September 22, 2008

Placer County Planning Department Mr. Paul Thompson, Principal Planner Suite 140, (530) 745-3044 3091 County Center Drive, Auburn, Ca 95603

Placer County Community Development Resource Agency Environmental Coordination Services Maywan Krach, Suite 190 3091 County Center Drive Auburn, Ca 95603 (530) 745-3132 cdraecs@placer.ca.gov FAX (530) 745-3003

SUBJECT: Regional University Specific Plan DF-EIR, PEIR T20050187, SCH #2005032026; Specific Plan, General Plan & Dry Creek Community Plan Amendments - Rezoning & Development Agreement.

Dear Planning Commissioners and Agency Representatives,

Thank you for the opportunity to comment on the Regional University DFEIR. Please reference my DEIR comment letter dated January 24, 2008 as well as other comment letters as I address my concerns.

The paramount concerns are; the lack of sufficient funding to mitigate all transportation-related impacts; and, the proposed Placer Parkway Alternatives 1 and 2 that could potentially cross through the project site are not adequately addressed or included as an RUSP Alternative in the D/FEIR.

FUNDING:

Revise Mitigation Measure 6.12-13 (Segment A-H) Change the Placer Parkway $\underline{\text{from:}}$ 4 lanes $\underline{\text{to:}}$ 6 lanes.

Also, change to Placer Parkway to 6 lanes throughout the RUSP documents including any references in the Development Agreement.

Note: Various places in the EIR & FEIR the Placer Parkway is shown as 4 and/or 6 lanes, and also response to comments show it as 4 and/or 6 lanes. This is confusing to the Public. The PP is planned as a 6 lanes. Please confirm

any mitigation will address the PP Project as 6 lanes and the collection of fees will cover all related costs - environmental review as well as property acquisition, design and construction (Wording in the Mitigation Measure should include all of these costs).

Also, please clarify what is currently being collected. I'm confused by conflicting information. I thought only costs for the environmental review were currently being collected. Yet, DEIR pg. 6-12-49 says SPRTA is collecting a portion of the funds for construction of the PP. Then the response to comments (21-13) talks about the current process of establishing the Tier 2 fees. I would like this clarified to ensure adequate funds will be collected and the Mitigation Measure wording covers it.

Mitigation Measure 6.12-1 states in part: "The project's contribution toward such improvements, which the County recognizes will not be sufficient to mitigate all transportation-related impacts to less than significant levels,..."

This is a major concern. Wording needs to be developed and included as a Mitigation Measure to allow for collection of all related impact fees and for various projects that have not been included in the FEIR, MM&RP & other RUSP related documents such as the Development Agreement.

As an example: See Response to Comment 12-3 & 12-4: To sum-up the response; "...roadway capacity expansion projects included in the cumulative network were limited to only those projects that have **full** funding identified such that construction of the project is reasonably foreseeable by the cumulative horizon year 2025..."

Table 6.12-15 identifies Planned Roadway improvements by Year 2025, with page 6.12-46 stating: "Funding limitations are substantial, and many of the most significant regional roadway projects are not included in the cumulative network."

Does this mean projects "assumed" to be beyond 2025 without full funding sources are not being mitigated or even sufficiently mitigated in the FEIR & MM&RP? I am confused. Doesn't an EIR & FEIR identify impacted transportation projects and try to mitigate and fund those projects? Why would you limit mitigation to only projects fully funded or identified with funding sources? Please clarify for the public. Aren't all the new development approvals driving the need for these various roadway projects? Isn't the

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F/DEIR process to identify impacted projects (including under funded projects) and develop a Fair Share Fee program?

2. ((cord.)

The example with Response comments 12-3 & 12-4 identifies SR65/Whitney Blvd and SR65/Blue Oaks Blvd interchanges. I am trying to understand the response. I'm interpreting it to mean when the DEIR was prepared neither one of these interchanges had full funding identified; also, only expansion projects with full funding/sources were assumed to be constructed as reasonably foreseeable by the cumulative horizon year of 2025, therefore they were not mitigated? Is this correct? If this is correct, these assumptions are "Flawed".

My husband and I use Blue Oak and the SR 65 Interchange almost daily and in our view it will be a real crisis if the expansion project isn't complete prior to 2025 especially given all of the new and proposed projects in the West Roseville/Placer County area.

Additionally, I was told SR65/Whitney interchange mitigation fees were being collected in the Thunder Valley Casino FEIR. If that is the case, why isn't it being mitigated in the RUSP? Again, Isn't the purpose of the F/DEIR to identify needed projects and mitigate and fund them?

PLACER PARKWAY

"The proposed RUSP does not include reservation of rightof-way for the two alternatives that cross through the plan area, nor does the project description for the RUSP recognize these alignments as viable for the RUSP to be developed." (Page 6.12-49).

Response to Comment 21-1 states: "...a project alternative that assumed construction of Placer Parkway for Alternative 1 and 2 was not considered in the DEIR."

The reason given states: "...The extent of the required changes, particularly for Alignment 2, would reduce the size of the Community portion of the project and hinder the project's ability to function as an integrated community."

Placer Parkway Alignments 1 and 2 were not considered in the DEIR. However, the potential for construction of Placer Parkway along Alignments 3,4, or 5 were considered in the technical sections of the DEIR. "All" of the Proposed PP Alignments need to be analyzed in the EIR.

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Since Alignments 1 and 2 cross the RUSP, a RUSP Project Alternative should be provided identifying a development project with the Placer Parkway.

The F/DEIR is "Flawed" without this analysis. The EIR should be re-circulated including a Placer Parkway Alternative.

LIGHT RAIL

Given the amount of growth forecasted for the region, it should be a given that more freeway systems, as well as rail, light rail or mass transit, are going to be required.

Why isn't Light Rail included as a transportation option? I understand bus and rapid bus service are being planned. However, I believe there is a need to start considering Lt. Rail.

Response to Comment 21-9 states: "The substantial capital investment required to establish light rail in this portion of the County would not be feasible for an individual project to fund."

It wasn't my intent to imply an individual project would or could fund a Lt. Rail project. A Mitigation Fee Program could be developed from new development to fund the development of a Lt. Rail route and to protect right of ways. The time to do this is now. The opportunity to consider Lt. Rail possibly along the Placer Parkway should be feasibly considered.

With several Universities planned for this area, shouldn't Light Rail be a high priority and included as part of the transportation circulation element? The potential route could be the Placer Parkway connecting SR 65 to SR 70/99 and ultimately to the Airport and Downtown Sacramento. With 25,000 students from the other proposed University and 6,000 students from the RUSP University in the long term this could be very beneficial for the Placer County region. This issue was raised in the Placer Parkway DEIR.

MITIGATION:

- 1. Plan for Light Rail and develop a fee program.
- 2. Add a Light Rail ROW to the easements serving the university and community.

RUSP PROJECT AND ALTERNATIVES

I would like to request a revision to the RUSP to include a Project Alternative that analyzes and designs a project to include the Placer Parkway Alternatives 1 and 2.

((ord.)

In order to meet the Planning Commission deadline of Sept 22^{nd} , I have only had time for a cursory review. After further review my preference on the Project may change.

I would prefer the RUSP Project with a Placer Parkway Alternative. However, at this time and based on a "Flawed Analysis" without a Project Alternative with the Placer Parkway Alternative 1 & 2 provided, I would suggest Alternative 2, then Alternative 3 as the Preferred Project.

Other than the "No Project" and "SACOG - Alternative 5" (which increased the densities with a result of an Impact more serve than the proposed project), there appears to be limited or no range of Alternatives really offered.

CONCLUSION

Again, I would like more time to review the F/DEIR and the Project Alternatives. I plan on making more comments either before the Planning Commission or in writing to BOS if a recommendation is made.

Thank you for the opportunity to provide these comments for your consideration. Please note, I will probably have more comments as this was all I could accomplish to meet the deadline for the Planning Commission Hearing.

Please include my comments in the RUSP FEIR, provide the comments to the Board of Supervisors and notify me of any upcoming hearings. Thank you.

Sincerely,

Jan McKinsey 8085 Stagecoach Circle Roseville, Ca 95747 (916 783-9211)

(These comments were provided by email to meet the deadline for the Flanning Commission Hearing.)

RESPONSE TO LETTER FROM JAN MCKINSEY RECEIVED BY PLACER COUNTY ON SEPTEMBER 22, 2008

Comment 1

Traffic Funding

This comment asserts that the Mitigation Measure 6.2-13 must be revised to indicate an increase to 6 lanes, not 4 lanes, and seeks reassurance that any mitigation will address the Placer Parkway project as 6 lanes.

This issue was addressed in Response to Comment 21-11, which states, "[a]s shown on Figure 6.12-24 on Draft EIR page 6.12-74, Placer Parkway is assumed to be 6 lanes."

The DEIR states, "Segment A-H: Implement Mitigation Measures 6.12-3 and 6.12-4. In addition, construct Placer Parkway as a <u>four-lane freeway</u> between SR 65 and SR 70/99, connect Watt Avenue as four lanes to Blue Oaks Boulevard, and widen Watt Avenue from four to six lanes between Base Line Road and Elverta Road." There is also a reference to Placer Parkway as a four-lane freeway on DEIR page 6.12-48.

Please note that the references to four lanes refers to the interim development phase discussed in the DEIR at page 6.2-49: "[t]he selected corridors would contain the roadway, including the median, travel lanes, shoulder, associated access ramps, and a nodevelopment buffer zone. Figure 6.12-15 shows the preliminary 4 lanes (potential preliminary project) and six lanes (ultimate project)." Thus, Placer Parkway will ultimately be a 6-lane parkway, after an interim period as a 4-lane parkway. This passage should explain the discrepancy in references. The EIR analyzed the traffic impacts and mitigation measures with the assumption that Placer Parkway will eventually be 6 lanes.

Comment 2

This comment seeks clarification on what is being funded by the RUSP. ("I thought only costs for the environmental review were currently being collected. Yet, DEIR pg. 6.12-49 says SPRTA is collecting a portion of the funds for construction of the PP.")

Impact 6.12-1 addresses traffic volumes that exceed the capacity of the regional roadway network under existing plus project conditions. It notes the following:

The regional roadway network consists of state highways (i.e., I-80, SR 65, and SR 70/99) and major arterials such as Base Line Road, Pleasant Grove Boulevard, and Watt Avenue does not have the capacity to accommodate the added project traffic under existing plus project conditions within the LOS thresholds established by local and state agencies. . A disconnect

exists between the current LOS thresholds and the level of investment dedicated to expanding the capacity of the regional roadway network. As a result, many regional roadways operate at or near LOS F under existing conditions, which will be exacerbated by the addition of project traffic.

(DEIR pp. 6.12-80—95.)

Mitigation Measure 6.12-1 (DEIR p. 6.12-95) provides that RUSP will construct certain improvements, possibly seeking reimbursement from other entities. It further provides for the following:

- the payment of impact fees to Placer County for fair share contributions consistent with the County Capital Improvement Program,
- the payment of impact fees to the South Placer Regional Transportation Authority (SPRTA) for Tier 1 and/or Tier 2 projects,
- the payment of other adopted regional impact fees that would provide improvements to roadways, intersections and/or interchanges that are affected by multiple jurisdictions,
- the payment of impact fees to Placer County in amounts that constitute the project's fair share contribution to the construction of transportation facilities and/or improvements within the City of Roseville, Sacramento County, and/or Sutter County in line with an enforceable agreement,
- payment of impact fees to Placer County for fair share contributions to the construction of transportation facilities and/or improvements to state or federal highways, and
- fair share contributions for transportation improvements required to be constructed as mitigation prior to RUSP implementation.

Thus, funds are being collected by numerous entities to pay for regional improvements. These funds cannot be collected as a single fund because the various improvements fall under the jurisdiction of various agencies. The end result may be a complicated funding program, but given the widespread impacts, such multi-level funding is necessary.

Mitigation Measure 6.12-1 also correctly notes that RUSP developers "shall be responsible for the project's fair share of all feasible physical improvements necessary and available to reduce the severity of the project's transportation-related impacts." (DEIR p. 6.12-95 (emphasis added).) The RUSP project is not obligated to bear the burden of entire programs to offset impacts arising from pre-existing or cumulative conditions. Furthermore, CEQA only requires that an agency analyze mitigation measures that are feasible. "CEQA does not require analysis of every imaginable alternative or mitigation measure; its concern is with feasible means of reducing environmental effects." Thus, the RUSP cannot reasonably be expected to cure every traffic problem that exists in the County, as the comment seems to suggest.

The EIR correctly noted that PCTPA is collecting a portion of the funds for construction of Placer Parkway through SPRTA. Response to Comment 21-13 elaborates on the state of funding for Placer Parkway. It states:

The construction of Placer Parkway is proposed to be funded through the collection of the "Tier 2" mitigation fee imposed on new development within the South Placer area. In March 2007, the South Placer Regional Transportation Authority (SPRTA) Board reviewed and discussed an Integrated Regional Transportation Fee Program that included the current SPRTA fee, the establishment of the "Tier 2" fee and a potential transportation sales tax. Based on this comprehensive fee program, the Board approved a reallocation of the SPRTA projects being funded from current fees and supported the establishment of the Tier 2 fee. agencies comprising SPRTA, the Cities of Roseville, Rocklin, Lincoln and Placer County, are currently developing a Memorandum of Agreement (MOA) that contains details about the amount, administration, and use of proceeds from the fee. It is anticipated that the Tier 2 fee will be imposed via the Development Agreement as was the case with Placer Vineyards. The agencies expect that the MOA will be adopted and approved by the end of the year.

The amount of the Tier 2 fee will be based on current construction cost estimates and anticipated development within the County and cities of Roseville, Rocklin, and Lincoln. The obligation to pay this fee will be imposed as development projects are approved. The Tier 2 fee is estimated to generate \$480 million over the next 20 years. The Placer Parkway, 4-lane configuration is estimated to cost \$485 million and is proposed [to] be funded by \$470 million from Tier 2, \$10 million from SPRTA.

This information from the DEIR and the FEIR explains the funding program in place for Placer Parkway to provide as much information to the public as possible. This project, however, is separate and distinct from the RUSP project, and is under the jurisdiction of entirely different agencies. Thus, the RUSP must contribute fair share funding to this project to help offset its individual impacts, but the overall funding scheme is the responsibility of the PCTWA and SPRTA. Thus, concerns over overall funding for the Placer Parkway should be addressed to these agencies during the Placer Parkway EIR/EIS process.

As the DEIR discusses, the RUSP can only contribute its fair share funding regional roadway improvements. Mitigation Measure 6.12-1 commits the RUSP to pay for its fair portion of the costs of Placer Parkway. Because the County lacks total control over the traffic conditions and the improvements, it is unable to mitigate all of the associated

impacts. See, for example, subpart 6, which discusses extra-territorial traffic impacts (i.e., impacts that occur outside the County's jurisdiction, and for which the County lacks the ability to construct improvements in these areas). Thus, the EIR concludes that this impact is significant and unavoidable.

The DEIR discusses this issue on page 6.12-46, which states as follows:

The roadway network capacity expansion projects in Table 6.12-15 are limited to only those that have full funding identified and are therefore reasonably foreseeable. The sources for these improvements are the list of Tier 1 improvement projects contained in the Metropolitan Transportation Plan (MTP) for 2025 (Sacramento Area Council of Governments, 2002) and input from Placer County and City of Roseville staff on transportation improvements that are conditioned to be built by approved development projects. Tier 1 MTP improvements are those expected to be numerous roadways through the study area, the cumulative roadway network does not contain all of the capacity expansion projects that would be necessary to maintain the LOS thresholds established in local or State policies. Funding limitations are substantial, and many of the most significant regional roadway projects are not included in the cumulative network.

The comment requests that wording be developed and included as a mitigation measure to allow for collection of all related impact fees and for various projects that have not been included in the FEIR, MMRP and other RUSP related documents such as the Development Agreement.

The comment also expresses concern that the project will not fund impacts associated with projects that will occur beyond 2025. ("Does this mean projects 'assumed' to be beyond without full funding sources are not being mitigated or even sufficiently mitigated in the FEIR & MM&RP"?)

The year 2025 was chosen as a benchmark because this year coincides with the planning projections in the General Plans of Roseville, Placer County, Lincoln and Rocklin. (DEIR p. 6.12-45.) Conducting an analysis that attempts to measure potential impacts beyond that date would be speculative, because there are no General Plans to indicate the intensity and timing of that growth. Any projects that are reasonably foreseeable were taken into consideration in the DEIR.

Comment 3

This comment seeks clarification on potential improvements made to SR 65/Whitney Blvd. and SR 65/Blue Oaks Blvd.

The comment specifically raises concern over the potential impacts to the SR 65/Whitney Blvd interchange. This impact was not considered in the DEIR. The City of Rocklin has recently proposed to construct the SR 65/Whitney Parkway interchange prior to 2025. The proposed design, however, would only serve traffic to and from the east with no connection to roadways west of SR 65. Thus, RUSP traffic would not impact this interchange.

Mitigation measures must address only the impacts caused by a project. "There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. (Nollan v. California Coastal Commission (1987) 483 U.S. 825.) Furthermore, "[t]he mitigation measure must be 'roughly proportional' to the impacts of the project. Where the mitigation measure is an ad hoc exaction, it must be 'roughly proportional' to the project. (Ehrlich v. City of Culver City (1996) 12 Cal.App.4th 854, CEQA Guidelines, § 15126.4, subd. (a)(4)(B).)

With respect to Blue Oaks Blvd. and State Route 65, the Response to Comment 12-4 adequately addresses this concern. It states:

The LOS F conditions at the SR 65/Blue Oaks Boulevard interchange under cumulative conditions described in the comment is due to insufficient capacity on SR 65 as well as Blue Oaks Boulevard. As described on page 6.12-46 of the Draft EIR, roadway capacity expansion projects included in the cumulative network were limited to only those projects that have full funding identified such that construction of the project is reasonably foreseeable by the cumulative horizon year of 2025. At the time the Draft EIR was prepared, no fully funded roadway capacity expansion projects were identified in the vicinity of the SR 65/Blue Oaks Boulevard interchange.

As explained above, it is not the responsibility of the RUSP to establish entire funding programs for currently existing poor traffic conditions. The RUSP must only apply mitigation measures that have some assurance of being implemented.

Comment 4

Placer Parkway

This comment expresses a desire to have Placer Parkway Alignments 1 and 2 analyzed in the EIR. The Draft EIR (vol. 2, p. 7-8) made it clear that the land use plan would not work in an integrated fashion if a Placer Parkway alignment went through the property:

The Placer County Transportation Planning Agency (PCTPA) is in the planning process for the Placer Parkway, an approximately 15-mile long,

high-speed transportation facility, which would connect State Route (SR) 65 in western Placer County to SR 70/99 in south Sutter County. The PCTPA is considering five corridor alternative alignments at this time, two of which (Alignments 1 and 2) would pass through the Regional University Specific Plan Area. Because of the location of Placer Parkway Alignments 1 and 2, substantial changes to the land use plan for RUSP would be required in order to accommodate this roadway. The extent of the required changes, particularly for Alignment 2, would reduce the size of the Community portion of the project and hinder the project's ability to function as an integrated community. Therefore, an alternative that assumes construction of Placer Parkway for Alignments 1 and 2 are not considered in this Draft EIR.

The Final EIR also addressed these issues. (See Response to Comment 6-3, p. 4-15.)

Another factor is that County staff has heard repeatedly from Sutter County representatives that Sutter County simply will not cooperate in the construction of Placer Parkway Alternatives 1, 2, or 3, but rather is only interested in a Parkway terminus at the point where Sankey Road meets State Route 70/99. In other words, Sutter County will only cooperate with respect to Placer Parkway Alternatives 4 and 5, both of which terminate at the Sankey Road- SR 70/99 intersection. It therefore appears that, despite the current inclinations of the Corps and EPA, Alternatives 1, 2, and 3 will ultimately prove to be "impracticable."

Please also see discussion of Alignments 1 and 2 in discussion of Alternatives below.

Comment 5

<u>Light Rail</u>

This comment questions why light rail was not included as a component of the project. Response to Comment 21-9 addressed this concern. It states as follows:

The comment questions why mass transit, specifically light rail, isn't included in the project. Existing transit systems in the area, discussed on Draft EIR pages 6.12-20 and 21, include bus service, but not light rail. As discussed in the Draft EIR, public transit is limited in the immediate vicinity of the project due to low population density. The substantial capital investment required to establish light rail in this portion of the County would not be feasible for an individual project to fund. . . .

(Final EIR p. 4-130.) This Response indicates that not only is there insufficient funding for a light rail extension, but also that there appears to be insufficient demand due to the

low population density in the area. Thus, even if the RUSP applicant were to start a fund that other projects could contribute to, it is not clear that there would be sufficient projects that would contribute sufficient fair share funding for the project. Thus, establishment of a light rail fund is infeasible, at least for the foreseeable future.

Comment 6

RUSP Project and Alternatives

The commenter requests that the EIR include an analysis of Alignment 1 and 2 for the Placer Parkway project.

As discussed in the DEIR, an EIR must evaluate a reasonable range of alternatives to the proposed project, or to the location of the proposed project that could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. (CEQA Guidelines, § 15126.6.)

As discussed above, the DEIR also discusses how the Placer Parkway Alignment 1 and 2 travel directly through the RUSP project site. Thus, adoption of these alignments would essentially require a complete redesign of the project. On its face, these Alignments do not "feasibly attain most of the basic objectives of the project." Thus, CEQA does not require considerations of these alignments.

William D. Kopper

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> Paralegal Kristin Rauh

September 25, 2008

Planning Commissioners
Placer County Community Development Agency
3091 County Center Drive
Auburn, CA 95603

RE: Regional University Specific Plan
Final Environmental Impact Report (SCH #2005032026)

Dear Planning Commissioners:

These comments on the Regional University Specific Plan FEIR ("FEIR") are submitted on behalf of Placer Citizens Against Gridlock ("PCAG"), Robert Bell, Ricky Williams, and Steven Bonner. These are their comments. In addition, I have attached a comment from Dr. Mark E. Grismer on the hydrology aspects of the Project. We incorporate into our comments all of the comments of other individuals and organizations on the FEIR. Furthermore, we oppose Placer County adopting the Regional University Specific Plan, the General Plan and Dry Creek Community Plan Amendments, Rezoning, and Development Agreement. In these comments we address some of the deficiencies in the FEIR.

My clients believe that the Regional University Specific Plan is premature. The Regional University area should be planned regionally to make certain that the maximum amount of quality habitat in the area is preserved. Additionally, because of the severe air pollution in Western Placer County and the complete dependency of the Regional University Specific Plan on automobile access, the Project is environmentally unsound. The Project will increase air pollution in the area, traffic will become gridlocked, and the Project will cause increased greenhouse gas emissions.

1. Water Issue.

In comment number 4.2 the Placer County Water Agency states as follows: "Page 2-28...states that PCW could rely upon groundwater until such time that the surface water infrastructure is in place. PCWA does not currently have the capability to supply groundwater to the project area and does not support development of the groundwater resources as a first and primary water source for the area." Comment 19-65 points out that "on page 6.14-1, the EIR states that if at some stage in the development of the project, infrastructure to supply surface water to project is not completed on time, water could be supplied from groundwater at the discretion of the PCWA until planned facilities are completed...therefore, the interim use of groundwater to serve a portion of the project, if necessary, would have a less-than-significant impact on the groundwater resources." The comment points out that the County's General Plan states, "the County shall approve new development based on the following guidelines for water supply: (a) urban and

suburban development should rely on public water systems using surface supply." The Final EIR did not respond to these comments in the manner required by law. The Final EIR did not change the Project description to exclude the language that the Project could rely on groundwater until such time that the surface water infrastructure is in place. Moreover, the Final EIR fails to explain how the Project can rely for its initial source on groundwater when PCWA states it is a violation of PCWA policy. The response to comment 19-65 is non-responsive. The response to comment states that the Project does not rely upon groundwater for its supply, but upon PCWA water. This statement is inconsistent with the inclusion of a policy in the FEIR that the Project may make "interim use of groundwater to serve a portion of the project." Additionally, as pointed out by Dr. Mark Grismer there is no evidence in the EIR that the use of groundwater will not have a negative environmental impact. The Environmental Impact Report includes no basin studies and no information on the availability of groundwater. The sole statement that the use of groundwater by the Project would be the same as or less than historical use for rice farming is not sufficient because the groundwater underneath the Project site is not necessarily in a stable condition.

Comment 19-66 indicates that the water demand for the Regional University in the Integrated Water Resources Plan (Placer County Water Agency, August 2006) was considered less than in the Draft Environmental Impact Report. The Integrated Water Resources Plan is one of the documents that is cited as a source of information for the water assessment section of the Draft Environmental Impact Report.

In response to comment 19-66 the authors of the EIR state that this comment was intended to show that the Draft EIR overstated the water demand for the proposed Project. In fact, the obvious reason the reference was made was because the lower demand figures in the Integrated Water Resources Plan are indicative of the fact that there is not adequate supply to meet the demand. If the demand in the Integrated Water Resources Plan included the higher figures for the RSUP and the Curry Creek Planning Area, the shortfall would be even greater. The Integrated Water Resources Plan shows in Table 9.8 and other tables throughout the document that with the projected demand, there is a shortfall. Under drought conditions the PCWA, Roseville and Lincoln will all need to rely on groundwater to improve the reliability of the system. The Integrated Water Resources Plan also relies on speculative assumptions as to the amount of water the PCWA may take out of the American River. It assumes that all of the 120,000 acre feet from the Middle Fork Project will be available in all years to the Placer County Water Agency (including multi-dry years). Up to the current time, the Placer County Water Agency has been limited to the extraction of 35,000 feet from the American River. There is no evidence that the amount of water from the Middle Fork Project or the CVP can be increased in the near term or even within the build-out time frame work for the Regional University Plan. There is no evidence that the Middle Fork water is anything other than paper water, even though PCWA has water rights.

Instead of water from the American River, the water for the Regional University Specific Plan is planned to come from the Sacramento River. However, there is no meaningful description of how this water will be delivered to the Project site. Moreover, this water remains speculative since no project has been approved to remove water from the Sacramento River. In the event that water is not available from the Sacramento River, the Environmental Impact Report has not set forth another realistic long-term source of water for the Regional University Specific Plan.

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The cumulative demand for water in western Placer County is not adequately addressed in the Draft Environmental Impact Report or Final Environmental Impact Report. The two tables that are borrowed from the Placer Vineyards Specific Plan EIR (Table 6.14-9 and Table 6.14-10) do not set forth the water requirements for each of the proposed new projects in Western Placer County, but simply set forth the equivalent dwelling units. Moreover, there is absolutely no support for the contention that in 2009 and 2010 there will be 35,000 acre feet from the Sacramento River diversion. The claim that there will be 70,500 acre feet from the middle fork American River system in 2011 and 2012 and 105,500 acre feet available from the Sacramento diversion in 2011 to 2012 is absolute speculation. It is not based upon any facts at all. The analysis of available water supply is untenable.

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As noted in comment 19-67, and acknowledged in the response to 19-67, the only source of water available to the Regional University is the Sacramento River diversion because the West Roseville Specific Plan and Placer Vineyards will take the other surface supplies from PCWA. The Project EIR does not disclose a secondary source of available water that is reasonably feasible.

In response to comment 19-71, the FEIR is in error. The Project would require not .02% of the total diversion, but at least 2% of the total diversion from the Sacramento River. Response to comment to 19-71 is non-responsive. The comment asks for the Project EIR to disclose the impact of constructing the pipeline to the Regional University Project on vernal pools, riparian habitat and threatened and endangered species. The EIR is silent on these impacts, which must be disclosed. Response to comment 19-73 is non-responsive and is also in error. The response to comment does not address comment no. 19-73. Comment 19-73 indicates that the Project EIR is to provide the preferred source of water for the Project. An EIR that does not provide the primary or "preferred source of water" does not comply with CEQA. The fact that PCWA is the preferred water provider, does not mean that the EIR can escape its legal obligation to identify the water supply for the Project. The Project EIR is vague about the actual source of water for the Project, and in this way fails to comply with CEQA.

The response to comment 19-74 is non-responsive. It is relatively certain that there will not be enough water capacity that may be wheeled through Roseville to provide sufficient water to the Project. Nevertheless, the FEIR does not identify the pipeline route of an additional water supply. Because the infrastructure is not properly described, it is impossible to determine whether this infrastructure will have an environmental impact. In essence, the authors of the EIR are piecemealing the Project by not including an adequate description of the water facilities that will be needed for the Project, and an environmental analysis of these facilities.

In response to comment 19-95 by Dr. Mark Grismer, the authors of the EIR state that "the proposed project will construct the flood control and peak flow improvements required by mitigation measures to coincide with development impacts." Presumably, this comment means that as certain parts of the Project are constructed, the drainage improvements will be installed. The authors of the EIR state that when impacts exist relative to upstream and downstream sources of runoff, Placer County requires the analysis of the "post-project fully developed offsite unmitigated" flow rates. This comment does not respond to the authors' concern. The authors' concern is that the partial construction of the Regional University Project and the surrounding large projects in West Placer County, including Placer Vineyards may have a cumulative adverse impact on flood flows prior to

the completion of all of the improvements. This comment is not adequately addressed in response 19-95. The Environmental Impact Report is non-responsive to the comment that global warming will increase spring flows and possible flooding. This impact has been well documented in the scientific literature, but it is entirely ignored in response to comment 19-95. Small creeks can turn into raging flood flows as the Sacramento area has experienced in the past.

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In paragraph 12-1 the City of Rocklin comments that the Project EIR needs to address the added water requirements from the City of Roseville facilities that will be demanded by the City of Rocklin Downtown Plan. The Project FEIR provides a flippent response to this comment stating that the comment should be directed to PCWA. It is the obligation of the authors of the FEIR to make certain that water is available for the Project. If the City of Roseville wheeling facilities may not be available because of other demands, this is a problem that must be addressed in the EIR in determining whether water can be made available for the Regional University Project.

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Response to comment 19-38 was not satisfactory. The baseline data in Curry Creek is necessary to determine if future drainage will degrade the creek.

In response to comment 19-42, the FEIR states that residents could be placed in the 100-year flood plain if FEMA approves alternations to the flood plain. FEMA standards have changed and it is generally required that building not be included in the 200-year flood plain. Therefore the response to comment 19-42 is not satisfactory.

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The Project Is Inconsistent with the General Plan Policies that Require Agricultural Land Be Preserved.

As stated in comment 8-3, all land that is designated as important farmland is to be mitigated on a one-to-one ratio. The Project mitigation measures do not comply with Placer County Policy and also the provisions of the EIR. Until the California Department of Conservation changes the important farmland designation on the property, the property is required to mitigate on a one-to-one basis or provide 1,157 acres of farmland. The EIR is inadequate because it is internally inconsistent.

12

The Project is inconsistent with General Plan Policy 1.A.2. and the EIR does not adequately explain the inconsistency. The EIR does not discuss the environmental sensitive nature of the area and also that it is an ag area and is not included in the current General Plan as an area slated for growth. The response to section 19-4 is non-responsive and an illogical discussion.

13

With respect to General Plan Policy 1.B.1. the County is to concentrate new residential development in high density residential areas located along major transportation corridors and transit routes. The response to comment 19-5 is non-responsive. The response to comment indicates that other development is planned in the vicinity. However, none of the other planned development is as yet constructed, and the Regional University Plan will be in the middle of nowhere. Perhaps, at a future date the development would be appropriate. But the development as planned is essentially a high density leapfrog development with only one ingress and egress, from Watt Avenue. General Policy 1.B.1. was enacted to prevent this type of development. The development is clearly in violation of this important General Plan Policy. The Board of Supervisors does not have discretion to ignore the County General Plan. The response to comment saying that sometime in the future

there might be bus transit to the area, is non-responsive. The Project is to be adjacent to existing major transportation corridors and transit routes if it is a high-density residential development.

((ort.)

Comment 9-6 points out that there will be 27 potential significant impacts of the Project on Placer County's Transportation Network and that of the surrounding counties. Commenters stated this impact would be inconsistent with General Plan Goal 3.A. which requires the County to provide for the long-range planning and development of the County's roadway system to insure the safe and efficient movement of people and goods." In the response to comments, the EIR states that Policy 3.A.7. which would allow exceptions to the level of service standards, and that essentially the level of service could be degraded under the proposed Project and its EIR. Policy 3.A.7. has not been adopted and as we have pointed out, the Project EIR which is to serve as the Environmental Impact Report for this policy change does not set forth the environmental impacts of the policy change. The environmental impacts of this policy change should include the added air pollution impacts of degrading the level of service, the impacts on greenhouse gases of degrading the level of service, and the health impacts of degrading the level of service. However, none of this has been provided with respect to Policy 3.A.7. This policy change has also been challenged in the Place Vineyards Specific Plan, where it first reared up. It has not been legally adopted because no Environmental Impact Report has withstood legal challenge that has adopted this change. The Environmental Impact Report is therefore inadequate in its analysis of traffic impacts.

16

The response to comment 19-7 is inadequate. In comment 19-7 we pointed out that General Plan Goal 3.B. would require that the Regional University Specific Plan provide mass transit to the Project site. This is particularly important since the Regional University is in an isolated area of the County and many students do not have cars. Mass transit to the Project area would reduce the Project's air pollution impacts which are significant and unavoidable, and also reduce the Project's contribution to greenhouse gases. However, the EIR rejects a feasible mitigation measure of requiring mass transit to be provided to the Project site. Instead the EIR states that the Project will "contribute its fair share of the costs to provide public transit service to the study area." Fee based mitigation is ineffective and does not comply with the requirements of CEQA if it does not actually lead to the mitigation. The requirement should be that the Project provide bus service to the RUSP, and that the County may impose fair share costs on other development in the area.

3. The Traffic Analysis for the Project is Inadequate.

As set forth in the letter of Sutter County (letter 10) the Project will have significant impacts in Sutter County. Almost all the very significant impacts of this Project on surrounding communities is mitigated by mitigation measure 6.12-1. Part 6 which states as follows:

The payment of impact fees to Placer County in amounts that constitute the project's fair share contributions to the construction of transportation facilities and/or improvements within the City of Roseville, Sacramento County, and/or Sutter County needed in whole or in part because of the project, to be made available to the City of Roseville, Sacramento County, and/or Sutter County if and when those jurisdictions in Placer County enter into an enforceable agreement consistent with Placer County General Plan Policy

3.A.15(c) at the time of issuance of building permits for individual development projects within the area, the County shall collect fair share fee payments for improvements or facilities addressed by its CIP as it exists at the time.

Sutter County requests that the negotiations begin immediately and that there be a legally enforceable agreement before the EIR is certified. This approach is reasonable because it is feasible to enter into a legally binding agreement with Sutter County prior to the certification of the EIR, which would provide for the mitigation that is necessary in Sutter County. Likewise, the County can request that the negotiations be completed with the City of Roseville and Sacramento County prior to certification of the EIR. The County's failure to require the completion of negotiations and a guarantee of the improvements is failure to implement feasible mitigations. Commenters disagree with the Final Environmental Impact Report. CEQA requires the County to implement feasible mitigation measures. Comment 10-1 responds by saying that all the County has to do is negotiate. This is not good enough. The County needs to enter into the agreements so that the mitigation actually occurs prior to certifying the EIR.

Sutter County is correct in its comment 10-5 that the mitigation measure must be adopted prior to certification of the Environmental Impact Report. The comment does not say as suggested in the FEIR that "the mitigation would not be enforceable and put into effect until the EIR for the project is certified and the project is approved." The fair share agreement must be spelled out as a mitigation measure prior to adoption of the EIR so that the mitigation actually occurs. Otherwise, it is speculative.

The Sutter County comment 10-6 that Placer County is required to include road segment analysis is absolutely correct. The authors of the FEIR argue that there was no need for road segment analysis for the area on Riego Road between Pleasant Grove Road and SR 70-99. This response is not a difference of expert opinions, but is absolutely incorrect from a standpoint of standard traffic engineering practice. In rural, semi-rural and low density suburban fringe environments where intersections are separated by long distances, intersection analysis is normally only relied on to define lane configuration need on the immediate approaches to the intersections. In such rural areas, decisions regarding whether to carry additional through lanes on the segments between intersection approaches are normally based on segment analysis. Even basic common sense would dictate that the segment analysis is necessary.

The response to comment 10-8 is non-responsive. Clearly, in the Placer Vineyards Draft and Final Environmental Impact Report the Placer Vineyards Project was found to have an impact on the Riego Road intersections and the UPRR crossing (grade separation). The University Regional Plan will add traffic to these same intersections. The intersections and mitigation should be addressed in the Final Environmental Impact Report.

Response to comment 10-9 is non-responsive because the comment asks for the County to address how the mitigation measures to the Project might have additional adverse impact in Sutter County and other jurisdictions. While 10-9 notes that such adverse impacts might occur in other jurisdictions, it does not analyze these impacts, which is required by CEQA.

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The County fails to adequately respond to comment 10-10. The comment requests that certification be delayed until there is an agreement as to the payment for mitigation measures in Sutter County. The authors of the FEIR's response to this comment is non-responsive. The agreement is required prior to development of the Project.

21

In comment 11-3 the City of Lincoln asked for the Project EIR to be prepared on the most recent information. Likewise in comment 10-6 Sutter County asked Placer County to use the latest available traffic data in its analysis of the Project impacts. The NOP for the Project was circulated in March of 2005, and the traffic counts were performed in May of 2005. It is now more than 3 years since the time of the NOP. The EIR was not prepared and circulated in a timely way. In the rapidly urbanizing rural environment of Placer County, traffic counts on key roads may be radically changed from 3.5 years ago. The overriding policy is that an EIR must make a good faith effort to disclose project impacts. The reliance on traffic data that is 3½ years old does not make a good faith effort to disclose project impacts. The EIR analysts should have examined the current traffic counts offered by Sutter County to determine if there was significant differences, with the counts used in the EIR.

22

The FEIR's response to 12-3 does not comply with CEQA. The City of Rocklin contends that the Project will have impacts at the Whitney interchange at State Route 65. If the Project indeed would have impacts on this intersection, the EIR is required to evaluate the intersection. The EIR authors arbitrarily took the position that if the Project would not have full funding identified, since that construction of the Project is reasonably foreseeable by the cumulative horizon of 20/25, the EIR did not have to address the Project. There is no basis for such a standard. The public and the decisionmakers need to know the traffic impacts of the Project and which intersections the Project may gridlock, regardless of whether there are funds available to make improvements. Likewise, the response to 12-4 is non-responsive because it does not analyze the impacts of the Project on the SR 65/Blue Oaks Boulevard interchange and provides no mitigation.

23

In comment 12-5 the City of Rocklin objects to the use of a 44% internal trip reduction. To base the internal trips on the UC Davis campus is absurd. The City of Davis has a compact full service downtown close to the campus. The University of California, Davis has a student population of approximately 30,000 and a faculty staff total of approximately 30,000. The City population is 64,000. The Regional University campus out in the middle of nowhere is not comparable to the City of Davis. The 44% trip internal reduction rate is completely speculative. In the response to comment 12-5 there is no information made available that would support such a high rate of internal trips.

24

Likewise, the response to comment 12-6 is inadequate. As noted in the comment the Regional University will have no public transportation and alternative modes of transportation initially and perhaps never. In contrast UC Davis prohibits most cars on campus, owns its own extensive bus transportation system, and also benefits from Yolo Transit and other alternate modes of transportation that serve the University and the City.

25

In comment 13-5 the City of Roseville indicates that should the Watt Avenue segment need to be constructed prior to the Sierra Vista Specific Plan Buildout, it is unclear how the land ownership for the Watt Avenue extension would be acquired. In response to this comment, the FEIR

authors refuse to address the concern. Clearly, whether the land can be acquired with or without condemnation is a CEQA issue because without acquisition of the land there may be a limited access to the University Specific Plan area, which could have traffic impacts. The availability of the land to extend Watt must be addressed in the EIR. Likewise, the response to comment 13-6 is improper. If utility lines cannot go through the W-81 preserve, and there are constraints to extending utilities through the West Roseville Specific Plan area the EIR must disclose alternative routes. If the infrastructure cannot access the Regional University Specific Plan area through the W-81 open space preserve or the Roseville Specific Plan area, then the EIR needs to identify how electricity, natural gas, water, wastewater, and recycled water will be transferred to and from the RSUP area. Where these utilities are located could have an environmental impact. The EIR is not allowed to simply ignore these issues.

(cont.)

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In comment 13-38 the City of Roseville states that Roseville previously requested the EIR identified up-front improvements to be constructed along Baseline Road, specifically at the intersections of Baseline Road/Fiddiment Road and Baseline Road/Watt Avenue. The City even attached recommended mitigations. In response, the County states that the Development Agreement includes the timing of the infrastructure improvements, including those upon Baseline Road. The fact that the Development Agreement includes this information does not excuse the information from being included in the Environmental Impact Report. The improvements that are to be included as part of the Project should be included in the description of the Project, and those that are implemented as mitigation measures need to be identified as mitigation measures and included in the mitigation monitoring program. The information provided by the County is particularly misleading. Page 38 of the Development Agreement states that the Baseline Road intersection improvements that the master owner shall be obligated to provide include the following: i) Baseline/Watt intersection, ii) Baseline/Locust intersection, iii) Baseline/Brewer intersection, and iv) Baseline/Pleasant Grove Road south intersection. The Development Agreement does not disclose that the Project developer will improve the intersection of Baseline Road/Fiddiment Road. This information appears to be intentionally deleted from the FEIR. Clearly, the improvement of Baseline Road/Fiddiment Road is necessary, but the information about how it is going to be improved is not included in the EIR or Development Agreement.

27

The County's response to comment 13-39 is vague and non-responsive. The City of Roseville notes that Blue Oaks Boulevard and Pleasant Grove Road must be extended into the plan area under the cumulative conditions. However, the EIR does not explain how the improvements will be funded and constructed. The EIR's response is to rely upon the vague provisions of mitigation measure 6.12-1. Likewise, the City of Roseville indicates that fair share obligations should be identified in the Development Agreement for mitigations identified in the EIR for impacts on the City of Roseville. This is not included in the Development Agreement, and once again the City improperly relies upon the vague mitigation measure 6.12-1. This mitigation measure puts off needed improvements to some pie in the sky program to be developed in the future. This does not comply with CEQA.