

MEMORANDUM

DATE: January 5, 2016

TO: Honorable Board of Supervisors

FROM: Michael J. Johnson, AICP 
Agency Director

BY: Alex Fisch, Senior Planner

SUBJECT: Cancellation of an Agricultural Preserve and Williamson Act Contract, and
Minor Land Division (PMLD 20140162) – Rickey-Reese

Action Requested

1. Conduct a Public Hearing to consider the Planning Commission's December 10, 2015 recommendation to approve a partial cancellation of an Agricultural Preserve and Williamson Act Contract;
2. Adopt the Mitigated Negative Declaration and Errata, and the Mitigation Monitoring Reporting Plan prepared pursuant to Section 15074 of the California Environmental Quality Act Guidelines and Section 18.16.040 of the Placer County Environmental Review Ordinance;
3. Adopt a Resolution approving tentative cancellation of a 37.7-acre portion of Agricultural Preserve AGP-145; and
4. Approve the proposed Minor Land Division subject to the recommended Conditions of Approval.

Background

The project proponent requests approval to cancel a 37.7-acre portion of Williamson Act Contract AGP-145 and to approve a Minor Land Division for a four-lot Parcel Map. Resulting parcels would range in size from 6.1-acres to 12.3-acres, and the average lot size would be 9-acres. The 37.7-acre project site is located immediately adjacent to the west side of Auburn Folsom Road one-quarter mile south of Cavitt Stallman Road in the Granite Bay area. The project would construct a private onsite roadway that would connect to Auburn-Folsom Road near the northeast corner of the site. The 850-foot long onsite private roadway would be constructed to a Plate R-1 standard with 20 feet of pavement and two-foot gravel shoulders on either side and would terminate in a cul-de-sac. The private roadway would serve Parcels 2, 3 and 4. Parcel 1 would be served by a private driveway connection to Auburn-Folsom Road.

The project would construct frontage improvements along Auburn-Folsom Road including landscaping, a six-foot wide decomposed granite trail, and a five to six foot tall sound wall. All frontage improvements and landscaping would be designed in accordance with the Granite Bay Community Plan Design Element. Gated entries for the private roadway and for the Parcel 1 driveway are not proposed.

The project would be connected to public sewer by extension of a six-inch gravity sewer line from the project site to the point of connection in Shelborne Drive approximately 350 feet south of the project boundary. The project would construct onsite and offsite sewer improvements to the satisfaction of Placer County Sewer Maintenance District 2, including construction of all-weather onsite sewer easement access roads. Treated water service would be provided by the Placer County Water Agency. An eight-inch water line would be extended to the project along the westerly side of Auburn-Folsom Road from the point of connection approximately 1,000 feet north of the project. Fire protection would be provided by the South Placer Fire District, and the District may require the project to construct fire hydrants and/or other sources of surface water storage for fire suppression.

Site resources, including seasonal streams, a wetland swale and isolated wetland features, are proposed to be protected through implementation of recorded easements and setbacks in accordance with policies of the Placer County General Plan and the Granite Bay Community Plan. The Parcel Map would establish permanent protective easements for these resources, and building improvements would be required to maintain a minimum 50-foot setback.

The project proposes to cancel the portion of the Williamson Act Contract (AGP-145) that is applicable to this 37.7-acre parcel. The Williamson Act Contract area currently includes three parcels that total 86.4-acres. With this cancellation, the Williamson Act Contract would be reduced by 37.7-acres and the remainder contract area would include two parcels that total 48.7 acres.

Site Characteristics

The 37.7-acre project site is zoned Residential Agriculture combining minimum Building Site of 4.6 acres (RA-B-X 4.6 acre minimum) and is currently undeveloped except for a small roadside agricultural stand located in the southeast portion of the property. It is located within the Granite Bay Community Plan area of Southern Placer County and has historically been utilized for agricultural production. The property is bounded by Auburn Folsom Road to the east, large-lot rural estate properties to the north, large-lot rural estate properties and Sierra Ponds Lane to the west, and the Shelborne Estates Planned Residential Development to the south.

The project site ranges in elevation from 385 feet above mean sea level near the south property boundary to 428 feet above mean sea level in the far northwest corner of the site. The property gently slopes from its north, east and west margins to an unnamed seasonal stream corridor that bisects the central portion of the property from north to south. The seasonal stream receives spill water from the Placer County Water Agency's Baughman Canal to the north, a roadside ditch along Auburn Folsom Road that becomes a seasonal stream / wetland swale where it enters the property near the

northwest corner, and overland ephemeral drainage. The stream terminates at the southerly project boundary where it abuts an adjacent residential subdivision.

The site presently consists of seasonal grazing land, irrigated pasture, and approximately four acres devoted to growing of crops including strawberries and blackberries. Since the project site has been continuously farmed over a long period of time, it is less wooded than it may have been under its historic condition. Oak woodlands are present on the project site, but are limited to the seasonal stream corridor, which is considered mixed riparian woodland due to inclusion of other tree species such as cottonwood and willow.

Existing Land Use and Zoning

Location	Zoning	General Plan / Community Plan Designation	Existing Conditions & Improvements
Site	Residential Agriculture combining minimum Building Site of 4.6 acres	Granite Bay Community Plan / Rural Estate 4.6 - 20 Ac. Min.	Undeveloped – Site has historically been used for agricultural production
North	Same as project site	Same as project site	Developed rural residential property
South	Residential Single-Family combining Agriculture combining minimum Building Site 40,000 square feet	Granite Bay Community Plan / Rural Low Density Residential 0.9 - 2.3 Ac. Min.	Shelborne Estates Planned Residential Development
East	Residential Single-Family combining Agriculture combining minimum Building Site 40,000 square feet	Granite Bay Community Plan / Rural Low Density Residential 0.9 - 2.3 Ac. Min.	Hidden Valley Estates Planned Residential Development
West	Same as project site	Same as project site	Developed rural residential property

Analysis

The Placer County Williamson Act Lands Program is established in compliance with Chapter 7, Part 1, Division 1 of Title 5 of the Government Code (Section 51200 et seq.), otherwise known as the California Land Conservation Act of 1965. The purpose of the Program is to protect agricultural lands for the continued production of agricultural commodities and to protect certain other lands devoted to open-space uses in

compliance with the Williamson Act. A landowner may petition the County for approval to enter into a Williamson Act Contract, which requires that the land be devoted to production of agricultural commodities and open space uses for an initial contract term of at least ten years. Once a contract is approved, one year is added to the contract at the commencement of each calendar year such that a ten-year contract term is perpetually maintained until the landowner requests to file Notice of Nonrenewal, which begins a nine year contract termination process. During the nonrenewal period, property taxes are incrementally adjusted from the restricted agricultural value to the unrestricted Proposition 13 value. At the conclusion of the nine-year nonrenewal period the contract is terminated.

The 37.7-acre project site (APN 035-120-027) is one of three parcels that comprise Placer County Agricultural Preserve 145 (AGP-145), which totals 86.4 acres and has been continuously enrolled in Placer County's Williamson Act Program since May 1971. Partial Notice of Nonrenewal of AGP-145 was filed in September 2013. The Notice of Nonrenewal applies to APN 035-120-027-000 only, which is the proposed project area and the subject of this cancellation request. AGP-145 originally included four parcels totaling 165.4 acres; however, a 79-acre portion (APN 035-050-005-000) was split from the original contract in December 2013 and placed under a new contract (PAGP 20130188). If the petitioner's request for partial contract cancellation is approved, the remainder contract would total approximately 48.7 acres and would consist of APN 035-120-001-000, comprising 25 acres, and APN 035-120-028-000 comprising 23.7 acres. Current agricultural uses on the remaining 48.7-acres of the contract area include an approximately five-acre vineyard, firewood production, and limited seasonal grazing of beef cattle. Other hobby farms and nurseries are present within a two-mile radius of the project boundary; however the next nearest Williamson Act contracted property (excluding PAGP 20130188) is located approximately five miles to the south.

The project site is characteristic of seasonal grazing land and irrigated pasture land. Current agricultural uses include an approximately four-acre area located in the southeast corner of the property devoted to production of strawberries and blackberries, which are sold from a roadside agricultural stand also located onsite in the vicinity of these crops. The site includes approximately 50 beehives, which are primarily used for pollination of area crops and for production of honey. A once productive vineyard comprising approximately ten acres and located in the southwest corner of the site was fallowed approximately five years ago. The portion of the site that includes the fallowed vineyard is currently designated as Prime Agricultural Land (Attachment G – Williamson Act Designations Map). The remainder of the site, including the portion allocated for growing strawberries and blackberries, is designated as Non-Prime Agricultural Land. While the state currently designates the portion of the site that includes the fallowed vineyard as Prime Agricultural Land, it does not meet any of the criteria (see definition listed below) because the vineyard has been fallowed and there

are no active agricultural uses on this portion of the site. In addition, the thin granitic soils likely do not meet Prime Agricultural Land criteria 1 or 2.

Definition of Prime Agricultural Land

Prime Agricultural Land is defined as any of the following:

1. Land which qualifies for rating as class I or class II in the Natural Resources Conservation Service land use capability classifications;
2. Land which qualifies for rating 80 to 100 in the Storie Index Rating;
3. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture;
4. Land planted with fruit or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars per acre;
5. Land which has returned from the production of unprocessed agricultural plant production and has an annual gross value of not less than two hundred dollars per acre for three of the previous five years.

Non-Prime Agricultural Land includes lands enrolled in the California Land Conservation Act that do not meet the criteria of Prime Agricultural Land.

In addition to the above, the portion of the site that includes the fallowed vineyard is currently designated as Farmland of Statewide Importance in accordance with the Department of Conservation's Farmland Mapping and Monitoring Program and the remainder of the site is designated Other Land. Farmland of Statewide Importance is defined as "similar to Prime Farmland, but with minor shortcomings, such as greater slopes or less ability to store soil moisture", meaning it is of somewhat lesser agricultural value. Furthermore, the land must have been utilized for irrigated agricultural production at some time during the four years prior to the mapping date. Thus, while these criteria may have been met under the last mapping update, the criteria are no longer met because the vineyard has been fallowed for more than four years.

In accordance with the Farmland Mapping and Monitoring Program, "Other Lands" are those lands that are not included in any other mapping category and include lands utilized for low density residential, brush, timber, wetland, and riparian areas not suitable for grazing or confined livestock uses.

Community Plan and Zoning Consistency

Construction of the project would result in construction of onsite improvements including a private roadway, driveways, four single-family residences and associated accessory buildings such as detached garages, guest houses, secondary dwelling units,

swimming pools and related residential improvements. In addition, a sound wall, earthen trail, and new landscaping would be constructed along the Auburn Folsom Road frontage. The sound wall would be approximately five feet tall and would be located approximately 80 feet from the roadway centerline. Project landscaping and the sound wall would be constructed in accordance with the landscaping and design standards specified in the Granite Bay Community Plan Design Element, which emphasizes use of native and native appearing trees and shrubs, use of high quality indigenous and manmade building materials such as natural stone and cultured stone, and earthen trails.

Due to the size of the proposed parcels and the property values in the immediate area, the developed character of the project would likely include larger estate homes with extensive landscaping and hardscaping. Homes would use high quality materials and designs, and the completed product would be visually appealing. All proposed lots would exceed the minimum zoning and the developed character of the project would be consistent with the zoning. The Development Review Committee has determined that the proposed Parcel Map and its associated improvements would comply with general plan and community plan policies, and all required County development standards.

Williamson Act Contract Cancellation Request

Statutory Background Pertaining to Contract Cancellation

The following information is taken, in part, from the California Department of Conservation Williamson Act Cancellation Advice Paper. Pertinent sections of the advice paper are reproduced in this staff report for background information purposes. References to "Department" means the California Department of Conservation. Other information is from the Placer County Williamson Act Ordinance or from the Williamson Act (Government Code §51200 et. Seq.).

The preferred method to terminate a Williamson Act Contract is the nonrenewal process. However, cancellation of a contract may be requested and approved in accordance with the provisions of Government Code §51280 et. Seq., which describes the cancellation process and necessary findings. Provisions for contract cancellation are included in the Williamson Act Statute to provide a means of dealing with situations where the cancellation will either facilitate an alternative use of land that is consistent with the purposes of the Act or that will facilitate a public interest that substantially outweighs the objectives of the Act. The Constitutional authorization of the Williamson Act requires that the Act represent an enforceable restriction on lands to which it applies; easily available cancellation would render the Act ineffective as a land-use control device. The uneconomic character of an existing agricultural use is not sufficient reason for cancellation of a contract. However, the uneconomic character of the existing agricultural use may be considered if there is no other reasonable or comparable agricultural use to which the land may be put.

In accordance with Government Code §51282, the Board of Supervisors may determine that cancellation of a contract is consistent with the purposes of the Williamson Act if it finds all of the following:

1. The cancellation is for land on which a notice of nonrenewal has been served pursuant to GC §51245;
2. Cancellation is not likely to result in the removal of adjacent lands from agricultural use;
3. Cancellation is for an alternative use which is consistent with the applicable provisions of the General Plan;
4. Cancellation will not result in discontinuous patterns of urban development; and,
5. There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development of proximate noncontracted land.

Project Proposal for Contract Cancellation

To support the request for partial cancellation of this Williamson Act Contract, the applicants provided the following justification statement:

The undersigned, owners of the above referenced parcel (AGP-145), do hereby petition the Placer County Board of Supervisors to cancel the contract on the above referenced parcel under the Williamson Act Contract (AGP-145) as per the Initial Project Application submitted to the Planning Department in June 15, 2014. This is a partial cancellation request as it only pertains to the referenced parcel and not to the entirety of the contract.

The cancellation of the contract on this parcel is in the public interest as the land use pattern has changed in the region as evidenced by the Residential Agriculture zoning of suburban developments adjacent to and in close proximity to the subject parcel; such as Shelborne Estates, Hidden Valley, Walden Woods, Los Lagos Estates, Eden Roc and others. In addition, there is higher density, small lot residential property (less than one acre parcels) on roads located adjacent to and in close proximity to the subject property, i.e. Auburn Folsom, Sierra Ponds, Joe Rogers, Cavitt Stallman, Twin Rocks, and more, which makes the subject property unsuitable for agricultural use and economically unfeasible. And there is no other reasonable or comparable agricultural use to which the land may be put.

The Board is directed to the following facts and findings regarding this request:

1. *Notice of partial nonrenewal of AGP-145 was filed with the Placer County Recorder on September 27, 2013 pursuant to Government Code Section 51245.*

2. *The cancellation will not result in the removal of adjacent land from agricultural use as adjacent parcel 035-120-028-000, which is part of this AGP-145 contract, shall remain in agricultural use.*
3. *Upon cancellation, the proposed alternative residential use is consistent with the applicable provisions of Granite Bay Community Plan.*
4. *As a result of the previously stated change in land use pattern and other stated factors, the cancellation will not result in discontinuous patterns of urban development.*
5. *There is no sufficiently close noncontracted land which is both available and suitable for the use to which it is proposed the subject property be put.*

In addition to the above, the applicant has prepared more detailed findings to support their request for contract cancellation, which are included with this report as Attachment K.

Analysis of Contract Cancellation

Notice of partial nonrenewal of AGP-145 was filed with the Placer County Clerk Recorder on September 27, 2013 and became effective on January 1, 2014. Accordingly, the contract will expire on January 1, 2023.

If the request for partial cancellation of this Williamson Act Contract is granted and the Parcel Map is approved, the project would develop an alternative use of land that is consistent with the existing zoning and the Granite Bay Community Plan. Proposed lot sizes range from 6.1 acres to 12.3 acres, which exceed minimum lot zoning requirements of 4.6 acres, and therefore would be compatible with adjacent large-lot rural residential development that abuts the project site on the north and west, and low-density residential single-family development that abuts the project site to the south. The resultant development pattern would be consistent with adjacent land uses and with the Granite Bay Community Plan Land Use element. Furthermore, partial cancellation of this contract is not likely to remove adjacent agricultural land from agricultural use because the proposed lot sizes are compatible with small-scale agricultural uses that may occur on adjacent and nearby properties and is not likely to result in conflicts. This analysis demonstrates that the first three of the five findings can be made in support of this cancellation request. In addition, while the cancellation would include Prime Agricultural Land, the portion of the site that includes this designation no longer meets the criteria of Prime Agricultural Land.

The fourth finding requires a determination that cancellation will not result in discontinuous patterns of urban development. The Williamson Act Statute does not define the term "urban"; however the Farmland Mapping and Monitoring Program includes a land classification of "Urban and Built Up Land", which is described as land that is "occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a ten-acre parcel. Common examples include

residential, industrial, commercial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures." Property to the immediate south and west of the project site is mapped as Urban and Built Up Land. Property to the east of the project site is designated as Non-Enrolled Land and property to the north of the project site is designated as Non-Prime Agricultural Land. County staff has determined that the project would result in contiguous patterns of development. Therefore, the fourth finding pertaining to contiguous patterns of development would be met.

The fifth finding states: "There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development of proximate noncontracted land." According to the Department of Conservation Williamson Act Cancellation Advice Paper, "proximate noncontracted land" means land not restricted by contract, which is sufficiently close to land which is so restricted that it can serve as a practical alternative for the use that is proposed for the restricted land. Furthermore, "suitable for the alternative use" means that the features of the proposed use can be served by the land not restricted by contract, which may be a single parcel or a combination of contiguous or discontinuous parcels.

Few unrestricted properties of sufficient size and zoning exist in the vicinity of the proposed project. Analysis of whether a specific property or combination of properties would meet all of the applicant's criteria is somewhat speculative as it requires staff to speculate on issues pertaining to whether property can be acquired or whether another property would meet all of the applicant's criteria but with no basis to know whether or not that other property is even for sale. In addition to these issues, the Williamson Act Statute provides no guidance beyond the language cited above to describe a methodology for determining whether an alternative site is proximate or suitable. Accordingly, staff has relied instead upon criteria that are inherent in land use decisions such as general plan and community plan consistency, zoning compliance, compatibility among adjacent land uses, buffering and other qualitative metrics applied to land use analyses.

Staff determined that proximate noncontracted land suitable for the alternative use would include a property or a combination of properties of similar size, character, zoning, setting and community identity that are also located within the Granite Bay Community Plan area, and may include portions of the Horseshoe Bar/Penryn Community Plan area that are immediately adjacent to the Granite Bay Community Plan. While there are a limited number of other properties within the Granite Bay Community Plan and the Horseshoe Bar/Penryn Community Plan that could serve as alternative sites for the proposed project, the applicant does not own any of those properties and it would be speculative to judge whether any of them could be

acquired or developed. For this reason, staff has determined that it is reasonable to find that there is no proximate noncontracted land which is both available and suitable for the proposed Parcel Map. Furthermore, development of this contracted land would provide contiguous patterns of development that are consistent with the goals and policies of the Placer County General Plan and the Granite Bay Community Plan. The project would also provide an effective permanent buffer between adjacent low density residential development to the south and east, and is compatible with already established rural residential development patterns to the north and west. Furthermore, in its letter to the County dated September 23, 2015, the Department of Conservation states, in part, that the Department determined that development of the project site would result in more contiguous patterns of development than other proximate sites due to its location immediately adjacent to other existing urban development.

Department of Conservation Comments on Contract Cancellation

The County received two comment letters from the California Department of Conservation pertaining to the proposed cancellation, which are attached to this report (Attachment L). The first comment letter was dated September 23, 2015, and clarifies the California Important Farmlands land use classifications of the project site. The letter goes on to provide an overview of the five cancellation findings that must be made to determine that the cancellation would be consistent with the Williamson Act, and the Department indicates that, in their opinion, all five findings can be made. Planning staff responded to the Department with information to clarify the public record including that the County had not filed a petition to cancel the contract, but rather the petition was privately initiated. In addition, the Department indicated that the proposed Mitigated Negative Declaration had not analyzed the availability of proximate noncontracted land as a suitable alternative to the project site. Planning staff clarified that an analysis had been included in the Mitigated Negative Declaration, which stated, in part, "Few unrestricted properties of sufficient size and zoning exist in the vicinity of the proposed project. For the purposes of this analysis, it is assumed that proximate noncontracted land suitable for the alternative use would include a property or a combination of properties of similar size, character, zoning, setting and community identity that are also located within the Granite Bay Community Plan area, and may include portions of the Horseshoe Bar/Penryn Community Plan area that are immediately adjacent to the Granite Bay Community Plan." Staff further clarified that this issue was not an environmental issue, but instead dealt with land use policy and would require staff to speculate on whether specific properties could be legally acquired, a final conclusion had not been formed in the environmental document because these issues would be evaluated by the Agricultural Commission, Planning Commission and the Board of Supervisors.

A second letter dated September 28, 2015 was received from the Department of Conservation which described an error in County staff's description of the Farmland Mapping and Monitoring important farmlands designations, similar to the same issue

described in the first letter. Staff has corrected the error in this report and has prepared an Errata for the Mitigated Negative Declaration. The error was non-substantive and does not affect the environmental analysis or conclusions.

Agricultural Commission Meeting (October 19, 2015)

On October 19, 2015, the Agricultural Commission held a public hearing to consider the applicant's request. At that hearing, the Placer County Agricultural Commissioner, Josh Huntsinger, provided an analysis of this Williamson Act Contract cancellation request to the Commission. The Agricultural Commissioner determined that the cancellation would be consistent with the purposes of the Williamson Act and cited the findings listed in Government Code §51282. The findings, which are drafted specifically in response to this cancellation request, are included in the findings section of this report and were prepared jointly by the Agricultural Commissioner and Planning staff.

Agricultural Commission Recommendation:

Following presentations from Planning staff, the Agricultural Commissioner and the applicant's representative, Marcus Lo Duca, the Commission deliberated on the proposed cancellation. A record of the Commission's complete deliberations is included with this report as Attachment M to this report.

Issues raised by the Commission included that a Notice of Nonrenewal had been filed and that filing of the notice signaled an impending change in land use. It was further stated that the change in land use did not necessarily mean that agriculture would not continue on the property, but that the land would no longer be restricted by the Williamson Act and therefore residential use would likely become the predominant land use. Several Commissioners acknowledged this inevitable land use change and some even stated that they thought the property should be subdivided, but clarified that subdivision should not occur until after the nine-year Notice of Nonrenewal contract termination period had concluded. Several Commissioners agreed with this premise and noted further that one of the property owners had only recently acquired an interest in the property and knew of the contractual restriction when the purchase was made; the other property owner is an heir and also knew of the restriction. Several Commissioners further stated that if the Commission voted in favor of the cancellation the Commission's action would be contrary to its role to protect and promote Placer County agriculture and could set a precedent that would facilitate future cancellation requests. Members also stated that such an action would send an incoherent message to Placer County's agricultural land owners and commercial agricultural operators, and could diminish the County's ability to utilize the Williamson Act as a conservation tool.

A motion was made and seconded, and the Commission voted unanimously (7-0-0) via roll call vote to recommend denial of the request to partially cancel this Williamson Act Contract.

Planning Commission Meeting (December 10, 2015)

On December 10, 2015, the Planning Commission held a public hearing to consider the applicant's request. At that hearing, Planning staff provided an oral report to the Commission to describe staff's findings on this project and also described the deliberations of the hearing before the Agricultural Commission. Following staff's presentation, the applicant's representative supplemented staff's oral presentation to further describe the proposed project, the project setting, the cancellation findings as they pertain to this cancellation request, and the physical changes that have already occurred on lands surrounding the project site which have resulted in mixture of urban, suburban, and rural residential land uses that directly correlate to and support staff's findings that partial cancellation of this contract would be consistent with the purposes of the Williamson Act.

During public comment the Agricultural Commissioner, Josh Huntsinger, spoke to further characterize the deliberations of the Agricultural Commission. He also responded to several questions from the Planning Commission. Two persons representing nonprofit organizations, Marilyn Jasper representing the Public Interest Coalition and Michael Garabedian representing the Sierra Club, spoke in opposition to the proposed contract cancellation. Each of them detailed several reasons why their organizations opposed the contract cancellation, including but not limited to, loss of agricultural and open space lands, inconsistency with policies of the Placer County General Plan and the Granite Bay Community Plan, inconsistency with the Williamson Act and that contract cancellation would not be in the public interest.

Following the close of public comment, the Planning Commission deliberated several issues including the cancellation findings in staff's report pertaining to consistency with the Williamson Act, the financial feasibility of continuing the current agricultural operation (or an enhanced agricultural operation) considering the relatively high cost of agricultural production versus the marginal rate of return, and the comparative merits of implementing a rural residential estate project that is less intensive than what is permissible under the existing zoning and that would be consistent with the Granite Bay Community Plan. The Commission further noted that this parcel has been enrolled in the Williamson Act for 44 years where the minimum contract term is 10 years. Consequently, partial cancellation would not result in lack of fulfillment of the minimum 10-year contract term nor would it be a premature conversion to non-agricultural use because properties to the south and east are already developed to urban densities and properties to the north and west are predominantly subdivided down to minimum lot size and include comparable lots sizes to the proposed project.

A motion was made and seconded, and the Commission voted unanimously (4-0-3-0, with Commissioners Sevison, Gray and Nader absent) via roll call vote to recommend that the Board of Supervisors adopt the Mitigated Negative Declaration, approve the

request to cancel a portion of Williamson Act Contract No. AGP-145 and approve the Minor Land Division.

Assessor's Office Determination of Preliminary Cancellation Fee

In accordance with Government Code Section 51283, prior to any action by the Board of Supervisors, the Assessor shall determine the fair market value of the land as though it were free of the contractual restriction. The Assessor's valuation shall be the basis for determining the statutorily mandated 12.5 percent cancellation fee that must be paid to the State upon exercise of an approved tentative cancellation. The purpose of the cancellation fee, which is described in Government Code Section 51283, is to reimburse the State for subvention funds paid to the County to offset foregone property tax revenues over the period of the contract term.

The Assessor's Office has determined that the unrestricted free market value of this property would be \$1,250,000 and certified that the 12.5 percent cancellation fee would be \$156,250.

Exercise of Cancellation

Should the Board of Supervisors approve a tentative contract cancellation, the Clerk of the Board will record the Resolution of Tentative Cancellation (Attachment F) with the County Clerk-Recorder, publish notice of the Board's decision in a newspaper of general circulation and transmit notice of the Board's decision to the Director of the Department of Conservation. At any point thereafter, the property owner may exercise the cancellation by submitting payment of the cancellation fee to the County Treasurer Tax Collector. Upon receipt of payment to the Treasurer and notification of payment to the Clerk of the Board, the Treasurer will transmit the full amount of the cancellation fee to the State Controller and the Clerk of the Board will execute and record the final Certificate of Partial Cancellation.

Environmental Impact

A Mitigated Negative Declaration, and an Errata thereto, has been prepared for this project pursuant to Sections 15070 and 15073.5 of the California Environmental Quality Act Guidelines and Section 18.16.010 of the Placer County Environmental Review Ordinance (Negative Declarations). The Mitigated Negative Declaration, the Errata, and the Mitigation Monitoring Reporting Plan are attached and must be found adequate to satisfy the requirements of CEQA by the Board of Supervisors. Recommended findings for this purpose are attached.

The Mitigated Negative Declaration was circulated for a 30-day public review beginning on September 10, 2015 and closed on October 13, 2015. During the public review, the County received comments from agencies responding to specific impact analyses of the proposed Mitigated Negative Declaration, including some comments that were, more generally, responsive to the proposed project and not specific to a

particular resource impact. Comment letters on the proposed environmental document were received from the Army Corps of Engineers and from the Regional Water Quality Control Board and are attached to this report. Those comment letters contain generalized information pertaining to permit requirements of those agencies and do not affect the environmental conclusions or proposed mitigations. In addition, two comment letters were received from the California Department of Conservation and are attached to this report. Staff has provided responses to the Department of Conservation Comments on Contract Cancellation. The ERC determined that, in accordance with comments raised by the Department of Conservation pertaining to Farmland Mapping and Monitoring Program mapping designations of the project site, mapping designations were erroneously described in the proposed Mitigated Negative Declaration. Upon review the ERC further determined that technical clarification of the mapping designations did not alter the environmental analysis or conclusions, and accordingly would not require recirculation of this proposed Mitigated Negative Declaration prior to adoption because the modified information merely clarifies technical background information but does not change the analysis.

Summary/Conclusion

The Development Review Committee has determined that the proposed Parcel Map and its associated improvements would comply with the policies of the Placer County General Plan and the Granite Bay Community Plan, and all County development standards would be met. Environmental impacts of the project include effective mitigation measures that would reduce all significant project impacts to less than significant. While the Agricultural Commission determined that the Williamson Act Contract cancellation request should not be granted and supported its reasoning, the Development Review Committee has determined that there are other County objectives that contract cancellation would facilitate which outweigh any direct benefits that would be achieved by denial of this cancellation request. Those benefits include, but are not limited to, implementation of the Granite Bay Community Plan through development of planned rural residential estate land uses that are compatible with adjacent low-density residential development while maintaining lot sizes that are of sufficient size to support small-scale agricultural uses, development of a permanent land use buffer for existing rural residential development to the north and west, implementation of the Granite Bay Community Plan Trails Element, and improvement of the County's property tax base. Furthermore, the existing agricultural use of the site is marginal and is limited to an approximately four-acre portion of the 37.7-acre project site. While it is not anticipated that this specific agricultural use would continue if contract cancellation is granted and the Minor Land Division is approved, there is no aspect of this project that would require its immediate discontinuation.

Recommendation

Staff forwards the Planning Commission's recommendations to the Board of Supervisors and based on those recommendations and the analysis and information provided in

this report, as supported by the attachments, studies and expert opinion, recommends the Board take the following actions, subject to the following findings and attached recommended Conditions of Approval:

1. Adopt the proposed Mitigated Negative Declaration and the Errata thereto, and the Mitigation Monitoring Reporting Plan based on the following findings:
 - A. The Mitigated Negative Declaration and the Errata has been prepared as required by law. With incorporation of all mitigation measures, the project is not expected to cause any significant adverse impacts. Mitigation measures include, but are not limited to: Implementation of frontage landscaping along Auburn-Folsom Road, implementation of a noise wall, undergrounding of onsite utilities, limitations on street lights, preservation of onsite wetlands and purchase of in-kind mitigation credits for wetlands impacts that cannot be avoided, preparation of Improvement Plans and implementation of temporary and permanent stormwater BMP's, and payment of Traffic Impact Fees.
 - B. There is no substantial evidence in the record as a whole that this Project as mitigated may have a substantial impact on the environment.
 - C. The Mitigated Negative Declaration and Errata as adopted for this project reflects the independent judgment and analysis of Placer County, which has exercised overall control and direction of its preparation.
 - D. The Mitigation Monitoring Reporting Plan prepared for the project is approved and adopted.
 - E. The custodian of records for this Project is the Placer County Planning Director, 3091 County Center Drive, Auburn, CA 95603.
2. Approve Minor Land Division (PMLD 20140162) in accordance with the following findings and subject to the attached Conditions of Approval (Attachment E):
 - A. The proposed Minor Land Division, together with the provisions for its design and improvements, is consistent with the Placer County General Plan, the Granite Bay Community Plan and with applicable County Zoning Ordinances because the proposed lots meet or exceed the minimum zoning standards for the zoning district, because the design and character of the subdivision will meet all community plan requirements, and because potential environmental impacts are avoided and/or mitigated consistent with the goals and policies of the Placer County General Plan and the Granite Bay Community Plan.

- B. The site of the Minor Land Division is physically suitable for the type and proposed density of development in that the proposed lots will be compatible with neighboring parcels in the immediate vicinity.
 - C. The Project, with the recommended conditions, is compatible with the neighborhood and adequate provisions have been made for necessary public services and mitigation of potential environmental impacts.
 - D. The design and proposed improvements of the Minor Land Division are not likely to cause substantial environmental damage or public health problems.
 - E. The establishment, maintenance or operation of the proposed Minor Land Division will not be detrimental to the health, safety, and general welfare of people residing or working in the neighborhood of the proposed use, and will not be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the County.
3. Adopt a Resolution (Attachment F) to approve Tentative Cancellation of a portion of Williamson Act Contract AGP-145 based on the following findings:
- A. The cancellation is for land on which a notice of nonrenewal has been served pursuant to Government Code Section 51245. Notice of partial nonrenewal was filed with the Placer County Clerk Recorder on September 27, 2013.
 - B. Cancellation will not result in the removal of adjacent lands from agricultural use. The adjacent parcel (APN 035-120-028-000) consisting of 23.7-acres, which is part of the AGP-145 contract, will remain in agricultural use. In addition, APN 035-120-001, consisting of 25-acres and also part of the AGP-145 contract, will remain under contract. Taken together, these two parcels total 48.7-acres and constitute an independently viable agricultural preserve and contract.
 - C. Cancellation is for an alternative use which is consistent with the applicable provisions of the General Plan. Upon cancellation, the proposed alternative rural residential use is consistent with the applicable provisions of the Placer County General Plan and the Granite Bay Community Plan because the alternative use will consist of parcels larger than the minimum parcel size required by the existing zoning, which is Residential Agriculture combining Minimum Building Site 4.6 acres, and will be consistent with the Granite Bay Community Plan land use designation, which is Rural Estate 4.6 – 20 acre minimum.
 - D. Cancellation will not result in discontinuous patterns of urban development. As a result of changes in land use patterns that have already occurred and are outside the control of the property owner, the cancellation will result in

contiguous development patterns that implement the Granite Bay Community Plan.

- E. There is no sufficiently close noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put. In addition, development of the contracted land would provide contiguous patterns of development.

Attachment A – Vicinity Map

Attachment B – Tentative Parcel Map

Attachment C - Mitigated Negative Declaration and Errata

Attachment D – Mitigation Monitoring Reporting Plan

Attachment E - Conditions of Approval

Attachment F - Resolution approving tentative contract cancellation

Attachment G – Williamson Act Designations Map of Project Site and Surrounding Area

Attachment H – Area Maps with GIS Parcel Layer

Attachment I – AGP 145 Contract

Attachment J – Notice of Nonrenewal

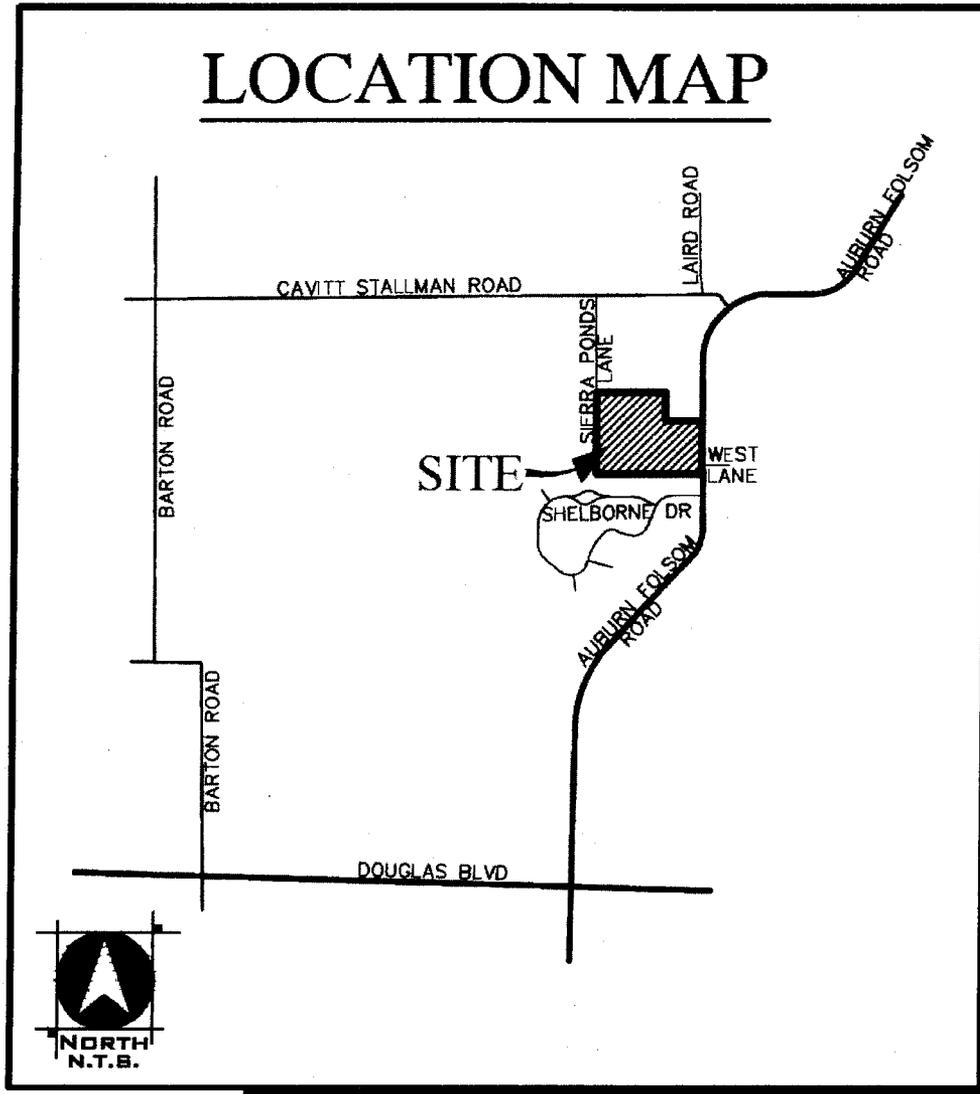
Attachment K – Applicant Findings in Support of Nonrenewal

Attachment L – Correspondence on Proposed MND

Attachment M – Memorandum of Agricultural Commission Action

Attachment N – Memorandum from Assessor

cc: Michael Johnson – Agency Director
Loren Clark – Assistant Agency Director
Karin Schwab - County Counsel
Josh Huntsinger – Agricultural Commissioner
Roger Ingram – Farm Advisor
Sarah Gillmore – Engineering & Surveying
James Lambeth – Chief Deputy Assessor
Terry Reese - Applicant
Aaron Rickey - Applicant



LOCATION MAP



TENTATIVE PARCEL MAP

RICKEY/REESE ESTATES

PLACER COUNTY, CALIFORNIA
JUNE 15, 2015

PROJECT NOTES

OWNER
ERRY REESE
PO BOX 2828
GRANITE BAY, CA 95746

APPLICANT
TERRY REESE
PO BOX 2828
GRANITE BAY, CA 95746
CONTACT: TERRY REESE
PHONE: (916) 791-2277

ENGINEER/PLANNER/SURVEYOR
TASK ENGINEERING, INC.
LAND DEVELOPMENT SERVICES
4940 TONDAR DRIVE
FAIR OAKS, CA 95628
CONTACT: TERRY ROSE
PHONE: (916) 878-8004

ASSESSORS' PARCEL NUMBER
035-120-027-000

AREA
57.7 ACRES GROSS

EXISTING ZONING
RA - B-X 4.5 AC. MIN

PROPOSED ZONING
RA-3-1 4.5 AC. MIN.

EXISTING GENERAL PLAN DESIGNATION
GRANITE BAY COMMUNITY PLAN

PROPOSED GENERAL PLAN DESIGNATION
GRANITE BAY COMMUNITY PLAN

PRESENT USE
AGRICULTURAL

PROPOSED USE
SINGLE FAMILY RESIDENTIAL

NUMBER OF LOTS
4 SINGLE FAMILY RESIDENTIAL LOTS

PUBLIC SERVICES & FACILITY PROVIDERS:

SOURCE OF WATER
PLACER COUNTY WATER AGENCY

SANITATION FACILITIES
PLACER COUNTY SMO-2

DRAINAGE FACILITIES
PLACER COUNTY FACILITY SERVICES

FIRE DISTRICT
SOUTH PLACER FIRE PROTECTION DISTRICT

PARK & RECREATION
GRANITE BAY PARKS

SCHOOL DISTRICT
PLACER UNION HIGH SCHOOL DISTRICT

IMPROVEMENTS REQUIREMENT
AS REQUIRED BY PLACER COUNTY MUNICIPAL SERVICES AGENCY

NOTES:

- A 125' PUBLIC UTILITY AND DRAINAGE EASEMENT SHALL BE LOCATED ADJACENT TO ALL PUBLIC RIGHTS OF WAY AND WITHIN THE PROPOSED PRIVATE ACCESS EASEMENT.
- THIS EXHIBIT IS FOR TENTATIVE MAP PURPOSES ONLY. ACTUAL DIMENSIONS, ROAD ALIGNMENTS, ACRESAGES AND YIELDS ARE TO BE VERIFIED PRIOR TO FINAL MAP.
- TOPOGRAPHY SHOWN HEREON DONE BY CALIFORNIA LAND SURVEYORS, DATED OCTOBER 24, 2013.
- NO NATIVE/HERITAGE TREES ARE PROPOSED FOR REMOVAL.

SOURCE: FIRST AMERICAN TITLE COMPANY
ORDER NO. 3441-540411

LEGAL DESCRIPTION

THIS REPORT IS THE PROPERTY OF TASK ENGINEERING, INC. AND IS TO BE USED ONLY FOR THE PURPOSES SPECIFIED HEREIN. NO PART OF THIS REPORT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF TASK ENGINEERING, INC. THE USER OF THIS REPORT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND EASEMENTS FROM THE APPROPRIATE AGENCIES AND FOR VERIFYING THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE USER OF THIS REPORT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND EASEMENTS FROM THE APPROPRIATE AGENCIES AND FOR VERIFYING THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE USER OF THIS REPORT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND EASEMENTS FROM THE APPROPRIATE AGENCIES AND FOR VERIFYING THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

LEGEND		
SYMBOL	DESCRIPTION	ACRES
	TREE TO BE REMOVED	N/A
	MIXED RIPARIAN WOODLAND	1.32
	SEMI-PERMANENT TO PERMANENT MARSH	0.47
	SEASONAL POND	0.173
TOTAL ACRES		1.96 (G)

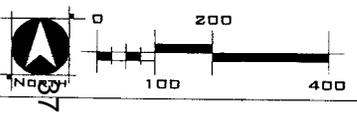
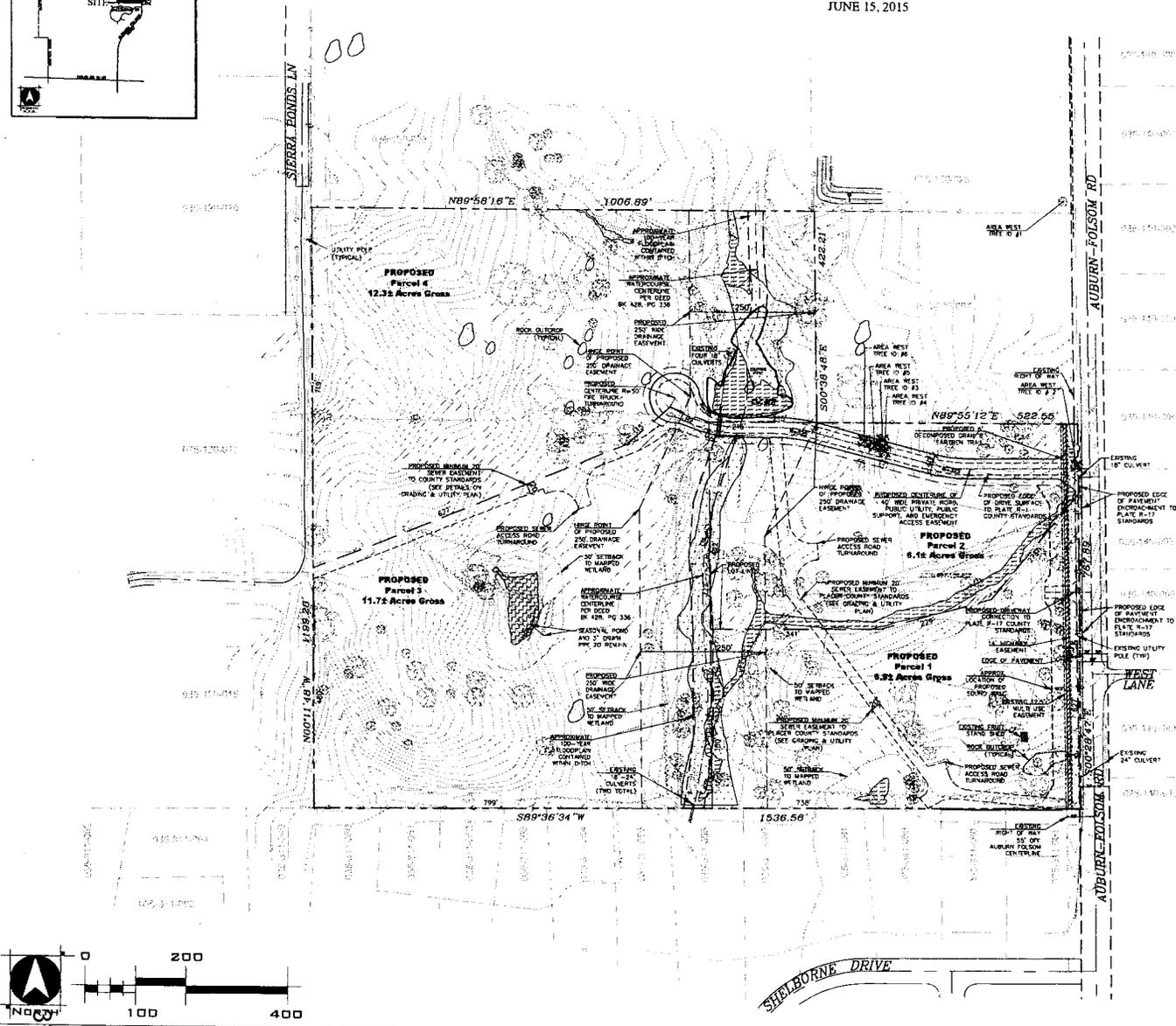
SOURCE: ROSE/REESE RANCHO PRELIMINARY JURISDICTIONAL DETERMINATION PREPARED BY AREA WEST ENVIRONMENTAL, INC. NOVEMBER 2013.



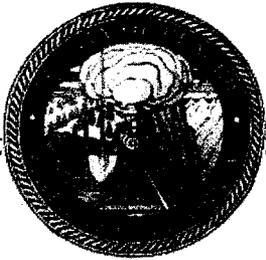
TENTATIVE MAP STATEMENT

I hereby state that this Tentative Map accurately depicts the location, width, type and recording information of all recorded easements listed in the Preliminary Title Report issued by First American Title Co. Order No. 3403-4420533 dated December 24, 2013. All easements proposed to be abandoned or relinquished are identified. Easements that cannot be located from record information are listed in the notes.

TERRY A. ROSE RCE # 71840 DATE _____



ATTACHMENT B



COUNTY OF PLACER
Community Development Resource Agency

**ENVIRONMENTAL
 COORDINATION
 SERVICES**

Michael J. Johnson, AICP
 Agency Director

Crystal Jacobsen, Coordinator

3091 County Center Drive, Suite 190 • Auburn • California 95603 • 530-745-3132 • fax 530-745-3080 • www.placer.ca.gov

INITIAL STUDY & CHECKLIST

This Initial Study has been prepared to identify and assess the anticipated environmental impacts of the following described project application. The document may rely on previous environmental documents (see Section C) and site-specific studies (see Section I) prepared to address in detail the effects or impacts associated with the project.

This document has been prepared to satisfy the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et seq.) and the State CEQA Guidelines (14 CCR 15000 et seq.) CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before acting on those projects.

The Initial Study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment. If the lead agency finds substantial evidence that any aspect of the project, either individually or cumulatively, may have a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the lead agency is required to prepare an EIR, use a previously-prepared EIR and supplement that EIR, or prepare a Subsequent EIR to analyze the project at hand. If the agency finds no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, a Negative Declaration shall be prepared. If in the course of analysis, the agency recognizes that the project may have a significant impact on the environment, but that by incorporating specific mitigation measures the impact will be reduced to a less than significant effect, a Mitigated Negative Declaration shall be prepared.

Project Title: Rickey-Reese Estates Parcel Map	File#: PMLD 20140162
Entitlements: Minor Land Division and Cancellation of Williamson Act Contract	
Site Area: 37.7 acres	APN#: 035-120-027-000
Location: The project site is located on undeveloped land located immediately adjacent to the west side of Auburn Folsom Road and one-quarter mile south of Cavitt Stallman Road in the Granite Bay area, Placer County	

A. BACKGROUND:

Project Location and Setting

The 37.7-acre project site is zoned Residential Agriculture combining minimum Building Site of 4.6 acres (RA-B-X 4.6 acre minimum) and is currently undeveloped except for a small roadside agricultural stand located in the southeast portion of the property. It is located within the Granite Bay Community Plan area of Southern Placer County and has historically been utilized for agricultural production. The property is bounded by Auburn Folsom Road to the east, large-lot rural estate properties to the north, large-lot rural estate properties and Sierra Ponds Lane to the west, and the Shelborne Estates Planned Residential Development to the south.

The project site ranges in elevation from 385 feet above mean sea level near the south property boundary to 428 feet above mean sea level in the far northwest corner of the site. The property is gently sloping from its north, east and west margins to an unnamed seasonal stream corridor that bisects the central portion of the property from north to south. The seasonal stream receives spill water from the Placer County Water Agency's Baughman Canal to the north, a roadside ditch along Auburn Folsom Road that becomes a seasonal stream / wetland swale where it enters the property near the northwest corner, and overland ephemeral drainage. The stream terminates at the

southerly project boundary where it abuts an adjacent residential subdivision. The stream area is characterized as mixed riparian woodland with seasonal wetland features including areas of semi-permanent to permanent marsh.

The site predominantly consists of seasonal grazing land, irrigated pasture, and approximately four acres devoted to growing of crops including strawberries and blackberries. Since the project site has been continuously farmed over a long period of time, it is less wooded than it may have been under its historic condition. Oak woodlands are present on the project site, but are limited to the seasonal stream corridor, which is considered mixed riparian woodland due to inclusion of other tree species such as cottonwood and willow.

Project Proposal and Improvements

The project proposes approval of a Minor Land Division for a four-lot Parcel Map and partial cancellation of Williamson Act Contract AGP-145. Parcels would range in size from 6.1-acres to 12.3-acres, and the proposed average lot size is 9-acres. The project would construct a private onsite roadway that would connect to Auburn-Folsom Road near the northeast corner of the site. The 850-foot long onsite roadway would be constructed to a Plate R-1 standard with 20 feet of pavement and two-foot gravel shoulders on either side, and would terminate in a cul-de-sac. The private roadway would serve Parcel 2, Parcel 3 and Parcel 4. Parcel 1 would be served by a private driveway connection to Auburn-Folsom Road, which would be constructed to a Plate R-18 standard.

The project would construct frontage improvements along Auburn-Folsom Road including landscaping, a six-foot wide earthen trail, and a five to six foot tall sound wall. All frontage improvements and landscaping would be designed in accordance with the Granite Bay Community Plan Design Element. Gated entries for the private roadway and Parcel 1 driveway are not proposed.

The project would be connected to public sewer by extension of a six-inch gravity sewer line from the project site to the point of connection in Shelborne Drive approximately 350 feet south of the project boundary. The project would construct onsite and offsite sewer improvements to the satisfaction of Placer County Sewer Maintenance District 2, including construction of all-weather onsite sewer easement access roads. Treated water service would be provided by the Placer County Water Agency. An eight-inch water line would be extended to the project along the westerly side of Auburn-Folsom Road from the point of connection approximately 1,000 feet north of the project. Fire protection will be provided by the South Placer Fire District, and the District may require the project to construct fire hydrants and/or other sources of surface water storage for fire suppression.

Site resources, including seasonal streams, a wetland swale and isolated wetland features, are proposed to be protected through implementation of recorded easements and setbacks in accordance with policies of the Placer County General Plan and the Granite Bay Community Plan. The Parcel Map would establish permanent protective easements for these resources, and building improvements would be required to maintain a minimum 50-foot setback.

The project proposes to cancel the portion of the Williamson Act Contract (AGP-145) that is applicable to this 37.7-acre parcel. The Williamson Act Contract area includes three parcels that total 86.4-acres. With this cancellation, the Williamson Act Contract AGP-145 would encumber a total of 48.7 acres.

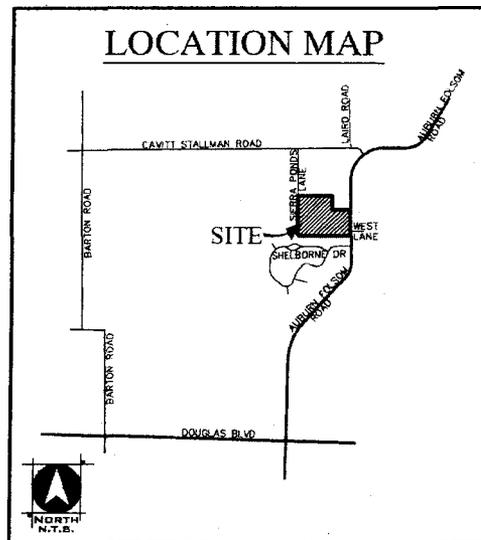


Figure 1 – Project Location Map

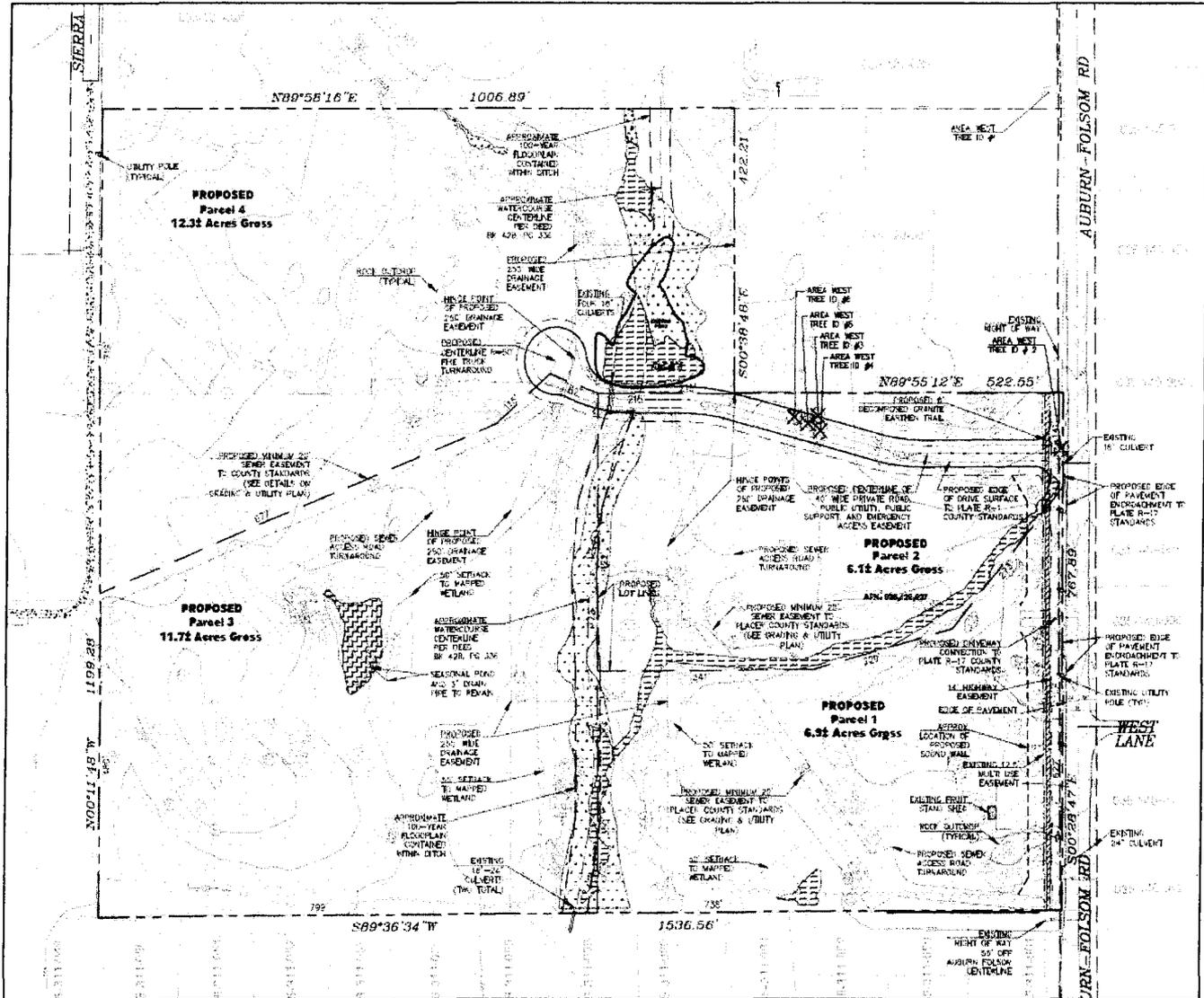


Figure 2 – Tentative Parcel Map

B. ENVIRONMENTAL SETTING:

Location	Zoning	General Plan / Community Plan Designation	Existing Conditions & Improvements
Site	Residential Agriculture combining minimum Building Site of 4.6 acres	Granite Bay Community Plan / Rural Estate 4.6 - 20 Ac. Min.	Undeveloped – Site has historically been used for agricultural production
North	Same as project site	Same as project site	Developed rural residential property
South	Residential Single-Family combining Agriculture combining minimum Building Site 40,000 square feet	Granite Bay Community Plan	Shelborne Estates Planned Residential Development
East	Same as project site	Same as project site	Hidden Valley Estates Planned Residential Development
West	Same as project site	Same as project site	Developed rural residential property

C. PREVIOUS ENVIRONMENTAL DOCUMENT:

The County has determined that an Initial Study shall be prepared in order to determine whether the potential exists for unmitigatable impacts resulting from the proposed project. Relevant analysis from the County-wide General Plan and Community Plan Certified EIRs, and other project-specific studies and reports that have been generated to date, were used as the database for the Initial Study. The decision to prepare the Initial Study utilizing the analysis contained in the General Plan and Specific Plan Certified EIRs, and project-specific analysis summarized herein, is sustained by Sections 15168 and 15183 of the CEQA Guidelines.

Section 15168 relating to Program EIRs indicates that where subsequent activities involve site-specific operations, the agency would use a written checklist or similar device to document the evaluation of the site and the activity, to determine whether the environmental effects of the operation were covered in the earlier Program EIR. A Program EIR is intended to provide the basis in an Initial Study for determining whether the later activity may have any significant effects. It will also be incorporated by reference to address regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.

The following documents serve as Program-level EIRs from which incorporation by reference will occur:

- ➔ Placer County General Plan EIR
- ➔ Granite Bay Community Plan EIR

Section 15183 states that "projects which are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified shall not require additional environmental review, except as may be necessary to examine whether there are project-specific significant effects which are peculiar to the project or site." Thus, if an impact is not peculiar to the project or site, and it has been addressed as a significant effect in the prior EIR, or will be substantially mitigated by the imposition of uniformly applied development policies or standards, then additional environmental documentation need not be prepared for the project solely on the basis of that impact.

The above stated documents are available for review Monday through Friday, 8am to 5pm, at the Placer County Community Development Resource Agency, 3091 County Center Drive, Auburn, CA 95603. For Tahoe projects, the document will also be available in our Tahoe Division Office, 565 West Lake Blvd., Tahoe City, CA 96145.

D. EVALUATION OF ENVIRONMENTAL IMPACTS:

The Initial Study checklist recommended by the State of California Environmental Quality Act (CEQA) Guidelines is used to determine potential impacts of the proposed project on the physical environment. The checklist provides a list of questions concerning a comprehensive array of environmental issue areas potentially affected by the project (see CEQA Guidelines, Appendix G). Explanations to answers are provided in a discussion for each section of questions as follows:

- a) A brief explanation is required for all answers including "No Impact" answers.
- b) "Less Than Significant Impact" applies where the project's impacts are insubstantial and do not require any mitigation to reduce impacts.
- c) "Less Than Significant with Mitigation Measures" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The County, as lead agency, must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from earlier analyses may be cross-referenced).
- d) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- e) All answers must take account of the entire action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts [CEQA Guidelines, Section 15063(a)(1)].
- f) Earlier analyses may be used where, pursuant to the tiering, Program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration [CEQA Guidelines, Section 15063(c)(3)(D)]. A brief discussion should be attached addressing the following:
 - ➔ **Earlier analyses used** – Identify earlier analyses and state where they are available for review.
 - ➔ **Impacts adequately addressed** – Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards. Also, state whether such effects were addressed by mitigation measures based on the earlier analysis.

- **Mitigation measures** – For effects that are checked as “Less Than Significant with Mitigation Measures,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- g) References to information sources for potential impacts (i.e. General Plans/Community Plans, zoning ordinances) should be incorporated into the checklist. Reference to a previously-prepared or outside document should include a reference to the pages or chapters where the statement is substantiated. A source list should be attached and other sources used, or individuals contacted, should be cited in the discussion.

I. AESTHETICS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Have a substantial adverse effect on a scenic vista? (PLN)		X		
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway? (PLN)				X
3. Substantially degrade the existing visual character or quality of the site and its surroundings? (PLN)		X		
4. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (PLN)		X		

Discussion- Items I-1,3:

The project site has been farmed for an extensive period of time and consequently a majority of the site has been cleared of dense tree canopy, which affords pleasing localized views over portions of the project site from adjacent residential properties and from Auburn-Folsom Road. In addition, Auburn-Folsom Road is designated as a Scenic Corridor in the Placer County Scenic Highway Element.

Construction of the project would result in construction of onsite improvements including a private roadway, driveways, four single-family residences and associated accessory buildings such as detached garages, guest houses, secondary dwelling units, swimming pools and related residential improvements. In addition, a sound wall, earthen trail, and new landscaping would be constructed along the Auburn Folsom Road frontage. The sound wall would be approximately five feet tall and would be located approximately 80 feet from the roadway centerline, which would be consistent with the setback buffer described in the Granite Bay Community Plan Community Design Element. Offsite improvements would also be constructed including underground sewer lines and water lines. Trench locations would be adjacent to existing roadways, and due to the limited size of the utility installations, would not result in significant alteration to existing roadside vegetation.

Due to the size of the proposed parcels and the property values in the immediate area, the developed character of the project would likely include larger estate homes with extensive landscaping and hardscaping. Homes would likely use high quality materials and designs, and the completed product would be visually appealing. However, if utility extensions, such as power, phone and cable are extended to the project site using above ground utility poles and overhead lines, a significant impact could occur. In addition, if frontage improvements along Auburn-Folsom Road, including the earthen trail, landscaping and sound wall, are not completed in accordance with the landscaping and design standards specified in the community plan design element a significant impact could occur. Compliance with the following mitigation measures would mitigate these impacts to a less than significant level:

Mitigation Measures- Items I-1,3:

MM I.1 All onsite utilities shall be undergrounded from the point of connection. This information shall be shown on the project Improvement Plans submitted with the Parcel Map.

MM I.2 All frontage improvements including, but not limited to, landscaping, trails, sound walls, signage and lighting shall be reviewed and approved by the Development Review Committee (DRC). DRC review shall be conducted concurrent with submittal of project Improvement Plans and shall be completed prior to Improvement Plan approval. Project frontage improvements shall comply with the Granite Bay Community Plan Community Design Element. Frontage improvements shall preserve, to the maximum extent possible, existing native trees along the project frontage; newly planted trees shall consist primarily of native tree species listed in the Community Design Element. The sound wall, including cross section views, shall be shown on the Improvement Plans. The masonry sound wall shall be constructed of either CMU block finished with cultured stone or natural stone surfacing, or precast concrete with a stamped finish approved by the DRC. The masonry wall material and design shall be approved by the Development Review Committee prior to construction. Landscaping shall be installed between the wall and the multi-use trail, and may include low berming to provide additional wall screening.

Discussion- Item I-2:

The project site is not located near a state scenic highway nor does it include any historic buildings. Therefore, there is no impact.

Discussion- Item I-4:

The project site has historically supported agricultural uses and does not include any permanent buildings or sources of nighttime lighting. Under existing conditions, no light or glare is emitted from the project site.

Construction of the project would result in construction of onsite improvements including a private roadway, driveways, four single-family residences and associated accessory buildings such as detached garages, guest houses, secondary dwelling units, swimming pools and related residential improvements. Due to the size of the proposed parcels and the property values in the immediate area, the developed character of the project would likely include larger estate homes with extensive landscaping and hardscaping. New site improvements, such as concrete driveways, and buildings with reflective surfaces including exterior glazing (windows), could increase the amount of daytime glare. However, due to the large property sizes relative to newly constructed improvements and distance from viewers, the potential increase in daytime glare would be negligible and would not significantly affect adjacent or nearby properties or views. In addition, the architectural character of the surrounding area is predominantly contemporary ranch style housing and Mediterranean style executive housing, and both styles favor natural materials that do not result in appreciable daytime glare such as wood, clay, stucco and tile. This would be a less than significant impact.

Individual homes would include new sources of night-lighting from exterior light sources such as porch lights, architectural accent lighting, motion activated security lighting, driveway lighting, landscape lighting and interior lighting visible through windows. While these new sources of light would increase the amount of night lighting in the area, due to the relatively large size of the parcels in relationship to the newly lighted areas and distance from viewers, impacts from newly implemented residential lighting would not result in creation of a substantial new source of night lighting. However, if a significant amount of lighting along the project frontage or onsite roadway is installed, a significant impact could occur. Implementation of the following mitigation measure would reduce this impact to a less than significant level:

Mitigation Measures- Item I-4:

MM I.3 Streetlights shall not exceed the minimum number required by DPW unless otherwise approved by the DRC. Any street lighting required by DPW for safe roadway access at project entries shall be designed to be consistent with the "Dark Sky Society" standards for protecting the night sky from excessive light pollution. Metal halide lighting is prohibited. All streetlights shall be reviewed and approved by the DRC for design, location, and photometrics. A limited amount of low intensity bollard lighting may be utilized along the onsite roadway, subject to DRC approval.

II. AGRICULTURAL & FOREST RESOURCES – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (PLN)			X	
2. Conflict with General Plan or other policies regarding land use buffers for agricultural operations? (PLN)			X	
3. Conflict with existing zoning for agricultural use, a Williamson Act contract or a Right-to-Farm Policy? (PLN)			X	
4. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (PLN)				X

5. Involve other changes in the existing environment which, due to their location or nature, could result in the loss or conversion of Farmland (including livestock grazing) or forest land to non-agricultural or non-forest use? (PLN)			X	
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Background

The Placer County Williamson Act Lands Program is established in compliance with Chapter 7, Part 1, Division 1 of Title 5 of the Government Code (Section 51200 et seq.), otherwise known as the California Land Conservation Act of 1965. The purpose of the Program is to protect agricultural lands for the continued production of agricultural commodities and to protect certain other lands devoted to open-space uses in compliance with the Williamson Act. A landowner may petition the County for approval to enter into a Williamson Act Contract, which requires that the land be devoted to production of agricultural commodities and open space uses for an initial contract term of at least ten years. Once a contract is approved, one year is added to the contract at the commencement of each calendar year such that a ten-year contract term is perpetually maintained until the landowner requests to file Notice of Nonrenewal, which begins a nine year contract termination process. During the nonrenewal period, property taxes are incrementally adjusted from the restricted agricultural value to the unrestricted Proposition 13 value. At the conclusion of the nine-year nonrenewal period the contract is terminated.

The 37.7-acre project site (APN 035-120-027) is one of three parcels that comprise Placer County Agricultural Preserve 145 (AGP-145), which totals 86.4 acres and has been continuously enrolled in Placer County's Williamson Act Program since May 1971. Partial Notice of Nonrenewal of AGP-145 was filed in September 2013 (Rec. Doc. # 2013-0094078-00). The Notice of Nonrenewal applies to APN 035-120-027-000 only, which is the proposed project area and the subject of this cancellation request. AGP-145 originally included four parcels totaling 165.4 acres; however, a 79-acre portion (APN 035-050-005-000) was split from the original contract in December 2013 and placed under new contract (PAGP 20130188). If the petitioner's request for partial contract cancellation is approved, the remainder contract would total approximately 48.7 acres and would consist of APN 035-120-001-000, comprising 25 acres, and APN 035-120-028-000 comprising 23.7 acres. Current agricultural uses on the on the remaining 48.3-acres of the contract area that are not part of this cancellation request include an approximately five-acre vineyard, firewood production, and limited seasonal grazing of beef cattle. Other hobby farms and nurseries are present within a two mile radius of the project boundary; however the next nearest Williamson Act contracted property (excluding PAGP 20130188) is located approximately five miles to the south.

The project site is characteristic of seasonal grazing land and irrigated pasture land. Current agricultural uses include an approximately four acre area located in the southeast corner of the property devoted to production of strawberries and blackberries, which are sold from a roadside agricultural stand also located onsite in the vicinity of these crops. The site also includes approximately 50 beehives, which are primarily used for pollination of area crops and for production of honey. A once productive vineyard comprising approximately ten acres and located in the southwest corner of the site was fallowed approximately five years ago. The portion of the site that includes the fallowed vineyard is currently designated as Prime Agricultural Land as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency (Figure 5 – Important Farmlands Map 2013/14). The remainder of the site, including the portion allocated for growing strawberries and blackberries, is designated as Non-Prime Agricultural Land.

Prime Agricultural Land is defined as any of the following:

1. Land which qualifies for rating as class I or class II in the Natural Resources Conservation Service land use capability classifications;
2. Land which qualifies for rating 80 to 100 in the Storie Index Rating;
3. Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture;
4. Land planted with fruit or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars per acre;
5. Land which has returned from the production of unprocessed agricultural plant production and has an annual gross value of not less than two hundred dollars per acre for three of the previous five years.

Non-Prime Agricultural Land includes lands enrolled in the California Land Conservation Act that do not meet the criteria of Prime Agricultural Land.



Figure 3 – Project boundary shown in purple; APN 035-120-001-000 comprising 25 acres shown in upper left with tan polygon layer, and APN 035-120-028-000 comprising 23.7 acres shown immediately north of project boundary in tan polygon layer. All three parcels together comprise AGP-145.



Figure 4 – Approximate project boundary shown in red; Strawberry and blackberry production shown in lower right corner including roadside agricultural stand; Cluster of beehives shown near upper left. Fallowed vineyard is visible in middle lower left.

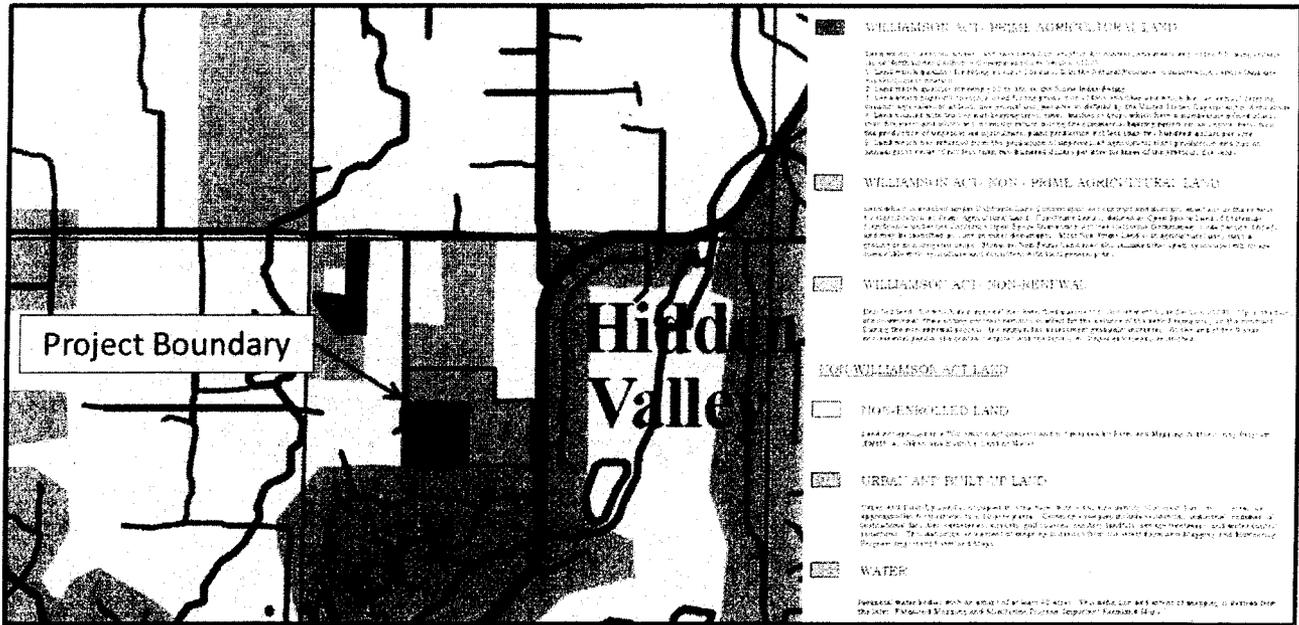


Figure 5 – Current land use designations of the Farmland Mapping Monitoring Program, Important Farmlands Map 2013/14

Discussion- Item II-1:

The project site includes both Prime Agricultural Land and Non-Prime Agricultural Land as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The portion of the site that is designated as Prime Agricultural Land includes a ten-acre vineyard that was fallowed approximately five years ago (see Figure 4). The balance of the site is designated Non-Prime Agricultural Land. While the Farmland Mapping and Monitoring Program currently designates the portion of the site that includes the fallowed vineyard as Prime Agricultural Land, it does not meet any of the criteria because the vineyard has been fallowed, there are no active agricultural uses on this portion of the site, and the thin granitic soils do not meet Prime Agricultural Land criteria 1 or 2. Therefore, conversion of the project site to a nonagricultural use would not result in loss of significant agricultural resources. This would be a less than significant impact.

Discussion- Items II-2:

The project site would not conflict with General Plan policies regarding land use buffers for agricultural operations as the proposed lot sizes would be compatible with any adjacent agricultural activities, which would be small-scale in nature due to the relatively small size of adjacent Residential Agricultural properties. No active commercial agricultural uses currently abut the project site.

Active agricultural uses on the project site include approximately four acres of strawberries and blackberries located in the southeast corner of the property, which are sold from a roadside agricultural stand also located onsite, and approximately 50 beehives, which are used for pollination of area crops and for honey production. If the project is approved and constructed, these agricultural uses would be discontinued. The total amount of agricultural production is marginal for the site and does not by itself substantially contribute to Placer County’s agricultural economy, though it does partially fulfill local demand for fresh produce, crop pollination and honey. Loss of this farmland would be a less than significant impact. No mitigation measures are required.

Discussion- Items II-4:

The project would not conflict with existing zoning or cause rezoning of forest land or timberland. There is no impact.

Discussion- Items II-3,5:

Statutory Background Pertaining to Contract Cancellation

The following information is taken, in part, from the California Department of Conservation Williamson Act Cancellation Advice Paper. Pertinent sections of the advice paper are reproduced here for background information purposes. References to “Department” mean the California Department of Conservation.

The preferred method to terminate a Williamson Act Contract is the nonrenewal process. However, cancellation of a contract may be requested and approved in accordance with the provisions of Government Code §51280 et. seq., which describes the cancellation process and necessary findings. Provisions for contract cancellation are included in the Williamson Act Statute to provide a means of dealing with situations where the cancellation will either facilitate an alternative use of land that is consistent with the purposes of the Act or that will facilitate a public interest that substantially outweighs the objectives of the Act. The Constitutional authorization of the Williamson Act requires that the Act represent an enforceable restriction on lands to which it applies; easily available cancellation would render the Act ineffective as a land-use control device. The uneconomic character of an existing agricultural use is not sufficient reason for cancellation of a contract. However, the uneconomic character of the existing agricultural use may be considered if there is no other reasonable or comparable agricultural use to which the land may be put.

In accordance with Government Code §51282, the Board of Supervisors can determine that cancellation of a contract is consistent with the purposes of the Williamson Act if it finds all of the following:

1. The cancellation is for land on which a notice of nonrenewal has been served pursuant to GC §51245;
2. Cancellation is not likely to result in the removal of adjacent lands from agricultural use;
3. Cancellation is for an alternative use which is consistent with the applicable provisions of the General Plan;
4. Cancellation will not result in discontinuous patterns of urban development; and,
5. There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development of proximate noncontracted land.

Alternatively, the Board of Supervisors can determine that cancellation of a contract is in the public interest if it finds all of the following:

1. Other public concerns substantially outweigh the objectives of the Williamson Act; and,
2. There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development of proximate noncontracted land.

The required findings for cancellation in the public interest can be difficult to make when weighed against valuable and productive farmland. The Department has found that cancellations are in the public interest when the parcel(s) proposed for cancellation are not located on lands classified as Prime Farmland, Unique farmland, or Farmland of Statewide Importance, as shown on the Important Farmland Maps.

Project Proposal for Contract Cancellation

To support the request for partial cancellation of Placer County Williamson Act Contract AGP-145, the project applicants provided the following justification statement:

The undersigned, owners of the above referenced parcel (AGP-145), do hereby petition the Placer County Board of Supervisors to cancel the contract on the above referenced parcel under the Williamson Act Contract (AGP-145) as per the Initial Project Application submitted to the Planning Department in June 15, 2014. This is a partial cancellation request as it only pertains to the referenced parcel and not to the entirety of the contract.

The cancellation of the contract on this parcel is in the public interest as the land use pattern has changed in the region as evidenced by the Residential Agriculture zoning of suburban developments adjacent to and in close proximity to the subject parcel; such as Shelborne Estates, Hidden Valley, Walden Woods, Los Lagos Estates, Eden Roc and others. In addition, there is higher density, small lot residential property (less than one acre parcels) on roads located adjacent to and in close proximity to the subject property, i.e. Auburn Folsom, Sierra Ponds, Joe Rogers, Cavitt Stallman, Twin Rocks, and more, which makes the subject property unsuitable for agricultural use and economically unfeasible. And there is no other reasonable or comparable agricultural use to which the land may be put.

The Board is directed to the following facts and findings regarding this request:

1. Notice of partial nonrenewal of AGP-145 was filed with the Placer County Recorder on September 27, 2013 pursuant to Government Code Section 51245.
2. The cancellation will not result in the removal of adjacent land from agricultural use as adjacent parcel 035-120-028-000, which is part of this AGP-145 contract, shall remain in agricultural use.
3. Upon cancellation, the proposed alternative residential use is consistent with the applicable provisions of Granite Bay Community Plan.

4. As a result of the previously stated change in land use pattern and other stated factors, the cancellation will not result in discontinuous patterns of urban development.
5. There is no sufficiently close noncontracted land which is both available and suitable for the use to which it is proposed the subject property be put.

In addition to the above, the applicant has prepared more detailed findings to support their request for contract cancellation, which are attached to this Mitigated Negative Declaration. The applicant's findings will be considered by the Agricultural Commission, Planning Commission and Board of Supervisors and do not necessarily reflect the opinion of Placer County, which may or may not find in favor of contract cancellation.

Potential Environmental Impacts Resulting from Contract Cancellation

The proposed contract cancellation could result in substantial environmental impacts if the alternative use of land would result in discontinuous patterns of development, would result in substantially more intense development than allowed by existing General Plan land use designations, would have the potential to remove adjacent agricultural lands from agricultural production, or if cancellation would convert Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance.

If the request for partial cancellation of this Williamson Act Contract is granted and the Parcel Map is approved, the project would result in development of an alternative use of land that is consistent with the existing Granite Bay Community Plan land use designation and zoning. Proposed lot sizes range from 6.1 acres to 12.3 acres, which exceed minimum lot zoning requirements of 4.6 acres, and therefore would be compatible with adjacent large-lot rural residential development that abuts the project site on the north and west, and low-density residential single-family development that abuts the project site to the south. Consequently, the resultant development pattern would be consistent with adjacent land uses and with the Granite Bay Community Plan. Furthermore, partial cancellation of this contract is not likely to remove adjacent agricultural land from agricultural use because the proposed lot sizes are compatible with small-scale agricultural uses that may occur on adjacent and nearby properties and is not likely to result in conflicts. This analysis demonstrates that the first three of the five findings can be made in support of this cancellation request. In addition, while the cancellation would include Prime Agricultural Land, the portion of the site that includes this designation does not meet the criteria of Prime Agricultural Land.

The fourth finding requires a determination that cancellation will not result in discontinuous patterns of urban development. The Williamson Act Statute does not define the term "urban"; however the Farmland Mapping and Monitoring Program includes a land classification of "Urban and Built Up Land", which is described as land that is "occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a ten-acre parcel. Common examples include residential, industrial, commercial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures. This definition and extent of mapping is derived from the latest Farmland Mapping and Monitoring Program Important Farmland Maps." Property to the immediate south and west of the project site is mapped as Urban and Built Up Land. Property to the east of the project site is designated as Non-Enrolled Land and property to the north of the project site is designated as Non-Prime Agricultural Land. While the proposed project would result in contiguous patterns of development that would comply with the goals, policies and land use designations of the Granite Bay Community Plan, the project would not be classified as urban development. However, determination as to whether the proposed cancellation is or is not consistent with these criteria will be made by the Board of Supervisors and may include recommendations from the Agricultural Commission and Planning Commission.

The fifth finding states: "There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development of proximate noncontracted land." According to the Department of Conservation Williamson Act Cancellation Advice Paper, "proximate noncontracted land" means land not restricted by contract, which is sufficiently close to land which is so restricted that it can serve as a practical alternative for the use that is proposed for the restricted land. Furthermore, "suitable for the alternative use" means that the features of the proposed use can be served by the land not restricted by contract, which may be a single parcel or a combination of contiguous or discontinuous parcels.

Few unrestricted properties of sufficient size and zoning exist in the vicinity of the proposed project. For the purposes of this analysis, it is assumed that proximate noncontracted land suitable for the alternative use would include a property or a combination of properties of similar size, character, zoning, setting and community identity that are also located within the Granite Bay Community Plan area, and may include portions of the Horseshoe Bar/Penryn Community Plan area that are immediately adjacent to the Granite Bay Community Plan. However, analysis of whether a specific property or combination of properties may meet all of the applicant's criteria or can be acquired by the applicant is

beyond the scope of this environmental analysis. Furthermore, this issue is a policy decision that will be considered by the County Agricultural Commission, Planning Commission, and ultimately the Board of Supervisors, who will render the final decision on contract cancellation.

In consideration of the cancellation request, the Agricultural Commission, Planning Commission and the Board of Supervisors will also evaluate whether the cancellation is consistent with the terms of the contract, which states under clause 6 pertaining to cancellation, in part, "It is the intention of the parties hereto that cancellation will not be requested by OWNER, and will not be approved by COUNTY, except on a clear showing, to the COUNTY'S exclusive judgment and satisfaction, that there has occurred a change of circumstances beyond the control of OWNER and his successors in interest, and that such change would clearly promote the public welfare.

"The existence of an opportunity for another use of the land shall not be sufficient reason for cancellation. A potential alternative use of land may be considered only if there is no proximate land not subject to a Land Conservation Act Contract or Agreement suitable for the use to which it is proposed the subject land be put. The uneconomic character of the existing agricultural use shall not be sufficient reason for cancellation. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put." Partial cancellation of this contract would not have the potential to result in significant impacts to agricultural resources on the project site or on nearby agricultural lands, nor would it have the potential to result in removal of nearby lands from agricultural production. No mitigation measures are required.

III. AIR QUALITY – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Conflict with or obstruct implementation of the applicable air quality plan? (PLN, Air Quality)			X	
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (PLN, Air Quality)		X		
3. Result in a cumulatively considerable net increase of any criteria for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (PLN, Air Quality)		X		
4. Expose sensitive receptors to substantial pollutant concentrations? (PLN, Air Quality)			X	
5. Create objectionable odors affecting a substantial number of people? (PLN, Air Quality)			X	

Discussion- Item III-1:

The project is located within the Sacramento Valley Air Basin (SVAB) portion of Placer County and is under the jurisdiction of the Placer County Air Pollution Control District (APCD). Although the SVAB is designated as nonattainment for federal and state ozone (O₃) standards for the ozone precursors ROG (Reactive Organic Gasses) and NO_x (Nitrogen Oxides), nonattainment for the federal particulate matter standard (PM_{2.5}) and state particulate matter standard (PM₁₀), the project will not contribute a significant impact to the Region given that the project related emissions are below the District's thresholds of significance. The APCD has established project-level thresholds of significance of 82 pounds per day for ROG, NO_x and PM₁₀. According to estimates from the APCD, a residential project would need to construct approximately 430 units in order to exceed 82 pounds per day of NO_x. The APCD has not determined an estimated size of residential project which would exceed 82 pounds per day for ROG or PM₁₀, but in a recent analysis conducted for the County, a 56-unit residential subdivision was calculated to produce approximately eight and four pounds per day of unmitigated ROG and PM₁₀ emissions, respectively. Therefore, as the project proposes a minor land division to create just three additional parcels consistent with the land use designation and zoning, the project would not exceed the 82 pounds per day significance thresholds established for either ROG or PM₁₀. According to the application, the minor land division will result in no to very minor site grading. However, there will be grading associated with future home construction at each lot. The increase in density resulting from three additional residentially-zoned parcels would not contribute a

significant impact to Region, as the related emissions would be below the significance levels. The project will not result in a significant obstruction to the Sacramento Regional Air Quality Plan. No mitigation measures are required.

Discussion- Items III-2,3:

The SVAB is designated non-attainment for the federal and state ozone standards (ROG and NO_x), nonattainment for the federal particulate matter standard (PM_{2.5}) and non-attainment for the state particulate matter standard (PM₁₀).

With regards to construction-related air emissions, future grading resulting from the construction of roadway improvements and for three additional residential units will likely occur as a result of the minor land division. Such grading would result in short-term diesel exhaust emissions from on-site heavy-duty equipment and would generate diesel PM emissions from the use of off-road diesel equipment required for site grading. In order to reduce construction related air emissions, associated grading plans shall list the District's Rules and State Regulations. A Dust Control Plan shall be submitted to the Placer County Air Pollution Control District for approval prior to the commencement of earth disturbing activities demonstrating all proposed measures to reduce air pollutant emissions. With the implementation of the following mitigation measures and notes on the grading plans, construction-related emissions would not result in a cumulatively considerable net increase of any non-attainment criteria.

The operational-related emissions resulting from the additional dwelling units would be below the significance level and will not violate air quality standards or substantially contribute to existing air quality violations. However, standard mitigation measures have been added to further minimize operational emissions.

Mitigation Measures- Items III-2, 3:

MM III.1 (Construction)

1. Prior to approval of Grading Plans, on project sites greater than one acre, the applicant shall submit a Construction Emission / Dust Control Plan to the Placer County APCD. If APCD does not respond within twenty (20) days of the plan being accepted as complete, the plan shall be considered approved. The applicant shall provide written evidence, provided by APCD, to the local jurisdiction (city or county) that the plan has been submitted to APCD. It is the responsibility of the applicant to deliver the approved plan to the local jurisdiction. The applicant shall not break ground prior to receiving APCD approval, of the Construction Emission / Dust Control Plan, and delivering that approval to the local jurisdiction issuing the permit.

Include the following standard notes on the Grading Plan (#2-8):

2. The contractor shall apply water or use other method to control dust impacts offsite. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off-site.
3. During construction, traffic speeds on all unpaved surfaces shall be limited to 15 miles per hour or less.
4. The prime contractor shall suspend all grading operations when wind speeds (including instantaneous gusts) are excessive and dust is impacting adjacent properties.
5. In order to minimize wind driven dust during construction, the prime contractor shall apply methods such as surface stabilization, establishment of a vegetative cover, paving, (or use another method to control dust as approved by the individual jurisdiction).
6. During construction the contractor shall utilize existing power sources (e.g., power poles) or clean fuel (i.e. gasoline, biodiesel, natural gas) generators rather than temporary diesel power generators.
7. During construction, the contractor shall minimize idling time to a maximum of 5 minutes for all diesel powered equipment.
8. During construction, no open burning of removed vegetation shall be allowed unless permitted by the PCAPCD. All removed vegetative material shall be either chipped on site or taken to an appropriate recycling site, or if a site is not available, a licensed disposal site.

MM III.2 (Operation)

Include the following standard notes on all Building Plans approved in association with this project:

1. Prior to building permit approval, in accordance with the Placer County Air Pollution District Rule 225, only U.S. EPA Phase II certified wood burning devices or a U.L. Listed Decorative Gas Appliance shall be allowed in single-family residences. The emission potential from each residence shall not exceed a cumulative total of 7.5 grams per hour for all devices. Masonry fireplaces shall have either an EPA certified Phase II wood burning device or shall be a U.L. Listed Decorative Gas Appliance.
2. Where natural gas is available, the installation of a gas outlet for use with outdoor cooking appliances, such as a gas barbecue or outdoor recreational fire pits shall be shown.

Discussion- Items III-4,5:

The project would result in future minor grading operations that would cause short-term diesel exhaust emissions from on-site heavy-duty equipment and would generate diesel PM emissions and odor from the use of off-road diesel equipment required for site grading. Because of the dispersive properties of diesel PM and the temporary nature of the mobilized equipment use, short-term construction-generated odor and TAC emissions would not expose sensitive receptors to substantial pollutant concentrations and therefore would have a less than significant effect. No mitigation measures are required.

IV. BIOLOGICAL RESOURCES – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish & Game, U.S. Fish & Wildlife Service or National Oceanic and Atmospheric Administration Fisheries? (PLN)			X	
2. Substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number of restrict the range of an endangered, rare, or threatened species? (PLN)			X	
3. Have a substantial adverse effect on the environment by converting oak woodlands? (PLN)			X	
4. Have a substantial adverse effect on any riparian habitat or other sensitive natural community, including oak woodlands, identified in local or regional plans, policies or regulations, or by the California Department of Fish & Game, U.S. Fish & Wildlife Service, U.S. Army Corps of Engineers or National Oceanic and Atmospheric Administration Fisheries? (PLN)		X		
5. Have a substantial adverse effect on federal or state protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) or as defined by state statute, through direct removal, filling, hydrological interruption, or other means? (PLN)		X		
6. Interfere substantially with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nesting or breeding sites? (PLN)			X	
7. Conflict with any local policies or ordinances that protect biological resources, including oak woodland resources? (PLN)		X		
8. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (PLN)				X

Discussion- Items IV-1,2,6:

The project site has been continuously farmed over a long period of time and consequently is modified from its historic condition. The project site predominantly consists of seasonal grazing land, irrigated pasture, and approximately four acres devoted to growing of row crops (strawberries and blackberries). The site is bisected from north to south by a seasonal stream that is fed by spill water from a Placer County Water Agency canal located one-quarter mile to the north of the project site, an ephemeral drainage from the northwest, and roadside drainage

that feeds a seasonal wetland swale that crosses the site from the northeast before discharging to the seasonal stream. The stream terminates at the southerly project boundary where it abuts an adjacent residential subdivision. The stream area is characterized as mixed riparian woodland with seasonal wetland features including areas of semi-permanent to permanent marsh.

The site includes habitats that support local populations of resident deer, raccoon, coyote, fox, opossum, skunk, other mammals, reptiles, amphibians, resident birds and migratory birds. Development of the project would result in conversion of grazing land, seasonal pasture land and area utilized for growing row crops to residential use. The site is predominantly characteristic of farmland and grazing land and is not known to include habitat for endangered, rare, or threatened species. Portions of the site that may include suitable breeding habitat, such as the isolated wetland features, stream corridor and its associated riparian woodland, would be located within protective easements to prevent disturbance during project construction and operation. This would be a less than significant impact. No mitigation measures are required.

Discussion- Items IV-3,7:

Construction of project improvements would result in limited removal of native and non-native trees including interior live oak trees and valley oak trees. Oak woodlands are present on the project site, but are limited to a riparian corridor area that would be protected by easements and setbacks and would not be impacted. An estimated ten trees would be removed or impacted to construct onsite and offsite improvements, which could conflict with County policies for protection and/or removal of oak trees. Implementation of the following mitigation measure would reduce this impact to a less than significant level:

Mitigation Measures- Item IV-7:

MM IV.1

Prior to the approval of Improvement Plans the applicant shall provide the Planning Services Division a Tree Survey (by an ISA Certified Arborist) depicting the exact location of all trees 6" dbh (diameter at breast height) or greater, or multiple trunk trees with an aggregate diameter of 10" dbh or greater, within 50' of any grading, road improvements, underground utilities, driveways, building envelopes, and any trees disturbed from off-site improvements such as road improvements and underground utilities. The Tree Survey shall include the sizes (diameter at 4' above ground), species of trees, spot elevations, and approximate driplines. Trees to be saved or removed shall be shown on the survey, and superimposed over the Grading and Utility Plan. Impacted or removed trees shall be mitigated at the County standard rate of \$100 per diameter inch at breast height, which shall be paid to the County Tree Preservation Fund. Credit for native trees may be granted at the rate of 1" for each 15 gallon size tree and 3" for each 36" box tree up to a maximum of 50 percent. Trees may not be disturbed or removed prior to approval of Improvement Plans.

Discussion- Items IV-4,5:

Area West Environmental, Inc. conducted a preliminary jurisdictional determination to map the presence, extent, and nature of all stream and wetlands habitats on the project site.

The project site is bisected from north to south by a seasonal stream that is fed by spill water from the Placer County Water Agency's Baughman Canal located one-quarter mile to the north of the project site, an ephemeral drainage from the northwest, and roadside drainage that feeds a seasonal wetland swale that crosses the site from the northeast before discharging to the seasonal stream. The stream terminates at the southerly project boundary where it abuts an adjacent residential subdivision. Onsite subdivision drainage also contributes flows to the stream and its associated wetlands. The stream area is characterized as mixed riparian woodland with seasonal wetland features including areas of semi-permanent to permanent marsh. Two isolated wetland features are also present; a seasonal pond located in the westerly portion of the site and a seasonal wetland marsh located along the south project boundary east of the seasonal stream.

The two isolated wetland features are proposed to be retained in place and would be protected by inclusion of a 50-foot setback on the Parcel Map in compliance with Placer County General Plan policies. The seasonal stream and its associated wetlands would be located within a 250-foot wide easement, and consequently all resource values within the stream area would be protected and no impacts would occur. Notably, an existing onsite farm access road crosses over the stream via an earthen dike that includes four 18 inch drainage culverts that spill water from an existing pond to the downstream reach. The proposed onsite project roadway would be constructed on top of the existing dike in order to provide access to Parcel 3 and Parcel 4. The project engineer has designed the onsite roadway to be constructed atop the existing dike, and the biologist determined that roadway construction would not result in new disturbance within the stream corridor that could result in significant direct or indirect impacts to existing resources.

A roadside drainage along Auburn-Folsom Road feeds a seasonal wetland swale that crosses the site from the northeast near the project serving roadway connection to Auburn-Folsom Road before discharging to the seasonal stream to the west. The project biologist assessed this feature and determined that it is a jurisdictional wetland subject to the permit authority of the Army Corps of Engineers. This feature would be protected by a 50-foot building setback during project operation. In addition, a portion of the onsite sewer line that crosses this area would be installed by jack and bore method to avoid disturbance of the seasonal wetland swale. However, a portion of this feature may be impacted during project construction because project serving features, including the roadway connection to Auburn-Folsom Road, earthen trail and sound wall, could result in direct discharges and fills to this jurisdictional waterway. Furthermore, if wetland features are not protected during project operation a potentially significant impact could occur. The following mitigation measures would reduce these potentially significant impacts to less than significant:

Mitigation Measures- Items IV-4,5:

MM IV.1 Prior to approval of Improvement Plans, the applicant shall furnish to the DRC evidence that the U. S. Army Corps of Engineers has been notified by certified letter regarding the existence of wetlands, streams, and/or vernal pools on the property. If permits are required, they shall be obtained and copies submitted to DRC prior to any clearing, grading, or excavation work.

MM IV.2 If a 404 permit is required, provide written evidence that compensatory habitat has been established through the purchase of mitigation credits at a County-qualified wetland mitigation bank. The purchase credits shall be equal to the amount necessary to replace wetland habitat acreage and resource values including compensation for temporal loss in accordance with an approved 404 permit. The total amount of habitat to be replaced will be determined in accordance with the total amount of impacted acreage as determined by the U. S. Army Corps of Engineers. Evidence of payment, which describes the amount and type of habitat purchased, shall be provided to the County prior to issuance of Improvement Plans.

MM IV.3 The Improvement Plans shall include a note and show placement of Temporary Construction Fencing. The applicant shall install a four (4) foot tall, brightly colored (usually yellow or orange), synthetic mesh material fence (or an equivalent approved by the Development Review Committee (DRC)) at the following locations prior to any construction equipment being moved on-site or any construction activities taking place:

- 1) Adjacent to any and all wetland preservation easements that are within 50 feet of any proposed construction activity;
- 2) At the limits of construction, outside the critical root zone of all trees six (6) inches dbh (diameter at breast height), or 10 inches dbh aggregate for multi-trunk trees, within 50 feet of any grading, road improvements, underground utilities, or other development activity, or as otherwise shown on the Tentative Subdivision Map(s);
- 3) Around any and all "special protection" areas as discussed in the project's environmental review documents.

In addition, Improvement plans shall show details for implementation of temporary BMPs to protect wetlands during project construction including, but not limited to: Fiber Rolls (SE-5), Straw Bale Barrier (SE-9), Straw Mulch, Storm Drain Inlet Protection (SE-10), Hydroseeding (EC-4), Silt Fence (SE-1), Stabilized Construction Entrance (TC-1), and revegetation techniques. Silt fences and/or fiber rolls shall be installed in all areas where temporary construction fencing for the protection of wetlands will be located.

No development of this site, including grading, shall be allowed until this condition is satisfied. Any encroachment within these areas, including critical root zones of trees to be saved, must first be approved by the DRC. Temporary fencing shall not be altered during construction without written approval of the DRC. No grading, clearing, storage of equipment or machinery, etc., may occur until a representative of the DRC has inspected and approved all temporary construction fencing. This includes both on-site and off-site improvements. Efforts should be made to save trees where feasible. This may include the use of retaining walls, planter islands, pavers, or other techniques commonly associated with tree preservation.

MM IV.4 The Improvement Plans and Parcel Map shall show Wetland Preservation Easements. Areas located on Lots 1 through 4, as depicted on the Tentative Parcel Map, shall be defined and monumented as "Wetland Preservation Easements".

The purpose of said easements is for the protection and preservation of on-site wetland/stream corridor habitats. A note shall be provided on the Parcel Map information sheet prohibiting any disturbances within said easements, including

the placement of fill materials, lawn clippings, oil, chemicals, or trash of any kind within the easements; nor any grading or clearing activities, vegetation removal, or domestic landscaping and irrigation, including accessory structures, swimming pools, spas, and fencing (excepting that specifically required by these conditions). Trimming or other maintenance activity is allowed only for the benefit of fish, wildlife, fire protection, and water quality resources, and for the elimination of diseased growth, or as otherwise required by the fire department, and only with the written consent of Development Review Committee.

Discussion- Item IV-8:

The project site is not located in an area subject to a Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, there is no impact.

V. CULTURAL RESOURCES – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Substantially cause adverse change in the significance of a historical resource as defined in CEQA Guidelines, Section 15064.5? (PLN)		X		
2. Substantially cause adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines, Section 15064.5? (PLN)		X		
3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (PLN)				X
4. Have the potential to cause a physical change, which would affect unique ethnic cultural values? (PLN)				X
5. Restrict existing religious or sacred uses within the potential impact area? (PLN)				X
6. Disturb any human remains, including those interred outside of formal cemeteries? (PLN)				X

Background:

Two record searches of the project site and vicinity were conducted at the North Central Information Center (NCIC) of the California Historical Resources Information System (CHRIS) in Sacramento. The record searches included review of pertinent NCIC base maps that reference cultural resource survey and excavation reports, recorded prehistoric and historic archaeological sites, historic-period maps, and literature for Placer County. To identify historic properties, the State of California Office of Historic Preservation Historic Properties Directory (HPD) was consulted, which includes properties of the National Register of Historic Places (NRHP), California Historical Landmarks (CHL), California Points of Historical Interest (CPHI), the California Register of Historical Resources (CRHR), as well as certified Local Government surveys.

The first record search entailed a review for all previously recorded cultural resources within the general vicinity of the proposed project area. Seven cultural resource studies were reportedly conducted within the project vicinity, none of which encompassed the project location. There were two prehistoric-period cultural resources and three historic-period cultural resources recorded within the vicinity of the project area. A re-examination of records suggest these sites were located approximately one-quarter to one-half mile south, southwest of the project area along a primary drainage that begins well north of the project, but skirts the project to the east. While the project area has a human-made pond, it is unlikely that it had any sustainable supplies of permanent water.

The second record search determined that there were three cultural resource studies conducted within an approximate one-quarter mile radius of the project location, but none encompassed the project area. In April 1980 an area-wide study was conducted for Placer County Wastewater Management. While no archaeological sites were identified in the project location, clusters of prehistoric sites were identified along some of the area's principal watersheds or drainage systems. The nearest cluster of prehistoric sites is located along a permanent drainage one-half mile to the south. Other archaeological resource studies conducted in the nearby surrounding area have

identified historic buildings in the vicinity as well as cultural sites. However, there were no eligible NRHP, CHL, CPHI, or CRHR properties identified within one-quarter mile of the project location.

Discussion- Items V-1,2:

An intensive and cursory archaeological survey was conducted within the project area. Intensive is defined as walking transects no more than zero to five meters apart. Cursory coverage was applied only to portions of the central drainage that bisects the parcel, due to extremely dense thickets of blackberries. Widely scattered exposed granite occurs throughout the parcel, all of which was carefully examined for indications of cultural use.

The southeast quadrant of the parcel has been intensively cultivated with strawberries and blackberries, while the southwest quadrant has been intensively cultivated with grape vines. Grading has occurred along portions of the drainage, including a human-made pond area. Roads have cut through portions of the project area.

Following an intensive field investigation of the project area, no significant prehistoric or historic archaeological sites, features, or artifacts were found, nor were any significant historic buildings, structures or objects discovered. Besides portions of the drainage corridor, ground surface visibility was adequate for the identification of cultural artifacts, features, and sites. Modern or contemporary use of the parcel is evident in the southeast and southwest quadrants (strawberries-blackberries farm/vineyard), and in the north half are bee hive boxes, along with an RV, trailers, boats, and portable sheds. No significant prehistoric or historic archaeological sites, features, or artifacts were found, nor were any significant historic buildings, structures, or objects identified within the project. However, the potential exists that construction of the project could result in accidental discovery of unknown archeological resources. The following mitigation measure would reduce this potentially significant impact to less than significant:

MM V.1 If any archaeological artifacts, exotic rock (non-native), or unusual amounts of shell or bone are uncovered during any on-site construction activities, all work must stop immediately in the area and an archaeologist retained to evaluate the deposit. The Placer County Planning Services Division and Department of Museums must also be contacted for review of the archaeological find(s).

If the discovery consists of human remains, the Placer County Coroner and Native American Heritage Commission must also be contacted. Work in the area may only proceed after authorization is granted by the Placer County Planning Services Division.

Following a review of the new find and consultation with appropriate experts, if necessary, the authority to proceed may be accompanied by the addition of development requirements which provide protection of the site and/or additional mitigation measures necessary to address the unique or sensitive nature of the site. A note stating this information shall be included on the project Improvement Plans.

No mitigation measures are required.

Discussion- Item V-3:

The project area is composed of weathered granitic soils and is underlain by granitic rocks ranging in age from 125 to 136 million years old. These volcanic rock units do not contain paleontological resources due to their volcanic origin. While the site does include some limited granite rock outcrops, these features do not have adequate size, prominence or other physical attributes that make them unique. There is no impact.

Discussion- Items V-4,5:

The project does not have the potential to cause a physical change that would affect unique ethnic or cultural values and there are no known existing or historic religious or sacred uses of the project site. Therefore, there is no impact.

Discussion- Item V-6:

No human remains are known or suspected to be buried at the project site. Therefore, there is no impact.

VI. GEOLOGY & SOILS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
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1. Expose people or structures to unstable earth conditions or changes in geologic substructures? (ESD)				X
2. Result in significant disruptions, displacements, compaction or overcrowding of the soil? (ESD)			X	
3. Result in substantial change in topography or ground surface relief features? (ESD)				X
4. Result in the destruction, covering or modification of any unique geologic or physical features? (ESD)				X
5. Result in any significant increase in wind or water erosion of soils, either on or off the site? (ESD)		X		
6. Result in changes in deposition or erosion or changes in siltation which may modify the channel of a river, stream, or lake? (ESD)		X		
7. Result in exposure of people or property to geologic and geomorphological (i.e. Avalanches) hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? (PLN, ESD)			X	
8. Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? (ESD)			X	
9. Be located on expansive soils, as defined in Chapter 18 of the California Building Code, creating substantial risks to life or property? (ESD)			X	

Discussion- Items VI-1,4:

According to the United States Department of Agriculture (USDA) Soil Survey of Placer County and the United States Department of Agriculture ~ Natural Resources Conservation Service Web Soil Survey, the proposed project is located on soils classified as Andregg coarse sandy loam. Permeability is moderately rapid. The hazard of erosion is slight to moderate. The Soil Survey does not identify any unique geologic or physical features. No known unique geologic or physical features exist on the site that will be destroyed or modified. Creation of this Parcel Map and associated improvements will not create any unstable earth conditions or change any geologic substructure. There is no impact.

Discussion- Item VI-2:

In order to construct the residences and associated access, utility, and road improvements, minimal grading is proposed. Site topography is rolling and slopes towards the unnamed drainage that traverses the middle of the site from north to south. Elevations range from approximately 430 to 384 feet above sea level. The soil unit is Andregg coarse sandy loam and is mapped as well drained and moderately erodible.

The earthwork is proposed to be minimal and close to existing grade, as shown on the Preliminary Grading and Utility Plan (dated June 15, 2015). Retaining walls are not proposed. All resulting finished grades are proposed to be no steeper than 2:1. The proposed project's impacts associated with unstable earth conditions, soil disruptions, displacements, compaction of the soil, and overcrowding of the soil are less than significant. No mitigation measures are required.

Discussion- Item VI-3:

The four parcel Minor Land dDivision project is not proposing a substantial change in topography or ground surface relief features. The proposed road access is approximately 800 feet long, with minor grading required to construct the access improvements, including widening and paving the road and Plate R-17 improvements at Auburn Folsom Road. There is not a substantial change in site topography as a result of this project. There is no impact.

Discussion- Items VI-5,6:

This project proposal would result in limited soil disturbance and grading to construct access improvements and two county standard roadway connections onto Auburn Folsom Road in order to serve the parcels created on the subject site. The disruption of soils on this previously disturbed property increases the risk of erosion and creates a potential for contamination of stormwater runoff with disturbed soils or other pollutants introduced through typical

grading practices. The construction phase will create significant potential for erosion as disturbed soil may come in contact with wind or precipitation that could transport sediment to the air and/or adjacent waterways. Discharge of concentrated runoff in the post-development condition could also contribute to the erosion potential in the long-term; however, due to runoff flows from this project being directed through existing overland flow patterns, downstream water quality impacts are less than significant. Erosion potential and water quality impacts are always present and occur when protective vegetative cover is removed and soils are disturbed. This disruption of soils on the site has the potential to result in significant increases in erosion of soils both on- and off-site. The proposed project's impacts associated with deposition or soil erosion or changes in siltation will be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Items VI-5,6:

MM VI.1 The applicant shall prepare and submit improvement plans, specifications and cost estimates (per the requirements of section ii of the land development manual [LDM] that are in effect at the time of submittal) to the engineering and surveying division (ESD) for review and approval. The plans shall show all physical improvements as required by the conditions for the project as well as pertinent topographical features both on and off site. All existing and proposed utilities and easements, on site and adjacent to the project, which may be affected by planned construction, shall be shown on the plans. All landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, shall be included in the improvement plans. The applicant shall pay plan check and inspection fees with the 1st improvement plan submittal. (Note: prior to plan approval, all applicable recording and reproduction costs shall be paid). The cost of the above-noted landscape and irrigation facilities shall be included in the estimates used to determine these fees. It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the design/site review process and/or development review committee (DRC) review is required as a condition of approval for the project, said review process shall be completed prior to submittal of improvement plans. Record drawings shall be prepared and signed by a California registered civil engineer at the applicant's expense and shall be submitted to the ESD in both hard copy and electronic versions in a format to be approved by the ESD prior to acceptance by the county of site improvements.

Conceptual landscape plans submitted prior to project approval may require modification during the Improvement Plan process to resolve issues of drainage and traffic safety.

MM VI.2 The Improvement Plans shall show all proposed grading, drainage improvements, vegetation and tree removal and all work shall conform to provisions of the County Grading Ordinance (Ref. Article 15.48, Placer County Code) and Stormwater Quality Ordinance (Ref. Article 8.28, Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance shall occur until the Improvement Plans are approved and all temporary construction fencing has been installed and inspected by a member of the Development Review Committee (DRC). All cut/fill slopes shall be at a maximum of 2:1 (horizontal: vertical) unless a soils report supports a steeper slope and the Engineering and Surveying Division (ESD) concurs with said recommendation. Fill slopes shall not exceed 1.5:1 (horizontal: vertical)

The applicant shall revegetate all disturbed areas. Revegetation, undertaken from April 1 to October 1, shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Improvement Plans. It is the applicant's responsibility to ensure proper installation and maintenance of erosion control/winterization before, during, and after project construction. Soil stockpiling or borrow areas, shall have proper erosion control measures applied for the duration of the construction as specified in the Improvement Plans. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the Engineering and Surveying Division (ESD).

MM VI.3 Water quality Best Management Practices (BMPs) shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and/or for Industrial and Commercial, (and/or other similar source as approved by the Engineering and Surveying Division (ESD)).

Construction (temporary) BMPs for the project may include, but are not limited to: Fiber Rolls (SE-5), Hydroseeding (EC-4), revegetation techniques, dust control measures, and limiting the soil disturbance.

Discussion- Items VI-7,8:

The site is located within Seismic Zone 3. Because structures will be constructed according to the current edition of the California Building Code, which contains seismic standards, the likelihood of severe damage due to ground shaking should be minimal. There is no landsliding or slope instability related to the project site. No avalanches,

mud slides or other geologic or geomorphological hazards have been observed at or near this project site. No mitigation measures are required.

Discussion- Item 9:

According to the United States Department of Agriculture (USDA) Soil Survey of Placer County and the United States Department of Agriculture ~ Natural Resources Conservation Service Web Soil Survey, the proposed project is located on soils classified as Andregg coarse sandy loam. The soil survey did identify shrink-swell potential as a possible limitation. Because structures will be constructed according to the current edition of the California Building Code, which contains soils standards, the likelihood of creating substantial risks to life or property due to expansive soils should be minimal. No mitigation measures are required.

VII. GREENHOUSE GAS EMISSIONS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant and/or cumulative impact on the environment? (PLN, Air Quality)			X	
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (PLN, Air Quality)			X	

Discussion- All Items:

Greenhouse gas (GHG) emissions of primary concern from land use projects include carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). Construction related activities resulting in exhaust emissions may come from fuel combustion for heavy-duty diesel and gasoline-powered equipment, portable auxiliary equipment, material delivery trucks, and worker commuter trips. Operational GHG emissions would result from motor vehicle trips generated by the additional residents, on-site fuel combustion for space and water heating, landscape maintenance equipment, and fireplaces/stoves; and off site emissions at utility providers associated with the project's electricity and water demands.

The project would likely result in future site grading and the construction for three additional residential lots. The construction and operational related GHG emissions resulting from the project would not substantially hinder the State's ability to attain the goals identified in AB 32 (i.e., reduction of statewide GHG emissions to 1990 levels by 2020), as the levels of GHG emissions would be below the APCD's recognized threshold of 1,100 Metric Tons per year Carbon Dioxide equivalent (MTCO_{2e}). According to the APCD, residential subdivision projects would need to be approximately 57 units in size before they would exceed the 1,100 MTCO_{2e} threshold of significance. Thus, the construction and operation of the project would not generate substantial greenhouse gas emissions, either directly or indirectly, which may be considered to have a significant impact on the environment, nor conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases and is therefore considered to have a less than significant impact. No mitigation measures are required.

VIII. HAZARDS & HAZARDOUS MATERIALS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Create a significant hazard to the public or the environment through the routine handling, transport, use, or disposal of hazardous or acutely hazardous materials? (EHS)			X	
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (EHS)			X	

3. Emit hazardous emissions, substances, or waste within one-quarter mile of an existing or proposed school? (PLN, Air Quality)				X
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (EHS)				X
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (PLN)				X
6. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing in the project area? (PLN)				X
7. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (PLN)			X	
8. Create any health hazard or potential health hazard? (EHS)			X	
9. Expose people to existing sources of potential health hazards? (EHS)				X

Discussion- Items VIII-1,2:

The use of hazardous substances during normal construction activities is expected to be limited in nature, and will be subject to standard handling and storage requirements. Accordingly, impacts related to the release of hazardous substances are considered less than significant. No mitigation measures are required.

Discussion- Item VIII-3:

There are no known existing or proposed school sites located within a quarter mile of the project location. Further, the project does not propose a use that typically would involve any activities that would emit hazardous substances or waste that would affect a substantial number of people and is therefore considered to have no impact.

Discussion- Items VIII-4,9:

The project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. A Phase 2 Soil Sampling Environmental Site Assessment was completed by ALFA Environmental Remediation Service, Inc. dated March 2, 2015 in order to evaluate potential contamination related to past land uses as an orchard. Soil sample results are below published screening levels and therefore no additional soil sampling related to past land use is required. Therefore, there is no impact.

Discussion- Item VIII-5:

The project is not located within an airport land use plan area or within two miles of a public airport. Therefore, there is no impact.

Discussion- Item VIII-6:

The project is not located within the vicinity of a private airstrip. Therefore, there is no impact.

Discussion- Item VIII-7:

The project site is located in an area that is classified as moderate risk for wildland fires. The site has historically been utilized for agricultural uses such as grazing, vineyards and row crops, and consequently there is minimal tree cover on the project site. Development of the site for large-lot estate uses will further reduce the risk of wildland fire because site improvements, such as roadways, driveways and irrigated landscaping, would further reduce readily combustible vegetation. In addition, pressurized water would be extended to the project, fire hydrants would be installed, and newly constructed residences would be required by Building Code to include interior fire suppression sprinkler systems. Consequently, the project would be developed in a manner that would ensure that there is little risk of wildland fire to new residences or increased risk to surrounding properties. This impact would be less than significant. No mitigation measures are required.

Discussion- Item VIII-8:

Mosquito breeding is not expected to significantly impact this project. No mitigation measures are required.

IX. HYDROLOGY & WATER QUALITY – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Violate any federal, state or county potable water quality standards? (EHS)				X
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lessening of local groundwater supplies (i.e. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (EHS)				X
3. Substantially alter the existing drainage pattern of the site or area? (ESD)			X	
4. Increase the rate or amount of surface runoff? (ESD)		X		
5. Create or contribute runoff water which would include substantial additional sources of polluted water? (ESD)		X		
6. Otherwise substantially degrade surface water quality?(ESD)		X		
7. Otherwise substantially degrade ground water quality? (EHS)			X	
8. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard boundary or Flood Insurance Rate Map or other flood hazard delineation map? (ESD)				X
9. Place within a 100-year flood hazard area improvements which would impede or redirect flood flows? (ESD)				X
10. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (ESD)				X
11. Alter the direction or rate of flow of groundwater? (EHS)				X
12. Impact the watershed of important surface water resources, including but not limited to Lake Tahoe, Folsom Lake, Hell Hole Reservoir, Rock Creek Reservoir, Sugar Pine Reservoir, French Meadows Reservoir, Combie Lake, and Rollins Lake? (EHS, ESD)				X

Discussion- Item IX-1:

This project will not rely on groundwater wells as a potable water source. Potable water for this project will be treated water from PCWA. The project will not violate water quality standards with respect to potable water. Therefore, there is no impact.

Discussion- Item IX-2:

This project will not utilize groundwater, and is not located in an area where soils are conducive to groundwater recharge. The project will not substantially deplete groundwater supplies or interfere with groundwater recharge. Therefore, there is no impact.

Discussion- Item IX-3:

This residential parcel map project would create three new residential parcels. To construct the required driveway and access improvements, only minimal site grading is proposed. The residential parcels will not be pad graded as a part of the project and the majority of the proposed access road follows the path of an existing dirt road. The parcel map improvements will not cause a significant change to site hydrology and no changes are proposed to the existing culverts or pond crossing. The existing culverts were found to adequately convey anticipated flows in a Drainage Calculation Memo by TASK Engineering, dated February 2nd, 2015. While on site drainage patterns may be slightly altered due to the proposed development of this site, the direction of discharge of runoff from the site remains essentially the same as pre-development conditions. No mitigation measures are required.

Discussion- Item IX-4:

The new impervious surfaces for the undeveloped parcel will only slightly increase the overall rate and amount of surface runoff from the site. The project proposes to subdivide the 37.7 acre parcel in order to create three new residential single family parcels. The additional impervious areas of the paved private driveway access and future home sites created by the project are small compared to the overall watersheds.

The proposed project's impacts associated with increasing the rate or amount of surface runoff will be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Item IX-4:

MM VI.1, MM VI.2, MM VI.3, See Items VI-5, 6 for the text of these mitigation measures as well as the following:

Discussion- Items IX-5,6:

The water quality of all natural waterways is important to maintain for public health and safety and the health of the ecosystem. Potential water quality impacts are present both during project construction and after project development. Construction activities will disturb soils and cause potential introduction of sediment into stormwater during rain events. Through the implementation of Best Management Practices (BMPs) for minimizing contact with potential stormwater pollutants at the source and erosion control methods, this potentially significant impact will be reduced to less than significant levels. In the post-development condition, the project could potentially introduce contaminants such as oil and grease, sediment, nutrients, metals, organics, pesticides, and trash from activities such as driveway runoff, outdoor storage, landscape fertilizing and maintenance, and refuse collection. During construction, the driveway improvements will potentially cause erosion, sediment, and water quality impacts to the Miner's Ravine watershed. Erosion potential and water quality impacts are always present and occur when protective vegetative cover is removed and soils are disturbed. This disruption of soils on the site has the potential to result in significant increases in erosion of soils both on- and off-site. The proposed project's impacts associated with soil erosion will be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Items IX-5,6:

MM VI.1, MM VI.2, MM VI.3, See Items VI-5, 6 for the text of these mitigation measures as well as the following:

MM IX.1 Water quality Best Management Practices (BMPs) shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and/or for Industrial and Commercial, (and/or other similar source as approved by the Engineering and Surveying Division (ESD)).

Storm drainage from on- and off-site impervious surfaces (including roads) shall be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants, as approved by the Engineering and Surveying Division (ESD). BMPs shall be designed at a minimum in accordance with the Placer County Guidance Document for Volume and Flow-Based Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. Post-development (permanent) BMPs for the project may include, but are not limited to: revegetation and grassy swales. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

MM IX.2 This project is located within the permit area covered by Placer County's Small Municipal Separate Storm Sewer System (MS4) Permit (State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004, Order No. 2013-0001-DWQ), pursuant to the NPDES Phase II program. Project-related stormwater discharges are subject to all applicable requirements of said permit.

The project shall implement permanent and operational source control measures as applicable. Source control measures shall be designed for pollutant generating activities or sources consistent with recommendations from the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment, or equivalent manual, and shall be shown on the Improvement Plans.

The project is also required to implement Low Impact Development (LID) standards designed to reduce runoff, treat stormwater, and provide baseline hydromodification management to the extent feasible.

Discussion- Item IX-7:

The project could result in urban stormwater runoff. Standard Best Management Practices (BMPs) will be used and as such, the potential for this project to violate any water quality standards is considered to be less than significant. No mitigation measures are required.

Discussion- Items IX-8,9,10:

The project site is not located within an area shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) and there are no proposed building sites within a FEMA-designated Flood Zone or Special Flood Hazard Area. There is no impact.

Discussion- Item IX-11:

The project will not alter the direction or rate of flow of groundwater as it does not propose the use of a groundwater source. Therefore, there is no impact.

Discussion- Item IX-12:

Stormwater runoff from the site eventually flows into Miner's Ravine; however the runoff will be treated and infiltrate prior to reaching Miner's Ravine. The improvements proposed do not substantially impact an important surface water resource. There is no impact.

X. LAND USE & PLANNING – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Physically divide an established community? (PLN)				X
2. Conflict with General Plan/Community Plan/Specific Plan designations or zoning, or Plan policies adopted for the purpose of avoiding or mitigating an environmental effect? (EHS, ESD, PLN)			X	
3. Conflict with any applicable habitat conservation plan or natural community conservation plan or other County policies, plans, or regulations adopted for purposes of avoiding or mitigating environmental effects? (PLN)			X	
4. Result in the development of incompatible uses and/or the creation of land use conflicts? (PLN)				X
5. Affect agricultural and timber resources or operations (i.e. impacts to soils or farmlands and timber harvest plans, or impacts from incompatible land uses)? (PLN)			X	
6. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? (PLN)				X
7. Result in a substantial alteration of the present or planned land use of an area? (PLN)				X
8. Cause economic or social changes that would result in significant adverse physical changes to the environment such as urban decay or deterioration? (PLN)				X

Discussion- Item X-1:

The project would develop new residential land use in accordance with the existing Granite Bay Community Plan land use designations and zoning densities. It would not divide an established community or result in alteration of the present or planned land use of the area. Therefore, there is no impact.

Discussion- Items X-2,3:

The project site is not subject to any habitat conservation plan or natural community conservation plan. The project would not conflict with other County policies, plans, or regulations adopted for purposes of avoiding or mitigating environmental effects. Construction of project improvements would result in limited removal of native and non-native trees including interior live oak trees and valley oak trees. Oak woodlands are present on the project site, but are limited to a riparian corridor area that would be protected by easements and setbacks and would not be impacted. An estimated ten trees would be removed or impacted to construct onsite and offsite improvements, which would be a less than significant impact due to the limited number of trees that would be impacted or removed. The Parcel Map will include the following condition of approval:

Prior to the approval of Improvement Plans the applicant shall provide the Planning Services Division a Tree Survey (by an ISA Certified Arborist) depicting the exact location of all trees 6" dbh (diameter at breast height) or greater, or multiple trunk trees with an aggregate diameter of 10" dbh or greater, within 50' of any grading, road improvements, underground utilities, driveways, building envelopes, and any trees disturbed from off-site improvements such as road improvements and underground utilities. The Tree Survey shall include the sizes (diameter at 4' above ground), species of trees, spot elevations, and approximate driplines. Trees to be saved or removed shall be shown on the survey, and superimposed over the Grading and Utility Plan. Impacted or removed trees shall be mitigated at the County standard rate of \$100 per diameter inch at breast height, which shall be paid to the County Tree Preservation Fund. Trees may not be disturbed or removed prior to the approval of Improvement Plans.

No mitigation measures are required.

Discussion- Item X-4:

The project would be compatible with surrounding land uses, which include large-lot rural residential estate properties to the north and west, an executive housing residential subdivision to the south, and Auburn Folsom Road and a residential subdivision to the east. Therefore, there is no impact.

Discussion- Item X-5:

The project would not affect timber resources or operations. The project would result in cancellation of a Williamson Act Contract. Discussion of potential impacts associated with contract cancellation and conversion of the project site to nonagricultural use is discussed under the Agricultural Resources section of this document. Potential impacts to agricultural resources would be less than significant.

Discussion- Item X-6:

The project would not disrupt or divide the physical arrangement of an established community. Therefore, there is no impact.

Discussion- Item X-7:

The project will not result in a substantial alteration of the present or planned land use of the area. Therefore, there is no impact.

Discussion- Item X-8:

The project would not cause economic or social changes that would result in significant adverse physical changes to the environment, including urban decay or deterioration. Therefore, there is no impact.

XI. MINERAL RESOURCES – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
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1. The loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (PLN)				X
2. The loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (PLN)				X

Discussion- Item XI-1:

The project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. Therefore, there is no impact.

Discussion- Item XI-2:

The project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. Therefore, there is no impact.

XII. NOISE – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Exposure of persons to or generation of noise levels in excess of standards established in the local General Plan, Community Plan or noise ordinance, or applicable standards of other agencies? (PLN)		X		
2. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (PLN)			X	
3. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (PLN)			X	
4. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (PLN)				X
5. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (PLN)				X

Discussion- Item XII-1:

Background Information

In accordance with policies of the Placer County General Plan Noise Element, the maximum allowable residential noise exposure level from transportation noise sources is 60 decibels for outdoor activity areas (back yards) and 45 decibels for interior spaces. Policy 9.A.10 of the County General Plan Noise Element permits the County to waive a project specific noise impact analysis under the following conditions:

- The development is for less than five single-family dwellings or less than 10,000 square feet of total gross floor area for office buildings, churches, or meeting halls;
- The noise source in question consists of a single roadway or railroad for which up-to-date noise exposure information is available. An acoustical analysis will be required when the noise source in question is a stationary noise source or airport, or when the noise source consists of multiple transportation noise sources;
- The existing or projected future noise exposure at the exterior of buildings which will contain noise-sensitive uses or within proposed outdoor activity areas (other than outdoor sports and recreation areas) does not exceed 65 dB Ldn (or CNEL) prior to mitigation. For outdoor sports and recreation areas, the existing or projected future noise exposure may not exceed 75 dB L dn (or CNEL) prior to mitigation;

- The topography in the project area is essentially flat; that is, noise source and receiving land use are at the same grade; and Effective noise mitigation, as determined by the County, is incorporated into the project design to reduce noise exposure to the levels specified in Table 9-1 or 9-3. Such measures may include the use of building setbacks, building orientation, noise barriers, and the standard noise mitigations contained in the Placer County Acoustical Design Manual. If closed windows are required for compliance with interior noise level standards, air conditioning or a mechanical ventilation system will be required.

The project site includes two parcels (Parcel 1 and Parcel 2) that would front Auburn-Folsom Road, which is an arterial roadway that serves local and regional traffic. In accordance with the environmental noise analysis prepared for the 2004 update to the Granite Bay Community Plan, the future unmitigated 60 decibel Ldn noise contour for Auburn-Folsom Road, which was modelled to include 20 years of projected growth in traffic volumes, would be located 215 feet from the roadway centerline for the segment between Joe Rodgers Road and Cavitt Stallman Road; the 65 decibel noise contour would be located at 100 feet from the roadway centerline.

Standard residential construction results in a 25 decibel or greater interior to exterior noise reduction. In order for residences on Parcel 1 and Parcel 2 to experience an indoor noise impact, projected transportation noise levels at the nearest wall of a residence would have to exceed 70 decibels. Dedication of roadway and utility easements along the project frontage and application of standard setbacks will result in construction of homes located over 100 feet from the centerline of the roadway where noise levels would be well below 70 decibels. Therefore the project would not result in interior noise impacts.

If outdoor activity areas on Parcel 1 and Parcel 2 are located closer than 215 feet from the centerline of Auburn-Folsom Road, a significant noise impact would occur. The project proposes to construct a five-foot tall CMU block sound wall along the frontage of Parcel 1 and Parcel 2. The CMU sound wall would be located onsite outside of the 12.5-foot multipurpose easement and would include low berming and landscaping for screening. Architectural features of the sound wall, such as pilasters, could extend to a maximum of six feet tall. Construction of this sound wall in accordance with the following mitigation measure would reduce potential noise impacts to outdoor activity areas to less than significant in compliance with the Noise Element of the Granite Bay Community Plan and the Placer County General Plan.

Mitigation Measures- Item XII-1:

Prior to recordation of a Parcel Map, the project shall construct a minimum 5-foot tall (maximum 6-foot tall) masonry sound wall along the Auburn-Folsom Road frontage of Parcel 1 and Parcel 2. The sound wall, including cross section views, shall be shown on the Improvement Plans. The masonry sound wall shall be constructed of either CMU block finished with cultured stone or natural stone surfacing, or precast concrete with a stamped finish approved by the DRC. The masonry wall material and design shall be approved by the DRC prior to construction. Landscaping shall be installed between the wall and the multi-use trail, and may include low berming to provide additional wall screening.

Discussion- Item XII-2:

The project would result in development of up to four single-family residences. Introduction of new residences in the project vicinity would result in a modest incremental increase in ambient noise levels primarily from human voices and yard maintenance activities. This would be a less than significant impact. No mitigation measures are required.

Discussion- Item XII-3:

Project construction would result in a moderate temporary increase in ambient noise levels in the project vicinity from associated construction noise sources such as diesel powered earth moving equipment, transport vehicles, vehicle back-up alarms, and from general construction activities. The Placer County Noise Ordinance exempts temporary construction activities that would occur Monday through Friday between the hours of 6:00a.m. and 8:00p.m., and Saturday and Sunday between the hours of 8:00a.m. and 6:00p.m. The Granite Bay Community Plan Noise Element further restricts construction activities in accordance with the following:

Construction noise emanating from any construction activities for which Improvement Plans or a Building Permit is prohibited on Sundays and federal holidays and required shall only occur:

- a) Monday through Friday, 6:00 am to 8:00 pm (during daylight savings)
- b) Monday through Friday, 7:00 am to 8:00 pm (during standard time)
- c) Saturdays 8:00 am to 6:00 pm

All off-road construction vehicles and equipment shall be fitted with factory installed muffling devices and shall be maintained in good working order. Essentially quiet activities that do not involve heavy equipment or machinery may occur at other times. Work occurring within an enclosed building may occur at other times as well.

This standard condition of approval will be placed on the Parcel Map. This would be a less than significant impact. No mitigation measures are required.

Discussion- Item XII-4:

The project is not located within an airport land use plan or within two miles of a public use airport. Therefore, there is no impact.

Discussion- Item XII-5:

The project is not located in the vicinity of a private airstrip. Therefore, there is no impact.

XIII. POPULATION & HOUSING – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Induce substantial population growth in an area, either directly (i.e. by proposing new homes and businesses) or indirectly (i.e. through extension of roads or other infrastructure)? (PLN)			X	
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (PLN)				X

Discussion- Item XIII-1:

The project would result in a modest increase in population growth in the area through the creation of four new residential properties, which would include up to four new single-family housing units and could include up to four secondary dwelling units. However, the project would be consistent with the existing zoning and land use designations, which allow for subdivision of the property to lots as small as 4.6-acres. Accordingly, this growth is already projected to occur within the Granite Bay Community Plan area and this would be a less than significant impact. No mitigation measures are required.

Discussion- Item XIII-2:

The project would not result in the displacement of any existing housing. Therefore, there is no impact.

XIV. PUBLIC SERVICES – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Fire protection? (ESD, PLN)			X	
2. Sheriff protection? (ESD, PLN)			X	
3. Schools? (ESD, PLN)			X	

4. Maintenance of public facilities, including roads? (ESD, PLN)			X	
5. Other governmental services? (ESD, PLN)			X	

Discussion- Items XIV-1,2,3,5:

The project would result in a modest increase in demand for fire protection, sheriff protection, schools and other local governmental services such as Assessor services, libraries, courts and jails. These services are funded by collection of ad valorem property taxes, which are allocated through the County General Fund or through the creation of special assessment districts such as the South Placer Fire District (SPFD), which would serve to this project. The SPFD may require the project to enter into a service agreement or facilities agreement as a condition of receipt of fire protection services, at the discretion of the District. These impacts would be less than significant. In addition, the Leroy Greene School Facilities Act, more commonly known as Senate Bill 50, permits school districts to levy fees for the purposes of funding construction of school facilities. The project sponsor would be required to work directly with the serving school district to establish fees or, at the District's discretion, may defer payment of fees until individual lot owners propose to construct new residences. In accordance with SB 50, payment of fees by a development project is adequate to reduce impacts of that project on schools to a less-than-significant level. No mitigation measures are required.

Discussion- Item XIV-4:

There would be an incremental increase in maintenance to County roadways; however the increase would be negligible. The project would be subject to the County Traffic Impact Fee Program and payment of Traffic Impact Fees would be required prior to approval of Building Permits or Improvement Plans. Payment of Traffic Impact Fees prior to construction of the project would ensure that funding for the incremental increase in roadway maintenance would be in place prior to project operation and would offset additional maintenance costs. Therefore, this impact is less than significant. No mitigation measures are required.

XV. RECREATION – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (PLN)			X	
2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (PLN)			X	

Discussion- All Items:

The project would result in creation of four new single-family residential properties, which would result in an incremental increase in demand for public recreation facilities. This increase would not result in a substantial physical deterioration of existing facilities nor result in substantial demand for new or expanded recreation facilities. Provision of park and recreation facilities to serve the project would be offset by collection of Park Preservation Fund fees in accordance with Sections 15.34.010, 16.08.100 and 17.54.100.D of the Placer County Code. In addition, the project would construct a six-foot wide multi-use trail along the project frontage in accordance with Section 4.2.9 and Section 9.8 of the Granite Bay Community Plan. The trail would be constructed of stabilized native soil, compacted decomposed granite, or a similar native material. The project sponsor would receive a partial credit for construction of this public improvement, which would be applied toward the Park Preservation Fund fee due for each residence. If the project were approved today, the fee would be \$4,235 per lot; a \$670 portion of this would be collected at the time of Parcel Map recordation. The total fee due will be based upon the fee in effect at the time the Parcel Map is recorded and a new residence is constructed. This would result in a less than significant impact. No mitigation measures are required.

XVI. TRANSPORTATION & TRAFFIC – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. An increase in traffic which may be substantial in relation to the existing and/or planned future year traffic load and capacity of the roadway system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (ESD)		X		
2. Exceeding, either individually or cumulatively, a level of service standard established by the County General Plan and/or Community Plan for roads affected by project traffic? (ESD)			X	
3. Increased impacts to vehicle safety due to roadway design features (i.e. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (ESD)		X		
4. Inadequate emergency access or access to nearby uses? (ESD)				X
5. Insufficient parking capacity on-site or off-site? (ESD, PLN)				X
6. Hazards or barriers for pedestrians or bicyclists? (ESD)				X
7. Conflicts with adopted policies, plans, or programs supporting alternative transportation (i.e. bus turnouts, bicycle lanes, bicycle racks, public transit, pedestrian facilities, etc.) or otherwise decrease the performance or safety of such facilities? (ESD)				X
8. Change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (PLN)				X

Discussion- Item XVI-1:

This project proposal would result in the creation of a four lot Parcel Map. The creation of three additional residential single-family parcels will result in the construction of three additional residences. The proposed project will generate approximately three additional PM peak hour trips. The peak hour trip generation of the proposed project is consistent with the land use zoning for this property.

The proposed project creates site-specific impacts on local transportation systems that are considered less than significant when analyzed against the existing baseline traffic conditions and roadway segment / intersection existing LOS; however, the cumulative effect of an increase in traffic has the potential to create significant impacts to the area's transportation system. Article 15.28.010 of the Placer County Code establishes a road network Capital Improvement Program (CIP). This project is subject to this code and, therefore, required to pay traffic impact fees to fund the CIP for area roadway improvements. With the payment of traffic mitigation fees for the ultimate construction of the CIP improvements, the traffic impacts are considered less than significant.

Mitigation Measures- Item XVI-1:

MM XVI.1 This project will be subject to the payment of traffic impact fees that are in effect in this area (Granite Bay Fee District), pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) will be required and shall be paid to Placer County DPW prior to issuance of any Building Permits for the project:

- A) County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code
- B) South Placer Regional Transportation Authority (SPRTA)
- C) Placer County / City of Roseville JPA (PC/CR)

The current estimated fee is \$6,776 per single family residence. The fees were calculated using the information supplied. If either the use or the square footage changes, then the fees will change. The actual fees paid will be those in effect at the time the payment occurs.

Discussion- Item XVI-2:

This proposed minor land division would ultimately result in the creation of three new residential single-family lots. The level of service standard established by the County General Plan and/or Community Plan for roads affected by project traffic will not be exceeded. No mitigation measures are required.

Discussion- Item XVI-3:

The project proposes improvements to the existing, substandard encroachment onto Auburn Folsom Road. The design speed of Auburn Folsom Road is 45 miles per hour (mph). These improvements will provide a substantial increase to driver safety by allowing more room for acceleration/deceleration.

Mitigation Measures- Item XVI-3:

MM VI.1, MM VI.2, See Items VI-5,6 for the text of these mitigation measures as well as the following:

MM XVI.1 The Improvement Plans shall show the construction of a public road entrance/driveway onto Auburn Folsom Road to a Plate R-17 Minor Land Development Manual (LMD) standard. The design speed of Auburn Folsom Road shall be 45 miles per hour (mph). An Encroachment Permit shall be obtained by the applicant or authorized agent from ESD. The Plate R-17 structural section within the main roadway right-of-way shall be designed for a Traffic Index of 8.5, but said section shall not be less than 3 inches Asphalt Concrete (AC) over 8 inches Class 2 Aggregate Base (AB) unless otherwise approved by the ESD.

Discussion- Item XVI-4:

The servicing fire district has reviewed the proposed project and has not identified any impacts to emergency access. The onsite road will be constructed to the current County Standard Plate R-1 width of 20-feet of pavement and two-foot shoulders. The turnaround will be improved to meet the current County Standard Plate R-2 as well as the South Placer Fire Department requirements. There is no impact.

Discussion- Item XVI-5:

In accordance with County Code, each parcel would be required to develop two onsite parking spaces concurrent with construction of individual residences. Parking spaces could be within a garage or driveway, and all newly created parcels are of sufficient size to develop parking onsite. There is no impact.

Discussion- Item XVI-6:

The proposed project will not cause hazards or barriers to pedestrians or bicyclists. There is no impact.

Discussion- Item XVI-7:

The project will not conflict with any existing, or preclude anticipated future policies, plans, or programs supporting alternative transportation. There is no impact.

Discussion- Item XVI-8:

The project would not result in a change in air traffic patterns, increased air traffic levels, or a change in air traffic location or safety issues. In addition, the project is not located within an overflight zone of an airport. There is no impact.

XVII. UTILITIES & SERVICE SYSTEMS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact
1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (ESD)				X
2. Require or result in the construction of new water or wastewater delivery, collection or treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (EHS, ESD)			X	
3. Require or result in the construction of new on-site sewage systems? (EHS)				X

4. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (ESD)			X	
5. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (EHS)			X	
6. Require sewer service that may not be available by the area's waste water treatment provider? (EHS, ESD)			X	
7. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs in compliance with all applicable laws? (EHS)				X

Discussion- Item XVII-1:

The type of wastewater expected to be produced by this residential parcel is typical of wastewater already collected and treated within Placer County Sewer Maintenance District – 2 (SMD-2). The treatment facility is capable of handling and treating the additional volume of wastewater from three new residences without overwhelming the existing system. Therefore, there is no impact.

Discussion- Item XVII-2:

The project is located within the Placer County Water Agency (PCWA) service area. The current land use consists of one residential single-family parcel and the proposed project includes the creation of three additional new residential parcels. To serve the three new parcels, a public water connection will be made to the existing public water line in Auburn Folsom Road in accordance with requirements of PCWA. The installation of fire hydrants is also required by the South Placer Fire Department. The construction of these water facilities will not cause significant environmental effects and therefore, this is a less than significant impact. No mitigation measures are required.

Discussion- Item XVII-3:

The project will be served by public sewer, and will not require or result in the construction of a new septic system. Therefore, there is no impact.

Discussion- Item XVII-4:

The construction for storm water drainage is included in the grading and drainage impacts analysis and will not cause significant environmental effects. No mitigation measures are required.

Discussion- Items XVII-5,6:

The agencies charged with providing treated water, sewer services, and refuse disposal have indicated their requirements to serve the project. These requirements are routine in nature and do not represent significant impacts. The project will not result in the construction of new treatment facilities or create an expansion of an existing facility. Typical project conditions of approval require submission of "will-serve" letters from each agency. No mitigation measures are required.

Discussion- Item XVII-7:

The project will be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs. Therefore, there is no impact.

E. MANDATORY FINDINGS OF SIGNIFICANCE:

Environmental Issue	Yes	No
1. Does the project have the potential to degrade the quality of the environment, substantially impact biological resources, or eliminate important examples of the major periods of California history or prehistory?		X

2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)		X
3. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		X

F. OTHER RESPONSIBLE AND TRUSTEE AGENCIES whose approval is required:

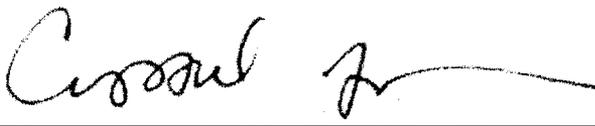
<input type="checkbox"/> California Department of Fish and Wildlife	<input type="checkbox"/> Local Agency Formation Commission (LAFCO)
<input type="checkbox"/> California Department of Forestry	<input type="checkbox"/> National Marine Fisheries Service
<input type="checkbox"/> California Department of Health Services	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> California Department of Toxic Substances	<input checked="" type="checkbox"/> U.S. Army Corp of Engineers
<input type="checkbox"/> California Department of Transportation	<input type="checkbox"/> U.S. Fish and Wildlife Service
<input type="checkbox"/> California Integrated Waste Management Board	<input type="checkbox"/> _____
<input checked="" type="checkbox"/> California Regional Water Quality Control Board	<input type="checkbox"/> _____

G. DETERMINATION – The Environmental Review Committee finds that:

Although the proposed project **COULD** have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because the mitigation measures described herein have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

H. ENVIRONMENTAL REVIEW COMMITTEE (Persons/Departments consulted):

- Planning Services Division, Alex Fish, Chairperson
- Planning Services Division, Air Quality, Lisa Carnahan
- Engineering and Surveying Division, Sarah K Gillmore
- Environmental Engineering Division, Heather Knutson
- Department of Public Works, Transportation
- Environmental Health Services, Laura Rath
- Flood Control Districts, Andrew Darrow
- Facility Services, Parks, Andy Fisher
- South Placer Fire District, Mike Ritter

Signature  Date September 10, 2015

Crystal Jacobsen, Environmental Coordinator

ATTACHMENTS:

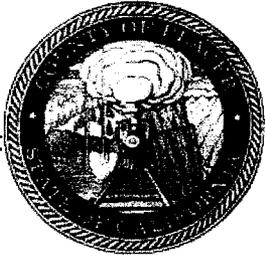
Attachment A – Applicant findings in support of partial cancellation of Williamson Act Contract on the Rickey-Reese Estates

I. SUPPORTING INFORMATION SOURCES: The following public documents were utilized and site-specific studies prepared to evaluate in detail the effects or impacts associated with the project. This information is available for public review, Monday through Friday, 8am to 5pm, at the Placer County Community Development Resource Agency, Environmental Coordination Services, 3091 County Center Drive, Auburn, CA 95603. For Tahoe projects, the document will also be available in our Tahoe Division office, 775 North Lake Blvd., Tahoe City, CA 96145.

County Documents	<input checked="" type="checkbox"/> Air Pollution Control District Rules & Regulations	
	<input checked="" type="checkbox"/> Community Plan	
	<input checked="" type="checkbox"/> Environmental Review Ordinance	
	<input checked="" type="checkbox"/> General Plan	
	<input checked="" type="checkbox"/> Grading Ordinance	
	<input checked="" type="checkbox"/> Land Development Manual	
	<input checked="" type="checkbox"/> Land Division Ordinance	
	<input checked="" type="checkbox"/> Stormwater Management Manual	
	<input checked="" type="checkbox"/> Tree Ordinance	
	<input checked="" type="checkbox"/> Williamson Act Ordinance – County Code Section 17.64.060–17.64.190	
Trustee Agency Documents	<input type="checkbox"/> Department of Toxic Substances Control	
	<input type="checkbox"/> _____	
Site-Specific Studies	Planning Services Division	<input type="checkbox"/> Biological Study
		<input checked="" type="checkbox"/> Cultural Resources Pedestrian Survey
		<input checked="" type="checkbox"/> Cultural Resources Records Search
		<input type="checkbox"/> Lighting & Photometric Plan
		<input type="checkbox"/> Paleontological Survey
		<input type="checkbox"/> Tree Survey & Arborist Report
		<input type="checkbox"/> Visual Impact Analysis
		<input checked="" type="checkbox"/> Wetland Delineation
		<input type="checkbox"/> Acoustical Analysis
		<input type="checkbox"/> _____
	Engineering & Surveying Division, Flood Control District	<input type="checkbox"/> Phasing Plan
		<input checked="" type="checkbox"/> Preliminary Grading Plan
		<input type="checkbox"/> Preliminary Geotechnical Report
		<input type="checkbox"/> Preliminary Drainage Report
		<input type="checkbox"/> Stormwater & Surface Water Quality BMP Plan
		<input type="checkbox"/> Traffic Study
		<input type="checkbox"/> Sewer Pipeline Capacity Analysis
		<input type="checkbox"/> Placer County Commercial/Industrial Waste Survey (where public sewer is available)
		<input type="checkbox"/> Sewer Master Plan
		<input type="checkbox"/> Utility Plan
		<input checked="" type="checkbox"/> Tentative Map
	Environmental Health Services	<input type="checkbox"/> Groundwater Contamination Report
		<input type="checkbox"/> Hydro-Geological Study
		<input checked="" type="checkbox"/> Phase 2 Environmental Site Assessment
		<input type="checkbox"/> Soils Screening
		<input type="checkbox"/> Preliminary Endangerment Assessment
	<input type="checkbox"/> _____	
	Planning Services Division, Air Quality	<input type="checkbox"/> CALINE4 Carbon Monoxide Analysis
		<input type="checkbox"/> Construction Emission & Dust Control Plan
		<input type="checkbox"/> Geotechnical Report (for naturally occurring asbestos)
		<input type="checkbox"/> Health Risk Assessment
		<input type="checkbox"/> CalEEMod Model Output

Rickey-Reese Estates Parcel Map Initial Study & Checklist continued

		<input type="checkbox"/> _____
	Fire Department	<input type="checkbox"/> Emergency Response and/or Evacuation Plan
		<input type="checkbox"/> Traffic & Circulation Plan
		<input type="checkbox"/> _____



COUNTY OF PLACER
Community Development Resource Agency

**ENVIRONMENTAL
COORDINATION
SERVICES**

Michael J. Johnson, AICP
Agency Director
Coordinator

Crystal Jacobsen,

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Errata to Mitigated Negative Declaration
Rickey-Reese Estates
Project #: PMLD 20140162

In accordance with CEQA Guidelines Sections 15073 and 15105, Placer County circulated a proposed Mitigated Negative Declaration (MND) for this project for a 30-day public review beginning on September 10, 2015 and closing on October 13, 2015. During the public review, the County received comments from agencies responding to specific impact analyses of the proposed mitigated negative declaration, including some comments that were, more generally, responsive to the proposed project and not specific to a particular resource impact.

The Environmental Review Committee (ERC) reviewed all comments to determine if any of the commenters raised new issues that should have been included in the environmental analysis, but were not, or if any issues were raised that would require revision or technical clarification of any of the impact analyses. The ERC determined that, in accordance with comments raised by the Department of Conservation pertaining to Farmland Mapping and Monitoring Program mapping designations of the project site (Background section, page 8 paragraph three), mapping designations were erroneously described in the proposed Mitigated Negative Declaration. In accordance with CEQA Section 15073.5, the ERC further determined that technical clarification of the mapping designations did not alter the environmental analysis or conclusions, and accordingly would not require recirculation of this proposed Mitigated Negative Declaration prior to adoption because the modified information merely clarifies the technical background information but does not change the analysis.

1. Technical Clarification – Background section, page 8 paragraph three:

The description is revised to include new text, shown in red font; replaced text is shown in strikethrough format.

The project site is characteristic of seasonal grazing land and irrigated pasture land. Current agricultural uses include an approximately four acre area located in the southeast corner of the property devoted to production of strawberries and blackberries, which are sold from a roadside agricultural stand also located onsite in the vicinity of these crops. The site also includes approximately 50 beehives, which are primarily used for pollination of area crops and for production of honey. A once productive vineyard comprising approximately ten acres and located in the southwest corner of the site was fallowed approximately five years ago. The portion of the site that includes the fallowed vineyard is currently designated as Farmland of Statewide Importance ~~Prime Agricultural Land~~ as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency (Figure 5 – Important Farmlands Map 2013/14). The remainder of the site, including the portion allocated for growing strawberries and blackberries, is designated as Non-Prime Agricultural Land.

2. Technical Clarification – Page 10 of the Initial Study Checklist, Figure 5:

The title description of Figure 5 is revised to include new text, shown in red font; replaced text is shown in ~~strikethrough~~ format.

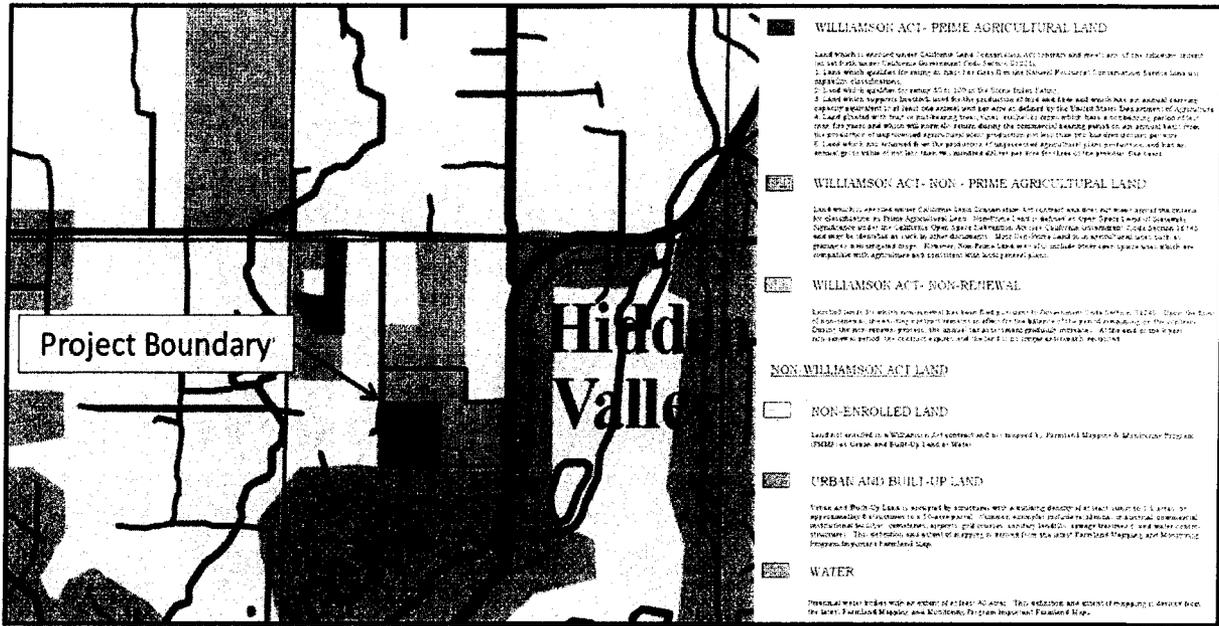


Figure 5 – Current Williamson Act land use designations of the Farmland Mapping Monitoring Program, Important Farmlands Map 2013/4

ATTACHMENT D

Mitigation Monitoring Reporting Plan – Mitigated Negative Declaration – PMLD 20140162: Rickey-Reese Estates Minor Land Division

Section 21081.6 of the Public Resources Code requires all public agencies to establish monitoring or reporting procedures for mitigation measures adopted as a condition of project approval in order to mitigate or avoid significant effects on the environment. Monitoring of such mitigation measures may extend through project permitting, construction, and project operations, as necessary.

Said monitoring shall be accomplished by the county's standard mitigation monitoring program and/or a project specific mitigation reporting program as defined in Placer County Code Chapter 18.28, Mitigation Monitoring and Reporting Program.

Standard Mitigation Monitoring Program (pre project implementation):

The following mitigation monitoring program (and following project specific reporting plan, when required) shall be utilized by Placer County to implement Public Resources Code Section 21081.6. Mitigation measures adopted for discretionary projects must be included as conditions of approval for that project. Compliance with conditions of approval is monitored by the county through a variety of permit processes as described below. The issuance of any of these permits or county actions which must be preceded by a verification that certain conditions of approval/mitigation measures have been met, shall serve as the required monitoring of those condition of approval/mitigation measures. These actions include design review approval, improvement plan approval, improvement construction inspection, encroachment permit, recordation of a final map, acceptance of subdivision improvements as complete, building permit approval, and/or certification of occupancy.

The following mitigation measures identified in the Mitigated Negative Declaration, have been adopted as conditions of approval on the project's discretionary permit and will be monitored according to the above Standard Mitigation Monitoring Program verification process:

Condition Numbers: 12, 16, 17, 18, 20, 21, 22, 25, 34, 35, 36, 37, 38, 39, 42, 45, 46, 48

Project Specific Reporting Plan (post project implementation):

The reporting plan component is intended to provide for on-going monitoring after project construction to ensure mitigation measures remain effective for a designated period of time. Reporting plans shall contain all components identified in Chapter 18.28.050 of the County Code, Environmental Review Ordinance- "Contents of project specific reporting plan."

The following reporting plan has been adopted for this project and is included as conditions of approval on the discretionary permit: N/A



CONDITIONS OF APPROVAL – MINOR LAND DIVISION (PMLD 20140162) - "RICKEY-REESE ESTATES "

THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE APPLICANT, OR AN AUTHORIZED AGENT. THE SATISFACTORY COMPLETION OF THESE REQUIREMENTS SHALL BE DETERMINED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC), COUNTY SURVEYOR, AND/OR THE BOARD OF SUPERVISORS.

1. This Minor Land Division is approved as a four-lot Tentative Parcel Map that includes four single-family residential lots ranging in size from 6.1-acres to 12.3-acres on a 37.7-acre parcel (APN 035-120-027). The project will construct a private on-site road, roadway and driveway connections to Auburn Folsom Road, a five to six-foot tall masonry sound barrier, landscaping and public trail along the Auburn Folsom Road frontage. The project will connect to public sewer and water. (PLN)

EASEMENTS

2. Show all record easements on the parcel map. (ESD)
3. Provide proof of minimum off-site right-of-way access in accordance with Placer County Minor Subdivision Ordinance Section 16.20.160 (3) (E). Right-of-way shall be of sufficient width to accommodate the required road improvements with their cut, fill and drainage facilities. Submit evidence of title report in the form of a "Parcel Map Guarantee" from a Title Company. A current Title Report (not older than 90 days) shall be submitted with the Parcel Map when it is submitted for checking. (ESD)
4. Dedicate to Placer County one-half of an 88-foot wide highway easement where the project fronts Auburn Folsom Road, as measured from the existing centerline of the existing roadway, plan line or other alignment as approved by the Transportation Division of the Department of Public Works. (ESD)
5. Create a 40-foot wide (minimum) private road, public utility, public support, and emergency vehicle access easement to parcels 2, 3 and 4. (ESD)
6. Create maintenance easements as necessary for fire appurtenances, as well as emergency vehicle access easements as required by the serving fire district. (ESD)
7. Submit proof of easements for construction or transmission of water from its source to the property. Create sufficient easements to transport water to all parcels being served by public water source. (ESD)
8. Dedicate 12.5-foot wide multi-purpose easements adjacent to all highway easements. (ESD)
9. Dedicate on- and off-site public sewer easements adequate for public sewer infrastructure and utility vehicle accessibility/maintenance prior to approval of Improvement Plans. (ESD)

IMPROVEMENTS

10. Construct/Improve the existing on-site road/driveway to Parcels 2, 3 and 4 to the following road standard: construct a 20-foot section of 3 inches asphalt concrete (A.C.) over 8 inches Class II aggregate base (A.B.) plus 2-foot wide Class II aggregate base shoulders per Placer County Standard Plate R-1.
11. Construct a turnaround per Placer County Standard Plate R-2, unless otherwise approved by the Placer County Engineering and Surveying Division, the Environmental Engineering Division of the Department Public Works and Facilities, or the Fire Protection District(s). (ESD)
12. **mm** The Improvement Plans shall show the construction of public road entrances/driveways onto Auburn Folsom Road to a Plate R-17 Land Development Manual (LMD) standard. The design speed of Auburn Folsom Road shall be 45 miles per hour (mph). The Plate R-17 structural section within the main roadway right-of-way shall be designed for a Traffic Index of 8.5, but said section shall not be less than 3 inches Asphalt Concrete (AC) over 8 inches Class 2 Aggregate Base (AB) unless otherwise approved by the ESD. (ESD)
13. All parcels shall be provided with a public sewer service to the property line. Improvement Plans for construction of public sewer shall be prepared by a registered Civil Engineer and are subject to approval by the Department of Public Works and Facilities, Environmental Engineering Division. (ESD)
14. If the required improvements are not constructed and accepted as complete prior to parcel map recordation, the Owner shall enter into a Parcel Map Improvement Agreement agreeing to construct said improvements within two years of recordation of the Parcel Map. A note shall be included on the map that provides constructive notice that the improvements shall be completed prior to permit issuance (including building permits) for any of the parcels created. (ESD)
15. A note shall be added to the information sheet filed with the Parcel Map stating that further land division of the parcels created by this Parcel Map may be subject to additional roadway improvements in accordance with Placer County Code Section 16.20.200 C.3., as applicable. (ESD)

IMPROVEMENT PLANS

16. **mm** All onsite utilities shall be undergrounded from the point of connection. This information shall be shown on the project Improvement Plans submitted with the Parcel Map. (PLN)
17. **mm** Streetlights shall not exceed the minimum number required by DPW unless otherwise approved by the DRC. Any street lighting required by DPW for safe roadway access at project entries shall be designed to be consistent with the "Dark Sky Society" standards for protecting the night sky from excessive light pollution. Metal halide lighting is prohibited. All streetlights shall be reviewed and approved by the DRC for design, location, and photometrics. A limited amount of low intensity bollard lighting may be utilized along the onsite roadway, subject to DRC approval. (PLN)

18. **mm** All frontage improvements including, but not limited to, landscaping, trails, sound walls, signage and lighting shall be reviewed and approved by the Development Review Committee (DRC). DRC review shall be conducted concurrent with submittal of project Improvement Plans and shall be completed prior to Improvement Plan approval. Project frontage improvements shall comply with the Granite Bay Community Plan Community Design Element. Frontage improvements shall preserve, to the maximum extent possible, existing native trees along the project frontage; newly planted trees shall consist primarily of native tree species listed in the Community Design Element. The sound wall, including cross section views, shall be shown on the Improvement Plans. The masonry sound wall shall be constructed of either CMU block finished with cultured stone or natural stone surfacing, or precast concrete with a stamped finish approved by the DRC. The masonry wall material and design shall be approved by the Development Review Committee prior to construction. Landscaping shall be installed between the wall and the multi-use trail, and may include low berming to provide additional wall screening. (PLN)

19. All required landscape areas shall be serviced by automatic irrigation. Installation of frontage landscaping, irrigation, trails and sound walls along the Auburn Folsom Road frontage shall be at the sole expense of the project developer. Maintenance of frontage landscaping and trails will be provided by the project's participation in the Granite Bay Lighting and Landscape District, which will occur automatically upon recordation of the Parcel Map. (PLN)

20. **mm** The applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per the requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal) to the Engineering and Surveying Division (ESD) for review and approval. The plans shall show all physical improvements as required by the conditions for the project as well as pertinent topographical features both on and off site. All existing and proposed utilities and easements, on site and adjacent to the project, which may be affected by planned construction, shall be shown on the plans. All landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, shall be included in the Improvement Plans. The applicant shall pay plan check and inspection fees with the 1st Improvement Plan submittal. (NOTE: Prior to plan approval, all applicable recording and reproduction costs shall be paid). The cost of the above-noted landscape and irrigation facilities shall be included in the estimates used to determine these fees. It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the Design/Site Review process and/or Development Review Committee (DRC) review is required as a condition of approval for the project, said review process shall be completed prior to submittal of Improvement Plans. Record drawings shall be prepared and signed by a California Registered Civil Engineer at the applicant's expense and shall be submitted to the ESD in both hard copy and electronic versions in a format to be approved by the ESD prior to acceptance by the County of site improvements.

Conceptual landscape plans submitted prior to project approval may require modification during the Improvement Plan process to resolve issues of drainage and traffic safety. (ESD)

21. **mm** The Improvement Plans shall show all proposed grading, drainage improvements, vegetation and tree removal and all work shall conform to provisions of the County Grading Ordinance (Ref. Article 15.48, Placer County Code) and Stormwater Quality Ordinance (Ref. Article 8.28, Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance shall

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occur until the Improvement Plans are approved and all temporary construction fencing has been installed and inspected by a member of the Development Review Committee (DRC). All cut/fill slopes shall be at a maximum of 2:1 (horizontal: vertical) unless a soils report supports a steeper slope and the Engineering and Surveying Division (ESD) concurs with said recommendation. Fill slopes shall not exceed 1.5:1 (horizontal: vertical)

The applicant shall revegetate all disturbed areas. Revegetation, undertaken from April 1 to October 1, shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Improvement Plans. It is the applicant's responsibility to ensure proper installation and maintenance of erosion control/winterization before, during, and after project construction. Soil stockpiling or borrow areas, shall have proper erosion control measures applied for the duration of the construction as specified in the Improvement Plans. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the Engineering and Surveying Division (ESD). (ESD)

22. **mm** Water quality Best Management Practices (BMPs) shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and/or for Industrial and Commercial, (and/or other similar source as approved by the Engineering and Surveying Division (ESD)).

Construction (temporary) BMPs for the project may include, but are not limited to: Fiber Rolls (SE-5), Hydroseeding (EC-4), revegetation techniques, dust control measures, and limiting the soil disturbance.

Water quality Best Management Practices (BMPs) shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and/or for Industrial and Commercial, (and/or other similar source as approved by the Engineering and Surveying Division (ESD)).

Storm drainage from on- and off-site impervious surfaces (including roads) shall be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants, as approved by the Engineering and Surveying Division (ESD). BMPs shall be designed at a minimum in accordance with the Placer County Guidance Document for Volume and Flow-Based Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. Post-development (permanent) BMPs for the project may include, but are not limited to: revegetation and grassy swales. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals. (ESD)

23. This project is subject to the one-time payment of drainage improvement and flood control fees pursuant to the "Dry Creek Watershed Interim Drainage Improvement Ordinance" (Ref. Article 15.32, Placer County Code.) The current estimated development fee is \$775 per single-family residence, payable to the Engineering and Surveying Division prior to Building Permit issuance. The actual fee shall be that in effect at the time payment occurs. (ESD)

24. This project is subject to payment of annual drainage improvement and flood control fees pursuant to the "Dry Creek Watershed Interim Drainage Improvement Ordinance" (Ref. Article 15.32, Placer County Code). Prior to Building Permit issuance, the applicant shall cause the subject property to become a participant in the existing Dry Creek Watershed County Service Area for purposes of

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collecting these annual assessments. The current estimated annual fee is \$117 per single family residence. (ESD)

25. **mm** This project is located within the permit area covered by Placer County's Small Municipal Separate Storm Sewer System (MS4) Permit (State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004, Order No. 2013-0001-DWQ), pursuant to the NPDES Phase II program. Project-related stormwater discharges are subject to all applicable requirements of said permit.

The project shall implement permanent and operational source control measures as applicable. Source control measures shall be designed for pollutant generating activities or sources consistent with recommendations from the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment, or equivalent manual, and shall be shown on the Improvement Plans.

The project is also required to implement Low Impact Development (LID) standards designed to reduce runoff, treat stormwater, and provide baseline hydromodification management to the extent feasible.

26. Final drainage calculations meeting the requirements of the Storm Water Management Manual (SWMM) shall be prepared and submitted for sizing of all culverts. (ESD)

27. Prior to the County's final acceptance of the project improvements, submit to the ESD two copies of the Record Drawings in digital format (on compact disc or other ESD-approved media) in accordance with the latest version of the Placer County Digital Plan and Map Standards along with two blackline hardcopies (black print on bond paper) and two PDF copies. The digital format is to allow integration with Placer County's Geographic Information System (GIS). The final approved blackline hardcopy Record Drawing will be the official document of record. (ESD)

28. All parcels created by the Parcel Map shall be made party to a road maintenance agreement for the maintenance of all roads, both off-site and on-site, used to access the newly created parcels.

NOTE: Neighbors do not have to sign the agreement. (ESD)

29. Submit evidence that there are no delinquent taxes and that any existing assessments have been split. (ESD)

30. Prior to recordation of the Parcel Map, submit the map in digital format (on compact disc or other ESD- approved media) to the ESD in accordance with the latest version of the Placer County Digital Plan and Map Standards. The digital format is to allow integration with Placer County's Geographic Information System (GIS). The recorded map filed at the Placer County Recorder's Office will be the official document of record. (ESD)

31. No gates or controlled entry features are permitted for this project. Any future gated entry feature/structure proposed to be constructed shall require modification of this Parcel Map. (PD/ESD)

FIRE PROTECTION FACILITIES

32. Install fire protection facilities, as required by the serving Fire Protection District, and show on Improvement Plans:

A. Extend existing water line and/or install fire hydrant as required by the serving fire entity (see Section 16.08.080 of the Land Development Manual).

PUBLIC SERVICE

33. Provide will-serve letters from the following agencies that express satisfaction with the proposed project.

Electric Company:	PG&E
School Districts:	Loomis Union School District Placer Union High School District
Water District:	Placer County Water Agency
Fire Protection District(s)	South Placer Fire Department
Sewer District:	Placer County Sewer Maintenance District – 2 (SMD-2)

NOTE: Sewer service provided by Placer County will require the sewer to be designed and constructed prior to issuance of a will-serve letter. In some instances reimbursement agreements may be in place to reimburse developers who have constructed excess or oversized sewer line. In such cases, you may be responsible to pay a pro rata share of the sewer line. (PLN/ESD/EH)

VEGETATION AND OTHER SENSITIVE NATURAL AREAS

34. **mm** Prior to the approval of Improvement Plans the applicant shall provide the Planning Services Division a Tree Survey (by an ISA Certified Arborist) depicting the exact location of all trees 6" dbh (diameter at breast height) or greater, or multiple trunk trees with an aggregate diameter of 10" dbh or greater, within 50' of any grading, road improvements, underground utilities, driveways, building envelopes, and any trees disturbed from off-site improvements such as road improvements and underground utilities. The Tree Survey shall include the sizes (diameter at 4' above ground), species of trees, spot elevations, and approximate driplines. Trees to be saved or removed shall be shown on the survey, and superimposed over the Grading and Utility Plan. Impacted or removed trees shall be mitigated at the County standard rate of \$100 per diameter inch at breast height, which shall be paid to the County Tree Preservation Fund. Credit for native trees may be granted at the rate of 1" for each 15 gallon size tree and 3" for each 36" box tree up to a maximum of 50 percent. Trees may not be disturbed or removed prior to approval of Improvement Plans.

35. **mm** Prior to approval of Improvement Plans, the applicant shall furnish to the DRC evidence that the U. S. Army Corps of Engineers has been notified by certified letter regarding the existence of wetlands, streams, and/or vernal pools on the property. If permits are required, they shall be obtained and copies submitted to DRC prior to any clearing, grading, or excavation work.

36. **mm** If a 404 permit is required, provide written evidence that compensatory habitat has been established through the purchase of mitigation credits at a County-qualified wetland mitigation bank. The

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purchase credits shall be equal to the amount necessary to replace wetland habitat acreage and resource values including compensation for temporal loss in accordance with an approved 404 permit. The total amount of habitat to be replaced will be determined in accordance with the total amount of impacted acreage as determined by the U. S. Army Corps of Engineers. Evidence of payment, which describes the amount and type of habitat purchased, shall be provided to the County prior to issuance of Improvement Plans.

37. **mm** The Improvement Plans shall include a note and show placement of Temporary Construction Fencing: The applicant shall install a four (4) foot tall, brightly colored (usually yellow or orange), synthetic mesh material fence (or an equivalent approved by the Development Review Committee (DRC)) at the following locations prior to any construction equipment being moved on-site or any construction activities taking place:

- a) Adjacent to any and all wetland preservation easements that are within 50 feet of any proposed construction activity;
- b) At the limits of construction, outside the critical root zone of all trees six (6) inches dbh (diameter at breast height), or 10 inches dbh aggregate for multi-trunk trees, within 50 feet of any grading, road improvements, underground utilities, or other development activity, or as otherwise shown on the Tentative Subdivision Map(s);
- c) Around any and all "special protection" areas as discussed in the project's environmental review documents.

In addition, Improvement plans shall show details for implementation of temporary BMPs to protect wetlands during project construction including, but not limited to: Fiber Rolls (SE-5), Straw Bale Barrier (SE-9), Straw Mulch, Storm Drain Inlet Protection (SE-10), Hydroseeding (EC-4), Silt Fence (SE-1), Stabilized Construction Entrance (TC-1), and revegetation techniques. Silt fences and/or fiber rolls shall be installed in all areas where temporary construction fencing for the protection of wetlands will be located.

No development of this site, including grading, shall be allowed until this condition is satisfied. Any encroachment within these areas, including critical root zones of trees to be saved, must first be approved by the DRC. Temporary fencing shall not be altered during construction without written approval of the DRC. No grading, clearing, storage of equipment or machinery, etc., may occur until a representative of the DRC has inspected and approved all temporary construction fencing. This includes both on-site and off-site improvements. Efforts should be made to save trees where feasible. This may include the use of retaining walls, planter islands, pavers, or other techniques commonly associated with tree preservation. (PLN)

38. **mm** The Improvement Plans and Parcel Map shall show Wetland Preservation Easements. Areas located on Lots 1 through 4, as depicted on the Tentative Parcel Map, shall be defined and monumented as "Wetland Preservation Easements".

The purpose of said easements is for the protection and preservation of on-site wetland/stream corridor habitats. A note shall be provided on the Parcel Map information sheet prohibiting any disturbances within said easements, including the placement of fill materials, lawn clippings, oil, chemicals, or trash of any kind within the easements; nor any grading or clearing activities, vegetation removal, or domestic landscaping and irrigation, including accessory structures, swimming pools, spas, and fencing (excepting that specifically required by these conditions). Trimming or other maintenance activity

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is allowed only for the benefit of fish, wildlife, fire protection, and water quality resources, and for the elimination of diseased growth, or as otherwise required by the fire department, and only with the written consent of Development Review Committee. (PLN)

CULTURAL RESOURCES

39. **mm** If any archaeological artifacts, exotic rock (non-native), or unusual amounts of shell or bone are uncovered during any on-site construction activities, all work must stop immediately in the area and an archaeologist retained to evaluate the deposit. The Placer County Planning Services Division and Department of Museums must also be contacted for review of the archaeological find(s).

If the discovery consists of human remains, the Placer County Coroner and Native American Heritage Commission must also be contacted. Work in the area may only proceed after authorization is granted by the Placer County Planning Services Division.

Following a review of the new find and consultation with appropriate experts, if necessary, the authority to proceed may be accompanied by the addition of development requirements which provide protection of the site and/or additional mitigation measures necessary to address the unique or sensitive nature of the site. A note stating this information shall be included on the project Improvement Plans. (PLN)

FEES

40. Pursuant to Section 21089 (b) of the California Public Resources Code and Section 711.4 et. seq. of the Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified fees are paid. The fee required is **\$2,260.00** for projects with Negative Declarations, payable to Placer County (includes posting fee). Without the appropriate fee, the NOD is not operative, vested nor final and shall not be accepted by the County Clerk. **NOTE: The above fee shall be submitted to the Planning Department within 5 days of final project approval. The filing and posting of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA. Where a NOD has not been filed, this period is extended to 180 days.**

41. Pursuant to County Code Sections 15.34.010, 16.08.100 and/or 17.54.100 (D), a fee must be paid to Placer County for the development of park and recreation facilities. The fee to be paid is the fee in effect at Final Map recordation/building permit issuance. (For reference, the fee currently is \$680 per lot to be paid at Final Map and \$3,600 per unit due when a building permit is issued.) **(PD)**

Note: This project is located within the existing boundary of the Granite Bay Parks, Trails, and Open Space Maintenance and Recreation Improvement District, a Lighting and Landscape Assessment District (Granite Bay L&L). As such, maintenance and operation of public trails constructed and dedicated in conjunction with this project will be funded through participation in the Granite Bay L&L by each parcel created by this Project. No annexation is necessary for participation in the Granite Bay L&L.

42. **mm** This project will be subject to the payment of traffic impact fees that are in effect in this area (Granite Bay Fee District), pursuant to applicable Ordinances and Resolutions. The applicant is JANUARY, 2016

notified that the following traffic mitigation fee(s) will be required and shall be paid to Placer County DPW prior to issuance of any Building Permits for the project:

- A) County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code
- B) South Placer Regional Transportation Authority (SPRTA)
- C) Placer County / City of Roseville JPA (PC/CR)

The current estimated fee is \$6,776 per single family residence. The fees were calculated using the information supplied. If either the use or the square footage changes, then the fees will change. The actual fees paid will be those in effect at the time the payment occurs. (ESD)67. Prior to Improvement Plan approval, the project shall pay to Placer County its fair share of the future Reimbursement Agreement Benefit Area adopted by the County for the costs of the a lift station and temporary force main constructed to the Dry Creek Wastewater Treatment Plant (DCWWTP) by the Creekview Ranch Middle School. (ESD)

ENVIRONMENTAL HEALTH

- 43. Provide a “will serve” letter from PCWA indicating they can serve Parcel 1, 2, 3 and 4 with treated water service. (EHS)
- 44. Provide a “will serve” letter from Placer County indicating they can provide sewer service to Parcel 1, 2, 3 and 4. (EHS)

AIR POLLUTION

45. **mm** Prior to approval of Grading Plans, on project sites greater than one acre, the applicant shall submit a Construction Emission / Dust Control Plan to the Placer County APCD. If APCD does not respond within twenty (20) days of the plan being accepted as complete, the plan shall be considered approved. The applicant shall provide written evidence, provided by APCD, to the local jurisdiction (city or county) that the plan has been submitted to APCD. It is the responsibility of the applicant to deliver the approved plan to the local jurisdiction. The applicant shall not break ground prior to receiving APCD approval, of the Construction Emission / Dust Control Plan, and delivering that approval to the local jurisdiction issuing the permit.

Include the following standard notes on the Grading Plan:

- a) The contractor shall apply water or use other method to control dust impacts offsite. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off-site.
- b) During construction, traffic speeds on all unpaved surfaces shall be limited to 15 miles per hour or less.
- c) The prime contractor shall suspend all grading operations when wind speeds (including instantaneous gusts) are excessive and dust is impacting adjacent properties.
- d) In order to minimize wind driven dust during construction, the prime contractor shall apply methods such as surface stabilization, establishment of a vegetative cover, paving, (or use another

method to control dust as approved by the individual jurisdiction).

- e) During construction the contractor shall utilize existing power sources (e.g., power poles) or clean fuel (i.e. gasoline, biodiesel, natural gas) generators rather than temporary diesel power generators.
- f) During construction, the contractor shall minimize idling time to a maximum of 5 minutes for all diesel powered equipment.
- g) During construction, no open burning of removed vegetation shall be allowed unless permitted by the PCAPCD. All removed vegetative material shall be either chipped on site or taken to an appropriate recycling site, or if a site is not available, a licensed disposal site. (PLN-AQ)

46. **mm** Include the following standard notes on all Building Plans approved in association with this project:

- a) Prior to building permit approval, in accordance with the Placer County Air Pollution District Rule 225, only U.S. EPA Phase II certified wood burning devices or a U.L. Listed Decorative Gas Appliance shall be allowed in single-family residences. The emission potential from each residence shall not exceed a cumulative total of 7.5 grams per hour for all devices. Masonry fireplaces shall have either an EPA certified Phase II wood burning device or shall be a U.L. Listed Decorative Gas Appliance.
- b) Where natural gas is available, the installation of a gas outlet for use with outdoor cooking appliances, such as a gas barbecue or outdoor recreational fire pits shall be shown. (PLN-AQ)

MISCELLANEOUS CONDITIONS

47. The applicant shall, upon written request of the County, defend, indemnify, and hold harmless the County of Placer, the County Board of Supervisors, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorney's fees awarded by a certain development project known as the *Rickey-Reese Estates Project*. The applicant shall, upon written request of the County, pay for, or, at the County's option, reimburse the County for all costs for preparation of an administrative record required for any such action, including the costs of transcription, County staff time, and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County relating to the approval of the Project. Upon request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provision of this condition. (PLN)

NOISE

48. **mm** Prior to recordation of a Parcel Map, the project shall construct a minimum 5-foot tall (maximum 6-foot tall) masonry sound wall along the Auburn-Folsom Road frontage of Parcel 1 and Parcel 2. The sound wall, including cross section views, shall be shown on the Improvement Plans. The masonry sound wall shall be constructed of either CMU block finished with cultured stone or natural stone surfacing, or precast concrete with a stamped finish approved by the DRC. The masonry wall material and

design shall be approved by the DRC prior to construction. Landscaping shall be installed between the wall and the multi-use trail, and may include low berming to provide additional wall screening. (PLN)

49. Construction noise emanating from any construction activities for which Improvement Plans or a Building Permit is prohibited on Sundays and federal holidays and required shall only occur:

- a) Monday through Friday, 6:00 am to 8:00 pm (during daylight savings)
- b) Monday through Friday, 7:00 am to 8:00 pm (during standard time)
- c) Saturdays 8:00 am to 6:00 pm

All off-road construction vehicles and equipment shall be fitted with factory installed muffling devices and shall be maintained in good working order. Essentially quiet activities that do not involve heavy equipment or machinery may occur at other times. Work occurring within an enclosed building may occur at other times as well. A note stating this information shall be included on the Parcel Map. (PLN)

CONDITIONS, COVENANTS, & RESTRICTIONS

50. The Development Standards for this project are as follows:

- a) Setbacks established herein apply to all structures and accessory structures. A) Front - 50 feet from property line; B) Side - 30 feet from property line; C) Rear - 30 feet from property line.
- b) Setbacks for swimming pools/spas/pool equipment, etc. shall conform to Placer County Code, Article 17.54.140. No swimming pools, spas, or pool equipment may be placed in any easement.
- c) Setbacks for the intermittent stream on Parcel 2 (applies to Parcel 1 and Parcel 2) shall be 50 feet from centerline of stream in accordance with Placer County Code, Article 17.54.140.D. The setback for the pond on Parcel 3 shall be 50 feet from high water mark in accordance with Placer County Code, Article 17.54.140.D.
- d) The maximum building height is 36 feet.
- e) The maximum building coverage per residential lot is 25 percent per Zoning Ordinance Article 17.10.010. (PLN)

51. No fencing may be installed which prohibits the free flow of water into, over, or through drainage easements on any lot on the project site. Fencing installed over or across drainage easements shall include provisions in the fence design, including but not limited to use of open fencing types such as wrought iron or field fencing, to allow for the unrestricted free flow of water. A note specifying this information shall be included on the information sheet recorded with the Parcel Map. (PLN)

EXERCISE OF PERMIT

52. The applicant shall prepare and submit to the Engineering and Surveying Department (ESD), a Parcel Map which is in substantial conformance to the approved Tentative Map in accordance with Chapter 16 of the Placer County Code and pay all current map check and filing fees. (ESD)

53. Prior to approval of Improvement Plans or recordation of the Parcel Map, the project developer shall provide payment of the contract cancellation fee to the Director of the Department of Conservation and record the Certificate of Cancellation with the Placer County Clerk Recorder. The tentative cancellation fee is estimated to be \$156,250.00. Proof of payment and a copy of the recorded Certificate of Cancellation shall be provided to the Planning Services Division prior to approval of Improvement Plans or recordation of the Parcel Map. (PLN)

54. The applicant shall have 36 months to exercise this Parcel Map. Unless exercised, this approval shall expire on (TBD by BOS hearing date). (PLN)

ATTACHMENT F

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

In the matter of:

Resolution No.: _____

A RESOLUTION APPROVING TENTATIVE
CANCELLATION OF A PORTION OF AGRICULTURAL
PRESERVE CONTRACT AGP-145

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, AS FOLLOWS:

WHEREAS, Terry Reese and Aaron Rickey ("Landowners") own an approximately 37.7-acre parcel located at Auburn Folsom Road in County of Placer, California, Assessor's Parcel Number ("APN") 035-120-027-000 ("Property"), that is subject to an Agricultural Preserve Land Conservation Contract AGP-145 ("Contract") executed by the

County of Placer and the Owners pursuant to the California Land Conservation Act of 1965 ("Williamson Act"), Government Code section 51200 et. seq.; and

WHEREAS, the Landowners filed a "Notice of Partial Nonrenewal" of the Contract with the Placer County Clerk Recorder on September 27, 2013; and

WHEREAS, the Landowners subsequently submitted a petition to cancel the 37.7-acre portion of the Contract pursuant to the applicable provisions of the Williamson Act together with an application for a Minor Land Division ("Rickey-Reese Estates Project"); and

WHEREAS, the County has notified the California Department of Conservation of the partial Contract cancellation petition pursuant to Government Code Section 51284.1; and

WHEREAS, on September 15, 2015, Placer County released a Mitigated Negative Declaration for the Rickey-Reese Estates Project for public comment from September 10, 2015 thru October 13, 2015; and

WHEREAS, The Department of Conservation has submitted comments to the County, and the Board of Supervisors has considered those comments; and

WHEREAS, the Placer County Assessor's office on November 18, 2015, certified the cancellation valuation of the land for the purpose of determining the cancellation fee pursuant to Government Code Section 51283, which certification is attached hereto as Exhibit 1; and

WHEREAS, on December 10, 2015, the Planning Commission held a duly noticed public hearing at which it heard and considered all testimony, written and oral, regarding the partial Williamson Act cancellation, together with the staff report and presentation, and the Mitigated Negative Declaration at the conclusion of which it recommended that the Board of Supervisors approve the partial Contract cancellation; and

WHEREAS, at its January 5, 2015 meeting, the Placer County Board of Supervisors held a duly noticed public hearing to consider the tentative approval of the partial cancellation of Contract AGP-145. Notice of this hearing was published in full compliance with Government Code Section 51284 and all other applicable requirements; and

WHEREAS, the Board of Supervisors has considered all of the oral and written evidence and testimony submitted regarding the partial Contract cancellation.

WHEREAS, the Board of Supervisors concludes the partial cancellation of Williamson Act Contract AGP-145 is consistent with the purposes of the Williamson Act (Govt. Code § 51282(a)(1)) for the following reasons:

(a) The partial cancellation is for Property for which a Notice of Nonrenewal was filed and recorded with the Placer County Clerk Recorder on September 27, 2013, which has been served pursuant to Government Code section 51245. The contract would expire January 1, 2023.

(b) The partial cancellation will not result in the removal of adjacent lands from agricultural use. The adjacent parcel (APN 035-120-028-000) consisting of 23.7-acres, which is part of the AGP-145 contract, will remain in agricultural use. In addition, APN 035-120-001, consisting of 25-acres and also part of the AGP-145 contract, will remain under contract. Taken together, these two parcels total 48.7-acres and constitute an independently viable agricultural preserve and contract.

(c) Cancellation is for an alternative use which is consistent with the applicable provisions of the Placer County General Plan and Granite Bay Community Plan. Upon cancellation, the proposed alternative rural residential use is consistent with the applicable provisions of the Placer County General Plan and the Granite Bay Community Plan because the alternative use will consist of parcels larger than the minimum parcel size required by the existing zoning, which is Residential Agriculture combining Minimum Building Site 4.6 acres, and will be consistent with the Granite Bay Community Plan land use designation, which is Rural Estate 4.6 – 20 acre minimum.

(d) Cancellation will not result in discontinuous patterns of urban development. As a result of changes in land use patterns that have already occurred and are outside the control of the Landowners, the cancellation will result in contiguous development patterns that implement the Granite Bay Community Plan.

(e) There is no sufficiently close noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put. In addition, development of the contracted land would provide contiguous patterns of development.

WHEREAS, based on the information provided by the Placer County Assessor in Exhibit 1, the Board of Supervisors finds that the cancellation fee of 12 1/2% of \$1,250,000, or \$156,250 is appropriate, and certifies to the Placer County Auditor the amount of the cancellation fee and further finds as follows:

(a) The cancellation fee is payment made to cancel a Williamson Act contract that provides a private benefit that tends to increase the value of the property (GC §51283(f)).

(b) Prior to any action by the Board approving tentative cancellation of any contract, the Assessor must determine the current fair market value of the land as though it were free of the contractual restriction (GC §51283(a)).

(c) In order to exercise the tentative cancellation, the landowner shall pay to the County Treasurer Tax Collector the cancellation fee that is equal to 12.5 percent of the cancellation valuation of the property for Williamson Act contracted property. (GC §§51283(b)).

(d) Cancellation fees that are not paid within one year of the recording of the certificate of tentative cancellation will be recomputed as of the date of notice (GC §51283.4(a) and (b)).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Placer, State of California as follows:

1. Pursuant to the provisions of Government Code Section 51280, et seq., the portion of Agricultural Preserve AGP-145 pertaining to the 37.7-acres, identified by APN 035-120-027-000 and legally described in Exhibit 2 and depicted in Exhibit 3 is hereby tentatively cancelled.
2. The payment in full by Landowners of the cancellation fee in the amount of one hundred fifty-six thousand two hundred fifty dollars (\$156,250.00) to the County Treasurer Tax Collector is a condition precedent to the execution of the "Certificate of Partial Cancellation". Failure to pay the cancellation fee by November 18, 2016 (one year from the date of the Placer County Assessor's cancellation valuation) shall result in a recomputation.
3. Upon notification by the County Treasurer Tax Collector that the above payment has been made, the Clerk of the Board of Supervisors is authorized to execute a "Certificate of Partial Cancellation" of the Agricultural Preserve AGP-145 and to cause the certificate to be recorded with the County Clerk Recorder's office. Landowners shall pay all costs of recordation.
4. Once said Certificate is recorded, the partial cancellation of Agricultural Preserve AGP-145 as it pertains to that property described in Exhibit 2 shall be considered final.

Exhibit 1 – Placer County Assessor's Certification of Cancellation Value

Exhibit 2 – Property Legal Description

Exhibit 3 – Property Depiction

PLACER COUNTY ASSESSOR'S OFFICE

Kristen Spears, Assessor

2980 Richardson Drive • Auburn, CA 95603-2640
Telephone: (530) 889-4300 • Fax: (530) 889-4305
Website: www.placer.ca.gov/assessor • E-mail: assessor@placer.ca.gov



EXHIBIT 1

November 18, 2015

Terry Reese, et. Al.
P.O. Box 2828
Granite Bay, CA 95746

Subject: Williamson Act Cancellation Appraisal
Assessor's Parcel Number: 035-120-027-000
Williamson Act Contract Number: AGP-00145

Dear Mr. Reese:

In accordance with California Government Code Section 51238, the Assessor's Office has made the following determination:

The cancellation valuation of 37.70 acres of the above referenced property, restricted under the California Land Conservation Act is one million, two hundred fifty thousand dollars (\$1,250,000) representing current fair market value as of October 5, 2015. The cancellation fee is an amount equal to 12½% of cancellation valuation, or a total of one hundred fifty six thousand two hundred fifty dollars (\$156,250).

I hereby certify the cancellation value of the above mentioned parcel to be \$1,250,000.

Senate Bill 1820, effective January 1, 2005, repealed section 51203 of the Government Code and added a completely new Section 51203. Part of that Section states that ..."a cancellation value shall be considered current for one year after its determination and certification by the assessor." This means if the cancellation fee is not paid within one year from the date of this letter, then per Section 51283.4... "the fee shall be recomputed as of the date the landowner requests a re-computation."

Section 51203 of the Government Code also establishes the procedure for a formal review of the cancellation value. Either the landowner or the Department of Conservation may file the request if they believe that the value is not accurate. The review request must be made within 45 days of receiving this notice. It must contain the reasons for believing the valuation is not accurate and the additional information the requesting party believes may substantiate a recalculation of the property valuation. The requesting party must also provide this information to the other party.

If no request is made within 45 days of receiving notice, the assessor's valuation shall be used to calculate the cancellation fee.

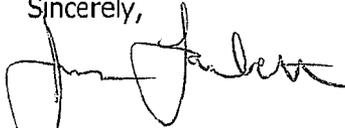
If the Assessor determines that the information submitted "may have a material effect on the valuation of the property" then the Assessor will initiate a formal review. The Assessor has 120 days from the receipt of the request to complete the review. The current cost for an appraiser to complete the formal review is \$67.00 per hour. If the Assessor determines that the information submitted will not materially affect the cancellation value, then no formal review will be made. In either case, the Assessor will provide the parties with a written determination.

Terry Reese, et. Al.
Williamson Act Contract Number: PMLD 20140162
Page 2
November 17, 2015

A copy of this notice has been sent to Senior Planner, Alex Fisch for inclusion in the package to be directed to the Board of Supervisors.

If you have any questions or wish to discuss this matter further, please contact the undersigned at (530) 889-4300.

Sincerely,



James Lambeth
Chief Deputy Assessor

KRISTEN SPEARS
PLACER COUNTY ASSESSOR

Enclosure

cc: Alex Fisch, Senior Planner, Community Development Resource Agency
Michael Johnson, Director, Community Development Resource Agency
Rob Newburn, Chief Appraiser, Placer County Assessor
David Bunn, California Department of Conservation

PROPERTY TAX APPRAISAL

PRINT DATE

11/17/2015

FEE PARCEL 035-120-027-000
ORIGINATING ASMT 035-120-027-000
ASSESSMENT 035-120-027-000
DOCUMENT NUMBER 2015ICLCACAN

OWNER

REESE TERRY ET AL

SITUS

GRANITE BAY CA

APPRAISAL DATE 10/05/2015

EVENT DATE 10/05/2015

EVENT TYPE

CLCA Cancel

DESCRIPTION OF PROPERTY

37.7 AC FR SEC 35 11 7 POR 035-120-008-000



NEIGHBORHOOD

The subject is located in the community of Granite Bay, in the County of Placer, State of California.

PROPERTY TAX APPRAISAL

PRINT DATE

11/17/2015

APPRAISAL NARRATIVE

Historical Reference:

The subject property is restricted under the Williamson Act. The owner of this parcel filed a Notice of Non-Renewal effective January 1, 2014. The property will come out of contract as of January 1, 2023. The purpose of this appraisal is to determine the fair market value as of October 5, 2015 without the current restrictions.

Property Description:

The subject property is identified by Assessor Parcel Number 035-120-027-000.

The subject property is an undeveloped 37.70 acre parcel located in Granite Bay immediately adjacent to the west side of Auburn Folsom Road and one quarter mile south of Cavitt Stallman Road. The property is currently zoned RA-B-X 4.6 AC, Residential/Agricultural - 4.6 acre minimum. The current owner proposes a four-lot split with parcels ranging in size from 6.1 acres to 12.3 acres.

Highest and Best Use:

Highest and best use is defined as follows: The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. (The Assessors Handbook 501: Basic Appraisal, January 2002 Edition, pg.48).

Criteria For Highest And Best Use:

In order to qualify as a property's highest and best use, the use must meet four criteria. The use must be: (1) legally permissible; (2) physically possible; (3) financially feasible or probable; and (4) most productive. These criteria apply to both the highest and best use of the land as though vacant and the highest and best use of property as improved.

Implied in these definitions is that the determination of highest and best use takes into account the contribution of a specific use to the community and community development goals as well as the benefits of that use to individual property owners.

In our opinion, the current highest and best use of the subject property is to develop for single family residences. Due to the size of the parcel, zoning restrictions, seasonal streams and wetlands, the most probable scenario is to subdivide the parcel into 4 estate size lots.

PROPERTY TAX APPRAISAL

PRINT DATE

11/17/2015

	SUBJ	COMP1	COMP2	COMP3
APN	035-120-027-000	036-190-071-000	036-130-008-000	035-050-005-000
Doc Num	2015ICLCACAN	2015R0008243	2015R0055976	2014R0074802
Situs		5830 WALDEN LN	9691 STERLING POINTE CT	CAVITT STALLMAN RD
City / Community	GRANITE BAY CA	LOOMIS CA 95650	LOOMIS CA 95650	GRANITE BAY CA 95650
Proximity to subj		1.8 miles NE	5 miles NE	1.2 miles NW
Neighborhood	5900	3100	3100	5900
Confirmation Code	A	C*		C3
Sales Price		\$ 1,600,000	\$ 1,800,000	\$ 2,500,000
Sales Price/SF		\$ 0.93	\$ 1.15	\$ 0.73
Event Date	10/05/2015	02/06/2015	06/30/2015	10/23/2014
Land (AC)	37.70 ac	39.46 ac	35.80 ac	79.00 ac
Land Area SF	1,642,212	1,718,877	1,559,448	3,441,240
Common Area SF				
Location	Good	Good	Good	Good
Use Code	97	00	02	98
Zoning	RA-B-X 4.6 AC. MIN.	RA-B-X 4.6 AC. MIN.	RA-B-X 4.6 AC. MIN.	RA-B-X 4.6 AC. MIN.
Utilities	Within 1000 ft.	Within 500 ft.	Within 500 ft.	Within 500 ft.
View	Local	Lake	Lake	Local
Other Buildings	No	No	Yes/ No Value	No
Landscaping		\$32,437 ac	\$40,223 ac	\$39,873 ac
Special Features	4 way split	Tent map 6 lots	Poss. 7 parcels	CLCA Contract
Type of Sale	CLCA Cancel	Conventional	Conventional	Conventional
Days on Market		339	32	226
Net Adjustment %		-20.00%	-20.00%	26.00%
Gross Adj. %		20.00%	20.00%	26.00%
Net Adj. \$/SF		\$0.74	\$0.92	\$0.92
Comments		Tentative map approved for 6 lots	Home, Mobile Home, Barn	

PROPERTY TAX APPRAISAL

PRINT DATE

11/17/2015

	SUBJ	COMP4	COMP5	COMP6
APN	035-120-027-000	045-071-064-000	040-330-052-000	040-340-008-000
Doc Num	2015ICLCACAN	2013R0076586	MLS#15005660	MLS#15009140
Situs		6639 WISHING WELL WY	9515 GLENVIEW RD	10055 INDIAN HILL RD
City / Community	GRANITE BAY CA	LOOMIS CA 95650	NEWCASTLE CA 95658	NEWCASTLE CA 95658
Proximity to subj		3.3 miles North	9.4 miles North	10 miles North
Neighborhood	5900	3080	3990	3990
Confirmation Code	A	C3		
Sales Price		\$ 480,000	\$ 507,000	\$ 975,000
Sales Price/SF		\$ 0.59	\$ 0.67	\$ 0.59
Event Date	10/05/2015	08/01/2013	08/12/2015	09/03/2015
Land (AC)	37.70 ac	18.60 ac	17.30 ac	38.00 ac
Land Area SF	1,642,212	810,216	753,588	1,655,280
Common Area SF				
Location	Good	Average	Average	Average
Use Code	97	07	00	00
Zoning	RA-B-X 4.6 AC. MIN.	RA-4.6 AC.	RA-B-X 4.6 AC. MIN.	RA-B-X 4.6 AC. MIN.
Utilities	Within 1000 ft.	PubWtr/Septic	PubWtr/Perc	PubWtr
View	Local	Local	Local	Dist. Lake/Mtn
Other Buildings	No	Yes/ No Value	Yes/ No Value	Yes/ No Value
Landscaping		\$33,032 ac	\$33,702 ac	\$26,940 ac
Special Features	4 way split	Poss. 4 parcels	Poss. 3 parcels	Poss. 7 parcels
CLCA Cancel	CLCA Cancel	Conventional	Conventional	Pending Sale
		435	168	200
Net Adjustment %				
		28.00%	15.00%	5.00%
Gross Adj. %		48.00%	35.00%	45.00%
Net Adj. \$/SF		\$0.76	\$0.77	\$0.62
Comments		Shop 1092#; Modular	Teardown Structures	

INDICATED VALUE: \$0.76 /SF * 1,642,212 SF = \$1,250,000 (rounded)

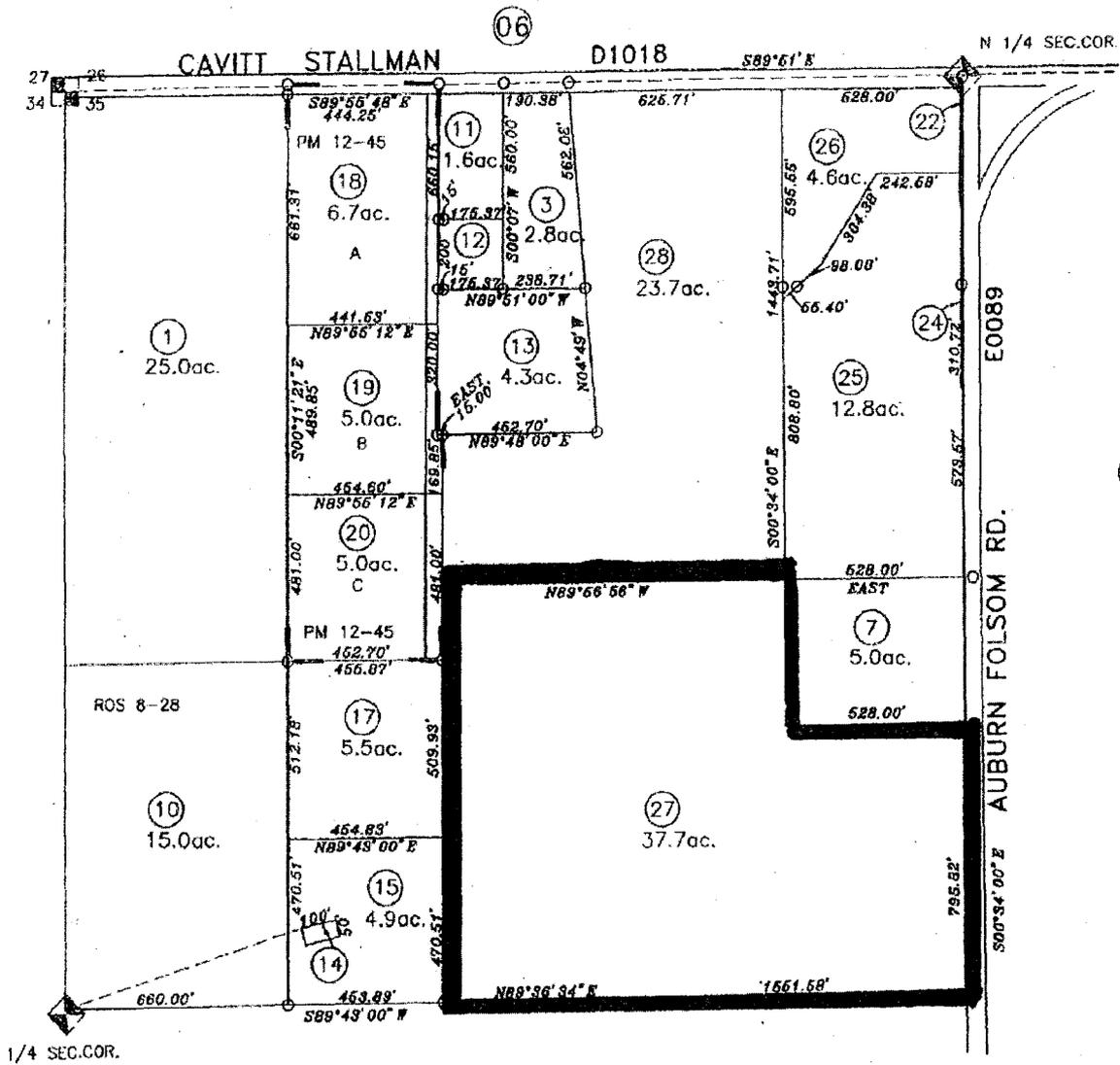
Legal Description

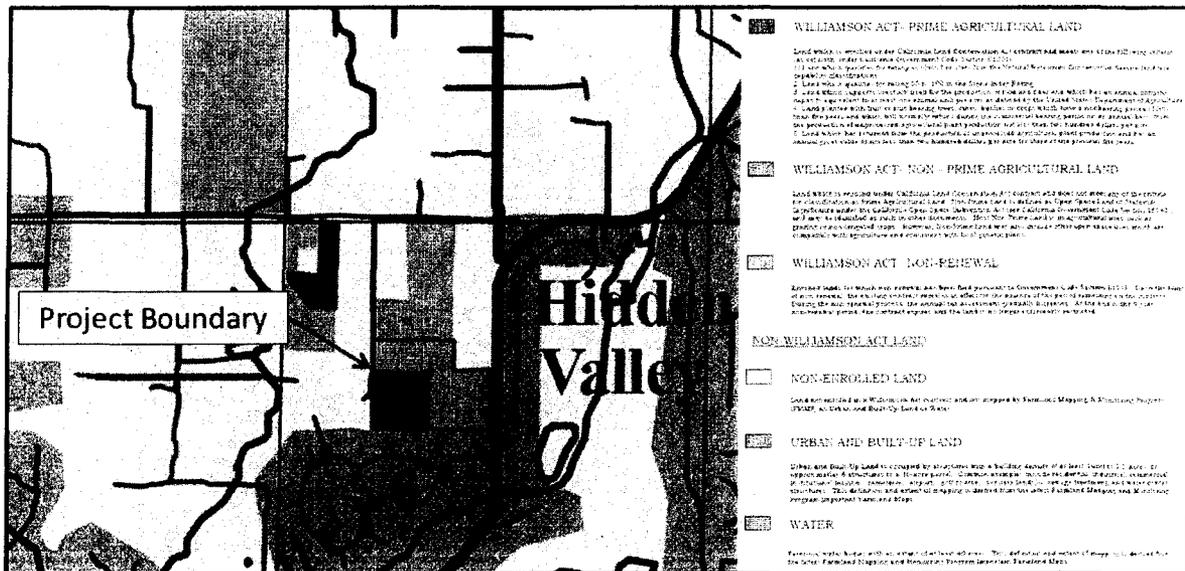
The real property in the County of, Placer, State of California, described as:

A portion of the tract of land conveyed to Walter A. and Doris Rickey, Trustees of the Rickey Revocable Living Trust, by the Grant Deed recorded in Book 3633, at Page 116, Official Records of Placer County, located in Section 35, Township 111 North, Range 7 East, Mount Diablo Baseline and Meridian, Placer County, California, described as follows: All that portion of said Rickey Grant Deed lying SOUTH of the following described line: Beginning at a point on the east line of said Rickey Grant Deed, and from said Point of Beginning the north one-quarter section corner on the north line of said Section 35 bears the following two courses and distances:

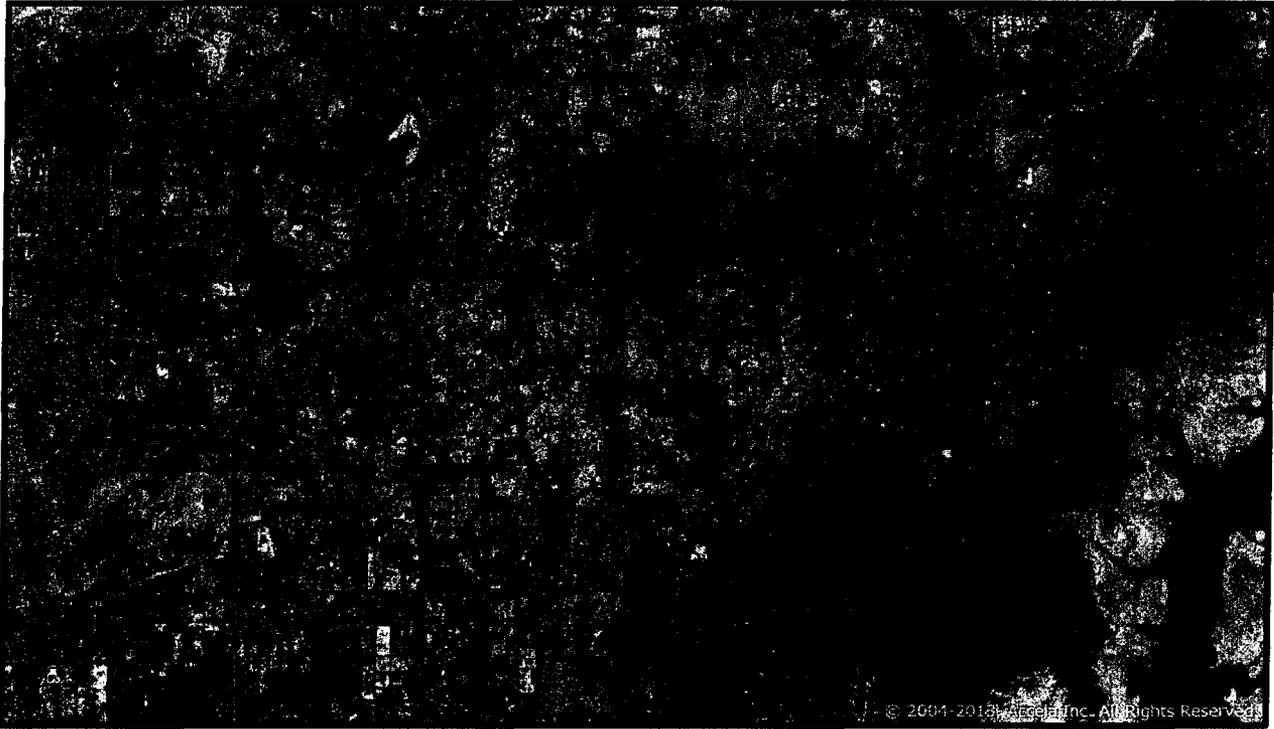
1. North 00°34'00" East along said east line a distance of 1443.71 feet to said north line, and
2. South 89°51'00" East along said north line a distance of 528.00 feet;
Thence from said Point of Beginning, leaving said east line, North 89°56'56" West for a distance of 1006.89 feet, more or less, to the west line of said Rickey Grant Deed. Containing 37.7 acres, more or less.

APN 035-120-027-000

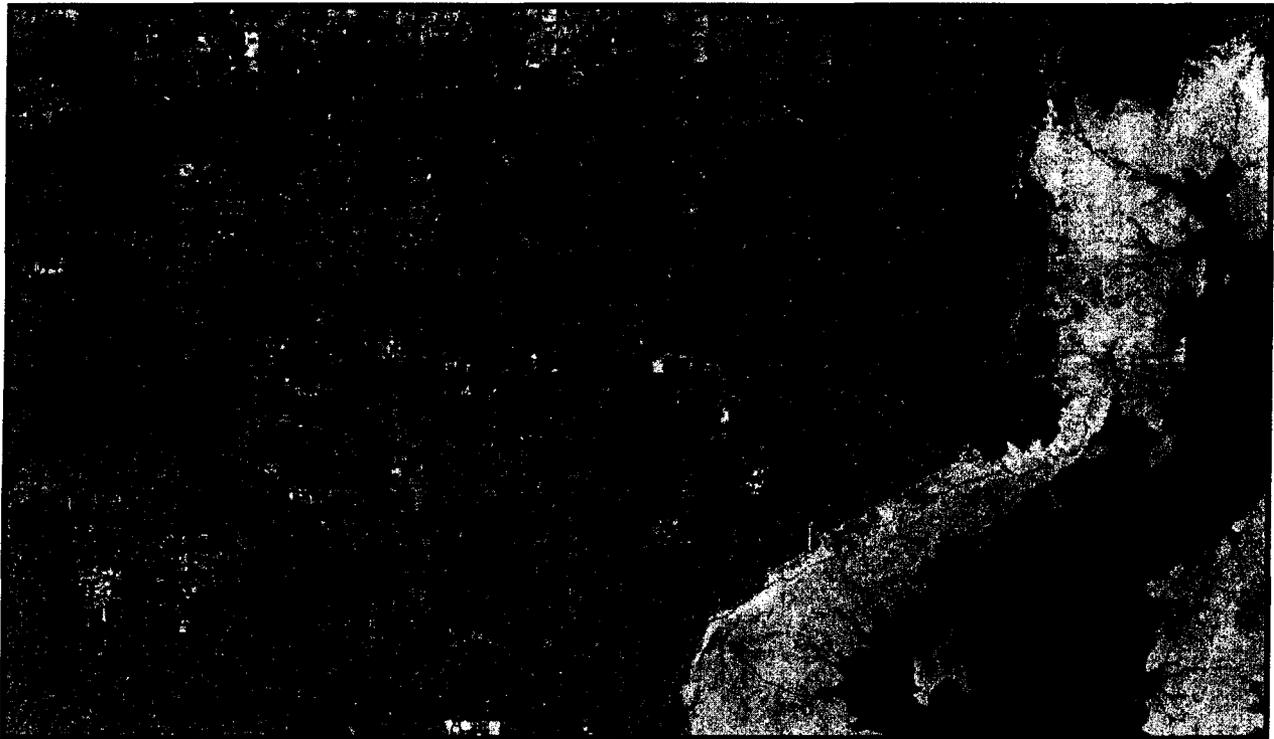


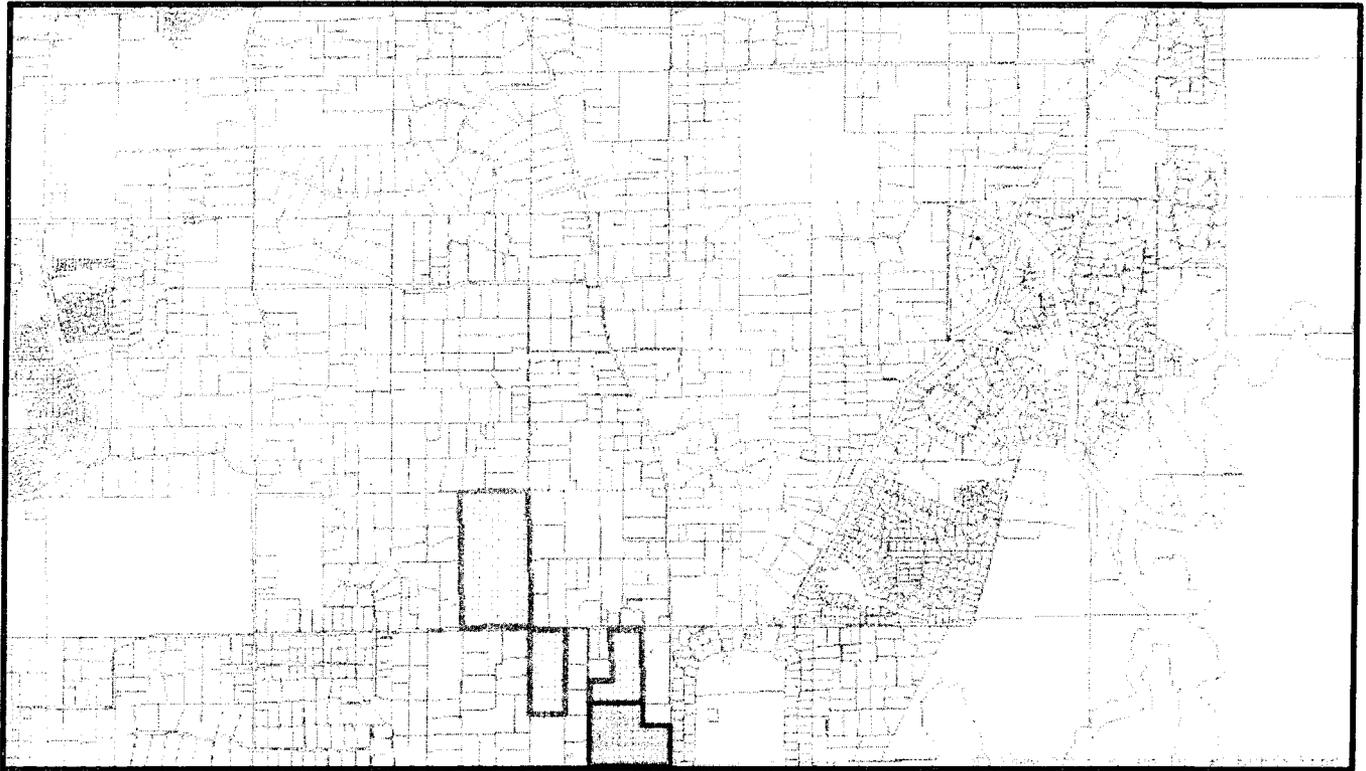


ATTACHMENT H

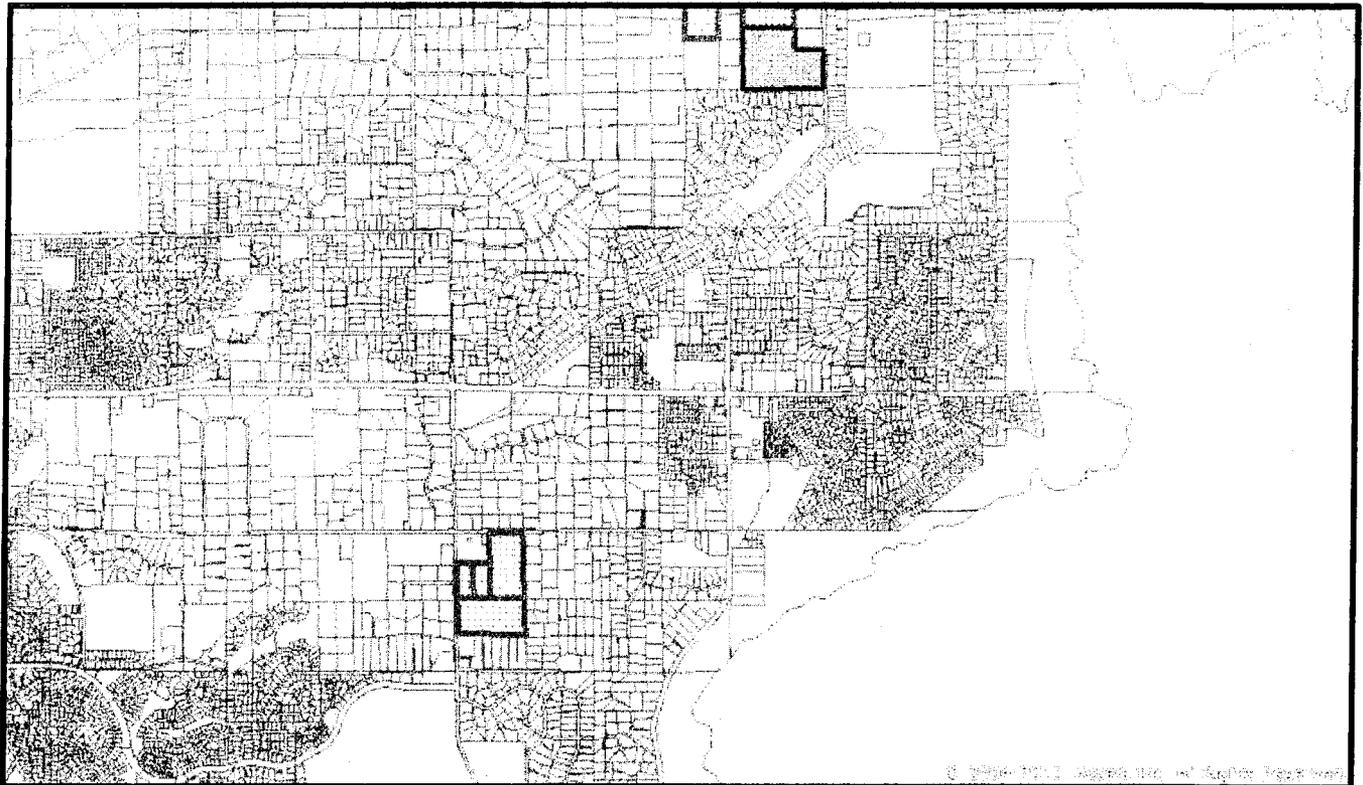


Project Site is the purple polygon





Project Site is the purple polygon



RECORDED BY COUNTY OF PLACER

Return to Clerk of the Board
of Supervisors, County
Administrative Center, Auburn,
California, 95603.

PLACER COUNTY CALIF.
RECORD REQUESTED BY
BOARD OF SUPERVISORS
MAY 13 2 37 PM 1971

FOR RECORDERS USE

MAURINE I. DOBBAS
COUNTY RECORDER

9288 NO FEE REQUIRED

LAND CONSERVATION AGREEMENT

THIS AGREEMENT, made and entered into this 11th day of May, 1971,

by and between WALTER A. RICKEY,

hereinafter called "OWNER" and the COUNTY OF PLACER, hereinafter called "COUNTY".

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WITNESSETH:

WHEREAS, OWNER possesses certain real property located within Placer County, described as shown in Exhibit "A", attached hereto, which is devoted to the production of agricultural commodities for commercial purposes, and which is located within an Agricultural Preserve previously established; and

WHEREAS, both OWNER and COUNTY desire to limit the use of said property to agricultural purposes in order to discourage premature and unnecessary conversion of such land to urban use, recognizing that such land has substantial public value as open space and that the preservation of such land in agricultural production constitutes an important physical, social, esthetic, and economic asset to COUNTY, and both parties having determined that the highest and best use of such land during the life of the within contract is for agricultural purposes.

NOW, THEREFORE, the parties, in consideration of the mutual covenants and conditions set forth herein and the substantial public benefits to be derived therefrom, do agree as follows:

1. *Authority:* This Agreement is made under authority of the Land Conservation Act of 1965, Government Code Section 51200 et seq.
2. *Limitation on Land Use:* During the term of this Agreement, the above-described land shall only be used for the production of plant and animal products for commercial purposes.

No structures shall be erected upon such land except those directly related to, and compatible with production of plant and animal products for commercial purposes, and except those residence buildings for such individuals as are engaged in the care, use, operation or management of said land. Compatible land use shall include but not be limited to:

- A. Public Utility electric, gas, water, sewer, oil, and communication lines, both overhead and underground.
 - B. Communication equipment buildings and distribution substations.
 - C. Public Utility substations and service yards.
3. *Eminent Domain:* When any permissible action in eminent domain for the condemnation of the fee title of the land under agreement is filed or when such land is acquired in lieu of eminent domain for a public improvement by a public agency or person, this Agreement shall be null and void as of the date the action is filed and thereafter the contract shall not be binding on any party to it. OWNER shall be entitled to such compensation for such land as he would have received if this Agreement had never been executed. OWNER shall not be subject to any penalty for termination of the agreement.
4. *Length of Agreement:* This Agreement shall be effective commencing on May 11, 1971, and shall remain in effect for a period of ten (10) years therefrom except as provided by Paragraph 5 and 6 thereof.
5. *Renewal:* This Agreement shall be automatically renewed on the first day of January of each year for a period of 10 years from the date of said renewal, unless written notice of non-renewal is given by COUNTY or OWNER by November 1, prior to the renewal date. If notice of non-renewal is given as provided above, this Agreement shall then expire automatically 9 years from January 1st following such notice of non-renewal.

There is no penalty attached to any notice of non-renewal.

6. *Cancellation:* This Agreement may be cancelled by mutual agreement of all parties to this Agreement if:
- A. COUNTY holds a public hearing on the matter after mailing notice to each and every OWNER of property under contract or agreement within the agricultural preserve in which the agreement property is located and after publishing notice of such hearing as specified in Government Code Section 6061; and
 - B. At or before such hearing less than 51% of the contracted or agreement acreage in such preserve protest such cancellation.

It is the intention of the parties hereto that cancellation will not be requested by OWNER, and will not be approved by COUNTY, except on a clear showing, to the COUNTY'S exclusive judgement and satisfaction that there has occurred a change of circumstances beyond the control of OWNER and his successors in interest, and that such change would clearly promote the public welfare.

The existence of an opportunity for another use of the land shall not be sufficient reason for cancellation. A potential alternative use of the land may be considered only if there is no proximate land not subject to a Land Conservation Act Contract or Agreement suitable for the

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PAGE 549

use to which it is proposed the subject land be put. The uneconomic character of the existing agricultural use shall not be sufficient reason for cancellation. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put.

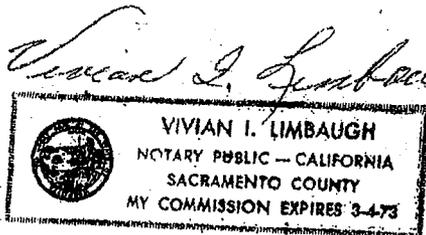
The cancellation fee shall be a sum equal to fifty percent (50%) of the full market value of the land when relieved of the restriction, as found by the Assessor, multiplied by the latest assessment ratio that had been published pursuant to Revenue and Taxation Code Section 251 when the Agreement was initially entered into. The determination of unrestricted value may be made the subject of an Equalization Hearing.

If, in the COUNTY'S judgment, there has occurred a change of circumstances beyond the control of OWNER, or his successors in interest, COUNTY may waive all or part of the penalty, if the Waiver is subject to these findings by the County:

- (1) It is in the public interest and the best interests of the Program to conserve agricultural land that such payment be waived or deferred; and
 - (2) The reason for the cancellation is an involuntary transfer or involuntary change in the use of the land and the land is not suitable and will not be immediately used for a purpose which produces a greater economic return to the OWNER.
7. *Amendment:* It is the intention of the parties hereto that this Agreement will not be amended except on a clear showing, to the COUNTY'S exclusive judgment and satisfaction, that there has occurred a change in the law pertaining to the protection of commercial agricultural uses and that any such amendment would clearly promote the purposes of the Land Conservation Act of 1965, and all amendments thereto.
8. *Assessor's Report:* The COUNTY'S Assessor shall annually, during the continuation of this Agreement, report to the OWNER and to the COUNTY'S Board of Supervisors the equalized restricted assessed value and the equalized unrestricted assessed value.
9. *Payment:* OWNER shall not receive any payment from COUNTY in consideration of the obligations imposed hereunder, it being recognized and agreed that the consideration for the execution of the within agreement is the substantial public benefit to be derived therefrom and the advantage which might accrue to OWNER as the result of possible reduction in the assessed value of said property due to the imposition of the limitations on its use contained herein, as such factors are relevant to appraising and assessing standards under the California Constitution and California Revenue and Taxation Code 402.1 and all amendments thereto and all other relevant sections therein.
10. *Running with Land:* This Agreement shall run with the Land described above and shall be binding upon the heirs, successors and assigns of the parties hereto.
11. *Constitutionality:* If the Land Conservation Act of 1965 contained in Government Code Sections 51200 et seq., be declared to be unconstitutional by a final judgement of a Court of the State of California or the Federal Government, then this Agreement shall be null and void.
12. *Transfer to Contract:* If OWNER enters into a Contract pursuant to Government Code Section 51240 on all or any portion of land covered under this Agreement, this Agreement shall then terminate as to such land covered by such Contract. There shall be no cost or penalty to OWNER for the termination of this Agreement as to such contracted lands.
13. *Compatible Uses:* As used in this Agreement, the term "Compatible Uses" shall mean:

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- (1) The cultivation of ground, including the preparation of soil, planting or seeding and the raising and harvesting of trees, timber, fruits, vegetables, flowers, grains, and other crops, the raising, feeding managing and breeding of livestock, poultry, fish, birds and other animals; greenhouses; the excavation of earth and the drilling of wells exclusively for agricultural and domestic uses; single family dwellings for persons who labor full time on such land; together with barns, corrals and other outbuildings and structures accessory to the foregoing. The sale on the premises of products produced hereon. The operation of private clubs for hunting and fishing. The packing, storing and processing of products grown on the land, together with accessory buildings and structures required therefor. Commercial raising, feeding, managing, breeding and sale on the premises of fish.
- (2) With a valid Land Development Permit issued under the County Zoning Laws: stands and other facilities for the purpose of selling products produced on the land, together with accessory picnic facilities, non-commercial airstrips for the use of aircraft used for agricultural purposes, together with accessory buildings and structures required therefor, feed lots, oil wells, gas wells, mining, seasonal housing for farm labor.



OWNER: WALTER A. RICKEY
Walter A. Rickey

(Attach Acknowledgment for each signature)

COUNTY OF PLACER
 BY: *[Signature]*
 CHAIRMAN, BOARD OF SUPERVISORS

CERTIFICATION

The Foregoing Instrument is correct copy of the original on file in this office.

Dated: May 11, 1971

ATTEST:
MAURINE I. DOBBAS,
 County Clerk and ex-officio
 Clerk of the Board of Supervisors
 of the County of Placer,
 State of California.

BY: *[Signature]*
 DEPUTY CLERK

(ATTACH EXHIBIT "A")

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Parcel 1:

The real property in the County of Placer, State of California, described as follows:

The East half of the Southeast quarter of Section 27,
Township 11 North, Range 7 East, M.D.B.&M.

ALSO KNOWN AS PLACER COUNTY ASSESSOR'S PARCEL NO. 35-050-05.

Parcel 2:

All that real property situate in the County of Placer, State of California, described as follows, to wit:

The West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 35,
T. 11 N., Range 7 E., M.D.B.&M., containing twenty (20) acres
more or less.

And the North $\frac{1}{2}$ of the N.W. $\frac{1}{4}$ of S.W. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of
Section 35, T. 11 N., Range 7 E., M.D.B.&M., containing
five (5) acres more or less.

ALSO KNOWN AS PLACER COUNTY ASSESSOR'S PARCEL NO. 35-120-01.

EXHIBIT "A" - 1

Parcel 3:

(1) Real property in the County of Placer, State of California, more particularly described as follows:

Part of the Northwest Quarter of Section 35, Township 11 North, Range 7 East, MDB&M, described as follows:

Beginning at a point in the north line of Section 35, said township and range, from which the quarter corner on the north line of said section bears south $89^{\circ} 51'$ east 528 feet, and running thence South $0^{\circ} 34'$ east 1865.92 feet; thence due east 528 feet; thence South $0^{\circ} 34'$ East 795.82 feet to a point 4 feet east of fence intersection on west side of county road; thence along fence north $81^{\circ} 31'$ West 1551.58 feet; thence along fence north $0^{\circ} 07'$ west 1640.69 feet; thence along fence north $89^{\circ} 48'$ east 452.70 feet; thence along fence north $4^{\circ} 49'$ west 1011.14 feet to a point in the north line of Section 35, from which point the northwest corner of said Section 35 bears north $89^{\circ} 51'$ west 1485 feet; thence south $89^{\circ} 51'$ east 625.71 feet to the point of beginning, containing 61.5 acres, together with the right to take water through the ditch heretofore used to feed the pipelines used to irrigate the premises of the estate of the above named decedent; also right of way for pipeline across the parcel above partitioned to L. M. Stallman as heretofore used to irrigate the portion hereby partitioned to Elfrida I. Rickey, together with the right to repair and maintain the same.

ALSO KNOWN AS PLACER COUNTY ASSESSOR'S PARCEL NO. 35-120-08.

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EXHIBIT "A" - 2

9288

County of Placer, State of California

In the matter of: A RESOLUTION CREATING
AGRICULTURAL PRESERVE NUMBER

Resol. No: 71-271

145

Ord. No:

Min. Bk:

Pg:

The following RESOLUTION was duly passed by the Board of Supervisors
of the County of Placer at a regular meeting held May 11, 1971
by the following vote on roll call:

Ayes: Mallon, Ferguson, Doolittle, ...

Noes: None

Absent: None

Signed and approved by me after its passage.

Attest: MAURINE I. DOBBAS
Clerk of said Board

Chairman, Board of Supervisors

By: Deputy.

BE IT HEREBY RESOLVED, pursuant to the provisions of Govern-
ment Code Section 51201(d), that an Agricultural Preserve is here-
by created on that real property described in Exhibit "A", attached
hereto and incorporated herein by reference, and illustrated on
that Map attached as Exhibit "B" and incorporated herein by
reference.

BE IT FURTHER RESOLVED that the Chairman be authorized to
sign Agricultural Agreements in the standard form with the owners
of the real property within such Preserve.

Cross-ref: File Walter A. Kickey

Attachments: Ex. "A" - Legal Description
Ex. "B" - Map.

AG. AGREEMENTS: Resolution for Preserve

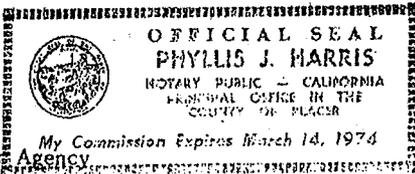
- (1) The cultivation of ground, including the preparation of soil, planting or seeding and the raising and harvesting of trees, timber, fruits, vegetables, flowers, grains, and other crops; the raising, feeding managing and breeding of livestock, poultry, fish, birds and other animals; greenhouses; the excavation of earth and the drilling of wells exclusively for agricultural and domestic uses; single family dwellings for persons who labor full

STATE OF CALIFORNIA }
 COUNTY OF PLACER } SS

On this 11th day of May, in the year One Thousand Nine Hundred and Seventy-one before me, Phyllis J. Harris, a Notary Public in and for the County of Placer, State of California, residing therein, duly commissioned and sworn, personally appeared J. B. Paolini known to me to be Chairman of the Placer County

Board of Supervisors

and known to me to be the person who executed the within instrument on behalf of said COUNTY OF PLACER and acknowledged to me that such COUNTY OF PLACER executed the same.

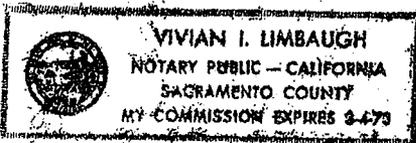


Phyllis J. Harris
 Notary Public in and for the County of Placer,
 State of California

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known to me to be the person.....whose name..... subscribed to the within instrument and acknowledged to me that.....he.....executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the Sacramento County of Sacramento the day and year in this certificate first above written.



Vivian I. Limbaugh
 Notary Public, State of California.

Cowdery's Form No. 32—Acknowledgment—General.
 (C. C. Sec. 1189) (PRINTED 2-15-65) 52-1430

My Commission Expires March 4 1973

The foregoing instrument is correct copy of the original on file in this office.

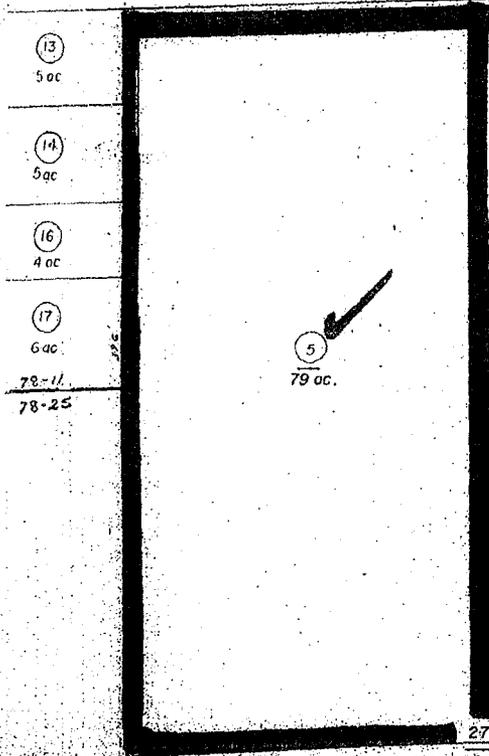
Dated: May 11, 1971

ATTEST:
 MAURINE I. DOBBAS,
 County Clerk and ex-officio
 Clerk of the Board of Supervisors
 of the County of Placer,
 State of California.

BY: Phyllis Harris
 DEPUTY CLERK

(ATTACH EXHIBIT "A")

E. 1/4 COR.

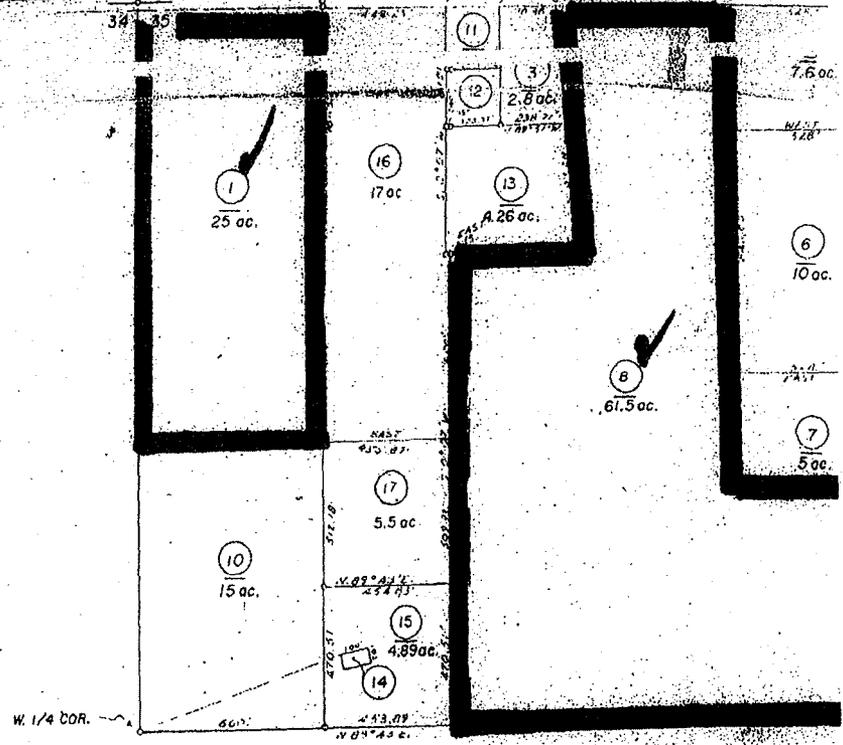


RICKEY

27 26

CAVITT A. STALLMAN

DIOIB



ATTACHMENT J



PLACER, County Recorder
JIM MCCAULEY

DOC- 2013-0094078-00

RECORDED BY PLACER COUNTY
RECORDING REQUESTED BY &
RETURN TO:

Clerk of the Planning Commission
Placer County Planning Services Division
3091 County Center Drive
Auburn, CA 95603

FRIDAY, SEP 27, 2013 14:54:25
MIC \$0.00 | AUT \$0.00 | SBS \$0.00
ERD \$0.00 | RED \$0.00 | * \$0.00
ADD \$0.00

Ttl Pd \$0.00 Rcpt # 02311773
clkd1mlfj1/GV/1-2

NOTICE AFFECTING PROPERTY UNDER LAND CONSERVATION AGREEMENT

AGRICULTURAL PRESERVE NUMBER: AGP-145

ASSESSOR'S PARCEL NO.: 035-120-027-000

ACRES: 37.7

RECORDER DOCUMENT #: Volume 1350, Pages 548-553

OWNER(S): Terry Reese and Aaron Rickey

ADDRESS TO WHICH CORRESPONDENCE SHOULD BE SENT: Planning Commission
Clerk, Placer County Planning Services Division, 3091 County Center Drive, Auburn CA 95603

TELEPHONE NO.: (530) 745-3000

NOTICE OF PARTIAL NON-RENEWAL

NOTICE IS HEREBY GIVEN, in accordance with Paragraph 3 of the Land Conservation Agreement on the above-described parcel, that the record owner is not renewing a portion of said Agreement as to said parcel as of January 1, 2014. By that Partial Notice of Non-Renewal, said portion of Agreement will then expire automatically 9 years from and after said January 1 date, but that in the intervening 9 years, the Agreement will, by law, remain in full force and effect.

COUNTY OF PLACER

BY: *Ann Galman*
Clerk, Board of Supervisors

DATE: 9-27-2013

DISTRIBUTION:
Landowner
Joshua Huntsinger, Agricultural Commissioner
Alex Fisch, Planning Services Division
Assessor's Office
Director - State of California Department of Conservation

ACKNOWLEDGMENT

State of California
County of Placer

On 27th of September 2013 before me, Eva Koppin / Notary
(insert name and title of the officer)

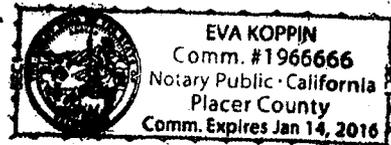
personally appeared Ann Holman
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature Eva Koppin

(Seal)



Terry Reese
P.O. Box 2828
Granite Bay, CA 95746
Email: terryreese@yahoo.com
(916) 791-2277 fax 866-910-0550

ATTACHMENT K

August 10, 2015

Alex Fisch, Senior Planner
Placer County Planning Services
3091 County Center Drive
Auburn, CA 95603

Re: Findings in Support of Proposed Cancellation of Williamson Act Contract
APN 035-120-027-000—Terry Reese and Aaron Rickey

Dear Mr. Fisch:

On behalf of myself and Aaron Rickey, I am submitting the enclosed document containing our rationale under the Williamson Act statute (California Government Code Section 51200 et seq.) and the County's Administrative Rules for Williamson Act Lands ("Administrative Rules") to support partial cancellation of the Williamson Act contract on property commonly known as the Rickey-Reese Estates.

Our supporting rationale is phrased in terms of both the statutory required findings and those parallel provisions of the Administrative Rules, and we believe the enclosed document can readily be used by the County when the Board is asked to make findings relative to the proposed Williamson Act contract partial cancellation.

If you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,

Terry Reese

Enclosure(s)

cc: Michael Johnson, AICP
EJ Ivaldi, Supervising Planner

**FINDINGS IN SUPPORT OF CANCELLATION OF
WILLIAMSON ACT CONTRACT ON THE RICKEY-REESE ESTATES**

INTRODUCTON

Project Description/Project Background

The Rickey-Reese Estates is located on undeveloped land located immediately adjacent to the west side of Auburn Folsom Road and one-quarter mile south of Cavitt Stallman Road in the Granite Bay area of Placer County. The Rickey-Reese Estates is currently zoned Residential Agriculture combining minimum Building Sites of 4.6 acres and is currently undeveloped. It is located within the Granite Bay Community Plan area of Placer County and was historically partially utilized for agricultural production and cattle grazing. Adjacent existing rural estate residential uses like that proposed for the Rickey-Reese property include Shelbourne Estates along the southern boundary of the Rickey-Reese property, Hidden Valley Estates to the east across Auburn Folsom Road, and rural estate homes to the north and west.

The Rickey-Reese Estates is designated "Other Land" as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. It is one of three parcels that comprise Placer County Agricultural Preserve 145 (AGP-145), which totals 86.4 acres and has been continuously enrolled in Placer County's Williamson Act Program since May 1971. AGP-145 originally included four parcels totaling 165.4 acres; however, a 79-acre portion (APN 035-050-005-000) was split from the original contract in December 2013 and placed under new contract (PAGP 20130188). If the petitioner's request for partial contract cancellation is approved, the remainder contract would total approximately 48.7 acres and would consist of APN 035-120-001-000, comprising 25 acres, and APN 035-120-028-000 comprising 23.7 acres. The next nearest Williamson Act contracted property (excluding PAGP 20130188) is APN 050-140-006, located approximately 3 ½ miles to the south at 6232 Eureka Road.

The Rickey-Reese Estates is not Prime Farmland in accordance with the Farmland Mapping and Monitoring Program of the California Resources Agency, and is not classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, nor does it include soils that would qualify it as Prime Farmland; accordingly the site is Nonprime. In addition, the Rickey-Reese Estates should not be in a Williamson Act Contract because, were it to apply for its own new, separate Williamson Act contract, it does not meet the minimum qualification under the Placer County Administrative Rules due to its zoning (property is zoned Residential Agriculture), as well as the site does not meet the minimum size required (40 acres is the minimum lot area for non-prime agricultural lands).

Statutory Requirement

Section 51282 authorizes a city or county to approve immediate cancellation if the agency makes one of the following findings: (1) that cancellation is consistent with the purposes of this chapter; or (2) that cancellation is in the public interest (Section 51282(a)(1) or (2),

Cancellation of a contract is considered "consistent with the purposes of the Williamson Act" if the County makes the following findings (Section 51282(b)(1) through [b](5)):

- 1) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.
- 2) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.
- 3) That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.

- 4) That cancellation will not result in discontinuous patterns of urban development..
- 5) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

Cancellation of a contract is "in the public interest" if the County makes the following findings (Section 51282(c)(1)(2):

- 1) That other public concerns substantially outweigh the objectives of this chapter; and
- 2) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patters of urban development than development of proximate noncontracted land. Agencies cannot approve cancellation solely by virtue of "the uneconomic character of an existing agricultural use ..." Pursuant to Section 51282(d) the uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put.

Administrative Rules

The Placer County (County) adopted Administrative Rules to implement the provisions of the Williamson Act in the County. These rules do not replace the Williamson Act, but are intended to be used in conjunction with applicable provisions of the Williamson Act The Administrative Rules provide standards and procedures for application by landowners for the inclusion of land within agricultural or open space preserves, determination of the eligibility of property for Williamson Act status, limitations on the land uses allowed on properties subject to Williamson Act Contracts, and requirements for landowners to maintain Williamson Act status, termination of Williamson Act Contracts by either the landowner or the County, and monitoring of the Agricultural and Open Space Preserve program and enforcement, In so far as the cancellation is concerned, the Administrative Rules require certain findings be made by the Board in order to approve a Williamson Act cancellation request, in addition to those required by the State. It authorizes cancellation of a contract if, first, either one of the two sets of the following findings are made by the Placer County Board of Supervisors (County Ord. Chapter 6.64(F) "Required Findings"), in compliance with Section 51282(a):

1. The cancellation is consistent with the purposes of the California Land Conservation Act of 1965
 - a. A notice of nonrenewal has been served.
 - b. Cancellation is not likely to result in the removal of adjacent lands from agricultural use.
 - c. An alternative use is proposed which is consistent with the County General Plan.
 - d. Cancellation would not result in discontinuous patterns of urban development.
 - e. There is no proximate non-contracted land which is both available and suitable for the proposed alternative use, or, development of the contracted land would provide more contiguous patters of urban development than development of proximate non-contracted land, which is sufficiently close to the contracted land that it can serve as a practical alternative for the use which is proposed for the contracted land.

2. The cancellation is in the public interest.
 - a. Other public concerns substantially outweigh the objectives of the California Land Conservation Act of 1965; and,
 - b. Same as I(e), above.

The following provision applies to Sections 1 and 2 above: The uneconomic character of an existing agricultural use shall not, by itself, be sufficient reason for cancellation of a contract. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put.

Based on the required findings for cancellation, the Placer County Board of Supervisors (Board) is requested to find that partial cancellation of the subject contract is consistent with the purposes of the Williamson Act and the County's Administrative Rules. The Board is also requested to find, as a separate and distinct matter, that partial cancellation of the subject contract is in the public interest under both the Williamson Act and the County's Administrative Rules. The basis for these findings is described below.

COUNTY ADMINISTRATIVE RULES CHAPTER 6: SECTION 6.64(F)(1) FINDINGS

FINDING # 1 -THE CANCELLATION IS CONSISTENT WITH THE PURPOSES OF THE CALIFORNIA LAND CONSERVATION ACT OF 1965.

Summary/Evidence: The cancellation is consistent with the purposes of the California Land Conservation Act of 1965 (also referred to as the "Williamson Act") Please see discussion of Section 15282(b) and 15282 (c) findings, below. The findings are identical to the findings required by these sections, for cancellations consistent with the purposes of the Williamson Act. The findings are discussed below and substantial evidence in support is provided.

1. Notice of partial nonrenewal of AGP-145 was filed with the Placer County Recorder on September 27, 2013 pursuant to Government Code Section 51245 (Exhibit A).
2. The cancellation will not result in the removal of adjacent land from agricultural use as adjacent parcel 035-120-028-000, which is part of this AGP-145 contract, shall remain in the contract for agricultural use.
3. Upon cancellation, the proposed alternative land use is consistent with the applicable provisions of Granite Bay Community Plan by locating low density, high quality residential development close to existing commercial services and along a major transportation corridor, Auburn Folsom Road, where urban services are most efficiently provided.
4. The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) defines urban as building structures with a building density of at least one unit to 1 ½ acres or approximately 6 structures to a 10 acre parcel. FMMP has designated the land south and east of the Rickey Reese Estates as Urban and Built-up land. The land north and west of the Rickey Reese Estates is a mix of predominantly Urban and Built-up land and land that is not enrolled in a Williamson Act contract and is not mapped as Urban and Built-up land by FMMP. Therefore, cancellation of the contract would not result in discontinuous patterns of urban development, but in fact the proposed alternative use will actually result in contiguous patterns of urban development as evidenced by the adjacent and proximate residential developments and the Department of Conservation's Farmland Mapping and Monitoring Program.
5. The following analysis is required in order that the fifth finding can be made, which states: "There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development of proximate noncontracted

land.” According to the Department of Conservation Williamson Act Cancellation Advice Paper, “proximate noncontracted land” means land not restricted by contract, which is sufficiently close to land (generally a radius of at least two to three miles can be adequate) which is so restricted that it can serve as a practical alternative for the use that is proposed for the restricted land. Furthermore, “suitable for the alternative use” means that the features of the proposed use can be served by the land not restricted by contract, which may be a single parcel or a combination of contiguous or discontinuous parcels. Few unrestricted properties of sufficient size and zoning exist in the vicinity of the proposed project. For the purposes of this analysis, it is assumed that proximate noncontracted land suitable for the alternative use would include a property or a combination of properties of similar size, character, setting and community identity that are also located within the Granite Bay Community Plan area.

There is no proximate noncontracted land which is sufficiently close to the Rickey Reese Estates, which is both available and suitable, for the proposed use of the Rickey Reese Estates. There were just 4 properties with at least 10 acres listed for sale since February 10, 2013 within a 3 mile radius of the Rickey Reese Estates:

1. 8190 Barton Rd, Granite Bay, CA 95746
This property is zoned residential agriculture but the 10 acres is not of sufficient size to be suitable for the alternative use proposed for the Rickey Reese Estates. The property sold June 2014 and is therefore unavailable.
2. 5830 Walden Ln, Granite Bay, CA 95746 – Sold 02/06/15
This property is zoned residential with 39 acres. The property sold January 2015 and is therefore unavailable.
3. 6639 Wishing Well Way, Loomis, CA 95650 - Sold 02/06/15
This property is zoned residential agriculture but is located outside the Granite Bay Community Plan and the 17 acres is not of sufficient size to be suitable for the alternative use proposed for the Rickey Reese Estates. The property sold August 2013 and is therefore unavailable.
4. Douglas Blvd, Granite Bay, CA 95746 Pending
This property is zoned Planned Unit Development/Residential and the 17 acres is not of sufficient size to be suitable for the alternative use proposed for the Rickey Reese Estates. The property is in escrow with sale pending and therefore is unavailable.

Therefore, it has been determined that no proximate noncontracted land is available and suitable for the proposed use that the Rickey Reese Estates be put.

Alternatively, the second part of the fifth finding also enters into the analysis, namely, “that development of the contracted land would provide more contiguous patterns of urban development of proximate noncontracted land”. Specifically, immediately adjacent land to the south is developed with urban, executive housing in the Shelbourne Estates subdivision, with developed residential property immediately to the north and west, and Hidden Valley Estates subdivision immediately to the east across Auburn Folsom Road: Based on surrounding land uses, the proposed removal of the project site from the Williamson Act contract would satisfy the fifth finding from a CEQA standpoint by leading to a more contiguous pattern of urban development of proximate noncontracted land.

Supporting Documents: A Notice of partial nonrenewal of Williamson Act Contract AGP-145 for the Rickey-Reese Estates was filed with the Placer County Recorder on September 27, 2013 pursuant to Government

Code Section 51245. Exhibit A (Notice of Nonrenewal); Exhibit B (Land Conservation Act Maps); Exhibit C (Noncontracted Properties Available).

COUNTY ADMINISTRATIVE RULES CHAPTER 6: SECTION 6.64(F)(1) FINDINGS

FINDING #1 - CANCELLATION OF THE CONTRACT IS IN THE PUBLIC INTEREST.

Summary/Evidence: Cancellation of the subject contract is in the public interest for the following reasons: 1) the development of the Rickey-Reese Estates implements the Granite Bay Community Plan, existing County zoning, and the proposed Specific Plan that provide for the methodical, logical and contiguous pattern of low density residential urban development in this planning area of the County, which is in the best interests of the County; 2) residential development of the Rickey-Reese Estates represents the best outcome for the citizens of the County and the surrounding area in particular, recognizing the local and regional locations and levels of existing and approved urban development; 3) the proposed site is not considered by the State Department of Conservation to be prime farmland; 4) the Rickey-Reese Estates does not meet the minimum qualification for a Williamson Act Contract as the site does not meet the minimum size required (40 acres is the minimum lot area for non-prime agricultural lands) Therefore, due to the fact that the Rickey-Reese Estates is in non-renewal, the benefits of cancellation substantially outweigh the loss of a little over eight (8) years of minimal agricultural production that could possibly be achieved on this parcel land proposed for contract cancellation.

Supporting Documents: Exhibit A (Notice of Nonrenewal); Exhibit B (Land Conservation Act Maps); Placer County General Plan; Granite Bay Community Plan.

GOVERNMENT CODE 51282(b) FINDINGS

FINDING # 1 -THE CANCELLATION IS FOR LAND ON WHICH A NOTICE OF NONRENEWAL HAS BEEN SERVED PURSUANT TO GOVERNMENT CODE SECTION 51245.

Summary: The cancellation is for land on which a Notice of Nonrenewal has been served pursuant to Section 51245.

Evidence: A Notice of partial nonrenewal of Williamson Act Contract AGP-145 for the Rickey-Reese Estates was filed with the Placer County Recorder on September 27, 2013 pursuant to Government Code Section 51245.

Supporting Documents: Exhibit A (Notice of Nonrenewal);

FINDING # 2 -THE CANCELLATION IS NOT LIKELY TO RESULT IN REMOVAL OF ADJACENT LANDS FROM AGRICULTURAL USE.

Summary/Evidence: The cancellation of the Williamson Act Contract on the Rickey-Reese Estates property is not likely to result in the removal of adjacent lands from agricultural use for the following reasons: (1) Land uses on adjoining parcels will not be materially impacted by rural estate residential development on the Rickey-Reese Estates property because the existing land uses on adjoining parcels are developed with rural estate residential uses and the proposed uses on the Rickey-Reese Estates property will complement those existing uses on adjoining parcels; and (2) there is no evidence in the record demonstrating that rural estate residential development of the Rickey-Reese Estates property would prevent agricultural activities from continuing on properties in the vicinity of the Rickey-Reese Estates property.

The Rickey-Reese Estates is surrounded by lands currently zoned and designated for residential agricultural uses. Removing the Rickey-Reese Estates from the Williamson Act contract will not result in

incompatible uses, in fact, quite the opposite is true, as removing the Rickey-Reese Estates from agricultural uses will promote compatible neighboring and surrounding uses consistent with and meeting the County's goals and objectives embodied in the Granite Bay Community Plan and existing County zoning. Therefore, existing farmland in the immediate vicinity will have no pressure to convert due to any land use conflicts associated with the partial cancellation of the Williamson Act contract on the Rickey-Reese Estates, Furthermore, although cancellation of the Rickey-Reese Estates Williamson Act contract would allow rural estate residential development to proceed, there is no evidence in the record that any other lands would be converted from agricultural use to rural estate residential development as a necessary result of the partial cancellation of the Williamson Act Contract. In fact, with the partial cancellation of this Williamson Act contract AGP145, the other two parcels in the contract shall remain in the Williamson Act contract.

Supporting Documents: Exhibit A (Notice of Nonrenewal); Exhibit B (Land Conservation Act Maps); Placer County General Plan; Granite Bay Community Plan.

FINDING # 3 -THE CANCELLATION IS FOR AN ALTERNATIVE USE THAT IS CONSISTENT WITH THE APPLICABLE PROVISIONS OF THE COUNTY GENERAL PLAN.

Summary/Evidence: The proposed alternate use is consistent with the County General Plan and the Granite Bay Community Plan. The current Granite Bay Community Plan designation of the Rickey-Reese Estates is zoned residential agricultural. The existing Granite Bay Community Plan policies specifically states that any land use changes must be designed and implemented to be consistent with the contiguous properties. The proposed land uses would be consistent with the land use designation in the Granite Bay Community Plan as proposed for the Rickey-Reese Estates. The landowners are proposing partial cancellation of the contract of the Rickey-Reese Estates in order to develop the project consistent with the County General Plan and the Granite Bay Community Plan designation governing the development of the property.

Supporting Documents: Exhibit A (Notice of Nonrenewal); Exhibit B (Land Conservation Act Maps); Placer County General Plan; Granite Bay Community Plan.

FINDING #4 - THE CANCELLATION WILL NOT RESULT IN DISCONTIGUOUS PATTERNS OF URBAN DEVELOPMENT.

Summary/Evidence: Cancellation of the Williamson Act on the Rickey-Reese Estates will not result in discontinuous patterns of urban (rural estate residential) development because cancellation of the contract is necessary to ensure that the County's planning area is developed in a logical and contiguous pattern in accordance with County goals and objectives. The development of the Rickey-Reese Estates, at completion, will form an internally and externally contiguous pattern of rural estate residential development, contiguous to existing rural estate residential development in Granite Bay.

The Rickey-Reese Estates property is located within the Granite Bay Community Plan and has a land use designation of Rural Estates. As noted previously, the property is surrounded by existing rural estate residential developed property, including Shelbourne Estates along the Rickey-Reese Estates property's southern boundary, Hidden Valley Estates to the east across Auburn-Folsom Road, and rural estate residential homes to the north and west.

Supporting Documents: Exhibit A (Notice of Nonrenewal); Exhibit B (Land Conservation Act Maps); Placer County General Plan; Granite Bay Community Plan.

FINDING #5 - THERE IS NO PROXIMATE NONCONTRACTED LAND WHICH IS BOTH AVAILABLE AND SUITABLE FOR THE USE TO WHICH IT IS PROPOSED THE CONTRACTED LAND BE PUT, OR, THAT DEVELOPMENT OF THE CONTRACTED LAND WOULD PROVIDE MORE CONTIGUOUS PATTERNS OF URBAN DEVELOPMENT THAN DEVELOPMENT OF PROXIMATE NONCONTRACTED LAND.

Summary/Evidence: There is no proximate noncontracted land which is sufficiently close to the Rickey Reese Estates, which is both available and suitable, for the proposed use of the Rickey Reese Estates. There were just 4 properties with at least 10 acres listed for sale since February 10, 2013 within a 3 mile radius of the Rickey Reese Estates:

1. 8190 Barton Road, Granite Bay, CA 95746
This property is zoned residential agriculture but the 10 acres is not of sufficient size to be suitable for the alternative use proposed for the Rickey Reese Estates. The property sold June 2014 and is therefore unavailable.
2. 5830 Walden Lane, Granite Bay, CA 95746 – Sold 02/06/15
This property is zoned residential with 39 acres. The property sold January 2015 and is therefore unavailable.
3. 6639 Wishing Well Way, Loomis, CA 95650 - Sold 02/06/15
This property is zoned residential agriculture but is located outside the Granite Bay Community Plan and the 17 acres is not of sufficient size to be suitable for the alternative use proposed for the Rickey Reese Estates. The property sold August 2013 and is therefore unavailable.
4. Douglas Blvd, Granite Bay, CA 95746 Pending
This property is zoned Planned Unit Development/Residential and the 17 acres is not of sufficient size to be suitable for the alternative use proposed for the Rickey Reese Estates. The property is in escrow with sale pending and therefore is unavailable.

Therefore, it has been determined that no proximate noncontracted land is available and suitable for the proposed use that the Rickey Reese Estates be put.

Supporting Documents: Exhibit A (Notice of Nonrenewal); Exhibit C (Noncontracted Properties Available) Placer County General Plan; Granite Bay Community Plan.

CALIFORNIA GOVERNMENT CODE 51282(c) FINDINGS

FINDING #1 - CANCELLATION OF THE CONTRACT IS IN THE PUBLIC INTEREST BECAUSE OTHER PUBLIC CONCERNS SUBSTANTIALLY OUTWEIGH THE OBJECTIVES OF THIS CHAPTER.

Summary/Evidence: Cancellation of the subject contract is in the public interest for the following reasons: 1) the development of the Rickey-Reese Estates property as proposed implements the County's General Plan, the Granite Bay Community Plan, and existing County zoning, that provides for logical and contiguous patterns of rural estate development in this portion of Placer County; 2) the rural estate residential development of the Rickey-Reese Estates property represents the best outcome for residents of Granite Bay in that the proposed use is consistent with the surrounding rural estate development in this portion of Granite Bay; and 3) the contract does not meet the minimum 40 acre qualifications for a Williamson Act Contract under the Placer County Administrative Rules

Development of the contracted land would provide a more contiguous pattern of rural estate residential development than development of proximate non-contracted land, as the Rickey-Reese Estates property is surrounded by developed rural estate properties, as explained more fully above.

The Rickey-Reese Estates does not meet the minimum qualification for a Williamson Act Contract due to its zoning (The Rickey-Reese Estates is zoned Residential Agricultural, as well as the site does not meet the minimum size required 40 acres, which is the minimum lot area for non-prime agricultural lands). Thus, because the Rickey-Reese Estates is in non-renewal, the benefits of cancellation substantially outweigh the loss of a little more than eight (8) years of marginal agricultural production that could be achieved on the small parcel of land proposed for contract cancellation.

Supporting Documents: Exhibit A (Notice of Nonrenewal), Placer County General Plan; Granite Bay Community Plan.

FINDING #2 - THERE IS NO PROXIMATE NONCONTRACTED LAND WHICH IS BOTH AVAILABLE AND SUITABLE FOR THE USE TO WHICH IT IS PROPOSED THE CONTRACTED LAND BE PUT, OR, THAT DEVELOPMENT OF THE CONTRACTED LAND WOULD PROVIDE MORE CONTIGUOUS PATTERNS OF URBAN DEVELOPMENT THAN DEVELOPMENT OF PROXIMATE NONCONTRACTED LAND.

Please see discussion of Section 15282(b) Finding #5 above. This finding is identical to the finding required by Section 51282(b)(5), for cancellations consistent with the purposes of the Williamson Act. The finding is discussed above and substantial evidence in support is provided..

EXHIBITS

Exhibit A (Notice of Nonrenewal); Exhibit B (Land Conservation Act Maps); Exhibit C (Noncontracted Properties Available).

CONCLUSION

The County of Placer Board of Supervisors has the above required findings in accordance with California Government Code Section 51282 and in accordance with the Placer County Administrative Rules for Williamson Act Lands ("Administrative Rules"), to support the requested decision to approve the partial cancellation of Williamson Act Contract AGP-145 on 37.7 gross acres, commonly referred to as the "Rickey-Reese Estates", comprised of a single parcel, APN 035-120-027-000.

EXHIBIT A



PLACER, County Recorder
JIM MCCAULEY
DOC- 2013-0094078-00

FRIDAY, SEP 27, 2013 14:54:25
MIC \$0.00 | AUT \$0.00 | SBS \$0.00
ERD \$0.00 | RED \$0.00 | * \$0.00
ADD \$0.00

Ttl Pd \$0.00 Rcpt # 02311773
clkdlmlfj1/gv/1-2

RECORDED BY PLACER COUNTY
RECORDING REQUESTED BY &
RETURN TO:

Clerk of the Planning Commission
Placer County Planning Services Division
3091 County Center Drive
Auburn, CA 95603

**NOTICE AFFECTING PROPERTY UNDER
LAND CONSERVATION AGREEMENT**

AGRICULTURAL PRESERVE NUMBER: AGP-145

ASSESSOR'S PARCEL NO.: 035-120-027-000

ACRES: 37.7

RECORDER DOCUMENT #: Volume 1350, Pages 548-553

OWNER(S): Terry Reese and Aaron Rickey

ADDRESS TO WHICH CORRESPONDENCE SHOULD BE SENT: Planning Commission
Clerk, Placer County Planning Services Division, 3091 County Center Drive, Auburn CA 95603

TELEPHONE NO.: (530) 745-3000

NOTICE OF PARTIAL NON-RENEWAL

NOTICE IS HEREBY GIVEN, in accordance with Paragraph 3 of the Land Conservation Agreement on the above-described parcel, that the record owner is not renewing a portion of said Agreement as to said parcel as of January 1, 2014. By that Partial Notice of Non-Renewal, said portion of Agreement will then expire automatically 9 years from and after said January 1 date, but that in the intervening 9 years, the Agreement will, by law, remain in full force and effect.

COUNTY OF PLACER

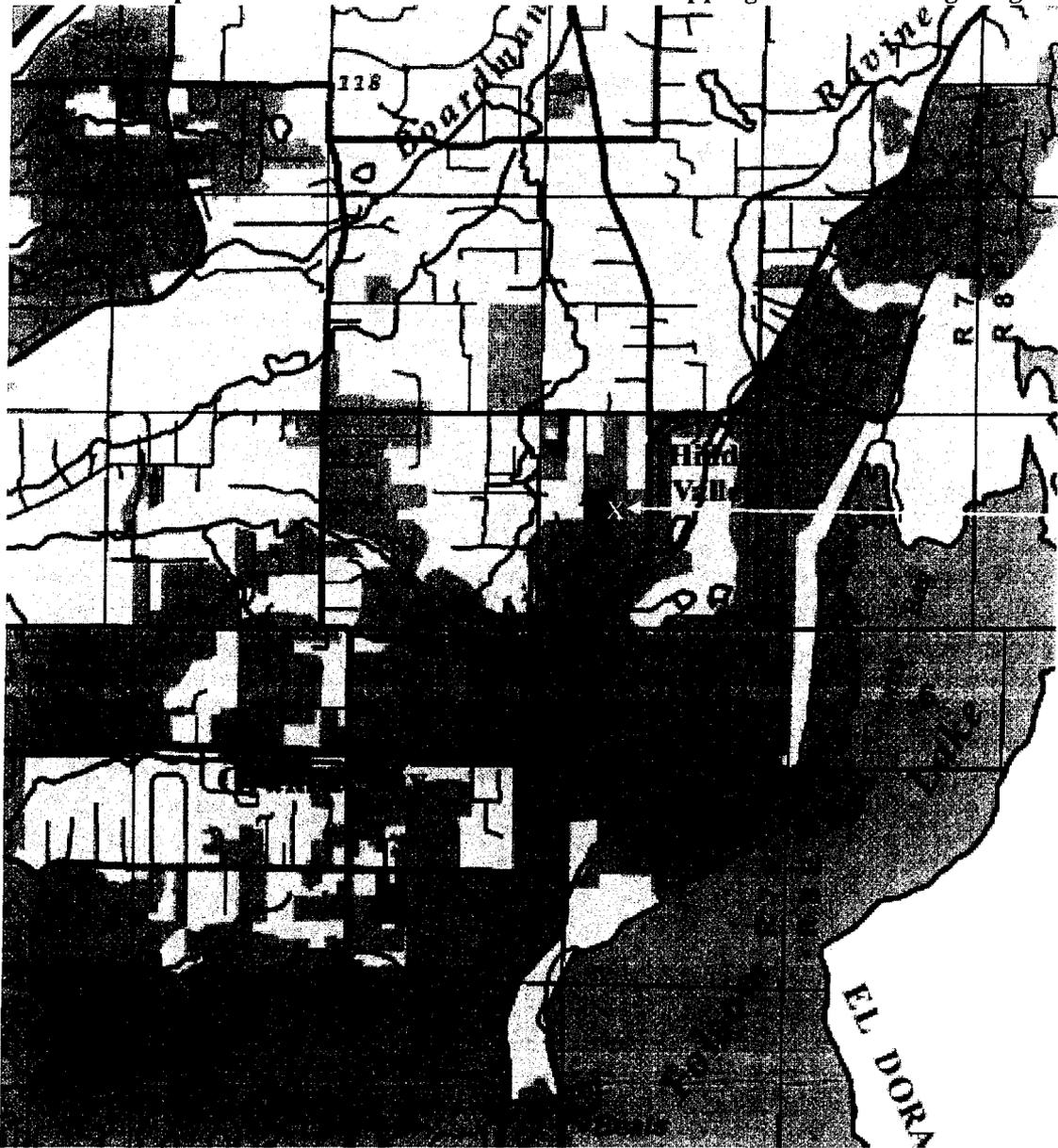
BY: *Ann Halman*
Clerk, Board of Supervisors

DATE: 9-27-2013

DISTRIBUTION:
Landowner
Joshua Huntsinger, Agricultural Commissioner
Alex Fisch, Planning Services Division
Assessor's Office
Director - State of California Department of Conservation

EXHIBIT B

California Department of Conservation's Farmland Mapping and Monitoring Program



"X"
Rickey
Reese
Estates

-  WILLIAMSON ACT- PRIME AGRICULTURAL LAND
-  WILLIAMSON ACT- NON - PRIME AGRICULTURAL LAND
-  WILLIAMSON ACT- NON-RENEWAL
-  NON-ENROLLED LAND
-  URBAN AND BUILT-UP LAND
-  WATER

EXHIBIT C (1)

Listing #12072780
 \$1,200,000 (LF)
 \$1,100,000 (SP)

8190 Barton Rd, Granite Bay, CA 95746 * Sold (06/30/14) DOM/CDOM: 50/50

Acres: 10.0000

Lot Sz: 10.0000ac*

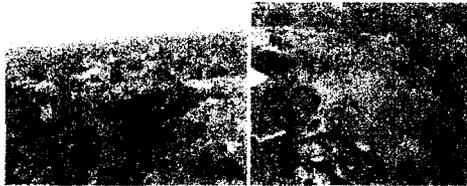
SP % LP: 91.67

Area: 12746

Remarks

Beautiful 10 Acres in the heart of Granite Bay. Many possibilities.

Pictures (6)



Agent	Nick Sadek (ID: SSADEKNI) Primary:916-966-4444 Secondary:916-784-7444 Lic: 00970410
Office	Sadek, N.R., Real Estate (ID:01NRS) Phone: 916-784-7444, FAX: 916-405-7444 Office Lic.: 00970410
Property Type	Lots and Land
Status	Sold (06/30/14)
Service Level	E
Area	12746
Subdivision	Granite Bay
Commission Type	Percentage of Sale
Commission to Selling Office	Commission 2
	Var/Dual Rate No
Lot Sq Ft (approx)	435600*
Price / Acre	110,000.00
County	Placer
Map Book	Thomas Bros. (PL,SA)
Cross Street	Macargo
Listing Date	12/10/12
On Market Date	01/11/13
Variable Price	No
Original Price	1,100,000
Owner Name	Call Agent
School County	Placer (Elementary: Eureka Union; Junior High: Eureka Union; Senior High: Roseville Joint)
Confidential Agent Remarks	Please use caution when showing property. Home was damaged in fire over a year ago. Value is in the 10 acres. Property is being SOLD AS IS. Out of town Seller, Please allow time for response.
Directions to Property	Douglas Blvd towards Folsom Lake. Turn left on to Barton Rd. End at 8190 Barton Rd. Destination is on the left.

Selling Information

Selling Price	1,100,000	Selling Date	06/30/14
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EXHIBIT C (2)

Listing #14090537
 \$1,899,000 (LP)
 \$1,499,000 (SP)

5830 Walden Ln, Granite Bay, CA 95746 * Sold (02/06/15) DOM/CDOM: 339/339

Acres: 39.0000

Lot Sz: 39.0000ac

SP % LP: 94.17

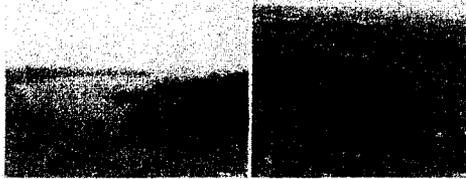
Area: 12650

Remarks

39+/- ACRES OF SPECTACULAR GRANITE BAY LAND, WITH VIEWS OF FOLSOM LAKE AND SACRAMENTO CITY. THIS HAS A TENTATIVE APPROVED MAP FOR 6 LOTS. THE SETTING IS BREATHTAKING. AN UNPARALLELED COMBINATION OF MOSTLY LEVEL TERRAIN WITH AMAZING GIANT GRANITE BOULDER FORMATIONS AND OUTCROPPINGS. AN ABUNDANCE OF OAK AND OTHER NATIVE TREES. THE POSSIBILITIES OF THIS PROPERTY ARE ENDLESS AND SURE TO CAPTURE YOUR ATTENTION AND YOUR IMAGINATION.



Pictures (7)



Agent	Jeff E Sessions (ID: PSESSJEF) Primary:916-768-7475 Secondary:916-768-7475 Lic: 01312653
Office	Granite Bay Real Estate (ID:01LGB02) Phone: 916-791-0181, FAX: 916-791-0171 Office Lic.: 01218764
Property Type	Lots and Land
Status	Sold (02/06/15)
Service Level	E
Area	12650
Subdivision	
Commission Type	Percentage of Sale
Commission to Selling Office	Commission 2.5
Lot Sq Ft (approx)	1698840
Price / Acre	41,025.64
County	Placer
Map Book	Thomas Bros. (PL,SA)
Cross Street	Eden Roc Circle
Listing Date	02/21/14
On Market Date	02/23/14
Variable Price	No
Original Price	2,495,000
Owner Name	
School County	Placer (Elementary: Loomis Union; Junior High: Loomis Union; Senior High: Placer Union High)
Confidential Agent Remarks	CALL JEFF FOR FULL PROPERTY TOUR. PLEASE DO NOT DRIVE UP TO GATE OR DISTURB

EXHIBIT C (3)

Listing #12066001
 \$480,000 (LP)
 \$480,000 (SP)

6639 Wishing Well Way, Loomis, CA 95650 * Sold (08/01/13) DOM/CDOM: 142/435

Acres: 17.0000

Lot Sz: 17.0000ac

SP % LP: 100.00

Area: 12650

Remarks

Great location just inside Loomis city limits, beautiful property & lots of hidden value! Public water plus 1 irrigation water year around from PCWA, recorded survey map and functioning septic system at the modular. Pond is on this parcel but white house is not. Truly one of a few opportunities to establish your own estate property or split.

Land varies with open spaces as well as treed areas and is very usable.

Pictures (7)



Agent	Margie C Poucher (ID: PPOUCHEM) Primary:916-952-5768 Secondary:916-782-0562 Lic: 01026197
Office	Lyon RE Roseville (ID:01LYON05) Phone: 916-784-1500, FAX: 916-784-1578 Office Lic.: 00182401
Property Type	Lots and Land
Status	Sold (08/01/13)
Service Level	E
Area	12650
Subdivision	
Commission Type	Percentage of Sale
Commission to Selling Office	Commission 2.5
Lot Sq Ft (approx)	740520
Price / Acre	28,235.29
County	Placer
Map Book	Thomas Bros. (PL,SA)
Cross Street	LAIRD ROAD
Listing Date	11/02/12
On Market Date	11/02/12
Variable Price	No
Original Price	599,900
Owner Name	Alicia Howard
School County	Placer (Elementary: Loomis Union; Junior High: Loomis Union; Senior High: Placer Union High)
Confidential Agent Remarks	Possible split as area is under 4.6 ac min. Detailed survey map of pcd as a whole has been recorded. Owner w/be happy to walk prop, make prior arrangements thru Margie. DO NOT DRIVE ON PROP. Please stay on road. Modular rented so pls do not approach or white home at the end of rd
Directions to Property	From Loomis, Horseshow Bar Rd. over freeway. Quick rt then left on Laird Rd and continue to Wishing Well Wy. Or Auburn Folsom Rd. to Laird to left on Wishing Well Way.

EXHIBIT C (4)

Listing #14009740
\$1,900,000 (LP)

Douglas Blvd, Granite Bay, CA 95746 * Pending (07/03/14) DOM/CDDM: 160/160

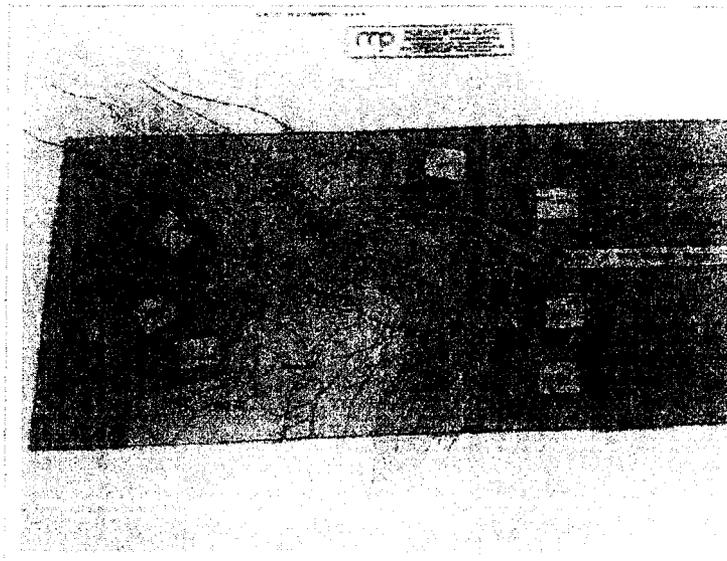
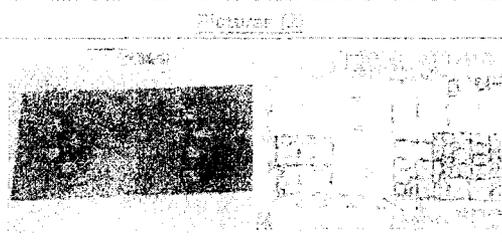
Acres: 17.1000

Lot Sz: 17.1000ac*

Area: 12746

Remarks

Amazing 17 acre parcel with approved map. Possible 7 lot subdivision. Riparian Creek area cannot be developed. Contiguous to Greyhawk. APPROVED MAP IN ATTACHED DOCUMENTS.



Agent	Barbara A Tonso <input type="checkbox"/> (ID: PTONSBAR) Primary:916-765-8121 Secondary:916-765-8121 Lic: 00796524
Co-Agent	Ronald W Rose <input type="checkbox"/> (ID: PROSERON) Primary:916-847-6082 Secondary:916-765-8121 Lic: 01311314
Office	Coldwell Banker-Res R E Srv (ID:01CLBA03) Phone: 916-786-4600, FAX: 916-786-5287 Office Lic.: 019083
Co-Office	Coldwell Banker-Res R E Srv (ID:01CLBA03) Phone: 916-786-4600, FAX: 916-786-5287 Office Lic.: 019083
Property Type	Lots and Land Property Subtype(s) Residential Lot
Status	Pending (07/03/14)
Service Level	E
Area	12746
Subdivision	
Commission Type	Percentage of Sale
Commission to Selling Office	Commission 2.5 Var/Dual Rate No
Lot Sq Ft (approx)	744876* Lot Acres (approx) 17.1000
Price / Acre	111,111.11
County	Placer APN 048-151-001-000
Map Book	
Cross Street	GREYHAWK Map Coordinates
Listing Date	01/24/14 Entry Date 01/24/14
On Market Date	01/24/14
Variable Price	No
Original Price	1,900,000
Owner Name	
School County	Placer (Elementary: Eureka Union; Junior High: Eureka Union; Senior High: Roseville Joint)
Directions to Property	Douglas Blvd to parcel
Short Sale	No
Pending Date	07/03/14

General Information



State of California • Natural Resources Agency
Department of Conservation
Division of Land Resource Protection
801 K Street • MS 18-01
Sacramento, CA 95814
(916) 324-0850 • FAX (916) 327-3430

ATTACHMENT L
Edmund G. Brown Jr., Governor
John M. Lowrie, Assistant Director

September 23, 2015

VIA EMAIL: AFISCH@PLACER.CA.GOV

Mr. Alex Fisch, Senior Planner
Placer County Community Development Resource Agency
3091 County Center Drive
Auburn, CA 95603

Dear Mr. Fisch:

RICKEY-REESE PARTIAL CANCELLATION – AGP-145

The Department of Conservation (Department) monitors farmland conversion on a statewide basis and administers the California Land Conservation Act. The Department assumes that the County of Placer has deemed the petition data and findings to be acceptable, and that the information provided reflects the views of the County as the lead agency. Comments have been provided on the County's account of the findings.

PROJECT DESCRIPTION

The 37.7 acre project area (APN 035-120-027) is one of three parcels that comprise Placer County Agricultural Preserve 145 (AGP-145), which is 86.4 acres in size and has been continuously enrolled under a Williamson Act contract since May 1971. The applicant is proposing partial cancellation of 37.7 acres of the 86.4 acre parcel to develop a rural low-density residential subdivision in the community of Granite Bay. Current uses on the 37.7 acre project site include four acres of cultivated strawberries and blackberries, which are sold from a roadside agricultural stand also located on the project site. The site also includes 50 beehives, which are primarily used for pollination of area crops and for production of honey. A fallowed vineyard is located on approximately 10 acres of the project site. The project site is classified as Other Land on the west half and Farmland of Statewide Importance on the east half per the California Important Farmland Finder¹.

REQUIRED CANCELLATION FINDINGS

The requirements necessary for cancellation of land conservation contracts are outlined in Government Code Section 51282. The County must document the justification for the cancellation through one set of findings. Based on the County's petition, the project is required to be processed under both the Public Interest and Consistency with the Williamson Act findings outlined below in the Department's comments.

¹ California Important Farmland Finder. California Department of Conservation.
<http://rmaps.conservacion.ca.gov/ciff/ciff.html>. Accessed 9/17/2015.

CONSISTENCY WITH THE WILLIAMSON ACT

- *That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.*

The notice of nonrenewal was recorded on September 27, 2013 as DOC-2013-0094078-00.

- *That cancellation is not likely to result in the removal of adjacent lands from agricultural use.*

Partial cancellation of the contract is not likely to remove adjacent land from agricultural use because the proposed lot sizes are compatible with small-scale agricultural uses that may occur on adjacent and nearby properties and are not likely to result in conflicts. The resultant development pattern would also be consistent with adjacent land uses and with the Granite Bay Community Plan. The proposed use would be consistent with surrounding agricultural properties and are not expected to result in the removal of adjacent lands from agricultural use.

- *That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.*

The total amount of agricultural production on the project site is marginal and does not by itself substantially contribute to Placer County's agricultural economy. Conversion of the project site to a nonagricultural use would not result in loss of significant agricultural resources. In addition, proposed lot sizes would not conflict with Placer County General Plan policies regarding land use buffers for agricultural operations.

- *That cancellation will not result in discontinuous patterns of urban development.*

Property to the immediate south and west of the project site is classified as Urban Built Up Land. Property to the immediate north and east is designated Non-Prime Agricultural Land. Current land use for the adjacent properties under contract include a five acre vineyard, firewood production, and limited seasonal grazing of beef cattle. Properties further north and east are comprised of low-density residential developments. Development of the property as low-density residential would comply with the goals, policies and land use designations of the Granite Bay Community Plan. Consistency with the community plan combined with the adjacent developed properties to the south and west of the project site, validate that the cancellation will not result in discontinuous patterns of urban development.

- *That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.*

The petition information states that few unrestricted properties of sufficient size and zoning exist in the vicinity of the property site. It was assumed that proximate noncontracted land suitable for the alternative use would include property or a combination of properties of similar size, character, zoning, setting and community identity. However, analysis of this information was not provided in the petition materials. Rather, the County stated that it was a policy decision that will be considered by the County Agricultural Commission, Planning Commission, and Board of Supervisors when they render their decision on the contract cancellation.

Based on the project site proximity to other urban development, the Department believes that the project site would provide more contiguous patterns of development than development of proximate noncontracted land.

PUBLIC INTEREST

- *That other public concerns substantially outweigh the objectives of this chapter*

The Department did not find any evidence of the County's commentary on this finding in the petition. The terms public and interest refer to the interest of the public in the value of the land for open space and agricultural use. In the County's deliberations, it must be shown that agricultural and open space objectives, which are protected by the Act, are substantially outweighed by other public concerns before the cancellation can be deemed "in the public interest."²

CANCELLATION FINDINGS CONCLUSIONS

The valuation has not yet been received. Please provide a copy of the estimated cancellation fees due at final cancellation at your earliest convenience, but before tentative approval of the project.

Thank you for the opportunity to provide comments on the proposed partial cancellations. Please provide our office with a copy of the public notice for the tentative cancellations, ten working days before the hearing, and a copy of the *recorded* tentative cancellation resolution within 30 days after approval of the tentative cancellation pursuant to Government Code § 51284.

Within 30 days of the landowner satisfying the conditions and contingencies required in a Tentative Cancellation Resolution, and payment of the required fee, the Board will record a Certificate of Cancellation for the contract. The County Treasurer is required to send the cancellation fee³ to State Controller within 30 days of recordation of the Certificate of Cancellation and a copy of the recorded Certificate of Cancellation to the Department of Conservation⁴. If you have any questions concerning our comments, please contact Meri Meraz, Associate Environmental Planner at (916) 445-9411 or at mmeraz@conservation.ca.gov.

Sincerely,



Molly A Penberth, Manager
Division of Land Resource Protection
Conservation Support Unit

² *Sierra Club v. Hayward* (1981) 28 Cal 3d 840, 171 Cal Rptr 619, 623 P2d 180, 1981 Cal LEXIS 117, superseded by statute as stated in *Friends of East Willits Valley v. County of Mendocino* (2002, Cal App 1st Dist) 101 Cal App 4th 191, 123 Cal Rptr 2d 708, 2002 Cal App LEXIS 4509.

³ Please include some type of information identifying the cancellation on the check: APN(s), project name or number, landowner, applicant, etc.

⁴ When sending information to the Department of Conservation, please also confirm the date the cancellation payment was made to the State Controller.



State of California • Natural Resources Agency
Department of Conservation
Division of Land Resource Protection
801 K Street • MS 18-01
Sacramento, CA 95814
(916) 324-0850 • FAX (916) 327-3430

Edmund G. Brown Jr., *Governor*
John M. Lowrie, *Assistant Director*

September 28, 2015

Ms. Maywan Krach
Community Development Resource Agency
County of Placer
3091 County Center Drive, Suite 190
Auburn, CA 95603

Dear Ms. Krach:

RICKEY-REESE ESTATES PARCEL MAP (PMLD 20140162); PARTIAL CANCELLATION OF WILLIAMSON ACT CONTRACT LAND SCH# 2015092035

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Intent to Adopt a Mitigated Negative Declaration submitted by the County of Placer (County). The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

The project proposes approval of a Minor Land Division for a four-lot Parcel Map ranging in size from 6.1 acres to 12.3 acres. The project site is currently under a Williamson Act contract which includes three parcels that total 86.4 acres. The project proposes to cancel the portion of the Williamson Act contract (AGP-145) that is applicable to this 37.7 acre parcel. With this cancellation, the Williamson Act Contract AGP-145 would encumber a total of 48.7 acres.

Department Comments

The Department would like to point out an error found on page 8 of the Initial Study & Checklist.

A once productive vineyard comprising approximately ten acres and located in the southwest corner of the site was fallowed approximately five years ago. The portion of the site that includes the fallowed vineyard is currently designated as Prime Agricultural Land as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency (Figure 5 – Important Farmlands Map 2013/14). The remainder of the site, including the portion allocated for growing strawberries and blackberries, is designated as Non-Prime Agricultural Land.

Although the first part of the above statement may be correct, the fallow vineyard area in question is not designated as Prime Agricultural Land by the Farmland Mapping and Monitoring Program. Rather, the area is classified as Farmland of Statewide Importance by the Farmland Mapping and Monitoring Program as of the 2012 mapping update cycle. In addition, the data represented in Figure Five on page 11 of the Initial Study & Checklist is incorrect. The footnote under Figure Five

Ms. Maywan Krach
September 28, 2015
Page 2 of 2

states that it displays the designations of the Farmland Mapping and Monitoring Program, when in actuality the figure displays the Williamson Act designations for the year 2013-14.

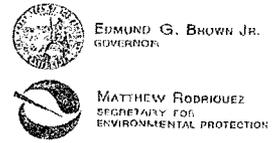
Thank you for giving us the opportunity to comment on the Notice of Intent to Adopt a Mitigated Negative Declaration submitted by the County. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Environmental Planner at (916) 324-7347 or via email at Farl.Grundy@conservation.ca.gov.

Sincerely,



Molly A. Penberth, Manager
Division of Land Resource Protection
Conservation Support Unit

cc: State Clearinghouse



Central Valley Regional Water Quality Control Board

6 October 2015

Maywan Krach
Placer County
Community Development Resource Agency
3091 County Center Drive, Suite 190
Auburn, CA 95603

CERTIFIED MAIL
91 7199 9991 7035 8420 5341

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, RICKEY- REESE ESTATES PARCEL MAP (20140162) PROJECT, SCH# 2015092035, PLACER COUNTY

Pursuant to the State Clearinghouse's 11 September 2015 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Request for Review for the Mitigated Negative Declaration for the Rickey - Reese Estates Parcel Map (20140162) Project, located in Placer County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources

Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:

http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements – Discharges to Waters of the State

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating

in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

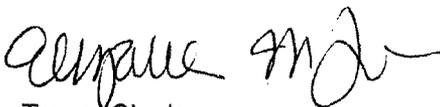
For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.



Trevor Cleak

for Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

September 18, 2015

Regulatory Division SPK-2015-00803

Mr. Terry Reese
PO Box 2828
Granite Bay, California 95746

Dear Mr. Reese:

We are responding to Placer County's September 15, 2015, request for comments on your Rickey-Reese Parcel project. The Department of the Army project identification number is SPK-2015-00803. The approximately 37.7-acre project site is located on, Section 35, Township 11 North, Range 7 East, Mount Diablo Meridian, Latitude 38.76125°, Longitude -121.16702°, Granite Bay, Placer County, California.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

To ascertain the extent of waters on the project site, the applicant should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetlands Delineations" and "Final Map and Drawing Standards for the South Pacific Division Regulatory Program" under "Jurisdiction" on our website at the address below, and submit it to this office for verification. A list of consultants that prepare wetland delineations and permit application documents is also available on our website at the same location.

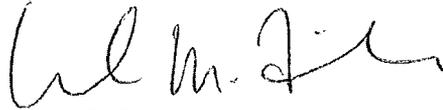
The range of alternatives considered for this project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

Please refer to identification number SPK-2015-00803 in any correspondence concerning this project. If you have any questions, please contact me at our California North Branch Office, Regulatory Division, U.S. Army Corps of Engineers, 1325 J Street, Room 1350, Sacramento,

-2-

California 95814-2922, by email at Leah.M.Fisher@usace.army.mil, or telephone at 916-557-6639. For more information regarding our program, please visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

A handwritten signature in black ink, appearing to read "Leah M. Fisher". The signature is fluid and cursive, with the first name "Leah" being the most prominent.

Leah M. Fisher
Senior Project Manager
California North Branch
Regulatory Division

cc:

Mr. Alex Fisch, County of Placer, cdraecs@placer.ca.gov



COUNTY OF PLACER
AGRICULTURAL COMMISSION

ATTACHMENT M

JOSHUA P. HUNTSINGER
Agricultural Commissioner
Sealer of Weights & Measures

AGRICULTURAL COMMISSION MEMBERS
Tony Aguilar Larry Jordan
Patricia Beard William Morebeck
James Brenner John Nitta
Dan Macon Stewart Perry
Wayne Vineyard

11477 E AVENUE
AUBURN, CALIFORNIA 95603
TELEPHONE: (530) 889-7372
FAX: (530) 823-1698
www.placer.ca.gov

TO: Alex Fisch, Planning Services Division, CDRA
FROM: Josh Huntsinger, Agricultural Commissioner
DATE: November 18, 2015
SUBJECT: Rickey-Reese Estates Williamson Act Cancellation Request

On October 19, 2015, the Placer County Agricultural Commission voted unanimously (7-0) via roll call vote to recommend denial of Aaron Ricky and Terry Reese's request to cancel the Williamson Act contract (AGP-145) on a 37.7-acre parcel (APN 35-120-027) belonging to the applicants.

During the hearing, the commission heard testimony from Planning staff and the applicant regarding the current agricultural production on site, agricultural production on what would become the two remaining parcels within the preserve, and the applicant's development plans for a minor land division and four future parcels at the project site.

The commission discussed the availability of irrigation water on the various parcels within the preserve, and the impact that the proposed action would have on future water supplies. The commission also considered the current non-renewal status of the subject parcel and the "inevitability of future development".

Commission members made the following specific comments prior to their vote:

Larry Jordan

- The Williamson Act is important. The applicant knew the rules when he purchased the property.
- The cancellation and land division would not enhance the county's agriculture.
- Does not feel that exceptions to Program participation should be allowed to enable cancellation for this type of scenario (i.e. invested in property he knew was in conservation contract).
- Would be inclined to support 10-acre contract(s) as preferable alternative proposal.
- Believes the property should be subdivided but does not feel that cancellation is warranted.
- Noted that the Commission has already been flexible in allowing one additional dwelling unit within the contract.
- Is not willing to be responsible for this action to recommend cancellation

John Nitta

- Recitation of information from California Department of Conservation FAQ webpage – *Williamson Act contracts are not intended to be cancelled, and*

in fact, cancellation is reserved for unusual “emergency” situations. Therefore, the nine-year nonrenewal process has been identified as the legally preferred method for terminating a contract. The California Attorney General has opined that cancellation is impermissible “except upon extremely stringent conditions, and nonrenewal is the preferred contract termination method: “If a landowner desires to change the use of his land under contract to uses other than agricultural production and compatible uses, the proper procedure is to give notices of nonrenewal.” (http://www.conservation.ca.gov/dlrp/lca/basic_contract_provisions/Pages/contract_cancellations.aspx) (Page 8)

- A Notice of Nonrenewal has been filed signaling change in land use.
- Property is in transition and will develop, but Commission should not set this precedent.
- Stated that the cancellation fee needs to remain intact.

Patti Beard

- Does not want to encourage landowners to “farm in good times, and sell in bad”.
- Cannot support cancellation.
- Approval of this cancellation would give a “black eye” to the Commission.
- Cancellation is contrary to the role and mission of the Commission to promote Placer agriculture.

Dan Macon

- Approval of this cancellation would be contrary to the role assigned to the Commission by the Board of Supervisors– Be “an advocate for agriculture”.
- Understands the applicant’s desire, but struggles with the precedent that it would set.
- Approval of cancellation would be a threat to use of California Land Conservation Act (Williamson Act) as a conservation tool.

Stuart Perry

- Commission approval of the cancellation would be contrary to Commission’s role to support agriculture and would confuse the future outlook of Placer agriculture.

Tony Aguilar

- If this cancellation is approved, what is next? (referring to the potential for future cancellation requests)

To summarize the commission’s deliberations, two main themes emerged.

The first was that the integrity of the Williamson Act is of utmost importance. Any county action that could weaken the protections provided by the Williamson Act would be contrary to the charge given to the commission by the Board of Supervisors *to encourage and promote agricultural activities that are conducive to the continued well-being of the county.*

Second, a recommendation in support of the request for cancellation would set a precedent that could lead to additional cancellation requests.

Finally, several commission members referenced the fact that the applicant invested in the property with full knowledge of the parcel's contract status. They knew of the implications and restrictions that a Williamson Act contract entails. The commission members expressed concern over the applicant's assumption that they could "jump out" of the contract whenever they desired, and felt that although development of the parcel is probably inevitable, the nine-year nonrenewal process should be the path through which that is accomplished.

RECOMMENDATION:

At the conclusion of the hearing, the commission voted to recommend that the Planning Commission and Board of Supervisors deny the request for cancellation.

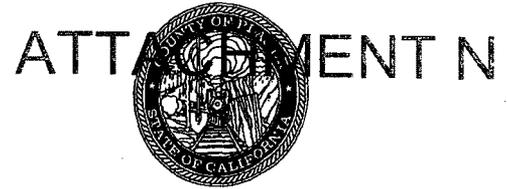
PLACER COUNTY ASSESSOR'S OFFICE

Kristen Spears, Assessor

2980 Richardson Drive • Auburn, CA 95603-2640

Telephone: (530) 889-4300 • Fax: (530) 889-4305

Website: www.placer.ca.gov/assessor • E-mail: assessor@placer.ca.gov



November 18, 2015

Terry Reese, et. Al.
P.O. Box 2828
Granite Bay, CA 95746

Subject: Williamson Act Cancellation Appraisal
Assessor's Parcel Number: 035-120-027-000
Williamson Act Contract Number: AGP-00145

Dear Mr. Reese:

In accordance with California Government Code Section 51238, the Assessor's Office has made the following determination:

The cancellation valuation of 37.70 acres of the above referenced property, restricted under the California Land Conservation Act is one million, two hundred fifty thousand dollars (\$1,250,000) representing current fair market value as of October 5, 2015. The cancellation fee is an amount equal to 12½% of cancellation valuation, or a total of one hundred fifty six thousand two hundred fifty dollars (\$156,250).

I hereby certify the cancellation value of the above mentioned parcel to be \$1,250,000.

Senate Bill 1820, effective January 1, 2005, repealed section 51203 of the Government Code and added a completely new Section 51203. Part of that Section states that ..."a cancellation value shall be considered current for one year after its determination and certification by the assessor." This means if the cancellation fee is not paid within one year from the date of this letter, then per Section 51283.4... "the fee shall be recomputed as of the date the landowner requests a re-computation."

Section 51203 of the Government Code also establishes the procedure for a formal review of the cancellation value. Either the landowner or the Department of Conservation may file the request if they believe that the value is not accurate. The review request must be made within 45 days of receiving this notice. It must contain the reasons for believing the valuation is not accurate and the additional information the requesting party believes may substantiate a recalculation of the property valuation. The requesting party must also provide this information to the other party.

If no request is made within 45 days of receiving notice, the assessor's valuation shall be used to calculate the cancellation fee.

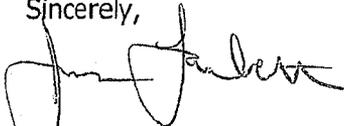
If the Assessor determines that the information submitted "may have a material effect on the valuation of the property" then the Assessor will initiate a formal review. The Assessor has 120 days from the receipt of the request to complete the review. The current cost for an appraiser to complete the formal review is \$67.00 per hour. If the Assessor determines that the information submitted will not materially affect the cancellation value, then no formal review will be made. In either case, the Assessor will provide the parties with a written determination.

Terry Reese, et. Al.
Williamson Act Contract Number: PMLD 20140162
Page 2
November 17, 2015

A copy of this notice has been sent to Senior Planner, Alex Fisch for inclusion in the package to be directed to the Board of Supervisors.

If you have any questions or wish to discuss this matter further, please contact the undersigned at (530) 889-4300.

Sincerely,



James Lambeth
Chief Deputy Assessor

KRISTEN SPEARS
PLACER COUNTY ASSESSOR

Enclosure

cc: Alex Fisch, Senior Planner, Community Development Resource Agency
Michael Johnson, Director, Community Development Resource Agency
Rob Newburn, Chief Appraiser, Placer County Assessor
David Bunn, California Department of Conservation

PROPERTY TAX APPRAISAL

PRINT DATE

11/17/2015

FEE PARCEL 035-120-027-000
ORIGINATING ASMT 035-120-027-000
ASSESSMENT 035-120-027-000
DOCUMENT NUMBER 2015ICLCACAN

OWNER
REESE TERRY ET AL

SITUS
GRANITE BAY CA

APPRAISAL DATE 10/05/2015

EVENT DATE 10/05/2015

EVENT TYPE
CLCA Cancel

DESCRIPTION OF PROPERTY
37.7 AC FR SEC 35 11 7 POR 035-120-008-000



NEIGHBORHOOD

The subject is located in the community of Granite Bay, in the County of Placer, State of California.

PROPERTY TAX APPRAISAL

PRINT DATE

11/17/2015

APPRAISAL NARRATIVE

Historical Reference:

The subject property is restricted under the Williamson Act. The owner of this parcel filed a Notice of Non-Renewal effective January 1, 2014. The property will come out of contract as of January 1, 2023. The purpose of this appraisal is to determine the fair market value as of October 5, 2015 without the current restrictions.

Property Description:

The subject property is identified by Assessor Parcel Number 035-120-027-000.

The subject property is an undeveloped 37.70 acre parcel located in Granite Bay immediately adjacent to the west side of Auburn Folsom Road and one quarter mile south of Cavitt Stallman Road. The property is currently zoned RA-B-X 4.6 AC, Residential/Agricultural - 4.6 acre minimum. The current owner proposes a four-lot split with parcels ranging in size from 6.1 acres to 12.3 acres.

Highest and Best Use:

Highest and best use is defined as follows: The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. (The Assessors Handbook 501: Basic Appraisal, January 2002 Edition, pg.48).

Criteria For Highest And Best Use:

In order to qualify as a property's highest and best use, the use must meet four criteria. The use must be: (1) legally permissible; (2) physically possible; (3) financially feasible or probable; and (4) most productive. These criteria apply to both the highest and best use of the land as though vacant and the highest and best use of property as improved.

Implied in these definitions is that the determination of highest and best use takes into account the contribution of a specific use to the community and community development goals as well as the benefits of that use to individual property owners.

In our opinion, the current highest and best use of the subject property is to develop for single family residences. Due to the size of the parcel, zoning restrictions, seasonal streams and wetlands, the most probable scenario is to subdivide the parcel into 4 estate size lots.

PROPERTY TAX APPRAISAL

PRINT DATE

11/17/2015

	SUBJ	COMP1	COMP2	COMP3
APN	035-120-027-000	036-190-071-000	036-130-008-000	035-050-005-000
Doc Num	2015ICLCACAN	2015R0008243	2015R0055976	2014R0074802
Situs		5830 WALDEN LN	9691 STERLING POINTE CT	CAVITT STALLMAN RD
City / Community	GRANITE BAY CA	LOOMIS CA 95650	LOOMIS CA 95650	GRANITE BAY CA 95650
Proximity to subj		1.8 miles NE	5 miles NE	1.2 miles NW
Neighborhood	5900	3100	3100	5900
Confirmation Code	A	C*		C3
Sales Price		\$ 1,600,000	\$ 1,800,000	\$ 2,500,000
Sales Price/SF		\$ 0.93	\$ 1.15	\$ 0.73
Event Date	10/05/2015	02/06/2015	06/30/2015	10/23/2014
Land (AC)	37.70 ac	39.46 ac	35.80 ac	79.00 ac
Land Area SF	1,642,212	1,718,877	1,559,448	3,441,240
Common Area SF				
Location	Good	Good	Good	Good
Use Code	97	00	02	98
Zoning	RA-B-X 4.6 AC. MIN.	RA-B-X 4.6 AC. MIN.	RA-B-X 4.6 AC. MIN.	RA-B-X 4.6 AC. MIN.
Utilities	Within 1000 ft.	Within 500 ft.	Within 500 ft.	Within 500 ft.
View	Local	Lake -20.00%	Lake -20.00%	Local
Other Buildings	No	No	Yes/ No Value	No
Landscaping		\$32,437 ac	\$40,223 ac	\$39,873 ac
Special Features	4 way split	Tent map 6 lots	Poss. 7 parcels	CLCA Contract 20.00%
Type of Sale	CLCA Cancel	Conventional	Conventional	Conventional
Days on Market		339	32	226
Net Adjustment %		-20.00%	-20.00%	26.00%
Gross Adj. %		20.00%	20.00%	26.00%
Net Adj. \$/SF		\$0.74	\$0.92	\$0.92
Comments		Tentative map approved for 6 lots	Home, Mobile Home, Barn lots	

PROPERTY TAX APPRAISAL

PRINT DATE

11/17/2015

	SUBJ	COMP4	COMP5	COMP6
APN	035-120-027-000	045-071-064-000	040-330-052-000	040-340-008-000
Doc Num	2015ICLCACAN	2013R0076586	MLS#15005660	MLS#15009140
Situs		6639 WISHING WELL WY	9515 GLENVIEW RD	10055 INDIAN HILL RD
City / Community	GRANITE BAY CA	LOOMIS CA 95650	NEWCASTLE CA 95658	NEWCASTLE CA 95658
Proximity to subj		3.3 miles North	9.4 miles North	10 miles North
Neighborhood	5900	3080	3990	3990
Confirmation Code	A	C3		
Sales Price		\$ 480,000	\$ 507,000	\$ 975,000
Sales Price/SF		\$ 0.59	\$ 0.67	\$ 0.59
Event Date	10/05/2015	08/01/2013	08/12/2015	09/03/2015
Land (AC)	37.70 ac	18.60 ac	17.30 ac	38.00 ac
Land Area SF	1,642,212	810,216	753,588	1,655,280
Common Area SF				
Location	Good	Average	Average	Average
Use Code	97	07	00	00
Zoning	RA-B-X 4.6 AC. MIN.	RA-4.6 AC.	RA-B-X 4.6 AC. MIN.	RA-B-X 4.6 AC. MIN.
Utilities	Within 1000 ft.	PubWtr/Septic	PubWtr/Perc	PubWtr
View	Local	Local	Local	Dist. Lake/Mtn
Other Buildings	No	Yes/ No Value	Yes/ No Value	Yes/ No Value
Landscaping		\$33,032 ac	\$33,702 ac	\$26,940 ac
Special Features	4 way split	Poss. 4 parcels	Poss. 3 parcels	Poss. 7 parcels
CLCA Cancel	CLCA Cancel	Conventional	Conventional	Pending Sale
		435	168	200
Net Adjustment %				
Gross Adj. %				
		28.00%	15.00%	5.00%
Net Adj. \$/SF		48.00%	35.00%	45.00%
		\$0.76	\$0.77	\$0.62
Comments		Shop 1092#; Modular	Teardown Structures	

INDICATED VALUE: \$0.76 /SF * 1,642,212 SF = \$1,250,000 (rounded)