



ECOS
ENVIRONMENTAL
♦ COUNCIL ♦
OF SACRAMENTO



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December 16, 2015

Sacramento County Board of Supervisors
800 H Street
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Sent via email

Subject: ***December 16, 2015 2:30 pm Workshop Prior to Initiation of Environmental Review for Natomas North Precinct Plan, Control No. 2003-0171 and PLNP 2014-00172***

Dear Members of the Board:

The purpose of your Board's workshop on December 16 is to consider the entitlement request of North Natomas landowners to expand the Urban Service Boundary, amend the General Plan, prepare a specific plan, and rezone 5600 acres to allow for the development of a new suburban community of 55,000 people. You are specifically being asked to review and comment on the Natomas North precinct plan and to direct staff to continue with more detailed plan studies, including preparation of a DEIR. You have already (on December 17, 2015) authorized staff to enter into an agreement to reimburse the county for up to \$7.5 million in staff expenses and to contract with a private company to prepare an EIR at a cost of close to \$1 million

Your actions today are of vital concern to the Environmental Council of Sacramento (ECOS) and Habitat 2020. Members of ECOS include: *350 Sacramento, Breathe California of Sacramento-Emigrant Trails, Friends of Stone Lakes National Wildlife Refuge, International Dark-Sky Association, Los Rios College Federation of Teachers, Mutual Housing California, Physicians for Social Responsibility Sacramento Chapter, Preservation Sacramento (formerly known as Sacramento Old City Association), Resources for Independent Living, Inc. (RIL), Sacramento Audubon Society, Sacramento Housing Alliance (SHA), Sacramento Natural Foods Co-op, Sacramento Valley Chapter of the California Native Plant Society, Sacramento Vegetarian Society, Save Our Sandhill Cranes (SOS Cranes), Save the American River Association (SARA), SEIU Local 1000 (Environmental Committee), Sierra Club Sacramento Group, The Green Democratic Club of Sacramento, and the Wellstone Progressive Democrats of Sacramento.* Members of Habitat 2020 include: *the Sacramento Audubon, Save the American River Association, Sacramento Urban Creeks Council, California Native Plant Society- Sacramento Valley Chapter, Sierra Club- Mother Lode Chapter, Friends of Swainson's Hawk, Save Our Sandhill Cranes, and Friends of Stone Lake National Wildlife Refuge.*

The ECOS and Habitat 2020 request that your Board acknowledge that this project represents a significant and precedent setting expansion of the Urban Service Boundary (USB), and that you put this project on hold to engage in a public discussion of the fundamental growth issues of this

request. We recommend that your Board continue this matter and direct county staff to come back with an objective and preferably independent evaluation of the following issues:

1. Why moving ahead at this time with USB expansion is justified in terms of supply and demand;
2. Implications of Natomas development on endangered species protection, existing HCP implementation and issues/ obstacles with federal permitting;
3. Implications for safe yield conjunctive use of the groundwater table as per the Water Forum Agreement and at full buildout and issues with groundwater withdrawal given a new state regulatory role;
4. Challenges of dealing with flood and drainage in the Natomas area;
5. Inconsistency with the draft Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) for 2036 and the Sacramento County Air Quality Attainment Plan;
6. Why the benefits of expanding the USB are so extraordinary as to override the findings required by existing County policy; and
7. Why it is necessary for development to proceed via the County rather than Sacramento City, as originally intended during the adoption of the 1993 General Plan.

Why Expanding the Urban Service Boundary is Significant and Precedent Setting

Sacramento's adoption of an Urban Service Boundary in 1993 represented one of the first California General Plans to define a long term boundary for urban growth in a metropolitan setting. It provided sufficient land within the USB for many decades worth of growth. The USB provided the potential, with carefully considered phased growth, to at least triple the unincorporated urban population in the County.

By and large the Urban Service Boundary has been an effective planning policy. Folsom did expand beyond the boundary south of US Highway 50—as a city it is not bound by the same policies—and the County approved one minor expansion for a truck stop along Interstate 80. When Elk Grove City tried to expand its sphere way beyond the USB, the boundary's importance weighed in the issues brought before LAFCo and their ultimate decision to deny the expansion. The boundary was an important benchmark for the analysis that led to the Water Forum Agreement, and has been, as intended, a valuable tool for planning sewer interceptors and other urban infrastructure over the last 22 plus years.

The Natomas Project would expand the Urban Service Boundary to allow a new “city” of 55,000 people. It would send the message to other cities that the USB is just a line on a map and not a significant delimiter for urban development. For all of us who want to see responsible, efficient, phased growth that gives infill a chance, moving forward with the Natomas project at this time sends exactly the wrong message. So, for us and many Sacramento residents, moving the boundary IS a big deal.

Consistency with County General Plan

Policy LU-127. Policy LU-127 in the County General Plan Land Use Element recognizes the significance of the USB. It requires that 6 findings be made before any decision to expand the

USB (See Attachment B). The Board can alternatively, by a 4/5ths vote, avoid these findings if they determine that the “expansion would provide extraordinary environmental, social or economic benefits and opportunities to the County.” This policy sets a much higher bar for moving the USB than normal land use decisions.

The recent staff report to the Planning Commission on the Natomas North Precinct Master Plan earlier this fall made no mention of the project’s consistency with General Plan Policy. The staff report released just prior to this workshop does respond to questions ECOS has raised regarding General Plan policy consistency. The staff report acknowledges that the Board can't make all of 6 required findings and that a 4/5ths vote under the alternative provision of LU-127 will be necessary. That is all. The staff report does not include any discussion about which findings cannot be met, what the issues are and why the findings cannot be met. Nor does the staff report suggest what the project offers in the way of “extraordinary environmental, social or economic benefits and opportunities to the County.”

The normal County process when entertaining requests to expand the Urban Service or the Urban Policy Area boundaries is evaluate the likelihood that the requested expansion can meet relevant General Plan policies. Indeed, much of the Natomas North Specific Plan staff analysis for this workshop concerns consistency with Policies LU-119 and LU-120 regarding expansion of the UPA. In contrast, if your Board moves forward to the EIR and detailed planning studies, the fundamental issues associated with USB policy will not be considered until the final project hearings in a couple of years, after millions have been spent on planning studies. There needs to be equal weight and consideration NOW to the threshold decision of expanding the USB in the context of LU-127. And that discussion needs to involve more than just the technical parsing of policy conformance, but address the spirit and intent of the policy requirements. The Board, at a minimum needs to fully address these concerns:

Available Land within the USB. First, Policy LU-127 restricts USB expansion unless there is “inadequate vacant land within the USB to accommodate the projected 25 year demand for urban uses.” We think that it is pretty clear that there is well more than a 25 year supply of vacant land. But how much more supply is either available for development or in the pipeline? It would be instructive to have a quantitative understanding. County staff, working with input from the Sacramento Area Council of Governments (SACOG), should provide the numbers.

Water Supply. Second, water supply has become a critical California issue in recent years. Policy LU-127 requires that development within the proposed USB expansion area “can satisfy the requirements of a master water plan as contained in the Conservation Element.” There is no such document in the Conservation Element, but there is a Water Forum Agreement. The Water Forum Agreement did not assume development within the Natomas North Precinct. The Infrastructure Assessment Report for the North Precinct Area by Mackay and Soms, dated November 11, 2015 concludes that between Natomas Central Mutual Water Company rights held by landowners and groundwater pumped from within the proposed project, there is sufficient water available to meet projected water demand. This assumes that the State Water Resources Control Board and Bureau of Reclamation will approve a change of use for the Natomas Water Company water from agriculture to municipal/industrial. The report states that groundwater withdrawal rates will not exceed a per acre sustainable annual water withdrawal

rate identified for the Sutter Pointe Development, and that the groundwater withdrawal for the project will not exceed the Water Forum limit for pumping from the North Area Groundwater Basin (which is not a limit based on urban buildout). There is no discussion of new state laws and regulations pertaining to groundwater withdrawal and whether these could be a significant barrier to meeting water demand for the project.

We think that further review and discussion is warranted on water supply questions. What issues will the SWRCB and Bureau consider in granting the change of use and how likely is it that the permit will be granted? Will groundwater withdrawals at buildout within the North Area Groundwater Basin be sufficient in combination with North Precinct buildout pumping to maintain safe yield? Are those limits still realistic in terms of a future likely to include more frequent severe droughts? And what problems/barriers are there likely to be with state groundwater regulatory programs?

Impact on HCP. Third, Policy LU-127 requires that the area of expansion “not preclude implementation of a Sacramento County-adopted Habitat Conservation Plan.” While it is true that the existing Natomas HCP is not County-adopted, it does include Metro Air Park in the unincorporated County. Moreover, the Staff reports accompanying this workshop acknowledge that the proposed North Precinct development cannot jeopardize the existing HCP and that a separate HCP will be needed. The existing HCP must be implemented within the Natomas Basin. We have seen no accounting of how many mitigation acres still need to be protected in order to meet the permitted take, how many acres of habitat are available with the Basin, how North Precinct project development will impact the availability of habitat for mitigation, and the ratio of mitigation to available acreage to ensure feasibility of acquisition both before and after the project. In other words, there is no analysis of whether Natomas North Precinct development will by itself make it much more difficult to fully implement the existing HCP. And there is no indication that a new HCP would be able to get an Incidental Take Permit because of its impact on the existing HCP.

Moreover, the County is blithely assuming that a separate HCP which will rely on protecting habitat outside of the County can satisfy federal and state regulatory requirements for protecting listed species. Given that the long promised South Sacramento HCP is approaching its silver anniversary as a plan-in-progress, we think that this assumption is overly optimistic. The County notes that the new HCP is moving on a separate track from the entitlement process. We think that there needs to be more progress and clarity on the scope and strategy of a separate HCP before the entitlement process moves to the next stage of studies.

Consistency with MTP/SCS

Consistency with an MTP/SCS is not a part of Policy LU-127, but it is a very relevant threshold issue. The staff report addendum indicates that the General Plan policies LU-119 and LU-120 were an acceptable alternative to SACOG’s Blueprint. While the Blueprint anticipates the potential for some eventual growth in this area, the current 2016 Draft MTP/SCS does not anticipate any growth in this area within the 2036 horizon year of the plan (see Table A-1 of Attachment A of the draft MTP/SCS, attached as Attachment A to this letter). Therefore, this

project is inconsistent with the Sustainable Communities Strategy and the reduction of greenhouse emissions associated with that Strategy.

The County's compliance with the MTP/SCS is critical for the region to reach the greenhouse gas reduction targets established for the region by the California Air Resources Board. Premature growth in this area will severely inhibit the region's ability to build a transportation system that will meet the State's climate goals and federal air quality requirements, as well as build equitable, healthy, economically thriving communities while preserving our natural resources and local agricultural base.

With worldwide agreement this month among 195 nations to lower planet-warming greenhouse gas emissions to stave off the most drastic effects of climate change, it is simply not appropriate for local governments to proceed with business-as-usual approval of more urban sprawl.

Air Quality Attainment Plan Consistency. However one of the LU-127 requirements is that the development associated with USB expansion “can satisfy the Requirements of the Sacramento County Air Quality Attainment Plan”. We have seen no analysis on this regard. It is our understanding that consistency with the Sacramento County Air Quality Attainment Plan requires consistency with the MTP/SCS. This makes MTP/SCS Consistency a relevant General Plan policy consistency issue. Again, there needs to be a more visible evaluation and discussion of these plan inconsistencies with both the Sacramento County Air Quality Management District and SACOG providing input.

Why is Natomas Development So Extraordinary as to Merit a 4/5th Approval Vote?. Finally, there is the matter of the 4/5 vote exception in Policy LU-127. We think that there needs to be public discussion now on what is so extraordinary about Natomas development that justifies moving the USB and beginning the development entitlement process with disregard to both the County's adopted growth strategy and regional transportation and air quality plans.

Drainage Challenges

Flood control and drainage have been a longstanding Natomas issue. There are significant challenges with designing a flood control plan for this low-lying area. The Infrastructure Assessment Report prepared by the landowners' consultants discusses a drainage strategy for the development of the area. You have received separate testimony questioning the assumptions and adequacy of the drainage strategy. Given the challenges of the area and the likely high cost of drainage improvements, we think that an independent assessment of the feasibility of the proposed drainage strategy is worthwhile before moving forward with the entitlement process.

Sacramento City vs County as Lead of Any Natomas North Precinct Development

The 1993 Board did consider including the North Natomas area in the proposed boundary, but that Board recognized that the City of Sacramento was the logical entity to provide urban services and manage the growth of the area, so they adopted the present boundary. Development of the area was supposed to proceed through Sacramento City via the LAFCo sphere of influence and annexation process, which involves a thorough consideration how urban service needs will

be met and the impact on agriculture and open space. To our knowledge this option was never seriously pursued. We do know that landowners were back before the County seeking to amend the County General Plan within three years of its 1993 adoption. Later the applications were put on hold during the Natomas Vision Process, involving both city and county staff. However, the County is no longer working with the City on a joint vision for how and when the area will be developed. Rather the Vision Process has morphed into an unincorporated area growth project. That doesn't change the underlying rationale and appropriateness for the original strategy. At a minimum, the County should explain why development is no longer a "joint vision and have a public discussion on why unincorporated area growth is a more efficient and effective way for the area to urbanize. City leaders should be invited to participate in this discussion.

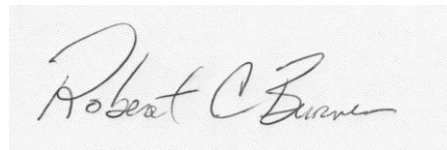
Conclusion

We hope that your Board understands the significance of your actions regarding expanding the USB north to the Sutter County line. We understand that this is only a step in a long process of considering entitlement approval. But you have authorized entering into contracts for over \$7 million worth of studies and work to figure out the details of creating a new town of 55,000 people, and you have authorized preparation of a \$1 million Environmental Impact Report to consider the impacts. You are proceeding as if this is a done deal only requiring the planning details to be worked out. And you are doing so without having fully and publicly addressed the significant issues associated with the threshold decision of whether this development should proceed at all, in this time frame, or under the auspices of the County rather than the City. Please consider our request to put the project on hold while you undertake a serious and unbiased review and hold a public discussion on the important concerns we are raising.

Sincerely,



Rick Guerrero, ECOS President



Rob Burness, Co-Chair of Habitat 2020

Attachment A

Table A-1

Approved or Pending Greenfield Plans included in adopted 2035 MTP/SCS as Developing Community	Total Housing Units Planned/Proposed in Project	Housing Units Estimated to be Built by 2035 in Adopted MTP/SCS	Approved or Pending Greenfield Plans not included in adopted 2035 MTP/SCS	Total Housing Units Planned/Proposed in Project
Isleton			Isleton	
			Village on the Delta Specific Plan	300
Rancho Cordova			Rancho Cordova	
Sunridge Specific Plan	8,763	7,571		
Rio Del Oro Specific Plan	11,601	8,057		
Ranch At Sunridge Specific Plan	2,713	2,296		
Suncreek Specific Plan	4,893	1,834		
Arboretum ¹	4,742	571		
Westborough ¹	6,078	756		
Sacramento			Sacramento	
Delta Shores Specific Plan	5,092	5,077		
Unincorporated Sacramento County			Unincorporated Sacramento County	
Elverta Specific Plan	4,950	1,507	Cordova Hills Specific Plan	9,010
North Vineyard Station Specific Plan	6,063	3,292	Jackson Township Specific Plan	6,143
Vineyard Springs Specific Plan	5,942	3,740	Newbridge Specific Plan	3,075
Vineyard Community Plan	6,610	5,251	Northwest Special Planning Area	22,000-25,000
Florin Vineyard Specific Plan	9,919	2,552		
Glenborough at Easton Specific Plan	3,239	3,262		
West Jackson Specific Plan	15,658	5,150		
Mather South Specific Plan	2,504	1,039		
Sutter County			Sutter County	
Live Oak			Live Oak	
			Live Oak northern annexation ¹	2,700
			Live Oak SOI ¹	10,900

Attachment B

**Sacramento County General Plan
Land Use Element Policy LU-127**

LU-127. The County shall not expand the Urban Service Boundary unless:

- There is inadequate vacant land within the USB to accommodate the projected 25 year demand for urban uses; and
- The proposal calling for such expansion can satisfy the requirements of a master water plan as contained in the Conservation Element; and
- The proposal calling for such expansion can satisfy the requirements of the Sacramento County Air Quality Attainment Plan; and
- The area of expansion does not incorporate open space areas for which previously secured open space easements would need to be relinquished; and
- The area of expansion does not include the development of important natural resource areas, aquifer recharge lands or prime agricultural lands;
- The area of expansion does not preclude implementation of a Sacramento County-adopted Habitat Conservation Plan;

OR

- The Board approves such expansion by a 4/5ths vote based upon on finding that the expansion would provide extraordinary environmental, social or economic benefits and opportunities to the County.