

Date: March 17, 2016

To: Mr. Don Lockhart, AICP
Assistant Executive Officer
Sacramento Local Agency Formation Commission
1112 "I" Street, Suite 100
Sacramento, CA 95814



From: Salen Singh
9261 Survey Road
Elk Grove, CA 95624

Subject: Notice of Preparation of a Draft Environmental Impact Report for the
KAMMERER/HWY 99 SPHERE OF INFLUENCE
AMENDMENT_(LAFC 07 - 15) APPLICATION

Dear Mr. Lockhart:

We have lived in Elk Grove for a couple of decades and have witnessed the changes over these decades. We actively participated in the incorporation of the City of Elk Grove. We have supported City of Elk Grove's SPHERE OF INFLUENCE efforts in the past.

We own land APN: 132-0300-024 fronting on the east side of Rau Road. East boundary of our parcels abuts the land included in the above noted SOI Amendment Application. We have talked to most of our neighbors on the east side of Rau Road and a desire to be part of the above noted SOI Amendment Application appears to be a common theme. Our neighboring parcel numbers fronting on east side of Rau Road are: 132-0300-025, 132-0300-050, 132-0300-028, 132-0310-009 and 132-0310-010.

Regardless of whether our land, at this time, is included or not in the present private SOI Amendment Application, we fully support the effort by Martin Feletto and Gerry Kamilos. We wish them nothing but the best.

It is our hope that someday all of the land fronting on the east side of Rau Road will also be incorporated into the City of Elk Grove.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Salen Singh".

Salen Singh

A handwritten signature in black ink, appearing to read "Martin Feletto".



Date: March 17, 2016

To: Mr. Don Lockhart, AICP
Assistant Executive Officer
Sacramento Local Agency Formation Commission
1112 "I" Street, Suite 100
Sacramento, CA 95814

From: Dr. Verghese Mathew, Dr. Elisabeth Mathew
6633 Palm Drive
Carmichael, CA 95608

Subject: Notice of Preparation of a Draft Environmental Impact Report for the
KAMMERER/HWY 99 SPHERE OF INFLUENCE
AMENDMENT_(LAFC 07 – 15) APPLICATION

Dear Mr. Lockhart:

We have owned land in Elk Grove for a couple of decades and have witnessed the changes over these decades. We actively participated in the incorporation of the City of Elk Grove. We have supported City of Elk Grove's SPHERE OF INFLUENCE efforts in the past.

We own land APN: 132-0310-009 and APN: 132-0310-010 fronting on the east side of Rau Road. East boundary of our parcels abuts the land included in the above noted SOI Amendment Application. We have talked to most of our neighbors on the east side of Rau Road and a desire to be part of the above noted SOI Amendment Application appears to be a common theme. Our neighboring parcel numbers fronting on east side of Rau Road are: 132-0300-024, 132-0300-025, 132-0300-050, 132-0300-028 and 132-0310-024.

Regardless of whether our land, at this time, is included or not in the present private SOI Amendment Application, we fully support the effort by Martin Feletto and Gerry Kamilos. We wish them nothing but the best.

It is our hope that someday all of the land fronting on the east side of Rau Road will also be incorporated into the City of Elk Grove.

Thank you.

Sincerely,

Dr. Verghese Mathew, Dr. Elisabeth Mathew

Testimony of Michael Monasky
Before the Sacramento Local Agency Formation Commission
April 6, 2016



Re: Item 9; EIR/Notice Of Preparation, Kammerer Road Sphere Of Influence Application

At the recent Sacramento LAFCo workshop, I asked Commission staff to more completely and properly describe this application and the effect of integrating it with the city's soccer facility SOI request, as well as the city's General Plan Update schema to eventually and ultimately absorb four additional "study areas" into its urban boundaries. To date there is no clear explanation of how and why these three projects are fractionated. I can only explain this disjointed approach to land planning as a Caesarian attempt to divide and conquer Mother Nature.

It is hypocritical for the Sacramento Local Agency Formation Commission in this notice to argue against study of certain environmental elements in boundary expansion proposals by the City of Elk Grove and landowners outside the city limits. It's time for LAFCo to put on its critical-thinking cap and get to work in response to this and other, recent applications by land speculators.

The Commission claims there are no changes to land uses proposed as part of this Sphere of Influence Amendment application. Yet the applicant has a pipe-dream: that the project site could accommodate development that could provide 18,000 to 20,000 jobs in office, industrial, and commercial settings near the Grant Line Road/SR 99 interchange and along the Kammerer Road (future Capital Southeast Connector) corridor; that the project site could accommodate a total of 4,000 to 5,000 dwelling units [Land Use Scenario].

The application is for areas where services might be expected in the next 20 years, yet the city has vacant, undeveloped land within its boundaries, and many shuttered businesses. Despite the fact that the proposed project does not include an annexation request, the city's very next step will be to begin building homes. The Commission has erroneously declared that there will not be any change to the land use or taxation jurisdiction in the event of the approval of the proposed SOI Amendment [Project Background].

The Commission has erroneously declared that the project could result in indirect effects associated with probable future urbanization of the area; the effects would be direct and immediately follow home building activities [Potential Environmental Effects].

Although the EIR will evaluate the potential of the proposed SOI Amendment Area to support special-status plants, animals, and habitats considered sensitive, rare, threatened, or endangered, the most endangered species of all, *homo sapiens*, will not be included in the Commission's reports [Biological Resources].

It is patently absurd that the Commission has already decided that the EIR will not include a water supply assessment, since, it argues, no specific land use change is proposed [Utilities].

This Notice Of Preparation does not consider the health and well-being of human beings. Humans are endangered by our own activities, including the obliteration of farm lands, species-extinction, air/soil/water pollution, elimination of green space buffers and wildlife corridors. The NOP/EIR does not but should include a Health Impact Analysis.

The Commission errs in declaring that there is no land use plan, thus the EIR will not analyze

any impacts associated with the location of any particular buildings or uses in any particular location, as it has said most of the development will occur along the Capital Connector corridor [re: hazards and hazardous materials].

The same can be said about hydrology and water quality effects, as the anticipated development area is already described in the NOP document. Furthermore, the Commission has prematurely decided that it will not perform even the most minimal of studies on hydrology and water quality, depending instead upon existing drainage and water quality conditions of the SOI Amendment Area based on existing information and studies.

But where will the project obtain water for 18,000-20,000 employees, and 4,000-5,000 homes?

The Commission appears to be purposefully unclear when it states that, since the project does not include any land use plan, the analysis of policy consistency will necessarily be conceptual, but will be based upon probable land use scenarios [re: land use].

And, despite the large number of proposed employees and homes for this project, the Commission is being completely irresponsible when it declares that, since there is no land use plan, it is not possible to estimate traffic generated within the proposed SOI Amendment Area along any particular transportation facility [Transportation/Traffic].

In addition to the No Project Alternative, and because the city of Elk Grove has proven itself regionally uncooperative in abandoning its participation in the South County Habitat Conservation Plan, the NOP/EIR should study a consideration of this and the other "study areas" in development for wildlife and farmland buffers dedicated to such uses in perpetuity. Such development should include but not be limited to commercial farming, eco-tourism, wildlife research, recreation, establishment of refuges, and agricultural education programs. An economic study describing and investigating the viability of such development endeavors, including Regional Conservation Partnerships, should be included in the EIR.

Finally, I recommend that the Commission review biologist E. O. Wilson's remarks about "Half Earth," where he proposes setting aside entire swaths of land, as contiguous preserves on half of all our lands, that allow wildlife to prevail. Wilson also includes a total ban on fishing. This is necessary not just to save life on Earth, but to save mankind himself.

"What you can do, though, conservationists say, is ensure biodiversity on private property by paying landowners to protect present and future forests; in technical terms this is known as a "conservation easement." Approaching thousands of individual landowners about this, one at a time, could defend and define natural corridors so they remain seamless for animals and plants, setting up formal connections between parcels that previously were in a legal sense merely adjacent. Money is an obstacle—though easements cost less than outright land purchases—and another is finding the people to do the paperwork, which traditionally has been handled by small local groups called land trusts; they're now amalgamating themselves into larger associations called RCPs, regional conservation partnerships, so as to take on bigger projects."

<http://www.smithsonianmag.com/science-nature/can-world-really-set-aside-half-planet-wildlife-180952379/?all>



Paul Lindsay

916-685-8071 lindsay@elkgrove.net 8909 Castle Park Dr, Elk Grove, Ca 95624



April 3, 2016

Sacramento Local Agency Formation Commission
Attn: Mr. Don Lockhart, Assistant Executive Officer, AICP
1112 I Street, Suite 100
Sacramento, Ca 95814-2836

Dear Mr. Lockhart:

I would first like to thank you, Mr. Brundage and the Sacramento LAFCO for holding a scoping session for Kammerer Road/Highway 99 Sphere of Influence Amendment EIR (LAF#07-15) in Elk Grove on March 22, 2016. It is always appreciated when a Public Agency and its representatives make an effort to reach out to the local communities they serve.

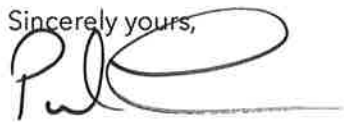
I would like to make the following comments about what should be included in the preparation of the EIR:

- 1) The existing private applicant request for an SOI change should be looked at in context. This application does not exist in a vacuum. The City of Elk Grove is currently reviewing its General Plan and in the discussion to date, it is clear that the City intends to submit piece-meal applications for SOI decisions that basically include the entirety of its previously withdrawn 2013 application. In its staff report, for a Special Joint Meeting of the City Council and Planning Commission, held February 25, 2016, there is a clear indication that the City will continue its efforts to place four areas for consideration (labeled Study Areas 1-4 (pp. 9-11)), for future growth. Further, public workshops held on the General Plan also indicated that the city's intent is to grow beyond its current southern boundaries. **The EIR for this application must look at the city's expressed desires to include this and the other areas designated as Study areas for all potential impacts** in all the listed areas: Aesthetics, Agriculture, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Minerals, and Paleontological Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and water Quality, Land Use and Planning, Noise, Population, Employment, Housing, and Environmental Justice, Public Services and Recreation, Transportation/Traffic, and Utilities and Service System

2) The Sacramento LAFCO memo dated March 7, 2016 titled Notice of Preparation of a Draft Environmental Impact Report and Notice of Public Scoping Meeting for the Proposed Kammerer Road/Highway 99 Sphere of Influence Amendment (LAF#07-15) contradicts itself on numerous occasions. For instance the sections on Aesthetics, Air Quality, and Energy, all indicate some review of effects of the potential development of the SOI area. Remarkably, the Memo takes the opposite approach to the availability of Water, stating that **"the EIR will not include a water supply assessment, since no specific land use change is proposed"** (p. 9, under the heading "Utilities and Service Systems"). It can be reasonably argued that the applicant has plans to develop this area. In fact, in private conversations, the applicant has stated his desire to mirror the proposed development in the City's South East Planning Area (SEPA), to the North of Kammerer Road. The EIR for this application must be rigorous and detailed about potential water impacts for any and all new SOI applications, as well, as the likelihood of development is inherent in any SOI application. Similarly, in the Transportation/Traffic section (again on page 9), the Memo makes the statement that "As there is no land use plan, it is not possible to estimate traffic generated within the proposed SOI Amendment Area along any particular transportation facility." Again, context is lacking. The EIR must take into consideration the proposed use of Kammerer as a backbone in the I-5 to US 50 connector and to take into consideration the applicant's expressed desire to develop the SOI area to mirror SEPA plans directly to the North.

To fully achieve the mandate of the EIR to address the direct, indirect, and cumulative effects of the application, as stated in the memo dated March 7, 2016, I would urge that the Draft EIR fully consider the context in which this application appears, as mentioned above, and that a full and rigorous review of the potential effects of a developed area be considered, especially with the vital aspects of Water Availability and Transportation/Traffic concerns

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Paul Lindsay', with a large, stylized flourish extending to the right.

Paul Lindsay



"A BETTER ELK GROVE IS WITHIN OUR GRASP"

ELK GROVE GRASP

April 4, 2016

Mr. Don Lockhart, Assistant Executive Director, AICP
Sacramento Local Agency Formation Commission
1112 I St, Suite 100
Sacramento, Ca 95814-2836

Dear Mr. Lockhart:

We are writing to respond with comments regarding the scope of the EIR for Kammerer Road/Highway 99 Sphere of Influence Amendment EIR (LAFC#07-15).

First, we believe that this request and the EIR prepared for it must look at the broader context of developments in Elk Grove. While this is a private application for a SOI change, a broader review of current Elk Grove City actions indicate that it is only one piece in a series of Study Areas that the City contemplates developing in future SOI applications. The City is in the process of revising its General Plan and includes 4 separate Study Areas that mirror the failed attempt in 2013 to establish an SOI for approximately 8000 acres on its southern border. In a sense, we consider the current application to be a stalking horse for a greater action by the City of Elk Grove.

The memo prepared for the Scoping Session held in Elk Grove was contradictory on its face and failed to address larger issues that must be considered. In some sections, development was assumed and the EIR was "scoped" to include this development. In other sections, development was not assumed and the EIR was not "scoped" to include development. Two such items were Water availability and Transportation/Traffic considerations.

It is almost self evident, especially given a private application for a SOI change, that the applicant's intent is to develop the land. In these last several years, the state has suffered severe drought conditions and every community has had drastic water reduction mandates. Given this reality, it

is imperative that the EIR discuss the critically important issue of water availability using a model that assumes full development. The statement in LAFCO's Scoping Session memo, dated 3/7/2016, that the "EIR will not include a water supply assessment, since no specific land use change is proposed...." can only be seen as a fatal flaw in the manner and ultimate usefulness of the application's EIR. We urge that the Scoping for the EIR be consistent and consider full development of the land in question for all listed aspects of review.

Similarly, we feel that the Transportation/Traffic scoping direction, as shown in the Scoping Memo, cited above, does not fully address issues that are of vital importance and must be discussed to make this EIR and adequate planning and discussion document.

As reported in the 2015 National Citizen survey 65% of Elk Grove resident's main mode of transportation is the automobile. Elk Grove's General Plan allows for LOS D as acceptable through overriding considerations.

Elk Grove's public transportation system (E-Tran) has found it necessary to cut back on services and eliminate some routes in an effort to reduce the deficit and balance the budget. The commuter buses have demonstrated the highest ridership with less than half rating the system favorably.

On numerous occasions, including a quote from the city's public works director on October 9, 2013 the city lacks the financial capacity to maintain its existing roadways and is experiencing an 8 million dollar deficit each year.

According to the applicant's project description, as quoted in the July 31, 2015 Sacramento Business Journal, he intends to urbanize the proposed SOI area with homes and retail. The residential portion would have about 5,000 housing units, while the commercial would generate 20,000 jobs.

Recognizing the mobility habits of the majority of Elk Grove residents and the budget constraints of the E-Tran service it is not realistic to assume that transit can serve as a mitigation.

In addition, any discussion that does not consider the proposed usage of the Corridor (i.e., Kammerer Road) as the potential I-5 to US 50

connector does not take a full and complete look at the effects that this SOI change can bring to the City of Elk Grove.

The EIR should classify the proposed SOI expansion as having an unavoidable significant impact on the city's fiscal ability to provide and maintain urban roadways in the project area.

Thank you for the opportunity to submit comments.

Sincerely yours,

Lynn Wheat, Allenya Kirby for Grasp

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APR 11 2016

SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

Lockhart. Don

Subject: FW: Public comments on NOP for KammererRoad/Hwy 99 SOIAA EIR

From: Suzanne [<mailto:slpecci@aol.com>]

Sent: Friday, April 08, 2016 6:17 PM

To: Lockhart. Don

Subject: Public comments on NOP for KammererRoad/Hwy 99 SOIAA EIR

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7. Municipal Services C Annexation Plan

The applicant indicated "None" both as current and proposed agent for water service when in fact this proposed project is in Sacramento County Water Agency SCWA Zone 40 . It should also have been disclosed that the application area is also within the 2030 Water Study Area. The current water agency for this project is SCWA. The answer of "none" in my opinion is misleading although there is no public water service to the proposed application area at this time, the domestic and agricultural wells that exist in the area at this time fall under SCWA's regulatory authority to charge fees, tax and fine.

Furthermore A Letter of Agreement from SCWA in my opinion should be filed in order to reflect that the proposed water agency will be served by SCWA. This omission on the part of the applicant is more than misleading as is It should be noted that a Bruce Kamilos is on the Advisory Committee of Florin Resources Research and Conservation District /Elk Grove Water District and was appointed 8-27-10 by Resolution of the Elk Grove City to SCWA and. The Elk Grove Water District who is also a member of SCWA. In my conversation with Mark Madison Manager of the Elk Grove Water District in January of this year, he stated that the city planned to remain in SCWA did not have plans to form a separate local water agency.

Note that one of the applicants for this project is Gerry Kamilos Companies LLC. I feel the relationship between the two Kamilos' should be a matter of inquiry by LAFCo to dispel any appearance of a conflict of interest in this application regarding water service and written clarified be provided by LAFCo as a matter of public document.

The Groundwater Sustainability Management Act (SGMA) became law in 2014. This act, as you may know, places the regulatory authority for water management under local agencies called Groundwater Sustainability Agencies GSAs which can be any local agency with responsibility for water supply, for water management or land use authority . In March 2016 two water districts in Sacramento County with prior affiliation with SCWA , Omochumne-Hartnell Water District OHWD and Sloughhouse Resources Conservation District filed water basin boundary modification requests with Dept. of Water Resources for their review and approval, as well as filing resolutions by their boards to become local GSAs. Note that Portions of OMHD lie within SCWA Zone 40, 2030 water study area. The deadline for boundary modifications and formation of GSAs has passed. By 2017 all water districts must be under a GSA, Elk Grove will be under the SCWA who will be the GSA by default and any land annexed to Elk Grove will be under SCWA as well.

The effect of this boundary change on local sustainable water management in adjacent water basins is not known at this time. It will cause, however, SCWA to be split and require modification to existing groundwater management plans water balance. The boundary change on existing state programs will require existing groundwater management plans be modified . SGMA will establish local groundwater sustainability agencies and basin-wide sustainability plans.

Groundwater Sustainability Plans for all high and medium priority basins are required to have a Plan or alternative management in place by 2020 or 2022, which applies to SCWA and OHWD and SRCD and all must coordinate plans for sustainable water management . It is the objective that the management and use of groundwater be done in a sustainable manner during the planning and implementation phase without causing undesirable results, such as significant and unreasonable depletion over the planning and implementation phase which applies to water allocation for the proposed application.

The EIR and the MSRP for this proposed application must be in compliance to the Sustainable Groundwater Management Act of 2014 and the Regulations due to be adopted June 2016 with regard to new development and sustainable groundwater allocation. Any approved boundary modifications and formation of local GSAs by OHWD and SRCD and it's affect on SCWA as a water source must be evidenced by modified plans and supporting hydrology.

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Thank you

Suzanne Pecci
10212 Equestrian Drive
Elk Grove, Ca 95624

DATE
\$

LAW OFFICES OF
JOHN R. FLETCHER
28925 PACIFIC COAST HIGHWAY
SUITE 210
MALIBU, CALIFORNIA 90265
TELEPHONE (310) 457-4100
FAX (310) 457-4000



Sender's E-Mail:
jfletcher@fwalaw.com

April 2, 2016

VIA FACSIMILE AND EXPRESS MAIL

Don.Lockhart@saclafco.org

Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814-2836
Attn: Mr. Don Lockhart, AICP, Assistant Executive Officer

Re: Suburban Propane's Opposition to the Proposed Kammerer/Highway 99 Sphere of Influence Amendment.

Suburban Propane submits the following written response to the Notice of Preparation of a Draft Environmental Impact Report for the proposed Kammerer/Highway 99 Sphere of Influence Amendment.

The subject proposal is one of two significant proposed amendments to land use policy surrounding the Suburban Propane, Elk Grove Propane Storage Facility. The other significant proposed amendment is the proposed Sports Complex on Grantline Road, to the south and east of Suburban Propane. Suburban Propane prepared and submitted a comprehensive response to the Sports Complex proposal on March 3, 2016. One month later, the community of Elk Grove, and Suburban Propane, are facing another significant proposal which will result in changes to the community and environment which cannot be underestimated. The Environmental Impact Reports, and the two projects, should be reviewed together as the two proposals have significantly greater cumulative impact to the environment and the community, than they would, if considered separately.

History of Suburban Propane's Elk Grove Storage Facility

Suburban Propane, Elk Grove, is a refrigerated propane storage facility which stores approximately 24,000,000 gallons of propane. Propane is transported to the facility via truck and rail with a predominate percentage of product arriving and departing the facility via truck transport. As many as 55 trucks and up to eight railcars will come into the plant during the day within a 24-hour period.

The property for the facility was selected in 1969 and propane was first stored on site in 1971. The facility has operated on an around-the-clock, 365 days per year basis since that time. The facility ships propane to other states and on occasion to Canada and Mexico. A significant percentage of the total propane sold in the State of California comes through, and is stored at the Suburban Propane facility.

The Suburban Propane site was selected for its convenient access to a major rail route, easy access to both I-5 and SR-99 as well as a number of east/west highways. The zoning has always been heavy industrial, (M-2) and Suburban Propane has historically been surrounded by a number of large heavy industries, including Georgia Pacific, Willamette Industries, Paramount Petroleum, The Henry Company and Concrete, Inc. Heavy industry has grown significantly around Suburban Propane over the past 30 years. This growth has been propelled by easy rail and highway access and zoning compatible with heavy industry.

During that same time, there has been tremendous residential growth in and around the City of Elk Grove. Zoning in areas around the plant have been changed, most recently in 2006. Those changes allowed for denser development and residential development into what was once considered to be a one mile protected zone around Suburban.

In Suburban's 46 years of plant operation there has never been an accident on site. Suburban utilizes state of the art security at its facility in recognition of the fact that not all potential dangers at the plant come from within the facility. In 1999 Suburban became the target of two unsophisticated terrorists, who have since been convicted of felonies including intent to use a weapon of mass destruction at the facility. While no events occurred at the plant related to terrorism, the incident sparked a further investigation into the potential of off-site consequences from an accident at Suburban Propane.

It is difficult to understand, 16 years later, that the mood in the community was charged and volatile and public officials and Suburban were held accountable by the community with respect to allowing potentially inappropriate development in close proximity to the facility. Ironically, the proposed amendment to the Sphere of Influence will allow the development of up to 5,000 dwelling units and allegedly put 20,000 new employees in close proximity to the Suburban facility. This is by far the largest proposed development in close proximity to Suburban Propane in the history of the propane storage facility and in the short history of the City of Elk Grove. While the mood in the community may have changed and City officials have changed and/or forgotten, the risks have not changed and City leaders must take into consideration the proximity of 24 million gallons of propane to 5,000 residential units and 20,000 new employees on the proposed site.

While the economy languished from 2007 until very recently, there was little economic incentive and, therefore, very little pressure to develop the agricultural areas around Suburban Propane. With an recovering economy, developers, and others, see opportunity for growth and profit.

There is an obvious pattern to develop the open space areas in and around the southern section of Elk Grove on both the east and west sides of Highway 99, essentially the open space buffer zone around Suburban Propane's storage facility.

Suburban Propane has consistently objected to changes in zoning around its facility which seek to modify the zoning of the surrounding area from agricultural, open space, heavy industry and light industry, to residential or to any other zoning designation which reduces the buffer area around the plant and which foreseeably will bring large numbers of people into close proximity to the propane storage facility. The subject proposal envisions up to 5,000 residential units and the allure of up to 20,000 jobs in the area. If we assume an average household of 3 persons per unit, there will be 15,000 residents in the area at night and up to 20,000 persons working in the area during the day. These figures are significant and represent a population density exposed to risk that cannot be mitigated in the event of a catastrophic event at the propane storage facility.

Proposed Development and the Applicants

The applicants seeking the Amendment to the Sphere of Influence are the Kamilos Companies, LLC and Feletto Development Company. Mr. Martin Feletto is an attorney/developer and the Kamilos Companies website was not up at the time of this writing. Feletto is a small development company. It appears that Kamilos is also small. However, the scope of the proposed development is impressively large. The developers are asking for modifications to land use policy which will change the southern boundary of Elk Grove to such an extent that the area will be unrecognizable. Do not expect the developers to protect the citizens of Elk Grove. Their motivation is, understandably, profit. They are "for profit" companies and their interests are not the same as the interests of the persons who will eventually populate the development. The allure of the development to the City of Elk Grove is the promise of 20,000 jobs and an increased tax base from 5,000 new residential units.

The problem is that the area of the proposed development is too close to the heavy industry of Elk Grove, and specifically, too close to 24,000,000 gallons of refrigerated propane storage.

For years, the Fire Chiefs of Elk Grove voiced their strong opposition to any residential or dense development within one mile of Suburban Propane. Following the failed criminal attempt at Suburban's Elk Grove facility, existing fire chief Meaker reduced the radius around the facility from one mile to ½ mile. However, Meaker, and his successors, continued to advise against dense development within a mile of the facility. The County of Sacramento, the lead agency on all projects submitted for review prior to July 2000, rarely followed the advice of "staff" or the leaders of fire and police services and allowed such development to occur within the one mile radius. In our opinion, a bad precedent was established by allowing dense development and residential development (i.e. Hampton Village) and Triangle Point within that "protected" one-mile radius around the Suburban Propane facility.

Land Use Issues

The Sacramento Local Agency Formation Commission, and by proxy, the City of Elk Grove, have the opportunity to enforce well reasoned land use principles and protect the community within close proximity of the Suburban Propane facility and other heavy industry. The vision and the scope of the proposed project are fantastic for a different location. For the proposed location, the proposed development is a mistake.

Unfortunately, the CEQA analysis can be narrowed to the extent that one can argue that there is no requirement for the analysis to include a review of threat to the development from outside the development itself, such as a threat from Suburban Propane. It is the view of Suburban Propane that a meaningful CEQA analysis requires, at the least, under the heading of Hazards and Hazardous Materials, an analysis of the effect that a catastrophe at Suburban Propane will have on the proposed development.

There is already a large body of experts who have analyzed the consequences of a catastrophic event at Suburban Propane's storage facility. While all are in agreement that the "risk" of such an event is extremely low from an accident, the greater concern should focus on an intentional incident at the plant.

Past Expert Analysis

There have been numerous attempts to develop land, specifically Lent Ranch, immediately adjacent to this proposed project,. The failure to develop Lent Ranch as originally proposed seems to have been influenced more by a poor economy than any analysis provided by the experts who studied and provided their opinions regarding the exposure to the Lent Ranch site from a catastrophic event at Suburban Propane.

Numerous reports were prepared by experts, some of whom were neutral in their analysis, while others were retained by the developer. For the proposed Lent Ranch Mall, it appeared that the City of Elk Grove was influenced by a single report with respect to "Major Hazardous Material Handling Facilities in the Planning Area." The report in question was the "Review of Suburban Propane Hazards Analysis Studies and Evaluation of Accident Probabilities" by Quest Consultants (May 2003). Quest Consultants were initially retained by Lent Ranch for the purpose of documenting that the outdoor mall could be built in close proximity to Suburban Propane and Georgia Pacific. In August of 2000 Quest Consultants reported that the mall was outside the zone of potential hazards from a worst case scenario at the Suburban Propane and Georgia Pacific facilities.

Despite the fact that Quest Consultants were retained directly by a developer whose sole interest was in ensuring that the development proceed, the City of Elk Grove unilaterally rejected the

reports of all other consultants, including the report prepared by the Joint Task Force, paid for by the County of Sacramento, in an effort to support its Draft EIR on the General Plan.

The City of Elk Grove in the Draft General Plan stated in conclusory fashion at page 4.4-28 that:

“Based on technical review of these reports Quest determined that the results of the Dames and Moore reports do not appear to be accurate as it is not consistent with technical studies and large-scale experimental data associated with propane releases. Thus, the conclusions of the Dames and Moore reports regarding these events are not considered appropriate for determination of offsite hazards.”

The fact that the City of Elk Grove relied solely on a consulting firm that was found by and eventually retained by the developer of the largest development of real property in the City of Elk Grove should have been cause for concern. What is even more disturbing was that the City did not consider any information, expert reports, studies or agency findings that were contrary to the findings of the Quest Consultants report.

With respect to the then proposed Lent Ranch Mall it was a concern to Suburban Propane that all other consultants were summarily dismissed by Quest Consultants and therefore by the City of Elk Grove. Other consultants, Jukes and Dunbar, retained by the County, John Jacobus retained by Suburban Propane, Dr. Koopman retained by the FBI, did not agree with the findings of Quest Consultants. However, their findings were mentioned only in passing in the Draft General Plan and clearly there was no consideration given to those experts in the Draft General Plan. The fact that experts retained by the County of Sacramento, in 2000 and 2003 felt that the proposed Lent Ranch Mall was ill advised, should be important here. The Sphere of Influence Amendment has as its subject land that is adjacent to the proposed site of the Lent Ranch Mall.

Two reports, Jukes and Dunbar (1999) and Dr. John Jacobus (1999) comprehensively analyzed potential accident scenarios. Both reports concluded that the area of the proposed mall, 3,500 feet from the Suburban Plant and even closer to the now defunct Georgia Pacific Plant, would be adversely impacted by an accident at the either facility. There was no competent data that suggested otherwise.

Studies Regarding Off-Site Consequences from an Incident at Suburban Propane

There have been a number of studies performed related to accident potentials at Suburban Propane. The County of Sacramento commissioned the first study. The County hired the engineering firm of Dames & Moore in 1992 to study accident consequences relating to an incident at Suburban Propane. That report concluded that the hazards associated with an

unconfined vapor cloud explosion and boiling liquid expanding vapor explosions presented the greatest risk to any potential off-site population within a 1.24 mile radius of the facility. The proposed Sports Complex is considerably closer.

The Lent Ranch developers then hired Dames & Moore to again evaluate the hazards presented by an accident at Suburban Propane. Based on new data relating to the explosive yield of propane, Dames & Moore concluded that the hazards from an unconfined vapor cloud explosion presented a risk to an off-site population only to approximately 2,000 feet away. This report, commissioned by the developers of Lent Ranch Marketplace, made a finding which would not preclude development of the mall based on safety criteria.

Suburban Propane hired a well-respected propane expert, Dr. John Jacobus to study the consequences of worst case scenarios from an accident at Suburban. The county of Sacramento hired two experts, Jan Dunbar and Wally Jukes to study worst case scenarios at the plant. Independently, the three experts concluded that a worst case accident would have off site consequences up to a mile from the plant. While it can be argued that Dr. Jacobus is not objective because of the fact that his work was paid for by Suburban Propane, the same cannot be said of Jukes and Dunbar. The County, not a developer or an interested party in the outcome of the findings, paid for their work. Jukes, Dunbar and Jacobus all concluded that worst case accident scenarios were sufficiently severe to call for a moratorium on all residential building and dense development within one mile of Suburban Propane.

- 1992 Dames & Moore report Paid for by County of Sacramento
Finding: Significant off-site consequences up to 1.24 miles
- 1998 Dames & Moore report Paid for by Lent Ranch Developers
Finding: No significant off-site consequences beyond 2,000 feet.
- 1999 Jacobus report Paid for by Suburban Propane
Finding: Significant off-site consequences up to 1 mile
- 1999 Jukes and Dunbar report Paid for by County of Sacramento
Finding: Significant off-site consequences up to 1 mile

In response to the two reports generated in 1999, the developers of Lent Ranch Marketplace hired the firm of Quest Consulting. Quest was retained to once again examine the consequences of off-site hazards from an accident at Suburban Propane. The City of Elk Grove then hired the Quest firm as its consultant on the Lent Ranch project.

Importantly, the fact that the City of Elk Grove hired Quest presented the appearance of impropriety and appeared to Suburban Propane to be a clear conflict of interest. The City

Council owes a fiduciary duty to its constituents. The City hired the developer's expert in what appeared to Suburban to be a clear breach of the fiduciary duty it owed to the public. That action called into question the motives and objectivity of that City Council. While there may not be any collusion present, the appearance of the impropriety existed and was not addressed.

How could the City independently evaluate this serious issue if it retained the developer's expert? With respect to Lent Ranch the City Council should have turned to the two individuals, Dunbar and Jukes, who were not tainted by affiliation to any interested party and were not tainted by bias or motive. They provided a truly objective analysis of off-site consequences. That report, prepared in anticipation of hearings on the Lent Ranch project, is equally applicable and useful to a consideration of the proposed amendment. I will reiterate, because of its importance, that experts retained by the County of Sacramento opined that there should be a moratorium on all residential development within one mile of the Suburban Propane facility.

The County of Sacramento, through the Sacramento Local Agency Formation Commission, will hopefully be more objective and exacting in its review of this proposed Amendment than was the City of Elk Grove when reviewing the Lent Ranch Mall. The evidence should compel an objective fact finder to the conclusion that it does not constitute prudent land management policy to allow the development of 5,000 residential units, which will place 15,000 residents and an additional 20,000 workers in close proximity to the propane facility.

Based on all of these factors, Suburban respectfully requests that the proposed amendment be rejected and that the record reflect that competent experts previously retained by the County of Sacramento concluded over 10 years ago that it is ill advised to allow any development which bring dense populations within 1 mile of Suburban's facility. The findings of those experts are equally applicable in this instance.

Prior Oppositions by Suburban, Applicable Here

Suburban Propane opposed the 2006 Waterman Park project which was the predecessor to the proposed Triangle Point 75 Project. Additionally, in 2006 Suburban Propane opposed the amendment to the General Plan and Specific Plan which allowed for the potential development of the Triangle Point 75 acre parcel with residential and high density residential components. Because of the close proximity of those proposed developments to Suburban Propane, the density of the proposed housing, as well as the health and safety issues such downwind proximity created, Suburban unequivocally opposed the residential and senior citizen components of the project.

Those oppositions should be read in their entirety by this agency to give context to the current opposition to the proposed Amendment. The arguments made by Suburban and by highly qualified and independent experts, including those retained by the County of Sacramento are equally valid today in opposition to the current project and are not repeated in this opposition.

As stated above, the subject amendment should be reviewed in tandem with the proposed Sports Complex project as the cumulative impact is much greater than impacts from one project. The impacts of the projects will be cumulative, the analysis of the projects should be cumulative as well.

The risk analysis that was relied upon by the representatives of the City of Elk Grove in 2006 to amend the general and special plans and to approve the Waterman Park Project failed to take into account the possibility of intentional acts by criminal elements which have as their goal the creation of a catastrophic event at the Suburban Propane facility. Unfortunately, the fact of intentional acts have only become more apparent since that time. From the standpoint of an industrial accident, this plant is unparalleled in safety mechanisms and redundancies which lower risks from accidents to that of statistical insignificance. However, neither Suburban Propane, nor any other governmental agency including the Sacramento County Sheriff's Department, the Elk Grove Fire Department, the Elk Grove Police Department, the Federal Bureau of Investigation, the EPA and the Department of Homeland Security can guarantee that there will never be an intentional act which impacts the facility. These agencies, excluding DHS, were involved with the Suburban Propane facility beginning in 1999 following the attempted threat against the facility. With the passage of the Homeland Security Act by Congress in November 2002, the Department of Homeland Security formally came into being as a stand-alone, Cabinet-level department to further coordinate and unify national homeland security efforts, opening its doors on March 1, 2003. The involvement of DHS with Suburban Propane's facility began immediately upon its creation. All agencies have given Suburban Propane high marks for its safety and security.

While Suburban Propane is committed to safety, it recognizes that certain developments in close proximity to its facility are incompatible. With respect to Triangle 75, that proposal to place senior citizens who were not fully ambulatory, and who may not have strong cognitive skills immediately adjacent to the Suburban Propane facility was not in best interests of those potential residents or in the best interests of the community. With respect to the Sports Complex, having a youth soccer tournament with over 250 teams in attendance, practically across the street from Suburban is inappropriate. Having the County Fair at that location seems unimaginable because of the risk involved. With respect to the proposed Amendment, building 5,000 residential units on the site is equally ill-advised.

Every fire chief has advised against projects which site residential housing within ½ mile of Suburban Propane. County retained experts advised against building residential units within in one mile of the Suburban facility This amendment which will allow a project which places thousands of residents and thousands of employees within a mile of the facility should be rejected. The community of Elk Grove again faces a situation in which it must seek guidance and protection by its elected officials. County retained experts spoke out against a proposed project immediately adjacent to the proposed project. Those experts would not approve the location of this project.

It is the position of Suburban Propane that allowing the Amendment to proceed, which will result in the significant and dense development of the property, invites an unnecessary risk because of its close proximity to the Suburban Propane facility. Any discussion of this project must focus on safety for members of this community and appropriate land use decisions that foster compatible uses. Consideration must be made of Suburban's location to the proposed property.

Closing

Suburban Propane has been responsible and consistent in its opposition to those projects which present obvious incompatibilities. This is a project which is incompatible with the 24 million gallon storage facility.

Whether outside threats to the plant are greater today than they were a decade ago is impossible to know with certainty. As a society we are certainly more aware today of continued threats to citizens and institutions from persons who wish to harm us. Today's knowledge of such acts and events almost makes us feel like we were naive in 1999 and 2001. The Sacramento Local Agency Formation Committee must seriously consider the inappropriateness of placing thousands of residents in close proximity to a facility which has the potential for significant off site consequences in the event of an untoward act.

As before, Suburban Propane respectfully urges decision makers to reject this project as proposed. What is needed is for leaders to recognize the land use incompatibility in placing thousands of residents and workers on Suburban's doorstep.

Suburban Propane has maintained an exemplary safety record at its Elk Grove facility. However, to ignore the fact that there are 24 million gallons of refrigerated propane stored nearby is not in the public interest..

Very truly yours,

LAW OFFICE OF JOHN R. FLETCHER

John R. Fletcher

PHILLIPS LAND LAW, INC

5301 Montserrat Lane
Loomis, California 95650
Telephone (916) 979-4800
Telefax (916) 979-4801

April 7, 2016



Mr. Peter Brundage
Executive Officer
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814

Re: Kammerer Road/Highway 99 Sphere of Influence Amendment –
Comments on Notice of Preparation – Mahon and Kautz

Dear Mr. Brundage:

This office represents Dale and Pat Mahon and the Kautz Family (Mahon and Kautz), owners of property south of Grant Line Road, on the east side of State Highway 99. The Mahon property consists of APNs 134-120-014 and -019, while the Kautz property consists of APNs 134-120-002, and 134-130-010, -011 and -017. On behalf of our clients, we appreciate the opportunity to review the Notice of Preparation for the Environmental Impact Report (EIR) for the proposed Kammerer Road/Highway 99 Sphere of Influence (SOI) Amendment.

The proposed SOI Amendment would facilitate a land use scenario for the approximately 1,156-acre project area that would include a mix of office, industrial, commercial and residential uses on land currently devoted to agricultural use. As such, the proposed SOI Amendment and the development that will follow are major components of future growth south of the existing Elk Grove city limit.

The development anticipated under the SOI Amendment is not proposed and would not be built out in isolation from other development initiatives in the immediate vicinity. On July 29, 2015 the property owners within the South of Grant Line (SoGL) Visioning Area submitted a request to the County of Sacramento, to define future land use and planning efforts within a 701.5-acre area south of Grant Line Road and east of State Highway 99. Our clients are among the property owners within the SoGL Visioning Area. The purpose of the SoGL visioning effort is to permanently define the relationship of urban uses within the County's Urban Services Boundary (USB) with adjacent agriculture and open space uses, which include the City of Elk Grove's proposed Multi-Sport Park Complex.

Mr. Peter Brundage
April 7, 2016
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Development within the SOI Amendment area and the SoGL Visioning Area may occur within the same or similar timeframes, and given the proximity of these land areas to one another, it can be expected that the environmental impacts of all development south of Grant Line Road (whether east or west of State Highway 99) will coincide and overlap in the form of cumulative impacts. CEQA requires that an EIR discuss cumulative impacts when they are significant and the project's incremental contribution is "cumulatively considerable." See *CEQA Guidelines* §15130(a). A project's incremental contribution is cumulatively considerable if the incremental effects of the project are significant "when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." See *CEQA Guidelines* §15065(a)(3).

Land use planning for the SoGL Visioning Area is currently moving forward between the property owners and the County. Accordingly, development within the SoGL Visioning Area is a "probable future project" for purposes of CEQA Guidelines §15065(a)(3). We look forward to future coordination of this proposed SOI Amendment and future development with the SoGL planning effort. We appreciate your consideration of our comments and look forward to the preparation of the EIR.

Very truly yours,

Phillips Land Law, Inc.



George E. Phillips *lp*

cc: LeighAnn Moffitt, County of Sacramento
Dale and Pat Mahon
Kautz Family

Lockhart. Don



From: Scott Browne <scott@scottbrowne.com>
Sent: Friday, April 08, 2016 1:08 PM
To: Lockhart. Don
Cc: cypress_abbey@comcast.net; Jeff Terry
Subject: Kammerer Road/99 SOI Amendment EIR Notice of Preparation (LAF#07-15)
Attachments: Cypress Abbey Property Elk Grove.pdf

I am writing to respond on behalf of Cypress Abbey Company (CAC) to the NOP for the Kammerer Road Sphere Amendment. We have not had the opportunity to fully explore this proposal with LAFCo, the City of Elk Grove and the applicant yet, but do want to keep the door open to possible expansion of the sphere amendment and EIR to include the Cypress Abbey Company property, sometimes referred to as "the Atwood Ranch".

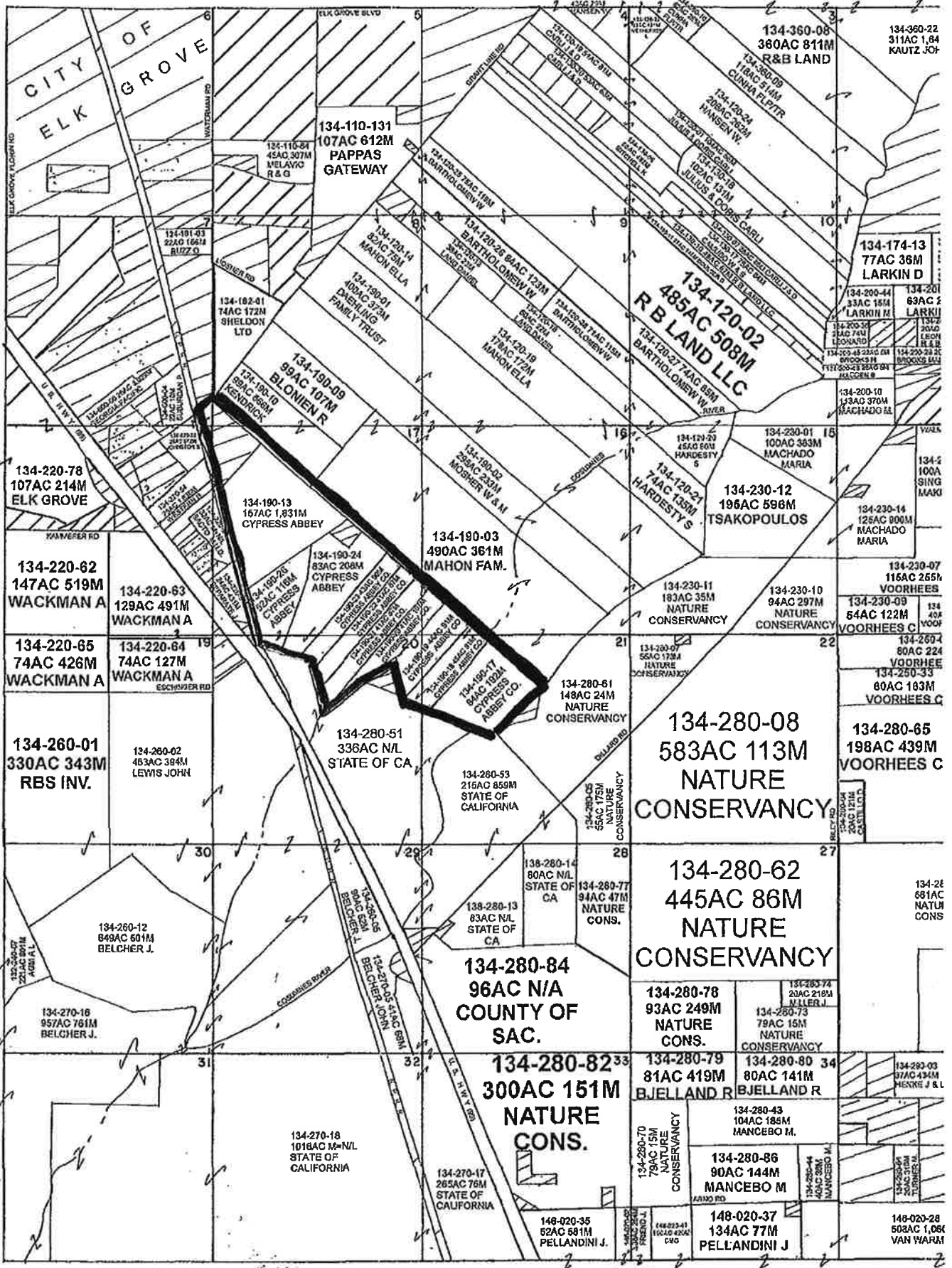
My client's property, Atwood Elk Grove Ranch, is very close to the territory of the proposed sphere amendment. The property is shown in the map attached.

We would like to have Sacramento LAFCo, and the applicants consider expansion of the sphere amendment proposal and EIR to include my client's property—at least the portion above the 100 year floodplain line. The property is adjacent to the railroad tracks with good access to Hwy 99 over the recently upgraded Grant Line Road. It is particularly suitable for employment related business and industrial development which could assist the City in improving its jobs-housing balance. In addition, a substantial portion of the CAC property could be available for consideration for permanent agricultural and habitat conservation as a mitigation for development of other property within the Sphere Amendment territory.

We will follow up this comment with further review with LAFCo and City staff, and the applicant to determine whether inclusion of the CAC property makes sense.

P. Scott Browne
Law Office of P. Scott Browne
131 South Auburn Street
Grass Valley, CA 95945
(530) 272-4250
(530) 272-1684 fax
scott@scottbrowne.com

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INTRODUCTION

Property Identification

Located in the unincorporated area of Sacramento to the south of the City of Elk Grove, CA, the subject property is comprised of approximately 676.66 acres of mostly vacant land to the south of Grant Line Road. The site is east of the adjacent Southern Pacific Railroad line and just west of the intersection of Waterman Road and Grant Line Road. It includes 14 contiguous parcels of land, known as Assessor Parcels as listed below.

Subject APN's Acreage

ASSESSOR'S PARCEL NUMBER	ACREAGE
134-0190-013	157.04
134-0190-017	83.60
134-0190-018	44.50
134-0190-019	44.44
134-0190-020	41.06
134-0190-021	40.53
134-0190-022	40.60
134-0190-023	42.54
134-0190-024	83.42
134-0190-025	10.01
134-0190-026	52.02
134-0190-028	18.84
134-0190-029	8.39
134-0190-030	9.67
	TOTAL - 676.66

Source: Sacramento County Assessor's Office

As observed in the above list, the various parcels range in size from 8.39 acres to 157.04 acres, most of which are zoned AG-80 by the County. The most northerly portion of the subject land (APN 134-01900028) is comprised of 18.84 acres and is zoned M-2, Heavy Industrial, Sacramento County. Regarding subject improvements, it contains a residential unit of about 2,500 square feet, a 3,000 square foot workshop structure, and a barn. This area has fencing that allows for limited cattle and equestrian operations. The entire property is further protected with post and wire fencing that facilitates both ranching and farming activities.

The subject is currently included in a planning area identified by the City of Elk Grove/Sacramento's Local Agency Formation Commission (LAFCO) to explore any future inclusion into the City. This study considers long-term planning efforts to identify appropriate growth areas, agricultural preservation, and open space preservation. At the current time, this process includes the study area within the City's Sphere of Influence (SOI), and a Draft Environmental Impact Report (DEIR) has been completed.