

**RESOLUTION NO. LAFC 2013-11-1106-09-10**

**RESOLUTION OF THE  
SACRAMENTO LOCAL AGENCY FORMATION COMMISSION  
ADOPTING FINDINGS OF FACT AND A STATEMENT OF OVERRIDING  
CONSIDERATIONS FOR THE SPHERE OF INFLUENCE AMENDMENT FOR THE  
CITY OF ELK GROVE SPHERE OF INFLUENCE AMENDMENT  
(State Clearinghouse #2010092076)  
(LAFC #09-10)**

**WHEREAS**, on May 21, 2008, the City of Elk Grove (“City”) submitted an application, and on August 18, 2010, submitted a revised application to the Sacramento Local Agency Formation Commission (“Commission”) for an amendment of its Sphere of Influence;

**WHEREAS**, a Notice of Preparation was issued October 1, 2010. A Notice of Availability of a Draft Environmental Impact Report (“DEIR”) was issued September 29, 2011, to over 100 interested parties, including agencies and members of the public. The public comment period for the DEIR was initially open from September 29, 2011 to November 14, 2011. In response to public comments provided to the Commission at the regular meeting of November 2, 2011, the public comment period was extended through November 21, 2011;

**WHEREAS**, on May 2, 2012, the Commission directed staff to prepare a Recirculated Draft Environmental Impact Report (“RDEIR”) for recirculation for the review and comments of the public and affected agencies. A Notice of Availability was issued March 19, 2013, to over 100 interested parties, including agencies and members of the public. The RDEIR was circulated for a sixty day public review period - March 21, 2013, to 4:00 p.m. May 21, 2013. LAFCo also solicited public input throughout the EIR process by holding numerous public workshops and hearings;

**WHEREAS**, a Final Environmental Impact Report (“FEIR”), which incorporated the DEIR and RDEIR by reference and provided responses to public comments, was prepared and distributed to the public on September 27, 2013;

**WHEREAS**, the Commission considered the FEIR during its meeting on November 6, 2013; and

**WHEREAS**, the Commission has, by means of Resolution No. LAFC 2013-10-1106-09-10, certified that the FEIR has been prepared in full compliance with the terms of the California Environmental Quality Act;

**NOW, THEREFORE, THE SACRAMENTO LOCAL AGENCY FORMATION COMMISSION RESOLVES AS FOLLOWS:**

1. The Commission hereby approves and adopts the Findings of Fact and Statement of Overriding Considerations attached hereto as Attachment A, which are incorporated herein, pursuant to CEQA Guidelines sections 15091, 15092, and 15093. The FEIR sets forth environmental impacts that would be significant or potentially significant in the absence of

mitigation measures. As to each such impact, the Commission finds that changes or alterations incorporated into the project mitigate or avoid the significant or potentially significant environmental impacts. The FEIR also sets forth impacts that are significant and unavoidable and cannot be mitigated or avoided through the adoption of feasible mitigation measures or feasible alternatives. As to these impacts, the Commission finds that there exist certain overriding economic, social, and other considerations for approving the project that the Commission has determined justify the occurrence of those impacts.

2. The Commission certifies that the FEIR has been presented to it, the Commission has reviewed the FEIR and has considered the information contained in the FEIR prior to acting on the proposed project, and that the FEIR reflects the Commission's independent judgment and analysis.

3. The Commission directs that, upon approval of the Sphere of Influence Amendment, the Executive Officer is directed to file a Notice of Determination with the County Clerk of Sacramento County and with the State Office of Planning and Research, pursuant to the provisions of CEQA, Public Resources Code section 21152.

4. Pursuant to CEQA Guidelines section 15091, subdivision (e), the documents and other materials that constitute the record of proceedings upon which the Commission has based its decision are located in and may be obtained from, the Commission Clerk at 1112 I Street, Suite 100, Sacramento, California.

On a motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing Resolution was passed and adopted by the SACRAMENTO LOCAL AGENCY FORMATION COMMISSION, State of California, this \_\_\_\_\_ day of November, 2013, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Jimmie Yee, Chair  
SACRAMENTO LOCAL AGENCY  
FORMATION COMMISSION

ATTEST:

\_\_\_\_\_  
Commission Clerk

**Exhibit A**



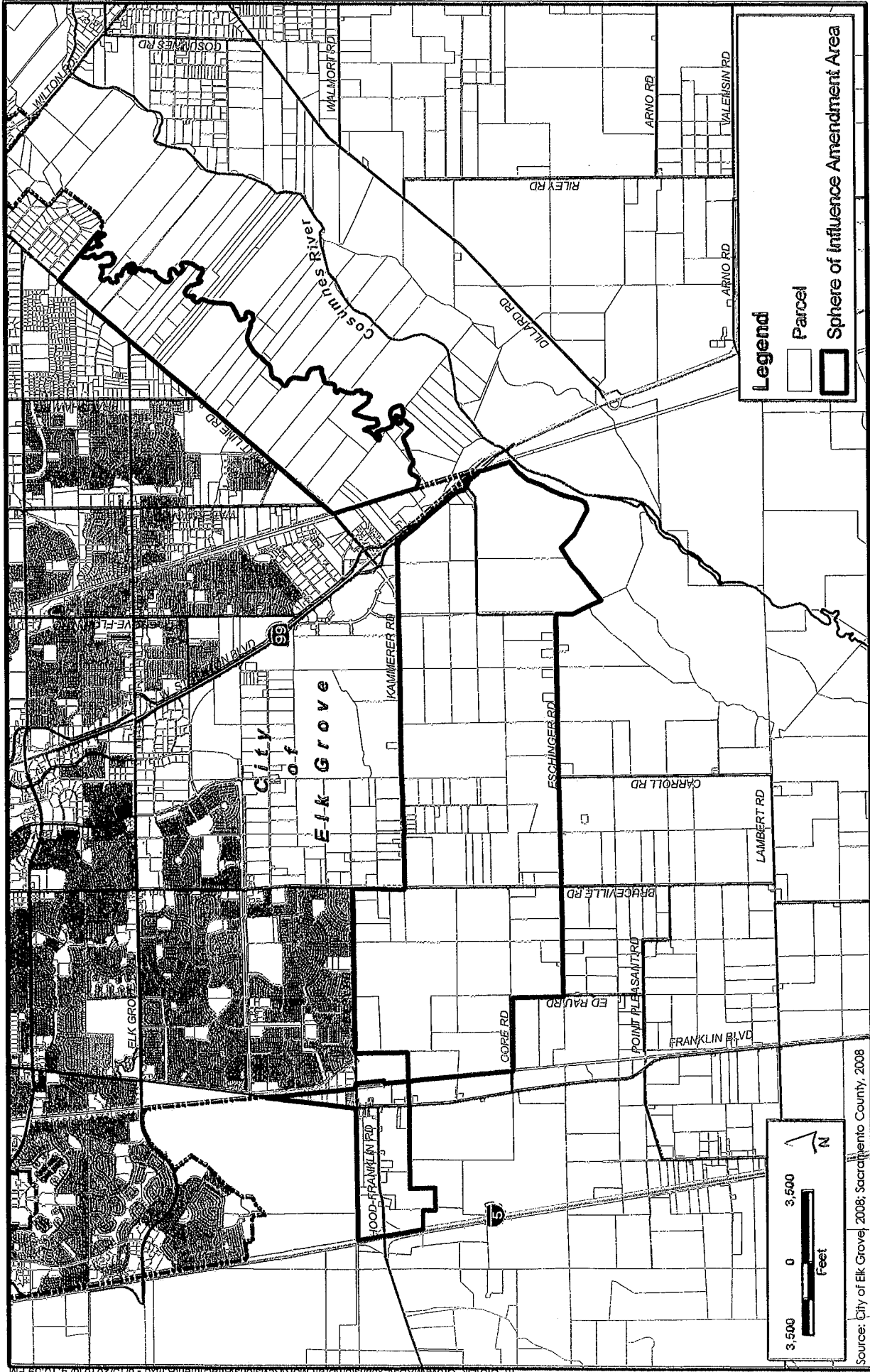
**ENHANCED REGIONAL ALTERNATIVE 4,040 +/- ACRES**

**Legend**

- Urban Service Boundary
- Ek Grove Sphere of Influence Amendment Area 7,770 AC.
- Enhanced Regional Alternative - Existing in USB 2,064 AC.
- Enhanced Regional Alternative - Balance 1,976 AC.
- City of Ek Grove

Ek Grove Sphere of Influence Amendment Area 7,770 AC.  
Enhanced Regional Alternative - 4,040 AC. (52%)  
Difference 3,730 AC.





**Attachment B**  
**Sphere of Influence Amendment Area**

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**Attachment A to Resolution No. LAFC 2013-11-1106-09-10**

**Sacramento Local Agency Formation Commission**

**City of Elk Grove (LAFC #09-10)  
Sphere of Influence Amendment  
(CEQA EIR SCH #2010092076)**

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*Findings of Fact  
& Statement of  
Overriding Considerations*

**Prepared by the  
Sacramento Local Agency Formation Commission**

**November 2013**

**FINDINGS OF FACT**  
**ENVIRONMENTAL IMPACT REPORT**  
**for the**  
**CITY OF ELK GROVE SPHERE OF INFLUENCE AMENDMENT**

**I. INTRODUCTION**

**A. Purpose of CEQA**

The California Environmental Quality Act (“CEQA”), Public Resources Code section 21000, et seq., generally requires that a lead agency must take reasonable efforts to mitigate or avoid significant environmental impacts when approving a project.

In order to effectively evaluate any potentially significant environmental impacts of a proposed project, an environmental impact report (“EIR”) must be prepared. The EIR is an informational document that serves to inform the agency decision making body and the public in general of any potentially significant environmental impacts. The preparation of an EIR also serves as a medium for identifying possible methods of minimizing any significant effects and assessing and describing reasonable alternatives to the project.

Once an EIR has been completed that identifies one or more potentially significant environmental impacts, the approving agency must make one or more of the following findings for each identified area of impact:

1. Changes or alternatives which avoid or mitigate the significant environmental effects as identified in the EIR have been required or incorporated into the project; or
2. Such changes or alternatives are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or
3. Specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Draft Environmental Impact Report (“DEIR”). (Pub. Resources Code, § 21081.)

**B. Proposed Project**

The proposed Sphere of Influence Amendment (“SOIA”) consists of a request initiated by the Elk Grove City Council (Resolution #2008-54) to the Sacramento Local Agency Formation Commission (“LAFCo”) to amend the City of Elk Grove’s Sphere of Influence (“SOI”). The

current City boundaries and coterminous SOI encompass 26,974 acres. Having a coterminous SOI and city boundary is atypical because with a coterminous SOI, there is no extraterritorial area for a city to plan for future growth through annexation and related boundary changes.

The application to amend the SOI requests 7,869 acres generally described as the areas south of Bilby Road/Kammerer Road and Grant Line Road, as shown in Exhibit B. The City of Elk Grove application includes land use projections that indicate that future growth may require additional lands outside of the current City boundary. The City's available residential, industrial, and commercial land inventory is in the process of building-out and may be unable to accommodate all anticipated urban growth within the City limits. As a result, the City seeks to establish a direction to accommodate its anticipated future growth by designating an area for long-term planning that may also allow for a beneficial jobs-housing balance.

For purposes of analyzing environmental impacts, LAFCo staff, in consultation with City staff, has developed land use assumptions that would allow the Commission and the public to understand environmental effects of expanding the City's SOI that may result from potential growth during future annexations. There are no specific land use entitlements proposed at this time in conjunction with the proposed SOIA. California Government Code section 65300 provides that a city may comprehensively plan for lands outside of its jurisdiction without the area being within an approved SOI.

However, while the Elk Grove City Council has expressed its desire to have the proposed SOI area master planned, the Council has explicitly stated that no comprehensive planning of the area will occur unless and until LAFCo approves the SOIA. The City's General Plan currently does not include any land use designations for the proposed SOIA Area. The General Plan designations cover only the current City boundaries. The majority of the SOIA area is included in the General Plan planning area, as a "Study Area." Therefore, for the purposes of analyzing potential environmental impacts of the projects, land use assumptions were developed by LAFCo in consultation with City staff by considering existing land uses under the General Plan for other areas within the City, then projecting reasonably foreseeable land uses within the proposed SOIA Area based on the existing land use designations.

The current City boundaries with the coterminous SOI encompass 26,974 acres. The proposed SOIA would expand the existing SOI, not the city limits, by 7,869 acres, or by 29 percent, to a total SOI of 34,843 acres. However, anticipated future growth and expansion through the annexation process would be limited to areas outside of the Federal Emergency Management Agency ("FEMA") 100-year floodplain, in accordance with Elk Grove Safety Policy SA 15. Likewise, the Central Valley Flood Management Planning Program will require 200-year floodplain protection for urban areas. This would limit future growth to 6,882 acres of the proposed 7,869-acre SOI expansion, leaving 13 percent of the area for non-urban uses, such as open space. The following table shows the total acreages in the existing and proposed SOIA areas:

	Acres
Current City boundaries/SOI	26,97
Proposed SOI Amendment	7,869
Overall SOI area	34,84
Source: City of Elk Grove, Sphere of Influence Amendment Application, 2010.	

**C. The Enhanced Regional Alternative**

The Enhanced Regional Alternative (“ERA”) contains approximately 4,040 acres located both inside and outside the Sacramento County General Plan Urban Services Boundary (“USB”). Approximately one-half of the ERA is located within the County USB and approximately one-half is located outside of the County USB. The ERA was initially defined on page 5-3 of the Recirculated Draft Environmental Impact Report (“RDEIR”) as containing 4,350 acres. However, after publication of the Final Environmental Impact Report (“FEIR”), LAFCo staff further refined the ERA to avoid parcel splitting between Interstate 5 and State Route 99 (“SR-99”). The refined ERA is now 4,040 acres, as described in Exhibit A, attached hereto. To the west of SR-99, the ERA follows the Sacramento County USB as well as FEMA mapping criteria, which is fixed and can be readily ascertained. The reduction from 4,350 acres to 4,040 acres eliminated acreage south of Kammerer Road which contains agricultural lands. The staff refinement of the ERA thus preserves additional agricultural land.

The ERA would allow the expansion of the City of Elk Grove’s SOI over 2,775 acres immediately to the south of the current City limits, generally 0.5 mile north of Eschinger Road, in the area between SR-99 and Franklin Boulevard and approximately 1,575 acres in the area east of SR-99 that is currently within the County General Plan Urban Services Boundary, for a total of 4,040 gross acres. This alternative is illustrated in Exhibit 5-2 of the RDEIR. The ERA would be located within portions of the area identified by the Sacramento Area Council of Governments (“SACOG”) Blueprint Preferred Scenario for Elk Grove as a Medium Density Residential place type and as Vacant Urban Designated Lands (2050) and it incorporates areas east of SR-99 within the County’s USB.

This ERA aims to encompass an unincorporated area of the County that would allow the City to meet many of its objectives for future growth and expansion but would focus on siting that growth in areas that meet regional as well as City objectives, as set forth in regional land use policy, and transportation and air quality planning documents (e.g. County General Plan and Sacramento Sustainable Communities Strategy (“SCS”). By encouraging more compact urban development, the ERA would reduce potential environmental impacts to air quality and greenhouse gas emissions, and the loss of agricultural and biological resources. This alternative would also largely avoid FEMA designated floodplains and extension of the SOIA Area near the Stone Lakes National Wildlife Refuge.

**D. Selection of the Enhanced Regional Alternative**

The ERA to the proposed project is the environmentally superior alternative, as determined in the RDEIR. CEQA allows a lead agency to select an alternative to the project instead of the



proposed project, especially if the alternative has less impacts on the environment than the proposed project. The ERAERA meets all of the project objectives with the least environmental impacts.

Therefore, the Commission selects and approves the ERA, as illustrated in Exhibit A attached hereto and incorporated herein, for the amended boundary of the City of Elk Grove's SOI. As a result, the ERA is referred to throughout these Findings as the SOIA or the SOIA Area. The SOI Amendment as originally proposed by the City of Elk Grove is referred to as the proposed project.

## II. FINDINGS REQUIRED UNDER CEQA

### A. **Procedural Findings**

Based on the initial study conducted for the proposed project, LAFCo determined, on substantial evidence, that the proposed project may have a significant effect on the environment and prepared an EIR. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code § 21000 *et seq.*, the CEQA Guidelines (14 California Code of Regulations § 15000 *et seq.*) and the LAFCo policies, as follows:

- a. The Notice of Preparation was issued October 1, 2010. A Notice of Availability was issued September 29, 2011, to over 100 interested parties, including agencies and members of the public. The public comment period for the DEIR was initially open from September 29, 2011, through November 14, 2011. In response to public comments provided to the Commission at the regular meeting of November 2, 2011, staff extended the public comment period through November 21, 2011.
- b. On May 2, 2012, the Commission directed staff to prepare a DEIR for recirculation for the review and comments of the public and affected agencies. A Notice of Availability was issued March 19, 2013, to over 100 interested parties, including agencies and members of the public. The RDEIR was circulated for a sixty day public review period - March 21, 2013, to May 21, 2013. LAFCo also solicited public input throughout the EIR process by holding numerous public hearings and workshops.
- c. The FEIR was prepared and distributed during September 2013. The FEIR consists of the following:
  - i. The DEIR and RDEIR prepared by Sacramento LAFCo as lead agency for the project to incorporate LAFCo factors and issues.
  - ii. Comments submitted to LAFCo received from persons, organizations, and public agencies on the RDEIR.

- iii. The responses of Sacramento LAFCo related to significant environmental issues raised in the review and comment period which have been incorporated in the FEIR.
- d. The FEIR evaluated potentially significant adverse environmental impacts that could be associated with the project, and identified mitigation measures and project alternatives that would reduce or eliminate these impacts. The RDEIR did not set forth policy for Sacramento LAFCo about the proposed project's desirability. Rather, the RDEIR was an informational document to be used by the public, decision-makers, and public agencies. During the project review process, Sacramento LAFCo must consider all feasible mitigation measures and alternatives developed in the RDEIR to substantially lessen anticipated environmental impacts of the proposed project.
- e. The FEIR was prepared and distributed during September 2013. As required by CEQA Guidelines section 15088, subdivision (b), public agencies that commented on the DEIR and/or the RDEIR were provided at least 10 days to review the proposed responses prior to the date for consideration of the FEIR for certification. A hearing to certify the FEIR will be held on November 6, 2013.

## **B. Record of Proceedings**

For the purposes of CEQA, and the findings herein set forth, the administrative record for the Project consists of those items listed in Public Resources Code section 21167.6, subdivision (e). The record of proceedings for LAFCo's decision on the SOIA consists of the following documents, at a minimum, which are incorporated by reference and made part of the record supporting these findings:

- The City of Elk Grove Application package for the SOIA, and all attachments and supplemental information thereto, including but not limited to, the Master Services Element, dated August 2013.
- All environmental documents prepared in compliance with CEQA, public notices, public review comments, and supporting reports that were received or were prepared for the proposed SOIA, together with all documents that the CEQA documents relied upon or incorporated by reference.
- All relevant, non-privileged communications, staff reports, memoranda, maps, letters, meeting minutes, or other documents that were prepared for, or received by, Sacramento LAFCo which are available to the public in accordance with the California Public Records Act, and all documents cited or referred to therein.
- Matters of common knowledge to the Sacramento LAFCo, including, but not limited to:

- 1) The September 5, 1990 Policies, Standards and Procedures for LAFCo, as amended through May 5, 1993;
  - 2) The City of Elk Grove 2003 General Plan and all updates, including the Land Use map and all elements thereof;
  - 3) The 1993 and 2030 County of Sacramento General Plans, as amended, including the Land Use map and all elements thereof;
  - 4) Zoning Ordinance of the City of Elk Grove;
  - 6) Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December, 2004;
  - 7) The 1994 Air Quality Attainment Plan for the County of Sacramento
  - 8) All adopted laws, rules, regulations, and policies of the Sacramento Metropolitan Air Quality Management District;
  - 9) The State of California Clean Air Act, and all adopted policies, requirements, and plans of the State of California Air Resources Board and the State Department of Transportation; and
  - 10) The Federal Clean Air Act, the California State Improvement Plan, and all applicable federal rules and regulations.
- The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, codified as section 56000 of the California Government Code, as amended.
  - Other formally adopted laws, ordinances, and policies, including, but not limited to section 65000 of the California Government Code, known unofficially as the Planning and Zoning law.
  - Sources of information relied upon in the DEIR, RDEIR and FEIR for the City of Elk Grove SOIA, as listed in such documents, and as maintained in the files of Sacramento LAFCo.
  - Any documents expressly cited in these findings, in addition to those cited above.
  - Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

Pursuant to CEQA Guidelines section 15091, subdivision (e), the administrative record of these proceedings is located, and may be obtained from Sacramento Local Agency Formation Commission, 1112 I Street, Suite 100, Sacramento, CA 95814.

### **C. Findings on Environmental Impacts**

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environment impacts that would otherwise occur. Mitigation measures or alternatives are not required, however, where such measures are infeasible or where the responsibility for the project lies with some other agency. (CEQA Guidelines, § 15091, subs. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (bb); see also Pub. Resources Code, § 21081, subd. (b).)

In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of *both* mitigation measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an "acceptable" level solely by the adoption of feasible mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact — even if the alternative would render the impact less severe than would the proposed project as mitigated. (*Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California* ("Laurel Heights I") (1988) 47 Cal.3d 376, 400-403.)

These Findings are divided into sections according to category of impact. Each section begins with a general discussion of how the impacts of the ERA, referred to as the Project, are the same as, or less than the impacts of the proposed project studied in the EIR. In these Findings, LAFCo first addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures. Only after determining that, even with the adoption of all feasible mitigation measures, an effect is significant and unavoidable, does LAFCo address the extent to which alternatives described in the EIR are (i) environmentally superior with respect to that effect and (ii) "feasible" within the meaning of CEQA.

In cases in which a project's significant effects cannot be mitigated or avoided, an agency, after adopting proper findings, may nevertheless approve the project if it first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the "benefits of the project outweigh the significant effects on the environment." (Pub. Resources Code, § 21081, subd. (b); see also CEQA Guidelines, §§ 15093, 15043, subd. (b).) In the Statement of Overriding Considerations found at the end of these Findings, the City identifies the specific economic, social, and other considerations that, in its judgment, outweigh the significant environmental effects that the Project will cause.

The California Supreme Court has stated that "[t]he wisdom of approving ... any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Citizens of Goleta Valley v. Board of Supervisors* ("Goleta II") (1990) 52 Cal.3d 553, 576.)

These findings constitute LAFCo's best efforts to set forth the evidentiary and policy bases for its decision to approve the SOIA in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the FEIR are feasible and have not been modified, superseded or withdrawn, LAFCo hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when LAFCo adopts a resolution approving the SOIA and expansion.

The DEIR identified a number of beneficial, significant, and potentially significant environmental effects (or "impacts") that the SOIA will cause. Some of these significant effects can be fully avoided through the adoption of feasible mitigation measures. Other effects cannot be avoided by the adoption of feasible mitigation measures or alternatives, and thus will be significant and unavoidable. Some of these unavoidable significant effects can be substantially lessened by the adoption of feasible mitigation measures. Other significant, unavoidable effects cannot be substantially lessened or avoided. For reasons set forth in Section XII *infra*, however, LAFCo has determined that the significant, unavoidable effects of the Project are outweighed by overriding economic, social, and other considerations.

Pursuant to CEQA Guidelines section 15091, LAFCo makes the following findings:

### Summary of Impacts to Aesthetics

Compared to the proposed project, under the ERA, future annexation and development activities would occur within a smaller footprint located immediately adjacent to the southern City of Elk Grove city limits. The proposed project's visual character and scenic vista impacts were found to be significant and unavoidable from potential future urbanization of the SOIA Area under the proposed project. Future urban growth under this alternative would be similar to the proposed project. Therefore, this alternative would not reduce visual impacts to less than significant, since development would occur in an area that is currently rural, and any future development would continue to exhibit similar visual characteristics associated with urban growth. However, because this alternative would result in less land converted to urban uses, this alternative would have impacts on aesthetics that are less than the proposed project.

**Impact AES-1:** The Project may have a substantial adverse effect on a scenic vista.

**Mitigation:** No feasible mitigation measure is available.

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of

another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Although the proposed SOIA would amend the City's Sphere of Influence boundaries, property within the SOIA Area would not be within the City's jurisdiction until LAFCo approves future requests for annexation of property. Upon approval of those future requests for annexation, the newly annexed property would be within the City's jurisdiction and subject to applicable City General Plan policies and regulations. General Plan Policy LU-35 and associated action items ensure that new development complies with the City's Design Guidelines. Compliance with these General Plan policies and associated action items would ensure development is consistent with the character of the developed portion of the City. However, the existing character of the SOIA Area would change as the area is developed, and scenic vistas could still be adversely affected by the Project, making this impact significant and unavoidable.

**Reference:** RDEIR, Section 3.1.6.

**Impact AES-3:** The Project may degrade the visual character of the project site and its surroundings.

**Mitigation Measure AES-3: Effects on Visual Character:** To mitigate impacts on visual character, prior to the submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that: (1) Trees that function as an important part of the City's or a neighborhood's aesthetic character or as natural habitat should be retained to the extent feasible during the development of new structures, roadways (public and private, including roadway widening), parks, drainage channels, and other uses and structures. (2) If trees cannot be preserved on-site, the City may require off-site mitigation or payment of an in-lieu fee. Trees that cannot be preserved shall be replaced either on- or off-site as required by the City, and trees planted for mitigation should be located in the same watershed as the trees that were removed, when feasible.

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Mitigation Measure AES-3 would reduce some impacts related to the alteration of scenic resources. However, land uses and the visual character of the SOIA Area would change with implementation of the proposed SOIA. Therefore, this impact is considered significant and unavoidable.

**Reference:** RDEIR, Section 3.1.6.

**Impact AES-4:** Implementation of the ERA may result in the introduction of substantial new sources of light and glare.

**Mitigation Measure AES-4: Impacts on Light and Glare:** To mitigate impacts on light and glare, prior to the submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that: All projects in the SOIA Area shall comply with the City of Elk Grove's Citywide Design Guidelines by minimizing the use of reflective materials in building design in order to reduce the potential impacts of daytime glare and designing outdoor light fixtures to be directed/shielded downward and screened to avoid nighttime lighting spillover effects on adjacent land uses and nighttime sky glow conditions.

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Upon approval of those future requests for annexation, the newly annexed property would be within the City's jurisdiction and subject to applicable City General Plan policies and regulations. City General Plan Policy LU-35 Actions 2 and 3 ensure that the City's Design Guidelines include provisions to minimize the use of reflective materials in building design and for the design of outdoor light fixtures to be directed/shielded downward and screened. Compliance with these City General Plan actions would ensure that the increase in light and glare within the SOIA Area is reduced to a less than significant level. Implementation of Mitigation Measure AES-4 would reduce the increase in light and glare within the SOIA Area to

a less than significant level by requiring the design to avoid spillover and sky glow impacts.

**Reference:** RDEIR, Section 3.1.6.

### **Summary of Impacts to Agricultural Resources**

As discussed in Section 3.2, Agricultural Resources, the potential development of the SOIA Area would result in significant and unavoidable impacts associated with the loss of Important Farmlands, conflict with Williamson Act contracts and involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to nonagricultural use. The ERA would result in loss of Important Farmland and Williamson Act land, as most of the land is identified as prime farmland or farmland of statewide importance, and some is identified as under Williamson Act contracts. However, this alternative would affect less acreage of Important Farmland and Williamson Act land than the proposed project. Therefore, this alternative would have fewer agricultural impacts than the proposed project.

**Impact AG-1:** The Project may convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (“Farmland”), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use.

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

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



In addition, the City shall demonstrate to LAFCo, through policy or adopted planning documents that it will impose the following minimum conservation easement content standards:

- a) All owners of the agricultural/wildlife habitat mitigation land shall execute the document encumbering the land.
- b) The document shall be recordable and contain an accurate legal description of the agricultural/wildlife habitat mitigation land.
- c) The document shall prohibit any activity that substantially impairs or diminishes the agricultural productivity of the land. If the conservation easement is also proposed for wildlife habitat mitigation purposes, the document shall also prohibit any activity that substantially impairs or diminishes the wildlife habitat suitability of the land.
- d) The document shall protect any existing water rights necessary to maintain agricultural uses on the land covered by the document and retain such water rights for ongoing use on the agricultural/wildlife habitat mitigation land.
- e) Interests in agricultural/habitat mitigation land shall be held in trust by an entity acceptable to the City and/or by the City in perpetuity. The entity shall not sell, lease, or convey any interest in agricultural/wildlife habitat mitigation land that it acquires without the City's prior written approval.
- f) The applicant shall pay to the City an agricultural/wildlife habitat mitigation monitoring fee to cover the costs of administering, monitoring, and enforcing the document in an amount determined by the receiving entity, in an amount determined by the City.
- g) The City shall be named a beneficiary under any document conveying the interest in the agricultural/wildlife habitat mitigation land to an entity acceptable to the City.
- h) If any qualifying entity owning an interest in agricultural/wildlife habitat mitigation land ceases to exist, the duty to hold, administer, monitor, and enforce the interest shall be transferred to another entity acceptable to the City or transferred to the City.

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

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** The Project by itself would not directly result in development proposals or proposed changes to General Plan land use designations or zoning classifications that would have the potential to convert Farmland; therefore, direct conversion of Farmland would not occur. However, approval of the SOIA by LAFCo would indicate that the Commission has considered the revised SOIA Area for future urbanization; therefore, indirect impacts related to permanent conversion of agricultural uses to urban uses would be potentially significant. Implementation of Mitigation Measure AG-1 would reduce the conversion of Farmland by setting aside lands in permanent conservation easements.

However, because it is reasonably foreseeable that annexation and development would ultimately follow the expansion of the SOIA, the SOIA would indirectly result in the permanent loss of Important Farmland; impacts would remain significant and unavoidable.

**Reference:** RDEIR, Section 3.2.5.

**Impact AG-2:** The Project may conflict with existing zoning for agricultural use or a Williamson Act contract.

**Mitigation Measure AG-2:** Implement Mitigation Measure AG-1.

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Implementation of Mitigation Measure AG-1, as noted above, would reduce the conversion of farmland, including Williamson Act contract land, by setting aside lands in permanent conservation easements. However, this mitigation would not reduce the impact to a less than significant level because the proposed SOIA may indirectly result in the permanent loss of Williamson Act contract land and would not create additional farmland to replace it. As such, this impact would remain significant and unavoidable.

**Reference:** RDEIR,

**Impact AG-3:** The Project may involve other changes in the existing environment, which due to

their location or nature, could result in conversion of Farmland to nonagricultural use.

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

**With Mitigation the Environmental Effects are Found to be:**

Significant                       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Mitigation Measure AG-3 would require the City to prepare a plan to avoid land use compatibility conflicts prior to annexation. The plan shall include implementation of the City's Agricultural Activities (Municipal Code Chapter 14.05), site design, screening, fencing, landscaping and setbacks, as well as procedures for addressing complaints from future SOIA Area residents. Implementation of Mitigation Measure AG-3 would help reduce potential indirect farmland conversion and land use compatibility impacts to a less than significant level. However, this measure would not fully mitigate agriculture/urban interface conflicts, especially concerning farm equipment and vehicle conflicts on area roadways and potential trespassing and vandalism to active farmlands and growth pressures on farmland in proximity to urban uses in the City. No feasible mitigation measures are available to fully mitigate this impact because the process does not guarantee resolution of all conflicts. Therefore, this impact is considered significant and unavoidable.

**Reference:** RDEIR, Section 3.2.5.

### Summary of Impacts to Air Quality

Because the ERA includes less land available for development than the proposed project, it would result in less development. In addition, this alternative is based on the SACOG Blueprint

Preferred Scenario; therefore, this alternative would have fewer air quality impacts than the proposed project.

**Impact AIR-1:** The Project may conflict with or obstruct implementation of the applicable air quality plan.

**Mitigation Measure AIR-1:** Prior to the submission of any application to annex any portion of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will prepare an Air Quality Mitigation Plan. The Air Quality Mitigation Plan must reduce the operational emissions of development within the SOIA Area by 35% when compared to the potential emissions that could occur in the SOIA Area in absence of policies and measures included in the Air Quality Mitigation Plan. The City of Elk Grove will coordinate the development of the Air Quality Mitigation Plan with the Sacramento Metropolitan Air Quality Management District (SMAQMD) and Sacramento Area Council of Governments (SACOG), and will use modeling tools approved by those agencies to gauge the effectiveness of the measure.

In the cases in which an application for annexation of the SOIA Area or any portion thereof occurs after the June 15, 2019 State Implementation Plan (SIP) attainment deadline, the SMAQMD confirms the SIP standards have been achieved, and the City of Elk Grove demonstrates that the development proposal is consistent with the new SIP or attainment plan and the SMAQMD concurs with the analysis; a 15% reduction to operational emissions when compared to the potential emissions that could occur in the SOIA Area in absence of Air Quality Mitigation Plan policies and measures is required.

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Mitigation measure AIR-1 would assist in reducing impacts to the applicable air quality plans; however, this impact remains significant and unavoidable as the potential for population growth and increased vehicle miles traveled (“VMT”) associated with the conceptual growth that may result from future development under the proposed SOIA demonstrates a substantial increase compared with existing conditions, and has not been accounted for in Air Quality Attainment and Improvement Plans for the region and Air Basin. No feasible mitigation is available to completely mitigate this impact.

**Reference:** RDEIR, Section 3.3.6.

**Impact AIR-2:** The Project may violate an air quality standard or contribute substantially to an existing or projected air quality violation.

**Mitigation Measure AIR-2:** At the time of submittal to annex land within the Sphere of Influence Amendment (SOIA) Area from agricultural uses to urban uses, the City of Elk Grove will require all discretionary projects to comply with all the most current SMAQMD measures at the time of construction to address construction-generated emissions. This will include emission reduction requirements for construction equipment and development of an inspection and enforcement plan associated with construction equipment emissions. Emission reduction requirements shall be met using the emission reduction tools most current at the time of construction (or annexation). In addition, compliance with any applicable SMAQMD Rules in effect at the time of construction will be demonstrated.

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Implementation of the above measures would substantially reduce construction-related emissions. Furthermore, the above measures would reduce air quality construction impacts for potential future development in accordance with SMAQMD regulations by requiring individual project construction activities to utilize lower-emission construction equipment. The above mitigation measures will also require construction activities for each future individual project proposed to comply with SMAQMD Rules 402 and 403. With implementation of the above mitigation measures, construction-related air quality impacts would be considered less than significant. This mitigation measure will be applied to future discretionary projects that will be subject to environmental review under CEQA.

**Reference:** RDEIR, Section 3.3.6.

**Impact AIR-3:** The Project may violate an air quality standard or contribute substantially to an existing or projected air quality violation.

**Mitigation Measure AIR-3: Implement Mitigation Measure AIR-1.**

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Mitigation Measure AIR-1 would assist in reducing operational air quality impacts; however, this impact remains significant and unavoidable. Although no specific development proposals or land use changes are proposed as part of this project, the SOIA would allow future annexation and development of the SOIA Area that could result in a substantial increase in nonattainment pollutants as shown in Table 3.3-5.

**Reference:** RDEIR, Section 3.3.6.

**Impact AIR-4:** The Project may result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).

**Mitigation Measure AIR-4: Implement Mitigation Measures AIR-1 and AIR-2.**

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Implementation of mitigation would reduce the air pollution emissions associated with the conceptual land use assumptions of the Project. Nevertheless, the Project would have a significant adverse incremental effect on the region's ability to attain state and federal air quality standards. In addition, as described under Impact AIR-1, the Project may conflict with the applicable air quality plans, which is indicative of a significant cumulative air quality impact. The Project would have a cumulatively considerable contribution to significant and unavoidable cumulative air quality impacts.

**Reference:** RDEIR, Section 3.3.6.

**Impact AIR-5:** The Project may contribute to localized concentrations of CO that would exceed applicable ambient air quality standards.

**Mitigation Measure AIR-5:** To mitigate impacts on local mobile source CO concentrations, prior to submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that the Sacramento Metropolitan Air Quality Management District's (SMAQMD) 2009 Guide to Air Quality Assessment in Sacramento County, as updated in June 2011, or most current guidance on the screening and assessment of CO, PM10, and PM2.5 hotspots will be implemented for all development proposals within the SOIA Area. The City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to the Sacramento Local Agency Formation Commission at the time of any application to annex territory within the SOIA Area. In addition, the City of Elk Grove shall demonstrate that sufficient mitigation will be required of all identified potentially significant CO, PM10, and PM2.5 hotspots to reduce the impact to less than significant.

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Given current and future improvements to vehicle emissions, future CO hot spots are not expected. However, to the extent they do occur, implementation of the above measure would require future development to implement the SMAQMD's recommended CO hotspot screening and analysis procedures as well as project-specific mitigation to reduce any identified potentially significant impacts. Therefore, this impact is less than significant.

**Reference:** RDEIR, Section 3.3.6.

**Impact AIR-6:** The Project may expose sensitive receptors to substantial pollutant concentrations.

**Mitigation Measure AIR-6:** To mitigate impacts to sensitive receptors, prior to submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that all discretionary projects will be required to review existing sources of toxic air contaminants in and around the project site and to develop mitigation to address sensitive land use (e.g. residential, schools, hospitals) exposure to toxic air contaminants. Methods may include buffers with appropriate landscaping, building design with additional air filtration, and emission source controls. The plan must meet the standards currently in use by the Sacramento Metropolitan Air Quality Management District in connection with such toxic air contaminants. In addition, the City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to the Sacramento Local Agency Formation Commission.

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Because the Project may indirectly result in future urbanization of the SOIA Area, mitigation is proposed to provide a comprehensive plan for avoiding impacts to existing as well as future sensitive receptors. Implementation of Mitigation Measure AIR-6 would reduce this impact to less than significant by avoiding placement of sensitive receptors near sources of substantial TACs.

**Reference:** RDEIR, Section 3.3.6.

**Impact AIR-7:** The Project may create objectionable odors affecting a substantial number of people.

**Mitigation Measure AIR-7:** To mitigate impacts from objectionable odors, prior to submittal of



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

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** As previously indicated, the Project would not directly result in any changes to existing land use patterns or to the current baseline conditions with regard to existing sources of odors. Existing odor sources are located throughout the Project area, including confined animal feeding operations within and adjacent to the western portion of the SOIA Area. It is unknown if these existing uses would continue to operate in the future or if additional sources of odor would be proposed as part of potential urbanization within the SOIA Area. Existing and future sources of odors would be required to comply with SMAQMD Rule 402, which regulates nuisance exposure, including nuisances due to odorous emissions. However, because the Project may indirectly result in future urbanization of the Project area, the Project may indirectly result in receptors being located within close proximity of odor sources. The above mitigation would ensure that sensitive receptors are protected from odor sources, making this a less than significant impact.

**Reference:** RDEIR, Section 3.3.6.

### **Summary of Impacts to Biological Resources**

Because this alternative would result in less land converted to urban uses than the proposed project, impacts to Swainson's hawk's foraging habitat would be reduced under this alternative. Similar mitigation measures would be required to reduce impacts. The ERA contains both

freshwater emergent wetlands and freshwater ponds, but includes wetlands that would not be affected under this alternative. Therefore, impacts to wetlands would be less than the proposed project. This alternative would also avoid extension of the SOIA Area into or near the Stone Lakes National Wildlife Refuge. Therefore, this alternative would have fewer biological resources impacts than the proposed project.

**Impact BIO-1:** The Project may have a substantial adverse effect, either directly or through habitat modifications, on special-status wildlife species.

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

- A. A reconnaissance-level biological survey of the area to be annexed shall be performed by a professional biologist approved by the lead agency to identify habitats and individuals of special-status species defined in this Recirculated EIR. This will permit the lead agency to track impacts to special-status species on a regional basis rather than on project-by-project basis, when feasible.
- B. Avoidance of special-status species and their habitats shall be addressed during project design. If avoidance is infeasible, mitigation of special-status species shall occur pursuant to measure C, below.
- C. The City of Elk Grove shall participate in the South Sacramento County Habitat Conservation Plan or shall require the preparation and implementation of a Habitat Conservation Management Plan (HCMP) for all affected special status species and habitats. The HCMP shall include assessment, disclosure and mitigation for nesting and foraging habitat impacts to protected species, as discussed further in Mitigation Measure BIO-1b and BIO-1c. The HCMP shall be developed in consultation with California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) for listed species under the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA); the HCMP shall be submitted to the CDFW and the USFWS for approval. The City of Elk Grove shall consult with Sacramento County during development of the HCMP, in the County's capacity as the lead of the South Sacramento Habitat Conservation Plan (SSHCP). The City of Elk Grove shall provide proof of consultation with the County, CDFW, and USFWS to LAFCo.
- D. If an HCMP is prepared, it shall incorporate mitigation guidelines of these agencies for listed species. For non-listed but sensitive species as defined by this Recirculated EIR, the HCMP shall incorporate, but will not be limited to the following, goals and policies:
  - Require clustering of urban development to retain non-disturbed open space areas.
  - Require comprehensive site development standards to minimize removal of existing vegetation and to require installation and long-term maintenance of landscaping in setback and buffer areas. Landscaping in buffer areas adjacent of preserved habitat areas should be of native and non-invasive plant materials, and non-irrigated.
  - Require appropriate buffers between development and Right to Farm Ordinance lands, Nature Conservancy Lands, and Stone Lakes National Wildlife Refuge.
  - Require buffers between development and drainage canals that serve as habitat and

ultimately drain into Stone Lakes National Wildlife Preserve, Nature Conservancy lands, and/or Farmland Preservation Zones; buffers shall be a minimum of 150 feet on either side of said drainage canals.

- Minimize impacts to movement corridors to ensure movement of wildlife.
- Provide for the integrity and continuity of wildlife and plant habitat.
- Support the acquisition, development, maintenance, and restoration of habitat lands for wildlife and plant enhancement.

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

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

- A California Department of Fish and Wildlife (CDFW)-qualified biologist will be retained by the applicant to conduct preconstruction surveys and to identify active nests on and within 0.5 mile of the proposed development and active burrows on the development site if accessible. The surveys shall be conducted before the approval of grading and/or improvement plans (as applicable) and no more than 15 days before the beginning of construction for all project phases. To the extent feasible, guidelines provided in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley shall be followed for surveys for Swainson's hawk, and the guidelines provided in the California Department of Fish and Wildlife's (CDFW) Burrowing Owl Survey Protocol and Mitigation Guidelines shall be followed for burrowing owls. The results of the survey shall be submitted to the City of Elk Grove and the CDFW.
- If no nests are found, no further nesting mitigation is required.
- If active nests are found, impacts on nesting Swainson's hawks and other raptors shall be avoided by establishing appropriate buffers around the nests, and impacts to burrowing owls shall be avoided by establishing appropriate buffers around the nests. No project activity shall commence within the buffer area until the young have fledged, the nest is no longer active, or until a qualified biologist has determined, in consultation with CDFW, that reducing the buffer would not result in nest abandonment. CDFW guidelines recommend implementation of 0.25- or 0.5-mile-wide buffers, but the size of the buffer may be adjusted if a qualified biologist and the City, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely affect the nest.
- If construction-related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, an on-site biologist/monitor experienced with raptor behavior shall be retained by the project proponent to monitor the nest, and shall, along with the project proponent, consult with the CDFW to

determine the best course of action necessary to avoid nest abandonment or take of individuals. Construction-related activities may only be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of the CDFW. The designated on-site biologist/monitor shall be on-site daily while construction related activities are taking place within the temporary nest disturbance buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior.

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

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

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

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

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

The City of Elk Grove shall require minimum conservation easement content standards to be implemented to the satisfaction of LAFCo. Minimum conservation easement contents must include, but are not limited to: documentation and recorded encumbrances on the land, prohibition of activity which substantially impairs or diminishes the land's capacity as suitable foraging habitat, water rights protections, and requirements for the mitigation land to be held in trust in perpetuity.

This mitigation measure may be implemented in combination with Mitigation Measure AG-1, which requires the preservation of agricultural land, as long as the agricultural land is determined by the City in consultation with CDFW to be suitable habitat pursuant to the conditions and requirements listed above. In addition, this mitigation measure may allow the joint use of land for both Swainson's hawk and greater sandhill crane foraging habitat mitigation, as long as the land is determined by the City in consultation with CDFW to be suitable habitat pursuant to the conditions and requirements listed above. In the event that it is infeasible to acquire the necessary easements prior to annexation and development, the City will apply its impact mitigation fee program, used to acquire available land with suitable foraging habitat values at the ratios and conditions specified above.

**With Mitigation the Environmental Effects are Found to be:**

Significant                       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Though Mitigation Measure BIO-1a through 1c will result in the minimization of impacts to nesting birds and conservation of lands for nesting and foraging of special status wildlife species, the SOIA will indirectly (through possible future annexation and build out) result in a net loss of habitat. Implementation of the Mitigation Measure BIO-1a, including finalizing and implementing the SSHCP, will ensure that special status wildlife species that potentially occur in the SOIA Area are conserved through the cumulative actions of all covered activities in the South County, including build out of the SOIA Area. Since neither the City of Elk Grove nor LAFCo are the lead agencies for SSHCP, they cannot ensure its completion or implementation. Mitigation Measure BIO-1a also recognizes that the City (prior to annexation) can create its own HCMP in consultation with CDFW and USFWS for listed species under the Federal Endangered Species Act ("FESA") and the California Endangered Species Act ("CESA"). The HCMP should result in mitigation of impacts to less than significant levels though the details of the HCMP have not been developed to the degree necessary to draw

conclusion. Because of this, even with mitigation, the impact is considered significant and unavoidable.

**Reference:** RDEIR, Section 3.4.6.

**Impact BIO-2:** The Project may have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

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

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

**With Mitigation the Environmental Effects are Found to be:**

Significant                       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Should proposed build out of the SOIA occur, implementation of Mitigation Measure BIO-2 will ensure that there is no net loss of wetlands after mitigation. Therefore, the SOIA will result in a less than significant impact to riparian habitat and other wetlands.

**Reference:** RDEIR, Section 3.4.6.

**Impact BIO-3:** The Project may have a substantial adverse effect on wetlands.

**Mitigation Measure BIO-3:** Implement Mitigation Measure BIO-2.

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Should proposed build out of the SOIA Area occur, implementation of Mitigation Measure BIO-2 would ensure that there is no net loss of wetlands after mitigation; therefore, the SOIA will result in a less than significant impact to riparian habitat and other wetlands.

**Reference:** RDEIR, Section 3.4.6.

**Impact BIO-4:** The Project may interfere substantially with the movement of any native resident or migratory fish or wildlife species.

**Mitigation Measure BIO-4:** Implement Mitigation Measure BIO-1a and BIO-2.

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Mitigation Measure BIO-1a will result in designation of open space within the SOIA. Mitigation Measure BIO-2 will result in projects completing site-specific wetland delineations and obtaining all necessary permits under sections 401 and 404 of the Clean Water Act or the state's Porter-Cologne Act and a CDFW Streambed Alteration Agreement. In addition, the SOIA Area sits within a context of hundreds of thousands of acres of open space. Both the open space within the SOIA Area and the surrounding agricultural lands will provide ample nesting habitat for wintering migrants as well as space for movement for wildlife. This impact, therefore, is less than significant.

**Reference:** RDEIR, Section 3.4.6.

**Impact BIO-5:** The Project may conflict with local biological policies or ordinances, including tree preservation policies.

**Mitigation Measure BIO-5:** To mitigate impacts from conflicts with local biological policies or ordinances, prior to submittal of an application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that tree protection will be consistent with either: (1) the City's current tree preservation standards under Municipal Code Chapter 19.12 or (2) the following mitigation measure. For the purposes of the SOIA Area, Swainson's hawk next trees will receive the same consideration as heritage or landmark trees.

- A. Reconnaissance-level tree survey of the SOIA Area should be performed by a certified arborist to identify native tree resources, particularly those that may be designated as landmark or heritage trees. This will enable the lead agency to track impacts to native trees on a regional basis rather than a project-by-project basis, when feasible.
- B. Minimization of impacts to protected tree species shall be undertaken during project design. If avoidance is infeasible, mitigation of native trees pursuant to measures D through F below shall be conducted.
- C. In addition to native oak trees, all native tree species should be protected under the City of Elk Grove's Tree Preservation and Protection Code Chapter 19.12. The mitigation rate would be the same as those in the Ordinance current at the time of this document, unless future versions require a higher mitigation rate, but it would also require obtaining replacement trees from local genetic stock.
- D. A five-year monitoring plan shall be completed for all mitigation plantings. The monitoring plan would include appropriate irrigation schedules, as well as criteria for success and reestablishment during the 5-year period. A success rate of not less than 80 percent at the end of the 5-year monitoring period is recommended.
- E. Individual trees or groups of trees preserved shall be fully protected during construction. A temporary protective fence shall be established at a minimum of 10 feet beyond the drip line of the retained native trees. The fence shall be in place prior to beginning construction activities, including grading. Within this protective buffer, no grading, trenching, fill, or vegetation alteration shall be allowed.
- F. Mitigation shall target large tracts or contiguous native tree habitat. Connectivity between native tree woodland preserves as well as adequate buffering from development is important to promote native tree recruitment, the long-term viability of the habitat, and



wildlife use of the area.

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Compliance with Mitigation Measure BIO-5 promotes protection in place, or, if trees are required to be removed, mitigation plantings are required to be monitored and meet a minimum success rate. Preserved trees must also be protected during project construction. This measure would preserve existing or replace any removed trees such that this would be a less than significant impact.

**Reference:** RDEIR, Section 3.4.6.

### Summary of Impacts to Cultural Resources

The proposed project would have less than significant impacts on historical resources, archaeological resources, paleontological resources, and burial sites. The ERA would result in similar potential to unearth cultural resources and would be subject to similar regulations protecting cultural resources as the proposed project. However, because this alternative would result in less ground disturbance, it would have impacts on cultural resources less than the proposed project.

**Impact CUL-1:** Subsurface construction activities associated with the Project may damage or destroy previously undiscovered historic resources.

**Mitigation Measure CUL-1:** To mitigate impacts on historic resources, prior to submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that it will impose the following conditions on all discretionary projects:

- Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the City of Elk Grove Planning Department shall be immediately notified. At that time, the City of Elk Grove Planning Department will coordinate any necessary investigation of the site with appropriate

specialists, as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.98 of the California Public Resources Code and Section 7050.5 of the California Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

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

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** The Project would expand the SOI, and no physical development is proposed at this time. However, land use assumptions discussed in Section 2, Project Description, indicate that future projects could result in the disturbance, alteration, or destruction of previously unidentified historic resources. Although specific project proposal details are not available at this time, future development could result in the disturbance, alteration, or destruction of previously unidentified historic resources. Impacts would be less than significant with implementation of Mitigation Measure CUL-1, because it would avoid the disturbance of historic resources.

**Reference:** RDEIR, Section 3.5.6.

**Impact CUL-2:** Subsurface construction activities associated with the Project may damage or destroy previously undiscovered archaeological resources.

**Mitigation Measure CUL-2:** To mitigate impacts on archaeological resources, prior to submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that it will impose the following conditions on all discretionary projects:

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

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** The Project would expand the SOI and no physical development is proposed at this time. However, land use assumptions discussed in Section 2, Project Description, indicate that future projects may uncover previously unknown, buried archaeological resources. Impacts would be less than significant with implementation of Mitigation Measure CUL-2, as it would serve to avoid the disturbance of archaeological resources.

**Reference:** RDEIR, Section 3.5.6.

**Impact CUL-3:** Subsurface construction activities associated with the Project may ferment, damage or destroy previously undiscovered paleontological resources.

**Mitigation Measure CUL-3:** To mitigate impacts on paleontological resources, prior to submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA)

Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that it will impose the following conditions on all discretionary projects:

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

**With Mitigation the Environmental Effects are Found to be:**

Significant                       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** The Project would expand the City of Elk Grove's SOI, and no physical development is proposed at this time. However, land use assumptions discussed in Section 2, Project Description, indicate that future projects could result in the disturbance, alteration, or destruction of previously unidentified paleontological resources. Any future activity would be subject to an independent CEQA review and would address impacts to paleontological resources and prescribe appropriate mitigation measures based on the type of activity proposed. Impacts would be less than significant with implementation of Mitigation Measure CUL-3 because it would avoid the disturbance of paleontological resources.

**Reference:** RDEIR, Section 3.5.6.

**Impact CUL-4:** Subsurface construction activities associated with the Project may damage or destroy previously undiscovered human remains.

**Mitigation Measure CUL-4:** Implement Mitigation Measure CUL-1.

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Mitigation Measure CUL-1 requires standard inadvertent discovery procedures to be implemented in the event that human remains are encountered during construction. With the implementation of mitigation, impacts to burial sites would be reduced to a level of less than significant.

**Reference:** RDEIR, Section 3.5.6.

**Summary of Impacts on Geology, Soils, and Seismicity**

The ERA would be developed with similar types of urban uses as envisioned by the City of Elk Grove under the proposed project. The same regulations that apply to the proposed project regarding seismic standards and soil stability would also apply under this alternative. However, because this alternative would result in less ground disturbance, it would have impacts on geology, soils, and seismicity less than the proposed project.

**Impact GEO-1:** Development of the Project may expose persons or structures to seismic hazards.

**Mitigation Measure GEO-1:** To mitigate impacts from seismic hazards, prior to submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City shall demonstrate to LAFCo, through policy or adopted planning documents, that it will require a geotechnical report or other appropriate analysis be conducted at time of development application submittal to determine the shrink/swell potential and the stability of the soil for public and private construction projects and to identify measures necessary to ensure stable soil conditions.

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

(Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Because of the known soil, groundwater, and ground shaking conditions within the SOIA Area, the potential for liquefaction, lateral spreading, and ground lurching is considered to be low. Implementation of Mitigation Measure GEO-1 would require conformance with the applicable sections of the Uniform Building Code, reducing potential seismic hazard impacts to a less than significant level.

**Reference:** RDEIR, Section 3.6.6.

### Summary of Impacts to Greenhouse Gases

The ERA would accommodate more compact future growth than envisioned by the City of Elk Grove under the proposed project, as this alternative is based on SACOG Blueprint Preferred Scenario. However, because the ERA includes less land available for development than the proposed project, it would result in less development. As such, this alternative would result in less ground disturbance and it would have impacts related to greenhouse gases that are less than the proposed project.

**Impact GHG-1:** The Project may lead to generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

**Mitigation Measure GHG-1:** Prior to annexation of any or part of the SOIA Area, the City of Elk Grove shall amend or augment the City's greenhouse gas emissions inventory projections to account for potential development of the SOIA Area. Analysis assumptions, methodology and emission factors used by the City shall be submitted for review to the Sacramento Metropolitan Air Quality Management District (SMAQMD). In addition, the City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to the Sacramento Local Agency Formation Commission. The City will require that discretionary project comply with any one of the following performance criteria:

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

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Mitigation Measure GHG-1 establishes three performance criteria to evaluate potential future development in the SOIA Area and mandates the achievement of at least one. These three performance criteria are currently being used by air districts throughout the state and were established with the purpose of complying with AB 32. Therefore, since Mitigation Measure GHG-1 requires that emissions associated with future development comply with at least one criterion, the project would be compliant with AB 32, and associated GHG emissions would not result in a significant impact to the environment. This impact is less than significant.

**Reference:** RDEIR, Section 3.7.6.

**Impact GHG-2:** The project may conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of greenhouse gases.

**Mitigation Measure GHG-2:** Implement Mitigation Measure GHG-1.

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** As stated in Section 2, Project Description, of the RDEIR state planning law provides that a city may comprehensively plan for lands outside of its jurisdiction. Therefore, mitigation is proposed for the City of Elk Grove to amend or augment the City's greenhouse gas emissions inventory projections to account for development of the SOIA Area, achieve any one of three performance criteria for emission reductions, and provide proof of consultation with the SMAQMD to demonstrate compliance with the measure. Implementation of Mitigation Measure GHG-1 would ensure that greenhouse gas emissions generated by future development are reduced in a manner consistent with the goals of AB 32. This impact is less than significant.

**Reference:** RDEIR, Section 3.7.6.

### **Summary of Impacts to Hazards and Hazardous Materials**

The ERA would accommodate more compact growth than envisioned by the City of Elk Grove under the proposed project, but could be developed with similar types of urban uses. However, because the ERA includes less land available for development than the proposed project, it would result in a lesser development footprint. The proposed project was found to have less than significant impacts associated with hazardous materials from past or present site usage as well as the potential for risk of upset. This alternative would have impacts related to hazards and hazardous materials similar in nature to the proposed project, but because this alternative would result in less ground disturbance, it would have impacts related to hazards and hazardous materials that are less than the proposed project.

**Impact HAZ-4:** The Project may be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.

**Mitigation Measure HAZ-4:** To mitigate impacts from hazardous materials sites, prior to submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that it will impose the following conditions on all discretionary projects. Prior to site improvements for properties that are suspected or known to contain hazardous materials and sites that are listed on or identified on any hazardous material/waste database search, the site and surrounding area shall be reviewed, tested, and remediated for potential hazardous materials in accordance with all local, state, and federal regulations.

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted



by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Implementation of the above mitigation measure ensures a less than significant impact regarding hazardous materials sites through review, testing, and remediation of sites that are suspected or known to contain hazardous materials.

**Reference:** RDEIR, Section 3.8.6.

### Summary of Impacts to Hydrology and Water Quality

The ERA would accommodate more compact growth than envisioned by the City of Elk Grove under the proposed project and be developed on less land. Although the proposed project would have significant impacts on short-term water quality, long-term water quality, drainage, and 100-year flood hazards, mitigation proposed to address all of these impacts would fully mitigate these issues to a level of less than significant. Because this alternative would result in less ground disturbance than the proposed project, fewer impacts related to changes in hydrology would occur. The available areas for future development within the ERA are outside 100-year flood zones. Therefore, this alternative would have fewer impacts related to hydrology and water quality than the proposed project.

**Impact HYD-2:** The Project may lead to a substantial depletion of groundwater supplies or a substantial interference with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted).

**Mitigation Measure HYD-2:** Implement Mitigation Measure USS-1.

**With Mitigation the Environmental Effects are Found to be:**

Significant                       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Based on the foregoing circumstances, LAFCo can make the “confident determination” required under *Vineyard* that anticipated future sources will be available to serve the SOIA Area and, therefore, it is not necessary to discuss possible replacement sources. Mitigation Measure HYD-2 would ensure that adequate water supply is available to future development as annexation requests are processed. In addition, with Sacramento County Water Agency’s (“SCWA”) water supply reliability, including the use of surface water, as well as Sacramento Central Groundwater Authority’s (“SCGA”) commitment to not exceed the average annual sustainable yield of the Central Basin, impacts on groundwater would not be significant.

**Reference:** RDEIR, Section 3.9.6.

**Impact HYD-3:** The Project may lead to an increase of impervious surface coverage, which may result in increased stormwater runoff volumes and peak flows.

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

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

**With Mitigation the Environmental Effects are Found to be:**

Significant                       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** No immediate, direct impacts would occur to the existing drainage conditions. The land use assumptions discussed in Section 2, Project Description, of the RDEIR indicate that anticipated future growth of the SOIA Area would increase the amount of impervious surfaces and may alter drainage patterns resulting in increased stormwater runoff. Because the Project may result in an indirect and reasonably foreseeable substantial increase in impervious surfaces, impacts would be potentially significant. Therefore, Mitigation Measure HYD-3 is recommended to ensure that future annexation and development activities would result in less than significant impacts. Implementation of Mitigation Measure HYD-3 would ensure that new projects in the SOIA Area not result in new or increased flooding impacts on adjoining parcels on upstream and downstream areas and would result in a less than significant impact.

**Reference:** RDEIR, Section 3.9.6.

**Impact HYD-4:** The Project may result in the placement of structures within a 100-year flood hazard area that may have the potential to divert flood flows or to be subjected to flood hazard.

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

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

**Mitigation Measure HYD-4b:** Prior to annexation of any or part of the SOIA Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that it will require that new development demonstrate that for land within the 100-year floodplain (to be identified by hydraulic and hydrologic modeling), that post-development storm water run-off

peak flows and volumes will not exceed predevelopment levels within or downstream of the SOIA Area.

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Because the Project may result in an indirect and reasonably foreseeable urbanization of the SOIA Area, impacts would be potentially significant. Mitigation Measure HYD-4a is recommended to ensure that future annexation and development activities would result in less than significant impacts for placing structures within a 100-year floodplain.

In addition, the project may result in an increase in impervious surfaces, as discussed in Impact HYD-3. Therefore, the Project may indirectly result in an exacerbation of future flooding by increasing potential flood heights downstream. Increased impervious surfaces may affect downstream areas, especially the Beach-Stone Lakes basin and the Pleasant Point sub-area. As discussed in the Environmental Setting of the RDEIR, flooding typically occurs in the Beach-Stone Lakes basin every year, with severe floods occurring about once every 3 years. Mitigation Measure HYD-4b is recommended to ensure that future annexation and development activities would result in less than significant impacts to downstream locations in respect to diverting flood flows. Implementation of Mitigation Measures HYD-4a and HYD-4b would reduce the potential effect to less than significant.

**Reference:** RDEIR, Section 3.9.6.

### **Summary of Impacts to Land Use and Planning**

The ERA would require a General Plan Amendment, rezone, subdivision map, and other discretionary approvals for future annexation and development activities similar to the proposed project. Similar to the proposed project, this alternative would be required to be consistent with the City of Elk Grove General Plan, the Elk Grove Municipal Code, and Sacramento LAFCo annexation policies. However, this alternative would avoid extension of the SOIA Area into or near the Stone Lakes National Wildlife Refuge, thereby resulting in a lesser impact related to potential conflicts with applicable habitat conservation plans. Therefore, this alternative would have less land use impact than the proposed project.

**Impact LU-2:** The Project may conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

**Mitigation Measure LU-2:** Implementation of all mitigation measures in the RDEIR.

**With Mitigation the Environmental Effects are Found to be:**

Significant  Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Physical impacts related to inconsistency with area land use plans are addressed throughout the RDEIR. Implementation of the mitigation measures adopted for the Project ensures that physical impacts related to land use plan inconsistencies would be mitigated to the extent feasible.

**Reference:** RDEIR, Section 3.10.6.

**Impact LU-3:** The Project may conflict with any applicable habitat conservation plan or natural community conservation plan.

**Mitigation Measure LU-3:** Implement Mitigation Measure BIO-1a.

**With Mitigation the Environmental Effects are Found to be:**

Significant  Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including

provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Implementation of Mitigation Measure BIO-1a, which requires the City of Elk Grove to participate in the South Sacramento County Habitat Conservation Plan or the preparation and implementation of a Habitat Conservation Management Plan for all affected special status species and habitats.

**Reference:** RDEIR, Section 3.10.6.

**Impact LU-4:** The Project may lead to the conversion of open space resources, as defined by Sacramento LAFCo, to urban uses.

**Mitigation Measure LU-4:** Implement Mitigation Measure AG-1.

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** The Project by itself does not involve direct development proposals or proposed changes to General Plan land use designations or zoning classifications that would have the potential to convert open space resources; therefore, direct conversion of open space resources would not occur. However, approval of an SOIA by LAFCo indicates that the Commission has designated the revised SOIA Area for future urbanization; therefore, impacts related to permanent conversion of open space uses to urban uses would be potentially significant. Although the Project does not involve any development proposals or changes to land use, it is assumed that the Project would indirectly result in urbanization of the SOIA Area, as discussed in the Project Description of the RDEIR. Therefore, as the Project would allow the City to prepare a Land Use Plan and submit applications for annexation of the SOIA Area, the Project may indirectly create pressure to convert open space to urban uses.

Implementation of Mitigation Measure AG-1 would reduce the conversion of open space resources through requiring offsets be set aside in permanent conservation easements; however, impacts would remain significant and unavoidable due to the net loss of open space that would occur on a regional and county basis.

**Reference:** RDEIR, Section 3.10.6.

### Summary of Noise Impacts

**Impact NOI-1:** Development within the SOIA Area may increase existing traffic noise levels at noise-sensitive land uses.

**Mitigation Measure:** There are no feasible mitigation measures.

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** It is assumed that new development can be constructed such that noise from transportation sources could be reduced to within noise standards at sensitive uses; however, if new development increases traffic levels on roadways adjacent to existing residential uses, feasible measures may not be available to reduce traffic noise within standards. Compliance with City regulations typically includes methods such as construction of soundwalls or other design features to reduce noise, but the City does not typically require the installation of soundwalls in front yard areas to reduce noise to acceptable levels in residential areas that were originally constructed without soundwalls. In addition, in some cases, construction of soundwalls or other design features would not be feasible due to blocking site access or structural restrictions, which could result in traffic noise in some areas that exceed standards.

Because the ability to reduce noise levels at all existing sensitive receptors is not known at this time, this is a significant and unavoidable impact.

**Reference:** RDEIR, Section 3.12.6.

### Summary of Impacts to Population and Housing

The ERA would result in less urbanization than the proposed project, and it would accommodate less future growth than envisioned by the City of Elk Grove's proposed project. In addition, this

alternative is based on SACOG Blueprint Preferred Scenario. Therefore, this alternative would have fewer impacts on population, housing, and employment than the proposed project.

**Impact POP-1:** The Project may induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

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

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

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

**With Mitigation the Environmental Effects are Found to be:**

Significant                       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** The Project would maintain existing land use designations and zoning and would not result on the construction of new homes, businesses, roads, or utilities. Therefore, the Project would not directly induce substantial population growth and impacts; however, the Project may indirectly induce substantial population growth. The City can either request annexation of the entire SOIA Area or submit multiple annexation applications for portions of the SOIA Area. The City can also develop a phased annexation program to further guide development within the SOIA Area.

The SOIA Area is intended to accommodate projected growth in the area. Ultimately, growth in the SOIA area could be less than what is projected due to unanticipated market conditions.



However, the SOIA Area would provide sufficient acreage to accommodate population and employment growth as well as buffers and mitigation areas described throughout this document. Therefore, the SOIA would likely not induce substantial growth outside of the SOIA Area. Furthermore, any growth outside of the SOIA Area subject to City of Elk Grove jurisdiction would require its own LAFCo SOI amendment and environmental review outside of this SOIA process. Mitigation Measures POP-1a and POP-1b would ensure that future annexations will include necessary adjustments to the City's share of regional housing needs and consider local and regional plans.

**Reference:** RDEIR, Section 3.13.6.

### Summary of Impacts to Transportation and Traffic

Section 3.15, Transportation and Traffic identifies significant and unavoidable impacts to local roadways and freeways associated with the proposed project. The ERA would generate less traffic than the proposed project, as the developable area is substantially smaller than the proposed project. Therefore, this alternative would have fewer traffic impacts than the proposed project.

**Impact TRANS-1:** Future annexation and development activities within the Project may generate new vehicle trips that may contribute to unacceptable traffic operations under existing plus project conditions.

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

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** The Project could indirectly result in future urbanization of the SOIA Area and could contribute to unacceptable intersection and freeway operations under existing plus project conditions. Necessary improvements to improve operations to acceptable levels are discussed on RDEIR pages 3.15-31 to 3.15-32. However, the actual improvements needed in the future would depend on the location, type, and level of intensity of future growth in the SOIA Area and, at that time, appropriate mitigation would be designed. Mitigation Measure TRANS-1 would require the preparation of traffic studies for future projects and consultation with appropriate agencies. However, because the location and intensity of future development is not known at this time, it is not certain that identified improvements would reduce potential impacts to a less than significant level. In addition, impacts on local roadways outside of the City's jurisdiction would require consultation with other agencies (e.g., Sacramento County and Caltrans), and the City cannot assure that mitigation for improvements outside its jurisdiction would be implemented. Therefore, this impact would remain significant and unavoidable.

**Reference:** RDEIR, Section 3.15.6.

**Impact TRANS-2:** Future annexation and development activities within the Project Area may generate new vehicle trips that may contribute to unacceptable traffic operations under cumulative conditions.

**Mitigation Measure TRANS-2:** Implement Mitigation Measure TRANS-1.

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** The Project could indirectly result in future urbanization of the SOIA Area and could contribute to unacceptable intersection and freeway operations under cumulative plus project conditions. Necessary improvements to improve operations to acceptable levels have been identified. However, it is not certain that identified mitigation would reduce identified impacts to a less than significant level, and some of the identified impacts are outside the jurisdiction of the City. Because of the early stage of project approval and planning, the uncertainty of potential land uses, the fact that local roadway improvements outside the City's jurisdiction cannot be guaranteed, and the uncertainty of the exact magnitude and method of implementation of mitigation measures in the future, the mitigation measure cannot be found with certainty to

substantially lessen or avoid this potential impact. Therefore, the impact remains significant and unavoidable.

**Reference:** RDEIR, Section 3.15.6.

**Impact TRANS-5:** Future annexation and development activities within the Project Area may conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

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

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

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Implementation of the above mitigation measures would ensure that future bicycle and transit needs are properly planned and designed to support potential developments, reducing this impact to a less than significant level.

**Reference:** RDEIR, Section 3.15.6.

## Summary of Impacts to Utilities and Service Systems

The ERA would include less development potential than the proposed project. Sacramento County Water Agency (SCWA) serves the ERA area, although no sewer service is currently available to the area. The proposed project would require annexation by sanitary sewer service providers. Because this alternative would generate less demand for utilities and service systems, this alternative would have slightly less impact on utilities and service systems than the proposed project.

**Impact USS-1:** The Project could result in the generation of a demand for increased water services over that which is currently produced in the area and would result in a need for additional water supplies or facilities.

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

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Assuming projected demand of 15,249 acre-feet for buildout of the SOIA Area (see Table 3.16-5), SCWA water supply would be adequate to serve the SOIA Area and there would exist a surplus of over 16,000 acre-feet in 2035. However, as shown in Table 3.16-2, approximately 9,300 acre-feet of SCWA's water supply is geographically limited for use within the within the City of Sacramento's American River Place of Use (POU). The SOIA Area is not

within the American River POU. Even without the 9,300 acre-feet for the American River POU, SCWA supplies would still exceed 2035 demand by over 7,000 acre-feet.<sup>3</sup> While this would result in a less than significant project-specific impact, because buildout of the general plans of jurisdictions served by SCWA could exceed supplies, the cumulative impact would be significant. Implementation of Mitigation Measure USS-1 requires demonstration of adequate water supply prior to annexation, but the cumulative impact would remain significant and unavoidable.

**Reference:** RDEIR, Section 3.16.6; Municipal Services Review.

**Impact USS-2:** The Project may require or result in the construction of new wastewater collection and treatment facilities or expansion of existing facilities.

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

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Any future development and land use activities would be subject to an independent CEQA review necessary to address any impacts, including the need for wastewater treatment capacities and infrastructure. However, the SOIA does have the potential to indirectly increase the demand for wastewater services through the potential for future urbanization of the SOIA Area, which would result in the need for new wastewater facilities or expansion of existing facilities. The 2020 SRWTP Master Plan includes projections for annexation of land south of Elk Grove. While the expansion of the SRWTP would result in physical environmental effects, SRCSD would be the lead agency under CEQA for any expansion project.

Neither LAFCo nor the City of Elk Grove could assure implementation of mitigation measures to reduce physical effects. While implementation of Mitigation Measure USS-2 would ensure that adequate wastewater treatment capacity is available for any proposed annexation, LAFCo cannot assure implementation of mitigation to reduce physical effects associated with wastewater treatment plant expansions to serve the SOIA Area. Therefore, this impact would remain significant and unavoidable.

**Reference:** RDEIR, Section 3.16.6; Municipal Services Review.

**Impact USS-3:** The Project may require or result in the construction of new stormwater drainage facilities or expansion of existing facilities.

**Mitigation Measure USS-3:** Implement Mitigation Measure HYD-3.

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** Implementation of the mitigation measure referenced above would ensure that impacts related to storm drainage would be less than significant through either the preparation of a Drainage Master Plan or modifications of the City's existing Stormwater Master Plan.

**Reference:** RDEIR, Section 3.16.6.

**Impact USS-4:** The Project would be served by landfills with sufficient permitted capacity and would comply with applicable regulations.

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

**With Mitigation the Environmental Effects are Found to be:**

Significant       Not Significant

**Finding(s) per State CEQA Guidelines Section 15091:**

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR. (Subdivision (a)(1).)

Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Subdivision (a)(2).)

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. (Subdivision (a)(3).)

**Rationale:** The land use assumptions discussed in Section 2, Project Description, of the RDEIR indicate that future growth of the SOIA Area may require the provision of additional coordinated collection efforts to meet service demands. The City of Elk Grove would be the most likely provider of solid waste service services within the SOIA Area. The City would need to amend its service boundaries in order to fully serve future growth. Future growth within the SOIA Area would increase service demands for solid waste collection providers. Future land use changes would be required to comply with existing federal, state, and local statutes and regulations related to solid waste. Additional solid waste generated in the City would not represent a substantial increase in solid waste at the local landfills that serve the City.

However, Mitigation Measure USS-4 is included to ensure that adequate solid waste service is available to the SOIA Area. Implementation of Mitigation Measure USS-4 would reduce potential solid waste demand impacts to a less than significant level by requiring that a solid waste services plan be in place prior to potential future annexation.

**Reference:** RDEIR, Section 3.16.6.

### **III. MITIGATION MONITORING PROGRAM**

A Mitigation Monitoring and Reporting Program (“MMRP”) was prepared for the Project and approved by LAFCo Resolution No. 2013-12-11106-09-10. (See Pub. Resources Code, § 21081.6, subd. (a)(1); CEQA Guidelines, § 15097.) LAFCo will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period.

### **IV. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL EFFECTS**

Urban development arising from implementation of the requested SOIA would result in the long-term commitment of resources which are, as yet, the unavoidable consequences of growth.

Implementation of the Project would result in the long-term in the conversion of existing land that is currently used for agricultural uses, open space, and wildlife habitat to urban uses. Additionally, a variety of resources, including land, energy, construction materials, and human resources would be irretrievably committed for construction and operation and maintenance of potential urban uses in the SOIA territory.

Development of urban uses and infrastructure to serve those uses may be regarded as a permanent and irreversible change from undeveloped land. Construction and alteration would permanently alter the existing visual character and would eliminate an area of land in open space and agricultural uses.

Construction of urban uses fostered by approval of the SOIA would also require a commitment of a variety of other non-renewable or slowly renewable natural resources. These resources primarily include fossil fuels used in construction equipment and vehicles. Other resources consumed would include, but would not necessarily be limited to, lumber and other forest products, sand and gravel, asphalt, petrochemicals, metals, and water.

Increased local demands on community services and public utilities to operate and maintain urban uses would necessitate the extension, expansion, and/or construction of infrastructure. Consequently, long-term commitment of public services would also be required, thereby establishing increased demand on such services and increasing the need for nonrenewable or slowly renewable resources.

Sacramento LAFCo finds that existing conditions will be irreversibly changed. LAFCo further finds that future generations could experience both the benefits of additional work opportunities, housing, retail opportunities, and urban culture, while also experiencing adverse environmental effects. However, for the reasons stated throughout these findings and in the statement of overriding considerations, Sacramento LAFCo finds that adoption and implementation of the SOIA is appropriate and beneficial to the health, safety, and general welfare of the City of Elk Grove and Sacramento County, despite the irreversible environmental changes that are likely to result.

## **V. GROWTH INDUCEMENT AND CUMULATIVE IMPACTS**

### **A. Growth Inducement**

According to CEQA Guidelines section 15126.2, subdivision (d), an EIR must discuss the growth-inducing impacts of the project. Specifically, CEQA states that the EIR shall:

Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a wastewater treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that



could cause significant environmental effects. Also, discuss the characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

Growth-inducing impacts can result from development that directly or indirectly induces additional growth. Examples of growth inducement include:

- ▶ redesignation of property from agricultural to urban uses within an agricultural area, thus increasing the potential for adjacent farmland to also be redesignated to urban uses;
- ▶ the development of new housing or job-generating uses that would be sufficient in quantity to create a substantial demand for new jobs and housing, respectively;
- ▶ the development of new schools as part of a proposed project with excess capacity to serve adjacent currently undeveloped areas;
- ▶ the extension of roads and utilities to an area not currently served by such infrastructure; and
- ▶ the oversizing of new utility lines to a project site which may have additional capacity to serve currently undeveloped areas nearby.

Growth inducement itself is not an environmental effect but may foreseeably lead to environmental effects. These environmental effects may include increased demand on other community and public services and infrastructure, increased traffic and noise, degradation of air or water quality, degradation or loss of plant or animal habitats, or conversion of agricultural and open space land to urban uses.

### **Growth Inducing Impacts of Project**

As discussed in detail in Section 3.13 of the RDEIR, approval of the SOIA would result in a less than significant impact for growth inducement in the surrounding area. The SOIA Area is intended to accommodate projected growth in the area.

Ultimately, growth in the SOIA Area could be less than what is projected due to unanticipated market conditions. However, the SOIA Area would provide sufficient acreage to accommodate population and employment growth as well as buffers and mitigation areas described throughout this document. Therefore, the SOIA would likely not induce substantial growth outside of the SOIA Area. Furthermore, any growth outside of the SOIA Area would require its own SOI amendment and environmental review outside of this SOIA process.

## **B. Cumulative Impacts**

Cumulative impacts are defined in the CEQA Guidelines as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant impacts. (CEQA Guidelines, § 15355). In a CEQA evaluation, the proposed action must be considered with the combined effects of the cumulative actions in a single analysis.

The following topic areas have impacts that are cumulatively considerable.

### **Aesthetics**

The geographic scope of the cumulative aesthetics analysis is the area surrounding the Project area. This is the area within view of the Project and therefore, the area most likely to experience changes in visual character or experience light and glare impacts. The land use designations surrounding the Project area include primarily agricultural uses to the south, east, and west, and urban uses to the north. Other planned or reasonably foreseeable roadway improvement projects in the immediate area include Kammerer Road and Grant Line Road that form the SOIA Area's north and northeastern boundaries, respectively. In addition, two solar facilities are proposed within the SOIA Area as separate applications (not part of the Project), and one application is proposed immediately south of the SOIA Area.

The Project, in combination with planned and reasonably foreseeable projects, could result in substantial changes to the aesthetic character of the study area. The project would replace rural setting with urban character. Other planned and reasonably foreseeable projects would introduce structures that would reduce the intactness and unity of the agricultural and rural visual landscape and scenic vistas, as well as introduce substantial new sources of light and glare resulting in a cumulative impact on visual quality. Mitigation in this RDEIR requires any application to annex territory within the SOIA Area to comply with the City of Elk Grove's Citywide Design Guidelines by minimizing the use of reflective materials in building design and designing outdoor light fixtures to be directed/shielded downward and screened. Mitigation also requires on-site tree preservation or off-site mitigation or payment of an in-lieu fee.

Cumulative impacts would be reduced through design measures incorporated into future development to be sensitive to rural and agricultural views. In addition, general plan policies would have the effect of reducing cumulative visual change, such as the creation of open space areas and view corridors to preserve key visual elements, and would result in development that is aesthetically pleasing. However, alteration of visual character from agricultural to urban uses and adverse effects on scenic vistas would be an unavoidable and cumulatively significant impact.

### **Agricultural Lands**

The geographic scope of the cumulative agricultural resources analysis is focused on Sacramento County. Therefore, it is most appropriate to use the Sacramento County boundary as the basis for assessing cumulative impacts.

Development and land use activities within both the SOIA Area and nearby areas have the potential to result in the conversion of agricultural land to non-agricultural use, conflict with Williamson Act contracts, and creation of pressures that cause the premature conversion of agricultural land. In addition, implementation of the Southeast Connector would have the potential to directly impact farmland.

Future development of the SOIA Area may result in the conversion of approximately 400 acres of Prime Farmland, 132 acres of Unique Farmland, and 5,236.6 acres of Farmland of Statewide Importance. These conversions would make up approximately 2.7 percent of the total important farmland acreage known to exist in Sacramento County in 2010 (approximately 211,744 acres) (Elk Grove DEIR 2003). Given the rate of conversion in Sacramento County, this would be a significant cumulative impact. Mitigation Measure AG-1 requires project applicants preserve one acre of farmland land of equal or higher quality for each acre of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance that would be developed as a result of the project. This measure also requires minimum conservation easement content standards. This would ensure that some agricultural land is preserved; however, conversion of agricultural land would still occur. Mitigation Measure AG-3 would require the City to prepare a plan to avoid land use compatibility conflicts prior to annexation. Although conversion of Important Farmland in Sacramento County anticipated as a result of potential development of the SOIA Area would be mitigated by protection of other farmland, the project would still result in the loss of Important farmland and the project's contribution to this cumulative impact is considered significant and unavoidable.

### **Air Quality**

The geographic scope of the cumulative air quality analysis is the Sacramento Valley Air Basin. Air pollution is regarded as a regional issue; therefore, this area would be the area most likely to be impacted by project emissions. All of the projects listed in Table 4-1 would result in new air emissions, during construction or operations (or both). Future annexation and development activities within the Project area could accommodate more population and jobs than anticipated by SMAQMD air quality attainment plans and SACOG's Metropolitan Transportation Plan growth assumptions and, therefore, would be inconsistent with both applicable SMAQMD air quality attainment plans. Furthermore, the Project may result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard.

Mitigation is proposed requiring an Air Quality Plan incorporating policies and other measures at least as stringent as those found in Elk Grove General Plan Policies CAQ-27 through CAQ-33 and associated actions, as well as compliance with all recommended SMAQMD measures to address construction emissions. However, impacts associated with the potential project conflict with the applicable air quality plans remains significant and unavoidable as the potential for population growth and increased VMT associated with the conceptual growth that may result

from future development under the proposed SOIA demonstrates a substantial increase compared with existing conditions. According to SMAQMD CEQA guidance, projects that conflict with the applicable air quality plans would also result in cumulatively considerable air quality impacts. In addition, the project area is located within an air basin that is classified a severe non-attainment area for State and federal ozone and PM standards. The growth in population, vehicle usage and business activity within the non-attainment area, when considered with growth proposed under the Elk Grove General Plan and throughout Sacramento County, would contribute to cumulative regional air quality impacts.

Implementation of the Project along with other growth in the area may either delay attainment of the standards or require the adoption of additional controls on existing and future air pollution sources to offset project-related emission increases. The contribution of emissions from subsequent development in the SOIA Area would be cumulatively and is considered significant and unavoidable.

### **Biological Resources**

The geographic scope of the cumulative biological resources analysis considers the range of each species or resource, which could encompass portions of the County or larger portions of the Central Valley or State. Development and land use activities within both the SOIA Area and nearby areas have the potential to result in impacts to special-status plant and animal species, sensitive natural habitat, and trees. Mitigation is included that requires project-level biological surveys; avoidance, preparation and implementation of a HCMP; a tree survey, and a tree preservation and monitoring plan; Swainson's hawk and other raptor preconstruction surveys and avoidance actions; Swainson's hawk and Greater sandhill crane foraging habitat mitigation; and permitting compliance with federal and state wetlands, waterways and streambed alterations and wetland habitat mitigation that would reduce impacts. However, impacts related to habitat modifications, on special-status wildlife species would remain significant and unavoidable.

All other Project-related biological impacts were found to be less than significant and did not require mitigation. Other projects that result in similar impacts would be required to mitigate for their impacts. Because the Project would contribute to an overall reduction in total habitat for species such as Swainson's hawk and other raptors, it would have a cumulatively considerable contribution when considered with growth and development on a regional scale.

### **Cultural Resources**

The cumulative analysis for cultural resources impacts considers a broad cultural and regional system of which the resources are a part. The cumulative context for the cultural resources analysis for the Project includes Sacramento County as a whole. Future development and land use activities within both the SOIA Area and the County have the potential to result in impacts to documented and undiscovered cultural resources such as artifacts, fossils, and burial sites. The general plan, other long-term planning documents, and regulatory agency guidance establish policies that require mitigation for impacts on potential cultural resources (e.g., evaluation requirements and inadvertent discovery procedures). Furthermore, these documents call for protection of known historic resources and mitigation in instances where previously

undiscovered resources are encountered. However, even though Federal, State, and local laws are in place to protect these resources, as discussed above, there is potential for due to or loss of previously undiscovered resources that are encountered during construction activities. Therefore, the cumulative impact would be considered significant. Because all significant cultural resources are unique and non-renewable members of finite classes, all adverse effects erode the dwindling resource base, so the Project's incremental contribution to these significant cumulative impacts would be potentially cumulatively considerable. Compliance with Mitigation Measures CUL-1 through CUL-3 would ensure that potential resources are identified and treated as required by regulations to protect any identified resources. This would ensure the Project's cumulative contribution could be reduced to a less-than-considerable level.

### **Greenhouse Gas Emissions**

Greenhouse gas emissions contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change. No single project could generate enough greenhouse gas emissions to noticeably change the global average temperature. The combination of greenhouse gas emissions from past, present, and future projects contributes substantially to the phenomenon of global climate change and its associated environmental impacts and as such are addressed only as a cumulative impact. As identified in Section 3.7, Mitigation Measure GHG-1 establishes three threshold options to evaluate potential future development in the SOIA Area and mandates the achievement of at least one. These three threshold options are currently being used by air districts throughout the State and were established with the purpose of complying with AB 32, which represents the Statewide effort to substantially reduce greenhouse gas emissions. Therefore, since Mitigation Measure GHG-1 requires that emissions associated with future development comply with at least one threshold, the project would be compliant with AB 32 and thus represent a less than cumulatively considerable impact.

### **Hazards and Hazardous Materials**

The geographic scope of the cumulative hazards and hazardous materials analysis is Sacramento County. Future development and land use activities within both the SOIA Area and nearby areas have the potential to result in impacts associated with hazardous materials usage, risk of upset, exposure of schools, emergency evacuation, and wildfires. The general plan, other long-term planning documents, and regulatory agency guidance establish policies that require compliance with hazardous materials handling regulations, inspection and reporting requirements, first responder training, identification of evacuation and response procedures, and wildfire protection measures. Furthermore, the Project approval incorporates a mitigation measure that requires that properties that are suspected or known to contain hazardous materials and sites that are listed on or identified on any hazardous material/waste database search and surrounding areas are reviewed, tested, and remediated for potential hazardous materials in accordance with all local, state, and federal regulations. Therefore, the overall cumulative impact related to hazards would be reduced to less than significant through compliance with existing regulations.

### **Hydrology and Water Quality**

The geographic scope of the cumulative hydrology and water quality analysis consists of the two watersheds the SOIA Area straddles (American River and Cosumnes River). Hydrologic and water quality issues have the potential to affect downstream areas; therefore, using watersheds as a basis for analysis provides for a conservative evaluation of cumulative impacts. Future development and land use activities within both the SOIA Area and nearby areas have the potential to create adverse impacts associated with water quality, groundwater, flooding, and drainage.

Development projects would require compliance with City of Elk Grove Municipal Code Chapter 16.44, Land Grading and Erosion Control, including compliance with provisions of the City's NPDES Permit, as well as identification of all types of flood hazards and locations of flood management facilities and demonstration that post-development storm water run-off peak flows and volumes will not exceed pre-development levels for land within the 100-year floodplain, that would reduce impacts to less than significant level. In addition, mitigation to require that new projects in the SOIA Area not result in new or increased flooding impacts on adjoining parcels on upstream and downstream areas would reduce the project's drainage impacts to less than significant. All other project-related hydrological impacts were found to be less than significant and did not require mitigation. Other projects that result in similar impacts would be required to mitigate for their impacts. Because other projects in the American River and Cosumnes River watersheds would be required to comply with the same regulations that require SWPPPs and BMPs, the overall cumulative impact from development would be less than significant.

### **Land Use and Planning**

Land use inconsistencies are not physical effects in and of themselves and combinations of policy inconsistencies would not rise to the level of a physical effect. There would be no cumulative impact related to land use. Cumulative effects of the physical changes related to the project are discussed in the other topics in this section.

### **Noise**

The geographic scope of the cumulative noise analysis is the project vicinity, including surrounding sensitive receptors. Noise impacts tend to be localized; therefore, the area within 0.5-mile of the Project site would be the area most affected by Project activities.

Development within the SOIA Area may result in increased traffic noise along roadways used by project-generated traffic. As indicated in Section 3.12, Noise, of the RDEIR, the traffic noise increases associated with such development would range from 0 to 10 dB Ldn relative to cumulative conditions without the project. The Project-related increases would exceed the project thresholds of significance on nine roadway segments. As a result, this impact is considered significant. Mitigation is proposed that would require any application to annex territory within the SOIA Area to comply with Chapter 6.32 of the City of Elk Grove Municipal Code regarding noise exposure, reducing impacts to future sensitive receptors to a less than significant level. While repaving the affected segments using opengraded asphalt, rubberized asphalt, or similar material could reduce traffic noise levels 4 dB, thereby reducing this impact to

a level of insignificance along some segments, this measure would not provide the required to degree of noise reduction to fully mitigate this impact along all affected roadway segments. In addition, because of driveway access requirements and other physical constraints, the construction of solid noise barriers at the existing residences located along these impacted sections is similarly considered infeasible.

The Sacramento County General Plan Policy NO-9 pertains to increased traffic noise levels that result from capacity-enhancing roadway improvement projects. However, this policy would not be applicable to the increase in traffic noise levels that would result from future buildout of the SOIA Area, because the area would be under City jurisdiction. Other projects shown in Table 4-1 of the RDEIR would generate trips that contribute to this cumulative impact. As such, the Project's contribution to the cumulative noise environment would be cumulatively considerable.

### **Transportation/Traffic**

The geographic scope of the cumulative transportation analysis is the Sacramento area. Future development and land use activities within the SOIA Area may generate 218,000 vehicle trips per day. The traffic analysis identified several roadways that would operate at an unacceptable level of service and would require improvements should the SOIA Area become fully developed in the future. Mitigation is proposed requiring the applicant to provide fair-share impact fees to fund the future improvements. However, some of the roadways affected by this mitigation measure would not be in the jurisdiction of the City of Elk Grove. Other planned and approved projects would also add significant numbers of new trips to local roadways. Therefore, the Project, in conjunction with other projects, would have a cumulatively considerable contribution to unacceptable roadway and freeway operations. This would be a significant and unavoidable impact.

Future development and land use activities within the SOIA Area would implement mitigation measures that would require update to the City's Bicycle and Pedestrian Master Plan as well as its Transit Master Plan. It is reasonable to assume that other projects would also be required to provide public transit, bicycle, and pedestrian access. Therefore, the Project, in conjunction with other projects, would not have any cumulatively considerable impacts on these transportation-related areas.

### **Utilities and Service Systems**

The geographic scope of the cumulative utility systems analysis is the SOIA Area and the service areas of the utility providers that may potentially serve the Project area, such as the Sacramento County Water Agency, the Sacramento Area Sewer District, the Cosumnes Community Services District, the Sacramento Municipal Utility District, the Sacramento Regional County Sanitation District, and Pacific Gas and Electricity.

Future development and land use activities within both the SOIA Area and neighboring jurisdictions have the potential to increase demands for utilities including water, wastewater, storm drainage, solid waste, and energy. Mitigation is proposed that would require the City to demonstrate that there is adequate water and wastewater treatment capacity and infrastructure

planned or available prior to annexation activity. However, these impacts were found to be significant and unavoidable. Because the demand of the Project in combination with other cumulative demand on water supply and wastewater treatment plant capacity could exceed the availability of these utilities, this cumulative impact is considered significant and the project's contribution would be cumulatively considerable and significant and unavoidable.

## **VI. PURPOSE AND OBJECTIVES OF THE SOIA**

The SOIA consists of a request initiated by the Elk Grove City Council (Resolution #2008-54) to LAFCo to amend the City of Elk Grove's SOI. The current City boundaries and coterminous SOI encompass 26,974 acres. Having a coterminous SOI and city boundary is atypical because with a coterminous SOI, there is no extraterritorial area for a city to plan for future growth through annexation and related boundary changes.

The application to amend the SOI requests 7,869 acres generally described as the areas south of Bilby Road/Kammerer Road and Grant Line Road, as shown in Exhibit B. The City of Elk Grove application includes land use projections that indicate that future growth may require additional lands outside of the current City boundary. The City's available residential, industrial, and commercial land inventory is in the process of building-out and may be unable to accommodate all anticipated urban growth within the City limits. As a result, the City seeks to establish a direction to accommodate its anticipated future growth by designating an area for long-term planning that may also allow for a beneficial jobs-housing balance.

For purposes of analyzing environmental impacts, LAFCo staff, in consultation with City staff, developed land use assumptions that would allow the Commission and the public to understand environmental effects of expanding the City's SOI that may result from potential growth during future annexations. There are no specific land use entitlements proposed at this time in conjunction with the proposed SOIA. California Government Code section 65300 provides that a city may comprehensively plan for lands outside of its jurisdiction without the area being within an approved SOI.

However, while the Elk Grove City Council has expressed its desire to have the proposed SOI area master planned, the Council has explicitly stated that no comprehensive planning of the area will occur unless and until LAFCo approves the SOIA. The City's General Plan currently does not include any land use designations for the proposed SOIA Area. The General Plan designations cover only the current City boundaries. The majority of the SOIA area is included in the General Plan planning area, as a "Study Area." Therefore, for the purposes of analyzing potential environmental impacts of the projects, land use assumptions were developed by LAFCo in consultation with City staff by considering existing land uses under the General Plan for other areas within the City, then projecting reasonably foreseeable land uses within the proposed SOIA Area based on the existing land use designations..

The current City boundaries with the coterminous SOI encompass 26,974 acres. The proposed SOIA would expand the existing SOI, not the city limits, by 7,869 acres, or by 29 percent, to a total SOI of 34,843 acres. However, anticipated future growth and expansion through the annexation process would be limited to areas outside of the FEMA 100-year floodplain, in



accordance with Elk Grove Safety Policy SA 15. Likewise, the Central Valley Flood Management Planning Program will require 200-year floodplain protection for urban areas. This would limit future growth to 6,882 acres of the proposed 7,869-acre SOI expansion, leaving 13 percent of the area for non-urban uses, such as open space. The following table shows the total acreages in the existing and proposed SOIA areas.

SOI Boundary	Acreage
Current City boundaries/SOI	26,974
Proposed SOI Amendment	7,869
Total of Current City Boundaries and Proposed SOI Amendment	34,843

Source: City of Elk Grove, Sphere of Influence Amendment Application, 2010.

The project has the following objectives:

- Amend the SOI boundary beyond the existing Elk Grove city limits to accommodate orderly and sustainable growth consistent with the City’s General Plan.
- Implement the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 consistent with public service conditions present or reasonably foreseeable in the proposed SOIA Area.
- Establish a logical boundary within which future and timely annexation requests by the City of Elk Grove may be considered.
- Establish an SOI for the City of Elk Grove that will facilitate the protection of important environmental, cultural, and agricultural resources.
- Provide sufficient land to accommodate a jobs-housing ratio for the City of Elk Grove that provides for sufficient residential and employment-generating lands uses to minimize the need for commuting to or from other jurisdictions.

## VII. PROJECT ALTERNATIVES

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects[.]” (Pub. Resources Code, § 21002, italics added.) The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid or substantially lessen* such significant effects.” (*Ibid.*, italics added.) Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects.” (*Ibid.*)

CEQA defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” (Pub. Resources Code, § 21061.1.) The CEQA Guidelines add another factor: “legal” considerations. (CEQA Guidelines, § 15364; see also *Citizens of Goleta Valley v. Board of Supervisors* (“*Goleta II*”) (1990) 52 Cal.3d 553, 565.) Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. (CEQA Guidelines, § 15126.6, subd. (f)(1).) The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.)

Where a significant impact can be substantially lessened (i.e., mitigated to an “acceptable level”) solely by the adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the project. (Pub. Resources Code, § 21002; *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 691, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403.) In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility of modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subds. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated that, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interest, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II, supra*, 52 Cal.3d at p. 576.)

The preceding discussion regarding Project impacts reveals that most significant effects identified in the EIR have been at least substantially lessened, if not fully avoided, by the adoption of feasible mitigation measures.

Thus, as a legal matter, LAFCo, in considering alternatives in these findings, need only determine whether any alternatives are environmentally superior with respect to those significant and unavoidable impacts. If any alternatives are in fact superior with respect to those impacts, LAFCo is then required to determine whether the alternatives are feasible. If LAFCo determines

that no alternative is both feasible and environmentally superior with respect to the unavoidable significant impacts identified in the RDEIR, LAFCo may approve the Project as mitigated, after adopting a statement of overriding considerations.

CEQA does not require that all possible alternatives be evaluated, only that “a range of feasible alternatives” be discussed so as to encourage both meaningful public participation and informed decision making. (CEQA Guidelines, § 15126.6, subd. (a).) “The discussion of alternatives need not be exhaustive, and the requirement as to the discussion of alternatives is subject to a construction of reasonableness. The statute does not demand what is not realistically possible given the limitation of time, energy, and funds. ‘Crystal ball’ inquiry is not required.” (*Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286; see also CEQA Guidelines, § 15126.6, subd. (f)(3).) Indeed, as stated by the court in *Village of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1028, although there may be “literally thousands of ‘reasonable alternatives’ to the proposed project . . . ‘the statutory requirements for consideration of alternatives must be judged against a rule of reason.’” (*Ibid.*, quoting *Foundation for San Francisco’s Architectural Heritage v. City and County of San Francisco* (1980) 106 Cal.App.3d 893, 910.) “‘Absolute perfection is not required; what is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned.’” (*Id.*, at p. 1029.) The requirement has been fulfilled here; the RDEIR examined the proposed project alternatives in detail, exploring their comparative advantages and disadvantages with respect to the proposed project.

The LAFCo has considered the Project alternatives presented and analyzed in the FEIR and presented during the comment period and public hearing process. Some of these alternatives have the potential to avoid or reduce certain significant or potentially significant environmental impacts, as set forth below. LAFCo finds, based on specific economic, legal, social, technological, or other considerations, that the ERA is selected and approved for the project. The remaining alternative and the facts supporting the finding of infeasibility of each are set forth below.

### **Alternatives Considered and Dismissed from Further Consideration**

CEQA requires that the lead agency identify any alternatives that were considered but rejected as not potentially feasible during the scoping process, and briefly explain the reasons underlying the infeasibility determination (State CEQA Guidelines, Section 15126.6[c]). Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR is failure to meet most of the basic project objectives, infeasibility, or inability to avoid significant environmental impacts. The RDEIR included the following alternative that was considered, but dismissed from further consideration.

#### **Reduced Agriculture Impacts/Smaller Footprint Alternative**

LAFCo considered a smaller project site footprint or reduced development of the proposed project as a potentially feasible alternative to the proposed project. The Reduced Agricultural Area/Smaller Footprint Alternative evaluated the project site’s Farmland Mapping and Monitoring Program designations and soil characteristics to remove areas identified as most

suitable for agricultural production from the proposed project. However, the soils underlie the proposed project area in a non-uniform matrix with no specific type of soil encompassing a large, contiguous area that can be logically separated from the proposed boundary.

This alternative was rejected because it would not meet the basic project objectives and would be contrary to LAFCo policy for SOI expansion because it would result in a non-contiguous SOI boundary and would create islands. Therefore, this alternative was rejected.

## **Alternatives Considered and Evaluated in the EIR**

### **1. No Project Alternative**

Under the No Project Alternative, the project site would remain in its existing condition and no Sphere of Influence application would be approved. The Sphere of Influence boundaries would be limited to the existing City of Elk Grove City limits. The proposed project area would be anticipated to continue to develop under the existing Sacramento County General Plan.

### **Comparative Environmental Effects**

#### **Aesthetics**

This alternative would maintain agricultural uses on the project site. The proposed project's visual character and scenic vista impacts were found to be significant and unavoidable from potential future urbanization of the proposed project under the proposed project. Therefore, this alternative would reduce impacts to less than significant, as development would occur under the existing County General Plan that would result in a reduced development conforming to existing agricultural designations. Therefore, this alternative would have more reduced impacts on aesthetics than the proposed project.

#### **Agricultural Resources**

As discussed in Section 3.2 of the RDEIR, Agricultural Resources, the potential development of the proposed project would result in significant and unavoidable impacts associated with the loss of Important Farmlands, conflict with Williamson Act contracts and involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to nonagricultural use. The No Project/Existing General Plan Alternative would not result in loss of farmland, as any future activity would conform to the existing Agricultural designations. Therefore, this alternative would have fewer impacts on agricultural resources than the proposed project.

#### **Air Quality**

Future annexation and development under the proposed project would result in significant and unavoidable air quality impacts that could not be fully mitigated to less than significant levels. The No Project/Existing General Plan Alternative would result in substantially reduced development in conformance with the existing County General Plan. This would result in fewer air quality impacts than the potential future urbanization of the proposed project. Therefore, this alternative would have less impact than the proposed project.

**Biological Resources**

Development under No Project/Existing General Plan Alternative would maintain continuation of agricultural activities within the proposed project area. The County General Plan identifies the project site as suitable foraging habitat for Swainson's hawk. Development under this alternative would allow continuation of agricultural activities, thereby avoiding any disturbance to the foraging habitat for Swainson's hawk. No impacts would occur to special-status species. In addition, no urbanization would occur that would have the potential to impact existing wetlands. Therefore, this alternative would have fewer impacts than the proposed project.

**Cultural Resources**

The proposed project identified impacts to cultural resources that were less than significant. Continuation of agricultural activities and limited development under the existing General Plan would have the same potential to unearth cultural resources and would be subject to similar regulations protecting cultural resources. Since the No Project/Existing General Plan Alternative would result in limited development under the existing primarily agricultural designations, impacts would be less than those of the proposed project.

**Geology, Soils, and Seismicity**

As described in Section 3.6, Geology and Soils, of the RDEIR, future annexation and development activities under the proposed project could expose residences and structures to unstable soil conditions. Since the No Project/Existing General Plan Alternative would result in limited development under the existing primarily agricultural designations, impacts would be less than those of the proposed project.

**Greenhouse Gas Emissions**

This alternative would result in fewer greenhouse gas emissions relative to the proposed project. While the proposed project's greenhouse gas emissions were found to add no considerable amounts to global greenhouse gas emission concentrations, this alternative would still result in fewer overall emissions through the reduction of vehicle trips and overall development intensity. Therefore, this alternative would have less impact than the proposed project.

**Hazards and Hazardous Materials**

This alternative would result in continuation of agricultural activities that would dominate the project site. The proposed project would not create any significant hazards or hazardous materials impacts requiring mitigation. As such, this alternative would have impacts related to hazards and hazardous materials similar to the proposed project.

**Hydrology and Water Quality**

The proposed project area is currently covered with largely pervious surfaces and very few structures. Therefore, the amount of surface runoff associated with No Project/Existing General Plan Alternative would be substantially less than the level of runoff associated with the proposed project. In addition, no development would occur in a flood zone. As such, this alternative would have fewer hydrology and water quality impacts than the proposed project.

**Land Use and Planning**

The existing land use and zoning designations for both the proposed project and the No Project/Existing General Plan Alternative conform to the County designations. However, approval of the proposed project could result in future annexations and land use planning by the City of Elk Grove. The proposed project's land use impacts relating to conflict with applicable habitat conservation plan and conversion of open space resources were found to be significant and unavoidable. Under the No Project/Existing General Plan Alternative, future development to accommodate the City's job housing balance would not occur. The No Project/Existing General Plan Alternative would require the City to look for alternate lands to accommodate future growth consistent with the City's General Plan. This would indirectly result in more impacts related to land use and planning. However, since City has no land use authority over the proposed project area, direct impacts to land use and planning would be similar to the proposed project.

### **Mineral Resources**

Under this alternative, impacts to Mineral Resources would be similar to those of the proposed project, as no significant mineral resources were found in the project area.

### **Noise**

As discussed in Section 3.12, Noise, of the RDEIR, the proposed project could result in significant and unavoidable noise impacts associated with future annexation and development activities within the proposed project area. The No Project/Existing General Plan Alternative would result in a substantially lower-density land pattern than the proposed project. Therefore, this alternative would have fewer noise impacts than the proposed project.

### **Population and Housing**

This alternative would result in very low-density development on the project site in place of high density urban development consisting of residential and employment generating land uses. The new employment opportunities created by the proposed project were not found to have the potential to cause indirect growth inducement. Under this alternative, population and housing growth would be consistent with the County's General Plan. Therefore, this alternative would have impacts on population, housing, and employment less than the proposed project.

### **Public Services**

The No Project/Existing General Plan Alternative would result in substantially lower intensity development than the proposed project that would be primarily associated with agricultural activities. Therefore, this alternative would not generate an increased demand for public services beyond what is anticipated in the Sacramento County General Plan. As such, this alternative would have less impact on public services than the proposed project.

### **Transportation and Traffic**

Section 3.15, Transportation and Traffic, of the RDEIR, identifies significant and unavoidable impacts to local roadways and freeways associated with the proposed project. The No Project/Existing General Plan Alternative would not cause a traffic increase in the proposed project area and surrounding areas, because development would occur consistent with the Sacramento County General Plan, which is primarily agriculture. This alternative would not have substantial traffic- or transportation-related impacts resulting from buildout of the vacant parcels

in the proposed project area; therefore, the No Project/Existing General Plan Alternative would have fewer impacts related to traffic and transportation than the proposed project.

### **Utilities and Service Systems**

The No Project/Existing General Plan Alternative would result in substantially reduced development than the proposed project primarily associated with agricultural activities. Therefore, this alternative would not generate an increased demand for public utilities beyond what is anticipated in the Sacramento County General Plan. Annexation into service districts such as Sacramento County Water Agency (SCWA) and Sacramento Area Sewer District (SASD) is not anticipated. As such, this alternative would have less impact on public services than the proposed project.

### **Significant and Unavoidable Impacts That Would No Longer Occur**

The No Project/Existing General Plan Alternative would avoid all of the proposed project's significant unavoidable impacts and would have less impact on all environmental topical areas.

### **Feasibility/Relationship of Alternative to Project Objectives**

The concept of "feasibility" encompasses the question of whether a particular alternative or mitigation measure promotes existing City policies, as well as the underlying goals and objectives of a project. "[F]easibility' under CEQA also encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

Because the No Project Alternative does not change the City's SOI boundary, it would not advance any of the project objectives. It does not amend the City's SOI, implement the Cortese-Knox-Hertzberg Local Government Reorganization Act, establish a logical boundary within which future and timely annexation requests by the City may be considered, and does not provide sufficient land to accommodate a jobs-housing ratio for the City. (RDEIR p. 2-18.) Furthermore, this alternative would not realize the project benefits associated with City's objectives of orderly and sustainable growth in accordance with the City's General Plan and would not achieve job-housing balance. (RDEIR p. 2-18.)

## **2. Alternate SOI Boundary Alternative**

The Alternate SOI Boundary Alternative would entail the expansion of the City of Elk Grove's SOI to the northeast of the existing City limits and would encompass an area that is larger than the currently proposed SOI Area. This Alternate SOI Boundary modification aims to encompass an unincorporated area of the County that would allow the City to meet its objectives of future growth and expansion, but focus on areas adjacent to the City that are currently processing specific plans and development entitlements with Sacramento County. As such, the Alternate SOI boundary would include the North Vineyards Station Specific Plan (1,590 acres); the Vineyard Springs Comprehensive Plan (2,650 acres); and area west of these specific plans that

includes 6,500 acres bounded by Eagle Nest Road to the east, Elder Creek Road to the north, Calvine Road to the south, and Grant Line Road to the southeast. The Alternate SOI Boundary Alternative is illustrated in Exhibit 5-1 of the RDEIR. Similar to the proposed project area, the land use designations for the 6,500 acres is General Agriculture-20; most of the land (approximately 90 percent) is grazing land according to FMMP designations. This alternative would also avoid extension of the proposed project area into or near the Stone Lakes National Wildlife Refuge.

This alternative would result in similar land use assumptions made for the proposed project to accommodate future growth envisioned by the City of Elk Grove. This alternative would require similar discretionary approvals for future annexation and development activities, including General Plan Amendment, rezone, planned development adoption, subdivision map, development agreement, and Williamson Act cancellation.

### **Comparative Environmental Effects**

#### **Aesthetics**

Under this alternative, future annexation and development activities would occur on the northeast of the existing Elk Grove city limits. The proposed project's visual character and scenic vista impacts were found to be significant and unavoidable from potential future urbanization of the proposed project area under the proposed project. Future urban growth under this alternative would be similar to the proposed project. As shown in Exhibit 5-1 of the RDEIR, the Alternate SOI Boundary includes specific plans that have been developed as urban uses and is close to urban development in the cities of Rancho Cordova and Sacramento. Therefore, this alternative would reduce visual impacts to less than significant, since development would occur in an area that is currently undergoing urbanization, and any future development would continue to exhibit similar visual characteristics associated with urban growth. Therefore, this alternative would have fewer impacts on aesthetics than the proposed project.

#### **Agricultural Resources**

As discussed in Section 3.2, Agricultural Resources, the potential development of the proposed project area would result in significant and unavoidable impacts associated with the loss of Important Farmlands, conflict with Williamson Act contracts and involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to nonagricultural use. The Alternate SOI Boundary Alternative would not result in loss of Important Farmland, as most of the land is identified as grazing land. Agricultural activities may exist on vacant lands that would be impacted by future urbanization; however, mitigation measures such as payment of fees for loss of farmland would reduce those impacts. Furthermore, this alternative contains approximately 2,100 acres of active Williamson Act land, which is less than the 2,474 acres of active and 548 acres of nonactive Williamson Act land in the proposed project. Therefore, this alternative would have fewer impacts on loss of Important Farmland and conflict with Williamson Act contracts than the proposed project.

#### **Air Quality**



Future annexation and development activities and development intensity would be similar to the proposed project under the Alternate SOI Boundary Alternative. Therefore, this alternative would have air quality impacts similar to the proposed project.

### **Biological Resources**

The Alternate SOI Boundary area is zoned AG-20 by the County Zoning Map. As a baseline, the Department of Environmental Review and Assessment (DERA) assumes that properties zoned AG-40 and larger have 100 percent habitat value and AG-20 properties have 75 percent habitat value. Therefore, impacts to Swainson's hawk's foraging habitat would be less significant under this alternative than the proposed project. Similar mitigation measures would be required to reduce impacts. The Alternate SOI Boundary contains both freshwater emergent wetlands and freshwater ponds. Impact to wetlands would be worse than the proposed project as it would extend into areas northeast of the City that have been identified as having good wetland and vernal pool habitat identified in the South Sacramento Habitat Conservation Plan effort. However, this alternative would avoid extension of the proposed project area into or near the Stone Lakes National Wildlife Refuge. Therefore, this alternative would have fewer impacts related to biological resources than the proposed project.

### **Cultural Resources**

The proposed project was found to have less than significant impacts on historical resources, archaeological resources, paleontological resources, and burial sites. Because this alternative would result in similar potential to unearth cultural resources and would be subject to similar regulations protecting cultural resources, it would have impacts on cultural resources similar to the proposed project.

### **Geology, Soils, and Seismicity**

This alternative would accommodate the same amount of future growth as envisioned by the City of Elk Grove and would be developed in the future with urban uses similar to the proposed project. The same regulations related to site preparation and the construction of buildings, including the California Building Code, which provides minimum standards for building design throughout California, would apply under this alternative. Therefore, this alternative would have impacts on geology, soils, and seismicity similar to the proposed project.

### **Greenhouse Gas Emissions**

This alternative would accommodate the same amount of future growth envisioned by the City of Elk Grove and therefore would be developed with urban uses similar to the proposed project in the future. As such, this alternative would have impacts on greenhouse gas emissions similar to the proposed project.

### **Hazards and Hazardous Materials**

This alternative would accommodate the same amount of future growth envisioned by the City of Elk Grove and therefore would be developed with urban uses similar to the proposed project in the future. The proposed project was found to have less than significant impacts associated with hazardous materials from past or present site usage as well as the potential for risk of upset. Construction of subsequent projects under this alternative would be required to comply with applicable building, health, fire, and safety codes, as described for the proposed project. Because

this alternative site has also included historic agricultural use, mitigation identified for the proposed project would also be required for this alternative. Therefore, this alternative would have impacts related to hazards and hazardous materials similar to the proposed project.

### **Hydrology and Water Quality**

This alternative would accommodate the same amount of future growth envisioned by the City of Elk Grove and therefore would be developed with urban uses similar to the proposed project in the future. The proposed project was found to have significant impacts on short-term water quality, long-term water quality, drainage, and flood hazards. Mitigation was proposed to address all of these impacts and would fully mitigate these issues to a level of less than significant. Because this alternative would result in urbanization activities similar to the proposed project, similar impacts would occur.

The available areas for future development within the Alternate SOI Boundary are outside 100-year flood zones. Therefore, this alternative would have fewer impacts on hydrology and water quality than the proposed project.

### **Land Use and Planning**

The alternative would require a General Plan Amendment, rezone, subdivision map, and other discretionary approvals for future annexation and development activities similar to the proposed project. Similar to the proposed project, this alternative would be required to be consistent with the City of Elk Grove General Plan, the Elk Grove Municipal Code, and Sacramento LAFCo annexation policies. However, this alternative would avoid extension of the proposed project area into or near the Stone Lakes National Wildlife Refuge, thereby resulting in a lesser impact to conflict with applicable habitat conservation plans. Therefore, this alternative would have less land use impacts than the proposed project.

### **Mineral Resources**

There are currently no mineral extraction activities occurring in the Alternate SOI Boundary Alternative area. The Alternate SOI Boundary Alternative impacts to Mineral Resources would be similar to those of the proposed project; no significant mineral resources were found in the project area.

### **Noise**

As discussed in Section 3.12, Noise, the proposed project would result in significant and unavoidable noise impacts associated with future annexation and development activities within the proposed project area. This alternative would accommodate the same amount of future growth as envisioned by the City of Elk Grove and would be developed with urban uses similar to the proposed project in the future. Therefore, this alternative would have impacts on noise similar to the proposed project.

### **Population and Housing**

This alternative would result in similar land use assumptions as the proposed project to accommodate future growth envisioned by the City of Elk Grove. Therefore, this alternative would have impacts on population, housing, and employment similar to the proposed project.

### **Public Services**

This alternative would accommodate the same amount of future growth as envisioned by the City of Elk Grove and would require demand on public services similar to those identified for the proposed project. Therefore, this alternative would have impacts on public services similar to the proposed project.

### **Transportation and Traffic**

Section 3.15, Transportation and Traffic, of the RDEIR identifies significant and unavoidable impacts to local roadways and freeways associated with the proposed project. The Alternate SOI Boundary Alternative would cause a traffic increase similar to the proposed project, as most of the area available for development under this alternative contains rural roads similar to the proposed project.

Therefore, although the traffic impacts would occur in a different location, this alternative would generate a similar amount of traffic that would have impacts on levels of service similar to the proposed project.

### **Utilities and Service Systems**

The Alternate SOI Boundary Alternative would include development potential similar in nature to the proposed project. The area under the Alternate SOI Boundary is served by the Sacramento County Water Agency (SCWA). No sewer service is currently available to the area. The proposed project would require annexation by a sewer service provider. Under this alternative, annexation by SCWA would not be required, since the alternative area is currently undergoing urbanization. Therefore, this alternative would have slightly less impact than the proposed project.

### **Significant and Unavoidable Impacts That Would No Longer Occur**

The Alternate SOI Boundary Alternative would avoid the proposed project's significant unavoidable impacts with the exception of traffic and noise. In addition, this alternative would lessen the severity of other impacts, including those associated with aesthetics; agricultural resources; hydrology and water quality; land use and planning; and utilities. However, it would not reduce the project impacts as much as the environmentally superior alternative – the ERA.

### **Feasibility/Relationship of Alternative to Project Objectives**

The Alternate SOIA Boundary Alternative would advance most of the project objectives. However, it is not selected because it is not the environmentally superior alternative.

### **3. Enhanced Regional Alternative**

The ERA would entail the expansion of the City of Elk Grove's SOI over approximately 4,040 gross acres, with 2,775 acres immediately to the south of the current city limits, generally 0.5 mile north of Eschinger Road, in the area between SR-99 and Franklin Boulevard and 1,575 acres in the area east of SR 99. This ERA would be located within portions of the area identified by the Sacramento Area Council of Governments (SACOG) Blueprint Preferred Scenario for Elk

Grove as a Medium Density Residential place type, and as Vacant Urban Designated Lands (2050) and land that is currently within the County Urban Services Boundary. This alternative aims to encompass an unincorporated area of the County General Plan that would allow the City to meet many of its objectives for future growth and expansion but would focus on siting that growth in areas that meet regional as well as City objectives, as set forth in regional transportation and air quality planning documents. By encouraging more compact urban development, the alternative would reduce potential environmental impacts to air quality and greenhouse gas emissions, and the loss of agricultural and biological resources. This alternative would also largely avoid FEMA designated floodplains and extension of the SOIA Area near the Stone Lakes National Wildlife Refuge.

The City of Elk Grove application (the proposed project) consists of approximately 7,900 acres. The area encompassed by this ERA is included within that larger area. As a result, the impacts and mitigation measures of the ERA are fully analyzed within the analysis of the impacts and mitigation measures of the proposed project. The ERA, as a project narrower in scope than the proposed project, does not create any new or more severe significant effects than those analyzed in connection with the proposed project.

### **Comparative Environmental Effects**

#### **Aesthetics**

Under this alternative, future annexation and development activities would occur within a smaller footprint located immediately adjacent to the southern City of Elk Grove city limits. The proposed project's visual character and scenic vista impacts were found to be significant and unavoidable from potential future urbanization of the SOIA Area under the proposed project. Future urban growth under this alternative would be similar to the proposed project. Therefore, this alternative would not reduce visual impacts to less than significant, since development would occur in an area that is currently rural, and any future development would continue to exhibit similar visual characteristics associated with urban growth. However, because this alternative would result in less land converted to urban uses, this alternative would have impacts on aesthetics that are less than the proposed project.

#### **Agricultural Resources**

As discussed in Section 3.2, Agricultural Resources, the potential development of the SOIA Area would result in significant and unavoidable impacts associated with the loss of Important Farmlands, conflict with Williamson Act contracts and involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to nonagricultural use. The ERA would result in loss of Important Farmland and Williamson Act land, as most of the land is identified as prime farmland or farmland of statewide importance, and some is identified as under Williamson Act contracts. However, this alternative would affect less acreage of Important Farmland and Williamson Act land than the proposed project. Therefore, this alternative would have fewer agricultural impacts than the proposed project.

#### **Air Quality**

Because the ERA includes less land available for development than the proposed project, it would result in less development. In addition, this alternative is consistent with the SACOG

Blueprint Preferred Scenario; therefore, this alternative would have fewer air quality impacts than the proposed project.

### **Biological Resources**

Because this alternative would result in less land converted to urban uses than the proposed project, impacts to Swainson's hawk's foraging habitat would be reduced under this alternative. Similar mitigation measures would be required to reduce impacts. The ERA contains both freshwater emergent wetlands and freshwater ponds, but the proposed SOIA area includes wetlands that would not be affected under this alternative. Therefore, impacts to wetlands would be less than the proposed project. This alternative would also avoid extension of the SOIA Area into or near the Stone Lakes National Wildlife Refuge. Therefore, this alternative would have fewer biological resources impacts than the proposed project.

### **Cultural Resources**

The proposed project would have less than significant impacts on historical resources, archaeological resources, paleontological resources, and burial sites. This alternative would result in similar potential to unearth cultural resources and would be subject to similar regulations protecting cultural resources as the proposed project. However, because this alternative would result in less ground disturbance, it would have impacts on cultural resources less than the proposed project.

### **Geology, Soils, and Seismicity**

This alternative would be developed with similar types of urban uses as envisioned by the City of Elk Grove under the proposed project. The same regulations that apply to the proposed project regarding seismic standards and soil stability would also apply under this alternative. However, because this alternative would result in less ground disturbance, it would have impacts on geology, soils, and seismicity less than the proposed project.

### **Greenhouse Gas Emissions**

This alternative would accommodate more compact future growth than envisioned by the City of Elk Grove under the proposed project, as this alternative is consistent with SACOG Blueprint Preferred Scenario. However, because the ERA includes less land available for development than the proposed project, it would result in less development. As such, this alternative would result in less ground disturbance and it would have impacts related to greenhouse gases that are less than the proposed project.

### **Hazards and Hazardous Materials**

This alternative would accommodate more compact growth than envisioned by the City of Elk Grove under the proposed project, but would be developed with similar types of urban uses. However, because the ERA includes less land available for development than the proposed project, it would result in less development. The proposed project was found to have less than significant impacts associated with hazardous materials from past or present site usage as well as the potential for risk of upset. This alternative would have impacts related to hazards and hazardous materials similar in nature to the proposed project, but because this alternative would result in less ground disturbance, it would have impacts related to hazards and hazardous materials that are less than the proposed project.

### **Hydrology and Water Quality**

This alternative would accommodate more compact growth than envisioned by the City of Elk Grove under the proposed project and be developed on less land. Although the proposed project would have significant impacts on short-term water quality, long-term water quality, drainage, and 100-year flood hazards, mitigation proposed to address all of these impacts would fully mitigate these issues to a level of less than significant. Because this alternative would result in less ground disturbance than the proposed project, fewer impacts related to changes in hydrology would occur. The available areas for future development within the ERA are outside 100-year flood zones. Therefore, this alternative would have fewer impacts related to hydrology and water quality than the proposed project.

### **Land Use and Planning**

This alternative would require a General Plan Amendment, rezone, subdivision map, and other discretionary approvals for future annexation and development activities similar to the proposed project. Similar to the proposed project, this alternative would be required to be consistent with the City of Elk Grove General Plan, the Elk Grove Municipal Code, and Sacramento LAFCo annexation policies. However, this alternative would avoid extension of the SOIA Area into or near the Stone Lakes National Wildlife Refuge, thereby resulting in a lesser impact related to potential conflicts with applicable habitat conservation plans. Therefore, this alternative would have less land use impact than the proposed project.

### **Mineral Resources**

There are no Prime Aggregate Resource Areas or locally important mineral resource recovery sites in the project area. Therefore, the ERA mineral resources impacts would be similar to those of the proposed project.

### **Noise**

As discussed in Section 3.12, Noise, of the RDEIR, the proposed project would result in significant and unavoidable noise impacts associated with future annexation and development activities within the SOIA Area. This alternative would accommodate more compact growth than envisioned by the City of Elk Grove's proposed project. This alternative would be developed with similar urban uses, but because this alternative would include less development than the proposed project, it would generate less traffic, so traffic noise would be reduced compared to the proposed project. Therefore, this alternative would have less severe noise impacts than the proposed project.

### **Population and Housing**

This alternative would result in less urbanization than the proposed project, and it would accommodate less future growth than envisioned by the City of Elk Grove's proposed project. In addition, this alternative is consistent with SACOG Blueprint Preferred Scenario. Therefore, this alternative would have fewer impacts on population, housing, and employment than the proposed project.

### **Public Services**

This alternative would accommodate less future growth than envisioned by the City of Elk Grove's proposed project and would generate less demand on public services than those identified for the proposed project. Therefore, this alternative would have fewer impacts on public services than the proposed project.

### **Transportation and Traffic**

Section 3.15, Transportation and Traffic, of the RDEIR identifies significant and unavoidable impacts to local roadways and freeways associated with the proposed project. The ERA would generate less traffic than the proposed project, as the developable area is substantially smaller than the proposed project. Therefore, this alternative would have fewer traffic impacts than the proposed project.

### **Utilities and Service Systems**

The ERA would include less development potential than the proposed project. Sacramento County Water Agency (SCWA) serves the ERA area, although no sewer service is currently available to the area. The proposed project would require annexation by sanitary sewer service providers. Because this alternative would generate less demand for utilities and service systems, this alternative would have slightly less impact on utilities and service systems than the proposed project.

### **Significant and Unavoidable Impacts That Would No Longer Occur**

The ERA would avoid some of the proposed project's significant unavoidable impacts except impacts from aesthetics, agriculture, biological resources, noise, and traffic. This alternative would reduce the severity of other impacts, including those associated with aesthetics, agricultural resources, air quality, biological resources, cultural resources, greenhouse gases, hydrology and water quality, land use and planning, noise, population and housing, public services, transportation, and utilities.

### **Feasibility/Relationship of Alternative to Project Objectives**

This alternative would advance most of the project objectives.

### **Environmentally Superior Alternative**

In addition to the discussion and comparison of impacts of the alternatives to the proposed project, CEQA requires that an "environmentally superior" alternative among the alternatives considered be selected and the reasons for such selection disclosed. In general, the environmentally superior alternative is the alternative that would generate the fewest or least severe adverse impacts. In the case of the project, the no project alternative is the environmentally superior alternative because it would not create any new site-specific adverse environmental impacts. However, CEQA requires the identification of another environmentally superior alternative when the "no project" alternative is identified as environmentally superior (CEQA Guidelines, § 15126, subd. (e)(2)).

The qualitative environmental effects of each alternative in relation to the proposed project are summarized in Table 5-1 of the RDEIR. The No Project Alternative is the environmentally superior alternative, as the project site would remain in its existing condition, thereby avoiding any potentially adverse environmental impacts.

As stated above, if the No Project Alternative is environmentally superior, the EIR must also identify another environmentally superior alternative among the remaining alternatives. The ERA would be environmentally superior because it would reduce the severity of the proposed project's significant unavoidable impacts associated with aesthetics, agricultural resources, air quality, biological resources, geology, soils, and seismicity, hazards and hazardous materials, land use and planning, transportation and utilities.

### **VIII. STATEMENT OF OVERRIDING CONSIDERATIONS**

Pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15092, Sacramento LAFCo finds that in approving the Project (the ERA) it has eliminated or substantially lessened all significant and potentially significant effects of the Project on the environment where feasible. Sacramento LAFCo further finds that it has balanced the benefits of the Project against the remaining unavoidable environmental risks in determining whether to approve the Project and has determined that those benefits outweigh the unavoidable environmental risks and that those risks are acceptable. Sacramento LAFCo makes this statement of overriding considerations in accordance with section 15093 of the Guidelines in support of approval of the Project. Each statement below, in and of itself is independently sufficient to support the approval of the Project notwithstanding the environmental impacts.

The Project will result in significant and unavoidable impacts in the areas of Aesthetics (AES-1, substantial adverse effect on scenic vista; AES-3, degrade the visual character of the Project site); Agriculture (AG-1, convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use; AG-2 conflict with existing zoning for agricultural use or a Williamson Act contract; AG-3 other changes in the existing environment that could result in conversion of Farmland to nonagricultural); Air Quality (AIR-1 conflict with or obstruct implementation of the applicable air quality plan; AIR-3 violate an air quality standard or contribute substantially to an existing or projected air quality violation; AIR-4, result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard); Biological Resources (BIO-1, have a substantial adverse effect, either directly or through habitat modifications, on special-status wildlife species); Land Use (LU-3, conflict with any applicable habitat conservation plan or natural community conservation plan; LU-4, convert open space resources to urban uses); Noise (NOI-1, result in a significant increase existing traffic noise levels at noise-sensitive land uses); Transportation (TRAN-1 future annexation and development activities within the proposed project may generate new vehicle trips that would contribute to unacceptable traffic operations under Existing Plus Project Conditions; TRAN-2, generate new vehicle trips that would contribute to unacceptable traffic operations under Cumulative Conditions); and Utilities and Services (USS-1, generate a demand for increased water services over that which is currently produced in the area and thereby result in a need for additional water supplies or facilities, the construction of which would cause significant environmental effects;



USS-2 (require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.) Nonetheless, the following economic, social, legal, economic and policy considerations outweigh the potential environmental impacts:

- The City of Elk Grove's current SOI is coterminous with the boundaries of the City. As such, it has no area designated for future annexation to accommodate residential, industrial, and commercial growth of the City. By approving the Project, LAFCo will meet the project objectives of amending the SOI boundary beyond the existing Elk Grove city limits to accommodate orderly and sustainable growth consistent with the City's General Plan. (Recirculated DEIR p. 2-18.)
- The Project will implement the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 by designating an area contiguous to the existing City boundaries as the areas for the probable extension of services within the next 20 years and designate an area in which future annexation requests may be considered. (RDEIR p. 2-1.)
- The Project implements LAFCo's policies of favorably considering proposals that result in the provision of urban services in densely developed and populated areas, and favorably considering proposals that will provide urban services in areas with high growth potential rather than in areas with limited potential for future growth. (LAFCo Policies §§ I.B III.3-4). The Project implements this policy, notwithstanding its environmental impacts because it permits Elk Grove to grow while resulting in the provision of urban services in densely developed and populated areas and areas of high growth potential.
- The adoption of the Project will allow the City of Elk Grove to meet its objective, shared by the Sacramento Area Council of Governments, of supporting a jobs-housing balance in Elk Grove. The Project supports a jobs-housing balance because it will allow the City to plan for additional employment opportunities which will provide for economic growth, additional commerce needed within the City, and shorter commutes for Elk Grove residents. By approving the Project, LAFCo permits the City to develop employment centers within its boundaries and incentivize development of a sustainable community with reduced traffic and automobile pollution. LAFCo is thus encouraging "smart growth" by the City of Elk Grove. Furthermore, the City is required to demonstrate in the future that any annexation provides and contributes to a greater jobs-housing balance citywide. An infill condition is also imposed to ensure that the City demonstrate that infill development is prioritized where feasible and growth in the SOI is managed in an orderly process.
- The ERA reduces the severity of the proposed project's significant unavoidable impacts associated with aesthetics, loss of prime agricultural land, other agricultural resources, air quality, biological resources, habitat, geology, soils, and seismicity, hazards and

hazardous materials, land use and planning, transportation and utilities. In addition, the ERA has the following additional benefits:

*Species Protection & Habitat Conservation* – The ERA provides for habitat conservation in addition to satisfying Elk Grove’s need to expand. The reduction in size of the SOI Area combined with the imposed conditions and the FEIR mitigation measures are effective measures to reduce impacts. The ERA provides an effective compromise between the City’s need for growth and environmental considerations. The Mitigation Monitoring and Reporting Program (as a condition to approval of the SOIA) will ensure implementation and effectiveness of the mitigation measures. The City will also need to demonstrate participation in the South Sacramento Habitat Conservation Plan (“SSHCP”) or develop its own conservation plan consistent with the requirements of state and federal regulatory agencies to mitigate for habitat and loss of agricultural land within and without the SOI area. The ERA also avoids identified Swainson’s hawk nesting sites. Thus, the ERA will allow Elk Grove to grow, but also limit the effect to species and habitats within the approved SOI area. Additionally, although the California Department of Fish and Wildlife (“DFW”) does not support the proposed SOI and prefers the CEQA “No Project” alternative, as it may best allow for successful implementation of the SSHCP, the DFW also believes that with the current draft of the SSHCP, it may be possible to implement the SSHCP successfully if the ERA were selected, since the ERA is limited to approximately one-half of the area of the proposed SOIA.

*Agricultural Lands & Open Space* – The ERA protects agricultural lands and open space while allowing orderly growth. Because the City is hemmed in on three sides with existing developed or dedicated land, non-agricultural lands are not available for annexation. Urbanization abuts the City on the north and, east, with the Stone Lakes National Wildlife Refuge to the west. Thus, the City may only grow to the south, on lands currently used for agriculture and open space. However, the ERA will limit loss of agricultural and open space lands within the region and require Elk Grove to set aside permanent conservation easements at a ratio of one acre converted to urban land uses to one acre of agriculture preserved.

*Air Quality* – Reducing the SOI size to approximately 4,040 acres as opposed to the 7,869 proposed by Elk Grove promotes regional air quality goals by limiting the territory for development, commensurate with less traffic generation within the region. This will enable the City to comply with its greenhouse gas requirements as set forth in Elk Grove’s General Plan and recently adopted Climate Action Plan. Air quality mitigation measures will also reduce the air quality impacts of future development to air quality.

*Water Supply* – The ERA represents a lesser potential development footprint, resulting in a reduction of demand for water service. This will contribute to the long-term management of an adequate and sustainable water supply.

*Orderly Growth* –By limiting the SOI expansion, LAFCo is encouraging orderly growth and avoiding urban sprawl. This is an important policy goal of LAFCo. LAFCo policies state that it will only approve a change of organization or reorganization which will result

in the conversion of prime agricultural land in open space to other uses if the Commission finds that the proposal will lead to the planned, orderly, and efficient development of the area. (LAFCo Policies § IV.E). The ERA allows LAFCo to promote this important goal of orderly and logical growth by:

- i. Limiting the size of the SOI.
- ii. Imposing conditions that encourage infill development where feasible before expansion into the SOI.
- iii. Imposing conditions that require mitigation for loss of agricultural land
- iv. Imposing conditions that require mitigation for loss of habitat.
- v. Imposing conditions to ensure that the SOI growth follows a pattern to accomplish a jobs-housing employment center land use balance rather than suburban residential sprawl.
- vi. Imposing a condition that the City demonstrate, either through work with SACOG or the development of local policies, jobs-housing implementation measures to support any annexation request.

Approximately 2,000 acres of the ERA SOIA are substantially within the Sacramento County General Plan Urban Service Boundary line (i.e., the ultimate boundary for the delivery of municipal services provided by the County). Even though this includes agricultural land, it is agricultural land that has previously slated for future development. Therefore, inclusion of this land in the SOIA Area is consistent with LAFCo policies. Inclusion of the remaining ERA SOIA Area, south of Kammerer Road, was necessary to meet jobs-housing balance goals. The area (approximately 2,040 acres) located outside of the USB is generally consistent with the SACOG Blueprint. The SACOG Blueprint is a regional policy document for long range transportation planning and funding. Accordingly, the ERA provides Elk Grove with all of the land adjacent to the City of Elk Grove within the County General Plan Urban Services Boundary and thus provides sufficient area to grow in area previously identified as appropriate for urbanization, while promoting orderly growth. By limiting the SOI extension, LAFCo discourages urban sprawl and promotes the more efficient use of existing lands.

*Infill Development* – The County of Sacramento’s General Plan and LAFCo policies both emphasize build out of infill sites prior to development of new territory. Infill development refers to new development within an established urban area where basic municipal infrastructure and services exists. This type of development includes development of vacant parcels, redevelopment of abandoned or derelict structures, and intensification of uses on underutilized lands. By approving the ERA, LAFCo ensures that Elk Grove is able to grow, but promotes infill development by linking limiting the permissible boundaries for Elk Grove. Infill development is the re-use of land or existing developed sites within an urban/suburban area. Infill development promotes better use of sites through reuse and repositioning of obsolete or underutilized buildings. Infill uses vital land left vacant during early development and contributes to community revitalization. Infill is representative of smart growth. Infill development is valuable not only for the environmental benefits of using land more efficiently and directing growth into existing urbanized areas, but also the benefit that quality projects bring to

neighborhoods and communities. Good infill conserves open space, helps to energize communities and contributes to jobs, housing and area sustainability.

*Efficient Services* – The City of Elk Grove has requested the SOIA to establish an urban growth boundary to accommodate and enhance economic development and anticipated future growth. Given County USB policies, the City of Elk Grove is the most proximate municipal entity to guide development and coordinate the necessary related of municipal services to the SOI Area if the area should be annexed to the City. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 promotes the view that urban development should occur within municipal boundaries ideally (i.e., that municipal services are more efficiently provided by a single municipal provider, rather than a myriad of single purpose providers). Therefore, the ERA ensures that residents of Elk Grove receive efficient and adequate governmental facilities and services, such as wastewater, solid waste, law enforcement, fire, emergency, code enforcement, parks and recreation, gas/electric, and library. The reduced acres of the ERA provide adequate economy of scale for facility and infrastructure master planning for water, wastewater, fire and park services.

*Traffic and Transportation* – Limiting the SOI extension to approximately 4,040 acres will limit the impact of development on traffic, transportation and related issues such as noise and pollution.

*Conformity with LAFCo Policies* – LAFCo policies state that LAFCo's are charged with encouraging development that occurs in a manner that provides efficient and quality services and preserves open space land resources. (LAFCo Policies § I.B). LAFCo's policies also state that LAFCo will favorably consider proposals that result in the provision of urban services in densely developed and populated areas, and favorably consider proposals that will provide urban services in areas with high growth potential rather than in areas with limited potential for future growth. (LAFCo Policies § III.3-4). Accordingly, the ERA permits Elk Grove to grow and develop, but ensures that such development conforms to LAFCo's policies and overall goals.

*Support by Agencies with Jurisdiction Over the SOIA Area* – In its comment letter dated May 20, 2013, the California Department of Fish and Wildlife states that it supports the no project alternative first, but the letter then acknowledges SSHCP compatibility of the ERA: "We also believe that with the current draft of the SSHCP, it may be possible to implement the SSHCP successfully if the RDEIR's ERA (ERA) were selected, since the ERA is limited to 4,040 acres, and assuming that the acquisition of farm lands in the western portion of the SSHCP planning area with the ERA selected would then be much closer to the 15% acquisition rate experienced with the SJHCP." In its comment letter dated May 13, 2013, SACOG also supports the ERA and stated that "We note that the size and location of the ERA is generally consistent with the Blueprint conceptual map, which contemplated future growth south of the current city limits of Elk Grove."

*Terms and Conditions* – By placing terms and conditions on approval of the SOIA, the Commission allows Elk Grove to grow, but ensures that it grows in a manner that is orderly and accounts for environmental considerations.

**The Proposed Sphere of Influence Amendment is Consistent with LAFCo's SOI Policies and Will Promote Orderly Development and Growth while Preserving Agricultural and Open Space Land.**

As explained in detail in the proposed Resolution No. LAFC 2013-13-1106-09-10, approving the City of Elk Grove's SOIA is consistent with LAFCo's policies and will promote orderly development and growth while preserving agricultural and open space lands.

**IX. ADOPTION OF THE ERA DOES NOT REQUIRE RECIRCULATION OF THE EIR**

The ERA boundary for the City of Elk Grove's Sphere of Influence Amendment shown in the attached Exhibit A reduces the acreage from the alternative evaluated in the RDEIR (4,040 acres versus 4,350 acres) (see RDEIR pages 5-3 and 5-4 and Exhibit 5-2). The modification of the ERA better reflects parcel boundaries in the area and is within the range of impacts disclosed for this alternative on pages 5-16 through -20 of the RDEIR. Thus, the impacts of the final boundary of the City of Elk Grove's Sphere of Influence was considered and disclosed in the EIR and would not constitute new significant information that would require recirculation of the EIR as provided under CEQA Guidelines section 15088.5.