

**Stan Tidman**

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**Subject:** Placer Parkway Corridor Preservation -- Conservation Framework Meeting Action Item  
**Attachments:** Prel. Draft Pky. Alt. 5 LEDPA Options -- 4.17.2009.pdf; April 17 2009 Meeting Sign-in Sheet.pdf; Placer Parkway -- Transportation Agencies' 5.11.2009 Follow-up - Conservation Framework Options.pdf

All -- attached for your reference and review are the:

- Preliminary draft "Placer Parkway Alternative 5 LEDPA Options that avoid growth inducing impacts to ESA and CWA resources", as presented by EPA at our April 17 conservation framework meeting
- April 17 meeting sign-in sheet
- Transportation agencies' May 8 memo with comments/potential measures addressing the preliminary draft

If the approach outlined in our memo looks promising to you, we can discuss it at the meeting (or in a conference call) tentatively scheduled for Friday, May 29. Please let me know if you have any questions.

**Stan** -- PLACER COUNTY TRANSPORTATION PLANNING AGENCY -- 299 Nevada St., Auburn, CA 95603 -- 530.823.4033 -- [www.pctpa.net](http://www.pctpa.net)



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**DATE:** May 11, 2009

**FROM:** Stan Tidman -- 530.823.4033

**SUBJECT:** Conservation Framework Meeting Follow-up

The transportation agencies have reviewed the preliminary draft "Placer Parkway Alternative 5 LEDPA Options that avoid growth inducing impacts to ESA and CWA resources," in light of clarifying discussions at our April 17, 2009 meeting in Sacramento. We have completed our action item to review and discuss this document with legal counsel and provide the following information, which we believe is fully responsive to the agencies' concerns as expressed on April 17.

**The following is informational only, and has not been approved by the relevant jurisdictions. This work was undertaken based on the regulatory agencies' premise that precluding access would make Alternative 5 less growth inducing. If the following is acceptable to the regulatory agencies in principal, SPRTA will take this language to the jurisdictions for review and comment.**

**1. Preclusion of Highway Interchanges Along Alternative 5**

One of the key areas of concern raised by the regulatory agencies with regard to the highway alternatives relates to limiting potential growth inducing effects of the Parkway, particularly in the central and western portions of the Parkway study area.

As a way to address the concern about growth, the conservation framework discussion on April 17, 2009, focused on prohibiting Parkway interchanges in the western and central segments (defined at the meeting as from the eastern boundary of the Reason Farms Retention Basin panhandle to the Natomas East Main Drainage Canal). The current Parkway proposal does not include interchanges in this portion of the roadway (other than acknowledging the possible interchange with a future extension of Watt Avenue), and does include a "buffer" of undeveloped land along the future Parkway

within the selected corridor. The regulatory agencies confirmed that their issue was permanently preventing access to the Parkway.

At the April 17 meeting, the transportation and regulatory agencies agreed to consider legal constraints on land use within a conservation easement or other appropriate tool adjacent to the Parkway, as a means to assure that no interchanges will be added in the future. Although it is not possible to absolutely prohibit future changes in use under every possible circumstance, the combination of land use constraints described below provides the greatest feasible assurance.

To preclude future development of highway interchanges in the western/central portion of the Parkway as described above, the following measures are proposed:

(1) General Plan and Zoning designations for the area would limit allowable uses within the conservation easement (or other appropriate tool) to agriculture, open space, resource conservation, or other such uses which would not allow for the development of additional transportation-related infrastructure.

(2) Land in the buffer will remain primarily in private ownership, except where public acquisition is mandated, as by state law related to remnant parcels under condemnation.

(3) Conservation easements would be acquired over the buffer property, which would be transferred to a third party for oversight and management. The first priority would be to convey the conservation easements to a state or federal agency. If those agencies are not willing to accept the easements, the easements would be transferred to a private, non-profit entity (such as the Placer Land Trust or Center for Natural Lands Management) which operates to hold and manage land for open space and resource values.

Although it remains theoretically possible for a local agency to condemn land in the buffer for a highway interchange, the several layers of constraints described make such condemnation procedurally difficult and costly, and thus unlikely to occur. A local agency would need to go through the very public process of changing the general plan and zoning, and then separately condemn both the conservation easement and underlying land ownership for each land parcel.

## **2. Access Restriction Using Conservation Easements.**

Access to the Parkway by new interchanges would be limited by both General Plan policies/standards as well as the private ownership of land along the roadway. In addition, however, the use of conservation easements would provide a specific, enforceable method of preventing future access. The easements would preclude incompatible uses, including urban development and aerial structures for new interchanges. The easements, granted to a third party, would be property rights, remaining in place even if the underlying property owner sells the land.

Since highway access would not be able to cross the land covered by easements, there is no need for the easement area to be extensive. Access restriction can be accomplished via a narrow strip of land on either side of the corridor. The transportation agencies propose that only a narrow strip be included in the measures above, because it would address the agencies' concern about limiting access, while avoiding unnecessary costs.

**3. Change General Plan standards to identify Alternative 5 as the northern barrier to development (to be revised – pending more input from County staff).**

Alternative 5 could be considered as the LEDPA based on the following potential actions:

- Placer County would need to amend its General Plan to reflect that the area south of Alternative 5 would emphasize development while the area to the north would continue to emphasize conservation and open space. The effected area would be from the eastern boundary of the Reason Farms Retention Basin panhandle to Placer/Sutter county line.
- In Sutter County, all but 100 acres of development authorized by the Natomas Basin HCP will be absorbed by the Sutter Point Specific Plan. The 7,528 acre Sutter Point Specific Plan Area lies within the 9,500-acre Sutter County Industrial-Commercial Reserve, as designated by the adopted Sutter County General Plan. As a condition of development, Sutter County would [CM] require that, upon Sutter Point's receipt of development entitlements for their project, the remaining land within the County's Industrial-Commercial Reserve will revert to 80-acre minimum parcel size agricultural zoning (Lisa Wilson, Sutter County 5-4-09). Lands outside the County's Industrial-Commercial Reserve are already zoned agriculture 80-acre minimum.

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