



February 22, 2019

Ms. Leigh Chavez
Placer County Environmental Coordinator
3091 County Center Drive, Ste. 190
Auburn, CA 95603

Dear Ms. Chavez:

Thank you for the opportunity to review the Draft EIR (DEIR) for the Sunset Area Plan (SAP) /Placer Ranch Specific Plan (PRSP) project. The project location is as follows: The SAP, which includes the PRSP project, encompasses 8,497 acres located in unincorporated south Placer County. The Plan area covers 13.9 square miles between the cities of Rocklin to the east, Roseville to the south, Lincoln to the north and unincorporated Placer County to the west. The Plan area is located immediately west of State Route 65 which connects to I-80 in the south and State Route 99 to the north.

The project proposes to update the 1997 Sunset Industrial Area Plan with a higher density mix of labor- and employment-intensive uses with an emphasis on innovation and creativity. Nested within the SAP, the proposed PSRP includes a mixed-use town center, commercial and office uses, a university site and a diverse housing mix. The project's proposed land uses are as follows: Residential Uses - 801.4 acres consisting of 5,636 dwelling units; Commercial and Employment Uses - 707.7 acres consisting of 8,440,513 square feet; Open Space and Public Uses - 377.5 acres.

The City has completed its review of the DEIR and offers comments as they relate to the overall project and as they to the environmental analysis:

A. Project Description

1. The discussion of Land Use Buffer Zone Standards notes that the principal concern is to balance the needs of employment-supporting uses, a public university, and residential uses with the operational needs of the Western Regional Sanitary Landfill (WRSL) and that revisions to the Placer County General Plan buffer zone standards are proposed. It is our belief and concern, as elaborated upon further in this letter, that the revised buffer zone standards will not adequately protect the landfill.

B. Air Quality

1. The discussion of Sensitive Land Uses acknowledges that residential dwellings are considered to be sensitive receptors and then notes that the closest sensitive receptors to the project site is a residential development in the City of Roseville adjacent to the southern project area boundary. The discussion should also acknowledge that the project itself has the potential to introduce new residential development and other sensitive land uses in close proximity to WRSL due to the project's proposal to reduce existing landfill buffer distances.
2. Analysis of Project Impacts to the Western Regional Sanitary Landfill (WRSL) and Proposed Buffer Reduction

Landfill Buffer Reduction

It would seem there is an inherent conflict which is unfair to all jurisdictions within Placer County that the same entity which has authority over the decision to reduce buffers applied to the Landfill is also in this case the applicant for the Project. The Landfill is a finite resource (likely not replaceable in Placer County) whose viable operation and protection is essential to all agencies and residents.

Landfill / Odor Analysis

The DEIR's analysis concerning a proposed housing development project near the Western Regional Sanitary Landfill (WRSL) is inadequate as a matter of law, specifically with regards to odors near the landfill and the lack of adequate mitigation measures to guard against exacerbation of such impacts.

Although generally CEQA does not require an analysis of existing conditions and its relationship to a project, the exception is when a project risks exacerbating already existing conditions at a project site. (*California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369 [hereinafter "CBA"].) While the County "opts to evaluate and draw significance conclusions" in the DEIR, finding the impact "significant" and that "the project would expose a substantial number of people to objectionable odors," the DEIR still fails to address this exacerbation as a result of the new development. The Project will account for nearly 1/6 of the amount of solid waste that will be handled at the WRSL when compared to current conditions. Long-term build-out conditions would still account for nearly 10% of the total solid waste handled at the WRSL.

In a study published on November 9, 2017, the same consultant for the County concluded that "newly placed waste" is a "contributor to odors." (Ascent Environmental, Review of Odor Management at Western Regional Sanitary Landfill, § 2.1.1, available at https://www.placer.ca.gov/~media/cdr/planning/sunsetindareaplanupdate/_wrsl%20odor%20evaluation%202017%20v1-5,-d-,final.pdf?la=en [hereinafter "Review of Odor Management"].) In that study, the County's consultant concluded that "development between the landfill and areas that are already being impacted by odor is likely to result in additional odor issues unless WRSL significantly reduces existing odor emissions." (*Id.* at § 8.0.) Furthermore, the DEIR readily acknowledges that the Project will directly result in an increase in "exceedances of specific odor

levels.” (DEIR at p. 4.3-50.) Rather than reduce sources of odor, the County is now seeking to exacerbate those impacts by (1) substantially increasing the amount of odor-causing solid waste handled at WRSL; and (2) exposing the Project’s future users to worse conditions than they would otherwise experience.

The fact that the County at one point prohibited development from occurring in proximity to the WRSL, demonstrates at least an awareness of the odor impacts at issue and other sections of the DEIR are again, in direct contrast with section 4.3. In fact, Impact 4.10-2 in Section 4.10 of the DEIR states "Complaints directed at WRSL have been received from residents *more than 2 miles away*, primarily about odors, with complaints also received about dust, litter, and traffic..." (Emphasis added). The DEIR further admits that “residential encroachment could create pressures on the WRSL operations, resulting in the need to entertain other solutions: diverting waste to another facility, which could be costly and result in environmental impacts, or siting a new facility, which would likely be infeasible given cost, timing and regulatory considerations. (DEIR at p. 4.10-15.) Again, rather than analyze the environmental impacts of those probable results, the DEIR is wholly silent, and consequently, legally inadequate.

Even if the County is correct that the DEIR is “not strictly required to [analyze odor impacts],” the siting and development of a project of this size will most certainly exacerbate odor impacts due to the reduction in the size of the landfill buffer and the placement of sensitive receptors in a closer proximity than currently allowed. The DEIR acknowledges this by stating "...it is expected new residents and users within the project area would be exposed to objectionable odors, would complain about such odors from the WRSL operations, and that the overall number of complaints lodged about nuisance odors would increase." (DEIR at p. 4.3-48.)

This is particularly disturbing because the County is acutely aware of the unmitigated, significant, environmental impacts of this project if it is approved as proposed. The County adopted General Plan Policy 4.G.11 precisely to *protect* the landfill from incompatible encroachment. That policy states, in pertinent part, "new residential land uses [shall] be separated from the property lines of active and future landfill sites by a buffer of one mile." Despite this policy and one mile buffer, odor impacts exist from outwards of two miles. To now propose reducing that buffer and allow residences to be as close as 1,000 feet is incompatible with the County's existing General Plan, exacerbating already existing conditions at the project site.

The DEIR also notes that Placer County considered the merits of a regional mitigation fee program but determined such to be infeasible. Then, the DEIR asserts that mitigation measures to guard against the risk that the odors at the WRSL site are exacerbated by a reduction in the landfill buffer and introduction of residential uses would be beyond the control of Placer County, yet feasible mitigation measures are available to the WPWMA which owns and operates the WRSL. To place the burden on the WRSL to implement potential mitigation measures is inadequate and improperly imputes the onus of mitigation on the WRSL and its current rate payers rather than the project proponent—the County. When the DEIR does propose measures to offset odor which can be implemented by the County, these measures are limited to specific plan modifications, such as building design and landscape design, and written disclosures to prospective buyers. Disclosures to prospective purchasers may or may not place them on notice of odor issues, but none of these actually mitigate impacts of odor. The

"measures" contained in the DEIR fail to address the actual exacerbation of the odors and do not offer alternatives to the Project that would reduce or lessen odor impacts.

The County originally did not plan to develop near the WRSL site and so adopted General Plan Policy 4.G.11. Now that it has decided to do so, it must engage in a thorough analysis of the existing conditions and propose proper mitigation measures to ensure that currently existing odors are not exacerbated, causing the very harms that CEQA was enacted to prevent. These measures should conform with General Plan Policy 4.G.11 and Land Use Policy/ED-10.3: Development Separators. The City is willing to engage in discussions with the County to facilitate an agreement whereby the County mitigates the exacerbation of impacts from the proposed project.

For all of these reasons, the Project must adopt additional mitigation measures to address this identified significant impact and not leave the burden of mitigating this significant impact to existing ratepayers.

C. Transportation/Circulation

1. Policy TM-1.9: Additional Traffic Impact Mitigation – It is referenced within this policy that additional traffic impact mitigation could include contribution to funding of transportation system improvements (e.g., traffic fees, VMT fees) and/or dedication of right-of-way for future improvements. It is suggested that this policy also incorporate the concept of payment or construction of off-site mitigations where impacts occur in outside jurisdictions.

2. The use of a “mall” trip generation rate (26 trips/1000 sf) for the non-residential portion of the Entertainment Mixed Use zone appears to underestimate the actual number of trips that could occur as a result of some potential uses in that zone attracting large crowd volumes.

3. Figure 4.14-11 – the segment of Whitney Ranch Parkway between SR65 and Wildcat Boulevard is represented as having no change between Existing and Existing Plus Placer Ranch conditions, yet the segment of Whitney Ranch Parkway east of Wildcat Boulevard is projected to have increased volumes despite both roads feeding into it having an increase in volumes. These results should be verified as they appear to be counter-intuitive.

4. Page 4.14-94 – Land Use Inputs – it is not clear why the buildout of Roseville and County Specific Plans are assumed but not buildout in Rocklin and only residential absorption (i.e., no non-residential) in Lincoln?

5. Mitigation Measure 4.14-5, Pay impact fees associated with signalized intersections in City of Rocklin to Placer County –

- Some of the mitigation measures include a component of prohibiting U-turn movements. Because such an option may not be acceptable to the City of Rocklin, we request that other mitigation options be explored that would return the level of service in those locations to an acceptable level.
- The proposed mitigation approach of first requiring development projects within the SAP and PRSP areas to pay fair share impacts fees to Placer County and then Placer County to negotiate with the City of Rocklin to enter into arrangements with Rocklin for

the provision of adequate fair share funding from the project for significant impacts on City of Rocklin intersections is not the City's preferred approach and does not appear to be in the County's best interests in ensuring that the development project is financially responsible for all of its fair share impact fees. It is preferred that the determination of fair share fees between the City of Rocklin and Placer County should occur first, and then the development projects should pay the as-determined fair share amount.

- The City of Rocklin has no current interest in participating in additional sub-regional or regional approaches to mitigate transportation-related impacts beyond what we currently participate in given our near build-out status. The City evaluates transportation-related impacts from Rocklin development to facilities outside of Rocklin through the CEQA process, and if significant impacts to such facilities are identified, mitigation measures are also identified.

- *Adherence to City of Rocklin General Plan Policy C-10*

The City of Rocklin's Level of Service Policy is presented in the DEIR, however, it should be noted that under Policy C-10(C) impacts created by development in another jurisdiction are to restore the LOS in Rocklin back to "C" unless it is determined by the Rocklin City Council and not another entity that the mitigation is infeasible. In cases where impacts are created by development in an adjacent jurisdiction, mitigation is to be implemented to the fullest extent practicable as determined by the City Council.

C-10 A. Maintain a minimum traffic Level of Service "C" for all signalized intersections during the p.m. peak hour on an average weekday, except in the circumstances described in C-10.B and C. below.

B. Recognizing that some signalized intersections within the City serve and are impacted by development located in adjacent jurisdictions, and that these impacts are outside the control of the City, a development project which is determined to result in a Level of Service worse than "C" may be approved, if the approving body finds (1) the diminished level of service is an interim situation which will be alleviated by the implementation of planned improvements or (2) based on the specific circumstances described in Section C. below, there are no feasible street improvements that will improve the Level of Service to "C" or better as set forward in the Action Plan for the Circulation Element.

C. All development in another jurisdiction outside of Rocklin's control which creates traffic impacts in Rocklin should be required to construct all mitigation necessary in order to maintain a LOS C in Rocklin unless the mitigation is determined to be infeasible by the Rocklin City Council. The standard for determining the feasibility of the mitigation would be whether or not the improvements create unusual economic, legal, social, technological, physical or other similar burdens and considerations.

- *Global Comment – Traffic Mitigation Measures/Secondary Impacts*

CEQA requires identification of the impacts created by proposed mitigation measures. In areas where widening, lane additions or other reconfigurations are suggested to

mitigate traffic impacts, graphics should be provided that are superimposed over aerials to clearly show the extent of the physical impacts (i.e., to landscaping, driveways, utilities, parking as well as modifications to other portions of the intersection that would be necessary to create receiving lanes, etc.) that would result from the proposed improvements so that the public, affected agencies, and decision makers can be fully informed regarding these secondary effects and fairly evaluate their true feasibility.

- *Pacific Street / Sunset Boulevard*

The proposed mitigation measure is unclear and potentially incomplete with regard to the improvements that are identified. There is currently an eastbound left turn lane and left turn/through lane on Sunset to Pacific. If the measure is suggesting that two left turn only lanes are needed, then the roadway would require considerable widening to replace the current through capacity being eliminated. Depending upon how far back the two left turn lanes need for queuing, it could also require widening of the Sunset Boulevard overcrossing of the railroad and may create the need for additional widening for receiving lanes on the other side of the intersection. Also see prior general comment regarding the need for graphic depictions and analysis of the secondary effects of proposed mitigation measures.

6. Impact 4.14-10 Impacts to freeway operations - Most of the impacts on State Route 65 and I-80 are adjacent to Rocklin and Roseville. The traffic analysis assumes all currently planned and programmed improvements to Highway 65 and I-80 are constructed and yet in the cumulative scenario many mainline segments of those facilities are still projected to function at extremely low Levels of Service, in fact LOS F in many locations. The payment of regional fees approach does not work in that scenario and the DEIR does not appear to identify any mitigation for PRSP and SAP project specific impacts to state facilities. The study asserts that a certain percent of traffic that would otherwise use state facilities will deviate to local streets in Rocklin and Roseville and that those volumes have been accounted for. However, given the extremely poor projected LOS on SR 65 in particular, we are concerned that the percentage of trips that will actually divert to local streets will actually be much higher. The assumptions for such deviations should be revisited.

The scale of the project seems to be well beyond what existing or planned improvements to state facilities can accommodate. Perhaps the densities and intensities of proposed land uses in the SAP / PRSP areas should be scaled back to better coincide with the capacities of the infrastructure that will be available. This is completely within the County's control, therefore, findings that impacts to various traffic facilities are significant and unavoidable is not accurate. As an example, the City of Rocklin adopted "Trip Caps" as part of the North West Rocklin General Development Plan to ensure that future development within the Highway 65 Corridor would not exceed established LOS standards. Such an approach or a reduced intensity land plan should be seriously considered.

7. Mitigation Measure 4.14-18b, Pay fair share cost toward modifying Pacific Street/Sunset Boulevard intersection (Net Sap Area and PRSP Area) – similar to the concern noted above regarding mitigation for this same intersection, the proposed mitigation measure is unclear and potentially incomplete with regard to the improvements that are identified. There is currently an eastbound left turn lane and left turn/through lane on Sunset to Pacific. If the measure is

suggesting that two left turn only lanes and a shared through-left turn lane are needed, then the roadway would require considerable widening to replace the current through capacity being eliminated. Depending upon how far back the two left turn lanes and shared through/left turn lane need for queuing, it could also require widening of the Sunset Boulevard overcrossing of the railroad and may create the need for additional widening for receiving lanes on the other side of the intersection. Also see prior general comment regarding the need for graphic depictions and analysis of the secondary effects of proposed mitigation measures.

8. Traffic Associated With Entertainment Venues and Theme Parks

One other note of concern is related to the Entertainment Mixed-use Zoning District. Exhibit 3-6 notes further “sub-zones” of EMU-AD, EMU-CD and EMU-SD, but does not provide any standards that differentiate these sub-zones. Of primary concern would be the uses that would likely fall under the EMU-AD (Attraction District). As noted, EMU uses include entertainment venues and theme parks. These uses, depending on their specific nature, can be huge traffic generators for very specific time periods (i.e., concert start and end times) and could severely impact Highway 65 and Sunset, specifically. It is also unclear how and if these types of uses have been accounted for in the traffic analysis. Although not necessarily feasible to size these roadways for “concert-level” traffic, a policy that requires site design of large-scale entertainment facilities to remove traffic off local roadways as quickly and efficiently as possible as well as disperse traffic back onto roadways in a controlled manner should be considered.

In addition, it was noted for traffic analysis purposes that the trip generation rate used for the non-residential portion of the EMU District was “Mall” at 26 trips per one thousand square feet. Based upon the description of the EMU District and the potential land uses anticipated to be located there, the concern is that a “Mall” trip generation rate significantly underestimates the potential trip generation rate of the type of regionally attracting use that could be located in the EMU District and a higher trip generation rate should be used for conservative purposes.

9. There is concern with Policy TM-1.9 in that it allows all projects in the PRSP/SAP area to not undergo additional traffic analysis if the development projects are deemed to be consistent with the land use assumptions of the EIR. Given that the it is acknowledged in the EIR that buildout of the SAP would occur over 80+ years and the Cumulative Plus PRSP Plus SAP (20-Year Project) scenario only includes a 20 year buildout horizon based on a market analysis, there is a 60+ year gap in the cumulative year traffic analysis. To truly capture the incremental traffic impacts for projects that are developed beyond what was assumed in the 20- year development horizon, it is suggested that Policy TM-1.9 be adjusted to acknowledge that if future land development beyond what was assumed in the 20 year development horizon is proposed, those development projects will require additional traffic analysis and mitigation of impacts identified in the analysis.

D. Public Safety

Fire

It is difficult to quantify the project’s impacts to Rocklin Fire and the City’s Emergency Response System. The document discusses that the need for fire protection and emergency response

services will increase, including an increase in the demand for additional firefighters, but it does not discuss how they will be deployed. It is noted that new development would be annexed into an existing CFD or a new CFD, but ideally the development of all ultimately needed fire station facilities would be front loaded and staffing increases tied to specific development milestones so that adjacent communities will not have to absorb the need to provide services since the current plan is a pay/build as you go model. One concern that does not appear to have been addressed is the impact of additional traffic on major arterials and State Route 65 including how that affects Rocklin Fire's response model. As congestion increases it has a direct impact on Fire and medical emergency service response times.

Law Enforcement

Unlike a fire department model, law enforcement assigns officers to an onsite specific geographical location for service through beats, as opposed to responding from a particular station. However, lacking a substation in the vicinity, calls for back-up could be requested from other Sheriff Department personnel or adjacent jurisdictions. Ideally a Sheriff's substation would be planned within the SAP/PRSP area at this time and the County would front load investment in that infrastructure so that adjacent communities will not have to absorb the need to provide services since the current plan is a pay/build as you go model. County service levels are difficult to predict, but we do not anticipate the proposed development would have an over extending need for additional law enforcement assistance from the Rocklin Police Department, beyond routine. However, mitigation language should acknowledge that if future service requests were deemed beyond routine, the Police Chief would need to meet with the Sheriff and discuss providing assistance, above routine, moving forward. Requests for outside law enforcement assistance, above routine are currently covered under the California Master Mutual Aid Plan which operates out of both the County and the State Office of Emergency Services.

Prospective issues with this development that could potentially effect law enforcement within the City of Rocklin stem from the traffic generated by the development and the traffic associated with a 4 year University. With the current layout of State Route 65, traffic congestion is already well beyond the norm. Adding the possibility of tens of thousands of new vehicle trips a day could theoretically force vehicles off of State Route 65 onto surface streets in to the surrounding cities including Rocklin. More vehicle trips on City streets brings the possibility of more accidents and/or demands for other law enforcement related traffic enforcement. In addition, this extra traffic could impact our response times and road quality causing our roads to fail faster than originally anticipated. These issues do not appear to have been currently addressed in the DEIR.

E. Drainage

It is our understanding that Rocklin drainage has been factored in the estimation of regional off-site drainage capacities and if so, is development of the SAP / PRSP diminishing the capacity of regional facilities and causing the need for increased capacity improvements beyond those already planned? If so the SAP / PRSP development should be responsible for funding both the Planning and implementation of expanded improvements beyond those that are already planned.

F. Alternatives

The Alternatives analyzed in the DEIR are not adequate and should include a scenario with a land plan that implements the current 1 mile buffer from the landfill for sensitive uses including all new residential as well as the University Campus.

G. Off Setting Development Impacts

Text regarding "Consultation with Neighboring Cities" on page 4.15-33 currently discusses the following Draft Policy PF-2.9 in the SAP: "The County shall consult with the Cities of Roseville, Rocklin and Lincoln to require new development within city limits to mitigate impacts on facilities and services within the Sunset Area." Rocklin staff is unclear regarding the intent of this policy and how it would actually become an issue. For example, if land use plans within the Cities remain as currently adopted, it appears there would be no impacts to the SAP. Perhaps at minimum the language should be clarified to specifically address any future land use changes that result in significant increases in density or intensity, although again the specific type of impacts to the SAP are unclear. Staff would also note that since the year 2000 the City of Rocklin has already been collecting Placer County Capital Facilities Impact Fees on all residential and non-residential development projects in the City to off-set impacts to various County services and facilities. In fact, this type of model in reverse should be seriously considered as a more effective means for the County to off-set some, if not all, impacts to adjacent cities that will be created by the SAP/PRSP developments and we invite further discussion of this concept. Ideally a commitment to collect and transmit such impact fees to the Cities would be executed and implemented prior to any actual development being approved in the PRSP / SAP areas.

Thank you again for the opportunity to provide our comments on the Draft EIR. If there are any questions regarding the above comments or if you would like to discuss any of the comments further, please do not hesitate to ask. Staff looks forward to a continuing dialog with Placer County.

Sincerely,



David Mohlenbrok
Community Development Director

cc: City Manager
Assistant City Manager
City Councilmembers
City Attorney's Office
Laura Webster, Director of Long-Range Planning
Dave Palmer, City Engineer