



**CONCURRENT MEETING
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY (CRA)/
RANCHO CORDOVA FINANCING CORPORATION (RCFC)**

**City Hall
2729 Prospect Park Drive, Rancho Cordova**

Monday, August 16, 2010

**5:30 P.M. – Regular Meeting
David B. Roberts Council Chambers**

AGENDA

1. REGULAR MEETING – CALL TO ORDER / ROLL CALL

Council Members Sander, Budge, Skoglund, McGarvey, and Mayor Cooley

2. METRO CABLE TV TELEVISION ANNOUNCEMENT

The City Clerk will announce the meetings video recording and playback schedules.

3. PLEDGE OF ALLEGIANCE

The Mayor will call on someone in attendance to lead the Pledge.

4. INVOCATION

Larry Stafford, Cordova Church of Christ, will give the invocation.

5. PRESENTATIONS

- 5.1 Presentation by Mark Arnez, Debbie Andrus, and two students from Mills Middle School regarding thanking the City Council for the Math/Science Camp cash donation.
- 5.2 Presentation by Matt Cummings on report to Council on the Rancho Cordova Association of Neighborhoods (RCAN).
- 5.3 Presentation of 2010 All-America City.

BREAK

Mayor Cooley to announce a celebration of the City's 2010 All-America City Award will be held in the lobby. A video cast of the competition that was held in Kansas City, MO, on June 18, 2010 will be shown in the Council Chambers during the reception.

6. PUBLIC COMMENT

Citizens wishing to address the Council for any matter on the Consent Calendar or not on the agenda may do so at this time by completing and submitting a (blue) Speaker Card to the City Clerk. **For items on the agenda, speakers will be called up to the podium by the Mayor at the point on the agenda when the item will be heard.** Speakers are encouraged to keep comments to three minutes or less and to state name and community of residence.

Note, under the provisions of the California Government Code, the City Council is prohibited from discussing or taking immediate action on any unagendized item unless it can be demonstrated to be of an emergency nature or the need to take immediate action arose after the posting of the agenda.

7. COUNCIL REPORTS

8. CONSENT CALENDAR ITEMS – ROLL CALL VOTE

8.1 **Subject:** Meeting Minutes:

- a) Regular meeting of July 19, 2010; and
- b) Special meeting of August 2, 2010.

Recommendation: Adopt Minutes.

8.2 **Subject:** Quarterly Treasurer's Report

Recommendation: Receive and file report.

Result of Recommended Action: This report provides Council with information concerning the City's investment portfolio. This report will meet requirements as provided by state law.

Staff Report: Donna Silva, Finance Department

Advances Goal: 10

8.3 **Subject:** Ordinance Amending the Rancho Cordova Municipal Code Relating to Updates of User Fees

Recommendation: Waive second reading and adopt Ordinance No. 6-2010. **(Roll Call Vote)**

Result of Recommended Action: Adoption of this ordinance will amend Chapter 16.90 of the Rancho Cordova Municipal Code pertaining to the establishment of construction permit fees, Title 4 of the Rancho Cordova Municipal Code pertaining to business license fees and fines, and Chapter 12.09 of the Rancho Cordova Municipal Code pertaining to street trench fees to change the procedures for the adoption and establishment of these fees. As a result, of these amendments, the construction permit fees and street trench fees will be set by resolution of the City Council, instead of being embedded in the Municipal Code and the Tobacco License fee will be established by the City Manager. There are no changes to fee levels as a result of this amendment.

Staff Report: Donna Silva, Finance Department

Advances Goal: 11

GROWING STRONG NEIGHBORHOODS

- 8.4 **Subject:** Ordinance Regarding the Regulation of Cultivation of Marijuana within the City
Recommendation: Waive second reading and adopt Ordinance No. 17-2010. **(Roll Call Vote)**
Result of Recommended Action: Adoption of this will establish regulations on the cultivation of marijuana within the City of Rancho Cordova.
Staff Report: Adam U. Lindgren, City Attorney's Office; Ted A. Gaebler, City Manager's Office; Doug Diamond, Rancho Cordova Police Department; Donna Silva, Finance Department; and Kerry Simpson, Neighborhood Services
Advances Goals: 1, 6, 7, 8, 10, and 11
- 8.5 **Subject:** Resolution Authorizing the City Manager to Execute the First Amendment (Contract No. 89-2010) to the First Restated Grant Agreement (Contract No. 124-2008) Between the City of Rancho Cordova and the Cordova Community Council Foundation
Recommendation: Adopt Resolution No. 77-2010.
Result of Recommended Action: Adoption of this resolution will allow the City to make funds available to the Cordova Community Council for a three-year renewal of a grant to provide a professionally managed umbrella organization for Rancho Cordova non-profits that will provide civic engagement, volunteer management and community event support.
Staff Report: Stephanie Snyder, City Manager's Office
Advances Goals: 1, 6, 8, and 10
GROWING STRONG NEIGHBORHOODS
- 8.6 **Subject:** Resolution Authorizing the City Manager to Execute an Easement to Pacific Gas and Electric (PG&E) Company for Installation and Maintenance of a Gas Pipeline within City Owned Property
Recommendation: Adopt Resolution No. 88-2010.
Result of Recommended Action: Adoption of this resolution will authorize the City Manager, upon payment from PG&E, to execute an easement to PG&E for the installation and maintenance of a gas pipeline crossing in two locations within city owned property located on the south side of North Mather Boulevard between Bear Hollow Drive and Zinfandel Drive.
Staff Report: Cyrus Abhar, Public Works Department
Advances Goals: 2, 4, 6, and 7
- 8.7 **Subject:** Resolution Rescinding Resolution No. 86-2009 and Authorizing Submittal of an Application to the California State Department of Housing and Community Development for \$3,677,385 in Affordable Rental Housing Funding under the Neighborhood Stabilization Program (NSP), the Execution of a Standard Agreement if Selected for Such Funding Including any Amendments and any Related Documents Necessary to Participate in the NSP Loan Program
Recommendation: Adopt Resolution No. 93-2010.
Result of Recommended Action: Adoption of this resolution will result in rescission of Resolution No. 86-2009, and a revision to the language in order to satisfy a request by the California State Department of Housing and Community Development in order to execute a Standard Agreement for grant funding.
Staff Report: Reed Flory and David Gassaway, Housing Services
Advances Goals: 7 and 9

- 8.8 **Subject:** Resolution of Support for Strategic Growth Council Grant Application for Folsom Boulevard in Cooperation with Regional Partners
Recommendation: Adopt Resolution No. 96-2010 to demonstrate City support for a cooperative Strategic Growth Council grant application with Sacramento County, Regional Transit, SACOG and Local Government Commission to fund infrastructure studies related to Folsom Boulevard Transit Oriented Development.
Result of Recommended Action: If the City is successful at obtaining these grant funds along with the other regional partners, infrastructure studies will be completed for sites along Folsom Boulevard within a 1/2 mile radius of the Mather Field / Mills and Cordova Town Center. This will make these sites more attractive to developers by reducing expenses and adding more certainty to the development process.
Staff Report: Jeff Beiswenger, Planning Department
Advances Goals: 1, 2, 5, 8, 9, and 13
- 8.9 **Subject:** Resolution Authorizing the City Manager to Execute an Easement to Sacramento Area Sewer District Within City Owned Property
Recommendation: Adopt Resolution No. 98-2010.
Result of Recommended Action: Adoption of this resolution will authorize the City Manager to execute an easement to Sacramento Area Sewer District (SASD) for the installation and maintenance of a sewer line within City owned property located at the southeast corner of Sunrise Boulevard and Douglas Road.
Staff Report: Cyrus Abhar, Public Works Director
Advances Goals: 2, 4, 6, and 7
- 8.10 **Subject:** Resolution Authorizing the City Manager to Execute an Assignment and Assumption of Option Agreement for the Purchase of a Parcel of Land, Formerly an Alleyway, Located Between 10477 and 10465 Folsom Boulevard; Identified as Assessor's Parcel Number 057-0221-009-000
Recommendation: Adopt Resolution No. 100-2010.
Result of Recommended Action: Adoption of this resolution will authorize the City Manager to execute the Assignment and Assumption of Option Agreement.
Staff Report: Reed Flory and David Gassaway, Housing Services
Advances Goals: 7 and 9
- 8.11 **Subject:** Resolution of the Community Redevelopment Agency of the City of Rancho Cordova Authorizing the Executive Director to Execute an Assignment and Assumption of Option Agreement for the Purchase of a Parcel of Land, Formerly an Alleyway, Located between 10477 and 10465 Folsom Boulevard; Identified as Assessor's Parcel Number 057-0221-009-000; a Certificate of Acceptance of Grant Deed; and Take All Other Reasonably Necessary Actions for the Purchase
Recommendation: Adopt Agency Resolution No. CRA-8-2010.
Result of Recommended Action: Adoption of this resolution will authorize the Executive Director to execute the Assignment and Assumption of Option Agreement and a Certificate of Acceptance of Grant Deed, and such modifications that may be approved by Agency counsel.
Staff Report: Reed Flory and David Gassaway, Housing Services
Advances Goals: 7 and 9
COUNCIL ACTING AS COMMUNITY REDEVELOPMENT AGENCY

- 8.12 **Subject:** Resolution Authorizing the City Manager to Execute First Amendment Contract No. 111-2010 for the Weed and Seed Grant Final Reporting Period in the amount of \$3,900

Recommendation: Adopt Resolution No. 101-2010.

Result of Recommended Action: Adoption of this resolution will extend the contract amount from \$37,500 to \$41,400, and extend the term until September 30, 2010. The total of all Weed and Seed contracts executed since July 1, 2006 totals an amount of \$143,750. The inclusion of the current Contract No. 111-2010 in the amount of \$3,900 will increase the total of all contracts to \$147,650.

Staff Report: Donna Silva, Finance Department

Advances Goal: 6

- 8.13 **Subject:** Resolution Requiring the Governing Board for Each Public Entity to Designate a Position or an Individual to Official Act on Behalf of and Enter Into Agreement with the CSAC Express Insurance Authority (EIA)

Recommendation: Adopt Resolution No. 99-2010.

Result of Recommended Action: Adoption of this resolution will allow the Risk Manager to officially act on behalf of and enter into agreements with the EIA.

Staff Report: Donna Silva, Finance Department

Advances Goal: 4 and 11

9. CONSENT PUBLIC HEARING ITEMS

- 9.1 **Subject:** Resolution to Abandon a 110 Foot Irrevocable Offer of Dedication and Adjacent 12.5 Foot Public Utility Easement Located on Two Parcels Fronting Airpark Drive South of International Drive

Recommendation: Adopt Resolution No. 85-2010.

Result of Recommended Action: Adoption of this resolution will remove the reservation for a 110 foot future right-of-way and the adjacent public utility easement increasing the net building area for Assessor Parcel Numbers 072-0690-104 and 072-0690-105 located on the east and west side of Airpark Drive south of International Drive.

Staff Report: Cyrus Abhar, Public Works Department

Advances Goal: 2

- 9.2 **Subject:** Resolution Authorizing Delinquent Residential Solid Waste Service Charges to be Collected on the Tax Bill

Recommendation: Adopt Resolution No. 90-2010.

Result of Recommended Action: Adoption of this resolution will authorize delinquent refuse service charges to be added to the tax roll thereby allowing Allied Waste Services to collect past due accounts. The City Municipal Code allows the property tax rolls to be utilized to collect delinquent charges. The City's contract with Allied Waste Services requires the City to assist Allied Waste Services with the collection of delinquent refuse accounts.

Staff Report: Donna Silva and Patty Lohse, Finance Department

Advances Goals: 4 and 11

10. PUBLIC HEARING ITEMS

- 10.1 **Subject:** Resolution and Ordinance for South White Rock Rezone: Zoning Map Amendments; Zoning Text; and General Plan Amendment

Recommendation: That Council:

- a) Waive first reading and introduce Ordinance No. 20-2010 to rezone property in the industrial area south of White Rock Road to Light Industrial (M-1) and Heavy Industrial (M-2) designations; amend the zoning code text to require a Conditional Use Permit (CUP) for Auto Dismantlers in M-2 (**Roll Call Vote**); and
- b) Adopt Resolution No. 96-2010 to amend the General Plan consistent with zoning designations.

Result of Recommended Action: The proposed zoning map and text changes will maintain, and in some cases, expand the land use opportunities for the majority of properties within the industrial area. The M-1 and M-2 industrial classifications will more closely match existing land uses by reducing the number of nonconforming uses in the area.

Staff Report: Jeff Beiswenger, Planning Department

Advances Goals: 8, 9, and 12

- 10.2 **Subject:** Ordinances and Resolution Approving the Limited Entitlement for Rio del Oro Specific Plan, a Project that Proposes Mixed Use Development on Approximately 3,828 Acres Northeast of Sunrise and Douglas Boulevards – Project No. RC-04-052 – Amendment to Aerojet Special Planning Area, Development Agreement, and Environmental Impact Report

Recommendation: That Council:

- a) Waive first reading and introduce Ordinance No. 14-2010 approving the Rio del Oro Specific Plan that would establish a land plan, zoning standards, and design guidelines, as well as preliminary phasing and financing concepts to guide subsequent detailed finance and phasing plans (**Roll Call Vote**); and
- b) Waive first reading and introduce Ordinance No. 15-2010 amending the Aerojet Special Planning Area that was previously approved by Sacramento County. Approval would affect land within the Rio del Oro project area and amend the City's Zoning Map and Section 23.322.030(C)(4) of the Zoning Code to delete the Rio Del Oro Specific Plan Area from the Aerojet Special Planning Area (**Roll Call Vote**); and
- c) Waive first reading and introduce Ordinance No. 16-2010 approving a Development Agreement that will establish necessary guarantees for the City and Applicant regarding current and future project entitlements and approving Two Tier 1 Development Agreements for the Rio del Oro Project (**Roll Call Vote**); and
- d) Resolution No. 92-2010 will establish Certification of the Environmental Impact Report with adopting findings, a Statement of Overriding Considerations, and a Mitigation Monitoring Plan for the Rio del Oro Specific Plan for Tier 1 approvals.

Result of Recommended Action: Public hearing with the City Council to consider the Planning Commission recommendation and take action on the Rio del Oro limited entitlement project. The actions listed above will complete the first stage of project review (Tier 1 Approvals) for the Rio del Oro project. The approvals will establish the mix of land uses within the project (residential, commercial, office, etc.), major road alignments, and the general character of the project. A later stage of the project review, Tier 2 approvals, will address detailed issues related to the project, including obligations that the developer must meet during project construction. No construction may occur within the project until the Tier 2 approvals have been completed.

Staff Report: Paul Junker, Pam Johns, and Patrick Angel, Planning Department

Advances Goals: 1, 2, 4, 7, 8, and 9

GROWING STRONG NEIGHBORHOODS

11. REGULAR CALENDAR ITEMS

NONE

12. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

13. CITY MANAGER'S REPORT

14. ADJOURNMENT

ADDITIONAL INFORMATION

Rancho Cordova Great Health Challenge - Rancho Cordova has launched a program intended to promote a healthier community by building awareness for those who live, work, play, or pray here. You are encouraged to join our commitment to get healthy, stay fit, and have fun! Go to <http://www.20tonsin2010.com/> to register.

UNLESS THE COUNCIL ADOPTS A MOTION TO EXTEND THE MEETING, ANY ITEM THAT IS NOT INITIATED BEFORE 11 P.M. WILL BE CONTINUED TO THE NEXT DAY AT 5:30 P.M. OR SCHEDULED ON THE NEXT REGULAR MEETING AGENDA OF THE COUNCIL.

Public documents related to items on the open session portion of this agenda, which are distributed to the City Council less than 72 hours prior to the meeting, shall be available for public inspection at the time the documents are distributed to the Council. Documents are available for inspection at the City Clerk's office located in Rancho Cordova City Hall.

The agenda items are accessible on the City's website at www.cityofranhocordova.org on Thursdays or Fridays prior to the Regular City Council Meeting.

CITYWIDE GOALS - (Adopted March 20, 2006)	
1.	Foster a Positive Image of Rancho Cordova
2.	Improve Transportation & Connectivity
3.	Champion Employee Development & High Performance Work Environment
4.	Ensure the Availability of the Best Public Services in the Region
5.	Establish a Vibrant Downtown
6.	Ensure a Safe Community
7.	Improve the Quality of Housing In Rancho Cordova
8.	Sustain a Livable Community
9.	Drive Diverse Economic Opportunities
10.	Foster Responsible Citizenship
11.	Practice Sound Fiscal Management
12.	Establish Logical (City) Boundaries
13.	Continue To Provide Regional Leadership



**CONCURRENT MEETING
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY (CRA)/
RANCHO CORDOVA FINANCING CORPORATION (RCFC)**

**City Hall
2729 Prospect Park Drive, Rancho Cordova**

Monday, July 19, 2010

**5:30 P.M. – Regular Meeting
David B. Roberts Council Chambers**

**End of Meeting Closed Session
Community Board Room**

MINUTES

1. REGULAR MEETING – CALL TO ORDER / ROLL CALL

Mayor Cooley called the regular meeting to order in the David B. Roberts Council Chambers at 5:49 p.m.

Council Members Present: Budge, Skoglund, McGarvey, and Mayor Cooley

Council Members Absent: Sander

Staff Members Present: Gaebler, Lindgren, Cuppy, Lehr, Lohse, Diamond, Chinn, Blair, Snyder, Pearl, Reese, Haven, Sparkman, Junker, Campbell, Loveless, Harriman, Chan, Garcia, Stricker, Bane, Abhar, and Holt

2. METRO CABLE TV TELEVISION ANNOUNCEMENT

The Mayor announced the meetings video recording and playback schedules.

3. PLEDGE OF ALLEGIANCE

The Mayor called on Mr. Ross in attendance to lead the Pledge.

4. INVOCATION

Pastor Becky Goodwin, United Methodist Church of Rancho Cordova, gave the invocation.

5. PRESENTATIONS

- 5.1 Hristo Longworth gave a presentation regarding People to People Student Leadership Summit.
- 5.2 Rancho Cordova Rotary President Beth Walter presented honorary Rotary Memberships to each City of Rancho Cordova City Council Member.

AT THIS POINT: Mayor Cooley announced that action on Agenda Item 5.3 would come later in the meeting, and reordered the agenda for Council to take action on Agenda Item 8.7 next.

8. CONSENT CALENDAR ITEM

- 8.7 **Subject:** Resolution Making Minor Changes to the Cardroom Tax Ballot Measure Language and Reestablishing November 2, 2010 as the Date for an Election on the Proposed Ballot Measure

Recommendation: Adopt Resolution No. 87-2010.

Result of Recommended Action: Adoption of this resolution will rescind Resolution Nos. 46-2010 and 75-2010, making minor changes to the previously adopted Cardroom Tax ballot measure language and reestablish November 2, 2010 as the date for an election on the proposed ballot measure seeking voter approval to impose a Cardroom Tax.

Staff Report: Donna Silva, Finance Department

ACTION: Motion by Budge second by Cooley and carried by a 4:0 vote (Sander absent), Council tabled Agenda Item 8.7 due to no action necessary.

6. PUBLIC COMMENT

Mayor Cooley opened the Public Comment period. The following individuals addressed the Council:

- Bill Leach regarding modification of carport zoning requirements for garage conversion
- Ruben Marquez in support of Agenda Item 9.6
 - The following individuals introduced themselves in support of Ruben Marquez and the Rancho's Club Casino:
 - Tony Amador
 - Rob Ross
 - Mark Marquez
 - Clark Rosa
 - Kevin Schultz
 - John Williams
 - Blanca Marquez

7. COUNCIL REPORTS

Council Members reported on events since the last meeting.

8. CONSENT CALENDAR ITEMS – ROLL CALL VOTE / CONTINUED...

ACTION: Motion by Skoglund second by Budge and carried by a 4:0 roll call vote (Sander absent), Council approved the Consent Calendar with exception to Agenda Items 8.5 and 8.6 that were pulled for separate discussion.

8.1 **Subject:** Meeting Minutes.

- a) Regular Meeting of July 6, 2010;
- b) Special Meeting of July 12, 2010; and
- c) Special Meeting of July 13, 2010.

Recommendation: Adopt Minutes.

8.2 **Subject:** Ordinance Making Revisions to the Transient Occupancy Tax

Recommendation: Waive second reading and adopt Ordinance No. 13-2010 (Roll Call Vote)

Result of Recommended Action: Adoption of Ordinance No. 13-2010 will make revisions to the transient occupancy tax that do not require voter approval.

Staff Report: Donna Silva, Finance Department, and Adam Lindgren, City Attorney's Office

8.3 **Subject:** Resolution Rescinding Resolution No. 47-2010

Recommendation: Adopt Resolution No. 83-2010 rescinding Resolution No. 47-2010.

Result of Recommended Action: Rescission of Resolution No. 47-2010 would remove the date for an election on a proposed ballot measure seeking voter approval to modify the City's existing Transient Occupancy Tax to require that records pertaining to the transient occupancy tax be preserved for a period of five years, and to provide that the statute of limitations for actions to collect transient occupancy taxes shall be four years. Rescission of Resolution 47-2010 would also remove policies and procedures in connection with such an election, and remove a request to the County of Sacramento to conduct such an election.

Staff Report: Donna Silva, Finance Department

8.4 **Subject:** Resolution Designating Voting Delegate and Alternates for 2010 League of California Cities Annual Conference to be Held September 15-17 in San Diego, CA

Recommendation: Adopt Resolution No. 71-2009.

Result of Recommended Action: The Voting Delegate and/or Alternates will be able to represent the City by voting at the Annual Business Meeting of the League of California Cities.

Staff Report: Mindy Cuppy, City Clerk's Department

The following items were pulled for separate discussion:

8.5 **Subject:** Resolution Authorizing the City Manager to Execute a Renewal of the Agreement for Law Enforcement Services Between the County of Sacramento and the City of Rancho Cordova

Recommendation: Adopt Resolution No. 86-2010.

Result of Recommended Action: The City will continue to contract for law enforcement services from the County of Sacramento for a term of two years.

Staff Report: Joe Chinn, City Manager's Office

ACTION: Motion by Budge second by Skoglund and carried by a 4:0 roll call vote (Sander absent), Council adopted Resolution No. 86-2010.

- 8.6 **Subject:** A Resolution of the City Council of the City Of Rancho Cordova Establishing the Special Taxes for Police Protection Services For Fiscal Year 2010/11 within the Rancho Cordova Special Police Tax Area

Recommendation: Adopt Resolution No. 82-2010.

Result of Recommended Action: The recommended action is part of the annual process to levy and collect special taxes in the Rancho Cordova Special Police Tax Area (the "District"). The action approves the District's Escalation Factors to be used to calculate the District's Fiscal Year 2010/11 Maximum Special Tax Rates, authorizes and directs the Finance Director to determine, or cause to be determined, the District's Fiscal Year 2010/11 Maximum Special Tax Rates, to establish the Special Taxes to be levied to the District parcels and to cause such charges to be applied to the County Tax Roll. Only developed parcels shall be levied. The special tax rates will not exceed the amounts established through the Zone ordinances previously adopted by the City Council. There are no impacts to existing residents.

Staff Report: Donna Silva, Finance Department

ACTION: Motion by Budge second by Skoglund and carried by a 4:0 roll call vote (Sander absent), Council adopted Resolution No. 82-2010.

5. PRESENTATIONS CONTINUED...

- 5.3 Mayor Cooley called a recess at 7:03 p.m. to recognize Vice Mayor Bob McGarvey's Birthday in the lobby with refreshments. The Council reconvened at 7:30 p.m.

9. CONSENT PUBLIC HEARING ITEMS

Mayor Cooley opened the public comment period. There were no speakers. Mayor Cooley closed the public comment period.

ACTION: Motion by Skoglund second by Budge and carried by a 4:0 vote (Sander absent), Council approved the Consent Public Hearing Items with exception to Agenda Items 9.1 and 9.6 that were pulled for separate discussion.

- 9.2 **Subject:** Resolution Approving Proceedings for the Annual Levy and Collection of Charges for the Transit Related Services Benefit District Zone No. 1

Recommendation: Adopt Resolution No. 78-2010 Confirming the Written Report for Fiscal Year 2010/11 Service Charges and Establishing Fiscal Year 2010/11 Service Charges for Certain Miscellaneous Extended Services Within Transit Related Services Benefit District Zone No. 1.

Result of Recommended Action: Adoption of this resolution will authorize the annual levy and collection of service charges in the District Zone 1 for Fiscal Year 2010/11. These charges will fund a broad range of miscellaneous transportation services within the District as identified in the Engineer's Report. On June 21, 2010 the City Council approved resolutions ordering the preparation of the Engineer's Annual Levy Report, and set the public hearing to be held prior to approving and ordering the levy of assessments for Fiscal Year 2010/11.

Staff Report: Cyrus Abhar, Public Works Department and Donna Silva, Finance Department

- 9.3 **Subject:** Resolution Approving Proceedings for the Annual Levy and Collection of Charges for the Transit Related Services Benefit District Zone No. 2
Recommendation: Adopt Resolution No. 79-2010 Confirming the Written Report for Fiscal Year 2010/11 Service Charges and Establishing Fiscal 2009/10 Service Charges for Certain Miscellaneous Extended Services Within Transit Related Services Benefit District Zone No. 2.
Result of Recommended Action: Adoption of this resolution will authorize the annual levy and collection of service charges in the District Zone 2 for Fiscal year 2010/11. On June 21, 2010 the City Council approved resolutions ordering the preparation of the Engineer's Annual Levy Report and set the public hearing to be held prior to approving and ordering the levy of assessments for Fiscal Year 2010/11. These charges will fund a broad range of miscellaneous transportation services within the District as identified in the Engineer's Report.
Staff Report: Cyrus Abhar, Public Works Department and Donna Silva, Finance Department
- 9.4 **Subject:** Resolution Approving Proceedings for the Annual Levy and Collection of Assessments for Landscaping and Lighting District No. 2005-1
Recommendation:
Adopt Resolution No. 80-2010 Approving the Annual Engineer's Report and Ordering the Levy and Collection of Assessments for the Landscaping and Lighting District 2005-1 for Fiscal Year 2010/2011.
Result of Recommended Action: Adoption of this resolution will authorize the continuance of the annual levy and collection of assessments in the District. On June 21, 2010 the City Council approved resolutions ordering the preparation of the Engineer's Annual Levy Report, and set the public hearing to be held prior to approving and ordering the levy of assessments for Fiscal Year 2010/2011. The assessments fund the ongoing landscape maintenance services in the District. There are no new impacts to existing or new residents.
Staff Report: Cyrus Abhar and Elizabeth Sparkman, Public Works Department
- 9.5 **Subject:** Resolution Approving Proceedings for the Annual Levy and Collection of Assessments for the Rancho Cordova Road Maintenance Assessment District
Recommendation:
Adopt Resolution No. 81-2010 Approving the Annual Engineer's Report and Ordering the Levy and Collection of Assessments within the Rancho Cordova Road Maintenance Assessment District for Fiscal Year 2010/2011.
Result of Recommended Action: Adoption of this resolution will authorize the continuance of the annual levy and collection of assessments in the District. On June 21, 2010 the City Council approved resolutions ordering the preparation of the Engineer's Annual Levy Report, and set the public hearing to be held prior to approving and ordering the levy of assessments for Fiscal Year 2010/2011. The assessments provide funding for street light and road maintenance and only apply to specific newly developed areas that are part of the District as identified in the Engineer's Report.
Staff Report: Cyrus Abhar and Elizabeth Sparkman, Public Works Department

The following items were pulled for separate discussion:

- 9.1 **Subject:** Resolution Approving Tentative Parcel Map for the Rockingham Center Office Park Located at Rockingham and Mather Field Road – Rockingham Plaza TPM DD6856 – **CONTINUED FROM JUNE 21, 2010**

Recommendation: That Council:

- a) Accept the Planning Commission recommendation to determine the project is Categorically Exempt and approve the four lot parcel map, subject to the modified Conditions of Approval; and
- b) Adopt Resolution No. 67-2010.

Result of Recommended Action: Adoption of the resolution will allow the subject property to be divided for future sales. Binding provisions will ensure ongoing maintenance of the common property and shared parking, and access to the site.

Staff Report: William Campbell, Planning Department

PLANNING COMMISSION RECOMMENDATION

Mayor Cooley opened the public comment period. There were no speakers. Mayor Cooley closed the public comment period.

ACTION: Motion by Budge second by Skoglund and carried by a 4:0 roll call vote (Sander absent), Council accepted the Planning Commission recommendation and adopted Resolution No. 67-2010 subject to revised Conditions of Approval.

- 9.6 **Subject:** Resolution Approving Rancho's Club Casino Nonconforming Use Permit Project No. DD6826, Located at 10499B Folsom Boulevard and 2740 Mills Park Drive

Recommendation: The Planning Commission recommends the City Council:

- a) Find the project Categorically Exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act; and
- b) Adopt Resolution No. 84-2010 approving the Nonconforming Use Permit for Rancho's Club Casino, Project No. DD6826, subject to the findings, evidence, Project Plans, and Conditions of Approval.

Result of Recommended Action: Adoption of this resolution will approve the Nonconforming Use Permit and allow Rancho's Club Casino to expand from its existing space into the adjacent vacant corner space in the same building. No additional card tables will be added in the expansion. The nonconforming corner monument sign will be replaced and brought into conformance with current Zoning regulations. Overall, the impacts will be positive for the corner of Folsom Blvd and Mills Park Drive.

Staff Report: Shannan Loveless, Planning Department

PLANNING COMMISSION RECOMMENDATION

Mayor Cooley opened the public comment period. The following individuals addressed the Council:

- Ruben Marquez in support of the item.

Mayor Cooley closed the public comment period.

ACTION: Motion by Budge second by Skoglund and carried by a 4:0 roll call vote (Sander absent), Council accepted the Planning Commission recommendation and adopted Resolution No. 84-2010 subject to revised Conditions of Approval.

10. PUBLIC HEARING ITEMS

NONE

11. REGULAR CALENDAR ITEMS

NONE

12. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

- Council Member Linda Budge suggested the Planning Department consider modifying the zoning code relating to carport installation based on garage conversion requirements. City Attorney Adam Lindgren suggested staff bring back a report for discussion only prior to approval of an ordinance to amend the Zoning Code.
- Council Member Skoglund would like staff to inquire about a Use Permit to store U-Haul trucks at Sunny's Market.

13. CITY MANAGER'S REPORT

City Manager Ted Gaebler reported on the following items:

- Announced the August 2, 2010 Regular Council Meeting previously cancelled will be restored as a Work Session to hear one item related to the statewide Cannabis issue.
- Announced that a new Fiscal Year has begun and that employees will experience ten Furlough Days. The first Furlough Day will be on Monday July 26, 2010 and the second will be on Friday, September 2nd. City Hall will be closed on both days.
- Announced City Hall will be closed on September 6, 2010 for the Labor Day holiday.
- Announced the Work Session previously scheduled for August 10, 2010 is cancelled.
- Announced that on Friday, July 23, 2010 selected staff will be attending the quarterly meeting of the Sacramento Valley Division of the League of California Cities in Redding, CA.

City Manager Ted Gaebler introduced Public Works Director Cyrus Abhar to give an annual department update on the Public Works, Building & Safety, and Facilities Departments as follows:

Public Works Director Cyrus Abhar introduced the following staff who represent various departments:

- Troy Holt, Management Analyst II
- Kathy Garcia, Senior Engineer
- Ben Chan, Assistant Civil Engineer
- Elizabeth Sparkman, Senior Engineer
- Steve Harriman, Integrated Waste Manager
- Laurel Bane, Facilities Services Representative
- Albert Stricker, Senior Engineer
- Denise Reese, Building Permit Technician

Albert Stricker provided the following department update:

Engineering

- Traffic Engineering
- Drainage
- CIP Delivery
- Development Services
- Construction Management Team

Denise Reese provided the following department update:

Building and Safety

- Building Permits
- Tenant Improvements
- Building Inspections
- Plan Review
- Customer Service

Laurel Bane provided the following department update:

Facilities

- Building Maintenance
- Room Rentals
- Emergency Operations Center (EOC) Coordination
- Kilgore Cemetery
- Leasing/Space Planning

Steve Harriman provided the following department update:

Operations and Maintenance

- Customer Service
- Road Maintenance
- Signals/Signage
- Solid Waste/Recycling
- Transit System
- Street Sweeping
- Drainage

Cyrus Abhar provided the following department update:

Administration/Budget

- Special Revenue Programming
- Fee Programs
- Special Districts
- Grants Administration

14. ADJOURNMENT OF REGULAR MEETING

Mayor Cooley adjourned the regular meeting to closed session in the Community Board Room in memory of Senator Dave Cox at 8:31 p.m.

15. CLOSED SESSION

Mayor Cooley called the closed session to order in the Community Board Room at 8:24 p.m.

Council Members Present: Budge, Skoglund, McGarvey, and Mayor Cooley

Council Members Absent: Sander

Staff Members Present: Chinn, Haven, Lindgren, and Skinner

Council adjourn to closed session to discuss the following item(s):

Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9(b) – (one case) – Name of case: Vineyard Area Citizens for Responsible Growth, et. al. v. City of Rancho Cordova et. al.; Case No. S132972

Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9(b) – (one case) – Name of case: Community Redevelopment Agency of the City of Rancho Cordova v. The Lily Company; Sacramento Superior Court Case No. 34-2009-00043404

Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9(b) – (one case) – Name of case: Community Redevelopment Agency of the City of Rancho Cordova v. Land IDM, Inc.; Sacramento Superior Court Case No. 34-2009-00064520

Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9(b) – (one case) – Name of case: City of Rancho Cordova v. Simon Building, LLC; Sacramento Superior Court Case No. 34-2009-00032782

16. OPEN SESSION – REPORT FROM CLOSED SESSION

City Attorney Adam Lindgren reported there was no reportable action taken in closed session.

17. ADJOURNMENT

Mayor Cooley adjourned the closed session at 8:54 p.m.

Mindy Cuppy, City Clerk



**CONCURRENT MEETING
CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY (CRA)/
RANCHO CORDOVA FINANCING CORPORATION (RCFC)**

**City Hall
2729 Prospect Park Drive, Rancho Cordova**

Monday, August 2, 2010

**5:30 P.M. Special Meeting
Closed Session – Community Board Room
Work Session – American River North Community Room**

MINUTES

1. CLOSED SESSION – CALL TO ORDER / ROLL CALL

Mayor Cooley called the closed session to order in the Community Board Room at 5:47 p.m.

Council Members Present: Budge, Sander, Skoglund, McGarvey, and Mayor Cooley
Council Members Absent: None
Staff Members Present: Gaebler, Lindgren, Silva, Diamond, and Simpson

2. PUBLIC COMMENT

Mayor Cooley opened the public comment period. There were no speakers. Mayor Cooley closed the public comment period.

3. CLOSED SESSION ITEM

Council adjourned to closed session to discuss the following item:

Conference with Legal Counsel – Anticipated Litigation Government Code 54956.9 (b) (one potential case).

4. ADJOURNMENT OF CLOSED SESSION

Mayor Cooley adjourned the closed session to the special meeting in the American River North Community Room at 5:55 p.m.

5. SPECIAL MEETING – CALL TO ORDER / ROLL CALL

Mayor Cooley called the special meeting to order in the American River North Community Room at 6:08 p.m.

Council Members Present: Budge, Sander, Skoglund, McGarvey, and Mayor Cooley
Council Members Absent: None
Staff Members Present: Gaebler, Lindgren, Cuppy, Pearl, Haven, Simpson, Diamond, Silva, Junker, and Harriman

6. OPEN SESSION – REPORT FROM CLOSED SESSION

City Attorney Adam Lindgren reported that there was no action taken in closed session.

7. PUBLIC COMMENT

Mayor Cooley opened the public comment period. The following individuals addressed the Council:

- Reuben Marquez addressed Council regarding Agenda Item 8.2. He thanked the City for the opportunity to work with him; additionally, he commented that he was pleased to sign the agreement

Mayor Cooley closed the public comment period.

8. CONSENT CALENDAR ITEMS

ACTION: By consensus, Council pulled Agenda Items 8. 1 and 8.2 for separate discussion.

8.1 **Subject:** Appointment of Planning Commissioner Replacement for Outgoing Commissioner Tom Moe

Recommendation: That Council confirms Synthia Smith as a member of the Rancho Cordova Planning Commission.

Result of Recommended Action: Synthia Smith will complete the Planning Commission term of retiring Commissioner Tom Moe (current term is January 2007 through December 2010).

Staff Report: Mindy Cuppy, City Clerk's Department

Mayor Cooley opened the public comment period. There were no speakers. Mayor Cooley closed the public comment period.

ACTION: Motion by Budge second by Skoglund and carried by a 5:0 roll call vote; Council confirmed Synthia Smith as a member of the Rancho Cordova Planning Commission.

- 8.2 **Subject:** Resolution Removing the Cardroom Tax Measure from the November 2, 2010 Statewide General Election Ballot
Recommendation: Adopt Resolution No. 92-2010.
Result of Recommended Action: Adoption of this resolution would rescind Resolution Nos. 46-2010 and 75-2010, and remove the Cardroom Tax measure from the November 2, 2010 statewide general election ballot.
Staff Report: Donna Silva, Finance Department and Adam Lindgren, City Attorney's Office

Mayor Cooley opened the public comment period. There were no speakers. Mayor Cooley closed the public comment period.

ACTION: Motion by Budge second by Cooley and carried by a 5:0 roll call vote; Council adopted Resolution No. 92-2010.

9. REGULAR CALENDAR ITEMS

- 9.1 **Subject:** Review of Zoning Code Garage Conversion Standards
Recommendation: That Council considers staff's presentation and provides direction on whether changes to the Zoning Code's regulations pertaining to garage conversions should be considered further. If such revisions are warranted, provide general direction on the scope and nature of revisions.
Result of Recommended Action: If Council directs a review and update of garage conversion regulations, staff will prepare draft revisions, present proposed revisions to the Planning Commission for review, and forward to the City Council for action. Such changes would focus on the need to provide replacement of off-street parking spaces when an existing residential garage is converted to living space.
Staff Report: Paul Junker, Planning Department

Mayor Cooley opened the public comment period. There were no speakers. Mayor Cooley closed the public comment period.

ACTION: Discussion item only, no action taken.

- 9.2 **Subject:** Resolutions Placing a Cannabis Business Tax and a Personal Cannabis Cultivation Tax on the November 2, 2010 Election Ballot, and Introduction of Ordinance Regarding the Regulation of Cultivation of Marijuana within the City
Recommendation: That Council:
a) Adopt Resolution Nos. 94-2010 and 95-2010; and
b) Waive first reading and introduction Ordinance No. 17-2010.
Result of Recommended Action: Adoption of Resolution Nos. 94-2010 and 95-2010 would establish November 2, 2010 as the date for an election on a proposed ballot measure seeking voter approval of a tax on cannabis businesses, and a tax on personal cannabis cultivation, establish policies and procedures in connection with such an election, and request that the County of Sacramento conduct such an election. Adoption of Ordinance No. 17-2010 at the August 16, 2010 City Council meeting would establish regulations on the cultivation of marijuana within the City of Rancho Cordova.
Staff Report: Adam U. Lindgren, City Attorney's Office; Ted A. Gaebler, City Manager's Office; Doug Diamond, Rancho Cordova Police Department; Donna Silva, Finance Department; and Kerry Simpson, Neighborhood Services

AT THIS POINT: Council took a brief recess at 7:11 p.m. The full Council reconvened at 7:19 p.m.

Mayor Cooley opened the public comment period. The following individual addressed the Council:

- Max Del Real in support of the item

Mayor Cooley closed the public comment period.

ACTION: Motion by Budge and 94-2010 second by McGarvey 95-2010 and carried by a 4:1 vote; (Skoglund dissenting) Council adopted resolution Nos. 94-2010 and 95-2010 and waived first reading and introduced Ordinance No. 17-2010 with the following modifications:

Resolution No. 94-2010

Ballot language revised as following:

CANNABIS BUSINESS TAX MEASURE

Shall an ordinance be adopted requiring cannabis businesses to pay a tax to fund general municipal services, including police and code enforcement, ranging from \$120 to \$150 for each \$1000 of gross receipts, or \$100 for each square foot for non-profits. The tax would only be effective if Proposition 19 passes, or if any other law allowing cannabis businesses is adopted, and it would only be imposed if the City allows cannabis businesses.

☐ Yes

☐ No

Resolution No. 95-2010

No changes.

Ordinance 17-2010

In section 6.90.030(a), Outdoor Cultivation of Marijuana, clarify text to state that excessive noise in violation of applicable city noise standards in the general plan and municipal code.

In section 6.90.030(b), Outdoor Cultivation Standards, item 7, strike the words cannabis growers and replace with cannabis cultivators.

Ordinance 18-2010

No changes.

Ordinance 19-2010

On the first page, seventh recital, strike the entire last sentence.

10. CITY MANAGER'S REPORT

City Manager Ted Gaebler reported on the following items:

- Discussion of graphics and layout of city stationery

11. ADJOURNMENT

Mayor Cooley adjourned the special meeting in the American River North Community Room at 8:53 p.m.

Mindy Cuppy, City Clerk

MEMORANDUM



DATE: August 16, 2010
TO: Honorable Mayor and Council Members
FROM: Donna Silva, Finance Director
SUBJECT: QUARTERLY TREASURER'S REPORT – June 30, 2010

RECOMMENDATION

This report is informational only. It is recommended that the report be received and filed.

RESULT OF RECOMMENDED ACTION

This report provides Council with information concerning the City's investment portfolio. This report will meet requirements as provided by state law.

BACKGROUND

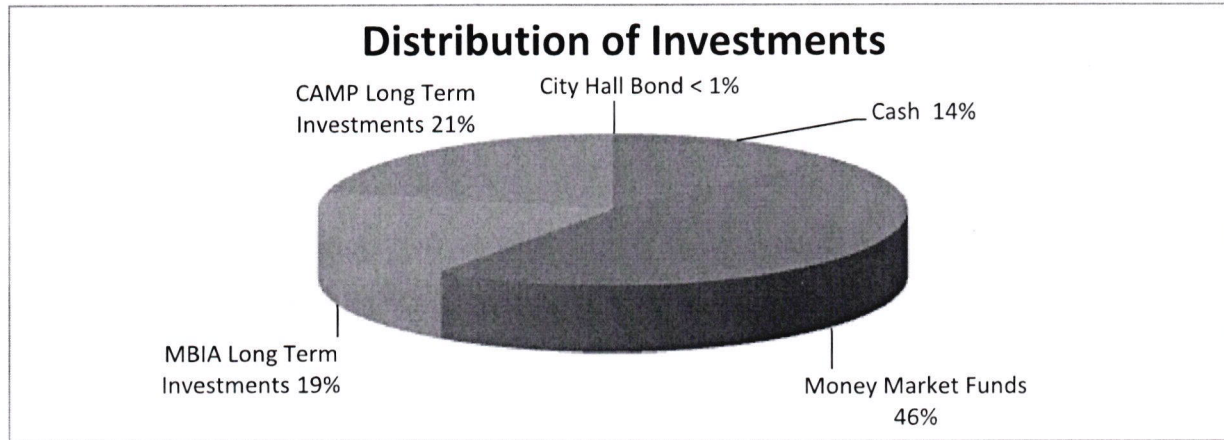
Attached is the Quarterly Treasurer's report for the period ending June 30, 2010. Treasurer's reports are provided to Council on a quarterly basis.

At March 31, 2010, the current value of the City's total portfolio was \$86 million. Since that time, the balances have increased by \$8 million for an ending balance of \$94 million at June 30, 2010. Of that, the General Fund Cash and Investments balance was \$24 million. Cash and short-term investments increased by \$6 million while long-term investments increased by \$2 million. The overall portfolio is well diversified with \$31 million invested in long-term investments. \$43 million is invested in short-term investments that are considered liquid (CAMP and LAIF). The remainder consists of \$13 million on deposit with our banks and \$5,707 is invested in a City of Rancho Cordova City Hall bond. Staff, in conjunction with our Financial Advisors, periodically reviews the mix of liquid and long-term investments and adjusts the portfolio according to the market conditions and our short-term cash needs. At June 30, 2010, interest rates at LAIF remained the same as March 2010 at .6% and CAMP had increased from their March 2010 amounts of .17% to .24%.

The City received a property tax installment in May 2010. As a result, cash and investment balances had increased by \$8 million.

Staff thoroughly reviews investment statements and makes appropriate inquiries of CAMP, LAIF, and MBIA, as necessary, to confirm the existence and viability of the City's assets. The City invests conservatively in S & P rated AAA securities and U.S. Treasury Notes. The long-term assets are in securities that can be held to maturity, thus are less vulnerable to the fluctuations of the market.

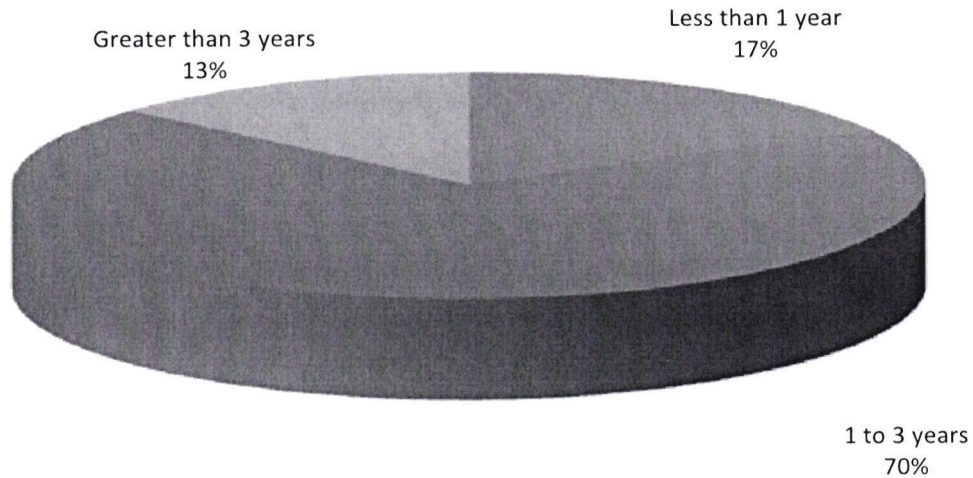
The distributions of investments are displayed in the following chart:



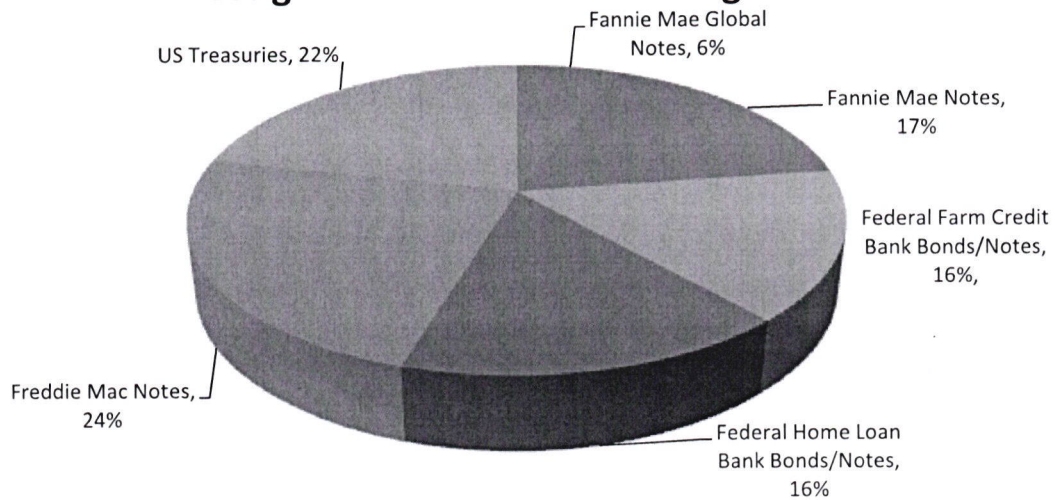
Analysis of the long-term investments:

	Par Value	Current Value	Percent of L-T Investments
Less than 1-year	\$ 6,410,000	\$ 6,521,336	17.30%
1 to 3 years	25,680,000	26,161,798	69.38%
Greater than 3-years	<u>4,960,000</u>	<u>5,023,148</u>	13.32%
	<u>\$ 37,050,000</u>	<u>\$ 37,706,282</u>	100.00%

Long Term Investments - Time Period



Long Term Investments - Categories



ATTACHMENT

Quarterly Treasurer's Report for June 30, 2010.

**CITY OF RANCHO CORDOVA, CA
TREASURER'S REPORT
JUNE 30, 2010**

	Par Value	Cost	Current Value	Maturity Date
Cash and Cash Equivalents				
Wells Fargo Bank	12,922,027	12,922,027	12,922,027	n.a.
Bank of Sacramento	48,602	48,602	48,602	
	<u>12,970,629</u>	<u>12,970,629</u>	<u>12,970,629</u>	
Money Market Funds				
Wells Fargo Adv Treasury Plus MMF (MBIA)	288,043	288,043	288,043	n.a.
Sub-total	<u>288,043</u>	<u>288,043</u>	<u>288,043</u>	
Money Market Funds				
Local Agency Investment Fund (LAIF)	18,989,649	18,989,649	18,989,649	n.a.
California Asset Management Program (CAMP)	24,107,951	24,107,951	24,107,951	n.a.
Sub-total	<u>43,097,600</u>	<u>43,097,600</u>	<u>43,097,600</u>	
Long-Term Investments - Cutwater/MBIA:				
Freddie Mac Note	750,000	761,280	755,853	9/1/2010
Federal Home Loan Bank Note	750,000	748,973	764,917	12/10/2010
Federal Farm Credit Bank Note	1,000,000	1,008,290	1,017,240	1/18/2011
Federal Farm Credit Bank Note	500,000	515,930	514,097	2/18/2011
Fannie Mae Note	750,000	752,738	778,307	4/15/2011
Federal Home Loan Bank Note	725,000	721,927	729,551	6/3/2011
U.S. Treasury Note	1,000,000	996,172	1,006,250	7/31/2011
U.S. Treasury Note	750,000	749,648	752,813	11/30/2011
Federal Farm Credit Bank Note	750,000	742,650	791,162	12/8/2011
Federal Home Loan Bank Note	750,000	748,515	754,464	12/28/2011
U.S. Treasury Note	1,000,000	998,359	1,005,350	2/29/2012
Fannie Mae Note	750,000	750,390	750,764	3/2/2012
Federal Farm Credit Bank Note	500,000	493,925	537,043	4/12/2012
Federal Home Loan Bank Note	1,000,000	1,012,300	1,014,137	8/10/2012
Federal Home Loan Bank Note	1,000,000	1,000,000	1,011,892	10/5/2012
Federal Farm Credit Bank Note	500,000	496,420	540,710	10/17/2012
Federal Farm Credit Bank Note	500,000	502,945	502,295	11/5/2012
Fannie Mae Note	1,000,000	1,000,030	1,005,454	12/28/2012
Fannie Mae Note	1,000,000	1,002,790	1,006,491	1/28/2013
Fannie Mae Note	500,000	499,375	501,161	2/11/2013
Federal Farm Credit Bank Note	500,000	497,895	505,790	6/2/2014
Freddie Mac Note	750,000	749,438	750,917	1/29/2015
Fannie Mae Note	750,000	749,438	751,552	3/16/2015
Sub-total	<u>17,475,000</u>	<u>17,499,427</u>	<u>17,748,207</u>	

**CITY OF RANCHO CORDOVA, CA
TREASURER'S REPORT
JUNE 30, 2010**

Long-Term Investments -CAMP:

U.S. Treasury Note	350,000	353,746	354,074	10/15/2010
U.S. Treasury Notes	1,085,000	1,087,585	1,088,391	12/31/2010
Fannie Mae Global Benchmark Notes	500,000	501,246	518,906	4/15/2011
Federal Home Loan Bank Bonds	500,000	503,310	505,938	7/27/2011
U.S. Treasury Notes	500,000	502,500	524,278	8/31/2011
U.S. Treasury Notes	750,000	748,945	752,813	11/30/2011
Freddie Mac Global Notes	1,500,000	1,531,995	1,537,031	3/23/2012
Fannie Mae Notes (Callable)	1,000,000	999,900	1,000,313	4/19/2012
Federal Farm Credit Bank Bonds	1,025,000	1,024,980	1,053,828	4/24/2012
Freddie Mac Global Notes (Callable)	1,000,000	1,000,000	1,000,960	5/10/2012
Freddie Mac Global Notes (Callable)	1,000,000	1,000,000	1,001,141	5/17/2012
Freddie Mac Global Notes	505,000	507,232	514,942	6/15/2012
Fannie Mae Global Notes	100,000	99,966	100,938	6/22/2012
Fannie Mae Global Notes	460,000	459,480	464,313	6/22/2012
Fannie Mae Global Notes	525,000	525,961	529,922	6/22/2012
Freddie Mac Global Notes	1,250,000	1,250,313	1,258,984	7/27/2012
Federal Farm Credit Bank Bonds	350,000	358,171	382,156	8/1/2012
Federal Home Loan Bank Global Bonds	825,000	823,862	840,984	8/22/2012
Federal Home Loan Bank Global Bonds	500,000	541,650	542,813	10/10/2012
Fannie Mae Global Notes	715,000	713,970	728,853	2/22/2013
Freddie Mac Global Notes	1,575,000	1,572,795	1,598,625	4/15/2013
U.S. Treasury Notes	600,000	621,797	642,985	6/30/2013
U.S. Treasury Notes	1,455,000	1,454,602	1,475,120	3/31/2014
U.S. Treasury Notes	500,000	489,863	510,625	11/30/2014
Fannie Mae Notes (Callable)	500,000	500,000	502,500	12/16/2013
Freddie Mac Global Notes	500,000	500,090	520,938	2/9/2015
Sub-total	<u>19,570,000</u>	<u>19,673,959</u>	<u>19,952,368</u>	

Long-Term Investments - Brandis Tallman LLC

City Hall COP Bond	5,000	5,000	5,707	2/1/2035
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Total Portfolio \$ 93,406,272 \$ 93,534,658 \$ 94,062,554

CITY OF RANCHO CORDOVA

ORDINANCE NO. 6-2010

AN ORDINANCE OF THE CITY COUNCIL AMENDING CHAPTER 16.90 OF THE RANCHO CORDOVA MUNICIPAL CODE PERTAINING TO ESTABLISHMENT OF CONSTRUCTION PERMIT FEES; AMENDING TITLE 4 OF THE RANCHO CORDOVA MUNICIPAL CODE PERTAINING TO THE ESTABLISHMENT OF BUSINESS LICENSE FEES AND FINES; AND AMENDING CHAPTER 12.09 OF THE RANCHO CORDOVA MUNICIPAL CODE PERTAINING TO THE ESTABLISHMENT OF STREET TRENCH FEES

WHEREAS, the City of Rancho Cordova's ("City") current construction permit fees and street trench fees are contained in Chapter 16.90 and Chapter 12.09 of the Rancho Cordova Municipal Code respectively; and

WHEREAS, the City Council of the City of Rancho Cordova desires to establish construction permit fees and street trench cut fees as part of a fee schedule that is established by resolution of the City Council from time to time, rather than establishing these fees by ordinance; and

WHEREAS, establishing these fees by resolution as part of a fee schedule will reduce the cost of modifying these fees necessary from time to time; and

WHEREAS, the fees established for business licenses shall be for the sole purpose of defraying costs incurred in the administration of Title 4 of Rancho Cordova Municipal Code, and shall be prescribed in amounts yielding revenues which do not exceed the costs of administration by each City office and department charged with responsibility under Title 4 of the Rancho Cordova Municipal Code.

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:

Section 1. Section 16.90.010 "Intent" of Chapter 16.90 of Title 16 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

16.90.010 Intent.

It is the intent of the city council to group the fees required for various permits, associated with the construction process into one fee schedule that is adopted by resolution of the city council, as amended from time to time.

Section 2. Section 16.90.010 "Permit fees," of Chapter 16.90 of Title 16 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

16.90.020 Computation of Construction Permit Fees.

The value to be used in computing the permit fee shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and any other permanent equipment.

Section 3. Section 16.90.030 "Fee schedule," of Chapter 16.90 of Title 16 of the Rancho Cordova Municipal Code is hereby repealed in its entirety.

Section 4. Section 4.02.100 "Violations," of Chapter 4.02 of Title 4 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

4.02.100 Violations.

A. Violation of any provision of this title or any order of a hearing officer issued pursuant to this title constitutes a public nuisance and shall be subject to an administrative citation and fine as provided for in RCMC 16.18.205(F).

B. Additional amounts. Administrative costs, interest, late payment charges, costs of compliance regarding inspections, and collection costs are in addition to the fine as set forth in RCMC 16.18.205(F).

C. Each day that an individual commits a violation of this title shall constitute a separate violation.

D. Notwithstanding this section, violations of any of the provisions of this title may also be remedied by injunction or other civil proceedings commenced in the name of the city by the city attorney pursuant to direction by the city council.

E. The foregoing provisions are cumulative and in addition to any other remedies or penalties authorized or imposed under any other provision of this code or other applicable law or regulation.

Section 5. Section 4.07.080 "License Fee," of Chapter 4.10 of Title 4 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

4.07.080 License fee.

The fee for issuance or renewal of a license shall be established by the city manager and shall be in addition to the city's business operation tax and any other license or permit fee imposed by this code upon the applicant. The license fee shall be paid to the city at the time the license application is submitted. The amount of the fee shall be determined on the basis of the costs incurred in the enforcement of tobacco retailing laws together with the costs, including the costs of counsel, incurred in the administration of this chapter.

Section 6. Section 4.07.110 "Administrative Fine" of Chapter 4.10 of Title 4 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

4.07.110 Administrative Fine

A. If the city finds, based on substantial evidence, that any unlicensed person, including a person named on a revoked or suspended license, has engaged in tobacco retailing in violation of RCMC 4.07.040, such person shall be subject to an administrative citation and fine as provided for in RCMC 16.18.205(F).

B. Additional Amounts. Administrative costs, interest, late payment charges, costs of compliance reinspections, and collection cost are in addition to the fine as set forth in RCMC 16.18.205(F).

C. Each day that such a person engages in tobacco retailing shall constitute a separate violation.

D. A notice of violation and of intent to impose a fine shall be personally served on, or sent by certified mail to, the person or persons subject to the fine. The notice shall state the basis of the city's determinations and include an advisement of the right to request a hearing to contest the fine. Any request for a hearing must be in writing and must be received by the city within 10 calendar days of personal service of the notice on the person or persons subject to a fine or within 15 calendar days if the person or persons subject to a fine are served by mail.

E. If no request for a hearing is timely received, the city's determination on the violation and the imposition of a fine and any additional amounts pursuant to subsection (B) of this section, shall be final and payment shall be made within 30 calendar days of written demand made in the manner specified above for a notice of violation. If the fine is not paid within that time, the fine may be collected, along with any additional amounts pursuant to subsection (B) of this section, in any manner provided by law. In the event that a judicial action is necessary to compel payment, the person or persons subject to the fine and any additional amount shall also be liable for the costs of the suit and attorneys' fees incurred by the city in collecting the fine.

F. If a hearing is requested pursuant to subsection (D) of this section, the city shall provide written notice, within 45 calendar days of its receipt of the hearing request, to the person or persons subject to a fine and any additional amount, of the date, time, and place of the hearing in the manner specified above for a notice of violation.

G. The hearing shall be conducted in accordance with the procedures set forth in RCMC 4.07.140 through 4.07.160.

H. If no timely notice of appeal to the superior court is filed, or the city is not timely served with a copy of a notice of appeal, the hearing officer's decision and findings shall be deemed confirmed and the fine and any additional amounts impose pursuant to subsection (B) of this section shall be collected pursuant to subsection (E) of this section.

Section 7. Section 12.09.030 "Trench restoration fee," of Chapter 12.09, Title 11 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

12.09.030 Trench restoration fee.

At the time any permit is issued, improvement plan approved, or work performed that causes an excavation of a paved city street, the applicant shall pay a trench restoration fee, in addition to the fee required by the encroachment permit or other administrative fees. The fee shall be in the amount set forth on the trench cut fee schedule established by resolution of the city council. A trench restoration fee shall not be required for the following excavations:

A. In a city street that the city has scheduled for resurfacing either during the fiscal year (July 1st through June 30th) when the excavation permit is issued or during the immediately following fiscal year;

B. In a city street where the pavement condition index (PCI), as defined by the city's pavement management system, is less than 25 on the date the excavation permit is issued;

C. For work performed by and for the city public works department;

D. For potholing to verify utility depth or location;

E. Where work will include resurfacing of all or a significant portion of the city street where the excavation is made; provided, that the director approves the resurfacing;

F. Made for a utility relocation required by the city to accommodate a proper governmental use of a city street;

G. For owners possessing a valid pavement life performance warranty agreement with the city as set forth in RCMC 12.09.080;

H. Trenchless excavations greater than three feet in depth of cover over the utility facility not requiring a significant surface incision greater than industry bore pit standards may be excluded at the discretion of the director.

Section 8. Section 12.09.080 "Pavement life performance warranty," of Chapter 12.09 of Title 11 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

12.09.080 Pavement life performance warranty.

In lieu of paying a trench restoration fee required by RCMC 12.09.030, an owner who has a valid franchise agreement with the city or is statutorily exempt from franchise requirements shall provide a written pavement life performance warranty in a form acceptable to the city. The warranty shall provide that in the event that subsurface material or pavement over or within the trench influence area becomes depressed, broken, or otherwise fails at any time after the excavation has been completed until such time as the street surface is completely resurfaced with a structural overlay, the owner who performed the trench cut shall repair or restore such condition pursuant to the procedure set forth in RCMC 12.09.090. In the event that an owner who has a valid franchise agreement with the city or is statutorily exempt from franchise requirements fails or refuses to provide a written pavement life performance warranty, such owner shall pay the trench restoration fee set forth in the fee schedule adopted by resolution of city council.

Section 9. Section 12.09.130 "Excavation within moratorium period," of Chapter 12.09 of Title 12 of the Rancho Cordova Municipal Code is hereby amended to read as follows:

12.09.130 Excavation within moratorium period.

Where a permit is issued to excavate during the five-year period after filing of a notice of completion or acceptance of a new street or structural overlay of an entire street, payment of the trench restoration fee in the fee schedule adopted by resolution of the city council will be required regardless of whether the owner has executed a pavement life performance warranty.

Section 10. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. This City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 11. Effective Date and Publication.

Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Grapevine Independent, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with California

Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of ____, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk

CITY OF RANCHO CORDOVA

ORDINANCE NO. 17-2010

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA ADDING
CHAPTER 6.90 TO THE MUNICIPAL CODE PERTAINING TO THE CULTIVATION OF
MARIJUANA**

RECITALS

WHEREAS, the City currently has no rules or regulations specifically governing the cultivation of marijuana within the City limits; and

WHEREAS, the City Council of the City of Rancho Cordova ("City Council") has determined that the unregulated cultivation of marijuana within the City limits may create a threat to public health and safety; and

WHEREAS, the City Council wishes to establish rules and regulations governing the cultivation of marijuana within the City limits.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
DOES ORDAIN AS FOLLOWS:**

Section 1. Findings. The City Council hereby finds as follows:

1. Marijuana cultivation has resulted in trespass and theft, which is sometimes accomplished through the use of force or intimidation of residents. In addition, marijuana cultivation can result in nuisance conditions such as: frequent late-night comings-and-goings, building code violations, and other illegal activities such as cultivation and sale of marijuana and other drugs for commercial purposes.
2. Some residences with indoor marijuana cultivation create nuisance conditions in the surrounding neighborhood as they exhibit the following characteristics: house numbers removed, blacked-out windows, vacant homes, constant fan noise.
3. Many indoor marijuana cultivation conversions are completed without required building permits and inspections. This results in unsafe living conditions for residents and neighbors, and in unsafe conditions with high electrical loads on circuits that are not designed for such loads.
4. Indoor marijuana cultivation is particularly damaging to the housing stock and dangerous if conversions to buildings occur without required building permits or in violation of applicable building safety codes. In addition, indoor marijuana cultivation can result in negative effects on the physical structure of the building and the occupants' health due to the possibility of mold and water damage. There is also an increased risk of structural fires due to indoor cultivation of marijuana.

5. Marijuana cultivation is associated with increases in the frequency of vandalism, home invasion robberies and threats to neighbors, and loss of a neighborly community.
6. The City of Rancho Cordova specifically opposes the access of marijuana to and any activities that allow minors to obtain access to marijuana.
7. The Sacramento region has experienced an increase in the use of homes for marijuana cultivation.
8. As of the effective date of this Ordinance, State law provides that qualified patients and primary caregivers may cultivate marijuana upon receiving a doctor's recommendation in accordance with Health & Safety Code 11362.5 et seq. It is not the intent of this Chapter to weaken State or Federal law. Rather, by adopting this Ordinance regulating the cultivation of marijuana, the City of Rancho Cordova intends to strengthen the City's ability to protect the quality of our housing stock, to maintain the strength of our neighborhoods, and to promote the health, safety, morals, and general welfare of the residents and businesses in the City.

Section 2: Amendment of Code. Chapter 6.90 entitled, "Marijuana Cultivation" is hereby added to the Rancho Cordova Municipal Code as follows:

TITLE 9, Chapter 6.90

MARIJUANA CULTIVATION

- 6.90.010 Purpose.**
- 6.90.020 Definitions.**
- 6.90.030 Cultivation of Marijuana.**
- 6.90.040 Enforcement.**
- 6.90.050 Penalty for Violation.**

6.90.010 Purpose.

The purpose and intent of this Chapter is to regulate the cultivation of marijuana that is grown in accordance with State law in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. It is not the intent of this Chapter to create conflict or inconsistency between this Chapter and (1) the Constitutions of the United States or the State of California; (2) the Federal Controlled Substances Act; or (3) California law.

6.90.020 Definitions.

For purposes of this Chapter, the following definitions shall apply, unless the context clearly indicates otherwise.

"Abatement." The removal of marijuana plants and improvements that support marijuana cultivation which occupy an area or cubic feet in excess of the area and cubic feet that is allowed under this Ordinance.

"Cultivation" or "Marijuana Cultivation." The planting, growing, harvesting, drying, or processing of marijuana plants, or any part thereof.

"Cultivated Area:"

1. For indoor cultivation, the greater of either (a) the total area of a property that is densely or primarily occupied by marijuana cultivation, or (b) one square foot per juvenile or mature marijuana plant indoors on the property; and,
2. For outdoor cultivation, the greater of either (a) the total area of the property that is densely or primarily occupied by marijuana cultivation, or (b) 12.5 square feet per juvenile or mature plant outdoors on the property.

"Fully enclosed and secure structure." A space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and inaccessible to minors.

"Indoors." Within a fully enclosed and secure structure.

"Outdoors." Any location within the City of Rancho Cordova that is not within a fully enclosed and secure structure.

"Parcel." Property assigned a separate parcel number by the Sacramento County Assessor.

"Marijuana." The plant *Cannabis sativa* L., and any of its derivatives that is six inches in height or taller grown in accordance with State law.

6.90.030 Outdoor Cultivation of Marijuana.

A. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the City of Rancho Cordova to cause or allow such parcel to be used for the outdoor cultivation of more than 25 square feet of marijuana.

B. Outdoor Cultivation Standards. All outdoor cultivation of marijuana of 25 square feet or less, within the City of Rancho Cordova, shall conform to the following standards:

1. Cultivation of outdoor marijuana shall be setback from all fences by 10 feet.
2. All marijuana plants cultivated outside must be secured in a full perimeter fence to prevent access by minors.
3. Marijuana cultivation for sale is prohibited.
4. From a public right-of-way, there shall be no exterior evidence of marijuana cultivation.
5. Individuals that are tenants shall obtain the written permission of the property owner prior to cultivating marijuana.
6. The outdoor marijuana cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, smoke, traffic, vibration or other impacts, and shall not be hazardous due to use or storage of materials, processes, products or wastes.
7. The Cannabis Cultivator shall pay any applicable City taxes relating to marijuana.

6.90.040 Indoor Cultivation of Marijuana.

A. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel in the City of Rancho Cordova to cause or allow such parcel to be used for the cultivation of marijuana plants within a fully enclosed and secure structure on the parcel, except as provided in Sections 6.90.040(B) and 6.90.040(C).

B. Indoor Cultivation Standards. Marijuana cultivated indoors, within the City of Rancho Cordova, shall be in conformance with the following standards:

1. Indoor cultivation of marijuana is permitted only on parcels with residential units.
2. Marijuana cultivation is permitted only within fully enclosed and secure structures inaccessible to minors.
3. Indoor cultivation of marijuana shall not exceed 25 square feet per residence, except as provided in Subsection (C) of this Section.
4. Marijuana cultivation shall not occur on any carpeted area.
5. Marijuana cultivation lighting shall not exceed 1200 watts.
6. The use of gas products (CO₂, butane, etc.) for marijuana cultivation or processing is prohibited.
7. Marijuana cultivation for sale is prohibited.
8. From a public right-of-way, there shall be no exterior evidence of marijuana cultivation.
9. The residence shall be occupied and is required to maintain a functioning kitchen and bathroom(s), and the use of primary bedrooms are for their intended purpose. These rooms shall not be used for marijuana cultivation.
10. Any marijuana cultivation area located within a residence shall not create a humidity or mold problem in violation of Rancho Cordova building codes.
11. Individuals that are tenants shall obtain the written permission of the property owner prior to cultivating marijuana.
12. The marijuana cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products or wastes.
13. The cultivation of marijuana within a residential unit in a multi-family structure shall comply with the requirements of 1-11 above, and shall require administrative review by the Planning Director and shall meet specific criteria, as set forth in a) through c) below:
 - a) Inspection of the cultivation area by a Building Inspector or Code Enforcement Officer to confirm that no health or safety concerns are present; and
 - b) Written permission from the property owner; and
 - c) The Building Official may require additional specific standards to meet the California Building Code and Fire Code, including, but not limited to, installation of fire suppression sprinklers.
14. The Cannabis Grower shall pay any applicable City taxes relating to marijuana.

C. Indoor Marijuana Cultivation in Excess of 25 Square Feet. Any proposed marijuana cultivation by an individual that may exceed the cultivation area standard maximum of 25 square feet per residence shall require administrative review by the Planning Director, and shall meet the criteria set forth above, as well as the additional criteria set forth in 1 through 4 below:

1. Marijuana cultivated in excess of 25 square feet shall only be indoors;
2. Documentation of medical need, such as a physician's recommendation; and
3. Inspection of the cultivation area by a Building Inspector or Code Enforcement Officer to confirm that no health or safety concerns are present; and
4. The Building Official may require additional specific standards to meet the California Building Code and Fire Code, including, but not limited to, installation of fire suppression sprinklers.

6.90.050 Public Nuisance

It is hereby declared to be unlawful for any person owning, leasing, occupying, or having charge or possession of any parcel within the City of Rancho Cordova which creates a public nuisance in the course of cultivating marijuana plants or any part thereof. A public nuisance may be deemed to exist if such activity produces:

1. Odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public;
2. Repeated responses (more than three times in a one year time period) to the parcel from law enforcement officers;
3. Repeated disruption (more than three times in a one year time period) to the free passage of persons or vehicles in the neighborhood;
4. Excessive noise in violation of applicable city noise standards in the general plan or municipal code.
5. Any other impacts on the neighborhood which are disruptive of normal activity in the area.

6.90.060 Enforcement.

A. The violation of this Chapter is hereby declared to be a public nuisance. Any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine not exceed the amount provided in Penal Code Section 19, as may be amended from time to time, by imprisonment in the County jail not to exceed six months, or by both a fine and imprisonment.

B. A violation of this Chapter may be abated by the City Attorney by the prosecution of a civil action for injunctive relief and by the abatement procedure set forth in Chapter 16.18 of the Municipal Code.

C. Abatement procedure. The Code Enforcement Officer and/or the Chief of Police, or his or her designee (hereafter the "Enforcement Official"), are hereby authorized to order the abatement of any violation of this Chapter by following the abatement procedure as defined in the Chapter 16.18 of the Municipal Code. In addition, the Enforcement Official may require the property owner or tenant to personally abate/remove all medical marijuana plants and improvements to the property that exceed the limits set by this Chapter.

6.90.070 Penalty for Violation.

A. Cultivation of marijuana on parcels within the City that does not comply with this Chapter is subject to the penalties and enforcement as provided in Chapter 6.60 and Chapter 16.18 of the Municipal Code.

B. The remedies and penalties provided herein are cumulative, alternative and non-exclusive. The use of one does not prevent the use of any others and none of these penalties and remedies prevent the City from using any other remedy at law or in equity which may be available to enforce this section or to abate a public nuisance.

Section 3. Compliance with CEQA.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions the following categorical exemptions apply, Sections 15308 (actions taken as authorized by local ordinance to assure protection of the environment), and 15321 (action by agency for enforcement of a law, general rule, standard, or objective administered or adopted by the agency, including by direct referral to the City Attorney as appropriate for judicial enforcement).

Section 4. Severability

If any provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the Chapter, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid or unenforceable.

Section 5. Effective Date

Within fifteen (15) days after adoption, a summary of this Ordinance shall be published once in the Grapevine Independent or the Sacramento Bee, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with Government Code section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this _____ day of _____ 2010, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk

MEMORANDUM



DATE: August 16, 2010

TO: Honorable Mayor and Council Members

FROM: Stephanie Snyder, City Manager's Office

SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE FIRST RESTATED GRANT AGREEMENT BETWEEN THE CITY OF RANCHO CORDOVA AND THE CORDOVA COMMUNITY COUNCIL FOUNDATION

RECOMMENDATION

Adopt Resolution No. 77-2010.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will allow the City to make funds available to the Cordova Community Council for a three-year renewal of a grant to provide a professionally managed umbrella organization for Rancho Cordova non-profits that will provide civic engagement, volunteer management and community event support.

BACKGROUND

For the past three years, the City has given grant funds to the Cordova Community Council Foundation for the purpose of creating a professionally managed umbrella organization for Rancho Cordova non-profit organizations. The goal for strengthening the 50 year old Community Council was to build capacity for volunteer management, fund-raising, and community event support as a much-valued and necessary contributor to one aspect of a healthy, newly incorporated city. During these three years, the Community Council focused on structuring the organization more professionally, while enhancing existing and adding new community events.

The amendment to the grant agreement extends funding for three more years, subject to appropriations through the City's annual budget process. The focus for the next three years will be sustainability. The Community Council will be looking for long-term funding sources to gradually decrease and eventually replace City funding. The amendment allows \$250,000 per year for three years, but requires a specific amount be set aside in an endowment or special fund that cannot be used for operational expenses. The endowment set-aside increases each year. In the current year's budget, \$5,000 will be set-aside, leaving \$245,000 for operations. In year two (FY 2011-12), the endowment increases to \$20,000, and in the final year of the grant, the set-aside increases to \$50,000.

In addition to these significant changes in the operational funding, the grant amendment eliminates any extra special event funding for Fourth of July activities that had previously been paid from other City accounts in addition to the grant, resulting in an overall decrease of City expense even with the renewal of the grant funds.

ATTACHMENT

Resolution No. 77-2010 including (Exhibit A) First Amendment to the First Restated Grant Agreement.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 77-2010

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE
FIRST RESTATED GRANT AGREEMENT BETWEEN THE CITY OF RANCHO CORDOVA
AND THE CORDOVA COMMUNITY COUNCIL FOUNDATION**

WHEREAS, City of Rancho Cordova and the Cordova Community Council Foundation (Grantee) entered into a Grant Agreement dated July 1, 2007 and a first amendment to that Grant Agreement on September 17, 2007 for the purpose of providing community capacity-building services; and

WHEREAS, effective July 1, 2007, the City and the Cordova Community Council Foundation entered into a First Restated Grant Agreement clarifying the parties' responsibilities under the Grant Agreement; and

WHEREAS, the original intent of the two year agreement was to provide seed funding for the Grantee to establish a professional office capable of delivering outcomes specifically identified in the Grant Agreement; and

WHEREAS, the City desires to allow a continuation of civic engagement, community event support and volunteer management, and to allow the Grantee to focus on sustainability and securing long-term funding sources in order to gradually decrease and eventually replace City funding; and

WHEREAS, the City has approved \$250,000 funding in the fiscal year 2010-11 Adopted Budget for the purposes of this grant.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does authorize the City Manager to execute the First Amendment to the First Restated Grant Agreement between the City of Rancho Cordova and the Cordova Community Council Foundation, attached as **Exhibit 1**.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on this ____ day of ____, 2010 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk

**FIRST AMENDMENT TO THE FIRST RESTATED GRANT AGREEMENT
BETWEEN THE CITY OF RANCHO CORDOVA AND
THE CORDOVA COMMUNITY COUNCIL FOUNDATION**

This First Amendment to the First Restated Grant Agreement ("Amendment") is made by and between the City of Rancho Cordova ("City") and the Cordova Community Council Foundation, a California public benefit corporation ("Grantee") as of July 1, 2010. City and Grantee are hereinafter collectively referred to as the "Parties."

RECITALS

WHEREAS, the Parties entered into a Grant Agreement dated July 1, 2007 and a first amendment to that Grant Agreement on September 17, 2007 for the purpose of providing community capacity-building services; and

WHEREAS, effective July 1, 2007, the Parties entered into a First Restated Grant Agreement ("Restated Grant Agreement") (**Exhibit A**); and

WHEREAS, this Amendment will allow a continuation of civic engagement, community event support and volunteer management and allow the professionally managed organization to focus on sustainability and securing long-term funding sources to gradually decrease and eventually replace City funding; and

WHEREAS, the Parties agree that changes to the term and services provided for in the restated Grant Agreement are necessary in order for the City to continue receiving services by Grantee.

NOW, THEREFORE, the Parties hereto agree as follows:

AGREEMENT

1. The Parties agree to modify the end date of the Restated Grant Agreement from June 30, 2010, to June 30, 2013. The Parties wish to add Article VI to read as follows:

"ARTICLE VI: Term and Funding.

The term of this Restated Grant Agreement is from July 1, 2008 through June 30, 2013 in order to accomplish long-term sustainability and funding sources other than City funding. Subject to the provisions of the Restated Grant Agreement and this Amendment, the City will make grant funds in the amount of \$250,000 available to the Grantee each year during the three year term of this Amendment as follows:

Year 1 (FY 2010-11)—Of the \$250,000 grant funds made available to the Grantee from July 1, 2010 through June 30, 2011, \$245,000 will be available for operating expenses for the purpose of delivering outcomes in the form of services and products, and \$5,000 will be placed in an endowment fund or account and not available for operating expenses.

Year 2 (FY 2011-12)—Subject to the provisions of the Restated Grant Agreement and this Amendment, and approval of the funding amount through the City's annual budget process, it is the City's intent to make \$250,000 available, of which \$230,000 will be available for operating expenses to deliver outcomes, and \$20,000 will be placed in the endowment fund or account and not available for operating expenses.

Year 3 (FY 2012-13)—Subject to the provisions of the Restated Grant Agreement and this Amendment, and approval of the funding amount through the City's annual budget process, it is the City's intent to make \$250,000 available, of which \$200,000 will be available for operating expenses to deliver outcomes, and \$50,000 will be placed in an endowment fund or account and not available for operating expenses."

2. ARTICLE I of the Restated Grant Agreement, "City Requirements," specifies the requirements with which the Grantee agrees to comply. The Parties agree to amend ARTICLE I in order to clarify expectations for no additional City funding in specified circumstances. ARTICLE I is amended by adding subsections G and H to read as follows:

"G. Contributions previously paid in addition to the grant amount under the Restated Grant Agreement and Amendment to support the Grantee's annual Fourth of July event are now considered to be included as part of the grant amount and will not be paid separately.

H. Grantee will annually provide City with a cumulative total of up to one hundred fifty (150) complimentary seats at the monthly Rancho Cordova Luncheon to be determined on the City's fiscal year from July through June."

3. The Parties agree to amend ARTICLE V of the Restated Grant Agreement, "Additional Provisions," to update and revise the outcomes expected from Grantee's activities. ARTICLE V, Subsection C, is amended to read as follows:

"C. Outcomes. Grantee's activities will deliver the following outcomes during the three years of this grant term:

- Provide leadership and encourage civic engagement processes in the Rancho Cordova community;
- Provide "incubating" and "hotelng" services for local non-profit organizations, i.e. assistance with fiscal sponsorship and insurance requirements for their own events, grant application assistance, meeting room space, file storage, mailing, copying, and professional assistance and advice on non-profit operations;
- Assist in framing communitywide citizen-driven projects and conversations, such as developing and maintaining neighborhood associations and encouraging community pride projects such as the City's Growing Strong Neighborhoods movement;
- Organize and maintain councils of certain interest groups when appropriate such as those for youths, seniors, and faith-based organizations, and those sponsoring arts and sports programs, in order to improve and facilitate communications between the community and the City;

- Continue to support an historical society to preserve the rich and diverse culture of the City;
 - Produce a comprehensive community directory (print and web-based) to apprise citizens and visitors of the time and place for opportunities provided by the local non-profit organizations;
 - Continue to give leadership, implementation and volunteer labor to nurture current citywide events such as the Fourth of July, iFest, Kid's Day in the Park, Celebration of Faith, California Capital Air Show, and the Community Christmas Tree Lighting Ceremony, to name some, as well as to develop new events;
 - Plan and fund an annual Volunteer Awards event to honor volunteers and celebrate their services to the community;
 - Be responsible for getting a diverse representation of leaders from the faith community to do the invocation at Council meetings; and
 - Marshal volunteer resources when needed in the community.
4. All other terms and conditions in the restated Grant Agreement shall remain in full force and effect to the extent they are not in conflict with this Amendment.
5. The signatures of the Parties to this Amendment may be executed and acknowledged on separate pages or in counterparts which, when attached to this Amendment, shall constitute one complete Amendment.

IN WITNESS WHEREOF, the Parties have executed this Amendment on the day and year first above written.

CITY OF RANCHO CORDOVA

**CORDOVA COMMUNITY COUNCIL
FOUNDATION (GRANTEE)**, a California
public benefit corporation

Ted A. Gaebler, City Manager

By:
Its:

Date: _____

Date: _____

Attest:

Mindy Cuppy, City Clerk
Date: _____

Approved as to Form:

Adam Lindgren, City Attorney
Date: _____

FIRST RESTATED GRANT AGREEMENT

This restated Grant Agreement between the City of Rancho Cordova (City) and the Cordova Community Council Foundation, a California public benefit corporation, (Grantee) replaces and supersedes in its entirety the Grant Agreement effective July 1, 2007 and the First Amendment to the Grant Agreement dated September 17, 2007.

RECITALS

This Grant is given to support a partnership between the City and the Cordova Community Council Foundation to deliver community capacity-building services. It was first requested in a proposal from the Cordova Community Council dated May 15, 2006. The City announced its intent to provide seed capital for start-up costs through a gradually decreasing three year phased project by originally appropriating funds in the FY 2006-07 Adopted Budget.

The City and the Cordova Community Council Foundation subsequently agreed to terms for the first phase of the Grant that began on July 1, 2007. The City provided a turnkey office space and the Grantee agreed to establish a professional office and begin the process of delivering services and products to the community. Delays in moving into the office space resulted in the First Amendment to the Grant Agreement dated September 17, 2007, and minimal activity took place between September 2007 and March 2008 while the Grantee searched for an Executive Director.

With the appointment of an Executive Director late in FY 2007-08, the Grantee is now establishing an office and developing a work program that will result in the delivery of outcomes outlined in this restated Grant Agreement.

The term of this restated Grant Agreement is from July 1, 2008 through June 30, 2010 in order to accomplish the two remaining phases of the project:

Phase 2 (FY 2008-09)--Subject to the provisions of this restated Grant Agreement, the City will make grant funds in the amount of \$250,000 available to the Grantee for operating expenses from July 1, 2008 through June 30, 2009 for the purpose of delivering outcomes in the form of services and products.

Phase 3 (FY 2009-10)--Subject to the provisions of this restated Grant Agreement and approval of the funding amount through the City's annual budget process, it is the City's intent to make grant funds available in the amount of \$220,000 for the purpose of continuing to deliver outcomes, and to secure a fiscal base for solid future funding.

In reliance upon and in consideration of the mutual representations and obligations hereunder, the City and the Grantee agree as follows:

AGREEMENT

ARTICLE I. City Requirements.

The Grantee agrees to comply with the following requirements:

- A. The Grantee will only use grant funds for outcomes described in Article V of this restated Grant Agreement. A work program has been presented to the City Manager for his review, comment and possible modification, and may be amended from time to time over the term of the agreement in order to address the dynamic nature of community needs. The Grantee will periodically meet with the City Manager and/or his designee(s) regarding the progress of the work program.
- B. To address the City's fiduciary responsibility regarding the grant funds, Grantee will continue to maintain tax-exempt status and operate using appropriate internal controls and generally accepted accounting principles (GAAP).
- C. Grantee's leased office space in Rancho Cordova City Hall will be vacated no later than September 30, 2008. No lease payments will be deducted from grant funds payable from July 1, 2008 forward.
- D. Following the end of the Grantee's current fiscal year and for the duration of the grant, Grantee will provide an annual financial statement (unaudited is acceptable) for the Cordova Community Council Foundation as a whole within ninety (90) days of the end of the Grantee's fiscal year.
- E. Grantee is entitled to use the Community Board Room and the American River Rooms (both located on the first floor of Rancho Cordova City Hall) at no additional cost for twelve (12) hours per month. the rooms will be scheduled in advance according to City's scheduling policies. For use of the Community Board Room or American River Rooms in excess of twelve (12) hours per month, Grantee shall be charged City's customary rates for a nonprofit/community-based organization. Grantee shall provide City with a schedule indicating the dates and times of Grantee's standing meetings; however, Grantee acknowledges that the needs of the City shall take precedence in the scheduling of the rooms.
- F. Grantee will provide one seat on the Grantee's Board of Directors to be filled or vacated at the direction of the City Manager. This Board member shall exercise his/her own judgment and discretion as a volunteer in serving the Community Council Foundation, and shall not perform his/her services to the Community Council Foundation under the direction of the City Manager as an employee of the City.

ARTICLE II. Payment of Grant Funds

- A. Grant funds will be paid in equal quarterly amounts upon submission and approval by the City of the Progress Reports described in Article III.

ARTICLE III. Progress Reports.

The Grantee shall submit to the City's Grant Officer a progress report every three months after the effective date of the restated Grant Agreement. Progress reports will be due by the last day of the month following the end of each quarter, i.e. progress report for work and expenses July through September will be due by October 31, October through December will be due by January 31, etc.

Progress reports shall consist of (1) a one-page narrative of work accomplished during the reporting period, and (2) a completed Financial Status Report in a format determined by the City Manager. City may require additional information or increased frequency of reporting to address the conditions and deliverables as described in Article V.

Progress reports must include a comparison of actual accomplishments to the objectives indicated in this restated Agreement, as well as the work program approved by the City Manager. Reports must include reasons for slippage if established objectives were not met. A goal of this agreement is to foster civic engagement among additional groups in the community, *including newcomer groups*. Progress reports should reflect efforts in this area.

Before the City pays grant draw downs, the Grantee will submit progress reports. The City retains the authorization and discretion to delay or deny payment if progress reports are incomplete, do not reflect substantial progress toward delivery of outcomes, or demonstrate that funds were used for activities other than those covered in Article V.

ARTICLE IV. Default

A default under this Grant Agreement shall consist of using grant funds for a purpose other than as authorized by this Agreement, noncompliance with legislative, regulatory, or other requirements applicable to this agreement, any other breach of this Agreement, or any misrepresentation in the proposal submission.

ARTICLE V. Additional Provisions

A. Project Description. This is a community capacity-building project characterized by the expected outcomes listed in Section C below, to be further defined by the work program described in Article I, Section A.

B. Changes or Clarification to the Proposal Related to Participating Parties:

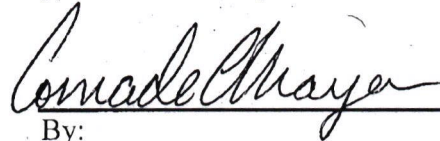
The Grantee may elect to sub-contract a portion of this grant in order to accomplish the goals of the grant and deliver services or products.

C. Outcomes. Grantee's activities will deliver the following outcomes during the remaining two years of the three year project:

- Provide a structured process for accepting, allowing dialogue, evaluating, and recommending funding requests from local organizations for the City's budgeted outreach funds;
- Provide "incubating" and "hotelng" services for local non-profit organizations, i.e. assistance with insurance requirements for their own events, grant application assistance, meeting room space, file storage, mailing, copying, and professional assistance and advice on non-profit operations;
- Assist in developing and maintaining neighborhood associations and assist with community pride projects such as the City's Strong Neighborhoods Initiative;
- Organize and maintain councils of certain interest groups such as youths, seniors, faith-based organizations, and those sponsoring arts and sports programs, in order to improve and facilitate communications between the community and the City;
- Create and support an historical society to preserve the rich and diverse culture of the City;
- Produce a comprehensive community directory (print and web-based) to apprise citizens and visitors of the time and place for opportunities provided by the local non-profit organizations;
- Continue to give leadership, implementation and volunteer labor to nurture current citywide events such as Eppie's Great Race, Fourth of July, American River Salmon Festival, California Capital Air Show, and the Community Christmas Tree Lighting Ceremony, as well as to develop new events;
- Plan and fund an annual Volunteer Awards event to honor volunteers and celebrate their services to the community;
- Be responsible for getting leaders from the community to do the invocation at City Council meetings;
- Marshal volunteer resources when needed in the community; and
- Act as an ombudsperson for residents and businesses that may be reluctant to bring forth City issues.

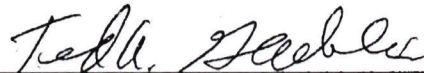
In witness whereof, the Parties have executed this restated Grant Agreement as of the effective date first written above.

**CORDOVA COMMUNITY COUNCIL
FOUNDATION (GRANTEE)**, a California
public benefit corporation



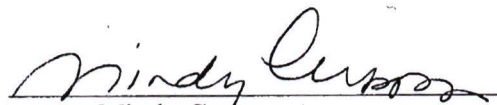
By:
Its: *Member of the Board of Directors*

CITY, a California municipal corporation



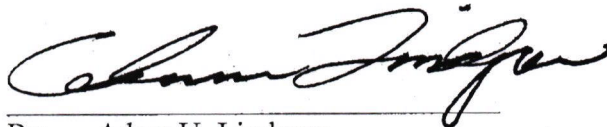
By: Ted A. Gaebler
Its: City Manager *10-16-08*

ATTEST:



By: Mindy Cuppy
Its: City Clerk

ATTEST:



By: Adam U. Lindgren
Its: City Attorney

MEMORANDUM



DATE: August 16, 2010

TO: Honorable Mayor and Council Members

FROM: Cyrus Abhar, Public Works Director

SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT TO PACIFIC GAS AND ELECTRIC (PG&E) COMPANY FOR INSTALLATION AND MAINTENANCE OF A GAS PIPELINE WITHIN CITY OWNED PROPERTY

RECOMMENDATION

Adopt Resolution No. 88-2010.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will authorize the City Manager, upon payment from PG&E, to execute an easement to PG&E for the installation and maintenance of a gas pipeline crossing in two locations within city owned property located on the south side of North Mather Boulevard between Bear Hollow Drive and Zinfandel Drive.

BACKGROUND

PG&E is currently installing a gas pipeline from Old Placerville Road, through the Mather business district, and along Mather Boulevard to Douglas Road to serve the Sunrise/Douglas communities. A portion of the pipeline is proposed to be routed through a City owned property partially occupied by a detention basin (**Exhibit A**).

The purpose of this alignment is to avoid the Mather Airport Runway Protection Zone. PG&E has requested the City grant easements in exchange for compensation in the amount of \$2,850. The compensation amount is based upon standard valuation procedures performed by PG&E's consultant and reviewed by the Public Works Department (**Exhibit B**). Outside of the above easement areas, PG&E's alignment is generally within City or County roadways and PG&E has obtained encroachment permits to perform that work.

ATTACHMENTS

1. Resolution No. 88-2010 including (**Exhibit A**) Site Map and (**Exhibit B**) Statement and Summary of Basis for Appraisal.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 88-2010

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT TO PACIFIC GAS
AND ELECTRIC COMPANY (PG&E) FOR INSTALLATION AND MAINTENANCE OF A
GAS PIPELINE WITHIN CITY OWNED PROPERTY**

WHEREAS, PG&E is installing a gas pipeline to serve the Sunrise/Douglas communities; and

WHEREAS, PG&E has selected an alignment which avoids the Mather Airport Runway Protection Zone; and

WHEREAS, PG&E requests that the City of Rancho Cordova provide an easement **(Exhibit A)** To PG&E through City owned property to accommodate a route for the pipeline around the Runway Protection Zone; and

WHEREAS, PG&E agrees to pay the City of Rancho Cordova the sum of \$2,850.00 for compensation of said easement **(Exhibit B)**;

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does authorize the City Manager, upon receipt of payment from PG&E, to execute an easement to PG&E for the installation and maintenance of a gas pipeline crossing in two locations within the city owned property located on the south side of North Mather Boulevard between Bear Hollow Drive and Zinfandel Drive.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this ____ day of ____, 2010 by the following vote:

AYES:

NOES:

ABSENT:

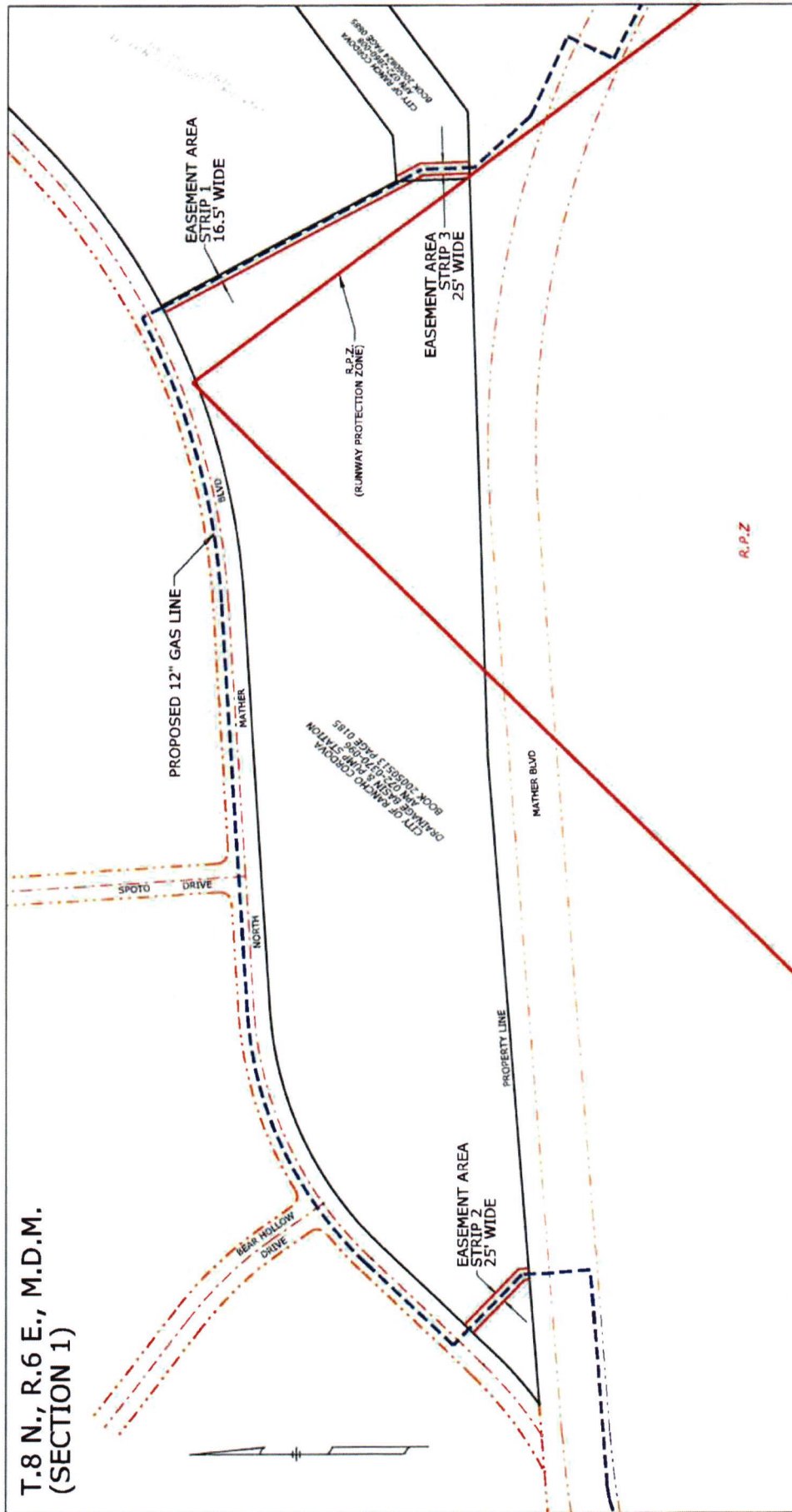
ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk

T.8 N., R.6 E., M.D.M.
(SECTION 1)



SEC (1)		T.8 N.	R.6 E.
COUNTY: SACRAMENTO			
DIVISION: NORTH VALLEY			
AUTH #:		30603690	
SHEET NO.	1	SHEETS	1
REV.		1	

APPROVED PLAT #:		2528-16	
BY	SUPV.	DSGN:	DWN: E. KIEL
		CHKD:	O.K.
		DATE:	5/17/10
		SCALE:	1"=200'

NO.	DATE	REVISION No. 1	DESCRIPTION	SEARCH SEC	COMPS.	SEC	F. B.	SEC
1	5/17/10							

MATHER DFM RE-ROUTE EXHIBIT	
PACIFIC GAS AND ELECTRIC COMPANY	

EXHIBIT B

*Mather DFM Gas Line Project
Sacramento County
City of Rancho Cordova Property*

STATEMENT AND SUMMARY OF BASIS FOR APPRAISAL

The following is a summary of the amount established as compensation by a valuation prepared in compliance with section 1255.010 Code of Civil Procedures and section 7267.2 of the Government Code. The valuation was made in accordance with accepted valuation principles, consistent with California valuation law. A statement of the valuation process, which was the basis for the valuation conclusions, follows.

BASIC PROPERTY DATA

OWNER: City of Rancho Cordova, a Municipal Corporation
APNs: 072-0370-096 & 072-2860-008
PROPERTY ADDRESS: North Mather Blvd. & Zinfandel Drive
Rancho Cordova, CA
DATE PROPERTY ACQUIRED BY OWNER: The current owners purchased parcel 072-0370-096 in May 2005 and parcel 072-2860-008 in August 2006. The transfer tax is not shown on either grant deed. The current owners purchased both parcels from Elliot Homes, Inc., a local developer and one of the grant deeds indicates it is for open space and drainage purposes. The subject property is not currently listed for sale, nor have any written offers to purchase been received, as to our knowledge.
ZONING: OS (Open Space)
PRESENT USE: Regional drainage basin, pump facility, and bicycle path.
HIGHEST AND BEST USE: Open Space
TOTAL PROPERTY AREA: 36.89± Acres
PROPERTY RIGHTS PROPOSED TO BE ACQUIRED:

Item	Total
Gas Transmission Line Easement Acquisition	
Eastern Portion	0.301± Acres (13,104± SF)
Western Portion	0.100± Acres (4,364± SF)
Total	0.401± Acres (17,468± SF)
Temporary Construction Easement	
Eastern Portion	0.207± Acres (9,017± SF)
Western Portion	0.200± Acres (8,712± SF)
Total	0.407± Acres (17,729± SF)
Source: Plats and Legals by PG&E dated February 2, 2010 and March 2, 2010	

DATE OF THIS VALUATION: March 5, 2010

BRI 10005 (APNs: 072-0370-096 & 072-2860-008)

BENDER ROSENTHAL, INC.

BASIS OF VALUATION

The just compensation being offered by the Pacific Gas and Electric Company is not less than the approved appraisal of the fair market value of the property. The fair market value of the property proposed for acquisition is based on a fair market value appraisal prepared according to accepted appraisal procedures. Where appropriate, sales of comparable properties are utilized. Principal transactions of comparable properties, where evaluated, are included. The appraiser has given full and careful consideration to the highest and best use for development of the property and to all features inherent in the property, including, but not limited to, zoning and the development potential of the property.

California Code of Civil Procedure Section 1263.320 defines fair market value as follows:

- A. Fair market value is defined as the highest price that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for doing so, nor obliged to sell, and a buyer, being ready, willing and able to buy but under no particular necessity for doing so, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.
- B. The fair market value of property taken for which there is no relevant market is its value on the date of valuation as determined by any method of valuation that is just and equitable.

Value of the Subject Site: \$ 482,078
(1,606,928 SF X \$0.30/SF)

Value of the property being acquired, including the following improvements:

- A. Fee Simple Land and included Improvements: \$ 0
- B. Improvements Pertaining to the Realty \$ 0
- C. Permanent Easement: \$ 2,621
 - (13,104 SF X \$0.30/SF X 50% of rights)
 - (4,364 SF X \$0.30/SF X 50% of rights)
- D. Temporary Construction Easement
 - Fee Value in Eastern Portion 9,017 SF X \$0.30/SF = \$ 2,705
 - Fee Value in Western Portion 8,712 SF X \$0.30/SF = \$ 2,614
 - Total Fee Value \$ 5,319
 - Annual Rate of Return 10%
 - Annual Return = \$ 532
 - Monthly Return = \$ 44
 - Value of TCE for 5 months as required by project = \$ 220

\$ 2,841
(Sum of items A-D)

Value of the Remainder (land only) as part
of the whole before the proposed acquisition: \$ 479,457
(\$482,078 - \$2,621)

*Mather DFM Gas Line Project
Sacramento County
City of Rancho Cordova Property*

Value of the Remainder (land only) as a separate parcel after the proposed acquisition:	<u>\$ 479,457</u>
E. Severance Damages:	<u>\$ 0</u>
F. Cost to Cure Damages:	<u>\$ 0</u>
Total Damages:	<u>\$ 0</u>
	<i>(Sum of items E & F)</i>
Value of the Remainder (land only) as a separate parcel after the proposed acquisition (cured):	<u>\$ 479,457</u>
Total Benefits:	<u>\$ 0</u>
JUST COMPENSATION FOR ACQUISITION:	<u>\$ 2,841</u>
Rounded	<u>\$ 2,850</u>

CONSTRUCTION CONTRACT WORK (No cost to owner)

PG&E will promptly backfill any excavations made by it on said easement area and repair any damages.

THE FOLLOWING APPRAISAL APPROACHES WERE CONSIDERED IN DERIVING THE VALUE OF THE ENTIRE PROPERTY (LAND ONLY).

1. The Sales Comparison Approach is based on the consideration of comparable land and improved sales.

Sales Comparison Approach Not Applicable

Indicated value of the larger parcel by Sales Comparison Approach (land) \$482,078
(See Attachment "A" for principal transactions)

2. The Cost Approach is based in part on a replacement cost new of improvements less depreciation. Cost information was obtained from cost service publications and/or knowledgeable vendors.

Cost Approach Not Applicable x

Total Replacement Cost New

Depreciation from all causes \$()

Value of Improvements in Place \$

Land (estimated by Sales Comparison) \$

(See Attachment " " for principal transactions)

Indicated Value of the larger parcel by Cost Approach \$

3. The Income Approach is based on an analysis of income and expenses to the property.

Income Approach Not Applicable x

Overall Capitalization Rate %

Net Operating Income \$

Indicated value of the larger parcel by Income Approach \$

Note: This Summary does not include potential Business Loss or Damages, if any are determined to exist. Those costs, if appropriate, will be included in the Final Settlement.

SUMMARY OF THE BASIS FOR JUST COMPENSATION

Narrative summary of the valuation process supporting compensation:

The subject is a 36.89-acre site located on North Mather Boulevard in Rancho Cordova. The subject consists of an irregular-shaped parcel with some level topography, but mostly steep slopes that is currently being used as a regional drainage basin, pump facility, and bicycle path. The property is zoned OS, Open Space and is concluded to be non-buildable. With minimal assemblage value due to the configuration of the site and adjacent uses.

The structural improvements on the remainder were not valued as part of the appraisal assignment as they are not part of the acquisition nor are they impacted by damages. Improvements located in the proposed acquisition area appear to include asphalt paving and is not included in the valuation as any damages will be replaced/repared through construction contract work.

Comparable Sale 1 has a large portion in a flood zone; however, there is sufficient room for development and thus it represents the high end of the range (\$0.76/SF). Sales 2 and 3 are more similar to the subject in the regard that they were perceived non-buildable at the time of sale (\$0.21 - \$0.32/SF). The sales are older, with the exception of Sale 1, however, similar non-buildable land doesn't fluctuate as much, if at all, relative to the market. Therefore, the older comparables are deemed appropriate for this analysis. Based on the analysis, we conclude with a land value for the subject property within the bracketed range at \$0.30 per square foot.

DEFINITIONS*

1. *Highest and Best Use Analysis*

Highest and best use is defined as the reasonably probable use of land which is legally permissible, physically possible, and financially feasible that results in the highest value. Highest and best use analysis is used in the appraisal process to identify comparable properties and, where applicable, to determine whether the existing improvements should be retained, renovated, or demolished.

2. *Improvements Pertaining to the Realty (if any)*

Machinery, Fixtures and Equipment identified here were separately valued as improvements pertaining to the realty. Prior to escrow close, owner and lessee must agree (and confirm in writing) as to ownership of said improvements pertaining to the realty, a list of which is attached to the Purchase Agreement as Exhibit “_” and delivered contemporaneously with this valuation summary statement.

3. *Severance damages (Applies to Proposed Partial Acquisitions)*

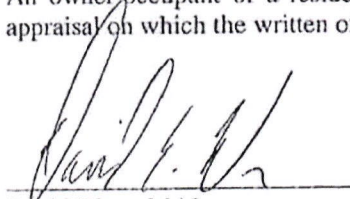
The appraisal also determines whether or not the proposed acquisition results in damages to the remaining property. The basis for this determination is whether or not the value of the remainder is diminished by reason of the anticipated acquisition of the property interest being acquired and the construction of the improvement in the manner proposed. (Cost to Cure) Severance Damages may be mitigated or entirely eliminated by estimating the cost to cure the damages.

4. *Benefits (Applies to Proposed Partial Acquisitions)*

Benefit to the remainder is the benefit, if any, caused by the construction and use of the project for which the property is acquired in the manner proposed.

** These definitions are general and provided to assist in the discussion related to the proposed acquisition. They are not intended to be legal definitions.*

An owner-occupant of a residential property containing four (4) units or less has a right to review the appraisal on which the written offer to purchase is based.



David Wraa, MAI
California Certified General
Real Estate Appraiser
Certificate No. AG023713

*Mather DFM Gas Line Project
Sacramento County
City of Rancho Cordova Property*

NON-BUILDABLE COMPARABLE LAND SALES

<u>Sale #</u> <u>BRI #</u>	<u>Location</u> <u>APN</u>	<u>Sale Date</u> <u>Doc. No.</u>	<u>Total Sale</u> <u>Price</u>	<u>Zoning</u>	<u>Parcel Size</u>	<u>Price/SF</u>
<u>1</u> 1830	5221 Raley Boulevard <u>Sacramento, CA</u> APN: 215-0250-045	<u>6/09</u> 20090625-813	\$350,000	M1	10.64 Acres 463,478 SF	\$0.76
Comments: This property has a large portion located in a flood plain. Surrounding properties are industrial. The broker for the buyer estimated this site needs \$2.00 to \$3.00 per square foot of work to become ready for development. There are currently no plans to develop the property.						
<u>2</u> 1584	I-80 & Highway 65 <u>Roseville, CA</u> APN: 046-020-069 & 070	<u>5/05</u> 54439	\$62,000	OS	6.65 Acres 289,674 SF	\$0.21
Comments: This was a parcel that was left over from building the Highway 65 to east bound I-80 ramp. The parcel lies south of the transition lane to I-80. There is no legal access to the site and it is zoned for open space.						
<u>3</u> 1585	6930 Block Garden Highway <u>Nicolaus, CA</u> APN: 34-190-023	<u>3/04</u> 7847	\$115,000	AG-FP	8.26 Acres 359,806 SF	\$0.32
Comments: Vacant riverfront lot, considered non-buildable as of the date of purchase. The site was originally listed for \$299,000, was reduced to \$175,000, and ultimately sold to a local broker/investor. The buyer hopes to eventually develop the site. The size reported was indicated as the net useable area.						
Subject	N. Mather Blvd. & Zinfandel Drive <u>Rancho Cordova, CA</u> APN: 072-0370-096 & 072-2860-008	----	----	OS	36.89 Acres 1,606,928 SF	----

MEMORANDUM



DATE: August 16, 2010

TO: Honorable Mayor and Council Members

FROM: Reed Flory, Housing Services Administrator
David Gassaway, Housing Services Assistant

SUBJECT: A RESOLUTION OF THE CITY COUNCIL RESCINDING RESOLUTION NO. 86-2009 AND AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR \$3,677,385 IN AFFORDABLE RENTAL HOUSING FUNDING UNDER THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP), THE EXECUTION OF A STANDARD AGREEMENT IF SELECTED FOR SUCH FUNDING INCLUDING ANY AMENDMENTS AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE NSP LOAN PROGRAM

RECOMMENDATION

Adopt Resolution No. 93-2010.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will result in rescission of Resolution No. 86-2009 and a revision to the language in order to satisfy a request by the California State Department of Housing and Community Development in order to execute a Standard Agreement for grant funding.

BACKGROUND

As part of the Housing and Economic Recovery Act of 2008 (HERA) Congress appropriated \$3.92 billion dollars to the Neighborhood Stabilization Program (NSP) to help states and units of local government deal with abandoned, foreclosed, and deteriorated properties. Funding for NSP has been administered by the California State Department of Housing and Community Development (HCD), of which the City has received a formula entitlement allocation of \$1,073,795.

In addition to formula amounts of funding entitled to units of local government, HCD made available approximately \$40 million dollars of additional funding for a competitive grant application for an Affordable Rental Housing component of NSP. On September 8, 2009, Council adopted Resolution No. 86-2009 (**Exhibit A**) which authorized staff to submit a competitive grant application to HCD for \$3,677,385 of the NSP Affordable Rental Housing funding. As a result of that application HCD subsequently awarded the City funding in the full amount of application.

DISCUSSION

In the process of drafting a State of California Standard Agreement for grant funding, HCD has requested revisions to the language adopted in Resolution No. 86-2010 (**Exhibit A**). The language revisions clarify the name of the NSP Affordable Rental Housing Component, eliminate the use of NSP3 as an acronym used to describe the program, and identify the City Manager, or his designee, as the individual being authorized to execute a Standard Agreement. Resolution No. 93-2010 identifies the rescission of Resolution No. 86-2010 and revises the language included therein in order to satisfy HCD's requested change of language.

ATTACHMENT

Resolution No. 93-2010 including (**Exhibit A**) Resolution No. 86-2009 showing changes.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 93-2010

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
RESCINDING RESOLUTION NO. 86-2009 AND AUTHORIZING SUBMITTAL OF AN
APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT FOR \$3,677,385 IN AFFORDABLE RENTAL HOUSING
FUNDING UNDER THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP), THE
EXECUTION OF A STANDARD AGREEMENT IF SELECTED FOR SUCH FUNDING
INCLUDING ANY AMENDMENTS AND ANY RELATED DOCUMENTS NECESSARY TO
PARTICIPATE IN THE NSP LOAN PROGRAM**

WHEREAS, the California State Department of Housing and Community Development (HCD) issued a Notice of Funding Availability (NOFA) for the Neighborhood Stabilization Program (NSP) (Affordable Rental Housing Program) established under the Housing and Economic Recovery Act of 2008 (HERA) Regulations; and

WHEREAS, pursuant to HERA, HCD is authorized to approve funding allocations utilizing monies made available by the Federal Government, subject to the terms and conditions of the HERA Regulations; and

WHEREAS, on September 8, 2009, the City Council adopted Resolution 86-2009 authorizing submittal of an application to HCD for funding in the amount of \$3,677,385 from the NSP Affordable Rental Housing Program; and

WHEREAS, HCD approved the City's application for \$3,677,385 of NSP Affordable Rental Housing Program funding; and

WHEREAS, as a result of the approved funding application, HCD has requested that Resolution No. 86-2009 be revised (**Exhibit A with changes**) to clarify the NSP funding source program and make changes to language authorizing the City to enter into a Standard Agreement with the State of California for the acceptance of \$3,677,385 in NSP (Affordable Rental Housing) grant funding; and

WHEREAS, the City wishes to rescind Resolution No. 86-2009 and adopt this resolution in order to make the HCD requested changes needed to apply for and receive an allocation of funds through the NSP Affordable Rental Housing Program; and

WHEREAS, this resolution will comply with HCD's required language modifications and clarify the City's intent to apply and enter into a Standard Agreement with the State of California for the acceptance of \$3,677,385 in NSP (Affordable Rental Housing) grant funding.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA as follows:

1. The City Council authorizes the City Manager, or his designee, to submit to HCD an application to participate in the NSP (Affordable Rental Housing) in response to the NOFA issued on July 23, 2009 which will request a funding allocation in the amount of \$3,677,385 for the following activities:

To redevelop demolished blighted, "red-tagged," vacant, and foreclosed properties for the purpose of creating additional safe and healthy affordable rental housing units for low- and very low-income residents.

2. If the application for funding is approved, the City Council authorizes the use of the NSP (Affordable Rental Housing) funds for eligible activities in the manner presented in the application as approved by HCD and in accordance with Guidelines cited above. The Council also authorizes the City Manager, or his designee, to execute any and all other instruments necessary or required by HCD for participation in the NSP (Affordable Rental Housing).

3. The City Council authorizes the City Manager, or his designee, to execute in the name of the City of Rancho Cordova the application, the Standard Agreement, and all other documents required by HCD for participation in the NSP (Affordable Rental Housing), and any amendments thereto.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on this _____ day of _____, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk

CITY OF RANCHO CORDOVA

RESOLUTION NO. ~~9386-201009~~

A RESOLUTION OF THE CITY COUNCIL RESCINDING RESOLUTION NO. 86-2009 ~~THAT~~
~~AND AUTHORIZED AUTHORIZING~~ SUBMITTAL OF AN APPLICATION TO THE
 CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
 FOR ~~\$3,677,385 IN~~ AFFORDABLE RENTAL HOUSING FUNDING UNDER THE
 NEIGHBORHOOD STABILIZATION PROGRAM, THE EXECUTION OF A STANDARD
 AGREEMENT IF SELECTED FOR SUCH FUNDING INCLUDING ANY AMENDMENTS AND
 ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE NSP LOAN
 PROGRAM

WHEREAS, the California State Department of Housing and Community Development ("HCD") issued a Notice of Funding Availability ("NOFA") for the Neighborhood Stabilization Program ("NSP") (Affordable Rental Housing Program) established under the Housing and Economic Recovery Act of 2008 ("HERA") Regulations; and

WHEREAS, pursuant to HERA, HCD is authorized to approve funding allocations utilizing monies made available by the Federal Government, subject to the terms and conditions of the HERA Regulations; and

WHEREAS, On-on September 8, 2009, the City Council adopted Resolution 86-2009 which authorized authorizing submittal of an application to HCD the to the California State Department of Housing and Community Development ("HCD") for funding in the amount of \$3,677,385 from the Neighborhood Stabilization Program ("NSP") Affordable Rental Housing Program; and

WHEREAS, subsequent to the adoption of Resolution 86-2009, HCD has approved the City's application for \$3,677,385 of NSP Affordable Rental Housing Program funding; and

WHEREAS, as a result of an the approved funding application, HCD has requested that the language included in Resolution 86-2009 be revised for purposes of the to clarify the NSP funding source program and make changes to language authorizing the City to enter into a Standard Agreement with the State of California for the acceptance of \$3,677,385 in NSP (Affordable Rental Housing) grant funding; and

WHEREAS, therefore, based on the above, the City of Rancho Cordova wishes to rescind Resolution 86-2009 and adopt this Resolution in order to make the HCD requested changes needed to apply for and receive an allocation of funds through the NSP Affordable Rental Housing Program; and

WHEREAS, WHEREAS, the California Department of Housing and Community Development ("HCD") has issued a Notice of Funding Availability ("NOFA") for the NSP (Affordable Rental Housing) established under the Housing and Economic Recovery Act of 2008 ("HERA") Regulations; and

WHEREAS, pursuant to HERA, HCD is authorized to approve funding allocations utilizing monies made available by the Federal Government, subject to the terms and conditions of the HERA Regulations; and

WHEREAS, the City of Rancho Cordova wishes to submit an application to obtain from HCD an allocation of NSP (Affordable Rental Housing) funds in the amount of \$3,677,385; and

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2010

WHEREAS, the City of Rancho Cordova, upon acceptance of application by HCD, will enter into a Standard Agreement with the State of California for the acceptance of \$3,677,385 in NSP (Affordable Rental Housing) grant funding; and this Resolution will comply with HCD's required language modifications and clarify the City's intent to apply and enter into a Standard Agreement with the State of California for the acceptance of \$3,677,385 in NSP (Affordable Rental Housing) grant funding.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA as follows:

1. The City Council authorizes the City Manager, or his designee, to submit to HCD an application to participate in the NSP (Affordable Rental Housing) in response to the NOFA issued on July 23, 2009 which will request a funding allocation in the amount of \$3,677,385 for the following activities:

To redevelop demolished blighted, "red-tagged," vacant, and foreclosed properties for the purpose of creating additional safe and healthy affordable rental housing units for low- and very low-income residents.

2. If the application for funding is approved, the City Council authorizes the use of the NSP (Affordable Rental Housing) funds for eligible activities in the manner presented in the application as approved by HCD and in accordance with Guidelines cited above. The Council also authorizes the City Manager, or his designee, to execute any and all other instruments necessary or required by HCD for participation in the NSP (Affordable Rental Housing).

3. The City Council authorizes the City Manager, or his designee, to execute in the name of the City of Rancho Cordova the application, the Standard Agreement, and all other documents required by HCD for participation in the NSP (Affordable Rental Housing), and any amendments thereto.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____th day of _____ 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Skoglund, Mayor

Ken Cooley

ATTEST:

Mindy Cuppy, City Clerk

Can we keep to 2 pgs?

MEMORANDUM



DATE: August 16, 2010

TO: Honorable Mayor and Council Members

FROM: Jeffrey S. Beiswenger, AICP, Senior Planner

SUBJECT: RESOLUTION OF SUPPORT FOR STRATEGIC GROWTH COUNCIL (SGC) GRANT APPLICATION FOR FOLSOM BOULEVARD IN COOPERATION WITH REGIONAL PARTNERS

RECOMMENDATION

Adopt Resolution No. 96-2010 approving a joint application for grant funds by the City of Rancho Cordova in cooperation with Sacramento County, Regional Transit, Sacramento Area Council of Governments and the Local Government Commission for the Sustainable Communities Planning Grant, Bond Act of 2006 (Proposition 84).

RESULT OF RECOMMENDED ACTION

If the City is successful at obtaining these grant funds along with the other regional partners, infrastructure studies will be completed for sites along Folsom Boulevard within a 1/2 mile radius of the Mather Field / Mills and Cordova Town Center. This will make these sites more attractive to developers by reducing expenses and adding more certainty to the development process.

BACKGROUND

Rancho Cordova Public Works, Housing, Economic Development and Planning staff members have been working with regional partners to prepare an application for up to one million dollars in grant funds. If successful, the funds will be used to complete infrastructure analysis studies for Transit Oriented Development (TOD) sites within proximity to Folsom Boulevard light rail stations. Both the Mather Field / Mills and Cordova Town Center stations within the City limits of Rancho Cordova will be included in the study. Three stations within Sacramento County will also be included (Hazel, Butterfield and Watt).

This grant application is a cooperative regional effort with the participation of Rancho Cordova, Sacramento County, Sacramento Area Council of Governments, Regional Transit and the Local Government Commission all involved in the effort. The source of the funds is the State of California, Sustainable Community Planning Grant, Proposition 84. The primary goal of the grant program is to implement plans that reduce greenhouse gas emissions. Transit Oriented Development opportunities are considered a good way to reduce automobile use, reduce distances between residential areas, jobs and services, and as a way to create higher quality urban environments. All of these factors contribute to reduced greenhouse gas emissions.

ATTACHMENT

Resolution No. 96-2010.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 96-2010

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
APPROVING THE JOINT APPLICATION OF GRANT FUNDS IN COOPERATION WITH
SACRAMENTO COUNTY, REGIONAL TRANSIT (RT), SACRAMENTO AREA COUNCIL OF
GOVERNMENTS (SACOG), AND THE LOCAL GOVERNMENT COMMISSION (LGC) FOR
THE SUSTAINABLE COMMUNITIES PLANNING GRANT
BOND ACT OF 2006 (PROPOSITION 84)**

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and

WHEREAS, the Strategic Growth Council has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the Strategic Growth Council require a resolution certifying the approval of application by the Applicants governing board before submission of said application to the State; and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the development of the proposal; and

WHEREAS, the proposal put forth by Rancho Cordova, Sacramento County, SAGOG, RT and LGC works towards implementing proven techniques of reducing green house gas (GHG) emissions; implements smart growth principles; helps improve our jobs and housing balance, and it makes the greatest use of our existing communities and infrastructure in a sustainable manner; and

WHEREAS, the proposal brings together the region in a coordinated and collaborative project to address issues and solutions that in the end will ground-truth our plans for reducing GHG emissions and kick-off much needed transit oriented development.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA

1. Approves the filing of an application to complete infrastructure analysis to facilitate Transit Oriented Development (TOD) at five location along Folsom Boulevard, two of which are within the City of Rancho Cordova; and
2. Certifies that applicant understands the assurances and certification in the application; and
3. Certifies that applicant will have sufficient funds to develop the Proposal or will secure the resources to do so, and
4. Certifies that the Proposal will comply with any applicable laws and regulations; and

5. Appoints the Municipal Services Agency (MSA) Administrator with Sacramento County, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project; and
6. The City of Rancho Cordova will work jointly with the MSA Administrator to execute the approved work program; and
7. The City will work cooperatively with representatives from Sacramento County, Sacramento Area Council of Governments, Regional Transit, and Local Government Commission throughout the project.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the _____ day of _____, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk

MEMORANDUM



DATE: August 16, 2010

TO: Honorable Mayor and Council Members

FROM: Cyrus Abhar, Public Works Director

SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT TO SACRAMENTO AREA SEWER DISTRICT WITHIN CITY OWNED PROPERTY

RECOMMENDATION

Adopt Resolution No. 98-2010.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will authorize the City Manager to execute an easement to the Sacramento Area Sewer District (SASD) for the installation and maintenance of a sewer line within city owned property located at the southeast corner of Sunrise Boulevard and Douglas Road.

BACKGROUND

In 2008, SASD discovered that the sewer line beneath the intersection of Douglas and Sunrise had been significantly damaged by settlement. The sewer line was intended to serve the commercial property at the southeast corner of Sunrise and Douglas and was not active at the time. Due to the difficulty of repairing the line in place beneath a new intersection, the line was abandoned and staff coordinated with SASD and the contractor to select an alternative alignment. A portion of the new alignment was proposed to be routed through a strip of land then owned by Donahue-Schriber (**Attachment 2**).

The City has recently obtained ownership of the strip of land previously owned by Donahue-Schriber. SASD requires provision of a sewer easement through this property prior to final approval of the plan and proceeding with construction.

To minimize disruption to the public and new pavement within Sunrise Boulevard, the new sewer line will be installed by boring beneath this busy road from the southeast corner to the southwest corner of Sunrise and Douglas. Within the older pavement of Douglas Road the sewer will be cut into the street by open trench. Construction is anticipated to commence this fall.

ATTACHMENTS

1. Resolution No. 98-2010.
2. Site Map.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 98-2010

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT TO SACRAMENTO
AREA SEWER DISTRICT WITHIN CITY OWNED PROPERTY**

WHEREAS, the sewer line intended to serve the commercial property at the southeast corner of Sunrise Boulevard and Douglas Road is significantly damaged; and

WHEREAS, the damaged line has been abandoned and a new location for the sewer line has been coordinated with Sacramento Area Sewer District (SASD); and

WHEREAS, the proposed sewer alignment is located within land owned by the City of Rancho Cordova; and

WHEREAS, SASD requires provision of a sewer easement through this property prior to installation of the sewer line;

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does authorize the City Manager to execute an easement to SASD for the installation and maintenance of a sewer line within city owned property located at the southeast corner of Sunrise Boulevard and Douglas Road.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on this ____ day of ____, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ken Cooley, Mayor

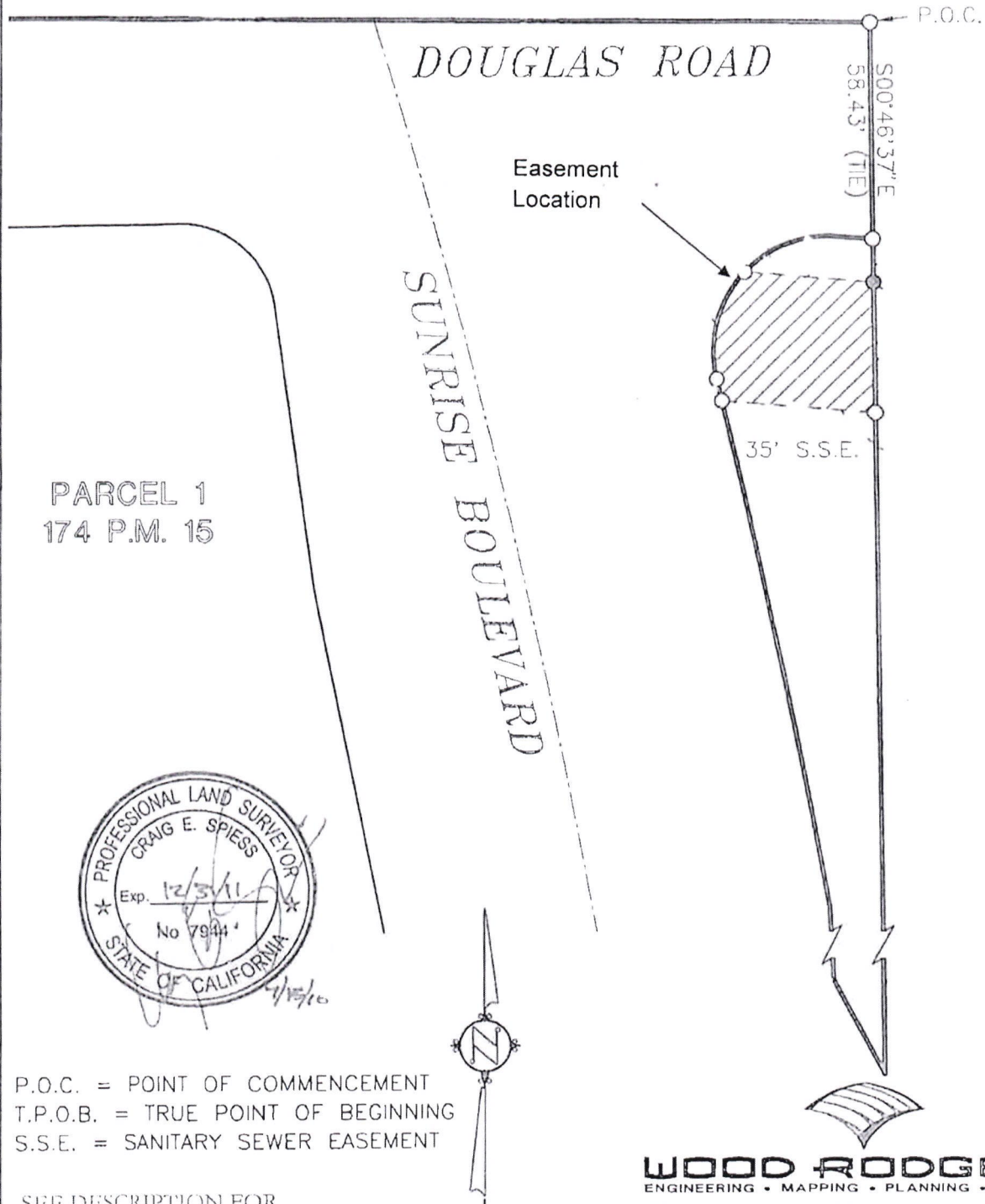
ATTEST:

Mindy Cuppy, City Clerk

ATTACHMENT 2

PLAT TO ACCOMPANY
DESCRIPTION

CITY OF RANCHO CORDOVA
SANITARY SEWER EASEMENT
PORTION OF
20100715 O.R. 0944
CITY OF RANCHO CORDOVA
COUNTY OF SACRAMENTO STATE OF CALIFORNIA



PARCEL 1
174 P.M. 15



P.O.C. = POINT OF COMMENCEMENT
T.P.O.B. = TRUE POINT OF BEGINNING
S.S.E. = SANITARY SEWER EASEMENT

SEE DESCRIPTION FOR
COURSE INFORMATION

SCALE: 1" = 40'

WOOD RODGERS
ENGINEERING • MAPPING • PLANNING • SURVEYING
3301 C St., Bldg. 100-B Tel 916.341.7760
Sacramento, CA 95816 Fax 916.341.7767

MEMORANDUM



DATE: August 16, 2010

TO: Honorable Mayor and Council Members

FROM: Reed Flory, Housing Services Administrator
David Gassaway, Housing Services Assistant

SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ASSIGNMENT AND ASSUMPTION OF OPTION AGREEMENT FOR THE PURCHASE OF A PARCEL OF LAND, FORMERLY AN ALLEYWAY LOCATED BETWEEN 10477 AND 10465 FOLSOM BOULEVARD; IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 057-0221-009-000

RECOMMENDATION

Adopt Resolution No. 100-2010.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will authorize the City Manager to execute the Assignment and Assumption of Option Agreement.

BACKGROUND

On January 8, 2010, the City of Rancho Cordova (City) entered into an Option Agreement with UHC 00516 Rancho Cordova L.P. (UHC), an affordable housing developer, for the acquisition of certain real property, identified as Assessor's Parcel Number 057-0221-009-0000 ("Property"), along Folsom Boulevard. The "Property," formerly an alleyway, is located between the easterly property line of 10477 Folsom Boulevard and the westerly property line of 10465 Folsom Boulevard. The purpose of acquiring the "Property" was to expand the space available for the development of affordable senior rental housing in a project conceptually titled Horizons at New Rancho.

The relationship between the City and UHC, in matters pertaining to the acquisition of real property for redevelopment of affordable housing, was detailed in a Memorandum of Understanding and Exclusive Right to Negotiate (MOU) dated August 12, 2008. The MOU provided that UHC would acquire real property on behalf of the City and that the City, upon close of escrow, would reimburse UHC for costs related to acquisition of property. In order to protect its interests in the acquisition of property by UHC with City funding, an Option Agreement was negotiated. The Option Agreement granted the City authority to assign an option to the Community Redevelopment Agency of the City of Rancho Cordova (Agency) to purchase the property back from UHC, at a cost of One

Dollar (\$1). Exercising this option means the City gives the Agency the authority to request and take title to the Property.

DISCUSSION

As part of the efforts of both UHC and the City to determine the feasibility of developing affordable senior housing on the Property, it has come to staff's attention that a grant application will be the best manner in which to obtain necessary funding. In order to make application for grants an easier process, staff feels it necessary to consolidate multiple lots, including the Stagger Inn, the alleyway, and the Woodberry Gardens Apartments property, into one lot. To exercise this option, Resolution No. 100-2010 gives the City Manager the authority to execute an Assignment and Assumption of Option Agreement (**Exhibit A**) for the purchase of the "Property" from UHC for \$1. Upon exercise of the Option Agreement and subsequent acquisition of the property by the Agency, all three lots will be consolidated under a Boundary Line Adjustment.

ATTACHMENTS

Resolution No. 100-2010 including (**Exhibit A**) Assignment and Assumption of Option Agreement

CITY OF RANCHO CORDOVA

RESOLUTION NO. 100-2010

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AUTHORIZING THE CITY MANAGER TO EXECUTE THE
ASSIGNMENT AND ASSUMPTION OF OPTION AGREEMENT FOR THE PURCHASE OF
ASSESSOR'S PARCEL NUMBER 057-0221-009-0000**

WHEREAS, on January 8, 2010 UHC 00516 Rancho Cordova L.P., a California limited partnership ("Optionor") and the City of Rancho Cordova, a California municipal corporation ("Optionee"), entered into an Option Agreement whereby Optionee acquired an option to purchase certain real property identified as a portion of Folsom Boulevard, Rancho Cordova, California, located in the Rancho Cordova Project Area and identified as Sacramento County A.P.N. 057-0221-009-000 ("Property") for the purchase price of One Dollar; and

WHEREAS, the Option Agreement grants Optionee the absolute right, at Optionee's sole discretion, to assign its rights thereunder to the Community Redevelopment Agency of the City of Rancho Cordova, a public body, corporate and politic ("Agency"); and

WHEREAS, Optionee has exercised its option to purchase the "Property," and desires to assign its rights under the Option Agreement to Agency, and Agency desires to accept said assignment of Optionee's rights thereunder and to purchase the "Property."

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Rancho Cordova authorizes the City Manager to execute the Assignment and Assumption of Option Agreement (**Exhibit A**) substantially in the form presented to the City Council and on file with the City Clerk, with such modifications as may be approved by the City Manager in consultation with the City Attorney.

This resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the _____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Rancho Cordova Community Redevelopment
Agency
2729 Prospect Park Drive
Rancho Cordova, CA 95670
Attn: Agency Secretary

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE §§6103, 27383

Space above this line for Recorder's use.

ASSIGNMENT AND ASSUMPTION OF OPTION AGREEMENT

This Assignment and Assumption of Option Agreement (this "**Assignment**") is entered into as of _____, 2010 (the "**Effective Date**"), by and between the City of Rancho Cordova, a California municipal corporation ("**Assignor**"), and the Community Redevelopment Agency of the City of Rancho Cordova, a public body, corporate and politic ("**Assignee**").

RECITALS

A. Assignor is a party to and is identified as the "**Optionee**" in that certain Option Agreement ("**Option Agreement**") dated as of January 8, 2010, between Assignor and UHC 00516 Rancho Cordova, L.P., a California limited partnership ("**Optionor**"), and as such has an option to purchase that certain real property identified as Folsom Blvd., Rancho Cordova, California, and more particularly described in Exhibit A attached hereto and incorporated herein by this reference, together with any improvements thereon (the "**Property**"), on the terms and conditions stated therein.

B. Assignee is organized pursuant to the Community Redevelopment Law, Health and Safety Code Section 33000 et seq. (the "**CRL**"), and has responsibility for the real property described within the Redevelopment Plan for the Rancho Cordova Project Area ("**Project Area**"). The Property is located within the Project Area.

C. The Option Agreement gives Assignor the absolute right, at its sole discretion, to assign Assignor's rights under the Option Agreement to Assignee.

D. Assignor desires to assign to Assignee all of its rights, title, and interests in the Option Agreement, and Assignee desires to accept such assignment and to assume in full the Assignor's duties and obligations under the Option Agreement.

AGREEMENT

Based on the foregoing Recitals, which are incorporated herein by reference, and in consideration of the covenants, agreements contained herein, and for other good and valuable consideration, the receipt of which are hereby acknowledged, Assignor and Assignee hereby agree as follows:

1. Assignment. Assignor hereby grants, transfers and assigns to Assignee all of Assignor's rights, title and interests in and obligations under the Option Agreement.
2. Assumption. Assignee hereby: (i) accepts the assignment of all of Assignor's rights, title and interests in and to the Option Agreement; (ii) assumes in full the Assignor's obligations, duties, covenants, rights and agreements under the Option Agreement; and (iii) agrees to perform the obligations, covenants and duties of the Assignor under the Option Agreement as if Assignee was the original party signatory to the Option Agreement.
3. Binding Effect. This Agreement is binding upon and will inure to the benefit of the parties, their successors and assigns.
4. Invalidity. Any provision of the Agreement which is determined by a court to be invalid or unenforceable shall be deemed severed herefrom, and the remaining provisions shall remain in full force and effect as if the invalid or unenforceable provision had not been a part hereof.
5. Third-Party Rights. Nothing in this Agreement, express or implied, is intended to confer upon any person, other than the parties and their respective successors and assigns, any rights or remedies.
6. Governing Law. This Agreement shall be governed and construed in accordance with California law.
7. Due Authorization. Each party hereby represents and warrants that (i) all actions necessary on the part of each to authorize the execution of this Assignment and to undertake the actions contemplated hereby have been undertaken, (ii) the person(s) executing this agreement on behalf of each have been duly authorized to do so; and (iii) upon execution, this Assignment shall be valid and enforceable against each.

/SIGNATURE PAGE FOLLOWS/

IN WITNESS WHEREOF, the parties have executed this Assignment.

ASSIGNOR:

City of Rancho Cordova
A California municipal corporation

By: _____
Ted A. Gaebler, City Manager

ASSIGNEE:

Community Redevelopment Agency of the City of Rancho Cordova
A public body, corporate and politic

By: _____
Ted A. Gaebler, Executive Director

ATTEST:

By: _____
Mindy Cuppy, City Clerk

APPROVED AS TO FORM:

By: _____
Adam Lindgren, City Attorney

EXHIBIT A – PROPERTY DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF RANCHO CORDOVA,
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

The East 31.00 feet of the West 170.00 feet of Lot 35 of Cordova Court Unit No. 2, according to the official plat thereof, filed in the office of the Recorder of Sacramento County, California, on March 31, 1959, in Book 53 of Maps, Map No. 8.

Said West 170 feet being measured at right angles from the Southwesterly line of said Lot.

APN: 057-0221-009-0000

Community Redevelopment Agency

OF THE CITY OF RANCHO CORDOVA

MEMORANDUM

DATE: August 16, 2010

TO: Agency Director and Members

FROM: Reed Flory, Housing Services Administrator
David Gassaway, Housing Services Assistant

SUBJECT: RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF RANCHO CORDOVA AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN ASSIGNMENT AND ASSUMPTION OF OPTION AGREEMENT FOR THE PURCHASE OF A PARCEL OF LAND, FORMERLY AN ALLEYWAY, LOCATED BETWEEN 10477 AND 10465 FOLSOM BOULEVARD; IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 057-0221-009-000; A CERTIFICATE OF ACCEPTANCE OF GRANT DEED; AND TAKE ALL OTHER REASONABLY NECESSARY ACTIONS FOR THE PURCHASE

RECOMMENDATION

Adopt Community Redevelopment Agency Resolution No. CRA-8-2010.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will authorize the Executive Director to execute the Assignment and Assumption of Option Agreement, a Certificate of Acceptance of Grant Deed, and such modifications that may be approved by Agency counsel.

BACKGROUND

On January 8, 2010, the City of Rancho Cordova (City) entered into an Option Agreement with UHC 00516 Rancho Cordova L.P. (UHC), an affordable housing developer, for the acquisition of certain real property, identified as Assessor's Parcel Number 057-0221-009-0000 ("Property"), along Folsom Boulevard. The "Property," formerly an alleyway is located between the easterly property line of 10477 Folsom Boulevard and the westerly property line of 10465 Folsom Boulevard. The purpose of acquiring the "Property" was to expand the space available for the development of affordable senior rental housing in a project conceptually titled Horizons at New Rancho.

The relationship between the City and UHC, in matters pertaining to the acquisition of real property for redevelopment of affordable housing, was detailed in a Memorandum of

Understanding and Exclusive Right to Negotiate (MOU) dated August 12, 2008. The MOU provided that UHC would acquire real property on behalf of the City and that the City, upon close of escrow, would reimburse UHC for costs related to acquisition of property. In order to protect its interests in the acquisition of property by UHC with City funding, an Option Agreement was negotiated. The Option Agreement granted the City authority to assign an option to the Community Redevelopment Agency of the City of Rancho Cordova (Agency) to purchase the property back from UHC, at a cost of one dollar (\$1). Exercising this option means the City gives the Agency the authority to request and take title to the Property.

DISCUSSION

As part of the efforts of both UHC and the City to determine the feasibility of developing affordable senior housing on the Property, it has come to staff's attention that a grant application will be the best manner in which to obtain necessary funding. In order to make application for grants an easier process, staff feels it necessary to consolidate multiple lots, including 10477 Folsom Boulevard, the alleyway, and the Woodberry Gardens Apartments, located at 2728 Woodberry Way, into one lot. To exercise this option, City staff recommended the City Council of the City of Rancho Cordova adopt Resolution No. 100-2010 (**Attachment 2**) authorizing the City Manager of the City of Rancho Cordova to execute an Assignment and Assumption of Option Agreement with the Agency for the purchase of the Property from UHC for \$1.

Community Redevelopment Agency Resolution No. CRA-8-2010 (**Attachment 1**) provides the Executive Director of the Agency authorization to execute an Assignment and Assumption of Option Agreement (**Exhibit A**). In addition, Community Redevelopment Agency Resolution No. CRA-8-2010 provides the Executive Director of the Agency authorization to execute a Certificate of Acceptance of Grant Deed, to be provided by the title company, which provides the Agency the legal authority to accept title to the "Property." Upon execution of the Assignment and Assumption of Option Agreement, exercise of the Option Agreement, and execution of the Certificate of Acceptance of Grant Deed, all three lots, as previously described, will be consolidated under a Boundary Line Adjustment.

ATTACHMENTS

1. Community Redevelopment Agency Resolution No. CRA-8-2010 including (**Exhibit A**) Assignment and Assumption of Option Agreement.
2. City Resolution No. 100-2010.

RESOLUTION NO. CRA-8-2010

**COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF RANCHO CORDOVA
AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE THE ASSIGNMENT AND
ASSUMPTION OF OPTION AGREEMENT FOR THE PURCHASE OF ASSESSOR'S PARCEL
NUMBER 057-0221-009-000; AND A CERTIFICATE OF ACCEPTANCE OF GRANT DEED
AND TO TAKE ALL OTHER REASONABLY NECESSARY ACTIONS FOR THE PURCHASE**

WHEREAS, on January 8, 2010 UHC 00516 Rancho Cordova L.P., a California limited partnership (Optionor) and the City of Rancho Cordova, a California municipal corporation (Optionee), entered into an Option Agreement whereby Optionee acquired an option to purchase certain real property identified as a portion of Folsom Boulevard, Rancho Cordova, California, located in the Rancho Cordova Project Area and identified as Sacramento County A.P.N. 057-0221-009-000 ("Property") for the purchase price of One Dollar; and

WHEREAS, the Option Agreement grants Optionee the absolute right, at Optionee's sole discretion, to assign its rights thereunder to the Community Redevelopment Agency of the City of Rancho Cordova, a public body, corporate and politic (Agency); and

WHEREAS, Optionee has exercised its option to purchase the Property, and desires to assign its rights under the Option Agreement to Agency, and Agency desires to accept said assignment of Optionee's rights thereunder and to purchase the Property.

NOW THEREFORE, BE IT RESOLVED by the Community Redevelopment Agency of the City of Rancho Cordova:

Section 1. The Agency hereby authorizes and directs the Executive Director of the Agency to execute the Assignment and Assumption of Option Agreement (**Exhibit A**) substantially in the form presented to the Agency Board and on file with the Agency Secretary, with such modifications as may be approved by the Executive Director in consultation with Agency Counsel.

Section 2. The Agency authorizes the Executive Director of the Agency, or his designee, to execute such additional documents, including a Certificate of Acceptance of Grant Deed, and to take all such further actions as are reasonably necessary to carry out the intent of this Resolution.

PASSED AND ADOPTED by the Board Members of the Community Redevelopment Agency of the City of Rancho Cordova on this ____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ken Cooley, Agency Chair

ATTEST:

Mindy Cuppy, Agency Secretary

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Rancho Cordova Community Redevelopment
Agency
2729 Prospect Park Drive
Rancho Cordova, CA 95670
Attn: Agency Secretary

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE §§6103, 27383

Space above this line for Recorder's use.

ASSIGNMENT AND ASSUMPTION OF OPTION AGREEMENT

This Assignment and Assumption of Option Agreement (this "**Assignment**") is entered into as of _____, 2010 (the "**Effective Date**"), by and between the City of Rancho Cordova, a California municipal corporation ("**Assignor**"), and the Community Redevelopment Agency of the City of Rancho Cordova, a public body, corporate and politic ("**Assignee**").

RECITALS

A. Assignor is a party to and is identified as the "**Optionee**" in that certain Option Agreement ("**Option Agreement**") dated as of January 8, 2010, between Assignor and UHC 00516 Rancho Cordova, L.P., a California limited partnership ("**Optionor**"), and as such has an option to purchase that certain real property identified as Folsom Blvd., Rancho Cordova, California, and more particularly described in Exhibit A attached hereto and incorporated herein by this reference, together with any improvements thereon (the "**Property**"), on the terms and conditions stated therein.

B. Assignee is organized pursuant to the Community Redevelopment Law, Health and Safety Code Section 33000 et seq. (the "**CRL**"), and has responsibility for the real property described within the Redevelopment Plan for the Rancho Cordova Project Area ("**Project Area**"). The Property is located within the Project Area.

C. The Option Agreement gives Assignor the absolute right, at its sole discretion, to assign Assignor's rights under the Option Agreement to Assignee.

D. Assignor desires to assign to Assignee all of its rights, title, and interests in the Option Agreement, and Assignee desires to accept such assignment and to assume in full the Assignor's duties and obligations under the Option Agreement.

AGREEMENT

Based on the foregoing Recitals, which are incorporated herein by reference, and in consideration of the covenants, agreements contained herein, and for other good and valuable consideration, the receipt of which are hereby acknowledged, Assignor and Assignee hereby agree as follows:

1. Assignment. Assignor hereby grants, transfers and assigns to Assignee all of Assignor's rights, title and interests in and obligations under the Option Agreement.
2. Assumption. Assignee hereby: (i) accepts the assignment of all of Assignor's rights, title and interests in and to the Option Agreement; (ii) assumes in full the Assignor's obligations, duties, covenants, rights and agreements under the Option Agreement; and (iii) agrees to perform the obligations, covenants and duties of the Assignor under the Option Agreement as if Assignee was the original party signatory to the Option Agreement.
3. Binding Effect. This Agreement is binding upon and will inure to the benefit of the parties, their successors and assigns.
4. Invalidity. Any provision of the Agreement which is determined by a court to be invalid or unenforceable shall be deemed severed herefrom, and the remaining provisions shall remain in full force and effect as if the invalid or unenforceable provision had not been a part hereof.
5. Third-Party Rights. Nothing in this Agreement, express or implied, is intended to confer upon any person, other than the parties and their respective successors and assigns, any rights or remedies.
6. Governing Law. This Agreement shall be governed and construed in accordance with California law.
7. Due Authorization. Each party hereby represents and warrants that (i) all actions necessary on the part of each to authorize the execution of this Assignment and to undertake the actions contemplated hereby have been undertaken, (ii) the person(s) executing this agreement on behalf of each have been duly authorized to do so; and (iii) upon execution, this Assignment shall be valid and enforceable against each.

/SIGNATURE PAGE FOLLOWS/

IN WITNESS WHEREOF, the parties have executed this Assignment.

ASSIGNOR:

City of Rancho Cordova
A California municipal corporation

By: _____
Ted A. Gaebler, City Manager

ASSIGNEE:

Community Redevelopment Agency of the City of Rancho Cordova
A public body, corporate and politic

By: _____
Ted A. Gaebler, Executive Director

ATTEST:

By: _____
Mindy Cuppy, City Clerk

APPROVED AS TO FORM:

By: _____
Adam Lindgren, City Attorney

EXHIBIT A – PROPERTY DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF RANCHO CORDOVA,
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

The East 31.00 feet of the West 170.00 feet of Lot 35 of Cordova Court Unit No. 2, according to the official plat thereof, filed in the office of the Recorder of Sacramento County, California, on March 31, 1959, in Book 53 of Maps, Map No. 8.

Said West 170 feet being measured at right angles from the Southwesterly line of said Lot.

APN: 057-0221-009-0000

CITY OF RANCHO CORDOVA

RESOLUTION NO. 100-2010

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AUTHORIZING THE CITY MANAGER TO EXECUTE THE ASSIGNMENT AND ASSUMPTION
OF OPTION AGREEMENT FOR THE PURCHASE OF ASSESSOR'S PARCEL NUMBER 057-
0221-009-0000**

WHEREAS, on January 8, 2010 UHC 00516 Rancho Cordova L.P., a California limited partnership ("Optionor") and the City of Rancho Cordova, a California municipal corporation ("Optionee"), entered into an Option Agreement whereby Optionee acquired an option to purchase certain real property identified as a portion of Folsom Boulevard, Rancho Cordova, California, located in the Rancho Cordova Project Area and identified as Sacramento County A.P.N. 057-0221-009-000 ("Property") for the purchase price of One Dollar; and

WHEREAS, the Option Agreement grants Optionee the absolute right, at Optionee's sole discretion, to assign its rights thereunder to the Community Redevelopment Agency of the City of Rancho Cordova, a public body, corporate and politic ("Agency"); and

WHEREAS, Optionee has exercised its option to purchase the "Property," and desires to assign its rights under the Option Agreement to Agency, and Agency desires to accept said assignment of Optionee's rights thereunder and to purchase the "Property."

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Rancho Cordova authorizes the City Manager to execute the Assignment and Assumption of Option Agreement (**Exhibit A**) substantially in the form presented to the City Council and on file with the City Clerk, with such modifications as may be approved by the City Manager in consultation with the City Attorney.

This resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of ____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Rancho Cordova Community Redevelopment
Agency
2729 Prospect Park Drive
Rancho Cordova, CA 95670
Attn: Agency Secretary

EXEMPT FROM RECORDING FEES PER
GOVERNMENT CODE §§6103, 27383

Space above this line for Recorder's use.

ASSIGNMENT AND ASSUMPTION OF OPTION AGREEMENT

This Assignment and Assumption of Option Agreement (this "**Assignment**") is entered into as of _____, 2010 (the "**Effective Date**"), by and between the City of Rancho Cordova, a California municipal corporation ("**Assignor**"), and the Community Redevelopment Agency of the City of Rancho Cordova, a public body, corporate and politic ("**Assignee**").

RECITALS

A. Assignor is a party to and is identified as the "**Optionee**" in that certain Option Agreement ("**Option Agreement**") dated as of January 8, 2010, between Assignor and UHC 00516 Rancho Cordova, L.P., a California limited partnership ("**Optionor**"), and as such has an option to purchase that certain real property identified as Folsom Blvd., Rancho Cordova, California, and more particularly described in Exhibit A attached hereto and incorporated herein by this reference, together with any improvements thereon (the "**Property**"), on the terms and conditions stated therein.

B. Assignee is organized pursuant to the Community Redevelopment Law, Health and Safety Code Section 33000 et seq. (the "**CRL**"), and has responsibility for the real property described within the Redevelopment Plan for the Rancho Cordova Project Area ("**Project Area**"). The Property is located within the Project Area.

C. The Option Agreement gives Assignor the absolute right, at its sole discretion, to assign Assignor's rights under the Option Agreement to Assignee.

D. Assignor desires to assign to Assignee all of its rights, title, and interests in the Option Agreement, and Assignee desires to accept such assignment and to assume in full the Assignor's duties and obligations under the Option Agreement.

AGREEMENT

Based on the foregoing Recitals, which are incorporated herein by reference, and in consideration of the covenants, agreements contained herein, and for other good and valuable consideration, the receipt of which are hereby acknowledged, Assignor and Assignee hereby agree as follows:

1. Assignment. Assignor hereby grants, transfers and assigns to Assignee all of Assignor's rights, title and interests in and obligations under the Option Agreement.
2. Assumption. Assignee hereby: (i) accepts the assignment of all of Assignor's rights, title and interests in and to the Option Agreement; (ii) assumes in full the Assignor's obligations, duties, covenants, rights and agreements under the Option Agreement; and (iii) agrees to perform the obligations, covenants and duties of the Assignor under the Option Agreement as if Assignee was the original party signatory to the Option Agreement.
3. Binding Effect. This Agreement is binding upon and will inure to the benefit of the parties, their successors and assigns.
4. Invalidity. Any provision of the Agreement which is determined by a court to be invalid or unenforceable shall be deemed severed herefrom, and the remaining provisions shall remain in full force and effect as if the invalid or unenforceable provision had not been a part hereof.
5. Third-Party Rights. Nothing in this Agreement, express or implied, is intended to confer upon any person, other than the parties and their respective successors and assigns, any rights or remedies.
6. Governing Law. This Agreement shall be governed and construed in accordance with California law.
7. Due Authorization. Each party hereby represents and warrants that (i) all actions necessary on the part of each to authorize the execution of this Assignment and to undertake the actions contemplated hereby have been undertaken, (ii) the person(s) executing this agreement on behalf of each have been duly authorized to do so; and (iii) upon execution, this Assignment shall be valid and enforceable against each.

/SIGNATURE PAGE FOLLOWS/

IN WITNESS WHEREOF, the parties have executed this Assignment.

ASSIGNOR:

City of Rancho Cordova
A California municipal corporation

By: _____
Ted A. Gaebler, City Manager

ASSIGNEE:

Community Redevelopment Agency of the City of Rancho Cordova
A public body, corporate and politic

By: _____
Ted A. Gaebler, Executive Director

ATTEST:

By: _____
Mindy Cuppy, City Clerk

APPROVED AS TO FORM:

By: _____
Adam Lindgren, City Attorney

EXHIBIT A – PROPERTY DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF RANCHO CORDOVA,
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

The East 31.00 feet of the West 170.00 feet of Lot 35 of Cordova Court Unit No. 2, according to the official plat thereof, filed in the office of the Recorder of Sacramento County, California, on March 31, 1959, in Book 53 of Maps, Map No. 8.

Said West 170 feet being measured at right angles from the Southwesterly line of said Lot.

APN: 057-0221-009-0000

MEMORANDUM



DATE: August 16, 2010

TO: Honorable Mayor and Council Members

FROM: Donna Silva, Finance Director

SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE FIRST AMENDMENT CONTRACT NO. 111-2010 FOR THE WEED AND SEED GRANT FINAL REPORTING PERIOD IN THE AMOUNT OF \$3,900

RECOMMENDATION

Adopt Resolution No. 101-2010.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will extend the contract amount from \$37,500 to \$41,400, and extend the term until September 30, 2010. The total of all Weed and Seed contracts executed since July 1, 2006 totals an amount of \$143,750. The inclusion of the current Contract No. 111-2010 in the amount of \$3,900 will increase the total of all contracts to \$147,650.

BACKGROUND

The Weed & Seed Grant, from the Department of Justice, requires the Rancho Cordova Weed and Seed to employ a Site Coordinator; however, the Site Coordinator cannot be paid from the grant, the funds must come from outside the grant. When the City became the fiscal agent to the Weed and Seed grant in July 2005, the compensation to the Site Coordinator was being paid from donations collected from the community; however, the Rancho Cordova Weed and Seed found that the community was not continuing to donate enough funds to continue paying the Site Coordinator.

On July 1, 2006, the City first executed a Memorandum of Understanding and Cooperative Agreement (Contract No. 135-2006) in the amount of \$37,500 with the Rancho Cordova Weed and Seed, Inc. to provide funding for the Site Coordinator for the Fiscal Year 2006-07. This MOU was then amended on July 1, 2007 to increase the time period through Fiscal Year 2007-08 and to increase the total amount to \$75,000 (Contract Nos. 98-2007 & 167-2007). On July 1, 2008, this MOU was amended a third time (Contract No. 62-2008) to continue through Fiscal Year 2008-09 and to increase the total to \$106,250.

On July 1, 2009, another MOU was executed (Contract No. 101-2009) to continue paying for the Site Coordinator through Fiscal Year 2009-10 for an additional amount of

\$37,500. And now, to provide funding to the Site Coordinator to the end of the grant period, ending on July 31, 2010, and to provide enough time to close out the grant and file the final papers, we are amending the current contract to extend the end date to September 30, 2010 and add an additional \$3,900. This would bring the total amount of all contracts to date to a total of \$147,650.

ATTACHMENTS

1. Resolution No. 101-2010 including **(Exhibit A)** Contract Amendment No. 111-2010.
2. Contract Nos. 135-2006, 98-2007, 167-2007, 62-2008, and 101-2009.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 101-2010

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE
MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF RANCHO CORDOVA
AND THE RANCHO CORDOVA WEED AND SEED**

WHEREAS, the City of Rancho Cordova and the Rancho Cordova Weed and Seed entered into a Memorandum of Understanding (MOU) dated July 1, 2006 and a first and second amendment dated July 1, 2007 and a third amendment dated July 1, 2008 for the purpose of providing grant matching funds for the Site Coordinator of the Weed and Seed grant; and

WHEREAS, effective July 1, 2009, the City and the Rancho Cordova Weed and Seed entered into another MOU to provide additional funding for the final grant year for the Site Coordinator for the Fiscal Year 2009-10; and

WHEREAS, the original intent of the MOU was to provide matching funds for the Weed and Seed grant to pay for the Site Coordinator to manage and administer the Weed and Seed grant, as stated in the grant requirements; and

WHEREAS, the City has approved the funding in the past Fiscal Years 2006-07 through 2010-11 Adopted Budgets for the purposes of this MOU.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does authorize the City Manager to execute the First Amendment to the Memorandum of Understanding between the City of Rancho Cordova and the Rancho Cordova Weed and Seed, Inc., attached as **Exhibit A**.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on this ____ day of ____, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk

**FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING AND
COOPERATIVE AGREEMENT BETWEEN THE CITY OF RANCHO CORDOVA
AND RANCHO CORDOVA WEED AND SEED, INC.**

This First Amendment to the Memorandum of Understanding and Cooperative Agreement ("Amendment") is made by and between the City of Rancho Cordova ("City") and Rancho Cordova Weed and Seed ("Weed and Seed") as of July 1, 2010. City and Weed and Seed are hereinafter collectively referred to as the "Parties."

RECITALS

WHEREAS, the Parties entered into a Memorandum of Understanding and Cooperative Agreement ("MOU") dated July 1, 2009 for the purpose to assist the City in implementing strategies, goals, and objectives associated with reducing crime in target areas; creating a safer environment in the target areas through increased communication with community members and local law enforcement; developing an environment free from drug and alcohol abuse in which youth, ethnic, and cultural groups are engaged in accessing services and activities; and advocating the assimilation of neighborhood residents and business needs to increase employment, provide goods and services needed by the residents, and improve the overall condition and image of the neighborhood; and

WHEREAS, this Amendment will provide additional compensation to the Weed and Seed to the end of the grant, July 31, 2010, and for submitting the final reports; and

WHEREAS, the Parties agree that changes to the term and services provided for in the MOU are necessary in order for the City to continue receiving services by Weed and Seed.

NOW, THEREFORE, the Parties hereto agree as follows:

AGREEMENT

1. The Parties agree to modify the end date of the MOU from June 30, 2010, to July 31, 2010. The first sentence of the Agreement Section of the MOU, "Term", is amended to read as follows:

"The activities carried out as a result of this MOU will be performed by Weed and Seed starting July 1, 2009 and ending September 30, 2010."

2. Section 3 of the MOU, Agreement Section, "Compensation," provides for the City to pay Weed and Seed a sum not to exceed Thirty Seven Thousand Five Hundred Dollars (\$37,500). The Parties agree to amend Section 3 of the MOU, Agreement Section in order to increase the compensation amount to pay Weed and Seed for additional services. The first sentence of Section 3 of the MOU, Agreement Section is amended to read as follows:

" The total amount paid during the term of this MOU shall not exceed Forty One Thousand Four Hundred Dollars (\$41,400). City shall pay Weed and Seed for services rendered pursuant to

this MOU, and as detailed in the Role and Responsibilities section of this document, at the time and in the manner set forth herein. The payments specified below shall be the only payments from the City to Weed and Seed for services rendered pursuant to the MOU.

- 3. All other terms and conditions in the CSA shall remain in full force and effect to the extent they are not in conflict with this Amendment.
- 4. The signatures of the Parties to this Amendment may be executed and acknowledged on separate pages or in counterparts which, when attached to this Amendment, shall constitute one complete Amendment.

IN WITNESS WHEREOF, the Parties have executed this Amendment on the day and year first above written.

CITY OF RANCHO CORDOVA

WEED AND SEED

Ted A. Gaebler, City Manager

_____, _____

Date: _____

Date: _____

Attest:

Mindy Cuppy, City Clerk

Date: _____

Approved as to Form:

Adam Lindgren, City Attorney

Date: _____

Printed 7/1/06

**MEMORANDUM OF UNDERSTANDING AND COOPERATIVE
AGREEMENT BETWEEN THE CITY OF RANCHO CORDOVA AND
RANCHO CORDOVA WEED AND SEED, INC.**

This Memorandum of Understanding and Cooperative Agreement ("MOU") by and between the City of Rancho Cordova (hereinafter referred to as "City"), a municipal corporation, and Rancho Cordova Weed and Seed, Inc. (hereinafter referred to as "Weed and Seed, Inc."), a California public benefit corporation, is entered into this 1st day of July, 2006 based on the facts and for the purposes set forth in the following recitals.

RECITALS

- A. In conjunction with the City's ongoing efforts to effectively eliminate drugs and crime in its community, the City wishes to enter into this MOU with Weed and Seed, Inc. to enhance the City's efforts to: a) clean up the City; b) improve the City's image; and c) obtain more community involvement in its weed and seed program strategy.
- B. The City of Rancho Cordova was awarded a grant by the Department of Justice to help achieve the goals stated above.
- C. As such, and as part of the City's General Funding process, this MOU sets out Weed and Seed, Inc.'s requirements for the distribution of money by the City to Weed and Seed, Inc.. This MOU describes the work to be performed by Weed and Seed, Inc., and defines the working relationship and responsibilities between the City and Weed and Seed, Inc.

AGREEMENT

The parties therefore agree as follows:

1. Term. The activities carried out as a result of this MOU will be performed by Weed and Seed, Inc. starting July 1, 2006, and ending June 30, 2007.
2. Grant Compliance. The City and Weed and Seed, Inc. shall comply with all set out "Special Conditions," set out in "Exhibit A," which are required by the Department of Justice for recipients of the grant.
3. Compensation. The total amount paid during the term of this MOU shall not exceed \$37,500. City shall pay Weed and Seed, Inc. for services rendered pursuant to this MOU, and as detailed in the Role and Responsibilities section of this document at the time and in the manner set forth herein. The payments specified below shall be the only payments from the City to Weed and Seed, Inc. for services rendered pursuant to this MOU.

MEMORANDUM



DATE: August 16, 2010

TO: Honorable Mayor and Council Members

FROM: Donna Silva, Finance Director

SUBJECT: RESOLUTION REQUIRING THE GOVERNING BOARD FOR EACH PUBLIC ENTITY TO DESIGNATE A POSITION OR AN INDIVIDUAL TO OFFICIALLY ACT ON BEHALF OF AND ENTER INTO AGREEMENT WITH THE CSAC EXCESS INSURANCE AUTHORITY (EIA)

RECOMMENDATION

Adopt Resolution No. 99-2010.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will allow the Risk Manager to officially act on behalf of and enter into agreements with the EIA.

BACKGROUND

The City of Rancho Cordova is a member of EIA, a risk sharing pool of California public agencies, dedicated to controlling losses and providing effective risk management solutions.

ATTACHMENT

Resolution No. 99-2010.

CITY OF RANCHO CORDOVA

RESOLUTION NO.99-2010

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
DELEGATING AUTHORITY TO RISK MANAGER TO ACT ON BEHALF OF THE
CITY OF RANCHO CORDOVA**

WHEREAS, the CSAC Excess Insurance Authority (Authority) has determined that it is necessary for each member of the Authority to delegate to a person[s] or position[s] authority to act on the member's behalf in matters relating to the member and the Authority; and

WHEREAS, except as to those actions that must be approved by the City of Rancho Cordova, such delegation of authority is necessary in order to carry out the purposes and functions of the Authority with its members; and

WHEREAS, in order to ensure a person[s] or position[s] is delegated with authority to act on the member's behalf in matters relating to the member and the Authority, action by the member's governing body is necessary; and

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does hereby except as to actions that must be approved by the City of Rancho Cordova, the Risk Manager is appointed to act in all matters relating to the member and the Authority.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on this ____ day of ____, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk

MEMORANDUM



DATE: August 16, 2010

TO: Honorable Mayor and Council Members

FROM: Cyrus Abhar, Public Works Director

SUBJECT: **RESOLUTION TO ABANDON A 110 FOOT IRREVOCABLE OFFER OF DEDICATION AND ADJACENT 12.5 FOOT PUBLIC UTILITY EASEMENT LOCATED ON TWO PARCELS FRONTING AIRPARK DRIVE SOUTH OF INTERNATIONAL DRIVE**

RECOMMENDATION

Adopt Resolution No. 85-2010 (**Attachment 1**) Abandoning a 110 foot Irrevocable Offer of Dedication (I.O.D.) and 12.5 foot Public Utility Easement (P.U.E.) shown on and recorded in Book 93 of Parcel Maps, at Page 7.

Attached is an environmental certificate titled Notice of Exemption (**Attachment 2**) that determines this proposed vacation is exempt by General Rule [Section 15061(b)(3)].

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will remove the reservation for a 110 foot future right-of-way and the adjacent public utility easement increasing the net building area for Assessor Parcel Numbers 072-0690-104 and 072-0690-105 located on the east and west side of Airpark Drive south of International Drive.

BACKGROUND

The Evergreen Company acting as an agent for Zinfandel Holdings, Inc. requests the abandonment of the 110 foot I.O.D. and the adjacent P.U.E. The two parcels affected by the I.O.D and P.U.E. were created by a later parcel map recorded in Book 161 of Parcel Maps, at Page 4. Also, a rezone was approved by Sacramento County in 1998. At that time the county stated in there planning document that an application for the abandonment of the 110 foot I.O.D. could be made. The I.O.D. was originally reserved for a future route of International Drive. International Drive has since been re-routed and the I.O.D. is unnecessary.

Zinfandel Holdings, Inc. has agreed to grant the City a new I.O.D. for widening to accommodate the future extension of Femoyer Street as shown on the City's General Plan.

The appropriate utility companies have indicated to staff that they have no objection to the abandonment. The I.O.D. and P.U.E is unnecessary for present or prospective public use.

Pursuant to the provisions of Chapter 3, Part 3 of the Public Streets, Highways and Service Easement Vacation Law commencing at Section 8320 of the Streets and Highway Code Notice of Hearing was posted on site and published in the Grapevine Independent on July 30, 2010 and August 6, 2010.

ATTACHMENTS

1. Resolution No. 85-2010.
2. Notice of Exemption.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 85-2010

A RESOLUTION TO VACATE PEDESTRIAN EASEMENT PURSUANT TO THE PROVISIONS OF CHAPTER 3, PART 3 OF PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW COMMENCING AT SECTION 8320 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

WHEREAS, a hearing date was scheduled for a proposed resolution to vacate a 110 foot Irrevocable Offer of Dedication and 12.5 foot Public Utility Easement; and

WHEREAS, a notice of the hearing has been posted at City hall at least two weeks in advance of the hearing; and

WHEREAS, notice of the date, hour and place of hearing of the proposed vacation was published for at least two successive weeks prior to the hearing; and

WHEREAS, at least two weeks before the day set for the hearing at least three notices of vacation were conspicuously posted along the easements to be vacated, not more than 300 feet apart; and

WHEREAS, the hearing described above has been conducted, and this Council, having heard and considered all oral, documentary and other evidence presented, hereby finds, determines and orders as follows:

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF RANCHO CORDOVA that the Council hereby finds as follows:

- a) That vacation of the Irrevocable Offer of Dedication and adjacent Public Utility Easement would be consistent with the General Plan and all elements and components thereof for the City of Rancho Cordova
- b) The Irrevocable Offer of Dedication was originally reserved for a future route of International Drive. International Drive has since been re-routed and the Irrevocable Offer of Dedication is unnecessary.
- c) The Department of Public Works has no objection to this abandonment.

BE IT FURTHER RESOLVED AND ORDERED that the following described Irrevocable Offer of Dedication and Public Utility Easement are hereby vacated:

See attached exhibit "A" and "A-1"

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on this _____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk

Exhibit "A"

Description 1

That 110 foot Irrevocable Offer of Dedication shown along the south property line of parcel 12 and offered for dedication on the Parcel Map for Capital Center II recorded in Book 93 of Parcel Maps, at Page 7 on April 26, 1986 at the Sacramento County Recorder's office.

Description 2

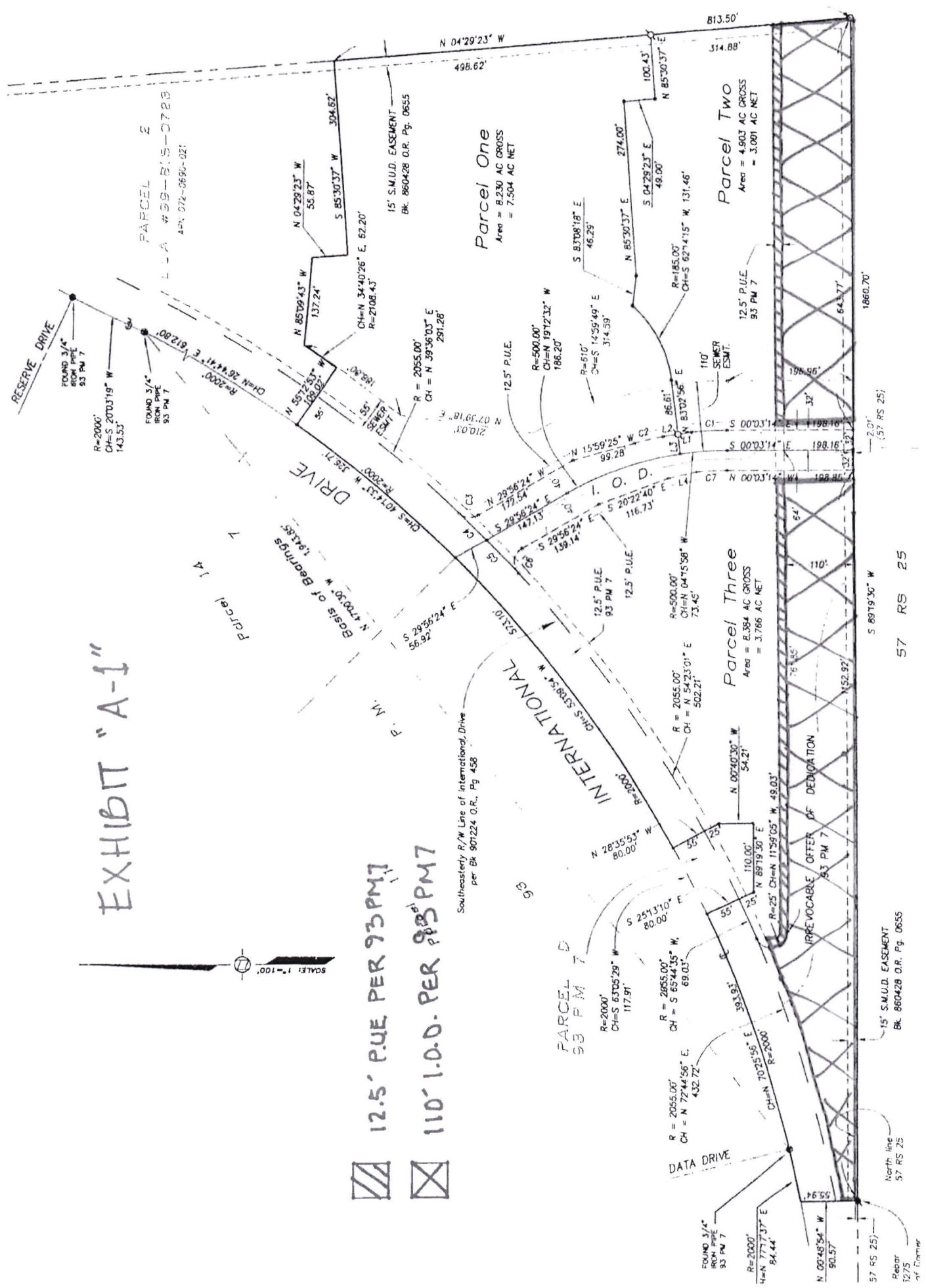
That 12.5 foot Public Utility Easement that lies adjacent to the 110 foot Irrevocable Offer of Dedication granted on the Parcel Map for Capital Center II recorded in Book 93 of Parcel Maps, at Page 7 on April 26, 1986 at the Sacramento County Recorder's office.

Reserving the following easements:

The west 32 feet of Parcel Two and the east 32 feet of Parcel Three of that Irrevocable Offer of Dedication shown over Parcel Three and Parcel Two and offered on the Parcel Map recorded in Book 161 of Parcel Maps, at Page 4 on May 17, 2001 at the Sacramento County Recorder's office.

That 12.5 foot Public Utility Easement that lies adjacent to the Irrevocable Offer of Dedication shown on Parcel Three and Parcel Two and dedicated on the Parcel Map recorded in Book 161 of Parcel Maps, at Page 4 on May 17, 2001 at the Sacramento County Recorder's office.

That 12.5 foot Public Utility Easement that lies adjacent to International Drive granted on Parcel 12 on the Parcel Map for Capital Center II recorded in Book 93 of Parcel Maps, at Page 7 on April 26, 1986 at the Sacramento County Recorder's office.



NOTICE OF EXEMPTION

To: ☐ Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

From: City of Rancho Cordova
Department of Public Works
2729 Prospect Park Drive
Rancho Cordova, CA 95670

☒ County Clerk-Recorder
Sacramento County
600 8th Street
Sacramento, CA 95814

Project Title: **EASEMENT ABONDONDONMENT**

Project Location: Airpark Drive South of International Drive

Assessor's Parcel Number(s): 072-0690-104 and 072-0690-105

Project Description: Abandon a 110 foot irrevocable offer of dedication and adjacent 12.5 foot public utility easement located on two parcels fronting Airpark Drive south of International Drive.

Lead Agency: City of Rancho Cordova

Applicant: Zinfandel Holdings, Inc.
c/o The Evergreen Company
Raymond Gundlach
1755 Creekside Oaks Dr Ste 290
Sacramento, CA 95833

Exemption Status: ☐ Ministerial [Section 21080(b); 15268];
☐ Declared Emergency [Section 21080(b)(3); 15269(a)];
☐ Emergency Project [Section 21080(b)(4); 15269(b)(c)];
☒ **General Rule [Section 15061(b)(3)];**
☐ Categorical Exemption [Section 15332, Infill Development Projects];
☐ Approval of Rates, Tolls, Fares, and Charges [Section 21080(b)(8)(D)];
☐ Statutory Exemption [Section 15273(a)(4)].

REASONS WHY THIS PROJECT IS EXEMPT OR DOES NOT REQUIRE FURTHER ENVIRONMENTAL DOCUMENTATION:

The project is exempt under State CEQA Guidelines [Section 15061(b)(3)], which states:

(b) A project is exempt from CEQA if:

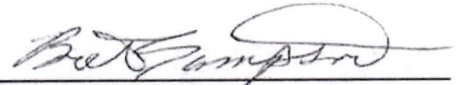
- (3) The activity is covered by the General Rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity is questions may have a significant effect on the environment, the activity is not subject to CEQA.

ATTACHMENT 2

Discussion

The Irrevocable Offer of Dedication was originally reserved for a future route of International Drive. International Drive has since been re-routed and the I.O.D. is unnecessary. The appropriate utility companies have indicated that they have no objection to the abandonment. Furthermore, the I.O.D. and P.U.E. is unnecessary for present or prospective public use. The proposed abandonment does not have the potential to cause a significant effect on the environment as no activities are proposed that could cause adverse impacts.

By



Bret Sampson, Environmental Coordinator
City of Rancho Cordova
(916) 351-8758
Date: August 16, 2010

MEMORANDUM



DATE: August 16, 2010
TO: Honorable Mayor and Council Members
FROM: Donna Silva, Finance Director, and Patty Lohse, Senior Accountant
SUBJECT: **RESOLUTION AUTHORIZING DELINQUENT RESIDENTIAL SOLID WASTE SERVICE CHARGES TO BE COLLECTED ON THE TAX BILL**

RECOMMENDATION

Adopt Resolution No. 90-2010.

RESULT OF RECOMMENDED ACTION

Adoption of this resolution will authorize delinquent refuse service charges to be added to the tax roll thereby allowing Allied Waste Services to collect past due accounts. The City Municipal Code allows the property tax rolls to be utilized to collect delinquent charges. The City's contract with Allied Waste Services requires the City to assist Allied Waste Services with the collection of delinquent refuse accounts.

BACKGROUND

The Collection Services Contract (Contract) between the City of Rancho Cordova and Allied Waste Services (Allied) for residential garbage collection and recycling requires Allied to provide billing services to residential solid waste accounts in Rancho Cordova. The Contract also requires the City to assist Allied with the levy process for the collection of delinquent residential solid waste accounts.

The City Council is required to approve two separate Resolutions prior to recording a levy on delinquent solid waste accounts. The first resolution, which was adopted by the Council on July 6, 2010, established the intent of the City Council to transfer delinquent solid waste accounts to the tax rolls, as well as the date for a public hearing. The Resolution established that a Public Hearing of the City Council would be convened on August 16 at 5:30 p.m. to take comments from the public regarding the transfer of delinquent solid waste accounts to the tax roll. At the conclusion of the Public Hearing, the Council will be asked to adopt the second resolution titled "A Resolution of the City Council of the City of Rancho Cordova Authorizing Delinquent Residential Solid Waste Service Charges to be Collected on the Tax Bill" (**Attachment 1**).

FINANCIAL ANALYSIS

- Residential accounts with garbage bills 180 days past due: 524
- Total delinquent amount 180 days past due: \$ 164,741.04

Allied Waste will be providing a final updated delinquency list immediately prior to the County levy submission. This will capture any last minute payments. The amount to be submitted to the County Auditor's Office in late August will be reduced by the number of current delinquent accounts that submit payment in the interim.

Public Notification Process

As required by the County Assessor's Office for the property tax lien process, Allied Waste Services sent two letters to the property owners of delinquent solid waste accounts, one in May and the second in July. The letters requested payment of the account and advised that unpaid delinquent accounts would be included on a list and presented to the City Council on July 6 and at a Public Hearing on August 16, to be confirmed by Council resolution. The letter also informed that the confirmed delinquent accounts, together with a ten percent penalty, would be placed on the County of Sacramento tax rolls to be collected with the property tax.

Property Tax (Levy) Collection Process

The Sacramento County Assessor's office places delinquent utility charges on the property tax rolls. Under the Property Tax Collection Process, the delinquent utility charges are placed on the property tax roll annually in August, collected by the County the following December and April, and remitted to the City in January and May.

The amount collected on the tax rolls may not reflect all of the total-to-date delinquent charges, since the delinquent solid waste levy may only legally include accounts that were delinquent at March 1, 2010.

On May 25, 2010, Allied Waste Services sent a delinquency reminder letter to Rancho Cordova solid waste accounts that were delinquent on March 1, 2010. On June 30, 2010, Allied Waste Services sent a second delinquency reminder letter to delinquent solid waste accounts. On July 6, 2010, the Council adopted Resolution No. 73-2010, which established the intent of Council to transfer delinquent solid waste accounts to the tax rolls for collection.

Approval of Resolution No. 90-2010 will authorize delinquent residential solid waste accounts to be placed on the tax rolls for collection.

CONCLUSION

For additional information, please feel free to contact Steve Harriman, Integrated Waste Manager at (916) 851-8718.

ATTACHMENT

Resolution 90-2010 including **Exhibit A** 2010-11 Delinquent Solid Waste Tax Levy.

CITY OF RANCHO CORDOVA

RESOLUTION NO. 90-2010

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AUTHORIZING DELINQUENT RESIDENTIAL SOLID WASTE SERVICE CHARGES TO BE
COLLECTED ON THE TAX BILL**

WHEREAS, in 2004 the City of Rancho Cordova executed the Collection Services Contract with Allied Waste Services (Allied) for the provision of residential solid waste collection and recycling services; and

WHEREAS, the Collection Services Contract requires Allied to bill residential solid waste accounts for garbage collection and recycling services; and

WHEREAS, the Collection Services Contract requires Allied to administer the lien process for delinquent solid waste accounts, and for the City to assist Allied in the lien process; and

WHEREAS, the property tax collection process has been used by the County of Sacramento for many years to collect delinquent utility charges; and

WHEREAS, Allied did, on the 6th day of July, 2010, file with the Clerk of the City Council of the City of Rancho Cordova a written report containing a description of each parcel of real property and the amount of the delinquent solid waste service charges proposed to be collected on the tax roll; and

WHEREAS, the City Council subsequently did, on the 6th day of July, 2010, adopt a Resolution of Intention No. 73-2010 to order delinquent solid waste service charges and late penalties to be collected on the tax roll at the same time and in the same manner as the general tax levy for County purposes; and

WHEREAS, the Clerk of said City Council has duly caused notice by publication in the time, form and manner provided by law, of the time when and the place where any and all persons having any objections to the proposed collection should not be carried out; and

WHEREAS, this is the time and place set for hearing on said matter; and

WHEREAS, said City Council has received no objections or protests of any kind or nature against the proposed action or against the amount of such charges.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA that the delinquent solid waste service charges report provided by Allied is hereby adopted, confirmed, ratified and approved.

BE IT FURTHER RESOLVED that Allied is hereby authorized and directed to delete from the report any and all delinquent accounts which are paid in full on or before the 16th day of August, 2010.

BE IT FURTHER RESOLVED that Allied will provide the City with a revised report on or before the 16th day of August, 2010 in the format required by the County Auditor.

BE IT FURTHER RESOLVED that the Clerk of the City Council shall, on or before the 19th day of August, 2010, file a copy of said report with the County Auditor with a statement endorsed thereon over her signature that it was adopted by said City Council.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on this ____ day of ____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk

ATTACHMENT C

[illegible]

Update DT Screen:		By:		File To:	Dist File	DL File
New Levy: Yes No	If yes, 2 Resolutions Attached: Yes No	If no, Date/Time Notified District:			Date forward Copy of Res to TC:	

MEMORANDUM



DATE: August 16, 2010

TO: Honorable Mayor and Council Members

FROM: Jeffrey S. Beiswenger, AICP, Senior Planner

**SUBJECT: RESOLUTION AND ORDINANCE FOR SOUTH WHITE ROCK REZONE:
ZONING MAP AMENDMENTS; ZONING TEXT; AND GENERAL PLAN
AMENDMENT**

RECOMMENDATION

- a) Waive first reading and introduce Ordinance No. 20-2010 to rezone property in the industrial area south of White Rock Road to Light Industrial (M-1) and Heavy Industrial (M-2) designations; amend the zoning code text to require a Conditional Use Permit (CUP) for Auto Dismantlers in M-2; and
- b) Adopt Resolution No. 96-2010 to amend the General Plan consistent with zoning designations.

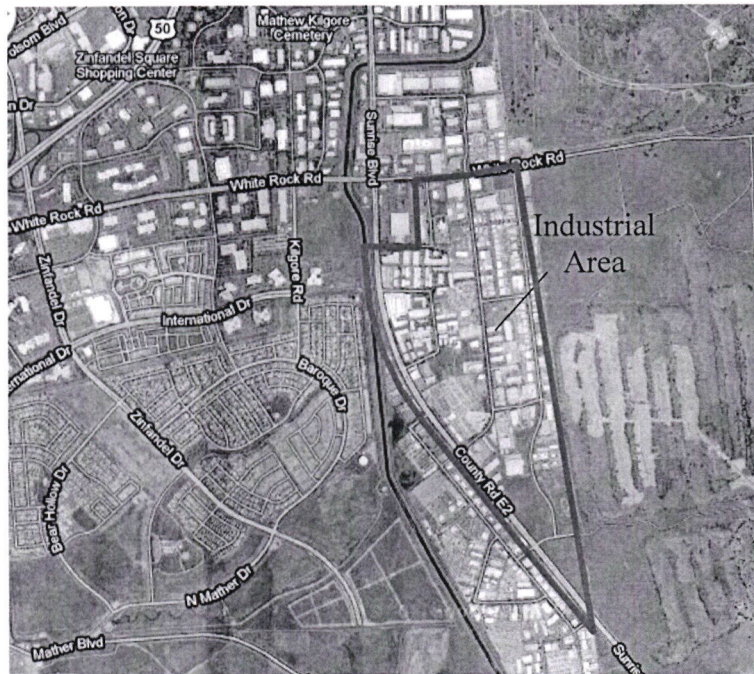
RESULT OF RECOMMENDED ACTION

The proposed zoning map and text changes will maintain, and in some cases, expand the land use opportunities for the majority of properties within the industrial area. The M-1 and M-2 industrial classifications will more closely match existing land uses by reducing the number of nonconforming uses in the area.

BACKGROUND

The primary purpose of this rezoning proposal is to create a zoning framework that is more consistent with the existing land uses within the industrial lands located south of White Rock Road (Industrial Area). When the area was under Sacramento County jurisdiction, and upon incorporation by the City in 2003 the property was zoned almost entirely Heavy Industrial (M-2) with some Industrial Business Park (MP) zoning in the northwest portion of the site. In 2006 the zoning was changed to more mixed use, commercial and light industrial focus to reflect the designations with the General Plan. The rezoning proposal currently under consideration will designate a majority of the properties within the Industrial Area to allow for heavier industrial uses, but will also maintain the ability to use properties for commercial purposes.

Figure 1 – Study Area



Proposed Zoning

The Industrial Area is currently zoned a combination of Commercial Mixed Use (CMU), Office Industrial Mixed Use (OIMU) and Light Industrial Business Park (LIBP). The amendments would establish a combination of Light Industrial (M-1) and Heavy Industrial (M-2) zoning. In general, the current zoning is more commercial and light industrial in character, while the proposed zoning will allow heavier industrial land uses. Earlier this year, the Zoning Code text was amended to expand permitted uses listed in Table 23.316-1: Allowed Use and Permit Requirements for General Commercial and Industrial Zoning Districts (**Attachment 2**). These amendments resulted in the following changes:

- The range of permitted uses has been expanded to allow a wider range of commercial uses in the M-1 and M-2 districts.
- In M-1 up to 50% of floor area is permitted as accessory retail and/or office, by right.
- In M-2 commercial and office accessory uses are permitted, but at a lower percentage than M-1 (e.g. 25% of floor area for retail).
- In M-1 and M-2, 100% of the floor area may be used for specified office, service or commercial uses with Limited Use Permit. Parking and other development standards for the proposed use would apply.
- The use of Limited Use Permits (LUP) has been expanded. The LUP is an attractive option for property owners who are currently required to obtain a CUP to locate commercial uses on industrially zoned land. The LUP is significantly less expensive and can be approved administratively, while still providing the City with an appropriate level of review to ensure that potential impacts are being addressed.

The rezoning map approach in the Industrial Area is depicted in Figure 2. The majority of the area will go to a Heavy Industrial (M-2) classification. This was the zoning for a majority of the area when it was under Sacramento County jurisdiction and many of the existing uses were established during that time. The Light Industrial (M-1) classification will be used where office and commercial uses, in addition to light industrial uses, may be appropriate. This includes locations along Sunrise Boulevard and White Rock Road. The M-1 zoning has been placed on properties that currently have light industrial land uses, or where existing uses permitted under the M-1 classification.

Figure 2 – Proposed Zoning



Property Owner Outreach

City staff held a workshop with property and business interests in the Industrial Area on May 6, 2010 to discuss the South of White Rock rezoning strategy. Many of these same property and business interests had previously met with staff during the annexation area zoning discussion.

Property owners at the May 6 meeting and who have contacted staff subsequent to that meeting have been supportive of the rezoning approach. The stars on the map above indicate parcels where staff has received specific requests for rezoning designations for either M-1 or M-2 from property interests and we have been able to accommodate all of those requests.

Land Use Framework within the Industrial Area

Current land uses within the industrial area fit with the Light Industrial and Heavy Industrial classifications. These zoning districts are characterized as follows:

- M-1 Light Industrial
Typical Uses: Manufacturing, Light; Warehousing
Classification Criteria:
 - Materials primarily in processed form;
 - Smoke, odor, dust, vibrations, sound generally do not impact adjacent properties;
 - Activities fully enclosed or screened; and
 - Mostly compatible with nearby mixed-use districts.

- M-2 Heavy Industrial
Typical Uses: Manufacturing, Heavy; Dismantling Facility
Classification Criteria:
 - Raw materials;
 - Extensive storage yards;
 - Large, tall and/or unsightly structures are possible;
 - Intensive uses that may generate off-site noise, vibration, odor or other negative impacts; and
 - Incompatible with neighboring districts and less intense uses.

The proximity of the Industrial Area to the emerging residential neighborhoods (e.g. SunRidge, Rio del Oro, etc.) within Rancho Cordova will lead to infill and redevelopment of property for commercial uses in the future. However, buildings in the area are designed for industrial uses – many of which cannot be easily used for commercial uses. Areas which have the most commercial potential are recommended for M-1 zoning.

Surrounding Land Uses

The land use characteristics at the perimeter of the Industrial Area are:

- Bounded to the north by White Rock Road. The area to the north of White Rock was recently annexed to the City and contains primarily industrial land uses with some commercial zoning at the intersection of White Rock and Sunrise Boulevard.
- Bounded to the west by Sunrise Boulevard and the Folsom South Canal, which creates a significant physical barrier between the Industrial Area and the Stone Creek residential development further to the west.
- At the southwest boundary of the site is the South Sunrise Industrial SPA, which is zoned M-2. The South Sunrise SPA area contains a concentration of automotive dismantling and other heavy industrial establishments.

- The eastern boundary of the site is comprised of undeveloped property within the Aerojet Special Planning Area. The future Rio del Oro project is located within this area. Details of the Rio del Oro project and the relationship to the Industrial Area are discussed in the following section.

Relationship to Rio del Oro

The proximity of the Industrial Area to the future Rio del Oro development raises a compatibility concern. Rio del Oro consists of more than 3,800 acres of land and is currently vacant. A Rio del Oro Specific Plan is under consideration for this area that when fully entitled could eventually result in more than 11,000 housing units and over 12,000 jobs. It is important that we review the relationship between the Industrial Area and Rio del Oro to ensure that they are compatible.

The graphic on the following page reviews the Rio del Oro and Industrial Area interface as three different areas. Upon careful review it does not appear that any fundamental incompatibilities exist. Note the following:

- Northern Interface. This portion of Rio del Oro adjacent to the Industrial Area consists of a residential neighborhood that is over 100 acres. The adjacent portion of the Industrial Area will be zoned M-1 closer to White Rock Road and M-2 further south along the internal roadways of Luyung and Fitzgerald. The Industrial Area and Rio del Oro will not be connected by roadways and will be separated by a 200 foot wide landscaped greenbelt which will serve as a regional recreation amenity and bicycle trail, and a continuous six foot tall wall around any residential properties. These factors minimize any significant impacts.
- Central Interface. This portion of Rio del Oro consists of a large industrial park area which will be compatible with existing and potential land uses within the M-2 designation of the Industrial Area. These areas will be connected via the extension of International Roadway. Other local roadway connections are also possible.
- Southern Interface. This portion of Rio del Oro consists of an approximately 230 acre residential neighborhood. This area will also be separated from the Industrial Area by a 200 foot wide greenbelt. A local road that may pass through the southern tip of the Industrial Area is expected to connect the Rio del Oro neighborhood street system to Sunrise Boulevard. This should not create any significant land use incompatibilities. This property within the Industrial Area is currently vacant, is zoned Light Industrial (M-1). We expect that many of the properties within this portion of the Industrial Area will convert to more commercial and service related uses as additional homes are constructed in Rio del Oro, SunRidge and the other large residential areas creating additional demand for commercial services.

Figure 3 – Rio del Oro and Industrial Area Interface



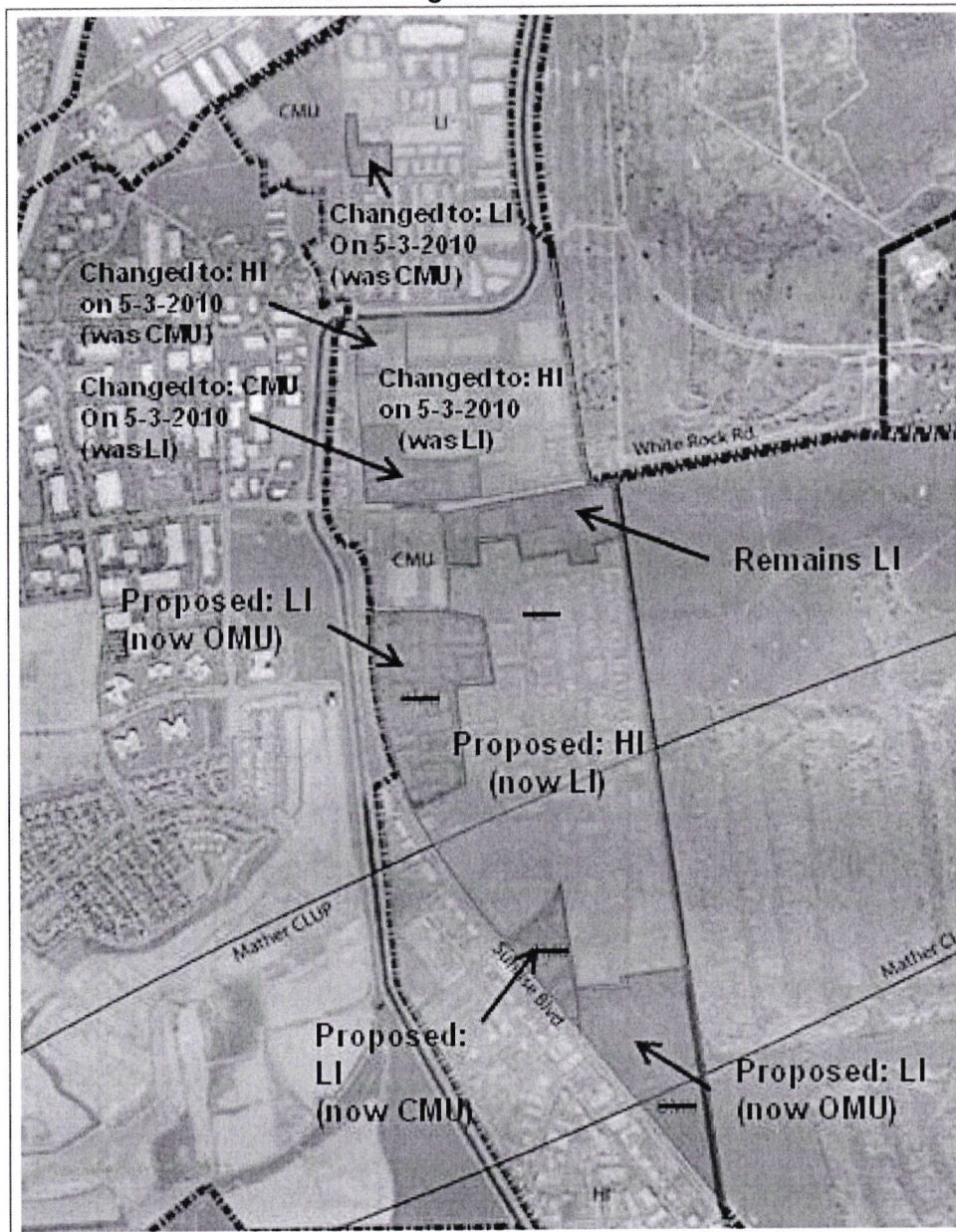
General Plan Update

This action proposes a minor amendment to the General Plan Land Use Element, including minor updates to Figure LU-31 (page 90) to more accurately reflect the proposed zoning. This figure was recently updated as part of the annexation rezone immediately to the north of the Industrial Area project site:

- The CMU designation on the map will be removed and replaced with Light Industrial (LI) which is consistent with the M-1 zoning designation.
- The General Plan, Office Mixed Use (OMU) designation will be removed and replaced with the LI designation.
- A portion of the General Plan's Light Industrial (LI) designation will be replaced with the Heavy Industrial (HI) designation. The location of the zoning will match the new M-2 zoning (formerly LIBP).

These revisions would not significantly change the intent of the General Plan for the Sunrise Boulevard South Planning Area, which has always been envisioned as an industrial area with the ability to develop commercial land uses in suitable locations. The combination of M-2 and M-1 zoning will enable the City to accomplish General Plan goals

Figure 4
Amendments to Figure LU-31 in General Plan



ZONING CODE TEXT AMENDMENT

As discussed earlier in the Staff Report, Table 23.316-1 of the Rancho Cordova Zoning Code was amended earlier this year in response to concerns expressed by property owners located north of

White Rock Road. These text changes apply to all M-1, M-2 and other zoning designations within the City with an overall purpose of expanding the number and scope of permitted uses.

In the process of implementing the new land use provisions, staff has identified one particular land use that could result in negative impacts on adjacent properties – Auto Vehicle Dismantling as an outright permitted use in M-2. Historically, a CUP has been required prior to the establishment of an Automobile Dismantling operation in M-2. The text changes made earlier this year permit dismantlers to establish, by right without a use permit. We recommend that a Conditional Use Permit (CUP) requirement is re-established for Auto Vehicle Dismantling uses in the M-2 zoning designation. This will provide the following advantages to the community and potential applicants:

- Provide for a greater level of public review for nearby property owners that could be negatively impacted.
- Allow for conditions to be applied through a CUP process to mitigate any negative externalities that could result from the business operations of an auto dismantling operation.
- Encourage auto dismantlers to locate within the South Sunrise SPA, which already has a concentration of this type of land use.
- The CUP process could allow for some deviation from development standards, which are could limit the ability of a dismantler to operated due to screening requirements, stacking height limits of crushed cars, limits on certain types of fencing and other requirements.

ANALYSIS

The Zoning Code (Chapter 23.152) requires the following findings be made prior to the approval of Zoning Code amendments.

Zoning Code Amendment

An analysis of the proposed Zoning Code text and map changes has been completed and the following findings can be made according to Section 23.146.040 of the Municipal Code:

1. The proposed Zoning Code text amendment and map change are consistent with the General Plan.

Evidence: The proposal is consistent with the General Plan (GP) in the following respects:

- *M-1 zoning is a flexible district that allows the integration of commercial land uses. The M-2 designation allow for heavier industrial uses and has been applied to implement the GPs Heavy Industrial classification. Combined these zoning designations implement the following GP Policies and Actions:*
 - *Policy LU.1.2 – Develop a fiscally sound strategy to encourage a mix of uses that meets the City's needs and provides sufficient tax base to maintain desired community service levels.*
 - *Action LU.1.2.1 – Designate adequate commercial, office, and industrial land uses throughout the City....*
 - *Policy ED.1.3 – Retain and expand the existing industrial and warehouse uses in the City.*
 - *Policy ED.2.2 – Improve the existing office and industrial centers in Rancho Cordova with the construction of new restaurants, retail and services.*

- *The proposed zoning designations are consistent with the land uses within the GPs Sunrise Boulevard South Planning Area, which includes a combination of LI and HI designations.*
2. The proposed amendment and map change would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
Evidence: The proposed amendments will result in positive improvements to the South of White Rock Industrial Area. As proposed, the zoning will allow existing industrial and commercial developments to remain in place and continue to create employment and economic development opportunities for the community. The zoning amendments will also allow the area to be improved to more intense commercial uses over time creating redevelopment opportunities. The zoning is in response to specific requests from a large number of business and property owners in direct response to recent changes in the real estate and financial markets.
 3. The amendment has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA).
Evidence: The proposed amendments are consistent with the General Plan EIR document. An addendum to the General Plan has been prepared.

General Plan Amendment

An analysis of the proposed General Plan amendments has been completed and the following findings can be made. The following findings are required according to section 23.155.040 of the Municipal Code:

1. The proposed amendment is internally consistent with the General Plan.
Response: The proposed General Plan amendment is minor in nature and internally consistent with the remainder of the General Plan. The amendment calls for two figures to be amended. The amendments are internally consistent, as follows:
 - *Figure LU-31 Land Plan for The Sunrise Boulevard South Planning Area. Minor amendments to this figure will eliminate CMU and OMU designations and replace with LI designation. The amendment will also change a portion of the LI to a Heavy Industrial classification. These are internally consistent since they will implement the intent of the Sunrise South area and the Goals, Policies and Actions to provide mixed-use commercial and industrial areas within the community.*
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the City.
Response: The proposed amendments are minor in nature and will not have a detrimental impact. Combined with the zoning amendments, they will protect the existing jobs base within the area and result in positive improvements to the community over time.
3. In the case of amendments to the General Plan map, the site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provisions of utilities) for the requested/anticipated land use developments.
Response: The Industrial Area is well suited for industrial activity. The western boundary is separated and buffered from nearby less intensive land uses by roadways, the Folsom South Canal and commercial uses. On the eastern boundary, the interface between the future Rio del Oro development area and the Industrial Area has been carefully assessed.

and it has been determined that the rezoning will not have a significant negative impact on the future residential neighborhoods.

4. The amendment has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA).

Response: The amendments have been determined to be consistent with the EIR prepared for the General Plan. An addendum has been prepared.

CEQA Compliance

In compliance with the requirements of the California Environmental Quality Act ("CEQA"), the City determined that the amendments were consistent with the Environmental Impact Report prepared for the General Plan certified in June 2006 and completed a General Plan EIR Addendum (provided as Attachment 1).

ATTACHMENTS

1. Ordinance No. 20-2010 including **(Exhibit A)** Zoning Map Amendments, and **(Exhibit B)** Zoning Code Text Amendments.
2. Resolution No. 96-2010 including **(Exhibit A)** Amendments to General Plan Figure.
3. Environmental Review.
4. July 22, 2010 Planning Commission Meeting Draft Minutes.
5. 500' Radius Address List and Map for Public Hearing Notices.

CITY OF RANCHO CORDOVA

ORDINANCE NO. 20-2010

AN ORDINANCE OF THE CITY COUNCIL OF RANCHO CORDOVA ADOPTING A ZONING MAP AMENDMENT THAT CHANGES THE ZONING DESIGNATIONS FOR PROPERTY SOUTH OF WHITE ROCK ROAD AND EAST OF SUNRISE BOULEVARD; AND AMENDING ARTICLE 3 OF THE RANCHO CORDOVA ZONING CODE TO REQUIRE A CONTIONAL USE PERMIT (CUP) FOR AUTO VEHICLE DISMANTLING OPERATIONS IN THE M-2 ZONING DISTRICT

WHEREAS, the City of Rancho Cordova incorporated in 2003 and in 2006 the City rezoned the property in the area south of White Rock Road and east of Sunrise (Industrial Area) to new industrial and mixed use zoning designations to implement the General Plan's Land Plan for Sunrise Boulevard South Planning area;

WHEREAS, the 2006 rezoning of the Industrial Area created some non-conforming land uses since many of these properties were developed within heavy industrial zoning classifications prior to City incorporation; and

WHEREAS, held outreach meetings with the affected owners within the Industrial Area (Property Owners); and

WHEREAS, during the outreach meetings, it came to City's attention that the current economic downturn has had a dramatic affect on the Industrial Area including significant and unexpected impacts relating to the 2006 rezoning of the Industrial Area. Property Owners expressed serious concerns regarding the current zoning designation and requested that the City consider rezoning the area consistent with existing land uses; and

WHEREAS, the predominate desire of Property Owners and other real estate interests in the Industrial Area is to maintain the industrial character of the area, and the current zoning has a significant amount of Commercial Mixed Use, Office Industrial Mixed Use and Light Industrial Business Park zoning, which creates many non-conforming uses and/or require the eventual redevelopment of industrial property to more intensive land uses. This creates hardship on existing Property Owners and businesses seeking to occupy tenant space in these difficult economic times; and

WHEREAS, in consideration of the requests by the Property Owners, it is now the City's desire to amend the City's Zoning Map to help mitigate the effects of the continued economic downturn and further implement the goals and objectives of the General Plan; and

WHEREAS, the M-2 currently permits Auto Vehicle Recycling operations without a use permit creating a potential for the proliferation of this use type throughout the Industrial Area without adequate public review; and

WHEREAS, this ordinance amends Article 3 of the City's Zoning Code related to zoning Districts, allowable uses and general development standards to require a Conditional Use Permit (CUP) for Auto Vehicle Recycling operations in the M-2 zoning designation and amends the zoning map designations in the Industrial Area; and

WHEREAS, pursuant to Government Code Section 65860, the City's Zoning Code must be consistent with its General Plan. This Ordinance would have created a minor inconsistency with the land use designations between the two documents. In order to comply with this consistency requirement, on August 16, 2010 the City adopted Resolution No. 96-2010, making minor amendments to General Plan Figure LU-31; and

WHEREAS, a General Plan Amendment has been prepared to update General Plan Figure LU-31 to more accurately reflect the proposed zoning under this Ordinance; and

WHEREAS, on July 22, 2010, the Planning Commission held a properly noticed public hearing at which it received a report from City staff, oral and written testimony from the public, and deliberated on the item, following which the Planning Commission recommended that the City Council adopt the Zoning Amendments, as presented.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS FOLLOWS:

SECTION 1: Recitals. The foregoing recitals are true and correct and made a part of this Ordinance.

SECTION 2: Findings. The City Council hereby finds:

A. **CEQA Compliance.** In compliance with the requirements of the California Environmental Quality Act by to the California Environmental Quality Act ("CEQA"), the City determined that the amendments were consistent with the Environmental Impact Report prepared for the General Plan certified in June 2006 and completed a General Plan EIR Addendum in March 2010.

B. **Consistency with the General Plan.** The proposed Amendments to the City's Zoning Code are consistent with the General Plan as required by Government Code Section 65860. The proposed Zoning Code amendments are consistent with the General Plan as follows:

1. The General Plan's Light Industrial and Heavy Industrial designations are implemented with M-1 and M-2 zoning. M-1 zoning is also proposed as a flexible district that will allow the integration of some commercial land uses. These zoning designation implement the following GP Policies and Actions:

- Policy LU.1.2 – Develop a fiscally sound strategy to encourage a mix of uses that meets the City's needs and provides sufficient tax base to maintain desired community service levels.
- Action LU.1.2.1 – Designate adequate commercial, office, and industrial land uses throughout the City....
- Policy ED.1.3 – Retain and expand the existing industrial and warehouse uses in the City.
- Policy ED.2.2 – Improve the existing office and industrial centers in Rancho Cordova with the construction of new restaurants, retail and services.

4. The proposed zoning designations are consistent with the land uses within the General Plan's Sunrise Boulevard South Planning Area.

SECTION 3: Amendments. The City Council hereby amends the City's Zoning Code as follows:

1. Amend the Zoning Designations within the Industrial Area to a combination of Light Industrial (M-1) and Heavy Industrial (M-2) as set forth in **Exhibit A**; and

2. Amend Table 23.316-1: Allowed Use and Permit Requirements for General Commercial and Industrial Zoning Districts to require a CUP for Auto Vehicle Dismantling within the M-2 Zoning District as set forth in **Exhibit B**.

SECTION 4: Severability. If any provision of this ordinance or the application thereof to any person or circumstance, is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid or unenforceable.

SECTION 5: Publication and Effective Date. Within fifteen (15) days after adoption, a Summary of this Ordinance shall be published once in the Grapevine Independent or the Sacramento Bee, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with Government Code section 36933. This ordinance shall take effect and be enforced thirty (30) days after its inception.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this ____ day of ____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk



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**Table 23.316-1: Allowed Use and Permit Requirements for
General Commercial and Industrial Zoning Districts**

Land Use Category	GC	M-1	M-2	Specific Use Regulations
Residential Uses				
Caretaker Housing	P	P	C	23.901.020
Dwelling, Multi-family	P	C	N	23.901.070 (if Senior Independent Living)
Emergency Shelters	C	C	C	
Home Occupations	P	P	N	23.901.030
Live-Work Facility	P	P	N	23.901.040
Mobile Home Park	C	N	N	23.901.050
Residential Care Home	P	N	N	
Single Room Occupancy (SRO)	C	C	N	
Transitional Housing	P	P	N	
Recreation, Education, and Public Assembly Uses				
Cemeteries, Mausoleums	C	C	C	
Clubs, Lodges, and Private Meeting Halls	P	P	P	
Indoor Amusement/Entertainment Facility	P	L	L	
Indoor Fitness and Sports Facility	P	L	L	
Libraries and Museums	P	P	C	
Outdoor Commercial Recreation	C	C	C	
Public Safety Facility	P	P	P	
Recreational Vehicle Parks	P	C	C	
Religious Institutions	P	L	L	
Schools, Private and Special/Studios	P	L ¹	L ¹	
Schools, Public	P	P	P	
Theaters and Auditoriums	P	C	C	
Utility, Transportation, and Communication Use Listings				
Broadcasting and Recording Studios	P	P	P	
Bus and Transit Shelters	P	P	P	
Freight Yard/Truck Terminal	N	P ²	P ²	
Fuel Storage and Distribution	N	P ²	P	
Heliports	C	C	C	
Park and Ride Facility	P	P	P	
Parking Facility	P	P	P	
Telecommunication Facility	C	C	C	23.907.020
Transit Facilities	N	P	P	
Transit Stations and Terminals	P	P	P	

Land Use Category	GC	M-1	M-2	Specific Use Regulations
Utility Facility and Infrastructure	L	P	P	23.907.030
Alcoholic Beverage Sales, off-site ³	C	C	C	
Ambulance Service	C	C	C	
Animal Sales and Grooming	P	L	C	
Art, Antique, Collectable	P	L	C	
Artisan Shops	P	L	C	
Banks and Financial Services	P	L	C	
Bars and Nightclubs	C	C	C	
Building Materials Stores and Yards	P	P ²	P ²	
Business Support Services	P	P ²	P ²	
Call Centers	L	L	C	
Child Day Care Facility	P	C	C	
Convenience Stores	P	C	C	23.910.020
Drive-in and Drive-through Sales and Service	P	C	C	23.910.030
Equipment Sales and Rental	P ²	P ²	P	
Furniture, Furnishings, and Appliance Stores	P	P ²	L	
Garden Center/Plant Nursery	P	P ²	L	
Grocery Stores/Supermarket	P	L	C	
Home Improvement Supplies	P ²	P ²	P	
Hotels and Motels	P	N	N	
Hotels and Motels, Extended Stay	P	N	N	
Kennels, Commercial	C	L	C	
Maintenance and Repair, Small Equipment	P ²	P	P	
Medical Services, General	P	L	L	
Medical Services, Extended Care	P	N	N	
Medical Services, Hospitals	P	L	P	
Mortuaries and Funeral Homes	P	C	C	
Neighborhood Market	P	L	C	
Offices, Business and Professional	P	L	C	
Offices, Accessory	P ⁵	P ⁵	P ⁶	
Personal Services	P	L	C	
Restaurants	P	L	C	
Retail, Accessory	P ⁵	P ⁵	P ⁶	
Retail, General	P	L	C	
Retail, Warehouse Club	P	L	C	
Veterinary Facility	P	P ²	P ²	

Land Use Category	GC	M-1	M-2	Specific Use Regulations
Automobile and Vehicle Uses				
Auto Vehicle Dismantling	N	N	C	23.913.020
Auto and Vehicle Sales and Rental	C	L ⁴	L ⁴	
Auto and Vehicle Sales, Wholesale	P	C	C	
Auto and Vehicle Storage	P ²	P ²	P ²	
Auto Parts Sales	P ²	P ²	P ²	
Car Washing and Detailing	C	P	P	
Service Stations	C	C	C	23.913.030
Vehicle Services, Major	P ²	P ²	P ²	
Vehicle Services, Minor	P ²	P ²	P ²	
Industrial, Manufacturing, and Processing Uses				
Agricultural Products Processing	N	C	P	
Junk Tire Facility	N	N	P	23.916.020
Manufacturing, Major	N	L ²	P	
Manufacturing, Minor	N	P ²	P	
Manufacturing, Small Scale	P	P ²	P	
Printing and Publishing	N	P	P	
Recycling Facility, Processing	N	L	P	
Recycling Facility, Scrap and Dismantling Facility	N	N	C	
Research and Development	N	P	P	
Storage, Personal Storage Facility	N	P ²	P	
Storage, Warehouse	L	P ²	P	
Storage, Yards	N	N	P ²	
Wholesaling and Distribution	P	P ²	P	
Special Regulated uses				
Card Rooms	N	C	C	23.919.020
Check Cashing Businesses	N	N	C	23.919.030
Massage Parlor	N	N	C	
Pawn Shops	N	N	C	23.919.040
Recycling Facility, Collection Facility	N	L	P	23.919.050
Sexually Oriented Businesses	N	P	P	23.919.060
Smoke Shops	N	N	C	23.919.070
Tattoo Parlors	N	N	C	23.919.080
Thrift Store	N	N	C	23.919.090

Notes:

1. Trade Schools permitted by right, all other school require a LUP.
2. Permitted if the entire operation is conducted within a completely enclosed building or screened from view behind a fence or wall.

3. *Off-site sales of alcohol permitted as an allowed use if incidental to a permitted uses (e.g. breweries, wineries). Only retail sales is included under this use category see the Wholesale and Distribution for non-retail sales.*
4. *Automobile rental is permitted as a by-right use and does not require a use permit. Incidental sales up to 15% of developed portion of site are permitted as a by-right use and must be fully screened from view or enclosed within a building. Automotive sales that exceed 15% of the developed portion of the site or outdoor display areas that are not screened from view may be permitted with the issuance of a Limited Use Permit.*
5. *All Retail, Accessory and Office, Accessory uses are permitted up to a combined 50% of total building square footage.*
6. *The following limitations apply to Retail, Accessory and Office, Accessory in the M-2 district:*
 - a. *Sales are allowed when incidental to a permitted use and sales and stock room area do not exceed 25% of total floor area;*
 - b. *Offices are allowed when incidental to a permitted use and do not exceed 25% of total floor area;*
 - c. *Café/restaurant are allowed up to 15% of building square footage (free-standing restaurants required the issuance of a CUP);*
7. *Up to 50% of total building area may be used for storage, warehousing, distribution or similar use as a permitted use. A CUP is required to exceed this percentage.*

CITY OF RANCHO CORDOVA

RESOLUTION NO. 96-2010

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AMENDING THE CITY'S GENERAL PLAN TO UPDATE FIGURE LU-31 LAND PLAN FOR
THE SUNRISE BOULEVARD SOUTH PLANNING AREA TO BE CONSISTENT WITH
ZONING DESIGNATIONS**

WHEREAS, State law requires California cities to prepare and adopt a general plan to guide future development of the city; and

WHEREAS, the City of Rancho Cordova (City), from time to time, will evaluate its current zoning and General Plan requirements to check for consistency and applicability to changing economic environments; and

WHEREAS, the City held outreach meetings with the affected owners of the industrial area south of White Rock Road and east of Sunrise Boulevard (Industrial Area); and

WHEREAS, during the outreach meetings, it came to City's attention that the current economic downturn has had a dramatic affect on the industrial area, including significant and unexpected impacts relating to the zoning changes which were completed in 2008 to implement the City's new General Plan. Property Owners expressed serious concerns regarding the current zoning designation and requested that the City consider changing the zoning to be more consistent with the zoning in place prior to City incorporation when the properties were first developed; and

WHEREAS, the predominate desire of Property Owners and other real estate interests in the Industrial Area is to have industrial zoning consistent with current land uses. The zoning currently in place calls for a significant amount of Commercial Mixed Use, Office Park Mixed Use, Office Industrial Mixed Use, and Light Industrial Business Park zoning, which create many non-conforming uses and/or require the eventual redevelopment of industrial property to more intensive land uses. This creates a hardship on existing Property Owners and businesses seeking to occupy tenant space in these difficult economic times; and

WHEREAS, in consideration of the requests by the Property Owners, the City prepared Ordinance No. 20-2010 in order to amend the City's Zoning Code to help mitigate the effects of the continued economic downturn and further implement the goals and objectives of the General Plan; and

WHEREAS, pursuant to California Government Code section 65860, the Zoning Code must be consistent with its General Plan; and

WHEREAS, the Zoning Code Amendments proposed by Ordinance No. 20-2010 would have created a minor inconsistency with the land use designations between the Zoning Code and the General Plan. This resolution makes the two documents consistent by making minor amendments to two General Plan figure affecting land use designations; and

WHEREAS, this resolution updates General Plan Figure LU-31, to more accurately reflect the newly proposed zoning of Ordinance 20-2010; and

WHEREAS, on July 22, 2010, the City's Planning Commission held a properly noticed public hearing to consider the staff report, public comment and the proposed General Plan Amendments, attached hereto as **Exhibit A**. After receiving and considering all public comments on the amendment, the Planning Commission recommended approval to the City Council; and

WHEREAS, on August 16, 2010, the City Council held a properly noticed public hearing to consider the staff report, public comment and the proposed Amendments to the General Plan.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. **Recitals Adopted.** The foregoing recitals are true and correct and made a part of this Resolution.

2. **Findings.** The City Council hereby finds, based upon all the evidence in the record, including without limitation, documents, staff reports and testimony, that:

A. **Internal consistency.** The attached Amendments are internally consistent with the other elements, policies and provisions of the General Plan. The proposed General Plan amendment is minor in nature and internally consistent with the remainder of the General Plan. The amendment calls for two figures to be amended. Minor amendments to General Plan Figure LU-31 - Land Plan for The Sunrise Boulevard South Planning Area eliminate the Commercial Mixed Use designations and replace this area with a Light Industrial designation to reflect the current land uses. The amendment will add a Heavy Industrial classification to the Industrial Area consistent with existing land uses and zoning classifications. These changes are internally consistent since they will implement the intent of the Sunrise South Area and the goals, policies and actions to provide mixed-use commercial and industrial areas within the community.

B. **Public Interest.** Adoption of the amendments is in the public interest of the City. The amendments, combined with the zoning amendments will protect the existing jobs base within the area and result in positive improvements to the Industrial Area over time.

3. **CEQA compliance.** In compliance with the requirements of the California Environmental Quality Act by the California Environmental Quality Act (CEQA), the City determined that the amendments were consistent with the Environmental Impact Report prepared and prepared a General Plan EIR Addendum.

4. **Amendment.** City Council hereby amends the City's General Plan by making the changes to General Plan Figure LU-31 as shown in **Exhibit A**.

5. **Effective Date.** This Resolution shall take effect and be enforced (30) days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this _____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

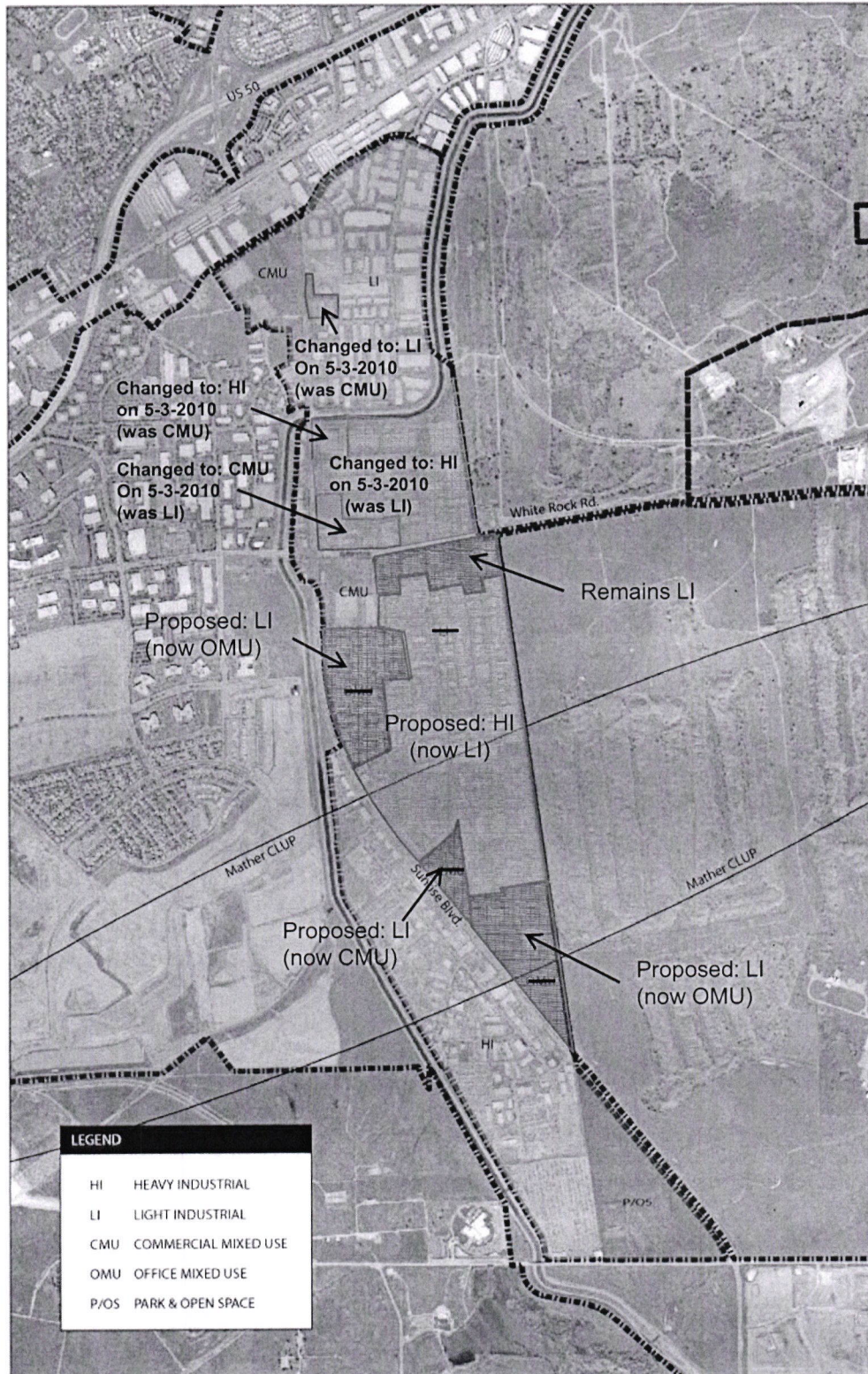
ABSTAIN:

Ken Cooley, Mayor

ATTEST:

Mindy Cuppy, City Clerk

General Plan Amendment, Changes to:
Figure LU-31 – South Sunrise Planning Area



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South of White Rock Zoning Map Amendments; Minor Zoning Code Text Revision; and General Plan Amendment

Addendum to the General Plan EIR



City of Rancho Cordova
2729 Prospect Park Drive
Rancho Cordova, CA 95670

July 2010

CITY OF RANCHO CORDOVA

Minutes of Meeting of the Planning Commission
July 22, 20101. **CALL MEETING TO ORDER**

The meeting of the Planning Commission of the City of Rancho Cordova was held on Thursday, July 22, 2010 in the David B. Roberts Council Chambers located at 2729 Prospect Park Drive, Rancho Cordova, CA, 95670. Planning Commission Chair Tom Moe called the meeting to order at 6:03 p.m.

Staff Present: Planning Director, Paul Junker; Principal Planner, William Campbell; Senior Planner, Jeff Beiswenger; Associate Planner, Shannan Loveless; Planning Commission Clerk, Olivia Le Bel

Roll Call:

Commissioners Present: Burke, Cummings, Johnson, Konarski, Vance, Savorn, Moe

- A. **Flag Salute** – Pledge of Allegiance was conducted.
- B. **Approval of Agenda** – The Planning Commission reviewed the agenda of the July 22, 2010 Meeting of the Planning Commission.

Action: Commissioner Johnson moved, seconded by Commissioner Cummings, to approve the agenda of the July 22, 2010 Planning Commission Meeting. Motion was approved unanimously.

2. **PUBLIC COMMENT**

Commissioner Moe announced his resignation from the Planning Commission.

Council Member Linda Budge presented a Proclamation of the City Council of the City of Rancho Cordova given in appreciation of Tom Moe.

3. **PUBLIC HEARING**A. **Consideration of a Design Review for VCA Referral Center Expansion, DD6884**

Request: The applicant is requesting Design Review approval to expand the existing VCA Animal Hospital by approximately 2,875 square feet to accommodate the addition of new veterinary technology.

Project Applicant: VCA Animal Hospitals, Charles Nicholls, 12401 W. Olympic Blvd, Los Angeles, CA 90064

Project Location: APN: 068-0160-101; 9801 Old Winery Place

Recommendation: Staff recommends the Planning Commission table this matter and not continue this item to a date certain.

Action:

Motion: Commissioner Cummings moved, seconded by Commissioner Konarski that the Planning Commission continue the item to a date uncertain.

Vote on the Motion:

AYES: Burke, Cummings, Johnson, Konarski, Savorn, Moe
NOES: NONE
ABSTAIN: NONE
ABSENT: Vance

There being 6 Ayes, 0 Noes, 0 Abstains, 1 Absentee, the motion is hereby declared to be passed.

B. Consideration of a Residential Design Review for Rio del Sol (Sunridge Park Village 3 & Unit A), DD6956

Request: The applicant is seeking approval of three new floor plans, ranging in size from 1,768 s.f. to 2,095 s.f., in three exterior elevation styles per plan.

Project Owner/Applicant: K. Hovnanian Homes, Mike Horrell, 1375 Exposition Blvd. #300, Sacramento, CA 95815

Project Location: APN: 067-0830-001 thru 021, 067-0830-025 thru 037, 067-0830-044 thru 059, 067-0830-067 thru 080; 64 lots located on El Portal Way, Cuyamaca Cir, and Canyonlands Dr

Recommendation: Staff recommends the Planning Commission determine the Mitigated Negative Declaration prepared for the Sunridge Park Subdivision, adopted by the City, adequately addresses the environmental impacts for the project and adopt Resolution No. 153-2010 approving the Design Review for Sunridge Park Village 3 and Unit A (also known as, Rio Del Sol), Project No. DD6956, subject to the findings, attached Design Review Package and Conditions of Approval.

Associate Planner, Shannan Loveless, presented the staff report and described the project and staff's recommendation to the Planning Commission.

The Commissioners had the following concerns and comments:

- Cummings – Can the location of the concrete pad [outside of the garage door] and the path to the gate be extended into one piece? Loveless – Due to the issue of drainage it has been recommended to not connect the two concrete pads but, rather, leave the decision to the future homeowner.

PUBLIC COMMENT

- None

Chair Moe closed the public hearing

Action:

Motion: Commissioner Burke moved, seconded by Commissioner Savorn that the Planning Commission determine the Mitigated Negative Declaration prepared for the Sunridge Park Subdivision, adopted by the City, adequately addresses the environmental impacts for the project and adopt Resolution No. 153-2010 approving the Design Review for Sunridge Park Village 3 and Unit A (also known as, Rio Del Sol), Project No. DD6956, subject to the findings, attached Design Review Package and Conditions of Approval.

Vote on the Motion:

AYES: Burke, Cummings, Johnson, Konarski, Savorn, Moe

NOES: NONE
ABSTAIN: NONE
ABSENT: Vance

There being 6 Ayes, 0 Noes, 0 Abstains, 1 Absentee, the motion is hereby declared to be passed.

C. Consideration of a Residential Design Review for Anatolia III (Portions of Villages 17, 23 and 24), DD6932

Request: The applicant is seeking approval of three new floor plans, ranging in size from 1,794 s.f. to 2,567 s.f., in three exterior elevation styles per plan.

Project Owner/Applicant: Lennar Homes of California; 1075 Creekside Ridge Dr #100; Roseville, Ca 95678

Project Location: APN: 067-067-068, 067-068-001, 067-0710-001 thru 007, 069 thru 083, 107 thru 111, 067-0730-001 thru 008, 012 thru 021; 067-0740-001 and 002; The proposed homes will be located in portions of Villages 17, 23 and 24 of the Anatolia III subdivision, which includes portions of Country Garden Drive and Copper Sunset Way.

Recommendation: Staff recommends the Planning Commission determine the Mitigated Negative Declaration prepared for the Anatolia Subdivisions I, II, and III, adopted by the Sacramento County Board of Supervisors, adequately addresses the environmental impacts for the project and adopt Resolution No. 154-2010 approving the Design Review for those portions of Villages 17, 23 & Village 24 of Anatolia III, Project No. DD6932, subject to the findings, attached Design Review Package and Conditions of Approval.

Principal Planner, William Campbell, presented the staff report and described the project and staff's recommendation to the Planning Commission.

The Commissioners had the following concerns and comments:

- Savorn – Has the landscaping been projected to ensure that the tree growth will not cover the solar tiles? Campbell – Yes, the orientation of the house and the tree growth was considered with the solar panels. Tree growth is only problematic when the roof ridge is running parallel to the street; in those circumstances the front tree could grow to block some of the solar tiles. For the other homes there will be nothing planted in the side yard large enough to block the solar tiles.

PUBLIC COMMENT

Don Barnett, Lennar

- The solar program is a mandatory option with two different purchase programs; buyers can purchase the system as part of their mortgage or through a lease program through Sun Power where they would own the system after ten years. In regards to the trees blocking the solar tiles – the street trees and front tree are smaller (grow to approximately 15-20 feet tall) and will not shade solar in the future.
 - Cummings – Are solar panels or tiles more efficient? Barnett – The panels are more efficient but we find that buyers prefer the tiles. The tiles are efficient for the proposed home sizes and will result in significant savings.

Chair Moe closed the public hearing

Action:

Motion: Commissioner Savorn moved, seconded by Commissioner Burke that the Planning Commission determine the Mitigated Negative Declaration prepared for the Anatolia Subdivisions I, II, and III, adopted by the Sacramento County Board of Supervisors, adequately addresses the environmental impacts for the project and adopt Resolution No. 154-2010 approving the Design Review for those portions of Villages 17, 23 & Village 24 of Anatolia III, Project No. DD6932, subject to the findings, attached Design Review Package and Conditions of Approval.

Vote on the Motion:

AYES: Burke, Cummings, Johnson, Konarski, Savorn, Moe
NOES: NONE
ABSTAIN: NONE
ABSENT: Vance

There being 6 Ayes, 0 Noes, 0 Abstains, 1 Absentee, the motion is hereby declared to be passed.

D. Consideration of South White Rock Zoning Amendments:

Request: The proposed modifications will change the zoning map designations in the industrial area south of White Rock Road and east of Sunrise Boulevard and result in minor text amendments. The new zoning designations for the area will be Light Industrial (M-1) and Heavy Industrial (M-2) and will more appropriately match existing land uses to reduce the number of nonconforming uses.

Lead Agency: City of Rancho Cordova, Planning Department, 2729 Prospect Park Drive, Rancho Cordova, CA 95670

Project Location: Properties located within the industrial area south of White Rock Road and east of Sunrise Boulevard

Recommendation: Revise zoning map within the industrial area south of White Rock Road and east of Sunrise Boulevard to Light Industrial (M-1) and Heavy Industrial (M-2) classifications, make minor adjustments to the table of permitted land uses and amend the General Plan to be consistent with new zoning designations.

Senior Planner, Jeff Beiswenger, presented the staff report and described the project and staff's recommendation to the Planning Commission.

The Commissioners had the following concerns and comments:

- Moe – Will any businesses become non-conforming as a result of the rezone? Beiswenger – Specific zoning requests from business owners were accommodated; the areas existing uses were analyzed to make sure that the majority of businesses will not become non-conforming. Junker – One of our goals of the rezone is to avoid legal, nonconforming use businesses.
- Cummings – Will the future Rio del Oro homeowners be able to see the manufacturing operations above the sound wall? Beiswenger – In the Zoning Code, M-2 doesn't allow stacking above the wall height; operations must be 100% enclosed. The South Sunrise Special Planning Area allows for higher stacking.

PUBLIC COMMENT

- None

Chair Moe closed the public hearing

Action:

Motion: Commissioner Cummings moved, seconded by Commissioner Savorn that the Planning Commission direct staff to revise zoning map within the industrial area south of White Rock Road and east of Sunrise Boulevard to Light Industrial (M-1) and Heavy Industrial (M-2) classifications, make minor adjustments to the table of permitted land uses and amend the General Plan to be consistent with new zoning designations.

Vote on the Motion:

AYES: Burke, Cummings, Johnson, Konarski, Savorn, Moe
NOES: NONE
ABSTAIN: NONE
ABSENT: Vance

There being 6 Ayes, 0 Noes, 0 Abstains, 1 Absentee, the motion is hereby declared to be passed.

4. REGULAR CALENDAR ITEM

A. Parks Tour Presentation

Planning Director, Paul Junker, presented the Parks Tour Presentation and noted that there will be discussion of the parks and development in the coming months.

5. COMMISSION REQUEST FOR FUTURE AGENDA ITEMS

The Commissioners had the following suggestions:

- NONE

6. STAFF/COMMISSION COMMENTS

The Commissioners had the following comments:

- NONE

7. ADJOURNMENT

There being no further business before the Planning Commission, the meeting was adjourned at 8:21 p.m., July 22, 2010, to the next scheduled meeting.

Ray Savorn, Planning Commission Vice Chair

Paul Junker, Planning Director

ATTEST:

Olivia Le Bel, Planning Commission Clerk

APN	OWNER NAME	OWNER_ADDRESS	OWNER_CITY	OWNER_ZIP	OWNER_STATE
07204100180001	MUSTAIN LAWRENCE F/CAROL J/TR	11583 PROSPECT HILL DR	GOLD RIVER	95670	CA
07204100160014	MARILAO, TROY, J	3234 MONIER CIR A	RANCHO CORDOVA	95742	CA
07204100160005	LANE, EDWARD, L	5000 KENDRA CT	FAIR OAKS	95628	CA
07204500320001	KARIN CZAJA	8362 HILLGROVE ST	GRANITE BAY	95746	CA
07205600600000	MOORE, DARIN, D	3590 SUNRISE BLVD	RANCHO CORDOVA	95742	CA
07205100110000	GOLDEN WHEEL CORPORATION	1415 LOWER PASEO LA CRESTA	PALOS VERDES	90274	CA
07205600100000	MOORE, DARIN, D	3590 SUNRISE BLVD	RANCHO CORDOVA	95742	CA
07205700400000	DDM DEVELOPMENT INC	11337 DISMANTLE CT	RANCHO CORDOVA	95742	CA
07205600500000	CHARLES C WENISCH REVOCABLE LIVING TRUST	2012 EMPIRE MINE CIR	GOLD RIVER	95670	CA
07205000220000	GRANTLINE INVESTMENTS LLC	3401 FITZGERALD RD	RANCHO CORDOVA	95742	CA
07205000210000	GRANTLINE INVESTMENTS LLC	3401 FITZGERALD RD	RANCHO CORDOVA	95742	CA
07204200160000	K-B SUNRISE PARTNERSHIP	1345 AIRMOTIVE WAY	RENO	89502	NV
07205000190000	BALBACH BROS LLC	11390 GOLD DREDGE WAY	RANCHO CORDOVA	95742	CA
07204200130000	U S BK	25510 COMMERCENTRE DR 150	LAKE FOREST	92630	CA
07205000650000	HALEY FAMILY L P	6204 REXFORD CT	GRANITE BAY	95746	CA
07204200140000	BONNEY, CANDACE, L	2912 SIENNA LN	SACRAMENTO	95864	CA
07205800110000	MOORE, DARIN, D	3935 RIDGE ST	FAIR OAKS	95628	CA
07205000050000	HALEY, RICHARD	1 NO ADDRESS	SACRAMENTO	95826	CA
07205000250000	HOLTZMAN, THOMAS, W	3360 LUYUNG DR	RANCHO CORDOVA	95742	CA
07205000550000	SFC, LEASING, L	3430 LUYUNG DR	RANCHO CORDOVA	95742	CA
07205000540000	GEROLAMY, BARRIE, C	7629 PEERLESS AVE	ORANGEVALE	95662	CA
07204500910000	MUKHTAR, FAROOQ	5351 RIDGEVALE WAY	FAIR OAKS	95628	CA
07225200070000	REED, MARION, D	3293 OSELOT WAY	RANCHO CORDOVA	95670	CA
07203401060000	D BENVENUTI HOLDINGS LLC	4378 AUBURN BLVD 300	SACRAMENTO	95841	CA
07204100060000	EWING IRRIGATION PRODUCTS INC	3441 E HARBOUR DR	PHOENIX	85034	AZ
07206700260000	PROPERTY TAX DEPT 438	999 LAKE DR	ISSAQUAH	98027	WA
07204500540000	REINHARDT, CRAIG, L	3187 FITZGERALD RD	RANCHO CORDOVA	95742	CA
07204501010000	JAMAL LLC	11354 WHITE ROCK RD	RANCHO CORDOVA	95742	CA
07206400230000	WALTER/SHARROLD KIRBY FAMILY REVOCABLE TRU	10295 CAVALLETTI DR	SACRAMENTO	95829	CA
07204500560000	ALLIED ENVIR INC	PO BOX 2240	SHINGLE SPGS	95682	CA
07204100240000	C C MYERS INC	3286 FITZGERALD RD	RANCHO CORDOVA	95742	CA
07204100230000	BRUCE / BARBARA ASHWILL REVOCABLE TRUST	4429 WHISPERING OAKS CIR	GRANITE BAY	95746	CA
07204500990000	JAMAL LLC	11354 WHITE ROCK RD	RANCHO CORDOVA	95742	CA
07212000110000	BRUCE/BARBARA ASHWILL REVOCABLE TRUST	3181 CAMERON PARK DR 105	CAMERON PARK	95682	CA
07204500210000	ESTACIO-RAWLES PROPERTIES LLC	PO BOX 5	FOLSOM	95630	CA
07204500800000	MILLS, JEREMIE, DAVID	4062 REDONDO DR	EL DORADO HILL	95762	CA
06700300020000	CORDOVA RECREATION/PARK DIST	1 NO ADDRESS	SACRAMENTO	95826	CA
07210100280000	MONIER PARK OWNERS ASSOCIATION	1420 ROCKY RIDGE DR	ROSEVILLE	95661	CA
07225200340000	CORDOVA REC/PARK DISTRICT	2197 CHASE DR	RANCHO CORDOVA	95670	CA

07202311330000	EASTON DEVELOPMENT COMPANY LLC	620 COOLIDGE DR 100	FOLSOM	95630	CA
07225200030000	BEKALU, ASMARE, B	3277 OSELOT WAY	RANCHO CORDOVA	95670	CA
07225200080000	LI, JIAJIE	3297 OSELOT WAY	RANCHO CORDOVA	95670	CA
07210100010000	NIKOLAOS P VORESIS /CALLIOPE	2725 GARFIELD AVE	CARMICHAEL	95608	CA
07210100050000	SKYLINE GROUP CORPORATION	786 EL PINTADO RD	DANVILLE	94526	CA
07210100060000	JERPAK, MARK, J	11350 MONIER PARK PLZ	RANCHO CORDOVA	95742	CA
07212000020000	BRUCE/BARBARA ASHWILL REVOCABLE TRUST	3181 CAMERON PARK DR 105	CAMERON PARK	95682	CA
07203401120000	FRANK M URATA REVOCABLE TRUST	3430 LUYUNG DR	RANCHO CORDOVA	95742	CA
07203700090000	UNITED STATES OF AMERICA	1 NO ADDRESS	SACRAMENTO	95826	CA
07204100070000	C C MYERS INC	3287 MONIER CIR	RANCHO CORDOVA	95742	CA
07204100130000	GERALD D/EDNA C MCCLAIN 1999 REVOCABLE TRUS	4972 PRIMROSE DR	FAIR OAKS	95628	CA
07204100160008	MARKEL, RICHARD, L	PO BOX 161618	SACRAMENTO	95816	CA
07204100160013	MARILAO, TROY, J	3234 MONIER CIR A	RANCHO CORDOVA	95742	CA
07204100180002	L Q A ASSOCIATES	3304 MONIER CIR 120	RANCHO CORDOVA	95742	CA
07204100180005	CREEDON, DUNG, T	3298 MONIER CIR 150	RANCHO CORDOVA	95742	CA
07204100360000	A T SHAW	PO BOX 907	CONCORD	94522	CA
07204100380000	SHAW FAMILY TRUST	2054 PINECREST CT	VACAVILLE	95688	CA
07204100470000	AVILA, JOSEPH, A	9791 ELDER CREEK RD	SACRAMENTO	95829	CA
07204100590000	WINTERLING, DEBRA, L	3450 PALMER DR 4-251	CAMERON PARK	95682	CA
07204100950000	SIMON BUILDING LLC	100 SUNRISE BLVD	RANCHO CORDOVA	95742	CA
07204200110000	CHARLES / DEBRA LANGDON	5215 LIL BIT CT	SHINGLE SPRING	95682	CA
07204500220000	BAUGH FAMILY TRUST	4000 PINEOAKIO DR	RESCUE	95672	CA
07204500240000	CEMO INDUSTRIAL TRACT INC	3383 FITZGERALD RD A	RANCHO CORDOVA	95742	CA
07204500320003	VELLA ENTERPRISES G P	PO BOX 28010	SAN JOSE	95159	CA
07204500450000	JOHN R PUTMAN	113 SCENIC RIDGE RD W	INGRAM	78025	TX
07204500530000	JONES, MITCHELL, L	3185 FITZGERALD RD	RANCHO CORDOVA	95742	CA
07204500600000	JUNKERT, RONALD, L	125 BURNHAM CT	FOLSOM	95630	CA
07204500660000	ACM MACHINING, INC.	11390 GOLD DREDGE WAY	RANCHO CORDOVA	95742	CA
07204500740000	3181 LUYUNG DRIVE LLC	788 UNIVERSITY AVE	SACRAMENTO	95825	CA
07204500840000	STANTON, THOMAS, J	3219 LUYUNG DR	RANCHO CORDOVA	95742	CA
07204500850000	STANTON, THOMAS, JAMES	PO BOX 4754	EL DORADO HILL	95762	CA
07205000070000	FIVE STAR CONCRETE INC	1 NO ADDRESS	SACRAMENTO	95826	CA
07205000330000	NOLASCO PROPERTIES	PO BOX 1188	ROSEVILLE	95678	CA
07205000590000	CLARK, DAVID, M	15158 DE LA PENA CIR	RANCHO MURIETA	95683	CA
07205000620000	MURPHY, PAULA	1828 WOODGLEN DR	FOLSOM	95630	CA
07205600030000	APG PROPERTIES LLC	3780 RECYCLE RD	RANCHO CORDOVA	95742	CA
07205600620000	AUSTIN, CATHERINE, M	375 CHAGALL CT	EL DORADO HILL	95762	CA
07205600630000	AUSTIN, CATHERINE, M	375 CHAGALL CT	EL DORADO HILL	95762	CA
07205700010000	DANIEL A/SHERYL S PETKUS FAMILY TRUST	3600 SUNRISE BLVD	RANCHO CORDOVA	95742	CA
07205700350000	M/M DEVELOPMENT	3590 SUNRISE BLVD 9	GOLD RIVER	95670	CA

07205700360000	M/M DEVELOPMENT	3590 SUNRISE BLVD 9	GOLD RIVER	95670 CA
07205700370000	M/M DEVELOPMENT	3590 SUNRISE BLVD 9	GOLD RIVER	95670 CA
07205800010000	BOB SPENCE	1165 INVESTMENT BLVD 2	EL DORADO HILL	95762 CA
07205800020000	AMERICAN RIVER DEVELOPMENT CORPORATION	3450 SUNRISE BLVD	RANCHO CORDOVA	95742 CA
07205800140000	MOORE, DARIN, D	3486 RECYCLE RD	RANCHO CORDOVA	95742 CA
07206400310000	REESE, TRAVIS, J	4621 SUMMER CREEK CT	SPGS	95682 CA
07206400320000	HALEY FABRICATION	3343 LUYUNG DR	RANCHO CORDOVA	95742 CA
07206400420000	LEGNON, KIMBERLY, M	3261 FITZGERALD RD A	RANCHO CORDOVA	95742 CA
07210100290000	FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT	125 E BIDWELL ST	FOLSOM	95630 CA
07212000040000	SK LLC	14341 PIERITE RD	NEVADA CITY	95959 CA
07203700710000	ELLIOTT WHITEROCK LLC	80 IRON POINT CIR 110	FOLSOM	95630 CA
07204100080000	MONIER BUILDING PROJECT	3293 MONIER CIR 1	RANCHO CORDOVA	95742 CA
07204100160002	KECHTER, DOUGLAS, K	2760 DOVE MEADOW CT	CAMERON PARK	95682 CA
07204100170000	SFC LEASING L P	3430 LUYUNG DR	RANCHO CORDOVA	95742 CA
07204100180014	MURPHY, ROBERT, M	8196 TOYON AVE	FAIR OAKS	95628 CA
07204100350000	A T SHAW	PO BOX 907	CONCORD	94522 CA
07204100420000	A T SHAW	PO BOX 907	CONCORD	94522 CA
07204100430000	K-B SUNRISE PARTNERSHIP	1345 AIRMOTIVE WAY	RENO	89502 NV
07204100460000	CHAMBERS NORMAN L/TR/ETAL	9487 GOLDEN DR	ORANGEVALE	95662 CA
07204100530000	JOHN PAGE	49 NATOMA ST	FOLSOM	95630 CA
07204100580000	WINTERLING, DEBRA, L	3450 PALMER DR 4-251	CAMERON PARK	95682 CA
07204200010000	K-B SUNRISE PARTNERSHIP	1345 AIRMOTIVE WAY	RENO	89502 NV
07204200040000	LIVINGSTON S CONCRETE SERVICE INC	5416 ROSEVILLE RD	NORTH HIGHLAND	95660 CA
07204200080000	JOHNSON, JEROME, M	15451 PALOS VERDES	MONT SERENO	95030 CA
07204500150000	AUTO & BOAT STORE INCORPORATED	2007 VAIL AVE 4	REDONDO BEACH	90278 CA
07204500320004	EDWARDS, JOHN, T	458 MITCHELL CT	FOLSOM	95630 CA
07204500580000	COURT YOUNGER/DEBRA RIGGS	4504 MARTSMITH WAY	FAIR OAKS	95628 CA
07204500670000	LOBLEY, EARL, R	6061 GREYSTONE PLZ	GRANITE BAY	95746 CA
07204500720000	MCMILLAN GILMAN C	225 MUSE DR	EL DORADO HILL	95762 CA
07204500750000	3181 LUYUNG DRIVE LLC	788 UNIVERSITY AVE	SACRAMENTO	95825 CA
07204501050000	JAMES, GREGORY, DOUGLAS	721 SHORELINE POINTE	EL DORADO HILL	95762 CA
07204501110000	TOLIVER, JEFFREY, G	11335 GOLD EXPRESS DR 135	GOLD RIVER	95670 CA
07204501140000	SFC LEASING LP	3430 LUYUNG DR	RANCHO CORDOVA	95742 CA
07205000040000	TIMOTHY S/CAROLE E GREEN REVOCABLE TRUST	7248 PINE VIEW DR	FOLSOM	95630 CA
07205000130000	CENTRAL STRIPING	3489 LUYUNG DR	RANCHO CORDOVA	95742 CA
07205000200000	SCOTT SILVA	3401 FITZGERALD RD	RANCHO CORDOVA	95742 CA
07205000240000	HOLTZMAN, THOMAS, W	1 NO ADDRESS	SACRAMENTO	95826 CA
07205000350000	NOLASCO PROPERTIES	PO BOX 1188	ROSEVILLE	95678 CA
07205000500000	LESNIEWSKI TRUST	4249 SWIFT CIR	SHINGLE SPGS	95682 CA
07205000510000	HUPPE FAMILY TRUST	4455 BLACKBERRY LN	LOOMIS	95650 CA

07205100030000	WEBSTER L CARTER LIVING TRUST	7332 DOUGLAS CIR	LA PALMA	90623	CA
07205100040000	GOLDEN WHEEL CORPORATION	1415 LOWER PASEO LA CRESTA	PALOS VERDES	90274	CA
07205100100000	HENRY J/JESSICA F CHEN 1998 REV TRUST	1415 LOWER PASEO LA CRESTA	PALOS VERDES E	90274	CA
07205600490000	WENISCH CHARLES C/TR	2012 EMPIRE MINE CIR	GOLD RIVER	95670	CA
07205700070000	MOSER HOLDINGS LIMITED PARTNERSHIP	PO BOX 58	FAIR OAKS	95628	CA
07205700330000	MEZZETTA, MATTHEW, J	11337 DISMANTLE CT	RANCHO CORDOVA	95742	CA
07205800120000	RICHARD/NANCY ZIMMERMAN	81653 ULRICH DR	LA QUINTA	92253	CA
07205800190000	AMERICAN RIVER DEVELOPMENT CORPORATION	3400 SUNRISE BLVD	RANCHO CORDOVA	95742	CA
07206400300000	MICHAEL SEEBODE	3237 FITZGERALD RD	RANCHO CORDOVA	95742	CA
07206400370000	TANNER, MICHAEL, T	7927 CALZADA CT	ELK GROVE	95758	CA
07202310310000	REAL ESTATE SERV	PO BOX 15830	SACRAMENTO	95852	CA
07203400320000	AHLSTROM, STEVEN, G	3166 FITZGERALD RD	RANCHO CORDOVA	95742	CA
07203400790000	WARREN N HUNT JR	3939 WALNUT AVE 268	CARMICHAEL	95608	CA
07204500440000	VIRGINIA R SMYTH REVOCABLE LIVING TRUST	PO BOX 276629	SACRAMENTO	95827	CA
07204500570000	VOILL FAMILY TRUST	558 CANYON RD	REDWOOD CITY	94062	CA
07204500590000	VOILL FAMILY TRUST	558 CANYON RD	REDWOOD CITY	94062	CA
07204501040000	JAMAL LLC	11354 WHITE ROCK RD	RANCHO CORDOVA	95742	CA
07204501060000	STR8UP FAMILY LIMITED PARTNERSHIP	224 N LAKESIDE RD	LIBERTY LAKE	99019	WA
07204501150000	SFC LEASING LP	3322 LUYUNG DR	RANCHO CORDOVA	95742	CA
07205000320000	NOLASCO PROPERTIES	PO BOX 1188	ROSEVILLE	95678	CA
07205000400000	RNG PROPERTIES	3501 LUYUNG DR	RANCHO CORDOVA	95742	CA
07205000570000	TOLIVER, JEFFREY, G	3158 LUYUNG DR	RANCHO CORDOVA	95742	CA
07205000610000	TOP GUN GUNITE CORPORATION	3401 FITZGERALD RD	RANCHO CORDOVA	95742	CA
07205000640000	SFC LEASING LP	3430 LUYUNG DR	RANCHO CORDOVA	95742	CA
07205100080000	GOLDEN WHEEL CORPORATION	1415 LOWER PASEO LA CRESTA	PALOS VERDES	90274	CA
07205600440000	TRIPLE C LIMITED PARTNERSHIP	3690 RECYCLE RD	RANCHO CORDOVA	95742	CA
07205600550000	MA INVESTMENTS	11492 REFINEMENT RD	RANCHO CORDOVA	95742	CA
07205600560000	MA INVESTMENTS	11492 REFINEMENT RD	RANCHO CORDOVA	95742	CA
07205600570000	MA INVESTMENTS	11494 REFINEMENT RD	RANCHO CORDOVA	95742	CA
07205700050000	EDWARD F NOACK 1985 W TRUST	4710 AMERICAN RIV DR	SACRAMENTO	95608	CA
07205700390000	3480 SUNRISE BLVD LLC	3480 SUNRISE BLVD 200	RANCHO CORDOVA	95742	CA
07206400190000	CHANDLER, DARRYL	5781 SADDLEHORN RD	SHINGLE SPRING	95682	CA
07206400270000	SFC LEASING	3430 LUYUNG DR	RANCHO CORDOVA	95742	CA
07206400290000	FURNAS FAMILY TRUST	3453 CAMBRIDGE RD	CAMERON PARK	95682	CA
07206400330000	HOUCK, GREGORY, L	110 BRUGLER CT	FOLSOM	95630	CA
07206400350000	ALVIN SURHUELL	2337 AMERICAN AVE	HAYWARD	94545	CA
07206400390000	A-COMMUNICATIONS	2313 C ST	SACRAMENTO	95816	CA
07206400400000	BBHB PARTNERSHIP	3221 FITZGERALD RD	RANCHO CORDOVA	95742	CA
07206700030000	SFC LEASING LP	3430 LUYUNG DR	RANCHO CORDOVA	95742	CA
07206700080000	NOLASCO PROPERTIES	PO BOX 1188	ROSEVILLE	95678	CA

07206700240000	DEPT OF TRANSPORT DIST DIREC	PO BOX 911	MARYSVILLE	95901 CA
07206800690000	PARCEL 4 LLC	621 CAPITOL MALL 1900	SACRAMENTO	95814 CA
07212000090000	SK LLC	14341 PIERITE RD	NEVADA CITY	95959 CA
07202310450000	C R/R INC	1 NO ADDRESS	SACRAMENTO	95826 CA
07203400570000	BENVENUTI DANIEL/KAREN	4378 AUBURN BLVD 300	SACRAMENTO	95841 CA
07203401100000	GUDEL, ERNEST, J	3920 ORANGEWOOD DR	FAIR OAKS	95628 CA
07204100160007	LANE STEELE LIMITED	3250 MONIER CIR F	RANCHO CORDOVA	95742 CA
07204100160011	SPECKERT LIVING TRUST	2132 MARCHITA WAY	CARMICHAEL	95608 CA
07204100180007	WILES, LOU, ANN	8459 FRIAR TUCK WAY	FAIR OAKS	95628 CA
07204100180013	L Q A ASSOCIATES	3304 MONIER CIR 120	RANCHO CORDOVA	95742 CA
07204100190000	DFIVE(TRACY COPPIN	PO BOX 1284	ORANGEVALE	95662 CA
07204100250000	C C MYERS INC	3286 FITZGERALD RD	RANCHO CORDOVA	95742 CA
07204100280000	RINCON, EDWARD	1762 SANTA YNEZ WAY	SACRAMENTO	95816 CA
07204100500000	FOSTER-INGLEBRIGHT	4120 CAMERON PARK DR 102	CAMERON PARK	95682 CA
07204100510000	FOSTER-INGLEBRIGHT	4120 CAMERON PARK DR 102	CAMERON PARK	95682 CA
07204100570000	FIORI, DIANNE, L	3319 EL DORADO ROYALE DR	CAMERON PARK	95682 CA
07204100600000	EBDC PROPERTIES LLC	3233 MONIER CIR A	RANCHO CORDOVA	95742 CA
07204200060000	K-B SUNRISE PARTNERSHIP	1345 AIRMOTIVE WAY	RENO	89502 NV
07204200150000	K-B SUNRISE PARTNERSHIP	1345 AIRMOTIVE WAY	RENO	89502 NV
07210100030000	DIEHL, NANCY, LEE	509 TWAIN CT	ROSEVILLE	95747 CA
07203401110000	SFC LEASING LP	3322 LUYUNG DR	RANCHO CORDOVA	95742 CA
07204100140000	MOORE, DARIN, D	3450 RECYCLE RD	RANCHO CORDOVA	95742 CA
07204100160009	BRISTOW, JAMES, N	3250 MONIER CIR I	RANCHO CORDOVA	95742 CA
07204100180003	KORAF CORPORATION	8924 FAIR OAKS BLVD	CARMICHAEL	95608 CA
07204100180006	LEECH FAMILY LIVING TRUST	5138 OAK SHADE WAY	FAIR OAKS	95628 CA
07204100180010	SUGARMAN, GEORGE, D	1049 COLUMBIA CIR	EL DORADO HILL	95762 CA
07204100450000	C C MYERS INC	3286 FITZGERALD RD	RANCHO CORDOVA	95742 CA
07204100540000	MCTERNAN, TERESA	PO BOX 250	RANCHO CORDOVA	95741 CA
07204100560000	VAN HILL, ANITA	3223 MONIER CIR	RANCHO CORDOVA	95742 CA
07204100900000	ALLIED WASTE NORTH AMERICA I	PO BOX 460189	HOUSTON	77056 TX
07204200050000	K-B SUNRISE PARTNERSHIP	1345 AIRMOTIVE WAY	RENO	89502 NV
07204200100000	CAPITAL PACIFIC COMPANY	7150 DOUGLAS BLVD	GRANITE BAY	95746 CA
07204500320002	GASCH FAMILY LIVING TRUST	143 OAK MILL RD	FOLSOM	95630 CA
07204500320006	WELCH REVOCABLE TRUST	212 POWERS DR	EL DORADO HILL	95762 CA
07204500480000	CECCHETTINI, MARTIN, L	3175 FITZGERALD RD	RANCHO CORDOVA	95742 CA
07204500500000	VOIL FAMILY TRUST	4180 CAMERON RD	CAMERON PARK	95682 CA
07204500550000	REINHARDT, CRAIG, L	3189 FITZGERALD RD	RANCHO CORDOVA	95742 CA
07204500620000	FANN FAMILY TRUST	6560 ASHER LN	SACRAMENTO	95828 CA
07204500650000	ELECTRIC LIGHTWAVE INC	8100 NE PARKWAY DR	VANCOUVER	98662 WA
07204500810000	RODRIGUEZ, REINALDO, A	1449 N SAN DIMAS AVE	SAN DIMAS	91773 CA

07204500860000	DALE G HOFFMAN 1993 SEPARATE PROPERTY TRUST	811 G ST	SALIDA	81201	CO
07204500970000	JAMAL LLC	11354 WHITE ROCK RD	RANCHO CORDOVA	95742	CA
07204501000000	JAMAL LLC	11354 WHITE ROCK RD	RANCHO CORDOVA	95742	CA
07204501020000	JAMAL LLC	11354 WHITE ROCK RD	RANCHO CORDOVA	95742	CA
07204501070000	SFC LEASING LP	3430 LUYUNG DR	RANCHO CORDOVA	95742	CA
07205000100000	YOUNG CARY L/TR/ETAL	4981 AUBURN FOLSOM RD	LOOMIS	95650	CA
07205000230000	SCOTT SILVA	3401 FITZGERALD RD	RANCHO CORDOVA	95742	CA
07205000340000	NOLASCO PROPERTIES	PO BOX 1188	ROSEVILLE	95678	CA
07205000480000	SILVA, STEPHEN, M	13901 INDIO DR	SLOUGHHOUSE	95683	CA
07205000660000	J I HALEY ENT INC	3510 LUYUNG DR	RANCHO CORDOVA	95742	CA
07205100050000	GOLDEN WHEEL CORPORATION	1415 LOWER PASEO LA CRESTA	PALOS VERDES	90274	CA
07205100060000	GOLDEN WHEEL CORPORATION	1415 LOWER PASEO LA CRESTA	PALOS VERDES	90274	CA
07205700020000	M/M DEVELOPMENT	3590 SUNRISE BLVD	RANCHO CORDOVA	95742	CA
07205800040000	RICHARD DE SILVA	3400 SUNRISE BLVD	RANCHO CORDOVA	95670	CA
07205800090000	RICHARD DESILVA REVOCABLE LIVING TRUST	8400 PENDOLA DR	FAIR OAKS	95628	CA
07205800100000	AMERICAN RIVER DEVELOPMENT CORPORATION	3400 SUNRISE BLVD	RANCHO CORDOVA	95742	CA
07206400410000	ROBERT D BAGGALEY	8033 MARIGOLA DR	EL DORADO HILL	95762	CA
07206700280000	GRADUATE, N/C, MACHINING	1860 CARL RD	RESCUE	95672	CA
07210100040000	HERMAN, EDWARD, M	8650 HICKORY LEAF PLZ	ORANGEVALE	95662	CA
07212000100000	BRUCE/BARBARA ASHWILL REVOCABLE TRUST	3181 CAMERON PARK DR 105	CAMERON PARK	95682	CA
07203401040000	ALVARADO, RAYMOND, G	4209 MEPHAM CT	EL DORADO HLS	95673	CA
07203401090000	WINN PROPERTIES LLC	11297 WHITE ROCK RD B	RANCHO CORDOVA	95742	CA
07204100160003	ENGLISH FAMILY TRUST	2141 MOONSTONE CIR	EL DORADO HILL	95762	CA
07204100160004	HANDEN, TRACY, J	3250 MONIER CIR D	RANCHO CORDOVA	95742	CA
07204100160015	DE SENING, MARIA, ROJAS	104 CANYON RIM DR	FOLSOM	95630	CA
07204100160016	DOUGLAS A ENGLISH / DIANA R	2141 MOONSTONE CIR	EL DORADO HILL	95762	CA
07204100180008	WILES, LOU, ANN	8459 FRIAR TUCK WAY	FAIR OAKS	95628	CA
07204100180011	PLAN B PROPS LLC	3300 MONIER CIR 160	RANCHO CORDOVA	95742	CA
07204100180015	ROBERTS, G, JEFFREY	3626 ROBLE CT	EL DORADO HILL	95762	CA
07204100410000	SHAW ALBERT T/PATRICIA/TR	PO BOX 907	CONCORD	94522	CA
07204100930000	RUSSELL ADVENTURES LLC	3255 MONIER CIR	RANCHO CORDOVA	95742	CA
07204500230000	BAUGH FAMILY TRUST	4000 PINEOAKIO RD	RESCUE	95672	CA
07204500520000	WILLIAM R/PATRICIA M WOOLSEY REVOCABLE TRUS	8272 TWIN ROCKS RD	GRANITE BAY	95746	CA
07204500680000	RICHARD CAVANAGH	PO BOX 2059	FOLSOM	95763	CA
07204500900000	LIN W / YUET C MAK REVOCABLE TRUST	456 MONTGOMERY ST 700	SAN FRANCISCO	94104	CA
07204500950000	JAMAL LLC	11354 WHITE ROCK RD	RANCHO CORDOVA	95742	CA
07204501030000	JAMAL LLC	11354 WHITE ROCK RD	RANCHO CORDOVA	95742	CA
07204501080000	JOHNSTON, ELLEN	40851 CAPA DR	FREMONT	94539	CA
07205000030000	CORNISH/CAREY	1601 RESPONSE RD 160	SACRAMENTO	95815	CA
07205000090000	CEMO INDUSTRIAL TRACT INC/ETAL	4981 AUBURN FOLSOM RD	LOOMIS	95650	CA

07205000310000	MILCO DEV INC	13620 LINCOLN WAY 300	AUBURN	95603	CA
07205000450000	NOEL, LEO, S	PO BOX 990	EL DORADO	95623	CA
07205000560000	GARRAHAN-CANJURA PROPERTIES LLC	3338 LUYUNG DR	RANCHO CORDOVA	95742	CA
07205000580000	JACQUEMAIN ENTERPRISES LLC	3316 LUYUNG DR	RANCHO CORDOVA	95742	CA
07205000600000	MARION 2002 REVOCABLE TRUST	6839 EBONY OAKS PLZ	GRANITE BAY	95746	CA
07205100020000	GOLDEN WHEEL CORPORATION	1 NO ADDRESS	SACRAMENTO	95826	CA
07205100120000	GOLDEN WHEEL CORPORATION	1415 LOWER PASEO LA CRESTA	PALOS VERDES	90274	CA
07205600080000	MOORE, DARIN, D	3590 SUNRISE BLVD	RANCHO CORDOVA	95742	CA
07205600110000	KENNETH K NAKANO REVOCABLE TRUST	3667 RECYCLE RD	RANCHO CORDOVA	95742	CA
07205600120000	JOHNSON, JEROME, M	15451 PALOS VERDES DR	MONTE SERENO	95030	CA
07205600240000	PATZER, ERICH	9566 HARVEST VIEW WAY	SACRAMENTO	95827	CA
07205600410000	CASTRO, CHRISTOPHER, J	611 POWERS DR	EL DORADO HILL	95762	CA
07205600450000	HOUX, KIM, T	3765 OMEC CIR	RANCHO CORDOVA	95742	CA
07205700060000	DDM DEVELOPMENT INC	11337 DISMANTLE CT	RANCHO CORDOVA	95742	CA
07205700340000	M/M DEVELOPMENT	3590 SUNRISE BLVD 9	GOLD RIVER	95670	CA
07205700410000	CASTRO, DANIEL, P	3539 RECYCLE RD	RANCHO CORDOVA	95742	CA
07205800030000	AMERICAN RIVER DEVELOPMENT CORPORATION	3430 SUNRISE BLVD	RANCHO CORDOVA	95742	CA
07205800050000	RICHARD DE SILVA REVOCABLE LIVING TRUST	8400 PENDOLA DR	FAIR OAKS	95628	CA
07205800130000	HOLTZMAN, NANCY, C	3590 SUNRISE BLVD	RANCHO CORDOVA	95742	CA
07205800160000	WATER RESOURCE	827 7TH ST	SACRAMENTO	95814	CA
07205800200000	AUTO PARTS PARK OF AMERICA	3590 SUNRISE BLVD	RANCHO CORDOVA	95742	CA
07205800210000	SPECIALIZED PARTS PLANET INC	3590 SUNRISE BLVD	RANCHO CORDOVA	95742	CA
07206400250000	FURNAS FAMILY TRUST	3249 FITZGERALD RD #101	RANCHO CORDOVA	95742	CA
07206400380000	SMC REAL ESTATE VENTURES LLC	3203 FITZGERALD RD	RANCHO CORDOVA	95742	CA
07206700020000	HENDERSON, BRENT	9616 WEXFORD CIR	GRANITE BAY	95746	CA
07206700100000	PEASE TRUST	2391 ARDEN WAY 220	SACRAMENTO	95825	CA
07206700220000	PROPERTY TAX DEPT 438	999 LAKE DR	ISSAQUAH	98027	WA
072068000680000	PARCEL 4 LLC	621 CAPITOL MALL 1900	SACRAMENTO	95814	CA
07225200040000	HELM, AARON, C	3281 OSELOT WAY	RANCHO CORDOVA	95670	CA
07225200060000	KAZINEC, COREY	3289 OSELOT WAY	RANCHO CORDOVA	95670	CA
07212000010000	CR/R INCORPORATED	11292 WESTERN AVE	STANTON	90680	CA
07212000030000	SK LLC	14341 PIERITE RD	NEVADA CITY	95959	CA
07212000080000	SK LLC	14341 PIERITE RD	NEVADA CITY	95959	CA
07203400330000	JEROME & JOYCE JOHNSON	15451 PALOS VERDES DR	MONTE SERENO	95030	CA
07203401020000	1325 J STREET L P	4378 AUBURN BLVD 300	SACRAMENTO	95841	CA
07203401030000	DOS HOMBRES LLC	3150 FITZGERALD RD	RANCHO CORDOVA	95742	CA
07203401050000	BARBERA, CHRISTOPHER, A	5912 BEECH AVE	ORANGEVALE	95662	CA
07204100150000	MONIER SELF STORAGE LLC	8265 SIERRA COLLEGE BLVD 314	ROSEVILLE	95661	CA
07204100160001	RECALDE, J, CARLOS	PO BOX 288	PACIFICA	94044	CA
07204100160006	LANE STEELE LTD	3250 MONIER CIR F	RANCHO CORDOVA	95742	CA

07204100160010	MCTERNAN, TERESA		PO BOX 250	RANCHO CORDOVA	95741	CA
07204100160012	MARILAO, TROY, J		3234 MONIER CIR A	RANCHO CORDOVA	95742	CA
07204100180004	KORAF CORPORATION		8924 FAIR OAKS BLVD	CARMICHAEL	95608	CA
07204100180009	SUGARMAN, GEORGE, D		3300 MONIER CIR 140	RANCHO CORDOVA	95742	CA
07204100310000	OPAL SERVICE INC		PO BOX 5406	ORANGE	92863	CA
07204100340000	K-B SUNRISE PARTNERSHIP		1345 AIRMOTIVE WAY	RENO	89502	NV
07204100370000	SHAW ALBERT T/PATRICIA/TR		PO BOX 907	CONCORD	94522	CA
07204100940000	SIMON BUILDING LLC		100 SUNRISE BLVD	RANCHO CORDOVA	95742	CA
07204500490000	HACKETT, JOHN, D		5209 MORRO BAY DR	CARMICHAEL	95608	CA
07204500690000	GIOVANETTI REVOCABLE TRUST		2021 HICKOK RD	EL DORADO HILL	95762	CA
07204500730000	3181 LUYUNG DRIVE LLC		788 UNIVERSITY AVE	SACRAMENTO	95825	CA
07204500930000	MARION 2002 REVOCABLE TRUST		6839 EBONY OAKS PLZ	GRANITE BAY	95746	CA
07204500960000	JAMAL LLC		11354 WHITE ROCK RD	RANCHO CORDOVA	95742	CA
07204500980000	JAMAL LLC		11354 WHITE ROCK RD	RANCHO CORDOVA	95742	CA
07204501130000	SFC LEASING LP		3430 LUYUNG DR	RANCHO CORDOVA	95742	CA
07205000260000	EDWARD E CAMPBELL REVOCABLE TRUST		1720 OCALA AVE B	SAN JOSE	95122	CA
07205000440000	SCOTT B/CARRIE RAWLES FAMILY REVOCABLE TRUST		PO BOX 5	FOLSOM	95630	CA
07205100070000	GOLDEN WHEEL CORPORATION		1415 LOWER PASEO LA CRESTA	PALOS VERDES E	90274	CA
07205100090000	BROADWAY PHOENIX PROPERTIES LLC		1165 INVESTMENT BLVD	EL DORADO HILL	95762	CA
07205100130000	BROADWAY PHOENIX PROPERTIES LLC		1165 INVESTMENT BLVD	EL DORADO HILL	95762	CA
07205600090000	MOORE, DARIN, D		3590 SUNRISE BLVD	RANCHO CORDOVA	95742	CA
07205600230000	OMEC LLC		3790 OMEC CIR	RANCHO CORDOVA	95742	CA
07205600610000	MOORE, DARIN, D		3590 SUNRISE BLVD 9	RANCHO CORDOVA	95742	CA
07205800080000	DELICH, MILAN, I		11677 NEW ALBION DR	GOLD RIVER	95670	CA
07206400210000	DAVID AND ALAINA DIVINE		9636 CLOS DU LAC CIR	LOOMIS	95650	CA
07206400280000	TRUSLER PROPS LLC		3110 DEER VALLEY RD	RESCUE	95672	CA
07206400360000	YSMAEL A/BRENDA C CEPEDA REVOCABLE TRUST		7135 GARDENVINE AVE	CITRUS HEIGHTS	95621	CA
07206700250000	1325 J STREET LP		4378 AUBURN BLVD 300	SACRAMENTO	95841	CA
07206700270000	GRADUATE, N/C, MACHINING		1860 CARL RD	RESCUE	95672	CA
07204500320000					0	
07204100050000	RUGEN FAMILY GENERAL PARTNERSHIP		3257 MONIER CIR	RANCHO CORDOVA	95742	CA
07204100160017	MCANINCH, KEVIN		3234 MONIER CIR	RANCHO CORDOVA	95742	CA
07204100180012	L Q A ASSOCIATES		3304 MONIER CIR 110	RANCHO CORDOVA	95742	CA
07204100440000	K-B SUNRISE PARTNERSHIP		1345 AIRMOTIVE WAY	RENO	89502	NV
07204100550000	NURTER LLC		322 W 22ND ST	UPLAND	91784	CA
07204100910000	A T SHAW		PO BOX 907	CONCORD	94522	CA
07204100920000	RUSSELL ADVENTURES LLC		3251 MONIER CIR	RANCHO CORDOVA	95742	CA
07204200120000	CHARLES / DEBRA LANGDON		5215 LIL BIT CT	SHINGLE SPRING	95682	CA
07204500060000	C C MYERS INC		3286 FITZGERALD RD	RANCHO CORDOVA	95742	CA
07204500320005	CATE, CHRISTOPHER, T		3174 LUYUNG DR 5	RANCHO CORDOVA	95742	CA

07204500460000	FIVE STAR CONCRETE INC	3171 FITZGERALD RD	RANCHO CORDOVA	95742	CA
07204500470000	CORBETT LIVING TRUST	429 TROWBRIDGE LN	FOLSOM	95630	CA
07204500510000	KEVIN T/BONNIE M BUSSARD REVOCABLE FAMILY TR	9341 GOLDEN GATE AVE	ORANGEVALE	95662	CA
07204500790000	BISSELL, DAVID, L	3207 LUYUNG DR	RANCHO CORDOVA	95742	CA
07204500920000	CAROLYN M LYON TRUST	10 ACACIA LN	REDWOOD CITY	94062	CA
07204500940000	RCJ LLC	11455 HYDRAULIC DR	RANCHO CORDOVA	95742	CA
07204501100000	JORGENSEN / SONS INCORPORATED	2691 S EAST AVE	FRESNO	93706	CA
07204501120000	BAKER, PAUL, B	3162 LUYUNG DR	RANCHO CORDOVA	95742	CA
07205000060000	HALEY, RICHARD	3343 LUYUNG DR	RANCHO CORDOVA	95742	CA
07205000080000	ZUCCARO, DANIEL	4534 ECHO SPRINGS CIR	EL DORADO HILL	95762	CA
07205000410000	BRIAN L PORTER REVOCABLE TRUST	9169 CHESTNUT CROSSING LN	ORANGEVALE	95662	CA
07205000490000	LESNIEWSKI TRUST	4249 SWIFT CIR	SHINGLE SPGS	95682	CA
07205000630000	SFC LEASING L P	3430 LUYUNG DR	RANCHO CORDOVA	95742	CA
07205100150000	GOLDEN WHEEL CORPORATION	1415 LOWER PASEO LA CRESTA	PALOS VERDES E	90274	CA
07205700250000	SACRAMENTO COUNTY WATER AGENCY	827 7TH ST 301	SACRAMENTO	95814	CA
07205700380000	CECO PROPERTIES LLC	11211 GOLD COUNTRY BLVD 105	GOLD RIVER	95670	CA
07205700420000	MOORE, DARIN, D	3590 SUNRISE BLVD 9	RANCHO CORDOVA	95742	CA
07206400240000	ANDRADE, SOTERO, P	11660 NEW ALBION DR	GOLD RIVER	95670	CA
07210100020000	WARREN SHARP	7101 HWY 193	NEW CASTLE	95658	CA
07203400810000	NORMAN, KARINE, M	11273 WHITE ROCK RD	RANCHO CORDOVA	95742	CA
07203400840000	WINN PROPERTIES LLC	11297 WHITE ROCK RD B	RANCHO CORDOVA	95742	CA
07225200050000	TANIA, WAHIDA	3285 OSELOT WAY	RANCHO CORDOVA	95670	CA
07225200370000	SOUTHERN CALIFORNIA WATER COMPANY	3035 PROSPECT PARK DR 60	RANCHO CORDOVA	95670	CA

Legend

- Industrial Parcels for Rezone
- 500 ft. Buffer
- Parcels Within 500 ft. Buffer



MEMORANDUM



DATE: August 16, 2010

TO: Honorable Mayor and Council Members

FROM: Paul Junker, Planning Director
Pam Johns, Project Manager (Specific Plan)
Patrick Angell, Project Manager (EIR)

SUBJECT: ORDINANCES AND RESOLUTION APPROVING THE LIMITED ENTITLEMENT FOR RIO DEL ORO SPECIFIC PLAN, A PROJECT THAT PROPOSES MIXED USE DEVELOPMENT ON APPROXIMATELY 3,828 ACRES NORTHEAST OF SUNRISE AND DOUGLAS BOULEVARDS - PROJECT NO. RC-04-052 - AMENDMENT TO AEROJET SPECIAL PLANNING AREA, DEVELOPMENT AGREEMENT, AND ENVIRONMENTAL IMPACT REPORT

RECOMMENDATION

- a) Waive first reading and introduce Ordinance No. 14-2010 approving the Rio del Oro Specific Plan that would establish a land plan, zoning standards, and design guidelines, as well as preliminary phasing and financing concepts to guide subsequent detailed finance and phasing plans; and
- b) Waive first reading and introduce Ordinance No. 15-2010 amending the Aerojet Special Planning Area that was previously approved by Sacramento County. Approval would affect land within the Rio del Oro project area and amend the City's Zoning Map and Section 23.322.030(C)(4) of the Zoning Code to delete the Rio del Oro Specific Plan Area from the Aerojet Special Planning Area; and
- c) Waive first reading and introduce Ordinance No. 16-2010 approving a Development Agreement that will establish necessary guarantees for the City and Applicant regarding current and future project entitlements and approving Two Tier 1 Development Agreements for the Rio del Oro Project; and
- d) Resolution No. 92-2010 will establish Certification of the Environmental Impact Report with adopting findings, a Statement of Overriding Considerations, and a Mitigation Monitoring Plan for the Rio del Oro Specific Plan for Tier 1 approvals.

RESULT OF RECOMMENDED ACTION

Public hearing with the City Council to consider the Planning Commission recommendation and take action on the Rio del Oro limited entitlement project. The actions listed above will complete the first stage of project review (Tier 1 Approvals) for the Rio del Oro project. The approvals will establish the mix of land uses within the project (residential, commercial, office, etc.), major road alignments, and the general character of the project. A later stage of the project review, Tier 2 approvals, will address

detailed issues related to the project, including obligations that the developer must meet during project construction. No construction may occur within the project until the Tier 2 approvals have been completed.

BACKGROUND/PROJECT HISTORY

The Rio del Oro project originally included a request for a General Plan Amendment, Rezone, Special Planning Area Amendment/Specific Plan, Large Lot Map for the portion of the site owned by Elliott Homes, Development Agreement, and corresponding environmental review for a 3,828-acre mixed use community east of Sunrise Boulevard between White Rock and Douglas Roads. The development application was originally submitted to the County prior to City incorporation in 2003. Upon incorporation, the City took over responsibility for the evaluation and action on the proposed project.

The Rio del Oro project has gone through several revisions in response to studies and best practices, changing market conditions, General Plan policies, other City planning efforts, and input/direction from staff and decision makers. Most recently, in the summer of 2008, City Council held two meetings to consider several important project issues related to financing, phasing, and project infrastructure. **Attachment 1** includes project chronology from 2003 to present summarizing the work efforts, project revisions, and project meetings.

The City and the applicant team have been able to successfully complete the majority of the technical and environmental studies and reach agreements on many significant elements of the project including the land use plan and design standards. However, the parties could not reach an agreement on the details of the Financing Plan including infrastructure funding and implementation plan for the project. In the spring of 2009, the applicant team and City agreed to pursue the concept of phasing project entitlements in what is now referred to as the limited entitlement for Rio del Oro. The goal is to limit the request at this time to the adoption of the Rio del Oro Specific Plan (with corresponding environmental analysis and development agreement) and to defer subdivision maps and detailed financing, phasing, affordable housing plan and overall map conditions to a subsequent entitlement process. Details of the limited entitlement are described in the next section of the report.

On October 27, 2009, the Planning Commission and City Council held a Joint Study Session to consider the limited entitlement for Rio del Oro. Questions and issues raised at that meeting are addressed in this report. Follow up items from that Joint Study Session are listed under the discussion of relevant project component below. The Planning Commission held a public workshop on the Rio del Oro project on January 14, 2010. The Final EIR/EIS was completed and available to the public for review on June 24, 2010. The Planning Commission held a public hearing on July 8, 2010 and recommended to the City Council approval of the limited entitlement for the Rio del Oro Specific Plan. See **Attachment 2** for July 8, 2010 Planning Commission minutes.

LIMITED ENTITLEMENT

As previously discussed, California law allows cities and developers considerable flexibility to decide how to "package" the long list of development approvals that are needed for most major planned developments. A typical model is to combine all or almost all the plans and permits required to plan, analyze, subdivide and start building a

project into a single set of approvals for consideration at one time. However, with proper environmental analysis, and following the required procedures, a local agency may package the approval of a major project into two or more sequential rounds of development approvals. This multi-phase or multi-tier approach has been followed in this region (Sutter County, Sutter Point Specific Plan) and in other areas of the State.

The current proposal is to process the Rio del Oro project in two separate phases or "tiers" of development approvals. The first Tier or step would involve approval of fewer plans and fewer details than are typically approved in conjunction with the earliest stages of project entitlement. The Tier One Entitlements are being prepared now. They include the Rio del Oro Specific Plan (and corresponding amendment to Aerojet SPA), a Tier One Development Agreement, and certification of the environmental document for the project. The Tier One Development Agreements will vest, to some extent, the Rio Del Oro Specific Plan and commit the City to consider future approval of the land uses and other details in the Specific Plan. The City would agree that the Specific Plan is essentially the blueprint for the development and that the City and developers will both work toward the development it describes. Both parties would agree that, before any physical development on the property would be allowed to occur, important details about financing and other issues would be resolved and reflected in the Tier Two round of approvals.

Tier One Entitlements establish the zoning of the property, but do not allow for physical development of the site. Critical to the Tier Two Entitlements is that the financing, phasing, and overall project conditions of approval are determined and memorialized in the form of Development Agreements prior to, or in conjunction with, the maps and other entitlements associated with physical development of the site.

Staff and the applicant team have identified several benefits to the limited entitlement approach as follows:

- The Specific Plan establishes zoning and a land use plan that reflect/implement the General Plan vision for the project area
- The Specific Plan advances the City's circulation system
- The Tier One Entitlements create a framework for future planning and construction of several important improvements (e.g., high school, regional park, transportation improvements, library)
- The Tier One approvals will facilitate 404 permit process by establishing certainty about the land use plan and infrastructure
- The action on the project protects the integrity of significant investment in the technical studies and project analysis associated with the project EIR
- The EIR will create the foundation and expedite all future environmental review

On October 27, 2009 the City Council directed staff to proceed with consideration of the Tier One Entitlements for the Rio del Oro Specific Plan project.

RIO DEL ORO SPECIFIC PLAN

The Rio del Oro Specific Plan (RDOSP) establishes the land plan (zoning map) and zoning regulations for development within the 3,828-acre project area. Consistent with State law, a Specific Plan can establish zoning regulations that are different from and

unique to the project area. The RDOSP includes information about project objectives, relationship to other City documents, setting and surroundings, land use and circulation, environmental resources, public utilities, public services, and implementation (**Attachment 3**, which was previously distributed). Related plans in the Appendix include the Rio del Oro Development Standards and Design Guidelines and the On-Site Infrastructure Phasing Master Plan.

As outlined in the Specific Plan, the Rio del Oro project would include 11,601 dwelling units with a projected future population of almost 30,000 persons, which equates to approximately a 50 percent increase in the existing population of Rancho Cordova. As outlined in the City's General Plan Building Blocks, the Rio del Oro Planning Area represents a District with approximately 9 Neighborhoods and 3 Villages with neighborhood gathering places, local and regional serving retail, jobs, parks, and open space. Acreage and unit count for general land use categories are summarized below.

Rio del Oro Proposed Land Use Summary		
Land Use Category	Acreage	Units
Single Family Residential	1,519	7,593
Medium Density Residential	256	2,048
High Density Residential	98	1,960
Village Center	20	
Local Town Center	20	
Regional Town Center	113	
Business Park	86	
Industrial Park	283	
Public/Quasi Public	8	
Schools	152	
Parks	175	
Wetland Preserve	510	
Drainage Basin and Parkways	177	
Open Space and Landscape Corridors	167	
Private Recreation	54	
Major Roads	192	
Total	3,829	11,601

Adoption of the RDOSP with this first phase of development would establish and vest (through the Development Agreement) the zoning of the property, including the land plan and corresponding development standards, circulation system, plan for services and utilities, preliminary on-site phasing, and plan for implementation and financing. Subsequent development would be subject to compliance with all provisions of the adopted Specific Plan. As explained in the limited entitlement discussion, additional project details (Finance Plan, Phasing Master Plan, and overall project conditions of approval) are required prior to formal subdivision and physical development of the site.

At the October 27, 2009 Joint Study Session, members of the Planning Commission and City Council provided comments and questions about the revised Rio del Oro project. Since that time, staff and the applicant team have been working on several follow up

items to address or respond to questions and concerns. Specifically, six key issues were identified and a summary of the issue and corresponding responses are provided below.

1. Affordable Housing Plan. As identified at the Joint Study Session, the City's new Housing Element includes language requiring the City to approve an Affordable Housing Plan and addresses timing relative to initial entitlement. With regard to commitments made under the Tier One approvals, City staff has evaluated the Rio del Oro land use plan and determined that there are adequate high density residential sites to accommodate affordable housing within the project. City staff and applicant agree that the Affordable Housing Plan involves determination of fees that are closely tied to overall project financing. As a result, the City Attorney has determined that the language in the Housing Element allows flexibility to defer the Affordable Housing Plan to the Tier 2 entitlement in conjunction with the required Financing Plan, Phasing Master Plan, and overall project conditions of approval. Thus, the Affordable Housing Plan will not be part of the limited entitlement request for Rio del Oro.
2. Parks. Questions were raised at the Joint Study Session about the type, quality, and responsibility for parks within the project area. Staff explained that the park types are diverse and in keeping with the Parks Master Plan and Settlement Agreement. Currently, CRPD would have responsibility for development and maintenance of parks within the project site. Regarding the 107-acre Community Park site, Council Member Sander expressed concern about the level of programmed space shown on the Community Park Concept **Exhibit 7-3** and the need to accommodate community-wide events such as 4th of July celebrations. The exhibit is preliminary in nature with text explaining that the illustration is subject to revision and refinement. As such, staff recommends removal of the exhibit and reference in the text about community park improvements that future design and improvements will accommodate community-wide events such as 4th of July celebrations.
3. Transfer of Density. Council Member Budge asked questions about the workability of the proposed density transfer. Staff and applicant representatives met with Council Member Budge and discussed the objective, approach, and process for density transfer within the project to her satisfaction.
4. Additional Retail/Commercial Sites. Members of the City Council asked whether there is a need to reserve additional retail north of Rio del Oro Parkway at Sunrise, to add a site at White Rock and Ranch Cordova Parkway, or to consider off site opportunity in Westborough along White Rock Road. Staff reviewed the retail studies prepared for the General Plan and met with the applicant to discuss the potential for additional retail opportunities in Rio and/or Westborough. Staff agreed that the solution may lie exclusively in the Westborough project.
5. Sacramento Municipal Utility District (SMUD) 69 KV lines. City Council members asked about the ability to underground the 69 KV lines within the project site for aesthetic purposes. Staff explained the discussions with SMUD over the years, cost of undergrounding, and legal challenges in the region. Staff has scheduled a meeting with SMUD and invited interested City Council members to participate in the discussion about the potential to underground more of the 69 KV lines and to

discuss whether the overhead lines can be routed better near the regional commercial site along Sunrise and Rio del Oro Parkway.

6. Morrison Creek Trail. Planning Commissioners and City Council members asked about the opportunities to improve the connectivity of the planned Morrison Creek Trail along the southern portion of the site adjacent to the wetlands. Staff and applicant explained the objective of this added trail for neighborhood circulation and access to the wetland. Decision makers want to know if the trail can cross the narrow open space parcel (parcel 111) between neighborhoods, provide an undercrossing or surface crossing of Rancho Cordova Parkway.

Relative to the potential to add a crossing of Morrison Creek in the open space corridor, the applicant explained that the 404 permit application identifies the 12 acre open space parcel (Parcel 111) at the west edge of the preserve as reconstructed open space. The creek will be reconstructed and compensation seasonal wetlands are to be built and monitored adjacent to new low flow. No crossing of Morrison Creek at this location was shown in the 404 permit and would require an amendment to the 404 permit. This parcel will be in a conservation easement as required by the 404 permit.

Relative to the potential for an undercrossing of Rancho Cordova Parkway, the applicant explained that a trail under crossing at Rancho Cordova Parkway/Preserve edge would create major impacts within the preserve. There is not a natural grade difference between the existing ground elevation at this location and the elevation of Rancho Cordova Parkway. The elevation of Rancho Cordova Parkway is elevation 190 and the elevation of the trail is elevation 191. The other locations that were determined to be feasible to provide an under crossing have a difference in elevation between the road and the trail of 12 to 13 feet. The excavation required to create the elevation difference between the trail and Rancho Cordova Parkway would disturb an area approximately 120 feet by 400 feet on both sides of Rancho Cordova Parkway (approximately 2.2 acres of either the preserve area or high density or single family designated areas). The structure required to accommodate the trail under crossing would be either a large box culvert or bridge over 100 feet long (**see Attachment 3**).

In terms of the potential for a surface crossing of Rancho Cordova Parkway, the applicant identified that an at-grade crossing at a planned signalized intersection would not add significant cost to the traffic signal and could be incorporated into the plans.

In addition to the above listed key issues, members of the Planning Commission and City Council identified several clean up items that need to be addressed in the Rio del Oro Specific Plan and corresponding Development Standards and Design Guidelines documents prior to adoption as follows:

- Standards need to address the location of neighborhood utility boxes
- Park site 80 should include design features that recognize historic use of the site as a rocket launching site
- Centennial road connection to the east will be clarified on the land use and circulation maps and text to ensure that future road connection and strategic alignment are certain

- Development Standards and Design Guidelines will be amended to include an expanded Table of Contents and printed in single landscape direction

All of the above listed amendments have been incorporated into the Rio del Oro Specific Plan City Council Hearing Draft Dated August 5, 2010 (**Attachment 3**), including updated appendix files. **Attachment 4** shows substantive amendments in track changes for both the Specific Plan and Development Standards and Design Guidelines.

Since August 5, 2010 staff has been working with the applicant on revised language for the Specific Plan to clarify consistency with one of the new Housing Element actions. Specifically, Action H.1.2.1 regarding adequate sites for future housing needs requires that new development include 5% of the residential uses at a minimum 10 units/acre and another 5% of the residential uses at a minimum 30 units/acre. An errata sheet has been prepared to include a new paragraph in two locations of the Specific Plan and one location in the Development Standards and Design Guidelines to reference this specific requirement within the context of planned residential development for Rio del Oro (**Attachment 5**). The errata sheet also includes new language in the Environmental Resources chapter regarding the wetland preserve and the land use plan as it relates to the federal 404 Permit process.

Ordinance No. 14-2010 has been prepared for City Council consideration to adopt the Rio del Oro Specific Plan (**Attachment 6**).

AMENDMENT TO AEROJET SPECIAL PLANNING AREA

In 1995, Sacramento County adopted the Aerojet Special Planning Area (SPA) Ordinance, which included surface mining and use regulations for much of Aerojet land holdings, including the Rio del Oro project area (**Attachment 7**). Adoption of the Rio del Oro Specific Plan requires a corresponding amendment to the Aerojet SPA to remove the 3,828-acre project site from the plan area. Specifically, the amendment would replace **Exhibit A** with a map showing the removal of the Rio del Oro Specific Plan area. Ordinance No. 15-2010 has been prepared for City Council consideration to adopt the amendment to the Aerojet Special Planning Area (**Attachment 8**).

DEVELOPMENT AGREEMENT

The current proposal is to process the Rio del Oro project in two separate phases or "Tiers" of development approvals for each of the two owners. The Tier One Entitlements include a Tier One Development Agreement for each of the two owners and the Rio del Oro Specific Plan. The two Tier One Development Agreements are nearly identical, except that one will apply to Elliot's property and one will apply to Aerojet's property. The Tier One Development Agreements will vest, to some extent, the Rio del Oro Specific Plan and commit the City to consider future approval of the land uses and other details in the Specific Plan. In the Tier One Development Agreements, the City will agree that the Specific Plan is essentially the blueprint for the development and that the City and developers will both work toward the development it describes. Both parties agree that before any Tier Two Entitlements are approved and before physical development would be allowed, including the Tier Two Development Agreements, all of the developers within the Specific Plan Area would agree to the Financing Plan, Phasing Master Plan, Affordable Housing Plan, and overall project conditions of approval. See **Attachment 9, Exhibits A and B** for the nearly identical Draft Development Agreements for Aerojet and

Elliott Homes. Ordinance No. 16-2010 has been prepared for City Council consideration to approve the Development Agreements for Rio del Oro (**Attachment 9**).

ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

The project will require environmental approvals from both the City and the U.S. Army Corps of Engineers (USACE) prior to substantial development of the site. City and USACE staff have been working closely over the past six years on the preparation of an environmental document that would adequately address the environmental review needs for both agencies. The Environmental Impact Report/Environmental Impact Statement (EIR/EIS) was prepared for the Rio del Oro Specific Plan for purposes of compliance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The City is acting as the lead agency under CEQA and the U.S. Army Corps of Engineers, Sacramento District, as federal lead agency under NEPA. The EIR/EIS is a joint document intended to comply with both CEQA and NEPA disclosure requirements regarding potential environmental effects of the project.

In addition to local development entitlement requests, the project applicants are requesting authorization from U.S. Army Corps of Engineers to place dredged or fill material into waters of the United States (30.3 acres of wetlands are proposed to be filled). This 404 permit process is a separate federal approval that must be obtained prior to site work. Because this process often requires several years of review, the 404 permit process generally runs concurrent with the EIR/EIS process, but the two processes can be sequential.

The environmental review of the Rio del Oro Specific Plan (RDOSP) commenced with the release of the Notice of Preparation (NOP) by the City on December 12, 2003 and the release of the Notice of Intent (NOI) by the USACE on January 30, 2004. Input from scoping meetings informed the work on the Draft EIR/DEIS, which was released in December 2006.

The Draft EIR is a public informational document that assesses the potential environmental effects associated with the implementation of the RDOSP, as well as identifies mitigation measures and alternatives to the RDOSP that could reduce or avoid adverse environmental effects. The information and determinations in the Draft EIR do not necessitate the City Council to either reject or adopt the RDOSP, but rather are to be used in the consideration of action on the RDOSP.

The Draft EIR analyzes the following environmental issue areas:

- Land Use
- Geology and Soils
- Agriculture
- Biological Resources
- Population, Housing, and Employment
- Cultural and Paleontological Resources
- Hazards and Human Health
- Visual Resources/Light and Glare
- Transportation and Circulation
- Public Services and Utilities

- Noise
- Cumulative Impacts
- Air Quality
- Growth Inducing Impacts
- Hydrology and Water Quality
- Significant Irreversible Environmental Changes

As required by the California Environmental Quality Act (CEQA), the Draft EIR must consider a reasonable range of alternatives to the RDOSP that meet the objectives of the project and that reduce or avoid environmental impacts of the proposed RDOSP. The alternatives considered are listed below:

Alternative 1 (High Density Alternative). This alternative was designed to further embrace the concept of "Smart Growth." Under Smart Growth principles, areas that are planned for development are developed at higher densities. Although these higher densities may result in greater localized impacts on resources, the overall area of disturbance is reduced by concentrating development in particular locations.

Alternative 2 (Impact Minimization Alternative). This alternative was formulated to reduce environmental impacts, while still meeting some of the project goals and objectives. Under the Impact Minimization Alternative, project components would be reconfigured on the project site so as to reduce impacts on waters of the United States, including wetlands and high-quality biological habitat. Under this alternative, the level of residential development would be decreased such that the amount of project-generated traffic, air quality emissions, and noise would be reduced.

Alternative 3 (No Federal Action Alternative). This alternative was designed to allow some development of the project site while avoiding the placement of dredged or fill material into waters of the United States, thus eliminating the need for a USACE Section 404 permit. Development under this alternative incorporates a 50-foot avoidance buffer around jurisdictional wetlands.

Alternative 4 (No Project Alternative). Under the No Project Alternative, the project would not be developed, and the majority of the project site would remain under the jurisdiction of the City. The No Project Alternative assumes that aggregate mining operations to remove portions of the existing dredge tailings at the project site would continue.

Based on new legal findings and comments on the Draft EIR/EIS, the City and USACE prepared an additional focused analysis of water supply and biological resources in a Recirculated Draft EIR/Supplemental Draft EIS, which was released in March 2008. Public and agency comments were received and staff has prepared written responses to all public comments received during the public comment periods. Together, these documents comprise the Final EIR/EIS (**Attachment 10**). The Final EIR/EIS will be utilized by the City and USACE for consideration of the RDOSP and associated request for authorization from U.S. Army Corps of Engineers to place dredged or fill material into waters of the United States.

As a result of the limited entitlement approach, the mitigation measures have been modified to match the project sequencing. The environmental document analyzes more details than are currently included in the first phase of project entitlement (Tier One Entitlement). Certification of the EIR with additional project details does not constitute approval or entitlement of the more detailed project. Rather, certification of the environmental document is a statement that the environmental process has been complied with. Subsequent entitlement (Tier Two Entitlement) will be evaluated in accordance with the California Environmental Quality Act (CEQA) to determine if any additional environmental review is required at the time the Tier 2 Entitlements are requested.

The Final EIR/EIS includes updated information summarized below regarding water supply and climate change:

- **Water Supply** – On May 18, 2010, the Sacramento County Water Agency (SCWA) approved a new water transfer agreement with the Aerojet-General Corporation. This agreement transfers 8,900 acre-feet annually to SCWA and SCWA agrees to provide sufficient water supply to serve the Rio del Oro Specific Plan. This agreement secures the long-term water supply source for the project.
- **Climate Change** – As part of responding to comments on the Draft EIR/EIS, the Final EIR/EIS now includes additional mitigation measures intended to reduce greenhouse gas emissions of the project.

Since release of the Final EIR/EIS, the City has received comments on the document from the following individuals and organizations and are included in **Attachment 11**:

- **Sacramento County Water Agency (SCWA) Correspondence Dated July 16, 2010** – While addressed to Final EIR/EIS, SCWA requests minor edits to the Rio del Oro Specific Plan document associated with water supply facilities. These requested edits do not impact the conclusions of the Final EIR/EIS.
- **Sacramento Metropolitan Air Quality Management District (SMAQMD) Correspondence Dated July 12, 2010** – SMAQMD requests minor edits to mitigation measure 3.15-7b, which has been included in the final mitigation monitoring and reporting program for the project. SMAQMD also notes that the project will be subject to all SMAQMD rules applicable at the time of construction. This comment is acknowledged and no further changes are needed to the Final EIR/EIS.
- **Jimmy Spearow Correspondence Dated July 24, 2010** – Mr. Spearow provides comments on the Draft and Final EIR/EIS related to hazards and existing on-site contamination issues. City staff have reviewed these comments and have determined that the Draft and Final EIR/EIS adequately address these issues and no further mitigation or analysis is required. Detailed responses to Mr. Spearow's letter is provided in **Attachment 12**.

Attachment 13 provides edits to portions of the Final EIR/EIS Chapter 5 that reflect minor corrections associated with modifications to the specific plan as well as minor edits to mitigation measures. Resolution No. 92-2010 has been prepared for City Council

consideration to certify the environmental document and adopt findings, statement of overriding considerations and the mitigation monitoring and reporting program (**Attachment 14**).

ATTACHMENTS

1. Rio del Oro Project Chronology.
2. Planning Commission Minutes Dated July 8, 2010.
3. Rio del Oro Specific Plan – City Council Hearing Draft Dated August 5, 2010 (previously distributed).
4. Rio del Oro Specific Plan Addendum Sheets in Track Changes (as incorporated for August 5, 2010 draft).
5. Rio del Oro Specific Plan Errata Sheets (with revisions to August 5, 2010 draft).
6. Ordinance No. 14-2010 An Ordinance of the City Council of the City Of Rancho Cordova Adopting the Rio del Oro Specific Plan.
7. Aerojet Special Planning Area.
8. Ordinance No. 15-2010 An Ordinance of the City Council of the City Of Rancho Cordova Amending the City's Zoning Map and Section 23.322.030(C)(4) of the Zoning Code to Delete the Rio del Oro Specific Plan Area from the Aerojet Special Planning Area.
9. Ordinance No. 16-2010 an Ordinance of the City Council of the City of Rancho Cordova Approving Two Tier 1 Development Agreements for the Rio del Oro Project.
10. Final Environmental Impact Report/Environmental Impact Statement (previously distributed).
11. Final EIR/EIR Comment Letters Received.
12. Detailed Response to Jimmy Spearow's July 24, 2010 Letter.
13. Edits to Chapter 5 of the Final EIR/EIS.
14. Resolution No. 92-2010 A Resolution of the City Of Rancho Cordova Certifying an Environmental Impact Report and Adopting Environmental Findings, a Statement of Overriding Consideration and a Mitigation Monitoring And Reporting Program Under CEQA for the Rio del Oro Tier 1 Approvals.

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August 16, 2010

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RE: *Rio del Oro Specific Plan Project*
Final Environmental Impact Report (SCH2003122057)

Dear Mr. Angell, Ms. Dadey, Members of the Rancho Cordova City Council, and US Army Corps of Engineers, Sacramento Regulatory Branch:

These comments on the Rio del Oro Specific Plan Final Environmental Impact Report ("FEIR") are submitted on behalf of Rancho Cordova Citizens for Quality Planning, Dave Murdock, Thomas L. Davis, and John Szoboscan. These are their comments. The comments also include the attached comments of Mark Grismer, hydrologist and Sean Smallwood, wildlife biologist. We incorporate into our comments all of the comments of other individuals and organizations, and intend to rely on those comments as well as our own. Furthermore, we oppose the City of Rancho Cordova approving the Rio del Oro Specific Plan Project and the accompanying requested entitlements. The City should not approve the Rio del Oro Specific Plan FEIR because the environmental documentation for the Project is too flawed to meet the requirements of the California Environmental Quality Act ("CEQA") and NEPA.

1. The Project Description in the EIR is Inadequate and Changing.

In *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193, the court stated: "A curtailed or distorted project description may stultify the objectives of the [EIR] reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the 'no project' alternative) and weigh other

alternatives in the balance. An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR."

The Project Description for the Rio del Oro Environmental Impact Report fails to meet the requirements for a stable Project Description. In Section ES.4 of the 2006 DEIR, the DEIR states: "Elliott Homes and GenCorp (hereinafter referred to as "the project applicant[s]") are seeking approval of various discretionary approvals in support of a specific plan. The following entitlements are requested from the City for the project:

- ▶ adoption and implementation of the specific plan,
- ▶ adoption of a public facilities financing plan,
- ▶ adoption of a public facilities infrastructure/phasing plan,
- ▶ approval of the Phase 1 tentative subdivision map, and
- ▶ approval of a development agreement between the City and the project applicant(s)."

In the Final Environmental Impact Report, Section ES.4 is changed to state that "The current proposal is to process the Specific Plan in two separate phases, or tiers, of development approval for each of the two property owners. (See the detailed description of entitlements sought and the entitlement process in chapter 2 of this FEIR/FEIS). The following separate but concurrent Tier I entitlements for each of the property owners is requested from the City for the project:

- ▶ adoption and implementation of the specific plan,
- ▶ amendment to the Aerojet Special Planning Area,
- ▶ approval of separate Tier I development agreements between the City and each Project applicant,
- ▶ certification of the EIR."

These changes are significant. Three of the previous Project components have been deleted from the Project. Added to the Project is an amendment to the Aerojet Special Planning Area. The provision for development agreements has been substantially changed. The Project documents provide no detailed description of the Amendment to the Aerojet Special Planning Area.

Even though the provision for entitlements has been changed, the EIR continues to include contradictory information, which makes it impossible for the public to determine the actual Project. In the notice of availability of the Draft Environmental Impact Report for the Rio del Oro Specific Plan, the Project Description stated in part:

The Rio del Oro Project would permit a mixed-use development on approximately 3,820 acres in Rancho Cordova. Elliott Homes is seeking specific development entitlements. (e.g., tentative subdivision maps) as part of the Project. GenCorp is seeking overall development entitlements, but has not proposed specific development entitlements

necessary for immediate or short term development as part of the proposal.

Section ES.5.2 of the 2006 DEIR includes the same statement verbatim as included in the Notice of Availability. Subsequently, the Revised Notice of Availability issued June 24, 2008, includes the same statement describing the Project as in the initial Notice of Availability, and this description of the Project is also included in the 2008 Recirculated EIR. It is impossible for the public to determine exactly what is being proposed. Although Section 5.2 of the EIR states that the Project has now been changed so that no entitlements will be provided (i.e., specifically no adoption of a public facilities financing plan, no adoption of a public facilities infrastructure phasing plan, and no approval of the Phase I tentative subdivision map); this information is contradicted by the Project Description in Section ES5.2 which states that Elliott Homes is seeking specific development entitlements (e.g., tentative subdivision maps) as part of the Project.

Section 2.3 of the 2006 DEIR describes the proposed Project. The summary sections (Section 2.3.1) states as follows:

This section describes the proposed project. The proposed project has been formulated to achieve the project purpose, objectives, and needs of the project, as discussed in Chapter 1, "Introduction and Statement of Purpose and Need," of this DEIR/DEIS.

Elliott Homes and GenCorp Realty Investments (GenCorp), the project applicant(s), are seeking adoption by the City of the proposed *Rio del Oro Specific Plan* (specific plan), hereinafter referred to as the "Rio del Oro project" or the "proposed project." The Rio del Oro project would be a mixed-use development on approximately 3,828 acres in Rancho Cordova. Elliott Homes is seeking specific development entitlements (e.g., tentative subdivision maps) as part of the proposed project. GenCorp is seeking overall development entitlements, but has not proposed specific development entitlements necessary for immediate or short-term development as part of this proposal.

Although pages 5-4 through 5-8 change some sections of the 2006 DEIR, it did not change the summary section which describes the Project to include tentative subdivision maps for the Elliott Homes portion of the Project. Therefore, the Project Description is inconsistent and is not stable. An Environmental Impact Report must have a stable Project Description. Because the Project Description is changing and unstable and internally inconsistent in the environmental documents, the EIR fails to comply with CEQA.

Section ES.3 of the 2006 DEIR states as follows: "This EIR/EIS contains both program-level and project-level components. Phase 1 (Elliott Homes) includes relatively precise development

plans, so it may be evaluated at a detailed project-level analysis. The remaining phases, Phases 2–5 (GenCorp Realty Investments [GenCorp]), may require further environmental analysis and additional agency approvals following adoption of the specific plan when tentative maps are submitted, particularly if site-specific issues peculiar to certain parcels were not addressed at the broader program level of analysis found in this document.” According to the EIR, the EIR is to serve as a project-level Environmental Impact Report for the Phase I development to be completed by Elliott Homes. However, this provision of the 2006 DEIR appears to be contradicted by the modifications to the DEIR included in the Final Environmental Impact Report. The Final Environmental Impact Report deletes the adoption of a public facilities infrastructure/phasing plan and the approval of the Phase I tentative subdivision map. Without a public facilities infrastructure/phasing plan, the Project Description is not complete enough for the EIR to serve as a project-level EIR. Additionally, almost all of the traffic mitigation measures that would be applicable to Phase I or other phase development requires the adoption of the Financing Plan and the Phasing Master Plan which are now considered to be Phase II entitlements. (See pages 5-5 through 5-8 of the FEIR.) The FEIR states that the Project Applicants would have only limited entitlements. Therefore, it is not clear whether the Project EIR is still intended to be a project-level EIR for the Phase I of the Rio del Oro Specific Plan, or only a program-level EIR for the entire Rio del Oro Specific Plan. In the event that the EIR is still intended to be a project-level EIR for Phase I of the Rio del Oro Specific Plan, it is inadequate. The traffic mitigation measures are uncertain and speculative since there is no financing plan in place to pay for the traffic mitigation measures, the public facilities infrastructure/phasing plan is unavailable, and therefore it is unclear whether infrastructure will be available for Phase I, and where that infrastructure will be located.

There are a number of other reasons why the Project Description is unstable and fails to meet the requirements of CEQA. On page 5-7, the FEIR states as follows:

Adoption of the Specific Plan with the first tier of approvals would establish and vest (through the development agreements) the zoning of the property, including the land plan and corresponding development standards, circulation system, plan for services and utilities, preliminary on-site phasing, and plan for implementation and financing. Subsequent development would be subject to compliance with all provisions of the adopted Specific Plan. As described above, determination of additional project details (finance plan, phasing master plan, and overall project conditions of approval) would be required before formal subdivision and any physical development of the site may occur.

It is inherently inconsistent to state that the Specific Plan would provide a “plan for implementation and financing” but that development could not occur until there is “a finance plan”. The public has no way of knowing from the FEIR what will be applied from the First Tier of Approvals and what must be included in the Second Tier of Approvals. More importantly, the public has had no opportunity to comment on this dramatic change to the environmental documents.

Members of the public hold a "privileged position" in the CEQA process; such status reflects both "a belief that citizens can make important contributions to environmental protection and . . . notions of democratic decision-making . . ." (*Concerned Citizens of Costa Mesa, Inc., v. 32nd District Agricultural Association* (1986) 42 Cal.3d 929, 936.) CEQA requires public involvement in the review and consideration of proposed projects in an effort to ensure that environmental considerations play a significant roll in the government decision making; to promote agency accountability; and to improve the quality of land use decision making. (Guidelines §5201.)

The FEIR process of creating essentially a new project plan divided into Tier I and Tier II without any public input and public review violates CEQA. It is truly impossible to determine from the FEIR what entitlements will actually be provided by Tier I review and what entitlements will ensue from Tier II review. It is impossible to tell whether the Environmental Impact Report is adequate for the Tier I review.

On page 5.5-6 of the FEIR, the City staff identified benefits of the Tier I/Tier II approach which include: "The action on the project would protect the integrity of the already substantial investment and the technical project site studies and project analysis." The public has had no opportunity to comment on this new stated purpose of the Tier I/Tier II approach and the other stated purposes for the Tier I/Tier II approach. It is clear from the above-stated goal that the developers of the Project do not have the financing and wherewithal to go forward with the Project and the City is interested in protecting the developer's investment in existing studies. The problem with this approach is that it vests entitlements in the developers for on-the-ground conditions in 2006 and it may be many years before the developers are able to put together the financing for the Project. The environmental conditions may have substantially changed by the time financing for the Project is feasible. CEQA does not permit the City to make environmental decisions to protect developer's investments at the expense of the environment. It is the intent of CEQA that the agency vest the entitlements to develop as part of the project approvals at the time the EIR is approved.

The EIR is inadequate because it obfuscates which environmental impacts are actually being decided in the environmental analysis and which specific impacts will subsequently be reviewed at the Project level. A program EIR must specify which environmental elements are to be decided at the Project level. The EIR for the Rio del Oro Specific Plan does not provide sufficient information as to what environmental impacts will be decided at the Project level. As such, it is a piecemeal analysis whereby the environmental review is chopped-up and adequate information about future review is missing.

2. The Environmental Impact Report Misrepresents the Project Description.

The land use section states the proposed Project is consistent with SACOG's Blueprint Plan. (Page 3.1-25.) SACOG's Blueprint Plan Preferred Plan states that 69% of the housing built between the current time and 2050 be small lot attached housing. (**Exhibit B**, page 5.) In contrast to the Blueprint guidance requiring smaller lots and higher density, attached housing, and compact development; the Rio del Oro Specific Plan has 1,518.5 acres in low-density residential

development, 256 acres in medium-density residential, and 98 acres in high-density residential. Instead of the preferred Blueprint scenario with 69% of the housing being small lot attached, the Rio del Oro Specific Plan has 81% of the acreage for housing as large lot low density housing. The Project EIR includes materially false information and a misleading Project Description in stating that the proposed Project is consistent with the SACOG Blueprint Plan.

3. **The Environmental Impact Report Segments Environmental Review of Project Components.**

The CEQA Guidelines for preparation of a program EIR state: "Where individual projects are, or a phase project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the lead agency shall prepare a single program EIR for the ultimate project as described in section 1516." (Guidelines §15165.)

The Specific Plan is a phased project that, with other "individual projects," is a component of a "total undertaking comprising a project with significant environmental effect." Thus, a single EIR for the "ultimate project" is required. However, the Rio del Oro EIR is merely one of many EIRs for the "total undertaking", comprising a larger project. It is, therefore, in violation of CEQA. Here, the "whole of the action" is the building of the entire Rio del Oro Specific Plan, and all of the infrastructure approvals that are prerequisite for the Rio del Oro Specific Plan. There must be a single program EIR for the Project that will cover the phased development. The EIR fails to meet this requirement violates CEQA's prohibition against piecemealing a Project's environmental review.

CEQA prohibits piecemeal analysis because it submerges larger environmental considerations by "chopping a large project into many little ones." (*City of Antioch v. City of Pittsburg* (1986) 187 Cal.App.3d 1325, 1333.)

The Project EIR fails to include environmental analysis of the following Project components:

- 1) The environmental impacts of transferring 8,900 acres of GET water from SCWA to the City of Rancho Cordova. These environmental impacts include those associated with withdrawing the SCWA water from the Sacramento River at Freeport, transporting the water across Sacramento County to the Vineyard Treatment Plant, and then piping the water from that facility up to Rio del Oro Development. The EIR fails to include information concerning the energy costs associated with the transport of water, and the environmental impacts of developing the infrastructure to transport the water to the Rio del Oro development.
- 2) The Project includes the annexation of the Rio del Oro Project Site into the service areas of CSR, CSD, and CSD-1 (which is now known as the Sacramento Area Sewer District.) These annexations are necessary for the Project to go forward. Nevertheless, the environmental review of the annexation of the Project into the

CSR, CSD, and CSD-1 has not been completed and has been piecemealed from the project. The necessary environmental review for LAFCO action has been segmented, and LAFCO action is not even mentioned in the EIR.

- 3) The Project requires that the California American Water Company boundaries be modified in order to provide water services in accordance with the Rio del Oro Plan Area Water Supply Master Plan. The EIR includes no environmental analysis of the impacts of modifying the California American Water Company service boundaries.
- 4) The EIR states that Golden State Water Company would supply interim water to SCWA, and a new GSWC water conveyance infrastructure would be required to convey initial water to SCWA's existing infrastructure and White Rock Road, and to supply the initial water for the Project. The EIR fails to include environmental review that discusses the environmental impacts of building the water conveyance infrastructure which would be required to convey initial water to SCWA's existing infrastructure. A new water line would be required in Whiterock road and no environmental analysis has been provided for this water line.
- 5) The EIR fails to include environmental analysis related to construction of the water drainage infrastructure on the Project Site. The EIR includes no specific information as to the location of the drainage detention ponds, and the drainage channels, the amount of earth that must be moved to construct these facilities, and the associated air pollution with this construction. This information is required to be included in a program level EIR.
- 6) The EIR does not include environmental impacts associated with the construction of a natural gas pipeline, the construction of sewer mains throughout the Project, and the construction of additional sewer capacity in order to meet the demands of the Project.

4. Noise Impacts.

An EIR is required to consider all feasible mitigation and alternatives that would lessen or eliminate the Project's significant impacts. (Public Resources Code §21002; CEQA Guidelines §§15126.4(a), 15126.6(b).) An EIR must adopt feasible mitigation measures even if they will not reduce the Project's impacts to a less than significant level.

In the case of *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, the court held that the Board of Port Commissioners was required to consider single event level noise and to set standards of significance related to single event level noise.

In Impact 3.16-6, the Rio del Oro Specific Plan EIR found that 80 dBA-SEL was the standard of significance for sleep interference from Matther Airfield aircraft overflights. The EIR found that the interior noise levels from some aircraft overflights would reach 82 dBA in homes built in the Rio del Oro Specific Plan Area. The EIR found that this sleep interference from high SEL levels was a significant and unavoidable impact. The EIR suggested that: "Implementation of the aviation easement and public notification are recommended by the County to insure occupants of new land uses within the Airport Planning Area are aware of potential aircraft noise impacts." This mitigation measure does not insure that people purchasing homes within the Rio del Oro Specific Plan Area would have information that their sleep may be disturbed by nighttime aircraft overflights. A feasible mitigation measure is that the City require all developers and sellers of new homes to provide a warning to buyers that their sleep may be disturbed from single event noise from aircraft overflight. Additionally, the City should require that new homes include a deed restriction that would inform buyers that they are in an area of aircraft overflight which may cause sleep disturbance. The EIR should consider these feasible mitigation measures to reduce Project impacts.

5. The Project EIR does not Show that an Adequate Water Supply will be Available for the Specific Plan.

Public Resources Code §21151.9 states that when a city determines that a project, as defined in §10912 of the Water Code, is subject to CEQA, the city shall comply with Part 2.10 (commencing with §10910) of Division 6 of the Water Code. Public Resources Code §21151.9 triggers the requirement of SB610, which requires water supply assessments for certain projects. Under SB610, specific projections about water availability must be developed before certain large developments to be served by a public water system may be approved. (Water Code §§10910-10915, CEQA Guidelines §15155, *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099.) In accordance with the Rio del Oro Specific Plan, the Rio del Oro Specific Plan requires a water assessment under SB610.

Guidelines §15155(e) requires the City of Rancho Cordova to include the water assessment in the Environmental Impact Report. The 2006 EIR included a water supply assessment, but the water supply assessment did not analyze a water supply based upon SCWA receiving 8,900 acre feet of GET water and using this water to serve Rio del Oro. The water supply assessment should evaluate the impacts of providing this water to Rio del Oro and how it would affect the agency's ability to meet its other obligations.

In addition to not including a revised SCWA water assessment in the Environmental Impact Report, the City violated CEQA and SB610 by failing to provide any information in the Environmental Impact Report regarding the impacts of supplying the GET water. The City also violated CEQA by failing to disclose any information as to whether the SCWA would be able to supply water to the Project. The EIR includes no letter, contract, or will serve memo. The EIR fails to state whether the SCWA had concluded in its water assessment that its water supplies are sufficient to meet the projected long-term water-demand of the Project. The EIR does not discuss the sources of water when the rehabilitation is completed and GET water is no longer available. The

EIR includes no information about whether the agency that is charged with furnishing water to the Project, the SCWA, will in fact have the supplies to provide the water after there is no GET water. The GET water is also different from a normal supply of water because of its enormous cost. After the GenCorp money is exhausted for the clean-up in a couple of years there will be no money for the GET water. The EIR does not discuss how the GET water clean-up will be paid for in the future. This should be an essential element of the EIR. (See, comments of Dr. Mark Grismer.) Because this essential information is missing from the Environmental Impact Report, it is inadequate.

The revised water supply assessment should have included the SCWA's plan for acquiring the additional supplies needed to serve the Rio del Oro Project, including the cost and time estimates and regulatory approvals the SCWA anticipated needing for acquiring these supplies and making them available. (Water Code §§10910(d)(2), 10911(a); *Vineyard Area Citizens for Responsible Growth, Inc., v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 433.) In this case, the EIR does not include the required water supply assessment for the GET water, and the FEIR provides no information regarding the cost and time estimates for regulatory approvals for the transfer of 8,900 acre feet of GET water to the SCWA. There is no environmental analysis associated with providing the GET water. There is no environmental analysis of the construction and operation of the water conveyance facilities from the Freeport Treatment Plant to the Project site. There is no identification of alternative sources to the GET water, and the environmental impacts associated with use of this water. Likewise, none of this information has been provided for the transfer of Golden State Water Company water for the initial 600 to 900 units in the Specific Plan.

As the Supreme Court states in *Vineyard Area Citizens*, the water supplies must be identified with more specificity at each step as land use planning and water supply planning move forward from general phases to more specific phases. (*Id.* at p. 434.) The court states: "If the uncertainties inherent in long-term land use and water planning make it impossible to confidently identify the future water sources, an EIR may satisfy CEQA if it acknowledges the degree of uncertainty involved, discusses the reasonably foreseeable alternatives – including alternative water sources and the option of curtailing the development if sufficient water is not available for later phases – and discloses the significant foreseeable environmental effects of each alternative, as well as mitigation measures to minimize each adverse impact." The EIR makes no mention of available water sources, once the GET water is rehabilitated and no longer available.

In this case, the EIR provides insufficient information to confidently identify a near-term source of water, which must be identified with reasonable certainty. The only information in the EIR concerning the availability of Phase Ia water is a reference to a letter from Earnest Gisler, Engineering and Planning Manager of Golden State Water Company, to Russell Davis of Elliott Homes regarding water supply. The letter was dated on or about July 29, 2005. This letter was not attached to the EIR. There is no agreement between Golden State Water Company and Elliott to provide the water. There is no other documentation showing that the water from Golden State Water Company will be available to the SCWA to service Phase Ia of the Rio del Oro Project. Golden State Water Company has entered into a contract to provide water to a large project in Sutter

County, Sutter Pointe. (See, **Exhibit**) Circumstances have changed for Golden State Water Company. Since providing the 2005 letter to Elliott Homes, it is questionable whether Golden State still has the supplies for the Project. . Golden State may not be able to provide the short-term water. (See, the letter Dated October 25, 2007 Ernest Gisler to Wendy Copeland.) The EIR does not discuss the environmental impacts associated with supplying the short-term water. Also, there is no identification of Alternative supplies and the environmental impacts associated with providing alternative supplies. The EIR includes no information about the environmental impact of constructing and operating the facilities for the short term water, including the new water line in White Rock Road.

As stated in previous comments and as admitted in the FEIR, there are no alternative secondary sources that have been adequately identified and analyzed for the Rio del Oro Project. The only source of water is the GET water. The EIR fails to provide sufficient information about a long-term water supply, since GET water is temporary and also subject to regulatory approval. At some point in time, the water in the Aerojet facility will be cleaned up and GET water will no longer be available. CEQA requires that the FEIR show a likelihood that water will be available over the long-term for the Project. Without an explanation that shows at least an approximately long-term sufficiency and total supply, the public and decision makers cannot have confidence that the identified sources will serve the development. (*Vineyard Area Citizens, Id.*, at p. 441.) The FEIR, which now states that 8,900 acre feet of GET water will be supplied by Aerojet to SCWA does not evaluate the long-term impacts of providing a water supply when the GET water is no longer available. The information in the EIR is inadequate to assess the long-term impacts of the City's reliance on ground water to supply the Project, especially under drought conditions.

6. **Many of the Traffic Impact Mitigation Measures do not Comply with CEQA because they are not Enforceable; The EIR Fails to Adopt Feasible Mitigation for Traffic.**

Mitigation measures that are adopted by an agency must be enforceable through conditions of approval, contracts or other means that are legally binding. (Public Resources Code §21081.6(d); Guidelines §15126.5(a)(2).) This requirement is designed to ensure that mitigation measures will actually be implemented, not merely adopted and then ignored. (*Federation of Hillside and Canyon Association v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261; *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1186.)

Mitigation Measure 3.14-18 addresses needed improvement at the Florin Road/Sunrise Boulevard intersection. The Mitigation Measures states as follows: "To ensure that the Florin Road/Sunrise Boulevard intersection operates an acceptable LOS, the southbound approach must be reconfigured to consist of one through-lane and one dedicated right-turn lane. Improvement to this intersection must be coordinated with the County and other potentially affected oversight agencies."

This mitigation measure is not enforceable. Firstly, the EIR identifies no funding mechanism for the Rio del Oro Project to pay its fair share of the mitigation. Secondly, the EIR discounts the mitigation stating that "the identified improvements fall under the jurisdiction of the County; therefore, neither the City nor the Project Applicants would have control over their timing or implementation." As a result, the EIR states Impact 3.14-1E would remain significant and unavoidable. The City has had four years to discuss with the County the Project participating in improvements at Florin Road/Sunrise Boulevard intersection. The City has a duty under CEQA to negotiate with the County and work out the mechanism to improve intersections and roadway segments that are to be impacted by the Project. The City may not simply state that the County has control over the intersection and the impact remains significant and unavoidable. CEQA places an affirmative duty on the City to consult with the County and work out issues concerning improvement of impacted roadway segments and intersections in adjacent jurisdictions. (See Public Resources Code §21092.4.) The City clearly violated its duty to consult under Public Resources Code §21092.4 and has made no effort to work with other jurisdictions to avoid significant impacts to transportation facilities in contiguous jurisdictions.

Likewise, Mitigation Measure 3.14-1F includes no funding mechanism for the City to contribute to the Grant Line Road/Sunrise Boulevard intersection improvements. The EIR once again states that the jurisdiction is within the County, and therefore the City would have no control over the timing and implementation of mitigation. The City has an affirmative duty to consult with the County and work out a cooperative approach to improvement of the intersection. This has not been done. The City has failed to identify feasible mitigation for Impact 3.14-1F and the funding for Mitigation Measure 3.14-1F.

Mitigation Measure 3.14-1M Requires the Rio del Oro Project to Participate in Improvement to the Sunrise Boulevard/Folsom Boulevard Intersection. The EIR considers Mitigation Measure 3.14-1M inconsistent with the City of Rancho Cordova's General Plan which precludes roadway sections of six lanes or more. The EIR proposes an alternative to the improvement such as implementation of the Rancho Cordova Parkway (and its connection to US 50), the Zinfandel Drive extension, or the International Drive extension into and through the Rio del Oro Project Site and realignment of International Drive with Old Placerville Road. The EIR fails to provide any funding mechanism for any of these improvement, and therefore the proposed mitigation measures are speculative. Furthermore, in the four years since the mitigation measures have been proposed, the City has failed to meet and confer with Caltrans or the County to further solidify the proposed mitigation alternatives. The proposed mitigation is therefore ineffective as speculative mitigation. The City has failed in its obligation to identify all feasible mitigation measures to reduce the Project's impacts.

Mitigation Measure 3.14-1N requires the Rio del Oro Specific Plan to participate in improvements to the Sunrise Boulevard/US 50 westbound ramps intersection. However, the mitigation measure is speculative and not enforceable because the City has prepared no financing plan which will provide the funding for the Project's fair share. The City concludes that even after mitigation the impact will be significant and unavoidable because the intersection is controlled by

Caltrans. However, Caltrans has a program to allow local jurisdictions to pay for improvement to Caltrans controlled facilities. The EIR is inadequate because the authors failed to consult with Caltrans and work out a cooperative program for the improvements to the Sunrise Boulevard/US 50 westbound ramps.

Mitigation measure 3.14-1o is inadequate. This mitigation measure requires participation in improvements to the Sunrise Boulevard/Zinfandel Drive intersection. The mitigation measure finds that it is impractical to expand Sunrise Boulevard to eight lanes since this is inconsistent with the Rancho Cordova General Plan. The mitigation measure proposes as an alternative a grade separation of the intersection. However, the EIR fails to explore this mitigation measure and to discuss the environmental impacts associated with the mitigation measure. Instead of providing a proper evaluation and analysis, the EIR finds Impact 3.14-1O significant and unavoidable. The EIR fails to comply with CEQA because it does not complete sufficient analysis and adopt feasible mitigation.

Mitigation Measures 3.4-1p requires participation in improvements to the Hazel Avenue/Folsom Boulevard intersection. This intersection is under the control of the County. The City and authors of the EIR had a duty to work out with the County the improvement of this intersection. Rather than imposing a fair share fee or other mitigation, the EIR improperly finds that the impact would remain significant and unavoidable. The EIR fails to adopt feasible mitigation or to meet and confer with the County as is required by CEQA.

Mitigation Measure 3.14-1q requires the Project to participate in improvement to the Hazel Avenue/US 50 eastbound ramps intersection. The EIR states that this improvement would require the crossing of the Folsom South Canal, which would involve other regulatory agencies. The EIR authors and the City had a duty to explore with the other regulatory agencies the entitlements needed to complete this mitigation measure, and to also identify funding for the mitigation measure. Because the EIR failed to comply with the requirements of CEQA, it is inadequate.

Mitigation Measure 3.14-1u requires the Project to participate in improvements to Mather Boulevard between Femoyer Street and Douglas Road. The EIR concludes that because the improvements fall under the jurisdiction of the County, the City and Project Applicants would not have control over the timing or implementation of the improvement. Therefore, the impact would remain significant and unavoidable. The City and the authors of the EIR had a duty to consult with the County and to work out a timing of the improvements as well as payment for the improvements. The City has failed to adopt feasible mitigation.

Impact 3.14-1v requires the Project Applicant to participate in improvements to Douglas Road between Mather Boulevard and Sunrise Boulevard. The EIR finds that the County and other regulatory agencies would have jurisdiction over the improvements, including the Folsom South Canal crossing. The authors of the EIR had a duty to work with the County and other jurisdictions to form an agreement for the improvement and to determine the Project's fair share. The City's failure to accomplish this goal in four years is a violation of CEQA.

Mitigation Measure 3.14-1w requires the Project to participate in improvements to White Rock Road between Sunrise Boulevard and Grant Line Road. Even though the majority of the roadway segment is within Rancho Cordova, the eastern portion falls within the jurisdiction of the County. Rather than work out with the County the timing and the funding mechanism to complete this improvement, the EIR finds that the impact would remain significant and unavoidable. The EIR is inadequate because of failure to adopt feasible mitigation measures to mitigate the Project's impact.

Mitigation Measure 3.14-1x requires the Project to participate in improvements to Zinfandel Drive between US 50 eastbound ramps and White Rock Road. Because the alternate improvements, consisting of connecting International Drive between Bradshaw Road and the Project Site and implementation of the Rancho Cordova Parkway (and its connection to US 50) fall partially under the jurisdiction of the County, the EIR finds that the impact is significant and unavoidable. The City and the authors of the EIR had a duty to consult with the County and work out the timing and a fee program for this mitigation measure. The EIR is defective because it fails to adopt feasible mitigation.

Mitigation Measure 3.14-1ff requires the Project to participate in improvements to US 50 between Mather Field Road and Zinfandel Drive (Freeway Segment 27) and US 50 between Sunrise Boulevard and Hazel Avenue (Freeway Segment 29). The EIR states that several of the identified improvement fall under the jurisdiction of Caltrans or the County, and therefore neither the City nor the Project Applicant can guarantee their implementation. On this basis, the EIR concludes that the impacts remain significant and unavoidable. Both Caltrans and the County have cooperative programs so that the Rio del Oro Project could contribute fees to these improvements. The EIR fails to adopt feasible mitigation by failing to explore these fee sharing programs.

The following mitigation measures are inadequate because the EIR fails to adopt any fee programs to fund the mitigation measures. The mitigation measures violate the standard set forth in the holding of the *Anderson First* case.

1. Mitigation Measure 3.14-1gg: participate in improvements to Douglas Road between Sunrise Boulevard and Jaeger Road (Road Segment 31).
2. Mitigation Measure 3.14-1hh: participate in improvements to Sunrise Boulevard between Douglas Road and Keifer Boulevard (Road Segment 33).
3. Mitigation Measure 3.14-1ii: participate in improvements to Sunrise Boulevard between Keifer Boulevard and SR16 (Road Segment 34).

One of the significant shortcomings of the CEQA process and the EIR is the City's failure to adopt traffic mitigation because of a lack of a financing plan for the Project and also agreements with other jurisdictions. At the same time, the City is vesting the Specific Plan with a huge number of unresolved traffic issues that will lead to grid lock in eastern Sacramento County. Once the

Specific Plan is vested, the City will not have leverage to make the developers pay for the needed traffic improvements. CEQA requires that the traffic mitigation measures be funded and enforced at the EIR state of review.

7. The EIR Fails to Adequately Analyze Feasible Alternatives under CEQA.

An EIR must analyze "a range of reasonable alternatives to the Project or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project, and evaluate the comparative merits of the alternatives," focusing on alternatives that would "avoid or substantially lessen any significant effects of the Project, even if these alternatives would impede to some degree the attainment of the Project objectives or would be more costly." (CEQA Guidelines §15126.6(a-b); *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443-445.) A "feasible" alternative is one that is "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (Guidelines §15364.) A determination that an alternative is not economically feasible must be supported by evidence and analysis showing that it cannot reasonably be implemented due to economic constraints. (*King County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 737.) The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is not financially feasible.

Here, the EIR fails to analyze a range of reasonable alternatives that include any meaningful and accurate analysis of a reduced-scale project. US Fish and Wildlife Service suggested the EIR analyze an alternative that maintains a high-density of development of 11,601 units on a smaller project footprint to avoid and minimize the effects on listed species and their habitat. The authors of the EIR refused to analyze this high-density alternative on a smaller footprint. However, this proposal would increase the wetland preserve from 507 acres to 1,106 acres, preserving most of the vernal pools on site and would also preserve an approximate 50 acres of cottonwood-willow riparian forest in the southeast quadrant of the site. This forest is of great ecological value. The smaller, more intense alternative would allow the Project to avoid the fragmentation with roads of the wetlands preserve area, preserving the integrity of the wetlands. The EIR violated CEQA by failing to consider as a feasible alternative a project with a smaller footprint.

8. Energy Use of the Project.

The FEIR takes the position that the Project does not need to address the energy conservation issues included in Appendix F of the CEQA Guidelines. However, effective March 18, 2010, the CEQA Guidelines were amended to make Appendix F mandatory, and this provision is applicable to the FEIR (CEQA Guidelines §15007). As stated in Appendix F: "In order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. (See Public Resources Code §21100(b)(3).) Also, Guidelines §15126.4(c)(2) requires a discussion

of energy conservation issues. While not all energy conservation issues included in Appendix F are relevant to each project, an EIR is supposed to include those energy conservation issues that are relevant. In the case of the Rio del Oro Specific Plan, transportation energy consumption is one of the most significant energy uses. Therefore, the EIR should include in the Project Description the "total estimated daily vehicle trips to be generated by the project and the additional energy consumed per trip by mode." This information was missing from the EIR. Since this is a large construction Project, item II.A.1 of Appendix F should also be included in the EIR. This item is "energy consuming equipment and processes which will be used during construction, operation, and/or removal of the Project. If appropriate, this discussion should consider the energy intensiveness of materials and equipment required by the Project." A discussion of this item should have been included in the Project Description. Likewise, the environmental setting should have included a review of energy use patterns in the region and locality.

The EIR did not consider the energy requirements and energy use efficiencies by amount and fuel type for each stage of the Project, including construction, operation, and maintenance and/or removal. This should have been discussed in the EIR. The EIR failed to consider and analyze the Project's impact on peak and base period demands for electricity and other forms of energy, except to refer to Title 24. This provides no useful information. One of the most important environmental impacts that should have been discussed is item II.C.6: "The Project's projected transportation energy use requirements and its overall use of efficient transportation alternatives."

Item D suggests that the EIR should have included mitigation measures for energy use, including alternate fuels or energy systems; mitigation measures to reduce peak energy demand; and the potential of siting, orientation, and design to minimize energy consumption, including transportation energy, increase water conservation and reduce solid waste. These mitigation measures are all relevant to the Project but were not discussed in any detail.

The EIR failed to discuss the overall energy consumption of alternatives in terms of reducing wasteful, inefficient, and unnecessary consumption of energy. The EIR should have compared the short-term gains verse long-term impacts by calculating the Project's energy costs over the Project's lifetime. Information that is required by Appendix F was not included in the Project EIR. The discussion of energy conservation in the EIR was minimal and does not meet the requirements of CEQA.

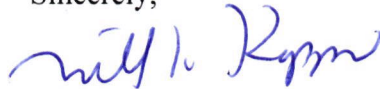
9. Greenhouse Gas Emissions.

The FEIR includes an entire new section related to greenhouse gas emissions (pp. 5-56 to 5-62). The City should have recirculated this portion of the Environmental Impact Report for comments since there was no greenhouse gas emission section in the 2006 Environmental Impact Report. The EIR includes new Mitigation Measure 3.15-7C to reduce greenhouse gas emissions. This mitigation measure states that GHG emissions from the construction and operation of the increment of development at issue will be reduced by 30% from business-as-usual 2006 emissions. Further, the mitigation measure states: "In determining 2006 business-as-usual emissions, the

Mr. Patrick Angell
August 16, 2010
Page 16

assumptions and analysis regarding traffic and operational conditions of the project used in the EIR/EIS may be utilized.” This mitigation measure is unduly vague and is not effective mitigation. Firstly, there are no baseline standards set forth for GHG emissions from which the 30% may be determined. The “assumption and analysis regarding traffic and operational conditions of the project” is unduly vague. Even then, use of these assumptions is not mandatory. The Environmental Impact Report needs to specify the baseline emissions from which the 30% reduction is to be calculated. Only in this way can it be determined whether the mitigation measures will in fact be effective in reducing the emissions. Additionally the baseline should be 2010, the time of approval of the Project. The baseline emissions in 2010 should be lower than in 2006 due to the greater efficiency of automobiles, appliances, and equipment. The EIR should include information about the baseline assumptions for GHG emissions and the Project’s contribution, both with and without mitigation.

Sincerely,



William D. Kopper
Attorney at Law

WDK/wrn

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7311 Occidental Rd
Sebastopol, CA 95472
(530) 304-5797

5 August 2010

TO: William Kopper Esq.

RE: Review of hydrologic aspects and comments of Rio del Oro SP FEIR.

As requested, I have reviewed the FEIR documents for the Rio del Oro SP near Rancho Cordova with respect to hydrology and water supply issues associated with the proposed development. With the new 2010 Agreement between Aerojet (Gen Corp), SCWA and the project proponents, they have appeared to have identified a source of water for the project from the Aerojet GET wells currently discharging treated groundwater to the American River. The FEIR comments section notes that currently 15,000 AF/yr of Aerojet GET water are being discharged to the American River from which the SP project can eventually draw 8900 AF/yr when the required infrastructure (SCWA facilities including the Vineyard Surface Water Treatment Plant, the Freeport Regional Water Project, and the North Service Area Pipeline Project, p. RD2-305) is in place. That the SP project hinges on the availability of treated groundwater into perpetuity seemed unusual as there is no claim of water rights (as it is unregulated groundwater) and that this water source depends entirely on the longevity of support for the Superfund site by the State and Federal governments as well as GenCorp. Thus, I also reviewed several of the myriad documents available from the EPA website (noted below) pertaining to the agreements, timing, pumping rates and the like. As the US EPA has general oversight of the Aerojet facility, groundwater containment and pumping is anticipated to continue until such time as the various contaminants in the groundwater are at acceptable concentrations as determined by EPA and the Central Valley Regional Water Quality Control Board. From the most recent investigation and feasibility assessment (June, 2009), groundwater pumping and treatment capacities for Zones 1,2 & 3 (ARGET well & wells A & B) of the Aerojet site are approximately 8928 AF/yr with the pumps/treatment system running continuously 24 hours a day and 7 days a week. Presuming a 10% downtime or maintenance effort per year, this suggests that roughly 8000 AF/yr would be available for discharge. Volumes of water curiously similar to that promised from the SP project.

My concerns are two-fold related to the water supply aspects of the proposed SP project; the first seems to be a legal issue related to contractual arrangements for the treated groundwater that are exclusive of those also competing for this water in the present and future (including possible ecohydrological needs), and the second is related to the fact that at some time, presumably many decades into the future, groundwater pumping for treatment and containment will no longer be required at the Aerojet site and

the disposition of the 9000-15,000 AF/yr of water is then unclear. When this time occurs is uncertain as the investigations for Aerojet noted:

However, given the complexity and heterogeneity of the aquifer system and the unknown fate and transport characteristics of TCE, there is no realistic basis for evaluating the extent to which aquifer restoration will occur and over what period of time. (p.127 of Part 1 Perimeter Groundwater RI/FS Report, 2009)

In the feasibility analysis of the RI/FS report, they indicate that model predictions suggest that the time required for the groundwater cleanup is between 193-324 years (in terms of TCE removal). This fairly broad span reflects some of the modeling uncertainty associated with many parameters including rates of "natural attenuation" of the contaminants. In the feasibility planning, while a 30-year time horizon is used for determining possible costs of \$10s of millions for the different treatment alternatives that increase to \$100s of millions for the anticipated duration needed for cleanup. The amended stipulated agreement notes that GenCorp must pay no more than \$10 million per year and no more than \$75 million overall suggesting that the eventual costs associated with pumping into perpetuity will be born by other entities (City or State, presumably). How will this issue be addressed? What are the possibly foreseen consequences of loss of groundwater supplies for the SP project area when Aerojet aquifers are deemed "restored", or the current parties no longer will pay the annual costs of pumping. Perhaps these will be taken over by the SP project if there are no other regulations limiting groundwater extractions at the time. The FERI should address in more detail some of these types of issues related to the Aerojet GET water availability in the future beyond a simple commitment letter from SCWA.

<http://yosemite.epa.gov/r9/sfund/r9sfdocw.nsf/3dec8ba3252368428825742600743733/60508b9cae7346f088257007005e9436!OpenDocument>



Aerojet General Superfund Site

U.S. Environmental Protection Agency • Region 9 • San Francisco, CA • August 2009

Proposed Plan For OU-5 Cleanup

EPA Requests Public Comment on Proposed Plan for the Perimeter Groundwater Operable Unit of the Aerojet Superfund Site

The United States Environmental Protection Agency (EPA) is seeking public comments on this **proposed plan*** for the Perimeter Groundwater **operable unit** (OU-5), one of several operable units of the Aerojet General Corporation Superfund Site in Rancho Cordova, California. This plan proposes actions to address health risks posed by contaminated **groundwater** on the north and south sides of the Superfund Site as well as risks posed by contaminated soil within a specific area of the Aerojet property.

The proposed cleanup plan for OU-5 will prevent further spread of groundwater contamination from the Site. The approved plan will be integrated with cleanup plans for the other operable units to achieve the final cleanup goals that include restoring the aquifer to its beneficial use. The contaminated groundwater flowing to the west of the Aerojet facility into Rancho Cordova and Carmichael was addressed in a proposed plan and **Record of Decision** (ROD) for the Western OU (OU-3), signed in 2002. The majority of the Western OU cleanup system has been constructed.

The public comment period for the proposed plan for OU-5 begins on August 3, 2009 and ends September 1, 2009. You can send your comments to EPA postmarked no later than September 1, 2009. EPA has scheduled a public meeting from 7 PM to 9 PM on Tuesday, August 11, at the Rancho Cordova City Hall, 2729 Prospect Park Drive in Rancho Cordova, to present the proposed plan and record verbal comments. For more information on how to comment, see the back page. Your written or verbal comments are an important part of the EPA's evaluation criteria and you are encouraged to participate. Your input can influence EPA's final decision.

Public Meeting

7 p.m. - 9 p.m.
Tuesday, August 11, 2009

Rancho Cordova City Hall
2729 Prospect Park Drive
Rancho Cordova

Comment Period

August 3, 2009 -
September 1, 2009

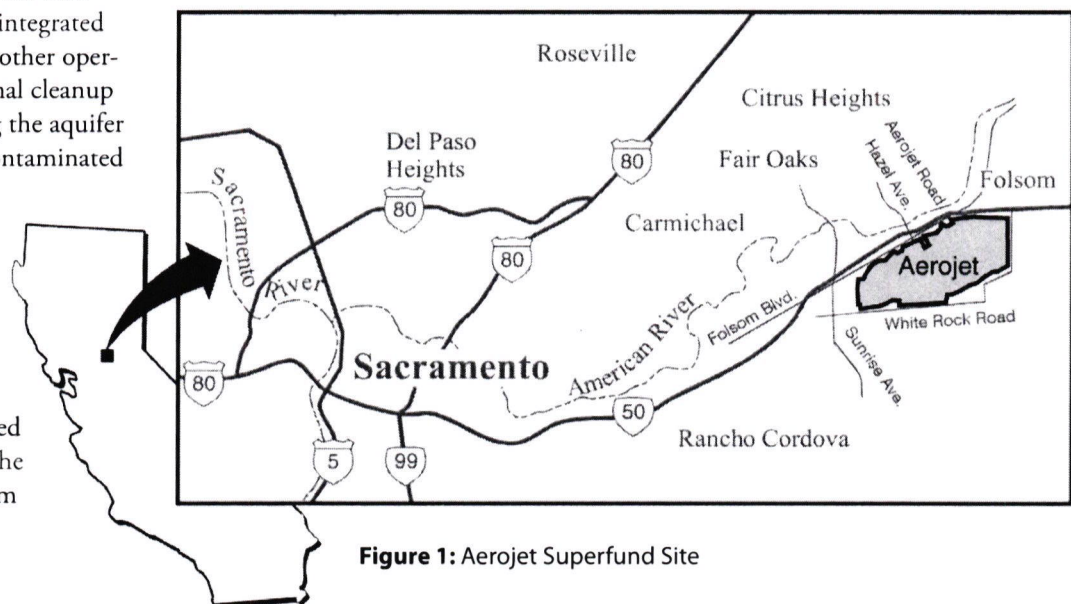


Figure 1: Aerojet Superfund Site

*All words in **bold** are defined in the Glossary on page 13

This proposed plan identifies EPA's preferred remedies for soil and groundwater in OU-5 and summarizes the alternatives considered. It also summarizes the detailed information found in the **Remedial Investigation and Feasibility Study (RI/FS)** Reports and other documents contained in the **Administrative Record File (AR)** specifically for OU-5. The AR is available for public review at the information repositories listed on page 12.

EPA's primary objective is to protect public health and the environment from **contaminants** found in OU-5. The purpose of this proposed plan is to:

1. Inform the community about the history and environmental findings for OU-5
2. Describe the cleanup alternatives evaluated and EPA's preferred alternative
3. Solicit public comment

4. Describe how the public can become involved; and
5. Fulfill the public notice and comment requirements of the **Comprehensive Environmental Response, Compensation and Liability Act**, 42 U.S.C. §9617(a), and the **National Contingency Plan**, 40 CFR §300.430(f) (2) & (3).

After considering public comments, and in consultation with the California Department of Toxic Substances Control (DTSC) and the Central Valley Regional Water Quality Control Board (RWQCB), EPA will make its decision for the soil and groundwater cleanup for OU-5. EPA will respond to comments in a responsiveness summary that will be part of the final Record of Decision. The public will be notified once the ROD is available for review at the site repository, usually several months after the close of the public comment period.

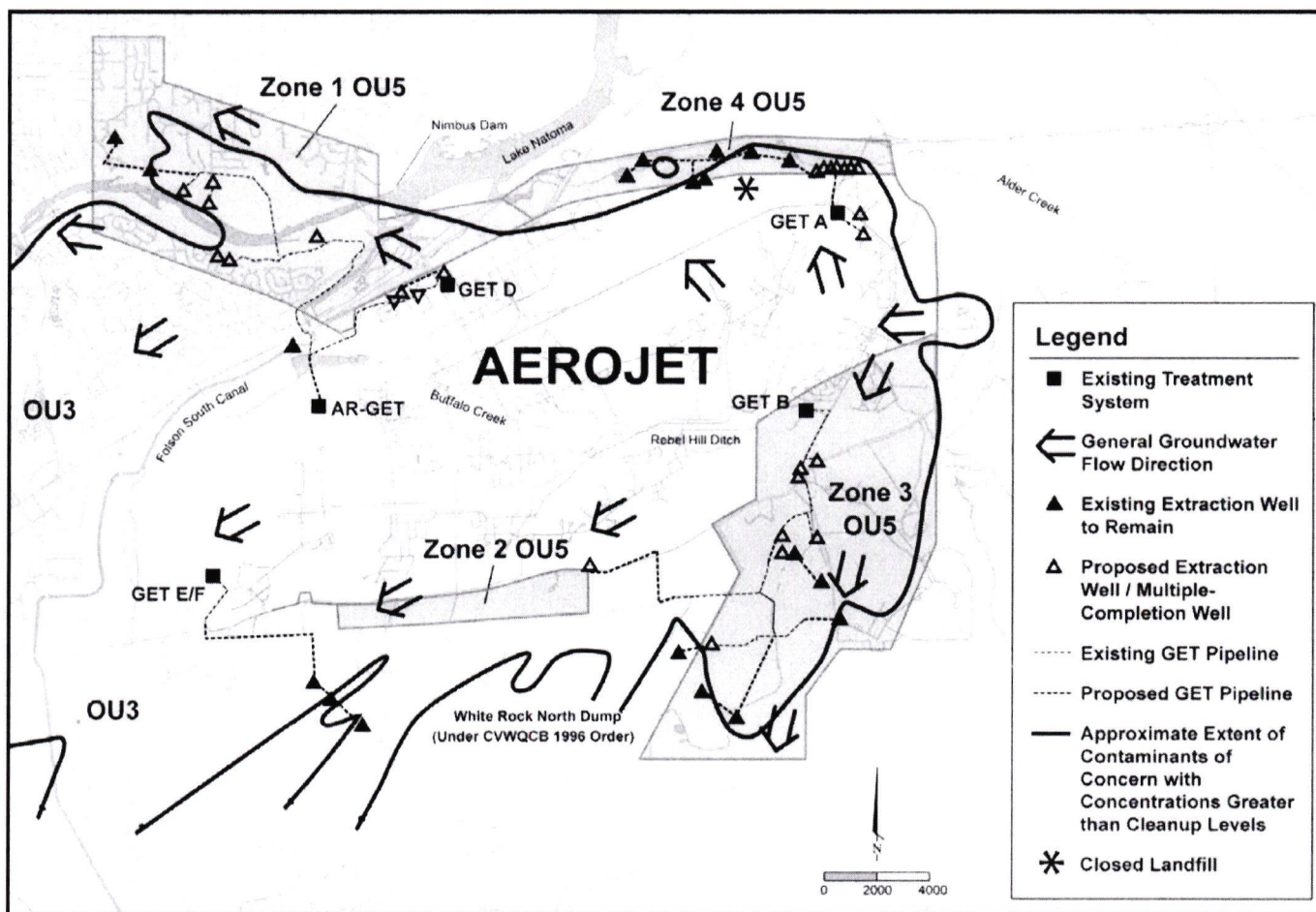


Figure 2: Location of OU-5 (shaded area), extent of contaminant plume and groundwater remedial actions

Site Background

Aerojet acquired the 8,500 acre site in 1953 (Figure 2) to develop and test rocket propulsion systems to support national defense, space exploration, and satellite deployment. The relatively isolated former gold mining area allowed large buffer zones between testing or manufacturing areas and the outer edge of the property. Growing communities spread closer to the Aerojet facility over the years.

Soil and groundwater have been contaminated by past disposal and operation practices from industrial chemical manufacturing, pesticide manufacturing and rocket propulsion systems manufacturing and testing operations. These past discharges of **chemicals of concern** (COC) resulted in contamination of surface and subsurface soil and groundwater hundreds of feet below the surface. Contaminated groundwater spread beyond the property boundaries into nearly 10 square miles beneath the surrounding communities. Although numerous types of chemicals have been used historically at the Aerojet site, trichloroethylene (TCE), perchlorate and N-Nitrosodimethylamine (NDMA) comprise the primary COCs for the groundwater in OU-5. TCE is a **volatile organic compound** (VOC) utilized on the Aerojet Site for cleaning and degreasing purposes. Perchlorate is a specialized salt used as an oxidizer in solid rocket propellants. NDMA is a **semi-volatile organic compound** (SVOC) that was either an impurity in hydrazine-based liquid rocket fuels or was formed during combustion of these fuels.

In the mid 1980s, Aerojet installed **groundwater extraction and treatment** (GET) systems to remove and treat VOCs and NDMA to protect the valuable groundwater resource as well as surface water that flows into the American River. To contain contaminated groundwater near the Aerojet Site boundary, GET A was installed in the northeastern portion of the contaminant plume, GET B was installed to the southeast, GETs E and F were installed in the northwest and southwest and GET D was installed in the north-central portion of Aerojet. The American River (AR) GET began operating in 1999 as an off-property

extension of GET D (for GET locations see Figure 2 on page 2). The site was proposed to EPA's National Priorities List in 1982 and became final in 1993. The NPL is a list of the nation's largest and most hazardous waste sites.

In June 1989, EPA, DTSC and RWQCB signed a **Partial Consent Decree** with Aerojet to conduct a Remedial Investigation/Feasibility Study (RI/FS) for the site. As part of the 2001 Stipulation and Order Modifying Partial Consent Decree, the site was divided into OUs to expedite remedy implementation and define the potentially contaminated areas of surface and subsurface soil. About 5,900 acres of the 8,500 acre facility are potentially contaminated.

In August 2002, EPA and RWQCB issued parallel orders to Aerojet to begin or expand critical work to control the spread of contaminated groundwater. Aerojet was directed under the Partial Consent Decree to conduct an RI/FS to address groundwater contamination within OU-5, which was later expanded to add the investigation of potential soil sources located within areas slated for development. A solid waste landfill for inert solid waste and construction debris on the northern edge of the Aerojet property within OU-5 is being addressed by a closure plan that has been approved by Sacramento County and the State of California. The groundwater portion of the RI/FS for OU-5 reviewed the effectiveness of existing GETs A, AR, B and D and the overall groundwater containment requirements on the north and south sides of the Aerojet Superfund Site.

Over the last several years, EPA and State regulators have overseen a rigorous sampling and evaluation process to determine the potential risks to commercial workers and residents overlying contaminated groundwater and soils associated with the Site. The investigation also thoroughly examined the potential risks due to VOC vapors from contaminated groundwater to residents and workers. These measures were taken to ensure protection of public health and the environment during the long process to clean up groundwater and soils.

Site Characteristics

The land to the north of Aerojet's property has multiple uses including residential, recreational, office, commercial and industrial. The land to the south of Aerojet's property is used for recreation, ranching, agriculture and mining and is also undergoing planning for a mixed use development. Aerojet is in the process of applying for zoning modifications to its "Special Planning Area" designation by the Sacramento County Ordinance for its land within OU-5 to allow for mixed residential and commercial use. See Sacramento County Zoning Code, Title V, Chapter 8, Article 3.

Groundwater in the area is designated for municipal use as a drinking water source in accordance with the Central Valley Regional Water Quality Control Board Basin Plan. Public water supply wells around the Aerojet Site are closely monitored, and public water supplies are obtained from uncontaminated sources. None of the monitoring and extraction wells on Aerojet's property are used for potable water. The general groundwater flow direction varies at the Aerojet Site and is grouped into four main zones based on flow direction: zone 1 to the northwest; zone 2 to the west and southwest; zone 3 to the south; and zone 4 to the north-northwest (see Figure 2). The groundwater **aquifer** is separated into multiple Layers A through F (from shallowest to deepest below ground). These layers consist of permeable materials which readily allow water to flow horizontally and are generally separated by less permeable layers which restrict vertical flow between layers. Groundwater flow within individual layers may differ from the general groundwater flow in that particular zone of OU-5.

Surface water bodies in the area of OU-5 include Rebel Hill Ditch, Buffalo Creek and Alder Creek. Any water flowing in Rebel Hill Ditch drains back into the aquifer through the porous soil and does not flow off of Aerojet property. Buffalo Creek flows to the American River north of Aerojet. Buffalo Creek receives storm water discharge and industrial process water flows (primarily cooling water) from Aerojet under a **RWQCB National Pollution Discharge Elimination System** (NPDES) permit. Alder Creek flows into Lake Natoma from the northeast side of Aerojet and receives rainfall and some groundwater seepage. The remedial investigation found no groundwater contamination entering Alder Creek.

Scope And Role of the Aerojet Project and Perimeter Groundwater Operable Unit (OU-5)

EPA, RWQCB and DTSC set the first priority for the entire Aerojet Superfund Site to contain the expanding groundwater contamination from the Site and prevent further loss of drinking water supplies around the Site. The second Sitewide priority is to clean up the sources of contamination on the Aerojet property, located in part of this OU and five additional OUs covering the Aerojet property. The ultimate long-term goal of the entire Site is to clean up the groundwater to levels that allow beneficial uses and to clean up the soil to eliminate or control the sources of contamination.

The proposed cleanup for OU-5 will contain contaminated groundwater as close to the Site as possible on the north and south sides of the Site and remove contaminant sources on one part of the Aerojet property. Although the landfill in the northern portion of OU-5 (zone 4) is not included in the proposed actions for OU-5, EPA will review the monitoring results of the solid waste landfill closure to ensure both soil and groundwater protectiveness from this potential source of contamination. EPA expects that all potential risks from this landfill will be satisfactorily addressed by the approved landfill closure process with State and County oversight. If potential risks from the landfill are not adequately addressed, EPA will evaluate alternatives in an amendment to the ROD.

Implementing the proposed plan for OU-5, coupled with the existing OU-3 remedy to the west and other state enforcement actions to the south, will complete the containment of groundwater contamination around the boundary of the Site (Figure 2). The proposed plan for OU-5 also captures and treats groundwater contaminants flowing from the source areas on the Aerojet property. This action will eventually allow large portions of the contaminated aquifer to reach final cleanup levels (Table 1). This proposed plan is the final remedy for OU-5. Restoration of the aquifer to protective levels will take many decades. Remedial investigations of five other Operable Units in the source areas must be completed before final remedies are selected for the entire Aerojet Superfund Site.

Summary of Site Risk

Human health and ecological risk assessments were performed to identify and estimate potential risks to people and the environment from Aerojet's contamination of groundwater and soils, assuming current conditions and unrestricted future use of the land within OU-5. The ecological health assessment determined there are no ecological risks within OU-5 that require action. The human health assessment (HHA) established that the site poses potential risks requiring action based on site-specific information on potential exposure and on current values for the hazards posed by the chemicals of concern.

Potential risks from cancer-causing contaminants (carcinogens) are defined as the probability of a person getting cancer from a long-term exposure to those carcinogens. This probability is expressed as the number of additional cancers that might occur due to exposure to the Site's contamination. EPA's goal is to protect residents, workers and visitors at a site from increased risks of cancer by keeping the risks extremely low. EPA seeks to manage potential cancer risks so that they fall within or below a risk management range of one in ten thousand (1×10^{-4}) to one in one million (1×10^{-6}).

For contaminants that do not cause cancer but may cause other health effects (non-carcinogens), risk is expressed as a Hazard Index (HI). If the HI is less than or equal to 1.0, no adverse health effects are expected. An HI greater than 1.0 indicates an increased risk of health effects. The higher the HI, the more likely that health effects could be experienced, especially by people more sensitive to the chemical's effects.

Table 1: Groundwater Cleanup Levels (Principal contaminants are shaded)

Chemicals of Potential Concern	Containment and Cleanup Level (micrograms per liter or ppb)	
Non-Metal Anion		
Perchlorate	6	CA Drinking Water Standard (MCL)
SVOCs		
N-Nitrosodimethylamine (NDMA)	0.003	CA Public Health Goal
VOCs		
Trichloroethylene (TCE)	5	Federal MCL
1,1,2,2-Tetrachloroethane	1	CA MCL
1,1,2-Trichloroethane	5	Federal MCL
1,1-Dichloroethylene	6	CA MCL
1,2-Dichloroethane	0.5	CA MCL
1,2-Dichloroethene cis	6	CA MCL
1,2-Dichloroethene trans	10	CA MCL
1,4-Dioxane	3	Federal Public Health Advisory
Bromodichloromethane	80	Federal MCL
Carbon tetrachloride	0.5	CA MCL
Chloroform	80	Federal MCL
Dibromochloromethane	80	Federal MCL
Methylene chloride	5	Federal MCL
Tetrachloroethylene	5	Federal MCL
Vinyl chloride	0.5	CA MCL

Groundwater

The HHA concluded that contaminated groundwater within the plume shown on Figure 2 exceeds drinking water standards and that groundwater contamination must be contained to prevent further contamination of the existing drinking water aquifer. The three most prevalent contaminants detected in the groundwater are perchlorate, NDMA and TCE (see Table 1 for the list of all groundwater contaminants detected.). These were found in all four zones of OU-5, with the exception of NDMA, which is found in all zones except zone 2. The on-property and off-property cancer risk for all four zones exceeds EPA's target risk range. The HIs are well over 1. Remedial action to prevent further contamination and cleanup of the drinking water aquifer is justified by the potential risks.

Surface Soil and Near Surface Soil

The potential soil source sites that were investigated are shown on Figure 3 on page 7. The majority of the locations were not contaminated above health based levels for unrestricted use such as residential development. Eleven soil areas were found to be contaminated with one or more chemicals of concern (Table 2). The HHA found that further action is required at these 11 locations to protect residents or

Table 2: Risk-Based Cleanup Goals for Soil Perimeter Groundwater Operable Unit for Residential/Unrestricted Use or Commercial/Restricted Use.

Chemical	Unrestricted Use Level (Residential Use)		Restricted Use (Commercial Use)	
	Soil concentration mg/kg soil	Risk basis	Soil concentration mg/kg soil	Risk basis
2,3,7,8-TCDD (Dioxin)	3.9E-06	Cancer	1.6E-05	Cancer
Antimony	31	Non-cancer	120	Non-cancer (construction worker)
Bis(2-Ethylhexyl)phthalate	35	Cancer	123	Cancer
Cadmium	48	Cancer (construction worker)	48	Cancer (construction worker)
Diethyl phthalate	49,000	Non-cancer	186,000	Non-cancer (construction worker)
Di-n-butyl phthalate	6,110	Non-cancer	23,280	Non-cancer (construction worker)
Hexavalent chromium	1.4	Cancer (construction worker)	1.4	Cancer (construction worker)
Lead	127	Non-cancer	531	Non-cancer (construction worker)
Mercury	23.5	Non-cancer	84	Non-cancer (construction worker)
Perchlorate*	55	Non-cancer	210	Non-cancer (construction worker)
PCB-1254	0.09	Cancer	0.3	Cancer
PCB-1260	0.09	Cancer	0.3	Cancer
Silver	390	Non-cancer	1,500	Non-cancer (construction worker)
Zinc	23,400	Non-cancer	90,000	Non-cancer (construction worker)

*Perchlorate cleanup goal for protection of groundwater quality is 0.6 mg/kg soil.

workers from exposure through direct contact, ingestion and/or inhalation of COCs. The contaminants found in these areas include lead, zinc, cadmium, polychlorinated biphenyls (PCBs), dioxins, furans, chloroform and TCE. Table 2 shows the cleanup goals for each COC based on the lowest cancer or non-cancer risks for potential land uses (residential or commercial). In some cases, cadmium and chromium contamination in the soil could be of concern for construction workers at the Site.

The HHA concluded that remedial action for the **vadose zone** was justified in areas 32D, 34D, 35D and 38D (Figure 3) because the contaminants exceeded EPA's target risk range for protection from inhaling VOCs and the HI for the contaminants present were significantly over 1. The vadose zone is the soil from the ground surface to the shallowest groundwater, approximately 100 feet below the ground surface. The HHA identified three areas (7D, 33D and FCS) where VOCs from the shallow contaminated groundwater or soil were measured in soil gas exceeding EPA's target risk range.

Perchlorate was measured in the subsurface at one location, C41, which could threaten groundwater quality over the long term even if the top 10 feet of soil were excavated for

protection of inhabitants or other users. The state has estimated that a soil perchlorate concentration of 0.6 mg/kg would protect the groundwater.

Remedial Action Objectives

The Remedial Action Objectives (RAOs) describe what the proposed Site remediation effort is expected to accomplish. The cleanup levels for groundwater (Table 1) are based on Federal EPA Maximum Contaminant Levels (MCLs) for drinking water or on California MCLs, if that is a lower concentration. Neither an MCL nor a Federal Public Health Advisory level has been established for NDMA, so the action level for NDMA is the California Public Health Goal. Since 1,4-dioxane also has no MCL, the action level for 1,4-dioxane is set at the Federal Public Health Advisory for drinking water, which is also California Department of Public Health's Notification Level for drinking water. These groundwater action levels ensure that public health and the environment are protected. For contaminated soil, the action objectives are based on site-specific potential exposure information as used in the HHA and on current values for the hazards posed by the chemicals of concern. The soil action levels (Table 2) are calculated to reduce human health risks to protective levels.

Groundwater RAOs

The proposed remedy for OU-5 is the final remedy for this OU. Complete cleanup of the entire Aerojet Superfund Site will require coordination of all seven groundwater and source operable units. Specifically, the groundwater RAOs for OU-5 are as follows:

- Protect human health and the environment from exposure to contaminated groundwater;
- Achieve containment of the contaminated groundwater to prevent future migration of contaminants until cleanup levels are achieved to protect long-term beneficial uses of drinking water sources;
- Restore groundwater to beneficial uses between the upgradient and downgradient containment barriers established in the OU-5 remedy.

Soil and Vadose Zone RAOs:

- Prevent migration of VOCs and perchlorate in the soil that would impact long-term beneficial uses of groundwater;
- Prevent exposure of VOCs through inhalation (breathing), ingestion and skin contact with soils or soil vapor exceeding the EPA cleanup levels for residential or commercial land use. Where commercial criteria are used, the land will be restricted to commercial use through a land use covenant.
- Eliminate exposure to concentrations of pollutants in soils that pose an unacceptable risk for present and future occupants of the property and the environment.

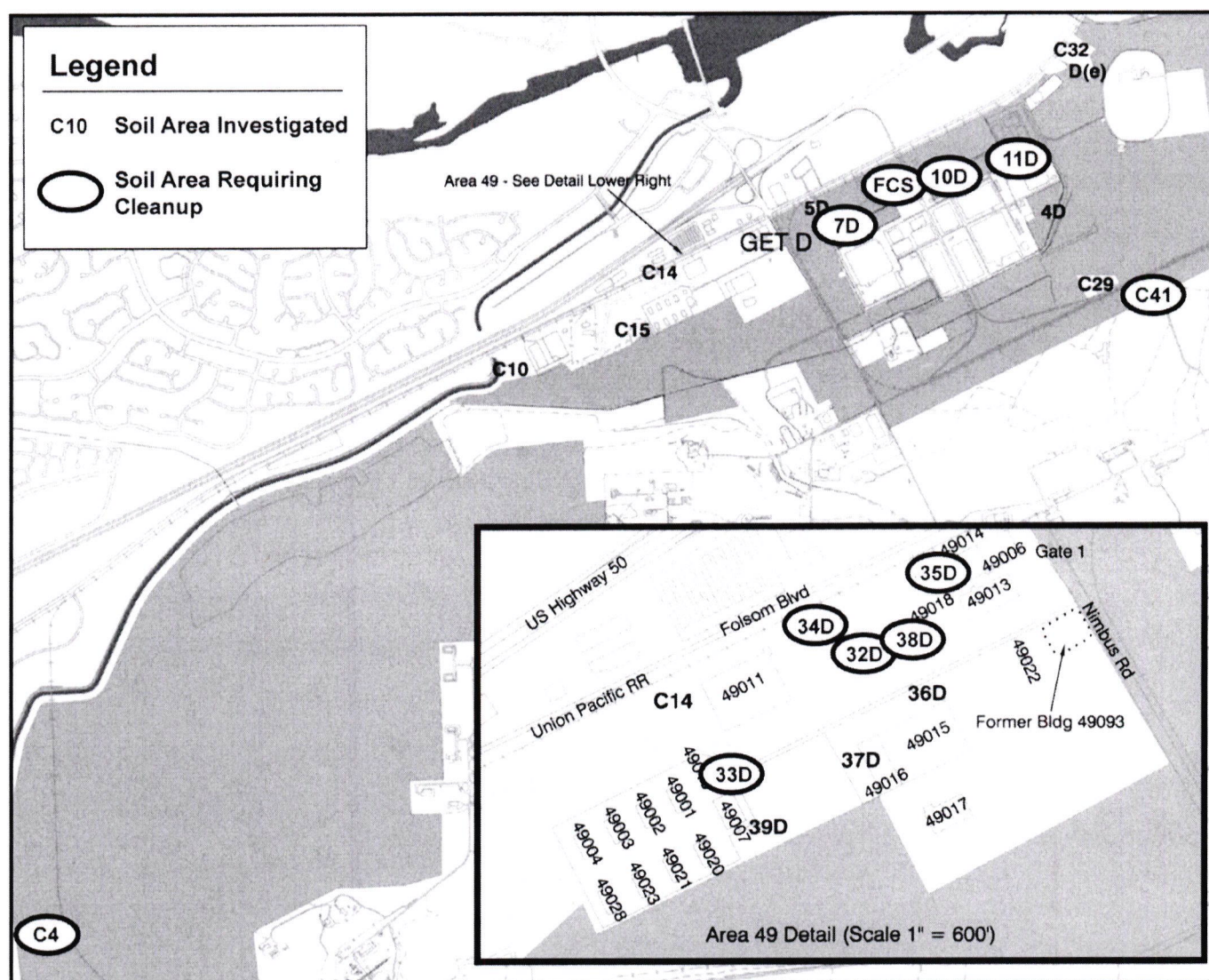


Figure 3: Aerojet OU5 RI/FS Soil Sites

Summary Of Remedial Alternatives

EPA is required by law to consider a No Action alternative and to evaluate cleanup alternatives against nine criteria shown on Figure 4. The OU-5 soil and groundwater alternatives were compared against all of the nine evaluation criteria except community acceptance, which is being solicited with this proposed plan. For an alternative to be considered as a possible final remedy, it must meet EPA's two threshold criteria which are (1) to protect human health and the environment and (2) to comply with specific state and federal regulations known as **Applicable or Relevant and Appropriate Requirements** (ARARs). The No Action alternative for both soil and groundwater for OU-5 is not a viable remedy alternative because it does not meet either of EPA's threshold criteria.

Summary of Groundwater Alternatives

Zones 1 through 4 were each evaluated to determine if additional groundwater control was needed. The RI determined that each of the four zones required action to protect public water supplies. Beyond the required No Action alternative, the FS assessed a range of possible actions in each zone needed to prevent further spread of groundwater contamination (Groundwater Containment) and additional steps to control elevated concentrations of groundwater contamination in order to expedite the remedy (Groundwater Containment with Mass Removal). Groundwater containment alternatives were consolidated into three alternatives 1) No Action; 2) Groundwater Containment Alternatives; and 3) Groundwater Containment and Mass Removal (EPA's preferred alternative).

Each alternative, including the No Action option, requires thorough monitoring to ensure that the remedy is effective and protective. Therefore, even the No Action option would cost an estimated \$5 million over the standard 30-year period used for estimating system costs.

Both Groundwater Containment and Containment with Mass Removal alternatives involve the pumping of sufficiently large volumes of contaminated water to prevent the spread of contaminants above the action levels into uncontaminated areas. It is estimated that either of these alternatives would pump between 10 and 15 million gallons of groundwater each day. The water will be piped to one of several treatment systems (see Figure 2) where a series of standard, reliable treatment systems remove the various contaminants. The treated water may either be provided directly to the drinking water system, used for non-potable purposes such as industrial cooling or discharged to surface water. If the treated water will be provided directly to the drinking water system, the

appropriate California Department of Public Health approval shall be obtained and it will also comply with all federal drinking water standards and California DPH requirements. If treated water will be discharged on-site, it will comply with the substantive requirements of an NPDES permit; off-site discharge will require an NPDES permit. Treated water used for non-potable purposes must comply with all applicable regulations. Many of the details, such as final well location and pumping rates, will be determined in the design phase of the project. The estimated 30-year cost for Groundwater Containment is \$57 million. Assuming no continued source contribution, the groundwater cleanup levels in the four zones could be reached between 150 and 350 years with the Groundwater Containment alternative.

The Groundwater Containment with Mass Removal alternative includes additional extraction of more highly contaminated groundwater nearer the source areas to reduce the mass of contaminants more effectively. The estimated 30-year cost for Groundwater Containment with Mass Removal is over \$61 million. The estimated time for reaching cleanup levels with this alternative varies from 120 years in zone 1 to 230 years for zone 4, a reduction of 15 to 40 percent from the Containment alternative alone.

Summary of Soil and Soil Vapor Alternatives

More than 25 soil areas of potential concern in OU-5 were investigated (Figure 3 on page 7). The majority of the soil areas meet residential use requirements. Of the 11 contaminated soil areas, some form of remedial action is required to allow the land to be developed. All options, including the No Action option, would require careful and thorough monitoring to ensure effectiveness and protectiveness.

The 11 contaminated soil locations have a range of different contaminants that may be addressed effectively by different alternatives. Of the many alternatives considered, the most viable options were:

- Excavation (physical removal) of the contaminated soil with various disposal options: disposal in an approved landfill, treatment and recycling as fill material, solidification/stabilization and biological treatment (for perchlorate);
- Containment with an impermeable asphalt or membrane cap;
- Soil vapor extraction to remove VOCs without excavation;
- Vapor mitigation to reduce or prevent VOC intrusion into buildings through vapor barriers (synthetic membrane) and subslab venting systems and/or subslab depressurization systems; and,

- Institutional Controls such as deed notification to inform future owners of the presence of potentially hazardous substances at the site and /or deed restriction to restrict future use of site.
- Biological treatment for perchlorate in soil too deep for excavation. This system is in development and it has not yet been proven effective for the one location in OU-5 with perchlorate in the subsoil. If treatment is not viable, the perchlorate would be expected to gradually move into the groundwater where it would be captured and treated by the groundwater containment system

Evaluation Of Alternatives

The alternatives have been evaluated against eight of EPA's nine evaluation criteria. The ninth criterion, which is community acceptance, will be evaluated by the community response to this proposed plan for OU-5.

Groundwater

Federal regulations require that Superfund remedies remain protective of human health and the environment over time and that they minimize untreated waste. EPA expects to use treatment to address the principal threats and to use engineering controls such as containment for relatively low long-term threats or where complete treatment is impracticable. Institutional controls, such as restrictions on land or water use, may be used to supplement treatment and engineering controls as appropriate for long-term management but are not substitutes for practicable active response measures. EPA regulations also anticipate prevention of further exposure to contaminants and spread of the contaminant plume as well as returning groundwater to beneficial uses within a timeframe that is reasonable, given the particular circumstances of the site.

The evaluation of groundwater remedy alternatives is presented in Table 3. The primary benefit of the Groundwater Containment with Mass Removal alternatives is a significant reduction in the estimated time to achieve groundwater action levels in zones 2 and 4 compared to containment alone. Restoration could be achieved within 130 years for zone 2 and 200 years for zone 4 compared to 230 years and 350 years, respectively, with the Groundwater Containment alternative. The time to achieve remediation goals in zones 1 and 3 would be reduced 30 to 60 years compared to Containment alone. A more thorough and detailed analysis can be found in the RI/FS report available at the information repositories.

EPA's Nine Evaluation Criteria For Superfund Remedial Alternatives

- 1 Overall Protectiveness of Human Health and the Environment** determines whether an alternative eliminates, reduces, or controls threats to public health and the environment through institutional controls, engineering controls, or treatment.
- 2 Compliance with Applicable or Relevant and Appropriate Requirements (ARARs)** evaluates whether the alternative meets Federal and State environmental statutes, regulations, and other requirements that pertain to the site, or whether a waiver is justified. 
- 3 Long-term Effectiveness and Permanence** considers the ability of an alternative to maintain protection of human health and the environment.
- 4 Reduction of Toxicity, Mobility, or Volume of Contaminants through Treatment** evaluates an alternative's use of treatment to reduce the harmful effects of principal contaminants, their ability to move in the environment, and the amount of contamination present. 
- 5 Short-term Effectiveness** considers the length of time needed to implement an alternative and the risks the alternative poses to workers, residents, and the environment during implementation. 
- 6 Implementability** considers the technical and administrative feasibility of implementing the alternative, including factors such as the relative availability of goods and services.
- 7 Cost** includes estimated capital and annual operations and maintenance costs, which are expressed in terms of present worth. Present worth cost is the total cost of an alternative over time in terms of today's dollar value. Cost estimates are expected to be accurate within a range of +50 to -30 percent. 
- 8 State Acceptance** considers whether the State agrees with the EPA's analyses and recommendations, as described in the RI/FS and Proposed Plan. 
- 9 Community Acceptance** considers whether the local community agrees with EPA's analyses and preferred alternative. Comments received on the Proposed Plan are an important indicator of community acceptance. 

**Final
Remedy**

Figure 4: EPA's Nine Evaluation Criteria

Soil Areas

The detailed evaluation of soil remedy alternatives for the 11 locations with contaminated soil can also be found in the RI/FS report available at the information repositories. A simplified analysis focusing on the preferred alternatives is presented in Table 4, and the alternatives considered are discussed below.

Soil areas 32D, 34D, 35D and 38D are contaminated with VOCs at concentrations above cleanup goals for either residential or commercial use. The only viable technology which has the potential for attaining unrestricted use levels for these areas is soil vapor extraction (SVE). Containing the VOCs in place with an impermeable cap would not meet the RAO for unrestricted use and could pose a risk for groundwater contamination.

The contaminants in areas 10D, 11D, C4 and C41 include lead, PCBs, Dioxin and perchlorate. The only viable alternative to meet the criteria for protectiveness is to remove the contaminants by excavation. Three potential alternatives were considered for the contamination within the top 10 feet of soil: treatment of perchlorate in the near-surface soil, institutional controls restricting land use to non-residential and excavating the contaminated soil. Proven methods for treating perchlorate in the surface soils at area C41 pose the risk of flushing some of the contaminant into the groundwater and would not meet EPA's protectiveness criteria. Land use restrictions alone are not protective because current contaminant levels would prevent even commercial or industrial uses in some areas. An option for sites planned for commercial or industrial uses would be to excavate enough contaminated soil to meet the restricted use action levels and limit the land use by institutional controls. To meet the objective of protecting the groundwater from perchlorate in the soil, a combination of excavating the top 10 feet of soil

Table 3: Groundwater Alternative Evaluation

Evaluation Criteria	No Action (monitor)	Groundwater Containment	Groundwater Containment with Mass Removal (Preferred)
Overall Protectiveness	○	●	●
Compliance with State & Federal Requirements	○	●	●
Long-term Effectiveness	○	◐	●
Implementability	NA	●	●
Short-term Effectiveness	NA	●	●
Reduction of Toxicity, Mobility or Volume by Treatment	○	●	●
Estimated Project Cost	\$5.1 M	\$56.8 M	\$61.3 M
State Agency Acceptance	CA Department of Toxic Substance Control & CA Central Valley Regional Water Quality Control Board concurred with EPA's highlighted preferred alternative, with the exception that the RWQCB State prefers a lower TCE and chloroform containment level based on final and draft Public Health Goals.		
Community Acceptance	Community acceptance of the preferred alternative will be evaluated after the public comment period.		

○ = Does not meet criterion ◐ = Partially meets criterion ● = Meets criterion

and implementing a potential method for biologically treating the deeper soil was considered. Currently, biological methods have not been proven effective for this application.

The only viable remedy for residential use is vapor mitigation beneath buildings constructed in the areas to prevent movement of contaminants into the buildings. The RI /FS indicated that SVE would not be effective for cleaning up the low concentrations of VOCs measured in soil vapor in areas 7D, FCS and 33D to meet the goals for unrestricted use. In addition, the VOCs at 7D and FCS originate from contaminated groundwater moving laterally from sources outside OU-5. If any of these areas are to be used for commercial use only, institutional controls would be required.

Preferred Alternative

While EPA is presenting its preferred alternatives for soil and groundwater, public response to this proposed plan can change what EPA is proposing.

Table 4: Evaluation of viable alternatives for Soil Cleanup. Other alternatives are discussed in Evaluation of Alternatives and Preferred Alternative sections.

Evaluation Criteria	No Action (monitor)	7D, 33D and FCS –Vapor Mitigation and Deed Restriction (Preferred)	No Action (monitor)	C4, C41, 10D and 11D – Excavate & Landfill, Treat and/ or Recycle (Preferred)	No Action (monitor)	Areas 32D, 34D, 35D and 38D –Capping and Deed Restriction	Areas 32D, 34D, 35D and 38D –Capping & Soil Vapor Extraction (Preferred)
Overall Protectiveness	○	●	○	●	○	●	●
Compliance with State & Federal Requirements	○	●	○	●	○	◐	●
Long-term Effectiveness	○	◐	○	●	○	◐	◐
Implementability	NA	●	NA	●	NA	●	●
Short-term Effectiveness	NA	●	NA	●	NA	●	●
Reduction of Toxicity, Mobility or Volume by Treatment	○	○	○	●	○	○	◐
Estimated Project Cost	\$0	\$28,000	\$0	\$631,000	\$0	\$366,000	\$1,039,000
State Agency Acceptance	CA Department of Toxic Substance Control & CA Central Valley Regional Water Quality Control Board concurred with EPA's highlighted preferred alternative, with the exception that the RWQCB prefers a lower cleanup goal for hexavalent chromium based on a draft California Public Health Goal.						
Community Acceptance	Community acceptance of the preferred alternative will be evaluated after the public comment period.						

○ = Does not meet criterion

◐ = Partially meets criterion

● = Meets criterion

Groundwater

EPA prefers Groundwater Containment with Mass Removal because this provides long-term containment of groundwater contamination and will reduce the duration of the remedy, although the estimate remains many decades. The preferred groundwater alternative provides the best hydraulic control and contaminant mass removal. Treatment of the extracted groundwater to the discharge limits, using a series of treatment methods for the various COCs, has been demonstrated to be reliable and effective at this Site. Monitoring of the effectiveness and protectiveness of the remedy is required to ensure that the remedial action objectives are met. When all contaminants of concern reach their individual groundwater

cleanup levels, neither the cumulative cancer risk nor the cumulative non-cancer risk will exceed EPA's target risk range. The State of California supports the alternative for cleanup of groundwater, with the exception that the Regional Water Quality Control Board prefers lower cleanup goals for TCE and chloroform based on final or draft California Public Health Goals.

Soil Areas

EPA's preferred soil alternatives incorporate active measures to eliminate or reduce contaminants and control contaminated soil in the 11 areas exceeding risk-based limits on land use (see Figure 3).

Soil areas 32D, 34D, 35D and 38D, covering a total of approximately 11 acres in close proximity to each other, contain VOCs in the vadose zone that must be remediated. It is proposed to install and operate a vapor extraction system for these soil areas to remove VOCs from the top 30 feet of soil. In addition, a temporary asphalt cap will be constructed over the surface to improve capture of the VOCs. Contaminants in the vapors would be captured and treated by granulated carbon or destroyed using an existing catalytic oxidation system. If the cleanup does not attain unrestricted use levels, the land would be restricted to commercial use with a land use covenant.

For soil areas C4 and C41, it is proposed that the contaminated soil be excavated and transported to an approved landfill or excavated and treated to remove the contaminants to the residential soil action levels. The land would then be acceptable for unrestricted use such as residential development. Alternatively, the contaminated soil may be excavated, treated as appropriate and recycled for use under future site roadways. If necessary, the roadway land use would be restricted using a land use covenant. Perchlorate contamination in soil area C41 extends beneath the excavation depth and may represent an ongoing source to groundwater. Vadose zone perchlorate cleanup methods are being developed and, if successful, may be used at area C41. If treatment methods do not prove viable for this location, the perchlorate could gradually move into the groundwater where it would be captured and treated with the groundwater remedial action.

Excavation of the surface soils are also proposed for areas 10D and 11D. It is possible that sufficient contaminated soil could be removed to allow for unrestricted use of the land. Although future land use is currently planned for commercial development with less stringent cleanup objectives, EPA prefers cleanup to residential risk levels which allows unrestricted use and avoids institutional controls. The estimated difference in costs between cleanup to unrestricted versus restricted uses is \$80,000, which does not add significantly to the

overall project costs. The RI estimated that less than 2,000 cubic yards of contaminated soil would be excavated from C4, C41, 10D and 11D locations.

In areas 7D, 33D (each about 0.1 acres) and the Former Company Store location (FCS, approximately 3.4 acres), some VOCs were detected near the surface due to elevated concentrations currently in the groundwater or soil. The RI concluded that neither soil excavation nor soil vapor extraction would be effective until levels of VOCs in the groundwater are reduced by controlling sources outside OU-5. Risks in these areas are proposed to be controlled by vapor mitigation systems that prevent movement of contaminants into buildings. Vapor mitigation systems typically include vapor barriers and venting of vapors from beneath the structure, either passively or through pressure changes. Appropriate monitoring and land use covenants are required for either residential or commercial use of these locations.

The soil action levels are sufficiently protective that even if all COCs were present at their cleanup goals, neither the cumulative cancer risk nor the cumulative non-cancer risk would exceed EPA's target risk range.

The State of California supports the preferred alternatives for cleanup of the soil areas, with the exception that the Regional Water Quality Control Board prefers a lower cleanup goal for hexavalent chromium based on a draft California Public Health Goal.

Community Advisory Group

The Community Advisory Group for Aerojet Superfund issues meets bimonthly to exchange information with regulatory agencies and Aerojet on Site issues. This includes discussing community concerns regarding the investigation and cleanup of the Site. To get further information on this group, contact Janis Heple, Chairperson, at (530) 757-8602.

Site Repositories

Sacramento Central Library
8281 I Street
Sacramento, CA 95814
(916) 264-2700

California State University
Sacramento Library (Reference Desk)
2000 State University Drive East
Sacramento, CA 95819-6039
(916) 278-5673

EPA Superfund Records Center
95 Hawthorne Street, 4th floor
San Francisco, CA 94105
(415) 536-2000

For more information on the Site and related documents
visit the web page at: www.epa.gov/region09/Aerojet



Glossary

Administrative Record File – A compilation of documents which form the basis for selecting a CERCLA response action for the site.

Applicable or Relevant and Appropriate Requirements (ARARs) – Those promulgated substantive standards, requirements, criteria or limitations under federal or more stringent state environmental or facility siting laws that are applicable to the proposed cleanup of the site or, if not applicable, address problems or situations sufficiently similar to those encountered at the CERCLA site that their use is well suited for that site.

Aquifer – An area below ground surface through which water will readily flow (e.g., sand or gravel).

Chemicals of Concern (COCs) – Site-specific chemicals that exceed regulatory protection levels.

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) – 1980 public law, amended in 1986, covering investigation, funding and implementation for site cleanup. 42 U.S.C. §§ 9601-9675.

Contaminants – Any chemical, biological or related substance that has an adverse effect on human health or the ecological environment.

Feasibility Study (FS) – A study specified by the NCP that develops and evaluates options for cleaning up a contaminated site.

Groundwater – A supply of water found below the ground surface, usually in aquifers.

Groundwater Extraction and Treatment System (GET) – A system of wells, pipelines and water treatment units used to remove contaminated water from the aquifer and control the spread of the contaminants. The treatment units vary with the types and concentrations of contaminants, and may include a carbon filter to remove VOCs, a resin filter or biological treatment to remove perchlorate and/or ultraviolet destruction of NDMA.

National Contingency Plan (NCP) – Regulations providing the organizational structure for, and responding to discharges of, oil and releases of hazardous substances, pollutants and contaminants. 40 Code of Federal Regulations, Part 300.

Operable Unit (OU) – At large and/or complex sites the remediation may be broken into two or more parts or pieces, each of which is designated an Operable Unit, and is numbered consecutively (e.g., OU1, OU2, etc.).

Partial Consent Decree (PCD) – A judicially enforceable agreement between EPA and a potentially responsible party (PRP) or multiple parties (PRPs) that requires the PRP to perform specific activities leading to a cleanup of the site.

Proposed Plan – A proposal required by the NCP for remediation of part or all of a site after completing an RI/FS. The Proposed Plan is provided to the public for comment.

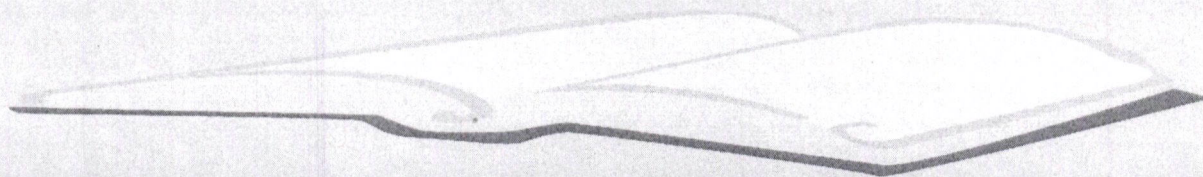
Record of Decision – Decision document required by the NCP which specifies a selected remedy for all or part of a CERCLA site after public comment on the proposed plan.

Remedial Investigation (RI) – A process specified by the NCP for investigating the nature and extent of contamination at a site.

Semi-Volatile Organic Compound (SVOC) – Organic compounds that volatilize (vaporize or evaporate) into the atmosphere more slowly than VOCs. Common SVOCs include N-Nitrosodimethylamine (NDMA), Polycyclic Aromatic Hydrocarbons (PAH), Polychlorinated Biphenyls (PCB), and a number of pesticides and herbicides. SVOC's are not as volatile as VOCs.

Vadose Zone – The vadose zone is the area between the land surface above and the water table below.

Volatile Organic Compound (VOC) – Organic compounds that easily volatilize (vaporize or evaporate) into the atmosphere. VOCs include trichloroethene (TCE) and chloroform.



EPA Requests Public Comment on Proposed Plan for the Perimeter Groundwater Operable Unit of the Aerojet Superfund Site

How to Comment

Mail comments on the proposed plan to **Kevin Mayer** at the address listed below, postmarked no later than September 1, 2009. You may also submit your comments via e-mail or fax.

Contact Information

U.S. EPA

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Gary Riley, SFD-7-2
Remedial Project Manager
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RWQCB

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DTSC

Ed Cargile
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(916) 255-3703



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75 Hawthorne Street (SFD-6-3)
San Francisco, CA 94105
Attn: Jackie Lane (Aerojet 8/09)

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AEROJET GENERAL CORPORATION SUPERFUND SITE

Site History and Background

The Aerojet General Corporation Superfund Site covers 8,500 acres (this number includes the carved out property to be used for development) near Rancho Cordova, 15 miles east of Sacramento, California. Since 1953, Aerojet and its subsidiaries have manufactured liquid and solid propellant rocket engines for military and commercial applications. In this process, they have formulated a number of chemicals, including rocket propellant agents and agricultural, pharmaceutical, and other industrial chemicals. Cordova Chemical Company (1974-1979) and Aerojet disposed of unknown quantities of hazardous waste chemicals. Some wastes were disposed of in surface impoundments, landfills, deep injection wells or leachate fields or by open burning. In addition, underlying most of the site are extensive 40-100 feet-deep dredge tailings, remnants of past gold mining operations.

The communities potentially affected by the groundwater contamination from this site are the City of Rancho Cordova, Carmichael, Fair Oaks, Folsom and Gold River (see groundwater plume map on back). Water purveyors providing water to these cities and communities test their wells to ensure federal and state drinking water standards are met.



Last Update: Fall 2006

Cleanup to Date

Under the oversight of the California Environmental Protection Agency Department of Toxic Substances Control (DTSC) and the Central Valley Regional Water Quality Control Board (RWQCB), the Aerojet General Corporation began investigating the nature and extent of groundwater and soil contamination throughout the site in 1979. In 1981, the United States Environmental Protection Agency (EPA) proposed the site for inclusion on the National Priorities List (NPL). The site was placed on the list in 1983. The NPL is a national inventory of hazardous waste sites that are eligible for cleanup under federal Superfund law.

In 1979, volatile organic compounds (VOCs) were found off-site in private wells. VOCs were also found in the American River in 1983. Aerojet submitted recommendations for control of groundwater contamination north of the American River in 2004. EPA directed Aerojet to install more monitoring wells to better define the plume which will be completed in 2005.

Between 1983 and 1987, Aerojet installed five groundwater extraction and treatment (GET) facilities (GETs A, B, D, E and F) primarily to prevent further movement of VOC contaminants off the property (see map on back). The American River groundwater extraction and treatment (ARGET) system was added in 1998 and GETs E and F were combined in 1999 and expanded in 2002. Each GET facility consists of a series of extraction wells

to intercept the contaminant plume and a groundwater treatment system to remove the contamination. The treated water is either injected back into the aquifer, discharged to land for recharge into the ground, or discharged to surface water bodies that flow to the American River.

Perchlorate, a component of solid rocket fuel, was found in drinking water wells off-site at levels above the current provisional health based standard in January 1997.

In 2001, EPA, DTSC and RWQCB sought public comment to modify their legal agreement with Aerojet called a partial consent decree (PCD). This modification included dividing the site into different areas called operable units (OUs) to help speed up the cleanup. The PCD modification was completed in 2002. The cleanup approach for the Aerojet site under the modified PCD is to control groundwater contamination moving across the facility boundary with two OUs (Western Groundwater OU and Perimeter Groundwater OU).

In 2003, analysis revealed that a portion of the groundwater just north of the American River in Carmichael, CA is contaminated with n-nitrosodimethylamine (NDMA).

Environmental Progress

The five interim GET systems currently in operation at the Aerojet General facility are reviewed for effective boundary control of groundwater contaminants. Based on groundwater flow direction, the Aerojet Superfund Site was divided into four zones. Zone 1 has GETs AR and

D, Zone 2 has combined GET E and F, Zone 3 has GET B, and Zone 4 has GET A.

- Zone 1 - GET D VOCs capture was augmented by the completion of the American River GET in July 1998. GET D was modified in 2003 to add perchlorate remediation as a pilot study.
- Zone 2 - In late 1999, GETs E and F were combined to provide full perchlorate biological treatment and NDMA treatment was added for GET E effluent. GET E/F has been further modified to eliminate reinjection, add surface discharge to Buffalo Creek and improve containment.
- Zone 3 - GET B has been modified for improved NDMA destruction and perchlorate pilot treatment addition.
- Zone 4 - GET A has been modified for improved NDMA destruction.

Western Groundwater OU: The Western Groundwater OU (OU3) Record of Decision (ROD) was signed in 2000 and specified the selected cleanup plan for this portion of the site. The ROD directed Aerojet to contain contaminated groundwater on the western side of Aerojet and restore the aquifer between the on- and off-property containment systems. There are fifteen contaminants of concern (COCs) in OU3 groundwater but the primary contaminants are trichloroethylene, perchlorate, and NDMA. On-property perchlorate is removed from the contaminated groundwater at the combined GET E/F using a biological system developed by Aerojet. Off-property, the lower concentration perchlorate is removed by commercially-available ion exchange. Both on- and off-property NDMA and high concentration VOCs are removed by ultraviolet light treatment. Final VOC treatment consists of on-property air

stripping and off-property use of granular activated carbon. Fourteen off-property extraction wells are currently operational and treating contaminated groundwater. These extraction wells are being monitored to make sure they are containing the groundwater plume. It is anticipated that the number of extraction wells will increase to 23 by the end of 2006.

Perimeter OU: This OU (OU5) covers the north, east and south boundaries of the site. The investigation was completed in 2005 and a proposed plan will be presented for public comment in 2006.

After completion of the source Operable Units 4 and 6 through 9, the site-wide investigation will be completed and a final risk review will be conducted to determine if further action is required.

Community Advisory Group

The Community Advisory Group for Aerojet Superfund issues meets bimonthly to exchange information with regulatory agencies and Aerojet on the current status of and community concerns regarding the investigation and cleanup of area groundwater contamination. To get further information on this group, contact Janis Heple, Chairperson, at (916) 739-6391.



U.S. Environmental
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San Francisco, CA 94105

For More Information

Site Repositories

Rancho Cordova
Community Library
9845 Folsom Blvd.
Sacramento, CA 95814
(916) 264-2700

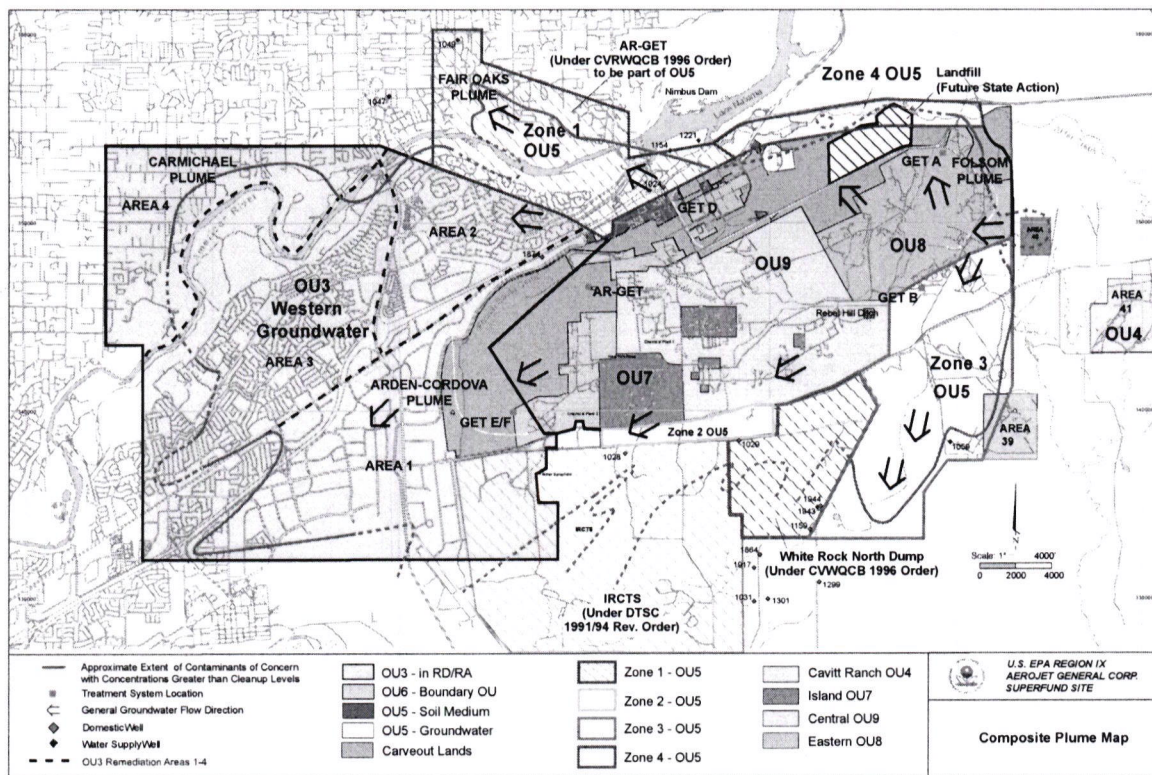
California State University
Sacramento Library
2000 State University Drive East
Sacramento, CA 95819-6039
(916) 278-6926
Government Documents

Superfund Records Center
95 Hawthorne Street
San Francisco, CA 94105
(415) 536-2000

Site Web Page

yosemite.epa.gov/r9/sfund/
r9sfdocw.nsf/
Scroll down and
click Site Overviews.

See Contact Information on back.



See general site description on other side.

Last Update: Fall 2006

Contact Information



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Mark E. Grismer PhD PE

Professor of Hydrology and Agricultural Engineering
Departments of Land, Air and Water Resources and
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Davis, CA 95616
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EDUCATION

- Ph.D. – Agricultural Engineering, Colorado State University (1984)
Study Emphasis: Groundwater Hydrology
- M.S. – Environmental Engineering, Oregon State University (1981)
Study Emphasis: Hydrology and Water Quality
- B.S. – Agricultural Engineering, Oregon State University (1980)
Study Emphasis: Soil and Water Science
- EIT Engineer-in-Training Registration, Oregon (1980)
- PE Civil Engineering, California (#72703)

HONORS

- Outstanding Teamwork Award & Prize – Water Conservation in Agriculture, UC Division of Agriculture & Natural Resources (2003)
- Outstanding Teacher Award, Environmental Resource Sciences Major, UC Davis (1992)
- Mined Land Reclamation Group Graduate Fellowship, CSU
Environmental Resources Center (1983)
- ASAE Student Honor Award, Oregon State University (1980)
Honors Program, Oregon State University (1980)
- High Scholarship Graduate, Oregon State University (1980)
- Presidential Scholarship, Hamline University, MN (1976)

UNIVERSITY EXPERIENCE

Chair, Hydrologic Sciences Graduate Group, UC-Davis; 7/90-7/93 and 7/2002-2006.

Professor, Depts. of LAWR and Biological and Agricultural Engineering, UC-Davis; 7/95-present.

Associate Editor, ASABE Transactions; 7/2002-present.

Associate Editor, California Agriculture, Land & Water Resources; 10/99-present.

Associate Editor, ASCE Journal of Irrigation & Drainage Engineering; 7/94-12/96.

Master Advisor, Hydrology; 7/94-7/98

Master Advisor, Environmental & Resource Sciences; 7/2003-present

Graduate Advisor, Hydrologic Sciences; 7/92-present.

Associate Professor, Departments of LAWR and Agricultural Engineering, UC-Davis; 7/89–6/95.

As an associate professor, I have continued work as outlined below as well as serve on additional college and campus committees. These include chairing an undergraduate major review committee and chairing the Academic Senate and College Rules & Jurisdiction committees during a period of numerous rule changes resulting from integration of Cooperative Extension into the College. Also, as chair of the Earth Sciences & Resources Graduate Group, I was responsible for transformation of this Group into the new Hydrologic Sciences Graduate Group and the creation of Hydrology undergraduate teaching programs (new major and minor). My efforts in curriculum development also resulted in my chairing a graduate education oversight committee for the College.

Assistant Professor, Departments of Land, Air & Water Resources (LAWR) and Agricultural Engineering, UC-Davis; 10/84–6/89.

As an assistant professor, my research program considered near surface processes such as infiltration, surface evaporation and irrigation management, as well as various aspects of shallow groundwater including; vapor movement in unsaturated soils, lateral subsurface flows, seepage from wastewater impoundments, groundwater modeling, soil salinity and drainage of cracking clay soils, and regional modeling of shallow groundwater as affected by irrigation and drainage (see publications). In addition to

regular teaching, research and committee responsibilities, I served as Chair of the Committee of Consultants on San Joaquin River Water Quality, Chair of a faculty position (geohydrology) search committee, and Chair of the interdisciplinary Graduate Program of Earth Sciences and Resources.

Research Associate, Department of Agricultural and Chemical Engineering, Colorado State University; 1/84–9/84.

As a research associate, I was responsible for completion of contracts with oil shale processing companies and consulting firms relative to the leaching of spent oil shales. This work involved laboratory leaching column and hydraulic property studies, as well as, a conceptual mass balance estimate of seepage/drainage from spent oil shale piles in the field.

Research Assistant, Department of Agricultural and Chemical Engineering, Colorado State University; 7/81–12/83.

During this period, I completed classroom and laboratory studies toward the Ph.D. In the laboratory, gamma ray attenuation methods were devised for simultaneously monitoring water and salt movement in relatively dry soils.

Research Assistant, Department of Agricultural Engineering, Oregon State University; 6/80–6/81.

In this year, I completed coursework in hydrology, water chemistry, and adult education, as well as, M.S. thesis work related to fecal coliform contamination of Tillamook Bay from land application of dairy wastes.

Engineer-in-Training, Oregon Soil and Water Conservation Commission, The Dalles, OR; 6/79–9/79.

As an intern, I worked with USDA-SCS personnel on the design, layout and surveying inspection of earthen terraces constructed to limit hillside erosion from dryland wheat fields.

TEACHING RESPONSIBILITIES

Principles of Hydrology (HYD/ERS 100 & 100L, 6 units) – Large enrollment course including multiple laboratory and discussion sections for environmental science students covering all aspects of general hydrology as well as basic hydrogeochemistry and hydraulics.

Seepage and Drainage, Irrigation and Drainage (HYD 140, HYD 115/EBS 145, 4 units) – An engineering principles and design course considering subsurface drainage issues associated with excess rootzone drainage, seepage from canals or impoundments and artesian groundwater conditions.

Multi-phase Transport in Soils, Infiltration and Drainage (HYD 244/EBS 240, 3 units) – A graduate course considering two and three-phase flow through porous media and its application to infiltration and vadose zone processes. Students design and complete research projects of interest as part of the course.

Wood Properties & Fabrication (ABT 15, 2 units) – A basic materials course with multiple laboratory sections considering wood as a biological material, its physical properties (e.g. strength, density, thermal conductivity), mechanics of materials and construction of wood hand planes.

OSHA HAZWOPER Training (HYD 410, HYD 440, 1&3 units) – OSHA 10-hr and 40-hr certification courses required before entering hazardous material sites.

Hydrologic Science Seminar (HYD 200, 1 unit) – Graduate seminar course considering basic literature review, proposal writing and lecture principles combined with attendance and review of seminars related to hydrology.

RESEARCH AREAS

Field Research – General hydrology and irrigation and drainage engineering. Extensive field research conducted related to irrigation, soil salinity and cracking, and drainage as well as general water quality issues associated with agricultural runoff. Current field research is considering erosion and riparian systems, restoration of tidal marshes via drainage channel design and construction, role of wetlands in watershed systems and use of constructed wetlands for treatment of agricultural process (e.g. winery, fruit) wastewaters.

Laboratory Research – Soil physics. Ongoing research related to measurement of soil hydraulic parameters, multi-phase transport through soils, adsorption/desorption of VOC's on clay minerals, strength of clays and general aspects of flow in porous media.

Modeling Research – Surface runoff and shallow groundwater systems. Have completed extensive modeling of the impacts of regional irrigation/drainage on soil salinity and shallow groundwater, river water quality, pesticide runoff from orchards and seepage from impoundments.

CONSULTING PROJECTS (selected few)

My consulting projects and work is generally directed at evaluation of environmental impacts of development, irrigation projects and related activities on the watershed. This includes evaluation of soil-salinity, water use, evapotranspiration, flooding and related processes and their effects. Some specific projects include:

Levee seepage – Modeled timing and extent of levee seepage near Sacramento for CA State Attorney General.

Santa Rosa Regional Wastewater Treatment System – Expert reviewer of draft EIR document development.

Subsurface Drainage System Design – Developed new design that incorporated an old system for the CA Department of Corrections doubling expansion of an existing prison in the San Joaquin Valley.

Lincoln City, CA Aggregate Mining - Expert reviewer of Draft EIR document on behalf of concerned citizen group (WPCARE) of Placer county.

Fresno, CA Aggregate Mining - Expert reviewer of Kings River Sand & Gravel Project Draft EIR document on behalf of concerned citizen group.

Orchard Surface Drainage – Surveyed and developed remedial surface drainage design for orchard near Gridley, CA.

Livingston Waste Water Treatment Plant – Evaluated declining percolation pond seepage rates and problems associated with river discharge of partially-treated effluent and recommended plant modifications to maintain compliance with waste discharge requirements.

La Conchita Ranch Orchard Seepage Evaluation – Conducted extensive field monitoring program and sampling to estimate avocado/citrus orchard water use and rootzone drainage relative to rainfall induced seepage through the vadose zone.

Evaluation of Dry/Linda Creek Flood Control Project - Expert reviewer of draft EIR document on behalf of concerned citizen group and Sierra Club to determine potential for downstream flooding resulting from the project. Developed model and possible alternative flood-control designs to reduce loss of “heritage” oak trees along riverbanks and protection of chinook salmon run for presentation to Roseville City officials and FEMA.

Evaluation of District Canal Seepage Problems – Assisted in conducting a field survey and analysis of shallow groundwater levels as they were affected by operation of a water district canal for orchard near Gridley, CA.

Independent Review Panel Expert on Agricultural Water Conservation for CALFED. Advised CALFED officials about proposed evaluation of agricultural water use efficiency around the state related to the Delta water issues.

Evaluation of Draft EIR Specific Plans for urban development in the Sacramento area. These typically involve assessment of water use, water quality, land use and flooding impacts associated with the proposed developments.

Evaluation of Imperial Valley Water Use (USBR & MWD). Completed a detailed assessment of the applicability of the “reduced-runoff” irrigation method to forage crop production in the Imperial Valley and how it would lead to significant water savings. This research and work resulted in USBR and DANR awards.

Mercury Fate & Transport in the Yuba Goldfields. This ongoing work involves assessment of mercury transport, transformation and fate as well as possible abatement and cleanup costs associated with mining and dredging operations in this unique area.

Assessment of Contaminant Transport & Remediation - DBCP, MTBE, Hg, Coliforms. Prepared reviews of the state of the science on these contaminants in groundwater systems for DBCP and MTBE, and surface waters for Hg and in the seawater environment for fecal coliforms.

Evaluation of Water Use and Stream-Water Table interactions on Middle Rio Grande River, NM. Completed a detailed current and historical assessment (1896-2000) of Pueblo Indian water use, crop production, evapotranspiration, effects of shallow water table depth on losses in crop production and dependence of this relationship on changing stream – WT aquifer conditions.

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14 August 2010

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RE: Rio del Oro Specific Plan Project Final Environmental Impact Report

Dear Mr. Kopper,

I reviewed the Final Environmental Impact Reports (FEIR)/Final Environmental Impact Statement (FEIS)¹ and related documents. I focused on responses to my comments on the DEIR/DEIS and on responses to several comments made by Carol Witham on behalf of California Native Plant Society (CNPS). I also interviewed Ms. Witham to get her reactions to the responses to some of her comments.

Summary

The responses to Carol Witham (CNPS) characterized 9 of her 13 comments as flawed or incorrect, 4 of them as "comment noted," and only 1 of them as worthy of making a small change to the EIR/EIS. The responses to my comments (labeled by the responders as Kopper-R) characterized 130 of my 160 comments as flawed or incorrect, 16 as irrelevant, 8 as "comment noted," and apparently none of them as worthy of changing the EIR/EIS. On the whole, it would appear that those who prepared the Rio del Oro Specific Plan EIR/EIS had no interest in comments made by me or Carol Witham.

A repeated fallacy of the FEIR/FEIS responses to comments was the reliance on whether records of special-status species occurrences could be found in the California Natural Diversity Data Base (CNDDB) maintained by the California Department of Fish and Game. The responders repeatedly relied on lack of CNDDB records to determine species are either absent or of low likelihood to occur on the project site. Examples included responses to comments CNPS-5, CNPS-6, Kopper-R 85, 86, 87, 89, 95, 97, 105, 109, 110, 111, 113, 114, 115, 116, and 117. However, for very good reasons related to the way CNDDB records are collected, the CNDDB warns against making negative findings of special-status species occurrences due to not finding records of the species in CNDDB. To help get this message across, the California Department of Fish and Game posts a disclaimer on its CNDDB web site: "*We work very hard to keep the CNDDB and the Spotted Owl Database as current and up-to-date as possible given our capabilities and resources. However, we cannot and do not portray the CNDDB as an exhaustive and comprehensive inventory of all rare species and natural communities statewide. Field verification for the presence or absence of sensitive species will always be an important obligation of our customers.*" Similarly, the CNPS Inventory of Rare and Endangered Species

¹ AECOM. 2010. Rio del Oro Specific Plan Project, Final Draft Environmental Impact Report/Environmental Impact Statement, State Clearinghouse #2003122057. City of Rancho Cordova and US Army Corps of Engineers, Sacramento District. Rancho Cordova, California.

states the following in orange highlight: “*A reminder: Species not recorded for a given area may nonetheless be present, especially where favorable conditions occur.*” Concluding a species is absent based on lack of CNDDDB records is unscientific, inappropriate, and in my opinion it represents poor professional conduct.

Another fallacy repeated often in the FEIR/FEIS is the notion that an EIR/EIS only needs to present performance standards on mitigation measures, and that the mitigation measures can otherwise be formulated at later, unspecified dates after the EIR/EIS has been certified. In the Rio del Oro Specific Plan EIR/EIS, most of the mitigation measures have not been formulated sufficiently for me or other members of the public to assess and meaningfully comment on the mitigation.

Another fallacy is the claim that any field method for establishing baseline conditions or for assessing impacts can be acceptable so long as the lead agencies decide it is adequate. The EIR/EIS relied heavily on reconnaissance surveys for wildlife and plants performed by EDAW in 2005. The surveys were very cursory in nature, but they were portrayed as quantitative and as more of a scientific foundation than is provided in most EIRs and EISs. In fact, the surveys were entirely inadequate for the stated objectives and had no precedent in the scientific literature. It appears that the consultants made up survey protocol on the fly and implemented it without having it reviewed by any qualified scientists. I submit that it is unacceptable to rely on a nonstandard survey method, especially one that was so obviously incapable of recording enough data to assess the habitat of any single species of wildlife. The results of such an inadequate survey are prone to mislead rather than inform the public and decision-makers.

Responses to Select Comments

CNPS 1. The response referred to responses to USFWS-1, USEWS-2, USFWS-3, and USEWS-4. The responses to USFWS-1, USFWS-2, and USFWS-3 did not address Witham’s comment that CNPS considers vernal pool creation in an existing vernal pool complex to result in direct, indirect, and cumulative impacts to the vernal pool complex. Compensatory vernal pools can interfere with, damage, or destroy existing vernal pools and their associated biota when created in the same complex. The responses addressed nuisance water runoff from impervious surfaces into existing and compensatory wetlands, but did not address Witham’s list of CNPS positions on vernal pool creation within existing vernal pool complexes. The response to USFWS-1 also indicated that hydrologic analysis will be completed later, meaning that the public will be unable to comment on the analysis or specific elements of the mitigation plan because they will not be completed until after the environmental review period for this project.

The response to USFWS-4 included the statement, “*No adverse impacts are anticipated from implementation of the onsite vernal pool compensatory mitigation. The proposed vernal pool restoration and creation plan has been designed in consultation with USFWS staff. Vernal pool habitat that is evident in historic aerial photographs would be restored in their original locations and compensatory habitat would occur on appropriate soils located 200 feet away from existing features, where possible.*” No evidence was provided in support of the premise in this statement that existing vernal pool habitat requires restoration.

Witham pointed out that creation of vernal pools within the existing complex has the potential to disrupt or reduce the hydroperiod of the existing, natural pools. The responses did not present any analysis of this impact.

Witham pointed out that vernal pool creation can displace upland habitat for pollinators needed by vernal pool plants. The response to USFWS-4 pointed out that the created pools would be located 200 feet away from existing features, where feasible, but no evidence was provided that 200 feet would prevent impacts to the pollinators.

Witham pointed out that vernal pool creation in upland habitat can cause habitat loss to certain species that require the upland areas for part of their life stages. Again, the 200-foot setback from existing pools lacks any analysis of effectiveness. A distance of 200 feet is in fact very small for vertebrates such as western spadefoot. Witham's point remains unaddressed.

Witham pointed out that the upland plants nearby existing vernal pools are themselves in decline and in need of protection. None of the responses to the referenced USFWS comments specifically addressed this comment.

CNPS 2. The response did not fully address Witham's comment. The impacts of a road bisecting the preserve have not been fully disclosed or analyzed. The response addressed only nuisance runoff from the roadway, arguing that micro-watersheds will buffer the vernal pools from these flows. The response did not address the road's effects on hydroperiod of existing vernal pools. It did not address the road's effects on animal movement between vernal pools. It did not address exotic species invasions that penetrate natural areas along road margins.² It did not address habitat fragmentation, or the finding that species richness of plants, birds, mammals, reptiles and amphibians in each case has been found to be negatively correlated with the density of roads in and around wetlands.³ Frog density also declines with increasing road density within and around wetlands.⁴ The response, like the DEIR/DEIS, has not fully assessed the impacts of constructing roads through the proposed wetlands preserve.

Kopper-R 79. The responders disagree with my comment, but they misunderstood what I wrote. I explained my approach in this paragraph, but drew no conclusions regarding biases or logical fallacies just yet. The response disagreed with a nonexistent conclusion.

² Forcella, F., and S.J. Harvey. 1983. Eurasian weed infestation in western Montana in relation to vegetation and disturbance. *Madrono* 30:102-9.

Frenkel, R.E. 1970. Ruderal vegetation along some California roadsides. University of California Publ. in Geography 21:1-163.

³ Findlay, C. S. and J. Houlihan. 1997. Anthropogenic correlates of species richness in southern Ontario wetlands. *Conservation Biology* 11:1000-1009.

⁴ Vos, C. C. 1997. Effects of road density: a case study of the moor frog. Pages 93-97 in K. Canters, ed., *Habitat Fragmentation & Infrastructure*. Delft, Netherlands.

Kopper-R 80. The response disagrees with my comment, but argues that protocol-level surveys were performed for certain special-status species. I was not commenting on the protocol-level surveys, however, so the response wandered off into a topic I was not addressing. Coming back to my comment, the response later claimed that EDAW's (2005) habitat report provided "a full description of the methods used for the habitat assessment..." In fact, it did not. The report did not provide even the time of day of the visits or how long the visits lasted. The lack of description was the very point of my comment. The surveys appear to have been grossly inadequate for assessing wildlife habitat, and as I stated, they did not meet minimum professional standards. They did not even occur in all seasons of the year, which is a comment I made but which the response did not address.

Kopper-R 81. The response claims that protocol-level surveys were not needed for the species I mentioned as being undetectable during the time of year when the wildlife surveys were performed. The reason they were not needed, according to the response, was because the EIR/EIS concluded that the species I listed (except for tiger salamander) would be adversely affected by the project, thus focused surveys would not have changed the mitigation measures directed to them. The larger point of my comment was not addressed by the response, however. I listed certain special-status species as examples of species that would not be detected by the wildlife surveys due to the time of year the surveys were performed. My larger comment was captured in the last sentence of the paragraph at issue; that is, had the surveys met minimum professional standards, they would have detected many more wildlife and plant species than they did. This is an important point because the list of detected species was very short. Such a short list of species is misleading about the value of the project site to wildlife and plants.

Kopper-R 82. The response did not address my comment about the wildlife surveys being unsuitable for detecting bats. Bats were ignored in the EIR. The response also ignored the point I was making, which was that appropriate surveys would have detected more species. The purpose of the surveys, after all, was to assess the species richness of the project area, as well as the distribution of habitat. The surveys were too cursory to accomplish either purpose, however. The response did not address my point.

Kopper-R 83. The response did not address the specific points I made in my comment. According to the response, "*The habitat assessment to which the comment refers supplements existing information provided by the protocol-level surveys, providing a more detailed characterization of habitat types than is normally provided in the setting section of an EIR/EIS.*" This statement appears to be an excuse rather than an explanation of how or why the wildlife survey plots were chosen, why the sample size of survey plots was so small, why the survey radius was so short, and how this survey effort could be seriously considered a habitat assessment. For the purpose of assessing habitat, inappropriately collected data can be misleading, and can do more harm than having no survey data at all. The method the consultants used to assess habitat at Rio del Oro was not a standard method, and I have never seen it described in any book or paper on field methods or by any of my colleagues. This approach was grossly deficient for assessing habitat.

Kopper-R 84. The response presents a contradiction in defense of a field method that was more likely to mislead than inform. Early on is the statement, "*The comment erroneously suggests*

that the habitat assessment was meant as a presence/absence survey for wildlife species.” At the end is the statement, *“Wildlife species observed during the habitat assessment are recorded on the data sheets provided in Appendix E of the 2006 DEIR/DEIS.”* The point of any survey is to detect the target(s) of the survey. These visual scans were directed to a wide range of wildlife species, which I pointed out in my comment to have been very nearly undetectable using the nonstandard survey method at Rio del Oro. Rather than addressing the specific points made in my comment, such as the need to use live-trapping to detect small mammals, the response argued that the surveys were not intended to detect species, but it also argued that those species detected contributed to the habitat assessment presented in the EIR.

Kopper-R 87. The response is essentially the same as the responses to comments Kopper-R 85 and Kopper-R 86. There are two fundamental errors in the response. The first error is the notion that if a species has not been reported in CNDDDB, then it probably does not occur in the area. CNDDDB was never intended to be used in this manner. It is based on volunteer reporting of species detections wherever surveys were possible. CNDDDB is not a scientific sampling program. The second error is the notion that a project’s impacts to special-status bird species can be considered significant only if the birds are nesting in the area. This is untrue. The Migratory Bird Treaty Act, the State and Federal Endangered Species Acts, the Bald and Golden Eagle Protection Act, and other California laws protect all covered birds, regardless of whether they are nesting, foraging, or roosting, etc. Destroying foraging habitat can be just as harmful to a species as destroying nesting habitat.

Kopper-R 89. The response was inadequate. I asked how a biologist can find coast horned lizard without looking for them and without looking in the appropriate time of year. According to the response, no searches for this species were necessary because those preparing the South Sacramento County HCP concluded they do not occur in their study area. But what about the Rio del Oro project site? This site is very close to the grassland where I used to find coast horned lizard.

Kopper-R 92. The known range of California tiger salamander is based on where protocol-level surveys have been performed. None were performed on the Rio del Oro project site.

Kopper-R 97. This response repeats the fallacies in the response to Kopper-R 87. It relies on CNDDDB records to determine the likelihood of occurrence of golden eagle, but this use of CNDDDB was inappropriate. It also claims that destruction of foraging habitat is not considered significant under CEQA. I cannot believe this is true. According to the response, *“The City and USACE note that the golden eagle is not a state-listed or federally listed species.”* I assume these agencies mean that the golden eagle is not listed under the State of Federal Endangered Species Acts. However, it is protected under the federal Bald and Golden Eagle Protection Act, the international Migratory Bird Treaty Act, and California Fish and Game Code 3503.5 (Birds of Prey).

Kopper-R 98. This response repeats the fallacies in the response to Kopper-R 87 and Kopper-R 97. It also failed to address my comment, as I pointed out that no explanation was provided in the DEIR for the determination that the site is unsuitable for nesting by Cooper’s hawk. The response merely repeated this claim, without offering an explanation.

Kopper-R 99. The response simply repeats the DEIR conclusion that sharp-shinned hawks are unlikely to nest on the project site. No explanation was provided for this determination, so my comment was ignored.

Kopper-R 105. The response makes inappropriate use of CNDDDB, claiming that lack of records of peregrine falcons means the species is unlikely to occur at the project site.

Kopper-R 113. The response states that I provided no evidence that the project site provides substantial stop-over habitat for yellow warbler. This is true, and it is also true that the EIR/EIS has yet to provide any evidence that the project site does not provide substantial stop-over habitat. Lack of CNDDDB records is not evidence.

Kopper-R 118. The response placed the burden on me to provide evidence that the project would interfere with wildlife movement. Diminishing habitat by several thousand acres seems to me to be evidence enough.

Kopper-R 119. The response mischaracterized my comment, and did not address my specific points. Contrary to the impression given by the response, I did not comment on the determination of significance regarding habitat fragmentation. Instead, I wrote that this impact is so substantial that it warrants more discussion of its effects for each special-status species. The DEIR made catch-all statements about habitat loss, which over-generalized and were vague on the effects of habitat fragmentation. The response did nothing to overcome this shortfall.

Kopper-R 120. The response burdens me with providing evidence that the project site is used as stop-over habitat by migrating birds. However, it is obvious that the site is used as stop-over habitat, and the response seems to acknowledge this use (while implying some level of uncertainty). The project's impacts on stop-over habitat should be addressed in the EIR/EIS rather than thrown back at me to provide proof.

Kopper-R 123. The response is misleading. The response claims that I was addressing all trees on the project site rather than the trees composing the oak woodland. I quoted the passage in the EIR/EIS, which stated that "...the oak woodland on-site would not provide suitable nesting habitat for raptors." This conclusion is wrong. The response did not address my comment.

Kopper-R 124. The response refers me to responses to Kopper-R 80, Kopper-R 81, Kopper-R 83, and Kopper-R 84. These referenced responses did not address my comment, which was that the survey method used was grossly inadequate for assessing habitat quality for any species. The surveys used were inconsistent with any method or standard used for assessing habitat quality. It is misleading to portray this method as a scientifically defensible foundation for "the development of the impact minimization alternative for this project."

Kopper-R 125. The response did not address my comment. Instead, it implied that I demanded quantitative habitat data, which is not true. My point was that the DEIR/DEIS claimed to have provided a thorough characterization of the habitat types present, thanks to the single-day, winter-time surveys out to 100 feet from 35 locations, one location per habitat type. The point of

my comment was that this claim is misleading. These surveys did not provide a thorough characterization of habitat, and especially not of habitat quality. Show me where CEQA says it is acceptable to make up new survey methods and then falsely claim they provided for a thorough characterization of habitat.

Kopper-R 127. The response mischaracterized my comment and did not address it directly. My point was that the DEIR/EIS did not explain how the listed factors were used to determine overall biological value of various portions of the project site. How is it informative to list these factors without explaining how they contributed to the assessment? Instead of addressing my point, the response defends its novel habitat assessment methodology by claiming it is more quantitative than any other approach used in EIRs or EISs. However, a fundamentally flawed quantitative approach does not mean it is superior to a qualitative approach. The response also states that I failed to offer a better habitat assessment approach. I certainly could suggest scientifically accepted habitat assessment methods. However, my intent was only to point out that the reader cannot understand the approach used in the DEIR/EIS, so it was not very informative.

Kopper-R 128. According to the response, *"...the purpose of the habitat assessment described in Appendix E of the 2006 DEIR/DEIS was to characterize upland habitats on the rest of the site."* Whereas this may be true, this is not what was reported in App. E of the 2006 DEIR/DEIS. According to App. E, the purpose of the surveys was, for example, to *"assess baseline conditions for upland habitats at the project site," "prepare a habitat map encompassing the entire project site,"* and, *"document common and sensitive biological communities on-site in sufficient detail to allow for a determination of habitat quality throughout the site..."* App. E of the 2006 DEIR/DEIS did not indicate the characterization of habitat quality was to be limited to the dredge tailings. I maintain that the DEIR/DEIS remains misleading in its characterization of the habitat assessment as quantitative, thorough, and having anything to do with *"habitat quality."*

Kopper-R 129. The response referred to responses to Kopper-R 80 and Kopper-R 117, but these responses did not address my comment. The response to Kopper-R 80 claimed that the EDAW surveys were reconnaissance-level surveys intended to characterize habitat, but not to detect species. My comment, however, addressed the fact that the EDAW report claimed to have used the presence/absence of special-status species in its determinations of overall biological value of sites that were surveyed. It is inconsistent to claim to have used presence/absence data to make such determinations and then to respond to my comment by claiming that presence/absence data were never the intent of the surveys. From what I can tell in the EDAW report, presence/absence data were sought and were recorded, and my comment pointed out how many of the special-status species could not possibly have been detected based on the surveys that were used. The response did not address my comment.

Kopper-R 136. The response mischaracterized my comment and failed to address my point. I was not stating my preference for the Altamont Pass surveys. Rather, I was pointing out the amount of time that is typically needed to detect one individual of each species. My comment demonstrated that the EDAW surveys were incapable of characterizing avian abundance and diversity. The response did not address the numbers in my Table 3, or what they meant to the EDAW surveys.

Kopper-R 137. The response, like the response to Kopper-R 136, mischaracterized my comment. I was not stating a preference for the type of surveys performed in the Altamont Pass. Rather, I pointed out how inadequate the EDAW surveys were for characterizing habitat quality of avian species. The response then discussed the DEIR/DEIS's general assumption that raptors are present and therefore will need to be mitigated through pre-construction surveys. However, this discussion did not address the DEIR/DEIS's basis for developing the impact minimization alternative. According to the DEIR/DEIS, the EDAW surveys of 2005 contributed to the impacts assessment, alternatives analysis, and mitigation formulation. I pointed out a substantial flaw in the use of these surveys for these purposes. The response did not specifically address the implications of the numbers in Table 3 of my comment.

Kopper-R 140. The response did not address my comment. It did not provide any refutation of my comment that the habitat assessment was unscientific and unsuitable.

Kopper-R 149. The response missed the point of my comment. The DEIR/DEIS is misleading when it states that western spadefoot was not detected on the project site. This statement implies that adequate surveys were performed to detect the species, but in fact no suitable surveys were conducted.

Kopper-R 153. The response was misleading. According to Shufard and Gardali (2008),⁵ 97% of the bird species of special concern are threatened principally by habitat loss. Also, grasslands are the vegetation cover with the third largest number of bird species of special concern in California. It was misleading to portray grasslands as unthreatened and unimportant to special-status species in the region.

Kopper-R 159. The response did not address my comment's main point, which was that no methodology was used to assess the project's cumulative impacts on animal movements following build-out of all projects in the region.

Kopper-R 162. The comment missed my point about the impacts of water use at other locations. I was not pointing to the impacts of local water delivery infrastructure, but rather to the impacts at other locations that would have received the water that was diverted to Rio del Oro. As for electric power generation, the response dismissed the need to assess potential impacts related to off-site energy generation. The response pointed out that environmental review will be performed independently for off-site power generation. However, this rationale seems inconsistent with the cumulative impacts analysis' inclusion of other residential development projects within the County's planning area. Would not these other projects also come with independent environmental reviews? Just because another human activity (project) can be anticipated to undergo environmental review is insufficient reason to omit it from the cumulative effects analysis of Rio del Oro.

⁵ Shuford, W. D., and T. Gardali, eds. 2008. California bird species of special concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, California.

Kopper-R 168. The response did not address my comment, which went to the ability of wildlife to currently move through the project area, and how that ability will be lost due to the project. I pointed out that the 507 acre preserve will be boxed in, and that any wildlife moving into it from the east will find the trip a dead-end. In fact, wildlife moving into this preserve will find three boundaries along which they can find conflict with human residents and their pets. Instead of responding to my comment, the responder claimed that the proposed con-span bridges over roads bisecting the wetlands preserve will foster animal movement across the roads. No evidence on the effectiveness of con-span bridges was provided.

Kopper-R 169. The response stated that I provided no countering analysis that the DEIR/DEIS's consistency analysis was not supportable. In my own experience, transplanting existing shrubs and planting elderberry seedlings are ineffective as means to conserve valley elderberry longhorn beetle (Morrison et al. 2003).⁶

Kopper-R 170. The response dismissed my comment. The response did not address my point about lack of precedent for the survey methods used at Rio del Oro. I pointed out that no precedent exists for the cursory survey approach used by EDAW in 2005, and this and other responses to my related comments neglected to address it.

Kopper-R 172. The response claimed that I was mistaken to point out that the DEIR did not specify that preconstruction nest surveys will be performed for raptors during the nesting season. The response referred to Mitigation Measure 3.10-4c, which supposedly specified the nesting season requirement. I reviewed section 3.10-4c again, and again found no requirement for performing the nest surveys during the nesting season.

Kopper-R 174. Responses to this comment and to Kopper-R 173 disagreed with my contention that it was premature to claim compliance with Rancho Cordova's biological resource policies on Swainson's hawk mitigation. I am not going to argue over whether such claims are premature (they are), but I would like to point out that finalizing a mitigation plan at a later date will effectively prevent me and other members of the public from commenting on the details of the Swainson's hawk mitigation plan.

Kopper-R 176. According to the response, *"With this analysis and the required mitigation, the City can conclude that the project would not 'contribute to the decline of the affected species populations in the region to the extent that their decline would impact the viability of the regional population.'"* I do not recall seeing any form of population viability analysis, so I don't think this statement is true.

Kopper-R 182. The response was long-winded, but never actually revealed that there has been any coordination with property owners or local interest groups to restore, enhance and preserve the creek.

⁶ Morrison, M. L., K. S. Smallwood, and L. S. Hall. 2003. Creating habitat through plant relocation: Lessons from Valley Elderberry Longhorn Beetle relocation. *Ecological Restoration* 21: 95-100.

Kopper-R 185. The response to this comment admitted that all of the oaks are to be removed from the project site. This admission exposes the responses to Kopper-R 183 as disingenuous, as the planners have no intention of attempting to avoid any of the oaks during construction.

Kopper-R 186. The response was evasive because it did not specify where the replaced oaks will be planted. The policy calls for on-site mitigation. The response makes no promise that the mitigation will be on-site.

Kopper-R 200. I asked very specific questions in my comment, but the response did not answer my questions satisfactorily. The questions remain: What is the point of the wildlife surveys? What are the thresholds of significance? The thresholds upon which additional actions would be taken? No species are named as targets of the monitoring. There is no explanation of what would be done with the wildlife survey data, or how the data collected would be analyzed or used to take additional actions. Furthermore, using a meandering path through the vernal pool complex will not yield comparable wildlife data, and therefore is scientifically unsound. The response asserts that the monitoring plan was established by well-qualified biologists, but this assertion does not answer my questions or address the concerns I raised.

Kopper-R 201. The response did not adequately address my comment. A CRAM analysis would not suffice as baseline conditions for special-status species existing in the wetlands. Also, protocol-level surveys are detection surveys and are typically unsuitable for establishing baseline conditions for the purpose of monitoring. Without appropriate surveys to establish baseline conditions, the habitat restoration, enhancements and creations are empty accomplishments.⁷

Kopper-R 206. The response did nothing to alleviate my concerns about not being able to provide meaningful comments on the mitigation plan for Rio del Oro. The response indicates that the Rio del Oro may or may not participate with the South Sacramento County HCP. This position indicates that I am possibly being shut out from providing meaningful comments on the mitigation for this project.

Kopper-R 207. The response included the following statement, "*No requirement under CEQA or NEPA state that the mitigation steps outlined in Mitigation Measure 3.10-1a would need to be completed in advance of public circulation of the 2008 RDEIR/SDEIS. Mitigation is required in advance of the impact, not in advance of project approval.*" This statement typifies many of the responses to my comments on this DEIR/DEIS. I was under the impression that the EIR should justify the choice of a particular mitigation measure, and it cannot defer formulation of the mitigation to a later date. I was under the impression that the mitigation measures need to be described explicitly and thoroughly in the EIR, along with the alternatives that were not chosen.

Kopper-R 216. According to the response, "*Neither CEQA nor NEPA requires that detailed mitigation plans be circulated with the DEIR or DEIS. Setting forth the performance standards for such plans in the MMP is adequate. (See State CEQA Guidelines Section 15126.4[a][1][B] [“measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way”]; Endangered Habitats*

⁷ Morrison, M. L. 2002. Wildlife Restoration: Techniques for habitat analysis and animal monitoring. Society for Ecological Restoration, Island Press, Covelo, California.

League v. County of Orange [2005] 131 Cal.App.4th 777, 793.)” Again, what I understood of CEQA was that mitigation measures should be described with reasonable detail so that members of the public can provide meaningful comments.

Kopper-R 219. The response stated that further changes to the mitigation plan are possible, and do not require public review. I have no problem with minor details being worked out later, but the impacts of this project are projected to be relatively large, including the loss of several thousand acres of wildlife habitat. More detail of the mitigation measures should have been presented in the EIR/EIS.

Kopper-R 223. According to the response, “*No requirement exists to mitigate the loss of potential burrowing owl habitat, only to avoid take of individuals and their eggs or young.*” I do not believe this is true. Compensatory mitigation is required just as much as avoidance measures. According to the [California Department of Fish and Game] Staff Report on Burrowing Owl Mitigation, a minimum of 6.5 acres of foraging habitat per pair or unpaired resident bird should be acquired and permanently preserved. When burrows are destroyed, new burrows should be created at a ratio of 2:1. The effort should also include long term management and monitoring of the preserved burrowing owl habitat.

Kopper-R 224. The response stated that it was sufficient to present the mitigation ratio in the DEIR/DEIS, but that presenting this standard was all that was required for public review under CEQA. The response explained that the details of the Swainson’s hawk mitigation will be worked out later with the California Department of Fish and Game. My concern when I wrote my comment, and which remains a concern, is that suitable mitigation sites may not be available within a 10 mile radius of the project site. As it is, the project site is located at the eastern edge of the Swainson’s hawk’s geographic range within the Central Valley. It is unlikely that suitable habitat will be located any further to the east of the project site, meaning that the only suitable habitat would occur between the project site and a 10-mile radial arc extending westward. Due to considerable land conversions that already took place in this area, there may not be any more Swainson’s hawk habitat remaining to be protected per this mitigation. Therefore, the DEIR/DEIS for the Rio del Oro Specific Plan should show the public where Swainson’s hawk habitat will be protected as mitigation.

Kopper-R 225. The response stated, “*...the project by itself would not cause a decline in species such that their regional populations are no longer viable.*” What is the basis for this statement? There was no population viability analysis performed. There was no scientific or even quasi-scientific analysis performed that would support this conclusion.

Kopper-R 227. The response was misleading, because it failed to acknowledge an important fact I pointed out in my comment letter. Under mitigation measure 3.10-5, the DEIR/DEIS stated that two populations of Greene’s legnere will be removed. Therefore, it is misleading to continue to claim that efforts to avoid and reduce impacts will be taken during project construction.

Kopper-R 231. The response mischaracterized my comment. I did not say that this project should mitigate for the cumulative impacts caused by other projects. My comment was that the

cumulative impacts contribution of this project should be mitigated. What is the point of CEQA requiring a cumulative impacts assessment if there is no intention to mitigate those impacts?



Shawn Smallwood, Ph.D.

Kenneth Shawn Smallwood
Curriculum Vitae

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Born May 3, 1963 in
Sacramento, California.
Married, father of two.

Expertise

Ecology / Wildlife interactions with human infrastructure and activities / Conservation biology

Education

Ph.D. Ecology, University of California, Davis. September 1990.
M.S. Ecology, University of California, Davis. June 1987.
B.S. Anthropology, University of California, Davis. June 1985.
Corcoran High School, Corcoran, California. June 1981.

Experience

- 238 professional publications, including:
 - 56 peer reviewed publications
 - 22 in non-reviewed proceedings
 - 152 reports, declarations, and book reviews (2)
 - 8 in mass media outlets
- 66 public presentations of research results at professional meetings
- Reviewed many professional papers and reports

Associate Editor, *Journal of Wildlife Management*, March 2004 to 30 June 2007.

Editorial Board Member, *Environmental Management*, 10/1999 to 8/2004.

Editorial Board Member, *Ecosystem Health*, 9/2002 to 9/2003.

Associate Editor, *Biological Conservation*, 9/1994 to 9/1995. Administered independent scientific reviews of submitted, professional papers in ecology and conservation biology, and made recommendations to the Editors.

Member, Alameda County Scientific Review Committee, 8/06 to present. As part of a five member committee, I investigate the causes of bird and bat collisions in the Altamont Pass Wind Resource Area, and I make recommendations to the monitoring team and to the County of Alameda. The Committee ensures the science applied to the problem is of the highest standards.

Research Ecologist, 2/06 to 12/07, under contract to East Bay Regional Parks District. Performed research of how fossorial mammals and raptors responded to grazing treatments and wind turbines at Vasco Caves Regional Preserve and a newly acquired property north of the Preserve. I designed the study, trained the fatality monitors and behavior observers, mapped the burrows of fossorial mammals, analyzed the data, and took the lead on writing the report.

Consulting Ecologist, 7/04 to 12/07, California Energy Commission (CEC). In collaboration with Lawrence-Livermore National Lab, I performed independent research funded by the CEC on bird behavior in the Altamont Pass Wind Resources Area. I also provided consulting services as needed to the CEC. I produced several reports to the CEC and the CEC's Public Interest Energy Research program.

Consulting Ecologist, 11/99 to present, U.S. Navy. I provide endangered species surveys at multiple Navy facilities, hazardous waste site monitoring, and habitat restoration for the endangered Fresno kangaroo rat. I have worked at Naval Air Station, Lemoore; Naval Weapons Station, Seal Beach, Detachment Concord; Naval Security Group Activity, Skaggs Island; and National Radio Transmitter Facility, Dixon.

Part-time Lecturer, 1/98 to 2005, California State University, Sacramento. I taught Contemporary Environmental Issues, Natural Resources Conservation (twice), Mammalogy, Behavioral Ecology, and Ornithology Lab.

Senior Ecologist, 1999 to 2005, BioResource Consultants. I planned and carried out research and monitoring projects, and analyzed complex data related to avian fatalities at wind turbines, avian electrocutions on electric distribution poles across California, and avian fatalities at transmission lines.

Systems Ecologist, 7/96 to present, Consulting in the Public Interest, www.cipi.com. I am part of a multi-disciplinary consortium of scientists facilitating large-scale, environmental planning projects and litigation. We provide risk assessments, assessments of management practices, and expert witness testimony.

Chairman, Conservation Affairs Committee, The Wildlife Society--Western Section, 1999-2001. I prepared position statements and led efforts directed toward conservation issues, including travel to Washington, D.C. to lobby Congress for more wildlife conservation funding.

Systems Ecologist, 1/95 until about 2000, Institute for Sustainable Development. I headed ISD's program on integrated resources management. I developed indicators of ecological integrity for large areas, using remotely sensed data, local community involvement and GIS.

Associate, 1997-1998, Department of Agronomy and Range Science, University of California, Davis. I worked with Shu Geng and Mingua Zhang on several projects.

Lead Scientist, 6/96 to 6/99, National Endangered Species Network. I headed NESN's efforts to inform academic scientists and environmental activists about emerging issues regarding the Endangered Species Act and other environmental laws pertaining to legally rare species. I also testified at public hearings on behalf of environmental groups and endangered species.

Ecologist, 1/97 to 6/98, Western Foundation of Vertebrate Zoology. I conducted field research to determine the impact of past mercury mining on the status of red-legged frogs in Santa Clara County, California.

Senior Systems Ecologist, 7/94 to 12/95, EIP Associates, Sacramento, California. Provided consulting services in environmental planning. I also developed a quantitative assessment of land units for their conservation and restoration opportunities, using the ecological resource requirements of 29 legally rare species. I mapped vegetation and land use, and derived new spatial data from a GIS overlay of these variables with soil types, flood zones, roads, and other spatially referenced data. Using these derived data, I developed a set of indicators for prioritizing areas within Yolo County that will receive mitigation funds for habitat easements and restoration.

Post-Graduate Researcher, 10/90 to 6/94, with Dr. Shu Geng, Department of Agronomy and Range Science, *U.C. Davis*. Studied landscape and management effects on temporal and spatial patterns of abundance among pocket gophers and species of Falconiformes and Carnivora in the Sacramento Valley. I also developed and analyzed a data base of energy use in California agriculture, and I assisted with a landscape (GIS) study of groundwater contamination across Tulare County, California.

Co-teacher, 1/91 to 6/91 and 1/93 to 6/93, Graduate Group in Ecology, *U.C. Davis*. Co-taught conservation biology with Dr. Christine Schonewald.

Reader, 3/90 to 6/90, Department of Psychology, *U.C. Davis*. Assisted students of Psychobiology (taught by Dr. Richard Coss) with research and writing term papers.

Research Assistant, 11/88 to 9/90, with Dr. Walter E. Howard, Department of Wildlife and Fisheries Biology, *U.C. Davis*. Tested durable baits for pocket gopher control in forest plantations, and developed gopher sampling methods.

Fulbright Research Fellow, Indonesia, 7/88 to 11/88. Tested use of new sampling methods for monitoring the number of Sumatran tigers and six other species of endemic felids, and evaluated methods used by other researchers.

Research Assistant, 7/87 to 6/88, with Dr. Terrell P. Salmon, Wildlife Extension, Department of Wildlife and Fisheries Biology, *U.C. Davis*. Developed empirical models of mammal and bird invasions in North America, and a rating system for priority research and control of exotic species based on economic, environmental, and human health hazards in California.

Student Assistant, 3/85 to 6/87, with Dr. E. Lee Fitzhugh, Wildlife Extension, Department of Wildlife and Fisheries Biology, *U.C. Davis*. Developed and implemented a statewide mountain lion track count for long-term monitoring of numbers and distribution. Also developed quantitative techniques to identify individual mountain lions by their tracks, and to differentiate mountain lion and dog tracks.

Projects

Research to reduce avian mortality due to wind turbines at Altamont Pass. I used GPS and GIS to map and study environmental impacts of 5,400 wind turbines. I related the number of raptor fatalities at wind turbines to the degree of aggregation of prey species around the turbines, as well as many other factors related to where the turbines are located, how they are designed and operated, and how raptors behave in the Altamont Pass Wind Resource Area. I also serve on the

Alameda County Scientific Review Committee, charged with recommending scientific monitoring methods and mitigation measures for reducing avian mortality.

Research to reduce avian mortality on electric distribution poles. Since about 2000 I have performed research directed toward reducing bird electrocutions on electric distribution poles. I led fatality monitoring efforts at 10,000 poles multiple times in California, spanning Orange County to Glenn County, and I have produced two large reports.

Cook *et al.* v. Rockwell International *et al.*, No. 90-K-181 (D. Colorado). I provided expert testimony on the role of burrowing animals in affecting the fate of buried and surface-deposited radioactive and hazardous chemical wastes at the Rocky Flats Plant, Colorado. I provided expert reports based on four site visits and the most extensive document review of burrowing animals ever conducted. I conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. I also discovered substantial intrusion of waste structures by burrowing animals. I testified in federal court in November 2005, and my clients were subsequently awarded a \$553,000,000 judgment by a jury.

Hanford Nuclear Reservation Litigation. I am providing expert testimony on the role of burrowing animals in affecting the fate of buried radioactive wastes at the Hanford Nuclear Reservation, Washington. I provided three expert reports based on three site visits and extensive document review. I predicted and verified a certain population density of pocket gophers on buried waste structures, as well as incidence of radionuclide contamination in body tissue. I conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. I also discovered substantial intrusion of waste structures by burrowing animals.

Expert Testimony and Declarations on Residential and Commercial Development Proposals. I have testified before the California Coastal Commission, California Energy Commission, County Boards of Supervisors, and City Councils, and I have participated with press conferences and have been deposed by attorneys. I prepared expert witness reports and court declarations, which are summarized under Reports (below).

Expert Testimony on Proposed Gas-fired Power Plants. I provided comments letters, declarations, expert reports, and oral testimony on the impacts and appropriate mitigation of natural gas-fired power plants in California.

Protocol-level endangered species searches and recovery efforts. I search for special-status species using Department of Fish and Game and US Fish and Wildlife Service protocols. I have searched for, or otherwise worked with, California red-legged frog, arroyo southwestern toad, California tiger salamander, blunt-nosed leopard lizard, western pond turtle, giant kangaroo rat, Fresno kangaroo rat, San Joaquin kit fox, Sumatran tiger, willow flycatcher, least Bell's vireo, western burrowing owl, Swainson's hawk, Valley elderberry longhorn beetle and many other special-status species. I also help with recovery of the Fresno kangaroo rat at Lemoore Naval Air Station.

Conservation of the endangered Fresno kangaroo rat. I am performing applied research to identify the factors responsible for the decline of this endangered species at Lemoore Naval Air Station, and am implementing habitat enhancements designed to reverse the trend and to expand the area occupied by this species.

Impact of West Nile Virus on yellow-billed magpies. Since 2005 I have worked under contract to the Sacramento-Yolo Mosquito and Vector Control District to gather post-West Nile Virus epidemic data to pre-epidemic data I had gathered on multiple bird species in the Sacramento Valley in the 1990s, but particularly on yellow-billed magpie and American crow, which are particularly susceptible to WNV.

Workshops on HCPs. Assisted Dr. Michael Morrison with organizing and conducting a 2-day workshop on Habitat Conservation Plans, sponsored by Southern California Edison, and another 1-day workshop sponsored by PG&E. These Workshops were attended by academics, attorneys, and consultants with HCP experience. We guest-edited a Proceedings published in Environmental Management.

Mapping of biological resources along Highways 101, 46 and 41. I used GPS and GIS to delineate vegetation complexes and locations of special-status species along 26 miles of highway in San Luis Obispo County, 14 miles of highway and roadway in Monterey County, and in a large area north of Fresno, including within reclaimed gravel mining pits.

GPS mapping and monitoring at restoration sites and at Caltrans mitigation sites. I am monitoring the success of elderberry shrubs at one location, the success of willows at another location, and the response of wildlife to the succession of vegetation at both these sites. I am also using GPS to monitor the response of fossorial animals to yellow star-thistle eradication and natural grassland restoration efforts at Bear Valley, Colusa County, and at the decommissioned Mather Air Force Base in Sacramento County.

Mercury effects on Red-legged Frog. I assisted Dr. Michael Morrison and US Fish and Wildlife Service in assessing the possible impacts of historical mercury mining on the federally listed California red-legged frog in Santa Clara County. I also measured habitat variables in numerous streams.

Opposition to proposed No Surprises rule. I wrote a white paper and summary letter explaining scientific grounds for opposing the incidental take permit (ITP) rules providing ITP applicants and holders with general assurances they will be free of compliance with the Endangered Species Act once they adhere to the terms of a "properly functioning HCP." I obtained 188 signatures of scientists and environmental professionals on the letter submitted to the US Fish and Wildlife Service and the National Marine Fisheries Service. The letter was also provided to all US Senators. It helped change the prevailing view of HCPs as beneficial to listed species.

Natomas Basin Habitat Conservation Plan alternative. I designed narrow channel marsh to increase the likelihood of survival and recovery in the wild of giant garter snake, Swainson's hawk and Valley Elderberry Longhorn Beetle. The design included replication and interspersions of treatments for experimental testing of critical habitat elements. I provided a report to Northern Territories, Inc.

Assessment of Environmental Technology Transfer to China, and Assessment of Agricultural Production System. I twice traveled to China and interviewed scientists, industrialists, agriculturalists, and the Directors of the Chinese Environmental Protection Agency and the Department of Agriculture to assess the need and possible pathways for environmental clean-up

technologies and trade opportunities between the US and China. I spent a total of five weeks in China, including in Shandong and Linxion Provinces and in Beijing.

Yolo County Habitat Conservation Plan. I conducted the landscape ecology study of Yolo County to identify the priority land units to receive mitigation so as to most improve the ecosystem functionality within the County from the perspective of 29 special-status species of wildlife and plants. I used a hierarchically structured indicators approach to apply principles of landscape and ecosystem ecology, conservation biology, and local values in rating land units. I derived GIS maps to help guide the conservation area design, and then I developed implementation strategies.

Mountain Lion Track Count. I developed and conducted the carnivore monitoring program throughout California since 1985. Species counted include mountain lion, bobcat, black bear, coyote, red and gray fox, raccoon, striped skunk, badger, and black-tailed deer. Vegetation and land use are also monitored. The transect was established on dusty, dirt roads within randomly selected quadrats. These roads are searched for tracks of the carnivores, which routinely use the roads for travel paths.

Sumatran Tiger and other Felids. I designed and conducted track counts for seven species of wild cats in Sumatra, including the Sumatran tiger, fishing cat, and golden cat. I spent four months on Sumatra and Java, and learned Bahasa Indonesia (the official Indonesian language). I was awarded a Fulbright Research Fellowship to complete the project.

Wildlife in Agriculture. Beginning as my post-graduate research, I have studied pocket gophers and other wildlife in 40 alfalfa fields throughout the Sacramento Valley, and I surveyed for wildlife along a 200 mile road transect for six years. The data were analyzed using GIS and methods from landscape ecology, and the results were published and presented orally to farming groups in California and elsewhere. I also conducted the first study of wildlife in cover crops used on vineyards and orchards.

Agricultural Energy Use and Tulare County Groundwater Study. I developed and analyzed a data base of energy use in California agriculture, and collaborated on a landscape (GIS) study of groundwater contamination across Tulare County, California.

Pocket Gopher Damage in Forest Clearcuts. I tested various poison baits and baiting regimes for pocket gopher control in forest plantations, and I developed gopher sampling methods. I conducted the most extensive field study of pocket gophers ever, involving thousands of gophers in 68 research plots on 55 clearcuts among 6 National Forests in northern California.

Risk Assessment of Exotic Species in North America. I developed empirical models of mammal and bird species invasions in North America, as well as a rating system for assigning priority research and control to exotic species in California, based on economic, environmental, and human health hazards.

Representative Clients

Law offices and environmental groups

Law Offices of Berger & Montague
 Law Offices of Roy Haber
 Law Offices of Edward MacDonald
 Law Office of John Gabrielli
 Law Office of Bill Kopper
 Law Office of Donald B. Mooney
 Law Office of Veneruso & Moncharsh
 Law Office of Steven Thompson
 California Wildlife Federation
 Defenders of Wildlife
 Sierra Club
 National Endangered Species Network
 Spirit of the Sage Council
 The Humane Society
 Hagens Berman LLP
 Environmental Protection Information Center (EPIC)
 Goldberg, Kamin & Garvin, Attorneys at Law
 Californians for Renewable Energy (CARE)
 Seatuck Environmental Association

Government agencies

US Department of Agriculture
 US Forest Service
 US Fish & Wildlife Service
 US Navy
 California Energy Commission
 California Office of the Attorney General
 California Department of Fish & Game
 California Department of Transportation
 California Department of Forestry
 California Department of Food & Agriculture
 Ventura County Counsel
 County of Yolo
 Tahoe Regional Planning Agency
 Sustainable Agriculture Research & Education Program
 Sacramento-Yolo Mosquito and Vector Control District
 East Bay Regional Parks District
 County of Alameda

Businesses

Pacific Gas & Electric Co.
 Southern California Edison Co.
 Georgia-Pacific Timber Co.
 Northern Territories Inc.
 National Renewable Energy Lab
 David Magney Environmental Consulting
 Wildlife History Foundation
 Emerald Farms
 Terry Preston, Wildlife Ecology Research Center
 G3 Energy and enXco
 Comstocks Business (magazine)
 Californians for Renewable Energy

Other organizations and Individuals

Don & LaNelle Silverstien
 Seventh Day Adventist Church
 Escuela de la Raza Unida
 Susan Pelican and Howard Beeman
 Residents Against Inconsistent Development, Inc.
 Bob Sarvey
 Mike Boyd
 Hillcroft Neighborhood Fund
 Joint Labor Management Committee of the Retail Food Industry
 Lisa Rocca
 Kevin Jackson
 Dawn Stover and Jay Letto
 Nancy Havassy

Representative special-status species experience

Common name	Species name	Status ¹	Description
Field experience			
California red-legged frog	<i>Rana aurora draytonii</i>	FT, CSC	Protocol searches & detected at multiple sites
Foothill yellow-legged frog	<i>Rana boylei</i>	FSC, CSC	Research and search detections at multiple sites
Western spadefoot	<i>Spea hammondi</i>	FSC, CSC	Searches and search detections
California tiger salamander	<i>Ambystoma californiense</i>	FC, CSC	Protocol searches & detections at multiple sites
Coast range newt	<i>Taricha torosa torosa</i>	CSC	Searches and multiple detections
Blunt-nosed leopard lizard	<i>Gambelia sila</i>	FE, CE	Detected in San Luis Obispo County
California Horned Lizard	<i>Phrynosoma coronatum frontale</i>	FSC, CSC	Search and detected in San Luis Obispo Co.
Western pond turtle	<i>Clemmys marmorata</i>	FSC, CSC	Searches and detected at multiple sites
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	FE, CT	Protocol searches and detections
Sumatran tiger	<i>Panthera tigris</i>		Research in Sumatra
Mountain lion	<i>Puma concolor californicus</i>	CFP	Research and publications
Point Arena mountain beaver	<i>Aplodontia rufa nigra</i>	FE, CSC	Remote camera operation
Giant kangaroo rat	<i>Dipodomys ingens</i>	FE, CE	Detected in Cholame Valley
Fresno kangaroo rat	<i>Dipodomys nitratoideus</i>	FE, CE	Research and conservation at Lemoore Naval Air Station – reports
Monterey dusky-footed woodrat	<i>Neotoma fuscipes luciana</i>	FSC, CSC	Non-target captures and mapping of dens
Salt marsh harvest mouse	<i>Reithrodontomys raviventris</i>	FE, CE	Habitat assessment, monitoring
Salinas harvest mouse	<i>Reithrodontomys megalotus distichlus</i>	G5T1S1	Captures in the Salinas area; habitat assessment
California clapper rail	<i>Rallus longirostris</i>	FE, CE	Surveys at Concord Naval Weapons Station
Golden eagle	<i>Aquila chrysaetos</i>	CSC	Research in Sacramento Valley
Swainson's hawk	<i>Buteo swainsoni</i>	CT	Research in Sacramento Valley
Northern harrier	<i>Circus cyaneus</i>	CSC	Research and publication
White-tailed kite	<i>Elanus leucurus</i>	CFP	Research and publication
Loggerhead shrike	<i>Lanius ludovicianus</i>	FSC, CSC	Research in Sacramento Valley
Least Bell's vireo	<i>Vireo bellii pusillus</i>	FE, CE	Detected in Monterey County
Willow flycatcher	<i>Empidonax traillii eximius</i>	FE, CE	Research at Sierra Nevada breeding sites
Burrowing owl	<i>Athene cunicularia hypuglia</i>	FSC, CSC	Research at multiple locations
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	FT	Research on mitigation site and publication
Analytical			
Arroyo southwestern toad	<i>Bufo microscaphus californicus</i>	FE, CSC	Research and report.
Giant garter snake	<i>Thamnophis gigas</i>	FT, CE	Research and publication.
Northern goshawk	<i>Accipiter gentilis</i>	FSC, CSC	Research and publication.
Northern spotted owl	<i>Strix occidentalis</i>	FT	Research and reports. Publication in progress.

¹ FE = Federal Endangered, FT = Federal threatened, FC = Federal candidate for listing, FSC = Federal species of concern, CE = California Endangered, CT = California threatened, CFP = California Fully Protected, CSC = California Species of Concern, G5T1S1 = CNDDDB rating of imperiled throughout California range.

Peer Reviewed Publications

- Smallwood, K. S. 2008. Wind power company compliance with mitigation plans in the Altamont Pass Wind Resource Area. *Environmental & Energy Law Policy Journal* 2(2):229-285..
- Smallwood, K. S., C. G. Thelander. 2008. Bird Mortality in the Altamont Pass Wind Resource Area, California. *Journal of Wildlife Management* 72:215-223.
- Smallwood, K. S. 2007. Estimating wind turbine-caused bird mortality. *Journal of Wildlife Management* 71:2781-2791.
- Smallwood, K. S., C. G. Thelander, M. L. Morrison, and L. M. Rugge. 2007. Burrowing owl mortality in the Altamont Pass Wind Resource Area. *Journal of Wildlife Management* 71:1513-1524.
- Cain, J. W. III, K. S. Smallwood, M. L. Morrison, and H. L. Loffland. 2005. Influence of mammal activity on nesting success of Passerines. *J. Wildlife Management* 70:522-531.
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Smallwood, K.S. 2001. Assessment of ecological integrity and restoration potential of Beeman/Pelican Farm. Draft Report to Howard Beeman, Woodland, California. 14 pp.

Smallwood, K. S., and M. L. Morrison. 2002. Fresno kangaroo rat (*Dipodomys nitratoideus*) Conservation Research at Resources Management Area 5, Lemoore Naval Air Station. Progress report to U.S. Department of the Navy, Lemoore, California. 29 pp. + 19 figures.

Smallwood, K.S. 2001. Rocky Flats visit, April 4th through 6th, 2001. Report to Berger & Montaque, P.C. 16 pp. with 61 color plates.

Smallwood, K.S. 2001. Affidavit of K. Shawn Smallwood, Ph.D. in the matter of the U.S. Fish and Wildlife Service's rejection of Seatuck Environmental Association's proposal to operate an education center on Seatuck National Wildlife Refuge. Submitted to Seatuck Environmental Association in two parts, totaling 7 pp.

Magney, D., and K.S. Smallwood. 2001. Maranatha High School CEQA critique. Comment letter submitted to Tamara & Efren Compeán, 16 pp.

Smallwood, K.S. 2001. Preliminary Comments on the Proposed Blythe Energy Project. Submitted to California Energy Commission on March 15 on behalf of Californians for Renewable Energy (CaRE). 14 pp.

Smallwood, K. S. and D. Mangey. 2001. Comments on the Newhall Ranch November 2000 Administrative Draft EIR. Prepared for Ventura County Counsel regarding the Newhall Ranch Specific Plan EIR. 68 pp.

Magney, D. and K. S. Smallwood. 2000. Newhall Ranch Notice of Preparation Submittal. Prepared for Ventura County Counsel regarding our recommended scope of work for the Newhall Ranch Specific Plan EIR. 17 pp.

- Smallwood, K. S. 2000. Comments on the Preliminary Staff Assessment of the Contra Costa Power Plant Unit 8 Project. Submitted to California Energy Commission on November 30 on behalf of Californians for Renewable Energy (CaRE). 4 pp.
- Smallwood, K. S. 2000. Comments on the California Energy Commission's Final Staff Assessment of the MEC. Submitted to California Energy Commission on October 29 on behalf of Californians for Renewable Energy (CaRE). 8 pp.
- Smallwood, K. S. 2000. Comments on the Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP). Submitted to California Energy Commission on October 29 on behalf of Californians for Renewable Energy (CaRE). 9 pp.
- Smallwood, K. S. 2000. Comments on the Preliminary Staff Assessment of the Metcalf Energy Center. Submitted to California Energy Commission on behalf of Californians for Renewable Energy (CaRE). 11 pp.
- Smallwood, K. S. 2000. Preliminary report of reconnaissance surveys near the TRW plant south of Phoenix, Arizona, March 27-29. Report prepared for Hagens, Berman & Mitchell, Attorneys at Law, Phoenix, AZ. 6 pp.
- Morrison, M.L., K.S. Smallwood, and M. Robison. 2001. Draft Natural Environment Study for Highway 46 compliance with CEQA/NEPA. Report to the California Department of Transportation. 75 pp.
- Morrison, M.L., and K.S. Smallwood. 1999. NTI plan evaluation and comments. Exhibit C in W.D. Carrier, M.L. Morrison, K.S. Smallwood, and Vail Engineering. Recommendations for NBHCP land acquisition and enhancement strategies. Northern Territories, Inc., Sacramento.
- Smallwood, K. S. 1999. Estimation of impacts due to dredging of a shipping channel through Humboldt Bay, California. Court Declaration prepared on behalf of EPIC.
- Smallwood, K. S. 1998. 1998 California Mountain Lion Track Count. Report to the Defenders of Wildlife, Washington, D.C. 5 pages.
- Smallwood, K.S. 1998. Draft report of a visit to a paint sludge dump site near Ridgewood, New Jersey, February 26th, 1998. Unpublished report to Consulting in the Public Interest.
- Smallwood, K.S. 1997. Science missing in the "no surprises" policy. Commissioned by National Endangered Species Network and Spirit of the Sage Council, Pasadena, California.
- Smallwood, K.S. and M.L. Morrison. 1997. Alternate mitigation strategy for incidental take of giant garter snake and Swainson's hawk as part of the Natomas Basin Habitat Conservation Plan. Pages 6-9 and *iii* illustrations in W.D. Carrier, K.S. Smallwood and M.L. Morrison, Natomas Basin Habitat Conservation Plan: Narrow channel marsh alternative wetland mitigation. Northern Territories, Inc., Sacramento.

- Smallwood, K.S. 1996. Assessment of the BIOPORT model's parameter values for pocket gopher burrowing characteristics. Report to Berger & Montague, P.C. and Roy S. Haber, P.C., Philadelphia. (peer reviewed).
- Smallwood, K.S. 1997. Assessment of plutonium releases from Hanford buried waste sites. Report Number 9, Consulting in the Public Interest, 53 Clinton Street, Lambertville, New Jersey, 08530.
- Smallwood, K.S. 1996. Soil Bioturbation and Wind Affect Fate of Hazardous Materials that were Released at the Rocky Flats Plant, Colorado. Report to Berger & Montague, P.C., Philadelphia.
- Smallwood, K.S. 1996. Second assessment of the BIOPORT model's parameter values for pocket gopher burrowing characteristics and other relevant wildlife observations. Report to Berger & Montague, P.C. and Roy S. Haber, P.C., Philadelphia.
- Smallwood, K.S., and R. Leidy. 1996. Wildlife and Their Management Under the Martell SYP. Report to Georgia Pacific, Corporation, Martel, CA. 30 pp.
- EIP Associates. 1995. Yolo County Habitat Conservation Plan Biological Resources Report. Yolo County Planning and Development Department, Woodland, California.
- Smallwood, K.S. and S. Geng. 1995. Analysis of the 1987 California Farm Cost Survey and recommendations for future survey. Program on Workable Energy Regulation, University-wide Energy Research Group, University of California.
- Smallwood, K.S., S. Geng, and W. Idzerda. 1992. Final report to PG&E: Analysis of the 1987 California Farm Cost Survey and recommendations for future survey. Pacific Gas & Electric Company, San Ramon, California. 24 pp.
- Fitzhugh, E.L. and K.S. Smallwood. 1987. Methods Manual – A statewide mountain lion population index technique. California Department of Fish and Game, Sacramento.
- Salmon, T.P. and K.S. Smallwood. 1989. Final Report – Evaluating exotic vertebrates as pests to California agriculture. California Department of Food and Agriculture, Sacramento.
- Smallwood, K.S. and W. A. Erickson (written under supervision of W.E. Howard, R.E. Marsh, and R.J. Laacke). 1990. Environmental exposure and fate of multi-kill strychnine gopher baits. Final Report to USDA Forest Service –NAPIAP, Cooperative Agreement PSW-89-0010CA.
- Fitzhugh, E.L., K.S. Smallwood, and R. Gross. 1985. Mountain lion track count, Marin County, 1985. Unpublished report on file at Wildlife Extension, University of California, Davis.

Comments on Environmental Documents

I was retained or commissioned to comment on environmental planning and review documents, including:

- Yuba Highlands Specific Plan (or Area Plan) Environmental Impact Report (2006; 37 pp.);
- Replies to responses to comments on Mitigated Negative Declaration of the proposed Mining Permit (MIN 04-01) and Modification of Use Permit 96-02 at North Table Mountain (2006; 5 pp);
- Mitigated Negative Declaration of the proposed Mining Permit (MIN 04-01) and Modification of Use Permit 96-02 at North Table Mountain (2006; 15 pp);
- Windy Point Wind Farm Environmental Review and EIS (2006; 14 pp and 36 Powerpoint slides in reply to responses to comments);
- Shiloh I Wind Power Project EIR (2005; 18 pp);
- Buena Vista Wind Energy Project Notice of Preparation of EIR (2004; 15 pp);
- Negative Declaration of the proposed Callahan Estates Subdivision (2004; 11 pp);
- Negative Declaration of the proposed Winters Highlands Subdivision (2004; 9 pp);
- Negative Declaration of the proposed Winters Highlands Subdivision (2004; 13 pp);
- Negative Declaration of the proposed Creekside Highlands Project, Tract 7270 (2004; 21 pp);
- Conditional Use Permit renewals from Alameda County for wind turbine operations in the Altamont Pass Wind Resource Area (2003; 41 pp);
- UC Davis Long Range Development Plan of 2003, particularly with regard to the Neighborhood Master Plan (2003; 23 pp);
- Anderson Marketplace Draft Environmental Impact Report (2003: 18 pp + 3 plates of photos);
- Negative Declaration of the proposed expansion of Temple B'nai Tikyah (2003: 6 pp);
- Antonio Mountain Ranch Specific Plan Public Draft EIR (2002: 23 pp);
- Response to testimony of experts at the East Altamont Energy Center evidentiary hearing on biological resources (2002: 9 pp);
- Revised Draft Environmental Impact Report, The Promenade (2002: 7 pp);
- Recirculated Initial Study for Calpine's proposed Pajaro Valley Energy Center (2002: 3 pp);
- UC Merced -- Declaration of Dr. Shawn Smallwood in support of petitioner's application for temporary restraining order and preliminary injunction (2002: 5 pp);
- Replies to response to comments in Final Environmental Impact Report, Atwood Ranch Unit III Subdivision (2003: 22 pp);
- Draft Environmental Impact Report, Atwood Ranch Unit III Subdivision (2002: 19 pp + 8 photos on 4 plates);
- California Energy Commission Staff Report on GWF Tracy Peaker Project (2002: 17 pp + 3 photos; follow-up report of 3 pp);
- Initial Study and Negative Declaration, Silver Bend Apartments, Placer County (2002: 13 pp);
- UC Merced Long-range Development Plan DEIR and UC Merced Community Plan DEIR (2001: 26 pp);
- Initial Study, Colusa County Power Plant (2001: 6 pp);
- Comments on Proposed Dog Park at Catlin Park, Folsom, California (2001: 5 pp + 4 photos);

- Pacific Lumber Co. (Headwaters) Habitat Conservation Plan and Environmental Impact Report (1998: 28 pp);
- Final Environmental Impact Report/Statement for Issuance of Take authorization for listed species within the MSCP planning area in San Diego County, California (Fed. Reg. 62 (60): 14938, San Diego Multi-Species Conservation Program) (1997: 10 pp);
- Permit (PRT-823773) Amendment for the Natomas Basin Habitat Conservation Plan, Sacramento, CA (Fed. Reg. 63 (101): 29020-29021) (1998);
- Draft Recovery Plan for the Giant Garter Snake (*Thamnophis gigas*). (Fed. Reg. 64(176): 49497-49498) (1999: 8 pp);
- Review of the Draft Recovery Plan for the Arroyo Southwestern Toad (*Bufo microscaphus californicus*) (1998);
- Ballona West Bluffs Project Environmental Impact Report (1999: oral presentation);
- California Board of Forestry's proposed amended Forest Practices Rules (1999);
- Negative Declaration for the Sunset Sky Ranch Airport Use Permit (1999);
- Calpine and Bechtel Corporations' Biological Resources Implementation and Monitoring Program (BRMIMP) for the Metcalf Energy Center (2000: 10 pp);
- California Energy Commission's Final Staff Assessment of the proposed Metcalf Energy Center (2000);
- US Fish and Wildlife Service Section 7 consultation with the California Energy Commission regarding Calpine and Bechtel Corporations' Metcalf Energy Center (2000: 4 pp);
- California Energy Commission's Preliminary Staff Assessment of the proposed Metcalf Energy Center (2000: 11 pp);
- Site-specific management plans for the Natomas Basin Conservancy's mitigation lands, prepared by Wildlands, Inc. (2000: 7 pp);
- Affidavit of K. Shawn Smallwood in Spirit of the Sage Council, et al. (Plaintiffs) vs. Bruce Babbitt, Secretary, U.S. Department of the Interior, et al. (Defendants), Injuries caused by the No Surprises policy and final rule which codifies that policy (1999: 9 pp).

I also issued formal comments on the following documents:

- Draft Program Level EIR for Covell Village (2005; 19 pp);
- Bureau of Land Management Wind Energy Programmatic EIS Scoping document (2003: 7 pp.);
- NEPA Environmental Analysis for Biosafety Level 4 National Biocontainment Laboratory (NBL) at UC Davis (2003: 7 pp);
- Notice of Preparation of UC Merced Community and Area Plan EIR, on behalf of The Wildlife Society—Western Section (2001: 8 pp.);
- Preliminary Draft Yolo County Habitat Conservation Plan (2001; 2 letters totaling 35 pp.);
- Merced County General Plan Revision, notice of Negative Declaration (2001: 2 pp.);
- Notice of Preparation of Campus Parkway EIR/EIS (2001: 7 pp.);
- Draft Recovery Plan for the bighorn sheep in the Peninsular Range (*Ovis candensis*) (2000);
- Draft Recovery Plan for the California Red-legged Frog (*Rana aurora draytonii*), on behalf of The Wildlife Society—Western Section (2000: 10 pp.);
- Sierra Nevada Forest Plan Amendment Draft Environmental Impact Statement, on behalf of The Wildlife Society—Western Section (2000: 7 pp.);

- State Water Project Supplemental Water Purchase Program, Draft Program EIR (1997);
- Davis General Plan Update EIR (2000);
- Covell Center Project EIR and EIR Supplement (1997);
- Turn of the Century EIR (1999: 10 pp);
- Proposed termination of Critical Habitat Designation under the Endangered Species Act (Fed. Reg. 64(113): 31871-31874) (1999);
- NOA Draft Addendum to the Final Handbook for Habitat Conservation Planning and Incidental Take Permitting Process, termed the HCP 5-Point Policy Plan (Fed. Reg. 64(45): 11485 - 11490) (1999).

Position Statements I prepared the following position statements for the Western Section of The Wildlife Society, and one for nearly 200 scientists:

- Recommended that the California Department of Fish and Game prioritize the extermination of the introduced southern water snake in northern California. The Wildlife Society--Western Section (2001);
- Recommended that The Wildlife Society--Western Section appoint or recommend members of the independent scientific review panel for the UC Merced environmental review process (2001);
- Opposed the siting of the University of California's 10th campus on a sensitive vernal pool/grassland complex east of Merced. The Wildlife Society--Western Section (2000);
- Opposed the legalization of ferret ownership in California. The Wildlife Society--Western Section (2000);
- Opposed the Proposed "No Surprises," "Safe Harbor," and "Candidate Conservation Agreement" rules, including permit-shield protection provisions (Fed. Reg. Vol. 62, No. 103, pp. 29091-29098 and No. 113, pp. 32189-32194). This statement was signed by 188 scientists and went to the responsible federal agencies, as well as to the U.S. Senate and House of Representatives.

Printed Mass Media

Smallwood, K.S., D. Mooney, and M. McGuinness. 2003. We must stop the UCD biolab now. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2002. Spring Lake threatens Davis. Op-Ed to the Davis Enterprise.

Smallwood, K.S. Summer, 2001. Mitigation of habitation. The Flatlander, Davis, California.

Entrikan, R.K. and K.S. Smallwood. 2000. Measure O: Flawed law would lock in new taxes. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2000. Davis delegation lobbies Congress for Wildlife conservation. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 1998. Davis Visions. The Flatlander, Davis, California.

Smallwood, K.S. 1997. Last grab for Yolo's land and water. The Flatlander, Davis, California.

Smallwood, K.S. 1997. The Yolo County HCP. Op-Ed to the Davis Enterprise.

Radio/Television

KQED QUEST Episode #111. Bird collisions with wind turbines. 2007;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. December 27, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. May 3, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. February 8, 2001;

KDVS Speaking in Tongues (host Ron Glick & Shawn Smallwood), California Energy Crisis: 1 hour. Jan. 25, 2001;

KDVS Speaking in Tongues (host Ron Glick), Headwaters Forest HCP: 1 hour. 1998;

Davis Cable Channel (host Gerald Heffernon), Burrowing owls in Davis: half hour. June, 2000;

Davis Cable Channel (hosted by Davis League of Women Voters), Measure O debate: 1 hour. October, 2000;

KXTV 10, In Your Interest, The Endangered Species Act: half hour. 1997.

Posters at Professional Meetings

Smallwood, K. S. and C. G. Thelander. 2005. Lessons learned from five years of avian mortality research in the Altamont Pass WRA. AWEA conference, Denver, May 2005.

Neher, L., L. Wilder, J. Woo, L. Spiegel, D. Yen-Nakafugi, and K.S. Smallwood. 2005. Bird's eye view on California wind. AWEA conference, Denver, May 2005.

Smallwood, K. S., C. G. Thelander and L. Spiegel. 2003. Toward a predictive model of avian fatalities in the Altamont Pass Wind Resource Area. Windpower 2003 Conference and Convention, Austin, Texas.

Smallwood, K.S. and Eva Butler. 2002. Pocket Gopher Response to Yellow Star-thistle Eradication as part of Grassland Restoration at Decommissioned Mather Air Force Base, Sacramento County, California. White Mountain Research Station Open House, Barcroft Station.

Smallwood, K.S. and Michael L. Morrison. 2002. Fresno kangaroo rat (*Dipodomys nitratoideus*) Conservation Research at Resources Management Area 5, Lemoore Naval Air Station. White Mountain Research Station Open House, Barcroft Station.

Smallwood, K.S. and E.L. Fitzhugh. 1989. Differentiating mountain lion and dog tracks. Third Mountain Lion Workshop, Prescott, AZ.

Smith, T. R. and K. S. Smallwood. 2000. Effects of study area size, location, season, and allometry on reported *Sorex* shrew densities. Annual Meeting of the Western Section of The Wildlife Society.

Presentations at Professional Meetings and Seminars

Environmental barriers to wind power. Getting Real About Renewables: Economic and Environmental Barriers to Biofuels and Wind Energy. A symposium sponsored by the Environmental & Energy Law & Policy Journal, University of Houston Law Center, Houston, 23 February 2007.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Meeting with Japan Ministry of the Environment and Japan Ministry of the Economy, Wild Bird Society of Japan, and other NGOs Tokyo, Japan, 9 November 2006.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Symposium on bird collisions with wind turbines. Wild Bird Society of Japan, Tokyo, Japan, 4 November 2006.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. California Society for Ecological Restoration (SERCAL) 13th Annual Conference, UC Santa Barbara, 27 October 2006.

Fatality associations as the basis for predictive models of fatalities in the Altamont Pass Wind Resource Area. EEI/APLIC/PIER Workshop, 2006 Biologist Task Force and Avian Interaction with Electric Facilities Meeting, Pleasanton, California, 28 April 2006.

Burrowing owl burrows and wind turbine collisions in the Altamont Pass Wind Resource Area. The Wildlife Society—Western Section Annual Meeting, Sacramento, California, February 8, 2006.

Mitigation at wind farms. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Incorporating data from the California Wildlife Habitat Relationships (CWHR) system into an impact assessment tool for birds near wind farms. Shawn Smallwood, Kevin Hunting, Marcus Yee, Linda Spiegel, Monica Parisi. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Toward indicating threats to birds by California's new wind farms. California Energy Commission, Sacramento, May 26, 2005.

Avian collisions in the Altamont Pass. California Energy Commission, Sacramento, May 26, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. EPRI Environmental Sector Council, Monterey, California, February 17, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. The Wildlife Society—Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Associations between avian fatalities and attributes of electric distribution poles in California. The Wildlife Society—Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Minimizing avian mortality in the Altamont Pass Wind Resources Area. UC Davis Wind Energy Collaborative Forum, Palm Springs, California, December 14, 2004.

Selecting electric distribution poles for priority retrofitting to reduce raptor mortality. Raptor Research Foundation Meeting, Bakersfield, California, November 10, 2004.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. Annual Meeting of the Society for Ecological Restoration, South Lake Tahoe, California, October 16, 2004.

Lessons learned from five years of avian mortality research at the Altamont Pass Wind Resources Area in California. The Wildlife Society Annual Meeting, Calgary, Canada, September 2004.

The ecology and impacts of power generation at Altamont Pass. Sacramento Petroleum Association, Sacramento, California, August 18, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Consortium meeting, Hayward, California, February 7, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Symposium, Sacramento, November 2, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. National Wind Coordinating Committee, Washington, D.C., November 17, 2003.

Raptor Behavior at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

California mountain lions. Ecological & Environmental Issues Seminar, Department of Biology, California State University, Sacramento, November, 2000.

Intra- and inter-turbine string comparison of fatalities to animal burrow densities at Altamont Pass. National Wind Coordinating Committee, Carmel, California, May, 2000.

Using a Geographic Positioning System (GPS) to map wildlife and habitat. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Suggested standards for science applied to conservation issues. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

The indicators framework applied to ecological restoration in Yolo County, California. Society for Ecological Restoration, September 25, 1999.

Ecological restoration in the context of animal social units and their habitat areas. Society for Ecological Restoration, September 24, 1999.

Relating Indicators of Ecological Health and Integrity to Assess Risks to Sustainable Agriculture and Native Biota. International Conference on Ecosystem Health, August 16, 1999.

A crosswalk from the Endangered Species Act to the HCP Handbook and real HCPs. Southern California Edison, Co. and California Energy Commission, March 4-5, 1999.

Mountain lion track counts in California: Implications for Management. Ecological & Environmental Issues Seminar, Department of Biological Sciences, California State University, Sacramento, November 4, 1998.

"No Surprises" -- Lack of science in the HCP process. California Native Plant Society Annual Conservation Conference, The Presidio, San Francisco, September 7, 1997.

In Your Interest. A half hour weekly show aired on Channel 10 Television, Sacramento. In this episode, I served on a panel of experts discussing problems with the implementation of the Endangered Species Act. Aired August 31, 1997.

Spatial scaling of pocket gopher (*Geomys*) density. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Estimating prairie dog and pocket gopher burrow volume. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Ten years of mountain lion track survey. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Study and interpretive design effects on mountain lion density estimates. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Small animal control. Session moderator and speaker at the California Farm Conference, Sacramento, California, Feb. 28, 1995.

Small animal control. Ecological Farming Conference, Asilomar, California, Jan. 28, 1995.

Habitat associations of the Swainson's Hawk in the Sacramento Valley's agricultural landscape. 1994 Raptor Research Foundation Meeting, Flagstaff, Arizona.

Alfalfa as wildlife habitat. Seed Industry Conference, Woodland, California, May 4, 1994.

- Habitats and vertebrate pests: impacts and management. Managing Farmland to Bring Back Game Birds and Wildlife to the Central Valley. Yolo County Resource Conservation District, U.C. Davis, February 19, 1994.
- Management of gophers and alfalfa as wildlife habitat. Orland Alfalfa Production Meeting and Sacramento Valley Alfalfa Production Meeting, February 1 and 2, 1994.
- Patterns of wildlife movement in a farming landscape. Wildlife and Fisheries Biology Seminar Series: Recent Advances in Wildlife, Fish, and Conservation Biology, U.C. Davis, Dec. 6, 1993.
- Alfalfa as wildlife habitat. California Alfalfa Symposium, Fresno, California, Dec. 9, 1993.
- Management of pocket gophers in Sacramento Valley alfalfa. California Alfalfa Symposium, Fresno, California, Dec. 8, 1993.
- Association analysis of raptors in a farming landscape. Plenary speaker at Raptor Research Foundation Meeting, Charlotte, North Carolina, Nov. 6, 1993.
- Landscape strategies for biological control and IPM. Plenary speaker, International Conference on Integrated Resource Management and Sustainable Agriculture, Beijing, China, Sept. 11, 1993.
- Landscape Ecology Study of Pocket Gophers in Alfalfa. Alfalfa Field Day, U.C. Davis, July 1993.
- Patterns of wildlife movement in a farming landscape. Spatial Data Analysis Colloquium, U.C. Davis, August 6, 1993.
- Sound stewardship of wildlife. Veterinary Medicine Seminar: Ethics of Animal Use, U.C. Davis. May 1993.
- Landscape ecology study of pocket gophers in alfalfa. Five County Grower's Meeting, Tracy, California. February 1993.
- Turbulence and the community organizers: The role of invading species in ordering a turbulent system, and the factors for invasion success. Ecology Graduate Student Association Colloquium, U.C. Davis. May 1990.
- Evaluation of exotic vertebrate pests. Fourteenth Vertebrate Pest Conference, Sacramento, California. March 1990.
- Analytical methods for predicting success of mammal introductions to North America. The Western Section of the Wildlife Society, Hilo, Hawaii. February 1988.
- A state-wide mountain lion track survey. Sacramento County Dept Parks and Recreation. April 1986.
- The mountain lion in California. Davis Chapter of the Audubon Society. October 1985.

Ecology Graduate Student Seminars, U.C. Davis, 1985-1990: Social behavior of the mountain lion; Mountain lion control; Political status of the mountain lion in California.

Other forms of Participation at Professional Meetings

- Chair of Animal Damage Management Session, The Wildlife Society, Annual Meeting, Reno, Nevada, September 26, 2001.
- Chair of Technical Session: Human communities and ecosystem health: Comparing perspectives and making connection. Managing for Ecosystem Health, International Congress on Ecosystem Health, Sacramento, CA August 15-20, 1999.
- Student Awards Committee, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.
- Student Mentor, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Reviews of Journal Papers (Scientific journals for whom I've provided peer review)

Journal	Journal
American Naturalist	Journal of Animal Ecology
Auk	Journal of Raptor Research
Biological Conservation	National Renewable Energy Lab reports
Canadian Journal of Zoology	Oikos
Ecosystem Health	The Prairie Naturalist
Environmental Conservation	Restoration Ecology
Environmental Management	Southwestern Naturalist
Functional Ecology	The Wildlife Society--Western Section Trans.
Journal of Zoology (London)	Proc. Int. Congress on Managing for Ecosystem Health
Journal of Applied Ecology	Transactions in GIS
Ecology	Tropical Ecology

Committees

- Scientific Review Committee, Alameda County, Altamont Pass Wind Resource Area
- Ph.D. Thesis Committee, Steve Anderson, University of California, Davis
- MS Thesis Committee, Marcus Yee, California State University, Sacramento
- Board Member, Iron Mountain Conservancy

Other Professional Activities or Products

Testified in Federal Court in Denver during 2005 over the fate of radio-nuclides in the soil at Rocky Flats Plant after exposure to burrowing animals. My clients won a judgment of \$553,000,000. I have also testified in many other cases of litigation under CEQA, NEPA, the Warren-Alquist Act, and other environmental laws. My clients won most of the cases for which I testified.

Memberships in Professional Societies

The Wildlife Society
Society for Ecological Restoration
Association of Southwest Naturalists
Raptor Research Foundation
American Museum of Natural History

Honors and Awards

Certificate of Appreciation, The Wildlife Society—Western Section, 2000, 2001
Fulbright Research Fellowship to Indonesia, 1987.
Northern California Athletic Association Most Valuable Cross Country Runner, 1984.
J.G. Boswell Full Academic Scholarship, 1981 (Paid expenses for undergraduate education).
American Legion Award, Corcoran High School, 1981, and John Muir Junior High, 1977.
CIF Section Champion, Cross Country in 1978 and Track & Field 2 mile run in 1981.
National Junior Record, 20 kilometer run, 1982.
National Age Group Record, 1500 meter run, 1978

Community Activities

District 64 Little League Umpire, 2003-2007
Dixon Little League Umpire, 2006-07
Davis Little League Chief Umpire and Board member, 2004-2005
Davis Little League Safety Officer, 2004-2005
Davis Little League Certified Umpire, 2002-2004
Davis Little League Scorekeeper, 2002
Davis Visioning Group member
Petitioner for Writ of Mandate under the California Environmental Quality Act against City of Woodland decision to approve the Spring Lake Specific Plan, 2002
Served on campaign committees for City Council candidates

William D. Kopper

Attorney at Law
417 E Street
Davis, CA 95616
(530) 758-0757
Fax (530) 758-2844

Paralegal
Kristin Rauh

July 19, 2010

VIA FACSIMILE (916) 851-8762
AND FIRST CLASS MAIL

Mr. Paul Junker
Planning Director
City of Rancho Cordova
2729 Prospect Drive
Rancho Cordova, CA 95670

RE:

Dear Mr. Junker:

I represent Rancho Cordova Citizens for Quality Planning. Over the last several days, since the release of the Final Environmental Impact Report for the Rio del Oro Specific Plan, I have been attempting to obtain information that should be immediately made available to me. The information that I request that you provide is as follows:

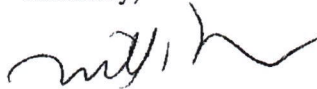
1. A copy of the letter from Earnest Gisler, Engineering and Planning Manager of Golden State Water Company to Russell Davis of Elliott-Homes regarding water supply. This letter was dated on or about July 29, 2005.
2. The letter from Wendy Copeland of EDAW regarding contract negotiations with SMUD for water transfers. This letter is dated October 25, 2007.
3. All water contracts, documents, or letters from Golden State Water Company since July 29, 2005, indicating that Golden State Water Company is still able and willing to provide to the Rio del Oro Project a sufficient supply of water to support 600 dwelling units until long-term water facilities have been constructed by SCWA. Please provide any documentation that states that Golden State Water Company would specifically provide approximately 968 acre feet per year of water as stated in the FEIR page B5-7.
4. Provide a copy of the agreement, memorandum or other documentation that supports the contention in the FEIR that Aerojet is transferring to SCWA under the 2010 Agreement 8,900 acre feet per year of GET water. Please provide all documentation that supports the FEIR's contention that SCWA has agreed to accept this water and the water would be available for the Rio del Oro Project.

Mr. Paul Junker
Planning Director
City of Rancho Cordova
July 19, 2010
page 2

5. Please provide all contract or written agreements that SCWA will supply at a minimum 8,900 acre feet per year of water to the Rio del Oro Project.
6. Please provide a copy of the proposed Phase I Development Agreement between the City and Elliott Homes.
7. Please provide a copy of the proposed Phase I Development Agreement between the City and Gencorp.

My office needs these documents as soon as possible. Therefore, if the City is unwilling to fax them or email them to me, we are willing to send a runner over to collect the documents from the Planning Department. Please let me know by 5:00 p.m. on July 19, 2010, when I can pick up the requested documents. In the event that I do not hear from you, I will send a runner over on July 20, 2010, to pick up the documents and if they are not available then we will document this event and add it to our claims that the City has violated the California Environmental Quality Act.

Sincerely,



WILLIAM D. KOPPER

WDK:kgf

July 22, 2010

William Kopper
Attorney at Law
417 E Street
Davis, CA 95616

Re: Request for Documents related to the Final Environmental Impact Report for the Rio del Oro Specific Plan

Dear Mr. Kopper:

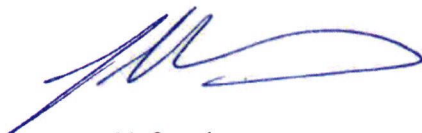
This is in response to your letter dated July 19, 2010, requesting specific documents relating to the Final Environmental Impact Report for the Rio del Oro Specific Plan. The City has processed your request in compliance with the California Public Records Act ("the CPRA," Government Code section 6250, *et seq.*).

The CPRA obligates a public agency, within 10 days of receipt of a request, to determine whether the request seeks copies of disclosable public records and to notify the person making the request of the determination and the reasons therefore. (Cal. Gov. Code § 6253(c).) The City has determined that the documents you requested are disclosable, and according to your request, have made copies of the documents.

Enclosed please find copies of the documents you requested. We would like to point out that the document you requested under item number 2 of your letter, "letter from Wendy Copeland of EDAW regarding contract negotiations with SMUD for water transfers" is actually a letter to Wendy Copeland from Ernest A. Gisler. This letter has been included in the enclosed documents.

Please contact me if you have any questions.

Very truly yours,



Jose M. Sanchez

cc: Paul Junker, Planning Director
Joe Chinn, Assistant City Manager
Mindy Cuppy, City Clerk

1485106.1

The attached two letters were the only documents provided in response to requests 2 and 3.



Southern California
WATER COMPANY
A Subsidiary of American States Water Company

RECEIVED

AUG - 2 2005

Elliott Homes Inc.

July 29, 2005

Mr. Russell E. Davis
Vice President
Elliott Homes
80 Iron Point Circle
Suite 110
Folsom, CA 95630-8574

RIO DEL ORO

Dear Russ:

In response to your request for interim water supply necessary to provide water service to your initial phase of your Rio del Oro project located within the City of Rancho Cordova, Southern California Water Company (SCWC) is pleased to inform you that we can accommodate your request. Our ability to provide water supply is predicated on our assessment of our available water resources and the projected demands required of your initial phase of Rio del Oro.

It is our understanding the initial phase of Rio del Oro consists of approximately 600 single family residential dwelling units on approximately 120 acres of land bound by White Rock Road on the north and lying approximately 0.6 miles east of Sunrise Boulevard. The duration for which interim water supply will be provide is until such time that the designated long-term water service provider, Sacramento County Water Agency (SCWA), has facilities in place to adequately provide long-term water supply.

At your request, we will be happy to sit down with you to discuss the steps necessary for preparing a feasibility study to identify the necessary facilities and estimated costs associated with providing water service to the initial phase of Rio del Oro.

Sincerely,

Ernest A. Gisler, P.E.
Engineering & Planning Manager

C: Roland S. Tanner
Paul T Schubert



October 25, 2007

Wendy Copeland
EDAW
2022 J Street
Sacramento, CA 95814

Rio del Oro Phase I Water Supply – GSWC Job No. 11800625

Dear Wendy:

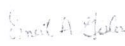
This letter is in response to your request for information regarding our Rancho Cordova water supply, specifically to address the question(s) within your email to Russell Davis et al on dated October 22, 2007. An excerpt from your email follows:

We are also awaiting a call back from Golden State to determine what effects, if any, the expiration of the water transfer agreement with SMUD would have on their ability to provide water for Rio - this is an issue that we brought up during the conference call two weeks ago. We are also asking Golden State to send us a copy of their urban water master plan (not available on the Internet) so we can determine whether the parallel water line that would be installed in White Rock Rd has any CEQA coverage or not - the City has indicated that they do not believe the line has any prior CEQA coverage, in which case we will include it in the Rio document.

Golden State Water Company (GSWC) and SMUD are currently working with the Bureau of Reclamation to extend the water agreement for an additional five years. It should be noted that at this time, the SMUD water is for contingency purposes and not required for base supply.

GSWC provided an electronic copy of the 2005 UWMP for Rancho Cordova to Wendy on October 23, 2007. Please contact me with any further questions.

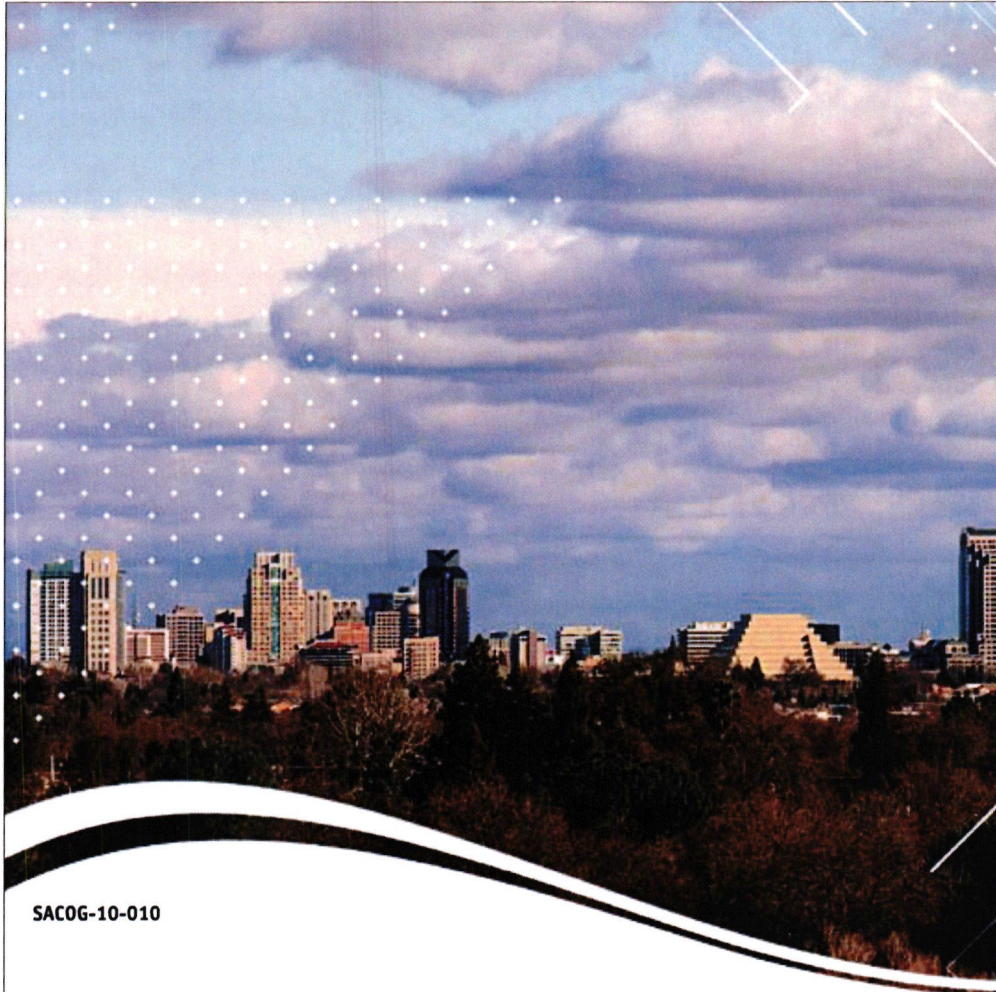
Regards,


Digitally signed by Ernest A. Gisler
DN: cn=Ernest A. Gisler, o=Golden State
Water Company, ou=Water Supplying
email=ernest.gisler@gswc.com, c=US
Reason: I am the author of this document
Date: 2007.10.25 11:10:13 -0700

Ernest A Gisler
Planning Manager

C: Russell Davis, Elliott Homes
Paul Schubert, GSWC

3035 Prospect Park Drive, Ste. 60, Rancho Cordova, CA 95670
Tel: (916) 853-3600 Fax: (916) 852-0171



SACRAMENTO REGION

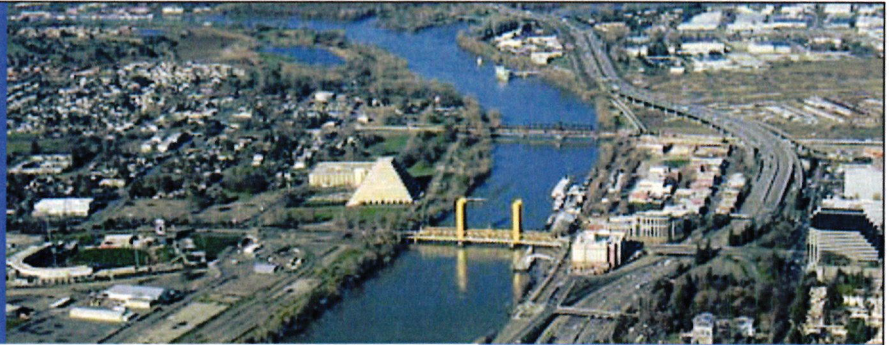
Blueprint
TRANSPORTATION LAND USE PLAN

**SPECIAL
REPORT**

SACOG-10-010

Blueprint's
Impact on
the Region
and Residents'
Quality of Life

BLUEPRINT AND THE REGION'S QUALITY OF LIFE



The Sacramento region is a wonderful place to live. It has comfortable and inviting neighborhoods, exciting entertainment and arts, and a diversity of beautiful scenery and natural places.

These qualities also mean the region will grow. Between 2000 and 2050, our region will add more than 1.7 million people and 1 million new jobs.

But with growth comes challenges. How should we grow? Where should we grow? How should we travel around the region? How will growth affect our environment and quality of life?

In 2002, the Sacramento region faced a prospective future of worsen-

ing congestion—a projected increase of over 50 percent by the year 2025—and increasingly worse air pollution based on current land-use patterns, transportation funding levels, and transportation investment priorities. To attempt to solve these challenges, the Sacramento Area Council of Governments (SACOG) Board of Directors initiated the Sacramento Region Blueprint project, an extensive study of the linkages between transportation, land use, and air quality.

The philosophy behind the regional visioning process was that planning and design choices made by a community

have many impacts on regional development patterns, modal choices, infrastructure costs, redevelopment potential, natural resources, and other aspects of livability. By being aware of the consequences of their community's development choices, residents can improve their economies, environments, and quality of life. If communities work together at this process, then these positive effects can be seen regionally.

As its core goal, the Blueprint aimed to support local

BASE CASE

Projected Development in 2050

Key to the maps

- areas of existing development
- areas of future development
- green areas (e.g., open space, park, wetlands, vernal pools, stream corridors, hardwood stands)
- agriculture and other undeveloped lands
- rivers, streams and lakes
- city boundaries
- highways
- county boundaries
- vacant urban-designated lands

Note: some vernal pools in Yuba, Sutter and southwest Placer counties are preserved, but are not shown on these maps.





governments with high-quality data and modeling tools so that decisions regarding future growth and its effects on quality of life issues, such as traffic congestion and air pollution could be made with the best information available. In addition to developing detailed land-use and travel data, an extensive community outreach effort—involving over 5,000 residents across the six-county region—was conducted with SACOG's non-profit partner Valley Vision to develop and assess guiding principles for the region's long-term growth.

The learnings from the regional visioning process were also used by SACOG, the region's transportation planning and funding agency, to make choices about what transportation projects will best serve the region as it changes the Metropolitan Transportation Plan for 2035.

Through its public outreach and education, wealth of technical data for local decision makers, and funding for "smart growth" development, the Blueprint provides a tangible opportunity to help make Sacramento as attractive tomorrow as it is today.

WHAT THE BLUEPRINT MAPS SHOW

The Blueprint map (shown in comparison to the basecase on page 2) depicts a way for the region to grow through the year 2050 in a manner generally consistent with the growth principles summarized on pages 4–7 and 10–12 of this report.

The map is the result of numerous public workshops and meetings with local staff and elected officials. The map is intended to be interpreted and used as a concept-level illustration of the growth principles. It was developed with parcel-level data and analysis to help ensure that the growth concepts were being applied in a realistic manner; however, it is not intended to be applied or implemented in a literal, parcel-level manner.

For example, the map assumes certain levels and locations of both reinvestment (i.e., additional development on developed parcels) and greenfield development (i.e., large-scale development on vacant land). The purpose of this mapping is to illustrate, generally, the amounts and locations for these types of growth.

The map is not intended to indicate that a specific parcel should or should not be developed in a particular manner. That level of planning is the responsibility of local governments, and is beyond the specificity appropriate for regional-scale, long-term scenario planning.

BLUEPRINT

Projected Development in 2050





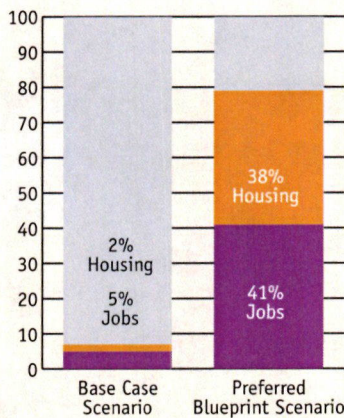
TRANSPORTATION CHOICES

Community design can help encourage people to walk, ride bicycles, ride the bus, ride light rail, take the train, or carpool. Streets can be designed to include dedicated bike lanes or special lanes for bus rapid transit.

The more people walk, bicycle, or ride the bus, the less they need to drive alone in their cars. Less driving alone means less congestion and less air pollution.

GROWTH NEAR TRANSIT

Within walking distance of 15-minute or better transit service



In the Base Case, 2 percent of new housing and 5 percent of new jobs are located within walking distance of 15-minute bus or train service. In the Blueprint Scenario, those figures rise to 38 percent of new houses and 41 percent of new jobs.



Lincoln NEV Plan

The Neighborhood Electric Vehicle (NEV) Transportation Plan was developed to implement the city of Lincoln's vision to offer residents safe access to downtown Lincoln and other commercial areas by using electrically powered, low-speed vehicles. The city also helped with the passage of AB 2353, which allows local governments to revise their golf cart transportation plan to apply to all low-speed vehicles (under 35 mph).



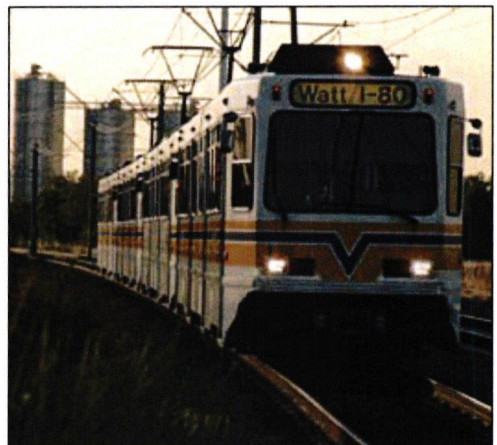
Davis Bike Network

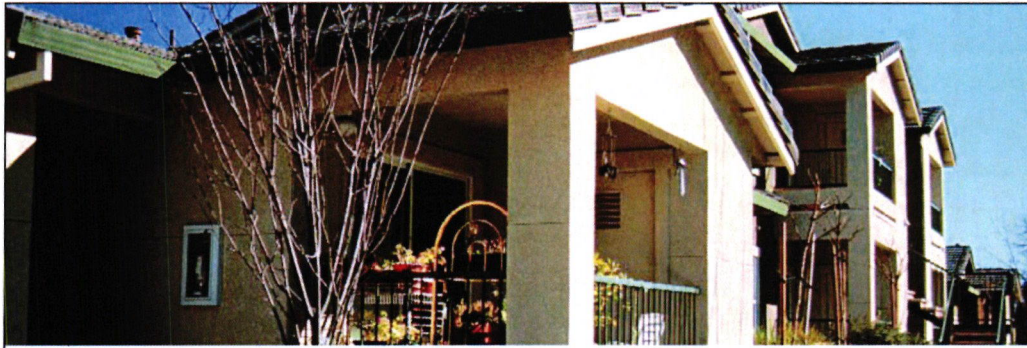
Davis is home to an extensive bike and pedestrian network and infrastructure system, including bicycle routes, separate trails, dedicated street signals, parking and other features. The city is also home to the new U.S. Bicycle Hall of Fame. The network includes over 55 miles of on-street bicycle lanes, over 55 miles of off-street paths, and 23 grade-separated crossings.



Sacramento Regional Transit Light Rail Extension

In 2005, Sacramento Regional Transit District (RT) extend its Gold Line 10.7 miles east to Folsom, and in 2006, the line extended west to the Sacramento Valley Station. These extensions have added thousands of riders and provided a direct connection from the region's largest transit system to Amtrak. Now, someone can hop on a train, transfer to the Capitol Corridor to connect with the Bay Area, or go south on the San Joaquin through the Central Valley. RT is working on extending the Blue Line south to Cosumnes River College, and the new Green Line to the River District—and on to the airport.





HOUSING CHOICES



West Sacramento Ironworks Lofts and Homes

Ironworks is a development of 187 lofts and small-lot homes on 16 acres in West Sacramento's Bridge District. Bordered by the Sacramento River and downtown Sacramento, the development of three-story lofts and one-story homes offer a variety of housing options close to arts, entertainment, employment centers, and shopping. The Bridge District is planned to be a major infill area in West Sacramento, with a mix of housing, parks, a streetcar, and a waterfront promenade.



Rancho Cordova Capital Village

This new town center with mixed-use design concept utilizes the proximity to a high concentration of job-generating office parks to offer unique and diverse housing stock, open space, and a new community center. The 118-acre project site is surrounded on three sides by corporate offices and is within approximately one-half mile of light rail stations, presenting great opportunities for transit-supportive development. The project also includes an urban park with many amenities for health, recreation, and a sense of community.



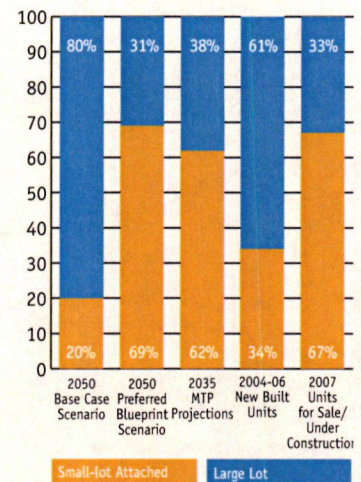
Sacramento L Street Lofts

This new eight-story infill loft project has added 92 housing units and 6,000 square feet of retail ground floor to Sacramento's midtown neighborhood. The project is within walking distance of 78 restaurants, 8 night clubs, 25 boutiques, and 22 art galleries, as well as numerous coffee shops and theatres. The project gives residents the upscale amenities and the best of an urban lifestyle.

Providing a variety of places where people can live—apartments, condominiums, townhouses, and single-family homes—creates opportunities for the variety of people who need them—families, singles, seniors, and people with special needs. This issue is of special concern for the very low-, low-, and moderate-income people for whom finding housing, especially housing close to work, is challenging

HOUSING CHOICE

New Housing Stock in:
(in percent)

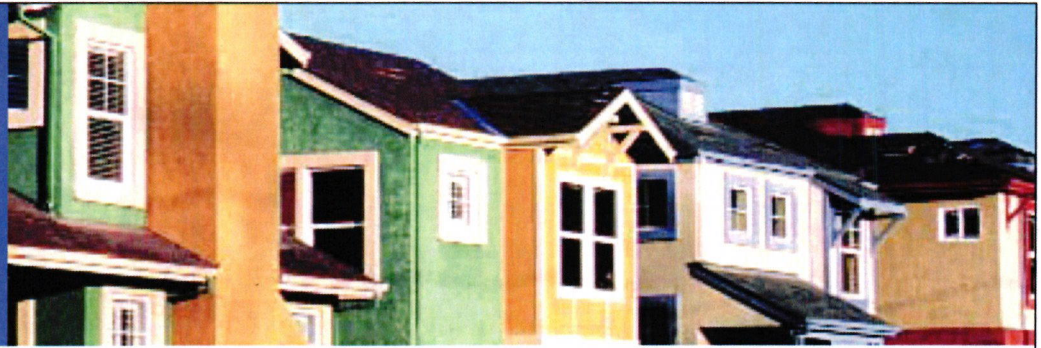


Under the Base Case, in 2050 over two-thirds of our region's housing would be single-family homes on large lots. Under the Blueprint Scenario, most housing would still be detached single-family, but about 17 percent would be single-family homes on small lots.



COMPACT DEVELOPMENT

By creating environments that are more compactly built and use space in an efficient, but more aesthetic manner, communities can encourage more walking, bicycle, or riding transit and discourage driving alone.



West Roseville Village Center

The most notable feature in the West Roseville specific plan is its village center, a 120-acre district designed and modeled after a traditional downtown. The specific plan includes customized development standards and design guidelines to ensure that the village center builds out with a pedestrian-friendly urban form and a mix of land uses. In addition, the specific plan provides for preservation of the project area's most significant natural resources, including several creek corridors and a large oak woodland.



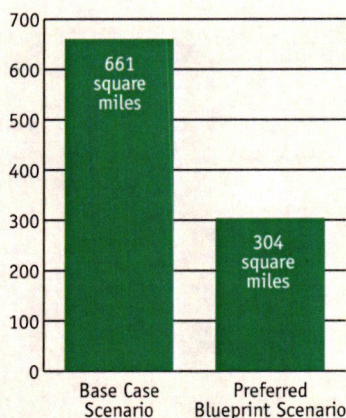
Sacramento 65th and Folsom F65 Mixed-Use Development

This mixed-use project design transforms an aging industrial area into a community asset, linking the Sacramento State campus with the 65th Street light rail station. The design establishes a prominent streetscape and features pedestrian and bicycle connections leading to a central plaza. The plaza's orientation toward a main intersection, combined with the project's panoply of retail amenities, creates an active café culture that lures commuters and students alike. The second-floor residential element aims to attract residents who favor non-traditional housing options.



Photo Simulation

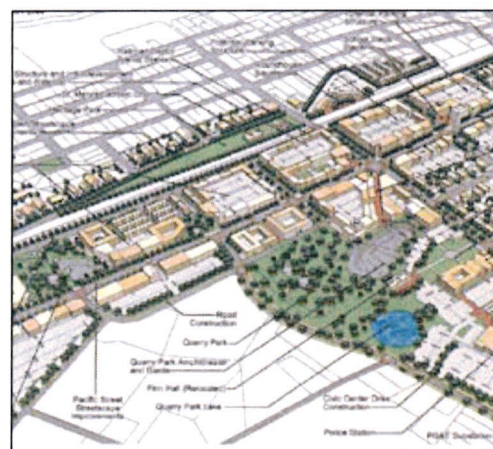
ADDITIONAL URBANIZED LAND Through 2050 (in square miles)



Under the Base Case, new development would need an additional 661 square miles of land by 2050. In the Blueprint Scenario, 304 square miles of new land would be needed for urban uses.

Rocklin Downtown Plan

The city of Rocklin is undertaking a downtown plan that will significantly increase residential densities in the downtown area and raise the building heights. Two mixed-use projects have already been approved.





USE EXISTING ASSETS

Focusing development in communities with vacant land or intensifying development of underutilized land can make better use of public infrastructure, including roads. Building on existing assets can also mean refurbishing historic buildings or clustering buildings more densely in suburban office parks.



Citrus Heights Auburn Boulevard

This project is part of the city's on-going effort to promote and improve pedestrian and bicycle, transit and vehicle movement and safety, incite economic development, and revitalize an aging commercial corridor.



Photo Simulation

Sacramento County Freedom Drive

The Freedom Drive project incorporates smart growth concepts through redevelopment of the McClellan Air Force Base in North Highlands. The focus is on adaptive reuse, infill development, and the creation of multi-modal transportation options in an older, inner-ring suburban area that has no town center or community focal point. The project will create more consistent streetscapes, improve traffic circulation, and solve issues of pedestrian and bicycle safety as it strives to create a sense of community identity through integration of land use and transportation modes.

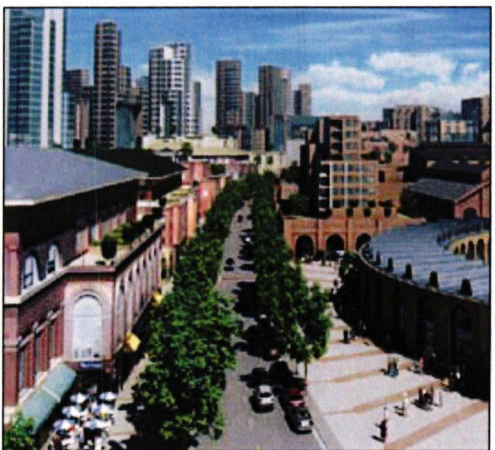
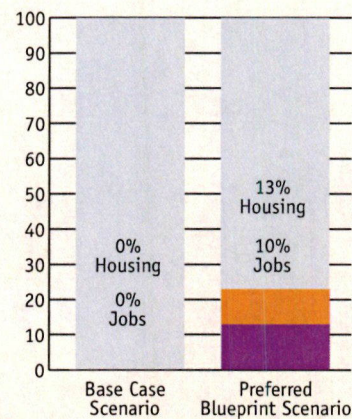


Photo Simulation

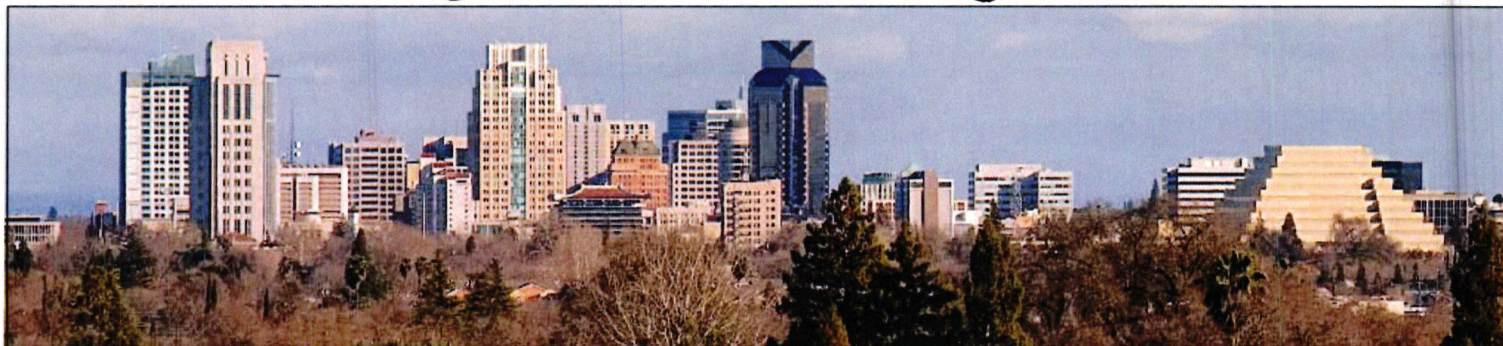
Sacramento Railyards

The Railyards, located in the heart of central Sacramento, encompasses over 240 acres and is the largest urban infill project in the United States. This historic brownfield site is the home of the western terminus of the transcontinental railroad. This area will be redeveloped into a world-class transit-oriented mixed-use development, which will eventually include over 11,000 housing units, and several million square feet of office and retail space resulting in approximately 19,000 new permanent jobs.

GROWTH THROUGH REINVESTMENT in 2050 (in percent)



Under the Base Case Scenario, all new development would be on vacant land. The Blueprint Scenario suggests 13 percent of all new housing, and 10 percent of all jobs, would occur through reinvestment.



Timeline Showing Program Relationships

Last Regional
Transportation
Plan
SACOG Adopts
pre-Blueprint

MTP 2025

First Regional
Transportation Plan
Based on Blueprint

MTP 2035

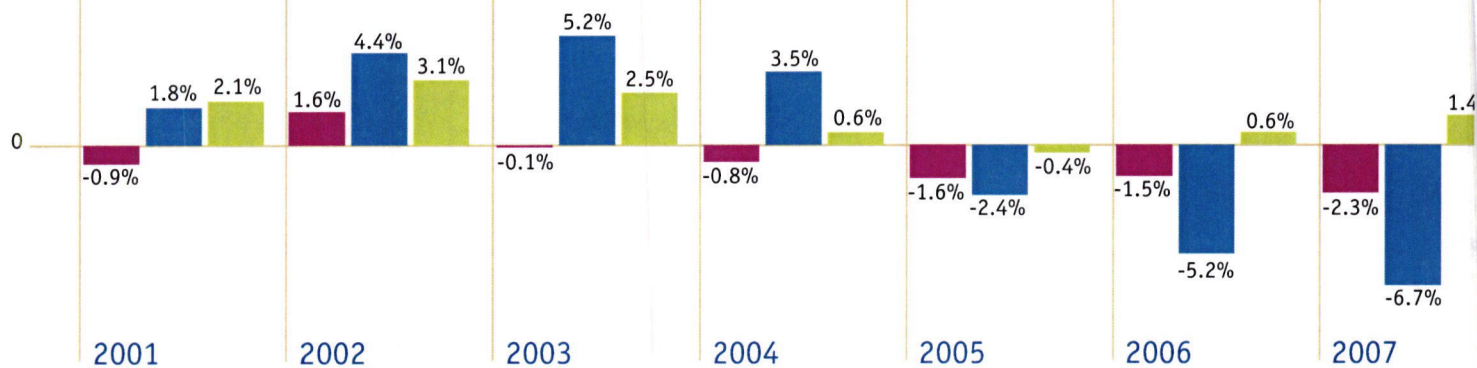
Blueprint

Blueprint 50-Year
Smart Growth
Land-Use Strategy

Sacramento
County
attained
federal PM10
air quality
health standard

Annual Change in Selected Indicators

Leading Three-year Averaged Year-Over-Year Percent Change

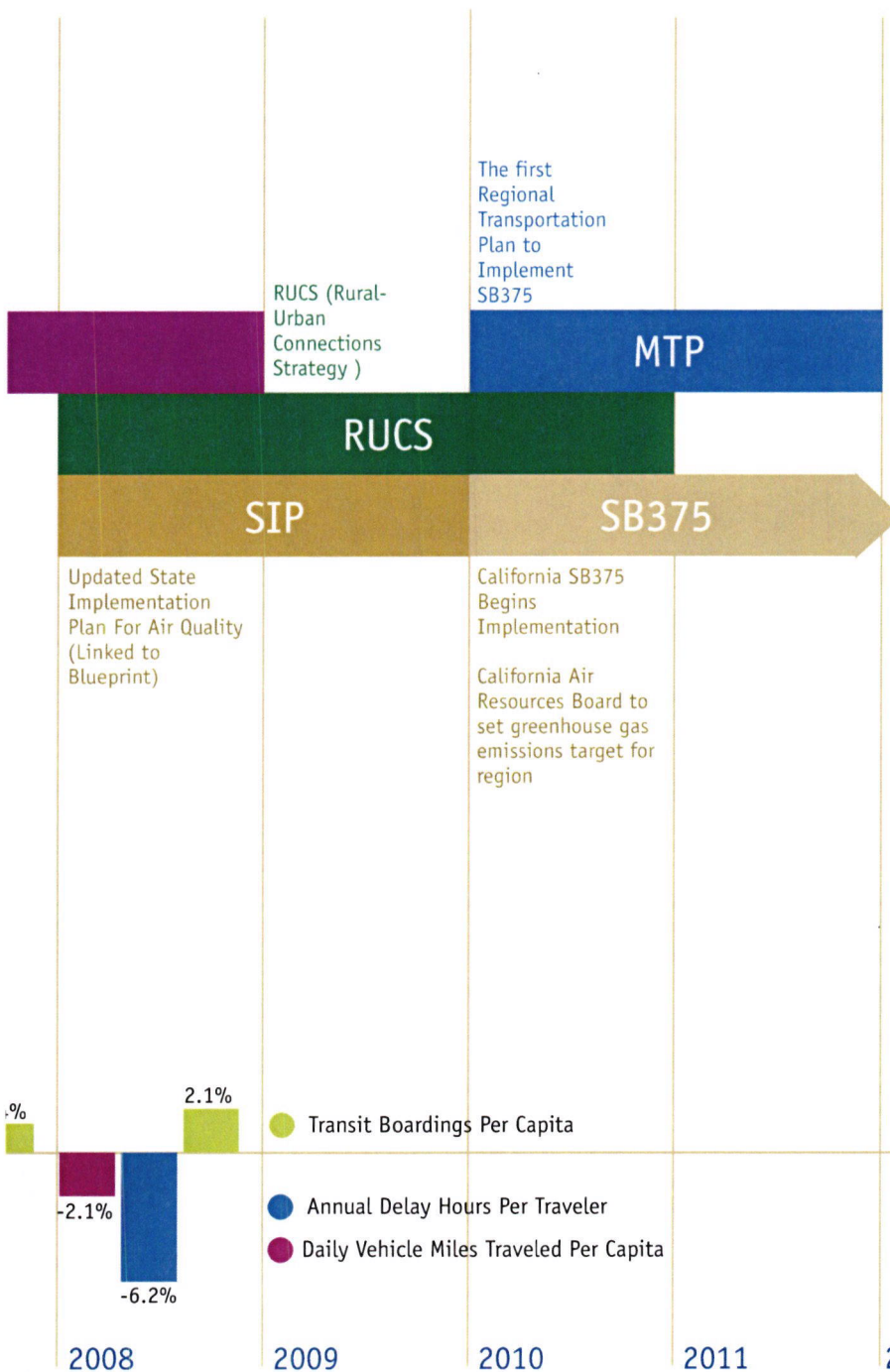




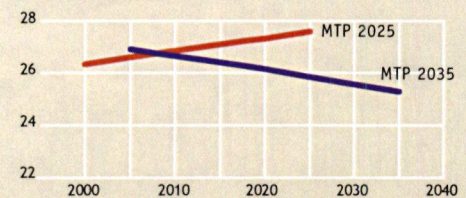
BLUEPRINT INFLUENCE IN THE REGION

Based on Blueprint, Transportation Plans Evolve

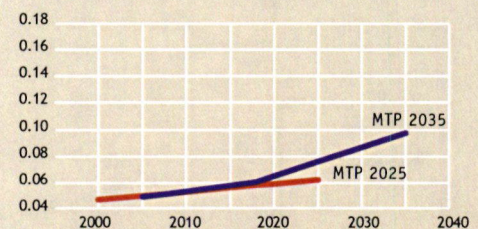
In 2002, the Metropolitan Transportation Plan for 2025 broke new ground with four regional funding programs and a balanced investment between automobile capacity, transit, bicycling and walking. Despite this balance, the plan projected a nearly 60 percent increase in congestion. This led to the need to think about growth and land use patterns, leading to the Blueprint. In 2008, SACOG adopted a Metropolitan Transportation Plan for 2035 based on the Blueprint.



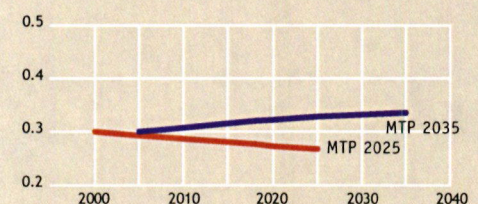
Total Weekday Vehicle Miles Traveled Per Capita



Weekday Transit Person Trips Per Capita



Weekday Non-Motorized Person Trips Per Capita

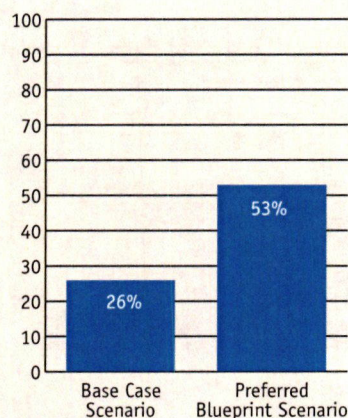




MIXED LAND USES

Building homes together with small businesses or even light industry is called “mixed-use” development, and it has proven to create active, vital neighborhoods. This type of development includes: housing near an employment center, a small shopping center near housing, or a high-rise building with ground-floor retail and apartments or condominiums upstairs. Mixed-use development near transit can boost ridership and provide a viable alternative to driving.

PEOPLE LIVING IN AREAS WITH A GOOD MIX OF JOBS AND HOUSING in 2050 (in percent)



Under the Base Case Scenario, 26 percent of people would live in communities with a good, or balanced, mix of land uses by 2050. In the Blueprint Scenario, 53 percent would live in balanced communities.



Sacramento East End Lofts

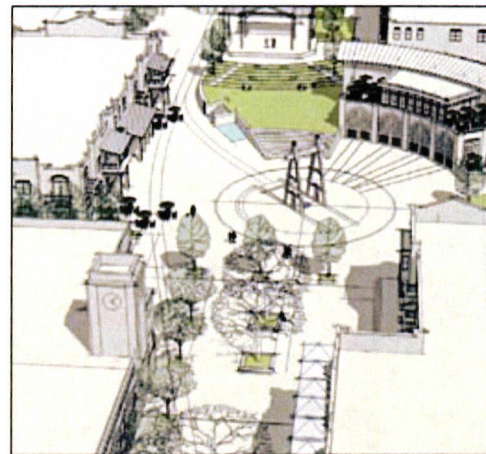
The existing masonry and concrete building was constructed in 1922 as an automobile sales and service facility. The renovated building is a strong urban presence, incorporating a mix of uses, giving it and the surrounding area a renewed sense of vitality.

The ground floor accommodates two restaurants, the second floor has modern Class-A office space, and the third and fourth floors together house 18 custom live/work lofts.



Historic Folsom Station

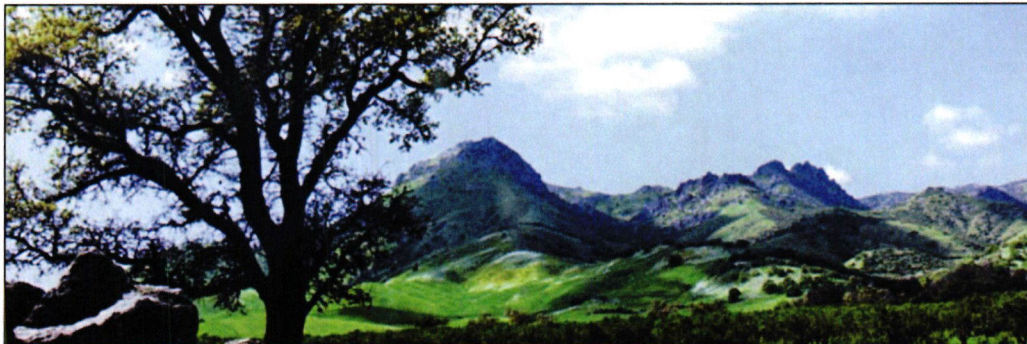
This 4.9 acre development will add mixed-use retail, residential and office space, and higher-density housing around an existing light rail station. In addition to new buildings, the site will include public open space, an amphitheatre, permanent exhibits of Folsom's trail history, linkages to transit, and landscape and pedestrian improvements.



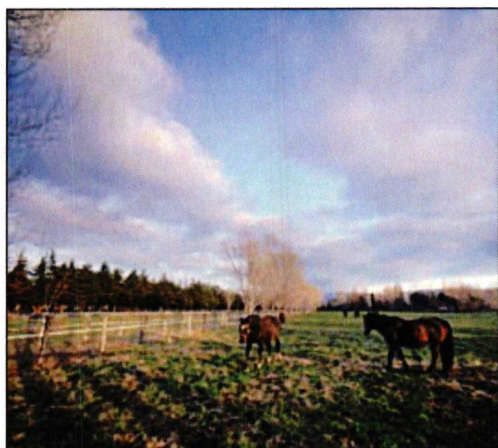
West Sacramento Civic Area

The city of West Sacramento's vision for the West Capitol Avenue corridor is to transform it into a new downtown and central core. This new, vibrant main street will take advantage of the prime location, providing an attractive mix of civic, residential, and commercial land uses. The design of the civic area will allow for multiple forms of transportation, and is critically important in integrating the north and south parts of the community, overcoming the potential divide between new and old parts of the city.





NATURAL RESOURCES CONSERVATION



Resource Management Plans

The region is currently home to several diverse habitat conservation planning efforts. Resource management plans, when well executed, provide the opportunity for economic and ecological betterment. While the status of the plans varies, all would aid in the preservation and improvement of natural habitats and critical resources. At the same time, the plans would ensure that areas home to less-critical natural resources can be developed for homes, businesses, and infrastructure in an expedited fashion.



Local Food Outlets

Food co-ops and other grocery stores in the region are offering opportunities to learn about the benefits of purchasing local foods through classes and printed materials. Some have signs indicating the producers of meats and produce, and major grocers in the region are starting to follow suit. Over 45 regional farmers' markets also serve to increase local access to food and create market opportunities for small to medium size farms.

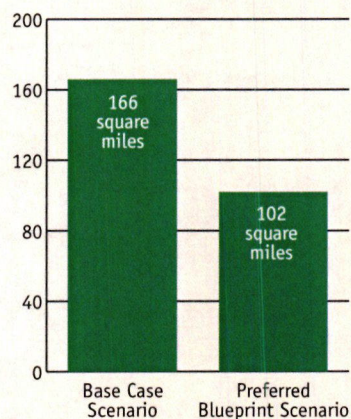


Aquatic Resources Inventory

In 2009, SACOG worked with the U.S. Army Corps of Engineers to secure nearly \$1 million dollars to establish a region-wide inventory of aquatic resources. The inventory, when complete, will help implement the various habitat conservation planning efforts in the region and also streamline the Corps' Section 404 permitting process, which regulates dredge and fill material discharge into waters and wetlands. This streamlined process may include a Blueprint-specific letter of permission, which would work to incentivize Blueprint-supportive projects by further streamlining permitting.

Our quality of life is better when we have clean air to breathe and water to drink, and when we can experience the outdoors—in parks and greenbelts or in natural places. We are more likely to ride bicycles or walk in these settings. To ensure healthy and attractive natural environments, we must preserve and maintain our open spaces, natural places, and farmland.

AGRICULTURAL LAND CONVERTED TO URBAN USES Through 2050 (in square miles)

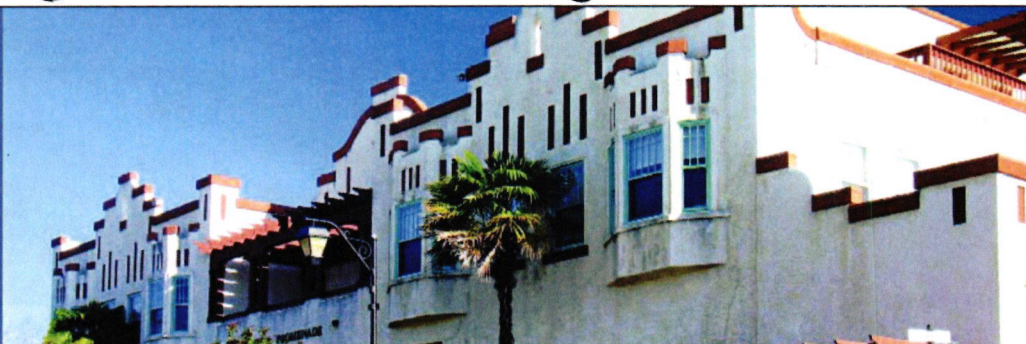


Under the Base Case 166 square miles of agricultural land would be converted into urban uses. With the Blueprint Scenario, 102 square miles would be converted from agricultural land to urban uses.



QUALITY DESIGN

How projects are developed, how they are oriented in relationship to the street, how their façades are designed, if they have setbacks and where their garages are placed, all contribute to a community's attractiveness. This also influences how much people like to walk or bicycle, and contributes to community pride and sense of ownership.



Marysville Downtown Planning Efforts

Marysville has undertaken four planning efforts to direct future public and private investment toward the goal of creating a vital, thriving and self-sustaining downtown commercial district. A critical priority is to revitalize the area and create a lively ambiance to attract people, activities and commerce to the downtown, while maintaining the downtown's historic "small-town" charm.



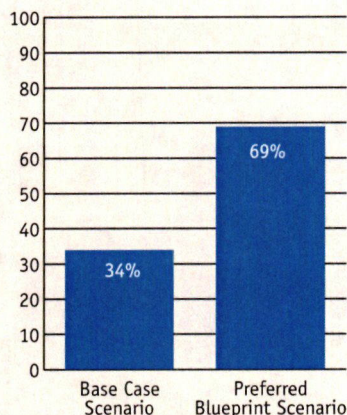
Winters Downtown Planning and Form-Based Codes

This new downtown master plan makes detailed revisions to the city of Winters' Zoning Code to enhance parking standards, and to create a more "form based" design code. The goal is to provide for a more open development of the downtown area. The city hopes to promote economic revitalization of the downtown, through mixed-use development, more pedestrian orientation, increased density for infill, and improved standards for parking and overall design.



Photo Simulation

PEOPLE LIVING IN AREAS WITH GOOD PEDESTRIAN FEATURES in 2050 (in percent)



Under the Base Case Scenario, 34 percent of people would live in pedestrian-friendly neighborhoods. In the Blueprint Scenario, in 2050 that number would rise to 69 percent.

Sacramento R Street Corridor

Sacramento's R Street corridor, once a thriving warehouse district, is being transformed into a new transit-oriented, mixed-use neighborhood. The 14&R development, formerly a bakery warehouse, now features attractive, street-level restaurants and retail. Above, 12 lofts in the historic brick building offer modern touches, including a common rooftop deck with views of downtown.





BLUEPRINT'S IMPACT:

Blueprint Informs the Metropolitan Transportation Planning Process

Each time SACOG adopts an MTP it must first adopt a 25- to 30-year growth forecast for the region, and a land use allocation that specifies its best estimate of the most likely places where that growth will occur by type of growth and geographic location. The land use pattern that forms the foundation of an MTP is based on both the policy directions cities and counties are pursuing as well as the estimated performance of the real estate market.

After the Blueprint was adopted and in order to consider changes to future land use patterns that may occur as the result of the Blueprint Map and Growth Principles, a more detailed and explicit process was developed for the creation of the MTP land use allocation. This is important, because Blueprint project research clearly shows that changes to local land use patterns could achieve significant benefits to the region's transportation system and air quality.

In order to quantify these transportation and air quality benefits, it must be shown that the changes to the land use pattern are more likely to occur than a continuation of the land use patterns of the past.

To help create the 2035 land use map and allocation for the first MTP update post-Blueprint, SACOG worked with each local government to identify their Blueprint implementation efforts. Implementation strategies are different for each jurisdiction. Some have incorporated the Blueprint principles into their general plan updates to guide future growth and development and are conforming implementing codes to the general plan updates; others have initiated area-specific plans to implement Blueprint principles; some jurisdictions created their own Blueprint implementation strategies to guide their planning and development review processes.

These individual local government's actions are occurring at different times and scales of effort. It is expected that local governments will make the final decisions on what specific changes to adopt after completing local planning processes, including citizen participation.

To support the more compact land use pattern predicted in the MTP land allocation and growth forecast, the MTP2035 invests a far greater share of transportation resources in alternative modes and trip reduction than any previous MTP.

A Changing Region

By 2035, the Sacramento region will:

- add 1.2 million residents
- add 535,000 new jobs
- add 525,000 new homes
- increase its senior population 153 percent

This plan will:

- reduce vehicle miles traveled per household by 10 percent
- hold congested travel per household to less than a 5 percent increase
- increase bus frequency, add new street cars and light rail, as well as neighborhood shuttles
- add freeway lanes for car-pools and commuter buses



BLUEPRINT'S IMPACT:

RUCS Strategy Expands on Blueprint

After completing the Metropolitan Transportation Plan for 2035, SACOG started looking at rural land use issues in more detail through the Rural-Urban Connections Strategy (RUCS). In the same way that Blueprint is an economic development strategy for urban areas, RUCS is intended to be an economic as well as environmental sustainability strategy for rural areas.

The RUCS project started by assessing challenges and opportunities across given rural topic areas (see side

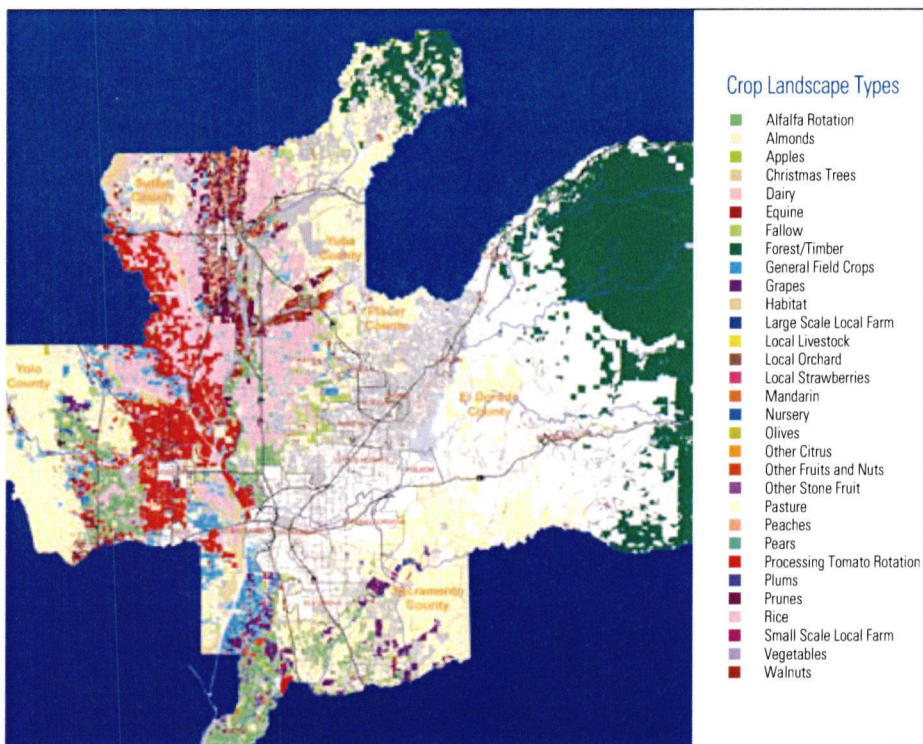
bar). These challenges and opportunities reflect collaborative work with local agriculture, planning, economic development, and environmental representatives to understand the unique issues that affect rural areas.

Through a stakeholder-driven process, SACOG is working directly with citizens, businesses, and public agencies to form strategies that enhance agriculture and rural economies, resource conservation, recreation, quality of life, and regional sustainability. This work will broaden the region's understanding of how decisions about land use, transportation, and investments affect rural areas.

Topic Areas

- **Land Use and Conservation:** policies and plans that shape rural areas and conserve agricultural and open space
- **The Infrastructure of Agriculture:** strategic improvements to transportation challenges to the production process
- **Economic Opportunities:** new ways to grow revenue and sustain regional agriculture
- **Forest Management:** building up economic and environmental value
- **Regulations:** navigating federal and state environmental guidelines

CROP MAP



Mapping Project

The RUCS team is creating a Geographic Information System based tool to assess agricultural production in the region. At the core of this rural land use assessment is crop data. The RUCS project team has collected economic data on agricultural production. When completed, this RUCS analysis capacity will be added to the I-PLACE'S model, providing the capacity to evaluate both urban and rural land use changes.

To view crop data in the region on a larger scale map, visit www.sacog.org/rucs.



REALIZING THE BLUEPRINT

SACOG helps cities and counties across the Sacramento region implement the Blueprint in small and large ways. From helping staff in the early stages of planning, to funding projects, SACOG has many tools and services available to communities.

Video & PowerPoint Libraries

SACOG continues to develop videos and PowerPoint presentations to educate community members about core principles behind the Blueprint project and transportation alternatives with visual examples.

Computer Visual Simulations

SACOG developed a web-based 3D simulation model for 56 square miles of regional study areas to help visualize a range of potential activities on infill development sites. SACOG also developed software that allows planners and designers to remove existing buildings from the simulation and add in "new" building types that displayed potential development.

I-PLACE³S

I-PLACE³S enables users to create and evaluate multiple development scenarios against a set of basecase conditions. It demonstrates how planning and design choices, made by a community, have impacts on development patterns, modal choices, redevelopment potential, and livability to name a few.

Development Review

At the request of a local government SACOG will evaluate a proposed devel-

opment project for its consistency with the Blueprint Principles and Vision Map. SACOG also provides technical planning assistance in the development or update of general plans, community plans, and specific plans.

Training Workshops for Staff & Elected Officials

SACOG provides free educational opportunities for anyone interested in planning related issues. The SACOG Planners Committee has workshops at its monthly meetings on technical and policy topics that local government planners are addressing. Workshops are also held for elected officials and planning commissioners on policy related topics.

Photo Simulations & Image Library

Photo Simulation PowerPoints are very effective tools to show the public how public investment can attract infill development and build attractive, vibrant neighborhoods. Also available for viewing, SACOG created a series of photo simulations for a variety of projects around the region.

SACOG has developed a library of photographic images for local governments, community groups and businesses to use in promoting good land uses, alternative transportation modes, and the connections between the region's urban and rural communities.

Community Workshop Facilitation

Local jurisdictions and public and non-profit organizations occasionally hold community planning workshops.

SACOG staff and resources can be made available to workshops that address community growth and revitalization issues. Services provided include facilitation, small-group leadership, educational resources and technical expertise.

Funding Programs

SACOG provides direct grants to support project-specific efforts in cities and counties that implement the Blueprint principles. The support comes in the way of competitive financial assistance. There are four programs that award grants on a two-year cycle: air quality, bicycle/pedestrian, transportation demand management, and community design.

Form-Based Code Handbook

SACOG's Form-Based Code Handbook provides background information on form-based codes, when to use it, and, most importantly, a practical step-by-step guide on how to create one. Although the case studies are not actual form-based codes, they illustrate the steps and considerations needed to create a form-base

BLUEPRINT AWARDS & RECOGNITION

The Sacramento region's Blueprint has received praise from throughout the state and nation:

One of the "Top 50" programs in Harvard University's "Innovations in American Government" Competition, Kennedy School of Government (2003)

The Governor's Award for Environmental and Economic Leadership (2003)

The Federal Highway Administration/Federal Transit Administration Transportation Planning Excellence Award (2004)

The American Institute of Architects California Chapter Presidential Citation (2004)

The Environmental Council of Sacramento (ECOS) Environmental Leadership Award (2004)

U.S. Environmental Protection Agency—National Award for Smart Growth Achievement (2004)

American Leadership Forum Mountain Valley Chapter—Thanks to You Award (2004)

Association of Metropolitan Planning Organizations—National Award for Outstanding Achievement (2004)

Sacramento Mutual Housing Association—Community Development Award (2005)

American Lung Association Sacramento Emigrant Trails—Regional Clean Air Award (2005)

Sacramento Business Journal—Real Estate Deal of the Year (2005)

Wall Street Journal—With Gas Over \$4, Cities Explore Whether It's Smart to be Dense (2008)

Sacramento Business Journal—Top 25 Stories of 25 Years (2010)



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STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION

Golden State Water Company - Sutter Pointe Certificate of Public Convenience and Necessity Project

(Application A.08-08-022)

Welcome to the California Public Utilities Commission (CPUC) website for the environmental review process for the Golden State Water Company (GSWC) - Sutter Pointe Certificate of Public Convenience and Necessity (CPCN). An application for this project was submitted to the CPUC on August 29, 2008 (Application [A.08-08-022](#)). This site provides access to public documents and information relevant to the CEQA review process.



Files linked on this page are in Portable Document Format (PDF). To view them, you will need to download the free [Adobe Acrobat Reader](#) if it is not already installed on your PC. **Note:** For best results in displaying the largest files (see sizes shown in parentheses below for files larger than 3.0 MB), right-click the file's link, click "Save Target As" to download the file to a folder on your hard drive, then browse to that folder and double-click the downloaded file to open it in Acrobat.

Introduction

BACKGROUND

GSWC has submitted Application 08-08-022 to the CPUC for a CPCN to establish a non-contiguous service area comprised of the southern, unincorporated portion of Sutter County that falls within the corporate boundaries of Natomas Central Mutual Water Company (NMWC). GSWC, through its parent company American States Water Company (ASWC), has an agreement with NMWC to provide municipal and industrial (M&I) water service to a proposed service area in south Sutter County known as the Sutter Pointe Specific Plan Area.

An EIR for the Sutter Pointe Specific Plan was certified by the Sutter County Board of Supervisors on June 30th, 2009. The EIR included a programmatic assessment of development of the entire specific plan area and a project-level analysis for the first phase of development. The EIR stated that it was the intent of the County and the Sutter County Water Agency (SCWA) to form a community services district or other County-related entity to provide water utility service for Sutter Pointe but also identified the intent of GSWC to provide water service for Sutter Pointe. The Sutter Pointe Specific Plan EIR analysis of impacts associated with water services assumed that such services could be provided either by a County-related entity or by GSWC, and that, "[r]egardless of the entity that provides the service, ...the same sources of water supply would be used, therefore the analysis of the physical water availability would not change..."

In July 2009, a Memorandum of Agreement (MOA) was signed between Sutter County, SCWA, and GSWC. In the MOA, it was agreed that the CPUC would tier from and incorporate by reference information to the extent relevant and appropriate from the Water Supply Assessment (WSA) prepared for the Sutter Pointe Specific Plan (adopted June 30, 2009) and the Sutter Pointe EIR in the environmental review document prepared for A.08-08-022. In addition, Sutter County and SCWA reaffirmed their interpretation that the WSA and Sutter Pointe EIR adequately analyzed the impacts of providing water service to Sutter Pointe whether such water service is by a County-related entity or by GSWC. Therefore, the CPUC will prepare a Focused Tiered EIR to address the environmental impacts associated with the construction and operation of new water supply infrastructure to support development of the Sutter Pointe Specific Plan Area.

Notice of Preparation

On January 14, 2010 the CPUC published a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the GSWC - Sutter Pointe CPCN Project (A.08-08-022). Click [here](#) to view the NOP.

This NOP was circulated for a public response period beginning January 14, 2010 and ending February 12, 2010. This period is now closed.

Scoping Meeting

Two scoping meetings were held to receive agency and public comments at the following times and location:

Wednesday February 3, 2010
2:00 pm - 4:00 pm & 6:00 pm to 8:00 pm
Veterans Memorial Community Building
1425 Veterans Memorial Circle,
Yuba City, CA 95993

Current Status

The EIR is currently in the 45 day public review period as required by CEQA. Any additional public review documents will be posted on this website when they are available.

DEIR

Public Review Period for this DEIR

On April 28, 2010 the CPUC published a Notice of Availability (NOA) of a Focused Tiered Draft Environmental Impact Report (DEIR) for the GSWC - Sutter Pointe CPCN Project (A.08-08-022). Click [here](#) to view the NOA.

The 45 day public review period for this DEIR will extend from April 28, 2010 through June 14, 2010. The DEIR will be available for review at the Sutter County Library Main Branch, 750 Forbes Avenue, Yuba City, CA 95991 and here, on the project website.

- To view the Executive Summary, click [here](#).
- To view the complete DEIR, click [here](#) (7.12mb) to view the DEIR.

Copies of the DEIR on CD may be requested by phone or by e-mail. The CPUC also has a limited number of copies of the complete DEIR document available for public review upon request at the CPUC offices at 505 Van Ness Avenue, San Francisco, CA 94102. Written comments on the DEIR must be received by fax or e-mail no later than Monday, June 14, 2010; please be sure to include your name, address, and telephone number. Written comments on the DEIR should be sent to:

Andrew Barnsdale c/o
Environmental Science Associates
2600 Capitol Avenue, Ste. 200
Sacramento California 95816
Attn: Sutter Pointe Project
Phone: (916) 231-1273
Fax: (916) 564-4501
Email: CPUC-GSWC@esassoc.com

Public Meeting

A public meeting for the DEIR will be held to receive agency and public comments at the following time and location:

Wednesday May 19, 2010
4:00 pm to 6:00 pm
Veterans Memorial Community Building
1425 Veterans Memorial Circle,
Yuba City, CA 95993

Proponent's Environmental Assessment (PEA)

The application and PEA for the GSWC - Sutter Pointe CPCN Project may be viewed [here](#).

To view the Application for the project click [here](#). [pdf 4.3mb]

To view the PEA for the project click [here](#). [pdf 84.6mb]

For Additional Information

The CPUC, through its Environmental Review Team, is managing the [environmental review](#) of the project. To request additional information or to be added to the mailing list, please contact us by email, fax, or phone, as follows:

Project email: CPUC-GSWC@esassoc.com
Project fax: (916) 564-4501
Phone: (916) 231-1273

WEBSITE INFO

This page contains tables and is best viewed with Firefox or Internet Explorer.
Please report any problems to the [Energy Division web coordinator](#).

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