

T R A I N O R F A I R B R O O K  
A T T O R N E Y S A T L A W

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February 14, 2019

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Re: Comments on the Sunset Area Plan and Draft Environmental  
Impact Report for the Sunset Area Plan/Placer Ranch Specific Plan

Dear Mr. Pedretti and Ms. Jacobsen:

As you know, this law firm represents the United Auburn Indian Community ("UAIC"), the owner of the Thunder Valley Casino Resort ("Thunder Valley") and other properties within the Sunset Area Plan. As a governmental entity, UAIC appreciates the opportunity to review the Public Review Draft Sunset Area Plan (Draft SAP) and the Draft Environmental Impact Report (EIR) for the SAP/PRSP, and to provide comments thereto.

**Comments on the Draft Sunset Area Plan**

UAIC's comments on the Draft SAP are as follows:

- Western Placer Waste Management Authority Landfill: On page 1-8, the description of the Preserve/Mitigation Reserve (P/MR) land use designation includes mention of the Western Regional Sanitary Landfill as an appropriate use for this designation. If that is an appropriate use, it should be addressed in the discussion of "Land Use Buffer Standards" on pages 1-10 and 1-11. The SAP does not provide information on where the landfill could expand into the P/MR designated lands. Please remove this as a potential use for the P/MR designation and/or clarify the policies and standards regarding landfill expansion and buffering. In addition, the SAP should clearly state how much of the Eco-Industrial/ Manufacturing/WPWMA District would be available for any future landfill

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expansion. Any expansion of the landfill toward Thunder Valley will be of concern to UAIC.

- Height Limit in EMU Zone: Within the SAP Implementing Zoning Regulations, *1.01.04 – Other Applicable Commercial and Entertainment Mixed-Use Zone Regulations*, the regulations allow for heights in the EMU zone up to 225 feet high. Since Thunder Valley is currently 227 feet high, we would request this limit to be increased to either 227 feet or 230 feet, so that Thunder Valley is not a non-confirming use.
- Some uses are defined in Section 1.05.02 of the Implementing Zoning Regulations, including food halls and mobile food truck plazas; however, these uses do not otherwise appear in the zoning regulations or Allowed Use and Permit Requirements tables, and should appear there.

#### Missing Appendices

- Page 9-3 of the Draft SAP mentions: "Appendix B of this Policy Document is the *Sunset Area Capital Improvement Plan (CIP)*." However, on the appendices divider page (just after page 2-28 of the Implementing Zoning Regulations) Appendix B is titled "Resolutions." Please provide the Capital Improvement Plan to allow for appropriate review and comment.
- Page 9-5 of the Draft SAP mentions: "These costs are addressed by the Sunset Area Infrastructure Finance Strategy (Appendix C)." However, no Appendix C is present and there are no public documents on the website showing the finance strategy. Please provide the Sunset Area Infrastructure Finance Strategy to allow for appropriate review and comment.

#### Utilities

- The Draft SAP does not show the utilities plans. Please provide the plans for utilities for appropriate review and comment.
- Assuming that the EIR correctly indicates that wastewater plan in Figure 3 of the Draft EIR's Appendix B (*Sunset Area Water, Wastewater, and Recycled Water Technical Report*), UAIC requests reconsideration of the routing of the Proposed Gravity Maine Pipeline down Athens Avenue between Industrial Avenue and Fiddyment Road. The current routing between Foothills Boulevard and Fiddyment Road, and then down Fiddyment Road to Placer Ranch, passes primarily through the Preserve/Mitigation

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Reserve and the landfill, not through an area of development where landowners could better support, utilize and pay for the system at a lower cost. Please consider the benefits of turning the Main Pipeline down Foothills Boulevard at Athens Avenue to the south to Placer Ranch where it would be supported by the landowners on each side of Foothills Boulevard, saving expense and causing less of an environmental effect.

**Comments on the Draft Environmental Impact Report for the Sunset Area Plan/Placer Ranch Specific Plan**

Off-Reservation Study/Environmental Review

UAIC is planning for the buildout of Thunder Valley, and the associated entertainment and recreational facilities. A tribal environmental impact report was certified in 2009 and three subsequent addenda have been published since, as listed below:

- Thunder Valley Casino Expansion Final Tribal Environmental Impact Report (TEIR), June 2008 (SCH: 2007062072)<sup>1</sup>
- Thunder Valley Casino Expansion TEIR Addendum, August 2009<sup>2</sup>
- Thunder Valley Casino Expansion TEIR Addendum 2, March 2016<sup>3</sup>
- Thunder Valley Casino Expansion TEIR Addendum 3, May 2017<sup>4</sup>

Please confirm that full buildout of Thunder Valley and the entertainment and recreational facilities, as approved under the TEIR and its subsequent addenda (including traffic, utilities, public services, alternatives, etc.), is properly considered throughout the EIR, and is not in conflict with the TEIR.

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<sup>1</sup> Analytical Environmental Services (AES), 2008a. Thunder Valley Casino Expansion Draft Tribal Environmental Impact Report. February 2008.

AES, 2008b. Thunder Valley Casino Expansion Revised Draft Tribal Environmental Impact Report. June 2008.

AES, 2008c. Thunder Valley Casino Expansion Final Tribal Environmental Impact Report. June 2008.

<sup>2</sup> AES, 2009. Thunder Valley Casino Expansion Tribal Environmental Impact Report Addendum. August 2009.

<sup>3</sup> Environmental Science Associates (ESA), 2016. Thunder Valley Casino Expansion Tribal Environmental Impact Report Addendum 2. March 2016

<sup>4</sup> Environmental Science Associates (ESA), 2017. Thunder Valley Casino Expansion Tribal Environmental Impact Report Addendum 3. May 2017

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### Project Description

- Pages 3-5, 4.10-3: EIR incorrectly identifies Thunder Valley Casino Resort as having 297 hotel rooms. The correct number is 408 rooms (per February 28, 2018, letter to County).
- Page 3-15, Table 3-1: Make changes to the table to reflect the maximum 2.00 FAR in the Entertainment Mixed-Use Designation, as shown in Table 1-1 in the Draft SAP.
- Multifamily residential development in EMU designation: On page 3-15, Table 3-1 shows that multifamily residential development is allowed in the EMU designation at up to 30 dwelling units (dus) per acre. Furthermore, on page 3-11 (as well as page 1-3 of the SAP), the EIR states: "The EMU designation also anticipates the potential need for residential uses to support the workforce employed in the area." One page 3-16, the EIR states: "In particular, the EMU designation is expected to generate the need for workforce housing... Accordingly, [this] [designation] include[s] standards that assume between 10 and 30 dwelling units per net acre, respectively, for areas proposed for housing." UAIC supports allowing up to 30 dus/acre in the EMU land use designation. However, on page 6-4, Table 6-1, the EIR assumes no multifamily residential development in the Net SAP area. The EIR should consider and analyze the potential environmental effects that, at buildout, the EMU designation would include a certain amount of multifamily residential development.
- Page 3-28, Table 3-3: Please confirm that full buildout of the casino and entertainment facilities, as approved under the TEIR and subsequent addenda, is included in the 2,615 ksf assumed for Phase 1 buildout of the SAP in the EMU land use designation.
- Page 3-14, Preserve/Mitigation Reserve: The description of the Preserve/Mitigation Preserve land use designation includes mention of the Western Regional Sanitary Landfill as an appropriate use for this designation. The Project Description does not provide information on where the landfill could expand into this area. As stated in the February 28, 2018 letter to the County, any expansion of the landfill toward Thunder Valley will be of concern to UAIC.
- Project Description: There is no mention of the Western Regional Sanitary Landfill's future plans to expand. This expansion is of concern and the potential for such an expansion should be disclosed in this document, along with a map showing the current location and the proposed expansion area. Page 3-29 mentions a "proposed 2,000-foot landfill buffer". There is no map showing where this landfill buffer is located. Page 4.8-35 states "The proposed SAP includes reduction of the 1-mile landfill buffer to 2,000 feet

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for residential uses, or as close as 1,000 feet with approval of a specific plan, master plan, or development agreement." Where is this buffer and how does the expansion of the landfill affect the surrounding development?

### Cultural

- Pages 4.5-5 through 4.5-11 - Tribal Cultural Resources.

### Appendix B of the EIR (Sunset Area Water, Wastewater, and Recycled Water Technical Report – Wastewater Treatment Report)

UAIC presently operates its own wastewater treatment facility, but will, when public sewer is available in Athens Avenue, most likely want to utilize that public utility and close its own wastewater treatment facility. Please confirm with technical personnel that they have taken into account Thunder Valley and the Tribe's other properties in the design of the wastewater treatment system for the SAP.

### Alternatives

As stated previously, UAIC supports adoption of the proposed project, with its requested changes. However, the alternatives to the project must also be feasible and provide enough information to provide a certain level of certainty to landowners on the repercussions of approval of any of the alternatives. In addition, the buildout of the casino and entertainment facilities consistent with the TEIR and subsequent addenda should be reflected in all alternatives.

- Alternative 1: No-Project–1997 SIA Plan Alternative
  - Page 6-10, Table 6-3: The 81 ksf shown in the retail land use type is not sufficient to reflect the full buildout of the casino and entertainment facilities.
  - Page 6-10: The text and Table 6-3 should reference the full buildout of the casino and entertainment facilities as part of the "no project" conditions.
- Alternative 2: Reduced Scale
  - UAIC does not support this alternative. Under this alternative, the EIR assumes that maximum building heights would be reduced to 60 feet. As stated previously, UAIC contends that the maximum building height in the EMU/AD zone should be at least 225 feet.
  - The EIR assumes a transition zone for this alternative that would require a single-story maximum height within 500 feet of an existing preserve or land outside the

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SAP, 100-foot landscaped buffer, and 100-foot landscaped greenbelt. However, the EIR does not include a map showing where these would be located. Please include a map that shows what areas would be affected by the transition zone and buffer requirements.

- The EIR asserts that this alternative would result in reduced aesthetic impacts. However, the 227-foot casino hotel tower is already developed. Individual perception of aesthetic impacts may differ greatly. UAIC does not agree that a reduced height alternative would result in lesser aesthetic impacts.
- Alternative 3: Reduced Footprint, Reduced Development Potential
  - Page 6-17, Exhibit 6-2: In this alternative, UAIC-owned land would be preserved as part of the Preserve/Mitigation Reserve land use designation. In addition, the total allowable square footage of development in the EMU district would drop by 275 ksf to 2,340 ksf. UAIC does not support this alternative. This alternative would reduce developable land owned by the Tribe and isolate the casino from other future uses. UAIC is not in favor of any alternative that reduces its ability to develop properties it owns, thereby reducing UAIC's self-sufficiency.
- Alternative 4: Reduced Footprint, Similar Development Potential
  - Page 6-23, Exhibit 6-3: In this alternative, UAIC-owned land would be preserved as part of the Preserve/Mitigation Reserve land use designation.
  - While the EIR states that this alternative does not reduce development potential, there are no assurances on how the development potential would remain. In order to maintain the development potential, the plan must account for increased FAR and building heights. Please clarify what measures would be put into place to ensure that overall development potential is not decreased. More definition of this alternative is needed to provide certainties on the potential constraints.
  - UAIC does not support this alternative. This alternative would reduce developable land owned by the Tribe and isolate Thunder Valley from other future uses and surrounding development. UAIC is not in favor of any alternative that reduces its ability to develop the properties it owns, thereby reducing UAIC's self-sufficiency.
- Alternative 5: Reduced VMT

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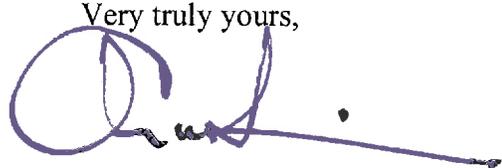
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- Page 6-25: This alternative assumes no nonresidential development in the EMU designation. As already discussed previously, the EIR (Table 6-1) assumes no multifamily residential development in the EMU designation (or anywhere outside of the PRSP). Table 6-6 also shows no multifamily residential development outside the PRSP. This is not a feasible alternative as it would remove most (if not all) development potential from UAIC-owned property.
- Page 6-25, Table 6-6: This alternative incorrectly assumes no development in the EMU designation. At the very least, this alternative must reflect full buildout of the casino and entertainment facilities, and those rights it has under the existing TEIR.
- UAIC does not support this alternative. This alternative would reduce developable land owned by the Tribe and isolate Thunder Valley from other future uses and surrounding development. UAIC is not in favor of any alternative that reduces its ability to develop properties it owns, thereby reducing UAIC's self-sufficiency.

Our client looks forward to continuing government-to-government discussions on this important project with the County.

Very truly yours,



Charles W. Trainor

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