

# **Sacramento Local Agency Formation Commission**

## **Annexation of the Folsom Specific Plan Project Area to the City of Folsom**

**And to Sacramento County Regional Sanitation District (SCRSD),  
and Detachment from the Sacramento Metropolitan Fire District  
and the Wilton-Consumes Parks and Recreation Area (County  
Service Area 4B)**

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*Environmental Impact Report*

*Findings of Fact  
& Statement of  
Overriding Considerations*

**Prepared by the  
Sacramento Local Agency Formation Commission**

**FINDINGS OF FACT**

**ENVIRONMENTAL IMPACT REPORT**

**for the**

**ANNEXATION OF THE FOLSOM SPECIFIC PLAN PROJECT AREA TO THE CITY OF FOLSOM AND TO SACRAMENTO COUNTY REGIONAL SANITATION DISTRICT (SCRSD), AND DETACHMENT FROM THE SACRAMENTO METROPOLITAN FIRE DISTRICT, THE WILTON-COSUMNES PARKS AND RECREATION AREA (COUNTY SERVICE AREA 4B)**

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**I. INTRODUCTION**

**A. Purpose of CEQA**

The California Environmental Quality Act (“CEQA”), Public Resources Code § 21000, et seq., generally requires that a lead agency must take reasonable efforts to mitigate or avoid significant environmental impacts when approving a project. All other agencies with jurisdiction over aspects of a project are considered to be “responsible agencies” for purposes of CEQA.

In order to effectively evaluate any potentially significant environmental impacts of a proposed project, an environmental impact report (“EIR”) must be prepared. The EIR is an informational document that serves to inform the agency decision making body and the public in general of any potentially significant environmental impacts. The preparation of an EIR also serves as a medium for identifying possible methods of minimizing any significant effects and assessing and describing reasonable alternatives to the project.

Once an EIR has been completed which identifies one or more potentially significant environmental impacts, the approving agency must make one or more of the following findings for each identified area of impact:

1. Changes or alternatives which avoid or mitigate the significant environmental effects as identified in the EIR have been required or incorporated into the project; or
2. Such changes or alternatives are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or
3. Specific economic, legal, social, technological, or other considerations, including

consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the DEIR. (Public Resources Code § 21081.)

## **B. Proposed Project**

The proposed reorganization of the “Folsom South of Highway 50 Specific Plan Project” area presently before LAFCo is herein referred to as the Folsom Annexation Area, Annexation, or Special Planning Area (“SPA”). The reorganization includes the annexation of the South of Highway 50 Specific Plan Project area, as defined below, to the City of Folsom and the Sacramento County Regional Sanitation District (“SCRSD”), and Detachment from the Sacramento Metropolitan Fire District, and the Wilton-Cosumnes Recreation District (County Service Area 4B). This Annexation is the result of an application received by the City of Folsom (“City”) for approval of a specific plan for mixed-use development and supporting on- and off-site roadways and infrastructure. The Folsom South Annexation Area is located directly adjacent and contiguous to the City of Folsom’s southern boundary, and is wholly within the City’s existing Sphere of Influence (SOI). The City’s SOI was expanded in June 2001 (Resolution No. LAFC 1196) to include the Annexation area. As part of the SOI amendment, Sacramento LAFCo identified conditions to ensure future annexation of the SOI area would include adequate services for new development, avoid premature conversion of agricultural resources, preserve open space, and encourage planned, logical, and orderly patterns of urban growth.

As set forth in the Executive Summary of the Draft EIR (ES-5, “Project Characteristics), the proposed Annexation area consists of approximately 3,510 acres of undeveloped land adjacent and contiguous to the City’s southern boundary. To the east of the Annexation area, is El Dorado County and the El Dorado Hills community’s residential neighborhoods and Town Center. To the south of the Annexation area, across White Rock Road, are undeveloped open grasslands used for cattle grazing. The Aerojet missile and propulsion facility is located immediately west of the area, as well as the recently approved master-planned communities of Glenborough at Easton and Easton Place.

Existing road right-of-ways contained within the project territory include U.S. Highway 50, Prairie City Road, White Rock Road, Scott Road, and Placerville Road. Additional right-of-ways within the project territory also include the Sacramento-Placerville Transportation Corridor. A Sacramento Municipal Utility District (SMUD) overhead easement traverses the site in a north-northeast/south-southeast direction approximately one-quarter mile east of Prairie City Road. One existing single-family residence and several radio broadcasting towers are located in the Annexation area.

The Annexation area does not include any agricultural land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The Sacramento County Important Farmland map, published by the California Department of Conservation’s Division of Land Resource Protection, designates the entire Annexation area as “Grazing Land.” The area consists of gently rolling hills covered with grasslands and areas of oak woodlands. Alder Creek and its

seasonal tributaries are present, mainly in the western two-thirds of the site. Poor soils and little groundwater render the site incapable of supporting full-scale agricultural operations.

As lead agency on the proposed Annexation, the City of Folsom certified the Final EIR on June 14, 2011. The City also amended the City's existing General Plan (Resolution No. 8861), approved the Folsom Area Specific Plan (Resolution No. 8863), and adopted an uncodified ordinance rezoning approximately 3,600 acres of the unincorporated Annexation area (Ordinance No. 1148).

Future City approvals and entitlements that will be required prior to development of the Annexation area include, but are not limited to: the adoption of a Public Facilities Financing Plan; possible approval of development agreements between the City and project applicant(s); approval of large-lot tentative maps; pre-zoning of the site; approval of use permits; tentative parcel and subdivision maps; design review; etc. The City will also require a Federal permit from the U.S. Army Corps of Engineers (USACE) pursuant to Section 404 of the Clean Water Act (CWA) for the discharge of fill material into waters of the United States. The USACE will also ensure that the City comply with Section 106 of the National Historic Preservation Act of 1966, as amended, Section 7 of the Endangered Species Act, and other applicable laws.

### **C. Compliance with Conditions of Approval**

In June 2001, the Commission approved, by way of Resolutions LAFC Nos. 1193, 1194, 1195, and 1196, the City's Sphere of Influence Amendment Application to include the undeveloped land south of Highway 50, between Prairie City Road, White Rock Road, and the El Dorado County line, within the City's Sphere of Influence. The approval was subject to a number of conditions to be satisfied prior to annexation of the property ("Conditions of Approval"), including the completion and submission of the following plans to the Commission: a Transit Master Plan, an Operational Air Quality Mitigation Plan, a Bikeway Master Plan, a Public Facilities Finance Plan and an updated Master Services Element. These Conditions of Approval were included as mitigation measures in the Mitigation Monitoring and Reporting Program adopted by the Commission in June 2001. Pursuant to Resolution No. LAFC 2012-04-0118-04-11, LAFCo has determined that the City has complied with all of these Conditions of Approval.

These conditions of approval were also incorporated into the Mitigation Monitoring and Reporting Plan approved as part of the Sphere of Influence Amendment (Resolution Nos. LAFC 1193, 1196) for compliance and has undertaken additional environmental review in accordance with the California Environmental Quality Act. LAFCo finds the City has complied with the mitigation measures to be implemented by the project applicant(s) and successors either prior to annexation and/or ongoing during development of the SOIA area.

### **D. LAFCo's Role as Responsible Agency**

Under CEQA, LAFCo is the appropriate Responsible Agency for the proposed Annexation (LAFCo Policies, iV.F.1, p. IV-7). The City was the appropriate Lead Agency for the proposed Annexation. (Cal. Code of Regs, tit. 14, § 15051.)

As a responsible agency under CEQA, LAFCo must ensure that the environmental document prepared for the project adequately addresses LAFCo matters. LAFCos were created to oversee local agency changes of organization and are authorized by the Cortese-Knox-Hertzberg Act (Gov. Code §§ 56000 et seq.) to consider preservation of open space and agricultural land, as well as the efficient provision of services in making their determinations regarding changes of organization. While LAFCo has the power to impose conditions on changes of organization, they may only act within the parameters of the powers granted by statute. (*Timberidge Enterprises, Inc. v. City of Santa Rosa* (1978) 86 Cal. App. 3d 873, 884; *City of Ceres v. City of Modesto* (1969) 274 Cal.App.2d 545, 550.) LAFCo may approve, disapprove, or approve with conditions, an SOI or an Annexation. (Gov. Code, §§ 56375(a), 56427.) However, no condition may directly regulate land use. (Gov. Code, § 56375.) LAFCo may reduce boundaries to lessen an impact, or may require an agency with land use authority to implement a mitigation measure to reduce an impact. As a consequence, LAFCo conditions are typically general in nature, leaving the means of implementation to the land use governing body, in this case, the City.

Based on its review of the project and the EIR, LAFCo must make specific findings of fact and may adopt mitigation measures accordingly. Where an impact is within the City's exclusive jurisdiction, in accordance with CEQA Guidelines section 15091, subdivision (a)(2), LAFCo's findings state that review of the impacts is within the jurisdiction of another public agency and any necessary mitigation measures have been, or will be, adopted by that agency. Such measures may be a condition of Annexation. As set forth in the Mitigation Monitoring and Reporting Program, LAFCo is adopting four Mitigation Measures ("MM"), including:

- MM 3A.10-3: Succeed to All Williamson Act Contracts
- MM 3A.18-1: Submit Proof of Surface Water Supply Availability
- MM 3A.18-2a: Submit Proof of Adequate Off-Site Water Conveyance Facilities and Implement Off-Site Infrastructure Service System or Ensure That Adequate Financing Is Secured
- MM 3A.18-2b: Demonstrate Adequate Off-Site Water Treatment Capacity (if the Off-Site Water Treatment Plant Option is Selected)

In addition to receiving the monitoring report completed by the City of Folsom, and monitoring compliance with all mitigation measures, LAFCo shall enforce compliance with the four Mitigation Measures listed above.

## **II. FINDINGS REQUIRED UNDER CEQA**

### **A. Procedural Findings**

The EIR/EIS was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (Public Resources Code §21000 *et seq.*, the CEQA Guidelines (14 California Code of Regulations §15000 *et seq.*), as follows:

- a. A Notice of Preparation of the Draft EIR/EIS was filed with the Office of Planning and Research and each responsible and trustee agency and each federal agency involved in approving or funding the Project on September 12, 2008, and was circulated for public comments from September 12, 2008, to October 27, 2008. The written comments received are included in the EIR as Appendix B.
- b. A public scoping meeting to receive comments regarding the issues to be covered in the EIR was held on September 25, 2008, at the Folsom Public Library in Folsom, California. The transcript of comments received has been included in the EIR as Appendix B.
- c. A Notice of Completion (NOC) and copies of the Draft EIR/EIS were distributed to the Office of Planning and Research on June 28, 2010, to those public agencies that have jurisdiction by law with respect to the Project, or which exercise authority over resources that may be affected by the Project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.
- d. An official forty-five (45) day public comment period for the Draft EIR was established by the Office of Planning and Research. The public comment period began on June 28, 2010, and ended on September 10, 2010.
- e. A Notice of Availability (NOA) was mailed to all interested groups, organizations, and individuals who had previously requested notice in writing on June 28, 2010. The NOA stated that the City had completed the Draft EIR/EIS, and that copies were available at the City of Folsom Community Development Department, 50 Natoma Street, Folsom, or at the Folsom Public Library, 411 Stafford Street, Folsom.
- f. A public notice was placed in the Sacramento Bee and Folsom Telegraph on June 28, 2010, which stated that the Draft EIR/EIS was available for public review and comment.
- g. A public notice was posted in the office of the City of Folsom Community Development Department on June 28, 2010.
- h. Following closure of the public comment period, all comments received, the City's written responses to the significant environmental points raised in those comments, and additional information added by the City were added to the Draft EIR/EIS to produce the Final EIR/EIS.
- i. Following preparation of the Final EIR/EIS, the City determined that additional changes in the EIR were required, and the Errata, dated May 6, 2011, was prepared.

- j. Final EIR: The final EIR was published on May 6, 2011. The Final EIR consists of the following documents:
- Draft EIR/EIS (text Volumes I, II, and III, and associated appendices, dated June 28, 2010);
  - Comments, Responses to Comments on the Draft EIR/EIS, and revisions to the Draft EIR/EIS.

As required by Section 15088(b) of the State CEQA Guidelines, public agencies that commented on the Draft EIR/EIS were provided at least 10 days to review the proposed responses prior to the date for consideration of the Final EIR for certification.

- p. Certification: As the lead agency for the Pre-zoning and proposed Annexation, the City of Folsom certified the Final EIR on June 14, 2011. The City of Folsom filed its Notice of Determination on June 15, 2011.

## **B. Record of Proceedings**

For the purposes of CEQA, and the findings herein set forth, the administrative record for the Project consists of those items listed in Public Resources Code section 21167.6, subdivision (e). The record of proceedings for LAFCo's decision on the Annexation of the Folsom Plan Area consists of the following documents, at a minimum, which are incorporated by reference and made part of the record supporting these findings:

- The City of Folsom Application package for the Annexation, and all attachments and supplemental information thereto, including but not limited to, the Master Services Element, dated August 2011.
- All environmental documents prepared in compliance with CEQA, public notices, public review comments, and supporting reports that were received or were prepared for the proposed Annexation, together with all documents that the CEQA documents relied upon or incorporated by reference.
- All relevant, non-privileged, staff reports, memoranda, maps, letters, meeting minutes, or other documents that were prepared for, or received by, Sacramento LAFCo which are available to the public in accordance with the California Public Records Act, and all documents cited or referred to therein.
- Matters of common knowledge to the Sacramento LAFCo, including, but not limited to:
  - 1) The September 5, 1990 Policies, Standards and Procedures for LAFCo, as amended through May 5, 1993;

- 2) The City of Folsom's approved General Plan, as adopted on October 31, 1988 and amended through September 12, 2008, including the Land Use map and all elements thereof;
  - 3) The 1993 County of Sacramento General Plan, as amended, including the Land Use map and all elements thereof;
  - 4) Sacramento County's General Plan of 2005-2030, as adopted November 9, 2011, including the Land Use map and all elements thereof;
  - 4) Zoning Ordinance of the City of Folsom;
  - 5) All other land use policies, ordinances, and regulations of the City of Folsom
  - 6) Blueprint Preferred Scenario for 2050, Sacramento Area Council of Governments, December, 2004;
  - 7) The 1994 Air Quality Attainment Plan for the County of Sacramento
  - 8) All adopted laws, rules, regulations, and policies of the Sacramento Metropolitan Air Quality Management District;
  - 9) The State of California Clean Air Act, and all adopted policies, requirements, and plans of the State of California Air Resources Board and the State Department of Transportation;
  - 10) The Federal Clean Air Act, the California State Improvement Plan, and all applicable federal rules and regulations;
- The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, codified as §56000 of the California Government Code, as amended.
  - Other formally adopted laws, ordinances, and policies, including, but not limited to § 65000 of the California Government Code, known unofficially as the Planning and Zoning laws.
  - Sources of information relied upon in the Draft and Final EIRs for the City of Folsom Annexation, as listed in such documents, and as maintained in the files of Sacramento LAFCo.
  - Any documents expressly cited in these findings, in addition to those cited above.
  - Any documents provided to LAFCo in support of the proposed Annexation.
  - Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

Pursuant to Guidelines section 15091(e), the administrative record of these proceedings is located, and may be obtained from Sacramento Local Agency Formation Commission, 1112 I Street, Suite 100, Sacramento, CA 95814.



### C. Findings on Environmental Impacts

Having Pre-Zoned the area proposed for annexation, the City of Folsom is the Lead Agency for Annexation under CEQA. As a responsible agency under CEQA, LAFCo must adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid the direct or indirect environment impacts of the project that would otherwise occur as a result of the approval. Mitigation measures or alternatives are not required, however, where such measures are infeasible or where the responsibility for the project lies with some other agency. (CEQA Guidelines, § 15091, sub. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, sub. (bb); see also Pub. Resources Code, § 21081, subd. (b).)

In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of *both* mitigation measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an "acceptable" level solely by the adoption of feasible mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact — even if the alternative would render the impact less severe than would the proposed project as mitigated. (*Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California* ("Laurel Heights I") (1988) 47 Cal.3d 376, 400-403.)

In these Findings, LAFCo first addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures. Only after determining that, even with the adoption of all feasible mitigation measures, an effect is significant and unavoidable, does LAFCo address the extent to which alternatives described in the EIR are (i) environmentally superior with respect to that effect and (ii) "feasible" within the meaning of CEQA.

In cases in which a project's significant effects cannot be mitigated or avoided, an agency, after adopting proper findings, may nevertheless approve the project if it first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the "benefits of the project outweigh the significant effects on the environment." (Public Resources Code, Section 21081, sub. (b); see also, CEQA Guidelines, Sections 15093, 15043, subd.(b).) In the Statement of Overriding Considerations found at the end of these Findings, LAFCo identifies the specific economic, social, and other considerations that, in its judgment, outweigh the significant environmental effects that the Project will cause.

These findings constitute LAFCo’s best efforts to set forth the evidentiary and policy bases for its decision to approve the Annexation in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, LAFCo hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when LAFCo adopts a resolution approving the proposed Annexation.

The Draft EIR identified a number of beneficial, significant, and potentially significant environmental effects (or “impacts”) that the Folsom Annexation Project will cause. Some of these significant effects can be fully avoided through the adoption of feasible mitigation measures. Other effects cannot be avoided by the adoption of feasible mitigation measures or alternatives, and thus will be significant and unavoidable. Some of these unavoidable significant effects can be substantially lessened by the adoption of feasible mitigation measures. Other significant, unavoidable effects cannot be substantially lessened or avoided. For reasons set forth in Section XII *infra*, however, LAFCo has determined that the significant, unavoidable effects of the Project are outweighed by overriding economic, social, and other considerations.

As explained above, the Project involves many discretionary acts, some of which are LAFCo acts and some of which are City of Sacramento acts. Because the Project involves these various discretionary acts, the language of the Final EIR, and the mitigation measures below, refer to the Folsom Annexation Project as a whole as “the project,” and the potential developers of the project area are referred to as “applicant(s).”

The mitigation measures presented below, and in the Final EIR, have also been identified as either City measures, or LAFCo measures. LAFCo will first address the impacts within its jurisdiction, including impacts to Utilities, Public Services, Parks and Open Space, and Agriculture. LAFCo will then address the remaining impacts and mitigation measures that are within the jurisdiction of the City of Folsom or another public agency, or the applicant(s). For measures that are within the jurisdiction of the City, or another public agency, LAFCo has made a finding that the appropriate public agency has or will adopt the “changes or alterations incorporated into the project” (e.g., proposed mitigation measure or other feasible alternative). The determination of the other feasible alternative to be adopted is within that agency’s jurisdiction.

## **1. Utilities Impacts**

Additional Information on the Utilities Impacts of the proposed Folsom Annexation is set forth in the Final EIR. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, the findings of the Sacramento Local Agency Formation Commission are as follows:

**Impact 3A.16-1: Increased Demand for On-Site Wastewater Collection and Conveyance Facilities and the Off-Site Force Main.** *Project implementation would result in increased generation of wastewater.*

***Mitigation Measure 3A.16-1: Submit Proof of Adequate On- and Off-Site Wastewater Conveyance Facilities and Implement On- and Off-Site Infrastructure Service Systems or Ensure That Adequate Financing Is Secured.***

Before the approval of the final map and issuance of building permits for all project phases, the project applicant(s) of all project phases shall submit proof to the City of Folsom that an adequate wastewater conveyance system either has been constructed or is ensured through payment of the City's facilities augmentation fee as described under the Folsom Municipal Code Title 3, Chapter 3.40, "Facilities Augmentation Fee – Folsom South Area Facilities Plan," or other sureties to the City's satisfaction. Both on-site wastewater conveyance infrastructure and off-site force main sufficient to provide adequate service to the project shall be in place for the amount of development identified in the tentative map before approval of the final map and issuance of building permits for all project phases, or their financing shall be ensured to the satisfaction of the City.

**Findings**

***Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact on the waste water system is expected to be significant. Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.***

Because the Project Area is not served by a municipal wastewater collection system and sufficient on-site wastewater collection and conveyance infrastructure and the off-site force main necessary to serve the project have not been constructed, nor have final design plans and specifications been submitted, this is a **direct, potentially significant** impact. The **indirect** physical impacts of constructing these facilities are addressed throughout this EIR/EIS in connection with discussions of the impacts of overall site development.

Implementation of Mitigation Measure 3A.16-1 would reduce significant impacts associated with increased demand for on-site wastewater collection facilities under the Proposed Project Alternative to a **less-than significant** level because adequate wastewater conveyance facilities would be documented or adequate financing would be secured before approval final maps and issuance of building permits.

While Sacramento LAFCo finds that the above measures are appropriate and feasible, LAFCo further finds that the above stated mitigation measures are within the responsibility and jurisdiction of the City of Folsom or another public agency, not Sacramento LAFCo. The agency(ies) with jurisdiction to implement these mitigation measures can and should do so.

**IMPACT 3A.16-2: Increased Demand for SRCSD Off-Site Wastewater Collection and Conveyance Facilities.** The wastewater generated within the 3,313-acre SRCSD service area would require off-site collection facilities to the Folsom East Interceptor.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.16-3: Increased Demand for SRWTP Wastewater Treatment Plant Facilities.**

*Project implementation would result in increased generation of wastewater. Collected wastewater flows from the 3,313-acre SRCSD portion of the SPA would ultimately be transported to the SRWTP for treatment and disposal.*

***Mitigation Measure 3A.16-3: Demonstrate Adequate SRWTP Wastewater Treatment Capacity.***

The project applicant(s) of all project phases shall demonstrate adequate capacity at the SRWTP for new wastewater flows generated by the project. This shall involve preparing a tentative map–level study and paying connection and capacity fees as identified by SRCSD. Approval of the final map and issuance of building permits for all project phases shall not be granted until the City verifies adequate SRWTP capacity is available for the amount of development identified in the tentative map.

**Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

Implementation of Mitigation Measure 3A.16-3 would reduce direct significant impacts associated with increased demand for wastewater treatment plant facilities under the Proposed Project Alternative to a **less-than-significant** level because an adequate wastewater treatment facilities would be documented before approval final maps and issuance of building permits.

Because the SRWTP is planned to accommodate growth in Sacramento regional area by 2020, development in the SPA that occurs by 2020 would be accommodated by planned SRWTP capacity. Over time, additional planning at the SRWTP would occur, and overall capacity would be assessed and additional capacity planned for and added. The SRWTP site has sufficient land area to accommodate a substantially higher flow than 218 mgd; however, future plans beyond the next 12 years are speculative.

There is expected to be sufficient SRWTP capacity to accommodate project flows under the Proposed Project Alternative through 2020. There would be no assurances that the SRWTP would have adequate capacity for new wastewater flows for project development occurring

after 2020. Therefore, the potential lack of treatment capacity past 2020 at full project buildout is a **direct, potentially significant** impact. The project would also contribute to the need to expand the facility and therefore would contribute **indirectly** to the **significant and unavoidable** short-term impact related to air quality from expansion of the SRWTP identified in the 2020 Master Plan EIR. SCRSD prepared the *Sacramento Regional Wastewater Treatment Plant 2020 Master Plan Final Environmental Impact Report* (SRCSD 2004), which was determined to be legally deficient by the Sacramento Superior Court. The judgment has been appealed, and a decision by the 3rd District Court of Appeals on the adequacy of the EIR is not expected until 2010.

Regarding expansion of the SRWTP, implementation of mitigation measures to reduce air quality impacts is the responsibility of SRCSD. Such measures would be implemented in accordance with the certified SRWTP 2020 Master Plan EIR. The Proposed Project would indirectly contribute to impacts on air quality that would be **significant and unavoidable** after implementation of all feasible mitigation measures. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.16-3.

While Sacramento LAFCo finds that the above measures are appropriate and feasible, LAFCo further finds that the above stated mitigation measures are within the responsibility and jurisdiction of the City of Folsom or another public agency, not Sacramento LAFCo. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.16-3, which would mitigate this potential impact to a less than significant level.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.16-4: Increased Demand for EID Off-Site Wastewater Collection and Conveyance Facilities.** *The wastewater generated within the 189-acre EID service area would require off-site wastewater collection and conveyance facilities to the EID facility.*

***Mitigation Measure 3A.16-4: Submit Proof of Adequate EID Off-Site Wastewater Conveyance Facilities and Implement EID Off-Site Infrastructure Service Systems or Ensure That Adequate Financing Is Secured.***

Before the approval of the final map and issuance of building permits for all project phases, the project applicant(s) of all project phases shall obtain proof from EID that an adequate wastewater conveyance system either has been constructed or is ensured through the use of bonds or other sureties. The project applicants of all project phases shall submit this proof to the City of Folsom. EID off-site wastewater conveyance infrastructure sufficient to provide adequate service to project shall be in place for the amount of development identified in the tentative map before approval of the final map and issuance of building permits for all project phases, and before issuance of occupancy permits, or their financing shall be ensured to the satisfaction of the City.

## Findings

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be significant. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.*

Approximately 189 acres of the SPA east of Empire Ranch Road is within the EID service area and off-site wastewater collection and conveyance facilities would be provided by EID. The wastewater infrastructure plan (MacKay & Somps 2008a) has identified three possible points of connection (POCs) to the existing EID conveyance system.

The existing collection and conveyance facilities may not have the capacity to accommodate wastewater flows generated by the project and could require improvements to meet project demands. Potential improvements include expanding the capacity of existing sewer pipelines, upgrading or replacing the existing pump, and installing an additional manhole; however, it is not known at this time what specific improvements would be required. Any improvements to these facilities would require additional analysis in a subsequent CEQA document to identify specific impacts and any required mitigation measures.

Because it is not known at this time if existing EID collection and conveyance facilities have the capacity to accommodate wastewater flows generated by project development and what improvements would be required, the Proposed Project Alternative could result in **direct and indirect, potentially significant** impacts related to improvements to off-site EID collection and conveyance facilities.

Implementation of Mitigation Measure 3A.16-4 would reduce significant impacts associated with increased demand for EID off-site wastewater collection facilities under the Proposed Project Alternative to a **less-than significant** level because adequate EID off-site wastewater conveyance facilities would be documented or adequate financing would be secured before approval final maps and issuance of building permits. However, it is unknown if existing collection and conveyance facilities have the capacity to accommodate wastewater flows generated by project development and the project could directly and indirectly contribute to the need for off-site EID wastewater facility improvements. Therefore, the Proposed Project Alternative would contribute to the potentially significant environmental effects associated with improvements to these facilities for which feasible mitigation may not be available to reduce impacts to a less-than-significant level. Therefore, this would be a **potentially significant and unavoidable** impact.

No other feasible mitigation measures are available to reduce impacts associated with increased demand for EID facilities to a less-than-significant level because it is not yet known whether EID facilities would require expansion. Furthermore, if EID facilities do require expansion, the City would not have jurisdiction to implement and mitigation to reduce impacts of such an expansion to a less than significant level. However, implementation of Mitigation Measure 3A.16-4 requires the project developer to provide to the City proof of EID capacity or a funding contribution. There are no other feasible

mitigation measures available to mitigate impacts related to potential increase in demand for EID facilities because the City does not have direct control over EID facilities.

While Sacramento LAFCo finds that the above measures are appropriate and feasible, LAFCo further finds that the above stated mitigation measures are within the responsibility and jurisdiction of the City of Folsom or another public agency, not Sacramento LAFCo. The agency(ies) with jurisdiction to implement these mitigation measures can and should do so.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.16-5: Increased Demand for El Dorado Hills Wastewater Treatment Plant Facilities.** *Project implementation would result in increased generation of wastewater. Collected wastewater flows from the 189-acre EID portion of the SPA would ultimately be transported to the El Dorado Hills WWTP for treatment and disposal.*

***Mitigation Measure 3A.16-5: Demonstrate Adequate El Dorado Hills Wastewater Treatment Plant Capacity.***

The project applicant(s) of all project phases shall demonstrate adequate capacity at the El Dorado Hills WWTP for new wastewater flows generated by project development. This shall involve preparing a tentative map-level study and paying connection and capacity fees as identified by EID. Approval of the final map and issuance of building permits for all project phases shall not be granted until the City verifies adequate El Dorado Hills WWTP capacity is available for the amount of development identified in the tentative map.

### **Findings**

***Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be significant. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.***

Implementation of the Proposed Project Alternative would generate 0.28 mgd of average dry-weather flow and 0.70 mgd peak wet-weather flow within the EID service area (MacKay & Soms 2008b). Collected wastewater flows from the EID portion of the SPA would ultimately be transported to the El Dorado Hills WWTP for treatment and disposal.

The SPA was not included in the planned future capacity of the El Dorado Hills WWTP; therefore, the Proposed Project would potentially result in increased in wastewater flows that exceed treatment plant capacity. Any improvements the treatment plant would require additional analysis in a separate CEQA document to identify specific impacts and any required mitigation measures.

Because it is not known at this time if the existing El Dorado Hills WWTP has the capacity to treat wastewater flows generated by project development and what improvements would be required, the Proposed Project Alternative could result in **direct and indirect, potentially significant** impacts related improvements to the El Dorado Hills WWTP.

Implementation of Mitigation Measure 3A.16-5 would reduce significant impacts associated with increased demand for wastewater treatment plant facilities under the Proposed Project Alternative to a **less-than-significant** level because adequate wastewater treatment facilities would be documented before approval final maps and issuance of building permits.

However, it is unknown if existing the El Dorado Hills WWTP has the capacity to accommodate wastewater flows generated by project development, and the project could directly and indirectly contribute to the need for El Dorado Hills WWTP improvements. Therefore, the Proposed Project Alternative could contribute to the potentially significant environmental effects associated with improvements to treatment plant facilities for which feasible mitigation may not be available to reduce impacts to a less-than-significant level. Therefore, this would be a **potentially significant and unavoidable** impact.

No other feasible mitigation measures are available to reduce impacts associated with increased demand for El Dorado Hills WWTP facility to a less-than-significant level because it is not yet known whether the El Dorado Hills WWTP would require expansion.

Furthermore, if the El Dorado Hills WWTP does require expansion, the City would not have jurisdiction to implement and mitigation to reduce impacts of such an expansion to a less than significant level. However, implementation of Mitigation Measure 3A.16-5 requires the project developer to provide to the City proof of capacity. There are no other feasible mitigation measures available to mitigate impacts related to potential increased demand for the El Dorado Hills WWTP facility because the City does not have direct control over EID facilities.

While Sacramento LAFCo finds that the above measures are appropriate and feasible, LAFCo further finds that the above stated mitigation measures are within the responsibility and jurisdiction of the City of Folsom or another public agency, not Sacramento LAFCo. The agency(ies) with jurisdiction to implement these mitigation measures can and should do so.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3B.16-3: Potential Disruption to Existing Utilities and Infrastructure.**

*Construction of the Off-site Water Facilities has the potential to disrupt existing public and private utilities and infrastructure.*



***Mitigation Measure 3B.16-3a: Minimize Utility Conflicts by Implementing an Underground Services Alert.***

Underground utilities and service connections shall be identified prior to commencing any excavation work through the implementation of an Underground Services Alert (USA). The exact utility locations will be determined by hand-excavated test pits dug at locations determined and approved by the construction manager (also referred to as “pot-holing”). Temporary disruption of service may be required to allow for construction. No service on such lines would be disrupted until prior approval is received from the construction manager and the service provider.

***Mitigation Measure 3B.16-3b: Coordinate with Utility Providers and Implement Appropriate Installation Methods to Minimize Potential Utility Service Disruptions.***

Prior to installation, the City shall consult with SCWA, SRCSD, CSD-1, and PG&E to determine proper installation methods and final design criteria to minimize the potential for disruptions to existing and planned utilities.

**Findings**

***Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be significant. Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.***

Several municipal and private utilities, including those owned and operated by SCWA, PG&E, SMUD, SRCSD, and CSD-1, have existing underground utilities and future projects proposed within Zone 4 of the Off-site Water Facilities Study Area. Construction activities associated with the Off-site Water Facility Alternatives could potentially result in a disturbance of existing utilities or conflict with planned utility projects. Without a clear understanding of the location and placement of existing utilities, including existing sanitary sewer, natural gas, and potable water lines, Off-site Water Facilities-related trenching operations could come into contact with such utilities thereby disrupting service and potentially endangering construction workers. This **direct** impact is considered **potentially significant**. **Indirect** impacts from potential service disruptions would also be **potentially significant** if the duration of the outage extend for longer than few days.

Implementation of Mitigation Measures 3B.16-3a and 3B.16-3b would reduce potentially significant impacts under the Proposed Off-site Water Facility Alternative to a **less-than-significant** level by requiring consultation with the respective utility operators to determine potential utility conflicts.

While Sacramento LAFCo finds that the above measures are appropriate and feasible, LAFCo further finds that the above stated mitigation measures are within the responsibility and jurisdiction of the City of Folsom or another public agency, not Sacramento LAFCo. The agency(ies) with jurisdiction to implement these mitigation measures can and should do so.

**IMPACT 3B.16-5: Potential Inefficient Energy Consumption.** *Construction and operation of the Off-site Water Facilities could result in the inefficient consumption of energy thereby adversely affecting current and future energy conservation efforts.*

***Implement Mitigation Measure 3B.4-1a: Implement GHG Reduction Measures during Construction.***

***Implement Mitigation Measure 3B.4-1b: Prepare and Implement an Off-site Water Facilities Climate Action Plan.***

### **Findings**

***Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be significant. Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.***

During construction, the Off-site Water Facility Alternatives would consume energy in two general forms: 1) the fuel energy consumed by construction vehicles and equipment; and 2) bound energy used in the manufacturing and processing of construction materials such as steel, concrete, pipes, lumber, and glass. Energy in the form of fuels used for construction vehicles and other equipment would be used during site clearing, grading, and construction. Such fuel energy use would be temporary and not represent a significant or permanent commitment to the use of energy. In addition, given high fuel prices, contractors have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction.

Though Off-site Water Facilities construction is not anticipated to occur until 2010, substantial reductions in energy inputs for construction materials can be achieved by selecting building and construction materials composed of recycled materials, which require substantially less energy to produce than from non-recycled materials. Examples of recycled building materials include the use of: 1) recycled nylon in interior carpeting; 2) recycled plastic for moldings and interior finishes; 3) fly ash in concrete; and 4) recycled rubber in asphalt. The extent to which recycled materials would be used during construction of the Off-site Water Facilities has not yet been determined.

There would also be some non-renewable petroleum-based fuel savings resulting from Mitigation Measures 3B.2-1a and 3B.2-1b, which would prevent the unnecessary idling of vehicles and equipment and require that vehicles and equipment be properly maintained. In addition, a Solid Waste Diversion and Recycling Plan (or such other documentation to the satisfaction of the City) would be required to be in place that demonstrates the diversion from landfills and recycling of all non-hazardous, salvageable, and reuseable wood, metal, plastic, and paper products during construction and demolition activities. This would minimize the waste of bound energy used in the original manufacturing and processing of construction materials. Taken together, these Off-site Water Facilities characteristics and mitigation measures demonstrate that the proposed Off-site Water Facilities would assist the region in increasing its reliance on renewable, non-petroleum based energy resources. This **direct** impact would be **potentially significant**.

#### ***Off-Site Water Facilities Operations***

The Off-site Water Facilities WTP, booster pump station, and distribution infrastructure would increase demands for electricity within the “Water” Study Area. Existing electrical distribution infrastructure exists adjacent each of the WTP sites, and any improvements and extensions required to accommodate the Off-site Water Facilities would be limited to on-site locations and performed in consultation with SMUD prior to installation.

Because the Off-site Water Facilities would not result in an extended disruption in service provided by a utility and would be operated in the most efficient manner possible, the **potentially significant direct** impact generated by additional power supply requirements and would be reduced to a less-than-significant level.

With the application of Mitigation Measures 3B.4-1a and 3B.4-1b, the City’s energy usage during construction and operation of the Off-site Water Facilities would be minimized to the maximum extent feasible and therefore the impact would be reduced to a **less-than-significant** level.

While Sacramento LAFCo finds that the above measures are appropriate and feasible, LAFCo further finds that the above stated mitigation measures are within the responsibility and jurisdiction of the City of Folsom or another public agency, not Sacramento LAFCo. The agency(ies) with jurisdiction to implement these mitigation measures can and should do so.

#### **IMPACT 3A.16-6: Short-Term Generation of Solid Waste during Project Construction.**

Project construction would generate short-term construction-related debris and waste.

#### **Findings**

***Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.***

**IMPACT 3A.16-7: Increased Long-Term Generation of Solid Waste.** Project implementation would increase long-term solid-waste generation.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.16-8: Increased Demand for Electricity and Infrastructure.** Project implementation would increase the demand for electricity and electrical infrastructure.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.16-9: Increased Demand for Natural Gas and Infrastructure.** Project implementation would increase the demand for natural gas and infrastructure and would include the extension of existing natural gas pipelines.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.16-10: Increased Demand for Telecommunications Service and Infrastructure.** Project implementation would increase the demand for telecommunications service and infrastructure and would include the extension of existing telecommunication lines.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.16-11: Increased Demand for Cable Television and Communications Service and Infrastructure.** Project implementation would increase the demand for cable television service and infrastructure and would include the extension of existing cable television lines.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.16-12: Increased Energy Demand.** Project implementation would increase energy consumption during construction and operation.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3B.16-1: Generation of Wastewater.** The operation of the Off-site Water Facility Alternatives would generate wastewater that would require off-site conveyance and treatment.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3B.16-2: Changes in Operation of the Central Valley Project Water Supply Entitlement.** The operation of the Off-site Water Facility Alternatives would not infringe upon the water rights of other legal users of water.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3B.16-3: Potential Disruption to Existing Utilities and Infrastructure.** Construction of the Off-site Water Facilities has the potential to disrupt existing public and private utilities and infrastructure.

**Mitigation Measure 3B.16-3a: Minimize Utility Conflicts by Implementing an Underground Services Alert.** Underground utilities and service connections shall be identified prior to commencing any excavation work through the implementation of an Underground Services Alert (USA). The exact utility locations will be determined by hand-excavated test pits dug at locations determined and approved by the construction manager (also referred to as “pot-holing”). Temporary disruption of service may be required to allow for construction. No service on such lines would be disrupted until prior approval is received from the construction manager and the service provider.

**Mitigation Measure 3B.16-3b: Coordinate with Utility Providers and Implement Appropriate Installation Methods to Minimize Potential Utility Service Disruptions.** Prior to installation, the City shall consult with SCWA, SRCSD, CSD-1, and PG&E to determine proper installation methods and final design criteria to minimize the potential for disruptions to existing and planned utilities.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be significant. Changes or alterations which avoid or substantially lessen the significant*

*environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

Implementation of Mitigation Measures 3B.16-3a and 3B.16-3b would reduce significant impacts associated with this impact to a **less-than-significant level**.

While Sacramento LAFCo finds that the above measures are appropriate and feasible, LAFCo further finds that the above stated mitigation measures are within the responsibility and jurisdiction of the City of Folsom or another public agency, not Sacramento LAFCo. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measures 3B.16-3a and 3B.16-3b, which would mitigate this potential impact to a **less than significant level**.

**IMPACT 3B.16-4: Increased Generation of Solid Waste.** Construction and operation of the Off-site Water Facilities would generate solid waste, which could impact the City's ability to comply with solid waste diversion requirements of the state.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3B.16-5: Potential Inefficient Energy Consumption.** Construction and operation of the Off-site Water Facilities could result in the inefficient consumption of energy thereby adversely affecting current and future energy conservation efforts.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3B.17-1: Exceedance of Water Quality Standards and Requirements for Groundwater.** *The Off-site Water Facility Alternatives could generate discharges to or contribute to the depletion of groundwater resources thereby potentially directly and indirectly violating water quality standards or waste discharge requirements.*

***Mitigation Measure 3B.17-1a: Implement Construction Dewatering Best Management Practices.***

During construction at site locations containing high groundwater, if groundwater from dewatering activities cannot be contained within the construction area (e.g., pipeline corridor, WTP), it shall be pumped to an authorized onsite land area, existing detention facilities, or Baker tanks or equivalent with sufficient capacity to control the volume of groundwater.

Tanks shall be equipped with either a gel coagulant, a filter system, or other containment to remove sediment.

The Off-site Water Facilities Stormwater Pollution Prevention Plan (SWPPP) shall include BMPs, as appropriate, to retain, treat, and dispose of groundwater from dewatering activities. Measures shall include, but not limited to, the following:

- ▶ temporarily retain pumped groundwater, as appropriate, to reduce turbidity and concentrations of suspended sediments before discharge to surface waterways;
- ▶ convey pumped groundwater to a suitable land disposal area capable of percolating flows; and/or
- ▶ incorporate other applicable measures from the Caltrans Storm Water Quality Handbook, Section 7: Dewatering Operations (2004).

***Mitigation Measure 3B.17-1b: Implement a Dewatering Discharge Monitoring Program.***

A groundwater discharge monitoring program shall be implemented to ensure that receiving water quality does not exceed levels that would impact aquatic resources and agricultural use. If monitoring reveals that water quality would impact these beneficial uses, discharges to surface waterways shall be reduced or diluted to acceptable levels, or terminated. If discharges are reduced or terminated, groundwater shall be disposed through land application. Groundwater collected during dewatering shall be tested for contamination prior to disposal and comply with Central Valley RWQCB requirements.

**Findings**

***Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be significant. Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.***

Construction of the Off-Site Water Facilities pipelines, pump stations, and WTP would, at times, require dewatering of shallow, perched groundwater in the immediate vicinities of excavations and installation of underground features at a limited number of areas where groundwater depths are shallow. In order to create safe working conditions, free of standing water, when needed, shallow groundwater wells would be installed to lower groundwater elevations in the immediate vicinity of boring shafts to about 15 to 30 feet below the ground surface.

During trenchless construction, dewatering would be necessary to remove water from tunnel, launching, and receiving pits. It is not known how much water would be withdrawn because the volume would be influenced by the local shallow aquifer character, the depth of excavation, and the duration that subsurface work is conducted.

Groundwater withdrawn from the construction areas would be subsequently discharged to local waterways or drainage ditches, or via land application. These discharges may contain sediments, dissolved solids, salts, and other water quality constituents found in the shallow groundwater, which could degrade the quality of receiving waters. Degradation of local receiving waters from the introduction of shallow groundwater during construction dewatering could result in a **potentially significant direct** and **indirect** impact to receiving waters.

With the implementation of the above mitigation measures, impacts to groundwater quality under the Proposed Off-site Water Facility Alternative would be reduced to a **less-than-significant** level by ensuring that all dewatering discharges are properly managed in accordance with RWQCB requirements and, if determined necessary, receive appropriate treatment prior to off-site discharge.

While Sacramento LAFCo finds that the above measures are appropriate and feasible, LAFCo further finds that the above stated mitigation measures are within the responsibility and jurisdiction of the City of Folsom or another public agency, not Sacramento LAFCo. The agency(ies) with jurisdiction to implement these mitigation measures can and should do so.

**IMPACT 3B.17-2: Depletion of Groundwater Supplies Through Pumping.** The Off-site Water Facilities is unlikely to substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater levels.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3B.17-3: Alteration of Surface Water Hydrology through Substantial Groundwater Pumping.** Substantial groundwater pumping from the Excelsior Well Field required by Off-site Water Facilities operations could alter existing surface hydrology.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.18-1: Increased Demand for Water Supplies.** Project water demands would require the acquisition of surface water entitlements from the Natomas Central Mutual Water Company to provide a reliable water supply.

**Mitigation Measure 3A.18-1: Submit Proof of Surface Water Supply Availability.**



- a. Prior to approval of any small-lot tentative subdivision map subject to Government Code Section 66473.7 (SB 221), the City shall comply with that statute. Prior to approval of any small-lot tentative subdivision map for a proposed residential project not subject to that statute, the City need not comply with Section 66473.7, or formally consult with any public water system that would provide water to the affected area; nevertheless, the City shall make a factual showing or impose conditions similar to those required by Section 66473.7 to ensure an adequate water supply for development authorized by the map.
- b. Prior to recordation of each final subdivision map, or prior to City approval of any similar project specific discretionary approval or entitlement required for nonresidential uses, the project applicant(s) of that project phase or activity shall demonstrate the availability of a reliable and sufficient water supply from a public water system for the amount of development that would be authorized by the final subdivision map or project-specific discretionary nonresidential approval or entitlement. Such a demonstration shall consist of information showing that both existing sources are available or needed supplies and improvements will be in place prior to occupancy.

### **Findings**

***Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.***

Presently, there are no public water supply facilities on the “Land” portion of the project site. Approximately 3,330 acres of the “Land” portion of the project site would be within the City of Folsom’s service area and the remaining 172 acres generally east of Empire Ranch Road would be within the El Dorado Irrigation District (EID) service area.

Based on the analysis set forth in the Final EIR and as shown in Table 3A.18-7 of the Draft EIR/EIS, the proposed water supply from NCMWC would be sufficient to meet projected water demands under the Proposed Project Alternative in normal and critically dry years. Those water supplies are considered reliable, and, as a physical matter, there is reasonable certainty that surface water supplies needed to serve the Proposed Project Alternative at buildout would be available. Although there is no complete certainty as to the legal and regulatory approvals required for the “Water” portion of the project or Off-site Water Facility Alternatives, including those from Reclamation and SCWA, the draft agreements and MOUs entered into between the City and/or project applicants and some of these critical approval entities (see Appendix M-I, M-II, and M-III of the DEIR/DEIS) establish a solid initial framework for these approvals. This fact combined with the development the City’s proposed Off-site Water Facility Alternatives as presented in Chapter 2, “Alternatives,” of the DEIR/DEIS provide a high level of certainty for the reliability of the proposed CVP water supply, conveyance mechanisms, and water treatment capacity. Based on these circumstances, the project would have sufficient water supplies available to serve projected demand from CVP water supplies acquired as part of the City’s Off-site Water Facility

Alternatives and, therefore, the **direct** and **indirect** impacts of an insufficient water supply for the project are considered **less-than-significant**.

Indirect impacts from use of NCMWC surface water supplies to meet project demand, SCWA's dedication of up to 6.5 mgd in Segments 1 and 2 in the Freeport Project, and effects of changing the delivery CVP schedule from agriculture to M&I are evaluated throughout the "B", or "Water" sections of Chapter 3 and Chapter 4, "Other Statutory Requirements" contained in the DEIR/DEIS. It is assumed that once these entitlements are approved, the surface water supplies would continue to flow to City through the Freeport Project without interruption, barring a major shift in climate or policy, or unless current California water law principles are applied in a substantially more restrictive manner. However, given that the water supply cannot be secured and water conveyance and treatment facilities constructed in advance of approval of the project, without additional contingencies placed on the project applicants to confirm the availability of water and related infrastructure for the Folsom SPA, a **potentially significant direct** impact could result if no "Water" project were implemented in a timely manner following approval of the Specific Plan. This project includes a water supply to serve the proposed development of the SPA. Implementation of Mitigation Measure 3A.18-1 therefore would reduce significant impacts related to the need for surface water supplies under the Proposed Project to a **less-than-significant** level because the City would require written certification verifying the availability of a long-term, reliable surface water supply for the project or would require that needed improvements be in place prior to occupancy.

While Sacramento LAFCo finds that the above measures are appropriate and feasible, LAFCo further finds that the above stated mitigation measures are within the responsibility and jurisdiction of the City of Folsom or another public agency, not Sacramento LAFCo. The agency(ies) with jurisdiction to implement these mitigation measures can and should do so.

**IMPACT 3A.18-2: Increased Demand for Off-Site Water Conveyance and Treatment Facilities.** *Project implementation would result in increased demand for off-site water treatment facilities to deliver water to customers on the project site.*

***Mitigation Measure 3A.18-2a: Submit Proof of Adequate Off-Site Water Conveyance Facilities and Implement Off-Site Infrastructure Service System or Ensure That Adequate Financing Is Secured.***

Before the approval of the final subdivision map and issuance of building permits for all project phases, the project applicant(s) of any particular discretionary development application shall submit proof to the City of Folsom that an adequate off-site water conveyance system either has been constructed or is ensured or other sureties to the City's satisfaction. The off-site water conveyance infrastructure sufficient to provide adequate service to the project shall be in place for the amount of development identified in the tentative map before approval of the final subdivision map and issuance of building permits for all project phases, or their financing shall be ensured to the satisfaction of the City. A

certificate of occupancy shall not be issued for any building within the SPA until the water conveyance infrastructure sufficient to serve such building has been constructed and is in place.

***Mitigation Measure 3A.18-2b: Demonstrate Adequate Off-Site Water Treatment Capacity (if the Off-Site Water Treatment Plant Option is Selected).***

If an off-site water treatment plant (WTP) alternative is selected (as opposed to the on-site WTP alternative), the project applicant(s) for any particular discretionary development application shall demonstrate adequate capacity at the off-site WTP. This shall involve preparing a tentative map-level study and paying connection and capacity fees as determined by the City. Approval of the final project map shall not be granted until the City verifies adequate water treatment capacity either is available or is certain to be available when needed for the amount of development identified in the tentative map before approval of the final map and issuance of building permits for all project phases. A certificate of occupancy shall not be issued for any building within the SPA until the water treatment capacity sufficient to serve such building has been constructed and is in place.

**Findings**

***Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be significant. Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.***

Because the “Land” portion of the project site is not served by a public water system and sufficient off-site water conveyance and treatment facilities necessary to serve the project have not been constructed, and because the City and SCWA have not entered into a binding agreement for use of FRWA diversion facilities, this is considered a **direct, potentially significant** impact. The **indirect** physical impacts of constructing these water conveyance and treatment facilities are addressed throughout the EIR/EIS in the “B”, or “Water” sections of Chapter 3 and in Chapter 4, “Other Statutory Requirements” in the DEIR/DEIS.

Implementation of Mitigation Measures 3A.18-2a and 3A.18-2b would reduce significant impacts associated with increased demand for off-site water conveyance and treatment facilities under the Proposed Project Alternative to a **less-than-significant** level because adequate off-site water conveyance and treatment facilities would be documented or adequate financing would be secured before approval final maps and issuance of building permits.

While Sacramento LAFCo finds that the above measures are appropriate and feasible, LAFCo further finds that the above stated mitigation measures are within the responsibility and jurisdiction of the City of Folsom or another public agency, not Sacramento LAFCo.

The agency(ies) with jurisdiction to implement these mitigation measures can and should do so.

## **2. Public Services Impacts**

Additional information on the Public Services Impacts of the proposed City of Folsom Annexation is set forth in the Final EIR. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, the findings of the Sacramento Local Agency Formation Commission are as follows:

**IMPACT 3A.14-1: Temporary Reduction in Emergency Response Services during Construction.** *Project implementation could obstruct roadways in the project vicinity during construction, potentially obstructing or slowing emergency vehicles attempting to access the area.*

### **Mitigation Measure 3A.14-1: Prepare and Implement a Construction Traffic Control Plan.**

The project applicant(s) of all project phases shall prepare and implement traffic control plans for construction activities that may affect road rights-of-way. The traffic control plans must follow any applicable standards of the agency responsible for the affected roadway and must be approved and signed by a professional engineer. Measures typically used in traffic control plans include advertising of planned lane closures, warning signage, a flagperson to direct traffic flows when needed, and methods to ensure continued access by emergency vehicles. During project construction, access to existing land uses shall be maintained at all times, with detours used as necessary during road closures. Traffic control plans shall be submitted to the appropriate City or County department or the California Department of Transportation (Caltrans) for review and approval before the approval of all project plans or permits, for all project phases where implementation may cause impacts on traffic.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties and Caltrans).

### **Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be significant. Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

Implementation of the Proposed Project Alternative would include construction activities of varying levels over a 19-year period (approximately 2011 through 2030). Most of the project-related construction activities would occur on site; however, the project involves a variety of

off-site U.S. 50 interchange improvements and construction of the sewer force main and detention basin in Sacramento County and two roadway connections in El Dorado County. Nearby roadways in the vicinity of the SPA and off-site areas, such as White Rock Road, Prairie City Road, and U.S. 50, would likely be affected intermittently during construction activities (see Section 3A.15, “Traffic and Transportation – Land,” of the DEIR/DEIS). Ongoing construction activities could result in temporary lane closures, increased truck traffic, and other roadway effects that could slow or stop emergency vehicles, temporarily increasing response times and impeding existing services. Potential reduction of emergency response services during construction would be a **direct, significant** impact. **No indirect** impacts would occur.

Implementation of Mitigation Measure 3A.14-1 would reduce significant impacts associated with decreased emergency response times during construction under the Proposed Project Alternative to a **less-than-significant** level by requiring preparation and implementation of a construction traffic control plan that would provide for adequate emergency access during construction activities.

For the on-site elements and off-site elements within the City’s jurisdiction, changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. However, some of the off-site elements fall under the jurisdiction of El Dorado and Sacramento Counties, and Caltrans; therefore, the City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.14-1.

While Sacramento LAFCo finds that the above measures are appropriate and feasible, LAFCo further finds that the above stated mitigation measures are within the responsibility and jurisdiction of the City of Folsom or another public agency, not Sacramento LAFCo. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.14-1, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.14-2: Increased Demand for Fire Protection Facilities, Systems, Equipment, and Services.** *Project development would result in increased demand for fire protection facilities and services, potentially resulting in the need for additional staff and equipment to maintain an adequate level of service.*

***Mitigation Measure 3A.14-2: Incorporate California Fire Code; City of Folsom Fire Code Requirements; and EDHFD Requirements, if Necessary, into Project Design and Submit Project Design to the City of Folsom Fire Department for Review and Approval.***

To reduce impacts related to the provision of new fire services, the project applicant(s) of all project phases shall do the following, as described below.

1. Incorporate into project designs fire flow requirements based on the California Fire Code, Folsom Fire Code (City of Folsom Municipal Code Title 8, Chapter 8.36), and other

applicable requirements based on the City of Folsom Fire Department fire prevention standards. Improvement plans showing the incorporation of automatic sprinkler systems, the availability of adequate fire flow, and the locations of hydrants shall be submitted to the City of Folsom Fire Department for review and approval. In addition, approved plans showing access design shall be provided to the City of Folsom Fire Department as described by Zoning Code Section 17.57.080 (“Vehicular Access Requirements”). These plans shall describe access-road length, dimensions, and finished surfaces for firefighting equipment. The installation of security gates across a fire apparatus access road shall be approved by the City of Folsom Fire Department. The design and operation of gates and barricades shall be in accordance with the Sacramento County Emergency Access Gates and Barriers Standard, as required by the City of Folsom Fire Code.

2. Submit a Fire Systems New Buildings, Additions, and Alterations Document Submittal List to the City of Folsom Community Development Department Building Division for review and approval before the issuance of building permits. In addition to the above measures, the project applicant(s) of all project phases shall incorporate the provisions described below for the portion of the SPA within the EDHFD service area, if it is determined through City/El Dorado County negotiations that EDHFD would serve the 178-acre portion of the SPA.

3. Incorporate into project designs applicable requirements based on the EDHFD fire prevention standards. For commercial development, improvement plans showing roadways, land splits, buildings, fire sprinkler systems, fire alarm systems, and other commercial building improvements shall be submitted to the EDHFD for review and approval. For residential development, improvement plans showing property lines and adjacent streets or roads; total acreage or square footage of the parcel; the footprint of all structures; driveway plan views describing width, length, turnouts, turnarounds, radiuses, and surfaces; and driveway profile views showing the % grade from the access road to the structure and vertical clearance shall be submitted to the EDHFD for review and approval.

4. Submit a Fire Prevention Plan Checklist to the EDHFD for review and approval before the issuance of building permits. In addition, residential development requiring automatic fire sprinklers shall submit sprinkler design sheet(s) and hydraulic calculations from a California State Licensed C-16 Contractor.

The City shall not authorize the occupancy of any structures until the project applicant(s) have obtained a Certificate of Occupancy from the City of Folsom Community Development Department verifying that all fire prevention items have been addressed on-site to the satisfaction of the City of Folsom Fire Department and/or the EDHFD for the 178-acre area of the SPA within the EDHFD service area.

### **Findings**

***Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be significant. Changes or alterations have been required in, or incorporated into, the Proposed Project which would avoid or substantially lessen this potentially significant***

*environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Upon annexation of the SPA, fire protection services within the SMFD service area would become the responsibility of the City of Folsom Fire Department. During initial project development, Station 37 at 70 Clarksville Road would provide first-response service. This station is approximately 1.6 miles north of the SPA via Scott Road. The Proposed Project Alternative would include construction of two fire stations to serve the SPA (see Exhibit 2-3, “Folsom South of 50 Conceptual Land Use Plan,” in Chapter 2, “Alternatives”). Final size and location of the two fire station sites would be determined on completion of response time analysis studies and through coordination with the City of Folsom Fire Department.

Per the City of Folsom Municipal Code Chapter 3, Title 3.80, “Capital Improvement New Construction Fee,” new development is responsible for the full cost of additional facilities and equipment necessary as a result of that development through payment of the City’s capital improvement new construction fees. This fee is used exclusively for construction of new fire and police stations and associated apparatus as required by new development. In addition, new development within the EDHFD service area would be required to pay \$1.16 per square foot of residential and commercial development, which is used exclusively for construction of new fire stations and associated apparatus (El Dorado County Fire Prevention Officers 2009).

Because the City of Folsom Fire Department and EDHFD outlines fire prevention standards to be incorporated into new residential and commercial development and these standards require approval by City of Folsom Fire Department, City of Folsom Community Development Department and EDHFD for those areas of the SPA within the EDHFD service area, impacts on fire protection facilities and services would be **direct** and **potentially significant**. The **indirect** physical impacts of constructing these facilities are addressed throughout the Final EIR/EIS in connection with discussions of the impacts of overall site development.

Implementation of Mitigation Measure 3A.14-2 would reduce significant impacts under the Proposed Project associated with the increased demand for fire protection facilities, systems, equipment, and services to a **less-than-significant** level by requiring that applicable California Fire Code, City of Folsom Fire Code, and/or EDHFD standards are incorporated into the project design, along with review and approval of project plans by the City of Folsom Fire Department, the City of Folsom Community Development Department Building Division, and/or EDHFD for the 178-acre area of the SPA within the EDHFD service area prior to issuance of building permits.

While Sacramento LAFCo finds that the above measures are appropriate and feasible, LAFCo further finds that the above stated mitigation measures are within the responsibility and jurisdiction of the City of Folsom or another public agency, not Sacramento LAFCo.

The agency(ies) with jurisdiction to implement these mitigation measures can and should do so.

**IMPACT 3A.14-3: Increased Demand for Fire Flow.** *Project implementation would include the development of residential, commercial, school, and other uses that would require adequate available water flow for fire suppression. Lack of adequate fire flow would impede effective fire suppression in the SPA.*

***Mitigation Measure 3A.14-2: Incorporate California Fire Code; City of Folsom Fire Code Requirements; and EDHFD Requirements, if Necessary, into Project Design and Submit Project Design to the City of Folsom Fire Department for Review and Approval.***

To reduce impacts related to the provision of new fire services, the project applicant(s) of all project phases shall do the following, as described below.

1. Incorporate into project designs fire flow requirements based on the California Fire Code, Folsom Fire Code (City of Folsom Municipal Code Title 8, Chapter 8.36), and other applicable requirements based on the City of Folsom Fire Department fire prevention standards. Improvement plans showing the incorporation automatic sprinkler systems, the availability of adequate fire flow, and the locations of hydrants shall be submitted to the City of Folsom Fire Department for review and approval. In addition, approved plans showing access design shall be provided to the City of Folsom Fire Department as described by Zoning Code Section 17.57.080 (“Vehicular Access Requirements”). These plans shall describe access-road length, dimensions, and finished surfaces for firefighting equipment. The installation of security gates across a fire apparatus access road shall be approved by the City of Folsom Fire Department. The design and operation of gates and barricades shall be in accordance with the Sacramento County Emergency Access Gates and Barriers Standard, as required by the City of Folsom Fire Code.

2. Submit a Fire Systems New Buildings, Additions, and Alterations Document Submittal List to the City of Folsom Community Development Department Building Division for review and approval before the issuance of building permits.

In addition to the above measures, the project applicant(s) of all project phases shall incorporate the provisions described below for the portion of the SPA within the EDHFD service area, if it is determined through City/El Dorado County negotiations that EDHFD would serve the 178-acre portion of the SPA.

3. Incorporate into project designs applicable requirements based on the EDHFD fire prevention standards. For commercial development, improvement plans showing roadways, land splits, buildings, fire sprinkler systems, fire alarm systems, and other commercial building improvements shall be submitted to the EDHFD for review and approval. For residential development, improvement plans showing property lines and adjacent streets or roads; total acreage or square footage of the parcel; the footprint of all structures; driveway plan views describing width, length, turnouts, turnarounds, radiuses, and surfaces; and driveway profile views showing the % grade from the access road to



the structure and vertical clearance shall be submitted to the EDHFD for review and approval.

4. Submit a Fire Prevention Plan Checklist to the EDHFD for review and approval before the issuance of building permits. In addition, residential development requiring automation fire sprinklers shall submit sprinkler design sheet(s) and hydraulic calculations from a California State Licensed C-16 Contractor.

The City shall not authorize the occupancy of any structures until the project applicant(s) have obtained a Certificate of Occupancy from the City of Folsom Community Development Department verifying that all fire prevention items have been addressed on-site to the satisfaction of the City of Folsom Fire Department and/or the EDHFD for the 178-acre area of the SPA within the EDHFD service area.

***Mitigation Measure 3A.14-3: Incorporate Fire Flow Requirements into Project Designs.***

The project applicant(s) of all project phases shall incorporate into their project designs fire flow requirements based on the California Fire Code, Folsom Fire Code, and/or EDHFD for those areas of the SPA within the EDHFD service area and shall verify to City of Folsom Fire Department that adequate water flow is available, prior to approval of improvement plans and issuance of occupancy permits or final inspections for all project phases.

**Findings**

***Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be significant. Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.***

The City of Folsom Fire Department and EDHFD maintain oversight authority to ensure that adequate water volume and pressure are available their respective service areas. Lack of adequate fire flow would impede the ability of the City of Folsom Fire Department and/or EDHFD to provide effective fire suppression service in the SPA. Increased demands for fire flow would be considered a **significant, direct** impact. **No indirect** impacts would occur.

Implementation of Mitigation Measures 3A.14-2 and 3A.14-3 would reduce impacts associated with increased demand for fire flow to a **less-than-significant** level under the Proposed Project Alternative because verification from the City of Folsom Fire Department and/or EDHFD that adequate water supply is available would be obtained prior to approval of improvement plans, and project fire flow would design would based on specification requirements included in the California Fire Code, the Folsom Fire Code, and/or the EDHFD for the portion of the SPA within the EDHFD service area and reviewed and approved by the City.

While Sacramento LAFCo finds that the above measures are appropriate and feasible, LAFCo further finds that the above stated mitigation measures are within the responsibility and jurisdiction of the City of Folsom or another public agency, not Sacramento LAFCo. The agency(ies) with jurisdiction to implement these mitigation measures can and should do so.

**IMPACT 3A.14-4: Increased Demand for Police Protection Facilities, Services, and Equipment.** Project development would increase the demand for police protection facilities and services, resulting in the need for additional staff and equipment to maintain an adequate level of service.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.14-5: Increased Demand for Public Elementary School Facilities and Services.** Project implementation would increase demand for elementary schools (grades K–5) to serve the project.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.14-6: Increased Demand for Public Middle and High School Facilities and Services.** Project implementation would increase demand for middle schools (grades 6–8) and high schools (grades 9–12) to serve the project.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**3. Parks:**

Additional Information on the Impacts to Parks and Open Space for the proposed City of Folsom Annexation is set forth in the Final EIR. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, the findings of the Sacramento Local Agency Formation Commission are as follows:

**IMPACT 3A.12-1: Sufficiency of Proposed Parkland to Meet Increased Demand and Potential Increased Use and Deterioration of Existing Facilities.** Residential development proposed for the SPA would require 5 acres of parkland per 1,000 residents to meet the adopted

City of Folsom standards. Increased population could increase the demand on existing neighborhood and community parks such that the physical deterioration of the existing facilities could occur or be accelerated.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.12-2: Increased Use and Potential Physical Deterioration of Existing Off-site Local or Regional Park Facilities.** Project implementation would result in a large number of new residents, which would increase the use and could cause the potential physical deterioration of existing off-site local and regional park facilities.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3B.12-1: Temporary Disruptions to Existing Recreational Facilities and Opportunities.** *Implementation of the Offsite Water Facility Alternatives could temporarily disrupt trail, golf course, or park facility access.*

***Mitigation Measure 3B.12-1: Provide for Continued Recreational Access as Identified in Mitigation Measure 3.14-1a.***

As part of the Traffic Control Plan identified in Mitigation Measure 3.14-1a, the City shall ensure that trail access is maintained throughout the construction period through the use of detours. Proper signage shall be included in multiple locations, where necessary, to provide advance notice to hikers and equestrian riders of up-coming construction activities.

***Mitigation Measure 3A.14-1: Prepare and Implement a Construction Traffic Control Plan.***

The project applicant(s) of all project phases shall prepare and implement traffic control plans for construction activities that may affect road rights-of-way. The traffic control plans must follow any applicable standards of the agency responsible for the affected roadway and must be approved and signed by a professional engineer. Measures typically used in traffic control plans include advertising of planned lane closures, warning signage, a flagperson to direct traffic flows when needed, and methods to ensure continued access by emergency vehicles. During project construction, access to existing land uses shall be maintained at all times, with detours used as necessary during road closures. Traffic control plans shall be submitted to the appropriate City or County department or the California Department of Transportation (Caltrans) for review and approval before the approval of all project plans or permits, for all project phases where implementation may cause impacts on traffic.

Mitigation for the off-site elements outside of the City of Folsom’s jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties and Caltrans).

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be significant. Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Construction of the Off-site Water Facilities would involve crossing the Folsom South Canal (FSC), which could temporarily disrupt the use of the FSC multiuse trail. Therefore, disruptions to local recreation facilities as a result of the Off-site Water Facilities would result in **potentially significant, direct** impacts. **No indirect** impacts would occur.

Because Mitigation Measure 3B.12-1 would require the public to be notified of the duration of roadway construction, detour routes would be established either through the construction site or on adjacent public streets, and access would be restored to preconstruction conditions, therefore, impacts on recreational facilities would be reduced to a **less-than-significant** level.

While Sacramento LAFCo finds that the above measures are appropriate and feasible, LAFCo further finds that the above stated mitigation measures are within the responsibility and jurisdiction of the City of Folsom or another public agency, not Sacramento LAFCo. The agency(ies) with jurisdiction to implement these mitigation measures can and should do so.

**IMPACT 3B.12-2: Effects to Water-Oriented Recreational Facilities and Opportunities.** Implementation of the Off-site Water Facilities would not cause an adverse change in river flows or lake elevations that could result in substantial changes to existing recreational opportunities.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**4. Agriculture Impacts:**

Additional information on the Agricultural Impacts of the proposed City of Folsom Annexation is set forth in the Final EIR. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, the findings of the Sacramento Local Agency Formation Commission are as follows:

**IMPACT 3A.10-1: Consistency with Sacramento LAFCo Guidelines.** Annexation of the SPA into the City of Folsom would require approval by Sacramento LAFCo.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.10-2: Consistency with the SACOG Sacramento Region Blueprint.** Project implementation could conflict with the SACOG Sacramento Region Preferred Blueprint Scenario.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.10-3: Cancellation of Existing On-Site Williamson Act Contracts.** Project implementation could result in the cancellation of Williamson Act contracts.

*Mitigation Measure 3.A.10-3: The City shall succeed to the rights, duties, and powers of the County under all Williamson Act contracts that are in the process of nonrenewal, pursuant to Government Code sections 51243 and 56754.*

**Findings**

*Sacramento LAFCo finds that this impact is expected to remain significant and unavoidable, despite the implementation of Mitigation Measure 3.A.10-3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible other mitigation measures or the project alternatives identified in the FEIR/FEIS.*

Approximately 1,530 acres of the SPA consist of agricultural lands under existing Williamson Act contracts. Notices of nonrenewal were filed on these parcels in 2004 and 2006; as a result, these existing contracts will expire in 2014 and 2016, respectively. Project implementation would require the cancellation of one or more of these Williamson Act contracts before their expiration date because the proposed land uses would not be permitted under the existing contracts.

Because the timing of the development of particular phases of the SPA is unknown at this time (see Section 2.3.1 in Chapter 2, “Alternatives,” of the DEIR/DEIS for a discussion of project phasing), future Williamson Act cancellation requests would be submitted on an as-needed basis, in conjunction with tentative map or other entitlement actions. The project applicant(s) for development of parcels under Williamson Act contract would need to apply to the City of Folsom for contract cancellation; as a result, the actual determination of consistency with the statutory consistency requirements would be made by the Folsom City Council, as it would succeed to the contracts upon annexation of the SPA. The City would be required to make findings supporting the cancellation of all Williamson Act contracts

pursuant to California Government Code Section 51282 by determining if the cancellation is consistent with the purpose of the California Land Conservation Act or the cancellation is in the public interest (as discussed in detail in the “Regulatory Framework” section above). As a result, this **direct** impact is considered **significant**.

Implementation of the Proposed Project Alternative would likely result in the cancellation of one or more of the existing Williamson Act contracts prior to their expiration dates in 2014 and 2016 to accommodate the project development. Feasible mitigation measures, such as participation in an agricultural conservation easement, are not available to reduce impacts associated with the cancellation of these Williamson Act contracts to a less-than significant level because no such programs are available. Therefore, this impact remains **significant and unavoidable**.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom’s Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.10-4: Potential Conflict with Existing Off-Site Williamson Act Contracts.**  
*Project implementation could conflict with lands under Williamson Act contracts south of the SPA; thereby potentially resulting in cancellation of those contracts.*

***Mitigation Measure 3.A.10-3: The City shall succeed to the rights, duties, and powers of the County under all Williamson Act contracts that are in the process of nonrenewal, pursuant to Government Code sections 51243 and 56754.***

#### **Findings**

***Sacramento LAFCo finds that this impact is expected to remain significant and unavoidable, despite the implementation of Mitigation Measure 3.A.10-3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible other mitigation measures or the project alternatives identified in the FEIR/FEIS.***

Land south of the SPA is characterized primarily by seasonal grazing land in an unincorporated area regulated by Sacramento County and the majority of these lands are under Williamson Act contracts. As discussed above, project implementation would require the cancellation of Williamson Act contracts because the proposed land uses would not be permitted under the existing contracts. The removal of the SPA from Williamson Act contracts for urban development may encourage the non-renewal of contracts on lands south of the SPA.

The land south of the SPA is located in a rural unincorporated portion of Sacramento County beyond the USB. The USB defines the ultimate boundary of urban development and is intended to be permanent, allowing modification only under special circumstances. These lands are not within the UPA, and it is not expected this area would receive urban levels of public infrastructure and services to support urban development. The Teichert and Walltown quarries are proposed 0.9 mile and 1.2, respectively, south of the SPA and would require

cancellation of lands under Williamson Act contracts. No urban development is currently proposed south of the projects site. Nonetheless, land uses inconsistent with Williamson Act provisions and resulting in subsequent contract non-renewals could occur through requests for general plan amendments and rezoning of these lands.

Project implementation could conflict with existing Williamson Act contracts or result in the cancellation of such contracts on lands south of the SPA and this **indirect** impact is considered **potentially significant**. Implementation of the Proposed Project Alternative could conflict with existing off-site Williamson Act contracts or result in the cancellation of such contracts on lands south of the SPA. Feasible mitigation measures, such as participation in an agricultural conservation easement, are not available to reduce impacts associated with the cancellation of these Williamson Act contracts to a less-than-significant level because no such programs are available. Therefore, this impact remains potentially **significant and unavoidable**.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3B.10-4: Cancellation of Existing On-site Williamson Act Contracts.** *Construction of the Off-site Water Facility Alternatives could conflict with lands under Williamson Act contracts; thereby potentially resulting in cancellation of those contracts.*

***Mitigation Measure 3.A.10-3: The City shall succeed to the rights, duties, and powers of the County under all Williamson Act contracts that are in the process of nonrenewal, pursuant to Government Code sections 51243 and 56754.***

### **Findings**

***Sacramento LAFCo finds that this impact is expected to remain significant and unavoidable, despite the implementation of Mitigation Measure 3.A.10-3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible other mitigation measures or the project alternatives identified in the FEIR/FEIS.***

Construction of the conveyance pipeline under the Proposed Off-site Water Facility Alternative would be located primarily within existing roadway right-of-way with the exception of a small section of agricultural land between the Freeport bifurcation and Grant Line Road. This would require a temporary construction easement and a permanent easement. No existing Williamson Act Contracts are on file for areas bordering the conveyance alignment under the Proposed Off-site Water Facility Alternative.

Construction of the WTP under the Proposed Off-site Water Facility Alternative would occur on land currently protected by a Williamson Act Contract, but as described in the setting section, that land is currently in nonrenewal status. For instances where the Off-site Water Facilities would affect contracted lands, such as the WTP site, the Williamson Act has specific provisions for acquisition of contracted land for public improvements.

Article 6 of the Williamson Act (California Government Code Sections 51290–51295) provides that a public entity may acquire land within an agricultural preserve for a public improvement through eminent domain or in lieu of eminent domain, and that this action terminates the contract.

However, given that these alternatives would necessitate the premature cancellation of the existing Williamson Act non-renewal process, these alternatives would be in conflict with the general intent of the Williamson Act. This **indirect** impact would be **significant**. Implementation of the Proposed Off-site Water Facility Alternative would conflict with existing off-site Williamson Act contracts or result in the cancellation of such contracts on lands south of the project site. Feasible mitigation measures, such as participation in an agricultural conservation easement, are not available to reduce impacts associated with the cancellation of these Williamson Act contracts to a less-than-significant level because no such programs are available. Therefore, this impact remains **potentially significant and unavoidable**.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom’s Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3B.10-5: Potential Temporary Disruptions to Existing Agricultural Operations.**

*Implementation of the Off-site Water Facilities could potentially affect existing agricultural operations and result in a loss in agricultural productivity.*

***Mitigation Measure 3B.10-5: Restore Affected Agricultural Lands to Preproject Conditions.***

The City shall consult with all affected land owners where the selected alignment would cross Important Farmland. As part of the easement acquisition process, the City shall demonstrate a good-faith effort to negotiate with affected landowners an agreed-upon compensation for the loss of any existing pasture and/or row crops currently in production. During these consultations the City shall also, in conjunction with landowners’ input, identify areas along the right-of-way that could be left in agricultural production as well as locations for access gates to allow for city staff access. Access gate locations shall be included in the final design plans for the Off-site Water Facilities. Compensation for the loss of crops and associated revenues shall be up to the provisions of law.

**Findings**

***Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.***



The conveyance pipeline options under the Proposed Off-Site Water Facility Alternative would primarily be located within existing road rights-of-way, although construction areas may extend into adjacent lands used for agriculture. Although the pipeline would be buried and installed in close proximity to the roadway, construction activities may require the removal of existing irrigation structures and topsoil. The temporary disruption caused by installation of the conveyance pipeline and auxiliary structures has the potential to be significant depending on its ultimate placement. If not sufficiently buried, future use of tillage equipment, drainage facilities, or other agricultural activities within the easement may not be possible thereby resulting in a loss in agricultural productivity. Therefore, this **direct** temporary impact would be **significant**. **No indirect** impacts would occur.

Implementation of Mitigation Measure 3B.10-4 would reduce significant impacts related to disruption of existing agricultural operations under the Proposed Off-site Water Facility Alternative to a less-than-significant level by restoring agricultural land within the easement area to pre-project conditions.

While Sacramento LAFCo finds that the above measures are appropriate and feasible, LAFCo further finds that the above stated mitigation measures are within the responsibility and jurisdiction of the City of Folsom or another public agency, not Sacramento LAFCo. The agency(ies) with jurisdiction to implement these mitigation measures can and should do so.

The remaining impacts and mitigation measures are within the jurisdiction of the City of Sacramento or another public agency. These impacts include Transportation and Circulation, Air Quality, Noise, Aesthetics, Public Health and Hazards, Geology and Soils, Hydrology, Drainage, and Water Quality, Agriculture, Biological Resources, and Cultural Resources. Where an impact is within the jurisdiction of the City of Sacramento or another agency, LAFCo's findings state that review of the impact is within the jurisdiction of another public agency and any necessary mitigation measures have been, or will be, adopted by that agency. (CEQA Guidelines, § 15091 (a)(2).) The adoption of such measures is a condition of Annexation. The findings made by the City of Sacramento, as lead agency for the Annexation, are incorporated by reference as if fully set forth herein.

## **5. Aesthetics**

Additional information on the Aesthetics Impacts of the proposed City of Folsom Annexation is set forth in the Final EIR. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, the findings of the Sacramento Local Agency Formation Commission are as follows:

**IMPACT 3A.1-1: Substantial Adverse Effect on a Scenic Vista.** *Project implementation would result in the degradation of the visual quality of a scenic vista.*

**Mitigation Measure 3A.1-1: Construct and Maintain a Landscape Corridor Adjacent to U.S. 50.**

The project applicant(s) for any particular discretionary development application adjacent to U.S. 50 shall fund, construct, and maintain a landscaped corridor within the SPA, south of U.S. 50. This corridor shall be 50 feet wide, except that the landscaped corridor width shall be reduced to 25 feet adjacent to the proposed regional mall. Landscaping plans and specifications shall be approved by Caltrans and the City of Folsom, and constructed by the project applicant(s) before the start of earthmoving activities associated with residential or commercial units. Landscaped areas would not be required within the preserved oak woodlands. As practicable, landscaping shall primarily contain native and/or drought tolerant plants. Landscaped corridors shall be maintained in perpetuity to the satisfaction of the City of Folsom.

### **Findings**

***Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.***

A scenic vista is generally considered a view of an area that has remarkable scenery or of a resource that is endemic to the area. The SPA is located on approximately 3,500 acres of undeveloped open space. The scenery consists of grasslands on rolling hills and narrow valleys, waterways, and oak woodlands. Existing development is generally limited to the perimeter, and includes agricultural fencing, electrical transmission lines, and radio towers. Because the SPA contains high levels of vividness, intactness, and unity, and due to its location along U.S. 50 where it is seen by thousands of motorists, viewer sensitivity is considered to be high. This region is part of the Sierra Nevada foothills and the Central Valley, and is exemplary of those landscapes and of resources that are endemic to the area.

Project implementation would substantially degrade this scenic vista. Because the project-related alterations would have a substantial adverse effect on a scenic vista, this direct impact is significant. No indirect impacts would occur.

Implementation of the Proposed Project Alternative would permanently and substantially alter the scenic vista at the SPA. Implementation of Mitigation Measure 3A.1-1 would reduce the impact of substantial alteration of a scenic vista, but not to a less-than-significant level. Therefore, this impact remains significant and unavoidable. No other feasible mitigation measures are available to reduce impacts associated with the alteration of scenic vistas from project development to a less-than-significant level because it is technically infeasible to allow new development without permanently and substantially altering existing scenic vistas. The project's objectives include providing a large-scale mixed-use and mixed-density residential housing development within the City of Folsom, south of U.S. 50.

Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow new development

without impacting scenic vistas, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is **significant and unavoidable**.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.1-2: Damage to Scenic Resources Within a Designated Scenic Corridor.**

*Project implementation could damage the character of the viewshed from a County-designated scenic corridor.*

**Mitigation**

In light of known economic, legal, social, technological, or other considerations, no feasible or potentially feasible measures to mitigate this impact were identified in the FEIR/FEIS.

**Finding**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.*

Implementation of the Proposed Project Alternative would permanently and substantially alter the scenic character of the SPA from open space to urban development, and would therefore substantially damage the viewshed from the northern portion of Scott Road. These changes are inherent to the change from a rural to urban development pattern, and no feasible mitigation measures are available to reduce impacts associated with the damage of scenic resources within a County-designated scenic corridor. Therefore, this impact remains significant and unavoidable.

No feasible mitigation measures are available to reduce impacts on scenic resources within a scenic corridor from project development to a less-than-significant level because it is technically infeasible to allow new development without permanently and substantially altering existing scenic resources. The project's objectives include providing a large-scale mixed-use and mixed-density residential housing development within the City of Folsom, south of U.S. 50. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow new development without impacting scenic resources, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is **significant and unavoidable**.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.1-3: Substantial Degradation of Existing Visual Character or Quality of the Site and its Surroundings.** *Project implementation would substantially degrade the visual*

*character of the SPA through conversion of rolling hills and oak woodland to developed urban uses.*

### **Implement Mitigation Measures 3A.1-1 and 3A.7-4a.**

#### **Findings**

***Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.***

#### ***On-Site Elements***

The SPA consists of approximately 3,500 acres of grasslands and oak woodlands set on undeveloped rolling hills. Under the Proposed Project Alternative, substantial alterations would occur to all landscape areas within the SPA. Given the large scale of this urban development and the rural nature of its setting, a conservative approach has been taken for this analysis, and the degradation of visual character at the SPA is considered to be substantial, and impacts on visual resources from project implementation are considered to be direct and significant. No indirect impacts would occur.

Implementation of Mitigation Measures 3A.1-1 and 3A.7-4 would reduce significant impacts associated with substantial adverse effects on a scenic vista under the Proposed Project Alternative by reducing the extent of grading within the SPA and providing a 50-foot-wide landscaped corridor between U.S. 50 and the SPA.

However, views of new housing developments, schools, and general commercial endeavors would only be slightly obstructed and hillside grading would remain pronounced. Once open space is converted to urban land uses, it is a permanent change in land use and to the visual character. Project implementation would still substantially alter a scenic vista. Therefore, this direct impact is considered significant and unavoidable.

#### ***Off-Site Elements***

The landscape at the proposed detention basin site is similar to the western lowlands with the exception of an approximately 8-foot-high chain link fence. The detention basin would be constructed with bermed sides, and would therefore appear as a steeply graded hill. The basin would be highly visible to motorists traveling on White Rock Road and Prairie City Road, and would result in a direct, significant impact from degradation of the existing visual character. No indirect impacts would occur.

Implementation of Mitigation Measures 3A.1-1 and 3A.7-4 would reduce significant impacts associated with substantial adverse effects on a scenic vista under the No USACE Permit, Proposed Project, Resource Impact Minimization, and Reduced Hillside Development Alternatives by reducing the extent of grading within the SPA and providing a 50-foot-wide landscaped corridor between U.S. 50 and the SPA. However, views of new housing developments, schools, and general commercial endeavors would only be slightly obstructed and hillside grading would remain pronounced. Once open space is converted to urban land

uses, it is a permanent change in land use and to the visual character. Project implementation would still substantially alter a scenic vista. Therefore, this direct is considered significant and unavoidable.

No other feasible mitigation measures are available to reduce impacts associated with the degradation of existing visual character from project development to a less-than-significant level because it is technically infeasible to allow new development without permanently altering the existing visual character or qualities. The project's objectives include providing a large-scale mixed-use and mixed-density residential housing development within the City of Folsom, south of U.S. 50. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow new development without impacting the existing visual character, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is **significant and unavoidable**.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT3A.1-4 Temporary, Short-Term Degradation of Visual Character for Developed Project Land Uses During Construction.** *Project implementation would involve four phases of construction over a 20-year-buildout period. Construction activity would involve the temporary and short-term use of staging areas for construction equipment and materials, which would be visible to adjacent project land uses that have already been developed.*

**Mitigation Measure 3A.1-4: Screen Construction Staging Areas.**

The project applicant(s) for any particular discretionary development application shall locate staging and material storage areas as far away from sensitive biological resources and sensitive land uses (e.g., residential areas, schools, parks) as feasible. Staging and material storage areas shall be approved by the appropriate agency (identified below) before the approval of grading plans for all project phases and shall be screened from adjacent occupied land uses in earlier development phases to the maximum extent practicable. Screens may include, but are not limited to, the use of such visual barriers such as berms or fences. The screen design shall be approved by the appropriate agency to further reduce visual effects to the extent possible. Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries shall be developed by the project applicant(s) of each applicable project phase in consultation with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties, and Caltrans) to reduce to the extent feasible the visual effects of construction activities on adjacent project land uses that have already been developed..

**Findings**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.*

Implementation of Mitigation Measure 3A.1-4 would reduce significant impacts associated with temporary visual-quality degradation for developed land uses from concurrent construction staging areas under the Proposed Project Alternative by providing visual screening. However, because screening may not always be feasible (i.e., projects covering a large area or tall buildings); this temporary, short-term impact is considered potentially significant and unavoidable. Additionally, some of the off-site elements fall under the jurisdiction of El Dorado County or Caltrans; therefore, neither the City nor the project applicant(s) would have control over their timing or implementation.

No other feasible mitigation measures are available to reduce impacts associated with the temporary, short-term degradation of existing visual character during construction to a less-than-significant level because it is technically infeasible to allow new development without temporary, short-term degradation of existing visual character. The project's objectives include providing a large-scale mixed-use and mixed-density residential housing development within the City of Folsom, south of U.S. 50. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to engage in construction activities without temporary, short-term degradation of existing visual character, mitigation of this impact to on-site elements and some off-site elements to a less-than-significant level would be facially infeasible and this impact is **significant and unavoidable**.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.1-5: Creation of a New Source of Substantial Light or Glare that would Adversely Affect Day or Nighttime Views in the Area.** *Project implementation would require lighting of new development, which would cause new and increased light and glare.*

**Mitigation Measure 3A.1-5: Establish and Require Conformance to Lighting Standards and Prepare and Implement a Lighting Plan.**

To reduce impacts associated with light and glare, the City shall:

- ▶ Establish standards for on-site outdoor lighting to reduce high-intensity nighttime lighting and glare as part of the Folsom Specific Plan design guidelines/standards. Consideration shall be given to design features, namely directional shielding for street lighting, parking lot lighting, and other substantial light sources, that would reduce effects of nighttime lighting. In addition, consideration shall be given to the use of automatic shutoffs or motion sensors for lighting features to further reduce excess nighttime light.
- ▶ Use shielded or screened public lighting fixtures to prevent the light from shining off of the surface intended to be illuminated. To reduce impacts associated with light and glare, the project applicant(s) of all project phases shall:
  - ▶ Shield or screen lighting fixtures to direct the light downward and prevent light spill on adjacent properties.
  - ▶ Flood and area lighting needed for construction activities, nighttime sporting activities, and/or security shall be screened or aimed no higher than 45 degrees above straight down

(half-way between straight down and straight to the side) when the source is visible from any off-site residential property or public roadway.

► For public lighting in residential neighborhoods, prohibit the use of light fixtures that are of unusually high intensity or brightness (e.g., harsh mercury vapor, low-pressure sodium, or fluorescent bulbs) or that blink or flash.

► Use appropriate building materials (such as low-glare glass, low-glare building glaze or finish, neutral, earth-toned colored paint and roofing materials), shielded or screened lighting, and appropriate signage in the office/commercial areas to prevent light and glare from adversely affecting motorists on nearby roadways.

► Design exterior on-site lighting as an integral part of the building and landscape design in the Folsom Specific Plan area. Lighting fixtures shall be architecturally consistent with the overall site design.

► Lighting of off-site facilities within the City of Folsom shall be consistent with the City's General Plan standards.

► Lighting of the off-site detention basin shall be consistent with Sacramento County General Plan standards.

► Lighting of the two local roadway connections from Folsom Heights off-site into El Dorado Hills shall be consistent with El Dorado County General Plan standards.

A lighting plan for all on- and off-site elements within the each agency's jurisdictional boundaries (specified below) shall be submitted to the relevant jurisdictional agency for review and approval, which shall include the above elements. The lighting plan may be submitted concurrently with other improvement plans, and shall be submitted before the installation of any lighting or the approval of building permits for each phase. The project applicant(s) for any particular discretionary development application shall implement the approved lighting plan.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties).

### **Finding for Elements within the City of Folsom's Jurisdiction**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Because of the scale of proposed development and because project implementation would introduce a substantial quantity of light into a rural landscape, overall light and glare effects are considered significant and direct. No indirect impacts would occur. Implementation of Mitigation Measure 3A.1-5 by the City of Folsom would reduce significant impacts associated with effects from new sources of light and glare to a less-than-significant level

under the Proposed Project Alternative by establishing on-site lighting standards in the specific plan, requiring conformance with established general plan standards, and requiring the project applicant(s) of all project phases to prepare and implement a lighting plan.

### **Finding for Elements Outside the City of Folsom’s Jurisdiction**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

For the on-site elements and off-site elements within the City’s jurisdiction, changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. However, some of the off-site elements (two roadway connections in El Dorado County and detention basin in Sacramento County) fall under the jurisdiction of El Dorado and Sacramento Counties; therefore, the City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.1-5. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.1-5, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.1-6: New Skyglow Effects.** *Project implementation would require lighting of new development that would result in the generation of new and increased skyglow effects, obscuring views of stars, constellations, and other features of the night sky.*

### **Implement Mitigation Measure 3A.1-5.**

#### **Findings**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.*

Implementation of Mitigation Measure 3A.1-5 would partially reduce significant impacts associated with effects from skyglow under the Proposed Project Alternative. Mitigation Measure 3A.1-5 would require the development and implementation of an on-site lighting plan and by requiring conformance with general plan standards for the off-site facilities. However, because of the scale and location of the SPA and the off-site elements, screening or shielding of light fixtures to direct light downward or the use of low-pressure sodium or other lighting would not reduce the effects of new skyglow on the night sky to a less-than-significant level. Therefore, impacts would remain **significant and unavoidable**.

No other feasible mitigation measures are available to reduce impacts associated with new skyglow to a less-than-significant level because it is technically infeasible to allow new development without introducing new skyglow effects. The project’s objectives include



providing a large-scale mixed-use and mixed-density residential housing development within the City of Folsom, south of U.S. 50. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow new development without introducing new sources of skyglow, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is significant and unavoidable.

**3B.1-2: Substantial Degradation of Existing Visual Character or Quality of the “Water” Study Area.** *Implementation of the Off-site Water Facility Alternatives could substantially degrade the existing visual character or quality of the “Water” Study Area and its surroundings.*

**Mitigation Measure 3B.1-2a: Enhance Exterior Appearance of Structural Facilities.**

The external appearance of above-ground facilities, including the choice of color and materials, shall seek to reduce the visual impact of the proposed WTP, pump station, and above-ground storage tank facilities.

Bright reflective materials and colors shall be avoided. As appropriate, the exterior design of these facilities should follow design guidelines provided in applicable land use plans. Minimum exterior design requirements shall include, but are not limited to, the following:

- ▶ painting (with earth-colored tones) of structural façades to blend with surrounding land uses,
- ▶ use of fencing or structural materials similar to those used by nearby land uses,
- ▶ installation of berms and/or landscaping around the facility (see Mitigation Measure 3B.2-2b for additional detail), and
- ▶ clustering of structural facilities to maximize open space buffering.

**Mitigation Measure 3B.1-2b: Prepare Landscaping Plan.**

The City shall develop a landscaping plan for each structural facility site that uses a combination of native vegetation, earthen features (e.g., boulders), and, if appropriate, topographical separations (e.g., berms) to maximize site appearance and shield the new facilities from nearby sensitive receptors to the extent feasible. In addition to complying with local standards, the landscaping plan shall require the following at each site:

- ▶ Vegetation shall be arranged in a hierarchy of plant groupings to enhance the visual and scenic qualities of the site(s). To the extent practical, the design will minimize the need for supplemental irrigation.
- ▶ New or replacement vegetation shall be compatible with surrounding vegetation and shall be adaptable to the site with regard to rainfall, soil type, exposure, growth rate, erosion control, and energy conservation purposes.
- ▶ Plant materials chosen shall be species which do not present any safety hazards, which allow native flora to reestablish in the area, and which require minimal maintenance, including watering, pest control, and clean-up of litter from fruit and droppings.

## **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Although the Off-site Water Facilities would change the visual character of the WTP site, the extent and magnitude of this change is not considered substantial in relation to other adjacent uses, which include OHV use and aggregate mining. However, the design of the WTP could be inconsistent with the development proposed within the Folsom SPA. Therefore, the direct and indirect impacts from implementation of the Proposed Off-site Water Facility Alternative are considered potentially significant.

Implementation of Mitigation Measures 3B.1-2a and 3B.1-2b would reduce potentially significant direct and indirect impacts associated with visual quality degradation to a less-than-significant level by ensuring structural elements of the WTP, pump stations, and storage tanks blend with the development patterns proposed for the Folsom SPA and within adjacent jurisdictions through the provision of visual screening.

**IMPACT 3B.1-3: Creation of a New Source of Substantial Light or Glare that would Adversely Affect Day or Nighttime Views in the “Water” Study Area.** *Implementation of the Off-site Water Facility Alternatives would create new sources of substantial light or glare, which could adversely affect day or nighttime views in the “Water” Study Area.*

### **Mitigation Measure 3B.1-3a: Conform to Construction Lighting Standards.**

The City shall limit construction to daylight hours to the extent possible. If nighttime lighting or construction is necessary, the City shall ensure that unshielded lights, reflectors, or spotlights are not located and directed to shine toward or be directly visible from adjacent properties or streets.

To the extent possible, the City shall minimize the use of nighttime construction lighting within 500 feet of existing residences. This measure shall be identified on grading plans and in construction contracts.

### **Mitigation Measure 3B.1-3b: Prepare and Submit a Lighting Master Plan.**

The City shall prepare a Lighting Master Plan that covers all Off-site Water Facilities-related outdoor light sources. The Lighting Master Plan shall include the following minimum requirements:

- ▶ outdoor lighting shall be properly shielded and installed to prevent light trespass on adjacent properties;
- ▶ flood or spot lamps installed as part of the Off-site Water Facilities shall be aimed no higher than 45 degrees above straight down (half-way between straight down and straight to the side) when the source is visible from any off-site residential property or public roadway;
- ▶ prohibit the use of harsh mercury vapor, low-pressure sodium, or fluorescent bulbs for public lighting in residential neighborhoods; and

- ▶ comply with requirements of local jurisdiction, if applicable.

### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Construction can involve numerous potential sources of nighttime lighting, including earthmoving and other construction equipment, temporary construction trailers, employee vehicles, and flood and security lighting.

Nighttime construction along the conveyance alignments could adversely affect single-family residences along Gerber, Florin, Excelsior, Grant Line, Eagles Nest, and Grant Line Roads and could interfere with the nighttime vision of drivers using these roadways. Because nighttime construction lighting could adversely affect nearby residents and drivers on adjacent roads, this **direct** impact would be **potentially significant**. **No indirect** impacts would result.

The WTP under the Proposed Off-site Water Facility Alternative would be constructed in an undeveloped area that has minimal to no existing sources of light and glare. As a result, the WTP would generate new sources of night lighting and glare within an area that currently lacks these sources, thereby, incrementally increasing the amount of light generated within the immediate vicinity of the WTP. Although light generated by the WTP would be typical of similar industrial development to the south, such as existing aggregate processing, by virtue that the new source of illumination would originate from a different location, potentially affecting previously unaffected residences. This direct impact would be potentially significant. No indirect impacts would result.

Implementation of Mitigation Measures 3B.1-3a and 3B.1-3b would reduce potentially significant impacts associated with the temporary use of construction lighting to a less-than-significant level through adherence to construction lighting standards and preparation and implementation of a lighting master plan for operational, above-ground facilities.

## **6. Air Quality**

Additional Information on the Air Quality Impacts for the City of Folsom Annexation is set forth in the Final EIR. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, the findings of the Sacramento Local Agency Formation Commission are as follows:

**Impact 3A.2-1: Generation of Construction Emissions of NOX and PM10.** *Construction activities associated with the project would generate intermittent emissions of NOX and PM10. Because of the large size of the project, construction-generated emissions of NOX, an ozone*

*precursor, and fugitive PM10 dust would exceed SMAQMD-recommended thresholds and would substantially contribute to emissions concentrations that exceed the NAAQS and CAAQS. Thus, project-generated, construction-related emissions of criteria air pollutants and precursors could violate or contribute substantially to an existing or projected air quality violation, expose sensitive receptors to substantial pollutant concentrations, and/or conflict with air quality planning efforts.*

**Mitigation Measure 3A.2-1a: Implement Measures to Control Air Pollutant Emissions Generated by Construction of On-Site Elements.**

To reduce short-term construction emissions, the project applicant(s) for any particular discretionary development application shall require their contractors to implement SMAQMD's list of Basic Construction Emission Control Practices, Enhanced Fugitive PM Dust Control Practices, and Enhanced Exhaust Control Practices (list below) in effect at the time individual portions of the site undergo construction. In addition to SMAQMD-recommended measures, construction operations shall comply with all applicable SMAQMD rules and regulations.

***Basic Construction Emission Control Practices***

- ▶ Water all exposed surfaces two times daily. Exposed surfaces include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads.
- ▶ Cover or maintain at least two feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways should be covered.
- ▶ Use wet power vacuum street sweepers to remove any visible trackout mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited.
- ▶ Limit vehicle speeds on unpaved roads to 15 miles per hour (mph).
- ▶ All roadways, driveways, sidewalks, parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- ▶ Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes (as required by the state airborne toxics control measure [Title 13, Section 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site.
- ▶ Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determine to be running in proper condition before it is operated.

***Enhanced Fugitive PM Dust Control Practices – Soil Disturbance Areas***

- ▶ Water exposed soil with adequate frequency for continued moist soil. However, do not overwater to the extent that sediment flows off the site.
- ▶ Suspend excavation, grading, and/or demolition activity when wind speeds exceed 20 mph.
- ▶ Plant vegetative ground cover (fast-germinating native grass seed) in disturbed areas as soon as possible. Water appropriately until vegetation is established.

***Enhanced Fugitive PM Dust Control Practices – Unpaved Roads***

- ▶ Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
- ▶ Treat site accesses to a distance of 100 feet from the paved road with a 6 to 12-inch layer of wood chips, mulch, or gravel to reduce generation of road dust and road dust carryout onto public roads.
- ▶ Post a publicly visible sign with the telephone number and person to contact at the construction site regarding dust complaints. This person shall respond and take corrective action within 48 hours. The phone number of SMAQMD and the City contact person shall also be posted to ensure compliance.

***Enhanced Exhaust Control Practices***

▶ The project shall provide a plan, for approval by the City of Folsom Community Development Department and SMAQMD, demonstrating that the heavy-duty (50 horsepower [hp] or more) offroad vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet-average 20% NOX reduction and 45% particulate reduction compared to the most current California Air Resources Board (ARB) fleet average that exists at the time of construction. Acceptable options for reducing emissions may include use of late-model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. The project applicant(s) of each project phase or its representative shall submit to the City of Folsom Community Development Department and SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 hp, that would be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of heavyduty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman. SMAQMD's Construction Mitigation Calculator can be used to identify an equipment fleet that achieves this reduction (SMAQMD 2007a). The project shall ensure that emissions from all off-road diesel powered equipment used on the SPA do not exceed 40% opacity for more than three minutes in any one hour. Any equipment found to exceed 40 % opacity (or Ringelmann 2.0) shall be repaired immediately, and the City and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. SMAQMD staff and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this mitigation measure shall supersede other SMAQMD or state rules or regulations.

► If at the time of construction, SMAQMD has adopted a regulation or new guidance applicable to construction emissions, compliance with the regulation or new guidance may completely or partially replace this mitigation if it is equal to or more effective than the mitigation contained herein, and if SMAQMD so permits.

**Mitigation Measure 3A.2-1b: Pay Off-Site Mitigation Fee to SMAQMD to Off-Set NOX Emissions Generated by Construction of On-Site Elements.**

Implementation of the Proposed Project Alternative or the other four other action alternatives would result in construction-generated NOX emissions that exceed the SMAQMD threshold of significance, even after implementation of the SMAQMD Enhanced Exhaust Control Practices (listed in Mitigation Measure 3A.2-1a).

Therefore, the project applicant(s) shall pay SMAQMD an off-site mitigation fee for implementation of any of the five action alternatives for the purpose of reducing NOX emissions to a less-than-significant level (i.e., less than 85 lb/day). All NOX emission reductions and increases associated with GHG mitigation shall be added to or subtracted from the amount above the construction threshold to determine off-site mitigation fees, when possible. The specific fee amounts shall be calculated when the daily construction emissions can be more accurately determined: that is, if the City/USACE select and certify the EIR/EIS and approves the Proposed Project Alternative or one of the other four other action alternatives, the City and the applicants must establish the phasing by which development would occur, and the applicants must develop a detailed construction schedule. Calculation of fees associated with each project development phase shall be conducted by the project applicant(s) in consultation with SMAQMD staff before the approval of grading plans by the City. The project applicant(s) for any particular discretionary development application shall pay into SMAQMD's off-site construction mitigation fund to further mitigate construction-generated emissions of NOX that exceed SMAQMD's daily emission threshold of 85 lb/day. The calculation of daily NOX emissions shall be based on the cost rate established by SMAQMD at the time the calculation and payment are made. At the time of writing this EIR/EIS the cost rate is \$16,000 to reduce 1 ton of NOX plus a 5% administrative fee (SMAQMD 2008c). The determination of the final mitigation fee shall be conducted in coordination with SMAQMD before any ground disturbance occurs for any project phase.

Based on information available at the time of writing this EIR/EIS, and assuming that construction would be performed at a consistent rate over a 19-year period (and averaging of 22 work days per month), it is estimated that the off-site construction mitigation fees would range from \$517,410 to \$824,149, depending on which alternative is selected. Because the fee is based on the mass quantity of emissions that exceed SMAQMD's daily threshold of significance of 85 lb/day, total fees would be substantially greater if construction activity is more intense during some phases and less intense during other phases of the 19-year build out period, and in any event, based on the actual cost rate applied by SMAQMD. (This fee is used by SMAQMD to purchase off-site emissions reductions. Such purchases are made through SMAQMD's Heavy Duty Incentive Program, through which select owners of heavy-duty equipment in Sacramento County can repower or retrofit their old engines with cleaner engines or technologies.)

**Mitigation Measure 3A.2-1c: Analyze and Disclose Projected PM10 Emission Concentrations at Nearby Sensitive Receptors Resulting from Construction of On-Site Elements.**

Prior to construction of each discretionary development entitlement of on-site land uses, the project applicant shall perform a project-level CEQA analysis (e.g., supporting documentation for an exemption, negative declaration, or project-specific EIR) that includes detailed dispersion modeling of construction generated PM10 to disclose what PM10 concentrations would be at nearby sensitive receptors. The dispersion modeling shall be performed in accordance with applicable SMAQMD guidance that is in place at the time the analysis is performed. At the time of writing this EIR/EIS, SMAQMD's most current and most detailed guidance for addressing construction-generated PM10 emissions is found in its Guide to Air Quality Assessment in Sacramento County (SMAQMD 2009a). The project-level analysis shall incorporate detailed parameters of the construction equipment and activities, including the year during which construction would be performed, as well as the proximity of potentially affected receptors, including receptors proposed by the project that exist at the time the construction activity would occur.

**Mitigation Measure 3A.2-1d: Implement SMAQMD's Basic Construction Emission Control Practices during Construction of all Off-Site Elements located in Sacramento County.**

The applicants responsible for the construction of each off-site element in Sacramento County shall require their contractors to implement SMAQMD's Basic Construction Emission Control Practices during construction. A list of SMAQMD's Basic Construction Emission Control Practices is provided under Mitigation Measure 3A.2-1a.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be developed by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., Sacramento County or Caltrans) to implement SMAQMD's Basic Construction Emission Control Practices or comparable feasible measures.

**Mitigation Measure 3A.2-1e: Implement EDCAQMD-Recommended Measures for Controlling Fugitive PM10 dust During Construction of the Two Roadway Connections in El Dorado County.**

Prior to construction of each roadway extension in El Dorado County, the applicants or its contractors shall develop a fugitive dust control plan that is approved by EDCAQMD and the applicants shall require their contractors to implement the dust control measures identified in the EDCAQMD-approved fugitive dust control plan. The fugitive dust control plan shall contain measures that are recommended by EDCAQMD at the time the plan is developed, which may include, but is not limited to, the current list of EDCAQMD-recommended dust control measures provided in Table 3A.2-5 below.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be developed by the project applicant(s) of each applicable project phase in consultation with the affected oversight agency(ies) (i.e., El Dorado County).

**Mitigation Measure 3A.2-1f: Implement SMAQMD’s Enhanced Exhaust Control Practices during Construction of all Off-Site Elements.**

Implement SMAQMD’s Enhanced Exhaust Control Practices, which are listed in Mitigation Measure 3A.2-1a, in order to control NOX emissions generated by construction of all off-site elements (in Sacramento and El Dorado Counties, or Caltrans right-of-way).

**Mitigation Measure 3A.2-1g: Pay Off-Site Mitigation Fee to SMAQMD to Off-Set NOX Emissions Generated by Construction of Off-Site Elements.**

The off-site elements could result in construction-generated NOX emissions that exceed the SMAQMD threshold of significance, even after implementation of the SMAQMD Enhanced Exhaust Control Practices (listed in Mitigation Measure 3A.2-1a). Therefore, the responsible project applicant(s) for each off-site element in Sacramento County shall pay SMAQMD an off-site mitigation fee for implementation of each off-site element in Sacramento County for the purpose of reducing NOX emissions to a less-than-significant level (i.e., less than 85 lb/day). The specific fee amounts shall be calculated when the daily construction emissions can be more accurately determined. This calculation shall occur if the City/USACE certify the EIR/EIS and select and approves the Proposed Project Alternative or one of the other four other action alternatives, the City, Sacramento County, and the applicants establish the phasing by which construction of the off-site elements would occur, and the applicants develop a detailed construction schedule. Calculation of fees associated with each off-site element shall be conducted by the project applicant(s) in consultation with SMAQMD staff before the approval of respective grading plans by Sacramento County. The project applicant(s) responsible for each off-site element in Sacramento County shall pay into SMAQMD’s off-site construction mitigation fund to further mitigate construction generated emissions of NOX that exceed SMAQMD’s daily emission threshold of 85 lb/day. The calculation of daily NOX emissions shall be based on the cost rate established by SMAQMD at the time the calculation and payment are made. At the time of writing this EIR/EIS the cost rate is \$16,000 to reduce 1 ton of NOX plus a 5% administrative fee (SMAQMD 2008c). The determination of the final mitigation fee shall be conducted in coordination with SMAQMD before any ground disturbance occurs for any project phase. Because the fee is based on the mass quantity of emissions that exceed SMAQMD’s *daily* threshold of significance of 85 lb/day, total fees for construction of the off-site elements would vary according to the timing and potential overlap of construction schedules for off-site elements. This measure applies only to those off-site elements located in SMAQMD’s jurisdiction (i.e., in Sacramento County) because EDCAQMD does not offer a similar off-set fee program for construction generated NOX emissions in its jurisdiction. (This fee is used by SMAQMD to purchase off-site emissions reductions. Such purchases are made through SMAQMD’s Heavy Duty Incentive Program, through which select owners of heavy-duty equipment in Sacramento County can repower or retrofit their old engines with cleaner engines or technologies.)

Mitigation for the off-site elements outside of the City of Folsom’s jurisdictional boundaries must be developed by the project applicant(s) of each applicable project phase in coordination with the affected oversight agency(ies) (i.e., Sacramento County or Caltrans).



**Mitigation Measure 3A.2-1h: Analyze and Disclose Projected PM10 Emission Concentrations at Nearby Sensitive Receptors Resulting from Construction of Off-Site Elements.** Prior to construction of each off-site element located in Sacramento County that would involve site grading or earth disturbance activity that would exceed 15 acres in one day, the responsible agency or its selected consultant shall require that detailed dispersion modeling is conducted of construction-generated PM10 emissions pursuant to SMAQMD guidance that is in place at the time the analysis is performed. At the time of writing this EIR/EIS, SMAQMD's most current and most detailed guidance for addressing construction-generated PM10 emissions is found in its *Guide to Air Quality Assessment in Sacramento County* (SMAQMD 2009a). SMAQMD emphasizes that PM10 emission concentrations at nearby sensitive receptors be disclosed in project-level CEQA analysis. Each project-level analysis shall incorporate detailed parameters of the construction equipment and activities, including the year during which construction would be performed, as well as the proximity of potentially affected receptors, including receptors proposed by the project that exist at the time the construction activity would occur. If the modeling analysis determines that construction activity would result in an exceedance or substantial contribution to the CAAQS and NAAQS at a nearby receptor, then the project applicant(s) shall require their respective contractors to implement additional measures for controlling construction-generated PM10 exhaust emission and fugitive PM10 dust emissions in accordance with SMAQMD guidance, requirements, and/or rules that apply at the time the project-level analysis is performed. It is likely that these measures would be the same or similar to those listed as Enhanced Fugitive PM Dust Control Practices for Soil Disturbance Areas and Unpaved Roads and Enhanced Exhaust Control Practices included in Mitigation Measure 3A.2-1a. Dispersion modeling is not required for the two El Dorado County roadway connections because the total amount of disturbed acreage is expected to be less than the EDCAQMD screening level of 12 acres.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be developed by the project applicant(s) of each applicable project phase in coordination with the affected oversight agency(ies) (i.e., Sacramento County or Caltrans).

#### **Finding Regarding NOX Emissions**

***Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen potential impacts from NOX emissions for both the on-site and the off-site elements of the Proposed Project Alternative.***

The maximum daily level of construction-generated NOX emissions under the Proposed Project would exceed the SMAQMD-recommended threshold of 85 lb/day. It should be noted that the maximum daily emissions level estimates displayed in Table 3A.2-3 on page 3A.2-29 of the DEIR/DEIS assume that the intensity of construction activity would be the same during the 19 years of construction on the site. It is more likely, however, that some period of construction (and associated emissions) would be more intense than other periods due to changes in market conditions and according to preferences of the City and the project applicants. If, for instance, peak construction activity would be as much as three times as intense as the average level of construction activity during the 19-year build out period, then the maximum daily emission levels would be three times the levels presented in Table 3A.2-3 (page 3A.2-29 of the DEIR/DEIS).

Because mass emissions of NOX would exceed SMAQMD's recommended threshold of significance and because grading activities are anticipated to be extensive, construction-generated emissions of criteria air pollutants and precursors could violate or contribute substantially to an existing or projected air quality violation. Also, construction emissions of criteria air pollutants and precursors could expose sensitive receptors to substantial pollutant concentrations, particularly when grading and other ground disturbance activities occurs near land uses that have already been developed (and where people are already living or working) on the SPA. In addition, because the SMAQMD's significance thresholds approximately correlate with reductions from heavy-duty vehicles and reduction requirements for land use project emissions in the SIP, construction-generated emissions could also conflict with air quality planning efforts. This would be a **direct significant** impact. **No indirect** impacts would occur.

## **Off-Site Elements**

### *Summary*

The timing of construction of each of the off-site elements is unknown at the time of writing the EIR/EIS. If the construction schedules of multiple off-site elements located in SMAQMD's jurisdiction (i.e., Sacramento County) would overlap with each other, and/or with construction of on-site elements, their combined emissions of NOX would potentially exceed SMAQMD's mass emission threshold of 85 lb/day. The combined effect of NOX emissions from multiple sources is additive because NOX is a precursor to ozone, which is a pollutant of regional concern. Even though NOX emissions associated with construction of the two roadway connections would occur in El Dorado County, their impact would also be additive because the western portion of El Dorado County is part of the SVAB and the SFNA.

With regard to NOX emissions associated with construction of on-site elements, implementation of SMAQMD's Basic Construction Emission Control Practices and enhanced Exhaust Control Practices, as required by Mitigation Measure 3A.2-1a, and payment of an off-site mitigation fee to off-set construction-generated NOX emissions, as required by Mitigation Measure 3A.2-1b, would reduce emissions of NOX associated with construction of the on-site elements to levels that do not exceed SMAQMD's threshold of significance of 85 lb/day.

With regard to NOX emissions associated with construction of off-site elements, implementation of SMAQMD's Basic Construction Emission Control Practices and Enhanced Exhaust Control Practices, as required by Mitigation Measure 3A.2-1d and Mitigation Measure 3A.2-1f, respectively, and payment of an off-site mitigation fee to off-set construction-generated NOX emissions, as required by Mitigation Measure 3A.2-1g, would reduce emissions of NOX associated with construction of the off-site elements in Sacramento County to levels that do not exceed SMAQMD's threshold of significance of 85 lb/day. Consequently, emissions of NOX associated with the construction of both on-site and off-site elements would be reduced to a **less-than-significant** level.

### **Finding Regarding PM10 Emissions**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.*

Construction emissions are considered short term and temporary in duration, but have the potential to represent a significant impact with respect to air quality. Respirable particulate matter (PM10) and fine particulate matter (PM2.5) are among the pollutants of greatest concern with respect to construction activities. Particulate emissions from construction activities can lead to adverse health effects and nuisance concerns, such as reduced visibility and soiling of exposed surfaces. Particulate emissions can result from a variety of construction activities, including excavation, grading, demolition, vehicle travel on paved and unpaved surfaces, and vehicle and equipment exhaust. Construction emissions of PM10 can vary greatly depending on the level of activity, the specific operations taking place, the number and types of equipment operated, local soil conditions, weather conditions, and the amount of earth disturbance (e.g., site grading, excavation, cut-and-fill).

With respect to construction-generated emissions of PM10, SMAQMD typically recommends that project-level analyses determine the maximum concentration of PM10 emissions by performing air dispersion modeling with the EPA's AERMOD model if the maximum daily acreage of ground disturbance would exceed 15 acres. Given the overall size of the SPA and the likelihood that substantial portions would undergo construction at one time, it is assumed that more than 15 acres of ground disturbance activity would occur in one day. This is particularly the case for the eastern hillside area of the SPA where extensive cut and fill operations would be performed. Thus, it is concluded that ground-disturbing activities associated with site construction would result in concentrations of PM10 that exceed the NAAQS or CAAQS. However, dispersion modeling has not been performed for this program-level analysis because detailed information about grading activities and the locations and occupancy timing of future planned on-site receptors is not known at the time of writing the DEIR/DEIS. A project-level analysis that incorporates specific details of each phase of the selected alternative would be necessary to perform accurate and meaningful dispersion modeling and properly disclose the air quality impacts associated with PM10 emission concentrations. SMAQMD has approved this approach for this analysis because the analysis is being performed at the program-level (Hurley, pers. comm., 2009)

### **Off-Site Elements**

#### ***Summary***

The timing of construction of each of the off-site elements is unknown at the time of writing the DEIR/DEIS. If the construction schedules of multiple off-site elements located in SMAQMD's jurisdiction (i.e., Sacramento County) would overlap with each other, and/or with construction of on-site elements, their combined emissions of NOX would potentially exceed SMAQMD's mass emission threshold of 85 lb/day. PM10 is a pollutant of localized concern and PM10 generated by construction of the various off-site elements would not combine to form higher concentrations of PM10 than construction of any single off-site

element because the various off-site elements are not located in close proximity to each other. Nonetheless, as discussed above, PM10 emissions generated by grading and ground disturbance activity during construction of all of the off-site elements could exceed or substantially contribute to local exceedances of the CAAQS and NAAQS for PM10, especially if adequate dust control measures are not implemented. As a result, because both NOX and PM10 emissions associated with the construction of the off-site elements could exceed applicable thresholds this would be considered a **direct, significant** impact. **No indirect** impacts would occur.

With regard to PM10 emission concentrations resulting from construction of off-site elements, implementation of SMAQMD's Basic Construction Emission Control Practices, as required by Mitigation Measure 3A.2-1d, as well as implementation of EDCAQMD-recommended fugitive PM10 dust control measures, would reduce PM10 concentrations generated during the construction of the off-site elements. Nonetheless, resultant PM10 concentrations could potentially exceed or substantially contribute to the CAAQS and NAAQS because the intensity of construction activity and the acreage of ground disturbance that could occur at any one point in time could be substantially high and/or take place in close proximity to existing or future planned sensitive receptors (e.g., residents, schools).

Therefore, PM10 emissions associated with construction of the off-site elements would be **significant and unavoidable** unless the results of a detailed project-level analysis, as required by Mitigation Measure 3A.2-1h, support another impact conclusion. Mitigation Measure 3A.2-1h requires a detailed project-level analysis after project phasing has been determined and tentative maps and improvement plans have been prepared, because at the time this DEIR/DEIS was prepared, site-specific information that would allow detailed dispersion modeling of construction-generated PM10 from construction of the off-site elements in relation to nearby sensitive receptors was not available.

No other feasible mitigation measures are available to reduce PM10 emissions from construction activities to a less-than-significant level because it is technically infeasible to allow construction without resulting in PM10 emissions. The project's objectives include providing a large-scale mixed-use and mixed-density residential housing development within the City of Folsom, south of U.S. 50. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow new construction without resulting in PM10 emissions, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is significant and unavoidable.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

Additionally, some of the off-site elements fall under the jurisdiction of El Dorado and Sacramento Counties and/or Caltrans; therefore, the City would not have control over their timing or implementation. Therefore, the impacts related to those off-site facilities are

considered potentially significant and unavoidable. These impacts would be reduced to a **less-than-significant** level if El Dorado County and/or Caltrans cooperate in their implementation.

**IMPACT 3A.2-2: Generation of Long-Term Operational (Regional) Emissions of ROG and NOX.** *Operational area- and mobile-source emissions from project implementation would exceed the SMAQMD-recommended threshold of 65 lb/day for ROG and NOX, and would result in or substantially contribute to emissions concentrations that exceed the NAAQS or CAAQS for ozone. In addition, because of the large increase in emissions associated with project build out and the fact that the project is not within an already approved plan (which means that increased emissions would not already be accounted for in applicable air quality plans), project implementation could conflict with air quality planning efforts in the SVAB.*

**Mitigation Measure 3A.2-2: Implement All Measures Prescribed by the Air Quality Mitigation Plan to Reduce Operational Air Pollutant Emissions.**

To reduce operational emissions, the project applicant(s) for any particular discretionary development application shall implement all measures prescribed in the SMAQMD-approved *Folsom Plan Area Specific Plan Air Quality Mitigation Plan* (AQMP) (Torrence Planning 2008), a copy of which is included in Appendix C2. The AQMP is intended to improve mobility, reduce vehicle miles traveled, and improve air quality as required by AB 32 and SB 375. The AQMP includes, among others, measures designed to provide bicycle parking at commercial land uses, an integrated pedestrian/bicycle path network, transit stops with shelters, a prohibition against the use of wood-burning fireplaces, energy star roofing materials, electric lawnmowers provided to homeowners at no charge, and on-site transportation alternatives to passenger vehicles (including light rail) that provide connectivity with other local and regional alternative transportation networks.

**Findings**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.*

Operation of the Proposed Project would result in long-term regional emissions of ROG, NOX, and PM10 associated with area sources, such as natural gas emissions, landscaping, applications of architectural coatings, in addition to operational vehicle-exhaust emissions. According to the traffic data used to prepare Section 3A.15, “Traffic and Transportation – Land,” of the DEIR/DEIS, full build out of the Proposed Project Alternative would result in approximately 247,000 additional vehicle trips per day and a regional net increase of 612,800 vehicle miles traveled (VMT) per day (Stankiewicz, pers. comm., 2009a).

Operational emissions were modeled using the URBEMIS 2007 Version 9.2.4 computer program (Rimpo and Associates 2008), as recommended by SMAQMD. Model defaults were adjusted to reflect project-specific data where available including the sizes and types of proposed land uses. Modeled operational emissions for the Proposed Project Alternative are presented in Table 3-12 below (Table 3A.2-7 on page 3A.2-44 of the DEIR/DEIS). Refer to Appendix C1 of the DEIR/DEIS for a detailed summary of the URBEMIS modeling

assumptions, inputs, and outputs.

Based on the modeling conducted, and as summarized in Table 3-12 above (Table 3A.2-7 on page 3A.2-44 of the DEIR/DEIS), operation of the Proposed Project Alternative would result in a net increase in unmitigated long-term regional emissions of approximately 2,061 lb/day of ROG, 709 lb/day of NOX, 2,433 lb/day of PM10, and 1,529 lb/day of PM2.5. Operational area- and mobile-source emissions of NOX from implementation of the Proposed Project Alternative would exceed the SMAQMD-recommended threshold of 65 lb/day for ROG and NOX, and would result in or substantially contribute to emissions concentrations that exceed the NAAQS or CAAQS. In addition, because development of the SPA is not included in an existing approved general plan, and operational emissions of ROG, NOX, PM10, and PM2.5 associated with land use development on the site would not already be accounted for in applicable air quality plans, implementation of the Proposed Project Alternative could conflict with air quality planning efforts in the SVAB. As a result, this long-term **direct** impact is considered **significant**. **No indirect** impacts would occur.

Implementation of all air pollutant reduction measures contained in the SMAQMD-approved *Folsom Plan Area Specific Plan Air Quality Mitigation Plan*, as required by Mitigation Measure 3A.2-2, would reduce ROG and NOX emissions associated with operation of the project. However, the exact reduction achieved by implementation of Mitigation Measure 3A.2-2 cannot be determined for the Proposed Project Alternative. While the AQMP was developed to achieve a 35% reduction in operational NOX emissions from baseline levels, the baseline levels are not represented by the URBEMIS modeling output summarized in Tables 3A.2-6 through 3A.2-10 of the DEIR/DEIS. For the purposes of developing an AQMP pursuant to SMAQMD's *Guidance for Land Use Emission Reductions* (SMAQMD 2007b) a baseline emissions level is presumed that is based on standard default trip generation rates established by the Institution of Transportation Engineers (ITE).

The actual emission reduction benefit of the AQMP would be some amount less than 35%. Nonetheless, even if operational emissions of ROG and NOX were 35% lower than the levels reported in Tables 3A.2-6 through 3A.2-10 of the DEIR/DEIS, they would still exceed SMAQMD's significance threshold of 65 lb/day. As a result, this impact would be **significant and unavoidable**. No other feasible mitigation measures are available to reduce impacts associated with operational emissions of ROG and NOX to a less-than-significant level because it is technically infeasible to allow new development without resulting in ROG and NOX emissions. The project's objectives include providing a large-scale mixed-use and mixed-density residential housing development within the City of Folsom, south of U.S. 50. Therefore, complete mitigation is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow new development without resulting in ROG or NOX emissions, complete mitigation of this impact is facially infeasible.

**IMPACT 3A.2-3: Generation of Local Mobile-Source CO Emissions.** Project-generated local mobile-source CO emissions would not result in or substantially contribute to concentrations that exceed the 1-hour ambient air quality standard of 20 ppm or the 8- hour standard of 9 ppm.

## **Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.2-4: Exposure of Sensitive Receptors to Short- and Long-Term Emissions of Toxic Air Contaminants.** *Project implementation would result in exposure of receptors to short- and long-term emissions of TACs from on-site stationary and mobile sources and from off-site mobile sources.*

### **Mitigation Measure 3A.2-4a: Develop and Implement a Plan to Reduce Exposure of Sensitive Receptors to Construction-Generated Toxic Air Contaminant Emissions.**

The project applicant(s) for any particular discretionary development application shall develop a plan to reduce the exposure of sensitive receptors to TACs generated by project construction activity associated with buildout of the selected alternative. Each plan shall be developed by the project applicant(s) in consultation with SMAQMD. The plan shall be submitted to the City for review and approval before the approval of any grading plans.

The plan may include such measures as scheduling activities when the residences are the least likely to be occupied, requiring equipment to be shut off when not in use, and prohibiting heavy trucks from idling.

Applicable measures shall be included in all project plans and specifications for all project phases. The implementation and enforcement of all measures identified in each plan shall be funded by the project applicant(s) for the respective phase of development.

**Mitigation Measure 3A.2-4b: Implement Measures to Reduce Exposure of Sensitive Receptors to Operational Emissions of Toxic Air Contaminants.** The following measures shall be implemented to reduce exposure of sensitive receptors to Toxic Air Contaminants.

► Proposed commercial and industrial land uses that have the potential to emit TACs or host TAC generating activity (e.g., loading docks) shall be located away from existing and proposed on-site sensitive receptors such that they do not expose sensitive receptors to TAC emissions that exceed an incremental increase of 10 in 1 million for the cancer risk and/or a non-carcinogenic Hazard Index of 1.0.

► The multi-family residences planned across from the off-site corporation yard near the southwest corner of the SPA shall be set back as far as possible from the boundary of the corporation yard and/or relocated to another area.

► Where necessary to reduce exposure of sensitive receptors to an incremental increase of 10 in 1 million for the cancer risk and/or a noncarcinogenic Hazard Index of 1.0, proposed commercial and industrial land uses that would host diesel trucks shall incorporate idle reduction strategies that reduce the main propulsion engine idling time through alternative technologies such as, IdleAire, electrification of truck parking, and alternative energy sources for TRUs, to allow diesel engines to be completely turned off.

► Signs shall be posted in at all loading docks and truck loading areas which indicate that dieselpowered delivery trucks must be shut off when not in use for longer than 5 minutes on the premises in order to reduce idling emissions. This measure is consistent with the ATCM

to Limit Diesel-Fueled Commercial Motor Vehicle Idling, which was approved by the California Office of Administrative Law in January 2005.

► Implement the following additional guidelines, which are recommended in *ARB's Land Use Handbook: A Community Health Perspective* (ARB 2005) and are considered to be advisory and not regulatory:

- Sensitive receptors, such as residential units and daycare centers, shall not be located in the same building as dry-cleaning operations that use perchloroethylene. Dry-cleaning operations that use perchloroethylene shall not be located within 300 feet of any sensitive receptor. A setback of 500 feet shall be provided for operations with two or more machines.
- Large gasoline stations (defined as facilities with a throughput of 3.6 million gallons per year or greater) and sensitive land uses shall not be sited within 300 feet of each other. Small gasoline dispensing facilities (less than 3.6 million gallons of throughput per year) and sensitive land uses shall not be sited within 50 feet of each other.

### **Finding for Emissions from On-Site Operational Mobile Sources**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS*

The Proposed Project Alternative would include proposed residences, schools, and parks. On-site mobile sources of TACs would primarily be associated with the operation of school buses transporting students to and from the proposed schools, as well as diesel-powered delivery trucks associated with proposed onsite commercial and industrial activities.

Given that proposed on-site commercial and industrial land uses have not yet been identified and could potentially involve substantial volumes of truck activity occurring in close proximity to nearby sensitive receptors, exposure of nearby on-site receptors to mobile-source TACs associated with commercial and industrial activities is considered a **direct** and **potentially significant** impact. **No indirect** impact would occur.

Further, as stated previously, the ARB guidance document is not regulatory, and the SMAQMD has not established any guidelines for the assessment of such impacts or any applicable thresholds for these types of emissions.

Implementation of Mitigation Measure 3A.2-4b would lessen health-related risks associated with mobile-source TACs under the Proposed Project Alternative and the other four action alternatives. Exposures of sensitive receptors located within 500 feet of a freeway to TACs would be less-than-significant; future exposures of sensitive receptors to TACs from high-traffic volume roadway is discussed in Section 4.1 "Cumulative Impacts" of the DEIR/DEIS. Exposure of receptors to mobile-source TAC emissions therefore is considered to be **less than significant**.

### **Finding for Other Sources**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS*



The exposure of sensitive receptors (e.g., proposed residential units, schools) to TAC emissions from construction activities and from existing and stationary, area, and mobile sources under the Proposed Project Alternative is discussed separately below.

### ***Temporary, Short-Term Emissions from Construction Equipment***

Construction of the Proposed Project Alternative would result in short-term emissions of diesel exhaust from onsite heavy-duty equipment. Emissions of particulate exhaust from diesel-fueled engines (diesel PM) were identified as a TAC by ARB in 1998. Construction of the project would result in the generation of diesel PM emissions from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities. According to ARB, the potential cancer risk from the inhalation of diesel PM, which is discussed below, outweighs the potential noncancer health impacts (ARB 2003). The dose to which the receptors are exposed (a function of concentration and duration of the exposure period) is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). According to the Office of Environmental Health Hazard Assessment (OEHHA), health risk assessments, which determine the exposure of sensitive receptors to TAC emissions, should be based on a 70-year exposure period; however, such assessments should be limited to the period/duration of activities associated with the project (Salinas, pers. comm., 2004). The use of mobilized equipment in each area of the SPA would be temporary. In addition, some new residents would occupy the site concurrently with on-site construction activities. Thus, diesel PM from construction activities could also expose on-site residents and schools to levels that exceed applicable standards as some phases of the development plan are built out while construction of other phases continues. Particularly, some residents may be exposed to diesel PM generated by construction activity in all directions (at varying times). Even with the dispersive properties of diesel PM (Zhu et al. 2002), construction activities could expose sensitive receptors to levels of health risk that exceed applicable standards. Therefore, this **direct** impact is considered **potentially significant**. **No indirect** impacts would occur.

### ***Land Use Compatibility with Off-Site Corporation Yard***

The City plans to develop a new corporation yard south of White Rock Road near the southwestern corner of the SPA. The corporation yard would be used to stage, store, and maintain equipment used by the City, including diesel-powered trucks and heavy-duty equipment (e.g., mowers). The location of on-site receptors, particularly residences within the SPA that would be zoned for multi-family medium density development near the southwestern corner of the SPA could be exposed to diesel PM emissions generated at the corporation yard.

Moreover, because the predominant wind direction in the area and from the south-southwest at approximately 10 mph (ARB 1994), these receptors would be located downwind of the corporation yard. The types of equipment that would be operated at the corporation yard and the frequency and intensity of their operation have not yet been identified. Given that activities at the corporation yard could potentially generate substantial levels of diesel PM exhaust, as well as the close proximity of nearby sensitive receptors, the potential for these on-site receptors to be exposed to high concentration of diesel PM emissions from the

corporation yard is a **direct** and **potentially significant** impact. **No indirect** impact would occur.

Implementation of Mitigation Measure 3A.2-4a would lessen health-related risks associated with the use of offroad diesel powered equipment during construction activity under all action alternatives. However, given that construction activity would occur on the SPA during the 19-year buildout of the project, exposure to construction generated TAC emissions would not necessarily be reduced to less-than-significant levels. Therefore, the potential exposure of receptors to construction-generated TAC emissions is considered to be **significant and unavoidable**.

Implementation of Mitigation Measure 3A.2-1a, 3A.2-1b, and 3A.2-1f would lessen health-related risks associated with the use of off-road diesel powered equipment during construction activity in El Dorado County. However, given that construction activity would occur on the SPA during the 19-year buildout of the project, exposure to construction-generated TAC emissions would not necessarily be reduced to less-than-significant levels. Therefore, the potential exposure of receptors to construction-generated TAC emissions is considered to be **significant and unavoidable**.

Similarly, increasing the set back distance between on-site residents and the off-site, future planned corporation yard would not necessarily reduce the levels of TAC exposure at these residents to a less-than-significant level. Therefore, the potential exposure of on-site residents to TAC emissions from the corporation yard would be considered **significant and unavoidable**.

Additionally, some of the off-site elements fall under the jurisdiction of El Dorado and Sacramento Counties and/or Caltrans; therefore, neither the City nor the project applicant(s) would have control over their timing or implementation. Therefore, the impacts related to those off-site facilities are considered potentially significant and unavoidable.

These conclusions have been reached due to the uncertainty about the potential TAC emissions sources associated with on-site commercial and industrial land use activities and the proximity of sensitive receptors to such uses. In addition, there is also uncertainty about the feasibility and effectiveness of extending the setback distances between roadways and receptors and the effectiveness and feasibility of tiered planting of fine-needle tree species. Therefore, this conclusion may change as more detailed information regarding proposed on-site commercial uses becomes available and analyses of individual phases are performed at the project level as part of future CEQA documents prior to approval of subdivision maps or improvement plans.

No other feasible mitigation measures are available to reduce impacts associated with the short-term and longterm exposure of sensitive receptors to TACs from project development to a less-than-significant level because it is technically infeasible to allow new development without generating TACs. The project's objectives include providing a large-scale mixed-use and mixed-density residential housing development within the City of Folsom, south of U.S. 50. Therefore, mitigation to a less-than-significant level is not possible while still allowing

for implementation of the specific plan. Thus, because it is impossible to allow new development without short-term and long-term exposure of sensitive receptors to TACs, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is significant and unavoidable.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.2-5: Exposure of Sensitive Receptors to Construction-Generated Emissions of Naturally Occurring Asbestos.** Asbestos is a toxic air contaminant. Residents and other receptors located close to construction activity could be exposed to dust from asbestos rock and soils during earth disturbance activities.

**Mitigation Measure 3A.2-5: Implement a Site Investigation to Determine the Presence of NOA and, if necessary, Prepare and Implement an Asbestos Dust Control Plan.**

A site investigation shall be performed to determine whether and where NOA is present in the soil and rock on the SPA. The site investigation shall include the collection of soil and rock samples by a qualified geologist. If the site investigation determines that NOA is present on the SPA then the project applicant shall prepare an Asbestos Dust Control Plan for approval by SMAQMD as required in Title 17, Section 93105 of the California Code of Regulations, "Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations." The Asbestos Dust Control Plan shall specify measures, such as periodic watering to reduce airborne dust and ceasing construction during high winds. Measures in the Asbestos Dust Control Plan may include but shall not be limited to dust control measures required by Mitigation Measure 3A.2-1a. The project applicant shall submit the plan to the Folsom Community Development Department for review and SMAQMD for review and approval before construction of the first project phase. SMAQMD approval of the plan must be received before any asbestos-containing rock (serpentine) can be disturbed. Upon approval of the Asbestos Dust Control Plan by SMAQMD, the applicant shall ensure that construction contractors implement the terms of the plan throughout the construction period.

**Finding for Elements within the City of Folsom's Jurisdiction**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS.*

Grading, blasting, and other forms of ground disturbance during construction would result in fugitive PM10 dust emissions. Some areas of the SPA may contain serpentine or ultramafic rock that is common to the Sierra Nevada foothills. These types of rock contain thin veins of asbestos that can become airborne when disturbed by grading or blasting. According to a report prepared by the California Geological Survey, more than half of the SPA is located in "areas moderately likely to contain NOA" (Higgins and Clinkenbeard 2006). Although geologic conditions are more likely for asbestos formation in particular areas identified by the map, the presence thereof is not certain.

Detailed construction plans for the project have not been developed. During site grading and rock blasting activities, the serpentine soils may be disturbed, potentially exposing residents of the nearby residential neighborhoods in El Dorado County to asbestos during project construction. Also, the site would be developed in phases, so construction activity would be spread out over many years. Construction activities for later phases could adversely affect residential land uses and other receptors that have already been developed in earlier phases of development. Without appropriate controls, sensitive receptors near construction sites could be exposed to localized high levels of re-entrained fugitive PM10 dust, potentially including NOA. As a result, this **direct** impact would be considered **potentially significant**. **No indirect** impacts would occur.

Construction of some of the off-site elements would occur in “areas moderately likely to contain NOA” according to a report prepared by the California Geological Survey about NOA areas in eastern Sacramento County (Higgins and Clinkenbeard 2006), including the Oak Avenue interchange and the Rowberry Drive Overcrossing.

The Prairie City road interchange, sewer force main, and off-site detention basin would not be located in “areas moderately likely to contain NOA.” As with construction of the on-site elements, sensitive receptors near construction sites in “areas moderately likely to contain NOA” could be exposed to localized high levels of re-entrained fugitive PM10 dust, potentially including NOA, without appropriate controls. As a result, this **direct** impact would be considered **potentially significant**. **No indirect** impacts would occur. Implementation of Mitigation Measure 3A.2-5 would reduce impacts associated with generation of fugitive dust that potentially contains NOA. If the site investigation determines that NOA is present on the SPA, then implementation of a dust control plan that is approved by the applicable air district (i.e., SMAQMD or EDCAQMD) would reduce impacts related to construction in serpentine soils. Implementation of these measures would reduce the potentially significant impact associated with exposure to NOA during construction to a **less-than-significant** level.

#### **Finding for Elements Outside the City of Folsom’s Jurisdiction**

***Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.***

For the on-site elements and off-site elements within the City’s jurisdiction, changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. However, some of the off-site elements (two roadway connections in El Dorado County and detention basin in Sacramento County) fall under the jurisdiction of El Dorado and Sacramento Counties; therefore, the City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.2-5. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.2-5, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.2-6: Possible Exposure of Sensitive Receptors to Odorous Emissions.**

*Temporary, short-term construction and long-term operation of the project could result in the frequent exposure of sensitive receptors to substantial objectionable odor emissions.*

**Implement Mitigation Measure 3A.2-1a and Mitigation Measure 3A.2-1f to Control Exposure of Sensitive Receptors to Construction-Related Odorous Emissions.**

**Mitigation Measure 3A.2-6: Implement Measures to Control Exposure of Sensitive Receptors to Operational Odorous Emissions.**

The project applicant(s) for any particular discretionary development application shall implement the following measures:

- ▶ The odor-producing potential of land uses shall be considered when the exact type of facility that would occupy areas zoned for commercial, industrial, or mixed-use land uses is determined. Facilities that have the potential to emit objectionable odors shall be located as far away as feasible from existing and proposed sensitive receptors.
- ▶ The multi-family residences planned across from the off-site corporation yard near the southwest corner of the SPA shall be set back as far as possible from the boundary of the corporation yard and/or relocated to another area. (This measure is also required by Mitigation Measure 3A.2-4b to limit exposure to TAC emissions.)
- ▶ Before the approval of building permits, odor control devices shall be identified to mitigate the exposure of receptors to objectionable odors if a potential odor-producing source is to occupy an area zoned for commercial, industrial, or mixed-use land uses. The identified odor control devices shall be installed before the issuance of certificates of occupancy for the potentially odor-producing use. The odor-producing potential of a source and control devices shall be determined in coordination with SMAQMD and based on the number of complaints associated with existing sources of the same nature.
- ▶ The deeds to all properties located within the SPA that are within one mile of an on- or off-site area zoned or used for agricultural use (including livestock grazing) shall be accompanied by a written disclosure from the transferor, in a form approved by the City of Folsom, advising any transferee of the potential adverse odor impacts from surrounding agricultural operations, which disclosure shall direct the transferee to contact the County of Sacramento concerning any such property within the County zoned for agricultural uses within one mile of the subject property being transferred.
- ▶ Truck loading docks and delivery areas shall be located as far away as feasible from existing and proposed sensitive receptors.
- ▶ Signs shall be posted at all loading docks and truck loading areas which indicate that diesel-powered delivery trucks must be shut off when not in use for longer than 5 minutes on the premises in order to reduce idling emissions. This measure is consistent with the ATCM to Limit Diesel-Fueled Commercial Motor Vehicle Idling, which was approved by California's Office of Administrative Law in January 2005. (This measure is also required by Mitigation Measure 3A.2-4b to limit TAC emissions.)
- ▶ Proposed commercial and industrial land uses that have the potential to host diesel trucks shall incorporate idle reduction strategies that reduce the main propulsion engine idling time through

alternative technologies such as, IdleAire, electrification of truck parking, and alternative energy sources for TRUs, to allow diesel engines to be completely turned off. (This measure is also required by Mitigation Measure 3A.2-4b to limit TAC emissions.)

#### **Finding for Long-Term Operation of On-Site Land Uses**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

No common sources of nuisance odors, such as wastewater treatment facilities, waste-disposal facilities, or agricultural operations, are proposed as part of the project. While there would be approximately 3–4 wastewater pumping stations located on the SPA, these facilities would have controls that would prevent the release of objectionable odors. In addition, the detention basins that would be located throughout the site would not typically hold storm water long enough for odor-generating anaerobic activity to occur. With regular maintenance and proper design, residential land uses are typically not considered a major source of odors. However, truck deliveries to commercial uses and sewer lift stations could intermittently and temporarily emit diesel odors.

Additionally, commercial uses could provide development of convenience uses that may include sources of odorous emissions (e.g., fast-food restaurants) that would be perceived as offensive to some individuals. The operation of such sources could expose a substantial number of proposed on-site receptors to objectionable odorous emissions. As a result, this **direct** impact would be considered **potentially significant**. **No indirect** impacts would occur.

By requiring odor control devices on potential odor-producing sources and by requiring consideration of the odor producing potential of on-site land uses and their proximity to receptors, implementation of Mitigation Measure 3A.2-6 would reduce the possible exposure of sensitive receptors to odorous emissions associated with operation of on-site land uses to a **less-than-significant** level.

#### **Finding for Short-Term Use of Construction Equipment for On-Site and Off-Site Elements, Land Use Compatibility with Off-Site Corporation Yard, and Land Use Compatibility with Off-Site Agricultural Land Uses**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.*

The exposure of sensitive receptors (e.g., existing and proposed residential units, schools, and parks) to odorous emissions from construction and operation of the project is discussed under separate headings below.

Project construction activities associated with the development of on-site land uses could result in odorous emissions from diesel exhaust generated by construction equipment. During some periods of the 19-year buildout of the project intense levels of construction activity could potentially occur in close proximity to existing or future-planned sensitive receptors or construction activity could potentially occur near sensitive receptors for an extended period of time. In particular, a substantial number of people in the existing residential neighborhood that located just east of the SPA in El Dorado Hills could be exposed to odorous diesel exhaust emissions generated by on-site construction activity. The potential for this to occur would be particularly high under the No USACE Permit, Proposed Project Alternative, Resource Impact Minimization Alternative, Centralized Development, and Reduced Hillside Development Alternative because the level of grading in the hilly, eastern end of the SPA would involve a substantial number of construction equipment operating at heavy loads. Because this activity could result in objectionable odors that affect a substantial number of people, this would be considered a **direct, significant** impact.

The City plans to develop a corporation yard south of White Rock Road near the southwestern corner of the SPA. The corporation yard would be used to stage, store, and maintain equipment used by the City, including diesel powered trucks and heavy-duty equipment (e.g., mowers). The location of on-site receptors, in particular residences within the SPA that would be zoned for multi-family medium density development near the southwestern corner of the SPA could be exposed to odorous exhaust emissions generated by equipment at the corporation yard. Moreover, because the predominant wind direction in the area and from the south-southwest at approximately 10 mph (ARB 1994), these receptors would be located downwind of the corporation yard. The types of equipment that would be operated at the corporation yard and the frequency and intensity of their operation have not yet been identified. Given that equipment at the corporation yard could potentially generate substantial levels of diesel exhaust, as well as the close proximity of nearby sensitive receptors, the potential for these on-site receptors to be frequently exposed to high levels of odorous exhaust emissions from the corporation yard is a **direct and potentially significant** impact. **No indirect** impact would occur.

Land uses developed on the southern side of the SPA could be exposed to odors generated by neighboring agricultural land uses, which are used for livestock grazing. This could occur when some portions of the site are developed and occupied while others continue to be used for livestock grazing. Also, receptors developed along the southern portion of the SPA could be exposed to odors generated by agricultural activities that take place just south of White Rock Road. SMAQMD does not have a recommended screening distance for livestock grazing. SMAQMD recommends a screening distance of 1 mile for most odor-generating land uses, including feed lots and dairies (SMAQMD 2009a). Because the project could result in the development of receptors located in close proximity to land in the immediate vicinity that support livestock grazing, this would be a **direct and potentially significant** impact. **No indirect** impacts would occur.

Implementation of Mitigation Measure 3A.2-1a and Mitigation Measure 3A.2-1f would reduce the mass levels of odorous diesel exhaust during construction of the on-site elements.

However, given that construction activity would occur on the SPA during the 19-year buildout of the project, generation of construction-generated diesel exhaust, particularly during periods of intense grading on the eastern, hilly side of the SPA, could expose a substantial number of people to odorous emissions and, therefore, this impact would not be reduced to a less-than-significant level. Therefore, the potential exposure of a substantial number of people to these objectionable odors is considered to be **significant and unavoidable**.

Increasing the set back distance between on-site residents and the off-site, future planned corporation yard would not necessarily reduce the intensity or frequency of these residents' exposure to odorous exhaust emissions generated at the corporation yard to a less-than-significant level. Therefore, the potential exposure of on-site residents to odorous exhaust emissions from the corporation yard would be considered **significant and unavoidable**.

No other feasible mitigation measures are available to reduce impacts associated with odor emissions from construction activities, the off-site corporation yard, and off-site agricultural uses to a less-than-significant level because it is technically infeasible to allow new development without possible impacts related to nearby odorous emissions. The project's objectives include providing a large-scale mixed-use and mixed-density residential housing development within the City of Folsom, south of U.S. 50. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to engage in construction or agricultural activities without potential odor emissions, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is **significant and unavoidable**.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3B.2-1: Generation of Construction Emissions of NOX and PM10.** *Construction of the Off-site Water Facility Alternatives would produce construction-generated emissions of NOX, an ozone precursor, and fugitive PM10 dust would exceed SMAQMD-recommended thresholds and would substantially contribute to emissions concentrations that exceed the NAAQS and CAAQS. Thus, project-generated, construction-related emissions of criteria air pollutants and precursors could violate or contribute substantially to an existing or projected air quality violation and/or expose sensitive receptors to substantial pollutant concentrations.*

**Mitigation Measure 3B.2-1a: Develop and Implement a Construction NOX Reduction Plan.** Consistent with SMAQMD requirements, the City of Folsom shall provide a plan for demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20% NOX reduction. Prior to construction, the City's contractor shall submit to the SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction of the Off-site Water Facilities. The inventory shall include the horsepower rating, engine production year, and projected hours of



use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted quarterly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours prior to the use of subject heavy-duty off-road equipment, the Off-site Water Facilities representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.

**Mitigation Measure 3B.2-1b: Conduct Visible Emissions Testing and if Non-Compliance, Repair Equipment Immediately.**

Controlling visible emissions from off-road diesel powered equipment. The City shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour. Any equipment found to exceed 40% opacity (or Ringelmann 2.0) shall be repaired immediately, and the City and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in operation equipment shall be made at least monthly, and a quarterly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.

**Mitigation Measure 3B.2-1c: Implement Fugitive Dust Control Measures and a Particulate Matter Monitoring Program during Construction.**

The City shall implement fugitive dust control measures and a particulate matter monitoring program during construction. The City shall ensure implementation of dust control measures and a particulate matter monitoring program during each phase of construction. Dust control measures may include, but are not limited to, the following:

- ▶ minimize on-site construction vehicle speeds on unpaved surfaces;
- ▶ post speed limits;
- ▶ suspend grading operations when wind is sufficient to generate visible dust clouds;
- ▶ pave, water, use gravel, cover, or spray a dust-control agent on all haul roads;
- ▶ Prohibit no open burning of vegetation during project construction;
- ▶ Chip or deliver vegetative material to waste-to-energy facilities;
- ▶ reestablish vegetation as soon as possible after construction and maintain vegetation consistent with the parameters established in Mitigation Measure 3B.2.1a;
- ▶ clean earthmoving construction equipment with water once daily and clean all haul trucks leaving the site; and
- ▶ water and keep moist exposed earth surfaces, graded areas, storage piles, and haul roads as needed to prevent fugitive dust.

**Findings**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS*

Construction activities associated with the Off-site Water Facilities would occur in two distinct phases: Phase I involves site preparation and earthmoving activities, while Phase II involves installing equipment, concrete, and structural improvements. Site preparation includes activities such as general land clearing and vegetation removal.

Earthmoving activities include cut and fill operations, trenching, soil compaction, and grading. General construction includes adding improvements such as roadway surfaces, well and pump structures, and storage and treatment facilities. As shown in Table 3B.2-1 on page 3B.2-8 of the DEIR/DEIS, unmitigated emissions of NOX would exceed the 85 pounds per day significance threshold specified by the SMAQMD in 2011 or 2012 and, therefore, the associated **direct** impact would be **potentially significant**. **No indirect** impact would result. Following the application of the prescribed mitigation measures, the City would still be unable to achieve a 20% reduction in NOX in 2011 or 2012 for the Proposed Off-site Water Facility Alternative. For this reason, temporary and short-term construction-related impacts to local and regional ozone concentrations would remain **significant and unavoidable** under the Proposed Off-site Water Facility Alternative because no feasible mitigation is available to fully reduce the impacts to a less-than-significant level.

No other feasible mitigation measures are available to reduce impacts associated with NOx and PM10 from project construction to a less-than-significant level because it is technically infeasible to allow construction activities without some NOX and PM10 emissions. The objectives of the “Water” elements of the project include construction of necessary infrastructure and sufficient water supply for the planned SPA. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow construction without emissions of NOX and PM10, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is significant and unavoidable.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom’s Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3B.2-2: Generation of Long-Term Operational (Regional) Emissions of ROG, and NOX.** Operational area- and mobile-source emissions from implementation of the Offsite Water Facility Alternatives would not exceed the SMAQMD-recommended threshold of 65 lb/day for ROG and NOX.

#### **Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3B.2-3: Exposure of Sensitive Receptors to Short- and Long-Term Emissions of Toxic Air Contaminants.** *Implementation of the Off-site Water Facility Alternatives could expose sensitive receptors to short- and long-term emissions of TACs from on-site stationary sources.*

**Mitigation Measure 3B.2-3a: Cite Pump Siting Buffers Away from Sensitive Receptors.** New pumping stations including back-up diesel generators shall be located more than 200 feet away from sensitive receptors. Electrically-powered pumps shall be used to power new pumps, to the extent practicable.

**Mitigation Measure 3B.2-3b: Conduct Project-Level DPM Screening and Implement Measures to Reduce Annual DPM to Acceptable Concentrations.**

Screening-level DPM assessments shall be conducted for diesel-powered pump operations proposed within 200 feet of residences or other sensitive receptors. These analyses should include exact distances between the receptors and operations, and include the actual DPM emissions for the engines proposed. If the analysis shows an annual average DPM concentration from project operations at residences within 200 feet of the DPM source to be greater than 0.024 µg/m<sup>3</sup>, the engine location shall be moved to a location where the annual average DPM concentration from project emissions at the residences is less than 0.024 µg/m<sup>3</sup>. The acceptable concentration of 0.024 µg/m<sup>3</sup> was determined using the current OEHHA cancer potency factor and methodology for diesel exhaust (OEHHA 2003). If diesel exhaust concentrations at the affected receptor would be below 0.024 µg/m<sup>3</sup>, then the cancer health risk would be less than 9.9 cancers in a million population.

**Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Construction of the Off-site Water Facility Alternatives would not emit any hazardous air pollutants (HAPs) in any significant quantity other than from large, heavy-duty, diesel-powered equipment exhaust. The OEHHA currently describes the health risk from diesel exhaust entirely in terms of the amount of particulate, or PM<sub>10</sub>, that is emitted. Currently, the health risk associated with diesel exhaust PM<sub>10</sub> or diesel particular matter (DPM) only has a carcinogenic and chronic effect; no short-term acute effect is recognized. Off-site Water Facilities construction would be limited in duration, lasting less than three years total, and therefore, no long term, chronic impact would be expected. Further, over the 3-year construction schedule, constructed-generated diesel PM would not be emitted at any single location along the selected pipeline route for an extended period of time. In recognition of these circumstances combined with dust control mitigation prescribed in Mitigation Measure 3B.4- 1c, construction of the Off-site Water Facilities would not expose sensitive receptors to substantial pollutant concentration and the **direct** and **indirect** impact is considered **less than significant**.

Over the longer term, operational emissions associated with the proposed booster pump station(s) would be generated from the use of pumps and emergency generators. This equipment would operated via electricity under normal operating conditions year around and, under certain situations, under diesel power during emergencies.

The operation of diesel engines to pump raw/treated water supplies would contribute to increased air emissions in the areas where these facilities are proposed. The precise locations of these facilities has not yet been determined, but the anticipated general locations are shown in Exhibits 2-25, 2-26, 2-28, 2-29, 2-30, and 2-31 of the DEIR/DEIS. A recently completed health risk assessment of comparable sources, but at a higher rated treated/pumping capacity, assessed the potential impact of diesel sources operating within 200 feet of nearby residences on a year-round basis (Environmental Science Associates 2007). The study concluded that the impact of the diesel PM emissions would be less than significant because they resulted in a cancer risk of less than 10 cases in a million population. However, without a precise facility location for the booster pump and WTP, the City is unable to confirm that these facilities would be located outside a 200-foot-wide buffer and whether DPM emissions would pose conditions that exceed the previously studied impacts. For this reason, the implementation of Mitigation Measures 3B.2-2a and 2b would be required to reduce the **direct** and **indirect** impacts to a **less-than-significant** level.

With implementation of Mitigation Measures 3B.2-3a and 3B.2-3b, air quality impacts to sensitive receptors would be reduce to a **less-than-significant** level because diesel powered pumps and back-up generators would be placed a sufficient distance from sensitive receptors.

## **7. Biological Resources**

Additional Information on the Biological Resources Impacts for the City of Folsom Annexation is set forth in the Final EIR. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, the findings of the Sacramento Local Agency Formation Commission are as follows:

**IMPACT 3A.3-1: Loss and Degradation of Waters of the U.S., including Wetlands, and Waters of the State.** *Project implementation would result in the placement of fill material into jurisdictional waters of the U.S., including wetlands subject to USACE jurisdiction under the Federal CWA. Wetlands and other waters of the U.S. that would be affected by project implementation include seeps, vernal pools, seasonal wetlands and seasonal wetland swales, drainage channels, ditches, and ponds. Waters of the state would also be filled with project implementation.*

**Mitigation Measure 3A.3-1a: Design Stormwater Drainage Plans and Erosion and Sediment Control Plans to Avoid and Minimize Erosion and Runoff to All Wetlands and Other Waters That Are to Remain in the SPA and Use Low Impact Development Features.** To minimize indirect effects on water quality and wetland hydrology, the project applicant(s) for any particular discretionary development application shall include stormwater drainage plans and erosion and sediment control plans in their improvement plans and shall submit these plans to the City Public Works Department for review and approval. For off-site elements within Sacramento County or El Dorado County jurisdiction (e.g., off-site detention basin and off-site roadway connections to El Dorado Hills), plans shall be submitted to the appropriate county planning department. Before approval of these improvement plans, the project applicant(s) for any particular discretionary development

application shall obtain a NPDES MS4 Municipal Stormwater Permit and Grading Permit, comply with the City's Grading Ordinance and County drainage and stormwater quality standards, and commit to implementing all measures in their drainage plans and erosion and sediment control plans to avoid and minimize erosion and runoff into Alder Creek and all wetlands and other waters that would remain on-site. Detailed information about stormwater runoff standards and relevant City and County regulation is provided in Chapter 3A.9, "Hydrology and Water Quality," of the DEIR/DEIS.

The project applicant(s) for any particular discretionary development entitlement shall implement stormwater quality treatment controls consistent with the Stormwater Quality Design Manual for Sacramento and South Placer Regions in effect at the time the application is submitted. Appropriate runoff controls such as berms, storm gates, off-stream detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation and the potential discharge of pollutants. Development plans shall incorporate Low Impact Development (LID) features, such as pervious strips, permeable pavements, bioretention ponds, vegetated swales, disconnected rain gutter downspouts, and rain gardens, where appropriate. Use of LID features is recommended by the EPA to minimize impacts on water quality, hydrology, and stream geomorphology and is specified as a method for protecting water quality in the proposed specific plan. In addition, free spanning bridge systems shall be used for all roadway crossings over wetlands and other waters that are retained in the on-site open space. These bridge systems would maintain the natural and restored channels of creeks, including the associated wetlands, and would be designed with sufficient span width and depth to provide for wildlife movement along the creek corridors even during high-flow or flood events, as specified in the 404 permit.

In addition to compliance with City ordinances, the project applicant(s) for any particular discretionary development application shall prepare a Stormwater Pollution Prevention Plan (SWPPP), and implement Best Management Practices (BMPs) that comply with the General Construction Stormwater Permit from the Central Valley RWQCB, to reduce water quality effects during construction. Detailed information about the SWPPP and BMPs are provided in Chapter 3A.9, "Hydrology and Water Quality," of the DEIR/DEIS.

Each project development shall result in no net change to peak flows into Alder Creek and associated tributaries, or to Buffalo Creek, Carson Creek, and Coyote Creek. The project applicant(s) shall establish a baseline of conditions for drainage on-site. The baseline-flow conditions shall be established for 2-, 5-, and 100-year storm events. These baseline conditions shall be used to develop monitoring standards for the stormwater system on the SPA. The baseline conditions, monitoring standards, and a monitoring program shall be submitted to USACE and the City for their approval. Water quality and detention basins shall be designed and constructed to ensure that the performance standards, which are described in Chapter 3A.9, "Hydrology and Water Quality," are met and shall be designed as off-stream detention basins. Discharge sites into Alder Creek and associated tributaries, as well as tributaries to Carson Creek, Coyote Creek, and Buffalo Creek, shall be monitored to ensure that pre-project conditions are being met.

Corrective measures shall be implemented as necessary. The mitigation measures will be satisfied when the monitoring standards are met for 5 consecutive years without undertaking corrective measures to meet the performance standard. See FEIR/FEIS Appendix S showing that the detention basin in the northeast corner of the SPA has been moved off stream. Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase in consultation with the affected oversight agency(ies) (i.e., El Dorado County for the roadway connections, Sacramento County for the detention basin west of Prairie City Road, and Caltrans for the U.S. 50 interchange improvements) such that the performance standards described in Chapter 3A.9, "Hydrology and Water Quality," are met.

**Mitigation Measure 3A.3-1b: Secure Clean Water Act Section 404 Permit and Implement All Permit Conditions; Ensure No Net Loss of Functions of Wetlands, Other Waters of the U.S., and Waters of the State.** Before the approval of grading and improvement plans and before any groundbreaking activity associated with each distinct discretionary development entitlement, the project applicant(s) for any particular discretionary development application requiring fill of wetlands or other waters of the U.S. or waters of the state shall obtain all necessary permits under Sections 401 and 404 of the CWA or the state's Porter- Cologne Act for the respective phase. For each respective discretionary development entitlement, all permits, regulatory approvals, and permit conditions for effects on wetland habitats shall be secured before implementation of any grading activities within 250 feet of waters of the U.S. or wetland habitats or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS, including waters of the state, that potentially support Federally listed species. The project applicant(s) shall commit to replace, restore, or enhance on a "no net loss" basis (in accordance with USACE and the Central Valley RWQCB) the acreage of all wetlands and other waters of the U.S. that would be removed, lost, and/or degraded with implementation of project plans for that development increment. Wetland habitat shall be restored, enhanced, and/or replaced at an acreage and location and by methods agreeable to USACE, the Central Valley RWQCB, and the City, as appropriate, depending on agency jurisdiction, and as determined during the Section 401 and Section 404 permitting processes.

As part of the Section 404 permitting process, a draft wetland mitigation and monitoring plan (MMP) shall be developed for the project on behalf of the project applicant(s). Before any ground-disturbing activities in an area that would adversely affect wetlands and before engaging in mitigation activities associated with each discretionary development entitlement, the project applicant(s) shall submit the draft wetland MMP to USACE, the Central Valley RWQCB, Sacramento County, El Dorado County, and the City for review and approval of those portions of the plan over which they have jurisdiction. The MMP would have to be finalized prior to impacting any wetlands. Once the final MMP is approved and implemented, mitigation monitoring shall continue for a minimum of 5 years from completion of mitigation, or human intervention (including recontouring and grading), or until the performance standards identified in the approved MMP have been met, whichever is longer.

As part of the MMP, the project applicant(s) shall prepare and submit plans for the creation of aquatic habitat in order to adequately offset and replace the aquatic functions and services that would be lost at the SPA, account for the temporal loss of habitat, and contain an adequate margin of safety to reflect anticipated success. Restoration of previously altered and degraded wetlands shall be a priority of the MMP for offsetting losses of aquatic functions on the SPA because it is typically easier to achieve functional success in restored wetlands than in those created from uplands. The MMP must demonstrate how the aquatic functions and values that would be lost through project implementation will be replaced.

The habitat MMP for jurisdictional wetland features shall be consistent with USACE's and EPA's April 10, 2008 Final Rule for Compensatory Mitigation for Losses of Aquatic Resources (33 CFR Parts 325 and 332 and 40 CFR Part 230) and USACE's October 26, 2010 *Memorandum Re: Minimum Level of Documentation Required for Permit Decisions*.

According to the Final Rule, mitigation banks should be given preference over other types of mitigation because a lot of the risk and uncertainty regarding mitigation success is alleviated by the fact that mitigation bank wetlands must be established and demonstrating functionality before credits can be sold. The use of mitigation credits also alleviates temporal losses of wetland function while compensatory wetlands are being established. Mitigation banks also tend to be on larger, more ecologically valuable parcels and are subjected to more rigorous scientific study and planning and implementation procedures than typical permittee-responsible mitigation sites (USACE and EPA, 2008). Permittee-responsible on-site mitigation areas can be exposed to long-term negative effects of surrounding development since they tend to be smaller and less buffered than mitigation banks. The Final Rule also establishes a preference for a "watershed approach" in selecting locations for compensatory mitigation project locations, that mitigation selection must be "appropriate and practicable" and that mitigation banks must address watershed needs based on criteria set forth in the Final Rule. The watershed approach accomplishes this objective by expanding the informational and analytic basis of mitigation project site selection decisions and ensuring that both authorized impacts and mitigation are considered on a watershed scale rather than only project by project. This requires a degree of flexibility so that district engineers can authorize mitigation projects that most effectively address the case-specific circumstances and needs of the watershed, while remaining practicable for the permittee.

The SPA includes portions of the Alder Creek, Buffalo Creek, Coyote Creek, and Carson Creek Watersheds. The majority of the SPA is within the Alder Creek Watershed. Alder Creek and Buffalo Creek are part of the Lower American River Watershed. Carson Creek and Coyote Creek are part of the Cosumnes River Watershed. Mitigation credits may be available within the Cosumnes Watershed, but not within the American River Watershed and not within the sub-watersheds of the SPA. Therefore aquatic habitats may need to be restored or created on the SPA and adjacent off-site lands, preferably within the affected watersheds, in order to successfully replace lost functions at the appropriate watershed scale where loss of function would occur. It is not likely feasible to provide compensatory mitigation for all aquatic resource impacts on site. Therefore, a combination of on-site and off-site permittee-responsible mitigation and mitigation banking would likely be necessary to achieve the no-net-loss standard.

The SPA is located within the service areas of several approved mitigation banks (e.g., Bryte Ranch, Clay Station, Fitzgerald Ranch, and Twin City Mitigation Bank). The majority of compensatory mitigation for wetland impacts is proposed to be accomplished at an agency-approved mitigation bank or banks authorized to sell credits to offset impacts in the SPA. The applicants' biological consultant, ECORP, has identified availability of approximately 31 vernal pool credits and 228 seasonal wetland credits at mitigation banks whose service area includes the SPA. Additional credits may also be available from pending, but not yet approved, mitigation banks. However, availability is subject to change and, as noted above, a combination of mitigation bank credits and permittee-responsible on and off-site mitigation may be necessary to fully offset project impacts on wetlands and other waters of the U.S. If USACE determines that the use of mitigation bank credits is not sufficient mitigation to offset impacts within the SPA, the October 26, 2010 Memorandum Re: Minimum Level of Documentation Required for Permit Decisions requires USACE to specifically demonstrate why the use of bank credits is not acceptable to USACE in accordance with Section 33 CFR 332.3(a)(1).

Compensatory mitigation for losses of stream and intermittent drainage channels shall follow the Final Rule Guidelines, which specify that compensatory mitigation should be achieved through in-kind preservation, restoration, or enhancement. The wetland MMP shall address how to mitigate impacts on vernal pool, seasonal swale, seasonal wetland, seep, marsh, pond, and intermittent and perennial stream habitat, and shall describe specific method(s) to be implemented to avoid and/or mitigate any off-site project-related impacts. The wetland compensation section of the habitat MMP shall include the following:

- ▶ Compensatory mitigation sites and criteria for selecting these mitigation sites. In general, compensatory mitigation sites should meet the following criteria, based on the *Final Rule*:
  - located within the same watershed as the wetland or other waters that would be lost, as appropriate and practicable;
  - located in the most likely position to successfully replace wetland functions lost on the impact site considering watershed-scale features such as aquatic habitat diversity, habitat connectivity, available water sources and hydrologic relationships, land use trends, ecological benefits, and compatibility with adjacent land uses, and the likelihood for success and sustainability;
- ▶ A complete assessment of the existing biological resources in both the on-site preservation areas and off-site compensatory mitigation areas, including wetland functional assessment using the California Rapid Assessment Method (CRAM) (Collins et al. 2008), or other appropriate wetland assessment protocol as determined through consultation with USACE and the USFWS, to establish baseline conditions;
- ▶ Specific creation and restoration plans for each mitigation site;
- ▶ Use of CRAM to compare compensatory wetlands to the baseline CRAM scores from wetlands in the SPA. The compensatory wetland CRAM scores shall be compared against the highest quality wetland of each type from the SPA;
- ▶ CRAM scores, or other wetland assessment protocol scores, from the compensatory wetlands shall be compared against the highest quality wetland scores for each wetland type to document success of compensatory wetlands in replacing the functions of the affected wetlands to be replaced;
- ▶ Monitoring protocol, including schedule and annual report requirements, and the following elements:



- ecological performance standards, based on the best available science, that can be assessed in a practicable manner (e.g., performance standards proposed by Barbour et al. 2007). Performance standards must be based on attributes that are objective and verifiable;
- assessments conducted annually for 5 years after construction or restoration of compensatory wetlands to determine whether these areas are acquiring wetland functions and to plot the performance trajectory of preserved, restored, or created wetlands over time. Assessments results for compensatory wetlands shall also be compared against scores for reference wetlands assessed in the same year;
- assessments analysis conducted annually for 5 years after any construction adjacent to wetlands preserved in the SPA to determine whether these areas are retaining wetland functions.

Assessments results for wetlands preserved on site shall also be compared against scores for reference wetlands assessed in the same year;

- analysis of assessments data, including assessment of potential stressors, to determine whether any remedial activities may be necessary;
- corrective measures if performance standards are not met;
- monitoring of plant communities as performance criteria (annual measure of success, during monitoring period) and success criteria (indicative of achievement of mitigation habitat requirement at end of monitoring period) for hydrologic function have become established and the creation site “matures” over time (the project applicants’ biological consultant has developed a draft monitoring methodology and success criteria that are provided in Appendix D);
- GIS analysis of compensatory wetlands to demonstrate actual acreage of functioning wetland habitat;
- adaptive management measures to be applied if performance standards and acreage requirements are not being met;
- responsible parties for monitoring and preparing reports; and
- responsible parties for receiving and reviewing reports and for verifying success or prescribing implementation or corrective actions.

A final operations and management plan (OMP) for all on- and off-site permittee-sponsored wetland preservation and mitigation areas shall be prepared and submitted to USACE and USFWS for review, comment and preliminary approval prior to the issuance of any permits under Section 404 of the CWA.

The plan shall include detailed information on the habitats present within the preservation and mitigation areas, the long-term management and monitoring of these habitats, legal protection for the preservation and mitigation areas (e.g., conserve ation easement, declaration of restrictions), and funding mechanism information (e.g., endowment). A final OMP for each discretionary development entitlement affecting wetlands must be approved prior to construction.

USACE has determined that the project will require an individual permit. In its final stage and once approved by USACE, the MMP for the project is expected to detail proposed wetland restoration, enhancement, and/or replacement activities that would ensure no net loss

of aquatic functions in the project vicinity. Approval and implementation of the wetland MMP shall aim to fully mitigate all unavoidable impacts on jurisdictional waters of the U.S., including jurisdictional wetlands. In addition to USACE approval, approval by the City, Sacramento County, El Dorado County, and the Central Valley RWQCB, as appropriate depending on agency jurisdiction, and as determined during the Section 401 and Section 404 permitting processes, will also be required. Approvals from Sacramento County and El Dorado County shall be required for impacts resulting from off-site project elements occurring in these counties, such as the off-site detention basin in Sacramento County and the roadway connections into El Dorado County. To satisfy the requirements of the City and the Central Valley RWQCB, mitigation of impacts on the nonjurisdictional wetlands beyond the jurisdiction of USACE shall be included in the same MMP. All mitigation requirements determined through this process shall be implemented before grading plans are approved. The MMP shall be submitted to USACE and approved prior to the issuance of any permits under Section 404 of the CWA.

Water quality certification pursuant to Section 40 of the record of decision and before issuance of a Section 404 permit. Before construction in any areas containing wetland features, the project applicant(s) shall obtain water quality certification for the project. Any measures required as part of the issuance of water quality certification shall be implemented.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be developed by the project applicant(s) of each applicable project phase in consultation with the affected oversight agency(ies) (i.e., Caltrans, El Dorado and/or Sacramento Counties).

### **Findings**

***Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS***

Implementation of the Proposed Project Alternative would result in direct impacts from the loss of waters of the U.S. resulting from the placement of fill material. The loss and degradation of USACE jurisdictional vernal pools and other wetland habitats and other waters of the U.S. (e.g., ponds and drainage channels) that would occur with project implementation constitutes a substantial adverse effect on Federally jurisdictional waters of the U.S., including wetlands, as defined by Section 404 of the CWA. Construction of the on-stream detention basin is a significant direct and indirect impact. Removal of 1.25 acres non USACE jurisdictional wetlands in the SPA constitutes an adverse effect on waters of the state subject to Central Valley RWQCB jurisdiction. Therefore, both **direct** and **indirect significant** impacts would occur.

### ***Off-Site Elements***

Approximately 5.85 acres of waters of the U.S., including wetlands, would be permanently filled by construction of off-site infrastructure outside the project boundary. The off-site project elements that would directly affect potential waters of the U.S. are the detention basin west of Prairie City Road and the interchange improvements to U.S. 50.

The loss and degradation of USACE jurisdictional vernal pools and other wetland habitats and other waters of the U.S. (e.g., drainage channels) that would occur with project implementation constitutes a substantial adverse effect on Federally protected waters of the U.S., including wetlands, as defined by Section 404 of the CWA. Therefore, construction of off-site elements that support project development would result in **direct** and **indirect significant** impacts on waters of the U.S.

Implementation of Mitigation Measures 3A.3-1a and 3A.3-1b would reduce significant impacts on jurisdictional wetlands and other waters of the U.S. and waters of the state under the Proposed Project Alternative, but not necessarily to a less-than-significant level. After a mitigation plan has been accepted by USACE and is implemented as required (including on-site preservation and purchase of credits at a mitigation bank and/or in-lieu ee mitigation), the direct impacts resulting from project implementation could be mitigated by providing “no net loss” of overall wetland acreage resulting from the project, as required in USACE permit conditions. However, USACE requires mitigation resulting in no net loss of wetland functions.

Considering the rate of development in Sacramento County, there is a limited amount of undeveloped, unspoken for land that supports existing wetlands that could be preserved, or that is suitable for creation of compensatory aquatic habitats similar to those that would be removed by project implementation. Furthermore, indirect impacts would remain significant and unavoidable for the Proposed Project Alternative because:

- ▶ the amount of aquatic habitat loss and degradation is extensive and contributes to the loss of aquatic habitat in Sacramento County and the larger Central Valley and foothill region,
- ▶ micro watersheds (i.e., the total land area that drains into an individual wetland or other water feature) of aquatic resources retained on the site would, for the most part, not be preserved, alteration of a micro watershed can substantially alter the hydrologic function of an individual wetland,
- ▶ wetland buffers from construction impacts would only be 25 feet in some cases and not more than 75 feet in many others,
- ▶ nearly 50% of the aquatic resources in the SPA would be filled, and
- ▶ the magnitude of topographic modification that would occur across the site with project implementation is considerable.

All of these factors are likely to diminish the water quality, hydrologic, and habitat functions of all wetlands remaining on site and downstream in the project vicinity. Therefore, direct and indirect impacts would remain **significant and unavoidable** for the Proposed Project Alternative. In addition, some of the off-site elements fall under the jurisdiction of El Dorado and Sacramento Counties, and Caltrans; therefore, neither the City nor the project applicant(s) would have control over their timing or implementation.

The conclusion that direct and indirect impacts would remain significant and unavoidable pursuant to NEPA and CEQA, however, is separate from the ultimate determination the USACE must make in order to issue permits to fill on-site wetlands, which is whether the

project would cause “significant degradation of waters of the United States.” (40 CFR 230.10(c).) This subsequent determination has, by the express terms of the regulation, a necessarily broader focus than the individual watershed approach followed in this analysis.

Therefore, the significant and unavoidable conclusion in this analysis does not preclude the USACE from issuing fill permits for the project if it finds the project mitigation is sufficient to avoid “significant degradation of the waters of the United States.”

No other feasible mitigation measures are available to reduce impacts associated with the loss and degradation of waters of the U.S. resulting from project development to a less-than-significant level because it is technically infeasible to allow new development without potential loss or degradation of waters of the U.S. The project’s objectives include providing a large-scale mixed-use and mixed-density residential housing development within the City of Folsom, south of U.S. 50. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow new development without potential loss or degradation of waters of the U.S., mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is significant and unavoidable.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom’s Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.3-2: Loss and Degradation of Habitat for Special-Status Wildlife Species and Potential Direct Take of Individuals.** *Project implementation would result in the loss and degradation of habitat for several special status wildlife species. Take of several listed species, including vernal pool invertebrates, valley elderberry longhorn beetle, and Swainson’s hawk, could also occur.*

#### **Implement Mitigation Measures 3A.3-1a and 3A.3-1b.**

**Mitigation Measure 3A.3-2a: Avoid Direct Loss of Swainson’s Hawk and Other Raptor Nests.** To mitigate impacts on Swainson’s hawk and other raptors (including burrowing owl), the project applicant(s) of all project phases shall retain a qualified biologist to conduct preconstruction surveys and to identify active nests on and within 0.5 mile of the SPA and active burrows in the SPA. The surveys shall be conducted before the approval of grading and/or improvement plans (as applicable) and no less than 14 days and no more than 30 days before the beginning of construction for all project phases. To the extent feasible, guidelines provided in *Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in the Central Valley* (Swainson’s Hawk Technical Advisory Committee 2000) shall be followed for surveys for Swainson’s hawk. If no nests are found, no further mitigation is required.

If active nests are found, impacts on nesting Swainson’s hawks and other raptors shall be avoided by establishing appropriate buffers around the nests. No project activity shall commence within the buffer area until the young have fledged, the nest is no longer active, or

until a qualified biologist has determined in consultation with DFG that reducing the buffer would not result in nest abandonment. DFG guidelines recommend implementation of 0.25- or 0.5-mile-wide buffers, but the size of the buffer may be adjusted if a qualified biologist and the City, in consultation with DFG, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely affect the nest. If active burrows are found, a mitigation plan shall be submitted to the City for review and approval before any ground-disturbing activities. The City shall consult with DFG. The mitigation plan may consist of installation of one-way doors on all burrows to allow owls to exit, but not reenter, and construction of artificial burrows within the project vicinity, as needed; however, burrow owl exclusions may only be used if a qualified biologist verifies that the burrow does not contain eggs or dependent young. If active burrows contain eggs and/or young, no construction shall occur within 50 feet of the burrow until young have fledged. Once it is confirmed that there are no owls inside burrows, these burrows may be collapsed.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be developed by the project applicant(s) of each applicable project phase in consultation with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties, or Caltrans), such that the performance criteria set forth in DFG's guidelines are determined to be met.

**Mitigation Measure 3A.3-2b: Prepare and Implement a Swainson's Hawk Mitigation Plan.** To mitigate for the loss of Swainson's hawk foraging habitat, the project applicant(s) of all project phases shall prepare and implement a Swainson's hawk mitigation plan including, but not limited to the requirements described below.

Before the approval of grading and improvement plans or before any ground-disturbing activities, whichever occurs first, the project applicant(s) shall preserve, to the satisfaction of the City or Sacramento County, as appropriate depending on agency jurisdiction, suitable Swainson's hawk foraging habitat to ensure 1:1 mitigation of habitat value for Swainson's hawk foraging habitat lost as a result of the project, as determined by the City, or Sacramento County, after consultation with DFG and a qualified biologist.

The 1:1 habitat value shall be based on Swainson's hawk nesting distribution and an assessment of habitat quality, availability, and use within the City's planning area, or Sacramento County jurisdiction. The mitigation ratio shall be consistent with the 1994 DFG *Swainson's Hawk Guidelines included in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California*, which call for the following mitigation ratios for loss of foraging habitat in these categories:

1:1 if within 1 mile of an active nest site, 0.75:1 if over 1 mile but less than 5 miles, and 0.5:1 if over 5 miles but less than 10 miles from an active nest site. Such mitigation shall be accomplished through credit purchase from an established mitigation bank approved to sell Swainson's hawk foraging habitat credits to mitigate losses in the SPA, if available, or through the transfer of fee title or perpetual conservation easement. The mitigation land shall

be located within the known foraging area and within Sacramento County. The City, or Sacramento County if outside City jurisdiction, after consultation with DFG, will determine the appropriateness of the mitigation land.

Before approval of such proposed mitigation, the City, or Sacramento County for the off-site detention basin, shall consult with DFG regarding the appropriateness of the mitigation. If mitigation is accomplished through conservation easement, then such an easement shall ensure the continued management of the land to maintain Swainson's hawk foraging values, including but not limited to ongoing agricultural uses and the maintenance of all existing water rights associated with the land. The conservation easement shall be recordable and shall prohibit any activity that substantially impairs or diminishes the land's capacity as suitable Swainson's hawk habitat. The project applicant(s) shall transfer said Swainson's hawk mitigation land, through either conservation easement or fee title, to a third-party, nonprofit conservation organization (Conservation Operator), with the City and DFG named as third-party beneficiaries. The Conservation Operator shall be a qualified conservation easement land manager that manages land as its primary function. Additionally, the Conservation Operator shall be a tax-exempt nonprofit conservation organization that meets the criteria of Civil Code Section 815.3(a) and shall be selected or approved by the City or County, after consultation with DFG. The City, or County, after consultation with DFG and the Conservation Operator, shall approve the content and form of the conservation easement. The City, or County, DFG, and the Conservation Operator shall each have the power to enforce the terms of the conservation easement. The Conservation Operator shall monitor the easement in perpetuity to assure compliance with the terms of the easement.

The project applicant(s), after consultation with the City, or County of jurisdiction, DFG, and the Conservation Operator, shall establish an endowment or some other financial mechanism that is sufficient to fund in perpetuity the operation, maintenance, management, and enforcement of the conservation easement.

If an endowment is used, either the endowment funds shall be submitted to the City for impacts on lands within the City's jurisdiction or Sacramento County for the off-site detention basin to be distributed to an appropriate third-party nonprofit conservation agency, or they shall be submitted directly to the third-party nonprofit conservation agency in exchange for an agreement to manage and maintain the lands in perpetuity.

The Conservation Operator shall not sell, lease, or transfer any interest of any conservation easement or mitigation land it acquires without prior written approval of the City and DFG. Mitigation lands established or acquired for impacts incurred at the off-site detention basin shall require approval from Sacramento County prior to sale or transfer of mitigation lands or conservation easement. If the Conservation Operator ceases to exist, the duty to hold, administer, manage, maintain, and enforce the interest shall be transferred to another entity acceptable to the City and DFG, or Sacramento County and DFG depending on jurisdiction of the affected habitat. The City Planning Department shall ensure that mitigation habitat established for impacts on habitat within the City's planning area is properly established and is functioning as habitat by reviewing regular monitoring reports prepared by the

Conservation Operator of the mitigation site(s). Monitoring of the mitigation site(s) shall continue for the first 10 years after establishment of the easement and shall be funded through the endowment, or other appropriate funding mechanism, established by the project applicant(s). Sacramento County shall review the monitoring reports for impacts on habitat at the off-site detention basin.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., Sacramento County and Caltrans).

**Mitigation Measure 3A.3-2c: Avoid and Minimize Impacts to Tricolored Blackbird Nesting Colonies.** To avoid and minimize impacts to tricolored blackbird, the project applicant(s) of all project phases shall conduct a preconstruction survey for any project activity that would occur during the tricolored blackbird's nesting season (March 1–August 31). The preconstruction survey shall be conducted by a qualified biologist before any activity occurring within 500 feet of suitable nesting habitat, including freshwater marsh and areas of riparian scrub vegetation. The survey shall be conducted within 14 days before project activity begins. If no tricolored blackbird colony is present, no further mitigation is required. If a colony is found, the qualified biologist shall establish a buffer around the nesting colony. No project activity shall commence within the buffer area until a qualified biologist confirms that the colony is no longer active. The size of the buffer shall be determined in consultation with DFG. Buffer size is anticipated to range from 100 to 500 feet, depending on the nature of the project activity, the extent of existing disturbance in the area, and other relevant circumstances.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries (i.e., U.S. 50 interchange improvements) must be developed by the project applicant(s) of each applicable project phase in consultation with the affected oversight agency(ies) (i.e., Caltrans) and must be sufficient to achieve the performance criteria described above.

**Mitigation Measure 3A.3-2d: Avoid and Minimize Impacts to Special-Status Bat Roosts.** The project applicant of all project phases containing potential bat roosting habitat shall retain a qualified biologist to conduct surveys for roosting bats. Surveys shall be conducted in the fall to determine if the mine shaft or cavities in oak trees to be removed are used as hibernaculum and in spring and/or summer to determine if they are used as maternity or day roosts. Surveys shall consist of evening emergence surveys to note the presence or absence of bats and could consist of visual surveys at the time of emergence. If evidence of bat use is observed, the number and species of bats using the roost shall be determined. Bat detectors may be used to supplement survey efforts. If no bat roosts are found, then no further study shall be required.

If roosts of pallid bat or Townsend's big-eared bats are determined to be present and must be removed, the bats shall be excluded from the roosting site before it is removed. A mitigation program addressing compensation, exclusion methods, and roost removal procedures shall be developed in consultation with DFG before implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave but not reenter), or sealing roost

entrances when the site can be confirmed to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). The loss of each roost (if any) will be replaced in consultation with DFG and may include construction and installation of bat boxes suitable to the bat species and colony size excluded from the original roosting site. Roost replacement will be implemented before bats are excluded from the original roost sites. Once the replacement roosts are constructed and it is confirmed that bats are not present in the original roost site, the mine shaft may be removed.

**Mitigation Measure 3A.3-2e: Obtain an Incidental Take Permit under Section 10(a) of ESA; Develop and Implement a Habitat Conservation Plan to Compensate for the Loss of Vernal Pool Habitat.**

The project applicant(s) for all project phases shall obtain an incidental take permit under Section 10(a) of ESA. No project construction shall proceed in areas supporting potential habitat for Federally listed vernal pool invertebrates, or within adequate buffer areas (250 feet or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS), until a BO has been issued by USFWS and the project applicant(s) have abided by conditions in the BO (including all conservation and minimization measures). Conservation and minimization measures are likely to include preparation of supporting documentation describing methods to protect existing vernal pools during and after project construction.

Under the No Federal Action Alternative, interagency consultation under Section 7 of ESA would not occur; therefore, the project applicant(s) would be required to develop a habitat conservation plan to mitigate impacts on Federally listed vernal pool invertebrates. The project applicant(s) shall complete and implement, or participate in, a habitat conservation plan that shall compensate for the loss of acreage, function, and value of affected vernal pool habitat. The habitat conservation plan shall be consistent with the goals of the Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (USFWS 2005) and must be approved by USFWS.

The project applicant(s) for all project phases shall ensure that there is sufficient upland habitat within the target areas for creation and restoration of vernal pools and vernal pool complexes to provide ecosystem health. The land used to satisfy this mitigation measure shall be protected through a fee title or conservation easement acceptable to the City and USFWS. The project applicant(s) for all project phases shall identify the extent of indirectly affected vernal pool and seasonal wetland habitat, either by identifying all such habitat within 250 feet of project construction activities or by providing an alternative technical evaluation in support of a lesser indirect impact distance. If a lesser distance is pursued, this distance shall be approved by USFWS. The project applicant(s) shall preserve 2 wetted acres of vernal pool habitat for each wetted acre of any indirectly affected vernal pool habitat. This mitigation shall occur before the approval of any grading or improvement plans for any project phase that would allow work within 250 feet of such habitat, and before any ground-disturbing activity within 250 feet of the habitat. The project applicant(s) will not be required to complete this mitigation measure for direct or indirect impacts that have already been mitigated to the satisfaction of USFWS through another BO or mitigation plan.



A standard set of BMPs shall be applied to construction occurring in areas within 250 feet of off-site vernal pool habitat, or within any lesser distance deemed adequate by a qualified biologist (with approval from USFWS) to constitute a sufficient buffer from such habitat. Refer to Section 3A.9, “Hydrology and Water Quality - Land” for the details of BMPs to be implemented.

Mitigation for the off-site elements outside of the City of Folsom’s jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties or Caltrans).

**Mitigation Measure 3A.3-2f Obtain an Incidental Take Permit under Section 10(a) of ESA; Develop and Implement a Habitat Conservation Plan to Compensate for the Loss of VELB Habitat.** As long as valley elderberry longhorn beetle remains a species protected under ESA, the project applicant(s) of all project phases containing elderberry shrubs shall obtain an incidental take permit under Section 10(a) of ESA for valley elderberry longhorn beetle. No project construction shall proceed in areas potentially containing valley elderberry longhorn beetle until a take permit has been issued by USFWS, and the project applicant(s) for all project phases have abided by all pertinent conditions in the take permit relating to the proposed construction, including all conservation and minimization measures.

Conservation and minimization measures are likely to include preparation of supporting documentation that describes methods for relocation of existing shrubs and maintaining existing shrubs and other vegetation in a conservation area. Under the No Federal Action Alternative, interagency consultation under Section 7 of ESA would not occur; therefore, the project applicant(s) would be required to develop a habitat conservation plan to mitigate impacts on valley elderberry longhorn beetle. The project applicant(s) shall complete and implement a habitat conservation plan that will compensate for the loss of valley elderberry longhorn beetle. Relocation of existing elderberry shrubs and planting of new elderberry seedlings shall be implemented on a no-net-loss basis. Detailed information on monitoring success of relocated and planted shrubs and measures to compensate (should success criteria not be met) would also likely be required in the BO. Ratios for mitigation of valley elderberry longhorn beetle habitat will ultimately be determined through the ESA Section 10(a) consultation process with USFWS, but shall be a minimum of “no net loss.”

Mitigation for the off-site elements outside of the City of Folsom’s jurisdictional boundaries (i.e., U.S. 50 interchange improvements) must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., Caltrans).

**Mitigation Measure 3A.3-2g: Secure Take Authorization for Federally Listed Vernal Pool Invertebrates and Implement All Permit Conditions.**

No project construction shall proceed in areas supporting potential habitat for Federally listed vernal pool invertebrates, or within adequate buffer areas (250 feet or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS), until a biological opinion (BO) or Not Likely to Adversely Affect (NLAA) letter has been issued by USFWS and the project applicant(s) for any particular discretionary development entitlements

affecting such areas have abided by conditions in the BO (including conservation and minimization measures) intended to be completed before on-site construction. Conservation and minimization measures shall include preparation of supporting documentation describing methods to protect existing vernal pools during and after project construction, a detailed monitoring plan, and reporting requirements.

As described under Mitigation Measure 3A.3-1a, an MMP shall be developed that describes details how loss of vernal pool and other wetland habitats shall be offset, including details on creation of habitat, account for the temporal loss of habitat, contain performance standards to ensure success, and outline remedial actions if performance standards are not met.

The project applicant(s) for any particular discretionary development application potentially affecting vernal pool habitat shall complete and implement a habitat MMP that will result in no net loss of acreage, function, and value of affected vernal pool habitat. The final habitat MMP shall be consistent with guidance provided in *Programmatic Formal Endangered Species Act Consultation on Issuance of 404 Permits for Projects with Relatively Small Effects on Listed Vernal Pool Crustaceans within the Jurisdiction of the Sacramento Field Office, California* (USFWS 1996) or shall provide an alternative approach that is acceptable to the City, USACE, and USFWS and accomplishes no net loss of habitat acreage, function, and value.

The project applicant(s) for any particular discretionary development application “potentially affecting vernal pool habitat” shall ensure that there is sufficient upland habitat within the target areas for creation and restoration of vernal pools and vernal pool complexes to provide ecosystem health. This standard shall be accomplished by requiring the project applicant(s) for any discretionary development application affecting vernal pool or seasonal wetland habitat to identify the extent of indirectly affected vernal pool and seasonal wetland habitat, either by identifying all such habitat within 250 feet of project construction activities or by providing an alternative technical evaluation. If a lesser distance is pursued, this distance shall be approved by USFWS. The project applicant(s) shall preserve acreage of vernal pool habitat for each wetted acre of any indirectly affected vernal pool habitat at a ratio approved by USFWS at the conclusion of the Section 7 consultation. This mitigation shall occur before the approval of any grading or improvement plans for any project phase that would allow work within 250 feet of such habitat or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS, and before any ground-disturbing activity within 250 feet of the habitat or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS. The project applicant(s) will not be required to complete this mitigation measure for direct or indirect impacts that have already been mitigated to the satisfaction of USFWS through another BO or mitigation plan (i.e., if impacts on specific habitat acreage are mitigated by one project phase or element, the project applicant(s) will not be required to mitigate for it again in another phase of the project). A standard set of BMPs shall be applied to construction occurring in areas within 250 feet of off-site vernal pool habitat, or within any lesser distance deemed adequate by a qualified biologist (with approval from USFWS) to constitute a sufficient buffer from such habitat. Refer to Section 3A.9, “Hydrology and Water Quality - Land” for the details of BMPs to be implemented.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be developed by the project applicant(s) of each applicable project phase in consultation with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties, or Caltrans).

**Mitigation Measure 3A.3-2h: Obtain Incidental Take Permit for Impacts on Valley Elderberry Longhorn Beetle and Implement All Permit Conditions.**

Before each phase of the project, the project applicant(s) shall have a qualified biologist identify any elderberry shrubs within 100 feet of the project footprint and conduct a survey for valley elderberry

longhorn beetle exit holes in stems greater than 1 inch in diameter. If no project activity, including grading or use of herbicides, would occur within 100 feet of an elderberry shrub, then no further mitigation shall be required for valley elderberry longhorn beetle in those areas.

If project activities would occur within 100 feet of any elderberry shrubs, consultation with USFWS under Section 7 will be required. No project construction shall proceed in areas potentially containing valley elderberry longhorn beetle until a BO has been issued by USFWS, and the project applicant(s) of all project phases have abided by all pertinent conditions in the BO relating to the proposed construction, including conservation and minimization measures, intended to be completed before on-site construction.

Conservation and minimization measures are likely to include preparation of supporting documentation that describes methods for relocation of existing shrubs and maintaining existing shrubs and other vegetation in a conservation area. Relocation of existing elderberry shrubs and planting of new elderberry seedlings shall be implemented consistent with the mitigation ratios described in the Conservation Guidelines for the Valley Elderberry Longhorn Beetle (USFWS 1999). The 1999 conservation guidelines mitigation ratios are based on whether the affected shrub is located in riparian or non riparian habitat, the size of stems affected, and the presence of beetle exit holes. Compensatory mitigation for elderberry shrubs that would be removed from their current locations would be developed in consultation with USFWS during the Section 7 consultation process. Compensatory mitigation may include planting replacement elderberry seedlings or cuttings and associated native plants within the open space areas of the SPA, planting replacement elderberry seedlings or cuttings and associated native plants at a suitable off-site location, purchasing credits at an approved mitigation bank, or a combination thereof. Relocated and replacement shrubs and associated native plantings shall be placed in conservation areas providing a minimum of 1,800 square feet per transplanted shrub.

These conservation areas shall be preserved in perpetuity as habitat for valley elderberry longhorn beetle. The number of elderberry shrubs that would be affected by implementing the project is expected to be low because there are currently a total of less than 10 shrubs known to be present on the SPA. Ratios for mitigation of valley elderberry longhorn beetle habitat will ultimately be determined through the ESA Section 7 consultation process with USFWS, but shall be a minimum of "no net loss." USFWS uses stem count data, presence or

absence of exit holes, and whether the affected elderberry shrubs are located in riparian habitat to determine the number of elderberry seedlings or cuttings and associated riparian vegetation that would need to be planted as compensatory mitigation for affected elderberry longhorn beetle habitat. The final VELB mitigation plan, including transplanting procedures, long-term protection, management of the mitigation areas, and monitoring procedures shall be consistent with the Conservation Guidelines for the Valley Elderberry Longhorn Beetle (USFWS 1999).

The population of valley elderberry longhorn beetles, the general condition of the conservation area, and the condition of the elderberry and associated native plantings in the conservation area must be monitored over a period of either ten consecutive years or for seven years over a 15-year period. A minimum survival rate of at least 60% of the elderberry plants and 60% of the associated native plants must be maintained throughout the monitoring period. Within one year of discovering that survival has dropped below 60%, the project applicant(s) shall replace failed plantings to bring survival above this level.

Detailed information on monitoring success of relocated and planted shrubs and measures to compensate (should success criteria not be met) would be required in the BO. Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries (i.e., U.S. 50 interchange improvements) must be developed by the project applicant(s) of each applicable project phase in consultation with the affected oversight agency(ies) (i.e., Caltrans) and must be sufficient to achieve the performance criteria described above.

### **Findings**

***Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.***

Development under the Proposed Project Alternative would result in an increase in development and human population that would result in adverse effects on a number of special-status wildlife species. Special-status wildlife listed under ESA that could be substantially affected by the Proposed Project Alternative include vernal pool fairy shrimp, vernal pool tadpole shrimp, conservancy fairy shrimp, and valley elderberry longhorn beetle. Swainson's hawk, which is listed under CESA as threatened, could also be adversely affected by the Proposed Project Alternative. Impacts on these five listed species would be considered significant and are discussed in detail below. Special-status raptors, western spadefoot, tricolored blackbird, and special-status bats could also be adversely affected, and are discussed further below. Impacts on all other special-status wildlife species are considered less than significant because potential loss of a few individuals is not likely to result in a substantial adverse affect on the population.

**Direct** and **indirect** impacts to vernal pool fairy shrimp, conservancy fairy shrimp, vernal pool tadpole shrimp, and western spadefoot toad would be **significant**. The Proposed Project Alternative would result in **significant direct** and **indirect** impacts on Swainson's hawk and other raptors. Direct and indirect impacts to valley elderberry longhorn beetle are considered

to be significant. If delisting occurs, this **direct** and **indirect** impact would be less than significant, however for purposes of this EIR/EIS, this direct and indirect impact is considered **significant**.

Due to the potential for large numbers of nesting tricolored blackbirds to be lost, this **direct** impact would be considered **potentially significant**. Because project activities adjacent to potential nesting habitat are not expected to result in the mortality of individuals, chicks, or eggs, **indirect impacts** would be considered **less than significant**.

Loss of individual bats would be considered a **potentially significant, direct** impact. There would be **no indirect** impact on special-status bat species.

Construction of the off-site elements that support project development could result in loss of individuals or potential habitat for special-status wildlife associated with vernal pools. Indirect effects could include habitat degradation from runoff, erosion, siltation, or alteration of the hydrologic function of the wetlands. Therefore, **significant direct** and **indirect** impacts would occur.

#### Off-site Elements

Loss of an active Swainson's hawk or other raptor nest would be considered a **potentially significant direct** and **indirect** impact.

It is unknown if suitable habitat for valley elderberry longhorn beetle would be affected by the off-site elements. However, if elderberry shrubs with stems greater than 1 inch are present in or adjacent to project construction, **significant direct** or **indirect** impacts to valley elderberry longhorn beetle larvae could occur.

Due to the potential for large numbers of nesting tricolored blackbirds to be lost, this **direct** impact would be considered **potentially significant**. **Indirect** impacts on tricolored blackbirds from off-site construction would be **less than significant** because they are not expected to result in the mortality of individuals, chicks, or eggs.

Implementation of Mitigation Measures 3A.3-2a, 3A.3-2b, 3A.3-2c, 3A.3-2d, 3A.3-2e, 3A.3-2f, 3A.3-2g, and 3A.3-2h would lessen significant direct and indirect impacts on special-status wildlife resulting from the Proposed Project Alternative; however, this impact would remain **significant and unavoidable** because the direct removal of approximately 2,700 acres and indirect effect to approximately 800 acres of potential habitat for special-status wildlife cannot be fully mitigated. In addition, some of the off-site elements (two roadway connections in El Dorado County, detention basin in Sacramento County, and U.S. 50 interchange improvements) fall under the jurisdiction of El Dorado and Sacramento Counties and Caltrans; therefore, neither the City nor the project applicant(s) would have control over their timing or implementation. The amount of habitat lost could potentially contribute to the decline of Swainson's hawk populations in the region. This decline would constitute a substantial adverse effect under CEQA.

Impacts on special-status wildlife species could be fully mitigated only through a combination of habitat preservation and restoration in the vicinity of the SPA. Parcels of similar habitat quality are currently present in the project vicinity, but these parcels would be of lesser value following development of the project because of the effects of habitat fragmentation and secondary and indirect impacts related to the project. Moreover, there would be a net loss of approximately 3,500 acres of potential habitat for special-status species regardless of the acreage preserved. Therefore, fully compensating for the impact by preserving existing habitat in the project vicinity is infeasible. The mitigation does include elements of habitat creation and enhancement that would increase the habitat value of preserved lands so that mitigation habitat could be of greater value than habitat lost and degraded, but there is not sufficient undeveloped land in the project vicinity to offset the effects of habitat fragmentation on special-status species, and thus, fully mitigate the impact, or reduce it to a less-than-significant level.

No other feasible mitigation measures are available to reduce impacts associated with potential loss and degradation of habitat resulting from project development to a less-than-significant level because it is technically infeasible to allow new development without potential loss or degradation of habitat. The project's objectives include providing a large-scale mixed-use and mixed-density residential housing development within the City of Folsom, south of U.S. 50. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow new development without potential loss or degradation of habitat, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is significant and unavoidable.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.3-3: Potential Loss or Degradation of Special-Status Plant Populations and Habitat.** *Project implementation could result in direct removal of special-status plants, if they are present, through loss of suitable habitat or degradation of suitable habitat due to site alteration.*

**Mitigation Measure 3A.3-3: Conduct Special-Status Plant Surveys; Implement Avoidance and Mitigation Measures or Compensatory Mitigation.**

To mitigate for the potential loss or degradation of special-status plant species and habitat, the project applicant(s) for any particular discretionary development application shall adhere to the requirements described below.

► The project applicant(s) for any particular discretionary development application, including the proposed off-site elements, shall retain a qualified botanist to conduct protocol level preconstruction special-status plant surveys for all potentially occurring species. Preconstruction special-status plant surveys shall not be required for those portions of the SPA that have already been surveyed according to DFG and USFWS guidelines. If no special-status plants are found during focused surveys, the botanist shall document the

findings in a letter report to USFWS, DFG, the City of Folsom, Caltrans (for interchange improvements to U.S. 50), El Dorado County (for roadway connections in El Dorado County), and Sacramento County (for the off-site detention basin) and no further mitigation shall be required.

► If special-status plant populations are found, the project applicant(s) of affected developments shall consult with DFG and USFWS, as appropriate depending on species status, to determine the appropriate mitigation measures for direct and indirect impacts on any special-status plant population that could occur as a result of project implementation. Mitigation measures may include preserving and enhancing existing populations, creation of off site populations on project mitigation sites through seed collection or transplantation, and/or restoring or creating suitable habitat in sufficient quantities to achieve no net loss of occupied habitat or individuals.

► If potential impacts on special-status plant species are likely, a mitigation and monitoring plan shall be developed before the approval of grading plans or any ground-breaking activity within 250 feet of a special-status plant population. The mitigation plan shall be submitted to Caltrans (for interchange improvements to U.S. 50), El Dorado County (for impacts in roadway connections in El Dorado County), Sacramento County (for impacts in the off-site detention basin footprint), or the City of Folsom (for on-site impacts and all other off-site elements), for review and approval. It shall be submitted concurrently to DFG or USFWS, as appropriate depending on species status, for review and comment. The plan shall require maintaining viable plant populations on-site and shall identify avoidance measures for any existing population(s) to be retained and compensatory measures for any populations directly affected. Possible avoidance measures include fencing populations before construction and exclusion of project activities from the fenced-off areas, and construction monitoring by a qualified botanist to keep construction crews away from the population. The mitigation plan shall also include monitoring and reporting requirements for populations to be preserved on site or protected or enhanced off-site.

► If relocation efforts are part of the mitigation plan, the plan shall include details on the methods to be used, including collection, storage, propagation, receptor site preparation, installation, long-term protection and management, monitoring and reporting requirements, and remedial action responsibilities should the initial effort fail to meet long-term monitoring requirements.

► If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, and other details, as appropriate to target the preservation on long term viable populations. Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., Caltrans, El Dorado and/or Sacramento Counties).

#### **Finding for Elements Within the City of Folsom's Jurisdiction**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency*

*making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Eleven special-status plant species have the potential to occur in the SPA and off-site improvement areas in vernal pool, seasonal wetland, freshwater marsh, pond, oak woodland, and grassland habitats. Because project development would result in loss and degradation of habitat that could support special-status plant species, **direct** and **indirect** impacts on special-status plant species are considered **potentially significant**.

Implementation of Mitigation Measure 3A.3-3 would reduce the potentially significant impacts on special-status plant species under the Proposed Project Alternative to a **less-than-significant** level because each phase of development would be required to identify and avoid special-status plant populations or provide compensation for the loss of special-status plants through creation of off-site populations, conservation easements, or other appropriate measures.

**Finding for Elements Outside the City of Folsom’s Jurisdiction**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

For the on-site elements and off-site elements within the City’s jurisdiction, changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. However, some of the off-site elements (U.S. 50 interchange improvements, two roadway connections in El Dorado County, and detention basin in Sacramento County) fall under the jurisdiction of Caltrans, El Dorado County, and Sacramento County, respectively. Therefore, the City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.3-3. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure MM 3A.3-3, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.3-4: Loss of Sensitive Natural Communities (Not Already Covered under Other Impacts).** *Project implementation would result in loss of riparian habitat, and valley needlegrass grassland that may be present in the SPA and could be removed by project development. These are natural communities considered sensitive by state and local resource agencies and require consideration under CEQA.*

**Implement Mitigation Measures 3A.3-1a and 1b.**

**Mitigation Measure 3A.3-4a: Secure and Implement Section 1602 Streambed Alteration Agreement.** The project applicant(s) for any particular discretionary development application shall obtain a Section 1602 streambed alteration agreement from DFG for all construction activities that would occur in the bed and bank of Alder Creek and other drainage channels and ponds on the SPA. As a condition of issuance of the streambed



alteration agreement, the project applicant(s) for any particular discretionary development application affecting riparian habitat shall hire a qualified restoration ecologist to prepare a riparian habitat MMP. The draft MMP shall describe specific method(s) to be implemented to avoid and/or compensate for impacts on the stream channel of Alder Creek and other drainage channels within DFG jurisdiction, and the bed and banks of the on-site ponds. Mitigation measures may include establishment or restoration of riparian habitat within the project's open space areas along preserved stream corridors, riparian habitat restoration off-site, or preservation and enhancement of existing riparian habitat either on or off the SPA.

The compensation habitat shall be similar in composition and structure to the habitat to be removed and shall be at ratios adequate to offset the loss of riparian habitat functions and services at the SPA. The riparian habitat compensation section of the habitat MMP shall include the following:

- ▶ compensatory mitigation sites and criteria for selecting these mitigation sites;
- ▶ complete assessment of the existing biological resources in both the on-site and off-site preservation and restoration areas;
- ▶ site-specific management procedures to benefit establishment and maintenance of native riparian plant species, including black willow, arroyo willow, white alder, and Fremont cottonwood;
- ▶ a planting and irrigation program if needed for establishment of native riparian trees and shrubs at strategic locations within each mitigation site (planting and irrigation may not be necessary if preservation of functioning riparian habitat is chosen as mitigation or if restoration can be accomplished without irrigation or planting);
- ▶ in kind reference habitats for comparison with compensatory riparian habitats (using performance and success criteria) to document success;
- ▶ monitoring protocol, including schedule and annual report requirements (compensatory riparian habitats shall be monitored for a minimum period of five years);
- ▶ ecological performance standards, based on the best available science and including specifications for native riparian plant densities, species composition, amount of dead woody vegetation gaps and bare ground, and survivorship; at a minimum, compensatory mitigation planting sites must achieve 80% survival of planted riparian trees and shrubs by the end of the five-year maintenance and monitoring period or dead and dying trees shall be replaced and monitoring continued until 80% survivorship is achieved;
- ▶ corrective measures if performance standards are not met;
- ▶ responsible parties for monitoring and preparing reports; and
- ▶ responsible parties for receiving and reviewing reports and for verifying success or prescribing implementation or corrective actions.

Any conditions of issuance of the Streambed Alteration Agreement shall be implemented as part of project construction activities that adversely affect the bed and bank and riparian habitat associated with Alder Creek and other drainage channels and ponds that are within the project area that is subject to DFG jurisdiction. The agreement shall be executed by the project applicant(s) and DFG before the approval of any grading or improvement plans or any construction activities in any project phase that could potentially affect the bed and bank of Alder Creek and other on-site or off-site drainage channels under DFG jurisdiction and their associated freshwater marsh and riparian habitat.

Mitigation for the U.S. 50 interchange improvements must be coordinated by the project applicant(s) of each applicable project phase with the Caltrans.

**Mitigation Measure 3A.3-4b: Conduct Surveys to Identify and Map Valley Needlegrass Grassland; Implement Avoidance and Minimization Measures or Compensatory**

**Mitigation.** The project applicant(s) of all project phases shall retain a qualified botanist to conduct preconstruction surveys to determine if valley needlegrass grassland is present on the SPA. This could be done concurrently with any special-status plant surveys conducted on site as special-status plant surveys are floristic in nature, i.e. require that all species encountered be identified, and require preparation of a plant community map. If valley needlegrass grassland is not found on the SPA, the botanist shall document the findings in a letter report to the City of Folsom, and no further mitigation shall be required. Valley needlegrass grassland was not found in any of the off-site project elements.

If valley needlegrass grassland is found on the SPA, the location and extent of the community shall be mapped and the acreage of this community type, if any, that would be removed by project implementation shall be calculated. The project applicant(s) for any particular discretionary development application affecting valley needlegrass grassland shall consult with DFG and the City of Folsom to determine appropriate mitigation for removal of valley needlegrass grassland resulting from project implementation.

Mitigation measures shall include one or more of the following components sufficient to achieve no net loss of valley needlegrass grassland acreage: establishment of valley needlegrass grassland within project's open space areas currently characterized by annual grassland, establishment of valley needlegrass grassland off-site, or preservation and enhancement of existing valley needlegrass grassland either on or off the SPA. The applicant(s) shall compensate for any loss of valley needlegrass grassland resulting from project implementation at a minimum 1:1 replacement ratio.

**Finding for Elements within the City of Folsom's Jurisdiction**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

The SPA supports approximately 11 acres of riparian habitat. The loss and degradation of riparian habitat that would occur with project implementation constitutes an adverse effect on a sensitive natural community regulated by DFG under Section 1602 of the California Fish and Game Code. Therefore, a **direct** and **indirect significant** impact would result.

The loss of valley needlegrass grassland would be an adverse affect on a sensitive natural community. Because it is unknown if this community is present in the SPA, this is considered a **potentially significant direct** impact.

Implementation of the mitigation measures described above would reduce significant impacts on sensitive natural communities under the Proposed Project Alternative, and the off-site Prairie City Road and Oak Avenue interchange elements to a **less-than-significant** level because a mitigation and monitoring plan ensuring adequate compensation for the loss of riparian habitat would have to be developed and implemented as a condition of the streambed alteration permit and because valley needlegrass grassland would be identified and mapped in the SPA and the removed acreage of this community would be compensated through establishment elsewhere or preservation and enhancement of existing acreage of valley needlegrass grassland.

**Finding for Elements Outside the City of Folsom’s Jurisdiction**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

For the on-site elements and off-site elements within the City’s jurisdiction, changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. However, some of the off-site elements (U.S. 50 interchange improvements, two roadway connections in El Dorado County, and detention basin in Sacramento County) fall under the jurisdiction of Caltrans, El Dorado County, and Sacramento County, respectively.

Therefore, the City of Folsom would not have control or authority over the timing or implementation of Mitigation Measures 3A.3-1a, 3A.3-1b, 3A.3-4a, and 3A.3-4b. The agency(ies) with jurisdiction over these offsite elements can and should implement Mitigation Measures 3A.3-1a, 3A.3-1b, 3A.3-4a, and 3A.3-4b, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.3-5: Loss of Blue Oak Woodland and Individual Oak Trees.** *Project implementation would result in the removal of blue oak woodland. In addition, individual oak trees meeting the criteria for protection under Folsom Municipal Code and the Sacramento County Tree Ordinance, but not included within the oak woodland, would also be removed.*

**Mitigation Measure 3A.3-5: Conduct Tree Survey, Prepare and Implement an Oak Woodland Mitigation Plan, Replace Native Oak Trees Removed, and Implement Measures to Avoid and Minimize Indirect Impacts on Oak Trees and Oak Woodland Habitat Retained On Site.** The project applicant(s) shall prepare an oak woodland mitigation and monitoring plan. The project applicant(s) of all on- and off-site project phases containing oak woodland habitat or individual trees shall adhere to the requirements described below, which are consistent with those outlined in California Public Resources Code 21083.4.

Pursuant to Sacramento County General Plan policy, the acreage of oak woodland habitat for determining impacts and mitigation requirements was calculated as the oak tree canopy area within stands of oak trees having greater than 10% cover plus a 30-foot-radius buffer measured from the outer edge of the tree canopy. Oak trees located in areas greater than 30 feet from stands meeting the greater than 10% tree canopy cover criterion were considered isolated trees and not part of the blue oak woodland community.

Mitigation for impacts on isolated oak trees is discussed separately below.

► Preserve approximately 399 acres of existing oak woodland habitat in the SPA (this acreage is based on the extent of oak woodland habitat as determined from aerial photograph interpretation; however, following completion of ground verification by a qualified arborist, the actual amount of oak woodland present within impact areas could be slightly greater or lesser than the amount calculated from aerial photograph and, therefore, the amount preserved could also be slightly greater or lesser than 399 acres).

► Create 243 acres of oak woodland habitat in the SPA by planting a combination of blue oak acorns, seedlings, and trees in the following SPA locations:

- Non-wooded areas that are adjacent to or contiguous with the existing oak woodland habitat.
- Preserve and passive open space zones throughout the SPA.
- Open space areas that are adjacent to existing oak woodlands that will be impacted by project grading (i.e. catch slopes).
- Other practical locations within the SPA in or adjacent to open space.

### **Oak Woodlands Mitigation Planting Criteria**

The following oak woodland mitigation planting criteria shall be used to create oak woodland habitat:

• A minimum of 55 planting sites per acre (with a total of 70 units, as defined below) will mitigate for one acre of oak woodland impacts. A combination of acorns, seedlings, and various sizes of container trees (#1 container, #5 container, #15 container) or transplanted trees shall be incorporated into the planting design. Mitigation acreage that is planted solely with larger oak trees (no acorns) shall have a minimum of 35 planting sites per acre. The units are defined as follows:

- One established acorn equals one unit (acorns will be over planted to maximize potential germination).
- One oak seedling equals one unit.
- One #1 container oak tree equals two units.
- One #5 container oak tree equals three units.
- One #15 container oak tree equals four units.
- One 24-inch boxed oak tree equals six units.
- One transplanted oak tree equals four units per trunk diameter inch (dbh).
- Native non oak species characteristic of oak woodlands shall be included in the mitigation planting plan to augment overall habitat values. Each non oak tree species shall represent unit values described above for oak trees, but non oak species shall comprise no more than 10% of the mitigation plantings.

- ▶ Preserve and protect existing off-site oak woodland habitat. Existing, unprotected oak woodland habitat within Sacramento and El Dorado Counties may be secured and placed under conservation easement in lieu of onsite mitigation measures if necessary. The off-site locations would be managed as oak woodland habitat in perpetuity.
- ▶ Create oak woodlands off site. Plant a combination of blue oak acorns, seedlings, and trees at off-site location(s), if needed to achieve the creation goal of 243 acres of new blue oak woodland habitat.

This measure would only be needed if 243 acres of blue oak woodland could not be created in the SPA. Off-site creation shall follow the same guidelines as outlined in the Mitigation Planting Criteria for on-site creation. Off-site tree planting shall occur at sites within Sacramento County that should naturally support blue oak woodland and shall be used to restore former blue oak woodland habitat that has been degraded or removed through human activities. Restoration shall be designed to result in species composition and densities similar to those in the SPA prior to project development. Planted areas shall be placed under conservation easement and managed as oak woodland habitat in perpetuity.

- ▶ The oak woodland mitigation plan prepared by the project applicant(s) shall include a maintenance and monitoring program for any replacement trees. The program shall include monitoring and reporting requirements, schedule, and success criteria. Replacement oak trees shall be maintained and monitored for a minimum of eight years from the date of planting and irrigation shall be provided to planted trees for the first five years after planting. Any replacement trees that die during the monitoring period shall be replaced in sufficient numbers to achieve 80% survival rate for planted trees by the end of the eight-year maintenance and monitoring period. Dead and dying trees shall be replaced and monitoring continued until 80% survivorship is achieved. Security acceptable to the City and sufficient to cover maintenance and monitoring costs for eight years shall be provided to the City Planning Department. The security will be forfeited if the project applicant or designated responsible party fails to provide maintenance and monitoring and meet the success criteria.

### **Isolated Oak Tree Mitigation**

The project applicant(s) of all on-site project phases containing oak woodland habitat or isolated trees and the off-site Prairie City Road and Oak Avenue interchange improvements to U.S. 50; Rowberry Drive Overcrossing; and the underground sewer force main shall develop a map depicting the tree canopy of all oak trees in the survey area and identifying the acreage of tree canopy that would be preserved and the acreage that would be removed. A tree permit for removal of isolated oak trees (those not located within the delineated boundary of oak woodland habitat) shall be obtained from the City Planning Director. As a condition of the tree removal permit, project applicant(s) shall be required to develop a Planting and Maintenance Agreement. The City's Tree Preservation Code requires compensatory mitigation and the City and the project applicants have developed a plan, as set forth Section 10 of the Folsom Plan Area Specific Plan (attached to this EIR/EIS as Appendix N) specifically to avoid and minimize adverse effects on isolated oak trees from project development and to provide compensatory mitigation for removal of protected trees in the SPA. In addition to the language contained in the Folsom Plan Area Specific Plan, the following elements shall be included in a protected tree mitigation plan to be developed by the project applicants and agreed upon by the City:

► Project applicant(s) of projects containing isolated oak trees shall retain a certified arborist or registered professional forester to perform a determinate survey of tree species, size (dbh), condition, and location for all areas of the project site proposed for tree removal and encroachment of development. The condition of individual trees shall be assessed according to the American Society of Consulting Arborists rating system with the following added explanations:

- 5 = Excellent; No problems – tree has no structural problems, branches are properly spaced and tree characteristics are nearly perfect for the species.
- 4 = Good; No apparent problems – tree is in good condition and no apparent problems from visual inspection. If potential structural or health problems are tended at this stage, future hazard can be reduced and more serious health problems can be averted.
- 3 = Fair; Minor problems – There are some minor structural or health problems that pose no immediate danger. When the recommended actions in an arborist report are completed correctly the defect(s) can be minimized or eliminated.
- 2 = Poor; Major problems – the tree is in poor condition, but the condition could be improved with correct arboricultural work including, but not limited to: pruning, cabling, bracing, bolting, guying, spraying, mistletoe removal, vertical mulching, and fertilization.

If the recommended actions are completed correctly, hazard can be reduced and the rating can be elevated to a 3. If no action is taken the tree is considered a liability and should be removed.

- 1 = Hazardous or non correctable condition – the tree is in extremely poor condition and in nonreversible decline. This rating is assigned to a tree that has structural and/or health problems that no amount of tree care work or effort can change. The issues may or may not be considered a dangerous situation. The tree may also be infested with a disease or pest(s) that is noncontrollable at this time and is causing an unacceptable risk of spreading the disease or pests(s) to other trees.
- 0 = Dead – the tree has no significant signs of life (dead or very close to being dead).

### **Isolated Oak Tree Mitigation Planting Criteria**

► The determination for whether an isolated tree shall be preserved, removed without compensation, or removed with compensatory mitigation shall be based on the condition and size of the tree as follows:

- Trees rated 0 or 1 may be removed with no mitigation.
- Trees rated 2 may be removed at 50% of the normal Folsom Municipal Code mitigation.
- Trees rated 3, 4, and/or 5 may be removed at the normal Folsom Municipal Code mitigation.
- Native isolated oaks measuring 24 inches or greater dbh for a single trunk or 40 inches or more for a multi-trunked tree and rated a 3 to 5 shall be retained, unless retaining wall(s) higher than 4 feet tall (from bottom of footing to the top of the wall) would be required to protect the tree(s) from mass grading of the SPA properties.
- Native oaks measuring between 12 and 24 inches dbh and rated a 4 or 5 shall not be removed or mitigated unless wall(s) higher than 4 feet tall (from bottom of footing to the top of the wall) would be required to protect the tree(s) from mass grading of the SPA properties. Trees in this size class but rated 2 or 3 shall not be removed unless

unreasonable costs to save the tree(s) (greater than the cost of implementing the isolated oak tree mitigation planting criteria described here) would result.

- Native oaks measuring 5 inches or greater dbh but less than 12 inches dbh shall not be removed unless unreasonable costs to save the tree(s) (greater than the cost of implementing the isolated oak tree mitigation planting criteria described here) would result.
- Native oak trees measuring 1 inch or greater dbh but less than 5 inches dbh may be preserved to receive a Small Tree Preservation Credit (STPC). Any tree that is to be considered for preservation credit shall be evaluated, included in the arborist report, and shall have been found to be rated a 3, 4, or a 5. Credits shall only be accepted if the tree protection zone (TPZ) (i.e., the outer edge of the tree canopy drip line) is protected with fencing in the exact manner that 5 inches dbh and greater trees are protected on a construction site, and the spacing is equal to the proper tree spacing dictated by the Folsom Master Tree List. STPC shall not count if they the tree is in a poor growing space due to its position within the TPZ of another protected tree to be preserved.

The City shall accept the preservation of native oak trees in this size class as credit towards the total removed inches based on the following STPC criteria:

- ▶ Folsom Municipal Code requires one of the following be planted as compensation for each diameter inch of protected tree removed:
  - half of a 24-inch box tree,
  - one #15 container tree,
  - two #5 container trees, or
  - \$150 in-lieu payment or other fee set by City Council Resolution.
- ▶ The Planting and Maintenance Agreement shall include a planting plan, planting and irrigation design details, and a weaning schedule for the establishment period. The plan shall include a 5-year establishment period for trees and 8 years for planted acorns with an annual monitoring report that includes corrections needed with proposed work plan, and notice of compliance within 90-days of annual monitoring report. Security in a form acceptable to the City and sufficient to cover maintenance and monitoring costs for eight years shall be provided to the City Planning Department. The security will be forfeited if the project applicant or designated responsible party fails to fulfill the Planting and Maintenance Agreement.
- ▶ To avoid and minimize indirect impacts on protected trees to remain on the SPA, the project applicant(s) of all affected project phases shall install high visibility fencing outside the outer edge of the drip lines of all trees to be retained on the SPA during project construction. The fencing may be installed around groups or stands of trees or whole wooded areas but must be installed so that the drip lines of all trees are protected. Grading, trenching, equipment or materials storage, parking, paving, irrigation, and landscaping shall be prohibited within the fenced areas (i.e. drip lines of protected trees). If the activities listed cannot be avoided within the drip line of a particular tree, that tree shall be counted as an affected tree and compensatory mitigation shall be provided, or the tree in question shall be monitored for a period of five years and replaced only if the tree appears to be dead or dying within five years of project implementation.

Through a combination of the mitigation options presented above along with the proposed on-site preservation of blue oak woodland habitat in the open space areas, the project applicant(s) can satisfy the mitigation requirements for removal of trees protected under the Folsom Municipal Code while also mitigating the impacts on oak woodland habitat, as determined through consultation with the Sacramento County Planning Department (for County off-site impacts only) and/or the City of Folsom.

Mitigation for the U.S. 50 interchange improvements must be coordinated by the project applicant(s) of each applicable project phase with Caltrans.

### **Findings**

***Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS***

The Proposed Project Alternative has been designed to retain a substantial portion of the on-site blue oak woodland habitat within designated open space. However, as shown in Table 3-14 (Table 3A.3-5 on page 3A.3-76 of the DEIR/DEIS) below, implementation of the Proposed Project Alternative would still result in the removal or disturbance of 243 acres of blue oak woodland habitat containing 81.6 acres of oak tree canopy, and another 8.4 acres of isolated native oak tree canopy not contiguous with the blue oak woodland habitat (see also Exhibit 3A.3-12 on page 3A.3-89 of the DEIR/DEIS). Tree surveys conducted on the Folsom 138, Folsom South, Carpenter Ranch, and Sacramento Country Day School properties identified a total of 16,605 blue oak trees, 285 interior live oak trees, 114 valley oak trees, and 1 walnut tree meeting criteria for protection under Folsom Municipal Code. Tree surveys were not conducted on all parcels containing trees, but this information provides a general idea of the woodland composition in the SPA.

Development of the Proposed Project Alternative would also involve contour grading, mitigation planting, road and trail development, and creation of impervious surfaces within and immediately adjacent to open space areas containing protected oak trees. These activities could result in indirect impacts affecting oak tree root systems such as trenching, grading, soil compaction, placement of fill, impervious surfaces, irrigation, and landscaping within the drip lines of oak trees, which can lead to root damage ultimately resulting in death of the tree. Additional indirect impacts could result from habitat fragmentation, introduction of invasive species or noxious weeds, vegetation management practices (e.g., clearing for fire control), and intrusion by humans and domestic animals that could disturb oak woodland vegetation and reduce habitat values. Removal of blue oak woodland and individual oak trees and other trees meeting minimum DBH criteria would conflict with local ordinances, specifically Folsom Municipal Code, as would damage to the root zones of protected trees that leads to eventual death of the trees. Furthermore, blue oak woodland is considered a sensitive natural community by DFG and California Public Resources Code 21083.4 requires counties to consider the environmental effects of oak woodland conversion. Therefore, a **direct and indirect significant** impact would result.



### *Off-Site Elements*

A **direct** and **indirect significant** impact would occur from construction of the Prairie City Road and Oak Avenue interchanges, Rowberry Drive Overcrossing, and the underground sewer force main.

Implementation of Mitigation Measure 3A.3-5 would reduce significant impacts from loss of blue oak woodland and protected trees under the Proposed Project Alternative and the off-site elements, but not to a less-than-significant level because the loss of individual oak trees and blue oak woodland acreage and function would be extensive and would contribute substantially to the regional loss of this resource. It is unknown at this time if blue oak woodland habitat acreage having similar tree sizes and densities, species composition, site condition, and landscape context to the blue oak woodland to be removed would be available for purchase and preservation in perpetuity. While preserving oak woodland habitat in the SPA to the maximum extent possible is desirable and valuable, the quality of oak woodland habitat remaining on the site after project development would be diminished because it would be converted from a large, contiguous patch of oak woodland habitat surrounded by undeveloped grasslands to a smaller habitat patch dissected by paved roads and surrounded by urban development. Furthermore, planting replacement trees would result in temporal losses of oak tree resources until the replacement trees reached comparable sizes as the trees to be removed; a process that would take many decades. In addition, the U.S. 50 interchange improvements fall under the jurisdiction of Caltrans; therefore, neither the City nor the project applicant(s) would have control over their timing or implementation. Therefore, impacts on blue oak woodland and protected trees would remain **significant and unavoidable**.

No other feasible mitigation measures are available to reduce impacts associated with the loss of blue oak woodland or individual oak trees resulting from project development to a less-than-significant level because it is technically infeasible to allow new development without some potential for loss of blue oak woodland or individual oak trees. The project's objectives include providing a large-scale mixed-use and mixed-density residential housing development within the City of Folsom, south of U.S. 50. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan.

Thus, because it is impossible to allow new development without potential loss of blue oak woodland or individual oak trees, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is significant and unavoidable.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.3-6: Potential Interference with Wildlife Movement.** Project implementation could interfere with the movement of native resident or migratory wildlife species or with established native resident or migratory wildlife corridors.

### **Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.3-7: Conflict with an Adopted Habitat Conservation Plan.** Project implementation would not result in conflicts with the goals of an adopted Habitat Conservation Plan.

### **Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3B.3-1: Loss and Degradation of Waters of the U.S., including Wetlands, and Waters of the State.** *Construction of the Off-site Water Facility Alternatives has the potential to result in substantial adverse effects to Federally and state-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to vernal pools and seasonal wetlands) through direct fill or excavation, hydrological interruption, or other indirect impacts. Wetlands, waters of the state, and other waters of the U.S. that would be affected by implementation of the Off-site Water Facility Alternatives include seeps, vernal pools, seasonal wetlands and seasonal wetland swales, drainage channels, ditches, and ponds.*

### **Implement Mitigation Measure 3A.3-1a.**

**Mitigation Measure 3B.3-1a: Secure Clean Water Act Section 404 Permit and Implement All Permit Conditions; Ensure No Net Loss of Functions of Wetlands, Other Waters of the U.S., and Waters of the State.** Before the approval of grading and improvement plans and before any groundbreaking activity associated with the Off-site Water Facilities requiring fill of wetlands or other waters of the U.S. or waters of the state, the City shall obtain all necessary permits under Sections 401 and 404 of the CWA or the state's Porter-Cologne Water Quality Control Act for the respective phase. For each respective Off-site Water Facility component, all permits, regulatory approvals, and permit conditions for effects on wetland habitats shall be secured before implementation of any grading activities within 250 feet of waters of the U.S. or wetland habitats, including waters of the state, that potentially support Federally listed species.

The City shall commit to replace, restore, or enhance on a "no net loss" basis (in accordance with USACE and the Central Valley RWQCB) the acreage of all wetlands and other waters of the U.S. that would be removed, lost, and/or degraded with implementation of project plans for that phase. Wetland habitat shall be restored, enhanced, and/or replaced at an acreage and location and by methods agreeable to USACE, the Central Valley RWQCB, and the City, as appropriate, depending on agency jurisdiction, and as determined during the Section 401 and Section 404 permitting processes.

As part of the Section 404 permitting process, a draft wetland mitigation and monitoring plan (MMP) shall be developed for the selected Off-site Water Facility Alternative on behalf of the City. Before any ground-disturbing activities that would adversely affect wetlands and before engaging in mitigation activities associated with each phase of development, the City shall submit the draft wetland MMP to USACE and the Central Valley RWQCB for review and approval of those portions of the plan over which they have jurisdiction. The MMP would have to be approved prior to issuance of a Section 404 permit.

Once the final MMP is approved and implemented, mitigation monitoring shall continue for a minimum of 5 years from completion of mitigation, or human intervention (including recontouring and grading), or until the performance standards identified in the approved MMP have been met, whichever is longer. As part of the MMP, the City shall prepare and submit plans for the creation of aquatic habitat in order to adequately offset and replace the aquatic functions and services that would be lost, account for the temporal loss of habitat, and contain an adequate margin of safety to reflect anticipated success.

Restoration of previously altered and degraded wetlands shall be a priority of the MMP for offsetting losses of aquatic functions on the project site because it is typically easier to achieve functional success in restored wetlands than in those created from uplands. The MMP must demonstrate how the aquatic functions and values that would be lost through project implementation will be replaced. The habitat MMP for jurisdictional wetland features shall be consistent with USACE's and EPA's April 10, 2008 *Final Rule for Compensatory Mitigation for Losses of Aquatic Resources* (33 CFR Parts 325 and 332 and 40 CFR Part 230). According to the *Final Rule*, mitigation banks should be given preference over other types of mitigation because a lot of the risk and uncertainty regarding mitigation success is alleviated by the fact that mitigation bank wetlands must be established and demonstrating functionality before credits can be sold. This also alleviates temporal losses of wetland function while compensatory wetlands are being established. Mitigation banks also tend to be on larger, more ecologically valuable parcels and are subjected to more rigorous scientific study and planning and implementation procedures than typical permittee-responsible mitigation sites (USACE and EPA 2008). It is not likely feasible to provide compensatory mitigation for all aquatic resource impacts on site. Therefore, a combination of onsite and off-site permittee-responsible mitigation and mitigation banking would likely be necessary to achieve the no-net-loss standard.

Compensatory mitigation for losses of stream and intermittent drainage channels shall be achieved through in-kind preservation, restoration, or enhancement, as specified in the *Final Rule* guidelines. The wetland MMP shall address how to mitigate impacts on all aquatic resource types and shall describe specific method(s) to be implemented to avoid and/or mitigate any Off-site Water Facility-related impacts. The wetland compensation section of the habitat MMP shall include all the contents identified in Mitigation Measure 3A.3-1A. USACE has determined that the Off-site Water Facilities may require an individual permit. In its final stage and once approved by USACE, the MMP for the Off-site Water Facilities is expected to detail proposed wetland restoration, enhancement, and/or replacement activities that would ensure no net loss of aquatic functions in the project vicinity. Approval and implementation of the wetland MMP shall aim to fully mitigate all unavoidable impacts on

jurisdictional waters of the U.S., including jurisdictional wetlands. To satisfy the requirements of the City and the Central Valley RWQCB, mitigation of impacts on the non-jurisdictional wetlands beyond the jurisdiction of USACE shall be included in the same MMP.

All mitigation requirements determined through this process shall be implemented before grading plans are approved. The MMP shall be submitted to USACE and approved prior to the issuance of any permits under Section 404 of the CWA. Water quality certification pursuant to Section 401 of the CWA will be required before issuance of the Section 404 permit. Before construction in any areas containing wetland features, the City shall obtain water quality certification for the Off-site Water Facilities. Any measures required as part of the issuance of water quality certification shall be implemented.

**Mitigation Measure 3B.3-1b: Maximize Use of Trenchless Technology for Conveyance Pipeline Design.** Following the selection of a Off-site Water Facility Alternative, the City shall design and route the water conveyance pipeline to avoid waters of the U.S. and State, including wetlands and vernal pools, to the maximize extent practical. Where avoidance is not practical, the City shall maximize the use of trenchless technologies (micro-tunneling or jack-and-bore), where feasible.

All trenchless construction crossings will include the preparation of a Frac-Out (or inadvertent return of drilling lubricants) Contingency Plan for tunneling activities that use drilling lubricants (e.g., construction of pipelines using jack-and-bore methods). The purpose of the plan will be to minimize the potential for a frac-out associated with tunneling activities, provide for the timely detection of frac-outs, and ensure an organized, timely, and “minimum-impact” response in the event of a frac-out and release of drilling lubricant (i.e., bentonite). Preparation and implementation of a Frac-Out Contingency Plan will be reflected in contract documents.

**Mitigation Measure 3B.3-1c: Restore all Waters Impacted by Trenching and Temporary Construction Staging Areas to Pre-Project Contours and Conditions.** For all water line crossings of waters of the U.S. or waters of the state in which the use of trenchless technologies are not feasible, the City shall ensure that all waters impacted by trenching activities are restored to pre-project contours and conditions. In addition, within 30 days following project construction, the City shall ensure that all temporary construction staging areas within waters of the U.S. or waters of the state are restored to pre-project contours and conditions.

At minimum, the City shall ensure that the following measures are implemented during construction:

- ▶ Conduct trenching and construction activities across drainages during low-flow (e.g., <1 to 2 cfs) or dry periods as feasible;
- ▶ If working in active channels, install cofferdam upstream and downstream of stream crossing to separate construction area from flowing waterway;

- ▶ Place sediment curtains upstream and downstream of the construction zone to prevent sediment disturbed during trenching activities from being transported and deposited outside of the construction zone;
- ▶ Locate spoil sites such that they do not drain directly into the drainages or seasonal wetlands;
- ▶ Store equipment and materials away from the drainages and wetland areas. No debris will be deposited within 250 feet of the drainages and wetland areas;
- ▶ Prepare and implement a revegetation plan to restore vegetation in all temporarily disturbed wetlands and other waters using native species seed mixes and container plant material that are appropriate for existing hydrological conditions.

Before the approval of grading and improvement plans and before any groundbreaking activity associated with the Off-site Water Facilities requiring fill of wetlands or other waters of the U.S. or waters of the state, the City shall submit a wetland mitigation and monitoring plan (MMP) for the restoration of these waters within the selected water alignment to the USACE and Central Valley RWQCB for review and approval of those portions of the plan over which they have jurisdiction. The MMP would have to be approved prior to issuance of a Section 404 permit. Once the final MMP is approved and implemented, mitigation monitoring shall continue for a minimum of 5 years from completion of restoration activities, or human intervention (including recontouring and grading), or until the performance standards identified in the approved MMP have been met, whichever is longer.

At minimum, the MMP shall provide the following information:

- ▶ A description and drawings showing the existing contours (elevation) and existing vegetation of the waters of the U.S. and waters of the state that would be impacted through trenching activities. This information shall include site photographs taken at each impacted water.
- ▶ Methods used to ensure that trenching within waters of the U.S. and waters of the state do not adversely alter existing hydrology, including the draining of the waters (e.g., use of cut-off walls).
- ▶ The methods used to restore the site to the original contour and condition, as well as a plan for the revegetation of the site following installation of the water line.
- ▶ Proposed schedule for restoration activities.

### **Findings**

***Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.***

Construction and operations of the Proposed Off-site Water Facility Alternative could involve construction related, direct and indirect impacts to wetlands and waters of the U.S. within Zone 4 of the “Water” Study Area. Based on the preliminary estimates provided in Table 3B.3-4 of the DEIR/DEIS, the potential **direct** and **indirect** impacts to waters of the U.S., including wetlands, under this alternative could be up to 6.8 acres. Because the City

has not yet completed project specific engineering details for this alternative, the actual impacts to waters of the U.S., including wetlands, cannot be determined. Based on these considerations, impacts to wetlands and waters of the U.S. could be **potentially significant**.

Implementation of Mitigation Measures 3B.3-1a, 3B.3-1b, 3B.3-1c, and 3A.3-1a would reduce significant impacts on jurisdictional wetlands and waters of the U.S. and waters of the state under the Off-site Water Facility Alternatives. Presuming the City completes additional routing analysis and prepares a mitigation plan that is acceptable to USACE and implemented as required, the direct and indirect impacts resulting from the Off-site Water Facility Alternatives could be mitigated to a **less-than-significant** level by providing “no net loss” of overall wetland acreage, as required in USACE permit conditions.

**IMPACT 3B.3-2: Loss and Degradation of Habitat for Special-Status Wildlife Species and Potential Direct Take of Individuals.** *The Off-site Water Facility Alternatives have the potential to result in a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status by DFG, NMFS, and USFWS. Impacts could include loss and degradation of habitat for several special-status wildlife species or take of listed species, including vernal pool invertebrates, valley elderberry longhorn beetle, and Swainson’s hawk.*

**Mitigation Measure 3B.3-2: Conduct Preconstruction Survey for Western Spadefoot Toad and Northwestern Pond Turtle and if Found, Implement Avoidance and Compensation Measures.** Prior to construction, a qualified biologist retained by the City shall conduct protocol-level surveys for the western spadefoot toad and northwestern pond turtle to determine if these species are currently using water features crossed by the selected alignment. If either of these species is detected, then the City shall consult with the DFG (and USFWS if appropriate) to develop additional minimization measures prior to project construction (if necessary). These additional measures may include timing restrictions for groundwater dewatering activities, construction monitoring, and long-term monitoring. If temporary fencing is used, it shall take the form of silt fencing and temporary plastic construction fencing placed no closer than 25 feet from the edge of the protected habitat. Protective fencing around vernal pools identified as potential habitat for special-status species shall be constructed in a way that allows western spadefoot toad to access these wetlands. Impacted western spadefoot toad habitat shall be mitigated and compensated in accordance with USFWS and DFG requirements.

**Implement Mitigation Measures 3B.3-1a, 3B.3-1b, 3A.3-1b, 3A.3-2a, 3A.3-2b, 3A.3-2c, 3A.3-2d, 3A.3-2e, 3A.3-2f, 3A.3-2g, and 3A.3-2h.**

#### **Finding for Construction Impacts on Vernal Pool Fairy Shrimp and Vernal Pool Tadpole**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency*

*making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Twenty-five special-status terrestrial wildlife species were identified as having the potential to occur within 5 miles of Zone 4 of the “Water” Study Area with 16 of these species having a moderate to high potential for occurrence, including vernal pool and conservancy fairy shrimp, Swainson’s hawk, valley elderberry longhorn beetle, and vernal pool tadpole shrimp. Zone 4 of the “Water” Study Area also provides habitat for several species of concern, which include western spadefoot toad, burrowing owl, and pallid bat. Construction of the pipeline alignments, pump stations, and WTPs under these Off-site Water Facility Alternatives may result in direct or indirect impacts to animal species listed in Table 3B.3-5.. Depending on the location of the construction (i.e., roadway centerline verses shoulder) construction activities associated with the pipelines and WTPs could result in **significant direct** and **indirect** impacts to vernal pool habitat and, hence, vernal pool crustaceans.

Construction activities associated with pipeline and WTP facilities could result in **significant direct** impacts to vernal pool crustaceans, and may also lead to a cumulative decline of the species over time. **Indirect** impacts may include the temporary degradation of water quality or dewatering of pools during construction and could also be **significant**. In the absence of complete avoidance, impacts to vernal pool crustaceans species could only be mitigated through a combination of habitat preservation and restoration in the vicinity of the selected Off-site Water Facilities.

Given that even following the restoration of the impacted area(s), the take of these species could have already occurred, the City is unable to demonstrate complete avoidance. Therefore, demonstrating full compensation for these impacts by preserving and restoring existing habitats for vernal pool crustaceans in the vicinity of the selected Off-site Water Facility Alternative is infeasible. For this reason, the direct and indirect impacts would remain **significant** and **unavoidable** for those Off-site Water Facility Alternatives unable to demonstrate complete avoidance of “take” of vernal pool species.

No other feasible mitigation measures are available to reduce impacts associated with loss and degradation of habitat resulting from project construction to a less-than-significant level because it is technically infeasible to allow construction activities without some potential for loss and degradation of habitat. The objectives of the “Water” elements of the project include construction of necessary infrastructure and sufficient water supply for the planned SPA. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow construction without potential loss and degradation of habitat, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is significant and unavoidable.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom’s Annexation outweigh the adverse impacts, and that the project should be approved, as explained in the statement of overriding considerations below.

### **Finding for Construction Impacts on Other Species**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.*

Construction activities associated with the conveyance pipeline and pump station facilities could result in direct and indirect impacts to vernal pools, wetlands, and creeks, and hence, potential habitat for western spadefoot toad and northwestern pond turtle. This **direct** impact is considered **potentially significant**. **Indirect** impacts may include the temporary degradation of water quality or dewatering of pools during construction and could also be **potentially significant**.

Construction activities associated with the pipelines could result in **significant direct** and **indirect** impacts to valley elderberry longhorn beetle. All facility siting options have a high likelihood of impacting Swainson's hawk foraging habitat. In addition, the White Rock WTP and conveyance alignment could adversely affect nesting habitat and result in a **potentially significant direct** and **indirect** impacts. Each of the Off-site Water Facility Alternatives has a high likelihood to result in a **potentially significant direct** or **indirect** impacts on burrowing owl.

Construction of the Off-site Water Facility Alternatives could also temporarily and permanently disturb the nesting of White-tailed kite, Loggerhead shrike, and Tricolored blackbird, due to construction noise and disturbance, as well as potential nest site removal during the breeding season. Construction may also permanently and temporarily affect foraging habitat for these species within portions of the Zone 4 "Water" Study Area. Additionally, DFG generally considers disturbance within 500 feet of a nesting raptor to be an impact and, therefore, construction activities associated with the conveyance pipeline, pump station, and WTP could result in **potentially significant direct** and **indirect** impacts to these species, and may also lead to a cumulative decline of the species over time.

Loss of individual bats would be considered a **potentially significant, direct** impact. **Indirect** impact on special-status bat species could also be **potentially significant**.

The mitigation measure identified above would lessen significant direct and indirect impacts on special-status wildlife resulting from the Proposed Off-site Water Facility Alternative. Given the linear nature of the Off-site Water Facility Alternatives and their orientation towards existing built-environments, fully compensating for direct and indirect impacts within the overall Zone 4 portion of the "Water" Study Area is considered feasible for most species potentially impacted by the alternatives under consideration. Based on the combination of preconstruction surveys, habitat preservation, and restoration measures proposed by the City, impacts to special status wildlife species, with the exception of vernal pool crustaceans, would be avoided or minimized to a **less than- significant** level.

**IMPACT 3B.3-3: Potential Loss or Degradation of Special-Status Plant Populations and Habitat.** *Implementation of the Off-site Water Facility Alternatives could result in direct*



*removal of special-status plants, if they are present, through loss of suitable habitat or degradation of suitable habitat due to site alteration.*

**Implement Mitigation Measure 3A.3-3: Conduct Special-Status Plant Surveys; Implement Avoidance and Mitigation Measures or Compensatory Mitigation.**

**Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS.*

Seventeen special-status plant species have the potential to occur within Zone 4 of the “Water” Study Area in vernal pool, seasonal wetland, freshwater marsh, pond, oak woodland, and grassland habitats. Seven of these species—Ahart’s dwarf rush, Bogg’s Lake hedge-hyssop, dwarf downingia, legenere, Sacramento Orcutt grass, slender Orcutt grass, and Tuolumne button-celery—were determined to have a moderate to high potential to occur within Zone 4. Because implementation of all Off-site Water Facility Alternatives could result in loss and degradation of habitat that could support special-status plant species, **direct** and **indirect** impacts on special-status plant species are considered **potentially significant**. Implementation of Mitigation Measure 3A.3-3 would reduce the potentially significant impacts on special-status plant species under the Off-site Water Facility Alternatives to a **less-than-significant** level because each facility component would be required to identify and avoid special-status plant populations or provide compensation for the loss of special-status plants through creation of off-site populations, conservation easements, or other appropriate measures.

**IMPACT 3B.3-4: Loss of Sensitive Natural Communities (Not Already Covered under Other Impacts).** *Construction and operation of the Off-site Water Facility Alternatives has the potential to have a substantial adverse effect on local riparian and woodland habitats. These are natural communities considered sensitive by state and local resource agencies and require consideration under CEQA.*

**Implement Mitigation Measures 3B.3-1a, 3B.3-1b, 3A.3-1b, and 3A.3-4a.**

**Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Table 3B.3-7 provides a breakdown of the different plant communities included within the 200-foot construction corridor for these alternatives along with an additional breakdown of the acreages within the 100-feet to the right and left of the alignment. The potential impacts of constructing these alternatives could include the direct loss of these acreages from facility

footprints, construction-related disturbance, and indirect water quality impacts. For this reason, **direct** and **indirect** impacts resulting from construction would be **potentially significant**.

As provided in Table 3B.9-3, of Section 3B.9, Hydrology and Water Quality - Water,” the operation of the Offsite Water Facility Alternatives would involve negligible changes to existing flows within Zone 2 of the “Water” Study Area and downstream locations within the Delta. Based on these findings, neither the operations of the Offsite Water Facilities nor the assignment of water supplies from NCMWC in the Sacramento River basin would have substantial adverse effects on riparian habitat or other sensitive natural communities along the Sacramento River as a result of substantial changes in water levels or diversion of flow. No new groundwater pumping would be required within NCMWC’s service area and, therefore, no changes to surface water hydrology within wetlands and other sensitive wetland features within the NCMWC’s service area is anticipated. For these reasons, **direct** and **indirect** impacts to sensitive communities from long-term operation of the Off-site Water Facilities would be **less than significant**.

Implementation of Mitigation Measures 3A.3-1a, 3B.3-1a, 3B.3-1b, and 3A.3-1b would reduce significant impacts on sensitive natural communities under the Off-site Water Facility Alternatives to a **less-than-significant** level because a mitigation and monitoring plan ensuring adequate compensation for the loss of riparian habitat would have to be developed and implemented as a condition of the streambed alteration permit.

**IMPACT 3B.3-5: Loss of Individual Oak Trees.** *Implementation of the Off-site Water Facility Alternatives could result in the removal of oak woodland and individual oak trees meeting the criteria for protection under Folsom Municipal Code and the Sacramento County Tree Ordinance.*

**Implement Mitigation Measure 3A.3-5: Conduct Tree Survey, Prepare and Implement an Oak Woodland Mitigation Plan, Replace Native Oak Trees Removed, and Implement Measures to Avoid and Minimize Indirect Impacts on Oak Trees Retained On-site.**

#### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Because construction of Off-site Water Facilities components could require the removal of trees, including oak species, the County of Sacramento may require a permit for the pruning or removal of protected trees within its jurisdiction. Therefore, this **direct** and **indirect** impact is considered **potentially significant**.

With the implementation of Mitigation Measure 3A.3-5, appropriate compensation measures would be implemented through the preparation and implementation of an oak tree replacement plan to reduce potential impacts to riparian habitats and other sensitive natural communities. Compliance with the prescribed mitigation would ensure that these impacts are reduced to a **less-than-significant** level with no corresponding net reduction in the numbers of protected trees.

**IMPACT 3B.5-6: Potential Interference with Wildlife or Fisheries Movement.** Construction and operation of the Off-site Water Facility Alternatives has the potential to interfere substantially with the movement of native resident or migratory fish or within established native resident or migratory wildlife corridors.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3B.5-7: Potential Conflict with Habitat Conservation Plans.** Construction of the Off-site Water Facilities has the potential to conflict with the provisions of an adopted Habitat Conservation Plan or Natural Community Conservation Plan.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

## **8. Climate Change**

Additional Information on the Climate Change Impacts for the City of Folsom Annexation is set forth in the Final EIR. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, the findings of the Sacramento Local Agency Formation Commission are as follows:

**IMPACT 3A.4-1: Generation of Temporary, Short-Term Construction-Related GHG Emissions.** *Project-related construction activities associated with development of the project and off-site elements would result in increased generation of GHG emissions. These emissions would be temporary and short-term and would decline over time as new regulations are developed that address medium- and heavy-duty on-road vehicles and off-road equipment under the mandate of AB 32.*

**Implement Mitigation Measures 3A.2-1a and 3A.2-1b.**

**Mitigation Measure 3A.4-1: Implement Additional Measures to Control Construction-Generated GHG Emissions.** To further reduce construction-generated GHG emissions, the

project applicant(s) any particular discretionary development application shall implement all feasible measures for reducing GHG emissions associated with construction that are recommended by SMAQMD at the time individual portions of the site undergo construction. Such measures may reduce GHG exhaust emissions from the use of on-site equipment, worker commute trips, and truck trips carrying materials and equipment to and from the SPA, as well as GHG emissions embodied in the materials selected for construction (e.g., concrete). Other measures may pertain to the materials used in construction. Prior to releasing each request for bid to contractors for the construction of each discretionary development entitlement, the project applicant(s) shall obtain the most current list of GHG reduction measures that are recommended by SMAQMD and stipulate that these measures be implemented in the respective request for bid as well as the subsequent construction contract with the selected primary contractor. The project applicant(s) for any particular discretionary development application may submit to the City and SMAQMD a report that substantiates why specific measures are considered infeasible for construction of that particular development phase and/or at that point in time. The report, including the substantiation for not implementing particular GHG reduction measures, shall be approved by the City, in consultation with SMAQMD prior to the release of a request for bid by the project applicant(s) for seeking a primary contractor to manage the construction of each development project. By requiring that the list of feasible measures be established prior to the selection of a primary contractor, this measure requires that the ability of a contractor to effectively implement the selected GHG reduction measures be inherent to the selection process.

SMAQMD's recommended measures for reducing construction-related GHG emissions at the time of writing this EIR/EIS are listed below and the project applicant(s) shall, at a minimum, be required to implement the following:

- ▶ Improve fuel efficiency from construction equipment:
  - reduce unnecessary idling (modify work practices, install auxiliary power for driver comfort);
  - perform equipment maintenance (inspections, detect failures early, corrections);
  - train equipment operators in proper use of equipment;
  - use the proper size of equipment for the job; and
  - use equipment with new technologies (repowered engines, electric drive trains).
- ▶ Use alternative fuels for electricity generators and welders at construction sites such as propane or solar, or use electrical power.
- ▶ Use an ARB-approved low-carbon fuel, such as biodiesel or renewable diesel for construction equipment. (Emissions of oxides of nitrogen [NOX] emissions from the use of low carbon fuel must be reviewed and increases mitigated.) Additional information about low-carbon fuels is available from ARB's Low Carbon Fuel Standard Program (ARB 2009b).
- ▶ Encourage and provide carpools, shuttle vans, transit passes and/or secure bicycle parking for construction worker commutes.
- ▶ Reduce electricity use in the construction office by using compact fluorescent bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones.
- ▶ Recycle or salvage non-hazardous construction and demolition debris (goal of at least 75% by weight).

- ▶ Use locally sourced or recycled materials for construction materials (goal of at least 20% based on costs for building materials, and based on volume for roadway, parking lot, sidewalk and curb materials).
- ▶ Minimize the amount of concrete used for paved surfaces or use a low carbon concrete option.
- ▶ Produce concrete on-site if determined to be less emissive than transporting ready mix.
- ▶ Use EPA-certified SmartWay trucks for deliveries and equipment transport. Additional information about the SmartWay Transport Partnership Program is available from ARB's Heavy-Duty Vehicle Greenhouse Gas Measure (ARB 2009c) and EPA (EPA 2009).
- ▶ Develop a plan in consultation with SMAQMD to efficiently use water for adequate dust control. This may consist of the use of non-potable water from a local source.

In addition to SMAQMD-recommended measures, construction activity shall comply with all applicable rules and regulations established by SMAQMD and ARB.

### **Findings**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.*

Heavy-duty off-road equipment, materials transport, and worker commutes during construction of the Proposed Project Alternative would result in exhaust emissions of GHGs. Exact project-specific data (e.g., construction equipment types and number requirements) were not available at the time of this analysis.

GHG emissions generated by construction would be primarily in the form of carbon dioxide (CO<sub>2</sub>).

Although the construction-generated emissions would be temporary and short-term, and although a new regime of regulations is expected to come into place under AB 32 and existing regulatory efforts will help reduce GHG emissions generated by construction activity throughout the state, given the information available today, GHG emissions associated with construction of the Proposed Project Alternative would result in a cumulatively considerable incremental contribution to this **significant** cumulative impact.

### ***Off-Site Elements***

GHG emissions associated with the construction of the off-site elements were estimated using the URBEMIS 2007 Version 9.2.4 computer program (Rimpo and Associates 2008) and SMAQMD's Road Construction Emissions Model (SMAQMD 2009b).. Given that detailed parameters about the construction of these infrastructure improvements are not known at the time of writing the DEIR/DEIS, it is assumed that GHG emissions associated with construction of these elements could result in cumulatively considerable incremental contributions to climate change. This would be a **significant** cumulative impact.

Implementation of Mitigation Measure 3A.2-1a and Mitigation Measure 3A.2-1b would reduce construction vehicle emissions to the degree feasible, by requiring all SMAQMD-recommended measures that are applicable to the project such as the use of certain engines,

following specific criteria, and other requirements. By reducing emissions of criteria air pollutants, GHG emissions also would be reduced. Implementation of Mitigation Measure 3A.4-1 would result in additional reductions in GHG emissions associated with construction activity. Mitigation Measures 3A.2-1a, 3A.2-1b, and 3A.4-1 are programmatic in that they recognize that emission control technologies will continue to evolve and the feasibility of more GHG reductions will likely increase over the 19-year buildout period of the project. They also recognize that a framework for understanding GHG emissions embodied in construction materials (e.g., concrete) may continue to evolve such that embodied emissions can be reduced through project-level mitigation. However, the extent to which feasible technologies and GHG reduction measures will continue to be developed is not known at the time of writing the DEIR/DEIS. Therefore, this analysis concludes that these reductions would not be sufficient to fully reduce the construction-generated GHGs to the extent that they would not be cumulatively considerable. The regulatory changes that are likely under AB 32 and other legislation may result in additional, more substantial reductions in emissions through the use of low carbon fuels or off-road engine standards. Because of the uncertainty with respect to GHG reductions from regulations that have not yet been developed, and because the GHGs generated by construction of the Prairie City Road Interchange, Rowberry Drive overcrossing, Oak Avenue Interchange, and Roadway Connections to El Dorado County could be considerable, the incremental contribution of GHG emissions from project-related construction would be cumulatively considerable and **significant and unavoidable**.

This significance determination is based according to the program-level analysis presented above. However, an alternate impact conclusion for each of these four off-site elements may be supported by a project-level analysis that is based on detailed project-specific parameters (i.e., schedule, equipment, materials) used to estimate the total GHG emissions level associated with construction of the element and/or conducted in accordance with new guidance provided by ARB or the respective air district (i.e., SMAQMD or EDCAQMD). However, for purposes of this analysis and because additional detail is currently unavailable, a project-level significance determination cannot be made with reasonable accuracy.

No other feasible mitigation measures are available to reduce impacts associated with temporary, short-term construction-related GHG emissions resulting from project development to a less-than-significant level because it is technically infeasible to allow new development without some amount of temporary, short-term construction-related GHG emissions. The project's objectives include providing a large-scale mixed-use and mixed-density residential housing development within the City of Folsom, south of U.S. 50. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow new development without temporary, short-term construction-related GHG emissions, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is significant and unavoidable.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts, and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.4-2: Generation of Long-Term Operational GHG Emissions.** *Operation of the project over the long term would result in increased generation of GHGs, which would contribute considerably to cumulative GHG emissions.*

**Implement Mitigation Measure 3A.2-2.**

**Mitigation Measure 3A.4-2a: Implement Additional Measures to Reduce Operational GHG Emissions.** Each increment of new development within the project site requiring a discretionary approval (e.g., proposed tentative subdivision map, conditional use permit), shall be subject to a project-specific environmental review (which could support an applicable exemption, negative or mitigated negative declaration or project-specific EIR) and will require that GHG emissions from operation of each phase of development, including supporting roadway and infrastructure improvements that are part of the selected action alternative, will be reduced by an amount sufficient to achieve the 2020-based threshold of significance of 4.36 CO<sub>2</sub>e/SP/year for development that would become operational on or before the year 2020, and the 2030-based threshold of significance of 2.86 CO<sub>2</sub>e/SP/year for development that would become operational on or before the year 2030.

The above-stated thresholds of significance may be subject to change if SMAQMD approves its own GHG significance thresholds, in which case, SMAQMD-adopted thresholds will be used. The amount of GHG reduction required to achieve the applicable significance thresholds will furthermore depend on existing and future regulatory measures including those developed under AB 32).

For each increment of new discretionary development, the City shall submit to the project applicant(s) a list of potentially feasible GHG reduction measures to be considered in the development design. The City's list of potentially feasible GHG reduction measures shall reflect the current state of the regulatory environment, available incentives, and thresholds of significance that may be developed by SMAQMD, which will evolve under the mandate of AB 32 and Executive Order S-3-05. If the project applicant(s) asserts it cannot meet the 2020-based goal, then the report shall also demonstrate why measures not selected are considered infeasible. The City shall review and ensure inclusion of the design features in the Proposed Project Alternative before applicant(s) can receive the City's discretionary approval for the any increment of development. In determining what measures should appropriately be imposed by the City under the circumstances, the City shall consider the following factors:

- ▶ the extent to which rates of GHG emissions generated by motor vehicles traveling to, from, and within the SPA are projected to decrease over time as a result of regulations, policies, and/or plans that have already been adopted or may be adopted in the future by ARB or other public agency pursuant to AB 32, or by EPA;
- ▶ the extent to which mobile-source GHG emissions, which at the time of writing this EIR/EIS comprise a substantial portion of the state's GHG inventory, can also be reduced through design measures that result in trip reductions and reductions in trip length;
- ▶ the extent to which GHG emissions emitted by the mix of power generation operated by SMUD, the electrical utility that will serve the SPA, are projected to decrease pursuant to the Renewables Portfolio Standard required by SB 1078 and SB 107, as well as any future

regulations, policies, and/or plans adopted by the federal and state governments that reduce GHG emissions from power generation;

- ▶ the extent to which any stationary sources of GHG emissions that would be operated on a proposed land use (e.g., industrial) are already subject to regulations, policies, and/or plans that reduce GHG emissions, particularly any future regulations that will be developed as part of ARB's implementation of AB 32, or other pertinent regulations on stationary sources that have the indirect effect of reducing GHG emissions;
- ▶ the extent to which other mitigation measures imposed on the project to reduce other air pollutant emissions may also reduce GHG emissions;
- ▶ the extent to which the feasibility of existing GHG reduction technologies may change in the future, and to which innovation in GHG reduction technologies will continue, effecting cost-benefit analyses that determine economic feasibility; and
- ▶ whether the total costs of proposed mitigation for GHG emissions, together with other mitigation measures required for the proposed development, are so great that a reasonably prudent property owner would not proceed with the project in the face of such costs.

In considering how much, and what kind of, mitigation is necessary in light of these factors, the City shall consider the following list of options, though the list is not intended to be exhaustive, as GHG emission reduction strategies and their respective feasibility are likely to evolve over time. These measures are derived from multiple sources including the Mitigation Measure Summary in Appendix B of the California Air Pollution Control Officer's Association (CAPCOA) white paper, CEQA & Climate Change (CAPCOA 2009a); CAPCOA's Model Policies for Greenhouse Gases in General Plans (CAPCOA 2009b); and the California Attorney General's Office publication, The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level (California Attorney General's Office 2008).

### **Energy Efficiency**

- ▶ Include clean alternative energy features to promote energy self-sufficiency (e.g., photovoltaic cells, solar thermal electricity systems, small wind turbines).
- ▶ Design buildings to meet CEC Tier II requirements (e.g., exceeding the requirements of the Title 24 [as of 2007] by 35%).
- ▶ Site buildings to take advantage of shade and prevailing winds and design landscaping and sun screens to reduce energy use.
- ▶ Install efficient lighting in all buildings (including residential). Also install lighting control systems, where practical. Use daylight as an integral part of lighting systems in all buildings.
- ▶ Install light-colored "cool" pavements, and strategically located shade trees along all bicycle and pedestrian routes.

### **Water Conservation and Efficiency**

- ▶ With the exception of ornamental shade trees, use water-efficient landscapes with native, drought resistant species in all public area and commercial landscaping. Use water-efficient turf in parks and other turf-dependant spaces.
- ▶ Install the infrastructure to use reclaimed water for landscape irrigation and/or washing cars.
- ▶ Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.



- ▶ Design buildings and lots to be water-efficient. Only install water-efficient fixtures and appliances.
- ▶ Restrict watering methods (e.g., prohibit systems that apply water to nonvegetated surfaces) and control runoff. Prohibit businesses from using pressure washers for cleaning driveways, parking lots, sidewalks, and street surfaces. These restrictions should be included in the Covenants, Conditions, and Restrictions of the community.
- ▶ Provide education about water conservation and available programs and incentives.
- ▶ To reduce stormwater runoff, which typically bogs down wastewater treatment systems and increases their energy consumption, construct driveways to single-family detached residences and parking lots and driveways of multifamily residential uses with pervious surfaces. Possible designs include Hollywood drives (two concrete strips with vegetation or aggregate in between) and/or the use of porous concrete, porous asphalt, turf blocks, or pervious pavers.

### **Solid Waste Measures**

- ▶ Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
- ▶ Provide interior and exterior storage areas for recyclables and green waste at all buildings.
- ▶ Provide adequate recycling containers in public areas, including parks, school grounds, golf courses, and pedestrian zones in areas of mixed-use development.
- ▶ Provide education and publicity about reducing waste and available recycling services.

### **Transportation and Motor Vehicles**

- ▶ Promote ride-sharing programs and employment centers (e.g., by designating a certain %age of parking spaces for ride-sharing vehicles, designating adequate passenger loading and unloading zones and waiting areas for ride-share vehicles, and providing a Web site or message board for coordinating ride-sharing).
- ▶ Provide the necessary facilities and infrastructure in all land use types to encourage the use of low- or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations).
- ▶ At industrial and commercial land uses, all forklifts, “yard trucks,” or vehicles that are predominately used on-site at non-residential land uses shall be electric-powered or powered by biofuels (such as biodiesel [B100]) that are produced from waste products, or shall use other technologies that do not rely on direct fossil fuel consumption.

### **Mitigation Measure 3A.4-2b: Participate in and Implement an Urban and Community Forestry Program and/or Off-Site Tree Program to Off-Set Loss of On-Site Trees.**

The trees on the project site contain sequestered carbon and would continue to provide future carbon sequestration during their growing life. For all harvestable trees that are subject to removal, the project applicant(s) for any particular discretionary development application shall participate in and provide necessary funding for urban and community forestry program (such as the UrbanWood program managed by the Urban Forest Ecosystems Institute [Urban Forest Ecosystems Institute 2009]) to ensure that wood with an equivalent carbon sequestration value to that of all harvestable removed trees is harvested for an end-use that would retain its carbon sequestration (e.g., furniture building, cabinet making). For all

non-harvestable trees that are subject to removal, the project applicant(s) shall develop and fund an off-site tree program that includes a level of tree planting that, at a minimum, increases carbon sequestration by an amount equivalent to what would have been sequestered by the blue oak woodland during its lifetime. This program shall be funded by the project applicant(s) of each development phase and reviewed for comment by an independent Certified Arborist unaffiliated with the project applicant(s) and shall be coordinated with the requirements of Mitigation Measure 3.3-5, as stated in Section 3A.3, “Biological Resources - Land.” Final approval of the program shall be provided by the City. Components of the program may include, but not be limited to, providing urban tree canopy in the City of Folsom, or reforestation in suitable areas outside the City. Reforestation in natural habitat areas outside the City of Folsom would simultaneously mitigate the loss of oak woodland habitat while planting trees within the urban forest canopy would not. The California Urban Forestry Greenhouse Gas Reporting Protocol shall be used to assess this mitigation program (CCAR 2008). All unused vegetation and tree material shall be mulched for use in landscaping on the project site, shipped to the nearest composting facility, or shipped to a landfill that is equipped with a methane collection system, or combusted in a biomass power plant.

Tree and vegetative material should not be burned on- or off-site unless used as fuel in a biomass power plant.

### **Findings**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.*

GHG emissions would be generated throughout the operational life of the Proposed Project Alternative. Because the total GHG emissions associated with project operations under the Proposed Project Alternative and other four action alternatives would be considered substantial, and due to the uncertainty about to what degree future regulations developed through implementation of AB 32 would help enable achievement of the CO<sub>2</sub>e/SP/year thresholds for the years 2020 or 2030, the Proposed Project Alternative would result in a cumulatively considerable contribution to a **significant** cumulative impact related to long-term operational generation of GHGs.

By acknowledging that the regulatory environment will continue to progress and that new GHG reduction technologies will continue to be innovated over time, Mitigation Measure 3A.4-2 requires the implementation of project-specific mitigation measures that are appropriate and feasible during each phase or increment of project development. Although Mitigation Measure 3A.4-2 would require the implementation of all feasible GHG reduction measures known at this time, it is unknown at the time of writing this EIR/EIS whether the selected project-specific measures during each project phase, in combination with the GHG reductions realized from the regulatory environment that exists at that time, would result in attainment of the applicable CO<sub>2</sub>e/SP goal.

Given the long period of time needed for build-out of the project, these regulations and policies should be effective in reducing GHG emissions from vehicles and power plants during the period of time in which the City approves the vast majority of project-level development entitlements needed for development pursuant to, and consistent with, the Proposed Project Alternative. As these regulations and policies gradually become effective, the task of achieving the applicable CO<sub>2</sub>e/SP goal should become comparatively easier. However, the precise level of reductions is difficult to calculate for all phases of development, and therefore would be speculative at this time.

As a precaution, this EIR/EIS concludes that the Proposed Project Alternative's incremental contribution to longterm operational GHG emissions is **cumulatively considerable and significant and unavoidable**.

No other feasible mitigation measures are available to reduce impacts associated with long-term operational GHG emissions to a less-than-significant level because it is technically infeasible to allow development activities without some GHG emissions. The project's objectives include providing a large-scale mixed-use and mixed-density residential housing development within the City of Folsom, south of U.S. 50. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow new development without GHG emissions, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is significant and unavoidable.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts, and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3B.4-1: Generation of Short- and Long-term Increases in Greenhouse Gases.**

*Construction and operation of the Off-site Water Facility Alternatives would result in a net increase in greenhouse gas emissions, which would contribute considerably to cumulative GHG emissions.*

**Mitigation Measure 3B.4-1a: Implement GHG Reduction Measures during**

**Construction.** The bid specifications for construction of the Off-site Water Facilities shall require that bidders demonstrate how they will comply with each of the following measures during all construction and demolition activities:

- 1) Construction vehicles and equipment will be properly maintained at all times in accordance with manufacturer's specifications, including proper tuning and timing of engines. Equipment maintenance records and equipment design specification data sheets shall be kept on-site during construction and demolition activities and subject to inspection by the SMAQMD.
- 2) Operators will turn off all construction vehicles and equipment and all delivery vehicles when not in use, and not allow idling for more than 5 minutes or for such other more restrictive time as may be required in law or regulation.
- 3) On-site construction vehicles and equipment will use ARB-certified biodiesel fuel if available (a minimum of B20, or 20 % of biodiesel) except for those with warranties that

would be voided if B20 biodiesel fuel were used. Prior to issuance of grading or demolition permits, the contractor shall provide documentation to the City that verifies whether any equipment is exempt; that a biodiesel supply has been secured; and that the construction contractor is aware that the use of biodiesel is required.

4) A City-approved Solid Waste Diversion and Recycling Plan (or such other documentation to the satisfaction of the City) will be in place for the Off-site Water Facilities that demonstrates the diversion from landfills and recycling of all nonhazardous, salvageable and re-useable wood, metal, plastic and paper products during construction and demolition activities. The Plan or other documentation shall include the name of the waste hauler, their assumed destination for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.

**Mitigation Measure 3B.4-1b: Prepare and Implement an Off-site Water Facilities Climate Action Plan.** Prior to operation, the City shall have in place a Off-site Water Facilities Climate Action Plan and Greenhouse Reduction Strategy (Plan) that has been adopted by the City following an opportunity for review and recommendation by the SMAQMD. At a minimum, the Plan shall include:

► **Designation of Person Responsible for Implementation.** The Plan shall designate the name and contact information of the person(s) responsible for ensuring continuous and on-going implementation of the Plan.

► **GHG Inventory and Reduction Target.** The City shall prepare a complete GHG Inventory for the Off-site Water Facilities components within one year following occupancy and a GHG reduction target based on State guidance.

► **Off-site Water Facilities Design Features.** The Off-site Water Facilities shall include design features to reduce operational GHG emissions, as well as an estimate of the reduction in GHG emissions that is expected to result from each facility. Initial measures that may be considered include, but are not limited to:

- Design all conditioned occupancies with “cool roofs” using products certified by the Cool Roof Rating Council, and other exposed roof surfaces coated with “cool paints”;
- Design all conditioned occupancies to take advantage of shade through the planting of deciduous canopy-type trees and/or prevailing winds to reduce energy use;
- Make maximum use of EnergyStar-qualified energy efficient appliances, heating and cooling systems, office equipment and lighting products;
- Install a photovoltaic array (solar panels) or other source of renewable energy generation on-site, or otherwise acquire energy that has been generated by renewable sources to meet a portion of the electricity needs of the Off-site Water Facilities;
- In an effort to reduce GHG emissions from transportation sources, the bid specifications for the Off-site Water Facilities should require that bidders demonstrate that they have given preference to local sources of building materials or offer evidence to support why such local sources have not been used.

## **Findings**

***Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.***

Short-term emissions of CO<sub>2</sub> resulting from the construction of the Off-site Water Facility Alternatives could result **potentially significant direct** and **indirect** impacts. Following construction, the operation of the Off-site Water Facilities is expected to contribute to regional GHG emissions over the long-term. The primary sources of GHG emissions would be associated with daily vehicle trips to and from the WTP along with indirect emissions from new electrical loads associated with the booster pump station, water treatment operations, and distribution of treated water to users within the Folsom SPA.

The GHG estimates calculated for each of the Off-site Water Facility Alternatives is substantially higher than the applied threshold for stationary sources as proposed by BAAQMD and, therefore, this **indirect** impact is considered **significant**. As shown in Table 3B.4-1 on page 3B.4-5 of the DEIR/DEIS, nonstationary sources of GHGs would not be significant. Given the overwhelming scope of global climate change, it is not anticipated that a single public infrastructure project would have an individually discernable effect on global climate change (e.g., that any increase in global temperature or rise in sea level could be attributed to the emissions resulting from one single development project).

Rather, it is more appropriate to conclude that the GHG emissions generated by the Off-site Water Facilities would combine with emissions across the state, nation, and globe to cumulatively contribute to global climate change.

Based on the nature and size of the Off-site Water Facilities components, without mitigation, the construction and operation of the Off-site Water Facilities could contribute to the State's inability to reach the emission reduction limits/standards set forth by the State of California by Executive Order S-3-05 and AB 32. For these reasons, the construction and operation of the Off-site Water Facility Alternatives could result in a substantial contribution to global climate change and the **direct** and **indirect** impacts are considered **potentially significant**.

With implementation of the measures listed above, Off-Site Water Facility construction-related impacts to global climate change from GHG emissions would be reduced to the extent feasible through the inclusion of mandatory performance standards for Off-Site Water Facility construction. However, given the quantities of GHGs indirectly produced by all the Off-site Water Facility Alternatives greatly exceeds the applied operational threshold of 10,000 MTCO<sub>2</sub>e/yr for stationary sources, and the range of feasible mitigation measures available for reducing these emissions, the City does not expect that it would be able to reduce these emissions to a less-than-significant level. For this reason, this impact is considered **significant and unavoidable**.

No other feasible mitigation measures are available to reduce impacts associated with short-term and long-term GHG emissions to a less-than-significant level because it is technically infeasible to allow construction and development activities without some GHG emissions. The objectives of the "Water" elements of the project include construction of necessary infrastructure and sufficient water supply for the planned SPA. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow construction and development without

the potential for some GHG emissions, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is significant and unavoidable.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts, and that the project should be approved, as explained in the statement of overriding considerations below.

## **9. Cultural Resources**

Additional Information on the Cultural Resources Impacts for the City of Folsom Annexation is set forth in the Final EIR. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, the findings of the Sacramento Local Agency Formation Commission are as follows:

**IMPACT 3A.5-1: Possible Destruction of or Damage to Known Prehistoric and Historic-Era Cultural Resources from Ground-Disturbance or Other Construction-Related Activities.** *Construction activities during project implementation could result in the destruction of or damage to known prehistoric and historic-era cultural resources that are potentially eligible for or listed on the CRHR or NRHP.*

**Mitigation Measure 3A.5-1a: Comply with the Programmatic Agreement.** The PA for the proposed project is incorporated by reference. The PA provides a management framework for identifying historic properties, determining adverse effects, and resolving those adverse effects as required under Section 106 of the NHPA. This document is incorporated by reference. The PA is available for public inspection and review at the California Office of Historic Preservation 1725 23<sup>rd</sup> Street Sacramento, CA 95816.

**Mitigation Measure 3A.5-1b: Perform an Inventory and Evaluation of Cultural Resources for the California Register of Historic Places, Minimize or Avoid Damage or Destruction, and Perform Treatment Where Damage or Destruction Cannot be Avoided.** Management of cultural resources eligible for or listed on the CRHR under CEQA mirrors management steps required under Section 106. These steps may be combined with deliverables and management steps performed for Section 106 provided that management documents prepared for the PA also clearly reference the CRHR listing criteria and significance thresholds that apply under CEQA. Prior to ground disturbing work for each individual development phase or off-site element, the applicable oversight agency (City of Folsom, El Dorado County, Sacramento County, or Caltrans), or the project applicant(s) of all project phases, with applicable agency oversight, shall perform the following actions:

- ▶ Retain the services of a qualified archaeologist to perform an inventory of cultural resources within each individual development phase or off-site element subject to approval under CEQA. Identified resources shall be evaluated for listing on the CRHR. The inventory report shall also identify locations that are sensitive for undiscovered cultural resources based upon the location of known resources, geomorphology, and topography. The inventory report shall specify the location of monitoring of ground-disturbing work in these areas by a qualified archaeologist, and monitoring in the vicinity of identified resources that may be damaged by construction, if appropriate. The identification of sensitive locations subject to

monitoring during construction of each individual development phase shall be performed in concert with monitoring activities performed under the PA to minimize the potential for conflicting requirements.

► For each resource that is determined eligible for the CRHR, the applicable agency or the project applicant(s) for any particular discretionary development (under the agency's direction) shall obtain the services of a qualified archaeologist who shall determine if implementation of the individual project development would result in damage or destruction of "significant" (under CEQA) cultural resources. These findings shall be reviewed by the applicable agency for consistency with the significance thresholds and treatment measures provided in this EIR/EIS.

► Where possible, the project shall be configured or redesigned to avoid impacts on eligible or listed resources. Alternatively, these resources may be preserved in place if possible, as suggested under California Public Resources Code Section 21083.2. Avoidance of historic properties is required under certain circumstances under the Public Resource Code and 36 CFR Part 800.

► Where impacts cannot be avoided, the applicable agency or the project applicant(s) of all project phases (under the applicable agency's direction) shall prepare and implement treatment measures that are determined to be necessary by a qualified archaeologist. These measures may consist of data recovery excavations for resources that are eligible for listing because of the data they contain (which may contribute to research). Alternatively, for historical architectural, engineered, or landscape features, treatment measures may consist of a preparation of interpretive, narrative, or photographic documentation. These measures shall be reviewed by the applicable oversight agency for consistency with the significance thresholds and standards provided in this EIR/EIS.

► To support the evaluation and treatment required under this mitigation measure, the archaeologist retained by either the applicable oversight agency or the project applicant(s) of all project phases shall prepare an appropriate prehistoric and historic context that identifies relevant prehistoric, ethnographic, and historic themes and research questions against which to determine the significance of identified resources and appropriate treatment.

► These steps and documents may be combined with the phasing of management and documents prepared pursuant to the PA to minimize the potential for inconsistency and duplicative management efforts.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties, or Caltrans).

### **Findings**

***Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.***

The SPA and areas where off-site elements would be constructed contain numerous identified prehistoric and historic-era cultural resources as documented in Appendix E2 of the DEIR/DEIS. While the densest concentration of resources occurs in the northwest corner

of the SPA, documented prehistoric and historic cultural resources occur throughout the SPA. Many of these resources have not been specifically evaluated for eligibility for listing on the NRHP or the CRHR, but the quality and range of identified resources as described in Appendix E2 of the DEIR/DEIS suggests that many of these resources are likely eligible for listing in these registers. Construction that would be implemented as part of the Proposed Project Alternative would likely result in direct adverse impacts to these resources. These **direct** impacts are considered **significant**. **No indirect** impacts would occur.

Implementation of Mitigation Measures 3A.5-1a and 3A.5-1b would substantially reduce the level of direct impacts on identified cultural resources under the Proposed Project Alternative, but not to a less-than-significant level. Because this potential impact would not be fully reduced and because it would not be feasible to avoid all direct impacts to identified resources, ground-disturbing work could still result in direct impacts to cultural resources, some of which are likely to be eligible for listing on the CRHR and NRHP. Additionally, some of the off-site elements (two roadway connections in El Dorado County and detention basin in Sacramento County) fall under the jurisdiction of El Dorado and Sacramento Counties; therefore, neither the City nor the project applicant(s) would have control over their timing or implementation. Even if the affected county(ies) cooperate in allowing and enforcing the mitigation, the impacts to the off-site elements would not be fully reduced to a less than- significant level. Therefore, under all alternatives, impacts to identified cultural resources are considered **potentially significant and unavoidable**.

No other feasible mitigation measures are available to reduce impacts associated with possible damage or destruction of known cultural resources from project construction to a less-than-significant level because it is technically infeasible to allow construction activities without some potential to damage cultural resources. The project's objectives include providing a large-scale mixed-use and mixed-density residential housing development within the City of Folsom, south of U.S. 50. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow new development without some potential to damage cultural resources, mitigation of this impact to a less-than significant level would be facially infeasible and this impact is significant and unavoidable.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts, and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.5-2: Possible Destruction of or Damage to Previously Undiscovered Cultural Resources from Ground- Disturbance or Other Construction-Related Activities.**

*Construction activities during project implementation could result in the destruction of or damage to "significant" (under CEQA) undiscovered cultural resources.*

**Mitigation Measure 3A.5-2: Conduct Construction Personnel Education, Conduct On-Site Monitoring if Required, Stop Work if Cultural Resources are Discovered, Assess the Significance of the Find, and Perform Treatment or Avoidance as Required.**

To reduce potential impacts to previously undiscovered cultural resources, the project applicant(s) of all project phases shall do the following:



► Before the start of ground-disturbing activities, the project applicant(s) of all project phases shall retain a qualified archaeologist to conduct training for construction workers as necessary based upon the sensitivity of the project APE, to educate them about the possibility of encountering buried cultural resources, and inform them of the proper procedures should cultural resources be encountered.

► As a result of the work conducted for Mitigation Measures 3A.5-1a and 3A.5-1b, if the archaeologist determines that any portion of the SPA or the off-site elements should be monitored for potential discovery of as-yet-unknown cultural resources, the project applicant(s) of all project phases shall implement such monitoring in the locations specified by the archaeologist. USACE should review and approve any recommendations by archaeologists with respect to monitoring.

► Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, or architectural remains be encountered during any construction activities, work shall be suspended in the vicinity of the find and the appropriate oversight agency(ies) (identified below) shall be notified immediately. The appropriate oversight agency(ies) shall retain a qualified archaeologist who shall conduct a field investigation of the specific site and shall assess the significance of the find by evaluating the resource for eligibility for listing on the CRHR and the NRHP. If the resource is eligible for listing on the CRHR or NRHP and it would be subject to disturbance or destruction, the actions required in Mitigation Measures 3A.5-1a and 3 A.5-1b shall be implemented. The oversight agency shall be responsible for approval of recommended mitigation if it is determined to be feasible in light of the approved land uses, and shall implement the approved mitigation before resuming construction activities at the archaeological site.

Mitigation for the off-site elements outside of the City of Folsom’s jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties, or Caltrans).

### **Findings**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.*

The density of documented resources within the SPA and in the vicinity of the off-site elements suggests that the entire project footprint is also sensitive for previously unidentified and currently unknown cultural resources. These resources may be obscured by surface vegetation or thin overlying strata of culturally sterile soils, with little surface manifestation; thus, it is unlikely that a surface inventory effort would not identify all cultural resources that could be disturbed or destroyed by ground-disturbing construction activities associated with the Proposed Project Alternative. If these resources were determined to be “significant” under CEQA, disturbance or destruction would be a significant impact. Therefore, **direct** impacts to previously undiscovered cultural resources are considered **potentially significant**. **No indirect** impacts would occur.

Implementation of Mitigation Measure 3A.5-2, and Mitigation Measures 3A.5-1a and 3A.5-1b if required, would reduce the potentially significant impacts from possible damage or

destruction of previously unknown cultural resources under the Proposed Project Alternative, but not to a less-than-significant level. Although construction worker personnel training would be conducted, construction monitoring would occur (if determined to be necessary by the qualified archaeologist), and evaluation and treatment of resources after they are discovered as required under Section 106 and CEQA would occur, the potential remains that “significant” (under CEQA) cultural deposits could be disturbed during construction and other ground-disturbing activities before they can be identified and protected under all action alternatives. Additionally, some of the off-site elements fall under the jurisdiction of El Dorado and Sacramento Counties, or Caltrans; therefore, neither the City nor the project applicant(s) would have control over their timing or implementation. Even if the affected county(ies)/Caltrans cooperate in allowing and enforcing the mitigation, the impacts to the off-site elements would not be fully reduced to a less-than-significant level. Therefore, under all of the action alternatives, potential impacts to previously unknown cultural resources are considered **potentially significant and unavoidable**.

No other feasible mitigation measures are available to reduce impacts associated with possible damage or destruction of previously undiscovered cultural resources to a less-than-significant level because it is technically infeasible to allow construction activities without risk of damage to previously undiscovered cultural resources.

The project’s objectives include providing a large-scale mixed-use and mixed-density residential housing development within the City of Folsom, south of U.S. 50. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow construction activities without the risk of damage to previously undiscovered cultural resources, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is significant and unavoidable.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom’s Annexation outweigh the adverse impacts, and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.5-3: Possible Destruction of or Damage to Interred Human Remains during Construction.** *Ground disturbing activities could inadvertently disinter and/or destroy buried human skeletal remains.*

**Mitigation Measure 3A.5-3: Suspend Ground-Disturbing Activities if Human Remains are Encountered and Comply with California Health and Safety Code Procedures.**

In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, including those associated with off-site elements, the project applicant(s) of all project phases shall immediately halt all ground-disturbing activities in the area of the find and notify the applicable county coroner and a professional archaeologist skilled in osteological analysis to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or public lands (California Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or

she must contact the NAHC by phone within 24 hours of making that determination California Health and Safety Code Section 7050[c]).

After the coroner's findings are complete, the project applicant(s), an archaeologist, and the NAHC designated MLD shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting on notification of a discovery of Native American human remains are identified in Section 5097.9 of the California Public Resources Code. Upon the discovery of Native American remains, the procedures above regarding involvement of the applicable county coroner, notification of the NAHC, and identification of an MLD shall be followed.

The project applicant(s) of all project phases shall ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the MLD has taken place. The MLD shall have at least 48 hours after being granted access to the site to inspect the site and make recommendations.

A range of possible treatments for the remains may be discussed: nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment. As suggested by Assembly Bill (AB) 2641 (Chapter 863, Statutes of 2006), the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. AB 2641(e) includes a list of site protection measures and states that the project applicant(s) shall comply with one or more of the following requirements:

- ▶ record the site with the NAHC or the appropriate Information Center,
- ▶ use an open-space or conservation zoning designation or easement, or
- ▶ record a document with the county in which the property is located.

The project applicant(s) or its authorized representative of all project phases shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the NAHC is unable to identify an MLD or if the MLD fails to make a recommendation within 48 hours after being granted access to the site. The project applicant(s) or its authorized representative may also reinter the remains in a location not subject to further disturbance if it rejects the recommendation of the MLD and mediation by the NAHC fails to provide measures acceptable to the landowner. Ground disturbance in the zone of suspended activity shall not recommence without authorization from the archaeologist.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties, or Caltrans).

### **Finding for Elements within the City of Folsom's Jurisdiction**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Under the five action alternatives, while no documented prehistoric or historic burial sites occur within the SPA or in the vicinity of the off-site elements, the density and number of identified resources suggests that there is at least the potential that interred human remains exist in the project footprint. Ground-disturbing activities associated with Proposed Project Alternative may inadvertently disinter or destroy these remains. Therefore, this **direct** impact is considered **potentially significant**. No indirect impacts would occur.

Implementation of Mitigation Measure 3A.5-3 would reduce the potentially significant impact associated with the possible destruction of human remains under the Proposed Project Alternative to a **less-than-significant** level by immediately suspending work in the vicinity of the discovery and complying with state laws requiring contact with the applicable county coroner and a professional archaeologist to determine the nature of the find, and subsequent contact with the NAHC and appropriate treatment if the remains are determined to be those of a Native American.

### **Finding for Elements Outside the City of Folsom's Jurisdiction**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

For the on-site elements and off-site elements within the City's jurisdiction, changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. However, some of the off-site elements fall under the jurisdiction of El Dorado and Sacramento Counties; therefore, the City of Folsom would not have control or authority over timing or implementation of Mitigation Measure 3A.5-3. If the agency(ies) with jurisdiction over these off-site elements would implement Mitigation Measure 3A.5-3, this potential impact would be mitigated to a less-than-significant level.

**IMPACT 3B.5-1: Possible Destruction of or Damage to Known Prehistoric and Historic-Era Cultural Resources from Ground-Disturbance or Other Construction-Related Activities.** *Construction activities associated with the Off-site Water Facility Alternatives could result in the destruction of or damage to known prehistoric and historic-era cultural resources that are potentially eligible for or listed on the CRHR or NRHP.*

**Implement Mitigation Measure 3A.5-1a: Comply with the Programmatic Agreement.**

**Implement Mitigation Measure 3A.5-1b: Perform an Inventory and Evaluation of Cultural Resources for the California Register of Historic Places, Minimize or Avoid Damage or Destruction, and Perform Treatment Where Damage or Destruction Cannot be Avoided.**

**Findings**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS*

Portions of the historic alignment of White Rock Road are listed as a historical resource and are located within or immediately adjacent to the conveyance alignment for these alternatives. This historical roadway is potentially subject to disturbance as a result of Off-site Water Facilities construction; especially if constructed within the roadway. However, the County is currently planning to realign and widen portions White Rock Road within Zone 4 of the “Water” Study Area, which is further described in the White Rock Road Widening EIR and incorporated by reference into the EIR/EIS. Based on this circumstance, it is possible that installation of the conveyance portion of these Off-site Water Facility Alternatives could occur concurrently with the widening project thereby minimizing potential impacts to this historical resource. However, in addition to White Rock Road, other historicera resources have also been identified on portions of the White Rock WTP site and in close proximity to White Rock Road (see Appendix M–VI of the DEIR/DEIS). In addition, the On-Site WTP is located in an area potentially containing historical resources. As a result, construction-related direct impacts to these previously documented resources could be **potentially significant**. No **indirect** impacts would result.

Construction-related excavation for the conveyance pipeline and other above-ground facilities under these alternatives carries to the potential to adversely affect previously recorded archaeological sites. As a result, potential construction-related impacts to these previously documented archaeological resources could be potentially significant if these resources qualify as unique archaeological resource or historical resources within the meaning of CEQA or historic properties within the meaning of Section 106 of the NHPA. Implementation of Mitigation Measures 3A.5-1a and 3A.5-1b would substantially reduce the level of direct impacts on identified cultural resources under the Proposed Off-site Water Facility Alternative, but not to a less than- significant level. Because this potential impact would not be fully reduced and because it would not be feasible to avoid all direct impacts to identified resources, ground-disturbing work could still result in direct impacts to historic and cultural resources. Additionally, portions of the off-site water facilities fall under the jurisdiction of Sacramento County and the City of Rancho Cordova; therefore, neither the City nor the project applicant(s) would have control over timing or implementation of mitigation measures. Even if the affected jurisdictions cooperate in allowing and enforcing the mitigation, the impacts would not be fully reduced to a less than- significant level. Therefore, under all alternatives, impacts to identified cultural resources are considered **potentially significant and unavoidable**.

No other feasible mitigation measures are available to reduce impacts associated with possible damage or destruction of known cultural resources from project construction to a less-than-significant level because it is technically infeasible to allow construction activities without some potential to damage cultural resources. The objectives of the “Water” elements of the project include construction of necessary infrastructure and sufficient water supply for the planned SPA. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the “Water” portion of the proposed project. Thus, because it is impossible to allow construction activities without some potential to damage cultural resources, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is significant and unavoidable.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom’s Annexation outweigh the adverse impacts, and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3B.5-2: Possible Destruction of or Damage to Previously Undiscovered Cultural Resources from Ground-Disturbance or Other Construction-Related Activities.**

*Construction activities during project implementation could result in the destruction of or damage to “significant” (under CEQA) undiscovered cultural resources.*

**Implement Mitigation Measure 3A.5-2: Conduct Construction Personnel Education, Conduct On-Site Monitoring if Required, Stop Work if Cultural Resources are Discovered, Assess the Significance of the Find, and Perform Treatment or Avoidance as Required.**

**Findings**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.*

Although the Off-site Water Facilities conveyance routes would generally be constructed within existing roadway right-of-way, this design feature would not completely avoid the potential for encountering previously unidentified archaeological resources. A similar situation could exist for the pump station and WTP sites. Given that traditional survey methods are constrained along roadways due to the presence of pavement, thick annual grasslands along roadway shoulders and WTP sites and the presence of fill materials, buried or previously unidentified resources can be easily obscured. As a result, construction could inadvertently unearth and damage previously unidentified archaeological resources that could qualify as unique archaeological resources or historical resources under CEQA or historic properties within the meaning of Section 106. For the above reasons, this direct impact could be **potentially significant**. No indirect impacts would occur.

Implementation of Mitigation Measure 3A.5-2 would substantially reduce the level of direct impacts on previously unknown cultural resources under Proposed Off-site Water Facility Alternative, but not to a less-than-significant level. Because this potential impact would not

be fully reduced and because it would not be feasible to avoid all direct impacts to resources, ground-disturbing work could still result in direct impacts to historic and cultural resources. Additionally, portions of the off-site water facilities fall under the jurisdiction of Sacramento County and the City of Rancho Cordova; therefore, neither the City nor the project applicant(s) would have control over timing or implementation of mitigation measures. Even if the affected jurisdictions cooperate in allowing and enforcing the mitigation, the impacts would not be fully reduced to a less-than-significant level.

Therefore, under all alternatives, impacts to identified cultural resources are considered **potentially significant and unavoidable**. No other feasible mitigation measures are available to reduce impacts associated with possible damage or destruction of previously undiscovered cultural resources from project construction to a less-than-significant level because it is technically infeasible to allow construction activities without some potential to damage cultural resources. The objectives of the “Water” elements of the project include construction of necessary infrastructure and sufficient water supply for the planned SPA. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the “Water” portion of the proposed project. Thus, because it is impossible to allow construction activities without some potential to damage previously unknown cultural resources, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is significant and unavoidable.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom’s Annexation outweigh the adverse impacts, and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3B.5-3: Possible Destruction of or Damage to Interred Human Remains during Construction.** *Ground-disturbing activities could inadvertently disinter and/or destroy buried human skeletal remains.*

**Mitigation Measure 3A.5-3: Suspend Ground-Disturbing Activities if Human Remains are Encountered and Comply with California Health and Safety Code Procedures.**

In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, including those associated with off-site elements, the project applicant(s) of all project phases shall immediately halt all ground-disturbing activities in the area of the find and notify the applicable county coroner and a professional archaeologist skilled in osteological analysis to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or public lands (California Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination (California Health and Safety Code Section 7050[c]).

After the coroner’s findings are complete, the project applicant(s), an archaeologist, and the NAHC designated MLD shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not

disturbed. The responsibilities for acting on notification of a discovery of Native American human remains are identified in Section 5097.9 of the California Public Resources Code. Upon the discovery of Native American remains, the procedures above regarding involvement of the applicable county coroner, notification of the NAHC, and identification of an MLD shall be followed.

The project applicant(s) of all project phases shall ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the MLD has taken place. The MLD shall have at least 48 hours after being granted access to the site to inspect the site and make recommendations.

A range of possible treatments for the remains may be discussed: nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment. As suggested by Assembly Bill (AB) 2641 (Chapter 863, Statutes of 2006), the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. AB 2641(e) includes a list of site protection measures and states that the project applicant(s) shall comply with one or more of the following requirements:

- ▶ record the site with the NAHC or the appropriate Information Center,
- ▶ use an open-space or conservation zoning designation or easement, or
- ▶ record a document with the county in which the property is located.

The project applicant(s) or its authorized representative of all project phases shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the NAHC is unable to identify an MLD or if the MLD fails to make a recommendation within 48 hours after being granted access to the site. The project applicant(s) or its authorized representative may also reinter the remains in a location not subject to further disturbance if it rejects the recommendation of the MLD and mediation by the NAHC fails to provide measures acceptable to the landowner. Ground disturbance in the zone of suspended activity shall not recommence without authorization from the archaeologist.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties, or Caltrans).

### **Findings**

***Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.***



While no evidence exists to indicate that human burials occurred within the Off-site Water Facilities Study Area, the Off-site Water Facilities alignments may cross areas that could contain buried prehistoric or historic-era human remains that may not be identified in preconstruction inventories required above. Unidentified buried human remains that were not identified during field investigations could be inadvertently unearthed during construction-related activities, which could result in damage to these remains. Damage would be considered a **direct significant** impact. **No indirect** impacts would occur.

With the application of the proposed mitigation, disturbances to previously undocumented human interments would be minimized. In addition and specifically in the case of the discovery of Native American human remains, as long as the MLD and the property owner can reach an agreement as to the ultimate treatment and disposition of the remains, this impact would be reduced to a **less-than-significant** level.

## **10. Geology, Soils, Minerals, And Paleontological Resources**

Additional Information on the Geology, Soils, Minerals, and Paleontological Resources Impacts for the City of Folsom Annexation is set forth in the Final EIR. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, the findings of the Sacramento Local Agency Formation Commission are as follows:

**IMPACT 3A.7-1: Possible Risks to People and Structures Caused by Strong Seismic Ground Shaking.** *The SPA is located in an area of generally low seismic activity; however, structures in the SPA could be subject to seismic ground shaking from an earthquake along active faults in Lake Tahoe.*

### **Mitigation Measure 3A.7-1a: Prepare Site-Specific Geotechnical Report per CBC Requirements and Implement Appropriate Recommendations.**

Before building permits are issued and construction activities begin any project development phase, the project applicant(s) of each project phase shall hire a licensed geotechnical engineer to prepare a final geotechnical subsurface investigation report for the on- and off-site facilities, which shall be submitted for review and approval to the appropriate City or county department (identified below). The final geotechnical engineering report shall address and make recommendations on the following:

- ▶ site preparation;
- ▶ soil bearing capacity;
- ▶ appropriate sources and types of fill;
- ▶ potential need for soil amendments;
- ▶ road, pavement, and parking areas;
- ▶ structural foundations, including retaining-wall design;
- ▶ grading practices;
- ▶ soil corrosion of concrete and steel;
- ▶ erosion/winterization;

- ▶ seismic ground shaking;
- ▶ liquefaction; and
- ▶ expansive/unstable soils.

In addition to the recommendations for the conditions listed above, the geotechnical investigation shall include subsurface testing of soil and groundwater conditions, and shall determine appropriate foundation designs that are consistent with the version of the CBC that is applicable at the time building and grading permits are applied for. All recommendations contained in the final geotechnical engineering report shall be implemented by the project applicant(s) of each project phase. Special recommendations contained in the geotechnical engineering report shall be noted on the grading plans and implemented as appropriate before construction begins. Design and construction of all new project development shall be in accordance with the CBC. The project applicant(s) shall provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the geotechnical report.

**Mitigation Measure 3A.7-1b: Monitor Earthwork during Earthmoving Activities.**

All earthwork shall be monitored by a qualified geotechnical or soils engineer retained by the project applicant(s) of each project phase. The geotechnical or soils engineer shall provide oversight during all excavation, placement of fill, and disposal of materials removed from and deposited on both on- and off-site construction areas.

Mitigation for the off-site elements outside of the City of Folsom’s jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties, or Caltrans).

**Finding for Elements within the City of Folsom’s Jurisdiction**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

The SPA and off-site elements are not located within a known fault zone, or within or adjacent to any faults known to be active during Holocene time. Other faults that have been zoned as “active” by the CGS are located in the Coast Range or in the vicinity of Lake Tahoe. However, geotechnical reports have only been prepared for five of the properties within the SPA. Because structures in the SPA could be subject to seismic ground shaking, because geotechnical reports have not been prepared for the entire SPA, and because three of the extant reports do not conform to the current CBC criteria, the potential for damage from strong seismic ground shaking is considered a **direct, potentially significant** impact. **No indirect** impacts would occur.

Implementation of Mitigation Measures 3A.7-1a and 3A.7-1b would reduce the potentially significant impact of possible damage to people and structures from strong seismic ground shaking under the Proposed Project Alternative to a **less-than-significant** level by requiring

that the design recommendations of a geotechnical engineer to reduce damage from seismic events be incorporated into buildings, structures, and infrastructure as required by the CBC, and that a geotechnical or soils engineer provide on-site monitoring to ensure that earthwork is being performed as specified in the plans.

**Finding for Elements Outside the City of Folsom’s Jurisdiction**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

For the on-site elements and off-site elements within the City’s jurisdiction, changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. However, some of the off-site elements fall under the jurisdiction of El Dorado and Sacramento Counties, and Caltrans; therefore, the City of Folsom would not have control or authority over the timing or implementation of Mitigation Measures 3A.7-1a and 3A.7-1b. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measures 3A.7-1a and 3A.7-1b, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.7-2: Seismically-Induced Risks to People and Structures Caused by liquefaction.** Construction activities would not occur in areas subject to liquefaction.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.7-3: Construction-Related Erosion.** *Construction activities during project implementation would involve grading and movement of earth in soils subject to wind and water erosion hazard and on steep slopes.*

**Implement Mitigation Measure 3A.9-1: Acquire Appropriate Regulatory Permits and Prepare and Implement SWPPP and BMPs.**

**Mitigation Measure 3A.7-3: Prepare and Implement the Appropriate Grading and Erosion Control Plan.** Before grading permits are issued, the project applicant(s) of each project phase that would be located within the City of Folsom shall retain a California Registered Civil Engineer to prepare a grading and erosion control plan. The grading and erosion control plan shall be submitted to the City Public Works Department before issuance of grading permits for all new development. The plan shall be consistent with the City’s Grading Ordinance, the City’s Hillside Development Guidelines, and the state’s NPDES permit, and shall include the site-specific grading associated with development for all project phases.

For the two off-site roadways into El Dorado Hills, the project applicant(s) of that phase shall

retain a California Registered Civil Engineer to prepare a grading and erosion control plan. The grading and erosion control plan shall be submitted to the El Dorado County Public Works Department and the El Dorado Hills Community Service District before issuance of grading permits for roadway construction in El Dorado Hills. The plan shall be consistent with El Dorado County's Grading, Erosion, and Sediment Control Ordinance and the state's NPDES permit, and shall include the site-specific grading associated with roadway development.

For the off-site detention basin west of Prairie City Road, the project applicant(s) of that phase shall retain a California Registered Civil Engineer to prepare a grading and erosion control plan. The grading and erosion control plan shall be submitted to the Sacramento County Public Works Department before issuance of a grading permit. The plan shall be consistent with Sacramento County's Grading, Erosion, and Sediment Control Ordinance and the state's NPDES permit, and shall include the site-specific grading associated with construction of the detention basin. The plans referenced above shall include the location, implementation schedule, and maintenance schedule of all erosion and sediment control measures, a description of measures designed to control dust and stabilize the construction-site road and entrance, and a description of the location and methods of storage and disposal of construction materials. Erosion and sediment control measures could include the use of detention basins, berms, swales, wattles, and silt fencing, and covering or watering of stockpiled soils to reduce wind erosion. Stabilization on steep slopes could include construction of retaining walls and reseeding with vegetation after construction. Stabilization of construction entrances to minimize trackout (control dust) is commonly achieved by installing filter fabric and crushed rock to a depth of approximately 1 foot. The project applicant(s) shall ensure that the construction contractor is responsible for securing a source of transportation and deposition of excavated materials.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties).

Implementation of Mitigation Measure 3A.9-1 (discussed in Section 3A.9, "Hydrology and Water Quality – Land") would also help reduce erosion-related impacts.

#### **Finding for Elements within the City of Folsom's Jurisdiction**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Project implementation would involve intensive grading and construction activities for infrastructure and building and road foundations over more than 3,500 acres of varied terrain, ranging from relatively flat, to gently rolling, to steeply sloped (in the eastern portion of the

SPA). Construction activities would occur in soils that have moderate wind and water erosion hazard potential. Direct impacts associated with construction-related erosion are **potentially significant**. **Indirect** impacts from soil erosion, such as sediment transport and potential loss of aquatic habitat, are evaluated in Sections 3A.3, “Biological Resources – Land,” and 3A.9, “Hydrology and Water Quality – Land,” respectively, of the DEIR/DEIS. Implementation of Mitigation Measure 3A.7-3 along with Mitigation Measure 3A.9-1 would reduce potentially significant construction-related erosion impacts under the Proposed Project Alternative to a **less-than-significant** level because grading and erosion control plans with specific erosion and sediment control measures such as those suggested above or listed in Mitigation Measure 3A.9-1 would be prepared, approved by the appropriate City or county department, and implemented.

#### **Finding for Elements Outside the City of Folsom’s Jurisdiction**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

For the on-site elements and off-site elements within the City’s jurisdiction, changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. However, some of the off-site elements fall under the jurisdiction of El Dorado and Sacramento Counties, and Caltrans; therefore, the City of Folsom would not have control or authority over the timing or implementation of Mitigation Measures 3A.7-3 and 3A.9-1. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measures 3A.7-3 and 3A.9-1, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.7-4: Potential Geologic Hazards Related to Construction in Bedrock and Rock Outcrops, and Unstable Soils.** *Development in the eastern portion of the SPA would occur in steep slopes underlain by bedrock at shallow depths and rock outcrops that could result in geologic hazards during construction.*

#### **Implement Mitigation Measure 3A.7-1a.**

**Mitigation Measure 3A.7-4: Prepare a Seismic Refraction Survey and Obtain Appropriate Permits for all On-Site and Off-Site Elements East of Old Placerville Road.** Before the start of all construction activities east of Old Placerville Road, the project applicant(s) for any discretionary development application shall retain a licensed geotechnical engineer to perform a seismic refraction survey. Project-related excavation activities shall be carried out as recommend by the geotechnical engineer. Excavation may include the use of heavy-duty equipment such as large bulldozers or large excavators, and may include blasting. Appropriate permits for blasting operations shall be obtained from the relevant City or county jurisdiction prior to the start of any blasting activities.

Mitigation for the off-site elements outside of the City of Folsom’s jurisdictional boundaries

must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties).

#### **Finding for Elements Within the City of Folsom's Jurisdiction**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Based on a review of the Conceptual Grading Plans prepared by MacKay & Soms (2008), several areas of steep slopes would need to be created, ranging from approximately 16% to 32%. Potential geologic hazards from construction in bedrock/rock outcroppings within the eastern foothills are considered a **direct, potentially significant** impact.

Implementation of Mitigation Measures 3A.7-1a and 3A.7-4 would reduce potential geologic hazards from construction in bedrock/rock outcroppings under the Proposed Project Alternative to a **less-than-significant** level because a seismic refraction survey would be performed to determine which areas of the eastern foothills required blasting and which could be excavated using conventional methods, and appropriate permits would be obtained for blasting activities.

#### **Finding for Elements Outside the City of Folsom's Jurisdiction**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

For the on-site elements and off-site elements within the City's jurisdiction, changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. However, some of the off-site elements fall under the jurisdiction of El Dorado and Sacramento Counties, and Caltrans; therefore, the City of Folsom would not have control or authority over the timing or implementation of Mitigation Measures 3A.7-1a and 3A.7-4. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measures 3A.7-1a and 3A.7-4, which would mitigate this potential impact to a less than significant level.

#### **IMPACT 3A.7-5: Potential Geologic Hazards Related to Seasonal Subsurface Water Flows from Surface Infiltration.**

*SPA excavation is not expected to encounter groundwater, but seasonal subsurface flows due to surface infiltration, as well as surface infiltration from shallow wells, could adversely affect some of the building foundations in the SPA.*

### **Mitigation Measure 3A.7-5: Divert Seasonal Water Flows Away from Building**

**Foundations.** The project applicant(s) of all project phases shall either install subdrains (which typically consist of perforated pipe and gravel, surrounded by nonwoven geotextile fabric), or take such other actions as recommended by the geotechnical or civil engineer for the project that would serve to divert seasonal flows caused by surface infiltration, water seepage, and perched water during the winter months away from building foundations.

### **Finding for Elements within the City of Folsom's Jurisdiction**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS.*

According to the results from text pits excavated by Wallace Kuhl & Associates (2004, 2005, 2008) and Youngdahl Consulting (2003), groundwater was not encountered in any test pit to a maximum of 9.5 feet bgs.

However, infiltrated seasonal runoff, and water from several shallow wells in the eastern foothills, can be expected to flow underneath the SPA along the soil/bedrock interface, which may create or increase shallow seasonal groundwater conditions. Furthermore, perched groundwater conditions during the winter months and water seepage conditions may be encountered throughout the SPA. Without proper design techniques, such as installation of French drains, this could result in adverse impacts to building foundations constructed at or near the interface of soil and rock. Therefore, this **indirect** impact is considered **potentially significant**. **No direct** impact would occur.

Implementation of Mitigation Measures 3A.7-5 and would reduce the potential impacts from seasonal subsurface water flows, flows from existing shallow wells, water seepage, and perched winter shallow groundwater conditions under the Proposed Project Alternative to a **less-than-significant** level because subsurface drains, or another methodology recommended by the project geotechnical engineer (and approved by the relevant City or county department), would be installed to channel seasonal water flows away from building foundations.

### **Finding for Elements Outside the City of Folsom's Jurisdiction**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

For the on-site elements and off-site elements within the City's jurisdiction, changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. However, some of the off-site elements fall under the jurisdiction of El Dorado and Sacramento Counties, and Caltrans; therefore, the City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.7-5. The agency(ies) with jurisdiction over these off-site elements can and

should implement Mitigation Measure 3A.7-5, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.7-6: Potential Damage to Structures and Infrastructure from Construction in Expansive Soils.** *Portions of the SPA are underlain by soils that have a moderate to high potential for expansion when wet and may result damage to structures.*

**Implement Mitigation Measures 3A.7-1a and 3A.7-1b.**

**Finding for Elements within the City of Folsom’s Jurisdiction**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Expansive soils shrink and swell as a result of moisture change. These volume changes can result in damage over time to building foundations, underground utilities, and other subsurface facilities and infrastructure if they are not designed and constructed appropriately to resist the damage associated with changing soil conditions. Volume changes of expansive soils also can result in the consolidation of soft clays following the lowering of the water table or the placement of fill. Placing buildings or constructing infrastructure on or in unstable soils can result in structural failure. Most of the on- and off-site project elements consist of soils with a moderate to high shrinkswell potential, indicating the soils are expansive. Soil expansion, including volume changes during seasonal fluctuations in moisture content, could adversely affect road surfaces, interior slabs-on-grade, landscaping hardscapes, and underground pipelines. Therefore, this **direct** impact is considered **potentially significant**. **No indirect** impacts would occur.

Implementation of Mitigation Measures 3A.7-1a and 3A.7-1b would reduce the potentially significant impact of damage to people and structures from construction in expansive soils under the Proposed Project Alternative to a **less-than-significant** level by requiring that the design recommendations of a geotechnical engineer to reduce damage from expansive soils be incorporated into buildings, structures, and infrastructure as required by the CBC, and that a geotechnical or soils engineer provide on-site monitoring to ensure that earthwork is being performed as specified in the plans.

**Finding for Elements Outside the City of Folsom’s Jurisdiction**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

For the on-site elements and off-site elements within the City’s jurisdiction, changes or alterations have been required in, or incorporated into, the Proposed Project Alternative



which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. However, some of the off-site elements fall under the jurisdiction of El Dorado and Sacramento Counties, and Caltrans; therefore, the City of Folsom would not have control or authority over the timing or implementation of Mitigation Measures 3A.7-1a and 3A.7-1b. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measures 3A.7-1a and 3A.7-1b, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.7-7: Suitability of Soils for Use with Septic Systems.** The SPA is underlain by soils that are unsuitable for use with conventional septic systems.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.7-8: Possible Loss of Mineral Resources–Construction Aggregate.** The SPA is located within the Sacramento-Fairfield Production-Consumption Region designated by CDMG and contains dredge tailings that could provide a source of construction aggregate.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.7-9: Possible Loss of Mineral Resources–Kaolin Clay.** The SPA is located within the Sacramento-Fairfield Production-Consumption Region designated by CDMG and may contain a deposit of kaolin clay.

**Mitigation Measure 3A.7-9: Conduct Soil Sampling in Areas of the SPA Designated as MRZ-3 for Kaolin Clay and if Found, Delineate its Location and Notify Lead Agency and the California Division of Mines and Geology.** The project applicant(s) of all applicable project phases shall retain a licensed geotechnical or soils engineer to analyze soil core samples that shall be extracted from that portion of the SPA zoned MRZ-3 for kaolin clay, as shown on Exhibit 3A.7-3. In the event that kaolin clay is discovered, the City of Folsom, Sacramento County, and CDMG shall be notified. In addition, the approximate horizontal and vertical extent of available kaolin clay shall be delineated by the geotechnical or soils engineer.

**Findings**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS*

The western edge of the SPA is zoned MRZ-3 for kaolin clay. This classification was applied by CDMG because that area roughly corresponds to the location of the Ione Formation in the SPA. The Ione Formation is known to contain kaolin clay in other locations in northern California. None of the five geotechnical reports prepared for the SPA included an investigation of this area. Therefore, it is currently unknown whether or not an economically valuable deposit of kaolin clay is present. If it were present, the deposit would be unavailable for mining following project implementation, because urban development is planned throughout the area where the Ione Formation occurs in the SPA. Because the potential presence of this valuable mineral resource cannot be ruled out at this time, and because the resource would be lost as a result of project implementation, this **direct** impact is considered **potentially significant**. **No indirect** impacts would occur.

Implementation of Mitigation Measure 3A.7-9 would provide data that would allow the project applicant(s) and the lead agencies to determine whether or not economically valuable mineral resources are present in the MRZ-3 kaolin clay area of the SPA. However, if economically valuable mineral resources were found to be present, they would be covered over as a result of SPA development with urban land uses, and would no longer be available for mining. Therefore, this impact is considered **potentially significant and unavoidable**, because there are no feasible mitigation measures available to avoid or reduce this impact to a less-than-significant level. No other feasible mitigation measures are available to reduce impacts associated with potential loss of mineral resources to a less-than-significant level because it is technically infeasible to allow construction activities without precluding future mining activities in the area. The project's objectives include providing a large-scale mixed-use and mixed-density residential housing development within the City of Folsom, south of U.S. 50.

Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow new development without precluding future mining of potential mineral resources, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is significant and unavoidable.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts, and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.7-10: Possible Damage of or Destruction to of Previously Unknown Unique Paleontological Resources during Construction-Related Activities.** *Portions of the SPA and the off-site detention basin are underlain by paleontologically sensitive rock formations. Therefore, construction activities could damage or destroy previously unknown, unique paleontological resources in the SPA.*

**Mitigation Measure 3A.7-10: Conduct Construction Personnel Education, Stop Work if Paleontological Resources are Discovered, Assess the Significance of the Find, and Prepare and Implement a Recovery Plan as Required.** To minimize potential adverse impacts on previously unknown potentially unique, scientifically important paleontological

resources, the project applicant(s) of all project phases where construction would occur in the Ione and Mehrten Formations shall do the following:

- ▶ Before the start of any earthmoving activities for any project phase in the Ione or Mehrten Formations, the project applicant(s) shall retain a qualified paleontologist or archaeologist to train all construction personnel involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered.
- ▶ If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work in the vicinity of the find and notify the appropriate lead agency (identified below). The project applicant(s) shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (1996). The recovery plan may include, but is not limited to, a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the lead agency to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered. Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., Sacramento County).

#### **Finding for Elements within the City of Folsom's Jurisdiction**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Most of the SPA and the off-site elements are underlain by the Salt Springs Slate, Copper Hill Volcanics, and Gopher Canyon Volcanics. Because of the way in which these rocks formed, they would not contain vertebrate fossils or fossil plant assemblages. Therefore, construction activities that occur in these rock formations would have no impact on unique paleontological resources.

However, the western edge of the SPA is underlain by Eocene-age sediments of the Ione Formation. Vertebrate mammal, plant, and invertebrate fossils have been recovered from the Ione Formation from over 300 locations in Nevada, Contra Costa, Placer, Butte, Alameda, Merced, Tuolumne, Sutter, Sierra, Plumas, Calaveras, Kern, Stanislaus, and Amador counties, including the town of Ione (about 16 miles south of the SPA) (UCMP 2009). The potential for damage to previously unknown unique paleontological resources during earthmoving activities in the SPA and the off-site detention basin is considered a **potentially significant, direct** impact. **No indirect** impacts would occur.

Implementation of Mitigation Measure 3A.7-10 would reduce potentially significant impacts related to damage or destruction of unique paleontological resources within the Ione and Mehrten Formations to a **less-than significant** level under the Proposed Project Alternative because construction workers would be alerted to the possibility of encountering paleontological resources, and in the event that resources were encountered, fossil specimens would be recovered and recorded and would undergo appropriate curation.

**Finding for Elements Outside the City of Folsom’s Jurisdiction**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

For the on-site elements and off-site elements within the City’s jurisdiction, changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. However, some of the off-site elements fall under the jurisdiction of El Dorado and Sacramento Counties, and Caltrans; therefore, the City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.7-10.

The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.7-10, which would mitigate this potential impact to a less than significant level.

**IMPACT 3B.7-1: Possible Risks to People and Structures Caused by Strong Seismic Ground Shaking.** *Zone 4 of the “Water” Study Area is located in an area of generally low seismic activity; however, structures constructed as part of the Off-site Water Facility Alternatives could be subject to seismic ground shaking from an earthquake along active faults in the Sierra Nevada.*

**Mitigation Measure 3B.7-1a: Prepare Geotechnical Report(s) for the Off-site Water Facilities and Implement Required Measures.** Facility design for all Off-site Water Facility components shall comply with the site-specific design recommendations as provided by a licensed geotechnical or civil engineer to be retained by the City.

The final geotechnical and/or civil engineering report shall address and make recommendations on the following:

- ▶ site preparation;
- ▶ soil bearing capacity;
- ▶ appropriate sources and types of fill;
- ▶ potential need for soil amendments;
- ▶ road, pavement, and parking areas;
- ▶ structural foundations, including retaining-wall design;
- ▶ grading practices;

- ▶ soil corrosion of concrete and steel;
- ▶ erosion/winterization;
- ▶ seismic ground shaking;
- ▶ liquefaction; and
- ▶ expansive/unstable soils.

In addition to the recommendations for the conditions listed above, the geotechnical investigation shall include subsurface testing of soil and groundwater conditions, and shall determine appropriate foundation designs that are consistent with the version of the CBC that is applicable at the time building and grading permits are applied for. All recommendations contained in the final geotechnical engineering report shall be implemented by the City.

**Mitigation Measure 3B.7-1b: Incorporate Pipeline Failure Contingency Measures Into Final Pipeline Design.** Isolation valves or similar devices shall be incorporated into all pipeline facilities to prevent substantial losses of surface water in the event of pipeline rupture, as recommended by a licensed geotechnical or civil engineer. The specifications of the isolation valves shall conform to the CBC and American Water Works Association standards.

#### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

The localized geologic conditions characterizing Zone 4 of the “Water” Study Area are not conducive to hazards associated with rupture of an active fault or slope failure. However, without site-specific geotechnical information and interpretation, the City is unable to accurately pinpoint if and where these types of techniques would be required. As a result, this **direct** impact is considered **potentially significant**. **No indirect** impacts would occur. With the implementation of the above mitigation, potential impacts from strong seismic ground-shaking would be reduced to a **less-than-significant** level through the implementation of recommendations made by a licensed geotechnical engineer in compliance with the CBC prepared as part of a formal geotechnical investigation.

**IMPACT 3B.7-2: Construction-Related Erosion.** *Construction activities during implementation of the Off-site Water Facility Alternatives would involve grading and movement of earth in soils subject to wind and water erosion hazard.*

**Implement Mitigation Measures 3B.9-1a, 3B.9-1b, 3B.9-3a, and 3B.9-3b.**

#### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant*

*environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Construction of the various Off-site Water Facility components would expose bare soil to precipitation and wind erosion, thereby potentially resulting in increased sedimentation of local waterways. Ground-disturbing activities, including removal of vegetation, could cause increased water runoff rates and concentrated flows, thereby potentially leading to accelerated erosion. In agricultural areas, this could result in measurable losses to soil productivity. In addition, because construction would occur in close proximity to local waterways, such effects to water quality and aquatic habitat could be considerable if proper erosion control measures are not implemented.

Dewatering operations used during pipeline installation and the installation of sub-grade structures associated with the WTP or storage tanks also carries the potential for increased sedimentation of local waterways.

Therefore, this **direct** impact is considered **potentially significant**. **No indirect** impacts would occur. With implementation of the mitigation measures listed above, erosion from construction activities related to the off-site water facilities would be reduced to a **less-than-significant** level because a SWPPP would be prepared and BMPs would be implemented to reduce erosion along the pipeline alignment, and a drainage plan would be prepared and implemented to reduce erosion at the WTP.

**IMPACT 3B.7-3: Unstable Geologic Conditions.** *The Off-site Water Facility Alternatives could be located on a geologic unit or soil that is unstable, or that could become unstable as a result of the Off-site Water Facilities.*

#### **Implement Mitigation Measures 3B.7-1a and 3B.7-1b.**

##### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Based on the discussions provided for geologic hazards within the setting description, the primary concerns related to local geologic conditions is related to settlement and differential settlement. Settlement could potentially occur from the placement of new static loads with possibly half of the settlement taking place during construction or shortly thereafter. Differential settlement could occur between foundation blocks or slabs due to variability in underlying soil conditions. Total and differential settlement could therefore damage proposed

foundations, structures, and pipelines. Additionally, although unlikely, regional subsidence could cause potential damage or rupture to the buried pipelines and other associated structures designed with minimal tolerance for settlement. Therefore, these **direct** and **indirect impacts** is considered **potentially significant**.

With implementation of the mitigation measures listed above, geologic hazards in terms of total and differential settlement would be reduced to a **less-than-significant** level, because a licensed geotechnical or soils engineer would investigate the site-specific soil conditions and design the facilities to withstand settlement in accordance with the CBC.

**IMPACT 3B.7-4: Exposure to Potential Hazards from Problematic Soils.** *The Off-site Water Facility Alternatives could encounter expansive or corrosive soils thereby subjecting related structures to potential risk of failure.*

#### **Implement Mitigation Measures 3B.7-1a.**

##### **Mitigation Measure 3B.7-4: Implement Corrosion Protection Measures.**

As determined appropriate by a licensed geotechnical or civil engineer, the City shall ensure that all underground metallic fittings, appurtenances, and piping include a cathodic protection system to protect these facilities from corrosion.

#### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Soils within Zone 4 generally exhibit a moderate to high potential for shrink-swell. Unless properly mitigated, shrink-swell soils could exert additional pressure on buried pipelines producing shrinkage cracks that would allow water infiltration and compromise the integrity of backfill material. Depending on the depth of the buried pipeline, soil expansion or contraction could lead to undue lateral pipeline stress and stress of structural joints.

Over time, lateral stresses could lead to pipeline rupture or leaks in the coupling joints. Likewise, structural facilities, including the WT and pump station, could be subjected to hazards from expansive soils is constructed directly on expansive soil materials. This **direct** impact would be a **potentially significant**. **No indirect** impacts would occur.

Soil materials encountered within Zone 4 of the Off-site Water Facilities Study Area exhibit a moderate to high potential for corrosion to uncoated steel. Corrosive soil materials could lead to pipe corrosion, potentially resulting in pipe failure and localized surface flooding of water or localized settlement of surface soils in the location of the failure. Therefore, this **direct** impact is considered **potentially significant**. **No indirect** impacts would occur.

With implementation of the mitigation measure listed above, soil-related hazards in terms of expansive and corrosive soils would be reduced to a **less-than-significant** level because a

licensed geotechnical or soils engineer would investigate the site-specific soil conditions and design the facilities to withstand expansive soil pressures and soil corrosivity.

**IMPACT 3B.7-5: Possible Damage of or Destruction to of Previously Unknown Unique Paleontological Resources during Construction-Related Activities.** *Construction of the Off-site Water Facility Alternatives could directly or indirectly destroy a unique paleontological resource or site.*

**Mitigation Measure 3B.7-5: Conduct Construction Personnel Education, Stop Work if Paleontological Resources are Discovered, Assess the Significance of the Find, and Prepare and Implement a Recovery Plan as Required.**

To minimize potential adverse impacts on previously unknown potentially unique, scientifically important paleontological resources, the City shall implement appropriate measures during construction of the Offsite Water Facility improvements. These measures shall be required for construction activities at the following locations: (1) Grant Line Road, south of SR 16; (2) Florin road, east of Excelsior Road; (3) Gerber Road, east of Excelsior Road; (4) White Rock Road, east of Prairie City Road; and (5) Prairie City Road and shall include:

- ▶ Before the start of any earthmoving activities for any project phase in the Riverbank Formation, the project applicant(s) shall retain a qualified paleontologist or archaeologist to train all construction personnel involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered.
- ▶ If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work in the vicinity of the find and notify Sacramento County Planning and Community Development Department. The project applicant(s) shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (1996). The recovery plan may include, but is not limited to, a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the County to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered.

### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*



Fossil remains of vertebrates that existed during the Pleistocene have been encountered during excavation activities within the Riverbank, Mehrten, and Ione geologic formations underlie the southern and northeastern portions of Zone 4 of the Off-site Water Facilities Study Area. The remaining portions of Zone 4 are generally underlain by the Laguna Formation, mine/dredge tailings, or Holocene-aged channel deposits. As provided in the discussion of the affected environment, these formations are generally devoid of significant vertebrate fossils, and no previously recorded fossil sites from this formation are known from either Zone 4 or the surrounding area (City of Rancho Cordova 2006). Furthermore, the conveyance pipeline would be constructed within existing roadways or along the shoulder and, therefore, has a low likelihood for disturbing native ground surfaces.

Nevertheless, each of the Off-site Water Facility Alternatives along one or more portions of each respective alignment has the potential to encounter the sensitive geologic formations identified above. The conveyance alignment for the Proposed Off-site Water Facility Alternative would traverse cross-county east of Gerber Road, which as shown in Exhibit 3B.7-1 of the DEIR/DEIS, is underlain by the Riverbank Formation. In addition, all the conveyance alignments would traverse areas in the vicinity of Prairie City Road, which are underlain by the Mehrten and Ione Formations, thereby creating the potential for encountering paleontological resources during construction-related excavation/trenching. Since fossils have been discovered within the Mehrten, Ione, and Riverbank Formations throughout the Central Valley, these formations are considered paleontologically sensitive. As a result, the potential for encountering and potentially damaging or destroying unique paleontological resources during construction activities within these sensitive geologic formations is considered a **potentially significant direct** impact. **No indirect** impacts would occur.

Implementation of Mitigation Measure 3B.7-5 would reduce potentially significant impacts related to damage or destruction of unique paleontological resources within the Riverbank Formation to a **less-than-significant** level because construction workers would be alerted to the possibility of encountering paleontological resources, and in the event that resources were encountered, and fossil specimens would be recovered and recorded and would undergo appropriate curation.

## **11. Hazards And Hazardous Materials**

Additional Information on the Hazards and Hazardous Materials Impacts for the City of Folsom Annexation is set forth in the Final EIR. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, the findings of the Sacramento Local Agency Formation Commission are as follows:

**IMPACT 3A.8-1: Accidental Spill from Routine Transport, Use, or Disposal of Hazardous Materials.** Accidental spills of hazardous materials in the SPA could result during routine transport, use, or disposal activities.

## **Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.8-2: Potential Human Health Hazards from Possible Exposure of Existing On-site Hazardous Materials.** Construction workers and future residents could be exposed to hazardous materials known to exist within the SPA.

### **Mitigation Measure 3A.8-2: Complete Investigations Related to the Extent to Which Soil and/or Groundwater May Have Been Contaminated in Areas Not Covered by the Phase I and II Environmental Site Assessments and Implement Required Measures.**

The project applicant(s) for any discretionary development application shall conduct Phase I Environmental Site Assessments (where an Phase I has not been conducted), and if necessary, Phase II Environmental Site Assessments, and/or other appropriate testing for all areas of the SPA and include, as necessary, analysis of soil and/or groundwater samples for the potential contamination sites that have not yet been covered by previous investigations (as shown in Exhibit 3A.8-1) before construction activities begin in those areas.

Recommendations in the Phase I and II Environmental Site Assessments to address any contamination that is found shall be implemented before initiating ground-disturbing activities in these areas.

The project applicant(s) shall implement the following measures before ground-disturbing activities to reduce health hazards associated with potential exposure to hazardous substances:

- ▶ Prepare a plan that identifies any necessary remediation activities appropriate for proposed on- and off-site uses, including excavation and removal of on-site contaminated soils, redistribution of clean fill material in the SPA, and closure of any abandoned mine shafts. The plan shall include measures that ensure the safe transport, use, and disposal of contaminated soil and building debris removed from the site. In the event that contaminated groundwater is encountered during site excavation activities, the contractor shall report the contamination to the appropriate regulatory agencies, dewater the excavated area, and treat the contaminated groundwater to remove contaminants before discharge into the sanitary sewer system. The project applicant(s) shall be required to comply with the plan and applicable Federal, state, and local laws. The plan shall outline measures for specific handling and reporting procedures for hazardous materials and disposal of hazardous materials removed from the site at an appropriate off-site disposal facility.
- ▶ Notify the appropriate Federal, state, and local agencies if evidence of previously undiscovered soil or groundwater contamination (e.g., stained soil, odorous groundwater) is encountered during construction activities. Any contaminated areas shall be remediated in accordance with recommendations made by the Sacramento County Environmental Management Department, Central Valley RWQCB, DTSC, and/or other appropriate Federal, state, or local regulatory agencies.
- ▶ Obtain an assessment conducted by PG&E and SMUD pertaining to the contents of any existing polemounted transformers located in the SPA. The assessment shall determine

whether existing on-site electrical transformers contain PCBs and whether there are any records of spills from such equipment.

If equipment containing PCB is identified, the maintenance and/or disposal of the transformer shall be subject to the regulations of the Toxic Substances Control Act under the authority of the Sacramento County Environmental Health Department.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., Sacramento County).

### **Implement Mitigation Measure 3A.9-1.**

#### **Finding for Elements within the City of Folsom's Jurisdiction**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

The Russell Ranch South Phase I Environmental Site Assessment detailed concerns related to radio/utility towers and associated buildings that may contain asbestos (Youngdahl & Associates 1995). Demolition activities can cause asbestos fibers to become airborne and potentially inhaled, which can lead to a variety of health problems.

However, demolition and removal of these structures is not defined as part of the Proposed Project Alternative or action alternatives. Because there is no project-related mechanism for exposure to potential sources of asbestos within the structures, there would be no impact associated with project implementation. Because the existing on-site residence could contain ACM and lead paint, demolition activities could expose construction workers to asbestos fibers and lead particles. In addition, electrical transformers are likely to be located within the SPA. If not properly dismantled, transported, and disposed, PCBs could be released into the environment during potential removal of these transformers. Therefore, this **direct** impact is considered to be **potentially significant**. No **indirect** impacts would occur.

Implementation of Mitigation Measure 3A.9-1 would require use of erosion- and sediment-control best management practices, reducing the potential for runoff and release of soils, including legacy sources of mercury from project-related construction sites. Implementation of Mitigation Measure 3A.8-2 would reduce significant impacts from potential human health hazards from possible exposure to hazardous materials under the Proposed Project Alternative to a **less-than-significant** level because the entire SPA would be evaluated through the Phase I and/or Phase II Environmental Site Assessment processes, a site plan identifying remediation activities and setting forth procedures to appropriately handle hazardous materials (if any are encountered) would be prepared, and hazardous substances that are encountered would be removed and properly disposed of by a licensed contractor in accordance with Federal, state, and local regulations.

**Finding for Elements Outside the City of Folsom’s Jurisdiction**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

For the on-site elements and off-site elements within the City’s jurisdiction, changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. However, some of the off-site elements fall under the jurisdiction of El Dorado and Sacramento Counties, and Caltrans; therefore, the City of Folsom would not have control or authority over the timing or implementation of Mitigation Measures 3A.8-2 and 3A.9-1. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measures 3A.8-2 and 3A.9-1, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.8-3: Potential Development Constraints Due to the Listing on the National Priorities List (NPL) and Cortese List.** *The SPA contains Area 40, part of the Aerojet Superfund site, which has the potential to create a hazard to public health or the environment. Ongoing remediation activities could delay or limit project development on or near the site of those remediation activities.*

**Mitigation Measure 3A.8-3a: Require the Project Applicant(s) to Cooperate with Aerojet and Regulatory Agencies to Preserve, Modify, or Close Existing Groundwater Monitoring Wells.** The project applicant(s) for any particular discretionary development that would occur in or adjacent to the Area 40 boundary shall consult with Aerojet, EPA, DTSC, and/or the Central Valley RWQCB or any successor in interest to establish the preservation, modification, or closure of existing groundwater monitoring wells. If necessary, Aerojet, or any successor may purchase lots or obtain access agreements from the project applicant(s) to maintain access to monitoring wells and/or remediation systems. If groundwater wells are to be affected by proposed tentative maps, then the project applicant(s) or successors shall provide the City with evidence that the relocation, modification, or closure of the well(s) is approved by the appropriate agencies as part of the City’s final map approval process and before development.

The project applicant(s) for activities related to the off-site detention basin located outside of the City of Folsom’s jurisdictional boundaries must be coordinated by the project applicant(s) with Sacramento County.

**Mitigation Measure 3A.8-3b: Coordinate Development Activities to Avoid Interference with Remediation Activities.** The project applicant(s) for any particular discretionary development that would occur in or adjacent to the Area 40 boundary shall provide notice to Aerojet or any successor in interest and DTSC, the Central Valley RWQCB, and the City of Folsom of the location, nature, and duration of construction activities least 30 days before construction activities begin in areas on or near property with current or planned remediation

activities (Area 40). Remedial actions, as required by DTSC, RWQCB, and/or the EPA, may include, but are not limited to:

- ▶ deed restrictions on land and groundwater use;
- ▶ requirements for building ventilation, heating, and air conditioning design;
- ▶ monitoring;
- ▶ installation of vertical barriers;
- ▶ biological, chemical, and/or physical treatment;
- ▶ extraction or excavation; and/or
- ▶ pump and treat activities.

Before the approval of grading plans which include areas within the Area 40 boundary or the off-site detention basin, the project applicant(s) shall consult with Aerojet, EPA, DTSC, and/or the Central Valley RWQCB or any successor to schedule the timing of construction activities to prevent potential conflicts with investigation and remediation activities.

The project applicant(s) for activities related to the off-site detention basin located outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) with Sacramento County.

**Mitigation Measure 3A.8-3c: Provide Written Notification to the City that, as required by EPA, DTSC, and the Central Valley RWQCB, Notification Obligations and/or Easements Have Been Fulfilled to Ensure that Construction Activities Do Not Interfere with Remedial Actions.**

Pursuant to their oversight over investigations of hazardous substances and determination of remedial action, EPA and/or DTSC establish, as appropriate, deed restrictions (e.g., restrictions on future groundwater uses or future land uses) or easements (e.g., continued access to groundwater wells and pipelines) on property with associated notice requirements. The project applicant(s) for all such affected project activities, located within the Area 40 boundary, the off-site detention basin, or lands subject to monitoring or other remediation activities shall provide notification in writing to the City (or Sacramento County for the off-site detention basin) that said required notification obligations have been fulfilled.

Evidence of the method of notification required by EPA and/or DTSC shall be submitted to the City before approval of tentative maps or improvement plans. The project applicant(s) for such affected project activities shall coordinate with the City to include this provision as part of tentative map approval within the Area 40 boundary or lands subject to monitoring or other remediation activities. The project applicant(s) shall coordinate with Sacramento County for such affected project activities pertaining to the off-site detention basin.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., Sacramento County).

**Mitigation Measure 3A.8-3d: Land Use Restrictions for Contaminated Soil and Groundwater within Area 40 as Depicted on the Remedial Restrictions Area Exhibit 3A.8-9.** Prior to approval of any tentative maps, improvement plans, or discretionary project approvals for locations within Area 40, as depicted in the Remedial Restrictions Area (Exhibit 3A.8-9), the project applicant(s) shall designate those areas that are subject to off-gassing hazards in excess of an indoor air standard, as open space or park use, as required by the City and Aerojet in consultation with the EPA. Areas designated for open space or park under this mitigation measure shall be determined by the City and by Aerojet in consultation with the EPA using risk calculations (completed in accordance with EPA's 1989 *Risk Assessment Guidance for Superfund* [EPA/540/1-89-002] and DTSC's 1992 *Supplemental Guidance for Human Health Multimedia Risk Assessments of Hazardous Waste Sites and Permitted Facilities* and 1994 *Preliminary Endangerment Assessment Guidance Manual*, or such guidance as may be in place at the time risk assessment is performed) for exposure to off-gassing from either soil or groundwater based on detected PCE and TCE concentrations. The project applicant(s) for such affected areas located within Area 40 as depicted on the Remedial Restrictions Area Exhibit 3A.8-9 shall implement this measure as part of tentative map applications or other discretionary project approvals when such applications are submitted to the City.

If the portions of Area 40 that are designated for park and open space use are not available for use as park and open space as identified in the SPA concurrently with surrounding development that creates demand for park and open space use, the project applicant(s), and the owners of land within the SPA shall identify and the City may rezone equivalent acreage of suitable park and open space land within the SPA for development as interim or permanent park and open space to meet the then current demand.

#### **Finding for Elements within the City of Folsom's Jurisdiction**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

A portion of the Aerojet Superfund site (Area 40) is located in the SPA, and is undergoing investigation and remediation under the direction of EPA and DTSC.. This **direct** impact is considered **potentially significant**. There would be **no indirect** impacts.

Implementation of Mitigation Measures 3A.8-3a, 3A.8-3b, 3A.8-3c, and 3A.8-3d would reduce significant potential development constraints due to site listing on the NPL and/or Cortese List under the Proposed Project Alternative to a **less-than-significant** level because remediation activities, implementation of deed restrictions, and other actions required prior to implementation of the project would be required by EPA, DTSC, and/or other agencies as part of the Superfund investigation and remediation activities. Furthermore, the open space land uses within Area 40 would be expanded as necessary to protect human health based on the results of appropriate testing.

**Finding for Elements Outside the City of Folsom’s Jurisdiction**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

For the on-site elements and off-site elements within the City’s jurisdiction, changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. However, some of the off-site elements fall under the jurisdiction of El Dorado and Sacramento Counties, and Caltrans; therefore, the City of Folsom would not have control or authority over the timing or implementation of Mitigation Measures 3A.8-3a, 3A.8-3b, 3A.8-3c, and 3A.8-3d. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measures 3A.8-3a, 3A.8-3b, 3A.8-3c, and 3A.8-3d, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.8-4: Potential Interference with an Adopted Emergency Response or Emergency Evacuation Plan.** Development of the SPA could interfere with adopted emergency plans.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.8-5: Potential for Blast-Related Injury to Construction Workers and the General Public.** Development in the SPA would entail the use of explosive materials as part of grading activities in the eastern portion of the SPA that could result in injury to construction workers and the general public.

**Mitigation Measure 3A.8-5: Prepare and Implement a Blasting Safety Plan in Consultation with a Qualified Blaster.** To reduce the potential for accidental injury or death related to blasting, contractors whose work in the SPA will include blasting shall prepare and implement a blasting safety plan. This plan shall be created in coordination with a qualified blaster, as defined by the Construction Safety and Health Outreach Program, Subpart U, Section 1926.901, and distributed to all appropriate members of construction teams. The plan shall apply to project applicant(s) of all project phases in which blasting would be employed. The plan shall include, but is not limited to:

- ▶ storage locations that meet ATF standards contained in 27 CFR Part 55;
- ▶ safety requirements for workers (e.g., daily safety meetings, personal protective equipment);
- ▶ an accident management plan that considers misfires (i.e. explosive fails to detonate), unexpected ignition, and flyrock; and

► measures to protect surrounding property (e.g., netting, announcement of dates of expected blasting, barricades, and audible and visual warnings). Upon completion of a blasting safety plan, the project applicant(s) shall secure any required permits from the City of Folsom Fire Department and the El Dorado County Sheriff's Department for blasting activities in Sacramento County and El Dorado County, respectively. Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado County).

#### **Finding for Elements within the City of Folsom's Jurisdiction**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Blasting may be required for excavation and removal of rock from the eastern slopes of the SPA. Blasting entails the placement of explosive materials into a borehole, which is then ignited. The subsequent explosion generates air blasts and seismic waves that fracture the surrounding rock. Generally, explosives used for construction purposes consist of ammonium nitrate and fuel oil (Centers for Disease Control and Prevention [CDC] 2004).

Reasonably foreseeable accidents associated with blasting include accidental discharge and expulsion of materials beyond the expected distance (i.e., flyrock). Sources of electricity, including radio towers and power lines, are located within the eastern slopes and could cause injury or fatalities to construction workers or the general public. Therefore, **direct** impacts associated with blasting activities are considered to be **potentially significant**. There would be **no indirect** impacts.

Implementation of Mitigation Measure 3A.8-5 would reduce potential impacts related to blasting activities because a blasting safety plan would be prepared and implemented that would include protection measures for construction workers and the general public, and the proper permits would be secured by the project applicant(s) of all affected project phases. Because these actions would substantially diminish the probability of accidents involving the production of flyrock and accidental ignition, this impact would be reduced to a **less-than significant** level.

#### **Finding for Elements Outside the City of Folsom's Jurisdiction**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

For the on-site elements and off-site elements within the City's jurisdiction, changes or alterations have been required in, or incorporated into, the Proposed Project Alternative



which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. However, some of the off-site elements fall under the jurisdiction of El Dorado County; therefore, the City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.8-5. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.8-5, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.8-6: Possible Exposure of People to Electric and Magnetic Fields.** *Residential developments and/or schools would be located near high voltage transmission lines and radio towers, which could expose the general public to EMFs.*

**Mitigation Measure 3A.8-6: Notification of EMF Exposure.** Potential purchasers of residential properties near the transmission lines shall be made aware of the controversy surrounding EMF exposure. The California Department of Real Estate shall be requested to insert an appropriate notification into the applicant's final Subdivision Public Report application, which shall be provided to purchasers of properties within 100 feet from the 100-115kV power line, or within 150 feet from the 220-230 kV power line. The notification would include a discussion of the scientific studies and conclusions reached to date, acknowledge that the notification distance is not based on specific biological evidence, but rather, the distance where background levels may increase, and provide that, given some uncertainty in the data, this notification is merely provided to allow purchasers to make an informed decision.

### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

The SPA is traversed by two 230-kV, one 115 kV, and one 69-kV electrical transmission lines on steel lattice towers within a single 400-foot-wide right-of-way, with lines spread throughout the easement to approximately 50 feet from the edges of the right-of-way. Because the Proposed Project Alternative and the four action alternatives would not provide at least 200 feet of separation between 230-kV transmission lines (and 150 feet of separation between any 69 kV or 115 kV transmission lines) and any residential developments, the **direct** impact of exposure of the general public to EMFs would be **potentially significant**. There would be **no indirect** impacts.

Implementation of Mitigation Measure 3A.8-6 would reduce the potentially significant impact related to adverse health effects from the possible exposure to EMFs to a **less-than-significant** level because prudent avoidance of high tension power lines would result in residential housing being relocated where possible, and disclosure would be required for any residences which were less than 200 feet from the 230-kV transmission line and 150 feet from the 69-kV and 115-kV transmission lines.

**IMPACT 3A.8-7: Potential for Public Health Hazards from Mosquitoes Associated with Project Water Features.** *Project implementation would include construction of 16 on-site detention basins and 1 off-site detention basin, which could attract mosquitoes and other waterborne vectors, thereby potentially creating a public health hazard.*

**Mitigation Measure 3A.8-7: Prepare and Implement a Vector Control Plan in Consultation with the Sacramento-Yolo Mosquito and Vector Control District.**

To ensure that operation and design of the stormwater system, including multiple planned detention basins, is consistent with the recommendations of the Sacramento-Yolo Mosquito and Vector Control District regarding mosquito control, the project applicant(s) of all project phases shall prepare and implement a Vector Control Plan. This plan shall be prepared in coordination with the Sacramento-Yolo Mosquito and Vector Control District and shall be submitted to the City for approval before issuance of the grading permit for the detention basins under the City's jurisdiction. For the off-site detention basin, the plan shall be submitted to Sacramento County for approval before issuance of the grading permit for the off-site detention basin. The plan shall incorporate specific measures deemed sufficient by the City to minimize public health risks from mosquitoes, and as contained within the Sacramento-Yolo Mosquito and Vector Control District BMP Manual (Sacramento-Yolo Mosquito and Vector Control District 2008).

The plan shall include, but is not limited to, the following components:

- ▶ Description of the project.
- ▶ Description of detention basins and all water features and facilities that would control on-site water levels.
- ▶ Goals of the plan.
- ▶ Description of the water management elements and features that would be implemented, including:
  - BMPs that would implemented on-site;
  - public education and awareness;
  - sanitary methods used (e.g., disposal of garbage);
  - mosquito control methods used (e.g., fluctuating water levels, biological agents, pesticides, larvacides, circulating water); and
  - stormwater management (consistent with Stormwater Management Plan).
- ▶ Long-term maintenance of the detention basins and all related facilities (e.g., specific ongoing enforceable conditions or maintenance by a homeowner's association).

To reduce the potential for mosquitoes to reproduce in the detention basins, the project applicant(s) shall coordinate with the Sacramento-Yolo Mosquito and Vector Control District to identify and implement BMPs based on their potential effectiveness for SPA conditions.

Potential BMPs could include, but are not limited to, the following:

- build shoreline perimeters as steep and uniform as practicable to discourage dense plant growth;
- perform routine maintenance to reduce emergent plant densities to facilitate the ability of mosquito predators (i.e., fish) to move throughout vegetated area;

- design distribution piping and containment basins with adequate slopes to drain fully and prevent standing water. The design slope should take into consideration buildup of sediment between maintenance periods. Compaction during grading may also be needed to avoid slumping and settling;
- coordinate cleaning of catch basins, drop inlets, or storm drains with mosquito treatment operations;
- enforce the prompt removal of silt screens installed during construction when no longer needed to protect water quality;
- if the sump, vault, or basin is sealed against mosquitoes, with the exception of the inlet and outlet, submerge the inlet and outlet completely to reduce the available surface area of water for mosquito egg-laying (female mosquitoes can fly through pipes); and
- design structures with the appropriate pumping, piping, valves, or other necessary equipment to allow for easy dewatering of the unit if necessary (Sacramento Yolo Mosquito and Vector Control District 2008).

The project applicant(s) of the project phase containing the off-site detention basin shall coordinate mitigation for the off-site with the affected oversight agency (i.e., Sacramento County).

#### **Finding for Elements within the City of Folsom’s Jurisdiction**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS.*

The Sacramento-Yolo Mosquito and Vector Control District recognizes a variety of stormwater-related structures to be common mosquito development sites. Implementation of the Proposed Project Alternative and the four action alternatives includes a variety of features that are considered to be mosquito attractants, including 16 detention basins, storm drains, and roadside ditches. However, the project does not incorporate BMPs that would control mosquitoes. Because the potential for mosquito-borne health hazards would occur with development of the project and the project currently does not include any mosquito prevention BMPs, this **direct** impact would be **potentially significant**. **No indirect** impacts would occur.

Implementation of Mitigation Measure 3A.8-7 would reduce significant impacts related to potential public health hazards from mosquitoes under the Proposed Project Alternative to a **less-than-significant** level because a site plan, which would require identification of remediation activities, implementation of BMPs to reduce mosquito breeding habitats, and coordination with the District to ensure that mosquito attractants are avoided to the extent possible, would be developed and implemented.

#### **Finding for Elements Outside the City of Folsom’s Jurisdiction**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

For the on-site elements and off-site elements within the City's jurisdiction, changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. However, some of the off-site elements fall under the jurisdiction of El Dorado and Sacramento Counties, and Caltrans; therefore, the City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.8-7. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.8-7, which would mitigate this potential impact to a less than significant level.

**IMPACT 3B.8-1: Accidental Spill from Routine Transport, Use, or Disposal of Hazardous Materials.** *Accidental spills of hazardous materials could result during routine transport, use, or disposal activities as part of the implementation of the Off-site Water Facility Alternatives.*

**Mitigation Measure 3B.8-1a: Transport, Store, and Handle Construction-Related Hazardous Materials in Compliance with Relevant Regulations and Guidelines.**

The City shall ensure, through the enforcement of contractual obligations, that all contractors transport, store, and handle construction-related hazardous materials in a manner consistent with relevant regulations and guidelines, including those recommended and enforced by Caltrans, Central Valley RWQCB, local fire departments, and the County environmental health department.

Recommendations shall include as appropriate transporting and storing materials in appropriate and approved containers, maintaining required clearances, and handling materials using applicable Federal, state and/or local regulatory agency protocols. In addition, all precautions required by the Central Valley RWQCB-issued NPDES construction activity stormwater permits shall be taken to ensure that no hazardous materials enter any nearby waterways.

In the event of a spill, the City shall ensure, through the enforcement of contractual obligations, that all contractors immediately control the source of any leak and immediately contain any spill utilizing appropriate spill containment and countermeasures. If required by the local fire departments, the local environmental health department, or any other regulatory agency, contaminated media shall be collected and disposed of at an off-site facility approved to accept such media.

The storage, handling, and use of the construction-related hazardous materials shall be in accordance with applicable Federal, state, and local laws. Construction-related hazardous materials and hazardous wastes (e.g., fuels and waste oils) shall be stored away from stream channels and steep banks to prevent these materials from entering surface waters in the event of an accidental release. These materials shall be kept at sufficient distance (at least 500 feet) from nearby residences or other sensitive land uses. This includes materials stored for expected use, materials in equipment and vehicles, and waste materials.

**Mitigation Measure 3B.8-1b: Prepare and Implement a Hazardous Materials Management Plan.** The City shall prepare a Hazardous Materials Management Plan

(HMMP) for the proposed WTP. The HMMP shall provide for safe storage, containment, and disposal of chemicals and hazardous materials related to WTP operations, including waste materials. The plan shall include, but shall not be limited to, the following:

- ▶ a description of hazardous materials and hazardous wastes;
- ▶ a description of handling, transport, treatment, and disposal procedures, as relevant for each hazardous material or hazardous waste;
- ▶ preparedness, prevention, contingency, and emergency procedures, including emergency contact information;
- ▶ A description of personnel training including, but not limited to: (1) recognition of existing or potential hazards resulting from accidental spills or other releases; (2) implementation of evacuation, notification, and other emergency response procedures; (3) management, awareness, and handling of hazardous materials and hazardous wastes, as required by their level of responsibility;
- ▶ Instructions on keeping Materials Safety and Data Sheets (MSDS) on-site for each on-site, hazardous chemical;
- ▶ Identification of the locations of hazardous material storage areas, including temporary storage areas, which shall be equipped with secondary containment sufficient in size to contain the volume of the largest container or tank; and
- ▶ A description of equipment maintenance procedures.

The HMMP shall be made a condition of contractual obligation and shall be available for review by construction inspectors and implementation compliance shall be monitored.

### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Construction of the Off-site Water Facilities would routinely involve the use of fuels, oils, and/or solvents, which could be accidentally spilled or released from containment. Such release could expose individuals and the environment to hazardous materials. During excavation and construction activities, it is anticipated that gasoline, diesel fuel, and hydraulic fluid would be handled on the construction site. Equipment fueling and maintenance requirements would likely use temporary aboveground bulk storage tanks as well as storage in sheds or trailers. The potential for an accidental release exists during handling and transfer of these materials. If a significant spill were to occur, the accidental release could pose a hazard both to construction employees and the environment, depending on the relative hazard of the material released. Although typical construction management practices limit and often eliminate the impact of such accidental releases, there is a possibility of a spill or a release with the temporary on-site storage of hazardous materials. Therefore, construction-related **direct** and **indirect** impacts are considered **potentially significant**.

Operation of the proposed WTP would involve routine transport, use, or disposal of hazardous or potentially hazardous materials. Because there is a possibility of a spill or a release with the on-site storage of hazardous materials, this **direct** impact is considered **potentially significant**. **No indirect** impacts would occur.

Implementation of Mitigation Measure 3B.8-1a would reduce potentially significant impacts under the Proposed Off-site Water Facility Alternative to a **less-than-significant** level by ensuring the transport, storage, and use of construction-related hazardous materials complies with applicable Federal, state, and local regulations.

Implementation of Mitigation Measure 3B.8-1b would reduce potentially significant impacts under the Proposed Off-site Water Facility Alternative to a **less-than-significant** level through preparation of an HMMP for the WTP.

**IMPACT 3B.8-2: Create Accident Conditions Involving Potential Release of Hazardous Materials.** *Construction and operation of the Off-site Water Facilities could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.*

**Implement Mitigation Measures 3B.8-1b, 3B.16-3a, and 3B.16-3b.**

#### **Finding**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Construction and operation of the proposed WTP under the Proposed Off-site Water Facility Alternative would involve the use of a variety of hazardous materials such as fuels, motor oils, paints, compressed gases, and chemicals. In addition, construction of the Off-site Water Facilities has the potential to disrupt existing utilities and infrastructure (e.g., natural gas). As provided in Section 3B.16, “Utilities and Service Systems – Water,” of the DEIR/DEIS, high-pressure natural gas pipelines are housed in major roadways including Mather Boulevard, Sunrise Boulevard, Douglas Road, and Florin Road. Because there is a possibility of a hazardous spill or a release of hazardous substances (e.g., natural gas) during the construction and on-site storage of hazardous materials at the WTP, this **direct** impact is considered **potentially significant**. **No indirect** impacts would occur.

Implementation of Mitigation Measure 3B.8-1b would reduce potentially significant impacts under the Proposed Off-site Water Facility Alternative to a **less-than-significant** level through preparation of an HMMP for the WTP and coordination with utility providers. Implementation of Mitigation Measures 3B.16-3a and 3B.16-3b would minimize risks related to the potential for rupturing high-pressure natural gas lines during construction and,

therefore, this impact would be reduced to a **less-than-significant** level following mitigation implementation.

**IMPACT 3B.8-2: Use of Hazardous Materials within One-Quarter Mile of Schools.**

*Operation of the Off-site Water Facilities could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.*

**Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Construction and operation of the proposed WTP under the Proposed Off-site Water Facility Alternative would involve the use of a variety of hazardous materials such as fuels, motor oils, paints, compressed gases, and chemicals. In addition, construction of the Off-site Water Facilities has the potential to disrupt existing utilities and infrastructure (e.g., natural gas). As provided in Section 3B.16, “Utilities and Service Systems – Water,” of the DEIR/DEIS, high-pressure natural gas pipelines are housed in major roadways including Mather Boulevard, Sunrise Boulevard, Douglas Road, and Florin Road. Because there is a possibility of a hazardous spill or a release of hazardous substances (e.g., natural gas) during the construction and on-site storage of hazardous materials at the WTP, this **direct** impact is considered **potentially significant**. No **indirect** impacts would occur. Implementation of Mitigation Measure 3B.8-1b would reduce potentially significant impacts under the Proposed Off-site Water Facility Alternative to a **less-than-significant** level through preparation of an HMMP for the WTP and coordination with utility providers. Implementation of Mitigation Measures 3B.16-3a and 3B.16-3b would minimize risks related to the potential for rupturing high-pressure natural gas lines during construction and, therefore, this impact would be reduced to a **less-than-significant** level following mitigation implementation.

**IMPACT 3B.8-5: Create a Significant Hazard to the Public or the Environment.**

*Construction of the Off-site Water Facilities could encounter one or more sites listed as containing hazardous materials or wastes and, as a result, could create a significant hazard to the public or the environment.*

**Mitigation Measure 3B.8-5a: Conduct Phase 1 Environmental Site Assessment for Selected Alignment.** Prior to construction, the City shall conduct a Phase 1 Environmental Site Assessment according to American Society for Testing and Materials (ASTM) protocol for the selected conveyance pipeline alignment, pump station, well, and WTP site. If any hazardous materials or waste sites are identified during the Phase 1 Environmental Site Assessment, the City shall implement Mitigation Measure 3.8-5b.

**Mitigation Measure 3B.8-5b: Develop and Implement a Remediation Plan.** If determined necessary to mitigate for potential hazards resulting from disturbance of existing contaminated areas based on the results of the Phase 1 Environmental Site Assessment, the extent of contamination from hazardous materials sites within or adjacent to the Off-site Water Facilities construction area shall be delineated during final design. Disturbance to contaminated areas during Off-site Water Facilities construction shall be avoided, or any work done within contaminated areas shall be undertaken in compliance with standards approved by the DTSC or Sacramento County Department of Environmental Health to ensure that hazardous materials will not be released as a result of the ground disturbance. Additionally, if unidentified contaminated soil or groundwater are encountered, or if suspected contamination is encountered during any construction activities, work shall be halted in the area of potential exposure, and the type and extent of contamination shall be identified. A qualified professional, in consultation with appropriate regulatory agencies, will then develop and implement a plan to remediate the contamination and properly dispose of the contaminated material.

### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

The Proposed Off-site Water Facility Alternative would be constructed in a rural portion of the County where the conveyance pipeline alignment would not directly cross a site which is known to be included on a list of hazardous materials sites compiled pursuant to California Government Code Section 65962.5 (TrackInfo Services 2008). Six listed sites were identified within a quarter-mile of the alignment in the database search; however, these sites are located at a sufficient distance (e.g., greater than 100 feet) away from the actual roadway where construction activities would occur. Nonetheless, as Off-site Water Facilities construction commences, it is possible that contaminated soil or groundwater could be encountered during excavation thereby posing a health threat to construction workers, the public, and the environment. Therefore, this **indirect** impact is considered **potentially significant**. **No direct** impact would occur.

Implementation of Mitigation Measures 3B.8-5a and 3B.8-5b would reduce potentially significant impacts associated with the accidental discovery of hazardous materials or wastes under the Proposed Off-site Water Facility Alternative to a **less-than-significant** level through preparation of an environmental site assessment and development and implementation of a remediation plan, where appropriate.

**IMPACT 3B.8-6: Impair or Interfere with an Adopted Emergency Response Plans or Emergency Evacuation Plans.** Implementation of the Off-site Water Facilities would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.



## Findings

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3B.8-7: Exposure to Wildland Fire Hazards.** *Implementation of the Off-site Water Facilities could expose people or structures to a significant risk of loss, injury or death involving wildland fires.*

### **Mitigation Measure 3B.8-7a: Keep Construction Area Clear of Combustible Materials.**

The City shall ensure, through the enforcement of contractual obligations that during construction, staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. The contractor shall keep these areas clear of combustible materials in order to maintain a firebreak. Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws.

### **Mitigation Measure 3B.8-7b: Provide Accessible Fire Suppression Equipment.**

Work crews shall be required to carry or have sufficient fire suppression equipment to ensure that any fire resulting from construction activities is immediately extinguished. All off-road equipment using internal combustion engines shall be equipped with spark arrestors.

## Findings

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Zone 4 of the Water Study Area is located in a local responsibility area where the risk of grassland wildfires is moderate. Construction activities, including welding, vehicle refueling, and pipeline installation would occur in close proximity to areas containing dried vegetation or other materials that could serve as fire fuel. Any construction equipment that normally includes a spark arrester would be equipped with an arrester in good working order. Nonetheless, the potential for construction equipment and vehicles to come in contact with heavily vegetated areas, thereby igniting dry vegetation. This is a **potentially significant, direct** impact. **No indirect** impacts would occur.

Implementation of Mitigation Measures 3B.8-7a and 3B.8-7b would reduce impacts associated with wildland fire hazards under the Proposed Off-site Water Facility Alternative to a **less-than-significant** level by requiring that construction areas are cleared of combustible materials and ensuring access to fire suppression equipment.

## **12. Hydrology And Water Quality**

Additional Information on the Hydrology And Water Quality Impacts for the City of Folsom Annexation is set forth in the Final EIR. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, the findings of the Sacramento Local Agency Formation Commission are as follows:

**IMPACT 3A.9-1: Potential Temporary, Short-Term Construction-Related Drainage and Water Quality Effects.** *Construction activities during project implementation would involve extensive grading and movement of earth, which would substantially alter on-site drainage patterns and could generate sediment, erosion, and other nonpoint source pollutants in on-site stormwater that could drain to off-site areas and degrade local water quality.*

**Mitigation Measure 3A.9-1: Acquire Appropriate Regulatory Permits and Prepare and Implement SWPPP and BMPs.** Prior to the issuance of grading permits, the project applicant(s) of all projects disturbing one or more acres (including phased construction of smaller areas which are part of a larger project) shall obtain coverage under the SWRCB's NPDES stormwater permit for general construction activity (Order 2009-0009-DWQ), including preparation and submittal of a project-specific SWPPP at the time the NOI is filed. The project applicant(s) shall also prepare and submit any other necessary erosion and sediment control and engineering plans and specifications for pollution prevention and control to Sacramento County, City of Folsom, El Dorado County (for the off-site roadways into El Dorado Hills under the Proposed Project Alternative).

The SWPPP and other appropriate plans shall identify and specify:

- ▶ the use of an effective combination of robust erosion and sediment control BMPs and construction techniques accepted by the local jurisdictions for use in the project area at the time of construction, that shall reduce the potential for runoff and the release, mobilization, and exposure of pollutants, including legacy sources of mercury from project-related construction sites. These may include but would not be limited to temporary erosion control and soil stabilization measures, sedimentation ponds, inlet protection, perforated riser pipes, check dams, and silt fences
- ▶ the implementation of approved local plans, non-stormwater management controls, permanent post-construction BMPs, and inspection and maintenance responsibilities;
- ▶ the pollutants that are likely to be used during construction that could be present in stormwater drainage and nonstormwater discharges, including fuels, lubricants, and other types of materials used for equipment operation;
- ▶ spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency procedures for responding to spills;

▶ personnel training requirements and procedures that shall be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and

▶ the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP.

Where applicable, BMPs identified in the SWPPP shall be in place throughout all site work and construction/demolition activities and shall be used in all subsequent site development activities. BMPs may include, but are not limited to, such measures as those listed below.

▶ Implementing temporary erosion and sediment control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances, in compliance with state and local standards in effect at the time of construction. These measures may include silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.

▶ Establishing permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.

▶ Using drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.

A copy of the approved SWPPP shall be maintained and available at all times on the construction site. For those areas that would be disturbed as part of the U.S. 50 interchange improvements, Caltrans shall coordinate with the development and implementation of the overall project SWPPP, or develop and implement its own SWPPP specific to the interchange improvements, to ensure that water quality degradation would be avoided or minimized to the maximum extent practicable.

Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with the affected oversight agency(ies) (i.e., El Dorado and/or Sacramento Counties, or Caltrans).

#### **Finding for Elements within the City of Folsom's Jurisdiction**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Implementation of the Proposed Project Alternative would include substantial construction activity over more than 2,500 acres, including soil removal, trenching and pipe installation, fabrication of concrete channels, grading, and revegetation. An infrastructure backbone and drainage system would be installed throughout the SPA.

Construction activities associated with development of the SPA would create the potential for soil erosion and sedimentation both within and downstream of the SPA. The construction process could also result in the accidental release of other pollutants to surface waters, including oil and grease, petroleum hydrocarbons, chemical substances used during construction, waste concrete, and wash water.

The substantial construction-related alteration of on-site drainages could result in soil erosion and stormwater discharges of suspended solids, increased turbidity, and potential release, mobilization, and exposure of other pollutants, including legacy sources of mercury from project-related construction sites. This contaminated runoff could enter Alder Creek, Buffalo Creek, Coyote Creek, Carson Creek, or other on-site drainage channels and ultimately drain off-site to downstream water bodies including Lake Natoma and the lower American River. Many construction-related wastes have the potential to degrade existing water quality and beneficial uses by altering the dissolved-oxygen content, temperature, pH, suspended-sediment and turbidity levels, or nutrient content, or by causing toxic effects in the aquatic environment. The presence and distribution of legacy mercury in upland areas and/or drainages is currently unknown; however, if it is present in the sediments where construction activities disturb soils, it could become mobilized and become exposed to the environment downstream. Therefore, project-related construction activities could violate water quality standards or cause direct harm to aquatic organisms.

Localized erosion hazards may be high where the SPA topography is steep. Intense rainfall and associated stormwater runoff in relatively flat areas could result in short periods of sheet erosion within areas of exposed or stockpiled soils. If uncontrolled, these soil materials could cause sedimentation and blockage of drainage channels. Further, the compaction of soils by heavy equipment may reduce the infiltration capacity of soils and increase the potential for runoff and erosion. Non-stormwater discharges could result from activities such as construction dewatering procedures, or discharge or accidental spills of hazardous substances such as fuels, oils, concrete, paints, solvents, cleaners, or other construction materials. Because the Proposed Project Alternative would disturb large areas of land, substantially alter on-site drainage patterns, and could result in impacts on water quality within on-site drainage channels and ultimately off-site drainage channels as a result of temporary, short-term construction activities, the **direct** and **indirect** project related erosion and water quality impacts would be **significant**.

Implementation of Mitigation Measure 3A.9-1 would reduce the significant temporary, short-term construction related drainage and water quality effects under the Proposed Project Alternative to **a less-than-significant level** by requiring preparation and implementation of a SWPPP with appropriate BMPs such as source control, revegetation, and erosion control, to maintain surface water quality conditions in adjacent receiving waters.

#### **Finding for Elements Outside the City of Folsom's Jurisdiction**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

For the on-site elements and off-site elements within the City’s jurisdiction, changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. However, some of the off-site elements fall under the jurisdiction of El Dorado and Sacramento Counties, and Caltrans; therefore, the City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.9-1. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.9-1, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.9-2: Potential Increased Risk of Flooding and Hydromodification from Increased Stormwater Runoff.** *Project implementation would increase the amount of impervious surfaces on the SPA, thereby increasing surface runoff. This increase in surface runoff would result in an increase in both the total volume and the peak discharge rate of stormwater runoff, and therefore could result in greater potential for on- and off-site flooding.*

**Mitigation Measure 3A.9-2: Prepare and Submit Final Drainage Plans and Implement Requirements Contained in Those Plans.**

Before the approval of grading plans and building permits, the project applicant(s) of all project phases shall submit final drainage plans to the City, and to El Dorado County for the off-site roadway connections into El Dorado Hills, demonstrating that off-site upstream runoff would be appropriately conveyed through the SPA, and that project-related on-site runoff would be appropriately contained in detention basins or managed with through other improvements (e.g., source controls, biotechnical stream stabilization) to reduce flooding and hydromodification impacts.

The plans shall include, but not be limited to, the following items:

- ▶ an accurate calculation of pre-project and post-project runoff scenarios, obtained using appropriate engineering methods, that accurately evaluates potential changes to runoff, including increased surface runoff;
- ▶ runoff calculations for the 10-year and 100-year (0.01 AEP) storm events (and other, smaller storm events as required) shall be performed and the trunk drainage pipeline sizes confirmed based on alignments and detention facility locations finalized in the design phase;
- ▶ a description of the proposed maintenance program for the on-site drainage system;
- ▶ project-specific standards for installing drainage systems;
- ▶ City and El Dorado County flood control design requirements and measures designed to comply with them;

Implementation of stormwater management BMPs that avoid increases in the erosive force of flows beyond a specific range of conditions needed to limit hydromodification and maintain current stream geomorphology. These BMPs will be designed and constructed in accordance with the forthcoming SSQP Hydromodification Management Plan (to be adopted by the RWQCB) and may include, but are not limited to, the following:

- use of Low Impact Development (LID) techniques to limit increases in stormwater runoff at the point of origination (these may include, but are not limited to: surface swales; replacement of conventional impervious surfaces with pervious surfaces [e.g., porous pavement]; impervious surfaces disconnection; and trees planted to intercept stormwater);
  - enlarged detention basins to minimize flow changes and changes to flow duration characteristics;
  - bioengineered stream stabilization to minimize bank erosion, utilizing vegetative and rock stabilization, and inset floodplain restoration features that provide for enhancement of riparian habitat and maintenance of natural hydrologic and channel to floodplain interactions;
  - minimize slope differences between any stormwater or detention facility outfall channel with the existing receiving channel gradient to reduce flow velocity; and
  - minimize to the extent possible detention basin, bridge embankment, and other encroachments into the channel and floodplain corridor, and utilize open bottom box culverts to allow sediment passage on smaller drainage courses.
- The final drainage plan shall demonstrate to the satisfaction of the City of Folsom Community Development and Public Works Departments and El Dorado County Department of Transportation that 100-year (0.01 AEP) flood flows would be appropriately channeled and contained, such that the risk to people or damage to structures within or down gradient of the SPA would not occur, and that hydromodification would not be increased from pre-development levels such that existing stream geomorphology would be changed (the range of conditions should be calculated for each receiving water if feasible, or a conservative estimate should be used, e.g., an Ep of  $1 \pm 10\%$  or other as approved by the Sacramento Stormwater Quality Partnership and/or City of Folsom Public Works Department). Mitigation for the off-site elements outside of the City of Folsom's jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with El Dorado County.

### **Finding for Elements within the City of Folsom's Jurisdiction**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Project implementation would include development on approximately 2,500 acres of land, most of which has not been previously developed. The Proposed Project Alternative includes residential and commercial development, and supporting facilities and services, including parks, schools, and major circulation and roadway infrastructure.

Implementation of the Proposed Project Alternative could result in **potentially significant, direct and indirect** impacts related to stormwater runoff and the subsequent risk of flooding and/or hydromodification.

Implementation of Mitigation Measure 3A.9-2 would reduce the potentially significant impact associated with the potential increased risk of flooding from increased stormwater runoff under the Proposed Project Alternative to a **less-than-significant** level because the project applicant(s) would demonstrate to the appropriate regulatory agency that the project would conform with applicable state and local regulations regulating surface water runoff, including the procedures outlined in the Sacramento City/County Drainage Manual (City and County of Sacramento 1996) and the El Dorado County SWMP (El Dorado County 2004), which are designed to meet or exceed applicable state and local regulations pertaining to stormwater runoff. Specific project design standards as required in this mitigation measure would, when implemented, provide flood protection to meet FEMA 100-year (0.01 AEP) flood protection criteria, would safely convey on-site and off-site flows through the SPA, would reduce the effects of hydromodification on stream channel geomorphology, and would prevent substantial increased flood hazard on downstream areas by limiting peak discharges of flood flows to below pre-project levels.

**Finding for Elements Outside the City of Folsom’s Jurisdiction**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

For the on-site elements and off-site elements within the City’s jurisdiction, changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. However, some of the off-site elements fall under the jurisdiction of El Dorado and Sacramento Counties, and Caltrans; therefore, the City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.9-2. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.9-2, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.9-3: Long-Term Water Quality and Hydrology Effects from Urban Runoff.**

*Project implementation would convert a large area of undeveloped land to residential and commercial uses, thereby changing the amount and timing of potential long-term pollutant discharges in stormwater and other urban runoff to Alder Creek, Buffalo Creek, Coyote Creek, Carson Creek, and other on- and off-site drainages.*

**Mitigation Measure 3A.9-3: Develop and Implement a BMP and Water Quality Maintenance Plan.** Before approval of the grading permits for any development project requiring a subdivision map, a detailed BMP and water quality maintenance plan shall be prepared by a qualified engineer retained by the project applicant(s) the development project. Drafts of the plan shall be submitted to the City of Folsom and El Dorado County for the off-site roadway connections into El Dorado Hills, for review and approval concurrently with development of tentative subdivision maps for all project phases. The plan shall finalize the water quality improvements and further detail the structural and nonstructural BMPs proposed for the project. The plan shall include the elements described below.

- ▶ A quantitative hydrologic and water quality analysis of proposed conditions incorporating the proposed drainage design features.
- ▶ Predevelopment and post development calculations demonstrating that the proposed water quality BMPs meet or exceed requirements established by the City of Folsom and including details regarding the size, geometry, and functional timing of storage and release pursuant to the “Stormwater Quality Design Manual for Sacramento and South Placer Regions” ([SSQP 2007b] per NPDES Permit No. CAS082597 WDR Order No. R5-2008-0142, page 46) and El Dorado County’s NPDES SWMP (County of El Dorado 2004).
- ▶ Source control programs to control water quality pollutants on the SPA, which may include but are limited to recycling, street sweeping, storm drain cleaning, household hazardous waste collection, waste minimization, prevention of spills and illegal dumping, and effective management of public trash collection areas.
- ▶ A pond management component for the proposed basins that shall include management and maintenance requirements for the design features and BMPs, and responsible parties for maintenance and funding.
- ▶ LID control measures shall be integrated into the BMP and water quality maintenance plan. These may include, but are not limited to:
  - surface swales;
  - replacement of conventional impervious surfaces with pervious surfaces (e.g., porous pavement);
  - impervious surfaces disconnection; and
  - trees planted to intercept stormwater.
- ▶ New stormwater facilities shall be placed along the natural drainage courses within the SPA to the extent practicable so as to mimic the natural drainage patterns. The reduction in runoff as a result of the LID configurations shall be quantified based on the runoff reduction credit system methodology described in “Stormwater Quality Design Manual for the Sacramento and South Placer Regions, Chapter 5 and Appendix D4” (SSQP 2007b) and proposed detention basins and other water quality BMPs shall be sized to handle these runoff volumes.

For those areas that would be disturbed as part of the U.S. 50 interchange improvements, it is anticipated that Caltrans would coordinate with the development and implementation of the overall project SWPPP, or develop and implement its own SWPPP specific to the interchange improvements, to ensure that water quality degradation would be avoided or minimized to the maximum extent practicable.

Mitigation for the off-site elements outside of the City of Folsom’s jurisdictional boundaries must be coordinated by the project applicant(s) of each applicable project phase with El Dorado County and Caltrans.

**Finding for Elements within the City of Folsom’s Jurisdiction**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are*



*within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

The conversion of undeveloped land to urban land uses would alter the types, quantities, and timing of contaminant discharges in stormwater runoff. Overall, the potential for the Proposed Project Alternative to cause or contribute to long-term discharges of urban contaminants (e.g., oil and grease, fuel, trash) into the stormwater drainage system and ultimate receiving waters would increase compared to existing conditions. Because the Proposed Project Alternative could result in impacts on water quality within on-site drainage channels and ultimately off-site drainage channels as a result of runoff from the SPA, the project-related water quality impacts would be both **direct** and **indirect**, and would be **potentially significant**.

Implementation of Mitigation Measure 3A.9-3 would reduce the potentially significant impact associated with potential long-term water quality effects of urban runoff under the Proposed Project Alternative to a **less-than significant** level because the project applicant(s) of all project phases would develop and implement a BMP and water quality maintenance plan that would demonstrate to the City that the Proposed Project Alternative would conform to applicable state and local regulations restricting surface water runoff including the Stormwater Quality Design Manual for the Sacramento and South Placer Regions (SSQP 2007b) and El Dorado County's SWMP (El Dorado County 2004). The permanent BMPs proposed for the stormwater treatment system and described in detail in the SSQP have been shown to be effective in reducing contaminant levels in urban runoff (EPA 1999, CASQA 2003).

#### **Finding for Elements Outside the City of Folsom's Jurisdiction**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

For the on-site elements and off-site elements within the City's jurisdiction, changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. However, some of the off-site elements fall under the jurisdiction of El Dorado and Sacramento Counties, and Caltrans; therefore, the City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.9-3. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.9-3, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.9-4: Potential Exposure of People or Structures to a Significant Risk of Flooding as a Result of the Failure of a Levee or Dam.** *The SPA is not in an area protected by levees and is not located within the Folsom Dam inundation zone; however, there are existing dams impounding water within and upstream of the SPA.*

**Mitigation Measure 3A.9-4: Inspect and Evaluate Existing Dams Within and Upstream of the Project Site and Make Improvements if Necessary.** Prior to submittal to the City of tentative maps or improvement plans the project applicant(s) of all project phases shall conduct studies to determine the extent of inundation in the case of dam failure. If the studies determine potential exposure of people or structures to a significant risk of flooding as a result of the failure of a dam, the applicants(s) shall implement of any feasible recommendations provided in that study, potentially through drainage improvements, subject to the approval of the City of Folsom Public Works Department.

**Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

For planning purposes, the State Office of Emergency Services (OES), with information from the U.S. Bureau of Reclamation and DWR, has the responsibility to provide local governments with critical hazard response information, including information related to potential flooding from levee failure or dam inundation. The SPA is not in an area protected by levees; however, Folsom Dam is located approximately 4.5 miles north of the SPA. Project-related impacts related to the failure of a dam are considered **direct** and **potentially significant**. No **indirect** impacts would occur.

Implementation of Mitigation Measure 3A.9-4 would reduce the potential for increased risk of flooding s a result of the failure of a dam under the Proposed Project Alternative to a **less-than-significant level** because the project applicant(s) of all project phases would demonstrate that people or structures would not the small dams and associated impoundments within and upstream of the SPA meet minimum stability requirements and not exposure of people or structures to a significant risk of flooding.

**IMPACT 3A.9-5: Potential Effects on Groundwater Recharge.** Shallow and deep percolation of rainwater and related runoff and consequent depth to groundwater could be affected locally by the development of additional impervious surfaces, which could limit infiltration and recharge.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.9-6: Potential Effects on Groundwater Recharge.** Shallow and deep percolation of rainwater and related runoff and consequent depth to groundwater could be affected locally by the development of additional impervious surfaces, which could limit infiltration and recharge.

## Findings

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3B.9-1: Potential Temporary, Short-Term Construction-Related Drainage and Water Quality Effects.** *Construction of the Off-site Water Facilities could generate discharges to surface water resources that could potentially violate water quality standards or waste discharge requirements.*

### **Mitigation Measure: Implement Mitigation Measures 3A.3-1a and 3A.3-1b.**

**Mitigation Measure 3B.9-1a: Acquire Appropriate Regulatory Permits and Prepare and Implement SWPPP and BMPs.** The City shall prepare a SWPPP specific to the selected Off-site Water Facility Alternative and secure coverage under SWRCB's NPDES stormwater permit for general construction activity (Order 2009-0009- DWQ). The SWPPP shall identify specific actions and BMPs relating to the prevention of stormwater pollution from project-related construction sources by identifying a practical sequence for site restoration, BMP implementation, contingency measures, responsible parties, and agency contacts. The SWPPP shall reflect localized surface hydrological conditions and shall be reviewed and approved by the City prior to commencement of work and shall be made conditions of the contract with the contractor selected to build the Off-site Water Facilities. The SWPPP shall incorporate control measures in the following categories:

- ▶ soil stabilization and erosion control practices (e.g., hydroseeding, erosion control blankets, mulching, etc.;
  - ▶ dewatering and/or flow diversion practices, if required (see Mitigation Measure 3B.9-1b);
  - ▶ sediment control practices (temporary sediment basins, fiber rolls, etc.);
  - ▶ temporary and post-construction on- and off-site runoff controls;
  - ▶ special considerations and BMPs for water crossings, wetlands, drainages, and vernal pools;
  - ▶ monitoring protocols for discharge(s) and receiving waters, with emphasis placed on the following water quality objectives: dissolved oxygen, floating material, oil and grease, pH, and turbidity;
  - ▶ waste management, handling, and disposal control practices;
  - ▶ corrective action and spill contingency measures;
  - ▶ agency and responsible party contact information, and
  - ▶ training procedures that shall be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP.
- The SWPPP shall be prepared by a qualified SWPPP practitioner with BMPs selected to achieve maximum pollutant removal and represent the best available technology that is economically achievable.

Emphasis for BMPs shall be placed on controlling discharges of oxygen-depleting substances, floating material, oil and grease, acidic or caustic substances or compounds, and turbidity. Performance and effectiveness of these BMPs shall be determined either by visual

means where applicable (i.e., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination, (inadvertent petroleum release) as required to determine adequacy of the measure.

**Mitigation Measure 3B.9-1b: Properly Dispose of Hydrostatic Test Water and Construction Dewatering in Accordance with the Central Valley Regional Water Quality Control Board.** All hydrostatic test water and construction dewatering shall be discharged to an approved land disposal area or drainage facility in accordance with Central Valley RWCQB requirements. The City or its construction contractor shall provide the Central Valley RWQCB with the location, type of discharge, and methods of treatment and monitoring for all hydrostatic test water discharges. Emphasis shall be placed on those discharges that would occur directly to surface water bodies.

### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Construction of the Off-site Water Facilities would involve excavation, soil stockpiling, grading, and the installation of support buildings, storage tanks, pumping facilities, and pipelines. Disturbing the geomorphic characteristics and stability of the channel bed and banks may initiate chronic erosion in natural channels. Such impacts could be exacerbated if the riparian vegetation is not reestablished and stabilized prior to the next high-flow or precipitation event and could result in **potentially significant direct** impacts within the immediate vicinity of construction and **indirect** impacts to water quality further downstream.

Hazardous materials associated with construction would be limited to substances associated with mechanized equipment, such as gasoline and diesel fuels, engine oil, and hydraulic fluids. Without proper containment and incident response measures in place, the operation of construction equipment could result in **potentially significant direct** and **indirect** impacts to water quality.

Prior to construction grading, the City must file an NOI with the Central Valley RWQCB to comply with the General NPDES Construction Permit and prepare the SWPPP, which addresses the measures that would be included in the project to minimize and control construction and post-construction runoff to the “maximum extent practicable.” However, without these documents available for review as part of this EIR/EIS, the City is unable to determine their adequacy in achieving applicable water quality standards. In addition, NPDES permits require the implementation of BMP’s that achieve a level of pollution control to the maximum extent practical, which may not necessarily be completely protective of aquatic life. This represents a **potentially significant, direct impact**.

For these reasons, the implementation of the prescribed mitigation would be required to ensure that the Off-site Water Facilities SWPPP and Grading Plan(s) include measures necessary to minimize water quality impacts as a result of project construction and post-construction runoff.

With the implementation of the above mitigation measures, impacts to surface water quality for all the Off-site Water Facility Alternatives would be reduced to a **less-than-significant** level through the inclusion of focused BMPs for the protection of surface water resources. Monitoring and contingency response measures would be included to verify compliance with water quality objectives for all surface waters crossed during construction.

Particular emphasis would be placed on dissolved oxygen, floating material, oil and grease, pH, and turbidity as these are generally the water quality constituents of most concern during construction-related activities.

**IMPACT 3B.9-2: Exceedance of Surface Water Quality Standards during Operation.** The operation of the Off-site Water Facilities could result in changes to the quality of surface water resources that could potentially violate water quality standards or waste discharge requests.

#### **Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3B.9-3 : Alteration of Drainage Patterns Resulting in Off-site Flooding and/or Erosion.** *The Off-site Water Facilities could result in the alteration of existing drainage patterns thereby increasing the rate or amount of surface runoff in a manner that could result in substantial flooding and/or erosion or siltation on- or off-site.*

**Mitigation Measure 3B.9-3a: Prepare and Implement Drainage Plan(s) for Structural Facilities.** The City shall prepare a Drainage Plan for the selected Off-site Water Facility WTP and shall incorporate measures to maintain off-site runoff during peak conditions to pre-construction discharge levels. The Drainage Plan shall provide both short- and long-term drainage solutions to ensure the proper sequencing of drainage facilities during and following construction. The City shall evaluate options for on-site detention including, but not limited to, providing temporary storage within a portion or portions of proposed paved areas, linear infiltration facilities along the site perimeter, and/or other on-site opportunities for detention, retention, and/or infiltration facilities. Design specifications for the detention, retention, and/or infiltration facilities shall provide sufficient storage capacity to accommodate the 10-year, 24-hour storm event. In addition, the Drainage Plan shall delineate the overland release path for flows generated by a 100-year frequency storm, so that structural pad elevations for buildings, containment facilities, storage tank, and container storage areas are placed a minimum of one foot above the property's highest frontage curb elevation. The Drainage Plan shall also provide sufficient attenuation of flows to ensure no net increase in off-site discharges to waterways that drain across the FSC via one or more drainage chutes (e.g., Buffalo Creek).

**Mitigation Measure 3B.9-3b: Ensure the Provision of Sufficient Outlet Protection and On-site Containment.**

Energy dissipaters, vegetated rip-rap, soil protection, and/or other appropriate BMPs shall be included within all storm-drain outlets to slow runoff velocities and prevent erosion at discharge locations for the WTP. A long-term maintenance plan shall be implemented for all drainage discharge control devices. The WTP layout shall also include sufficient on-site containment and pollution-control devices for drainage facilities to avoid the off-site release of water quality pollutants, oil and grease.

**Finding**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Given that no formal Drainage Plan has been developed to attenuate post-construction drainage flows, the Sacramento Method provides a basic means for comparison and, based on the results, it is reasonable to conclude that the Off-site Water Facilities would result in a net increase in drainage discharge from the WTP site. This increase in peak flows could contribute to additional downstream flooding and/or bank scour. These **direct** and **indirect** impacts could be **potentially significant**.

With the implementation of the above mitigation measures, impacts to on- and off-site drainage patterns would be mitigated to a **less-than-significant** level through the preparation of a formal drainage plan to attenuate post-construction runoff thereby minimizing the potential for on and off-site flooding and long-term hydromodification impacts.

**IMPACT 3B.9-4: Changes to Flow within the Sacramento River.** The Off-site Water Facilities could result in adverse effects to existing flows within the Sacramento River.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3B.9-5: Exceed Drainage Capacity and Contribute Sources Polluted Runoff.** *The Off-site Water Facilities could create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.*

**Implement Mitigation Measures 3B.9-3a and 3B.9-3b.**

**Finding**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant*

*environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

As previously indicated under Impact 3B.9-3, a formal Drainage Plan has not been prepared for the WTP and/or other Off-site Water Facilities components. Given that the conveyance pipeline would be completely buried underground following construction with no corresponding increase in impervious surfaces, no changes in post-construction runoff volumes are anticipated from the conveyance facilities that could otherwise overwhelm existing drainage infrastructure. Drainage runoff from the On-site or White Rock WTP site would enter Buffalo Creek near its headwaters, either east or west of Prairie City Road, respectively. Although typical engineering standards require that all storm drain pipelines are capable of conveying a 10-year frequency storm while providing temporary storage for the 100-year event, without the availability of actual engineering plans the City unable to confirm compliance with these standards. Without confirmation that the WTP's design satisfies this minimum criteria, there remains a potential for the WTP to contribute additional peak runoff that could exceed the channel capacity of Buffalo Creek, which ultimately becomes a piped waterway west of Hazel Avenue. Based on these determinations, the **direct** impacts would be **potentially significant**.

With the implementation of the above mitigation measures, impacts to existing drainage infrastructure and would be reduced to a **less-than-significant** level through the preparation of a formal drainage plan to attenuate post-construction runoff thereby minimizing the potential for off-site flooding and long-term water quality impacts.

The implementation of Mitigation Measure 3B.9-3a would require that all storm drain pipelines and the proposed detention basin include sufficient capacity to minimize concerns related to the effects of hydromodification.

**IMPACT 3B.9-6: Impede or Redirect Flood Flows.** *The Off-site Water Facilities could place structures within a 100-year floodhazard area, which would impede or redirect flood flows.*

**Implement Mitigation Measures 3B.7-1a and 3B.9-1a.**

#### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

The WTP and storage facilities would not be constructed within a delineated 100-year flood hazard area or floodway per CDPH requirements. As a result, the construction and operation of this Off-site Water Facilities feature would not place structures within a 100-year flood

hazard area as mapped on the most recent Federal Flood Insurance Rate Map. Small segments of the proposed conveyance pipelines under all the alternatives would cross floodways or flood zones associated with Morison Creek, Elder Creek, or Laguna Creek. These crossings would be completed using in-channel or trenchless construction techniques and would be installed at sufficient depth below existing and/or planned flood control facilities.

Following construction, the conveyance pipeline would generally be submerged a minimum of five feet below the ground surface and set back from local waterways. Facilities installed beneath the bed of the local creeks would be constructed within a 100-year flood zone, but would be situated, beneath the channel bed. Additionally, construction of these facilities, particularly at water crossings, would likely occur during the summer months and would be of limited duration and, therefore, would be unlikely to expose workers to significant risk of injury or death as a result of flooding. However, without the availability of site-specific engineering plans, the City is unable to ensure that the conveyance pipeline is placed within suitable bedding materials at the required depths below the channel bed. The improper placement of the conveyance pipeline at waterway crossings could destabilize the impacted portion of the channel bed and banks thereby contributing to changes in downstream changes in hydrology. The **direct** and **indirect** impacts of these changes are considered **potentially significant**.

With the implementation of recommendations from a licensed geotechnical engineer as required by Mitigation Measure 3B.7.1a combined with measures designed to minimize impacts to channel morphology during construction as required by Mitigation Measure 3B.9.1a, the Off-site Water Facility Alternatives would not result in significant impedances or redirection of flood flows and the impact would be **less-than-significant**.

### **13. Noise**

Additional Information on the Noise Impacts for the City of Folsom Annexation is set forth in the Final EIR. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, the findings of the Sacramento Local Agency Formation Commission are as follows:

**IMPACT 3A.11-1: Temporary, Short-Term Exposure of Sensitive Receptors to Increased Equipment Noise from Project Construction.** *Project implementation would result in temporary, short-term construction activities associated with development of residential, commercial, schools, and park uses, supporting roadways, and other infrastructure improvements. Project-related construction activities could expose existing off-site and future on-site sensitive receptors to temporary noise levels that exceed the applicable noise standards and/or result in a substantial increase in ambient noise levels.*

**Mitigation Measure 3A.11-1: Implement Noise-Reducing Construction Practices, Prepare and Implement a Noise Control Plan, and Monitor and Record Construction Noise near Sensitive Receptors.** To reduce impacts associated with noise generated during project-related construction activities, the project applicant(s) and their primary contractors



for engineering design and construction of all project phases shall ensure that the following requirements are implemented at each work site in any year of project construction to avoid and minimize construction noise effects on sensitive receptors. The project applicant(s) and primary construction contractor(s) shall employ noise-reducing construction practices.

Measures that shall be used to limit noise shall include the measures listed below:

- ▶ Noise-generating construction operations shall be limited to the hours between 7 a.m. and 7 p.m. Monday through Friday, and between 8 a.m. and 6 p.m. on Saturdays and Sundays.
- ▶ All construction equipment and equipment staging areas shall be located as far as possible from nearby noise-sensitive land uses.
- ▶ All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- ▶ All motorized construction equipment shall be shut down when not in use to prevent idling.
- ▶ Individual operations and techniques shall be replaced with quieter procedures (e.g., using welding instead of riveting, mixing concrete off-site instead of on-site).
- ▶ Noise-reducing enclosures shall be used around stationary noise-generating equipment (e.g., compressors and generators) as planned phases are built out and future noise sensitive receptors are located within close proximity to future construction activities.
- ▶ Written notification of construction activities shall be provided to all noise-sensitive receptors located within 850 feet of construction activities. Notification shall include anticipated dates and hours during which construction activities are anticipated to occur and contact information, including a daytime telephone number, for the project representative to be contacted in the event that noise levels are deemed excessive. Recommendations to assist noise-sensitive land uses in reducing interior noise levels (e.g., closing windows and doors) shall also be included in the notification.
- ▶ To the extent feasible, acoustic barriers (e.g., lead curtains, sound barriers) shall be constructed to reduce construction-generated noise levels at affected noise-sensitive land uses. The barriers shall be designed to obstruct the line of sight between the noise-sensitive land use and on-site construction equipment. When installed properly, acoustic barriers can reduce construction noise levels by approximately 8–10 dB (EPA 1971).
- ▶ When future noise sensitive uses are within close proximity to prolonged construction noise, noise-attenuating buffers such as structures, truck trailers, or soil piles shall be located between noise sources and future residences to shield sensitive receptors from construction noise.
- ▶ The primary contractor shall prepare and implement a construction noise management plan. This plan shall identify specific measures to ensure compliance with the noise control measures specified above. The noise control plan shall be submitted to the City of Folsom before any noise-generating construction activity begins. Construction shall not commence until the construction noise management plan is approved by the City of Folsom. Mitigation for the two off-site roadway connections into El Dorado County must be coordinated by the project applicant(s) of the applicable project phase with El Dorado County, since the roadway extensions are outside of the City of Folsom.

### **Finding for Elements within the City of Folsom's Jurisdiction**

***Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS.***

The Proposed Project Alternative includes development of a variety of mixed uses (i.e., residential, commercial, office/industrial, schools, community parks, and open space land uses) and supporting on-site roadway and infrastructure improvements. Construction of the proposed land uses and improvements would likely occur by sub-areas, within the SPA, in a sequence established by individual land owners (project applicant[s]) and influenced by market demand.

Construction noise levels in the project vicinity from on-site activities would fluctuate depending on the particular type, number, and duration of usage for the varying equipment.. Currently, off-site noise sensitive receptors in both the City of Folsom and the County of El Dorado are located within those project-generated contour distances.

Thus, project construction of on-site elements could expose future on-site and existing off-site sensitive receptors to equipment noise levels that exceed the applicable noise standards and/or result in a substantial increase in ambient noise levels especially during the more noise-sensitive hours of the day. Thus, this would be considered a **direct, significant** impact. **No indirect** impacts would occur.

With implementation of Mitigation Measure 3A.11-1, construction would be limited to daytime hours, for which associated noise levels are considered exempt from the provisions of applicable standards established by the City of Folsom and the County of Sacramento. Therefore, on-site and off-site impacts from temporary, short-term exposure of sensitive receptors to increased equipment noise from project construction under the Proposed Project Alternative would be reduced to a **less-than-significant level**.

### **Finding for Elements Outside the City of Folsom's Jurisdiction**

***Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.***

For the on-site elements and off-site elements within the City's jurisdiction, changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. However, some of the off-site elements fall under the jurisdiction of El Dorado County; therefore, the City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.11-1. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.11-1, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.11-2: Temporary, Short-Term Exposure of Sensitive Receptors to Increased Traffic Noise Levels from Project Construction.** Project implementation would result in temporary increases in on- and off-site roadway traffic noise associated with project construction. Construction-generated traffic could expose sensitive receptors to noise levels along on- and off-site roadways that exceed the applicable noise standards and/or result in a substantial increase in ambient noise levels.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.11-3: Temporary, Short-Term Exposure of Sensitive Receptors to Potential Groundborne Noise and Vibration from Project Construction.** *Project implementation could expose sensitive receptors to groundborne noise and vibration levels that exceed applicable standards that could cause human disturbance or damage structures.*

**Mitigation Measure 3A.11-3: Implement Measures to Prevent Exposure of Sensitive Receptors to Groundborne Noise or Vibration from Project Generated Construction Activities.**

- ▶ To the extent feasible, blasting activities shall not be conducted within 275 feet of existing or future sensitive receptors.
- ▶ To the extent feasible, bulldozing activities shall not be conducted within 50 feet of existing or future sensitive receptors.
- ▶ All blasting shall be performed by a blast contractor and blasting personnel licensed to operate in the State of California.
- ▶ A blasting plan, including estimates of vibration levels at the residence closest to the blast, shall be submitted to the enforcement agency for review and approval prior to the commencement of the first blast.
- ▶ Each blast shall be monitored and documented for groundbourne noise and vibration levels at the nearest sensitive land use and associated recorded submitted to the enforcement agency. If any exceedances of vibration levels as shown in Table 3A.11-17 are documented, the blasting plan required above shall be revised to incorporate additional protective measures (e.g., increased distance smaller blast load) to the maximum extent feasible to further reduce vibration levels.

**Findings**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.*

Construction activities in the SPA may result in varying degrees of temporary groundborne noise and vibration, depending on the specific construction equipment used and activities involved. Groundborne noise and vibration levels caused by various types of construction equipment and activities (e.g., bulldozers, blasting, etc.) are summarized in Table 3A.11-17 of the DEIR/DEIS.

Short-term construction could result in the exposure of persons to or generation of excessive ground-borne noise or vibration levels. As a result, this would be a **direct significant** impact. **No indirect** impacts would occur.

### ***Off-Site Elements***

The off-site improvements to the U.S. 50 interchanges at Prairie City Road and the construction of the Oak Avenue and Empire Ranch interchanges, the Rowberry Drive Overcrossing, the El Dorado County roadway connections and the detention basin west of Prairie City Road would be anticipated to include the use of typical heavy construction equipment (e.g., bulldozing). The nearest receptor relative to off-site construction elements is approximately 40 feet from the proposed Empire Ranch interchange onramp, which is within the distance modeled above that is correlated with the FTA recommended exceedance levels. Thus, short-term construction could result in the exposure of persons to or generation of excessive groundborne noise or vibration levels. As a result, this would be a **direct, significant** impact. **No indirect** impacts would occur.

Implementation of Mitigation Measure 3A.11-3 would reduce project-generated groundborne noise and vibration levels and the exposure thereof under the Proposed Project Alternative. However, depending on the exact location of said activities, which is not determined at this time, sensitive receptors could still be exposed to levels that exceed those recommended by Caltrans and FTA for the prevention of structural damage and human disturbance.

Furthermore, some of the off-site elements fall under the jurisdiction of El Dorado and Sacramento Counties, or Caltrans; therefore, neither the City nor the project applicant(s) would have control over their timing or implementation. As a result, this **direct** impact would be considered **significant and unavoidable**.

No other feasible mitigation measures are available to reduce impacts associated with groundborne noise and vibration from project construction to a less-than-significant level because it is technically infeasible to allow construction activities without groundborne noise and vibration from construction activities. The project's objectives include providing a large-scale mixed-use and mixed-density residential housing development within the City of Folsom, south of U.S. 50. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow new development without groundborne construction noise and vibration, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is significant and unavoidable.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts, and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.11-4: Long-Term Exposure of Sensitive Receptors to Increased Traffic Noise Levels from Project Operation.** *Project implementation would result in long-term increases in ADT volumes on affected roadway segments. Increased traffic volumes would result in a*

*substantial (e.g., 3 dB Ldn/CNEL) increase in ambient noise levels on- and off-site at nearby noise-sensitive receptors.*

**Mitigation Measure 3A.11-4: Implement Measures to Prevent Exposure of Sensitive Receptors to Increases in Noise from Project-Generated Operational Traffic on Off-Site and On-Site Roadways.** To meet applicable noise standards as set forth in the appropriate General Plan or Code (e.g., City of Folsom, County of Sacramento, and County of El Dorado) and to reduce increases in traffic-generated noise levels at noise-sensitive uses, the project applicant(s) of all project phases shall implement the following: ► Obtain the services of a consultant (such as a licensed engineer or licensed architect) to develop noise-attenuation measures for the proposed construction of on-site noise-sensitive land uses (i.e., residential dwellings and school classrooms) that will produce a minimum composite Sound Transmission Class (STC) rating for buildings of 30 or greater, individually computed for the walls and the floor/ceiling construction of buildings, for the proposed construction of on-site noise-sensitive land uses (i.e., residential dwellings and school classrooms).

► Prior to submittal of tentative subdivision maps and improvement plans, the project applicant(s) shall conduct a site-specific acoustical analysis to determine predicted roadway noise impacts attributable to the project, taking into account site-specific conditions (e.g., site design, location of structures, building characteristics). The acoustical analysis shall evaluate stationary- and mobile-source noise attributable to the proposed use or uses and impacts on nearby noise-sensitive land uses, in accordance with adopted City noise standards. Feasible measures shall be identified to reduce project-related noise impacts. These measures may include, but are not limited to, the following:

- limiting noise-generating operational activities associated with proposed commercial land uses, including truck deliveries;
- constructing exterior sound walls;
- constructing barrier walls and/or berms with vegetation;
- using “quiet pavement” (e.g., rubberized asphalt) construction methods on local roadways; and,
- using increased noise-attenuation measures in building construction (e.g., dual-pane, sound-rated windows; exterior wall insulation).

## **Findings**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.*

Project implementation would result in an increase in ADT volumes on affected roadway segments and, consequently, an increase in traffic source noise, resulting in a substantial permanent increase in ambient noise levels on- and offsite at nearby sensitive receptors (e.g., Empire Ranch Road from Broadstone Parkway to Iron Point Road and Latrobe Road from White Rock Road to Golden Foothills Parkway) under future (2030) plus project conditions. Therefore, this would be a **direct significant** impact. **No indirect** impacts would occur. Significant traffic noise impacts at existing noise-sensitive areas associated with growth of communities are generally very difficult to feasibly mitigate because some areas may already

have noise barriers, or new noise barriers may be infeasible from a cost standpoint or ineffective because of openings in the barriers that are commonly required for roadway ingress and egress. Because it may not be feasible to reduce the project-related long-term operations traffic noise level increases to a less-than-significant level at all existing noise-sensitive land uses along affected roadway segments, this **direct** impact under the Proposed Project Alternative would remain **significant and unavoidable**. **No indirect** impacts would occur.

No other feasible mitigation measures are available to reduce impacts associated with project-related long-term operational increases in traffic noise to a less-than-significant level because it is technically infeasible to allow new development without some exposure of sensitive receptors to increased traffic noise. The project's objectives include providing a large-scale mixed-use and mixed-density residential housing development within the City of Folsom, south of U.S. 50. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow new development without increased traffic noise, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is significant and unavoidable.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts, and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.11-5: Long-Term Exposure of Sensitive Receptors to Increased Stationary-Source Noise Levels from Project Operation.** *Project implementation would result in increases in on-site stationary-source noise levels associated with the proposed residential, commercial, mixed-use, office/industrial, park, and educational land uses. These stationary noise sources could exceed the applicable noise standards (hourly and maximum) and result in a substantial increase in ambient noise levels.*

**Mitigation Measure 3A.11-5: Implement Measures to Reduce Noise from Project-Generated Stationary Sources.** The project applicant(s) for any particular discretionary development project shall implement the following measures to reduce the effect of noise levels generated by on-site stationary noise sources that would be located within 600 feet of any noise-sensitive receptor:

- ▶ Routine testing and preventive maintenance of emergency electrical generators shall be conducted during the less sensitive daytime hours (i.e., 7:00 a.m. to 6:00 p.m.). All electrical generators shall be equipped with noise control (e.g., muffler) devices in accordance with manufacturers' specifications.
- ▶ External mechanical equipment associated with buildings shall incorporate features designed to reduce noise emissions below the stationary noise source criteria. These features may include, but are not limited to, locating generators within equipment rooms or enclosures that incorporate noise reduction features, such as acoustical louvers, and exhaust and intake silencers. Equipment enclosures shall be oriented so that major openings (i.e., intake louvers, exhaust) are directed away from nearby noise-sensitive receptors.

► Parking lots shall be located and designed so that noise emissions do not exceed the stationary noise source criteria established in this analysis (i.e., 50 dB for 30 minutes in every hour during the daytime [7 a.m. to 10 p.m.] and less than 45 dB for 30 minutes of every hour during the night time [10 p.m. to 7 a.m.]). Reduction of parking lot noise can be achieved by locating parking lots as far away as feasible from noise sensitive land uses, or using buildings and topographic features to provide acoustic shielding for noise-sensitive land uses.

► Loading docks shall be located and designed so that noise emissions do not exceed the stationary noise source criteria established in this analysis (i.e., 50 dB for 30 minutes in every hour during the daytime [7 a.m. to 10 p.m.] and less than 45 dB for 30 minutes of every hour during the night time [10 p.m. to 7 a.m.]). Reduction of loading dock noise can be achieved by locating loading docks as far away as possible from noise sensitive land uses, constructing noise barriers between loading docks and noise-sensitive land uses, or using buildings and topographic features to provide acoustic shielding for noise-sensitive land uses.

### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

This impact assesses the long-term exposure of existing off-site and proposed on-site sensitive receptors to increased stationary-source noise levels from proposed on-site project operations. The land use compatibility of future noise levels at the proposed on-site sensitive receptors from off-site stationary noise sources are discussed in Impact 3A.11-7. The impact of noise from HVAC equipment under the Proposed Project Alternative, Resource Impact Minimization, Centralized Development, Reduced Hillside Development, and No USACE Permit Alternatives is considered a **direct, potentially significant** impact. **No indirect** impacts would occur.

The impact of noise levels from preventive maintenance testing and operation of emergency electrical generators under the Proposed Project Alternative, Resource Impact Minimization, Centralized Development, Reduced Hillside Development, and No USACE Permit alternatives is considered a **direct, potentially significant** impact. **No indirect** impacts would occur.

The impact of noise generated from parking lot activities under the Proposed Project, Resource Impact Minimization, Centralized Development, Reduced Hillside Development, and No USACE Permit Alternatives is considered a **direct, potentially significant** impact.

**No indirect** impacts would occur. Noise generated from loading dock and delivery activities under the No USACE Permit, Proposed Project, Resource Impact Minimization, Centralized Development, and Reduced Hillside Development Alternatives is considered a **direct, potentially significant** impact. **No indirect** impacts would occur.

Implementation of Mitigation Measure 3A.11-5 would reduce stationary source noise from proposed on-site project operations to levels in compliance with the City of Folsom Code to a **less-than-significant** level under the Proposed Project Alternative through the use of noise control devices, restricted operational periods, and required design features.

**IMPACT 3A.11-6: Single-Event Aircraft Noise.** New noise sensitive land uses proposed in the Specific Plan area could be exposed to noise from aircraft overflights. Overflights would not result in interior noise levels that create sleep disturbance.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.11-7: Compatibility of Proposed On-Site Land Uses with the Ambient Noise Environment.** *The project includes development of on-site noise-sensitive land uses that could be exposed to noise levels that exceed the noise standards set forth in the applicable General Plan and Code.*

**Implement Mitigation Measure 3A.11-4.**

**Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Ambient noise levels in the SPA would be influenced largely by vehicle traffic on area roadways. Exposure of proposed on-site land uses to traffic noise levels would be considered a **direct, significant** impact. **No indirect** impacts would occur.

Typically, a 6-foot sound wall would reduce noise levels from approximately 5-6 dB and for each additional foot of wall another 1 dB (Caltrans 1998). Thus, implementation of Mitigation Measure 3A.11-4 would reduce on-site traffic noise levels at proposed noise-sensitive land uses to levels conditionally acceptable with mitigation (i.e., 65 dB Ldn/CNEL). As a result, this direct impact would be reduced to a **less-than-significant** level under the Proposed Project Alternative.

**IMPACT 3B.11-1: Temporary, Short-Term Exposure of Sensitive Receptors to Increased Equipment Noise from Project Construction.** *The Off-site Water Facility Alternatives could expose persons to or generate noise levels in excess of applicable City and County standards.*



**Mitigation Measure 3B.11-1a: Limit Construction Hours.** Construction activities shall be limited to daylight hours between 7 a.m. and 7 p.m. Monday through Friday, and 9 a.m. and 5 p.m. on Saturday. No construction shall be allowed on Sundays or holidays.

**Mitigation Measure 3B.11-1b: Minimize Noise from Construction Equipment and Staging.** Construction equipment noise shall be minimized during project construction by muffling and shielding intakes and exhaust on construction equipment (per the manufacturer’s specifications) and by shrouding or shielding impact tools, where used within 200 feet of a sensitive receptor. The City’s construction specifications shall also require that the contractor select staging areas as far as feasibly possible from sensitive receptors.

**Mitigation Measure 3B.11-1c: Maximize the Use of Noise Barriers.**

Construction contractors shall locate fixed construction equipment (such as compressors and generators) and construction staging areas as far as possible from nearby residences. If feasible, noise barriers shall be used at the construction site and staging area. Temporary walls, stockpiles of excavated materials, or moveable sound barrier curtains would be appropriate in instances where construction noise would exceed 90 dBA and occur within less than 50 feet from a sensitive receptor. The final selection of noise barriers will be subject to the City’s approval and shall provide a minimum 10 dBA reduction in construction noise levels.

**Mitigation Measure 3B.11-1d: Prohibit Non-Essential Noise Sources During**

**Construction.** No amplified sources (e.g., stereo “boom boxes”) shall be used in the vicinity of residences during project construction.

**Mitigation Measure 3B.11-1e: Monitor Construction Noise and Provide a Mechanism for Filing Noise Complaints.** An on-site complaint and enforcement manager shall track and respond to noise complaints. The City shall also provide a mechanism for residents, businesses, and agencies to register complaints with the City if construction noise levels are overly intrusive or construction occurs outside the required hours.

### **Findings**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.*

Construction of the Off-site Water Facilities would occur in rural and industrial portions of the eastern Sacramento County. Over the entire length of these conveyance alternatives, there are approximately 25 rural residences that would be located within 50 to 100 feet of Off-site Water Facilities construction. Construction activities would generally involve excavation, concrete removal, earth movement, stockpiling, trenching activities, and truck hauling. These construction activities would generate temporary and intermittent noise at and near the conveyance pipeline alignment during the 36-month construction schedule. While construction activities would occur when a majority of people are at work, retired persons, people who work at home, and people caring for their children in their homes could be significantly affected temporarily by noise when construction activities are occurring in

the immediate vicinity. This **direct** temporary and short-term impact is considered **potentially significant**. **No indirect** impacts would occur. The exposure of individual sensitive receptors to elevated noise levels would be contingent on the types of equipment in use and the duration of use. Since pipeline construction activities could substantially increase ambient noise levels at noise-sensitive locations, with potential intermittent noise levels exceeding 80 dBA, construction noise would result in **potentially significant**, temporary, **direct** impacts to sensitive receptors. **No indirect** impacts would occur.

Although implementation of the above mitigation measures would generally reduce construction noise, construction-related noise levels could occasionally exceed the Sacramento County and City of Rancho Cordova standards regarding construction noise. In addition, construction activities at the pump station facility may occur over a more extended period of time, up to several months, and could contribute to noises levels in excess of 80 dBA. These impacts could remain **significant and unavoidable**, because there is no feasible mitigation to fully reduce temporary, short-term construction-related impacts to a less-than-significant level.

No other feasible mitigation measures are available to reduce impacts associated with increased equipment noise during project construction to a less-than-significant level because it is technically infeasible to allow construction activities without some temporary increase in equipment noise. The objectives of the “Water” elements of the project include construction of necessary infrastructure and sufficient water supply for the planned SPA. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow construction without some temporary increase in equipment noise, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is significant and unavoidable.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom’s Annexation outweigh the adverse impacts, and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3B.11-2: Exposure to and/or Generation of Groundborne Vibration.** The Off-site Water Facilities could expose persons to or generate excessive groundborne vibration or groundborne noise levels.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3B.11-3: Permanent Increase in Ambient Noise Levels.** *The Off-site Water Facility Alternatives could create a substantial permanent increase in ambient noise levels in the vicinity of new pumping facilities.*

**Mitigation Measure 3B.11-3: Implement Operational Noise Minimization Measures.**

The following mitigation measures shall be implemented for the design of the WTP and the

pump station(s) to ensure that operational noise levels at the property line do not exceed the City/County standards:

- ▶ Shielding and other specified measures as deemed appropriate and effective by the design engineer shall be incorporated into the design in order to comply with performance standards.
- ▶ Pumps located underground shall be shielded to not affect nearby sensitive receptors.
- ▶ Project equipment shall be outfitted and maintained with noise-reduction devices such as equipment closures, fan silencers, mufflers, acoustical louvers, noise barriers, and acoustical panels to minimize operational noise.
- ▶ Particularly noisy equipment shall be located as far away as feasibly possible from nearby sensitive receptors.
- ▶ The orientation of acoustical exits shall always be facing away from nearby sensitive receptors.
- ▶ Buildings and landscaping shall be incorporated, where possible, to absorb or redirect noise away from nearby sensitive receptors.

### **Findings**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.*

The booster pump station would eventually consist of multiple 400 horsepower (HP) vertical turbine pumps. At times, the pumps may operate 24 hours a day, 7 days a week. Based on a review of published literature, the typical noise level for water supply pumping facilities ranges from 70 to 76 dBA at 50 feet (Environmental Science Associates 2005). However, the pumping facilities sampled as part the referenced analysis included substantially less horsepower than the Off-site Conveyance Pump's proposed capacity and, therefore, noise levels from the proposed pumping facilities could be higher. This could result in a **potentially significant direct** impact to adjacent residences. **No indirect** impacts would occur.

Additionally, a small standby generator would be installed in an enclosure to operate up to two pumps during a power outage. The typical noise level for a generator is approximately 80 dBA at 50 feet. With a surrounding masonry buffer, or with generator placement using other structures as shielding, the effective noise level may be reduced by 10 to 15 dBA at 50 feet. Since emergency generators would operate infrequently, they would generally not contribute substantially to the overall community noise exposure outside of the site boundary.

However, the combined operation of the pumps, the back-up generator, and maintenance activities depending on the proximity to the nearest sensitive receptor could generate long-term noise level in excess of Sacramento County or City of Rancho Cordova standards. This would be a **potentially significant, direct** impact. **No indirect** impacts would occur. Implementation of Mitigation Measure 3B.11-3 is expected to reduce potential impacts to levels at or below standards and would generally reduce the impacts to less than significant levels. However, because of the uncertainty associated with the placement of these facilities, especially the booster pump station, and the pump station's actual design (above- verses

below-ground), the City is unable to verify whether noise levels would be reduced to below Sacramento County and City of Rancho Cordova standards as a result of the measures above and the impact could remain **potentially significant and unavoidable**.

No other feasible mitigation measures are available to reduce impacts associated with a permanent increase in ambient noise levels to a less-than-significant level because it is technically infeasible to allow new development without some increase in ambient noise levels. The objectives of the “Water” elements of the project include construction of necessary infrastructure and sufficient water supply for the planned SPA. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow new development without some increase in ambient noise levels, mitigation of this impact to a less-than-significant level would be facially infeasible and this impact is significant and unavoidable.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom’s Annexation outweigh the adverse impacts, and that the project should be approved, as explained in the statement of overriding considerations below.

#### **14. Population, Employment, and Housing Impacts**

Additional Information on the Transportation and Circulation Impacts for the City of Folsom Annexation is set forth in the Final EIR. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, the findings of the Sacramento Local Agency Formation Commission are as follows:

**IMPACT 3A.13-1: Temporary Increase in Population and Subsequent Housing Demand during Construction.** *Project implementation would generate a temporary increase in employment and subsequent housing demand in Sacramento County and the City of Folsom from construction jobs.*

##### **Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

Project construction activities would occur at intervals throughout the planning horizon of the project, and the site would ultimately be built out in approximately 19 years (2011-2030). Because construction workers serving the project could be expected to come from Folsom itself and from nearby communities in Sacramento County or El Dorado County, neither substantial population growth nor an increase in housing demand in the region is anticipated as a result of these jobs. Furthermore, if some construction workers from outside the region were employed for the project, the temporary nature of the work supports the conclusion that these workers would not typically change residences when assigned to a new construction site. Therefore, substantial permanent relocations of construction workers to the area are not anticipated. The project would not be expected to generate the need for

substantial additional housing stock in Folsom, Sacramento County, or El Dorado County during construction. Because of these conditions, the temporary increase in population growth and housing demand associated with project construction is considered a **direct, less-than-significant** impact. **No indirect** impacts would occur. **No mitigation measures are required.**

**IMPACT 3A.13-2: Permanent Increase in Population Growth.** *Project implementation would result in the development of new residential dwelling units, which would cause a direct long-term increase in population.*

#### **Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

Development of the Proposed Project could potentially generate population growth exceeding projections for Folsom and Sacramento County as a whole. The City's recently updated Housing Element (2009) projects the city would result in a total population of approximately 97,485 persons by 2035. As of January 1, 2008, the population of Folsom was estimated to be 65,306 (excluding the inmate population at Folsom Prison and California State Prison Sacramento) (DOF 2008). The 2035 projected population for the City (97,485) represents an increase of 32,179 persons from 2008 to 2035. Comparing the new residents expected to be generated by the Proposed Project Alternative (24,335), the project-related estimated increase in population is within the increase in population that would result from the planned residential growth as projected by the City's Housing Element.

The project could potentially result in unplanned population growth in the area. Population growth consistent with current population projections by itself is not considered a significant environmental impact. However, development of housing, infrastructure, and facilities and services to serve this growth can have significant environmental impacts through land conversions, commitment of resources, and other mechanisms. Because population growth is not, itself, considered a significant environmental impact, this **direct** impact is considered **less than significant**. **No mitigation measures are required.**

**IMPACT 3A.13-3: Displacement of Existing Housing or People Resulting from Project Development.** *Project implementation would displace one existing residence located in the SPA.*

#### **Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

There is one existing single-family residence located in the SPA. This residence would likely be removed as part of project development. Project implementation would result in the construction of low-, medium-, and high-density residential dwelling units in the SPA. Construction of these residential dwelling units in the SPA would fully replace the single unit

removed during project construction. Because the project would not displace substantial numbers of existing housing or people, this impact is considered **direct and less than significant**. **No indirect** impacts would occur. **No mitigation measures are required**.

## **15. Transportation and Circulation Impacts**

Additional Information on the Transportation and Circulation Impacts for the City of Folsom Annexation is set forth in the Final EIR. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, the findings of the Sacramento Local Agency Formation Commission are as follows:

**IMPACT 3A.15-1: Increases to Peak-Hour and Daily Traffic Volumes, Resulting in Unacceptable Levels of Service.** Implementation of development of the Project or build alternatives would cause an increase in a.m. peak-hour, p.m. peak-hour, and/or daily traffic volumes on area roadways, resulting in unacceptable LOS and warranting the need for improvements such as traffic signals and additional lanes.

### **Mitigation Measure 3A.15-1: Project Participation in Funding Transportation Improvements.**

a. Within the project boundaries and the eastern half of Prairie City Road, the Applicant shall construct all feasible physical improvements necessary and available to reduce the severity of the project's significant transportation-related impacts, which may be subject to fee credits and/or reimbursement, coordinated by the City, from other fee-paying development projects if available with respect to roads or other facilities that would also serve those non-project fee-paying development projects. Funding of improvements on the perimeter of the project boundaries will be shared with other development/jurisdictions.

b. Outside the project boundaries, the Applicant shall be responsible for the project's fair share of feasible physical improvements necessary and available to reduce the severity of the project's significant transportation-related impacts within the City of Folsom, in other jurisdictions and on State facilities, based on "cumulative plus project conditions." For purposes of this measure, "cumulative plus project conditions" refers to development authorized under the project as well as development consistent with approved general plans, specific plans, and other entitlements in the City and other jurisdictions. In cases where the project's fair share contribution is identified, the share will be based on the project's relative contribution to traffic growth under "cumulative plus project conditions." The project's contribution toward such improvements may take any, or some combination, of the following forms:

1. Construction of roads, road improvements, or other transportation facilities outside the boundaries of the project, subject in some instances to fee credit against other improvements necessitated by the project or future reimbursement, coordinated by the City, from other fee-paying development projects if available where the roads or

improvements at issue would also serve those non-project fee paying development projects;

2. The payment of impact fees to the City of Folsom in amounts that constitute the project's fair share contributions to the construction of transportation facilities to be built or improved within the City, consistent with the City's Capital Improvement Program ("CIP");

3. The payment of other adopted regional impact fees that would provide improvements to roadways, intersections and/or interchanges that are affected by multiple jurisdictions, except where the project applicant's payments of other fees or construction of improvements within the City of Folsom creates credit against the payment of regional impact fees;

4. The payment of impact fees to the City of Folsom in amounts that constitute the project's fair share contributions to the construction of transportation facilities and/or improvements within affected jurisdictions outside of Folsom, which payments to the City of Folsom and transmittal of fees to other agencies would occur through one or more enforceable agreements provided that for each required improvement, there is a reasonable mitigation plan that ensures that (i) the fees collected from the project will be used for their intended purposes, and (ii) the improvements will actually be built within a reasonable period of time, and

5. The payment of impact fees to the City of Folsom in amounts that constitute the project's fair share contributions to the construction of transportation facilities and/or improvements on federal or state highways or freeways needed in part because of the project, to be made available to the California Department of Transportation ("Caltrans") if and when Caltrans and the City of Folsom enter into an enforceable agreement consistent with state law provided that, for each required improvement, Caltrans has a reasonable mitigation plan that ensures that (i) the fees collected from the project will be used for their intended purposes, and (ii) the improvements will actually be built within a reasonable period of time.

c . In pursuing a single agreement or multiple agreements with any jurisdictions outside of the City of Folsom that will be affected by traffic from the project in order to effectuate proposed mitigation measures for improvements outside the City of Folsom, the City will seek to negotiate in good faith with these other jurisdictions to enter into fair and reasonable arrangements with the intention of achieving, within a reasonable time period after approval of the project's, commitments for (i) the provision of adequate "fair share" mitigation payments from the project for out-of-jurisdiction traffic impacts and impacts on federal and state freeways and highways, and (ii) reciprocal payments from regional development projects to the City of Folsom to address cumulative "fair share" mitigation payments towards federal and state freeways and highways for transportation-related facilities and/or improvements within the City of Folsom necessitated by the development within the region. It is intended that these agreements shall permit the participating agencies flexibility in providing cross-jurisdictional credits and reimbursements consistent with the general "fair share" mitigation standard, and require an updated model run incorporating the best available information in order to obtain the most accurate, up-to-date impact assessment feasible and to generate the most accurate, up-to-date estimates of regional fair share contributions. Best efforts should be made to secure funding from federal, state and regional sources. These

agreements, moreover, should also include provisions that allow for periodic updates to the traffic modeling on which fair share payment calculations depend in order to account for (i) newly approved projects cumulatively contributing to transportation-related impacts and that therefore should contribute to the funding of necessary improvements (ii) additional physical improvements necessitated in whole or in part by newly approved projects, (iii) changing cost calculations for the construction of needed improvements based on changes in the costs of materials, labor, and other inputs.

d. If transportation improvements required to be constructed as mitigation are constructed prior to project implementation, the project will pay its fair share portion (as defined and explained in subsection [b] above)

for those improvements prior to building permit issuance.

e. In considering individual projects within the project area (e.g., small-lot tentative subdivision maps or similar discretionary non-residential approvals), the City of Folsom shall identify required improvements, and shall base its calculations for such projects' fair share payments, based on the most recent traffic modeling (i.e., modeling that accounts for (i) newly approved projects cumulatively contributing to transportation-related impacts and that therefore should contribute to the funding of necessary improvements, (ii) additional physical improvements necessitated in whole or in part by newly approved projects, and (iii) changing cost calculations for the construction of needed improvements based on changes in the costs of materials, labor, and other inputs).

### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

The requirement that the Applicant participate in funding transportation improvements outside the City of Folsom would mitigate or substantially lessen the project's significant impact on roadways outside of the City but those impacts would remain **significant and unavoidable**.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.15-1a: Unacceptable LOS at the Folsom Boulevard/Blue Ravine Road Intersection (Intersection 1).** *Project or build alternative traffic would cause signalized intersection operations at the Folsom Boulevard/Blue Ravine Road intersection to deteriorate with an increase in delay of more than 5 seconds during either or both a.m./p.m. peak hours.*

**Mitigation Measure 3A.15-1a: The Applicant Shall Pay a Fair Share to Fund the Construction of Improvements to the Folsom Boulevard/Blue Ravine Road Intersection (Intersection 1).** To ensure that the Folsom Boulevard/Blue Ravine Road intersection



operates at an acceptable LOS, the eastbound approach must be reconfigured to consist of two left-turn lanes, one through lane, and one right-turn lane. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the Folsom Boulevard/Blue Ravine Road intersection (Intersection 1).

### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

This intersection operates at an unacceptable LOS D or worse during the a.m. and p.m. peak hours under existing conditions. Delay would increase by more than 5 seconds and **significantly impact** intersection operations during either or both a.m./p.m. peak hours under the project and all build alternatives. The impacts of the build alternatives would be similar to that of the project.

Implementation of Mitigation Measure 3A.15-1a would reduce the significant impact at Intersection 1 under the project and all build alternatives to a **less-than-significant** level. Implementation of the mitigation measure will reduce the a.m. delay to less than five seconds above the existing condition, and reduce the p.m. delay to less than the existing condition.

**IMPACT 3A.15-1b: Unacceptable LOS at the Sibley Street/ Blue Ravine Road Intersection (Intersection 2).** *Project or build alternative traffic would cause signalized intersection operations at the Sibley Street/Blue Ravine Road intersection to deteriorate with an increase in delay of more than 5 seconds during the a.m. peak hour.*

**Mitigation Measure 3A.15-1b: The Applicant Shall Pay a Fair Share to Fund the Construction of Improvements at the Sibley Street/Blue Ravine Road Intersection (Intersection 2).** To ensure that the Sibley Street/Blue Ravine Road intersection operates at an acceptable LOS, the northbound approach must be reconfigured to consist of two left-turn lanes, two through lanes, and one right-turn lane. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the Sibley Street/Blue Ravine Road intersection (Intersection 2).

### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

This intersection operates at an unacceptable LOS D during the a.m. peak hour and at an acceptable LOS C during the p.m. peak hour under existing conditions. Delay would increase by more than 5 seconds and **significantly impact** intersection operations during the a.m. peak hour under the Proposed Project Alternative. Implementation of Mitigation Measure 3A.15-1b would reduce the significant impact on Intersection 2 under the Proposed Project Alternative to a **less-than-significant** level.

**IMPACT 3A.15-1c: Unacceptable LOS at the Scott Road (West)/White Rock Road Intersection (Intersection 28).** *Unsignalized intersection operations at Scott Road (West)/White Rock Road would degrade to LOS D during the p.m. peak hour.*

**Mitigation Measure 3A.15-1c: The Applicant Shall Fund and Construct Improvements to the Scott Road (West)/White Rock Road Intersection (Intersection 28).** To ensure that the Scott Road (West)/White Rock Road intersection operates at an acceptable LOS, a traffic signal must be installed. The applicant shall fund and construct these improvements.

**Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS.*

This intersection operates at an acceptable LOS C during the a.m. and p.m. peak hours under existing conditions. Unsignalized intersection operations at Scott Road (West)/White Rock Road would degrade to LOS D during the p.m. peak hour under the project and all build alternatives. This is a **significant impact**. Implementation of Mitigation Measure 3A.15-1c would reduce the significant impact on Intersection 28 under the to a **less-than-significant** level. Implementation of the mitigation measure will restore the LOS to the existing LOS C condition.

**IMPACT 3A.15-1d: Unacceptable LOS D at the Scott Road (East)/Easton Valley Parkway Intersection (Intersection 38).** Signalized intersection operations at Scott Road (East)/Easton Valley Parkway would operate at unacceptable LOS D during the p.m. peak hour.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.15-1e: Unacceptable LOS at the Hillside Drive/Easton Valley Parkway Intersection (Intersection 41).** Unsignalized intersection operations at Hillside Drive/Easton Valley Parkway would be at LOS D during both a.m. and p.m. peak hours.

### **Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.15-1f: Unacceptable LOS at the Oak Avenue Parkway/Middle Road Intersection (Intersection 44).** *Unsignalized intersection operations at Oak Avenue Parkway/Middle Road would operate at unacceptable LOS D during either or both a.m./p.m. peak hours.*

**Mitigation Measure 3A.15-1f: Fund and Construct Improvements to the Oak Avenue Parkway/Middle Road Intersection (Intersection 44).** To ensure that the Oak Avenue Parkway/Middle Road intersection operates at an acceptable LOS, control all movements with a stop sign. The applicant shall fund and construct these improvements.

### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

This intersection does not exist currently exist; however, unsignalized intersection operations at Oak Avenue Parkway/Middle Road would operate at unacceptable LOS D during either or both a.m./p.m. peak hours under the Proposed Project Alternative. This is a **significant impact**. Implementation of Mitigation Measure 3A.15-1f would reduce the significant impact on Intersection 44 to a **less than- significant** level. Implementation of the mitigation measure will improve operations to a LOS C or better condition.

**3A.15-1g: Unacceptable LOS at the Hazel Avenue/Gold Country Blvd Intersection (Sacramento County Intersection 1).** Signalized intersection operations at Hazel Avenue/Gold Country Boulevard would deteriorate, with the volume-to capacity ratio increasing by more than 0.05 during the p.m. peak hour.

### **Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**3A.15-1h: Unacceptable LOS at the Hazel Avenue/Folsom Blvd Intersection (Sacramento County Intersection 2).** Signalized intersection operations at Hazel Avenue/Folsom Boulevard

would deteriorate, with the volume-to-capacity ratio increasing by more than 0.05 during the p.m. peak hour.

### **Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.15-1i: Unacceptable LOS at the Grant Line Road/White Rock Road Intersection (Sacramento County Intersection 3).** *Delay at the unsignalized Grant Line Road/White Rock Road intersection would increase delay by more than 5 seconds during the a.m. and p.m. peak hours.*

**Mitigation Measure 3A.15-1i: Participate in Fair Share Funding of Improvements to Reduce Impacts on the Grant Line Road/White Rock Road Intersection and to White Rock Road widening between the Rancho Cordova City limit to Prairie City Road (Sacramento County Intersection 3).** Improvements must be made to ensure that the Grant Line Road/White Rock Road intersection operates at an acceptable LOS. The currently County proposed White Rock Road widening project will widen and realign White Rock Road from the Rancho Cordova City limit to the El Dorado County line (this analysis assumes that the Proposed Project Alternative and build alternatives will widen White Rock Road to five lanes from Prairie City road to the El Dorado County Line). This widening includes improvements to the Grant Line Road intersection and realigning White Rock Road to be the through movement. The improvements include two eastbound through lanes, one eastbound right turn lane, two northbound left turn lanes, two northbound right turn lanes, two westbound left turn lanes and two westbound through lanes.

This improvement also includes the signalization of the White Rock Road and Grant Line Road intersection. With implementation of this improvement, the intersection would operate at an acceptable LOS A. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to the Grant Line Road/White Rock Road intersection (Sacramento County Intersection 3).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This intersection operates at an acceptable LOS E during the a.m. peak hour and at an unacceptable LOS F during the p.m. peak hour under existing conditions. With the Proposed Project, the intersection would operate at LOS F during the a.m. peak hour, and delay would increase by more than 5 seconds during the p.m. peak hour. This would be a **significant impact**.

Implementation of Mitigation Measure 3A.15-1i would reduce the significant impact on the Grant Line Road/White Rock Road Intersection under development of the Proposed Project Alternative to a less-than significant level. Until Sacramento County implements the improvements, the impact would be classified as significant but eventually would be reduced to a less-than-significant level once those improvements are constructed.

Implementation of the mitigation measure will improve operations to a LOS A condition. As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Sacramento County, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation.

The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-1i. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-1i, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-1j: Unacceptable LOS on Hazel Avenue between Madison Avenue and Curragh Downs Drive (Sacramento County Roadway Segment 10).** *The volume-to-capacity ratio on this LOS F segment would increase by more than 0.05 with project-related traffic.*

**Mitigation Measure 3A.15-1j: Participate in Fair Share Funding of Improvements to Reduce Impacts on Hazel Avenue between Madison Avenue and Curragh Downs Drive (Roadway Segment 10).** To ensure that Hazel Avenue operates at an acceptable LOS between Curragh Downs Drive and Gold Country Boulevard, Hazel Avenue must be widened to six lanes. This improvement is part of the County adopted Hazel Avenue widening project. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to Hazel Avenue between Madison Avenue and Curragh Downs Drive (Sacramento County Roadway Segment 10).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

The volume-to-capacity ratio on this LOS F segment would increase by more than 0.05 under the Proposed Project. This is a **significant impact**. Implementation of Mitigation Measure

3A.15-1j would reduce the significant impact on Hazel Avenue between Madison Avenue and Curragh Downs Drive under development of the Proposed Project Alternative to a less than- significant level.

Until Sacramento County implements the improvement, the impact would be classified as significant but eventually would be reduced to a less-than-significant level once those improvements are constructed. Implementation of the mitigation measure will improve operations to a LOS D condition.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom would mitigate or substantially lessen the project's significant impact on this roadway segment but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Sacramento County, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-1j. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-1j, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-11: Unacceptable LOS at the White Rock Road/Windfield Way Intersection (El Dorado County Intersection 3).** *Unsignalized intersection operations at White Rock Road/Windfield Way would degrade as the delay would increase by more than 5 seconds under unacceptable LOS F conditions during the p.m. peak traffic hour.*

**Mitigation Measure 3A.15-11: Participate in Fair Share Funding of Improvements to Reduce Impacts on the White Rock Road/Windfield Way Intersection (El Dorado County Intersection 3).** To ensure that the White Rock Road/Windfield Way intersection operates at an acceptable LOS, the intersection must be signalized and separate northbound left and right turn lanes must be striped. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to the White Rock Road/Windfield Way intersection (El Dorado County Intersection 3).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

Unsignalized intersection operations at the White Rock Road/Windfield Way intersection would degrade as the delay would increase by more than 5 seconds under unacceptable LOS

F conditions during the p.m. peak traffic hour with project-related traffic under the Proposed Project Alternative and all build alternatives. This is a **significant impact**.

Implementation of Mitigation Measure 3A.15-11 would reduce the significant impact on the White Rock Road/Windfield Way Intersection to a less-than-significant level by improving intersection LOS under development of the Proposed Project Alternative to a less-than-significant level.

Until El Dorado County implements the improvement, the impact would be classified as significant but eventually would be reduced to a less-than-significant level once those improvements are constructed. Implementation of the mitigation measure will improve operations to a LOS C condition.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of El Dorado County, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-11. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-11, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-1m: Unacceptable LOS at the Hazel Avenue/U.S. 50 Westbound Ramps Intersection (Caltrans Intersection 1).** Signalized intersection operations at Hazel Avenue/U.S. 50 westbound ramps would degrade as the delay increases with the addition of project or alternative traffic.

#### **Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.15-1n: Unacceptable LOS at the Hazel Avenue/U.S. 50 Eastbound Ramps Intersection (Caltrans Intersection 2).** Signalized intersection operations at Hazel Avenue/U.S. 50 eastbound ramps would degrade as the delay would increase during the p.m. peak hour.

#### **Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.15-1o: Unacceptable LOS at the Folsom Boulevard/U.S. 50 Eastbound Ramps Intersection (Caltrans Intersection 4).** *The signalized intersection of Folsom Boulevard/U.S. 50 eastbound ramps would degrade from an acceptable LOS C to an unacceptable LOS F during the p.m. peak traffic hour with project-related traffic.*

**Mitigation Measure 3A.15-1o: Participate in Fair Share Funding of Improvements to Reduce Impacts on Eastbound U.S. 50 as an alternative to improvements at the Folsom Boulevard/U.S. 50 Eastbound Ramps Intersection (Caltrans Intersection 4).**

► Congestion on eastbound U.S. 50 is causing vehicles to use Folsom Boulevard as an alternate parallel route until they reach U.S. 50, where they must get back on the freeway due to the lack of a parallel route. It is preferred to alleviate the congestion on U.S. 50 than to upgrade the intersection at the end of this reliever route.

► To ensure that the Folsom Boulevard/U.S. 50 eastbound ramps intersection operates at an acceptable LOS, auxiliary lanes should be added to eastbound U.S. 50 from Hazel Avenue to east of Folsom Boulevard. This was recommended in the Traffic Operations Analysis Report for the U.S. 50 Auxiliary Lane Project. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to the Folsom Boulevard/U.S. 50 Eastbound Ramps intersection (Caltrans Intersection 4).

**Finding**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

The signalized intersection of Folsom Boulevard/U.S. 50 eastbound ramps would degrade from an acceptable LOS C to an unacceptable LOS F during the p.m. peak traffic hour under the Proposed Project Alternative. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-1o would reduce the significant impact on the Folsom Boulevard/U.S. 50 eastbound ramp intersection to a less-than-significant level by improving intersection LOS under development of the Proposed Project Alternative. Until the City of Folsom Public Works Department and Sacramento County Department of Transportation implements the improvements, the impact would be classified as significant but eventually would be reduced to a less-than-significant level once those improvements are constructed. Implementation of the mitigation measure will improve operations to a LOS C condition. City of Folsom Public Works Department and Sacramento County Department of Transportation will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom's control would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of



Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-1o. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-1o, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-1p: Unacceptable LOS at the Grant Line Road/ State Route 16 Intersection (Caltrans Intersection 12).** *The signalized intersection of Grant Line Road/State Route 16 would experience an increase in delay during the a.m. peak traffic hour and degrade to an unacceptable LOS F during the p.m. peak traffic hour.*

**Mitigation Measure 3A.15-1p: Participate in Fair Share Funding of Improvements to Reduce Impacts on the Grant Line Road/ State Route 16 Intersection (Caltrans Intersection 12).** To ensure that the Grant Line Road/State Route 16 intersection operates at an acceptable LOS, the northbound and southbound approaches must be reconfigured to consist of one left-turn lane and one shared through/right-turn lane. Protected left-turn signal phasing must be provided on the northbound and southbound approaches. Improvements to the Grant Line Road/State Route 16 intersection are contained within the County Development Fee Program, and are scheduled for Measure A funding.

► Improvements to this intersection must be implemented by Sacramento County and the City of Rancho Cordova. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to the Grant Line Road/SR 16 intersection (Caltrans Intersection 12).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

The signalized intersection of Grant Line Road/State Route 16 would experience an increase in delay under unacceptable LOS F conditions during the a.m. peak traffic hour, and degrade from an acceptable LOS E to an unacceptable LOS F during the p.m. peak traffic hour under the Proposed Project Alternative. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-1p would reduce the significant impact on Grant Line Road/State Route 16 intersection to a less-than-significant level by improving intersection LOS under development of the No Proposed Project Alternative.

Until the City of Rancho Cordova and Sacramento County implement the improvements, the impact would be classified as significant but would be reduced to a less-than-significant level once those improvements are constructed. Implementation of the mitigation measure will improve operations to a LOS C condition.

City of Rancho Cordova Department of Public Works and Sacramento County Department of Transportation will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom's control would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, Sacramento County and the City of Rancho Cordova, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-1p. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-1p, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-1q: Unacceptable LOS on Eastbound U.S. 50 between Zinfandel Drive and Sunrise Boulevard (Freeway Segment 1).** *This freeway segment would degrade to an unacceptable LOS F during the p.m. peak hour.*

**Mitigation Measure 3A.15-1q: Participate in Fair Share Funding of Improvements to Reduce Impacts on Eastbound U.S. 50 between Zinfandel Drive and Sunrise Boulevard (Freeway Segment 1).** To ensure that Eastbound U.S. 50 operates at an acceptable LOS between Zinfandel Drive and Sunrise Boulevard, a bus-carpool (HOV) lane must be constructed. This improvement is currently planned as part of the Sacramento 50 Bus-Carpool Lane and Community Enhancements Project. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to Eastbound U.S. 50 between Zinfandel Drive and Sunrise Boulevard (Freeway Segment 1).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This freeway segment would degrade from an acceptable LOS E to an unacceptable LOS F during the p.m. peak hour under the Proposed Project Alternative. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-1q would reduce the significant impact on Eastbound U.S. 50 between Zinfandel Drive and Sunrise Boulevard to a less-than-significant level by improving freeway segment LOS under development of the Proposed Project Alternative.

Until Caltrans implements the improvements, the impact would be classified as significant but would be reduced to a less-than-significant level once those improvements are constructed. Implementation of the mitigation measure will improve operations to a LOS E condition.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom's control would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-1q. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-1q, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-1r: Unacceptable LOS on Eastbound U.S. 50 between Hazel Avenue and Folsom Boulevard (Freeway Segment 3).** *This freeway segment would degrade to an unacceptable LOS F during the p.m. peak hour with project-related traffic.*

**Mitigation Measure 3A.15-1r: Participate in Fair Share Funding of Improvements to Reduce Impacts on Eastbound U.S. 50 between Hazel Avenue and Folsom Boulevard (Freeway Segment 3).**

To ensure that Eastbound U.S. 50 operates at an acceptable LOS between Hazel Avenue and Folsom Boulevard, an auxiliary lane must be constructed. This improvement was recommended in the Traffic Operations Analysis Report for the U.S. 50 Auxiliary Lane Project. This improvement is included in the proposed 50 Corridor Mobility Fee Program. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to Eastbound U.S. 50 between Hazel Avenue and Folsom Boulevard (Freeway Segment 3).

## **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This freeway segment would degrade from an acceptable LOS E to an unacceptable LOS F during the p.m. peak hour under the Proposed Project Alternative. This is a **significant** impact. Implementation of Mitigation Measure 3A.15-1r would reduce the significant impact on Eastbound U.S. 50 between Hazel Avenue and Folsom Boulevard to a less-than-significant level by improving freeway segment LOS under development of the Proposed Project Alternative.

Until the City of Folsom Public Works Department and Sacramento County Department of Transportation implements the improvement, the impact would be classified as significant but would be reduced to a less-than-significant level once those improvements are constructed. Implementation of the mitigation measure will improve operations to a LOS D condition.

City of Folsom Public Works Department and Sacramento County Department of Transportation will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom's control would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-1r. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-1r, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-1s: Unacceptable LOS on Eastbound U.S. 50 between Folsom Boulevard and Prairie City Road (Freeway Segment 4).** *This freeway segment would degrade to an unacceptable LOS F during the p.m. peak hour and would experience an increase in the volume to capacity ratio under unacceptable LOS F conditions during the p.m. peak hour.*

**Mitigation Measure 3A.15-1s: Participate in Fair Share Funding of Improvements to Reduce Impacts on Eastbound U.S. 50 between Folsom Boulevard and Prairie City Road (Freeway Segment 4).** To ensure that Eastbound U.S. 50 operates at an acceptable

LOS between Folsom Boulevard and Prairie City Road, an auxiliary lane must be constructed. This improvement was recommended in the Traffic Operations Analysis Report for the U.S. 50 Auxiliary Lane Project. This improvement is included in the proposed 50 Corridor Mobility Fee Program. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to Eastbound U.S. 50 between Folsom Boulevard and Prairie City Road (Freeway Segment 4).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This freeway segment would experience an increase in the volume-to-capacity ratio under unacceptable LOS F conditions during the p.m. peak hour with project-related traffic under the Proposed Project Alternative. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-1s would reduce the significant impact on Eastbound U.S. 50 between Folsom Boulevard and Prairie City Road to a less-than-significant level by improving freeway segment LOS under development of the Proposed Project Alternative.

Until the City of Folsom Public Works Department and Sacramento County Department of Transportation implements the improvement, the impact would be classified as significant but eventually would be reduced to a less-than-significant level once those improvements are constructed. Implementation of the mitigation measure will improve operations to a LOS E condition.

City of Folsom Public Works Department and Sacramento County Department of Transportation will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement. As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom's control would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-1s. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-1s, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-1t: Unacceptable LOS on Eastbound U.S. 50 between El Dorado Hills Boulevard – Latrobe Road and Bass Lake Grade (Freeway Segment 9).** This freeway segment would experience an increase in the volume to capacity ratio under unacceptable LOS F conditions during the p.m. peak.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.15-1u: Unacceptable LOS on Westbound U.S. 50 between Prairie City Road and Folsom Boulevard (Freeway Segment 16).** This freeway segment would experience an increase in the volume to capacity ratio under unacceptable LOS F conditions during the a.m. peak hour.

**Mitigation Measure 3A.15-1u: Participate in Fair Share Funding of Improvements to Reduce Impacts on Westbound U.S. 50 between Prairie City Road and Folsom Boulevard (Freeway Segment 16).** To ensure that Westbound U.S. 50 operates at an acceptable LOS between Prairie City Road and Folsom Boulevard, an auxiliary lane must be constructed. This improvement was recommended in the Traffic Operations Analysis Report for the U.S. 50 Auxiliary Lane Project. This improvement is included in the proposed 50 Corridor Mobility Fee Program. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to Westbound U.S. 50 between Prairie City Road and Folsom Boulevard (Freeway Segment 16).

**Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This freeway segment would experience an increase in the volume-to-capacity ratio under unacceptable LOS F conditions during the a.m. peak hour with project-related traffic under the Proposed Project Alternative. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-1u would reduce the significant impact on Westbound U.S. 50 between Prairie City Road and Folsom Boulevard to a less-than-significant level by improving freeway segment LOS under development of the Proposed Project Alternative.

Until the City of Folsom Public Works Department and Sacramento County Department of Transportation implements the improvement, the impact would be classified as significant but eventually would be reduced to a less-than-significant level once those improvements are constructed. Implementation of the mitigation measure will improve operations to LOS D.

City of Folsom Public Works Department and Sacramento County Department of Transportation will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom's control would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-1u. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-1u, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-1v: Unacceptable LOS on Westbound U.S. 50 between Hazel Avenue and Sunrise Boulevard (Freeway Segment 18).** *This freeway segment would experience an increase in the volume to capacity ratio under unacceptable LOS F conditions during the a.m. peak hour.*

**Mitigation Measure 3A.15-1v: Participate in Fair Share Funding of Improvements to Reduce Impacts on Westbound U.S. 50 between Hazel Avenue and Sunrise Boulevard (Freeway Segment 18).** To ensure that Westbound U.S. 50 operates at an acceptable LOS between Hazel Avenue and Sunrise Boulevard, an auxiliary lane must be constructed. This improvement was recommended in the Traffic Operations Analysis Report for the U.S. 50 Auxiliary Lane Project, and included in the proposed Rancho Cordova Parkway interchange project. Improvements to this freeway segment must be implemented by Caltrans. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to Westbound U.S. 50 between Hazel Avenue and Sunrise Boulevard (Freeway Segment 18).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This freeway segment would experience an increase in the volume-to-capacity ratio under unacceptable LOS F conditions during the a.m. peak hour with project-related traffic under the Proposed Project Alternative. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-1v would reduce the significant impact on Eastbound U.S. 50 between Hazel Avenue and Sunrise Boulevard to a less-than-significant

level by improving freeway segment LOS under development of the Proposed Project Alternative.

Until the City of Rancho Cordova Department of Public Works and Sacramento County Department of Transportation implements the improvement, the impact would be classified as significant, but would be reduced to a less-than-significant level once those improvements are constructed. Implementation of the mitigation measure will improve operations to LOS D.

City of Rancho Cordova Department of Public Works and Sacramento County Department of Transportation will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom's control would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-1v. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-1v, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-1w: Unacceptable LOS at the U.S. 50 Eastbound / Folsom Boulevard Ramp Merge (Freeway Merge 4).** *This freeway merge would experience an increase in density under unacceptable LOS F conditions during the p.m. peak hour.*

**Mitigation Measure 3A.15-1w: Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Eastbound / Folsom Boulevard Ramp Merge (Freeway Merge 4).** To ensure that Eastbound U.S. 50 operates at an acceptable LOS at the Folsom Boulevard merge, an auxiliary lane from the Folsom Boulevard merge to the Prairie City Road diverge must be constructed.

This improvement was recommended in the Traffic Operations Analysis Report for the U.S. 50 Auxiliary Lane Project. This improvement is included in the proposed 50 Corridor Mobility Fee Program. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to the U.S. 50 Eastbound/Folsom Boulevard Ramp Merge (Freeway Merge 4).



## **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This freeway merge would experience an increase in density under unacceptable LOS F conditions during the p.m. peak hour under the Proposed Project Alternative. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-1w would reduce the significant impact on the U.S. 50 Eastbound / Folsom Boulevard Ramp Merge to a less-than-significant level by improving freeway merge LOS under development of the Proposed Project Alternative.

Until the City of Folsom Public Works Department and Sacramento County Department of Transportation implements the improvement, the impact would be classified as significant, but would be reduced to a less-than significant level once those improvements are constructed. Implementation of the mitigation measure will improve operations to a LOS D condition.

City of Folsom Public Works Department and Sacramento County Department of Transportation will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom's control would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-1w. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-1w, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-1x: Unacceptable LOS at the U.S. 50 Eastbound / Prairie City Road Diverge (Freeway Diverge 5).** *This freeway diverge would experience an increase in density under unacceptable LOS F conditions during the p.m. peak hour.*

**Mitigation Measure 3A.15-1x: Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Eastbound / Prairie City Road Diverge (Freeway Diverge 5).**

To ensure that Eastbound U.S. 50 operates at an acceptable LOS at the Prairie City Road off-ramp diverge, an auxiliary lane from the Folsom Boulevard merge must be constructed. This improvement was recommended in the Traffic Operations Analysis Report for the U.S. 50 Auxiliary Lane Project. This auxiliary lane improvement is included in the proposed 50 Corridor Mobility Fee Program. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Eastbound/Prairie City Road diverge (Freeway Diverge 5).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This freeway diverge would experience an increase in density under unacceptable LOS F conditions during the p.m. peak hour under the Proposed Project Alternative. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-1x would reduce the significant impact on the U.S. 50 Eastbound / Prairie City Road Diverge to a less-than-significant level by eliminating the diverge movement from the freeway mainline under development of the Proposed Project Alternative. Until the City of Folsom Public Works Department and Sacramento County Department of Transportation implements the improvement, the impact would be classified as significant but eventually would be reduced to a less-than-significant level once those improvements are constructed. Implementation of the mitigation measure will improve operations to an acceptable condition. With the elimination of the diverge movement there is no specific LOS for the mitigated condition.

City of Folsom Public Works Department and Sacramento County Department of Transportation will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom's control would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-1x. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-1x, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-1y: Unacceptable LOS at the U.S. 50 Eastbound / Prairie City Road Merge (Freeway Merge 6).** *This freeway merge would degrade to an unacceptable LOS F during the p.m. peak hour.*

**Mitigation Measure 3A.15-1y: Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Eastbound / Prairie City Road Direct Merge (Freeway Merge 6).** To ensure that Eastbound U.S. 50 operates at an acceptable LOS at the Prairie City Road on-ramp direct merge, an auxiliary lane to the East Bidwell Street – Scott Road diverge must be constructed. This auxiliary lane improvement is included in the proposed 50 Corridor Mobility Fee Program. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Eastbound/Prairie City Road direct merge (Freeway Merge 6).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This freeway merge would degrade from an acceptable LOS E to an unacceptable LOS F during the p.m. peak hour under the Proposed Project Alternative. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-1y would reduce the significant impact on the U.S. 50 Eastbound / Prairie City Road Direct Merge to a less-than-significant level by eliminating the merge movement from the freeway mainline under development of the Proposed Project Alternative. Until the City of Folsom Public Works Department implements the improvement, the impact would be classified as significant but would be reduced to a less-than-significant level once those improvements are constructed.

Implementation of the mitigation measure will improve operations to an acceptable condition. With the elimination of the direct merge movement there is no specific LOS for the mitigated condition.

City of Folsom Public Works Department will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement. As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom's control would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent

with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-1y. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-1y, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-1z: Unacceptable LOS at the U.S. 50 Eastbound / Prairie City Road Flyover On-Ramp to Oak Avenue Parkway Off-Ramp Weave (Freeway Weave 8).** *This new freeway weave would operate an unacceptable LOS F during the p.m. peak hour.*

**Mitigation Measure 3A.15-1z: Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Eastbound / Prairie City Road Flyover On-Ramp to Oak Avenue Parkway Off-Ramp Weave (Freeway Weave 8).** To ensure that Eastbound U.S. 50 operates at an acceptable LOS at the Prairie City Road flyover on-ramp to Oak Avenue Parkway off-ramp weave, an improvement acceptable to Caltrans should be implemented to eliminate the unacceptable weaving conditions. Such an improvement may involve a “braided ramp”. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Eastbound/Prairie City Road flyover on-ramp to Oak Avenue Parkway off-ramp weave (Freeway Weave 8).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This new freeway weave would operate an unacceptable LOS F during the p.m. peak hour under the Proposed Project Alternative. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-1z would reduce the significant impact on the U.S. 50 Eastbound / Prairie City Road Flyover On-Ramp to Oak Avenue Parkway Off-Ramp Weave to a less-than-significant level by improving intersection LOS under development of the Proposed Project Alternative.

Until the City of Folsom Public Works Department implements the improvement, the impact would be classified as significant but would be reduced to a less-than-significant level once those improvements are constructed. Implementation of the mitigation measure will improve operations to a LOS D condition. City of Folsom Public Works Department will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom’s control would mitigate or substantially lessen the project’s significant impact on this intersection but the

impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-1z. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-1z, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-1aa: Unacceptable LOS at the U.S. 50 Eastbound / Oak Avenue Parkway Loop Merge (Freeway Merge 9).** *This new freeway merge would operate an unacceptable LOS F during the p.m. peak.*

**Mitigation Measure 3A.15-1aa: Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Eastbound / Oak Avenue Parkway Loop Merge (Freeway Merge 9).** To ensure that Eastbound U.S. 50 operates at an acceptable LOS at the Oak Avenue Parkway loop merge, an auxiliary lane to the East Bidwell Street – Scott Road diverge must be constructed. This auxiliary lane improvement is included in the proposed 50 Corridor Mobility Fee Program. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Eastbound / Oak Avenue Parkway loop merge (Freeway Merge 9).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This new freeway merge would operate an unacceptable LOS F during the p.m. peak hour under the Proposed Project Alternative. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-1aa would reduce the significant impact on the U.S. 50 Eastbound / Oak Avenue Parkway Loop Merge to a less-than-significant level by improving intersection LOS under development of the Proposed Project Alternative. Until the City of Folsom Public Works Department implements the improvement, the impact would be classified as significant but eventually would be reduced to a less-than-significant level once those improvements are constructed. Implementation of the mitigation measure will improve operations to a LOS C condition.

City of Folsom Public Works Department will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom’s control would mitigate or substantially lessen the project’s significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-1aa. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-1aa, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-1bb: Unacceptable LOS at the U.S. 50 Eastbound/El Dorado Hills Boulevard – Latrobe Road Merge (Freeway Merge 19).** This freeway merge would experience an increase in density under unacceptable LOS F conditions during the p.m. peak hour.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.15-1cc: Unacceptable LOS at the U.S. 50 Westbound/El Dorado Hills Boulevard Diverge (Freeway Diverge 20).** This freeway diverge would experience an increase in density under unacceptable LOS F conditions during the a.m. peak hour.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.15-1dd: Unacceptable LOS at the U.S. 50 Westbound / Empire Ranch Road Loop Ramp Merge (Freeway Merge 23).** This freeway merge would operate at an unacceptable LOS F during the a.m. peak hour.

**Mitigation Measure 3A.15-1dd: Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Westbound / Empire Ranch Road Loop Ramp Merge (Freeway Merge 23).** To ensure that Westbound U.S. 50 operates at an acceptable LOS, the northbound Empire Ranch Road loop on ramp should start the westbound auxiliary lane that ends at the East Bidwell Street – Scott Road off ramp. The slip on ramp from southbound Empire Ranch Road would merge into this extended auxiliary lane. Improvements to this freeway segment must be implemented by Caltrans. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other

appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Westbound/Empire Ranch Road loop ramp merge (Freeway Merge 23).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This new freeway merge would operate at an unacceptable LOS F during the a.m. peak hour under the Proposed Project Alternative. This is a **significant** impact. Implementation of Mitigation Measure 3A.15-1dd would reduce the significant impact on the U.S. 50 Westbound / Empire Ranch Road Loop Ramp Merge to a less-than-significant level by eliminating the merge movement from the freeway mainline under development of the Proposed Project Alternative and all the build alternatives.

Until the City of Folsom Public Works Department implements the improvement, the impact would be classified as significant but would be reduced to a less-than-significant level once those improvements are constructed.

Implementation of the mitigation measure will improve operations to an acceptable condition. With the elimination of the direct merge movement there is no specific LOS for the mitigated condition.

City of Folsom Public Works Department will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement. As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom's control would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-1dd. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-1dd, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-1ee: Unacceptable LOS at the U.S. 50 Westbound / Oak Avenue Parkway Loop Ramp Merge (Freeway Merge 29).** *This freeway merge would operate at an unacceptable LOS F during the a.m. peak hour.*

**Mitigation Measure 3A.15-1ee: Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Westbound / Oak Avenue Parkway Loop Ramp Merge**

**(Freeway Merge 29).** To ensure that Westbound U.S. 50 operates at an acceptable LOS, the northbound Oak Avenue Parkway loop on ramp should start the westbound auxiliary lane that ends at the Prairie City Road off ramp. The slip on ramp from southbound Oak Avenue Parkway would merge into this extended auxiliary lane.

Improvements to this freeway segment must be implemented by Caltrans. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Westbound/Oak Avenue Parkway loop ramp merge (Freeway Merge 29).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This new freeway merge would operate at an unacceptable LOS F during the a.m. peak hour under the Proposed Project Alternative. This is a **significant** impact. Implementation of Mitigation Measure 3A.15-1ee would reduce the significant impact on the U.S. 50 Westbound / Oak Avenue Parkway Loop Ramp Merge to a less-than-significant level by eliminating the merge movement from the freeway mainline under development of the Proposed Project Alternative and all the build alternatives.

Until the City of Folsom Public Works Department implements the improvement, the impact would be classified as significant but would be reduced to a less-than-significant level once those improvements are constructed.

Implementation of the mitigation measure will improve operations to an acceptable condition. With the elimination of the direct merge movement there is no specific LOS for the mitigated condition. City of Folsom Public Works Department will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom's control would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or



implementation of Mitigation Measure 3A.15-1ee. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-1ee, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-1ff: Unacceptable LOS at the U.S. 50 Westbound / Prairie City Road Loop Ramp Merge (Freeway Merge 32).** *This freeway merge would degrade to an unacceptable LOS F during the a.m. peak hour.*

**Mitigation Measure 3A.15-1ff: Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Westbound / Prairie City Road Loop Ramp Merge (Freeway Merge 32).** To ensure that Westbound U.S. 50 operates at an acceptable LOS at the Prairie City Road loop ramp merge, an auxiliary lane to the Folsom Boulevard off ramp diverge must be constructed. This auxiliary lane improvement is included in the proposed 50 Corridor Mobility Fee Program. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Westbound/Prairie City Road Loop Ramp Merge (Freeway Merge 32).

#### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This freeway merge would degrade from an acceptable LOS E to an unacceptable LOS F during the a.m. peak hour under the Proposed Project Alternative. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-1ff would reduce the significant impact on the U.S. 50 Westbound / Prairie City Road Loop Ramp Merge to a less-than-significant level by eliminating the merge movement from the freeway mainline under development of the Proposed Project Alternative.

Until the City of Folsom Public Works Department and Sacramento County Department of Transportation implements the improvement, the impact would be classified as significant but would be reduced to a less-than significant level once those improvements are constructed. Implementation of the mitigation measure will improve operations to an acceptable condition. With the elimination of the direct merge movement there is no specific LOS for the mitigated condition.

City of Folsom Public Works Department and Sacramento County Department of Transportation will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom's control would

mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation of the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-1ff. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-1ff, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-1gg: Unacceptable LOS at the U.S. 50 Westbound / Prairie City Road Ramp Merge (Freeway Merge 33).** *This freeway merge would experience an increase in density under unacceptable LOS F conditions during the a.m. peak hour.*

**Mitigation Measure 3A.15-1gg: Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Westbound / Prairie City Road Direct Ramp Merge (Freeway Merge 33).** To ensure that Westbound U.S. 50 operates at an acceptable LOS at the Prairie City Road direct ramp merge, an auxiliary lane to the Folsom Boulevard off ramp diverge must be constructed. This auxiliary lane improvement is included in the proposed 50 Corridor Mobility Fee Program. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Westbound/Prairie City Road direct ramp merge (Freeway Merge 33).

#### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This freeway merge would experience an increase in density under unacceptable LOS F conditions during the a.m. peak hour under the Proposed Project Alternative. This is a **significant** impact. Implementation of Mitigation Measure 3A.15-1gg would reduce the significant impact the U.S. 50 Westbound / Prairie City Road Direct Ramp Merge to a less-than-significant level by improving freeway merge LOS under development of the Proposed Project Alternative and all build alternatives.

Until the City of Folsom Public Works Department and Sacramento County Department of Transportation implements the improvement, the impact would be classified as significant but would be reduced to a less-than-significant level once those improvements are constructed. Implementation of the mitigation measure will improve operations to a LOS C.

City of Folsom Public Works Department and Sacramento County Department of Transportation will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom's control would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-1gg. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-1gg, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-1hh: Unacceptable LOS at the U.S. 50 Westbound / Folsom Boulevard Diverge (Freeway Diverge 34).** *This freeway diverge would experience an increase in density under unacceptable LOS F conditions during the a.m. peak hour, and degrade from an acceptable LOS D to an unacceptable LOS F during the p.m. peak hour.*

**Mitigation Measure 3A.15-1hh: Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Eastbound / Folsom Boulevard Diverge (Freeway Diverge 34).** To ensure that Westbound U.S. 50 operates at an acceptable LOS at the Folsom Boulevard Diverge, an auxiliary lane from the Prairie City Road loop ramp merge must be constructed. Improvements to this freeway segment must be implemented by Caltrans. This auxiliary lane improvement is included in the proposed 50 Corridor Mobility Fee Program. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Eastbound / Folsom Boulevard diverge (Freeway Diverge 34).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This freeway diverge would experience an increase in density under unacceptable LOS F conditions during the a.m. peak hour under the Proposed Project Alternative. This is a **significant** impact. Implementation of Mitigation Measure 3A.15-1hh would reduce the significant impact on the U.S. 50 Eastbound / Folsom Boulevard Diverge to a less-than-

significant level by improving intersection LOS under development of the Proposed Project Alternative.

Until the City of Folsom Public Works Department and Sacramento County Department of Transportation implements the improvement, the impact would be classified as significant but would be reduced to a less-than significant level once those improvements are constructed. Implementation of the mitigation measure will improve operations to a LOS B. City of Folsom Public Works Department and Sacramento County Department of Transportation will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom's control would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-1hh. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-1hh, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-1ii: Unacceptable LOS at the U.S. 50 Westbound / Hazel Avenue Ramp Merge (Freeway Merge 38).** *This freeway merge would experience an increase in density under unacceptable LOS F conditions during the a.m. peak hour.*

**Mitigation Measure 3A.15-1ii: Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Westbound / Hazel Avenue Direct Ramp Merge (Freeway Merge 38).** To ensure that Westbound U.S. 50 operates at an acceptable LOS at the Hazel Avenue direct ramp merge, an auxiliary lane to the Sunrise Boulevard off ramp diverge must be constructed. This auxiliary lane improvement is included in the proposed 50 Corridor Mobility Fee Program. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to the U.S. 50 Westbound/Hazel Avenue direct ramp merge (Freeway Merge 38).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This freeway merge would experience an increase in density under unacceptable LOS F conditions during the a.m. peak hour under the Proposed Project Alternative. This is a **significant** impact. Implementation of Mitigation Measure 3A.15-1ii would reduce the significant impact the U.S. 50 Westbound / Hazel Avenue Direct Ramp Merge to a less-than-significant level by eliminating the merge movement from the freeway mainline under development of the Proposed Project Alternative and all build alternatives.

Until the City of Rancho Cordova Department of Public Works and Sacramento County Department of Transportation implements the improvement, the impact would be classified as significant but would be reduced to a less-than-significant level once those improvements are constructed. Implementation of the mitigation measure will improve operations to an acceptable condition. With the elimination of the direct merge movement there is no specific LOS for the mitigated condition.

City of Rancho Cordova Department of Public Works and Sacramento County Department of Transportation will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom's control would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-1ii. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-1ii, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-2: Increased Demand for Single-Occupant Automobile Travel in the Project Area.** *Project implementation would increase demand for single-occupant automobile travel on area roadways and intersections causing roadway and intersection impacts.*

**Mitigation Measure 3A.15-2a: Develop Commercial Support Services and Mixed-use Development Concurrent with Housing Development, and Develop and Provide Options for Alternative Transportation Modes.** The project applicant(s) for any particular discretionary development application including commercial or mixed-use development along with residential uses shall develop commercial and mixed-use development concurrent with housing development, to the extent feasible in light of market realities and other considerations, to internalize vehicle trips. Pedestrian and bicycle facilities shall be implemented to the satisfaction of the City Public Works Department. To further minimize impacts from the increased demand on area roadways and intersections, the project

applicant(s) for any particular discretionary development application involving schools or commercial centers shall develop and implement safe and secure bicycle parking to promote alternative transportation uses and reduce the volume of single-occupancy vehicles using area roadways and intersections.

The project applicant(s) any particular discretionary development application shall participate in capital improvements and operating funds for transit service to increase the % of travel by transit. The project's fair-share participation and the associated timing of the improvements and service shall be identified in the project conditions of approval and/or the project's development agreement. Improvements and service shall be coordinated, as necessary, with Folsom Stage Lines and Sacramento RT.

**Mitigation Measure 3A.15-2b: Participate in the City's Transportation System Management Fee Program.** The project applicant(s) for any particular discretionary development application shall pay an appropriate amount into the City's existing Transportation System Management Fee Program to reduce the number of single-occupant automobile travel on area roadways and intersections.

The project applicant(s) for any particular discretionary development application shall join and participate with the 50 Corridor Transportation Management Association to reduce the number of single-occupant automobile travel on area roadways and intersections.

### **Findings**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.*

The project would add significant traffic to area roadways and intersections, increasing the demand for single-occupant automobile travel on area roadways and intersections, causing roadway and intersection impacts under all five development alternatives. This increase is considered a **significant** impact.

Implementation of Mitigation Measure 3A.15-2a would reduce the demand of the single-occupant vehicle on area roadways and intersections. Implementation of Mitigation Measures 3A.15-2b and 3A.15-2c would promote usage of alternative transportation modes and increase the supply of these modes. Although the mitigation measures have the potential to substantially reduce the number of single-occupant vehicles, the project would continue to add single-occupant vehicles in the area and the impact would remain **significant and unavoidable**.

No other feasible mitigation measures are available to reduce impacts associated with increased demand for single-occupant automobile travel to a less-than-significant level because it is technically infeasible to allow new development without the potential to increase demand for single-occupant automobile trips. The project's objectives include providing a large-scale mixed-use and mixed-density residential housing development within

the City of Folsom, south of U.S. 50. Therefore, mitigation to a less-than-significant level is not possible while still allowing for implementation of the specific plan. Thus, because it is impossible to allow new development without potentially increasing demand for single-occupant automobile trips, mitigation of this impact to a less than- significant level would be facially infeasible and this impact is significant and unavoidable.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts, and that the project should be approved, as explained in the statement of overriding considerations below.

### **IMPACT 3A.15-3:**

**Potential Impacts Associated with the City's Transportation Impact Fee Program.** *The City of Folsom has a transportation impact fee program to implement roadway facilities (those identified in the City General Plan for implementation before Year 2030) within the city limits. However, this fee program does not cover the new roadway facilities that will be needed due to the Proposed Project or alternative.*

**Mitigation Measure 3A.15-3: Pay Full Cost of Identified Improvements that Are Not Funded by the City's Fee Program.** In accordance with Measure W, the project applicant(s) for any particular discretionary development application shall fully fund improvements only required because of the Specific Plan.

### **Findings**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.*

The City's fee transportation impact fee program does not cover the South of U.S. 50 area, or improvements within the existing City that will only be needed because of the Proposed Project Alternative. Measure W, passed by the City of Folsom voters, requires that all improvements required by the South of U.S. 50 Specific Plan be fully funded by the development in the SPA. Therefore, cumulative impacts identified require additional funding (beyond the current fee program) to mitigate the impacts. This is considered a **significant** impact.

Implementation of Mitigation Measure 3A.15-3 requires project applicants to fully fund all improvements only required by the Proposed Project Alternative. However, because ultimate funding of the improvements cannot be guaranteed and the City cannot guarantee implementation of the identified measures, the impact would remain **significant and unavoidable**. If the City is able to ultimately fully fund the fee program through fair-share contributions or external funding sources, the impact would be classified as significant in the short term but would be reduced to a less-than-significant level in the long term.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts, and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.15-4a: Unacceptable LOS at the Sibley Street/Blue Ravine Road Intersection (Folsom Intersection 2) under Cumulative (2030) Conditions.** *This signalized intersection would degrade to an unacceptable level of service D or E with an increase of five or more seconds of delay during the a.m. peak traffic hour under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4a: The Applicant Shall Pay a Fair Share to Fund the Construction of Improvements to the Sibley Street/Blue Ravine Road Intersection (Folsom Intersection 2).** To ensure that the Sibley Street/Blue Ravine Road intersection operates at a LOS D with less than the Cumulative No Project delay, the northbound approach must be reconfigured to consist of two left-turn lane, two through lanes, and one dedicated right-turn lane. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the Sibley Street/Blue Ravine Road intersection (Folsom Intersection 2).

#### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS.*

This signalized intersection would degrade from an unacceptable level of service (LOS) D to an unacceptable level of service D or E with an increase of five or more seconds of delay during the a.m. peak traffic hour with traffic from the Proposed Project Alternative under cumulative (2030) conditions. This would be a **significant** impact.

Implementation of Mitigation Measure 3A.15-4a would reduce the significant impact on Folsom Intersection 2 under cumulative (2030) conditions to a **less-than-significant** level, by enabling the intersection to operate at a LOS D with less than the Cumulative No Project delay.

**IMPACT 3A.15-4b: Unacceptable LOS at the Oak Avenue Parkway/East Bidwell Street Intersection (Folsom Intersection 6) under Cumulative (2030) Conditions.** *This signalized intersection would degrade to an unacceptable level of service D with an increase of five or more seconds of delay during the p.m. peak traffic hours under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4b: The Applicant Shall Pay a Fair Share to Fund the Construction of Improvements to the Oak Avenue Parkway/East Bidwell Street Intersection (Folsom Intersection 6).** To ensure that the Oak Avenue Parkway/East Bidwell Street intersection operates at an acceptable LOS, the eastbound (East Bidwell Street) approach must be reconfigured to consist of two left-turn lanes, four through lanes and a right-turn lane, and the westbound (East Bidwell Street) approach must be reconfigured to consist of two left-turn lanes, four through lanes, and a right-turn lane. It is against the City of Folsom policy to have eight lane roads because of the impacts to non motorized traffic and adjacent development; therefore, this improvement is infeasible.



## **Findings**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.*

This signalized intersection would degrade from an unacceptable level of service D to an unacceptable level of service D with an increase of five or more seconds of delay during the p.m. peak traffic hours with traffic associated with the Proposed Project Alternative and all build alternatives under cumulative (2030) conditions. The impacts of these alternatives would be similar to that of the Proposed Project Alternative.

Implementation of Mitigation Measure 3A.15-4b would reduce the significant impact on Folsom Intersection 6 under the Proposed Project Alternative under cumulative (2030) conditions to a less-than-significant level; however, identified improvement is against the City of Folsom policy because of the impacts to non motorized traffic; therefore, the improvement would not be implemented. Given these conditions the impact is **significant and unavoidable**.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts, and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.15-4c: Unacceptable LOS at the East Bidwell Street/Nesmith Court Intersection (Folsom Intersection 7) under Cumulative (2030) Conditions.** *Project or build alternative traffic would increase delay at this deficient intersection by more than 5 seconds during the p.m. peak traffic hour under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-7c: The Applicant Shall Pay a Fair Share to Fund the Construction of Improvements to the East Bidwell Street/Nesmith Court Intersection (Folsom Intersection 7).** To ensure that the East Bidwell Street/College Street intersection operates at acceptable LOS C or better, the westbound approach must be reconfigured to consist of one left-turn lane, one left-through lane, and two dedicated right-turn lanes. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the East Bidwell Street/Nesmith Court intersection (Folsom Intersection 7).

## **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

This signalized intersection would operate at an unacceptable LOS E during the p.m. peak traffic hours with or without project traffic under cumulative (2030) conditions. Project

traffic would increase delay at this intersection by more than 5 seconds during the p.m. peak traffic hours under the Proposed.

Implementation of Mitigation Measure 3A.15-4c would reduce the significant impact on Folsom Intersection 7 under the Proposed Project Alternative under cumulative (2030) conditions to a **less-than-significant** level, by enabling this intersection to operate at an acceptable LOS C.

**IMPACT 3A.15-4d: Unacceptable LOS at the East Bidwell Street /Iron Point Road Intersection (Folsom Intersection 21) under Cumulative (2030) Conditions.** *This signalized intersection would degrade to an unacceptable LOS F during the p.m. peak traffic hours under the proposed project and all of the build alternatives under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4d: The Applicant Shall Pay a Fair Share to Fund the Construction of Improvements to the East Bidwell Street/Iron Point Road Intersection (Folsom Intersection 21).** To ensure that the East Bidwell Street /Iron Point Road intersection operates at an acceptable LOS, the northbound approach must be reconfigured to consist of two left-turn lanes, four through lanes and a right-turn lane, and the southbound approach must be reconfigured to consist of two left-turn lanes, four through lanes and a right-turn lane. It is against the City of Folsom policy to have eight lane roads because of the impacts to non motorized traffic and adjacent development; therefore, this improvement is infeasible.

### **Findings**

*Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR/FEIS.*

This signalized intersection would degrade from an unacceptable LOS E to an unacceptable LOS F during the p.m. peak traffic hours under the Proposed Project Alternative under cumulative (2030) conditions.

Implementation of Mitigation Measure 3A.15-4d would reduce the significant impact on Folsom Intersection 21 from the Proposed Project Alternative under cumulative (2030) conditions to a less-than-significant level; however, identified improvement is against the City of Folsom policy because of the impacts to non motorized traffic; therefore, the improvement would not be implemented. Given these conditions the impact is **significant and- unavoidable**.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts, and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.15-4f: Unacceptable LOS at the Empire Ranch Road / Iron Point Road Intersection (Folsom Intersection 24) under Cumulative (2030) Conditions.** *During the p.m. peak traffic hour, this intersection would operate at LOS E or F with an increase in delay of 5 or more seconds under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4f: The Applicant Shall Pay a Fair Share to Fund the Construction of Improvements to the Empire Ranch Road / Iron Point Road Intersection (Folsom Intersection 24).** To ensure that the Empire Ranch Road / Iron Point Road intersection operates at a LOS D or better, all of the following improvements are required:

- ▶ The eastbound approach must be reconfigured to consist of one left-turn lane, two through lanes, and a right-turn lane.
- ▶ The westbound approach must be reconfigured to consist of two left-turn lanes, one through lane, and a through-right lane.
- ▶ The northbound approach must be reconfigured to consist of two left-turn lanes, three through lanes, and a right-turn lane.
- ▶ The southbound approach must be reconfigured to consist of two left-turn lanes, three through lanes, and a right-turn lane.

The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the Empire Ranch Road/Iron Point Road Intersection (Folsom Intersection 24).

#### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Addition of traffic associated with the Proposed Project Alternative would cause this intersection to operate at LOS E or F during the p.m. peak hour with an increase in delay of 5 seconds or greater. This is a **significant impact**.

Implementation of Mitigation Measure 3A.15-4f would reduce the significant impact on Folsom Intersection 24 from Proposed Project Alternative under cumulative (2030) conditions to a **less-than-significant** level, by allowing this intersection to operate at a LOS D or better.

**IMPACT 3A.15-4g: Unacceptable LOS at the Oak Avenue Parkway / Easton Valley Parkway Intersection (Folsom Intersection 33) under Cumulative (2030) Conditions.** *This new signalized intersection would operate at an unacceptable LOS D during the a.m. peak traffic*

*hour with the addition of proposed project and alternative traffic under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4g: The Applicant Shall Fund and Construct Improvements to the Oak Avenue Parkway / Easton Valley Parkway Intersection (Folsom Intersection 33).** To ensure that the Oak Avenue Parkway / Easton Valley Parkway intersection operates at an acceptable LOS the southbound approach must be reconfigured to consist of two left-turn lanes, two through lanes, and two right-turn lanes. The applicant shall fund and construct these improvements.

#### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

This new signalized intersection would operate at an unacceptable LOS D during the a.m. peak traffic hour with the addition of the Proposed Project Alternative traffic under cumulative (2030) conditions. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-4g would reduce the significant impact on Folsom Intersection 33 from the Proposed Project Alternative under cumulative (2030) conditions to a **less-than-significant** level, by allowing this intersection to operate at an acceptable LOS C.

**IMPACT 3A.15-4h: LOS D at the Scott Road (East)/Easton Valley Parkway Intersection (Intersection 38) under Cumulative (2030) Conditions.** This new signalized intersection would operate at LOS D during the p.m. peak traffic hour with project traffic under cumulative (2030) conditions.

#### **Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.15-4i: Unacceptable LOS at the Grant Line Road/White Rock Road Intersection (Sacramento County Intersection 3) under Cumulative (2030) Conditions.** *This signalized intersection would degrade to an unacceptable LOS F during the a.m. peak traffic hours under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4i: Participate in Fair Share Funding of Improvements to Reduce Impacts on the Grant Line Road/White Rock Road Intersection (Sacramento County Intersection 3).** To ensure that the Grant Line Road/White Rock Road intersection operates at an acceptable LOS E or better this intersection should be replaced by some type

of grade separated intersection or interchange. Improvements to this intersection are identified in the Sacramento County's Proposed General Plan. Implementation of these improvements would assist in reducing traffic impacts on this intersection by providing acceptable operation. Intersection improvements must be implemented by Sacramento County. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to the Grant Line Road/White Rock Road Intersection (Sacramento County Intersection 3).

### **Findings**

***Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.***

This signalized intersection would degrade from an acceptable LOS E to an unacceptable LOS F during the a.m. peak traffic hours under the Proposed Project Alternative under cumulative (2030) conditions. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-4i would reduce the significant impact on the Grant Line Road/White Rock Road intersection from the Proposed Project Alternative under cumulative (2030) conditions to a less-than-significant level, by allowing this intersection to operate at an acceptable LOS E or better.

If Sacramento County implements the improvements, the impact would be reduced to a less-than-significant level. As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Sacramento County, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-4i. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-4i, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-4j: Unacceptable LOS on Grant Line Road between White Rock Road and Kiefer Boulevard (Sacramento County Roadway Segments 5-7) under Cumulative (2030) Conditions.** *Operating conditions of these deficient roadway segments would deteriorate and the V/C ratio would increase by more than 0.05 with project traffic under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4j: Participate in Fair Share Funding of Improvements to Reduce Impacts on Grant Line Road between White Rock Road and Kiefer Boulevard (Sacramento County Roadway Segments 5-7).** To improve operation on Grant Line Road between White Rock Road and Kiefer Boulevard, this roadway segment must be widened to six lanes. This improvement is proposed in the Sacramento County and the City of Rancho Cordova General Plans; however, it is not in the 2035 MTP. Improvements to this roadway segment must be implemented by Sacramento County and the City of Rancho Cordova.

The identified improvement would more than offset the impacts specifically related to the Folsom South of U.S. 50 project on this roadway segment. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to Grant Line Road between White Rock Road and Kiefer Boulevard (Sacramento County Roadway Segments 5-7).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

Operation of these roadway segments would operate at an unacceptable LOS F with or without the Proposed Project Alternative, and the V/C ratio would increase by more than 0.05 with Proposed Project Alternative traffic under cumulative (2030) conditions. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-4j would reduce the significant impact on Grant Line Road between White Rock Road and Kiefer Boulevard from the Proposed Project Alternative under cumulative (2030) conditions, by offsetting impacts of project traffic. If Sacramento County and the City of Rancho Cordova implement the improvement, the impact would be reduced to a less-than-significant level.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Sacramento County and the City of Rancho Cordova, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-4j. The agency(ies) with jurisdiction over these off-site elements can and should implement

Mitigation Measure 3A.15-4j, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-4k: Unacceptable LOS on Grant Line Road between Kiefer Boulevard and Jackson Highway (Sacramento County Roadway Segment 8) under Cumulative (2030) Conditions.** *Operating conditions of this deficient roadway segment would degrade by increasing the V/C by 0.05 with increased traffic under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4k: Participate in Fair Share Funding of Improvements to Reduce Impacts on Grant Line Road between Kiefer Boulevard and Jackson Highway (Sacramento County Roadway Segment 8).** To improve operation on Grant Line Road between Kiefer Boulevard Jackson Highway, this roadway segment could be widened to six lanes. This improvement is proposed in the Sacramento County and the City of Rancho Cordova General Plans; however, it is not in the 2035 MTP. Improvements to this roadway segment must be implemented by Sacramento County and the City of Rancho Cordova.

The identified improvement would more than offset the impacts specifically related to the Folsom South of U.S. 50 project on this roadway segment. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to Grant Line Road between Kiefer Boulevard and Jackson Highway (SR 16) (Sacramento County Roadway Segment 8).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This roadway segment would operate at an unacceptable LOS F with an increase of V/C ratio of 0.05 or greater under the Proposed Project Alternative under cumulative (2030) conditions. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-4k would reduce the significant impact on Grant Line Road between Kiefer Boulevard and Jackson Highway from the Proposed Project Alternative under cumulative (2030) conditions, by improving operations to LOS C. If Sacramento County and the City of Rancho Cordova implement the improvement, the impact would be reduced to a less-than-significant level.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Sacramento

County and the City of Rancho Cordova, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-4k. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-4k, which would mitigate this potential impact to a less than significant level.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.15-4l: Unacceptable LOS on Hazel Avenue between Curragh Downs Drive and U.S. 50 Westbound Ramps (Sacramento County Roadway Segment s 12-13) under Cumulative (2030) Conditions.** *Operation of these deficient roadway segments degrade with the V/C ratio increasing by more than 0.05 with project and alternative traffic under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4l: Participate in Fair Share Funding of Improvements to Reduce Impacts on Hazel Avenue between Curragh Downs Drive and U.S. 50 Westbound Ramps (Sacramento County Roadway Segment s 12-13).** To improve operation on Hazel Avenue between Curragh Downs Drive and the U.S. 50 westbound ramps, this roadway segment could be widened to eight lanes. This improvement is inconsistent with Sacramento County's general plan because the county's policy requires a maximum roadway cross section of six lanes.

Analysis shown later indicates that improvements at the impacted intersection in this segment can be mitigated (see Mitigation Measure 3A.15-4p). Improvements to impacted intersections on this segment will improve operations on this roadway segment and, therefore; mitigate this segment impact. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to Hazel Avenue between Curragh Downs Drive and U.S. 50 Westbound Ramps (Sacramento County Roadway Segments 12-13).

### **Findings**

***Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.***

Operation of these roadway segments would operate at an unacceptable LOS F with or without the Proposed Project Alternative, and the V/C ratio would increase by more than



0.05 with Proposed Project Alternative traffic under cumulative (2030) conditions. This is a **significant impact**.

Implementation of Mitigation Measure 3A.15-4l would reduce the significant impact on Hazel Avenue between Curragh Downs Drive and U.S. 50 Westbound Ramps from the Proposed Project Alternative under cumulative (2030) conditions, by offsetting impacts of project traffic. The mitigated intersection LOS is shown later in this section. If Sacramento County and Caltrans implements the intersection improvement, the impact would be reduced to a less than significant.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Sacramento County and Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-4l. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-4l, which would mitigate this potential impact to a less than significant level.

**IMPACT 3A.15-4m: Unacceptable LOS on White Rock Road between Grant Line Road and Prairie City Road (Sacramento County Roadway Segment 22) under Cumulative (2030) Conditions.** *Operation of this roadway segment would degrade this LOS F segment by increasing the V/C ratio by more than 0.05 with project and alternative traffic under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4m: Participate in Fair Share Funding of Improvements to Reduce Impacts on White Rock Road between Grant Line Road and Prairie City Road (Sacramento County Roadway Segment 22).** To improve operation on White Rock Road between Grant Line Road and Prairie City Road, this roadway segment must be widened to six lanes. This improvement is included in the 2035 MTP but is not included in the Sacramento County General Plan. Improvements to this roadway segment must be implemented by Sacramento County.

The identified improvement would more than offset the impacts specifically related to the Folsom South of U.S. 50 project on this roadway segment. However, because of other development in the region that would substantially increase traffic levels, this roadway segment would continue to operate at an unacceptable LOS F even with the capacity improvements identified to mitigate Folsom South of U.S. 50 impacts. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to

White Rock Road between Grant Line Road and Prairie City Road (Sacramento County Roadway Segment 22).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

The addition of traffic on this roadway segment already operating at an unacceptable LOS F would increase the V/C ratio by more than 0.05 with Proposed Project Alternative traffic under cumulative (2030) conditions. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-4m would reduce the significant impact on White Rock Road between Grant Line Road and Prairie City Road from the Proposed Project Alternative under cumulative (2030) conditions to a less-than-significant level, by offsetting impacts of project traffic. If Sacramento County implements the improvement, the impact would be reduced to less than significant.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Sacramento County, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-4m. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-4m, which would mitigate this potential impact to a less than significant level.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.15-4n: Unacceptable LOS on White Rock Road between Empire Ranch Road and Carson Crossing Road (Sacramento County Roadway Segment 28) under Cumulative (2030) Conditions.** *Operating conditions on this roadway segment would deteriorate from an acceptable LOS D to an unacceptable LOS F with the Centralized Development , Reduced Hillside Development alternative under cumulative (2030) conditions, and deteriorate from an acceptable LOS D to an unacceptable LOS E with the No USACE Permit, Proposed Project, and Resource Impact Minimization alternatives under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4n: Participate in Fair Share Funding of Improvements to Reduce Impacts on White Rock Road between Empire Ranch Road and Carson Crossing Road (Sacramento County Roadway Segment 28).** To improve operation on White Rock Road between Empire Ranch Road and Carson Crossing Road, this roadway segment must be widened to six lanes. Improvements to this roadway segment must be implemented by Sacramento County. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to White Rock Road between Empire Ranch Road and Carson Crossing Road (Sacramento County Roadway Segment 28).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

Operation of this roadway segment would deteriorate from an acceptable LOS D to an unacceptable LOS E with the Proposed Project Alternative under cumulative (2030) conditions. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-4n would reduce the significant impact on White Rock Road between Empire Ranch Road and Carson Crossing Road from the Proposed Project Alternative under cumulative (2030) conditions to a less-than-significant level, by improving operations to LOS A. If Sacramento County implements the improvement, the impact would be reduced to less than significant.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Sacramento County, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-4n. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-4n, which would mitigate this potential impact to a less than significant level.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.15-4o: Unacceptable LOS at the White Rock Road / Carson Crossing Road Intersection (El Dorado County 1) under Cumulative (2030) Conditions.** *This signalized intersection would degrade to an unacceptable LOS F during the a.m. peak traffic hour under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4o: Participate in Fair Share Funding of Improvements to Reduce Impacts on the White Rock Road / Carson Crossing Road Intersection (El Dorado County 1).** To ensure that the White Rock Road / Carson Crossing Road intersection operates at an acceptable LOS, the eastbound right turn lane must be converted into a separate free right turn lane, or double right. Improvements to this intersection must be implemented by El Dorado County. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to the White Rock Road/Carson Crossing Road Intersection (El Dorado County 1).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This signalized intersection would degrade from an acceptable LOS C to an unacceptable LOS F during the a.m. peak traffic hour under the Proposed Project Alternative under cumulative (2030) conditions. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-4o would reduce the significant impact on the White Rock Road / Carson Crossing Road intersection from the Proposed Project Alternative under cumulative (2030) conditions to a less-than-significant level, by allowing this intersection to operate at an acceptable LOS C. If El Dorado County implements the improvement, the impact would be reduced to a less-than-significant level.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of El Dorado County, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-4o. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-4o, which would mitigate this potential impact to a less than significant level.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.15-4p: Unacceptable LOS at the Hazel Avenue/U.S. 50 Westbound Ramps Intersection (Caltrans Intersection 1) under Cumulative (2030) Conditions.** *This signalized intersection would degrade from an unacceptable LOS F during the a.m. and p.m. peak traffic hours with an increase in the delay at this intersection during the a.m. and p.m. peak traffic hours by more than 5 seconds under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4p: Participate in Fair Share Funding of Improvements to Reduce Impacts on the Hazel Avenue/U.S. 50 Westbound Ramps Intersection (Caltrans Intersection 1).** To ensure that the Hazel Avenue/U.S. 50 westbound ramps intersection operates at an acceptable LOS, the westbound approach must be reconfigured to consist of one dedicated left turn lane, one shared leftthrough lane and three dedicated right-turn lanes. Improvements to this intersection must be implemented by Caltrans and Sacramento County. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to the Hazel Avenue/U.S. 50 Westbound Ramps Intersection (Caltrans Intersection 1)

#### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This signalized intersection would operate at an unacceptable LOS F during the a.m. and p.m. peak traffic hours with or without Proposed Project Alternative traffic under cumulative (2030) conditions. Proposed Project Alternative traffic would increase the delay at this intersection during the a.m. and p.m. peak traffic hours by more than 5 seconds. This is a **significant impact**.

Implementation of Mitigation Measure 3A.15-4p would reduce the significant impact on the Hazel Avenue/U.S. 50 Westbound Ramps Intersection from the Proposed Project Alternative under cumulative (2030) conditions to a less-than-significant level, by reducing the intersection delay below Cumulative No Project levels. If Sacramento County implements the improvements, the impact would be reduced to less than significant.

Sacramento County Department of Transportation will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom would mitigate or substantially lessen the project's significant impact on this intersection but the impact would

remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation of the proposed improvements will require the cooperation of Caltrans and Sacramento County, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-4p. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-4p, which would mitigate this potential impact to a less than significant level.\

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.15-4q: Unacceptable LOS on Eastbound U.S. 50 between Zinfandel Drive and Sunrise Boulevard (Freeway Segment 1) under Cumulative (2030) Conditions.** *Project traffic would increase on this LOS F freeway segment under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4q: Participate in Fair Share Funding of Improvements to Reduce Impacts on Eastbound U.S. 50 between Zinfandel Drive and Sunrise Boulevard (Freeway Segment 1).** To ensure that Eastbound U.S. 50 operates at an acceptable LOS between Zinfandel Drive and Sunrise Boulevard, an additional eastbound lane could be constructed. This improvement is not consistent with the Concept Facility in Caltrans State Route 50 Corridor System Management Plan; therefore, it is not likely to be implemented by Caltrans by 2030.

Construction of the Capitol South East Connector, including widening White Rock Road and Grant Line Road to six lanes with limited access, could divert some traffic from U.S. 50 and partially mitigate the project's impact. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program established by that agency to reduce the impacts to Eastbound U.S. 50 between Zinfandel Drive and Sunrise Boulevard (Freeway Segment 1).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This freeway segment would operate at an unacceptable LOS F during the a.m. and p.m. peak traffic hours with or without Proposed Project Alternative traffic under cumulative (2030) conditions. Proposed Project Alternative traffic would increase at this freeway segment volume under all build alternatives. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-4q would partially reduce the significant impact on Eastbound U.S. 50 between Zinfandel Drive and Sunrise Boulevard from the Proposed Project Alternative under cumulative (2030) conditions. A mitigated LOS cannot be calculated because the design of the Capitol South East Connector is not known at this time; therefore, it is not known how much traffic would be diverted off of U.S. 50 and what LOS that reduced U.S. 50 volume would produce.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation of the proposed improvements will require the cooperation of Capital Southeast, the City of Rancho Cordova and Sacramento County, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-4q. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-4q, which would mitigate this potential impact to a less than significant level.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.15-4r: Unacceptable LOS on Eastbound U.S. 50 between Rancho Cordova Parkway and Hazel Avenue (Freeway Segment 3) under Cumulative (2030) Conditions.**  
*Project traffic would increase on this LOS F freeway segment under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4r: Participate in Fair Share Funding of Improvements to Reduce Impacts on Eastbound U.S. 50 between Rancho Cordova Parkway and Hazel Avenue (Freeway Segment 3).** To ensure that Eastbound U.S. 50 operates at an acceptable LOS between Rancho Cordova Parkway and Hazel Avenue, an additional eastbound lane could be constructed. This improvement is not consistent with the Concept Facility in Caltrans State Route 50 Corridor System Management Plan; therefore, it is not likely to be implemented by Caltrans by 2030.

Construction of the Capitol South East Connector, including widening White Rock Road and Grant Line Road to six lanes with limited access, could divert some traffic off of U.S. 50 and partially mitigate the project's impact. The applicant shall pay its proportionate share of funding of improvements to the agency responsible for improvements, based on a program

established by that agency to reduce the impacts to Eastbound U.S. 50 between Rancho Cordova Parkway and Hazel Avenue (Freeway Segment 3).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This freeway segment would operate at an unacceptable LOS F during the a.m. and p.m. peak traffic hours with or without Proposed Project Alternative traffic under cumulative (2030) conditions. Proposed Project Alternative traffic would increase at this freeway segment under all build alternatives. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-4r would partially reduce significant impact on Eastbound U.S. 50 between Rancho Cordova Parkway and Hazel Avenue from the Proposed Project Alternative under cumulative (2030) conditions. A mitigated LOS cannot be calculated because the design of the Capitol South East Connector is not known at this time; therefore, it is not known how much traffic would be diverted off of U.S. 50 and what LOS that reduced U.S. 50 volume would produce.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation of the proposed improvements will require the cooperation of Capital Southeast, the City of Rancho Cordova and Sacramento County, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-4r. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-4r, which would mitigate this potential impact to a less than significant level.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.15-4s: Unacceptable LOS on Eastbound U.S. 50 between Folsom Boulevard and Prairie City Road (Freeway Segment 5) under Cumulative (2030) Conditions.** *This freeway segment would deteriorate from LOS E to LOS F during the a.m. and p.m. peak traffic hours with project and build alternative traffic under cumulative (2030) conditions.*



**Mitigation Measure 3A.15-4s: Participate in Fair Share Funding of Improvements to Reduce Impacts on Eastbound U.S. 50 between Folsom Boulevard and Prairie City Road (Freeway Segment 5).** To ensure that Eastbound U.S. 50 operates at an acceptable LOS between Folsom Boulevard and Prairie City Road, the eastbound auxiliary lane should be converted to a mixed flow lane that extends to and drops at the Oak Avenue Parkway off ramp (see mitigation measure 3A.15-4t). Improvements to this freeway segment must be implemented by Caltrans. This improvement is not consistent with the Concept Facility in Caltrans State Route 50 Corridor System Management Plan; therefore, it is not likely to be implemented by Caltrans by 2030.

Construction of the Capitol South East Connector, including widening White Rock Road and Grant Line Road to six lanes with limited access, could divert some traffic off of U.S. 50 and partially mitigate the project's impact.

The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to Eastbound U.S. 50 between Folsom Boulevard and Prairie City Road (Freeway Segment 5).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

Traffic associated with the Proposed Project Alternative would deteriorate operating conditions on this segment from LOS E to F during both the a.m. and p.m. peak hours under cumulative (2030) conditions. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-4s would partially reduce the significant impact on Eastbound U.S. 50 between Folsom Boulevard and Prairie City Road from the Proposed Project Alternative under cumulative (2030) conditions. A mitigated LOS cannot be calculated because the design of the Capitol South East Connector is not known at this time; therefore, it is not known how much traffic would be diverted off of U.S. 50 and what LOS that reduced U.S. 50 volume would produce.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation of the proposed improvements will require the cooperation of Capital Southeast, the City of Rancho Cordova and Sacramento County, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can

and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-4s. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-4s, which would mitigate this potential impact to a less than significant level.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.15-4t: Unacceptable LOS on Eastbound U.S. 50 between Prairie City Road and Oak Avenue Parkway (Freeway Segment 6) under Cumulative (2030) Conditions.** *This freeway segment would degrade to an unacceptable LOS F during the a.m. peak traffic hour with project and build alternative traffic, and this deficient freeway segment (LOS F) would experience higher volumes during the p.m. peak traffic hour with the addition of traffic under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4t: Participate in Fair Share Funding of Improvements to Reduce Impacts on Eastbound U.S. 50 between Prairie City Road and Oak Avenue Parkway (Freeway Segment 6).** To ensure that Eastbound U.S. 50 operates at an acceptable LOS between Prairie City Road and Oak Avenue Parkway, the northbound Prairie City Road slip on ramp should merge with the eastbound auxiliary lane that extends to and drops at the Oak Avenue Parkway off ramp (see Mitigation Measures 3A.15-4u, v and w), and the southbound Prairie City Road flyover on ramp should be braided over the Oak Avenue Parkway off ramp and start an extended full auxiliary lane to the East Bidwell Street – Scott Road off ramp. Improvements to this freeway segment must be implemented by Caltrans. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to Eastbound U.S. 50 between Prairie City Road and Oak Avenue Parkway (Freeway Segment 6).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This freeway segment would degrade from an acceptable LOS E to an unacceptable LOS F during the a.m. peak traffic hour with the Proposed Project Alternative traffic under cumulative (2030) conditions. This freeway segment would operate at an unacceptable LOS F during the p.m. peak traffic hour with or without the Proposed Project Alternative under cumulative (2030) conditions. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-4t would reduce the significant impact on Eastbound U.S. 50 between Prairie City Road and Oak Avenue Parkway from the Proposed Project Alternative under cumulative (2030) conditions to a less-than-significant level, by

allowing this freeway segment to operate at an acceptable LOS. If the City of Folsom Public Works Department implements the improvements, the impact would be reduced to less than significant.

City of Folsom Public Works Department will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-4t. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-4t, which would mitigate this potential impact to a less than significant level.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.15-4u: Unacceptable LOS at the U.S. 50 Eastbound / Prairie City Road Slip Ramp Merge (Freeway Merge 6).** *Project and alternative traffic would increase at this LOS Freeway merge during the a.m. and p.m. peak traffic hours with project and build alternative traffic under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4u: Participate in Fair Share Funding of Improvements to Reduce Impacts on the U.S. 50 Eastbound / Prairie City Road Slip Ramp Merge (Freeway Merge 6).** To ensure that Eastbound U.S. 50 operates at an acceptable LOS, the northbound Prairie City Road slip on ramp should start the eastbound auxiliary lane that extends to and drops at the Oak Avenue Parkway off ramp (see mitigation measure 3A.15-4u, w and x), and the southbound Prairie City Road flyover on ramp should be braided over the Oak Avenue Parkway off ramp and start an extended full auxiliary lane to the East Bidwell Street – Scott Road off ramp. Improvements to this freeway segment must be implemented by Caltrans. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Eastbound/Prairie City Road slip ramp merge (Freeway Merge 6).

## **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This freeway merge would operate at an unacceptable LOS F during the a.m. and p.m. peak traffic hours with or without Proposed Project Alternative traffic under cumulative (2030) conditions. Proposed Project Alternative traffic would increase at this freeway merge under all build alternatives. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-4u would reduce the significant impact on the U.S. 50 Eastbound / Prairie City Road Slip Ramp Merge from the Proposed Project Alternative under cumulative (2030) conditions to a less-than-significant level, by allowing this merge to operate at an acceptable LOS. If the City of Folsom Public Works Department implements the improvements, the impact would be reduced to less than significant. City of Folsom Public Works Department will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-4u. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-4u, which would mitigate this potential impact to a less than significant level.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.15-4v: Unacceptable LOS at the U.S. 50 Eastbound / Prairie City Road Flyover On Ramp to Oak Avenue Parkway Off Ramp Weave (Freeway Weave 7).** *Project and alternative traffic would increase at this LOS F freeway weave during the a.m. and p.m. peak traffic hours with project and build alternative traffic under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4v: Participate in Fair Share Funding of Improvements to Reduce Impacts on the U.S. 50 Eastbound / Prairie City Road Flyover On Ramp to Oak Avenue Parkway Off Ramp Weave (Freeway Weave 7).** To ensure that Eastbound U.S. 50 operates at an acceptable LOS, the northbound Prairie City Road slip on ramp should start the eastbound auxiliary lane that extends to and drops at the Oak Avenue Parkway off ramp (see mitigation measure 3A.15-4u, v and x), and the southbound Prairie City Road flyover on ramp should be braided over the Oak Avenue Parkway off ramp and start an extended full auxiliary lane to the East Bidwell Street – Scott Road off ramp. Improvements to this freeway segment must be implemented by Caltrans. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Eastbound/Prairie City Road Flyover On Ramp to Oak Avenue Parkway Off Ramp Weave (Freeway Weave 7).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This freeway weave would operate at an unacceptable LOS F during the a.m. and p.m. peak traffic hours with or without Proposed Project Alternative traffic under cumulative (2030) conditions. Proposed Project Alternative traffic would increase at this freeway weave under all build alternatives. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-4v would reduce the significant impact on Freeway Weave 7 from the Proposed Project Alternative under cumulative (2030) conditions to a less-than-significant level, by allowing this merge to operate at an acceptable LOS. If the City of Folsom Public Works Department implements the improvements, the impact would be reduced to less than significant.

City of Folsom Public Works Department will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing

the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-4v. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-4v, which would mitigate this potential impact to a less than significant level.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.15-4w: Unacceptable LOS at the U.S. 50 Eastbound / Oak Avenue Parkway Loop Ramp Merge (Freeway Merge 8).** *Project and alternative traffic would increase at this LOS F freeway merge during the a.m. and p.m. peak traffic hours with project traffic under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4w: Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Eastbound / Oak Avenue Parkway Loop Ramp Merge (Freeway Merge 8).** To ensure that Eastbound U.S. 50 operates at an acceptable LOS, the southbound Oak Avenue Parkway loop on ramp should merge with the eastbound auxiliary lane that starts at the southbound Prairie City Road braided flyover on ramp and ends at the East Bidwell Street – Scott Road off ramp (see mitigation measure 3A.15-4u, v and w). Improvements to this freeway segment must be implemented by Caltrans. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to U.S. 50 Eastbound/Oak Avenue Parkway Loop Ramp Merge (Freeway Merge 8).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This freeway merge would operate at an unacceptable LOS F during the a.m. and p.m. peak traffic hours with or without Proposed Project Alternative traffic under cumulative (2030) conditions. Proposed Project Alternative traffic would increase at this freeway merge under all build alternatives. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-4w would reduce the significant impact on Freeway Merge 8 from the Proposed Project Alternative under cumulative (2030) conditions to a less-than-significant level, by allowing this merge to operate at LOS C. If the City of Folsom Public Works Department implements the improvements, the impact would be reduced to less than significant.

City of Folsom Public Works Department will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement. As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom would mitigate

or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation of the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-4w. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-4w, which would mitigate this potential impact to a less than significant level.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.15-4x: Unacceptable LOS at the U.S. 50 Westbound / Empire Ranch Road Loop Ramp Merge (Freeway Merge 27).** *This freeway merge would degrade to an unacceptable LOS F during the a.m. and p.m. peak traffic hours with the project and build alternative traffic under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4x: Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Westbound / Empire Ranch Road Loop Ramp Merge (Freeway Merge 27).** To ensure that Westbound U.S. 50 operates at an acceptable LOS, the northbound Empire Ranch Road loop on ramp should start the westbound auxiliary lane that ends at the East Bidwell Street – Scott Road off ramp. The slip on ramp from southbound Empire Ranch Road slip ramp would merge into this extended auxiliary lane. Improvements to this freeway segment must be implemented by Caltrans. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Westbound/Empire Ranch Road loop ramp merge (Freeway Merge 27).

### **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This freeway merge would degrade from an acceptable LOS D to an unacceptable LOS F during the a.m. and p.m. peak traffic hours with the Proposed Project Alternative traffic under cumulative (2030) conditions. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-4x would reduce the significant impact on Freeway Merge 27 from the Proposed Project Alternative under cumulative (2030)

conditions to a less-than-significant level, by allowing this on ramp to enter into its own lane and eliminating the direct merge to the freeway mainline. With the elimination of the direct merge movement there is no specific LOS for the mitigated condition. If the City of Folsom Public Works Department implements the improvements, the impact would be reduced to a less-than-significant level.

City of Folsom Public Works Department will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-4x. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-4x, which would mitigate this potential impact to a less than significant level.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3A.15-4y: Unacceptable LOS at the U.S. 50 Westbound / Prairie City Road Loop Ramp Merge (Freeway Merge 35).** *Project and alternative traffic would increase at this LOS Freeway merge during the a.m. and p.m. peak traffic hours with project and build alternative traffic under cumulative (2030) conditions.*

**Mitigation Measure 3A.15-4y: Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Westbound / Prairie City Road Loop Ramp Merge (Freeway Merge 35).** To ensure that Westbound U.S. 50 operates at an acceptable LOS, the northbound Prairie City Road loop on ramp should start the westbound auxiliary lane that continues beyond the Folsom Boulevard off ramp. The slip on ramp from southbound Prairie City Road slip ramp would merge into this extended auxiliary lane. Improvements to this freeway segment must be implemented by Caltrans. The applicant shall pay its proportionate share of funding of improvements, as may be determined by a nexus study or other appropriate and reliable mechanism paid for by applicant, to reduce the impacts to the U.S. 50 Westbound/Prairie City Road Loop Ramp Merge (Freeway Merge 35).



## **Findings**

*Changes or alterations which avoid or substantially lessen the significant environmental effect as identified in the FEIR/FEIS are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*

This freeway merge would operate at an unacceptable LOS F during the a.m. and p.m. peak traffic hours with or without Proposed Project Alternative traffic under cumulative (2030) conditions. Proposed Project Alternative traffic would increase at this freeway merge under all build alternatives. This is a **significant** impact.

Implementation of Mitigation Measure 3A.15-4y would reduce the significant impact on Freeway Merge 35 from the Proposed Project Alternative under cumulative (2030) conditions to a less-than-significant level, by allowing this on ramp to enter into its own lane and eliminating the direct merge to the freeway mainline . There is no specific resulting mitigated merge LOS because with the on ramp entering its own exclusive lane at the beginning of an auxiliary lane there is no longer a merge. If the City of Folsom Public Works Department and Sacramento County Department of Transportation implements the improvements, the impact would be reduced to a less-than significant level. City of Folsom Public Works Department and Sacramento County Department of Transportation will be responsible for funding of this improvement while Caltrans oversight is required for the design/approval of an appropriate improvement.

As discussed above, the requirement that the Applicant participate in funding these transportation improvements that are located outside the City of Folsom would mitigate or substantially lessen the project's significant impact on this intersection but the impact would remain **significant and unavoidable**. This conclusion reflects the reality that successful implementation the proposed improvements will require the cooperation of Caltrans, over which the City of Folsom has no control. For this reason, the City of Folsom is conservatively acknowledging the possibility that, despite its own commitment to work with these other agencies, mutually acceptable accommodation may not be reached. Consistent with CEQA Guidelines section 15091, subdivision (a)(2), though, the City of Folsom concludes that these other agencies can and should cooperate with the City in implementing the mitigation. The City of Folsom would not have control or authority over the timing or implementation of Mitigation Measure 3A.15-4y. The agency(ies) with jurisdiction over these off-site elements can and should implement Mitigation Measure 3A.15-4y, which would mitigate this potential impact to a less than significant level.

Though the impacts remain significant and unavoidable, LAFCo has determined that the benefits of the City of Folsom's Annexation outweigh the adverse impacts and that the project should be approved, as explained in the statement of overriding considerations below.

**IMPACT 3B.15-1: Temporary and Short-Term Reduction in Roadway Capacity during Construction.** *Off-site Water Facility Alternatives construction could result in temporary reductions in roadway capacities, which could be substantial in relation to existing volume-to-capacity ratios on local roadways and congestion at intersections.*

**Mitigation Measure 3B.15-1a: Prepare Traffic Control Plan.** Prior to construction, the City shall prepare a Traffic Control Plan for roadways and intersections affected by Off-site Water Facilities-related construction. The Traffic Control Plan shall designate haul routes and comply with requirements in the encroachment permits issued by the City of Rancho Cordova, Sacramento County, and Caltrans. The Traffic Control Plan to be prepared by the construction contractor(s) shall, at minimum, include the following measures:

- ▶ Maintaining the maximum amount of travel lane capacity during non-construction periods, possible, and advanced notice to drivers through the provision of construction signage.
- ▶ Maintaining alternate one-way traffic flow past the lay down area and site access when feasible.
- ▶ Heavy trucks and other construction transport vehicles shall avoid the busiest commute hours (7 a.m. to 8 a.m. and 5 p.m. to 6 p.m. on weekdays).
- ▶ The City shall provide a minimum 72-hour advance notice of access restrictions for residents, businesses, and local emergency response agencies. This shall include the identification of alternative routes and detours to enable for the avoidance of the immediate construction zone.
- ▶ The City, in cooperation with its contractor(s), shall provide a phone number and community contact for inquiries about the schedule of the Off-site Water Facilities throughout the construction period. This information will be posted in a local newspaper, via the City's web site, or at City Hall and will be updated on a monthly basis.
- ▶ To the extent practical depending the alignment of the selected Off-site Water Facility Alternative, the City shall maximize opportunities for coordinated construction and installation of the conveyance pipeline with other planned roadway improvement projects.

**Mitigation Measure 3B.15-1b: Assess Pre-Off-site Water Facilities Roadway Conditions.** Prior to construction, the City's construction contractor(s) shall be responsible for assessing current road conditions for Off-site Water Facilities-related haul routes including the local access roads and develop post construction road restoration requirements. As part of the encroachment permitting process, an agreement shall be entered into with applicable jurisdictions prior to construction that details post construction road restoration requirements. Staff with the City of Rancho Cordova and Sacramento County shall review the post construction restoration standards for each of the affected roadways. The City shall perform roadway repairs or rehabilitation as necessary such that post construction requirements are met.

### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Under the Proposed Off-site Water Facility Alternative, construction-generated traffic would be temporary, approximately 36 months in duration, and therefore would not result in any long-term degradation in operating conditions or LOS on any roadways within the Zone 4 of the “Water” Study Area. The primary impacts from Offsite Water Facilities construction vehicle traffic would include temporary, short-term, and intermittent reductions of roadway capacities associated with the movement of construction equipment. Lane blockage caused by construction traffic would be temporary and limited to within the immediate vicinity of pipeline construction. Pipeline construction would affect the roadway network in two ways. Construction would either cross a roadway or it would run parallel to a roadway within the public right-of-way. As proposed, these Off-site Facility Alternatives pipeline would run parallel to or longitudinally within the public road right-of-way and, as a result, portions of the roadway that would normally be used for traffic circulation or parking would be temporarily unavailable. This displacement could block two travel lanes, one travel lane and the adjacent shoulder/parking area, or just the shoulder/parking area, depending upon the pipeline's lateral placement within the road right-of-way.

It is estimated that lane blockages would last for durations varying between a few days for perpendicular encroachments to 2–3 weeks for parallel or longitudinal encroachments at any given segment of Grant Line Road, Gerber Road, and White Rock Roads. These **direct** and **indirect** impacts are considered **potentially significant**.

In addition to the above impacts, the use of large trucks to transport equipment and material to and from the Offsite Water Facilities work site could affect road conditions on the access routes by increasing the rate of road wear. The degree to which this impact would occur depends on the design (pavement type and thickness) and the existing condition of the road. Major arterials and collectors are designed to accommodate a mix of vehicle types, including heavy trucks. The potential impacts are expected to be negligible on those roads. However, lower capacity roadways could be significantly impacted by construction equipment within the roadway. Therefore, this **direct** impact is considered **significant**. Implementation of Mitigation Measures 3B.15-1a and 3B.15-1b would ensure that temporary and short-term impacts to traffic and roadway LOS would be reduced to a **less-than-significant** level by ensuring the continued movement of traffic during construction, minimizing disruption to adjacent residences and bike access, and providing sufficient notification to the affected population of alternate travel routes.

**IMPACT 3B.15-2: Exceedance of Established Level of Service Standards for Local Roadways.** *The implementation of Offsite Water Facility Alternatives could cause traffic conditions to exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency for designated roads or highways.*

#### **Implement Mitigation Measure 3B.15-1a.**

##### **Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are*

*within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

During construction, traffic would be generated from two sources: truck trips to and from the work site, and construction work crews and supervisor staff commuting to and from the work site. Based on a maximum of three construction crews, the maximum number of crew members accessing portions of Zone 4 of the “Water” Study Area at any one time would be up to 66 individuals or up to 66 additional vehicle trips per day for both the morning and evening peak hours. In addition, during peak excavation and earthwork activities, the Off-site Water Facility Alternatives could generate up to 20 round-trip truck trips per day. However, average daily earthwork truck trips would be less and range from about 1 to 4 round trips per day during much of construction and could be scheduled to avoid the peak traffic hours. Additional trips to or from the construction site would occur during project initiation with the delivery of various equipment to the site such as excavators, tracked excavators, wheel loaders, concrete pump trucks, graders, backhoes and other equipment (see Chapter 2, “Alternatives,” of the DEIR/DEIS). All construction-generated fill and excavated spoils would be used as fill material for the WTP site or transported to the Kiefer Landfill for disposal. For this reason, it is reasonable to conclude that no transportation of fill to areas outside of Zone 4 of the “Water” Study Area would occur in conjunction with the Off-site Water Facility Alternatives.

If all the construction-related equipment and the construction crews accessed or exited the site during the evening peak-hour the maximum number of vehicles would be up to 86 at any one time. In recognizing the poor operating conditions on portions of local roadways during the peak traffic hours (e.g., Sunrise Boulevard), the addition of project-related construction traffic could temporarily lead to further degradation in traffic movements. **Potentially significant direct** and **indirect** transportation impacts associated with the Off-site Water Facilities would occur.

As provided in Chapter 2, “Alternatives,” of the DEIR/DEIS, the operation of the WTP under any of the alternatives are expected to require up to 10 employees, on average, each of which could produce 4 daily vehicle trips for a total of 40 daily trips or less. Given that these trips would be dispersed throughout the day and the roadway network, they would not be expected to not result in any long-term degradation in operating conditions or LOS on any local roadways or intersections. For these reasons, long-term, **direct** and **indirect** traffic-related impacts associated with the Off-site Water Facility Alternative are considered **less than significant**.

Implementation of Mitigation Measure 3B.15.1a would ensure that temporary and short-term impacts to roadway and intersection LOS would be reduced to a **less-than-significant** level by ensuring the continued movement of traffic past the construction zone and provision of alternative routes. Because of the low volume of daily trips generated by the combined operation of the Off-site Water Facility Alternatives, a **less than significant**, longterm operational impact is expected.

**IMPACT 3B.15-3: Increased Traffic Hazards on Local Roadways.** *Implementation of the Off-site Water Facility Alternatives could substantially increase hazards on local roadways due to the presence of incompatible uses, such as construction equipment.*

**Implement Mitigation Measure 3B.15-1a.**

**Findings**

*Changes or alterations have been required in, or incorporated into, the Proposed Project Alternative which would avoid or substantially lessen this potentially significant environmental effect as identified in the FEIR/FEIS. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and have been adopted by such other agency or can and should be adopted by such other agency.*

Haul trucks and heavy equipment used during the construction of the Off-site Water Facilities would interact with vehicle movements on existing roadways. The creation of a construction work zone on high-volume or high-speed roadways would increase the potential for traffic safety hazards because of the need to safely transition traffic into the travel lane(s) adjacent to the work zone. Because of the temporary disruption to traffic flow, the removal of lanes, the presence of construction equipment in the public right-of-way, and the localized increase in traffic congestion, drivers would be presented with unexpected driving conditions and obstacles. This could potentially result in an increased occurrence of automobile or haul truck accidents and would be considered a **potentially significant direct** impact. **No indirect** impacts would occur.

Implementation of Mitigation Measure 3B.15.1a would ensure that construction-related hazards on local roadways would be reduced to a **less-than-significant** level by ensuring proper notification to drivers of construction zones. All roadway-related improvements (e.g., pipelines) would be located sub-surface and would not contribute to any significant roadway design hazards and no long-term impacts are anticipated.

**IMPACT 3B.15-4: Possible Inadequate Emergency Vehicle Access.** *Construction of the Offsite Water Facilities could result in disruptions to emergency access.*

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**17. Environmental Justice Impacts**

Additional Information on the Environmental Justice Impacts for the City of Folsom Annexation is set forth in the Final EIR. This information is incorporated into these findings as though fully set forth herein. Considering the above information, and the potential impacts identified in the Final EIR, the findings of the Sacramento Local Agency Formation Commission are as follows:

**IMPACT 3A.6-1: Potential Effects on Minority Populations.** Project implementation would not create a disproportionate placement of adverse environmental impacts on minority communities.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

**IMPACT 3A.6-2: Potential Effects on Low-Income Populations.** Project implementation would not create a disproportionate placement of adverse environmental impacts on low-income populations.

**Findings**

*Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, Sacramento LAFCo finds that the impact is expected to be less-than-significant. No mitigation measures are required.*

### **III. CUMULATIVE IMPACTS**

In addition to the direct and indirect significant impacts caused by the Proposed Project as discussed above, LAFCo finds that implementation of the Folsom South of U.S. 50 Specific Plan will result in the following significant and unavoidable cumulative impacts:

#### **AESTHETICS**

The visual character of the SPA and Off-site Water Facilities Study Area is characterized by sweeping view of the Central Valley, coupled with the oak woodlands and grass-covered hillsides. This region is part of the Sierra Nevada foothills and the Central Valley, and is exemplary of those landscapes and of resources that are endemic to the area. Nearby planned or approved developments include the Westborough at Easton Specific Plan project to the west; the Promontory, El Dorado Hills, and Bass Lake Specific Plans projects to the northeast; the Valley View Specific Plan project to the east; and the Carson Creek Specific Plan project to the southeast. These projects would substantially change the visual conditions as open viewsheds are replaced by urban development.

At full buildout, the SPA would consist of developed urban land uses with small areas of open space and parks. Implementation of the “Land” portion of the project would substantially degrade this scenic vista, damage the character of the viewshed from a Sacramento County-designated scenic corridor, and alter the visual character of the SPA. Views along nearby roadways, including Scott Road, Old Placerville Road, White Rock Road, Prairie City Road, and U.S. 50, would change to urban land uses. Furthermore, viewsheds that include the SPA are part of thousands of acres of open space that would no longer exist. This area would become of similar visual quality to nearby developed land, and would no longer be considered a unique or scenic vista. Therefore, the “Land” portion of the project would permanently and substantially

alter the scenic vista in the SPA. No feasible mitigation measures are available to reduce impacts associated with the alteration of scenic vistas from project development to a less-than-significant level because project development would result in a permanent, large-scale change.

Although the SPA does not contain, nor is it visible from, a state-designated scenic highway, Scott Road south of White Rock Road is a designated scenic corridor in Sacramento County. The Scenic Highways Element of the Sacramento County General Plan describes views from this roadway to consist of grasslands and cattle-grazing lands. These views are exemplary of rural Sacramento County landscape. Implementation of the “Land” portion of the project would substantially damage views from the portion of Scott Road designated as a scenic corridor through conversion of the existing grassland and cattle grazing land to urban development and the site would no longer provide exemplary views of rural Sacramento County landscape. No feasible mitigation measures are available to reduce impacts associated with the damage of scenic resources within a County-designated scenic corridor to a less-than-significant level.

Nearby planned or approved developments and other development in the project region as a whole would substantially change visual conditions as open viewsheds are replaced by urban development. Increased urban development would also lead to increased nighttime light and glare, and daytime glare, in the region and more limited views of the night sky and sky glow effects. Views of the SPA and the alternative WTP sites contribute to this change in regional visual conditions, since the SPA and alternative WTP sites would be permanently altered to urban development, substantially degrading viewsheds located on Scott Road, Old Placerville Road, Prairie City Road, White Rock Road, U.S. 50, and for people located within the community of El Dorado Hills, the City of Folsom, the City of Rancho Cordova, and nearby rural residences. After development of the SPA under the “Land” portion of the project and booster pump station and WTP alternatives under the “Water” portion of the project, visual conditions in the SPA, booster pump station, and the WTP alternatives would be similar to existing views of urban settings found elsewhere in the project region. The “Land” and “Water” portions of the project include standards for design, architecture, development, and maintenance thereby ensuring that the general visual quality and character of development under the “Land” and “Water” portions of the project would be consistent with viewer expectations for similar urban environments; however, this would only partially reduce the impacts of degradation of visual character. The effect of these changes, when considering the related projects, on aesthetic resources from past and planned future projects is a cumulatively significant impact.

Assessment of visual quality is a subjective matter and reasonable people may differ as to the aesthetic value of undeveloped grasslands and oak woodlands, and whether development of urban uses in the plan area would constitute a substantial degradation of the existing visual character or quality of the site and its surroundings.

Given the large scale of this urban development and the rural nature of its setting, the impacts on visual resources from implementation of the “Land” portion of the project are significant. Although design, architectural, development, and lighting standards are included to ensure that urban development in the plan area and region remains within certain aesthetic guidelines, there is no mechanism to allow implementation of the “Land” portion of the project and the related projects while avoiding the conversion of open space to urban development.

Therefore, the change of views in the project region to urban land uses and the associated increase in nighttime light and daytime and nighttime glare are cumulatively significant and unavoidable impacts. In addition, the incremental contribution of the “Land” portion of the project to these impacts is cumulatively considerable (i.e., significant in and of itself).

Adoption of the Folsom General Plan Amendment (proposed GPA) would result in construction of additional multifamily residential units on infill parcels within the built-up area of the City of Folsom. These urban uses would occur in an infill area already characterized by similar uses. Therefore, the proposed GPA would not contribute to cumulatively considerable visual character or scenic view impacts. However, construction of the additional units under the proposed GPA could considerably contribute to cumulatively significant light and glare impacts.

## **AIR QUALITY**

Both the “Land” and “Water” portions of the project are located in the Sacramento Valley Air Basin (SVAB). Past development in the SVAB combined with meteorological conditions has resulted in significant cumulative impacts on air quality. As described in Sections 3A.2 and 3B.2, “Air Quality,” the SVAB is in nonattainment status for ozone and respirable particulate matter with an aerodynamic diameter of 10 micrometers or less (PM10).

The air quality impacts of the proposed GPA are included in the analysis of the “Land” portion of the project. At the local level, the SPA and the Off-site Water Facilities Study Area are located in the jurisdiction of the Sacramento Metropolitan Air Quality Management District (SMAQMD). Under the “Land” portion of the project, all of the off-site elements of the project would also be under the jurisdiction of SMAQMD except the two roadway extensions into El Dorado County, which would be under the jurisdiction of the El Dorado County Air Quality Management District (EDCAQMD).

### ***TEMPORARY, SHORT-TERM CONSTRUCTION IMPACTS***

The “Land” and “Water” portions of the project would result in significant and unavoidable temporary, short-term construction-related air quality impacts even with implementation of all feasible mitigation measures identified in Sections 3A.2 and 3B.2, “Air Quality.” Project-generated construction-related emissions would exceed SMAQMD’s significance threshold of 85 pounds per day (lb/day) for oxides of nitrogen (NOX), and substantially contribute to emissions concentrations that exceed the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS) for ozone and PM10. The projected total maximum daily construction emissions for some of the off-site elements would also individually exceed SMAQMD’s significance threshold of 85 lb/day for NOX, and substantially contribute to emissions concentrations that exceed the NAAQS and CAAQS for ozone and PM10.

Assuming that all related projects would also implement all feasible construction emission control measures consistent with respective SMAQMD and EDCAQMD guidelines, construction emissions on some of the related projects may be less than significant, although it is likely that larger projects, such as the Easton and Cordova Hills developments, and other projects identified



in Table 4-2, would result in significant and unavoidable air quality impacts on their own. This impact cannot be more precisely determined because the related projects would develop on their own schedules, some of which are not known. It would, thus, be speculative to try to add together the various projects with their differing and changing schedules. However, given the large scale of development that would occur with the related projects, taken in total and combined with the nonattainment status of the SVAB for ozone and PM10 and other development that would occur in the SVAB, these cumulative projects would result in a cumulatively considerable construction-related air quality impact. Because implementation of the “Land” and “Water” portions of the project would result in a significant and unavoidable impact from the generation of NOX, and PM10, the “Land” and “Water” portions of the project would result in a cumulatively considerable incremental contribution to a significant cumulative impact.

### ***LONG-TERM OPERATIONAL IMPACTS***

Operation-related activities of the “Land” portion of the project would result in project-generated mass emissions of NOX that exceed SMAQMD’s significance threshold of 65 lb/day. Implementation of mitigation measures contained in Section 3A.2, “Air Quality,” would reduce impacts associated with emissions of NOX, but not to less-than-significant levels. Operation-related activities of the “Water” portion of the project would not result in mass emissions of NOX that exceed SMAQMD’s significance threshold. Related projects would similarly contribute to a degree and their relative level of contribution is generally related to their size. Long-term operational emissions from related projects, considered in light of the nonattainment status of the air basin, would be cumulatively significant. Emissions attributable to the project, plus cumulative development listed on Table 4- 2, and emissions from other reasonably foreseeable future projects in SVAB as a whole, would continue to contribute to long-term increases in emissions that would exacerbate existing and projected nonattainment conditions. Thus, the project would result in a cumulatively considerable incremental contribution to a significant cumulative long-term operational air quality impact.

### ***TOXIC AIR CONTAMINANTS***

The “Land” and “Water” project activities related to temporary, short-term construction and long-term operations, could expose nearby existing off-site or proposed on-site sensitive receptors to toxic air contaminant (TAC) emissions. TAC emissions associated with temporary, short-term construction activities and stationary sources are site-specific and would be potentially significant for the “Land” and “Water” portions of the project. The proposed on-site commercial and industrial land uses have not yet been identified and could potentially generate substantial volumes of truck activity (e.g., warehouses, distribution centers) that could potentially be in the proximity of nearby sensitive receptors, thereby exposing these nearby on-site receptors to mobile-source TACs. Under the “Land” portion of the project, related impacts associated with on-site mobile source TACs are significant and unavoidable even with implementation of mitigation measures identified in Section A3.2, “Air Quality.” Under the “Water” portion of the project, operational emissions associated with the booster pump station and White Rock WTP or Folsom Boulevard WTP facilities could expose sensitive receptors

TACs. However, with mitigation, the project would not result in a cumulatively considerable contribution to a significant cumulative impact related to regional mobile source TACs. Under the “Land” portion of the project, project-related exposure to mobile-source TAC emissions from nearby U.S. 50 and other high traffic-volume roadways are significant and unavoidable, with or without additional quarry truck trips in the local roadway network, and despite implementation of all feasible mitigation measures identified in Section A3.2, “Air Quality.” Related projects would also develop land uses that would substantially increase traffic on nearby freeways and subsequently increase emissions of off-site mobile-source TACs. Given the large scale of development that would occur with the related projects, taken in total and combined with the increase in traffic-related pollutant emissions from U.S. 50 and other high traffic-volume roadways, the related projects would result in significant and unavoidable cumulative mobile-source TAC impacts. Therefore, the “Land” portion of the project would result in a cumulatively considerable incremental contribution to a significant cumulative TAC impact related to mobile-source TAC emissions from nearby U.S. 50 and other high traffic volume roadways. See below for a detailed evaluation of the potential exposure of sensitive receptors in the SPA to TACs generated by quarry truck trips.

### **Land Use Compatibility with High-Volume Arterial Roadways**

According to the land use planning maps for the Proposed Project and the other four “Land” action alternatives (see Chapter 2, “Alternatives”), arterial roadways that carry high volumes of traffic would pass by schools and residential land uses in the SPA. These roadways include segments of Prairie City Road, Oak Avenue, Scott Road, and White Rock Road. These roadways are of particular concern because they may accommodate a disproportionately high volume of diesel-powered truck trips, most of which would be associated with operation of the Teichert Quarry and other sand and gravel quarries south of the SPA. According to the *Draft EIR for the Teichert Quarry General Plan Amendment, Rezone, Use Permit, Reclamation Plan and Development Agreement* (County of Sacramento Department of Environmental Review and Assessment 2008), quarry trucks would travel by or through the SPA to U.S. 50 en route to their final destinations. The Draft EIR for the Teichert Quarry project does acknowledge the development of the SPA, it does not fully analyze the potential impacts of TAC emitting truck traffic at off-site sensitive receptors, including those planned in the SPA. According to SMAQMD staff, the proportion of diesel trucks on the roadways is important because the volume of diesel trucks is the key variable used to develop the screening levels in SMAQMD’s Protocol (DuBose, pers. comm., 2009). In order to understand the effect of the quarry truck traffic on roadways that pass by sensitive receptors, which was not addressed in any previous environmental documentation, the analysis prepared for the Folsom South of U.S. 50 Specific Plan analyzed the TAC impact of projected future travel volumes both with and without additional truck traffic from the nearby quarries. As part of this analysis, an adjustment factor was incorporated to account for the fact that traffic on arterial roadways would travel at lower speeds—and thus have different emission rates—than traffic flowing at typical freeway speeds. In addition, this analysis also examined the projected traffic volumes using emission rates for the vehicle fleet under existing conditions (year 2010) as well as emission rates projected for the year 2030, when full build out of the project would be completed. According to model runs performed in ARB’s Motor Vehicle Emissions Inventory Model (EMFAC2007) (ARB 2006), emission rates from heavy, diesel-powered trucks are expected to be substantially lower in 2030

than 2010. This reflects the fact that emission factors in future years are expected to be lower than current levels because of more stringent vehicle emissions standards, improvements in vehicle emissions technology, and statewide efforts to replace older diesel engines with new or retrofitted, cleaner engines. It is important to consider the emission factors of both the existing and future vehicle fleets in order to understand what the risk levels would be during intermediate years because there is the potential that the daily traffic volumes on roadways would increase considerably before full build out while the emission rates of the vehicle fleet during a particular intermediate year are still relatively high.

Thus, for each road segment that would pass by locations where on-site sensitive receptors would be developed in the SPA, a separate analysis was conducted with and without the additional quarry truck traffic and with existing and future projected emission rates (i.e., for vehicle fleets in 2010 and 2030). The results of the analysis are summarized in Table 4-4. All detailed calculations and assumptions are provided in Appendix C1.

As shown in Table 4-4 of the Draft EIR, all direct impacts associated with TAC exposure levels at receptors along all roadway segments studied for this analysis would be less than significant without the addition of quarry truck trips. No indirect impacts would occur.

However, when quarry truck trips are added to modeled roadway segments before the year 2030, traffic volumes within 400 feet of sensitive receptors that would be constructed in the SPA could result in exposure of those receptors to high levels of toxic air contaminants (see Table 4-4). Therefore, this direct impact would be potentially significant. No indirect impacts would occur. As discussed above, it is reasonably foreseeable that the quarry truck vehicle fleet that would be used from the year 2030 onward would have lower emission factors as compared to current levels because of more stringent vehicle emissions standards, improvements in vehicle emissions technology, and statewide efforts to replace older diesel engines with new or retrofitted, cleaner engines. Therefore, as shown in Table 4-4, modeling results indicate that all direct impacts associated with TAC exposure levels at receptors along all roadway segments studied for this analysis would be less than significant with the addition of quarry truck trips after the year 2030. East Sacramento Regional Aggregate Mining Truck Management Plan When the Draft EIR/EIS was published in June 2010, the City of Folsom had been participating in a series of meetings with the County of Sacramento, the City of Rancho Cordova, representatives of Teichert and other quarry applicants with mining proposals before the County, and other participants aimed at resolving concerns about the routes and amounts of truck traffic that would be generated by the quarries. That process came to be known as the East Sacramento Regional Aggregate Mining Truck Management Plan (“TMP”). At that time, the participants in the TMP meetings had not yet reached consensus regarding truck routes through the SPA and adjoining areas, analysis methodology, or other important issues necessary to develop a definite, final TMP.

In November 2010, the Sacramento County Board of Supervisors approved various entitlements for the proposed Teichert quarry project in the south-eastern portion of Sacramento County, including a development agreement.

The development agreement notes the ongoing participation of the Cities of Folsom and Rancho Cordova, the County and other interested parties in the development of the TMP and

acknowledges that the Board will first have to comply with CEQA before adopting a TMP. The development agreement also commits Teichert to complying with any truck routing redistribution measures contained within any adopted TMP and requires Teichert to contribute its fair share toward the funding of such a program, including measures pertaining to air quality and noise. (Teichert Quarry Development Agreement, Section 2.4.5.A, page 14.)

The components of the TMP must include, at a minimum, the following:

- ▶ traffic solutions associated with routing quarry trucks so as maintain the “quality of life” in Folsom and Rancho Cordova;
- ▶ identification of truck haul routes within the SPA;
- ▶ phasing of improvements for the proposed haul routes;
- ▶ phasing of use of haul routes as development in the SPA proceeds; and
- ▶ a financing program for implementation of the TMP.

The TMP may also include, without limitation, one or more of the following components, which may be phased:

- ▶ diversion of US 50 bound trucks to Prairie City Road;
- ▶ construction of westerly vehicle lane(s) on Prairie City Road;
- ▶ construction of truck lane(s) and/or easterly vehicle lane(s) on Prairie City Road; or
- ▶ diversion of other truck traffic and/or other transportation improvements within the SPA.

The Teichert development agreement provides that Teichert shall not sell or transport by truck material directly from its Teichert Quarry facility, except by conveyer belt to its Grant Line facility, until the TMP is adopted. The development agreement also limits Teichert’s annual sales of aggregate from its Grant Line facility until the TMP is adopted. The sales limitation is conditioned upon the City of Folsom’s intent to include those portions of the TMP relating to the Folsom Plan Area Specific Plan, and any associated development agreement and environmental documentation. (Development Agreement, Section 2.4.5.B, pages 14-15.)

The Teichert development agreement and the statements of County staff and Supervisors indicate that the County intends, as the lead agency for the TMP, to prepare an environmental analysis pursuant to CEQA once a sufficient project description has been developed for the TMP, so that any potential impacts of implementing the plan can be fully and publicly considered before the plan is adopted. The development agreement sets April 12, 2011, as a target date for the completion of an agreed project description for the TMP. Once the project description is finalized, the County may begin preparation of its environmental analysis of the TMP.

As of the time of the completion of the FEIR/FEIS, the details and description of the TMP have not yet been completed. The City is not the lead agency for the purpose of implementing the majority of the components of a TMP. And, because the TMP’s description at this point is abstract, and not yet stable and finite, it would be too speculative at this point to include a meaningful analysis of the effects of implementation of the TMP. The TMP’s project description is subject to change and additional important details of the plan still remain to be developed.

For instance, the exact location of the truck haul routes and timing of implementation of the routes, which will be fixed based on the results of future study of the TMP components, have not yet been developed. In consideration of its good faith commitment to cooperate in the development and implementation of the TMP, the mitigation measures previously identified in the DEIR/DEIS to address the cumulative air quality and noise impacts associated with development of the SPA along with future quarry truck traffic through the plan area are being revised to rely upon the TMP as mitigation and ensure that when a TMP is adopted those portions of the TMP subject to City control will, in fact, be implemented. Accordingly, Cumulative Mitigation Measure Air-1-Land is hereby replaced with the following:

***Cumulative Mitigation Measure AIR-1-Land: Implement East Sacramento Regional Aggregate Mining Truck Management Plan or Other Measures to Reduce Exposure of Sensitive Receptors to Operational Emissions of Toxic Air Contaminants from Quarry Truck Traffic.***

The City of Folsom is a participant in the development of an East Sacramento Regional Aggregate Mining Truck Management Plan (TMP), a cooperative effort led by the County of Sacramento, with the input of the City of Folsom, the City of Rancho Cordova and other interested parties, including representatives of quarry project applicants. When the County Board of Supervisors approved entitlements for the Teichert quarry project in November 2010, it also adopted conditions of approval and a development agreement that requires Teichert's participation in, and fair share funding of, a TMP to implement roadway capacity and safety improvements required to improve the compatibility of truck traffic from the quarries with the future urban development in the Folsom South of U.S. 50 Specific Plan area and other jurisdictions that will be affected by quarry truck traffic. The development agreement adopted by the County for the Teichert project imposes limits on the amounts of annual aggregate sales from Teichert's facility until a TMP is adopted. The City of Folsom does not have direct jurisdiction over the Teichert, DeSilva Gates, or Walltown quarry project applicants as these projects are located within the unincorporated portion of the County. The County, as the agency with the primary authority over the quarries, has indicated that it intends to prepare an environmental analysis in accordance with CEQA prior to adoption of a TMP. The City's authority to control the activities of the quarry trucks includes restrictions or other actions, such as the approval and implementation of specialized road improvements to accommodate quarry truck traffic, that would be applicable within the City's jurisdictional boundaries.

For the foregoing reasons, the City of Folsom considers itself a "responsible agency" (as that term is defined at State CEQA Guidelines, CCR Section 15381), in that it has some discretionary power over some elements of a future TMP, if such TMP calls for improvements or other activities on roadways within the jurisdiction of the City. In a responsible agency role, the City would follow the process specified in the CEQA Guidelines for consideration and approval of the environmental analysis prepared by the County for a TMP after such documentation is prepared and adopted by the County. (State CEQA Guidelines, CCR Section 15096.)

Because no final project description for a TMP has been developed as of the completion of this FEIR/FEIS, the City would have to speculate as to those portions of a TMP that might be proposed for implementation within its jurisdiction, or the impacts that could arise from the implementation of as-yet uncertain components. Accordingly, formulation of the precise means of mitigating the potential cumulative air quality impacts pursuant to the TMP is not currently feasible or practical. However, as the preferred, feasible, and intended mitigation strategy to address the cumulative impacts of quarry truck traffic through the SPA, the City shall implement, or cause to be implemented those portions of the TMP (as described above) that are within its authority to control. In implementing the TMP, the City shall ensure that the TMP or traffic measures imposed by the City within the SPA reduce the risk of cancer to sensitive receptors along routes within the SPA from toxic air contaminant emissions to no more than 296 in one million (SMAQMD 2009, March, Recommended Protocol for Evaluating the Location of Sensitive Land Uses Adjacent to Major Roadways, Version 2.2:7), or such different threshold of significance mandated by SMAQMD or ARB at the time, if any. With this mitigation, the cumulative air quality impacts from truck toxic air contaminants would be less than significant.

As an alternative (or in addition) to implementing the TMP within the SPA, the following measures could (and should) be voluntarily implemented by the quarry project applicant(s) (Teichert, DeSilva Gates, and Granite [Walltown]) to help ensure exposure of sensitive receptors to TACs generated by quarry truck traffic to the 296-in-one-million threshold of significance identified above. The City encourages implementation of the following measures:

- ▶ The quarry project applicant(s) should meet with the City of Folsom to discuss mitigation strategies, implementation, and cost.
  
- ▶ A site-specific, project-level screening analysis and/or Health Risk Assessment (HRA) should be conducted by the City of Folsom and funded by the quarry truck applicant(s) for all proposed sensitive receptors (e.g., residences, schools) in the SPA that would be located along the sides of roadway segments that are identified in Table 4-4 as being potentially significant under any of the analyzed scenarios. Each project-level analysis shall be performed according to the standards set forth by SMAQMD for the purpose of disclosure to the public and decision makers. The project-level analysis shall account for the location of the receptors relative to the roadway, their distance from the roadway, the projected future traffic volume for the year 2030 (including the proportion of diesel trucks), and emission rates representative of the vehicle fleet for the year when the sensitive land uses would first become operational and/or occupied. If the incremental increase in cancer risk determined by in the HRA exceeds 296 in one million (or a different threshold of significance recommended by SMAQMD or ARB at the time, if any), then project design mitigation should be employed, which may include the following:
  - Increase the setback distance between the roadway and affected receptor. If this mitigation measure is determined by the City of Folsom to be necessary, based on the results of the HRA, the quarry truck applicant(s) should pay the Folsom South of U.S. 50 Specific Plan project applicant(s) and the City of Folsom a fee that shall serve as

compensation for lost development profit and lost City tax revenues, all as determined by the parties. Said mitigation fee shall be determined in consultation with the quarry project applicant(s), the Folsom South of U.S. 50 Specific Plan project applicant(s), and the City of Folsom. No quarry trucks shall be allowed to pass on any roadway segment immediately adjacent to or within the SPA until said mitigation fees are paid.

- Implement tiered tree planting of fine-needle species, such as redwood, along the near side of the roadway segments and, if feasible, along the roadway 500 feet in both directions of the initial planting (e.g., 500 feet north and south of a roadway that runs east-west) to enhance the dispersion and filtration of mobile-source TACs associated with the adjacent roadway. These trees should be planted at a density such that a solid visual buffer is achieved after the trees reach maturity, which breaks the line of sight between U.S. 50 and the proposed homes. These trees should be planted before occupation of any affected sensitive land uses. This measure encourages the planting of these trees in advance of the construction of potentially affected receptors to allow the trees to become established and progress toward maturity. The life of these trees should be maintained through the duration of the quarry projects. The planting, cost, and ongoing maintenance of these trees should be funded by the quarry project applicant(s).
  
- To improve the indoor air quality at affected receptors, implement the following measures before the occupancy of the affected residences and schools:
  - equip all affected residences and school buildings developed in the SPA with High Efficiency Particle Arresting (HEPA) filter systems at all mechanical air intake points to the interior rooms;
  - use the heating, ventilation, and air conditioning (HVAC) systems to maintain all residential units under positive pressure at all times;
  - locate air intake systems for HVAC as far away from roadway air pollution sources as possible; and
  - develop and implement an ongoing education and maintenance plan about the filtration systems associated with HVAC for residences and schools.

To the extent this indoor air quality mitigation would not already be implemented as part of the Folsom South of U.S. 50 Specific Plan project development, this mitigation should be paid for by the quarry project applicant(s) before any quarry trucks are allowed to pass on any roadway that is within 400 feet of any residence or school within the SPA.

Implementation of Cumulative Mitigation Measure AIR-1-Land would reduce the significant impact related to exposure of project-generated sensitive receptors to toxic air contaminants generated by quarry truck trips to a less-than-significant level because the City would either designate truck routes that would limit or prohibit truck traffic adjacent to sensitive receptors or the City would be able to reach a voluntary agreement with the quarry applicants that would require a site-specific health risk assessment to be performed according to SMAQMD protocol, and in the event the cancer risk would exceed 296 in one million, or whatever threshold of significance is recommended by SMAQMD at the time, either the setback distances of the sensitive receptors from the road would be increased, or fewer quarry trucks would be allowed to pass on the roadways within 400 feet of the sensitive receptors. However, because the City of

Folsom does not have jurisdiction over the Teichert, DeSilva Gates, or Walltown quarry project applicants and operations, if the quarry project applicants decline to voluntarily implement the recommended mitigation, the City may adopt truck route restrictions, thereby reducing the impact to a less-than-significant level.

While Sacramento LAFCo finds that the above measures are appropriate and feasible, LAFCo further finds that the above stated mitigation measures are within the responsibility and jurisdiction of the City of Folsom or another public agency, not Sacramento LAFCo. The agency(ies) with jurisdiction to implement these mitigation measures can and should do so.

### ***CARBON MONOXIDE***

As described in Sections 3A.2 and 3B.2, “Air Quality,” implementation of the “Land” and “Water” portions of the project would result in less-than-significant local mobile source CO-related air quality impacts. CO emission factors in future years are expected to be lower than current levels due to more stringent vehicle emissions standards and improvements in vehicle emissions technology. Thus, ambient local CO concentrations under cumulative conditions would continue to decline. Therefore, 1- and 8-hour CO concentrations for the future cumulative conditions would not be anticipated to exceed the significance thresholds of 20 parts per million (ppm) and 9 ppm, respectively. Consequently, the “Land” and “Water” portions of the project would not result in a cumulatively considerable incremental contribution to a significant cumulative impact related to increases in traffic volumes on the local roadway network relative to CO concentrations.

### ***ODOR EMISSIONS***

Odor intensity is a subjective measurement that is perceived differently depending on individual sensitivity. Depending on prevailing wind directions and speeds, odors may be limited to a small area immediately surrounding the source, or may be carried for longer distances to land uses further from the source. Most of the related projects considered in this analysis would result in the generation of odors on a short-term basis from construction activities, and on a long-term basis from operational activities.

Operation-related activities at the proposed on-site industrial and commercial areas could result in project generated emissions of odors. Specific uses within those designations are not yet known and detailed site and grading plans have not yet been developed; however, these types of uses could entail painting/coating operations (e.g., auto body shops) and fast food restaurants in close proximity to proposed sensitive receptors. Thus, project generated, on-site operation-related sources could directly expose existing and proposed receptors to emissions of objectionable odors. Implementation of mitigation measures identified in Section A3.2, “Air Quality,” would reduce the exposure of sensitive receptors under the “Land” portion of the project to project-generated odor emissions to a less-than-significant level. Operation-related activities of the “Water” portion of the project could result in project-generated emissions of odors from operation of the White Rock WTP or Folsom Boulevard WTP.



However, treatment chemicals used in the water treatment processes would be stored in an enclosed building and would not generate odors off-site.

New residents that would be generated by the Eason project immediately west of the “Land” portion of the project could be exposed to odors associated with construction and operation of the project. In addition, new residents that would be generated within the SPA could be exposed to odors generated by the Eason project to the west, by the proposed City Corporation Yard to the south, and by the proposed Sacramento GreenCycle Project further south below the corporation yard. Therefore, the project’s odor impacts, when considered in combination with odor impacts of the related projects, could result in cumulatively significant impacts.

## **BIOLOGICAL RESOURCES**

In addition to the related projects considered for all resource areas in this EIR/EIS, the projects identified in Table 4-5 below are also considered in the cumulative analysis for biological resources because the USACE has specifically requested an additional level of detailed cumulative analysis related to biological resources that includes a variety of additional projects to determine cumulative impacts on wetlands and waters of the U.S.

With regards to cumulative impacts related to the proposed GPA, the GPA would change permitted densities, but would not change the physical locations identified for Single Family, Multi-family Medium Density, and Multifamily High Density development in the existing Folsom General Plan. Therefore, for issue areas such as biological resources, which are related to land coverage, there would be change from the analysis already contained in the City’s existing General Plan.

Generally, the geographic extent of cumulative impacts on wetlands (e.g., vernal pools, seasonal wetland swales, seeps) and other waters of the U.S. (e.g., perennial and intermittent drainage channels), oak woodlands, and biological resources associated with these habitats includes the vernal pool and blue oak woodland regions of El Dorado County, Sacramento County, and neighboring counties that support similar biological resource values and functions to those of the SPA.

Many projects near the SPA and the Off-Site Water Facilities have been constructed recently or are in various stages of planning and entitlement. Some have already resulted in adverse impacts on wetlands and other waters of the U.S. Tables 4-2 and 4-3 summarize the impacts on water of the United States of the surrounding projects that were considered in the cumulative biological resources impact analysis for the “Land” and “Water” portions of the project.

As indicated in Table 3-17 below (Table 4-5 on page 4-30 of the DEIR/DEIS), based on the data currently available, cumulative losses of wetlands and other waters of the U.S., including vernal pools, for specific projects within surrounding areas of Sacramento and El Dorado Counties in the same watershed and supporting similar biological resources have been and are expected to be substantial. Thus, related projects throughout the region would result in a cumulatively

significant impact to wetlands and these habitats. Due to its size and large acreage of habitats that would be lost as a result of implementation of the “Land” portion of the project, the “Land” portion of the project would contribute substantially to this regional loss. In addition, because the exact placement of the Folsom Boulevard WTP and conveyance pipeline alternative alignments has not been determined, the “Water” portion of the project could further contribute substantially to this regional loss.

Implementing the Folsom South of U.S. 50 Specific Plan project would result in a cumulatively considerable incremental contribution to the regional loss of the habitat types presented in Table 3-18 below (Table 4-6 on page 4-31 of the DEIR/DEIS). Each of these habitats has the potential to support special-status species, as listed in Table 3-18 (Table 4-6 on page 4-31 of the DEIR/DEIS). Therefore, project implementation would result in a cumulatively considerable incremental contribution to the decline of these species in the region.

The “Land” and “Water” portions of the project would result in degradation of wildlife habitat by developing new facilities that, when combined with other habitat impacts occurring from development within the region, would result in significant cumulative impacts. Despite the implementation of project-specific measures identified in Sections 3A.3 and 3B.3 “Biological resources,” to mitigate impacts on biological resources, a temporal loss of wetlands and other waters of the U.S. and blue oak woodland would occur during implementation of mitigation until performance standards and success criteria are met. Within the SPA, 84.94 acres of aquatic habitat exists, including vernal pools and other seasonal wetlands, seeps, ponds, and stream channels. Of these, 40.75 acres (45%) would be permanently destroyed by project implementation. A total 50.7 acres of aquatic habitat occurs within all of Zone 4 of the “Water” Study Area and up to 13.5-acres of this total area could potentially be impacted by one or more of the Off-site Water Facility Alternatives. Off this total, approximately 45.9 acres reside within the Morrison Creek Watershed, while the remaining 4.8-acres occurring with the Coon-American sub-watershed.

It is estimated that 75% to 90% of the historic California vernal pool habitat has been lost. Results of surveys of vernal pool distribution in the Central Valley indicate that 13% of the 1,032,853 acres of vernal pool habitat mapped in 1997 was gone by 2005 (Placer Land Trust 2008). Losses of vernal pool habitat in the project region in that time period were substantial, with Sacramento County losing approximately 6,550 acres and El Dorado County losing approximately 260 acres. In the period between 1994 and 2005, Placer County lost approximately 17,115 acres of vernal pool habitat (Placer Land Trust 2008). In Sacramento County, two large new growth areas—Jackson Highway New Growth Area and Grant Line East New Growth Area—are planned for major urbanization between now and 2030. These two new growth areas support a combined 316 wetted acres of vernal pools that could be converted to urban land uses by the year 2030 (Sacramento County 2009). Full buildout of the City of Rancho Cordova General Plan planning area is projected to convert up to 20,728 acres of vernal pool grasslands containing 630 wetted acres of vernal pools. Historic losses of vernal pool habitat in combination with projected losses from existing, proposed, planned, and approved projects constitute a cumulatively substantial reduction in vernal pool habitat in the region. Habitat losses of this magnitude have a substantial adverse effect on species that rely on this habitat type, including Federally-listed vernal pool crustaceans, and contribute to the decline of these species.

The “Land” portion of the project would fill approximately 24.42 acres of vernal pools, seasonal wetlands, and seasonal wetland swales and would contribute to a cumulative loss of these wetland habitats in the region.

Additional aquatic habitats that would be filled consist of 4.48 acres of seeps, 0.07 acre of marsh, 0.11 acre of willow scrub, 10.42 acres of other waters of the U.S. (i.e., ponds, stream channels, and ditches), and 1.25 acres of other aquatic habitats that are not waters of the U.S. (i.e., isolated waters). In addition, the project, when combined with surrounding planned projects, would result in the conversion of large, open habitat landscapes surrounded by other open space to smaller patches of habitat surrounded by urban development. Therefore, aquatic habitats would be confined to small geographic locations and would be more vulnerable to the effect of habitat fragmentation and other indirect impacts.

Implementation of the “Water” portion of the project could result in the fill of additional vernal pools through construction of the WTP alternatives and the conveyance pipeline alternative alignments. Portions of the Zone 4 of the “Water” Study Area within the Morrison Creek watershed include 10.3 acres of vernal pool habitat, 5.8 seasonal wetland, and 0.4 acres of seasonal wetland swale, of which the Off-site Water Facility Alternatives could impact up to 3.4 acres of vernal pools, 2.3-acres of seasonal wetland, and 1.6 acres of seasonal wetland swale within the Morrison Creek watershed. Impacts to these aquatic features as part of the Off-site Water Facility Alternatives would result in impacts to up to 2.9% of vernal pools, 3.8% of seasonal wetlands, and 2.2% of seasonal wetland swales as mapped within the Morrison Creek Watershed. Although, only a small portion of Zone 4 of the “Water” Study Area lies within the Coon-American Watershed, given only limited aquatic resources exist, the corresponding proportion of potential impacts would be greater with 18% of vernal pools, 17.6% seasonal wetlands, and 23.5% of the seasonal wetland swales potentially impacted. These impacts when considered along with the quantity of wetlands and other waters present in the new growth areas of Sacramento County, including Jackson Highway, East of Grant Line Road, and Easton, which are expected to be converted to urban land uses by the year 2030, impacts to wetlands are cumulatively considerable (Sacramento County 2009).

Considering the rate of development in Sacramento County and the limited amount of undeveloped, unspoken for land that supports existing wetlands that could be preserved, or that is suitable for creation of compensatory aquatic habitats similar to those that would be removed by implementation of the “Land” portion of the project, it may not be possible to fully mitigate the loss of habitat functions and values provided by the nearly 41 acres of aquatic habitats that would be lost in the SPA.

Blue oak woodland habitat is rapidly declining in the Sacramento Valley and Sierra Nevada foothill region and a large %age of previously existing blue oak woodland has already been lost from the region. It is estimated that more than a million acres of California’s oak woodlands were lost between 1950 and 1988 (Bolsinger 1988) and another 750,000 acres are at risk of being converted to urban land uses by 2040 (California Oaks Foundation 2006: 6). Some of the largest losses of oak woodland habitat have occurred in areas surrounding or near the SPA in El Dorado and Placer Counties. It is projected that nearly 300,000 acres of oak woodlands could be

developed in the Sacramento region by 2040 and the largest anticipated losses of oak woodland in the state are in El Dorado County, which is projected to lose 80% of its oak woodlands by 2040 (California Oaks Foundation 2006: 15).

Over half of the existing oak woodlands in Placer, Nevada, and Yuba Counties are at risk of development by 2040 (California Oaks Foundation 2006: 15). Sacramento County supports just over 8,000 acres of oak woodland habitat, 7,250 of which are blue oak woodland. The SPA contains a relatively large %age (13%) of the county's blue oak woodland habitat with approximately 949 acres. Although the project has been designed to preserve the majority of oak woodland habitat in the SPA, approximately 47% (444 acres) of the existing blue oak woodland community would still be removed. This constitutes a significant contribution to the regional loss of this biological resource, which provides important functions and values to common and special-status plant and animal species and functions in carbon sequestration, and therefore results in a significant contribution to a cumulatively considerable impact.

The "Land" portion of the project would result in the loss of 2,219 acres of annual grassland habitat, which serves as foraging habitat for raptors, including Swainson's hawk, and other grassland associated wildlife species, and nesting habitat for burrowing owl. This loss would contribute significantly to the cumulatively considerable regional loss of this biological resource. As indicated in Section 3B.3, "Biological Resources - Water," of the DEIR/DEIS, the conveyance pipeline alternative alignments would generally be constructed within existing road rights-of-way and disturbed grasslands, thereby generally minimizing disturbance to sensitive habitats and areas that potentially support special-status species bordering the roadway road rights-of-way. However, it is difficult to predict with certainty the exact placement of the conveyance pipeline within the roadway for each alternative. Based on the use of a 100-foot-wide construction easement, the conveyance pipeline could directly or indirectly affect several Federal and state-listed species that use adjacent seasonal wetlands, vernal pool complexes, annual grasslands, oak savanna, and riparian and other aquatic communities within Zone 4 of the "Water" Facilities Study Area. Without mitigation, construction-related impacts combined with other land development and roadway improvement projects within the conveyance pipeline alternative alignments could be cumulatively considerable.

Implementation of mitigation measures in Section 3A.3, "Biological Resources - Land," of the DEIR/DEIS would reduce the direct project-specific impacts on valley elderberry longhorn beetle, tricolored blackbirds, bats, special status plants, riparian habitat, and valley needlegrass grassland to a less-than-significant level under the "Land" portion of the project. Mitigation measures in Section 3B.3, "Biological Resources - Water," of the DEIR/DEIS would reduce impacts on vernal pool fairy shrimp, western spadefoot toad, northwestern pond turtle, Swainson's hawk, and Sacramento Orcutt grass to a less-than-significant level under the "Water" portion of the project.

However, even with implementation of the proposed mitigation and regional enforcement of the USACE "no-netloss" standard, the value of the region as it relates to the long-term viability of these resources would be substantially diminished. The "Land" and "Water" portions of the project would result in a cumulatively considerable incremental contribution to significant cumulative biological resources impacts, including the loss and degradation of sensitive habitats,

habitat for special-status wildlife, and habitat for special-status plants; and loss/ displacement of special-status wildlife.

### *FISHERIES*

The assignment of water supplies from NCMWC in the Sacramento River Basin would not adversely affect candidate, sensitive, or special-status fish species. The proposed addition of a new point of diversion and change in CVP delivery schedule as part of the Off-site Water Facility Alternatives are relatively minor when compared to overall flows in the Sacramento River system, including total Delta inflow and outflow, and Delta CVP and SWP exports. The minor changes in hydrologic conditions would have only very minimal impacts on overall aquatic habitat quantity and quality. As a result, the Off-site Water Facility Alternatives when added to other water supply projects, including the EWA and Yuba River Accord, would result in cumulative benefits to this section of the Sacramento River. Downstream of Freeport, the minor reduction in flows attributed to the Off-site Water Facility Alternatives would be minimized by the addition of flows from other water supply projects considered in the cumulative analysis and the overall change in the delivery schedule. Therefore, the “Water” portion of the project would not result in a cumulatively considerable incremental contribution to a significant cumulative impact related to fisheries.

### **CLIMATE CHANGE**

Emissions of greenhouse gases (GHGs) have the potential to adversely affect the environment because such emissions contribute, on a cumulative basis, to global climate change. The proper context for addressing this issue in an EIR/EIS is as a discussion of cumulative impacts, because although the emissions of one single project will not cause global climate change, GHG emissions from multiple projects throughout the world could result in a cumulative impact with respect to global climate change. In turn, global climate change has the potential to result in rising sea levels, which can inundate low-lying areas; affect rainfall and snowfall, leading to changes in water supply; and affect habitat, leading to adverse effects on biological resources. Because of the length of the cumulative global climate change analysis, it is presented in this EIR/EIS as a standalone section. Accordingly, please see Sections 3A.4 and 3B.4, “Climate Change.” Sections 3A.4 and 3B.4 contain an analysis of the projected GHG emissions from the “Land” and “Water” portions of the project with respect to their potential to contribute to global climate change (see Subsections 3A.4.1 in 3A.4). Additionally, Section 3A.4 contains an analysis of the potential effects of global climate change on the “Land” portion of the project based on available scientific data. The development assumptions for the GPA were included in the modeling of impacts described for the “Land” portion of the project.

### **CULTURAL RESOURCES**

The cumulative context for cultural resources is defined as the SPA and the Sacramento Region, including Sacramento and El Dorado Counties and the Cities of Folsom and Rancho Cordova. Cultural resources in the project region generally consist of prehistoric sites, historic sites, historic structures, and isolated artifacts. During the 19th and 20th centuries, localized urbanization and intensive agricultural use in the region caused the destruction or disturbance of

numerous prehistoric sites, while many structures now considered to be historic were erected. From the latter half of the 20th century to the present, prehistoric and historic structures have been disturbed and destroyed. During this period, the creation and enforcement of various regulations protecting cultural resources have substantially reduced the rate and intensity of these impacts; however, even with these regulations, cultural resources are still degraded or destroyed as cumulative development in the region proceeds.

The records search conducted for the “Land” portion of the project indicates that the entire SPA has been previously inventoried for cultural resources and that approximately 260 prehistoric and historic-era districts, sites, features, and isolated artifacts have been identified (Appendix E2). Cultural resources identified within the SPA include: (1) traces of early Native American habitation including lithic artifact scatters and bedrock mortars; and (2) the remains of historic-era activities, in particular, those related to Gold Rush-era and later mining operations. The latter consist of the remains of small placer and quartz mines, numerous ditches and remains of similar water conveyance infrastructure, cabin sites, and other structural foundations, tailings piles, and refuse scatters.

Under the “Land” portion of the project, identified resources constitute the remains of a long series of human activities from prehistoric habitation and resource processing, to early historic mining, ranching, and transportation. Although the entire SPA has been subjected to detailed archaeological surveys and historical investigations, much of this research has been piece-meal. Most of the prehistoric and historic-era resources documented within the SPA have not been formally evaluated for significance per National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR) criteria. Regardless of their association or eligibility, the large number of cultural resources documented indicates that the SPA has long been the focus of intensive activity for thousands of years and due to its largely intact nature it is unique in the Sacramento/Folsom region. Construction that would be implemented as part of the “Land” portion of the project would likely result in direct adverse impacts to these resources.

The records search conducted for the “Water” portion of the project identified 19 sites that are situated within various portions of the Off-site Water Facilities Study Area (Appendix M). Many of these sites are potentially associated with the American River (Folsom) Placer Mining District. In addition to the sites identified in the records search, the Off-site Water Facilities Study Area also includes portions of White Rock Road, which at one time was part of the Lincoln Highway; a major overland transportation route between Carson City and Sacramento during the Gold Rush era. Construction of the “Water” portion of the project could disturb known cultural and historic resources. Mitigation outlined in Section 3B.2, Cultural Resources - Water,” would reduce potentially significant impacts to known cultural resources to a less-than-significant level.

Implementation of mitigation measures identified for the “Land” portion of the project in Section 3A.5, “Cultural Resources,” would substantially reduce the level of direct impacts on identified cultural resources, but not to a less-than-significant level. Ground-disturbing work would still result in direct impacts to cultural resources, some of which are likely to be eligible for listing on the CRHR and NRHP. The State CEQA Guidelines (CCR Section 15126.4 [b][2]) state that a

project which causes a substantial adverse change in the significance of a unique archaeological resource or an historical resource may have a significant effect on the environment. In some circumstances, depending on the significance of the resource, even the requirement for documentation of an archaeological resource or historical resource may not be sufficient to reduce the impact below the level of significance. Therefore, the “Land” portion of the project would result in a cumulatively considerable incremental contribution to the regional loss of known prehistoric and historic-era sites in the project vicinity.

The density of documented resources within the SPA and in the vicinity of the off-site elements under the “Land” portion of the project suggests that the entire project footprint is also sensitive for previously unidentified and currently unknown cultural resources. As-yet-undiscovered subsurface cultural resources might also underlie the booster pump station site, alternative WTP sites, and conveyance pipeline alternative alignments under the “Water” portion of the project. Mitigation measures contained in Sections 3A.5 and 3B.5, “Cultural Resources,” would reduce project-related impacts on as-yet-undiscovered cultural resources to less-than-significant levels.

However, undiscovered cultural resources may underlie one or more of the other related project sites, and it is unknown whether the related projects would implement appropriate mitigation. Furthermore, even after mitigation is implemented, it may be impossible to avoid the cultural resource, and a substantial adverse change in the significance of the resource (such as damaging or destroying the qualities that make it significant) could result. Therefore, the related projects could result in potentially significant cumulative impacts on undocumented cultural resources within the project vicinity. In this context, the “Land” and “Water” portions of the project could result in a cumulatively considerable incremental contribution to a significant cumulative impact. The proposed GPA would change permitted densities, but would not change the physical locations identified for Single Family, Multi-family Medium Density, and Multi-family High Density development in the existing Folsom General Plan. For issue areas (such as cultural resources) that are related to land coverage, there would be no change from the City’s existing General Plan.

## **GEOLOGY, SOILS, MINERALS, AND PALEONTOLOGICAL RESOURCES**

### **MINERAL RESOURCES**

The presence of mineral resources is dependent on the type of geologic formation, which varies from location to location and therefore is site-specific. Some of the related projects contain sources of aggregate materials. None of the related projects contain potential sources of kaolin clay. The majority of the SPA is classified by the California Division of Mines and Geology (CDMG) as Mineral Resource Zone (MRZ) MRZ-3 for construction aggregate, “areas containing mineral deposits, the significance of which cannot be evaluated from existing data.”

The western third of the SPA contain areas where piles of cobbles were deposited during dredger gold mining operations in the 1800s and early 1900s. Similar piles of dredge tailings are present in nearby areas of Rancho Cordova, which are actively being mined, and the proposed Teichert, Walltown, and DeSilva-Gates quarries south of White Rock Road are proposed for mining as an aggregate sand and gravel resource. However, the on-site dredge tailings are located primarily

within the Alder Creek drainage. Alder Creek is a perennial watercourse, and its drainage and riparian resources are protected by both Sacramento County and City of Folsom General Plan policies and ordinances. Furthermore, in 2003, the City of Folsom determined that because it did not have any active mining operations, and because none were expected in the future, that it would not update its California Surface Mining and Reclamation Act ordinance. The SPA is not delineated as an area of known mineral resources in either the City of Folsom or Sacramento County General Plans. Finally, the Alder Creek dredge tailings are not present in a large enough concentration that would warrant an economically viable on-site mining operation.

Therefore, implementation of the “Land” portion of the project would not contribute substantially to a regional loss of aggregate sand and gravel resources and would not result in a cumulatively considerable incremental contribution to a significant cumulative impact related to these mineral resources.

The western edge of the SPA is zoned MRZ-3 for kaolin clay in an area that roughly corresponds to the location of the Ione Formation in the SPA. The Ione Formation is known to contain kaolin clay in other locations in northern California (i.e., Amador County). Currently it is unknown whether or not an economically valuable deposit of kaolin clay is present. If it were present, the deposit would be unavailable for mining following project implementation, because urban development is planned throughout the area where the Ione Formation occurs in the SPA. Mitigation measures in Section 3A.7, “Geology, Soils, Minerals, and Paleontological Resources - Land,” would require studies to determine whether or not an economically valuable source of kaolin clay is present in the SPA. However, this mitigation would not reduce the level of impacts associated with the loss of kaolin clay, if it is present. The only occurrence of the Ione Formation in Sacramento County is located in the SPA. However, the Ione Formation occurs in other locations along Sierra Nevada foothills south of the SPA, from Amador County to Camanche Reservoir in Calaveras County. Kaolin clay is being mined at several locations within the Ione Formation in Amador County. Because the deposits of kaolin clay in the state occur in a very limited geographic area, the “Land” portion of the project could result in a cumulatively considerable incremental contribution to a significant cumulative impact (if kaolin clay is present in the SPA).

A review of available Sacramento County mineral resource maps indicates that facilities proposed as part of the “Water” portion of the project would not impede access to these delineated mineral resources within the eastern portions of Sacramento County. Although portions of the conveyance pipeline alternative alignments would travel in close proximity to several areas identified as containing mineral resources classified as MRZ-2; given that these alignments would be confined to the existing roadway rights-of-way, their location would not contribute to any increased losses in the availability of known mineral resources. Therefore, the “Water” portion of the project would have no impacts related to mineral resources and no cumulatively considerable impacts would occur.

## **HYDROLOGY, WATER QUALITY, AND GROUNDWATER RESOURCES**

Implementation of the “Water” portion of the project would not construct new wells or require groundwater to meet water demands of the “Land” portion of the project. However, operation of



the “Water” portion of the project could indirectly contribute to an increase in the volume of groundwater pumped by SCWA within the South American Subbasin in the future. Other projects that may contribute to future cumulative impacts include: new development associated with the Sacramento County General Plan Update, the Long-Term EWA Program,

*East Sacramento County Groundwater Replacement Project, and SCWA Zone 40 Conjunctive-Use Program.*

Under future cumulative conditions (beyond 2030), other incremental water demands from developments within the unincorporated portions of Sacramento County in conjunction with new growth within the City’s of Rancho Cordova and Elk Grove could place additional demands on local groundwater. These additional demands as contemplated in Sacramento County’s General Plan EIR for the Preferred Alternative when combined with SCWA’s incremental reduction in capacity within the Freeport Project could lead to cumulatively considerable impacts to local groundwater resources by exceeding the groundwater basin’s safe yield of 273,000 AFY.

In the Sacramento County General Plan Update EIR, the County identified an additional water demand of 31,633 AFY for the proposed Preferred Alternative. This additional demand, if solely supplied through groundwater, and combined with other existing groundwater demands is estimated at 262,280 AFY in 2030 and would exceed the sustainable yield for the Central Basin. the largest component of the total 31,633 AFY for SCWA Zone 40’s new water demand is almost entirely created by the Jackson and Grant Line East New Growth Areas and is an order of magnitude larger than the purveyor with the next largest demand (California American Water Suburban/Rosemont) at 2,342 AFY demand predicted for the Central Basin.

The County’s General Plan EIR notes that SCWA’s Zone 40 is allocated 40,900 AFY of groundwater from the Central Basin with the completion of the Freeport Project and, as provided in the County’s draft General Plan Update EIR, SCWA is not proposing any new groundwater supply in excess of this allocation to support growth in the General Plan Update’s Preferred Alternative. At this time, SCWA is proposing additional water conservation, use of recycled water, and a robust conjunctive use plan that identifies an active groundwater banking program during wet weather and increased groundwater pumping during dry periods. In addition, the draft General Plan Update EIR identifies an additional policy requiring that a water supply plan demonstrating that new growth within the Jackson and Grant Line East New Growth Areas will not exceed the sustainable yield of the Central Groundwater Basin be approved prior to development.

The potential indirect impacts to groundwater resources created by the Off-Site Water Facility Alternatives could contribute a cumulative demand for groundwater resources. Beyond 2030, the combined demand for groundwater during dry years could exceed the safe yield of the Central Basin, thereby resulting in a significant, cumulatively considerable impact. At this time, the City is unable to confirm whether potential future groundwater impacts could be reduced to less than significant levels. Based on this circumstance, the City concludes that the Off-site Water Facility Alternatives could indirectly contribute to potentially cumulative, significant and unavoidable impacts to the South American Groundwater Subbasin beyond 2030.

## **LAND USE AND AGRICULTURAL RESOURCES**

Land in the project vicinity has been converted from agricultural uses to urban development over the last 50 years. Because of the soil types, land in the project vicinity is generally most suitable for grazing land, rather than intensive agriculture such as row crops. Approximately 187,102 acres of land in Sacramento County was under Williamson Act contracts in 2007 (California Department of Conservation [DOC] 2008:26). Of these lands, approximately 10,605 acres were in the nonrenewal process (DOC 2008:29). The nonrenewal process is the most common mechanism for termination of Williamson Act contract lands and most Williamson Act contracts are terminated through nonrenewal expiration. In Sacramento County, approximately 406 acres of land under of Williamson Act contracts entered the nonrenewal process, and the amount of contract land terminated through nonrenewal expirations was approximately 524 acres as of 2007 (DOC 2008:34, 35).

Under the “Land” portion of the project, approximately 2,493 acres of the SPA consists of agricultural lands under existing Williamson Act contracts. Notices of nonrenewal were filed on these parcels in 2004 and 2006; as a result, these existing contracts will expire in 2014 and 2016, respectively. Under the “Water” portion of the project, the White Rock WTP site is under an existing Williamson Act contract, and a notice of nonrenewal was filed on this parcel (APN 072-0060-052-000) and the existing contract will expire in 2018. Implementation of the “Land” and “Water” portions of the project would require the cancellation of one or more of these Williamson Act contracts before their expiration date because the proposed land and water uses would not be permitted under the existing contracts. No feasible mitigation measures are available to reduce impacts associated with the cancellation of these Williamson Act contracts to a less-than-significant level.

In the vicinity of the SPA and Off-site Water Facilities Study Area, the only agricultural lands under existing Williamson Act contracts are south of White Rock Road. Nearby proposed projects, including the Teichert and Walltown quarries, would require cancellation of lands under Williamson Act contracts. Therefore, the impact of these related projects would be cumulatively considerable (i.e., significant), and the “Land” and “Water” portions of the project would result in a cumulatively significant incremental contribution to this cumulatively significant and unavoidable impact. It should be noted that the Williamson Act contract for the DeSilva-Gates Quarry project specifically lists mining as a compatible use under the terms of the existing contract and no cancellation of this contract would be required (Sacramento County 2007a).

## **NOISE**

When determining whether the overall noise (and vibration) impacts from related projects would be cumulatively significant and whether the project’s incremental contribution to any significant cumulative impacts would be cumulatively considerable, it is important to note that noise and vibration are localized occurrences; as such, they decrease rapidly in magnitude as the distance from the source to the receptor increases. Therefore, only those related projects that are in the direct vicinity of the “Land” and “Water” portions of the project and those that are considered influential in regards to noise and vibration (e.g., not located where ambient conditions are dominated by traffic noise from U.S. 50 and relatively large in size) would have the potential to

be considered in a cumulative context with the project's incremental contribution (e.g., Easton, Carson Creek, City Corporation Yard, and the Teichert, Walltown, and DeSilva Gates quarries).

#### *TEMPORARY, SHORT-TERM EXPOSURE OF SENSITIVE RECEPTORS TO INCREASED EQUIPMENT NOISE*

Construction equipment noise from the aforementioned related projects would be similar in nature and magnitude to those discussed from the "Land" and "Water" portions of the project in Sections 3A.11 and 3B.11 of the DEIR/DEIS ("Noise").

Specifically, noise levels from on-site construction activities would fluctuate depending on the particular type, number, and duration of usage for the varying equipment. The site preparation phase would be anticipated to generate the most substantial noise levels as the on-site equipment associated with grading, compacting, and excavation tend to be the loudest. Although detailed information is not currently available, construction of the related projects would be anticipated to result in noise levels of approximately 87 dB Leq and 90 dB Lmax at 50 feet from the simultaneous operation of heavy-duty equipment, which could exceed applicable standards at nearby sensitive receptors and/or result in substantial increases in ambient noise levels especially during the more noise sensitive hours of the day. While temporary, short-term construction source noise levels from the related projects could be considered exempt in the City of Folsom and the County of Sacramento if such noise would only occur during the daytime hours, there is no guarantee that all of the related projects would include such restrictions, and the County of El Dorado has not adopted a daytime construction noise exemption. Therefore, the related projects could generate significant impacts related to short-term exposure of sensitive receptors to increased equipment noise. Construction of the "Land" and "Water" portions of the project could also result in a significant impact from temporary, short-term equipment noise levels in the direct vicinity and possible during the same time frame as the related projects. Implementation of Mitigation Measures in 3A.11 and 3B.11, "Noise," would limit construction activities to daytime hours and require the construction of temporary noise barriers; however, these measures would not be sufficient to avoid significant construction noise impacts. Thus, the incremental contribution of the "Land" and "Water" portions of the project to this significant cumulative impact would be cumulatively considerable.

#### *LONG-TERM EXPOSURE OF SENSITIVE RECEPTORS TO INCREASED TRAFFIC NOISE LEVELS*

This analysis examines the potential for degradation of the existing ambient noise environment from project implementation based on thresholds contained in the CEQA checklist, which also encompass the factors taken into account for impacts under NEPA, where a 5 dBA increase at 50 dBA existing sound levels would be considered a significant impact, and a 3 dBA increase at 60 dBA existing sound levels would be considered a significant impact.

Implementation of the aforementioned related projects would result in an increase in ADT volumes on affected roadway segments and, consequently, an increase in traffic source noise. Traffic noise levels associated with the related projects were predicted for affected roadway segments using FHWA's Highway Noise Prediction Model (FHWA-RD-77-108) (FHWA 1978)

and traffic data (e.g., ADT volumes, vehicle speeds, and % distribution of vehicle types) from DKS Associates, Inc. and Caltrans. This model is based on the California vehicle noise (CALVENO) reference noise emission factors for automobiles, medium trucks, and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and ground attenuation factors and does not assume any natural or human-made shielding (e.g., the presence of vegetation, berms, walls, or buildings).

Table 4-8 of the DEIR/DEIS summarizes the modeled traffic noise levels at the approximate road corridor boundary under future no project conditions, essentially the noise levels attributable only to the related projects including the quarry-related activities. In comparison to those levels shown in Table 3A.11-18 under the existing no project conditions, implementation of the related projects would result in substantial (e.g., 3 dB Ldn/CNEL where traffic noise levels range between 60 and 65 dB Ldn/CNEL, or 1.5 dB Ldn/CNEL where traffic noise levels are greater than 65 dB Ldn/CNEL) net increases along affected roadway segments. It is also important to note here that the addition of the quarry-related traffic alone under future conditions (i.e., compare no project [without quarry trucks] to no project [with quarry truck] in Table 4-8 of the DEIR/DEIS) results in substantial increases in traffic noise levels. Therefore, the related projects could result in a significant impact from long-term exposure of sensitive receptors to increased traffic noise levels. As discussed in Impact 3A.11-4, project operation would result in a significant impact from the long-term exposure of sensitive receptors to increased traffic noise levels on the same affected roadway segments, which for the purposes of that analysis, did not include quarry-related traffic. Implementation of Mitigation Measure 3A.11-4 would reduce this impact, but not to a less-than-significant level. Over the long-term, operation of the “Water” portion of the project could generate a minimal number of new vehicle trips from employees traveling to and from the White Rock WTP or Folsom Boulevard WTP and routine maintenance and inspection activities of the conveyance pipeline and booster pump station. These trips could substantially degrade the existing ambient noise environment.

Thus, the traffic noise impacts from the “Land” and “Water” portion project and related projects, taken together, are cumulatively significant. Construction of sound walls and other noise-attenuating features (e.g., berms, dualpane windows) throughout the region would require a regional program (which does not exist) and may not be feasible to implement. Because it is considered infeasible to sufficiently reduce noise at every existing and proposed sensitive receptor that would be affected, this cumulative traffic noise impact is significant and unavoidable, and the project’s incremental contribution to the significant cumulative impact is itself cumulatively considerable (i.e., significant and unavoidable).

#### *COMPATIBILITY OF SENSITIVE LAND USES WITH THE AMBIENT NOISE ENVIRONMENT*

After consideration has been made of the project-related increase in the ambient noise level (discussed in the preceding paragraph), this analysis considers whether the total noise level with project implementation would be within the allowable exterior local jurisdictional noise element standard. Any total noise level above the local jurisdictional noise element standard would be considered a significant impact. Ambient noise levels in the general area of the aforementioned related projects would be influenced largely by vehicle traffic on nearby roadways. Table 4-8

summarizes the modeled traffic noise levels on area roadways at the approximate road corridor boundary under future no project conditions including quarry-related activities. As shown in Table 4-8, when considering traffic noise levels associated with the related projects including quarry related activities, modeled noise levels exceed 60 Ldn/CNEL (which is the level considered acceptable in the applicable standards for sensitive uses) by as much as 20 dB, which could result in incompatibilities with existing sensitive uses and/or those proposed as part of the related projects (e.g., Easton and Carson Creek). Therefore, a significant impact could occur from the related projects from land use incompatibility with vehicle traffic. The 60- dB Ldn/CNEL noise contours for adjacent roadways (i.e., U.S. 50, White Rock Road, and Prairie City Road) with the inclusion of projected quarry truck trips completely encompass the SPA. Even considering that a typical 6- foot sound wall would reduce noise levels from approximately 5-6 dB and for each additional foot of wall another 1 dB (Caltrans 1998), and incorporating the maximum setback distance feasible, noise levels would still exceed applicable standards at those sensitive uses proposed as part of the project. Thus, the incremental contribution of the “Land” portion of the project to this significant cumulative impact would be cumulatively considerable.

Based on the analyses of operational noise impacts from the “Water” portion of the project, minimal noise from vehicular traffic would be expected from the Off-Site Water Facilities WTP. However, the proximity of pump and generator facilities for the Off-Site Water Facilities pumping facilities, and the WTP, to adjacent sensitive receptors is not known at this time and, therefore, the City is unable to confirm whether enclosing pump and generator facilities at the booster pump station and well sites would mitigate water-related operational noise to a less-than-significant level. Although unlikely, in order to be conservative, this analysis assumes that pumping and WTP operations, when considered in combination with the related projects, could, at times, be in excess of Sacramento County and City of Rancho Cordova standards. Therefore, the incremental contribution of the “Water” portion of the project to this significant cumulative impact could be cumulatively considerable.

As described on page 4-24 of the DEIR/DEIS, the City of Folsom is a participant (along with the County of Sacramento, the City of Rancho Cordova, and other interested parties) in the East Sacramento Regional Aggregate Mining TMP. Accordingly, Cumulative Mitigation Measure Noise-1-Land is hereby replaced with the following:

***Cumulative Mitigation Measure NOISE-1-Land: Implement East Sacramento Regional Aggregate Mining Truck Management Plan or Other Measures to Reduce Exposure of Sensitive Receptors to Operational Noise from Quarry Truck Traffic.***

The City of Folsom is a participant in the development of an East Sacramento Regional Aggregate Mining Truck Management Plan (TMP), a cooperative effort led by the County of Sacramento, with the input of the City of Folsom, the City of Rancho Cordova and other interested parties, including representatives of quarry project applicants. When the County Board of Supervisors approved entitlements for the Teichert quarry project in November 2010, it also adopted conditions of approval and a development agreement that requires Teichert’s participation in, and fair share funding of, a TMP to implement roadway capacity and safety improvements required to improve the compatibility of truck traffic from the quarries with the future urban development in the SPA and other jurisdictions that will be

affected by quarry truck traffic. The development agreement adopted by the County for the Teichert project imposes limits on the amounts of annual aggregate sales from Teichert's facility until a TMP is adopted.

The City of Folsom does not have direct jurisdiction over the Teichert, DeSilva Gates, or Walltown quarry project applicants as these projects are located within the unincorporated portion of the County. The County, as the agency with the primary authority over the quarries, has indicated that it intends to prepare an environmental analysis in accordance with CEQA prior to adoption of a TMP. The City's authority to control the activities of the quarry trucks includes restrictions or other actions, such as the approval and implementation of specialized road improvements to accommodate quarry truck traffic, that would be applicable within the City's jurisdictional boundaries. For the foregoing reasons, the City of Folsom considers itself a "responsible agency" (as that term is defined at State CEQA Guidelines, CCR Section 15381), in that it has some discretionary power over some elements of a future TMP, if such TMP calls for improvements or other activities on roadways within the jurisdiction of the City. In a responsible agency role, the City would follow the process specified in the CEQA Guidelines for consideration and approval of the environmental analysis prepared by the County for a TMP after such documentation is prepared and adopted by the County. (State CEQA Guidelines, CCR Section 15096.)

Because no final project description for a TMP has been developed, the City would have to speculate as to those portions of a TMP that might be proposed for implementation within its jurisdiction, or the impacts that could arise from the implementation of as-yet uncertain components. Accordingly, formulation of the precise means of mitigating the potential cumulative noise impacts pursuant to the TMP is not currently feasible or practical. However, as the preferred, feasible, and intended mitigation strategy to address the cumulative impacts of quarry truck traffic through the SPA, the City shall implement, or cause to be implemented those portions of the TMP (as described above) that are within its authority to control. In implementing the TMP, the City shall ensure that the TMP or traffic measures imposed by the City within the SPA reduce the traffic noise exposure to sensitive receptors along routes within the SPA so as to ensure that sensitive receptors are not exposed to interior noise levels in excess of 45 dBA, or increases in interior noise levels of 3 dBA or more, whichever is more restrictive. With this mitigation, the cumulative noise impacts from truck traffic would be less than significant.

As an alternative (or in addition) to implementing the TMP within the SPA, the following measures could (and should) be voluntarily implemented by the quarry project applicant(s) (Teichert, DeSilva Gates, and Granite [Walltown]) to help ensure interior noise levels for sensitive receptors to noise generated by quarry truck traffic would not exceed 45 dBA or increase of 3 dBA over existing conditions, as identified above. The City encourages implementation of the following measures:

- ▶ The quarry project applicant(s) should meet with the City of Folsom to discuss mitigation strategies, implementation, and cost.

► A site-specific, project-level screening analysis should be conducted by the City of Folsom and funded by the quarry truck applicant(s) for all proposed sensitive receptors (e.g., residences, schools) in the SPA that would be located along the sides of roadway segments that are identified in Table 4-8 as being potentially significant under any of the analyzed scenarios. The analysis should be conducted using an approved three dimensional traffic noise modeling program (i.e., TNM or SoundPlan). Each project-level analysis should be performed according to the standards set forth by the City of Folsom for the purpose of disclosure to the public and decision makers. The project-level analysis should account for the location of the receptors relative to the roadway, their distance from the roadway, and the projected future traffic volume for the year 2030 (including the %age of heavy trucks). If the incremental increase in traffic noise levels are determined to exceed the threshold of significance recommended by the City of Folsom, then design mitigation should be employed, which may include the following:

- Model the benefits of soundwalls (berm/wall combination) along the quarry truck hauling roadways and affected receptors not to exceed a total height of eight feet (two-foot berm and six-foot concrete mason wall). If this mitigation measure is determined by the City of Folsom to be inadequate, additional three dimensional traffic noise modeling should be conducted with the inclusion of rubberized asphalt at the expense of the quarry truck applicant(s). No quarry trucks should be allowed to pass on any roadway segment immediately adjacent to or within the SPA until said mitigation has been agreed upon by the City of Folsom and fees for construction of said mitigation are paid by the quarry truck applicant(s).
  - Implement the installation of rubberized asphalt (quiet pavement) on roadway segments adjacent to sensitive receptors that carry quarry trucks if soundwalls do not provide adequate reduction of traffic noise levels. The inclusion of rubberized asphalt would provide an additional 3 to 5 dB of traffic noise reduction. The cost of construction using rubberized asphalt should be borne by the quarry truck applicant(s). Said mitigation fee should be determined in consultation with the quarry project applicant(s), the Folsom South of U.W. 50 Specific Plan project applicant(s), and the City of Folsom. No quarry trucks should be allowed to pass on any roadway segment immediately adjacent to or within the SPA until said mitigation fees are paid.
- To improve the indoor noise levels at affected receptors, implement the following measures before the occupancy of the affected residences and schools:
- Conduct an interior noise analysis once detailed construction plans of residences adjacent to affected roadways are available to determine the required window package at second and third floor receptors to achieve the interior noise level standard of 45 dB Ldn without quarry trucks.
  - Determine the interior quarry truck traffic noise level increases at second and third floor receptors adjacent to affected roadways compared to no quarry truck conditions. Window package upgrades are expected to be necessary due to the traffic noise level

increases caused by quarry trucks along affected roadways. Quarry truck applicant(s) should pay for the cost of window package upgrades (increased sound transmission class rated windows) required to achieve the interior noise level standard of 45 dB Ldn with the inclusion of quarry truck traffic.

To the extent this noise mitigation would not already be implemented as part of the Folsom South of U.S. 50 Specific Plan project development, this mitigation should be paid for by the quarry project applicant(s) before any quarry trucks are allowed to pass on any roadway that is within 400 feet of any residence or school within the SPA.

Implementation of Cumulative Mitigation Measure Noise-1-Land would reduce the significant impact related to exposure of project-generated sensitive receptors to noise from increased traffic levels generated by quarry truck trips to a less-than-significant level because the City would either designate truck routes that would limit or prohibit truck traffic adjacent to sensitive receptors or the City would be able to reach a voluntary agreement with the quarry applicants that would require a site-specific noise assessment to be performed using an approved three dimensional traffic noise modeling program, and in the event the quarry trucks are shown to cause a 3 dBA increase in sound levels (or to increase interior sound levels above 45 dBA) within 400 feet of any project generated sensitive receptors, either the setback distances of the sensitive receptors from the road would be increased, the sound wall heights would be increased, additional sound reduction measures such as quiet pavement would be constructed, or fewer quarry trucks would be allowed to pass on the roadways within 400 feet of the sensitive receptors such a 3 dBA increase would not occur. However, the City of Folsom does not have direct jurisdiction over the Teichert, DeSilva Gates, or Walltown quarry project applicants and operations; therefore, if the quarry project applicants decline to voluntarily implement the recommended mitigation, the City may adopt truck route restrictions, thereby reducing the impact to a less than significant level.

While Sacramento LAFCo finds that the above measures are appropriate and feasible, LAFCo further finds that the above stated mitigation measures are within the responsibility and jurisdiction of the City of Folsom or another public agency, not Sacramento LAFCo. The agency(ies) with jurisdiction to implement these mitigation measures can and should do so.

## **POPULATION, EMPLOYMENT, AND HOUSING**

Depending on the action alternative chosen for development, implementation of the “Land” portion of the project would include an estimated population of 16,761–24,335 new residents at full buildout. As discussed in Section 3A.13, “Population, Employment, and Housing - Land,” it cannot be determined whether the “Land” portion of the project would generate population growth that exceeds estimates for Folsom or Sacramento County under their currently adopted General Plans, and the “Land” portion of the project could potentially result in unplanned population growth in the area. Population growth, by itself, is not considered a significant cumulative effect because it is not an environmental impact. However, the direct and indirect effects, such as housing and infrastructure needs that are related to population growth, can lead



to physical environmental effects, the impacts of which are considered throughout Chapter 3 of this EIR/EIS.

The “Water” portion of the project would not involve construction of new housing that would directly result long-term increases in population. Therefore, the “Water” portion of the project would have no impacts related directly to population growth and no cumulatively considerable impacts would occur. The proposed GPA could result in an excess of 532 units within the current City boundaries beyond those incorporated in the currently adopted Folsom General Plan. Population growth, by itself, is not considered a significant cumulative effect because it is not an environmental impact. However, the direct and indirect effects, such as housing and infrastructure needs that are related to population growth, can lead to physical environmental effects, the impacts of which are considered in Section 3A.10, “Land Use and Agricultural Resource – Land,” throughout Chapter 3 of the EIR/EIS, and in the City’s General Plan EIR.

### **Jobs/Housing Balance**

The concept of jobs/housing balance presumes that the environment and quality of life in a given area benefit when the area has a balance between its housing supply and its employment base. In the broadest sense, the balance of jobs and housing in a metropolitan region is defined as provision of an adequate supply of housing to house workers employed in a defined geographic area, such as a community, a city, or other subregion. Alternatively, a jobs/housing balance can be defined as adequate provision of employment in a defined area that generates enough local workers to fill the housing supply. The opportunity to live close to the workplace afforded by providing housing close to jobs should translate to lower congestion and commute times by eliminating the necessity for long-distance commutes. It also provides increased opportunities to use transit, bike, or walk to work in lieu of driving.

An area that has too many jobs relative to its housing supply is likely (in the absence of offsetting factors) to experience substantial in-commuting, relatively rapid increases in housing prices, and intensified pressure for additional residential development. Conversely, if an area has relatively few jobs in comparison to the number of employed residents, many of the workers are required to commute to jobs outside their area of residence.

Commuting results in more traffic congestion, air quality degradation, and noise generation. The simplest measure of jobs/housing balance is an index based on the ratio of employed residents (which is influenced by the number of homes) to jobs in the area. An index of 1.0 indicates that the supply of jobs and housing are balanced. An index above 1.0 indicates that employment growth is outpacing housing growth and, therefore, there are more jobs than employed residents, and may suggest that many employees are commuting in from outside the community. An index below 1.0 indicates that housing growth is outpacing employment growth and, therefore, there are more employed residents than jobs and may suggest that many residents are commuting to jobs outside the community. Imbalance is often a result of local land use policy; therefore, long-term job uses and housing in an urban area should eventually equalize with good planning practices, and thus reduce commuting.

Jobs/housing indices are more useful for examining the potential for “self-containment” at the regional level than for determining whether this self-sufficiency actually exists in a given

community. Balance involves more than matching numbers of housing units and numbers of jobs. Even if communities have a statistical balance between jobs and housing, they are still very likely to experience in-commuting and out-commuting, given the variety and dispersed nature of employment and residential opportunities elsewhere in the region and the high level of mobility offered by automobiles. Trip-making decisions, including the choice of mode, are based on many factors.

In the most rational scenario, mode choice is based on the relative time, cost, and availability of alternative transportation modes. However, mode choice is not simply the result of a rational decision between equally weighed travel tradeoffs. Based on theory and empirical research, the perceived cost, household characteristics, and land use also affect mode choice. Additional factors shape the context in which people make trip decisions, including the fact that two-income households usually work in different locations; frequent job turnover reduces the ability to locate with reference to one's workplace; and factors other than jobs access, such as quality of schools, housing prices, and access to other amenities, influence residential location choices as much as or more than proximity to employment. (Atlanta Regional Commission 2002.)

Because the "Land" portion of the project would provide employment opportunities in Sacramento County, including the City of Folsom, as well as the greater Sacramento region, and would be located on the El Dorado County line with off-site improvements being constructed in El Dorado County, the geographic area is defined as El Dorado and Sacramento Counties. To allow for consistency in comparisons, the jobs/housing balance indices in this analysis were calculated using the SACOG Metropolitan Transportation Plan's (MTP's) estimated housing and employment projections for these counties. These projections were based on employment, population and housing growth in specific geographic locations using recent growth trends; planned projects (both adopted and in-process) in each jurisdiction; planning-related issues such as flood control, habitat and infrastructure; and the long-range planning projects in each location. The jobs/housing indices were determined by dividing the projected number of jobs by the projected number of housing units. (SACOG 2007:15-1.) The ratio of jobs to housing varies considerably in Sacramento County. Rancho Cordova had the highest jobs ratio in 2005 with a jobs/housing index of 2.70, followed by the Cities of Sacramento and Folsom with jobs/housing indices of 1.99 and 1.29, respectively. Citrus Heights had the lowest jobs to housing ratio in 2005 with a jobs/housing index of 0.53. As a whole, the jobs/housing index for Sacramento County was 1.34 in 2005.

Over the next 25 years, job growth is expected to improve the number of jobs compared to the number of employed residents living in the county and the jobs/housing index is projected to decrease in Sacramento County to 1.21 in 2035. (SACOG 2007:15-3.)

El Dorado County has maintained a low ratio of jobs-to-housing units. In 2005, the jobs/housing index for El Dorado County was 0.79. The majority of the county's employment growth has occurred in the unincorporated communities of El Dorado Hills and Cameron Park at the western edge of the county. These areas have experienced robust residential growth due to entitlement of several specific plans. Apart from additional commercial and industrial growth along U.S. 50, El Dorado Hills will continue to function as El Dorado County's main jobs center. Employment

growth in the county is expected bring the jobs/housing index for El Dorado County to 0.98. (SACOG 2007:15-2, 15-3.)

The estimated number of jobs generated by the “Land” portion of the project and the number of employable residents in the SPA would depend on the project (action) alternative chosen for development. The jobs/housing index would be 1.2 for the Proposed Project Alternative, 1.3 for the Resource Impact Minimization Alternative, 1.5 for the Centralized Development Alternative, 1.1 for the Reduced Hillside Development Alternative, or 1.8 for the No Federal Action Alternative, which indicates that the project would be job rich regardless of the alternative implemented. The jobs/housing index for Folsom was 1.29 in 2005, and is projected to decrease to 1.23 in 2035, which indicates the city would remain job rich (SACOG 2007:15-2). Therefore, the project would cumulatively affect the city’s jobs-housing balance.

At a more regional level, the jobs/housing index for Sacramento County was 1.34 in 2005 and is projected to decrease to 1.21 in 2035. Overall, the jobs/housing index for the Sacramento region (Sacramento, El Dorado, Placer, Sutter, Yolo, and Yuba Counties) as a whole was 1.24 in 2005 and is projected to decrease to 1.15 by 2035. The jobs/housing indices for these counties indicate that planned housing projects, including this project, are expected to provide housing opportunities and improve the current jobs/housing balance to approximately 1.15 jobs to one housing unit by 2035; however, the Sacramento region would remain slightly job rich. In this respect, the project would cumulatively affect the county and Sacramento region jobs-housing balance. (SACOG 2007:15-2.)

## **TRAFFIC AND TRANSPORTATION**

For traffic and transportation analysis purposes, cumulative conditions reflect year 2030 conditions, the anticipated build-out date of the SPA, and include the increased population that would be generated by the proposed GPA. Land use for the cumulative scenarios is based on the following sources: SACOG forecasts; the City of Folsom General Plan; the City of Rancho Cordova General Plan; the El Dorado County General Plan; the proposed Easton/Glenborough Specific Plan; the Cordova Hills area unapproved Phase I plan; and the proposed Teichert, Walltown, and DeSilva-Gates quarries south of the site. The cumulative traffic volume increases would result in unacceptable levels of service at various roadway segments, intersections, and freeway ramps in the study area as detailed in Section 3A.15, “Traffic and Transportation - Land,” of this EIR/EIS. Furthermore, many of the identified impacts would occur outside of the City’s jurisdiction and therefore the City cannot impose or enforce mitigation; however, it is expected that these impacts would be reduced to a less-than-significant level if the respective agencies, i.e., Caltrans, Sacramento County, El Dorado County, imposed and enforced specific mitigation measures. Buildout of the “Land” project, in conjunction with other planned, proposed, and approved projects in the vicinity, would result in cumulatively considerable increases to peak-hour and daily traffic volumes, even if the other agencies cooperated to implement mitigation measures.

## UTILITIES AND SERVICE SYSTEMS

Future development in Sacramento and El Dorado Counties would increase the demand for utilities in the region. In terms of cumulative impacts, the appropriate service providers are responsible for ensuring adequate provision of public utilities within their jurisdictional boundaries. As indicated in Sections 3A.16 and 3B.16, “Utilities and Service Systems,” the necessary public utilities would be provided to the SPA by the City, SRCSD, EID, Sacramento Metropolitan Utility District (SMUD), Pacific Gas & Electric Company (PG&E), AT&T, and Comcast. Public utilities would be provided to the “Water” portion of the project by SMUD and AT&T. The related “Land” projects within the Cities of Folsom and Rancho Cordova would rely on similar service providers (with the exception of EID). Related projects outside the Cities of Folsom and Rancho Cordova would rely on a variety of service providers, within Sacramento and El Dorado Counties, some of which could include SRCSD, EID, PG&E, AT&T, and Comcast. The “Land” portion and “Water” portions of the project and the proposed GPA would result in less-than-significant impacts associated with increased demand for electrical and communications services and infrastructure, and the “Land” portion of the project would result in less-than-significant impacts associated with increased demand for SRCSD off-site wastewater collection and conveyance facilities; increased generation of solid waste; and increased demand for natural gas and cable television services and infrastructure. Tables 3A.16-3, 3A.16-4, and 3A.16-5 in Section 3A.16, “Utilities and Service Systems - Land,” of the DEIR/DEIS summarize wastewater generation, solid waste generation, and electrical and natural gas service demands, respectively.

### *WATER SUPPLY*

Presently, there are no public water supply facilities in the SPA. Implementation of the “Water” portion of the project would allow the City to provide water service to new development within the SPA. The “Water” portion of the project proposes to acquire not more than 8,000 AFY of CVP settlement supply water from the NCMWC to meet the water supply demands at buildout of the “Land” portion of the project. That water would be permanently assigned to the City and this water supply would be provided by Reclamation for diversion from the Sacramento River.

In compliance with SB 610, the City has prepared a water supply assessment (WSA) to evaluate the adequacy of existing and future water supplies to meet the water demand created by the “Land” portion of the project in conjunction with existing and future development (Appendix M1). The WSA concluded that NCMWC would have sufficient surface water supplies to serve the “Land” portion of the project.

In relation to water supplies within NCMWC’s service area, the City acknowledges that continued urbanization within NCMWC’s service area could occur in the future and that these areas could be served by the City of Sacramento as opposed to NCMWC. However, even if the City of Sacramento served these areas in the future, it is unlikely that total water use within NCMWC’s service area would increase. By considering both 2004 and 2007 cropping patterns within NCMWC’s service area, the Wagner and Bonsignore Report (2007) (see Appendix M2) supports this conclusion.

Because the Wagner & Bonsignore report considered 2004 and 2007 cropping patterns within NCMWC's service area and the associated water use, the cumulative analysis considers the irrigation of approximately 4,500 acres that were no longer under agricultural production in 2007. If, however, 2007 cropping patterns were to continue in the future and urbanized development replaced the approximately 4,500 acres taken out of production, the corresponding water use would still be less than agricultural water use in 2004. Hence, even if the City of Sacramento supplied the new development within NCMWC's service area as opposed to NCMWC, there is sufficient basis for concluding that there would no corresponding net increase in water use within NCMWC's service area, but more likely a net reduction in water use.

This finding is supported by the fact that rice is generally considered to be one of the more water-intensive crops and, in general terms, uses substantially more water on a per-acre basis when compared to an M&I use. Further, current building codes (e.g., CalGreen) and water conservation measures (e.g., California Urban Water Conservation BMPs [2007]) combined with a 1:1 ratio of open space to development requirements as outlined in the Natomas Joint Vision MOU, would likely further reduce total water demand for urbanized uses. Although the pattern of demand would change under an urbanized scenario, this change in the delivery pattern would benefit the CVP by adding to carryover storage within Shasta Reservoir during the fall months. This effect would be similar to the project's effect on Shasta Reservoir storage. For these reasons, the project would not result in a cumulatively considerable incremental contribution to a significant cumulative impact.

#### *WATER CONVEYANCE AND TREATMENT FACILITIES*

Presently, there are no public water supply facilities in the SPA. A new on-site water system would be constructed and would include transmission and distribution pipelines, aboveground water storage tanks, and booster pump stations. The on-site water system would be incrementally expanded to meet the demands of the "Land" portion of the project.

The "Water" portion of the project would construct off-site water conveyance and treatment facilities to convey water to the SPA. These off-site facilities consist of (1) a point of diversion on the Sacramento River at the Freeport Project, (2) a raw or treated-water booster pump station, and (3) a raw or treated-water transmission pipeline to convey the water to the SPA. The point of diversion, booster pump station, and water transmission pipeline would be sized to accommodate not more than 6,000 AFY of water purchased from NCMWC. Water treatment would be provided through the Vineyard WTP or construction of the White Rock WTP or Folsom Boulevard WTP. The WTP alternatives would have an ultimate capacity of approximately 10 million gallons per day (mgd).

Implementation of mitigation measures in Sections 3A.16 and 3B.16, "Utilities and Service Systems," would reduce potentially significant project-related impacts related to on- and off-site water conveyance facilities to a less-than-significant level by ensuring that sufficient on- and off-site water conveyance infrastructure and facilities would be available to serve all "Land" portions of the project. Therefore, the "Land" and "Water" portions of the project would not

result in a cumulatively considerable incremental contribution to a significant cumulative impact related to water conveyance and treatment facilities.

### ***WASTEWATER CONVEYANCE FACILITIES***

The SPA is presently not served by any municipal wastewater collection and treatment systems. Approximately 3,313 acres of the SPA west of Empire Ranch Road is within the SRCSD service area and the remaining 189 acres east of Empire Ranch Road is within both the SRCSD and EID service areas. A draft sewer master plan was prepared for the project to address the viability of providing sewer service to the SPA and identify on- and off-site facility needs and design. Proposed on-site wastewater collection trunk lines and all other planned elements of the wastewater system would be sized to accommodate planned wastewater flows. The proposed GPA could result in construction of 546 units beyond those envisioned in the existing Folsom General Plan. In combination with future projects that may be built within the City of Folsom, the proposed GPA could contribute considerably to a potentially significant cumulative impact related to wastewater conveyance.

Mitigation Measures 3A.16-1 and 3A.16-3 would require proof of capacity prior to approval of development under the proposed GPA, and would also result in a less than considerable cumulative contribution.

### **Sacramento Regional County Sanitation District**

The wastewater generated within the 3,313-acre SRCSD service area would ultimately be conveyed to the Folsom South Pump Station that is north of Easton Valley Parkway and approximately 1,500 feet west of Oak Avenue. From the Folsom South Pump Station, the proponents of the Folsom South of U.S. 50 Specific Plan would construct an off-site force main to convey flows to an existing SRCSD 24-inch force main located within Iron Point Road north of U.S. 50 and downstream of the existing Folsom East 3B Pump Station. The existing 24-inch force main is currently a dry pipeline and was constructed as part of SRCSD's Folsom East Interceptor project for future use by the "Land" portion of the project. Therefore, the "Land" portion of the project and the proposed GPA would not result in a cumulatively considerable incremental contribution to a significant cumulative impact on SRCSD wastewater conveyance facilities.

### **El Dorado Irrigation District**

Approximately 189 acres of the SPA east of Empire Ranch Road is within the EID service area and wastewater collection and conveyance facilities for that area would be provided by EID. Sewer flows from the EID service area would be conveyed to an existing pump station at the intersection of White Rock Drive and Winterfield Drive and ultimately conveyed to the El Dorado Hills Wastewater Treatment Plant (WWTP). The existing collection and conveyance facilities may not have the capacity to accommodate wastewater flows generated by the "Land" portion of the project to the EID service area and could require improvements to meet project demands. Implementation of mitigation contained in Section 3A.16, "Utilities and Service Systems - Land," would reduce significant impacts associated with increased demand for EID

conveyance facilities to a less-than-significant level because adequate wastewater conveyance facilities would be documented before approval final maps and issuance of building permits. However, potential improvements could include expanding the capacity of existing sewer pipelines, upgrading or replacing the existing pump, and installing an additional manhole; it is not known at this time what specific improvements would be required. Any improvements to these facilities would require additional analysis in a subsequent CEQA document to identify specific impacts and any required mitigation measures. Impacts resulting from improvements to EID collection and conveyance facilities could include: temporary, short-term generation of criteria air pollutants, such as PM10 (e.g., respirable particulate matter with a diameter smaller than 10 microns) and emissions of ozone precursors (e.g., reactive organic gases and oxides of nitrogen) during construction; temporary lane closures; increased truck traffic and other roadway impacts during construction; exposure of sensitive receptors to noise levels above noise ordinances during construction; exposure of sensitive noise receptors to new stationary-source noise from potential pump station improvements; and exposure of construction crews and the public to hazardous materials used in construction.

Since it is unknown if existing collection and conveyance facilities have the capacity to accommodate wastewater flows generated by project development, the “Land” portion of the project could directly and indirectly contribute to the need for off-site EID wastewater facility improvements. The “Land” portion of the project would contribute to the potentially significant environmental effects associated with improvements to these facilities for which feasible mitigation may not be available to reduce impacts to a less-than-significant level.

Because future improvements to the EID collection and conveyance facilities would be required to serve the project and other development in the EID service area, the environmental impacts of these facilities are associated with development of the project. Therefore, the “Land” portion of the project and related projects could contribute to the indirect and direct significant impacts associated with the future improvements to the collection and conveyance facilities that would be needed to serve the “Land” portion of the project and the related projects.

Therefore, related projects could result in cumulatively considerable (i.e., significant) impacts associated with increased demand for wastewater conveyance facilities, and the “Land” portion of the project would result in a cumulatively considerable incremental contribution to this cumulatively significant impact.

### **Wastewater Treatment Facilities** ***Sacramento Regional County Sanitation District***

Depending on the project or action alternative chosen for development, approximately 3.83 to 5.76 million gallons per day (mgd) of average dry-weather flow and 8.58 to 12.10 mgd peak wet-weather flow would be generated within the SRCSD service area (MacKay & Somsps 2008b; Zoller, pers. comm. 2009).

The wastewater flows generated in the SPA, including the 189-acre portion of the SPA that would be served by EID, have been planned for in the SRCSD Master Plan 2000. The master plan estimates that buildout of the SPA would generate an average dry-weather flow of 6.82 mgd

and a peak wet-weather flow of 14.48 mgd (SRCSD 2003b:Table 3-1). Because 189 acres of the SPA would be served by EID, the project-related average-dry weather flow and peak-wet weather flow would be less than those identified in the SRCSD Master Plan 2000.

The *Sacramento Regional Wastewater Treatment Plant 2020 Master Plan* (2001) provides for expansion of the Sacramento Regional Water Treatment Plant (SRWTP) to 218 mgd, and provides a phased program of recommended wastewater treatment facilities and management programs to accommodate planned growth through the year 2020. According to the 2020 Master Plan EIR, the permitted capacity (181 mgd) of the SRWTP was expected to be reached before 2010. However, flows to the SRWTP have consistently decreased between 2000 and 2006 from 155 mgd to 131 mgd. The reason for reduced flows is a result of water conservation efforts over the last 10 years. In addition, State legislation passed in 2009 and the SRCSD commitment to promote water supply reliability and Delta sustainability would substantially reduce the amount of wastewater generated in the future.

The expansion of the SRWTP to 218 mgd was based on growth rates expected to be achieved in the Sacramento County region by 2020. This projected capacity does not specifically include buildout of the “Land” portion of the project or the proposed GPA. Note that the 218 mgd total does not represent a buildout population total for SRCSD; rather, it represents the amount of growth expected within SRCSD based on projections. The SRCSD has determined that growth within the district is less than what was projected in the 2020 master plan and the SRWTP can provide capacity to future development beyond what was originally anticipated. Although there is expected to be sufficient SRWTP capacity to accommodate project flows through 2020, there would be no assurances that the SRWTP would have adequate capacity for new wastewater flows for the SPA occurring after 2020. Over time, additional planning at the SRWTP would occur, and overall capacity would be assessed and additional capacity planned for and added. The SRWTP site has sufficient land area to accommodate a substantially higher flow than 218 mgd; however, SRCSD’s plans beyond the next 12 years are speculative.

Because there is a relationship between the “Land” portion of the project (and the proposed GPA) and the need for expansion of the SRWTP, implementation of the “Land” portion of the project and the proposed GPA would contribute indirectly and incrementally to the related impacts. As described in the 2020 Master Plan EIR, construction and operation of the expanded SRWTP would result in several environmental impacts (including impacts on water quality, hydrology, and fisheries), most of which would be reduced to a less-than-significant level through implementation of mitigation. The only significant and unavoidable impact would be from temporary, short-term increases in NOX during construction of SRWTP facilities. However, the adequacy of the EIR for the 2020 Master Plan is being litigated (see Section 3A.16, “Utilities and Service Systems - Land” for additional information). In addition to the impacts identified above, there is a potential that new significant impacts to water quality or other resources could be identified if the EIR for the SRWTP is found inadequate and impacts are re-analyzed. However, it is speculative to draw any such conclusion at this point. The “Land” portion of the project, the proposed GPA, and the related projects would contribute to the need to expand wastewater treatment capacity at the SRWTP facility identified by SRCSD in its 2020 Master Plan; therefore, the “Land” portion of the project and the proposed GPA would contribute to a cumulatively considerable incremental contribution to a significant



cumulative impact related to the short-term impact on air quality from expansion of the SRWTP identified in the 2020 Master Plan EIR.

### ***El Dorado Irrigation District***

Depending on the project or action alternative chosen for development, approximately 0.05 to 0.31 mgd of average dry-weather flow and 0.14 to 0.78 mgd of peak wet-weather flow would be generated within the EID service area (MacKay & Soms 2008b).

Currently, the design capacity of the El Dorado Hills WWTP is 3.0 mgd average dry-weather flow and 7.6 mgd peak wet-weather flow. As of 2007, the average dry weather flow is approximately 2.86 and the peak wet-weather flow is 8.04 mgd. Expansion of the WWTP is required to provide wastewater treatment capacity for land uses in El Dorado Hills as identified by the El Dorado County General Plan (2003). The treatment plant is currently being expanded to 4.0 mgd, which is anticipated to be completed in 2010. The full buildout of the treatment plant to 5.4 mgd is expected to occur by 2025.

Implementation of mitigation in Section 3A.16, “Utilities and Service Systems - Land,” would reduce significant impacts associated with increased demand for wastewater treatment plant facilities from development of the Folsom South of U.S. Specific Plan to a less-than-significant level because adequate wastewater treatment facilities would be documented before approval of final maps and issuance of building permits.

However, the SPA was not included in the planned future capacity of the El Dorado Hills WWTP; therefore, this project would potentially result in increased in wastewater flows that exceed treatment plan capacity. Any improvements to the treatment plant would require additional analysis in a separate CEQA document to identify specific impacts and any required mitigation measures. Impacts resulting from improvements to the El Dorado Hills WWTP could include: temporary, short-term generation of criteria air pollutants such as PM10 and emissions of ozone precursors (e.g., reactive organic gases and oxides of nitrogen) during construction; generation of new odors from operation of expanded treatment plant facilities; degradation of water quality from increased discharges to Carson Creek; temporary roadway lane closures, increased truck traffic, and other roadway impacts during construction; exposure of sensitive receptors to noise levels above noise ordinances during construction; and exposure of construction crews and the public to hazardous materials used in construction.

It is unknown if the existing El Dorado Hills WWTP has the capacity to accommodate wastewater flows generated by development of the EID portion of the SPA, and whether the “Land” portion of the project could directly and indirectly contribute to the need for El Dorado Hills WWTP improvements. Therefore, the “Land” portion of the project could contribute to the potentially significant environmental effects associated with improvements to treatment plant facilities for which feasible mitigation may not be available to reduce impacts to a less-than-significant level.

Because future improvements to the EID WWTP would be needed to serve the “Land” portion of the project and other developments in the EID service area, the environmental impacts of these facilities would be associated with development of the “Land” portion of the project. Therefore,

the “Land” portion of the project and related projects could contribute to the indirect and direct significant impacts associated with the future improvements to the EID WWTP that would be needed to serve the project and the related projects. Therefore, related projects could result in cumulatively considerable (i.e., significant) impacts associated with increased demand for wastewater conveyance facilities, and the project would result in a cumulatively considerable incremental contribution to this cumulatively significant impact.

#### **IV. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL EFFECTS**

Urban development arising from implementation of the requested Annexation would result in the long-term commitment of resources which are, as yet, the unavoidable consequences of growth.

Implementation of the proposed project would result in the mid- to long-term in the conversion of existing land that is currently used for agricultural uses, open space, and wildlife habitat to urban uses. Additionally, a variety of resources, including land, energy, construction materials, and human resources would be irretrievably committed for construction and operation and maintenance of potential urban uses in the Annexation area.

Development of urban uses and infrastructure to serve those uses may be regarded as a permanent and irreversible change from undeveloped land. Construction and alteration would permanently alter the existing visual character and would eliminate an area of land in open space and agricultural uses.

Construction of urban uses fostered by approval of the Annexation would also require a commitment of a variety of other non-renewable or slowly renewable natural resources. These resources primarily include fossil fuels used in construction equipment and vehicles. Other resources consumed would include, but would not necessarily be limited to, lumber and other forest products, sand and gravel, asphalt, petrochemicals, metals, and water.

Increased local demands on community services and public utilities to operate and maintain urban uses would necessitate the extension, expansion, and/or construction of infrastructure. Consequently, long-term commitment of public services would also be required, thereby establishing increased demand on such services and increasing the need for nonrenewable or slowly renewable resources.

The Sacramento LAFCo finds that existing conditions will be irreversibly changed. LAFCo further finds that future generations could experience both the benefits of additional work opportunities, housing, retail opportunities, and urban culture, while also experiencing adverse environmental effects. However, for the reasons stated throughout these findings and in the statement of overriding considerations, the Sacramento LAFCo finds that adoption and implementation of the City of Folsom Annexation is appropriate and beneficial to the health, safety, and general welfare of the City of Folsom and Sacramento County, despite the irreversible environmental changes that are likely to result.

## **V. GROWTH INDUCEMENT**

According to Section 15126.2(d) of the California Environmental Quality Act (CEQA) Guidelines, an environmental impact report (EIR) must discuss the growth-inducing impacts of the project. Specifically, CEQA states that the EIR shall:

Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a wastewater treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also, discuss the characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

Growth-inducing impacts can result from development that directly or indirectly induces additional growth. Examples of growth inducement include:

- ▶ redesignation of property from agricultural to urban uses within an agricultural area, thus increasing the potential for adjacent farmland to also be redesignated to urban uses;
- ▶ the development of new housing or job-generating uses that would be sufficient in quantity to create a substantial demand for new jobs and housing, respectively;
- ▶ the development of new schools as part of a proposed project with excess capacity to serve adjacent currently undeveloped areas;
- ▶ the extension of roads and utilities to an area not currently served by such infrastructure; and
- ▶ the oversizing of new utility lines to a project site which may have additional capacity to serve currently undeveloped areas nearby.

Growth inducement itself is not an environmental effect but may foreseeably lead to environmental effects. These environmental effects may include increased demand on other community and public services and infrastructure, increased traffic and noise, degradation of air or water quality, degradation or loss of plant or animal habitats, or conversion of agricultural and open space land to urban uses.

### **Growth Inducing Impacts of Project**

Overall, the proposed project would be growth inducing because the increased population associated with the proposed project would increase demand for goods and services, thereby

fostering population and economic growth in the City of Folsom and nearby communities. It can be expected that a successful project would place pressure on adjacent areas to the north to seek development entitlements. As explained above, however, it would be speculative to assume that these areas would in fact develop with urban uses, and numerous discretionary actions subject to environmental review and political considerations would have to be granted before any such urban uses could materialize. In summary, much of the growth that the proposed project would induce has been evaluated and provided for in the City General Plan, County General Plan, and other relevant planning documents.

## **VI. PURPOSE AND OBJECTIVES OF THE ANNEXATION**

The purpose of the Folsom South of Highway 50 Specific Plan project is to provide a mixed-use, master-planned community within an area south of U.S. 50 that would be annexed to the City of Folsom, and also to secure a reliable water supply consistent with the requirements of Measure W and objectives of the Water Forum Agreement and the necessary off-site conveyance infrastructure to facilitate the planned development of the SPA. In accordance with local and regional plans, including the City's General Plan and SACOG Blueprint and Smart Growth Principles, the project would expand the City's current sphere of influence south of U.S. 50 in a manner that would foster orderly urban development and discourage leapfrog development and urban sprawl. The project would provide both jobs and housing and would generate a positive fiscal impact for the City. (Final EIR/EIS, p. 1-7.)

## **VII. PROJECT ALTERNATIVES**

Public Resources Code section 21002 provides 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 effects of such projects[.]” (Pub. Resources Code, § 21002, italics added.) The same statute states 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.” (*Ibid.*, italics added.) Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects.” (*Ibid.*)

CEQA defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” (Pub. Resources Code, § 21061.1.) The CEQA Guidelines add another factor: “legal” considerations. (CEQA Guidelines, § 15364; see also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*)). Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site. (CEQA Guidelines, § 15126.6, subd. (f)(1).)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.)

Where a significant impact can be substantially lessened (i.e., mitigated to an “acceptable level”) solely by the adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the project. (Pub. Resources Code, § 21002; *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 691, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403.) In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility of modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subs. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated that, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interest, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II, supra*, 52 Cal.3d at p. 576.)

The preceding discussion regarding Project impacts reveals that nearly every significant effect identified in the EIR has been at least substantially lessened, if not fully avoided, by the adoption of feasible mitigation measures.

Thus, as a legal matter, Sacramento LAFCo, in considering alternatives in these findings, need only determine whether any alternatives are environmentally superior with respect to those significant and unavoidable impacts. If any alternatives are in fact superior with respect to those impacts, LAFCo is then required to determine whether the alternatives are feasible. If Sacramento LAFCo determines that no alternative is both feasible and environmentally superior with respect to the unavoidable significant impacts identified in the DEIR, LAFCo may approve the Project as mitigated, after adopting a statement of overriding considerations.

CEQA does not require that all possible alternatives be evaluated, only that “a range of feasible alternatives” be discussed so as to encourage both meaningful public participation and informed decision making. (CEQA Guidelines, § 15126.6, subd. (a).) “The discussion of alternatives need not be exhaustive, and the requirement as to the discussion of alternatives is subject to a construction of reasonableness. The statute does not demand what is not realistically possible given the limitation of time, energy, and funds. ‘Crystal ball’ inquiry is not required.”

(*Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286; see also CEQA Guidelines, § 15126.6, subd. (f)(3).) Indeed, as stated by the court in *Village of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1028, although there may be “literally thousands of ‘reasonable alternatives’ to the proposed project . . . ‘the statutory requirements for consideration of alternatives must be judged against a rule of reason.’” (*Ibid.*, quoting *Foundation for San Francisco’s Architectural Heritage v. City and County of San Francisco* (1980) 106 Cal.App.3d 893, 910.) “‘Absolute perfection is not required; what is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned.’” (*Id.*, at p. 1029.) The requirement has been fulfilled here; the DEIR examined the Project alternatives in detail, exploring their comparative advantages and disadvantages with respect to the Project. As the following discussion demonstrates, however, only the Project as proposed is feasible in light of Project objectives and other considerations.

The Sacramento LAFCo has considered the Project alternatives presented and analyzed in the final EIR and presented during the comment period and public hearing process. Some of these alternatives have the potential to avoid or reduce certain significant or potentially significant environmental impacts, as set forth below. Sacramento LAFCo finds, based on specific economic, legal, social, technological, or other considerations, that these alternatives are infeasible. Each alternative and the facts supporting the finding of infeasibility of each alternative are set forth below.

## **SUMMARY OF LAND ALTERNATIVES CONSIDERED**

In addition to the Proposed Project Alternative, the City considered the No Project Alternative as well as four action alternatives. A summary comparison of the long-term environmental benefits to be gained, or adverse impacts to be avoided, among all alternatives is provided at the end of DEIR/DEIS Chapter 2, “Alternatives”; detailed comparisons are provided within each section of Chapter 3, “Affected Environment, Environmental Consequences, and Mitigation Measures,” of the DEIR/DEIS.

### **NO PROJECT ALTERNATIVE**

Under this alternative, the project as a whole would not be developed or implemented—meaning that none of the development proposed for the SPA would be constructed and no off-site water facilities would be constructed.

However, the No Project Alternative assumes that existing land uses in the SPA would continue, including development as permitted under the adopted Sacramento County General Plan designations and zoning, which would permit the construction of up to 44 individual rural residences on 80-acre parcels zoned for agricultural use. This analysis uses existing site conditions at the time that the NOP was published (September 2008) as the “existing conditions” portion of the “no project” scenario (see State CEQA Guidelines Section 15126.6[e][2]).

Remediation of contaminated soil and groundwater on the Aerojet General Corporation parcel along the western property boundary is a separate action that will continue either with or without project implementation.

Under the No Project Alternative, the SPA would not be annexed into the City of Folsom. Instead, it would remain within, and under the jurisdiction of, unincorporated Sacramento County. Although Chapter 3.0, “Affected Environment, Environmental Consequences, and Mitigation Measures,” of the DEIR/DEIS discusses the impacts related to the No Project Alternative, it is not appropriate in the EIR/EIS to propose mitigation measures for the No Project Alternative, because the City of Folsom has no authority or jurisdiction over any actions which would occur in the SPA under this alternative. In addition, this alternative would result in no impacts to wetlands or other waters of the U.S. (as compared to a total of 39.5 acres filled for the “Land” portion of the project and 6.8 acres filled for the “Water” portion of the project for a grand total of 46.3 acres filled by the project as a whole).

Because no impacts would occur, the USACE would have no authority over any actions that could occur in the SPA under this alternative.

Although the Sacramento County General Plan contains goals and policies intended to protect many sensitive resources, such as cultural and biological resources, most of those goals and policies do not apply to land that is zoned and designated for agricultural use, because continued agricultural activities and agricultural land is a valuable resource in and of itself that is encouraged and protected by Sacramento County. The goal of Sacramento County’s Agricultural Element as stated in its General Plan is to “maintain the County’s agricultural lands, and (their) agricultural productivity...” and “disruption of one resource value for another is an historic pattern of land development in the County,” which the County is now trying to avoid. As further discussed in the Sacramento County General Plan, the County recognizes that while all resources are valuable, it is not always possible to achieve a balance between protecting agricultural land owners’ right to farm, and protecting other sensitive resources. The analysis of the No Project/No Action Alternative in the EIR/EIS assumes that “normal agricultural activities” would continue in the SPA; based on the soil types in the SPA, those activities would consist of dryland farming (i.e., livestock grazing), which is consistent with the historic use of the SPA over the last 100 years.

### **Facts in Support of Finding of Infeasibility**

Under this alternative, land within the SPA would remain under the jurisdiction of Sacramento County and no action would be taken by the City of Folsom. As a consequence, no part of the Folsom South of U.S. 50 Specific Plan would be implemented. Existing agricultural uses would continue and future development could occur as anticipated in the Sacramento County General Plan

The No Project Alternative would not fulfill any of the project objectives, the majority of which relate to the orderly development of the Folsom sphere of influence area following the passage of Measure W and amendment of the Folsom City Charter (see DEIR/DEIS, pages 1-7 through 1-8). Because the No Project Alternative would not achieve any of the objectives for the project,

the No Project Alternative is not a feasible alternative. Therefore, this alternative has been rejected.

## **NO USACE PERMIT ALTERNATIVE**

This alternative was designed to avoid the placement of dredged or fill material into waters of the U.S. (including wetlands) from both the “Land” and “Water” portions of the project, thus eliminating the need for a USACE Section 404 CWA permit. As a result, there would be no fill of waters of the U.S. under this alternative, compared to 46.3 combined acres of fill under the total Proposed Project Alternative (i.e., including both land development and off-site water facilities). This alternative, however, would likely still require that the applicants consult with the USFWS and the National Marine Fisheries Service (NMFS) to ensure compliance with Section 9 of the Endangered Species Act. A conceptual land use map showing development areas and jurisdictional wetlands with a 50-foot-wide avoidance buffer in the SPA is provided in Exhibit 2-13 of the EIR. Proposed backbone infrastructure improvements in this alternative are illustrated in Exhibit 2-14 of the EIR. Under this alternative, 1,506.1 acres of the SPA would be designated as open space, compared to 1,057 acres under the Proposed Project Alternative. This alternative also would require more expensive/time-consuming, methods of construction for roadways and utilities. Under this alternative, approximately 3,837 fewer residential housing units would be constructed, and approximately 131 fewer acres would be used for commercial/industrial development, than under the Proposed Project Alternative. The acreage proposed for park use is reduced to 84.8 acres in this alternative.

Tables 2-1 and 2-2 list the total estimated residential, commercial, and industrial development under this alternative. The off-site water facilities in this alternative would avoid fill of waters of the U.S. by using horizontal directional drilling (i.e., jack-and-bore) construction methods along the pipeline alignment and by siting the water treatment plant in a location that would avoid fill of waters of the U.S.

### **Facts in Support of Finding of Infeasibility**

Under this alternative, development would occur without placement of dredged or fill material into waters of the U.S. While this alternative would lessen significant and unavoidable impacts related to biological resources and climate change, these impacts would still be significant and unavoidable (DEIR/DEIS, pages 2-106 through 2-107). The No USACE Permit Alternative would have the lowest water demand of the action alternatives (DEIR/DEIS, page 2-107). Overall, while the No USACE Permit Alternative may lessen some impacts, the significance conclusions of this alternative are the same as for the Proposed Project Alternative.

A feasibility analysis for the action alternatives was prepared by Kosmont Companies (dated April 7, 2011) and interpreted by Economic & Planning Systems, Inc. (EPS) (EPS 2011). As explained by EPS, Kosmont estimated the infrastructure cost burden compared to the assessed value of residential and commercial land for all action alternatives. The infrastructure cost burden, expressed as a percentage of the selling price, is a generally accepted indicator of whether a reasonable and prudent developer would proceed with development. According to



both EPS (2011) and Mr. James C. Ray of MacKay & Soms Civil Engineers (Ray, pers. comm., 2011), infrastructure burdens between 15 and 20% are considered acceptable. An infrastructure burden in excess of 20% is generally considered financially infeasible (EPS 2011:2).

This alternative would require significant additional cost needed to construct numerous roadway bridge crossings to span the biological resources on the project site. The cost burden percentage for the No USACE Permit Alternative range from 32.7% to 39.3% for residential uses, and from 45.4% to 69.2% for commercial uses, with an overall average of 40.9% cost burden (EPS 2011:2). Based on the feasibility thresholds discussed in the EPS memo (2011), the No USACE Permit Alternative is financially infeasible. Thus, a reasonable and prudent developer would not construct the project under this alternative due to the excessive infrastructure costs (Ray, pers. comm., 2011).

The No USACE Permit Alternative would be inconsistent with a number of City of Folsom General Plan policies including those related to accommodation of anticipated growth, providing sufficient housing choices, and providing goods and services of adjacent neighborhoods (Policies 4.1, 7.4, 10.1, 15.4, 18.1, and 18.5). The No USACE Permit Alternative also conflicts with general plan policies requiring that annexed land be fiscally sound additions to the City (Policies 7.1 and 7.4).

While the No USACE Permit Alternative would meet some of the basic objectives of the project, this alternative would not meet these objectives to the same extent as would the Proposed Project Alternative. For example, the No USACE Permit Alternative would not fully meet objectives related to consistency with the City's general plan, providing a mix of housing to diversify the City's housing stock, and providing neighborhood- and region serving retail uses.

Because the No USACE Permit Alternative would be financially infeasible, would conflict with the City's general plan, and would not meet some of the basic objectives of the project, this alternative is considered infeasible. Therefore, this alternative has been rejected.

## **RESOURCE IMPACT MINIMIZATION ALTERNATIVE**

This alternative would include additional areas of high-quality biological habitat in the proposed preserve area, and would also preserve many of the known on-site cultural resources that would likely be eligible for listing on the California Register of Historical Resources/National Register of Historic Places. DEIR/EIS Exhibit 2-15 illustrates the conceptual land use plan for the Resource Impact Minimization Alternative, and Exhibit 2-16 illustrates proposed backbone infrastructure improvements.

Under the Resource Impact Minimization Alternative, project components would be reconfigured to avoid many of the impacts on waters of the U.S., including wetlands and high-quality biological habitat, and the level of residential development would be decreased to reduce the amount of project-generated traffic, air quality emissions, and noise. A permit for wetland fill would still be required under this alternative; 26.47 acres of waters of the U.S. would be filled, 3.03 fewer acres than would be filled by the Proposed Project Alternative. An additional 375

acres of land across the SPA would be designated as open space. A total of 1,429 acres, approximately 40% of the SPA, would become a protected wetland preserve. Areas of the SPA with higher concentrations of cultural resources, including areas on the northwestern portion of the SPA would also remain in open space in this alternative. The total acreage of residential development would be reduced by approximately 205 acres and approximately 2,245 fewer residential units would be constructed. Overall density would decrease (average density across the residentially designated area would be approximately 6 du/ac, compared to 6.65 du/ac under the Proposed Project Alternative). Commercial and industrial development sites would be reduced by approximately 113 acres. Development of park land would be reduced to 105.7 acres.

The types of land uses and general on- and off-site infrastructure improvements would remain the same as under the Proposed Project Alternative. Tables 2-3 and 2-4 list the total estimated residential, commercial, and industrial development under this alternative.

### **Facts in Support of Finding of Infeasibility**

Under this alternative, development would avoid more sensitive biological resources than under the Proposed Project Alternative. As a result, this alternative would include fewer residential units and a reduction in acreage available for commercial and industrial uses. While this alternative would lessen significant and unavoidable impacts related to air quality and cultural resources as compared to the Proposed Project Alternative, these impacts would still be significant and unavoidable (DEIR/DEIS, pages 2-106 through 2-107). Overall, while the Resource Impact Minimization Alternative may lessen some impacts, the significance conclusions of this alternative are the same as for the Proposed Project Alternative.

A feasibility analysis for the action alternatives was prepared by Kosmont Companies (dated April 7, 2011) and interpreted by EPS (EPS 2011). As explained by EPS, Kosmont estimated the infrastructure cost burden compared to the assessed value of residential and commercial land for all action alternatives. The infrastructure cost burden, expressed as a percentage of the selling price, is a generally accepted indicator of whether a reasonable and prudent developer would proceed with development. According to both EPS (2011) and MacKay & Soms Civil Engineers (Ray, pers. comm., 2011), infrastructure burdens between 15 and 20% are considered acceptable. An infrastructure burden in excess of 20% is generally considered financially infeasible (EPS 2011:2).

The cost burden percentage for the Resource Impact Minimization Alternative ranges from 26.2% to 30.5% for residential uses, and from 30.5% to 45.8% for commercial uses, with an overall average of 30.3% cost burden (EPS 2011:3). This alternative would require substantial additional cost needed to construct connections between the various areas of development on the project site. Based on the feasibility window discussed in the EPS memo (2011), the Resource Impact Minimization Alternative is financially infeasible. Thus, a reasonable and prudent developer would not construct the project under this alternative due to the excessive infrastructure costs (Ray, pers. comm., 2011).

The Resource Impact Minimization Alternative would be inconsistent with a number of City of Folsom General Plan policies including those related to accommodation of anticipated growth, providing sufficient housing choices, providing land available for industrial development, and

providing goods and services of adjacent neighborhoods (Policies 4.1, 7.4, 10.1, 10.2, 15.4, and 18.1). The Resource Impact Minimization Alternative also conflicts with general plan policies requiring that annexed land be fiscally sound additions to the City (Policies 7.1 and 7.4).

While the Resource Impact Minimization Alternative would meet some of the project objectives, this alternative would not meet these objectives to the same extent as would the Proposed Project Alternative. The No USACE Permit Alternative would not meet objectives related to consistency with the City's general plan, providing a mix of housing to diversify the City's housing stock, and providing neighborhood- and region-serving retail uses.

Because the Resource Impact Minimization Alternative would be financially infeasible, would conflict with the City's general plan, and would not fully meet all of the project objectives, this alternative is considered infeasible. Therefore, this alternative has been rejected.

### **CENTRALIZED DEVELOPMENT ALTERNATIVE**

This alternative would preserve approximately 75% of the eastern part of the SPA in its current undeveloped state. Commercial development would still occur along the south side of U.S. 50 within the foothills. It would also entail about 1,000 fewer equivalent dwelling units (EDUs) than the Proposed Project Alternative. This alternative was developed to reduce potential impacts to biological, cultural, and visual resources. DEIR/EIS Exhibit 2-17 illustrates the conceptual land use plan for the Centralized Development Alternative, and Exhibit 2-18 illustrates proposed backbone infrastructure improvements. This alternative would fill 37.06 acres of waters of the U.S., 2.48 acres fewer than would be filled under the Proposed Project Alternative.

The Centralized Development Alternative envisions a higher density of residential development on a smaller footprint compared to the Proposed Project Alternative, resulting in more dwelling units per acre. The total acreage of residential development would be reduced by approximately 387 acres, but total number of residential units would be reduced by only 1,186, resulting in a higher overall density per acre (7.85 du/ac in the Centralized Development Alternative compared to 6.65 du/ac in the Proposed Project Alternative). The acreage of commercial and industrial development would be similar in this alternative compared to the Proposed Project Alternative.

The acreage proposed for park use is reduced to 118.7 acres in this alternative, including local parks which are included in acreage totals for residential and mixed-use designations. The types of land uses and general on- and off-site infrastructure improvements under the Centralized Development Alternative would remain the same as under the Proposed Project Alternative. A 1,464.4-acre area would be dedicated to open space (approximately 407 acres more than under the Proposed Project Alternative) is also designated under the Centralized Development Alternative.

### **Facts in Support of Finding of Infeasibility**

Under this alternative, development would be at a higher overall density on a smaller amount of land. This alternative would include fewer residential units, a lower percentage of single-family units, and a reduction in acreage dedicated to commercial and industrial uses. While this alternative would lessen significant and unavoidable impacts related to aesthetics, these impacts

would still be significant and unavoidable (DEIR/DEIS, pages 2-106 through 2-107). This alternative would also reduce the magnitude of the less-than-significant impacts related to geology, soils, minerals, and paleontological resources. Overall, while the Centralized Development Alternative may lessen the severity of some impacts, the significance conclusions of this alternative are the same as for the Proposed Project.

A feasibility analysis for the action alternatives was prepared by Kosmont Companies (dated April 7, 2011) and interpreted by EPS (EPS 2011). As explained by EPS, Kosmont estimated the infrastructure cost burden compared to the assessed value of residential and commercial land for all action alternatives. The infrastructure cost burden, expressed as a percentage of the selling price, is a generally accepted indicator of whether a reasonable and prudent developer would proceed with development. According to both EPS (2011) and MacKay & Soms Civil Engineers (Ray, pers. comm., 2011), infrastructure burdens between 15 and 20% are considered acceptable. An infrastructure burden in excess of 20% is generally considered financially infeasible (EPS 2011:2).

The cost burden percentage for the Centralized Development Alternative range from 20.1% to 22.2% for residential uses, and from 16.9% to 24.0% for commercial uses, with an overall average of 21.3% cost burden (EPS 2011:2). By reducing the amount of developable acreage, infrastructure costs are spread among fewer units and developable acreage, thus increasing the financial burden on the amount of future development. Based on the feasibility thresholds discussed in the EPS memo (2011), the Centralized Development Alternative would be considered financially infeasible. Thus, a reasonable and prudent developer would not construct the project under this alternative due to the excessive infrastructure costs (Ray, pers. comm., 2011).

The Centralized Development Alternative would be inconsistent with a number of City of Folsom General Plan policies including those related to accommodation of anticipated growth, providing sufficient housing choices, and providing goods and services of adjacent neighborhoods (Policies 4.1, 7.4, 10.1, 15.4, and 18.1). The Centralized Development Alternative also conflicts with general plan policies requiring that annexed land be fiscally sound additions to the City (Policies 7.1 and 7.4).

While the Centralized Development Alternative would meet some of the project objectives, this alternative would not meet these objectives to the same extent as would the Proposed Project Alternative. More specifically, the Centralized Development Alternative would not fully meet objectives related to consistency with the City's general plan, providing a mix of housing to diversify the City's housing stock, and providing neighborhood- and region-serving retail uses.

Because the Centralized Development Alternative would be financially infeasible, would conflict with the City's general plan, and would not fully meet the project objectives, this alternative is considered infeasible. Therefore, this alternative has been rejected.

### **REDUCED HILLSIDE DEVELOPMENT ALTERNATIVE**

This alternative would reduce the developed area on the eastern portion of the SPA, leaving more of the foothill area in its current undeveloped state for the purposes of reducing adverse effects

on aesthetic, biological, and cultural resources. This alternative would also entail about 1,343 additional EDUs compared to the Proposed Project Alternative, with a much higher density of development within the central portion of the SPA, thus reducing potential impacts related to traffic and air quality. DEIR/EIS Exhibit 2-19 illustrates the proposed land use plan for the Reduced Hillside Development Alternative, and proposed backbone infrastructure improvements are illustrated in Exhibit 2-20. The Reduced Hillside Development Alternative would fill 42.69 acres of waters of the U.S., 3.19 acres more than would be filled under the Proposed Project Alternative.

Although low density uses on a particular property may reduce the levels of impacts occurring on or emanating from the property, low densities are considered an inefficient use of finite land resources. In areas with growing populations, low-density development coupled with increasing market demand can result in development being pushed outward toward other areas on the urban periphery, with the long-term consequence of more overall loss of habitat, open space, and farmland. In this alternative, the land use mix includes more residential areas at higher densities, and relatively less low-density single-family residential development. Although these higher densities may result in greater localized impacts on resources, the overall area of disturbance is reduced by concentrating development in particular locations. The Sacramento region has experienced demographic pressure over the past two decades reflecting an increasing statewide population and intrastate migration from the San Francisco Bay Area and southern California, and the City is interested in furthering its goals and objectives of providing a mix of affordable housing and new jobs to its residents; therefore, developing the site with a higher density, centralized land use pattern would focus market demand for development into an area near existing development, infrastructure, and services while increasing the amount of land which remains as open space. Traffic modeling also shows that higher density development results in a reduction in vehicle miles traveled and associated greenhouse gas emissions.

The Reduced Hillside Development Alternative envisions a greater density of residential development on a slightly smaller footprint compared to the Proposed Project Alternative, resulting in more dwelling units per acre.

The total acreage of residential development would be reduced by approximately 64 acres, but the density would be increased such that approximately 1,343 additional residential units would be constructed. The acreage of commercial and industrial development would be increased by less than 20 acres. The acreage proposed for park use (including local parks which are included in acreage totals for residential and mixed-use designations) is increased to 170.9 acres in this alternative. The types of land uses and general on- and off-site infrastructure improvements under the Reduced Hillside Development Alternative would remain the same as under the Proposed Project Alternative. A 1,057-acre area dedicated to open space (the same size as under the Proposed Project Alternative) is also designated under the Reduced Hillside Development Alternative.

### **Facts in Support of Finding of Infeasibility**

Under this alternative, development would be avoided in the eastern portion of the SPA while providing more dwelling units and greater densities than the Proposed Project Alternative.

Significance conclusions across all environmental issue areas under this alternative would be the same as for the Proposed Project Alternative (DEIR/DEIS, pages 2-106 through 2-107).

A feasibility analysis for the action alternatives was prepared by Kosmont Companies (dated April 7, 2011) and interpreted by EPS (EPS 2011). As explained by EPS, Kosmont estimated the infrastructure cost burden compared to the assessed value of residential and commercial land for all action alternatives. The infrastructure cost burden, expressed as a percentage of the selling price, is a generally accepted indicator of whether a reasonable and prudent developer would proceed with development. According to both EPS (2011) and MacKay & Soms Civil Engineers (Ray, pers. comm., 2011), infrastructure burdens between 15 and 20% are considered acceptable. An infrastructure burden in excess of 20% is generally considered financially infeasible (EPS 2011:2).

The cost burden percentage for the Reduced Hillside Alternative range from 19.1% to 21.0% for residential uses, and from 14.9% to 20.6% for commercial uses, with an overall average of 19.9% cost burden (EPS 2011:2). The increased number of dwelling units under this alternative helps to lower the overall cost burden, but only to the very upper end of financial feasibility. Based on the feasibility thresholds discussed in the EPS memo (2011), the Reduced Hillside Alternative is considered marginally financially feasible. However, this alternative would vastly oversupply the expected demand of multi-family units. This would likely mean that the units would not be marketable and would likely meet with substantial opposition from existing residents (Ray, pers. comm., 2011).

Thus, because the units under this alternative would not likely be marketable and because the infrastructure cost burden is identified as being at the very highest end of the normally acceptable range, this alternative is not considered economically feasible (Ray, pers. comm., 2011).

The Reduced Hillside Alternative would be inconsistent with a number of City of Folsom General Plan policies including those related to accommodation of anticipated growth, providing sufficient housing choices, and providing goods and services of adjacent neighborhoods (Policies 4.1, 7.4, 10.1, 15.4, and 18.1). The Reduced Hillside Alternative also conflicts with general plan policies requiring that annexed land be fiscally sound additions to the City (Policies 7.1 and 7.4).

While the Reduced Hillside Alternative would meet some of the project objectives, this alternative would not meet these objectives to the same extent as the Proposed Project Alternative. The Reduced Hillside Alternative would not fully meet objectives related to consistency with the City's general plan, providing a mix of housing to diversify the City's housing stock, and providing neighborhood- and region-serving retail uses.

Because the Reduced Hillside Alternative would be financially infeasible, would conflict with the City's general plan, and would not fully meet the project objectives, this alternative is considered infeasible. Therefore, this alternative has been rejected.

## **SUMMARY OF WATER ALTERNATIVES CONSIDERED**

In addition to the Preferred Off-site Water Facility Alternative, the City considered ten other “Water” alternatives as discussed below.

### **NO USACE PERMIT OFF-SITE WATER FACILITY ALTERNATIVE**

The No USACE Permit Off-site Water Facility Alternative would involve the same facilities described under the Preferred Off-site Water Facility Alternative above, and the conveyance pipeline would follow a similar route.

However, the No USACE Permit Off-site Water Facility Alternative would avoid all direct impacts (i.e., fill) to waters of the U.S., which include wetlands, through the incorporation of trenchless construction technologies.

Construction staging areas and the entry/exits for all trenchless construction activities would also be sited within non-sensitive areas and a minimum of 50 feet from waters of the U.S. At each location where trenchless construction would occur, the City would use a single or combination of trenchless technologies, including but not limited to, microtunneling, horizontal directional drilling (HDD), or jack and bore, to avoid these jurisdictional features. The new water treatment plant, regardless of its location, would be sited so as to avoid being placed within 50 feet of any waters of the U.S., including wetlands. Similar to the other “Water” Alternatives, all construction activities would occur within the 200-foot corridor under consideration for northeastern portions of Zone 4 of the “Water” Study Area.

#### **Facts in Support of Finding of Infeasibility**

Under the No USACE Permit Off-Site Water Facility Alternative, the conveyance route and location of the onsite WTP would be essentially the same as the Preferred Off-site Water Facility Alternative. However, because all jurisdictional waters would be avoided through the use of alternative construction techniques, this alternative would have substantially increased construction costs relative to the Preferred Off-site Water Alternative.

Financial analysis of the various “Land” alternative performed by Kosmont and analyzed by EPS (2011) assumed implementation of the Preferred Off-site Water Facility Alternative. As discussed above, the Proposed Project Alternative is the only financially feasible alternative (EPS 2011). Because the No USACE Permit Off-site Water Facility Alternative would require alternative construction techniques that would likely involve substantially increased construction costs, this alternative could make the Proposed Project Alternative (which includes implementation of the Preferred Off-site Water Facility Alternative) financially infeasible. Furthermore, this alternative would not result in any reduction in impact significance (DEIR/DEIS, page 2-108). Because the additional construction costs of this alternative would make it financially infeasible and this alternative would not lessen any environmental impacts, this alternative is considered infeasible. Therefore, this alternative has been rejected.

## **OFF-SITE WATER FACILITY ALTERNATIVE 1. RAW WATER CONVEYANCE – GERBER/GRANT LINE ROAD ALIGNMENT AND WHITE ROCK WTP**

Under Off-site Water Facility Alternative 1, the City would construct facilities similar to those proposed under the Preferred Off-site Water Facility Alternative and described in DEIR/DEIS Section 2.13.3. The City would integrate its water supply conveyance facilities with the Freeport Project and wheel raw water through Pipeline Segments 1 and 2 of the Freeport Project. Under Off-site Water Facility Alternative 1, the City would construct a new 30-inch, raw-water conveyance pipeline that would connect with the pump station located in an area just northeast of the bifurcation. The raw-water pipeline would extend northeast approximately 15.3 miles from the bifurcation to a new WTP south of the SPA. This pipeline length would result in a corridor under consideration of approximately 372 acres. Similar to the Proposed Off-site Water Facility Alternative, an exact alignment has not been selected for this alternative and, therefore, this alternative considers a 200-foot-wide corridor or a 100-footwide buffer off the roadway centerline along the alignment.

Similar to the Preferred Off-site Water Facility Alternative, a 10-mgd capacity, raw water pump station would be constructed near the Freeport Project bifurcation and would include a rated horsepower of 1,700 HP. From the pump station, the conveyance pipeline under this alternative would follow the same alignment as the Preferred Alternative up to a new WTP located southeast of the intersection of White Rock Road and Prairie City Road, at a City-proposed Corporation Yard. The White Rock WTP would be constructed on a 10-acre portion of a 68-acre parcel, Assessor's Parcel Number (APN) 072-006-0052, and to the south of the City's proposed Corporation Yard. A treated-water main would be constructed from the White Rock WTP to connect with the backbone water infrastructure within the SPA. Under this alternative, the White Rock WTP would have an ultimate capacity of approximately 10 mgd.

Treatment process and facilities under this alternative would be similar to those described for the Preferred Offsite Water Facility Alternative. The environmental analysis considers the City's options to either annex the WTP site into its jurisdiction or to seek development entitlements through Sacramento County.

### **Facts in Support of Finding of Infeasibility**

Under this alternative, the conveyance route would be essentially the same as the Preferred Off-site Water Facility Alternative. However, this alternative would construct the WTP outside of the SPA, which would increase the overall development footprint of the SPA. This alternative would not lessen any environmental impacts and would actually result in significant impacts related to land use and agriculture as opposed to potentially significant impacts under the Preferred Off-site Water Facility Alternative (DEIR/DEIS, page 2-108). Because this alternative would not lessen any environmental impacts, would result in greater impacts to land use and agriculture, and would increase the overall development footprint of the project, this alternative is considered infeasible. Therefore, this alternative has been rejected.



## **OFF-SITE WATER FACILITY ALTERNATIVE 1A. RAW WATER CONVEYANCE – GERBER/GRANT LINE ROAD ALIGNMENT VARIATION AND WHITE ROCK WTP**

Off-site Water Facility Alternative 1A consists of a variation in the conveyance pipeline alignment for Off-site Water Facility Alternative 1. All other features of this alternative, including the WTP and pump station, would be similar to that of Off-site Water Facility Alternative 1. Off-site Water Facility Alternative 1A would realign the conveyance pipeline alignment so that it deviates from White Rock Road prior to the first curve north of the intersection of White Rock Road and Grant Line Road. The pipeline would travel north-northeast along a property line boundary, prior to re-intersecting with the Off-site Water Facility Alternative 1 alignment on the current White Rock Road right-of-way. Off-site Water Facility Alternative 1A would reduce the length of pipeline by approximately a quarter of a mile when compared to Off-site Water Facility Alternative 1. This pipeline length of 15.2 miles would result in a corridor under consideration of approximately 364 acres. Similar to the Preferred Offsite Water Facility Alternative, an exact alignment has not been selected for this alternative and, therefore, this alternative considers a 200-foot-wide corridor or a 100-foot-wide buffer off the roadway centerline along the alignment.

### **Facts in Support of Finding of Infeasibility**

Under this alternative, the conveyance route would be substantially similar to the Preferred Off-site Water Facility Alternative with minor deviations. However, this alternative would construct the WTP outside of the SPA which would increase the overall development footprint of the SPA. This alternative would not lessen any environmental impacts and would actually result in significant impacts related to land use and agriculture as opposed to potentially significant impacts under the Preferred Off-site Water Facility Alternative (DEIR/DEIS, page 2-108).

Because this alternative would not lessen any environmental impacts, would result in greater impacts to land use and agriculture, and would increase the overall development footprint of the JPA, this alternative is considered infeasible. Therefore, this alternative has been rejected.

## **OFF-SITE WATER FACILITY ALTERNATIVE 2. TREATED WATER CONVEYANCE – DOUGLAS ROAD ALIGNMENT AND VINEYARD SWTP**

Under Off-site Water Facility Alternative 2, instead of constructing a new WTP the City would purchase 6.5 mgd, on average, of capacity within the Freeport Project and Vineyard SWTP. This capacity would be augmented with additional peaking capacity of up to 10 mgd within the Freeport Project and Vineyard SWTP, which is located on an 80-acre site on Florin Road between Bradshaw and Excelsior Roads. SCWA is nearing the completion of the Vineyard SWTP, which is initially designed to treat up to 50 mgd for SCWA's Zone 40 Northern Service Area, and expected to start operation in fall 2011.

In addition to purchasing capacity within the Vineyard SWTP, this alternative would involve the construction of a new pumping facility and treated-water conveyance pipeline approximately 17.4 miles in length. This pipeline length results in a corridor under consideration of approximately 423 acres in area. Similar to the Proposed Offsite Water Facility Alternative, an exact alignment has not been selected for this alternative and, therefore, this alternative considers

a 200-foot-wide corridor or a 100-foot-wide buffer off the roadway centerline along the alignment. The pumping facility would be constructed according to the parameters identified for the Proposed Off-site Water Facility Alternative and located on-site at the Vineyard SWTP. The electrical load requirements for the pumping facility under this alternative would be slightly less than Off-site Water Facility Alternative 1 and are currently estimated at 1,670 HP.

From the Vineyard SWTP, the alignment would extend from Florin Road east to Eagles Nest Road, at which point, the alignment would extend north to Douglas Road. Once at Grant Line road, the alignment would follow the same route as Off-site Water Facility Alternative 1. At the terminus of the conveyance alignment, this alternative would connect to new equalization facilities sited within the SPA instead of a new WTP as described for Off-site Water Facility Alternative 1. The equalization facilities are described below.

This alternative considers a 200-foot-wide corridor or a 100-foot-wide buffer off the roadway center line along the alignment. The pumping facility would be constructed according to the parameters identified for the Proposed Off-site Water Facility Alternative and located on-site at the Vineyard SWTP. The electrical load requirements for the pumping facility under this alternative would be slightly less than Off-site Water Facility Alternative 1 and are currently estimated at 1,670 HP.

From the Vineyard SWTP, the alignment would extend from Florin Road east to Eagles Nest Road, at which point, the alignment would extend north to Douglas Road. Once at Grant Line road, the alignment would follow the same route as Off-site Water Facility Alternative 1. At the terminus of the conveyance alignment, this alternative would connect to new equalization facilities sited within the SPA instead of a new WTP as described for Off-site Water Facility Alternative 1. The equalization facilities are described below.

### ***Equalization Facilities***

As part of Off-site Water Facility Alternative 2, the City may construct a 4-million-gallon (MG) ground-based storage tank within the SPA and an associated pumping station on approximately 1-acre. The equalization tanks would be sited with the storage tanks identified to the northeast of the intersection of Road A and Oak Avenue within the SPA (see Exhibit 2-7) and would consist of pre-stressed concrete similar to existing City-owned tanks.

The tank height would be no more than three stories or approximately 30 feet. Pumping and backup power generation would be part of the on-site water distribution infrastructure constructed in conjunction with new development within the SPA. Chemical re-treatment facilities may also be constructed, if determined necessary. To achieve the tank foundation elevation, the existing ground surface at the site may require excavations of up to 10 feet beneath the ground surface. The exterior wall facing would be painted or other architectural treatment administered as desired for aesthetic purposes.

### **Facts in Support of Finding of Infeasibility**

Under this alternative, the conveyance path would be routed along Douglas Boulevard, a major utility corridor, would involve conveyance of treated water instead of raw water, and would utilize the existing Vineyard SWTP.

Implementation of this alternative would also require the installation of equalization facilities described above.

This alternative would result in lesser environmental impacts to the areas of air quality, land use and agriculture, and drainage, hydrology, and water quality (DEIR/DEIS, page 2-108). However, conveyance of raw water is preferred to conveyance of treated water, making this alternative less attractive than the Preferred Off-site Water Facility Alternative. Also, Douglas Road is a major utility corridor and alignment in a less-crowded corridor is preferable. Without an on-site WTP, the SPA would not have operational control over major water treatment processes, structural facilities, and maintenance activities.

Despite lesser environmental impacts, the drawbacks of the alternative regarding crowded alignment and lack of control over WTP activities make this alternative infeasible. Therefore, this alternative has been rejected.

### **OFF-SITE WATER FACILITY ALTERNATIVE 2A. TREATED WATER CONVEYANCE – EXCELSIOR ROAD ALIGNMENT VARIATION AND VINEYARD SWTP**

Off-site Water Facility Alternative 2A involves a variation in the conveyance route alignment for Off-site Water Facility Alternative 2. All other features associated within this alternative would be the same as Off-site Water Facility Alternative 2.

Under Off-site Water Facility Alternative 2A, the conveyance pipeline alignment would deviate from the Off-site Water Facility Alternative 2 route at the intersection of Florin and Excelsior Roads and travel north along Excelsior Road to Mather Boulevard. At the intersection with Douglas Road, this alignment would travel back to the east and follow the Off-site Water Facility Alternative 2 alignment east to Grant Line Road where it would then travel north to White Rock Road. Unlike Off-site Water Facility Alternative 2, this alternative would follow the Off-site Water Facility Alternative 1A alignment north of the intersection of Grant Line Road and White Rock Road and follow it to the SPA where it would directly connect with the equalization facility.

The length of this alignment would be approximately 16.3 miles thereby resulting in a corridor under consideration of approximately 390 acres. Similar to the Proposed Off-site Water Facility Alternative, an exact alignment has not been selected for this alternative and, therefore, this alternative considers a 200-foot-wide corridor or a 100-foot-wide buffer off the roadway centerline along the alignment. Equalization facilities constructed under this alternative would be similar to those described for Off-site Water Facility Alternative 2.

### **Facts in Support of Finding of Infeasibility**

Under this alternative, the conveyance route would be substantially similar to the Preferred Off-site Water Facility Alternative. The major differences in this alternative are that treated water would be conveyed, a new WTP would not be constructed, and would include construction of equalization facilities described above. This alternative would result in lesser environmental impacts to the areas of air quality, land use and agriculture, and drainage, hydrology, and water quality (DEIR/DEIS, page 2-108). This alternative would result in greater impacts related to environmental justice (DEIR/DEIS, page 2-108). However, conveyance of raw water is preferred to conveyance of treated water, making this alternative less attractive than the Preferred Off-site Water Facility Alternative.

Without an on-site WTP, the SPA would not have operational control over major water treatment processes, structural facilities, and maintenance activities.

Despite lesser environmental impacts, the drawbacks of the alternative regarding conveyance of treated water and lack of control over WTP activities and greater impacts related to environmental justice make this alternative infeasible. Therefore, this alternative has been rejected.

### **OFF-SITE WATER FACILITY ALTERNATIVE 2B. TREATED WATER CONVEYANCE – NORTH DOUGLAS TANKS VARIATION AND VINEYARD SWTP**

Off-site Water Facility Alternative 2B involves a shortened variation in the conveyance alignment as described for Off-site Water Facility Alternative 2 and would connect to the North Douglas Water Tanks (North Douglas Tanks), which were constructed by SCWA to serve areas within Sunrise Douglas Community Plan area, and extend south along Ivan Way to Douglas Road. The alignment would then follow the same route as Off-site Water Facility Alternative 2 to the SPA. All other features associated with this alternative would be similar to those described for Off-site Water Facility Alternative 2 with treatment provided at the Vineyard SWTP and equalization facilities within the SPA.

By constructing the conveyance alignment from the North Douglas Tanks, the length of the pipeline is reduced to approximately 6 miles, thereby resulting in a corridor under consideration of approximately 157 acres. Similar to the Proposed Off-site Water Facility Alternative, an exact alignment has not been selected for this alternative and, therefore, this alternative considers a 200-foot-wide corridor or a 100-foot-wide buffer off the roadway centerline along the alignment.

Under this alternative, construction of the pumping facility would occur according to the parameters identified for Off-site Water Facility Alternative 1 and located on the existing North Douglas Tanks site. The electrical load requirements for the pumping facility under this alternative are currently estimated at 1,100 HP. Similar to Offsite Water Facility Alternative 2, the conveyance alignment under this alternative would directly connect with the Equalization Tanks within the specific land area.

### **Facts in Support of Finding of Infeasibility**

Under this alternative, the conveyance route would be substantially similar to Off-site Water Facility Alternative 2. This alternative would also convey treated water instead of raw water, would include alignment along Douglas Boulevard, would utilize the existing Vineyard SWTP, and would include construction of equalization facilities described above.

This alternative would result in lesser environmental impacts to the areas of air quality, land use and agriculture, parks and recreation, and drainage, hydrology, and water quality (DEIR/DEIS, page 2-108). However, conveyance of raw water is preferred to conveyance of treated water, making this alternative less attractive than the Preferred Off-site Water Facility Alternative. Also, Douglas Road is a major utility corridor and alignment in a less-crowded corridor is preferable. Without an on-site WTP, the SPA would not have operational control over major water treatment processes, structural facilities, and maintenance activities.

Despite lesser environmental impacts, the drawbacks of this alternative would make it financially infeasible. Therefore, this alternative has been rejected.

### **OFF-SITE WATER FACILITY ALTERNATIVE 3. TREATED WATER CONVEYANCE – NORTH DOUGLAS TANKS VARIATION AND VINEYARD SWTP**

Off-site Water Facility Alternative 3 involves the construction of a raw-water conveyance pipeline from the bifurcation point to the White Rock WTP site south of the intersection of White Rock and Prairie City Roads. Offsite Water Facility Alternative 3 raw water conveyance alignment would follow the same alignment as described for the treated-water pipeline in Off-site Water Facility Alternative 2. This would result in a pipeline length of 17.4 miles and a corridor under consideration of approximately 423 acres. Similar to the Proposed Off-site Water Facility Alternative, an exact alignment has not been selected for this alternative and, therefore, this alternative considers a 200-foot-wide corridor or a 100-foot-wide buffer off the roadway centerline along the alignment.

The pump station would be constructed at the same site location and according to the same parameters as identified for Off-site Water Facility Alternative 1. The main difference under Off-site Water Facility Alternative 3 would be that, rather than connecting directly to the equalization facilities within the SPA, this alternative would involve the construction of a new, 10-acre White Rock WTP at the same location as described in Off-site Water Facility Alternative 1. The treatment process under this alternative would be the same as those described for Off-site Water Facility Alternative 1. In addition, similar to Off-site Water Facility Alternative 1, a new treated water pipeline would be constructed from the WTP, which would connect with water backbone infrastructure within the SPA.

### **Facts in Support of Finding of Infeasibility**

Under this alternative, treated water instead of raw water would be conveyed, alignment would be placed along Douglas Boulevard, the Vineyard SWTP would be utilized, and equalization facilities would need to be constructed. However, conveyance of raw water is preferred to conveyance of treated water, making this alternative less attractive than the Preferred Off-site

Water Facility Alternative. Also, Douglas Road is a major utility corridor and alignment in a less-crowded corridor is preferable. Without an on-site WTP, the SPA would not have operational control over major water treatment processes, structural facilities, and maintenance activities.

This alternative would not lessen any environmental impacts and would actually result in significant impacts related to land use and agriculture as opposed to potentially significant impacts under the Preferred Off-site Water Facility Alternative (DEIR/DEIS, page 2-108). Because this alternative would not lessen any environmental impacts, would result in greater impacts to land use and agriculture, and would have many drawbacks related to conveyance and alignment, this alternative is considered infeasible. Therefore, this alternative has been rejected.

### **OFF-SITE WATER FACILITY ALTERNATIVE 3A. RAW WATER CONVEYANCE – EXCELSIOR ROAD ALIGNMENT VARIATION AND WHITE ROCK WTP**

Off-site Water Facility Alternative 3A is only differentiated from Off-site Water Facility Alternative 3 by an alternate raw-water conveyance alignment. The main difference under this Alternative would be that the raw water conveyance alignment would follow the same alignment as described for Off-site Water Facility Alternative 2A.

Under this alternative, the City would construct a new, 10-acre White Rock WTP, similar to that described for Off-site Water Facility Alternative 1. This would result in a pipeline length of 16.3 miles and a corridor under consideration of approximately 389 acres. Similar to the Proposed Off-site Water Facility Alternative, an exact alignment has not been selected for this alternative and, therefore, this alternative considers a 200-foot-wide corridor or 100-foot-wide buffer off the roadway centerline along the alignment.

#### **Facts in Support of Finding of Infeasibility**

Under this alternative, the conveyance path would be similar to the Preferred Off-site Water Facility Alternative with some differences in alignment of the raw-water conveyance. This alternative would construct the WTP outside of the SPA, which would result in an increase in the overall development footprint of the SPA. Without an on-site WTP, the SPA would not have operational control over major water treatment processes, structural facilities, and maintenance activities.

This alternative would not lessen any environmental impacts and would actually result in significant impacts related to land use and agriculture as opposed to potentially significant impacts under the Preferred Off-site Water Facility Alternative (DEIR/DEIS, page 2-108). Also, this alternative would result in less-than-significant impacts related to environmental justice, compared to no impacts in this topic area under the Preferred Off-site Water Facility Alternative. Because this alternative would not lessen any environmental impacts, would result in greater impacts to land use and agriculture and environmental justice, and would increase the overall development footprint, this alternative is considered infeasible. Therefore, this alternative has been rejected.

**OFF-SITE WATER FACILITY ALTERNATIVE 4. RAW WATER CONVEYANCE – EASTON VALLEY PARKWAY ALIGNMENT AND FOLSOM BOULEVARD WTP**

Off-site Water Facility Alternative 4 would entail the construction of a raw water conveyance pipeline from the bifurcation pump station north to a new WTP located south of Folsom Boulevard – or the Folsom Boulevard WTP – and east of Sunrise Boulevard. The raw-water pump station would be constructed according to the same parameters as described for the Proposed Off-site Water Facility Alternative. This would result in a total pipeline length of 19.4 miles and a corridor under consideration of approximately 469.6 acres. Similar to the Proposed Off-site Water Facility Alternative, an exact alignment has not been selected for this alternative and, therefore, this alternative considers a 200-foot-wide corridor or 100-foot-wide buffer off the roadway centerline along the alignment.

The raw water pipeline would follow the same alignment as Off-site Water Facility Alternative 3 alignment north to Douglas Road and travel east. Along Douglas Road, the Off-site Water Facility Alternative 4 alignment would deviate from Off-site Water Facility Alternative 3 and transition back to the north at Sunrise Boulevard. From Sunrise Boulevard, the alignment extends north in a cross-country alignment along the western boundary of the Rio del Oro Specific Plan area to White Rock Road. At White Rock Road, the alignment would travel east for a short distance to the southwestern corner of the Aerojet Property. The alignment is currently planned to conform to the planned Rancho Cordova Parkway, which will serve as main arterial roadway through the proposed Westborough at Easton project.

Just south of the FSC, the raw water conveyance pipeline would turn back to the east along an existing dirt road to the Folsom Boulevard WTP. Under this alternative, the City would construct the Folsom Boulevard WTP with an ultimate capacity of approximately 10 mgd on a 10-acre portion of a 118-acre parcel (APN 072-025-1075) south of Folsom Boulevard. Water treatment processes proposed under this alternative would be the same as those described for the Proposed Off-site Water Facility Alternative. At this time, the City has not determined whether it would annex the WTP site into its jurisdiction or whether it would seek development entitlements through the City of Rancho Cordova or Sacramento County depending on timing and, therefore, the environmental analysis considers both options.

From the Folsom Boulevard WTP, the City would construct a new treated-water conveyance pipeline that would travel east along an existing dirt road south of Folsom Boulevard. The treated water alignment would follow the existing dirt road, which parallels U.S. 50 to the south, to Prairie City Road. At Prairie City Road, the treated water alignment would connect with an equalization facility or directly with water backbone infrastructure within the SPA. The existing direct road conforms to the planned roadway alignment for the Easton Valley Parkway.

**Facts in Support of Finding of Infeasibility**

Under this alternative, water treatment would occur at a facility constructed outside of the SPA, increasing the overall development footprint of the SPA. Without an on-site WTP, the SPA would not have operational control over major water treatment processes, structural facilities, and maintenance activities. This alternative would not lessen any environmental impacts and would result in significant impacts related to land use and agriculture as opposed to potentially

significant impacts under the Preferred Off-site Water Facility Alternative (DEIR/DEIS, page 2-108). Because this alternative would not lessen any environmental impacts, would result in greater impacts to land use and agriculture, and would increase the overall development footprint of the SPA, this alternative is considered infeasible. Therefore, this alternative has been rejected.

#### **OFF-SITE WATER FACILITY ALTERNATIVE 4A. RAW WATER CONVEYANCE – EASTON VALLEY PARKWAY ALIGNMENT VARIATION AND FOLSOM BOULEVARD WTP**

Off-site Water Facility Alternative 4A would include a minor variation to the raw-water pipeline route described for Off-site Water Facility Alternative 4. Similar to Off-site Water Facility Alternative 3A, this alternative would deviate from the Off-site Water Facility Alternative 4 route at the intersection of Florin and Excelsior Roads and travel north along Excelsior Road and Mather Boulevard. At the intersection with Douglas Road, this alignment would travel back to the east and rejoin the Off-site Water Facility Alternative 4 raw-water alignment east of Eagles Nest Road. The remainder of this alignment and the associated facilities would be identical to those described for Off-site Water Facility Alternative 4. This would result in a total pipeline length of 18.3 miles and a corridor under consideration of approximately 444 acres. Similar to the Proposed Off-site Water Facility Alternative, an exact alignment has not been selected for this alternative and, therefore, this alternative considers a 200-foot-wide corridor or a 100-foot-wide buffer off the roadway centerline along the alignment.

#### **Facts in Support of Finding of Infeasibility**

Under this alternative, water treatment would occur at a facility constructed outside of the SPA, increasing the overall development footprint of the SPA. Without an on-site WTP, the SPA would not have operational control over major water treatment processes, structural facilities, and maintenance activities. This alternative would not lessen any environmental impacts and would actually result in significant impacts related to land use and agriculture as opposed to potentially significant impacts under the Preferred Off-site Water Facility Alternative (DEIR/DEIS, page 2-108). Also, this alternative would result in less-than-significant impacts related to environmental justice, compared to no impacts in this topic area under the Preferred Off-site Water Facility Alternative. Because this alternative would not lessen any environmental impacts, would result in greater impacts to land use and agriculture and environmental justice, and would increase the overall development footprint of the SPA, this alternative is considered infeasible. Therefore, this alternative has been rejected.

### **VIII. STATEMENT OF OVERRIDING CONSIDERATIONS**

Pursuant to Guidelines section 15092, Sacramento LAFCo finds that in approving the Project it has eliminated or substantially lessened all significant and potentially significant effects of the Project on the environment where feasible. Sacramento LAFCo further finds that it has balanced the benefits of the Project against the remaining unavoidable environmental risks in determining whether to approve the Project and has determined that those benefits outweigh the unavoidable



environmental risks and that those risks are acceptable. In addition to the findings set forth in the LAFCo's Resolution Approving the Application for Annexation, and the benefits of the project as identified in LAFCo's Executive Officer's staff report on the Annexation, Sacramento LAFCo makes this statement of overriding considerations in accordance with section 15093 of the Guidelines in support of approval of the Project.

**The Proposed Annexation is Consistent with LAFCo's Annexation Policies and Will Promote the Community's Needs for Efficient Services and Orderly Development while Preserving Agricultural and Open Space Land.**

As explained in detail in the proposed Resolution No. LAFC 2012-04-0118-04-11 approving the City of Sacramento's Annexation, the Proposed Annexation is consistent with LAFCo's Annexation policies and will promote orderly development and growth while preserving agricultural and open space lands. Furthermore, the proposed boundaries are definite and certain as described, and will not create any service islands.

**No Prime Agricultural Lands are Impacted by the Project**

The Annexation Proposal area does not include any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as defined in Appendix G of the State CEQA Guidelines. In accordance with LAFCo Policy IV.E, the Commission finds the territory does not contain any prime agricultural land. The Sacramento County Important Farmland map, published by the California Department Conservation's (DOC's) Division of Land Resource Protection, designates the entire Plan Area as Grazing Land. Approximately 1,530 acres of the Annexation Proposal area consists of lands under existing Williamson Act contracts that are in the process of nonrenewal. Notices of nonrenewal were filed on these parcels in 2004 and 2006; as a result, these contracts will expire in 2014 and 2016.

**The Project Will Allow the City to Accommodate Projected Future Growth**

Much of the projected population growth in the City will occur in the Plan Area to accommodate the City's projected population and employment growth and need for land to accommodate residential and commercial uses. The population of the City is estimated to increase by approximately 25 percent (which reflects an estimated increase of 24,344 people) as build-out of the Plan Area occurs in approximately 30 years.

The Annexation area is situated in an area envisioned for urbanization, largely surrounded by urban development on the west, east, and north boundaries. Further the Proposal conforms to the Sacramento Area Council of Government's (SACOG) Preferred Sacramento Regional Blueprint Transportation and Land Use Study ("Blueprint") dated December 2004. The Blueprint's preferred land use scenario identifies the Annexation Area for varied density mixed-use, residential, and commercial land uses. The City and Blueprint's Smart Growth principles have been applied to the proposed development of the Annexation Area.

The Annexation Proposal also supports jobs and housing balance, since it would provide a relatively short commute to existing and proposed employment centers located and proposed within the City of Folsom.

### **The Project is Consistent with the City's Sphere of Influence**

The boundaries of the Annexation Proposal territory are set forth in Exhibits A and B to LAFCo Resolution Approving the Application for Annexation (Resolution No. LAFC 2012-04-0118-04-11), adopted concurrently with these Findings of Fact and Statement of Overriding Considerations. The proposed boundary is consistent with the City's Sphere of Influence, as amended by the Commission on June 6, 2001 (Resolution LAFC No. 1196).

The Annexation Proposal is also consistent with other local public agency Spheres of Influence, and the Commission has received no opposition from affected public agencies.

### **The Boundaries of the Annexation area are Contiguous with the City's Current Boundaries.**

The Plan Area is directly adjacent and contiguous to the City of Folsom's southern boundary. To the east of the Plan Area, in El Dorado County, is the El Dorado Hills community with its residential neighborhoods and Town Center. To the south of the Plan Area, across White Rock Road, are undeveloped open grasslands used for cattle grazing. The Aerojet missile and propulsion facility is located immediately west of the Plan Area as well as the recently approved master-planned communities of Glenborough at Easton and Easton Place.

Furthermore, the proposed boundaries are definite and certain as described. The boundaries conform to lines of ownership, do not create islands or corridors of unincorporated territory, do not split neighborhoods or divide an existing identifiable community, or other area having a shared social or economic identity, and do not result in "leap frog" development.

### **The Project is Consistent with the policies of the City's General Plan.**

The City of Folsom approved an amendment to its General Plan on June 14, 2011, and approved the Folsom Zoning Ordinance (Municipal Code Title 17) and Plan Area zoning on June 28, 2011, to include the Annexation Proposal area and prezone all property affected.

Zoning for high-density, multi-family units in the Annexation Area will help the City to meet its regional housing need allocation goals, as set forth in the City's Housing Element.

### **The Project Will Provide Parks and Open Spaces.**

As required under Measure W, which was adopted as an amendment to the City's Charter, article 7.08, thirty percent (30%) of the Plan Area has been set aside for open space for the preservation and conservation of oak woodlands, drainage corridors, and other resources.

The City of Folsom has preserved 30 percent or approximately 1,053.1 acres for oak woodlands and to prevent the loss of habitat and biological resources. The City will administer this area by obtaining dedicated conservation easements. The City of Folsom is required under the documents approving the General Plan Amendment to address the financing methods to fund the maintenance of Open Space and other public property.

### **The Project will Provide All Necessary On-site Infrastructure**

The City submitted a Master Services Element, dated August 20, 2011, and a Public Facilities Financing Plan ("PFFP"), dated June 2010, and an addendum to the PFFP, dated May 2011, which demonstrated the City's ability to provide services to the Annexation Area. Funding sources identified in the PFFP and addendum include: existing city fees levied on development with the Annexation Proposal area, special developer fees specific to the Annexation Proposal area and other funding sources external to the City. The PFFP addendum concludes that the proposed Annexation is generally considered financially feasible. City services are funded by the City's General Fund Revenues (property taxes, sales taxes, transient occupancy taxes, etc.), user fees, fee for services, utility rates, and other revenues as determined by the City Council.