



EMPLOYERS COUNCIL of Mendocino County

Comments on Draft Environmental Impact Report Draft Ukiah Valley Area Plan 11/23/05

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I. GENERAL

The Employers Council of Mendocino County has about 200 members who together provide about 4000 jobs in the County. ECMC gathered a number of business members whose professions relate to various parts of the proposed Ukiah Valley Area Plan and the Draft EIR to review these documents and make recommendations. This paper presents that work.

Specific Recommendations are indicated by the symbol . In some cases concerns are expressed in the text that are not tied to specific recommendations, particularly in Section II.

II. "HIGHER LEVEL" PLANNING ISSUES

A. Appropriate EIR Topics & Recommendations

1. Appropriate Content for EIR's

We appreciate the consultants description of what an EIR is supposed to be:

"... the purpose of an EIR is 'to compel governments to make decisions with environmental consequences in mind.'" (EIRs) "must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement." "In accordance with Section 15143 of the CEQA Guidelines, this EIR focuses on the significant effects on the environment. ... a significant effect on the environment is defined as a substantial adverse change in the physical conditions which exist in the area affected by the proposed project." (P. 3)

We recognize that most of the topics in the EIR fall within this framework, but wonder about a few others. We have three concerns about this.

First, since we understand that if the County decides not to follow a specific recommendation in the EIR it must declare its reasons for not doing so. But what if a recommendation in the EIR is not within the formal definition of what EIRs are supposed to be about? Why should the County be forced to respond to a recommendation that isn't within the legitimate subject matter of EIRs?

Second, while we all assume the professional competence of a consultant preparing an EIR, we should not presume such professional competence regarding topics outside the accepted boundaries of what an EIR's content is supposed to be.

Third, the mere fact that CEQA qualifies the scope of an EIR to be about the "physical environment" directly indicates there are subjects in plans that are not proper content for EIRs. The EIR process should not be used as a way to reach beyond the legitimate topics for an EIR and question plan elements that are outside an EIR's proper scope.

2. Are Financing Mechanisms appropriate Concerns for this EIR:

While we appreciate the consultants numerous suggestions regarding financing mechanisms for various programs (sewers, parks, etc.), such as Mello-Roos Districts, and we do believe how to finance things is clearly a part of planning, we question whether or not formal recommendations about specific financing mechanisms are properly a part of an EIR. It's one thing to ask if a sewer line is going to have physical effects. But as long as the same sewer line is put in regardless of how it is financed, the financing decision seems irrelevant to the EIR to us. We can see the value in the authors of EIR's providing "side suggestions" regarding financing and similar topics, but we question whether they should be part of formal "EIR Recommendations".

3. Proper Boundary for “Aesthetics” & “Design Standards”

This is probably a “gray” area, but one where we think EIR’s could easily move beyond their legitimate topic boundaries. What really is the effect on the “environment” about what color a house is painted? We can understand how color can affect people’s aesthetic reaction, but do people’s aesthetic reactions fall within the definition of “physical affects on the environment”? If all personal reactions are properly a concern of an EIR, then where is the boundary between what should and should not be in an EIR?

Obviously there is a “fuzzy line” and sometimes “tension” between the rights of the community acting through the coercive power of government and the rights of individuals. We believe the public should be hesitant to use that coercive power to force individuals to conform to the “purely aesthetic values” of one or more groups in the public. We think dictating to people what color they must paint their houses, what shape of windows they will install, etc. are examples of such “overreaching”. But in particular, it seems to us that unless there is a substantial negative physical or health affect on the public or the biological environment, these issues should certainly be beyond the legitimate boundary of an EIR.

B. Affordable Housing and Other Economic Issues

1. Economics

We are encouraged to hear people across the political spectrum say that creating good well-paying jobs and making the cost of housing and living “affordable” are important goals. We can’t agree more.

However, our understanding is that most “economic” impacts of UVAP are not within the legitimate focus of this Environmental Impact Report. Clearly a community needs to be concerned with planning issues as they affect its economic life, but an EIR’s purpose (in our view) is to evaluate impacts of plans and projects on the physical environment, not the economic environment of the community. The EIR needs to recognize that the community’s economic life must be accommodated, but its focus is not on economics.

This means to us that a separate and equally important review and discussion regarding UVAP’s economic impact (and indeed that of the entire County General Plan) must occur. We submit that both issues are critically important to the future of the community. Elevating one to be of “superior” importance over the other necessarily reduces the community’s ability to achieve both sets of goals. But Environmental Impact Reports are required by law, Economic Impact Reports aren’t.

Therefore, we believe that the planning process, including the public part of that process, must consider both environmental and economic goals and constraints together to find solutions that serve both needs.

- We encourage the County to sponsor an economic discussion of its Plans, and a discussion of how to reconcile environmental and economic goals.

2. How to Achieve Affordable Housing - Cost v. Subsidy

“Affordable Housing” is a very high goal for everyone and is a specific subject in UVAP and the Draft EIR. It’s just that there is very substantial differences in opinion about what it means and how to achieve it.

The usual assumptions about Affordable Housing is that it applies only to lower income residents, and it must be subsidized in various ways to achieve. We strongly disagree on both points.

First, the scarcity of “Affordable Housing” exists all up and down the price scale, not just at the lower end. It simply costs too much to buy a house no matter how much you make. The median priced home can only be afforded by a relatively small percentage of families who live here. While we certainly agree that it is important to be concerned with providing housing to lower income residents, we believe the entire community suffers from having to pay too much for housing.

In fact, we believe that middle income people have the hardest time finding affordable housing. The fact that the average age of residents of the North Coast of California is the highest of any region in the United States is a strong indication that the kids who grow up here can’t afford to stay here. The jobs available to them do not pay enough to allow them to buy a house.

We recommend that the County obtain or produce a report that evaluates the “affordability” of housing for middle income residents as well as for lower income residents.

Second, you can achieve “Affordable Housing” in two ways. First, you can subsidize housing that costs more than lower income families can afford, or you can lower the costs of producing that housing not only for lower income folks, but for the entire community.

Subsidies for Affordable Housing are often obtained by requiring developers of other types of structures to provide funds in one way or another. This inevitably leads to the developer increasing the price of those other structures in order to recover these costs. These other structures include middle income housing and job-producing industrial facilities . It isn’t really the developer who is paying the subsidies. It’s the people buying these other homes or job-creating businesses expanding their facilities to whom the developer passes on the costs of the subsidy. This leads directly to less affordable housing for middle-income residents and fewer jobs for the community.

We believe one of the most significant drivers of “Non-affordable Housing” at both the lower and middle-income levels is excessive government regulation and programs, and an unwillingness in some cases to allow the lowest cost producers to develop Affordable Housing for lower income residents.

In order to evaluate the additional costs of housing caused by the subsidy approach to Affordable Housing and other Government regulations and charges, we recommend the County examine the alternative “Lower Production Costs” approach. This would include:

- Calculation of Total County and other Government Direct Costs added to the cost of producing middle-income and lower-income housing
- Identifying examples of the “Lowest Direct Construction Costs” in the region for lower-income and middle-income housing to give an idea of what residents would have to pay if Government imposed costs and land costs weren’t a factor – just the “pure” cost of building an up-to-code house. This will necessarily not be “custom designed or constructed” housing.

We suspect the results would be very surprising and enlightening. We are not saying that there should be no “Government imposed” costs, but we think that if the County and public saw how much regulation and Affordable Housing subsidization added to the cost of housing for almost everyone, some “compromise” approach would begin to make more sense.

The “bottom line” is this – if “Affordable Housing” and “Good Job Creation” is a high goal for the community, we make them more difficult to achieve if we raise the costs of providing them.

3. Examples of Additional Costs Imposed

Throughout the UVAP and Draft EIR are a broad range of recommendations and proposed policies/programs that will inevitably increase the cost of housing.

- We recommend that the County, especially given its own financial precariousness and the economic weakness of the community at large, should gather all such “cost-increasing” proposals in one place, remove those that aren’t critical, and think about how to achieve necessary goals at lower costs.

These are several examples of recommendations in the Draft EIR or UVAP that will increase housing costs. This is not a complete list:

- All residential subdivisions and non-residential project applications ... over 5000 s.f. must include a geotechnical study ... unless the County determines that such studies are not needed for a particular site because of the availability of existing geotechnical data or the clear lack of geotechnical constraints on the site. (p. 47)
- CT-6.3.5: The County shall adopt a development impact or in lieu fee study and ordinance to fund programs, such as alternative transportation, traffic management or facility improvement strategies, to reduce or offset area-wide transportation impacts.
- Acoustic studies shall be done for all discretionary residential projects ...”
- CD-5-3: “... All new development must pay developer fees to the School District.”
- CF-6.1.1: “Consider adopting a law enforcement fee ...”
- SF-4.1: 1a: “Require new development to pay its full share of improvements required.”
- CF-3.1.1: “Request that Ukiah Valley Fire District and Redwood Valley-Calpella Fire Department prepare a fiscal analysis of future revenues and costs ... If such analysis has not been done by the time the first large project that could require the hiring of an additional firefighter and substantial supporting incremental costs was proposed ... the applicant would be responsible for conducting this study. ... If warranted, the County will adopt a fire service impact fee for new development ...”
- CF-4.2-1d: “Require new development to pay its full share of sewer system improvements.”
- OC-4.2.1: “The land development code shall establish hillside road and structure siting standards which minimize or avoid damage to the natural hillside resources and minimize erosion and sedimentation of streams.”
- OC-12.2.5: “Until a grading ordinance is adopted by the County, require preparation of an erosion control plan for all discretionary projects exceeding 5 acres in size ...”

4. Financial Condition of County & New Programs

We strongly question the wisdom of establishing numerous new programs that will require more spending by a County that has gone from about \$20 million to around \$132 million in debt in about 8 years and that is almost certainly going to be forced to recognize and pay down more debt next year because of unfunded retiree health care benefits. Today we are being sued by County Jail inmates because of the poor conditions in the jail. But we can't come up with a few million to build a new jail because of our debt service. We have hundreds of miles of poor condition dirt roads eroding into spawning streams, but we don't have the money to fix them. This is not the time to look for more ways to spend money; we need to reduce spending and concentrate on the things that are most pressing.

Included in the list (this is not a complete list) of new costly programs recommended in the Draft EIR and UVAP are:

- Design Review Program and Compliance
- Landscaping Guidelines and Compliance
- Noise Ordinance and Compliance
- Groundwater Protection System

We recommend that the County assume that these new programs will not be added, and that they only be added if the County indicates where cut backs in other spending in the County can provide the funds required without compromising other critical demands on the County's funds. We further recommend that the County not add fees to development to fund these programs because to do so will just further increase what is already unaffordable housing costs for middle and low-income residents.

C. "Rural Communities" and "North State Complex"

A core concept of UVAP is the creation of three Rural Communities (Calpella, Forks, & Talmage) & the North State Complex. Boundary lines are drawn on the map defining the borders of these areas. Dozens of parcels that currently have specific zoning are to be merged into these Rural Communities and the North State Complex so that these areas appear to no longer have specific zoning. We understand the argument that this practice could allow for "flexibility" in allowing future development, but we strongly disagree with this approach. Some of our problems have to do with EIR types of issues, while others are probably not in the legitimate scope of an EIR.

- **Obscurity:** The public has no way of knowing what land use is intended for specific parcels within these areas. Even after all the public involvement in creating UVAP and reviewing the EIR, the land use decisions within these areas are obscure to the public. In effect, therefore, the public is not able to effectively react to land use decisions for these areas during the UVAP process.
- **Potential to Increase Planning Costs, Complexity and Delays:** There are no specific land uses defined for these areas in UVAP. Will the County have to have a "mini-general planning process" for these areas in the future? Could this mean that new programmatic EIRs would be required before specific projects can be contemplated? Will County Planning staff and officials have to organize and endure yet another set of community planning meetings in each of these areas, even though budgetary constraints have significantly reduced discretionary funds available to the County to pay for them? UVAP is a subset of the County's General Plan. Therefore these Rural Communities and the North State Complex appear to be "subsets of a subset" of the County's General Plan. Isn't this a little too much complexity for a small rural county?

- **Planning Precedent for Other Areas of the County?**: If Talmage, Calpella and the Forks deserve special “Rural Community” status, what about similar communities in the rest of the County? Will residents there want to have special planning processes for their areas which will once again cost more money, increase planning complexity, possibly lead to “disjointed” and “uncoordinated” planning, and bog the process down?
- **Unexamined Negative Effects on Adjacent Land Use, esp. Ag:** If you want to “kill Ag”, put houses, schools or other “people intense” development next to it. Ag’s best urban-like neighbors are Industrial and certain Public Service areas such as parks, airports and sewage plants.

We recommend that while it makes sense to us to designate these areas for more intense development (as is stated in UVAP and the Draft EIR), the County should go ahead and establish firm land use classifications within these areas in UVAP, especially where they are next to existing vulnerable land uses such as AG.

At a minimum we recommend that there should be “hard policies” established in UVAP that will govern the future land use decisions in these areas so that the public can see that conflicts with Agriculture and other land uses would be avoided. This could be along the lines of - “No SR or RR-1 zoning will be approved for any parcel on the Eastern Border of the North State Complex if it would border parcels zoned AG.”

D. Master Planning Paradigm and “Project Alternatives” – “Smart Growth”

The Draft EIR discusses “Project Alternatives” to UVAP - continuing to use the existing County General Plan, “Growth Management”, and “Smart Growth”. While we recognize the “Smart Growth” concept is gaining recognition across the Country, and deserves careful study as it may apply to our area, we believe that the County should not adopt this concept in the near term.

Such an all-encompassing concept necessarily imposes a broad range of constraints and directions on development. Further, such a broad concept will almost certainly have a number of variations within it so that it would be applied by one “Smart Growth” group one way, by another group differently.

At this time we are confident that very few area residents, including those who are directly involved in development-related industries, know what “Smart Growth” really means. The adoption of “Smart Growth” would establish a very significant public policy. For many reasons we believe that far more public education and discussion must occur to create a broader consensus about this before such an overarching doctrine is adopted as master public planning policy. The discussion of “Smart Growth” should not be “politicized” by pushing it onto the community before most of the community interest in County Planning even knows what it means.

We recommend that the County not adopt the “Smart Growth” Project Alternative as described in the Draft EIR, but rather help organize an examination of what “Smart Growth” means, how it might be applied in Mendocino County, and what its problems might be. We further recommend that the County engage a broad range of organizations to participate in organizing and participating in this effort on an equal basis. We further recommend that the County avoid “politicizing” this effort as much as possible, including specifying that this effort will not produce a recommended policy for the County to adopt. And while we believe Economics must be considered in this process, we urge that strong boundaries be placed around what is being studied and discussed to keep the process on point.

III. LAND USE

A. The General Direction of Growth

1. Where to Develop

In general, we believe the following “direction” for growth makes sense. Some of the measures recommended by the EIR are different.

a) City Infill

We agree with the idea of development in vacant land available within the City of Ukiah. However, many members of the Employers Council warn that as good as that sounds, many owners of such vacant land do not choose to allow their land to be developed, and there is not as much vacant land available to accommodate growth as many people think.

b) Developed Areas Infill

We have a basic disagreement with some of the concepts in the UVAP and Draft EIR. An example is on page 227 of the Draft EIR (Policy CD-3.3) that states “Avoid continuous urban sprawl by maintaining the Valley’s communities as separate and distinct places with visual separation.”

- Threat to Other More Critical Land Uses: if you don’t allow development in the spaces between existing Rural Community and City boundaries, then you necessarily push development somewhere else, which is too likely to be prime Agricultural lands and sensitive habitat. To protect Ag and such habitats, it would be better to allow development to fill in areas already surrounded by other developments, especially where previously allowed adjacent land uses make Agriculture economically and industrially unviable.
- Avoid “Leap Frog” Development: We also believe growth areas beyond City infill should be on the borders of existing development and should not “leap frog” over undeveloped lands. In part this is because water, sewer, circulation and other infrastructure is more readily available on the urban border rather than farther out in undeveloped country.
- “Takings”: The idea of forcing parcels to remain classified as AG (or similar zoning) when previous and future County planning decisions and/or development have surrounded them with other more intensive uses is in our minds a “Taking”. This is especially true when those uses are by their nature incompatible with Agriculture, yet the County requires that parcel remain zoned “AG”. Many of us are very nervous about the idea that government can dictate to private property owners how they are allowed to use their land as long as such use would not directly harm others. However, all of us are firmly opposed to forcing a land owner to in effect provide the public with “a park” or “open space” . Forcing a land owner to maintain a land use against his/her will in order to “retain Agricultural lands as a separator”* between Rural Communities is a “Taking”, and if the County wants to maintain that land as open space, it should be prepared to buy it at a fair market price. (* = Memo attached to Draft EIR from Pamela Townsend to Ukiah City Council dated 5/30/02 – 13.03 – D “Land Use Maps – Calpella and the Forks Rural Communities”)

We believe these areas are where development should occur outside of infill within the City Limits.

- Lovers Lane area
- Undeveloped Land Parcels 42c and 16a between North State Complex and the Forks
- Brush Street Triangle
- The area north of the Boonville Road and west of Highway 101

c) Two Extended Areas

Beyond City infill and growth on the urban boundary, we believe two existing “low density” residential areas (RR or SR) already exist that make sense for some residential development.

- Auction Barn: The area around the “Auction Barn” south of the Boonville Road and west of Hwy 101 from Burke Hill north, but not intruding into the prime Agricultural land along Robinson Creek. This area is already served by Willow Water District (subject to available supplies) and has excellent traffic and circulation access provided by Hwy 101 and its overpasses and on/off ramps. Either sewer would have to be extended or smaller community septic systems would have to be developed. While there are some existing Agricultural uses, they are consistent with the Rural Residential 1 or 2 acre classifications.

Development here would be tightly bound by the very steep hills to the west and Hwy 101 – sprawl is extremely unlikely. Visually, motorists on Hwy 101 will have the sweeping views of Agriculture and the hills on the east side of the highway, and the view to the west will still be dominated by the high ridgeline.

- Vichy Springs Hills: Low density residential development makes sense in appropriate areas of the rolling hills Range Lands north of “Bartolomei Valley – Sanford Ranch Road”, east of Redemeyer Road, and south of Lake Mendocino. The area is out of sight of the rest of the UVAP area. Houses there are pretty well “hidden”. Most of this zone is not appropriate for intensive agriculture. This would require improvements to the road system. Water and waste water would probably have to be small community or individual systems.

We recommend that UVAP include a prominent explicit statement of the “general direction of growth” that includes these principle concepts:

The “direction of growth” during the period covered by this Plan shall be;

- Infill in the City of Ukiah
- Infill between developed areas outside the City, including
 - Lovers Lane area
 - Parcels like the undeveloped Parcels 42c and 16a between North State Complex and the Forks
 - Brush Street Triangle
 - The area north of the Boonville Road and west of Highway 101
- Two extended areas for less-intense “RR” zoning
 - The “Auction Barn” area
 - The “Vichy Springs” hills

We recommend that if the County desires to maintain as open land (as AG, RL or a similar designation) parcels that are surrounded on two or three sides by more intensively developed zones such as SR, RR-1 or RR-2, C, I, certain PS uses such as schools, etc., then the County should be prepared to buy those parcels at fair market value. The essential point is that if neighboring land uses agreed to by the County make the profitable use of the land as Agriculture significantly less viable, then the owner should be able to develop that land or sell it for development – or if the County chooses to force the land to remain undeveloped, it should buy it.

There is an inherent assumption in this recommendation and those below regarding defining borders around the large southeastern Agricultural area in which non-Ag compatible uses would not be allowed during the period controlled by this version of UVAP. That is - where county-allowed or previous changes in land use immediately adjacent to AG zoned land makes that land significantly less economically viable to farm, the owners should be able to develop the land in conformance with surrounding land uses and according to the broad policies of UVAP if they so choose or the County should buy it.

In contrast, where Agriculture is economically viable and a large area is designated in some sense as "Agriculture", then there is no "Taking" by maintaining the area in AG zoning. In contrast, since the intrusion of non-compatible land uses can quickly render Ag unfeasible, the value of all Ag property owners is protected by preventing the value-eroding effect of non-compatible uses. In these areas, property owners must figure out how to make profitable use of their land through agriculture.

B. Community Consensus to Protect Agriculture

Just about everyone wants to "protect" Agriculture. How to do that is sometimes contentious.

We believe the general community consensus of the past decades has served this general community desire well and should be made explicit in UVAP. We add some suggested details to that concept.

1. Ag Must Be Viable

It isn't enough to say you are "protecting agriculture" by zoning specific parcels as "Ag". Agriculture can't exist if it isn't economically and industrially viable as well. If farmers and ranchers lose money operating on specific sites, they won't maintain agricultural activities there. Historically there was a much broader range of agricultural production in this area; production today is more narrowly focused on specific commodities. Some people seem to think this happened because someone made "discretionary" decisions to do away with agricultural diversity. This is absolutely not true, and thinking this can lead to very poor planning.

Farmers in the region reduced the breadth of their commodity production and concentrated on the commodities that are produced today because they went broke if they didn't. The County can't banish the power of the global economy because some would prefer more agricultural diversity. Over the decades farmers in the region increasingly focused on products particularly well suited for their land. These products, today winegrapes and pears primarily, are those that allow farmers to survive in an increasingly global economy where they are forced to compete with much lower cost farmers all across the globe. No decisions made in Mendocino County can change this hard reality facing our farmers. The public must understand that if they want "real farmers" to survive in the area, those farmers must concentrate on producing commodities that are economically viable. It is fantasy to think otherwise.

Therefore, while we understand statements such as:

OC-16.1: "Allow small-scale intensive agricultural operations ..."

OC-16.3: "Support the diversification of the agricultural economic base."

We firmly believe that markets will determine if these goals will be fulfilled.

We recommend that UVAP specifically state that farmers must be able to concentrate on producing the commodities that will economically sustain their operations, and nothing in UVAP will compromise that principle.

2. Surrounding Uses

Agriculture can survive with some neighbors, but it is destroyed by others. If you want to kill Ag, put houses next to it. As stated above, the best development neighbors to preserve agriculture are public service sites such as parks, airports, water and sewer facilities, or golf courses. Industry generally is compatible. Housing, schools, and most commercial are deadly to agriculture.

- We agree with statements such as OC-15.2: “large, contiguous areas (as opposed to isolated surrounded areas described in “Takings” above) classified for agriculture define an agricultural community, and are to remain classified as Agricultural Lands.”, and OC-15.3: “Discretionary projects shall not undermine the integrity and economic viability of agricultural lands ...”

3. What is the “Most Valuable” Ag Land?

We maintain there are two broad areas of our most “valuable” Ag land.

- Rich alluvial valley floors
- Bench lands and hillsides above the valley floor

The public knows that the rich alluvial valley soils are a core of the Agricultural community in the Ukiah Area. They also recognize that the wine grape industry has grown to be the strongest part of Mendocino County agriculture. But while the valley soils are some of the world’s prime agricultural lands, the “best” (or at least highest value and most appreciated) wines are rarely produced on such sites. The “bench lands” at the base of the mountains around the valley and several of the hillsides have the greatest long-term potential for the most profitable and secure wine grape production in the area. These form the “bathtub ring” around the Valley above the Valley floor where the best wine can be “grown”.

Our area has sites very similar to many regions in Europe that are considered to produce the “world’s finest wines”. Many were first planted to winegrapes over 2000 years ago. Communities located in those areas have earned their livings tending those vineyards and making wine for over 100 generations. It is difficult to identify better examples of economic or environmental sustainability.

Wine production from prime wine producing sites is one of the world’s best opportunities to support small-scale family farm agriculture. It is perhaps the world’s most significant “high value added” farm-based product. We believe the community wants to encourage small-scale agriculture that can support families on relatively small plots of land. There are no other opportunities to do so in the area that comes close to small scale family-based “estate” wine production.

However, the Ukiah area has not come close to its potential in this regard. Most of the grapes produced here are shipped out of the area to be made into wines in other areas. Although the Ukiah Valley is the site of the most intensive agricultural production in the County and outstanding wines can be made from grapes grown here, it is not recognized as such in the wine world. An example of this is that the Ukiah Valley is the largest significant growing region of high quality wine grapes in California that does not have its own separate “American Viticultural Area” designation, better known by the French term “Appellation”. The result is that unlike “Sonoma” or “Anderson Valley” or even “Mendocino”, it is illegal in the US to put the growing region “Ukiah” or “Ukiah Valley” or any of its sub-areas on the front of a wine label because no one has ever defined to the Federal Government that there is a good reason to do so.

Simply put, the Ukiah region has the potential to develop a position in the wine world that could support small family farm and winemaking operations for centuries, and create an agricultural land use that has demonstrated that it is the most capable of economically resisting conversion to urban uses. But there is a great danger that the County could make land use decisions without realizing it would be making some

of these prime but non-obvious sites no longer capable of supporting this opportunity. Truth be told, a number of these sites have already been lost.

The UVAP and Draft EIR tends to treat all Ag land as interchangeable; it's either "Ag" or not. But there are substantial differences in the quality of Ag land, some of which are not obvious to any but those most experienced with working with that land and what grows there.

- We recommend that the County use the incredible resource of dozens of highly experienced winemakers and grape growers in the region to ask that they map out the areas in the UVAP area that have the potential to produce the highest value wines over the next several centuries. The County should provide support for this effort such as mapping capabilities, etc. After this project is done, the County and public can consider what implications the results have for planning and land use.

We submit that this region has no other long-term agricultural economic opportunities that can match the possibility of developing dozens of high-quality wine producers in the Ukiah Valley area.

4. Proposals for Consideration

a) Maintain Existing Community Consensus to "Protect" Agriculture

For quite some time a working community consensus has been in place that development would not occur east of Highway 101. We recommend maintaining that consensus in UVAP.

b) What About North of Ukiah?

Recent proposals have shown that the consensus above has a flaw – it deals with Ukiah and south, but doesn't "work" north of where Hwy 101 northbound veers to the northwest around the "Brush Street Triangle". There is considerable undeveloped land to the east of Hwy 101 from that point north.

The issue is most acute south of the Forks where the valley broadens out on the east side of the North State Complex. We recommend that a statement like this be explicitly placed in UVAP:

- To preserve prime economically viable agricultural lands, the following policies will determine the allowable land uses regarding the large contiguous Agricultural zone in the southeastern part of the Ukiah Valley.

Only AG, RL, RR-10 or RR-5 zoning will be allowed in the following defined area except for uses already existing.

1) Western Border:

- From the "City Water Wells – Base Ball Diamonds" (located across Hwy 101 from the "Brush Street Triangle") south to Burke Hill.
- North of the Wells-Base Ball Diamonds, the western border will be the western edge of the 100 year floodplain except that the border will not cross west of Hwy 101.

2) Northern Border: (This needs more precise definition, but conceptually it would be from the developed area running south of Lake Mendocino Drive in the Forks Area bending south to the confluence of the two forks of the Russian River then along the East Fork to Redemeyer Road.)

3) Eastern Border:

- From the Northern Termination of Redemeyer Road south to the stop light at Perkins Street.
- From that intersection along the bottom of the steep slope to the west of Regina Heights to the north-west corner of Sanford Ranch Road.
- East along Sanford Ranch to the “Bartolomei Valley”.
- North including the slopes on the west side of Bartolomei Valley.
- From the northern most point of the slopes directly above Bartolomei Valley due east to the edge of the UVAP area.

4) Southeastern Border: From Hwy 101 at Burke Hill east to the SE corner of the UVAP area. Then north along the eastern UVAP border to join the border east of Bartolomei Valley.

The use of the western edge of the Flood Plain along the northwestern edge of this area would accomplish several things:

- It keeps development from intruding into prime ag land west of the river north of Ukiah.
- It maintains the flood plain as a buffer to absorb flood waters to prevent the flood producing greater damage downstream.
- It maintains habitat in the riparian corridor.

How to “protect” existing viable Ag land west and north of this line, and any prime vineyards areas defined through our recommended identification process that are also deemed by the County as worthy of “protection”, needs further thought. These areas are much smaller than the area defined above and typically have already had more “non-Ag” intrusions.

- We recommend that further consideration be given about whether a boundary-drawing exercise like that above is worthwhile for the areas north and west of the above defined Agricultural area.

As we say, we believe this is a 20 year document. At that time the then current residents will decide whether or not to continue to “protect” agriculture and how. All we can do is preserve the possibility of that choice for them.

C. Brush Street Triangle

Simply put:

- We recommend that the City of Ukiah annex the Brush Street Triangle in the near future.

In general we believe the City should expand its city limits in recognition of the fact that many areas have developed outside the city but next to it that ought to be within the city. In fact, we find the idea that the City should exert more influence outside its city limits of “sphere of influence” than legally required, especially by having its policies and procedures adopted in various ways to control development outside those areas, is not good public policy. If the City wants to control development, it should be prepared to annex those areas.

IV. TRAFFIC & CIRCULATION

A. Conceptual Road Extensions

1. Redemeyer Road v. Ford Road

UVAP proposes extending Redemeyer Road north across the East Fork Russian River to connect to Lake Mendocino Drive. We believe it's important to provide a second road into/out of the El Dorado, Vichy Springs, Deerwood areas both for normal circulation but also for emergency safety. But we see two problems with this proposed extension.

First, while this extension would have been more possible a decade or more ago, intervening construction north of the River where the road would have to go has complicated this project. Second, we think the increased traffic on Lake Mendocino Drive heading west from the new intersection with Redemeyer would further congest the Forks area.

- We recommend consideration be given to extending Ford Road from where it currently terminates under Hwy 101 south of Masonite to cross the river and join Redemeyer around the El Dorado subdivision.

If it were possible to route traffic onto Hwy 101 from Ford Road with an existing or new interchange, we think surface traffic congestion in the area could be greatly reduced.

2. North – South Western Route From Low Gap to Hensley Creek Road

Especially if Lovers Lane is developed, we believe a western route from around Ukiah High School to Hensley Creek Road makes sense. Among other things, a considerable amount of traffic to Mendocino College wouldn't have to fight its way through increased congestion in the North State Complex.

- We recommend consideration be given to defining a new "Minor Collector" road be put in between Low Gap Road around the Ukiah High School north at least to Low Gap and possibly to Hensley Creek Road.

3. Parducci Road

If we understand it correctly, we think UVAP contemplates extending Parducci Road east to cross North State and join Lake Mendocino Drive east of its intersection with North State. Then, immediately west of the Hwy 101 overpass traffic would be routed via Tollini Lane to connect with the interchange at Hwy 101 and Lake Mendocino Drive.

There are two big problems with this. First, Tollini Lane is a private road. Second, routing this much new traffic along Tollini Lane would be a huge change for that neighborhood. While we think it is impossible to avoid all negative consequences for neighborhoods from new traffic, this impact would be very severe.

- We recommend reconsideration be given to this route given the difficulties cited above.

B. Policy CT-1.1: Conduct traffic studies to update the Regional Transportation Plan and Circulation Element.

- We strongly support this recommendation. We need a comprehensive regional transportation/circulation plan

C. Require “No Negative Traffic Impacts” from new development on existing neighborhoods.

This is simply impossible. “No” is an absolute. We can’t have more cars in the area without impacting some neighborhood streets. The issue is “how much impact is tolerable” and “how can the impacts be adequately mitigated”?

- We recommend the term “No Negative Traffic Impacts” be removed from UVAP and language indicating that Negative Traffic Impacts must be minimized be substituted.

D. Future Transportation/Infrastructure

Implementation Measure CT-10.15: ...”The County may wish to consider further restricting residential development along the railroad to minimize future land use conflicts.” Another future-oriented consideration is, once again, to maintain possibilities for future generations to do things we might not even know about yet. The railroad right of way, Hwy 101 and the Russian River are the only significant unified routes through the valley. The County may want to consider leaving more of a buffer around the railroad right of way (which can include City and County roads and parking) to allow for future development of infrastructure elements we might only vaguely be aware of today.

- We recommend the County implement land use so that an area around the rail road right of way be maintained for possible future infrastructure developments, some of which may not even be conceived of yet.

V. WATER

A. Water Element in General Plan

Once again, the Employers Council strongly urges the County to add a Water Element to the County General Plan. Among other reasons, water supplies are a watershed wide issue and must be solved on a watershed wide basis. We need to be concerned that all regions of the Russian River watershed have secure water supplies, and we need to overcome our history of disorganization and intra-regional competition for water.

- We recommend the County add a Water Element to the County General Plan. We also recommend that water supply solutions must be found for the entire Russian River watershed and not only for the UVAP area, and that these solutions must consider and serve the needs of the entire watershed and not consider any sub-regions to be more important than others.

B. Strong Agreement – Water Supply Needs Immediate Attention

“...water availability has long been an issue in the Ukiah Valley and may be a serious constraint to future development ... (The possibilities of loss of current water supplies and development pressure) require immediate and serious attention to both short and long-term strategies. (p 274)

We can't agree more. There is no more dangerous issue facing us than the possibility that we could lose access to water we are currently using. We're not talking about water for future development, although that's important. We're talking about water that is used in the region today.

This is a serious element in Protecting Agriculture. If we do not secure water supplies for the entire region and development pressures become too intense, development interests could move against agricultural water and we could see a hugely unfortunate conflict. This is entirely avoidable if we act now. ECMC is developing proposals of how the existing Coyote Valley Dam could be used to hold considerably more water to secure our short term water supplies. “OC-13.2: Protect and expand existing sources for water storage.”

- We recommend the County consider participating in and helping to organize a Russian River wide water supply educational process with the goal of moving the region towards a short term recognition of the water supply problems we face, the possible ways to solve these problems, and an evaluation of the pros and cons of various reasonably feasible alternatives.

C. Measures such as Fort Bragg – swapping old fixtures for new water saving fixtures

Fort Bragg successfully got around a new water hook up moratorium for years in part by requiring new development to supply new low flow devices for older homes and buildings as a way of securing water for new development. Gradual retrofitting of older structures with newer low flow devices is a sound policy.

D. Detailed Analysis of Hydrology in Area?

Our experience is that if you want to figure out where the water is north of Masonite and how much there is – good luck. The area is notorious for being a mish-mash of different formations. You can drill a dry hole in one place and have a very productive well 100 feet away. The ability to develop a meaningful groundwater hydrology study in that area is very constrained.

However, the Ukiah Valley east and southeast of the City can be studied successfully; it is underlain by a fairly consistent aquifer. However, our understanding is that such studies were conducted in the past. Is it really necessary to fund a new study? (See comments in VI. D. below)

E. Commitments from Districts

CF-3.1 – 1a: “Commitments from service districts for water services shall be required prior to project tentative approval.” This is very important. There are examples of districts in the region providing “will serve” letters to developers in the recent past when it was later determined the district did not clearly have the capacity to provide such service. People can waste a lot of money and we can have districts put in difficult legal situations without careful evaluation of district capacity.

VI. WASTE WATER

The content of this section was developed by a member of the ECMC Committee looking at these issues – George C. Rau, a registered civil engineer. George prepared a separate document which is copied here. The format is changed to conform to the rest of this paper.

Comments Regarding Draft EIR for Ukiah Valley Area Plan Sanitary Sewer and Water Issues November 23, 2005

A. General

My comments are only to the sections on water and wastewater in the EIR. As background for my concern about the content of the EIR, I have copied some pertinent goals from it:

Goal LU-1: Maintain the quality of life in the Ukiah Valley by planning for sustainable and livable communities which achieve balance among the social, economic, and environmental systems.

Emphasize complete and integrated communities which encompass the facilities and activities essential to the daily life of the resident and promote neighborhood/community atmosphere and interaction.

It is on these two planning precepts that I base my comments.

B. Waste Water Disposal

The existing waste water treatment plant operated by the Ukiah Valley Sanitation District and the City of Ukiah at the end of Plant Road has a major flaw which should prevent it from being expanded again. The major flaw is that there are miles of sewer pipe and connection laterals which are constructed of antiquated materials which allow *infiltration and inflow (known as "i and i")* to deliver more than 10 times the amount of water to the plant during sustained rainy periods than is delivered during the dry period of the year. Therefore the plant capacity is overcome by *i and i, not by wastewater*. Furthermore, it has been demonstrated by other communities with the same problem that millions of dollars can be spent to reduce *i and i* but with discouraging results, such as only 10% to 20% reductions. This is because the old clay pipe has many flaws in the mains, but even more in the laterals. The City and UVSD have begun a program to reduce the *i and i*, and it should be continued, but the chance of it being effective in reducing the *i and i* by more than 20% is improbable.

It is my opinion that the current \$50 million expansion was made necessary by being trapped with no alternatives because of the lack of forward planning and thinking sufficiently far in advance of the need to allow some real alternatives to be developed. It is my hope that we will take this opportunity to not repeat the same lack of foresight and that we will begin immediately to develop some viable alternatives.

Such alternatives include the development of feasibility for one or more satellite plants. There is fast changing technology which will allow these plants to be put on line much more cost effectively and, more importantly, in a much more sustainable mode, than the old type plant that currently serves the Ukiah Valley.

The Draft EIR mentions satellite plants and Implementation Measure C.F. 4.2.1 states that the County should request the UVSD to "initiate a planning process" Since the County Board of Supervisors holds a majority on the 3 person board governing the UVSD –

- The County should direct its representatives (to UVSD) to be proactive in identifying a site or sites and then finding a way to fund a study to have at least a conceptual feasibility study ready when development is proposed. This should be done within one year, as development pressure is building.

The County cannot expect a developer to do its conceptual work for it, but if a concept or two appears to be feasible, the County could then ask a major developer, or a consortium of minor developers to fund a specific study for implementing the concept.

C. Septage Disposal

A second major constraint to sustainable development is a long-term septage disposal plan. Up until recently, the Hopland Public Utility District would accept septage. Now it is doubtful that it can continue because of Regional Water Quality Control Board questions and concerns. The Ukiah plant accepted it in the past, but quit accepting it because of the effects of it on their treatment systems. The Coastal areas of Mendocino County are served by two sites, but could not accept a great deal more (such as the interior of the County). Onsite wastewater treatment is a sustainable practice if there is a location to dispose of the sludge or septage from the septic tanks.

On Page 61, Mitigation 1d states " Permits for new installations of septic tanks shall not be not be allowed in the absence a long term arrangement for septage disposal." This problem is not only for new development, but also for existing development. It is imperative that such a plan be developed.

- I recommend that the following addition to the mitigations in this section be added as follows " The County shall develop a long term septage disposal plan within the next two years."

Mindful of the poor economic conditions in which the County finds itself, cost will be a concern. There is an opportunity to do some of the conceptual work with a technical committee. There may be grants available to fund a portion of such a study, particularly if proposed as a sustainable practice (which it is). There could also be a surcharge on new septic tank permits to pay for part of the burden.

D. Water Supply

This is tied directly by sustainable development into the wastewater disposal process. Again, the existing sewer plant is located where it would be very expensive to recycle water for domestic, commercial and industrial reuse by those who produce the bulk of it. It may be possible to recycle some to adjoining agriculture, but the greatest need for use of recycled or reclaimed water is during the wet season when agriculture has the least need for it.

Policy CF 2.1 on Page 60 states: "Develop programs to decrease the need for new water sources."

I recommend adding the words,

"by requiring:

- 1) double piping in new subdivisions which could potentially use recycled water
- 2) replacement of high water use fixtures in older developments by new developers to reduce the cumulative demand for water by a certain percentage."

The goal of the double piping is to make sure that piping for reclaimed water is available when new subdivisions are built, even if reclaimed water is not immediately available. The cost of such piping is small compared to the overall cost of development, and it can be added incrementally until there is a critical mass large enough to merit treating the water and transmitting it as reclaimed water.

There will be an immediate benefit towards sustainable development by having old, high water use, fixtures replaced to make up for a percentage of the demand for new water by new development. The City of Fort Bragg has followed such a policy for more than a decade and their experience can be used as a basis for a County-wide program.

Finally, Policy OC 13.2 on Page 61 states : "Protect and expand existing sources for water storage." Mendocino County has had no water use planning for the past 50 years, while Sonoma County has had a very active agency. We need to seek ways to engage the environmental community and the agricultural community, as well as those traditionally concerned about water availability to develop proactive plans to protect our entire County's water resources, not just the water in the Russian River Watershed.

- ☑ As a start, the County Water Agency should work with the other agencies and private water companies in the Russian River Watershed to develop an integrated database of water use and potential for water development. This will not cost much, if any, money as the various bodies already have most of the data. It is just not coordinated into one data base. Existing employees may be able to assemble this information if the database is set up for them.

- ☑ George recommends the process described below be conducted to obtain information about hydrogeology.

Page 277, second paragraph, states that "A detailed analysis of the hydrogeology of the City's water sources as well as all sources within the plan area would be desirable." An existing publication in the library of the Mendocino County Water Agency, entitled "Ground-Water Resources in Mendocino County, California." [U. S. Geological Survey, Water-Resources Investigations. Report 85-4258. California, State of. Department of Water Resources [DWR] and Mendocino County. 1986.] is available and has much of the needed information. If this information were coupled with the combined experience of the various public water purveyors in the Ukiah Valley who have drilled more than 50 wells, and the information which is being contemplated by DWR (referenced in the Draft EIR) there would be adequate knowledge of where various types of aquifers exist. A costly study by outside consultants is not needed. It is important to have a database in place to measure sustainability and to be able to gage when that will be threatened by future development. Then funds can be spent to do the important job of monitoring the cumulative impacts as new development occurs.

Prepared by:

George C. Rau

Registered Civil Engineer 21908

Reg. Geotechnical Engineer 710

Expires 9-30-2007

End of Rau's Comments

VII. SEISMIC ISSUES

A. Implementation Measure SF-1.1.1

All residential subdivisions and non-residential project applications ... over 5000 s.f. must include a geotechnical study ... unless the County determines that such studies are not needed for a particular site because of the availability of existing geotechnical data or the clear lack of geotechnical constraints on the site. (p. 47)

While we applaud the effort to avoid unnecessary expense in development which drives up the cost of housing for residents, this recommendation leaves the decision of whether or not to require such studies to the sole discretion of someone at "the County". It would be better either to have clearer "safe harbor" standards or a fair appeal process to prevent the unfortunate result of having two developers with exactly the same situation being dealt with differently in this regard.

- We recommend the County develop explicit "safe harbor" standards for development requirements as much as possible.
- We recommend the County develop simple and fair appeal processes for these kinds of policies (such as whether or not existing geotechnical data is sufficient to justify not having to obtain a new study) so that planning review decisions are less likely to result in different decisions in essentially identical circumstances.

VIII. EROSION

EIR Measure OC-12.2.5: "Until a grading ordinance is adopted by the County, require preparation of an erosion control plan for all discretionary projects exceeding 5 acres." On P 229 of the Draft EIR is a recommendation to limit grading to 50 cubic yards within 100 feet of a creek or stream. We feel this is too restrictive and arbitrary.

- We recommend the County adopt the grading standards in the Uniform Building Code.

IX. USE CITY OF UKIAH DESIGN GUIDELINES

Implementation Measure CD-1.121: states:

Until the Ukiah Valley design guidelines are adopted, the County will conduct design review of projects within the Ukiah Urban Boundary as shown on Figure 1-D, and with the Rural Communities using the City of Ukiah's design guidelines."

As stated previously, we believe the County should hesitate from developing Ukiah Valley design guidelines for several reasons. These include our belief that whereas there is a legitimate public concern with safety, general land use, etc., we don't believe the public should dictate "aesthetic" choices of individual property owners. Also, given the County's precarious financial condition, the County does not need to develop new costly programs.

Also as previously stated, we believe that City rules should apply only in areas where they have to be applied; if the City of Ukiah wants more control over areas outside its boundaries, it should be prepared to annex more land. The City should accept more responsibilities if it obtains more control.

- We recommend the County not develop Ukiah Valley design standards beyond those generally necessary for the safety of the public and other similar standards. In particular, the County should not impose aesthetic choices on the citizens.
- We recommend the County not use City of Ukiah design standards or other similar policy documents outside of the legitimate boundaries of the City's control.

X. MISCELLANEOUS COMMENTS

A. Maps in UVAP and Draft EIR

It was difficult comparing one type of map to another in the UVAP and Draft EIR. For example, we have recommended that development not occur in the flood plain north of the City Wells. But the 100 Year Flood Zone is shown on a map after p. 90 of the EIR, whereas land use zoning is shown on a different set of maps. It isn't easy to compare the two together.

- We recommend that maps used in documents such as UVAP and the EIR show related information, such as land use and flood zone overlays, etc.

B. How Projected Growth is Tied to Projected Development

Unless we missed it, we didn't see how the growth projections listed in the UVAP and Draft EIR (population, housing, commercial and industrial space, etc.) were tied to land use changes, etc. That is, statements like – "if 'X' number of houses need to be added to the housing stock, then 'Y' acres need to be converted into residential classifications".

- We recommend that more detail be provided in UVAP about how proposed land use changes are mathematically related to growth projections such as population, growth of housing stock, etc.