



Chief Deputy County Executive
Robert B. Leonard
Municipal Services

County Executive
Bradley J. Hudson

County of Sacramento

August 31, 2012

Mr. Dan Ray
Chief Deputy Executive Director
Delta Stewardship Council
980-9th Street, Suite 1500
Sacramento, CA 95814

RE: Clarification of Delta Legacy Communities in Sacramento County

Dear Mr. Ray:

Sacramento County is in receipt of the August 1, 2012 letter authored by the Delta Protection Commission's (DPC) Executive Director and addressed to the Delta Stewardship Council (DSC). I am still very concerned about the apparent misinterpretation of the legacy community maps which the County previously provided to both your office and the DPC, and we are additionally concerned with Delta Plan Policy RR P2 creating an inconsistent and conflicting standard 200-year flood protection.

County Water Resources and Planning Department staff prepared and provided these land use maps in the legacy community areas that merely delineate residential, commercial and industrial land use designations, adopted by the Board of Supervisors in its recent General Plan Update. As you know, in our latest written exchange with the DPC we also provided a Delta Community Plan exhibit adopted by the Board on March 10, 1983. Again, these maps should not be used by the DSC as definitive geographic representations (boundaries) of the legacy communities or "unincorporated towns" for the purpose of drafting the Delta Plan's land use (DP) and risk reduction (RR) policy exemptions, specifically DP P1 and RR P2. Please refer to the County's previous correspondence sent to both the DSC and the DPC, dated March 22, 2012 and July 31, 2012 (attached).

We would also like to express our concerns about the implementation language proposed for Delta Plan Policy RR P2, as described in Draft #6. The 200-year flood protection standard cited in RR P2 for residential development in non-urban area exceeds the existing policies that were enacted by SB 5 (2007) and the Central Valley Flood Protection Act of 2008; and established in Government Code Sections 65007, 65302.9, 65860.1, 65865.5, 65962, and 66474.5 and California Water Code 9600-9603. As indicated in the County's previous comments on the Delta Plan, existing law requires the national Federal Emergency Management Agency standard of flood protection (100-year) for development in non-urban areas. Note that "urban area" is defined as a developed area with 10,000 residents or more in Government Code section 65007(j). Water Resource Code Section 9602(h) further defines "urban area" by citing the existing definition in Public Resources Code Section 5096.805 (k) which states that an "urban area" is any contiguous area in which more than 10,000 residents are protected by project levees (this is also the definition referred to in Chapter, 7, Page 261 of the Delta Plan to define "urban area"). Moreover, an "urbanizing area" is defined as a developed area or an area

Delta Legacy Communities in Sacramento County

August 31, 2012

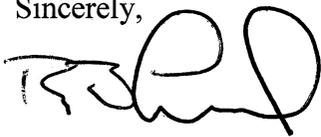
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outside a developed area that is planned or anticipated to have 10,000 residents or more within the next ten years (Government Code section 65007(k)).

None of the defined legacy communities in Sacramento County, nor the areas outside these communities to which Delta Plan Policy RR P2 would apply, are close to meeting this population-based threshold. As such, Delta Plan Policy RR P2 creates a conflicting standard by requiring a 200-year urban flood protection standard to areas that could not reasonably be considered urban or urbanizing under existing law. It pre-determines that any residential development consisting of five or more parcels should be automatically defined as "urban". By doing so, RR P2 attempts to use a flood protection standard to manage Delta resources without considering the larger context of how such development might reasonably and beneficially integrate with the surrounding non-urban, agricultural and legacy communities while still maintaining the co-equal goals. "Urban" is not a land use designation, thus the land use designation of any particular parcel should not be used to define that parcel as "urban" in the context of flood protection. Instead, land use activities should continue to be considered and managed through the oversight of the Delta Protection Commission and its Land Use Resource Management Plan; and the determination of urban and urbanizing areas should continue to be made in a manner consistent with existing law.

Sacramento County has consistently stated that the legacy community maps should not be considered definitive sources for developing and implementing key land use management and flood protection policies. As a result, they should not be included in the seventh draft of the Delta Plan, scheduled for release on September 5, 2012. Because of the wide reaching land use and water management impacts that could result from misinterpretation of the legacy community maps and the application of an inconsistent standard for flood protection, Sacramento County Water Resources Department and Planning Department staff would be happy to again meet with you and/or attend the next DSC hearing to further explain our position. If this is an option you would like to pursue, please contact Cindy Storelli, Principal Planner, (916) 874-5345 or Don Thomas, Senior Planner at (916) 874-5140.

Sincerely,



Robert B. Leonard
Chief Deputy County Executive
Municipal Services

RL:gs
Attachments

cc: DSC Membership
Supervisor Don Nottoli, District 5, Sacramento County
Michael Peterson, Director of the Department of Water Resources, Sacramento County
Lori Moss, Director of the Department of Community Development, Sacramento County
Leighann Moffitt, Interim Planning Manager, Sacramento County
Cindy Storelli, Principal Planner, Sacramento County
Don Thomas, Senior Planner, Sacramento County

Municipal Services Agency
Robert B. Leonard,
Administrator



Bradley J. Hudson,
County Executive

**Department of Water
Resources**
Michael L. Peterson, Director

**County of
Sacramento**

March 22, 2012

Dan Ray
Chief Deputy Executive Director
Delta Stewardship Council
980 9th Street, Suite 1500
Sacramento, CA 95814

Re: Delta Legacy Communities in Sacramento County: General Plan Land Use Designations

Dear Mr. Ray:

As you know, Sacramento County is home to seven of the eleven Delta legacy communities, as identified in the 2009 Sacramento-San Joaquin Delta Reform Act (Public Resources Code section 32301(f)). These communities include Freeport, Hood, Courtland, Locke, Walnut Grove, Ryde, and Isleton. The remaining four legacy communities are located in Contra Costa (Knightsen, Bethel Island), Solano (Rio Vista), and Yolo (Clarksburg) counties, respectively.

Delta Stewardship Council (DSC) staff has asked for assistance from the Sacramento County Department of Water Resources in an effort to establish boundaries for the legacy communities, for inclusion in the Delta Plan, in order to define areas pertaining to allowable and precluded activities described in the Plan.

Attached are maps showing land use designations within six of the seven legacy communities that lie within Sacramento County. The land use designations are taken from the current Sacramento County General Plan, adopted by the Board of Supervisors on November 9, 2011. The City of Isleton is not included, as the County does not have land use authority in that City. Likewise, information regarding the four legacy communities located outside of Sacramento County are not included.

It is important to note that the attached maps merely reflect adopted land use designations and should not be construed or interpreted as illustrating a finite boundary line for these communities. For example, existing land use patterns (designations) are subject to change (up to four times per year), as the County Board of Supervisors could approve a privately initiated General Plan amendment request to expand into areas currently designated as Agricultural Cropland. This

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Dan Ray

Re: Delta Legacy Communities in Sacramento County: General Plan Land Use Designations

March 22, 2012

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change would result in an amendment to the General Plan's land use diagram (map) and, of course, the legacy community maps we have prepared for the DSC. We have included the definitions of the land use designation (agricultural-residential, residential, commercial, and industrial, etc.) as described in the Land Use element of the County's General Plan. (See Attachment 1).

As the DSC reviews this information and considers how it may be utilized in relation to the Delta Plan, we must reiterate Sacramento County's concern, as expressed in our meeting, with the idea of defining a finite geographic boundary for any legacy community as a means to regulate activity in it. In understanding the overarching intent of the legacy community designation, it is clear that a community can extend and function beyond the concentrated footprint of structures that make up the core of the town. The community extends into and is inclusive of surrounding areas of agricultural and other uses that may be geographically outside of that footprint but which are nonetheless interdependent.

A proposal that strictly uses an artificially defined boundary to regulate activities in these communities will ultimately and unavoidably chisel away at the communities and weaken them over time. We strongly believe that a functionally based approach to regulating activity in the legacy communities, which considers not only the type of activity but how it relates to and supports the ongoing viability of the legacy community as a whole, will prove to be more fruitful in protecting and supporting the co-equal goals in the manner as specified in Water Code section 85054.

Legacy communities are so named to reflect their rich history and unique agricultural, social, recreational and cultural characteristics. The legacy of these communities comes as family homes, businesses, industries, farms, traditions, cultural values, and community identity have been passed down through multiple generations. It is not just a reflection of the past history, but it also indicates that this process continues today. While we do believe that the DSC intends to do good for the Delta, Sacramento County remains concerned that this aspect of the Delta simply is not being given due consideration. Unless the course of the Delta Plan development changes in this regard, and in light of the separate but parallel Bay Delta Conservation Plan (BDCP) and FEMA remapping processes, Sacramento County is concerned that the legacy communities may not remain viable in the future.

Should you have any questions about the information on the maps, please feel free to contact me or Don Thomas, Senior Planner, at (916) 874-5140.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael L. Peterson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael L. Peterson
Director

Dan Ray

Re: Delta Legacy Communities in Sacramento County: General Plan Land Use Designations

March 22, 2012

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MLP/DT:sa

Attachments

cc: Supervisor Don Nottoli, District 5
Robert B. Leonard, Chief Deputy County Executive
Leighann Moffitt, Interim Planning Manager

Attachment 1

SACRAMENTO COUNTY GENERAL PLAN LAND USE DESIGNATIONS

Agricultural-Residential (1-10 acres per du): The Agricultural-Residential designation provides for rural residential uses, such as animal husbandry, small-scale agriculture, and other limited agricultural activities. This designation is typical of established rural communities where between one and ten acres per unit is allowed, resulting in a development density of 2.5 to 0.25 persons per acre.

Low Density Residential (1-12 du/ac): This designation provides for areas of predominantly single family housing with some attached housing units. It allows urban densities between one and twelve dwelling units per acre, resulting in population densities ranging from approximately 2.5 to 30 persons per acre. Typical low density development includes detached single family homes, duplexes, triplexes, fourplexes, townhouses, lower density condominiums, cluster housing, and mobile home parks.

Medium Density Residential (13-30 du/ac): The Medium Density Residential designation provides for areas of attached units, including apartments and condominiums, along transit corridors and throughout the urban area. This designation establishes urban densities between thirteen and thirty dwelling units per acre, resulting in population densities ranging from approximately 32.5 to 73.5 persons per acre. Medium density development includes apartments, condominiums, and group housing. These uses are appropriate near commercial areas, transportation and transit corridors, and employment centers.

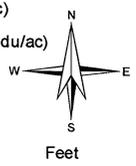
Commercial and Offices: The Commercial and Office designation provides for a full range of neighborhood, community and regional shopping centers and a variety of business and professional offices. Uses include locally-oriented retail, professional offices, and regional commercial operations. The location and size of commercial areas is based upon accessibility, historic development patterns, community and neighborhood needs, and minimization of land use conflicts. Ideally, commercial areas are designed to integrate with the community, including the provision for pedestrian amenities. The standard for commercial Floor Area Ratios is between 0.25 and 2.5.

Industrial Intensive: This land use designation allows for manufacturing and related activities including research, processing, warehousing, and supporting commercial uses, the intensive nature of which require urban services. Industrial Intensive areas are located within the urban portion of the county and receive an urban level of public infrastructure and services. Floor Area Ratios range from 0.15 to 0.80.

Industrial Extensive: This land use designation allows activities that require large areas of land and do not require urban levels of services. Extensive Industrial areas are not located within the urban portion of the county and do not need urban services. An urban level of public infrastructure and service will not be extended during the planning period. Floor Area Ratios range from 0.15 to 0.40.

Courtland - Legacy C The Sacramento-San J

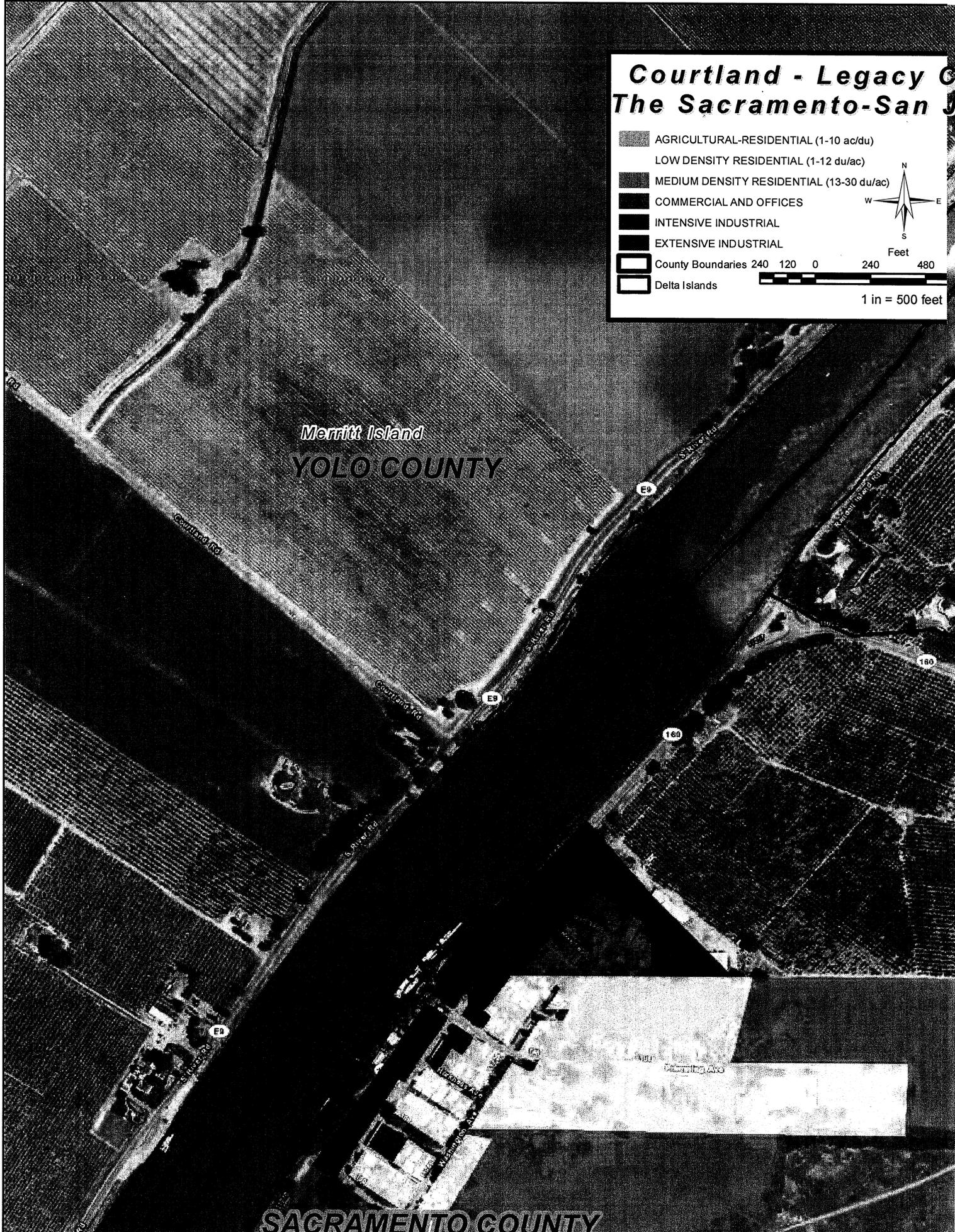
	AGRICULTURAL-RESIDENTIAL (1-10 ac/du)
	LOW DENSITY RESIDENTIAL (1-12 du/ac)
	MEDIUM DENSITY RESIDENTIAL (13-30 du/ac)
	COMMERCIAL AND OFFICES
	INTENSIVE INDUSTRIAL
	EXTENSIVE INDUSTRIAL
	County Boundaries 240 120 0 240 480
	Delta Islands



Feet
240 120 0 240 480
1 in = 500 feet

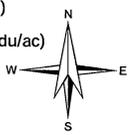
Merritt Island
YOLO COUNTY

SACRAMENTO COUNTY



Freeport - Legacy C The Sacramento-San J

	AGRICULTURAL-RESIDENTIAL (1-10 ac/du)
	LOW DENSITY RESIDENTIAL (1-12 du/ac)
	MEDIUM DENSITY RESIDENTIAL (13-30 du/ac)
	COMMERCIAL AND OFFICES
	INTENSIVE INDUSTRIAL
	EXTENSIVE INDUSTRIAL
	County Boundaries 140 70 0 140 280
	Delta Islands



Feet
140 70 0 140 280

1 in = 300 feet

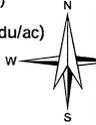


YOLO COUNTY

SACRAMENTO COUNTY

Hood - Legacy C The Sacramento-San

	AGRICULTURAL-RESIDENTIAL (1-10 ac/du)
	LOW DENSITY RESIDENTIAL (1-12 du/ac)
	MEDIUM DENSITY RESIDENTIAL (13-30 du/ac)
	COMMERCIAL AND OFFICES
	INTENSIVE INDUSTRIAL
	EXTENSIVE INDUSTRIAL
	County Boundaries 160 80 0 160 320
	Delta Islands



Feet



1 in = 350

