



ECOS
ENVIRONMENTAL
♦ COUNCIL ♦
OF SACRAMENTO



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May 21, 2021

Mr. William Edgar, President
Central Valley Flood Protection Board
3310 El Camino Avenue, Suite 170
Sacramento, CA 95821

Attn: Ryan Jones, Clerk of the Board, Ryan.Jones@CVFlood.ca.gov

Dear Mr. Edgar and Fellow Board Members:

The Environmental Council of Sacramento and Habitat 2020 wish to register our strong opposition to Application No. T2020074 by Trumark Development seeking a Major Variance from California Code of Water Regulations Title 23, Division 1, Section 113(b) prohibiting construction of permanent year-round dwellings within an adopted plan of flood control in order to allow construction of a residential development project on the "Kassis" property (County APN 075-0450-007) adjacent the south bank of the American River in the city of Rancho Cordova. Approximately 20 acres of the property is within the Central Valley Flood Protection Board designated floodway.

We oppose the requested variance for the following reasons:

- The area proposed for filling is not a shallow flooding area, as provided for in Section 113 subdivision (d). The ground elevation of the 20 acres within the floodway varies from 47.3 feet to 58.5 feet in an area with a 100-year flood water surface elevation of 62 feet.
- The property is not along a revetted streambank of an unleveed river as required by Section 113 subdivision (e).
- The project would eliminate flood flow storage capacity along the river.
- The project will increase the volume and velocity of flood flows directed at the river bank bluff immediately to the west of the proposed fill area where the south-flowing American River makes a 90 degree turn to the west. While the applicant's hydrologic study indicates that the fill would negligibly increase the flood elevation by 0.1 foot, it does not address the potential impacts of altering the velocity and angle of the flood flows relative to exposed riverbank bluff, where even small changes in velocity and angle of flow can have significant erosive impacts.

- The project would require abandonment of a drainage easement that flows across an alluvial basin and outlets via a sediment pond into the American River and replace it with an underground drainage pipe. The surface water drainage mitigates flow volume and improves the water quality of American River inflow.
- The proposed fill area will require retaining walls along the west boundary fronting the riverbank and a public access easement, requiring ongoing maintenance with constrained access.
- The proposed fill area will not extend all the way to Tiffany Farms subdivision to the north, leaving a narrow, unfilled strip accommodating the pedestrian access easement and creating a gap in the floodway. It is reasonably foreseeable that this will create problems during flood events.
- The applicant's argument that the requested variance will permit the filling of "a development gap" in the floodway between two existing development areas is unsupported for two reasons. First the development to the immediate west and south of the project is on a bluff and was presumably outside the floodway when developed. The Tiffany Farms development to the immediate east of the project is unfilled but levied. The requested variance is different from both in that it is within the floodway and would allow considerable fill. Second, the project area is actually the western end of a long unbroken reach of floodway along the south bank of the American River encompassing the American River Parkway. Rather, it is Tiffany Farms that is the exception.
- The fill would eliminate habitat along the American River Parkway and potentially impact recently constructed nearby restoration areas.
- The remainder of the property outside the floodway is appropriate for development and offers the opportunity for increased density and a profitable return on investment.

We would request that prior to hearing this matter you refer the request to the American River Flood Control District, whose jurisdiction begins downstream, for input to your Board.

Given these concerns, we must conclude that the request for a variance cannot be justified. In California land law, a variance requires two findings: that it is not a grant of special privilege and that there are unique circumstances which justify granting the variance. Even if these findings are not legally required of your Board, we think they are worthy of your consideration in rendering a decision. We do not discern a basis for either of these findings.

In sum, the project does not meet the requirements of California law. There are unaddressed concerns and impacts. And we can find no rationale or justification for approval other than to allow the landowners to maximize the value of their property. We urge you to deny the variance request.

Please feel free to contact Rob Burness, rmburness@comcast.net, 916-956-0362 with any questions you may have.

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The Environmental Council of Sacramento (ECOS), a 501c3 organization, and Habitat 2020, the Conservation Committee of ECOS, are partner coalitions dedicated to protecting the natural resources of the greater Sacramento region. Among our combined 20 member organizations are the Sacramento Audubon Society, California Native Plant Society Sacramento Valley Chapter, Friends of the Swainson's Hawk, Save the American River Association, Save Our Sandhill Cranes, Sierra Club Sacramento Group, Friends of Stone Lakes National Wildlife Refuge, and the Sacramento Area Creeks Council.

Sincerely,



Ralph Propper
ECOS President



Robert Burness
Co-Chair, Habitat 2020

CC: Leslie Gallagher, Executive Officer, CVFPB
Timothy Kerr, General Manager, American River Flood Control District
Darcy Goulart, Planning Manager, City of Rancho Cordova
Betsy Wieland, Save the American River Association
Barbara Leary, Sacramento Group, Sierra Club
Mark Berry