

Yuba City General Plan

FINAL ENVIRONMENTAL IMPACT REPORT

SCH NO. 2001072105

Prepared by

Dyett & Bhatia

for

City of Yuba City

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I Introduction

Yuba City has prepared this Final Environmental Impact Report (Final EIR) for consideration of the proposed Yuba City General Plan, dated October 2003. The new General Plan is intended to replace the existing General Plan, which was last updated in 1989. The General Plan is comprised of goals, policies, a land use diagram, and other graphic figures and maps to guide future development within the City's boundaries, through the year 2025. The proposed General Plan is described in detail in Chapter 2 of the Draft EIR.

This Final EIR, which has been prepared in compliance with the California Environmental Quality Act (CEQA), responds to comments addressing the Draft EIR, published October 18, 2003. The Final EIR is intended to aid the City as it considers adoption of the General Plan. This Response Addendum, combined with the Draft EIR, constitutes the Final EIR on the project. This Final EIR amends and incorporates by reference the Draft EIR, which is available as a separately bound document from the Yuba City Community Development Department at 1201 Civic Center Blvd., Yuba City.

The primary purpose of this Final EIR is to revise and refine the environmental analysis in the Draft EIR in response to comments and recommendations received during the 45-day public review period. This review period of the Draft EIR (State Clearinghouse No. 2001072105) was from October 18 through December 3, 2003. Information in the response to comments section provides clarification, but does not change any of the environmental analysis in the Draft EIR, nor does it constitute substantial new information.

The only significant unavoidable impacts identified in either the Draft or Final EIR are in the issue areas of air quality and agriculture. Development and associated increased vehicle travel under the General Plan could lead to increased emissions of carbon monoxide, ozone precursors, and particulate matter in Yuba City, despite the many policies and provisions to reduce overall commuting. Also, the General Plan would result in conversion of 5,882 acres of farmland to urban uses. All other potentially significant impacts can be avoided or reduced to levels that are not significant through implementation of the policies identified in the Draft EIR.

Upon issuance of this Final EIR, the City will hold public hearings to certify this EIR and to consider adoption of the proposed General Plan. The City will determine the adequacy of this Final EIR, and, if determined adequate, will make findings and certify the document as compliant with CEQA. Separate CEQA findings have been prepared for the project and will be considered for adoption by the Planning Commission. If the Planning Commission recommends certification of the EIR and approval of the proposed General Plan, the City Council will then consider both certification of the EIR and adoption of the General Plan.

Copies of the Final EIR have been mailed to agencies and other parties that received the Draft EIR. The Final EIR is also available at the Yuba City Community Development Department at 1201 Civic Center Blvd., Yuba City.

The remainder of this document is organized as follows:

Section 2 – Comments on the Draft EIR and Responses to Comments – A list of all comment letters received during the comment period on the Draft EIR and written responses to each comment.

Section 3 –Draft EIR Figure Corrections – minor corrections to several figures in the Draft EIR.

2 Comments on the Draft EIR and Responses

2.1 COMMENTS

Ten sets of written comments were received on the Draft EIR by the close of the public comment period on December 3, 2003. Comments on the Draft EIR were received from the agencies and individuals listed in Table 2-1. Copies of the comment letters are included at the end of this chapter in Section 2.3.

Table 2-1 Comment Letters Received on Draft EIR

Comment Set	Commenting Agency or Individual	Date
Public Agencies		
A	California Regional Water Quality Control Board	November 5, 2003
B	California Department of Transportation	November 25, 2003
C	California Department of Transportation	December 3, 2003
Individuals		
D	Downey Brand Attorneys LLP	November 24, 2003
E	Downey Brand Attorneys LLP	December 3, 2003
F	Jim Finstad	December 2, 2003
G	David Goldwyn	November 30, 2003
H	Larren and Belinda Nelson	December 1, 2003
I	Save Mart Supermarkets	December 3, 2003
J	Robert Sims	November 14, 2003

2.2 RESPONSES TO COMMENTS

Responses to each comment contained in the ten comment letters are listed below. Responses are keyed by comment number and the full comment letters are provided in Section 2.3. In some cases the response required slight revisions to the Draft EIR. These revisions are shown as follows: text additions appear in underline and text deletions appear in ~~strikeout~~.

A) California Regional Water Quality Control Board, November 5, 2003

- A-1: Footnote 14 on page 3-65 of the Draft EIR states that a new discharge permit was approved, but that the permit is being challenged by the City through an appeal to the State Water Resources Control Board. This footnote is consistent with the information provided in the comment regarding the City's Wastewater Treatment Facility's current NPDES discharge permit. The comment's information regarding Finding 45, which is part of the current discharge permit, provides clarification on the process for allowing facility expansion to a proposed capacity of 9.0 mgd. Text on page 3-65 of the Draft EIR is hereby modified, as follows, to incorporate this clarification and to note the Cease and Desist Order:

"Discharges to the Feather River may change, depending on the requirements of a new discharge permit, ~~currently under consideration, which took effect on August 1, 2003.~~" The Regional Board adopted Cease and Desist Order No. R5-2003-0086 concurrently with the new NPDES permit. This Order was adopted because the City cannot currently meet all of the new effluent limitations. The Order contains a schedule for the City to bring the treatment facility into compliance with discharge requirements.

The current wastewater plant has a rated capacity of seven million gallons per day (mgd) and is currently treating approximately 6.5 mgd. ~~The City has proposed to expand plant is being expanded to a~~ the capacity of ~~to~~ nine mgd, and an engineering design project is currently underway. According to Finding 45 of the new NPDES discharge permit (Order No. R5-2003-0085), State Water Resources Control Board policy requires 'that increases in wastewater flows achieve the highest quality of water consistent with the maximum benefit to the people of the state. It must be demonstrated that the wastewater treatment facility, with an increased flow rate, provides best practicable treatment, meets waste discharge requirements, and will not unreasonably affect beneficial uses.'"

- A-2: Page 3-113 of the Draft EIR text is hereby corrected, as follows:

~~"These criteria are used to determine whether to grant a National Pollutant Discharge Elimination System (NPDES) permit for any facility or activity that would discharge waste that could affect groundwater quality. The NPDES permit application is also used to determine if the proposed discharge would~~

~~be consistent with adopted water quality objectives, the Areawide Waste Treatment Management Plan, and Federal effluent limitations.~~⁶²²

B) Caltrans Comments, November 25, 2003

B-1: Caltrans agrees with the City's goals for supporting mixed development for livable communities. No further response is required.

B-2: Policy 5.2-I-12 requires the City to adhere to the Caltrans Transportation Concept Report (TCR) LOS thresholds for State Routes (SR) 20 and 99. Adopting the full TCR may not be consistent with other Yuba City community values. Caltrans is responsible for managing the SR 20 and 99 mainlines while the City needs to balance state highway traffic operations with a wide variety of other values such as minimizing environmental and neighborhood impacts, promoting economic development, or preserving open space. Nevertheless, the Caltrans request will be noted for consideration by the Planning Commission and City Council during review and adoption of the General Plan.

B-3: This referenced assumption has been deleted from the Draft EIR text, page 3-41, as shown below:

~~"The City also has the right to rely on the State for needed improvements to the State highway system because these improvements have been identified in "Concept Route Reports" and similar planning documents. It is reasonable to assume that these improvements will be in place by 2025."~~

While some identified transportation improvements may not be funded in the near future, this is an interim issue. This EIR looks at full buildout or the end product and does not evaluate interim conditions or phases of development. By its nature, the EIR must look at the proposed General Plan in its totality. The Draft EIR describes the process for implementing transportation improvements in the paragraph above the deleted text. In summary, the City agrees that it will work jointly with Caltrans to fund projects. Each individual development project will be evaluated for impacts on both state highways and local roads, and detailed mitigation measures will be required as needed. Proposed General Plan policies address this concern by requiring City-wide traffic impact fees on all new development to ensure that transportation improvements keep pace with new development.

B-4: Policy 5.2-I-12 recognizes the unique constraints posed by river crossings and the historically poor levels of service on the existing bridges across the Feather River. Providing adequate capacity to accommodate future growth in Yuba City at LOS D or E on existing bridges is not considered likely due the cost and environmental constraints of expanding bridge capacity over the Feather River.

B-5: The Draft EIR text, page 2-1, is corrected as follows:

“Route 99 leads due south to Sacramento and north to Oroville Gridley, and Chico, and beyond; Route 20 links Yuba City to Colusa and I-5 to the west and Grass Valley and the Sierra Nevada range to the east.”

The correction to Figure 2.1-1 is noted.

- B-6: The text of the Draft EIR is corrected as follows at the bottom of page 3-10:

“SR 99 is the main north-south roadway through the city. It is a four-lane divided expressway north of SR 20 with a posted speed limit of 65 mph. South of SR 20, SR 99 has a posted speed limit of 45 mph, and operates as an undivided arterial with ~~numerous commercial~~ accesses control. SR 99 is another “backbone” transportation facility in the city and provides connections to Chico in the north and ~~Woodland and~~ Sacramento in the south.”

- B-7: The freeway designation in Figure 3.2-1 is applied to SR 99 north of Queens Avenue to the City limits at Pease Road. No change to the DEIR is required.
- B-8: The Draft EIR states, in several places, that future development projects must be evaluated to determine their individual impacts on environmental resources, which would include hydrologic conditions and water quality. Further, General Plan policy 9.3-I-3 requires new development to prepare hydrologic studies and, if warranted, provision of drainage facilities to mitigate increases in storm water flows and/or cumulative increases in downstream flows. The Draft EIR notes that future development will increase impervious surfaces – this impact is evaluated in Section 3.13.
- B-9: The level of detail requested in the comment is not necessary for a program EIR. Policy 9.3-I-6 of the proposed General Plan calls for working with the County to establish drainage areas that serve the entire Planning Area. The policy notes that a new drainage study may be appropriate to determine the best means to establish drainage areas.
- B-10: The Draft EIR is hereby corrected to reflect General Plan policies that more appropriately address the impact of increased stormwater runoff. Policies 8.5-I-3 and 8.5-I-7 are deleted from the text in Impact 3.13-d and replaced by Policies 9.3-I-1 and 9.3-I-3, as follows [note modified wording in Policy 9.3-I-3]:

“Policy 9.3-I-1 Implement the drainage improvements identified in the City’s Capital Improvement Program.

Policy 9.3-I-3 Where necessary, require new development to prepare hydrologic studies to assess storm runoff impacts on the local and subregional storm drainage systems and, if warranted, require new development to

provide adequate drainage facilities and to mitigate increases in storm water flows and/or volume to avoid cumulative increases in downstream flows.”

B-11: Impacts on the storm drain system are appropriately assessed in Impact 3.13-d, page 3-116 of the Draft EIR. The wording of both the significance criteria (page 3-113-114) and the impact title of Impact 3.13-f (page 3-117) has been corrected as follows:

“A significant impact would occur with full implementation of the Yuba City General Plan if it would result in:

- Violation of water quality standards;
- Alteration of existing drainage patterns of the site or area, including alternation of a course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site;
- Substantial increase of nonpoint-source pollution entering stormwater runoff and entering the regional storm drain system or surrounding water resources;
- Substantial increase of construction-related erosion and sedimentation into surface waters; ~~or~~
- Inadequate storm drains, as a result of new development, to accommodate 100-year flood flows; or
- Development within the 100-year flood plain.”

“Impact 3.13-f: ~~Storm drains may not be able to accommodate 100-year storm flows, as a result of increased runoff from new development~~
Development in the 100-year flood plain may result in increased flood risks.
(Less than Significant)”

These corrections do not change the overall impact analysis or impact significance conclusions. Please note that the EIR on the proposed General Plan is a “Program” EIR. Any future individual development projects will be subject to subsequent CEQA compliance, including evaluation of individual impacts on the local and regional hydrologic conditions and impacts on storm drain systems.

C) Caltrans Comments, December 3, 2003

Comment C-1 through C-3 – These comments are the same as Comments B-1, B-2, and B-7. Refer to response to comments B-1, B-2, and B-7 from Caltrans (November 25, 2003 letter).

Traffic Operations Comments

C-4: Page 3-12 of the Draft EIR is amended as follows, regarding the definition of freeways:

“Freeways – ~~limited~~ access-controlled, divided interregional roadways primarily intended to carry large volumes of traffic.”

Figures 3.2-1 and 3.2-5 in the DEIR and Figure 5-1 in the proposed General Plan are amended to eliminate the reference in the legend to expressways. Figures 3.2-1 and 3.2-5 also are corrected with regard to roadway names in the western portion of the study area and Figure 3.2-5 now shows the functional classifications for SR 99 south of SR 20. See revised Figures 3.2-1 and 3.2-5 in Section 3.

The first three entries for SR 99 in Table 3.2-11 in the DEIR are modified to show the functional classification as FW only .

Entries in Table 5-2 of the General Plan for SR 99 that indicate expressway as the functional classification are changed to highway .

- C-5: The expressway classification was not used in the General Plan or DEIR and will be removed from text, tables, and figures as noted in response to Comment C-4 above. The other roadway functional classifications and their LOS volume thresholds are appropriate for General Plan purposes, which are to identify the size and extent of major roadways. The proposed definitions suggested in the comment are appropriate for more detailed traffic operations studies.
- C-6: The construction on SR 99 is consistent with the proposed General Plan and does not require any changes to the General Plan or DEIR.
- C-7: Refer to response to Comment C-5.
- C-8: The description of congestion on the Feather River Bridge considers the bridge approaches and is an accurate portrayal of existing conditions, which is recognized by Caltrans in their General Plan DEIR comments. The Caltrans comment letter states that the river crossings of the Feather River present a significant challenge and that a current study is underway to improve the operations related to the SR 20 bridge (see Comment 4 from Caltrans November 25, 2003 Letter).
- C-9: The existing conditions analysis was conducted in 2001 and revealed LOS D for a.m. peak hour conditions and LOS C for p.m. peak hour conditions. These results matched observed conditions in 2001, but may not represent existing (2003) observed conditions noted by Caltrans. Nevertheless, the traffic analysis process captures the full effect of projected traffic growth and identifies the size and extent of roadway improvements necessary to meet the LOS policies of the proposed General Plan.
- C-10: The description of the SR 99/Pease Road interchange is taken directly from the regional MTP. A Caltrans project study report (PSR) is currently underway, which will define the ultimate interchange configuration.

- C-11: According to the transportation consultant for the General Plan and the Draft EIR (Fehr and Peers, personal consultation with Ron Milam, January 22, 2004), the proposed upgrade of SR 20 is consistent with the Caltrans right-of-way and access control. However, the proposed General Plan circulation diagram identifies more than one additional access on SR 20. The additional access on SR 20 is designed to provide for a traditional grid-based roadway network to accomplish many of the “smart growth” principles contained in the proposed General Plan. Some of these key principles include developing a roadway network that is convenient to serve with transit and that provides a desirable walking and bicycling environment. As the western portion of Yuba City develops, the City will pursue a more context sensitive design for SR 20 consistent with Caltrans policy on context sensitive design (Caltrans Director’s Policy on Context Sensitive Solutions – effective November 29, 2001). This policy does not prescribe the number of new accesses that would be allowed on SR 20; instead the policy explicitly states the following.

“The Department's Highway Design Manual, Federal Highway Administration (FHWA) regulations, FHWA's Flexibility in Highway Design publication, and the American Association of State Highway Transportation Officials' A Policy on Geometric Design of Highways and Streets all share a philosophy that explicitly allows flexibility in applying design standards and approving exceptions to design standards where validated by applying sound engineering judgment. This design philosophy seeks transportation solutions that improve mobility and safety while complementing and enhancing community values and objectives.”

This policy is consistent with the intent of the proposed General Plan to create an urban environment that reduces dependence on the automobile and creates a balanced community transportation system of which state highways are an integral part.

- C-12: Refer to response to Comment C-11 above.
- C-13: The proposed connector includes the realignment of existing local roads such as West and East Onstott Roads, which have full access to SR 99. The City’s intent would be to consolidate the intersections of West and East Onstott Roads with the proposed new connector. Nevertheless, the City may also want to pursue additional connections as discussed in Comment C-11 above.
- C-14: As the western portion of Yuba City General Plan area develops, the City and Caltrans will have the opportunity to modify the roadway system to minimize or eliminate some of the traffic operational problems along SR 20 caused by the current configuration of frontage roads. The City intends to plan roadway changes consistent with the policy direction contained in Comment C-11 above.

- C-15: The commenter's preference for roadway connections will be noted for consideration by the Planning Commission and City Council during review and adoption of the General Plan. Refer to response to Comment C-11 above for more information regarding potential circulation diagram roadway changes.
- C-16: Figure 3.2-5 is corrected to show that Hooper Road connects to a frontage road, rather than to SR20.
- C-17: Figure 3.2-5 shows the major roadway system in the proposed General Plan study area. Hunn Road is not considered a major roadway because it serves as a minor collector roadway.
- C-18: The traffic analysis for the General Plan is based on build out conditions for Yuba City. Year 2025 analysis was not conducted and was not necessary for the development of the circulation element or transportation impact analysis. As stated in Section 2.5 of the Draft EIR, although the proposed General Plan applies a 20-year planning horizon, the intent of the proposed Plan is not to specify or anticipate when buildout will actually occur.
- C-19: SR 20 west of Tharp Road is projected to have a buildout daily traffic volume of approximately 32,060, which is near the LOS D capacity threshold of 33,200. Caltrans has established a LOS E threshold for SR 20, which has a daily capacity threshold of 39,200. Since the traffic forecasts contained in Figure 3.2-6 represent buildout conditions and the traffic forecasts did not fully account for the smart growth principles associated with the General Plan as noted on page 3-13 of the DEIR, six lanes on SR 20 west of Tharp Road is not expected to be necessary. Nevertheless, forecasting future conditions always includes a degree of uncertainty and the City will evaluate the potential need to reserve right-of-way for up to six lanes as the area west of Tharp Road develops. In addition, the commenter's suggestion to preserve right-of-way for six lanes will be noted for consideration by the Planning Commission and City Council during review and adoption of the General Plan.
- C-20: Refer to response to Comment B-8.
- C-21: Refer to response to Comment B-9.
- C-22: Refer to response to Comment B-10.
- C-23: Refer to response to Comment B-11.
- C-24: This is a comment on the General Plan. A footnote could be added to Figure 4-3 that reads as follows: "Landscaping and improvements are illustrative and final plans for planting within Caltrans ROW would need to conform to Caltrans' standards." This comment will be considered during adoption of the General Plan.

C-25: This is a comment on the General Plan, Figure 4-4. A footnote could be added to Figure 4-4 that reads as follows: "Landscaping and improvements are illustrative and final plans for planting within Caltrans ROW would need to conform to Caltrans' standards." This comment will be considered during adoption of the General Plan.

C-26: This is a comment on the General Plan, Policy 4.4-I-2. The comment is noted. The policy is only intended to create a physical orientation; no parking access is implied.

D) Downey Brand Attorneys LLP Comments, November 24, 2003

The majority of the comments in this letter applied to the General Plan, not to the EIR. Comments on the General Plan are addressed separately by City staff.

D-1: The scale on the General Plan diagram has been corrected. See further details on the scale in response to Comment E-1.

E) Downey Brand Attorneys LLP Comments, December 3, 2003

E-1: The Draft EIR project description is complete and provides the specificity sufficient to satisfy CEQA for a Program EIR. The General Plan Diagram, depicted in Figure 2.4-1 accurately portrays land uses. Only the scale on the diagram was slightly incorrect (off scale by 14%) and has been corrected (see Section 3). The acreage scale on the Diagram remains correct and can be used to determine the extent of specific land use designations. The scale correction was a graphic error, not a land use calculation error. As such, it has no bearing on any assumptions regarding the amount and/or location of land uses in the Diagram and has no effect on any of the environmental analysis. Any distances quoted in the analysis were not based on the Diagram scale. Computerized GIS data, not the Diagram scale, was used to calculate all acreages, including land use acreages, roadway distances, and noise contours. Therefore, the assumptions regarding the amount of acreage zoned for a particular density are correct and the Draft EIR analyses remain correct. Because of the size of the land use Diagram, it is not possible to depict parcel lines. However, parcel lines can be viewed on the GIS database. If anyone has questions about the potential land use designation on their individual property, this information is available through consultation with City staff.

E-2: This comment is related to the proposed General Plan land use designation and is not relevant to the environmental analysis. This comment will be considered by the Yuba City planning staff and decisionmakers in their deliberation over adoption of the proposed General Plan.

E-3: As a Program EIR, the analysis complies with regulations for the environmental review of the proposed General Plan. The General Plan itself, including the water supply and demand analysis, was prepared in compliance with the current 2003 State General Plan Guidelines. The City has conducted a comprehensive water supply assessment as part of preparation of its Urban Water Management Plan, which

projects future water supply and demand. This Plan is referenced in the Draft EIR, Section 3.6. Furthermore, Government Code Section 65352.5 establishes specific procedures for coordinating General Plan update efforts between water supply agencies and land use approval agencies to ensure proper water supply planning. These procedures were followed during the General Plan process to determine the adequacy of existing and planned future water supplies to meet existing and planned future demand. As stated in the Draft EIR, subsequent projects for development will be subject to detailed site-specific analyses, as required by CEQA and the California Water Code. Also, General Plan policy 7.1-I-1 requires that the City “Evaluate the adequacy of water infrastructure in areas where intensification of land use is anticipated to occur, and develop a strategy to implement projects in the Water Supply Master Plan to offset deficiencies in capacity.”

For further clarification, this relevant information is hereby incorporated into the Draft EIR as follows, page 3-62, as the introduction to the subsection on water supply and demand:

“Water Supply and Demand

In preparing the General Plan, future water supply and demand was assessed in compliance with the current 2003 State General Plan Guidelines. The City conducted a comprehensive water supply assessment as part of preparation of its Urban Water Management Plan, which projects future water supply and demand. Furthermore, Government Code Section 65352.5 establishes specific procedures for coordinating General Plan update efforts between water supply agencies and land use approval agencies to ensure proper water supply planning. These procedures were followed during the General Plan process to determine the adequacy of existing and planned future water supplies to meet existing and planned future demand.”

- E-4: The transportation impact significance criteria were selected by the City, as lead agency, based on the policies contained within the proposed General Plan. CEQA provides agencies with general authority to adopt significance criteria for determining if an impact is significant (Pub. Resources Code, Section 21082). According to the *Guide to the California Environmental Quality Act (CEQA)*, p. 172, (Solano Press Books, 1999), case law has recognized that the use of General Plan policies may serve as thresholds of significance.

The DEIR discloses in accordance with CEQA that the adoption of the proposed General Plan could lead to substantial increases in traffic and deteriorations in levels of service relative to existing (2001) conditions. Further, the specific locations that would deteriorate to LOS F are listed in Policy 5.2-I-12 of the proposed General Plan.

To the extent that traffic congestion in the future affects emergency vehicle response times, the City has the discretion to take necessary actions to provide the emergency service facilities, equipment, and personnel in additional locations. The need for

these actions cannot be predicted with a high degree of certainty at this time, but are project-specific actions that would need to take place in the future only after an actual problem is identified.

The commenter's statement that Table 3.2-8 contains roadway improvements for which there is no anticipated funding source is incorrect. As identified in Table 3.2-8 and discussed on page 3.3-2, the anticipated funding source for planned improvements assumed for the proposed General Plan is traffic impact fees required by Policy 5.3-I-6.

- E-5: The analysis of impacts does represent a cumulative effects analysis within the affected area. All future development and future projects within this area are included in the analysis of impacts in each environmental issue area. By looking at total buildout of the proposed General Plan, the maximum amount of future development is assessed. In those issue areas where projected development outside of the City's planning area could further exacerbate impacts of the proposed General Plan, these projects have been included in the assessment (e.g., traffic). Also, the analysis encompasses population projections for the region.
- *Water Supply* – The City relies primarily on surface water supplies from the Feather River for domestic needs. Surface water supplies are provided through four separate contracts, and the State Water Resource Control Board regulates water diversion from the Feather River. Any future increase in diversion rates would require a separate environmental analysis to determine impacts on surface water and habitat quality. Cumulative effects on groundwater would not be significant, as substantial increased groundwater pumping is not proposed or envisioned. Please note that the City is currently updating its water master plan.
 - *Traffic* - The build out traffic volume forecasts contained in the DEIR include 2025 land use development and resulting traffic for areas outside Yuba City including Placer County and Sacramento County.
 - *Solid Waste* - Solid waste estimates are based on region-wide demand – that is demand on the solid waste site. Therefore, cumulative effects on solid waste disposal are considered in the Draft EIR.
 - *Agricultural Land* – The loss of agricultural land is identified as a significant unavoidable impact and it is cumulatively considerable within the study area. Land outside the City's SOI is subject to County control and is designated as agriculture. It would be speculative to try to anticipate future conversions that have not been proposed at this time.
- E-6: None of the impact analysis is incorrect in the Draft EIR and there is no “significant new information” that would require re-circulation of the Draft EIR.
- E-7: The City's General Plan Update process began over two years ago, so the City clearly has not been involved in a hasty process. The degree of specificity in the General Plan

is consistent with California planning laws and requirements. The environmental impact analysis is in full compliance with CEQA's requirements for a programmatic EIR. The impact significance has not changed for any of the identified impacts and there is no basis for requiring recirculation.

F) Jim Finstad, December 2, 2003

- F-1: The local bridge shown in the General Plan Diagram is included in the proposed General Plan's future roadway network and, therefore, is analyzed in the Draft EIR. Funding mechanisms for roadway improvements are discussed in proposed General Plan policies (e.g., Policy 5.2-I-5 and 5.2-I-6) and in the Draft EIR (page 3-41).
- F-2: This comment relates to the City's Sphere of Influence and is not related to the Draft EIR. Overall, during the General Plan Update process, the General Plan committee evaluated more opportunities within the city for compact growth and decided not to pursue extending the SOI because such an extension would conflict with the principles of the plan and inconsistent with County policies of protecting rural agricultural lands. The Plan's key objectives emphasize clearly defined urban edges and compact development patterns.
- F-3: The planned circulation system fully accommodates the expected out commuting, but the plan also includes an economic development element and commitments to increase the employment base within the city that will have transportation benefits. The transportation model fully evaluated out-commuting trends and the results are shown in Section 3.2 of the Draft EIR. Building residential centers for commuters in outlying areas conflicts with the main objectives of the proposed General Plan (also, see response to Comment F-2).
- F-4: See response to Comment F-1 regarding the third bridge. It is true that some commuters living in the south area may exit Yuba City to the south, rather than over one of the existing bridges.
- F-5: Conversion of agricultural land to urban uses was identified as a significant unavoidable impact of the proposed General Plan, due to the loss of substantial acreages of prime farmland and farmland of statewide importance. The City agrees that the community needs to diversify its economy. There are mechanisms in the proposed General Plan to encourage economic diversification.
- F-6: The Draft EIR notes that air quality will continue to be a problem as growth occurs. In fact, air quality impacts were found to be significant and unavoidable.
- F-7: Impacts on schools are addressed in Section 3.5 of the Draft EIR.

G) David Goldwyn, November 30, 2003

G-1: Private developers would be responsible for building much of the Western Parkway according to the General Plan policies. Further, the Western Parkway along with the widening of Township Road is required to accommodate future growth within the LOS policies of the proposed General Plan. Refer to response to Comment H-1 (below) for additional information regarding the potential alignment of the Western Parkway.

H) Larren and Belinda Nelson, December 1, 2003

H-1: The Western Parkway shown in the General Plan circulation diagram does not have a specific alignment. The circulation diagram only depicts the general location and extent of future roadways. The final alignment will be determined as part of subsequent environmental clearance and design studies when the parkway is advanced to an implementation stage. The commenter's preference for an alignment will be noted for consideration by the Planning Commission and City Council during review and adoption of the General Plan.

I) Save Mart Supermarkets, December 3, 2003

I-1: New regional commercial development will be necessary to accommodate and serve the projected population growth over the next 20 years. The General Plan was designed with a balance between regional and neighborhood commercial. Assessing specific development proposals such as Wal-Mart is not appropriate as part of the General Plan programmatic environmental impact analysis. The General Plan EIR evaluates future development as a whole, rather than individual projects. Pursuant to CEQA, the City will conduct a detailed assessment of each individual project when an application is filed. Issues such as physical blight would be addressed at that time.

Please note that the neighborhood centers were designed at a scale that is appropriate for the local market. Future projected demand will support the neighborhood centers. Regional centers serve the larger population in the two counties and the traveling public and are not intended to compete with the neighborhood centers. Policies in the General Plan Chapter 4 further the concept of successful neighborhood centers. Successful neighborhood centers can be created by implementing certain design features and locating them in areas accessible to population centers. The policies are intended to create places that are much more successful than traditional strip shopping centers. New ideas of compact development, connectivity, mixed use and pedestrian access create support needed for successful centers. New communities across the U.S., including Bay Area communities, have demonstrated the success of this formula and have avoided blight in neighborhood centers.

I-2: The General Plan is internally consistent in all regards. Both regional and local or neighborhood commercial centers are essential to a well-planned city.

I-3: The General Plan DEIR does not contain specific details about potential future commercial projects that may develop in Yuba City. When the City receives a specific development proposal, the City will identify the need for additional project-level environmental studies. For a large commercial project such as a Wal-Mart, the additional project-level environmental studies would include detailed traffic analysis. At that time, the City would determine the appropriate study assumptions such as the trip generation rate that should be applied. The information provided by the commenter will be retained by the City for potential future use in project-level traffic impact studies.

J) Robert Sims, November 14, 2003

J-1 Existing and planned truck routes are shown in Figure 5-4 of the proposed General Plan. The existing and planned routes recognize the functional classification of the roadway system and the City understands the importance of creating land use patterns that complement the roadway system.

With regards to increases in commute traffic to external destinations such as Sacramento, the travel demand model used to develop the traffic forecasts for the General Plan and Draft EIR accounts for potential growth in commute trips. For example, Table 3.2-11 of the General Plan DEIR shows that daily traffic volumes on SR 99 at the southern City limits are projected to increase from 16,100 under 2001 conditions to 32,060 under buildout conditions. Some of this increase is associated with trips to regional destinations such as Sacramento.

2.3 COMMENT LETTERS

The entire content of all EIR comment letters is provided in this section. Comment letters are listed in the order shown in Table 2-1. Comment numbers are shown in the margins.



California Regional Water Quality Control Board

Central Valley Region

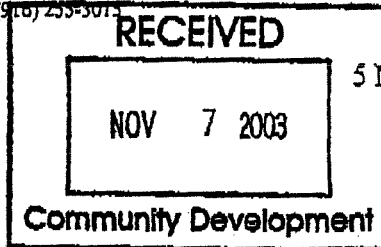
Robert Schneider, Chair



Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

Sacramento Main Office
Internet Address: <http://www.swrcb.ca.gov/rwqcb5>
3443 Roulter Road, Suite A, Sacramento, California 95827-3003
Phone (916) 255-3000 • FAX (916) 255-3011



Denis Cook, Director
Yuba City Community Development Department
1201 Civic Center Blvd.
Yuba City, CA 95996

REVIEW OF YUBA CITY GENERAL PLAN PUBLIC REVIEW DRAFT AND DRAFT ENVIRONMENTAL IMPACT REPORT, CITY OF YUBA CITY, SUTTER COUNTY

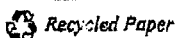
We have reviewed your Draft Environmental Impact Report and Draft Proposed General Plan and have the following comments:

1. Page 7-7 of the Yuba City General Plan Public Review Draft and page 3-65 of the Draft Environmental Impact Report (Draft EIR) state that "[d]ischarges to the Feather River may change, depending on the requirements of a new discharge permit, currently under consideration." Page 7-9 of the Draft General Plan states that "Yuba City is in the midst of renewing its wastewater treatment discharge permit with the RWQCB". The Yuba City Wastewater Treatment Facility's (WWTF) current NPDES discharge permit, Order No. R5-2003-0085, was adopted by the Central Valley RWQCB on 6 June 2003, took effect 1 August 2003, and expires 1 June 2008; it is not under consideration, but has been petitioned to the State Water Resources Control Board by the City.

Order No. R5-2003-0085 contains Finding 45, which reads as follows:

"The current [design] average dry weather wastewater flow of the treatment plant is approximately 7.0 million gallons per day (mgd). The City has proposed to expand the capacity to 9.0 mgd to accommodate growth within the community. The State Water Resources Control Board Policy with Respect to Maintaining High Quality of Waters in California, Resolution No. 68-16 (Antidegradation Policy), requires that increases in wastewater flows achieve the highest quality of water consistent with the maximum benefit to the people of the state. It must be demonstrated that the wastewater treatment facility, with an increased flow rate, provides best practicable treatment, meets waste discharge requirements, and will not unreasonably affect beneficial uses. The Basin Plan requires that reports of waste discharge evaluate land disposal and reclamation alternatives. The Discharger must complete the required California Environmental Quality Act (CEQA) documentation, an antidegradation analysis, and water quality assessments and a Report of Waste Discharge (RWD) must be filed detailing how the expanded facility will comply with Waste Discharge Requirements. Based on the RWD, the CEQA compliance document, an assessment of compliance with permit limitations, and an antidegradation analysis, this Order may be reopened and the flow rate increased."

California Environmental Protection Agency



The Regional Board adopted Cease and Desist Order No. R5-2003-0086 concurrently with the NPDES permit. This Order was adopted because the City cannot currently meet all of the new effluent limitations. The Cease and Desist Order contains a schedule for the City to bring the treatment facility into compliance with discharge requirements. The City is encouraged to review existing requirements contained in the current permit. Copies of these Orders are available upon request.

2. Page 8-15 of the Yuba City General Plan Public Review Draft and page 3-113 of the Draft EIR state that "[t]hese criteria [Basin Plan objectives] are used to determine whether to grant a National Pollutant Discharge Elimination System (NPDES) permit for any facility or activity that would discharge wastes that could affect groundwater quality." NPDES permits, which are based on federal regulations, primarily address discharges to surface waters. Waste Discharge Requirements, which are based on state regulations, primarily address discharges to land and groundwater quality.

If you have any questions regarding these comments, please call me at (916) 255-3055 or Melissa Hall at (916) 255-3187.



Richard McHenry
Senior Water Resource Control Engineer



Flex your power!
Be energy efficient!

Comment Set B

November 25, 2003

DRAFT

03SUT0047
Yuba City General Plan
SCH 2001072105

Denis Cook, Director
Yuba City Community Development Department
1201 Civic Center Blvd.
Yuba City, CA 95993

Dear Mr. Cook:

Thank you for the opportunity to review and comment on the draft Yuba City General Plan and Draft Environmental Impact Report. Our comments are as follows:

- We applaud the City for including goals for supporting mixed development for livable communities that provide for expanded transportation options and choices, as well as walkable neighborhoods.
- We recommend and request that Caltrans' System Planning Transportation Concept Reports (TCR) for the state highways, which provide service to and for Yuba City be explicitly adopted as part of the Circulation Element of the General Plan. Specifically, the concept level of service (LOS) specified in each TCR should serve as the benchmark from which to consider significant impacts to the state highway system from the development and growth planned in the General Plan. A significant impact would occur if the Plan or development causes the LOS on the highway or freeway facility or segment of the facility to deteriorate below the concept LOS. Furthermore, the ultimate facility needs specified in the TCR should serve as the mechanism through which to preserve right of way for necessary highway expansion. A copy of the draft TCR for State Routes (SR) 99 as well as the most current approved SR 20 TCR dated July 1989 are enclosed for your information and use. The SR 99 TCR will be finalized soon. The SR 20 TCR is in the progress of being updated.
- On page 3-41 of the Draft Environmental Impact Report, the following is stated:

"The City has the right to rely on the State for needed improvements to the State highway system because these improvements have been identified in "Concept Route Reports" and similar planning documents. It is reasonable to assume that these improvements will be in place by 2025."

DRAFT

-3 | This assumption is incorrect. The TCRs are planning documents that identify the concept level of service (LOS) and needed facility to maintain that LOS, including the ultimate facility needs beyond the 20 year planning horizon. A TCR is not a funding commitment or guarantee that this needed facility will be provided. Caltrans works with our transportation partners, such as Yuba City, to jointly fund state highway projects, often using a fair share funding approach relative to the origin and the destination of traffic causing the need for highway improvements. Accordingly and consistent with CEQA, the General Plan and EIR must identify impacts to the state highways relative to the development proposed in the General Plan. If significant impacts are created, appropriate mitigation measures must be pursued by the City as part of the General Plan and environmental assessment process.

- B-4 |
- We recommend modifying "Implementing Policy 5.2-I-12" (Page 5-11) in which Level of Service D or better is set as the goal for all major roadways and intersections with exceptions for the Feather River crossings (SR 20 and new "Lincoln Road" bridge). Although the river crossings present a significant challenge, Caltrans, in cooperation with the cities of Yuba City and Marysville, is currently conducting a study to identify ways to improve traffic operations between the two cities. This may, in fact, result in improvements to the traffic operations related to the SR20 bridge. Therefore, we suggest the policy statement be rewritten to not specifically indicate LOS F as being "acceptable," rather reference the unique challenges of the river crossings, and acknowledge the study which has already begun to improve the river crossings.

- B-5 |
- On page 2-1, section 2.1 of the draft Environmental Impact Report, the regional location is misstated. It states that SR 99 travels north to Oroville, then on to Chico beyond. Oroville should be changed to Gridley, since Oroville is not a destination on SR 99. In addition, in the same document, Figure 1.2-1 incorrectly shows Nevada County on the bottom right corner of the map. It should be Placer County.

- B-6 |
- The Draft Environmental Impact Report incorrectly identifies Woodland as a destination along SR 99 to the south of Yuba City at the bottom of page 3-10. While one can ultimately get to Woodland by traveling south on SR 99, it is necessary to take another state highway to arrive in Woodland. The document also states that SR 99 operates as an undivided arterial with numerous commercial accesses. In fact, SR 99 within the city limits of Yuba City has controlled access; no commercial access is allowed.

- B-7 |
- The map on page 3.11, Figure 3.2-1 of the Draft Environmental Impact Report does not indicate that SR 99 is a freeway facility north of Queens Avenue, when in fact it is a freeway facility to just past Eager Road. This needs to be corrected.

- B-8 |
- The proposed Yuba City General Plan update, in and of itself, does not introduce any hydrologic, hydraulic or water quality adverse impacts to the State's highway right of way. However, projects proposed as part of future implementation of the plan may result in such adverse impacts. All future projects within the Yuba City area of influence must be evaluated in regards to their individual impacts on the local and regional hydrologic,

hydraulic, and water quality regimes. Development of sites within the Plan area will increase impervious surface area through the construction of roads, driveways, homes, and garages with a corresponding increase in surface water (storm water) runoff. These projects will decrease surface water detention, retention and infiltration. Any cumulative impacts to Caltrans drainage facilities, bridges, or other State facilities arising from effects of development on surface water runoff discharge from the peak (100-year) storm event should be minimized through project drainage mitigation measures.

- The descriptions of the three main drainage systems within the greater Yuba City area (the Gilsizer Slough, the Live Oak Canal and "various City facilities") are very simplistic and lack detail. For instance, the description of the Live Oak Canal appropriately discounts the contribution of runoff from north of Pease Road but, in no way, does it describe the actual remaining tributary area to the south of Pease Road. It would be appropriate to identify when the Live Oak Canal was first excavated, what the intended design and construction parameters were at the time of construction (such as the intended design capacity and storm return year intensity – 25 year? 50 year? 100 year?). It would be appropriate to identify when the diversion of the northern run-off area was first employed (circa 1950?) and how much of the peak flow was diverted (10%? 25%? 50%, etc). It would also be appropriate to identify the level of development within the remaining tributary area from south of Pease Road and the effect of this development on runoff coefficients.

The historic Sutter, California and Gilsizer Slough, California USGS 7.5 minute Quadrangle Maps (both dated 1952 with 1973 photo revisions) indicate the portion of the Live Oak Canal north of Pease Road was likely diverted prior to 1952 and the existing canal configuration south of Pease Road meandered through primarily undeveloped agricultural/farm lands. Also, the existing alignment of that portion of the Live Oak Canal approximately mid-way between SR 20 and Franklin Road down to its crossing of Lincoln Road would run parallel to the proposed Western Parkway. The portion of the existing Canal south of Lincoln Road would run through the middle of the tentatively proposed southwest development just to the north of Bogue Road. This would likely require a diversion of the existing Canal or extensive bridging or piping. Although this is a "Draft General Plan," much more detail should be required prior to finalization of this plan to avoid misunderstanding and confusion during the implementation phase. In the future, once this document is accepted, it will likely be used as a reference for future projects. If it lacks detail and/or accuracy, it may lead to inappropriate development in the future.

- General Plan Policies 8.5-I-3 and 8.5-I-5 (referenced at the top of page 3-117 of the Plan) in regard to prevention of erosion and protection of water quality is an inappropriate response to Impact 3.13-d (page 3-116) which cites the impact of development in regard to increases in storm water runoff due to increases in impervious surfaces. More appropriate responses would be to insure that individual projects provide ample storm water detention or retention to mitigate for the anticipated increases in runoff.

- Impact 3.13-f (page 3-117) compares two unrelated items. The impact statement refers to the
"Caltrans improves mobility across California"

DRAFT

3-11

ability of storm drain systems to accommodated 100-year storm flows as a result of increased runoff from new development. However, the narrative immediately below this impact statement refers to areas subject to 100-year flooding (presumably those identified by FEMA as being within the 100-year floodplain as identified on the FIRMS). This is an inappropriate comparison. Many drainage systems that are not located within a FEMA designated 100-year floodplain are designed to accommodate 100-year storm runoff discharges. This is done to avoid localized flooding and to preclude health and safety hazards that may be associated with this localized flooding. Most State highway cross drain systems are designed according to this criteria (Caltrans Highway Design Manual Topic 821.3(2)) to avoid inundation of the highway and to insure safety and emergency vehicles have access during these 100-year return events. Construction within a designated floodplain is typically governed by FEMA and many other restrictions apply. It is necessary to prepare a Letter of Map Revision (LOMR) that identifies anticipated impacts to floodplain, which must be submitted to FEMA for approval prior to project approval. These are two completely different issues.

Thank you for the opportunity to provide comments. If you have any questions, please call Michelle Millette, Sutter County Regional Planning Liaison, at (530) 741-5435.

Sincerely,

JEFF PULVERMAN, Chief
Regional Planning

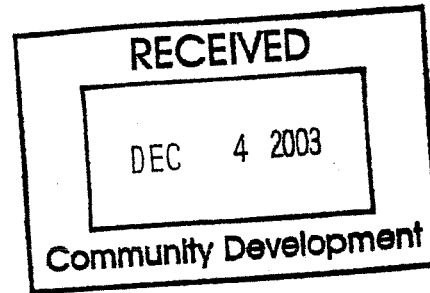
Enclosures

c: State Clearinghouse #2001072105

Comment Set C



*Flex your power!
Be energy efficient!*



December 3, 2003

03SUT0047
Yuba City General Plan
SCH 2001072105

Denis Cook, Director
Yuba City Community Development Department
1201 Civic Center Blvd.
Yuba City, CA 95993

Dear Mr. Cook:

Thank you for the opportunity to review and comment on the draft Yuba City General Plan and Draft Environmental Impact Report. Our comments are as follows:

- We applaud the City for including goals for supporting mixed development for livable communities that provide for expanded transportation options and choices, as well as walkable neighborhoods.
- We request that Caltrans System Planning's Transportation Concept Reports (TCR) for the state highways that serve Yuba City be explicitly adopted as part of the Circulation Element of the General Plan. Specifically, the Concept Level of Service (LOS) specified in a TCR for each route segment should serve as the benchmark by which to consider significant impacts to the highway from the development and growth planned in the General Plan. A significant impact would occur if the Plan or development causes the LOS on a segment of the highway to deteriorate below the Concept LOS. In addition, the General Plan should include the Concept Facility, which includes the improvements recommended in the TCR to meet the Concept LOS. Furthermore, the right of way needs identified in the TCR as necessary to achieve the specified Ultimate Facility should serve as the City's mechanism through which to preserve such right of way.

A copy of the draft TCR for State Route (SR) 99, as well as the most current approved SR 20 TCR are enclosed. The SR 99 TCR will be finalized in late December 2003 or early January 2004; the final document will be provided to you then. The SR 20 TCR is currently being updated.

C-2 | one can ultimately get to Woodland by traveling south on SR 99, it is necessary to take another state highway to arrive in Woodland. The document also states that SR 99 operates as an undivided arterial with numerous commercial accesses. In fact, SR 99 within the city limits of Yuba City has controlled access; no commercial access is allowed.

- C-3 |
- The map on page 3.11, Figure 3.2-1 of the Draft Environmental Impact Report does not indicate that SR 99 is a freeway facility north of Queens Avenue, when in fact it is a freeway facility to just past Eager Road. This needs to be corrected.

The following Traffic Operations comments are in regard to the DEIR:

- C-4 |
- On page 3-12, the definition of a Freeway should be revised to say "access controlled, divided, roadways intended to carry high volumes of traffic."
- C-5 |
- Figure 3.2-1, and the text on the adjacent pages, should be revised. Separate definitions are needed for Freeway and Expressway. SR 99 is a freeway to the north of SR 20, with a four-lane divided roadway, and the only access at grade separated interchanges. SR 20, to the west of Tharp Road, and SR 99, to the south of SR 20, are expressways, with at-grade intersections only at the public road connections. SR 20 should also be considered an expressway to the east of Shasta Street. The capacity and LOS thresholds of these two types of facilities are not the same.
- C-6 |
- In Figure 3.2-1, it should be noted that SR 99 is currently under construction to the south of Lincoln Road, and will have four lanes in the near future.
- C-7 |
- Table 3.2-1 should be revised. Separate lines should be provided for 4-lane freeways and 6-lane expressways, and the volumes shown for a 6-lane conventional highway should be reduced. SR 20 may have 6 lanes to the east of SR 99, but it does not have enough width or access control to carry 58,800 vehicles per day. The volumes for a 2-lane conventional highway could be increased.
- C-8 |
- On page 3-17, the existing Feather River Bridge for Sr 20 is described as a bottleneck. The roadway on the bridge actually operates as a divided expressway, since there are no driveways, so the capacity is greater than indicated. Congestion does occur at the east end of the bridge, but that is due to the signalized intersections in Marysville.
- C-9 |
- Table 3.2-5 shows the SR 20/99 intersection with a LOS of "C" for existing conditions. This is not consistent with other traffic studies in this area, or with observations from Caltrans Signal Operations staff, which normally indicate LOS "E".
- C-10 |
- Table 3.2-8 describes the proposed Pease Road interchange as a partial interchange, but this would not be approved by Caltrans. All movements must be allowed for.

- C-11 • Under the Proposed General Plan Only Improvements in Table 3.2-8, SR 20 from Township to Stabler is listed for upgrading to an urban arterial. Caltrans already owns the access rights for almost all of this length, which allows it to operate as an expressway. Caltrans may allow one additional intersection between Township and George Washington, but no additional access should be assumed. Separated pedestrian paths may be allowed within the right-of-way, if there is sufficient width available.
- C-12 • Under the Proposed General Plan Only Improvements in Table 3.2-8, SR 99 is listed for upgrading to a 6-lane urban arterial to the south of SR 20. Caltrans already owns the access rights for this section of highway, which allows it to operate as an expressway. Caltrans may allow one additional intersection between Bridge Street and SR 20, but no additional access should be assumed.
- C-13 • Table 3.2-8, on page 3-34, lists a New Railroad Connector, from SR 20 to Bridge Street. It appears that this roadway would connect to SR 20 across from Civic Center Blvd., and then cross SR 99. It should not be assumed that an at-grade crossing of SR 99 would be allowed. A grade separation would be necessary, with no access to SR 99 from the new road.
- C-14 • Figure 3.2-5 should be revised to show any existing or proposed frontage roads along SR 20, to the west of Harter Road. Some of the existing frontage roads act as collector roads. If possible, the frontage roads should be eliminated as this area develops. If not, they will need to be realigned near each public road intersection with SR 20 in order to provide an acceptable distance between intersections. The northside of the existing George Washington Blvd. intersection is a good example of a situation that should be eliminated in the future.
- C-15 • Figure 3.2-5 should be revised to show at least a collector road connecting to Township Road to the north of SR 20.
- C-16 • Figure 3.2-5 should be revised to show that Hooper Road connects to a frontage road, it does not connect to SR 20.
- C-17 • Hunn Road is an existing public road intersection on SR 99, and should be shown on Figure 3.2-5.
- C-18 • Figure 3.2-6 shows the proposed third bridge over the Feather River, with an ADT of over 36,000. The text of this section states that the third bridge is not expected to be built before 2025, so a figure should be presented that shows the 2025 volumes without the third bridge.
- C-19 • From the future volumes shown in Figure 3.2-6, it appears that 6 lanes may be needed on SR 20 to the west of the Tharp Road intersection. Additional analysis is recommended for this section of SR 20 in order to determine how far the 6-lane section will need to extend.

- C-20
- The proposed Yuba City General Plan update and Draft Environmental Impact Report, in and of itself, does not introduce any hydrologic, hydraulic or water quality adverse impacts to the State's highway right of way. However, projects proposed as part of future implementation of the plan may result in such adverse impacts. All future projects within the Yuba City area of influence must be evaluated in regards to their individual impacts on the local and regional hydrologic, hydraulic, and water quality regimes. Development of sites within the Plan area will increase impervious surface area through the construction of roads, driveways, homes, and garages with a corresponding increase in surface water (storm water) runoff. These projects will decrease surface water detention, retention and infiltration. Any cumulative impacts to Caltrans drainage facilities, bridges, or other State facilities arising from effects of development on surface water runoff discharge from the peak (100-year) storm event should be minimized through project drainage mitigation measures.

- C-21
- The descriptions of the three main drainage systems within the greater Yuba City area (the Gilsizer Slough, the Live Oak Canal and "various City facilities") are very simplistic and lack detail. For instance, the description of the Live Oak Canal appropriately discounts the contribution of runoff from north of Pease Road but, in no way, does it describe the actual remaining tributary area to the south of Pease Road. It would be appropriate to identify when the Live Oak Canal was first excavated, what the intended design and construction parameters were at the time of construction (such as the intended design capacity and storm return year intensity – 25 year? 50 year? 100 year?). It would be appropriate to identify when the diversion of the northern run-off area was first employed (circa 1950?) and how much of the peak flow was diverted (10%? 25%? 50%, etc). It would also be appropriate to identify the level of development within the remaining tributary area from south of Pease Road and the effect of this development on runoff coefficients.

The historic Sutter, California and Gilsizer Slough, California USGS 7.5 minute Quadrangle Maps (both dated 1952 with 1973 photo revisions) indicate the portion of the Live Oak Canal north of Pease Road was likely diverted prior to 1952 and the existing canal configuration south of Pease Road meandered through primarily undeveloped agricultural/farm lands. Also, the existing alignment of that portion of the Live Oak Canal approximately mid-way between SR 20 and Franklin Road down to its crossing of Lincoln Road would run parallel to the proposed Western Parkway. The portion of the existing Canal south of Lincoln Road would run through the middle of the tentatively proposed southwest development just to the north of Bogue Road. This would likely require a diversion of the existing Canal or extensive bridging or piping. Although this is a "Draft General Plan," much more detail should be required prior to finalization of this plan to avoid misunderstanding and confusion during the implementation phase. In the future, once this document is accepted, it will likely be used as a reference for future projects. If it lacks detail and/or accuracy, it may lead to inappropriate development in the future.

The following comments are in regard to the Yuba City General Plan:

- C-22
- General Plan Policies 8.5-I-3 and 8.5-I-5 (referenced at the top of page 3-117 of the Plan) in regard to prevention of erosion and protection of water quality is an inappropriate response to Impact 3.13-d (page 3-116) which cites the impact of development in regard to increases in storm water runoff due to increases in impervious surfaces. More appropriate responses would be to insure that individual projects provide ample storm water detention or retention to mitigate for the anticipated increases in runoff.
- C-23
- Impact 3.13-f (page 3-117) compares two unrelated items. The impact statement refers to the ability of storm drain systems to accommodated 100-year storm flows as a result of increased runoff from new development. However, the narrative immediately below this impact statement refers to areas subject to 100-year flooding (presumably those identified by FEMA as being within the 100-year floodplain as identified on the FIRMS). This is an inappropriate comparison. Many drainage systems that are not located within a FEMA designated 100-year floodplain are designed to accommodate 100-year storm runoff discharges. This is done to avoid localized flooding and to preclude health and safety hazards that may be associated with this localized flooding. Most State highway cross drain systems are designed according to this criteria (Caltrans Highway Design Manual Topic 821.3(2)) to avoid inundation of the highway and to insure safety and emergency vehicles have access during these 100-year return events. Construction within a designated floodplain is typically governed by FEMA and many other restrictions apply. It is necessary to prepare a Letter of Map Revision (LOMR) that identifies anticipated impacts to floodplain, which must be submitted to FEMA for approval prior to project approval. These are two completely different issues.
- C-24
- In Figure 4-3, for the cross section near Tharp Road, the frontage roads should be eliminated in this area, if possible. Curbs and trees may not be allowed in the right-of-way until the speeds on the highway are less than 45 MPH.
- C-25
- In Figure 4-4, the cross sections show curbs and trees in the right-of-way. This is an access controlled expressway, and these types of fixed objects may not be allowed until the speeds on the highway are less than 45 MPH.
- C-26
- On page 4-11, Policy 4.4-I-2 says "Ensure that new non-residential development along Route 20 is oriented toward the highway." It may be acceptable for the buildings to face the highway, but no parking or direct property access will be allowed along the highway.

Denis Cook
December 3, 2003
Page 7

Thank you for the opportunity to provide comments. If you have any questions, please call Michelle Millette, Sutter County Regional Planning Liaison, at (530) 741-5435.

Sincerely,


JEFF PULVERMAN, Chief
Regional Planning

Enclosures

c: State Clearinghouse #2001072105

Wendy Lee Bogdan
wbogdan@downeybrand.com

Comment Set D

November 24, 2003

VIA FACSIMILE [(530) 822-4694] AND MAIL

Denis Cook
Community Development Director
City of Yuba City
1201 Civic Center Boulevard
Yuba City, CA 95993

Re: Yuba City General Plan Update and Draft Environmental Impact Report

Dear Mr. Cook:

On behalf of Rebecca Chima, I am writing regarding two fundamental misrepresentations that have formed the core of Yuba City's ("City") General Plan Update ("Update") and Draft Environmental Impact Report ("DEIR") process. Although our full and specific comments on each document will be submitted under separate cover prior to the December 3, 2003 deadline, we feel compelled to write before then.

As of April 2003, the maps associated with the Update indicated that the Update would re-zone the entirety of Mrs. Chima's 66 acres in the City from "Agricultural" to "Park." When we met with you on March 26, 2003 and on April 7, 2003, as well as in subsequent conversations between you and Mr. Geneal Chima, you indicated that although it might be possible to reconfigure the Update's Park zoning so as to distribute "Park" zoning (and other zoning designations that would prohibit economic development) more equitably among different property owners, the City's sense of "fairness" precluded the City from removing such zoning from the entirety of any particular person's property.

As a result of your statements (summarized above), Mr. and Mrs. Chima were understandably surprised when they received the October 2003 Yuba City General Plan Update Newsletter ("Newsletter"). Although previous versions of the Update's maps had designated property in the northwest of the City owned by Mr. Bains, Mr. Danna, Mr. Perucci, and Mr. Johl as "Park" - in the properties' entirety - the October 2003 Newsletter indicated that the City had revised the Update map such that Mr. Bains, Mr. Danna, Mr. Perucci, and Mr. Johl's properties were zoned as "Residential" - in the properties' entirety.

As a result, it appears that the City's understanding of "fairness" now includes changing the land use designations of certain properties from a designation that precludes economic development

throughout the property, to "Residential" throughout the property. Mrs. Chima requests that the City apply this revised policy to their property, and rezone the entirety of Mrs. Chima's 66 acres as "Residential."


D-1 In addition, we request that the City correct the scale of the General Plan Map provided in the Newsletter and other publications to allow comparison to the actual landscape and property boundaries. The map provided in the Newsletter is inaccurate and does not correctly identify distances between landmarks. See letter from Key & Associates, Civil Engineers, dated November 19, 2003 (attached). As a result, it is impossible for landowners to assess the proposed Update's impacts, and, in particular, the land use impacts upon owner's property. It is an embarrassment that any jurisdiction would ask its citizens to agree to a plan that has not been adequately described.

As Mr. and Mrs. Chima's experience indicates, the City's conflicting and inaccurate communications have caused the public's participation in the General Plan Update to become a sham. We look forward to the City's issuance, along with a recirculated DEIR, of a revised version of the General Plan Update map that removes "Park" zoning from the entirety of Mrs. Chima's property and that accurately identifies the boundaries of the land use designations.

Please call me with any questions.

Sincerely,

DOWNEY BRAND LLP



Wendy Lee Bogdan

561967.1

Attachment

cc: Rebecca Chima

Comment Set E

December 3, 2003

VIA FACSIMILE [(530) 822-4694]; HAND DELIVERY

Denis Cook
Community Development Director
City of Yuba City
1201 Civic Center Boulevard
Yuba City, CA 95993

Re: Comments on Yuba City General Plan Update and Draft Environmental Impact Report

Dear Mr. Cook:

We are writing on behalf of Rebecca Chima regarding the City of Yuba City's (the "City") General Plan Update (the "Update") and Draft Environmental Impact Report (SCH No. 2001072105 dated October 2003 ("DEIR")). This letter incorporates by reference the comments in our letters to you dated February 24, 2003 and November 24, 2003, both of which are attached.

Ms. Chima has lived within Yuba City for approximately 40 years and owns approximately 66 acres located at 2606 Lincoln Road. All of this property is within the area that will be affected by the Update. Ms. Chima has reviewed the Update and the DEIR and has several concerns regarding the adequacy of the City's compliance with the requirements of California's planning and land use laws. In particular, Ms. Chima is concerned about the adequacy of the Update's and the DEIR's project description, the inequitable burdens that the Update imposes upon Ms. Chima, and the inadequacies of the DEIR's water supply, traffic, and cumulative impacts analyses. As a long time resident of the City, Ms. Chima is deeply concerned about the Update's impacts upon her property as well as the Update's impacts upon the environmental, and health and safety of the City community as a whole. Ms. Chima's comments on the Update and the DEIR are set forth below.

A. The Update And The DEIR Do Not Adequately Describe The Action To Be Taken

As described in my letter dated November 24, 2003, the City has failed to describe the nature of the Update with specificity sufficient to satisfy the California Environmental Quality Act ("CEQA"). [See Cal. Pub. Resources Code §§ 21000 et seq.; 14 C.C.R. §§ 15000 et seq.]. The foundation for CEQA compliance is the project description. [See *County of Inyo v. City of Los*

Angeles, 71 Cal. App. 3d 185, 193 (3d Dist. 1977) (stating that an "accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.")).

The crux of the project description for a General Plan update is the General Plan Diagram, which identifies the land use designations that will control future development within the City. Figure 2.4-1 of the DEIR provides that diagram (the "Diagram"). The Diagram is the sole document that the City has provided to identify these land use designations; there are no additional maps that clarify the boundaries of the designations identified in the Diagram. However, it is impossible for a citizen of Yuba City to discern from the Diagram what the land use designation will be for a particular piece of land because the scale of the Diagram is distorted. [See letter from Key & Associates, Civil Engineers, dated November 19, 2003 (attached to Attachment B); 14 C.C.R. § 15125 (stating that the project description must include a map showing the "precise location and boundaries of the proposed project.")].

E-1 Because of this error in the Diagram, it is impossible for a reviewer of the Update to confirm the accuracy of the DEIR's analyses of impacts. "Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental costs, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the 'no-project' alternative) and weigh other alternatives in the balance." [*County of Inyo v. City of Los Angeles*, 71 Cal. App. 3d 185, 192-93 (3d Dist. 1977)]. Virtually all of the analyses included in the DEIR (and required by CEQA) depend upon the amount and/or distribution of the Update's proposed land uses. For instance, the DEIR relies upon assumptions regarding the acreage zoned for particular densities of residential housing to calculate the number and mix of housing units that will occur at build-out. [See DEIR at pages E-4, 2-10 to 2-11]. The DEIR then relies upon those calculations regarding housing units to calculate the population distribution at build-out. [See DEIR at page E-4].

Assumptions regarding the amount and/or location of land uses form the bases for the DEIR's analyses of:

- (1) Land use Impacts [DEIR at page 3-2];
- (2) Transportation impacts [EIR at page 3-36];
- (3) Air quality impacts [DEIR at page 3-81];
- (4) Noise impacts [DEIR at page 3-88, Figure 3.8-2];
- (5) Public safety [DEIR at page 3-92 to 3-93];
- (6) Water supply impacts [DEIR at page 3-64, Table 3.6-2]; and
- (7) Wastewater treatment impacts [DEIR at page 3-71].

E-1 Accordingly, if the assumptions regarding the amount of acreage zoned for a particular density are incorrect, the DEIR's analysis of each of these impacts will be incorrect.

Moreover, the Diagram's inaccuracies make it impossible for any landowner to evaluate the Update's impacts to that landowner's property. As we have stated in our letters to you dated February 24, 2003 and November 24, 2003, by changing the land use designation from "Agriculture" to "Park," the Update is removing all economic value from a large portion of the 66 acres that Ms. Chima owns within the City. However, the Diagram's inaccuracies frustrate any attempt by Ms. Chima to determine the extent to which the City is designating the 66 acres that she owns for non-economic uses. The most information that can be gleaned from the Diagram is that the City intends to designate approximately 40% to 55% of Ms. Chima's property for non-economic uses.

These inaccuracies are unacceptable for a document that will control all future land use decisions within the City. Throughout the Update process, the City has stated that the general plan diagrams published by the City were merely "conceptual." In fact, as the DEIR states, the Diagram will be the constitution of land use planning within the City and the City will be prohibited from approving any use that is not consistent with the Diagram's designated uses. [See DEIR at pages 2-1, 2-24]. Moreover, even if the City never formally exercises its power of eminent domain to acquire Ms. Chima's property for development of a park, the "Park" land use designation *in and of itself devalues Ms. Chima's property*. Nonetheless, even at this late stage in the Update's process and with repeated requests from Ms. Chima and her husband, the City has still not provided adequate detail for the Chima's to determine the extent to which the City is removing all economic value from her property.

E-2 **B. The Update Inequitably Burdens Ms. Chima's Property For No Legitimate Public Purpose**

Assuming, arguendo, that the Update's land use designations will strip approximately 40% to 55% of Ms. Chima's property of economic uses, the Update imposes this burden inequitably and for no legitimate purpose.

As described in my letter dated November 24, 2003, City staff has repeatedly told the Chima's that City policy precluded the City from removing the "Park" designation (or other designations that similarly prohibit economic uses) from the entirety of any one landowner's property. As a result of City staff's statements, Mr. and Mrs. Chima were understandably surprised when they received the October 2003 Yuba City General Plan Update Newsletter ("Newsletter"). Although previous versions of the Update's maps had designated property in the northwest of the City owned by Mr. Bains, Mr. Danna, Mr. Perucci, and Mr. Johl as "Park" - in the properties' entirety - the October 2003 Newsletter indicated that the City had revised the Update map such that Mr. Bains, Mr. Danna, Mr. Perucci, and Mr. Johl's properties were zoned as "Residential" - in the properties' entirety.

E-2

As a result, it appears that the City's policy has been modified to allow changing the land use designations of certain properties from a designation that precludes economic development throughout the property, to "Residential" throughout the property. Mrs. Chima requests that the City apply this revised policy to her property and rezone the entirety of Mrs. Chima's 66 acres as "Residential."

In addition, the Update places a burden on Ms. Chima's property for no legitimate public purpose. The Update designates approximately 40% to 55%, or approximately 26 to 36 acres, of Ms. Chima's property for "Park." However, the DEIR specifically states that the Update designates more acreage as "Park" than is needed to achieve the City's goals. The City's current ratio of Park space to population is 1.29 acres of Park per 1000 residents. [See DEIR at page 3-50]. The City's goal in drafting the Update is to increase this ratio by 775% to 10 acres of parks/open space for every 10,000 people. [See Draft EIR at pages 2-20, 3-54]. In fact, the Update exceeds the City's goal by 20% and designates 12 acres per 1,000 residents. [See DEIR at 3-54]. Thus, the Update designates 213 more acres of Park than is necessary to meet the City's express goal of increasing the ratio of per capita park acreage.

The Update provides no reasonable basis for this further inflation of non-economic uses of land. Ostensibly, the Update exceeds the City's goal of 10 acres of parks for every 10,000 people, because, "the amount of land that ultimately will be available for specialized recreation in the Feather River Park has to be determined definitively." [DEIR at page 3-51]. The DEIR does not provide any explanation as to why the percentage of the Feather River Park that will be used for "specialized recreation" is so speculative. Regardless of the validity of the City's claim, the City's inability to predict the percentage of the Feather River Park to be dedicated to "specialized recreation" as opposed to other types of "Park" uses *does not provide any support for increasing the total amount of acreage designated as "Park."* If the City wishes to dedicate a portion of the 10 acres of "Park" per 1000 residents for "specialized recreation," the City could simply require as much in the Update. For instance, the Update could provide that if the percentage of the Feather River Park to be dedicated to "specialized recreation" declines, other areas of the City designated for "Parks" will increase the amount of acreage dedicated to "specialized recreation" accordingly. Instead, the Update simply inflates by 20% the total amount of land designated for non-economic uses.

E-3

C. The DEIR's Inadequacies Extend To Its Analysis of Water Supply Impacts

The DEIR also fails to analyze the Update's impacts upon water supply as required by CEQA and the California Water Code. California Water Code § 10911 requires that, for certain projects, an environmental impact report must include a "water supply assessment" ("Assessment"). In relevant part, activities for which the lead agency must provide an Assessment include projects comprised of more than 500 dwelling units. [See Water Code § 10912]. The Update contemplates the build-out of approximately 19,231 additional housing units. [See DEIR at page E-4]. As a result, Water Code § 10911 requires that the environmental impact report for the Update include an Assessment.

E-3

California Water Code §§ 10631 and 10910 provide the procedural and substantive requirements for an Assessment. The Assessment must be prepared by the public water system that may supply water for the project at issue. The Assessment must provide detailed analyses as to whether there is water available for the project during normal, single dry, and multiple dry water years during a twenty year period. [See Water Code § 10910(c)]. If the Assessment concludes that the public water system does not have sufficient water supplies for the project, the city approving the Assessment must specify plans for acquiring additional water supplies including: (1) the estimated total costs and the proposed method of financing the costs associated with acquiring the additional water supplies; (2) all federal, state, and local permits, approvals, or entitlements that are anticipated to be required to acquire and develop the additional water supplies; and (3) the estimated timeframes for acquisition of those additional water supplies. [See Water Code § 10911(a)].

The DEIR includes no such Assessment by a public water system. Moreover, the DEIR relies upon currently "undetermined future water rights" to satisfy the demand for water anticipated under the Update. [See DEIR at page 3-63].

E-4

D. The DEIR's Analysis Of The Update's Impacts Upon Transportation Is Inadequate

The DEIR provides no substantial evidence supporting its transportation impact significance criteria. Rather, the impact significance criteria appear to be chosen simply to avoid having to characterize any transportation impacts as "significant." For instance, under the City's current significance criteria the traffic on the Feather River Bridge and on the Twin Cities Bridge is "unacceptable" as the traffic on those roadway segments is at an LOS of "F." The DEIR, however, concludes that the traffic on these roadway segments *is* "acceptable" under the Update despite the fact that the build-out contemplated under Update will worsen the traffic conditions at these roadway segments. [See DEIR 3-39, Table 3.2-11]. The DEIR reaches this conclusion by simply redefining what constitutes "acceptable" to carve out an exception for these roadways. Thus, the DEIR specifically provides that an LOS of "F" is acceptable at those particular segments. [See DEIR at page 3-29 to 3-30].

This slight of hand obscures the reality of the Update's impact upon traffic conditions at those roadway segments, which provide key ingress and egress to the City. An LOS of "F" indicates the following traffic conditions:

LOS F has forced or breakdown conditions. This condition exists wherever the volume of traffic exceeds the capacity of the roadway. Long queues can form behind these bottleneck points with queued traffic traveling in a stop-and-go fashion. Extensive queues form at intersections and many vehicles are forced to wait multiple cycle lengths. [DEIR at page 3-13].

Despite the Update's contribution to this "breakdown" condition, the DEIR does not consider these traffic impacts to be significant. Moreover, the DEIR does not consider the combined

-4 impact of these "breakdown" traffic conditions and the impact of the Update upon fire protection and police service response times. [See DEIR at 3-90 to 3-91].

Finally, the DEIR does not describe how the City will provide feasible, enforceable measures to mitigate these impacts. [See 14 C.C.R. § 15126.4(a)]. The DEIR states that, "[f]or the purpose of this impact assessment, only roadway improvements that have a high degree of certainty for being implemented were assumed in place for buildout analysis." However, Table 3.2-8, which described the roadway improvements that were assumed for the DEIR's traffic analysis, includes a subsection of twenty-three improvements for which there is no anticipated funding source. [See DEIR at pages 3-33 to 3-34].

E-5 **E. The DEIR's Cumulative Impacts is Inadequate Under CEQA**

The DEIR includes no analysis of "cumulative impacts" as defined under CEQA. CEQA defines a "cumulative impact" as the impact that is created "as a result of the combination of the project evaluated in the EIR *together with other projects* causing related impacts." [14 C.C.R. § 15130(a)(1) (emphasis added)]. In the case at hand, "[t]he project analyzed in [the DEIR] is the proposed Yuba City General Plan." [DEIR at 2-1]. Accordingly, the DEIR's cumulative impacts analysis should analyze the impacts created as a result of the combination of the Update *together with other projects causing related impacts.*

Instead, the DEIR argues that *the Update itself encompasses the only sources of cumulative impacts.* [DEIR at 5-5]. Thus, the DEIR argues that its analysis of the Update's impacts also functions as an analysis of the Update's cumulative impacts. [See DEIR at page 5-5 (stating that the DEIR's analysis of the Update's impacts "represents a cumulative analysis of the Planning Area as a whole, over the next 20 years.")].

Through this reasoning, the DEIR omits any analysis of the combined impacts of the Update *and any other projects in the region.* The following is a *non-exhaustive* list of the analyses that are required by CEQA but that the Update omits by failing to analyze the combined impacts of the Update and other projects in the region.

- (1) The DEIR anticipates that total water consumption will increase by 135% under the Update but does not explain how the combination of that 135% increase with the water consumption increases resulting from other urban development in the region will affect the groundwater and surface water quality and habitat.
- (2) The DEIR analyzes the transportation impacts at build-out within the general plan area, but does not analyze the combined transportation impacts (including impacts outside of the general plan area) of: (1) build-out under the Update; and (2) other development in the region (e.g., Placer County).
- (3) The DEIR fails to analyze the combination of the Update's impacts upon solid waste. The DEIR states that the Ostrom Road Landfill has an expected life span to the year

-5 2030, but does not explain how other urban development in the region will affect the landfill's capacity during that time.

- (4) The DEIR analyzes the loss of agricultural land resulting from the Update, but does not analyze whether this loss is cumulatively considerable in combination with the loss of agricultural land that will result from other projects within the region.

Again, the items above are a non-exhaustive list of the analyses that are required by CEQA but that the DEIR omits because it does not include any analysis of the combined impacts of the Update with other projects in the region.

-6 **F. The Update And DEIR Must Be Revised and Recirculated**

For the reasons stated above, the Update and DEIR must be revised and recirculated. If, subsequent to the commencement of public review and interagency consultation but prior to final EIR certification, the lead agency adds "significant new information" to an EIR, the agency must issue new notice and must "recirculate" the revised EIR, or portions thereof, for additional commentary and consultation. [See Pub. Resources Code § 21092.1; 14 C.C.R. § 15088.5]. The revised environmental document must be subjected to the same "critical evaluation that occurs in the draft stage," so that the public is not denied "an opportunity to test, assess, and evaluate the data and make an informed judgment as to the validity of the conclusions to be drawn therefrom." [Sutter Sensible Planning, Inc. v. Board of Supervisors (3d Dist. 1981) 122 Cal. App. 3d 813, 822, quoting Appalachian Mountain Club v. Brinegar (D.N.Y. 1975) 394 F. Supp. 105, 121-22 and analogizing from the National Environmental Policy Act. See also 14 C.C.R. § 15088.5(a)(4) (stating that recirculation is required when the DEIR is "so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.")] Recirculation of an EIR requires notice and consultation pursuant to Pub. Resources Code §§ 15086 and 15087. [See 14 C.C.R. § 15088.5(d)]. Thus, in issuing a recirculated EIR for public review, the lead agency must publish a new "notice of availability," and must consult with, at a minimum, all responsible agencies, trustee agencies, "[a]ny other state, federal, and local agencies which have jurisdiction by law with respect to the project or which exercise authority over resources which may be affected by the project," and "[a]ny city or county which borders on a city or county within which the project is located." [14 C.C.R. § 15086(a)].


-7 **G. Conclusion**

As a 40 year resident of Yuba City, Ms. Chima understands the City's desire to plan carefully for its growth over the next decades. However, in the City's haste to provide an Update that emphasizes generalities and exhorts the latest in urban planning trends, the City has failed to provide the accuracy or specifics that are required by California's land use and environmental laws. We strongly advise the City to work closely with Ms. Chima to complete the substantial revisions to, and recirculation of, the Update and DEIR.

We appreciate the opportunity to comment on the Update and the DEIR and look forward to working with the City to address the concerns raised in this letter.

Sincerely,

DOWNEY BRAND LLP



Wendy Lee Bogdan

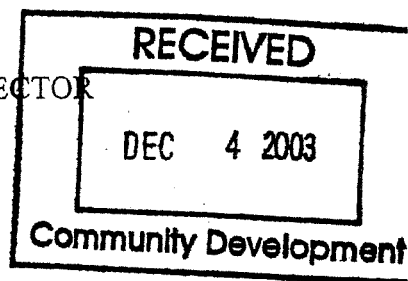
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Attachments

cc: Rebecca Chima
Mayor Sandra Hilliard
Vice-Mayor Karen Cartoscelli
Councilman Bob Barkhouse
Councilman David B. Doolittle
Councilman Eric N. Hellberg
City Manager Jeffrey Foltz

Comment Set F

TO: DENIS COOK, COMMUNITY DEVELOPMENT DIRECTOR
FROM: JIM FINSTAD, INTERESTED PARTY
DATE: DECEMBER 2, 2003
SUBJECT: YUBA CITY DRAFT PROPOSED GENERAL PLAN



-1
As I indicated to you in my memorandum dated February 2, 2003 (see attached copy), my concerns then were with the planning for the third bridge crossing. That encompassed two areas; Yuba City's Sphere of Influence (SOI), and the Third Bridge Crossing. Since the time of that memo, the city has removed the Bogue Road and Alternative FN crossings from the General Plan Diagram, CalTrans has put the third bridge study on hold, and now, a local bridge at Lincoln Road appears on the Draft Environmental Impact Report. Please explain how this can be accomplished.

Yuba City's Sphere of Influence (SOI)

-2
Yuba City's Sphere of Influence (SOI) was amended in 1986 to include all of the Yuba City Urban Area including the Terra Buena Area and the Yuba City Urban Area Fringe (approximately 19,350 acres). The northern boundary of this area was Pease Road, Township Road to the west, Oswald Road to the south and the Feather River to the east. In 1990, the Yuba City SOI was amended. LAFCO, an unelected appointed commission comprised of two Sutter County Board of Supervisors members, two Yuba City Council members, two special district members, and one public member, deleted the area between Bogue and Oswald Road. The deleted area contained approximately 5,350 acres of land. No compensation was offered nor paid to landowners in the affected area for what I consider a taking of their individual property rights by a central government planning agency. The Yuba City Proposed General Plan does not address this inequity. Please explain.

Many property owners, including my wife and I bought property in this area with the knowledge that it was then within the SOI. Because of LAFCO's action, the property located in the deleted area, has declined in value, while property values in the other areas have soared. As an example, a 2.85 acre parcel sold for \$175,000 in 1990. The same parcel re-sold in 2002 for \$135,000. That's a loss of \$40,000 or \$14,035 per acre, in twelve years time, not including inflation. In another transaction, a 10.0 acre parcel sold for \$285,000 in 1990. A similar parcel nearby sold for \$130,000 in 2002. That's a loss of \$155,000, or \$15,500 per acre. That projects to a potential loss of \$75 to \$83 million in property values for the 5,350 acre deleted area. As development land, the affected area would probably return \$5 to \$15 a square foot. That places a potential value of \$1.16 to \$3.49 billion to the land. Please explain to the landowners how the city can draw a line on a map and seemingly dictate who will be able to develop their land and who will not.

As I mentioned to you in my last memorandum, Jack Diepenbrock, Sacramento land attorney said about a similar issue in North Natomas, "It offends my sense of equity that by drawing this arbitrary line, these people over here stand to make \$5 to \$15 a square

foot for development of their property while these people over there are just supposed to eat it." He suggested that they would sue if there was not some method of allowing affected landowners to share in the profits reaped by landowners inside the development zone. On December 10, 2002, the Sacramento County Supervisors agreed to "throw away a controversial map that seemed to dictate who would be financial winners and who would be losers." I ask that Yuba City do likewise and restore the southern boundary of the city's SOI to its previously aligned location with Oswald Road.

In 1990, there existed an anti-growth sentiment in the community as opponents of "New Town" initiated a referendum to defeat the proposed development. It was feared that a new town in South County would shift the political balance of the county away from Yuba City. Other fears were that growth in the southern area of Yuba City would encourage more commuters to make Yuba City a bedroom community. And due to the concerns after the flood of 1986, a plan for a new high school to be built at the corner of the Garden Highway and Stewart Road was withdrawn.

Today, "North Natomas", in Sacramento County, has been approved for development up to the Sutter County line. Sacramento developers have purchased 1,850 acres in Sutter County to help mitigate the environmental concerns of that development. Our South County industrial development area is in jeopardy over environmental concerns, while at the same time; Sacramento is commencing development of a large industrial park surrounding the Sacramento International Airport. Fears that Yuba City would become a bedroom community for Sacramento workers have come true despite the fact that the southern boundary at Oswald Road was deleted. Commuters are flocking to north and west Yuba City housing developments due to the availability of relatively affordable housing. Flood concerns seemingly are no longer an issue as Shanghai Bend was straightened and the levees reinforced with slurry walls. Housing development continues along the Garden Highway down to Stewart Road, where Yuba City is now proposing to annex property to build an Elementary School and residential housing on the land originally proposed as the new high school. This breaches the Bogue Road Urban Limit of the Yuba City Draft Proposed General Plan.

Re-instating the southern boundary to Oswald Road resolves a potential litigation problem for the city, restores the rights of property owners to make individual decisions regarding their land, and makes sense to help mitigate some of the problems in the Yuba City Draft Proposed General Plan. In addition to the above mentioned, these include:

Transportation and Jobs:

Transportation problems would be less as commuters who work in the Sacramento and Roseville areas would no doubt prefer to purchase homes in the southern area, thus lessening the burden of having to drive through Yuba City from the north and west parts of town to get to their jobs. I believe that higher paying jobs in that area will continue to attract commuters. The Yuba City area does not have the infrastructure or a highly educated workforce to attract industry and higher paying jobs at this time.

Water and Sewer

Water and sewer services are currently available near the newly annexed property at Stewart Road. This should make it easier and less expensive to extend the services to the southern area.

Third Bridge

It's hard for me to believe that a third bridge will be built in the lifetime of the new General Plan. CalTrans is no longer interested in building a local bridge, and Yuba City's newly proposed local bridge along the Lincoln Road corridor, originally proposed and deemed needed in the early 1970's, is an afterthought. The Environmental Impact Report (EIR) is probably outdated and the city does not, I believe, have the estimated \$230 to \$370 million dollars at today's prices to build it. Commuters living in the south area will exit Yuba City to the south and not through town or over one of the three existing bridge lanes across the Feather River.

Agriculture:

Agriculture, in the past, has been a very important part of the community's heritage and economy. Unfortunately, Agriculture is under extreme pressure in this community, the state and the country at large. Cheap imported foods are having a grave effect on our farmers. In our area, industry experts have told me that, for the prune industry to survive, 20% of the growers need to leave the business. This year, many peach growers were forced to plow the peaches into the ground and face bankruptcy because they can't make a living. This community seriously needs to diversify its economy. I don't believe that restoring 5,350 acres to the city's SOI will negatively affect Agriculture. In fact, it may help the local economy and the ability of the city to serve its residents.

Air Pollution:

Unfortunately, adding 50,000 new residents will add about 40,000 more automobiles to the area and air quality will continue to be a problem as growth continues.

Schools:

It will also be difficult for the schools to keep up with the growth of the population.

Please address these issues in the Yuba City General Plan Update.

For more information, you may contact me at:

James L. Finstad
3074 Caminito Avenue
Yuba City, CA 95991
530.671.7071 Home
530.741.6951 Work
530.632.4377 Cell
finstad@comcast.net

Comment Set G

Planning Intern

From: Goldwyn [dgoldwyn@jps.net]
Sent: Sunday, November 30, 2003 3:24 PM
To: genplan
Subject: Proposed Western Parkway

Sirs:

As a Sutter county resident, I think it is a poor idea to use valuable public resources in the building of a Western Parkway on prime agricultural soil/future subdivisions with Township Road so close to the proposed roadway. The relatively unpopulated areas of Township Road could be widened with the remaining Parkway tied in to Humphreys Road in order to minimize the disturbance of the affected residents north of Lincoln Road. If Township Road is not to be widened, then a consideration would be to build the Parkway west of Township Road on the less valuable rice ground.

Thank you for considering this issue.

Sincerely,

David Goldwyn

Comment Set H

December 1, 2003

Denis Cook, Community Development Director
City of Yuba City
1203 Civic Center Blvd.
Yuba City, CA 95993

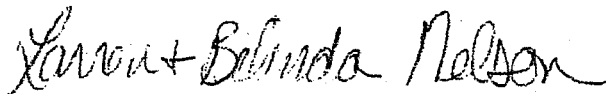
Re: Yuba City Draft General Plan
Western Parkway at George Washington/Bogue Rd.

Dear Mr. Cook:

4-1 In conjunction with other affected property owners, and in order to preserve the existing homes in the designated low density residential area at and around George Washington and Bogue Road, we propose that Western Parkway, as denoted in the Draft General Plan, be redrawn so that it does not intersect George Washington before it turns into Bogue Road. This could be accomplished by straightening out the curve, and would not appear to otherwise affect the integrity of plan.

Thank you for your consideration of this matter.

Very truly yours,

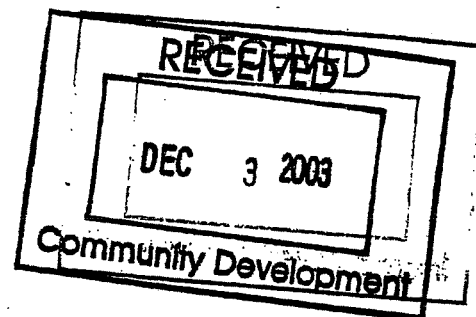


Larren R. Nelson
Belinda L. Nelson
3037 Bogue Rd.
Yuba City, CA 95993

December 3, 2003

VIA FEDERAL EXPRESS & FACSIMILE (530) 822-4694

Mr. Dennis Cook
Community Development Director
City of Yuba City
1201 Civic Center Blvd
Yuba City, CA 95993



RE: Yuba City General Plan & Draft Environmental Impact Report Dated October 2003

Dear Mr. Cook:

Save Mart Supermarkets recently acquired and operates the Food Maxx store (formerly Food-4-Less store) at the southeast corner of Highway 99 and Colusa Avenue (Route 20). As such, we are vitally concerned with the long term planning process for the City of Yuba City. I have read the drafts of the General Plan and Environmental Impact Report, and on behalf of Save Mart, would like to raise the following questions.

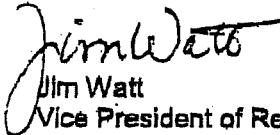
- **General Plan Objectives:** One of the General Plan objectives is to "create livable neighborhoods, with convenient access to parks, schools and neighborhood commercial facilities." At the same time, the City is proposing a new General Plan which will allow for new areas of regional commercial development on both Route 20 and Highway 99. Since we are aware that Wal-Mart is considering a Supercenter location on Route 20 near Tharp Road, and may later consider a location at Route 99 and Bogue Road, we believe the potential for the construction of these stores could have a detrimental affect on many neighborhood shopping center locations in Yuba City. It is generally acknowledged that each new Supercenter results in the closure of two existing supermarkets. Has the City of Yuba City, and your environmental consultant considered the implications of store closures resulting in economic blight and urban decay as a result of creating the additional regional commercial zoning referenced above? In order to assist your environmental consultant in evaluating the economic impacts of these Wal-Mart Supercenters, I am enclosing two sets with the materials being Federal Expressed to you of the following information:
 - The Shills Report which measures the economic and sociological impact of mega-retail discount chains on communities, dated February 7, 1997.
 - The Impact of Supercenters in San Diego County, dated September 15, 2000.
 - The Impact of Big Box Grocers on Southern California, prepared by the Orange County Business Council.
 - A recent article from Business Week magazine on Wal-Mart, dated October 6, 2003.
- **General Plan Must Be Internally Consistent:** The General Plan states that there must be consistency both to figures, diagrams and text in the General Plan. Since all the evidence we have seen to date on these Wal-Mart Supercenters suggest they typically blight existing neighborhood locations, we believe the General Plan is inconsistent insofar as trying to provide for both big box type retailers (supercenters with grocery stores) and neighborhood centers which rely on the grocery store as the primary draw.
- **Traffic Impacts:** The environmental analysis for the General Plan maintains that a level of service D is to be provided on all streets and arterials with the exception of certain bridge over crossings. Did the traffic consultant consider the potential for additional traffic impacts as a result of the possible

1-3

entry of big box retailers, such as Wal-Mart Supercenters? In that regard, under separate cover I am enclosing an analysis which was recently provided to me suggesting the traffic generation for these Wal-Mart Supercenters is substantially greater than that generally used by the Institute of Traffic Engineers (ITE). We believe any evaluation of the impacts of these big box retailers on the traffic generation analysis used in the Draft EIR should include these revised numbers.

Thank you for considering our concerns, and I would appreciate if you would put me on the list of people to be kept informed on future meetings regarding the General Plan and adoption of the Environmental Impact Report.

Very truly yours,


Jim Watt
Vice President of Real Estate

JW/as

Enclosures (sent via Federal Express)

From: steve/robert [shoupsims@comcast.net]
Sent: Friday, November 14, 2003 1:27 PM
To: genplan
Subject: general plan feedback

hi, overall i think the plan is great and am proud that you have established firm urban boundaries. i do have a few comments, though.

1) this would be the ideal time to designate space for a future dog park. with increasing development, its time is coming soon.

2) i think it would behoove the city to commit to future locations for expand fire and police stations. this way, residents, businesses, developers, and future residents what they may count on.

3) I realize that traffic planning is always difficult and traffic studies soon become outdated, but other growing cities have failed miserably to adequately provide solutions. roseville is a perfect example where they have developed themselves into gridlock and continue to add to the problem. yuba city is unique in that it is surrounded by agricultural land. traffic planning must include the seasonal flow of trucks and equipment through the city. as an example, washington blvd. is a direct cut off for trucks between 113 and 20, passing through a mostly undeveloped area. when this becomes mostly residential will there be an outcry against the trucks? if there is increased residential growth, the sacramento commute traffic will increase significantly. is this taken into account?

4) in looking at the plan zoning map i notice that in all of south west yuba city, save winco, there is no community commercial plot to rival the bell air/ osh on stabler. this area of town needs this now (i really get tired of going cross-town to shop), and in the future there will be more demand as only about 1/4 of the area is currently developed. the plot at washington and cherry is not sufficient.

5) this may be more of a point for implementation, but bear with me. most new developments are being constructed with masonry walls bordering outer streets. why, i don't know. anyway, if you look at older developments that have houses facing all streets you will notice that there is much more feeling of a neighborhood and community. for examples of the juxtaposition i suggest lincoln by johnathan or walton south of lincoln. now if developers argue that outside lots are worth less owing to noise and or security (a fallacy), then those lots can add to the stock of affordable housing.

6) require that any development along 99 or 20 include landscaping to add to or continue the parkway feel that one can experience on 99 going south from 20 (ok there is the really ugly self storage place across from the honda dealer. avoiding that kind of visual blight is what i'm talking about.

sincerely,
robert sims
1953 johnathan ct.
yuba city, ca. 95993

3 Corrections to the Draft EIR Figures

This section includes corrected Draft EIR figures that are referenced in the above responses to comments. These minor revisions do not change the meaning or intent of any of the text, nor do they change the overall analysis or findings of the Draft EIR. Furthermore, these revisions do not represent substantive new information.

Any minor changes to the proposed General Plan, as identified by City staff, do not alter the conclusions presented in the Draft EIR regarding significant environmental impacts or mitigation measures.

The EIR revisions appear here in the order they appear in the Draft EIR.

- Figure 2.1-1, Yuba City Regional Location, is corrected to show the proper county names.
- The scale on Figure 2.4-1, General Plan Diagram, has been corrected. The land use designations depicted in the figure are correct in size and scale, and only the graphic depiction of the scale was incorrect.
- Figure 3.2-1, Circulation Network and Functional Roadway Classification – Existing Conditions, and 3.2-5, Circulation Network and Functional Roadway Classification – Proposed General Plan, have been corrected, as described above in response to Comments C-4 and C-16. These corrected figures are shown on the following pages.

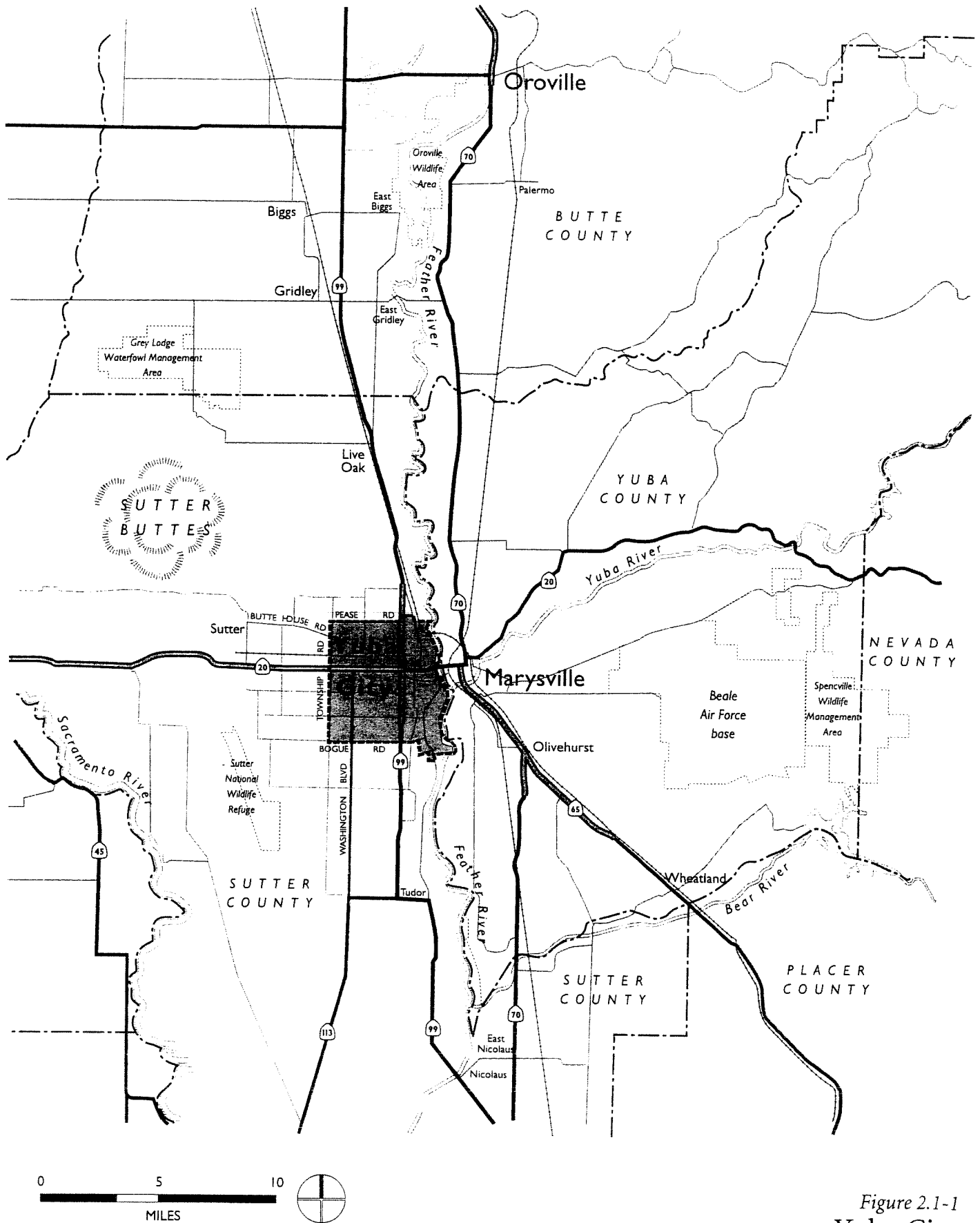


Figure 2.1-1
Yuba City
Regional Location

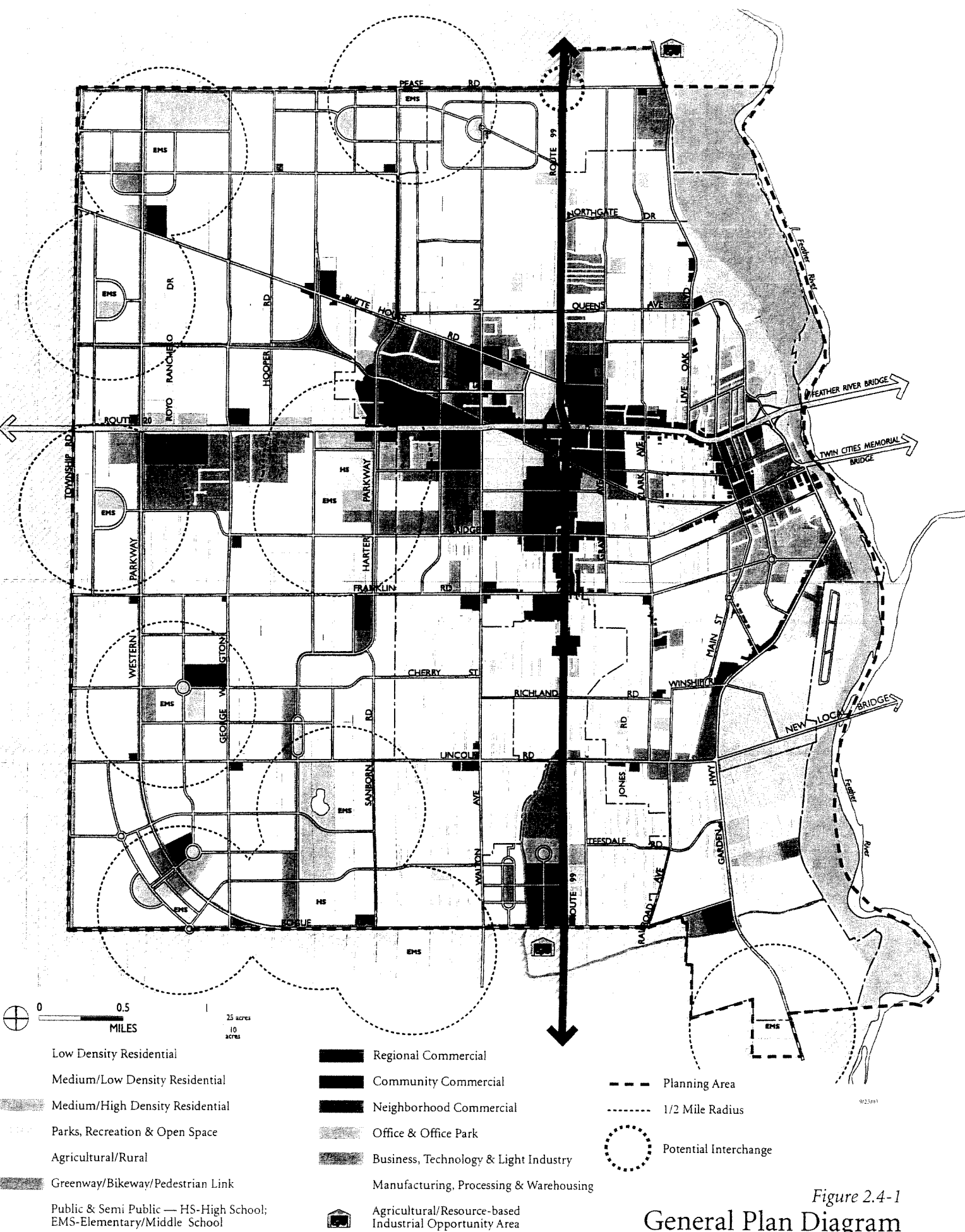
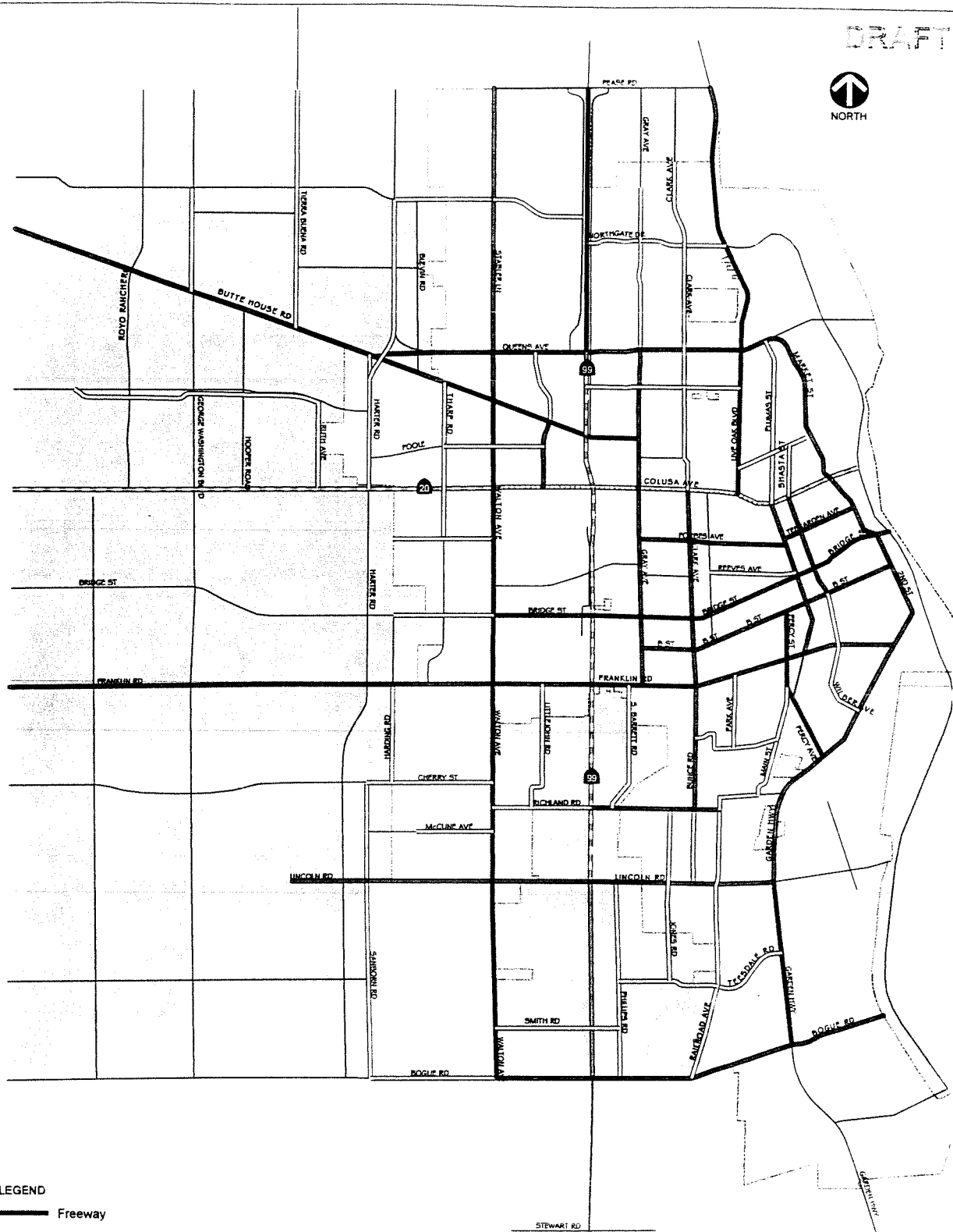


Figure 2.4-1
General Plan Diagram

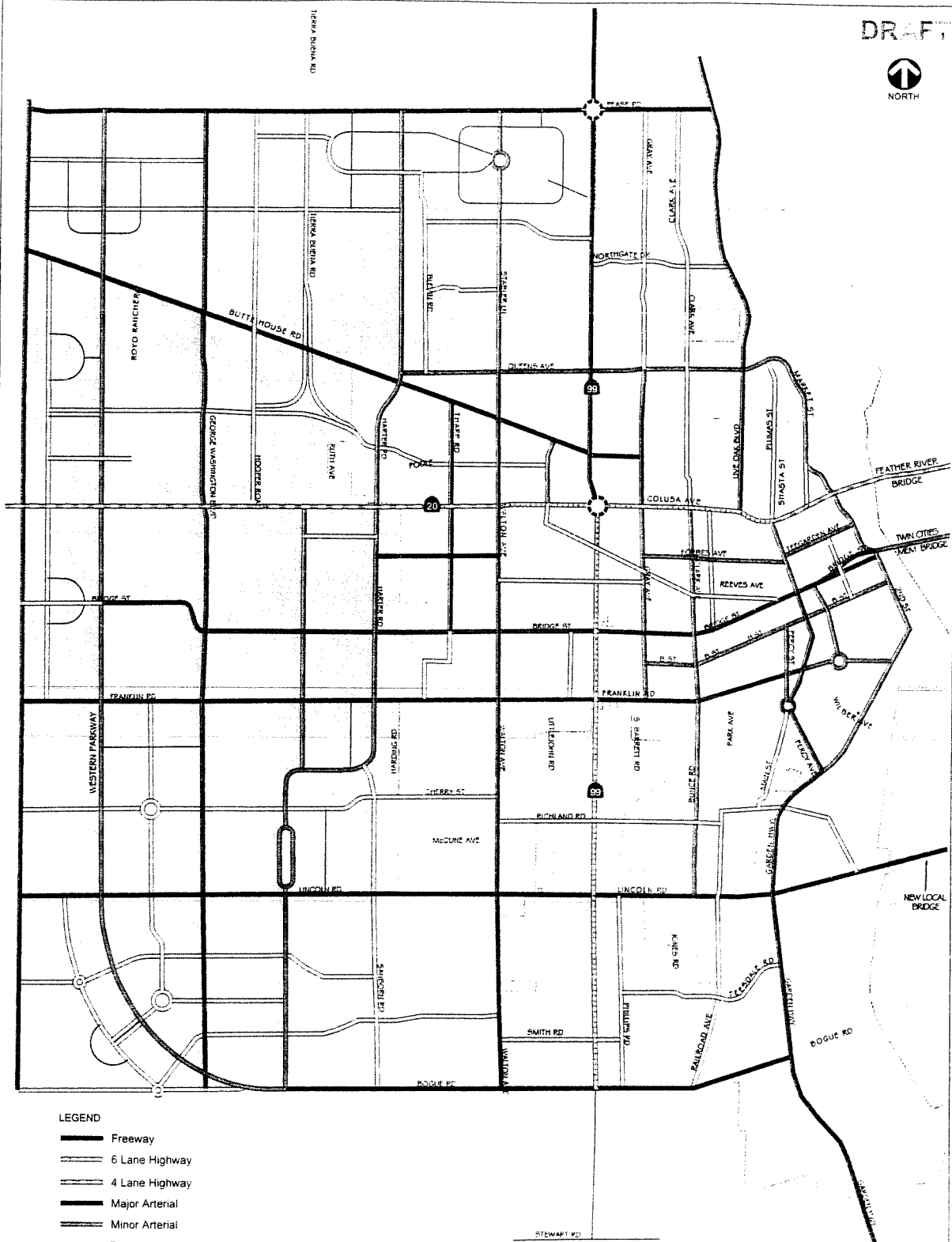
DRAFT



LEGEND

- Freeway
- 6 Lane Highway
- 4 Lane Highway
- 2 Lane Highway
- Major Arterial
- Minor Arterial
- Collector

DRAFT



LEGEND

- Freeway
- 6 Lane Highway
- 4 Lane Highway
- Major Arterial
- Minor Arterial
- Parkway
- Collector
- New Interchange

YUBA CITY GENERAL PLAN FINAL EIR

ERRATA

SCH NO. 2001072105

February 6, 2004

Errata for Yuba City General Plan Final EIR

The Yuba City General Plan Final EIR was issued on February 1, 2004. A comment letter from Sutter County Community Services Department, dated December 3, 2003, was inadvertently left out of the Final EIR response to comments section. The letter is attached to this Errata sheet and responses to EIR comments in the letter are provided in the following section. Please note that none of the comments necessitated new analysis or development of new information.

Response numbers correspond to the numbers in the comment letter.

1. The comment regarding the placement of definitions of terms is noted. However, the City is not re-issuing the Draft EIR.
2. The EIR is hereby corrected to note that the Sutter County Airport is located between the Garden Highway and the Feather River, not the Yuba River. Specific impacts of the future bridge over the Feather River cannot be identified at this time, as plans for the bridge have not been developed. Full CEQA compliance will be required when the bridge plans are completed.
3. The City acknowledges that there may be habitat along the Feather River appropriate for the Valley Elderberry Longhorn Beetle (VELB), which is a federally-listed threatened species. The Draft EIR, page 3-103 (at the end of the section under *Special Status Species* subheading) is modified as follows to include reference to the potential for Valley Elderberry Longhorn Beetle habitat along the Feather River next to Yuba City.

“In addition, there may be suitable habitat along the Feather River to support the Valley Elderberry Longhorn Beetle (VELB), which is a federally-listed threatened species. VELB habitat includes any elderberry with stems one-inch or greater in diameter.”

Please note that the presence or absence of any sensitive habitats will be determined during site-specific environmental review, for any future development projects, as required by Policy 8.4-I-1. Further, this policy requires protection of sensitive habitat areas and special status species along the river.

4. The suggested revision of the Draft EIR text is noted. The section heading on page 3-103 should be “*Special Status Species and Habitats*” and references to the Great Valley Cottonwood Riparian Forest as a ‘species’ should be changed to ‘habitat.’

5. The City acknowledges the suggestion to contact Reclamation District 1001 regarding development of the proposed Feather River Parkway.

The remainder of the comments in the letter apply to the proposed General Plan rather than the Draft EIR.



SUTTER COUNTY
COMMUNITY SERVICES DEPARTMENT

Animal Control
Building Inspection
Emergency Services
Environmental Health
Fire Services
Planning

Rich Hall, Director
Larry Bagley, Assistant Director
Permitting Services
Chuck Vanevenhoven,
Fire Services
Mike Harrold,
Emergency Services

December 3, 2003

Mr. Denis Cook, Director
Yuba City Community Development Department
1201 Civic Center Boulevard
Yuba City, CA 95993

**Re: Yuba City Draft Proposed General Plan and Draft Environmental Impact
Report for the Yuba City sphere of influence**

Dear Denis:

Sutter County thanks you for the opportunity to review the two above documents. We offer the following comments with regard to each:

Draft Environmental Impact Report

1. Although the Draft EIR now states, on page 2-3, paragraph two, that, "for the purposes of this plan, the Urban Growth Boundary (UGB) is the SOI [Sphere-of-Influence]", we believe that such an important definitive statement should precede any use of either term in the document. The County is still concerned that any ambiguous use of these terms is contrary to the City's intent to achieve "consistency with jurisdictional boundary requirements," and we still suggest that the acronyms should first be defined on page E-2 under "Clearly Defined Urban Edges."

2. On page 3-21, under "Aviation System," please again note that the Sutter County Airport is located between the Garden Highway and the Feather, not the Yuba River. Moreover, the Transportation element section does not address the potential impact of the proposed Lincoln Road alignment of the third bridge on air traffic patterns and air traffic safety at the airport. Any bridge over the Feather River will necessitate elevated roadways, including street light stanchions, which may have the potential to impact airport operations or restrict future runway expansion by impeding paths of arriving or departing flights.

3. The Biological Resources section does not mention the probability that the valley elderberry longhorn beetle (federally-listed as threatened) may be present in the Planning Area. Dale Whitmore of the State Department of Fish & Game reported in an e-mail on November 20, 2003, that “there should be Valley Elderberry Longhorn Beetle [VELB] habitat along the Feather river next to Yuba City.” Since VELB habitat is any elderberry with stems one-inch-or-greater in diameter, there is a distinct probability that VELB habitat exists in the Planning Area. Although proposed Policy 8.4-I-1 seems to provide appropriate procedure for protecting VELB habitat, the probable presence of valley elderberries and the beetles should be discussed in this section. We furthermore suggest that the City coordinate with the Department of Fish & Game to be certain that proposed Policy 8.4-I-1 *et seq.* meets state protocol.

4. On page 3-103, first sentence of the third paragraph states, “One other special-status plant species exists in the immediate vicinity of the Yuba City Planning Area: Great Valley Cottonwood Riparian Forest.” The text following this quote correctly identifies this as a habitat rather than a species. We suggest that this paragraph be modified to refer to the Great Valley Cottonwood Riparian Forest as a habitat, not a species, and that this entire paragraph should be moved to the section below, entitled, *Feather River Riparian Habitat*.

5. On page 7-1, “Persons and Organizations Consulted,” the County suggests that Reclamation District 1001 be consulted and included on this list, specifically regarding development of the proposed Feather River Parkway.

Draft Proposed General Plan

1. Page 1-5, first paragraph, states, “Figure 1-1 illustrates the overall Planning Area, the Yuba City SOI (as agreed upon by the city with Sutter County), and, for the purposes of this plan, the Urban Growth Boundary (UGB), which is essentially the SOI boundary, with minor exceptions.” This statement is not consistent with the statement in the Draft EIR, on page 2-3, paragraph two: “for the purposes of this plan, the Urban Growth Boundary (UGB) is the SOI.” The Planning Area figures in both the Draft General Plan and the Draft EIR appear to be consistent with the SOI boundaries as set by LAFCO, and seem to include no minor exceptions. We suggest that the General Plan statement be changed to match the statement in the Draft EIR on page 2-3, paragraph two: “for the purposes of this plan, the Urban Growth Boundary (UGB) is the SOI.”

2. Page 4-3, Implementing Policy 4.2-I-1 proposes to “clearly demarcate the urban edge” in part by “Creating a 40 to 50 foot wide landscaped buffer within the public right of way.” Figure 4-1 on page 4-5 indicates a “30 ft – 50 ft urban buffer” on the City-side of the UGB/SOI, separated by a minimum “6 ft Pedestrian/Bike Path.” Although this proposed buffer is consistent with Sutter County Design Guidelines requirement that agricultural buffers be established on the side of parcels proposed for development, rather than on the agricultural land, this Implementing Policy should clearly state that buffers will be located on the development side of the urban edge, as reflected in Figure 4-1 and in the General Plan Diagram.

3. The document lacks an implementing policy that addresses exactly how the urban/rural edge will be defined for new development that does not front on any of the three roadways noted in Policy 4.2-I-1. For example, the sphere-of-influence boundary in the southeast corner of the Planning Area departs from the Bogue Road alignment west of Garden Highway and for the most part follows parcel lines. An additional policy should clearly establish setback requirements for areas not included under Policy 4.2-I-1, and should include the use of structural buffers, e.g., landscaping.

4. Policy 8.1-I-1 on page 8-2 states, "Coordinate with Sutter County in the creation of a greenway/open space buffer around the perimeter of the City's urban growth area. Explore regulatory incentives (e.g., Williamson Act) and financing mechanisms necessary to ensure preservation of these lands as open space." The County believes that use of the term "greenway" in this policy may be confused with the "Greenway/Bikeway/Pedestrian Link" as depicted on the General Plan Diagram (figure 3-1). Because of the reference to regulatory incentives and ag-land preservation (Williamson Act), the greenway in this policy obviously would not coincide with the greenway that is part of the urban/rural buffer as described in Policy 4.2-I-1 and Figure 4-1, would be of significantly larger extent, and would be located in the unincorporated area. We suggest that the use of the term "greenway" should be restricted to the bikeway/pedestrian link and that the term "greenbelt," as used subsequently in Policy 8.2-I-1, should be used to refer to larger-scale agricultural or open-space buffer zones. It would be helpful to the reader to have these terms thusly defined in the glossary.

Moreover, the use of regulatory incentives such as the Williamson Act implies that land in this open-space buffer would be actively farmed. It is not only inappropriate to include agricultural production within a zone that is intended to buffer against conflicts between urban and agricultural uses, but also inconsistent to use the terms "greenbelt" and "greenway" interchangeably when their use seems to imply geographically distinct zones. Policy 8.1-I-1 should refer to a "greenbelt/open space buffer" and Policy 8.1-I-2 should refer to "greenways" rather than greenbelts, since this type of buffer would be included in new development in the incorporated area.

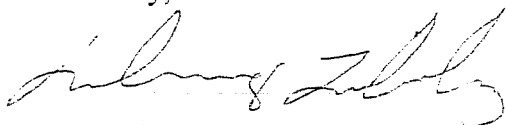
Furthermore, the draft General Plan Diagram still shows the proposed Greenway/Bikeway/Pedestrian Link departing from the SOI boundary along Bogue Road approximately ¼ mile west of Highway 99. This alignment of the Greenway through unincorporated farm land appears to define one of the proposed Agricultural/Resource-based Industrial Opportunity Areas, rather than delineate the urban/rural interface. Although the County is amenable to the possibility of cooperative development with the City, it is not appropriate to delineate the boundaries of any such area when the proposed boundaries are outside of the SOI. We request that the Greenbelt symbol remain in close association with and within the SOI boundary.

5. On page 8-11, first sentence of the fourth paragraph states, "One other special-status plant species exists in the immediate vicinity of the Yuba City Planning Area: Great Valley Cottonwood Riparian Forest." The text following this quote correctly identifies this as a habitat rather than a species. We suggest that this paragraph be modified to refer to the Great Valley Cottonwood Riparian Forest as a habitat, not a species, and that this entire paragraph should be moved to the subsequent section entitled, *Feather River Riparian Habitat*. The county provided additional comments regarding this section in the Draft EIR.

6. Finally, it is recommended that the City adopt similar policies as the County has proposed to address the transfer of regional housing unit allocations from one jurisdiction to another (see attached).

All of the items discussed above are of concern to Sutter County and we believe they should be incorporated into the two respective documents. Please continue to provide our office with notice regarding all public meetings and hearings regarding these matters.

Sincerely,

A handwritten signature in dark ink, appearing to read "Doug Libby", written over a horizontal line.

Doug Libby, AICP
Senior Planner

DL:se

Attachment: Proposed Housing Element Policies and Implementation

H:\My Documents\Planning Dept\Doug\Comment letter for DEIR and GP.doc

Proposed Housing Element Policies and Implementation

Policy 2.10: The County shall continue to encourage and support the enforcement of laws and regulations prohibiting discrimination in lending practices and the sale or rental of housing.

Implementation 2.10.1: The County will provide notice and information on fair housing as contained in Government Code section 12955, formerly known as the Rumford Fair Housing Act. This information is provided to all applicants in Section 8 and other assistance programs, and will also be disseminated through brochures, direct fliers, posters, and webpage announcements. The printed materials will be made available at local service centers and public transit providers.

Timeframe: Ongoing

Responsible Agency: Community Services Department; Housing Authority

Financing: Annual budget

Implementation 2.10.2: The County will refer known incidents of discrimination in lending practices and the sale or rental of housing to the appropriate agency for action.

Timeframe: Ongoing

Responsible Agency: All Departments

Financing: Annual budgets

Implementation 2.10.3: The County will continue to administer its fair housing program designed to ensure open housing practices for all residents of Sutter County. The program will disseminate information from federal, state and private agencies and designate specific staff functions and administrative procedures for providing information and processing complaints pertaining to discriminatory housing practices.

Timeframe: Ongoing

Responsible Agency: Community Services Department; Housing Authority

Financing: Annual budgets

Implementation 2.10.4: The County will prohibit the enactment or administration of ordinances that discriminate against residential development or emergency shelter because of race, sex, religion, national origin, marital status, age, or handicap of its owners or intended occupants.

Timeframe: Ongoing

Responsible Agency: Board of Supervisors

Financing: None required