



FINAL ENVIRONMENTAL IMPACT REPORT

FOR THE

2030 GENERAL PLAN UPDATE

SCH# 2011062052

FEBRUARY 2012

Prepared for:

County of Colusa
Department of Planning and Building
220 12th Street
Colusa, CA 95932

Prepared by:

De Novo Planning Group
4630 Brand Way
Sacramento, CA 95819
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D e N o v o P l a n n i n g G r o u p

A Land Use Planning, Design, and Environmental Firm



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FINAL EIR

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INTRODUCTION

The County of Colusa (County) determined that a program-level environmental impact report (EIR) was required for the proposed 2030 General Plan (project) pursuant to the requirements of the California Environmental Quality Act (CEQA). CEQA requires the preparation of an environmental impact report prior to approving any project, which may have a significant impact on the environment. For the purposes of CEQA, the term "Project" refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]).

A Program EIR is an EIR which examines the environmental impacts of an agency plan, policy or regulatory program, such as a general plan update. Program EIRs analyze broad environmental impacts of the program, with the acknowledgement that site-specific environmental review may be required for particular aspects of the program, or particular development projects that may occur in the future.

Colusa County circulated a Notice of Preparation (NOP) of an EIR for the proposed project on June 20, 2011 to trustee and responsible agencies, the State Clearinghouse, and the public. A scoping meeting was held on June 28, 2011 with the Colusa County Board of Supervisors. Subsequently, Colusa County published a public Notice of Availability (NOA) for the Draft EIR on November 17, 2011, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2011062052) and the County Clerk, and was published in the Colusa County Sun Herald pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review from November 17, 2011 through January 16, 2012. The Public Draft 2030 General Plan was also available for public review and comment during this time period.

This Final EIR was prepared to address comments received in response to the Draft EIR. Colusa County has prepared a written response to the Draft EIR comments and made textual changes to the Draft EIR where warranted. The responses to the comments are provided in this Final EIR in Section 2.0, and all changes to the text of the EIR are summarized in Section 3.0. Responses to comments received during the comment period do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

PROJECT DESCRIPTION

The Colusa County 2030 General Plan is the overarching policy document that guides land use, housing, transportation, infrastructure, community design, and other policy decisions throughout the unincorporated areas of Colusa County. The General Plan includes the seven elements mandated by State law, to the extent that they are relevant locally: Circulation, Conservation, Housing, Land Use, Noise, Open Space, and Safety Elements. The County may also address other topics of interest; this General Plan includes Agriculture, Community Character, Economic Development, and Public Services and Facilities Elements. The General Plan sets out the goals,

policies, and programs in each of these areas and serves as a policy guide for how the County will make key planning decisions in the future, and how the County will interact with the Cities of Colusa and Williams, and other local, regional, State, and Federal agencies, and surrounding counties.

The General Plan contains the goals and policies that will guide future decisions within the County. It also identifies implementation programs that will ensure the goals and policies in the General Plan are carried out.

Refer to Section 2.0, Project Description, of the Draft EIR, for a more comprehensive description of the details of the proposed project.

ALTERNATIVES TO THE PROPOSED PROJECT

Section 15126.6 of the CEQA Guidelines requires an EIR to describe a reasonable range of alternatives to the project or to the location of the project which would reduce or avoid significant impacts, and which could feasibly accomplish the basic objectives of the proposed project. The alternatives analyzed in this EIR include the following three alternatives:

- **Alternative 1: Reduced Land Use Intensity Alternative.** Under Alternative 1, urban and industrial development under the 2030 General Plan Land Use Map would be focused more tightly around existing communities as shown on Figure 5-1 of the Draft EIR. Approximately 3,026 acres of land designated Urban Residential, Urban Reserve Area, and Industrial would be changed to Agricultural General and Agricultural Transition designations. This alternative would result in less growth and is intended to reduce impacts associated with traffic, air quality, noise, and farmland conversion.
- **Alternative 2: Revised Land Use (Airport Area) Alternative.** Alternative 2 would revise the 2030 General Plan to avoid land use impacts and potential safety hazards associated with conflicts between the Colusa County Airport Comprehensive Land Use Plan and the uses allowed under the 2030 General Plan.
- **Alternative 3: No Project Alternative.** Under Alternative 3, the County would not adopt the 2030 General Plan. The 1989 General Plan would continue to be implemented and no changes to the General Plan, including the Land Use Map and Circulation Diagram, goals, policies, or actions would occur. Subsequent projects, such as amending the County Code and Zoning Ordinance, would not occur.

Alternatives are described in detail in Section 5.0 of the Draft EIR, Alternatives to the Proposed Project. As summarized in Table 5-7 of the Draft EIR, Alternative 1 (Reduced Land Use Intensity) is the environmentally superior alternative because it provides the greatest reduction of potential impacts in comparison to the other alternatives.

COMMENTS RECEIVED

The Draft EIR addressed environmental impacts associated with the proposed project that are known to the County, were raised during the Notice of Preparation (NOP) process, or raised during preparation of the Draft EIR. The Draft EIR discussed potentially significant impacts associated with aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gases, hazards, hydrology and water quality, land use and planning, mineral resources, noise, public services, recreation, transportation/circulation, and utilities.

NOP Comments

During the NOP process, the County received comments from the following public agencies:

- California Department of Transportation (Caltrans)
- California Regional Water Quality Control Board- Central Valley Region
- Central Valley Flood Protection Board
- California Department of Transportation- Division of Aeronautics

Draft EIR Comments

During the Draft EIR review process, the County received comments from the following public agencies:

- California Regional Water Quality Control Board- Central Valley Region
- California Department of Transportation- Division of Aeronautics
- Central Valley Flood Protection Board
- California Department of Transportation (Caltrans)
- Colusa Local Agency Formation Commission
- City of Colusa

Acting as lead agency, Colusa County has prepared a response to the Draft EIR comments. The responses to the comments are provided in this Final EIR in Section 2.0, Comments on Draft EIR and Responses, and all changes to the text of the Draft EIR are summarized in Section 3.0, Errata. Responses to comments received during the comment period do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

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This Final Environmental Impact Report (FEIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section 15132). Colusa County is the lead agency for the environmental review of the Colusa County 2030 General Plan (General Plan, General Plan Update, or project) and has the principal responsibility for approving the project. This FEIR assesses the expected environmental impacts resulting from approval and adoption of the Colusa County 2030 General Plan and responds to comments received on the Draft EIR.

The Colusa County 2030 General Plan is the overarching policy document that guides land use, housing, transportation, infrastructure, community design, and other policy decisions throughout the unincorporated areas of Colusa County. The General Plan includes the seven elements mandated by State law, to the extent that they are relevant locally: Circulation, Conservation, Housing, Land Use, Noise, Open Space, and Safety Elements. The County may also address other topics of interest; this General Plan includes Agriculture, Community Character, Economic Development, and Public Services and Facilities Elements. The General Plan establishes goals, objectives, policies, and actions in each of these areas and serves as a policy guide for how the County will make key planning decisions in the future, and how the County will interact with the Cities of Colusa and Williams, and other local, regional, State, and Federal agencies, and surrounding counties.

1.1 PURPOSE AND INTENDED USES OF THE EIR CEQA REQUIREMENTS FOR A FINAL EIR

This FEIR for the Colusa County 2030 General Plan project has been prepared in accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines. State CEQA Guidelines Section 15132 requires that an FEIR consist of the following:

- the Draft Environmental Impact Report (Draft EIR) or a revision of the draft;
- comments and recommendations received on the Draft EIR, either verbatim or in summary;
- a list of persons, organizations, and public agencies commenting on the Draft EIR;
- the responses of the lead agency to significant environmental concerns raised in the review and consultation process; and
- any other information added by the lead agency.

In accordance with State CEQA Guidelines Section 15132(a), the Draft EIR is incorporated by reference into this Final EIR.

An EIR must disclose the expected environmental impacts, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize environmental impacts of proposed projects, and an

obligation to balance a variety of public objectives, including economic, environmental, and social factors.

PURPOSE AND USE

Colusa County, as the lead agency, has prepared this Final EIR to provide the public and responsible and trustee agencies with an objective analysis of the potential environmental impacts resulting from approval and implementation of the 2030 General Plan. Responsible and trustee agencies that may use the EIR are identified in Chapter 1.0 of the Draft EIR.

The environmental review process enables interested parties to evaluate the proposed project in terms of its environmental consequences, to examine and recommend methods to eliminate or reduce potential adverse impacts, and to consider a reasonable range of alternatives to the project. While CEQA requires that consideration be given to avoiding adverse environmental effects, the lead agency must balance adverse environmental effects against other public objectives, including the economic and social benefits of a project, in determining whether a project should be approved.

This EIR will be used as the primary environmental document to evaluate all subsequent planning and permitting actions associated with the proposed project. Subsequent actions that may be associated with the proposed project are identified in Chapter 2.0, Project Description, of the Draft EIR. This EIR may also be used by other agencies within Colusa County, including the Colusa Local Agency Formation Commission (LAFCO), which may use this EIR during the preparation of environmental documents related to annexation, Municipal Service Reviews and Sphere of Influence decisions throughout Colusa County.

1.2 ENVIRONMENTAL REVIEW PROCESS

The review and certification process for the EIR has involved, or will involve, the following general procedural steps:

NOTICE OF PREPARATION

The Colusa County circulated a Notice of Preparation (NOP) of an EIR for the proposed project on June 20, 2011 to trustee and responsible agencies, the State Clearinghouse, and the public. A scoping meeting was held on June 28, 2011 with the Colusa County Board of Supervisors. No public or agency comments on the NOP were presented or submitted during the scoping meeting. However, during the 30-day public review period for the NOP, which ended on July 30, 2011, a total of seven written comments from state and local agencies were received. The NOP and all comments received on the NOP are presented in Appendix A of the Draft EIR.

NOTICE OF AVAILABILITY AND DRAFT EIR

Colusa County published a public Notice of Availability (NOA) for the Draft EIR on November 17, 2011, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2011062052) and the County Clerk, and was published in the Colusa County Sun Herald pursuant to the public noticing

requirements of CEQA. The Draft EIR was available for public review from November 17, 2011 through January 16, 2012. The Public Draft 2030 General Plan was also available for public review and comment during this time period.

The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less than significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

RESPONSE TO COMMENTS/FINAL EIR

Colusa County received six comment letters regarding the Draft EIR from public agencies during the public comment period. No Draft EIR comment letters were received from individual members of the public.

In accordance with CEQA Guidelines Section 15088, this Final EIR responds to the written comments received on the Draft EIR, as required by CEQA. The Final EIR also contains minor edits to the Draft EIR, which are included in Section 3.0, Errata. This document and the Draft EIR, as amended herein, constitute the Final EIR.

CERTIFICATION OF THE EIR/PROJECT CONSIDERATION

The Colusa County Board of Supervisors will review and consider the Final EIR. If the County finds that the Final EIR is "adequate and complete," the Board of Supervisors may certify the Final EIR in accordance with CEQA. The rule of adequacy generally holds that an EIR can be certified if:

- 1) The EIR shows a good faith effort at full disclosure of environmental information; and
- 2) The EIR provides sufficient analysis to allow decisions to be made regarding the proposed project in contemplation of environmental considerations.

Upon review and consideration of the Final EIR, the Colusa County Board of Supervisors may take action to approve, revise, or reject the project. A decision to approve the Colusa County 2030 General Plan, for which this EIR identifies significant environmental effects, must be accompanied by written findings in accordance with State CEQA Guidelines Sections 15091 and 15093.

Policies and actions to mitigate potential environmental impacts have been incorporated into the project, to the extent feasible. No additional mitigation is feasible or available, as described in Chapters 3.1 through 4.0 of the Draft EIR. The annual report on general plan status required pursuant to the Government Code will serve as the monitoring and reporting program for the project.

1.3 ORGANIZATION OF THE FINAL EIR

This Final EIR has been prepared consistent with Section 15132 of the State CEQA Guidelines, which identifies the content requirements for Final EIRs. This Final EIR is organized in the following manner:

CHAPTER 1.0 – INTRODUCTION

Chapter 1 briefly describes the purpose of the environmental evaluation, identifies the lead, agency, summarizes the process associated with preparation and certification of an EIR, and identifies the content requirements and organization of the Final EIR.

CHAPTER 2.0 – COMMENTS ON THE DRAFT EIR AND RESPONSES

Chapter 2 provides a list of commenters, copies of written comments made on the Draft EIR (coded for reference), and responses to those written comments.

CHAPTER 3.0 - ERRATA

Chapter 3.0 consists of minor revisions to the Draft EIR in response to comments on the Draft EIR. The revisions to the Draft EIR do not change the intent or content of the analysis or mitigation.

2.1 INTRODUCTION

No new significant environmental impacts or issues, beyond those already covered in the Draft Environmental Impact Report (Draft EIR) for the 2030 Colusa County General Plan Update, were raised during the comment period and the County of Colusa (County), as lead agency, directed that responses to the Draft EIR comments be prepared. Responses to comments received during the comment period do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

2.2 LIST OF COMMENTERS

Table 2-1 lists the comments on the Draft EIR that were submitted to the County. The assigned comment letter number, letter date, letter author, and affiliation, if presented in the comment letter or if representing a public agency, are also listed.

TABLE 2-1: LIST OF COMMENTERS			
RESPONSE LETTER/NUMBER	INDIVIDUAL OR SIGNATORY	AFFILIATION	DATE
A	Genevieve Sparks	California Regional Water Quality Control Board, Central Valley Region	11/30/2011
B	Philip Crimmins	Department of Transportation, Division of Aeronautics	11/30/2011
C	James Herota	Central Valley Flood Protection Board	12/7/2011
D	Richard Helman	Department of Transportation, District 3	1/13/2012
E	John Benoit	Colusa Local Agency Formation Commission	1/13/2012
F	Bryan Stice	City of Colusa	1/16/2012

2.3 COMMENTS AND RESPONSES

REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

CEQA Guidelines Section 15088 requires that lead agencies evaluate and respond to all comments on the Draft EIR that regard an environmental issue. The written response must address the significant environmental issue raised and provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need only to respond to significant environmental issues associated with the project and do not need to provide all the information requested by the commenter, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204(a)).

CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible environmental impacts of the project and ways to avoid or mitigate the significant effects of the project, and that commenters provide evidence supporting their comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines Section 15088 also recommends that revisions to the Draft EIR be noted as a revision in the Draft EIR or as a separate section of the Final EIR. Chapter 3.0 of this Final EIR identifies all revisions to the 2030 Colusa County General Plan Update Draft EIR.

RESPONSES TO COMMENT LETTERS

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Those comments received from government agencies are represented by a lettered response while comments received by individual or private firms are represented by a numbered response.
- Each letter is lettered (i.e., Letter A) and each comment within each letter is numbered (i.e., comment A-1, comment A-2).

Where changes to the Draft EIR text result from the response to comments, those changes are included in the response and identified with revisions marks (underline for new text, ~~strike-out~~ for deleted text).



Matthew Rodriguez
Secretary for
Environmental Protection

**California Regional Water Quality Control Board
Central Valley Region**

Katherine Hart, Chair

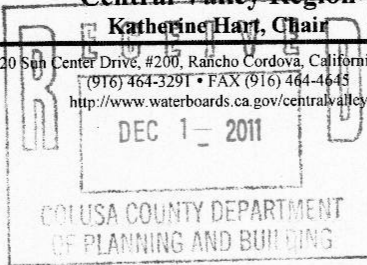
11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114
(916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>



Edmund G. Brown Jr.
Governor

30 November 2011

Steve Hackney
Director of Planning and Building
County of Colusa
220 12th Street
Colusa, CA 95932



CERTIFIED MAIL
7010 3090 0000 5045 2804

**COMMENTS TO DRAFT ENVIRONMENTAL IMPACT REPORT, COLUSA COUNTY 2030
GENERAL PLAN UPDATE, SCH NO. 2011062052, COLUSA COUNTY**

Pursuant to the State Clearinghouse's 16 November 2011 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Draft Environmental Impact Report* for the Colusa County 2030 General Plan Update, located in Colusa County.

A-1

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

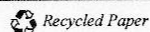
Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

A-2

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

California Environmental Protection Agency



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Colusa County

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Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed for the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

A-2
(cont'd)

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Waste Discharge Requirements

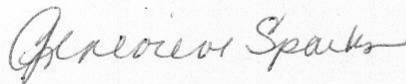
If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

A-2
(cont'd)

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

A-3

If you have questions regarding these comments, please contact me at (916) 464-4745 or gsparks@waterboards.ca.gov.



Genevieve (Gen) Sparks
Environmental Scientist
401 Water Quality Certification Program

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

Response to Letter A Genevieve Sparks, California Regional Water Quality Control Board

Response A-1: The commenter makes introductory remarks and indicates their comments address concerns related to protecting the quality of surface and groundwaters. The commenter's specific comments are addressed under Responses A-2 below.

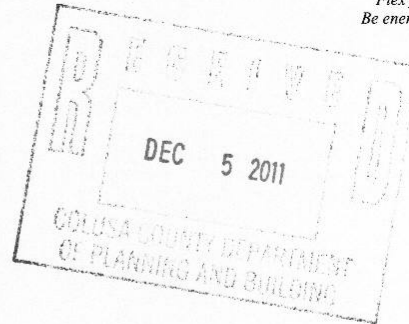
Response A-2: The commenter describes the requirements and applicability of the Construction Storm Water General Permit, Phase I and II Municipal Separate Storm Sewer System Permits, Industrial Storm Water Permit, Clean Water Act section 404 Permit, Clean Water Act Section 401 Permit, and Waste Discharge Requirements Permit. For each permit type, the commenter provides a website link or phone number where additional information regarding the permit may be obtained. The General Plan Update is a policy document and does not require any of the identified permits. Subsequent development, infrastructure improvement, and other projects that are consistent with the General Plan Update may require the permits identified by the commenter and would be required to obtain the appropriate permits as part of the project approval process. The comment does not raise any issues regarding the adequacy of the Draft EIR. The comment is noted.

Response A-3: The commenter makes closing remarks and provides their contact information. The comment is noted.

DEPARTMENT OF TRANSPORTATION
 DIVISION OF AERONAUTICS – M.S.#40
 1120 N STREET
 P. O. BOX 942874
 SACRAMENTO, CA 94274-0001
 PHONE (916) 654-4959
 FAX (916) 653-9531
 TTY 711



*Flex your power!
 Be energy efficient!*



November 30, 2011

Mr. Steve Hackney
 Colusa County
 220 12th Street
 Colusa, CA 95932

Dear Mr. Hackney:

Re: The Draft Environmental Impact Report for the Colusa County 2030 General Plan;
 SCH Number 2011062052

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports. The following comments are offered for your consideration.

B-1

The proposal is for an update to the Colusa County General Plan.

In accordance with California Public Utilities Code (PUC) Section 21676 *et seq.*, prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission (ALUC), the local agency shall first refer the proposed action to the ALUC. The Colusa County Airport Land Use Commission is the designated ALUC for this project.

If the ALUC determines that the proposed action is inconsistent with the airport land use compatibility plan, the referring agency shall be notified. The local agency may, after a public hearing, propose to overrule the ALUC by a two-thirds vote of its governing body after it makes specific findings. At least 45 days prior to the decision to overrule the ALUC, the local agency's governing body shall provide to the ALUC and Caltrans a copy of the proposed decision and findings. Caltrans reviews and comments on the specific findings a local government intends to use when proposing to overrule an ALUC. Caltrans specifically looks at the proposed findings to gauge their relationship to the overrule. Also, pursuant to the PUC 21670 *et seq.*, findings should show evidence that the local agency is minimizing "...the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses."

B-2

General plans and elements must clearly demonstrate intent to adhere to ALUC policies to ensure compliance with compatibility criteria. Direct conflicts between mapped land use designations in a general plan and the ALUC criteria must be eliminated. A general plan needs to include (at the

B-3

"Caltrans improves mobility across California"

Mr. Steve Hackney
November 30, 2011
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very least) policies committing the county to adopt compatibility criteria essential to ensuring that such conflicts will be avoided. The criteria do not necessarily need to be spelled out in the general plan. There are a number of ways for a city or county to address the airport consistency issue, including:

- Incorporating airport compatibility policies into the update.
- Adopting an airport-combining zoning ordinance.
- Adopting an “Airport Element” into the general plan.
- Adopting the airport compatibility plan as a “stand alone” document or as a specific plan.

The proposal should also be coordinated with Colusa County Airport staff to ensure its compatibility with future as well as existing airport operations.

CEQA, Public Resources Code 21096, requires the California Airport Land Use Planning Handbook (Handbook) be utilized as a resource in the preparation of environmental documents for projects within airport land use compatibility plan boundaries or if such a plan has not been adopted, within two nautical miles of an airport. The Handbook provides a “General Plan Consistency Checklist” in Table 5A and a “Possible Airport Combining Zone Components” in Table 5B. The Handbook is a resource that should be applied to all public use airports and is available on-line at:

<http://www.dot.ca.gov/hq/planning/aeronaut/documents/AirportLandUsePlanningHandbook.pdf>

Federal and State regulations regarding aircraft noise do not establish mandatory criteria for evaluating the compatibility of proposed land use development around airports (with the exception of the 65 dB CNEL “worst case” threshold established in the State Noise Standards for the designated “noise problem” airports). For most airports in California, 65 dB CNEL is considered too high a noise level to be appropriate as a standard for land use compatibility planning. This is particularly the case for evaluating new development in the vicinity of the airport. The 60 dB CNEL, or even 55 dB CNEL, may be more suitable for new development around most airports. Figure 3.11-2 in the Draft Environmental Impact Report (DEIR) shows that some areas designated for future Urban Residential are inside the 65 dB CNEL noise contour. For a further discussion of how to establish an appropriate noise level for a particular community, please refer to the Handbook.

California Public Utilities Code (PUC) Section 21659 prohibits structural hazards near airports. The planned height of buildings, antennas, and other objects should be checked with respect to Federal Aviation Regulation (FAR) Part 77 criteria if development is close to the airport, particularly if situated within the runway approach corridors. General plans must include policies restricting the heights of structures to protect airport airspace. To ensure compliance with FAR Part 77 “Objects Affecting Navigable Airspace” submission of a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) may be required. Form 7460-1 is available on-line at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> and should be submitted electronically.

California Education Code Section 17215 requires a school site investigation by the Division prior to acquisition of land for a proposed school site located within two miles of an airport

“Caltrans improves mobility across California”

B-3
(cont’d)

B-4

B-5

B-6

B-7

Mr. Steve Hackney
November 30, 2011
Page 3

runway. The Division submits recommendations to the State Department of Education for use in determining acceptability of the site. This should be a consideration prior to designating residential uses in the vicinity of an airport. The Division's school site evaluation criteria are available on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/regulations.html>.

B-7
(cont'd)

Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353 address buyer notification requirements for lands around airports and are available on-line at <http://www.leginfo.ca.gov/calaw.html>. Any person who intends to offer subdivided lands, common interest developments and residential properties for sale or lease within an airport influence area is required to disclose that fact to the person buying the property.

B-8

The protection of airports from incompatible land use encroachment is vital to California's economic future. Colusa County Airport is an economic asset that should be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land uses near airports is both a local and State issue, airport land use commissions and airport land use compatibility plans are key to protecting an airport and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflicts between airports and their neighbors.

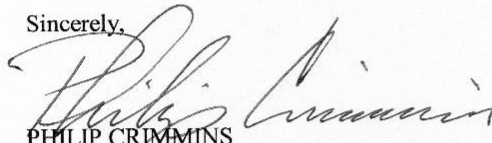
B-9

These comments reflect the areas of concern to the Division with respect to airport-related noise, safety, and regional land use planning issues. We advise you to contact our District 3 office concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-6223, or by email at philip_crimmins@dot.ca.gov.

B-10

Sincerely,



PHILIP CRIMMINS
Aviation Environmental Specialist

c: State Clearinghouse, Colusa County ALUC, Colusa County Airport

"Caltrans improves mobility across California"

Response to Letter B Philip Crimmins, State of California Department of Transportation, Division of Aeronautics

Response B-1: The commenter makes introductory remarks, identifies the Division of Aeronautics' technical expertise in the areas of airport operations/safety and land use compatibility. The commenter's specific comments regarding the project are addressed under Responses B-2 through B-8 below.

Response B-2: The commenter states that in accordance with California Public Utilities Code Section 21676 et seq., a General Plan amendment and other policy-level projects must first be referred to the Airport Land Use Commission (ALUC). The commenter further describes actions to be taken if the ALUC determines that the proposed action is inconsistent with the airport land use compatibility plan and states that Caltrans reviews and comments on the specific findings a local government intends to use when proposing an overrule to the ALUC.

Colusa County referred the proposed project to the Colusa County ALUC, which received notice of the 2030 General Plan Update and the Draft EIR as part of the public circulation of the proposed project and the Draft EIR. The Colusa County ALUC did not comment on the 2030 General Plan Update nor on the Draft EIR. The Colusa County ALUC did not notify the County regarding any inconsistency between the proposed project and the Colusa County Airport Land Use Compatibility Plan (ALUCP) or the Colusa County Airport Comprehensive Land Use Plan (CLUP).

This comment does not identify any issues or concerns with the Draft EIR, so no additional response is necessary.

Response B-3: The commenter states that General Plans and elements must clearly demonstrate intent to adhere to ALUC policies to ensure compliance with compatibility criteria, indicating the direct conflicts with a general plan and the ALUC criteria must be eliminated. The commenter identifies several methods for a jurisdiction to address the airport consistency issue and recommends that the proposal [project] be coordinated with Colusa County Airport staff to ensure its compatibility with future as well as existing operations.

While this comment does not identify any issues or concerns with the Draft EIR, the following explanation is provided to clarify how the proposed project addresses airport land use consistency. The 2030 General Plan Update includes the following policies and actions, which require future development to be consistent with the ALUC/CLUP.

Policy SA 1-53: Ensure that land uses within the vicinity of airports and airstrips are compatible with airport restrictions and operations.

Policy SA 1-54: Ensure that all development proposals in the vicinity of the Colusa County Airport are consistent with the restrictions and requirements contained in the Colusa Airport Comprehensive Land Use Plan (CLUP).

Policy SA 1-55: The County shall ensure that new development proposals do not result in encroachments into future airport expansion areas and do not result in adverse economic impacts to airport operations.

Policy SA 1-56: Work cooperatively with the Airport Land Use Commission to ensure continued airport operations in a safe and cost-effective manner, consistent with the public's needs and Federal Aviation Authority regulations.

Action SA 1-HH: As part of the development review process, new development and expansion proposals near the Colusa County airport and public and private airstrips shall be:

- a. Reviewed for consistency with setbacks, land use restrictions, and height as determined by the Federal Aviation Administration (FAA) and the Colusa County Airport Land Use Commission;*
- b. Provided to the Airport Land Use Commission for Review.*

Action SA 1-II: As part of future planning efforts, the Department of Planning and Building shall review and provide input into updates to the Comprehensive Airport Land Use Plan to ensure that new development within the Colusa County Airport Safety Zone is compatible with existing airport operations, and that any changes or improvements to the airport facility or operations are compatible with land uses within this zone.

Response B-4: The commenter indicates that CEQA requires the California Airport Land Use Planning Handbook to be utilized as a resource in the preparation of environmental documents for projects within ALUC boundaries. The California Airport Land Use Planning Handbook was used as a reference tool in the preparation of the 2030 General Plan Update and the Draft EIR. The policies and actions identified in Response B-3, above, ensure that subsequent projects will be consistent with the ALUP.

Response B-5: The commenter discusses criteria for evaluating noise levels and indicates that the 60 dB CNEL or even the 55 dB CNEL may be more suitable than the 65 dB CNE: when evaluating new development in the vicinity of the airport. The commenter indicates that Figure 3.11-2 in the Draft EIR shows that some areas designated for Urban Residential are inside the 65 dB CNEL contour.

While the commenter does not identify any issues or concerns with the analysis presented in the Draft EIR, the following explanation and revisions to the Draft EIR are provided to clarify potential airport noise impacts that may occur with subsequent development. The commenter is correct that a portion of the Urban Residential land to the west of the airport is located within the 65 dB CNEL noise contour. As described on page 3.11-29 of the Draft EIR, Policy N 1-8 requires new development projects and long-term planning projects to conform with the

County's Airport Safety and Noise land use criteria, as identified in the Colusa County Airport Comprehensive Land Use Plan (CLUP) and Action N 1-D implements this policy by providing specific design and attenuation standards. Implementation of Policy N 1-8 and Action N 1-D would reduce potential impacts to a less than significant level by ensuring that future development conforms to the ALUC's noise criteria. Project-level noise attenuation may include site design to place the majority of residential uses outside of the area designated as 65 dB CNEL, noise attenuation measures such as windows with higher STC ratings to reduce noise exposure.

The following edits are made to the discussion of Impact 3.11-3 (Airport Noise) on page 3.11-29 and to Action N 1-D to clarify that urban residential uses are designated within the 65 dB CNEL contour and to ensure that long-term planning projects, including the Zoning Code Update, are consistent with the ALUC's noise criteria.

“Impact 3.11-3: Airport Noise (Less than Significant)”

Implementation of the 2030 General Plan could result in the creation of new noise-sensitive land uses within the 60 and 65 dB CNEL noise contours contained within the *Colusa County Airport Land Use Comprehensive Land Use Plan (ALUCP)*, as shown by Figure 3.11-2. Additionally, the implementation of the 2030 General Plan would result in the creation of new noise-sensitive land uses within over-flight areas of the Colusa County airport, thereby presenting the potential for annoyance from single event noise.

Single-event noise associated with aircraft overflights is also of concern when evaluating aircraft noise effects in terms of land use compatibility. Single-event noise is the maximum sound level produced by an individual approach overflight at a specific location, often described in terms of Lmax, which is the maximum sound level recorded for each event. A different measurement of single-event noise, also commonly used when evaluating aircraft noise, is the SEL. The SEL describes the event's mean energy level over the duration of the noise event. As would be expected, single-event noise levels for aircraft overflights within the Planning Area would be greatest and most frequent near the airport's primary flight paths.

The 2030 General Plan includes policies and actions intended to reduce noise impacts throughout the County, including noise impacts associated with development located within the 60 and 65 dB CNEL noise contours associated with the airport and single-even noise associated with flyovers. Policy N 1-8 requires new development projects and long-term planning projects to conform with the County's Airport Safety and Noise land use criteria, as identified in the Colusa County Airport Comprehensive Land Use Plan (CLUP). Actions N 1-D implement this policy by providing specific design and attenuation standards. With the implementation of the 2030 General Plan policies and actions, the noise impact relative to airports would be **less than significant**.

2030 GENERAL PLAN POLICIES AND ACTIONS

Policies

Policy N 1-8: Require new development projects and long-term planning projects to conform with the County's Airport Safety and Noise land use criteria, as identified in the Colusa County Airport Comprehensive Land Use Plan (CLUP).

Actions

Action N 1-D: Review new development and long-term planning projects, including the Zoning Code Update, for conformity with the County's Airport Safety and Noise land use criteria, as identified in the Colusa County Airport Comprehensive Land Use Plan (CLUP)."

Response B-6: The commenter states that California Public Utilities Code Section 21659 prohibits structural hazards near airports and indicates that the planned height of buildings and other objects should be checked with respect to Federal Aviation Regulation (FAR) Part 77 criteria if development is close to the airport, particularly if situated within runway approach corridors and states that the General Plan must include policies restricting the height of structures to protect airport airspace. The General Plan includes Action SA 1-HH which requires that, as part of the development review process, development proposals near the Colusa County Airport and private airstrips shall be reviewed for consistency with the Federal Aviation Administration (FAA) and ALUC requirements as well as be provided to the ALUC for review. The review for consistency with FAA and ALUCP requirements would include a review for consistency with applicable FAR requirements, including Part 77 criteria, and with all criteria identified in the CLUP. Implementation of Action SA 1-HH would ensure that subsequent projects do not result in structural hazards near the Colusa County Airport or any private airstrips. The Draft EIR identifies a significant and unavoidable impact (Impact 3.8-4) associated with a conflict between a land use designation proposed on the Land Use Map and the land use criteria established by the ALUCP. It is noted that this impact is due to the conflict in land use designations and that the proposed project includes policies and actions that would require all subsequent development, including any development on the proposed Urban Residential parcel that poses a potential conflict, to be consistent with the ALUCP and FAR regulations pursuant to Policies SA 1-53, 1-54, and 1-55 and Actions SA 1-HH. While implementation of these policies and actions would address any potential safety hazards by requiring future development to be consistent with the allowed uses and height restricts, the conflict in the land use designation would remain.

Response B-7: The commenter indicates that a school site investigation by the Division is required prior to acquisition of land for a proposed school site located within two miles of an airport runway. The proposed project does not propose the development of a school nor does it propose site acquisition for the development of a school. School sites will continue to be acquired by the school districts that serve the County and it would be the responsibility of any school district that is interested in acquiring a site in the vicinity of the airport to comply with State law regarding preliminary investigations and other due diligence. This comment does not identify any issues or concerns associated with the Draft EIR. The comment is noted.

Response B-8: The commenter identifies State laws that address buyer notification requirements for lands around airports. This comment does not identify any issues or concerns associated with the Draft EIR. The comment is noted.

Response B-9: The commenter indicates that the protection of airports from incompatible land use encroachment is vital to California's future and indicates that consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflicts between airports and their neighbors. The 2030 General Plan Update includes policies that promote the expansion and improvement of existing airport facilities and support funding efforts for the Colusa County Airport (Policies CIRC 2-6 and 2-7). The 2030 General Plan Update also includes policies that support continued airport operations in a safe and effective manner (Policy SA 1-56) and input on development of any updates to the CLUP (Action SA 1-11). The 2030 General Plan Update The 2030 General Plan Update provides many policies that ensure that future development will not conflict with Federal Aviation Regulations or ALUC requirements, including the CLUP. The 2030 General Plan Update recognizes the importance of the Colusa County Airport by ensuring that subsequent projects would not result in projects that would conflict with the CLUP. Specifically, the Noise and Safety Elements of the General Plan require subsequent development proposals to be consistent with County's Airport Safety and Noise land use criteria and other restrictions as set forth by the FAA and CLUP (Policy N 1-8, Policy SA 1-54, Action N 1-D, and Action SA 1-HH) and compatible with airport restrictions and operations (Policy SA 1-53).

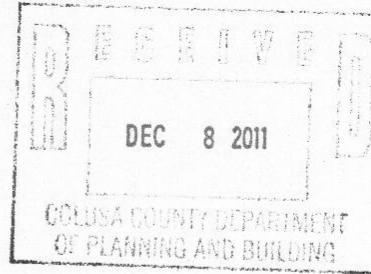
Response B-10: The commenter makes closing remarks and provides their contact information. The comment is noted.

STATE OF CALIFORNIA – CALIFORNIA NATURAL RESOURCES AGENCY

EDMUND G. BROWN JR., GOVERNOR

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
 SACRAMENTO, CA 95821
 (916) 574-0609 FAX: (916) 574-0682
 PERMITS: (916) 574-2380 FAX: (916) 574-0682



December 7, 2011

Mr. Steve Hackney
 Colusa County
 220 12th Street
 Colusa, California 95932

Subject: Colusa County 2030 General Plan SCH Number: 2011062052 Draft EIR

Dear Mr. Hackney:

Staff for the Central Valley Flood Protection Board has reviewed the subject document and provides the following comments:

The proposed project is located within the jurisdiction of the Central Valley Flood Protection Board. The Board is required to enforce standards for the construction, maintenance, and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2).

C-1

A Board permit is required prior to starting the work within the Board's jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6);
- Existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6);
- Vegetation plantings that will require the submission of detailed design drawings; identification of vegetation type; plant and tree names (i.e. common name and scientific name); total number of each type of plant and tree; planting spacing and irrigation method that will be utilized within the project area; a complete vegetative management plan for maintenance to prevent the interference with flood control, levee maintenance, inspection and flood fight procedures (Title 23, California Code of Regulations CCR Section 131).

C-2

In accordance with CEQA Guidelines Section 15130 "Discussion of Cumulative Impacts. (a) An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3). Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," the lead

C-3

December 7, 2011
 Mr. Steve Hackney
 Page 2 of 2

agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.”

C-3
 (cont'd)

Vegetation requirements in accordance with Title 23, Section 131(c) states, “Vegetation must not interfere with the integrity of the adopted plan of flood control, or interfere with maintenance, inspection, and flood fight procedures.”

C-4

The accumulation and establishment of woody vegetation that is not managed has a negative impact on channel capacity and increases the potential for levee over-topping and flooding. When a channel develops vegetation that then becomes habitat for wildlife, maintenance to initial baseline conditions becomes more difficult as the removal of vegetative growth is subject to federal and state agency requirements for on-site mitigation within the floodway.

Hydraulic impacts – Hydraulic impacts due to encroachments could impede flows, reroute flood flows, and/or increase sediment accumulation. The Draft EIR should include mitigation measures for channel and levee improvements and maintenance to prevent and/or reduce hydraulic impacts. Off-site mitigation outside of the State Plan of Flood Control should be used when mitigating for vegetation removed within the project location.

C-5

The permit application and Title 23 CCR can be found on the Central Valley Flood Protection Board's website at <http://www.cvfpb.ca.gov/>. Contact your local, federal and state agencies, as other permits may apply.

C-6

Should you have any further questions, please contact me by phone at (916) 574-0651, or via email at jherota@water.ca.gov.

Sincerely,



James Herota
 Staff Environmental Scientist
 Floodway Projects Improvement Branch

cc: Governor's Office of Planning and Research
 State Clearinghouse
 1400 Tenth Street, Room 121
 Sacramento, California 95814

Response to Letter C James Herota, Central Valley Flood Protection Board (CVFPB)

Response C-1: The commenter provides introductory comments and identifies the jurisdiction of the CVFPB. The commenter's specific concerns and suggestions regarding the project objectives are addressed under Responses C-2 through C-5 below.

Response C-2: The commenter indicates actions that require a CVFPB permit. This comment does not identify any issues or concerns associated with the Draft EIR. Comment noted.

Response C-3: The commenter identifies CEQA requirements related to discussion of cumulative impacts. While this comment does not identify any issues or concerns associated with the Draft EIR, the commenter is referred to Chapter 4.0 (Other CEQA-Required Topics) which identifies the cumulative setting and describes the project's contribution to cumulative effects on the environment, including the basis for any conclusions that the project's contribution to cumulative effects is not considerable. The 2030 General Plan Update includes Policy SA 1-26, which would provide on-going maintenance to a variety of facilities, including flood control and storm water conveyance infrastructure, to provide for adequate storm water flows, and Action SA 1-N to develop a Flood Master Plan, that would address a range of issues including maintenance of flood control facilities.

Response C-4: The commenter identifies vegetation requirements related to flood control, identifying that the accumulation and establishment of woody vegetation that is not managed has a negative impact on channel capacity and other effects. While this comment does not identify any issues or concerns associated with the Draft EIR, the commenter is referred to Policy SA 1-26, which would provide on-going maintenance to a variety of facilities, including flood control and storm water conveyance infrastructure, to provide for adequate storm water flows, and to Action SA 1-N to develop a Flood Master Plan, that would address a range of issues including maintenance of flood control facilities.

Response C-5: The commenter describes the effects of hydraulic impacts due to encroachment and recommends that the Draft EIR should include mitigation measures for channel and levee improvements and maintenance to prevent and/or reduce hydraulic impacts. The 2030 General Plan Update identifies policies to maintain floodways and flood facilities (Policies SA 1-25 and SA 1-36) and also includes policies to ensure that development projects do not result in increases in peak flow runoff to adjacent lands or drainage facilities and contribute to off-site drainage or flood control infrastructure necessitated by their projects (Policies SA 1-29 and SA 1-31). The 2030 General Plan Update also includes actions to develop a Drainage Master Plan, which would identify necessary storm water and drainage improvements at the community level and identify standards to address flooding impacts (Action SA 1-M) and to develop a Flood Master Plan that identifies needed improvements and ensures operation, maintenance, and

funding of flood control facilities (Action SA 1-N). Implementation of these policies and actions would ensure that adequate flood control and storm water control improvements are made, including channel and levee improvements, and that adequate maintenance is provided to address potential adverse storm water and flooding impacts. As described on pages 3.9-47 through 3.9-48, implementation of the policies and actions included in the 2030 General Plan would reduce potential impacts associated with runoff, erosion, and the risk of flooding to a less than significant level. Page 4.0-12 identifies the project's contribution to cumulative hydrology and water quality impacts, concluding that the implementation of the 2030 General Plan policies and actions along with federal, state, and local permit and monitoring requirements would reduce the project's contribution to cumulative impacts to a less than cumulatively considerable level. The commenter does not identify any deficiencies associated with the Draft EIR and the policies and actions proposed by the General Plan address the commenter's concerns associated with providing and improving flood control facilities and ensuring on-going maintenance, therefore, no additional response is necessary.

Response C-6: The commenter provides closing remarks, including their contact information and where permit application and regulatory language can be found on-line. The comment is noted.

DEPARTMENT OF TRANSPORTATION

DISTRICT 3
 703 B STREET
 MARYSVILLE, CA 95901-0911
 PHONE (530) 634-7616
 FAX (530) 741-4245
 TTY 711



*Flex your power!
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January 13, 2012

032011COL0034
 Colusa County DEIR/General Plan Update
 SCH# 2011062052

Mr. Steven M. Hackney, AICP
 Department of Planning and Building
 County of Colusa
 220 12th Street
 Colusa, CA 95932

Dear Mr. Hackney:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) and the General Plan Update (GPU) for Colusa County. Our comments are as follows:

D-1

General Plan:

Circulation Element:

- Page 3-3, Policy CIR 1-11: While we concur requiring new development to finance and construct all off-site circulation improvements necessary to mitigate a project's transportation impacts, it is unclear if this mitigation requirement includes the State Highway System (SHS) within the County. Please clarify. D-2
- Page 3-4, Action CIR 1-C: While we applaud the County in this action measure to establish a County transportation impact fee program that addresses countywide transportation facilities and will require new development to pay for its fair share of impacts to local and regional facilities, it is unclear if this action includes SHS facilities in the County. We suggest adding the phrase, "including State Highway facilities", after the phrase, "regional facilities". D-3
- Page 3.13-8: Policy CIRC 1-5 is incomplete. Please revise to include the unincorporated County exceptions. D-4

Land Use Element:

- Page 8.25, Policy LU 3-17: This policy states "Ensure that zoning and land use designations at the Interstate 5 freeway interchanges at Arbuckle, Maxwell, and the unincorporated area near Williams are used for highway-oriented commercial use... Development at these interchanges should be planned to minimize traffic and safety hazards on local streets to the *"Caltrans improves mobility across California"* D-5

Mr. Steven Hackney
 January 13, 2011
 Page 2 of 3

extent feasible.” We suggest amending the phrase, “...on local streets”..., to read, “...on local streets and Interstate 5 freeway interchanges...”, or identify appropriate mitigation for the potentially impacted Interstate 5 interchanges.

D-5
 (cont'd)

DEIR:

Executive Summary:

- Page ES-11, Impact 3.13-3 and page ES-13, Impact 4.13: We disagree with the significant and unavoidable findings to the SHS facilities. Please refer to our specific comments on pages 3.13-21 and 4.0-14 below.

D-6

Section 3.13, Transportation and Circulation:

- Page 3.13-9, First paragraph: “San Joaquin County” should read “Colusa County”.
- Page 3.13-21, Impact 3.13-3, Increased Traffic on State Highways and Facilities (significant and unavoidable), third and fourth paragraphs: Caltrans disagrees with the significant and unavoidable findings, which are based on the following three arguments: 1) “outside of the County’s jurisdiction,” 2) “no guarantee that full funding for the improvements will be available,” and 3) “collection and administration of funding by the state.” We disagree for the following reasons:
 - There are Plans (please refer to Caltrans Transportation Concept Reports) in place that identify needed improvements and proposed County policies and actions in the draft GPU provide for the preparation of a Nexus Study and Traffic Impact Mitigation Fee Program to collect development impact fees for both local and regional roadways, including State Highway facilities.
 - Speculation regarding the Caltrans budget is not valid under CEQA.
 - Based upon our information, there are no projects in Colusa County that are slated for State programming or allocation that could reasonably be subject to changes due to pending Caltrans budget changes.
 - The State does not have the legal authority to collect traffic impact mitigation fees. Local governments, however, have the authority to conduct a Nexus Study and establish a Traffic Mitigation Fee Program.
- Page 3.13-21, Impact 3.13-3, Increased Traffic on State Highways and Facilities (significant and unavoidable), fourth paragraph: Caltrans disagrees with the statements that “while the policies and actions in the 2030 General Plan would mitigate potential impacts to address the County’s fair-share of the impacts, full mitigation of the impacts is beyond the County’s control. Therefore, this impact would remain significant and unavoidable and no further mitigation is available.” We are not requesting full mitigation of traffic impacts to the SHS facilities in Colusa County, rather that the County provide a fair share of the mitigation. In

D-7

D-8

D-9

“Caltrans improves mobility across California”

Mr. Steven Hackney
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 Page 3 of 3

view that the County will be preparing a Nexus Study establishing a Traffic Impact Mitigation Fee Program for local roads and the SHS, we believe that the finding of "significant and unavoidable" can be changed to "less than significant."

D-9
 (cont'd)

Section 4.0, Other CEQA – Required Topics:

- Page 4.0-14, Impact 4.13: Cumulative Impacts on the Transportation Network (Considerable Contribution and Significant and Unavoidable), paragraph 3: We disagree with the statements that, " while implementation of the of the policies and actions included in the 2030 General Plan are intended to either result in the direct construction of improvements to maintain acceptable level or service, or result in a fair-share funding toward roadway impacts on facilities, there is no guarantee that full funding for the identified improvements will be available when the improvements are needed. Therefore, this is considered a **cumulatively considerable and significant and unavoidable** impact." This disagreement is based on the previously noted comment.

D-10

Notice of Preparation:

The following comments included in the Caltrans' letter dated July 30, 2011 (copy attached) were not adequately addressed:

D-11

- Request policy statement in the County's GPU stating that circulation network improvements to and operation of the SHS are a shared responsibility between Colusa County and Caltrans.
- Request to review the scope of the Traffic Impact Study before the Study begins.

D-12

Please provide our office with a copy of the Final Environmental Impact Report when available. If you have any questions concerning these comments, please contact the Colusa County IGR Coordinator, Nora Hogan at (530) 634-7799 or nora_hogan@dot.ca.gov.

D-13

Sincerely,



RICHARD HELMAN
 Office of Transportation Planning – North

Attachment

Cc: Scott Morgan, State Clearing House

"Caltrans improves mobility across California"

Response to Letter D Richard Hellman, State of California Department of Transportation (Caltrans), District 3

Response D-1: The commenter makes introductory remarks. The commenter's specific concerns regarding the 2030 General Plan Update and Draft EIR are addressed under Responses D-2 through D-12 below.

Response D-2: The commenter requests clarification of whether Policy CIR 1-11 includes the requirement to mitigate impacts to the State Highway System within the County. While this comment does not address the adequacy of the Draft EIR, the following edit to Policy CIRC 1-11 is provided to clarify that: 1) projects must construct improvements to local roads, over which the County has jurisdiction, and 2) projects will be evaluated to identify whether they would result in significant impacts to regional facilities and, if there would be significant impacts, projects will pay their fair-share of improvements, where feasible. Policy CIRC 1-11 is proposed to be revised as follows:

"Policy CIRC 1-11: Require new development to: 1) finance and construct all off-site circulation improvements (including safety improvements) necessary to mitigate a project's transportation impacts to local roads, consistent with the policies of the General Plan; and 2) to analyze traffic impacts on the regional transportation system and require a fair-share contribution necessary to mitigate significant impacts to regional transportation improvements where a financing plan or other mechanism has been adopted to ensure the full funding and construction of improvements. Right-of-way dedication should be requested as a condition of a proposed new or widened major or minor collector."

Response D-3: The commenter suggests amending Action CIR 1-C to add the phrase "including State Highway facilities" after the phrase "regional facilities." This comment does not identify any issues or concerns associated with the Draft EIR. Comment noted.

Response D-4: The commenter identifies that Policy CIRC 1-5 is incomplete. Policy CIRC 1-5 is proposed to be revised as follows:

"Policy CIRC 1-5: Maintain LOS C or better for County roadways and intersections in the unincorporated County, ~~except as specified below:~~"

Response D-5: The commenter suggests revising Policy LU 3-17, which addresses land use designations and planning of sites near freeway interchanges along I-5 and requires development to minimize traffic and safety hazards on local streets, to add "and Interstate 5 freeway interchanges" or to identify appropriate mitigation for the potentially impacted Interstate 5 interchanges. Implementation of Action CIRC 1-C would address potential impacts to Interstate 5 interchanges. Potential traffic impacts to Interstate 5 and other State highways are addressed in Chapter 3.13 of the Draft EIR as well as under Responses D-8, D-9, and D-10 below. Policy LU 3-17 is proposed to be revised as follows to ensure that the sites identified in

the policy are planned to minimize potential hazards on both local streets and regional transportation facilities:

“Policy LU 3-17: Ensure that zoning and land use designations at the Interstate 5 freeway interchanges at Arbuckle, Maxwell, and the unincorporated area near Williams are used for highway-oriented commercial use. These uses, which include hotels, restaurants, and service stations, should be oriented to interstate travelers, tourists, and visitors to the County’s various open space recreation and agricultural opportunities. Development at these interchanges should be planned to minimize traffic and safety hazards on local streets and regional transportation facilities to the extent feasible.”

Response D-6: The commenter indicates that they disagree with the significant and unavoidable findings to State highway facilities identified under Impacts 3.13-3 and 4.13 in the Executive Summary. These concerns are addressed under Responses D-8, D-9, and D-10.

Response D-7: The commenter identifies an error in the text. The following change is made to the first paragraph of text on page 3.13-9 of the Draft EIR:

“Caltrans is responsible for planning, designing, constructing, operating, and maintaining all state-owned roadways in ~~San Joaquin~~ Colusa County.”

Response D-8: The commenter states that Caltrans disagrees with the significant and unavoidable finding for Impact 3.13-3, Increased Traffic on State Highways and Facilities. The commenter indicates that the significant and unavoidable finding is based on the following three arguments 1) outside of the County’s jurisdiction, 2) no guarantee that full funding for the improvements will be available, and 3) collection and administration of funding by the state. The commenter makes four specific points regarding these issues, which are each responded to below. The commenter is also referred to response D-9 regarding the significant and unavoidable impact conclusion.

First, the commenter states that there are plans in place that identify needed improvements, referencing Caltrans Transportation Concept Reports (TCRs). The commenter also states that proposed County policies and actions in the draft GPU provide for the preparation of a Nexus Study and Traffic Impact Mitigation Fee Program to collect development impact fees for local and regional roadways, including State Highway facilities. While the commenter is correct that there are plans in place that identify some of the improvements, these plans are not comprehensive in identifying all improvements that may be needed to address future growth, including growth outside of the County’s jurisdiction that may affect Interstate (I) 5, State Route (SR) 20, SR 45, and SR 16. Furthermore, the plans that are in place, including the TCRs and the Colusa County Regional Transportation Plan (RTP), do identify needed improvements, including some needed improvements that are not yet funded. The Regulatory Framework description in Chapter 3.13 and the discussion of Impact 3.13-3 in the Draft EIR will be revised, as shown below, to summarize the improvements described in the applicable TCRs and RTP and the funding status, to the extent that funding information is known by the County. It is noted

that the commenter does not identify any specific improvements that are planned for State facilities in the County nor does the commenter identify the specific amount of funding that will be made available by the State for each improvement. The commenter is referred to Response D-9 regarding collection of fair share fees and why the County has determined that the impact will remain significant and unavoidable despite collection of fair share fees.

The discussion of the TCRs on pages 3.13-9 and 3.13-10 of the Draft EIR is revised as follows:

“STATE OF CALIFORNIA TRANSPORTATION CONCEPT REPORTS

Caltrans prepares a Transportation Concept Report (TCR) for each of its facilities. The TCR is a long-term planning document that each Caltrans district prepares for every state highway or portion thereof in its jurisdiction. The TCR usually represents the first step in Caltrans’ long-range corridor planning process. The purpose of a TCR is to determine how a highway will be developed and managed so that it delivers the targeted LOS and quality of operations that are feasible to attain over a 20-year period. These are indicated in the “route concept.” In addition to the 20-year route concept level, the TCR includes an “ultimate concept,” which is the ultimate goal for the route beyond the 20-year planning horizon. The concept LOS for I-5, SR 16, SR 20, and SR 45 are outlined below.

The TCR also identifies the Programmed, Planned, and Other Needed Projects to maintain and improve the highway. Programmed Projects are projects included in the State Transportation Improvement Program, State Highway Operations and Protection Plan, or California Federal Transportation Improvement Program. Planned Projects are projects included in an approved Regional Transportation Plan, which may not identify full funding for the improvement. Other Needed Projects are projects needed to maintain mobility on the segment that are not yet included in a plan or programming document and as such, may not yet have potential funding sources identified. Programmed, Planned, and Other Needed Projects are described below.

Interstate 5

I-5 in Colusa County has a route concept level of LOS D. For each of the following segments, the 20-year concept facility remains a four-lane freeway, and the ultimate facility is a six-lane freeway.

- Segment 14 extends from the Colusa/Yolo County line to SR 20.
- Segment 15 extends from SR 20 to the Colusa Glenn County line.

The I-5 TCR identifies the following improvements for Segments 14 and 15:

Planned (Plan Source is SHOPP unless otherwise noted):

- Increase vertical clearance, Greenbay (PM 2.3) and Meyers Road (13.8) overcrossings, \$2.0M; Fund by 2022

- Install Changeable Message Signs and Closed Circuit Television Camera Systems, one northbound north of SR 20 and one southbound south of E St, (\$To Be Determined); 2022; Traffic Management Systems Plan
- Maintenance and Operations (\$To Be Determined)

Programmed (SHOPP is Source unless otherwise noted):

- Rehabilitate roadway, from Dunnigan in Yolo County to 2.3 miles N of SR 20, \$38M; Fund in 2011/12; 2010 SHOPP and GARVEE funds

Conceptual:

- Truck Parking at Maxwell Roadside Rest Area: add truck-trailer spaces, improve ramp, walkway, drainage, and lighting; \$4.8M; Fund by 2022
- Consider locations with three lanes in each direction where trucks can pass one another without occupying the #1 lane

State Route 16

SR 16 in Colusa County has a route concept level of LOS D. One segment, Segment 1, is in Colusa County extending from SR 20 to the Yolo/Colusa County line. The 20-year concept and ultimate facility remains a two-lane conventional highway. The SR 16 TCR identifies the need to pave turnouts, but does not identify any planned or programmed projects nor any funding for improvements on this segment.

State Route 20

Caltrans has identified the following four segments for SR 20 in Colusa County:

- Segment 1 (Lake County Line to Walnut Drive) – has a concept level of LOS D. The 20-year concept facility is a two-lane conventional highway with passing lanes. The ultimate facility is a four-lane expressway.
- Segment 2 (Walnut Drive to Harris Street in the City of Colusa) – has a concept level of LOS D. The 20-year concept facility is a two-lane conventional highway with passing lanes. The ultimate facility is a four-lane expressway.
- Segment 3 (Harris Street to Moon Bend Road in the City of Colusa) – has a concept level of LOS E. The 20-year concept facility is a two- to four-lane conventional highway. The ultimate facility is a four-lane conventional highway.
- Segment 4 (Moon Bend Road in the City of Colusa to the Sutter County Line) – has a concept level of LOS E. The 20-year concept facility is a two-lane conventional highway with passing lanes. The ultimate facility is a four-lane conventional highway.

The SR 20 TCR identifies that there are existing issues associated with lack of passing lanes, delays due to slow moving traffic, and sight restrictions and identifies the following improvements for Segments 1, 2, 3, and 4:

Planned:

- Replace Bear Creek Bridge PM 3.3 (\$6.1M; 2010) Colusa County RTP
- Widen Shoulders and Rehab Pavement PM 0.0/5.0 (\$36M; 2020) Ten Year SHOPP
- Operational/Capacity improvements to Lake County Line (\$5.0M; 2013) Colusa County RTP
- Install passing lanes west of Colusa to Williams (\$3.0M; 2013) Colusa County RTP
- Install passing lanes west of Williams (\$3.0M 2013) Colusa County RTP
- Signalize SR 20 / SR 45 intersection PM 31.09 (\$1.3M ; 2010) Colusa County RTP
- Install two-way left-turn channel Fremont Street to North Market Street (\$2.0M; 2013) Colusa County RTP
- Operational/Capacity improvements to Sutter County Line (\$6.0M; 2013) Colusa County RTP

Programmed:

- No Programmed Projects

Conceptual:

- Passing lanes every 5-7 miles (2020)
- Left-turn channelization at every county road connection (2020)
- Widen shoulders to 8-foot minimum standard (2015/2020)
- Install signal at Walnut Drive when warrants are met (2020)
- Turn lanes or channelization at every county road connection (2020)
- Improve drainage under the highway at Lone Star Road to reduce flooding (2015)
- Intersection improvements at Husted Road due to proposed development (2015)
- Support the expansion of existing parallel arterials or construction of new parallel arterials designed to relieve the congestion of SR 20

State Route 45 (SR 45)

Caltrans has identified the following two segments for SR 45 in Colusa County:

- Segment ~~21~~ (Yolo County Line to SR 20) – has a concept level of LOS D. The 20-year concept facility is a two-lane conventional highway. The ultimate facility is also a two-lane conventional highway.
- Segment ~~32~~ (SR 20 to Glenn County) – has a concept level of LOS D. The 20-year concept facility is a two-lane conventional highway. The ultimate facility is also a two-lane conventional highway.”

The SR 45 TCR identifies that there are existing issues associated with lack of passing lanes, delays due to slow moving traffic, and sight restrictions and identifies the following improvements for Segments 1 and 2:

Planned:

- Widen SR 45 from Wintun Road to Colusa Casino PM 22.78-22.97 (\$1M; 2010) 2004 Colusa County RTP
- Intersection improvements at Reservation Road PM COL 25.90 (\$1M; 2010) 2004 Colusa County RTP

Programmed:

- Signalize SR20/SR45 intersection PM COL 19.84 (\$750;TBD) 2009 10-Year SHOPP Minor Program

Conceptual:

- Drainage improvements from Wilkins Slough to Maxwell Road PM COL 6.0-32.2 (\$1,500)
- Digouts and AC Overlay from Colusa to Glenn County Line PM COL 19.8-34.2 (\$10M)”

The discussion of the RTP on page 3.13-10 of the Draft EIR is revised as shown below:

“Colusa County Transportation Commission

The 2008/09 Colusa County Regional Transportation Plan (RTP) (2008) is a long-range planning document for identifying and programming roadway improvements throughout Colusa County. The RTP guides transportation investments in the County involving local, state, and federal funding with a twenty year horizon. Transportation projects are categorized as Tier 1, Tier 2, and Tier 3. Tier 1 projects are considered fully fundable during the 2008 STIP, Tier 2 projects are considered fully fundable during the first ten years of the RTP, and Tier 3 projects are considered fundable give current (2008) revenue estimates by 2030. While Tier 2 and Tier 3 projects are anticipated to be funded, this is based on estimates of expected funding revenues and is not a commitment that the project will be funded.

Most of the Tier 1 and Tier 2 transportation projects in the 2008/09 RTP are needed for safety and system preservation, except for several Tier 2 State Highway Operations and Protection Program (SHOPP) projects that are needed for both safety and congestion relief. The SHOPP projects are identified for SR 20 and include operational and capacity improvements, two-way left-turn lanes in the City of Colusa, and passing lanes.”

Second, the commenter indicates that speculation regarding the Caltrans budget is not valid under CEQA. The uncertainty of funding for future projects is not speculative. The 2009 Ten-Year State Highway Operation and Protection Plan (2009 SHOPP) published by Caltrans

estimates that SHOPP funding is only available for 24 percent of needed improvements and states that funding is insufficient to preserve and maintain the existing State transportation infrastructure. The language in the Draft EIR will be revised, as shown below, to describe the shortfall of projected SHOPP funding and resulting constraints.

The following edits are made to the third full paragraph on page 3.13-21 of the Draft EIR:

“While implementation of the 2030 General Plan would result in acceptable LOS, implementation of future improvements on state facilities is uncertain because the implementation of such improvements is outside of the County’s jurisdiction. The State budget has been shown to be uncertain in recent years, and the ability of Caltrans to fund and implement ~~planned future~~ programmed and conceptual improvements cannot be assured for those improvements that do not yet have funding commitments. The 2009 Ten-Year State Highway Operation and Protection Plan (2009 SHOPP) identifies that the total 10-year, goal-constrained need for the rehabilitation and operation of the State Highway System is \$63 billion for 2010/11 through 201/20 and identifies that projected funding available for the SHOPP is \$1.5 billion per year, meaning that only 24 percent of needed improvements are estimated to be fundable. The 2009 SHOP states (italics added) that, “The sole funding source for the SHOPP is the SHA, funded primarily through excise taxes on gasoline and diesel fuel. *SHA funding is declining as a result of reduced fuel consumption, funding shortfalls in the FHTF, redirection of funding for highway maintenance, and GARVEE Bond debt service obligations.*”

Projected SHA funding available for the SHOPP is \$1.5 billion per year, which is 24 percent of the estimated need. *As funding is insufficient to preserve and maintain the existing State transportation infrastructure, the Department will focus available resources on the most critical categories of projects in the SHOPP (safety, bridge, and pavement preservation). Even with this focus, the SHS will continue to deteriorate (distressed pavement will grow from 26 percent to 60 percent during the next ten years). In addition, no new improvements to office facilities, repairs to roadside rest areas, and mobility improvements will be made.*”

Each of the TCRs for State highway facilities in Colusa County identifies needed improvements, including improvements for operations, maintenance, and mobility, that are anticipated to be funded through SHOPP. However, no SHOPP funds have been committed for many of these future improvements and funding may be uncertain, given that the 2009 SHOPP identifies that only 24 percent of needed improvements are estimated to be fundable. Given that many of the needed improvements for Colusa County are conceptual improvements identified in the TCRs that do not yet have funding committed, it would be speculative to assume which improvements that are not yet fully funded would actually be funded in the future. Further, the planned development in the unincorporated area of the County only accounts for a portion of the need for future improvements on state facilities and the remaining cost of necessary improvements associated with demand from existing traffic levels, increases in out of County traffic, and increases in local traffic from the cities of Colusa and Williams would need to be funded separately. “

Third, the commenter indicates that, based upon their information, there are no projects in Colusa County that are slated for State programming or allocation that could reasonably be subject to changes due to pending Caltrans budget changes. The 2009 SHOPP clearly states that there is insufficient funding to address needed improvements and that SHOPP funding will be focused on safety, bridge, and pavement preservation projects. This shortfall of SHOPP funding could mean that programmed and conceptual projects identified in the TCRs will not be funded, particularly those projects that have not yet been allocated SHOPP funding through the process established under Government Code 14526.5. The commenter does not identify specific improvements that are planned for State facilities in the County nor does the commenter identify the specific amount of funding that will be made available by the State for each improvement. As previously identified, the discussion of Impact 3.13-3 will be revised to summarize the improvements described in the applicable TCRs and RTP and the funding status, to the extent that funding information is known by the County.

Fourth, the commenter states that the State does not have legal authority to collect traffic impact mitigation fees and that local governments have the authority to conduct a Nexus Study and establish a Traffic Mitigation Fee Program. Implementation of Policy CIRC 1-11 and Action CIRC 1-C would establish a Countywide Transportation Impact Fee Program. However, as described under Response D-9, this fee program alone may not be adequate to fund all needed improvements and there may be a lag between fee collection and the actual construction of traffic improvements that may result in short-term impacts. As explained more fully under Response D-9 below, the impact would remain significant and unavoidable.

Response D-9: The commenter indicates that they disagree with the statement that “while the policies and actions in the 2030 General Plan would mitigate potential impacts to address the County’s fair-share of the impacts, full mitigation of the impacts is beyond the County’s control. Therefore, this impact would remain significant and unavoidable and no further mitigation is available.” The commenter indicates that they are requesting the County provide a fair share of mitigation and, in view that the County will be establishing a Traffic Impact Mitigation Fee program, the finding can be changed from “significant and unavoidable” to “less than significant.” It is noted that the commenter has not indicated any inadequacies associated with the proposed mitigation approach, but only disagrees with the conclusion of significant and unavoidable for the impact.

Colusa County has chosen to take the more conservative approach in the EIR of finding all project impacts on State highways “significant and unavoidable” if the improvements fall under the jurisdiction of another agency and there are no existing agreements in place to effectuate the improvements. Impact 3.13-3 identifies potential impacts to State transportation facilities in a technically conservative manner. The 2030 General Plan Update project includes policies and actions, including Policy CIRC 1-11 and Action CIRC 1-C that would ensure that projects

provide improvements to local roadways and fund their fair share of significant impacts to regional facilities.

The County is not aware of any mechanism whereby it can require partially funded improvements to be made to the State highway system. The approach outlined by Policy CIRC 1-11 and Action CIRC 1-C would ensure that subsequent projects contribute their fair-share of significant transportation impacts, to the extent that mechanisms are available for collecting development impact and/or fair share fees. While Policy CIRC 1-11 and Action CIRC 1-C are anticipated to be sufficient to address impacts associated with the 2030 General Plan Update, regional traffic, including traffic from local cities and outside counties, may also contribute to the need for improvements to State highway facilities. Many of these improvements have not yet been fully planned or funded and there are no agreements or programs in place to ensure that fair share fees are collected from outside agencies to ensure that full funding will be available for the improvements.

As the Third District Court of Appeal noted in *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1188, "a single project's contribution to a cumulative impact is deemed less than significant if the project is required to implement or fund its 'fair share' of a mitigation measure designed to alleviate the cumulative impact." (See CEQA Guidelines, Section 15130(a)(3).) "Fee-based mitigation programs for cumulative traffic impacts – based on fair-share infrastructure contributions by individual projects – have been found to be adequate mitigation measures under CEQA." (*Ibid.*, citing *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 140.)

In the case of the 2030 General Plan Update, the County cannot, on its own, implement improvements to the State highway system and a fee-based program to implement the improvements, such as described under *Save Our Peninsula Committee v. Monterey County B. of Supervisors*, would require agreements between Colusa County and possibly the cities of Colusa and Williams that do not yet exist. In order for a fee-based approach to be adequate, there must be a plan in place. As explained above, because such "reasonable plans" for transportation impacts that occur on non-County roadways, including the State highway system, do not yet exist, the County has conservatively, and appropriately, concluded for the time being that the impacts will be significant and unavoidable.

In addition to the need for inter-jurisdictional agreements to assure the mitigation of regional transportation impacts, there will be a time delay between when an improvement is needed and when development is fully built out and will have paid its full share of the improvement costs. This delay in constructing the needed improvements would result in an interim significant and unavoidable impact to roadway operation. There is also often a funding gap between the total amount of impact fees that can be legally collected and the total cost of the improvement, which means that some portion of needed improvements may be unfunded

through the collection of fair-share fees. Where improvements are partially unfunded, there is no guarantee that full funding will be available.

Although Caltrans may have procedures in place to facilitate the implementation of various improvements, these improvements lie outside of the full jurisdiction of Colusa County and thus cannot be guaranteed by the County to occur until the County and Caltrans agree on the means of collecting and spending the project proponents' funds. If, for whatever reason, the necessary improvements are not implemented, the roadway segments would continue to operate at an unacceptable level and the impact would be significant and unavoidable.

For the above-stated reasons, the Draft EIR has determined that certain impacts are significant and unavoidable, even when an adequate mitigation approach has been identified in the Draft EIR.

Response D-10: The commenter indicates that they disagree that the cumulative impact on the transportation network described under Impact 4.13 will be a cumulatively considerable and significant impact and references their previously noted comment. It is noted that the commenter has not indicated any inadequacies associated with the proposed mitigation approach, but only disagrees with the conclusion of significant and unavoidable for the impact.

The commenter is referred to Response D-9, which provides an explanation of why a significant and unavoidable impact conclusion is appropriate. Since the commenter has not provided any additional explanation or reasons for their comment, beyond those identified under D-9, no additional response is provided.

Response D-11: The commenter indicates that their comment included in Caltrans letter dated July 30, 2011 on the Notice of Preparation requesting a policy statement that circulation network improvements to, and operation of, the State Highway System are a shared responsibility between Colusa County and Caltrans was not addressed. This comment does not identify any issues or concerns with the analysis provided in the Draft EIR and no change to the 2030 General Plan Update is proposed in response to this comment. This comment is noted for the decision-makers consideration.

Response D-12: The commenter indicates that their comment included in Caltrans' letter dated July 30, 2011 on the Notice of Preparation (NOP) requesting to review the scope of the Traffic Impact Study before the study begins was not adequately addressed. It is noted that the NOP for the Draft EIR specifically stated: "The County needs to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection to the proposed project." The traffic analysis for the Draft EIR had commenced prior to the County's receipt of Caltrans letter on the Notice of Preparation. Caltrans comment letter on the NOP provided no comment or recommendations regarding the scope of the study, including recommended roadways for study or recommended mitigation measures. While the commenter indicates that their previous comment was not adequately

addressed, the commenter does not identify any specific issues or concerns regarding the environmental analysis in the Draft EIR or the scope of the traffic analysis, other than those comments previously addressed.

Response D-13: The commenter makes closing remarks and provides their contact information. The comment is noted.

Colusa Local Agency Formation Commission

January 13, 2012

County of Colusa Building and Planning Department
 Steve Hackney, Director
 220 12th Street
 Colusa, CA 95932 **VIA EMAIL ONLY**

RE: LAFCO Comments and Suggestions with respect to the November 21, 2011
 Draft General Plan and Draft EIR

Dear Mr. Hackney,

The Colusa Local Agency Formation Commission wishes to offer the following comments and suggestions for consideration by the Planning Department, Planning Commission and the Board of Supervisors regarding the Draft General Plan and Draft EIR. Thank you for the opportunity to comment.

1. Be aware the Draft County General Plan Policies contain several policies expressed in the terms “should”, “will” and rather than “shall” and such phrases as “will encourage”, “will support”, “will discourage”, “will ensure”, “should place”, “should provide”, “should be”, “should, in general”, rather than “shall”. The Planning Commission and Board need to be aware of the potentially non-mandatory effect of this language and the unintended consequences that may result from ambiguity resulting from the use of such phrases rather than clearer, more direct expressions of the County’s land use policy.

We assume that the General Plan and EIR will most likely be self-mitigating to the extent possible (i.e., that the policies of the General Plan will mitigate the environmental consequences of the land development and public works projects authorized by that plan). Use of any non-mandatory language identified in our point above, however, may result in these “mitigation measures” being legally inadequate under CEQA.

2. The Planning Commission and Board should consider adding a new policy regarding City Spheres of Influence as follows:
 - a. *“Within a City’s Sphere of Influence, urban development projects shall first be referred to the City for possible annexation; therefore, within a Sphere of Influence of the City, applicants for land use permits or entitlements for urban uses shall be encouraged to apply to the City and discouraged from applying to the County.”*
3. LAFCO concludes there should be a policy regarding annexation to a City being preferable to the formation of new or expansion of existing county service areas. As providers of multiple services and possessed of general police and revenue powers, cities are better able to efficiently provide a range of services and coordinate land use policy with demand for those services than are county services areas, which rely on the County’s limited ability to provide municipal services and require the support of special districts.

4. LAFCO recommends a policy be added to protect the Sphere of Influence of the City stating: *"Other than Natural Resources uses, the land uses authorized by the County in the sphere of influence of the city shall be no more intense than the land uses allowed by the City's general plan and the conditions, capital improvement requirements and standards of development for such uses shall be equal to or more restrictive than the conditions, capital improvement requirements and standards of the city for that use."*
5. A policy should be added to the General Plan for the area outside the City's Sphere of Influence yet within a City's Area of Concern to read as follows: *"Applicants for discretionary land use permits or entitlements in the County shall be referred to the city for review and comment within Spheres of Influence and within areas of concern or interest as established by LAFCO."*

For clarification purposes, an Area of Concern in the LAFCO policies reads and is defined as follows:

Areas of Concern. Colusa LAFCo may designate, in its discretion, a geographic area beyond the Sphere of Influence as an Area of Concern to any local agency.

- a) *An Area of Concern is a geographic area beyond the Sphere of Influence in which land use decisions or other governmental actions of one local agency (the "Acting Agency") impact directly or indirectly upon another local agency ("the Concerned Agency"). For example, approval of a housing project developed to urban densities on septic tanks outside the city limits of a city and its sphere of influence may result in the city being forced subsequently to extend sewer services to the area to deal with septic failures and improve city roads that provide access to the development. The city in such situation would be the Concerned Agency with appropriate reason to request special consideration from the Acting Agency in considering projects adjacent to the City.*
 - b) *Colusa LAFCo will notify any Concerned Agency when the Commission receives notice of a proposal of another agency in the Area of Concern to the Concerned Agency, and will give great weight to its comments.*
 - c) *If requested, Colusa LAFCo will seek to obtain a Joint Powers Agreement or other commitment between the agencies so that the Acting Agency provides advance notice to the Concerned Agency of any actions, or projects being considered within the area of concern, and commits to considering any comments made by the Concerned Agency.*
6. Policy AG 1-2 We would suggest adding the word "all" to the to read as follows: "Lands Designated for agriculture and not be rezoned or redesigned to an urban use unless **all** the following criteria are met:"
 7. With respect to the criteria in Policy AG 1-2: An additional implementation measure calling for the development of agreed upon evaluation criteria prior to any development taking place having a purpose of mitigating development project's affect upon adjacent agricultural lands would be helpful. We do not see a policy requiring a mandatory conversion ratio. For example a new criteria point needs to be added as follows:

- g. *Require agricultural land mitigation agreements through the purchase of*

agricultural easements with a 1 to 2-acre conversion ratio on lands having equal agricultural value and risk of conversion as the lands proposed to be converted from agricultural to urban uses.

8. **Policy AG 1-3:** Replace the words “a farmer’s home” to “residences”
9. **Policy AG 1-6:** Do the words “agricultural employee housing” also mean farm labor quarters? Is this for full or part-time labor?
10. **Policy AG 1-7** We do not understand this policy. “Work with the Local Agency Formation Commission (LAFCO) on issues of mutual concern including the conversion of agricultural land through consistent use of LAFCO policies, particularly those related to conversion of agricultural lands, and establishment of adequate buffers between agricultural and non-agricultural uses, and the designation of reasonable and logical Sphere of Influence (SOI) boundaries for cities and service districts.”

We suggest the following instead: “Work with the Local Agency Formation Commission (LAFCO) on issues of mutual concern including the conversion of agricultural land. To ensure consistency in implementation, when the City of Williams or City of Colusa or the County of Colusa does not implement one or more of the following policies in its entitlement or planning process; support LAFCo’s implementation of the following LAFCO policies for any change of organization and (or) Sphere of Influence amendment or update before LAFCO as follows:

 - a. *Require a 300 to 500 foot buffer (on lands within the development project) from the boundary of an adjacent agricultural use. When the buffer is not feasible, require an easement as suggested in (c) below.*
 - b. *Require a combination of a lesser buffer, tall masonry fencing and tree planting along the boundary to mitigate impacts of noise, dust, trespass, and pesticide/herbicide overspray. Such a proposal must be supported by the Farm Bureau, County Agricultural Commissioner or other recognized authority as adequate to mitigate impacts.*
 - c. *Require agricultural land mitigation agreements through the purchase of agricultural easements with a 1 to 2-acre conversion ratio on lands having equal agricultural value and risk of conversion as the lands proposed to be converted from agricultural to urban uses. “*
Note: As an implementation measure to be included in the County’s General Plan, LAFCO will need to amend its existing policies for consistency purposes.
11. We suggest adding a policy in this section stating “*The County will work with LAFCO on non-compatible encroachment of services onto agricultural lands*”
12. LAFCO applauds the County’s commitment to protecting agriculture and agricultural land. We respectfully suggest the General Plan could more effectively do so by establishing a goal to promptly adopt criteria to identify the location, extent and design of required agricultural buffers. We suggest that an ordinance or other mechanism be adopted to ensure intended implementation of adaptive agricultural buffers and that these requirements be enforceable and not mere “guidelines”. LAFCO would like to assist the County in the establishment of buffer criteria to be implemented by the County and respectfully requests notice of those proposals and an opportunity to comment on them.

E-3
(cont’d)

13. **Action AG1-A** What is the trigger mechanism or threshold to know when an agricultural conversion mitigation program is needed? “If agricultural land conversion rates increase significantly, the Board of Supervisors shall consider the adoption of a farmland conversion mitigation program”
14. **Policy AG 1-8 How can the County** “limit the extension of urban service facilities and infrastructure, particularly public water and sewer” except through its land use powers and to encourage LAFCO to not include “Urban Reserve” areas in Spheres of Influence for service districts. A suggestion would be is to develop “urban limit lines” or to define “Community Develop Areas” on the maps in the General Plan or is that the intent of Policy LU 1-16?
15. **Objective AG 2-1:** fourth line down. Why not use the word “would” rather than “should”
16. **Action AG2-A** third line down eliminate the words “in the zoning ordinance”
17. **Policy AG 2-11** How can the County assist farmers in resolving water rights, etc? Why just farmers and not other landowners?
18. **Policy AG 2-13** Why not use the word “Support” rather than “Encourage”?
19. **Policy CC 1-10** What is the “appropriate redevelopment” mean? Is the County intending on establishing a redevelopment agency, which will no longer be an action due to a recent California Supreme Court Decision.
20. **Policy CC 1-14 How** will the county do this?
21. **Policy CC1-16 & CC 1-19** Does the County desire to do design review for new development?
22. **Policy CC 2-8** Regarding Vacant and underdeveloped lands in Arbuckle. How can this Policy be implemented? By not allowing future subdivisions?
23. **Policy CC 2-21** We suggest a policy as written in #2 above. In the event annexation of lands is not feasible at a given time at a minimum the County and City must also coordinate on consistent development standards for any development within the Sphere of Influence.
24. **Policy CC 2-22** The City of Colusa has a policy of not extending services beyond its jurisdictional bounds. Government Code 56133 requires LAFCO approval for extending services beyond Colusa’s jurisdictional bounds in anticipation of annexation. What about Commercial Uses? What about health and safety issues? Failed septic systems, for example.
25. **Policy CC 2-24** We don’t understand this policy, please clarify.
26. **Policy CC 2-24** This policy may be inconsistent with LAFCO policies, which does not allow for a proliferation of agencies within a City’s Sphere of Influence providing essentially the same services and may inconsistent with RWQCB practices. We recognize the policy provides for private or mutually owned water companies, but in many cases the State will not permit such private entities.
27. **Policy CC 2-25** While this policy is for residential development isn’t it in essence inconsistent with Policy CC 2-24? Here it would be fine for the City to connect residential uses to its water and wastewater systems but not commercial, industrial or other job generating uses?
28. **Policy CC 2-32** LAFCO has the same comment as in #24 above.

29. **Policy CC 2-42** Isn't this policy inconsistent with policy CC 2-32? In Grimes you can connect to a mutual or private water system without annexation but in Maxwell you must annex?
30. **Policy CC 2-43** regarding a policy for beautification in Maxwell. Policy CC 1-19 appears to support the County having design review. Why cannot this process be applied in Maxwell also instead of setting up another "service district" In a review of the PUD law, PUD's are not authorized to provide design review services.
31. **Policy CC 2-44** Why is Maxwell the only community where development proposals are encouraged to include a balanced mix of jobs and housing?
32. **Policy CC 2-58** Regarding Commercial Development in Stonyford-Lodoga and Century Ranch areas. Why not use the word "shall" instead of "should" and eliminate the last sentence.
33. **Policy CC 2-66** See comment under #2 and #21 above.
34. **Policy CC 2-67** Why not commercial and industrial development also?
35. **Policy ED 2-3** Does the County wish to create a Redevelopment Agency. Special Districts within Redevelopment Areas will see reductions in property tax increment, which could lower service levels in the County's communities as a result. In light of a recent California Supreme Court Decision redevelopment agencies as we know them will cease to exist.
36. **Policy CON 1-31** State water conservation laws require the County to incorporate such water conservation measures as requiring the installation of meters and implementation of Best Management Practices by new development. It may be helpful for the General Plan to include as an Action to acknowledge these requirements so landowners and developers will not overlook them.
37. **Policy LU 1-6** Should the Department of Planning and Building have the discretion to require significant (?) new residential development proposals demonstrate a balance between housing and jobs, or should the Planning Commission be given that task?
38. **Policy LU 1-10** Should the City of Williams and Colusa be included in this policy? This has been what has happened in the past with disjointed unincorporated development adjacent to the cities. There should be some effort to provide for urban development in the vicinity of cities to be in the city, where feasible. At a minimum, consistent development standards (with those of the city) need to be applied in the Colusa and Williams Areas.
39. **Policy LU 1-11** add in the words "or underutilized" in the second line of the policy.
40. **Policy LU 1-12** Is this policy consistent with Figure LU-4 (Colusa Area) in the plan? Here, it appears to prohibit large scale developments "outside city or utility district Spheres of Influence" while the map has a new large scale industrial area southwest of the City, which is not within the City of Colusa's Sphere of Influence.
41. **Policy LU 1-17** Here the Agricultural Transition and Rural Residential Designations are to be used to buffer between farmland and urban uses while on pages 8-4 and 8-5 the Agricultural Transition and Rural Residential Designations may serve as a buffer. Suggest changing "may" to "will" for these two designations on pages 8-4 and 8-5.
42. **Policy LU 1-18** Why are all applicants not required to demonstrate a commitment to provide public service connections?

43. **Policy LU 1-24** Annexations cannot occur unless the territory is within a City or District's Sphere of Influence. LAFCO's are currently required to review and update Spheres of Influence every five years, as necessary.
44. **Policy LU 3-24** The first bullet is confusing. To show support for the public agencies in the County and for orderly land use this policy should read as follows: "The area can be readily hooked up to public sewer and water facilities, readily hooked up means either within a public agency boundary or within the Sphere of Influence of a Public agency."
At the end of the third bullet add the words "or those of the Regional Water Quality Control Board".
45. **Policy PSF 1-12** Why not require every development to help pay for its appropriate share of all infrastructure?
46. **Action PSF 1-A** How about an action that would financially help the small special districts who provide water and sewer to develop utility master plans and provide assistance for utility master plan implementation?
47. **Action PSF 1-H and 1-I** Why not coordinate with the City of Colusa and City of Williams to annex commercial and industrial development in addition to residential?
48. **Policy PSF 1-20** Is this policy consistent with Policy **PSF 1-11** why not require all parcels to be connected if smaller than 2 acres in size? For **Policy PSF 1-11** why not add an additional criteria stating at the end of the policy "and within the sphere of influence of an agency that provides wastewater services."
49. **Action PSF 1-B** Why not include an action to assist small districts to prepare and implement master plans and capital improvement plans?
50. **Actions PSF 1-H and PSF 1-I** Why not include commercial and industrial land?
51. **Policy PSF 1-25** For new wastewater systems, doesn't the Regional Water Quality Control Board already require a public agency to provide wastewater treatment services?
52. **Policy PSF 3-1** Why not support the use of "Automatic Aid Agreements" also?
53. **Policy PSF 3-3** Suggest adding the following at the end of the sentence: "...by requiring new development and land divisions to be within a Fire Protection District, sending proposal referral letters to Fire Protection Districts and supporting development impact mitigation for Fire Protection Districts."
54. **Objective PSF-3A** How about adding a policy supporting a portion of the Proposition 172 funding for Fire Protection and EMS services for Fire Agencies within Colusa County? Likewise, a policy should be added to include "*The County shall support a requirement by fire protection agencies that all development pay its proportionate share of the operation costs for structural fire protection and Emergency Medical Services*"
55. We suggest adding the following language as a policy under **PSF-3A**. "*The County will not approve lots splits or non-agricultural or resource development proposals outside of a fire protection district.*"
56. **Suggest adding a new action under Policy PSF 3-7 to read:** "*Support the establishment of funding mechanisms such as special taxes, community facility districts and other methods to ensure adequate and sustainable funding to support day to day public safety activities.*"
57. **Policy PSF 4-1** Doesn't the County have limited authority to require additional mitigation for school districts excepting in cases where there is a zoning or general plan

- change needed?
58. **Policy PSF 5-6** Suggest rewording as follows: “Support consolidation of special districts and (or) service responsibilities where increases in efficient public services are feasible and redundancy is eliminated.”
 59. **Policy SA 1-6** While a good policy doesn't the fire district Board of Directors have the authority for siting fire stations and not the Board of Supervisors. Suggest rewording to have language supporting fire districts to locate new facilities in areas where there is low risk from flooding, wildfires or seismic effects.
 60. **Policy SA 1-7** Will there be a definition of Acceptable Level in the Zoning Ordinance Update?
 61. **Action SA 1-K** Will all development require a preliminary geotechnical investigation? Suggest adding language to the end of the implementation measure to include “in areas of known geologic hazards”
 62. **Policy SA 1-24:** What are the efforts “currently” underway by the Central Valley Flood Protection Board? Is it the CVFP Plan? What is being proposed? Why not reword the policy to say “Monitor and participate in activities undertaken by the Central Valley Flood Protection Board”
 63. **Policy SA 1-37** Add the words at the beginning “Notwithstanding Policy SA 1-32.....”
 64. **IMPLEMENTATION ELEMENT** on the Table I heading under “Responsible Department” change to “Responsible Department/Agency”
 65. The County may wish to employ performance-based standards and these standards should be included in the updated Zoning and Development Codes.
 66. LAFCO recommends a policy with respect to coordinated public service and infrastructure planning be added to require coordination with LAFCO and its municipal service review process and to encourage County planning and public works staff to provide input to LAFCO's development of Spheres of Influence so that LAFCO's planning work may be of greater value to the County.
 67. Regarding the EIR. We appreciate the County including LAFCO's Sphere of Influence among the intended uses of the EIR. Subsequent LAFCO actions would be to affirm the County's Environmental Document, as appropriate.

On behalf of the Local Agency Formation Commission I thank you for the opportunity to provide these preliminary comments on the draft. If LAFCO can provide further advice or assistance on any of these points, please do not hesitate to contact me at (530) 458-0593

Sincerely,


John Benoit
Executive Officer Colusa LAFCO

Response to Letter E John Benoit, Colusa Local Agency Formation Commission (LAFCO)

Response E-1: The commenter makes introductory remarks and indicates the letter offers their comments regarding the proposed project and Draft EIR. The commenter's specific concerns and suggestions are addressed under Responses E-2 through E-4 below. It is noted that the majority of comments do not address the Draft EIR (see Response E-3); however, Responses E-2 and E-4 address comments regarding the EIR.

Response E-2: The commenter states that some of the policy language included in the 2030 General Plan includes terms such as "should" and "encourage," which may be non-binding terms (as opposed to terms such as "shall" and "require," which are mandatory binding terms). The commenter also states that it is assumed that the General Plan will be self-mitigating and policies and actions contained in the General Plan will mitigate potential environmental impacts.

The commenter is correct that some of the policies and actions contained in the General Plan use advisory language rather than mandatory binding language. This approach was intentional, as there are many policies within the General Plan that serve to provide guidance to County staff and County decision-makers. However, the majority of the policies and actions in the General Plan use mandatory binding language, such as "shall" and "require." The potentially significant impacts identified in the Draft EIR that can be mitigated to a less than significant level through the implementation of the General Plan rely on binding policies and actions that would ensure that General Plan implementation would reduce these impacts to the greatest degree feasible, as indicated in the Draft EIR. The commenter did not identify any specific impacts that may not be mitigated by the General Plan as a result of non-binding policy or action language. This comment has been noted, and no changes to the Draft EIR or General Plan are required.

Response E-3: The commenter provides a number of comments related to the proposed project, the 2030 General Plan Update. These comments do not address the adequacy of the Draft EIR. The commenter's recommendations regarding proposed General Plan policies and actions are addressed in the March 5, 2012 Staff Report to the Planning Commission. No changes to the analysis in the Draft EIR are necessary as none of the comments and potential revisions to the 2030 General Plan policies and actions affect the analysis provided in the Draft EIR. These comments are noted for the decision-makers consideration.

Response E-4: The commenter indicates their appreciation that LAFCO's Sphere of Influence updates were included among the intended uses of the EIR and indicates that subsequent commenter (LAFCO) actions would be to affirm the County's environmental document, as appropriate. The commenter has indicated that they affirm the EIR and does not identify any concerns or issues regarding the environmental analysis. The comment is noted.

Response E-5: The commenter makes closing remarks and provides their comment information.
Comment noted.



CITY OF COLUSA PLANNING DEPT.

425 WEBSTER ST. * COLUSA, CA 95932 * (530) 458-4740 * FAX (530) 458-8674

January 16, 2012

County of Colusa Building and Planning Department
 Attention: Steve Hackney
 220 12th Street
 Colusa, CA 95932

Subject: City of Colusa comments applicable to the County of Colusa Draft General Plan and Draft EIR (November 21, 2011).

Dear Mr. Hackney,

The City of Colusa Planning Department has reviewed the Colusa County Draft General Plan and Draft EIR. Additionally, the City of Colusa Planning Department has reviewed General Plan comments prepared by the Colusa Local Agency Formation Commission (LAFCO), and this Department concurs with those comments and suggestions (recommended their letter of January 5, 2012) as such are relevant to the general welfare of the City of Colusa.

F-1

Comments not already provided within the LAFCO comment letter referenced above are as follows:

1. **Policy CIRC 1-30:** Typo: "arecompliant"
2. **Figure CIRC - 3:** Illustrate "Class Two" bicycle facilities that exist along Fremont Street between Bridge Street and 10th Street within the City of Colusa.
3. **Policy CC 1-3:** This policy should apply to unincorporated *and* incorporated lands.
4. **Policy LU 1-25:** It is important to note that as the County General Plan is implemented it will be important to have solid master Revenue Sharing plans in place to insure that new development and jobs can be created in a timely manner. Additionally, it is important that any agreements between cities and the County (to assist with the implementation of the subsequent County infrastructure master plans and the potential collection of development impact fees) be entered into equitably so as not to place one city at an economic disadvantage in comparison to the other.
5. **Figure LU - 4:** Update this Figure to reflect latest City of Colusa Sphere of Influence (SOI) boundary pending adoption by LAFCO.

F-2

Thank you for the opportunity to comment on your Draft General Plan and Draft EIR.

F-3

Respectfully,


 Bryan Stice
 Senior Planner

copy: City Manager

Response to Letter F Bryan Stice, City of Colusa

Response F-1: The commenter makes introductory remarks and indicates the letter states their concerns regarding the proposed project and Draft EIR. The commenter also indicates that they concur with the comments and suggestions made by LAFCO as such are relevant to the general welfare of the City of Colusa. The commenter is referred to Responses E-1 through E-5 regarding LAFCO's comments.

Response F-2: The commenter provides a number of comments related to the proposed project, the 2030 General Plan Update. These comments do not address the adequacy of the Draft EIR. The commenter's recommendations regarding proposed General Plan policies and actions are addressed in the March 5, 2012 Staff Report to the Planning Commission. No changes to the analysis in the Draft EIR are necessary as none of the comments and potential revisions to the 2030 General Plan policies and actions affect the analysis provided in the Draft EIR. These comments are noted for the decision-makers consideration.

Response F-3: The commenter makes closing remarks. No response is necessary.

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This section includes minor edits to the EIR. These modifications resulted from responses to comments received during the DEIR public review period.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, nor do they alter the conclusions of the environmental analysis that would warrant recirculation of the DEIR pursuant to State CEQA Guidelines Section 15088.5. Changes are provided in revision marks with underline for new text and ~~strike out for deleted text~~.

3.1 REVISIONS TO THE DRAFT EIR

EXECUTIVE SUMMARY

No changes were made to the Executive Summary of the DEIR.

1.0 INTRODUCTION

No changes were made to Section 1.0 of the DEIR.

2.0 PROJECT DESCRIPTION

No changes were made to Section 2.0 of the DEIR

3.1 AESTHETICS

No changes were made to Section 3.1 of the DEIR.

3.2 AGRICULTURE

No changes were made to Section 3.2 of the DEIR.

3.3 AIR QUALITY

No changes were made to Section 3.3 of the DEIR.

3.4 BIOLOGICAL RESOURCES

No changes were made to Section 3.4 of the DEIR.

3.5 CULTURAL RESOURCES

No changes were made to Section 3.5 of the DEIR.

3.6 GEOLOGY AND SOILS

No changes were made to Section 3.6 of the DEIR.

3.7 GREENHOUSE GASES AND CLIMATE CHANGE

No changes were made to Section 3.7 of the DEIR.

3.8 HAZARDS AND HAZARDOUS MATERIALS

No changes were made to Section 3.8 of the DEIR.

3.9 HYDROLOGY AND WATER QUALITY

No changes were made to Section 3.9 of the DEIR.

3.10 LAND USE AND POPULATION

No changes were made to Section 3.10 of the DEIR.

3.11 NOISE

The following changes were made to Section 3.11 of the DEIR.

Impact 3.11-3: Airport Noise (Less than Significant)

Implementation of the 2030 General Plan could result in the creation of new noise-sensitive land uses within the 60 and 65 dB CNEL noise contours contained within the *Colusa County Airport Land Use Comprehensive Land Use Plan (ALUCP)*, as shown by Figure 3.11-2. Additionally, the implementation of the 2030 General Plan would result in the creation of new noise-sensitive land uses within over-flight areas of the Colusa County airport, thereby presenting the potential for annoyance from single event noise.

Single-event noise associated with aircraft overflights is also of concern when evaluating aircraft noise effects in terms of land use compatibility. Single-event noise is the maximum sound level produced by an individual approach overflight at a specific location, often described in terms of Lmax, which is the maximum sound level recorded for each event. A different measurement of single-event noise, also commonly used when evaluating aircraft noise, is the SEL. The SEL describes the event's mean energy level over the duration of the noise event. As would be expected, single-event noise levels for aircraft overflights within the Planning Area would be greatest and most frequent near the airport's primary flight paths.

The 2030 General Plan includes policies and actions intended to reduce noise impacts throughout the County, including noise impacts associated with development located within the 60 and 65 dB CNEL noise contours associated with the airport and single-even noise associated with flyovers. Policy N 1-8 requires new development projects and long-term planning projects to conform with the County's Airport Safety and Noise land use criteria, as identified in the Colusa County Airport Comprehensive Land Use Plan (CLUP). Actions N 1-D implement this policy by providing specific design and attenuation standards. With the implementation of the 2030 General Plan policies and actions, the noise impact relative to airports would be **less than significant**.

2030 GENERAL PLAN POLICIES AND ACTIONS

Policies

Policy N 1-8: Require new development projects and long-term planning projects to conform with the County’s Airport Safety and Noise land use criteria, as identified in the Colusa County Airport Comprehensive Land Use Plan (CLUP).

Actions

Action N 1-D: Review new development and long-term planning projects, including the Zoning Code Update, for conformity with the County’s Airport Safety and Noise land use criteria, as identified in the Colusa County Airport Comprehensive Land Use Plan (CLUP).

3.12 PUBLIC SERVICES

No changes were made to Section 3.12 of the DEIR.

3.13 TRANSPORTATION AND CIRCULATION

The following change is made to the first paragraph of text on page 3.13-9 of the Draft EIR:

“Caltrans is responsible for planning, designing, constructing, operating, and maintaining all state-owned roadways in ~~San Joaquin~~ Colusa County.”

The discussion of the TCRs on pages 3.13-9 and 3.13-10 of the Draft EIR is revised as follows:

“STATE OF CALIFORNIA TRANSPORTATION CONCEPT REPORTS

Caltrans prepares a Transportation Concept Report (TCR) for each of its facilities. The TCR is a long-term planning document that each Caltrans district prepares for every state highway or portion thereof in its jurisdiction. The TCR usually represents the first step in Caltrans’ long-range corridor planning process. The purpose of a TCR is to determine how a highway will be developed and managed so that it delivers the targeted LOS and quality of operations that are feasible to attain over a 20-year period. These are indicated in the “route concept.” In addition to the 20-year route concept level, the TCR includes an “ultimate concept,” which is the ultimate goal for the route beyond the 20-year planning horizon. The concept LOS for I-5, SR 16, SR 20, and SR 45 are outlined below.

The TCR also identifies the Programmed, Planned, and Other Needed Projects to maintain and improve the highway. Programmed Projects are projects included in the State Transportation Improvement Program, State Highway Operations and Protection Plan, or California Federal Transportation Improvement Program. Planned Projects are projects included in an approved Regional Transportation Plan, which may not identify full funding for the improvement. Other Needed Projects are projects needed to maintain mobility on the segment that are not yet included in a plan or programming document and as such, may not yet have potential funding sources identified. Programmed, Planned, and Other Needed Projects are described below.

Interstate 5

I-5 in Colusa County has a route concept level of LOS D. For each of the following segments, the 20-year concept facility remains a four-lane freeway, and the ultimate facility is a six-lane freeway.

- Segment 14 extends from the Colusa/Yolo County line to SR 20.
- Segment 15 extends from SR 20 to the Colusa Glenn County line.

The I-5 TCR identifies the following improvements for Segments 14 and 15:

Planned (Plan Source is SHOPP unless otherwise noted):

- Increase vertical clearance, Greenbay (PM 2.3) and Meyers Road (13.8) overcrossings, \$2.0M; Fund by 2022
- Install Changeable Message Signs and Closed Circuit Television Camera Systems, one northbound north of SR 20 and one southbound south of E St, (\$To Be Determined); 2022; Traffic Management Systems Plan
- Maintenance and Operations (\$To Be Determined)

Programmed (SHOPP is Source unless otherwise noted):

- Rehabilitate roadway, from Dunnigan in Yolo County to 2.3 miles N of SR 20, \$38M; Fund in 2011/12; 2010 SHOPP and GARVEE funds

Conceptual:

- Truck Parking at Maxwell Roadside Rest Area: add truck-trailer spaces, improve ramp, walkway, drainage, and lighting; \$4.8M; Fund by 2022
- Consider locations with three lanes in each direction where trucks can pass one another without occupying the #1 lane

State Route 16

SR 16 in Colusa County has a route concept level of LOS D. One segment, Segment 1, is in Colusa County extending from SR 20 to the Yolo/Colusa County line. The 20-year concept and ultimate facility remains a two-lane conventional highway. The SR 16 TCR identifies the need to pave turnouts, but does not identify any planned or programmed projects nor any funding for improvements on this segment.

State Route 20

Caltrans has identified the following four segments for SR 20 in Colusa County:

- Segment 1 (Lake County Line to Walnut Drive) – has a concept level of LOS D. The 20-year concept facility is a two-lane conventional highway with passing lanes. The ultimate facility is a four-lane expressway.

- Segment 2 (Walnut Drive to Harris Street in the City of Colusa) – has a concept level of LOS D. The 20-year concept facility is a two-lane conventional highway with passing lanes. The ultimate facility is a four-lane expressway.
- Segment 3 (Harris Street to Moon Bend Road in the City of Colusa) – has a concept level of LOS E. The 20-year concept facility is a two- to four-lane conventional highway. The ultimate facility is a four-lane conventional highway.
- Segment 4 (Moon Bend Road in the City of Colusa to the Sutter County Line) – has a concept level of LOS E. The 20-year concept facility is a two-lane conventional highway with passing lanes. The ultimate facility is a four-lane conventional highway.

The SR 20 TCR identifies that there are existing issues associated with lack of passing lanes, delays due to slow moving traffic, and sight restrictions and identifies the following improvements for Segments 1, 2, 3, and 4:

Planned:

- Replace Bear Creek Bridge PM 3.3 (\$6.1M; 2010) Colusa County RTP
- Widen Shoulders and Rehab Pavement PM 0.0/5.0 (\$36M; 2020) Ten Year SHOPP
- Operational/Capacity improvements to Lake County Line (\$5.0M; 2013) Colusa County RTP
- Install passing lanes west of Colusa to Williams (\$3.0M; 2013) Colusa County RTP
- Install passing lanes west of Williams (\$3.0M 2013) Colusa County RTP
- Signalize SR 20 / SR 45 intersection PM 31.09 (\$1.3M ; 2010) Colusa County RTP
- Install two-way left-turn channel Fremont Street to North Market Street (\$2.0M; 2013) Colusa County RTP
- Operational/Capacity improvements to Sutter County Line (\$6.0M; 2013) Colusa County RTP

Programmed:

- No Programmed Projects

Conceptual:

- Passing lanes every 5-7 miles (2020)
- Left-turn channelization at every county road connection (2020)
- Widen shoulders to 8-foot minimum standard (2015/2020)

- Install signal at Walnut Drive when warrants are met (2020)
- Turn lanes or channelization at every county road connection (2020)
- Improve drainage under the highway at Lone Star Road to reduce flooding (2015)
- Intersection improvements at Husted Road due to proposed development (2015)
- Support the expansion of existing parallel arterials or construction of new parallel arterials designed to relieve the congestion of SR 20

State Route 45 (SR 45)

Caltrans has identified the following two segments for SR 45 in Colusa County:

- Segment ~~21~~ (Yolo County Line to SR 20) – has a concept level of LOS D. The 20-year concept facility is a two-lane conventional highway. The ultimate facility is also a two-lane conventional highway.
- Segment ~~32~~ (SR 20 to Glenn County) – has a concept level of LOS D. The 20-year concept facility is a two-lane conventional highway. The ultimate facility is also a two-lane conventional highway.”

The SR 45 TCR identifies that there are existing issues associated with lack of passing lanes, delays due to slow moving traffic, and sight restrictions and identifies the following improvements for Segments 1 and 2:

Planned:

- Widen SR 45 from Wintun Road to Colusa Casino PM 22.78-22.97 (\$1M; 2010) 2004 Colusa County RTP
- Intersection improvements at Reservation Road PM COL 25.90 (\$1M; 2010) 2004 Colusa County RTP

Programmed:

- Signalize SR20/SR45 intersection PM COL 19.84 (\$750;TBD) 2009 10-Year SHOPP Minor Program

Conceptual:

- Drainage improvements from Wilkins Slough to Maxwell Road PM COL 6.0-32.2 (\$1,500)
- Digouts and AC Overlay from Colusa to Glenn County Line PM COL 19.8-34.2 (\$10M)”

The discussion of the RTP on page 3.13-10 of the Draft EIR is revised as shown below:

“Colusa County Transportation Commission

The 2008/09 Colusa County Regional Transportation Plan (RTP) (2008) is a long-range planning document for identifying and programming roadway improvements throughout Colusa County. The RTP guides transportation investments in the County involving local, state, and federal funding with a twenty year horizon. Transportation projects are categorized as Tier 1, Tier 2, and Tier 3. Tier 1 projects are considered fully fundable during the 2008 STIP, Tier 2 projects are considered fully fundable during the first ten years of the RTP, and Tier 3 projects are considered fundable give current (2008) revenue estimates by 2030. While Tier 2 and Tier 3 projects are anticipated to be funded, this is based on estimates of expected funding revenues and is not a commitment that the project will be funded.

Most of the Tier 1 and Tier 2 transportation projects in the 2008/09 RTP are needed for safety and system preservation, except for several Tier 2 State Highway Operations and Protection Program (SHOPP) projects that are needed for both safety and congestion relief. The SHOPP projects are identified for SR 20 and include operational and capacity improvements, two-way left-turn lanes in the City of Colusa, and passing lanes.”

The following edits are made to the third full paragraph on page 3.13-21 of the Draft EIR:

“While implementation of the 2030 General Plan would result in acceptable LOS, implementation of future improvements on state facilities is uncertain because the implementation of such improvements is outside of the County’s jurisdiction. The State budget has been shown to be uncertain in recent years, ~~and~~ ~~the~~ ~~ability~~ ~~of~~ ~~Caltrans~~ ~~to~~ ~~fund~~ ~~and~~ ~~implement~~ ~~planned~~ ~~future~~ ~~programmed~~ ~~and~~ ~~conceptual~~ ~~improvements~~ cannot be assured for those improvements that do not yet have funding commitments. The 2009 Ten-Year State Highway Operation and Protection Plan (2009 SHOPP) identifies that the total 10-year, goal-constrained need for the rehabilitation and operation of the State Highway System is \$63 billion for 2010/11 through 201/20 and identifies that projected funding available for the SHOPP is \$1.5 billion per year, meaning that only 24 percent of needed improvements are estimated to be fundable. The 2009 SHOP states (italics added) that, “The sole funding source for the SHOPP is the SHA, funded primarily through excise taxes on gasoline and diesel fuel. *SHA funding is declining as a result of reduced fuel consumption, funding shortfalls in the FHTE, redirection of funding for highway maintenance, and GARVEE Bond debt service obligations.*

Projected SHA funding available for the SHOPP is \$1.5 billion per year, which is 24 percent of the estimated need. As funding is insufficient to preserve and maintain the existing State transportation infrastructure, the Department will focus available resources on the most critical categories of projects in the SHOPP (safety, bridge, and pavement preservation). Even with this focus, *the SHS will continue to deteriorate (distressed pavement will grow from 26 percent to 60 percent during the next ten*

years). In addition, no new improvements to office facilities, repairs to roadside rest areas, and mobility improvements will be made."

Each of the TCRs for State highway facilities in Colusa County identifies needed improvements, including improvements for operations, maintenance, and mobility, that are anticipated to be funded through SHOPP. However, no SHOPP funds have been committed for many of these future improvements and funding may be uncertain, given that the 2009 SHOPP identifies that only 24 percent of needed improvements are estimated to be fundable. Given that many of the needed improvements for Colusa County are conceptual improvements identified in the TCRs that do not yet have funding committed, it would be speculative to assume which improvements that are not yet fully funded would actually be funded in the future. Further, the planned development in the unincorporated area of the County only accounts for a portion of the need for future improvements on state facilities and the remaining cost of necessary improvements associated with demand from existing traffic levels, increases in out of County traffic, and increases in local traffic from the cities of Colusa and Williams would need to be funded separately. "

Following page 3.13-14, the page numbers in Chapter 3.13, Transportation and Circulation, are mis-numbered with the pre-fix 3.8 rather than 3.13. The prefix is changed to correctly number pages 3.13-15 through 3.13-29.

On page 3.13-23, the following edit is made to the impact numbering:

"Impact 3.~~138~~-4: Potential Hazards Due to Design Features of Incompatible Uses"

On page 3.13-25, the following edit is made to the impact numbering:

"Impact 3.~~138~~-5: Increased Demand for Public Transit Services would Not Conflict with Applicable Plans or Exceed Capacity"

On page 3.13-26, the following edit is made to the impact numbering:

"Impact 3.~~138~~-6: Increased Demand for Pedestrian and Bicycle Infrastructure would Not Exceed Capacity or Disrupt Existing or Planned Facilities"

On page 3.13-28, the following edit is made to the impact numbering:

"Impact 3.~~138~~-7: Increased Demand for Aviation Facilities and Services"

On page 3.13-29, the following edit is made to the impact numbering:

"Impact 3.~~138~~-8: Emergency Access"

3.14 UTILITIES

No changes were made to Section 3.14 of the DEIR.

4.0 OTHER CEQA SECTIONS

No changes were made to Section 4.0 of the DEIR.

5.0 ALTERNATIVES

No changes were made to Section 5.0 of the DEIR.

6.0 REPORT PREPARERS

No changes were made to Section 6.0 of the DEIR.