not feasible. The developer must know what zoning the County has approved for the project in question before a public facilities financing plan can be prepared. It is the zoning, which creates the ability to craft a workable financing plan. Without knowing the zoning and estimated lot yields, it is not possible to prepare a final finance plan that could be approved by the County. These are expensive plans to prepare, and they require a solid set of baseline facts, such as the approved zoning, before adequate public facilities financing plan can be written and capital improvements designed and phasing determined. Trying to impose the finance plan requirement at the very beginning of the process will not work, and will only require changes to the finance plan when the ultimate zoning is determined.

**LU-17**

Planning in Jackson Road should be consistent with the Vision Plan. Visioning Plan process WAS NOT a public process, was not accepted by the Board (only vision was from the Planning Dept.) and must not be referenced in any way.

**LU-18**

The discussion in the penultimate paragraph on Page 18 of the Land Use Element improperly defines and describes the term "urban reserve" in a manner that is somewhat inconsistent with the GPU's Land Use Diagram. Materials distributed by the Planning Staff to the Planning Commission have identified new growth areas within the UPA as being of two types: "urban development areas" and "urban reserve." The GPU, however, describes lands as "urban reserve" if they are located outside of the UPA but inside of the USB. That is a fundamental inconsistency, which needs to be corrected.

**LU-25**

Compact mixed use SHALL be part of all master plans. Limits County's options for future in ALL of County for next 50 years. Use the word "should" instead of "shall".

**LU-27**

Refers to a mix of uses and defines percentages. What do the percentages apply to? Acreage? Square Footage? Some value associated with such use?

**LU-34**

A literal reading of Land Use Policy LU-34 would seem to require a compliance with TOD development requirements for all land within ½ mile of a bus stop. However, the Policy fails to define what is considered a "transit stop/station" that would trigger compliance with TOD requirements. It is nonsensical to require a TOD around every bus stop in a new growth area. Instead of stating all "development applications within ½ mile of a transit stop/station shall comply with the TOD development requirement as listed on Page 8", the Policy should be revised to specify that compliance should take place where feasible and appropriate. As noted, not every bus stop should be a trigger for meeting TOD development requirements.

**LU-41**

"Implement the Pedestrian Master Plan." Ties in street standards and separated sidewalks on all residential streets. Indirect tie-in of standards with bad consequences. How many others like this are out there?

**LU-44**

Another mandatory design requirement is being created by LU-44 that will require separated sidewalks in all new growth areas along arterials and thoroughfares. While a laudatory goal, it should not be mandatory.



**LU-46**

Why lose the flexibility to collect an in-lieu fee? In certain situations an in-lieu fee is more desirable for all.

**LU-48**

Land Use Policy LU-48 would require affordable housing units to be mixed with market rate units. Affordable housing units may need to be built in a way that is precluded by this policy in order to find financing for them. The financing for affordable housing developments is sometimes structured in a manner that qualifies them for federal tax incentives in order for the cost of such projects to be feasible.

**LU-50**

Locate auto oriented commercial 1/2 mile outside TOD. What counts as "auto oriented", grocery stores? Look at Rivermark in Santa Clara as an example of grocery/drug mixing into a TOD area to make it viable.

**LU-80**

Buffers to USB - "The County generally supports Agriculture-Residential uses adjacent to the inside of the USB to both establish a smooth transition from urban uses within the USB to the rural uses found outside the USB, as well as to reinforce the integrity of the USB by limiting the potential for urban uses to reach beyond it."

What if there is floodplain or habitat preservation in perpetuity along the USB? This will ensure an adequate buffer to uses inside and outside the USB are maintained in perpetuity and maximizes the development potential within the USB creating less sprawl and low-density development. LU-80 should include Agriculture-Residential, Floodplain, and Habitat preservation as all acceptable buffers along the USB.

**LU-113**

Refers to consistency to the Sacramento County General Plan for annexations. Does this policy compromise the ability of any existing City to accomplish an annexation?

**LU-121**

This policy states the UPA is intended to supply 25 years of developable land. However, this seems to conflict with various policies.

**LU-124**

LU-124 states that land use re-designations for land outside the USB cannot be changed to residential. Either the policy must be deleted or the land use map must modify.

**LU-126**

This policy states that the USB will not be expanded unless, among other things, the area does NOT include prime farmlands. It makes provisions for the BOS to approve by 4/5 majority on an appeal; however, Policy AG-2 would allow staff to reject the application without making a "departmental determination".

**OS-1**

We are concerned that Policy OS-1 may be interpreted to be an absolute and strict requirement to permanently protect all areas with natural resource value as open space, regardless of whether the areas have significant values or minimal value. There should be no requirement to protect areas of poor natural resource value.

**CI-25**

This policy is not clear on the nexus. A development project should finance and provide these bicycle and pedestrian facilities within the project and line up with outside connections. However, this policy is open-ended and could mean new development pays for existing developments deficiencies. The policy should be more specific and that new development will contribute its fair share based on nexus studies to bicycle and pedestrian trails.

**CI-30**

Is this really necessary to require for every new development, especially in light of the County's fee reduction efforts. All "land development projects" would be required by Policy CI-30 to fund, implement, operate and/or participate in TSM programs, regardless of size and regardless of whether the CEQA environmental document or traffic analysis for the project determined whether the project would have a significant impact on the County's transportation and circulation system. This Policy is overbroad and will be costly for projects of all sizes. It should be deleted, especially in light of Policies AQ-4 and AQ-7. Policy CI-30 is redundant.

**CI-45**

Designates Scott Road south of White Rock Road as a Scenic Highway. This could have unintended consequences on future opportunities related to aggregate mining or development. This should not be a

General Plan Policy but dealt with in applications containing the segment. In addition it can be incorporated into CI-48 to study designation of additional Scenic Corridors.

#### **PF-9**

We are concerned with the requirement of Policy PF-9 that trunk and interceptor sewer systems be designed to accommodate the flows that would be generated by full urban development at urban densities within the sewer service area. Such a requirement may well result in oversized sewer infrastructure, which will be expensive to build and maintain, and that will not function properly if the sewer flows are too low. Moreover, the South Sacramento Habitat Conservation Plan may well dictate that many areas will not build out to full urban densities because of the need to have habitat and vernal pool preserves within the UPA (and USB). Such preserves would reduce the footprint of ultimate urban development significantly beyond the footprint that would be expected by simply using the GPU's Land Use Diagram as the basis for the ultimate build out of the County with urban uses. Moreover, if the GPU's policies on the preservation of farmland are adopted and implemented without revision, then the acreage of land available within the UPA and USB for ultimate urban development will be significantly reduced as well. Consequently, we suggest revising Policy PF-9 to read as follows:

"PF-9. Design trunk and interceptor systems to accommodate flows generated by full urban development at urban densities within the ultimate service area, taking into account the effects of implementing the South Sacramento Habitat Conservation Plan and the farmland preservation policies of the General Plan on the size of areas designated for urban development. This could include phased construction where deferred capital costs are appropriate."

#### **PF-14**

Why preclude the flexibility to do so? If it makes financial sense, creates a more sustainable community, and is aligned with General Plan EIR policies to decentralize services, then why not. This will not occur for most developments, but there may be unique situations where it is more appropriate. For instance, Ladera Ranch in southern California has 3 internal scalping plants that the community manages. These scalping plants provide all of the non-potable landscaping needs for the community.

**PF-15**

What are the additional cost implications of this? This policy should clarify if the fee is based on a clear nexus to new development. It seems open ended to where new development could pay for trunk and interceptor needs of existing communities, infill.

**PF-16**

Suggests connection fees or “other revenue sources” should fund sewer treatment plant expansion and upgrades and trunk and interceptor improvements. Does this policy compromise the idea of building more of the connection fee cost into a monthly service charge?

**PF -18**

Why be so restrictive? If a development wants to construct interim facilities, then let them do so at their own cost. What if another company similar to Intel wants to locate here, but they have to (willing to do so at their own cost) construct interim sewer lines to get their campus up and running. Why would you preclude this from occurring? This policy should be changed so that interim facilities will not be part of a fee program and not subject to reimbursements. Interim facilities will be fully funded by the project that may need it.

**PF-41**

Why be so specific with fees on new development? Open up to other financing opportunities for new development.

**PF-44**

Requires library financing (fees) to treat projected employment equivalent to new residents. Does this proscriptive approach make sense?

**PF-120**

Tent Maps include utility easements as DETERMINED BY SMUD & PG&E. They always want 12.5' PUE that conflicts with density projects. Should include policy to require reduced easements with density projects.

Letter 32

**John Costa, North State Building Industry; written correspondence; July 12, 2009**

**Response 32-1**

These are comments on the Project, not on the adequacy of the EIR. This letter has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.



July 13, 2009

Robert Sherry,  
827 7<sup>th</sup> Street, Room 230  
Sacramento, CA 95814

**RE: Additional BIA Comments – Draft General Plan EIR**

Mr. Sherry,

On behalf of the North State Building Industry Association (BIA), contained within this letter are additional BIA comments on the draft General Plan EIR.

As stated in our prior communication, we are committed to working collaboratively and in a timely manner with yourself and your staffs to evaluate the various general plan policy issues and concerns.

Thank you for your consideration to our concerns.

Sincerely,

John Costa  
Senior Legislative Advocate

**Proposed General Plan Policies – Additional BIA Comments:**

**Land Use – Chapter 3**

- 33-1 Smart Growth. The DEIR's analysis of the General Plan Update's land use impacts in Chapter 3 is based upon seven policies that are characterized as "smart growth" principles. It appears that the DEIR has evaluated the General Plan Update, as well as the CEQA alternatives, in terms of their strict conformance with those seven smart growth principles, rather than in terms of their long term physical impacts on the environment. In essence, the DEIR has applied the seven smart growth principles it derived from the SACOG Blueprint as the thresholds of significance for evaluating the General Plan Update and its alternatives. We believe such an effort to be misguided and a violation of CEQA. CEQA Guideline Section 15064.7(b) provides:
- "(b) Thresholds of significance to be adopted for general use as part of the lead agency's environmental review process must be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence."
- 33-2 While the Board of Supervisors has adopted the allocation of new housing units in the SACOG Blueprint and directed the County Planning Staff to develop a method to accommodate that number of new housing units within the time frame of the Blueprint, we do not believe the Board has formally acted to adopt the Blueprint's smart growth principles as the County's thresholds of significance for CEQA purposes. Moreover, there is no mention made of those seven smart growth principles in the environmental impact reports recently prepared by the County for the Easton General Plan Amendment EIR; the Florin-Vineyard Gap Community Plan EIR; the Teichert Quarry EIR; the Watt Avenue/US 50 Interchange Modification EIR; or the White Rock Road Widening EIR. If those seven smart growth principles are the County's CEQA thresholds of significance for land use impacts, then we ask you to explain why they are only being applied in the General Plan Update, but not being applied in other environmental reviews.
- 33-3 We are also concerned that utilization of those seven smart growth policies is an effort that in and of itself must undergo a

33-3  
cont'

rigorous environmental analysis before it may be adopted as an official planning policy by Sacramento County. The physical environmental impacts of implementing those seven smart growth policies has never been examined. SACOG never performed a CEQA analysis of its Blueprint which proposed those seven principles. For instance, those smart growth principles need to be evaluated in light of the following environmental issues:

- The promotion of infill without any examination of the incompatibility of high density land uses with adjacent neighborhoods;
- No consideration of environmental justice considerations;
- Directing development into blighted areas with inappropriate zoning and building code violations;
- Potential for creating an over concentration of multi-family housing in certain neighborhoods and along certain transportation corridors;
- Promoting higher density development and a resulting lack of diversity of housing types;
- Exacerbating problems with inadequate and low quality transit service in existing infill areas;
- Forcing new development into infill areas with a lack of pedestrian and bicycle connections to open space, inadequate parks, poor neighborhood services and deteriorating schools;
- Forcing new development into infill areas which have an insufficient capacity in their existing water, sewer and drainage facilities to handle any new development, especially high density development;
- Impacts from putting new development in areas which have existing problems with inflow and infiltration from groundwater into overburdened wastewater collection pipes;
- Potential conflicts with high voltage electrical transmission lines which crisscross Sacramento County;
- Promoting new development in existing areas which currently have insufficient coverage by police, fire and ambulance services;
- Expanding the need for parks, libraries and community centers with high density development in existing areas which have no land available;
- Adding new high density development in areas with existing sidewalk deficiencies which inhibit pedestrian mobility and travel;



33-3  
cont'

- Adding more residents to areas that have park and recreation deficiencies due to lack of parks and parklands;
- Lack of noise barriers along railroad tracks will only expose more people to noise impacts in infill areas;
- Lack of open space in infill areas which is within walking distance of people living in the new infill high density development; and
- Public safety/crime impacts of promoting high density development in infill areas.

33-4

Greenfield Growth Conclusions. During our review of Chapter 3 on the Land Use impacts, we find that the DEIR at times reached conclusions that are not supported by any analysis or citation to authority. For example, on page 3-31 the DEIR discusses the New Growth Areas provided by the General Plan Update and states "Providing this superabundance of greenfield growth area is likely to draw development away from the more challenging infill and redevelopment projects and toward the greenfield projects." Please describe or cite to the studies which determined the New Growth Areas in the General Plan Update to be a "superabundance of greenfield growth." In addition, please cite the studies that determined that development in greenfield areas draws development away from infill and redevelopment projects.

33-5

Leapfrog Development. On Pages 3-32 and 3-33 the DEIR characterizes the Grant Line East New Growth Area as a larger than needed and as leap frog development. However, the General Plan Update recognizes that all of the County's future growth needs cannot simply be satisfied through infill and redevelopment. Instead, the General Plan Update recognizes that new growth must be directed not only toward previously urbanized areas, but also to "select new growth areas to reduce sprawling development." (General Plan Update, Land Use Element, Page 3). Moreover, the General Plan Update recognizes that "near-term urban development will be accommodated through redevelopment and infill of vacant and underutilized parcels within existing urban communities and build-out of planned communities...." Because development in these existing urban areas cannot accommodate the entire population increase and associated development projected to occur during the planning period, the General Plan Update also designates specifically designates limited new urban growth areas to accommodate a portion of the County's anticipated future growth. (General Plan Update, Land Use Element, Page 26) In addition, the General Plan Update recognizes that "a balance must be achieved so that reinvestment in existing

33-5  
cont'

communities is not overshadowed by planning and development activity in new growth areas.) (GPU, Land Use Element, Page 28) Consequently, the DEIR seems to be jumping to unfounded conclusions that the General Plan Update has designated a "superabundance" of new growth areas that will automatically result in leap frog development. More importantly, the DEIR has overlooked the County's stated intent in the General Plan Update with regard to the New Growth Areas. The County has selected the identified New Growth Areas because they fill the County's "need to provide a reasonable oversupply of land to maintain market flexibility." (GPU, Land Use Element, Page 40) For that reason, the County has explicitly crafted the General Plan Update "to accommodate approximately 1/3 of project growth in new growth areas" in order to strike a thoughtful balance between the infill and new growth areas. (GPU, Land Use Element, Page 40).

33-6

Developed vs. Designated / Mitigation Measure LU-2. The DEIR has determined on Pages 3-36 through 3-42 that the General Plan Update's land use policy LU-120 conflicts with smart growth principles if the County accepts applications for expansion of the Urban Policy Area ("UPA") before the adjacent land is actually physically developed, rather than just designated for development with urban uses. Because policy LU-120 uses the word "designated", the DEIR has concluded that LU-120 will encourage leap frog development and thereby conflict with smart growth principles. Mitigation Measure LU-2 would replace the word "designated" with the word "developed" in LU-120. By doing so, the DEIR has failed to take into account the amount of time it takes to process an application for a change in the UPA and the subsequent approval of all the necessary entitlements before any land can actually be developed. The consequences of the DEIR's proposed change will be dramatic and substantially and adversely impact the County's ability to maintain an adequate supply of land designated for future development. By only accepting applications for an expansion of the UPA when the proposed area is adjacent to an already developed area, the County will no longer be engaged in long range planning. It will become kneejerk planning. Moreover, by dictating that the Board cannot vote to accept the application unless there is less than a ten (10) year supply of land for accommodating new growth it would turn all planning into a 10 year time frame. There would no longer be a long range vision of where future growth should occur over a 25 or 30 year time frame, if applications to expand the UPA can only be accepted for processing when there is only a 10 year supply of land left. Moreover, the Board's discretion to set long range policy and to change that policy when circumstances change would be

33-6  
cont' severely curtailed and diminished by the DEIR's proposed changes to policy LU-120. The DEIR's proposed change to LU-120 may even make the General Plan Update internally inconsistent, since the General Plan Update is supposed to be a 25-year long range planning document.

33-7 Mitigation Measure LU-2. The DEIR (at page 3-43) also proposes to revise Policy LU-121 of the General Plan Update in order to alter the type of lands within the UPA and fundamentally change the thrust of LU-121. Mitigation Measure LU-2 would change Policy LU-2 so it requires the UPA to also provide "additional preserve lands" and provide an "appropriate supply of open space." The DEIR's analysis of the holding capacity of the expanded UPA under the General Plan Update never considered the consequences of reducing that holding capacity by locating large blocks of habitat preserves and open space within the UPA.

33-7 Divert Development. Page 3-72 once again repeats the unsupported conclusion made earlier in the DEIR that allowing any new development in the Grant Line East Area would be contrary to smart growth principles because it would divert development away from infill areas and the Commercial Corridors. Please cite to any studies that have been performed for the Sacramento County area that would support such a conclusion.

#### **Water Supply – Chapter 6**

33-9 Groundwater Recharge / Standard of Significance. The discussion of groundwater recharge on Page 6-54 of the DEIR is illogical. It first states that "in areas of hardpan soils where infiltration is already very low, development has a negligible effect on recharge. In areas of porous soils with good groundwater recharge potential the placement of impervious surfaces can have measurable negative effects on that recharge ability." The later statement is logical and makes sense. However, the DEIR then goes on to conclude that "any substantial loss of an area identified as high, medium, or low recharge capability would be a significant impact." If an area has a negligible recharge capability, we fail to see why development of that area would be considered a significant impact. If the rate of infiltration is the same with or without development due to the impervious nature of the existing soils and hardpan layer, then there is no factual basis for the DEIR to conclude that developing that area would have an environmental impact on groundwater recharge capability. If the area has no capability, developing it would not impact the groundwater

33-9  
cont' table. Under CEQA, a significant effect on the environment is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project." (CEQA Guidelines, section 15382). Insofar as the DEIR has stated that the County has many areas with negligible recharge capability, we are uncertain what standard of significance the DEIR is using. We are not aware that the County Board of Supervisors has approved or adopted standard which provides that all development in an area with low or negligible groundwater recharge capability would be considered a significant environmental impact for CEQA purposes. Please provide a citation to authority for the DEIR's conclusion that areas of low or negligible groundwater recharge capability will be a significant under CEQA.

**Biological Resources – Chapter 8**

33-10 Species. The second paragraph on Page 8-2 of the DEIR which begins with the words "The species that inhabit..." should also refer in the body of that paragraph to the reptiles and amphibians which may also be found in the County's landscapes.

33-11 SSHCP Covered Species. It would improve the DEIR as an informational document if the forty (40) species proposed to be covered under the South Sacramento Habitat Conservation Plan were listed in a table in the body of the DEIR, rather than simply referring the reader to the website on Page 8-17. Not all readers may have access to the website. In addition, the website may be changed and the information about covered species deleted, thereby prejudicing the administrative record of the DEIR.

33-12 Habitat Size. In several places the DEIR makes assertions concerning habitat sizes for particular species without any citation to the authority for such statements. For example, on Page 8-40 the DEIR states that the American Badger require large (100 – 1,000 acres) amounts of land such as grasslands and agricultural land for denning and foraging, without any citation to any field studies or other source.

33-13 CNDDDB Records. Many of the species accounts in the DEIR state that the species is found in the New Growth Areas, or outside the areas, but within a certain number of miles of the New Growth Areas according to CNDDDB records. Please provide the CNDDDB element occurrence numbers in cases where the species in question has been documented to occur on site in each area.

33-14 **Western Spadefoot.** The Western Spadefoot is not a toad, so the DEIR should delete any references to the Western Spadefoot being a toad in the various species accounts.

33-15 **Habitat "Conserved."** Table BR-1 on Page 8-82 of the DEIR is entitled "Habitat Conserved by Focused Growth Alternative (in acres)" and purports to show the acres of various habitat types in the Grant Line East and "Jackson East of Excelsior" growth areas that would not be developed if the County adopted the "Focused Growth Alternative" proposed in the DEIR. It is not accurate to describe land in this table as "habitat conserved". No habitat would be conserved by the Focused Growth Alternative. That Alternative would simply *avoid* any impacts to the habitat types in those growth areas, it would not "conserve" those habitats in the legal sense of a conservation easement or open space easement. Avoidance and conservation are two different concepts, and the DEIR needs to observe the distinction between them when it comes to biological resources.

A similar situation is also found in Table BR-2 of the DEIR on Page 8-85 which is entitled "Habitat Conserved by Mixed Use Alternative (in acres)." That table purports to reflect the number of acres of various habitat types that would be "conserved" by the Mixed Use Alternative in the Grant Line East and Jackson Highway New growth Areas if the County adopts the "Mixed Use Alternative" proposed in the DEIR instead of the General Plan Update. The Mixed Use Alternative would not "conserve" any habitat types in those other areas, it would simply avoid any immediate impacts to them.

#### **Transportation and Circulation – Chapter 9**

33-16 **Capitol South East Corridor.** A major issue within the Transportation and Circulation chapter is the failure to describe the Capitol South East Connector Project as a reasonably foreseeable transportation project that will affect the County's future roadway system. The Capitol South East Connector Project is indisputably a reasonably foreseeable project under CEQA, insofar as a joint powers authority has been formed by the local governments, potential route alignments selected that include portions of Grant Line Road, and an environmental review process started for it. Nonetheless, no mention seems to be made of it in anywhere in the Transportation and Circulation chapter of the DEIR.

- 33-17 **Smart Growth Streets.** A "Smart Growth Streets" policy document is mentioned in the DEIR at page 9-54, and proposed as part of mitigation measure TC-3 at page 9-57, but the document itself is not provided anywhere as part of the DEIR's appendices or otherwise included in the DEIR. As such, the public has not had a chance to review and comment on it, nor has the Smart Growth Streets policy had its potential environmental impacts examined in the DEIR or any other environmental document. Consequently, we question how the DEIR can propose the Smart Growth Streets policy as part of a mitigation measure when the "Smart Growth Streets" policy is unknown and has not undergone public review. The DEIR needs to be revised to include that policy and examine its environmental impacts.
- 33-18 **Transit Impacts – Project Alternatives.** A conclusion is stated on Page 9-91 of the DEIR that the Alternatives do not alter the proposed General Plan Update's increases in households and employment, only the proposed roadway system. That appears to be extremely inconsistent with Chapter 3 of the DEIR on Land Use (at Page 3-1 and Pages 3-64 *et seq.*) which found that the major difference among all the various General Plan Update Alternatives was the number of future housing units they would potentially provide. Moreover, the difference in housing units was one of the reasons the Land Use chapter concluded that several of the Alternatives were inconsistent with the DEIR's identified smart growth principles, since they would provide a "superabundance" of housing units far in excess of the number needed by the County to match the SACOG Blueprint's growth projections. Please explain this inconsistency in the conclusions being reached in Chapter 3 "Land Use" and Chapter 9 "Transportation and Circulation" regarding the number of housing units provided under each Alternative.
- 33-19 **SACOG Blueprint – Grant Line East Area.** A serious misstatement of fact is found on Page 9-103 of the DEIR concerning the land uses for the Grant Line East Area described in the SACOG Blueprint. The DEIR states that the Grant Line East Area will consist of open space and vacant urban land under the Blueprint. In point of fact, the SACOG Blueprint actually shows the Grant Line East Area as a mixture of single family small lot and large lot residential, medium density mixed residential, high density mixed residential, vacant urban land, and open space. All uses, except for the vacant urban land, were assumed by SACOG's Blueprint to occur by 2050.

33-20 **Rancho Cordova Development.** In addition, please explain how the DEIR could reach the conclusion that the Grant Line East Area is the most remote from current urban uses (as Page 9-103), when it is approximately one mile from existing homes and infrastructure in the City of Rancho Cordova. This demonstrates that the DEIR has consistently failed to recognize the current baseline environmental conditions in this part of the County by completely ignoring the existing and planned development in the City of Rancho Cordova and by continually referring to the Grant Line East Area as remote from urban areas and leap-frog development. Please explain the factual basis for the DEIR's conclusions given the current urban uses adjacent to the Grant Line East Area in the City of Rancho Cordova. In light of these misapprehensions of the current baseline environmental conditions in the Grant Line East Area and the adjacent City of Rancho Cordova, the DEIR needs to be revised.

**Noise – Chapter 10**

33-21 **Capitol South East Connector Project.** Please explain whether the noise analysis in the DEIR took into account the noise impacts from the future South East Connector Project on the General Plan Update's new growth areas.

**Climate Change – Chapter 12**

33-22 At the outset, we note that the page numbering of the Climate Change Chapter in the DEIR is incorrect and starts by numbering many pages as "12-44", at least in the version that was posted on the County's website.

33-23 **Mitigation Measure CC-2.** A first phase Climate Action Plan is being proposed by the DEIR as part of Mitigation Measure CC-2 relating to the climate change impacts of the General Plan Update (see page 12-40). The DEIR further specifies that the Climate Action Plan is to be adopted *concurrently* with the General Plan Update as part of Mitigation Measure CC-2. However, no Climate change Action Plan is included in the DEIR or in its appendices, nor is there any link provided to a County website with a draft of that Climate Action Plan. Consequently, the public is not being provided any opportunity to review and comment on the contents and requirements of this mitigation measure before it is adopted, as required by CEQA.

33-24 **Climate Change Fee as Mitigation.** We are concerned about the requirement that a climate change mitigation fee be adopted for

- 33-24  
cont' climate change impacts of new development, without any explanation being given about the size of the fee and the activities and programs such a mitigation fee would fund (See, Mitigation Measure CC-2 on page 12-40). Without that information, there is no way to determine if such a fee would result in any mitigation of the impacts of new development on climate change issues. A fee alone is not adequate mitigation under CEQA.
- 33-25 Reduction Targets as Mitigation. DEIR Mitigation Measure CC-2 provides that reduction targets that apply to new development must be included in the first phase Climate Action Plan, but the public is never informed as to the nature of those targets and the programs for meeting the targets. Please describe what things will be subject to reduction. It is unclear whether the reduction targets will relate to energy usage, water consumption, solid waste disposal, vehicle occupancy, vehicle miles traveled, vehicle exhaust emissions, stationary source emissions, volatile compound emissions, dust particulate emissions, etc. Without any such information, the public is unable to determine how feasible it would be to reduce those items. Moreover, there is no description of the targets that new development is being expected to meet.
- 33-26 Public Review of Mitigation Measures. CEQA requires that mitigation measures be made available to the public during the DEIR comment period so that appropriate public review and comment on those mitigation measures may be provided to the decision makers. Mitigation measures that are based on future actions must contain specific performance standards which demonstrate that effective mitigation will take place for the environmental impact in question. (See, Public Resources Code section 21100; CEQA Guidelines sections 15126.4 and 15130). The DEIR unfortunately fails in that regard. In the absence of the Climate Action Plan, the DEIR could be considered incomplete. (See *Ultramar, Inc. v. South Coast Air Quality Management District* (1993) 17 Cal.App4th 689, 21 Cal.Rptr. 2d 608; *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 198 Cal.Rptr. 634)
- 33-27 SACOG Blueprint and Climate Change. Page 12-42 of the DEIR also misstates that the SACOG Blueprint shows eventual growth in the Grant Line East Area, but not until 2050. The SACOG Blueprint actually assumes that the Grant Line East Area will be developed with a mix of single family small lot and large lot residential, medium density residential, high density mixed residential, vacant urban land and open space *prior to 2050*, not after 2050. The SACOG Blueprint



33-27  
cont'

Scenario is a way for the Sacramento region to grow *through* 2050, not after 2050. That is a significant difference to an understanding of the SACOG Blueprint. Please see the enclosed materials from the SACOG regional blueprint website. Due to this fundamental misunderstanding by DEIR as to what was represented and contained in the SACOG Blueprint, we ask that the DEIR's environmental analysis be corrected and revised.

**Cultural and Paleontological Resources – Chapter 15**

33-28

**Feasible Mitigation Measures.** We find the DEIR's approach to the potential impacts of development on cultural and paleontological resources to be inexplicable and inconsistent with the conclusions reached by County in its draft and final environmental impact reports recently approved for the Easton Project. In the DEIR, the County has found that the General Plan Update will have significant and unavoidable impacts on (a) important archaeological resources (Page 15-24), (b) important historical/structural resources (page 15-26), and (c) important cultural resources (Pages 15-27 to 15-31), with no mitigation measures being available except for Mitigation Measures CR-1 and CR-2. The impacts from development on those types of cultural and paleontological resources are generally well known and there are a number of generally recognized and accepted mitigation measures that are routinely adopted that will reduce those impacts to a less than significant level for purposes of CEQA. Such mitigation measures were recently adopted by Sacramento County for the Easton Project in its final environmental impact report. Please explain why the DEIR does not recommend similar mitigation measures to reduce the General Plan Updates' impacts on cultural and paleontological resources to a less than significant level. Moreover, in light of the fact that the DEIR has found those potential impacts to be significant and unavoidable, it is required to propose feasible mitigation measures to reduce those impacts, even if they cannot be reduced to a less than significant level. (See, Public Resources Code section 21002) It appears that the following mitigation measures, based upon Mitigation Measures CR-1 through CR-5 of the Easton Project's final environmental impact report, are all feasible and should be adopted for the General Plan Update pursuant to CEQA Guidelines section 15126.4:

MM-1: Implement measures for adequate documentation of historic properties/historical resources prior to ground-disturbing activities. In compliance with Section 106 of the National Historic Preservation Act and California Public Resources

33-28  
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Code section 21083.2, individual project applicants shall retain a qualified archaeologist and/or historian to prepare adequate mitigation measures for each contributing element to be adversely affected by their individual projects. Such measures will be approved at a minimum by the US Army Corps of Engineers (USACE) and State Historic Preservation Office (SHPO) prior to implementation where applicable due to the need for a Clean Water Act Section 404 permit. Such measures may include: photo documentation (including low-level aerial photography, video, and scale drawings), opportunity for public comment, and preparation of a technical report for the historical resource in question; and preparation of a research design, treatment plan, data recovery program, technical report, and curation of recovered materials for the contributing cultural features. All final documentation will be approved by the USACE as the lead federal agency and the SHPO prior to the initiation of any project ground-disturbing activities when a Clean Water Act Section 404 permit is involved.

MM-2: Implement inadvertent discovery measures for the protection of cultural resources, including human remains. Individual project applicants shall be required to implement inadvertent discovery measures during all construction activities within their individual projects. Measures will include: (1) a worker education course for all construction personnel; (2) monitoring of all earth-disturbing activities during each individual project phase by a qualified archeologist; and (3) procedures for discovery of cultural resources, including human remains, during construction or earth-disturbing activities if an archeological monitor is not present. A worker education course will be conducted immediately prior to initiation of ground-disturbing activities for each individual project. The course will explain the importance and legal basis for the protection of significant archeological resources. Each worker will also learn the proper procedures to follow in the event cultural resources or human remains/burials are uncovered during construction activities, including work curtailment or redirection and to immediately contact their supervisor and the archaeological monitor. The worker education session will include visuals of artifacts (prehistoric and historic) that might be found in the project vicinity, and may include handouts. The individual project applicants shall provide an on-site qualified archaeological monitor during all earth-disturbing activities for their individual projects. If an unknown cultural resource is discovered, earth-

33-28  
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disturbing activities shall stop in the area of discovery until the County Department of Environmental Review and Assessment is notified, the resource is evaluated, and applicable mitigation measures for significant resources completed (e.g., preservation in place, data recovery program pursuant to California Public Resources Code section 21083.2(i)). In the event an archaeological monitor is not present when cultural resources, including human remains, are discovered during construction or earth-disturbing activities, the individual project applicant shall halt all activities within 100 feet of the find until a qualified professional archaeologist can evaluate it. The archaeologist will examine the findings, assess their significance, and recommend appropriate procedures to either further investigate or mitigate adverse impacts (e.g., adverse effect on a significant historical resource) to the resources encountered in conformance with the protocols set forth in California Public Resources Code section 5097.98. Any human remains encountered during construction will be treated in accordance with California Health and Safety Code section 7050.5

MM-3: Implement cultural resource protection measures. Individual project applicants shall be required to implement cultural resources protection measures which may include, but not be limited to, educating the public; designing trails, signs and other recreation facilities to avoid direct impacts to cultural resources; and preserving resources where determined to be appropriate by the county. The County will ensure that all applicable measures are implemented during construction and following development of the individual project area.

MM-4: Design recreation facilities to divert attention away from preserved loci and features at individual projects. The individual project applicants shall be required to design trails and signs and use vegetation to minimize indirect effects, including loci and features that could be vandalized, such as grinding rocks, refuse deposits, adits, drifts, and ditches. Permanent barriers, such as metal screening, should be erected to minimize indirect effects and protect the public from potentially hazardous cultural elements, such as mine shafts and tunnels. Specific designs for recreation facilities within individual projects requiring a Clean Water Act Section 404 Permit should be submitted to the USACE and SHPO to ensure minimization of impacts.

14

33-28  
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MM-5: Implement inadvertent discovery measures for the protection of paleontological resources. Individual project applicants shall be required to implement inadvertent discovery measures for the protection of paleontological resources during all construction activities in individual project areas. If potential paleontological resources area discovered during construction or earth-disturbing activities, the individual project applicant shall halt all activities within 100 feet of the find until a qualified professional paleontologist can evaluate it. The paleontologist will examine the findings, and recommend appropriate procedures if fossils are unearthed. Appropriate procedures would include contacting a qualified paleontologist who would then salvage the fossils and assess the necessity for further mitigation measures.

### **Summary of Impacts and Their Disposition - Chapter 17**

33-29

Land Use Plan Conflict with Smart Growth Principles. In its summary at page 17-1, the DEIR once again completely disregards the existing and future planned urban development in the City of Rancho Cordova that is immediately adjacent to the Grant Line East Area. By ignoring existing urban development in Rancho Cordova, the DEIR then mistakenly concludes that the Grant Line East Area is remote from any urbanized area, and therefore inconsistent with smart growth principles. As discussed more fully above, the DEIR is mistaken in its assumptions as to the current baseline environmental conditions and the existence of urban development in the east Sacramento County area.

33-30

Wetlands and Riparian Areas. For many years there has been a national no net loss of wetlands policy in effect, but the DEIR's discussion of impacts to wetlands on Page 17-2 completely ignores that national policy and its implementation through the federal Clean Water Act by the U.S. Army Corps of Engineers. Moreover, the draft and final environmental impact reports for the Easton Project determined that its impacts on wetlands and riparian area could be mitigated to a less than significant level with the implementation of appropriate and feasible mitigation measures. Please explain why similar mitigation measures could not be created that would similarly reduce the impacts to wetlands and riparian areas to a less than significant level for the General Plan Update.

33-30  
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We fail to see how the DEIR could conclude that application of existing laws and regulations, plus the South Sacramento Habitat Conservation Plan, would not serve to mitigate the impacts on wetlands and riparian areas to a less than significant level. Insofar as the DEIR found that allowing new development within areas of known hazardous materials contamination would have a less than significant impact due to the application of hazardous materials laws and regulations, we do not understand why similar logic would not apply to mitigation required by statutes and regulations for impacts to wetlands and riparian areas. Please explain that inconsistency in the DEIR's analysis.

33-31

Special Status Species. The draft and final environmental impact reports for the Easton Project determined that its impacts on special status species could be mitigated to a less than significant level with the implementation of appropriate and feasible mitigation measures. Please explain why similar mitigation measures, in combination with the South Sacramento Habitat Conservation Plan, would not similarly reduce the impacts to special status species to a less than significant level for the General Plan Update (Pages 17-2 and 17-3).

33-32

Development Impacts to Important Archaeological Resources. As discussed above, the draft and final environmental impact reports for the Easton Project determined that its impacts on archeological resources could be mitigated to a less than significant level with the implementation of appropriate and feasible mitigation measures. Please explain why similar mitigation measures could not be created that would similarly reduce the impacts to archeological resources to a less than significant level for the General Plan Update (Pages 17-6 to 17-7).

Development Impacts to Important Historical/Structural Resources. As discussed above, the draft and final environmental impact reports for the Easton Project determined that its impacts on historical/structural resources could be mitigated to a less than significant level with the implementation of appropriate and feasible mitigation measures. Please explain why similar mitigation measures could not be created that would similarly reduce the impacts to historical/structural resources to a less than significant level for the General Plan Update (Page 17-7).

Development Impacts to Important Cultural Resources. As discussed above, the draft and final environmental impact reports for the Easton Project determined that its impacts on cultural resources could be mitigated to a less than significant level with the

33-32  
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implementation of appropriate and feasible mitigation measures. Please explain why similar mitigation measures could not be created that would similarly reduce the impacts to cultural resources to a less than significant level for the General Plan Update (Pages 17-7 and 17-8).

Direct or Indirect Impact Resulting in the Destruction of a Unique Paleontological Resource. As discussed above, the draft and final environmental impact reports for the Easton Project determined that its impacts on paleontological resources could be mitigated to a less than significant level with the implementation of appropriate and feasible mitigation measures. Please explain why similar mitigation measures could not be created that would similarly reduce the direct and indirect impacts to paleontological resources to a less than significant level for the General Plan Update (Page 17-8).

**Summary of CEQA Alternatives – Chapter 18**

33-33

Water Supply – Focused Growth. The discussion on pages 18-12 and 18-13 concerning the water supply impacts of the Focused Growth Alternative makes no mention of the loss of groundwater recharge capacity from the future development/fill/reclamation of the exhausted aggregate mining pits situated in the Jackson Highway Corridor. Since those exhausted aggregate mining pits are flooded by groundwater, this is an oversight.

33-34

Climate Change – Remove Grant Line East. Page 18-29 again reflects the DEIR's misunderstanding of the SACOG Blueprint. The Blueprint shows growth *through* 2050, not growth that would not occur until the year 2050 as misstated in the DEIR. It is incorrect for the DEIR to state that "though the Blueprint does show eventual growth within the Grant Line East area, it is not shown until the year 2050."

33-35

Environmentally Superior Alternative. Please explain what is meant by the following sentence found on Page 18-37 of the DEIR: "The No Project Alternative has less than significant for the following topical areas in which the Project was significant and unavoidable impacts: lane use, sewer service, water supply, geology and soils."

Letter 33

**John Costa, North State Building Industry; written correspondence; July 13, 2009**

### **Response 33-1**

The CEQA Guidelines Appendix G lists one of the criteria for significance as: conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to a general plan, specific plan or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. Note that the criteria does not state that it must explicitly be adopted as a significance criteria in order to function as such. The SACOG Blueprint is an adopted public document, and the strategies and principles therein are designed to reduce environmental impacts (primarily those of traffic and air quality). The Blueprint was heard by the Board of Supervisors, and its principles were endorsed by the Board through a public hearing process. Moreover, variations on these same principles have been published by such regulatory agencies as the United States Environmental Protection Agency.

### **Response 33-2**

The environmental review process for the Easton project and the Florin-Vineyard Gap Community Plan project began prior to Board of Supervisor's endorsement of the Blueprint principles. The Blueprint and the smart growth principles are directed at residential and commercial development, not at roadway and mining projects. In fact, even if one ignores their intended use, many of the principles *can't* be applied to roadway or mining projects (e.g. create a range of housing choices), or would at least need to be very loosely interpreted in order to function.

### **Response 33-3**

The seven principles outlined by the Blueprint are not unique to this region. Though worded slightly differently, those principles are being used throughout the United States, and by a multitude of agencies and organizations. As a result, substantial research into the effects of smart growth development has been performed. Agencies such as the United States Environmental Protection Agency have published websites that contain large lists of publications, including published studies that demonstrate a decrease in air quality, transportation, water quality, and other impacts associated with smart growth development (<http://www.epa.gov/smartgrowth/publications.htm>). Many of the bullet items within this comment that are presented as potential negative impacts of implementing the principles are actually inconsistent with the principles. A prime example is "promoting higher density development and a resulting lack of diversity of housing types". Principle 4 states: create a range of housing opportunities and choices. Other listed potential impacts are contrary to the comments provided by the agency that administers the particular issue. For instance, one bulleted comment is: "exacerbating problems with inadequate and low quality transit service in existing infill areas". Sacramento County Regional Transit has stated on numerous occasions that higher densities are needed to support and improve transit services, so it is difficult to see how increasing densities in areas served by existing transit services would have a negative effect on the provision of transit. Existing General Plan Policy LU-14 also

recognizes this by requiring certain minimum densities that are near transit service. Ultimately, though this comment includes a long list of alleged potential negative impacts, the comment provides no evidence to substantiate the list. On the contrary, and as noted above, some of these alleged impacts are contradicted by the smart growth principles themselves. The EIR preparers disagree with this comment.

**Response 33-4**

Both the EIR and Sacramento County Planning and Community Development Department staff reports have clearly indicated that the Sacramento Area Council of Governments has indicated housing needs for Sacramento County to be in the realm of 100,000 homes (for the EIR, see page 3-1). It is also clearly shown that the New Growth Areas can accommodate sufficient units to exceed this need by tens of thousands of units – perhaps by as much as 50,000 (see page 3-1). It is logical to assume that if there is an oversupply of land for housing, that the areas with the greatest opportunities for profit, and the least cost and resistance will be developed. The size of greenfield properties allows the displacement of costs over a large number of homes, allows much more flexibility in achieving a community design that avoids other costs (such as mitigation), avoids the development barriers that result from small or odd-sized lots with aging infrastructure, and because it occurs away from existing, older communities tends to meet with less resistance.

**Response 33-5**

The Mixed Use Alternative demonstrates that neither the Jackson Highway Corridor nor the Grant Line East areas are necessary in order to meet the housing allocation of the County through the year 2030.

**Response 33-6**

The EIR preparers would agree with this concern if proposed Policy LU-120 were the sole policy regulating the Urban Policy Area (see Response 14-6, where this point is made in response to a request to restrict expansions even further than the EIR recommends). LU-120 only regulates private applications for expansions to the UPA – it does not speak to the County’s ability to initiate such expansions. LU-120 acts in concert with LU-121. As modified by mitigation, LU-121 requires the County to study the UPA at 5-year intervals to ensure that a constant, adequate supply of land is maintained.

**Response 33-7**

It is already acknowledged as part of the South Sacramento Habitat Conservation Plan development process that there will be large habitat preserve areas within the Urban Policy Area. The mitigation change to LU-121 does not introduce any new condition, only acknowledges an existing one.

**Response 33-8**

See Response 33-4.



**Response 33-9**

The beginning of this comment states that areas of low infiltration have a negligible impact on recharge, and draws the conclusion that this statement describes areas classified as “low” on the recharge capability map. This is not the case. Areas of low infiltration with negligible recharge are not present on the groundwater recharge capability map at all – or rather, they are shown as whitespace and receive no classification. Significance criteria 1 on page 6-23 is taken directly from the CEQA Guidelines Appendix G, and is the criteria that was used for the groundwater recharge analysis. Given that areas of groundwater recharge are not abundant in the County (as shown by the map and as stated in the background to the Conservation Element of the General Plan), any substantial loss of low, medium, or high groundwater recharge area was determined to have a significant impact pursuant to the listed significance criteria. This is stated on page 6-54 of the DEIR.

**Response 33-10**

In the second paragraph of page 8-2, the general description of species inhabiting Sacramento County neglected to include reptiles and amphibians. The paragraph is revised accordingly.

**Response 33-11**

The EIR is already lengthy, so where possible it is preferred to refer readers elsewhere for other published materials. The South Sacramento Habitat Conservation Plan is a work-in-progress and is subject to change. The DEIR preparers recommend the readers refer to the SSHCP web site to review the most current covered species list.

**Response 33-12**

Correction noted. The Appendix C Species Accounts have been updated.

**Response 33-13**

See Response 27-20.

**Response 33-14**

The western spadefoot is often referred to as the “western spadefoot toad”; however, the spadefoot is not a toad. Comment noted. The word “toad” has been removed from final EIR.

**Response 33-15**

The Focused Growth Alternative (Alternative 2) would reduce the significant and unavoidable impacts to biological resources of the proposed project. Directing growth away from the identified biological resources would have the effect of protecting the resource, when compared to the proposed project. However, it should not be assumed that reducing the significant biological resource impact equates to the long-term protection of the resource by a conservation easement or other such legal means.

**Response 33-16**

The Capital Southeast Connector project has not been incorporated into the proposed General Plan Update, as its planning and review has not progressed to a point where a

specific proposal has been adopted. It is envisioned that any implementation of the Connector project will involve future County review and potential amendments to the General Plan.

### **Response 33-17**

Although the Smart Growth Streets policy document referenced on page 9-54 of the DEIR (page 9-55 of the FEIR) was not available at publication, the mitigation clearly states what any such document must include. Furthermore, the discussion on page 9-54 does include potential negative impacts that could result from implementation of the required measures. As found in *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1026 – 1030, an EIR may defer formulating specific mitigation if the lead agency commits to a clear performance standard.

### **Response 33-18**

This comments indicates that the following statement on page 9-91 of the DEIR (page 9-93 of the FEIR) is incorrect: “The Project Alternatives do not alter the proposed Project increases in households and employment, only the proposed roadway system.” The comment goes on to discuss the multiple places throughout the EIR that discuss changes to holding capacity in Alternatives studied in the EIR. The sentence is correct, however, because it refers to the Project Alternatives, not the CEQA Alternatives. As discussed in the Project Description chapter, the Board of Supervisors requested that alternative versions of the Project circulation design be studied; these are referred to as the Project Alternatives, and they only involve changes to the Transportation Plan.

### **Response 33-19**

The EIR preparers agree that the statement “SACOG’s Blueprint Vision shows this area as ‘Open Space’ and “Vacant Urban Designated Land” through 2050” is incorrect. Development of the area is shown on the 2050 SACOG Blueprint. However, SACOG land use forecasts, reflecting the Blueprint Vision, do not include any development in this area through the year 2035, five years beyond the planning horizon of this General Plan Update. The sentence has been modified to read accordingly.

### **Response 33-20**

The EIR does not fail to recognize the baseline condition. On the contrary, the EIR recognizes that the physical conditions are that Grant Line East is the only growth area that is not adjacent to existing developed land. The Grant Line East area is adjacent to land designated for urban development, a fact that is acknowledged in the DEIR and has been expanded upon in the FEIR, but is not adjacent to existing development. This is why the analysis concludes at multiple points that the Grant Line East area is farthest from current urban environments and uses.

### **Response 33-21**

See Response 33-16.

### **Response 33-22**

This pagination issue was noticed and corrected for the FEIR.

**Response 33-23**

See Response 26-2.

**Response 33-24**

The purpose of the fee required by Mitigation Measure CC-2, as stated within the measure, is to fund the ongoing oversight and maintenance of the Climate Action Plan. This is not a mitigation fee that would be applied on a per-project basis to offset climate change impacts. It would be best likened to the fee attached to all building permit applications that goes to fund the periodic updating of the Sacramento County General Plan. The EIR does not specify the amount of the fee, because this is best determined by the Board of Supervisors and the agency administrator in charge of the Climate Action Plan program. As the fee is currently being scoped, it would not apply only to new development subject to CEQA, but would apply to all building permits; the amount of the fee would be on a sliding scale, based on the cost of the permit itself.

**Response 33-25**

The EIR discussion clearly states that Table CC-9 contains the recommended development thresholds for climate change impacts. Thus, these thresholds are disclosed and explained within the EIR. The actual mitigation measure remained generic, so that the thresholds proposed in the EIR could be changed during the hearing process if comments provided substantial evidence that such changes would be beneficial. To ensure that this confusion does not persist, the mitigation has been clarified to reference CC-9.

**Response 33-26**

See Response 33-3.

**Response 33-27**

See Response 27-37.

**Response 33-28**

The Easton project included a site-specific cultural resources study. This study provided a more detailed level of knowledge about the probable impacts of development, and thereby allowed the drafting of more specific mitigation measures, and the ability to conclude that this mitigation would be sufficient. At the plan-level, these site-specific studies are not conducted and a substantial amount of information remains uncertain. Furthermore, the mitigation for a General Plan is framed as proposed policy. It is inadvisable to place these very specific and detailed mitigation measures within the General Plan as policy. It would allow no flexibility for future projects where the language as written may not apply well, and would not allow for changes to the language in response to changes in the regulatory environment. Thus, the most conservative approach is to include Mitigation Measures CR-1 and CR-2, and to conclude that impacts are significant and unavoidable. It is possible that future site-specific development proposals within these areas will be able to come to a different conclusion, when more information is available and a specific Mitigation Monitoring and Reporting Program can be crafted.

**Response 33-29**

See Response 33-18 and Response 33-19.

**Response 33-30**

The EIR recognizes that Sections 404 and 401 of the Clean Water Act require no net-loss of jurisdictional wetlands, that the Porter-Cologne Water Quality Control Act further protects wetlands, and that Sacramento County itself has a no net-loss policy. Although existing regulations and policies require a minimum of 1:1 mitigation for all wetland losses (which is why the EIR does not recommend any additional mitigation), the fact remains that there is a probable cumulative regional loss of wetland habitat as a result of this Project. The Project will result in the loss of wetlands within a 20,000 acre area of the County, and if current trends continue, most of the mitigation will be accomplished outside of this large area. This substantially narrows the lands where this sensitive habitat can exist, and will have substantial impacts to local populations of the species that rely on those habitats. The conclusion that the project will have cumulatively considerable wetland impacts is appropriate. The Easton project covers a much smaller area, and involved less than 10 acres of total wetland impacts. It is reasonable to conclude that 1:1 mitigation would be sufficient for such a small impact. The EIR cannot rely on the South Sacramento Habitat Conservation Plan, because that document has not been published or adopted.

**Response 33-31**

The answer given for the comment on wetland impacts (Response 33-30) also applies to this comment. Easton was a project-specific proposal with a detailed biological inventory, and was far smaller in scope and degree of impacts.

**Response 33-32**

See Response 33-28.

**Response 33-33**

The comment states that the Summary of Alternatives chapter section on Water Supply does not mention the loss of groundwater recharge capacity. This section of the EIR is intended only to briefly summarize the chief conclusions of the impacts in the Water Supply chapter. The main Water Supply chapter does discuss the fact that mined areas have groundwater recharge capability.

**Response 33-34**

See Response 27-37.

**Response 33-35**

No Project impacts to land use, sewer service, water supply, and geology and soils impacts are less than significant. Project impacts in those same topical areas are significant.

Letter 34



**VIA EMAIL**

July 27, 2009

David Defanti  
Senior Planner, Long Range Planning  
Sacramento County Planning and Community Development Department  
827 7th Street, Room 230  
Sacramento, CA 95814  
Email: defantid@SacCounty.NET

Re: Sacramento County General Plan Update

Subject: Development within the Boot/Sacramento River Setback

Dear Mr. Defanti:

34-1

The River Oaks Community Association represents the neighborhood in the triangle formed by I-5, the Sacramento River and I-80. We have worked with the City of Sacramento on many projects in our neighborhood, and which affect our neighborhood. This letter is the first letter from our community as we make our voice heard on the County General Plan. We look forward to working with you as the County, stakeholders, and citizens come together to permanently shape the future of our community.

Most residents in our community chose to make their homes here not only because of the proximity to downtown and centrality to access the Bay Area, mountains, etc., but also because of the unique character of our community. That unique character lies in our community's immediate proximity to the river, its ecosystem, and the urban boundary. The river provides an abundance of permanent and migratory avian wildlife that is found in few other places. The location of the urban boundary was agreed to years ago as a one-mile buffer from the River in a Memorandum of Understanding between the City and the County as an environmental trade-off to allow development in other areas of Natomas. The one mile buffer was also reiterated in the existing permits for the Natomas Basin Habitat Conservation Plan. The boundary provides for a quiet and less hectic quality of life for our community than that found in other parts of Sacramento while providing the space needed for the river ecosystem to survive whether the species be endangered, threatened, or neither.

Allowing for additional significant development west of El Centro Road in the "boot" not only negatively impacts our quality of life due to the amount of development proposed, but also severely impacts the river ecosystem due to the significant reduction in open space. Adding thousands of new residences to lands where none were to ever be built. Traffic for this community (20-30k people) will be traveling through ours via West El Camino and Garden Highway, with likely increases on other local streets as commuters seek the path of least resistance to downtown. While the quantitative impacts can supposedly be 'mitigated', the

34-1  
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qualitative impacts to our quiet community cannot. West El Camino is currently a 4-lane road. Substantial additional development could turn it into a noisy, polluting, and unwalkable Madison Avenue-like 6-lane 'highway'. Garden Highway is a quiet 2-lane country road with rare traffic. Substantial development would drive it to having regular traffic bringing substantial noise and danger given it's proximity to our quietest neighborhoods. As for the river, the one-mile River buffer was determined years ago as the minimum needed to ensure survival of the ecosystem. Reduction of that by 50%, 75%, or more simply cannot be allowed. The lands should be purchased to become part of the HCP conservancy as was envisioned so many years ago. Without a viable ecosystem, our community also loses the rich array of river wildlife we currently enjoy.

It is one thing for the urban boundary to have been a temporary location misunderstood by new homebuyers buying in a new subdivision thinking it would stay that way when clearly future development beyond it was clearly shown in the General Plan had they simply looked. However that is not the case here. Due diligence was performed by those who purchased property in our community. But now developers and land speculators are attempting to jump on the opportunity of the update to the General Plan to benefit financially at the expense of the community and the river ecosystem. If development is allowed to continue in the boot beyond what is in the existing General Plan the elements that make our community unique will forever be destroyed. At this time, ROCA respectfully requests that the County not revise the General Plan to include development in the boot area. Protection of the quality of life of the existing community and the Sacramento ecosystem must be at the top of the list of considerations when planning development within the boot, not the bottom.

ROCA greatly appreciates your attention to our concerns and we look forward to your response. If you have questions please contact ROCA President John Shiels at [jshiels@winfirst.com](mailto:jshiels@winfirst.com) or 359-2320, or Melinda Dorin Bradbury, Land Use Committee Chair, at [melindabradbury@sbcglobal.net](mailto:melindabradbury@sbcglobal.net) or 212-6589.

Sincerely,

Melinda Dorin Bradbury  
Chair – Land Use Committee  
River Oaks Community Association

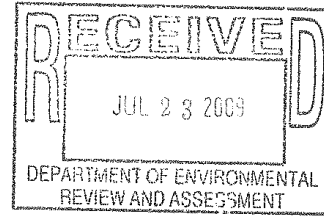
Cc: County DERA (environmental review) re DEIR at [DERA@saccounty.net](mailto:DERA@saccounty.net)

Letter 34

**Melinda Dorin Bradbury, Chair, Land Use Committee, River Oaks Community Association; written correspondence; July 27, 2009**

**Response 34-1**

Development of the “boot” in Natomas is not a part of the proposed Project, and thus is not analyzed in the EIR. This letter has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.



909 12<sup>th</sup> Street Ste 114 Sacramento, CA 95814 (916) 444-6600 www.sacbike.org

July 21, 2009

**Advisory Board**

**Jane Hagedorn**  
CEO  
Breathe California of  
Sacramento-Emigrant Trails

**Dr. Eric Heiden**  
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Sports Medicine UC Davis

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Manley, LLP

**Craig Stradley**  
Principal  
Mogavero Notestine  
Associates

**Jim Streng**  
Partner  
Streng Brothers Rentals

Joyce Horizumi, Environmental Coordinator  
Sacramento County Department of Environmental Review and Assessment  
827 7<sup>th</sup> Street, Room 220  
Sacramento, CA 95814

RE: Draft Environmental Impact Report (DEIR) on Sacramento County General Plan Update

Dear Ms. Horizumi:

Thank you for the opportunity to comment on the DEIR for the County's General Plan Update (GPU). We recognize and appreciate that you and your staff have produced an immense body of analysis for a complex project extending far into the future. Our comments in this letter focus on the Transportation and Circulation Chapter of the DEIR because we are most concerned with safety, convenience, and desirability of bicycle transportation in our county.

We believe the DEIR is deficient because it does not fairly recognize several significant adverse impacts of the GPU and does not describe mitigation measures for those impacts. On page 9-15 of the Transportation and Circulation Chapter, the DEIR identifies several significance criteria relative to bicycle facilities, stating that the GPU will have a significant effect if the GPU:

- Interferes with implementing the Bicycle Master Plan,
- Results in unsafe conditions for bicyclists, or
- Results in land development inconsistent with General Plan principles for bicycle mobility.

SABA requests that the DEIR acknowledge the following 3 significant adverse effects caused by the GPU in regards to the above three criteria, as described below.

1. The General Plan Update will Interfere with Implementing the Bicycle Master Plan. The DEIR states on page 9-8 that "the County will not meet its goals for construction of on-street and off-street bicycle facilities" as adopted in its 2010 Bicycle Master Plan. Thus, the County has not been able to provide minimally adequate facilities for bicyclists in the recent past. The GPU envisions a process for approving further expansion of public infrastructure for new development. Clearly, the GPU will increase the difficulty of the County achieving its Bicycle Master Plan goals and therefore interfere with implementing the plan.

American Lung Association Clean Air Award, Sacramento Environmental Commission Environmental Recognition Award,  
League of Women Voters Civic Contribution Award, League of American Bicyclists Club of the Year

35-1



35-1  
cont'

Recommended Mitigation Measure: The County should substantially elevate the priority of its Bicycle Master Plan in future funding and staffing decisions to ensure that bicycle transportation's share of overall transportation can be greatly increased as rapidly as possible.

35-2

2. The General Plan Update will Result in Unsafe Conditions for Bicyclists. The GPU will promote greatly increased vehicle traffic and result in a large number of traditional roadway widening projects (e.g. 2-lane to 4- or 6-lane) and "urban interchanges" to lessen vehicle-congestion impacts. Such roadway widening and interchanges will greatly diminish the safety, convenience, and desirability of bicycle transportation by, for example:
  - Promoting higher vehicle speeds along roadways and through intersections, a direct safety hazard to bicyclists,
  - Making intersections too wide for bicyclists and pedestrians to cross quickly and comfortably, and
  - Decreasing the connectivity between common destinations for bicycle users.

The best way to avoid unsafe conditions for bicyclists and pedestrians in future road projects is to make sure "complete street" concepts are fully and fairly used in designing those projects.

Recommended Mitigation Measure: The County should commit in the GPU to a predictable and verifiable "Smart Growth Implementation Process" for all future proposed land use and transportation projects. The purpose of such an implementation process would be to make sure all future projects are designed based on a) detailed corridor or area analysis of land use and transportation modes, and b) input and consultation with users from all modes. An excellent model for such a smart-growth implementation process is currently embodied by Charlotte, NC's Urban Street Design Guidelines (see <http://www.charmeck.org/Departments/Transportation/Urban+Street+Design+Guidelines.htm>). Another excellent model for such an implementation process is offered by the American Association of State Highway and Transportation Officials (AASHTO) and the Federal Highway Administration (FHWA) in the Context Sensitive Solutions process (see <http://www.contextsensitivesolutions.org/content/reading/how-context/>). Such a roadway design process will ensure that any roadway improvement done in the future in Sacramento County occurs only while facilitating non-vehicular transportation modes in a balanced and fair manner.

35-3

3. The General Plan will Result in Land Development inconsistent with General Plan Principles for Bicycle Mobility. The GPU states the County's commitment to many principles of "complete streets" and "smart growth." In addition, County staff has proposed a "Smart Growth Streets program" to help mitigate GPU impacts. We heartily support the program's goal to: "... enable safe and efficient mobility and access for all users while positively contributing to the adjacent corridor, surrounding community, and natural environment." However, staff's proposal appears very limited in application (to only certain "new corridors and previously developed areas" to be selected using a process and criteria that are not defined in the DEIR). Because the GPU, even with staff's proposed mitigation measure, will allow

2

35-3  
cont'

substantial development that does not follow smart-growth and complete-streets concepts, the GPU will allow land development that is inconsistent with the general-plan principles for bicycle mobility, causing a significant adverse impact.

Recommended Mitigation Measure: The County should commit in the GPU to implement a predictable and verifiable "Smart Growth Implementation Process" for all future proposed land use and transportation projects, the same mitigation measure that would apply to the significant-adverse impact discussed above. Such a process would ensure that the County follows through on its commitments in the GPU to bicycle mobility. Adequate mitigation commitment represented by a "Smart Growth Implementation Process" should aim to maximize accessibility (i.e. ease of reaching destinations) and safety by facilitating high density development and interconnected multimodal transportation systems.

We are optimistic that such Smart Growth Implementation on the ground will meaningfully reduce GPU impacts and demonstrate real benefits of smart growth and multimodal transportation features. County staff in its report to the June 8, 2009 hearing of the Planning Commission described the gross level of analysis of impacts possible in the DEIR on the GPU. That staff report stated "More sophisticated traffic modeling software can better take into account benefits of smart growth principles and mixed use development (such as more trips made by walking, bicycling, and transit, and less made by automobile)" (see "Note on Traffic Modeling" on page 25 of the staff report). Further, the staff report stated "As a result, the output of the traffic model may not effectively capture the benefits of transit, pedestrian, and bicycle friendly development patterns."

As part of a Smart Growth Implementation Process as appropriate mitigation for GPU impacts, the County must also commit in concrete detail to implement complete-streets concepts for all roadways in its jurisdiction. The GPU, and the County Department of Transportation's current updating of its Street Improvement Standards, should clearly document the County's commitment to the following complete-streets guidelines:

- Provide street layouts that minimize block sizes and maximize connectivity (e.g. greater intersection density leads to greater road safety)
- Minimize use of "cul de sacs", gated neighborhoods, and non-grid street patterns that disrupt connectivity in travel routes for pedestrians and bicyclists
- Minimize street widths
- Minimize vehicle-lane widths to encourage slower vehicle speeds and thereby provide safe travel conditions for all user modes (see Transportation Research Board study, "Relationship of Lane Width to Safety on Urban and Suburban Arterials")
- Minimize curb radii at intersections to reduce vehicle turning speeds
- Include bike lanes in all higher volume, higher speed streets (i.e. collector and arterial streets), with wider bike lanes for greater biking volumes and higher bike speeds

3

35-3  
cont'

- Minimize numbers of vehicle lanes at intersections because streets with more than 4 lanes present difficult obstacles for crossings by bicyclists and pedestrians
- Minimize dedicated right- and left-turn lanes because they add to total street widths at intersections (e.g. use roundabouts to reduce numbers of intersection lanes)
- Set vehicle Levels of Service (LOS) targets that reasonably allow balanced facilities for pedestrians and bicyclists on the same streets
- Set vehicle Levels of Service standards that are flexible, allowing lower Levels of Service in Transit Oriented Development areas and in other higher density, mixed use areas.
- Design freeway interchanges to provide safe and convenient passage for bicyclists and pedestrians (e.g. use diamond interchanges with signalized intersections or underpasses beneath cloverleaf interchanges)
- Ensure smooth pavement surfaces in bike lanes, avoid placing utilities under bike lanes to prevent pavement disruptions, and use gutter pans less than 2 ft in width to avoid uneven seams in bike lanes
- Include separated sidewalks with planting strips along all streets between sidewalks and curbs and plant trees with large canopies to shade the bike and pedestrian travel zones

We believe many of the above ideas can be incorporated into street improvement standards, new connectivity standards and a traffic speed management program. The city of Sacramento's recently adopted General Plan calls for the development of connectivity standards and a speed management program.

The attached list of references cites studies and articles that cover many complete street ideas including the relationship between narrow streets and safety and the benefits of separated sidewalks. The literature is very clear that we can lessen the adverse impact that "incomplete" streets have on human beings. Lives can be saved and injuries prevented.

Other work has shown that the use of the vehicle LOS standard as a measure of environmental impact has lead to construction of very large streets able to handle peak hour traffic. However, those same high capacity streets are not cost-effective to build and maintain and create substantial negative environment impacts, including adverse impacts on human beings.

One of the most efficient means to improve the quality of our future living environment and to reduce development impacts on land use, transportation, air quality, and climate change is to shift greater and greater portions of overall people movements to bicycles, pedestrians and mass transit.

The general plan and the county's street improvement standards will literally set into concrete infrastructure that will endure for decades, perhaps a century or more. In particular, the county will need to reduce greenhouse gas emissions for the life of the general plan and make further emission reductions, which will likely be increasing difficult to achieve, in the years beyond. The difficulty will be compounded if the

infrastructure that is built in the interim doesn't take the long term need to reduce emissions into account.

SABA is an award-winning nonprofit organization with more than 1400 members. We represent bicyclists. Our aim is more and safer trips by bike. We are working for a future in which bicycling for everyday transportation is common because it is safe, convenient, and desirable. Bicycling is the healthiest, cleanest, cheapest, quietest, most energy efficient, and least congesting form of transportation.

Thank you for considering our comments.

Yours truly,

Jordan Lang  
Project Assistant

5

## References

### *Narrow streets*

Neighborhood Street Design Guidelines

[http://www.cuesfau.org/cnu/docs/Neighborhood\\_Street\\_Design\\_Guidelines-An\\_Oregon\\_Guide\\_for\\_Reducing\\_Street\\_Widths-State\\_of\\_Oregon.pdf](http://www.cuesfau.org/cnu/docs/Neighborhood_Street_Design_Guidelines-An_Oregon_Guide_for_Reducing_Street_Widths-State_of_Oregon.pdf)

Designing Safe Streets and Neighborhoods, Local Government Commission  
[http://www.lgc.org/freepub/docs/community\\_design/focus/traffic\\_safety.pdf](http://www.lgc.org/freepub/docs/community_design/focus/traffic_safety.pdf)

City of Sacramento Pedestrian Friendly Street Standards

[http://www.cityofsacramento.org/transportation/dot\\_media/engineer\\_media/pdf/Approved-Ord.pdf](http://www.cityofsacramento.org/transportation/dot_media/engineer_media/pdf/Approved-Ord.pdf)

Best Practices for Complete Streets, Sacramento Transportation and Air Quality Collaborative,

[http://www.completestreets.org/documents/FinalReportII\\_BPCompleteStreets.pdf](http://www.completestreets.org/documents/FinalReportII_BPCompleteStreets.pdf)

Skinny Streets and Fire Trucks

[http://www.smartgrowth.umd.edu/pdf/ULI\\_SkinnyStreets.pdf](http://www.smartgrowth.umd.edu/pdf/ULI_SkinnyStreets.pdf)

The Built Environment and Traffic Safety: A Review of Empirical Evidence, Journal of Planning Literature,

<http://jpl.sagepub.com/cgi/content/abstract/23/4/347?rss=1>

The Built Environment: Designing Communities to Promote Physical Activity in Children

<http://aappolicy.aappublications.org/cgi/content/full/pediatrics;123/6/1591>

Residential Street Typology and Injury Accident Frequency, (Longmont, CO study)

[http://www.cuesfau.org/cnu/docs/Residential\\_Street\\_Typology\\_and\\_Injury\\_Accident\\_Frequency-Swift-Painter-Goldstein.pdf](http://www.cuesfau.org/cnu/docs/Residential_Street_Typology_and_Injury_Accident_Frequency-Swift-Painter-Goldstein.pdf)

Relationship of Lane Width to Safety on Urban and Suburban Arterials,

<http://www.completestreets.org/documents/10FtLanePaper.pdf>

### *Separated sidewalks*

Designing Sidewalks and Trails for Access, Federal Highway Administration

<http://www.fhwa.dot.gov/environment/sidewalk2/sidewalks204.htm>

Perils for Pedestrians, Sidewalk Placement

<http://www.pedestrians.org/tips.htm>

### *Level of Service*

City of Sacramento General Plan, Mobility

[http://www.sacgp.org/documents/04\\_Part2.04\\_Mobility.pdf](http://www.sacgp.org/documents/04_Part2.04_Mobility.pdf)

Letter 35

**Jordan Lang, Project Assistant, Sacramento Area Bicycle Advocates; written correspondence; July 21, 2009**

**Response 35-1**

The reason that the County may not meet its goals is not because of failure of new development to incorporate bicycle facilities. On the contrary, the problem lies with introducing bicycle facilities into areas that are not being actively developed, because it is more difficult to fund those improvements and to obtain right-of-way. The significance criteria asks whether a project will conflict with an adopted alternative transportation plan. The project will not conflict with the Bikeway Master Plan, and may in fact assist with its implementation by providing for development (and the corresponding development funds) within areas where the Master Plan facilities are not yet constructed. Thus, impacts are less than significant.

**Response 35-2**

There are very few roadways shown on the proposed Transportation Plan that are wider than the ultimate widths shown on the existing Transportation Plan. Most of these up-designations lie in areas where there are existing growth plans that must be addressed (for instance, near the City of Elk Grove). Many of the roadways within the two largest New Growth Areas lack existing bicycle facilities. Roadway widenings would include the construction of bicycle facilities consistent with the Bicycle Master Plan. Roadways within the existing urbanized environment may have bicycle facilities, but many are constructed to older standards and would be updated to newer standards as part of widening. This is also true of pedestrian facilities. All major intersections include traffic signals and pedestrian crossing lights that are timed to ensure safe passage of pedestrians. There is likewise time within the changing of the lights for bicyclists to safely travel through an intersection. The proposed General Plan includes a policy promoting the construction of “complete streets” (Circulation Element Policy CI-1).

**Response 35-3**

This comment does not demonstrate how the Project will be implemented in a way that is inconsistent with proposed General Plan policy. Although the EIR does conclude that the Project is inconsistent with certain macro-scale smart growth principles, at the Plan-level it cannot be concluded that the Project will not include compact building design and other such project-specific concepts. The recommendations contained within this comment are forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.



REAL ESTATE & DEVELOPMENT  
July 2, 2009

RECEIVED

JUL - 9 2009

PLANNING DEPT.  
County of Sacramento

Letter 36  
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Sacramento, CA 95825

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Commissioner Kathilynn Carpenter, Chair  
Planning Commission  
Sacramento County  
700 H Street, Suite 2450  
Sacramento, CA 95814

All Comment 36-1

Re: Sacramento County 2030 General Plan Update (GPU)  
Request for Elk Grove Industrial-Cypress Abbey Land Company

*Rob -  
Let me know if you  
want to discuss this.  
Best.  
Randy*

Dear Commissioner Carpenter:

I am pleased the Commission understands the importance of the need to take the necessary time to understand the GPU and DEIR prior to taking final action and I think you made that very clear to planning staff. Hopefully, your discussion and my testimony during your last Planning Commission hearing further convinces you that we have barely touched the surface in terms of the problems the community sees with the documents.

In regards to my oral comments regarding the Cypress Abbey property, it is clear that the planning staff "strategy" for addressing specific landowner requests merely intends to circumvent the process of considering serious Land Use Policy decisions during hearings on the GPU (the appropriate forum) and defer such decisions to "sometime" in the future "if/when they are consistent with General Plan policy". This is a circular argument, as without due consideration given to Land Use Policy changes during the Planning Commission hearing forum, appropriate GPU Land Plan changes can not be implemented thereby placing landowners in a position of either not being able to submit an application for their property because of a request being inconsistent with the GPU or having to submit an application to amend an General Plan that has just been adopted.

I think you agree that the Staff's position is also problematic from a policy perspective and hinders the County's ability to promote projects that clearly stimulate economic development. Staff's proffered justification for their position intimates that action on individual projects would "require potentially significant amendments to the DEIR, necessitating additional staff time and funding to the process" (emphasis added). I applaud the Commission in getting Staff to admit the Commission could make such recommended changes, without necessarily triggering these prognosticated results during the beginning of last night's hearing..

Furthermore, staff has failed to quantify how many individual landowner requests have actually been received to determine whether recommended land use changes would "potentially" affect the DEIR and approval process. To date, my request has been the only request Staff has referenced. The bulk of their justification rests on their statement





that “Staff anticipates such requests will continue to be made throughout the public adoption process”. (Emphasis added) Anticipation is hardly a sound basis for speculating that requests that could be, versus have been, received will be significant to the degree it will impact processing of the DEIR.

As it stands today, the request from Cypress Abbey to expand the current and existing Industrial Extensive and UPA General Plan designations shown on their property from 32 +/- acres to 190 +/- acres (a 160 +/- acre net increase) is the only known request published to your Commission. The request represents less than 0.8% of the total land expansion area proposed in the GPU and certainly does not appear to be a numerically significant increase.

By allowing this change to be incorporated in the GPU, the Commission would be promoting the County’s goals for a new industrial economic development project. This project has a unique potential to be “rail” served, adding jobs on a property already surrounded by industrial uses and along the County’s proposed “Connector Corridor”. It integrates mitigation by utilizing some of the property’s remaining 480 +/- acres of high value resources along Deer Creek and the Consumnes River for purposes such as open space, South County HCP, and/or permanent agricultural uses.

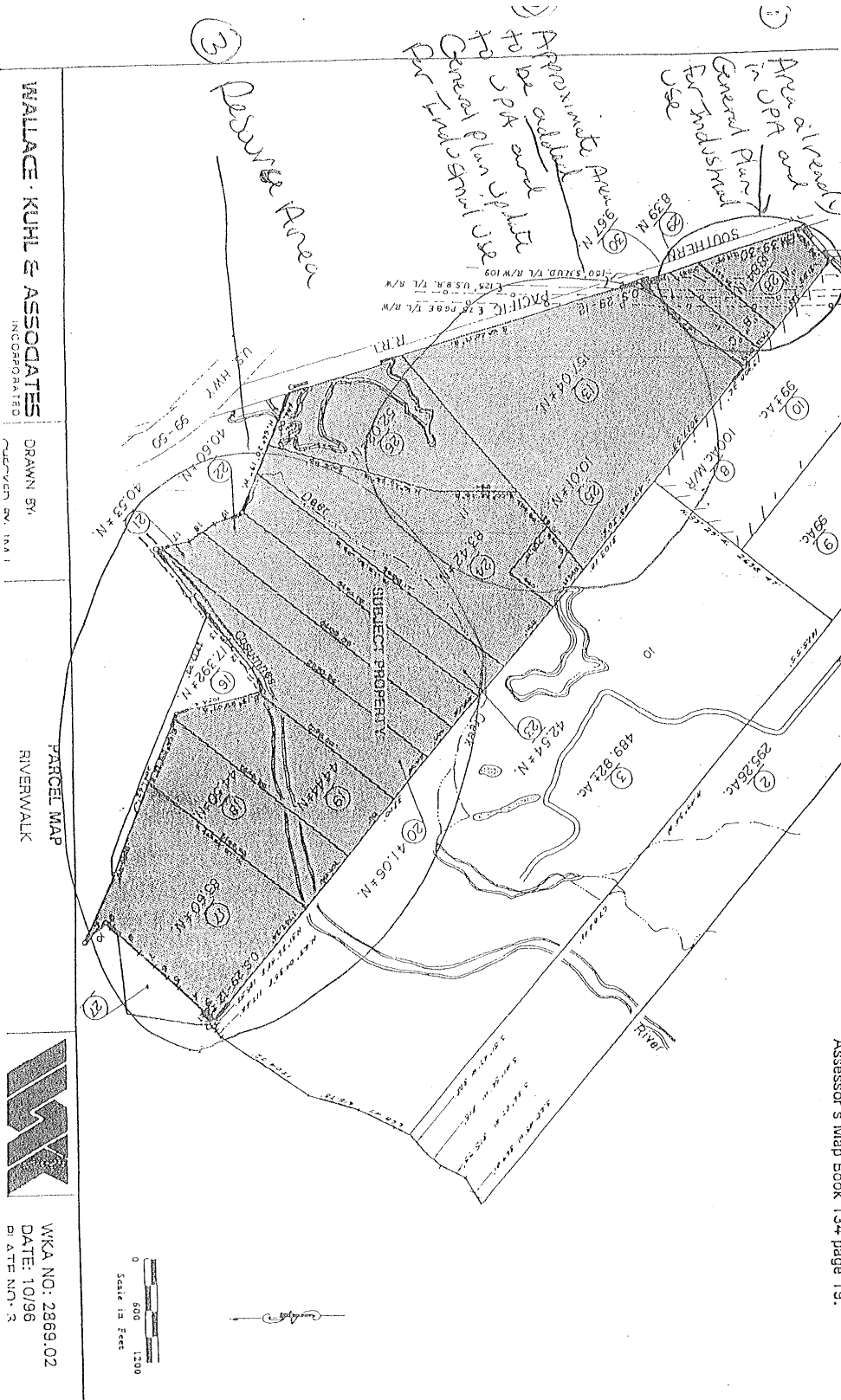
The Cypress Abbey project will eventually be subject to a rezone/map planning application that will be considered by the Planning Commission and Board of Supervisors where all the details of the project will be fully discussed. However, I submit to you and your fellow Commissioners, the appropriate forum to consider the “policy” level General Plan Land use designations for this property is in the context of your hearings on the draft GPU.

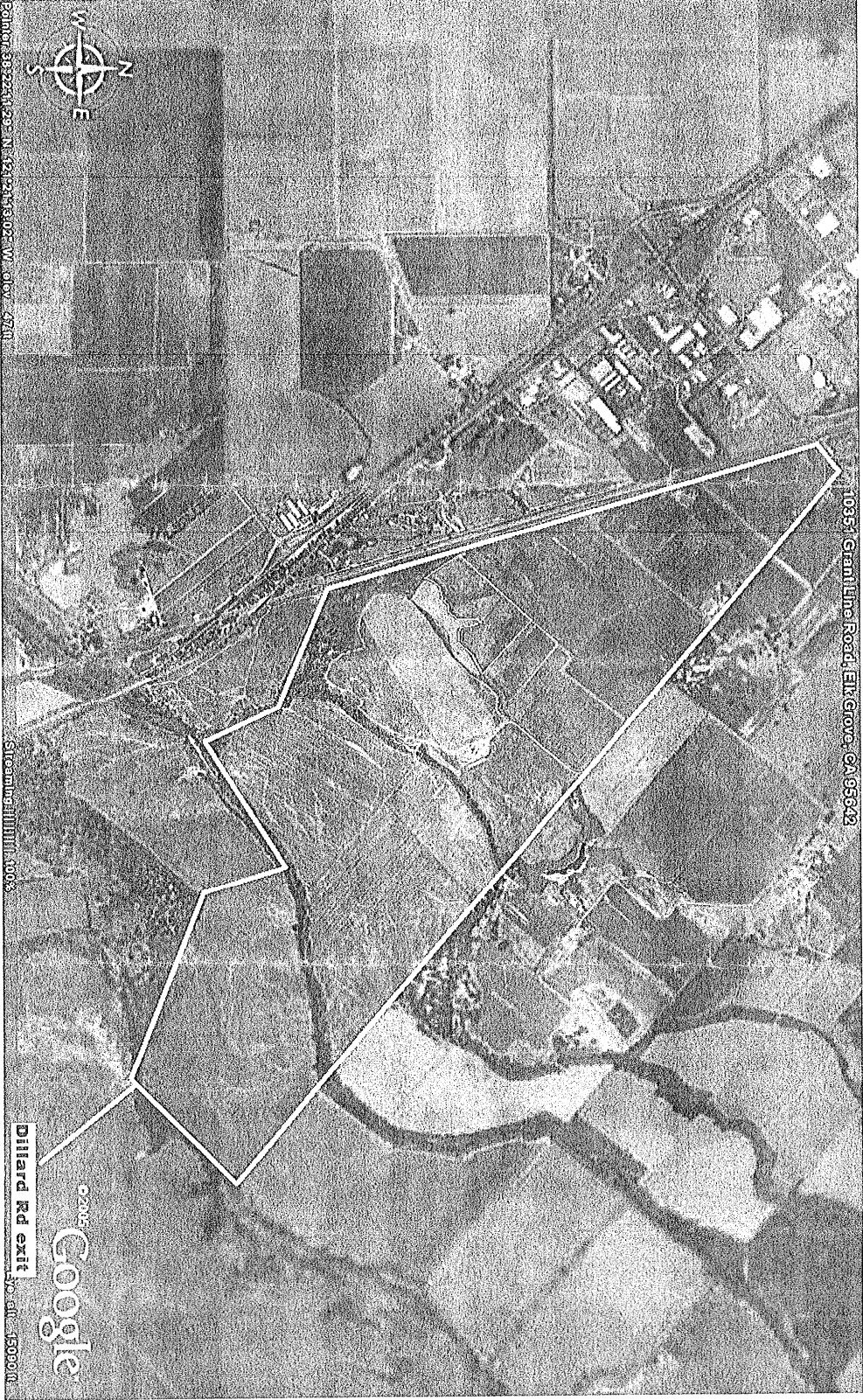
Accordingly, I hope you will support our request by incorporating the proposed land use revisions for the Cypress Abbey property in your final recommendation to the Sacramento County Board of Supervisors.

If you have any questions or require additional information, please feel free to give me a call.

Sincerely,  
  
Randall M. Schaber

Cc Commissioner Joe Debbs  
Commissioner Greg Peterson  
Commissioner Howard Yee  
Paul Hahn, County Executive’s Office  
Rob Sherry, Planning Director  
Jeff Terry, Cypress Abbey





Letter 36

**Randall M. Schaber, The Schaber Company; written correspondence; July 13, 2009**

**Response 36-1**

This is a comment on the Project, not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

Letter 37

Siddiqui Family Partnership	1808 J Street Sacramento, CA 95811 Tel: (916) 441-6708 Fax: (916) 441-5336
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July 10, 2009

Dave Defanti  
Senior Planner  
Sacramento County Planning and  
Community Development Dept.  
827 – 7<sup>th</sup> Street, Room 230  
Sacramento, CA 95814  
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**RE: Public Comments to DEIR**  
**2030 Sacramento County General Plan Update – Request for Consideration of**  
**Outstanding Issues Related to Land Uses and Long Term Planning into the Plan.**  
**Land bounded by I-5 to the North, Del Paso Road to the South, City limits and El Centro**  
**Road to the East and Sacramento River to the West**

Dear Dave:

I am writing to reference a letter I wrote on April 6, 2009 and submitted to City and County staff in our meeting on the same day which seemed to have not gotten into the DEIR and General Plan Update. In addition, I have the following comments that I also wish to submit for the 2030 General Plan Update:

- 37-1
- I. **Transportation:**
    - 1) Plan for extension of Airport Road to South from I-5 interchange where it terminates to Del Paso Road to provide better transportation/access from airport to Natomas and City of Sacramento. Interconnect with Garden Highway.
    - 2) Westerly extension of Del Paso Road to Garden Highway.
    - 3) Make full use of the I-5, airport interchange infrastructure to disperse travel loads.
    - 4) Take advantage of SAFCA improvements to further improve/update scenic qualities of Garden Highway.
  - II. **Sacramento International Airport (SMF):**  
Protection of airport and respect its expansion plans to avoid conflicts with 1 mile buffer and the planned west runway expansion. Adopt compatible land uses that provide supporting compatible uses in vicinity of SMF properties.
  - III. **Agricultural:**  
Protection of prime farm lands such that farmers are able to continue to economically farm the prime agricultural properties. Stop conversion of prime agricultural lands to artificially created habitats.
  - IV. **Flood Protection:**  
Recognize the benefits of the levee and bank protection improvements along Sacramento River in progress now. Plan for compatible land uses where 200 year flood protection is being provided. Flood protected undeveloped land is valuable and also suitable for development when demand increases. Preserve future development opportunities of all flood protected land.

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37-1  
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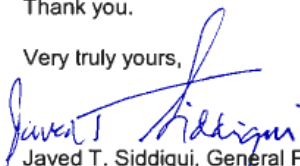
- V. **Preserve Riverfront Development Opportunities:**  
Recognize the benefits offered if riverfront is developed. Preserve all waterfront development opportunities.
- VI. **Exploit the Beauty of Sacramento River:**  
Plan a Sacramento River Parkway with biking and walking paths connecting to American River Parkway.
- VII. **Tax Base:**  
Strive to preserve tax base and avoid conversions that end up costing taxpayers because of loss of tax base which results in loss of revenue.
- VIII. **Preserve Existing Habitat:**  
Avoid destruction of existing habitat where possible because it is very costly to artificially create and maintain.
- IX. **Renewable Energy:**  
Allow for flexibility in the plans to maximum utilization of sites to generate renewable energy where opportunities exist to harness solar, wind, hydro/electric power. Encourage the use of available property to produce renewable energy.
- X. **Conservation Element:**  
Preserve and protect vegetation and wildlife. Preserve and protect soil resources. Allow maximum flexibility where possible to encourage conservation of energy by utilizing existing infrastructure.

I would appreciate receiving your feedback to my comments concerning this matter and appropriate modification to include pertinent and useful elements into the 2030 General Plan.

I would be available to meet with you and further explain. I look forward to hearing from you.

Thank you.

Very truly yours,

  
Javed T. Siddiqui, General Partner  
SIDDIQUI FAMILY PARTNERSHIP

JTS/fob

Encl.

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Siddiqui Family Partnership	1808 J Street Sacramento, CA 95811 Tel: (916) 441-6708 Fax: (916) 441-5336
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April 6, 2009

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**Re: Natomas Joint Vision Meeting – 4/6/09**

Dear Scot and Leighann:

Our family is respectful of the tasks undertaken by the City of Sacramento, County of Sacramento, SAFCA and the Corps of Engineers regarding Natomas Joint Vision. The Sacramento River has natural beauty that needs to be fully utilized. Cities across the country embrace the magic of the superior environment and entertainment offered by rivers. All proposed plans and improvements, including bank protection and levee development, either public or private, would need to be consistent with the Garden Highway SPA, the Airport Land use plan, and should consider the following:

37-1  
cont'

1. Promote a design which preserves river views and the connectivity between the landside and river side existing houses and other improvements. (Avoid isolating landside from river side).
2. Community is investing significant funds to provide 100-year flood protection. Reserve river frontage and areas between the river and Interstate 5 for future development at the highest and best use. Undeveloped land is limited; land protected from 100-year flows has a much higher land value and must be used wisely.
3. The community is investing significant funds in the Sacramento International Airport expansion. That investment should be supported by associated development convenient to the airport.
4. The presence of native and migratory birds adjacent to the airport currently represents a hazard to airplanes. Continued use of the vicinity as agriculture or natural space which could promote an increase in the bird population appears inconsistent with the current and future expansion of the airport. Develop a land use master plan that conserves the land resource and compliments the uses desired by the Airport.
5. The Yolo bypass was created to divert partial river flows and reduce the water surface. In the planning process, consider re-operation of the Yolo bypass to further lower the water surface and reduce the required height of levees.
6. Designation of the area between the existing levee and Interstate 5 for future development would provide an increase in revenues for local agencies.
7. Encourage designs which utilize the levee and adjacent areas such as the Rivage Hotel and Embassy Suites, currently functioning in City of Sacramento.
8. Don't create habitat for wildlife in areas where flood protection has been purchased. Natural habitat in the Sacramento Valley prior to levees included periodic flooding.

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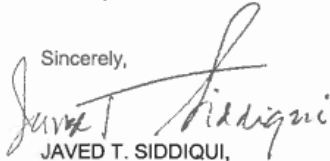
37-1  
cont'

9. The City and County are currently protected by a single levee system rather than the existing levee and a setback levee. The slurry wall system recently employed for other levee sections appears to be a satisfactory solution for the reach in question. The use of a setback levee results in a significant loss of land and future development which does not appear to be warranted.

I would appreciate considering our request. If you have any questions or comments, please feel free to contact me.

Thank you.

Sincerely,



JAVED T. SIDDIQUI,  
E-mail: [javed.siddiqui@jtsengineering.com](mailto:javed.siddiqui@jtsengineering.com)  
Siddiqui Family Partnership

JTS/fob

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Letter 37

**Javed T, Siddiqui, Siddiqui Family Partnership; written correspondence; July 10, 2009**

**Response 37-1**

These are not comments on the adequacy of the EIR. These comments have been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

13-Jul-2009 16:17 From: Taylor and Wiley

1-880 P.002/008 P-414

**TAYLOR & WILEY**

A PROFESSIONAL CORPORATION

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Letter 38

JOHN M. TAYLOR  
JAMES B. WILEY  
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KATHA A. WHEATLEY  
MATTHEW S. KEARLING  
JAMES E. MIZELL, III

OF COUNSEL  
KATHLEEN R. MAKEL

July 13, 2009

Via Facsimile and E-Mail

All Comment 38-1

Ms. Kathlynn Carpenter  
Chair, Planning Commission Sacramento County  
700 H Street, Suite 1450  
Sacramento, CA 95814

**Re: Sacramento County General Plan Update – Comments on Policies.**

Dear Ms. Carpenter:

We are submitting to you, on behalf of our client Stonebridge Properties, comments regarding policies in the Sacramento County General Plan Update. Stonebridge is supportive of the General Plan Update project and the comments we are providing are on policies that warrant modification and/or clarification. Our comments are as follows:

AG-1. The County shall protect prime, statewide importance, unique and local importance farmlands and lands with intensive agricultural investments from urban encroachment.

This policy should not pertain to farmlands within the Urban Services Boundary (USB). The policy as currently written discourages urban development within the Urban Services Boundary based upon Blueprint and smart growth principles and actually precipitates sprawl. By protecting farmlands that are in close proximity to the existing urban area and presumably designated for urbanization, this policy will force urban development further away from the urban core.

AG-5. Mitigate within Sacramento County the loss of prime, statewide importance, unique and local importance farmlands or lands with intensive agricultural investments through the specific planning process and individual project entitlement requests to provide in-kind protection (must be an equal or higher farmland category), such as easements for agricultural purposes of nearby farmland.

13-Jul-2009 16:17 From: Taylor and Wiley

1-880 P.003/008 F-414

Ms. Kathlynn Carpenter  
 July 13, 2009  
 Page 2

This policy should be modified to require mitigation for the loss of *any* prime and statewide importance farmlands, but mitigation should not be required for impacts to unique and local importance farmlands or lands with intensive agricultural investments that are located within the USB. The policy as currently written discourages urban development based upon Blueprint and smart growth principles by requiring mitigation for lands presumably designated for urbanization. Farmland mitigation for a project should also be available for other project required mitigation such as Swainson's hawk mitigation.

Moreover, the Agricultural Element should address and encourage urban and/or community farms as a means for providing local agricultural products and meeting smart growth principles.

- LU-16. Planning and development of new growth areas shall be consistent with the South Sacramento Habitat Conservation Plan and other efforts to preserve and protect natural resources.

This policy can only be in effect once the South Sacramento Habitat Conservation Plan (SSHCP) is adopted and the policy should reflect that fact. It should also be noted that the SSHCP is a voluntary participation plan and the policy as written ignores that reality.

- LU-17. The County will initiate and lead processes (including Community Plans, Specific Plans, Comprehensive Plans, etc.) to plan for development within the Jackson Highway Area, as illustrated in Figure 7. The resulting plans must be consistent with the vision plan resulting from the *Jackson Visioning Study Area* effort.

This policy should be modified to apply to all the new growth areas, not just the Jackson Highway Area.

- LU-48. Mix affordable housing units with market rate units as opposed to building segregated affordable housing developments.

The meaning and context of "mix" is not clear in this policy. The policy as written could be interpreted to mean that individual buildings can not be used solely for affordable housing. Such an interpretation would be inconsistent with the realities of financing

13-JUL-2009 16:17 From: Taylor and Wiley

1-890 P.004/008 P-414

Ms. Kathilynn Carpenter  
July 13, 2009  
Page 3

affordable housing projects which in most cases do not end up with both affordable and market rate income units in the same building. If the intent is to have affordable housing integrated within the community, then the policy should be reworded.

LU-54. New industrial uses using large amounts of material and with low employment densities, such as warehousing, shall be located outside new growth areas and targeted commercial corridors along primary transportation routes such as Interstate facilities, airports, rail roads, or navigable waterways.

This policy should be modified to allow for new industrial uses using large amounts of material and with low employment densities within a new growth area if that use is within an Airport CLUP zone that requires low employment densities.

LU-122. Before granting approval of an amendment to the Land Use Diagram, the Board of Supervisors shall find that:

- the request is consistent with the objectives and policies of the General Plan;
- the request is consistent with the goals and objectives of draft or adopted Habitat Conservation Plans;
- approval of the proposal will not adversely affect the fiscal resources of the County;
- the project will be consistent with the performance standards in this Plan and, for urban uses in urban growth areas, the project complies with the requirements of LU-14.

This policy should be modified because, as written, it would require a request for a Land Use Diagram change to be consistent with the goals and objectives of a "draft" HCP. This requirement in effect implements an HCP (which is supposed to be a voluntary participation plan) before the HCP has gone through the public adoption process, including the required CEQA and NEPA analysis.

CI-1. Promote complete streets with access to a diversity of safe and efficient travel modes for all new and existing land uses within Sacramento County.

Stonebridge supports the concept of complete streets and suggests only a slight modification to this policy. CI-1 would read better as follows: "Promote complete streets to provide safe and efficient access to a diversity of travel modes for all new and existing land uses within Sacramento County."

13-Jul-2009 16:18 From: Taylor and Wiley

T-990 P.005/008 F-414

Ms. Kathilynn Carpenter  
July 13, 2009  
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- CI-5. Plan and construct transportation facilities as delineated on the Transportation Plan of the Sacramento County General Plan. Transportation facilities shall be consistent with the Sacramento County, Municipal Services Agency Improvement Standards and Construction Specifications, and supplemented by the California Department of Transportation (Caltrans) design standards. The County may deviate from the adopted County Improvement Standards and Construction Specifications in circumstances where conditions warrant special treatment.

Policy CI-5 should allow the Department of Transportation the flexibility to provide alternative designs to address right-of-way or other feasibility issues for facilities designated on the Transportation Plan. This flexibility is especially necessary for roads that are designated for six lanes plus exclusive Bus Rapid Transit (BRT) lanes, i.e. 8-lane roads and urban interchanges. The following modification to CI-5 would provide such flexibility:

Plan and construct transportation facilities as delineated on the Transportation Plan of the Sacramento County General Plan. Transportation facilities shall be consistent with the Sacramento County, Municipal Services Agency Improvement Standards and Construction Specifications and supplemented by the California Department of Transportation (Caltrans) design standards. The County may deviate from the Transportation Plan and adopted County Improvement Standards and Construction Specifications in circumstances where conditions warrant special treatment.

- CI-8. Land development projects shall be responsible to mitigate the project's adverse impacts to local and regional traffic.

This policy should include at the end: ", unless it is infeasible to implement such mitigation."

- CI-9. To preserve public mobility, freeways and thoroughfares should have limited access and maintain functional characteristics that predominantly accommodate through traffic.

The County may wish to consider replacing "thoroughfares" with "expressways" in this policy, to better define facilities with limited access.

- CO-6. Land use entitlements for new growth areas shall not be granted until a Master Plan for a sustainable water supply has been approved by the Board of Supervisors and all agreements and financing for implementing a Master Plan for water supplies are in place.

13-Jul-2009 16:18 From: Taylor and Wiley

1-880 P.006/008 P-414

Ms. Kathilynn Carpenter  
 July 13, 2009  
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This policy should be modified to clarify that "land use entitlements" means residential tentative subdivision maps in the context of this policy. Furthermore, the policy should provide that all agreements and financing for implementing the Water Master Plan are in place prior to final small lot maps being recorded rather than prior to entitlements. This policy is not feasible otherwise. The policy should accordingly read as follows:

Residential tentative subdivision maps for new growth areas shall not be granted until a Master Plan for a sustainable water supply has been approved by the Board of Supervisors. Final small lot subdivision maps shall not be recorded until all agreements and financing for implementing the Water Master Plan for water supplies are in place.

CO-134. Provide setbacks along stream corridors and stream channels to protect riparian habitat functions.

- A functional setback of at least 100 feet and measured from the outside edge of the stream bank should be retained on each side of a stream corridor that prohibits development or agricultural activity. This buffer is necessary to protect riparian functions by allowing for the filtering of sediment, pesticides, phosphorus and nitrogen, organic matter and other contaminants that are known to degrade water quality. This buffer also provides for the protection of vegetation along the stream bank which provides bank stability, erosion control and flood attenuation.
- A transitional setback of at least 50 feet in width beyond the functional buffer should be retained along all stream corridors. This buffer is necessary to protect hydrogeomorphic functions that regulate water temperature, regulate micro-climate, maintain channel complexity and retain hydrologic flow regimes. This buffer also provides corridors to facilitate the movement of wildlife.
- An extended setback of at least 50 feet in width beyond the transitional setback should be retained along all stream corridors. This setback will allow for recreational uses such as bike, pedestrian and/or equestrian trails and will allow for the placement of infrastructure such as water and sewer lines.
- Stormwater discharge ponds or other features used for improving stormwater quality may be located within the extended or transitional setback area. However, in order to protect stream habitat and floodplain value, the width of the setback shall not be based upon the width of the pollutant discharge pond. The ponds shall be landscaped and maintained with vegetation native to the surrounding area. Detention ponds or other features implementing pollutant discharge requirements, other than approved regional stormwater quality

Ms. Kathilyn Carpenter  
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- practices that are designed and operated to complement the corridor functionally and aesthetically, are prohibited.
- Setback averaging will be permitted except when riparian woodland will be lost. The minimum width of setbacks cannot fall below 50 feet.

This policy requires excessive and unnecessary land for setbacks for streams and stream channels. As written this policy requires more setbacks than what occurs along the American River Parkway in many places. As an example, Leadership in Energy and Environmental Design (LEED) requirements for setbacks are 100 feet from wetlands and 50 feet from water bodies. This policy should be reevaluated. A suggested rewording of the language would be as follows:

Provide setbacks along stream corridors and stream channels to protect riparian habitat functions.

- A functional setback of at least 50 feet and measured from the outside edge of the stream bank should be retained on each side of a stream corridor that prohibits development or agricultural activity. This buffer is necessary to protect riparian functions by allowing for the filtering of sediment, pesticides, phosphorus and nitrogen, organic matter and other contaminants that are known to degrade water quality. This buffer also provides for the protection of vegetation along the stream bank which provides bank stability, erosion control and flood attenuation.
- A transitional setback of at least 50 feet in width beyond the functional buffer should be retained along all stream corridors. This buffer is necessary to protect hydrogeomorphic functions that regulate water temperature, regulate micro-climate, maintain channel complexity and retain hydrologic flow regimes. This buffer also provides corridors to facilitate the movement of wildlife.
- Any recreational uses such as bike, pedestrian and/or equestrian trails along the corridor shall be placed at least 100 feet from the edge of the stream bank.
- Stormwater discharge ponds or other features used for improving stormwater quality may be located within the transitional setback area. However, in order to protect stream habitat and floodplain value, the width of the setback shall not be based upon the width of the pollutant discharge pond. The ponds shall be landscaped and maintained with vegetation native to the surrounding area. Detention ponds or other features implementing pollutant discharge requirements, other than approved regional stormwater

13-Jul-2009 16:18 From-Taylor and Wiley

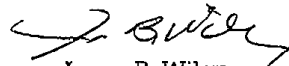
T-880 P.008/008 F-414

Ms. Kathilynn Carpenter  
July 13, 2009  
Page 7

- quality practices that are designed and operated to complement the corridor functionally and aesthetically, are prohibited.
- Setback averaging will be permitted except when riparian woodland will be lost. The minimum width of setbacks cannot fall below 50 feet.

Please contact me if you have any questions regarding our comments.

Very truly yours,



James B. Wiley

cc: Commissioner Joe Debbs  
Commissioner Greg Peterson  
Commissioner Howard Yee  
David Defanti  
Randy Sater  
John Taylor



Letter 38

**Jesse J. Yang, Taylor and Wiley, on behalf of Stonebridge Properties, LLC;  
written correspondence; July 13, 2009**

**Response 38-1**

These are not comments on the adequacy of the EIR. These comments have been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

13-Jul-2009 16:16 From-Taylor and Wiley

T-989 P.003/003 F-413

Mr. Kathilynn Carpenter  
July 13, 2009  
Page 2

39-1  
cont'

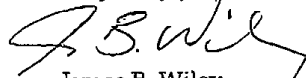
plan is designed to provide for urban development, then the reclamation bond for the mining project will become unnecessarily excessive. Potential future uses are much better addressed through the master planning process when a development is actually being proposed.

CO-55 Hardrock mining shall be conducted in a way that does not create long term undesirable impacts.

Teichert Aggregates agrees with the intent of CO-55, however, this policy is probably overly broad and really not necessary. CEQA review together with the recently adopted County mining ordinance can and should address any "undesirable" impacts from hard rock mining as part of the overall mining application approval process.

Please contact me if you have any questions regarding our comments.

Very truly yours,



James B. Wiley

cc: Commissioner Joe Debbs  
Commissioner Greg Peterson  
Commissioner Howard Yee  
David Defanti  
Michael Smith  
John Taylor

Letter 39

**James B. Wiley, Taylor and Wiley, on behalf of Teichert, Inc.; written correspondence; July 13, 2009**

**Response 39-1**

These are not comments on the adequacy of the EIR. These comments have been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

Letter 40

**TAYLOR & WILEY**

A PROFESSIONAL CORPORATION

**ATTORNEYS**

2870 GATEWAY OAKS DR., SUITE 200  
SACRAMENTO, CALIFORNIA 95833

TELEPHONE: (916) 929-5545  
TELEFAX: (916) 929-0283

July 13, 2009

JOHN M. TAYLOR  
JAMES B. WILEY  
JESSE J. YANG  
KATE A. WHEATLEY  
MATTHEW S. KEASLING  
JAMES E. MIZELL, III

OF COUNSEL  
KATHLEEN R. MAKEL

VIA FACSIMILE AND U.S. MAIL

Ms. Joyce Horizumi  
County of Sacramento  
Department of Environmental Review and Assessment  
827 7<sup>th</sup> Street, Suite 220  
Sacramento, California 95814

Re: Sacramento County General Plan Update Draft EIR (Control No: 02-GPB-  
- 0105/State Clearinghouse # 2007082086)

Dear Ms. Horizumi:

Taylor & Wiley represents the Stonebridge Properties, LLC ("Stonebridge") with respect to its holdings in Sacramento County. Stonebridge owns over 3,000 acres of property within the proposed Jackson Highway Corridor new growth area. We have reviewed the General Plan Update Draft Environmental Impact Report ("DEIR") and offer the following comments:

40-1

Pages 3-49 to 3-51, Conversion of or Conflict with Farmland, Jackson Highway Corridor. The DEIR notes that the Jackson Highway Corridor new growth area contains 137 acres of Prime Farmland, 1,301 acres of Farmland of Statewide Importance, 42 acres of Unique Farmland, 2,374 acres of Farmland of Local Importance, and 5,243 acres of Grazing Land. A review of Plate LA-6 on page 3-55 of the DEIR indicates that many of these agricultural designations occur on Stonebridge's holdings within the Jackson Highway Corridor. These holdings consist primarily of aggregate mining properties and previously mined properties in various stages of reclamation (including drying beds), most of which are industrially zoned with surface mining overlays. In light of this fact, it is unclear how the farmland acreage categories in the DEIR were derived. Furthermore, we presume that agricultural impacts and mitigation requirements will be determined on a case-by-case basis as individual applications for development projects within the Jackson Highway Corridor are received by the County.

Page 3-55, Plate LA-6. This exhibit depicts agricultural lands within the Jackson Highway Corridor. Please refer to our comments above regarding the impacts on agricultural lands within the Jackson Highway Corridor.

Pages 3-74 and 3-75, Alternative 1 (Remove Grant Line East), Conversion of or Conflict with Farmland. Please refer to our previous comments regarding the impacts on agricultural lands within the Jackson Highway Corridor.

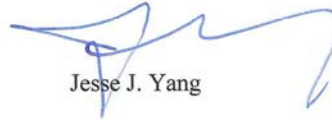
40-1  
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Pages 3-78 and 3-79, Alternative 2 (Focused Growth), Conversion of or Conflict with Farmland. Please refer to our comments above regarding the impacts on agricultural lands within the Jackson Highway Corridor.

Pages 3-84 and 3-85, Alternative 3 (Mixed Use), Conversion of or Conflict with Farmland. Please refer to our comments above regarding the impacts on agricultural lands within the Jackson Highway Corridor.

Thank you for the opportunity to provide our comments on the DEIR. Please feel free to call if you have any questions or need further information regarding our comments.

Very truly yours,



Jesse J. Yang

cc: Randy Sater  
Jim Wiley

Letter 40

**Jesse J. Yang, Taylor and Wiley, on behalf of Stonebridge Properties, LLC;  
written correspondence; July 13, 2009**

**Response 40-1**

The CEQA Guidelines specify within Appendix G that impacts should be determined based on farmland types “as shown by the Farmland Mapping and Monitoring Program of the California Resources Agency”. The California Department of Conservation maintains the important farmland map for Sacramento County, and consistent with the CEQA Guidelines it is this map data that was used in the analysis. The farmland data was the most current available at the time of document preparation, and was collected in 2008.

Letter 41

**TAYLOR & WILEY**

A PROFESSIONAL CORPORATION

**ATTORNEYS**

2870 GATEWAY OAKS DR., SUITE 200  
SACRAMENTO, CALIFORNIA 95833

TELEPHONE: (916) 929-5545

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July 13, 2009

JOHN M. TAYLOR  
JAMES B. WILEY  
JESSE J. YANG  
KATE A. WHEATLEY  
MATTHEW S. KEASLING  
JAMES E. MIZELL, III

OF COUNSEL  
KATHLEEN R. MAKEL

VIA FACSIMILE AND U.S. MAIL

Ms. Joyce Horizumi  
County of Sacramento  
Department of Environmental Review and Assessment  
827 7<sup>th</sup> Street, Suite 220  
Sacramento, California 95814

Re: Sacramento County General Plan Update Draft EIR (Control No: 02-GPB-  
- 0105/State Clearinghouse # 2007082086)

Dear Ms. Horizumi:

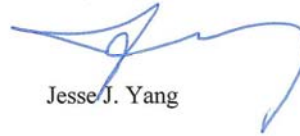
41-1

Taylor & Wiley represents Teichert, Inc. ("Teichert") with respect to its Teichert Quarry project. In that capacity, we have reviewed the General Plan Update Draft Environmental Impact Report ("DEIR") and offer the following comments:

Pages 13-15 to 13-21, Mineral Resources. The DEIR includes a discussion of state-designated Mineral Resource Zones ("MRZ") in Sacramento County. It should be noted that, in December 2008, Teichert submitted to the State Mining and Geology Board ("SMGB") a petition for mineral lands classification on its Teichert Quarry/Mangini property. Teichert requested that the MRZ designation for the site be changed from MRZ-3 to MRZ-2. The State Geologist has reviewed that petition and recommended that it be accepted by the SMGB. As indicated in the enclosed letter from the SMGB, the SMGB accepted Teichert's petition on April 9, 2009. It is anticipated that the new MRZ designation for the site will become effective by the fall of 2009. This information should probably be noted in the Final EIR.

Thank you for the opportunity to provide our comments on the DEIR. Please feel free to call if you have any questions or need further information regarding our comments.

Very truly yours,



Jesse J. Yang

Enclosures

cc: Michael Smith  
Jim Wiley



**STATE MINING AND GEOLOGY BOARD**

DEPARTMENT OF CONSERVATION

801 K Street • Suite 2015 • Sacramento, California 95814



PHONE: 916 / 322-1082 • FAX: 916 / 445-0738 • TDD: 916 / 324-2555 • INTERNET: conservation.ca.gov/smgb

ERIN GARNER, CHAIR  
CHERYL BLY-CHESTER, VICE CHAIR

BRIAN BACA  
JOHN LANE  
BENJAMIN LICARI

KATHY LUND  
ROBERT TEPEL  
CHARLIE WYATT

April 15, 2009

**CERTIFIED MAIL: 7006 2150 0000 6804 7499**

Mr. Jeff Thatcher  
Project Manager  
Teichert Aggregates  
3500 American River Drive  
Sacramento, California 95864-5805

**Re: Acceptance of Receipt of Petition for Classification of Mineral Lands,  
White Rock Road Properties – Mangini Property, Sacramento County**

Dear Mr. Thatcher:

At its regular business meeting held on April 9, 2009, the State Mining and Geology Board (SMGB) considered your Petition for Re-classification of Mineral Resource Zone (MRZ) Lands from MRZ3 to MRZ2, for the proposed White Rock Road Properties – Mangini Property, Sacramento County, California. Based on a preliminary review, the State Geologist has recommended acceptance of the petition by the SMGB.

The SMGB has already received a check for \$5,000 to cover the cost of the preliminary evaluation. Actual cost incurred to perform the preliminary assessment was \$1,000, and it is estimated that the cost to complete the classification study for the petition will total \$13,275. Thus, you are requested to submit an additional \$9,275 to cover the cost of performing the full classification study. This work can commence immediately following receipt of the additional funds. After completion of the classification report, any funds not used would be returned to the petitioner.

Should you have any further questions on this process, or have any questions, please do not hesitate to contact the office of the SMGB.

Sincerely,

Stephen M. Testa  
Executive Officer

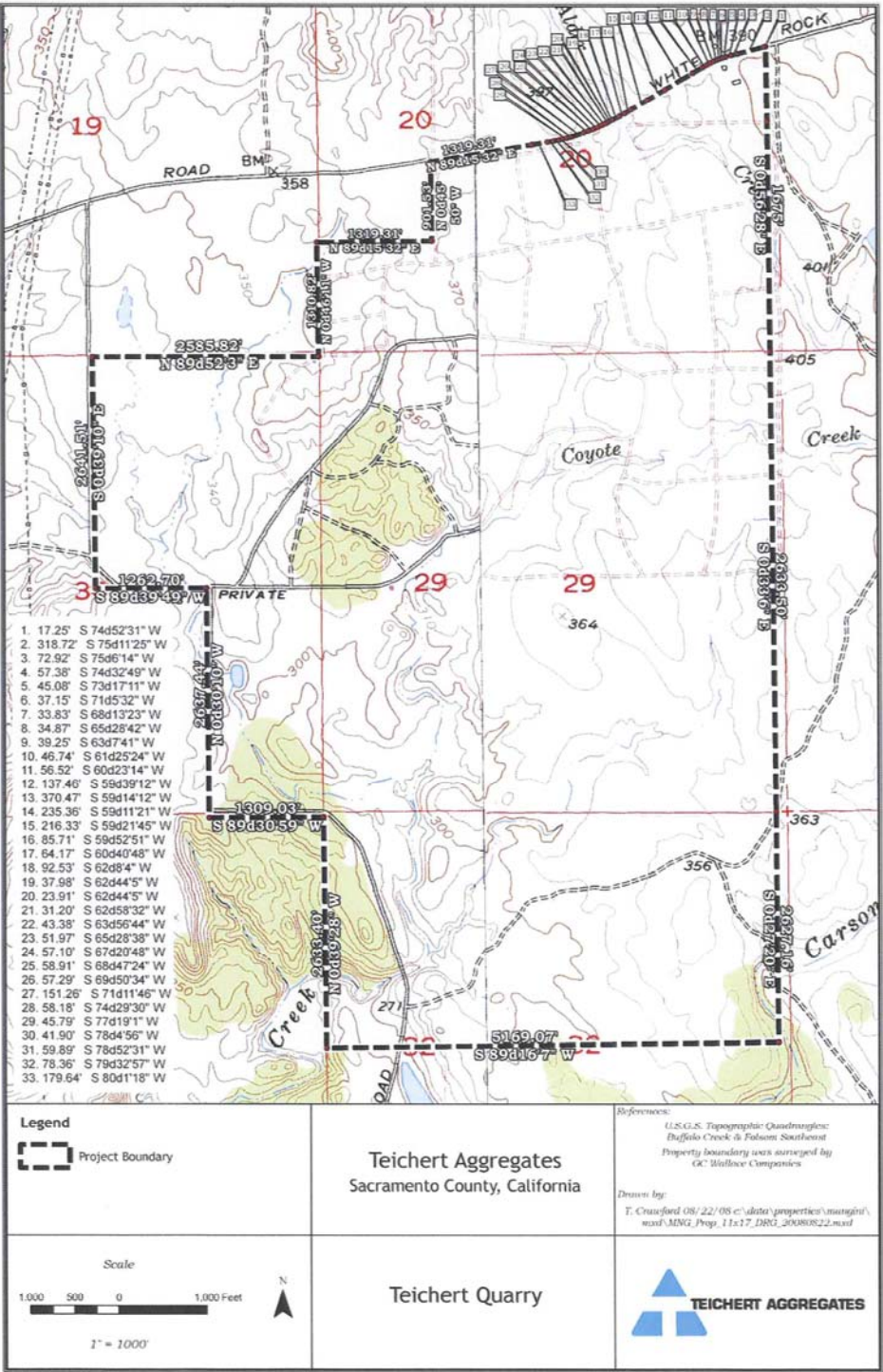
Attachment(s)

cc: Dr. John G. Parrish, Director and State Geologist, California Geological Survey  
John Clinkenbeard, Supervising Engineering Geologist, California Geological Survey

---

*Mission of the State Mining and Geology Board is to Represent the State's Interest in the Development, Utilization and Conservation of Mineral Resources; Reclamation of Mined Lands; Development of Geologic and Seismic Hazard Information; and to Provide a Forum for Public Redress*





Letter 41

**Jesse J. Yang, Taylor and Wiley, on behalf of Teichert, Inc.; written correspondence; July 13, 2009**

**Response 41-1**

This information has been added to Chapter 13.

Letter 42

**SYNDICOR REAL ESTATE GROUP, INC.**

914 Westwood Blvd., Suite 500,  
Los Angeles, CA 90024  
(310) 556-0202  
FAX (310) 476-6318

Board of Supervisors of Sacramento County  
700 H Street, Suite 2450,  
Sacramento, CA 95814

All Comment 42-1

July 2, 2009

Re: Update of General Plan and APN 202-0051-002, located just north of Elverta Road  
and just east of Rio Linda Blvd., Approximately 34 acres. Objection to Sufficiency of  
EIR

Honorable Members of the Board of Supervisors:

This letter is a follow-up to a letter that we sent to you dated August 22, 2005 (which we re-transmit herewith as an exhibit for your convenience), and to this writer's personal testimony before you in your public hearing on March 16, 2007 when this Board received public testimony concerning the Agricultural Element for the proposed update of the Sacramento County General Plan. The undersigned hereby objects to the sufficiency and accuracy of the Draft Environmental Impact Report as it relates to the above-referenced property for the reasons set forth hereinbelow as supported by the accompanying exhibits.

*The Proposed Use Designation For the Above-Referenced Land Is Based on Mistaken Facts and Is, On Its Face, Legally Inappropriate; There is No Substantial Evidence that the Property Can Be Economically Feasibly Used As Agricultural Crop Land. Conversely, there is Substantial Evidence that It Cannot.*

1

As we stated therein, we are owners of the above-referenced property (the “Property”), which is presently general planned Agricultural Cropland and zoned AG-20. “Agricultural Cropland” is, according to the current General Plan, the designation given to “agricultural lands most suitable for intensive agriculture” (p. 7 of Land Use Element of General Plan). Under the draft Agricultural Element, dated November 8, 2006, p. 10, Agricultural Cropland is required to have a minimum parcel size of 40 acres for NRCS Soil Classes I and II and 80 acres for NRCS Soil Classes III and IV. Our parcel comprises only 34 acres and does not contain soil suitable for crop use. The proposed use designation for our property is clearly erroneous, on its face, even under the explicit terms and stated policy of the draft Agricultural Element.<sup>1</sup>

We have owned the land, for approximately 17 years. During that entire time the land has never and, for the reasons set forth herein, could never be used as agricultural cropland. It was our reasonable, investment backed expectation, when we purchased the property that, at some point in the reasonably foreseeable future and certainly during our lifetimes, it would be developable into, at least, more than one single family home per its 34 acres, as all of the properties surrounding it are. The use designation of the surrounding properties is AG-RES, permitting 2 acre ranchettes.

This property was intended to be a source of retirement financing for the two individuals who are the principals of the owner entities and who are now approaching customary retirement ages. As stated on March 16, 2007 in this writer’s personal oral testimony before you, throughout our ownership of the property we have attempted to make use of the property, as agricultural cropland, by consulting experts, all of whom stated, for the reasons set forth herein that the land could not be economically feasibly used for agricultural purposes, most specifically as “agricultural cropland”.

That testimony by an owner of the property and who has personal knowledge of the subject of such testimony was intended to comprise and did comprise substantial

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<sup>1</sup> Indeed, the Draft Agricultural Element recognizes: “Although they relate minimum parcel size to soil capability classes, it is important to emphasize that the policies do not necessarily presume that it is possible to support economically viable farming operations on 20, 40, 80 or 160 acre farming units. This may be true in certain instances involving specified crops or animal husbandry operations, **but for the most part substantially larger acreage is necessary to sustain a farming enterprise.**” (p. 10)

evidence that the property could not be used for the use designated in the proposed updated General Plan. There is no contrary evidence in the administrative record that it can be economically feasibly used as “agricultural cropland”. Indeed, the Agricultural Element itself states, on its face, that, at a mere 34 acres, the parcel is too small to support the “agricultural cropland” use designation.

It is fair to say that if the currently economically infeasible use designation remains on this property until the expiration of the estimated year 2030 scope of the updated General Plan, neither principal will likely, during his lifetime, receive any economic benefit from his investment in this property, while at the same time having been required to pay substantial property taxes to the County for many decades.

While at some time in history, many decades ago, this property, together with its surrounding properties, was agricultural in nature, over the past several decades, the area has become increasingly urbanized, the surrounding parcels have been subdivided and the subject property became unsuitable for any economically feasible agricultural cropland use. The County now, in recognition that time has passed and things have changed, proposes to update its General Plan so as to designate all the land parcels within its boundaries to their current best and most appropriate uses until the year 2030, balancing both the public interests and the private property rights of the affected parties.

Inexplicably, the County proposes to maintain the outdated use designation for our property as “agricultural cropland”, even though there is no longer any factual foundation for such a continued use designation.

In our previous correspondence and in our personal testimony before your Board, we expressed our extreme distress that the current and proposed designated use of our property is in error and has no factual or legal foundation and requested that the use designation of our property should, at least, be the same as that of the parcels surrounding it, i.e. AG-RES, if not that the land be included in the contiguous UPA as we have previously requested and once again request hereby.

As stated in both our previous letter and my personal testimony, this land is wholly unsuitable for use as agricultural cropland, for, among other reasons, the following:

1. The soils of the Property are not considered of Prime, Statewide or Unique Significance (objectives set forth on p. 5, et seq. of the draft Agricultural Element.). At least for the past 20 years the property has not been put to any kind of agricultural use, basically because it is unsuited for any such use.

2. There is no chance to have good to excellent crop yields on the Property as the soils are of poor quality and not appropriate for economically viable crops and the acreage is too small for a viable farm operation.

3. The property is only 34 acres, and does not meet the definition of a large to moderate sized farm unit nor the minimum parcel sizes set forth for such proposed use designation on p. 10 of the draft Agricultural Element, which, requires, at a minimum a parcel size of 40 acres and then only if the soil is of NRCS Soil Classes I or II, which it is not.

4. There is no abundant water supply consistently available to the Property for an agricultural operation.

5. There are no agricultural cropland operations in the immediate vicinity of the Property.

Thus, designating the Property as “*agricultural cropland*”, when, in fact, there is no rational factual basis for affixing such a designation to it, and the property cannot be used as “*agricultural cropland*” simply:

(a) renders the land incapable of any legally permitted, economically feasible use. Thus, if this Board of Supervisors adopts the recommendation to retain this use designation in the updated General Plan, such adoption will comprise a legislative act by the County effectively rendering the land the subject of a regulatory taking, which, under the 5<sup>th</sup> Amendment of the Constitution, requires the payment by the County of just compensation for such taking;

(b) is, in itself, *arbitrary and irrational*, (or, under the state standard “arbitrary and capricious”) and, thus, constitutes an abuse of legislative discretion as well as a violation of constitutional substantive due process under the 14<sup>th</sup> Amendment of the Constitution;

(c) will mislead the public and other governmental authorities by falsely representing that the County’s needs for agricultural land will have been satisfied by the inclusion of our property as “agricultural cropland” in the Agricultural Element, when, in fact, no such use can be made of such property and the property does not, on its face, meet the policies and requirements of “agricultural cropland” as set forth in the Agricultural Element itself;

(d) will result, essentially, in a fraud upon both the public and any other governmental authorities, including the Federal or California government who may be providing grants or other government funding in reliance upon the County’s representation that the County’s needs for agricultural land will have been satisfied by the inclusion of our property as “agricultural cropland”, when, in fact, no such use can be made of such property. This may have legal ramifications in terms of the County’s entitlement to receive and/or keep or be required to refund any such grants or other governmental financial assistance from the Federal or State or other governmental agencies.

(e) will result in the preparation of an inaccurate and insufficient Environmental Impact Report (“EIR”) which will be based on the factually faulty assumption that such land can and will be used as “agricultural cropland” and which EIR will assess the expected environmental impacts from such use, when, in fact, no such use can be made of such property. Such an inaccurate and insufficient Environmental Impact Report will then be subject and vulnerable to meritorious legal challenge. At worst, any such legal challenge will cause the EIR to be de-certified as being held insufficient, as a matter of law, forcing it to be re-prepared and re-written to render it factually accurate. At the very

least, any such challenge will cause the EIR's final and unappealable certification to be substantially delayed. Any such delay, which could comprise years in the judicial and administrative system, could, in turn, cause delays in the County's receipt of other Federal or California governmental grants and funding and the commencement of other proposed public and private developments and public infra-structure works which may depend on the finality of such EIR.

*To Designate This Property As Agricultural Does A Disservice to the Public Because the Agricultural Element of the General Plan Becomes A Sham and Will Not Be Fulfilled by Designation of this Property As Agricultural Cropland and the EIR Will Be Inaccurate and Thus, Insufficient.*

Notwithstanding our previous letter to the Board of Supervisors and our in person testimony to the Board, the new proposed General Plan still proposes to designate our Property as "agricultural cropland", even though it has essentially no suitability or potential for such agricultural use. Not only does such proposal do us, as the landowners, a great disservice in having the land designated for a use it cannot reasonably sustain, it also does a great disservice to the public because it misleads the public into believing that the County's proposed agricultural element will be fulfilled by designating land clearly unsuitable for agricultural use as agricultural land and will lead to the preparation of an inaccurate, and, thus, insufficient, EIR. Were the agricultural element considered objectively, to the extent our piece is intended to provide 34 acres of agricultural crop land to fulfill the agricultural elements needs, then the agricultural element is, in truth, 34 acres short of true agricultural land.

As its mission, the Agricultural Element (Ag Element Pages 6-7, 11-12, 13-15) as described in Attachment A, seeks to expand protection of Important Farmland to prime, statewide importance, unique and local importance farmlands and lands with intensive agricultural investments in order to maintain agricultural lands within Sacramento County.



None of these goals is either met or even furthered by designating our property as agricultural crop land. It is neither being used nor reasonably capable of being used for agricultural cropland purposes and has not been for at least 20 years. It is not of statewide importance, unique or local importance as farmland, nor is it the subject of any intensive, or indeed, any agricultural investment nor, feasibly, can it be.

*The Reasons Given for Continuing the Current Outdated Use Designation for Our Property Are Without Merit or Rational Basis.*

During the brief, in person, testimony in the meeting of March 16, 2007 and in a previous staff report (Minutes of General Plan Update Workshop #14: UPA Expansion, dated March 15, 2006) in response to our previous correspondence, various reasons were proposed by Staff and County Supervisor Dickinson as to why the use designation of our property should remain as it is as “agricultural cropland”. Such reasons included the following:

1. The (appointed, non-publicly elected) members of the committee (the “Citizen’s Advisory Committee”) that formulated the Elverta Community Plan decided in or about 1998 that our property should remain “agricultural cropland” and made that recommendation to the County Board of Supervisors for formal adoption. Thus, it was suggested that “the people had spoken” and our property should remain undevelopable “agricultural cropland” (notwithstanding that it manifestly could not be used for such purpose).

2. Staff concluded (erroneously) that our property was not contiguous to the UPA and “expanding the UPA to include this parcel would not represent a contiguous expansion, as the current UPA boundary ends at Elverta Road, approximately 1,000 feet south of the southernmost point of that property.”<sup>2</sup> (p. 5, General Plan Update Workshop #14, March 15, 2006).

---

<sup>2</sup> The legal description of our property, transmitted herewith, shows that our property encompasses the private street known as Auburn Road which intersects Elverta Road and

3. Parts of our property are located in a flood plain.

4. It was proposed that a change to the proper use designation for our property should be more appropriately made in connection with an application for an amendment to the general plan to be initiated and financed by us as the property owners, rather than in the course of this countywide, publicly funded General Plan update.

We respectfully submit that none of these reasons for maintaining our property's designated use as "agricultural cropland" has merit.

*The Designated Use for our Property In the Elverta Community Plan Was Without Foundation and Its Errors Should be Corrected by the Board of Supervisors, Not Compounded.*

Firstly, at best, the advisory citizens' Committee that formulated the Elverta Community Plan were not elected officials, they are not final decisionmakers for the County, they are not bound by the constitutional mandates, constraints, accountability and responsibilities imposed on the ultimate policy makers of the County and were not even required to and did not support their conclusions and recommendations with substantial evidence. That responsibility falls on the shoulders of this Board of Supervisors when it chooses to formally adopt, reject or amend and adopt the recommendations of that advisory committee.<sup>3</sup>

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thus establishes that not only is our property contiguous with the UPA, but, in fact, physically overlaps it within the boundaries of Elverta Road and its intersection with Auburn Road.

<sup>3</sup> Moreover, the Elverta Community Plan has not yet been formally adopted by the Board of Supervisors and, thus, has no legal effect, much less is not final and binding on the Board of Supervisors. It is simply advisory. To the extent its advice is not sound, such advice should be overruled and its mistakes corrected by the Board of Supervisors, the elected public representatives.

For example, no representative of that Committee ever contacted us to inquire as to the suitability of our land for agricultural cropland use, no investigation was ever made as to the quality of its soil, no representative of that Committee ever set foot on our property (at least not with our knowledge and not without trespassing) to make any factual determination that our property comprised “agricultural cropland”, no expert testimony was ever presented that our land was suitable for such a proposed designated purpose.

In fact, if any such factual investigation had ever been made, the only reasonable conclusion that could have been reached was that it was unsuitable for such a use and such a designation in the face of the facts was arbitrary and capricious. The matter was simply not addressed with any factual foundation by the advisory Committee that formulated the Elverta Community Plan. Our property was simply cast aside as a pariah or sacrificial lamb for the benefit of other parcels to be developed and not designated for any economically feasible use.<sup>4</sup> Whether such use erroneous use designation was assigned by the Elverta Community Plan Citizen’s Advisory Committee due to inexperience, lack of expertise, inadvertence or intentional self-interested political motivations is irrelevant, it still constituted error and was not supported by any substantial evidence or rational basis.

The responsibility of this Board of Supervisors, our elected representatives, is to determine, based on substantial evidence and rational basis the most appropriate uses of all the parcels being considered, while at the same time ensuring that no private property is taken or impaired for public use without just compensation. Quite simply, the advisory Committee behind the Elverta Community Plan simply made a mistake in designating our property as “agricultural cropland”, when no facts support such a designation.

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<sup>4</sup> Indeed, we note it received the same treatment in respect to SAFCA’s recent County-wide flood mitigation assessment. Our property was excluded from the assessment and is designated as receiving no benefit therefrom, though properties in close proximity to our property are included in the flood mitigation program which will result in their removal from inclusion in the 100 year flood plain.

We respectfully submit that it is the responsibility of this Board to *correct* the inferior advisory tribunal's mistake, not to compound it by saying, "the people have spoken and they want your property to remain agricultural cropland", notwithstanding that no such use can realistically be made of the property. At the very least, this Board should designate our property to have the same use designation as its surrounding properties, i.e. AG-RES. We respectfully submit it would be even more appropriate to include it in the UPA to which it is contiguous.

*Our Property is Contiguous to the UPA; Staff Was Simply Mistaken.*

In its staff report dated March 15, 2006 (General Plan Update Workshop #14, p. 5), Staff responded to our August 22, 2005 request to have our property included in the UPA which, notwithstanding Staff's conclusion to the contrary, is, in fact, contiguous to our property.

Staff's response was as follows:

"Second, Crown Pacific/Syndicor requested that 34 acres in the northwest portion of the Rio Linda/Elverta area be included in the UPA. Their property is currently designated as Agricultural Cropland on the General Plan Land Use Diagram and is located north of Elverta Road and east of Rio Linda Boulevard. Expanding the UPA to include this parcel would not represent a contiguous expansion, as the current UPA boundary ends at Elverta Road approximately 1,000 feet south of the southernmost point of the property. Although the Elverta Specific Plan has yet to be approved, it will ultimately provide up to 4,950 new residential units in this area for build out during the 2005-2030 planning period. Additionally, a similar request was considered during the recent update of the Rio Linda-Elverta Community Plan update. The Board did not support development of this property during the adoption of this Community Plan. Lastly, a significant portion of the property is located within the 100-year floodplain. Due to available holding capacity within the Elverta Specific Plan area, drainage

and floodplain related impacts and mitigation, and a non-contiguous expansion of the UPA, staff does not support this request.”

In fact, an examination of the legal description of our property reveals that it is, indeed, contiguous, in fact, it physically overlaps the UPA at the intersection of Elverta Road and the private street Auburn Road which is a part of our property.

The legal description, in pertinent part, reads as follows:

“TOGETHER WITH a strip of land 50.00 feet in width known as Auburn Avenue extending from the North line of Baldwin Street to the South line of the above described tract, and being adjacent on the East of the tracts of land described in the deed dated April 9, 1947, recorded in Book 1354 of Official Records at Page 165, executed by Charles Scheidel and others, to Harry M. French and wife, and in the deed dated September 5, 1945, recorded in book 1178 of Official Records at Page 45, executed by Inez Jagow to Bernard R. McLaughlin and wife, the center line of which is described as follows:

BEGINNING at a point on the North line of said Baldwin Street from which point the Southwest corner of said Section 17 bears South 1°25' East 10.00 feet to the South line of said Section 17, and South 89°24' West 1207.84 feet and running thence North 1°25' West 909.00 feet to the South line of the above described tract, according to the Survey made by Stephen G. Sardon, Registered Civil Engineer No. 9591, on November, 1966.

APN: 202-0051-002

(A true copy of a recorded quit claim deed for our property is transmitted herewith as an exhibit, for your convenience).

Thus, once again, a reason for perpetuating an inappropriate use designation for our property is founded on an erroneous factual conclusion. This Board, as the ultimate, legislative decisionmaker for the County, should correct this error, not compound it.

*The Fact that Parts of Our Property Are in a Flood Plain Does Not Justify An Erroneous  
and Impossible Use Designation.*

Our property is not unique in that portions of it are located within a flood plain. Thousands of developed properties in the County of Sacramento are and most of those properties are now participating in and benefiting from SAFCA's recent flood mitigation assessment<sup>5</sup>. Most of such properties are not and have never been designated "agricultural cropland" in the County's General Plan, simply because a portion of them is located in a flood plain. They do not all require legislative applications on the parts of their owners to amend the general plan (i.e. to change the law applicable to the entire county) simply to imbue them with *any* economic value or feasible use.

Site specific flood mitigation procedures can and typically are imposed upon sites at the time subdivision map and other site specific, administrative or quasi-judicial, development permit applications are submitted to the County and are dealt with on a case by case basis. Designating our property as AG-RES, just as many other properties with parts located in flood plains are designated as AG-RES, would not dispense with regulatory scrutiny and public input over whether or not sufficient site specific flood mitigation measures have been implemented prior to development. Those controls remain in place within the non-legislative, site specific, administrative and quasi-judicial procedures for the issuance of development permits, until final building permits have been issued and used.

In contrast, it would not be rational and would impose a unique burden on our property were the County's ultimate legislative decision-maker, its Board of Supervisors, to intentionally mis-designate it as "agricultural crop land", not because it actually has any attributes of or suitability for prime agricultural crop land, which, on its face, it does not, but, instead, essentially, as a pre-text to prevent it from being developed at all

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<sup>5</sup> Though, inexplicably our property has been excluded from such program which would remove it from the 100 year flood plain as it will with the properties that are slated to participate and benefit from such assessment.

because portions of it may be located in a flood plain or there may be other public and/or political reasons why some persons in the community do not wish our property to be developed or feasibly economically used.

If, as it appears from Staff's observations "*The Board did not support development of this property during the adoption of this Community Plan*" (March 15, 2006 Staff Report, p. 5), it is the County's desire to prevent all development and economic use of our property, then its lawful and constitutional solution is to condemn the property and pay just compensation for it, not to give it a land use designation that the County knows it cannot possibly employ and which, under the County's own rules, policies and guidelines is inconsistent with and inappropriate for such parcel. The latter approach would simply be a thinly disguised uncompensated regulatory taking in violation of the 5<sup>th</sup> Amendment.

The reasonable approach is to designate the land for its most reasonable use, consistent with the designated use of its surrounding properties and then to address any flooding concerns in the context of examination of the flood mitigation measures proposed in connection with a specific administrative or quasi-judicial development permit application, when and if such an application arises. It would not be reasonable for this Board of Supervisors to intentionally assign the property a use in the General Plan which the property cannot possibly employ, simply because it has attributes relating to drainage which can and are customarily addressed in connection with a development permit application within its reasonable designated land use. Even more reasonable would be simply to include the property within the benefits of SAFCA's flood mitigation program.

*To Require Us to Make An Application for A General Plan Amendment to Correct An Intentionally Erroneous Use Designation Would Impose an Unreasonable and Unique Burden In Violation of the Equal Protection Provision of the 14<sup>th</sup> Amendment.*

It has been suggested that the most appropriate way for us to get the land use re-designated to a use that can actually be employed by the property is to go through a general plan amendment application---- a legislative procedure that literally involves

changing the law for the entire county (as contrasted with the typical administrative or quasi-judicial procedure relating to site specific development permit applications). Apart from the fact that such a legislative procedure entails an additional expense to the applicant estimated to be at least \$150,000 to \$300,000 or more and a delay of 18 months or more, it is unreasonable to require an applicant to undergo such a procedure merely to correct a foreseeable and wholly avoidable error on the part of the Board of Supervisors at this time.

It is quite apparent, even from the text of your own draft Agricultural Element, that a parcel of a mere 34 acres is, on its face, not of sufficient size to comprise agricultural crop land. Further, there is no evidence whatsoever that this parcel contains soil of sufficient quality and availability of sufficient irrigation to comprise agricultural cropland. Indeed, all the evidence before you is to the contrary.

Therefore, it would be irrational for this tribunal to nevertheless abdicate its responsibility to make its legislative decisions based on substantial evidence, and instead, designate our property as “agricultural cropland” when it both knows now and has had every reason to know the land is wholly unsuitable for such use designation and that such a designation is inconsistent on its face with the policy in the Agricultural Element that any such parcels must have a minimum size of 40 acres and be of suitable soil quality, neither of which is applicable to this parcel. To then impose the expense and burden on a landowner to make a separate, formal, expensive and time consuming application to change county wide law (i.e. the General Plan) merely to persuade the Board of something that it knows now and should always have known, i.e. that the land cannot be used for such purpose as “agricultural crop land”, imposes a unique and unreasonable burden on us, as landowners, that no other landowners are subjected to. This is the essence of a violation of equal protection under the 14<sup>th</sup> amendment.

No other landowners are subjected to intentionally inappropriate, arbitrary and irrational land use designations and then subjected to the substantial cost and expense of making a special application to correct such irrational designations.



The most appropriate course of action, is, as a legislative matter, to avoid the mistake in the first instance, not to intentionally make the mistake and then impose the burden on the landowner of incurring the expense and delay in correcting it.

For the aforementioned reasons, we respectfully request this honorable Board to designate our property as AG-RES in the forth coming updated General Plan. We also renew our request that the property be included in the UPA which is, indeed, contiguous to our property.

Thank you.

Yours very truly,

Keith M. Fromm  
For Syndicor Real Estate Group, Inc.

**SYNDICOR REAL ESTATE GROUP, INC.**

914 Westwood Blvd., Suite 500,  
Los Angeles, CA 90024  
(310) 556-0202  
FAX (310) 476-6318

Board of Supervisors of Sacramento County  
700 H Street, Suite 2450,  
Sacramento, CA 95814  
Att'n: Supervisor Dickinson  
Supervisor Collin  
Supervisor Peters  
Supervisor MacGlashan  
Supervisor Nottoli

Sent Via Fax (916) 874-7593

May 28, 2007

Re: Update of General Plan and APN 202-0051-002, located just north of Elverta Road  
and just east of Rio Linda Blvd., Approximately 34 acres.

Honorable Members of the Board of Supervisors:

This letter is a follow-up to a letter that we sent to you dated August 22, 2005 (which we re-transmit herewith as an exhibit for your convenience), and to this writer's personal testimony before you in your public hearing on March 16, 2007 when this Board received public testimony concerning the Agricultural Element for the proposed update of the Sacramento County General Plan.

*The Proposed Use Designation For the Above-Referenced Land Is Based on Mistaken Facts and Is, On Its Face, Legally Inappropriate; There is No Substantial Evidence that the Property Can Be Economically Feasibly Used As Agricultural Crop Land. Conversely, there is Substantial Evidence that It Cannot.*

As we stated therein, we are owners of the above-referenced property (the “Property”), which is presently general planned Agricultural Cropland and zoned AG-20. “*Agricultural Cropland*” is, according to the current General Plan, the designation given to “*agricultural lands most suitable for intensive agriculture*” (p. 7 of Land Use Element of General Plan). Under the draft Agricultural Element, dated November 8, 2006, p. 10, Agricultural Cropland is required to have a minimum parcel size of 40 acres for NRCS Soil Classes I and II and 80 acres for NRCS Soil Classes III and IV. Our parcel comprises only 34 acres and does not contain soil suitable for crop use. The proposed use designation for our property is clearly erroneous, on its face, even under the explicit terms and stated policy of the draft Agricultural Element.<sup>1</sup>

We have owned the land, for approximately 17 years. During that entire time the land has never and, for the reasons set forth herein, could never be used as agricultural cropland. It was our reasonable, investment backed expectation, when we purchased the property that, at some point in the reasonably foreseeable future and certainly during our lifetimes, it would be developable into, at least, more than one single family home per its 34 acres, as all of the properties surrounding it are. The use designation of the surrounding properties is AG-RES, permitting 2 acre ranchettes.

This property was intended to be a source of retirement financing for the two individuals who are the principals of the owner entities and who are now approaching customary retirement ages. As stated on March 16, 2007 in this writer’s personal oral testimony before you, throughout our ownership of the property we have attempted to make use of the property, as agricultural cropland, by consulting experts, all of whom stated, for the reasons set forth herein that the land could not be economically feasibly used for agricultural purposes, most specifically as “agricultural cropland”.

That testimony by an owner of the property and who has personal knowledge of the subject of such testimony was intended to comprise and did comprise substantial

<sup>1</sup> Indeed, the Draft Agricultural Element recognizes: “Although they relate minimum parcel size to soil capability classes, it is important to emphasize that the policies do not necessarily presume that it is possible to support economically viable farming operations on 20, 40, 80 or 160 acre farming units. This may be true in certain instances involving specified crops or animal husbandry operations, ***but for the most part substantially larger acreage is necessary to sustain a farming enterprise.***” (p. 10)

evidence that the property could not be used for the use designated in the proposed updated General Plan. There is no contrary evidence in the administrative record that it can be economically feasibly used as “agricultural cropland”. Indeed, the Agricultural Element itself states, on its face, that, at a mere 34 acres, the parcel is too small to support the “agricultural cropland” use designation.

It is fair to say that if the currently economically infeasible use designation remains on this property until the expiration of the estimated year 2030 scope of the updated General Plan, neither principal will likely, during his lifetime, receive any economic benefit from his investment in this property, while at the same time having been required to pay substantial property taxes to the County for many decades.

While at some time in history, many decades ago, this property, together with its surrounding properties, was agricultural in nature, over the past several decades, the area has become increasingly urbanized, the surrounding parcels have been subdivided and the subject property became unsuitable for any economically feasible agricultural cropland use. The County now, in recognition that time has passed and things have changed, proposes to update its General Plan so as to designate all the land parcels within its boundaries to their current best and most appropriate uses until the year 2030, balancing both the public interests and the private property rights of the affected parties.

Inexplicably, the County proposes to maintain the outdated use designation for our property as “agricultural cropland”, even though there is no longer any factual foundation for such a continued use designation.

In our previous correspondence and in our personal testimony before your Board, we expressed our extreme distress that the current and proposed designated use of our property is in error and has no factual or legal foundation and requested that the use designation of our property should, at least, be the same as that of the parcels surrounding it, i.e. AG-RES, if not that the land be included in the contiguous UPA as we have previously requested and once again request hereby.

As stated in both our previous letter and my personal testimony, this land is wholly unsuitable for use as agricultural cropland, for, among other reasons, the following:

1. The soils of the Property are not considered of Prime, Statewide or Unique Significance (objectives set forth on p. 5, et seq. of the draft Agricultural Element.). At least for the past 20 years the property has not been put to any kind of agricultural use, basically because it is unsuited for any such use.

2. There is no chance to have good to excellent crop yields on the Property as the soils are of poor quality and not appropriate for economically viable crops and the acreage is too small for a viable farm operation.

3. The property is only 34 acres, and does not meet the definition of a large to moderate sized farm unit nor the minimum parcel sizes set forth for such proposed use designation on p. 10 of the draft Agricultural Element, which, requires, at a minimum a parcel size of 40 acres and then only if the soil is of NRCS Soil Classes I or II, which it is not.

4. There is no abundant water supply consistently available to the Property for an agricultural operation.

5. There are no agricultural cropland operations in the immediate vicinity of the Property.

Thus, designating the Property as “*agricultural cropland*”, when, in fact, there is no rational factual basis for affixing such a designation to it, and the property cannot be used as “agricultural cropland” simply:

(a) renders the land incapable of any legally permitted, economically feasible use. Thus, if this Board of Supervisors adopts the recommendation to retain this use designation in the updated General Plan, such adoption will comprise a legislative act by the County effectively rendering the land the subject of a regulatory taking, which, under the 5<sup>th</sup> Amendment of the Constitution, requires the payment by the County of just compensation for such taking;

(b) is, in itself, *arbitrary and irrational*, (or, under the state standard “arbitrary and capricious”) and, thus, constitutes an abuse of legislative discretion as well as a violation of constitutional substantive due process under the 14<sup>th</sup> Amendment of the Constitution;

(c) will mislead the public and other governmental authorities by falsely representing that the County’s needs for agricultural land will have been satisfied by the inclusion of our property as “agricultural cropland” in the Agricultural Element, when, in fact, no such use can be made of such property and the property does not, on its face, meet the policies and requirements of “agricultural cropland” as set forth in the Agricultural Element itself;

(d) will result, essentially, in a fraud upon both the public and any other governmental authorities, including the Federal or California government who may be providing grants or other government funding in reliance upon the County’s representation that the County’s needs for agricultural land will have been satisfied by the inclusion of our property as “agricultural cropland”, when, in fact, no such use can be made of such property. This may have legal ramifications in terms of the County’s entitlement to receive and/or keep or be required to refund any such grants or other governmental financial assistance from the Federal or State or other governmental agencies.

(e) will result in the preparation of an inaccurate and insufficient Environmental Impact Report (“EIR”) which will be based on the factually faulty assumption that such land can and will be used as “agricultural cropland” and which EIR will assess the expected environmental impacts from such use, when, in fact, no such use can be made of such property. Such an inaccurate and insufficient Environmental Impact Report will then be subject and vulnerable to meritorious legal challenge. At worst, any such legal challenge will cause the EIR to be de-certified as being held insufficient, as a matter of law, forcing it to be re-prepared and re-written to render it factually accurate. At the very



least, any such challenge will cause the EIR's final and unappealable certification to be substantially delayed. Any such delay, which could comprise years in the judicial and administrative system, could, in turn, cause delays in the County's receipt of other Federal or California governmental grants and funding and the commencement of other proposed public and private developments and public infra-structure works which may depend on the finality of such EIR.

*To Designate This Property As Agricultural Does A Disservice to the Public Because the Agricultural Element of the General Plan Becomes A Sham and Will Not Be Fulfilled by Designation of this Property As Agricultural Cropland and the EIR Will Be Inaccurate and Thus, Insufficient.*

Notwithstanding our previous letter to the Board of Supervisors and our in person testimony to the Board, the new proposed General Plan still proposes to designate our Property as "agricultural cropland", even though it has essentially no suitability or potential for such agricultural use. Not only does such proposal do us, as the landowners, a great disservice in having the land designated for a use it cannot reasonably sustain, it also does a great disservice to the public because it misleads the public into believing that the County's proposed agricultural element will be fulfilled by designating land clearly unsuitable for agricultural use as agricultural land and will lead to the preparation of an inaccurate, and, thus, insufficient, EIR. Were the agricultural element considered objectively, to the extent our piece is intended to provide 34 acres of agricultural crop land to fulfill the agricultural elements needs, then the agricultural element is, in truth, 34 acres short of true agricultural land.

As its mission, the Agricultural Element (Ag Element Pages 6-7, 11-12, 13-15) as described in Attachment A, seeks to expand protection of Important Farmland to prime, statewide importance, unique and local importance farmlands and lands with intensive agricultural investments in order to maintain agricultural lands within Sacramento County.

None of these goals is either met or even furthered by designating our property as agricultural crop land. It is neither being used nor reasonably capable of being used for agricultural cropland purposes and has not been for at least 20 years. It is not of statewide importance, unique or local importance as farmland, nor is it the subject of any intensive, or indeed, any agricultural investment nor, feasibly, can it be.

*The Reasons Given for Continuing the Current Outdated Use Designation for Our Property Are Without Merit or Rational Basis.*

During the brief, in person, testimony in the meeting of March 16, 2007 and in a previous staff report (Minutes of General Plan Update Workshop #14: UPA Expansion, dated March 15, 2006) in response to our previous correspondence, various reasons were proposed by Staff and County Supervisor Dickinson as to why the use designation of our property should remain as it is as “agricultural cropland”. Such reasons included the following:

1. The (appointed, non-publicly elected) members of the committee (the “Citizen’s Advisory Committee”) that formulated the Elverta Community Plan decided in or about 1998 that our property should remain “agricultural cropland” and made that recommendation to the County Board of Supervisors for formal adoption. Thus, it was suggested that “the people had spoken” and our property should remain undevelopable “agricultural cropland” (notwithstanding that it manifestly could not be used for such purpose).

2. Staff concluded (erroneously) that our property was not contiguous to the UPA and “expanding the UPA to include this parcel would not represent a contiguous expansion, as the current UPA boundary ends at Elverta Road, approximately 1,000 feet south of the southernmost point of that property.”<sup>2</sup> (p. 5, General Plan Update Workshop #14, March 15, 2006).

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<sup>2</sup> The legal description of our property, transmitted herewith, shows that our property encompasses the private street known as Auburn Road which intersects Elverta Road and



3. Parts of our property are located in a flood plain.

4. It was proposed that a change to the proper use designation for our property should be more appropriately made in connection with an application for an amendment to the general plan to be initiated and financed by us as the property owners, rather than in the course of this countywide, publicly funded General Plan update.

We respectfully submit that none of these reasons for maintaining our property's designated use as "agricultural cropland" has merit.

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For example, no representative of that Committee ever contacted us to inquire as to the suitability of our land for agricultural cropland use, no investigation was ever made as to the quality of its soil, no representative of that Committee ever set foot on our property (at least not with our knowledge and not without trespassing) to make any factual determination that our property comprised “agricultural cropland”, no expert testimony was ever presented that our land was suitable for such a proposed designated purpose.

In fact, if any such factual investigation had ever been made, the only reasonable conclusion that could have been reached was that it was unsuitable for such a use and such a designation in the face of the facts was arbitrary and capricious. The matter was simply not addressed with any factual foundation by the advisory Committee that formulated the Elverta Community Plan. Our property was simply cast aside as a pariah or sacrificial lamb for the benefit of other parcels to be developed and not designated for any economically feasible use.<sup>4</sup> Whether such use erroneous use designation was assigned by the Elverta Community Plan Citizen’s Advisory Committee due to inexperience, lack of expertise, inadvertence or intentional self-interested political motivations is irrelevant, it still constituted error and was not supported by any substantial evidence or rational basis.

The responsibility of this Board of Supervisors, our elected representatives, is to determine, based on substantial evidence and rational basis the most appropriate uses of all the parcels being considered, while at the same time ensuring that no private property is taken or impaired for public use without just compensation. Quite simply, the advisory Committee behind the Elverta Community Plan simply made a mistake in designating our property as “agricultural cropland”, when no facts support such a designation.

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<sup>4</sup> Indeed, we note it received the same treatment in respect to SAFCA’s recent County-wide flood mitigation assessment. Our property was excluded from the assessment and is designated as receiving no benefit therefrom, though properties in close proximity to our property are included in the flood mitigation program which will result in their removal from inclusion in the 100 year flood plain.

We respectfully submit that it is the responsibility of this Board to *correct* the inferior advisory tribunal's mistake, not to compound it by saying, "the people have spoken and they want your property to remain agricultural cropland", notwithstanding that no such use can realistically be made of the property. At the very least, this Board should designate our property to have the same use designation as its surrounding properties, i.e. AG-RES. We respectfully submit it would be even more appropriate to include it in the UPA to which it is contiguous.

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and floodplain related impacts and mitigation, and a non-contiguous expansion of the UPA, staff does not support this request.”

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The legal description, in pertinent part, reads as follows:

“TOGETHER WITH a strip of land 50.00 feet in width known as Auburn Avenue extending from the North line of Baldwin Street to the South line of the above described tract, and being adjacent on the East of the tracts of land described in the deed dated April 9, 1947, recorded in Book 1354 of Official Records at Page 165, executed by Charles Scheidel and others, to Harry M. French and wife, and in the deed dated September 5, 1945, recorded in book 1178 of Official Records at Page 45, executed by Inez Jagow to Bernard R. McLaughlin and wife, the center line of which is described as follows:

BEGINNING at a point on the North line of said Baldwin Street from which point the Southwest corner of said Section 17 bears South 1°25' East 10.00 feet to the South line of said Section 17, and South 89°24' West 1207.84 feet and running thence North 1°25' West 909.00 feet to the South line of the above described tract, according to the Survey made by Stephen G. Sardon, Registered Civil Engineer No. 9591, on November, 1966.

APN: 202-0051-002

(A true copy of a recorded quit claim deed for our property is transmitted herewith as an exhibit, for your convenience).

Thus, once again, a reason for perpetuating an inappropriate use designation for our property is founded on an erroneous factual conclusion. This Board, as the ultimate, legislative decisionmaker for the County, should correct this error, not compound it.

*The Fact that Parts of Our Property Are in a Flood Plain Does Not Justify An Erroneous and Impossible Use Designation.*

Our property is not unique in that portions of it are located within a flood plain. Thousands of developed properties in the County of Sacramento are and most of those properties are now participating in and benefiting from SAFCA's recent flood mitigation assessment<sup>5</sup>. Most of such properties are not and have never been designated "agricultural cropland" in the County's General Plan, simply because a portion of them is located in a flood plain. They do not all require legislative applications on the parts of their owners to amend the general plan (i.e. to change the law applicable to the entire county) simply to imbue them with *any* economic value or feasible use.

Site specific flood mitigation procedures can and typically are imposed upon sites at the time subdivision map and other site specific, administrative or quasi-judicial, development permit applications are submitted to the County and are dealt with on a case by case basis. Designating our property as AG-RES, just as many other properties with parts located in flood plains are designated as AG-RES, would not dispense with regulatory scrutiny and public input over whether or not sufficient site specific flood mitigation measures have been implemented prior to development. Those controls remain in place within the non-legislative, site specific, administrative and quasi-judicial procedures for the issuance of development permits, until final building permits have been issued and used.

In contrast, it would not be rational and would impose a unique burden on our property were the County's ultimate legislative decision-maker, its Board of Supervisors, to intentionally mis-designate it as "agricultural crop land", not because it actually has any attributes of or suitability for prime agricultural crop land, which, on its face, it does not, but, instead, essentially, as a pre-text to prevent it from being developed at all

---

<sup>5</sup> Though, inexplicably our property has been excluded from such program which would remove it from the 100 year flood plain as it will with the properties that are slated to participate and benefit from such assessment.



because portions of it may be located in a flood plain or there may be other public and/or political reasons why some persons in the community do not wish our property to be developed or feasibly economically used.

If, as it appears from Staff's observations "*The Board did not support development of this property during the adoption of this Community Plan*" (March 15, 2006 Staff Report, p. 5), it is the County's desire to prevent all development and economic use of our property, then its lawful and constitutional solution is to condemn the property and pay just compensation for it, not to give it a land use designation that the County knows it cannot possibly employ and which, under the County's own rules, policies and guidelines is inconsistent with and inappropriate for such parcel. The latter approach would simply be a thinly disguised uncompensated regulatory taking in violation of the 5<sup>th</sup> Amendment.

The reasonable approach is to designate the land for its most reasonable use, consistent with the designated use of its surrounding properties and then to address any flooding concerns in the context of examination of the flood mitigation measures proposed in connection with a specific administrative or quasi-judicial development permit application, when and if such an application arises. It would not be reasonable for this Board of Supervisors to intentionally assign the property a use in the General Plan which the property cannot possibly employ, simply because it has attributes relating to drainage which can and are customarily addressed in connection with a development permit application within its reasonable designated land use. Even more reasonable would be simply to include the property within the benefits of SAFCA's flood mitigation program.

*To Require Us to Make An Application for A General Plan Amendment to Correct An Intentionally Erroneous Use Designation Would Impose an Unreasonable and Unique Burden In Violation of the Equal Protection Provision of the 14<sup>th</sup> Amendment.*

It has been suggested that the most appropriate way for us to get the land use re-designated to a use that can actually be employed by the property is to go through a general plan amendment application---- a legislative procedure that literally involves

changing the law for the entire county (as contrasted with the typical administrative or quasi-judicial procedure relating to site specific development permit applications). Apart from the fact that such a legislative procedure entails an additional expense to the applicant estimated to be at least \$150,000 to \$300,000 or more and a delay of 18 months or more, it is unreasonable to require an applicant to undergo such a procedure merely to correct a foreseeable and wholly avoidable error on the part of the Board of Supervisors at this time.

It is quite apparent, even from the text of your own draft Agricultural Element, that a parcel of a mere 34 acres is, on its face, not of sufficient size to comprise agricultural crop land. Further, there is no evidence whatsoever that this parcel contains soil of sufficient quality and availability of sufficient irrigation to comprise agricultural cropland. Indeed, all the evidence before you is to the contrary.

Therefore, it would be irrational for this tribunal to nevertheless abdicate its responsibility to make its legislative decisions based on substantial evidence, and instead, designate our property as “agricultural cropland” when it both knows now and has had every reason to know the land is wholly unsuitable for such use designation and that such a designation is inconsistent on its face with the policy in the Agricultural Element that any such parcels must have a minimum size of 40 acres and be of suitable soil quality, neither of which is applicable to this parcel. To then impose the expense and burden on a landowner to make a separate, formal, expensive and time consuming application to change county wide law (i.e. the General Plan) merely to persuade the Board of something that it knows now and should always have known, i.e. that the land cannot be used for such purpose as “agricultural crop land”, imposes a unique and unreasonable burden on us, as landowners, that no other landowners are subjected to. This is the essence of a violation of equal protection under the 14<sup>th</sup> amendment.

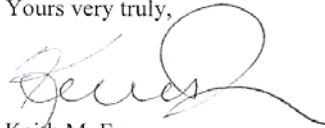
No other landowners are subjected to intentionally inappropriate, arbitrary and irrational land use designations and then subjected to the substantial cost and expense of making a special application to correct such irrational designations.

The most appropriate course of action, is, as a legislative matter, to avoid the mistake in the first instance, not to intentionally make the mistake and then impose the burden on the landowner of incurring the expense and delay in correcting it.

For the aforementioned reasons, we respectfully request this honorable Board to designate our property as AG-RES in the forth coming updated General Plan. We also renew our request that the property be included in the UPA which is, indeed, contiguous to our property.

Thank you.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Keith M. Fromm', with a large, stylized loop at the end.

Keith M. Fromm

For Syndicor Real Estate Group, Inc.



Mar 12 2007 8:15AM HP LASERJET FAX

510.654.0948

p. 2

Crown Pacific Investments, Ltd.  
Syndicator Real Estate Group, Inc. Retirement Trust  
6114 La Salle Ave, # 207, Oakland, CA 94611  
Tel. 510.655.5780 Fax 510.654.0948

Board of Supervisors of Sacramento County  
700 H Street, Suite 2450  
Sacramento, CA 95814

Att'n: Supervisor Dickinson

Supervisor Collin

Supervisor Peters

Supervisor MacGlashan

Supervisor Nottoli

Sent via Fax (916) 874-7593

August 22, 2005

RE: Update of General Plan and APN 202-0051-002, located just north of Elverta Road and just east of Rio Linda Blvd. - Approximately 34 acres.

Honorable Members of the Board of Supervisors:

We are the owners of the above-referenced property ("Property"), which is presently general planned Agricultural Cropland and zoned Ag-20. "Agricultural Cropland" is, according to the current General Plan, the designation given to "agricultural lands most suitable for intensive agriculture" (p.7 of Land Use Element of General Plan).

For the reasons set forth below, we respectfully request that, as part of the County of Sacramento's current General Plan update, the Board of Supervisors amend the General Plan to change the General Plan designation for the Property from Agricultural Cropland to Low Density Residential, and amend the Urban Policy Area to include the Property:

A. The Property does not make sense for agricultural use (using the guidelines of the existing General Plan).

1. The soils of the Property are not considered of Prime, Statewide or Unique Significance. The Property is currently classified as grazing lands but has never been used by us for grazing (or for any other agricultural, farming or ranching purpose) since we bought it over 15 years ago.

2. There is no chance to have good to excellent crop yields on the Property, as we have consulted agricultural specialists about growing crops on the Property and

Mar 12 2007 8:15AM HP LASERJET FAX

510.654.0948

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have been advised by them that the soils are of poor quality and not appropriate for economically viable crops; and that the acreage is too small for a viable farm operation.

3. The Property is only 34 acres, and does not meet the definition of a large to moderate sized farm unit.

4. There is no abundant water supply consistently available to the Property for an agricultural operation.

B. The Property can be more efficiently utilized by including it within the boundaries of the County's Urban Policy Area, and the General Plan should be amended to change the designation for the Property from Agricultural Cropland to Low Density Residential.

1. The Property is essentially bordered on the east and the south by the Urban Policy Area and is very close to the already highly developed Elkhorn Avenue area of Natomas, an area which is a short commute from downtown Sacramento. Changing the General Plan designation of the Property to Low Density Residential will result in a much more efficient use of the Property (a stated goal of the General Plan), and lower housing costs.

2. The Property is of negligible agricultural value. The County should remove the Agricultural Cropland designation and assign such designation to agricultural land that really is valuable and needs to be protected from development. Allowing urban residential development on the Property helps to relieve development pressures on the County's truly valuable agricultural lands.

3. Allowing urban residential density on the Property will result in the more efficient delivery, and utilization, of public infrastructure and services (current, as well planned over the next 20 years), and reduce investment of capital. Public transit will be more efficient and less costly to operate, resulting in less reliance on automobiles and less pollution.

4. Allowing urban residential density on the Property will allow those that are auto-dependent to have shorter commutes, thereby reducing traffic congestion and air pollution, conserving energy in these times of skyrocketing oil prices and lessening the need to build more residences farther out in Placer and Sutter counties, thereby allowing workers who work in Sacramento County to more easily buy in Sacramento County.

We have met, and discussed the above, with Surinder Singh of your Staff, and Cortez Quinn, Chief of Staff to Supervisor Roger Dickinson. We discussed with them that the Property currently is not served by public sewer but has public water available, and that a portion of the Property is located within the 100 year flood plain. We also mentioned to Mr. Quinn that we would be open to the idea of dedicating some portion of the Property to the County or other public agency in exchange for the County including

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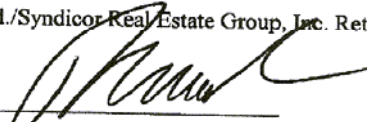
the Property in the Urban Policy Area and permitting urban residential density development on the Property.

We would like to thank all of you for taking the time to review this letter and for considering the contents thereof. If any of you have any questions or would like to discuss any aspects of this letter, please call me at 510.655.5780.

Very truly yours,

Crown Pacific Investments, Ltd./Syndicator Real Estate Group, Inc. Retirement Trust

By:

  
Robert Kalmbach

cc: Surinder Singh  
Cortez Quinn

ORIGINAL  
Accepted for Recording  
COPY --- NOT CERTIFIED

JAN 10 1996

Sacramento County  
Clerk-Recorder

RECORDING REQUESTED BY AND WHEN  
RECORDED MAIL TO:  
Syndicor Real Estate Group, Inc.  
Crown Pacific Investments, Ltd.  
Keith M. Fromm  
1552 Bel-Air Road  
Los Angeles, CA 90077

Title Order: \_\_\_\_\_ Escrow No.: \_\_\_\_\_

-----SPACE ABOVE THIS LINE FOR RECORDER'S USE-----

**QUITCLAIM DEED**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, COMMERCE SECURITY BANK, a California corporation, does hereby remise, release and forever quitclaim unto SYNDICOR REAL ESTATE GROUP, INC., a California corporation, and CROWN PACIFIC INVESTMENTS, LTD., a California corporation, all of its right, title and interest in the following described real property in the County of Sacramento, State of California, more particularly described on Exhibit "A" attached hereto and forming a part hereof.

Assessor's Parcel No. 202-0051-002

Including, without limitation, all of its right, title and interest under that certain Deed of Trust, Assignment of Leases and Security Agreement recorded on June 28, 1990, Book, #90 0628, Page 1127 in the official records of the Sacramento County Recorder's Office.

Dated: OCTOBER 31, 1995, 1995

COMMERCE SECURITY BANK

By Rose E. Aiello  
Its VICE PRESIDENT

STATE OF CALIFORNIA )  
COUNTY OF Sacramento )

SS

On October 31, 1995, before me, Tim Bridges, Notary Public, personally appeared Rose E. Aiello, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

[Signature]  
Signature of Notary





## EXHIBIT "A"

The land referred to in this policy is lying within the State of California, County of Sacramento, and is described as follows:

All that certain real property being a portion of the West One Third of the South Three Quarters of Section 17, Township 10 North, Range 5 East, M.D.B. & M., described as follows:

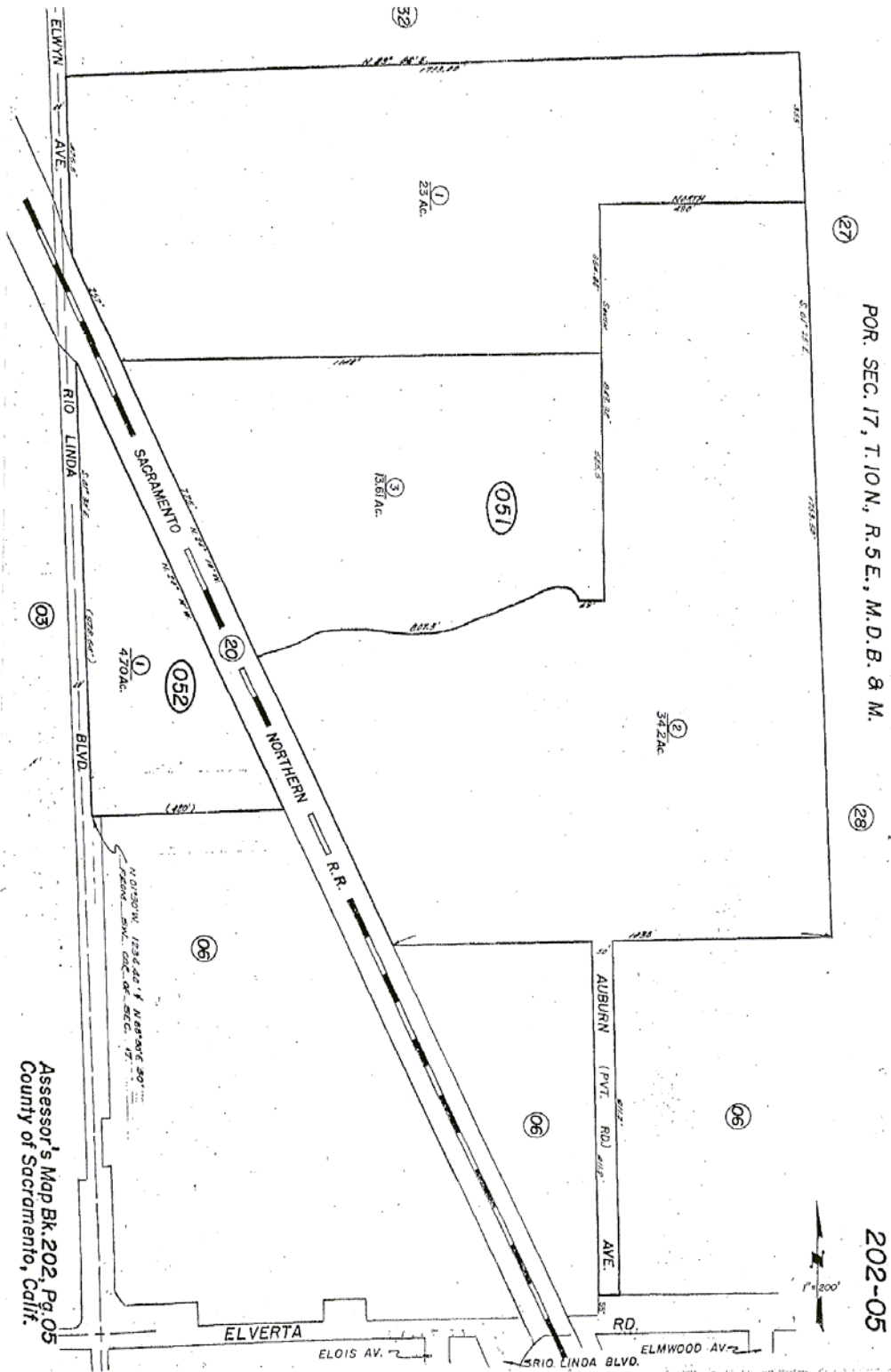
BEGINNING at a 1-1/4" iron pipe set at the intersection of a line of fence, marking the North line of that certain tract of land, conveyed by a deed, dated March 13, 1915, and recorded July 1, 1915, in Book 420 of Deeds at Page 318, with a fence line marking the West line of Elverta, as the same is shown on the Official Map thereof filed in the office of the Recorder of Sacramento County on January 23, 1908, in Book 8 of Maps, at Map No. 40, from which point the Southwest corner of said Section 17 bears South 1°25' East 919.00 feet to the South line of said Section 17, and South 89°24' West 1758.17 feet, and running from said point of beginning along said fence line marking the West line of said Elverta, North 1°25' West 1753.50 feet to a similar iron pipe; thence along a line parallel to the South line of that certain tract described in a deed dated June 6, 1916, executed by Carlyle Wait and Anna Wait, his wife, to Lilburn H. Smith, recorded July 1, 1916, in Book 439 of Deeds at Page 272, South 87°28' West 492.75 feet to a similar iron pipe set in a fence line marking the division line common to the lands of Kenenth and Emma Wait to the West as the same is described in that certain deed recorded in Book 3826 of Official Records, at Page 253, and in that certain deed recorded February 28, 1938, in Book 673 of Official Records at Page 141, and the lands of Mildred Waite in the East as the same is described in that certain deed recorded February 24, 1949, in Book 1615 of Official Records at Page 1; thence along said division line fence South 0°57'20" East 881.38 feet; thence South 89°24' West 59.00 feet to the center line of a creek; thence along the center line of said creek and its meanderings, following courses and distances: South 69°24' West 22.30 feet and South 67°34' West 92.44 feet and South 49°50' West 86.16 feet and South 68°13' West 56.00 feet, and South 88°17' West 388.20 feet and South 70°34' West 166.00 feet to the Northeasterly line of the Sacramento Northern Railroad right of way; thence along said Northeasterly line of said Railroad right of way South 24°58'40" East 743.32 feet to the Northwest corner of that certain tract described in the deed dated April 9, 1947, recorded April 25, 1947, in Book 1354 of Official Records at Page 165; thence North 89°24' East 1035.00 feet along the Northerly line of the last mentioned tract of land and the Northerly line of that certain tract described in the said deed recorded in Book 420 of Deeds at Page 138, to the point of beginning.

## EXHIBIT "A"

TOGETHER WITH a strip of land 50.00 feet in width known as Auburn Avenue extending from the North line of Baldwin Street to the South line of the above described tract, and being adjacent on the East of the tracts of land described in the deed dated April 9, 1947, recorded in Book 1354 of Official Records at Page 165, executed by Charles Scheidel and others, to Harry M. French and wife, and in the deed dated September 5, 1945, recorded in book 1178 of Official Records at Page 45, executed by Inez Jagow to Bernard R. McLaughlin and wife, the center line of which is described as follows:

BEGINNING at a point on the North line of said Baldwin Street from which point the Southwest corner of said Section 17 bears South 1°25' East 10.00 feet to the South line of said Section 17, and South 89°24' West 1207.84 feet and running thence North 1°25' West 909.00 feet to the South line of the above described tract, according to the Survey made by Stephen G. Sardon, Registered Civil Engineer No. 9591, on November, 1966.

APN: 202-0051-002



Letter 42

**Keith M. Fromm, Syndicor Real Estate Group, Inc.; written correspondence; July 2, 2009**

**Response 42-1**

This is a comment on the Project, not on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.





July 13, 2009

Joyce Horizumi, Environmental Coordinator  
Sacramento County Department of Environmental Review and Assessment  
827 7<sup>th</sup> Street, Room 220 Sacramento, CA 95814

Via email to DERA@saccounty.net

**RE: Draft Environmental Impact Report for the Sacramento County General Plan Update**

Dear Ms. Horizumi:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Sacramento County General Plan Update.

43-1 We appreciate the extensive work that has gone into the DEIR and we appreciate the facts and findings that have assisted us in our analysis. Laying out the impacts helped us to see the significant disconnect between the policies of the Circulation Element of the Draft General Plan and its ineffectiveness in implementing its key objectives. Additionally, our re-review of the goals and policies of the Circulation Element led us to conclude that the General Plan has significant impacts on pedestrians and bicyclists. Additionally, we find that the analysis of the DEIR is inadequate and that additionally, the County's chosen analytic procedures related to transportation impacts are inadequate.

43-2 The quantification analysis focuses entirely on driver or motor vehicle Level of Service (LOS) just barely mentioning and not quantifying the impacts on bicycle and pedestrian accessibility or Level of Service.

43-3 Something is wrong. The Plan seeks to achieve greater transportation choice yet the DEIR analysis indicates worsening outcomes in transportation choices. There is no improvement in walk/bike mode share and even a slight decrease (see Table TC-8, p9-36). VMT per household stays virtually the same. Transit mode share stays the same. Yet the percent of households within ½ mile of transit declines significantly.

This led us to question why does this Plan, which speaks eloquently to Complete Streets and walkability and bikeability, fall so short?

A partial answer is found on Table TC-14 which lists all the major roadways in the County, their current status and their projected ultimate design. We were surprised and aghast at the number of major roadway widenings in the Plan. Clearly the mode of choice continues to be the automobile.

43-3  
cont'

The explicit list of major roadways only noted in the Plan's Circulation Element by a very difficult to read one-page map, tells us some of the problem. With just a few exceptions, the Plan continues the widenings of the 1993 General Plan. The Plan appears to propose no changes to the County's system of roadways. A much finer grid (1/8 mile or less) is needed to get a significant shift to walking and bicycling. This lack of a fine roadway grid is reflected, as well, in the draft Land Use Plan which appears to leave the transportation system within the mile grid to the developer to decide. What then results is the continuation of mile square islands of land use with difficult, unsafe, and inconvenient connections for pedestrians and bicyclists – a recipe for continued unwalkability and unbikability.

Our more detailed comments on the DEIR are as follows:

#### 1. Level of Service ANALYSIS IS INADEQUATE

43-4

The significance criteria for the transportation impact analysis of the General Plan Update include roadway segments, bicycle and pedestrian facilities, safety, the freeway system, and transit. These criteria are interrelated and should be balanced and integrated to provide the most efficient and beneficial transportation system.

The criterion used in the General Plan Update for roadway segments is Level of Service (LOS); perhaps more appropriately called DRIVER OR MOTOR VEHICLE level of service. The LOS used by the County does not accurately reflect the operation of the transportation system which serves the movement of people and goods not only in motor vehicles (primarily automobiles on most County roads), but also people on foot, bikes, and transit. The DEIR states on page 9-51 that measures to mitigate the impacts of LOS deficiencies, delay, and congestion should be multi-modal. Pedestrian and bicycle facilities are among the variety of improvements identified for mitigation measures. How will the effectiveness of these mitigations be known when only vehicular LOS is measured?

- To provide for a more balanced and integrated transportation system and to mitigate the impacts of the project on roadway operating conditions, multi-modal LOS for roadway intersections and segments should be incorporated in the General Plan Update and DEIR.

#### 2. Vehicle Miles Traveled ANALYSIS INDICATES NO PLAN BENEFITS

43-5

The introduction to the Circulation Element in the General Plan Update states that the main theme is to provide mobility through choices. The PLAN NOTES THAT AN integrated and balanced transportation system requires investment in not only the roadway and transit system, but also substantial investment in bicycling and pedestrian modes of travel. Section 3, Transportation Policy Plan, of the Circulation Element begins with a discussion of the benefits of greater mobility. **Reduced vehicles mile traveled (VMT) and increased physical activity of residents**

43-5  
cont'

through more appealing and plentiful walking and biking opportunities are identified as two of the beneficial external impacts of a balanced transportation system.

The goal for roadways in the Circulation Element is to "provide a balanced and integrated system that maximizes the mobility of people and goods in a safe and efficient manner". Chapter 9, Transportation and Circulation, Overview of Impacts, Systemwide Transportation Performance (p. 9-34), states that the proposed General Plan would have the greatest increase in VMT compared to no project. If a decrease in VMT is a beneficial impact to a balanced transportation performance, then wouldn't an increase to VMT be a negative impact?

- To help mitigate the impact to the transportation system, we suggest adding the following policy statement to the Circulation Element that expresses the following: The County should plan and design the transportation system and expansions to the roadway system in a manner that reduces VMT.

### 3. Bikeways

43-6

Impact: Bicycle and Pedestrian Facilities – Proposed Project (page 9-58) states that the General Plan Update includes policies for bicycle facilities, that smart growth principles will ensure bicycle mobility in new growth areas, that the County's plans to improve bicycle facilities will provide connectivity, and that the provision of appropriate bicycle facilities will assist in a mode shift helping to mitigate LOS deficiencies, delay, and congestion. The text goes on to say the project impact is less than significant. However, in the Environmental Setting discussion of Bikeways (page 9-8), it is stated that "it appears that the County will not meet its" 2010 Bikeway Master Plan" goals for construction of on-street and off-street bicycle facilities." We question the conclusion that the project impact to bikeways is less than significant.

- Updated Bikeway Master Plan construction goals should be specified and used to analyze the Project impacts to bikeways.

### 4. Road Widenings ANALYSIS IS INADEQUATE

43-7

The DEIR identifies roadway widening as a mitigation measure for impacts caused by the increase in traffic volumes in unincorporated Sacramento County and other jurisdictions. The discussion of Roadway Widenings on page 9-51 mentions that sections of White Rock Road, Kiefer Boulevard, and Excelsior Road should be widened from four lanes to six. Table TC-14, Appendix D pp. 39-49, lists about 380 roadway segments with current and projected daily traffic volumes. About 178, or close to half of those segments listed, are proposed to be widened from their current width to four or six lanes for the proposed project.

The DEIR provides no quantification of the impact of these widenings on pedestrian or bicyclists and yet it is well established that roadway widenings have serious impacts on pedestrians and bicyclists in the following ways:

- Increase the distance that pedestrians have to walk to cross the street

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43-7  
cont'

- Increase vehicle speeds at most hours of the day. Vehicle speeds above 35 mph are inhospitable to both pedestrians and bicyclists. Collisions with vehicles at these speeds are generally fatal for bicyclists and pedestrians, and roadways with these speeds discourage bicyclists and pedestrians.
- Increase the waiting time for pedestrians to cross the street by increasing the intersection delay times.

43-8

Well over half of the proposed road widenings in the proposed Plan may not be needed. Having them in the Plan provides a built in bias toward motor vehicles by designating them for future widening. This impacts the future in at least two ways. First, this supports piecemeal implementation favoring road widening. As development occurs, developers are required to provide and sometimes build to the future plan designation. This results in the “saw tooth” look of roadways in which portions are narrow and other portions overly wide. Second, having the designation in the plan provides the community with the implied intention of road widening giving significant advantage to the widening option and preventing an unbiased analysis of all options.

43-9

Current efforts to rethink and retrofit communities to increase walkability and bikability have developed an approach to reduce the width and lanes of roadways. This approach called “Road Diet” re-engineers roads to better serve pedestrians and bicyclists while still meeting the needs of drivers. Generally, the safety is improved for all users by reducing the speeds and conflicts.

Four-lane roadways with between 12,000 and 18,000 ADT are excellent candidates for road diets, and those with between 19,000 and 25,000 ADT are potential candidates (Burden<sup>1</sup>). Six-lane roadways with less than 30,000 ADT are excellent candidates for road diets (LaPlante<sup>2</sup>).

109 of the 380 roadway segments listed in Table TC-14 would be excellent or potential candidates for road diets at the widths proposed in the DEIR. These roads have not been widened, yet, and it would be best not to build these 109 roadway segments at widths we would recommend for lane reductions.

If the draft Plan were revised to provide greater flexibility in future roadway width, the impacts on pedestrians and bicyclists would be reduced.

43-10

We propose the following analysis and mitigation recommendations:

- Analyze the impacts of roadway widenings on:
  - 1) Increased distance for pedestrian street crossings

<sup>1</sup> Dan Burden & Peter Lagerway, “Road Diets – Fixing the Big Roads”, March 1999, <http://www.walkable.org/assets/downloads/roaddiets.pdf>

<sup>2</sup> John LaPlante, P.E., PTOE, Vice President/Director of Traffic Engineering, T.Y. Lin International, Chicago, IL, personal communication May 21, 2009

<p>43-10 cont'</p>	<ol style="list-style-type: none"> <li>2) Increased time for pedestrian street crossings – both time to cross the street and time waiting to cross the street.</li> <li>3) Increased speeds during the peak and off peak as a result of increased vehicular capacity.</li> <li>4) Impact on pedestrian injury and fatality rates.</li> <li>5) Pedestrian Level of Service and Bicycle Level of Service using the latest methods for these LOS.</li> </ol>
<p>43-11</p>	<ul style="list-style-type: none"> <li>• Mitigate the negative impacts of the roadway widenings by assuring that before any widening take place it is truly necessary and beneficial. As part of the preparation of the Final EIR, request a re-review of all proposed roadway widenings by the County's Department of Transportation and revise the draft Plan as follows: <ol style="list-style-type: none"> <li>1) Include a complete list of all road segments as noted in Table TC-14 in the Circulation Element of the General Plan.</li> <li>2) Redesignate the proposed 4-lane widenings for roads with projected ADT of 18,000 ADT or less as 2- to 3-lane roadways in the list of road segments.</li> <li>3) Redesignate the proposed 4-lane widenings for roads with projected ADT of 25,000 or less as potentially 2- to 4-lane roadways.</li> <li>4) Redesignate the proposed 6-lane road widenings for roads with projected ADT of 30,000 or less as potentially 2- to 4-lane roadways.</li> <li>5) Redesignate all other proposed widenings as "potential" widenings from the existing width that will be dependent on a Department of Transportation/public process.</li> <li>6) Establish a multi-step transportation project planning process that begins with consideration of all modes for a specific roadway segment and in which all modes are considered equally. The Charlotte, North Carolina 6-step planning process is one such approach.</li> </ol> </li> </ul>
<p>43-12</p>	<ol style="list-style-type: none"> <li>5. Smart Growth Streets as mitigation needs clear analysis and greater specificity.</li> </ol> <p>The Smart Growth discussion (pp. 53-54) in Chapter 9 states that the County should adopt an overall mobility standard. It is also recommended that the "Smart Growth Streets" policy document be adopted as mitigation or that similar measures be adopted. We believe that the Smart Growth Streets approach is promising but that it needs greater clarity and a analytic method for determining its potential impacts.</p> <p>It is unclear if implementation measures of the Smart Growth Streets policy were included in the traffic analysis for the DEIR. Neither the General Plan Land Use</p>

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5

43-12  
cont'

Diagram (page 2-15) nor the Transportation Plan (page 33 in the Draft Circulation Element) identify the areas that would be designated "Smart Growth Streets" as stated on page 1 of the "Smart Growth Streets" draft policy document.

43-13

The "Smart Growth Streets" draft policy document states that "a holistic view of the street, the adjacent corridor, the surrounding community and the natural environment" is taken and "more flexibility in the design of street and corridor improvements" is allowed. The holistic view including the adjacent corridor and surrounding community is needed to promote the benefits expected from smart growth.

Connectivity, we believe, is a key ingredient of Smart Growth Streets. How connectivity is defined and implemented will determine how walkable and bikeable the environment of the Smart Streets is. We would like to see the "Smart Growth Streets" policy to include additional language about connectivity. Internal and adjacent connectivity are important for both infill and new-growth development. The Transportation section of the DEIR Chapter 3, Land Use discusses seven principles of smart growth found in the SACOG Blueprint. One aspect of pedestrian-supportive development given on page 3-5 of the DEIR is the avoidance of non-linear street design. While streets that are laid out on a grid or modified-grid pattern can contribute to better pedestrian mobility, there must also be many connections which are provided by intersections, alleys, paseos, trails, etc.

We also agree with the objective in the Smart Growth Streets document to create "outdoor rooms" along the street. Roadways are not just paved links between destinations – they are often a part of the living environment. The right-of-way of local streets, collectors, and arterials are part of the "living" rooms of public space. Some of that space is used for movement; some is used for social interaction or just watching.

To address these concerns, we recommend the following changes to the DEIR:

- Designate the "Smart Growth Streets" on the General Plan Land Use Diagram and on the Transportation Plan.
- Define how connectivity is defined in the "Smart Growth Streets" policy – both internal and adjacent connectivity. For guidance, see the Neighborhood Pattern and Design *NPD Prerequisite 3: Connected and Open Community* in the draft LEED for Neighborhood Development Rating System.

#### 6. Leapfrog Development

43-14

Leapfrog development, as discussed on page 3-32, is not compatible with truly walkable communities. Development of dispersed residential, employment, and commercial land uses often results in destinations that are too distant for people to travel by foot. Walking becomes less utilitarian, less a means of travel and more just a recreational activity for people when the variety of land uses are spread out. Even

- 43-14  
cont'
- concentrated mixed uses, when separated from other development, does less to encourage walking and more to encourage driving.
- We agree that leapfrog development has negative effects, but we are concerned that Mitigation Measure LU-1 will be inadequate. Due to the large size of the Jackson Highway Corridor and Grant Line East new growth areas, allowing each phase of growth to occur over a 10-year period may still allow significant scattering of housing and destinations.
- We suggest that additional limitations be imposed to prevent leapfrog development.
- 43-15
7. Inconsistent numbers cited for jobs and housing in new growth areas
- Critical to the land use and transportation analysis in the DEIR are the housing units and jobs projected to occur in the project timeframe. The numbers for housing units and employment on page 9-21 in Table TC-4, pages 9-102 and 103, and page 9-108 in Table TC-11 do not match.

*WALKS* Sacramento encourages people to walk and bicycle in their communities. The benefits include improved physical fitness, less motor vehicle traffic congestion, better air quality and a stronger sense of cohesion and safety in local neighborhoods. *WALKS* Sacramento is a member of the Partnership for Active Communities. The Partnership is working to support increased physical activity such as walking and bicycling in local neighborhoods as well as helping to create community environments that support walking and bicycling.

Thank you for your consideration of these comments and recommendations. If you have questions or need additional information, please contact us at (916) 446-9255 or [cholm@walksacramento.org](mailto:cholm@walksacramento.org).

Sincerely,

Anne Geraghty  
Executive Director

Chris Holm  
Project Analyst

July 13, 2009

7

Letter 43

**Anne Geraghty, Executive Director and Chris Holm, Project Analyst,  
WalkSacramento; written correspondence; July 13, 2009**

**Response 43-1**

This paragraph summarizes the conclusions reached by the commentor based on the more specific comments to follow. Refer to the more detailed comments and responses below.

**Response 43-2**

The County does not have quantified standards that apply to non-vehicular mobility. Thus, the EIR does not base its conclusions related to bicycle and pedestrian impacts on a numeric standard. Mitigation is recommended (TC-3) that would introduce such a non-vehicular mobility standard, so that future projects would be analyzed from an overall mobility standpoint.

**Response 43-3**

This is a comment on the Project, not on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

**Response 43-4**

See Response 43-2.

**Response 43-5**

Roadway impacts are, in fact, determined to be significant and unavoidable. The EIR recommends a variety of mitigation measures, many of which are intended to improve the transportation system performance by improving non-vehicular modes of travel. With modifications, the EIR preparers agree that this suggested measure has merit and have added a measure along these lines to Mitigation Measure TC-5.

**Response 43-6**

See Response 35-1.

**Response 43-7**

See Response 43-2.

**Response 43-8**

The comment appears to suggest that the General Plan Transportation Plan should show existing roadway widths and classifications, rather than showing ultimate, planned widths and classifications. This would result in piecemealing, because the transportation infrastructure to support the project would not have been disclosed as part of the General Plan but would instead be pursued as individual projects throughout the County. The “sawtooth” issue is an issue of implementation, and would not be resolved by the suggestion to forego designating wider roadways until a later time. It is correct to state that having designated a roadway for four lanes signals the intention



that the County will be pursuing a road widening project on that segment at some point in the future. However, any environmental analysis of such a project would include Alternatives, and would include objective factual analysis of impacts.

**Response 43-9**

The EIR does include two Project Alternatives that consider the downgrading of roadway designations. This suggestion to modify the Project has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

**Response 43-10**

See Response 43-2.

**Response 43-11**

Though the comment indicates that it is related to mitigation, this is actually a recommendation to change the proposed Project – it is not related to an analysis deficiency. This suggestion to modify the Project has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration. The EIR does include two Project Alternatives that consider the downgrading of roadway designations.

**Response 43-12**

Standard transportation modeling is not based on the effects of policy, which are difficult to quantify. Policy effects on a project are typically handled qualitatively, as they have been in this EIR – except in the Smart Growth analysis, which did not use the “standard” model. If the Smart Growth Streets document were adopted, and it included a policy to include a “smart growth streets” overlay on the General Plan, the General Plan would need to be amended.

**Response 43-13**

See Response 43-12. As stated in the mitigation measure, adoption of the Smart Growth Streets document would be only one means of complying with Mitigation Measure TC-3. Therefore, the mitigation remains unmodified, but these various suggestions and comments have been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

**Response 43-14**

Comment noted. Refer to Response 14-6. A 10-year timeframe was considered a reasonable Master Plan-level timeframe when balancing the need to logically phase growth with the need to consider the amount of time it can take to propose and carry forth such a Master Plan.

**Response 43-15**

Tables TC-4 and TC-11 are not intended to agree. Table TC-4 represents the assumptions commensurate with a standard traffic analysis using the SACMET model. Table TC-11 contains the assumptions generated for the SACSIM model analysis, and as stated in the EIR were generated based on assuming full implementation of the

smart growth policies within the General Plan. The numbers in the text on pages 9-102 and 9-103 agree with the numbers found in Table TC-11.

Page 1 of 1

Letter 44

**Unknown**

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**From:** Maulit, Justin (MSA)  
**Sent:** Wednesday, June 10, 2009 9:16 AM  
**To:** Hocker, Lauren (MSA)  
**Subject:** FW: Comments on DRAFT EIR for Countywide General Plan Update

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**From:** Bill Davis [mailto:zbilldavis@comcast.net]  
**Sent:** Tuesday, June 09, 2009 2:51 PM  
**To:** DERA (Web Page)  
**Cc:** Stevens, Tricia (MSA); Manoff, Mark (MSA); Hahn, Paul (MSA)  
**Subject:** Comments on DRAFT EIR for Countywide General Plan Update

44-1

The Draft Environmental Impact Report does not provide a basis for environmental reviews of development projects at sites located in areas whose zoning was changed by Sacramento County as a result of the Arden Arcade Zoning Consistency Hearings on November 6, 1980 because the impacts of such zoning change on neighborhoods and businesses existing at the time has never been evaluated and publicly reported.

Repeated requests have made at Community Council Meetings with DERA staff and County Planning Staff in attendance, and to staff of the County Planning Department, to produce the published environmental analysis of the impacts of the zoning changes resulting from the 1980 Zoning Consistency Hearings. Neither DERA staff nor County Planning Staff have been able to produce the analysis. Consequently, one is left with the conclusion that there is no analysis of the impact of the higher densities allowed by the 1980 Zoning Consistency Hearings on the residents and businesses existing at the time of the change made as a result of the 1980 Zoning Consistency Hearings.

Typically, DERA analysis of projects proposed for sites located within the already developed areas that were rezoned by the 1980 Zoning Consistency Hearing rely upon the Environmental Review conducted for the then current General Plan. Since the Draft Environmental Review for the General Plan Update does not evaluate said impacts, and said environmental impacts have not been evaluated in previous General Plans, each project applicant will need to prepare an environmental analysis that shows the impact of a proposed development that relies upon the 1980 Zoning Consistency Hearings on the existing neighborhood and businesses.

Best regards,  
 Bill Davis  
 Arden Arcade Resident

6/17/2009

Letter 44

**Bill Davis, individual; written correspondence; June 10, 2009**

**Response 44-1**

The No Project traffic analysis discloses the impacts of full buildout of development consistent with existing land use designations. Refer to the No Project traffic analysis for disclosures about the impacts to area roadways that may result from development consistent with the land use designations described in this comment.

Letter 45

-----Original Message-----

From: Roxanne Fuentez [<mailto:rmf323@yahoo.com>]

Sent: Thursday, July 16, 2009 12:42 PM

To: DERA (Web Page)

Subject: Sacramento County General Plan 2030 Update

2002-GPB-0105- (County Wide/Defanti)  
 Sacramento County General Plan 2030 Update

To whom it may concern:

It is a mistake to open up farmland in the Jackson Highway Corridor to development. In the updated Draft EIR for the 2030 General Plan it states that the Jackson Highway Corridor contains 137 acres of Prime Farmland, 1301 acres of Farmland of Statewide Importance, 42 acres of Unique Farmland, 2,374 acres of Farmland of Local Importance, and 5,243 acres of Grazing Land. There are also 1,069 acres of land within the Williamson Act Contract and an additional 1,321 acres in non-renewal. Elements in the existing and proposed General Plan include policies (AG-22, AG-23, and AG-24) intended to discourage the filing of non-renewal notices and encourage the retraction of non-renewal notices for Williamson Act Contracts. Approval of this area for urban use would encourage non-renewal of existing contracts and support existing non-renewal notices -- which is in direct conflict with CEQA Guidelines.

The General Plan states that the Jackson Highway Corridor area is intended to offer a balanced mix of uses while preserving habitat. However, there are no specific land use designations proposed at this time, nor are there specific elements planned to achieve these goals -- which makes it difficult to know exactly how this goal will be implemented. Future development of the Jackson Highway Corridor will result in significant impacts to almost 4,000 acres of protected farmland. Even with mitigation, the loss of thousands of acres of farmland is a significant impact.

Regarding Grant Line East, the land proposed for development consists of grazing land, 717 acres of Farmland of Local Importance, and 9 acres of Unique Farmland. Farmland impacts based on the Proposed General Plan are significant. The Grant Line East area also contains 2,307 acres of active Williamson Act Contracts and 1,148 acres of non-renewal contracts. The existing and proposed General Plan discourages filing non-renewal notice and the retraction of non-renewal notices for Williamson Act Contracts.

Distributed between the proposed commercial corridors located along Greenback Lane, Stockton Boulevard, and Florin Road are approximately 195 acres of Farmland of Local Importance. The loss of Farmland that would result from infill in these corridors is significant. In the Florin Vineyard Gap, North Vineyard Station and Vineyard Springs areas the total loss of farmland acreage if developed would be 3,333 acres.

The proposed Project would impact 8,645 acres of designated farmlands. When farmland is permanently taken out of production, there is a net loss of agricultural lands. Even if other agricultural lands are preserved through mitigation, new agricultural soils will not be

45-1

45-1  
cont'

created. There would be a substantial loss of agricultural production within Sacramento County as a result of the Project. Prime soils are a finite resource. The amount of farmland within proposed development areas is so substantial that in-kind mitigation will not be sufficient to offset the impact.

The proposal to establish a Super Williamson Act Program in Sacramento County should be adopted. This would provide additional tax benefits in exchange for a longer term agreement to keep land in farming (20 years versus the Williamson Act which is 10 years).

Much of the aforementioned farmland is contained in small local farms in the Sacramento area, which are important to our local economy and the people who own and work these farms. These farmlands are important and must not be destroyed.

Another area of importance is Fair Oaks. I do not believe high density housing should be allowed along Fair Oaks Blvd, as this is a unique community with many oaks and other trees along Fair Oaks Blvd and low density housing on large parcels. This area should be kept the way it is, as it is a unique asset to our community.

Another area in Sacramento County which should be left alone is on and around Excelsior Road near the Sacramento Raceway. This is an asset to our community and provides an outlet for countless people to come and race their cars and watch racing. This recreational facility should not be encroached upon.

There are so many vacant houses and commercial buildings that it would be extremely wasteful to encourage more building. We should not do so much infill as to destroy the character of the Sacramento area. Thank you.

Sincerely,  
Roxanne Fuentez  
(916) 739-0226

Letter 45

**Roxanne Fuentez, individual; written correspondence; July 16, 2009 (supersedes all earlier correspondence)**

**Response 45-1**

This letter repeats the data and conclusions of significance found within the EIR, and this EIR data is used in the letter to make comments on the Project; comment noted. In paragraph three of the letter the statement is made that because the project will encourage non-renewal of Williamson Act contracts, it is in conflict with the CEQA Guidelines. As a point of clarification: though the EIR concludes the project will result in significant impacts related to conflicts with Williamson Act contracts, this does not mean that the project is in conflict with CEQA itself. Comment noted.

re: DEIR for July 13, 2009

Page 1 of 1

Letter 46

**Hocker. Lauren (MSA)**

**From:** Maulit. Justin (MSA)  
**Sent:** Monday, July 13, 2009 3:55 PM  
**To:** Hocker. Lauren (MSA); Barry. Toni (MSA)  
**Subject:** FW: DEIR for July 13, 2009

**From:** Russ Hood [mailto:rhod273@comcast.net]  
**Sent:** Wednesday, July 08, 2009 12:44 PM  
**To:** DERA (Web Page)  
**Subject:** re: DEIR for July 13, 2009

46-1

The arguments have been made on both sides of the 16 St. vs.. Dry Creek Road controversy. As one who lives on the boundary of the Elverta Specific Plan and as a taxpaying citizen of Sacramento County, I implore the planners, staff, and Board to choose the least expensive option, regardless of which this is. We simply should not be spending our taxes on subsidized housing, new infrastructure, or a causeway to nowhere from nowhere at a point in this economic crisis where we cannot even fund existing emergency services at their current levels. I propose that the entire Elverta Specific Plan development be placed on indefinite hold until such funds become available. Otherwise I foresee an enormous amount of time and money being wasted on a project that would have been better off tabled until these current dire circumstances receded.

We all should admit that some of the assumptions upon which this plan was hatched back in the 1990's no longer apply and alter the plan accordingly. There is no indication that once we have passed through deflation we won't be facing skyrocketing inflation--the costs we're seeing today to solve this problem could double or triple by the time any designs are actually implemented. Financial considerations should rule the roost at this juncture. My advice to the Board is to take a deep breath on this entire project at least until the world financial crisis has leveled off, and there is money to pay firefighters, deputies, and other essential service people. If this Board feels it can't correct and/or retract this plan in good faith, then clearly it should choose the least financially demanding alternative as decided upon by its staff of highly qualified individuals.

Russ Hood

7/14/2009

Letter 46

**Russ Hood, individual; written correspondence; July 13, 2009**

**Response 46-1**

This is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.



Letter 47

July 12, 2009

To: Sacramento County Board of Supervisors

Dear Supervisors:

47-1

I am providing comments on the Draft Environmental Impact Report (DEIR) for the Sacramento County General Plan update. I am encouraging the BOS adopt the Mixed Use Alternative.

47-2

The reason for this is that the DEIR does not consider any cumulative impacts as required by CEQA Guidelines Article 9 §15130, and specifically does not consider the cumulative traffic impacts relating to the planned Capitol Southeast Connector project which will have significant impacts to the identified new growth areas of the Jackson Highway Corridor and Grant Line East Area.

47-3

Additionally, taking the Jackson Highway Corridor Visioning Plan (JHCVP) into consideration as part of the development plan, which consists of a larger geographic area than evaluated in the DEIR, will possibly lead to segmenting or piecemealing the CEQA process. A Lead Agency is generally not permitted to segment or piecemeal a project into small parts if the effect is to avoid a full disclosure of environmental impacts. This rule arises from the definition of project under CEQA which includes the phrase "whole of the action." This phrase has been interrupted by the California Supreme Court to mean that it is generally inappropriate to chop a project into small segments to avoid preparing an Environmental Impact Report as seems to be the intent here.

It is alarming that the county would put forth development proposals that include removal/redevelopment of current agricultural residential neighborhoods into high density neighborhoods as is the "vision" of the JHCVP.

47-4

The Project as proposed is another example of the usual Sacramento County leapfrog planning. The assumption of the need for an additional 150,000 homes is likely excessive considering the current economic climate and combined with recent reductions in public services; specifically public transit and as of today the Sheriff's Department will no longer be patrolling the unincorporated county, to approve the project as described is does not meet the goals of "Smart Growth". For these reasons the Mixed Use alternative which proposes the least environmental impacts is the only responsible choice.

Sincerely,

Christine Karl

8330 Chester Drive

Sacramento 95830

Letter 47

**Christine Karl, individual; written correspondence; July 12, 2009**

**Response 47-1**

Comment noted. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

**Response 47-2**

Other than mentioning the Capitol Southeast Connector Project, this comment does not substantiate the assertion that the EIR fails to consider cumulative impacts. The Capital Southeast Connector project has not been incorporated into the proposed General Plan Update, as its planning and review has not progressed to a point where a specific proposal has been adopted. The EIR preparers disagree with this comment.

**Response 47-3**

The Jackson Highway Corridor Visioning was a study, not a Project pursuant to the CEQA Guidelines. The larger area covered by this study is outside of the proposed Urban Policy Area, and as such could not be developed with urban uses.

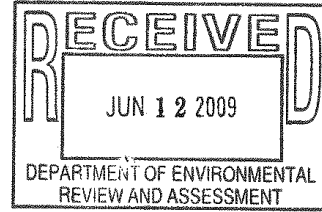
**Response 47-4**

There is no assumption that the County needs an additional 150,000 homes. Both the EIR and Sacramento County Planning and Community Development Department staff reports have clearly indicated that the needs for the County identified by the Sacramento Area Council of Governments are in the realm of 100,000 homes. The EIR concurs with the statement that the proposed Project conflicts with smart growth principles. Comment noted.

Letter 48

June 11, 2009

To:  
Sacramento County Department of Planning and Community Development  
827 7<sup>th</sup> St, Room 230  
Sacramento, CA 95814



Re: Review of EIR

48-1

When reading the EIR I noticed the proposed development the Elverta Specific Plan, specifically the road improvements and designation of Dry Creek Rd. off the project site in the Rio Linda Elverta area of the county are alluded to but rarely named in any other area of the document. For example, on page 9-51 it says:

**Most other existing or planned four-lane roadways that would be impacted by the project cannot feasibly be widened due to constraints, such as built-up areas (which would require taking of property) and environmental impacts (which would merely offset one impact by resulting in another).**

Can I assume the document is referring to Dry Creek Rd. and its suggested alternative of 16<sup>th</sup> St?

48-2

The maps in the EIR (for example TC-3 on 9-33, TC-4 on 9-44, TC-6 on 9-46) show that the county plans on making Dry Creek a four-lane north south connector in the future. Why is this not discussed under the EIR in the General Plans since you illustrate it consistently? My following questions address this road as if you included it in writing with the other proposed road improvements in the county. Do you need to correct these maps to represent what the Board of Supervisors, board personnel, planning personnel, DOT personnel, and developer personnel have told us. We are told it is to be two lanes with paved shoulders, and a 30 foot right of way; make the document agree with what we have been told as a community. If you do not plan to widen the road then designate it appropriately. Abandon the extended 12 foot Right of Way on Dry Creek Rd. and downgrade it from an Arterial.

48-3

1. Where in the EIR does it discuss mitigation or compensation for loss of non-native trees when additional Right of Way is taken and developed?

2. When are homeowners impacted by new ROWs alerted to the accepted financial formula used for compensation when destroying native trees by the county?

**The alternative native tree replacement measure focuses on loss of canopy, rather than on loss of inches of native tree. In many cases this will reduce the amount of tree replacement required, but will still result in replacement of an equivalent amount of tree area. Also, native trees in the urban County are remnants, not functioning as healthy...**

***Sacramento County General Plan Update 9-54 02-GPB-0105***

This section of the Smart Growth section obviously benefits the county financially but at a cost that is not compensated to the homeowner.

48-4

3. Why do Dry Creek residents have to accept living conditions deemed ok by non-residents but not ok to themselves? We live here because we want space from our neighbors but to be neighbors. We want to enjoy some minor agriculture: raising farm animals: horses, chickens, etc., large gardens, small vineyards or orchards. We like trees and open space. One "planning" decision maker with a different set of aesthetics said she lived on a busy city street and the noise and emissions were ok with her. Does that mean we have to be like her?

- 48-5 4. What is the county designation or term for a local rural two-lane street with a 30 foot Right of Way, 35 mph, and paved shoulders? I could not find it in the EIR.
- 48-6 5. Why can't the agreed upon roadway development between the County, ESP and the Dry Creek Rd. residents be the two lane road everyone (shall I name names) claims it to be. Drop the Arterial or Rural Collector designation and abandon the 42-foot right of way.
6. Can you take away the threats to take our home through expansion of Dry Creek Rd to an Arterial? Can you end the coercion used by the county to gain ROWs?
7. My husband had to seek medical attention after the last Planning session meeting (June 8) on the EIR/General Plan and Dry Creek Rd. in Rio Linda. The doctor agreed his heart condition is exacerbated by the years of stress created by our road situation and the county. Will it be when my husband has a heart attack from the stress of dealing with threats about losing our property by planning personnel? More stress- Dry Creek Road is still designated an Arterial; we can't sell under full disclosure. Who will want to buy a house that is to be bulldozed? More stress-We can't get permits for improvements unless we "grant" the extended 12-foot ROW. Stress-We're not sure we should improve our property-new well, room additions if it is to be bulldozed. Then there is the continuing two-lane cover-up/omission of lies regarding the designation of Dry Creek Rd. as an Arterial. To the endless meetings, which are cancelled, moved and often presented by ignorant personnel who are supposed to know what is going on but don't. Which of you shall I sue? "The planner who said, **"What's the problem? It's going to be two lanes."** Yet the response to letters on the DEIR said the county plans to keep it an Arterial to expand maybe in the future. Some unknown date for the death of our home hangs over our head. In 2000, we were told by county personnel (Do you need names?) that Dry Creek will be 4 lanes; that no one will be able to live on it. All the houses will be purchased. Then there is the developer personnel who is now a county employee who said, **"You win, Dry Creek will be two-lanes."** Or the engineer who tagged our trees for removal even those at 32 feet not 30 feet. Stress. The DOT that says one day they will look at alternative roads then turns around and says but the county still wants to keep the Arterial designation to widen Dry Creek. How about the new un-informed personnel that is constantly switched to us so we have to start all over again with the history of why not to expand Dry Creek Rd. or the one who goes on vacation conveniently the day a meeting is set up to discuss items on a deadline, so the dead line is missed, or the personnel who are supposed to know what they are talking about at meeting and don't even know their own documents. Which one shall I sue? You? ...maybe all?
- 48-7 9. Can you define the following words as the county means them?  
 Granted  
 Required  
 Sparsely populated-please give number of homes/driveways per block.  
 Sparse housing  
 Significant impact  
 Limited access (# driveways side streets per block) regards to rural roadway page 9-30
- 48-8 10. On page 3-4  
**"The ultimate purpose of smart growth is sustainable communities, and is a reaction to the recognized health and safety impacts of urban sprawl and vehicle-centric development strategies."**
- Why are the standards different for the residents on Dry Creek Rd than for the future residents of the projects or other areas of the county?
- 48-9 11. Page 3-85 What do you consider sparsely populated to mean? Does it apply to the number of dwellings and accesses on Dry Creek Rd between U St. and Q St. as the sample population?
12. Why can't number of displaced houses be determined?

- 48-9  
cont'
13. Why can't you count the number in the Right of Way or set back?
14. Page 3-85 The EIR says ROWs are not acquired by purchase but by grants from the homeowner, what if the homeowner does not wish to grant their land to you?
- 48-10
15. Why are Dry Creek Road residents unable to obtain permits without the required "granting" to the county their property as on other roads in the County? Isn't this a form of extortion?
16. How can the county require it on one hand and ask for grants on the other, one is a demand the other is a request, which is it?
17. Where is the law saying the county has the right to demand residents to give up their land? I thought I had a constitutional right to own land and keep it.
18. If the county develops Dry Creek as an Arterial/4 lanes then what idiot said  
**"Also, the houses themselves may be set back far enough from the street that the result is loss of front yard rather than the loss of the entire house." Not a significant impact.**
- The real impact is significant to us. 14 or so of the houses on my block alone are either in the ROW of 42 feet or in the set back making them "non conforming". Check your own aerial views, use a ruler, figure it out.
19. Why are the standards for emissions, noise and set backs different for Dry Creek Rd. than in other parts of the County especially in the "Smart Growth" areas?
20. On 3-86 In the displacement of housing, are homes of similar price, land size and use to be made available to those "displaced"?
21. Are the "displaced" supposed to come up with additional funds to purchase property (acreage), zone (Ag for animals), location (these people are employed too) and homes (treed, rural) equal to what the County takes?
22. Does the "displaced" person just get money and then is responsible to locate to a totally new environment if comparable homes are not available?
- 48-11
23. Based on the CEQA Guidelines, won't a 4 lane Arterial Dry Creek Rd. cause residences to suffer a significant land use impact (land, air, water, minerals, flora, fauna, ambient noise) resulting from:
- Result in significant physical disruption or division of an established community.**
- Displace substantial numbers of existing housing, necessitating the construction of replacement similar housing nearby and affordable?**
- Sacramento County General Plan Update 3-21 02-GPB-0105*
- 48-12
24. Doesn't the EIR admit that the developed Arterials and Thoroughfares will have substantially greater traffic therefore more health hazards to residents in the area of that roadway?
- "However, as discussed in the section on smart growth principles, it can be stated that because of the size and locations of the growth areas there are likely to be long vehicle trips involved for work commutes. This circumstance will be a detriment to air quality, and a commensurate detriment to respiratory function."**

- 48-13 25. What methodologies and mitigation strategies will be used to aid those who have increased mental or physical health issues due to your development?
- Sacramento County General Plan Update 3-44 02-GPB-0105*
26. Don't you think my neighbors and I considered 10,000 cars on four lanes traveling 45+ mph to be disruptive or dividing to our community? (see appended photos of: Thursday 7:30 A. M., commute traffic on the north end of Dry Creek Rd. going both north(1) and south(2))
- "The division or disruption of an established community is an impact considered by CEQA. Case law has established that a project must create physical barriers within the established community in order to be considered under this impact category. An example of a qualifying project is a new highway through an existing town. The only qualifying elements included in the Project are new roadways, and all of these new roadways either reflect existing land use proposals (e.g. Easton) or are through sparsely populated areas. Impacts are *less than significant*."**
- The impact is personal and very significant. Elderly and handicapped people currently living on Dry Creek will not have the speed, endurance, vision or hearing to cross over to a long time neighbor or relatives home, or get their mail safely.
- Children who do not qualify for buses will have to bike or walk along and cross an extremely busy road. One would find it difficult if not impossible to cross the street with horses, many of the homes currently have farm animals and participate in local parades etc.
- 48-15 27. Are you planning to rezone our area without our input? My house is AR-2.
- Sacramento County General Plan Update 3-84 02-GPB-0105*
- 48-16 28. So what do you plan to do about the "significant effect" to our area as stated below?
- For the remaining urban areas where the market-rate upzones, infill, and accessory dwellings would develop, Plate LA-3 depicts all of the areas designated as State Inventory farmlands within Sacramento County, and shows that there are very few farmland areas within the urban core. Most of the farmland areas are located in the eastern and southern portions of Sacramento County, and within the northwestern corner of the County in the Rio Linda-Elverta area, where the existing zoning tends to be agricultural (AG) or agricultural-residential (AR). The only farmland likely to be developed as a result of this strategy is approximately 58 acres of Unique Farmland.**
- A project is considered to have a significant effect if it would:**
- result in a roadway operating at an acceptable LOS (LOS "D" for rural areas and LOS "E" for urban areas) to deteriorate to an unacceptable LOS; or
  - increase the volume to capacity (V/C) ratio by more than 0.05 on a roadway that is operating at an unacceptable LOS without the project.
- 48-17 BICYCLE AND PEDESTRIAN FACILITIES
29. One effect is the "unsafe conditions for bicyclists or pedestrians, including unsafe bicycle/pedestrian, bicycle/motor vehicle, or pedestrian/motor vehicle conflict" created by increased traffic flows on a four lane road like you plan Dry Creek to be. Isn't the best solution to eliminate the 4-lane possibility?
30. SAFETY

48-18

A project is considered to have a significant effect if it would:

- substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Wouldn't you consider the turns in the proposed Dry Creek Arterial at Ascot and 16<sup>th</sup> then as it turns onto Dry Creek as well as the turns in the ESP at the Loop Rd joining 16<sup>th</sup> again qualify as hazardous design features on a heavily traveled high speed Arterial? (see alternative and proposed north south accesses in the ESP as they relate to the non project portion of Dry Creek and 16<sup>th</sup> St since that info is not evident in the EIR) 16<sup>th</sup> Street has the freeway access already, it also crosses Elverta creating almost a straight shot from 880 to the Placer County line. The map TC-7 among others shows it completed all the way through.

Sacramento County General Plan Update 9-15 02-GPB-0105

48-19

### 31. TRANSIT

Wouldn't it make more sense to have the BRT not end as Ascot and 16<sup>th</sup> but actually travel straight north to the ESP on 16<sup>th</sup> where it could access the larger population and reduce the need for more north south roadways or additional trips per day on existing roadways?

A significant impact to the transit system occurs when:

- the project is inconsistent with General Plan principles for transit-supportive development.
- an adequate and appropriate level of transit services is not available in a timely manner to serve new development.

Sacramento County General Plan Update 9-16 02-GPB-0105

48-19  
cont'

31.6

*If you develop Dry Creek as An Arterial,  
how many driveways / side streets would be  
permitted?*

5

48-19  
cont'

The capacity class categories are based upon the nature of traffic flow along the facility, including number of interruptions due to intersection control and "side-friction" due to driveways and local streets. For each capacity class shown in Table TC-6, relationships were developed between daily traffic volumes and roadway level of service. Table TC-7 summarizes the maximum daily traffic volumes for each capacity class/level of service combination. The segment-based level of service represents peak hour conditions,  
*Sacramento County General Plan Update 9-34 02-GPB-0105*

32. On page 9-101 How are you providing me a current resident with a "high quality of life" through the EIR and General Plan? Especially since your plan plans to rob me of my sense of well being with the constant threat of losing my home or at least its value as long as it is listed as an Arterial. On the same page, how are you, "to maintain or improve the quality, character and identity of existing neighborhoods and communities," specifically the Dry Creek Rd, Rio Linda community?

33. Why do the following inconsistencies between ESP and EIR on General Plan continue to not be addressed?

Dry Creek Rd on the project site and end of Dry Creek south of the site are designated two lanes on the ESP but is still represented by "an arterial" on the EIR of the General Plan.  
page ESP 10-5 compared to EIR 9-31

Number of trips two lane road, no shoulders ESP 7,100 cars per day  
Vs.

Number of trips two lane road , no shoulders level of service D 10,100 per day

Why is 16<sup>th</sup> shown all the way through to the county line on some and not connected on others?

Why is the Rt shown on 16<sup>th</sup> stop at Ascot, why not extend it to the development ESP so the people it is to serve are better served and can leave their cars at home? See map9-11

Sincerely,



Sharon K. King  
7420 Dry Creek Rd.  
Rio Linda, Ca 95673  
Email: [SharonKing5224@att.net](mailto:SharonKing5224@att.net)  
Phone: (916) 991-4266

6



Letter 48

**Sharon King, individual; written correspondence; June 11, 2009**

**Response 48-1**

The section quoted on DEIR page 9-51 refers to the effects of widening 4-lane roadways to 6-lane roadways, not to the 4-lane widening of Dry Creek Road.

**Response 48-2**

In accordance with CEQA, the EIR for the proposed General Plan analyzes the impacts of the proposed project – analyses are not required to determine the impacts of existing conditions. The existing 1993 General Plan Transportation Diagram designates Dry Creek Road as a 4-lane arterial. As this comment letter itself notes, the issue of impacts related to developing a 4-lane Dry Creek Road is one that has been analyzed in many contexts over the years, including in the Elverta Specific Plan. Therefore, the ultimate development of Dry Creek Road as a 4-lane roadway is not a new impact attributable to the proposed General Plan; this is why a detailed analysis for this roadway was not included. The EIR does contain a transportation analysis of the effect of reducing the designation of Dry Creek Road from 4 lanes to 2 lanes (Arterial Downgrade Alternative), because this analysis had been requested by the Sacramento County Board of Supervisors.

The remainder of this comment is a comment on the Project, rather than a comment on the EIR, which requests that the Project Transportation Diagram be amended to a 2-lane Dry Creek Road. As part of the Sacramento County Planning Commission hearings on the Project, the Sacramento County Department of Transportation has recommended the redesignation of Dry Creek Road to a 2-lane Collector; the Sacramento County Planning Commission has endorsed this recommendation. These recommendations and the endorsement will be forwarded to the Board of Supervisors for consideration.

**Response 48-3**

Non-native tree canopy impacts are discussed within the Biological Resources chapter, beginning on DEIR page 8-73. The remainder of this comment is not germane to the adequacy of the analysis.

**Response 48-4**

This is a comment on the Project, not on the adequacy of the EIR. This comment has been forwarded to the hearing body and the Planning Department for consideration. See Response 48-2.

**Response 48-5**

The Sacramento County Roadway Capacity Classes are located on DEIR page 9-30.

**Response 48-6**

These are not comments on the adequacy of the EIR. These comments have been forwarded to the hearing body and the Planning Department for consideration.

**Response 48-7**

Most of the terms in this comment do not appear to be related to concerns about the EIR, or to CEQA – no context is provided, so it is difficult to tell. Those that are obvious CEQA terms, technical terms with specific meanings, or mitigation language are: required, significant impact, and limited access. Mitigation that is required is mitigation that must occur. See DEIR page 3-21 for a definition of the CEQA term “significant impact”. High, moderate, and low access control is defined primarily based on the number of stops per mile, as listed on DEIR page 9-30. For driveways, the terms are either none, limited, or frequent. Though “none” is clear, there is no numeric definition for limited versus frequent. The determination is made based on the judgment of County Department of Transportation staff.

**Response 48-8**

This quoted section is not a standard, it is a general description of smart growth that is not located within an impact analysis section. Also see Response 48-2.

**Response 48-9**

No, the term sparsely populated does not apply to the area mentioned. As stated on DEIR page 3-85, it applies to the areas surrounding the *new* roadways shown on the General Plan Transportation Diagram, not to existing roadways whose designations may change.

The text following the quoted sentence on DEIR page 3-85 provides some explanation of why the number of potentially displaced homes cannot be determined at this time. Detailed plans for any widenings are not available at the General Plan stage, and therefore the details related on page 3-85 cannot be determined. Any future roadway widening would itself be a Project subject to approval by a hearing body. It is at that time that detailed project plans would be proposed, and the specific impacts of those particular plans would be disclosed.

**Response 48-10**

Most of these are not comments on the adequacy of the EIR, they are requests for specific actions or questions/objections related to the technical details of acquiring right-of-way for roadways. These comments have been forwarded to the hearing body and the Planning Department for consideration.

For item #18, the statement applies generally to all the roadways which may require widenings, not specifically to Dry Creek Road. For item #19, though this comment alleges that the EIR has not adequately analyzed impacts related to noise and air quality (setbacks are not a CEQA criteria), it does not provide evidence to support the statement. Refer to the Noise and Air Quality chapters for a detailed assessment of impacts.

**Response 48-11**

As discussed beginning on DEIR pages 3-84 and 3-85, these impacts were found to be less than significant.

**Response 48-12**

The quoted section refers to the impacts that are likely to result from developing in areas that will require long vehicle trips, and therefore will result in substantial increases in vehicle miles traveled in the County. The statement does not refer to the impacts of widening roadways.

**Response 48-13**

As stated on DEIR page 3-45, though the CEQA Guidelines provide criteria for subjects that affect public health (noise, air quality, etc), human health is not a stand-alone impact requiring discussion in CEQA documents. Likewise, no mitigation is provided specifically for human health, though mitigation is provided for air quality impacts and other factors that impact human health.

**Response 48-14**

The quoted section of the DEIR included in the comment provides the response to this comment.

**Response 48-15**

Any rezone in Sacramento County is a Project that would require approval by a hearing body, a process which includes public input.

**Response 48-16**

Mitigation for farmland loss is discussed on page 3-49 and 3-57. Mitigation for transportation system impacts is discussed on page 9-56 and 9-57.

**Response 48-17**

This is a comment on the Project, not on the adequacy of the EIR. This comment has been forwarded to the hearing body and the Planning Department for consideration.

**Response 48-18**

See Response 48-2.

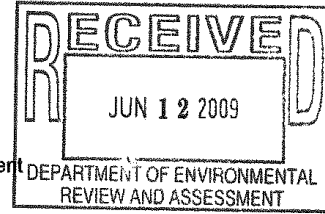
**Response 48-19**

These are comments on the Project, not on the adequacy of the EIR. These comments have been forwarded to the hearing body and the Planning Department for consideration.

Letter 49

June 12, 2009

To:  
Sacramento County Department of Planning and Community Development  
827 7<sup>th</sup> St, Room 230  
Sacramento, CA 95814



Re: Review of EIR

GREENPRINT /Greenfield

49-1

The removal of “tree canopy” is often discussed in the EIR. If I understand correctly the county has been asked to adopt a new policy to facilitate mitigation and save themselves money by not using the recognized Height, bhd /inch formula for each native tree. The new policy is a more generic policy of % of acreage in canopy to be replaced not by native trees but the equivalent in acreage of ornamental and shade trees which may be cheaper, more attractive, faster growing and used to irrigation.

In view of the growing drought, changing climate, and limited water supply, I think you should rethink the policy.

1. Native trees and shrubs are meant to thrive in California’s dry hot climate. They need little water.
2. Commercial, residential and governmental properties have been spoiled with the uncharacteristic wetness that California experienced in the past two decades. I see irrigation systems on, on non-watering days. Irrigation systems are forgotten so water floods down gutters to be wasted. When homes are told to cut back their water usage, water hungry plants die creating blight.
3. Native trees like the oaks are endangered due to lack of juvenile trees. Your adopting a pro native tree policy will promote the growth of new urban California oak tree forests.
4. Native species threatened or endangered from loss of habitat would benefit from the growing reforestation of Sacramento County. What is termed “unhealthy habitat” of little significant impact in the EIR due to development could become “healthy”. 9-54
5. Sacramento County could be the leader in environmentally correct developments.
6. Below are quotes from the EIR

Started in 2005, the Greenprint initiative is a multi-decade regional framework created to meet the Sacramento region's sustainability and livability goals by expanding urban forests and optimizing the benefits of tree canopies. Sacramento County is one of 26 SACOG jurisdictions that have signed on to the Greenprint, which includes initiatives to double the tree canopy in 40 years, improve air quality, water quality, energy conservation, real estate, and businesses by increasing the Sacramento region's average shade coverage to 35%.

*Sacramento County General Plan Update 8-20 02-GPB-0105*

Habitats with greater woody biomass, such as oak woodlands, riparian woodlands, and the urban forest provide a higher level of carbon sequestration than wetlands and grasslands. Sequestration depends on tree growth and mortality, which in turn depends on species composition and age structure of the woodland or urban forest.

49-1  
cont'

...the County supports extensive oak woodlands comprised of valley oak, interior live oak and blue oak. These woodlands occur in moderate to dense stands and are hosts to several special-status migratory raptors.

Oak savannahs are defined as a mixture of oaks and grasslands in which the oaks are more dispersed and grasses receive abundant sun. Oak savannahs are a transitional ecosystem between oak woodlands and grasslands. Thus, oak savannahs are important resources for both woodland and grassland vertebrate and invertebrate species.

Native California oaks include blue oak (*Quercus douglasii*), interior live oak (*Quercus wislizenii*), and valley oak (*Quercus lobota*). The three native oaks are large trees with small to medium size leaves, produce acorns, and grow to heights of 100 feet. Each oak differs in its habitat requirements with valley oak occupying sites with deeper soils which provide adequate soil moisture. The other two oaks are more drought tolerant and are found on shallower soils.

Native oak trees provide wildlife habitat for species endemic to California that evolved over thousands of years. Oak trees provide a vital structural and biological component to savannah and woodland communities.

Native oaks are being removed throughout California for agricultural land conversion and urban development. Plant and wildlife species dependent on the oak trees are lost along with the oak tree removal.

The Draft General Plan Update has made substantial changes to policies regarding the protection and preservation of native trees in Sacramento County. Individually or combined, proposed and amended Draft General Plan Update policies define native trees and how to mitigate for their loss.

The following General Plan policy shall be added: Mitigate for the loss of native trees for road expansion and development consistent with General Plan policies and the County Tree Preservation Ordinance.

**Sacramento County General Plan Update 8-73 02-GPB-0105 8 - BIOLOGICAL RESOURCES**

County's urbanized area expands, the need for trees and associated canopy cover will increase. Since an urban forest is not static, the planting and maintenance of trees will be required to encourage healthy growth and to protect the biologic well being of the urban forest.

The Draft General Plan Update includes updated policies regarding urban forest management and introduces new policies addressing new urban trees. These are Policies CO-160 through CO-165, the text of which can be found in Appendix A. None of the 1993 General Plan policies regarding urban forests or tree canopy were deleted in the Draft General Plan Update.

49-2

By the way our property is on a road designated currently as an Arterial and as such may be widened in the future. Because of the location of our home on the property it would have to be bulldozed for development. We currently have large native and non-native trees. We have two generations of Cooper's hawks that nest annually in the trees. We will probably have 3 generations nesting next year. We have a nesting pair of white tailed kites in the pasture (on neighbor's tree). We have a medium sized California Black walnut and all its annual seedlings. A large green giant garter snake lives near our horse

49-2  
cont'

I trough. A ring neck pheasant has been roosting in the Golden rain tree outside our living room for 5 years. Others nest in the pasture and next door. The habitat and trees in my yard seem quite healthy and supportive of native wildlife.

I've put out assorted acorns for the birds to plant for the last 10 years. They are doing a great job. My juvenile oak forest is thriving.

Sincerely,

  
Randall D. Aeschliman

  
Sharon K. King  
7420 Dry Creek Rd.  
Rio Linda, Ca 95673  
Email: [SharonKing5224@att.net](mailto:SharonKing5224@att.net)  
Phone (916) 991-4266

LETTER 49

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**Sharon King, individual; written correspondence; June 12, 2009**

**Response 49-1**

This is a comment on the Project, not on the adequacy of the EIR. This comment has been forwarded to the hearing body and the Planning Department for consideration.

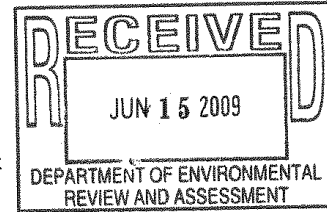
**Response 49-2**

The widening of Dry Creek Road would require project-level analysis pursuant to CEQA, at which time project-level impacts to trees or other biological resources would be evaluated. See Response 48-2.

Letter 50

June 15, 2009

To:  
Sacramento County Department of Planning and Community Development  
827 7<sup>th</sup> St, Room 230  
Sacramento, CA 95814



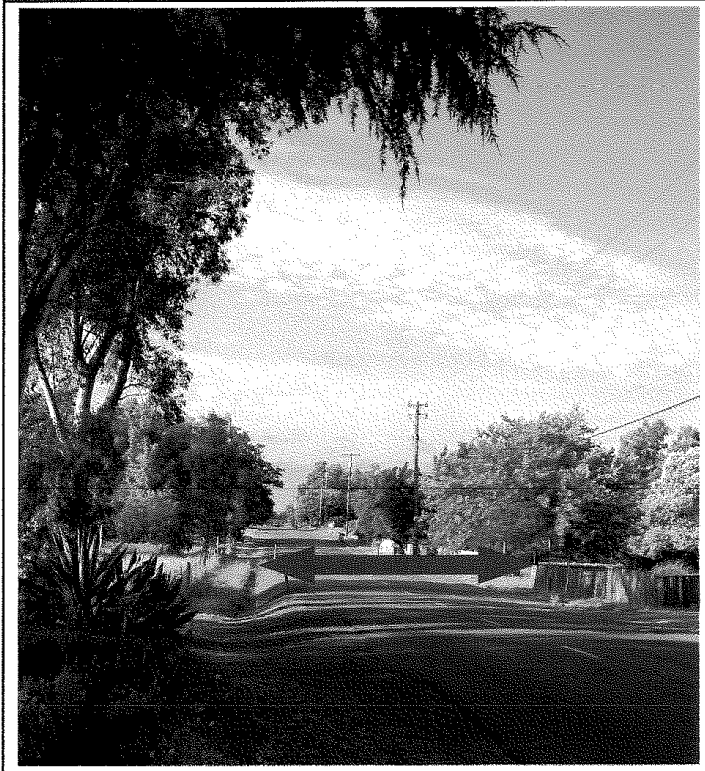
Re:  
Review of EIR on the Sacramento General Plan

50-1

Why hasn't the Environmental Impact of widening Dry Creek Rd. to four lanes included a study on the impact of up to 20,000 or more cars passing daily between the Painted Lady Butterflies and their historical migration path?

It recently came to my attention that a migratory population of Painted Lady Butterflies might be endangered by the increased number of vehicles on Dry Creek Rd., the already high speeds and the possibility of additional lanes. One of my neighbors, Wayne, informed me that his family has witnessed successive years of a large population of Painted Lady Butterflies crossing Dry Creek Rd. though the natural drainage by our houses ( between 7401 Dry Creek Rd. and 7420 Dry Creek Rd.).

A well documented population of Painted Ladies travels through North Sacramento on its way to and from the Mojave Dessert. (<http://butterfly.ucdavis.edu/butterfly/Vanessa/cardui>)



Painted Lady  
Butterfly  
Migration path  
On Dry Creek Rd.  
↔  
Migration direction.

Southbound view  
on Dry Creek  
between U St. and  
Q St. At 7:30 am,  
commute traffic, on  
Thursday June 11,  
2009



50-1  
cont'

This is a current view of morning commute hour traffic in this area. Obviously no butterfly would be harmed crossing this road.

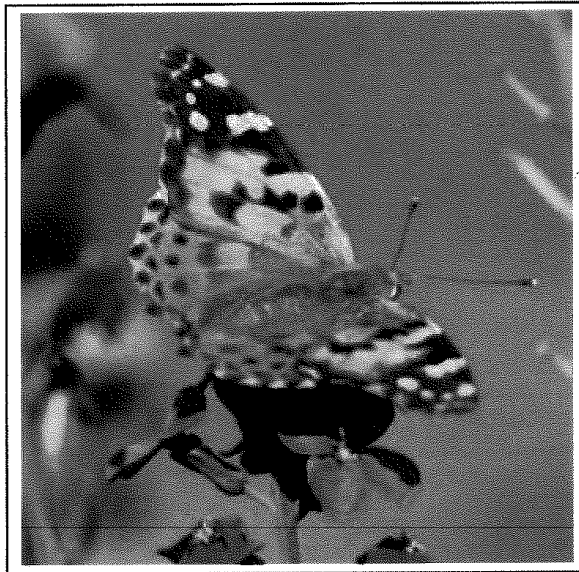
If the road is improved to two lanes with paved shoulders the increased traffic is going to affect the population of butterflies but not catastrophically if speeds are low. If it is widened to four lanes, raised to be year round flood free, with increased traffic and speeds expected by the EIR, the population may be annihilated.

According to research by UCDavis (<http://butterfly.ucdavis.edu/butterfly/Vanessa/cardui>) this species does not go around obstacles but through or over them. The raised road in this area over the drain along with four lanes of fast moving cars may create eddies, trapping and destroying the butterflies.

First 5 Sacramento Commission just granted the Rio Linda Community Center an additional \$98,000 added to the first grant of \$50,000 for the proposed Tot Lot and Butterfly Garden. Chairperson Roger Dickinson voted unanimously to fund the park district in this grant request. How sad and ironic it would be to have the same governmental group kill all the butterflies with the widening of Dry Creek Rd.

Sincerely,

  
Sharon King  
7420 Dry Creek Rd.  
Rio Linda, ca 95673  
Email: [SharonKing5224@att.net](mailto:SharonKing5224@att.net)  
Phone: 916 991-4266



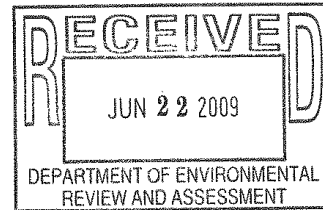
Letter 50

**Sharon King, individual; written correspondence; June 15, 2009**

**Response 50-1**

As stated throughout the website cited by this comment, the Painted Lady butterfly (*Vanessa cardui*) is a common species that occurs through most of North America, and whose migrating populations can number in the billions. The criteria for significance related to biological resources are stated on page 8-27. Impacts to species may be significant if it will cause a wildlife species to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the habitat of a wildlife species. The Project will not cause this very common species to suffer these impacts.

Letter 51



June 21, 2009

To:  
Sacramento County Planning Commission

I heard down grading Dry Creek Rd. is contingent on finding an acceptable Alternative. I've thought of a possible solution to the Dry Creek Rd. vs. 16<sup>th</sup> St. dilemma.

Rather than always complaining and being mad, I want to be part of the solution.

I tried to be objective and look at the pros and cons of both roads. You've heard many of them already. I also realized that cost counts. Currently no EIR has been done on either road in regards to upgrading to four lanes.

I believe there is a way to make the 16<sup>th</sup> Street Alternative more affordable and agreeable to a major stakeholder, the Dry Creek Parkway Commission.

I am listing the Pros (for four lanes) and cons (against 4 lanes) of each road.

Pros for Dry Creek Road being a four-lane roadway are:

1. Large bridges already exist on the two creeks.

Negatives are:

1. It has no Freeway access and actually passes under 880 to peter out in North Sacramento near Grant High School, another school previously not mentioned.
2. It is not an all weather road. It still occasionally floods between the two creeks, south of the south bridge and next to my property.
3. Acquiring of Right of Ways is being done in a less than ethical way. It is creating a hardship for residents and encouraging people not to seek permits or improve their property.
4. The extended 12-foot Right of Way is making it impossible to sell homes to any but speculators.
5. Expense. A large number of homes will be affected. Compare 40+ homes on the block between U St. and Q St. on Dry Creek to the same block on 16<sup>th</sup> St.-8 homes. Those who live in the Right of Way and its set back will have to be purchased by the County. Although the County has offered variances or to be grand fathered in to allow homes to continue to exist with in the set back and Right of Way. I for one live in the country to see, hear and smell country not to see, hear and smell an expressway in front of my home. It would be psychologically impossible to remain here; I would need to be bought out.
6. Expense. The county will want to limit access (traffic flow disruptions) so many driveways will be removed. Those homes without side street access will have to be purchased too.
7. Expense. All areas that flood need to be raised and widened.
8. Expense. Properties on the C St to Ascot on the proposed connector between 16<sup>th</sup> and dry Creek will need to be purchased, as the road will divide the properties.
9. The Dry Creek Parkway will be impacted by loss of trees on the raised roadway area.
10. Access for horse trailers etc. will be on a fast, heavily traveled four lane roadway, Dry Creek Rd.
11. The road will have several curves, making it less safe than straight.
12. It disrupts access to five schools and two preschools. These along with Parkway access for horses and trailers, and residential access will slow traffic.

**Dry Creek Road as four lanes would be a crowded, congested, curvy, heavily accessed by driveways and alleys.**

51-1

51-1  
cont'

Pros for 16<sup>th</sup> St.:

1. Freeway access exists.
2. Fewer residents are affected.
3. The Dry Creek Parkway has a safer access for the historical center and proposed trailer/vehicle parking lot if Dry Creek Rd. is designated two lanes.
4. No schools affected.
5. The Parkway may gain back more acreage than is currently in Parkway.
6. It will be a straighter, shorter, safer commute with less residential access.

Negatives for 16<sup>th</sup> St.:

1. It bisects the Parkway.
2. It does not have the Right of Way approved
3. Expense. It is incomplete.
4. Expense. It has no bridges.
5. Expense. It will impact some canopy.
6. Expense. It impacts some residents (far fewer than Dry Creek)

**Proposal**

Since Q St. is not slated to be widened and currently has many stop signs on it, I propose that it be abandoned between the two bridges in the Dry Creek Parkway. Currently the plans are for two stoplights at each bridge to allow bike/horse/pedestrian traffic. These will be unnecessary so traffic flows would not be slowed, the county saves money and wildlife and park people have complete access.

In exchange for abandoning Q St. in the Parkway, the Right of Way for 16<sup>th</sup> through the Parkway should be granted. The Parkway actually gains acreage since the 16<sup>th</sup> Street roadway would be about half the length of the existing Q Street roadway.

Bridges would need to be built on 16<sup>th</sup> but their cost would be balanced against the cost of houses and properties on Dry Creek Rd. and the cutoff to connect to 16<sup>th</sup> St. to make an access to the 880..

The north bridge should be built where the Q St. bridge currently exists to avoid damage to existing tree canopy. Ideally the bridge would be raised enough to have a bike/riding trail pass underneath at ground level then no lights would be needed as on the Elkhorn bike trail crossing. The actual roadway could be fenced for safety to keep horses, pedestrians, bicyclists and wildlife separate from the traffic. Traffic would not be slowed down. 16<sup>th</sup> Street should be straightened here so the house and meat company at 16<sup>th</sup> and Q St. would not be affected. The roadway would be faster and safer.

The south bridge would need tree mitigation, which could be accomplished by replacing native trees in the Parkway so it repairs the riparian habitat and oak forest that once existed in the Parkway. Ideally it could also have the bike /riding trail at ground level but since this roadway is half as long as Q St. all Parkway traffic could be safely funneled through the one north under crossing. Trails would take on a figure eight pattern instead of a circle of the parkway.

A raise causeway is cost prohibitive. A raised bridge with under crossing the ground level roadway would be cheaper and as seasonal an access as Q St. is currently. Trading Q St. for 16<sup>th</sup> would gain the Parkway more area than they would lose with the same number of roadways through it, that currently exist.

Right of Ways would be needed to complete the road. I am sure the county can vote themselves the Right of Ways needed just as they voted the extended 12 foot Right of Way on Dry Creek Rd. to themselves in 1994 with out requiring the residents' agreement.

Only two houses, from U St. in the north to Elkhorn in the south seem to be affected by this plan, especially since the ESP plans to build 16<sup>th</sup> farther west on U St. than it currently exist. The other 6 or so homes are built well back from the road.

Traveling south from Elkhorn there are far fewer residents than on the similar area on Dry Creek. Check out aerial maps and compare densities. 16<sup>th</sup> Street within the city limits is already predominantly commercial with set backs to accommodate more than a four lane roadway.

51-1  
cont'

A slight jog in the roadway may be needed to travel around or through the electrical towers in the area.

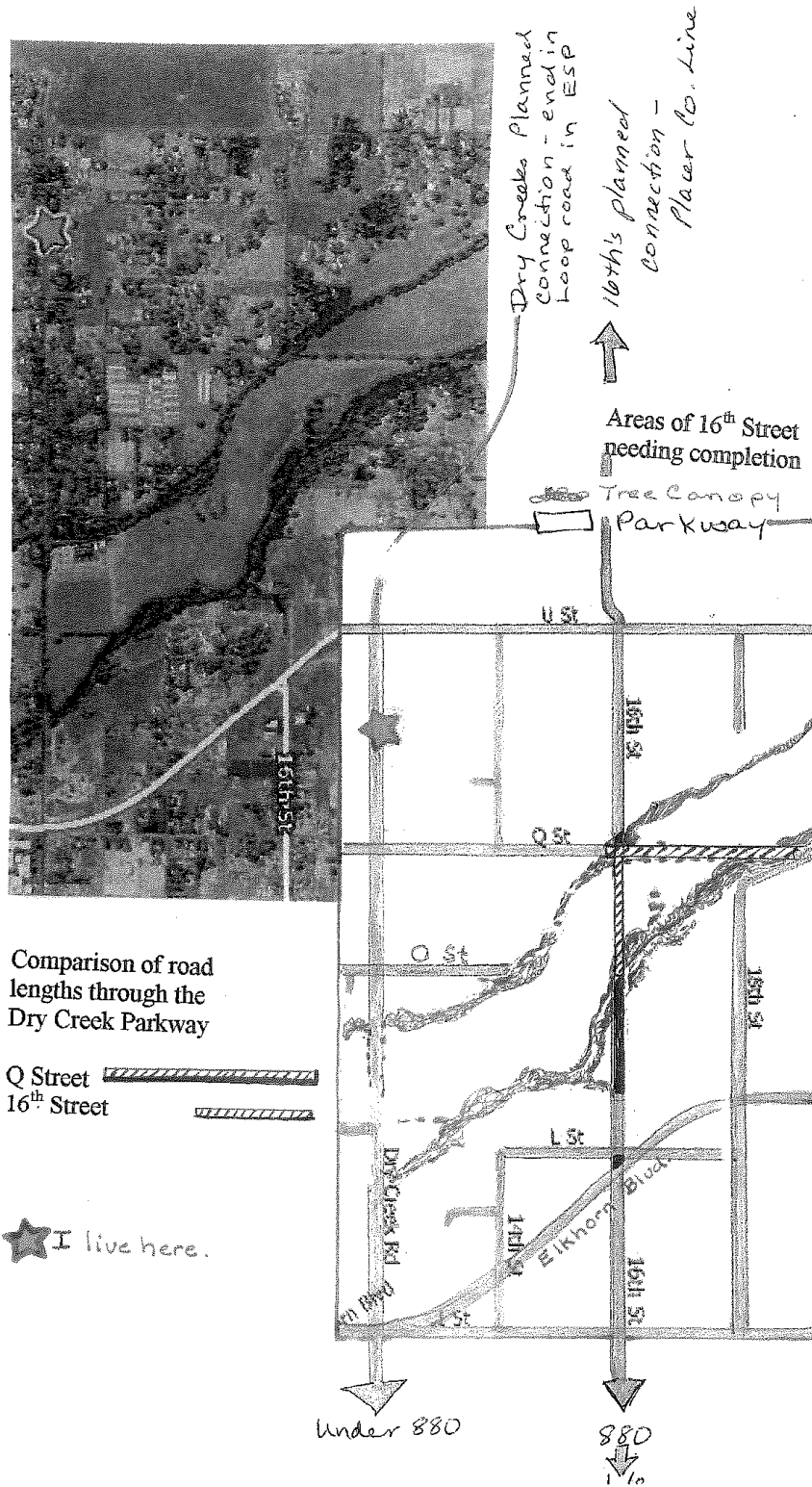
16<sup>th</sup> St. directly accesses 880 and then continues down Marysville/Raley/16<sup>th</sup> St to access Highway 16.

**16<sup>th</sup> Street would be virtually straight road (safer), with limited access (faster), and a pretty drive.**

I am mailing copies of this proposal to Dave Defanti, Leighann Moffet and Councilman Dickinson. I plan to present the proposal part of this letter at Monday June 22's Planning Commission Meeting.

Sincerely,

Sharon K. King  
7420 Dry Creek Rd.  
Rio Linda, Ca 95673  
Email: [SharonKing5224@att.net](mailto:SharonKing5224@att.net)  
Phone: (916) 991-4266





**Population Density Comparison Map**

Dry Creek Road between U Street (north) and O Street (south)

16<sup>th</sup> Street between U Street (north) and O Street (south)

● Home with Dry Creek Road Address

● Home with 16<sup>th</sup> Street Address

● Affected but on cross street

Letter 51

**Sharon King, individual; written correspondence; June 21, 2009**

**Response 51-1**

These are not comments on the adequacy of the EIR. These comments have been forwarded to the Planning Department and the hearing body for consideration. See Response 48-2.



*Clerk of the Board for all Commissioners.*

Letter 52

June 22, 2009

Sacramento County Planning Commission

Sacramento County Planning Commission Members – Joe Debbs, Greg Peterson,

Howard Yee, Kathlyn Carpenter (one vacancy)

Hearing @ 6:00 PM – June 9, 2009, Agenda Item # 4

*This is a conceptual ongoing plan.*

- 52-1 From Karen Klinger – Arden Park/Arden Arcade Resident – Please include this letter and my testimony into the public records. Good evening Planning Commission Members. The Sacramento County Draft Environmental Impact Report Analysis, which is linked to the Sacramento County 2030 General Plan Update and the Regional Sacramento Area Council of Government Land Use and Airport Plans, is inadequate, incomplete and not appropriate. Sacramento County was not honest in presenting the true, honest, or total picture to the residents during the controlled outreach Arden Arcade Community Action Plan process, which at the same time behind closed doors was another process going on called the SACOG “Transportation/Air Quality Collaborative” (Both of these processes failed and were hijacked by County and SACOG Staff and the reports are not those of the communities within Arden Arcade. This General Plan Update must show in the DEIR that it will be a disruption and destruction to our established community and individual neighborhoods. *Suburban*
- 52-2 Is the Law Suit <sup>1995</sup> called the Coleman Settlement that was filed against the County of Sacramento by Legal Services of Northern California in ~~2005~~ <sup>1995</sup> for lack of affordable housing units the compelling reason for a change to the General Plan that is the destruction to our single family residential neighborhoods? Was the law suit settled in 2005, the same year the Sacramento Board of Supervisors approved the SACOG Blueprint Plans?
- 52-3 Missing and loss of public outreach and not shown or specific in the DEIR or the Sacramento County 2030 General Plan Update, which is linked to the SACOG Blueprint Land Use and Airport Plans are the following: *1A No noise & air quality tests & reports from Commercial & Cargo from McClellan to Market over Arden Arcade.*
- 52-4 1. County Roadway and Infrastructure Transportation Projects with Costs, Scenarios, Plans, maps, demolition, relocation, and acquisition costs ~~for~~ *taking private property* As presented and displayed on the walls at Tzakopoulos Library in 2004; *Streets missing are Arden Way & Eastern Ave in the General Plan & Draft EIR;*
- 52-5 2. County Planning Areas Adjacent to Project Features or County Planning Areas Within Project Features do not show Sierra Oaks, Arden Manor, and other neighborhoods north of Arden Way;
3. Sacramento Housing and Redevelopment Agency Projects Areas on our Neighborhood arterial streets in Arden Arcade and the cost of threatening or taking Private property by Eminent Domain;
- 52-6 4. Changing our suburban <sup>zoning</sup> one home per lot to urban multi family housing; *4A Master plans (pedestrian) excluding Arden Park & other neighborhoods;*
- 52-7 5. Identifying Corridors, what that means, what infill development means and costs or
- 52-8 *5.A Because the Board of Supervisors can make 4 changes a year to the General Plan, therefore, this DEIR is inadequate, not appropriate and incomplete.*

Page 2 – June 22, 2009 – Sacramento Planning Commission Hearing on the DEIR on the Sacramento County 2030 General Plan Update (Page 5 Continued)

- 52-7  
cont' assessments charged to each and every property owner within a government designated boundary and potentially without our vote;
- 52-9 6. Taking a part of or all private property by the threat of or by Eminent Domain;
- 52-10 7. Identifying what the Housing Element means and telling residents how <sup>many</sup> hundreds of affordable housing units their neighborhood will be required to absorb. Plans and costs have been concealed from residents. Do they use 4% to determine that housing?
- 52-11 8. The Regional SACOG Blueprint Land Use and Airport Maps, Scenarios, Plans are linked to the Sacramento County 2030 General Plan Update and the extent of diminishing our air quality, aesthetics, light pollution, safety and integrity of our neighborhoods, ~~and~~ <sup>choosing and</sup> our quality of life has not been ~~has not been~~ considered in this long range regional planning process for only those of us in the unincorporated areas of the County and can not be determined by this DEIR;
- 52-12 9. Arden Park, Sierra Oaks, Sierra Oaks Vista, Arden Manor and Arden Oaks are located on Watt Avenue north of the American River and are entirely suburban and not urbanized. Urbanized is a one of the five principals and Arden Arcade;
10. July 13, 2009 is the deadline for comments on the DEIR and that is not adequate time for residents to read the thousands of pages and to obtain legal council to read, discuss, and determine the negative environmental impacts these documents will have on us, our families and our communities.

Thank you. Karen Klinger 916-481-1071

Letter 52

**Karen Klinger, individual; written correspondence; June 22, 2009**

**Response 52-1**

The comment expresses that the EIR should conclude that the Project will cause a significant division or disruption to an established community, but does not provide evidence to support the statement. The EIR preparers disagree with this comment, and refer the reader to page 3-46 of the DEIR.

**Response 52-2**

This is not a comment on the adequacy of the EIR. This comment has been forwarded to the Planning Department and the hearing body.

**Response 52-3**

The project does not include any changes to the operation of McClellan Airport or Mather Airport, and thus does not include an analysis of noise and air quality related to McClellan Airport or Mather Airport operations.

**Response 52-4**

The EIR contains an analysis of the proposed changes to the Sacramento County General Plan Transportation Plan, but the details requested by this comment are neither available nor required at the General Plan stage (CEQA Guidelines Section 15146).

**Response 52-5**

The maps included in the proposed General Plan and EIR show all of the proposed planning areas in relation to existing streets and features. This is sufficient information to allow readers to determine where the planning areas are located; identifying specific neighborhoods on the maps is not necessary. Likewise, it is not necessary to identify the specific parcels that will be developed by specific entities – nor is it possible, as that would require a substantial degree of speculation.

**Response 52-6**

Any areas where the change in General Plan designation could result in subsequent requests for changes in zoning have been identified in the proposed General Plan and EIR: New Growth Areas and Commercial Corridors.

**Response 52-7**

A description of the Commercial Corridors that is adequate for the General Plan stage is included in the Project Description chapter of the EIR, and is also included within the proposed General Plan.

**Response 52-8**

The comment makes a declarative statement that the EIR is inadequate but does not provide any evidence. The fact that the County procedures establish that the Board can hold hearings to amend the General Plan only four times during the year is unrelated to adequacy of the EIR. The EIR preparers disagree with this comment.

**Response 52-9**

Refer to page 3-57 of the DEIR.

**Response 52-10**

The proposed Project does not include an update of the Housing Element.

**Response 52-11**

All of the issues related by this comment (air quality, aesthetics, etc) have been addressed in the appropriate topical chapters of this EIR. The comment states that the analysis was inadequate, but does not provide any evidence. The EIR prepares disagree with this comment.

**Response 52-12**

Comment noted.

Letter 53

July 27, 2009 - From Karen Klinger – Arden Park/Arden Arcade Resident

All Comment 53-1

Sacramento County Planning Commission

Sacramento County Planning Commission Members – Joe Debbs, Greg Peterson,  
Howard Yee, Kathlyn Carpenter (one vacancy)

Hearing @ 5:30 PM – July 27, 2009, Agenda Item # 4 & 5

**Copies provided to the Sacramento County Planning Dept. and  
Sacramento County Dept. of Environmental Review and Assessment (DERA) - my  
response showing these conceptual documents are inadequate and incomplete.**

I AM ASKING AND HOPEFUL THAT ALL PLANNING COMMISSION MEMBERS  
WILL VOTE NO AND NOT APPROVE OR SUPPORT THE CONCEPTUAL  
SACRAMENTO COUNTY 2005-2030 GENERAL PLAN UPDATE, INCOMPLETE  
DRAFT ENVIRONMENTAL IMPACT REPORT, APPENDICES, HOUSING  
ELEMENT, AND THE REGIONAL SACOG BLUEPRINT LAND USE AND  
AIRPORT PLANS THAT ARE BEFORE YOU THIS EVENING. These documents are  
DESIGNED TO IMPACT ONLY THOSE OF US WHO RESIDE OR OWN  
BUSINESSES IN THE UNINCORPORATED AREAS OF SACRAMENTO COUNTY.  
**Please continue these hearing items until there is formal written notice of local  
public hearings for at least six months so those of us who will be negatively impacted  
in the unincorporated areas will have an opportunity afterwards to discuss with the  
Planning Commission our concerns about these numerous plans, elements,  
standards and guidelines.**

I OPPOSE the Sacramento County Draft Environmental Impact Report Analysis and the  
Sacramento County 2005-2030 General Plan Update, which are linked to the Regional  
Sacramento Area Council of Government Land Use and Airport Plans and declare the  
Draft EIR is inadequate, incomplete and not appropriate. Sacramento County was not  
honest in presenting the true, honest, or total picture to the residents during the outreach  
for the SACOG Blueprint Land Use Process and the controlled outreach Arden Arcade  
Community Action Plan process, which at the same time behind closed doors was  
another process going on called the SACOG "Transportation/Air Quality Collaborative"  
(Both of these processes failed and were hijacked by County Staff and SACOG Staff and  
Members and the reports are not those of the communities within Arden Arcade and  
potentially of the other neighborhoods throughout the unincorporated areas of the  
County. This General Plan Update must show in the DEIR that it will be a disruption and  
destruction to our SUBURBAN OLDER COMMUNITIES OF EACH INDIVIDUAL  
NEIGHBORHOOD throughout the unincorporated areas DUE TO A CHANGE IN  
ZONING AND LAND USE DESIGNATIONS THAT WILL CHANGE OUR SINGLE  
FAMILY RESIDENTIAL NEIGHBORHOODS (one home per lot) INTO MULTI  
FAMILY NEIGHBORHOODS. (more than one home per lot). We will be  
assessed/taxed without our vote of approval and not only will each of us be forced to pay,  
maintain, and be liable for sidewalks, lighting, different types of improvements and/or  
infrastructure on our private properties, our private property easements in the front of  
private property will be confiscated without pay. (CONTINUED TO PAGE 2)

Page 2 – July 27, 2009 - Sacramento County Planning Commission Hearing on Design Guidelines and Sidewalk Standards Agenda #4 AND Agenda #5 Sacramento County Planning Dept. Recommending the Planning Commission Members approve the 2005-2030 Sacramento County General Plan Update and the Draft EIR.

A Law Suit called the Coleman Settlement was filed against the County of Sacramento by Legal Services of Northern California in approx. 1995 for lack of affordable housing units. I BELIEVE THE Coleman Settlement IS ONE OF THE COMPELLING REASONS FOR CHANGING THE PREVIOUS SACRAMENTO COUNTY GENERAL PLAN(S) FOR THE NEW 2005-2030 General Plan Update THAT WILL BE THE DESTRUCTION TO OUR SINGLE FAMILY RESIDENTIAL NEIGHBORHOODS (one home per lot) THAT WILL BE REPLACED WITH MULTI-FAMILY HOUSING OF APPROXIMATELY 100,000 OR MORE HOUSING UNITS of all types THAT WILL BE DUMPED ON ONLY THOSE OF US in the unincorporated areas of Sacramento County. Wasn't the Law Suit "The Coleman Settlement" settled in 2005? This was the same year the Sacramento County Board of Supervisors approved the Regional SACOG Land Use and Airport Blueprint Plans, which includes the Transportation/Air Quality Collaborative?

**Public Outreach was and is not adequate.** Notices were not provided to residents during numerous Planning Department Workshops that were provided for the elected officials, the Board of Supervisors. We were not told our SUBURBAN Neighborhoods had been rezoned to an URBAN ZONING WHICH IS REQUIRED FOR THE COUNTY'S Agency, SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY TO CREATE NEW REDEVELOPMENT PROJECT AREAS aka SPECIAL PLANNING AREAS FOR REDEVELOPMENT on our arterial streets that which boundaries will extend into our single family residential homes .

**Missing (loss of public outreach) and not discussed or explained during the public outreach or specific in the DEIR or the Sacramento County 2005-2030 General Plan Update, which is linked to the SACOG Blueprint Land Use and Airport Plans, SACOG Transportation/Air Quality Collaborative and the housing element are the following:**

1. Regional SACOG, State, Federal and County Roadway and Infrastructure Transportation Projects with Costs, Scenarios, Plans, maps, demolition, relocation, acquisition costs, damages to private property owners, and costs of threatening and/or taking private property by eminent domain as presented and displayed on the walls at Tzakopoulos Library in 2004;
2. County Planning Areas Adjacent to Project Features or County Planning Areas Within Project Features do not include Sierra Oaks, Arden Manor, and other neighborhoods North of Arden Way in Arden Arcade; (CONTINUED TO PAGE 3)

Page 3 - July 27, 2009 - Sacramento County Planning Commission Hearing on Design Guidelines and Sidewalk Standards Agenda Item #4 AND Agenda #5 Sacramento County Planning Dept. Recommending the Planning Commission Members approve the 2005-2030 Sacramento County General Plan Update and the Draft EIR.

3. Sacramento Housing and Redevelopment Agency Redevelopment Plans/Study Areas for Redevelopment are NOT DISCLOSED. Locations and Boundaries of each of the 14 Corridors aka Special Planning Areas/or Redevelopment Project Areas are not identified, DISCLOSED, and details are not given and need to be added to the the Draft EIR. All or a portion of private properties that will be threatened or taken by Eminent Domain and the cost are now shown or disclosed;
4. **Changing our suburban zoning (one home per lot) to an urban multi family high Density housing** is not appropriate, correct or adequate and the public outreach Process did not address this change. I CHALLENGE THIS ZONING CHANGE;
5. Identifying Corridors, what does that mean?;
6. Identifying Infill development, what does that mean? What are the actual and economic costs or cost of an assessment/tax that will be levied against every private property owner within a district boundary? Besides a Redevelopment, Pedestrian, Corridor, and Transit District, what are the other names or categories for the Assessment/tax Districts? Which Government Agency will establish and collect the Assessment/tax? Will the Protest Voting Process be used to assess or tax each private property owner for unknown districts, roadway, transit, redevelopment projects and infrastructure? Will private property owners be assessed without our vote?;
7. Identifying what the Housing Element means and telling residents how many hundreds of affordable housing units their neighborhood will be required to absorb. Plans and costs have been concealed from residents. Does the DEIR identify or use 4% to determine housing requirements in each neighborhood? Are neighborhoods with the Rural Estate Zoning exempt from higher density housing (more than one home per lot)?;
8. The Regional SACOG Blueprint Land Use and Airport Maps, Scenarios and Plans are linked to the Sacramento County 2005-2030 General Plan Update and the Housing Element dumping 100,000 or more housing units in only the unincorporated areas of Sacramento County and the extent of diminishing our air quality, aesthetics, light pollution, safety in our homes and on our streets, integrity of our neighborhoods,  
(CONTINUED TO PAGE 4)

Page 4 – July 27, 2009 – Sacramento County Planning Commission Hearing on Design Guidelines and Sidewalk Standards Agenda Item #4 AND Agenda Item #5 Sacramento County Planning Dept. Recommending the Planning Commission Members approve the 2005-2030 Sacramento County General Plan Update and the Draft EIR.

(CONTINUED FROM PAGE 3 - #8)

and quality of life for our families, friends and neighbors has not been considered in the overall picture for this long range regional planning process and for all of us in the unincorporated areas of Sacramento County and has not been determined by this Draft Environmental Impact Report.

9. Climate Change Laws (AB 32 and SB 375) were not part of the Resident Outreach Process. Has the DRAFT EIR addressed these impacts?
10. Transit Law (Assembly Bill 338) by Assembly Member Ma regarding transit shows high density housing within ½ mile from a transit boundary (what does this mean) and assessments/taxes and costs levied against private property parcels owners and without our vote has not been included in the DEIR. What is the distance shown in the Draft County General Plan Update and in the DEIR for higher density housing from a transit boundary? Where is this information shown in the DEIR?;
11. Where is the Intelligent Transportation System on Arden Way from the Del Paso Light Rail Station to Watt Avenue identified and shown in the DEIR and the County General Plan Update? The City of Sacramento was shown as the lead Agency and this information has not be given to residents through a Public Outreach Process. (It seems highly unlikely that this system will dead end at Watt Avenue, but will continue with a new bridge at the end of Arden Way, which was discussed through the Transportation Committee made up of County Staff and a few residents during the Arden Arcade Community Action Planning Process;
12. Arden Park, Sierra Oaks, Sierra Oaks Vista, Arden Manor and Arden Oaks are located on Watt Avenue north of the American River and are entirely suburban and not urbanized. One of the five principals and prerequisites for redevelopment is that an area must be predominantly Urbanized. I challenge Sacramento County Planning Dept. and the Board of Supervisors with their Draft General Plan Update and the DEIR showing this zoning change as we are proud of our suburban zoning, (one home per lot) and we will not accept higher density housing and will litigate any such change to our neighborhoods in Arden Arcade.
13. Since the Regional SACOG Land Use and Airports Blueprint Plans were approved by the Board of Supervisors to be linked to their 2005-2030 Draft General Plan Update, the SACOG Plans and Maps must be provided and identified in detail with the Draft 2005-2030 General Plan Update and in the DEIR so residents can see an overlay of what our neighborhoods look like now and how they will look in the next 25 years. (Continued)



Page 5 – July 27, 2009 –Sacramento County Planning Commission Hearing on  
Design Guidelines and Sidewalk Standards Agenda Item #4 AND Agenda Item #5  
Sacramento County Planning Dept. Recommends the Planning Commission  
Members approve the 2005-2030 Sacramento County General Plan Update and the  
Draft EIR

14. Also missing is the American River Parkway Master Plan and specifics of how new river crossings in this Plan could impact Arden Arcade and those of us in the Unincorporated areas of the County. Rancho Cordova was shown as the Lead Agency. Is the American River Parkway Master Plan included in the 2005-2030 General Plan Update and the Draft EIR? If not, why not?

I challenge the County of Sacramento and their local and regional Planning Departments as these numerous government stakeholders continue to direct more vehicle, truck, and transit traffic, 100,000 or more housing units and thousands more people and tailpipes down the neighborhood streets in Arden Park and throughout our neighborhoods throughout the unincorporated areas. Our governance, the Board of Supervisors consist of members who live in other cities and who sit on the Regional SACOG Land Use Planning Board and who may not defend those of us in the unincorporated areas of the County as they have a vested interest in where they live, which is in another city and would rather see all of these projects and affordable housing units dumped on those of us in the unincorporated areas currently live.

July 27, 2009 is the deadline for comments on the DEIR and that is not adequate time for residents to read the thousands of pages and to obtain legal council to read, discuss, and determine the negative environmental impacts these documents will have on us, our families and our communities. A new Public Outreach Process is needed since the Draft Sacramento County 2005-2030 General Plan Update is a Conceptual Plan and a work in progress that is not complete, therefore providing an inadequate and incomplete Draft Environmental Impact Report. The Workshop this evening for the Planning Commission on Design Guidelines and Pedestrian Standards are an indication the Draft General Plan Update is not complete and did not have public outreach.

Thank you. Karen Klinger 916-481-1071

Letter 53

**Karen Klinger, individual; written correspondence; July 27, 2009**

**Response 53-1**

For the most part this letter raises the same points as the prior submittal by Ms. Klinger dated June 22, 2009 (points 1 – 8 and 12), discusses issues that are not comments on the adequacy of the EIR (point 11), or raises issues that do not require discussion because they are not part of the proposed Project (points 10 and 14). Refer to the responses to the prior letter. With reference to point 9, the EIR does include a Climate Change chapter discussing AB 32 and SB 375.

**From:** 9acreplace@comcast.net  
**Sent:** Monday, May 04, 2009 5:00 AM  
**To:** Hocker. Lauren; Hocker. Lauren  
**Subject:** 2002-0105

**Attachments:** west of watt and safty.bmp; MCC-safety.pdf  
**Dear Lauren Hocker :**

54-1

I have a concern about the Safety map for McClellan Air port. It looks like the old map is being used to determine the usability for the land in the West of Watt Av UPA extension. I want to know way you're not using the new one that opens most of the land in Antelope. North of U street and East of 28th street. There's just a small part land that's not usable showing on the new map.

I didn't see anything talking about the new safety contours coming up that would make a change on the new General Plan.

So the question is, if the safety contours change will the EIR have to go back and change everything and study it again? Will that take a lot more time to adjust everything? Or just draw the New General plan with old map on it?

I have attached a copy of the new Safety contour I'm talking about.

54-2

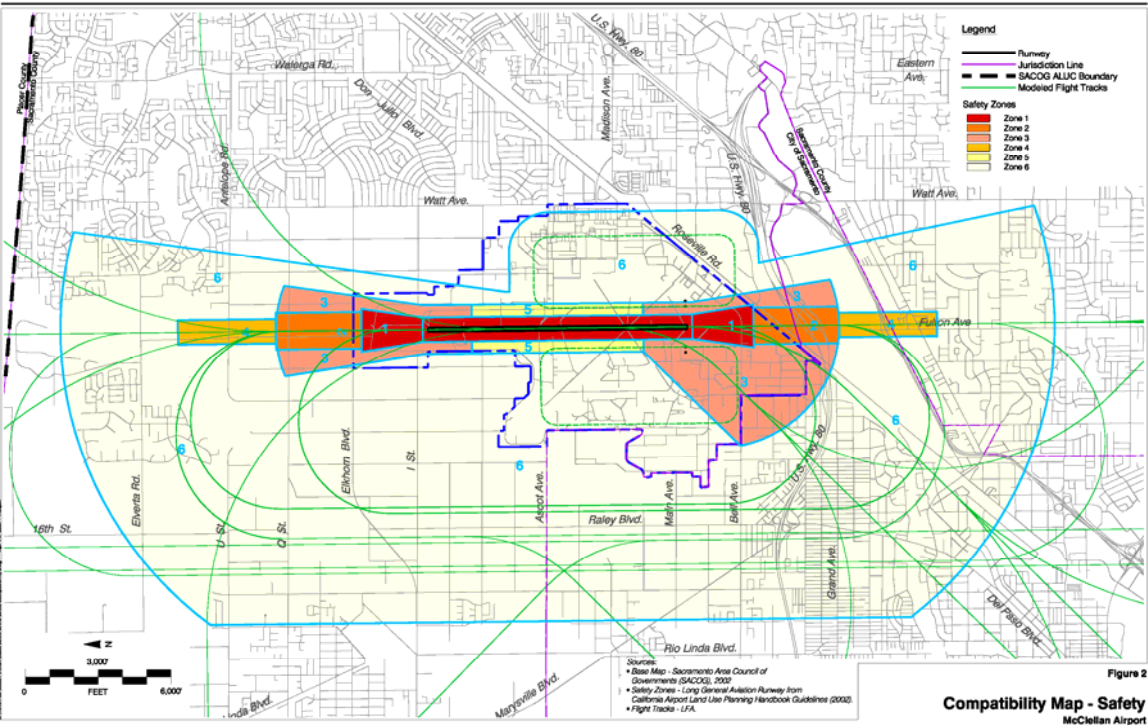
I have also attached a copy of your own map out of Land use in your EIR. Your map shows where it came from. By the way I put in Red on your map where it left out a part of the UPA extension. It's just a small part that you guys left out. But it is included on the other maps and not on yours.

Thank you for your time.

Keith Morgan  
3044 Angus Way  
Antelope CA 95843

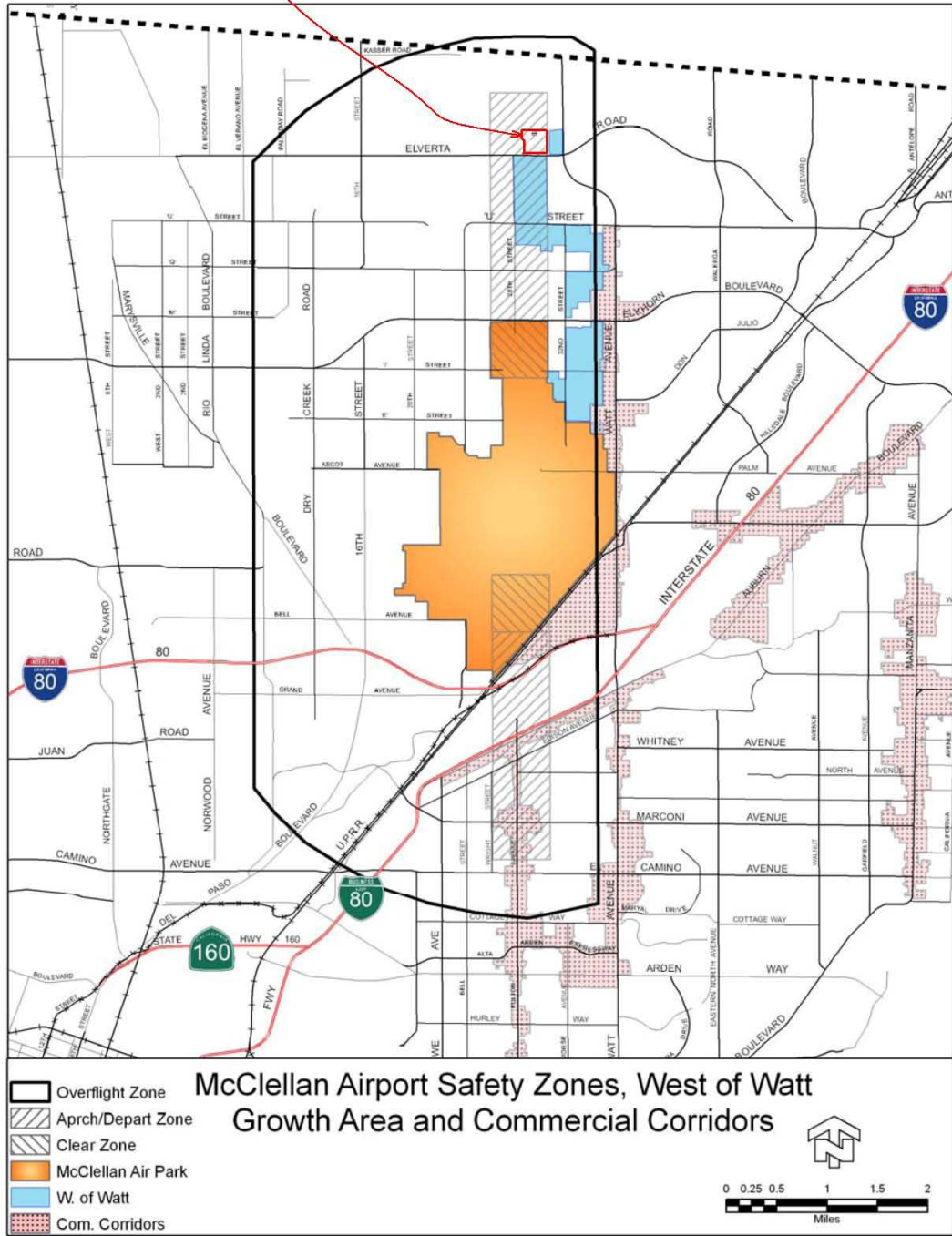
916-308-2904

file://P:\2002\02-0105 GENERAL PLAN UPDATE\Correspondence\3. DEIR\Morgan, Keit... 6/8/2009



APN 203-0050-056

Plate LA-10 McClellan Safety Zones



Letter 54

**Keith Morgan, individual; written correspondence; May 4, 2009**

**Response 54-1**

Although an update to the McClellan Comprehensive Land Use Plan (CLUP) has been in process for many years, and does contain amended safety and noise contours, this updated CLUP has not been adopted. The impacts of a proposed project must be compared to the existing CLUP that is adopted and in effect at the time of DEIR preparation.

**Response 54-2**

The West of Watt New Growth Area boundary shown on the referenced DEIR exhibit is correct, as confirmed by Sacramento County Planning and Community Development staff (D. Defanti). The area circled in red on your exhibit is not within the West of Watt New Growth Area.

Letter 55

**Unknown**

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**From:** Maulit, Justin (MSA)  
**Sent:** Monday, July 27, 2009 3:52 PM  
**To:** Hocker, Lauren (MSA); Barry, Toni (MSA)  
**Subject:** FW: Draft EIR issue

-----Original Message-----

From: mtrom [mailto:mtrom@mycidco.com]  
Sent: Monday, July 27, 2009 4:25 AM  
To: DERA (Web Page)  
Subject: Draft EIR issue

55-1

In regard to the plan to open up the Jackson Road Corridor to high-density housing, I wish to be on record as opposed to this. I am a resident on Jackson Road.  
Mary Mort

Letter 55

**Mary Mort, individual; written correspondence; July 27, 2009**

**Response 55-1**  
Comment noted.



Letter 56

**Comments on Sacramento County General Plan Update DEIR  
By James Rae, June 4, 2009**

- 56-1 Pgs. 9-15 to 18. Significance Criteria
- This section indicates that the significance level for unincorporated Sacramento County is LOS E for urban areas or a 5% increase in the V/C ratio. Other jurisdictions mentioned: Citrus Heights, Elk Grove, Folsom, Rancho Cordova, City of Sacramento, etc have higher standards of LOS D or C and 5 to 2% increases in V/C.. Why are motorists in the unincorporated area of Sacramento County considered second class citizens?
- 56-2 Pg. 9-27, 28 Impact: Proposed Policies
- My concern is that the feasibility language added to CI-7 is different than the feasibility language in the old CI -22. LOS is defined by Volume/Capacity ratios (V/C). The feasibility in CI-22 refers to Volume reductions while the feasibility in CI-7 refers to Capacity improvements. Why not keep the language in CI-22 if no changes are intended? The new CI-7 also omits reference to the Board of Supervisors determining feasibility.
- 56-3 Pg. 9-89 Thoroughfare Downgrade Alternative
- This section is misleading when it states:  
“This Alternative has fewer impacts than the proposed General Plan Update has on several roadways, including Fair Oaks Boulevard and Hillsdale Boulevard.
- Plate TC-20 (TD ALT 2030) shows more Los F segments on Fair Oaks Blvd. than Plate TC-6 (Project 2030) which seems to indicate there are more impacts not fewer. Plate TC-22 also shows a significant LOS impact on FOB.
- 56-4 Pg. 9-129 Recommendations states:
- “The automobile traffic that results from the increase in holding capacity of the proposed General Plan (both housing units and employment) results in extensive LOS deficiencies, delay, and congestion throughout the unincorporated County and other jurisdictions, affecting the mobility of existing and future residents, employees, and visitors. This growth in automobile traffic, delay, and congestion also results in other environmental effects, such as air quality degradation. To mitigate these effects to the greatest extent possible, it is imperative that the County diligently implement smart growth principles through stringent guidelines and project review.”
- Would not a No Growth Policy be better than imposing these types of adverse environmental impacts on established communities thru Smart Growth?

Letter 56

**James Rae, individual; written correspondence; June 4, 2009**

**Response 56-1**

This is a comment on the Project, not a comment on the adequacy of the DEIR analysis. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

**Response 56-2**

This is a comment on the Project, not a comment on the adequacy of the DEIR analysis. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

**Response 56-3**

This comment is correct that the text erroneously calls out Fair Oaks Boulevard as a roadway with fewer impacts in the Thoroughfare Downgrade Alternative. This statement has been corrected in the FEIR.

**Response 56-4**

Mitigation must be roughly proportional to the impact described, and cannot alter the nature of the Project as fundamentally as this comment suggests. Although CEQA does provide for the creation of Alternatives that do recommend significant fundamental changes, even these must feasibly attain most of the basic Project objectives (CEQA Guidelines Sections 15126.4 and 16126.6). The Project objectives are listed within the Project Description chapter. A zero growth strategy would fail to achieve most of the listed objectives, including the most basic objective to accommodate projected Blueprint growth.

Letter 57

**Comments on Sacramento County General Plan Update DEIR  
By James Rae, June 30, 2009**

57-1

Pg. 9-57 TC-3 Smart Growth Streets (SGS) Program

Attachment C to Staff Report for 6/22/09 County Planning Commission Meeting proposes four pages of language recommended for inclusion in the GP Update per TC-3. I agree with most of the proposals to improve sidewalks, bike lanes, streetscape, and drainage facilities and to limit driveway access. I am concerned with some of the proposed policies under the objective:

**“Objective:** Create communities and corridors using a holistic perspective when considering land uses and the design context of street and corridor improvements.”

The discussion in this objective and policy SS-8 imply that it may be acceptable to plan for and tolerate motor vehicle congestion at LOS F on SGS. I do not agree because LOS F is the worst level of service and will have many adverse impacts such as pedestrians waiting longer to cross the street, bicycles competing with auto traffic in turn lanes, transit busses stuck in traffic, increased air pollution due to stop and go traffic, and autos diverting to adjacent neighborhood streets thus increasing VMT due to circuitous routings.

The most critical adverse impact of planning for LOS F will be that it is not compatible with Smart Growth. Higher density land use brings with it more auto trips and if there is no capacity on the SGS infill development will be discouraged.

Were the adverse impacts of the proposed SGS policies considered in the DEIR? It seems they were developed after the DEIR was completed.

On a more positive note I suggest adding the italicized wording to:

SS-10. The County is encouraged to quantify and measure pedestrian, bicycle and transit levels of service in addition to motor vehicle level of service to support and encourage overall mobility through improvement to all modes of travel *in proportion to the amount of usage of each mode.*

Thank you for the opportunity to comment.

Letter 57

**James Rae, individual; written correspondence; June 30, 2009**

**Response 57-1**

The DEIR does include a discussion of the impacts of adopting a mobility standard that could result in unmitigated roadway level of service impacts. Refer to the discussion beginning on page 9-53 of the DEIR.

Letter 58

Judith Waegell  
The Waegell Family  
7700 Eagles Nest Road  
Sacramento, CA 95830  
916-423-1771 judy@waegell.org

July 27, 2009

Chair Kathilynn Carpenter  
Sacramento County Planning Commission  
700 H Street, Suite 2450  
Sacramento, CA 95814

Re: Draft General Plan Update

Thank you for the opportunity to comment.

**Jackson Highway Visioning Study:**

58-1

LU-17 The County will initiate and lead processes (including Community Plans, Specific Plans, Comprehensive Plans, etc.) to plan for development within the Jackson Highway Area, as illustrated in Figure 7. The resulting plans must be consistent with the vision plan resulting from the Jackson Visioning Study Area effort.

**DEIR GPU Page 3-20**

The stated purpose of the Visioning is to ensure a longer-view and more integrated approach to planning in the area. This southeastern portion of the County contains a significant amount of biological resources, preservation areas, farmlands, and other important resources, and it was decided that in order to plan the nearer-term Jackson Highway Corridor appropriately, it would be necessary to know about the greater Jackson Highway reach all the way to the Urban Services Boundary. The Visioning is an information-gathering process. According to the Planning Department, the final product will be one that the Board will endorse. Any future development within the area would thereafter need to be consistent with the principles and other guidance in the Visioning study. The Jackson Highway Corridor Visioning has been initiated ahead of the completion of the General Plan Update process, at the behest of the Board.

*(Highlighting added)*

The sections quoted above are examples of the dated information in the GPU and DEIR relating to the JHVS that do not reflect that the JHVS was "received & filed" by the Board of Supervisors not "endorsed" as was assumed by this document. *Please note that approximately 2 weeks after receiving and filing the JHVS the BOS approved a project that was not consistent with the JHVS.*

To quote from George Phillips comments relating to the Visioning in his letter of July 13, 2009 to the Planning Commission.

- Relationship Between Jackson Highway Visioning Effort and GPU is Confusing

*Judith Waegell*  
*The Waegell Family*  
7700 Eagles Nest Road  
Sacramento, CA 95830  
916-423-1771 judy@waegell.org

58-1  
cont'

- The JVHS Conceptual Vision Maps were not Endorsed by the Board.

We request the Planning Commission recommend to the Board of Supervisors:

- The sections the General Plan relating to the Jackson Road Visioning Study be re-written to reflect that the Board of Supervisors action on the JHVS was to receive & file the study not "endorse" it as was assumed by the current documents. The DEIR should then be revised to reflect the revision.

Sincerely,  
Judith Waegell

Letter 58

**Judith Waegell, individual; written correspondence; July 27, 2009**

**Response 58-1**

The referenced section of the DEIR has been updated for the FEIR.

Letter 59

John P. Wiedmann  
861 E. Bennett Avenue  
Glendora, CA 91741

July 8, 2009

RECEIVED  
JUL 13 2009  
PLANNING DEPT.  
County of Sacramento

Commissioner Kathilynn Carpenter, Chair  
Planning Commission  
Sacramento County  
700 H Street, Suite 2450  
Sacramento, CA 95814

Re: Sacramento County 2030 General Plan Update (GPU)  
Request for the Wiedmann Property in Courtland

Dear Commissioner Carpenter:

During the last Planning Commission hearing on the GPU, Mr. Randall Schaber testified on my behalf of my family's property Courtland. I thank you for considering his remarks.

I must say I am astonished by the lack of notice given to property owners regarding proposed changes County Planning Staff (Staff) has proffered for various properties as well as lack of notice given regarding these hearings. As you can see, I live outside Sacramento County and had it not been for Mr. Schaber, I would not have known your Planning Commission hearings were underway.

My family currently owns approximately 34 +/- acres of property partially surrounded on three sides by existing development in Courtland. We have owned this land since 1930. The current General Plan designates approximately 20 +/- acres of the western end of our property for "Low Density Residential" (LDR) land use. This land use designation has been in place since Sacramento adopted its very first General plan about 45 years ago.

The exact location of the LDR line as it falls on our property was the subject of considerable debate between Staff and the Board of Supervisors during its consideration of the proposed Courtland SPA. The SPA outlined an area (subsequently termed the "bubble") was intended to mimic the LDR line shown on the current Sacramento County General Plan. However, that "bubble" line as drawn by Staff in the Courtland SPA encompassed considerably less acreage of my family's property than that shown in the General Plan (5.0 +/- acres as opposed to 20.0 +/- acres).

In January of 2008, the Board of Supervisors voted unanimously in support of our position regarding the correct location of the boundary line and agreed it encompassed 20 of the 34 +/- acres. .

For the record, I have attached some of the correspondence and evidence the Board considered in making its determination.

59-1



59-1  
cont'

Now, Staff has proposed downgrading our current GP Land Use designation from "Low Density Residential (1-12 units per acre) to "Agricultural-Residential" (1-10 acres per unit) without any mention of the Board's previous hearing, discussion and final action. The justification for Staff's recommendation is that the revisions would reflect existing zoning. We feel this is highly unusual for a General Plan "policy" document and Land Use Diagram. If anything, Staff has an obligation to bring our zoning into alignment with the General Plan as it has existed in all previous GP's and as specified by State law requiring zoning consistency.

Furthermore, there is a new element proposed for inclusion in the draft GPU entitled the Delta Protection Element. It is intended to compliment the provisions of the Delta Protection Act. The Element is very important for preserving certain interests in the Delta, but also is intended to implement the goals and objectives of counties to ensure modest economic development in some of the Delta towns for their long term viability. Given the importance of this new GP Element, we will be providing comments on the proposed Delta Protection Element for the Commission's review and consideration under separate cover.

Needless to say, we strongly oppose Staff's proposed revision to the GPU Land Use Diagram for our property and request the Commission retain the existing land use designations as shown in the adopted General Plan for our property. We are disturbed by Staff's continued efforts to adversely affect our land use entitlements as well as its lack of communication of the facts to your Commission.

If you have any questions or require additional information, please call me at (626) 963-7202.

Sincerely,



John P. Wiedmann

Cc Commissioner Joe Debbs  
Commissioner Greg Peterson  
Commissioner Howard Yee  
Paul Hahn, County Executive's Office  
Rob Sherry, Planning Director

Randall M Schaber

Attachment  
J. Wiedmann  
July 8, 2008

## **THE COURTLAND SPA BOUNDARY**

### **THE ISSUE AND IMPORTANCE**

#### **Introduction**

During development of the draft Special Planning Area (SPA) Ordinance for the community of Courtland, a key question was raised relative to what should constitute the boundary of the area to be covered by the proposed Ordinance.

Several proposals were suggested including using physical boundaries such as roads, Assessor Parcels based upon ownership and/or boundaries developed by planning staff based upon their interpretation of the adopted Sacramento County General Plan Land Use Diagram that depicts a Commercial and Low Density Residential development “footprint” for Courtland.

The boundary developed by the Planning Department based upon their interpretation of the adopted General Plan is the SPA boundary currently being proposed as the basis for the area subject to the Courtland SPA.

Over the past year, the representatives for the property owned by the Wiedmann Family Trust have questioned the accuracy of the boundary line as drafted due to the lack of supporting documentation or logic. During this time, staff has received new information regarding the inaccuracy of their initial zoning maps for the property as well as historical documentation relative to previous planning efforts in Courtland they were unaware of at the time they “interpreted” the General Plan Diagram in developing their proposed boundary.

While planning staff did revise exhibits regarding the Wiedmann’s correct zoning, the SPA boundary was never revised and remains a subject of dispute.

Given the staff’s contention that the SPA boundary represents the General Plan, particularly as it reflects Low Density Residential land uses in Courtland, it is an important policy issue for the SPA boundary to be accurately depicted as it will codify, for the first time, a more specific placement of the existing and historic General Plan Land Use Diagram designations in the Courtland community.

#### **Background**

The issue of the SPA boundary was first presented after County planning staff produced and exhibit said to have been prepared by the County Cartography Department by

superimposing the General Plan Land Use Diagram over the Assessor Parcel Maps for the Greater Courtland Community.

It immediately became apparent that there were errors with the boundary line exhibit in that the line as drawn resulted in properties zoned for Low Density residential uses ( i.e. RD and Ag-Res) are shown outside the Low Density Residential designation and in the General Agriculture designation of the General Plan. This, therefore, would suggest that the zoning of certain properties in Courtland are inconsistent with the General Plan; an issue that should have been addressed over the year as the planning department is required to conduct hearings to correct such Zoning and General Plan inconsistency to bring the two into compliance with one another.

These inconsistencies between Zoning and General Plan designations have been explained as merely a result of the General Plan being very general and “inaccurate” due to the scale of the Land Use Diagram. However, at the same time, planning staff now advocates its use to establish the more specific boundary shown in the draft SPA. Further, staff has ignored the historical facts documented to establish the original development boundary for Courtland by proposing to base it purely upon a drafting interpretation.

Representatives of the Wiedmann Family Trust believe the boundary line as drafted ignores the historical planning efforts and zoning implemented prior to the very first Sacramento County General Plan.

#### **Planning History**

The history of planning efforts leading up to the development of the original urban footprint can be best summarized as follows:

1. **July 11, 1956**-Sacramento County Board of Supervisors adopts Ordinance No. 534 establishing “The Basic Zoning Ordinance” of Sacramento County.
2. **1963**-Sacramento County Planning Department prepares the “South West Area Land Use Plan” covering 140 square miles of the Delta, including the communities of Courtland, Franklin and Hood. The Development area clearly shows all of the Bates Elementary school ( zoned RD-5) and the portion of the Wiedmann property (zoned AR-10) within the development area of Courtland
3. **January 7, 1964**-Sacramento County Planning Commission adopted resolution 262 recommending to the Board of Supervisors the approval of the South West Area Plan and the adoption of new zoning maps for Courtland.
4. **February 26, 1964** - Board of Supervisors adopted Ordinance No. 832 (amending the County Zoning Ordinance 534) to implement the comprehensive zoning maps for the South West Area Plan. This action changed the zoning on 20 +/- acres of the Wiedmann property to A-10 (the zone line falling midway between Bates Elementary School and Wilson Road). The intent of the plan for

property with A-10 zoning is found in the “Adoption and Effectuation” section of the Plan which states, “Most of the areas placed in the A-10 or A-20 zoning districts are expected to urbanize in the foreseeable future. The zoning patterns adopted for the three towns of Hood, Courtland and Franklin generally conform to the existing land use and are designated to encourage development within the towns before expanding into the surrounding agricultural areas.” (emphasis added)

5. **May 11, 1964** -Board of Supervisors adopts the Southwest Area plan by Resolution No. 64-657. The land use plan is the first representation of the “development” footprint for Courtland and includes all the Wiedmann property zoned A-10 by previous Board action.(See Exhibit A)
6. **1965**- Sacramento County approves its first County General Plan depicting the boundary of the development footprint adopted for Courtland using the Southwest Area Plan map and associated rezones.

This documentation clearly establishes the foundation for the original General Plan Land Use Diagram developed for Courtland particularly as it pertains to the Wiedmann property.

As planning Staff has stated, all subsequent General Plans for Courtland reflect the original land use designations shown in the County’s first General Plan. With respect to the Wiedmann property, there have been no changes in the property’s zoning that would justify any changes in the fundamental planning assumptions for the adopted General Plan designations for the Wiedmann property.

Although planning staff may argue that the General Plan diagram is subject to errors due to drafting, the underlying assumptions for the urban boundaries are well documented. Furthermore, the adjustment of the staff proposed boundary to include the “RD” and “Ag-Res” zoned property resolves the inconsistency between the adopted General Plan and approved zoning that currently exists with the planning staff drafted boundary.

#### **Issue Importance**

Representatives for the Wiedmann property believe it is very important for the Courtland SPA to be approved and are on record in being in support of the Ordinance.

However, given the significance of the SPA boundary and the precedent it will set relative to the future interpretation of the existing General Plan, it is imperative for the boundary to be accurate and based upon appropriate documentation rather than simple draftsmanship.

The boundary is not only important due to land use planning and General plan consistency, but it will also constitute the potential area exempted from the Delta Protection Act (DPA). Currently, the DPA is being revised and it is vital that the General

Plan residential footprint remain consistent with that adopted prior to establishment of the DPA in 1992.

**Conclusion**

The Wiedmann property has been the focus of many historical planning efforts including being part of the “Bates-Smith addition to Courtland” plat map recorded in 1921 ( 31 residential units on the Wiedmann property) and receiving Planning Commission approval for another 6 acres of the property for a new school on April 16, 1969.

Although the residential lots and school were never built, the prior development approvals confirm the past planning views at least as they pertain to the 20 +/- acres of the zoned portion of the Wiedmann property.

Therefore, all property zoned with either Ag-Res or Low density Residential zoning should be included in the boundary for the SPA and such revised boundary should be determined as the accurate reflection of the General Plan.

Letter 59

**John Wiedmann, individual; written correspondence; July 13, 2009**

**Response 59-1**

This is a comment on the Project, not a comment on the adequacy of the DEIR analysis. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

Letter 60

Robert S. Willett  
1241 E1 Sur Way  
Sacramento, CA 95864

Project Planning Commission  
Meeting, July 24, 2009

All Comment 60-1

Gentlemen;

With my wife, I have resided at the above address for the past 37 years. Our home is in the area known as Arden Park. Before that we resided at 3605 Las Pallas Way, which also is in Arden Park; for a total of 51 years.

I am retired, having practiced law for 48 years. I am concerned about the phased amendment to the County's General Plan. The amendment proposed fails in my judgement, fails to adequately protect the Arden Park and Arden Oaks areas. In fact reading the land use portion of the proposed plan fails to mention what is proposed for the Arden areas. I can only assume it is an intentional failure. (Chapter 3, of Volume 1 of the draft environment impact report)

Why the mystery? The subdivisions in the areas mentioned have long been important home sites for Sacramento County residents. A rumor we have heard is, that the Arden areas mentioned are to be planned for high density residential. A scary development idea,

We don't want any such development. As you know, the Arden area developments don't have sidewalks. We don't want them. It will ruin our neighborhoods. We enjoy large lots - we like it that way.

Don't think for one moment we won't vigorously oppose any proposal to create a different housing style in the Arden areas.

To protect our area, we propose the following amendment to the proposed General Plan - it is needed to protect our life style and investments.

Add the following language to the Land Use portions of the proposed General Plan update:

"Notwithstanding any provision of this General Plan, to the contrary, sidewalks shall not be required in the Arden Park and Arden Oaks subdivisions. Further, no dwelling in the Arden Park and Arden Oaks areas shall exceed two stories. The only exception to this height limitation shall be if the structures are presently of greater height when the General Plan is adopted.

Any amendment to this section shall not be effective unless adopted by a four-fifth vote at the Board of Supervisors. "

Thank you. I am Robert S. Willett



Letter 60

**Robert Willet, individual; written correspondence; July 27, 2009**

**Response 60-1**

The description of the Project is found within the Project Description chapter (Chapter 2), not within the Land Use chapter. As shown in Plate PD-6, there are several Commercial Corridors proposed within the Arden Arcade community area. These Commercial Corridors overlie areas that are already zoned and/or developed for commercial, multiple-family, or higher density residential uses. The final recommendation within this comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

## **Oral Comments: Sacramento County Planning Commission on June 8, 2009**

## ORAL COMMENT 1

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### **George E. Phillips, Law Offices of George E. Phillips; oral comment; June 8, 2009**

*There are a significant number of policies to consider. It is challenging to determine how these policies will impact the feasibility, financial and otherwise, of development. For instance, can you stack easements, so that you can set aside one land area that satisfies mitigation for agriculture, Swainson's hawk, and other impacts? The expansion of protected agriculture classifications, plus a 1:1 mitigation requirement is also of concern. There is also concern about the use of policies as mitigation measures, as it may tie the County's hands. As an example of the problems with this approach, Mitigation Measure LU-1 reduces impacts to less than significant levels, which makes it difficult then to not adopt that measure.*

#### **Response**

Comment noted. As a point of clarification, Mitigation Measure LU-1 does not reduce impacts to less than significant levels. Impacts remain significant and unavoidable even with mitigation. CEQA Guidelines Section 15126.4(a)(2) specifically states that when the project under consideration is a plan or policy document, mitigation can be incorporated as policy.

## ORAL COMMENT 2

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### **Tim Taron, Lennar Homes; oral comment; June 8, 2009**

*At this time, we simply wish to request that the public comment period remain open until June 22, 2009, at which time Lennar Homes will be prepared to make comments.*

#### **Response**

Comment noted. The comment period was not closed at the June 8, 2009 hearing.

## ORAL COMMENT 3

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### **Bruce Walters, MacKay and Somps; oral comment; June 8, 2009**

*The amount of information is overwhelming. We need to make sure we take the time to get this right, because the General Plan is so important.*

#### **Response**

Comment noted.

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ORAL COMMENT 4**Dennis Rogers, North State Building Industry Association; oral comment; June 8, 2009**

*It is disingenuous to state that the General Plan is well-vetted. The Draft EIR has only been available since May 1, and the staff report that includes all of the Planning Department recommendations has only been out for about a week. There hasn't been sufficient time to review the information. The Draft EIR mitigation will increase costs and add barriers to development. Infill should be supported through incentives for infill, not disincentives for greenfield development. Many General Plan policies will cause significant increases in costs. The Commission needs to consider ways to minimize the costs of the General Plan policies. It is important to note that while all market costs have gone down in response to the economic downturn, the local government costs incurred by development have not decreased.*

**Response**

Comment noted.

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ORAL COMMENT 5**Randy Schaber, The Schaber Company; oral comment; June 8, 2009**

*The General Plan has been a moving target, so it has really only become a document worthy of review as of the initiation of these hearings. There are several errors within the General Plan, one of which is that it assumes Grant Line East is a 6-lane road, although it is being contemplated as an 8-lane road. It also shows the wrong alignment for Waterman Road. These corrections should be made and reflected in the EIR.*

**Response**

Comment noted. The Sacramento County Department of Transportation is aware of some corrections that need to be made to the Transportation Plan of the General Plan, though altering Grant Line Road to an 8-lane capacity is not one of them.

## ORAL COMMENT 6

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### **Chris Holm, Walk Sacramento; oral comment; June 8, 2009**

*Wide streets increase noise volumes and traffic speed, making streets less pedestrian-friendly. We support downgrades as a rule, and the downgrade of Dry Creek Road in particular. Many jurisdictions are pursuing a planning approach where the roadways are smaller, and it does work. We also support lower speed limits.*

#### **Response**

Comment noted.

## ORAL COMMENT 7

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### **Bob Bastian, individual; oral comment; June 8, 2009**

*I support the downgrade of Dry Creek Road to two lanes, and also support the ongoing efforts with the Sacramento County Department of Transportation to improve safety on the road.*

#### **Response**

Comment noted.

## ORAL COMMENT 8

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### **Jerry Bridges, individual; oral comment; June 8, 2009**

*I support the downgrade of Dry Creek Road to two lanes.*

#### **Response**

Comment noted.

## ORAL COMMENT 9

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### **Sharon King; oral comment; June 8, 2009**

*I want to see Dry Creek Road designated as a two-lane road, and oppose a four-lane version. As part of the downgrade, Sacramento County should abandon the existing recorded right-of-way areas for the four-lane version.*

#### **Response**

Comment noted.

## ORAL COMMENT 10

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### **Karen Klinger; oral comment; June 8, 2009**

*The General Plan and other planning efforts are promoting high density at the expense of existing single-family communities and to the detriment of air quality. I am concerned about how smart growth will affect my community.*

#### **Response**

Comment noted.

## ORAL COMMENT 11

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### **Charlea Moore, individual; oral comment; June 8, 2009**

*I support using federal stimulus money to build a 16<sup>th</sup> Street causeway over Dry Creek Parkway. The building of this causeway will cause fewer impacts than the expansion of Dry Creek Road.*

#### **Response**

Comment noted.

## ORAL COMMENT 12

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### **James Rae, individual; oral comment; June 8, 2009**

[Mr. Rae read from his comment letter dated June 4, 2009. Refer to that letter.]

## ORAL COMMENT 13

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### **Marlene Robillard-Ramatici, individual; oral comment; June 8, 2009**

*I am here on behalf of those who signed a petition related to the downgrade of Dry Creek Road. The most reasonable approach is to widen 16<sup>th</sup> Street, not Dry Creek Road. There are many schools along Dry Creek Road, and conditions are already dangerous for children walking to school in the area because of the speed limit and the unimproved state of the roadway.*

#### **Response**

Comment noted.

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ORAL COMMENT 14

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**Amy Sterzik, individual; oral comment; June 8, 2009**

*I support the downgrade of Dry Creek Road to two lanes. Draft EIR page 2-85 concludes less than significant on displacement of housing, as justified by a total increase in housing resulting from the project. This seems inappropriate. On pages 9-23, 2-19, and 2-7: I want to see more definition of what a 2-lane road is exactly (speed limits, etc). I don't see any justification provided for the noise levels that will be generated. You will also be subjecting people to higher air quality emissions. Why can't we get stimulus money for the financing of the 16<sup>th</sup> Street widening?*

**Response**

Comment noted. See Response 48-2.

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ORAL COMMENT 15

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**Judith Waegell, individual; oral comment; June 8, 2009**

*I support the staff recommendation to remove a portion of the Jackson Highway Corridor New Growth Area, because it isn't developable. I also support the downgrading of Eagle's Nest Road. The forecasted Levels of Service demonstrate that a four-lane roadway is not necessary.*

**Response**

Comment noted.

## **Oral Comments: Sacramento County Planning Commission on June 22, 2009**



## ORAL COMMENT 1

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### **Tim Taron, Hefner, Stark, and Marois; oral comment; June 22, 2009**

[Mr. Taron repeated the points raised in a letter submitted during the hearing. Refer to the letter dated June 18, 2009.]

## ORAL COMMENT 2

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### **John Costa, North State Building Industry Association; oral comment; June 22, 2009**

*Changes in standards, increases in mitigation costs, and other policy-related costs are of concern to the Building Industry Association. We plan to have discussions about these issues with staff, so that we can be well-informed when we return to speak on July 13<sup>th</sup>.*

#### **Response**

Comment noted.

## ORAL COMMENT 3

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### **Jordon Lang, Sacramento Area Bicycle Advocates; oral comment; June 22, 2009**

*We are concerned that the General Plan is not consistent with smart growth, and we do not support it. We do support the Mixed Use Alternative to the project, and heartily support the direction to have a smart growth streets program – but how will it be decided what areas are smart growth streets? When will those areas be shown on the General Plan, and will we have time to provide input? We also support the complete streets concept (fewer vehicle lanes, separated sidewalks, no continuous right turn lanes, etc), but that concept does not appear to be within General Plan policies or within County Improvement Standards.*

#### **Response**

This is a comment on the Project, not on the adequacy of the EIR. This comment has been forwarded to the hearing body and the Planning Department for consideration. Comment noted.

## ORAL COMMENT 4

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**Charlotte Mitchell, Sacramento County Farm Bureau; oral comment; June 22, 2009**

*Agriculture in Sacramento County is a 357 million-dollar industry. It's an economic engine for the County, and also supports complementary objectives such as the Air Quality Element, and habitat preservation. Though mitigation for agricultural lands is good, it's important to remember that it still results in a net-loss of farmland.*

**Response**

Comment noted.

## ORAL COMMENT 5

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**Randy Schaber, The Schaber Company; oral comment; June 22, 2009**

*I appreciate the extra time to absorb and look at the materials. There are several thousand pages of materials to review. This is a daunting task. It is important to be cautious about unintended consequences, and I have several examples of this caution. The adoption of the existing Mather Airport Comprehensive Land Use Plan noise contour line precluded residential development on a property that I was working with the owners on developing. As a result, that property was developed with a golf course. Now we are talking about moving that line back, so the property will no longer be within the line. Perhaps that property could already have been developed with other uses by now, if it weren't for that prior decision. Similarly, the same project (Silver Springs) would have been inconsistent with proposed LU-13. It could never have been developed if that policy were in place. Regarding agricultural issues, there was a proposal to build wetlands for mitigation, but as it turns out the land they wanted to do this on was farmland. So you end up having to mitigate for loss of farmland, in order to mitigate for loss of wetlands. The General Plan also considers revising the land uses in Courtland from single-family residential, a designation that has consistently been applied to the area through many previous planning decisions, to agricultural instead.*

**Response**

Proposed policy LU-13 is a modification to existing General Plan policy. The existing policy LU-7 reads: "The County shall not approve land use projects which are for noncontiguous development, i.e. leapfrog". Proposed policy LU-13 reads: "The County will promote new urban developments within identified growth areas and prohibit land use projects which are for noncontiguous development, specifically proposals outside of the Urban Policy Area (i.e., leapfrog development)." The fundamental premise of the modified policy remains unchanged from existing language: noncontiguous development shall be prohibited. Comment noted.

## ORAL COMMENT 6

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### **Chris Holm and Anne Geraghty, WalkSacramento; oral comment; June 22, 2009**

[The testimony was given separately, but has been combined here because the themes were similar and both represented the same organization]. *We support the recommendation by staff to downgrade Dry Creek Road. It is also important to look generally at high volume roadways relative to their proximity to schools, so that we can improve overall safety. Walk Sacramento finds after reviewing the project that there are many beneficial policies to support, which include [only a sample of the cited policies is shown here] LU-29, LU-34, LU-36, LU-39, and others as shown in Chapter 9 of the EIR. We do have concerns that the General Plan does not implement these policies as it should. LU-23 and LU-24 talk about a jobs-housing balance, but there is something preventing implementation of those policies. A jobs-housing balance should be a 1:1 ratio, but if you look at the General Plan growth you find that West of Watt has a ratio of .21 or .96 depending on the page.*

*We appreciate the DEIR because it discloses impacts we would not have seen. It's in fact funny to call these roadway "downgrades", because they are in fact "upgrades" for pedestrians. Our roadways are obese, and as a result are not good for pedestrians. A total of 59 of the roads within Table TC-14 of the EIR qualify for study, to determine whether a roadway "diet" would be appropriate. One problem observed is that this EIR, like many others, relies only on levels of service, and does not take into account other factors such as speeds.*

#### **Response**

See the various responses to the letter subsequently submitted by WalkSacramento, dated July 13, 2009.

## ORAL COMMENT 7

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### **Randall Aeschliman, individual; oral comment; June 22, 2009**

*This issue of the widening of Dry Creek Road has caused my wife and me significant emotional hardship. I am here to deny the extra 12 feet of right-of-way on Dry Creek Road. During the Elverta Specific Plan I was told it would be a four-lane road and that the homes would be purchased. Then based on the language of the adopted Elverta Specific Plan, I thought that was gone – until I tried to get a building permit. Then I was told that I'd have to give up the 12 feet of right-of-way. I want this right-of-way abandoned.*

#### **Response**

Comment noted.

## ORAL COMMENT 8

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### **John Bullinger, individual; oral comment; June 22, 2009**

*I built a pond on my property that is 200 feet from Dry Creek Road, and it supports wildlife, and so does the greenbelt behind my home. Widening the street will negatively impact this wildlife. Widening 16<sup>th</sup> Street makes more sense. There are existing high tension power lines on 16<sup>th</sup> that already discourage wildlife, and make residential development along there unwise anyway.*

#### **Response**

Comment noted. See Response 48-2.

## ORAL COMMENT 9

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### **Roxanne Fuentez, individual; oral comment; June 22, 2009**

[Ms. Fuentez read the letter she submitted. Refer to the letter dated June 22, 2009.]

## ORAL COMMENT 10

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### **Sharon King, individual; oral comment; June 22, 2009**

*A downgrade to two lanes seems like it solves everything, but a collector is not the same as a street. A collector is a baby arterial. I want a 30-foot right-of-way on Dry Creek Road, and a four-lane arterial on 16<sup>th</sup> Street.* [Ms. King also read from her letter. Refer to the letter dated June 21, 2009.]

#### **Response**

Comment noted.

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ORAL COMMENT 11

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**Karen Klinger, individual; oral comment; June 22, 2009**

*Residents are not being given the truth about how the General Plan will affect them. The fiscal impact of these arterial redevelopments will be borne by residents, not the County. The General Plan is all about changing single-family neighborhoods into multi-family developments. There will be 760 more housing units in my neighborhoods, and there are many neighborhoods that aren't even shown or talked about in the General Plan. There has not been proper outreach. I highly opposed corridor plans for arterial streets in the Arden Arcade area. Because the board can make four changes a year the DEIR is inadequate and incomplete. Air quality related to transportation of goods through Arden Arcade has not been discussed.*

**Response**

Comment noted. An air quality analysis was performed for the project, which was based on the traffic study prepared for the General Plan. Refer to the Air Quality chapter.

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ORAL COMMENT 12

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**Hal Miller, individual; oral comment; June 22, 2009**

*I support a four-lane 16<sup>th</sup> Street, and a two-lane Dry Creek Road. The 16<sup>th</sup> Street option is a much more direct route, and it doesn't go by multiple schools like Dry Creek Road does. The Rio-Linda Elverta Community Plan policies talk about making it possible for children to walk to school safely.*

**Response**

Comment noted.

## ORAL COMMENT 13

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### **Marlene Robillard-Ramatici, individual; oral comment; June 22, 2009**

*I'm here to support the downgrade of Dry Creek Road, and to submit an additional petition on the subject. We've always opposed the use of Dry Creek Road, and would like to point out that in fact the Placer Vineyards project in Placer County relies on 16<sup>th</sup> Street as the "gateway". Despite this, because 16<sup>th</sup> isn't connected with a bridge across the Dry Creek Parkway, all of these trips will end up on Dry Creek Road. Why hasn't the Department of Transportation done an EIR on the effects of Placer County traffic on Dry Creek Road, or on widening 16<sup>th</sup>? The Metropolitan Transportation Plan shows 16<sup>th</sup> Street, not Dry Creek Road as the four-lane connector. Furthermore, there will be far fewer houses affected by the widening of 16<sup>th</sup> Street than there would be for the widening of Dry Creek Road. And as for the statement that 1/3 of the traffic would travel on Dry Creek Road, well that's only a theory. This is dangerous for our children, because this road is unimproved.*

#### **Response**

Comment noted. An EIR or other form of CEQA document is prepared to analyze the impacts of a Project, as defined by the CEQA Guidelines. The Lead Agency and/or Responsible Agency publishes the CEQA document. An EIR was not prepared by the Department of Transportation to analyze the impacts of the Placer Vineyards project because the Department of Transportation was neither the Lead nor the Responsible Agency for the project – Placer County, acting as Lead Agency, published an EIR for that project. The widening of 16<sup>th</sup> Street would be a Sacramento County project subject to CEQA, but a CEQA document would not be prepared until construction plans to improve the roadway were prepared and submitted for review.

## ORAL COMMENT 14

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### **Amy Sterzik, individual; oral comment; June 22, 2009**

*I support the downgrade of Dry Creek Road. This has been an ongoing issue for a decade. My neighbors and I opposed the Elverta Specific Plan. Community members have been very active and impassioned about this. There are impacts to safety, noise levels exceed the 60 dB standard, emissions exceed the 65 lb/day threshold, butterflies cross this road, and there are lots of other wildlife species in the area. There are 45 driveways impacted by the widening of Dry Creek Road, but only 15 impacted by a 16<sup>th</sup> Street widening. Plus, 16<sup>th</sup> Street is a direct route that doesn't require turning onto other roads to get to I-80, or making a left turn right on the same corner as a high school.*

#### **Response**

Comment noted. Also refer to Response 48-2.

## ORAL COMMENT 15

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### **Frank Villalobos, individual; oral comment; June 22, 2009**

*Is there a limit to the number of people that can hook up to water? What are the impacts of all this growth, and water use, on existing residents? This is completely irresponsible. Why isn't any of this considered?*

#### **Response**

Chapter 6 of the Draft EIR addresses increased demands for water service throughout the County, including disclosure of existing water use, water supplies, and increases in demand as a result of the project; please refer to this chapter.

## ORAL COMMENT 16

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### **Judith Waegell, individual; oral comment; June 22, 2009**

*I support the recommended downgrade of Eagle's Nest road, and though the devil is in the details, I also support the smart growth streets concept.*

#### **Response**

Comment noted.

## **Oral Comments: Sacramento County Planning Commission on July 13, 2009**



#### ORAL COMMENT 1

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**David Miller, Community Development Director, City of Folsom; oral comment; July 13, 2009**

[Mr. Miller read from a previously submitted letter. Refer to the letter dated July 6, 2009.]

#### ORAL COMMENT 2

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**Rob Burness, ECOS, Sierra Club, and Friends of the River; oral comment; July 13, 2009**

[Mr. Burness presented an overview of the comment letter submitted at the hearing. Refer to the letter dated July 13, 2009.]

#### ORAL COMMENT 3

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**Richard Seyman, ECOS; oral comment; July 13, 2009**

*We need to plan properly because otherwise we're not going to improve the environmental quality of our area. I agree with Rob Burness, things have changed and we need a better plan and DEIR.*

**Response**

Comment noted. Refer to responses to letter submitted by ECOS.

#### ORAL COMMENT 4

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**Judith Lamare, Friends of the Swainson's Hawk and ECOS; oral comment; July 13, 2009**

[Ms. Lamare presented the points discussed in a letter submitted during the hearing. Refer to the letter submitted by ECOS dated July 13, 2009.]

## ORAL COMMENT 5

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### **Tim Taron, Hefner, Stark, and Marois; oral comment; July 13, 2009**

[Mr. Taron repeated the points raised in a letter submitted during previous hearings. Refer to the letter dated June 18, 2009.]

## ORAL COMMENT 6

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### **Dennis Rogers, North State Building Industry Association; oral comment; July 13, 2009**

*I request a continuance of the comment period [Mr. Rogers references a letter. Refer to the letter dated July 13, 2009.]*

#### **Response**

Comment noted.

## ORAL COMMENT 7

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### **Larry Greene, Director, Sacramento Metropolitan Air Quality Management District; oral comment; July 13, 2009**

[Mr. Greene summarized the comments contained in a submitted letter. Refer to letter dated July 13, 2009.]

## ORAL COMMENT 8

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### **Randy Schaber, Schaber Company, on behalf of Cypress Avenue Land Company; oral comment; July 13, 2009**

*I request that the comment period be extended for both the General Plan and the DEIR. I support the comments made by Dennis Rogers of the BIA. [Mr. Schaber repeated the points raised in a letter submitted at the hearing. Refer to the letter dated July 13, 2009.]*

#### **Response**

Comment noted.

## ORAL COMMENT 9

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### **Anne Geraghty, Walk Sacramento; oral comment; July 13, 2009**

[Ms. Geraghty repeated the points raised in a letter submitted during the hearing. Refer to the letter dated July 13, 2009.]

## ORAL COMMENT 10

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### **Chris Holm, Walk Sacramento; oral comment; July 13, 2009**

[Mr. Holm discussed points raised in a letter submitted during the hearing. Refer to letter dated July 13, 2009.]

## ORAL COMMENT 11

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### **Billie Barker, individual; oral comment; July 13, 2009**

*Excelsior is a residential street in this area. Traffic is bad here and generates smog. If there is more development without a road that bypasses Excelsior it will worsen traffic, worsen smog, and worsen EMT response.*

#### **Response**

Comment noted. The EIR analyzes impacts to traffic, air quality, and emergency services.

## ORAL COMMENT 12

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### **John Bianchi, individual; oral comment; July 13, 2009**

*I am a farmer in the Natomas Joint Vision area. I own 260 acres and farm an additional 2,000 acres. The value of the land as habitat or open space exceeds the farming value of the land. I urge you to include this area in the USB.*

#### **Response**

This is a comment requesting a change to the proposed Project; this is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

## ORAL COMMENT 13

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### **Diana Brazil, individual; oral comment; July 13, 2009**

*As a resident in the Natomas “boot” I believe that the Natomas Joint Vision plan should be included in the USB because there is no long term future for farming in this area. It is surrounded by development, has connectivity to downtown Sacramento, and has existing infrastructure. Also, please keep the public comment period open.*

#### **Response**

This is a comment requesting a change to the proposed Project; this is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

## ORAL COMMENT 14

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### **Dawn Cornelius, individual; oral comment; July 13, 2009**

*I am a resident in the Natomas “boot”. I support the inclusion of the Natomas Joint Vision in the USB. Please extend the public comment period to allow other residents to comment.*

#### **Response**

This is a comment requesting a change to the proposed Project; this is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

## ORAL COMMENT 15

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### **Jack Cornelius, individual; oral comment; July 13, 2009**

*I think it is very important that you consider the existing infrastructure and include the Natomas Joint Vision in the USB.*

#### **Response**

This is a comment requesting a change to the proposed Project; this is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

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ORAL COMMENT 16

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**Ronald Costa, individual; oral comment; July 13, 2009**

*I urge you to develop in the Natomas “boot” and include it in the USB. El Centro Road is rich with infrastructure and it is close to downtown. It should be considered for development prior to other areas that don’t have infrastructure.*

**Response**

This is a comment requesting a change to the proposed Project; this is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

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ORAL COMMENT 17

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**Ted Costa, individual; oral comment; July 13, 2009**

*The City of Sacramento should not be able to develop in the Natomas “boot” by circumventing the due process of the property owners in the area. The County should make the planning decisions for this area. Please extend the comment period so that the people in this area can make their case.*

**Response**

This is a comment requesting a change to the proposed Project; this is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

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ORAL COMMENT 18

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**Jack Dewit, individual; oral comment; July 13, 2009**

*Please modify the USB to include the Natomas Joint Vision consistent with the MOU for the Natomas Joint Vision and the SACOG Blueprint. Please keep the public comment period open.*

**Response**

This is a comment requesting a change to the proposed Project; this is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

## ORAL COMMENT 19

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### **Roxanne Fuentez, individual; oral comment; July 13, 2009, August 10, 2009**

[Ms. Fuentez read the letter she submitted. Refer to the letter dated July 13, 2009.]

## ORAL COMMENT 20

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### **Alan Khatoonian, individual; oral comment; July 13, 2009**

*My family owns land in the Natomas “boot” area. Because of the Natomas proximity to the downtown core it has the greatest potential to develop as an extension of downtown and at a higher density and intensity than any other potential growth areas. Please add this area to the USB.*

#### **Response**

This is a comment requesting a change to the proposed Project; this is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

## ORAL COMMENT 21

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### **Karen Klinger, individual; oral comment; July 13, 2009**

*The outreach process for this project has not been adequate. Please approve a motion for a 1 year outreach process administered by a professional. The Natomas Joint Vision area should be included within the USB.*

#### **Response**

This is a comment requesting a change to the proposed Project; this is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

## ORAL COMMENT 22

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### **Julie Linderman, individual; oral comment; July 13, 2009**

*I request that the decision on Draft EIR be postponed until more detail is known about the General Plan Update. The General Plan Update is incomplete because it does not include enough information for the EIR to analyze.*

#### **Response**

This is a comment requesting a change to the proposed Project; this is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

## ORAL COMMENT 23

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### **Ken Murai, individual; oral comment; July 13, 2009**

*I believe it is short-sighted to think that the Natomas Joint Vision area will not be developed in the future and I support the inclusion of this area in the USB. I request that the public comment period remain open.*

#### **Response**

This is a comment requesting a change to the proposed Project; this is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

## ORAL COMMENT 24

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### **Jeffery Norton, individual; oral comment; July 13, 2009**

*I have been farming in the Natomas Basin since 1980. The Natomas Joint Vision area is not Prime Agricultural land. Please include the Natomas Joint Vision area in the USB.*

#### **Response**

This is a comment requesting a change to the proposed Project; this is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

## ORAL COMMENT 25

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### **Coleen Perry, individual; oral comment; July 13, 2009**

*I am a long time resident of the Natomas “boot”. I request that you grant support and consideration to the property owners in this area and extend the public comment period.*

#### **Response**

This is a comment requesting a change to the proposed Project; this is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

## ORAL COMMENT 26

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### **John Perry, individual; oral comment; July 13, 2009**

*I am a Natomas “boot” land owner and I would like to request that the comment period extension request be granted. The EIR ignores the boot except as it relates to the Natomas Joint Vision. I request that the commission consider the inclusion of the boot in the USB.*

#### **Response**

This is a comment requesting a change to the proposed Project; this is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

## ORAL COMMENT 27

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### **James Rae, individual; oral comment; July 13, 2009**

[Mr. Rae discussed points raised in a letter submitted previously. Refer to letter dated June 4, 2009 and June 30, 2009.]



## ORAL COMMENT 28

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### **Rod Rosa, individual; oral comment; July 13, 2009**

*I have been a property owner in Natomas for decades. Development in the area has made farming nonviable. I request that the USB be extended to include the Natomas Joint Vision area.*

#### **Response**

This is a comment requesting a change to the proposed Project; this is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

## ORAL COMMENT 29

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### **Robert Ross, individual; oral comment; July 13, 2009**

*I recommend that the Mather bypass be upgraded during the first phase of construction of the Jackson Corridor.*

#### **Response**

This is a comment requesting a change to the proposed Project; this is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

## ORAL COMMENT 30

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### **Judith Waegell, individual; oral comment; July 13, 2009**

*The General Plan Update and the EIR should state that though the Jackson Visioning has been received and filed it has not been endorsed and adopted by the Board. Further, you cannot have consistency with the SSHCP because it has not yet been approved.*

#### **Response**

The EIR does not analyze the Jackson Visioning because it is neither a part of this Project nor a Project pursuant to CEQA. Comment noted.

## ORAL COMMENT 31

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### **Bob Willet, individual; oral comment; July 13, 2009**

*Please amend the Plan to include specifics about Arden Park. If the plan would require sidewalks in Arden Park, I'd like to know who will pay for them. All my utilities are in the way of where sidewalks would be. I propose that you don't need sidewalks.*

### **Response**

This is a comment requesting a change to the proposed Project; this is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

## **Oral Comments: Sacramento County Planning Commission on July 27, 2009**

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ORAL COMMENT 1

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**Jim Pacht, Friends of the Swainson's Hawk; oral comment; July 27, 2009**

*Boot area residents have asked to be included in the General Plan. Including this area in the General Plan would require a new EIR and would get wildlife agencies involved. The City is the agent for growth in this area. This area is being addressed through the Natomas Joint Vision MOU between the City and the County. I urge you not to recommend that the General Plan become the back door to the Joint Vision process.*

**Response**

This is not a comment on the adequacy of the EIR. Comment noted.

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ORAL COMMENT 2

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**Joseph Ruzich, President, Hazel Road Community Association; oral comment; July 27, 2009**

*The public outreach is totally fraudulent and has never taken place. This is a land grab and money transfer from private property owners to private developers. Inadequate high density development is proposed in Arden Arcade. Arden Arcade is a suburban area not an urban area. The County will condemn houses under eminent domain. Traffic corridors are a substitute for an inadequate freeway system. Cut through traffic will be diverted through Arden Park. We are asking you to have the County come back with a comprehensive plan and bring that plan to the public and explain it.*

**Response**

This is a comment requesting a change to the proposed Project; this is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

ORAL COMMENT 3

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**Ted Costa, North State Building Industry Association; oral comment; July 27, 2009**

*Please recommend to the BOS that the NJV be included in the USB. The Board of Supervisors needs to address the problem of the NJV area being stolen without due process of law.*

**Response**

This is a comment requesting a change to the proposed Project; this is not a comment on the adequacy of the EIR. This comment has been forwarded to the Sacramento County Planning and Community Development Department and the hearing body for consideration.

ORAL COMMENT 4

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**Rob Burness, Environmental Council of Sacramento; oral comment; July 27, 2009**

[Mr. Burness raised points within a letter submitted by ECOS. Refer to the letter dated July 27, 2009.]

ORAL COMMENT 5

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**Judith Lamare, Environmental Council of Sacramento; oral comment; July 27, 2009**

[Ms. Lamare raised points within a letter submitted by ECOS. Refer to the letter dated July 27, 2009.]

ORAL COMMENT 6

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**George E Phillips, Law Offices of George E Phillips on behalf of the Sacramento Rendering Company; oral comment; July 27, 2009**

[Mr. Phillips repeated points from a letter. Refer to the letter dated July 13, 2009.]

## ORAL COMMENT 7

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**George E Phillips, Law Offices of George E Phillips for the Natomas Joint Vision Area; oral comment; July 27, 2009**

[Mr. Phillips repeated points from a letter. Refer to the letter dated July 27, 2009.]

## ORAL COMMENT 8

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**Brigette Fortier, individual; oral comment; July 27, 2009**

*I support the effort to include the Natomas Joint Vision Plan in the USB.*

**Response**

This is not a comment on the adequacy of the EIR. Comment noted.

## ORAL COMMENT 9

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**Rozanne Fuentez, individual; oral comment; July 27, 2009**

[Ms. Fuentez read the letter she submitted previously. Refer to the letter dated July 13, 2009.]

## ORAL COMMENT 10

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**Karen Klinger, individual; oral comment; July 27, 2009**

[Ms. Klinger repeated points from her letter. Refer to the letter dated July 27, 2009.]

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ORAL COMMENT 11

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**Julie Linderman, individual; oral comment; July 27, 2009**

*Why are we recommending an FEIR when we don't have a final project? The DEIR is insufficient for the following reasons: 1) It is insufficient in discussing all the impacts such as sustaining existing communities and neighborhoods. 2) It is insufficient in discussing how adverse effects might be mitigated. It simply states significant and unavoidable. 3) It is insufficient in discussing alternatives such as the "boot". 4) It is insufficient in documenting other development plans, such as the Pedestrian Master Plan.*

*Please postpone conclusions of the Projects until they can be adequately studied by people who don't have a vested interest.*

**Response**

This comment indicates that the EIR is insufficient but does not substantiate those assertions. The EIR discusses all of the potential impacts of the Project that require study pursuant to CEQA (see the various topical chapters), recommends mitigation (see the Executive Summary for a complete list), includes multiple alternatives to the Project (the description of alternatives is within the Project Description chapter), and describes other relevant plans with respect to the Project (see the Traffic and Circulation chapter for discussions of the Pedestrian Master Plan).

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ORAL COMMENT 12

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**John Perry, individual; oral comment; July 27, 2009**

*I support the Natomas Joint Vision, but am frustrated because it seems the land owners in this area are being ignored. The General Plan is an opportunity to include us in the USB. Please include this area in the Urban Services Boundary.*

**Response**

This is not a comment on the adequacy of the EIR. Comment noted.

## ORAL COMMENT 13

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### **Bob Shattuck, Lennar Communities; oral comment; July 27, 2009**

*Planning does not determine the number of people who will live in our air basin. Planning determines how to accommodate these people. The people will come and drive and pollute whether we plan for them or not. How we plan for these people may change their emissions profile to some degree, but those emissions will still be in our basin. Climate change is a global issue, and people will have a carbon footprint wherever they live. While reviewing the EIR keep in mind that emissions are grossly overestimated because CEQA has us assume net new people. Don't let air quality and climate change drive your planning decisions because the effects are overestimated.*

#### **Response**

This comment articulates the argument that because climate change is a global phenomenon, projects merely change the location of origin of emissions – they do not create new emissions. The EIR preparers agree with the basic premise that if people do not live here, they will live elsewhere and contribute emissions in that location, and that this will still contribute to climate change. The EIR preparers do not agree with the conclusion that it is therefore a fallacy or overstatement to analyze the impacts of the emissions specific to our region. The baseline is formed by considering the existing conditions within the existing jurisdictional or regulatory area. Each Lead Agency must be responsible for offsetting any emissions that occurs within its area of purview. This does not result in an overstatement of impacts, but in a logical apportioning of responsibility among jurisdictions.

## ORAL COMMENT 14

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### **Javed T. Siddiqui, individual; oral comment; July 27, 2009**

[Mr. Siddiqui discussed points raised in a letter. Refer to letter dated July 10, 2009.]

## ORAL COMMENT 15

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### **Guy Spitzer, individual; oral comment; July 27, 2009**

*I am speaking on behalf of the Machado family who owns 40 acres in the “boot”. They support the Joint Vision effort and hope that the General Plan will not impede that effort and they hope that the USB will include their land.*

#### **Response**

This is not a comment on the adequacy of the EIR. Comment noted.



## ORAL COMMENT 16

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### **Amy Sterzik, individual; oral comment; July 27, 2009**

[Ms. Sterzik reiterated her comments presented at previous hearings. Refer to those comments and responses.]

## ORAL COMMENT 17

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### **Bob Willet, individual; oral comment; July 27, 2009**

[Mr. Willet repeated points from his letter. Refer to the letter dated July 27, 2009.]

## **Planning Commission Comments**

## PLANNING COMMISSION COMMENT 1: TRANSPORTATION DIAGRAM

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*The Sacramento County Department of Transportation (Sac DOT) recommended changes to the Transportation Plan of the Circulation Element (see RC-1). The reason for these recommendations are generally as follows:*

- Downgrades: cumulative traffic will not reach sufficient volumes to require the larger facility size. A downgrade to a smaller facility will adequately support traffic.*
- Upgrades, Limited Access Restrictions, and Transit Changes: recommended to offset unacceptable operating conditions disclosed in the DEIR.*
- Post-2030 Timing: DEIR analysis indicates that some improvements are not necessary to support the Project, but reserving the right-of-way may still be needed beyond the 20-year planning horizon of the General Plan.*

There are also changes made to correct errors. In addition to the modifications below, Sac DOT recommends expanding the intent and use of the Continuous Right-Turn Lane to include use as a pass-through lane by transit vehicles. All of these changes were endorsed by the Sacramento County Planning Commission.

**Table RC-1: Recommended Modifications to the Transportation Plan of the Circulation Element (changes shown in bold)**

Roadway	Limits	GPU Designation	Modified GPU Designation
U Street	W. 6 <sup>th</sup> St – 28th St	4-lane Arterial	<b>2-lane Collector</b>
Calvine Road	Vineyard Rd – Grant Line Rd	6-lane Thoroughfare	<b>Post 2030</b> 6-lane Thoroughfare
Dry Creek Rd	U St – Sac City limits	4-lane Arterial	<b>2-lane Collector</b>
Eagles Nest Rd	Jackson Rd – Grant Line Rd	4-lane Arterial	<b>2-lane Collector</b>
Elder Creek Rd	So. Watt Ave – Excelsior Rd	6-lane Thoroughfare	<b>Post 2030</b> 6-lane Thoroughfare
Excelsior Rd	Jackson Rd – Gerber Rd	4-lane Arterial	<b>6-lane Thoroughfare</b>
Florin Rd	Excelsior Rd – Sunrise Blvd	6-lane Thoroughfare	<b>Post 2030</b> 6-lane Thoroughfare
Grant Line Rd	White Rock Rd – Sunrise Blvd	6-lane Thoroughfare	<b>Limited Access</b> , 6-lane Thoroughfare
Hazel Ave	Placer Co Line – Easton Valley Pkwy	6-lane Thoroughfare	6-lane Thoroughfare, <b>BRT mixed use lanes</b>
Jackson Rd	So Watt Ave – Grant Line Rd	6-lane Thoroughfare, BRT mixed use lanes	6-lane Thoroughfare, BRT <b>exclusive</b> lanes
Jackson Rd	Stonehouse Rd – Murieta Pkwy	Rural Collector	<b>4-lane Arterial</b>
Metro Air Park Blvd	Elverta Rd – Elkhorn Blvd	6-lane Thoroughfare	<b>Post 2030</b> 6-lane Thoroughfare
Power Inn Rd	Folsom Blvd – Stockton Blvd	4-lane Arterial	4-lane Arterial, <b>BRT mixed use lanes</b>
Power Inn Rd	Stockton Blvd – Calvine Rd	6-lane Thoroughfare	6-lane Thoroughfare, <b>BRT mixed use lanes</b>
So Watt Ave	US 50 – Jackson Rd	6-lane Thoroughfare, BRT mixed use lanes	6-lane Thoroughfare, BRT <b>exclusive</b> lanes
Scott Rd	US 50 – Easton Valley Pkwy	6-lane Thoroughfare	<b>Limited Access</b> , 6-lane Thoroughfare
Stockton Blvd	65 <sup>th</sup> Ave – Florin Rd	4-lane Arterial	<b>6-lane Thoroughfare</b>
White Rock Rd	Grant Line Rd – Scott Rd	4-lane Arterial	<b>Limited Access, 6-lane Thoroughfare</b>

**Response**

Downgrades were already analyzed as part of the Project Alternatives. Changes proposed for the purpose of avoiding environmental effects, or because the analysis concluded that the facilities were unnecessary do not require additional analysis. The County Department of Transportation indicates that the two corrections are to Jackson Road (Stonehouse Rd – Murieta Pkwy) and Stockton Blvd. Traffic modeling conducted for the Project already assumed that the relevant section of Jackson Highway would be 4 lanes in the cumulative condition, not the 2-lane collector shown; this error was known at the time. Thus, this change will have no impact on the modeling.

The traffic model did use the incorrect 4-lane assumption for Stockton Boulevard, but this change will not result in new impacts. On the contrary, increasing the assumed sizing from 4 lanes to 6 lanes would improve operating conditions on this reach. This result can be demonstrated by reviewing the modeling results for the No Project and Project scenarios. The Project scenario assume 4 lanes, while the No Project assumes 6 lanes (consistent with the existing General Plan designation). The Existing scenario results in Level of Service D with 34,100 average daily trips and the Project scenario results in Level of Service E with 34,400 average daily trips. Clearly, with only 300 more average daily trips in the Project scenario it can be assumed that Project impacts would be very similar to those of the No Project scenario.

## PLANNING COMMISSION COMMENT 2: POLICY CHANGES

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*The Planning Commission recommended changes to General Plan policies within the following Elements: Agricultural, Air Quality, Circulation, Conservation, Land Use, Noise, Open Space, Public Facilities, and Safety. The majority of these proposed changes are minor or were already discussed within the context of the DEIR. Proposed changes are summarized by Element below, with their potential impacts to the EIR described; the full proposed changes are hereby incorporated by reference and are available for review at 827 7<sup>th</sup> Street, Planning and Community Development Department, Sacramento, CA 95814. Changes in their entirety are also available for review on the Board of Supervisors website, as part of the agenda materials for hearings on the Project.*

**Response**

**Agricultural:** Changes are recommended to AG-1, -4, -5, Implementation Measure -5.d, -9, -12, Implementation Measure -15.a, and Implementation Measure -29.e. One new measure, currently labeled AG-XX, was also recommended. Many of the changes are minor or otherwise have no implications for the EIR analysis. Those requiring some discussion are the changes to AG-1 and AG-5. Adoption of the recommended changes would reduce the calculated Project impacts to farmlands, because Statewide Importance, Local Importance, or Unique Farmlands would only require mitigation if the impact occurred outside the Urban Services Boundary. Nonetheless, these policies would still require a greater level of mitigation than existing policy (which does not offer protection to Statewide Importance, Local Importance, or Unique farmlands at all). Since the Project would still result in greater protection of farmlands than the existing

condition, and the proposed change would reduce calculated Project impacts, EIR recirculation is not required to incorporate these changes; further analysis is not required.

Air Quality: Changes are recommended to AQ-3; -4; -5; -7; -10; and Implementation Measures -22.j, .k, and .l. Most of the recommended changes add greater detail, and ultimately make the policies more robust. These changes do not require further analysis. The recommended change to AQ-4 would have Air Quality Mitigation Plans be subject to the review and “comment” rather than “endorsement” by the Sacramento Metropolitan Air Quality Management District. This change would return the policy to the existing condition, and thus would have no impact on the EIR analysis.

Circulation: Many changes to this Element have been recommended. Modifications to policy language are recommended to CI-1, -8, -25, -30, -32, -37, -38, -44, and -45. Eight new Circulation policies (currently labeled CI-XX) have also been recommended. An entire new section of the Circulation Element called Smart Growth Streets is recommended, with new policies SS-1 through SS-15. The policy modifications do not impact the EIR analysis. New Circulation policies are either not relevant to the analysis (having to do with funding, for instance) or are beneficial policies that would support reductions in traffic impacts. These do not require additional analysis. The Smart Growth Streets section was already discussed in the DEIR, and was in fact recommended as mitigation; no further analysis is required.

Conservation: Changes are recommended to CO-53, -55, -63, -64, -75, -86, and -134. The recommendation was made to delete the entire Section I: Water Supply, Quality, and Conservation and replace it with a revised version proposed by the Sacramento County Department of Water Resources. The changes to the policies either have no impact to the analysis, are beneficial, or were made to achieve consistency between this Element and the changes recommended in the Agricultural Element; no additional analysis is required. The alternative Section I was proposed by the Sacramento County Department of Water Resources to more accurately reflect the current regulatory and policy framework for water supply. This section was submitted to the Sacramento County Planning and Community Development Department prior to the release of the DEIR. As a result, the DEIR has already included a discussion of this alternative section; no additional analysis is required.

Land Use: Changes are recommended to LU-3, -4, -7, -12, -13, -14, -15, -16, -17, -22, -27, -28, -34, -46, -48, -50, -54, -76, -80, -87, -113, -116, -120, -121, -122, -123, and -126. Though many changes are recommended, they can be described as wordsmithing; the changes do not fundamentally alter the policies. The recommendation was also made to include a new section on airports. The new section on airports was proposed by the Sacramento County Airport System to more accurately reflect existing regulations and policy decisions regarding airport operation. Sacramento County Airport System comments on the DEIR indicated that this section would be beneficial (see Response 11-2); no additional analysis is required.

Noise: A change was recommended to policy NO-16, which would delete the Noise Element exemption for daytime activities at schools, parks, and playgrounds. This change does not require additional EIR analysis, for two reasons: 1) Plan-level analysis, such as was completed for the General Plan EIR, looks at general noise impacts, not user-specific noise scenarios, and 2) an exemption for these uses is already within the Noise Ordinance, and thus its inclusion in the General Plan was redundant.

Open Space: Changes were recommended to policies OS-1 and -8. These changes are minor wording alterations. No additional analysis is required.

Public Facilities: Changes were recommended to policies PF-7, -8, -9, -10, -11, -12, -18, -20, -31, -38, -67, -84, -85, -89, -96, -99, -104, -108, -110, and -121. The proposed changes correct typos and alter the wording of policies, but do not fundamentally alter the intent of the policies. The Sacramento County Regional Parks Department and the Administrators of the Recreation and Park Districts recommended an alternative section to replace the entire section on local park acquisition. This alternative language was submitted to the Sacramento County Planning and Community Development Department prior to release of the DEIR. As a result, this alternative section was already discussed within the DEIR; no additional analysis is required.

Safety: Changes were recommended to SA-2, -4, -5, -7, -8, -12, -15, -16, -17, -18, -19, -20, and -26. Some changes correct typos, some modify language to reflect the current conditions or ordinances, and others are wordsmithing changes that do not fundamentally alter the policies. None of these changes require additional analysis.

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## PLANNING COMMISSION COMMENT 3: MITIGATION MEASURE LU-1

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*The Planning Commission recommended the replacement of Mitigation Measure LU-1 with a new measure. Existing LU-1 requires that development of Grant Line East and the Jackson Highway Corridor be phased through master planning processes. This mitigation specifies that the phasing would be based on geographic areas containing no more than a 10-year supply. The replacement mitigation would be “criteria-based” rather than based on geographical areas. The full text of the criteria-based approach, as presented to the Sacramento County Planning Commission on February 17, 2009, is below.*

### PETITION PROCESS TO EVALUATE PROPOSALS TO INITIATE MASTER PLANNING

Upon adoption of the General Plan, a formal petition process will be created and adopted via Resolution or Ordinance to receive and evaluate proposals from interested parties (herein referred to as “project proponent”) seeking to initiate a master planning process within adopted new growth areas (such as the Jackson Highway or Grant Line East areas). Interested project proponents will be required to file a petition with the

Planning and Community Development Department to demonstrate how their proposed project would be consistent with the required findings and criteria provided below.<sup>1</sup> Planning staff will receive the proposal, evaluate its consistency with the given findings and criteria, and provide a detailed analysis and recommendation for the Board of Supervisors' consideration. A hearing will be scheduled with the Board of Supervisors to discuss the merits of the proposal and to decide whether or not a master plan should be initiated for the proposed area. If the Board decides that a master plan should be initiated for the proposed area and makes the necessary findings, Planning staff and the project proponent will work together to decide the appropriate mechanism by which to master plan the area (e.g. County-initiated Specific or Community Plan, Special Planning Area, privately-initiated master plan application, or similar planning process or a combination thereof). Depending on the outcome of such discussions, additional input and/or action by the Board of Supervisors may be required. For example, if a Specific Plan process is found to be the most appropriate mechanism, the Board of Supervisors would need to formally initiate such a process, whereas other mechanisms may not require formal Board action. If the Board of Supervisors determines the petition does not meet the criteria and/or cannot make the required findings, they may decline the petition or request that it be modified and resubmitted.

**PROCESS STEP #1: INITIATING MASTER PLANNING PROCESSES WITHIN NEW GROWTH AREAS**

To initiate a master plan within a new growth area, the Board of Supervisors:

1. Must find that the proposed project:

- a. Is adjacent to approved urban development within the Urban Policy Area.

*Requiring that new greenfield development be adjacent to approved urban development is necessary to avoid leapfrog development and ensure logical and efficient extension of infrastructure and services. The following definition of "adjacent" will be used to determine consistency with this criterion<sup>2</sup>:*

- *not distant: nearby*
- *having a common endpoint or border*
- *immediately preceding or following*

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<sup>1</sup> An appropriate fee (amount to be determined) will be collected for all proposals submitted to cover costs associated with Planning and other County staff analysis and the hearing process.

<sup>2</sup> Source: Merriam-Webster Dictionary



*According to Merriam-Webster’s dictionary, the word adjacent “may or may not imply contact but always implies absence of anything of the same kind in between.” Therefore, “adjacent” makes the intent of the criterion clear while providing the Board with some flexibility for interpretation. “Approved urban development” shall be defined as land designated for urban uses by the County’s or an adjacent city’s General Plan. Examples of land designated for urban uses include residential, commercial, office, employment and mixed use. For purposes of this finding, interim designations such as Urban Development Area (UDA) and Urban Reserve (UR) are not consistent with this definition.*

- b. Comprises a logical, comprehensive and cohesive planning boundary.

*If a project proponent’s landholdings do not constitute a logical, comprehensive and cohesive planning boundary in and of themselves, the proposed project’s boundary should be drawn to include other landholdings as necessary to demonstrate consistency with this criterion.*

- c. Is required to meet the County’s growth needs for the 2030 planning period of the adopted General Plan.

*Calculating holding capacity (i.e. the “supply”):* Planning staff will provide a detailed analysis of the unincorporated County’s overall residential holding capacity by quantifying the existing, planned or assumed holding capacity of: 1) vacant and underutilized parcels zoned for residential and agricultural-residential uses; 2) commercial corridors; 3) previously planned communities, and; 4) pending master planning processes within new growth areas. Planning staff will use this analysis when evaluating petitions for master planning process. Project proponents may also submit supporting information and additional analysis for staff’s and the Board of Supervisor’s consideration.

*Calculating growth needs (i.e. the “demand”):* Planning staff will use the Sacramento Area Council of Governments’ (SACOG) latest growth projections for unincorporated Sacramento County, as established via the Metropolitan Transportation Plan (MTP) process, to determine the County’s growth needs for the 2030 planning period of the adopted General Plan. Project proponents may also submit supporting information and additional analysis for staff’s and the Board of Supervisor’s consideration.

*Comparing supply versus demand:* The unincorporated County’s overall residential holding capacity (i.e. the “supply”) will be compared to the latest MTP projections (i.e. the “demand”) to determine whether or not the proposed project is necessary to meet the County’s growth needs for the 2030 planning period of the adopted General Plan.

- 2. Will evaluate the proposed project’s consistency with the following criteria to determine feasibility and desirability of initiating a master planning process:

*The proposed project...*

- a. Can be planned and phased in a manner that will not adversely impact implementation of the County's other growth management strategies, including infill development, commercial corridor revitalization and buildout of previously planned communities.
- b. Can be provided with infrastructure and services in a economically and environmentally sustainable manner.
- c. Can provide for the logical and economically efficient delivery of infrastructure and urban services to the affected population without impacting the cost or quality of infrastructure and services provided to other residents of Sacramento County.
- d. Is compatible with the following: Sacramento County's General Plan; SACOG's adopted Blueprint Vision and Metropolitan Transportation Plan (MTP); County-adopted Habitat Conservation Plans; Regional Transit's Master Plan; and other pertinent local, regional and statewide policies and plans.

*And that...*

- e. A preponderance of the land is represented by active participants in the proposed master planning process.
- f. Transit service (either publicly or privately financed) will be provided to the area.

**PROCESS STEP #2: INITIATING ENVIRONMENTAL REVIEW FOR A DRAFT MASTER PLAN**

Upon initiation of a master plan process, County staff will work with the project proponent, the public and other stakeholders to create a draft master plan for the area. This process will continue until the draft master plan is ready for environmental review. Before environmental review is initiated, a workshop will be scheduled with the County Planning Commission and the Board of Supervisors to review the draft master plan and evaluate its consistency with the performance standards below. While discussion and comments will be encouraged at these workshops, the County Planning Commission and Board of Supervisors are not required to take formal action to initiate environmental review.

**PROCESS STEP #3: PERFORMANCE STANDARDS FOR MASTER PLAN APPROVAL**

All master plans will be expected to meet the following performance standards prior to adoption. Prior to or concurrent with adoption of any master plan within a new growth area, the Board of Supervisors:

1. Must find that the proposed project:

- a. Is consistent with Sacramento County's General Plan.

*This finding requires that a proposed project be consistent with the goals, objectives and policies in the County's General Plan but not the Land Use Diagram and Transportation Plan, as these maps will be amended to reflect adopted master plans.*

- b. Is consistent/in compliance with (and will achieve all state-mandates and established targets per) the Global Warming Solutions Act of 2006 (AB 32), SB 375 and County-adopted Climate Action Plans, and will not adversely impact the County's or region's ability to achieve said mandates and targets.

*Consistency with this finding will be determined given the best available information at the time of project approval, as state mandates and targets related to the Sacramento region, unincorporated County and/or individual master plans may change over time.*

- c. Achieves a minimum residential density of 5.25 units/gross acre to achieve consistency with the goals and policies of the County's General Plan and SACOG's adopted Blueprint Vision and MTP.

*Sacramento County's 2030 General Plan was scoped to achieve consistency with SACOG's adopted Blueprint Vision, both in terms of accommodating its more robust growth assumptions for the unincorporated County as well as achieving its seven goals, which include more compact and transit-oriented development, offering a variety of housing and transportation choices, and mixing land uses.*

*SACOG's Blueprint and MTP were built on the assumption that new growth areas would be planned and built at a minimum density of 6.8 units/gross acre. The County has historically achieved a density of approximately 3.7 units/gross acre. Accommodating the Blueprint and MTP's more robust growth assumptions by expanding the UPA to perpetuate the low-density, auto-oriented development patterns of years past (i.e. urban sprawl) would not be consistent with the goals and policies of the County's General Plan, the Blueprint or the MTP. Therefore, master plans must meet minimum density requirements to ensure some measure of consistency with the County's General Plan, the Blueprint and the MTP. Although master planning processes should strive to achieve 6.8 units/gross acre, requiring that all master plans achieve such a minimum may be difficult to implement in all cases. Therefore, a minimum density of 5.25 units/gross acre (a compromise representing the median between the Blueprint/MTP assumption and the County's historical average) is required.*

*For purposes of this calculation, "gross acre" is defined as total acres within the proposed master plan area minus sensitive habitat targeted for preservation, rivers/streams/creeks (including appropriate buffers on either side) and areas within an airport's 60 CNEL noise contour that limits density and intensity of development.*

- d. Accommodates at least 37% of residential units in multi-family densities as required by state law per the Regional Housing Needs Allocation.

*State Housing Element law (California Government Code Section 65583) requires cities and counties to provide “adequate” sites (i.e. vacant or underutilized parcels with appropriate zoning, infrastructure and services) to encourage provision of a variety of housing types for all income levels. The County is required to demonstrate that such adequate sites exist within the unincorporated area to accommodate its “fair share” of the region’s housing needs for five income levels, as determined by SACOG’s Regional Housing Needs Allocation (RHNA). Historically, the County has benefitted from an abundance of adequate sites for moderate and above moderate income households but has been challenged to provide adequate sites for extremely low, low and very low income households (generally land zoned RD-20 and above). Of the County’s total “fair share” allocation per the RHNA, approximately 37% should be affordable to extremely low, low and very low income households.*

*It is extremely important that the County maintain compliance with state law by providing such adequate sites, particularly for the lower income categories. Failure to maintain compliance can result, either directly or indirectly, in one or more of the following: State of California Housing and Community Development (HCD) decertification of the County’s Housing Element; lawsuits related to non-compliance with state law and/or decertification; moratoriums on issuing building permits; inability for the County and Sacramento Housing and Redevelopment Agency (SHRA) to pursue certain grant funds, and; requisite County-initiated rezoning of non-County owned land within existing communities to residential densities of RD-20 or above. In the late 1990’s and early 2000’s, Sacramento County experienced most of the above consequences due to non-compliance.*

*The County’s RHNA changes every time the Housing Element is updated. As such, this requirement is intended to be adjusted as needed to comply with current and future allocations and/or changes to state law. Agricultural-residential uses may be excluded from calculations to determine consistency with this finding at the direction of the Board of Supervisors.*

- e. Transit service will be available to the area and will be phased in concurrently with development.

*If public transit is not available to serve the proposed project area, then alternative transit service must be provided. “Phased in concurrently” means that some level of transit service will be provided during the earlier phases of development (e.g. neighborhood shuttles, bus service, etc.) and that this service will increase and expand over time as buildout of the master plan occurs to include more robust and extensive transit service options (light rail, streetcar, bus rapid transit, or other high levels of service).*

- f. Will result in no negative impacts to County's General Fund.

2. Will evaluate the proposed project's consistency with the following criteria:

*The proposed project...*

- a. Is consistent with SACOG's adopted Blueprint Vision and MTP; County-adopted Habitat Conservation Plans, Regional Transit's Master Plan; and other pertinent local, regional and statewide policies and plans.
- b. Is a complete, sustainable community as described in the General Plan Land Use Element.
- c. Features residential and employment densities/intensities that will support provision of high quality transit services (light rail, bus rapid transit, streetcar, etc.) and appropriate concentrations of densities along major roads and at transit stops and activity centers that are supportive of such service.
- d. Improves the jobs-housing balance and the ratio between residential and commercial uses in the area (generally defined by a one-mile radius drawn from the boundary of the Master Plan application).
- e. Will be phased in a manner that would lead to the efficient and orderly buildout of the project itself.
- f. Will be provided with infrastructure and services in a financially and environmentally sustainable manner.
- g. Provides for economically efficient delivery of infrastructure and urban services to the affected population without impacting the cost or quality of infrastructure and services provided to other residents of Sacramento County.

**Notes:**

- 1. Master Plans should not be initiated within the Jackson Highway Area east of Excelsior Road or the Grant Line East area until the SSHCP is adopted. However, pre-application coordination between the County, landowners in these areas, and other stakeholders is highly encouraged. If the SSHCP is not adopted by 2012, Master Planning processes may be initiated within these areas.

*This requirement is important so as to not impede adoption of the SSHCP. Initiating master planning processes within areas that contain substantial vernal pool complexes prior to the adoption of the SSHCP may impact the schedule and cost associated with adoption of the SSHCP. The SSHCP is scheduled to be adopted in 2011.*

2. All applicable county policies and regulations will be used to evaluate the project for final approval.

**Response**

The criteria-based phasing approach is contained in a multiple-page document, which due to length will not be repeated here. It is hereby incorporated by reference, and is available for review at 827 7<sup>th</sup> Street, Planning and Community Development Department, Sacramento, CA 95661. After a review of this document, which was published during the hearing process and has been the subject of public comment, the EIR preparers conclude that this measure could replace existing Mitigation Measure LU-1 and would still mitigate the impact. The criteria are spelled out in sufficient detail, and contain the types of provisions that will ensure the logical phasing of development within the Grant Line East and Jackson Highway Corridor areas. Inclusion of this replacement measure would not require recirculation of the EIR.

PLANNING COMMISSION COMMENT 4: LANDOWNER REQUESTS

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*Multiple landowners and/or their representatives testified before the Planning Commission to request that the proposed General Plan be modified to include additional properties. The table below (Table RC-2) describes the requestor, the location of the request, a description of the request, and the potential impact to the EIR analysis should the request be approved.*

Table RC-2: Description of Landowner Requests and Effects on EIR Analysis

Requestor	Location	Description of Request	Potential Effects on EIR Analysis	Planning Commission Recommendation
<b>Requests to Change Land Use Diagram Designations</b>				
Cypress Abbey	East of Highway 99, south side of Grant Line Road; on the southeastern corner of the City of Elk Grove.	Existing property includes 37 acres designated as Extensive Industrial. Request is to change Land Use Diagram designation for 190 acres from Ag Cropland to Extensive Industrial.	This proposal would result in significant impacts to Important Farmland, and potentially significant impacts to special status species. While it may not be necessary to revise the Traffic Impact Analysis, the revision of the Project Description to include the redesignation of nearly 200 acres to a substantially different land use category is clearly substantial new information according to the provisions of CEQA. Inclusion of this request <b>would require recirculation of the Draft EIR.</b>	<b>SUPPORTS REQUEST</b> Supports request due to existing industrial designation on portion of property and economic development potential.
Syndicorp	North of Elverta Road, east of Rio Linda Boulevard.	Change Land Use Diagram designation for 34 acre property from Ag Cropland to Agricultural-Residential.	Though this relatively small change would not require revision of the Traffic Impact analysis, it would result in significant impacts to Important Farmland and potentially significant impacts to special status species. This could be a significant increase in water demand for the Rio Linda/Elverta Water District, who would not have had an opportunity to review and comment upon impacts to their district. For these reasons, this change would be considered substantial new information, and <b>would require recirculation of the Draft EIR.</b>	<b>NO RECOMMENDATION</b> No support was voiced for this request. Commission did not feel as though they had enough information to make recommendation.
Wiedman Family	East side of the town of Courtland.	Request is to maintain the existing Low Density Residential Designation for 20 acres of a 34 acre property.	The Project change in this area is considered a mapping error correction. Should it be determined that Low Density Residential is actually the intended existing designation, approval of this request would have no impact. <b><i>This has no effect on the EIR analysis.</i></b>	Recommended that staff meet with the landowner/requestor to discuss request prior to Board of Supervisors' General Plan adoption hearings.



Requestor	Location	Description of Request	Potential Effects on EIR Analysis	Planning Commission Recommendation
Law Offices of Gregory Thatch for George Sugarman	Southeast corner of Jackson and Sloughhouse Roads.	Change Land Use Diagram designation for the 147.7-acre property from General Agricultural to Agricultural-Residential.	This proposal would result in significant impacts to Important Farmland, and potentially significant impacts to special status species. Though the new traffic generation would be relatively low compared to the General Plan as whole, the California Department of Transportation has clearly indicated a need to review all projects sending significant individual trips onto the state highway system – this project would access Jackson Road, a state highway. Inclusion of this request would be considered substantial new information, and <b>would require recirculation of the Draft EIR.</b>	<b>SUPPORTS REQUEST</b> Supports request because it is an area of transition (from urban to non-urban uses) where agricultural-residential uses are desirable.
Taylor and Wiley for Teichert	East of Grant Line Road in the northern portion of the proposed Grant Line East new growth area	Change Land Use Diagram designation for three parcels (735 acres) from General Agricultural to Industrial Extensive and leave General Agricultural designation on remaining two parcels (143 acres)	The actual analysis of impacts may not require substantial modification, given that development was assumed for the entire Grant Line East area. However, the revision of the Project Description to include the redesignation of such a large area to a substantially different land use category is clearly substantial new information according to the provisions of CEQA. Inclusion of this request <b>would require recirculation of the Draft EIR.</b>	<b>SUPPORTS REQUEST</b> Supports request because of existing long-term uses related to mining that are anticipated to continue through the horizon of the 2030 General Plan.

Requestor	Location	Description of Request	Potential Effects on EIR Analysis	Planning Commission Recommendation
<b>Requests to Expand USB and/or UPA</b>				
Various	Known as the Natomas “Boot” area. Located between the Sacramento River and the western edge of the City of Sacramento (within Natomas Joint Vision Area).	Include the Natomas “Boot” area within the USB and UPA. Requires dissolution or modification of the Memorandum of Understanding (MOU) between the County of Sacramento and the City of Sacramento regarding the Natomas Joint Vision (NJV) project.	Although the EIR analysis did assume some development within the general Natomas area, the level assumed is far below what would be generated by including the “Boot” proposal. Inclusion would require major modifications to the EIR analysis. The most major points would be a revised Traffic Impact Study, and revisions to all chapters and studies which relied on that data: Air Quality assessment, noise analysis, water supply analysis, sewer service analysis, etc. This would also require substantial revisions to discuss the implications of the project for the Natomas Basin Habitat Conservation Plan. This would be substantial new information, <i>and would require recirculation of the Draft EIR.</i>	<b>SUPPORTS REQUEST</b> Supports request to expand the USB as part of General Plan Update process to encompass the “Boot” area due to numerous landowners in the area requesting such action.
Javed Siddiqui	South and west of Sac International airport, adjacent to the Garden Highway and the Sacramento River (within Natomas Joint Vision Area).	Include property in the USB and UPA to allow for eventual urban development.	Issues are similar to those of the “Boot”. Modification of the Project Description to move the location of the USB and UPA would be substantial new information, and <i>would require recirculation of the Draft EIR.</i>	<b>DOES NOT SUPPORT REQUEST</b> Discussed and recommended that the Board not support the request. Recognized request as separate and distinct from the Natomas “Boot” request above.
John M. Sullivan	Southeast corner of Rancho Murieta	Expand the USB and UPA such that it is contiguous with the Rancho Murieta PUD & CSD boundaries.	Modification of the Project Description to move the location of the USB and UPA would be substantial new information, and <i>would require recirculation of the Draft EIR.</i>	<b>DOES NOT SUPPORT REQUEST</b> No support was voiced related to this request.

Requestor	Location	Description of Request	Potential Effects on EIR Analysis	Planning Commission Recommendation
<b>Requests Related to Potential Phasing of New Growth Areas</b>				
Lennar Homes	East of the North Vineyard Station and Florin-Vineyard Gap communities, west of Excelsior Road (aka “the Elbow area”).	Request is to be included in Phase I of Planning staff’s recommended approach to phasing, and therefore designated immediately as Urban Development Area (UDA).	There is the potential for this request, when viewed in combination with the other phasing requests, to be inconsistent with recommended mitigation. It is clear that not all of these requests could be granted and still be consistent with the “Phased” mitigation. <i><b>Though recirculation would not be required, a Statement of Overriding Considerations and Findings of Fact would be required to support approval of the project with the impact unmitigated.</b></i> Since this request was made in the context of the “Phased” mitigation, the request is no longer applicable if the equivalent “Criteria-Based” mitigation is adopted.	Request resolved (or at least is less pertinent) given the County Planning Commission's recommendation to adopt a "Criteria-Based" approach to growth management rather than a "Phased" approach. As such, no recommendation was made regarding this request.
Tracy Family	North of the proposed Cordova Hills master plan, east of Grant Line Road.	Request is to be included in Phase I of Planning staff’s recommended approach to phasing, and therefore designated immediately as Urban Development Area (UDA).		
Law Offices of George Phillips for the Rendering Company	North of Jackson Highway, west of Sunrise Boulevard.	Request is to be included in Phase I of Planning staff’s recommended approach to phasing, and therefore designated immediately as Urban Development Area (UDA).		<b>SUPPORTS REQUEST</b> Voiced strong support for moving the rendering plant and developing the property with urban uses.