

## PLACER ATHENS LP/PLACER ATHENS II LP

February 12, 2019

Ms. Shirlee Herrington  
Environmental Coordination Services  
County of Placer  
Community Development Resource Agency  
3091 County Center Drive  
Auburn, CA 95603

RE: Sunset Area Plan/Placer Ranch Specific Plan Draft EIR

Dear Ms. Herrington:

Placer Athens LP and Placer Athens II LP own 400 acres east of the 180-acre buffer property to the Western Placer Regional Landfill. Our property has been designated for urban non-residential land use (Industrial) under the Sunset Industrial Area Plan (SIAP) since that plan's adoption in 1997, with Industrial Park zoning on a portion of our property. Since acquiring the property in 2002, we have been challenged in seeking to develop our property under the SIAP due to the lack of available infrastructure in the plan area. The infrastructure needed to allow development to move forward is of such a magnitude that no individual project can bear the costs of such infrastructure. We have been anxious for infrastructure planning in the area to proceed that would fairly and equitably spread the costs of necessary infrastructure among the various properties in the SIAP, so no individual property owner has to bear the burden of mitigating someone else's impacts.

As long-time property owners in the plan area, we have been supportive of the County's plans to update the SIAP and re-focus land use planning in the area under the proposed Sunset Area Plan (SAP). The SAP proposes on most of our property to be designated Innovation District, along with our northeastern corner to be designated Entertainment Mixed Use. While supportive of the SAP and what it can do to help spur development in the plan area, we have serious concerns with several provisions of the Draft EIR for the SAP and the Placer Ranch Specific Plan. Our concerns fall into two areas: mitigation for the landfill operational issues, and new burdens placed on development in the SAP. In the first case, the mitigation discussed in one area of the Draft EIR would in essence result in the taking of our property to mitigate another property owner's impacts. In the second case, the additional burdens being placed on future development in the SAP could well undermine the ability to develop the type of projects that the County and property owners want to see built in the SAP.

As well documented in the Draft EIR, the Western Placer Regional Landfill is the source of significant and unmitigated odor issues in the SIAP and surrounding area, which impacts affect the ability of property owners such as ourselves to be able to develop our properties. While the Draft EIR suggests on page 4.3-52 several mitigation measures that the Waste Management Authority could

implement to begin to address significant odor impacts from the landfill and composting operations, the Draft EIR notes that such measures are outside the County's control, and so the impacts are significant and unavoidable. While the Draft EIR discusses briefly at page 4.3-11 future landfill operations, the text only in passing notes that the Waste Management Authority is considering expansion of its operations either to the west of the existing landfill operations or to the east of such operations, to property purchased in 2009 by the Waste Management Authority as buffer land. That buffer land lies immediately to the west of our property. The proximity only makes the suggested mitigation on page 4.10-18 of the Draft EIR that much more ominous. Mitigation Measure 4.10-2 in its Landscape Design measures states "require a landscape buffer zone on all land uses adjacent to the WRSL." In other words, the Draft EIR recommends externalizing the buffer from the operations of the landfill to other property owners such as ourselves.

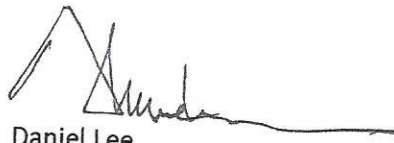
The requirement for surrounding property owners such as ourselves to have to mitigate the impacts of the landfill's operations flies in the face of legal prohibitions against precisely the concept of externalizing the impacts of a project onto other property owners. The Waste Management Authority has to mitigate its own impacts. When the Authority purchased the property adjacent to our property in 2009, we believed that the Authority was buying the land to buffer the impacts of its operations. Now, one option being studied by the Authority is to expand the landfill operations eastward onto to its acquired buffer land property. And the County's SAP Draft EIR is compounding the impact of such a proposal by placing mitigation on properties in the SAP to buffer the operations of the landfill on our property. Such an externalized buffer renders that part of our property useless and undevelopable. As such, the measure serves to take our property to provide a buffer for the impacts of another property owner's project. We cannot and will not accept such a measure. We therefore request that this measure be deleted from the EIR in the Final EIR.

The second area of concern with the Draft EIR has to do with additional community facilities district requirements for properties in the SAP to finance ongoing costs of various government services. Properties in the SIAP are already required to join CFD No. 2012-1 to fund fire services in the SIAP, but the Draft EIR calls for adding to the services funded by such a CFD to include law enforcement (Mitigation Measure 4.13-2 on page 4.13-30), library services (Mitigation Measure 4.13-4, page 4.13-35), and road maintenance (Mitigation Measure 4.13-8, page 4.13-40). Yet, nowhere in the Draft EIR is found any discussion of the property taxes that non-residential development that can be built on our property can generate to offset any costs on law enforcement, libraries and road maintenance. Such measures placed on properties in the SAP can serve to place the SAP area at a significant competitive disadvantage compared to other areas in the greater Sacramento region. We ask the County to include a fiscal study of the expected revenues to be generated by new non-residential development in the SAP, both one-time revenues and ongoing property tax and sales tax revenues. Then the County can determine the costs of such services that will be paid for by future non-residential development through the property taxes and sales taxes from such development, thereby allowing the County to eliminate the layering of CFD costs on non-residential development in the SAP as currently proposed.

Thank you for the opportunity to comment on the Draft EIR.

Sincerely,

Tim Kwan



Daniel Lee