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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.

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).*)

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.

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.

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.)

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.

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**

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

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**

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

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.

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** ~~The resulting plans should~~ 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**

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

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.

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?

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**

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.

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

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.**

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.

- 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

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

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 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**

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 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

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.

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

#### **4. Water Supply and Climate Change**

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**

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 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**

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 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 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;

- 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. 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**

The DEIR fails to fully and properly disclose and mitigate significant impacts and 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



**ECOS**  
ENVIRONMENTAL  
♦ COUNCIL ♦  
OF SACRAMENTO

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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

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. 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.

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

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 Director, Habitat Chair