MEMORANDUM

County of Placer
Planning Department

TO: Board of Supervisors

FROM: Gina L. Langford, Principal Planner

DATE: October 19, 2004

SUBJECT: Bickford Ranch- Second Amended Exhibit 7, CEQA Findings

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Please disregard the October 15, 2004, first amendment of Exhibit 7, CEQA Findings for Bickford Ranch, that was previously distributed and replace with the attached updated resolution.

The attached CEQA Findings include revisions to correctly reflect current fee and mitigation amounts contained in the Bickford Ranch Development Agreement, and to correct a reference stating that the Specific Plan is adopted by ordinance when in fact it is adopted by resolution.

Specifically, findings for T-4, T-7, T-8, T-9, T-10, T-14, T-16, T-17, and T-18 have been revised to reflect the corrected fee and mitigation amounts. In addition, page 2 of the findings has been corrected to state that the Specific Plan is adopted by resolution rather than by ordinance.

No other changes have been made.

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

In the matter of: **Reso. No: _____**

A RESOLUTION FINDING THAT A SUBSEQUENT ENVIRONMENTAL IMPACT REPORT IS NOT REQUIRED, ADOPTING A STATEMENT OF FINDINGS, A MITIGATION MONITORING PLAN AND A STATEMENT OF OVERRIDING CONSIDERATIONS AND GENERAL PLAN CONSISTENCY FINDINGS REGARDING THE BICKFORD RANCH SPECIFIC PLAN, RELATED ENTITLEMENTS AND DEVELOPMENT AGREEMENT; AND ADOPTION AND ENACTMENT OF THE BICKFORD RANCH SPECIFIC PLAN, RELATED ENTITLEMENTS AND DEVELOPMENT AGREEMENT

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

Ayes:

Noes:

Absent:

Signed and approved by me after its passage

_____
Harriet White
Chairman, Board of Supervisors

ATTEST:

Clerk of said Board

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10/15/04

OVERVIEW and INTRODUCTION

This Statement of Findings and Statement of Overriding Considerations is made with respect to the "Project Approvals" (as defined below) for the Bickford Ranch Project (the "Development") and states the findings of the Board of Supervisors (the "Board") of the County of Placer (the "County") relating to the potentially significant environmental effects ("Impacts"), mitigation measures and alternatives of the Development to be developed in accordance with the Project Approvals.

Bickford Holdings, LLC ("Applicant"), has requested the County take the following requested actions:

1. Consideration of an Addendum to an Environmental Impact Report for the Development, certified by the Board Of Supervisors of the County ("Board") by Resolution 2001-340, duly adopted on December 18, 2001, and adoption of a Mitigation Monitoring and Reporting Plan.

2. Adoption by resolution of a Specific Plan, including adoption by ordinance of project specific Development Standards and adoption by resolution of Design Guidelines, for the Development to include 1784 single family residential lots and one multi-family lot with up to 106 affordable dwelling units to be located thereon, among other development features.

3. Adoption of an Ordinance approving a Development Agreement for the Development (the "Development Agreement") and authorizing execution of the Development Agreement by the County.

4. Adoption of an Ordinance approving Development Standards for the Development (the "Development Standards")

5. Approval of the closure of Clark Tunnel Road at the northern and southern boundaries of the Development and abandonment of a portion of Clark Tunnel Road within the Development.

All of the foregoing actions are referred to collectively as the "Project Approvals." The Project Approvals constitute the "Project" for purposes of the California Environmental Quality Act (Public Resources Code Sections 21000 and following) ("CEQA") and CEQA Guidelines § 15378 and these determinations of the Board.

PROCEDURAL HISTORY

WHEREAS, Applicant applied for environmental review of a proposed Specific Plan and related approvals for a development to comprise a maximum of 1,950 dwelling units, a Village Center consisting of a 7.9 acre village commercial center for retail and commercial uses and various recreational and other uses, on a site comprising approximately 1954 acres in southwestern Placer County at the junction of SR193 and Sierra College Boulevard. The

Specific Plan was intended to provide for systematic implementation of Land Use Goal 1. C., Land Use Policy 1.C.1. and Appendix C of the Placer County General Plan that provide for planning and development of a planned residential development of the Bickford Ranch area. Under established County procedure, processing of the application for approval of the Specific Plan and related approvals was deferred until completion of environmental documentation. In response to various comments and in order to alleviate some of the environmental impact of the Development, the proposed Specific Plan and related approvals were modified to consist of a maximum of 1890 dwelling units, a Village Center consisting of 9.7 acres and various open space, recreational and other uses on a site compromising approximately 1942 acres.

WHEREAS, an initial study was prepared by the Planning Department ("Department") pursuant to CEQA. The initial study showed that the proposed Development might cause significant environmental impacts and that an environmental impact report should be prepared. The initial study and a notice of preparation ("NOP") were sent to responsible agencies, trustee agencies, involved federal agencies and other interested parties on or about August 10, 1998.

WHEREAS, the Department received responses to the NOP from a number of agencies and groups, including the Municipal Advisory Councils ("MACs") within the County. Comments received in response to the NOP identified potential areas of environmental concern to be addressed in the preparation of a Draft Environmental Impact Report ("DEIR") in addition to those areas previously identified by the Department. The Department defined the scope of the issues to be considered in the DEIR based in part upon responses to the NOP.

WHEREAS, in due course, a DEIR entitled "Bickford Ranch Specific Plan Draft Environmental Impact Report" was prepared under the direction of the Department by Dames & Moore (now known as URS) under contract with the County. The DEIR consists of eight (8) volumes, and addressed the issues raised at the scoping meeting, among others.

WHEREAS, a Notice of Completion and copies of the DEIR were delivered to the State Clearing House (SCH No. 98082073) and the DEIR was circulated for a duly noticed sixty (60) day public review period that began on September 15, 1999 and ended on November 15, 1999.

WHEREAS, a notice of availability of the DEIR was mailed on August 27, 1999 to the list of persons who had requested notice maintained by the Department, all State and local agencies, and other interested persons. Copies of the notice were duly posted and published. Copies of the DEIR were also made available at the Department, the Penryn Branch Library, Lincoln City Library, and Loomis Branch Library, and copies were distributed to local environmental groups. The DEIR was also posted on the County's web site and the DEIR was summarized in person to each of the MACs.

WHEREAS, written comments on the DEIR during the comment period were received from the Agencies, groups and individuals listed in the Final Environmental Impact Report ("FEIR") as follows: County comment letters, after page MR-87; Agency comment letters, after page C8-2; individual and group comment letters, after page A13-1.

WHEREAS, the County, through its consultant, prepared responses to the comments received during the public review period and incorporated text changes for the FEIR, as appropriate, to explain adjustments and changes in the Development made by the Applicant to reduce environmental impacts in response to comments. The text changes and the comments and responses were compiled by the Department (with the assistance of Dames & Moore) into two bound volumes entitled "Bickford Ranch Specific Plan Final Environmental Impact Report dated November 13, 2000," the text changes in the DEIR being summarized in Volume I of the FEIR.

WHEREAS, subsequently, in response to an alternative proposal for development put forward by the Sierra Club and Audubon Society ("SC/AS"), the Applicant met with representatives of SC/AS in an effort to agree upon changes in the Development that would reduce or eliminate the objections of those two organizations to the Applicant's proposal. The Applicant considered and rejected the SC/AS proposal after a series of discussions and consultation with experts on the grounds that the proposal was not economically feasible. The SC/AS alternative development plan (together with an explanation and justification for it) and the Applicant's response (together with evidence concerning issues of feasibility) have all been made part of the record in these proceedings for consideration by the Commission and the Board.

WHEREAS, after rejection of the SC/AS alternative described in the foregoing Recital, Audubon Society submitted a new and revised alternative (the "AS Alternative") that the Applicant considered and rejected on the grounds that it was economically infeasible. The AS Alternative development plan (together with an explanation and justification for it) and the Applicant's response (together with evidence concerning issues of feasibility) have all been made part of the record in these proceedings for consideration by the Board.

WHEREAS, CEQA Guidelines Section 15089(b) states that a lead agency may provide an opportunity for review of an FEIR by the public and by commenting agencies. The Placer County Planning Commission ("Commission") allowed for such review and conducted two hearings, one on November 1, 2001 and the second on November 8, 2001. Comments were received at both hearings. The Planning Staff held meetings with the MACs prior to the November 1, 2001 Commission hearing as well. Public notice of the Commission hearing was duly given.

WHEREAS, at its hearing on November 8, 2001, the Commission reviewed the FEIR and considered the record and all relevant materials. Based on that review, the Commission determined that the FEIR was sufficient for consideration and action by the Board, and recommended by unanimous vote that the Board:

(A) Certify the FEIR; and

(B) Adopt the Specific Plan, Development Standards and Design Guidelines with nine changes and three advisory comments as follows:

(1) Close Clark Tunnel Road to the south and leave it open to the north with improvements to make it safe for increased traffic;

(2) Prohibit all gates;

(3) Require a ten foot setback for garages from the front of the residential structure;

(4) Require construction of perimeter trails as early as practicable;

(5) Eliminate development in areas 11A and 13A with the units relocated to the south;

(6) Provide for public play at golf course at least two days per week;

(7) Adopt Staff recommended findings for amendments to the Specific Plan;

(8) Require that the homeowners' association assume responsibility for investigating claims by adjacent property owners regarding groundwater contamination, and take action to remediate if contamination arises from activities within Bickford Ranch;

(9) Require the Applicant to provide employee housing in the vicinity of the golf course maintenance area;

(10) Advisory comments: have the Applicant consider (i) use of photovoltaic arrays for the fire station, Sheriff's service center, golf course maintenance building and commercial components of the Development; and (ii) transit funding in combination with other large developments in the area; and (iii) have the Board consider carefully the impact of the Development on conditional users of water from PCWA.

WHEREAS, the Board gave notice on November 30, 2001 of a public hearing to consider and act upon the recommendations of the Commission. The public hearing was duly held before the Board on December 10, 2001.

WHEREAS, the Board duly considered the FEIR as prepared by the Department for the Project Approvals, which incorporates by reference the DEIR in eight volumes and makes various text changes thereto, the recommendations of the Commission with respect thereto, the comments of the public, both oral and written, and all written materials in the record connected therewith, and is fully informed thereon.

WHEREAS, at a meeting duly held on December 18, 2001, the Board took the following actions to approve the Project after extensive consideration and the taking of extensive oral and written testimony. The actions taken by the Board included the following:

(a) Adoption of Resolution No. 2001-340 making certain findings with respect to the Project Approvals, the FEIR, certifying the FEIR, adopting a mitigation monitoring and reporting plan and making a statement of overriding considerations;

(b) Resolution No. 2001-341 approving the Bickford Ranch Specific Plan and Design Guidelines for the Project;

(c) Resolutions No. 2001-342, 2001-343 and 2001-344 abandoning and approving the closure and barricading of portions of Clark Tunnel Road within the Project to accommodate the development contemplated by the Specific Plan;

(d) Ordinance No. 5146-B approving the Bickford Ranch Development Standards; and

(e) Ordinance No. 5147-B approving the Bickford Ranch Development Agreement.

WHEREAS, on or about January 17, 2002, litigation was commenced to challenge the actions of the Board in granting the Project approvals alleging, among other things, violations of the California Planning and Zoning law as well as violations of the California Environmental Quality Act in connection with the preparation and certification of the FEIR. The suits filed are more particularly identified as follows:

(a) Sierra Club, Sierra Foothills Audubon Society and California Oaks Foundation v. Placer County, et al. (Bickford Holdings, LLC, et al. Real Parties in Interest), Case No. SCV-12789; and

(b) Bickford Ranch Coalition of WPCARE; Town of Loomis v. County of Placer (Bickford Holdings, LLC et al. Real Parties in Interest), Case No. SCV-12793.

The cases were consolidated for purposes of trial. The two cases are referred to collectively as the "Project Approval Litigation."

WHEREAS, on August 5, 2003, by Resolution 2003-194, the Board provided a certification of the Administrative Record for the Court in which it confirmed its original intent to adopt the December 18, 2001 Project Approval documents and affirms that the Specific Plan is the document contained in Volume 29 of the Administrative Record in the Project Approval Litigation.

WHEREAS, on October 21, 2003, the Board approved two vesting tentative subdivision maps filed by the Applicant, pursuant to the Subdivision Map Act and the Subdivision Ordinances of the County of Placer. The vesting tentative subdivision maps were based on and intended to implement the Project Approvals. The Project Approvals were made a part of and incorporated in the Board's approval of the vesting tentative subdivision maps. On November 18, 2003, litigation was commenced challenging the Board's action in approving the vesting tentative subdivision maps in a case entitled Sierra Club, Sierra Foothills Audubon Society and

California Oaks Foundation v. Placer County, et al. (Bickford Holdings, LLC, et al, Real Parties in Interest, Case No. SCV 16428 (the "Subdivision Map Litigation"). On May 28, 2004, the Subdivision Map Litigation was dismissed with prejudice on Applicant's and County's motion, such dismissal constituting an adjudication that the vesting tentative subdivision maps were validly approved in a process that complied with law. The time to file any new action to challenge the vesting tentative subdivisions maps has expired. Thus, the vesting tentative subdivision maps and the process by which they were approved has been determined to be valid and that conclusion is not subject to further review except by way of appeal in the Subdivision Map Litigation. Petitioners filed a notice of appeal on July 23, 2004 and the matter is now pending before the Court of Appeal.

WHEREAS, since the Project Approval, certain modifications have been made in the Project as follows:

(a) Water conveyance modifications requested by Placer County Water Authority as part of its execution of a Water Master Services Agreement to serve the Project more particularly described in the Addendum to the FEIR referred to in the following recital (the "Addendum");

(b) Minor master lotting plan changes documented in the vesting tentative subdivision maps for the Project approved as recited above and more particularly described in the Addendum; and

(c) Three additional minor lotting plan and golf course alignment modifications for the Heritage Ridge portion of the Project, described in Applicant's letter to the County dated November 21, 2003 more particularly explained and described in the Addendum.

WHEREAS, certain circumstances have changed in the region that affect the Project or could be affected by it, all as described in the Addendum.

WHEREAS, anticipating the possibility of further proceedings to be undertaken in connection with the Project that could require consideration under the California Environmental Quality Act, County Staff and the EIR consultant that prepared the FEIR, URS Corp., considered whether or not additional environmental documentation would be required, (i) to describe project changes, (ii) to reflect the changes in background circumstances, and (iii) to describe other relevant criteria in accordance with the provisions of CEQA Guidelines Section 15162, all for the purpose of determining whether or not new environmental analysis was required in addition to that contained in the FEIR. Staff and URS Corp. have undertaken that analysis, concluded that the changes do not warrant preparation of a supplemental EIR or a subsequent EIR, and that all of the changes can be addressed in an addendum to the FEIR prepared pursuant to CEQA Guideline Section 15164. The Addendum has been prepared by Staff with the assistance of URS Corp., and has been presented to the Board as a predicate for its action herein. The Addendum is intended to be added to and become an integral part of the FEIR previously certified herein.

WHEREAS, after extensive argument concerning and resolution of various procedural issues, briefing, consideration of the Administrative Record and other matters at issue in the

Project Approval Litigation, the Court filed its Statements of Decision on June 18, 2004, entered Judgment and issued a Writ of Mandate on June 28, 2004, directing County to set aside the Project Approvals, except for certification of the FEIR that the Court found to be proper. The basis for setting aside the Project Approvals was the Court's determination that the Administrative Record did not contain a complete and coherent Specific Plan. Setting aside the Specific Plan necessarily required setting aside the various approvals dependent upon or related to the Specific Plan including the Design Guidelines, the Development Standards, the Development Agreement, the Resolutions pertaining to Clark Tunnel Road, the Mitigation Monitoring and Reporting Plan, the provisions of Project approval adopting mitigation measures and the Statement of Overriding Considerations. The Writ does not require the Board to set aside its certification of the FEIR and the Judgment of the Court expressly finds the certification to have been proper.

WHEREAS, by Resolution 2004-214, adopted on August 10, 2004, the Board has complied with the Court's Writ. The Applicant immediately applied for reenactment of the Project Approvals. Applicant's request, a report by Staff and all of the relevant documentation were considered by the Commission at a public hearing held on September 23, 2004, after consideration of all relevant materials in a meeting of the Penryn MACs on September 13, 2004. The Commission reviewed the Addendum and considered the record and all relevant materials. Based on that review, the Commission determined that the Addendum was sufficient for consideration and action by the Board, and recommended that, with certain modifications, the Board:

(A) Approve the Addendum;

(B) Adopt the Specific Plan, Development Standards and Design Guidelines;

(C) Enact an ordinance approving the Development Agreement;

(D) Close Clark Tunnel Road to the south and leave it open to the north with improvements to make it safe for increased traffic;

(E) Approve and adopt a Mitigation Monitoring and Reporting Plan; and

(F) Make the appropriate findings and reenact the Project Approvals with the modifications described in the Addendum.

WHEREAS, the County has received and considered written comments on the Addendum and the Staff has prepared written responses to those comments, all of which are included in the Staff's report on the proposed approvals and the Addendum.

WHEREAS, having considered the recommendation of the Commission, the Board now desires to act on the Applicant's request to consider the Addendum and adopt the Project

Approvals in reliance upon the FEIR and Addendum as the environmental documentation required by CEQA as a predicate to such action.

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

1. The foregoing statements of procedural history are true.

2. The Addendum has been prepared in accordance with all requirements of CEQA and the Guidelines.

3. The Addendum was presented to and reviewed by the Board. The Addendum was prepared under supervision by the County and reflects the independent judgment of the County. The Board has reviewed the Addendum, and bases the findings stated below on such review and other substantial evidence in the record. The discussion in the Addendum with respect to each of the impacts it addresses is incorporated herein by reference.

4. The Board finds the Addendum to be complete and accurate in all respects. It describes all relevant events and conditions required to be considered pursuant to CEQA Guidelines Section 15162 and other provisions of relevant law. The Board finds that the previously certified FEIR, together with the Addendum, is complete, adequate and in full compliance with CEQA as a basis for considering and acting upon the Project Approvals and makes the following specific findings with respect thereto. All references to the FEIR in the material that follows shall be deemed to be the FEIR as revised by the Addendum.

5. Based on the facts stated in the Addendum, the Board finds that no Subsequent Environmental Impact Report is required in this case, applying the criteria contained in CEQA Guidelines Section 15162. Specifically:

(a) There are no substantial changes proposed in the project that create new, significant environmental impacts or increase the severity of impacts previously identified and analyzed;

(b) There are no substantial changes that have occurred with respect to the circumstances in which the project will be undertaken which create new, significant environmental impacts or increase the severity of impacts previously identified and analyzed;

(c) No new information of substantial importance has been uncovered disclosing that (i) the project will have one or more significant effects not discussed in the certified FEIR; (ii) significant effects previously examined in the certified FEIR will be substantially more severe than described in the certified FEIR; (iii) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project; or (iv) mitigation measures or alternatives which are considerably different from those analyzed in the certified FEIR would substantially reduce one or more significant effects on the environment.

A. General Findings:

6. Impacts Declared To Be Less Than Significant. Except as expressly stated in certain cases below, the Board agrees with the characterization in the FEIR and the Addendum with respect to all Impacts initially identified as "less than significant" or "beneficial," and finds that those Impacts have been described accurately and are less than significant or beneficial as so described in the FEIR. This finding applies to Impacts L-2, L-3, L-4, PH-1, PH-2, PH-3, PH-5, PS-1, PS-2, PS-3, PS-4, PS-7, PS- 12, PS-13, PS-14, PS-15, PS-16, PS-17, PS-18, PS-19, PS-20, PS-21, PS-22, PS-26, PS-27, PS-28, T-3, T-6, T-7, T-13, T-15, T-20, A-2, N-3, G-3, G-4, HW-1, H-8, B-1, and B-14. This finding does not apply to Impacts identified as significant or potentially significant that are reduced by Mitigation Measures to a level characterized in the FEIR as less than significant. Each of those Impacts and the Mitigation Measures adopted to reduce them are dealt with specifically in the findings below**.**

7. Mitigation Measures Implemented. Except as expressly otherwise stated in certain cases below, all Mitigation Measures proposed in the FEIR, the Addendum and by the Applicant shall be implemented.

8. Mitigation Monitoring And Reporting Plan. Except as expressly otherwise stated in certain cases below, the Mitigation Monitoring and Reporting Plan ("MMRP") will apply to all mitigation measures adopted with respect to the Development pursuant to all of the Project Approvals and the Mitigation Measures will be implemented.

9. Project Approvals Incorporate The Mitigation Measures And The MMRP. The Mitigation Measures and the MMRP have been (and are hereby) incorporated into the Project Approvals and have thus become part of and limitations upon the entitlement conferred by the Project Approvals.

10. Impacts Summarized. The descriptions of the Impacts in these findings is a summary statement. Reference should be had to the FEIR and the Addendum for a more complete description.

B. Land Use.

1. Impact L-1. Conversion of land use from agricultural and open space to residential, recreational and commercial uses will have a significant adverse Impact. Such Impact is inherent in development of Bickford Ranch.

(a) Mitigation Measures. None proposed.

(b) Findings. Bickford Ranch is not a significant agricultural resource due to the poor quality of the soils. The Development incorporates large areas of open space and recreational uses that will be permanently restricted to such uses and open to the public, which is not true under current conditions. Moreover, changes have been required and are incorporated into the Development that reduce the significant effects of this Impact, such changes being among others, reduction in density, relocation of various features of the Development and

incorporation of additional Mitigation Measures addressing other Impacts, all as described in the FEIR. These alterations, while reducing the Impact, do not reduce it to a level that is less than significant. The significant Impact remaining is overridden by the economic, legal and social considerations recited in Part 11.T below.

(c) Rationale. The unavoidable adverse Impact of converting land use from agricultural and open space to residential, recreational and commercial uses is overridden by the economic, social and other considerations inherent in provision of housing to carry out the goals of the Housing and Land Use Elements of the County's General Plan and to accommodate growth in an orderly fashion consistent with the General Plan. The adverse Impact of such a land use conversion was considered and found acceptable when the County adopted General Plan Land Use Goal 1.C., Land Use Policy 1.C.1, and Appendix C to the General Plan, contemplating development of Bickford Ranch to meet a portion of the County's housing needs. The Impact is further reduced in this case by several factors: (i) A study of the soils within Bickford Ranch shows that they are of extremely poor agricultural quality and thus the conversion does not cause a loss of lands valuable for agriculture; (ii) 58% of the Development will consist of open space and public recreation lands, permanently restricted to such uses; and (iii) the open space and public recreation lands will be open to the public in contrast to their closed condition in current agricultural uses

2. Impact L-6. Inconsistency with General Plan Policy I.B.9 discouraging development of isolated, remote and/or walled residential projects, the conflict arising in that the Development originally proposed would include certain gated neighborhoods.

(a) Mitigation Measure. None proposed by FEIR. Applicant proposes L-C (Limit construction of gates). Subsequent changes in the Project include elimination of all gates except at the entrances to Heritage Ridge and for emergency vehicle access at the northern and southern ends of abandoned Clark Tunnel Road.

(b) Implementation. The Mitigation Measure will be imposed as a condition of approval of final subdivision and parcel maps with respect to each increment of the Development. Only four (4) gates have been allowed for the Heritage Ridge portion of the project by direction of the Board of Supervisors.

(c) Finding. The Board also finds that Bickford Ranch is bounded by major roads with significant development in the immediate vicinity and is thus not "isolated" or "remote" in the intended sense of General Plan Policy I.B.9. Moreover, the fencing and walls allowed by the Design Guidelines is not out of character with the patterns that have developed in the area. Thus, the Board finds that there is no inconsistency. On the CEQA issue raised by the Impact, the Mitigation Measure will reduce the Impact to a level that is less than significant. Any residual Impact remaining after implementation of the Mitigation Measure is overridden by the economic, legal and social considerations recited in Part 11.T below.

(d) Rationale. Policies of a General Plan must be read together to harmonize them and give them effect in accordance with the overall intent of the General Plan. The General Plan has identified the Bickford Ranch area as a place for development of a planned residential

community. Sensitively treated gates and walls are appropriate in such a setting when kept to a minimum and used in a manner that is consistent with County's Rural Design Guidelines. In addition, the limited use of gates and fences is not inconsistent with the pattern of uses that has become established in the area; nor is the proposed Development isolated or remote in the sense intended by the Board when it adopted the Policy with which the Development allegedly conflicts. Finally, the Development design has been revised to reduce the need for sound walls and other barriers that create the sense of enclosure and exclusion that County policy seeks to minimize. Perimeter fencing for the Development will be open type fencing. Any wall or gate treatments will be confined to the interior of the Development.

C. Population, Employment and Housing.

1. Impact PH-4: Increase in the need for affordable housing.

(a) Mitigation Measure.

(A) None proposed by FEIR. Applicant proposes a combination of a variation upon PH-B: (Construct onsite affordable residential units), and PH-C: (Pay a per unit in-lieu affordable housing fee). The fee will be based on unit development costs, affordable rent and interest rate current as of the time payment is made, and calculated in a manner more specifically described in the Development Agreement. Applicant's proposal is referred to herein as its Affordable Housing Program and was refined after completion of the FEIR as a way to provide a more effective and site-specific mitigation of the Impact.

(B) The Development Agreement requires the Applicant to develop or cause to be developed 189 below market rate housing units, affordable to lower income households earning not more than 80% of the Placer County median income (as determined by the United States Department of Housing and Urban Development ("HUD"), adjusted for household size). Applicant shall construct up to 106 of the affordable housing units on-site. The County finds that construction of all of the units on-site is impractical in that the necessary transportation network, services and other necessities are not available in the area to better serve the needs of the lower income households. In addition, the Development Agreement requires the Applicant to provide the "gap financing" (i.e., the subsidy required to produce the housing) needed to provide the balance of the below market rate units not constructed on-site (for a total on and off site of 189 units). Determination of the gap financing amount and other provisions related to and enforcing the Affordable Housing Program (including the on-site construction requirement and the timing of such construction) are contained in the Development Agreement. The total gap financing amount and subsidy required to construct affordable units is estimated at $2,400,000, based on a minimum of $13,500 subsidy per unit, in current dollars with adjustment for inflation. The affordable housing will be constructed in a staged process as specified in the Development Agreement.

(b) Implementation. The Applicant's Affordable Housing Program (including construction of on-site affordable units) will be implemented in accordance with the Development Agreement.

(c) Finding. Imposition and implementation of the Mitigation Measure consisting of the Applicant's Affordable Housing Program (including its proposed construction of on-site units) will reduce the impact to a level that is less than significant. Any residual impact remaining after implementation of the Mitigation Measures is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. The Affordable Housing Program proposed by Applicant is a realistic and feasible plan to provide affordable housing. It provides for both on-site and off-site construction of affordable units. It is a program that will produce actual construction of needed affordable units rather than a simple payment into an escrow account of a fee amount not tied to specific project needs or cost projections.

2. Impact PH-6. Inconsistency with Placer County General Plan Policy 2.A.11 requiring that all new housing projects of 100 or more units, having received an increase in allowable density through a specific plan, shall provide affordable housing, unless impractical.

(a) Mitigation Measures.

(A) None proposed by FEIR. Applicant proposes a combination of a variation upon PH-B: (Construct onsite affordable residential units), and PH-C: (Pay a per unit in-lieu affordable housing fee), more specifically described in the Development Agreement. Applicant's proposal is referred to herein as its Affordable Housing Program and was refined after completion of the FEIR as a way to provide a more effective and site-specific mitigation of the Impact.

(B) The Development Agreement requires the Applicant to develop or cause to be developed 189 below market rate housing units, affordable to lower income households earning not more than 80% of the Placer County median income (as determined by the United States Department of Housing and Urban Development ("HUD"), adjusted for household size). Applicant shall construct no less than 90 and up to 106 of the affordable housing units on-site. With a total of 1890 units in the Development, this would result in ten percent (10%) of the units to be developed as affordable units. In addition, the Development Agreement requires the Applicant to provide the "gap financing" (i.e., the subsidy required to produce the housing) needed to provide the balance of the below market rate units not constructed on-site (for a total on and off site of 189 units). Determination of the gap financing amount and other provisions related to and enforcing the Affordable Housing Program (including the on-site construction requirement and the timing of such construction) are contained in the Development Agreement. The total gap financing amount and subsidy required to construct affordable units is estimated at $2,400,000, based on a minimum of $13,500 subsidy per unit, in current dollars with adjustment for inflation. The

affordable housing will be constructed in a staged process as specified in the Development Agreement.

(b) Implementation. The Applicant's Affordable Housing Program will be implemented in accordance with the Development Agreement.

(c) Findings. The Applicant's Affordable Housing Program providing for construction of 189 total below market rate units, with a best efforts requirement to construct no less than 90 and up to 106 units on-site and the remainder of units off-site carries out the intent of the General Plan and constitutes the most practical way actually to achieve construction of affordable housing units, and refines and improves upon the mitigation measures described in the FEIR. The County finds that construction of all of the units on-site is impractical in that the necessary transportation network, services and other necessities are not available in the area to better serve the needs of the lower income households. The Applicant's Affordable Housing Program, to be implemented through the Development Agreement, eliminates the Impact and the inconsistency with the General Plan.

(d) Rationale. The Affordable Housing Program proposed by Applicant is a realistic and feasible plan to provide the type of affordable housing that is in demand, using a realistic approach to the assessment and origination of the financial subsidy required to produce the housing. It provides for both on-site and off-site construction of affordable units. It is a program that that requires design and construction of specific housing and will thus produce needed affordable units rather than a simple payment into an escrow account of a fee amount not tied to specific project needs or cost projections. As a practical matter, the Applicant's Affordable Housing Program offers a definitive and feasible plan for production of the needed housing units. The Applicant's Affordable Housing Program recognizes that Bickford Ranch is not an ideal location for below market rate housing because that type of housing is better located near more urban development that provides a closer proximity to jobs, public transportation and services. Applicant's Affordable Housing Program represents a refinement of the mitigation measures described in the FEIR and improves upon those measures in that it establishes a more detailed and practical plan for providing below market rate housing.

D. Public Services and Utilities.

1. Impact PS-5. Temporary (short term) shortage of water supply if planned pipeline construction falls behind schedule.

(a) Mitigation Measure. None proposed by FEIR. Applicant proposes PS-A: (Provide will serve letter and participate in the Penryn/Lincoln/Sunset pipeline).

(b) Implementation. Mitigation Measure PS-A will be imposed as a condition of filing final subdivision and parcels maps when each increment of development must demonstrate an adequate water supply.

(c) Findings. Imposition and implementation of the Mitigation Measure will reduce the impact to a level that is less that significant.

(d) Rationale. The Mitigation Measure insures that no building permits will be issued for structures for which there is not assured water supply, thus eliminating the effects of any shortage. Many of the improvements required to provide a permanent supply have already been completed or are under construction, as the Addendum describes. For example, in 2004, PCWA completed construction of the pipeline between Penryn and Lincoln.

2. Impact PS-6. Potential contamination of potable water supply where proposed pipeline crosses under storm drainage culverts in Butler Road.

(a) Mitigation Measure. None proposed by FEIR. Applicant proposes PS-B: (Provide water pipeline improvements).

(b) Implementation. Mitigation Measure PS-B will be imposed as a condition of the first subdivision improvement where construction of the water pipeline improvements will be required as a condition of filing of the final subdivision map and as a provision of the subdivision improvement agreement.

(c) Findings. Imposition and implementation of the Mitigation Measure will reduce the Impact to a level that is less that significant.

(d) Rationale. The Impact identified is of the type that can be remedied through engineering solutions in accordance with standard PCWA and AWWA specifications. The Mitigation Measure encompasses the appropriate range of solutions with the specific solution to be determined at the time of subdivision design and in accordance with the requirements of the County Department of Facility Services.

3. Impact PS-8. Odor and blockages due to low waste water flows.

(a) Mitigation Measure. None proposed by FEIR. Applicant proposes PS-C: (Provide for increased hydraulic loading, maintenance or special design to prevent odor and blockages in offsite sewer pipelines until flows from other sources are sufficient to ensure velocity, if and when such conditions arise).

(b) Implementation. Mitigation shall be required as a condition to hookups of any improvements constructed within the Development. If the first phase of construction constitutes a residential subdivision, mitigation shall be required as part of the subdivision improvement agreement entered into in connection with and as a condition of the approval of final subdivision maps with respect thereto.

(c) Findings. Implementation of the Mitigation Measure proposed by the Applicant will reduce the Impact to a level that is less than significant.

(d) Rationale. The Impact identified is of the type that can be remedied through engineering solutions. The Mitigation Measure encompasses the appropriate range of solutions with the specific solution to be determined at the time of subdivision design and in accordance with the requirements of the County Department of Facilities Services. It is

customary to require and provide for periodic flushing of lines to eliminate this sort of issue. The County Service Area to be formed for the Development will provide a vehicle to fund the ongoing maintenance.

4. Impact PS-9. Public safety hazard due to maintenance activities along the alignment of the sewer pipeline.

(a) Mitigation Measure. None proposed by FEIR. Applicant proposes PS-D: (Prepare and implement traffic and safety plan for maintenance of offsite sewer line).

(b) Implementation. Mitigation of the Impact shall be required as a condition to hookups of any improvement constructed within the Development. If the first phase of construction constitutes a residential subdivision, the Mitigation measure shall be required as part of the subdivision improvement agreement entered into in connection with and as a condition of the approval of the final subdivision map with respect thereto.

(c) Findings. Implementation of the Mitigation Measure will reduce the Impact to a level that is less than significant.

(d) Rationale. The sewer line will be located in the road right-of-way but outside the road section itself. The Mitigation Measure is intended to protect maintenance workers employed by the County Department of Facilities Services from conflicts with traffic. Incorporating the requirements into a subdivision improvement agreement will achieve the desired objectives by creating a binding commitment to the Mitigation Measure.

5. Impact PS-10. Potential water quality impacts to Auburn Ravine or groundwater due to leakage from sewer pipeline.

(a) Mitigation Measure. None proposed by FEIR. Applicant proposes PS-E: (Design offsite sewer pipeline per County requirements); and PS-F: (Design sewer pipeline with watertight joints).

(b) Implementation. Mitigation shall be required as a condition to hookups of any improvements constructed within the Development and as part of the approval of the pipeline design. If the first phase of construction constitutes a residential subdivision, the Mitigation Measure shall be required as part of the subdivision improvement agreement entered into in connection with and as a condition of the approval of the final subdivision map with respect thereto.

(c) Findings. Implementation of the Mitigation Measure will reduce the Impact to a level that is less than significant.

(d) Rationale. The primary purpose behind the policy of requiring a regional solution to wastewater treatment and disposal is to reduce or eliminate impacts to Auburn Ravine. The subject is addressed in greater detail with respect to Impact PS-11, but it bears as well upon this Impact. The specific Impact (PS-10) is of the type that can be remedied through

engineering solutions that provide ways in which pipelines can be made tight and leaks eliminated. The Mitigation Measure encompasses the appropriate range of solutions with the specific solution to be determined when the subdivision that will make first use of the off-site line is designed and in accordance with the requirements of the County Department of Facility Services.

6. Impact PS-11. Increased demand on wastewater treatment system.

(a) Mitigation Measure. None proposed by FEIR. Applicant proposes PS-G: (Participate in construction of additional wastewater treatment capacity to accommodate projected flows); and PS-H: (Issue building permits only when sufficient wastewater treatment capacity exists or will exist at time of sewer connection). The Development Agreement requires the Applicant to construct transmission improvements within the County for transport of wastewater to regional treatment facilities, subject to possible reimbursement from state or federal funds. The cost of such transmission facilities that Applicant will construct is estimated at approximately $5,000,000. In addition, Applicant has entered into a Memorandum Of Understanding, Reservation Of Wastewater Treatment Capacity Bickford Ranch with the City of Lincoln, dated as of April 19, 2001 (the "Sewer MOU") by which Applicant has committed a total contribution of $6,000,000 for construction and upgrading of the regional wastewater treatment plant, as well as $1,130,000 for improving the conveyancing facilities within the City of Lincoln, the contribution to be evidenced by a letter of credit and to be subject to possible reimbursement from state or federal funds. In exchange for Applicant's commitment under the MOU, the City of Lincoln has agreed to reserve capacity in the improved plant to accommodate the flows from Bickford Ranch at full buildout. On a separate but related issue, the Development Agreement requires the Applicant to oversize Trunk lines to accommodate flows through the Development from Newcastle Sanitation District at an estimated cost of $335,000.

(b) Implementation. Mitigation Measure PS-G shall be required as a condition to hookups of any improvements constructed within the Development. Limitation on issuance of building permits as proposed in PS-H shall be required as a condition of approval of each subdivision and parcel map where the capacity limitation may be an issue. Regional wastewater facility funding and lateral over-sizing shall be required pursuant to the Development Agreement and shall be subject to Applicant's compliance with the Sewer MOU. To date, Applicant is in compliance with the MOU has paid 70% of the funds required to be paid thereunder consistent with mitigation Measure PS-G. The new Lincoln wastewater treatment plant is now substantially complete and Applicant has done everything required of it to secure the capacity reserved for the Project pursuant to the MOU.

(c) Findings. Implementation of the Mitigation Measures will reduce the Impact to a level that is less than significant. The transmission facilities and regional plant facilities are designed to serve growth already planned as disclosed by the general plans of the participating entities.

(d) Rationale. The Applicant's commitments provide major support for the regional wastewater treatment solution desired by the County, exceeding in both size and scope the impacts that the Development itself will cause, both with respect to conveyance of

wastewater to the regional plant and for the plant itself. As a result, the increased demand that the Development will cause is far outstripped by the added capacity that the Development will facilitate as well as the benefits that will be produced by reduction of pollution due to regional treatment as a replacement for substandard local treatment plants.

7. Impact PS-12. Increased demand on the electrical supply network. The FEIR states that this is a less than significant Impact. The electrical energy shortage that came to light after completion of the FEIR raises an issue justifying specific treatment in these findings.

(a) Mitigation Measures. The housing and other improvements to be constructed in the Development will include energy efficient features including photo-voltaic, solar heating and air cooling systems. Houses will be insulated and designed to reduce heating and cooling requirements and will be fitted with low energy appliances. In addition, many of the units will incorporate photovoltaic power generation capacity sufficient to generate on sunny days more power than those units will consume. The surplus power will benefit the local power grid.

(b) Implementation. Requirements with respect to housing design will be included in the Design Guidelines and imposed as a condition to issuance of building permits.

(c) Findings. The Impact of the Development upon energy supplies will be less than significant.

(d) Rationale. The design features of the Project significantly reduce power demand over the amounts that would be required by a less energy sensitive development. In addition, the power shortage foreseen in the FEIR has not come to pass. Construction of additional power plants and other measures have brought power supplies within the State into balance with demand or into surplus, according to the California Energy Commission.

8. Impact PS-23. Increased demand for public schools.

(a) Mitigation Measure. None proposed by FEIR. Applicant proposes PS-I (pay statutory fees to existing school districts). In addition, Applicant's plan for the Development has been revised to reserve a school site for the Loomis Union School District pursuant to Government Code § 66480.

(b) Implementation. Fees will be required to be paid as condition to issuance of building permits.

(c) Findings. The FEIR and Addendum state that implementing the Mitigation Measure reduces the Impact to a less than significant level long term, the impact remaining potentially significant short-term. The Applicant's reservation of a school site serves further to reduce the Impact. Nonetheless, the Board finds that the Impact is potentially significant both short-term and long-term as mitigation depends upon completion of needs assessments and implementation of a school expansion program by the relevant school districts. The Board finds that to the extent any degree of unmitigated Impact remains after

implementation of the Mitigation Measures (including the Applicant's commitment), it is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. The potential Impact identified is of the type that can be remedied through funding and construction of additional schools. The Applicant will be required to pay the amount determined by State law for that purpose which is fixed by State statute under legislation providing that it establishes the sole source of development based school funding. Reservation of a school site provides a location for a facility but does not assure funding for it. Actual construction and staffing of the schools, depends upon completion of needs assessments and execution of expansion programs by the school districts and is subject to variables that cannot be accurately determined at this time. In addition, construction of school facilities does not assure that sufficient funds will be available to staff and operate the schools. For those reasons, the Impact cannot be viewed as fully mitigated even though the fee may be entirely adequate for funding purposes.

9. Impact PS-24. Increased demand for fire protection service.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes PS-J (donate a site, construct and partially equip a fire station); PS-K (establish fire district jurisdiction and emergency response standards for the Development); and PS-L (pursue single jurisdiction fire service).

(b) Implementation. The Development Agreement requires Applicant to (i) pay the cost to construct and equip a new fire station to the extent that such cost exceeds the revenue generated from fees payable upon issue of building permits (such excess estimated at $1,800,000), (ii) pay an estimated $104,000 to furnish and equip a sheriff's service center in the fire station, and (iii) pay an estimated $150,000 to compensate the fire protection service provider that is not selected to provide such service to Bickford Ranch for possible lost revenues due to boundary adjustment, which said boundary adjustment has occurred. By Local Agency Formation Commission Resolution 2-2000, the property has been taken out of the Penryn Fire Protection District and is now within County Services Area 28, with Penryn FPD to receive the payment referred to above. The Addendum describes the process of boundary change in detail. Implementation of all of the Mitigation Measures will be required in accordance with the terms of the Development Agreement.

(c) Findings. Imposition and implementation of all of the Mitigation Measures will reduce the Impact to a level that is less than significant.

(d) Rationale. Implementation of the Mitigation Measures has clarified jurisdictional issues, established a clear assignment of responsibility for fire protection in the Development, established emergency response standards, and provides for an on-site facility with the remaining portion of the equipment required for the protection needed. These Mitigation Measures directly address and mitigate the Impact. The Applicant's commitments pursuant to the Development Agreement will provide for construction of the facility upon a determination of need by the public safety authorities, rather than being dependent upon accumulation of fee proceeds.

10. Impact PS-25. Potential interference with emergency fire access due to driveways built on steep slopes.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes PS-M (grade driveways to slopes of 15% or less at the time of home construction; a grading permit will be required for those identified lots prior to the issuance of a building permit); PS-N (pave driveways with asphaltic concrete or concrete at the time of home construction on driveways with slopes of 16% to 20%; a grading permit will be required for those identified lots prior to issuance of a building permit); and PS-O (prohibit development on lots with driveway access in excess of 20%).

(b) Implementation. Implementation of the Mitigation Measures shall be required in connection with issuance of grading permits and building permits for every lot to which the Impact applies. The Development Standards that apply to the Development also contain the restrictions provided for in the Mitigation Measures and will constrain development accordingly. Moreover, as the Addendum describes, changes in the Project have moved approximately 40 lots within the Meadows and Ridges areas off of slopes greater than 15%.

(c) Findings. Imposition and implementation of the Mitigation Measures will reduce the Impact to a level that is less that significant.

(d) Rationale. When implemented, the Mitigation Measures will assure that all driveways are constructed on slopes and to standards that will accommodate emergency vehicle access in accordance with County standards.

E. Transportation and Circulation.

1. Impact T-1. Short-term Traffic Impacts related to Development construction.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes T-A (prepare and implement Construction Traffic Management Plans for on-site construction activities for Bickford Ranch Road and Sierra College Boulevard, and coordinate with appropriate agencies in the preparation and implementation of Construction Traffic Management Plans for required off-site improvements); and T-B (implement a community relations program during on-site construction, and coordinate with appropriate agencies in the implementation of a community relations program during construction of required on-site and off-site improvements).

(b) Implementation. Implementation of the Mitigation Measures will be required as a condition to issuance of any permits for any activity that will be Impact generating.

(c) Findings. Imposition and implementation of the Mitigation Measures will reduce the Impact to a level that is less than significant.

(d) Rationale. When implemented, the Mitigation Measures will reduce the Impacts by requiring construction traffic movements to take place during off-peak hours in a manner that does not interfere with traffic movements at peak times, and will further provide

notice to potential road users of pending construction activities, so that they can plan to use alternative routes to some extent.

2. Impact T-2. Under existing plus Development conditions, traffic operations at the intersection of Sierra College Boulevard and I-80 westbound ramps in Rocklin would worsen from LOS "C" to LOS "F" during the p.m. peak hour. The intersection of Sierra College Boulevard and I-80 eastbound ramps would worsen from LOS "C" to LOS "E" during the a.m. peak hour and from LOS "D" to LOS "F" during the p.m. peak hour.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes T-C (pay pro-rata fair share of reconstruction of the I-80/Sierra College Boulevard interchange). Applicant proposes to pay the Regional Fee proposed by the Placer County Transportation Planning Agency ("PCTPA") that has been adopted and put in place through the South Placer Regional Transportation Authority ("SPRTA").

(b) Implementation. The Regional Fee adopted to address this Impact will be payable upon issuance of building permits and the Regional Fee is required to be paid pursuant to the Development Agreement.

(c) Findings. The FEIR states that payment of Applicant's pro rata share would reduce the Impact to a level that is less than significant. The Regional Fee will be calculated to achieve that objective. The Board further finds that to the extent any degree of Impact remains after implementation of the Mitigation Measure, it is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. The Development is not the only contributor or potential contributor to congestion of the Sierra College Boulevard/I-80 interchange. The California Department of Transportation ("CalTrans") intends to redesign and improve the interchange in conjunction with City of Rocklin, and the improvement is included in the Metropolitan Transportation Plan. The City of Rocklin is currently pursuing state and federal funding for the interchange improvement and expects to be in a position to commence construction by 2004. Contribution by the Development of its fair share for Impact mitigation through the Regional Fee does not necessarily assure that sufficient funds will be available, or the interchange improvements will be constructed in a timely manner. Nonetheless, based on the fact that SPRTA and the City of Rocklin are committed to the improvement, the Board believes that funding for seismic upgrading and capacity expansion is reasonably likely to be made available, and that the improvements will be constructed.

3. Impact T-4. Under existing plus Development conditions, Sierra College Boulevard between Taylor Road and Granite Drive in Rocklin would worsen from LOS "A" to LOS "E", and Sierra College Boulevard between Granite Drive and I-80 in Rocklin would worsen from LOS "D" to LOS "F", based on a daily roadway segment level of service analysis. In addition, the Addendum describes a new impact, not previously identified on Sierra College Boulevard between King Road and Taylor Road. This road segment is anticipated to operate at LOS D under conditions that include the traffic generated by the Project and the existing

conditions, a condition that can be mitigated by widening the road segment between King Road and Taylor Road from two lanes to four lanes.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes T-D and T-T (pay pro rata fair share to widen Sierra College Boulevard from two to four lanes from King Road to I-80, including the segment between King Road and Taylor Road). Applicant proposes to pay the Regional Fee to be collected and applied through SPRTA. In addition, the Development Agreement requires (i) payment of $2,000,000 for as yet undefined road improvements, and (ii) payment of $3,070,000 ($1,750,000 to be paid into Central Zone Account and $1,320,000 for improvements to Sierra College Boulevard), some or all of which funds and improvements could serve to mitigate the impact.

(b) Implementation. The Regional Fee adopted to address this Impact will be payable upon issuance of building permits and the Regional Fee is required to be paid pursuant to the Development Agreement. The other traffic fee contributions that could address this Impact will be payable at the same time.

(c) Findings. The FEIR states that such mitigation will reduce the Impact to a level that is less than significant. The Board finds that it is reasonably likely that the funds generated by the Mitigation Measure, combined with funds generated from other sources, will produce sufficient funding for construction of the improvements in a timely manner to reduce the Impact to a level that is less than significant. The Board further finds that to the extent any degree of Impact remains unmitigated after implementation of the Mitigation Measures, it is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. The Development is not the only contributor or potential contributor to congestion of the impacted segment of Sierra College Boulevard. Moreover, the impacted street segments lie within the boundaries of the City of Rocklin and the Town of Loomis, and are thus outside of the County's direct control. In addition, the Town of Loomis has opted out of the Regional Fee program. For these and other reasons, contribution by the Development of its fair share for Impact mitigation through payment of the Regional Fee does not necessarily assure that other funds will be available and that the improvements will be constructed in a timely manner. However, the Development Agreement provides for substantial additional funds and improvements that may be applied by the County or SPRTA to mitigate the Impact. Based upon the foregoing, the Board believes it is reasonably likely that funding will be made available and the improvements will be constructed.

4. Impact T-5. Under 2010 General Plan plus Development conditions, the intersection of SR-193 and SR-65 would operate at LOS "E" conditions during the a.m. peak hour and LOS "F" conditions during the p.m. peak hour with or without the proposed Development.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes Measure T-E (pay Placer County traffic mitigation fees). In addition, Applicant shall pay the Regional Fee.

(b) Implementation. Traffic impact fees will be required to be paid as condition to issuance of building permits and the SPRTA Regional Fee is required to be paid pursuant to the Development Agreement.

(c) Findings. The FEIR states that the mitigation will reduce the Impacts to a level that is less than significant. The Board finds that it is possible that the funds generated by the Mitigation Measure, combined with funds generated from other sources, will produce sufficient funding for construction of the improvements in a timely manner to reduce the Impacts to a level that is less than significant. The Board finds that to the extent any degree of Impact remains unmitigated after implementation of the Mitigation Measures, it is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. The Development is not the only contributor or potential contributor to congestion of the SR 193/SR 65 intersection. In addition, the SR 65 bypass around the City of Lincoln will mitigate this impact. The bypass will significantly reduce the peak hour north and southbound traffic or SR-65 through downtown Lincoln. The bypass is an improvement included within current transportation improvement plans. The cost of right-of-way acquisition and a portion of the cost of construction are included in the SPRTA regional fee program to be funded by the regional fee that the Applicant will pay. Thus, the offer by the Applicant to pay the Development's fair share for Impact mitigation does not necessarily assure that sufficient funds will be available and that the intersection improvements will be constructed in a timely manner.

5. Impact T-7. Under 2010 General Plan plus Development conditions, the proposed Development would cause operations on the westbound stop-sign controlled approach of Del Mar Avenue at Sierra College Boulevard to worsen from LOS "E" to LOS "F" during the a.m. peak hour, and from LOS "D" to LOS "F" in the p.m. peak hour. The eastbound approach would worsen from LOS "D" to LOS "F" during both the a.m. and p.m. peak hours.

(a) Mitigation Measures. None proposed by FEIR or Applicant. The Development Agreement requires (i) payment of $2,000,000 for as yet undefined road improvements, and (ii) payment of $3,070,000 ($1,750,000 to be paid into Central Zone Account and $1,320,000 for improvements to Sierra College Boulevard), some or all of which funds and improvements may serve to mitigate the Impact.

(b) Implementation. The payments required pursuant to the Development Agreement will be implemented through that Agreement.

(c) Findings. The Board agrees with the FEIR that the impact is less than significant.

(d) Rationale. The intersection has an unconventional configuration that contributes to its congestion at modest increases in traffic level. Drivers have alternates when the intersection is congested and the intersection itself is not heavily used in relative terms. A portion of the Applicant's significant contributions pursuant to the Development Agreement could be applied to assist in rectifying this intersection. In fact, however, the DEIR states that a

traffic signal would not be warranted at this intersection under the 2010 General Plan with or without the proposed Development. Other signalized intersections would provide sufficient means of access to Sierra College Boulevard for motorists in the vicinity and the intersection handles relatively low traffic flows.. Finally, the Board has elected to address this Impact even though it is characterized as less than significant by the FEIR because the Board considers it important to address specifically any impact on an intersection or highway segment that is expected to reach LOS "F".

6. Impact T-8. Under 2010 General Plan plus Development conditions, the proposed Development would cause operations at the intersection of Sierra College Boulevard and Taylor Road in the Town of Loomis to worsen from LOS "D" to LOS "E" during both a.m. and p.m. hours.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes Mitigation Measure T-F (pay pro rata fair share of adding a second westbound left turn lane on Taylor Road at the Sierra College Boulevard intersection). Applicant shall pay the Regional Fee. In addition, the Development Agreement requires (i) payment of $2,000,000 for as yet undefined road improvements, and (ii) payment of $3,070,000 ($1,750,000 to be paid into Central Zone Account and $1,320,000 for improvements to Sierra College Boulevard), some or all of which funds and improvements may serve to mitigate the Impact.

(b) Implementation. Fees will be required to be paid as condition to issuance of building permits. The Regional Fee will be required to be paid pursuant to the Development Agreement.

(c) Findings. The FEIR states that the mitigation will reduce the Impacts to a level that is less than significant. The Board finds that it is possible that the funds generated by the Mitigation Measure, combined with funds generated from other sources, will produce sufficient funding for construction of the improvements in a timely manner to reduce the Impacts to a level that is less than significant. Complete mitigation of this Impact is complicated by the fact that the impacted intersection lies within the Town of Loomis, which has opted out of SPRTA and the Regional Fee program. The Board finds that to the extent any degree of Impact remains unmitigated after implementation of the Mitigation Measures, it is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. The Development is not the only contributor to congestion of the intersection. Moreover, the intersection lies within the Town of Loomis, an entity that has opted out of the Regional Fee. Thus, the offer by the Applicant to pay the Development's fair share for Impact mitigation (and the Applicant's other commitments made pursuant to the Development Agreement) does not necessarily assure that sufficient funds will be available and that the intersection improvements will be constructed in a timely manner. Complete mitigation of this Impact lies outside the County's control and depends upon cooperation by the Town of Loomis.

7. Impact T-9. Under 2010 General Plan Plus Development Conditions, the proposed Development would cause Sierra College Boulevard between Taylor Road and Granite

Drive in the City of Rocklin to worsen from LOS "D" to LOS "E" based on daily roadway segment level of service analysis.

(a) Mitigation Measures. None proposed by FEIR. The FEIR states that Applicant proposes Measure T-G (pay pro rata fair share of widening Sierra College Boulevard from four to six lanes from Taylor Road to Granite Drive). Applicant shall pay the Regional Fee, which includes funding for this improvement. In addition, the Development Agreement requires (i) payment of $2,000,000 for as yet undefined road improvements, and (ii) payment of $3,070,000 ($1,750,000 to be paid into Central Zone Account and $1,320,000 for improvements to Sierra College Boulevard), some or all of which funds and improvements may serve to mitigate the Impact.

(b) Implementation. Traffic impact mitigation fees and the Regional Fee will be required to be paid as condition to issuance of building permits. The payments are required to be paid pursuant to the Development Agreement and will be implemented through that Agreement.

(c) Findings. The FEIR states that the mitigation will reduce the Impact to a level that is less than significant. The Board finds that it is reasonably likely that the funds generated by the Mitigation Measures, combined with funds generated from other sources, will produce sufficient funding for construction of the improvements in a timely manner to reduce the Impact to a level that is less than significant. The Board further finds that to the extent any degree of Impact remains after implementation of the Mitigation Measures, it is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. The Development is not the only contributor to congestion of Sierra College Boulevard. Contribution by the Development of its fair share for Impact mitigation through mitigation fees, the Regional Fee and the Development Agreement does not necessarily assure that other funds will be available and that the improvements will be constructed in a timely manner. However, the Applicant's commitment to pay its fair share through the Regional Fee and Applicant's commitments pursuant to the Development Agreement provide for substantial funding that may be applied by the County to mitigate the Impact. The prospective improvements are included in the County's Capital Improvement Program with funding to be provided in accordance with the County's Traffic Mitigation Fee Program Based upon the foregoing, the Board believes it is reasonably likely that funding will be made available and the improvements will be constructed.

8. Impact T-10. Under 2010 General Plan Conditions, the traffic volume on English Colony Way between Sierra College Boulevard and Clark Tunnel Road would reach a recommended threshold for safety improvements with or without the proposed Development.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes T-H (pay pro rata fair share of the cost to add shoulders and improve vertical and horizontal curves along English Colony Way). In addition, the Development Agreement requires that $600,000 be paid as an advance on Central Zone fees (that the Development would otherwise be required to pay but over a longer period of time) for improvement of English Colony Way, in accordance

with the schedule provided for therein, and that $1,750,000 be paid for Central Zone improvements that would include this road segment.

(b) Implementation. A pro-rata fair share of the cost will be paid as condition to issuance of building permits. The mitigation required pursuant to the Development Agreement will be implemented through that Agreement.

(c) Findings. The FEIR states that the mitigation will reduce the Impact to a level that is less than significant. The Board finds that it is reasonably likely that the funds generated by the Mitigation Measure, combined with funds generated from other sources, will produce sufficient funding for construction of the improvements in a timely manner to reduce the Impact to a level that is less than significant. The Board further finds that to the extent any degree of unmitigated Impact remains after implementation of the Mitigation Measures, it is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. The Development will not be the only contributor or potential contributor to congestion of the impacted segment of English Colony Way. Contribution by the Development for Impact mitigation as provided above does not necessarily assure that other funds will be available and that the improvements will be constructed in a timely manner. The prospective improvements are included in the County's Capital Improvement Program with funding to be provided in accordance with the County's Traffic Mitigation Fee Program. The Development Agreement provides a funding mechanism for a portion of the funds that will be required. The Board believes that funding will be made available and that the improvements will be constructed.

9. Impact T-11. Under 2010 General Plan Conditions, I-80 west of Sierra College Boulevard and between Penryn and SR-49 would operate at LOS "F" conditions with or without the proposed Development, based on a daily roadway segment level of service analysis.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes T-I (participate in any development based funding of solutions to I-80 congestion if adopted by Placer County).

(b) Implementation. Implementation will depend upon adoption of a funding mechanism by County that will likely be part of a regional congestion relief program for I-80. The Applicant has agreed to participate in such a program so long as it is based upon a "fair share" allocation formula that uses project trip generation as a percentage of the whole to determine the amount of the exaction.

(c) Findings. It is possible that a congestion relief or highway improvement program may reduce this Impact to a less than significant level. Until such a program is adopted, however, the Board finds that the Impact remains significant and is overridden by the economic, legal and social considerations recited in Part 11.T below.

(d) Rationale. The potential Impact of the Development upon the already impacted highway cannot be mitigated without an effective plan to reduce I-80 congestion within

Placer County. Improvements to I-80 are under the jurisdiction of the Federal Highway Administration ("FHWA") and Caltrans and may depend upon federal and/or state funding. At the present time, FHWA and other entities have set aside funding to improve I-80 from Sierra College Boulevard to the Sacramento County line. No such funding has been obtained for the segment of I-80 from Penryn to SR-49.

10. Impact T-12. Under build-out of Development vicinity plus Development conditions, the intersection of SR-193 and SR-65 would operate at LOS "F" conditions during the p.m. peak hour with or without the proposed Development. The Board finds that this Impact is substantially redundant with Impact T-5. It incorporates by reference and restates with respect to Impact T-12 the recitation of mitigation measures, implementation, findings and rationale adopted with respect to Impact T-5.

11. Impact T-14. Under build-out of Development vicinity plus Development conditions, the proposed Development would cause operations at the intersection of Sierra College Boulevard and Twelve Bridges Drive to worsen from LOS "C" to LOS "D" during both the a.m. and p.m. peak hours.

(a) Mitigation Measure. None proposed by FEIR. Applicant proposes T-J (pay pro rata fair share of adding a second northbound left turn lane on Sierra College Boulevard at Twelve Bridges Drive intersection). This fair share is included within the Development Agreement requirements of (i) payment of $2,000,000 for as yet undefined road improvements, and (ii) payment of $3,070,000 ($1,750,000 to be paid into Central Zone Account and $1,320,000 for improvements to Sierra College Boulevard), some or all of which funds and improvements may serve to mitigate the Impact.

(b) Implementation. Applicant's pro rata fair share will be paid as a condition to issuance of building permits. Mitigation measures provided for in the Development Agreement shall be implemented pursuant thereto.

(c) Findings. Based on information contained in the FEIR and in the record, the Board finds that it is reasonably likely that the funds generated by the Mitigation Measure (i.e., Applicant's fair share or the Regional Fee) will produce sufficient funding for improvement of the intersection in a timely manner to reduce the Impacts to a level that is less than significant. The Board further finds that to the extent any degree of Impact remains after implementation of the Mitigation Measures, it is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. The Development is not the only contributor to congestion of Sierra College Boulevard. Contribution by the Development of its fair share for Impact mitigation through fee payments and the Development Agreement does not necessarily assure that other funds will be available and that the improvements will be constructed in a timely manner. However, Applicant's commitment to pay its pro rata fair share, and Applicant's commitments pursuant to the Development Agreement provide for substantial funding that may be applied by the County to mitigate the Impact. The prospective improvements are included in the County's Capital Improvement Program with funding to be provided in accordance with the

County's Traffic Mitigation Fee Program Based upon the foregoing, the Board believes it is reasonably likely that funding will be made available and the improvements will be constructed.

12. Impact T-16. Under the build-out of Development vicinity plus Development conditions, the proposed Development would cause operations at the intersection of Sierra College Boulevard and King Road in the Town of Loomis to worsen from LOS "C" to LOS "D" during the p.m. peak hour.

(a) Mitigation Measures. None proposed by FEIR. In the FEIR Applicant proposed T-K (pay pro rata fair share of adding a westbound right turn lane on King Road at Sierra College Boulevard intersection). Applicant proposes to pay the Regional Fee that includes funding for improvement of the intersection. In addition, the Development Agreement requires (i) payment of $2,000,000 for as yet undefined road improvements, and (ii) payment of $3,070,000 ($1,750,000 to be paid into Central Zone Account and $1,320,000 for improvements to Sierra College Boulevard), some or all of which funds and improvements might serve to mitigate the Impact. The Addendum identifies additional impact to the King Road/Sierra College Boulevard intersection based on updated traffic analysis and states as Mitigation Measure T-U that an additional eastbound left-turn lane should be constructed on southbound Sierra College Boulevard at the intersection, with a receiving lane on King Road that tapers into the eastbound through lane. Applicant has committed to pay its fair share based on pro-rata traffic generation for constructing the left turn and receiving lanes.

(b) Implementation. Mitigation by way of fees requires payment as a condition to issuance of building permits. Mitigation by way of Development Agreement provisions would be implemented pursuant thereto. Payment of Applicant's share of the cost of constructing the left turn and receiving lane at the Sierra College Boulevard and King Road intersection has been made part of Applicant's obligations under the Development Agreement.

(c) Findings. The FEIR states that the mitigation will reduce the Impacts to a level that is less than significant. The Board further finds that to the extent the Impact is not fully so mitigated, any residual Impact is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. The Development is not the only contributor to congestion of the Sierra College Boulevard/King Road intersection. The economic, legal and social considerations recited in Part 11.T below are sufficient to justify proceeding notwithstanding the Impact.

13. Impact T-17. Under the build-out of Development vicinity plus Development conditions, the intersection of English Colony Way and Taylor Road would operate at LOS "D" during the p.m. peak hour with or without the proposed Development.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes T-L (pay pro rata fair share of adding right turn lanes in both directions on Taylor Road at the English Colony Way intersection). The Development Agreement requires that $600,000 be paid as an advance on Central Zone fees (that the Development would otherwise be required to pay but

over a longer period of time) for improvement of English Colony Way in accordance with the schedule provided for therein and that $1,750,000 be paid for Central Zone Improvements that could include this intersection.

(b) Implementation. The mitigation provided for in the Development Agreement will be implemented through that agreement.

(c) Findings. The FEIR states that the mitigation will reduce the Impacts to a level that is less than significant. The Board finds that it is reasonably likely that the funds generated by the Mitigation Measure, combined with funds generated from other sources, will produce sufficient funding for construction of the improvements in a timely manner to reduce the Impacts to a level that is less than significant. The Board further finds that to the extent any degree of Impact remains after implementation of the Mitigation Measures, it is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. The Development is not the only contributor to congestion of the English Colony Way/Taylor Road intersection. Contribution by the Development of its fair share for Impact mitigation does not necessarily assure that other funds will be available and that the intersection improvements will be constructed in a timely manner. The Development Agreement provides for additional funds that may be used to address this impact. Based upon the foregoing, the Board believes it is reasonably likely that funding will be made available and the improvements will be constructed.

14. Impact T-18. Under the build-out of Development vicinity plus Development conditions, the proposed Development would cause sections of Sierra College Boulevard to operate at unacceptable levels of service based on daily roadway segment level of service analysis.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes T-F (pay pro rata fair share of adding a second westbound left turn lane on Taylor Road at Sierra College Boulevard intersection); T-G (pay pro rata fair share of widening Sierra College Boulevard from four to six lanes from Taylor Road to Granite Drive); T-J (pay pro rata fair share of adding a second northbound left turn lane on Sierra College Boulevard at Twelve Bridges intersection); and T-K (pay pro rata fair share of adding a westbound right turn lane on King Road at Sierra College Boulevard intersection). Applicant proposes to pay the Regional Fee. In addition, the Development Agreement requires (i) payment of $2,000,000 for as yet undefined road improvements, (ii) payment of $3,070,000 ($1,750,000 to be paid into Central Zone Account and $1,320,000 for improvements to Sierra College Boulevard), and (iii) $200,000 for a traffic signal at Sierra College Boulevard and SR 193, some or all of which funds and improvements may serve to mitigate the Impact.

(b) Implementation. As proposed, the Regional Fee will be required to be paid as condition to issuance of building permits. In addition, the Applicant has committed to pay the Regional Fee pursuant to the Development Agreement.

(c) Findings. The FEIR states that the mitigation will reduce the Impacts to a level that is less than significant. The Board finds that it is reasonably likely that the funds generated by the Mitigation Measure, combined with funds generated from other sources, will produce sufficient funding for construction of the improvements in a timely manner to reduce the Impacts to a level that is less than significant. The Board further finds that to the extent any degree of Impact remains after implementation of the Mitigation Measures, it is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. The Development is not the only contributor to congestion of Sierra College Boulevard. Contribution by the Development of its fair share for Impact mitigation does not necessarily assure that other funds will be available and that Sierra College Boulevard improvements will be constructed in a timely manner, allocating to the Development its fair share of the costs and taking into account other funding sources that are available. The improvements required to mitigate the impact are included in the Circulation Elements and capital improvement programs of the affected jurisdictions, and in the PCTPA Regional Transportation Plan and the Sacramento Area Council of Governments Metropolitan Transportation Plan. PCTPA has recently completed a study and proposed a fee schedule to mitigate the Impacts. The Development Agreement provides substantial additional funds that can be used to mitigate the impacts. Based upon the foregoing, the Board believes it is reasonably likely that funding will be made available and the improvements will be constructed.

15. Impact T-19. Potential unmet transit needs generated by the proposed Development.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes T-M (provide Park-and-Ride Lot and two bus stops); and T-N (participate in fair share of the cost of limited transit services). In addition, and in response to directions of the Commission, the Applicant has committed to coordinate its shuttle service for the residents of the Heritage Ridge neighborhood in the Development with adjacent communities such as Sun City Lincoln Hills and Whitney Oaks.

(b) Implementation. The Park and Ride Lot in the Village Commercial Center and the two bus stops, one in the Village Commercial Center and the other in front of the Heritage Ridge entry, will be required to be provided as a condition of filing of the final subdivision map that creates the lot or parcel on which they shall be located.

(c) Findings. The FEIR states that the Impact will remain potentially significant despite implementation of the mitigation, due to the current absence of a funding mechanism sufficient for the necessary services. The Applicant's commitment to provide shuttle service for the Heritage Ridge neighborhood further reduces the potential impact. The Board finds that any degree of Impact that remains after implementation of the Mitigation Measures is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. Providing lots and bus stops and contribution by the Development of its fair share of the costs will facilitate provision of transit service, but the Development is not the only contributor to transit needs in the Development area. The FEIR

presumes that an area and intensity of development larger than the Development alone would be required to support transit service. At the present time, the Board does not have sufficient assurance that other sources of funding will become available to support the service.

16. Impact T-21. Safety concerns at two golf cart crossings on Bickford Ranch Road.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes T-P (provide signing and striping on Bickford Ranch Road at the golf cart crossings); and T-Q (work with Placer County to define an acceptable Golf Cart Crossing Plan). The plan for the Development has been revised so that there is only one golf cart crossing located in the vicinity of the Village Commercial Center, to which the Mitigation Measures apply.

(b) Implementation. Mitigation Measures not already implemented through the change in plan described above will be implemented prior to development of the golf cart crossings for use in connection with the golf course and as a condition to the right to use the golf course.

(c) Findings. Imposition and implementation of the Mitigation Measures will reduce the Impact to a level that is less than significant.

(d) Rationale. The Impact is a risk that can be mitigated by appropriate design and engineering. The Mitigation Measures assure that the risk will be so addressed.

17. Impact T-22. Inconsistency with Placer County General Plan Policy 3.A.2 requiring that all streets and roads shall be dedicated, widened and constructed according to the roadway design and access standards in the General Plan.

(a) Mitigation Measures. FEIR proposes Mitigation Measure T-R (construct a third lane on Sierra College Boulevard opposite the Development boundaries). In addition, all streets, roadways and street improvements will be constructed to County standards and, if the County so requires, will be made the subject of an offer of dedication on final subdivision maps that the County can accept or reject as it may determine at the time. Creation of a zone of benefit encompassing the Development with a County Service Area will assure that the cost of street and road maintenance will not become a general County obligation if offers to dedicate the streets and roads are accepted by the County.

(b) Implementation. Standards for street, road and improvement construction will be imposed upon approval of the final subdivision maps and become conditions thereof and of the subdivision improvement agreements. The road improvements to Sierra College Boulevard are required by the Development Agreement.

(c) Findings. The FEIR states that imposition and implementation of the Mitigation will reduce Impacts to a level that is less than significant. The additional measures proposed by the Applicant will eliminate the Impact and eliminate any inconsistency with Policy 3.A.2.

(d) Rationale. The roadway design and access standards contained in the General Plan are intended to serve health and safety needs in conjunction with general matters of development. They are not intended to control and/or override other policies enacted to carry out General Plan purposes and objectives. Bickford Ranch has been identified in the General Plan as a major residential development area. The road standards being proposed for the Development are consistent with County standards and the Applicant is willing to make an offer of dedication with respect to them. This combined with the County's ability to obtain funds needed for road maintenance through use of a County Service Area, without imposing a burden upon the County's general fund, carries out the purpose of the General Plan which is to assure that streets, roads and improvements meet the County's standards and will be adequately maintained. In addition, the construction of an additional lane is a significant commitment to the improvement of Sierra College Boulevard that within the context of regional planning will relieve Sierra College Boulevard congestion.

18. Impact T-23. Based on the standards of significance for traffic impacts, a significant impact occurs in the 2010 General Plan Plus Development and Buildout of Development Vicinity Plus Development scenarios, due to LOS "E" conditions on the westbound minor street approach to the intersection of Sierra College Boulevard and the unnamed road north of Lower Ranch Road, south of SR-193.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes T-S (install traffic signal at the intersection of Sierra College Boulevard and the unnamed road north of Lower Ranch Road, south of SR-193 (the school access road)).

(b) Implementation. Construction of the traffic signal will be required when the school is constructed on the school site, if it is constructed, and when the County's Director of Public Works determines that the signal is warranted.

(c) Findings. The FEIR state that imposition and implementation of the Mitigation Measure will reduce the Impact to a level that is less than significant. The Board further finds that any degree of Impact that remains after implementation of the Mitigation Measures is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. The traffic signal proposed will regulate traffic access to Sierra College Boulevard and should reduce the impact to a level that is less than significant.

19. Clean Air Act Compliance "Lapse." The Board has been informed of a Sacramento Superior Court decision dealing with an interchange in El Dorado County where the Court found that CalTrans' air quality impact review procedures did not comply with the requirements of the California Environmental Quality Act. Some commentators have speculated that if this decision is not revised and is applied generally to CalTrans improvement projects in the Sacramento Valley Air Basin, some or all of those projects may be delayed in which case, some of the transportation improvements identified as mitigation for the impacts and cumulative impacts of the Project could be deferred.

With respect to the foregoing situation, the Board finds:

(i) Based on the decision, the Federal Highway Administration has declared a "lapse" in Clean Air Act compliance certification procedures that could delay funding for and approval of certain transportation improvements in Placer County, including some of those contemplated for construction to mitigate some of the transportation impacts of the Project.

(ii) According to a report to Congress prepared by the United States General Accounting Office (Environmental Protection: Federal Planning Requirements For Transportation And Air Quality Protection Could Potentially Be More Efficient And Better Linked, GAO-03-581, April 2003), delays caused by failures in compliance certification procedures typically do not last more than six months. The Sacramento Air Quality Management District anticipates resolution of the lapse related constraints referred to above by summer/fall of 2005.

(iii) The impacts caused by traffic generated by the Project will not be felt for a period of two to three years or more from the date of approval, the time required to construct, sell and occupy a sufficient number of residences to create some of the traffic impacts projected in the FEIR and Addendum, a period that allows ample time for resolution of any air quality compliance certification issues that may arise from the trial court decision referred to above, as demonstrated by experience in other areas where similar problems have arisen, such that the current lapse will not delay any contemplated mitigation measures for the Project beyond the date that measure is necessary to mitigate impacts of the Project (see DKS Associates Memorandum, dated October 6, 2004, attached as Exhibit 4 to Planning Department staff report dated October 6, 2004 (the "DKS Memorandum")).

(iv) In all instances where CalTrans will be involved with improvements identified as mitigation for the impacts and cumulative impacts of the Project, Applicant is either obligated to construct the improvements outright or contribute its fair share for the cost of construction through the SPARTA regional impact fee, with the result that any increased cost required to bring the CalTrans process into compliance with respect to improvements required for the Project, as identified in the FEIR and Addendum, will be fully mitigated.

For all of the foregoing reasons, the DKS Memorandum does not add significant new information to the FEIR because it does not provide any basis for finding that the trial court decision referred to above, and the consequences of it, disclose (i) new impacts not examined in the FEIR and Addendum, (ii) increased severity of impacts previously examined in the FEIR and Addendum, or (iii) inadequacies in the mitigation measures examined and recommended in the FEIR and Addendu

F. Air Quality.

1. Impact A-1. Construction activities would create short-term criteria air pollutant emissions.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes Mitigation Measures G-B (prepare and implement a Grading and Erosion Control Plan); A-A (provide dust control); A-B (maintain construction equipment and vehicles); A-C (implement a construction worker trip reduction program); A-D (require use of low emission construction materials and equipment where feasible); and T-A (prepare and implement Construction Traffic Management Plans for on-site construction activities for Bickford Ranch Road and Sierra College Boulevard, and coordinate with appropriate agencies in preparation and implementation of Construction Traffic Management Plans for required off-site improvements). The Development Standards contain other controls addressing this Impact. In addition, the Development Agreement provides for payment of a fee that will yield approximately $415,000 to mitigate air quality impacts primarily by retiring older, polluting diesel equipment and replacing it with newer equipment with cleaner exhaust emissions, said program being referred to from time to time as the "diesel exchange program." Finally, all construction activities and equipment will be required to comply with the requirements of the Placer County Air Pollution Control District adopted since the certification of the FEIR, as described in the Addendum.

(b) Implementation. Mitigation Measures will be implemented as conditions upon and in conjunction with issuance of grading permits and other permits required for construction and development activity. Payment of the air quality fee is required by the Development Agreement.

(c) Findings. Imposition and implementation of the Mitigation Measures will reduce the Impact to a level that is less than significant over the long-term. The Board finds that short-term residual Impacts that remain significant are overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. The Impacts in question are susceptible of being reduced, although not to a less than significant level, through appropriate construction techniques and methods. The Mitigation Measures proposed provide for the type of constraints that are sufficient to reduce the Impacts to the extent reasonably possible under the circumstances. Applicant's diesel exchange program, under the direction of the Air Pollution Control District, is an original and innovative way to reduce an air quality impact that is of increasing concern.

2. Impact A-3. Increase in regional criteria air pollutant emissions.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes A-E (incorporate pedestrian, bicycle and golf cart oriented design); T-O (provide Class 2 bike lanes on Bickford Ranch Road and Lower Ranch Road); T-M (provide a park and ride lot and two bus stops); A-F (incorporate mixed land uses into the Development design to reduce external vehicle trips); A-G (accommodate and encourage low emission energy use); A-H (install only natural gas CNG fireplaces); A-I (provide public awareness materials); A-J (incorporate into Development CC&Rs the prohibition of open burning of any kind); A-K (implement an off-site mitigation program to offset 105% of long-term air pollutant emissions); A-L (provide dedicated parking spaces at the park and ride lot with electric outlets for electric vehicles); and T-N (participate in fair share of the cost of limited transit services). The Development Standards and Design Guidelines require use of photovoltaic solar arrays, prohibit use of wood-burning stoves,

require insulation and orientation to reduce heating and cooling needs, and require wiring for golf cart and electric vehicle recharge. In addition, the Development Agreement provides for payment of a fee that will yield approximately $415,000 to mitigate air quality impacts primarily for the purpose of retiring older, polluting diesel equipment.

(b) Implementation. All of the Mitigation Measures will be imposed as part of the Development Standards and other constraints that will apply to the Development. Compliance will be required as conditions to issuance of grading permits, filing of final subdivisions maps and building permits. Payment of the air quality fee is required by the Development Agreement.

(c) Findings. The Mitigation Measures will reduce the impacts to a level that is less than significant.

(d) Rationale. The Mitigation Measures incorporate and apply strategies for controlling air pollutant emissions suggested by the Air Pollution Control District, by DEIR commenters and voluntarily proposed by the Applicant. The combination of strategies -- and some of the individual strategies themselves -- go beyond anything that has been required in the County of any developer heretofore. The strategies should substantially offset the contribution that the Development would otherwise make to regional criteria air pollutants and establish a precedent that will assist in reducing future emissions from other projects. Off-site mitigation will include the diesel exchange program to be funded by the Applicant that will replace polluting diesels with engines that generate substantially reduced emissions, a Mitigation Measure that is in addition to Mitigation Measure A-K and not included within it. In addition, all residences will be wired for recharge of electric vehicles.

3. Impact A-4. The Development is inconsistent with the goals of the Placer County Air Quality Attainment Plan.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes A-E (incorporate pedestrian, bicycle and golf cart oriented design); A-F (incorporate mixed land uses into the Development design to reduce external vehicle trips); A-G (accommodate and encourage low emission energy use); A-I (provide public awareness materials); A-J (incorporate into Development CC&Rs the prohibition of open burning of any kind); T-M (provide a Park and Ride lot and two bus stops); T-N (participate in fair share of the cost of limited transit services); and T-O (provide Class 2 bike lanes on Bickford Ranch Road and Lower Ranch Road). In addition, Applicant will incorporate into residential design features that will reduce emissions and fund a diesel exchange program that will result in a net reduction of the emissions attributable to use of diesel engines. The Development Standards and Design Guidelines require use of photovoltaic solar arrays, prohibit use of wood-burning stoves, require insulation and orientation to reduce heating and cooling needs, and require wiring for golf cart and electric vehicle recharge. Photovoltaic solar arrays will be required in all of the age-qualified residential and the non-residential portions of the Development (commercial uses, clubhouses and golf maintenance facility, fire station and sheriff's service center), with voluntary assistance for the remainder of the Development. In addition, the Development Agreement provides for payment

of a fee that will yield approximately $415,000 to mitigate air quality impacts primarily for the purpose of retiring older, polluting diesel equipment.

(b) Implementation. All of the Mitigation Measures will be imposed as part of the Development Standards and other constraints that will apply to the Development. Compliance will be required as conditions to issuance of grading permits, filing of final subdivision maps and building permits. Payment of the air quality fee is required by the Development Agreement.

(c) Findings. The air quality management program that includes the diesel exchange and other measures, proposed by the Applicant after completion of the FEIR will bring the Development into substantial compliance with the County's air quality management plan to the greatest extent possible under the circumstances. The combination of mitigation measures establishes an air quality management approach that is unprecedented in the County and establishes a positive standard for reduction in pollutants.

(d) Rationale. Air quality is a regional problem that cannot ordinarily be reduced to a less than significant level by controls imposed on a single development. In this case the inconsistency with the Attainment Plan cited in the FEIR arises from the fact that the growth projections in the General Plan, which contemplate development of Bickford Ranch as a planned residential community, are inconsistent with the growth projections incorporated into the Attainment Plan. In this case, the Development will incorporate relevant and feasible Transportation Control Measures and Indirect Source Control Measures from the Attainment Plan, including bicycle provisions, future transit and Park and Ride lot accommodations, mixed land uses, and design and development policies that would yield air quality benefits. The Development will also fund a diesel exchange program that will result in a net reduction of diesel emissions over time by replacing polluting engines with engines that generate reduced emissions and incorporate a number of other features that are unprecedented in the County and that will reduce emissions, perhaps to the point of an overall reduction from the situation that would exist without the Development. Thus, the combination of mitigation measures proposed by the Applicant, including the diesel exchange program and other measures that are not fully addressed in the FEIR, bring the Development into substantial compliance with the Attainment Plan to the greatest extent possible under the circumstances. The Placer County Air Pollution Control District has stated that: "The combination of on-site and off-site mitigation strategies proposed by the Applicant will substantially lessen the overall air quality impacts resulting from development of this project [the Development]. The comprehensive list of on-site measures are unprecedented for Placer County projects and could result in a reduction of on-road mobile emission of 15 to 26 percent compared to the emissions expected without any of these mitigation measures." Letter from David A Vintze, Associate Air Quality Planner to Brian Bombeck, US Home, August 6, 2001.

G. Noise.

1. Impact N-1. Construction equipment would generate short-term sound level increases at noise sensitive locations.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes N-A (restrict hours of construction activity); N-B (prior to grading or improvement plan approval, develop and implement a construction equipment noise abatement program); and T-B (implement a community relations program during on-site construction and coordinate with appropriate agencies and the implementation of a community relations program during construction of off-site improvements).

(b) Implementation. Mitigation Measures will be imposed as conditions of permits for construction activity.

(c) Findings. Notwithstanding implementation of the Mitigation Measures, the Impacts will remain significant during short-term periods of construction. The Board finds that the Impacts that remain after implementation of the Mitigation Measures are overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. It is possible to reduce the sounds caused by construction activity, but it is not possible to eliminate them entirely. Thus, the Noise Impacts associated with construction activity are an unavoidable byproduct of development to carry out community planning goals.

2. Impact N-2. Construction traffic would generate short-term sound level increases at noise sensitive locations.

(a) Mitigation Measures. None recommended by FEIR. Applicant proposes Mitigation Measures N-C (develop and implement a construction traffic noise abatement program to include restriction of construction truck traffic on non-major roads); and NT-B (implement a community relations program during on-site construction, and coordinate with appropriate agencies in the implementation of a community relations program during construction of off-site improvements).

(b) Implementation. Mitigation Measures will be imposed as conditions of permits for construction activity.

(c) Findings. The Mitigation Measures will reduce the Impacts to a level that is less than significant.

(d) Rationale. Noise caused by construction traffic can be controlled by engineering and mechanical devices and by limiting the traffic to certain less sensitive road segments and less noise sensitive hours of the day. Community relations programs can also eliminate or reduce significant community concerns by providing information and establishing a channel for complaints, and will further provide notice to potential road users of pending construction activities, so that they can plan to use alternative routes to the extent possible.

3. Impact N-4. Introduction of noise sensitive receptors to a potentially noise impacted area.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes N-D (incorporate building setbacks and noise barriers into the proposed Development design); N-E (inform prospective buyers of potential rail noise exposure exceeding 60dBA Ldn); N-F (implement community park design measures to minimize potential noise impacts); N-G (inform potential buyers of potential community noise sources); N-H (restrict the timing and location of truck deliveries to the Village Commercial Center); N-I (require six foot block or masonry walls along Development roadways where residential areas would fall within the 60dBA Ldn contour); and N-J (restrict business hours of operation within specified areas of the Village Commercial Center).

(b) Implementation. Mitigation Measures N-D, N-E, N-F and N-I will be required to be incorporated into the design at the time various features of the Development are approved for construction through the Development Standards and other controlling documents. Mitigation Measure N-G shall be required as a condition of approval of each Subdivision Map. Mitigation Measures N-H and N-J shall be imposed as regulations upon the right of use either as a use permit or similar type condition. Compliance with noise mitigation measures that are part of the Development Standards and Design Guidelines will be implemented and enforced pursuant to the Development Agreement.

(c) Findings. Imposition and implementation of the Mitigation Measures will likely reduce the Impacts to a level that is less than significant. The Board finds that any Impacts that remain after implementation of the Mitigation Measures are overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. Design and control features can substantially reduce Noise Impacts on noise sensitive receptors. The Mitigation Measures are reasonably likely to achieve such reductions in these circumstances.

H. Soils, Geology and Seismicity.

1. Impact G-1. Topographic alteration resulting from earth grading.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes G-A (comply with County ordinances for all grading, drainage and construction of improvements); G-B (prepare and implement a Grading and Erosion Control Plan); V-B (implement sensitive grading techniques to blend with natural setting); and V-C (minimize grading within meadows and ridge developments).

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements.

(c) Findings. Implementation of the Mitigation Measures will reduce the Impacts to a level that is less than significant.

(d) Rationale. The Impact is of a nature that can be mitigated through appropriate engineering requirements, and by minimizing grading and employing grading techniques that blend with the natural topography. The Mitigation Measures will achieve that result in this case.

2. Impact G-2. Development constraints due to difficult excavation conditions.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes G-C (comply with the conclusions of a site specific geotechnical investigation).

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements.

(c) Findings. Imposition and implementation of the Mitigation Measures will reduce the Impacts to a level that is less than significant.

(d) Rationale. The Impact is of a nature that can be addressed through engineering requirements such as those that the Mitigation Measures impose.

3. Impact G-5. Potential for increased erosion during and after construction.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes G-A (comply with Placer County ordinances for all grading, drainage and construction of improvements); G-B (prepare and implement a Grading and Erosion Control Plan); G-C (comply with the conclusions of a site specific geotechnical investigation); A-A (provide dust controls); and G-D (implement appropriate trail design, construction and maintenance standards to minimize erosion).

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements.

(c) Findings. Implementation of the Mitigation Measures will reduce the Impacts to a level that is less than significant.

(d) Rationale. The Impacts are of a nature that can be addressed through engineering requirements such as those that the Mitigation Measures impose.

4. Impact G-6. Differential settlement of soils under proposed structures.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes G-A (comply with Placer County ordinances for all grading, drainage and construction of improvements); G-B (prepare and implement a Grading and Erosion Control Plan); and G-C (comply with the recommendations of a site specific geotechnical investigation).

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements.

(c) Findings. Implementation of the Mitigation Measures will reduce the Impacts to a level that is less than significant.

(d) Rationale. The Impact is of a nature that can be addressed through engineering requirements such as those that the Mitigation Measures impose.

5. Impact G-7. Foundation instability.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes G-C (comply with the recommendations of a site specific geotechnical investigation).

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements.

(c) Findings. Implementation of the Mitigation Measures will reduce the Impacts to a level that is less than significant.

(d) Rationale. The Impact is of a nature that can be addressed through engineering requirements such as those that the Mitigation Measures impose.

6. Impact G-8. Slope instability.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes G-B (prepare and submit a Grading and Erosion Control Plan); and G-C (comply with the recommendations of a site specific geotechnical investigation).

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements.

(c) Findings. Implementation of the Mitigation Measures will reduce the Impacts to a level that is less than significant.

(d) Rationale. The Impact is of a nature that can be addressed through engineering requirements such as those that the Mitigation Measures impose.

7. Impact G-9. Limited effectiveness of septic tank leach fields due to soils conditions.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes H-J (implement Placer County Policies and Ordinances relating to permitting, design, construction and maintenance of septic systems). In addition, the development plan calls for a maximum of

15 lots, all greater than 1 acre in size, that will be served on septic systems. The limitation on the development plan will be enforced pursuant to the Development Standards.

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of building permits for structures that will be served by septic sewage disposal.

(c) Findings. Implementation of the Mitigation Measures will reduce the Impacts to a level that is less than significant.

(d) Rationale. The Impact is of a nature that can be addressed through engineering requirements such as those that the Mitigation Measures impose. It is also a relatively insignificant matter in view of the small number of lots that might be served on septic systems.

I. Hazardous Wastes/Materials.

1. Impact HW-2. Possible contact with contaminated soils during construction.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes HW-A (report possible contamination to EHS-HMS).

(b) Implementation. The Mitigation Measure will be imposed as conditions of grading and construction permits.

(c) Findings. Implementation of the Mitigation Measure will reduce the Impacts to a level that is less than significant.

(d) Rationale. The issue is one commonly encountered in connection with construction projects and can be controlled through monitoring and appropriate precautions. If contaminants are encountered, and duly reported as the Mitigation Measures require, a regulatory mechanism is in place that will assure monitoring and appropriate handling of the materials.

2. Impact HW-3. Possible accidental release of hazardous substances during construction.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes HW-B (comply with CDF requirements for temporary storage of combustible/flammable liquids at construction sites); and HW-C (comply with County and CDF requirements for reporting releases of hazardous materials).

(b) Implementation. The Mitigation Measures will be imposed as conditions of grading and construction permits.

(c) Findings. Implementation of the Mitigation Measures will reduce the Impacts to a level that is less than significant.

(d) Rationale. The issue is one commonly encountered in connection with construction projects and can be controlled through monitoring and appropriate response to accidental releases. If such releases occur, and are duly reported as the Mitigation Measures require, a regulatory mechanism is in place that will assure effective response

3. Impact HW-4. Potential groundwater contamination.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes HW-D (comply with the recommendations of a limited groundwater investigation). In addition, the Applicant will maintain monitoring wells on the Development site and will offer to test wells on adjacent properties and properties in the neighborhood (where it obtains permission to do so) in order to establish a baseline, if permitted by the adjacent property owners. Although the geologist and hydrologist retained in connection with the FEIR have concluded that the subsurface conditions in the vicinity of the Development render it unlikely that the source of groundwater pollutants could be identified by such a testing program, Applicant has proposed off-site monitoring in an effort to allay concerns of certain neighbors.

(b) Implementation. The Mitigation Measures will be imposed as conditions of grading and construction permits. The CC&Rs for the Development will require the homeowners' association assume responsibility for the monitoring and investigating reports of off-site contamination and take remedial action if such contamination is the result of activities within Bickford Ranch.

(c) Findings. Implementation of the Mitigation Measure will reduce the Impacts to a level that is less than significant.

(d) Rationale. Groundwater monitoring can at least determine whether pollutant loadings are increasing. If contaminants are detected in the future, and duly reported as the Mitigation Measures require, a mechanism is in place that will allow for investigation and potential remediation. The off-site well tests that establish a baseline will assist in detecting any changes in contaminant levels.

4. Impact HW-5. Possible contact with hazardous materials and conditions in mine tunnels.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes B-N (install bat gates at tunnel entrances). In addition, the Applicant will establish a set back from the Patterson Gold Mine site and comply with any other requirements imposed by DTSC.

(b) Implementation. Require Mitigation as a condition to approval of any work in vicinity of mine tunnels. The Patterson Mine set back will be put in place as a condition to filing the subdivision map that creates lots closest to the Patterson Gold Mine site. Other California Department of Toxic Substance Control ("DTSC") requirements, if any, will be imposed as DTSC requires.

(c) Findings. The installation of bat gates will prevent human contact with potential hazardous materials and conditions in the mine tunnels, while allowing access by bats that may be present. The Patterson Gold Mine setback will prevent development close to the Mine. Implementation of the Mitigation Measures will reduce this impact to a level that is less than significant.

(d) Rationale. Prevention of access is an appropriate means of avoiding the potential impact of contaminants in the mine tunnels. The setback is an appropriate means of dealing with the elevated arsenic levels found in the soils at the Patterson Gold Mine site, as determined by DTSC.

5. Impact HW-6. Accidental release of hazardous substances after construction.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes HW-C (comply with County and CDF requirements for reporting release of hazardous materials); HW-E (comply with the Placer County Department of Environmental Health requirements for preparation and filing of Emergency Response Plans and Hazardous Materials Storage and Containment Plans); HW-F (finalize and implement the Applicant's Golf Course Chemical Application Management Plan); and HW-G (comply with underground storage tank regulations through Placer County Environmental Health Department).

(b) Implementation. The Mitigation Measures will be imposed as conditions of grading and construction permits.

(c) Findings. Implementation of the Mitigation Measures will reduce the Impacts to a level that is less than significant.

(d) Rationale. The issue is one commonly encountered in connection with construction projects and can be controlled through monitoring and engineering solutions. If such releases occur, and are duly reported as the Mitigation Measures require, a regulatory mechanism is in place that will assure remediation with adequate monitoring and supervision.

J. Hydrology and Water Quality.

1. Impact H-1. Increase in runoff rate downstream of the site.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes H-A (prepare and implement a Post Development Stormwater Management Program); and H-B (provide runoff rate control). In addition, the Applicant shall comply with the requirements imposed pursuant to the agreement between the County and Sutter County that requires post-development peak flows to be no greater than 90% of the peak flows that exist prior to development, and that downstream flow rates be maintained at levels less than the predevelopment rate of flow. To accomplish this goal, the Applicant will comply with the Placer County Flood Control and Water Conservation District Stormwater Management Manual, Version 4, October, 1997.

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements. The grading requirements to create the retainage will be part of the Development Standards and a condition of grading permits. The post development storm water management program will conform to the requirements of the Stormwater Management Manual (Version 4, October 1997) of the Placer County Flood Control and Water Conservation District.

(c) Findings. Implementation of the Mitigation Measures will reduce the Impact to a level that is less than significant by substantially eliminating any increase in runoff rate.

(d) Rationale. Control of storm water runoff is an issue of project engineering that is directly addressed in the Stormwater Management Manual. The Mitigation Measures provide a feasible and effective program to eliminate additional runoff that will be generated by the Development in order to minimize downstream flood hazard to comply with the agreement between the County and the County of Sutter.

2. Impact H-2. Increase in runoff volume leaving the site.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes H-C (provide retention storage). In addition, the Applicant shall comply with the requirements imposed pursuant to the agreement between the County and Sutter County that requires post-development peak flows to be no greater than 90% of the peak flows that exist prior to development and that downstream flow rates be maintained at levels less than the predevelopment rate of flow. To accomplish this goal, the Applicant will comply with the Placer County Flood Control and Water Conservation District Stormwater Management Manual, Version 4, October, 1997.

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements. The grading requirements to create the retainage will be part of the Development Standards and a condition of grading permits.

(c) Findings. Implementation of the Mitigation Measures will reduce the Impact to a level that is less than significant by substantially eliminating any increase in runoff rate.

(d) Rationale. Control of storm water runoff is an issue of project engineering that is directly addressed in the Stormwater Management Manual. The Mitigation Measures provide a feasible and effective program to eliminate additional runoff that will be generated by the Development in order to minimize downstream flood hazard to comply with the agreement between the County and the County of Sutter. In this case, project engineering will result in a reduction of the stormwater runoff that occurs from Bickford Ranch in its current condition.

3. Impact H-3. Reduced storm water quality due to increased erosion and sedimentation during construction.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes G-B (prepare and implement a Grading and Erosion Control Plan); H-D (prepare and implement the Storm Water Pollution Prevention Plan for construction activities); and H-E (monitor erosion and sediment control measures during construction).

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps and in the NPDES Permit for Storm Water Discharge based on the Storm Water Pollution Prevention Plan. The Applicant will be required to comply with all requirements of the Regional Water Quality Control Board.

(c) Findings. Implementation of the Mitigation Measures will reduce the Impact to a level that is less than significant.

(d) Rationale. Management of storm water quality is typically an issue of project engineering. The Mitigation Measures provide a feasible and effective program for monitoring and prevention of deterioration in storm water quality as a result of erosion and sedimentation during construction. The standards to be applied are addressed in the Stormwater Management Manual and are imposed pursuant to the requirements of state law and the Regional Water Quality Control Board that include "best management practices."

4. Impact H-4. Reduced storm water chemical quality due to construction activities.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes G-B (prepare and implement a Grading and Erosion Control Plan); H-D (prepare and implement the Storm Water Pollution Prevention Plan for construction activities); and H-E (monitor erosion and sediment control measures during construction).

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps and in the NPDES Permit for Storm Water Discharge based on the Storm Water Pollution Prevention Plan and will require adoption of "best management practices" to preserve water quality.

(c) Findings. Implementation of the Mitigation Measures will reduce the Impact to a level that is less than significant.

(d) Rationale. Management of storm water is typically an issue of project engineering pursuant to well-established practices. The Mitigation Measures provide a feasible and effective program for controlling the chemical pollutant loadings of the stormwater runoff from the Development. The standards to be applied are addressed in the Stormwater Management Manual and are imposed pursuant to the requirements of state law and the Regional Water Quality Control Board that include "best management practices."

5. Impact H-5. Increased erosion and sedimentation after build-out.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes G-B (prepare and implement a Grading and Erosion Control Plan); H-A (prepare and implement a Post Development Stormwater Management Program); H-F (monitor site erosion and sediment control measures for two years after implementation of final erosion control measure); and H-G (design runoff detention basins to promote solids settling and provide capacity for accumulated sediment). The Mitigation Measures incorporate and provide for detention of flows for filtering, bio-filters and monitoring including the implementation of so-called "Best Management Practices" that carry out the requirements of the EPA's National Pollutant Elimination System storm water program as well as state law and the mandates of regulatory agencies, all as described in the FEIR.

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints made subject to subdivision improvement agreements. The County Department of Public Works will impose the requirements upon review of subdivision improvement and grading plans.

(c) Findings. Implementation of the Mitigation Measures will reduce the Impact to a level that is less than significant.

(d) Rationale. Management of erosion and sedimentation is typically an issue of project engineering. The Mitigation Measures provide a feasible and effective program for controlling erosion and sedimentation that the Development may cause. The standards to be applied are addressed in the Stormwater Management Manual and are imposed pursuant to the requirements of state law and the Regional Water Quality Control Board that include "Best Management Practices."

6. Impact H-6. Reduced storm water runoff quality after build-out (excluding sedimentation).

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes HW-F (finalize and implement the Applicant's Golf Course Chemical Application Management Plan); H-A (prepare and implement a Post Development Storm Water Management Program); and H-H (finalize and implement the Applicant's Lake Management Plan for constructed lakes and wetlands areas). H-I (design and construct improvements to protect water quality in canals in accordance with PCWA standards and County requirements for a 100 foot setback of structures from raw water canals). The revised plan for the Development includes a minimum 50 foot setback of structures from raw water canals for six lots.

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps and in compliance with PCWA Improvement Standards. The setbacks are part of the Specific Plan layout for the Development.

(c) Findings. The Board finds that implementation of the Mitigation Measures proposed by the Applicant, together with the Mitigation Measure proposed by the FEIR, will reduce the impacts to a level that is less than significant; except with respect to the 6 lots that will be setback more than 50 feet but less than 100 feet. The Board finds that the Impacts (with respect to the 6 lots closer than 100 feet) that remain after implementation of the Mitigation Measures are overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. The quality of storm water runoff from development projects can be controlled by accepted engineering solutions. The Mitigation Measures provide for such solutions.

7. Impact H-7. Reduced groundwater quality.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes HW-F (finalize and implement the Applicant's Golf Course Chemical Application Management Plan); H-H (finalize and implement the Applicant's Lake Management Plan for constructed lakes and wetlands areas); H-J (implement Placer County policies and ordinances related to permitting, design, construction and maintenance of septic systems) and H-K (notify Placer County Department of Environmental Health and affected property owners if offsite sewer pipeline breaks). In addition, the Applicant will maintain monitoring wells on the Development site and will offer to test wells on adjacent properties and properties in the neighborhood (where it obtains permission to do so) in order to establish a baseline.

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps and septic system permits by the Placer County Environmental Services Department. In addition, the testing and monitoring program will be incorporated in the MMRP. The CC&Rs for the Development will require the homeowners' association assume responsibility for the monitoring and for investigating reports of off-site contamination and take remedial action if such contamination is the result of activities within Bickford Ranch.

(c) Findings. Implementation of the Mitigation Measures will reduce the Impact to a level that is less than significant.

(d) Rationale. The potential impacts of development projects on groundwater quality can be controlled by accepted engineering solutions. The Mitigation Measures provide for monitoring and implementation of accepted engineering solutions; and the MMRP provides a vehicle to enforce monitoring and reporting of groundwater testing. The small numbers of lots on septic systems and the impervious soils that underlay most of the Development make it unlikely that contamination can or will occur.

K. Biology.

1. Impact B-1. Loss of annual grassland.

(a) Mitigation Measure. FEIR recommends Mitigation Measure B-S (Preserve and enhance annual grassland vegetation adjacent to golf course).

(b) Implementation. Mitigation will be required as a condition of approval of subdivision maps and as part of the Open Space Management Plan.

(c) Findings. The Board finds that the Impact is less than significant and is further reduced by the Mitigation Measure.

(d) Rationale. The FEIR stated that the Impact was less than significant prior to mitigation. The Board has addressed it separately notwithstanding because the Applicant has proposed further to mitigate it.

2. Impact B-2. Loss of oak and other native trees.

(a) Mitigation Measures.

(A) FEIR recommends B-C (implement offsite tree mitigation).

(B) Applicant proposes B-A (implement the Applicant's Oak Forest Conservation and Revegetation Plan); and B-B (hire a Development biologist for construction monitoring); and B-D (implement a Tree Protection Plan). In addition, the Development Agreement provides for a payment by the Applicant of $3,568,000 for open space acquisition by the County, the amount to be raised in the form of a fee to be paid upon issuance of building permits at the rate of $2,000 per unit. Such acquisition could serve to mitigate the impact in part by providing for acquisition and preservation of oak woodland of higher quality than the woodlands at Bickford Ranch.

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements. Mitigation provided for in the Development Agreement will be implemented pursuant to that Agreement. The Tree Protection Plan will become a condition of subdivision map approval and building permit issuance.

(c) Findings. The impact will remain significant and unavoidable. The Board finds that the Impacts that remain after implementation of the Mitigation Measures are overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. Although the Mitigation Measures address the Impact, it is impossible to determine initially the degree to which the Impacts will be reduced. In addition, the unavoidable loss of oak and other native trees from the developed areas to the extent required by the Development should be considered significant regardless of the effectiveness of the mitigation. At the same time, however, removal of cattle and implementation of the Oak Forest Conservation and Revegetation Plan should improve the quality of the oak woodlands within the boundaries of the Development.

3. Impact B-3. Loss of oak woodland habitat.

(a) Mitigation Measures.

(A) FEIR recommends B-C (implement offsite tree mitigation).

(B) Applicant proposes B-A (implement the Applicant's Oak Forest Conservation and Revegetation Plan); B-B (hire a Development biologist for construction monitoring), and B-D (implement a Tree Protection Plan).. In addition, the Development Agreement provides for a payment by the Applicant of $3,568,000 for open space acquisition by the County, the amount to be raised in the form of a fee to be paid upon issuance of building permits at the rate of $2,000 per unit. Such acquisition could serve to mitigate the impact in part by providing for acquisition and preservation of oak woodland of higher quality than the woodlands at Bickford Ranch.

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements. Mitigation provided for in the Development Agreement will be implemented pursuant to that Agreement

(c) Findings. The impact will remain significant and unavoidable. The Board finds that the Impacts that remain after implementation of the Mitigation Measures are overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. Although the Mitigation Measures address the Impact, it is impossible to determine initially the degree to which the Impacts will be reduced. In addition, loss of oak woodland and other native habitat from the developed areas to the extent required by the Development would be considered significant regardless of the effectiveness of the mitigation. At the same time, however, removal of cattle and implementation of the Forest Management Plan should improve the quality of the oak woodlands within the boundaries of the Development.

4. Impact B-4. Potential loss of riparian vegetation.

(a) Mitigation Measures.

(A) FEIR recommends B-C (implement offsite tree mitigation);

(B) Applicant proposes: B-A (implement the Applicant's Oak Forest Conservation and Revegetation Plan); B-B (hire a Development biologist for construction monitoring); B-D (implement a Tree Protection Plan); B-E (implement Applicant's Wetland Preservation and Impact Plan); and B-F (protect riparian buffer zones). In addition, the Development Agreement provides for a payment by the Applicant of $3,568,000 for open space acquisition by the County, the amount to be raised in the form of a fee to be paid upon issuance of

building permits at the rate of $2,000 per unit. Such acquisition could serve to mitigate the impact in part by acquiring higher quality riparian habitat. In addition, the revised plan for the Development that is incorporated in the Project Approvals avoids the vast majority of riparian vegetation. Applicant rejects Mitigation Measure B-C.

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements. Mitigation provided for in the Development Agreement will be implemented pursuant to that Agreement.

(c) Findings. Implementation of the Mitigation Measures (other than B-C) will reduce the Impact to a level that is less than significant. Mitigation Measure B-C is rejected as not feasible in light of the alternative of planting trees on-site to compensate for the impact. Any residual impact remaining due to rejection of Mitigation Measure B-C is overridden by the economic, legal and social considerations detailed in Part 11.T.

(d) Rationale. The combination of Mitigation Measures will result in avoidance of most of the riparian corridors and preservation and/or restoration of the areas of potential Impact. The DEIR stated that a minor amount of riparian vegetation would be lost. Based on GIS mapping from the Placer Legacy project, not available when DEIR and FEIR were prepared, and the lotting plan prior to revisions agreed to by the Applicant during the Board of Supervisors meeting on December 10, 2001, impact to riparian areas would total 5.33 out of a total of 70.64 acres of riparian vegetation. This more detailed analysis confirms that the residual impact is less than significant. The Board agrees. In addition, Mitigation Measure B-C is a less desirable alternative than requiring planting of trees to mitigate Development impacts on-site where there is adequate and suitable land available.

5. Impact B-5. Loss of special status plant habitat.

(a) Mitigation Measures. None proposed by FEIR Applicant proposes: B-B (hire a Development biologist for construction monitoring); and B-G (conduct pre-construction surveys for special status plants). In addition, the Development Agreement provides for a payment by the Applicant of $3,568,000 for open space acquisition by the County, the amount to be raised in the form of a fee to be paid upon issuance of building permits at the rate of $2,000 per unit. Such acquisition could serve to mitigate the impact in part by providing for higher quality special status plant habitat.

(b) Implementation. Mitigation Measure B-G will be required to be completed prior to issuance of permits, recordation of Subdivision Maps or any other approval that will result in physical disturbance on the ground. A Development biologist acceptable to the County must be retained prior to performance of any work that will disturb the ground. Mitigation provided for in the Development Agreement will be implemented pursuant to that Agreement.

(c) Findings. Implementation of the Mitigation Measures will reduce the Impact to a level that is less than significant. At this time, there is no evidence that special status plants, of a type or species that cannot be readily transplanted, currently exist in areas that will be disturbed by the Development.

(d) Rationale. Pre-construction surveys and construction monitoring will confirm the results of previous surveys undertaken on the site, and result in avoidance of special status plant communities and habitat. The Development has been planned in a manner that avoids areas considered suitable habitat for special status plants. Site surveys to date have identified no communities of special status plants that will be disturbed by the Development. The Mitigation Measures will provide the monitoring required to assure that the planning for development has taken into account all of such areas.

6. Impact B-6. Loss of vernal pool fairy shrimp habitat.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes B-H (compensate for loss of vernal pool fairy shrimp). No vernal pool fairy shrimp have been found on site, although their presence is assumed. Applicant's plan calls for compensation in an accredited mitigation bank on a one to one basis for lost habitat if no shrimp are found; and on a three to one basis if a survey discloses the presence of the species on-site. As the presence of fairy shrimp habitat is assumed for all vernal pools already identified, compensation for off-site creation will be at 1:1 and compensation for preservation will be at 2:1 for a total of 3:1. The surveys are to confirm that there are no additional vernal pools present in areas to be graded since the last survey was performed.

(b) Implementation. Mitigation will be required as a condition to issuance of any grading permit or approval of a subdivision map for an area in which vernal pools are located.

(c) Findings. Implementation of the Mitigation Measure will reduce the impact to a level that is less than significant.

(d) Rationale. The mitigation will compensate for loss of habitat at ratios that biologists consider acceptable for this species.

7. Impact B-7. Loss of valley elderberry longhorn beetle habitat.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes B-B (hire a Development biologist for construction monitoring); B-J (compensate for loss of VELB habitat, i.e., elderberry shrubs). and B-I (protect VELB habitat [elderberry shrubs] during construction). Impacted elderberry shrubs are to be transplanted pursuant to guidelines of the U.S. Fish & Wildlife Service.

(b) Implementation. The Mitigation Measures will be implemented as a condition to approval of Subdivision Maps and building permits that affect VELB habitat.

(c) Findings. The Mitigation Measures reduce the Impact to a level that is less than significant.

(d) Rationale. This Impact is highly localized, dealing with a species that inhabits a particular type of vegetation. Protection of that habitat during construction, transplanting affected species on-site, and providing for long term off-site replacement of any habitat disturbed, will reduce the Impact to a level that is less than significant.

8. Impact B-8. Loss of fish habitat as a result of degradation of water quality during construction.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes G-A (comply with Placer County ordinances for all grading, drainage and construction of improvements); G-B (prepare and implement a Grading and Erosion Control Plan); H-D (prepare and implement a Storm Water Pollution Prevention Plan for construction activities); and H-E (monitor erosion and sediment control measures during construction).

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements. These constraints will include (i) a requirement that the Applicant comply with the Stormwater Management Manual, (ii) implement "best management practices," and comply in all respects with the requirements of the Regional Water Quality Control Board.

(c) Findings. Implementing the Mitigation Measures will reduce the Impact to a level that is less than significant.

(d) Rationale. The Mitigation Measures will prevent water quality degradation that construction of the Development might otherwise cause, thus avoiding the Impact.

9. Impact B-9. Loss of California red-legged frog habitat.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes G-A (comply with Placer County ordinances for all grading, drainage and construction of improvements); G-B (prepare and implement a Grading and Erosion Control Plan); H-D (prepare and implement a Storm Water Pollution Prevention Plan for construction activities); and H-E (monitor erosion and sediment control measures during construction). The Open Space Management Plan, Wetland Preservation Improvement Plan, Lake Management Plan and riparian buffer protection would also serve to mitigate this Impact as well as the other Impacts for which those Plans have been identified as Mitigation in the FEIR. In addition, the Development Agreement provides for a payment by the Applicant of $3,568,000 for open space acquisition by the County, the amount to be raised in the form of a fee to be paid upon issuance of building permits at the rate of $2,000 per unit. Such acquisition could serve to mitigate any Impact in part by providing funds for acquisition of superior habitat. Moreover, the plan for the

Development calls for creation of lakes that could become suitable frog habitat. Surveys to date have found no specimens on site.

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements. Mitigation provided for in the Development Agreement will be implemented pursuant to that Agreement.

(c) Findings. Implementing the Mitigation Measures will reduce the Impact to a level that is less than significant.

(d) Rationale. Surveys have failed to find any California red-legged frogs on-site. Mitigation Measures that preserve and protect the quality of waters, waterways, riparian and habitat areas will reduce or eliminate the potential Impacts on California red-legged frog habitat. The plan for the Development will in fact increase possible frog habitat on site.

10. Impact B-10. Loss of foothill yellow-legged frog habitat.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes G-A (comply with Placer County ordinances for all grading, drainage and construction of improvements); G-B (prepare and implement a Grading and Erosion Control Plan); H-D (prepare and implement a Storm Water Pollution Prevention Plan for construction activities); and H-E (monitor erosion and sediment control measures during construction). and B-F (protect riparian buffer zones). The Open Space Management Plan, Wetland Preservation Improvement Plan, Lake Management Plan and riparian buffer protection would also serve to mitigate this Impact as well as the other Impacts for which those Plans have been identified as Mitigation in the FEIR. In addition, the Development Agreement provides for a payment by the Applicant of $3,568,000 for open space acquisition by the County, the amount to be raised in the form of a fee to be paid upon issuance of building permits at the rate of $2,000 per unit. Such acquisition could serve to mitigate any Impact in part. To date, site surveys have found no specimens on-site.

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements. Mitigation provided for in the Development Agreement will be implemented as provided therein.

(c) Findings. Implementing the Mitigation Measures will reduce the Impacts to a level that is less than significant.

(d) Rationale. Mitigation Measures that preserve and protect the quality of waters, waterways, riparian and habitat areas will reduce or eliminate the Impacts on foothill yellow-legged frog habitat. The plan for the Development will in fact increase possible frog habitat on site.

11. Impact B-11. Loss of raptor nests.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes B-L (conduct pre-construction surveys for nesting raptors in affected areas); and B-M (develop buffer zones around nesting raptors during construction). In addition, the Development Agreement provides for a payment by the Applicant of $3,568,000 for open space acquisition by the County, the amount to be raised in the form of a fee to be paid upon issuance of building permits at the rate of $2,000 per unit. Such acquisition could serve to mitigate any Impact in part by providing for acquisition of good quality raptor habitat.

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements.

(c) Findings. Implementing the Mitigation Measures will reduce the Impact to a level that is less than significant.

(d) Rationale. Raptors are primarily disturbed by construction activity while they are occupying their nests, which occurs for only a limited period during each year. Eliminating disturbance during the period when nests are occupied will reduce the Impact.

12. Impact B-12. Possible disturbance and harm to roosting special status bats.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes B-B (hire a Development biologist for construction monitoring); and B-N (install bat gates at tunnel entrances). Mitigation Measure B-N includes the requirement to retain a qualified bat specialist to determine if special status bat species are present. If present, the Applicant will include a bat management and habitat improvement program as the specialist recommends.

(b) Implementation. Installation of the bat gates shall be required as a condition to approval of the first final subdivision map within the Development.

(c) Findings. Implementing the Mitigation Measures will reduce the Impact to a level that is less than significant.

(d) Rationale. Installing special gates to permit access to abandoned mine tunnels by bats and incorporating a bat management and habitat improvement program, if special status bats are present, will ensure that bats are appropriately managed and will reduce the Impact to a less than significant level.

13. Impact B-13. Loss and degradation of waters of the United States, including wetlands.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes G-A (comply with County ordinances and the requirements of the Regional Water Quality Control Board and all federal requirements for all grading, drainage and construction of improvements); B-E (implement the Applicant's Wetland Preservation and Impact Plan); G-B (prepare and implement a Grading and Erosion Control Plan); H-D (prepare and implement a Storm Water

Pollution Prevention Plan for construction activities); H-E (monitor erosion and sediment control measures during construction); B-O (obtain and implement conditions of State and Federal permits for Impacts on waters of the United States); and B-P (protect wetlands during construction as required by state and federal permits). The Mitigation Measures shall be applied in a way to achieve the goals of the "no net loss" policy.

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements, and by the terms of the required Federal and State permits. In addition, the Development Agreement shall require and provide a means of enforcing the Mitigation Measures.

(c) Findings. Implementation of the Mitigation Measures will reduce the Impact to a level that is less than significant. The Board finds that any residual Impact that remains after implementation of the Mitigation Measures is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. It is generally possible to minimize loss and/or degradation of wetlands by avoidance and/or compensation and by the employment of engineering techniques that control construction and development activities. The Mitigation Measures invoke such procedures. Moreover, Impacts on waters of the United States and wetlands are generally controlled by Federal permits and State requirements that mitigate the Impacts. The Applicant will be required to comply with those obligations.

14. Impact B-15. Additional loss of oak trees during Development operation phase.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes B-D (implement a Tree Protection Plan); and B-Q (develop and implement an Open Space Management Plan). In addition, the Development Agreement provides for a payment by the Applicant of $3,568,000 for open space acquisition by the County, the amount to be raised in the form of a fee to be paid upon issuance of building permits at the rate of $2,000 per unit. Such acquisition could serve to mitigate the Impact in part by acquisition of good quality oak habitat.

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements. Mitigation provided for in the Development Agreement will be implemented as provided therein.

(c) Findings. The Impact will remain potentially significant after implementation of the Mitigation Measures. The Board finds that the Impact that remains after implementation of the Mitigation Measures is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. Although the Mitigation Measures address the Impact, the Board cannot find that they will reduce the Impact to a level that is less than significant, even though the proposed Tree Protection Plan and Open Space Management Plan is intended to

prevent further tree removal by individual homeowners during the period following construction by imposing specific controls and the Plans are intended to provide for a more healthy oak woodland than currently exists on the site.

15. Impact B-16. Loss of blackberry riparian habitat during fire management activities.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes B-R (avoid removal of blackberry riparian vegetation).

(b) Implementation. The Mitigation Measure will be imposed as a condition under the Wetlands Preservation and Impact Plan, the Tree Protection Plan and the Riparian Buffer Protection Plan.

(c) Findings. Implementing the Mitigation Measure will reduce the Impact to a level that is less than significant.

(d) Rationale. The Mitigation Measure requires avoiding the habitat in question, thus eliminating impact upon it. The Mitigation Measure is aimed at protecting the native blackberry habitat as opposed to the Himalayan blackberry that is also found on-site. The California Native Plant Society has condemned the latter species as a noxious exotic.

16. Impact B-17. Degradation of fish habitat as a result of degradation in water quality.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes H-A (prepare and implement a Post Development Storm Water Management Program); H-F (monitor site erosion and sediment control measures for two years after implementation of final erosion control measures); HW-F (finalize and implement the Applicant's Golf Course Chemical Application Management Plan); and H-G (design runoff detention basins to promote solids settling and provide capacity for accumulated sediment); and B-F (protect riparian buffer zones).

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements. Measures H-A and H-F will also be part of the Mitigation Monitoring Program. In addition, Applicant will be required to comply with all federal and state requirements that apply to such activities, including those imposed by the Regional Water Quality Control Board and the employment of "best management practices."

(c) Findings. Implementing the Mitigation Measures will reduce the Impact to a level that is less than significant.

(d) Rationale. Properly implemented, the Mitigation Measures should counter and mitigate degradation in water quality caused by the Development. Preservation of water quality is largely a matter of careful crafting and diligent implementation of proven Mitigation Measures such as those proposed in this case, in compliance with applicable water quality

standards and "best management practices." These can and will be made conditions of the permits and approvals and will be enforced accordingly.

17. Impact B-18. Degradation of aquatic habitats for California red-legged frog, foothill yellow-legged frog and western pond turtle. (This Impact is partially redundant with Impact B-9 and Impact B-10. In addition to the following, the Board incorporates by reference the Mitigation Measures, Implementation, Findings and Rationale adopted with respect to those Impacts).

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes H-A (prepare and implement a Post Development Storm Water Management Program); H-F (monitor site erosion and sediment control measures for two years after implementation of final erosion control measures); H-G (design runoff detention basins to promote solids settling and provide capacity for accumulated sediment); HW-F (finalize and implement the Applicant's Golf Course Chemical Application Management Plan); H-H (finalize and implement the Applicant's Lake Management Plan for constructed lakes and wetlands areas); and B-R (avoid removal of blackberry riparian vegetation).

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements, including those stated elsewhere herein that address the issue of maintaining water quality in stormwater, watercourses and water bodies.

(c) Findings. Implementation of the Mitigation Measures proposed by the Applicant, will reduce the Impact to a level that is less than significant. The Board finds that any remaining Impact, after implementation of the Mitigation Measures, is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. To a great degree, the Impact can be eliminated by the implementation of engineering measures that protect the aquatic habitats in question and by avoidance of those areas. The Mitigation Measures proposed in this case are multifaceted and appear to address all aspects of the potential Impact. See also the rationale with respect to Impacts B-9 and B-10. Surveys for the western pond turtle have proved negative. Finally, the plan for the Development includes approximately 20 acres of lakes and swales that could increase the value of the site as habitat for the species in question.

18. Impact B-19. Degradation of wetlands and other waters of the United States during Development operation phase.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes Measure H-A (prepare and implement a Post Development Storm Water Management Program); H-F (monitor site erosion and sediment control measures for two years after implementation of final erosion control measures); and H-H (finalize and implement the Applicant's Lake Management Plan for constructed lakes and wetlands areas).

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements; including those stated elsewhere herein that address the issue of maintaining water quality in stormwater, watercourses and water bodies. Applicant will be required to comply with all federal and state requirements, including those of the Regional Water Quality Control Board that mandate use of "best management practices."

(c) Findings. Implementation of the Mitigation Measures will reduce the Impact to a level that is less than significant.

(d) Rationale. Properly implemented, the Mitigation Measures should counter and mitigate degradation in waters and wetlands. Preservation of water quality is largely a matter of careful crafting and diligent implementation of proven Mitigation Measures such as those proposed in this case. It is closely controlled by the requirements of state and federal law, in addition to County's requirements, with which Applicant will be required to adhere.

L. Cultural Resources.

1. Impact C-1. Damage to important cultural resources during construction.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes C-A (incorporate important cultural resources into open space); C-B (cap resource area with layer of soil prior to construction); and C-C (conduct data recovery excavation if capping is infeasible).

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements.

(c) Findings. Implementing the Mitigation Measures will reduce the Impact to a level that is less than significant.

(d) Rationale. The Mitigation Measures provide for avoidance and/or protection of cultural resources that might otherwise be disturbed during construction activity.

2. Impact C-2. Damage to potentially important cultural resources during construction.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes C-A (incorporate important cultural resources into open space); or C-D (conduct subsurface testing) if ground disturbing activities are to occur within 100 feet of an unevaluated resource. If subsurface deposits are encountered and the resource is determined to be important and Mitigation Measure C-A is infeasible due to Development design or other considerations, either Mitigation Measure C-B (cap resource area with layer of soil prior to construction) or Mitigation C-C (conduct data recovery excavation if capping is infeasible) would be necessary.

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints

incorporated into subdivision improvement agreements. Mitigation monitoring will require reporting of any potential resources encountered during construction with choice of an appropriate Mitigation Measure to be imposed based on advice of cultural resource experts and consulting archeologists.

(c) Findings. Implementation of the Mitigation Measures will reduce the Impact to a level that is less than significant.

(d) Rationale. Potentially important cultural resources can be protected by avoidance or implementation of accepted protective measures. Such measures are proposed in this case. The Mitigation Measure selected will depend upon the nature of the resource discovered, if any, the location with respect to development activities and the most feasible plan for protection. The Mitigation Measures are designed to deal with the various possibilities.

3. Impact C-3. Damage to cultural resources including archeological artifacts, exotic rock (non-native), or unusual amounts of shell or bone if inadvertently exposed during construction.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes C-E (immediately stop ground disturbing activities in vicinity and consult qualified professional archeologist, Placer County Planning Department, the Department of Museums and the County Coroner (in the case of discovery of human remains) if buried cultural deposits are discovered during construction. County Coroner will notify the Native American Heritage Commission if it is determined that the remains are Native American. Construction crews will be trained in the identification of archeological resources prior to commencing ground disturbing activities. This training will include (i) proper identification of archeological deposits; (ii) the procedures to be followed in the event of such a discovery; (iii) an understanding of the importance of protecting cultural resources; and (iv) an overview of applicable laws, statutes and ordinances. Training will be conducted by a qualified archeologist in person and written materials will be provided to each trained crew member, who will be required to sign that he or she has received the training, understands it and agrees to abide by it.)

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements. Mitigation monitoring will require reporting of any potential resources encountered during construction with choice of an appropriate Mitigation Measure to be imposed based on advice of cultural resource experts and consulting archeologists.

(c) Findings. Implementing the Mitigation Measures will reduce the Impact to a level that is less than significant.

(d) Rationale. Potentially important cultural resources unearthed by construction activities can be protected by training construction workers to identify the discoveries, ceasing construction work in the vicinity of the discoveries, notifying the appropriate authorities and following their recommendations.

4. Impact C-4. Damage to paleontological resources inadvertently exposed during construction.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes C-F (retain a qualified professional paleontologist to conduct weekly inspections during grading activities and salvage fossils as necessary).

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements. Mitigation monitoring will require reporting of any potential resources encountered during construction with choice of an appropriate Mitigation Measure to be imposed based on advice of a qualified paleontologist. When possibly important resources are encountered, work is halted for the period required to protect the resource, which may include, in the appropriate case, removal for transport to the UC Berkeley Museum of Paleontology.

(c) Findings. Implementing the Mitigation Measures should reduce the Impact to a level that is less than significant. The Board finds that any Impact remaining after implementation of the Mitigation Measures is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. Inspections by a qualified paleontologist can identify potentially important paleontological resources. If such resources are identified, that would be salvaged through implementing accepted measures.

M. Visual Resources.

1. Impact V-1. Alterations of viewsheds within the study area from rural residences, residences in adjacent subdivision, and travel routes.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes V-A (provide transition areas and buffers between residential development and natural open space); V-B (implement sensitive grading techniques to blend with natural setting); V-C (minimize grading within Meadows and Ridges Development); V-D (apply selected lot restrictions limiting height and bulk of structures on sensitive lots); V-E (retain hill at the intersection of SR193 and Sierra College Boulevard); V-I (for all lots containing slopes of 30% or greater, record on final map and reflect in the development notebook for such lots a slope easement at the 30% slope starting point. No building envelopes or structures shall be permitted on the portion of the lot where slopes are 30% or greater); V-J (for all lots containing slopes of 30% or greater, structures and building envelopes shall be prohibited on those portions of the lot where slopes are 30% or greater); V-K (for all lots containing slopes of 30% or greater, prohibit development on those portions of the lot where slopes are 30% or greater); G-B (prepare and implement a Grading and Erosion Control Plan); and V-H (apply selected lot restrictions to other areas of concern). Moreover, Design Guidelines and Development Standards establish height, design, color, materials, siting, roof controls and other limitations intended to reduce visual impact, including mandated use of non-glare glass.

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements. Requirements are also imposed as part of the Design Guidelines and Development Standards. Lot restrictions and building envelopes will be set forth in a Development Notebook.

(c) Findings. Implementation of the Mitigation Measures will reduce the Impacts to less than significant for views to Zones 2 through 5. Impact will remain significant for views to Zone 1 and Zone 6. The Board finds that the Impact that remains after implementation of the Mitigation Measures is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. The Mitigation Measures provide a combination of restrictions on the size, placement and development of the lots within the Development in a manner sensitive to the preservation of views to minimize Visual Impacts. These sorts of controls significantly mitigate the Impacts by reducing the visual obtrusiveness of various aspects of the Development. The Impact on certain areas cannot be entirely eliminated and remains significant and unavoidable.

2. Impact V-2. Reduction in visual quality within the study area, resulting in strong Development/setting contrast.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes V-A (provide transition areas and buffers between residential development and natural open space); V-B (implement sensitive grading techniques to blend with natural setting); V-C (minimize grading within Meadows and Ridges Development); V-D (apply selected lot restrictions); V-I (for all lots containing slopes of 30% or greater, record on final map and reflect in the development notebook for such lots a slope easement at the 30% slope starting point. No building envelopes or structures shall be permitted on the portion of the lot where slopes are 30% or greater); V-J (for all lots containing slopes of 30% or greater, structures and building envelopes shall be prohibited on those portions of the lot where slopes are 30% or greater); V-K (for all lots containing slopes of 30% or greater, prohibit development on those portions of the lot where slopes are 30% or greater); G-B (prepare and implement a Grading and Erosion Control Plan); and V-H (apply selected lot restrictions to areas of concern in addition to restrictions proposed by Applicant). Moreover, Design Guidelines and Development Standards establish height, design, color, materials, siting, roof controls and other limitations intended to reduce visual impact, including mandated use of non-glare glass.

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements. Requirements are also imposed as part of the Design Guidelines and Development Standards. Lot restrictions and building envelopes will be set forth in a Development Notebook.

(c) Findings. Although the implementation of the Mitigation Measures will reduce the Impact, it will remain significant and unavoidable. The Board finds that the Impact

that remains after implementation of the Mitigation Measures is overridden by the economic, legal and social considerations recited in Part 11.T. The Board also finds that the vantage points selected for an assessment of this Impact were reasonable in number and logical in location, based upon all of the relevant factors.

(d) Rationale. Although the Mitigation Measures address the Impact and reduce it, the Board cannot find that they will not reduce the Impact to a level that is less than significant because development of the magnitude proposed inevitably affects the appearance of the countryside. It would not be possible to achieve the goals of the Development (or a substantial portion of them) without some impairment of the rural visual quality that currently exists.

3. Impact V-3. Increase in night lighting in the vicinity of the Development.

(a) Mitigation Measures. None recommended by FEIR. Applicant proposes V-F (implement lighting standards outlined in Design Guidelines); and V-L (revise lighting Design Guidelines).

(b) Implementation. Mitigation Measures will be implemented as a condition to issuance of building permits.

(c) Findings. Implementing the Mitigation Measures should reduce the Impact but it will remain potentially significant, even though the Applicant's proposed Mitigation Measures are more exacting and restrictive than the County's typical requirements. The Board finds that the Impact that remains after implementation of the Mitigation Measures is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. Although the Mitigation Measures address the Impact, the Board cannot find that they will reduce the Impact to a level that is less than significant, even though the Mitigation Measures are more exacting and restrictive than the County's requirements. Reduction of night lighting from 1,784 homes to a less than significant level cannot be definitively determined.

4. Impact V-4. Increase in glare in the vicinity of the Development.

(a) Mitigation Measures. None recommended by FEIR. Applicant proposes Measure V-G (implement architectural standards resulting in reduction of glare).

(b) Implementation. Mitigation Measure will be implemented as a condition to issuance of building permits and will be in accordance with the Design Guidelines.

(c) Findings. Implementing the Mitigation Measures will reduce the Impact but it will remain potentially significant. The Board finds that the Impact that remains after implementation of the Mitigation Measures is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. Although the Mitigation Measure addresses the Impact, the Board cannot find that it will reduce the Impact to a level that is less than significant. It is difficult if not impossible to eliminate all glare resulting from lighting, pavement, building surfaces, automobiles and other features of substantial residential development.

5. Impact V-5. Inconsistency with Placer County General Plan Policies 1.K.1, 1.K.6.d, and 1.O.3 requiring that new development be designed to be compatible with the scale and character of the area, avoid locating structures along ridgelines and steep slopes, and minimize visibility.

(a) Mitigation Measures. None proposed by FEIR. Applicant proposes Mitigation Measures V-A (provide transition areas and buffers between residential development and natural open space); V-B (implement sensitive grading techniques to blend with natural setting); V-C (minimize grading within Meadows and Ridges Development); V-D (apply selected lot restrictions); V-I (for all lots containing slopes of 30% or greater, record on final map and reflect in the development notebook for such lots a slope easement at the 30% slope starting line. No building construction envelopes or structures shall be permitted on the portion of the lot where slopes are 30% or greater); V-J (for all lots containing slopes of 30% or greater, structures and building envelopes shall be prohibited on those portions of the lot where slopes are 30% or greater); and V-K (for all lots containing slopes of 30% or greater, prohibit development on those portions of the lot where slopes are 30% or greater) and V-H (apply selected lot restrictions to areas of concern not addressed by the Mitigation Measures proposed by Applicant).

(b) Implementation. Mitigation will be required in conjunction with and as a condition of issuance of grading permits and approval of final subdivision maps with constraints incorporated into subdivision improvement agreements.

(c) Findings. Changes have been made in the Development that substantially reduce the Impact. Those changes, plus implementation of the Mitigation Measures will reduce the Impact to a level that is less than significant and eliminate the potential inconsistency with the General Plan. The Board finds that there is no inconsistency.

(d) Rationale. The General Plan has specifically identified Bickford Ranch as an area for residential development. The changes in the Development plan and the Mitigation Measures achieve the goals of the General Plan and meet the intent of County policies to maintain scenic quality in the area by working to avoid the location of structures along ridgelines and steep slopes as well as by minimizing visibility. The Development is also separated from its surroundings by topography, tree cover and extensive buffer areas, such as the golf course. This separation and buffering harmonizes the Development with its surroundings by providing an orderly transition zone. The Board interprets the General Plan in a manner that is calculated to achieve all of the major goals and policies by harmonizing and reconciling those that might be in conflict. In this case, the Board interprets the General Plan as identifying Bickford Ranch as a major resource for planned residential development, using the other policies such as those identified in Impact V-5 to shape and restrict the Development and that the changes in design carry out the goal of the General Plan.

N. Cumulative Impacts.

Impacts of the Development that are cumulatively significant in the regional context when taken into account in conjunction with the Impacts of other existing, currently approved and probable future projects include the following: (i) loss of open space; (ii) increased traffic congestion; (iii) increased traffic noise; (iv) increased ozone precursors and particulate emissions; (v) impacts on biological resources; and (vi) impacts on visual resources. Cumulative impacts were assessed by taking into account the existing environmental baseline, the Development and the projected growth described in the DEIR at pages 16-102 to 16-104, taking into account the growth projected in the Placer County General Plan Update, plus development of the Twelve Bridges Project and the Clover Valley Lakes Project (both of the latter being projects not within the County's jurisdiction but likely to contribute to significant development and cumulative impacts in the region within the period covered by the General Plan Update). The Cumulative Impacts assessment was updated in the Addendum where additional projects approved since the certification of the FEIR were described and considered in addition to possible impacts that could be generated as a result of general plan updates in progress and other local actions. The Addendum describes potential incremental cumulative impacts in an impact by impact analysis that brings the subject current and into clear focus. (See Addendum Section 3.16, p.64 - 68)

(a) Mitigation Measures. The Mitigation Measures proposed in connection with each of the individual Impacts referred to above also serve to reduce Cumulative Impacts. In addition, the Development Agreement contains provisions that could serve to mitigate cumulative impacts of growth, such as, for example, the commitment by the Applicant of $2,600,000 for construction, expansion or improvement of community facilities in Lincoln, Newcastle, Penryn and Loomis, a Capital Facilities payment of $890,000, regional park and trail systems and other benefits that go beyond mitigating the impacts and fulfilling the demands of the Development.

(b) Implementation. The Mitigation Measures will be implemented as provided above in connection with each of the specific enumerated Impacts. Mitigation provided for in the Development Agreement will be implemented as provided therein.

(c) Findings.

(A) The Board finds that the methodology used to determine cumulative impacts complies with CEQA in that it assumed growth in accordance with the Placer County General Plan Update and major projects within other jurisdictions that are likely to contribute significantly to regional growth and cumulative impacts, in addition to the regional growth assumptions upon which the General Plan Update was based, and expands that analysis in the Addendum.

(B) The Board finds that notwithstanding imposition and implementation of the Mitigation Measures, the Impacts will remain cumulatively significant.

(C) The Board finds that the Impact that remains after implementation of the Mitigation Measures is overridden by the economic, legal and social considerations recited in Part 11.T.

(d) Rationale. Cumulative Impacts are an inevitable consequence of growth. The County General Plan contemplates growth and specifically contemplates the Development site as an area in which to provide for planned residential development. As the Addendum describes, none of the new developments causes an increase in the severity of impacts beyond those contemplated or provided for in the FEIR or suggest the inadequacy of mitigation measures proposed. The goals and policies of the General Plan justify acceptance of the cumulative impacts that cannot be mitigated.

O. Growth Inducement: Regional Wastewater Treatment Facilities: The Development will make significant contributions to construction and upgrading of regional wastewater treatment facilities and for collection and transmission lines to convey wastewater to the regional treatment facilities. Certain comments have contended that those contributions and improvements are inducements to further growth.

(a) Findings. The contributions that will be made by the Development for regional wastewater treatment and transmission and collection lines to carry wastewater to the regional treatment plant will facilitate construction of improvements to serve growth that has already been planned and to carry out policies that preceded consideration of the Development. The contributions and the facilities to be constructed are, therefore, not growth inducing.

(b) Rationale. It is a matter of long-standing County policy to provide for regional treatment of wastewater and discourage treatment in a variety of locations in smaller treatment facilities that are more difficult to manage and are more prone to upset. The contributions to be made by the Development and the facilities that it will construct are intended to serve growth that has been contemplated in the General Plans of the jurisdictions that will be served by the regional facility. The contributions to be made by the Development and the facilities that it will cause to be constructed are thus not inducements to further growth.

P. Later Stage Mitigation: The Board finds as follows with respect to Mitigation Measures to be finalized and imposed at later stages of the Development approval process:

1. Recitals. Various of the Mitigation Measures described in the findings above consist of plans to be developed and approved at later stages in the development process based on future engineering, grading plans, biological assessments and other data (referred to collectively as "Detailed Plans"), as follows:

(a) Mitigation Measures G-A, G-B and G-C: Grading and Erosion Control Plan.

(b) Mitigation Measure HW-F: Chemical Application and Management Plan for the golf course.

(c) Mitigation Measure H-A: Storm Water Management Plan.

(d) Mitigation Measure H-D: Storm Water Pollution Prevention Plan.

(e) Mitigation Measure H-H: Lake Management Plan.

(f) Mitigation Measure B-A: Oak Woodland Conservation and Re-Vegetation Plan.

(g) Mitigation Measure B-E: Wetland Preservation and Impact Plan;

(h) Mitigation Measure B-D: Tree Protection Plan;.

(i) Mitigation Measure V-G: Architectural standards for reduction of glare.

(j) Mitigation Measure B-Q: Open Space Management Plan.

2. Findings. The Board finds:

(a) Mitigation based upon Detailed Plans to be developed in the future is justified in that the necessary foundation and primary input for preparation of the Detailed Plans and imposition of appropriately sensitive Mitigation Measures requires final engineering and precise planning that will occur in later stages of the Development planning and approval process.

(b) The Board is committed to the imposition of enforceable mitigation in accordance with all of the Detailed Plans to be developed in accordance with established performance standards and will not allow the Development to proceed without approval of such Detailed Plans to implement the relevant Mitigation Measures. The Specific Plan, Design Guidelines, Development Standards and MMRP embody and enforce the Applicant's commitments in this regard and makes them legally binding and enforceable.

(c) Adequate controls exist to enforce Finding (b) above in the exercise of the Board's discretion in connection with approval of Subdivision Maps and the County's discretion in connection with the issuance of grading and other required permits as well as the requirements of the Development Agreement.

(d) Sufficient performance standards, policies and controls exist to control the preparation of each of the Detailed Plans to assure that the Detailed Plans in final form will provide for the necessary Mitigation as described in the FEIR and the Board's findings with respect to each of the Impacts.

3. Standards. The standards to be applied for preparation of each of the Detailed Plans are described in the DEIR, the FEIR and the Addendum and are summarized as follows:

(a) Mitigation Measures G-A, G-B and G-C: Grading and Erosion Control Plan. As required by the Placer County Grading Ordinance (Chapter 29, Placer County Code). Specific standards to be applied are referred to in detail in the DEIR at pages 10-18 and 10-19.

(b) Mitigation Measure G-C: The Applicant is required to comply with the conclusions of a site-specific geotechnical investigation that must meet County standards and will be prepared based upon the detailed grading proposals to carry out the Development. Specific standards for the geotechnical investigation are referred to in detail in the DEIR at pages 10-19 and 10-20.

(c) Mitigation Measure HW-F: Chemical Application and Management Plan for the golf course. This plan has already been prepared and provides for detailed mitigation of the impacts to which it is addressed. Master Response GW-1 at FEIR page MR-75 and following, provides further detail concerning the standards applied to assessment and mitigation of golf course impacts caused by pesticide, herbicide and other chemical applications.

(d) Mitigation Measure H-A: Storm Water Management Plan. As required by the Placer County Flood Control and Water Conservation District's Stormwater Management Manual to address the specific issues described at page 12-22 of the DEIR. The measures must also comply with California Stormwater Best Management Practices Handbook as well as the requirements of the Regional Water Quality Control Board. Master Response SW-1 at FEIR page MR-53 and following, provides further detail concerning the standards that will be applied to assessment and mitigation of stormwater impacts. The Addendum describes these standards as well in its discussion of Impacts H-5 and H-6 at pp. 51-52, where the mitigation measures implemented expressly require adherence to BMPs.

(e) Mitigation Measure H-D: Storm Water Pollution Prevention Plan. As shown in Applicant's application for coverage under State Water Resources Control Board's General Permit for Storm Water Discharges Associated With Construction Activities. In addition, Applicant must comply with Regional Water Quality Control Board best management practice requirements with respect to waste discharge and stormwater management. Master Response SWQ-1 at FEIR page MR-85 and following, provides further detail concerning the standards that will be applied to assessment and mitigation of stormwater impacts

(f) Mitigation Measure H-H: Lake Management Plan. This plan has already been prepared and provides for detailed mitigation of the impacts to which it is addressed.

(g) Mitigation Measure B-A: Oak Woodland Conservation and Re-Vegetation Plan. The standards for preparation of this plan are spelled out in detail in the DEIR at page 13-48 and 13-49 and in the Specific Plan. The plan (and implementation of the standards) is dependent upon site specific determinations when the plans for each increment of the Development have been finalized and the mitigation can be determined based on the specific vegetation on each section of the site.

(h) Mitigation Measure B-D: Tree Protection Plan. The standards for preparation of this plan are spelled out in detail in the DEIR at page 13-50. The plan (and

implementation of the standards) is dependent upon site specific determinations when the plans for each increment of the Development have been finalized and the mitigation can be determined based on the specific vegetation on each section of the site.

(i) Mitigation Measure B-E: Wetland Preservation and Impact Plan. The standards for preparation of this plan are spelled out in detail in the DEIR at page 13-50 and 13-51. The plan (and implementation of the standards) is dependent upon site specific determinations when the plans for each increment of the Development have been finalized and the mitigation can be determined based on the specific vegetation and conditions on each section of the site. Master Response B-12 at FEIR page MR-21 provides further detail concerning the standards that will be applied to assessment and mitigation of wetland impacts.

(j) Mitigation Measure V-G: Architectural standards for reduction of glare. These standards as described in the DEIR at page 15-19 have been incorporated in and are part of the Applicant's Development Standards and Design Guidelines. See, e.g., Development Standards pages 12-1, 12-2, 12-4, 12-6; Design Guidelines 12-4; 14-5.

(k) Mitigation Measure B-Q: Open Space Management Plan. The standards for preparation of this plan are spelled out in detail in the DEIR at page 13-56 and 13-57. The plan (and implementation of the standards) is dependent upon site specific determinations when the plans for each increment of the Development have been finalized and the mitigation can be determined and implemented based on the specific vegetation, conditions and open space values on each section of the site.

Q. Additional Findings With Respect to Mitigation Measures Requiring Payment of "Fair Share" Mitigation Fees.

1. Mitigation Measures T-C, T-D, T-F, T-G, T-H, T-I, T-J, T-K, T-L and T-N all require the Development to pay its fair share of the cost of certain street and roadway improvements at locations that will be impacted by the Development as an increment of Cumulative Impact. The County (and other agencies including SPRTA) are committed to construction of the improvements in order to mitigate cumulative transportation and traffic impacts to which the Development will contribute as part of a larger universe of contributors. The fee schedule established by the PCTPA, adopted, expanded and to raise funds to be applied by SPRTA, and the Applicant's commitments pursuant to the Development Agreement, more than fulfill the Applicant's obligation to pay its fair share for the relevant improvements.

2. CEQA Guideline Section 15130(a)(3) states: "A Project's contribution is less than cumulatively considerable if the Project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the Cumulative Impact. The lead agency shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable."

3. In the case of each of the Mitigation Measures identified in subparagraph 1 above, the Board has determined, based on the FEIR, that the fair share contribution of the Development, together with funds that are or will be available from other sources, will provide

funds sufficient to construct the mitigating improvements. The Board has also determined that construction of the mitigating improvements is feasible, assuming availability of the required funding, and the Board is committed to such construction.

4. The Board finds that it is reasonable to proceed with approval of the Development based on the Mitigation Measures and the premise that "fair share" payments by the Applicant will reduce the cumulative contribution of the Development to a level that is less than significant. To the extent that any Impact to which the Development will contribute remains cumulatively considerable and unmitigated, the Board finds that it is overridden by the considerations stated in Part 11.T.

R. Findings With Respect to the Mitigation Monitoring and Reporting Plan.

1. The MMRP is complete and provides for a reasonable and effective method to implement Mitigation Measures and report upon their effectiveness.

2. The MMRP is imposed as part of the Project Approvals. Applicant's entitlement under the Project Approvals is subject to its compliance therewith. The MMRP provides an effective mechanism to ensure and enforce Applicant's commitments made with respect to Mitigation Measures referred to in Section P and Q above, among others.

S. Findings With Respect to Alternatives.

1. No Project Alternative (Alternative 1). The Board finds as follows with respect to Alternative 1, the No Project Alternative:

(a) The No Project Alternative is infeasible in that it conflicts with the General Plan.

(b) The No Project Alternative is infeasible because it will not allow the County to achieve the goal of providing the type of housing the Development will provide within the context of a unified plan with significant, environmentally sensitive features and attributes, such as (for example but not by way of limitation), the air quality plan and the night lighting controls.

2. Reduced Density Alternative (Alternative 2): The Board finds as follows with respect to Alternative 2, the Reduced Density Alternative (1425 dwelling units):

(a) The Reduced Density Alternative (1425 dwelling units) is infeasible in that it depends upon on-site treatment of wastewater, in conflict with County policy to provide for regional treatment of wastewater. The reduced density alternative does not generate sufficient revenue to recover development costs and to pay the cost of transmission facilities required to deliver wastewater to a regional treatment facility or to pay for the cost of expanding and upgrading regional treatment facilities. Thus, it is economically infeasible, as demonstrated (among other things) by the evidence in the record provided by the Applicant in the form of an economic feasibility analysis that the Board has considered and found to be reasonable and fair.

(b) The Reduced Density Alternative is infeasible in that it does not provide the mix of housing types best calculated to meet the needs of the County and, because it relies on larger lots than the proposed Development, it does not provide the opportunities for recreation and open space preservation that are features of the Development. Reducing the number of lots results in larger lots and limits open space and other amenities due to issues of financial infeasibility.

3. Conventional Housing Alternative (Alternative 3): The Board finds as follows with respect to Alternative 3, the conventional housing alternative (1425 dwelling units):

(a) The Conventional Housing Alternative is infeasible in that it depends upon on-site treatment of wastewater, in conflict with County policy to provide for regional treatment of wastewater. The conventional housing alternative does not generate sufficient revenue to recover development costs and to pay the cost of transmission facilities required to deliver wastewater to a regional treatment facility or to pay for the cost of expanding and upgrading regional treatment facilities. Thus, transport and offsite treatment of wastewater is economically infeasible. In addition, the Conventional Housing Alternative is economically infeasible, as demonstrated (among other things) by the evidence in the record provided by the Applicant in the form of an economic feasibility analysis that the Board has considered and found to be reasonable and fair.

(b) The Conventional Housing Alternative is infeasible in that it does not provide the mix of housing types best calculated to meet the needs of the County and, because it relies on larger lots than the proposed Development, it does not provide the opportunities for recreation and open space preservation that are features of the Development.

(c) The Conventional Housing Alternative results in greater population because it eliminates the Active Adult Component of the Development in which the units normally have a lower level of occupancy. Thus all impacts that are commensurate with population levels are increased under this alternative.

4. Rural Residential Alternative (Alternative 4): The Board finds as follows with respect to Alternative 4, the rural residential alternative (10 acre minimum lot sizes, 182 total rural estate type units):

(a) The Rural Residential Alternative is infeasible in that it conflicts with the General Plan.

(b) The Rural Residential Alternative is infeasible because it will not allow the County to achieve the goal of providing the type of housing the Development will provide within the context of a unified plan with significant, environmentally sensitive features and attributes, such as (for example but not by way of limitation), the air quality plan and the night lighting controls.

(c) The Rural Residential Alternative is infeasible in that it does not provide the mix of housing types best calculated to meet the needs of the County and, because it relies on

larger lots than the proposed Development, it does not provide the opportunities for recreation and open space preservation that are features of the Development.

(d) The Rural Residential Alternative is infeasible in that it does not provide sufficient revenue to recover development costs or provide the contributions for public benefits that the Development Agreement provides. Thus, it is economically infeasible, as demonstrated (among other things) by the evidence in the record provided by the Applicant in the form of an economic feasibility analysis that the Board has considered and found to be reasonable and fair.

5. Clark Tunnel Road Alternatives (Alternative 5). The Board finds as follows with respect to treatment of the Clark Tunnel Road Alternatives:

(a) Alternative 5-1: Leave Clark Tunnel Road open as a connector through the Development from SR-193 to the Penryn community. This alternative is rejected as infeasible because of the traffic impacts it would have on SR 193 and on Clark Tunnel Road south of the Development, and due to the complications of bringing Clark Tunnel Road up to minimal traffic safety standards (such as lengthening vertical and horizontal curves, improvements to sight distances and increasing lane widths) to accommodate increased traffic flows.

(b) Alternative 5-2: Leave Clark Tunnel Road open as a connector to the Penryn community while closing it at SR 193. This alternative is rejected as infeasible because of the traffic impacts it would have on Clark Tunnel Road south of the Development, and due to the complications of. bringing Clark Tunnel Road up to minimal traffic safety standards (such as lengthening vertical and horizontal curves, improvements to sight distances and increasing lane widths) to accommodate increased traffic flows.

(c) Alternative 5-3: Leave Clark Tunnel Road open as a connector to SR 193 while closing it to the south. This alternative is rejected as infeasible because it will increase traffic congestion on SR 193 from Clark Tunnel Road to Sierra College Boulevard, and due to the complications of bringing Clark Tunnel Road up to minimal traffic safety standards at the intersection with SR 193.

6. Affordable Housing Alternative (Alternative 6). The Board finds as follows the respect to the Affordable Housing Alternative (Alternative 6) (2145 dwelling units): The Affordable Housing Alternative, as described in the DEIR is infeasible in that results in a higher population than the preferred project and creates a commensurately higher level of environmental impact. The Development Agreement commits the Applicant to produce 189 below market rate units, no less than 90 and up to 106 of which will be built within current plan of development. The Applicant's Affordable Housing Program incorporated into the Development Agreement is consistent with the General Plan requirements for affordable housing and represents a partial adoption of the Affordable Housing Alternative to a degree that is practical and feasible.

7. Sierra College Boulevard Widening Alternative (Alternative 7): The Board finds as follows with respect to the Sierra College Boulevard Widening Alternative (Alternative 7): The Project Approvals incorporate and include significant commitments for improvement of

Sierra College Boulevard that have been prepared within the context of regional planning to relieve Sierra College Boulevard congestion and will provide the equivalent of the mitigation inherent in the Sierra College Boulevard Widening Alternative.

8. Off-Site Alternatives. The Board finds as follows with respect to Off-Site Alternatives: Bickford Ranch was identified as a site for a significant housing project when the current General Plan was adopted. The environmental documentation certified at that time as a basis for the choice of Bickford Ranch as a development site considered a range of alternatives for the location of housing projects in the region. No new information has been presented or change of background circumstances has been brought to the attention of the Board that requires reconsideration of that decision. The information contained in the EIR for the Development provides more detailed environmental information as to the regional setting and regional impacts that expands upon and is consistent with the information upon which the decision to designate Bickford Ranch as a development site was based.

9. SC/AS Alternative. The Board finds as follows with respect to the SC/AS Alternative:

(a) The SC/AS Alternative was proposed in an effort to eliminate SC/AS objections to the Applicant's proposal for the Development.

(b) The FEIR and the record contain sufficient information and substantial evidence with which to evaluate the Impacts and feasibility of the SC/AS Alternative.

(c) The Applicant and SC/AS conferred at length, consulted experts and otherwise attempted in good faith to reach agreement with respect to the SC/AS Alternative as the appropriate alternative for development of Bickford Ranch. Those efforts were not successful.

(d) The SC/AS Alternative is not feasible because it is based upon a development concept that relies upon so-called "New Urbanism" design concepts that depends upon clustering of dwelling units on small lots, multi-family housing and unconventional lot layouts. Available market data in the record establishes that product of that type cannot be sold for prices and/or at a rate of sale that would defray the infrastructure and other costs of the Development and provide to the County the benefits it seeks to derive therefrom and under the Development Agreement. Development in accordance with the SC/AS Alternative plan poses an unreasonably high risk that the Development would fail financially, and, as a result, the County would not achieve the benefits it hopes to achieve as enumerated in Part 11.T below. Thus, it is economically infeasible, as demonstrated (among other things) by the evidence in the record provided by the Applicant in the form of an economic feasibility analysis that the Board has considered and found to be reasonable and fair.

10. AS Alternative. The Board finds as follows with respect to the AS Alternative:

(a) The AS Alternative was proposed in an effort to eliminate AS objections to the Applicant's proposal for the Development, after the SC/AS Alternative had apparently been withdrawn or abandoned

(b) The FEIR and the record contains sufficient information and substantial evidence with which to evaluate the Impacts and feasibility of the AS Alternative.

(c) The Applicant and AS conferred at length, consulted experts and otherwise attempted in good faith to reach agreement with respect to the AS Alternative as the appropriate alternative for development of Bickford Ranch. Those efforts were undertaken over a long period and in conjunction with discussion of the SC/AS Alternative. The efforts were not successful.

(d) The AS Alternative is not feasible because it is based upon a development concept that relies upon design concepts that depends upon clustering of dwelling units on small lots, multi-family housing and unconventional lot layouts. Available market data in the record establishes that product of that type cannot be sold for prices and/or at a rate of sale that would defray the infrastructure and other costs of the Development and provide to the County the benefits it seeks to derive therefrom and under the Development Agreement. Development in accordance with the AS Alternative plan poses an unreasonably high risk that the Development would fail financially, and, as a result, the County would not achieve the benefits it hopes to achieve as enumerated in Part 11.T below. Thus, it is economically infeasible, as demonstrated (among other things) by the evidence in the record provided by the Applicant in the form of an economic feasibility analysis that the Board has considered and found to be reasonable and fair.

11. The Addendum. No new information was disclosed in the Addendum that requires consideration of additional alternatives. The Board so finds, concurring with the statement to that effect in the Addendum at Section 3.17, p. 68.

T. Overriding Considerations.

Notwithstanding the imposition of the Mitigation Measures as set forth above, significant Impacts of the Development have not been reduced to a level of insignificance or eliminated by changes in the proposed Development. The Board of Supervisors adopts and makes this Statement of Overriding Considerations concerning the Development's unavoidable significant impacts to explain why the Development's benefits override its unavoidable impacts pursuant to CEQA Guidelines section 15093. The Board finds that the project will bring substantial benefits to the County, including the preservation of substantial open space without cost to the County, the enhancement of public access to open space through the construction of an extensive trail system, the creation of economic activity through construction activities and the commercial development, the construction of sewer infrastructure that will further the goal of development of regional sewer treatment facilities, and the development of a portion of the County in a manner that carefully coordinates the planning process to minimize environmental impacts, among other benefits as more specifically detailed below:

1. The Development carefully implements the goals of the General Plan to provide orderly and systematic development of an integrated, planned residential community in a manner that respects the rural character and natural features of the land. The Bickford Ranch site has been specifically identified as an area suitable for carrying out the foregoing goals and policies of the General Plan.

2. Approval of the Development will aid the County in meeting its obligation to accommodate for a portion of the State's future growth in the unincorporated portion of the County by providing 1,890 new residential units in an area identified by the General Plan as appropriate for such residential development.

3. The Development will create a quality recreation and residential development with a mix of residential, commercial, open space and recreational land uses designed in a manner that provides a distinct identity and sense of place that will be of substantial benefit to the region.

4. The Development will preserve substantial portions of the existing natural open space, native blue oak woodlands and grasslands, slopes and ridges, preserving these features for wildlife habitat and environmentally beneficial purposes.

5. The Development will provide an age qualified residential community in the unincorporated area of the County that responds to the market preferences and needs of senior adults within the County as they relate to housing type, size, cost, security, recreational and social amenities.

6. The Development will respect the natural terrain and character of the land by designing residential communities with respect to existing resources and topography, especially around the perimeter of the site to minimize impacts to offsite viewsheds.

7. The Development will provide, or contribute its fair share to the provision of, all public facilities and services necessary to meet the needs of development within the planned area, in addition to the benefits to be derived from the Development Agreement as enumerated in Section 8 below.

8. The Development Agreement provides the following benefits over and above benefits required to mitigate the impacts of the Development:

(a) Payment of $1,000,000 to be paid into a fund for unspecified road improvements in the vicinity that may be identified in the future.

(b) Payment of approximately $2,770,000 in excess of the traffic mitigation fees that would be payable under the County fee schedule, $1,570,000 to be paid into the County's Central Zone account for road improvements in the vicinity of the Development, and $1,200,000 to be paid into an account earmarked for Sierra College Boulevard improvements.

(c) Advancement of $600,000 for improvements to English Colony Way.

(d) Construction of a traffic signal at Sierra College Boulevard and SR 193.

(e) Payment of approximately $890,170 for community facilities in excess of the amounts payable under the Community Facilities Fee schedule issuance of building permits up to the fifth year of construction with the unpaid balance to be paid at that time.

(f) Payment of $2,600,000 for community facilities in the Penryn, Lincoln and Loomis communities.

(g) Payment of approximately $3,568,000 to be utilized by the County for open space programs.

(h) Construction of regional sewer facilities consistent with the regional Joint Powers Agreement at an estimated additional cost of $5,000,000 (with a possibility of reimbursement from state or federal funding sources).

(i) Oversizing sanitary sewer lines to accommodate the flows through the Development from the Newcastle Sanitation District at an estimated cost of $335,000..

(j) Payment of $104,000 dedicated to furnishing the Sheriff's substation in the fire station for the Development and to park facilities.

(k) Payment of $150,000 to the fire protection provider that is not selected to provide service to the Development to compensate for loss of potential revenue due to boundary change.

(l) Potential payment of up to $2,403,000 as the estimated minimum cost of providing gap financing for affordable housing units.

(m) Providing and constructing park facilities within the Development in excess of that required by park fees to use by the community in general.

(n) Constructing and equipping a new fire station within the Development at a cost in excess of existing fire fees.

(o) Transfer of telecommunication tower site and assignment of existing StarStream lease agreement and revenues to the County.

9. The photovoltaic and lighting programs incorporated in the Development are an innovative planning concept, will decrease the demand upon the State's power generation system from the Development, and will provide a template for future projects to follow to mitigate impacts on the State's power generation and distribution systems.

Having carefully considered the Development, its impacts and the foregoing benefits, the Board of Supervisors finds, in light of the important social, economic and other benefits that the Development will bring, the adverse environmental impacts of the Development that are not fully mitigated are acceptable.

U. Findings With Respect To General Plan Consistency.

In addressing issues of consistency of the Bickford Ranch Specific Plan with the Placer County General Plan, the Board incorporates by reference the following: with respect to Land Use, DEIR pp. 4-10 through 4-21; Population, Employment and Housing, DEIR pp. 5-17 through 5-18; Public Services and Utilities, DEIR pp. 6-31 through 6-40; Transportation and Circulation, DEIR pp. 7-34 through 7-37; Air Quality, DEIR pp. 8-16 through 8-18; Noise, DEIR pp. 9-15 through 9-17; Soils Geology and Seismicity, DEIR pp. 10-17 through 10-18; Hazardous Waste/Materials, DEIR p. 11-10; Hydrology And Water Quality, DEIR pp. 12-19 through 12-22; Biology, DEIR pp. 13-41 through 13-48; Cultural Resources, DEIR p. 14-8; Visual Resources, DEIR pp. 15-11 through 15-17; and Master Response MR-27 with respect to Biology in the FEIR, and with respect to General Plan Policies in general, Master Responses 34 through 37 in the FEIR.

In addition to the foregoing, and based on the evidence in the record, the Bickford Ranch Specific Plan is consistent with the objectives, policies, general land uses and programs of the Placer County General Plan for the following reasons, among others:

1. In the process of adopting the 1994 General Plan, the County considered seven potential areas for accommodating new large-scale communities and decided after a lengthy process to designate Bickford Ranch as only one of two unincorporated areas in the County for such growth. As a result of that process, the goals, objectives and land use designations for the Bickford Ranch area were set forth in the Land Use Element and Appendix C of the General Plan. The Land Use Element (Goal 1.B) adopts the overall Residential Land Use Goal "to provide adequate land in a range of residential densities to accommodate the housing needs of all income groups expected to reside in Placer County." Land Use Element Goal 1.C and Policy 1.C.1 designate the Bickford Ranch (Boulder Ridge) area for future Rural Residential development at increased densities of up to 1 dwelling unit per acre, subject to the development standards in Appendix C and approval of a specific plan for the area. Appendix C, in turn, contemplates a recreation and residential development with a mix of land uses, including up to a maximum of 1,950 dwelling units and one or more golf courses for the 1,950± acre property.

2. The 1994 General Plan designates the 1,950-acre Bickford Ranch as "Rural Residential" in its Generalized Land Use map and proposes a "Rural Residential (RR) 1 Ac. to 10 Ac." zoning in the Land Use Diagram. Table I-2 indicates Rural Residential zoning permits lot sizes of from 1 to 10 acres , or up to 1,950 units at Bickford Ranch. The General Plan states that these land use designations are intended to "generally portray overall land use patterns throughout the unincorporated areas of the county rather than precisely define the specific land uses appropriate on each parcel of land." Part II of the General Plan sets forth Goals, Policies, and Implementation Programs for these generalized land use patterns. Goal 1.C, entitled Mixed Use Specific Plan Area, is "To designate the Boulder Ridge area for future Rural Residential development." Goal's 1.C's implementing program states: "Potentially large areas redesignated for increased densities as part of this General Plan shall be considered through the specific plan process. The Boulder Ridge area is one such area and it has been designated as Rural-Residential in the land use diagram. This area, to be known as the Bickford Ranch Specific Plan Area, shall be subject to the development standards outlined in Appendix C."

3. General Plan Appendix C sets forth the plan's development standards for Bickford Ranch. It states that the Bickford Ranch Specific Plan be developed as a "recreation and residential development that may consist of a mix of land uses including estate size lots of 5-10± acres to higher density development of 6-10 units per acre. Golf courses as well as other recreational amenities may also be included." The development standards go on to specify the maximum residential density that will be allowed (1,950 units), a maximum of 14 acres of commercial use, open space, agricultural buffers, transit access, urban design standards, and four other "issues to be addressed." The FEIR analyzed the consistency of the proposed Bickford Ranch Specific Plan with each of these development standards and found consistency with every standard except Standard f(6)(a) calling for, among other housing types, high-density units within walking distance of the village commercial core area. Following completion of the FEIR, the Project was modified to include such high-density housing, thus curing that single potential inconsistency.

4. Appendix C urban design standards f.(1), f.(2) and f.(6)(a) mandate up to two mixed-use pedestrian-oriented villages "surrounded by buffer lands, and/or medium density and estate-sized single family residential development;" that the village core include "service and neighborhood commercial uses, professional services, public, quasi-public, and institutional facilities, and high density residential uses;" that the housing within the village consist of high-density single-family or multi-family units; and that Bickford Ranch's residential areas shall also consist of single-family and rural residential housing types. Design standards f.(1), f.(2) and f.(6) do not require that all residential development in Bickford Ranch be in two mixed-use high-density villages. The Specific Plan is consistent with these design standards. It has a pedestrian-oriented village and medium density and estate-sized single family residential development that surround the village area. The village core will include from 90 to 106 higher density residential units, as well as commercial and public facilities (including a public gathering space, retail and service uses, offices, and a park and ride lot).

5. Development standard c of Appendix C provides that "any development proposal for this area shall set aside significant open space areas and include the slopes of Boulder Ridge, drainage ways, corridors along canals, and major roadways." The Specific Plan sets aside a total of 768.9 acres of natural open space and open space corridors, only slightly less than the 780.3 acres of the site to be used for residential development. A substantial portion of the slopes of Boulder Ridge, including the steepest slopes, are included within this natural open space set aside. The top of Boulder Ridge, which has long been grazed and is not natural woodlands, will contain the golf course and age-restricted residential community. Standard c does not require the County to set aside the entire Boulder Ridge area of the site, including all slopes and the top of the ridge, in open space. Such a requirement would be inconsistent with the overall goal of the General Plan with respect to Bickford Ranch by precluding any significant development there whatsoever, much less up to 1,950 units and one or two golf courses. The Specific Plan, by precluding development from substantial portions of the slopes of Boulder Ridge, including the steepest slopes, and providing open space setbacks from all canals, drainage ways and major roadways implements standard c.

6. Development standard d of Appendix C requires the Bickford Ranch Specific Plan Area to incorporate Agriculture/Timberland buffer zones as provided for in the text of the General Plan. The General Plan Land Use Buffer Zone Standards provides for Agriculture/Timberland Buffers that vary in width from 50 to 300 feet according to the nature of the adjacent agricultural activity and "site- or project-specific characteristics as determined through [the] specific plan … process." As shown particularly on Figure 1-3 of the General Plan, these buffers do not prohibit rural residential development directly adjacent to agricultural areas. Section 1.b of the Buffer Zone Planning Standards, "Uses Allowed in Buffer," specifically provides that "low density residential uses on parcels of one to 20 acres or open space uses are permitted within the buffer…." (*Id.* at 21.) These uses are subject only to minimum residential exclusion areas, within which residential structures are prohibited but non-habitable accessory structures such as barns, stables, garages, and corrals are allowed. The Specific Plan conforms with these requirements. It states that "[t]he proposed project has incorporated a variety of buffers on the perimeter of the project site....[including] larger lot sizes, natural open space areas, [and] open space easements within specific lots…. The minimum buffer area is met throughout the project." The Bickford Ranch Design Guidelines specifically require "[b]uffer zones … along the edges of the Plan Area, where open space and/or additional plantings are required to provide buffers consistent with General Plan policy between different land uses." These requirements will be enforced by means of a "Development Notebook" specifying the home site and other restrictions applicable to issuance of a building permit for each individual lot in the Plan Area. Accordingly, the Specific Plan complies with the buffer zone requirements of Appendix C and the General Plan.

7. Development standard g.(1) of Appendix C, under the heading "Special Planning Issues to be Addressed," reads "*possible* provision of a public golf course site." Standard g.(1) does not mandate that any golf course at Bickford Ranch be a public course or that private golf courses are prohibited, only that the County address the possibility of providing a public course during the Specific Plan process. The single golf course will be privately owned and available to residents of the Bickford Ranch Plan Area, but will be made available for public play for a minimum of one day per week in perpetuity. Thus the issue of public golf course play is addressed by the County as required by Appendix C of the Placer County General Plan.

8. Development standard g.(2) of Appendix C requires that resolution of fire district and school district boundary issues be "addressed" in the Specific Plan. Regarding fire protection, both the Specific Plan and the Development Agreement require Bickford to construct and equip a new fire station at Bickford Ranch to serve the Plan area and neighboring property to the west. Fire protection boundary issues were resolved in 2002 through a Local Agency Formation Commission process detaching a portion of Bickford Ranch from the Penryn Fire Protection District and annexing that property to CSA 28 (Placer County Local Agency Formation Commission Resolution No. 2-2000 (March 13, 2002). The Development Agreement requires Bickford to pay the Penryn Fire Protection District $150,000 in compensation. Regarding schools, the Specific Plan notes that at build-out, the Plan Area is projected to generate a total of 399 K-8 students and 205 9-12 students, distributed between three K-8 school districts and two 9-12 districts. To accommodate this student population, the Applicant is required to pay statutory school fees to each district. In addition, a K-8 school site has been

reserved within the Plan Area for the Loomis School District, which is projected to absorb the largest number of new students. School district reorganization is outside County's purview, there is no need to adjust district boundaries, and if there is a desire to do so, the districts themselves, through the County School District Reorganization Committee, have ample time to resolve this issue. Thus, the Specific Plan is consistent with development standard g.(2) of Appendix C.

9. Appendix C development standard g.(4) calls for the "consideration of ways in which the development in this area may assist in providing affordable agricultural water to agricultural land in the surrounding areas" to be addressed. The Placer County Water Agency concluded in a letter dated November 6, 2001, that "the improvements to the canal system listed in [the Applicant's October 20, 2001] letter do serve to accomplish the objective of assisting in providing affordable agricultural water." Thus, the Specific Plan is consistent with development standard g.(4).

10. General Plan Policy 6.C.1 requires the County to "identify and protect significant ecological resource areas" including "[l]arge areas of non-fragmented natural habitat, including Blue Oak Woodlands." Policy 6.D.8 states: "The County shall require that new development preserve natural woodlands to the maximum extent possible." Policy 6.C.11 states:

> Prior to approval of discretionary development permits involving parcels within a significant ecological resource area, the County shall require, as part of the environmental review process, a biotic resources evaluation of the sites by a wildlife biologist … to determine the presence or absence of rare, threatened, or endangered species of plants or animals. Such evaluation will consider the potential for significant impact on these resources, and will identify feasible measures to mitigate such impacts or indicate why mitigation is not feasible. In approving any such discretionary development permit, the decision making body shall determine the feasibility of the identified mitigation measures.

Read together, these policies do not declare a mandatory policy for the preservation of all blue oak woodlands in all cases, particularly on private land not controlled by the County. Rather, the County has committed itself to (i) identifying significant ecological resource areas, (ii) evaluating the potential impact to these resources associated with development, (iii) identifying feasible measures to mitigate such impacts, (iv) indicating why further mitigation may not be feasible, and (v) requiring preservation of identified natural woodlands to the maximum extent possible.

The County has complied with these General Plan policies in considering the Specific Plan. First, as detailed in the FEIR, the County identified any significant ecological resource areas at Bickford Ranch. Blue oak woodlands and mixed interior live oak-blue oak woodlands comprise approximately 1,416 acres of the total vegetated area of 1,947 acres. The significance of these resources vary: many of the trees are in poor to fair health due to the impacts of grazing, a fire in 1934 that burned or destroyed large numbers of trees, fire suppression practices on the

land, and the introduction of non-native annual grasses that compete aggressively for scarce soil moisture. The trees are predominantly mature to overmature, with few or no younger aged trees. Without active recruitment or reproduction, the density and quality of the woodland will continue to decline over time. As the FEIR attests, "[t]he lack of young oaks in the blue oak woodland limits the longevity of the woodland."

Next, the County evaluated the potential impact to these resources associated with development. Based on a detailed tree survey, the site includes approximately 78,700 native trees, mostly blue oak, with a diameter at breast height (dbh) of 6 inches or more. Development of the project, including the ultimate construction of homesites, will require the removal of up to 10,000 oak trees, of which approximately 25% (2,500 trees) are in poor health. Thus, the total tree removal will not exceed approximately 13% of the 78,700 trees on-site, and the number of healthy trees removed (7,500) will be less than 10% of all trees.

Third, the County identified four feasible measures to mitigate these impacts, Mitigation Measures B-A, B-B, B-C and B-D. Measure B-A requires implementation of a comprehensive Oak Woodland Conservation and Revegetation Plan ("OWCRP"), prepared by a Registered Professional Forester to mitigate the loss of oak trees, loss of oak woodland, and loss of riparian vegetation. The goals of the OWCRP are "to improve the quality of the habitat for a diversity of plant and animal species … and to perpetuate the woodland." It includes the planting of approximately 21,000 native oak trees on the Bickford Ranch property, primarily from acorns harvested on site and from nearby areas, to replace the removed trees at a 2:1 ratio. The trees will be drip irrigated and monitored for a five-year period, with a requirement for an 80 percent survival rate at the end of that period. If that goal is not achieved, replanting and further monitoring are required. The program will be carried out in cooperation with the California Department of Fish and Game, U.S. Department of Agriculture Natural Resource Conservation Service, California Department of Forestry and Fire Protection, and the University of California (Davis) Cooperative Extension.

To enhance the oak woodland ecosystem and achieve a net gain of habitat values for the property, the OWCRP incorporates a series of habitat diversity programs, which include habitat enhancement for California valley quail, raptors, and other native bird species; planting of other native trees, native shrubs, grasses and plant species; the use of snags, brush piles, and downed logs to create favorable habitat conditions, and a fuel management and reduction program. In addition, the interplanting of young trees within the existing mature or geriatric forest will create habitat diversity that is now lacking, because the project area oak woodland currently supports minimal regeneration of young oak trees. In summarizing the OWCRP, the FEIR concluded that, "[o]ver the long-term, the oak tree mitigation area will support more valuable wildlife nesting and foraging habitat than the existing sparse stands of oaks along the ridge area by increasing the plant density and species diversity of oak woodland."

As a further measure, the FEIR proposed a tree protection plan to minimize direct and indirect impacts on oaks and other native trees that are to be retained on the project site. This plan requires each homeowner to adhere to the tree removal restrictions contained in the Development Notebook for each individual lot, or to pay a fee to the County's Tree Preservation Fund to provide for planting of additional native trees on site. Mitigation Measure B-B requires

Bickford Ranch to retain a County-approved biologist to monitor all construction areas of sensitive biological resources, including oaks, to implement these measures.

After publication of the Draft EIR, the project's impact on the oak woodland resource was further diminished by a substantial reduction in the site area to be utilized for residential development and an even larger increase in the area to be preserved as natural open space. As described above, the residential development area was reduced by over 250 acres, or 25 percent, from 1039.1 acres at the time of the Draft EIR to 780.3 acres in the Specific Plan. The natural open space area, in contrast, was increased by over 330 acres, or 83 percent, from 401.8 acres at the time of the Draft EIR to 735.3 acres, nearly equal to the residential development area, in the Specific Plan. These reductions were achieved by Bickford's adoption of portions of the SC/AS Alternative, including pulling development off three of the northern ridgelines, and relocating the golf course driving range out of a deep ravine between two of those ridgelines to a less sensitive area adjacent to the golf course. As the County Planning Department concluded after a review of these changes:

> Relocating the driving range out of the ravine, and pulling lots back off the ridgeline towards the ridgetop results in a net decrease in tree loss….These changes are also beneficial to wildlife resources by reducing the overall development area north of Bickford Ranch Road. This provides for a greater amount of contiguous habitat areas and a corresponding reduction in oak woodland removal along the ridgelines, which helps facilitate wildlife migration.

As further mitigation, Mitigation Measure B-C requires off-site tree mitigation. The Development Agreement implements this measure by requiring Bickford to pay the County $3,568,000 to enable the County to acquire and preserve oak woodland of higher quality than the woodlands of Bickford Ranch. Mitigation Measure B-D requires implementation of a tree protection plan to minimize direct and indirect impacts on oaks and other native trees that are retained on the project site. Each of these mitigation measures are being imposed on the Development through the Specific Plan, Design Guidelines, and Development Agreement.

Further mitigation in the form of the proposed SC/AS Alternatives or AS Alternative is not feasible for the reasons set forth in Section S above. Thus, the County complied with all of the commitments it established for itself in the General Plan regarding the protection of blue oak woodland, and the Specific Plan is consistent with the General Plan's ecological resources and wildlife habitat policies.

The development standards for Bickford Ranch in Appendix C of the General Plan contain no mandatory policy for preservation of the blue oak woodlands on the site in their existing state. Such a requirement would effectively preclude development of the area as a substantial new growth center as mandated by the Land Use policies and Appendix C, since blue oak woodlands, in one form or another, comprise over 70% of the entire site. Rather, the development standards require that "any development proposal … set aside significant open space areas and include the slopes of Boulder Ridge …," where the most significant habitat is

located. The Specific Plan complies fully with that mandate by setting aside 768.9 acres of the site (over 37 percent) as protected natural open space, including the dense oak woodlands on the northern slopes of Boulder Ridge.

11. General Plan Policy 4.C.1 states: "The County shall require proponents of new development to demonstrate the availability of a long-term, reliable water supply. The County shall require written certification from the service provider that either existing services are available or needed improvements will be made prior to occupancy." The Placer County Water Agency (PCWA) certified to the County its willingness and ability to provide domestic water service to the project. PCWA delivered the "written certification" required by Policy 4.C.1 in its letter of November 7, 2001, which discussed the Agency's surface water entitlements and supplies, the current usage of its customers and its contractual commitments to other governmental agencies, and its delivery, treatment, transmission and storage capacities. That letter concluded:

> The Agency's March 2001 discussion paper concluded that the Agency's remaining surface water entitlements are adequate to meet the buildout of the then-current General Plans, including the Bickford Ranch Specific Plan area, within the Agency's service area.
>
> The Agency currently has sufficient water supplies to meet the projected demand for raw and treated water for the Bickford Ranch project.
>
> Without completion of the permanent American River Pump Station, the Agency has an unallocated raw water delivery capacity of 7,400 af [acre feet] which is adequate to serve approximately 11,200 EDU [equivalent dwelling units] and a treatment and transmission capacity of 22,600 EDU. The Agency will have adequate treatment, transmission and storage capacity in 2002 to meet the buildout water needs of the Bickford Ranch project.

Policy 4.C.1 requires certification by PCWA that "either existing services are available or needed improvements will be made prior to occupancy." PCWA certified both in its November 7, 2001, letter and in its testimony to the Board. Regarding existing water supply, PCWA certified that "[t]he Agency currently has sufficient water supplies to meet the projected demand for raw and treated water for the Bickford Ranch project." Regarding its current ability to deliver that supply, it certified that "[w]ithout completion of the permanent American River Pump Station, the Agency has an unallocated raw water delivery capacity of 7,400 af which is adequate to serve approximately 11,200 EDU…." Regarding "needed improvements … prior to occupancy," PCWA certified that "it is anticipated that the [permanent American River pump station] project will begin construction in 2002 and be completed in 2004…." Those projections have been borne out, and the American River pump station is now under construction.

General Plan Policy 4.C.12 states in pertinent part that "where surface water supplies provide domestic water, the amount of growth shall be limited to what can be served by available surface water supplies assuming a 4-year drought period and usage of one acre foot of water per year per household." PCWA certified to the County that "[w]ithout completion of the permanent American River Pump Station, the Agency has an unallocated raw water delivery capacity of 7,400 af which is adequate to serve approximately 11,200 EDU …." This statement is solidly grounded in PCWA's actual experience in meeting the demands of its service area. In the PCWA Update, the Agency projected future treated water demands throughout its service area upon several assumptions, including that "the treated water unit demands for the various land use designations reflect current PCWA water use efficiency practices [and] were used to project future demands." The Update stated the factual basis for this assumption; namely, that "the Agency meters all treated water usage. This provides a substantial database from which average annual demands can be determined for each customer type." Using this experiential data, the Agency projected a treated water demand at buildout for the maximum permitted 1,950 dwelling units at Bickford Ranch of 1,454 acre feet per year, equivalent to 0.75 acre feet per dwelling unit per year. The Agency used substantially the same ratio (0.66 acre feet per dwelling unit per year) in stating that its unallocated capacity of 7,400 acre feet would serve approximately 11,200 dwelling units.

Policy 4.C.12 was adopted in 1994; PCWA's Update was completed in 2001. Policy 4.C.12 is one of thirteen intended to serve General Plan Goal 4.C, "to ensure the availability of an adequate and safe water supply…." Policy 4.C.6 states that "County shall promote efficient water use and reduced water demand" by various water conservation programs. The Board hereby interprets Policy 4.C.12 to regulate growth by using current water demand data based on the successful implementation of Policy 4.C.6 and the actual experience of the Agency charged with meeting the demand for service. But even assuming that Policy 4.C.12 commanded the County to disregard PCWA's experience in favor of a prescribed formula of one acre foot per year per household, the difference is immaterial in this case. Based on that formula, PCWA's unallocated 7,400 acre feet of water would serve 7,400 households, nearly four times the 1,890 households who will reside at Bickford Ranch. Therefore, the Specific Plan is consistent with Policy 4.C.12.

12. General Plan Policy 6.A.5 states: "The County shall continue to require the use of feasible and practical best management practices (BMPs) to protect streams from the adverse effects of construction activities and urban runoff." Policy 6.A.10 states: "The County shall protect groundwater resources from contamination . . . by [i]dentifying and controlling sources of potential contamination". The County is requiring feasible and practical BMPs for construction activities and urban runoff from Bickford Ranch. The FEIR describes the measures imposed by the County to provide protection to streams. They include Mitigation Measures H-A (develop post-development storm water management program within the guidelines of the Placer County Storm Water Management Manual), Measure H-B (provision of on-site retention facilities), Measure G-B (grading and erosion control plan), Measure H-D (Storm Water Pollution Prevention Plan for construction activities), Measure H-E (monitoring erosion and sediment control measures during construction), Measure H-F (monitoring site erosion and sediment control measures for two years after implementation of final erosion control measures), and

Measure H-G (designing retention basins to promote solids settling and providing capacity for accumulated sediment). BMPs contained within the Placer County Storm Water Management Manual are incorporated into these measures, providing standards by which the final plans will be measured. Regarding groundwater, the FEIR identifies only the golf course as a potential source of groundwater contamination. To reduce this potential impact, Bickford Ranch will utilize less chemical-intensive methods of course maintenance, including climate-adapted grass species and integrated pest management techniques. The County is imposing four other Mitigation Measures that will reduce all potential groundwater impacts to less than significant: Measure HW-F (implement Golf Course Chemical Application Management Plan), Measure H-H (implement Lake Management Plan), Measure H-J (implement County policies regarding design, construction and maintenance of septic systems) and Measure H-K (notification of any sewer line breaks). (9 AR 3932-3960). Accordingly, the Specific Plan is consistent with the stream and groundwater protection policies of the General Plan.

13. The Specific Plan is consistent with the following additional General Plan policies:

Policy 1.A.3: The policy calls for the County to distinguish among urban, suburban, and rural areas to identify where development will be accommodated and public infrastructure and services provided, to promote the maintenance of separate and distinct communities. The Specific Plan complies with this policy by carefully buffering the urban/suburban elements of Bickford Ranch and providing for appropriate infrastructure and services. This policy does not require the various land uses *within* Bickford Ranch to be separate and distinct communities.

Policy 1.H.3: The policy states: "The County will maintain large-parcel agricultural zoning and prohibit the subdivision of agricultural land into smaller parcels unless . . . the subdivision is part of a cluster project and such a project is permitted by the applicable zoning." Bickford Ranch is not zoned strictly for agriculture -- its underlying zoning is Farm/Development Reserve. The approved Specific Plan incorporates elements and characteristics of a cluster project, setting aside over 1,142.8 acres as natural and recreational open space and clustering development on less than 40% of the site.

Policy 1.H.4: The policy states: "The County shall allow the conversion of existing agricultural land to urban uses only within community plan areas and within city spheres of influence where designated for urban development on the General Plan *Land Use Diagram*." The Bickford Ranch is not designated agricultural on the General Plan's Land Use Diagram, nor on the Generalized Land Use Map. Rather, it is designated for Rural Residential development and a mixed use specific plan area. The property is not prime farm land, but rather marginal grazing land.

Policy 1.K.1: The policy states: "The County shall require that new development in scenic areas (*i.e.*, . . . ridgelines and steep slopes) is planned and designed in a manner which employs design, construction, and maintenance techniques that: Avoids locating structures along ridgelines and steep slopes; . . . Maintains the character and visual quality of the area." The FEIR extensively evaluated the visual impacts of the Project from surrounding areas and includes numerous measures to mitigate those impacts, including transition areas and buffers,

sensitive and minimized grading techniques, height limits for structures on ridges, prohibiting structures on all portions of lots with slopes of 30% or more, and applying selected lot restrictions to areas of concern. It concluded that, with incorporation of these measures, the Project would be consistent with Policy 1.K.1 by "repeating the line, form, colors and textures found in the natural environment and reducing visibility to a majority of the development to occur on this site." The Board finds that changes in the Development plan and the Mitigation Measures achieve the goals of the General Plan Policy 1.K.1 and meet the intent of County policies to maintain scenic quality in the area by working to avoid the location of structures along ridgelines and steep slopes as well as by minimizing visibility, while harmonizing Policy 1.K.1 with other General Plan policies calling for development of Bickford Ranch.

Policy 2.A.11: This policy requires the provision of units affordable to low-income households in projects of 100 or more units that receive a density bonus through the specific plan process, either on-site, or upon a determination by the County that it is impractical to construct affordable units on-site, through the dedication of off-site land or payment of an in-lieu fee. The Development Agreement requires Bickford Ranch to construct 90 to 106 affordable units on-site and pay an in-lieu fee to the County to support the construction of the remaining units off-site, for a total of 189 affordable units. Given that Bickford Ranch is a rural residential community somewhat distant from most urban services, jobs and transportation, the Board finds it is impractical to construct all low-income units on-site and that, therefore, the Project is consistent with Policy 2.A.11.

Policy 1.B.9: The policy states: "The County shall discourage the development of isolated, remote, and/or walled residential projects that do not contribute to the sense of community desired for the area." As demonstrated in the FEIR, Bickford Ranch is not isolated or remote, but rather is bounded by major roads and significant development in the immediate vicinity. The Project is also not walled. The Design Guidelines require open fencing, limits the location of walls and fencing, and imposes design and height restrictions on fencing and walls to maintain viewsheds and encourage a sense of community. The number of proposed security gates have been reduced from 15 (as analyzed in the Draft EIR) to 4 (all within the age-restricted Heritage Ridge development) and, with these design guidelines and gate limitations, the Project is consistent with Policy 1.B.9.

Accordingly, the Bickford Ranch Specific Plan, together with the Mitigation Measures to be imposed by the Project Approvals, is compatible with and harmonizes all applicable objectives and policies of the General Plan, and no mandatory General Plan policy will be frustrated by implementation of the Specific Plan.

V. Filing of Notice of Determination.

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