

APPENDIX G

**NOTICE OF PREPARATION
AND RESPONSES TO NOTICE OF PREPARATION**

APPENDIX G

NOTICE OF PREPARATION AND RESPONSES TO NOTICE OF PREPARATION

The City of Woodland submitted a Notice of Preparation for this *DEIR* on May 12, 1995. The City received written responses from the following parties, as attached.

Date of Letter/ Response	Entity	Signature
June 5, 1995	Yolo Co. Dept of Public Health, Environmental Health Services	Paul Fitzmaurice
June 7, 1995	U.S. Army Corps of Engineers	Walter Yep
June 8, 1995 (June 28, 1995)	California Department of Transportation	Ken Champion
June 13, 1995	League of Women Voters	Marie E. Bryan and Lois V. Linford
June 14, 1995	Yolo-Solano Air Quality Management District	Jim Antone
June 15, 1995	California Department of Fish and Game	L. Ryan Broddrick
June 15, 1995	Yolo County Local Agency Formation Commission	Charlotte Nevills
June 15, 1995	Hefner, Stark & Marois (representing Conaway Conservancy Group)	Timothy D. Taron
June 15, 1995	William Abbott & Associates (representing Heidrick partnership)	William W. Abbott
June 19, 1995	William Abbott & Associates (representing Heidrick partnership)	William W. Abbott
June 21, 1995	California Department of Conservation	Thomas J. Gibbs

CITY OF WOODLAND DRAFT GENERAL PLAN EIR NOTICE OF PREPARATION

PROJECT DESCRIPTION

The subject of the *Draft Environmental Impact Report* is a comprehensive update of the *City of Woodland General Plan*. Following is information regarding the project background, location, characteristics of the plan, and possible impacts of the plan to be assessed in the *Draft EIR*.

Project Background

The City's existing General Plan was adopted in 1988. Six mandatory elements of the General Plan will be included within the new General Plan (Policy Document and Background Report) including the following: (1) Land Use Element, (2) Circulation Element, (3) Safety Element, (4) Noise Element, (5) Open Space Element, and (6) Conservation Element. The 1988 General Plan elements will be superseded with adoption of the revised General Plan. The seventh mandatory element, the Housing Element, was adopted in 1993 to meet specific statutory deadline requirements and will not be amended at this time.

A *Draft General Plan Background Report* is also being prepared to provide the factual foundation for new general plan policy and to serve as the environmental setting for the Environmental Impact Report (EIR) for this project.

Project Location

Woodland is located in central Yolo County 20 miles northwest of Sacramento on Interstate 5 and 10 miles north of Davis on State Route 113. The Yolo Bypass is located approximately three miles east of the city, Willow Slough is located about one mile to the southeast, and Cache Creek is located approximately two miles to the north.

As of January 1994, Woodland encompassed approximately 10.2 square miles, or 6,560 acres, of incorporated territory. The existing urban limit line (sphere of influence) includes another 1,640 acres of unincorporated area. The Planning Area for the Draft General Plan includes approximately 12,500 acres, including all territory within Woodland's existing urban limit line plus an expanded area to the northeast, east, and south that is currently unincorporated County territory. Most of the unincorporated area is currently vacant land or in agricultural use, but this area also includes the Yuba College site, regional park site, the City's existing wastewater treatment plant site, and the City's wastewater spray fields. Figure 1 shows the boundaries of the current city limits, urban limit line, and Planning Area. Note that the entire Planning Area will not be designated for urban uses.

Project Characteristics

Adoption of a new General Plan is intended to accomplish the following:

Update and provide internally consistent general plan goals, policies, and implementation measures.

Provide a comprehensive environmental assessment of impacts associated with growth and define appropriate mitigation measures to reduce or eliminate significant effects.

Provide an analysis of infrastructure and service level requirements.

The Woodland General Plan will provide for a larger urban growth boundary to accommodate population and employment growth through the year 2015. As of January 1994, the city of Woodland had a population of 42,474 according to California Department of Finance estimates. The Sacramento Area Council of Governments (SACOG) projects Woodland population to grow to of 64,700 by the year 2015. SACOG projects employment to increase from 15,367 in 1994 to 35,420 in 2015.

The Draft General Plan will provide for new residential, commercial, office, and industrial development to accommodate demand over the next 20 years. The Draft Plan will also provide for the preservation of existing residential neighborhoods and the maintenance and enhancement of Downtown.

The Planning Area proposed for the Draft General Plan is shown in the Figure 1. Within the Planning Area, the Draft General Plan will analyze two alternatives for residential growth to the south to accommodate the same population, as described below:

Alternative 1 Designate development ½ mile south of the current city limits (i.e., a straight line halfway between the southern city limits and CR 95A). (See Figure 2).

Alternative 2 Between CR 98 and East Street, close off the collector streets that are stubbed to the south as a means of providing for a more permanent urban edge in this location. (See Figure 3). The band of development on the south would widen as it extends east to include the four smaller parcels immediately west of the railroad tracks for a community park. East of East Street, urban development would be designated south to include the area where the Christian School is planned. East of SR 113, urban development would be designated in the area between the city limits and CR 25A as needed to accommodate projected population, but to the extent possible this development would be focused toward the northern part of this area.

Under either southern growth alternative, the Draft Plan will require new residential neighborhoods to be designed through specific plans for large areas, with associated growth management tools, and will require a mix of single family and multi-family housing and supporting neighborhood commercial, parks (community and neighborhood), schools, and institutional uses.

The Draft General Plan will also examine two alternatives for the area between Road 102 and the wastewater treatment plant. The primary alternative for this area would be nonresidential uses, but residential uses of this area will also be considered if feasible.

Industrial development will be accommodated on vacant industrial land within the city and on an additional 395 acres outside the existing city limits on the northeast (i.e., the remaining Spreckels property).

The area north of Kentucky is designated for residential uses in the current General Plan, but is being considered for redesignation because of new information that this area would be subject to flooding from Cache Creek. Land north of Kentucky Avenue between the Southern Pacific Railroad Main Line and Road 98B would be designated for industrial and commercial service uses with an emphasis on agricultural research or biotechnology uses. The remainder of land between County Road 98 and 98B will be designated for rural residential development.

The Draft General Plan will provide for additional commercial development along East Street and expansion of the County Fair Mall. The Draft Plan will also promote development of a golf course on non-prime agricultural lands.

The Draft General Plan will designate the area between Road 103 and the eastern boundary of the City-owned lands (900-acre Contadina spray fields from the railroad tracks/Route 16 south to Willow Slough) as Urban Reserve, with the intent that this area would not begin to develop for 15 to 20 years.

The Draft General Plan will also explore methods of developing a permanent urban limit line.

Possible Impacts

The Draft EIR is to be prepared on the Draft General Plan to assess the cumulative impacts of growth and public facility and service requirements to serve projected growth. Pursuant to Section 15060 (c) of the *State CEQA Guidelines*, the City determined that an EIR was required for the Draft General Plan and therefore it was not necessary to prepare an initial study or checklist for this project.

Development that would be accommodated under the Draft General Plan may result in adverse environmental impacts. The General Plan's policies and implementation programs are intended to substantially reduce the plan's impacts. The Draft EIR will assess the following possible effects of the Draft General Plan:

Land Use, Housing, and Population: Assessment of the impacts of proposed land use changes on land use, housing, and population and analysis of consistency with local, regional, and federal land use plans and policies.

Transportation: Assessment of impacts on transportation, including traffic, transit services and facilities, rail services and facilities, and airport facilities and services. Possible impacts

of the General Plan include generation of substantial additional vehicle trips which may have a substantial impact on existing transportation systems, including Interstate 5 and State Routes 16 and 113.

Public Facilities and Services: Assessment of impacts of development under the plan on public facilities and services, including the following: water supply and delivery system, wastewater collection and disposal, drainage system, general government, law enforcement, fire protection, schools, parks, and public utilities.

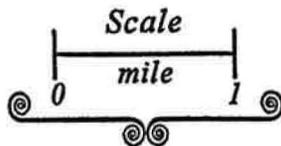
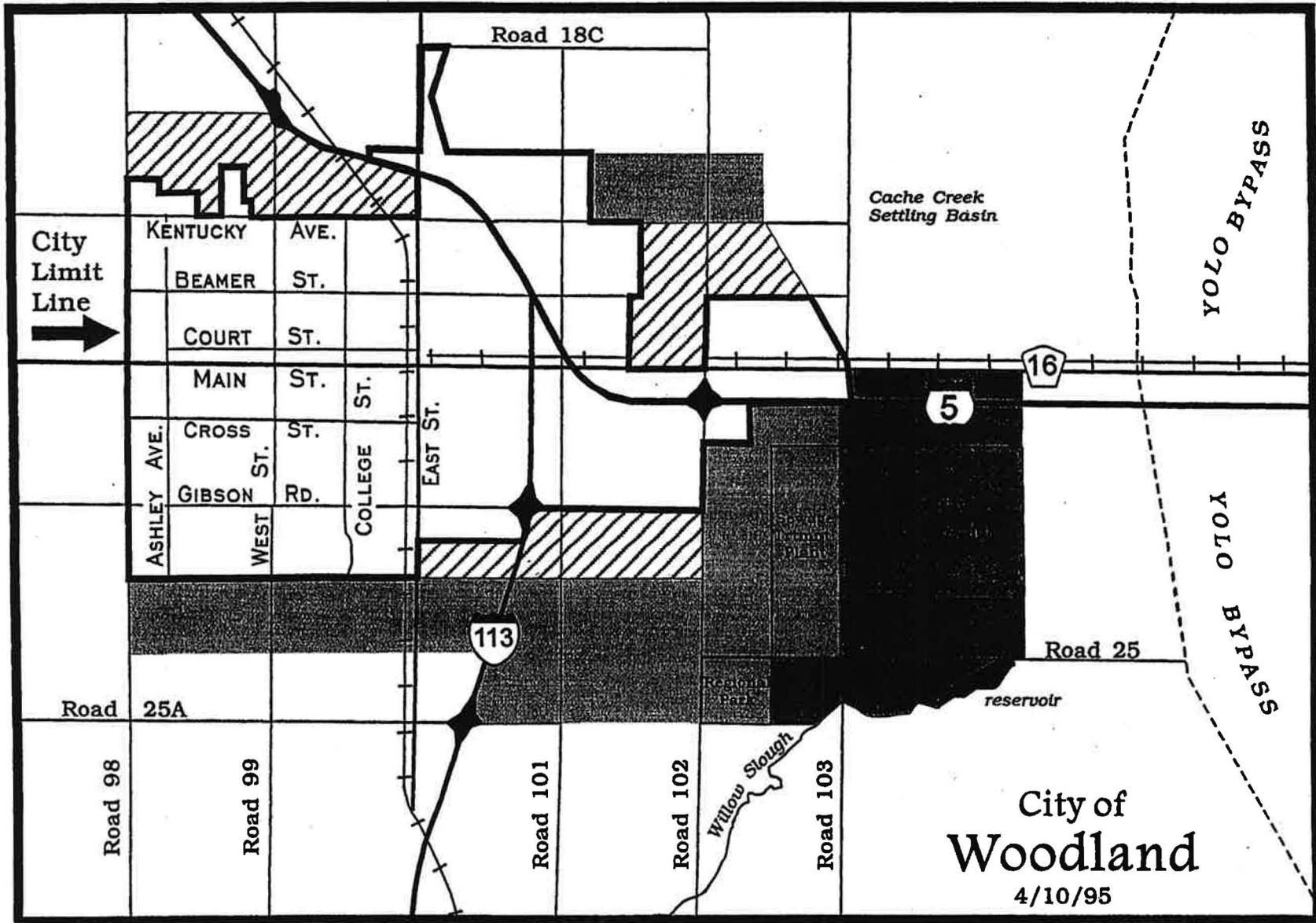
Natural Environment, Agriculture, and Safety: Assessment of impacts on the natural environment, agriculture, and safety concerns, including the following: water resources, agricultural land, wildlife habitat areas, special-status species, air quality, and safety issues, including seismic and geologic conditions, wildland and urban fire potential, and flooding. Likely impacts of the General Plan include the conversion of agricultural land to urban/suburban development. This conversion is assumed to be irreversible and will therefore result in the permanent loss in agricultural and open space resources. It is also anticipated that development under the Draft General Plan will result in air pollutant emissions including ozone, particulate matter (PM10), and possibly carbon monoxide, which could lead to a deterioration in ambient air quality.

Noise: Identification and evaluation of future noise levels resulting from traffic, rail operations, and aircraft. Potential impacts of the General Plan include increased noise levels on existing roadways that may result in increased noise exposure for existing noise-sensitive uses.

Mandatory CEQA Sections: Discussion of mandatory CEQA sections, including analysis of alternatives, significant irreversible effects, growth-inducing impacts, and cumulative impacts.

City Limits, Urban Limit Line, and Planning Area

Figure #1



- Existing Urban Limit Line



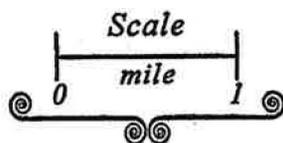
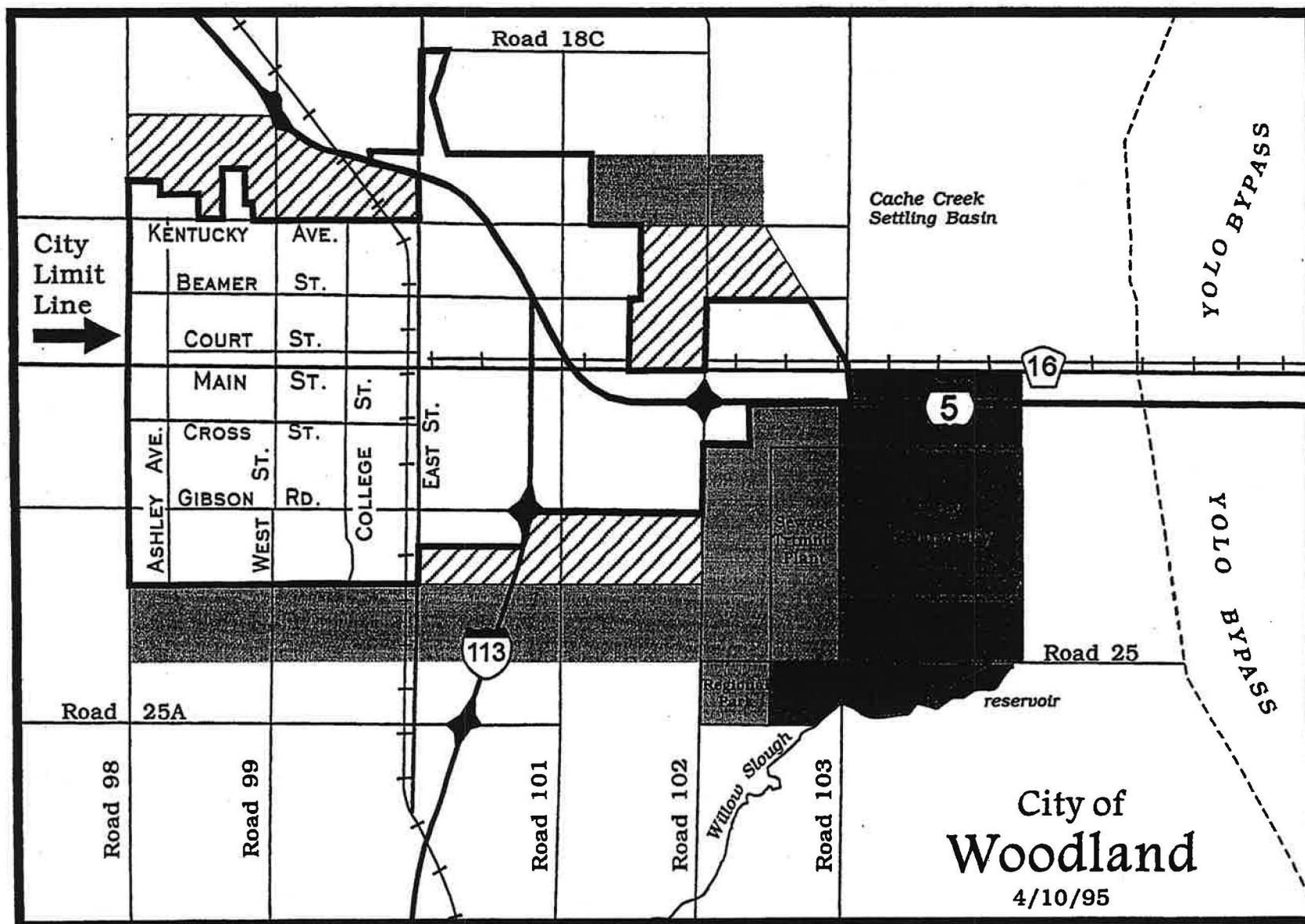
- Urban Reserve



- Planning Area

Alternative #1

Figure #2



- Existing Urban Limit Line



- Urban Reserve



- Planning Area

Alternative #2

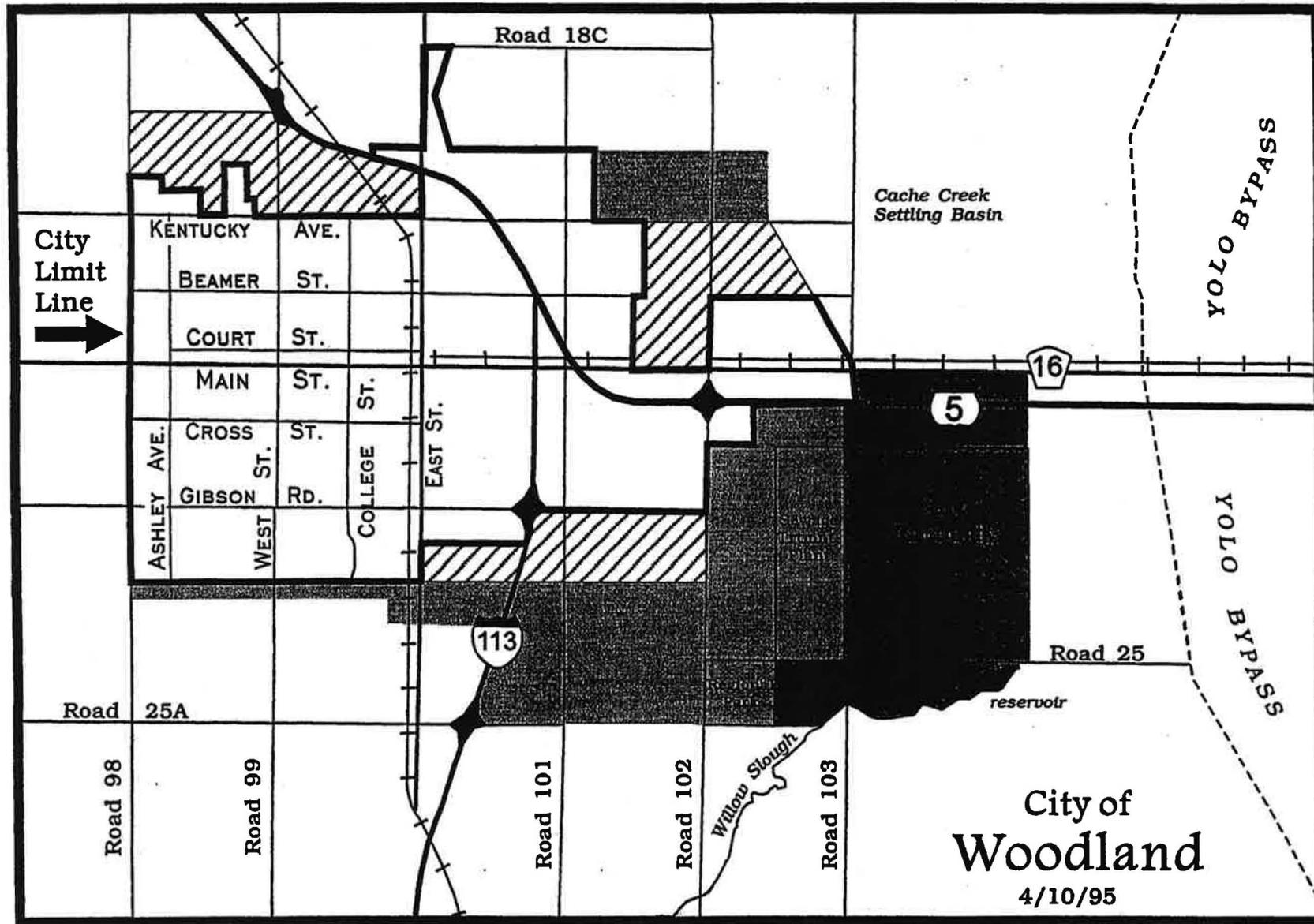
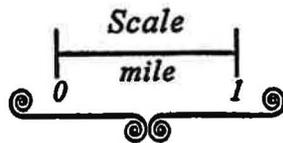


Figure #3



- Existing Urban Limit Line



- Urban Reserve



- Planning Area

**NOTICE-OF PREPARATION
MAILING LIST**

**Office of Planning and Research
1400 Tenth Street
Sacramento CA 95814**

**Army Corp of Engineers
Sacramento District Office
1325 J Street
Sacramento CA 95814-2922**

**Mr. Steve Jenkins
Yolo County Community Development
92 West Beamer St
Woodland CA 95695**

**Mrs. Elizabeth Kemper
LAFCO
292 West Beamer St
Woodland CA 95695**

**P G & E Properties
Bert Bangsberg
4615 Cowell Blvd
Davis CA 95616**

**California State Department
of Fish and Game
701 Nimbus Road
Sancho Cordova, CA 95670**

**CAL TRANS
District THREE
P. O. Box 911
Marysville CA 95901**

**Elizabeth Zemmels
Yolo Co Supt of Schools
1240 Harter Ave
Woodland CA 95776**

**Sacramento Community College
41605 Gibson Road
Woodland CA 95776**

**Woodland Joint Unified
School District
Joan Butt
526 Marshall Avenue
Woodland CA 95695**

**Yolo County Farm Bureau
P O Box 1556
Woodland CA 95776**

**Yolo County Administrative Officer
25 Court Street
Woodland CA 95695**

**Yolo County Sheriff Department
41797 Gibson Road
Woodland CA 95776**

**David Jones
Legal Services
619 North Street
Woodland CA 95695**

**Staff Loux
City of Davis
23 Russell Blvd
Davis CA 95616**

**Mr. Steve Patek
City of West Sacramento
1951 South River Road
West Sacramento CA 95691**

**COPIES OF THE ATTACHED LEGAL NOTICE WAS MAILED TO ALL
PERSONS ON THIS LIST ON 5/12/95 BY: JOANNE YOUNG**

**NOTICE OF PREPARATION OF
DRAFT EIR/SCOPING SESSION
FOR CITY OF WOODLAND GENERAL PLAN**

A Draft Environmental Impact Report (EIR) will be prepared for a comprehensive update of the City of Woodland General Plan. If you have any comments as to the content of the Draft EIR, you are invited to submit them in writing to the City of Woodland Community Development, 300 First Street, Woodland, California by June 15, 1995.

The Community Development Department is holding a Scoping Session on the Draft EIR for the comprehensive update of the General Plan on May 30, 1995 at 1:30 P.M. in the City Council Chambers, City Hall, 300 First Street, Woodland, California. The public is invited to attend the meeting and indicate environmental items that should be addressed in the Draft EIR. For more information on the Notice of Preparation and the EIR you can contact Howard Nies, Senior Planner, in the Community Development Department at 661-5820.

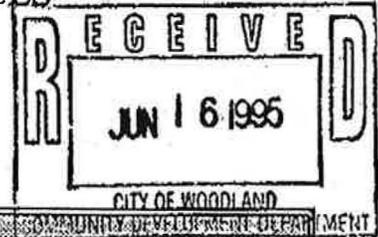
Janet M. Ruggiero
Community Development Director

Published in Daily Democrat 5/15/95



YOLO COUNTY DEPARTMENT OF PUBLIC HEALTH ENVIRONMENTAL HEALTH SERVICES

10 Cottonwood
Woodland, CA 95695
(916) 666-8646



LAND USE PROJECT EVALUATION	
PROJECT DESCRIPTION	
Title:	<u>Notice of Prep Draft EIR General Plan</u>
Type:	<u>Notice of Prep - EIR</u>
Location:	<u>City of Woodland</u>
Applicant:	<u>City of Woodland</u> APN: <u>n/a</u>
Date Received by E.H.:	<u>June 5, 1995</u>

Environmental Health has evaluated/reviewed the above referenced project proposal and would like to comment as follows:

1. Volkl Property - While within the Urban Limit Line, this property seems to be left out of the discussion. The staff report discusses Kentucky Ave. between SP & 93B but not the Volkl property except stating the area north of Kentucky is subject to flooding. The future of Volkl property, especially the borrow pit area, should be discussed further.
2. Will sewer and water services be provided to Yuba College, Monroe Center and Yolo County Animal Services?
3. The plan states that the area around the wastewater treatment plan is to be non-residential but residential would be considered if feasible. Gas chlorine treatment practices at the sewer treatment plant can pose a hazard to any adjacent population. This issue should be addressed for any proposed use involving human occupancy around the sewer treatment plant.

Post-It* Fax Note	7671	Date	<u>6-16-95</u>	# of pages	<u>1</u>
To	<u>Lucinda</u>	From	<u>Howard</u>		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	<u>#730</u>	Fax #			

Post-it* Fax Note 7671		Date 6-16-95	# of pages 1
To	Lucinda	From	Howard
Co./Dopt.		Co.	
Phone #		Phone	Page 2
Fax #	#30	Fax #	

Environmental Health Recommends:

Approval of Project.

Approval with Condition:

EIR ND

No Recommendation until the following additional information is available for evaluation:

Others:

This project requires no further review or evaluation by Environmental Health.

Our office has has not previously reviewed an application on any portion of this project.

PROJECT EVALUATED BY: Paul W. Fitzmaurice Date: June 16, 1995



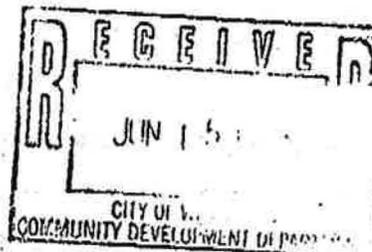
DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

REPLY TO
ATTENTION OF

June 7, 1995

Planning Division

Ms. Janet M. Ruggiero
Community Development Director
Community Development Department
City of Woodland
300 First Street
Woodland, California 95695



Dear Ms. Ruggiero:

We have reviewed the notice of preparation of a draft environmental impact report to update the City of Woodland General Plan, as requested in your May 12, 1995, letter.

The proposed plan will not affect existing Corps projects or studies. However, any wetlands or other "waters of the United States" should be identified, and development affecting these areas should be avoided to the maximum extent practicable. Development involving fill in waters of the United States may require a Department of the Army permit under Section 404 of the Clean Water Act. Please contact our Regulatory Branch at (916) 557-5252 for additional information on permit requirements.

If we can be of further assistance, please contact us.

Sincerely,

Daniel S. Hernan
for Walter Yep
Chief, Planning Division



League of Women Voters
Woodland, California 95695

1121 West Street
 Woodland, CA 95695
 June 13, 1995

City of Woodland Community Development,
 300 First Street
 Woodland, California



The League of Women Voters of Woodland has developed a local program which includes positions on both industrial Land Use and Water. These questions are based on these two positions. The League requests that these questions be discussed in the EIR for the Woodland General Plan Update.

- 1.. Will there be mechanisms included in the EIR to encourage "clean, stable, non-polluting industries who have modest water needs" to locate in Woodland?
2. Will the balance among "industrial development, housing development and city service capability" be maintained? and if so, how?
3. The Woodland League considers the availability of housing and city services, and the issue of environmental protection extremely important when attracting new industry to Woodland. How will these issues be addressed in the EIR?
4. The League is concerned that the quality and quantity of the drinking water be addressed in the EIR. How does the city plan to provide water for a population of 64,700 in the year 2015?
5. Will there be water meters installed on new development? in established areas?
6. Will additional conservations measures be used? What might they be? Will there be plumbing for gray water?
7. Will the wastewater plan to be adopted later this year (1995) be sufficient for a population of 64,700?
8. Does the city propose to use surface water for drinking? If so, discuss the treatment plant including site and cost. What will be the cost for the homeowners bill?
9. If seven wells in Woodland continue to need chlorination, will further efforts be made to find the source of the contamination?

10. Does Woodland plan to be actively involved in preserving the integrity of the aquifer in Cache Creek?
11. Will the EIR discuss the potential contamination to the aquifer of the wet pit mining along Cache Creek?

Thank you for the opportunity to submit these questions.

Marie E. Bryan
Marie E. Bryan, President

Lois V. Linford
Lois V. Linford, Natural Resources Chair

1947 Galileo Court, Suite 103 • Davis, California 95616



(916) 757-3650 • (800) 287-3650 • Fax (916) 757-3670

June 14, 1995

Janet Ruggiero
 Community Development Director
 City of Woodland
 Community Development Department
 300 First Street
 Woodland, CA 95695

SUBJECT: Comments on Notice of Preparation of Draft EIR for the City of Woodland General Plan.

Dear Janet:

The Notice of Preparation for the City of Woodland General Plan Draft EIR (DEIR) states that the DEIR proposes to assess possible adverse impacts of proposed land use, on the transportation system including traffic and transit services and facilities, and air quality.

In accordance with Section 15126(d) of the State CEQA Guidelines, the District recommends that the DEIR alternatives analysis consider transit-pedestrian-bicycle oriented land use and transportation patterns to assist in the attainment of the transportation and air quality objectives of the General Plan. Consideration should be placed on the use of the "livable communities" concept of development with emphasis on a mix of residential, commercial and recreational uses, all of which are located within easy walking distances of each other, including community "centers" and other public places for civic and cultural uses. The concept includes streets, sidewalks and paths that are integrated with the transit system and provide fully connected "walkable" routes of access throughout the community. Specific elements to be considered in the analysis should include but not necessarily be limited to the use of mixed use and transit oriented development (TODs), neighborhood centers, "livable" streets and "permeable" street networks, integration of public open space and green belts, and potential use of traffic calming techniques and traffic circles and roundabouts as alternatives to conventional signaled intersections.

The District believes that the above alternative development patterns have significant long term transportation, air quality, and safety benefits, and should be given consideration as an alternative in the DEIR to conventional suburban development patterns and associated impacts.

Thank you for the opportunity to review and comment on the Notice of Preparation for the Woodland General Plan Draft EIR.

If you have any questions I may be reached at 757-3653.

Sincerely,

Jim Antone
 Jim Antone
 Associate Air Quality Planner

1/19/95 10:10 AM

Post-it® Fax Note # 7671		Date 6-19-95	# of pages 1
To	Lucinda	From	Howard Ales
Cu/Dept.	Mintier	Cu	
Phone #		Phone #	661-5820
Fax #	# 30	Fax #	

STATE OF CALIFORNIA—THE RESOURCES AGENCY

DEPARTMENT OF FISH AND GAME

REGION 2
1701 NIMBUS ROAD, SUITE A
RANCHO CORDOVA, CA 95670

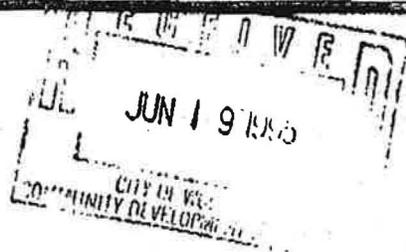
(916) 355-7020

Post-it® Fax Note 7671		Date 6-20-95	# of pages 3
To Lucinda	From Howard Nies		
Co./Dept.	Co.		
Phone #	Phone # 4661-5820		
Fax #	Fax #		

L. Governor



June 15, 1995



Ms. Heidi Tscudin
City of Woodland
300 First Street
Woodland, California 95695

Dear Ms. Tscudin:

The Department of Fish and Game (DFG) has reviewed the Notice of Preparation for a Draft Environmental Impact Report (EIR) for the comprehensive update of the CITY OF WOODLAND GENERAL PLAN, SCH# 95053061.

This project consists of development and adoption of a new General Plan for the City of Woodland, which will accomplish the following: Update and provide internally consistent general plan goals, policies, and implementation measures; provide a comprehensive environmental assessment of impacts associated with growth and define appropriate mitigation measures to reduce or eliminate significant effects; and provide an analysis of infrastructure and service level requirements. This Woodland General Plan will provide for a larger urban growth boundary to accommodate population and employment growth through the year 2015. The Planning Area for this updated Draft General Plan includes approximately 12,500 acres, including all territory within Woodland's existing urban limit line plus an expanded area to the northeast, east, and south that is currently unincorporated County. Most of the unincorporated part of the area is currently vacant land or in agricultural use, but this area also includes the Yuba College site, regional park site, the City's existing wastewater treatment plant site, and the City's wastewater spray fields.

The DFG recommends that the Draft EIR address and mitigate the following concerns:

1. Impacts on habitat for the Swainson's hawk (Buteo swainsoni), a State-listed threatened species.
2. Impacts on sensitive and State-and Federally listed plant species including but not limited to the following: Ferris' bird's-beak (Cordylanthus palmatus); Alkali milk-vetch (Astragalus tener var. tener); Ferris's milk-vetch (Astragalus tener var. ferrisiae); Heckard's pepper-grass (Lepidium latipes var. heckardii); and Brittle scale (Atriplex depressa).

Ms. Heidi Tscudin
June 15, 1995
Page Two

3. Impacts upon wetlands, including vernal pools. All streams and wetlands should be identified and protected. Intermittent streams and swales should be protected by a 50-foot nonbuilding setback buffer established on each side of the stream. Permanent streams should be protected by a minimum non-structure setback buffer of 100 feet on each side of the waterway.
4. Impacts on the Valley Elderberry Longhorn beetle (Desmocerus californicus dimorphus).
5. This project's growth inducing and cumulative impacts upon the area's fish and wildlife values.

The City of Woodland is currently participating in the preparation of a county-wide Habitat Management Plan (HMP) which will address many of these concerns when completed. The HMP would be the preferred method of mitigating for impacts to the State-and Federally listed species and we appreciate Woodland's efforts on the plan.

In order to comply with Public Resources Code Section 21081.6, a detailed monitoring program must be developed for all required mitigation conditions. The monitoring program should include the following:

1. Specific criteria to measure the effectiveness of mitigation.
2. Annual monitoring for a minimum of five years.
3. Annual monitoring reports (submitted to the lead agency and the DFG), each of which include corrective recommendations that shall be implemented in order to ensure that mitigation efforts are successful.

The applicant should be advised that work consisting of but not limited to diversion or obstruction of the natural flow or changes in the channel, bed, or bank of any river, stream, or lake, will require notification to the DFG as required by Fish and Game Code Section 1600 et seq. The notification (with fee), and subsequent agreement, must be completed prior to initiating any such work. Notification to the DFG should be made after the project is approved by the lead agency. The agreement process should not be used in lieu of specific mitigation measures to be included as conditions of project approval by the lead agency.

Ms. Heidi Tscudin
June 15, 1995
Page Three

Pursuant to Public Resources Code Sections 21092 and 21092.2, the DFG requests written notification of proposed actions and pending decisions regarding this project. Written notification should be sent to this office.

If we can be of further assistance, please contact Mr. Roger Scoonover, Associate Wildlife Biologist, telephone (916) 666-3407, or Ms. Cindy Chadwick, Environmental Services Supervisor, Department of Fish and Game, Region 2, 1701 Nimbus Road, telephone (916) 355-7030.

Sincerely,

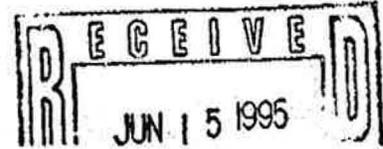

for L. Ryan Broddrick
Regional Manager

cc: Mr. Roger Scoonover
Department of Fish and Game
Rancho Cordova, California

Ms. Cindy Chadwick
Department of Fish and Game
Rancho Cordova, California

Ms. Julie Horenstein
Department of Fish and Game
Rancho Cordova, California

**YOLO COUNTY
LOCAL AGENCY FORMATION COMMISSION
292 WEST BEAMER STREET
WOODLAND, CALIFORNIA 95695
(916) 666-8048**



June 15, 1995

Janet M. Ruggiero, Director
Community Development Department
City of Woodland
300 First Street
Woodland, CA 95695

Post-It* Fax Note	7671	Date	6-16-95	# of pages	3
To	Lucinda	From	Howard		
Co./Dept.		Co.			
Phone #	#30	Phone #	661-5820		
Fax #	446-7620	Fax #			

Subject: Notice of Preparation of a Draft Environmental Impact Report for the update of the Woodland General Plan.

Dear Janet:

Thank you for the opportunity to respond to the Notice of Preparation for the comprehensive update of the Woodland General Plan. The information provided on the Notice of Preparation indicates that the issues LAFCO will look for in the Environmental Impact Report will be addressed.

Local Agency Formation Commissions are charged with the responsibility of: preservation of agricultural land, orderly development and the provision of urban services. Before annexation of any of the land within the proposed General Plan area could take place, LAFCO would be required to evaluate the four major concerns that apply to the General Plan Update. These concerns are: the loss of prime agricultural land to development, the effect the proposed development will have on adjacent agricultural lands, the orderly expansion of city boundaries, and the ability of the City to provide urban services to the area.

The two alternatives proposed incorporate land that is not within the current City of Woodland Sphere of influence. The City's Sphere of influence will be revised upon completion of the General Plan process. The Yolo County LAFCO's Standards of Evaluation, Sphere of Influence Methodology and the Agricultural Conservation Policy, as well as factors set out in Government Code §56000, et. seq. will be used by the LAFCO Commission in their evaluation of the City of Woodland Sphere of Influence.

During the environmental review process, the City should review the Agricultural Conservation Policy as it applies to the proposed revision to the City's Urban Limit Line and planning area. This document contains the Commission's intent concerning the preservation of prime agricultural land. Section 4B.2 of the policy presents a menu of choices for cities to partially mitigate for the loss of prime agricultural land. These measures may include, but are not limited to: the acquisition and dedication of

Woodland General Plan

2

June 15, 1995

farmland, development rights, open space and conservation easements to permanently protect adjacent and other agricultural lands within the county; participate in other development programs (such as transfer or purchase of development rights); payments to responsible, recognized government and non-profit organizations for such purposes; the establishment of open space and similar buffers to shield agricultural operations from the effects of development.

In addition, the environmental document should analyze the impacts of development on city services, including drainage and flooding situations. The overall financial impact of these projects on the City's and County's ability to provide services should also be considered.

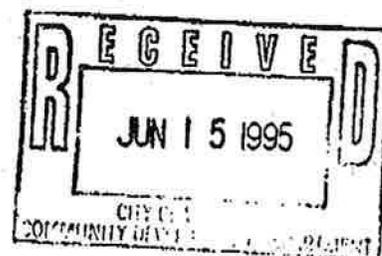
If you have any questions concerning this response, please call me.

Sincerely,



Charlotte Nevills
Assistant Executive Officer

LAPCOLTRSIWDLDP.EIR



June 15, 1995



LAW OFFICES

Archie Hefner
(1922-1988)

James M. Woodside
Kenneth R. Stone
Timothy D. Thron
Todd A. Murray
Timothy M. Cronan
Joel S. Levy
Dennis L. Vignone
Robert P. Biegler
Ronald H. Surgis
Martin B. Steiner
Janice L. Thurston
Howard S. Nevins
Delbert W. Oros
Kirk E. Giberson
Michael J. Cook
Stephen S. Talt
Steven R. Crooks
Daniel W. Smith
John M. O'Donnell
Christopher R. Cosen
Beverly M. Tobey
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Ms. Janet M. Ruggiero
Community Development Director
City of Woodland
300 First Street
Woodland, California 95695

Hand Delivered

**Re: Notice of Preparation for the City of Woodland
Draft General Plan DEIR**

Dear Ms. Ruggiero:

Our firm represents the Conaway Conservancy Group, the owners of the Conaway Property and Conaway Ranch, which properties are located generally to the east of the City of Woodland's waste water treatment plant and the City's existing wastewater disposal site ("City Property"), and both north and south of Interstate 5, as more particularly shown on the map included with this letter (Exhibit A). As previously expressed to the city, and as more fully set forth herein, our client believes that development of the Conaway Property and the City Property ("City/Conaway Property") as described herein is a feasible and environmentally superior alternative to the proposed development included in the Draft General Plan. We are concerned at this early stage in the process that the Notice of Preparation ("NOP") and the Draft Environmental Impact Report ("DEIR") for the General Plan update does not include the City/Conaway Property alternative and fails to fully explore and address the impacts associated therewith to foster the meaningful public participation and informed decision making required by the California Environmental Quality Act ("CEQA") process.

Based on our review of the NOP and applicable CEQA requirements, we respectfully submit that the omission of the City/Conaway Property as a project alternative will render the DEIR for the city's General Plan update legally inadequate and therefore believe that this alternative must be included within the environmental analysis for the General Plan Update. Furthermore, to ensure that all interested parties obtain adequate notice of the City's intent to study this alternative and the

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Ms. Janet M. Ruggiero
June 15, 1995
Page 2

environmental impacts associated therewith, we also request that the NOP be revised and redistributed to all interested parties to include such additional alternative.

Requirements of CEQA

One of the fundamental goals of CEQA, as set forth in Section 21002 of the Public Resources Code, is that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effect of such projects, and that the procedures required by [CEQA] are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." This section of the Act has been interpreted by the CEQA guidelines and the courts to require the inclusion of a reasonable range of alternatives within an EIR. Such a range of alternatives is necessary to ensure that significant environmental damage is substantially lessened or avoided where feasible and to promote the public participation and informed decision making desired by CEQA.

In particular, CEQA Guideline 15126(d) requires an EIR to "describe a range of reasonable alternatives to the project, or to the location of the project, which would 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." Similarly, the California Supreme Court in Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376, found an EIR to be defective due to its cursory analysis of alternatives and directed the Regents to explore the potential to locate its proposed expansion of facilities at other sites, even though the University had then purchased the site for its proposed project. In this regard, the Supreme Court emphasized that "without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process."

This need for meaningful analysis of alternatives was further expanded in Kings County Farm Bureau v. City of Hanford (5th Dist. 1990) 221 Cal. App. 3d 692 to require a "quantitative, comparative analysis" of the relative environmental impacts and feasibility of project alternatives. In that case, the City had entered into a contract

Ms. Janet M. Ruggiero
June 15, 1995
Page 3

with a utility to use coal for its cogeneration power plant and included a limited analysis of a "natural gas" alternative in the EIR. The court held that the prior contract did not preclude the city's obligation under CEQA to include "substantial information" about the alternative and found that, where information on the comparative merits of an alternative was "readily available", the city's failure to consider such information was an abuse of discretion under CEQA Guideline section 15151. (See also San Bernadino Valley Audubon Society v. County of San Bernadino (4th Dist. 1984) 155 Cal. App. 3d 738, which held that an EIR was defective where it generally referred to other alternatives having similar environmental impacts and failed to consider the potential environmental benefits or feasibility of a land trade that would have allowed the project to be built on less sensitive land; and see also San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus (5th Dist. 1994) 27 Cal. App. 4th 713, which held that the project proponent (in this case, the City) has the burden to provide an adequate discussion of alternatives and must explain in meaningful detail the basis for any conclusion that there are no feasible alternatives to the project).

Finally, the need for full and adequate consideration and analysis of all feasible alternatives is heightened in this case where the City is considering the update of its General Plan that will serve as the basis for all future development decisions for the next twenty years. In Citizens of Goleta Valley v. Board of Supervisors ("Goleta II") (1990) 52 Cal. 3d 553, a project opponent claimed that additional site-specific alternatives for beachfront resorts needed to be considered. The Supreme Court rejected this claim, but in making this decision, the Court placed significant emphasis on the role that the general plan plays in developing and considering alternatives. The Supreme Court noted that "the [general plan] planning process necessarily compels cities and counties to consider alternative land-use goals, policies and implementation measures" and further stated that the "identification and analysis of suitable alternative sites for the development of new hotels and resorts in the County's coastal zone was precisely the task of the [general plan]." Given the importance of the general plan to explore the full range of alternatives for the City's future development, it is imperative at this early stage in the NOP process to identify and analyze feasible alternatives for the future growth of the City which may result in a reduction or elimination of significant environmental impacts.

Ms. Janet M. Ruggiero
June 15, 1995
Page 4

We are also concerned that the cumulative impacts that would be associated with ultimate development of the City/Conaway Property, in conjunction with the alternatives presented in the NOP, must be considered and cannot be put on hold by stating that the property will be placed in an Urban Reserve category for later development. The time frame for the General Plan update is twenty years, so any reasonably foreseeable development within that time period must be considered in the EIR analysis: (see San Francisco for Reasonable Growth v. City and County of San Francisco (1st Dist. 1984) 151 Cal. App. 3d 61, which requires all reasonably foreseeable development to be included in the cumulative impacts analysis required by CEQA). We note, in this respect, that the historical growth pattern of the City has been from west to east. Most recently, industrial growth easterly along Main Street and the recent development of the Gibson Ranch area evidence the pattern of growth directed toward the City/Conaway Property. Furthermore, past actions of the City establishing a framework for joint studies being undertaken between the City and PG&E Properties with respect to the City/Conaway Property suggest that some development thereof is reasonably foreseeable within the 20-year time frame for the update. In order to prepare the necessary cumulative impacts analysis, the impacts of development of the City/Conaway Property will need to be analyzed and the information derived therefrom can and should be used to determine the feasibility of development of the City/Conaway Property as an environmentally superior alternative (see Kings County, supra).

Impacts of Proposed Growth Under Draft General Plan

An "environmentally superior alternative" would be one that lessens or eliminates adverse environmental impacts associated with the proposed project or improves the environment in aspects not addressed by the project. Before considering the relative merits of developing the City/Conaway Property as a general plan alternative, we would like to summarize the adverse environmental impacts and unaddressed environmental issues associated with the proposed Draft General Plan.

The environmental impacts that appear to be worsened by the Draft General Plan as described in the NOP include: continued reliance upon and potential overdrafting of groundwater; conversion of prime agricultural land; and potential conversion of endangered and/or threatened species habitat with no foreseeable habitat replacement. The environmental opportunities that do not appear to be

Ms. Janet M. Ruggiero
June 15, 1995
Page 5

addressed by the proposed project include: potential flooding of the City's northeast area and the potential to develop surface water rights in conjunction with Conaway holdings to the benefit of the City and existing groundwater users.

City/Conaway Property Alternative

In its action taken in November, 1994, establishing the "Framework for a Joint City/Conaway Land Use and Water Review," the City acknowledged that development of the City/Conaway Property would encourage development on poor soil and preserve prime ag lands and that the Conaway Conservancy Group had the land ownership, water rights and desire to plan for the future in a manner sensitive to local needs. Based on the enclosed draft land use plan that has previously been sent to City staff as part of the joint study discussions (Exhibit B) and on the goals and policies to be realized by the General Plan update, development of the City/Conaway Property would be an environmentally superior, feasible alternative for the following reasons:

1. Conversion of Prime Ag Land. As shown on the enclosed Prime/Non-Prime Ag Land attachment (Exhibits C-1 and C-2), the amount of prime ag land that would be impacted by the planned development of the City/Conaway Property would be approximately 75 acres. In contrast, the amount of prime ag land that would be impacted by the extension of development as shown in the Draft General Plan would be approximately 1,050 acres for Alternative #1 and approximately 750 acres for Alternative #2. One of the fundamental General Plan policies for the City is the preservation of prime ag land, which policy would be promoted by the City/Conaway Property alternative. On the contrary, the Draft General Plan significantly impacts prime agricultural land.

2. Water Resources. The Conaway Conservancy Group has access to surface water rights that could be developed and used to support development of the City/Conaway Property. Enclosed herewith (Exhibit D) is information relative to these water resources, copies of which were previously made available to the City. Proper use of these surface water rights would allow the City to implement a conjunctive use plan which would mitigate the City's existing significant groundwater overdraft impact. However, development as proposed by the Draft General Plan has the potential to exacerbate the existing impact.

Ms. Janet M. Ruggiero
June 15, 1995
Page 6

This fact alone compels examination of the City/Conaway Property alternative in the General Plan DEIR, given the magnitude and seriousness of the possible impact on the one hand, and the unique opportunity presented by the City/Conaway Property on the other.

3. Habitat Impacts. Development in the Sacramento Valley often entails destruction of sensitive environmental habitat that requires mitigation for the loss of habitat as a condition of obtaining any necessary state or federal approvals for such development and to satisfy CEQA requirements to lessen the project's impacts on the environment. The owner of the Conaway Property has substantial acreage at its disposal through its ownership of the balance of Conaway Ranch to provide superior habitat mitigation.

4. Ownership. An additional element of environmental superiority is the ability of the project to implement the plan and mitigation measures that will be associated with any approved project. Because the Conaway Property is held by a single owner, the ability to effectively implement a master plan and realize the environmental benefits and/or mitigation anticipated therefor will be greatly enhanced with respect to this alternative.

Based on the foregoing factors, we believe that development of the City/Conaway Property holds considerable potential to be an environmentally superior alternative to the "new growth" areas identified in the Draft General Plan. With respect to its feasibility, the flood risk to the City/Conaway Property, the proximity of the City/Conaway Property to the City's existing wastewater treatment plant, the quality of the soils for such development and the ability to relocate the existing Contadina disposal operations from City property have been raised as concerns in prior hearings to suggest that this alternative is not feasible. However, given the environmental benefits associated with this alternative and the legal requirements that the rejection of any alternative as infeasible must be explained "in meaningful detail," the appropriate place for studying the feasibility of this alternative and developing the facts that can provide the "meaningful detail" required by the courts is in the EIR. Furthermore, we believe that the current facts support the feasibility of this alternative with respect to these issues, as follows:

Ms. Janet M. Ruggiero
June 15, 1995
Page 7

1. Flood Risks. Although concerns have been raised that the City/Conaway Property is in the flood plain and vulnerable to the flood risk associated with a catastrophic failure of the southern Cache Creek levee, our client has determined through its engineering studies on this issue that a feasible and relatively efficient solution exists for mitigating the flood risk associated with this slight chance of failure. As previously shared with City staff in March 1995 (Exhibit E), our client's consultant, Nolte and Associates, has concluded that the use of traditional and relatively minimal flood control improvements will provide protection for Conaway Property and City Property, including the City's existing wastewater treatment plant. A map of the proposed improvements and copies of correspondence between Conaway Conservancy and City staff are enclosed for your convenience (Exhibits D and E).

Also, because the Draft General Plan and the new growth areas described therein do not present any opportunity to reduce this flood risk to existing areas of the City, the solution that makes the City/Conaway Property alternative feasible will also provide an additional environmental benefit to other properties in the City benefitted thereby, further supporting our claim that this alternative is environmentally superior to the Draft General Plan.

2. Proximity to Treatment Plant. A recent memorandum from CH2M Hill, dated April 4, 1995 for Mike Horgan, highlighted concerns regarding the potential desirability of establishing certain buffer areas adjacent to the City's Wastewater Treatment Plant and ponds, where land uses would be limited to those considered more compatible with plant operations. As noted in the memo, the suggested buffers were drawn from Sacramento Regional County Sanitation District policies for their treatment plant. Because different operating and environmental characteristics may apply between the two plants, we are unsure of the validity of applying another district's policies to the City's treatment plant and reserve our comment thereon until further research of the applicable issues can be performed. Furthermore, as noted on the map dealing with the potential flood control concern (see Exhibits B, D and E), the proposed open space area for conveying flood waters from Cache Creek to the south of the City/Conaway Property and to the balance of Conaway Ranch will also provide a significant buffer between the wastewater treatment plant and the proposed development of the City/Conaway Property, for the benefit of both

Ms. Janet M. Ruggiero
June 15, 1995
Page 8

residential and quality business park users. Also, the land uses for the property can be sensitively designed to provide even greater buffering between these uses, while locating uses deemed compatible with plant operations within the applicable buffer area. The concerns raised in the CH2M Hill memo are suitable for further consideration in the EIR, where CH2M Hill's initial reliance on Sacramento standards and the additional studies described by CH2M Hill in their memo can be considered and the appropriate analysis can be performed. For these reasons, it would be premature at this stage of the environmental analysis for the City's General Plan to find that this alternative cannot feasibly satisfy the City's future growth needs.

3. Soils. Similarly, the soils for the City/Conaway Property are similar to soils found throughout the Sacramento Valley and upon which urban development has occurred. Furthermore, our client has previously provided City staff with information from its soils engineer regarding the feasibility of developing on these soils, a copy of which is enclosed herewith (Exhibit F). Accordingly, while the constraints and requirements for developing on these soils can be further addressed in the EIR as part of the alternatives analysis, the facts do not support the dismissal of this alternative as being infeasible due to soils.

4. Contadina Relocation. As previously disclosed with City staff, our client's engineering consultants (West Yost) have determined that the entire disposal system can be feasibly relocated and we have previously opined that the state and federal grants associated with this project allow for such relocation. Copies of such determination and opinion are enclosed herewith as Exhibits G and H, respectively. Accordingly, while the mechanism for relocating such facility will need to be addressed in the plan for development for this property, all evidence on this matter supports a finding that such relocation is feasible and would not impair the development of the City/Conaway Property.

The City/Conaway Property alternative is not a new idea; the concept has been discussed and acknowledged by the City for years. In October of 1993, the Conaway Conservancy Group made a formal presentation to the City Council requesting that this alternative be studied in the General Plan. Other requests followed, but to no