

Before the Board of Supervisors
County of Placer, State of California

**In the matter of: A RESOLUTION ADOPTING
AN ADDENDUM TO THE CERTIFIED FINAL
ENVIRONMENTAL IMPACT REPORT FOR THE
PLACER VINEYARDS SPECIFIC PLAN**

Reso. No. _____

The following resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, 2012, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Attest:

Board of Supervisors

Ann Holman
Clerk of said Board

Jennifer Montgomery, Chair

This Statement of Findings is made with respect to the "Project Approvals" (as defined below) related to the amendment of the Placer Vineyards Specific Plan (the "Specific Plan") and states the findings of the Board of Supervisors (the "Board") of the County of Placer (the "County") relating to the environmental impacts of the Project Approvals.

WHEREAS, the Placer Vineyards Property Owners Group ("Applicant") has requested the Board take the following requested actions related to the Specific Plan:

1. Adoption of the Addendum to the certified Final Environmental Impact Report for the Specific Plan, a copy of which is attached hereto as Exhibit A;
2. Adoption of amendments to the Specific Plan; and
3. Approval of twenty-two (22) separate Amended and Restated Development Agreements, and

WHEREAS, the adoption of amendments to the Specific Plan and the approval of amended development agreements constitute the "Project" for purposes of the California Environmental Quality Act ("CEQA"--Public Resources Code sections 21000 et seq.) and CEQA Guidelines Sec. 15378 and these determinations of the Board, and

WHEREAS, on July 16, 2007, the Board held a public and adopted Resolution No. 2007-229 certifying the Final Environmental Impact Report for the Placer Vineyards Specific Plan, and

WHEREAS, an Addendum has been prepared for the Project as required by law and in accordance with all requirements of CEQA and the CEQA Guidelines, and

WHEREAS, on September 22, 2011, the Placer County Planning Commission considered the Addendum and has made recommendation to the Board, and

WHEREAS, the Board gave full and legal notice of a public hearing to consider the Addendum and act upon the Project, which hearing was held on February 14, 2012, and

WHEREAS, the Board has duly considered the Addendum the comments of the public, both oral and written, and all written materials in the record connected therewith, and is fully informed thereon,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER:

1. The Project will not result in substantial changes that would lead to the identification of new or previous unidentified significant environmental effects that would require major revisions of the previously certified Final Environmental Impact Report for the Placer Vineyards Specific Plan.

2. No new information of substantial importance which was not known, and could not have been known with the exercise of reasonable diligence at the time the Final Environmental Impact Report for the Placer Vineyards Specific Plan was certified, has been discovered which would require major revisions of the previously certified Environmental Impact Report.

3. There is no substantial evidence in the record as a whole that the Project may have a significant effect on the environment or result in any new or additional significant adverse impacts.

4. The Addendum has been prepared as required by law and in accordance with all requirements of CEQA and the CEQA Guidelines and the document as adopted reflects the independent judgment and analysis of Placer County, which has exercised overall control and direction of the preparation of the Addendum. The Board has reviewed the Placer Vineyards Specific Plan Addendum to the Final Environmental Impact Report (PDAG 20100381), attached hereto as Exhibit A, and bases its findings on such review and other substantial evidence in the record.

5. The custodian of records for the Project is the Placer County Planning Director, 3091 County Center Drive, Auburn CA, 95603.

BE IT FURTHER RESOLVED: That the Planning Department is directed to file a Notice of Determination with the County Clerk within five (5) working days in accordance with Public Resources Code section 21152(a) and CEQA Guidelines section 15094.

Exhibit A: Addendum

EXHIBIT A

Placer Vineyards Specific Plan Addendum to Final Environment Impact Report September 2011

Introduction

This document has been prepared as an Addendum to the Placer Vineyards Specific Plan ("Specific Plan" or "PVSP") Final Environmental Impact Report (SCH #2003122105) ("PVSP FEIR") in accordance with the CEQA Guidelines Section 15164 to address proposed changes to the PVSP project. As discussed in more detail below, the proposed project changes are limited to changes to the text of the approved Specific Plan and amendments to the twenty-one (21) Development Agreements approved at the time of Specific Plan approval on July 16, 2007. The proposed changes and amendments would allow for phasing of backbone infrastructure, rather than requiring that Core Backbone Infrastructure be in place with the initial development.

County staff has determined that an "addendum" to the County's multi-volume PVSP FEIR is the appropriate environmental document for addressing the proposed project changes. Subdivision (a) of CEQA Guidelines section 15164 provides that the Lead Agency "shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR have occurred." Section 15162, in turn, provides that no subsequent or supplemental EIR shall be required (i) unless "substantial changes" in the project or "the circumstances under which the project is being undertaken" will necessitate "major revisions" of the EIR "due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects," or (ii) unless "new information" which was not known and could not with reasonable diligence have been known at the time the EIR was certified, becomes available. Under the latter trigger, such "new information" must show one of four things: first, that new significant effects will occur; second, that previously identified significant effects will be substantially more severe than previously disclosed; third, that mitigation measures or alternatives previously rejected as infeasible (a) would in fact be feasible, (b) would reduce one or more significant effects of the project, and (c) have not been adopted by the project proponent; or fourth, that there are new mitigation measures or alternatives that (a) are considerably different from those analyzed in the earlier EIR, (b) would reduce one or more significant effects of the project, and (c) have not been adopted by the project proponent.

Essentially, a supplemental or subsequent EIR is only necessary if changes in the project or circumstances could result in one or more significant environmental effects that were not addressed in the certified EIR, if a previously identified significant impact that was addressed would be substantially more severe, or if new information shows that new and considerably different or previously rejected alternatives or mitigation measures unacceptable to the project proponents are available to reduce one or more significant effects of the project.

This Addendum demonstrates that the circumstances, impacts, and mitigation requirements identified in the PVSP FEIR remain substantively applicable to the Proposed Project, as discussed below, even with the proposed changes. While some technical changes to certain mitigation measures in the EIR are appropriate, as shown in Attachment A, none of the changes would alter the conclusions regarding significance or severity of impacts evaluated in the PVSP FEIR. Nor would any new impacts occur. Furthermore, the applicant has agreed to the proposed changes in mitigation. For these reasons, the proposed revisions do not raise any substantial new issues and do not cause the level of impacts identified in the certified PVSP FEIR to be exceeded.

Previously Approved Project

The approved Placer Vineyards Specific Plan provides direction for development of 5,230 acres in western Placer County with a mix of residential, commercial retail, office, mixed-use and public facilities. A maximum of 14,132 residential units could be developed under the PVSP. Two distinct areas were identified within the Specific Plan area. The 979-acre "Special Planning Area", located in the western portion of the Plan area would retain its rural character, with a maximum of 411 dwelling units (including 150 existing units). The remainder of the Plan area could be developed with up to 13,721 residential units at densities ranging from 2 to 22 units per acre. Other development could include up to 3.6 million square feet of Commercial uses (e.g., retail, office, business park, Town Center and commercial mixed-use), schools, parks, religious facilities and parks. The Development Agreements approved with the Specific Plan on July 16, 2007, require the applicant to construct improvements in accordance with certain mandatory development milestones.

The Specific Plan and Development Agreements identify public utilities and services that would be required to serve project development, and mechanisms for ensuring that these facilities would be in place as needed. The Development Agreements specify that "Core Background Infrastructure", made up of essential public facilities, be constructed at the onset of development to serve the PVSP as development proceeds. Core Backbone Infrastructure includes specific major roadway, trail, water, wastewater, recycled water and dry utilities. Additional infrastructure required order to serve individual projects would be constructed when identified in the Development Agreements as needed and connected to the backbone infrastructure already in place. Taken together, the adopted PVSP and Development Agreements include mechanisms to ensure that the Core Backbone Infrastructure is financed and constructed sufficiently in advance to allow major project developments to proceed in a logical manner.

In addition to constructing Core Background Infrastructure at the outset of development, the Development Agreements required that several actions be taken before the first Final Large Lot Map was approved, including obtaining any required permits for fill of wetlands, preparation of substantially complete drafts of Master Plans for public infrastructure, and formation of service district(s) to levy special taxes and assessments.

Proposed Revisions to the Project

The proposed revisions to the PVSP would change the timing requirements for the construction of Core Backbone Infrastructure and other infrastructure to allow for more flexibility in the requirements. The proposed revisions would not modify the size or design of required infrastructure, or change any land uses, densities, development standards, guidelines, or any other aspects of development under the approved PVSP. The only revisions to the Specific Plan are related to the timing for the installation of infrastructure.

The Specific Plan and Development Agreements are proposed to be amended to allow for phasing of construction of infrastructure, rather than requiring that Core Backbone Infrastructure be fully in place with the initial development. Under the proposed revisions, the developers of individual projects within the Plan area (Participating Developers) could submit applications for approval of specific "Development Phases" within the Specific Plan, subject to County approval. As part of each application, it must be demonstrated that infrastructure improvements and public facilities would be adequate to serve the proposed phase of development and the remainder of the Specific Plan as the County determines to be necessary. In addition, the project would need to mitigate any impacts associated with the infrastructure that is proposed, whether on or off site.

Ultimately, the entirety of the backbone infrastructure and facilities identified in the original Development Agreements would be fully constructed under the changes proposed. The Developer Group, which includes the property owners within the Plan area, would remain fully responsible for constructing and installing all required infrastructure in a timely fashion. Exhibit 3.6.1 of the proposed Amended Development Agreements lists the extensive Core Backbone Infrastructure improvements that would be required of the project, including roadway widening, traffic signals, major water lines, the gravity trunk storm drain collection system, recycled water lines, pump facilities and storage tank, major dry utility lines, erosion control features, and multi-purpose trails. Remaining backbone infrastructure, project-specific and as warranted improvements are identified in Exhibit 3.6.2 of the proposed Amended Development Agreements, along with guidelines for the timing of these improvements. The timing of County Facilities is laid out in Exhibit 3.10.2.2, which identifies the various County Facilities that will be the responsibility of the project (e.g., fire stations, sheriff's station, library, transit), the sizes and locations of these facilities and the anticipated triggers. Where the EIR identified specific timing for improvements, they are reflected in the Development Agreements. For example, the EIR (Mitigation Measure 4.11.2-2b) and Exhibit 3.10.2.2 both call for an interim western fire facility prior to the first residential building permit, a permanent western station 18 months after the first residential building permit and an eastern station before the 5,000 residential building permit.

Under the existing and proposed Development Agreements, Master Plans would still be prepared to describe how improvements and facilities would be provided for and coordinated with overall development of the entire Specific Plan. The required Master Plans would include a County Facilities Master Plan, a Sewer Master Plan, a Drainage Master Plan, a Parks Master Plan, a Landscape Master Plan and a Transit Master Plan. These Master Plans must be completed and approved prior to approval of the first Development Phase. The County would then determine the specific, detailed components and timing of the improvements and facilities required for each Development Phase as it is proposed, consistent with the required Master Plans and the requirements of the Development Agreements. The infrastructure and facilities identified for each Development Phase must be adequate to serve that phase, and must be coordinated with subsequent Development Phases with respect to the infrastructure and facilities identified in the required Master Plans.

The existing and proposed Development Agreements also specify that an individual developer's right to obtain project approvals (e.g., recordation of final small lot maps for single-family residential projects, or improvement plans or grading permits for multifamily residential and non-residential projects) would be contingent upon that developer paying its share of the costs associated with infrastructure and services, including (1) preparation and approval of the required Master Plans; (2) the formation of services districts that would levy assessments for the funding of services; and (3) design and construction of Core Backbone Infrastructure, Remaining Backbone Infrastructure, County facilities, and County park improvements.

Environmental Effects of Proposed Changes

The proposed revisions to the PVSP would not alter any of the conclusions of the PVSP FEIR regarding the significance of environmental impacts. Because the proposed revisions would not alter the PVSP boundaries, land use designations or the amount or location of development, including off-site infrastructure, the impacts on the physical environment would be unchanged. The timing of construction of backbone infrastructure would change, but the facilities that would ultimately be installed would be the same as under the adopted project. Therefore, footprint-related impacts such as loss of wetlands, conversion of farmland to developed uses, and damage or destruction of archaeological resources would be the same as those identified in the PVSP FEIR. The applicant and all subsequent developers would still be required to implement all required mitigation for impacts on these resources.

The primary effect of the proposed revisions would be to alter the timing of backbone infrastructure. As explained above, the approved Specific Plan requires that a substantial portion of backbone infrastructure be constructed at the onset of project development, including major roads, sewer and water lines, drainage infrastructure and so on that would be shared by the full project. Subsequent development would then contribute its fair share toward the already-constructed infrastructure and install other needed roads and utilities within the development area. This approach was intended to ensure that infrastructure for the entire Plan area would be constructed, avoiding a situation where infrastructure built by early phases was not adequate to serve subsequent phases, and/or that certain facilities were never constructed because development did not generate enough revenue. In addition, this approach would allow development to occur anywhere within the entire Plan area rather than having to be contiguous to other development.

Even with the proposed changes, the Development Agreements would ensure that all infrastructure and facilities needed to serve project development would be provided in a timely fashion, and that service levels and infrastructure capacity standards set by the County would have to be satisfied as a condition of each development approval. Prior to submission of the first Development Phase application, Master Plans must be prepared for each of the Core Backbone Infrastructure components, including County facilities, sewer, drainage, parks, transit and landscaping, needed to serve the entire plan area. These Master Plans would identify the infrastructure and facilities that would be required to serve the Specific Plan. Financing mechanisms have been identified in the Development Agreements, and required to be put into place before development is underway, so the backbone infrastructure and facilities would have a source of funding. The proposed revisions to the Development Agreements require that all Core Backbone Infrastructure must be constructed prior to issuance of the building permit for the 10,500th residential unit anywhere within the PVSP area, ensuring these improvements are completed and in place before the PVSP is fully developed.

As indicated above, each Development Phase must demonstrate that it provides the infrastructure necessary to serve that phase, consistent with the appropriate Master Plans. Each development phase must also be accompanied by a financing plan that provides a plan for financing the construction completion of the remaining backbone infrastructure, secondary road improvements, County facilities, parks and so on that are associated with that development phase. As each development phase is proposed, the County will review it to ensure that it is consistent with the Master Plans, that it provides adequate infrastructure for that phase of development, as well as with any remaining infrastructure necessary to serve the entire Specific Plan. As development proceeds within the Specific Plan, the County may update and/or amend as necessary the improvements and facilities addressed by the Master Plans, so the plans will remain responsive to changes in technology, regulations and other circumstances.

Because the proposed revisions to the Development Agreements would continue to ensure that infrastructure and facilities are adequate to serve development within the PVSP, there would not be any increase in the severity of impacts related to public infrastructure and facilities.

Changes to Mitigation Measures and the Mitigation Monitoring and Reporting Program

As discussed above, the proposed revisions to the project would not create any new impacts or make any significant impacts identified in the PVSP FEIR more severe. Several mitigation measures, however, include triggers associated with the approved Specific Plan and Development Agreements that are not consistent with the approach taken in the proposed revisions. The Mitigation Monitoring and Reporting Program also specified timing triggers in some cases that would not be consistent. These are proposed to be revised, as shown in Attachment A.

In every case, the proposed changes to mitigation measures and the timing of their implementation would not alter the impact itself. For example, Mitigation Measures 4.11-2c, 4.11.2-3b, 4.11.3-2a, 4.11.6-1a, 4.11.9-2, 4.11.12-1a and 4.11.13-3 tie the formation of a service districts to the recordation of the first final large or small lot subdivision map. The proposed revisions to the Development Agreements require that these districts be formed prior to approval of the first Development Phase. In either case, the districts must be formed before the onset of actual development, so the impact on future residents and service providers would be the same. Therefore, the reference to recordation of final maps has been deleted from these measures and the reference to the first Development Phase has been added. Mitigation Measure 4.11.9-1d requires that a Master Project Drainage Study be submitted to and approved by the County prior to recordation of the first large lot map. This measure is proposed to be revised to require the plan prior to approval of the first Development Phase, in order to be consistent with the proposed revisions to the Development Agreements. Like the service districts, the Master Drainage Plan would need to be approved by the County before the development begins, and the first Development Phase (as well as all subsequent phases) would need to be consistent with the approved plan. Therefore, drainage improvements would be adequate for and in place prior to development.

The changes in timing recommended for the MMRP are similar to those recommended for the mitigation measures discussed above. In most cases, the timing trigger would change from recordation of a final subdivision map to approval of the first Development Phase or as specified in the Development Agreements, in those instances where the Development Agreement provides a detailed approach to providing facilities.