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**Re: Comments on Elk Grove Sphere of Influence Amendment Recirculated Draft Environmental Impact Report**

Dear Mr. Lockhart,

These comments are submitted on behalf of the Environmental Council of Sacramento (ECOS), the Sierra Club Sacramento Group, and the California Native Plant Society (CNPS) in regards to the Elk Grove Sphere of Influence Amendment (EG-SOIA or Project) Recirculated Draft Environmental Impact Report (RDEIR). ECOS is a coalition of environmental and civic organizations with a combined membership of more than 12,000 citizens throughout the Sacramento Region. The Sierra Club Sacramento Group, a chapter of one of the oldest national environmental organizations in the country, has long been committed to responsible urban growth. The CNPS is dedicated to protecting California's unique habitats and its many endemic species. Both organizations are members of and partners with ECOS. ECOS' mission is to achieve regional and community sustainability and a healthy environment for existing and future residents. These comments have been submitted by volunteer members of ECOS, Sierra Club and CNPS, and as such, will vary with the style and approach of individual preparers.

The RDEIR states in several places that it is not intended to be tiered from and that no construction is planned for under this RDEIR. However, the RDEIR does serve as: (1) a document to inform the public and LAFCo as to whether Elk Grove's SOIA request should be approved; and if so what conditions must be applied to future annexation requests; and (2) as an informational foundation for future programmatic and project level EIRs that may result from this process. With those functions in mind, this letter will identify numerous errors and omissions in the RDEIR, organized with respect to sections on project description, biological and agricultural resources, water supply, air quality, greenhouse gasses, land use policy, growth inducement and cumulative impacts. We begin however with a general comment on the recommended mitigation measures in the Executive Summary.

## ***Executive Summary***

### **Mitigation Measures Are Unenforceable Once Annexation is Approved**

The RDEIR includes many mitigation measures, all of which impose some requirement on the City of Elk Grove that must be met at the time of application to annex territory within the Sphere of Influence Amendment Area. These measures are listed in Attachment A. Those that set forth a clear requirement on the City to impose on future development are highlighted in yellow. These measures are worded variously. Some require that the City of Elk Grove impose conditions on discretionary projects. Some simply require that Elk Grove will acknowledge that it will do something. One, notably AG-1, simply requires Elk Grove to prepare a plan to mitigate agricultural impacts.

The problem with most of these mitigation measures is that once LAFCo approves the annexation request, it loses jurisdiction to ensure that the City will actually meet the terms of the mitigation measure. In other words, none of the mitigation measures comes with a monitoring and enforcement program. This amounts to deferred mitigation.

This concern may be addressed by incorporating the following wording into mitigation measures:

At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall enter into a binding agreement with LAFCo, or otherwise provide legally enforceable assurances to LAFCo that will ensure the implementation of.....the substance of the mitigation measure.

In the comments that follow we have highlighted some mitigation measures that particularly concern us.

## ***Project Description***

In the Project Description section of the RDEIR, the preparers attempt to justify the SOIA and its future urbanization based on a perceived need for additional residential and employment-generating land. In fact, in Table 2-4 they reference the MTP/SCS to give the false impression that the MTP/SCS is in agreement with their projections. The projections used in this RDEIR to justify the SOIA are not consistent with the projections contained in the MTP/SCS and to claim as much is a gross misrepresentation of the facts. The MTP/SCS did not show any need for additional residential or employment-generating lands outside the current City limits.

## ***Land Use Assumptions***

In the Land Use Assumptions section of the draft document takes a different tact, and bases the perceived need for additional land for urbanization on the City's General Plan policy LU-10 which "*seek(s) to designate sufficient lands in all employment-generating categories to provide a minimum 1:1 correspondence between Elk Grove's working population and jobs.*" While this may be an admirable goal, it is likely to be unachievable. Considering Elk Grove's development patterns to date, as well as the market study undertaken in 2011 which clearly indicated a lack of competitiveness with such employment-generating areas such as Roseville and Folsom. However, if correcting their jobs to population balance is a legitimate goal, then this application

should only be looking at lands for employment generating uses, not for 5,825 acres of additional residential lands.

### ***Biological Resources***

The Biological Resources section of the RDEIR fails as an informational document meant to inform LAFCo decision makers and the public about the impacts on biological resources of the SOIA approval. Please refer to the letter submitted by Donald Mooney, November 21, 2011, which addresses the relevant legal standards and the flaws in the Elk Grove SOIA DEIR SCH No. 2010092076. The flaws identified by Mooney in the DEIR released in 2011 are also present in this recirculated draft.

As explained in greater detail below, the incomplete, misleading, and at times obfuscating analysis provided in the RDEIR constitutes a bad faith effort (CEQA 15003(i) and 15151), and it does not substantially support its conclusions with evidence (CEQA 15064(f)(5)).

### ***Environmental Setting and Surrounding Uses***

The foundation for this flawed presentation lies in the relationship between the “Environmental Setting” and “Surrounding Uses” sections. The “Environmental Setting” section describes the basic land types to be found in the SOIA area, and then includes a grossly incomplete list of species that one might find in that land type. The “Surrounding Uses” section mentions the existence of the Stone Lakes National Wildlife Refuge and the Cosumnes River Preserve, but it no way discusses their biological interdependence with and direct relationship to the SOIA lands. What results from this treatment is the perception that there are some different land types in the SOIA area with some species that use them, and that there are some lands nearby that were conserved. The irrelevant map of special status plant species, and a grossly incomplete map of special status wildlife, give the impression that there is not much to worry about.

The RDEIR makes no attempt to encompass the significant geographical and biological relationship between the SOIA area, the lands of the Stone Lakes National Wildlife Refuge (SLNWR) and the Cosumnes River Preserve (CRP). The SOIA area represents an extremely important foraging area for species from both SLNWR and CRP, and additionally serves as a very important buffer to absorb direct and indirect impacts on these protected lands from urban activities. The removal of any part of this important foraging and buffering area will have demonstrable impacts on both SLNWR and CRP. These are not analyzed or considered within the RDEIR. The important species survey data collected in both of these important protected areas is not even utilized to determine the presence of listed species in the SOIA area.

A complete analysis should note that CRP and SLNWR are active floodplains: Cyclically, every seven to ten years they are inundated by the Cosumnes River, the last free flowing river out of the West side of the Sierra Nevada Mountain-range. And since the vast majority of the conservation in this area falls within an active floodplain, upland foraging lands are critical to the continued survival of this ecosystem. The SOIA area is such an upland foraging area, but this was not analyzed or even mentioned in the RDEIR.

The process of annexation is likely to occur in a piece meal fashion and the biological assessments and EIRs that will inform that process will address those pieces, not the removal of the entire SOIA area. This RDEIR is the only opportunity to consider the impact of removing the entire SOIA area from the local ecosystem, and to account for the cumulative impact of that removal upon the listed species found there.

This RDEIR fails to analyze the impact of the removal of the entire SOIA lands from the local ecosystem. Its analysis is consistent with that which would be expected for individual annexations. Its reliance on current ordinances, general plan land use and mitigation requirements, and participation in the South Sacramento Habitat Conservation Plan (SSHCP) or the creation of a new HCMP do not justify the “take” of such a huge and significant swath of habitat because those ordinances and general plan land use and mitigation requirements did not produce an EIR that identified the impacts of that SOIA and eventual annexation. Further, the mitigation measures provided in this RDEIR are unenforceable by LAFCo and cannot be relied upon to reduce impacts.

As well, the SSHCP has had significant unresolved issues with the SOIA application because of its impact on the “feasibility of acquisition” which reflects the likelihood of being able to successfully acquire the necessary amount of mitigation land, in this case in the Western portion of the SSHCP plan area. This fundamental problem was not mentioned even once, but the SSHCP was mentioned repeatedly as an important example of the substantive efforts being undertaken to address the issue of biological resources. The incomplete, misleading, and at times obfuscating analysis provided in the RDEIR in this context constitutes a bad faith effort (CEQA 15003(i) and 15151), and it does not substantially support its conclusions with evidence (CEQA 15064(f) (5)).

#### **Introduction 3.4.1**

“Descriptions and analyses in this section are based on a site reconnaissance performed by MBA Biologist/Regulatory Specialist Dale Hameister on October 11, 2010, with respect to the current regulatory framework.”

As is made clear in the RDEIR wetland’s section, the vast majority of the nearly 8,000 acres that constitute this SOIA application are privately held and thus not readily accessible to “site reconnaissance.” Given the huge area to be examined, the fact that most of it was inaccessible, and the fact that only a single day was used for the site reconnaissance, it is inconceivable that either a thorough or particularly useful contribution was added by this effort. To the degree that the one day, extremely limited, site reconnaissance was substantively relied upon, many conclusions that resulted could not be substantially supported with that evidence (CEQA 15064(f) (5)).

It is also very troubling that detailed expert comment letters describing biological resources were submitted in the review process on the prior DEIR for the application, and these were ignored in the RDEIR Biological Resources section. These include comment letters by Shawn Smallwood, Friends of the Swainson’s Hawk, Sacramento Audubon Society, ECOS, and The Nature Conservancy.

### **Environmental Setting 3.4.2**

In the Agricultural cropland section, the list of species expected to occur is quite incomplete and seasonally skewed. It does not include any of the winter complement of migratory waterfowl that use cropland for winter forage. It is also so far from being exhaustive that the inclusion of the few species listed creates the sense that this habitat is hardly to barely utilized by wild species, which is far from the reality of the situation.

The same is also true of the Irrigation ditches, Irrigated Pastures, and Wetlands sections that follow. From a practical perspective, this erratic incomplete listing of typical species in a given habitat type is more confusing than helpful. In the context of CEQA this constitutes a bad faith effort (CEQA 15003(i) and 15151)) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f) (5)).

### **Wetlands**

The description of table 3.4.1 on page 3.4 -5 states there are “approximately 150.6 areas of wetlands...” it is our assumption that “acres” was intended rather than “areas” since the total of the listed wetland types equals 150.6 acres.

As stated above, the species “expected” to be found in these wetland habitats is incomplete. Literally, dozens of species would be expected because of the variety of wetland types. The fact that only a few are indicated suggests a paucity of usage which is the opposite of the reality and constitutes a bad faith effort (CEQA 15003(i) and 15151) ) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5)).

### **Surrounding Land Uses**

This section mentions the existence and proximity of the Stone Lakes National Wildlife Refuge and the Cosumnes River Preserve, but only as a geographical fact. No discussion is included of the: habitat relationships (the SOI area as buffer and foraging area for species using those core protected areas), cumulative public investment, uniqueness, etc. Again, this constitutes a bad faith effort (CEQA 15003(i) and 15151).

### **Special Status Species – Plants and Wildlife**

This section is incomplete, misleading, and consistently misuses the CNDDDB. It allows the reader to believe that the CNDDDB data referenced is a record of absence (i.e. that if a species does not show up in the CNDDDB, then it is not present on these lands) by failing to reproduce the clear disclaimer made in the CNDDDB on this point. This constitutes a bad faith effort (CEQA 15003(i) and 15151).

There is significant data available for species occurrence that was not utilized for this section such as: the Audubon Christmas counts, Cosumnes River Preserve surveys, EBIRD, as well as resources from the Stone Lakes National Wildlife Refuge surveys, to list a non-exhaustive few. A more exhaustive review of this available data will verify the presence of many species this section covers. Failure to use this available data constitutes a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5)).

The use of Map 3.4 – 2A can easily be seen as misleading since it shows no occurrence data for

special status species in the SOIA and extraordinarily low occurrence nearby. One would expect no or very low occurrence data because the SOIA lands as well as private lands immediately to the South are in private hands and there would be no reason for those private landowners to get a Biological Assessment of the biological resources on their property unless they were in the process of trying to get their land rezoned and urbanized. A close examination of the map indicates that the occurrences mapped are predominately in areas that were developed, are about to be developed, or are part of protected preserves looking to conserve their biological resources. Without this explication, someone who is not a field biologist or a land use specialist would assume that there was a very small likelihood of occurrence in the SOIA area, and there is nothing presented to support this conclusion. Again this constitutes a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5)).

**Map 3.4 – 2A** is also quite misleading in that it includes plants that are not covered in table 3.4-2: Summary of Special-Status Plant Species Review, and table 3.4-2 include many plants that are not included in the map. There is no explanation or substantiation for this inconsistency and as such is misleading. Again this constitutes a bad faith effort (CEQA 15003(i) and 15151) ) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5)).

**Map 3.4 – 2b** is incomplete and relies largely on the CNDDDB in an inappropriate way to the apparent exclusion of the numerous available sources already mentioned. As an example of how incomplete the map is, it shows four points for Swainson’s hawks inside the SOIA area and five that border it. A recent survey commissioned by the City of Elk Grove of nests inside the SOIA documented many more active nests than indicated (Estep 2008). These data were submitted by Friends of the Swainson’s Hawk at the NOP and DEIR stages and have consistently been ignored.

Again: this constitutes a bad faith effort (CEQA 15003(i) and 15151) ) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5)).

**All of tables 3.4-2 and 3.4-3** suffer from the same inappropriate use of the CNDDDB and as such are both inaccurate and largely unfounded. Again this constitutes a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5)).

There are numerous examples of erroneous assertions in table 3.4-3. White tailed kites and Northern harrier can easily be seen year round in the SOIA area and likelihood of presence should be considered high. Greater Sandhill Cranes can be seen in large numbers during the Fall and Winter and should have a high likelihood of presence, and Ferruginous hawks can definitely be identified in the winter and should have at least a moderate likelihood. All of the species’ likelihood for presence need to be re-examined in the light of more complete local data as suggested previously

The periods of identification included in the table seem to indicate recorded incidences largely concentrated on nesting, and many of the listed species do not nest in the area, and some that

do can be see year round. For an example of the richness of species present in the SOIA area and evidence of how far from accurate the table is, refer to K. Shawn Smallwood's November 21<sup>st</sup>, 2011 letter to LAFCo where he chronicles the species he saw during a 65 minute visit in November of 2011, and a 90 minute visit in August of 1999. Though far from complete, his list of observed species clearly indicates how much more incomplete table 3.4-3 is. His review indicated 235 species that are "possibly, probably, or certainly occurring ...indicating a biological richness that warrants a much more rigorous environmental review than was provided." Again this constitutes a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5)).

As well, table 3.4 -3 did not take into consideration the substantial difference between conditions on the ground seasonally. As an example of this it was determined that there is no appropriate habitat for peregrine falcons, but if the periodic localized flooding in agricultural areas inherent in very wet winters were considered, there would be available habitat. And, given the numbers of foraging birds utilizing this periodic habitat there would be more than sufficient food. If all of the available local data sources were examined it would be clear that this is a typical situation and peregrine falcons would be a least moderately likely to be present under those circumstances. All of table 3.4-3 needs to be re-examined in this context and with a more complete set of locally available data. Again this constitutes a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5)).

The RDEIR Biological Resources section is flawed because it fails to account for the significant populations of threatened species relying on the SOIA lands. It simply notes presence or presumed absence of species without addressing the core issue of what will happen to the species dependent upon the SOIA lands.

#### **South Sacramento Habitat Conservation Plan**

This section states: "The SSHCP study area includes the City of Elk Grove and the proposed SOI project area." It fails to mention that the SSHCP is not a land planning document, and merely responds to land use plans that are presented to it. No mention is made of the serious controversy within the SSHCP regarding the SOIA area stemming from its potential to create an unsupportable impact on the SSHCP ability to adequately mitigate in the Western portion of the Plan area.

Friends of the Swanson's Hawk (FOSH) submitted a letter, from the California Department of Fish and Wildlife to the manager for the SSCHCP effort, to LAFCo as documentation of this conflict. This letter has been completely ignored by the preparers of the RDEIR. (Department of Fish and Game letter of March 25, 2010, to Michele McCormick, copy to Eric Tattersall, and Peter Brundage).

One of the consistent issues with the SOIA application and the SSHCP is that it dramatically undermines the "feasibility of acquisition," which reflects the likelihood of being able to successfully acquire the necessary amount of mitigation land. The SSHCP has to be able to assure that it can successfully implement the conservation strategy which is the heart of the Plan. Eight thousand acres of additional development means that at least 8,000 acres more are required for mitigation, adding up to a 16,000 acre hit to the available "inventory" in the

Western portion of the Plan area. The “feasibility of acquisition” is expressed as a percentage of the available “inventory” that must be purchased to meet mitigation needs – the higher the percentage the harder it is to meet the acquisition needs. A “feasibility” of 50% means that half of all suitable land in the “inventory” side of the Plan area would need to be purchased to comply with the conservation strategy. Since lands will only be purchased from willing sellers, the likelihood for success is extraordinarily small.

When the SOIA was first introduced, the “feasibility of acquisition” was at an impossible percentage of over 70%. Because the California Department of Fish and Wildlife (CDFW) requested a 35,000 acre increase in the “inventory” side of the Plan area, that percentage was knocked down to 30%. The desired percentage according to CDFW is 15%. Elk Grove has been consistently unwilling to entertain a reduction in the size of the SOIA to resolve this problem. There was no analysis of Elk Grove’s impact on the SSHCP, and stating that there is no impact because it is not completed is obviously untrue based on this explication.

Allowing Elk Grove to work on their own HCP would have the additional impact that they would be attempting to mitigate within the same “inventory” that the SSHCP was using, destroying the SSHCP’s ability to implement its conservation strategy. Mitigation should include requirement that federal and state take permits for all species covered by the SSCHCP be obtained prior to annexation to ensure consistency with the SSCHCP.

### **3.4.4 - Methodology**

#### **Literature Review**

As already stated repeatedly, **the data used for this RDEIR was woefully incomplete** and the analysis as well as the representation of the condition on the ground in SOIA area has suffered as a result. It is particularly ironic that it is claimed here that the DIER relies on the existing draft of the SSHCP when the maps that were included from information from the SSHCP were outdated and incomplete. Even the older maps from past drafts of the SSHCP include more complete mapping for species incidence. Please refer to previous comment about the Smallwood letter as an indicator of how incomplete the efforts to establish the baseline in the SOIA were. As stated: “(t)he literature review provided a baseline from which to evaluate biological resources potentially occurring within the SOIA Area, as well as the surrounding area.” As such the RDEIR is flawed from its foundation on up and constitutes a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5)). The RDEIR did not utilize substantial data submitted in public review of the SOIA DEIR, November, 2011, by experts of scientific observations in the SOIA area.

#### **Reconnaissance Level Survey**

Please refer to earlier comments about the one day effort by MBNA for their reconnaissance level survey. There is no indication of how long Dale Hameister spent there, beyond “daylight hours,” and no species sighting lists were provided from his visit. As well, since no private lands were investigated, access would have been extremely limited. Compare this survey to that discussed in the Smallwood letter and it is clear that the MBNA reconnaissance level survey was wholly inadequate and is further evidence of a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5)).

### **Thresholds of Significance**

As already stated, the SOIA has had a significant impact on the SSHCP. Though the SSHCP has yet to be completed and implemented, it is disingenuous to use this technicality to claim no impact since the SSHCP could very well be impossible to implement because of the SOIA for the reasons already discussed. Again this constitutes a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5)).

### **Wetlands**

“No USFWS designated critical habitat occurs within the project area. However, the onsite drainage canals connect directly to drainages to the west, which includes designated critical habitat for the Delta smelt.”

In the wetlands section it is indicated that there are likely 5.9 acres of vernal pools, 2.5 acres of vernal impoundment, and 0.1 acre of vernal swale. Any or all of these could have the presence of listed species and be designated “critical habitat.” As stated in the wetlands section: “A jurisdictional delineation was not conducted for the project area because most of the SOIA Area is in private ownership.” It is a bad faith effort (CEQA 15003(i) and 15151) not to fully explain that it is not known if there is “critical habitat” because the needed investigations to determine this have not been done, and given the vernal pool and other wetland resources in the SOIA area, there very well may be “critical habitat.”

Greater Sandhill Crane and Swainson’s hawk definitely, not potentially, occur in the SOIA area, refer to the Smallwood letter and our consistent criticism of how incomplete the data sources were that were used. It is interesting that so much emphasis is placed on the Elk Grove Swainson’s Hawk ordinance here and no mention is made of the fact that if the SSHCP is implemented there would a minimum of 1:1 mitigation for every undeveloped acre in the SOIA area regardless of lot size.

### **Swainson’s Hawk Impacts**

“Future development within the SOIA Area would be subject to its own CEQA review and would comply with the City’s conditions as well as follow the recommendation developed by the Swainson’s Hawk Technical Advisory Committee (TAC) (2000) to maximize the potential for locating nesting Swainson’s hawks, and thus reducing the potential for nest failures as a result of project activities/disturbances.”

As already stated, additional CEQA review will not allow for an examination of the impact of the removal of the entire SOIA area from the ecosystem, as well as other cumulative impacts resulting from the entire area urbanizing. The impacts to Swainson’s Hawks are determined in this RDEIR to be significant and unavoidable, and given the extent of this impact it is more appropriate to focus on whether “jeopardy” will occur at this point, than rely on a future project by project review process that will only consider the impact of individual projects in the SOIA area.

ECOS and the Sierra Club want to be on the record supporting the comments provided by Friends of the Swainson’s hawk for this RDEIR and the prior DEIR.

### **Greater Sandhill Crane Impacts**

The Greater Sandhill Crane is briefly mentioned as potentially occurring in the SOIA area. As we have already asserted, the Greater Sandhill Crane routinely uses this area for foraging, particularly birds that roost in the Stone Lakes National Wildlife Refuge. Add to this the Smallwood letter which clearly indicates presence for Greater Sandhill cranes, Ebird listings, survey data from both Stone Lakes National Wildlife Refuge and the Cosumnes River Preserve, and Christmas counts, to list a few of the data sources available, and it becomes irrefutable that Greater Sandhill Cranes regularly use the SOIA area for forage.

Greater Sandhill crane use foraging habitat within a 5-6 kilometer diameter of their roosting sites (Gary Ivey, unpublished research for PhD).. Greater Sandhill crane in our area forage extensively in harvested row crop fields and irrigated cropland. They consume the residual waste grain and whatever small animals they can find. Freshly flooded fields also result in the flushing out of small animals which makes them popular forage sites as well.

Further substantiation for the change in the status of “potential for presence” to HIGH is found in the fact there are recorded occurrences of Greater Sandhill Cranes in the SOI expansion area. Dr. John Trochet worked for the Nature Conservancy and Gary Ivey in 2005 between January and March and documented greater Sandhill crane usage of the SOI expansion area during a flood event (Ivey, “Mitigating Loss of Sandhill Crane Habitat in South Sacramento County, March 25, 2005). Though the Greater Sandhill Crane does at present use this area during “normal” water conditions, these upland areas like the SOI expansion area are even more critical for the long term health of the Greater Sandhill Crane population because they allow for foraging areas above water during the frequent periodic flood events in the lower Cosumnes basin.

The SOI expansion area has provided critical upland foraging habitat for the Greater Sandhill Crane during the frequent flood events in the lower Cosumnes basin. Beyond the fact that portions of the added “inventory” to the SSHCP are at or below sea level, no investigation or scientific determination has been made as to the impact of removing so much upland foraging habitat for the Greater Sandhill Crane, given its importance during flood episodes. Most of the preservation of Sandhill Crane habitat has been within the floodplain, and significant areas that are not technically within the floodplain, such as Staten Island, are at risk of catastrophic failure during significant flood events if their antiquated levees fail – this nearly happened to the Staten Island levees during such an event in the last decade and it was only emergency repairs that kept it from becoming a lake. Greater Sandhill Crane can’t swim. A significant flood episode with inadequate upland foraging habitat remaining could have catastrophic consequences for the Greater Sandhill Crane. Before so much upland foraging habitat is removed for urban/suburban/commercial development within the SOIA expansion area, a scientific study needs to be undertaken to determine how significant the impacts on the crane are. This needs to be one of the listed mitigations for the Greater Sandhill Crane. In the absence of this verification of the severity of the impact, the threshold for significance needs to be listed as “potentially significant and unavoidable” and it would not be possible to claim that it could be mitigated to “less than significant.” This is also an issue that needs to be addressed by the SSHCP if this expansion is approved and its eventual development after annexation is to be given incidental take coverage.

It is unacceptable deferral to claim that this issue can be resolved at the time of annexation/s as this will likely be the only opportunity to consider the totality of the landscape being considered for development. The SSHCP had always assumed, until the SOI application by Elk Grove, that all of the land in the SOI expansion area would be part of the “receiving” side of the SSHP. This relatively new change of use has not been either fully or properly vetted within the SSHCP. It is in fact a point of major contention. Concerns have been frequently expressed that adjusting the math between the “take” and the “receiving” side of the SSHCP by increasing the plan area to the west of I-5 does not constitute a scientifically defensible position. This is one of a list of contentious issues that need to be worked out. It is not at all accurate to say that the SOI expansion is not in conflict with the SSHCP. We would like to reiterate that the preceding examination of how the DEIR handled the Greater Sandhill Crane is presented to demonstrate not just the deficiencies in the RDEIR as pertains to the crane, but also as indicative of the poor handling of species in general and the potential impacts in general within the RDEIR. Much more will need to be done than integrating these crane specific comments. All other species will need to be re-examined in the light of more complete data resources, and the impacts on them will need to be determined looking at the totality of habitat removal due to the eventual complete annexation and urbanization of the SOIA. Anything less would be a bad faith effort at informing the public and decision makers about the environmental impacts on these species (CEQA 15003(i) and 15151). A failure in this regard would also mean the conclusions are unsupported and without “substantial evidence” (CEQA 15064(f) (5)).

#### **Giant Garter Snake Impacts**

Impacts to Giant Garter Snake are not discussed in this RDEIR nor are mitigation measures presented to deal with the impact to them. The last draft of the SSHCP has mitigation for GGS that includes protecting Laguna Creek. The last draft of the SSCHCP includes GGS impact on page 5-33 of the draft document on their web site.

“For purposes of the SSHCP, direct impacts for Giant Garter Snake are calculated based on the projected loss of Stream/Creek, Freshwater Marsh, and Valley Grassland within 300 feet of impacted stream reaches located within Zones 3a, 4, 5, and 12. Outside of the UDA, impacts to suitable habitat are calculated in Zones 8, 9, and 11 based on the projected construction footprints of infrastructure projects that occur within 300 feet of an impacted stream reach. Projected urban growth within the Cities of Elk Grove, Galt, and the unincorporated County will affect 1,400 acres of habitat for giant garter snake.”

The failure to include discussion about this important listed species and the significant impacts to it constitutes a bad faith effort (CEQA 15003(l) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f) (5)).

### ***Mitigation Measures***

#### **MM BIO-1A**

Lettering below directly references that found in the RDEIR document:

A.) Doing the reconnaissance level survey at annexation is too late to consider the cumulative impact of the loss of the entire SOIA area to the regional ecosystem. This is a clear example of not taking the SOIA RDEIR seriously. The full extent of the reconnaissance level survey for the

RDEIR was the one day effort by MBNA and as has been clearly established the baseline for biological resources in this RDEIR is woefully incomplete and misleading and constitutes a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f) (5)).

B.) Leaving avoidance of special status species to the project level is too late to consider the cumulative impact of the loss of the entire SOIA area to the regional ecosystem. This is a clear example of not taking the SOIA RDEIR seriously. The full extent of the reconnaissance level survey for the RDEIR was the one day effort by MBNA and as has been clearly established the baseline for biological resources in this RDEIR is woefully incomplete and misleading and constitutes a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f) (5)).

C.) There is no assurance that Elk Grove will remain a partner in the SSHCP. In fact they have threatened in the past to pull out if their SOIA was not included. And given their intractability with the "feasibility of acquisition" issue, it is not a stretch to question whether they will stay with the SSHCP if they have to reduce the footprint of their SOIA to satisfy the conservation strategy of the SSHCP.

The mitigation measure is inadequate because an HCMP with agency consultation results in unenforceable and inadequate mitigation for biological impacts. Specifically:

- There is no assurance that this plan will have a regional scope comparable to the SSHCP
- It relies on project-by-project impact analysis that facilitates sub standard mitigation (such as the application of fees in place of real guaranteed mitigation)
- It does not require that the agencies approve the HCMP and issue take permits for listed species
- There is not enough "inventory" available to mitigate for the loss of the SOIA lands
- An HCMP would need to mitigate in the same footprint as the SSHCP, making it impossible to implement the SSHCP
- An HCMP is not enforceable by either the wildlife agencies or LAFCo

Elk Grove can drop out of the SSHCP at any time with this mitigation measure and prepare an unenforceable and inadequate HCMP if LAFCo approves the SOIA with the mitigation in the RDEIR. Since the SSHCP requires wildlife agency approval and regulatory permits for impacts on protected wildlife species, and the RDEIR HCMP option does not, this measure significantly weakens the ability of the SSHCP to be adopted and implemented. Elk Grove can do its consultations, make its HCMP, and then ignore it completely after annexation in favor of doing things differently. **THIS IS A FATAL FLAW IN THIS MITIGATION BECAUSE IT RENDERS IT USELESS BECAUSE IT CANNOT BE ENFORCED.**

CEQA Guideline 15126.4(a) (1) (B) states that "Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way." In this instance, formulation of mitigation measures for biological impacts is clearly deferred to the future development of a "habit conservation management plan" whose contents are presently unknown. Notably, this mitigation measure contains NO

performance standard. The requirement that such a plan be developed "in consultation with" USFWS and CDFG does not require that the plan and its mitigation strategy be approved by those agencies

D. The specifics listed here about the HCMP are irrelevant since the HCMP can- not be enforced by LAFCo or by wildlife regulatory agencies.

**MM BIO – 1B**

This is an equally unenforceable mitigation. All specifics can be complied with and then Elk Grove can annex and go a completely different route and LAFCo will have no regulatory nexus and will be able to do something about it.

**MM BIO – 1C**

This is an equally unenforceable mitigation. All specifics can be complied with and then Elk Grove can annex and go a completely different route and LAFCo will have no regulatory nexus and will be able to do something about it.

**Level of Significance after Mitigation**

"The HCMP should result in mitigation of impacts to less than significant levels though the details of the HCMP have not been developed to the degree necessary to draw conclusion. Because of this, even with mitigation, the impact is considered significant and unavoidable."

Without state and federal take permit requirements for the HCMP, the HCMP is not enforceable and CANNOT be relied upon. As such, there is NOTHING to support that it "should result in mitigation of impacts to less than significant levels."

We do agree that that "even with mitigation, the impact is considered significant and unavoidable."

The HCMP cannot be relied upon because it is unenforceable, and the SSHCP is as of yet not finished, meaning that there is a distinct contradiction between the proposed conservation strategy of the SSHCP and that of the SOIA, the levels of significance remain the same even AFTER the proposed mitigations.

**Riparian Habitat and Sensitive Natural Communities**

MM Bio -2 is the minimum required mitigation by the governmental agencies that would need to provide permits. Again, a standard project by project approach is offered as justification for the potential loss of the entire SOA area with no attempt to deal with the ramifications of that loss. And again, this mitigation measure is not enforceable. Elk Grove can do its consultations, get its permits, and then shift gears after annexation in favor of doing things differently. Therefore, the level of significance is unchanged by this mitigation measure, and the impacts remain potentially significant.

**Wetlands**

MM Bio – 2 is also relied upon to mitigate for impacts to wetlands. MM Bio - 2 is the minimum required mitigation by the governmental agencies that would need to provide permits. Again, a standard project by project approach is offered as justification for the potential loss of the entire SOA area with no attempt to deal with the ramifications of that loss. And again, this

mitigation measure is not enforceable. Elk Grove can do its consultations, get its permits, and then shift gears after annexation in favor of doing things differently. Therefore, the level of significance is unchanged by this mitigation measure, and the impact remains potentially significant.

HOW DOES LAFCo PROPOSE TO ENFORCE THESE MITIGATION MEASURES AND ENSURE THAT SIGNIFICANCE LEVELS ARE ACCURATELY PRESENTED?

#### **Wildlife and Fish Movement**

Again the RDEIR downplays the significance of the RDEIR area by statements like: “agricultural areas in the south county can be used as a wintering resting place for migrants of the Pacific Fly-way.” The area is heavily used and is an important tile in the mosaic of South Sacramento County migrating bird habitat.

And again, mitigations are relied upon that have already been established as unenforceable and do not rise to the level of responding to the loss of the entire SOIA area, but rather rely upon outdated and minimal project by project efforts. Therefore, the level of significance is unchanged by these mitigation measures, and the impact remains potentially significant.

#### **Conflicts with Local Biological Policies or Ordinances**

Breaking the County of Sacramento’s Urban Services Boundary is a major conflict with local biological policies or ordinances. Beyond being a demarcation of ultimate urban growth, it serves to protect valuable biological resources from being destroyed by urban development. No mention, analysis, or even recognition of this important local policy was included in the biological resources chapter of this RDIER.

**MM Bio – 5 is also unenforceable** for the same reasons as discussed for all previous mitigation measures in this RDIER, and it does not rise to the level of responding to the loss of the entire SOIA area, but rather relies upon outdated and minimal project by project efforts. Therefore, the level of significance is unchanged by this mitigation measure, and the impact remains potentially significant.

#### **Conservation Plan**

As has been made abundantly and repeatedly clear, the SOIA could destroy the ability of the SSHCP to implement its conservation strategy. To rely upon the fact that the SSHCP is not completed, and to completely ignore this dramatic contradiction is a BLATANT example of a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f) (5)). The omission of this critical background history is inexcusable.

***Important questions to LAFCo regarding biological resources not addressed in the RDEIR:***

1. What powers can LAFCo exercise to ensure that the severe impacts to biological resources are fully and properly mitigated? Since LAFCo has no authority after annexation, how will LAFCo enforce mitigation measures?

2. Those on the South Sacramento County Habitat Conservation Plan (SSHCP) Steering Committee acknowledge that there is a conflict between the Elk Grove SOI proposal and a feasible habitat plan. The EIR consultant claims there is no conflict because there is no HCP adopted as yet.

a. How will LAFCo ensure that Elk Grove's SOIA does not adversely affect the "feasibility for acquisition" in the Western portion of the SSHCP?

b. How will LAFCo ensure that Elk Grove deals with its habitat impacts in a regionally responsible fashion if it does not require Elk Grove to either be part of the SSCHCP or obtain state and federal take permits for any annexation in the SOIA area?

c. How will LAFCo ensure that "jeopardy" does not occur to any listed species in the SOIA area if it does not require Elk Grove to either be part of the SSCHCP or obtain state and federal take permits for any annexation in the SOIA area?

3. The impacts to surrounding refuges and preserves should be examined and analyzed but are ignored in this RDEIR. How will these impacts be addressed?

a. Given LAFCo's mandate to preserve open space, what responsibility does LAFCo have to protect the Stone Lakes National Wildlife Refuge and the Consumnes River Preserve that will be adversely impacted by the approval of the SOIA?

b. What weight should LAFCo give to the huge financial investments that went into the creation of the Stone Lakes National Wildlife Refuge and the Cosumnes River Preserve when it considers the open space component of its mandate?

Based on the serious outstanding issues, concerns, and problems addressed in this analysis of the biological resources, LAFCo must deny this SOIA request.

## ***Agricultural Impacts***

**Locally Important Farmland Is Not Explained.** Table 3.21 identifies that 1938.7 acres, or 25% of the SOIA is locally important farmland. However, the document on page 3.2-3 does not identify specifically what farmland of local importance means. The following definition must be included in the Final Draft of the RDEIR, along with an explanation that the definition includes lands that were classified as prime and statewide in importance but are no longer irrigated:

“Sacramento County Locally Important Farmlands are those lands which do not qualify as prime, statewide, or unique designation but are currently irrigated crops or pasture or non-irrigated crops; lands that would be prime or statewide designation and have been improved for irrigation but are now idle; and lands which currently support confined livestock, poultry operations, and aquaculture.” (Source: Sacramento-San Joaquin Delta Important Farmland 2008 Map)

The Sacramento County definition of Locally Important Farmland was developed by a committee of farmers and agricultural experts and adopted by the Board of Supervisors over 20 years ago. This commenter participated in the development of the definition.

The most important part of the definition is “lands that would be prime or statewide designation and have been improved for irrigation, but are now idle.” The definition includes this category of land because the California State Farmland Mapping Act requires ongoing irrigation as part of the definition of Prime and Statewide Important Farmlands. If these lands cease to be irrigated then they are no longer defined as prime or statewide in significance. While declining water tables, water allocation cutbacks and salt buildup in soils are common reasons to cease irrigation elsewhere in California, they are not significant factors in Sacramento County. In this County, the primary reason that lands are no longer irrigated is that they are fallowed in anticipation of urbanization. The advisory committee that developed Sacramento County’s definition of locally important farmland believed that it was important to capture the loss of agricultural productivity due to the fallowing of land—for whatever reason—as part of the definition, so that it could be tracked over time and recognized that these lands are likely to still have significant agricultural value despite their being dropped from the state inventory of important farmland.

It is worth noting that the data in Table 3.2.2 shows significant declines in prime and statewide significance farmland between 1988 and 2010, but a 22,000 acre **increase** in farmland of local importance over the same period. It is reasonable to conclude that most of this acreage comprises land in the path of urban development that has been fallowed in anticipation of conversion to urban uses. The presence of 1939 acres of locally important farmland within the SOIA surrounded by lands of statewide significance as evident in Exhibit 3.2-1 supports this conclusion.

**The Significance Farmland Loss Is Not Given Full Credence.** The RDEIR makes no attempt to note the magnitude of the loss of farmland resulting from the urbanization of the SOIA. The 7390 acres of land that will in all likelihood be converted to urban uses with SOIA approval amounts to 20% of the net loss of agricultural lands over the 22 year period between 1988 and

2010. While much of the losses over that time period were incremental and the result of prior General Plan commitments to urbanization, the Elk Grove SOI application represents a **single decision** amounting to a loss equivalent to 20% of the converted acreage over the last 22 years.

**Proposed Mitigation Measure AG-1 is Inconsistent with Elk Grove Policy.** Mitigation Measure AG-1 concerns the acquisition of easements on existing agricultural land elsewhere in Sacramento County to mitigate for the loss of agricultural land inside the SOIA. However, Elk Grove's own policy, CAQ-3 specifically excludes this mitigation as appropriate. CAQ-3 reads as follows:

**“Policy CAQ-3:** The City of Elk Grove considers the only mitigation for the loss of agricultural land to consist of the creation of the new agricultural land in the Sacramento region equal in area, productivity, and other characteristics to the area that would be lost due to development. The protection of existing agricultural land through the purchase of fee title or easements is not considered by the City to provide mitigation, since programs of this type result in a net loss of farmland.”

This presents the situation where LAFCo, if it approves the SOI, would be imposing a mitigation measure that would require a jurisdiction to act in conflict with its own General Plan policies. We suppose that one option is for LAFCo to require that Elk Grove repeal this policy prior to pursuing annexation of the property. But the more important question for LAFCo decision-makers is: Why should LAFCo approve an SOI request that not only conflicts with LAFCo's charge to protect agricultural lands and open space and involves a very large loss of farmland, BUT is also directly in conflict with the applicant's own policy?

If LAFCo deigns to approve the project in spite of this reality, then it should at least consider an alternative mitigation measure that would strive for consistency with Elk Grove's Policy CAQ-3 and actually provide superior mitigation of agricultural impacts. While the creation of new farmland would entail significant challenges and likely have other impacts--notably loss of wildlife habitat—there are opportunities for restoration of former farmland that could be deemed consistent with the intent of Policy CAQ-3. Consider the following:

**Alternative Mitigation Measure AG-1:** Prior to approval by LAFCo of any SOIA lands for annexation, Elk Grove shall submit a plan consistent with its Policy CAQ-3 in effect at the time of SOI approval, along with a funding mechanism, for the restoration and return of former farmland to productive agricultural acreage in Sacramento County equal in productivity to lands that would be converted to non-agricultural uses within the SOIA. The plan shall demonstrate minimal impact on wildlife habitat loss. The plan and funding mechanism must come with legally binding and/or financial assurances that the plan will be implemented

This measure would take advantage of the large acreages of land that were once irrigated and farmed but are now fallow and designated as Farmlands of Local Importance. The implementation of this alternative is much more feasible if a significantly scaled back SOIA were approved by the LAFCo Board since there are almost 2000 acres of Locally Important Farmland in the western part of the SOIA. Another alternative would be a mitigation measure that requires a certain percentage of the farmland loss associated with the project to be mitigated

by restoration of former farmland and the balance mitigated by the acquisition of easements to protect existing farmland.

**Proposed Mitigation Measure AG-1 is Unenforceable and Incomplete.** The prior comment notwithstanding, there are significant shortcomings of proposed Mitigation Measure AG-1. Most important, along with many other mitigation measures in the RDEIR, is unenforceable once LAFCo has approved annexation of lands within the SOIA, because the mitigation measure defers implementation until after annexation and after LAFCo has ceded jurisdiction. The mitigation measure, if it is to be retained, must require that legally and financially binding assurances that this measure will be implemented be in place prior to approval by LAFCo of annexation of any land within the SOIA.

In addition, as noted above, Locally Important Farmland, by definition, includes high quality agricultural land and must be included within the scope of mitigation. This is consistent with the policy of Sacramento County regarding mitigation for the loss of farmland outside the USB.

**Mitigation Measure AG-1 Will Minimally Reduce Conversion of Agricultural Land to Urban Uses.** The analysis of impact AG-2, titled, “The project may conflict with existing zoning for agricultural use or a Williamson Act contract” includes the following statement on page 3.2-18:

“Implementation of Mitigation Measure AG-1, as noted above, would reduce the conversion of farmland, including Williamson Act contract land, by setting aside lands in permanent conservation easements.”

This statement, though accurate on its face, is very misleading. Mitigation for agricultural impacts of urban development projects elsewhere in Sacramento County have amply demonstrated that lands protected with easements are mostly those lands which are a considerable distance from urban development, have the lowest likelihood of being converted to non-agricultural uses and therefore have the lowest easement acquisition cost. It is probable that only a small percentage of easements acquired to implement measure AG-1 will actually reduce the amount of land that is converted to urban uses in Sacramento County—it will primarily protect land that would be highly unlikely to be developed anyway.

Mitigation Measure AG-1 would be significantly stronger and provide more relevant mitigation if the following requirement is added to the last sentence of the first paragraph of the measure: “The farmland/wildlife habitat land to be preserved **must be within 3 miles of the Elk Grove SOI, located outside of the 200-year floodplain, and** have adequate water supply to support agricultural use.”

Notwithstanding other issues raised in these comments with respect to AG-1, this is a feasible and environmentally superior mitigation measure.

**The Discussion of Factors that LAFCo Must Consider When Determining Project Impact on Other Agricultural Lands Is Inadequate.** Impact AG-3 addresses potential project impacts that would result in conversion of Farmland to nonagricultural use. It approaches this analysis by looking at five factors that LAFCo must consider when determining whether the project will significantly affect the physical and economic integrity of other agricultural lands. This analysis is lacking in several regards. First it should acknowledge that there are growth inducing impacts of the project that are evaluated elsewhere in the document and that they have direct bearing on the agricultural impact.

Second, the project area is part of a larger area of South Sacramento County where small dairies, pasture lands and crop production related to supporting dairy cattle have historically predominated. The RDEIR does not recognize this, nor does it discuss how the project might eliminate sufficient dairy related agriculture to jeopardize viability of similar operations to the south of the project area. This analysis is relevant because of the policy requirement that LAFCo consider the impact on the **economic integrity of other lands**.

Third, with respect to Factor 3 and the potential for urban service extension to impact agricultural conversion, the analysis dismisses relevance with the statement that the project does not involve any changes to land use nor propose specific public facilities. We have noted elsewhere that this is an unacceptable dodge inconsistent with analysis elsewhere in the document. The fact is that the provision of urban services to this area could very easily involve interceptor and trunk sewer sizing, street capacity, expressway offramps and water distribution capability that would facilitate some development beyond of the project area. This is particularly pertinent west of Highway 99 where no physical barriers exist to further growth to the south. This is a mitigable impact that can be reduced by proactive measures to acquire development rights at the edge of the SOI.

Finally, with respect to Factor 4, the presence of natural or man-made barriers that would buffer nearby agricultural lands from the effects of SOIA development, the analysis incorrectly cites the presence of the Stone Lakes NWR as a barrier. It is in fact not a barrier since much of the land within the Refuge boundary is not protected and could be subject to approval of non-agricultural uses.

**Mitigation Measure AG-3 Does Not Address the Underlying Issues Raised by the Analysis.** AG-3 simply requires that the City submit a plan that demonstrates implementation of physical features—screening, fencing, landscaping and setbacks—that would minimize conflicts at the contact point between urban uses and agricultural land at or within the SOI boundary. Given the missing analysis of this impact as discussed above, the conclusion that such mitigation would reduce the impact to less than significant is not supportable.

## ***WATER SUPPLY***

### ***Overview***

Water is an essential service for prospective urban development and an important factor in the LAFCo approval process. The availability of water to meet the competing needs of habitat, agriculture and urban uses is an ongoing and increasingly acute issue in the Sacramento region and elsewhere in the state. This is one of the threshold issues facing LAFCo. It presents itself at three levels:

- 1) Is there adequate water supply to the area to meet potential urban needs?
- 2) If so, where would it come from, and how does its withdrawal from the ecosystem impact the environment?
- 3) How does the project impact the ability of water providers to meet the cumulative demand of growth from approved land use plans consistent with existing agreements, notably the Water Forum Agreement?

On the first point, the SOIA Area west of Highway 99 could potentially annex to the SCWA Zone 40 area, water distribution tie-ins are reasonably close, and water could be pumped from the aquifer. The remaining issues are more complicated and here the analysis in the RDEIR falls considerably short of appropriately informing the City

and LAFCo of the environmental consequences of increased water demand associated with putting the SOIA Area on the path of urban development. Without this surface water supply, the impact on ground water would certainly be more significant than is fully analyzed in the RDEIR for the SOIA area, but the potentiality of the surface supply is based on multiple presumptions. The RDEIR states that " SCWA staff has envisioned general future service requirements for the SOIA Area,"(3.16-27), which seems in conflict with the SCWA's letter to the City of Elk Grove which explains that " a detailed analysis (based on future land use and associated water demands) would be needed to be completed..." (SCWA, March 5th 2012). The RDEIR also presumes that the Freeport facility will have the capacity for supplying the SOIA, and that Zone 40 can be expanded for this purpose (which ECOS would like to note that no new diversions are to be committed from Freeport until the completion of the South Sacramento Habitat Conservation Plan, as per Dept. of Fish and Wildlife Biological Opinion--and the completion of SSHCP is endangered by the potential development of the SOIA area itself). Considering Sacramento County's own estimation of shortfall for the full build-out of the 2011 County General Plan and the multiple other currently proposed projects in the South and East County that have not been analyzed in the RDEIR, ECOS feels that not enough information has been provided for LAFCo to be able to determine the full impacts on the region's water supply.

### ***Environmental Impact of Increased Water Use***

The RDEIR responds to ECOS' November 21, 2011 comments on the DEIR by 1) providing 2012 crop data for almost all of the acreage in the proposed SOIA after accounting for the 1925 acres of locally important farmland that has most probably been fallowed pending urbanization; 2) providing average water use data for these crops; and 3) estimating the total water requirements of a likely urban development scenario for the SOIA. ECOS presumes the values and assumptions used in the RDEIR to be reasonably accurate, but reserves the right to provide further comment pending more comprehensive review. The analysis concludes that the urban development would consume on the order of 5800 additional acre feet of water than is currently been withdrawn from groundwater or pumped from the Cosumnes River to irrigate crops in the SOIA. Although this analysis falls short of the detailed analysis recommended in our prior comments and does not separate out current and future water demand for lands east and west of Highway 99, it represents a reasonable approximation of the likely increase in water development that would result from urban development.

ECOS would also like to note a simple but often overlooked fact that water committed to municipal and industrial purposes cannot be withdrawn or sanctioned in the way agricultural uses can be in dry years, and that potentiality is not fully analyzed by the RDEIR.

### ***Cumulative Water Demand and Water Forum Agreement Consistency***

As noted above, the ability of water providers to meet the cumulative demand of growth from approved land use plans consistent with existing agreements, notably the Water Forum Agreement, is critically important to understanding the impact of SOIA Area expansion on a potentially limiting factor affecting the region's growth, and it is here that the RDEIR fails to meet the requirements of a good faith effort to provide essential information.

The SCWA is the water provider for much of the rapidly growing area within the City of Rancho Cordova, Elk Grove and unincorporated south Sacramento County. SCWA is a signatory to the groundbreaking Water Forum Agreement, a document that allows the region to meet its needs in a balanced way by ensuring adequate water to meet in-stream flow habitat requirements and maintain safe yield groundwater withdrawals in the long term. The Agreement establishes a safe groundwater yield of 273,000 Acre Feet per Annum (AFA) from Central Sacramento County Groundwater Basin and allocates up to 78,000 AFA surface water from the Sacramento River for SCWA use.

The EIR for the Sacramento County General Plan Update (adopted November 9, 2011) examined the environmental impacts associated with the incorporation of the Jackson Highway and Grantline East Growth Areas, together comprising approximately 20,000 acres, in the County's plan for urban growth through 2030. The document identified the SCWA as one of three water purveyors that have an inadequate supply of water to meet demand for new growth (Summary of Impacts, page 1-13). For SCWA Zone 40 the demand for water at build-out, including the new growth areas, would exceed the projected supply by 4913 AFA (Sacramento County General Plan Update FEIR, page 6-47).

The Jackson Highway and Grantline East Growth Areas are within the USB of the Sacramento County General Plan. The USB is the area within which urban services are planned to be provided over the long term. They were included within the ultimate growth projections that were part of the Water Forum Agreement.

The newly adopted General Plan does not include the Jackson Highway and Grantline East Growth Areas within its Urban Policy Area identifying lands planned for development by 2030. However, it does include criteria which, if met, would allow development of these areas to proceed prior to 2030. In fact, one application for development has already been accepted and is undergoing environmental review, two other requests for entitlements have been presented to the County for acceptance and a third is anticipated in the near future. It is therefore likely that planned growth in the SCWA Zone 40 area and within the USB will lead to water demands which exceed the projected safe yield water supply.

The portion of the Elk Grove SOIA application east of Highway 99 is inside the USB, but the area west of Highway 99 is beyond the USB. Growth in that area was not included within the ultimate water demand projected by the Water Forum. It is therefore reasonable to conclude that the annexation and development of the Elk Grove SOIA Area will lead to additional water demand, which when combined with water demand associated with approved general plans inside the USB and pending applications for development under the new growth management criteria of the Sacramento County General Plan, could very well exceed the projected safe yield water supply for the Central Sacramento County Groundwater Basin.

This possibility represents a threshold decision for Sacramento LAFCo in considering the approval of Elk Grove's request. It is essential that the RDEIR's analysis for the project provide a clear understanding of how the potential urban development of the area would impact the SCWA's capacity to provide sufficient surface water and maintain safe groundwater yields.

The RDEIR still falls short of providing this analysis. It provides data from the SWCA Urban Water Management Plan that indicates that 2030 water demand will be within the annual water supply (pages 3.16-2 and 5). The document notes on page 3.16-27 that “Future development of the SOIA Area will require adequate planning for long-term growth. The proposed SOIA will provide direction to municipal water service providers about the location and extent of the City’s anticipated growth. This will allow providers to conduct long-term planning to ensure adequate services and infrastructure are available.” Page 3.16-24 includes the following: “The [2010 SCWA UWMP] Plan provides a flexible plan of water management alternatives, which can be implemented and revised as availability and feasibility of water supply sources change in the future.” These statements imply that it is just a matter of planning to provide the necessary water. It does not address at all the question of whether SCWA *can* provide water to the required water to the SOIA, *in addition to other development that is part of approved general plans, in a manner that assures maintenance of safe groundwater yields*. Hotter, dryer years in a climate change future will likely require revised assumptions on the adequacy of existing surface water supplies to sustain the groundwater table. Additional surface water supplies are extremely difficult to obtain in California’s water-short environment. It may be necessary to revise downward the safe groundwater yield as the region continues to monitor groundwater levels. To say that the agency will figure it all out later when they update their master plan amounts to deferred mitigation, and deprives the lead agency with essential information to make a threshold water decision that could compromise the region’s ability to implement the Water Forum Agreement and sustainable urban growth.

The matter of surface water also needs to be more thoroughly examined, since delivering surface water is the SCWA’s primary strategy for providing water to meet demands while maintaining safe groundwater yield, and by extension is an important means of mitigating adverse impacts on groundwater. However it is not entirely clear that the SCWA can deliver any surface water to the area. All, if not most, of the project area is outside the American River Place of Use. This raises the question as to whether American River water pumped through the Freeport Diversion facility can be utilized outside the place of use. The RDEIR estimates that even with out the SCWA water constrained to the American river Place of Use (POU) that SCWA’s supplies would exceed demand for the SOIA area (3.16-29) but considering the relatively small margin of error and the County’s own estimation of shortfall for the full build-out of the County General Plan (and the current proposed developments in the area), we find this estimation to be insufficient. The RDEIR needs to better assess whether there are constraints on delivering surface water to the SOIA Area to mitigate for increased groundwater pumping for urban uses. (See *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 432 (—CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies).

Proposed Mitigation Measure USS-1 addresses the above concerns by requiring the City to demonstrate that there is adequate water availability to accommodate growth prior to annexation

Prior to LAFCo approval of annexation of any portion of the City of Elk Grove SOIA territory, the City must demonstrate that through the Plan for Services as required by Government Code section 56430, or its successor, to allow the Commission to

determine that: (1) the requirement for timely water availability, as required by law, is met; (2) its water purveyor is a signatory to the Water Forum Successor Effort, (3) the amount of water provided will be consistent with the geographical extent of the SOIA territory and the groundwater sustainable yield described in the Water Forum Agreement. water will be provided in a manner that ensures no overdraft will occur; and (4) existing water customers will not be adversely affected. The Plan for Services shall be sufficient for LAFCo to determine timely water availability to the affected territory pursuant to Government Code Section 56668, subdivision (k), or its successor.

ECOS believes that leaving this critical decision until after substantial investment of political and financial resources towards creating a plan for urban development have been expended will inevitably compromise the assurances being sought by the mitigation measure. The collapse of Folsom's plan for providing surface water to its SOIA shortly after LAFCo approved annexation and ceded jurisdiction leaves us extremely wary of the likely effectiveness of MM USS-1.

ECOS maintains that it is essential for LAFCo to reach a sound determination of the adequacy of water to achieve safe yields for the region prior to any expansion of Elk Grove's SOI. ECOS feels that this can only be done with further analysis of ground water impact in consideration of all the currently proposed and anticipated development in the County, including: a further analysis of the capacity of SCWA's supplies, a further analysis and allocation of the capacity of Zone 40; a further analysis and allocation of the capacity of the Freeport Facility; and considering the recognized cone of depression in the vicinity of Elk Grove (3.9-31), an actual revisiting of the Sustainable Yield for the central ground water basin, as has been conducted for the Northern Basin in 2011, resulting in a reduced sustainable yield agreement.

## ***Air Quality***

The Sacramento region is classified as a Severe Ozone Nonattainment Area with a recently self-imposed 2019 attainment date extension. The attainment date was extended, alongside a bump up in requirements, since the previous attainment date could not be met. Attainment of the federal ozone standard in the Sacramento region will not be an easy task, nor will maintaining that standard once it is attained. Compliance with the Metropolitan Transportation Plan (MTP) and the State Implementation Plan (SIP) is integral to this attainment and maintenance and the development of property included in the SOIA is not included in either planning document. The RDEIR downplays the significance of this inconsistency with the SIP and does nothing to assist with the attainment and ultimately the maintenance of these federally mandated health-based air quality standards.

The RDEIR indicates that *"the conceptual growth that may result from future development under the proposed SOIA, primarily urban in nature, demonstrates a substantial increased potential for population growth and increased VMT" (218,000 additional trips per day and 1,389,000 daily VMT)*. The RDEIR needs to specifically acknowledge that these additional trips and VMT will have a serious impact on the ability of the region to reach attainment of federal air quality standards and to maintain those standards if attainment is ever achieved. The RDEIR also needs to address the serious implications of not meeting the federally imposed attainment date, rather than dismissing it with merely an indication the additional controls would be required.

The report goes on to claim that SACOG will basically take care of these additional trips and VMT through the MTP/SCS process by stating, *“It is anticipated that the policies and the strategies of the MTP/SCS, would assist with the accommodation of an efficient transportation system within and around the SOIA Area.”* However, it is not SACOG’s responsibility to assist growth that is ill conceived and far beyond SACOG’s projected demand, and to imply that the MTP/SCS would assist in efficient transportation within and around the SOIA is inappropriate and erroneous. That paragraph of the RDEIR goes on to state that, *“it is acknowledged that growth in the SOIA area was identified in the MTP/SCS”,* which it obviously was not. Inconsistency with the Sustainable Communities Strategy will be addressed in the Climate Change section of our comments.

The RDEIR does eventually conclude that this project will have a significant air quality impact, but does little to avoid these significant impacts, and proposes no meaningful mitigation strategy. The mitigation proposed by the RDEIR for air quality impacts resulting from the SOIA is not just infeasible, but is also unlawful deferral of mitigation under CEQA.

#### **MM AIR-1**

*Prior to the submission of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will require that all discretionary projects prepare an Air Quality Plan for the SOIA Area. The Air Quality Plan must incorporate policies and other measures at least as stringent as those found in City General Plan Policies CAQ-27 through CAQ-33 and associated actions. The total effectiveness of the Air Quality Plan adopted for the SOIA Area will match those recently adopted for other developing areas within Sacramento County, such as North Natomas. In the case of North Natomas, the emissions will be reduced by 35 percent from the potential emissions that could occur without the adopted air quality policies being implemented.*

This proposed mitigation measure defers mitigation to future discretionary projects which is unlawful under CEQA, inconsistent with past practices and unacceptable. This mitigation is also not enforceable since LAFCo has no authority over future discretionary projects. Since development of this area is not contained in the SIP, reasonable minds would conclude that 100% air quality mitigation would be necessary to properly mitigate its impacts. The referenced North Natomas Project, and its applied 35% air quality mitigation, occurred about 20 years ago and cannot be considered recent or relevant. When the Folsom SOIA was approved ten plus years ago, LAFCO required the City to submit a 35% Operational Air Quality Mitigation Plan along with any annexation request. However, that was also ten plus years ago and what was considered feasible mitigation at that time is no longer adequate and additional mitigation is considered feasible. New technology and advances in mitigation techniques has made a much higher level of mitigation feasible. Therefore, the following mitigation measure, replacing MM AIR-1, is proposed.

#### **MM AIR-1X**

Prior to the submission of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall prepare a 50 percent Operational Air Quality Mitigation Plan. The Operational Air Quality Mitigation Plan, endorsed by the Sacramento Metropolitan Air Quality Management District (SMAQMD), shall accompany any annexation request submitted to LAFCO.

The City of Elk Grove’s own General Plan policy CAQ-32 states ....*the City shall identify the air quality impacts of development proposals to avoid significant adverse impacts and require appropriate mitigation measures, potentially including—in the case of projects which may conflict with applicable air quality plans—emission reductions in addition to those required by Policy CAQ-30.* This is a project that

not only conflicts with applicable air quality plans, but is a project which that could make attainment of the health-based air quality standards difficult or impossible to achieve.

The Cumulative Effects Section of the RDEIR states:

The growth in population, vehicle usage and business activity within the non-attainment area, when considered with growth proposed under the Elk Grove General Plan and throughout Sacramento County, would contribute to cumulative regional air quality impacts. Implementation of the proposed project along with other growth in the area may either delay attainment of the standards or require the adoption of additional controls on existing and future air pollution sources to offset project-related emission increases. The contribution of emissions from subsequent development in the SOIA area would be cumulatively (significant) and is considered significant and unavoidable.

The suggestion that additional controls on existing and future air pollution sources be applied to offset project-related emission increases is absurd when additional project-related mitigation is available, feasible and must be applied here.

This SOIA does not only impact Elk Grove and the surrounding environs, because of its significant air quality impacts it impacts the health and the economic viability of the entire region. The air quality analysis and resultant proposed mitigation contained in this RDEIR must be considered inadequate and incomplete without substantial additional mitigation applied at the time of any annexation request.

## ***GREENHOUSE GAS PRODUCTION***

The RDEIR does not analyze the impact of the SOIA on the MTP/SCS. In terms of GHG reduction, at its core the MTP/SCS represents a fully analyzed strategy to successfully meet the GHG reduction targets laid in AB 32, and translated to the transportation and development sectors through SB 375. Substantial deviations from the land use strategy indicated in the MTP/SCS will result in increased difficulty in meeting the mandated targets and will have other potential impacts not covered in this RDEIR. The SOIA could:

- 1.) Potentially drive interest away from urban infill projects because of the perception that large amounts of greenfield are available for development.
- 2.) Potentially impact the ability of other jurisdictions in the SACOG region to meet AB 32 targets because the SOIA has absorbed so much of the allowable GHG generation for the region.
- 3.) Potentially impact the ability of the region to grow in a way that will allow compliance with the GHG targets.
- 4.) Potentially impact circulation into Sacramento and surrounding jurisdictions increasing congestive GHG production.
- 5.) Potentially result in diminution of transportation dollars due to non-compliance with the MTP/SCS and inability of the region to meet its GHG reduction requirements.

The RDEIR states that one of the requirements of the MTP/SCS is to “achieve the greenhouse gas reduction targets assigned to SACOG by the California Air Resources Board.” As already indicated, the approval of the SOIA will render this requirement very much more difficult to achieve because of its complete inconsistency with the strategy laid out in the MTP/SCS.

The omission of these important impacts in the context of CEQA constitutes a bad faith effort (CEQA 15003(i) and 15151)) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f) (5)).

### **2000 LEVELS BY 2010**

This RDEIR states that Elk Grove had the goal of attaining 2000 levels of GHG production by 2010, but makes no mention if it was able to achieve this milestone. Did Elk Grove succeed in reducing GHG in 2010 down to the level generated in 2000? Why didn't the RDEIR analyze what impact the SOIA would have on Elk Grove meeting the GHG targets for 2020?

### **Sustainability Element and Climate Action Plan (SECAP)**

The SECAP does not account for the future development in the SOIA. What impact will the SOIA have on the SECAP's ability to effectively address both the causes and the consequences of climate change? How would the SECAP justify the inconsistency between the SOIA and the MTP/SCS?

### **Mitigation Measures**

CEQA Guideline 15126.4(a)(1)(B) states that "Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way."

The RDEIR at 3.7-26 describes mitigation measure GHG-1. In this instance, formulation of mitigation measures for greenhouse gas impacts is clearly deferred to future consultations with SMAQMD whose contents are presently unknown.

"Analysis assumptions, methodology and emission factors used by the City shall be submitted for review to the Sacramento Metropolitan Air Quality Management District (SMAQMD). In addition, the City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to the Sacramento Local Agency Formation Commission.

Notably, GHG-1 contains NO performance standard. A key performance standard would be to require the approval of SMAQMD for a strategy to meet any of the three performance criteria offered: efficiency metric, percent reduction, consistency with climate action plan. The requirement that proof of consultation with the SMAQMD be provided to LAFCo to demonstrate compliance with this measure fails to require that the SMAQMD approve the analysis assumptions, methodology and emission factors and the resultant performance criteria. It only requires consultation.

Explain how consultation with SMAQMD would result in a GHG reduction plan that reduced impacts to the maximum extent feasible, especially given that out of the gate the SOIA is completely inconsistent with the MTP/SCS.

Since this mitigation measure only requires consultation, how will LAFCo ensure that Elk Grove reduces GHG consistent with SMAQMD policy? And, since the consultations with SMAQMD are

on a project by project basis, how will LAFCo ensure that the SOIA GHG emissions do not undermine regional efforts to reduce GHG production consistent with AB 32 and SB 375?

Because of the lack of enforceability of this mitigation measure there can be no reduction in the level of significance and it remains significant and unavoidable.

### **GREENHOUSE GAS REDUCTION PLANS**

SB 375 is the transportation and development law that compliments the reduction targets established by AB 32. SB 375 requires that a Sustainable Communities Strategy be developed that, among other things, “achieve(s) the greenhouse gas reduction targets assigned to SACOG by the California Air Resources Board.” Since the Elk Grove SOIA is completely inconsistent with the SACOG MTP/SCS, the only way that Elk Grove can claim that it is consistent with the ARB’s Scoping Plan is because of the lack of development in our region because of the housing slowdown. It is not the responsible nature of the proposed SOIA but rather the lack of development in general in the region that would allow the SOIA to be able to claim that it is consistent with the Scoping Plan.

Given the complete inconsistency with the MTP/SCS, and the fact that MM GHG-1 is unenforceable, the level of significance remains significant and unavoidable.

### ***Land Use and Planning***

**Overall Approach to Land Use Policy Impact Analysis Is Flawed:** The analysis overly strains to make the project consistent with all policies in applicable plans. It reads as if the impact analysis of this section was written by the project applicants. Indeed, with a single exception (SACOG MTP policy), the RDEIR finds that the project is consistent with **every** policy of all applicable plans. And that exception is obscured deep within the analysis. Many of the consistency determinations in the tables state that the project does not involve any changes in planned land uses, that no actual physical development will result from the project and that regardless, CEQA review will mitigate any impacts.

Consistency determination based on the fact that no development is proposed is incorrect. Analysis elsewhere in the document consistently examines impacts of likely urbanization. The RDEIR needs to be internally consistent in its approach to evaluating impacts. It cannot have it both ways. The consistency analysis must presume urban development will ultimately result from project approval and evaluate the likelihood that it will be consistent with the policy in question.

Furthermore, the assumption that subsequent CEQA review for specific projects will ensure consistency with policies is inappropriate at best, and an illegal deferment of mitigation at worst. It is appropriate only to say that CEQA analysis will occur and may or may not adequately mitigate for future development.

Since consistency with many policies depends on the specifics of future development, the adequacy of mitigation and the willingness of decision-makers and staff to follow both the letter and spirit of policies, a more accurate consistency determination for most policies should

be “potentially inconsistent” or perhaps “potentially consistent”--the distinction being primarily the level of optimism and cynicism the reviewer brings to the analysis.

Finally, some of the policies evaluated in the RDEIR are irrelevant to the analysis as they define actions by the County or by Elk Grove that are not related to or are marginally relevant to development of the SOIA. Including these policies bloviates the analysis and obscures the more relevant policies. Examples, to name a few, are the policies in the SA-3,5 and 15; HM-4,9 and 10 and CO-2 in the Sacramento County General Plan and SA 1,5,13 and 25 in the City General Plan. The perspective of analysis should be “would this policy be consistent if the SOIA is developed?” The preparers of the document err in putting forward extraneous policies that obfuscate the very real and significant policy issues that this project engenders.

With this in mind, the range of conclusions the analysis should reach regarding project consistency with policies can be summarized as follows:

- Consistent
- Potentially Consistent/Potentially Inconsistent
- Potentially Consistent with Mitigation (ie mitigation recommended in the RDEIR applicable to annexation)
- Inconsistent
- Irrelevant or Not Applicable

Specifically with respect to Sacramento County General Plan policy consistency, the analysis needs to reflect a consistent analytical approach, since the County’s policies would no longer apply with annexation and development. This does not make them irrelevant. Consistency with County policies must be from the perspective that the project will enable and very likely result of urban development. The relevant question then, is “Would urban development be consistent with the policy in question if there was no change in jurisdiction?” The purpose of this exercise is to reveal how the project measures up against—that is, its consistency with--the General Plan Policies that currently apply to the proposed SOIA.

In sum, the Land Use Impacts Section of the RDEIR must be reevaluated to provide an unbiased and unforced conclusion regarding project consistency with applicable policies. This analysis must not rely on the assertion that no development or land use changes are proposed as part of the project. It must not rely on some future CEQA review to define the determination of consistency. And it must reflect the reality that there is uncertainty as to whether urban development will actually end up being consistent with the policy. Only after this exercise can a realistic conclusion of the significance of the project’s impact be reached.

There are significant consistency issues with a few of the specific policies. These are identified in the following paragraphs.

### **Project is Inconsistent with Urban Service Boundary of County General Plan**

The discussion on page 3.10-23 of the RDEIR notes that the project is outside the Sacramento County General Plan Urban Service Boundary (USB). The EIR finds that the project is consistent with the County Urban Service Boundary. Specifically it states that “Land use designations and

zoning are not proposed to be changed with the SOIA and will remain consistent with the Sacramento County General Plan.” This is a highly relevant policy issue and the conclusion cannot be supported by the facts,

The USB was adopted as part of the 1993 County General Plan and included within the 2011 County General Plan with only very minor boundary adjustments. The USB was and remains intended as a very long term boundary for the extension of urban services, including water and sewer service. The boundary provided enough vacant land within its confines to accommodate regional growth for many decades. The boundary was in large part a reflection of significant natural resources and environmental constraints on its outer edge: the Cosumnes River floodway, blue oak woodlands to the east, and important farmlands to the south and north with high value to migratory waterfowl and special status species. The USB therefore represents a Sacramento County wide reflection of the appropriate long term limits of urban growth and a basis for service providers’ development of long term service needs/plans. For example, the Water Forum Agreement, a landmark cooperative agreement between multiple service providers that attempts to integrate ground and service water usage to maintain a safe yield of groundwater in perpetuity was based on the Urban Service Boundary. The key point is this: the USB is not just Sacramento County’s arbitrary urban limit line. It is a regionally significant demarcation of important open space resources and a boundary for urban service expansion--both key elements of LAFCo’s mandate.

The RDEIR disingenuously concludes that the project is consistent with the USB policy because there is no development proposed at this time involving changes to planned land uses and zoning. Yet the very purpose of the project is to set the stage for future urbanization. LAFCo’s policies require a Master Service Plan regarding the provision of urban services prior to approval of the SOI. Does that not presume urban development? Moreover, assumptions regarding future development and its impacts are applied throughout the RDEIR.

The bottom line is that SOI expansion amounts to a very significant extension of the USB west of Highway 99 and must be determined to be inconsistent with the County of Sacramento General Plan Map, as well as policies pertaining to the USB (next paragraph).

**Project is Inconsistent with County Policies LU-123 and LU-125 and LU-127** Likewise the project is inconsistent with Policy LU-123 (page 3.10-24). The project would result in development that is inconsistent with the County General Plan as it would require an amendment to the USB and is inconsistent with the goals and policies of the Sacramento County General Plan. Policy LU-125 (page 3.10-25) says, in effect, that the County will not accept applications to amend the County General Plan to urban uses outside the USB. The project will enable urban uses and therefore result in an outcome inconsistent with Policy LU-125. The project is also clearly inconsistent with Policy LU-127 (page 3.10-25) which sets out the exceptional conditions when it would be appropriate to expand the USB.

**Project Is Inconsistent with County Policy AG-1 and City Policy CAQ-3**

Four County General Plan policies: AG-1, AG-5, AG-21 and CO-14 and one City General Plan Policy, CAQ-3, deal directly with the loss of agricultural lands. These are the only policies in the analysis that the RDEIR finds Consistent with Mitigation. The document cites Mitigation

Measure AG-1 as ensuring consistency with these policies. Measure AG-1 requires that the loss of agricultural lands will be mitigated on a one to one basis at the time of any application to change land uses within the SOIA. Aside from enforceability issues with this mitigation measure (see analysis elsewhere in ECOS' comments), it is important to note that significant agricultural acreage would still be lost with development of the SOIA.

It is worth noting that the introduction to Elk Grove General Plan Policy Consistency on page 3.10-44 includes the following sentence: "The land use assumptions discussed in Section 2, indicate that future urbanization of the project area would result in urban land uses that do not conform to agricultural land use designations." Since these designations apply to agricultural lands, the document is acknowledging the project would result in inconsistency with policies to protect agricultural lands. Yet it ignores this with respect to two critical policies.

One of the above-referenced County policies, AG-1 (page 3.10-34), states that "the County shall protect prime, statewide importance, unique and local importance farmlands located outside of the USB from urban encroachments." Mitigation does not make the project consistent with this policy. The RDEIR must be changed to show inconsistency with the policy.

City Policy CAQ-3 (page 3.10-46) states that the "City of Elk Grove considers the only mitigation for the loss of agricultural land to consist of the creation of new agricultural land in the Sacramento region equal in area , productivity and other characteristics to the area that would be lost due to development...." It specifically precludes the protection of existing agricultural lands through easements. Implementation Measure AG-1 relies on easement mitigation. Therefore the RDEIR must find that the proposed project is inconsistent with policy CAQ-3.

### **There Are Inconsistencies and Omissions Regarding LAFCo Policies**

Again, the RDEIR is too facile in reaching a determination of consistency with respect to LAFCo policies, which supports the impartial observation that the entire document lacks an unbiased perspective.

First, Policy III.7 on page 3.10-61 says that LAFCo will favorably consider those applications which improve the balance between jobs and housing. The mere "envisioning" of future growth to meet this objective is hardly a basis for determining consistency. Elk Grove has not submitted any information about how it will reach or accomplish this objective. We will argue during public hearings on the SOI application that there is substantive evidence that achieving a jobs housing balance at the extreme south end of the Sacramento Metropolitan Area is a fool's errand. Wishing does not make for policy consistency. An impartial evaluation would acknowledge the challenges to meeting this policy and conclude that consistency is problematical at best.

Second, Policy IV.A.2 on page 3.10-62 identifies all the findings and requirements of an approvable SOI application. The RDEIR happily concludes that the project is consistent with these requirements, simply because the application addressed them. A more nuanced analysis would conclude that consistency with this policy remains to be seen and depends on the findings of the same body that will be considering the adequacy and completeness of the

document under consideration. We would posit that a more accurate conclusion would so acknowledge and conclude “potentially inconsistent”.

Finally, there are significant policy omissions from this evaluation. We refer to LAFCo policies IV.C.3.b and c pertaining to indefensible peninsulas. In this regard, we defer to and fully support the comments of FOSH and others pertaining to these policies. It is essential that they be included in the policy consistency evaluation.

### **Conclusion Regarding Consistency with SACOG MTP/SCS Obscures and Downplays a Critical Policy Inconsistency**

In a mere three-line analysis on page 3.10-68, the RDEIR correctly states that the project “does not have consistency with the MTP/SCS”. We would suggest a clear and direct statement—“The Elk Grove SOI Request Is Inconsistent with the Federal and State Mandated Regional Transportation Plan and Strategic Conservation Strategy required by SB375”. This is a critically important land use and policy inconsistency of the proposed project, and it is dispensed with three obfuscating lines buried at the end of a long and largely irrelevant analysis of policy consistency. Please reference Attachment B to our comments, an excerpt of the discussion in Appendix E3 of the adopted MTP concerning Elk Grove. This analysis summarizes the assumptions for buildout of each growth area in the City of Elk Grove and clearly identifies available holding capacity to meet the projected housing and job needs to accommodate 2035 growth. The SOI request is inconsistent with the MTP/SCS because the regional agency responsible for population and housing analysis has determined that there is adequate available capacity over the next 22 years to meet Elk Grove’s projected growth.

This is the first MTP cycle that incorporates the requirements of SB375, and as such it sets a baseline for the region’s contribution toward meeting statewide targets for greenhouse gas emission reductions. So then, what are the implications of this inconsistency with the MTP/SCS and how do LAFCo decision-makers understand them? While not all of the answers to this question are totally within the scope of an EIR analysis, the preparers of the document owe in good faith to their clients (whom we perhaps naively perceive to be the LAFCo Board members) some context for the implications of this inconsistency. Three lines of exposition is entirely unacceptable. At the very minimum, the document must clearly call out the inconsistency and identify it as significant and unavoidable.

## ***GROWTH INDUCEMENT***

### **Incomplete Information in Population and Housing Section**

The RDEIR makes reference on page 3.13-1 to the population and housing projections of SACOG’s updated 2035 MTP/SCS:

“SACOG...has made growth projections for the six-county SACOG region. The projections are based on the most recent national and state projections and on current information on the region’s economy and housing. The draft population projections for 2035 are 8.8 percent higher than 2012.”

The document should identify what the population projection for 2035 is (not just that it is 8.8 percent higher), and how the population projection relates to the numbers in Appendix E-3 of the 2012 MTP SCR

On page 3.13-2, the RDEIR references the numbers identified in Appendix E-3 without identifying them. The document needs to include that the projected 2035 housing units for Elk Grove is 66,010 and the projected 2035 jobs for Elk Grove is 47,629. The RDEIR on the same page includes the statement:

“As stated above, draft revised projections prepared by SACOG for year 2020 and 2035 show lower population households, employment and dwelling units than those used in SACOG’s Metropolitan Transportation Plan 2035.”

It is very difficult to understand which numbers are being referred to in this statement. Since population and household projections for 2035 are a very important factor in assessing need for the SOI and determining consistency with LAFCO policies, it is important that the RDEIR clarify rather than obfuscate any differences in projections.

The document needs to be revised to clearly identify, compare and cite sources for different SACOG projections of population, households, dwelling units and employment.

Moreover, the Population and Housing Section of the document does not address the differences between SACOG projections and the assumptions and projections used in the Elk Grove Market Study that are cited in section 2 page 25 of the RDEIR. These comments include and incorporate the comments of FOSH regarding the Market Study Analysis.

#### **Analysis of Growth Inducing Impacts is Inadequate**

The RDEIR fails to adequately examine the growth inducing impacts of the project. The following comments repeat the comments in ECOS’ November 18, 2011 comments on the Draft EIR.

The RDEIR states that there are no direct growth-inducing impacts associated with the project and that the only indirect growth-inducing impacts are those within the SOIA area itself:

“In summary, the proposed project would maintain existing land use designations and zoning and would not result on [sic] the construction of new homes, businesses, roads, or utilities. Therefore, the proposed project would not directly induce substantial population growth and impacts; however, the project may indirectly induce substantial population growth” (page3.13-6).

The purpose of the SOI request is for the purpose of urbanizing the SOIA, despite efforts of Elk Grove City to suggest otherwise. Analysis throughout the RDEIR looks at the impacts of urbanization of the SOIA. It does not characterize these impacts as “indirect impacts”. It is both incorrect and inconsistent for the RDEIR to conclude that the project only leads to indirect growth inducing impacts.

More importantly, the DEIR does not even consider the more important growth inducing impact beyond the SOIA project area. These should be correctly identified as the indirect impacts of project approval. The potential for these indirect growth inducing impacts is greatest where there are no physical or natural barriers to growth, such as is the case for that portion of the SOIA west of Highway 99. It is a historically demonstrable fact that new development on the fringe of a metropolitan area generates land speculation, ownership changes and economic circumstances that ultimately lead to requests to extend development beyond established boundaries. The current application is itself an example of the growth inducing effects of developing to the edge of the current Urban Service Boundary west of Highway 99. Land in the SOIA has been purchased or optioned by development interests. Over 1900 acres are no longer irrigated and have reclassified from statewide agricultural significance to locally important farmlands (See comments on agricultural impacts). A careful analysis of land sales in the SOIA would indicate not only changing ownership patterns indicative of speculative land purchases, but

higher per/acre land prices based on the expectation of further growth. These all preceded Elk Grove City's SOI application.

There is no analysis of the potential for this project to introduce growth on land adjacent and beyond the proposed SOIA boundary--in spite of the fact that Elk Grove City and Sacramento County have drafted a Memorandum of Understanding that specifically proposes an agricultural residential buffer to mitigate for the project's growth inducing impacts, which in itself a growth inducing impact of the proposal.

There is also no analysis of the potential for unincorporated property owners adjacent to the SOI to seek use permit approval for allowable uses on agricultural lands that would not require urban services but would be urban in character, including, but not limited to schools, churches and certain commercial uses.

Growth Inducement is also a concern on the west side of the SOIA boundary across Interstate 5 at the southwest corner of the interchange of Hood Franklin Road and the freeway. This property is located at the planned western terminus of the Southeast Connector, a major expressway that would link Interstate 5 and Highway 50 between Elk Grove and Rancho Cordova. The interchange would be the first urban interchange entering the Sacramento urban area for northbound traffic on Interstate 5. Although the property at the southwest corner of the interchange is inside the legislative boundary of the Stone Lakes National Wildlife Refuge, it is not subject to conservation easements or other restrictive covenants (unlike the property at the northwest corner, which is publicly owned), and the USFWS exercises no authority over the property. Inclusion of the land on the east side of the freeway within the SOIA for the purpose of urban development, together with the construction of the Southeast Connector will make it particularly attractive for commercial development, and greatly increase the likelihood of requests to Sacramento County for development of travel related commercial uses that would not need public sewer and water connections. Although the land is within the 100 year flood plain that does not eliminate the potential for growth inducement—after all, the land immediately across the freeway inside the SOIA request is within the 100 year flood plain, and that didn't preclude Elk Grove from seeking its inclusion within an SOI for the purpose of urban development.

There is direct precedent for this in the approval by Sacramento County of the Tomato Patch travel commercial development and Sacramento 49er Travel Plaza (a truck stop) north of Interstate 80 at El Centro Road in the community of North Natomas. The south side of Interstate 80 is inside the USB and inside the City of Sacramento and the north side is not. These projects were approved, at least initially with the intent that they would not require extending sewer and water lines, although the property owners did subsequently apply for and receive City approval to extend water service to the properties, regardless of County General plan policy.

The RDEIR must discuss the potential of the following indirect growth inducing impacts;

- 1 to induce changes in land value, land ownership and farming on lands close to the SOI boundary that could lead to requests to further expand the Elk Grove SOI;
- 2 to induce the designation and development of agricultural residential land within unincorporated lands close to the SOI boundary to serve as a "buffer" between urban uses and farmland;
- 3 to induce the development of uses adjacent to the SOI boundary that serve urban needs but are allowable in agricultural zones with a use permit
- 4 to induce the development of travel commercial development in the southwest quadrant of Hood Franklin Road/Interstate 5 Interchange.

### **The Recommended Mitigation Measure is Inadequate**

The DEIR recommends mitigation measure MM POP-1a to deal with growth-inducing impacts:

“At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the city of Elk Grove will consult with the Sacramento Area Council of Governments (SACOG)s regarding the Regional Blueprint and consistency with the Metropolitan Transportation Plan/Sustainable Communities Strategy and provide LAFCo with evidence of the results of this consultation” ( page3.13-6).

The proposed mitigation is inadequate for two reasons. First it simply requires a consultation, not consistency, with the Regional Blueprint and therefore does nothing to actually mitigate, contrary to the requirement that mitigation be fully enforceable (CEQA Guidelines 15126.4(a)(2). The Mitigation Measure should be revised to be enforceable mitigation as follows:

At the time of submittal of any application to annex territory within the Sphere Influence Amendment (SOIA) Area, the city of Elk Grove shall demonstrate consistency with the Sacramento Area Council of Government’s Metropolitan Transportation Plan and Sustainable Communities Strategy.

Secondly, it does not recognize other potential mitigation measures to reduce the indirect growth inducement impacts of the project. The environmental document must consider an environmentally superior mitigation measure that would require that any annexation proposal include provisions for securing the acquisition of development rights for a ½ to 1 mile buffer south of Kammerer Road and for the property at the southwest corner of Hood Franklin Road and Interstate 5.

## **CUMULATIVE IMPACTS**

### **The Cumulative Impacts Analysis of the RDEIR is Inadequate and Incomplete**

The EG SOIA is a request to annex 7869 acres for future urban development. Development of this land will significantly increase the holding capacity of the region. The majority of the acreage, an amount never specifically listed in the RDEIR, is west of Highway 99 and outside the County USB. This means that long range plans to provide water, wastewater treatment and other services have not taken into account the potential that this land will become urban and require services, which makes the cumulative impacts of the project particularly important for evaluating and deciding on the merits of the proposed project.

In this recirculated draft the list of projects included within the scope of cumulative impacts has expanded to include Folsom’s annexation of its SOIA and the draft Bay Delta Conservation Plan. However, the Cumulative Projects list on Table 4-1 remains woefully incomplete. It does not include the recently approved Sacramento County Cordova Hills project, the numerous Jackson Highway projects currently being processed or Joint Vision process for extending the Urban Service Boundary in North Natomas.

This SOIA would, among other things, increase the cumulative impact of urbanization on farmland loss in Sacramento County. The RDEIR references Chapter 4 of LAFCo’s Policies, Standards and Procedures Manual:

Chapter 4, General Standards

5. An EIR completed on a project subject to LAFCo review shall contain a discussion of the following topics:

a. County-wide or cumulative impacts *which concern LAFCo*.

The RDEIR goes on to state that “the proposed project’s cumulative impacts were considered in conjunction with other proposed and approved projects in Sacramento County that concern or have some level of involvement or authority with LAFCo.” However, a distinction based on “involvement or authority with LAFCo” is meaningless in consideration of this project’s compliance with CEQA. LAFCo must be concerned with agricultural, open space and biological resources preservation, as well as many other issues, including air quality and climate change. To properly assess cumulative impacts of the SOIA on these criteria, The Cordova Hills project, Jackson Road projects, USB extension in North Natomas, and their contribution to cumulative impacts must be considered. By failing to include these projects in the cumulative effects analysis, the RDEIR seriously underestimates the cumulative effects of the SOIA.

### **The cumulative impact discussion remains overly general and entirely inadequate**

The analysis of cumulative impacts makes no attempt to describe or quantify how the identified projects will cumulatively increase environmental impacts. Moreover, for several impacts, the analysis simply says that either the SOI project impacts will be less than significant, or with mitigation measures, will be reduced to less than significant. For example, in section 4.2.9 the DEIR states that mitigation will reduce water quality, groundwater, flooding and drainage impacts to less than significant, and that other projects that result in similar impacts would be required to mitigate for their impacts. It therefore concludes that the project would not have —a related cumulative considerable impact. The same reasoning is applied in section 4.2.7, Greenhouse Gas Emissions, 4.2.11, Mineral Resources and, 4.2.13 Population and Housing. This approach is not acceptable under CEQA, as the discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence. (CEQA Guidelines 15130(b).)

*Comments specific to particular sections of the Cumulative Growth chapter of the DEIR are as follows:*

#### **Agricultural Resources**

The analysis of cumulative impact on Agricultural Resources (4.2.2) provided in the RDEIR is incomplete. The project mentions the impact that the Southeast Connector will have on farmland but does not include impacts from other projects in the list, particularly the 20,000 acres of land that will be made available for urban development in the newly adopted Sacramento County General Plan, the potential loss of prime and statewide significant farmland if the Joint Vision is Improved and the loss of farmland resulting from construction of the BDCP’s tunnel project. The DEIR includes no cumulative agricultural land loss data of these projects in conjunction with the losses resulting from the proposed project. The reviewer of the document can get no sense of magnitude of the combined effect of planned and proposed development on Sacramento County agriculture.

#### **Air Quality**

The cumulative impact on Air Quality (4.2.3) analysis incorrectly assumes that a 35% reduction in precursor emissions associated with an Air Quality Mitigation Plan would mitigate the air quality impacts to less than significant and be consistent with the SMAQMD’s Air Quality Attainment Plan. Likewise, the cumulative impact on Greenhouse Gas Emissions (4.2.7) incorrectly concludes that this and other projects would mitigate their impacts to less than cumulatively significant. How can this conclusion be reached?

#### **Biological Resources**

This RDEIR did not accurately present which species were present and its analysis failed to consider the full extent of impacts to the species that are present. It offered unenforceable and deferred mitigations to address these incompletely explicated impacts. Therefore, this RDEIR

fails to present findings here that are substantially supported with evidence (CEQA 15064(f) (5). As indicated throughout our analysis of the Biological Resources chapter, the impacts are greater than presented and they are inadequately mitigated and these deficiencies could result in potential “jeopardy” to listed species if this application was approved and annexation and urbanization followed in the future.

#### **Water Supply**

The cumulative impact on hydrology and water quality (4.2.9) is inadequate in that the analysis does not take into account the cumulative impact of the project on water demand and the ability for water providers—particularly the SCWA—to provide water to the project to meet the cumulative demands of the project. (See also comments in water section.)

With respect to storm-water runoff, the analysis does not identify whether any of the projects under consideration for their cumulative impacts will also impact the drainage systems within the project area.

#### **Induced Growth**

The cumulative impact on Population and Housing (4.2.13) reaches a similar conclusion as with the other sections, i.e. —because the proposed project can mitigate all of its population and housing impacts to a level of less than significant, it would not have a related cumulative considerable impact.

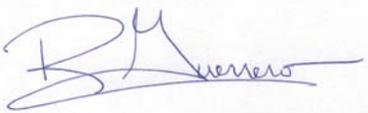
This is an incredibly narrow and inadequate analysis of a critical threshold question related to the approval of the SOIA, specifically, how does the inclusion of the SOIA relate to regional (or at least Countywide) projections of population and job growth, and how does the approval of the SOI for potential urban expansion affect the cumulative holding capacity of the region (or County) to provide for that growth?

The analysis of cumulative impacts on population and housing must look at holding capacity data for unincorporated Sacramento and its cities, as well as the holding capacity of the 20,000 acres included within the scope of the newly adopted Sacramento County General Plan, The Sacramento City General Plan, the recent Folsom annexation, the Galt SOI and the proposed Joint Vision expansion of the North Natomas area USB. The analysis must compare this holding capacity with projected population for the region (or County) and consider the degree to which cumulatively the proposed project contributes to the over-commitment of undeveloped land to urban uses.

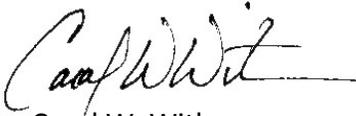
In closing, and in the interest of providing the LAFCo Board with the best and most complete information for making an informed decision on this threshold land use decision, we urge that the preparers of the environmental document incorporate the above comments and recommendations in the Final REIR for the Elk Grove SOIA.

Thank you for providing an extended opportunity to comment.

Sincerely,



Rick Guerrero,  
ECOS President



Carol W. Witham,  
California Native Plant Society  
Sacramento Valley Chapter President



Sean Wirth,  
Sierra Club Sacramento Group  
and Motherlode Chapter Conservation Chair

**Attachment A**  
**ELK GROVE SOIA RECIRCULATED DRAFT EIR**  
**SUMMARY OF MITIGATION MEASURES**  
**WITH OPERATIVE LANGUAGE HIGHLIGHTED**

**MM AES-3:** At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will impose the following conditions on all discretionary projects: (1) Trees that function as an important part of the City's or a neighborhood's aesthetic character or as natural habitat should be retained to the extent feasible during the development of new structures, roadways (public and private, including roadway widening), parks, drainage channels, and other uses and structures. (2) If trees cannot be preserved on-site, the City may require off-site mitigation or payment of an in-lieu fee. Trees that cannot be preserved shall be replaced either on- or off-site as required by the City, and trees planted for mitigation should be located in the same watershed as the trees that were removed, when feasible.

**MM AES-4:** At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will impose the following condition on all discretionary projects: All projects in the SOIA Area shall comply with the City of Elk Grove's Citywide Design Guidelines by minimizing the use of reflective materials in building design in order to reduce the potential impacts of daytime glare and designing outdoor light fixtures to be directed/shielded downward and screened to avoid nighttime lighting spillover effects on adjacent land uses and nighttime sky glow conditions.

**MM AG-1:** At the time of submittal of any application to change land uses within the Sphere of Influence Amendment (SOIA) Area from agricultural uses to urban uses, the City will require that applicants protect one (1) acre of existing farmland land of equal or higher quality for each acre of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance that would be developed as a result of the project. This protection may consist of the establishment of a farmland conservation easement, farmland deed restriction, or other appropriate farmland conservation mechanism to ensure the preservation of the land from conversion in perpetuity, but may also be utilized for compatible wildlife habitat conservation efforts (e.g., Swainson's hawk foraging habitat mitigation). The farmland/wildlife habitat land to be preserved must have adequate water supply to support agricultural use. The City shall consider the benefits of preserving farmlands in proximity to other protected lands.

The total acres of land conserved will be based on the total on-site agriculture acreage converted to urban uses. Conserved agriculture areas may include areas on the project site, lands secured for permanent habitat enhancement (e.g., giant garter snake habitat, Swainson's hawk habitat), or additional land identified by the City. The City shall attempt to locate preserved farmland within 5 miles of the SOIA Area; however, the preserved farmland shall at a minimum be located inside Sacramento County. The City shall impose the conservation easement content standards to include, at a minimum: land encumbrance documentation; documentation that the easements are permanent, monitored, and appropriately endowed; prohibition of activity which substantially impairs or diminishes the agricultural productivity of the land; and protection of water rights.

In addition, the City shall impose the following minimum conservation easement content standards:

- a) All owners of the agricultural/wildlife habitat mitigation land shall execute the document encumbering the land.
- b) The document shall be recordable and contain an accurate legal description of the agricultural/wildlife habitat mitigation land.
- c) The document shall prohibit any activity that substantially impairs or diminishes the agricultural productivity of the land. If the conservation easement is also proposed for wildlife habitat mitigation purposes, the document shall also prohibit any activity that substantially impairs or diminishes the wildlife habitat suitability of the land.
- d) The document shall protect any existing water rights necessary to maintain agricultural uses on the land covered by the document and retain such water rights for ongoing use on the agricultural/wildlife habitat mitigation land.
- e) Interests in agricultural/habitat mitigation land shall be held in trust by an entity acceptable to the City and/or by the City in perpetuity. The entity shall not sell, lease, or convey any interest in agricultural/wildlife habitat mitigation land that it acquires without the City's prior written approval.

- f) The applicant shall pay to the City an agricultural/wildlife habitat mitigation monitoring fee to cover the costs of administering, monitoring, and enforcing the document in an amount determined by the receiving entity, in an amount determined by the City.
- g) The City shall be named a beneficiary under any document conveying the interest in the agricultural/wildlife habitat mitigation land to an entity acceptable to the City.
- h) If any qualifying entity owning an interest in agricultural/wildlife habitat mitigation land ceases to exist, the duty to hold, administer, monitor, and enforce the interest shall be transferred to another entity acceptable to the City or transferred to the City.

Before committing to the preservation of any particular farmland pursuant to this measure, the project proponent shall obtain the City's approval of the farmland proposed for preservation.

**MM AG-3:** At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA), the City of Elk Grove shall prepare an agricultural land use compatibility plan for the SOIA Area. The plan shall include implementation of the City's Agricultural Activities ordinance (Municipal Code, Chapter 14.05), as required under Elk Grove General Plan Policy CAQ-4-Action 1, site design, screening, fencing, landscaping, and setbacks. Prospective buyers of property adjacent to agricultural land shall be notified through the title report that they could be subject to inconvenience or discomfort resulting from accepted farming activities as per provisions of the City's Agricultural Activities ordinance (City of Elk Grove Municipal Code Chapter 14.05).

**MM AIR-1:** Prior to the submission of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will require that all discretionary projects prepare an Air Quality Plan for the SOIA Area. The Air Quality Plan must incorporate policies and other measures at least as stringent as those found in City General Plan Policies CAQ-27 through CAQ-33 and associated actions. The total effectiveness of the Air Quality Plan adopted for the SOIA Area will match those recently adopted for other developing areas within Sacramento County, such as North Natomas. In the case of North Natomas, the emissions will be reduced by 35 percent from the potential emissions that could occur without the adopted air quality policies being implemented.

**MM AIR-2:** At the time of submittal to annex land within the Sphere of Influence Amendment (SOIA) Area from agricultural uses to urban uses, the City of Elk Grove will require all discretionary projects to comply with all recommended SMAQMD measures to address construction emissions. This will include emission reduction requirements for construction equipment and development of an inspection and enforcement plan associated with construction equipment emissions. In addition, compliance with SMAQMD Rules 402 and 403 will be demonstrated.

**MM AIR-5:** At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will require all discretionary projects to demonstrate that the Sacramento Metropolitan Air Quality Management District's (SMAQMD) 2009 Guide to Air Quality Assessment in Sacramento County, as updated in June 2011, or most current guidance on the screening and assessment of CO, PM<sub>10</sub>, and PM<sub>2.5</sub> hotspots will be implemented for all development proposals within the SOIA Area. The City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to the Sacramento Local Agency Formation Commission at the time of any application to annex territory within the SOIA Area. In addition, the City of Elk Grove shall demonstrate that sufficient mitigation will be required of all identified potentially significant CO, PM<sub>10</sub>, and PM<sub>2.5</sub> hotspots to reduce the impact to less than significant.

**MM AIR-6:** At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will require all discretionary projects to review existing sources of toxic air contaminants in and around the project site. Discretionary projects will be required to develop mitigation to address sensitive land use (e.g. residential, schools, hospitals) exposure to toxic air contaminants. Methods may include buffers with appropriate landscaping, building design with additional air filtration, and emission source controls. The plan must meet the standards current in use by the Sacramento Metropolitan Air Quality Management District in connection with such toxic air contaminants. In addition, the City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to the Sacramento Local Agency Formation Commission.

**MM AIR-7:** At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will require all discretionary projects to review existing sources of odor in and around the project site, including (but not limited to) any land use referenced in Sacramento Metropolitan Air Quality Management District's (SMAQMD) CEQA Guidance document as an odor-generating land use. Discretionary projects will be required to develop mitigation to address odor impacts that will protect sensitive land use (e.g. residential, schools, hospitals) in consultation with SMAQMD. Methods to address odor impacts may include buffers and emission source controls. In addition, the City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to LAFCo.

**MM BIO-1a:** At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will demonstrate to LAFCo compliance with all following measures:

A. A reconnaissance-level biological survey of the area to be annexed shall be performed by a professional biologist approved by the lead agency to identify habitats and individuals of special-status species defined in this Recirculated EIR. This will permit the lead agency to track impacts to special-status species on a regional basis rather than on project-by-project basis, when feasible.

B. Avoidance of special-status species and their habitats shall be addressed during project design. If avoidance is infeasible, mitigation of special-status species shall occur pursuant to measure C, below.

C. The City of Elk Grove shall participate in the South Sacramento County Habitat Conservation Plan or shall require the preparation and implementation of a Habitat Conservation Management Plan (HCMP) for all affected special status species and habitats. The HCMP shall include assessment, disclosure and mitigation for nesting and foraging habitat impacts to protected species, as discussed further in Mitigation Measure BIO-1b and BIO-1c. The HCMP shall be developed in consultation with California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) for listed species under the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA). The City of Elk Grove shall consult with Sacramento County during development of the HCMP, in the County's capacity as the lead of the South Sacramento Habitat Conservation Plan (SSHCP), and provide proof of consultation with the County to LAFCo.

D. If an HCMP is prepared, it shall incorporate mitigation guidelines of these agencies for listed species. For non-listed but sensitive species as defined by this Recirculated EIR, the HCMP shall include provisions including, but not limited to the following:

- Require clustering of urban development to retain non-disturbed open space areas.
- Require comprehensive site development standards to minimize removal of existing vegetation and to require installation and long-term maintenance of landscaping in setback and buffer areas. Landscaping in buffer areas adjacent of preserved habitat areas should be of native and non-invasive plant materials, and non-irrigated.
- Require appropriate buffers between development and Right to Farm Ordinance lands, Nature Conservancy Lands, and Stone Lakes National Wildlife Refuge.
- Require buffers between development and drainage canals that serve as habitat and ultimately drain into Stone Lakes National Wildlife Preserve, Nature Conservancy lands, and/or Farmland Preservation Zones; buffers shall be a minimum of 150 feet on either side of said drainage canals.
- Minimize impacts to movement corridors to ensure movement of wildlife.
- Provide for the integrity and continuity of wildlife and plant habitat.
- Support the acquisition, development, maintenance, and restoration of habitat lands for wildlife and plant enhancement.

E. The special-status species referred to herein are those identified under the applicable federal and state laws listed in Table 3.4-2 and -3.

**MM BIO-1b.** To mitigate impacts on nesting for Swainson's hawk and other raptors (including burrowing owl), prior to the submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that the following requirements shall be applied to development proposals within the SOIA Area, and required actions will be completed prior to development activity:

- A qualified biologist will be retained by the applicant to conduct preconstruction surveys and to identify active nests on and within 0.5 mile of the proposed development and active burrows on the development site if accessible. The surveys shall be conducted before the approval of grading and/or improvement plans (as applicable) and no less than 14 days and no more than 30 days before the beginning of construction for all project phases.

To the extent feasible, guidelines provided in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley shall be followed for surveys for Swainson's hawk, and the guidelines provided in the California Department of Fish and Wildlife's (CDFW) Burrowing Owl Survey Protocol and Mitigation Guidelines shall be followed for burrowing owls.

- If no nests are found, no further nesting mitigation is required.
- If active nests are found, impacts on nesting Swainson's hawks and other raptors shall be avoided by establishing appropriate buffers around the nests, and impacts to burrowing owls shall be avoided by establishing appropriate buffers around the nests. No project activity shall commence within the buffer area until the young have fledged, the nest is no longer active, or until a qualified biologist has determined, in consultation with CDFW, that reducing the buffer would not result in nest abandonment. CDFW guidelines recommend implementation of 0.25- or 0.5-mile-wide buffers, but the size of the buffer may be adjusted if a qualified biologist and the City, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely affect the nest.

**MM BIO-1c:** To mitigate impacts on foraging habitat for Swainson's hawk, other raptors (including burrowing owl), and greater sandhill cranes, the City of Elk Grove shall demonstrate to LAFCo prior to annexation of all or part of the Sphere of Influence Amendment (SOIA) Area, through policy or adopted planning documents, that conservation easements or other instruments to acquire and preserve suitable foraging habitat for Swainson's hawk and greater sandhill crane are identified and will be implemented, as determined by the California Department of Fish and Wildlife (CDFW). Foraging impacts mitigation shall be required for the following planning actions that would occur within the SOIA Area:

- A. Any request to change land use zoning or general plan designation from agricultural to a non-agricultural land use,
- B. Any request to subdivide five (5) acres or more of contiguous land zoned AR-1 or AR-2,
- C. Any request for land use entitlement for a nonagricultural use of land zoned with an agricultural designation,
- D. Any request for a land use entitlement for a nonagricultural use of land five (5) acres or more in size that is zoned AR-1 or AR-2, or
- E. Any public improvement project proposed by any department or agency of the City of Elk Grove on land with agricultural designation.

The project shall acquire conservation easements or other instruments to preserve suitable foraging habitat. In deciding whether to approve the land for proposed preservation, the City shall consider the benefits of preserving lands in proximity to other protected lands. The preservation should occur prior to the onset of any development activities that would cause the impact (i.e., land clearing or site grading) or the issuance of permits for grading, building or other site improvements, whichever occurs first.

- Swainson's hawk. The location and suitability of mitigation parcels, as well as the conservation instruments protecting them shall be acceptable to the City and to the CDFW. The amount of land shall be governed by a one-to-one (1:1) mitigation ratio for each acre developed. The land to be preserved shall be deemed suitable Swainson's hawk foraging habitat by the City in consultation with CDFW.
- Greater sandhill crane. The location and suitability of mitigation parcels, as well as the conservation instruments protecting them shall be acceptable to the City and to the CDFW. The amount of land preserved shall be governed at a 1:1 mitigation ratio for each acre developed. The land to be preserved shall be deemed suitable greater sandhill crane foraging habitat by the City in consultation with CDFW.

Where impacts for these species overlap (lands that support foraging for both species) mitigation can occur at 1:1 if mitigation sites support both species.

The City of Elk Grove shall require minimum conservation easement content standards to be implemented to the satisfaction of LAFCo. Minimum conservation easement contents must include, but are not limited to: documentation and recorded encumbrances on the land, prohibition of activity which substantially impairs or diminishes the land's capacity as suitable foraging habitat, water rights protections, and requirements for the mitigation land to be held in trust in perpetuity. This mitigation measure may be implemented in combination with Mitigation Measure AG-1, which requires the preservation of agricultural land, as long as the agricultural land is determined by the City in consultation with CDFW to be suitable habitat pursuant to the conditions and requirements listed above. In addition, this mitigation measure may allow the joint use of land for both Swainson's

hawk and greater sandhill crane foraging habitat mitigation, as long as the land is determined by the City in consultation with CDFW to be suitable habitat pursuant to the conditions and requirements listed above. In the event that it is infeasible to acquire the necessary easements prior to annexation and development, the City will apply its impact mitigation fee program, used to acquire available land with suitable foraging habitat values at the ratios and conditions specified above.

**MM BIO-2:** Prior to annexation of any or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo that the City shall require the following actions from all future development within the SOIA Area:

- Prior to the approval of grading or improvement plans, and before any groundbreaking activity associated with future projects, the City shall require project applicant(s) of all project's that would include fill of wetlands or other waters of the U.S. or waters of the state to complete site-specific wetland delineations and obtain all necessary permits under sections 401 and 404 of the Clean Water Act or the state's Porter-Cologne Act and a CDFW Streambed Alteration Agreement for the respective phase. Wetland habitat shall be restored, enhanced, and/or replaced at an acreage and location and by methods agreeable to USACE, the Central Valley RWQCB, and the City, as appropriate, depending on agency jurisdiction as determined during the Section 401 and Section 404 permitting processes but will result in not less than 1 acre created/ enhanced/ restored to each acre impacted. Wetland mitigation should occur within the same watershed as the impact, where feasible.

**MM BIO-5:** At the time of submittal of an application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will demonstrate that tree protection will be consistent with either: (1) the City's current tree preservation standards under Municipal Code Chapter 19.12 or (2) the following mitigation measure.

A. Reconnaissance-level tree survey of the SOIA Area should be performed by a certified arborist to identify native tree resources, particularly those that may be designated as landmark or heritage trees. This will enable the lead agency to track impacts to native trees on a regional basis rather than a project-by-project basis, when feasible.

B. Minimization of impacts to protected tree species shall be undertaken during project design. If avoidance is infeasible, mitigation of native trees pursuant to measures D through F below shall be conducted.

C. In addition to native oak trees, all native tree species should be protected under the City of Elk Grove's Tree Preservation and Protection Code Chapter 19.12. The mitigation rate would be the same as those in the Ordinance current at the time of this document, unless future versions require a higher mitigation rate, but it would also require obtaining replacement trees from local genetic stock.

D. A five-year monitoring plan shall be completed for all mitigation plantings. The monitoring plan would include appropriate irrigation schedules, as well as criteria for success and reestablishment during the 5-year period. A success rate of not less than 80 percent at the end of the 5-year monitoring period is recommended.

E. Individual trees or groups of trees preserved shall be fully protected during construction. A temporary protective fence shall be established at a minimum of 10 feet beyond the drip line of the retained native trees. The fence shall be in place prior to beginning construction activities, including grading. Within this protective buffer, no grading, trenching, fill, or vegetation alteration shall be allowed.

F. Mitigation shall target large tracts or contiguous native tree habitat. Connectivity between native tree woodland preserves as well as adequate buffering from development is important to promote native tree recruitment, the long-term viability of the habitat, and wildlife use of the area.

**MM CUL-1:** At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will acknowledge that it will impose the following conditions on all discretionary projects:

- Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the City of Elk Grove Planning Department shall be immediately notified. At that time, the City of Elk Grove Planning Department will coordinate any necessary investigation of the site with appropriate specialists, as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.98 of the California Public Resources Code and Section 7050.5 of the California Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be

Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

- The Elk Grove Planning Department shall be notified immediately if any prehistoric, archaeological, or paleontologic artifact is uncovered during construction. All construction must stop, and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action.
- All construction must stop if any human remains are uncovered, and the County Coroner must be notified according to Section 7050.5 of the California Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.

**MM CUL-2:** At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will acknowledge that it will impose the following conditions on all discretionary projects:

- Should any archaeological resources be encountered during any development activities, work shall be suspended and the City of Elk Grove Planning Department shall be immediately notified. At that time, the City of Elk Grove Planning Department will coordinate any necessary investigation of the site with appropriate specialists, as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the archaeological resources.
- The City of Elk Grove Planning Department shall be notified immediately if any prehistoric, archaeological, or paleontologic artifact is uncovered during construction. All construction must stop, and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action.

**MM CUL-3:** At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will acknowledge that it will impose the following conditions on all discretionary projects:

- Should any paleontologic artifact be encountered during any development activities, work shall be suspended and the City of Elk Grove Planning Department shall be immediately notified. At that time, the City of Elk Grove Planning Department will coordinate any necessary investigation of the site with appropriate specialists, as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the paleontologic artifact.
- The City of Elk Grove Planning Department shall be notified immediately if any prehistoric, archaeological, or paleontologic artifact is uncovered during construction. All construction must stop, and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action.

**MM GEO-1:** At the time of submittal of any application to annex territory within the SOIA Area, the City shall demonstrate that it will require a geotechnical report or other appropriate analysis be conducted at time of development application submittal to determine the shrink/swell potential and the stability of the soil for public and private construction projects and to identify measures necessary to ensure stable soil conditions.

**MM GHG-1:** Prior to annexation of any or part of the SOIA Area, the City of Elk Grove shall amend or augment the City's greenhouse gas emissions inventory projections to account for potential development of the SOIA Area.

Analysis assumptions, methodology and emission factors used by the City shall be submitted for review to the Sacramento Metropolitan Air Quality Management District (SMAQMD). In addition, the City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to the Sacramento Local Agency Formation Commission. The City will require that discretionary project comply with any one of the following performance criteria:

- a. Efficiency Metric: Greenhouse gas emissions would be less than 6.6 annual metric tons of carbon dioxide equivalent per service population. Service population comprises both residents and employees that would be accommodated by the SOIA Area.
- b. Percent Reduction: Greenhouse gas emissions would be reduced by 29 percent from the year 2020 business-as-usual baseline. The business-as-usual baseline parameters will be determined in consultation with the SMAQMD.
- c. Climate Action Plan Consistency: The City shall demonstrate that development in the SOIA Area will comply with applicable SECAP measures and the City's emission reduction goals.

**MM HAZ-4:** At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will acknowledge that it will impose the following conditions on all discretionary projects. Prior to site improvements for properties that are suspected or known to contain hazardous materials and sites that are listed on or identified on any hazardous material/waste database search, the site and surrounding area shall be reviewed, tested, and remediated for potential hazardous materials in accordance with all local, state, and federal regulations.

**MM HYD-3:** Prior to annexation of any or part of the SOIA Area, the City of Elk Grove shall require that new projects in the SOIA Area not result in new or increased flooding impacts on adjoining parcels on upstream and downstream areas. This can be accomplished by (1) Preparing a Master Drainage Plan (Plan) for the SOIA Area, and requiring site-specific drainage plans for future projects to conform to requirements of the Plan, or (2) enacting modification of the City's existing Stormwater Master Plan that includes the following components. The Plan shall include disclosure of where stormwater is designed to be released into waterway crossings at State Route 99 and/or Interstate 5 roadway facilities. The Plan shall include a review, analysis, and disclosure of locations where channel capacity inadequacies lie, as well as capacities of bridges crossing State Route 99 and Interstate 5 associated with inadequate channels. The Plan shall identify the need for additional bridge capacity, if necessary. City shall develop measures to minimize, avoid, reduce, or compensate for potential impacts to roadway facilities in consultation with the California Department of Transportation. The City shall provide proof of consultation with the California Department of Transportation to LAFCo. In addition, the Master Drainage Plan shall identify areas of potential impacts due to encroachments on channels or levees, measures to provide improvements or maintenance where development in the SOIA Area would affect channels or levees.

The Plan shall require individual projects to prepare a detailed drainage plan that demonstrates attainment of pre-project runoff rates prior to release at the outlet canal and describes the volume reduction measures and treatment controls used to reach attainment. The Master Drainage Plan shall identify all expected flows from the project area and the location, size, and type of facilities used to retain and treat the runoff volumes and peak flows to meet pre-project conditions. The Master Drainage Plan shall also include the geotechnical report verifying groundwater elevation for the regional basins.

**MM HYD-4a:** Prior to annexation of any or part of the SOIA Area, the City of Elk Grove shall prepare a local plan of flood protection that shows the following for land within the SOIA Area: identification of all types of flood hazards (levee failure inundation, 100-year storm flooding, 200-year storm flooding and 500-year storm flooding), and locations of flood management facilities. The City shall provide proof of consultation with the California Department of Transportation to LAFCo.

The City will not approve any discretionary permit or entitlement, or any ministerial permit that would result in the construction of a new residence; any tentative map, or any parcel map for which a tentative map was not required; or enter into development agreement for projects located within a 200-year flood zone, unless the City makes, based on substantial evidence, one of the finding found in Government Code Section 65865.5.

**MM HYD-4b:** Prior to approval of any development project in the SOIA Area, the City of Elk Grove shall require that new development demonstrate that for land within the 100-year floodplain (to be identified by hydraulic and hydrologic modeling), that post-development storm water run-off peak flows and volumes will not exceed pre-development levels within or downstream of the SOIA Area.

**MM POP-1a:** At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will consult with the Sacramento Area Council of Governments (SACOG) regarding the Regional Blueprint and consistency with the Metropolitan Transportation Plan/Sustainable Community Strategy, and provide LAFCo with evidence of the results of this consultation.

**MM POP-1b:** At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall:

- Revise and update its General Plan in accordance with state law that addresses the annexed territory;
- Update the Housing Element (updated to reflect the annexed territory) to establish that the City has or will meet its Regional Housing Needs Allocation (RHNA) for all income levels as defined in Government Code Section 65588.

**MM TRANS-1:** At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove will consult with Sacramento County and Caltrans to establish transportation improvement plans and funding mechanisms to provide service levels consistent with the City's and County's General Plans. In addition, any future annexation and development activity within the SOIA Area will require the preparation of traffic impact analyses that would include discussion of the project's fair-share contribution and mitigation strategies.

**MM TRANS-5a:** At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall update the City's Bicycle and Pedestrian Master Plan to delineate bicycle and pedestrian facilities in the SOIA Area consistent with the goals and policies of the City's General Plan. The update will identify on- and off-street bikeways and pedestrian routes as well as support facilities. Development in the SOIA Area shall be responsible for implementing the master plan recommendation as development occurs in the project area.

**MM TRANS-5b:** At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall complete a transit master plan for the SOIA Area consistent with policies of the City's General Plan. This plan will identify the roadways to be used by bus transit routes, locations for bus turnouts and pedestrian shelters, locations for bus transfer stations, alignment for fixed-route rail service, and the location of rail service stations. Future development in the SOIA Area and the City of Elk Grove shall be responsible for implementing the master plan recommendations as development occurs in the project area.

**MM USS-1:** Prior to LAFCo approval of annexation of any portion of the City of Elk Grove SOIA territory, the City must demonstrate that through the Plan for Services as required by Government Code section 56430, or its successor, to allow the Commission to determine that: (1) the requirement for timely water availability, as required by law, is met; (2) its water purveyor is a signatory to the Water Forum Successor Effort, (3) the amount of water provided will be consistent with the geographical extent of the SOIA territory and the groundwater sustainable yield described in the Water Forum Agreement. Water will be provided in a manner that ensures no overdraft will occur; and (4) existing water customers will not be adversely affected. The Plan for Services shall be sufficient for LAFCo to determine timely water availability to the affected territory pursuant to Government Code Section 56668, subdivision (k), or its successor.

**MM USS-2:** Prior to submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will provide a Plan for Services that demonstrates that the wastewater transmission and treatment providers have requested that the SOIA Area be within their respective Spheres of Influence if a public agency, and that such providers have prepared or approved an infrastructure plan and funding program to ensure compliance with Federal Clean Water Act and applicable state standards; and that sufficient transmission infrastructure, and treatment and disposal capacity adequate for projected needs are available to accommodate the buildout of the annexation territory, with no adverse impact to existing ratepayers.

**MM USS-4:** At the time of submittal of any application to annex any or all territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall identify solid waste services, including contract service operation if applicable, to be extended, the level and range of services, timing of services, improvements of facility upgrades associated with the services, and how the services will be financed to accommodate the buildout of the SOIA Area.

## **Attachment B**

### **Excerpt from MTP/SCS Appendix E-3**

*Over the last decade Elk Grove has experienced significant residential growth. While much of this development is newer, particularly west of Highway 99, it has happened so rapidly that the city is almost 75 percent built out in terms of residential uses and 56 percent built out in employment uses. For this reason, much of the city is considered an Established Community in the MTP/SCS.*

*Not included in the Established Community area are the rural residential areas, historic Elk Grove, and the newest and not yet built planning areas. The northeast corner of Elk Grove has historically been rural residential uses. This area is intended for continued rural residential uses in the city's general plan and as a result, this area is a Rural Residential Community in the MTP/SCS.*

*Old Town Elk Grove is a Center and Corridor Community in the MTP/SCS, consistent with the city's revitalization effort in its Old Town Special Planning Area. The newest specific plan in the city to be adopted and start building in recent years is Laguna Ridge. Less than ten percent built out today, Laguna Ridge is a Developing Community in the MTP/SCS. A second Developing Community is known as the Triangle Special Planning Area. Similar to Laguna Ridge this plan area has also started building in recent years and is just less than half built out today. Three other new growth areas in the city, all in the southern portion of the city adjacent to Laguna Ridge, represent the next increment of new growth for the city. This area is covered by three developing Communities, the adopted Lent Ranch specific plan and two proposed specific plans, Sterling Meadows and Southeast Planning Area. Elk Grove recently completed a Market Study for the city to identify economic development opportunities and land use needs for the city. The study supports the city's strong desire to add more jobs to the city to help balance the currently housing concentrated character.*

*The city also currently has a sphere of influence amendment application in with Sacramento LAFCO to create a sphere of influence directly south of the existing city limits. The city has indicated that its intention for the proposed SOI is to help in bringing more employment opportunities to the city in the long term. This area is not identified for development within the current MTP/SCS planning period.*

*By 2035, the MTP/SCS forecast for Elk Grove adds 16,992 new housing units and 19,189 new employees to the city. Approximately 26 percent of these housing units and 47 percent of the employees are building out the city's Established Communities and Rural Residential Communities.*

*The majority of the new growth, approximately 74 percent of the housing growth and 53 percent of the employment growth, will occur in the city's Developing Communities. The Laguna Ridge Specific Plan is approved to build 7,767 housing units; however, the city has estimated a reduced build out estimate of 6,260 units will likely be built. The MTP/SCS forecast is for a total of 7,590 housing units built by 2035 in this area, with an average density of eight units per acre. This area is also planned for employment uses including retail, office, and a recently completed civic center that, together, will generate 4,291 employees in total by 2035. Because the plan is adopted, has*

*no infrastructure or natural resource issues, and market trends are pointing towards smaller lot sizes and not larger, it is likely that the approved build out, or something very close to it, is most likely to be built by 2035. The Lent Ranch Special Planning Area is primarily a plan for new employment uses that could accommodate 4,400 employees and 280 new multi-family units at build out. The MTP/SCS forecast for this Developing Community is for 3,207 new employees and 280 new housing units at an average density of 24 units per acre. The Southeast Planning Area is proposed to include 4,600 homes and land for 5,100 jobs. Though this area does not have an adopted plan, the MTP/SCS forecasts 4,077 new homes and 3,493 new jobs in this area by 2035 because of its proximity to other Developing Communities and because the city's overall growth forecast cannot be met without development of this area. Sterling Meadows, a Developing Community situated in DRAFT MTP/SCS 2035 Update - Appendix E-3 Land Use Forecast Background*

*Documentation 47 between Southeast Planning Area and Lent Ranch, is a residential only community planned for 1,204 new units at a density of eight units per acres. The MTP/SCS forecast assumes approximately 79 percent of these units will develop by 2035. The remaining 113 new housing units in the MTP/SCS forecast for Elk Grove come from the Triangle area. This Developing Community at build out would add an additional 200 units to the 113 units forecast in the MTP/SCS.*

*While virtually all development in Elk Grove had been residential in the past several years, the city is projected to capture a greater share of the region's employment over the MTP/SCS planning period. About five percent of the regional employment growth is forecasted in Elk Grove. This is supported by the city's effort to attract more jobs and that by the fact that it has begun to see some of this employment growth in the recent arrivals and expansions of a number of medical facilities. The MTP/SCS forecast provides a jobs-housing ratio of 1.1 for the growth in the city; this will help improve the city's jobs-housing balance from .06 today to 0.7 in 2035. It will, however, take time for the city to establish this jobs growth. Because of the current recession and particularly high vacancy rates in commercial and office buildings today, much of the employment growth is expected to occur in the latter half of the planning period while the residential growth is expected to grow faster in the early years of the plan. Approximately 28 percent of the city's 2035 employment growth is forecast to occur by 2020, while approximately 49 percent of the city's 2035 housing growth is forecasted by 2020. Much of this housing is the continued build out of Laguna Ridge which is under construction today.*

*Key issues that may influence the trajectory of growth in Elk Grove that will be tracked through the regional monitoring program include the timing of implementation of the South Sacramento HCP, which includes Elk Grove, the nature of the city's SOI, once its approved by LAFCO, and the pace of success of the city's substantial initiatives to promote jobs growth, and whether the city starts to experience any of the types of redevelopment activity in existing areas that are part of the typical evolution of urban areas. Any or all of these could lead to a changed land use forecast for the city in future MTP/SCS update cycles.*

**Attachment C**  
**Table from MTP/SCS Appendix E-3 page 71**

2020 and 2035 MTP/SCS Land Use Forecast by Community Type and Jurisdiction										
Jurisdiction/Community Type	Existing Conditions 2008		MTP/SCS 2020 Total		MTP/SCS 2035 Total		MTP/SCS 2020 Growth		MTP/SCS 2035 Growth	
	Total Employees	Total Housing Units	Total Employees	Total Housing Units	Total Employees	Total Housing Units	Employee Growth	Housing Unit Growth	Employee Growth	Housing Unit Growth
<b>SACRAMENTO COUNTY</b>										
<b>Citrus Heights</b>										
Corridor/Center Communities	7,674	1,616	8,243	1,661	10,330	2,886	569	45	2,656	1,270
Established Communities	11,557	34,522	11,863	35,274	13,440	37,012	306	752	1,883	2,490
<b>Citrus Heights Total</b>	<b>19,231</b>	<b>36,138</b>	<b>20,106</b>	<b>36,935</b>	<b>23,770</b>	<b>39,898</b>	<b>875</b>	<b>797</b>	<b>4,539</b>	<b>3,760</b>
<b>Elk Grove</b>										
Corridor/Center Communities	939	69	939	69	939	69	0	0	0	0
Established Communities	25,056	44,428	26,570	45,061	34,055	46,860	1,514	633	8,999	2,432
Developing Communities	849	774	4,642	7,723	11,039	13,325	3,793	6,949	10,190	12,551
Rural Residential Communities	1,586	3,747	1,586	4,512	1,586	5,756	0	765	0	2,009
<b>Elk Grove Total</b>	<b>28,430</b>	<b>49,018</b>	<b>33,737</b>	<b>57,365</b>	<b>47,619</b>	<b>66,010</b>	<b>5,307</b>	<b>8,347</b>	<b>19,189</b>	<b>16,992</b>
<b>Folsom</b>										
Corridor/Center Communities	9,084	1,421	10,159	2,014	10,833	2,186	1,075	593	1,749	765
Established Communities	25,732	24,435	29,297	26,838	35,996	27,230	3,565	2,403	10,264	2,795
Developing Communities	0	1	47	2,313	1,291	6,688	47	2,312	1,291	6,687
<b>Folsom Total</b>	<b>34,816</b>	<b>25,857</b>	<b>39,503</b>	<b>31,165</b>	<b>48,120</b>	<b>36,104</b>	<b>4,667</b>	<b>5,308</b>	<b>13,304</b>	<b>10,247</b>
<b>Galt</b>										
Corridor/Center Communities	1,977	303	2,583	392	2,804	481	606	89	827	178
Established Communities	2,882	7,481	3,136	8,204	4,960	9,322	254	723	2,078	1,841
Developing Communities	249	205	249	205	385	1,091	0	0	136	886
<b>Galt Total</b>	<b>5,108</b>	<b>7,989</b>	<b>5,968</b>	<b>8,801</b>	<b>8,149</b>	<b>10,894</b>	<b>860</b>	<b>812</b>	<b>3,041</b>	<b>2,905</b>
<b>Isleton</b>										
Established Communities	115	352	128	378	159	443	13	26	44	91
<b>Isleton Total</b>	<b>115</b>	<b>352</b>	<b>128</b>	<b>378</b>	<b>159</b>	<b>443</b>	<b>13</b>	<b>26</b>	<b>44</b>	<b>91</b>
<b>Rancho Cordova</b>										
Corridor/Center Communities	17,023	6,132	17,824	6,649	20,469	10,956	801	517	3,446	4,824
Established Communities	37,926	16,470	43,048	17,748	53,670	18,182	5,122	1,278	15,744	1,712
Developing Communities	146	2,267	1,235	8,423	7,332	21,085	1,089	6,156	7,186	18,818
<b>Rancho Cordova Total</b>	<b>55,095</b>	<b>24,869</b>	<b>62,107</b>	<b>32,820</b>	<b>81,471</b>	<b>50,223</b>	<b>7,012</b>	<b>7,951</b>	<b>26,376</b>	<b>25,354</b>
<b>City of Sacramento</b>										
Corridor/Center Communities	1,70,884	59,202	182,501	73,508	210,637	102,301	11,617	14,306	39,753	43,099
Established Communities	115,093	132,297	126,861	143,983	150,315	153,329	11,768	11,686	35,222	21,032
Developing Communities	0	0	241	1,626	2,123	5,077	241	1,626	2,123	5,077
<b>Sacramento Total</b>	<b>2,85,977</b>	<b>191,499</b>	<b>309,603</b>	<b>219,117</b>	<b>363,075</b>	<b>260,707</b>	<b>23,626</b>	<b>27,618</b>	<b>77,098</b>	<b>69,208</b>
<b>Unincorporated Sacramento County</b>										
Corridor/Center Communities	84,045	23,483	88,770	29,186	114,286	47,170	4,725	5,703	30,241	23,687
Established Communities	95,579	173,794	103,610	177,707	124,251	182,709	8,031	3,913	28,672	8,915
Developing Communities	4,842	7,846	6,802	13,856	11,517	25,793	1,960	6,010	6,675	17,947
Rural Residential Communities	9,298	13,440	9,476	13,652	11,582	14,072	178	212	2,284	632
<b>Unincorporated Sacramento Total</b>	<b>193,764</b>	<b>218,563</b>	<b>208,658</b>	<b>234,401</b>	<b>261,636</b>	<b>269,744</b>	<b>14,894</b>	<b>15,838</b>	<b>67,872</b>	<b>51,181</b>
<b>SACRAMENTO COUNTY TOTAL</b>	<b>6,22,536</b>	<b>554,285</b>	<b>679,810</b>	<b>620,982</b>	<b>833,999</b>	<b>734,023</b>	<b>57,274</b>	<b>66,697</b>	<b>211,463</b>	<b>179,738</b>
<b>SUTTER COUNTY</b>										
<b>Live Oak</b>										
Corridor/Center Communities	467	47	601	57	878	85	134	10	411	38
Established Communities	592	2,454	690	2,959	1,029	3,721	98	505	437	1,267
<b>Live Oak Total</b>	<b>1,059</b>	<b>2,501</b>	<b>1,291</b>	<b>3,016</b>	<b>1,907</b>	<b>3,806</b>	<b>232</b>	<b>515</b>	<b>848</b>	<b>1,305</b>
<b>Yuba City*</b>										
Corridor/Center Communities	8,064	1,518	8,571	1,699	10,036	1,912	507	181	1,972	394
Established Communities	17,156	22,509	18,955	25,302	24,002	27,450	1,799	2,793	6,846	4,941
Developing Communities	397	268	397	268	757	1,749	0	0	360	1,481
<b>Yuba City Total</b>	<b>25,617</b>	<b>24,295</b>	<b>27,923</b>	<b>27,269</b>	<b>34,795</b>	<b>31,111</b>	<b>2,306</b>	<b>2,974</b>	<b>9,178</b>	<b>6,816</b>
<b>Unincorporated Sutter County*</b>										
Established Communities	4,265	6,898	4,280	7,284	4,386	7,580	15	386	121	682
Developing Communities	810	14	810	14	3,287	3,489	0	0	2,477	3,475
<b>Unincorporated Sutter County Total</b>	<b>5,075</b>	<b>6,912</b>	<b>5,090</b>	<b>7,298</b>	<b>7,673</b>	<b>11,069</b>	<b>15</b>	<b>386</b>	<b>2,598</b>	<b>4,157</b>
<b>SUTTER COUNTY TOTAL</b>	<b>31,751</b>	<b>33,708</b>	<b>34,304</b>	<b>37,583</b>	<b>44,375</b>	<b>45,986</b>	<b>2,553</b>	<b>3,875</b>	<b>12,624</b>	<b>12,278</b>

\*In 2008, unincorporated Sutter County has an additional 924 jobs and 1,744 housing units today that are in the portion of the existing Yuba City 2011 forecast that is assumed to be annexed within the planning period. For this reason, the existing jobs and homes are being shown in the Yuba City total.