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## **CHAPTER 2**

### **COMMENTS AND RESPONSES**

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## CHAPTER 2 COMMENTS AND RESPONSES

Written comments received on the Orchard at Penryn Draft EIR include:

<b>Letter</b>	<b>Author</b>
Letter A	State Clearinghouse
Letter B	Department of Toxic Substances Control
Letter C	California Regional Water Quality Control Board
Letter D	Town of Loomis, Planning Department
Letter E	Placer County Water Agency
Letter F	United Auburn Indian Community of the Auburn Rancheria
Letter G	Sacramento Tree Foundation, Colvin
Letter H	Ahlberg
Letter I	Barger
Letter J	Bunting
Letter K	Clifford
Letter L	Davis
Letter M	Hannickel
Letter N	Kruse
Letter O	Leonhardt
Letter P	Myers
Letter Q	Starkey Ogliore
Letter R	Robbins
Letter S	Sanderson
Letter T	Shaw
Letter U	Starkey
Letter V	Stovall
Letter W	Uppal

This chapter presents each of the written comments on the Draft EIR and the Lead Agency's response to each comment. Each comment letter is numbered in the margin to indicate the individual comments for which responses are provided. Each comment letter is immediately followed by the response to that letter (correspondingly numbered).

One public hearing of the Placer County Planning Commission was held during the public review period for the Draft EIR. Four individuals offered verbal comments during the hearing. All verbal comments are summarized and responded to following Comment Letter W.



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

August 30, 2011

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

Subject: Orchard @ Penryn (PEIR 20070521)  
SCH#: 2010032070

Dear Maywan Krach:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 29, 2011, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

A-1

Document Details Report  
State Clearinghouse Data Base

**SCH#** 2010032070  
**Project Title** Orchard @ Penryn (PEIR 20070521)  
**Lead Agency** Placer County

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**Type** EIR Draft EIR  
**Description** This project proposes to construct 150 residential units and a recreation center on +/-15.1 acres in the community of Penryn. Implementation of the project would require remediation of contaminated soil onsite and construction of frontage improvements along Penryn Road.

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**Lead Agency Contact**

**Name** Maywan Krach  
**Agency** Placer County Community Development Resource Agency  
**Phone** 530-745-3132 **Fax**  
**email**  
**Address** 3091 County Center Drive, Suite 190  
**City** Auburn **State** CA **Zip** 95603

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**Project Location**

**County** Placer  
**City**  
**Region**  
**Lat / Long** 38° 50' 20.3" N / 121° 10' 14.5" W  
**Cross Streets** Penryn Road  
**Parcel No.** 043-060-052, 053  
**Township** 11N **Range** 7E **Section** 2 **Base** MDB&M

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**Proximity to:**

**Highways** I-80  
**Airports**  
**Railways**  
**Waterways**  
**Schools**  
**Land Use** Undeveloped/RM-DL10 PD = 10 & C1-UP-DC / Penryn Parkway

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**Project Issues** Aesthetic/Visual; Air Quality; Biological Resources; Drainage/Absorption; Geologic/Seismic; Noise; Public Services; Sewer Capacity; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Water Quality; Landuse

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**Reviewing Agencies** Resources Agency; Department of Fish and Game, Region 2; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Management Agency, California; California Highway Patrol; Caltrans, District 3; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission

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**Date Received** 07/14/2011 **Start of Review** 07/14/2011 **End of Review** 08/29/2011

## RESPONSES TO COMMENT LETTER A

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Submitted by:

Scott Morgan, Director  
State of California, Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit

**A-1** The comment states that the State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit (State Clearinghouse) has submitted the Draft EIR to selected state agencies for review. The comment states that the review period closed on August 29, 2011, and all comments received from the listed state agencies are enclosed with the letter. The comment provides acknowledgement that the County has complied with State Clearinghouse review requirements for draft environmental documents.

No specific comments on the content of the EIR are provided in the State Clearinghouse letter, and no response is necessary. Responses to individual comments received from state agencies included as enclosures to the State Clearinghouse letter are provided separately. Specifically, the comments received from the following state agencies are responded to in this Final EIR:

The comments from the Department of Toxic Substance Control are included and responded to as Comment Letter B.

The comments from the California Regional Water Quality Control Board are included and responded to as Comment Letter C.



**Matthew Rodriguez**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Deborah O. Raphael, Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



**Edmund G. Brown Jr.**  
Governor

August 23, 2011

**RECEIVED**

AUG 24 2011

Ms. Maywan Krach  
Placer County  
3091 County Center Drive, Suite 190  
Auburn, California 95603

ENVIRONMENTAL COORDINATION SERVICES

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE ORCHARD AT PENRYN, DRAFT ENVIRONMENTAL IMPACT REPORT, SCH# 2010032070, PLACER COUNTY, CALIFORNIA

Dear Ms. Krach:

Thank you for the opportunity for the California Department of Toxic Substances Control (DTSC) to review and comment on the draft Environmental Impact Report (EIR) for the Orchard at Penryn Project (SCH#2010032070) dated July 2011 prepared by Placer County. In accordance with the California Environmental Quality Act (CEQA), the draft EIR evaluates the environmental impacts of the proposed development and remediation project. The draft EIR correctly recognizes the implementation of the development project would require remediation of contaminated soil onsite.

DTSC entered into a Voluntary Cleanup Agreement with the project proponent to investigate and remediate contaminated soil. In 2008, DTSC reviewed a cleanup plan in the draft Removal Action Work Plan (RAW), which proposed to excavate approximately 12,000 cubic yards of contaminated soil throughout the 15.1-acre project site and transport it to a permitted facility. The development project EIR addresses potential environmental impacts including the removal of the wetlands, which is within the jurisdiction of the U.S. Army Corps of Engineers, and propose appropriate mitigation measures. The RAW then proposed to remove contaminated soil in approximately 7.8 acres, including in the 0.49 acres of the wetlands. DTSC must comply with CEQA prior to approving the RAW.

Placer County has principal approval authority over the development project and is considered the Lead Agency under CEQA, responsible for preparing the EIR that analyzes the potential impacts of the overall project, including the remediation project subject to DTSC's approval. DTSC is considered a Responsible Agency and is required to adhere to the requirements of section 15096 of the CEQA Guidelines to ensure that the Placer County's EIR is adequate for use by DTSC to meet its obligation under

B-1

Ms. Maywan Krach  
August 23, 2011  
Page 2 of 2

CEQA when it considers the potential impacts approval of the remediation project may have on the environment.

A responsible agency complies with CEQA by considering the EIR or negative declaration prepared by the lead agency and by reaching its own conclusions on whether and how to approve the project involved. This section (of the Guidelines) identifies the special duties a public agency will have when acting as a responsible agency. DTSC request the enclosed comments be addressed and incorporated into the final EIR before certification. Addressing these comments would provide DTSC information to comply with CEQA, start a public comment period on the draft RAW, and approve the project and avoid DTSC requesting Placer County's need to prepare an EIR amendment to add an analysis of the RAW activities at a later date.

Please call me at (916) 255-3585 if you should have any questions regarding the scope and content of the information DTSC requests to be included in the EIR.

Sincerely,



Duane White, P.E.  
Project Manager  
Sacramento Responsible Party Unit  
Brownfields and Environmental Restoration Program

Enclosure

cc: State Clearinghouse  
Office of Planning and Research  
1400 10th Street, Room 121  
Sacramento, California 95814-0613

Mr. Guenther Moskat (by Email)  
Planning & Environmental Analysis Section (PEAS)  
CEQA Tracking Center  
Department of Toxic Substances Control  
1001 I Street, 22nd Floor  
P.O. Box 806  
Sacramento, California 95812-0806

B-1  
cont.

**COMMENTS ON THE ORCHARD AT PENRYN  
DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)**

**Transportation and Traffic**

The draft RAW proposes that approximately 644 trucks will transport the impacted soil to a permitted disposal facility. The 644 trucks leaving the site would occur over a three – four week period, with approximately four – five trucks leaving the site every hour over an eight hour work day, five days a week. The draft EIR did not evaluate the transportation environmental impacts associated with the remediation project. The site is located near Highway 80. The Transportation Plan in the draft Removal Action Work Plan (RAW) proposes that trucks travel on Penryn Road to Highway 80 and then to Highway 65 when transporting impact soil to a permitted facility. Penryn Road currently accommodates approximately 5,850 vehicles per day through the I-80 interchange. I-80 currently serves approximately 83,300 vehicles per day with three travel lanes in each direction. Highway 65 serves approximately 34,000 vehicles per day at Pleasant Grove Boulevard and Highway 65 ([http://arroyocommercial.com/PDF\\_Flyers/Sonic\\_Roseville.pdf](http://arroyocommercial.com/PDF_Flyers/Sonic_Roseville.pdf)). When compared to the existing vehicles per day, the additional 32 – 40 trucks per day should not impact traffic on Penryn Road, Highway 80, or Highway 65. The additional 32 – 40 trucks per day should not increase traffic which is substantial in relation to the existing traffic load and capacity of Penryn Road, Highway 80, or Highway 65. The additional 32 - 40 trucks per day should not exceed a level of service standard established by the county congestion management agency for designated roads or highways or conflict with adopted policies, plans, or programs supporting alternative transportation. The draft EIR should confirm that the remediation project will not have a significant impact on transportation.

B-2

**Air Quality Emission (Greenhouse Gas)**

Although California law (Senate Bill 97, Chapter 185, 2007) states that greenhouse gas emission and the effects of greenhouse gas emissions are subject to the California Environmental Quality Act (CEQA), the draft EIR did not evaluate greenhouse gas emissions from the development or remediation project. The draft RAW proposes to excavate approximately 12,000 cubic yards of soil and transport the soil to a permitted facility. One to two front end loaders will excavate the impacted soil and approximately 644 trucks will transport the material to a landfill 30 miles away. The front loader and the 644 trucks will generate greenhouse gas emissions, such as carbon dioxide. The California Air Resources Control Board has guidance on its website on how to calculate carbon dioxide emissions. Appendix A-10 in the “Regulating for the Mandatory Reporting of Greenhouse Gas Emissions” estimates the greenhouse gas emissions for transportation fuels. The document is located at:  
<http://www.arb.ca.gov/regact/2007/ghg2007/frofinoal.pdf>

B-3

B-4

The “Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the California Environmental Quality Act” Released: October 24, 2008 proposes thresholds for greenhouse gases for industrial and residential projects. The document is located at:  
<http://www.arb.ca.gov/cc/localgov/ceqa/meetings/102708/prelimdraftproposal102408.pdf>

Based on the number of trucks, type of fuel, and fuel efficiency (miles per gallon), it appears the remediation project's greenhouse gas emissions are below the significant thresholds and is statutory exempt from CEQA. The draft EIR should confirm that the remediation project will not have a significant impact for greenhouse gas emissions.

B-5

**Biological Resources**

The development and remediation project will adversely affect federally protected wetlands. The developer elected to remediate the site appropriate to residential levels which will require remediation in the wetlands. The wetlands are being removed to accommodate the development plan. The draft EIR should make the necessary changes in the document.

B-6

## RESPONSES TO COMMENT LETTER B

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Submitted by:

Duane White, P.E.  
Project Manager  
Department of Toxic Substances Control

**B-1** The comment states that the Department of Toxic Substances Control (DTSC) has reviewed the Draft EIR and summarizes the project conditions relative to DTSC's position as a Responsible Agency under CEQA. The comment notes that the Draft EIR correctly recognizes that development of the project would require remediation of contaminated soils onsite, and that DTSC must approve a Removal Action Workplan (RAW) in order to allow remediation to proceed. The comment further notes that DTSC must comply with CEQA before approving the RAW.

The comment summarizes the relevant project site conditions and provisions of the RAW. This includes that the site is 15.1 acres, that the RAW proposes to remove 12,000 cubic yards of contaminated soil from 7.8 acres of the overall site, that the RAW proposes to transport the contaminated soil to a permitted facility, and that these actions would result in removal of wetlands that are under the jurisdiction of the U.S. Army Corps of Engineers. It is noted that the RAW describes removal of soil from approximately 7.11 acres of the site as stated on pages ES-2, 46, and 53 of the Revised Draft RAW, April 2008), not 7.8 acres as stated in this comment.

The comment explains DTSC's obligations as a Responsible Agency under Section 15096 of the CEQA Guidelines, noting that a responsible agency complies with CEQA by considering the EIR prepared by the Lead Agency (Placer County) and reaching its own conclusions on whether and how to approve the project.

The comment notes that a set of DTSC's specific comments on the Draft EIR is enclosed with the letter and that addressing the enclosed comments would provide DTSC with the information necessary to comply with CEQA. This would allow the public comment period for the draft RAW to begin, and allow DTSC to approve the RAW while avoiding a future request from DTSC to prepare an amendment to the EIR to add an analysis of the RAW activities.

This comment serves as introductory to the attached specific comments. No comments on the content of the Draft EIR are provided in this comment, and no response is necessary.

**B-2** The comment describes the volume of truck traffic using Penryn Road, Interstate 80 (I-80), and State Route 65 (SR 65) to transport contaminated soil from the project site to the permitted disposal facility, noting that implementation of the RAW would generate approximately four to five truck trips leaving the site hourly, a total of 32 to 40 daily trips, over a three to four week period. It is noted that Appendix G - Transportation of the Draft Revised RAW states that between 20 to 40 truckloads

would be transported each day over a two to three and a half week period.

The comment provides data regarding the existing daily traffic volumes on each of these roadways. The comment notes that the Draft EIR does not evaluate the impacts from the truck traffic associated with site remediation and requests that the Draft EIR confirm that the remediation project will not have a significant impact on transportation.

The traffic generated by implementation of the RAW would occur over a maximum four week period. Any effects on roadway and intersection levels of service would be temporary and would therefore be considered less than significant. The comment is correct that implementation of the RAW would generate up to 40 truck trips leaving the site daily. This would result in a total of 80 trips on project area roadways - 40 trips of trucks arriving at the site and 40 trips of full trucks leaving the site. Based on the existing daily vehicle volumes for area roadways identified in Table 7.4 of the Draft EIR and the daily volumes for I-80 and SR 65 reported in the comment letter, the temporary addition of 80 trips per day would not substantially affect traffic patterns and roadway operations in the project area.

- B-3** The comment states that the EIR does not evaluate greenhouse gas emissions associated with site remediation or project operation.

The Draft EIR evaluates greenhouse gas emissions in Chapter 14 Cumulative Impacts. Specifically, Impact 14.6 evaluates greenhouse gas emissions associated with site remediation and project construction and Impact 14.7 evaluates greenhouse gas emissions associated with project operation. The analysis for Impact 14.6 includes the greenhouse gas emissions from truck traffic associated with removal of contaminated soil from the project site. The analyses for both Impacts 14.6 and 14.7 conclude that the greenhouse gas emissions associated with the project would have a less than considerable contribution to the cumulative impacts associated with greenhouse gas emissions and climate change; therefore these impacts of the project are less than significant.

- B-4** The comment references guidance provided by the California Air Resources Board regarding calculation of carbon dioxide emissions and setting significance thresholds for greenhouse gases.

It is noted that the guidance regarding calculation of carbon dioxide emissions referenced in this comment is a part of the "Regulation For The Mandatory Reporting Of Greenhouse Gas Emissions" which was adopted in 2007 as Sections 95100 to 95133 of Title 17 of the California Code of Regulations. Section 95101(b) identifies the specific facilities to which the requirements for reporting apply. These include cement plants, petroleum refineries, hydrogen plants, electricity generating facilities, retail providers and marketers of electric power, cogeneration facilities, and other facilities that "emit greater than or equal to 25,000 metric tonnes per year of CO<sub>2</sub> from stationary combustion sources." The proposed project and site remediation activities for the project site do not meet any of the definitions for facilities regulated

under these reporting requirements.

It is noted that the California Air Resources Board released the guidance on setting significance thresholds in draft form but did not formally adopt this guidance.

As documented on page 14-16 of the Draft EIR, the amount of carbon dioxide emissions associated with RAW implementation was estimated using the URBEMIS modeling program, which is a program accepted by both the California Air Resources Board and the Placer County Air Pollution Control District. Page 14-16 of the Draft EIR also documents that the significance threshold used in the Draft EIR analysis is 4.6 metric tons of greenhouse gas emissions per person per year. This threshold was adopted by the Bay Area Air Quality Management District and recommended for use in this EIR by the Placer County Air Pollution Control District. The threshold was adopted by the Bay Area Air Quality Management District in a public process and is supported by substantial evidence, in accordance with CEQA requirements for establishing significance thresholds.

- B-5** The comment suggests that implementation of the RAW would result in emissions that are below the significance thresholds identified in the California Air Resources Board guidance referenced in Comment B-4.

As noted above, the draft guidance issued by the California Air Resources Board was not formally adopted and the thresholds in that guidance were not used in the Draft EIR. As discussed in Response to Comment B-4, the Draft EIR uses a significance threshold of 4.6 metric tons of greenhouse gas emissions per person per year. The Draft EIR analysis of Impact 14.6 finds that site remediation activities would generate 134.09 metric tons of carbon dioxide, and that project construction would generate an additional 214.70 metric tons. Site remediation and project construction are evaluated together in Impact 14.6 because both phases of the project are expected to occur in a single year. Combined, the total emissions from site remediation and project construction would be 348.79 metric tons of carbon dioxide emissions. The proposed project would include 150 residential units, and the average population in the project area is 2.8 persons per household. Thus, the project is expected to support 420 people; and the greenhouse gas emissions from site remediation and project construction would correlate to less than one metric ton of emissions per person. Therefore, as indicated in Impact 14.6, implementation of the RAW would result in emissions that are below the applicable significance thresholds.

- B-6** The comment notes that implementation of the RAW would require soil remediation to occur within the wetlands onsite, but notes that the remediation within the wetland swales is proposed in order to accommodate development in those locations. The comment recommends that revisions should be made in the Draft EIR to reflect this.

The comment is correct that implementation of the RAW as proposed would result in impacts to the wetland swales onsite. It would be possible to design a RAW that allowed the contaminated soils within the wetland swales to remain onsite. This would avoid impacts to these wetlands while precluding any use of the areas where

soil contamination remained. In that case, DTSC would require a deed restriction or other mechanism be used to ensure that such use was precluded. This would result in a project design similar to the design considered in Alternative B, presented in Chapter 15 of the Draft EIR.

The following text in Chapter 2 Executive Summary, Chapter 3 Project Description, and Chapter 5 Biological Resources has been revised to clarify that the extent of remediation is proposed but not specifically required by DTSC. Text from the Draft EIR is shown below with deleted text shown in strikethrough (~~strikethrough~~) font and added text shown in underline (underline) font.

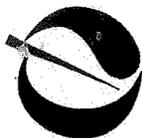
Page 2-2: The soil within and surrounding the eastern drainage swale and the southern portion of the central drainage swale is contaminated and the RAW proposes to ~~would be excavated~~ soil in these locations.

Page 3-7, Site Remediation section, sentence added: DTSC standards do not require complete remediation of the site, but any portion of the site where contaminated soil is not remediated would not be available for residential use.

Page 3-8: The soil within and surrounding the eastern drainage swale and the southern portion of the central drainage swale is contaminated and the RAW proposes to ~~would be excavated~~ soil in these locations.

Page 5-16: Remediation is ~~necessary~~ proposed along the entire length of the eastern drainage swale (which supports the majority of the onsite riparian habitat).

Page 5-18: Site remediation as proposed in the RAW to remove contaminated soil would destroy the eastern drainage swale and the southern portion of the central swale.



**California Regional Water Quality Control Board  
Central Valley Region  
Katherine Hart, Chair**



Matthew Rodriguez  
Secretary for  
Environmental Protection

11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114  
(916) 464-3291 • FAX (916) 464-4645  
<http://www.waterboards.ca.gov/centralvalley>

Edmund G. Brown Jr.  
Governor

**RECEIVED**

AUG 16 2011

ENVIRONMENTAL COORDINATION SERVICES

16 August 2011

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

CERTIFIED MAIL  
7010 3090 0000 5045 4532

**COMMENTS TO THE NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR PUBLIC REVIEW, ORCHARD AT PENRYN PROJECT, SCH NO. 2010032070, PLACER COUNTY**

Pursuant to the Placer County Community Development Resource Agency's 14 July 2011 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Notice of Availability of a *Draft Environmental Impact Report for Public Review* for the Orchard at Penryn Project, located in Placer County.

C-1

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.

**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).

C-2

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

### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

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.

C-3

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

### **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. 97-03-DWQ.

C-4

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

C-5

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, or any other federal permit, 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. Water Quality Certification must be obtained prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

<sup>1</sup> 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.

**Waste Discharge Requirements**

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 will 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.

C-5  
cont.

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/water\\_issues/water\\_quality\\_certification/](http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

If you have questions regarding these comments, please contact me at (916) 464-4745 or [gsparks@waterboards.ca.gov](mailto:gsparks@waterboards.ca.gov).



Genevieve (Gen) Sparks  
Environmental Scientist  
401 Water Quality Certification Program

## RESPONSES TO COMMENT LETTER C

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Submitted by:

Genevieve Sparks, Environmental Scientist  
California Regional Water Quality Control Board, Central Valley Region

- C-1** The comment states that the Central Valley Regional Water Quality Control Board has reviewed the Notice of Available for the Draft EIR for the project and identifies the agency's responsibility of protecting water quality.

No comments on the content of the Draft EIR are provided, and no response is necessary.

- C-2** The comment indicates that the project may be required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities. The comment notes that development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) is required under this General Permit. The comment identifies a website that provides additional information on these requirements.

The need for this project to obtain coverage under the Construction General Permit is identified in Table 2.1 on pages 2-5 and 2-6 of the Draft EIR and in Table 3.2 on page 3-13. This requirement is also discussed on page 2-7 of the Draft EIR. In both tables and the text on page 2-7, the Construction General Permit is referred to as the Section 402 National Pollutant Discharge Elimination System Permit. The requirements related to this permit are discussed on pages 11-7 and 11-12 through 11-13 of the Draft EIR. Finally, the requirement to obtain coverage under the Construction General Permit is identified in *Mitigation Measure 11.1c*.

- C-3** The comment summarizes permit requirements for Municipal Separate Storm Sewer Systems.

As noted on page 11-14 of the Draft EIR, Placer County has a Phase II MS4 Permit and as part of meeting their permit requirements, the County has adopted development standards that apply to the proposed Orchard at Penryn project. These standards require development projects to implement Best Management Practices (BMPs) to control stormwater discharges and preserve the pre-project watershed conditions to the extent feasible.

As discussed on page 11-14 of the Draft EIR, the proposed project includes implementation of a post-construction BMP plan to protect stormwater quality. This is identified as a requirement of the project in Mitigation Measure 11.2a. The post-construction BMP plan would be subject to review and approval by the Placer County ESD. Mitigation Measures 11.2b through 11.2s identify additional requirements for the post-construction BMP plan to ensure the project is consistent

with the County's Phase II MS4 Permit.

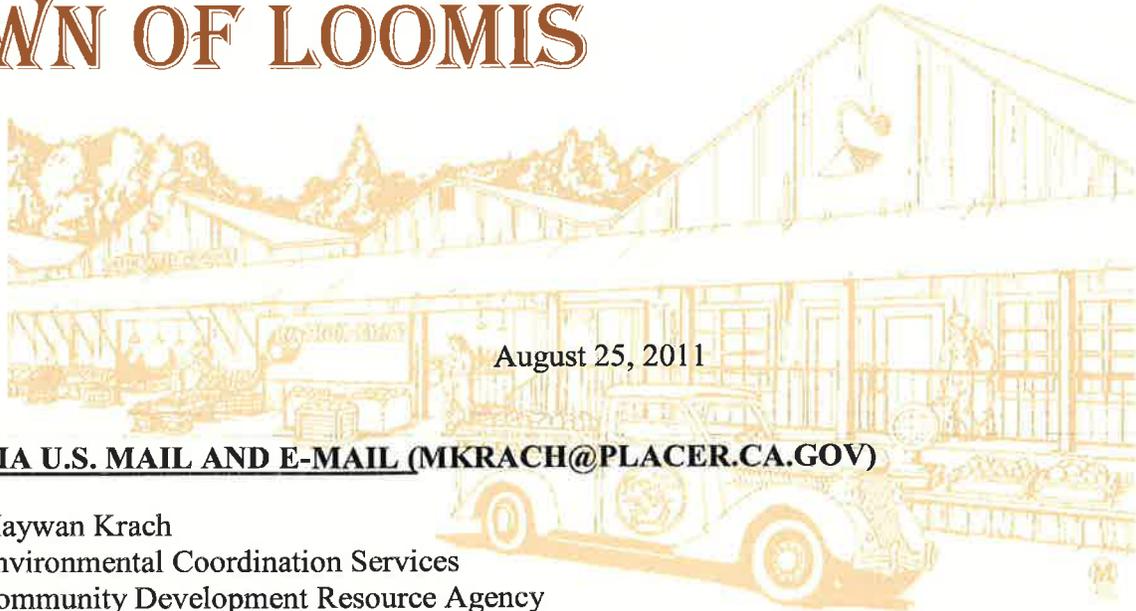
- C-4** The comment identifies a permit requirement for industrial facilities.

The Industrial Storm Water General Permit is not applicable to the proposed project, which is not an industrial facility. Construction activities associated with the proposed project would be covered under the General Permit for Storm Water Discharges Associated with Construction Activities discussed in Response to Comment C-2.

- C-5** The comment identifies permit requirements related to development that may affect streams and wetlands. Specifically, the comment summarizes requirements under Sections 401 and 404 of the U.S. Clean Water Act, Streambed Alteration Agreement requirements under the California Department of Fish and Game, and Waste Discharge Requirements under the California Porter-Cologne Water Quality Control Act.

As identified in Chapter 2 Executive Summary, Chapter 3 Project Description, and Chapter 5 Biological Resources, the proposed project would result in impacts to wetlands regulated by the U.S. Army Corps of Engineers. Table 2.1 and Table 3.2 identify the need for the project to obtain a Clean Water Act Section 404 Permit, a Streambed Alteration Agreement, and a Clean Water Act Section 401 Permit – Water Quality Certification. As the project would affect wetlands regulated by the U.S. Army Corps of Engineers, the information provided in this comment regarding Waste Discharge Requirements is not applicable.

# TOWN OF LOOMIS



August 25, 2011

**VIA U.S. MAIL AND E-MAIL (MKRACH@PLACER.CA.GOV)**

Maywan Krach  
Environmental Coordination Services  
Community Development Resource Agency  
3091 County Center Dr, Suite 190  
Auburn, CA 95603

Re: Orchard at Penryn Project Draft Environmental Impact Report ('DEIR')

Dear Ms. Krach:

This comment letter is in response to the notice of availability of the DEIR for the Orchard at Penryn project (the 'Project') for public comment and review. As one of the agencies affected by this Project, the Town of Loomis (the 'Town' or 'Loomis') is particularly interested in the County of Placer ('County') discharging its public duty to satisfy the requirements of the California Environmental Quality Act ('CEQA') and land use and planning law with respect to the Project and the associated proposed DEIR.

For the reasons set forth in this letter, the environmental analysis for the Project is deficient. Accordingly, the Town respectfully requests that County decline to adopt the proposed DEIR and decline to proceed with the Project until a complete and meaningful analysis has been conducted with respect to all of the environmental impacts of the Project as required by CEQA, and that the Project be brought into compliance with all applicable laws. Specifically, the Town requests that County analyze, adopt, and enforce mitigation measures for the traffic impacts that will occur in the intersections of Taylor/King Roads and Taylor/Horseshoe Bar Roads and the school traffic impacts that will occur at Del Oro High School as a result of this Project. The DEIR presently states that cumulative traffic impacts are significant and unavoidable at two intersections within the Town but then evades the payment of in-lieu fees or construction of traffic relieving mitigation measures based on a lack of fee agreement between the Town and County; however, there are a number of feasible mitigation measures that would reduce this impact to a less than significant level and the County must adopt and enforce these or other comparable measures.

D-1

A. **Traffic/Circulation Impacts Have Not Been Fully Analyzed and Mitigation Measures Which are Feasible Have Not Been Adopted**

CEQA Guidelines section 15126.4(a) requires the lead agency to “distinguish between the [mitigation] measures which are proposed by project proponents to be included in the project and the other measures proposed by the lead agency or other persons which are not included but the Lead Agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project.” Mitigation measures must also be “fully enforceable through permit conditions, agreements, or other legally-binding instruments.” (CEQA Guidelines § 15126.4(a)(2).) The DEIR does not comply with the CEQA Guidelines for several reasons.

D-1  
cont.

1. **Intersections**

The traffic analysis fails to meet CEQA’s requirement of a good faith effort to disclose impacts and identify mitigation. The DEIR fails to identify and adopt mitigation measures that will reduce impacts to a less than significant level. The proposed project would add traffic to two intersections in the Town of Loomis. These intersections are projected to operate at LOS D and F in the cumulative condition. (DEIR at p. 14-8.) The DEIR states that there is not sufficient right-of-way to construct the physical improvements that would be necessary to provide an acceptable LOS during PM peak hours for the Taylor/Horseshoe Bar Roads intersection and concludes that the impact is significant and unavoidable. The DEIR does not analyze any other alternate mitigation such as traffic calming measures or how a reduction in Project size would reduce this impact.

D-2

For the Taylor/King Roads intersection, the DEIR explains that physical improvements can be made to reduce the impact to a less than significant level but because “there is no existing fee-payment agreement between the Town and Placer County, it is not certain that the fair-share payment will be made.” (DEIR at p. 14-8.)

D-3

The DEIR incorrectly assumes that if there is no adopted fee agreement between the Town and County, the Project is not required to actually mitigate for its impacts. (*See Woodward Park Homeowners Association, Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683 [“There is no foundation for the idea that the city can refuse to require mitigation of an impact solely because another agency did not provide information. The seed of the city’s confusion, as evidenced in the city staff report to the Planning Commission and City Council, is its belief that the city needs to require mitigation of this category of impacts only if Caltrans proposes a mitigation measure and then proves to the city’s satisfaction that the measure is legal. This is not how CEQA works.”]) Here, the applicant would be required to pay its proportionate share to mitigate these impacts. Fees can be determined from the traffic impact studies prepared for the Town.

Public Resources Code section 21002 provides, in pertinent part, “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” Here, the payment of in-lieu fees would contribute to the reduction of the impact by allowing construction of the improvements to occur. Thus, there is feasible mitigation and the County shall not approve this Project until such payment is required.

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D-3  
cont.

## 2. Exit Gate On Taylor Road

The Project is designed to provide an exit-only gated access point for Taylor Road, which could be dangerous since there are fast moving vehicles traveling in both directions and because the topography of the road, namely the curve, results in impaired visibility. (DEIR at p. 2-2.) This feature should be eliminated from the Project design, with the exception of access for public safety vehicles. There are also low electrical power-lines where the exit gate is located and neighbors immediately north of the Project site have not been allowed to connect to Taylor Road. Given the speed and volume of traffic at this intersection during commute times and school opening and closing hours, traffic would be more appropriately routed through the intersection at Penryn Road and Taylor Road, and a traffic light installed.

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D-4

If, however, traffic will be allowed to exit onto Taylor Road, a bike lane and sidewalks connecting to at least to Del Oro High School and the intersection of English Colony Way and Taylor Road, should be constructed. This would be consistent with the Penryn Community Plan Implementation strategy 1b, which provides, in pertinent part: “A landscaped corridor should be established along Penryn Road and Taylor Road, including separated pedestrian path and/or sidewalk and an on street bikeway. An equestrian trail should also be provided through this area (not necessarily within the road right-of-way) to connect areas to the north and south.” Additionally, Taylor Road should be widened to accommodate an entry lane going northbound and a traffic light installed to regulate left turns from the project onto Taylor Road during commute times and school opening and closing hours. These modifications will reduce traffic impacts and improve safety and circulation.

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D-5

## 3. Del Oro High School

The DEIR provides that the Project “will generate new trips associated with Del Oro High School as well as new trips using Taylor Road [but] these trips would be expected to exit the project site’s Taylor Road driveway to reach the school site to the south.” (DEIR at p. 7-13.) The DEIR then states that while “the school likely experiences peak-hour congestion primarily due to the peaking nature of high school traffic, the addition of the proposed project is not anticipated to noticeably affect traffic operations at the school site.” (DEIR at p. 7-13.) The DEIR’s reliance on a maximum 9 traffic trip count to the school is unsupported by evidence and

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D-6  
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seems significantly low, especially in light of the fact that the Project proposes to construct 150 units. Consequently, the DEIR should be revised and recirculated.

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D-6  
cont.

#### 4. Transit Services

One of the Project's objectives is to "provide attainable housing for working families in the Loomis/Penryn area, thereby reducing commutes to nearby employment centers" (DEIR at p. 2-2.) The Project should ensure adequate public transportation access for these employment centers as well as places like shopping centers and parks. Not only will this provide a reduction in greenhouse gas emissions because the new residents will be able to reduce total vehicle miles traveled, but it will relieve traffic congestion. One way to achieve this is by requiring bus service along Penryn Road since the nearest local service in the Taylor Road Shuttle and transit services operate on a two-hour frequency, which limits commuters' options significantly. (DEIR at p. 7-6.) This modification is needed to ensure consistency with the Penryn Community Plan goal 8 which states, "Residential developments should be designed to encourage human interaction, bicycle and pedestrian circulation, and the creation of a neighborhood identity as opposed to isolated, walled-off sub-communities which do not foster these qualities." Unless this modification is made, the Project will be inconsistent with the Penryn Community Plan.

D-7

#### B. Housing

It is not immediately clear whether this Project is intended to meet the County's Regional Housing Needs Allocation (RHNA) numbers for unincorporated areas. If this is the case, please clarify in the DEIR. Section 1e of the Penryn Community Plan Implementation strategy states that this area (designated as the "Penryn Parkway") is "intended as a highway-service oriented retail area which also allows for multiple-family residential uses. The types of commercial activity that will meet the local residents' needs as well as visitors include specialty retail, neighborhood groceries, walk-in (no drive-thru) restaurants, plant nurseries, professional offices, business parks to accommodate nonpolluting, low intensity retail service operations, churches, financial institutions, senior independent living centers, multiple-family residential uses, and other relatively low impact uses." Although multiple-family uses are included in this description, the Plan is clear that such uses were to be ancillary to "a compact, commercial core to serve the overall Penryn area." The Implementation strategy preface highlights that a goal of the Community Plan is the "creation of a consistent, high quality character of development without compromising the integrity of the Community's pastoral and scenic character." This Project is inconsistent with that Plan.

D-8

D-9

**C. Public Services and Safety**

Safety impacts are inadequately analyzed in the DEIR and the DEIR needs to analyze and mitigate for these impacts. For example, the DEIR explains that “the project description in the NOP characterized the proposed development as residential condominiums. However, the project may also be operated as a rental community. Operation of the project as for-sale condominiums versus as a rental community would not change the required permits and approvals, County standards for project design and Improvement Plans, or environmental analysis.” (DEIR at p. 1-2.)

D-10

The DEIR next concludes, based on a statement from the Sheriff's Department Community Services Officer that there will be no environmental impacts from the conversion of for-sale units to rental units, because “there typically is no difference in law enforcement demand between “for sale” and “for rent” developments.” (DEIR at p. 1-4.) In fact, in a study conducted in 2007 analyzing rental housing and crime concluded that rental properties often have more crime activity than owner-occupied dwellings, resulting in a greater need for law enforcement personnel to respond to crimes and to patrol the area. (See, Rephann, Rental Housing and Crime: The Role of Property Ownership and Management (2007), attached as Attachment 1.) This is in part due to the increased turnover of residents. The DEIR should be revised to include this discussion and provide appropriate mitigation measures to reduce impacts to public services and safety.

**D. Biological Resources**

Mitigation Measure 5.1c states that the project applicant shall implement one or a combination of mitigation measures to compensate for impacts to oak woodland habitat. (DEIR at p. 5-21.) Further, Mitigation Measure 5.1c states that a final determination regarding the amount of oak woodland to be impacted and therefore mitigated will be based on impacts shown on the Improvement Plans. It is unclear whether the impacts will still be mitigated to a less than significant level if less than all of the four options are implemented. For example, please explain the effect of implementing only two of the four options presented under Mitigation Measure 5.1c.

D-11

Mitigation Measure 5.3d states that in the event that the Placer County Conservation Program is adopted prior to commencement of ground disturbing activities of the Project, the Project shall be developed in compliance with the County's Natural Communities Conservation Plan/Habitat Conservation Plan and the Programmatic Endangered Species Act Consultation issued by the U.S. and Wildlife Service. (DEIR at p. 5-22.) The DEIR states, “since activities related to the Orchard at Penryn project may commence prior to the approval of the Phase 1 PCCP, mitigation measures in this Draft EIR are designed to be implemented absent the approved conservation plan.” (DEIR at p. 5-15.) It is unclear whether the impact can be

D-12

mitigated to a less than significant level even if the condition set forth in Mitigation Measure 5.3d is not satisfied and all of the other mitigation measures are adopted. ↑ D-12 cont.

The Project should be designed to respect and maintain wildlife corridors and any fencing used should not restrict wildlife movement. Natural contours and flow lines should be preserved and grading minimized to reduce disturbance to soils and removal of trees, similar to the grading for the Stonegate project in Loomis and the provisions adopted into the Loomis Grading Ordinance in 2007. The Project should retain the existing topography, to the greatest extent practical, use natural storm water drainage systems to preserve and enhance existing natural features and preserve and integrate existing natural features (e.g., creeks, native trees, rock outcrops) and topography into project landscaping. This is necessary to ensure consistency with the Penryn Community Plan policy 1, which provides, "Wherever possible, natural features should be retained as buffers between different, potentially incompatible uses as well as serving to preserve the rural character of the area. Where natural features are not available, landscaped buffers should be provided to minimize the adverse effects of higher intensity uses." The Penryn Community Plan policy 10 also applies in that it states, "an important consideration in the design of any land development project should be the conservation of natural drainage channels and swales, and the preservation of existing natural resources?"

D-13

**E. Visual Resources**

The DEIR provides that analysis in the Initial Study found that the Project would have no impact with respect to causing a substantial adverse effect on a scenic vista. (DEIR at p. 6-7.) As stated in the DEIR, the Project site is presently located on approximately 15.1 acres of undeveloped land, and there are no existing structures onsite. (DEIR at p. 2-1.) It is expected that approximately 150 multi-family residential units, two-stories tall, with three or six units per building (approximately 30 buildings) will be constructed on the Project site. (DEIR at pp. 3-7, 6-7.) In addition to the residential buildings, the Project is expected to include a one-story recreation center/office building, parking, activity areas, retaining walls and landscaping. (DEIR at p. 6-7.) Considering the dramatic transformation from an undeveloped site into a site with 30 or more buildings, it cannot be said that there is no impact on a scenic vista. The DEIR should be revised to address this issue, including the possibility of a reduced scale of the project with density limitations. This is needed to be consistent with the Penryn Community Plan policy 7, "Encourage and utilize existing programs for protection and enhancement of scenic corridors, including but not limited to, design review, sign control, scenic setbacks, density limitations, planned unit developments, grading and tree removal standards, open space easements, and land conservation contracts."

D-14

Further, the DEIR states that the Project would have a less than significant impact with respect to creating a new source of substantial lighting or glare, after implementation of the mitigation measures identified in the Initial Study. (DEIR at p 6-7.) This is a conclusory

D-15

statement, not supported by substantial evidence. With the development of 150 residential units, parking, activity areas, etc., the Project site will be impacted by lighting required for the exterior and interior of buildings as well as for outdoor areas, including parking, streets and activity areas.

D-15  
cont.

The Project should include connections to open space to trails and wildlife corridors between the Project site and the Village project in the Town. Also, the Project should reduce impacts to visual resources by following the topography of the land and natural features. This is needed to be consistent with the Penryn Community Plan goal 3 to "Preserve, enhance, and protect the scenic resources visible from Scenic routes in the plan area, such as I-80, Auburn-Folsom Road, and other major roadways (i.e. **King**, Horseshoe Bar, Newcastle, English Colony, **Taylor Roads**) to preserve existing vistas of the Sacramento Valley, **Loomis basin foothills**, and the Sierra Nevada Mountain Range, as well as other local views which are important in maintaining the community's rural identity. It should also be redesigned to be consistent with the Penryn Community Plan's goal 4 to "encourage the development of commercial and industrial project designs that contain elements which complement the more rural character of the area such as low building silhouette large setbacks and buffer areas, extensive landscaping, and a pedestrian orientation." Accordingly, the DEIR should be further revised to analyze this issue and provide appropriate mitigation.

D-16

#### **F. Noise**

The DEIR sets forth the current non-transportation noise levels measured at the Project site. (DEIR at p.9-8.) However, the DEIR fails to address projected non-transportation noise levels once the Project is operational and residents have moved in to the community.

D-17

#### **G. Energy Conservation**

The DEIR inadequately addresses the goal of conserving energy as set forth in Appendix F of the CEQA Guidelines. The Town acknowledges that there is a brief discussion of 'green' building features in Mitigation Measure 14.4a, but this brief statement is not enough to satisfy the substantive requirements of Appendix F. (DEIR at p. 14-11.) The DEIR should be revised to fully analyze and describe energy impact possibilities and potential energy conservation measures as required by Appendix F.

D-18

#### **H. Request for Notice and Additional Documentation**

By this letter, the Town requests that it be included on any notice list for this Project, and that any and all future notices concerning this Project be sent to the Town via mail at the address set forth below, including, but not limited to, all notices of public hearings related to

D-19

the Project. You may also fax or e-mail the notices to the following fax number and e-mail address:

Matt Lopez, Town Planner  
Town of Loomis  
3665 Taylor Road  
P.O. Box 1330  
Loomis, CA 95650  
Telephone: (916) 652-1840  
Facsimile: (916) 652-1847  
E-mail: [mlopez@loomis.ca.gov](mailto:mlopez@loomis.ca.gov)

D-19  
cont.

Pursuant to Public Resources Code section 21092(b)(1), CEQA Guidelines section 15150(b), and the California Public Records Act, within ten days of the date of this letter, please provide copies of any and all documents related to the Project, including, but not limited to, any final or draft notices, staff reports, internal or external memorandum, consultant contracts and analyses, as well as any documents referenced in or relied upon by the DEIR.

**I. Conclusion**

For the reasons set forth in this letter, the DEIR is legally deficient and the Project cannot be approved until revised and recirculated. Thank you for the opportunity to comment on the Project and for your consideration of this matter. Consistent with Public Resources Code section 21177, this Town reserves the right to provide further written or oral comment on the Project at any time prior to Project approval. (*Galante Vineyards v. Monterey Peninsula Water Management District* (1997) 60 Cal.App.4th 1109, 1117-1121).

The Town looks forward to continuing to work with County to ensure a legally adequate environmental review of this Project prior to its approval and would welcome a meeting with the appropriate officials to address the issues raised in this comment letter.

Respectfully,



Matt Lopez  
Town of Loomis  
Planning Department

## RESPONSES TO COMMENT LETTER D

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Submitted by:

Matt Lopez

Town of Loomis Planning Department

**D-1** The comment provides an introduction to the detailed comments that follow. The comment states that the Draft EIR is inadequate and requests additional analysis of mitigation measures for traffic impacts at the intersections of Taylor/King Roads and Taylor/Horseshoe Bar Roads and additional assessment of school traffic impacts at Del Oro High School. The comment states that the EIR identifies cumulative significant and unavoidable impacts at the two intersections but avoids identifying feasible mitigation measures for these impacts. The comment also references specific sections of the CEQA Guidelines related to mitigation measures.

The responses to the more detailed comments below provide additional discussion of the impacts and mitigation measures for the referenced intersections and traffic related to Del Oro High School. Refer to Response to Comment D-3 regarding the project's impact at the intersection of Taylor/King Roads and the mitigation measure that the EIR identifies for this impact; refer to Response to Comment D-2 regarding the project's impact at the intersection of Taylor/Horseshoe Bar Roads and the lack of feasible mitigation measures to reduce or avoid this impact; and refer to Response to Comment D-6 regarding the EIR analysis of traffic impacts associated with Del Oro High School.

The references in this comment to sections of the CEQA Guidelines related to mitigation measures contain no specific comment on the content of the EIR. The EIR does distinguish between mitigation measures proposed by the project proponent and other measures proposed by the Lead Agency. All mitigation measures included in the EIR are fully enforceable. Responses to Comments D-2 and D-3 address specific issues related to mitigation of the project's impacts to traffic and circulation.

**D-2** The comment states that the EIR does not adequately disclose impacts and identify mitigation. The comment references information in the EIR that the project would add traffic to two intersections within the Town of Loomis that are projected to operate at unacceptable LOS in the cumulative condition. Specific to the intersection at Taylor/Horseshoe Bar roads, the comment asserts that mitigation measures such as traffic calming and a reduction in project size should be considered.

As noted in the comment, the LOS at the Taylor/Horseshoe Bar Roads intersection would be D in the a.m. peak hour and F in the p.m. peak hour in the "cumulative no project" condition. As shown in Table 14.3 on pages 14-6 and 14-7 of the Draft EIR, the proposed project would not change the LOS through this intersection, but would increase delay by 0.1 second in the a.m. peak hour and by 1.6 seconds in the p.m. peak hour. Data in the Traffic Impacts Analysis indicates that the project contributes

6 trips to this intersection in the a.m. peak hour and 9 trips in the p.m. peak hour.

The EIR does include mitigation for this impact. Mitigation Measure 14.2a requires the project applicant to make a good faith effort at contributing a fair share amount towards modifying the geometry and signal phasing at this intersection. Completion of these improvements would provide acceptable LOS at this intersection in the a.m. peak hour, and would improve the p.m. peak hour LOS from LOS F to LOS E. The Town of Loomis' standard for operation at this intersection is LOS C. Therefore, the identified physical improvements would not provide acceptable LOS in the p.m. peak hour. Because this intersection would continue to operate at an unacceptable LOS and because the acceptance by the Town of Loomis of the applicant's fair-share payment is not guaranteed due to the lack of an existing fee-payment agreement, the EIR concludes that this impact is significant and unavoidable.

The comment does not disagree with the EIR's statement that there is a lack of right-of-way to construct additional physical improvements that would provide acceptable LOS at this intersection.

The comment suggests that traffic calming measures may avoid the project's impact at this intersection. Traffic calming measures typically either slow traffic down or divert traffic to other routes. Slowing traffic might be desirable in order to improve safety for motorists or pedestrians. However, slowing traffic would worsen, not improve, LOS at this intersection. It is also not feasible to assume that it would be possible to divert all of the project traffic assumed to use Taylor Road to other routes. For residents of the project site wishing to access locations within the Town of Loomis, the three most likely routes are Interstate 80 (I-80), Taylor Road, and Boyington Road. Use of Boyington Road would not bypass the intersection of Taylor Road and Horseshoe Bar Road. The Traffic Impacts Analysis and EIR assume that the majority of project traffic would use I-80, but in recognition of the multiple destinations in the Town of Loomis that could draw traffic from the project site, the analysis assumes that 10 percent of project traffic would travel westbound on Taylor Road, as shown on page 7-10 of the Draft EIR.

The comment suggests that a reduction in project size may avoid this impact. As stated on page 14-6 of the Draft EIR, any addition of traffic to an intersection that operates at an unacceptable LOS is considered a significant impact. Therefore, the addition of even one traffic trip to the intersection in the cumulative condition would be considered a significant impact. With approximately 10 percent of project traffic traveling westbound on Taylor Road, even a development as small as 15 residential units (one unit per acre) could result in a single trip traveling on this portion of Taylor Road. Thus the significant impact would not be avoided. In considering alternatives to the project, CEQA provides that the alternatives should be capable of accomplishing most of the project objectives. Reducing the size of a project from 150 residential units to 15 units or fewer is not considered an alternative that would be capable of accomplishing most of the project objectives.

**D-3** The comment references the discussion on page 14-8 of the Draft EIR regarding the conclusion that the impact at the Taylor/King roads intersection would remain

Significant and Unavoidable because there is no existing fee-payment agreement between the Town and Placer County. The comment states that the Draft EIR incorrectly assumes that if there is no adopted fee agreement between the Town of Loomis and Placer County, the project would not be required to mitigate for its impacts. The comment states that the applicant should be required to pay its proportionate share to mitigate these impacts, that payment of the fees would mitigate the impact, and fees can be determined from the traffic impact studies prepared for the Town. The comment cites Public Resources Code section 21002 which requires adoption of feasible alternatives or mitigation measures to lessen environmental effects.

As explained on page 14-8 of the Draft EIR, the Traffic Impacts Analysis and EIR do identify physical improvements that would reduce the impact at the intersection of Taylor Road at King Road to a less than significant level. Mitigation Measure 14.2a requires the project applicant to “make a good faith effort” to make a fair-share payment to the Town of Loomis towards the cost of implementing these improvements. However, because there is no existing fee payment mechanism in place between Placer County and the Town of Loomis, Placer County cannot definitively conclude that a fair share payment from the project applicant will be accepted by the Town. In other words, the lack of a fee payment agreement provides sufficient uncertainty as to the Town’s acceptance of the payment that it would be inappropriate for the EIR to conclude with certainty that the impact will be mitigated. This analysis is consistent with the finding of the California Court of Appeal in *Tracy First v. City of Tracy* regarding a Lead Agency’s responsibilities for extra-territorial intersection improvements. While it is likely that the Town of Loomis will accept the fee payment, Placer County cannot be certain that the payment will be accepted, and therefore the EIR concludes that the impact is Significant and Unavoidable.

- D-4** The comment suggests that the exit-only gated access point for Taylor Road will be dangerous due to fast-moving vehicles traveling in both directions and because the topography of the road results in impaired visibility. The comment states that access should only be allowed for public safety vehicles. The comment also notes that low electrical power lines are located near the exit gate and neighbors north of the site have not been allowed to connect to Taylor Road in this location. Lastly, the comment states that it would be more appropriate for traffic to be routed through the Penryn Road and Taylor Road intersection and states that a traffic light should be installed.

Page 7-14 of the Draft EIR considers sight distance at the project driveway on Taylor Road, stating that 605 feet of corner sight distance is necessary and is available. The sight distance requirement is based on rate of travel on Taylor Road. Therefore, there is no expectation that use of the exit-only access point on Taylor Road would create a safety hazard. During review of the project site plan, County staff also reviewed a Line of Sight exhibit. County staff determined that adequate sight distance is available and would be provided with project Improvement Plans.

Grading cuts proposed to construct the exit driveway at Taylor Road will match the

grade of the new driveway to the elevation of Taylor Road at this intersection and will provide for additional vertical clearance under the existing powerlines. The powerlines at the proposed exit gate location will be an estimated minimum of 20 feet above the proposed grade, which is sufficient vertical clearance to accommodate project traffic.

The property north of the project site was included in a previous land subdivision. The conditions of approval for that subdivision required that access driveways for properties fronting on Taylor Road be shared, which is why the neighbors' ability to connect to Taylor Road was limited.

The County's Capital Improvement Program includes installation of a traffic signal at the intersection of Penryn Road and Taylor Road. As noted on page 7-12 of the Draft EIR, until traffic volumes at that intersection meet traffic signal warrants, the intersection would be converted to an all-way-stop-control.

- D-5** The comment suggests that if the exit-only access onto to Taylor Road is allowed, a bike lane and sidewalks connecting to Del Oro High School and the intersection of English Colony Way and Taylor Road should be constructed, consistent with Community Plan Implementation Strategy 1b. The comment also states that Taylor Road should be widened and a traffic light installed. The comments states that the suggested modifications will reduce traffic impacts and improve safety and circulation.

The Traffic Impacts Analysis did not identify any traffic impacts, including safety impacts, associated with the exit-only access onto Taylor Road. CEQA Guidelines Section (§) 15126.4(4)(B) states that mitigation measures must be roughly proportional to the impacts of the proposed project. CEQA does not require the EIR to identify mitigation where there are no impacts.

Additionally, the improvements suggested are not included in the County's or Town's improvement programs. With 10 percent of project-generated traffic expected to travel westbound on Taylor Road, this would represent a total of 99 daily trips. While the project would contribute to significant impacts along Taylor Road, as discussed on pages 14-6 through 14-8 of the Draft EIR, the unacceptable LOS for segments of Taylor Road and for intersections along Taylor Road would occur in the cumulative condition without the project. Requiring the project to construct the suggested improvements in order to remediate conditions on Taylor Road that would occur as a result of cumulative development in the region would be contrary to constitutional law, as expressed in CEQA Guidelines §15126.4(4)(B).

- D-6** The comment references portions of the Draft EIR discussion related to the generation of vehicle trips associated with Del Oro High School and the affect on traffic operations at the school site. The comment states that the Draft EIR's reliance on a maximum of 9 traffic trip count to the school is unsupported by evidence and seems significantly low, especially since the project proposes to construct 150 units. The comment states that the Draft EIR should be revised and recirculated.

The Draft EIR calculation of the amount of trips passing by Del Oro High School is based on the assumed trip distribution pattern described on page 7-10 of the Draft EIR. This comment provides no evidence that this trip distribution pattern is incorrect.

- D-7** The comment states that the project should ensure adequate public transportation access for residents in support of the project objective regarding providing housing for working families and reducing employment-related commutes. The comment specifically recommends requiring bus service along Penryn Road as a way to reduce greenhouse gas emissions and traffic congestion. The comment states that requiring bus service is needed to ensure consistency with the Horseshoe Bar/Penryn Community Plan Goal 8.

As discussed on pages 14-17 through 14-19 of the Draft EIR, the project would result in less than significant greenhouse gas emissions. Mitigation for this impact cannot be required in accordance with CEQA Guidelines §15126.4(4)(B).

As discussed in Responses to Comments D-2 and D-3, the project would result in Significant and Unavoidable impacts to two intersections along Taylor Road in the cumulative condition. Both intersections would operate at unacceptable LOS in the cumulative scenario without the proposed project. The project would increase delay at those intersections by very small amounts (less than 2 seconds). Requiring the project to be responsible for a substantial modification to bus routing in the project vicinity would not be roughly proportional with the project impact, and would be unlikely to substantially avoid or reduce the impact.

It is not clear to which Community Plan Goal the comment refers as Goal 8 in the General Community Goals on page 3 of the Community Plan does not discuss transit, while several other goals throughout the Community Plan do mention transit. Regardless, the EIR concludes that the proposed project is considered generally consistent with the Community Plan. The final determination of consistency with the Community Plan and other adopted County plans and policies will be made by the Placer County Planning Commission, as discussed on page 4-12 of the Draft EIR.

- D-8** The comment requests clarification of whether the project is intended to meet the County's Regional Housing Needs Allocation (RHNA) numbers for unincorporated areas.

As stated on page 1-4 of the Draft EIR, the project is proposed as a market-rate project, not as affordable housing. The project is not intended to meet the County's RHNA obligations. For clarification, a statement that the project is expected to be operated as a market-rate development has been added to page 3-7 in Chapter 3 Project Description of the EIR.

- D-9** The comment asserts that the proposed project is not consistent with a statement in the Community Plan that multi-family uses should be ancillary to a compact commercial core and a Community Plan goal that development within the plan area be of a high quality and not detract from the community's "pastoral and scenic

character.”

The Community Plan does not describe or imply multi-family uses as being ancillary to a compact commercial core. Penryn Parkway Development Policy (e) of the of the Community Plan’s Community Design Element is designed to identify those uses intended for Penryn Parkway, which include multi-family residential uses.

Analysis of the project’s visual character and its compatibility with the Penryn community is provided in Chapter 5 Visual Resources. Additionally, Appendix B provides a detailed analysis of consistency with Community Plan policies, including the Community Design Element. While the EIR concludes that the proposed project is considered generally consistent with the Horseshoe Bar/Penryn Community Plan, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies, as discussed on page 4-12 of the Draft EIR.

- D-10** The comment asserts that the Draft EIR does not adequately evaluate safety impacts and questions the statement from the Sheriff’s Department Community Services Officer that there is typically no difference in law enforcement demand between “for sale” and “for rent” developments. The comment states that the Draft EIR should be revised to include a discussion from the publication entitled “Rental Housing and Crime: The Role of Property Ownership and Management” that is included as an attachment to the comment letter. The comment also states that the Draft EIR should provide appropriate mitigation measures to reduce impacts to public services and safety.

The Draft EIR relies on statements made by the Placer County Sheriff’s Department, which is the law enforcement provider for the Town of Loomis and the project site. The publication included with this comment letter is not specific to the project area. As stated in the comment, the study provided finds that rental properties “often” have more crime than owner-occupied properties. This does not mean they always have more crime. The data and experience of the local law enforcement provider is considered more applicable and meaningful to the analysis of the proposed project’s impacts related to public services and safety. There is no information provided in this comment that contradicts the conclusions of the Initial Study that the project would not have any significant impacts to public services and safety. Since no impacts were identified, no mitigation measures can be required, in accordance with CEQA Guidelines §15126.4(4)(B).

- D-11** The comment references Mitigation Measure 5.1c and states that it is unclear whether the impacts will still be mitigated to a less than significant level if less than all of the four options are implemented. For an example, the comment requests clarification on the effect of implementing only two of the four options presented under Mitigation Measure 5.1c.

The requirements of Mitigation Measure 5.1c are consistent with the Placer County Tree Preservation Ordinance, which is discussed on page 5-13 of the Draft EIR. The overall requirement of Mitigation Measure 5.1c is that the impacts to oak woodlands

be mitigated at a 2:1 ratio. Regardless of which method is chosen, the mitigation must account for twice as much oak woodland as the project would impact. Compliance with this performance standard would ensure that the impact is mitigated to a less than significant level.

The measure identifies four methods by which that mitigation can occur – payment of fees for oak woodland conservation (option A), purchase of offsite conservation easements (option B), a combination of options A and B (option C), and planting of new trees in restoration of a former oak woodland (option D). Options A and B are deemed by Placer County to be equally effective, and the project could mitigate its impacts by implementing only one of those measures or both (as allowed under Option C). Option D is limited to half of the mitigation.

**D-12** The comment suggests that the Draft EIR is unclear on whether the impact can be mitigated to a less than significant level even if the condition set forth in Mitigation Measure 5.3d is not satisfied and all of the other mitigation measures are adopted.

Impact 5.3 addresses the project’s adverse effects on federally-protected wetlands. Mitigation Measures 5.3b and 5.3c require the project applicant to obtain appropriate permits for these impacts and to provide for onsite replacement or offsite banking at a minimum ratio of 1:1 to ensure compliance with federal and local policies requiring “no net loss” of wetlands. Additionally, Mitigation Measure 5.3e identifies Best Management Practices (BMPs) that must be implemented onsite to minimize indirect impacts to wetlands. In the absence of adoption of the Placer County Conservation Program, compliance with the other mitigation measures identified would be sufficient to ensure that sufficient compensation for impacts to federally-protected wetlands is provided to reduce this impact to a less than significant level.

**D-13** The comment asserts that the project should be designed to respect and maintain wildlife corridors. The comment also states that the project should strive to reduce disturbance to soils and removal of trees, that the project should retain the existing topography to the extent practical, use natural storm water drainage systems to preserve and enhance existing natural features and preserve and integrate existing natural features and topography into project landscaping. The comment states that such measures are necessary to ensure the project is consistent with the Horseshoe Bar/Penryn Community Plan Policy 1 and Policy 10.

As shown in the aerial photograph in Figure 3-2 of the Draft EIR, some properties to the north and south of the project site are already developed, and the drainage swale on the eastern side of the project site crosses under Penryn Road slightly north of the site. The existing level of development and vegetation disturbance in the area limits the extent to which the site provides wildlife movement corridors. No evidence of significant wildlife movement was observed during preparation of the Biological Resources Assessment.

The Draft EIR identifies the extent of proposed grading and vegetation removal in Figures 10-2 Grading Plan and 11-2 Proposed Post Construction BMP Plan. These figures indicate that the following existing natural features onsite would be

preserved, consistent with this comment's suggestion: the northern portion of the central drainage swale, prominent rock outcroppings around the site perimeter and in the central portion of the site, and portions of the existing oak woodland and riparian habitat along the northern portion of the central drainage swale.

The extent of disturbance to soils and retention of existing topography is discussed in Impact 10.3. The Post Construction BMP Plan includes the use of bioswales, a natural drainage system feature, to treat stormwater runoff within the project site. Impacts 11.4 and 11.6 discuss the extent to which the proposed project would alter natural drainage patterns onsite and offsite.

Appendix B provides a detailed analysis of consistency with Community Plan policies. While the EIR concludes that the proposed project is considered generally consistent with the Horseshoe Bar/Penryn Community Plan, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies, as discussed on page 4-12 of the Draft EIR.

- D-14** The comment states that the Draft EIR incorrectly concludes that the project would have no impact with respect to causing a substantial adverse effect on a scenic vista. The comment asserts that the Draft EIR should be revised to address the project's effect on a scenic vista and include the possibility of a reduced scale of the project with density limitations. The comment further states that this is necessary to be consistent with Policy 7 of the Horseshoe Bar/Penryn Community Plan.

A scenic vista is considered to be the long-range views available from designated scenic roadways or key vantage points in a community. As noted in the Initial Study, the project is not a component of any scenic vistas in the project area.

Impact 6.1 recognizes that the proposed project would result in a significant and unavoidable change to the visual character of the project area. The visual character of a project area is considered to be the short-range views available from local roadways and neighboring properties.

Alternative B evaluated in Chapter 15 CEQA Discussions does consider a reduced scale of project with reduced density and increased setbacks.

As noted above, Appendix B provides a detailed analysis of consistency with Community Plan policies. While the EIR concludes that the proposed project is considered generally consistent with the Horseshoe Bar/Penryn Community Plan, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies, as discussed on page 4-12 of the Draft EIR.

- D-15** The comment asserts that the conclusion in the Draft EIR that the project would have a less than significant impact (with implementation measures identified in the Initial Study) with respect to creating a new source of substantial lighting or glare is conclusory and not supported by substantial evidence. The comment states that the project site will be impacted by lighting required for the exterior and interior of

buildings and outdoor areas associated with the project design.

Mitigation Measure I.1 included in the Initial Study identifies performance standards that the project lighting must meet. Compliance with these performance standards will ensure that lighting will not result in significant impacts.

It is noted that the two mitigation measures presented in the Initial Study, Mitigation Measures I.1 and XIII.1, were omitted from the Mitigation Monitoring and Reporting Program (MMRP) presented in Chapter 16 of the Draft EIR. These measures have been added to the MMRP.

- D-16** The comment states that the project should include connections to open space to trails and wildlife corridors between the project site and the Village project in the Town of Loomis. The comment also states that the project should follow the natural topography to reduce impacts to visual resources and to be consistent with the Horseshoe Bar/Penryn Community Plan Goal 3. Lastly, the comment states that the project should be redesigned to be consistent with the Horseshoe Bar/Penryn Community Plan Goal 4.

The drainage swales in the project site do not connect to drainage features in the Village at Loomis project site. The drainage swales in the project site travel south and cross under I-80, then connect with Secret Ravine. There do not appear to be any continuous wildlife corridors between the project site and the Village project. Further, the land between the project site and the Village project is not owned or controlled by the project applicant or Placer County and the County's trail plans and Capital Improvement Programs do not include any trails in this area. The County cannot require the project to create or maintain any connections to open space or trails in these areas.

The project's proposed alteration of topography is discussed in Impact 6.1 on page 6-10 of the Draft EIR and in Impact 10.3 on page 10-11 of the Draft EIR. These discussions indicate that the project does not propose to substantially alter topography onsite.

Of the roadways mentioned in the comment, the only roadway from which the project site is visible is Taylor Road. However, as stated on page 6-4 of the Draft EIR, views of the project site from Taylor Road are largely obscured by a "substantial cutbank along the southwest side of the roadway." Only momentary glimpses of the site are available from Taylor Road. Therefore, the project site is not considered a substantial component of any vistas or local views along Taylor Road.

As stated in the comment, the Community Plan Goal 4 applies to commercial and industrial projects. The project is a residential project; therefore Goal 4 is not applicable.

As noted above, while the EIR determines that the project is considered generally consistent with the Horseshoe Bar/Penryn Community Plan, it is the Placer County Planning Commission who will determine whether the proposed project is consistent

with adopted County plans and policies, as discussed on page 4-12 of the Draft EIR.

- D-17** The comment asserts that the Draft EIR fails to address projected non-transportation noise levels once the project is operational and occupied by residents.

The project's potential to generate non-transportation related noise is discussed on page 9-9 of the Draft EIR. The project is not expected to generate operational noise levels that exceed the General Plan and Community Plan standards.

- D-18** The comment states that the Draft EIR inadequately addresses the goal of conserving energy as set forth in Appendix F of the CEQA Guidelines. The comment states that the discussion of "green" building features in Mitigation Measure 14.4a is insufficient to satisfy the requirements of Appendix F and the Draft EIR should be revised to fully analyze and describe energy impacts and conservation measures.

The analysis of greenhouse gas emissions in Impact 14.6 on pages 14-17 through 14-19 of the Draft EIR include an estimate of the total amount of energy that would be used by the project for in-home energy consumption as well as energy used to provide the project with water and wastewater services. This discussion also identifies the source of in-home energy (Pacific Gas and Electric) and an estimate of the carbon dioxide emissions associated with vehicle travel generated by the project. Additionally, page 15-3 of the Draft EIR discusses energy consumption during construction and operation of the project as a significant irreversible environmental impact of the project, noting that "compliance with all applicable building codes, as well as mitigation measures, planning policies, and standard conservation features, would ensure that resources are conserved to the maximum extent possible." These discussions and evaluations presented in Chapters 14 and 15 provide the information related to energy use associated with the project required under Appendix F of the CEQA Guidelines. There is no portion of the project that would result in inefficient and unnecessary consumption of energy.

- D-19** The comment requests that the Town be included on the notice list for the project and any and all future notices related to the project be provided at the address provided in the letter. Pursuant to Public Resources Code section 21092(b)(1), CEQA Guidelines 15150)(b), and the California Public Records Act, the comment further requests to receive copies of all documents related to the project within ten days of the date of the letter. The comment states that the Draft EIR is legally deficient for the reasons included in the letter, and the project cannot be approved until it is revised and recirculated. The comment reserves the right to provide further comments on the project prior to project approval and concludes by welcoming a meeting with the appropriate officials to address the issues raised.

The County has responded to the Town of Loomis' Public Records request in a separate letter dated October 31, 2011. The comment does not specifically address the content of the Draft EIR. Responses to all specific comments on the Draft EIR are provided above. No additional response is necessary.



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Ben Mavy, District 5      PHONE  
530.823.4850  
David Breninger, General Manager      800.464.0030  
Ed Tiedemann, General Counsel      WWW.PCWA.NET

September 26, 2011  
File No. PD/Penryn  
Map No. 30-A-03 & 04

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

SUBJECT: Orchard @ Penryn Environmental Impact Report (EIR)  
APNs 043-060-052 & 053, Penryn, California

Dear Ms. Krach:

This letter is written to replace my comment letter dated August 29, 2011, for the EIR on the proposed Orchard @ Penryn, 150 Unit Apartment Complex on APNs 043-060-052 & 053 in Penryn, California.

E-1

The EIR discusses remediation of contaminated soils that have been found onsite. All pipelines and meters should not be placed within or backfilled with these contaminated soils.

E-2

It should be clarified for the Utilities section of the EIR, PCWA is in the process of completing a 3 mgd expansion that will increase the capacity of the Foothill Water Treatment Plant to 58 mgd. This expansion will be completed in October of 2011. The Ophir Water Treatment Plant has been scheduled for completion in 2018 or later depending upon the pace of development in Placer County.

E-3

The Agency does not reserve water for prospective customers and this letter in no way confers any right or entitlement to receive water service in the future. The Agency makes commitments for service only upon execution of a Facilities Agreement and the payment of all fees and charges required by the Agency. Water can be made available from the Agency treated water system for domestic and fire protection purposes. A fire flow requirement of approximately 1,500 gpm has been identified for this project and is available under the existing conditions of the water system. In order to obtain service, the developer will have to enter into a Facilities Agreement with the Agency to provide any on site or off site pipelines or other facilities if they are needed to supply water for domestic or fire protection purposes, and pay all fees and charges required by the Agency, including the Water Connection Charges.

E-4

There is an existing 10-inch treated water main in Penryn Road and a 24-inch treated water main in Taylor Road. The Agency's maximum velocity standard limits the velocity through a 10-inch diameter pipeline to 1,710 gallons per minute. All water pipelines and meters they supply are required to be located within utility easements.

E-5

All water availability is subject to the limitations described above and the prior use by existing customers.

If you have any questions, please call me at the Engineering Department at (530) 823-4886.

Sincerely,



Heather Trejo  
Environmental Specialist

HT:vf

pc: Mike Nichol  
Darin Reintjes  
Customer Services



PLACER COUNTY WATER AGENCY  
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WWW.PCWA.NET

August 29, 2011  
File No. PD/Penryn  
Map No. 30-A-03 & 04

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

SUBJECT: Orchard @ Penryn Environmental Impact Report  
APNs 043-060-052 & 053, Penryn, California

Dear Ms. Krach:

This letter is written in response to your request wherein you inquired about water availability for a proposed 150 Unit Apartment Complex on APNs 043-060-052 & 053 in Penryn, California.

The EIR discusses remediation of contaminated soils that have been found onsite. All pipelines and meters should not be placed within or backfilled with these contaminated soils.

It should be clarified for the Utilities section of the EIR, PCWA is in the process of completing a 3 mgd expansion that will increase the capacity of the Foothill Water Treatment Plant to 58 mgd. This expansion will be completed in October of 2011. The Ophir Water Treatment Plant has been scheduled for completion in 2018 or later depending upon the pace of development in Placer County.

The Agency does not reserve water for prospective customers and this letter in no way confers any right or entitlement to receive water service in the future. The Agency makes commitments for service only upon execution of a Facilities Agreement and the payment of all fees and charges required by the Agency. Additional demands placed on this system may have a detrimental effect on existing customers due to relatively low system pressures in the system area. The project will require a hydraulic analysis to define whether there is sufficient capacity and pressure to supply the proposed and existing water system under the proposed usage, and to identify any additional improvements necessary to supply the project and maintain adequate pressures throughout the system.

Other developers have expressed interest in constructing offsite improvements necessary to provide adequate fire flow and pressures for further development in this area. The Agency is currently working with these developers on an offsite improvement Facilities Agreement that may provide for reimbursement of certain costs for projects benefiting from the offsite improvements.

E-6



In order to obtain service, the developer will have to enter into a Facilities Agreement with the Agency to provide any on site or off site pipelines or other facilities if they are needed to supply water for domestic or fire protection purposes, and pay all fees and charges required by the Agency, including the Water Connection Charges. There is an existing 10-inch treated water main in Penryn Road and a 24-inch treated water main in Taylor Road. The Agency's maximum velocity standard limits the velocity through a 10-inch diameter pipeline to 1,710 gallons per minute. All water pipelines and meters they supply are required to be located within utility easements.

E-6  
cont.

All water availability is subject to the limitations described above and the prior use by existing customers.

If you have any questions, please call me at the Engineering Department at (530) 823-4886.

Sincerely,



Heather Trejo  
Environmental Specialist

pc: Mike Nichol  
Darin Reintjes  
Customer Services

## RESPONSES TO COMMENT LETTER E

---

Submitted by:

Heather Trejo, Environmental Specialist  
Placer County Water Agency

**E-1** The comment notes that the letter comment replaces a previously submitted comment letter on the EIR.

The comment does not address the content of the EIR and no response is necessary. The previously submitted comment letter is provided with this letter for reference. The previously submitted letter is identified as Comment E-6.

**E-2** The comment states that pipelines and meters should not be placed within or backfilled with contaminated soils.

As described throughout the EIR, the project includes removal of all contaminated soils from the project site. As all of the contaminated material would be removed, no pipelines or meters would be placed within or backfilled with contaminated soils.

**E-3** The comment suggests that the Utilities section of the EIR should be updated to reflect that PCWA is in the process of expanding the Foothill Water Treatment Plant to a capacity of 58 million gallons per day and that the Ophir Water Treatment Plant is expected to be completed in 2018.

As suggested in this comment, the text at the bottom of page 12-1 and top of page 12-2 in the EIR has been modified to identify the current expansion of the Foothill Water Treatment Plant and the anticipated date for completion of the Ophir Water Treatment Plant.

**E-4** The comment notes that PCWA does not reserve water for prospective customers and that a commitment for service is made only upon execution of a Facilities Agreement and the payment of all fees and charges. The comment states that there is sufficient pressure in the system to meet the needs of the project, including the anticipated fire flow requirement.

During preparation of the Draft EIR, the project applicant requested information about water availability for the project. The information provided in response to that request is referenced on page 12-12 of the Draft EIR. The information in this comment is consistent with the previous response received. The comment does not address the content of the Draft EIR and no revisions to the Draft EIR or other response is necessary.

**E-5** The comment identifies existing water mains in Taylor and Penryn roads, PCWA's maximum velocity standards, and requirements for water pipelines and meters to be

located within utility easements.

The existing water mains are identified on page 12-12 of the Draft EIR. Page 3-11 of the Draft EIR states that the project would connect to these existing water mains and that all underground utilities would be located within easements. The maximum velocity standard limits for the 10-inch water pipeline is slightly greater than the fire flow requirement for the project, therefore the project is not expected to exceed PCWA's velocity limits.

- E-6** This comment encompasses the previously submitted comment letter. In addition to the comments addressed and responded to above, the previously submitted comment letter identified the need for a hydraulic analysis to confirm sufficient system capacity and pressure to serve the project, and noted that PCWA is working with other developers on an offsite improvement Facilities Agreement, which would provide for construction of offsite improvements to provide adequate fire flow and pressures necessary to support development in the area.

The revised letter confirms that there is sufficient system capacity and pressure to serve the project. A hydraulic analysis is not needed and no offsite improvements are anticipated to be necessary. Therefore the project applicant for the Orchard at Penryn project would not need to participate in or provide reimbursement for the offsite improvement Facilities Agreement.

8/23/11 Copied EJ



MIWOK  
MAIDU

United Auburn Indian Community  
of the Auburn Rancheria

David Keyser  
Chairperson

Kimberly DuBach  
Vice Chair

Gene Whitehouse  
Secretary

Brenda Conway  
Treasurer

Calvin Moman  
Council Member

August 5, 2011

RECEIVED

AUG 23 2011

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

ENVIRONMENTAL COORDINATION SERVICES

Subject: Orchard @ Penryn

Dear Ms. Krach,

Thank you for the opportunity to consult under SB18 and for requesting information regarding the above referenced project. The United Auburn Indian Community (UAIC) of the Auburn Rancheria is comprised of Miwok and Southern Maidu (Nisenan) people whose tribal lands are within Placer County and ancestral territory spans into El Dorado, Nevada, Sacramento, Sutter, and Yuba counties. The UAIC is concerned about development within its aboriginal territory that has potential to impact the lifeways, cultural sites, and landscapes that may be of sacred or ceremonial significance. We appreciate the opportunity to comment on this and other projects in your jurisdiction.

F-1

We would like to make a few general points for consideration in developing the scope and content of the Orchard @ Penryn Draft Environmental Impact Report (DEIR):

- The UAIC recommends that projects within Orchard @ Penryn jurisdiction be designed to incorporate known cultural sites into open space or other protected areas;
- The UAIC is interested in holding conservation easements for culturally significant prehistoric sites;
- The UAIC would like the opportunity to provide Tribal representatives to monitor projects if excavation and data recovery are required for prehistoric cultural sites, or in cases where ground disturbance is proposed at or near sensitive cultural resources;
- The UAIC is interested in receiving cultural materials from prehistoric sites where excavation and data recovery has been performed;
- In order to ascertain whether or not the project could affect cultural resources that may be of importance to the UAIC, we would like to receive copies of any confidential archaeological reports that have been, or will be, completed for the project. We also request copies of future environmental documents for the proposed project so that we

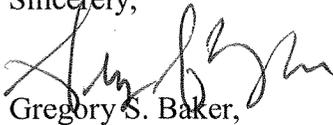
F-2

have the opportunity to comment on potential impacts and proposed mitigation measures related to cultural resources.

We have reviewed the cultural resources assessment that you provided for the project and would like to arrange a meeting with your department to discuss how potential impacts to cultural resources of importance to the UAIC can best be addressed in the DEIRs.

Thank you again for taking these matters into consideration, and for involving the UAIC early in the planning process. We look forward to reviewing the aforementioned documents as requested. Please contact Marcos Guerrero, cultural resources specialist, at (530) 883-2364 or email at [mguerrero@auburnrancheria.com](mailto:mguerrero@auburnrancheria.com) if you have any questions.

Sincerely,



Gregory S. Baker,  
Tribal Administrator

CC: Marcos Guerrero, UAIC

F-2  
cont.

## RESPONSES TO COMMENT LETTER F

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Submitted by:

Gregory S. Baker, Tribal Administrator  
United Auburn Indian Community of the Auburn Rancheria

**F-1** The comment begins by expressing gratitude for the opportunity to consult under SB18 and to request information regarding the project. The comment introduces the tribes of the United Auburn Indian Community (UAIC) of the Auburn Rancheria and identifies the location of the tribal lands. The comment notes that the UAIC is concerned about development within its aboriginal territory that has the potential to impact the lifeways, cultural sites, and landscapes that may be of sacred or ceremonial significance. The comment also provides general points for consideration regarding treatment of cultural sites and resources within the project site.

SB18 requires a City or County to consult with local Native American tribes and organizations when the agency is considering amending the General Plan or designating new open space areas. The proposed Orchard at Penryn project does not involve any changes to the General Plan, changes to land use or zoning designations for the site, or designation of open space. Therefore SB18 does not apply to this project.

As documented in the Initial Study for the Orchard at Penryn project (provided in Appendix A to the Draft EIR), a cultural resources survey of the project site was conducted and no cultural resources were identified.

**F-2** The comment requests to receive copies of any confidential archaeological reports that have been, or will be, completed and copies of any future environmental documents for the proposed project. The comment also states that the UAIC reviewed the cultural resources assessment for the site and requests a meeting to discuss how potential impacts to cultural resources can best be addressed in the Draft EIR.

As stated above, the Initial Study reports that a cultural resources survey of the project site was conducted and no cultural resources were identified. The UAIC has acknowledged receipt of the cultural resources assessment prepared for the project site. Because no cultural resources were identified on the project site, no additional confidential archaeological reports have been prepared.

**From:** [Shawn Colvin](#)  
**To:** [Placer County Environmental Coordination Services;](#)  
**Subject:** Comments on the Draft EIR - Orchard at Penryn  
**Date:** Monday, August 29, 2011 3:03:34 PM

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As development continues in the six county region, native oak woodlands have been lost at an alarming rate. Placer County is home to some of the best remaining oak woodland habitats in Northern California. As such, the Sacramento Tree Foundation is concerned about the potential removal of native oak trees for the “Orchard at Penryn” project.

Placer County is a member jurisdiction of the Sacramento Tree Foundation’s regional Greenprint Initiative, our plan to build a thriving urban forest for the region. Greenprint is intended to complement the Blueprint, the regional smart growth plan adopted in 2004 by the Sacramento Area Council of Governments. In addition, the Placer County Oak Woodland Management Plan defines the importance of oak woodlands in Placer County and the need to protect these rapidly disappearing ecosystems.

We urge Placer County to review the goals of Greenprint and the Oak Woodland Management Plan when considering the expansion of the Orchard at Penryn project.

**Greenprint is:**

- Our bold vision to enhance the quality of life in our region by expanding the urban forest and maximizing the benefits of trees.
- Our roadmap for mobilizing and empowering community partners and volunteers to plant 5 million trees in the Sacramento region by 2025.
- Our proud partnerships with elected officials, service and faith groups, businesses, youth, and everyone who will help us reach our goal.
- A dedicated team of 28 elected officials from local jurisdictions who stand up for trees in their communities and champion the regional urban forest.

**Excerpt from the Placer County Oak Woodland Management Plan:**

*Recognizing the importance of oak woodlands and the critical role private landowners have in the conservation of oaks, Placer County created the Oak Woodlands Management*

*Plan Program with the expressed intent the Plan accomplish the following:*

- *Support and encourage voluntary, long-term private stewardship and conservation of Placer County oak woodlands by offering landowners incentives to protect and promote biologically functional oak woodlands;*
- *Provide incentives to protect and encourage farming and ranching operations that are operated in a manner that protect and promote healthy oak woodlands;*
- *Provide incentives for the protection of oak trees providing superior wildlife values on private land, and;*
- *Encourage planning that is consistent with oak woodlands preservation.*
- *Identify appropriate methods to mitigate oak woodland losses.*

We encourage Placer County to consider the Greenprint Initiative and the Placer County Oak Woodland Management Plan when reviewing documents for “The Orchard at Penryn” project, and to consider the importance of all remaining native oak trees located in Placer County, and the many benefits provided by those trees.

Regards,

Shawn Colvin  
Greenprint Relations Director  
Sacramento Tree Foundation  
191 Lathrop Way Suite D | Sacramento CA, 95815  
(916) 924-8733 ext. 131 | Fax: 924-3803

Check out our new tree tips at [sactree.com/doc.aspx?241](http://sactree.com/doc.aspx?241)

 [Sign up for our Email Newsletter](#)

**To get your free SMUD shade trees call (916) 924-TREE (8733) or [sign up online](#).**

## RESPONSES TO COMMENT LETTER G

---

Submitted by:

Shawn Colvin, Greenprint Relations Director  
Sacramento Tree Foundation

**G-1** The comment expresses concern over the potential removal of native oak trees for the Orchard at Penryn project. The comment states that Placer County is a member jurisdiction of the Sacramento Tree Foundation's regional Greenprint Initiative. The comment notes that the Placer County Oak Woodland Management Plan defines the importance of and need to protect oak woodlands. The comment urges Placer County to review the goals of Greenprint and the Oak Woodland Management Plan when considering the project and provides a bulleted-list summarizing Greenprint and an excerpt from the Placer County Oak Woodland Management Plan. The comment encourages Placer County to consider the Greenprint Initiative and Oak Woodland Management Plan when reviewing documents for the project and to consider the importance and benefits provided by the remaining native oak trees located in Placer County.

The comment does not specifically address the content of the Draft EIR. The Greenprint Initiative referenced in the comment is not a regulation or policy adopted by Placer County and does not identify any specific requirements for the proposed project. The Greenprint summary provided in the comment does not specifically address any actions associated with the proposed development. Development of the proposed project would not affect the ability of the Sacramento Tree Foundation to continue implementing the Greenprint Initiative.

The Placer County Oak Woodland Management Plan is discussed as a portion of the regulatory framework governing the proposed project on page 5-13 of the Draft EIR. Mitigation Measure 5.2a requires mitigation for loss of oak woodland habitat in accordance with the requirements of the County's Oak Woodland Management Plan.

The Horseshoe Bar/Penryn Community Plan land use designation for the project site is Penryn Parkway and the Placer County zoning designations for the site allow multi-family and neighborhood commercial development. The site was not anticipated for long-term oak woodland preservation. Development of the proposed project would not obstruct the County's implementation of the Oak Woodland Management Plan.

**From:** [Erin Ahlberg](#)  
**To:** [Placer County Environmental Coordination Services;](#)  
**Subject:** Please don't approve Orchard at Penryn!  
**Date:** Monday, August 29, 2011 1:07:13 PM

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Dear Planning Official,

I grew up in the Loomis / Rocklin area and attended Del Oro High School. I am dismayed to learn that you are considering a development proposal, currently named "Orchard at Penryn," that has the potential to dramatically alter the landscape of this rural community. I do not believe that the EIR adequately considers the impact of introducing such a high-density residential development in what has been largely a farming and agricultural area to-date.

H-1

I understand that the immediate area off of the freeway is zoned commercial, and thus invites all types of development proposals, but I ask you to reject this one. It is just too many houses, on too little land, and it makes no sense at all for Penryn.

H-2

Please do not approve Orchard at Penryn.

Sincerely,  
Dr. Erin Ahlberg

## RESPONSES TO COMMENT LETTER H

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Submitted by:

Dr. Erin Ahlberg

**H-1** The comment states opposition to the project because of its effects on the rural community and states that the EIR does not adequately consider the impact of the proposed high-density residential development on a farming and agricultural area.

The comment does not specifically identify what area or analysis presented in the Draft EIR is inadequate, therefore this response generally addresses issues related to land use compatibility. As noted on page 4-1 of the Draft EIR, there are no active farming or commercial agricultural activities adjacent to the project site although residential-agricultural activities are occurring in the area. Additionally, page 4-6 of the Draft EIR discusses land development trends in the project vicinity, noting that the area has an agricultural history but that residential development has had an increasing influence on land use patterns recently. Finally, page 4-15 of the Draft EIR discusses the reasons why the proposal to develop the project site at a greater density than surrounding lands would not be incompatible with existing land uses in the vicinity.

**H-2** The comment recognizes the commercial zoning for property adjacent to Interstate 80 and provides a general opposition to the proposed project based on its density and compatibility with the Penryn community.

The comment does not specifically identify any inadequacy in the Draft EIR, therefore this response generally addresses the zoning of the property. As stated on page 4-2 and shown in Figures 4-1 and 4-2, the project site is comprised of two parcels that are both designated under the Horseshoe Bar/Penryn Community Plan as Penryn Parkway. The western parcel, which touches Taylor Road, is zoned RM-DL-10 PD = 10. This zoning designation allows multi-family residential development with a maximum density of 10 units per acre. A use permit is required for 21 or more dwelling units. The eastern parcel, which borders Penryn Road, is zoned C1-UP-Dc. This zoning designation allows a range of commercial and office uses. It also allows multi-family residential development up to 21 units per acre (one unit per 2,000 square feet of site area) subject to a use permit.

Refer to Response to Comment H-1 regarding the EIR analysis of the project's density and compatibility with the Penryn community.

As stated on page 1-1 of the Draft EIR, "the Draft EIR is an informational document prepared to provide public disclosure of potential impacts of the project. The EIR is not intended to serve as a recommendation of either approval or denial of the project." This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

**From:** [Philip Barger](#)  
**To:** [Maywan Krach;](#)  
**cc:** [Chuck-Muriel Davis;](#)  
**Subject:** Proposed Orchard at Penryn  
**Date:** Sunday, August 28, 2011 5:29:12 PM

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Maywan Krach,

The proposed Orchard at Penryn does not meet the Community Design Elements Goals and Policies of the Penryn Parkway plan.

See the link below Chapter 4 Goals and Polices. This development is total incompatible with the rural character of Penryn.

Putting 150 high density rental units (10 per acres) on 15 acres will destroy the character of the community which is why we want to live in Penryn. You do this Just to make a San Diego Development company money and leave us with problems for years to come.

I-1

Kindest Regards

Phil Barger  
7995 Logan Lane, Penryn

Here is the link to Penryn community plan:

<http://www.placer.ca.gov/Departments/CommunityDevelopment/Planning/Documents/CommPlans/HBPenrynCP.aspx>

## RESPONSES TO COMMENT LETTER I

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Submitted by:  
Philip Barger

**I-1** The comment states that the project does not meet the goals and policies contained in the Community Design Element of the Horseshoe Bar/Penryn Community Plan and is incompatible with the rural character of Penryn. The comment states that the project will be profitable for the development company but problematic for the community.

The comment does not specifically identify which goals and policies of the Community Plan the project would violate. Table 4.2 in the Draft EIR identifies the mitigation measures included in the EIR to ensure that the project is consistent with Community Plan policies and a detailed analysis of consistency with Community Plan policies, including the Community Design Element, is provided in Appendix B to the Draft EIR. While the EIR concludes that the proposed project is considered generally consistent with the Horseshoe Bar/Penryn Community Plan, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies, as discussed on page 4-12 of the Draft EIR.

The project's compatibility with the existing character of the surrounding area is evaluated in Impact 4.3 on page 4-15 of the Draft EIR. As identified on page 4-12 of the Draft EIR, the project is consistent with the land use and zoning designations for the project site. Refer to Responses to Comments H-1 and H-2 for additional discussion regarding the EIR analysis of the project's density and compatibility with the Penryn community.

**From:** [Lorna Bunting](#)  
**To:** [Placer County Environmental Coordination Services;](#)  
**Subject:** Orchard at Penryn  
**Date:** Thursday, August 25, 2011 4:00:36 PM

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Placer County Community Development,

I am a concerned resident who has lived in Penryn for the past 33 years. I have seen new growth and additional houses built in Penryn. This has also enlarged the flow of traffic along the Penryn roads which were not built for increased traffic. Therefore I am concerned about the development of the Orchard at Penryn. A large number of families with children will impact the Penryn school which has limited class rooms and already an increased number of students. An additional number of cars, from the Orchard at Penryn, would exceed the limited Penryn school drop off and pick up of the students, therefore creating an increased possibilites of accidents or injury to students. The flow of traffic in Penryn, especially along English Colony Way, is traveled, by many people, way above the speed limit. English Colony Way is constantly used as a short cut to Interstate 80 or to Lincoln and the increased and speeding traffic will cause a greater possibility of accidents.

J-1

J-2

J-3

Please vote against the building of the Orchard at Penryn. The safety of the residents of Penryn and their school children is of greater importance to Penryn than the development of a project to increase the income of a company based in San Diego.

J-4

A concerned resident of Penryn.

Lorna Bunting

## RESPONSES TO COMMENT LETTER J

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Submitted by:

Lorna Bunting

**J-1** The comment introduces the commenter as a concerned resident who has lived in Penryn for the past 33 years. The comment states that new growth and development in Penryn has resulted in traffic that exceeds the capacity of roads in the area.

Pages 7-3 and 7-4 of the Draft EIR identify existing levels of service (LOS) on roadways and intersections in the Penryn area. Tables provided on these pages show that most of the intersections and all of the roadway segments in the project study area operate at acceptable LOS, which indicates that current traffic levels do not exceed the capacity of most of the roadways and intersections evaluated in the EIR.

The EIR identifies Significant and Unavoidable impacts in the cumulative condition at the Taylor Road/Horseshoe Bar Road and Taylor Road/King Road intersections. As shown on pages 7-3 and 7-4 of the Draft EIR, these intersections currently operate at acceptable LOS. Chapter 7 of the Draft EIR includes an analysis of impacts to the operation of these intersections that would result from the proposed project.

As disclosed in the Draft EIR, the Penryn Road/Taylor Road intersection currently operates at an unacceptable LOS D in the a.m. peak hour. As shown in Table 7.6 on page 7-11 of the Draft EIR, the traffic generated by the proposed project would increase the delay at the Penryn Road/Taylor Road intersection by 0.3 seconds, but the LOS of the intersection would remain at D.

As noted on page 7-4, signalization of this intersection is included in Placer County's Newcastle/Horseshoe Bar/Penryn Benefit District and the Horseshoe Bar/Penryn Community Plan. Mitigation Measures 7.1a and 14.2a require the project applicant to contribute fair-share payments toward this improvement and other improvements included in the Newcastle/Horseshoe Bar/Penryn Benefit District.

As discussed in *Mitigation Measure 7.1a* on page 7-12 of the Draft EIR, all way stop control would be installed at this intersection and would be used until traffic volumes warrant installation of a signal. As shown in Tables 7.8 and 14.5 of the Draft EIR, this would allow the intersection to operate at an acceptable LOS under both existing plus project and cumulative plus project conditions. This indicates that roadway capacity would not be exceeded with implementation of the project.

**J-2** The comment states that the Penryn school, which has limited classroom capacity and an increasing student population, will be adversely affected by the number of students generated by the project development. The comment asserts that the proposed project would increase school traffic resulting in an increased possibility of accidents or injury to students.

As discussed on page 1-5 of the Draft EIR, the proposed project is expected to increase student populations in area schools. The project will be required to pay school impact fees prior to the issuance of building permits. These fees provide funding for school facilities and services and are calculated based on the school district's identified costs and facility needs for serving each student as well as the number of students that would be housed in a residential project. Therefore, the Draft EIR discussion concludes that "while the project would increase enrollment at area schools, the payment of impact fees would ensure that the increased enrollment does not create any significant impacts."

- J-3** The comment asserts that many of the drivers in Penryn, particularly along English Colony Way, exceed the posted speed limit. The comment states that the increase in vehicles and speeding drivers using English Colony Way to access Interstate 80 will create a greater risk of accidents.

Enforcement of posted roadway speed limits is a function of the California Highway Patrol (CHP). Motorists residing in the proposed development would be required to comply with posted speed limits and would be subject to speed enforcement measures for project area roadways.

Assumptions regarding the roadways that traffic generated by the proposed project would use are documented on page 7-10 of the Draft EIR, which indicates that the distribution of project traffic was based on the proposed land use, the project location, existing traffic volumes, and professional judgment. Based on these factors, it is not expected that a noticeable portion of traffic generated by the project would travel on English Colony Way.

The majority of project traffic is expected to use Penryn Road to access Interstate 80. The Traffic Impact Analysis provided in Appendix E to the Draft EIR includes a discussion of traffic accidents at the Penryn Road and Interstate 80 on- and off-ramps and finds that "the addition of the proposed project is not anticipated to have a noticeable effect on the frequency or severity of accidents at the study facilities."

- J-4** The comment requests a vote against development of the project. The comment states that the safety of Penryn residents and schoolchildren is of greater importance to Penryn than the development of the project.

As stated on page 1-1 of the Draft EIR, "the Draft EIR is an informational document prepared to provide public disclosure of potential impacts of the project. The EIR is not intended to serve as a recommendation of either approval or denial of the project." This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

August 26, 2011

Comments on the proposed project:

Orchard at Penryn (PEIR 20070521/  
State Clearinghouse# 2010032070)

Penryn is caught in land going from the 1930's ( Hwy. 40); the 1960's (Hwy. 80) and present day. The Penryn Parkway was an attempt to address this, but the Penryn Outlets have changed this completely and given us more commercial space than our interchange could handle - if it were full.

K-1

Soomis has acknowledged that Taylor Road is no longer a commercial strip by allowing rezoning of commercial properties: Legacy Lane & Alice's Acres are housing. The zoning on Penryn Road & Taylor Road thru Penryn should be addressed also. Our roads are at maximum "transportation and circulation" now! There are projects approved which would push this limit if they were to be built. Now this project with its considerable impacts on our community could be allowed to proceed is unthinkable.

K-2

K-3

Karen Clifford  
Resident of Penryn

RECEIVED

AUG 29 2011

ENVIRONMENTAL COORDINATION SERVICES

## RESPONSES TO COMMENT LETTER K

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Submitted by:  
Karen Clifford

**K-1** The comment identifies conditions that have influenced development in the area and notes that the Penryn Parkway land use designation addresses these influences. The comment states that the Penryn Outlets provide commercial space that, if fully occupied, would generate more traffic than the Penryn Road/Interstate 80 (I-80) interchange could accommodate.

While the comment does not specifically address the content of the Draft EIR, this response identifies where the Draft EIR discusses the Penryn Parkway land use designation and summarizes the Draft EIR information related to traffic operations at the Penryn Road/I-80 interchange.

The Draft EIR discusses the intent of and requirements related to the Penryn Parkway land use designation on pages 4-2 and 4-9. Impacts 4.1 and 4.3 evaluate the consistency of the proposed project with the Penryn Parkway designation.

As shown in Table 7.3 on pages 7-3 and 7-4 of the Draft EIR, the Penryn Road/Westbound I-80 ramps currently operate at a level of service (LOS) C and the Penryn Road/Eastbound I-80 ramps operate at a LOS D. Both of these LOS are acceptable under the County's standards.

Table 14.3 on pages 14-6 and 14-7 of the Draft EIR identifies the LOS at these intersections in the cumulative condition. Full use of the available commercial space at the Penryn Outlets was assumed in the cumulative modeling for the traffic study as this would be consistent with the General Plan designation for the commercial center. Table 14.3 indicates that the Penryn Road/Westbound I-80 ramps will continue to operate at LOS C but the Penryn Road/Eastbound I-80 ramps will degrade to LOS E in the p.m. peak hour. This condition will be improved by providing all-way-stop-controls (stop signs at each leg of the intersection), as shown in Tables 7.8 and 14.5. The project is required to contribute a fair-share payment towards providing the all-way-stop-controls at this intersection.

Taken together, Tables 7.3, 7.8, 14.3, and 14.8 indicate that the Penryn Road/I-80 interchange currently accommodates the traffic using this interchange and is expected to continue to be able to accommodate traffic in the cumulative condition, even with the addition of traffic from the proposed project and other known and reasonably foreseeable projects in the area (including full use of the Penryn Outlets commercial space).

**K-2** The comment states that the Town of Loomis, by allowing the rezoning of commercial properties to residential, has acknowledged that Taylor Road is not a "commercial strip." The comment states that the zoning on Penryn Road and Taylor

Road through Penryn should also be addressed.

The proposed project is consistent with the existing land use and zoning designations for the project site. CEQA does not require the EIR to contemplate revisions to the zoning on Penryn and Taylor roads. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

- K-3** The comment states that the area roads are currently at their maximum and new development will greatly impact transportation and circulation in the area. The comment concludes by expressing disapproval for the project due to the considerable impacts it will have on the community.

As discussed in detail below, area roadways do not currently operate at maximum capacity. The EIR analysis demonstrates that project impacts on area roadways would be limited, but would result in Significant and Unavoidable impacts at two intersections and two roadway segments in the “cumulative plus project” condition.

Refer to Response to Comment J-1 which identifies current LOS and traffic operations on area roadways and intersections. As noted in that response, most of the intersections and all of the roadway segments in the project study area currently operate at acceptable LOS. The intersection of Penryn Road at Taylor Road operates at an unacceptable LOS D in the a.m. peak hour but installation of intersection improvements identified in Placer County’s Newcastle/Horseshoe Bar/Penryn Benefit District and the Horseshoe Bar/Penryn Community Plan would provide for acceptable LOS at this intersection. Based on the data provided in the Traffic Impacts Analysis and the Draft EIR, the area roadways and intersections are not currently operating at maximum capacity.

As discussed under Impact 7.1 on pages 7-9 through 7-13 of the Draft EIR, the addition of traffic generated by the proposed project under the “existing plus project” condition would create a significant impact at only one intersection – the intersection of Penryn Road at Taylor Road. Mitigation Measure 7.1a requires the project to contribute a fair-share amount to the improvements included in Placer County’s Newcastle/Horseshoe Bar/Penryn Benefit District and the Horseshoe Bar/Penryn Community Plan. These include signaling the intersection of Penryn Road at Taylor Road, and installing all-way-stop-controls until traffic volumes warrant signalization.

Roadway operations in the cumulative condition are identified on pages 14-4 through 14-9 of the Draft EIR. As shown in Table 14.3, there are five intersections that would operate at unacceptable LOS in the cumulative condition without the proposed project, and the project would add traffic to each of these intersections. As shown in Table 14.4, there are two roadway segments that would operate at unacceptable LOS in the cumulative condition without the proposed project, and the project would add traffic to each of these segments. The project would result in significant impacts at each of these locations. Mitigation Measures 14.2a and 14.2b require the project to contribute fair-share payments towards improvements that

would provide acceptable LOS at four of the affected intersections.

It is noted that the text above Table 14.5 refers only to Mitigation Measure 14.2a. This text has been revised to refer to both measures, which are presented on page 14-8 of the Draft EIR (and appear on page 14-9 of the revised Draft EIR due to the additional text added to page 14-7).

As discussed in Response to Comment D-2 and on page 14-8 of the Draft EIR, there is not sufficient right-of-way to improve the fifth intersection (Taylor Road at Horseshoe Bar Road). Therefore, the EIR identifies a Significant and Unavoidable impact at this intersection.

As discussed in Response to Comment D-3 and on page 14-8 of the draft EIR, the EIR also identifies a Significant and Unavoidable impact at the intersection of Taylor Road at King Road. While the EIR identifies specific improvements at this intersection that would provide an acceptable LOS, because there is no existing fee payment mechanism in place between Placer County and the Town of Loomis, Placer County cannot definitively conclude that a fair share payment from the project applicant will be accepted by the Town. Mitigation Measure 14.2a requires the project applicant to “make a good faith effort” to make this payment, and it is likely that the Town will accept the payment. However, due to the uncertainty as to the Town’s acceptance of the payment that it would be inappropriate for the EIR to conclude the impact will be mitigated. This is why the EIR concludes that the impact at this intersection remains Significant and Unavoidable.

Date: August 28, 2011

RE: Comments on the Draft EIR for Orchard at Penryn –PEIR-T20070521

To: Placer County Planning Department, Planning Commission, and Supervisors

We, and other residents of Penryn, are questioning why the county is still continuing to allow high-density housing in the Penryn Parkway!

First, the Orchard at Penryn Park, on Boyington by I-80, was approved for an 85-unit townhome development on about 10 acres (plus about 2 acres for commercial).

L-1

Again, in 2008, in spite of an appeal by Penryn residents, a 23-unit townhome project on 3.2 acres was approved, on Penryn Rd by I-80.

And now, this third high-density housing project of 150 rental units on 15 acres is seemingly being proposed as not having a major significant impact to the Penryn area. The Draft EIR is incorrect in the assessment of the impact to the Penryn area.

L-2

For one thing, this is the third high-density project in the Penryn Parkway area, which according to the Horseshoe Bar/Penryn Community Plan (HBPCP) was conceived and designed to be low-density with mixed use of residential and retail and commercial areas that would benefit both local residents and visitors. The HBPCP further states:

- That development is not to be ‘maximized for economic gain’.
- To ‘preserve and maintain the rural character and quality of the plan area’ is one of the plan’s design elements.
- Developments should consider ‘the impacts on surrounding land uses’.
- ‘Discourage isolated, remote, and walled-off developments’.
- Provide that the grouping of residential building to ‘preserve significant natural resources, natural beauty, or open space without generally increasing the intensity of development’.
- ‘Retention of the rural character of the area by minimizing the environmental impact of new development is the primary goal of this (community) plan’.
- In the Penryn Parkway Development Policies, the plan states that ‘**Development shall be of a relatively low density**’ (Section d.) and states ‘**Where multiple-family residential is proposed, structures shall be clustered together in such a way as to preserve the maximum amount possible of undeveloped open space onsite.**’ (Section i.)

L-3

Even the county agreed that this proposed Orchard at Penryn project did not have any substantial community benefit to justify the 10 units per acre, but said it could support a density of four units per acre. This opinion was expressed in a November of 2007 letter to the project applicant; and the project is relatively unchanged since then. The density of four units per acre would put this project in a medium density range (according to the HBPCP definition).

L-4

The destruction of hundreds of trees and three riparian areas, and the total devastation of nearly 14 of the 15 acres of vegetation is what defines this project! We don't want a clear-cutting project in Penryn. The Community Plan does not allow for this kind of devastation in Penryn. The Community Plan should take precedence over development projects. Why does the Community Plan continue to be ignored?

L-5

All three projects will cause an increase of 258 new households, an estimated 20% increase in the number of Penryn households; plus, these households will likely increase the population by more than 20%! This increase in population is a HUGE negative impact on schools, traffic, noise, air quality and crime in Penryn. The aesthetics of the Penryn Parkway will absolutely decline as a result of this project as proposed!

L-6

The project property has 25 Blue Oak trees and Blue Oaks are native and drought tolerant and are therefore good for the environment! Because the regeneration process for Blue Oaks is complex, they are already facing extinction from urbanization. Small Blue Oak trees could be 50 years old. To lose these very old Blue Oak trees via mitigation is a misuse of the mitigation laws and an irreparable loss to Penryn..

L-7

The DEIR shows an exit on Taylor Road for this project; however, with traffic at 50mph on Taylor Rd and the curve in the road, this exit becomes a danger to people who drive on Taylor Rd. The traffic on the I-80/Penryn Rd interchange will be significantly **increased** from the many cars from this project, as well as the other approved projects.

L-8

We propose that the planning department work with the developer to reduce the density of this Orchard at Penryn project in order to abide by the design elements and Penryn Parkway development policies in the Horseshoe Bar/Penryn Community Plan, and to preserve more of the natural resources on the property!

L-9

Sincerely,  
Chuck & Muriel Davis  
8/28/11  
p o box 397  
Penryn

## RESPONSES TO COMMENT LETTER L

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Submitted by:

Chuck and Muriel Davis

- L-1** The comment begins by stating that the commenter and other residents of Penryn are questioning the County's decision to allow high-density housing in the Penryn Parkway. The comment references two other multi-family developments that have been recently approved in the project area.

As stated on page 4-2 in the Draft EIR, "Penryn Parkway Development Policy 'e' states that the area 'is intended as a highway-service oriented retail area which also allows for multiple-family residential uses.'" In addition, Table 4.1 on the same page indicates that the zoning designation for the western portion of the project site is RM-DL10 PD=10, which allows multi-family residential development at a maximum density of 10 units per acre, and the zoning designation for the eastern portion of the project site is C1-UP-DC, which allows multi-family residential development subject to issuance of a Minor Use Permit.

- L-2** The comment states that the Orchard at Penryn project is being proposed as not having a significant impact to the Penryn area. The comment states that the Draft EIR is incorrect in its assessment of the project's impact to the Penryn area.

The comment does not specifically identify errors in the Draft EIR. As a point of clarification, the Draft EIR does not conclude that the project would have no significant impacts. Rather, the Draft EIR identifies 27 Significant or Potentially Significant impacts of the proposed project. The Draft EIR also identifies mitigation measures to reduce or avoid these impacts, and concludes that after implementation of those mitigation measures, 6 impacts would remain Significant and Unavoidable. Chapter 2 Executive Summary identifies all Significant, Potentially Significant, and Significant and Unavoidable impacts of the proposed project as well as the mitigation measures associated with each impact. In addition, pages 15-1 and 15-2 provide a summary discussion of the Significant and Unavoidable impacts of the proposed project.

- L-3** The comment states that this project is the third high-density project in the Penryn Parkway area, an area designated to be low-density with mixed use of residential and retail and commercial areas. The comment includes an excerpt from the Horseshoe Bar/Penryn Community Plan.

The comment does not specifically identify errors or inadequacies in the Draft EIR. Table 4.2 in the Draft EIR identifies the mitigation measures included in the EIR to ensure that the project is consistent with Community Plan policies and a detailed analysis of consistency with Community Plan policies, including the Community Design Element, is provided in Appendix B to the Draft EIR. While the EIR concludes that the proposed project is considered generally consistent with the

Horseshoe Bar/Penryn Community Plan, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies, as discussed on page 4-12 of the Draft EIR.

The project's compatibility with the existing character of the surrounding area is evaluated in Impact 4.3 on page 4-15 of the Draft EIR. As identified on page 4-12 of the Draft EIR, the project is consistent with the land use and zoning designations for the project site. Refer to Response to Comment H-1 for additional discussion regarding the EIR analysis of the project's density and compatibility with the Penryn community.

- L-4** The comment references a 2007 letter from the County in which it is stated that the proposed project did not have any substantial community benefit to justify the 10 units per acre, but that it could support 4 units per acre. The comment notes that at 4 units per acre, the project would be classified as medium-density under the Horseshoe Bar/Penryn Community Plan.

The comment does not specifically identify errors or inadequacies in the Draft EIR. As stated on page 4-2 and shown in Figures 4-1 and 4-2, the project site is comprised of two parcels that are both designated under the Horseshoe Bar/Penryn Community Plan as Penryn Parkway. The western parcel, which touches Taylor Road, is zoned RM-DL-10 PD = 10. This zoning designation allows multi-family residential development with a maximum density of 10 units per acre. A use permit is required for 21 or more dwelling units. The eastern parcel, which borders Penryn Road, is zoned C1-UP-Dc. This zoning designation allows a range of commercial and office uses. It also allows multi-family residential developments up to 21 units per acre (one unit per 2,000 square feet of site area), subject to a use permit.

The County has not yet made a determination to approve or deny the project, thus the County has not committed to proceeding with the project or allowing it to be constructed. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

- L-5** The comment states that the project is defined by the destruction of hundreds of trees and three riparian areas, and the removal of approximately 14 of the 15 acres of vegetation. The comment states that the residents do not want a clear-cutting project in Penryn and declares that the project goes against the Community Plan. Finally, the comment questions why the Community Plan continues to be ignored.

The comment does not specifically identify errors or inadequacies in the Draft EIR. The Draft EIR describes impacts to grassland, riparian, woodland habitats in Impact 5.1 on pages 5-15 through 5-17, impacts to oak woodlands in Impact 5.2 on pages 5-17 and 5-18, and impacts to wetlands in Impact 5.3 on page 5-18. All three impacts are considered significant before mitigation. Mitigation measures are recommended for each impact that would reduce the level of significance to less than significant after mitigation. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

Appendix B provides a detailed analysis of consistency with Community Plan policies. While the EIR concludes that the proposed project is considered generally consistent with the Horseshoe Bar/Penryn Community Plan, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies, as discussed on page 4-12 of the Draft EIR.

- L-6** The comment states that all three projects will result in an increase of 258 new households, which equates to a 20% increase in Penryn households and a 20% increase in the population. The comment asserts that the increased population will have a significantly negative impact on schools, traffic, noise, air quality, and crime. The comment states that the aesthetics of the Penryn Parkway will decline as a result of development of the proposed project.

The comment does not specifically address the content of the Draft EIR. Refer to Response to Comment H-2 for a discussion of the Community Plan land use densities associated with this proposal. The population that would be expected to reside at the project site and data regarding population trends in the Community Plan area are described in Chapter 4 of the Draft EIR. As stated on pages 1-3 and 1-4 in the Draft EIR, "the project does not include a request for a rezone or General Plan amendment to increase density. The project would not increase population in the Penryn area beyond the holding capacity anticipated in the *Horseshoe Bar/Penryn Community Plan*."

- L-7** The comment states that the proposed project site has 25 Blue Oak trees, trees which are native, drought-tolerant, and good for the environment. The comment expresses concern with the complex regeneration process of Blue Oaks and states that they are facing extinction. The comment asserts that removing Blue Oaks for mitigation is a misuse of the law and will result in an irreparable loss to Penryn.

Refer to Response to Comment S-2 for a discussion regarding impacts related to the removal of trees and associated mitigation measures. The Horseshoe Bar/Penryn Community Plan land use designation for the project site is Penryn Parkway and the Placer County zoning designations for the site allow multi-family and neighborhood commercial development. The site was not anticipated for long-term oak woodland preservation. Development of the proposed project would not obstruct the County's implementation of the Oak Woodland Management Plan. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

- L-8** The comment expresses concern with the project's proposed exit onto Taylor Road. The comment states that the speed of passing drivers and the curve in the road makes it a dangerous location for an exit. The comment declares that traffic at the I-80/Penryn Road interchange will significantly increase as a result of the proposed project and other approved projects.

Refer to Response to D-4 regarding concerns with the safety of the project's proposed exit onto Taylor Road.

Table 7.3 on pages 7-3 and 7-4 of the Draft EIR shows that the Penryn Road/Westbound I-80 ramps and the Penryn Road/Eastbound I-80 ramps currently operate at acceptable levels under the County's standards. Under the cumulative condition as shown in Table 14.3 on pages 14-6 and 14-7 of the Draft EIR the Penryn Road/Westbound I-80 ramps will continue to operate at an acceptable LOS but the Penryn Road/Eastbound I-80 ramps will degrade to LOS E in the p.m. peak hour. This condition will be improved by providing all-way-stop-controls (stop signs at each leg of the intersection), as shown in Tables 7.8 and 14.5. The project is required to contribute a fair-share payment towards providing the all-way-stop-controls at this intersection. Refer to Response to Comment K-1.

- L-9** The comment proposes to reduce the density of the project so as to comply with the design elements and Penryn Parkway development policies in the Horseshoe Bar/Penryn Community Plan, and to preserve the natural resources on the project site.

As stated on page 1-1 of the Draft EIR, "the Draft EIR is an informational document prepared to provide public disclosure of potential impacts of the project. The EIR is not intended to serve as a recommendation of either approval or denial of the project." This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

**From:** [erica hannickel](#)  
**To:** [Placer County Environmental Coordination Services;](#)  
**Subject:** High density housing in Penryn a BAD idea  
**Date:** Saturday, August 27, 2011 10:32:45 AM

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Hello,

I'm writing to express my concern with plans to put in high-density apartments in Penryn. This is a horrible idea for the community, and for the land. Let Rocklin and Roseville and Lincoln explode like metastasizing cancers...but please let it STOP before it gets to Penryn. I grew up in the area, and it is an incredibly special place to me and people throughout the foothills.

M-1

Thank you,  
Dr. Erica Hannickel  
Assistant Professor of Environmental History

## RESPONSES TO COMMENT LETTER M

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Submitted by:

Dr. Erica Hannickel

**M-1** The comment identifies general opposition to the project, stating that building high-density apartments in Penryn is a horrible idea for the community and the land.

No specific comments on the Draft EIR are provided and no response is necessary. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

**From:** [Barry Kruse](#)  
**To:** [Placer County Environmental Coordination Services;](#)  
[Maywan Krach;](#)  
**Subject:** Orchard at Penryn  
**Date:** Saturday, August 27, 2011 2:19:54 AM

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Hello,

My family and I have only recently moved into this area, and we did so for several reasons:

Excellent schools  
Friendly people  
A rural setting  
Light traffic  
Good weather

The plan for the Orchard at Penryn will negatively impact our community in many ways, not least of which will be traffic, the destruction of rural environment, and more intensive population - all things we intended to avoid when choosing to relocate here.

I am vehemently against this project and would appreciate serious consideration for its cancellation or a far lower impact redesign. This project, despite the short-term jobs it may bring, isn't needed in Penryn and doesn't fit well in this community.

Sincerely yours,

Barry J. Kruse  
Loomis, CA  
916 259 1896

N-1

## RESPONSES TO COMMENT LETTER N

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Submitted by:

Barry J. Kruse

**N-1** The comment begins by stating the reasons the commenter recently moved to the area which include: the schools, people, rural setting, light traffic, and good weather. The comment states that the project will have a negative impact on the community, specifically in regard to traffic, the destruction of the rural environment, and increased population. The commenter states that he is against the project and would appreciate it being denied or having it redesigned to result in lesser impacts. The comment concludes by asserting that the project, although it may bring short-term jobs, is not needed nor does it fit the community.

The comment does not specifically address the content of the Draft EIR. Chapter 7 of the Draft EIR provides a detailed discussion of the traffic impacts associated with the proposed project. Chapters 4 and 6 of the Draft EIR provide detailed discussions of the project's compatibility with the rural community both in consideration of land use and impacts to visual resources. The Initial Study provided in Appendix A to the Draft EIR discusses the anticipated population of the project and determines that the increased population is consistent with the projections contained in the Horseshoe Bar/Penryn Community Plan.

This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

RECEIVED

AUG 16 2011

ENVIRONMENTAL COORDINATION SERVICES

Orchard at Penryn - PEIR-T20070521

Maywan Krach

I am writing do to my concern about the impact that The Orchard development will have on Penryn. 150 rental apartments would bring 300 to 400 new people. That is a large number of people for this small community to absorb. 375 parking places would bring more cars to our rural roads. The impact for Taylor Road, Penryn Road, and English Colony would be immense. The impact and congestion to the intersections and roads we travel daily will be heavenly affected. Penryn is a small community of mostly single family residences. I believe the impact of this large development is not compatible and considerate of the permanent residents.

0-1

0-2

0-3

Bruce Leonhardt  
PO Box 30 Penryn, Ca. 95663  
916-663-4201

## RESPONSES TO COMMENT LETTER O

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Submitted by:

Bruce Leonhardt

- O-1** The comment expresses concern regarding the addition of 300 to 400 residents within the small community of Penryn.

No specific comments on the Draft EIR are provided. Refer to Responses to Comments H-1, H-2, and N-1 regarding the EIR analysis of the project's density and compatibility with the Penryn community. The Initial Study provided in Appendix A to the Draft EIR discusses the anticipated population of the project and determines that the increased population is consistent with the projections contained in the Horseshoe Bar/Penryn Community Plan. Population projections for the Community Plan area are also discussed on page 4-6 of the Draft EIR.

- O-2** The comment asserts that the 375 parking spots associated with the project would result in additional cars traversing the community's rural roads. The comment expresses concern regarding impacts to Taylor Road, Penryn Road, and English Colony Way as well as increased congestion at area intersections.

Refer to Responses to Comments J-1 and K-3, which identify current and projected levels of service (LOS) and traffic operations on area roadways and intersections, and K-1 regarding current and projected LOS for the Penryn Road/Interstate 80 interchange. As summarized in those responses, the project would result in significant impacts at five intersections and on two roadway segments, and most of those impacts would be mitigated to less than significant levels.

- O-3** The comment states that Penryn is a small community mostly comprised of single-family residences. The commenter believes the project is not compatible with and considerate of the area's permanent residents.

The comment does not identify specifically address Draft EIR content. Refer to Responses to Comments H-1 and N-1 regarding land use and the project's compatibility with the rural character of the Penryn area.

**From:** [Kelly Myers](#)  
**To:** [Placer County Environmental Coordination Services;](#)  
**Subject:** Please Protect Penryn  
**Date:** Monday, August 29, 2011 1:21:57 PM

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To Whom It May Concern:

I am writing to express my concern about the development proposal for the land near Penryn Road. My family moved to Penryn in 1989, leaving Rocklin due to the surge of development and crowding. We have cherished the Penryn community. For years, development has been encroaching from all sides, threatening to swallow up our small town. Yet Penryn has remained a safe haven. The families in Penryn know each other well and have a shared respect for the community and the land. We have a quiet, beautiful town with unique landmarks and traditions. Large-scale development, such as the apartment complex proposed for Penryn Road, would be devastating.

I am now in my thirties and teaching at Stanford, but I always look forward to coming home to Penryn. I visit my family often and I relish the opportunity to share Penryn with my friends. Penryn is a place like no other and while we are happy to invite new people into the community, a large-scale apartment complex would create an influx of people and cars that would change the dynamic of the town in a deeply negative way.

I urge you to oppose the building plan for Penryn Road.

Thank you for your time and consideration,  
Kelly Myers

Kelly A. Myers, Ph.D.  
Program in Writing and Rhetoric  
590 Escondido Mall  
Sweet Hall, 3rd floor  
Stanford University  
Stanford, CA 94305-3069  
(650) 721-6093

## RESPONSES TO COMMENT LETTER P

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Submitted by:

Kelly A. Myers, Ph.D

**P-1** The comment expresses concern about development of the project and describes the commenter's fondness for the community. The commenter states that development of the project would be devastating. The commenter believes that a large-scale apartment complex would lead to an influx of people and change the dynamic of the town in a negative way. The commenter urges opposition to the project.

The comment does not specifically address the content of the Draft EIR. The Initial Study provided in Appendix A to the Draft EIR discusses the anticipated population of the project and determines that the increased population is consistent with the projections contained in the Horseshoe Bar/Penryn Community Plan. In addition, the population that would be expected to reside at the project site and data regarding population trends in the Community Plan area are described in Chapter 4 of the Draft EIR. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

**From:** [Talia Starkey Ogliore](#)  
**To:** [Placer County Environmental Coordination Services;](#)  
**Subject:** Comment in Opposition: Please REJECT "Orchard at Penryn" Development  
**Date:** Friday, August 26, 2011 6:26:46 PM

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To whom it may concern,

I am writing to express my sincere opposition to the proposed "Orchard at Penryn" Development.

As a Del Oro High School cross country and track team captain who spent my summers and falls running laps on Penryn Road around the proposed development area, I can hardly believe that developers are proposing to bring 150 residential rental units onto this land.

Q-1

I strongly reject the DRAFT EIR's findings that the new development will have no significant impact on the local community.

This is false. And objectionable.

How could a development that will bring at least 150 families (and their 375 cars!) have no significant impact on a town that had an official population of only 810 in the 2010 Census? How could we possibly believe that it would be reasonable to introduce 150 new families when we only had a reported 231 families in the town to start with? That's more than a 50% increase in number of families, and that's preposterous. We should not let this happen.

Q-2

There is no development on the area right now--that fact is included in the EIR. Instead, this land is covered with oaks, grassland, and wetlands/riparian scrub. This is valuable and disappearing landscape in Northern California--we should not surrender it to homes and more development. The documents also cite levels of agricultural pollutants in the soil that the developer will remediate by removing and sending to a hazardous waste landfill. Please do not be swayed by this. The land at Orchard at Penryn has the same contaminant levels as all of our lands, due to our agricultural history (and, truly, our agricultural present)

Q-3

Q-4

These people seeking "attainable housing for working families in the Loomis/Penryn area" would be no better off living in the dense, crowded un-Penryn-like Orchard at Penryn development than they would in

Q-5

existing, built, and available residential areas in Rocklin or Lincoln. We should not let this happen.

Please. Reject the EIR. Don't let this inappropriate use of land proceed. Orchard at Penryn is not welcome in our community.

Sincerely,  
Talia Starkey Ogliore

Cell Phone: 626-390-8628

↑  
Q-5  
cont.

## RESPONSES TO COMMENT LETTER Q

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Submitted by:

Talia Starkey Ogliore

**Q-1** The comment expresses opposition to the project and rejects the Draft EIR's conclusion that the development will not have a significant impact on the community.

Refer to Response to Comment L-2 regarding the conclusions contained in the Draft EIR.

**Q-2** The comment questions how the increase in residents and vehicles associated with the project development will not have a significant impact on the Town. The comment states that the project will result in a greater than 50 percent increase in the number of families in the Town.

The Draft EIR identifies Significant, Potentially Significant, and Significant and Unavoidable impacts that would result from the proposed project, as discussed in Response to Comment L-2. Also, refer to Response to Comment H-2 for a discussion of the Community Plan land use densities associated with the proposed project. The population that would be expected to reside at the project site and data regarding population trends in the Community Plan area are described in Chapter 4 of the Draft EIR. As stated on pages 1-3 and 1-4 in the Draft EIR, "the project does not include a request for a rezone or General Plan amendment to increase density. The project would not increase population in the Penryn area beyond the holding capacity anticipated in the *Horseshoe Bar/Penryn Community Plan*."

**Q-3** The comment states that development of the project will negatively impact the oaks, grassland, and wetlands/riparian scrub currently onsite.

The comment does not specifically address the content of the Draft EIR. The Draft EIR describes impacts to grassland, riparian, woodland habitats in Impact 5.1 on pages 5-15 through 5-17, impacts to oak woodlands in Impact 5.2 on pages 5-17 and 5-18, and impacts to wetlands in Impact 5.3 on page 5-18. All three impacts are considered significant before mitigation, but would be less than significant with implementation of mitigation measures identified in the EIR.

**Q-4** The commenter states that the proposed removal of agricultural pollutants in the soils at the project site should not be a reason influencing approval of the project. The commenter asserts that the soils throughout the community have the same contaminant levels due to the agricultural history of the area.

The comment does not specifically address the content of the Draft EIR. The Department of Toxic Substances Control requires either clean up or containment of the site because concentrations of contaminants in the soil exceed health standards.

The Removal Action Work Plan evaluates four options for meeting health standards and finds that clean up is most effective and provides the highest level of confidence in meeting health standards. Since the community has a history of agricultural uses, it is possible that other areas in the community have similarly elevated contaminant levels.

**Q-5** The comment states that the existing and available housing in Rocklin and Lincoln would be more suitable for people seeking affordable housing in the area. The comment urges rejection of the EIR and requests the denial of the project due to its incompatibility with the community.

The comment does not specifically address the content of the Draft EIR. CEQA does not require the EIR to compare the proposed project with other housing opportunities in the region. Refer to Responses to Comments H-1 and N-1 regarding land use compatibility. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

RECEIVED

AUG 29 2011

ENVIRONMENTAL COORDINATION SERVICES Aug 29, 2011

To: Maywan Krach, Environmental Services,  
Placer County Community Development Resource Agency,  
3091 County Center Drive, Suite 190, Auburn, CA

Subj: Proposed Project, **Orchard @ Penryn** (PEIR 20070521/State Clearinghouse # 2010032070)

This project as proposed makes as much sense as approving a rendering plant upwind from an established aroma-therapy spa! It makes no sense, violates the intent of the Horseshoe Bar Penryn Community Plan (HBPCP) and is a detriment, not a benefit to the Penryn area community. The County has allowed the area around the project to be developed into 2+ acre "mini-estates". To allow a 30+ foot high apartment complex to now be built "15 feet" from the property lines is an abomination.

R-1

1. In a November 2007 letter then Planning Director Michael Johnson notified the developer there was not sufficient benefit to the community (a requirement for approval of a Planned Development) to allow such high density. Nothing has changed to make it a benefit. When first presented at the MAC as an informational item, it was made abundantly clear the community did want a development like this. When asked by the audience what benefit there would be to the community, the presenter struggled to respond and then said "you might get a Starbuck's" to which the audience said, "we don't want one!"

R-2

2. **There is no need for this project.** Using the 2000 Census data and projected growth rate from the EIR, the needed dwelling units (d.u.) at buildout for the HBPCP area is 4,900. With the d.u. for known already approved projects, added to the existing d.u. **there are already 1000 more d.u. than needed at buildout!**

R-3

3. Since Placer County has still not developed any specific "thresholds of significance" for evaluating impacts (as recommended in the CEQA and required to avoid the subjective whim of whoever is doing the evaluation), the EIR preparers fall back on the very subjective Appendix G of the CEQA Guidelines. Many of the "significance" findings in the EIR make no sense, unless you are an entity which stands to profit from the project. The Planning Department personnel may be objective, but the EIR is created and paid for by the developer, so the EIR analysts/preparers have to be predisposed to findings in favor of the project. At no point is the significance of impact on the citizens already in the area seriously considered. While I appreciate the North Forks Associates effort to bring some specific, quantifiable standards to determining impact significance, the standards used are so outrageously high that no project would have a significant impact. For example, the noise pollution increase is cited as needing to be 5dBA or more before the impact is considered significant. That is an increase of almost **4 times** the current ambient noise level before an impact would

R-4

R-5

<p>be considered significant. No reasonable person would agree a 300% increase in noise level is required before there is a significant impact!</p>	<p>↑ R-5 cont.</p>
<p>4. This project as proposed clearly violates the intent of the HBPCP. The Plan <u>very clearly</u> states only one high density area is intended within the Plan, the pre-existing mobile home park on Auburn-Folsom Road. This project, at the density proposed <u>is not</u> “ - - - consistent with the Community Plan - - -” as claimed in the EIR. A specific goal of the Plan is preservation of the rural character and quality of the area. Apartments are the opposite of that. The Orchard on Boyington Road and Penryn Townhomes are obvious perversions of the Plans intent. Approval of the Orchard at Penryn as proposed would further damage the community.</p>	<p>R-6</p>
<p>5. While the County Notice of Preparation characterized the project as residential condominiums, in fact it is a stealth effort to create an apartment complex. It has a leasing office and is stated to be “attainable housing for working people”.</p>	<p>R-7</p>
<p>6. The EIR has many problems/errors, for example:</p> <p>a. It states impacts from 400+ people on a 15 acre plot will have “no significant impact” on recreation facilities, schools or increased crime/demand for law enforcement services. This is a small rural area and there would be a significant impact from adding that many people.</p>	<p>R-8</p>
<p>b. It quotes a “Sheriff’s Community Services Officer” as saying there is typically no difference in law enforcement demands between “for sale” and “for rent” developments. They said the noticeable difference is between “affordable housing” versus “market rate” developments. I’m not sure how much experience the officer had, or how the question was posed. but the numerous law enforcement officers I know would agree with the latter statement but absolutely <u>disagree</u> with the former. Dense developments with a high percentage of rentals have far more crime, <u>especially as they age and become less desirable</u>. An obvious case in point is Auburn Greens off Highway 49 in Auburn. We <u>do not want</u> those problems dumped into the Penryn and Loomis communities!</p>	<p>R-9</p>
<p>c. It says, “the modeling predicts” there will be no increased traffic noise for the surrounding road segments. I don’t know if the problem is the fidelity of the model or the parameters chosen to put into the model, but that answer is <u>wrong!</u> There is no way that going from vacant ground to nearly 1000 vehicle trips per day will not increase traffic noise on the surrounding roads.</p>	<p>R-10</p>
<p>d. It notes there will definitely be significant visual impact from adding 30+ foot high clusters of buildings, but then states that is effectively mitigated to be consistent with the HBPCP and County General Plan requirements</p>	<p>↓ R-11</p>

by setting the buildings back 15 feet from the property lines. Who are we trying to kid!

R-11  
cont.

e. In many cases the EIR states impacts to the Penryn and Loomis areas will be mitigated by paying fees, which can be used anywhere in the County. Those with the impact should be guaranteed they will directly benefit from any impacts where fees are paid to “buy” mitigation.

R-12

f. It correctly states the HBPCP has 19 General Community Goals and then dismisses all but goals 4, 7, 8 and 19 as irrelevant to this project and so doesn't address them. The developer/preparer has “cherry picked” the goals for the ones that support the project and called “irrelevant” the ones in conflict with the development. Goals 2, 3, 6, 13 and 14 are absolutely and directly relevant to this project and others may apply as well. The analysis is incomplete.

R-13

g. It fails to note the approved Penryn Townhomes development in the cumulative impact analysis. I know there are several additional developments that have been actively pursued. How many others have been missed? The analysis of other developments adding to the cumulative impacts is incomplete.

R-14

h. It declares a number of impacts “significant and unavoidable”. This is based on the totally false presupposition that this project must be built! As noted above, there isn't a need for this project so it absolutely does not need to be built. Not building it results in no impact so it is completely avoidable.

R-15

This EIR is extremely flawed and completely unacceptable. I appreciate that a great deal of work has gone into it, and some of it in great detail, but it is not of benefit to the community. The only beneficiary is the San Diego development corporation proposing it for financial gain while the victims will be the Penryn and Loomis communities. The fundamental problem is the density is far too high to comply with the HBPCP and the way the County has been allowing the area to develop. Alternative B is a step in the right direction, but not adequate. What I call “B prime”, with commercial or offices on the 5 acre parcel on Penryn Road and dwelling units at “medium density” (the EIR calls the project “medium density”; the HBPCP defines “medium density” as 2-4 d.u. per acre) on the remaining 10 acres would make sense.

R-16

R-17

R-18



Gordon Robbins  
7941 Logan Lane  
Penryn, California

## RESPONSES TO COMMENT LETTER R

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Submitted by:

Gordon Robbins

- R-1** The comment states that the project does not make sense, that it is contradictory to the Horseshoe Bar/Penryn Community Plan, and that it will be a detriment to the community. The commenter opposes the County allowing the 30-foot high apartment complex to be built 15-feet from the adjacent parcels.

The comment does not specifically identify how the project would be contradictory to the Horseshoe Bar/Penryn Community Plan. Consistency with the Community Plan is evaluated on pages 4-12 through 4-15 of the Draft EIR under Impacts 4.1 through 4.3. A detailed analysis of the project's consistency with Community Plan policies is provided in Appendix B to the Draft EIR. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project. The proposed building height and setbacks comply with the County's zoning ordinance requirements applicable to the zoning designations at the project site, as discussed on pages 6-8 and 6-10 of the Draft EIR.

- R-2** The comment makes reference to a November 2007 letter in which Planning Director Michael Johnson notified the project developer that there was not sufficient benefit (a requirement for approval of a Planned Development) to the community to allow such high-density. The comment states that since then, the project has not changed to provide a sufficient benefit. The comment also states that when the project was first presented at the MAC, it was made clear that the community was opposed to such development.

The comment does not specifically identify errors or inadequacies in the Draft EIR. Refer to Response to Comment L-4.

- R-3** The commenter asserts that there is no need for the project. The comment references 2000 Census data and the projected growth rate from the EIR, and states that the Horseshoe Bar/Penryn Community Plan provides for 4,900 dwelling units at buildout. The comment notes that by adding the dwelling units associated with already approved projects to the existing dwelling units, there will be 1,000 more units than needed at buildout.

As discussed on page 14-2 of the Draft EIR, the cumulative Land Use impacts identified in the Horseshoe Bar/Penryn Community Plan EIR include increased residential units and population in the area, conversion of undeveloped land to rural residential uses, and substantial growth in the area. The addition of the approved, active, or reasonably foreseeable projects in the area (particularly those that are not included in the growth assumptions for the Community Plan) would exacerbate each of these impacts. The proposed project is consistent with the Community Plan land

use designation and the zoning designation for the project site. Development of the project would convert undeveloped land to residential uses – but this impact is anticipated under the Community Plan. The residential units proposed for the site and the associated population that would be supported onsite are also anticipated under the Community Plan. The proposed project would contribute to the cumulative Land Use impacts identified in the Horseshoe Bar/Penryn Community Plan EIR, but the project’s contribution to these impacts is not considered cumulatively considerable. These cumulative impacts would occur at the same magnitude with or without the proposed project.

- R-4** The comment states that the EIR preparers, in evaluating impacts, relied on the subjective thresholds of significance included in Appendix G of the CEQA Guidelines. The comment further states that many of the “significance” findings in the EIR do not make sense. The comment asserts that because the EIR is created and paid for by the project developer, the EIR preparers are predisposed to findings in favor of the project. The commenter states that the impacts to the citizens of the community are not seriously considered. Finally, the comment asserts that the significance thresholds used to analyze impacts are outrageously high that no project would have a significant impact.

Placer County, as Lead Agency for preparation of the environmental document for the Orchard at Penryn project, is responsible for ensuring that the proposed project is evaluated for its possible effects on the environment. Per the CEQA Guidelines Section (§) 15084(e), Placer County “is responsible for the adequacy and objectivity of the draft EIR.” The EIR preparers work under the direction of Placer County, not the project developer.

Consistent with CEQA Guidelines §15064.7, the significance criteria used to evaluate impacts throughout the document and how they were developed is described at the bottom of page 1-5 of the Draft EIR. The thresholds of significance used throughout the EIR are consistent with those used in other EIRs prepared for projects in Placer County.

- R-5** The comment states that an increase of 5dBA, the required threshold for noise impacts to be considered significant, would be almost 4 times the current ambient noise level. The comment expresses dissatisfaction with this threshold.

The thresholds of significance used in evaluating potential noise impacts are based on the noise level requirements established in the Placer County General Plan, Placer County regulations related to transportation noise sources, and federal guidelines established by the Federal Interagency Committee on Noise (FICON). The noise standards referenced in this comment are specifically discussed on page 9-5 of the Draft EIR. In addition to the FICON standards for increases in noise levels, the General Plan and Community Plan standards of maximum noise levels were used as significance criteria. Impacts 9.1 and 9.2 both indicate that noise levels in the project area after implementation of the proposed project would remain below the applicable standards set by the General Plan and Community Plan.

**R-6** The comment states that the project violates the intent of the Horseshoe Bar/Penryn Community Plan. The comment states that the Community Plan identifies one high-density area, the existing mobile home park on Auburn Folsom Road. The comment asserts that this project, at the density proposed, is not consistent with the Community Plan. The comment references the Community Plan's goal to preserve the rural character and quality of the area and states that the project would do the opposite. The comment also references two other Penryn developments, stating that they are also inconsistent with the intent of the Community Plan. The commenter states that development of the proposed project would further damage the community.

Refer to Responses to Comments H-1, I-1, L-1 and L-3 regarding project density and compatibility with Community Plan. The Draft EIR is not intended to evaluate the two other projects mentioned in this comment.

**R-7** The comment notes that the project's characterization as "residential condominiums" in the County's Notice of Preparation was an attempt to conceal that fact that the project will create an apartment complex.

The comment is correct that the Notice of Preparation characterized the project as a condominium project. The Draft EIR identifies the project as 150 multi-family residential units and on page 1-2 indicates that "the project may also be operated as a rental community. Operation of the project as for-sale condominiums versus as a rental community would not change the required permits and approvals, County standards for project design and Improvement Plans, or environmental impact analysis."

**R-8** The comment states that the EIR has many problems/errors. The first example is the conclusion that there will be no significant impact on recreation facilities, schools or increased crime/demand for law enforcement services. The commenter states that Penryn is a small, rural area and the addition of 400 or more people on the 15-acre site will create a significant impact.

The comment does not provide support for its assertion that the project would result in significant impacts on recreation facilities, schools, or increased crime. These issues are discussed in the Initial Study and on pages 1-4 and 1-5 of the Draft EIR. The project includes onsite recreation facilities and is required to pay fees for development and maintenance of county-owned recreation facilities in the project area. The project would also be required to pay school impact fees to each school district that would serve the project. As discussed in Response to Comment J-2, these fees provide funding for school facilities and services and are calculated based on the school district's identified costs and facility needs for serving each student as well as the number of students that would be housed in a residential project. The Draft EIR recognizes that the project would increase demands for law enforcement services but because the increase would be consistent with the Community Plan projections it would not constitute a significant impact.

**R-9** The next example of a problem/error in the EIR relates to the quote included in the EIR from a Sheriff's Community Service Officer stating that there is typically no difference in law enforcement demands between "for sale" and "for rent" developments. The comment states that the commenter knows several law enforcement officers that would disagree with that statement. The comment states that high-density developments comprised of mostly rental units have far greater crime, especially as said developments age and become less desirable. The comment references the Auburn Greens development in Auburn as an example and states that the Penryn and Loomis communities do not want similar problems.

Refer to Response to Comment D-10 which addresses crime and rental housing.

**R-10** The next example of a problem/error in the EIR relates to conclusion that there will be no increased traffic noise for the surrounding road segments. The commenter states that this conclusion is incorrect.

The modeling of future traffic noise conducted as part of the noise analysis in the Draft EIR concluded that traffic associated with the project would not increase noise levels for any of the studied roadway segments. The acoustical consultants used the traffic volumes predicted in the Traffic Impacts Analysis for this project and the Federal Highway Traffic Administration (FHWA) Traffic Noise Prediction Model to complete the noise analysis. The FHWA model is a commonly used model for predicting traffic noise levels.

The traffic related noise levels are measured in  $L_{dn}$ , consistent with the County's standards for residential exposure to transportation noise levels. The  $L_{dn}$  measurement is an average of noise levels experienced over a continuous 24-hour period. This means that while noise levels during the a.m. or p.m. peak hour of traffic may increase slightly as a result of project-generated traffic, this increase may not be noticeable when included in the 24-hour noise level average. As an example, the project would generate a maximum of 87 trips during the p.m. peak hour (page 7-10 of the Draft EIR). The existing daily traffic volume on Penryn Road is 5,851 trips (page 7-4 of the Draft EIR), and in general approximately 10 percent of those trips occur during the p.m. peak hour. Therefore, approximately 585 trips occur on Penryn Road in the p.m. peak hour. Based on these conditions as well as average vehicle speed and terrain characteristics along Penryn Road, the noise modeling indicates that the proposed project would not increase roadway noise levels under existing plus project conditions, as discussed in Impact 9.2.

It is noted that Impact 14.5 found that traffic generated by the proposed project would increase traffic noise levels on two segments of Penryn Road by 1 dB in the cumulative plus project conditions. This is a less than significant impact.

The comment states that the Draft EIR conclusion is incorrect but does not offer reasons for this statement.

**R-11** The next example of a problem/error in the EIR is in regard to the 15-foot required building setback included as mitigation for the significant visual impacts associated

with the project. The commenter expresses dissatisfaction with this mitigation measure.

The comment is correct that one of the two mitigation measures to reduce visual impacts proposed by the project applicant for inclusion in the project is a 15-foot setback on the northern and southern property lines. It is noted that this setback doubles the minimum required setback established by the Placer County zoning ordinance. The proposed 30-foot landscaped corridor area along the Penryn Road frontage is consistent with the requirements of the Horseshoe Bar/Penryn Community Plan. In addition, three other mitigation measures are to be implemented to reduce impacts to visual resources. The Draft EIR does not conclude that these measures “effectively mitigate” impacts to visual resources. The Draft EIR concludes that impacts to visual resources will remain significant and unavoidable with implementation of proposed and recommended mitigation measures.

- R-12** The next example of a problem/error in the EIR relates to the mitigation measures that involve the payment of fees. The commenter asserts that these fees can be used anywhere in the County but feels that they should instead be used to directly improve the impacts for which they are collected as mitigation.

There are many types of fees included in the EIR as mitigation for project impacts. Fees that could be used anywhere in the County are applied to impacts that are regional in nature, such as impacts to biological resources and air quality. Where specific local improvements are needed to mitigate project impacts, the fee payments are targeted to those located improvements, such as in the case of fair share payments toward traffic improvements.

- R-13** The next example of a problem/error in the EIR relates to the project’s consistency with the General Community Goals of the Horseshoe Bar/Penryn Community Plan. The comment states the developer/EIR preparer only included a discussion of the consistency with the goals that support the project and called “irrelevant” the ones that conflict with the development. The comment states that Goals 2, 3, 6, 13, and 14 are relevant to the project and that the analysis is therefore incomplete.

General Community Goals 2 and 13 are included in the Draft EIR on page 6-5.

General Community Goal 3 is included in the Draft EIR on page 5-12.

General Community Goal 6 has been added to the Draft EIR on page 4-9. The analysis of Impacts 4.1 and 4.3 consider the project’s consistency with the Penryn Parkway designation, as required by this goal.

General Community Goal 14 is not relevant to the project site. This goal discusses protection of scenic vistas along area roadways. As discussed in Response to Comment D-16, the only roadway mentioned in this goal from which the project site is visible is Taylor Road. However only momentary glimpses of the site are visible. The views of the site do not contribute to any scenic vistas in the area.

**R-14** The next example of a problem/error in the EIR relates to the EIR's failure to note the approved Penryn Townhome development in the cumulative impact analysis. The commenter questions whether other development projects have not been included and states that the analysis of cumulative impacts is incomplete.

The cumulative scenario includes the Penryn Townhome development and other development consistent with the land use and zoning designations in the project area, in addition to the specific development projects described on pages 14-1 and 14-2 of the Draft EIR.

**R-15** The final example of a problem/error in the EIR relates to the significant and unavoidable impacts. The commenter states that the significant and unavoidable conclusion is based on the "false presupposition that this project must be built." The commenter states that there is no need for the project and by not building the project the significant and unavoidable impacts would be completely avoidable.

The comment is correct that not building the project would avoid all of the impacts identified in the EIR. The EIR evaluates the impacts that would occur from approval and implementation of the project. The EIR does not recommend approval or denial of the project, it discloses to the public and the County decision-makers the environmental effects that would result if the County does approve the project.

**R-16** The comment states that the EIR is flawed and unacceptable. The commenter asserts that the project is not of benefit to the community, it would only benefit the developer.

As stated on page 1-1 of the Draft EIR, "the Draft EIR is an informational document prepared to provide public disclosure of potential impacts of the project. The EIR is not intended to serve as a recommendation of either approval or denial of the project." This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

**R-17** The commenter states that the fundamental problem with the project is that the density is far too high to comply with the Horseshoe Bar/Penryn Community Plan and the commenter is dissatisfied with the way the County has been allowing the area to develop.

The comment does not specifically identify any inadequacy in the Draft EIR, therefore this response generally addresses the zoning of the property. As stated on page 4-2 and shown in Figures 4-1 and 4-2, the project site is comprised of two parcels that are both designated under the Horseshoe Bar/Penryn Community Plan as Penryn Parkway. The western parcel, which touches Taylor Road, is zoned RM-DL-10 PD = 10. This zoning designation allows multi-family residential development with a maximum density of 10 units per acre. A use permit is required for 21 or more dwelling units. The eastern parcel, which borders Penryn Road, is zoned C1-UP-Dc. This zoning designation allows a range of commercial and office uses. It also allows multi-family residential developments up to 21 units per acre (one unit per 2,000

square feet of site area) subject to a use permit.

Refer to Response to Comment H-1 regarding the EIR analysis of the project's density and compatibility with the Penryn community. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

**R-18** The comment states that Alternative B, although better than the proposed project, is still inadequate. The commenter would prefer commercial/office uses on the 5-acre parcel on Penryn Road and medium-density dwelling units on the remaining 10 acres.

The alternative suggested is similar to Alternative D, which includes commercial land uses on the 5-acre parcel on Penryn Road and 75 multi-family dwelling units on the remaining 10 acres, a density of 7.5 units per acre.

PO Box 568  
Penryn CA 95663

Maywan Krach  
Environmental Coordination Services  
3091 County Center Dr.  
Suite 190  
Auburn CA 95603

I would like to have the following comments included in the Environmental Impact Report for the proposed Orchard development slated for Penryn Road.

I am deeply concerned that Placer County is proceeding with the high density housing project known as The Orchard in rural Penryn. Penryn is known for its majestic oaks, open spaces and sensible, single home developments. A 150 unit rental apartment complex crammed onto a 15 acre lot denuded of its native vegetation is the antithesis of a rural community. Development can and must proceed in Penryn, but projects should be approved that are clearly in keeping with the family lifestyle we have specifically moved here to cultivate.

S-1

It is absurd to consider the removal of 316 native trees including mature valley, interior live and blue oaks from a parcel that has all but returned to its former native state. No mitigation has been proposed for the impact on either the season riparian area or the three native plant species of special concern: Brandegees clarkia; big-scale balsam root; or the oval-leaved viburnum. The Draft Environmental Impact Report states that this parcel is excellent nesting habitat for several hawk species. I would hazard to say that any single family home developer who proposed razing the native vegetation to the ground would be categorically rejected by the planning commission.

S-2

S-3

S-4

S-5

The traffic impact of such a development in a single family home oriented community is undeniable. No alteration to the on and off ramps of Penryn Road at Highway 80 have been proposed to handle the estimated 989 vehicle trips to and from such a complex every day. The EIR states that the traffic, "impact is significant and unavoidable."

S-6

S-7

As a homeowner and taxpayer in Penryn, I reject the notion that a San Diego based development company has any right to impose such a 'hit and run' development on our community. They have no vested interest in the long term quality of life for the residents of Penryn. The developer's only interest is to make a buck and move on to the next vulnerable community.

S-8

I strongly urge you to reconsider the fundamental nature of this project and either scale it back dramatically or abandon it all together.

Most sincerely,  
Michelle Sanderson  
Penryn, CA

## RESPONSES TO COMMENT LETTER S

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Submitted by:

Michelle Sanderson

- S-1** The commenter requests that their comments be included in the Orchard at Penryn EIR. The comment expresses concern that the County is proceeding with the project, stating that the project is inconsistent with the rural nature of the community. The commenter states that new development in Penryn should be designed to complement the family lifestyle embraced by the area residents.

When a project application is filed, the County is required to process that application, including conducting environmental review. The County has not yet taken action to approve or deny the project. An analysis of visual quality and character of the proposed project is provided in Chapter 6 of the Draft EIR. This analysis concludes that impacts to the visual quality and character of the project site would remain significant and unavoidable following implementation of mitigation measures. Refer to Responses to Comments H-1 and N-1 regarding land use compatibility.

- S-2** The comment states that it would be absurd to consider the removal of 316 native trees from the parcel.

The comment does not specifically address the content of the Draft EIR. While the comment is correct that the project site supports a total of 316 trees, not all of these trees would be removed. Figure 10-2 Grading Plan and Figure 11-2 BMP Plan indicate areas of the site where grading would not occur. Trees in these areas would be preserved. The Draft EIR analysis of impacts to oak woodland habitat is discussed under Impacts 5.1 and 5.2 beginning on page 5-17. Consistent with County policy and the County Oak Woodland Management Plan, the analysis is based on habitat area rather than individual trees. Mitigation measures are identified by the EIR to compensate for the loss of oak woodland. Impact 5.5 includes an analysis of compliance with the County's Tree Preservation Ordinance and large trees that would be removed with the project. Two trees onsite meet the definition in the Ordinance of large trees, which are defined as single-trunk trees greater than 24 inches in diameter and multi-trunk trees with an aggregate diameter greater than 72 inches. Mitigation measures included in Chapter 5 of the Draft EIR require that oak woodland habitat be mitigated at a 2:1 ratio and that impacts to large oak trees are mitigated on an inch-per-inch basis. The project applicant shall plant replacement trees onsite or in an offsite location providing restoration of an approved former oak woodland, and/or shall contribute \$100 to the Placer County Tree Preservation Fund for each diameter inch removed or impacted. The measures included in the Draft EIR are consistent with the County Oak Woodland Management Plan and the Tree Preservation Fund.

- S-3** The comment states that no mitigation has been proposed for the impact to the seasonal riparian area or the three native plant species of special concern:

Brandegee's clarkia, big-scale balsam root, and the oval-leaved viburnum.

Mitigation measures for impacts to seasonal riparian areas include Mitigation Measures 5.1a and 5.1b, which call for the retention of 0.08-acre of riparian area and compliance with the terms and conditions of a Streambed Alteration Agreement. As stated in the Draft EIR, "These agreements typically include specific requirements related to construction techniques and remedial and compensatory measures to mitigate for adverse impacts. With implementation of these measures the project's impacts to riparian habitat and associated wildlife and plant populations would be less than significant." In addition, the project's effects on wetlands and associated habitat are discussed under Impact 5.3 on page 5-18 of the Draft EIR. As a result of anticipated impacts, Mitigation Measures 5.3a through 5.3e would be required.

As indicated on page 5-6 of the Draft EIR, the three native plant species of special concern: Brandegee's clarkia, big-scale balsam root, and the oval-leaved viburnum have the potential to occur onsite. On page 5-8, the Draft EIR states that a floristic survey was conducted according to guidelines issued by CDFG for rare plant surveys. Surveys did not discover any of these three plant species onsite; therefore no mitigation measures for impacts to these species are necessary.

- S-4** The comment references the statement in the Draft EIR that the parcel is excellent nesting habitat for several hawk species.

The comment is correct that the Draft EIR recognizes that the site provides habitat that could support nesting raptors. The comment does not specifically address the content of the Draft EIR. Chapter 5 of the Draft EIR discusses potential impacts to nesting raptors and requires surveys for nesting raptors prior to construction and measures to avoid disturbance of nesting raptors should any active nests be discovered by surveys.

- S-5** The commenter states that a developer of a single-family home proposing to destroy the natural vegetation would be categorically rejected by the Planning Commission.

The comment does not specifically address the content of the Draft EIR. As stated on page 1-1 of the Draft EIR, "the Draft EIR is an informational document prepared to provide public disclosure of potential impacts of the project. The EIR is not intended to serve as a recommendation of either approval or denial of the project." This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

- S-6** The comment states that the traffic impact associated with the project is undeniable. The comment notes that the project does not propose any improvements to the Highway 80 on- and off-ramps at Penryn Road, and states that such improvements are necessary to handle the estimated 989 vehicle trips associated with the project.

Table 7.3 on pages 7-3 and 7-4 of the Draft EIR shows that the Penryn Road/Westbound I-80 ramps and the Penryn Road/Eastbound I-80 ramps currently operate at acceptable levels under the County's standards. Under the cumulative

condition, as shown in Table 14.3 on pages 14-6 and 14-7 of the Draft EIR, the Penryn Road/Westbound I-80 ramps will continue to operate at an acceptable LOS, but the Penryn Road/Eastbound I-80 ramps will degrade to LOS E in the p.m. peak hour. This condition will be improved by providing all way stop control (stop signs at each leg of the intersection), as shown in Tables 7.8 and 14.5. The project is required to contribute a fair-share payment toward providing the all way stop controls at this intersection. Refer to Response to Comment K-1.

**S-7** The comment references the conclusion in the EIR that some traffic impacts are significant and unavoidable.

The Draft EIR concludes that traffic impacts are significant and unavoidable for two intersections in the Town of Loomis (Horseshoe Bar Road/Taylor Road and Taylor road/King Road) under cumulative conditions. The Draft EIR notes that both intersections would operate at unacceptable LOS without the project. Improvements are available for the Taylor Road/King Road intersection but, because it is outside the County's jurisdiction, the County has no means of enforcing construction of the improvements. Right of way limitations make it infeasible to improve the Horseshoe Bar Road/Taylor Road intersection. Refer to Responses to Comments D-2 and D-3.

**S-8** The commenter, a homeowner and taxpayer in Penryn, rejects the project and states that the developer has no vested interest in the long-term quality of life for the residents. The commenter states that the developer is only interested in profiting on the project. The comment urges the reconsideration of the project and asks that it either be scaled back or abandoned all together.

As stated in Response to Comment S-5, the EIR does not recommend approval or denial of the project. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

**From:** [Reta Shaw](#)  
**To:** [Placer County Environmental Coordination Services;](#)  
**Subject:** No on the project that will bring so darn many people to our area!  
**Date:** Monday, August 22, 2011 11:40:16 AM

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The community of Penryn does not want such a project as the Penryn Road and I-80. We expect our representatives to do the will of the people. Turn down such a project.

T-1

Reta Shaw a Penryn resident since 1961.

## RESPONSES TO COMMENT LETTER T

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Submitted by:  
Reta Shaw

**T-1** The comment states that the project is not wanted in the community of Penryn. The commenter urges the elected representatives' denial of the project.

No specific comments on the Draft EIR are provided and no response is necessary. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

**From:** [Jerald Starkey](#)  
**To:** [Placer County Environmental Coordination Services;](#)  
**Subject:** comment on EIR for Orchard at Penryn  
**Date:** Monday, August 29, 2011 10:20:50 AM

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Gentlemen:

We have been living in Penryn for 35 years. When we first arrived, the population of Penryn was 1500; it grew rather gently until today, when the population is about 5,000. We live on five acres which was historically part of a peach orchard: later there were plums on our land, then cattle, and finally, us. For the first year, we cleared the land and made our plans. Then we built our home, raising two daughters who went to Newcastle School and Del Oro High.

U-1

Regarding the proposed project, "Orchards at Penryn," we would like to say the following: We live here. This project is not all right with us. It always seems like such a joke, that developers name their housing projects for what it was that they obliterated: "Quail Meadows," "Lupine Hills," "Poppy Ridge." Now the proposal is "Orchards at Penryn." They posit 150 units of high-density, rental, "family" housing, easily 600+ people, packed onto a 15-acre parcel. Not really an orchard. WE LIVE HERE. THIS IS NOT ALL RIGHT WITH US.

Penryn is rural. It is now called rural residential. People have acreage here. That's why they live here --- for the space. We have all paid --- in money, in time, in labor --- to live here. The community has a post office, a restaurant, a quick-shop, a school, a feedstore, a nursery. People don't just have cats and dogs here, they have animals with hooves, animals which need barns and hay, acreage and strong fences. The people are invested in the community, many for generations.

The proposed project is for family apartments? For renters? Renters are people who have no ties to the community. They will move on as soon as their circumstances improve. They won't care about Penryn ... they are *renters*. They will only be here until they can find something else. WE LIVE HERE. THIS IS NOT ALL RIGHT WITH US.

U-2

A stated project objective is "to provide attainable housing for working families in the Loomis/Penryn area, thereby reducing commutes to nearby employment centers." Nearby employment centers? There are no employment centers in Penryn. People here commute to jobs in Auburn, Rocklin, and Roseville. There are plenty of apartments available already in Auburn, Rocklin, and Roseville, many of which would no doubt be cheaper than new apartments would be in Penryn. There is no commute to Roseville, if you live in Roseville. There is no commute to Auburn, if you live in Auburn. Penryn does not need apartments.

U-3

The project EIR lists the most notable significant, unavoidable, and irreversible impacts as:

U-4

1. Reduction in natural vegetation and wildlife communities. The loss of open space represents a significant loss of habitat for the many critters that populate the

countryside. The list of wild animals, who share our rural/residential homesites and live in the brambles and thickets along our property margins, is long: ground squirrels, tree squirrels, skunks, raccoons, rabbit, opossum, fox, coyote, bobcat [to name a few of the terrestrial megafauna]. Their food sources include other tiny critters, grasses, seeds. The EIR states that the necessary soil excavation and leveling for this proposed project "would destroy affected portions of the swales and remove the associated riparian and woodland vegetation." THIS IS NOT ALL RIGHT WITH US.

U-4  
cont.

2. Alteration of the visual character of the site. Assorted remedies are hypothesized to disguise the appearance of high density housing in a place where it clearly does not belong: fences, landscaping, etc., all "to reduce the visual contrast from open space and rural residences to *the developed condition of the proposed project* (italics ours)." To paraphrase Sesame Street, "Which of these things is not like the other?" Why put high density housing in an existing community of "Rural Residential?" It is inappropriate and unnecessary.

U-5

3. Increased and continuing generation of traffic. This is a huge subject. Most families have two cars; some families have teenage drivers as well. 150 families would easily mean 300 more cars taking multiple daily trips, not just to and from I-80, but on our narrow, country roads. THIS IS NOT ALL RIGHT WITH US.

U-6

4. Increased generation of air pollutants. This problem would be both during the construction phase and then continually thereafter, as 600+ extra people live and commute to their work/school/ etc. from the proposed project. The EIR states in section 14.4 that there would be an increase in the cumulative concentrations of ROG and NOx. Their suggestions are for mitigation *offsite*? How would that possibly help the Penryn community, which would then be stuck with that pollution? Another suggestion is mitigation *money*. How would that help Penryn? THIS IS NOT ALL RIGHT WITH US.

U-7

The EIR document states that "these are irreversible impacts, which are unavoidable consequences of urban growth." Right! They certainly are! Penryn is not urban and does not wish to be urban. This kind of housing density belongs in a city.

U-8

We would like to suggest that there is a fifth significant, unavoidable, and irreversible impact to our Penryn community of this proposed project, and that is the consequent necessary increase in services [police and fire protection, use of schools]. Since these would be 150 families, by definition they would have children. 300 or more children could swamp the capabilities of Penryn school, which has always had a single classroom for each grade level. Police, Fire, and School services are a significant cost to the community; yet the people who would put a strain on these services are **renters**. their stay here is transitory; as non-landowners, they would not pay county taxes. WE LIVE HERE AND WE PAY TAXES. WE DO NOT WANT THIS.

U-9

In addition to the above-mentioned significant, unavoidable, and irreversible impacts, there is an astonishing list of items for which, amazingly, the county requires no mitigation:

U-10

- 1. 1. substantially altering topography
- 2. destroying cover or modifying unique geologic or physical features | U-11
- 3. exposure to hazards related to soil stability | U-12
- 4. adversely affecting existing water flow patterns | U-13
- 5. increasing greenhouse gas emissions [both during construction and then as a condition of having 600+ people living there] | U-14

↑ U-10  
cont.

We believe that ALL of these items should be prohibited. They are not beneficial to plants, animals, or the people who **already** live in Penryn. | U-15

The EIR document then proceeds to give us four alternatives to choose among. Alternative A is "no project," something which neither the proposed developer nor the county intends to let happen. Alternative B brings the number of units down to 102 [only 400-500 people, instead of 600]. Alternative C shaves another unit of the total, all the way down to 101. Alternative D suggests 75 units --- still a solid 300+ people packed into those 15 acres. As rural/residential homesites, 15 acres would yield not 75, but between three and five homesites. This density would be appropriate for Penryn and for the existing surrounding homesites. | U-16

The proposed project, "Orchards at Penryn," is clearly inappropriate for our small, rural-lifestyle community. 150 families concentrated in rental units should not be squashed onto 15 acres --- here, where most homes have at least 5 acres around them. Rental properties are already available in Penryn, Loomis, and Newcastle, for people who actually care about living in the country. Urban apartment densities belong in urban settings. WE ALREADY LIVE HERE, AND WE DO NOT WANT THIS PROJECT. | U-17

Most sincerely,

Claudia and Jerry Starkey  
7175 Allen Lane  
Penryn, California 95663

## RESPONSES TO COMMENT LETTER U

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Submitted by:

Claudia and Jerry Starkey

**U-1** The commenters, residents of Penryn for 35 years, express their disapproval of the project. The comment states that Penryn is rural and it is the rural nature of the community that attracts its residents. The comment states that the residents of Penryn are invested in the community.

The comment does not specifically address Draft EIR content. Refer to Responses to Comments H-1 and N-1 regarding land use and rural character compatibility. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

**U-2** The comment states that the project is proposed for renters, people with no ties to the community. The commenter states that renters will not become permanent residents, they will eventually move away from the community. The commenter states that the permanent residents do not want the project.

The comment does not specifically identify an area or analysis presented in the Draft EIR that is inadequate. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

**U-3** The comment references the project objective “to provide attainable housing for working families in the Loomis/Penryn area, thereby reducing commutes to nearby employment centers.” The commenter states that there are no employment centers in Penryn and that residents commute to Auburn, Rocklin, and Roseville for work. The comment states that Penryn does not need apartments because there is sufficient affordable housing available in Auburn, Rocklin, and Roseville.

This comment does not specifically identify an error or issue in the Draft EIR. CEQA does not require the EIR to compare the proposed project with other housing opportunities in the region. The project objective does not state that project residents would commute to Penryn, but indicates a desire to reduce commutes to existing employment areas. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

**U-4** The comment references significant and unavoidable impacts included in the EIR. First, the commenter references the reduction in natural vegetation and wildlife communities associated with the project. The commenter states that the destruction of affected portions of the swales and removal of associated riparian and woodland vegetation is not acceptable.

The Draft EIR describes impacts to grassland, riparian, woodland habitats in Impact 5.1 on pages 5-15 through 5-17, impacts to oak woodlands in Impact 5.2 on pages 5-17 and 5-18, and impacts to wetlands in Impact 5.3 on page 5-18. All three impacts are considered significant before mitigation. Mitigation measures are recommended for each impact that would reduce the level of significance to less than significant after mitigation. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

- U-5** The comment references the project's alteration of the visual character of the site and the mitigation measures designed to minimize the associated impact. The commenter states that high-density housing in a rural residential community is inappropriate and unnecessary.

An analysis of visual quality and character of the proposed project begins on page 6-7 of the Draft EIR. The Draft EIR concludes that even though proposed and recommended mitigation measures would be implemented the impacts to the visual quality and character of the project site will be significant and unavoidable. Refer to Response to Comment H-1 regarding the EIR analysis of the project's density and compatibility with the Penryn community. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

- U-6** The comment references the increased and continuing generation of traffic associated with the project. The commenter states that the project has the potential to add 300 cars, which will result in more vehicle trips to and from Interstate 80 and more traffic on the area's narrow country roads.

No specific comment on inadequacies in the Draft EIR is provided. Refer to Responses to Comments J-1 and K-3, which identify current and projected levels of service (LOS) and traffic operations on area roadways and intersections, and K-1 regarding current and projected LOS for the Penryn Road/Interstate 80 interchange. As summarized in those responses, the project would result in significant impacts at five intersections and on two roadway segments, and most of those impacts would be mitigated to less than significant levels.

- U-7** The comment references the increased generation of air pollutants associated with the project, specifically Impact 14.4 of the EIR related to an increase in the cumulative concentrations of ROG or NO<sub>x</sub>. The commenter questions how the proposed offsite mitigation would help the community of Penryn. The commenter also questions how the mitigation requiring the payment of fees would help Penryn.

Impact 14.4 in the Draft EIR analyzes the project's contribution to an increase in cumulative concentrations of ROG or NO<sub>x</sub>. The project's near-term effect on air quality is evaluated in Chapter 8, while the analysis in Chapter 14 considers the project's long-term (cumulative) effect on air quality. Impact 14.4 is determined to be a significant impact and *Mitigation Measure 14.4a* is provided as recommended mitigation to offset some of the project's long-term air pollutant emissions. As stated in the measure, it would effectively offset emissions from one year of the project. The

EIR concludes that there are no feasible mitigation measures that would offset or reduce emissions in additional years, thus the project's contribution to cumulative air pollutant concentrations would remain considerable and the impact remains Significant and Unavoidable.

- U-8** The comment states that Penryn is not urban and that the density of housing associated with the proposed project belongs in the city.

Refer to Response to Comment H-1 regarding the EIR analysis of the project's density and compatibility with the Penryn community. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

- U-9** The commenter suggests that the impact associated with the increase in police and fire protection and the use of schools be considered the fifth significant, unavoidable, and irreversible impact associated with the proposed project. The comment states that the children living at the project would greatly impact Penryn schools. The comment further states that the provision of police, fire, and school services are costly for the community and renters, as non-landowners, do not have pay County taxes.

The Initial Study completed for the proposed project provides an analysis of the project's potential to impact the provision of public services, including fire protection, law enforcement protection, and schools. The analysis in the Initial Study (located in Appendix A to the Draft EIR), which determined that the project would result in additional demand for public services from the Penryn Fire Protection District, the Placer County Sheriff's Department, and schools within the Loomis Union School District, is summarized on page 1-4 Draft EIR. While the residential population supported by the project would increase demands for public services, it is expected that the demand for public services generated by the proposed project would be within the level of demand anticipated under the Community Plan and that the project would not result in significant impacts to the provision of these services.

Response to Comment J-2 also provides a discussion regarding the EIR analysis of the expected increase in student populations associated with the proposed project and the school impact fees that the project developer will be required to pay prior to the issuance of building permits.

The issue of payment of taxes is not a part of the environmental review process as required by CEQA. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

- U-10** The comment provides an introduction to a list of impacts for which the County purportedly does not require mitigation. The first impact listed by the commenter is the substantial alteration of topography.

While the comment does not specifically address the content of the Draft EIR, the

commenter is correct in noting that Impact 10.3 in Chapter 10 of the Draft EIR, which analyzes the project's potential to substantially alter topography, is determined to be less than significant and no mitigation measures are proposed or recommended.

- U-11** The next impact included by the commenter on the list of impacts not required to be mitigated is "destroying cover or modifying unique geologic or physical features."

While the comment does not specifically address the content of the Draft EIR, the commenter is correct in noting that Impact 10.4 in Chapter 10 of the Draft EIR, which analyzes the project's potential to destroy, cover, or modify unique geologic or physical features, is determined to be less than significant and no mitigation measures are proposed or recommended.

- U-12** The next impact included by the commenter on the list of impacts not required to be mitigated is the exposure to hazards related to soil stability.

While the comment does not specifically address the content of the Draft EIR, the commenter is correct in noting that Impact 10.7 in Chapter 10 of the Draft EIR, which analyzes the project's potential to expose people to hazards related to soil stability, is determined to be less than significant and no mitigation measures are proposed or recommended.

- U-13** The next impact included by the commenter on the list of impacts not required to be mitigated is an adverse effect to water flow patterns.

While the comment does not specifically address the content of the Draft EIR, the commenter is correct in noting that Impact 11.3 in Chapter 11 of the Draft EIR, which analyzes the project's potential to adversely affect groundwater supplies, recharge, and existing groundwater flow patterns, is determined to be less than significant and no mitigation measures are proposed or recommended.

- U-14** The next impact included by the commenter on the list of impacts not required to be mitigated is the increase in greenhouse gas emission during construction and project operation.

While the comment does not specifically address the content of the Draft EIR, the commenter is correct in noting that Impact 14.6 and 14.7 in Chapter 14 of the Draft EIR, which analyze the project's potential to contribute substantial greenhouse gas emissions during site remediation and construction and project operation, were both determined to be less than significant and no mitigation measures are proposed or recommended.

- U-15** The commenter believes all items included on the commenter's list of impacts not required to be mitigated should be prohibited. The commenter states that they are not beneficial to the plants, animals, and residents of Penryn.

As stated on page 1-6 of the Draft EIR, the impact section of the EIR provides the significance criteria applicable to the resources being addressed, identifying those

criteria for which impacts were determined in the Initial Study to be less than significant and those criteria for which impacts are further evaluated in the EIR. The impacts section in each chapter of the EIR describes the potential impacts of the project on the existing environment and determines the level of significance of the impact before and after implementation of mitigation measures. An impact is determined to be less than significant when no substantial adverse environmental change is anticipated. Mitigation for a less than significant impact is usually not necessary.

As stated on page 1-1 of the Draft EIR, “the Draft EIR is an informational document prepared to provide public disclosure of potential impacts of the project. The EIR is not intended to serve as a recommendation of either approval or denial of the project.” This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

- U-16** The comment references each of the four project alternatives included in the EIR. The commenter suggests a rural/residential designation for the project site with between 3 and 5 home sites would be more appropriate.

The alternatives included in EIR were selected based on a determination that they could reasonably meet most or all of the project objectives and reduce potentially significant project impacts. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

- U-17** The comment states that the proposed project is inappropriate for the small, rural community of Penryn. The commenter states that the density proposed is inappropriate for the location. The comment asserts that there are available rental properties in Penryn, Loomis, and Newcastle. The commenter concludes by stating the residents of Penryn do not want this project.

The comment does not identify specifically address Draft EIR content. CEQA does not require the EIR to compare the proposed project with other housing opportunities in the region. Refer to Responses to Comments H-1 and N-1 regarding land use and the project’s compatibility with the rural character of the Penryn area.

This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

**From:** [Marianne Stovall](#)  
**To:** [Placer County Environmental Coordination Services;](#)  
**Subject:** Response to proposal- "The Orchard at Penryn"  
**Date:** Monday, August 29, 2011 10:12:47 AM

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26 August 2011

Placer County Planning Development Department

3091 County Center Drive # 190

Auburn, California 95603

[530-745-3132](tel:530-745-3132)

[cdraecs@placer.ca.gov](mailto:cdraecs@placer.ca.gov)

Subject: The Orchard at Penryn

I am Marianne Stovall, a Penryn resident of 34 years. I am responding to the Orchard at Penryn building proposal being reviewed. My comments also reflect the feelings of my family- my husband, Ronald, and Jessica Stovall, our adult daughter. We believe that the County of Placer must realize that Penryn has always been a small, quiet community of homes scattered about the rolling hills of mandarin orchards and family farms, closed in and protected by the ridge and Highway 80 so those like ourselves who love this peaceful life here can live untouched by the progress that has surrounded us. Recent residents have moved here to escape the big city and also share this desire.

v-1

Penryn, like Loomis, has never aspired to expand and grow into a Rocklin or a Lincoln. We don't know how many homes are in Penryn but our first reaction to this fifteen acre building proposal was disturbing! One hundred-fifty family apartment units will dramatically increase the population of Penryn! We can't help think that if this complex is permitted, it will open the doors to more. And, this project represents the recent trend- the construction of as many homes as possible on the smallest amount of land. We hope that the County of Placer respects and considers our concern that the impact of this big, densely constructed project will substantially change the Penryn that we know, forever.

V-1  
cont.

There is another matter that needs to be addressed. We have seen it happen. Years ago, there used to be a big turkey farm outside of Roseville. As homes and businesses moved in, people began to complain of the stench. And sure enough, the turkey farmer who was there first lost and his business was forced to close. Will this happen to Penryn? Without doubt, it will with time. Penryn's countryside is abundantly inhabited with sheep, goats, donkeys, horses, cows, llamas, chickens and more. We and the residents of Penryn do not want this to happen.

V-2

The traffic impact would really affect the main roads. This project proposes parking for 375 automobiles! There will be 375 more vehicles traveling on Penryn and Taylor Roads and throughout Penryn! We live off of English Colony and you can't imagine the increased number of cars that cut through Penryn since the growth of Lincoln and Twelve Bridges.

V-3

We am fully aware that the Bickford Ranch Project still sits there overlooking Penryn. It fully expects Penryn to educate their children, too.

V-4

Our Penryn Grammar School is ill equipped to handle the impact of the Bickford Ranch and the Orchard at Penryn projects. English Colony will become a speeding freeway of cars from both directions! We are sure that you are aware that Penryn is hilly. Many of the roads of Penryn are already unsafe. We know; we walk English Colony Way and Humphrey Road often. Children who live on the outskirts of Penryn are not allowed to walk or ride their bikes to school. Also, keep in mind that years ago, I was at the meeting where it was approved that the palm trees of Penryn were to be considered historical and protected. This will make the

V-5

widening of English Colony impossible.

↑ V-5  
cont.

We have read the Loomis News dated 18 August 2011. It appears that these apartments are to be on a rental basis. If this is so, these apartments will invite transient residents and, as a result, a higher risk for crime due to unfavorable conditions that often occurs in rental living facilities. Penryn prides itself as a safe community.

V-6

I have been told that the County of Placer thinks that the residents of Penryn do not care. This is the farthest from the truth. I have asked neighbors and friends and we hear the same response, as it was with us. We were unaware of this proposal and we were unaware of the two other Penryn Road developments that have been already approved. And, do you know the censensus of this matter? We feel, for the most part, that our efforts to be heard are overlooked. Please consider our concerns. Penryn wants to remain as it is- small, quiet and peaceful- the wonderful community that it is!

V-7

Sincerely,

Marianne, Ronald and Jessica Stovall

1835 Willow Brook Lane

Penryn, California 95663

## RESPONSES TO COMMENT LETTER V

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Submitted by:

Marianne, Ronald, and Jessica Stovall

**V-1** The comment states that the County must recognize that Penryn is a small, quiet community of residents that value the lifestyle it provides. The comment expresses concern over the increase in population associated with the project and the potential for the project to trigger subsequent development similar in nature. The commenter hopes that the County will consider the residents' concern over the impact of the project and states that the project will substantially change Penryn forever.

The comment does not specifically address the content of the Draft EIR. Refer to Responses to Comments H-1 and N-1 regarding land use compatibility. The County has not yet made a determination to approve or deny the project, thus the County has not committed to proceeding with the project or allowing it to be constructed.

The Initial Study provided in Appendix A to the Draft EIR discusses the anticipated population of the project and determines that the increased population is consistent with the projections contained in the Horseshoe Bar/Penryn Community Plan. In addition, the population that would be expected to reside at the project site and data regarding population trends in the Community Plan area are described in Chapter 4 of the Draft EIR. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

**V-2** The comment expresses concern over the potential for area farms to be closed in the future as a result of development. The commenter provides an example of a situation in which a turkey farm located outside of Roseville was forced to close after the surrounding area was developed and people began complaining about the stench. The commenter questions whether a similar situation will occur to Penryn farms and states that the residents would be against such an occurrence.

The comment does not specifically identify what area or analysis presented in the Draft EIR is inadequate. Refer to Response to Comment H-1, which explains that there are currently no active farming or commercial agricultural activities adjacent to the project site although residential-agricultural activities are occurring in the area. Response to Comment H-1 also discusses land development trends in the project vicinity, noting that the area has an agricultural history but that residential development has had an increasing influence on land use patterns recently. The comment will be reviewed by the Planning Commission in their consideration of the proposed project.

**V-3** The comment states that the increase in traffic associated with the project would greatly impact the main roads in the area. The comment believes that the 375 vehicles generated by the project will impact Penryn roads. The commenter is

concerned about additional vehicles cutting through Penryn, stating that the growth in Lincoln and Twelve Bridges has already resulted in a significant increase.

The comment does not specifically address the content of the Draft EIR. The trip distribution in the traffic analysis prepared for the Draft EIR did not conclude the project would contribute significant traffic on area roadways between Penryn and Lincoln. Refer to Response to Comment J-3 regarding trip distribution assumptions. Refer to Responses to Comments J-1 and K-3, which identify current and projected levels of service (LOS) and traffic operations on area roadways and intersections. As summarized in those responses, the project would result in significant impacts at five intersections and on two roadway segments, and most of those impacts would be mitigated to less than significant levels. Chapter 14 of the Draft EIR provides an evaluation of the proposed project's potential cumulative impacts, including cumulative transportation impacts, in the region.

- V-4** The commenter declares that the Penryn Elementary School is not equipped to handle the impact of students generated from the nearby Bickford Ranch project and the Orchard at the Penryn project.

The comment does not specifically identify what area or analysis presented in the Draft EIR is inadequate. Refer to Response to Comment J-2 for a discussion related to the increase in student population associated with the proposed project and an explanation regarding the school impact fees developers of residential projects must pay prior to the issuance of building permits.

- V-5** The comment asserts that English Colony Way will become a "speeding freeway" with cars traveling in both directions. The comment states that many of the roads in Penryn are currently unsafe. The comment also notes that English Colony Way cannot be widened in the future due to the protected status of the historic palm trees that line it.

The comment does not specifically identify what area or analysis presented in the Draft EIR is inadequate. Refer to Response to Comment J-3 which addresses concerns related to traffic and safety on English Colony Way. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

- V-6** The commenter refers to the August 18, 2011 article in the Loomis News and states that it appears that the Orchard at Penryn will provide rental housing. The commenter believes that rental housing will attract transient residents, resulting in a higher risk of crime. The comment suggests that the unfavorable conditions often occurring in rental living facilities lead to a higher risk for crime.

The comment does not specifically address the content of the Draft EIR. Refer to Response to Comment D-10 which discusses crime and rental housing.

- V-7** The commenter believes that the concerns of the residents of Penryn related to new development in the area have been ignored or overlooked. The commenter asks that

the concerns of the residents be considered by Placer County and states that Penryn wants to remain a small, quiet community.

No comment specific comment on the Draft EIR is provided. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

Greetings,

Below are the comments as submitted by Bobby and Jas Uppal of 2991 Taylor Road, Loomis in regards to the Orchard at Penryn draft EIR.

- 1) CEQA was adopted in 1970 with the goal of protecting the environment.

*“It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environment damage, while providing a decent home and satisfying living environment for every California.”*

Reading the draft EIR, the above statement does not comply with the project’s intentions. One of the project objectives is to provide attainable housing for working families in Loomis/Penryn area, thereby reducing commutes to nearby employment centers. The towns of Loomis, Penryn, and Newcastle do not have enough employment opportunities to accommodate this objective. Furthermore, what are the alternatives for Section 21002 of the CEQA Statutes?

- 2) 7.5 acres of the total 15.1 acres is oak woodland which supports a wide diversity of wildlife. The project intends to destroy all the woodland, 316 trees in total, and the 6.2 acres of grassland habitat. These natural habitats and oak trees should be preserved. The Blue oak trees on the property could be up to 100 years old, and the new trees that they plan to plant to mitigate the loss cannot make up for the rural look of the older trees.

W-1

W-2

W-3

3) APN 032-243-011-000 was denied access to their property where the secondary exit is proposed to be located due to low power lines and poor visibility upon exit point due to a blind spot which is created due to large amounts of vegetation and the topography. Why is it that this project with over 300 cars is excused from adhering to such reasons? Also, the traffic on this road at the exit point is often recorded traveling at speeds of 55mph or greater, making it an extremely dangerous and accident prone location for a car exiting at standstill and merging onto the road. Within the draft, there are photographs of the proposed project on the Penryn Road side, yet there are no photographs on the Taylor Road side displaying the where the proposed exit is planned to be built at the blind spot.

W-4

W-5

4) Project alternatives indicate that Alternative C would develop the western parcel (+10acres) with 101 dwellings which still remain to be 10 units per acre. This is too similar a project to be a reasonable alternative.

W-6

5) Zoning for APN 032-243-011-000 required a setback of 50 feet. The current Penryn Orchard plan does not show that the setbacks are a minimum of 50 feet. The plan states that all buildings shall have a minimum setback of 15 feet. Why these discrepancies?

W-7

6) As stated in varies section of the draft EIR, the Army Corps of Engineers regulates the placement of fill or dredged materials that affect waters of the United States, which include streams and wetlands. The Corps regulates these activities under section 404 of the Clean Water Act. Currently the project site consists of two wetland swales and a single seasonal wetland.

W-8

This is verified by the Army Corps of Engineers. One of the swales is located in the center of the project and the developer is proposing that these will need to be eliminated completely for the project. Property owners of the eastern side of the project have wetlands along their property that they have not been allowed to eliminate, yet the developer is planning to eliminate these very same swales as well.

W-8  
cont.

- 7) The project is not consistent with the community growth plan. The community is supposed to provide a “predominantly rural lifestyle”, but this project does not fit this lifestyle standard. One of the goals of the community growth plan relevant to land use is specifically stated in the EIR that projects such as this one must:

W-9

*“Provide for residential development which creates functional, attractive, cohesive neighborhoods which are reasonably integrated with adjoining neighborhoods rather than physically isolated from their surroundings.”*

The proposed project most definitely does not comply with these standards. It does not fit with the small and largely agricultural nature of the surrounding homes, nor does it fit in physically with the large concrete wall they intend to build around the project. Therefore, the project as a whole is not cohesive with the surrounding homes, community, and land use policies of the community growth plan.

- 8) Additionally, it plainly states within the EIR that, “The analysis in the Initial Study found that the project would have no impact related to the following criteria: cause a substantial adverse effect on the scenic vista.” Yet, this is

W-10

completely untrue. As the future next-door residents of the project, the scenic vista will be destroyed. Where there was once natural wildlife and towering oak trees, there will now be concrete walls and two story rooftops. The aesthetics will be ruined.

W-10  
cont.

9) The project site contains Hazardous Materials as referred in the draft EIR. There are a large number of hazardous chemical contaminants in the soil, such as arsenic, lead, DDT, DDE, endrin, methoxychlor, and most likely asbestos, which pose a potential hazard to future occupations. Yet, the proposition to move the contaminated soil from one site to another is irrational because the contaminated soil will not only simply poison more land when it is relocated, but it is also unavoidable that some of the soil will be carried away in the air as dust during construction and transportation and pollute the surrounding area and air quality. We will all experience the effects of this contaminated soil.

W-11

10)With the large amount of trees being cut down, we will lose our natural air filter and there will be a significant rise in heat and a decrease in air quality, especially with the additional air pollution that the project will undoubtedly create.

W-12

11)The EIR states, "The project contains several small rock outcroppings. While rock outcroppings are not typically considered a distinct habitat type, the *Horseshoe Bar/Penryn Community Plan* includes a policy stating that rock outcroppings provide nesting, breeding, and foraging resources for a variety of wildlife species and should be preserved."

W-13

- |   |                      |
|---|----------------------|
| <p>12)The traffic survey that was conducted did not accurately portray normal traffic conditions as it was done on Memorial weekend and on the weekdays it was not conducted during normal school finish times when traffic is the worst. This project will congest Taylor Road even more with over 300 extra cars on the road, and the intersection at Horseshoe Bar Road and Taylor Road cannot be widened to accommodate this extra traffic. Also, there are no bike paths or sidewalks on Taylor Road and English Colony Road, and the roads do not have room be widened for them. This makes it very unsafe for all of those extra residents who wish to walk or bike down Taylor Road or English Colony Road, especially on the way to school and back.</p> | W-14<br>W-15<br>W-16 |
| <p>13)Throughout the site remediation and both grading phases, NO<sub>x</sub> emissions and PM emissions will exceed Placer County APCD Thresholds. And during the architectural coating phase, ROG emissions will exceed the thresholds. The NO<sub>x</sub>, PM, and ROG emissions could contribute to violation of the applicable air quality standards and are significant impacts of the project that could greatly jeopardize the health of the surrounding residents, especially those with delicate respiratory systems.</p>   | W-17                 |
| <p>14)There were two great horned owls observed flying through the proposed building site. Though the survey states they did not locate any active nests at the time of the site visit, the survey does not establish how long ago these site visits occurred, nor for how long, as these owls were juvenile and could have established a nest on the site since the visit.</p>   | W-18                 |

15) This project will increase the demand for law enforcement services. Do the local authorities have the resources to manage to increase in correlation with this demand?

W-19

16) The project will drastically increase enrollment at schools in the near area. Our schools are already heavily impacted, and with the recent furlough days teachers have been forced to take due to budget cuts, adding an additional 150 households to the school district is going to negatively affect classroom size and the teacher to student ratio, thereby lowering the teacher's ability to effectively teach.

W-20

17) Fencing and walls are not allowed for the residents of the nearby community in order to preserve the aesthetics of the natural environment. Yet, this project plans to disregard those rules and aesthetically isolate itself from the surrounding neighborhood by fencing off the entire area, some parts with concrete walls.

W-21

18) In the attached letter from the AICP Planning Director Michael Johnson, Mr. Johnson clearly states that he cannot see any substantial community benefits that would justify forcing in 10 units per acre. And if no community benefits are proposed to justify this high density development, then the maximum density staff can support is 4 units per acre. How could the developers disregard this information from the Planning Director?

W-22



**COUNTY OF PLACER**  
**Community Development Resource Agency**

John Marin, Agency Director

**PLANNING**

Michael J. Johnson, AICP  
Planning Director

November 9, 2007

Mrs. Carmen Pagett  
Forum Consultants Inc  
5800 Stanford Ranch Rd, Ste 610  
Rocklin, CA 95765

**RE: ORCHARD AT PENRYN (PEIR-20070521)**

Dear Mrs. Pagett:

Please be advised that while the Planning Department will consider support of up to 10 units per acre for the above-mentioned project as provided for in the Horseshoe Bar/Penryn Community Plan, our support will be based upon the benefits the development provides to the local community. Such benefits may include the development of public open space and recreation areas (outside of your proposed project), multi-use trail systems, and the permanent protection of environmentally sensitive areas (on or off-site). As proposed, I cannot see any substantial community benefit that would justify 10 units per acre. If no community benefits are proposed to justify a higher density, the maximum density staff can support is a density of four units per acre (i.e., the base density range for the High Density land use designation). If you have any questions regarding this letter, please feel free to contact me at (530) 745-3000.

Sincerely,

MICHAEL J. JOHNSON, AICP  
Planning Director

cc: Penryn Development LLC

## RESPONSES TO COMMENT LETTER W

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Submitted by:

Bobby and Jas Uppal

**W-1** The comment notes that CEQA was adopted in 1970 with the goal of protecting the environment. The commenter states that Loomis, Penryn, and Newcastle do not have sufficient employment opportunities to meet the project objective of provide attainable housing for working families in Loomis/Penryn area and reducing commutes to nearby employment centers.

This comment does not specifically address the content of the Draft EIR. Refer to Response to Comment U-3 regarding attainment of this project objective.

**W-2** The comment questions what the alternatives are for Section (§) 21002 of the CEQA Statutes.

The four selected project alternatives are analyzed in Chapter 15 of the Draft EIR beginning on page 15-5. As required in CEQA Guidelines §15126.6, the alternatives were selected based on feasibility, ability to meet basic project objectives, and ability to avoid or reduce significant impacts of the project. Table 15.1 of the Draft EIR summarizes the relative impacts of each of the four selected alternatives compared with the impacts of the proposed project.

**W-3** The comment expresses concern over the project's removal of 7.5-acres of oak woodland and 316 trees, and the removal of 6.2 acres of grassland habitat. The commenter states that the oak woodland and grassland habitats should be preserved. The comment suggests that some of the oak trees onsite could be up to 100 years old and new trees planted to mitigate the loss cannot make up for the rural look of the older trees.

This comment does not indicate that the analysis presented in the Draft EIR is inadequate. While the comment is correct in stating that the project site supports 7.5-acres of oak woodland and a total of 316 trees, not all of the trees would be removed. As shown on Figure 3-3 Site Plan in the Draft EIR, approximately 1.14 acres of oak woodland habitat associated with the northern half of the central drainage swale would be retained onsite. The remaining 6.41 acres of oak woodland habitat would be impacted by site remediation, grading, and construction. Figure 10-2 Grading Plan and Figure 11-2 BMP Plan indicate areas of the site where grading would not occur. Trees in these areas would be preserved. Implementation of Mitigation Measure 5.1c and Mitigation Measure 5.2a, which require the project applicant to compensate for the loss of oak woodland habitat in accordance with Placer County requirements, will ensure impacts to oak woodland habitat would be less than significant. Mitigation Measure 5.1c limits the use of planting new trees as mitigation to no more than half of the project's mitigation requirement. Page 16-19 of the Draft

EIR identifies monitoring requirements for any replacement tree planting.

As discussed in Impact 5.1 of the Draft EIR, the grassland habitat mapped within the study area is predominately non-native, invasive annual species; therefore grassland habitat within the study area is not considered a native or significant grassland habitat type. Because non-native grassland habitat is generally abundant, both locally and statewide and because the grassland habitat at the project site does not provide any significant wildlife value, the Draft EIR concludes that the loss of 5.58 acres of non-native annual grassland within the project site would be a less than significant impact.

An analysis of visual quality and character of the proposed project begins on page 6-7 of the Draft EIR. The Draft EIR concludes that even though proposed and recommended mitigation measures would be implemented the impacts to the visual quality and rural character of the project site will be significant and unavoidable.

- W-4** The comment questions why the owner of APN 032-243-011-000 was denied access to their property where the secondary exit is proposed for the Orchard at Penryn project. The comment states that the reason the owner of APN 032-243-011-000 was denied access was because of low power lines and poor visibility due to dense vegetation and the topography. The comment questions why the Orchard at Penryn project, with over 300 cars, is excused from adhering to the same reasons. The commenter believes that the proposed exit from the Orchard at Penryn site will be dangerous for exiting vehicles merging onto the road, stating that the passing vehicles are often recorded traveling at speeds of 55 miles per hour or greater.

Refer to Response to Comment D-4 which provides an explanation as to why the neighbors' ability to connect to Taylor Road was limited and notes that the EIR concluded that adequate sight distance is available at the exit driveway to insure safety based on a travel speed of 55 miles per hour.

Enforcement of posted roadway speed limits is a function of the California Highway Patrol (CHP). Motorists residing in the proposed development would be required to comply with posted speed limits and would be subject to speed enforcement measures for project area roadways. Refer to Response to Comment D-4 regarding concerns with the safety of the project's proposed exit onto Taylor Road.

- W-5** The comment states that the Draft EIR provides photographs of the project site on the Penryn Road side, but does not provide photographs from the Taylor Road side where the exit is proposed to be located.

Refer to Response to Comment D-16 regarding the Draft EIR's discussion of the obscured views of the project site from Taylor Road.

- W-6** The comment states that Alternative C included in the Draft EIR is not a reasonable alternative because it is too similar to the proposed project.

As discussed beginning on page 15-5 of the Draft EIR, CEQA Guidelines §15126.6 requires that the selected project alternatives be capable of meeting most of the basic project objectives and must also be capable of reducing or avoiding significant impacts of the proposed project. Thus, the process of selecting alternatives to be evaluated included considering the project objectives, reviewing the significant impacts of the project, and identifying ways to avoid or reduce those impacts. Because an alternative must be capable of meeting most of the basic project objectives, it is expected that alternatives will be somewhat similar to the proposed project.

The analysis in the Draft EIR determined that Alternative C would meet most of the project objectives by providing for site remediation, providing for water quality protection, providing “attainable” housing, providing onsite recreation amenities, and avoiding onsite environmental effects. The EIR also determined that Alternative C would provide fewer residential units than the amount identified in the Project Objectives.

**W-7** The comment questions why the required setback for APN 032-243-011-000 was 50 feet while setbacks on the Orchard at Penryn site are a minimum of 15 feet.

As shown in Figure 4-1, the zoning for APN 032-243-011-000 is Residential-Agricultural with a minimum parcel size of 2.3 acres (RA-B-X-DR 2.3 Ac. Min). The development standards for this zoning district established in Section 17.44.010 of the Placer County Zoning Ordinance require 50 foot front setbacks and 30 foot side and rear setbacks.

As stated on page 4-2 of the Draft EIR and shown in Figure 4-1, the project site is comprised of two parcels that are both designated under the Horseshoe Bar/Penryn Community Plan as Penryn Parkway. The western parcel, which touches Taylor Road, is zoned RM-DL-10 PD = 10. This zoning designation allows multi-family residential development with a maximum density of 10 units per acre. The eastern parcel, which borders Penryn Road, is zoned C1-UP-Dc. This zoning designation allows a range of commercial and office uses. It also allows multi-family residential developments up to 21 units per acre (one unit per 2,000 square feet of site area), subject to a use permit.

Section 17.48.010 of the Placer County Code defines the minimum setbacks for multi-family residential development and Section 17.30.010 defines the minimum setbacks required in the Neighborhood Commercial (C1) district. Table 6.1 in the Draft EIR lists the required building setbacks for the project site. The proposed project would exceed the County’s minimum building setback requirements.

The proposed site plan provides a minimum 15-foot side setback along the southern and northern property boundaries and a minimum 30-foot rear setback from the western property boundary. As required by the Horseshoe Bar/Penryn Community Plan, the project would maintain a 30-foot wide landscape corridor along the site’s Penryn Road frontage. While the County’s Zoning Ordinance requires a minimum setback of ten feet from the edge of the highway easement along Penryn Road, the

proposed structures along Penryn Road will be located a minimum of 40 feet from the edge of the highway easement.

- W-8** The comment questions why the Orchard at Penryn developer would be allowed to eliminate wetlands to develop the site, while the owners of property immediately adjacent to the project site were not permitted to eliminate the wetlands on their land.

This comment does not specifically address what area or analysis presented in the Draft EIR is inadequate. As discussed in Chapter 5 of the Draft EIR, a total of 0.42 acres of federally-protected wetlands would be directly impacted by the proposed project. Mitigation Measures 5.3b and 5.3c require the project to obtain appropriate permits to authorize impacts to the swales and seasonal wetland from the Corps, RWQCB, and CDFG and to provide for replacement of the impacted habitat at a 1:1 ratio. Each agency may require the project applicant to implement other measures to mitigate for impacts to the wetlands and associated riparian habitat, and each agency may place conditions of approval on any permits issued.

- W-9** The comment states that the project is not consistent with the community plan because it will not provide a predominately rural lifestyle. The comment cites a goal of the Community Plan which provides for residential developments that create “functional, attractive, cohesive neighborhoods which are reasonably integrated with adjoining neighborhoods rather than physically isolated from their surroundings.” The commenter asserts that that the project is inconsistent with this goal since it will be not be cohesive with surrounding land uses and because it will construct a large concrete wall around the perimeter.

Refer to Responses to Comments H-1, H-2, and N-1 regarding the project’s consistency with the Community Plan and compatibility with the surrounding land uses. In addition, Appendix B provides a detailed analysis of consistency with Community Plan policies. While the EIR concludes that the proposed project is considered generally consistent with the Horseshoe Bar/Penryn Community Plan, it is the Placer County Planning Commission who will determine whether the proposed project is consistent with adopted County plans and policies, as discussed on page 4-12 of the Draft EIR.

The project would develop a cohesive neighborhood of multi-family units. The development would not be physically isolated from the surrounding community, but would use fencing, increased setbacks and landscaping to minimize the potential for visual conflicts between the project and neighboring land uses.

- W-10** The comment rejects the conclusion in the Initial Study that the Orchard at Penryn project would not cause a substantial adverse effect on a scenic vista. The commenter states that the scenic vista will be destroyed, that the views of natural wildlife and oak trees will be replaced with concrete walls two-story rooftops.

Refer to Response to Comment D-14 regarding the conclusion in the Initial Study that the project would not cause a substantial adverse effect on a scenic vista. This

comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

- W-11** The comment states that the project site contains hazardous contaminants in the soil such as arsenic, lead, DDT, DDE, endrin, methoxychlor, and most likely asbestos. The comment states that moving the contaminated soil from the Orchard at Penryn site is irrational since the soil will just contaminate whatever site it is moved to. The comment states that in moving the contaminated soil, it will be impossible to avoid spreading the contaminants into the air.

Page 3-8 of the Draft EIR notes that "Site excavation would include implementation of best practices for decontamination of equipment and to control erosion, storm drainage, and air pollutant and dust emissions, as described in the RAW." The Draft EIR also notes that "excavated soil would be transported to a Class II solid waste disposal site. Transportation would be performed by an approved and licensed contractor and using Department of Transportation-approved shipping containers." Mitigation Measure 10.2a stipulates adherence to the Erosion Prevention and Sediment Control plan during RAW implementation. This would minimize effects associated with soil disturbance conducted as part of the site remediation work. A component of this plan provides "During construction, the contractor shall apply sufficient water to roadways, excavation and stockpile areas as necessary to prevent fugitive dust. The contractor may elect to apply a dust palliative."

Impact 8.1 of the Draft EIR specifically addresses the potential for the project to contribute to the violation of air quality standards during site remediation. The Draft EIR concludes that the implementation of the mitigation measures discussed in Impact 8.1 would have no effect on NOX emissions, that the NOX emissions during the site remediation would exceed the APCD Thresholds. This is a significant and unavoidable impact of the proposed project. The project's contribution to cumulative impacts is evaluated in **CHAPTER 14 CUMULATIVE IMPACTS**.

- W-12** The comment states that the removal of trees associated with development of the project will result in the loss of a natural air filter and will cause a significant rise in heat and a decrease in air quality.

This comment does not specifically address what area or analysis presented in the Draft EIR is inadequate. Impacts associated with the project's removal of trees are analyzed in Chapter 5 of the Draft EIR, while air quality impacts are analyzed in Chapter 8 of the Draft EIR. While it is likely correct that removal of vegetation from the project site would lead to increased temperatures within the project site (due to a reduction in shade), there is no evidence provided that the proposed vegetation removal would lead to noticeable changes in weather patterns and temperatures in the Penryn area. It is noted that the project includes preservation of a small portion of existing vegetation onsite and planting of new vegetation, as shown in the Landscaping Plan provided in Figure 6-3.

- W-13** The comment refers to a sentence in the EIR which states that project site contains several small rock outcroppings and notes that the Horseshoe Bar/Penryn

Community Plan contains a policy which states that rock outcroppings provide habitat for a variety of species and should be preserved.

Appendix B provides a detailed analysis of consistency with Community Plan policies and notes that the project is indeed consistent with Policy 4.b.12. The comment is correct in that the Draft EIR notes that the project site contains several small rock outcroppings. Page 5-16 of the Draft EIR also refers to the Site Plan shown in *Figure 3-3* of **CHAPTER 3 PROJECT DESCRIPTION** which shows that many prominent rock outcroppings onsite would be retained after project development.

- W-14** The comment asserts that the traffic survey completed for the project does not accurately portray normal traffic conditions. The commenter states that the study is not accurate because it was conducted on Memorial weekend and because on the weekdays it was not conducted during the normal school ending time, when the traffic is at its peak.

The Traffic Impacts Analysis prepared by Kimley-Horn & Associates (KHA) (2011), provided as Appendix E of the Draft EIR, was conducted during the weeks of May 24th and May 31st, 2010. The traffic counts were collected during weekdays between 4:00 p.m. and 6:00 p.m. This typical evening commute time is evaluated rather than the period after school ends because background traffic levels are highest throughout the entire hour of the evening commute time. The peak traffic associated with school dismissal is typically concentrated in a 15-minute period. The methodology for conducting a traffic study requires collecting counts over a full hour period, and the 15-minute school dismissal spike would be averaged over this time. This would result in lower total background traffic volumes than reflected in the p.m. peak hour associated with evening commutes.

- W-15** The comment states that the 300 or more vehicles associated with residents of the proposed project will contribute to congestion on Taylor Road. The comment declares that the intersection of Horseshoe Bar Road and Taylor Road cannot be widened to accommodate extra traffic.

The Draft EIR includes analysis of the congestion on Taylor Road and at the intersection of Taylor Road at Horseshoe Bar Road. Refer to Response to Comments D-2, D-3, and K-3 for detailed discussions of transportation and circulation impacts.

- W-16** The comment expresses concern over the safety of pedestrians and bicyclists using Taylor Road and English Colony Way because there are no sidewalks or bike paths and because the roads cannot be widened to accommodate them.

Refer to Responses to Comments D-5 and J-3 which discuss safety concerns along Taylor Road and English Colony Way.

- W-17** The comment summarizes periods when air pollutant emissions will exceed Placer County APCD thresholds. The commenter expresses concern that the NO<sub>x</sub>, PM, and ROG emissions could contribute to a violation of applicable air quality standards and states that they are significant impacts of the project that could jeopardize the health

of surrounding residents.

The comment correctly summarizes the conclusions of the Draft EIR regarding periods when air pollutant emissions will exceed Placer County APCD thresholds. The comment does not address the content of the Draft EIR and no response is necessary. This comment, along with all other comments on the Draft EIR, will be reviewed by the Planning Commission in their consideration of the proposed project.

- W-18** The comment notes that two great horned owls were observed flying through the proposed project site. Although no active nests were found during the site visit, the commenter is concerned that the observed owls were juvenile at the time and could have since established nests on the project site.

Mitigation Measure 5.4a requires that a pre-construction survey be conducted to identify if any nesting raptors are present in the project area. Implementation of this measure would ensure that if the owls have established nests on the project site, those nests would not be disturbed during project construction. This would ensure the impact would be less than significant.

- W-19** The comment states that the project will increase demand for law enforcement services and questions whether the local authorities have the capability to meet this demand.

Refer to Responses to Comments D-10 and U-9 regarding the project's potential to impact the provision of public services.

- W-20** The comment states that the project will significantly increase enrollment at local schools. The comment asserts that the area schools are already heavily impacted and that the project's addition of 150 households to the school district will negatively affect classroom size and the ability of teacher to effectively teach.

Refer to Response to Comment J-2 regarding the project's potential impact on area schools.

- W-21** The comment asserts that residents of the community are not allowed to construct fencing and walls so as to protect the aesthetics of the natural environment. The commenter states that the Orchard at Penryn project will disregard this rule and isolate itself from the surrounding neighborhood by fencing the entire project area.

As discussed in Chapter 6 Visual Resources, the proposed fencing for the project site meets the County's design standards and is similar to fencing used on other residential properties in the area.

- W-22** The comment references an attached letter from Michael Johnson, Placer County Planning Director, in which Mr. Johnson states that he could not find a substantial community benefit justifying the project's proposed density of 10 units per acre. The comment questions how the developer can disregard this information from the

Planning Director.

The comment does not specifically identify errors or inadequacies in the Draft EIR. Refer to Response to Comment L-4 regarding the letter from the Placer County Planning Director and the project's consistency with the Community Plan and zoning designations for the site.

## RESPONSES TO VERBAL COMMENTS

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Comments provided at:

Placer County Planning Commission hearing on August 11, 2011

**VC-1** Commenter Karen Clifford, a Penryn resident, asked whether there are plans to expand the Penryn Road/Interstate 80 interchange when it is raised in 2013 and stated that the EIR does not address this interchange.

Refer to Response to Comment K-1 regarding impacts at the interchange.

**VC-2** Commenter Gary Liss, Town of Loomis councilmember, stated that it is not acceptable to the Town that the EIR identifies Significant and Unavoidable traffic impacts, particularly at the intersections of Taylor Road with King Road and Horseshoe Bar Road. The commenter stated that the Town is concerned with how Loomis residents and businesses will be affected. The Town encourages the County to work with Loomis to develop a fee agreement (to facilitate mitigation through fair-share fee payment) or to consider a reduced scale alternative to the project that would avoid the impact. The commenter notes that Loomis has dealt with similar issues with the City of Rocklin.

Refer to Responses to Comments D-2 and D-3 regarding the significant and unavoidable traffic impacts at the two intersections in the Town of Loomis.

**VC-3** Commenter Gary Liss, Town of Loomis councilmember, stated that the Loomis Town Center Implementation plan includes traffic counts that should be used in the County's EIR. The commenter states that these counts show existing problems at the intersections where the project would cause Significant and Unavoidable impacts.

Refer to Responses to Comments D-2 and D-3 regarding the significant and unavoidable traffic impacts at the two intersections in the Town of Loomis.

**VC-4** Commenter Gary Liss, Town of Loomis councilmember, inquired whether the project is intended to meet the County's obligations for affordable housing under the Regional Housing Needs Allocation (RHNA). The commenter stated that the Town of Loomis feels that affordable housing should be located where access to mass transit is readily available. The commenter believes that this should be considered if the project is intended to meet any of the County's RHNA obligations.

Refer to Response to Comment D-8, which states that the project is not proposed as affordable housing.

**VC-5** Commenter Gary Liss, Town of Loomis councilmember, recognized that the project includes preservation of a portion of a drainageway onsite and noted that there are efforts underway in the Town of Loomis to preserve a continuous trail and wildlife corridor along "unnamed creek." The commenter inquired whether the onsite

drainage is an extension of “unnamed creek.” The commenter recommended that the County consider trails and wildlife corridors along the preserved drainageway.

Refer to Response to Comment D-13 regarding whether the drainages within the project site connect with drainages in the Town of Loomis and Response to Comment D-16 regarding the ability to establish trail and wildlife corridors between the project site and the Town.

- VC-6** Commenter Gary Liss, Town of Loomis councilmember, stated that project fencing should be of an open type to facilitate wildlife movement along the drainageway.

The proposed fencing is described on page 6-11 of the Draft EIR as being an open wrought iron design with a maximum height of six feet. Refer to Response to Comment D-13 regarding wildlife movement in and through the project site.

- VC-7** Commenter Gary Liss, Town of Loomis councilmember, stated that the Town would like to work with the County to deal with project issues. The Town thinks that it is not acceptable to have significant and unavoidable impacts and that any impacts so identified by the EIR should be avoided through mitigation measures or reducing the size of the project. The commenter also provided information on where the Loomis Town Center Implementation Plan can be reviewed.

Refer to Responses to Comments D-2 and D-3 regarding the significant and unavoidable traffic impacts. CEQA and Placer County regulations and policies do not preclude approving a project that has significant and unavoidable impacts.

- VC-8** Muriel Davis, a Penryn resident, stated that she couldn’t find in the EIR discussion of how many trees would be removed by the project, but noted that all the land in the project site would be devastated.

Refer to Response to Comment S-2 regarding tree removal associated with the project.

- VC-9** Muriel Davis, a Penryn resident, stated that the project is not consistent with the surrounding area, which includes expensive homes and rural areas. The commenter believes that the proposed development is too dense. The commenter stated that the EIR does not adequately address these issues.

Refer to Responses to Comments H-1, H-2, and N-1 regarding the EIR analysis of the project’s density and compatibility with the Penryn community.

- VC-10** Muriel Davis, a Penryn resident, stated that the project would result in a significant population increase, but the EIR does not cover this.

Refer to Response to Comments L-6 and O-1 regarding the population that would be supported by the proposed project and the Initial Study conclusion that this additional population does not represent a significant project impact.

**VC-11** Muriel Davis, a Penryn resident, stated that the EIR does not provide a discussion of cumulative population increases when considering this project and the project at Interstate 80/Penryn Road (23 units), the Boyington Townhomes (90+ units), and Bickford Ranch.

The discussion under Land Use on pages 14-2 and 14-3 addresses cumulative population increases, concluding that the proposed project would contribute to the significant cumulative impacts related to increased population in the area.

**VC-12** Muriel Davis, a Penryn resident, stated that the project would remove trees and other vegetation which would change local weather patterns and lead to localized increases in temperatures.

While it is likely correct that removal of vegetation from the project site would lead to increased temperatures within the project site (due to a reduction in shade), there is no evidence provided that the proposed vegetation removal would lead to noticeable changes in weather patterns and temperatures in the Penryn area. It is noted that the project includes preservation of a small portion of existing vegetation onsite and planting of new vegetation, as shown in the Landscaping Plan provided in Figure 6-3.

**VC-13** Muriel Davis, a Penryn resident, stated that the 5-acre parcel adjacent to Penryn Road is zoned C1 (Neighborhood Commercial) and the Community Plan anticipated mixed use development in this area. The commenter believes that the area needs more commercial land uses. Although multi-family is allowed in the C1 zone, the Community Plan states that there should be no high density housing. The commenter believes that the 5-acre parcel would provide a better community benefit if it were developed as a park. The commenter also stated that the project is not consistent with the Community Plan.

Alternatives C and D evaluated in Chapter 15 CEQA Considerations include development of commercial uses on the 5-acre parcel. The County recreation plans do not anticipate a park on this site. As discussed in Response to Comment D-9, the County must process the project application that has been submitted, and cannot force a developer to build a commercial project. Refer to Response to Comment H-2 regarding the project's consistency with the land use and zoning designation for the project site. The Community Plan designation for the site allows development at the density proposed.

**VC-14** Muriel Davis, a Penryn resident, stated that the traffic impacts of this project would be horrendous. The commenter noted that Caltrans submitted a comment indicating concerns too. The commenter stated she is not aware of any plans to improve the interchange.

The traffic impacts are evaluated in Chapter 7 of the Draft EIR. The comment is correct that Caltrans submitted a comment letter in response to the Notice of Preparation for the EIR. The Traffic Impacts Analysis prepared for the project meets the methodology and content recommendations provided by the Caltrans letter.

Caltrans did not comment on the Draft EIR. Refer to Response to Comment K-1 regarding impacts and improvements at the interchange.

- VC-15** Laura McPherson, a Penryn resident, stated that this is the second former orchard in the area to be proposed for development and that the master plan for the area did not envision multi-family units in this area.

Refer to Response to Comment H-2 regarding the project's consistency with the land use and zoning designation for the project site. The Community Plan designation for the site allows development at the density proposed.

- VC-16** Laura McPherson, a Penryn resident, stated that the nearest existing large apartment complexes are in Rocklin and Auburn. The commenter stated that based on online resident reviews of those apartment complexes, there are high crime rates associated with them. The commenter questioned how police protection services will be provided.

Refer to Response to Comment D-10 regarding crime rates associated with rental housing.

- VC-17** Laura McPherson, a Penryn resident, stated that the project description notes that the units would be market rate rental units. The commenter questioned how market rate is determined when there are no other apartments in the area. The commenter questioned whether the project will be Section 8 housing.

Market rate indicates that the units would not be designated for affordable housing. They would be offered for sale or for rent at rates that are commensurate with other housing prices in the vicinity. The specific prices at which the units would be offered does not relate to the environmental effects of a project and are not required to be addressed under CEQA. The project would not include any Section 8 housing or any other type of affordable housing.

- VC-18** Laura McPherson, a Penryn resident, stated that the project area is already subject to localized air quality problems, with air pollutants being trapped by the higher elevation lands to the east. The commenter believes the project would create additional Significant and Unavoidable air quality impacts. The commenter stated that this is not acceptable.

Chapter 8 of the Draft EIR provides a detailed analysis of the project's contribution to air pollutant concentrations in the area. The comment does not identify the specific additional impacts that may be created or identify any specific deficiency in the EIR analysis.

- VC-19** Laura McPherson, a Penryn resident, stated that if the project is approved, it would be better if the units were at least owner-occupied as this would be more consistent with the character of the community.

Refer to Responses to Comments H-1 and N-1 regarding the compatibility of the

project with the community.

- VC-20** Laura McPherson, a Penryn resident, stated that when previous projects in the area have been required to replant oak trees onsite, they never survive. The commenter questioned what provisions there are for monitoring and ensuring that new trees survive.

As stated on page 16-19 of the Draft EIR, if tree planting is used to satisfy a portion of the project's requirements under Mitigation Measure 5.1c, the County would "ensure that the appropriate party submits a monitoring report at least annually for five years. The monitoring report must be prepared by a qualified biological consultant."

- VC-21** Laura McPherson, a Penryn resident, stated that the project does not fit with the village concept identified in the Master Plan.

Refer to Responses to Comments H-1, H-2, and N-1 regarding the compatibility of the project with the community and the consistency of the project with the Community Plan land use designations for the site.

- VC-22** Laura McPherson, a Penryn resident, questioned how area schools will be impacted. The commenter stated that the project would generate a huge number of new students at the small local schools in Penryn and Loomis.

Refer to Response to Comment J-2 regarding the project's impact at area schools.