



Carmichael Creek Neighborhood Association, Inc.

Est. 1986

P.O. Box 1902

Carmichael, CA 95609-1902

www.carmichaelcreek.org

December 8, 2005

Sacramento County Environmental Coordinator
827 7th Street, Room 220
Sacramento, California 95814

Re: Notice of intent to file a negative declaration, Langley Estates Community Plan Amendment, Control Number 04-CZB-SDP-EXP-0407

The purpose of this letter is to express our opposition to the proposed negative declaration and to provide you with information not included in the Initial Study of the environmental impacts of this project. In our opinion, this controversial project requires an Environmental Impact Report.

The Carmichael Creek Neighborhood Association (CCNA) was formed in 1986 by a group of concerned neighbors to provide a community voice in development issues affecting Carmichael, California. Our primary concern was and is the preservation of open space and the rural residential character of this area. With the Carmichael Community Plan as our guide and after extensive house-to-house surveys, we persuaded the Sacramento County Board of Supervisors to establish the Carmichael Creek Neighborhood Preservation Area (NPA) in 1988. The NPA includes about 1000 residences. The county ordinance restricting development not consistent with the existing zoning designations is attached and is available from our web site www.carmichaelcreek.org.

Our concerns are that 1) the Project is not consistent with the County General Plan, Carmichael Community Plan, and Carmichael Community Action Plan, and 2) the Project would set a precedent for upzoning within the NPA, essentially nullifying the County's NPA ordinance. Therefore, an Environmental Impact Report that evaluates the environmental consequences of development at densities greater than existing zoning throughout the NPA should be prepared. Below we organize our comments under two headings from the Initial Study checklist.

Does the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to a general plan, specific plan or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The Initial Study states that the project is consistent with environmental policies of the Sacramento County General Plan, Carmichael Community Plan and the Sacramento County Zoning Code. We disagree with the findings of the Initial Study and would like to bring your attention to sections of these and other documents not considered in the Initial Study.

The Sacramento County General Plan urban growth management strategy goal is ‘Land use patterns that minimize the impacts of new and existing development while maintaining the quality, character, and identity of neighborhood and community areas’ (p. 57). The General Plan land use element states ‘The Plan allows the creation of Neighborhood Preservation Areas (NPAs) as tools individual neighborhoods can use to nurture their own identities.’ (p. 63). A specific policy of the Plan is ‘Support the efforts of individual neighborhoods to maintain their identities through strategies such a Neighborhood Preservation Areas (NPA’s) or neighborhood associations. Nothing in this plan is intended to supersede the objectives of these efforts’ (p. 63).

The identity of the Carmichael Creek NPA is the semi-rural environment we live in with its open space, natural habitats, large lots, and wildlife. Nothing in the County General Plan is intended to supersede the objective of the NPA. The Carmichael Creek Neighborhood Preservation Ordinance (Sacramento County Zoning Code, chapter 34, Article I, title V, 534-015c, copy attached and available at www.carmichaelcreek.org) states:

It is in the best interests of the residents described in exhibit “A” and the County of Sacramento that the semi-rural character of the existing neighborhoods be preserved, protected and maintained, by restricting development not consistent with existing zoning designations.

Therefore, upzones in the NPA, such as proposed by this project, are not consistent with the County General Plan or the County Zoning Code.

The goals of the Carmichael Community Plan include ‘maintain and enhance the distinctive character and identity of the Carmichael Community’ (p. 5) and ‘maintain and preserve the valuable natural and historical resources of Carmichael’ (p.7). The plan also states that ‘A major goal of the Plan is to provide for a distribution of residential uses and densities so as to preserve the desirable character of Carmichael’ (p. 29). Less than 5 % of Carmichael is zoned RD-1 (p. 30). One of the specific policies of the Plan is ‘retain those areas exemplifying the semi-rural character of Carmichael such as south and east of Fair Oaks Boulevard’ (p. 38). Semi-rural residential areas are specifically identified as a type of open space that requires preservation (p.55). Under the heading ‘Open Space for the Preservation of Natural Resources’ (p. 61), the Plan states

In Carmichael the most significant natural resource areas are the natural stream courses, rolling terrain and major tree groves. Unfortunately, most of these original, natural resources have either been channelized or piped, graded and filled, or cut down. It is most important to preserve what is left so that Carmichael does not become one monotonous, unidentifiable suburb of asphalt channels and buildings. Outside the obvious benefit of the aesthetically pleasing impact of such natural areas, the preservation of natural resources provides a necessary balance between man-made and natural elements in an urban area, which helps to prevent a deterioration of the quality of life.

The map on page 62 of the Plan identifies the reach of Carmichael Creek passing through the project area as a natural resource area.

Thus, preservation of open space and semi-rural residential areas is intended to achieve the goal of preserving natural resources in the Carmichael Community Plan. Increasing density in these areas beyond existing zoning, as proposed by this project, is not consistent with the Carmichael Community Plan.

During the past few years the Carmichael Community Action Plan (CCAP) has been developed by a collaborative effort of the County and residents of Carmichael. The CCAP will become an appendix to the Carmichael Community Plan. The actions contained in the CCAP will result in guidance for many different agencies and departments within the County when adopting new plans and implementing existing ones (p.2). A CCAP land use recommendation approved by the Board of Supervisors on June 1, 2004, is 'Projects within semi-rural neighborhoods should be built using the existing zoning of 1 or 2 homes per acre. Discourage rezones to preserve the semi-rural character and encourage retention of larger lot sizes and setbacks consistent with the neighborhood' (p. 4). Thus, the project is not consistent with the CCAP.

The Sacramento Area Council of Governments (SACOG) recently developed a Blueprint Preferred Scenario for future development of the Sacramento region. The Blueprint provides an environmentally sound plan for development of the region that assumes that the Carmichael Creek NPA will be developed at existing zoning (see attached Email from SACOG). Thus, upzones in the NPA and this project are not consistent with the SACOG Blueprint Preferred Scenario.

Does the project induce substantial unplanned population growth in an area either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of infrastructure)?

The Initial Study concludes that 'The project will not induce substantial unplanned population growth' and within the land use section states 'altering the designations and zoning on the subject property would only increase the sphere of this existing urban environment by an additional 3.129 acres.' The reasoning is that 'the project site is contiguous with existing properties that are designated and zoned for more urban, rather than rural, uses.' The reasoning and conclusion of the Initial Study would be more persuasive if supportive case studies, facts, or evidence were presented.

We believe that this project would set a precedent for upzoning within the NPA because there has never been an upzone in the Carmichael Creek NPA. Once a parcel is upzoned, it then becomes a high density parcel. High density development begins to encroach on the semi-rural open space. Parcels that were isolated from high density development become adjacent to it and eligible for upzoning according to the reasoning of the Initial Study. Encroachment continues and eventually semi-rural open space vanishes. This domino-like loss of open space is demonstrated in the following figure.

Existing zoning

First precedent-setting upzone

Subsequent upzones based on precedent

Final upzones based on precedent

Figure conceptually demonstrating how a precedent setting upzone of a low density parcel adjacent to a high density parcel would trigger a domino-like loss of semi-rural open space and unplanned population growth.

The desire to upzone in the NPA is not limited to this one parcel. Within the NPA, at least one RD-1 parcel has been purchased by a developer who has told neighbors that he intends to attempt to upzone the parcel. An owner of another RD-1 parcel has received unsolicited offers from a developer. We can provide you with details if requested. The fact that RD-1 parcels in the NPA are being purchased with the intent to upzone combined with a precedent for domino-like upzones such as presented in the Initial Study would cause additional unplanned population growth.

The environmental impact of this upzone would be that all RD-1 parcels in the Carmichael Creek NPA eventually would be eligible to be upzoned, effectively nullifying the NPA. To evaluate the environmental consequences of this project, DERA should consider the environmental consequences of converting the NPA from a semi-rural neighborhood into a high density residential development, not just the effect of developing one parcel. In addition, if the precedent extends to other NPAs in Carmichael and the County, the environmental consequences of higher density development in those NPAs should be considered. An Environmental Impact Report is needed to evaluate these consequences.

Finally, we have attached the September 15, 2004, minutes of the Carmichael Community Planning Advisory Council meeting at which several members of the public discussed environmental issues regarding traffic, major changes because of fill, alteration of Carmichael Creek, quality of life, flooding, and contaminated fill (also available at [http://www.saccounty.net/planning/meetings/cpacs/carmichael/archives/2004/09/20040915MIN SCAR.pdf](http://www.saccounty.net/planning/meetings/cpacs/carmichael/archives/2004/09/20040915MIN%20SCAR.pdf)) . The minutes lack the detailed evidence and testimony presented at that meeting which indicated that the existing and potential environmental effects of unpermitted fill, alteration of the thalweg of Carmichael Creek, flooding, and contaminated fill may exceed those presented in the Initial Study. Thus, this Initial Study would likely be contended at the Carmichael Community Council and Board of Supervisor hearings. We encourage you to write an Environmental Impact Report and to work with project neighbors who would be most affected to completely address their environmental concerns. We would be willing to organize a meeting of your staff and these project neighbors.

We oppose the proposed negative declaration and believe that this controversial project requires an Environmental Impact Report. If you would like copies of supporting documents we have not included or have any questions, please contact us. Our Email is ccna@carmichaelcreek.org.

Sandie Dunn
President

attachments:

Sacramento County, Carmichael Creek Neighborhood Preservation Ordinance
September 20, 2004, Email from SACOG regarding Preferred Scenario and NPA
Carmichael Community Planning Advisory Council minutes of September 15, 2004

cc:

Sacramento County Supervisor Susan Peters
Carmichael Colony Neighborhood Association
Kenneth Garfield Neighborhood Association