

Appendix B: Comments on the Notices of Preparation

B-1 - 2007 NOP Comments

Comments of Michael Seaman
To the Sacramento County Local Agency Formation Commission

Re: Notice of Preparation Scoping Document for Incorporation of New City of Arden Arcade

November 26, 2007

The following comments are submitted in response to your Commission's request for written comments on the Notice of Preparation Scoping Document for the New City of Arden Arcade. These written comments supplement my oral testimony given at the LAFCO public hearing on this subject on November 14, 2007.

OVERALL

In general, the Notice of Preparation (NOP) oversteps the boundaries of common sense. The California Environmental Quality Act (CEQA) is about decision makers' disclosure of impacts from a project and the mitigation of such impacts as may be disclosed. Given that the Arden Arcade area has been built out for decades, the project, formation of a new city for that built out area, is benign. In light of this, taking the CEQA process through a full EIR procedure adds unnecessary time and expense, while contributing nothing to the knowledge base.

The October 2003 OPR Incorporation Guidelines lay out three basic determinations a LAFCO can make with respect to the potential environmental effects of an incorporation. One of those three choices, a finding of exemption, clearly does not apply in the case of the Arden Arcade cityhood request. The other two choices, per the OPR guidelines (at page 48) are:

- "The incorporation does not have the potential to result in significant environmental impacts, based on an initial study."
- or
- "The incorporation has the potential to result in significant environmental impacts, based on an initial study."

The CEQA Guidelines, at Section 15060(d) empower a lead agency to skip the initial review of a proposed project and begin work directly on a full Environmental Impact Report (EIR) process *if the lead agency can*

determine that an EIR will be clearly required for the project. LAFCO has stated a full EIR process is necessary because of a past lawsuit concerning another incorporation. But that other incorporation was a different project with a different set of circumstances. If every lead agency that ever lost a law suit was to follow LAFCO's line of thinking, all projects subject to CEQA would immediately default to a full EIR process, regardless of the facts pertaining to any given project. The existence in state law and administrative guidelines of procedural options other than a full EIR are proof that CEQA is not intended to only lead to use of the full EIR process. Since no two projects are alike, the law clearly provides lead agencies with flexibility when circumstances vary as to time, place and project specifics.

For the fully built-out Arden Arcade area, LAFCO has nonetheless decided that it will pursue a full blown EIR with the associated extended timelines and costs that accompany the execution of an unnecessary level of analysis.

LAFCO could (and should) follow the OPR Incorporation Guidelines and perform an initial study, which would lead to the obvious determination of no significant impacts. Doing so in the sunshine of public review and comment would insulate LAFCO from lawsuits. But LAFCO has chosen instead to delve deeply into the question of environmental impacts when it is plain that there are none. This does a disservice to the public.

The NOP clearly states that Section 57376 of the State Government Code requires a new city to abide by existing County rules for a minimum period of time or until the new city adopts its own ordinances. The NOP also clearly states that Section 65360 of the Government Code stipulates that a new city has 30 months following incorporation to adopt its own General Plan and it further states its assumption that the City of Arden Arcade will do as other newly formed cities have done---adopt the currently-operative County General Plan for its interim decision making.

This means the NOP anticipates that the project (incorporation) will not change anything related to municipal ordinances or land use processes. After saying that, the NOP then launches into a relentless search for "maybes" associated with ordinances and land use, yet then concludes in its discussion of the No Project alternative that, "the potential environmental effects of the No Project Alternative and of the proposed Project may be the same." I agree with that latter statement. The impacts are the same with or without

the project. No change to the physical status quo is as solid a basis for a determination of no significant impacts as there could be.

The correct direction for LAFCO to take concerning the application of CEQA to the Arden Arcade cityhood request is to conduct an initial study, which would lead to the conclusion that there are no significant effects. A Negative Declaration could then be prepared and circulated for public review and comment.

SPECIFIC COMMENTS

Page 1

Project Description

This section is accurate in stating that the proposed project is the formation of a new city. The reader can easily see that annexation of the area by an existing city is not on the table. However, this paragraph fails to mention that a mayor would be elected, bringing the total of elected officials for the new city to seven. This section also clearly states that land use will not be affected by the project.

Level of Detail of Environmental Analysis to be Included

The reason for choosing a Draft Program EIR is not given, which is no surprise since there is no valid basis for selecting a Draft Program EIR in the absence of an Initial Study.

Purpose of Public Scoping Process

This section says LAFCO is the Lead Agency (OK, fine) then says a Program EIR will be prepared. After saying that, the document says the public gets to provide input about what should be covered in the analysis. This is like asking the public about the cows that have left the barn. It would have been more honest to have said to the public, "Help us figure out what needs to be analyzed" without the bias associated with defaulting beforehand to a full blown program EIR.

But since the NOP asked for input, here is mine: there are no significant impacts. Since there are no impacts, there is nothing to mitigate. The only

reasonable alternatives LAFCO could legitimately look into would be boundary adjustments to maintain a fair balance of delivered services.

Page 3

Description of Proposed Project

This section fails to include the mostly accurate description of the proposed project that the NOP provides on its first page, i.e.

"...a new City of Arden-Arcade would be a General Law City with a city manager form of government. The general governmental structure would include management, administration, and support operations that would be provided by the new City of Arden Arcade. A six member city council elected at large would govern the new city. The city manager, city clerk, city treasurer and city attorney would be appointed and removed by the city council."

The NOP should add to this language that there will also be an elected mayor of the new city.

This section states an assumption that the existing County land use laws will remain in effect until changed by the new city. This assumption is not followed in the balance of the NOP. Had it been followed, the NOP would be proposing that there are no significant effects.

Page 5

Description of Proposed Project (continued)

The section continues with an assumption that the new city will follow the existing General Plan during an interim period as other new cities in the region have done. This assumption is also not followed in the balance of the NOP. Had it been followed, the NOP would be proposing that there are no significant effects.

Proposed Boundary

The boundaries appear to be reasonable. The City of Sacramento constrains on the western edge and a small portion of the southern edge. Fair Oaks

Boulevard and Auburn Boulevard/Capital City Freeway are major arteries that definitely divide the area from mostly recreational space in the City of Sacramento to the North and urban areas to the south. The eastern boundary has been established by the County of Sacramento and is widely regarded as a valid boundary between Arden Arcade and Carmichael. Since the boundaries are reasonable, LAFCO does not need to revise them.

Government Reorganization

The NOP states that the proposed project will not change any of the service boundaries of the existing special districts and cities. That being the case, there is no valid basis to finding anything other than "no significant effects" that would follow from approval of the proposed project.

Municipal Services Plan

There are no significant impacts associated with the continuation of the services listed.

Page 7

Municipal Services Plan (continued)

There are no significant impacts associated with the continuation of the services listed.

There is a gross error in the paragraph about schools. It is obvious from the NOP language that the consultant lifted words from a different document having to do with a project in Santa Clara County. Worse, the LAFCO staff either did not review the flawed language or allowed it to pass through despite the obvious error. When I pointed this problem out at the November 14th hearing, the consultant stated that the wording would be corrected. Unfortunately for LAFCO and the public, the damage has been done. This is the kind of problem that cannot go away through the miracle of word processing. It is the kind of blunder that sticks. The consultant has demonstrated that it is just cranking out stock phrases for income purposes. Tellingly, LAFCO has shown its hand by establishing its inability to ensure accuracy. With this paragraph the NOP has clearly defined a lack of credibility for LAFCO's application of CEQA.

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Municipal Services Plan (continued)

There are no significant impacts associated with the continuation of the services listed.

Revenue Neutrality

This section is out of place in the CEQA process. It belongs in the Comprehensive Fiscal Analysis, but not in the environmental document.

Permits and Permitting Agencies---Sacramento LAFCO

It is misleading for the Lead Agency to recite its powers and duties in its environmental document. Cities and counties do not waste ink in their environmental documents citing chapter and verse of their police powers. LAFCO's application of CEQA in this instance is just one part of LAFCO's discretionary authority regarding the incorporation of Arden Arcade. But this Section reads as though the other components are subservient to the environmental document. In reality, CEQA is supposed to add value for LAFCO in its discretionary approval process by disclosing environmental impacts. And since there are no significant impacts, LAFCO can freely continue with the rest of its discretionary approval process for Arden Arcade's incorporation.

Page 10

Permits and Permitting Agencies---Responsible Agencies and Trustee Agencies

It is true that LAFCO is the only public agency with discretionary jurisdiction over the incorporation.

Scope of EIR

The NOP does not disclose what factors were considered in its preliminary review of the proposed project, nor how those factors lead to the decisions that there were potential significant impacts and that no initial study would be prepared. Was there some kind of surrogate process that took place prior

to the NOP? How did LAFCO make this decision? It surely was not in response to my prior public comments, given at LAFCO meetings, about the lack of need for anything other than an Initial Study leading to a Negative Declaration. By refusing to do an initial study, which would have disclosed no significant impacts, LAFCO has deliberately chosen to pursue an unnecessary and costly full EIR. LAFCO cannot find any significant impacts, as demonstrated by the NOP's statement that the No Project alternative and the proposed project have the same impacts.

When pressed about this, LAFCO staff has consistently referred to its experience with the Citrus Heights incorporation process. But that project occurred years ago in a different part of Sacramento County, with a different environmental setting. Lead Agencies are supposed to apply CEQA on a case-by-case basis, taking into account the specific circumstances that bear on each project. If LAFCO would do so with an open mind, as intended by CEQA, then it would perform an initial study, which would inevitably lead to a finding of no significant effects, thereby saving time and money for the applicants and the public.

Less Than Significant Impacts

I agree with these conclusions of this section. However, the section is incomplete in that the list of less than significant impacts is incomplete and too short.

Pages 11-13

Potentially Significant Impacts---Air Quality

It strains credibility to propose that air quality will change due to the substitution of a city council for a county Board of Supervisors, particularly when the land uses will not change as a result of the proposed project. Whether the proposed project is approved or not, the California Air Resources Board will continue to be responsible for the regulation of mobile sources and air toxics. The Sacramento Air Quality Management District will continue to be responsible for maintaining an Air Quality Plan that applies to the Arden Arcade area and for controlling stationary sources of air pollution.

The inclusion of this parameter as a potential significant impact appears to indicate a consultant trolling for dollars, as evidenced by the obviously *de minimus* amount of vacant parcels shown in Exhibit 3. While on the subject of Exhibit 3, the Exhibit should include a matrix listing the specific vacant lots' parcel numbers and street addresses, the applicable zoning, and the existence of any development proposals for those lots already in the Sacramento County land use approval queue. A good many of the lots on the map are already undergoing construction, or are already proceeding through the Sacramento County land development process, or have been approved for development by Sacramento County, or are in residential areas with development entitlement exempt from CEQA, or are within the Auburn Blvd. Redevelopment Area. At least one lot (a mirror-image "P" shape at Watt and El Camino), appears to be the current location of a US Post Office building. The "vacant lot" at the NE corner of Fulton Avenue (inaccurately labeled as Monroe Street) and Cottage Way is a used car sales business. There are homes under construction on the lot just north of Sierra Blvd. on the west side of Fulton Avenue. The largest indication of vacant land on the map is the "J" shaped site on Loma Vista Way. That site has a development plan pending with the County for houses and a small office building. The fifth lot SW of Fulton on Auburn Blvd. is a recently built car dealership (Nieillo). Even if none of those inaccurate or misleading "vacant lots" was corrected on the map, the only reasonable conclusion is that the map shows an environmental setting that is totally built out.

None of the significance criteria can be validly applied to the proposed project. If anything, air quality will likely improve as a result of the proposed project because the city council will be better able to respond to citizen concerns about the issue than the current form of governance can. For example, suppose citizens of the area request the County to purchase electric vehicles for public works use in the area, the better to improve air quality. Even if the County Supervisor who represents the Arden Arcade area agreed with the citizens, the votes of two other Supervisors, whose loyalties are to citizens who reside elsewhere, are required. The standard County reply in that sort of situation is that money is needed for something else, somewhere else.

The inclusion of GHG emissions as a parameter is also invalid. First, as the NOP points out, AB32 rules have not been adopted. In fact, per SB97 of 2007, the Office of Planning and Research has until July 1, 2009 to issue GHG CEQA guidelines and the Resources Agency has until January 1, 2010

to certify and adopt the guidelines. But more importantly, cities are known for sustainability initiatives, not counties. At the recently concluded US Green Building Council's Greenbuild 2007 conference, speakers repeatedly pointed out the importance of the ambitious goals the US Conference of Mayors (not the National Association of Counties) has set to address climate change and sustainability. Cities are actively working towards those goals. The Mayors' Panel at Greenbuild stated that cities are uniquely suited to take the local initiative to achieve greenhouse gas reduction. Significantly, the Clinton Climate Initiative, Architecture 2030 and the American Institute of Architects are all working with cities, not counties, to implement sustainability programs and practices.

Page 14

Biological Resources

This section says the NOP assumes land uses will not change as a result of incorporation and adds, "...it is unlikely that the proposed incorporation would create adverse impacts on identified biological resources." Then it refers back to the flawed logic that somehow the fully developed area is characterized by a large amount of vacant land (it is not) and therefore, despite the requirement in state law for a later General Plan to comply with CEQA, prematurely attempts to implement CEQA for the years-in-the-future adoption of a General Plan by the City of Arden Arcade. This is just grasping at straws.

Hazards and Hazardous Materials

The same conclusion applies to this section, i.e. grasping at straws. There are no hazards and hazardous materials issues related to the proposed incorporation. For example, McClellan Field was an airport well before Arden Arcade's urbanization was implemented by Sacramento County. Incorporation will not make it go away. Neither are there wildlands, subject to wildland fires, anywhere in the project area. And who in their right mind would assume that the establishment of a city council for Arden Arcade would somehow impede an adopted emergency response plan or emergency evacuation plan?

Hydrology and Water Quality

Here is another section that struggles to find possible impacts where there are none. Maybe the consultant has expertise in hydrology, but please spare us the unnecessary detailed analyses of surface and groundwater flows. Those are not issues that will change whether the City of Arden Arcade is formed or not. Inundation by tsunami 100 miles from the ocean? Mudflows in an area devoid of slopes? Dam failure? If Folsom Dam fails it will be due to an act of God or the errors of the federal government, not the actions of the new City of Arden Arcade. False considerations such as these have no place in the environmental analysis for this proposed project. That such considerations made the list of potential significant impacts is yet another demonstration of the insincerity of LAFCO's preferred course for environmental analysis.

Pages 16-17

Land Use and Planning

As noted above and as pointed out in this section, land use issues will not change as a result of the proposed incorporation. Eventually, the City of Arden Arcade will adopt its own General Plan, but will have to apply CEQA in so doing. It is premature to know how that eventual City of Arden Arcade General Plan will turn out, as LAFCO apparently learned from the Citrus Heights incorporation experience. As cited by the NOP, the Citrus Heights final EIR concluded that, "It was determined upfront that any type of a 'redevelopment scenario' (reuse of developed lands) for the project territory would be far too speculative, or useful for evaluation of environmental impacts resulting from project approval."

Despite having "learned" that lesson, LAFCO now seeks to apply a wildly doubtful set of assumptions about land use development intensity being either reduced or increased by 20%! Where did that thinking come from? Is there some kind of nefarious scheme afoot to burn down 2 out of 10 existing residences? Or to shutter 2 of 10 existing businesses? Of course not. How in the world could development increase 20% in the next 30 months after incorporation given that the economy is currently in a downward cycle? Such a rapid turnaround of economic fortune is completely improbable. The chosen scenarios are entirely misleading and, to borrow a phrase from the

Citrus Heights incorporation EIR, "...far too speculative, or useful for evaluation of environmental impacts resulting from project approval."

Also, as previously noted, it is particularly inappropriate to treat Arden Arcade's incorporation as though the circumstances are the same as existed in the case of Citrus Heights' incorporation. At the time of the Citrus Heights proposal, there were, arguably, some very large tracts of open, developable land. Even though the County had not stood in the way of development of those tracts, the argument was made that incorporation would open the floodgates of land development. This argument, however tenuous for Citrus Heights 13 years ago, certainly does not apply in the current case of the fully developed Arden Arcade area.

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Population and Housing

Here is yet another section that grasps at straws. It is obvious from the incorporation map (Exhibit 2) that there is no gerrymandering going on in the proposed project. Areas in the adjacent City of Sacramento are off limits for this subject. Demographics of population in the unincorporated areas outside the proposed city boundary to the South and East do not indicate any kind of environmental injustices are in play there. No new roads or other population-inducing infrastructure are in the works because the new city is fully built out. The area already includes a disproportionate share of low and moderate income housing units in comparison to the rest of the region. Incorporation of Arden Arcade will not change population levels or the housing stock.

Noise

This section states, "It is unlikely that incorporation will create any adverse impacts on identified noise." I agree. The section then wanders off into highly speculative territory by asserting that the area could become much noisier if the unsupported assumptions about land development come to pass. The argument is misleading and without merit.

Public Services and Recreation

The proposed project does not propose to change the delivery of services from the array of special districts in the area. No change to those services equals no significant impacts due to the proposed project. Detailing and evaluating those services via the Arden Arcade incorporation CEQA process is a waste of time and money. LAFCO can, and should, evaluate those services, but not in this context. Instead, LAFCO is required to evaluate such services in its Municipal Services Review (MSR) authority. Interestingly, all of the special districts reviewed thus far under that authority have been found to:

...provide efficient, comprehensive services to the residents and visitors of the area and do so in a highly professional and cost-effective manner. (paraphrased from MSR findings for special districts that serve Arden Arcade and reviewed to date by Sacramento LAFCO, per LAFCO's web site for MSRs)

The proposed project does apply to the municipal services now provided by the County. A driving force behind the Arden Arcade incorporation effort is the improvement of those services over the inadequate level of service now offered by the County.

Fortunately, this section states it will not require a significant comparative analysis of the environmental impacts that may result from alternative means of providing services to Arden Arcade. That is a wise choice.

Unfortunately, that wisdom is trumped by the unnecessary determination that a qualitative analysis of service delivery under an annexation scenario is appropriate. Such a scenario is not part of the scope of the proposed project. Substituting a speculative, completely different development scenario (other than the "No Project Alternative") is not an appropriate role for an environmental document. If the proposed project was about building an apartment complex, it would be like the environmental process wondering what the impacts would be if the project was an office park instead, even though such a proposal was not on the table.

Finally, this section once again inappropriately suggests that development of a mere handful of small vacant lots will somehow upset the apple cart of existing service delivery.

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Transportation

This section correctly states that it is unlikely that the proposed incorporation would create any adverse traffic impacts. Despite this, the section hastens to add that the handful of vacant lots will require detailed analysis of trip generation rates. What a waste of time and money! Again, Arden Arcade is a fully built out area. Land development will not change as a result of the act of incorporation. Yes, a future General Plan has to be done, but it will require its own CEQA determination.

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Utilities and Service Systems

My comments above concerning Public Services and Recreation apply to this section as well. Please see also my comments above concerning how cities are addressing energy use and sustainability. It is confusing to have infrastructure matters discussed in so many different sections. From the NOP, one can envision a draft Program EIR that is full of duplicative analysis and conclusions, since the incorporation will not change the infrastructure of this built out area, will not alter the regional service delivery mechanisms (e.g. landfills, wastewater treatment, energy utilities, etc.), and will not influence land use patterns. This is another section of the NOP that is grasping at straws.

Pages 22-23

Growth Inducing Effects

The section properly defers consideration of growth-inducement to the arena of the new City's eventual General Plan. The section correctly states that it is not anticipated or assumed that the act of incorporation itself will have growth inducing effects.

Cumulative Projects

The section correctly states that it is unlikely that the proposed incorporation would create any adverse cumulative impacts as no new development of land use changes will result that were not already approved in the county General Plan and analyzed in county certified CEQA documents.

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Alternatives to be Addressed in the EIR---No Project Alternative.

The section states that the potential impacts of the No Project alternative and the proposed project may be the same. Indeed, they are the same. The area is build out and the only changes stemming from the proposed project involve a different form of governance intended to improve the area and stem the malaise of indifference demonstrated by the County over the years.

Page 24

Alternative Boundaries

LAFCO is supposed to look at boundaries. This section indicates that minor modifications to the proposed boundaries might be in order. How that translates to the need for an expensive, time-consuming EIR is a mystery. As noted above, the proposed boundaries appear reasonable.

Alternative Method of Providing Public Services by Existing Service Providers

This section raises an inappropriate issue. Alteration of services from existing service providers is not part of the project description, except for the municipal services currently provided by the County (e.g. filling potholes, rounding up stray dogs, etc.). For those services, the City of Arden Arcade intends improved service delivery. Any other consideration of alternative services should be done by LAFCO as part of its MSR authority, which is outside the scope of the incorporation's CEQA analysis.

CONCLUSION

In summary, the NOP points in the direction of an effort to try and make something out of nothing. It is inappropriate to proceed with an analysis that desperately tries to find impacts when there are none. LAFCO should instead do an honest, open Initial Study. When it does, it will conclude that there are no significant impacts and set about to prepare a Negative Declaration. This will save time and money and enable LAFCO to spend its energy on the more legitimate inquiry about the financial aspects of the incorporation and the precise boundaries.

November 24, 2007

Mr. Peter Brundage
Executive Officer
Sacramento LAFCO
1112 I St., #100
Sacramento, CA 95814

Dear Mr. Brundage:

Re: EIR for Proposed Incorporation of New City of Arden Arcade

This letter is in response to the scoping notice for the above EIR. The EIR should describe and analyze the following information, relevant to residents of Sacramento County whom would be affected by the proposed incorporation:

1. The proposed new city boundaries would carve out a significant portion of the long-established community of Carmichael. The EIR should analyze the prospective physical and socio-economic and fiscal impacts, and describe the rationale for, the incorporation of the new city on division of the community of Carmichael. The EIR should describe the physical characteristics, size of the areas, spheres of influence boundaries, special district boundaries, etc., of the remaining unincorporated area, relative to neighboring cities and surrounding the proposed new city.
2. The proposed boundaries would create a peninsula of unincorporated land south of Fair Oaks Boulevard. The EIR should explain the rationale for the proposed boundaries of the new city, including the impacts on service delivery and other issues. The EIR should describe how the proposed boundary, including creation of the referenced peninsula, is consistent with LAFCO statutes and policies for orderly growth and development.
3. The EIR should compare the demographic and socio-economic characteristics of the population of the proposed city with the remainder of the unincorporated area of Sacramento County, particularly the areas abutting the proposed City boundaries, including the number of registered voters in each of the areas. The EIR should identify the major sources of the new City's projected revenue sources, and should describe any agreements with local governments and major auto dealers within the proposed boundaries, and should assess the relative portion of the new city's revenues anticipated to be dependent on auto sales.
4. The EIR should analyze the existing and additional population and land use development potential of the new City, as compared to potential for population growth relative to the assumptions of the revenue formulas pursuant to Revenue and Taxation Code Sec. 1105 et. seq. (as amended by AB 1602 in 2006). The EIR should describe in detail the assumptions of the statutory formula and timing implications under which the new city would qualify for motor vehicle in lieu revenues. The EIR should describe in detail the impact on the County in the long term, and the limitations of revenue neutrality provisions on the County.
5. The EIR should analyze alternative boundaries for the proposed city, which would reduce the fiscal and service delivery impacts on Sacramento County, including an alternative of annexation by the City of Sacramento.

Mr. Peter Bundage
Arden Arcade EIR
Page two

6. The NOP indicates there would likely be no difference between the Proposed Project and No Project Alternative. The EIR should explain the rationale for this assumption, given that upon incorporation, new cities take on land use obligations as a single local government. For example, the EIR should assess the portion of the County's housing needs proposed to be addressed within the boundaries of the new City, and assess this relative to the obligations the new city would have as a separate local government from the County under the general plan housing element requirements of State law.

7. The EIR should disclose the cost of its preparation and the sources of revenue to cover these costs.

Thank you for the opportunity to respond to the scoping notice.

Sincerely,

Linda M. Wheaton
Carmichael resident

Cc: Supervisor Susan Peters

DEPARTMENT OF TRANSPORTATION

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OFFICE OF THE SECRETARY OF
TRANSPORTATION

November 19, 2007

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Incorporation of New City of Arden Arcade

Notice of Preparation

SCH# 2007102114

Mr. Peter Brundage
Sacramento County Local Agency Formation Commission
1112 I Street #100
Sacramento, CA 95814

Dear Mr. Brundage:

Thank you for the opportunity to review and comment on the Arden Arcade incorporation documentation. Our comments are as follows:

- This project proposes to incorporate the Arden Arcade area of Sacramento County into a City. The City is to adopt its own new General Plan. Based on the potential for significant impacts with the incorporation of a new City, the completion of an Environmental Impact Report has been determined to be necessary. Given that the Project is the incorporating of a new City (Arden Arcade) that will utilize existing Sacramento County General Plan uses, zoning, and transportation systems, Caltrans concurs with the transportation analysis proposed in the Notice of Preparation. Assuming incorporation is successful, Caltrans will want to work closely with the new City as it begins to prepare its new General Plan. At that time, we will request a full traffic study for the new City.

Please provide our office with a copy of any further actions regarding this project. If you have any questions regarding these comments, please contact Ken Champion at (916) 274-0615.

Sincerely,

Handwritten signature of Kenneth Champion in cursive.

Ken
Bruce De Terra, Office Chief
Office of Transportation Planning South

c: Scott Morgan, State Clearinghouse



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November 7, 2007

Peter Brundage
Executive Officer
Sacramento Local Agency Formation Committee
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RECEIVED

NOV 13 2007

SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

Subject: Notice of Preparation of a Draft Environmental Impact Report and Notice of Public Scoping Meeting for the Proposed Incorporation of New City of Arden Arcade

**Board of Directors
Representing:**

- County of Sacramento
- County of Yolo
- City of Citrus Heights
- City of Elk Grove
- City of Folsom
- City of Rancho Cordova
- City of Sacramento
- City of West Sacramento

Dear Mr. Brundage:

The Sacramento Regional County Sanitation District (SRCSD) and County Sanitation District 1 (CSD-1) have reviewed the NOP of a Draft EIR for the Proposed Incorporation of the City of Arden Arcade and have the following comments:

Local sewer service for the proposed City of Arden Arcade is provided by CSD-1. Conveyance from these local trunk lines to the Sacramento Regional Wastewater Treatment Plant (SRWTP) is provided by SRCSD through large pipelines called interceptors. Twenty-one relief projects were identified for the Arden/North Highlands areas in the CSD-1 Draft Master Plan Update. Capacity deficiencies in the Arden Arcade area include problems in various trunk sewers as well as the McClellan Interceptor (owned by SRCSD). Flows from the North Highland area that are currently being served by the McClellan interceptor will eventually be rerouted to the future Upper Northwest Interceptor which is scheduled for completion in 2010.

Several trunk relief projects are scheduled within the Arden-Arcade area.

Category 1 relief projects are those in which modeling predicts overflows at current conditions. These projects are scheduled for evaluation / completion between 2006 and 2010. These relief projects are as follows:

- ARD-11 (Arden Way/Bell Street Diversion and Replacement) – upsize existing sewer in Arden Way from Wayland Avenue to Bell Street.
- ARD-12 (Arden/Berkshire/Maison/Fulton/Hurley Sewer Replacement) – upsize existing sewer in Arden Way, then parallel to Berkshire Way, then along Maison Way, Fulton Avenue, and Hurley Way. This new alignment will replace the existing sewer.
- ARD-13 (Bell Street/Hurley Way Weir Adjustment) – lower the weir crest elevation to direct flows to the McClellan Interceptor to provide relief to the El Camino Avenue sewer.
- ARD-17 (Marconi/Bell Sewer Replacement) – upsize sewers along Marconi Avenue between Watt Avenue and Bell Street.

Mary K. Snyder
District Engineer

Stan R. Dean
Plant Manager

Wendell H. Kido
District Manager

Marcia Maurer
Chief Financial Officer

- ARD-19 (Morse/Pope/Fulton Sewer Replacement) – upsize sewers between Watt Avenue and Howe Avenue along Whitney Avenue, Morse Avenue, Pope Avenue, and Fulton Avenue.
- ARD-21 (Maryal Easement Sewer Replacement) – upsize sewer in Eastern Avenue and Watt Avenue parallel to Maryal Drive and Ione Street.

Category 2 relief projects are those in which modeling predicts overflows at build out conditions. These projects are scheduled for evaluation / completion between 2011 and 2020. These relief projects are as follows:

- ARD-15 (El Camino/Bell Street Weir Adjustment) – lower Weir crest elevation to direct flows to the McClellan interceptor to provide relief to the El Camino Avenue sewer.

Category 3 relief projects are those in which modeling predicts critical surcharging at build out conditions. These projects are scheduled for evaluation / completion after 2020. These relief projects are as follows:

- ARD-14 (Watt Avenue from El Camino Avenue to Cottage Way) – upsize sewer along Watt Avenue between El Camino Avenue and Cottage Way.
- ARD-22 (Maison/Berkshire Diversion) – upsize existing sewer along Berkshire Way between Holt Way and Maison Way.

If you have any questions regarding these comments, please feel free to contact me at (916) 876-9994.

Sincerely,



Sarena Deeble
SRCSD/CSD-1
Policy and Planning

CC: Michael Meyer
Ruben Robles
SRCSD Mid-Range Planning
CSD-1 Development Services

Chief Operations Officer
Navdeep S. Gill



County Executive
Terry Schutten

County of Sacramento

November 30, 2007

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

RE: Notice of Preparation of a Draft Environmental Impact Report for the Proposed City of Arden
Arcade


Dear Mr. Brundage:

Thank you for the opportunity to comment on the above Notice of Preparation. The County of Sacramento has reviewed the application and is providing the attached comments regarding the scope and content of the environmental information and analysis, including the significant environmental issues, reasonable alternatives, and mitigation measures that should be included in the Draft Environmental Impact Report.

Each of the County's affected departments has provided responses to address the different categories in the environmental setting, such as air quality, noise, and transportation. Because LAFCo must consider the environmental justice of any reorganization, the EIR must consider the economic and social impacts of this proposed incorporation, both upon the residents of the proposed new city and the residents within the remaining areas of the unincorporated territory. Please note that the County's comments do not include anticipated operational and fiscal impacts. Rather, the County will provide appropriate information when your agency begins the Comprehensive Financial Analysis.

We are available to answer any questions you may have concerning the information presented in the attached document.

Respectfully submitted,


Navdeep S. Gill,
Chief Operations Officer

Attachment

Copy: Terry Schutten, County Executive
Robert Ryan, County Counsel
Penelope Clarke, Countywide Services Agency Administrator
Paul J. Hahn, Municipal Services Agency Administrator
Mark Norris, Internal Services Agency Administrator
Rob Leonard, Economic Development and Intergovernmental Affairs Director
Ann Edwards-Buckley, Deputy Countywide Services Agency Administrator
Steve Pedretti, Deputy Municipal Services Agency Administrator
Keith Devore, Director Department of Water Resources
Joyce Horizumi, Director Department of Environmental Review and Assessment
Gary Kukkola, Director Regional Parks
Paul Philleo, Director Department of Waste Management & Recycling
Robert Sherry, Director Planning Department
Thomas Zlotkowski, Director Department of Transportation
Linda Foster-Hall, County Budget Officer
Bob Davison, Special Districts Manager, Department of County Engineering

COUNTY OF SACRAMENTO
COMMENTS TO SACRAMENTO LAFCO
NOTICE OF PREPARATION – PROPOSED ARDEN ARCADE INCORPORATION

Planning Department

Contact: Robert Sherry 874-6097

Land Use and Planning

The EIR should consider the impact of a bifurcated community since the residential area to the south of Fair Oaks Blvd and east of Munroe Street is not included in the proposed boundaries and has been historically part of the Arden Arcade community.

The EIR should consider using the Draft General Plan, the adopted Arden Arcade Community Action Plan, and other planning documents in the land use analysis, and associated transportation, air quality and noise impacts. The Notice of Preparation notes that there are very few vacant parcels in Arden Arcade and, therefore, analyzing potential reuse opportunities is too speculative. More recent planning efforts, however, have focused on these reuse opportunities, and there is planning data available that would aid in analyzing this potential. Regional transportation and housing plans (such as envisioned in the Blueprint strategy) rely upon revitalization of existing urbanized communities in order to avoid regional impacts to air quality, traffic congestion, and loss of farmland from regional sprawl. It is important to consider a scenario with a reuse potential as envisioned in the Draft General Plan in order to be consistent with the land use assumptions in the Draft 2035 Metropolitan Transportation Plan.

The following documents have been the subject of considerable community engagement in the Arden Arcade community and include:

- A. *Draft General Plan Update*. For Arden Arcade, the Draft General Plan makes land use assumptions about intensification of mixed use corridors, and does not make assumptions about intensification of residential neighborhoods. The draft Plan assumes build-out at a reduced percentage of existing zoning in existing neighborhoods and with re-use of properties in Mixed Use Corridors. The Mixed Use Corridors in the Draft General Plan include Fulton Avenue, Watt Avenue, Arden Way, Fair Oaks Boulevard, and Auburn Boulevard. The “targeted” Mixed Use Corridors in Arden Arcade do not include all commercial corridors in the community; they focus on corridors with the most reuse potential.
- B. *Arden Arcade Community Action Plan (AACAP)* (adopted June 13, 2006). The AACAP also supports revitalization of commercial corridors and preservation of existing neighborhoods. The AACAP is an appendix to the 1980 Arden Arcade Community Plan which is still in effect and also includes land use policies.
- C. *Draft Auburn Boulevard Special Planning Area (SPA)*. This SPA is a “form-based” development code that focuses on design standards and streetscape improvements to aid

in the revitalization of this district, with a focus on new vehicle sales dealerships. This SPA is not focused on residential reuse. This SPA is undergoing environmental review.

- D. *Draft "Reinventing Marconi" planning concepts.* This draft planning document focuses on revitalization efforts at key nodes along Marconi Ave, and provides recommendations for encouraging quality infill along this corridor. This document provides a number of recommendations on transportation improvements, especially to encourage biking, walking and transit use. This draft concept plan has been the subject of community review and has not yet been endorsed by the Board of Supervisors.
- E. *Draft Hurley Way Revitalization planning concepts.* This draft planning document provides recommendations on land use and transportation concepts to encourage infill development and to facilitate pedestrian and bicycle use. This concept plan was developed through the use of a SACOG Community Design Grant and was the subject of a number of community meetings. It has not yet been endorsed by the Board of Supervisors.

Noise

The impact of the existing and proposed McClellan Comprehensive Land Use Plan should be thoroughly analyzed under this section.

Transportation

The EIR should also analyze the effects of an additional jurisdiction on regional transportation infrastructure, particularly Watt Avenue.

Housing

The EIR should consider the ability of a new City to accommodate their fair share of the Regional Housing Needs Allocation in the context of a community focused more on revitalization than infill of vacant parcels. Analysis of the SACOG housing calculation should be completed so that the proposed community understands its housing needs obligation

Department of Environmental Review and Assessment

Contact: Joyce Horizumi 874-7914

Climate Change

DERA is currently conducting an inventory of greenhouse gases (GHG) for the unincorporated portion of the County, including Arden Arcade. The EIR should quantify the GHG emissions from the new city consistent with ICLIE modeling standards. Should incorporation proceed, this information will be necessary to modify implementation plans being developed by the County consistent with the provisions of AB 32.

Alternatives

CEQA requires a reasonable range of alternatives to be discussed in an EIR. Since the City of Sacramento has already indicated a willingness to annex the subject Arden Arcade incorporation area, such an alternative should be analyzed as a reasonable alternative to incorporation

Department of Waste Management & Recycling

Contact: Paul Philleo 875-6789

The Department of Waste Management and Recycling (DWMR) currently provides residential waste management service to the proposed Arden Arcade incorporation area. Collection trucks are staged in two locations:

- For the area north of El Camino Avenue, collection trucks are staged at our nearby North Area Collection Yard on Roseville Road.
- For the area south of El Camino Avenue, collection trucks are staged at our South Area Collection Yard off Bradshaw Road to service the area south of El Camino Avenue.

If DWMR is not the residential waste management service provider for Arden Arcade, the environmental impact report should consider the air quality, greenhouse gas, and traffic impacts associate with the use of another service provider that is likely to use a more distant corporation yard(s) for collection vehicle operations. It should also be noted that the current collection trucks use clean fuel, and most likely be replaced with diesel should a private hauler be engaged.

DWMR currently provides residential solid waste, recyclables, and green waste for the Arden Arcade incorporation area from two locations:

- For the area north of El Camino Avenue, services are currently managed at DWMR's North Area Recovery Station (NARS) located on Roseville Road.
- For the area south of El Camino Avenue, DWMR hauls solid waste and green waste directly to Kiefer Landfill, and hauls residential recyclables to the Sacramento Recycling and Transfer Station located at 8941 Fruitridge Road.

If DWMR is not the residential waste management service provider for Arden Arcade, the environmental impact report should consider the air quality, greenhouse gas, and traffic impacts associated with the use of another service provider that is likely to use a more distant transfer station or landfill.

DWMR has a long history of compliance with California legislation (AB 939) requiring 50% diversion of solid waste. For 2005, the most recent reporting year, DWMR reports a 59% diversion rate. If DWMR is not the residential waste management service provider for Arden Arcade, the environmental impact report should consider the impacts of the new City achieving only 50% diversion.

Should the EIR identify potentially significant effects related to the provision of public services by another service provider, the EIR should compare the environmental impacts of continuing to use DWMR as the residential waste management service provider.

Department of Regional Parks

Contact: Gary Kukkola 875-5925

There is a section in the Notice of Preparation (NOP) that indicates that local park districts within the proposed boundaries will continue to provide park and recreation services. However, the NOP does not mention the American River Parkway.

Since the boundary for the proposed incorporation of Arden Arcade includes a portion of the north side of the American River Parkway as their westerly boundary, additional language may be required so that it is understood that the County of Sacramento Department of Regional Parks will continue to operate the American River Parkway.

Also, the County of Sacramento has the Parkway Corridor Combining Zone, which is used to regulate property along the American River within the unincorporated area of the County. The Department of Regional Parks would like to strongly encourage that Arden Arcade, if incorporated, adopt an equivalent planning zone.

Department of Water Resources

Contact: Keith Devore 874-6851

Floodplain and drainage statements found in the subject text:

Section 3.3 Municipal Services Plan

-Flood control service is currently provided by the Sacramento Area Flood Control Agency (SAFCA). After incorporation, it is expected that SAFCA will continue to provide flood control services.

-Public Works, Road Maintenance, Engineering, Drainage –

These services are currently provided by the County of Sacramento. After incorporation, the City of Arden Arcade will be responsible for these services. Some of these services may be contracted out to either government or private entities.

Section 5.2 Hydrology / Drainage / Flooding

-This section recommends review and evaluation of existing studies and determination of impacts to water surface elevations caused by the proposed incorporation.

Drainage:

Sacramento Area Flood Control Agency does not provide flood control activities in this area. The levees are maintained by a special district. The stormwater and floodplain management duties currently rest with Sacramento County Department of Water Resources.

Most of Arden Arcade area drains to Chicken Ranch Slough and Strong Ranch Slough, which flows to a storm drainage pump station (known as D-05) at the eastern side of Cal Expo. Both of

these sloughs experience out of bank floodplains during high intensity storm events. These floodplains are approximately mapped by FEMA on the Flood Insurance Rate Map.

- The D-05 pump station was constructed as part of the American River levee project in the mid 1950's. There is a backwater floodplain from D-05 affecting this basin area including the properties at Northrop and Howe Avenue.
- Sierra Branch of Strong Ranch Slough and upstream to the Sierra Oaks Vista neighborhood floodplain and natural stream, east of Fulton Avenue, are very sensitive to any impacts to the flood flow and storage capacity.

Drainage along the southern border of the area considered for incorporation flows south to lift stations where it is pumped to the American River.

Levee protection areas are those areas generally represented on the FEMA Flood Insurance Rate Maps as shaded Zone X. The American River levees were decertified 9 years ago and were recertified in 2005 as providing protection against the 100-year (1% annual recurrence probability) flood event.

The area proposed for incorporation is mapped by FEMA on the following Flood Insurance Rate Map Panels: 060262-070D, -090E, -0185F, -0205E (map revision dated February 18, 2005).

Any city incorporation should adopt a floodplain management ordinance. Sacramento County Floodplain Management Ordinance may be found online at www.saccounty.net, search floodplain management ordinance.

It is recommended that any city incorporation join the National Flood Insurance Program.

The subject area is inside of Zone 11B of the Sacramento County Water Agency. Zone 11B collects fees from builders and land developers and issues reimbursements for construction of trunk drainage facilities. The subject area will continue to be part of SCWA Zone 11B after incorporation.

It is recommended that the proposed incorporation continue to receive services from the County Stormwater Utility upon incorporation.

Sacramento County Water Agency

Contact Keith Devore 874-6851

For more than 50 years, the Sacramento County Water Agency (and its predecessor, the Sacramento County Water Maintenance District) has owned and operated a public water system that supplies water to approximately 3,000 customers in that portion of the proposed incorporation area shown on the attached map. In fiscal year 2006-2007, SCWA produced 4,200 acre-feet of groundwater from eleven wells to serve customer needs in this area.

The SCWA service area in Arden-Arcade is essentially built out and no new production or distribution facilities will be required. However, as much of the existing water system infrastructure reaches the end of its serviceable life, it will eventually need rehabilitation or replacement. Additionally, nearly all customers in the SCWA service area currently pay a flat monthly rate for water service, but under state law all customers must be meter-billed by 2025. SCWA has also recently been awarded a grant by the Sacramento First 5 Commission to

fluoridate its water system in compliance with state law; the installation of fluoridation equipment at each of its well sites in Arden-Arcade will likely occur in 2009 over several months.

The act of incorporation would not appear to result in any environmental impacts related to SCWA's continued role as a public water purveyor. Incorporation will not affect the SCWA's service area boundary, nor will it affect the financial obligations of its customers within the service area. SCWA is concerned about potential business impacts on its operations that may result from incorporation: incorporation in other areas of Sacramento County where SCWA is a water purveyor have resulted in increased operating costs caused, for example, by a new city's adoption of significant trench cut fees or restrictions on the construction of other water facilities. Particularly in the context of the main replacement, meter installation, and fluoridation described above, SCWA is concerned that a new city could adopt policies that would cause operating expenses to increase significantly, resulting in higher customer rates for service.

SCWA is a signatory to the 2000 Water Forum Agreement, which includes a provision for water management processes to protect the sustainability of the three Sacramento area groundwater sub-basins. The Arden-Arcade area overlies the North Area groundwater sub-basin; SCWA supports and participates in the Sacramento Groundwater Authority, which is responsible for a groundwater management program to maintain the North Area sub-basin's estimated annual average sustainable yield of 131,000 acre-feet. SCWA encourages LAFCo to condition Arden Arcade incorporation on its signature of the Water Forum Agreement in support of its long-term goals regarding water supply reliability and environmental protection of water resources.

Department of Transportation

Contact: Thomas Zlotkowski 874-6291

Transfer of Former City of Sacramento Roadways

As a part of the Hagginwood Annexation to the City of Sacramento in 1964, several streets within City of Sacramento territory, severed from the rest of the City of Sacramento street system, were designated as County highways via Resolutions adopted by the City and County of Sacramento. After the proposed Arden-Arcade incorporation, these roadways will be severed from the County highway system and be located on the boundary between the two incorporated cities. There is no justification for these streets to remain County highways after the proposed Arden-Arcade incorporation. These roadways include:

- Watt Avenue (Auburn Boulevard to Longview Drive)
- Auburn Boulevard (Park Road to Howe Avenue)
- Winding Way (Auburn Blvd. to 1,000 feet east)
- Bell Street (Between the easterly and westerly legs of Auburn Blvd.)

These roadways may not automatically transfer to the City of Arden Arcade upon incorporation because they are located within the City of Sacramento, not the proposed incorporation limits. As a condition of the incorporation, the County's ownership, maintenance and financial responsibility for these streets must be transferred to the City of Arden Arcade. The boundary to be addressed within the environmental document for the proposed Arden Arcade incorporation may have to be expanded to address these roadway segments.

Regional Transportation Mobility

The Transportation Plan of the Sacramento County General Plan establishes the transportation network, both roadway and transit, to serve both the existing and future mobility needs of the County. Roadways such as Watt Avenue and Fair Oaks Blvd are considered transportation facilities of regional or area-wide importance serving the mobility needs of the public. Changes in the operations or capacity of these facilities may have a detrimental effect on the mobility needs of the County.

Other Impacts

Because LAFCo must consider the environmental justice of any reorganization, the EIR must consider the economic and social impacts of this proposed incorporation, both upon the residents of the proposed new city and the residents within the remaining areas of the unincorporated territory.

During its review, the County has identified a number of issues that potentially impacts County operations and finances, including funding for street lighting, reimbursement for federally funded infrastructure improvements, and charges levied by the new city for street cuts related to maintaining the County's water distribution system. In addition, the County anticipates an annual net loss of several million dollars due to the transfer of discretionary revenue from the County to the new city. The County will provide those comments during the preparation of the Comprehensive Fiscal Analysis.

General Manager

Robert S. Roscoe, P. E.



Board of Directors

President - David J. Githens
Vice President - Neil W. Schild
Ken R. Decio
Thomas C. Fellenz
Stephen R. Hanson

November 19, 2007

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NOV 21 2007

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

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Report and Notice of Public Scoping Meeting for Proposed Incorporation of City of Arden Arcade

Dear Mr. Brundage:

This letter is in response to the "Notice of Preparation (NOP) of a Draft Environmental Impact Report and Notice of Public Scoping Meeting" dated October 26, 2007, for the proposed incorporation of the City of Arden Arcade. As you are aware, the Sacramento Suburban Water District (SSWD) is the primary water purveyor within the proposed city limits for the new city.

SSWD has been monitoring the proposed incorporation of the City of Arden Arcade and how it might impact the District. In that the NOP states that there is no proposed change in water providers at this time, the District has no issue with the proposed incorporation and no changes or additions to the scope for the draft EIR. However, if this changes in the future, the District reserves the right to provide additional comments at that time.

Additionally, we note that Sacramento LAFCo consolidated the former Arcade and Northridge Water Districts into SSWD just 5 years ago. As you are aware, this was an expensive undertaking. Although no such changes are proposed at this time, to propose any changes to the District's boundaries or service area would nullify a lot of hard work by LAFCo related to the consolidation. In addition, physically separating a single water system into one or more separate stand-alone systems based on a change in the overlying political boundary is extremely problematic at best and would require significant analysis to determine if it would even be feasible.

The District looks forward to participating in further efforts related to the proposed incorporation of the City of Arden Arcade.

If you have any questions, please call me at 916.679.3994.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert S. Roscoe", is written over a light blue horizontal line.

Robert S. Roscoe, P.E.
General Manager

Brundage. Peter

From: Robert Heiligman [nocountyislands@gmail.com]
Sent: Monday, November 12, 2007 9:56 AM
To: Brundage. Peter
Cc: staysacramento@gmail.com; Welker, Bill (MSA; rachelheilgman@gmail.com)
Subject: EIR Notice of Preparation Public Comment - Arden Arcade

RECEIVED

Attachments: LAFCOEnvImpReport11.12.07.doc

NOV 13 2007



LAFCOEnvImpRepo
rt11.12.07.doc...

SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

I have attached a Word document which is in response to the Notice of Preparation of the EIR for the proposed City of Arden Arcade. In the event you have trouble opening it (done on a MAC), I am also pasting the text of this letter below:

4648 American River Drive
Sacramento, CA 95864
November 12, 2007

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

Dear Mr. Brundage:

I am writing this letter to comment on the Notice of Preparation of the Draft of the Environmental Impact Report for the proposed City of Arden-Arcade. In particular, I want to express my strong opposition to the choice of Fair Oaks Boulevard as the southern boundary and to request that the EIR fully consider the negative consequences of this poor choice. The Cortese-Knox-Hertzberg Act allows LAFCO to disapprove boundaries that do not conform to specified standards and criteria. Government Code Section 56668 empowers LAFCO to modify proposed boundaries as part of its scope of work. Alternative boundaries are briefly mentioned on page 24 of the Notice of Preparation paper. By writing this letter, I wish to emphasize that this is a critical issue, which should be fully and seriously considered in the EIR. I am confident that a full study of the issue will convince LAFCO that the Fair Oaks Boulevard boundary will compromise public safety and generally disadvantage the neighborhoods between Fair Oaks Boulevard and the American River.

The American River has always been the historic southern boundary of the community known as Arden Arcade. This fact is easily demonstrated by the description the community available through [saccounty.net](http://www.saccounty.net):

<http://www.communities.saccounty.net/arden-arcade/about/index.html>

Those residing between Fair Oaks Boulevard and the American River associate themselves with Arden Arcade. My daughter attended Arden Middle School (her home school). I mail my letters at the Arden Station (the post office designated for my zip code). I receive a monthly magazine (ironically) entitled Inside Arden. Common sense and practical considerations support the choice of natural geographical features as boundaries for cities; this principle has been respected locally. Take, for example, the most recently incorporated city in Sacramento County: Rancho Cordova. The northern border of this city is the American River, not a more southerly parallel street such as Folsom Boulevard. Yet the Arden-Arcade Incorporation Committee has defied history, common sense and local precedent by choosing Fair Oaks Boulevard - rather than the American River - as the southern boundary.

I charge that this boundary choice was made for purely political reasons and that, in so doing, the Incorporation Committee placed their political agenda above the consideration of public safety.

Government Code Section 56668 (f) states that a review of a proposal for incorporation shall include consideration of:

(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries. (My emphasis.) Clearly, the proposed southern boundary places the area between Fair Oaks Boulevard and the American River in such an island or corridor. The formation of such an island or corridor will dramatically increase the likelihood of a disruption of vital emergency services by confusing jurisdictional responsibilities. This area is susceptible to all the usual emergencies that require quick response from paramedics, fire fighters, law officers, etc. In addition, it is susceptible to flooding, which could occur in either an accelerated fashion (as a result of a failure of the Folsom Dam) or in a progressive fashion (as a result of levee failure along the Sacramento River). The response to any of these emergency conditions requires close coordination of public agencies. The presence of an island or corridor dramatically increases the chance of confusion and either delayed or inadequate response. Even if the new City of Arden-Arcade contracts with Sacramento County for policing and paramedic/firefighting, it is likely that the County units assigned to respond to episodes within the new city will be different from those assigned to respond to episodes within the island or corridor. The units responding to the latter may be stationed far away - perhaps even south of the American River. Imagine these units fighting traffic across the Watt Avenue Bridge in order to respond to an emergency north of the river while similarly equipped units much more proximate to the emergency sit idle.

Consider that Fair Oaks Boulevard, between Howe Avenue and Arden Way, is widely regarded as one of the most dangerous arterials in Sacramento County. If the southern border of the new city continued to be Fair Oaks Boulevard, how would a major injury accident on this road be handled? Primary police and paramedic/firefighter responsibility would differ if the accident occurred in the west-bound vs. the east-bound lanes, since the official boundary would likely be the median. Precious moments would be lost while dispatchers attempted to summon the correct units. At the intersection of Fair Oaks Boulevard and Howe Avenue (truly a mammoth intersection and the site of many serious accidents), the situation would be still more complicated as three jurisdictions (City of Sacramento, City of Arden Arcade, and County of Sacramento) would all meet.

There is still time for LAFCO to intercede and reverse the ill-advised choice of Fair Oaks Boulevard as the southern border of the proposed city. In order for this to happen, I urge LAFCO to insist that the EIR must include a full discussion of the southern border issue.

Please don't allow the EIR to skirt the subject. Your directions to Michael Brandman Associates will make the difference in whether the EIR mentions the southern border issue in a perfunctory manner or whether the EIR contains a full exposition of the dangerous consequences of a decision that was made for purely political reasons.

Thank you very much for your consideration.

Sincerely,

Robert Heiligman, MD

4648 American River Drive
Sacramento, CA 95864
November 12, 2007

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

RECEIVED

NOV 13 2007

SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

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Government Code Section 56668 (f) states that a review of a proposal for incorporation shall include consideration of:

(f) The definiteness and certainty of the boundaries of the

territory, the nonconformance of proposed boundaries with lines of assessment or ownership, *the creation of islands or corridors of unincorporated territory*, and other similar matters affecting the proposed boundaries. *(My emphasis.)*

Clearly, the proposed southern boundary places the area between Fair Oaks Boulevard and the American River in such an island or corridor. The formation of such an island or corridor will dramatically increase the likelihood of a disruption of vital emergency services by confusing jurisdictional responsibilities. This area is susceptible to all the usual emergencies that require quick response from paramedics, fire fighters, law officers, etc. In addition, it is susceptible to flooding, which could occur in either an accelerated fashion (as a result of a failure of the Folsom Dam) or in a progressive fashion (as a result of levee failure along the Sacramento River). The response to any of these emergency conditions requires close coordination of public agencies. The presence of an island or corridor dramatically increases the chance of confusion and either delayed or inadequate response. Even if the new City of Arden-Arcade contracts with Sacramento County for policing and paramedic/firefighting, it is likely that the County units assigned to respond to episodes within the new city will be different from those assigned to respond to episodes within the island or corridor. The units responding to the latter may be stationed far away – perhaps even south of the American River. Imagine these units fighting traffic across the Watt Avenue Bridge in order to respond to an emergency north of the river while similarly equipped units much more proximate to the emergency sit idle.

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There is still time for LAFCO to intercede and reverse the ill-advised choice of Fair Oaks Boulevard as the southern border of the proposed city. In order for this to happen, I urge LAFCO to insist that the EIR must include a full discussion of the southern border issue. Please don't allow the EIR to skirt the subject. Your directions to Michael Brandman Associates will make the difference in whether the EIR mentions the southern border issue in a perfunctory manner or whether the EIR contains a full exposition of the dangerous consequences of a decision that was made for purely political reasons. Thank you very much for your consideration.

Sincerely,

Robert Heiligman, MD



November 26, 2007

Mr. Peter Brundage, Executive Director
Sacramento LAFCO
1112 I Street, #100
Sacramento, CA 95814
<brundagep@saccounty.net>

Regarding: Response to NOP for Proposed Arden Arcade Cityhood

Dear Mr. Brundage,

The Fulton-El Camino Recreation and Park District has taken the opportunity to review the proposed scope and content of the NOP and provides the following comments:

1. We are first of all appalled at the fact that your staff did not review this document prior to its distribution and have MBA correct obvious errors in its description of the Schools on page 7, and Exhibit 3 with Fulton Ave. mislabeled as Munroe Street.
2. When you state in the last paragraph of page 23 “—“the act of incorporation will not alter either the existing County zoning designations or proposed land uses or development which is currently authorized to occur within the Arden Arcade area. In addition, the application for the incorporation of Arden Arcade does not propose any change in existing service providers, method of providing services or existing service levels. As a result, it appears that the potential environmental effects of the No Project Alternative and of the proposed Project may be the same.” We find it odd that LAFCO did not pursue a Negative Declaration for this project instead of the full EIR, thereby reducing significantly the cost of this environmental review process. We wonder if LAFCO is not acting as an agent for the County to make the Incorporation process so expensive that the Incorporation Committee will fail and thereby prevent the residents of the project area to vote on the incorporation proposal.
3. We also find it odd that in Section 5 – Scope of Environmental Impact Report (EIR) the NOP states that “Based on the potential for significant impacts, an EIR was deemed necessary.” Yet as mentioned in response 2 above the conclusions of the NOP document indicates that “it appears that the potential environmental effects of the No Project Alternative and of the

**Fulton-El Camino
Recreation & Park
District**

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Sacramento, California
95825

Phone: (916) 927-3802
Fax: (916) 927-3805

E-mail:
FEC@fecrecpark.com

Internet:
www.fecrecpark.com

An Independent Special District

proposed Project may be the same.” So we ask again, why the inconsistency in the NOP and what are the reasons for requiring the EIR.

Thank you for the opportunity to provide our comments. Please contact me at 927-3802 if you have any follow-up questions.

Sincerely,

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

Roy Imai
General Manager
<rimai@fecrecrepark.com>

B-2 - 2009 NOP Comments

From: Trevor Macenski
To: Chryss Meier
Date: 8/31/2009 9:48 AM
Subject: Fwd: FW: Comments on Recirculated Notice of Preparation - Proposed City of Arden Arcade
Attachments: LAFCOEnvImpRpt8.31.09.doc; LAFCOEnvImpReport11.12.07.doc

Lets start a fold of COMMENTS

Trevor Macenski, REA

Branch Manager
Michael Brandman Associates
2000 "O" Street, Suite 200
Sacramento, CA 95811
916.447.1100 ext. 1418 (office)
916.447.1210 (fax)
916.508-4170 (mobile)

>>> "Brundage. Peter" <BrundageP@saccounty.net> 8/31/2009 9:34 AM >>>
Trevor,

FYI

Peter

-----Original Message-----

From: Robert Heiligman [<mailto:rmheilig@winfirst.com>]
Sent: Sunday, August 30, 2009 8:51 PM
To: Brundage. Peter
Subject: Comments on Recirculated Notice of Preparation - Proposed City of Arden Arcade

Dear Mr. Brundage:

Thank you for sending me the recirculated NOP. I am mailing you a signed copy of a letter of my response, but would also like to submit this electronically, as a .doc file. (See first attachment.) My response cites my previous response from 2007 and I have included the .doc file of that one as well. (See second attachment.) Thank you very much for inserting the section on Alternative Boundaries and Exhibit 1 with the recirculated NOP. I am very happy that the issue I raised two years ago will now be thoroughly addressed in the EIR.

Sincerely,

Robert Heiligman, MD

COUNTY OF SACRAMENTO EMAIL DISCLAIMER:

This email and any attachments thereto may contain private, confidential, and privileged material for the sole use of the intended recipient. Any review, copying, or distribution of this email (or any attachments thereto) by other than the County of Sacramento or the intended recipient is strictly prohibited.

If you are not the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this email and any attachments thereto.

DEPARTMENT OF WATER RESOURCES
Inter-Departmental Correspondence

M E M O R A N D U M

Date: September 30, 3009

To: Joyce Horizumi, Director, DERA

From: Michael Peterson, Principal Civil Engineer, Department of Water Resources

Subject: Notice of Preparation of DEIR – Proposed New City of Arden Arcade

The following are comments relative to the subject project NOP related to Drainage, Flood Control and Water Quality:

Hydrology and Water Quality

Page 15 of the NOP states that the only identified 100-year floodplain affecting the proposed incorporation boundaries are those along the American River (outside of the incorporation boundaries). This is incorrect.

There is a significant area of 100-year floodplain along Chicken Ranch Slough, Strong Ranch Slough and the Sierra Branch of Strong Ranch Slough within the proposed incorporation boundaries, that has been subject to historic flooding. These areas are mapped on FEMA Flood Insurance Rate Map Panels 060262-185-F and 060262-0205-E.

The proposed incorporation area is dependant on the Howe Avenue, D05 Drainage Pump Station (located behind Cal Expo at the corner of Ethan Way and Hurley Way) to provide for the drainage of stormwater (Chicken and Strong Ranch Slough watershed) from the project area into the American River during times of high river stage or significant local rainfall within the project areas. This facility is part of the existing drainage infrastructure that would become the responsibility of the City of Arden Arcade.

Further, while the American River Levee south of the incorporation boundary has been certified by FEMA as providing 100-year protection, the proposed incorporation area is still dependant on this levee for protection and as significant portion of the area is within the levee failure inundation area of this levee (Comprehensive Flood Management Plan Emergency Preparedness Mapping for the City/County of Sacramento, April 2006).

The County currently provides drainage and flood control services through the County Stormwater Utility program. This program, related funding and permitting, would become the responsibility of the proposed City of Arden Arcade.

The County currently participates in the National Flood Insurance Program and manages the Flood Insurance Rate Maps for the unincorporated county, including the project area. Upon incorporation, the proposed City of Arden Arcade would be required to file with FEMA as a new community and to administer this program directly for the proposed incorporations area. The County also participates in the NFIP Community Rating System (CRS) which allows residents of the County to receive discounted flood insurance premiums due to the quality of the County floodplain management program. The County is currently ranked 5 and thus County residents receive a 25% reduction in flood insurance premiums. Upon incorporation, the proposed City of Arden Arcade would become a new city within the CRS program and would be re-ranked to a CRS Rating 10 (0% discount).

The Sacramento County Water Agency (SCWA) administers the SCWA Zone 11B Drainage Development Fee program and the SCWA Zone 13 Regional Drainage/Water Supply Planning programs. As the SCWA is a separate governing entity from the County, these programs would continue to be under the authority of the SCWA.

Water Quality

The proposed City of Arden Arcade would be required to become a separate co-permittee on the NPDES Stormwater Permit issued to the Sacramento region communities and would become responsible for implementing the requirements of that permit.

Please contact me at 48913 if you have any questions.

cc: Herb Niederberger

Department of Waste Management & Recycling

County of Sacramento
9850 Goethe Road
Sacramento, CA 95827-3561

Municipal Services Agency
Mail Code: 61-001
Phone: (916) 875-6789
Fax: (916) 875-6767

MEMORANDUM

Date: September 21, 2009

To: Peter Brundage, Executive Director, Sacramento LAFCo

From: Dave Ghirardelli, Solid Waste Planner, Sacramento County Waste Management and Recycling

Subject: Comments on **Re-circulated** Draft EIR Notice of Preparation (NOP) for Proposed Arden Arcade Incorporation

Sacramento County Department of Waste Management and Recycling (DWMR) staff has reviewed the re-circulated and revised NOP for the Draft EIR for the proposed incorporation of the community of Arden Arcade and have the following comments.

General

The NOP document states: "Solid waste trash collection and disposal is currently provided by Sacramento County Waste Management and Recycling Division. After incorporation, it is expected that solid waste trash collection and disposal will continue to be provided by Sacramento County." We would point out that past experience with the incorporations of Elk Grove and Rancho Cordova show this to be a faulty assumption. In both cases incorporation proponents stated that waste management services would continue to be provided by the County, yet almost immediately following incorporation those services were provided through a contract with Allied Waste Services. Allied Waste Services is active in the Arden Arcade Incorporation effort.

It is our understanding that, upon incorporation, the City of Arden Arcade would be under no obligation whatsoever to continue with County solid waste collection service as the NOP document maintains.

Solid waste collection

Currently, the County DWMR provides residential solid waste management collection services, including separate collection of refuse, recyclables, and greenwaste, to all single family residences in the proposed Arden Arcade incorporation area.

To serve the area north of El Camino Avenue, collections are based out of the Department's nearby North Area Collection Yard on Roseville Road. To serve the area south of El Camino Avenue, collections are based out of the Department's South Area Collection Yard off of

Bradshaw Road. Collection service is provided by the County DWMR's fleet of low-emission Liquefied Natural Gas (LNG) vehicles.

Solid waste recycling and disposal

Currently, residential solid waste, recyclables, and green waste from the Arden Arcade incorporation area north of El Camino Avenue are managed at the DWMR's North Area Recovery Station (NARS) located on Roseville Road, less than 2 miles travel distance from the proposed incorporation area. From NARS, solid waste is transferred to Sacramento County's Kiefer Landfill and Recycling Facility for disposal 19 miles away.

For the Arden Arcade area south of El Camino Avenue, the DWMR hauls solid waste and green waste directly to Kiefer Landfill and Recycling Facility only 11 miles away and hauls residential recyclables to the Sacramento Recycling and Transfer Station located at 8941 Fruitridge Road.

The cities of Elk Grove, Rancho Cordova, and Citrus Heights all export their waste to the Forward landfill in San Joaquin County, approximately 70 miles away.

Solid Waste Diversion

The County has historically exceeded the State of California's waste diversion and reduction mandates with comfortable margins, by regional standards. This is undeniably attributable in part to education and outreach and other diversion programs being leveraged by economies of scale and by regional cohesiveness buttressed by partnering with the City of Sacramento in the Sacramento Regional Solid Waste Authority (SWA). Many neighboring jurisdictions, even while attempting to mimic County and SWA programs, have not fared as well with their diversion.

Potential Impacts that Should be Studied

Given experience, it is reasonable to expect that one consequence of Arden-Arcade incorporation could be waste export. Waste export causes an environmental impact to air quality and increases greenhouse gas emissions, and therefore must be analyzed. If impacts are found to be significant, appropriate mitigation measures should be required, such as the requirement that if a newly incorporated City of Arden Arcade opts to solicit other parties to collect residential solid waste, the RFP for such residential solid waste collection services specify LNG collection vehicles and local disposal.

Additionally, evidence indicates that incorporations in Sacramento County result in decreased solid waste diversion, or increased waste sent to landfills. Increased landfilling of waste can create environmental impacts and should be studied. If impacts are found to be significant, appropriate mitigation would be to require diversion equivalent or better than currently achieved by the County.

Please contact me at 875-4557 if you need additional information.

The following information from page 7 of the October 26, 2007 NOP should be edited as noted, as the CEQA review process moves forward.

Please revise the schools discussion to reflect the local setting.

Please update reference to CSD No.1 to reflect the name change to Sacramento Area Sewer District:

Generally, the previous NOP should be closely reviewed, and various typos corrected, as the CEQA review process moves forward. Thank you for your assistance.

Don Lockhart, AICP

Assistant Executive Officer

Sacramento LAFCo

1112 I Street, Suite 100

Sacramento, CA 95814-2836

916.874.2937

916.874.2939 (FAX)

Don.Lockhart@SacLAFCo.org

4648 American River Drive
Sacramento, CA 95864
August 31, 2009

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

Dear Mr. Brundage:

Thank you very much for sending me a copy of your August 26, 2009 memo to "Interested Parties", which describes the Public Scoping Process, including a Re-circulated Notice of Preparation (NOP), for the proposed incorporation of a new city of Arden Arcade.

As you mentioned, the previous NOP was circulated in the latter part of 2007. I responded with a letter dated November 12, 2007 outlining in detail my opposition to the choice of Fair Oaks Boulevard as the southern boundary of the new city. In my opinion, this choice was purely political in nature and, if enacted, would seriously compromise the delivery of emergency services and endanger public safety. I would like to reaffirm all of the arguments that I presented at that time. Everything point that I made is still entirely valid. In fact, I would now go further to state that events of the last two years make it more imperative than ever that the ill-advised choice of Fair Oaks Boulevard as a southern boundary, with the creation of a county island or corridor, be abandoned. Over the past 18 months, Sacramento County's budget has been cut several times, resulting in the layoff of sheriffs and the grounding of helicopter units. The Sacramento Metropolitan Fire District has closed three fire stations and has laid off support staff. The public safety infrastructure is more tenuous now than it was two years ago, further increasing the risk of the irrational choice of Fair Oaks Boulevard as a southern boundary.

I am delighted to see that you have explicitly included an alternative boundaries option (as depicted in your Exhibit 1, with the southern boundary at the American River) in the Revised Preliminary Listing of Alternatives to be addressed in the Environmental Impact Report (EIR). I applaud your use of the authority given to LAFCO by Section 15126.6 of Title 14 of the California Code of Regulations (CEQA Regulations) to insist that the EIR include a full consideration of this alternative.

I do have one question about the upcoming process. At the time that the previous NOP was circulated, LAFCO had indicated that Michael Brandman and Associates would be responsible for the preparation of the EIR. Your recent letter does not mention this firm. Will Michael Brandman and Associates be preparing the EIR this time around?

Thank you once again for your diligence in this process. I am confident that, with the direction you have given, the preparer of the EIR will reach the only logical conclusion,

i.e. that any newly incorporated city must have the American River, rather than Fair Oaks Boulevard, as its southern border. I am equally confident that LAFCO will then exercise its jurisdiction under Government Code, Section 56668, to modify the dangerous and politically motivated proposal submitted by the Arden Arcade Incorporation Committee.

Sincerely,

Robert M. Heiligman, MD

Enclosure: My letter to you, dated November 12, 2007

4648 American River Drive
Sacramento, CA 95864
November 12, 2007

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

Dear Mr. Brundage:

I am writing this letter to comment on the Notice of Preparation of the Draft of the Environmental Impact Report for the proposed City of Arden-Arcade. In particular, I want to express my strong opposition to the choice of Fair Oaks Boulevard as the southern boundary and to request that the EIR fully consider the negative consequences of this poor choice. The Cortese-Knox-Hertzberg Act allows LAFCO to disapprove boundaries that do not conform to specified standards and criteria. Government Code Section 56668 empowers LAFCO to modify proposed boundaries as part of its scope of work. Alternative boundaries are briefly mentioned on page 24 of the Notice of Preparation paper. By writing this letter, I wish to emphasize that this is a critical issue, which should be fully and seriously considered in the EIR. I am confident that a full study of the issue will convince LAFCO that the Fair Oaks Boulevard boundary will compromise public safety and generally disadvantage the neighborhoods between Fair Oaks Boulevard and the American River.

The American River has always been the historic southern boundary of the community known as Arden Arcade. This fact is easily demonstrated by the description the community available through [saccounty.net](http://www.saccounty.net):

<http://www.communities.saccounty.net/arden-arcade/about/index.html>

Those residing between Fair Oaks Boulevard and the American River associate themselves with Arden Arcade. My daughter attended Arden Middle School (her home school). I mail my letters at the Arden Station (the post office designated for my zip code). I receive a monthly magazine (ironically) entitled *Inside Arden*. Common sense and practical considerations support the choice of natural geographical features as boundaries for cities; this principle has been respected locally. Take, for example, the most recently incorporated city in Sacramento County: Rancho Cordova. The northern border of this city is the American River, not a more southerly parallel street such as Folsom Boulevard. Yet the Arden-Arcade Incorporation Committee has defied history, common sense and local precedent by choosing Fair Oaks Boulevard – rather than the American River - as the southern boundary. I charge that this boundary choice was made for purely political reasons and that, in so doing, the Incorporation Committee placed their political agenda above the consideration of public safety.

Government Code Section 56668 (f) states that a review of a proposal for incorporation shall include consideration of:

(f) The definiteness and certainty of the boundaries of the

territory, the nonconformance of proposed boundaries with lines of assessment or ownership, *the creation of islands or corridors of unincorporated territory*, and other similar matters affecting the proposed boundaries. (*My emphasis.*)

Clearly, the proposed southern boundary places the area between Fair Oaks Boulevard and the American River in such an island or corridor. The formation of such an island or corridor will dramatically increase the likelihood of a disruption of vital emergency services by confusing jurisdictional responsibilities. This area is susceptible to all the usual emergencies that require quick response from paramedics, fire fighters, law officers, etc. In addition, it is susceptible to flooding, which could occur in either an accelerated fashion (as a result of a failure of the Folsom Dam) or in a progressive fashion (as a result of levee failure along the Sacramento River). The response to any of these emergency conditions requires close coordination of public agencies. The presence of an island or corridor dramatically increases the chance of confusion and either delayed or inadequate response. Even if the new City of Arden-Arcade contracts with Sacramento County for policing and paramedic/firefighting, it is likely that the County units assigned to respond to episodes within the new city will be different from those assigned to respond to episodes within the island or corridor. The units responding to the latter may be stationed far away – perhaps even south of the American River. Imagine these units fighting traffic across the Watt Avenue Bridge in order to respond to an emergency north of the river while similarly equipped units much more proximate to the emergency sit idle.

Consider that Fair Oaks Boulevard, between Howe Avenue and Arden Way, is widely regarded as one of the most dangerous arterials in Sacramento County. If the southern border of the new city continued to be Fair Oaks Boulevard, how would a major injury accident on this road be handled? Primary police and paramedic/firefighter responsibility would differ if the accident occurred in the west-bound vs. the east-bound lanes, since the official boundary would likely be the median. Precious moments would be lost while dispatchers attempted to summon the correct units. At the intersection of Fair Oaks Boulevard and Howe Avenue (truly a mammoth intersection and the site of many serious accidents), the situation would be still more complicated as three jurisdictions (City of Sacramento, City of Arden Arcade, and County of Sacramento) would all meet.

There is still time for LAFCO to intercede and reverse the ill-advised choice of Fair Oaks Boulevard as the southern border of the proposed city. In order for this to happen, I urge LAFCO to insist that the EIR must include a full discussion of the southern border issue. Please don't allow the EIR to skirt the subject. Your directions to Michael Brandman Associates will make the difference in whether the EIR mentions the southern border issue in a perfunctory manner or whether the EIR contains a full exposition of the dangerous consequences of a decision that was made for purely political reasons. Thank you very much for your consideration.

Sincerely,

Robert Heiligman, MD

Department of Waste Management & Recycling

County of Sacramento
9850 Goethe Road
Sacramento, CA 95827-3561

Municipal Services Agency
Mail Code: 61-001
Phone: (916) 875-6789
Fax: (916) 875-6767

MEMORANDUM

Date: September 21, 2009

To: Peter Brundage, Executive Director, Sacramento LAFCo

From: Dave Ghirardelli, Solid Waste Planner, Sacramento County Waste Management and Recycling

Subject: Comments on **Re-circulated** Draft EIR Notice of Preparation (NOP) for Proposed Arden Arcade Incorporation

Sacramento County Department of Waste Management and Recycling (DWMR) staff has reviewed the re-circulated and revised NOP for the Draft EIR for the proposed incorporation of the community of Arden Arcade and have the following comments.

General

The NOP document states: “Solid waste trash collection and disposal is currently provided by Sacramento County Waste Management and Recycling Division. After incorporation, it is expected that solid waste trash collection and disposal will continue to be provided by Sacramento County.” We would point out that past experience with the incorporations of Elk Grove and Rancho Cordova show this to be a faulty assumption. In both cases incorporation proponents stated that waste management services would continue to be provided by the County, yet almost immediately following incorporation those services were provided through a contract with Allied Waste Services. Allied Waste Services is active in the Arden Arcade Incorporation effort.

It is our understanding that, upon incorporation, the City of Arden Arcade would be under no obligation whatsoever to continue with County solid waste collection service as the NOP document maintains.

Solid waste collection

Currently, the County DWMR provides residential solid waste management collection services, including separate collection of refuse, recyclables, and greenwaste, to all single family residences in the proposed Arden Arcade incorporation area.

To serve the area north of El Camino Avenue, collections are based out of the Department’s nearby North Area Collection Yard on Roseville Road. To serve the area south of El Camino Avenue, collections are based out of the Department’s South Area Collection Yard off of

Bradshaw Road. Collection service is provided by the County DWMR's fleet of low-emission Liquefied Natural Gas (LNG) vehicles.

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For the Arden Arcade area south of El Camino Avenue, the DWMR hauls solid waste and green waste directly to Kiefer Landfill and Recycling Facility only 11 miles away and hauls residential recyclables to the Sacramento Recycling and Transfer Station located at 8941 Fruitridge Road.

The cities of Elk Grove, Rancho Cordova, and Citrus Heights all export their waste to the Forward landfill in San Joaquin County, approximately 70 miles away.

Solid Waste Diversion

The County has historically exceeded the State of California's waste diversion and reduction mandates with comfortable margins, by regional standards. This is undeniably attributable in part to education and outreach and other diversion programs being leveraged by economies of scale and by regional cohesiveness buttressed by partnering with the City of Sacramento in the Sacramento Regional Solid Waste Authority (SWA). Many neighboring jurisdictions, even while attempting to mimic County and SWA programs, have not fared as well with their diversion.

Potential Impacts that Should be Studied

Given experience, it is reasonable to expect that one consequence of Arden-Arcade incorporation could be waste export. Waste export causes an environmental impact to air quality and increases greenhouse gas emissions, and therefore must be analyzed. If impacts are found to be significant, appropriate mitigation measures should be required, such as the requirement that if a newly incorporated City of Arden Arcade opts to solicit other parties to collect residential solid waste, the RFP for such residential solid waste collection services specify LNG collection vehicles and local disposal.

Additionally, evidence indicates that incorporations in Sacramento County result in decreased solid waste diversion, or increased waste sent to landfills. Increased landfilling of waste can create environmental impacts and should be studied. If impacts are found to be significant, appropriate mitigation would be to require diversion equivalent or better than currently achieved by the County.

Please contact me at 875-4557 if you need additional information.



4161 Stillmeadow Way
Sacramento, CA 95821

Sept 26, 2009

SAC LAFCO
1112 I Street, Ste 100
Sacramento, CA 95814

RECEIVED

SEP 28 2009

SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

To: Peter Brundage, Executive Officer
Sacramento Local Agency Formation Commission

RE: Request for attention to northeast boundary in maps for the Proposed Incorporation of a new City of Arden Arcade; Request for reconfiguration of a small segment of boundaries of zip code 95821 and Sheriff's District.

Dear Peter,

Thank you for sending me the information about the Incorporation proposal as I had requested some time ago. Although the boundaries on the enclosed maps lack detail, we hope our situation and request will be understood.

It appears that our address is not within the boundaries of Arden Arcade's proposed map. We have no position on that effort, except as it highlights our zip code and sheriff's districts, which predominantly bound Arden Arcade.

We live and run our small publishing business at 4161 Stillmeadow Way, Sacramento, CA 95821, in an unincorporated area of Sacramento County. Stillmeadow Way runs north and south, for two blocks from Cypress Ave to Hope Ave. Our neighborhood has two streets onto Cypress Ave, namely, Stillmeadow and Dena Way; both provide access only to and from the south. We have no ingress or egress north, east, or west.

Across Cypress Ave is Carmichael. Going east on Cypress is Walnut, also in Carmichael. It might be a boundary between Carmichael and our houses in Sacramento, 95821. We found no updated map of the Carmichael Service Neighborhood. Arden Arcade will abut the west side of Carmichael along Mission Ave. Because Mission Ave is not contiguous to Cypress/Pasadena, this boundary is also not clear to us, though we've been told that Gibbons Park, now in Carmichael, would remain in Carmichael. If we imagine an extension of Mission our address, if not our whole neighborhood would be east of Mission, on the Carmichael side.

Our chief request is that the boundaries for our zip code and sheriff's District be reviewed at this time. First, our area appears as a strange appendage on the Sheriff's District map of current Arden Arcade neighborhood; and second, the boundary of our zip code, 95821 at the east side near our Stillmeadow neighborhood has a very strange configuration.

Anyone looking at the Carmichael Sheriff's District map would see that we are like a piece of puzzle that would fit into the west side of Carmichael. That puzzle piece

matches the appendage on the Arden Arcade District map. This supports the logic that our neighborhood belongs with Carmichael.

With regard to our 95821 zip code, a glance at the map raises the question why our address and neighborhood are in this zip code. If you look at the zip code map, you see how the boundary juts one way and then another. If Arden Arcade is incorporated, we would then be in the zip code that predominantly will identify a city, but our small area would be unincorporated county with a Sacramento address...clearly fodder for confusion.

For our small business the services in Carmichael are very convenient. Our business address is a Shop Box address in the Bel Air store cluster in Carmichael. Thus we seek to have these strange boundaries get straightened out...literally. Otherwise our isolated unincorporated Sacramento address will have: Arcade Creek/Winding Way to our north/northeast, Arden Arcade City to our west/southwest but in all other directions is Carmichael: south, east, and a larger area of Carmichael as far northeast as Coyle Ave. We have no map of Carmichael but whatever it is, logically we should be in it!

Without better maps, details are missed. Supposedly minor anomalies, when put together, become a nuisance, an unnecessary inconvenience, or even a downright safety factor, such as for emergency vehicles. We would like our address/area be adjoined to our neighboring county area, Carmichael. Correcting the zip code and the Sheriff's District might be a place to start.

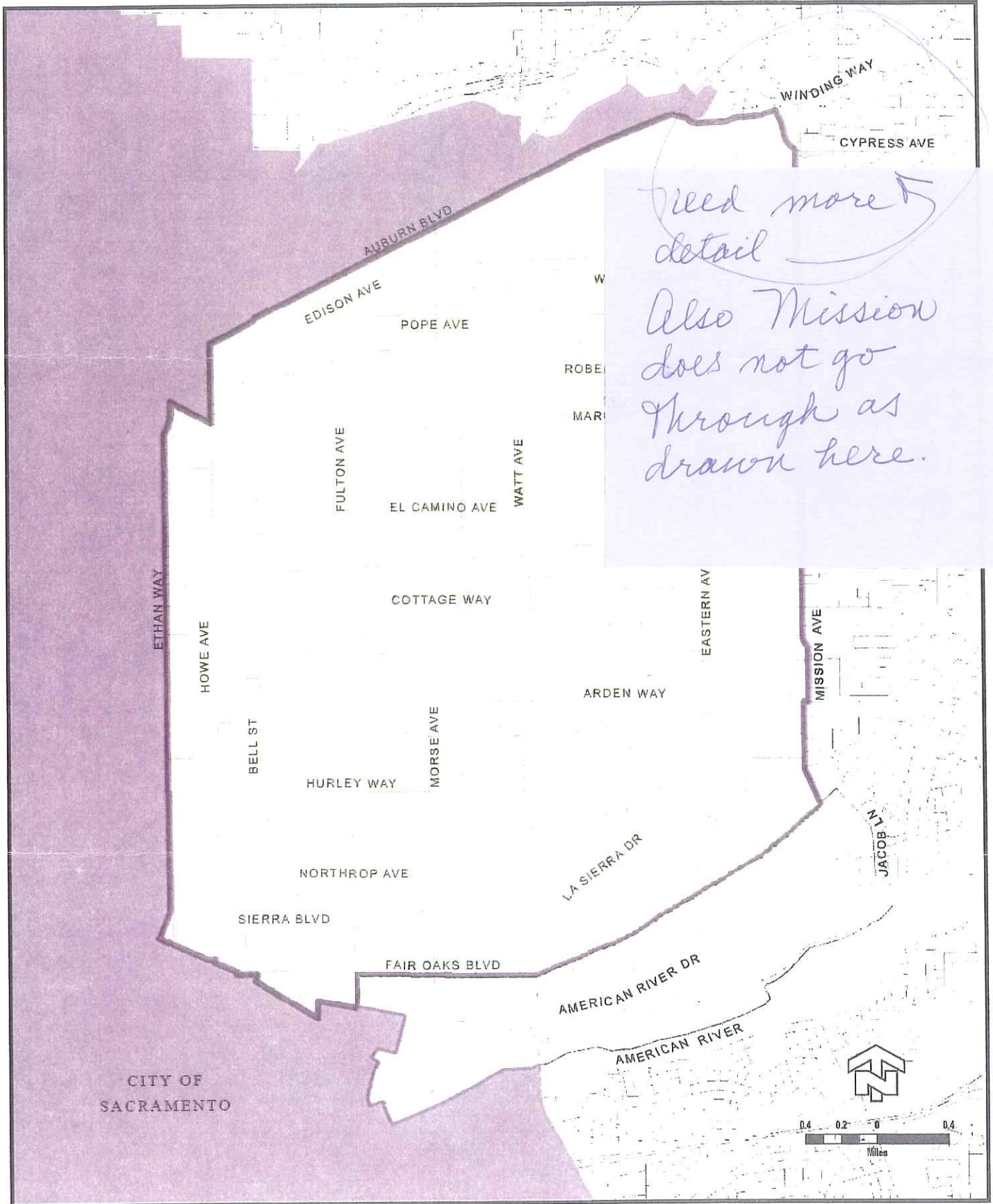
We are members of a Stillmeadow Neighborhood Association. But this letter comes only from us. We will share this letter with our neighbors. We do not want to influence the Arden Arcade Incorporation one way or another. We just want some foresight and logical planning to correct the very strange and cumbersome boundaries of our area.

Respectfully yours,


Theresa and Arthur Maxwell

916-333-2544

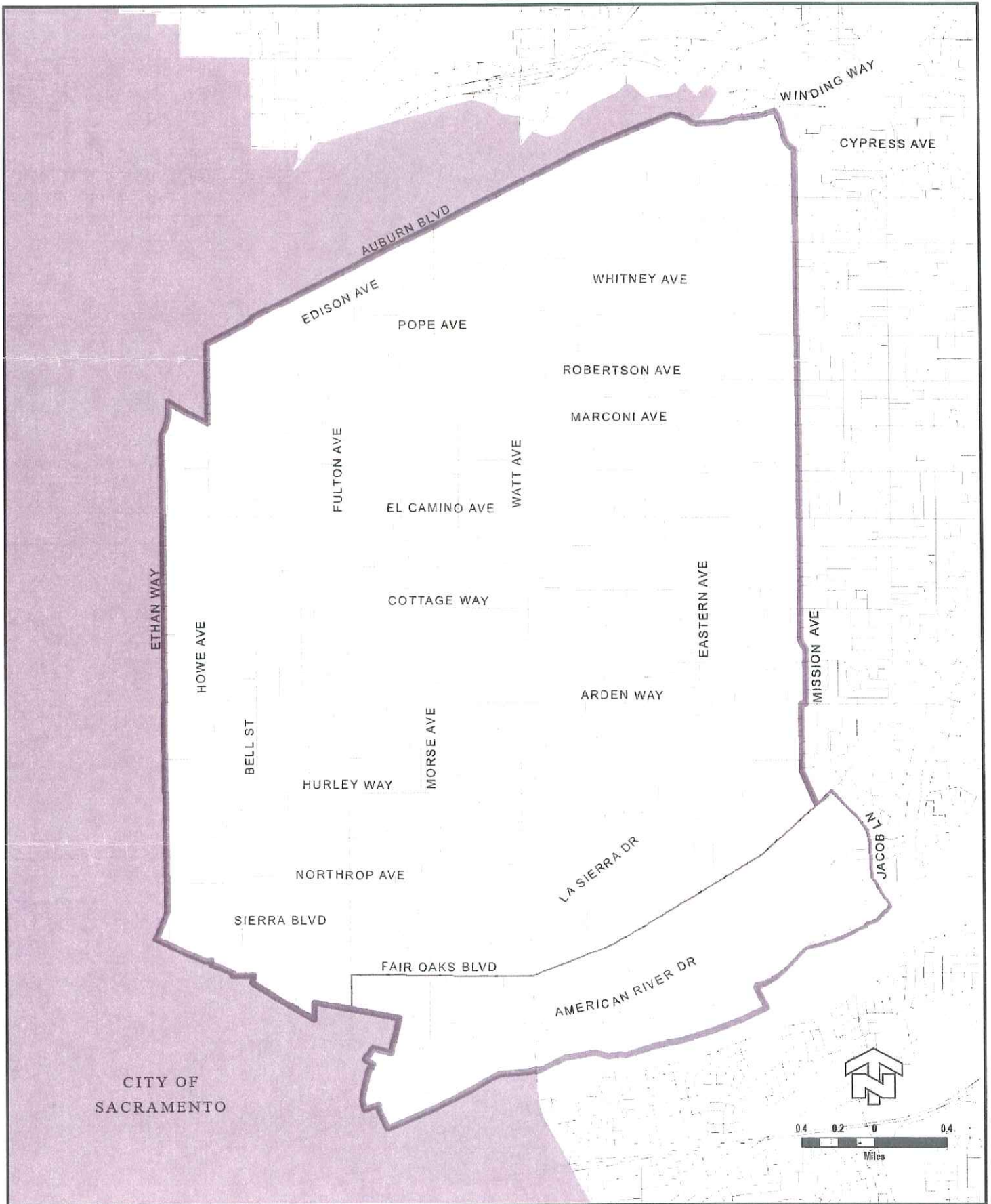
Arden Arcade Incorporation Proposed Boundary



Need more detail

Also Mission does not go through as drawn here.

Sacramento LAFCo Arden Arcade Incorporation Boundary Alternative





10545 Armstrong Avenue

Mather, CA 95655

Tele: [916] 876-6000

Fax: [916] 876-6160

Website: www.srcsd.com

September 24, 2009

RECEIVED

SEP 28 2009

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

Peter Brundage
Executive Officer
Sacramento Local Agency Formation Committee
1112 I Street #100
Sacramento, CA 95814

Board of Directors
Representing:

County of Sacramento

County of Yolo

City of Citrus Heights

City of Elk Grove

City of Folsom

City of Rancho Cordova

City of Sacramento

City of West Sacramento

Subject: Recirculated Notice of Preparation of a Draft Environmental Impact Report for the Proposed Incorporation of New City of Arden Arcade

Dear Mr. Brundage:

The Sacramento Regional County Sanitation District (SRCSD) and the Sacramento Area Sewer District (SASD) have reviewed the NOP of a Draft EIR for the Proposed Incorporation of the City of Arden Arcade and have the following comments:

Local sewer service for the proposed City of Arden Arcade is provided by SASD. Conveyance from these local trunk lines to the Sacramento Regional Wastewater Treatment Plant (SRWTP) is provided by SRCSD through large pipelines called interceptors. Twenty-one relief projects were identified for the Arden/North Highlands areas in the SASD Master Plan 2006 Update.

Neither SASD nor SRCSD are land-use authorities. Relief and expansion projects identified within SASD or SRCSD planning documents are a direct result of growth projections and potential growth inducements that are considered by land-use authorities. Impacts associated with providing and expanding sanitary sewer conveyance and treatment must also be considered by the land-use authority and included within their associated environmental impact reports.

Both SRCSD and SASD have significant sewer infrastructure within the proposed area and expect to continue to provide sewer service should this area be incorporated.

If you have any questions regarding these comments, please feel free to contact me at (916) 876-9994.

Sincerely,

Sarena Deeble
SRCSD/SASD
Policy and Planning

cc: Michael Meyer
Ruben Robles
SRCSD Development Services
SASD Development Services

Mary K. Snyder
District Engineer

Stan R. Dean
Director of Policy and Planning

Prabhakar Somavarapu
Director of Operations

Marcia Maurer
Chief Financial Officer

Claudia Goss
Director of Communications



September 28, 2009

RECEIVED

SEP 30 2009

SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

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

Subject: Proposed Incorporation of New City of Arden Arcade – Recirculated
Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR)

Dear Mr. Brundage:

Thank you for the opportunity to review the Recirculated Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the proposed incorporation of the City of Arden Arcade. At this time the District has no comments on the proposed scope and content of the draft EIR or the environmental review process. However, we will be interested in reviewing any components of the draft EIR that pertain to utilities and water service even if there is no anticipated change in service providers.

We look forward to reviewing the draft EIR once it is available for comments. In the meantime if you have any questions, please call me at 916.679.3994.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert S. Roscoe", is written over a faint, larger version of the same signature.

Robert S. Roscoe, P.E.
General Manager



COUNTY OF SACRAMENTO

Inter-Department Correspondence

September 10, 2009

TO: Joyce Horizumi
Department of Environmental Review and Assessment

FROM: Matthew G. Darrow *MGD*
Department of Transportation

SUBJECT: **Recirculated Notice of Preparation of a Draft Environmental Impact Report for the Incorporation of Arden Arcade**

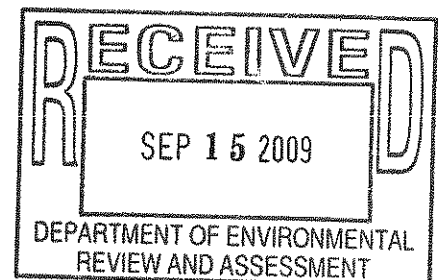
The Department of Transportation has reviewed the Notice of Preparation for the incorporation of Arden Arcade dated September 1, 2009. Please refer to our two letters attached dated November 16 and 19, 2007 which were previously submitted. The comments contained in those letters still apply as do the comments listed below.

We would request that at the time that this land is incorporated that any traffic impacts associated with this incorporation be mitigated on all County roadway facilities and that impacts not be determined to be significant and unavoidable because of newly formed jurisdiction lines.

If the maintenance and operations of any existing County roadway facilities will be affected by this proposal the County requests that any financial impact to its roadway maintenance and operations programs be rectified.

If any joint roadway maintenance facilities will be created by this proposal then agreements as to who will be financially responsible for maintenance and operations of the roadways should be made. This should be coordinated with the Maintenance and Operations Division of the Department of Transportation.

The document states that incorporation will cause no changes to the existing land use plan and therefore potential impacts on the surrounding roadway facilities will not occur. If land use plans do change in the future, we recommend that prior to the adoption of new land development plans, impacts to the County's roadways shall be studied and proper funding mechanisms shall be identified in the financing plans to upgrade the county's roads to meet the needs of increased traffic in the project vicinity.



Joyce Horizumi
September 10, 2009
Page 2 of 2

If you have any questions, please feel free to contact me at (916) 874-6291 or darrowm@saccounty.net.

Attachments

MGD:mgd

CC: Bob Davison – IFS
Toni Barry – DERA
Mary Ann Dan – MSA
Michael Penrose – DOT
Rizaldy Mananquil - DOT
Dean Blank – DOT

COUNTY OF SACRAMENTO

Inter-Department Correspondence

November 16, 2007

TO: Joyce Horizumi
Department of Environmental Review and Assessment

FROM: Dean Blank
Department of Transportation

SUBJECT: **Comments on Notice of Preparation for Arden-Arcade Incorporation**

The Department of Transportation has reviewed the above Notice of Preparation. We appreciate the opportunity of reviewing this document and have the following comments.

Transfer of Former City of Sacramento Roadways

As a part of the Hagginwood Annexation to the City of Sacramento in 1964, several streets within City of Sacramento territory, severed from the rest of the City of Sacramento street system, were designated as County highways via Resolutions adopted by the City and County of Sacramento. After the proposed Arden-Arcade incorporation, these roadways will be severed from the County highway system and be located on the boundary between the two incorporated cities. There is no justification for these streets to remain County highways after the proposed Arden-Arcade incorporation. These roadways include:

Watt Avenue (Auburn Boulevard to Longview Drive)

Auburn Boulevard (Park Road to Howe Avenue)

Winding Way (Auburn Blvd. to 1,000 feet east)

Bell Street (Between the easterly and westerly legs of Auburn Blvd.)

These roadways may not automatically transfer to the City of Arden-Arcade upon incorporation because they are located within the City of Sacramento, not the proposed incorporation limits. As a condition of the incorporation, the County's ownership, maintenance and financial responsibility for these streets must be transferred to the City of Arden-Arcade. The boundary to be addressed within the environmental document for the proposed Arden-Arcade incorporation may have to be expanded to address these roadway segments.

Street and Safety Lights

County Service Area 1 (CSA1) provides funding for the maintenance, operation and electrical costs of street and safety lights within the proposed incorporation area. Staff from the Department of

Transportation Operations and Maintenance Division maintains the lights. The service charges in CSA1 were capped by passage of Proposition 218 and may not be raised without an affirmative vote of the affected property owners via a ballot protest procedure. As a result, the service charges collected from properties within the proposed incorporation limits are not adequate to fully fund the maintenance and operation of the street and safety lights. The Sacramento County Department of Transportation has been supplementing the CSA1 revenues in the unincorporated area, including the area within the boundaries of the proposed incorporation, with Road Fund monies.

Upon incorporation, the proposed City will be automatically detached from CSA1 by operation of State law and will assume maintenance and operation responsibility for the lights within the limits of the incorporation unless the City, as a condition of incorporation, waives the detachment and remains in CSA1. If the proposed City waives detachment and remains in CSA1, a new zone will have to be created in CSA1 and financial responsibility for any difference between the CSA1 revenues collected within that zone and the funds necessary to maintain and operate the street and safety lights within that zone must be the responsibility of the new City.

Based on the three previous City incorporations and two detachments from CSA1, I suggest a different approach for street land safety light maintenance and operations in the proposed City. I recommend that the incorporation vote detach the City territory from CSA1 while simultaneously creating a City district for the maintenance and operation of street and safety lights. The service charges collected within the district should be set at a level adequate to fully fund the maintenance and operations services. The district financial structure should also include an inflation factor that can be utilized to raise the service charges at City Council discretion without the need for a costly ballot protest procedure.

If the City chooses to waive detachment, the County will allow the City to remain in CSA1 on the condition that a maintenance and operations agreement between the City and County is executed, similar to the agreements executed by the cities of Elk Grove and Rancho Cordova. The City must agree to provide any funds needed to supplement the CSA1 revenues collected within the new zone from City sources. The costs of forming a new zone within CSA1, or of detaching the City from CSA1 and forming a new maintenance district should be borne entirely by the proposed City.

Traffic Signals

The City and County of Sacramento jointly maintain and operate traffic signals located on the common boundary under various agreements. Upon incorporation, the City of Arden-Arcade must assume the County's obligations for traffic signal financing and maintenance under the agreements with the City of Sacramento.

Regional Transportation Mobility

The Transportation Plan of the Sacramento County General Plan establishes the transportation network, both roadway and transit, to serve both the existing and future mobility needs of the County. Roadways such as Watt Avenue and Fair Oaks Blvd are considered transportation facilities

Joyce Horizumi, DERA
November 16, 2007
Page 3 of 3

of regional or area-wide importance serving the mobility needs of the public. Changes in the operations or capacity of these facilities may have a detrimental effect on the mobility needs of the County.

If you have any questions, please call me at 874-6121.

DAB:dab

c: Bob Davison – IFS
Toni Barry - DERA

COUNTY OF SACRAMENTO

Inter-Department Correspondence

November 19, 2007

TO: Joyce Horizumi
Department of Environmental Review and Assessment

FROM: Dean Blank
Department of Transportation

SUBJECT: Comments on Notice of Preparation for Arden-Arcade Incorporation

This correspondence supplements the Department's November 16, 2007 correspondence regarding comments on the Notice of Preparation for the Arden-Arcade Incorporation.

Fiber Optic Communication System

Sacramento County has installed and maintains an underground conduit with a fiber optic communication system which provides communications and operational functions for the Intelligent Transportation Systems (ITS) devices located in the County and operated by the County's Traffic Operations Center. The backbone of this fiber optic network is along Sunrise Blvd, Madison Avenue, Watt Avenue and Arden Way. The portion of the fiber optic network that is within Arden Arcade includes the segment of Watt Avenue from Fair Oaks Blvd to Auburn Blvd, and on Arden Way from Watt Avenue to Ethan Avenue. The Arden Way fiber network continues into the City of Sacramento, and both the Arden Way and Watt Avenue fiber networks were paid for with Federal ITS Earmarks which included criteria that we maintain the fiber network in order to facilitate regional transportation management. The CCTV surveillance cameras were paid for under the same federal funding source.

Normally, a new city would inherit the signalized intersections within their jurisdiction, including the copper interconnect and any master controllers that also fall within their boundaries. The gray area here would be the cameras, which run communications through, and have equipment in, the intersection cabinets, but are not part of, or required specifically for, the signal system. The intersections on Watt and on Arden are coordinated by an ACTRA master controller located in the TOC. The rest of the corridors, Howe, Fulton, Alta Arden, El Camino, Marconi, and Auburn, are on a VMS 330 master in the South Watt Master building located at Cottage and Watt. This VMS 330 also controls intersection on Watt Avenue, north of Arden Arcade, Elkhorn, and Antelope.

If you have any questions, please call me at 874-6121.

DAB:dab

c: Bob Davison – IFS
Toni Barry - DERA

SACRAMENTO COUNTY WATER AGENCY
INTER-DEPARTMENTAL CORRESPONDENCE
Department Of Water Resources

MEMORANDUM

TO: Joyce Horizumi, Director, DERA

FROM: Kerry Schmitz, Principal Civil Engineer, DWR

DATE: September 30, 2009

SUBJECT: Arden-Arcade Incorporation: Notice of Preparation – Request for Comments

The following summarizes comments on the Arden-Arcade Incorporation from the Sacramento County Water Agency (SCWA).

For more than 50 years, SCWA (and its predecessor, the Sacramento County Water Maintenance District) has owned and operated a public water system that supplies water to approximately 3,000 customers in that portion of the proposed incorporation area. In fiscal year 2008-2009, SCWA produced 4,200 acre-feet of groundwater from 11 wells to serve the customer needs of this area.

The SCWA service area in Arden-Arcade is essentially built out and no new production or distribution facilities will be required. However, as much of the existing water system infrastructure reaches the end of its serviceable life, it will eventually need rehabilitation or replacement. Additionally, nearly all customers in the SCWA service area currently pay a flat monthly rate for water service, but under state law all customers must be meter billed by 2025. SCWA has been awarded a grant by the Sacramento First 5 Commission to fluoridate its water system in compliance with state law; the installation of fluoridation equipment at each of its well sites in Arden-Arcade may occur in fiscal year 2009-2010.

The act of incorporation would not appear to result in any environmental impacts related to SCWA's continued role as a public water purveyor. Incorporation will not affect the SCWA's service area boundary, nor will it affect the financial obligations of its customers within the service area. SCWA is concerned about potential business impacts on its operations that may result from incorporation: incorporation in other areas of Sacramento County where SCWA is a water purveyor has resulted in increased operating costs caused, for example, by a new city's adoption of significant trench cut fees or restrictions on the construction of other water facilities. Particularly in the context of the main replacement, meter installation and fluoridation described above, SCWA is concerned that a new city could adopt policies that would cause operating expenses to increase significantly, resulting in higher customer rates for service.

SCWA is a signatory to the 2000 Water Forum Agreement, which includes a provision for water management processes to protect the sustainability of the three Sacramento area groundwater sub-basins. The Arden-Arcade area overlies the North Area groundwater sub-basin; SCWA supports and participates in the Sacramento Groundwater Authority, which is responsible for a groundwater management program to maintain the North Area sub-basin's

estimated annual sustainable yield of 131,000 acre-feet. SCWA encourages LAFCo to condition Arden-Arcade incorporation on its signature of the Water Forum Agreement in support of its long-term goals regarding water supply reliability and environmental protection of water resources.

Please contact me at 874-4681 with any questions.

Copy: Herb Niederberger, Mike Peterson