

Teichert sues Folsom to protect quarry project

Loretta Kalb, Sacramento Bee, 8-24-11

In a bid to preserve its ability to transport hard-rock material through a future development area, Teichert Inc. has sued the city of Folsom over its proposed expansion south of Highway 50.

The suit filed last month in Sacramento Superior Court is sharply critical of a draft environmental impact report on the city's growth plans. It describes the document as "fundamentally and basically inadequate."

According to a statement by Teichert and interviews with the expansion plan's stakeholders, it's clear the company wants to strengthen its negotiating hand. That is, Teichert will keep its lawsuit alive until the parties agree to terms on the company's access to Highway 50 from its quarry.

"Teichert remains concerned that truck access to Highway 50 from its recently approved Teichert quarry not be jeopardized" by the development proposal, Teichert Inc. said in a statement to The Bee.

The statement from Teichert Senior Vice President Dana Davis says Teichert has spent millions and invested years in its effort to acquire quarry properties and approve them for operation.

The statement says Davis "believes the litigation must remain in play" until a solution is devised that "assures Teichert has adequate access through the proposed annexation area."

Folsom officials say Teichert's access to Highway 50 will not be in jeopardy.

"The city appreciates the value of the quarries to the region," Assistant City Manager Evert Palmer said. But, he added, the city also wants to ensure that future residents' quality of life is not affected by truck traffic once development occurs.

The Teichert suit, filed July 28, underscores an ongoing effort to balance the needs of delivering aggregate to a housing market that someday will need a reliable supply of building materials against the needs of a future urbanized area to be free of heavy truck traffic.

The Folsom City Council voted in June to seek approval from the Sacramento Local Agency Formation Commission to annex 3,500 acres south of Highway 50. The project calls for more than 10,000 homes, a 30 percent set-aside for open space and 9 percent for parks and schools.

Teichert received approval from the county last fall to operate its quarry, the county's first hard-rock mining project, on a 380-acre stretch of land south of White Rock Road and east of Scott Road.

The plan is to supply aggregate materials to the region over the next 25 years.

The city of Rancho Cordova sued Teichert soon after the county's approval. That suit challenged the adequacy of its environmental impact report.

Rancho Cordova's suit was viewed by some as a bid to preserve the city's sway over transportation routes and the allocation of road funding.

The Teichert quarry, over time, won't be the area's only supplier of aggregate to the region.

Two other quarries in the eastern part of Sacramento County, south of Teichert's, are expected to seek county approvals in the years ahead.

Funding for a proposed truck-only roadway also could play a role in settling the Teichert matter.

On the table is a dedicated road that, according to county estimates, could cost \$26 million to take truck-only traffic along Prairie City Road to Highway 50.

Teichert would bear part of that cost by paying a 12-cent-a-ton fee.

Robert Holderness, Sacramento attorney representing landowner-developers in the annexation area, said the terms being negotiated won't put the entire road-building burden on the company.

He added that until traffic volumes in the development area require the dedicated roadway, Teichert trucks would be free to travel through the area.

Stakeholders say they are nearing agreement.

"Things are moving along," said Dean Blank, principal civil engineer with the Sacramento County Department of Transportation, who is heavily involved in the transportation plan.

"There has been a lot of dialogue over the last few years and positive collaboration," Blank said. "Nothing has been final. But I feel like the parties have made great strides."