Program.

E-18 The comment suggests the proposed project is "out of date" as circumstances have changed since the date of the initial proposal. The comment also states that alternatives to construction have not been explored.

As stated on page 3-6 of the Draft EIR, one of the project objectives is to provide concrete for construction projects in the general Auburn area. As construction is occurring and expected to continue in the area, circumstances in the project area support this objective, and the project is not considered "out of date" with respect to the environmental impact analysis.

Three alternatives to the proposed project are evaluated in CHAPTER 8 CEQA DISCUSSIONS. Two of the alternatives consider scenarios that preclude construction of a concrete batch plant. Alternative A, No Project/No Build, assumes that the project site would remain undeveloped and that no other development would be pursued on the project site. Alternative B, No Project/Other Development, assumes that the proposed project would not be constructed on the five-acre project site, but that another project (a mini-storage facility) would be implemented on the site instead. A mini-storage facility is an allowed use under the land use and zoning designations for the project site, as is the proposed project. Lastly, Alternative C, Reduced Scale Alternative, assumes a reduced scale for the proposed project. These alternatives were selected for analysis based on the requirements of CEQA Guidelines §15126.6 to evaluate a "reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation."

E-19 The comment states that the proposed project would be located in a scenic corridor and the construction of a 57-foot tower would exceed zoning limitations by 26 percent.

The Initial Study determined all impacts to aesthetics are expected to remain less than significant, thus no further analysis of these impacts is needed in the EIR. Although the proposed tower would exceed the maximum height allowed by the Zoning Ordinance, the analysis in the Initial Study determined that the impact to visual resources in the project vicinity would be less than significant.

As discussed on pages 1-6 and 1-7 in Chapter 1 Introduction, the Initial Study specifically addressed the tower and determined that it would be visible from portions of Ophir Road and from surrounding properties. The tower would be setback from Ophir Road by approximately 120 feet, which would reduce, but not eliminate, the visibility of this feature. The tower would also be visible from I-80 (both eastbound and westbound) but would be partially obscured by existing trees in the freeway right-of-way. Furthermore, the project site is located in an industrial/heavy commercial area, where other structures and equipment are visible from both I-80 and Ophir Road. The addition of the plant tower to this viewshed is considered a less than significant impact because it would not substantially change the character of the area.

E-20 The comment states the Draft EIR fails to address the characteristics of the historic highway that would serve the project and fails to address and provide mitigation measures for potential degradation of the road surface.

As noted in the Cultural Resources section of the Initial Study, the Placer County Department of Museums determined that the proposed project is not expected to damage Ophir Road because Ophir Road was constructed to support heavy truck traffic. It currently supports heavy truck traffic associated with the existing heavy commercial and light industrial land uses in the vicinity.

E-21 The comment states that the *Ophir General Plan* establishes a goal of protecting the rural character of the community, and that this goal is met through implementation of design controls for industrial development visible from major roads, including I-80. The comment states that the EIR should address aesthetic considerations in greater detail.

As discussed on pages 1-6 and 1-7 in CHAPTER 1 INTRODUCTION, potential aesthetic impacts of the proposed project were evaluated in the Initial Study. The analysis acknowledged that the project site is visible from several residences in the area as well as from I-80 and Ophir Road, which is an historic highway and highly traveled corridor between Ophir and Auburn. The Initial Study also stated that the project site is located in proximity to existing light industrial and heavy commercial land uses. Structures and equipment associated with these existing activities are visible from both Ophir Road and I-80. The Initial Study recognizes that the project would be subject to the Design Review process, which would include review of building design and configuration, landscaping plans, and lighting plans.

The Initial Study analysis of potential aesthetic impacts concluded that the top 20 feet of the batch plant tower would be visible from I-80 and residences to the south, but that this feature would be somewhat obscured by existing trees along the edge of the highway. Other structures would be lower in elevation than I-80, which would limit their visibility from the south. The addition of the bath plant and tower to this viewshed is considered a less than significant impact because it would not substantially change the character of the area.

Considering views of the project site from Ophir Road, the Initial Study concludes that the setback of structures from Ophir Road, provision of a 30-foot wide landscaped buffer along the road, and completion of the Design Review process will ensure that the project's aesthetic impact would remain less than significant. In addition to the proposed landscaping, the project would preserve an existing cluster of vegetation (including oak and willow trees) located in the northwest corner of the site. As stated above, the project site is located in proximity to existing light industrial and heavy commercial land uses. The proposed facility is similar in nature to existing businesses immediately west of the project site. area,. The addition of the batch plant to this viewshed is considered a less than significant impact because it would not represent a significant change from existing conditions. As stated on page 1-7, because the Initial Study found that impacts to aesthetics are expected to remain

less than significant, no further analysis of these impacts is necessary in the EIR.

E-22 The comment states the Draft EIR does not address the potential impact of any hazardous chemicals or substances used during concrete batch plant operation on surrounding air and water quality, residents, animals, and agricultural crops.

If the project is approved and constructed, the operators of the batch plant would be required to submit a Hazardous Materials Business Plan to Placer County EHS. This plan is required to address standard handling and storage practices to minimize the risk of releases of hazardous materials. With approval of the Hazardous Materials Business Plan by EHS and proper implementation of that plan during operation of the proposed project, it is expected that hazardous materials used in concrete production would not be released into the environment and would not have a significant negative impact on air and water quality, residents, animals, and crops.

Emissions from operation of the batch plant would also be subject to additional conditions applied to the project through the Air Pollution Control District permitting process. The project would be required to obtain a Permit to Construct prior to construction of the batch plant, and an Authority to Operate permit prior to commencing operation of the batch plant. Conditions of these permits would further ensure that the project would not adversely affect public health due to hazardous air pollutant emissions.

In addition, Impact 6.5 of CHAPTER 6 HYDROLOGY AND WATER QUALITY provides a detailed analysis of the potential for hazardous materials and general pollutants to affect water quality. *Mitigation Measures 6.5a* through 6.5d require that Best Management Practices and a Stormwater Pollution Prevention Plan be implemented during construction and operation of the proposed batch plant to minimize the potential release of hazardous materials into the surface water and groundwater in the project vicinity.

E-23 The comment states the *Ophir General Plan* includes a policy of insuring that adequate public services will be available for proposed developments prior to granting approval. The comment asserts that adequate public services are not available for this project and thus the project will result in environmental impacts which cannot be mitigated.

As discussed in Response to Comment E-5, public water and sewage collection services are not currently available at the project site, but mitigation measures in the EIR require the project to connect to these services when they are available. Analysis in the EIR demonstrates that the project's potentially significant impacts related to the use of the onsite well and septic system would be mitigated to less than significant levels. As discussed in Response to Comment E-5, no significant and unavoidable environmental impacts would result from the proposed reliance on well water and an onsite septic system. Based on the determination that no significant and unavoidable environmental impacts would occur, the proposed infrastructure is considered adequate in the context of the environmental impact analysis. While the EIR concludes that the proposed project is considered generally consistent with the *Placer*

County General Plan and Ophir General Plan, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies.

E-24 The comment refers to a June 2004 memo from the Placer County EHS regarding the proposed project. That memo, which is provided in this Final EIR as an attachment to Comment Letter F, stated that the EIR should indicate when public services will be available to the project site, whether any efforts to obtain public services had been undertaken, whether the project applicant would contribute in any such efforts, and whether the project would commit to connecting to public services when they are available.

As discussed in Response to Comment E-13, EIR indicates that it is unknown when PCWA water will be available at the project site and that there are no current plans to extend sewage collection and treatment services to the project site. Planning for and funding these utility extensions are beyond the control of the project applicant, neighboring land owners, and Placer County.

There is no known joint effort to pursue extension of services to the project site. Such an effort would be outside the control of the land owners. Because such an effort would be outside the control of the land owners, the EIR does not discuss whether the project applicant would or should be required to participate in any such effort.

The mitigation measures included in the EIR require that the project applicant connect to public water and sewer when it is available.

E-25 The comment states the EIR must address impacts related to airborne particles released during truck trips. The comment asserts that 66 to 70 truck trips would occur along Ophir Road.

As discussed in Response to Comment E-17, the Initial Study found that air pollutant emissions from the project would be less than the APCD thresholds. This includes emissions of particulate matter from onsite operations as well as transport of raw materials and concrete. Because these emissions would be less than the APCD thresholds, the impacts would be less than significant and no further analysis is needed in the EIR. The findings of the Initial Study with respect to air quality are summarized on pages 1-3 and 1-4 of the Draft EIR, while the Initial Study is provided in Appendix A of the Draft EIR.

E-26 The comment states the Draft EIR fails to include mitigation measures regarding any potential health impact from groundwater contamination resulting from batch plant operation. The comment also states that the mitigation measures in the EIR, specifically for Impact 6.3, do not address the potential for operation of the batch plant to contaminate groundwater.

As discussed in Response to Comment E-2 and summarized below, the analysis in Impact 6.6 demonstrates that the proposed project is not expected to result in groundwater contamination. Because the project is expected to have less than

significant impacts on groundwater quality, there is no need to include mitigation measures addressing potential groundwater contamination or health effects that could be associated with groundwater contamination. Such measures would violate constitutional law, as expressed in CEQA Guidelines §15126.4(4)(B), which states that mitigation measures must be roughly proportional to the impacts of the proposed project.

The soils underlying the project site do not allow substantial percolation. Groundwater recharge in the vicinity primarily occurs through major drainageways (i.e., surface water). The proposed project would use two concrete lined ponds and a third unlined detention basin to manage stormwater runoff and waste water from the batch plant operations. Water collected in all three basins would be recycled and reused at the plant to the extent possible. As discussed in Response to Comment E-2 and on page 6-18 of the Draft EIR, the project applicant must demonstrate that the water collection and treatment system would not allow any connection to surface drainage in order to obtain WDR from the Central Valley RWQCB. As stated on page 6-29, the proposed onsite drainage and collection system complies with this requirement by directing all process wastewater to the onsite settling basin and the Environatic Recycling System. By preventing any connection to surface drainage, the constituents present in the process water would not enter groundwater supplies. In a heavy rain event, if the settling basin is overtopped, the runoff water would drain to the concrete-lined treatment basin. The water would be treated prior to being released to the unlined detention basin. Water would be sampled and monitored prior to discharge offsite to ensure that no contaminated water is released offsite. Response to Comment E-2 notes that the RWQCB may require sealing the concrete-lined basins and lining and/or sealing the detention basin if it is determined necessary to protect water quality. Response to Comment E-2 also summarizes the EIR analysis of potential impacts to surface water quality from stormwater runoff.

No revisions to the EIR are necessary to ensure that hazardous concrete additives from plant operations do not impact ground or surface water, and no mitigation measures related to potential health effects from groundwater contamination are necessary.

E-27 The comment states *Mitigation Measures 6.6a* through *6.6d* fail to indicate whether contaminated water runoff, either from operational or storm water sources must be retained on the property.

As discussed in Response to Comment E-2, the proposed project would not be allowed to release any contaminated water to the ground surface or any surface water drainage. The facilities and procedures necessary to ensure that runoff is not contaminated are discussed and evaluated under Impact 6.6 in the Draft EIR. The analysis of Impact 6.6 has been revised, as discussed in Response to Comment E-2. Runoff from the eastern portion of the project site would be routed through an oil/grit separator to remove any contaminants before being discharged offsite, while runoff from the central and western portions of the site would be filtered and detained onsite to remove any contaminants prior to discharge offsite. No retention

of runoff water is required. However the project would not be permitted to discharge contaminated water to the ground or to surface water in the vicinity. Response to Comment E-2 summarizes the proposed drainage collection and treatment system which would ensure that any water discharged from the project site has been adequately treated to avoid any significant impairment of water quality.

The discussion of Impact 6.4 includes consideration of the requirements for stormwater detention at the project site. Stormwater runoff from the eastern portion of the project site would be handled separately from runoff from the central and western portions. Drainage from the eastern portion of the project site would be allowed to sheet flow directly offsite to the drainage ditch along Ophir Road. There is no requirement for this runoff to be detained because the peak flow of runoff would be less than it is under the existing conditions. However, the runoff would be treated to ensure that no particulates or oil and grease are discharged to the drainage ditch. The grading proposed for the project site would reduce the area contributing to this runoff by one-half acre, which would reduce the peak flow of runoff. As noted on page 6-20 of the Draft EIR, the estimated peak flow for the 100-year event on the eastern portion of the project site would be less than 90 percent of the existing peak flow. Thus there is no requirement for stormwater detention for this portion of the project site. As discussed in Impact 6.6, stormwater from the paved areas (driveways, areas surrounding the warehouse) and rooftops in this portion of the project site would first be routed through an oil/grit separator to ensure that no particulates or oil and grease are discharged to the drainage ditch.

As discussed under Impact 6.4, the project would be required to detain runoff from the central and western portions of the project site. The proposed project description includes a 6,000 cubic foot onsite detention pond in the northwest corner of the site. As discussed in Response to Comment E-2, this pond is labeled "storm detention basin" in Figure 3-4 and Figure 6-4 of the Draft EIR. The Draft EIR incorrectly stated that this basin would be designed to retain the runoff from a 10-year storm event and detain runoff from a 100-year storm event. The text on page 6-21 of the Draft EIR has been revised to state that the basin would detain runoff from all storm events, and would be sized to accommodate runoff from a 100-year event. Because this detention basin is included in the project description, there is no need for a mitigation measure requiring a detention basin. Mitigation Measure 6.4a requires that a final Drainage Report be prepared for the project. The information in that report (including runoff peak flow calculations) would be used to ensure that the detention basin is designed and sized appropriately to ensure that the project does not increase stormwater runoff rates and does not discharge contaminated water to the ground surface or any surface water.

As discussed under Impact 6.6 and summarized in Response to Comment E-2, runoff from the central and western portions of the project site would primarily collect in the settling basin. In the case of a heavy rain event, any water that could not be accommodated in the settling basin would flow to the treatment basin. This water would be routed through an oil/grit separator to filter particulates, oils, and greases from the water, and would then flow through a bark media to provide further

filtering of solids and reduce the pH of the runoff. After passing through the bark media, the runoff water would be discharged to the proposed detention basin. Additional settling of solids would occur during detention. The detention basin would be plumbed to the batch plant to allow recycling of any water in this basin. Any water that is released from the detention basin would be sampled and monitored prior to discharge offsite to ensure that no contaminated water is released offsite. *Mitigation Measures 6.6a* and *6.6b* indicate that the project is subject to the NPDES requirements and that the project must prepare and implement a Stormwater Pollution Prevention Plan. Compliance with these mitigation measures would require the use of Best Management Practices in construction and operation of the proposed batch plant to ensure that runoff released from the project site is not contaminated and would not adversely affect surface and groundwater quality in the project area.

E-28 The comment states the 72-hour pump test is incomplete and inadequate because it should have included data collection to determine the impact to domestic wells located to the north and nearly 300 feet lower than the project site.

The 72-hour pump test was conducted in accordance with industry standards. The wells in the project vicinity are dug in hard rock formations and derive their water supply from fracture flows. As reported on page 6-2 of the Draft EIR, a review of available well completion logs for wells within one-fourth of a mile of the project site found no evidence of connectivity between the onsite well and neighboring wells. In addition, the 72-hour pump test included observation of a nearby well, and also concluded that there is minimal connectivity between the onsite well and the observed well, as discussed in Response to Comment E-11. Based on these observations, additional testing and observation of wells located further from the project site is not warranted.

E-29 The comment suggests the 72-hour pump test should be repeated during the dry season, given seasonal fluctuations in water level.

The 72-hour pump test was conducted in late October 2007. This is considered within the dry-weather testing period, as most rainfall in the Auburn area occurs between November and April. California Code of Regulations §64554 states that a 72-hour pump test should be conducted in the months of August, September, or October. The 72-hour pump test for this project was conducted in compliance with state guidance, which was later adopted as state law, regarding capacity for public water supplies and is considered appropriate for modeling typical dry-weather conditions.

E-30 The comment states the EIR fails to address the impact of surface water flows from property on the south side of the project onto the project site.

The Drainage Report for the proposed project does consider the surface water flows from the south side of I-80. The area that contributes to drainage on the project site is shown in *Figure 6-1* (labeled as "upland area"). This area, and the associated drainage, is discussed on page 6-5. The EIR notes that the estimated peak flows from this area are 13.5 cubic feet per second (cfs) for the 10-year storm event and 25 cfs for

the 100-year event. These peak flow rates were considered in the analysis of Impact 6.4. On page 6-22, the Draft EIR states that stormwater runoff from "the area upstream of the site (approximately 11.25 acres south of I-80) would be directed through a lined or cobbled swale along the western edge of the property line. Flows from this upstream area would not be detained or treated by the proposed project; i.e., flows would continue to discharge to the existing roadside ditch, the same as under existing conditions." In other words, because the proposed project would not change the quantity or quality of runoff from the offsite area, the proposed project is not required to detain or treat any runoff from that area.

E-31 The comment states that new noise measurements should be collected to determine the existing noise levels, which may have decreased as a result of repaving I-80. The comment also states that the noise analysis should be based on actual noise measurements from existing Livingston's Concrete Batch Plants, and not on discussions with the project applicant's staff.

As discussed in Response to Comment E-15, CEQA Guidelines §15125(a) states that the environmental impact analysis should consider the impacts of the proposed project compared to the conditions that existed at the time the Notice of Preparation (NOP) was circulated. The repaving of I-80 occurred after the NOP was circulated, thus the repaved highway does not represent the "existing conditions" for this EIR under CEQA. However, this condition was evaluated in the Draft EIR. As discussed in Response to Comment E-15, the County's noise consultant determined that the repaving would reduce noise levels on I-80 by approximately 3 dB, and that even with this reduction in ambient noise levels, the noise generated by the proposed project would similar to or less than the ambient noise. This indicates that the proposed project would not substantially change the existing noise environment in the project area and the project's impacts would be less than significant.

Response to Comment E-15 also states that the discussions with Livingston's Concrete staff served to inform the noise consultant about the operational characteristics of the proposed plant. The noise consultant then relied on file data regarding batch plants to evaluate the impacts of the project, selecting the most appropriate file data based on the operational characteristics discussed with Livingston's Concrete staff. The file data represents a collection of noise measurements taken at a variety of batch plants. The file data reflects measured noise levels at similar facilities and is considered representative of the proposed project, as discussed in detail in Response to Comment E-15.

E-32 The comment notes that the equipment proposed to be installed at the project site is capable of producing much greater daily volumes of concrete than the proposed 300 cubic yards. The comment questions whether the proposed project could increase production beyond 300 cubic yards and if so, whether the EIR analysis and mitigation measures would be valid if production were increased. The comment also states that the EIR should include a method to verify that the plant production would be limited to 300 cubic yards per day.

CEQA requires that the EIR evaluate the project as proposed. The project objectives

provided on page 3-6 of the Draft EIR include the specific objective of establishing a "batch plant facility with a daily production capacity of 300 cubic yards." The analysis and mitigation measures in the Draft EIR are based on a maximum daily production of 300 cubic yards.

If the project applicant wanted to increase the maximum daily production, the applicant would be required to request a modification to their Conditional Use Permit. Any modifications to the approved Use Permit require approval from Placer County Planning, Engineering and Surveying, and Environmental Health Services departments. The required process for requesting a modification to a Use Permit is defined in Section 17.58.180 of the Placer County Code. Any modification that would increase the production of concrete or could increase environmental impacts from the batch plant would be subject to additional environmental review under CEQA. If the project applicant requested a modification to the Use Permit to increase the daily production, Placer County would be required to consider whether the Draft EIR adequately addresses impacts and mitigation requirements. If additional analysis would be needed, Placer County would determine the appropriate environmental document to disclose the project changes and changes in project impacts. For example, CEQA Guidelines \$15162 allows preparation of a "Subsequent EIR" if substantial changes to a project are proposed that would require substantial revisions to the Draft EIR, and CEQA Guidelines §15163 allows preparation of a "Supplemental EIR" if changes to a project are proposed that would require minor revisions to the Draft EIR. Any environmental review process to consider changes to the project description that could increase the impacts associated with the project (such as an increase in the maximum daily production) would be subject to additional public review.

Placer County would monitor ongoing implementation of the mitigation measures in the Draft EIR as required by the Mitigation Monitoring and Reporting Program, and would monitor ongoing compliance with conditions of the Conditional Use Permit (if approved) to ensure that the proposed project does not exceed the maximum production of 300 cubic yards daily. Projects found to be in violation of the Conditions of Approval are referred to the Code Enforcement Division. Enforcement procedures to ensure compliance with mitigation measures and Conditions of Approval are identified in Section 17.62 of the Placer County Code. If the project is not in compliance with all applicable codes, conditions, and mitigation measures, the Code Enforcement Division would work with the project applicant to bring the project into compliance. If the project does not come into compliance with the required conditions of their Use Permit they are subject to revocation of their Use Permit. In addition to permit revocation the County will withhold approval of a Business License for any operation found to be in violation of their Use Permit. In addition, the proposed use of the septic system for sewage treatment for this project is subject to a renewable use permit which must be renewed annually. This requirement is expressed in Mitigation Measure 1.4 from the Initial Study and Mitigation Measure 6.2b in the Draft EIR. If the project violates any Conditions of Approval or mitigation measure requirements, the County could withhold renewing the septic system permit until the conditions are corrected, as one option for

enforcement.

E-33 The comment states that Impacts 5.1 and 5.2 fail to consider the impact of the weight of extremely heavy, short wheelbase trucks on the public roads in the project area, including the Historic Highway (Ophir Road). The comment also states the EIR provides no mitigation measures to ensure the project funds a proportional share for maintenance costs.

As discussed in Response to Comment E-20, Ophir Road is constructed to support heavy truck traffic. It currently supports heavy truck traffic associated with the existing heavy commercial development in the vicinity. The project is not expected to adversely affect Ophir Road.

E-34 The comment states that the Draft EIR does not adequately address the safety of bicyclists on Ophir Road. The comment suggests the term "delineate," as used in *Mitigation Measure 5.3a*, is ambiguous and must be clarified in the Final EIR.

As noted in CHAPTER 5 TRANSPORTATION AND CIRCULATION of the Draft EIR, Ophir Road is considered a regional bikeway according to the Placer County Bikeways Master Plan and currently supports portions of a Class II bike lane. Page 5-7 of the Draft EIR states that a Class II bike lane is defined as "a striped lane for one-way bike travel on a street or highway." The EIR determined that there may be a short term disturbance to cyclists heading eastbound on Ophir Road during construction of the entrance and exit driveways for the project site, but that this impact would be less than significant. Mitigation Measure 5.3a requires that the project Improvement Plans show a Class II bikeway along the project's frontage on Ophir Road pursuant to the *Placer County* Bikeways Master Plan. Subject to Department of Public Works/Design Review Committee approval of the Improvement Plans, the project applicant would be required to construct this lane by improving the Ophir Road pavement, widening the shoulder, and striping this bike lane. This would provide a bike lane in the vicinity, consistent with the Placer County Bikeways Master Plan, and would ensure that the project would have a less than significant impact on bicycle usage within the project area.

E-35 The comment states that the Draft EIR fails to address the use of Ophir Road as a detour during times of congestion on I-80. The comment suggests the use of Ophir Road for such purposes could have a serious impact on the project and such impacts should be addressed in the EIR.

The occasional use of Ophir Road as a detour to congestion on I-80 is not a normal condition, thus it is not necessary for the EIR to consider potential impacts under this condition.

E-36 The comment expresses concern that when the project connects to public water supply (when available), there is no concomitant requirement for production limit to remain at 300 cubic yards per day. The comment states the EIR should address whether such a production increase has been contemplated and whether it would be allowed. Further, the comment questions if the impacts and mitigations contained in

the report would remain valid if a production increase were to occur.

The project objectives provided on page 3-6 of the Draft EIR include the specific objective of establishing a "batch plant facility with a daily production capacity of 300 cubic yards." The analysis and mitigation measures in the Draft EIR are based on a maximum daily production of 300 cubic yards. This maximum daily production capacity is a component of the project description. The extension of public water supply to the project site would not change the project description. As discussed in Response to Comment E-32, any future increase in the maximum daily production would require approval of modifications to the Conditional Use Permit under the process defined in Section 17.58.180 of the Placer County Code. A modification to a Use Permit that could increase the environmental impacts of the project would require further environmental impact analysis under CEQA. This would include consideration of whether the impact analysis and mitigation requirements in the Draft EIR sufficiently consider impacts of any revised project, or whether additional analysis and mitigation measures may be necessary.

E-37 The comment states Impact 4.1 of the EIR fails to consider the impact of the project on adjacent property values.

CEQA does not require that the EIR consider the impact of a project on property values. This is considered an economic or socioeconomic effect of the project. CEQA Guidelines §15131(a) states, "economic or social effects of a project shall not be treated as significant effects on the environment." Thus, the EIR is not required to address the potential project impacts on property values in the vicinity. The Placer County Planning Commission will consider this comment, with all other comments made on the project and the EIR, as part of their deliberations regarding approval or denial of the project.

E-38 The comment states section 2.6 of the EIR fails to consider the option of importing potable water for recycled use onsite, in lieu of using "upwards of 15,000 gallons of ground water per day."

It is noted that the project does not proposed to use 15,000 gallons of groundwater daily. The maximum daily water volume that the project would be allowed to pump from the onsite well is 10,000 gallons. This limit is noted in the discussion of Impact 6.3 and expressed in *Mitigation Measure 6.3a*. As noted in Response to Comment E-5, two typographic errors in the text of this measure have been corrected consistent with the analysis in Impact 6.3, the results of the 72-hour pump test, and the provisions of California Code of Regulations §64554. The revised text of *Mitigation Measure 6.3a* is shown in CHAPTER 3 REVISIONS TO THE DRAFT EIR of this Final EIR.

The comment is correct that an alternative that calls for importing water instead of using groundwater was not evaluated. CEQA Guidelines §15126.6(a) states that the alternatives selected for analysis should be those that "would avoid or substantially lessen the significant environmental effects of the project." As discussed in Response to Comment E-5, the EIR found that the proposed pumping of 10,000 gallons of water daily would not result in any significant adverse environmental impacts. Thus, an

alternative that relies on imported water would not avoid or reduce any of the significant environmental effects of the project. CEQA does not require that the suggested alternative be evaluated in the Draft EIR.

E-39 The comment states the Draft EIR does not consider the impact of the project on available groundwater during a drought year.

The determination that pumping 10,000 gallons of water daily from the onsite well would not result in any significant adverse environmental impacts is based on the production capacity of the well demonstrated by the 72-hour pump test and California Code of Regulations §64554, which regulates public water supplies derived from hard rock fracture-flow. Given that this regulation was promulgated to govern long-term public water supplies, and given that "dry year" conditions are anticipated to occur in California, the allowable capacity provided by this regulation is expected to be valid in dry and wet years. As discussed in Response to Comment E-29, the 72-hour pump test was conducted in October 2007, which is considered indicative of dry-weather conditions (i.e., a normal year summer), and complies with state law.

E-40 The comment states that the EIR does not consider impacts to domestic wells located as much as a mile from the project site. The comment notes that several wells in the project vicinity have known production deficiencies.

Consistent with this comment, pages 6-1 and 6-2 of the Draft EIR disclose the fact that some wells in the project vicinity produce less than is desired by the well owners, although no specific deficiencies were noted in the Well Completion Logs. The fact that some existing wells produce less than is desired is part of the existing conditions in the project area and not an impact of the proposed project. As explained in Response to Comment E-11, the analysis in the EIR demonstrates that there is minimal connectivity between the onsite well and existing wells in the project vicinity. As discussed in Response to Comment E-5, analysis of Impact 6.3 finds that the existing onsite well is capable of providing up to 10,000 gallons of water daily based on California Code of Regulations §64554. Based on the tested production capacity of the well and compliance with state law, the project is not expected to significantly exacerbate any existing deficiencies of wells in the project vicinity.

Submitted by Rick Johnson, Ophin Property Owners' Assoc. POBOX 752, Newcastle CA 95658

Ophir Area Property Owners Concerns Of Draft EIR Report - Livingston's Concrete

2.5	Areas	of know	controversy
4.0	1 II Cub	OT MINOR	COLLEGG A CTO A

2.7 Tower height 57 feet, zoned for 45 feet.
Interstate 80 is zoned or classified as a **SCENIC CORRIDOR**

F-1

Table 2.2

4.3 Compatibility with surrounding land use, no mitigation measures are necessary?

There is residential housing in this industrial area.

The effects are; noise, dust, water, sewer, water run off and traffic.

F-2

4.4a No public water. They are planning on using a domestic well, approximately 25 gallons per minute. See attached memo Placer Co. Health and Human Services dated June 31, 2004.

Well to pump 10,000 gallons per day, a test was done October 2007, (see attached chart, American River Propane).

F-3

American River Gas Company's water well was monitored during testing. This well is approximately 50 feet from Livingston's well. One half foot of water height was lost a day during testing. This test ran three days for a total loss of 1 ½ feet. The test was done during the winter months when the water table is normally higher. How much water height will be lost during summer months or a drought year while continuing to pump 10,000 gallons of water a day?

If this project is allowed to go forward on well water (not public water) continuous monitoring of adjacent wells should be required as part of the permit to use well water.

F-4

4.4b Residential Sewer Usage (Septic System)

F-5

Could cause problems to the water well when used in an **industrial** area.

5.4a Construction of a dedicated left turn lane on Ophir Road (US HWY40) Can this be done as US 40 is a **Historical Highway**?

F-6

7.1 **Noise -** No mitigation measure is necessary.

Someone needs to go and monitor a Livingston's batch plant during operating hours 5:00am till? Noise at times is as loud or louder than a Union Pacific train. They have an air operated hammer that hits against the metal cement drum to loosen cement that has settled. This operation will shake the ground and deafens your ears.

F-7

These are just a few of our concerns. The **General Plan** should be followed when **HEAVY INDUSTRAIL** is near residential housing.

F-8

MEMORANDUM

OFFICE OF THE PLACER COUNTY HEALTH AND HUMAN SERVICES Environmental Health Services

TO:

Lori Lawrence, Planning Department

FROM:

Robert J. Patterson, R.E.H.S.

Land Use and Water Resources Section

DATE:

June 21, 2004

SUBJECT:

Livingston's concrete, EIAQ 3750, APN 040-271-042

Environmental Health Services (EHS) has reviewed the submittals for the above referenced project and requests that the following issues be developed in the scope of work for the EIR:

General Plan

The applicant asserts that on-site sewage treatment and disposal and individual water well system meets the intent of the phrase "adequate infrastructure" in the County General Plan (Industrial Land Use, Goal 1.E, Policy 1.E1.). EHS does not agree with this assertion and finds that the project proposed is one that should utilize Public sewer and Public water and that absent same perhaps the applicant should seek other properties. However, decision makers may agree with the applicant. In any case, there should be at least some discussion of this issue in the environmental document other than the statement that public services are not available. When will they be available? Have there been any efforts to solicit a joint effort with other adjacent and proposed uses? If this project is approved on individual systems is there a commitment on the part of the applicant to join in any future efforts to bring sewer to the area and would they in fact connect if an opportunity presents itself? It is our understanding that treated water may be available as early as 2006. Will the applicant commit to connecting when available? All of this should be discussed in the EIR.

Sewage Disposal

The project, if allowed, would use an intermittent sand filter system. This type of alternative system is only allowed for residential uses. Typically, a commercial project will have a residential component to it such as a care-taker residence so that the wastewater is more diluted and less concentrated. The project, as proposed, has no residential component. Thus, EHS would be unable to issue a construction permit for on-site sewage disposal. Further, a review of the preliminary grading plans shows a potential conflict between where the septic leach-field would be placed and the limits of grading and cuts.

Groundwater Quantity and Quality

The project proposes to utilize an on-site well for domestic, irrigation and process water. We have no information on how much

F-3

F-3

water this entails. How will the project address the potential for over-drafting groundwater in the area? Adjacent commercial and residential properties rely on groundwater as their only source of water. Scope of work for the EIR should address means for quantifying groundwater impacts on adjacent properties and developing strategies for mitigating for the potential loss of water to these properties.

Soils testing by this office on various portions of the property have identified that seasonal ground water levels can be as shallow as 11" to 30" (October 20, 1999). Seepage and spring activity have been observed. The applicant has not identified any strategies to provide protection to the area ground water quality. Specifically, there has been no communication submitted from the Regional Water Quality Control Board about what type of waste discharge requirements will be required. This is especially important due to the fact that the Board has identified problems with Hexavalent Chromium, a metal of concern, from the recycle ponds of similar concrete plants. All of the potential for the degradation of groundwater and mitigations should be discussed in the environmental document.

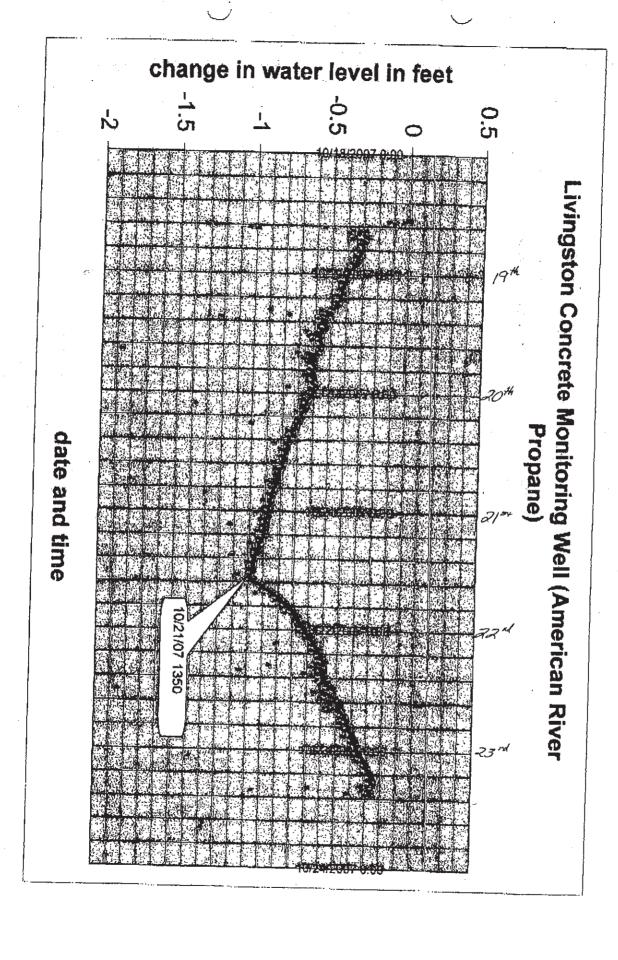
Hazardous Materials

The applicant has previously submitted a list of chemicals that are typically used in the operations. The scope of work should address the use and storage of these chemicals and mitigations proposed to prevent groundwater contamination (e.g. a restriction on locating a sink in the shop building so as not to introduce work process chemicals to the on-site sewage disposal system).

Noise

The applicant has previously submitted an acoustical analysis that indicates that the ambient transportation noise from Interstate 80 exceeds the expected transportation noise from project vehicle traffic. Also, the stationary noise source identified in the analysis (truck loading station) has a proposed mitigation of a sound wall. All of this information should be integrated into the environmental document.

Cc: Brad Banner, Director Roger Davies, EHS Dana Wiyinger, EHS



Submitted by:

Rick Johnson Ophir Area Property Owners' Association

F-1 The comment appears to indicate that the height of the proposed tower is of concern, particularly as it relates to the Scenic Corridor designation for Interstate 80 (I-80).

While the height of the proposed tower was not noted as a substantial controversy, the potential impacts of the tower on the viewsheds in the project vicinity are evaluated in the Initial Study. Although comments on Notice of Preparation for this EIR mentioned the impact of the proposed tower, none of the comments provided evidence contradicting the analysis or conclusions presented in the Initial Study. As discussed in Response to Comment E-19, pages 1-6 and 1-7 in CHAPTER 1 INTRODUCTION summarize the Initial Study analysis of this impact. The analysis in the Initial Study determined that the tower would be visible from I-80 (both eastbound and westbound) but would be partially obscured by existing trees in the freeway right-of-way. Furthermore, the project site is located in an industrial/heavy commercial area, where other structures and equipment are visible from both I-80 and Ophir Road. The addition of the plant tower to this viewshed is considered a less than significant impact because it would not substantially change the character of the project area.

F-2 The comment expresses concern that residences in the vicinity of the project site would be exposed to noise, dust, increased traffic, and other impacts associated with the proposed project's use of water and an onsite septic system. The comment asserts that mitigation measures are necessary to ensure that the proposed project is compatible with existing land uses in the vicinity.

The Draft EIR and Initial Study evaluate each of these potential impacts, and the impact analysis considers the proximity of residential land uses to the project site. As stated on page 7-6 of the Draft EIR, the nearest residence to the project site is located approximately 600 feet north of the center of the project site.

Noise impacts are evaluated in **CHAPTER 7 NOISE**, and most impacts are found to be less than significant without mitigation. As discussed in Response to Comment E-15, noise from the proposed plant is expected to be similar to the noise from I-80 and would not substantially change the existing conditions in the project area. *Mitigation Measure 7.3a* is required to ensure that noise from construction of the proposed project does not significantly impact residents or businesses in the project area.

Impacts to air quality, including dust emissions, are evaluated in the Initial Study. Mitigation measures are required to minimize emissions during construction and operation of the proposed project. This includes *Mitigation Measure 5.8*, which requires the project applicant to implement dust control measures to ensure that the

project remains in compliance with California Health and Safety Code Section (§) 41700 emissions limits and visible emission standards of 20 percent opacity. In addition, emissions from stationary sources within the project site (operation of the batch plant) will be subject to additional conditions applied to the project through the Air Pollution Control District permitting process. The project would be required to obtain a Permit to Construct prior to construction of the batch plant, and an Authority to Operate permit prior to commencing operation of the batch plant.

Impacts to traffic are evaluated in CHAPTER 5 TRANSPORTATION AND CIRCULATION. The analysis of Impact 5.1 finds that the project would have a less than significant impact on traffic operations under short-term conditions, and no mitigation is necessary. The analysis of Impact 5.2 finds that the project would contribute to significant impacts on traffic operations under the long-term or cumulative conditions. Mitigation is required to ensure that the project pays a fair share proportion of funding necessary to implement improvements to provide acceptable traffic conditions.

Potential impacts related to the proposed project's use of water and an onsite septic system are evaluated in Chapter 6 Hydrology and Water Quality. Impact 6.2 considers impacts to groundwater from the use of a septic system, and finds that with proper design and maintenance of the septic system, as required by Mitigation Measures 6.2a and 6.2b, operation of the septic system would not lead to groundwater contamination or other impacts to the environment. Impact 6.3 considers whether the proposed project could lead to groundwater contamination and whether the proposed use of groundwater would adversely affect groundwater supply. The analysis finds that with proper design of the runoff collection and detention system, and compliance with all permitting requirements, the project would not lead to groundwater contamination. The analysis also finds that the proposed use of groundwater is consistent with the State guideline setting maximum water production capacity at 25 percent of the sustained pumping rate demonstrated by the 72-hour constant head and recovery pump test. As noted in Response to Comment E-5, this guideline was codified in state law after the Draft EIR was published. Because the proposed water usage is consistent with state law regarding public water supplies drilled in consolidated formations, it is expected that the proposed project would not adversely affect groundwater quantity in the project vicinity.

As discussed in Response to Comment E-4, the analysis of land use compatibility recognizes that there are residential land uses in the vicinity of the project site. Based on the determinations in the other chapters of the Draft EIR and in the Initial Study that the physical impacts of the proposed project would be less than significant, the analysis of Impact 4.3 concludes that the project would not have a direct impact on nearby residential land uses and the project is considered to be compatible with all existing and planned land uses in the vicinity.

F-3 The comment indicates concerns with the proposed water usage. The comment asserts that the 72-hour pump test should have been done in the dry season, and questions whether the 72-hour test accurately reflects the water height that would be

lost during daily long-term pumping. The comment suggests that continuous monitoring of adjacent wells should be required of the project.

Refer to Response to Comment E-11, which summarizes the analysis in the EIR related to the proposed water usage. This response notes that Impact 6.3 finds that the proposed water usage would result in less than significant impacts to groundwater in the project vicinity. The determination that use of a daily maximum of 10,000 gallons of water would have a less than significant impact was based on the results of the 72-hour pump test and state guidance regarding groundwater use for public water systems. As discussed on pages 6-18 and 6-19 of the Draft EIR and in Responses to Comment E-5 and E-11, the analysis in the Draft EIR was based on a State of California guideline that daily pumping from a well drilled in hard rock formation be limited to 25 percent of the pumping rate determined by a 72-hour pump test. The 72-hour pump test for the project site indicated a yield of 25 gallons per minute, which corresponds to a total pumped volume of 36,000 gallons per day. The Placer County Environmental Health Services Division determined that the proposed use of 7,000 to 10,000 gallons per day, which would represent 19 to 28 percent of the total capacity, is consistent with the State guideline, which was later codified in state law. The regulation was promulgated as guidance for public water supplies drilled in hard rock fracture formations. Because public water supplies are a long-term use, application of this guideline to the analysis of the proposed project is appropriate for considering both short- and long-term usage.

The comment incorrectly states that water levels in the neighboring well observed during the 72-hour test decreased by 1.5 feet. The 72-hour pump test report states that the water level in the neighboring well decreased by only 0.7 feet during the test. This is consistent with the data shown in Attachment C to the 72-hour pump test report. As explained in Response to Comment E-11, the decline observed in the neighboring well demonstrates that there is minimal connectivity between the onsite well and the observed well.

Because the analysis concluded that the project would have less than significant impacts to groundwater quantity, no mitigation, including monitoring of existing wells, is necessary. In addition, the suggested mitigation measure would violate constitutional law, as expressed in CEQA Guidelines §15126.4(4)(B), which states that mitigation measures must be roughly proportional to the impacts of the proposed project.

F-5 The comment states that use of a septic system could contaminate groundwater.

As discussed in Response to Comment F-2, Impact 6.2 considers impacts to groundwater from the use of a septic system, and finds that with proper design and maintenance of the septic system, as required by *Mitigation Measures 6.2a* and *6.2b*, operation of the septic system would not lead to groundwater contamination or other impacts to the environment.

F-6 The comment questions whether construction of a left-turn lane is acceptable on an historic highway.

Although Ophir Road is designated as an historic highway, this designation does not preclude improvements to this roadway. The project would be required to widen the roadway as well as provide a left-turn lane and bicycle lane.

F-7 The comment states that batch plants are extremely noisy and result in ground vibrations. The comment suggests that noise measurements should be taken at an existing Livingston's Concrete Batch Plant.

As discussed on page 7-11 of the Draft EIR and in Response to Comment E-15, the analysis of potential noise impacts from the proposed batch plant was based on file data for other batch plants, correlated to a maximum capacity production cycle of 120 cubic yards of concrete in one hour. This production rate represents the maximum noise generation from the plant, however it is not expected that the plant would operate at this level all day. Relying on the maximum production cycle provides a conservative analysis that does not minimize impacts. The file data is considered representative of the noise that would be generated from the proposed plant. The file data indicates that a batch plant typically generates an average noise level of 70 decibels (dB) at a distance of 100 feet. It is noted that page 7-11 of the Draft EIR incorrectly states that the average noise level of the proposed plant would be 75 dB at a distance of 100 feet. This text has been revised to indicate that the average noise level would be 70 dB, while the maximum noise level would be 75 dB. This edit is consistent with text on page 8 of the Noise Impacts Analysis provided in Appendix E of the Draft EIR.

The analysis of Impact 7.2 found that the noise generated by the proposed project would exceed some of the General Plan standards for noise levels at sensitive receptors. However, the noise emissions from the proposed batch plant would be similar to or below the existing traffic noise levels at the nearest residences. The noise generated by the project is not expected to result in a noticeable change in the background noise levels in the area. The impact is considered less than significant and no mitigation measures are required. This determination is consistent with noise standards established by the *Placer County General Plan* and Placer County Code. The note below *Table 7.4* and text preceding *Table 7.5* in the Draft EIR indicate that when existing noise levels meet or exceed the standards expressed in those tables, the allowable noise levels would be the same or 5 dB higher than the ambient noise level.

F-8 The comment states that the General Plan should be adhered to, particularly in respect of the existing residences in the project vicinity.

As noted in Impact 4.3 of the Draft EIR, the proposed project is consistent with the land use and zoning designations for the project site. The land use designation for the site is Heavy Commercial, which allows manufacturing and processing activities.

RECEIVED

MAR 17 2008

ENVIRONMENTAL COORDINATION SERVICES

OPHIR AREA PROPERTY OWNERS' ASSOCIATION P. O. Box 752 NEWCASTLE, CA 95658

March 17, 2008

Mr. Michael Johnson, Planning Director Placer County Planning Department 3091 County Center Drive # 140 Auburn, CA 95603

Re: Public comments on Draft Environmental Impact Report for Livingston Concrete T20050072 – West; Ophir Road and Geraldson Road, Newcastle/Ophir Area

Dear Mr. Johnson:

We have reviewed the subject Draft Environmental Impact Report (DEIR) and ask that you refer the following comments to the County's consultant, North Folk Associates, for consideration and response.

The Notice of Preparation comments indicated concern over the topics of noise, air quality, visual impacts, water quality, water supply and traffic. We believe that the DEIR has reached unsubstantiated or incomplete conclusions in regard to visual impacts, noise, traffic, air quality impacts and impacts to groundwater supplies. There is a lack of identification and analysis of cumulative impacts associated with a worst case scenario build-out of the residential, commercial and industrial neighborhood. Also missing is an adequate discussion and analysis of consistency with zoning regulations (57 foot tower in a zoning district that has a maximum height limit of 45 feet), consistency with the Ophir General Plan and the Auburn-Bowman Community Plan that promised a new Ophir-Newcastle Community Plan.

Visual Impacts – The DEIR concludes that there will be no significant visual impacts because the Design Review Committee, at some future time, will consider a landscaping plan for the project.

Post project approval mitigation is inconsistent with the intent of the California Environmental Quality Act (CEQA). The public, Responsible Agencies, Trustee Agencies and the decision-makers are entitled to that information in the DEIR.

G-1

G-2

The DEIR should contain a complete landscaping plan for the entire 4.7 acre parcel, including (1) the container size of plants to be installed and (2) a profile of the site at both the time of planting and at the time of maturity. Without this definitive information in the DEIR, the public has no assurances that visual impacts will be adequately mitigated.

The DEIR, appropriately, should also include conceptual drawings of what the project will look like, with landscaping, from all directions. The Design Control Combining District provides us with that assurance as does the Goals and Policies in the Ophir General Plan.

Noise — Noise measurements taken by members of our Association at the applicant's North Highlands Plant are not consistent with the acoustical consultant's conclusions in the DEIR. We recognize that the ambient levels are different in the two locations, and that we are not acoustical experts, but expected noise emissions from the proposed operation, irrespective of the ambient difference, do not appear to be consistent with our findings. There is also no identification of the noise impacts of a "clean fuel" generator if the applicant elects to use one instead of power poles.

There is no discussion on the cumulative impacts associated with worst-case scenario build-out of the heavy commercial and industrially-zoned properties in the project area.

Groundwater Impacts – The DEIR is relying on future connection to a Placer County Water Agency pipeline to mitigate the potential impacts of withdrawing huge quantities of water per day from the indefinable ground water supplies we all rely upon. The DEIR clearly indicates that no funding for the pipeline extension has been identified which makes the conclusion unsubstantiated.

If our ground water wells are impacted by the proposed project, (1) what kind of ground water monitoring (monitoring wells) will be installed to keep track of ground water levels; (2) what mitigation will be applied to ensure that an alternate supply of water will be provided to our homes and agricultural uses; and (3) what kind of financial assurances will be posted with the County to ensure our water supply is restored by the applicant.

There is no discussion on the potential for the applicant to extend the proposed Placer County Water Agency water line and enter into a reimbursement agreement with the Agency.

Again, there is no identification of the cumulative impacts on ground water if public water is not made available to the commercial and industrially-zoned properties in the area.

G-2

G-3

G-4

G-5

G-6

Air Quality – The DEIR fails to address the air quality impacts of cement products. The Material Safety Data Sheet (MSDS) for cement is very clear in outlining the air quality and health impacts of the cement. We have serious concerns that prevailing winds will carry the hazardous material to our homes, livestock and surface waters. The issue needs to be analyzed and appropriate mitigation applied. We expect that our Air Quality Control District will act on our behalf to ensure that our health is protected and our air quality is not made even more degraded.

G-7

Consistency with plans and ordinances – The Land Use Chapter states that "The proposed project is consistent with these land use and zoning designations." Since the "C3" Zoning District has a height limit of 45 feet, and the proposed tower is 57 feet, this statement appears incorrect. Elsewhere in the DEIR there is a statement indicating that the 57 foot tower will require the granting of a variance by the County, but there does not appear to be the hardship required by the State Government Code for the granting of a variance. Maybe the project should be in an appropriate zoning district.

G-8

The Auburn-Bowman Community Plan states, "(Portions of the Newcastle and Ophir area previously included within the study area, and a part of the 1978 Auburn Area General Plan are not included in this Plan. Those areas will be addressed in the future in a new Ophir-Newcastle Community Plan.)"

G-9

There should also be discussion about consistency with the Ophir General . Plan. That Plan, which we have relied upon as a community before investing in development of our residential/agricultural properties, indicates, in Goal 2, "To provide a pattern of commercial growth that serves the needs of the Ophir residents as well as those visiting and recreation, and also reflects the rural character of the area." The Policies listed after Goal 2, and the County's addition of the "DC" Combining District to the "C3" base district, provided us with assurances that any use along Ophir Road would be compatible with our adjoining residential neighborhood. Nowhere in that Plan was there an indication that Ophir Road would become an industrial support area for Auburn and western Placer County.

G-10

Traffic – The Transportation Chapter does not appear to adequately address the safety of Ophir Road, and particularly the Geraldson Road intersection, with the addition of large numbers of heavy trucks entering and leaving the property. The Road is used by bicyclists and school children who will be sharing a road which will only have improvements on the south side. Mitigation aimed at road safety impacts could include full improvements for the length of Ophir Road with another reimbursement agreement with the County.

G-11

We believe that North Fork Associates has prepared an excellent DEIR, and our comments should not be construed as criticism of the consultants' extraordinary work or staff's acceptance of the Draft. Rather, we believe that the deficiencies we have identified will bring the document into compliance with CEQA and ensure that all agencies, the public and the decision-makers truly understand the impacts of the project and that all feasible mitigation will be applied. In light of the DEIR before us, we believe that it is impossible to conclude that the project will have no significant impacts.

G-12

We contacted the Planning Department for a copy of Placer County's Guidelines for Implementation of CEQA and were told that the County just follows State Guidelines. That leaves us wondering (1) is the Planning Commission or the Board of Supervisors the Lead Agency for the project; (2) if the Planning Commission can certify the Final EIR, can that decision be appealed to the Board; and (3) will the Planning Commission hold a public hearing on the Response to Comments prepared by the consultants? Your response to the questions in this paragraph will be appreciated at your earliest convenience so that we can plan our continued involvement in the processing of this Conditional Use Permit application.

Respectfully submitted,

OPHIR PROPERTY OWNERS' ASSOCIATION

By Richard Johnson Chairman



GENERAL PLAN AND

ENVIRONMENTAL IMPACT

REPORT

COMMUNITY DEVELOPMENT ELEMENT

GOALS AND POLICIES

GOAL 1: TO MAINTAIN AND ENHANCE THE RURAL CHARACTER OF THE OPHIR AREA.

POLICIES

- 1. Maintain large lot development where urban services are not available.
- 2. Discourage public services from expanding into areas with significant value as rural open space.
- 3. Limit urban development where it would be inconsistent with neighboring land uses and distract from the existing character of the area.
- GOAL 2: TO PROVIDE A PATTERN OF COMMERCIAL GROWTH THAT SERVES THE NEEDS OF THE OPHIR RESIDENTS AS WELL AS THOSE VISITING AND RECREATING, AND ALSO REFLECTS THE RURAL CHARACTER OF THE AREA.

POLICIES

- 1. Retain commercial areas in and adjacent to present locations.
- 2. Require design control of all new commercial development or remodeling of existing structures.
- 3. Discourage additional commercial locations along Ophir Road or other routes.
- 4. Review proposed commercial developments for compatibility with surrounding land uses.
- GOAL 3: TO MAINTAIN A LIMITED INDUSTRIAL AREA BASED ON THE RURAL CHARACTER OF THE COMMUNITY.

POLICIES

1. Maintain the current industrial areas within the Plan boundaries.

2. Require design control on industrial development visible from major roads.

GOAL 4: ENCOURAGE CONTINUED AND WHERE POSSIBLE INCREASED AGRICULTURAL ACTIVITIES ON LANDS CONDUCIVE TO AGRICULTURAL USES.

POLICIES

- 1. Encourage Williamson Act applications where appropriate.
- 2. Maintain large parcel sizes in agricultural areas to preserve and protect agricultural pursuits.

Description of Land Use Districts

Residential

Land proposed for residential use in the Plan area will require a minimum lot size of at least 2.3 acres. Substantial resource data was used to determine specific lot size ranges including soils, drainage, geology, slope, groundwater, and actual field experience. The result was to restrict lot sizes to those acreages which appeared to be safe standards based on long term use of individual disposal systems, while protecting both ground and surface water from deteriorating in quality and maintaining public health standards.

The proposed land use map shows a range of land uses to accommodate the projected population of 2,680 people by the year 2,000. Ranges extend from Rural Residential (2.3 - 4.6 ac. min.) to Agricultural (10-20 ac. min.). The maximum holding capacity of the proposed plan is approximately 2,800 people. The 1964 Ophir General Plan holding capacity was 16,000 people.

Commercial

The primary commercial areas designated on the Plan are the same as currently exist. According to the question-naire sent to all property owners in the Plan area, the Ophir community is not supporting expansion of new commercial loca-

tions. The existing areas of commercial are located along Ophir Road, at the intersection of Crater Hill Road and Wise Road, and at the intersection of Lozanos and Chili Hill Road. Internal commercial area, (excluding Ophir Road) are intended to provide neighborhood commercial locations to serve the needs of the Ophir property owners. Lot size and traffic considerations indicate the need for limited service related uses. Included in the commercial designation is the existing Rockanna Royale Mobile Home Park on Ophir Road.

It is recommended that there be "Design Control" placed on any proposed commercial development to assure that the location and appearance of the building, parking, and landscaping are consistent with the character of the area.

Industrial

The industrial areas on the Plan generally reflect the existing industrially zoned sites in the area. It was felt there was adequate undeveloped industrial areas to accommodate the need during the plan period. Expansion of industrial areas would not have been compatible with the rural character of the area.

Agricultural and Rural Designations

The major emphasis of this General Plan is to preserve the rural character of the Ophir area. The recommended range of parcel sizes of 2.3 - 20 ac. min. for the Rural and Agricultural Districts reflect this desire to keep a strong rural identity in the area. Recommended parcel sizes, however, were based on current standards for locating individual septic tanks and wells on varying slopes, soil types, and groundwater characteristics. Other considerations were the protection of agricultural land as well as ground and surface water quality.

A more detailed analysis of land capabilities was performed during the precise zoning study when exact minimum parcel sizes were established for all properties in the Plan area.

Other

Other information shown on the proposed Land Use Map (Place 5) is the existing elementary school and fire station sites.

C. PUBLIC SERVICES

PURPOSE

Establishment of goals and policies to be used by all affected agencies which recognize the relationship between the orderly provision of public services and land use planning.

GOALS AND POLICIES

GOAL: INSURE SERVICE AVAILABILITY IS CONSISTENT WITH THE ADOPTED LAND USE PLAN AND PROJECTED DEMAND.

POLICIES

- 1. To promote a rural environment, the long term use of individual sewage disposal systems should be encouraged except where physical and environmental conditions would prohibit their use.
- 2. Continue to use mitigation measures for new developments to reduce the impacts on local services (i.e. parks, schools, etc.).
- 3. Insure that adequate services will be available for proposed developments prior to granting approval.

SEWAGE DISPOSAL

At present the entire Ophir General Plan area is served by individual septic tank - leach field systems. The only exception to this is the Rockanna Royale Mobile Home Park which has a community leach field. There is no existing community sewerage system nor sewer district in the Ophir General Plan area.

needed as the area builds out. Ophir Road may require additional lanes or left-turn lanes in certain areas depending on the type of development.

Public transit service should continue with expanded service in the future to meet the needs of the local citizens. However, a current study (operational analysis) will determine if expanded service levels are feasible for the area.

NON-AUTO CIRCULATION

The purpose of this circulation system is to provide an alternate means of transportation to the automobile. Through striping changes and shoulder improvement, bicycles, pedestrians, and equestrians can be safely accommodated within the existing road network.

Ophir Road is currently designated as a bike route which may be a portion of a future route which would connect Sacramento and Auburn.

PARK AND RIDE

There is an existing Park and Ride lot at the Taylor Road interchange on I-80. There are currently bicycle lockers at this location to encourage bike commuters. The lot should be expanded as the needs of the community increase.

B. SCENIC HIGHWAYS

PURPOSE:

The Scenic Highways Element serves as a means of identifying scenic routes within the Plan area. Measures are defined to preserve and enhance the scenic qualities along these corridors.

GOALS AND POLICIES

GOAL: TO PRESERVE, ENHANCE, AND PROTECT THE SCENIC RE-SOURCES VISIBLE FROM SCENIC ROUTES IN THE OPHIR AREA.

POLICIES

- 1. To require the use of aesthetic design considerations for road construction, reconstruction, or maintenance for all scenic highways.
- 2. To encourage and utilize existing County programs for protection and enhancement of scenic corridors including, but not limited to, sign control, scenic setbacks, design review, open space easements, grading and tree removal standards, undergrounding utilities, and land conservation contracts, and open space easements.
- 3. To minimize grading of large areas on hillsides within view of I-80.
- 4. To encourage anti-litter, beautification, and clean-up programs along scenic routes.

DESCRIPTION OF SCENIC ROUTES.

The following route is within the Plan area and has been selected as a scenic route in the Placer County Scenic Highways Element. It is included in this Plan as further support for the protection of the scenic resources existing in the Ophir area.

Interstate 80

This is the only scenic route in the General Plan area. The route carries a heavy percentage of non-local traffic with 15 million vehicles passing through the area annually. The General Plan designations of Industrial on Ophir Road create a potential conflict with the scenic highway concept. New projects should be restricted as to the type of use permitted within view

of I-80. Design control, landscaping, sign design, grading, and project layout should all be used to enhance the area and reduce the visual impacts.

C. NOISE

PURPOSE

The purpose of this section is to determine critical noise areas and provide a means to achieve noise-compatible land uses in the vicinity of existing or planned noise producing sources.

GOALS AND POLICIES

GOAL: TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE OPHIR AREA RESIDENTS BY PROVIDING A LIVABLE ENVIRONMENT, FREE FROM EXCESSIVE NOISE.

POLICIES

- 1. Continue to monitor noise sources to assure conformance with noise standards adopted by Placer County.
- 2. Enforce acceptable noise exposure levels for various land use categories adopted in the Placer County Noise Element.
- 3. Avoid the interface of noise producing and noise sensitive land uses.
- 4. Require implementation of noise abatement techniques of new projects where warranted.
- 5. Locate noise sensitive land uses within areas of acceptable community noise equivalent levels.

NOISE GENERATION

The primary source of noise in the Ophir area is a result of transportation and industrial uses. The major contributors are I-80 and major County roads. There is also noise generated by industrial uses along Ophir Road.

The California Department of Transportation has estimated the amount of noise generated by traffic on I-80. Noise contours showing existing and projected 1995 levels are presented in Plates 7 and 8. The contours were prepared based on traffic volume and speed.

Generally, noise contours indicated that commercial, industrial, and residential construction within close proximity to I-80 should be carefully reviewed for noise constraints, however, should not seriously hamper future development. It is recommended that where future development is questionable basedon noise constraints, a detailed analysis should be prepared to evaluate the possibility of applying noise insulation features that could remedy the problem.

V. IMPLEMENTATION

The adoption of this General Plan by the Board of Supervisors will establish the goals and policies which provide the guidelines within which decisions by both the public and private sector are made. Future developments will then be required to be consistent with these goals and policies. Tools used to implement the goals include zoning and subdivision ordinances, building and health codes, and capital improvement plans. It is also important, however, that citizens in the community take an active interest in seeing that the General Plan concepts become a reality. There should be continued attendance at public meetings and a general upholding of the spirit of the Plan in private day-to-day decisions.

APPENDIX

GENERAL RULES FOR INTERPRETATION

OPHIR GENERAL PLAN

General Plan Designation

Rural Low Residential

Rural Estate

Agricultural

Industrial

Commercial

Zone District Proposed

Single Family Residential, Agricultural Residential, Farm, and Open Space.

Single Family Residential, Agricultural Residential, Farm, Forestry, and Open Space.

Single Family Residential, Agricultural Residential, Agricultural Exclusive, Farm, Forestry, Open Space, and Mineral Reserve.

Industrial, Industrial Park, Limited Industrial, and Heavy Commercial.

Neighborhood Commercial,
Central Commercial,
General Commercial, Heavy
Commercial, Highway
Service, Neighborhood
Shopping Center, Limited
Industrial, Medium
Density Multiple Residential, High Density
Multiple Residential.

Submitted by:

Richard Johnson, Chairman Ophir Property Owners' Association

G-1 The comment introduces and summarizes the topics of the detailed comments that follow.

No specific comments on the Draft EIR are provided. No response or revision to the EIR is necessary. Responses to each of the detailed comments are provided below.

G-2 The comment states that the future Design Review process represents improperly deferred mitigation, and that the landscaping plans should be included in the Draft EIR. The comment also states that the Draft EIR should include conceptual drawings of the proposed development and landscaping.

The comment is correct that CEQA prohibits deferring mitigation. However, the Design Review process is not referenced as mitigation in the Initial Study. Rather, the analysis notes that the use of the landscaping easement, which is a component of the project description, ensures that buildings and structures would be setback from Ophir Road, which would decrease the visibility of these components of the project from the road. It is not expected that the landscaping plan would provide for complete shielding of all views of the project site from Ophir Road, but that it would soften the views of structures within the project site and ensure that the project site is compatible with the existing heavy commercial character of the land uses adjacent to the project site.

Additionally, mitigation is not considered deferred if there are established performance standards that must be met. Through the Design Review process, Placer County will ensure that the proposed landscaping complies with the County's adopted Design Review Guidelines. These guidelines serve as the performance standards that will govern the future Design Review process.

There is no requirement under CEQA that a Draft EIR must include conceptual drawings of the proposed project. CEQA Guidelines §15151 states that "an EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." Additionally, CEQA Guidelines §15204(a) states, in part, "CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended" in comments on the Draft EIR. The analysis of aesthetic impacts included in the Initial Study is complete and provides the decision makers with sufficient information to consider the potential aesthetic effects of the proposed project.

G-3 The comment states that members of the Ophir Area Property Owner's Association conducted their own noise measurements at one of the existing Livingston's Concrete Batch Plant sites, and found higher noise levels than are indicated in the Draft EIR. The comment also states that there is no identification of the noise impacts of using a "clean fuel" generator instead of power poles.

There are many factors that influence the results of noise measurements. These include the type of equipment used to conduct the measurements, whether the equipment was appropriately calibrated, the distance from the "noise center" of the existing facility at which the measurements are collected, the types and characteristics of other noise sources in the vicinity, and properties of the ground surface, vegetation, and any structures between the noise source and the measurement location.

As discussed in Response to Comments E-15 and E-31, the noise analysis in the Draft EIR relied on file data for batch plants to predict the noise levels that would be generated by the proposed project. The noise consultant applied the appropriate file data for batch plant facilities based on the operational characteristics of the proposed project to determine the likely noise generation associated with the project.

The project applicant has not proposed to use a clean fuel generator at the project site. The environmental impact analysis must be based on the project description. Because use of a generator is not proposed, the EIR does not need to address potential noise impacts from a generator.

G-4 The comment states that there is no discussion of the cumulative impacts associated with buildout of the properties in the vicinity designated for heavy commercial and industrial land uses.

As discussed in Response to Comment E-12 and on page 8-5 of the Draft EIR, the cumulative scenario considered in this EIR is buildout of the Placer County General Plan through the year 2025. Buildout of the properties in the vicinity designated for heavy commercial and industrial land uses is considered part of the General Plan buildout scenario, and impacts for this scenario were evaluated in the General Plan EIR. On page 8-7, the Draft EIR concludes that the proposed project would make a considerable contribution to the cumulative noise impacts in the project area, but that this contribution is consistent with the noise impacts anticipated under the General Plan EIR. Similarly, buildout of the properties in the vicinity designated for heavy commercial and industrial land uses would likely contribute to the cumulative noise impacts in the project area, but this contribution would also be consistent with the noise impacts anticipated under the General Plan EIR.

G-5 The comment indicates concern that existing groundwater wells in the vicinity would be adversely affected by the proposed use of groundwater. The comment asserts that the Draft EIR mitigates potential impacts to groundwater wells by requiring the project to connect to a future Placer County Water Agency (PCWA) waterline extension, and notes that the Draft EIR states that funding for this extension is not currently available. The comment inquires whether monitoring wells will be

installed and what mitigation or financial commitments would be required to ensure that impacts to existing residential and agricultural wells would be remedied, such as by proving an alternate water supply. The comment also states that no discussion in the Draft EIR regarding the potential for the project applicant to fund the PCWA waterline extension by entering into a reimbursement agreement with PCWA.

As discussed in Response to Comment E-5, the Draft EIR analysis concluded that the proposed use of groundwater would not adversely affect existing wells in the project vicinity. Impact 6.3 in CHAPTER 6 HYDROLOGY AND WATER QUALITY of the Draft EIR specifically addresses potential impacts to groundwater from operation of the proposed project, including the proposed use of a daily maximum of 10,000 gallons of water from the onsite well. The determination that use of a daily maximum of 10,000 gallons of water would have a less than significant impact was based on the results of the 72-hour pump test and compliance with a state guideline regarding groundwater use for public water systems. After publication of the Draft EIR, this guideline was adopted in state law as California Code of Regulations §64554. It is expected that the proposed pumping rate would be sustainable and would not result in significant impacts to existing groundwater wells in the project vicinity. In addition, as explained in Response to Comment E-11, the results of the 72-hour pump test and review of the Well Completion Reports for wells within one-fourth of a mile of the project site indicate that there is minimal communication or lateral connectivity between the existing well on the project site and other wells in the project area.

Because the proposed use of groundwater was determined to have a less than significant impact on existing groundwater wells in the vicinity, the EIR cannot require the applicant to fund the extension of the PCWA waterline as a mitigation measure. Such a measure would violate constitutional law, as expressed in CEQA Guidelines §15126.4(4)(B), which states that mitigation measures must be roughly proportional to the impacts of the proposed project.

G-6 The comment states that the Draft EIR does not identify the cumulative impacts to groundwater if public water is not made available to the commercial and industrial properties in the vicinity.

As discussed above in Response to Comment G-4 and on page 8-5 of the Draft EIR, the cumulative scenario considered in this EIR is buildout of the Placer County General Plan through the year 2025. Buildout of the properties in the vicinity designated for heavy commercial and industrial land uses is considered part of the buildout of the Placer County General Plan, and impacts for this scenario were evaluated in the General Plan EIR.

G-7 The comment indicates concern with the potential for the project to adversely affect the health of people and animals in the vicinity and surface water quality from emissions of hazardous air pollutants.

As discussed in **CHAPTER 1 INTRODUCTION** of the Draft EIR, the analysis in the Initial Study determined that the project could contribute to significant impacts to air quality in the cumulative scenario. The Initial Study states that the project would be