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May 19, 2017

MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA, 94105
eircomments@mtc.ca.gov

Dear MTC Public Information Officer:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for Plan Bay Area 2040. The Alameda Local Agency Formation Commission (LAFCo), Contra Costa LAFCo, and Marin LAFCo submitted comments in response to the Notice of Preparation circulated by the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) in June 2016 (see attached letters).

LAFCOs are independent agencies with discretion to approve or disapprove changes of organization and reorganization of cities and special districts. LAFCOs consider a variety of factors when evaluating a matter or project for approval, including potential impacts on agricultural land and open space, and on the provision of public services.

LAFCOs determine spheres of influence (SOIs) which are plans for the probable physical boundaries and service areas for cities and special districts. SOI plans include determinations on present and planned land uses; present and probable need for public facilities and services; present capacity and adequacy of public services and facilities; the existence of relevant social and economic communities of interest, and the present and probable public facility and services needs of any identified disadvantaged unincorporated communities. In light of this, Alameda, Contra Costa, Marin, and San Mateo LAFCOs offer the following comments pertaining to these environmental topics in the Draft EIR for Plan Bay Area 2040.

Plan Bay Area 2040 Goals

The proposed Plan Bay Area 2040 outlines seven goals. Among the goals are adequate housing, and open space and agricultural preservation. Regarding the goal of adequate housing, the draft EIR should include an analysis of whether adequate municipal services exist now as well as whether such services will be available in the future to support the proposed housing and transportation plans. Examples of municipal services that should be reviewed include water, sewer, police, fire, schools, etc.

Agricultural Lands and Open Space

We appreciate the inclusion of a table showing the number of farmland and open space acres potentially affected within Transit Priority Areas (TPAs). However, this table does not illustrate where these potential land use conflicts would occur. We therefore request that the EIR be updated to include a figure which overlays the farmland and open space areas with the TPAs, Priority Development Areas (PDAs), and potential future transportation projects.

As noted in the Regulatory Setting discussion on page 2.3-30, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Gov't. Code §56000 et. seq., hereinafter the "CKH Act") assigns LAFCOs a prominent role in regional planning issues by charging each LAFCo to consider a wide range of factors when it acts on matters under its jurisdiction such as setting SOIs, annexations, incorporations and other matters. Preserving agricultural and open space lands is a high priority for LAFCOs. Pursuant to §56001 of the CKH Act, LAFCOs have broad statutory responsibility to consider planned, orderly, efficient patterns of urban development that may assist in preserving agricultural and open space lands and achieving a share of the region's housing needs. For

these reasons, it is important to consider SOIs of both cities and special districts when analyzing the impact of implementing the proposed Plan. Additionally, several LAFCos in the Bay Area, including Contra Costa, Santa Clara, and Sonoma, have adopted agricultural and open space preservation policies. We would encourage MTC and ABAG to enhance its discussion in the EIR regarding the Priority Conservation Areas (PCAs) and include more specific measures for assessing the impacts of development on agricultural and open space lands.

CKH Act §56016 defines agricultural land as “land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program.” Additionally, §56064 defines Prime agricultural land as:

“an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

- (a) Land that qualifies, if irrigated, for rating as class I or class II in the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.*
- (b) Land that qualifies for rating 80 through 100 Storie Index Rating.*
- (c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the USDA in the National Range and Pasture Handbook, Revision 1, December 2003.*
- (d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.*
- (e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.”*

We recognize that the CKH Act definition of prime agricultural land is different from the significance criteria used in the California Environmental Quality Act (CEQA) regarding impacts to agricultural lands. In regards to agricultural lands and open space, we see an opportunity to improve the public discussion of Plan Bay Area 2040 and its EIR if the EIR were to integrate the two different sets of criteria related to potential impacts in the document, setting a model for local jurisdictions to likewise consider impacts under both criteria, especially when a project requires subsequent action by a LAFCo.

We, therefore, request that the Draft EIR include a reference to the CKH Act, include the definition of prime agricultural land per the CKH Act, and evaluate potential impacts of Plan Bay Area 2040 on agricultural lands pursuant to the definitions in CKH Act. Local land use projects whose CEQA documents seek to tier from the Plan Bay Area EIR without an evaluation of potential impacts to agricultural lands using the CKH definitions may find their CEQA document inadequate.

Public Utilities, Public Services and Recreation

The Draft EIR does not provide an update to the 2013 Plan Bay Area EIR Table 2.12-5, which depicts the flow and capacity of wastewater treatment facilities. The analysis of wastewater capacity references the previous estimates included in the table, but does not update data to reflect current capacities. LAFCos throughout California are required to periodically conduct Municipal Service Reviews (MSRs) for cities and special districts within their jurisdiction. Wastewater collection and treatment infrastructure are among the services included in MSRs. We request that the Plan Bay Area 2040 EIR be revised to include updated wastewater capacity

May 19, 2017

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information where available. If not already done, we encourage the EIR preparers to contact the Bay Area Clean Water Agencies for an opportunity to provide comment.

The Plan Bay Area should recognize special districts as critical service providers in addition to counties and cities. In many counties, including all counties in the Bay Area, sewer, water, fire, and parks and recreation services, among others, are provided by special districts. We strongly encourage the EIR preparers to reach out to special districts to provide opportunities to comment on the proposed Plan.

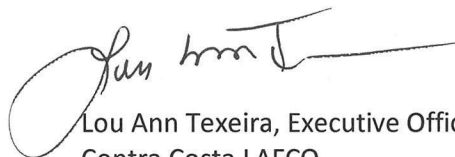
In general, we encourage the EIR preparers to avail themselves of the rich data source provided by LAFCo MSRs as a way of presenting to the public an assessment of the degree to which necessary public services are available or would likely become available, in support of the anticipated growth embodied in Plan Bay Area 2040.

Thank you for your consideration of our comments.

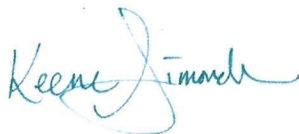
Sincerely,



Mona Palacios, Executive Officer
Alameda LAFCo
mona.palacios@acgov.org



Lou Ann Texeira, Executive Officer
Contra Costa LAFCO
LouAnn.Teixeira@lafco.cccounty.us



Keene Simonds, Executive Officer
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Martha Poyatos, Executive Officer
San Mateo LAFCo
mpoyatos@smcgov.org

Attachments

LAFCO

ALAMEDA LOCAL AGENCY FORMATION COMMISSION
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Mona Palacios

June 10, 2016

MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA, 94105

Sent via email to circumments@mtc.ca.gov

Dear MTC Public Information Officer:

Thank you for including the Alameda Local Agency Formation Commission (Alameda LAFCo) in the distribution of the Notice of Preparation (NOP), informing us that an Environmental Impact Report (EIR) is being prepared for the update to the regional planning document, *Plan Bay Area 2040*.

LAFCos are independent agencies with discretion to approve or disapprove, with or without amendment, wholly, partially or conditionally, changes of organization or reorganization of cities or special districts. LAFCos are required to consider a variety of factors when evaluating a matter or project that comes before it for approval, including, but not limited to the proposed project's potential impacts on agricultural land and open space and the provision of public services, including the timely and available supply of water, adequate and proximate affordable housing, and other factors.

Many of the matters that require action by LAFCo are considered "projects" under CEQA, and therefore, as a Responsible Agency, LAFCo, or applicants seeking approval from LAFCo for some form of boundary change, may need to rely on or tier from the *Plan Bay Area 2040 EIR* to facilitate the environmental review and documentation process of the proposed project.

The NOP states that "adoption and implementation of the Plan has the potential to result in environmental effects in all of the environmental impact areas identified in CEQA." The two environmental topics of greatest interest and relevance to the decisions with which LAFCos are confronted are impacts on agricultural lands and open space, and issues related to the adequacy and efficiency of public services.

In light of this, we would request that as the potential impacts of the Plan are identified and evaluated in the EIR, particularly with reference to proposed Priority Development Areas (PDAs), the EIR should give particular attention to impacts involving the loss of agricultural land and to the availability and capacity of public services. With regard to agricultural land issues, the EIR should address the impacts to the PDA site as well as surrounding areas and should include a productivity analysis.

With regard to the public services needed to support each proposed PDA, the EIR should evaluate the level and availability of the following:

- Domestic potable water resources to support the potential future growth in the PDAs;
- Wastewater collection and treatment infrastructure;
- Flood control and stormwater management systems;
- Fire protection services and ability to expand to meet the needs of growth within a PDA;
- Police and other law enforcement services;
- Emergency medical, healthcare, vector control and mosquito abatement services;
- Local transportation, road maintenance and street lighting systems;
- Open space and parks and recreation facilities and services;
- Solid waste collection and disposal systems;
- Electricity and other sources of energy;
- Animal control;
- Library services, and
- Broadband and related internet services.

Sources of information that would likely facilitate the requested evaluation of public services should include data from the most recent Municipal Service Reviews (MSRs) that are prepared periodically by the LAFCo in each of the Bay Area Counties in which PDAs are proposed. We encourage the EIR preparers to avail themselves of this rich data source as a way of presenting to the public an assessment of the degree to which necessary public services are available, or would likely become available, in support of the anticipated growth embodied in the *Plan Bay Area 2040* and specifically within the PDAs. Further, from the consideration of impacts to public services on PDAs distributed throughout the Bay Area, it is hoped that a picture would emerge indicating to the public a sort of 'report card' or overall assessment of where the Bay Area can feasibly rise to the new level of needs of public services and where the Bay Area, as a whole, is seen as deficient or lacking, or facing potentially serious constraints. We think the EIR for the Plan Bay Area 2040 presents an ideal opportunity to heighten the public's awareness of potential impacts in these critical topic areas.

Thank you for considering our comments.

Sincerely,



Mona Palacios
Executive Officer

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cc: Each Commissioner, Alameda LAFCo
Each Executive Officer, Bay Area LAFCOs (Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma)
Andrew Massey, Alameda LAFCo Legal Counsel
Nat Taylor, Alameda LAFCo Planning Consultant



Lou Ann Teixeira
Executive Officer

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Special District Member

June 15, 2016

MTC Public Information
375 Beale Street, Suite 800
San Francisco, CA, 94105

Sent via email to eircomments@mtc.ca.gov

Dear MTC:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) relating to an Environmental Impact Report (EIR) being prepared for the update to the regional planning document, *Plan Bay Area 2040*.

We would like to echo the comments submitted by Alameda LAFCO regarding LAFCO's mission, role and responsibilities. LAFCO is charged with balancing the competing interests of preserving agricultural and open space lands, while encouraging orderly growth and development and the efficient extension of public services. As noted by Alameda LAFCO, we request that the EIR consider impacts to agricultural and open space lands, as well as the availability and capacity of public services.

With regard to agricultural and open space land issues, the EIR should address potential impacts to the Priority Conservation Area (PCA) sites as well as surrounding areas.

With regard to the public services needed to support each proposed Priority Development Area (PDA), the EIR should evaluate the level and availability of those services identified in the Alameda LAFCO letter.

You may recall that in 2010, the nine Bay Area LAFCO Executive Officers met with staff from ABAG, BAAQMD, BCDC and MTC to discuss development of the inaugural *Plan Bay Area*.

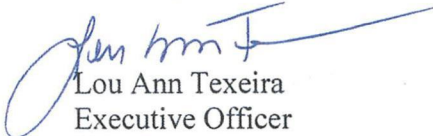
As discussed in 2010, the *Plan Bay Area* documents should take into consideration the LAFCO established spheres of influence (SOIs) for each city and special district, as the SOIs establish the areas designated as probable physical boundaries and future service areas. Further, the *Plan Bay Area* documents should recognize special districts as critical service providers. In many counties, including Contra Costa County, most infrastructure services (i.e., fire, sewer, water) are provided by special districts. *Plan Bay Area 2040* would be incomplete if it fails to consider SOIs, as well as the role of special districts as critical service providers.

As noted by Alameda LAFCO, Municipal Service Reviews (MSRs), as prepared by LAFCOs, contain a wealth of information regarding municipal services. The MSRs evaluate growth and population projections; present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies; financial ability of agencies to provide services; status of, and opportunities for, shared facilities; accountability for community service needs, including governmental structure and operational efficiencies; location and characteristics of disadvantaged unincorporated communities; and any other matters related to effective or efficient service.

We agree with Alameda LAFCO that the EIR for *Plan Bay Area 2040* presents a valuable opportunity to heighten the public's awareness of these critical issues.

Thank you for your consideration of these comments, and please include Contra Costa LAFCO on your future mailing list.

Sincerely,



Lou Ann Texeira
Executive Officer

cc: Each Commissioner, Contra Costa LAFCO
Each Executive Officer, Bay Area LAFCOs (Alameda, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma)



Marin Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

June 21, 2016

Delivered by Email

Metropolitan Transportation Commission (MTC)
Public Information Office
375 Beale Street, Suite 800
San Francisco, California 94105
eircomments@mtc.ca.gov

**SUBJECT: Comments on Notice of Preparation |
Draft Environmental Impact Report for MTC's Plan Bay Area 2040**

Public Information Office:

The Marin Local Agency Formation Commission (LAFCO) is aware of MTC's recent circulation of a notice of preparation of a draft environmental impact report (EIR) for Plan Bay Area 2040. Marin LAFCO did not receive the notice directly, and therefore we respectfully request MTC accept our late submittal beyond the prescribed June 15th deadline given our potential and/or probable role as a responsible agency in directly facilitating implementation aspects of Plan Bay Area 2040. Implementation examples include Marin LAFCO amending and updating spheres of influence, approving change of organizations or reorganizations, and authorizing outside municipal service services.

With the preceding comments in mind, Marin LAFCO offers the following comments to MTC as it develops and sets the content and analysis in the Draft EIR.

1. State law directs MTC to coordinate with LAFCOs in preparing Plan Bay Area 2040 as a sustainable communities strategy and specifically consider the spheres of influence that have been adopted by LAFCOs (Section 65080(b)(2)(F)). To this end, please note there are 65 local agencies in Marin County divided between 11 cities and 54 special districts that are each assigned a sphere of influence by Marin LAFCO. Additional comments herein follow.
 - a) A listing of all 65 local agencies under Marin LAFCO's jurisdiction is attached.
 - b) A digital viewing of Marin LAFCO's spheres of influence for the 65 local agencies are available online through MarinMap at www.marinmap.org.
 - c) Pertinent information concerning the availability, need, and performance of public services tied to the 65 local governmental agencies are regularly updated by Marin LAFCO as part of our municipal service review program. These studies are available online at www.marinlafco.org.

Administrative Office

Keene Simonds, Executive Officer
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T: 415-448-5877 E: staff@marinlafco.org
www.marinlafco.org

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County of Marin

Damon Connolly, Regular
County of Marin

Kate Sears, Alternate
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Carla Condon, Vice Chair
Town of Corte Madera

Gary Phillips, Regular
City of San Rafael

Sashi McEntee, Alternate
City of Mill Valley

Jack Baker, Regular
North Marin Water District

Craig K. Murray, Regular
Las Gallinas Valley Sanitary

Lew Kiou, Alternate
Almonte Sanitary

Jeffrey Blanchfield, Chair
Public Member

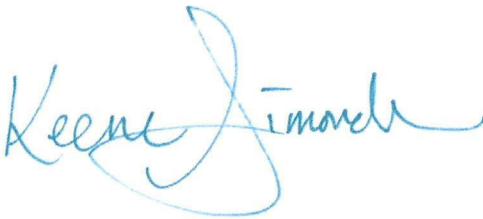
Chris Burdick, Alternate
Public Member

2. In step with streamlining the collection and analysis of information required of MTC in preparing the Draft EIR under Section 65080(b)(2)(F) it would seem reasonable to conduct one or more staff workshops between MTC and the nine Bay Area LAFCOs. This platform, notably, would help MTC and LAFCOs enhance their shared interests and duties – albeit divided between distinct functions – in regional growth management in the Bay Area.

Thank you for the opportunity to comment on the preparation of the Draft EIR and its role in informing decision-makers on potential impacts tied to MTC's statutory task to integrate land use and transportation in the Bay Area. As reflected in the above comments Marin LAFCO's principal interest is to help ensure the document effectively considers the impacts generated in the referenced integration with respect to local municipal service providers on a programmatic level.

Should you have any questions or related follow up please contact me at your convenience by telephone at 415-448-5877 or by email at ksimonds@marinlafco.org.

Sincerely,



Keene Simonds
Executive Officer

Attachments:

- 1) List of Local Agencies Under Marin LAFCO

cc: Marin LAFCO Commissioners
Bay Area LAFCO Executive Officers

ATTACHMENT TO LETTER

AGENCIES SUBJECT TO MARIN LAFCO JURISDICTION

Marin LAFCO has explicit jurisdiction over 65 local governmental agencies in Marin County. These agencies include all 11 cities/towns, 30 independent special districts (i.e., directly elected board members), and 24 dependent special districts (appointed board members from other governmental agencies). A current listing of agencies subject to Marin LAFCO follows.

A. Cities and Towns:

- Belvedere
- Corte Madera
- Fairfax
- Larkspur
- Mill Valley
- Novato
- Ross
- Sausalito
- San Rafael
- San Anselmo
- Tiburon

B. Independent Special Districts (Directly Elected Governing Boards)

- Almonte Sanitary District
- Alto Sanitary District
- Bel Marin Key Community Services District
- Bolinas Fire Protection District
- Bolinas Community Public Utility District
- Homestead Valley Sanitary District
- Inverness Public Utility District
- Kentfield Fire Protection District
- Las Gallinas Valley Sanitary District
- Marin City Community Services District
- Marin County Resource Conservation District
- Marin Healthcare District
- Marin Municipal Water District
- Marinwood Community Services District
- Muir Beach Community Services District
- North Marin Water District
- Novato Fire Protection District

- Novato Sanitary District
- Richardson Bay Sanitary District
- Ross Valley Sanitary District (County Sanitary District 1)
- Sausalito-Marín City Sanitary District
- Sleepy Hollow Fire Protection District
- Southern Marin Fire Protection District
- Stinson Beach Fire Protection District
- Stinson Beach Water District
- Strawberry Recreation District
- Tamalpais Community Services District
- Tiburon Fire Protection District
- Tiburon County Sanitary District (County Sanitary District 5)
- Tomales Village Community Services District

C. Dependent Special Districts
(Appointed Governing Boards)

- County Service Area 1 (Loma Verde)
- County Service Area 6 (Gallinas Creek)
- County Service Area 9 (Northbridge)
- County Service Area 13 (Upper Lucas Valley)
- County Service Area 14 (Homestead Valley)
- County Service Area 16 (Greenbrae)
- County Service Area 17 (Kentfield/Larkspur)
- County Service Area 18 (Las Gallinas)
- County Service Area 19 (Country Club)
- County Service Area 20 (Indian Valley, Country Club, and Domingo Canyon)
- County Service Area 23 (Terra Linda)
- County Service Area 25 (San Marin)
- County Service Area 27 (Ross Valley)
- County Service Area 28 (West Marin)
- County Service Area 29 (Paradise Cay)
- County Service Area 31 (Unincorporated Area)
- County Service Area 33 (Stinson Beach)
- Marin/Sonoma Mosquito and Vector Control District
- Marin County Parks Open Space District
- San Rafael Sanitation District
- Corte Madera Sanitary District No. 2
- Murray Park Sewer Maintenance District
- San Quentin Village Sewer Maintenance District
- Marin County Flood Control and Water Conservation District