PLACER LOCAL AGENCY FORMATION COMMISSION

Susan Rohan, (Public), Chair; Joshua Alpine, (District); Bonnie Gore (County); Paul Joiner (City); William Kahrli, (District); Joe Patterson, (City); Robert Weygandt, Vice Chair (County), Alternate Commissioners: Scott Alvord (City); Jim Gray (Public); Jim Holmes, (County); Mike Lynch (District)

REGULAR HEARING AGENDA
August 14, 2019 - 4:00 P.M.
Board of Supervisors' Chambers
County Administrative Building
175 Fulweiler Avenue, Auburn, CA 95603

1. Flag Salute

2. Call to Order and Roll Call

3. Approval of Agenda (Action item)

4. Appreciation of Service – Commissioner Rudd. The Chairman will present a plaque of appreciation to outgoing Commissioner Rudd.

5. Public Comment: This is the time when persons may address the Commission on items not on the agenda. Please limit comments to three (3) minutes as the Commission is not permitted to take any action on items presented as public comment.

6. Approval of Minutes from the June 9, 2019 Commission hearing (Action item, pg. 1)

7. Nevada Irrigation District – Auburn Valley Country Club area (LAFCO 2019-01): The Commission will be asked to consider the annexation of approximately 235.83 acres to the Nevada Irrigation District; Responsible agency under CEQA Guidelines section 15096. (Action item, pg. 2-A)

8. South Placer Municipal Utility District – Loomis Grammar School annexation (LAFCO 2019-02): The Commission will be asked to consider the annexation of approximately 21 acres to the South Placer Municipal District; Responsible agency under CEQA Guidelines section 15096. (Action Item, pg. 9)

9 South Placer Municipal Utility District – United Auburn Indian Community annexation (LAFCO 2019-03): The Commission will be asked to consider the annexation of approximately 45 acres to the South Placer Municipal Utility District; Responsible agency under CEQA Guidelines section 15096. (Action Item, pg. 17)

10 Consideration of payment of Stipend to Commission: The Commission will be asked to consider payment of per diem stipends to all members of the Commission. (Action Item, pg. 62)

11. Attendance at CALAFCO Conference: (pg. 66)
12. **Executive Officer Reports:**
   Legislative Committee update
   Proposal Status

13. **Commissioner Reports:**

14. **Adjournment:**

For further information or to provide written comments on any item on the agenda, please contact the Placer LAFCO. Materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Placer LAFCO office at 110 Maple Street, Auburn, CA 95603 during normal business hours. Phone: (530) 889-4097. Placer LAFCO is committed to ensuring that persons with disabilities are provided the resources to participate in its meetings. If you require a disability-related accommodation, please contact the Clerk to the Commission at least two business days prior to the meeting date.
PLACER LOCAL AGENCY FORMATION COMMISSION

Joshua Alpine, (District); Bonnie Gore (County); Paul Joiner (City); William Kahrl, (District); Joe Patterson, (City); Susan Rohan (Public); Robert Weygandt, Vice Chair (County), Alternate Commissioners: Scott Alvord (City); Jim Gray (Public); Jim Holmes, (County); Mike Lynch (District)

MINUTES
July 10, 2019

1. The Flag Salute was led by Commissioner Gore.

2. Approval of Agenda: Approved as submitted with the addition of administering the oath of office to Susan Rohan and Scott Alvord.

3. Call to Order and Roll Call: Those present and seated were Commissioners Alpine, Kahrl, Rohan, Gore, Joiner, Weygandt, and Alvord. Staff present were Executive Officer Kris Berry, LAFCO Counsel Bill Wright, and Commission Clerk Linda Wilkie.

4. Public Comment: Albert Schieber from Lincoln, stated that he thought that the Lincoln Meadows annexation seemed logical, however he did not agree with the Lincoln Village 5 annexation. He stated that he had filed a lawsuit against that proposal.

Michael Garabedian informed the Commission about the history of LAFCO and reminded them that they represent the state and not the entity they come from such as cities, county or special districts.

5. Election of Chair and Vice Chair: The Commission will be asked to select a Chair and Vice-Chair. New Chair will be seated. Motion to elect Commissioner Rohan as Chair. Gore/Alvord/7:0. Motion to elect Commissioner Weygandt as Vice Chair. Gore/Joiner/7:0

6. Approval of Minutes from the May 8, 2019 Commission hearing: Motion to approve as submitted. Joiner/Weygandt/6:1. (Commissioner Alpine abstained)

7. City of Lincoln – Lincoln Meadows: The Commission was asked to consider annexation of the Lincoln Meadows proposal into the City of Lincoln and detachment of the territory from County Service Area 28, zone 76 (Western Placer Fire). CEQA Determination; Responsible agency under CEQA Guidelines section 15096.

Ms. Berry stated that the annexation consisted of approximately 43.87 acres. 35.92 acres is proposed for residential development and 7.87 acres would be open space.

After discussion, motions were made.

1. Commissioner Kahrl motioned to adopt Placer LAFCO resolution 2019-01 approving the findings as responsible agency for the Final Environmental Impact Report for the Lincoln Meadows project. 2nd by Commissioner Joiner. 7:0 approved by roll call vote.
2. Commissioner Joiner motioned to adopt Placer LAFCO Resolution 2019-02 annexing the 43.87 acre territory into the City of Lincoln and detaching it from the County Service Area 28, Zone 76 (Western Placer Fire). 2nd by Commissioner Alpine. 7:00 approved by roll call vote.

3. Commissioner Alpine motioned to waive requirements for the protest proceedings pursuant to the Cortese-Know-Hertzberg Local Government Reorganization Act of 2000. 2nd by Commissioner Joiner. 7:00 approved by roll call vote.

8. Executive Officer Reports:
   Legislative Committee update
   Proposal Status: Three proposals will be heard at the August 14, 2019 hearing.
   CALAFCO conference: To be held October 30 through November 1, 2019.

9. Commissioner Reports: None.

10. Adjournment: The hearing was adjourned at 5:00 p.m.

Linda Wilkie, Clerk to the Commission
STAFF REPORT

DATE: August 7, 2019

TO: Chair Rohan; Commissioners Alpine, Gore, Joiner, Kahrli, Patterson, Weygandt.
Alternate Commissioners Alvord, Gray, Holmes, Lynch

FROM: Kris Berry, AICP, Executive Officer

SUMMARY

The proposed annexation (LAFCO 2019-01) of 11 parcels (approximately 235.85 acres) in
the Auburn Valley area to the Nevada Irrigation District would allow for the provision of raw
water to the parcels.

RECOMMENDED ACTION

Staff is recommending that the Commission:

1. Determine that the proposal is exempt from review under the California Environmental
Quality Act pursuant to CEQA Guidelines section 15319 (annexations of existing
facilities and lots for exempt facilities) as it can be determined with certainty that there
is no possibility that this activity may have a significant effect on the environment;

2. Adopt Placer LAFCO Resolution 2019-3, attached as Exhibit 2, annexing the
approximately 235.85 acre territory to the Nevada Irrigation District

3. Authorize the Executive Officer to conduct Conducting Authority protest proceedings
without notice, hearing and without election.

SUMMARY

This proposal would allow the annexation of approximately 235.85 acres to the Nevada
Irrigation District for the provision of raw water to the eleven parcels. The territory is located
south of the Auburn Valley Country Club, westerly of Bell Road.
DISCUSSION AND ANALYSIS

Description of Proposal

This proposal would allow the annexation of approximately 235.85 acres to the Nevada Irrigation District and allow provision of raw water to the eleven parcels involved. The annexation area is within one of Nevada Irrigation Districts “Exclusion” areas, which are islands throughout the Nevada Irrigation District boundary, but within their sphere of influence. The annexation would be placing them within the District, however any actual connection to the service would require the individual property owner to apply to the District.

The area proposed for annexation is designated as Agricultural/Timberland – 20 Acre Minimum. The Zoning is F-B-X 20 Acre Minimum. The parcels are all approximately 20 acres in size, no new potential development would occur as a result of the annexation.

NID is a water district serving south and western Nevada County and portions of western Placer County, providing both treated and untreated water, hydroelectric power and recreation facilities. NID has several Island or "exclusion" areas in western Placer County. Nevada LAFCO is considered the principal county for the district, however has transferred the proposal to Placer LAFCO due to the fact that the proposal is entirely within Placer County.

ENVIRONMENTAL ANALYSIS

The property is Exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15319 (annexation of existing facilities and lots for exempt facilities) as it can be determined with certainty that there is no possibility that this activity may have a significant effect on the environment. A Notice of Exemption was filed by the Nevada Irrigation District on December 27, 2018.

Exhibit 1  Proposal map and legal description

Exhibit 2  Draft LAFCO Resolution 2019-3 annexing subject parcel into the Nevada Irrigation District.
EXHIBIT "B"
LAFCO ANNEXATION NO. 2019-01
TO THE
Nevada Irrigation District

BEING POR. OF BOOK 16 PARCEL MAPS PAGE 69
SW 1/4, POR. SE 1/4 SEC. 12, T. 13 N., R. 7 E., M.D.M.
WITHIN
PLACER COUNTY, CALIFORNIA

SCALE: 1" = 500' DECEMBER 2018
NEVADA CITY ENGINEERING, INC.
505 COYOTE STREET * P.O. BOX 1437 * NEVADA CITY * CALIFORNIA
EXHIBIT A
LAFCO ANNEXATION NO. 2019-01
AUBURN VALLEY ANNEXATION TO
NEVADA IRRIGATION DISTRICT
LEGAL DESCRIPTION

December 2018

ALL THAT PORTION of the south half of Section 12, Township 13 North, Range 7 East, M.D.M., Placer County, California, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT a point on the existing district boundary of Nevada Irrigation District, said point being the quarter corner common to Sections 11 and 12 of said township; THENCE FROM SAID POINT OF BEGINNING ALONG THE EXISTING NEVADA IRRIGATION DISTRICT BOUNDARY:

1. Leaving said quarter corner following the east-west centerline of said Section 12 in an easterly direction South 89°42'15" East 3312.77 feet;
2. Thence leaving said east-west centerline South 00°01'39" West 462.69 feet;
3. Thence South 89°56'21" East 661.12 feet to a point on the westerly line of the east half of the southeast quarter of said Section 12;
4. Thence along said line in a southerly direction South 00°05'00" East 2197.05 feet to a point on the southerly line of said Section 12;
5. Thence westerly along the southerly line of Section 12 North 89°33'33" West 1336.62 feet to the south quarter corner of said Section 12;
6. Thence continuing westerly along said section line North 88°53'56" West 2642.26 feet to the southwest corner of said Section 12;
7. THENCE LEAVING SAID DISTRICT BOUNDARY along the west line of said Section 12 North 00°02'21" East 2637.06 feet TO THE POINT OF BEGINNING.

THE HEREIN DESCRIBED AREA contains 235.68 acres more or less.

THIS LEGAL DESCRIPTION was prepared by me based on record information in December 2018.

Andrew R. Cassano, PLS 4370
Professional Land Surveyor
Nevada City Engineering, Inc.
505 Coyote Street, Suite B
Nevada City, CA 95959

December 6, 2018

LICENCED LAND SURVEYOR
STATE OF CALIFORNIA

TECHNICALLY CORRECT
Placer County Surveyor
Date August 1, 2019
EXHIBIT 2

PLACER LOCAL AGENCY FORMATION COMMISSION
Resolution No. 2019 - 03

Approving Determinations for an Annexation to the Nevada Irrigation District
(LAFCO No. 2019-01 Nevada Irrigation District Annexation)

Whereas, an application was filed with the Executive Officer of the Placer Local Agency
Formation Commission in accordance with the Cortese-Knox-Hertzberg Local Government
Reorganization Act of 2000 (Government Code Section 56000 et seq.—the "Act") for the annexation
of certain territory as described in Exhibit 1, attached hereto and incorporated herein by reference
(the "Territory") to the Nevada Irrigation District (NID); and

Whereas, NID is a water district serving south Nevada County and portions of western Placer
County, providing both treated and untreated water, hydroelectric power and recreation facilities
Nevada LAFCO is considered the principal county for the district, however has transferred the
proposal to Placer LAFCO due to the fact that the proposal is entirely within Placer County.

Whereas, the Proposal is located on approximately 235.85 acres adjacent to NID territory,
which area is shown and described in Exhibits 1 and 2, attached hereto and incorporated herein by
reference (the “Territory”), and

Whereas, on September 26, 2018, the NID Board of Directions approved an annexation
application (Resolution 2018-24), and

Whereas, on February 13, 2019, NID submitted an application to Placer LAFCO in accordance
with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the “Act”.—
Government Code section 56000 et seq.) requesting annexation of the territory, and

Whereas, the proposed territory is within the adopted Sphere of Influence for the Nevada
Irrigation District, and

Whereas, the Executive Officer of Placer LAFCO reviewed the proposed annexation of the
Territory, duly noticed a public hearing, and prepared and submitted a report to the Commission
regarding the annexation of the territory to Nevada Irrigation District; and,

Whereas, this Commission held a public hearing, received oral and written comments and
evidence with respect to the proposed annexation and has duly considered the report of the
Executive Officer and all other relevant evidence and information in full accordance with the
requirements of the Act, and

Now, therefore, the Placer Local Agency Formation Commission does hereby adopt and
incorporate herein as true and accurate statements and findings of fact all of the statements and
recitals set forth in all of the preceding portions of this resolution, and

Further, the Commission does hereby determine, resolve and order, pursuant to its powers
as provided in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as
follows:

1. The Territory is inhabited under Section 56046 of the Act.
2. The Territory is located within the existing sphere of influence of NID.

3. The Commission determines that this annexation is consistent with the Placer LAFCO Policies and the provisions of the Act, including but not limited to Section 56668 thereof.

4. The distinctive short form for this proposal shall be: LAFCO No. 2019-01,

Auburn Valley Area Annexation to the Nevada Irrigation District

5. The change of organization consists of the following:

Annexation to the Nevada Irrigation District

Upon the Effective Date, the Territory shall be within the district boundaries of the Nevada Irrigation District

6. The regular County assessment roll shall be used for this change of organization.

7. This approval is subject to payment of all necessary fees and charges of Placer LAFCO and of other agencies, including but not limited to the Board of Equalization.

10. This approval is subject to the following terms and conditions:

None.


12. Upon satisfaction of all conditions of this approval, the Executive Officer is authorized to prepare and execute a Certificate of Completion in accordance with Government Code section 57200. The date of issuance of the Certificate of Completion shall constitute the Effective Date of this change of organization.

On a motion by Commissioner ____________, seconded by Commissioner ____________, the foregoing resolution was passed and adopted by the Placer Local Agency Formation Commission at a duly noticed meeting thereof this 14th day of August, 2019, by the following vote:

Ayes:

Noes:

Abstain:

Absent: Signed after adoption:

____________________________
Susan Rohan, Chair

Attest: ________________________
Kristina Berry, AICP, Executive Officer

Resolution 2019-03
Auburn Valley area Annexation to NID
EXHIBIT A
LAFCO ANNEXATION NO. 2019-01
AUBURN VALLEY ANNEXATION TO
NEVADA IRRIGATION DISTRICT
LEGAL DESCRIPTION

December 2018

ALL THAT PORTION of the south half of Section 12, Township 13 North, Range 7 East, M.D.M., Placer County, California, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT a point on the existing district boundary of Nevada Irrigation District, said point being the quarter corner common to Sections 11 and 12 of said township;

THENCE FROM SAID POINT OF BEGINNING ALONG THE EXISTING NEVADA IRRIGATION DISTRICT BOUNDARY:

1. Leaving said quarter corner following the east-west centerline of said Section 12 in an easterly direction South 89°42’15” East 3312.77 feet;
2. Thence leaving said east-west centerline South 00°03’39” West 462.69 feet;
3. Thence South 89°56’21” East 661.12 feet to a point on the westerly line of the east half of the southeast quarter of said Section 12;
4. Thence along said line in a southerly direction South 00°05’00” East 2197.05 feet to a point on the southerly line of said Section 12;
5. Thence westerly along the southerly line of Section 12 North 89°33’33” West 1336.62 feet to the south quarter corner of said Section 12;
6. Thence continuing westerly along said section line North 88°53’56” West 2642.26 feet to the southwest corner of said Section 12;
7. THENCE LEAVING SAID DISTRICT BOUNDARY along the west line of said Section 12 North 00°02’21” East 2637.06 feet TO THE POINT OF BEGINNING.

THE HEREIN DESCRIBED AREA contains 235.68 acres more or less.

THIS LEGAL DESCRIPTION was prepared by me based on record information in December 2018.

Andrew R. Cassano, PLS 4370
Professional Land Surveyor
Nevada City Engineering, Inc.
505 Coyote Street, Suite B
Nevada City, CA 95959

December 6, 2018

ANDREW R. CASSANO
L.S. #4370
LICENSED LAND SURVEYOR
STATE OF CALIFORNIA

TECHNICALLY CORRECT

Placer County Surveyor
Date August 1, 2019
EXHIBIT "B"
LAFCO ANNEXATION NO. 2019-01
TO THE
Nevada Irrigation District

BEING
POR. OF BOOK 16 PARCEL MAPS PAGE 64
5W 1/4, POR. SE 1/4 SEC. 12. T. 13 N. R. 7 E., M.D.M.
WITHIN
PLACER COUNTY, CALIFORNIA
SCALE: 1" = 500'

DATE: JUNE 1, 2019

NEVADA CITY ENGINEERING, INC.
505 COYOTE STREET • P.O. BOX 1437 • NEVADA CITY • CALIFORNIA
PLACER COUNTY
LOCAL AGENCY FORMATION COMMISSION
110 Maple Street, Auburn California 95603
Email: lafc@placer.ca.gov
530-889-4097

STAFF REPORT

DATE: August 6, 2019

TO: Chair Rohan; Commissioners Alpine, Gore, Joiner, Kahrl, Patterson, Weygandt. Alternate Commissioners Alvord, Gray, Holmes, Lynch

FROM: Kris Berry, AICP, Executive Officer

SUMMARY

The proposed annexation (LAFCO 2019-02) for the Franklin Grammar School would allow the annexation of the School property (approximately 21 acres) into the South Placer Municipal Utility District for Sewage Treatment. This would replace an existing outdated treatment plant on site.

RECOMMENDED ACTION

Staff is recommending that the Commission:

1) Determine that the proposal is exempt from review under the California Environmental Quality Act pursuant to CEQA Guidelines section 15303 (new construction or conversion of small structures) and 15319 (annexations of existing facilities and lots for exempt facilities) as it can be determined with certainty that there is no possibility that this activity may have a significant effect on the environment;

2) Adopt Placer LAFCO Resolution 2019-4 attached as Exhibit 2, annexing the approximately 21 acre territory to the South Placer Municipal Utility District;

3) Waive requirements for protest proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, §56663

SUMMARY

This proposal would allow the annexation of approximately 21 acres to the South Placer Municipal Utility District to allow sewage disposal. The Franklin School is located at 7050 Franklin School Road, Loomis, westerly of Laird Road. The territory is within the Sphere of Influence for the South Placer Municipal Utility District.
DISCUSSION AND ANALYSIS

Description of Proposal

This proposal would allow the annexation of approximately 21 acres to the South Placer Municipal Utility District (SPMUD) for sewage disposal. The site contains the Franklin Grammar school, which is currently using an onsite septic treatment system which is old and failing and difficult to repair. SPMUD has recently extend new lines nearby which the school would be connecting to.

The area proposed for annexation, as well as the surrounding properties are designated "Rural Estate 4.6-20 Acre Minimum." The properties are zoned "RA" (Residential Agricultural) B-X 4.6 acre Minimum. The surrounding parcels are developed with single family residences.

ENVIRONMENTAL ANALYSIS

The property is Exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15303 (new construction or conversion of small structures) and 15319 (annexation of existing facilities and lots for exempt facilities) as it can be determined with certainty that there is no possibility that this activity may have a significant effect on the environment. A Notice of Exemption was filed by the School District on March 4, 2019.

Exhibit 1  Proposal map and legal description

Exhibit 2  Draft LAFCO Resolution 2019-4 annexing subject parcel into the South Placer Municipal Utility District.
EXHIBIT 1
EXHIBIT "C"
SOUTH PLACER MUNICIPAL UTILITY DISTRICT (SPMUD)
ANNEXATION No. _____________
LOOMIS UNIFIED SCHOOL DISTRICT

LEGAL DESCRIPTION OF SUBJECT PROPERTY

The land described herein is situated in the State of California, County of Placer, unincorporated area, described as follows:

PARCEL ONE:

That portion of the Southwest quarter of Section 23, Township 11 North, Range 7 East, M.D.B. & M., as described in Deed the Loomis Union Grammar School District, filed in Book 1108, Page 59 (Document No. 1996-1108059), described as follows:

Beginning at the Northwest corner of the Southwest quarter of said Section 23; thence, along the North line of said Southwest quarter of Section 23, North 86° 57' 40" East 1036 feet to the Westerly right of way line of that certain County Road known as Laird Road (40 feet wide); thence along said Westerly right of way, South 11° 41' East, 111.26 feet; to a line parallel with and 110 feet Southerly, measured at right angles, from said North line; thence, along said parallel line, South 86° 57' 40" West, 447.50 feet; thence, parallel with the West line of said Section, South 0° 33' 20" East, 728.25 feet, to the South line of the North 25 acres of said Southwest quarter of Section 23; thence along South line, South 88° 06' 56" West, 609.57 feet, to said West line of Section 23; thence, along said West line, North 0° 33' 20" West 826.07 feet to the point of beginning.

The above described boundary contains 12.7 acres, more or less.

APN No. 036-162-001-000

PARCEL TWO:

Lot 8 as shown and designated on that map entitled "South Loomis Hill Subdivision, Tract No. 811", filed in the office of the County Recorder of Placer County, California, on January 22, 1998, in Book "U" of Maps, at Page 51.

The above described boundary contains 8.23 acres, more or less.

APN No.: 036-360-009-000

END OF DESCRIPTION

Prepared by: Warren Consulting Engineers, Inc.
1117 Windfield Way, Suite 110
El Dorado Hills, CA 95762

October 22, 2018
EXHIBIT 2
PLACER LOCAL AGENCY FORMATION COMMISSION
Resolution No. 2019 - 04

Approving Determinations for an Annexation to the South Placer Municipal Utility District
(LAFCO No. 2019-02 Franklin School District Annexation)

Whereas, an application was filed with the Executive Officer of the Placer Local Agency Formation Commission in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.—the "Act") for the annexation of certain territory as described in Exhibit 1, attached hereto and incorporated herein by reference (the "Territory") to the South Placer Municipal Utility District (SPMUD); and

Whereas, the Proposal is located on approximately 21 acres adjacent to SPMUD territory, which area is shown and described in Exhibits 1 and 2, attached hereto and incorporated herein by reference (the "Territory"), and

Whereas, on February 7, 2019, the SPMUD Board of Directions approved an annexation application (Resolution 2019-04), and

Whereas, on March 9, 2019, SPMUD submitted an application to Placer LAFCO in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Act"—Government Code section 56000 et seq.) requesting annexation of the territory, and

Whereas, the proposed territory is within the adopted Sphere of Influence for the South Placer Municipal Utility District, and

Whereas, the Executive Officer of Placer LAFCO reviewed the proposed annexation of the Territory, duly noticed a public hearing, and prepared and submitted a report to the Commission regarding the annexation of the territory to SPMUD, and,

Whereas, this Commission held a public hearing, received oral and written comments and evidence with respect to the proposed annexation and has duly considered the report of the Executive Officer and all other relevant evidence and information in full accordance with the requirements of the Act, and

Now, therefore, the Placer Local Agency Formation Commission does hereby adopt and incorporate herein as true and accurate statements and findings of fact all of the statements and recitals set forth in all of the preceding portions of this resolution, and

Further, the Commission does hereby determine, resolve and order, pursuant to its powers as provided in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as follows:

1. The Territory is inhabited under Section 56046 of the Act.

2. The Territory is located within the existing sphere of influence of SPMUD.

3. The Commission determines that this annexation is consistent with the Placer LAFCO Policies and the provisions of the Act, including but not limited to Section 56668 thereof.
4. The distinctive short form for this proposal shall be: LAFCO No. 2019-02, Franklin Grammar School Annexation to SPMUD.

5. The change of organization consists of the following:

Annexation to the South Placer Municipal Utility District.

Upon the Effective Date, the Territory shall be within the district boundaries of the South Placer Municipal Utility District

6. The regular County assessment roll shall be used for this change of organization.

7. This approval is subject to payment of all necessary fees and charges of Placer LAFCO and of other agencies, including but not limited to the Board of Equalization.

10. This approval is subject to the following terms and conditions:

The map shall be approved by the County Surveyor prior to recordation.


12. Upon satisfaction of all conditions of this approval, the Executive Officer is authorized to prepare and execute a Certificate of Completion in accordance with Government Code section 57200. The date of issuance of the Certificate of Completion shall constitute the Effective Date of this change of organization.

On a motion by Commissioner __________, seconded by Commissioner __________, the foregoing resolution was passed and adopted by the Placer Local Agency Formation Commission at a duly noticed meeting thereof this 14th day of August, 2019, by the following vote:

Ayes:

Noes:

Abstain:

Absent: Signed after adoption:

________________________
Susan Rohan, Chair

Attest:

________________________
Kristina Berry, AICP, Executive Officer

Resolution 2019-__
Franklin Grammar School Annexation to SPMUD
EXHIBIT "C"
SOUTH PLACER MUNICIPAL UTILITY DISTRICT (SPMUD)
ANNEXATION No. _____________
LOOMIS UNIFIED SCHOOL DISTRICT

LEGAL DESCRIPTION OF SUBJECT PROPERTY

The land described herein is situated in the State of California, County of Placer, unincorporated area, described as follows:

PARCEL ONE:

That portion of the Southwest quarter of Section 23, Township 11 North, Range 7 East, M.D.B.& M., as described in Deed the Loomis Union Grammar School District, filed in Book 1108, Page 59 (Document No. 1996-1108059), described as follows:

Beginning at the Northwest corner of the Southwest quarter of said Section 23; thence, along the North line of said Southwest quarter of Section 23, North 86° 57' 40" West 1036 feet to the Westerly right of way line of that certain County Road known as Laird Road (40 feet wide); thence along said Westerly right of way, South 11° 41' East, 111.26 feet; to a line parallel with and 110 feet Southerly, measured at right angles, from said North line; thence, along said parallel line, South 86° 57' 40" West, 447.50 feet; thence, parallel with the West line of said Section, South 0° 33' 20" East, 728.25 feet, to the South line of the North 25 acres of said Southwest quarter of Section 23; thence along South line, South 86° 06' 56" West, 609.57 feet, to said West line of Section 23; thence, along said West line, North 0° 33' 20" West 826.87 feet to the point of beginning.

The above described boundary contains 12.7 acres, more or less.

APN No. 036-162-001-000

PARCEL TWO:

Lot 8 as shown and designated on that map entitled "South Loomis Hill Subdivision, Tract No. 811", filed in the office of the County Recorder of Placer County, California, on January 22, 1998, in Book "U" of Maps, at Page 51.

The above described boundary contains 6.23 acres, more or less.

APN No.: 036-360-009-000

END OF DESCRIPTION

Prepared by: Warren Consulting Engineers, Inc.
1117 Windfield Way, Suite 110
El Dorado Hills, CA 95762

October 22, 2018
PLACER COUNTY
LOCAL AGENCY FORMATION COMMISSION
110 Maple Street, Auburn California 95603
Email: lafco@placer.ca.gov
530-889-4097

STAFF REPORT

DATE: August 5, 2019

TO: Chair Rohan; Commissioners Alpine, Gore, Joiner, Kahr, Patterson, Weygandt. Alternate Commissioners Alvord, Gray, Holmes, Lynch

FROM: Kris Berry, AICP, Executive Officer

SUMMARY

The proposed annexation (LAFCO 2019-03) for the United Auburn Indian Community would annex approximately 45 acres into the South Placer Municipal Utility District for sewage treatment for the construction of a new school on the property.

RECOMMENDED ACTION

Staff is recommending that the Commission:

1) Adopt Placer LAFCO Resolution 2019-05, attached as Exhibit 1 and approving findings as a responsible agency for the Final Environmental Impact Report for the United Auburn Indian Community (State Clearinghouse No. 2017102081, and

2) Adopt Placer LAFCO Resolution 2019-06, attached as Exhibit 2, annexing the approximately 45 acre territory to the South Placer Municipal Utility District, and

3) Waive requirements for protest proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, §56663

SUMMARY

This proposal would allow the annexation of approximately 45 acres proposed for the United Auburn Indian Community School to the South Placer Municipal Utility District. The subject property is located at 3141 Taylor Road, Loomis area, and is within the Sphere of Influence for the South Placer Municipal Utility District.
DISCUSSION AND ANALYSIS

Description of Proposal

This proposal would allow the annexation of approximately 45 acres to the South Placer Municipal Utility district to provide sewage disposal for the proposed United Auburn Indian Community School located along Taylor Road. The proposed project includes demolition of all on-site structures, including the main house, carriage house, event center, caretaker’s cottage, and barn. Following demolition activity, the project site would be developed with a school, a Tribal Education Center, and a Tribal Cultural Center. The proposed structures would total approximately 48,650 sf, with individual building sizes ranging from approximately 9,640 to 14,000 sf. There would also be associated driveways and roads, sport fields and other recreation facilities.

The property is located near existing SPMUD lines, which facilitates the connection of the project site to the district. It is adjacent to the Town of Loomis on its western property line, and surrounded by rural development on its eastern and southern property lines. An Environmental Impact Report has been prepared and approved by the County Planning Commission.

The area proposed for annexation is designated as the site is designated Rural Residential. The site is zoned Residential-Agriculture, Minimum Lot Area 100,000 square feet (RA-B-100).

ENVIRONMENTAL ANALYSIS

Under the California Environmental Quality Act (CEQA), the lead agency (Placer County) is the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect upon the environment. A responsible agency is a public agency that has responsibility for carrying out or approving some aspect of the project. The lead agency must consult with responsible agencies and consider their comments in preparing the environmental document. A copy of the Final EIR for the proposal and Ordinance certifying the FEIR (CD) was sent to the Commissioners with the staff report distribution. The DEIR and FEIR have also been posted on the LAFCO website, and is available within the LAFCO offices.

The EIR prepared for the proposed school identified only Transportation and Circulation issues as potential significant and unavoidable impacts at both project and cumulative levels, including:

Transportation and Circulation

FINDING: The proposed project would perpetuate the existing Level of Service (LOS) F conditions and lengthen delays in the AM peak hour at the Taylor Road/Penryn Road intersection. The addition of project trips would increase the volume of traffic through the Taylor Road/Webb Street intersection. The northbound approach to the intersection would continue to operate at LOS D in the PM peak hour. The LOS at the signalized Taylor Road/Horseshoe Bar Road intersection would remain at LOS D in the AM peak hour with and without the project, and project trips under both the regular and special event scenarios
would cause the intersection to operate at LOS D in the PM peak hour, which would exceed the Town of Loomis minimum LOS C standard.

Impacts to the following study intersections under Existing Plus Project Conditions would be **significant**:

- Taylor Road/Penryn Road (Placer County);
- Taylor Road/Webb Street (Town of Loomis); and
- Taylor Road/Horseshoe Bar Road (Town of Loomis).

**FINDING**: The project would add traffic to the un-signalized Taylor Road/Rippey Road intersection, which would operate at LOS E in the AM peak hour and LOS D in the afternoon peak hour with and without the project. Project related traffic would increase the delay at the Taylor Road/Rippey Road intersection by a maximum of 1.0 second during the AM and afternoon peak hours. In Loomis, the signalized Taylor Road/King Road intersection would continue to operate at LOS D in the AM and PM peak hours with and without the project, and the project would cause the intersection to operate at LOS D in the afternoon peak hour. The project would add traffic to the signalized Taylor Road/Webb Street intersection, which is projected to operate at LOS D in the PM peak hour with and without the project.

Based on the above, the proposed project would result in a **cumulatively considerable contribution** to impacts at the following study intersections under Cumulative plus Project with Village at Loomis Conditions:

- Taylor Road/Rippey Road (Town of Loomis);
- Taylor Road/King Road (Town of Loomis); and
- Taylor Road/Webb Street (Town of Loomis).

**FINDING**: The project would add traffic to the un-signalized Taylor Road/Rippey Road intersection, which would operate at LOS E in the AM peak hour and LOS D in the afternoon peak hour with and without the project. Project related traffic would increase the delay at the Taylor Road/Rippey Road intersection by a maximum of 1 second, which is considered a relatively minor increase. In Loomis, the signalized Taylor Road/King Road intersection would continue to operate at LOS E in the AM peak hour and LOS D in the afternoon and PM peak hours with and without the project. The project would add traffic to the signalized Taylor Road/Webb Street intersection, which is projected to operate at LOS F. The un-signalized Taylor Road/Del Oro High School access intersections would operate at LOS F with and without the project.

Based on the above, the proposed project would result in a **cumulatively considerable contribution** to impacts at the following study intersections under Cumulative Plus Project Without Village at Loomis Conditions:

- Taylor Road/Rippey Road (Town of Loomis);
- Taylor Road/King Road (Town of Loomis);
- Taylor Road/Webb Street (Town of Loomis); and
- Taylor Road/Horseshoe Bar Road (Town of Loomis).
All other identified potential impacts are either considered insignificant or reduced to a level of insignificant by the approved mitigation monitoring plan adopted by the County along with the certification of the EIR. A statement of overriding consideration was adopted by the County on February 24, 2019.

Staff has concluded that the FEIR as approved by the City is legally adequate for use by the Commission for the annexation.

Attachments:

Exhibit 1 Proposal map and legal description

Exhibit 2 Draft LAFCO Resolution 2019-05 certifying the FEIR.

Exhibit 3 Draft LAFCO Resolution 2019-06 Annexing Territory into the South Placer Municipal Utility District.

Environmental Impact Reports previously distributed via CD
EXHIBIT 1

EXHIBIT "A"

LAFCO ANNEXATION NO. 2019-03

LEGAL DESCRIPTION

UNITED AUBURN INDIAN COMMUNITY (UAIC)

ANNEXATION TO SOUTH PLACER MUNICIPAL

UTILITY DISTRICT (SPMUD)

All that real property situated in the State of California, County of Placer, unincorporated area, located in the East half of the Northeast quarter of Section 3, Township 11 North, Range 7 East, M.D.M., being more particularly described as follows:

Beginning at the East quarter corner of said Section 3, being a point located on the existing SPMUD boundary; thence from said POINT OF BEGINNING, the following seven (7) courses:

(1) leaving said SPMUD boundary, along the East-West centerline of said Section 3, South 88°36'36" West, 1020.65 feet to an angle point on the existing SPMUD boundary;

(2) continuing along said East-West centerline and along said existing SPMUD boundary, South 88°36'36" West, 294.24 feet to the West line of said East half of the Northeast quarter;

(3) continuing along said existing SPMUD boundary and along said West line, North 00°16'02" East, 1652.37 feet to the northwesterly line of Taylor Road (County Road #D2040);

(4) leaving said SPMUD boundary, along last said northwesterly line, North 52°21'58" East, 1202.03 feet to the West line of the East 381 feet of said Northeast quarter of Section 3;

(5) along last said West line, South 00°38'01" West, 2101.84 feet to the South line of the North 2300 feet of said Northeast quarter of Section 3;

(6) along said South line, North 89°14'44" East, 381.00 feet to said existing SPMUD boundary, also being the East line of said Northeast quarter of Section 3;

(7) along said existing SPMUD boundary and last said East line, South 00°38'01" West, 257.76 feet to the POINT OF BEGINNING.

Containing 45.582 acres, more or less.

The Basis of Bearings for this description is identical to with said West line of the East half of the Northeast quarter of Section 3, being the easterly boundary of "Lemos Ranch", as shown on the Final Map filed in Book Z of Maps, at Page 44, Placer County Records, the bearing of which is given as South 00°16'02" West.

End of Description

APN # 043-013-010

Prepared by: John E. Klamm

Name of Firm: RSC Engineering, Inc.

[Signature]

[Date]

[Placer County Surveyor]

[Date]
UNITED AUBURN INDIAN COMMUNITY
45.582± ACRES
APN: 043-013-010
DOC-2016-0006667, O.R.

W. LINE OF THE E. 1/2 OF
THE N.E. 1/4 OF SEC. 3

EXHIBIT "B"

LAFCO ANNEXATION NO. 2019-03
UNITED AUBURN INDIAN COMMUNITY ANNEXATION
TO SOUTH PLACER MUNICIPAL UTILITY DISTRICT
PORTION OF THE EAST 1/2 OF THE
NORTHEAST 1/4 OF SECTION 3, T.11N., R.7E., M.D.M.
COUNTY OF PLACER, STATE OF CALIFORNIA

SCALE: 1"=200'
DATE: 06/27/2019
SHEET 1 OF 1
EXHIBIT 2

PLACER LOCAL AGENCY FORMATION COMMISSION

Resolution No. 2019-05

Approving Findings as a Responsible Agency:
Final Environmental Impact Statement
For the United Auburn Indian Community, LAFCO 2019-03
(State Clearinghouse No. 2017102081)

WHEREAS, a proposal to annex territory to the South Placer Municipal Utility District (SPMUD) was filed and accepted for filing by the Executive Officer of the Placer LAFCO on April 6, 2019. The proposal consists of an annexation of approximately 45. acres to the SPMUD. This proposal has been designated as LAFCO proposal 2019-3 (United Auburn Indian Community)

WHEREAS, LAFCO set August 14, 2019 as the hearing date on this proposal and provided the required notice for the hearing, and

WHEREAS, the public hearing by this LAFCO was held upon the date and at the time and place specified in said notice of hearing and in any order or orders continuing such hearing, and

WHEREAS, the Executive Officer has reviewed this proposal and prepared a report, including recommendations on the adoption of a statement of overriding considerations regarding significant unavoidable impacts disclosed in the Final Environmental Impact Report for the proposal; and

WHEREAS, Placer County (the County) assumed the role of lead agency for the environmental review and analysis of the project pursuant to the requirements of the California Environmental Quality Act (CEQA), and

WHEREAS, Placer LAFCO had limited approval and implementing authority over the project and thus served as a responsible agency for the project pursuant to the requirements of CEQA, and

WHEREAS, the County, acting as lead agency, and the Local Agency Formation Commission, acting as responsible agency, determined the Final Environmental Impact Report has been completed in compliance with CEQA, and

WHEREAS, on February 24, 2019, the Planning Commission certified the Final EIR, which included the Mitigation Monitoring Plan and Statement of Overriding Considerations

WHEREAS, CEQA requires a responsible agency to accept an EIR as prepared by the lead agency and to treat the document as being legally adequate absent specified circumstances not present herein, and

WHEREAS, CEQA requires the Commission, as a responsible agency, to undertake
its own environmental review if, in the time period between the County's certification of the EIR and the present, the Project or surrounding circumstances had changed to a degree requiring the preparation of a subsequent EIR or supplemental EIR; and

WHEREAS, no grounds exist for the preparation by the Commission of either a subsequent EIR or a supplemental EIR,

NOW, THEREFORE, BE IT RESOLVED that Placer Local Agency Formation Commission does hereby resolve, determine and find as follows:

A. Placer LAFCO adopts and incorporates herein as true and accurate statements and findings of fact all of the statements and recitals set forth in the preceding portions of this resolution and the entirety of the Findings of Fact and Statement of Overriding Considerations attached hereto as Exhibit A and hereby incorporated by reference.

B. Placer LAFCO makes the following additional findings, conclusions, and determinations:

1. **CEQA Findings—Responsible Agency.** Placer LAFCO is considered a responsible agency under CEQA for this FEIR. Placer LAFCO’s CEQA review as a responsible agency is more limited than a lead agency and Placer LAFCO has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it carries out, finances, or approves. Placer LAFCO’s use of the FEIR is limited to its consideration of the request to annex the Annexation Area to the District. Pursuant to CEQA Guidelines section 15096, Placer LAFCO has considered the FEIR prepared by the County and has determined that it is acceptable and legally adequate for use by Placer LAFCO.

2. **Findings for Less Than Significant Environmental Impacts.** Various significant and potentially significant environmental impacts have been mitigated to less than significant levels, as set forth in the CEQA Findings of Fact and Statement of Overriding Considerations. With respect to those significant impacts that require mitigation to be reduced to a less than significant level, LAFCO hereby finds that the measures at issue are within the responsibility and jurisdiction of another public agency and not LAFCO. Such changes either have been adopted by the County or can and should be adopted by other agencies. (Pub. Resources Code, § 21081, subd. (a)(2).)

3. **Findings for Significant and Unavoidable Impacts.** Certain significant and potentially significant environmental impacts are unavoidable as set forth in the attached CEQA Findings of Fact and Statement of Overriding Considerations. The impacts discussed were determined to be significant and unavoidable by the County.

Upon review of the impacts identified by the County as being significant and unavoidable, Placer LAFCO has determined these impacts will remain significant and

Resolution 2019-05
Approving CEQA Findings – UAIC annexation to SPMUD
unavoidable after annexation and detachment and that there are no feasible mitigation measures that can be legally imposed by LAFCO. Placer LAFCO specifically acknowledges these impacts and Placer LAFCO adopts, to the extent applicable, the discussion of the significant and unavoidable impacts as set forth in the CEQA Findings of Fact and Statement of Overriding Considerations attached hereto as Exhibit A and incorporated herein by reference. With respect to those significant impacts that were subject to mitigation but could still not be reduced to less than significant levels, LAFCO hereby finds that the measures at issue are within the responsibility and jurisdiction of another public agency and not LAFCO. Such changes either have been adopted by the County or can and should be adopted by other agencies. (Pub. Resources Code, § 21081, subd. (a)(2).)

4. Findings for Project Alternatives. Project alternatives are discussed at length within the FEIR. The alternatives set forth in the Final EIR were directed at the County, in that the different options presented different permutations of a Plan. Since Planning Commission has already rejected these alternatives as infeasible in detailed findings, LAFCO, given its lack of direct authority over land use under Cortese-Knox, is not in a position to impose a different version of the Specific Plan on the County. LAFCO’s role is to determine whether the Project submitted to LAFCO complies with LAFCO’s policies and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Gov. Code, § 56000 et seq.) (“Cortese-Knox”). Although LAFCO has reviewed the County findings for the project alternatives, LAFCO declines to make separate findings regarding alternatives rejected by the County or to otherwise entertain alternatives over which it has no jurisdiction. For reasons set forth in the CEQA Findings of Fact and Statement of Overriding Considerations, the Planning Commission rejected the alternatives set forth in the FEIR as being infeasible or unacceptable for various reasons. The Commission finds these reasons acceptable, and adopts them as its own to the extent that its statutory authority allows it to consider concerns such as those weighed by the Planning Commission in approving the Project and rejecting alternatives. With respect to the alternatives rejected as infeasible by the County, LAFCO hereby finds that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the Final EIR. (Pub. Resources Code, § 21081, subd. (a)(3).)

5. Statement of Overriding Considerations. As set forth in the preceding sections, Placer LAFCO’s approval of the annexation will result in impacts that remain significant and unavoidable. The County balanced the benefits of the annexation of the area against its significant and unavoidable environmental impacts and determined that the benefits of the Project outweigh its unavoidable adverse environmental impacts. Despite its impacts, Placer LAFCO also approves the annexation because the substantial economic, social, legal, technological, and other benefits that the Project will produce render the significant effects acceptable. This determination is based on the FEIR and other information in the record.

In light of the foregoing economic, social, recreational and planning benefits provided by the Project, pursuant to CEQA Guidelines section 15093, the Commission finds and

Resolution 2019-05
Approving CEQA Findings – UAIC annexation to SPMUD
determines that these considerable benefits of the Project outweigh the unavoidable adverse effects and the adverse environmental effects that cannot be mitigated to a level of environmental insignificance, are deemed acceptable.

6. **Mitigation Monitoring Plan.** The Commission is aware of the Mitigation Monitoring Plan adopted by the County to ensure implementation of the above-mentioned mitigation measures, as well as all others within the County’s control. The Mitigation Monitoring Plan is incorporated by reference herein. Since the FEIR did not recommend or identify any mitigation measures that should be implemented by Placer LAFCO, the Commission has no need to formally adopt any of its own mitigation measures or any separate mitigation monitoring plan or program.

The Executive Officer is directed to file a Notice of Determination with the County Clerk for Placer County within five (5) days of the adoption of this resolution.

On a motion by Commissioner ____________ , seconded by Commissioner ____________, the foregoing resolution was passed and adopted by the Placer Local Agency Formation Commission at a meeting thereof this 14th day of August, 2019, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Signed after adoption:

By: _____________________________

Susan Rohan, Chair

Attest:

______________________________
Kris Berry
Executive Officer

Resolution 2019-05
Approving CEQA Findings – UAIC annexation to SPMUD
UNITED AUBURN INDIAN COMMUNITY SCHOOL PROJECT

Findings of Fact and Statement of Overriding Considerations

January 2019
1 INTRODUCTION

The United Auburn Indian Community (UAIC) School project ("proposed project") has been considered by the Placer County Planning Commission ("Commission"), as the decision-making body of Placer County (County), the lead agency for the project under the California Environmental Quality Act (CEQA). The environmental analysis contained in the Environmental Impact Report (EIR) for the project provides a thorough evaluation of significant and potentially significant effects on the environment that would occur as a result of project development and alternatives to the project.

The State CEQA Guidelines state the following regarding approving a project in Public Resources Code, Section 21081:

No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

(a) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (a) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

Because the EIR identified significant effects that would occur as a result of the project, and in accordance with the provisions of the State CEQA Guidelines, the Planning Commission hereby adopts these findings as part of the approval of the project. Absent an appeal of the Commission's decision on the project to the Placer County Board of Supervisors, the Commission's decision will be final.

These findings do not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the findings provide a summary description of each impact, describes the applicable mitigation measures identified in the Draft EIR and adopted by the Commission, and state the Commission's findings on the significance of each impact after imposition of the adopted mitigation measures, accompanied by a brief explanation. Full explanations of these environmental findings and conclusions can be found in the Draft EIR. These findings hereby incorporate by reference the discussion and analysis in those documents supporting the Final EIR's determinations regarding mitigation measures and the project's impacts and mitigation measures designed to address those impacts. In making these findings, the Planning Commission ratifies, adopts, and incorporates into these findings the analysis and explanation in the Draft EIR and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Draft EIR and Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

United Auburn Indian Community School Project
Placer County
2 DESCRIPTION OF THE PROJECT

The UAIC School Project would serve approximately 100 UAIC students in pre-K through 8th grade. Operation would include in-classroom and outdoor activities. The proposed project site is located in unincorporated Placer County, adjacent to the Town of Locoma. The site is a 45-acre parcel of land at 3141 Taylor Road, identified by Assessor’s Parcel Number (APN) 043-013-010. Per the Community Plan, the site is designated Rural Residential. The site is zoned Residential-Agriculture, Minimum Lot Area 100,000 square feet (60) (RA-B-100).

Existing development on the northern portion of the site includes five structures, an associated water supply well and septic system, 65 parking spaces, and an irrigation stock pond. Surrounding land uses include a single-family residential subdivision (Legacy Lane) to the west, within the Town of Locoma, rural residential developments to the south and east, and additional rural single-family residences to the north of the site, across Taylor Road and to the south of the nearby railroad tracks.

Site Plan

The proposed project includes demolition of all on-site structures, including the main house, carriage house, event center, caretaker’s cottage, and barn. Following demolition activity, the project site would be developed with a school, a Tribal Education Center, and a Tribal Cultural Center. The proposed structures would total approximately 48,650 sf, with individual building sizes ranging from approximately 9,640 to 14,000 sf.

The structures would primarily be one-story; however, the proposed administrative/classroom building for the school would have a partial lower level for classroom and service spaces. Similarly, the second school building, which includes a dining area, would have a partial lower level for classroom and service spaces. The Tribal Cultural Center would include a partial lower level for offices and archives. The maximum building height would be 55 feet and eight inches above the finished floor level.

Recreation, Landscaping, and Open Space

The proposed project would include the provision of a small (non-regulation) lighted ballfield to the south of the proposed buildings, as well as two dedicated play areas for students, nature trails, improvements to the existing on-site irrigation stock pond, and pier. The aforementioned pond enhancements include draining the pond, removing invasive species, regrading the edges to support native aquatic plantings, and potentially relocating the existing Placer County Water Agency (PCWA) pond supply line in the southwest corner to the north to increase water movement. Prior to draining the pond, the existing fish and other animals would be removed and provided a protected, temporary home, or relocated in coordination with California Department of Fish and Wildlife.

Access and Circulation

Access to the proposed project site would be provided via Taylor Road. Currently, two driveways are located along the project site’s frontage. The westernmost driveway would remain gated and would be used only as an emergency vehicle access for the project. The easternmost driveway along Taylor Road would serve as the project’s vehicular access point and would be reconfigured to accommodate a guardhouse and a security gate with turnarounds. The security gate would include a Knox Box system to allow for emergency responder access. In addition, Taylor Road would be widened approximately one foot along the project’s frontage. All on-site roads would meet local fire district requirements in effect at the time of building permit application.

The 65 existing parking spaces located in the northeastern portion of the site would be reconfigured and reconstructed resulting in a new surface parking lot including a total of 98 parking stalls.

Taylor Road/Penryn Road Traffic Signal Improvement

The traffic study prepared for the project determined that the project would have a significant traffic impact at the intersection of Taylor Road/Penryn Road in the AM peak hour, though the intersection currently operates acceptably (level of service F) during the AM peak hour (see Chapter 9 of the Draft EIR, Transportation and Circulation, for more discussion). As a result, the project is required to install a traffic signal prior to issuance of a Certificate of Occupancy. This is a split intersection which will require additional signal heads and a strain pole and messenger wire for the intersection.

Utilities

Potable water supply service would be provided by the PCWA by way of a new connection to the PCWA’s existing 24-inch water supply main located in Taylor Road. The on-site pond at the northeastern portion of the site would be used to irrigate the property, as has been done historically. The proposed project would not impact the function of the existing PCWA ditch feeding the pond.

The proposed project would require annexation into the South Placer Municipal Utility District (SPMUD) for the provision of sewer service. A proposed 6-inch sewer line would extend south paralleling a proposed 12-foot access road. The proposed sewer line would connect to the SPMUD’s existing six-inch sanitary sewer main located at the southwest corner of the site. It should be noted that the proposed sewer infrastructure improvements would include limited off-site improvements on an adjacent private property (APN 043-013-019). Such improvements would include, but would not necessarily be limited to, minor fencing alterations, modification of the existing concrete driveway to access an existing sewer manhole, and installation of the proposed sewer line. The finco and driveway would be restored to pre-project conditions upon completion of the required improvements.

Project Objectives

The following project objectives have been developed by the project applicant for the proposed project:

1. Establish and maintain a high-quality academic pre-K through 8th grade campus program alongside extracurricular programs that together create an enriching school experience. For such a program to be offered, the following elements are necessary:
   a. Adequate access to accommodate a pre-K through 8th grade campus program alongside extracurricular programs.
   b. Adequate classroom space to establish and maintain a broad program of academic courses, electives and programs and activities for students enrolled in grades pre-K through 8th grade.
   c. Adequate classroom space to establish and maintain a continuing education program for adult members of the UAIC.
   d. Adequate space for administrative offices, a library and service areas.
   e. Athletic and recreational areas on the campus site accessible year round and in evenings, including a small (non-regulation) lighted ballfield and play areas.
   f. A kitchen and dining facility to provide nutritious breakfast, lunch and afternoon meals for students, faculty and staff.
   g. A vibrant pre-K through 8th grade student life on campus with buildings and places designed for both work and play.
   h. A cultural center to further the study and research of Tribal history and traditions and to promote cultural participation, outreach and exchange among Tribal members and the general public.
   i. Consolidate Tribal education activities and programs, including pre-K through 8th grade and adult education, onto a single integrated campus.
2. Provide safe and efficient access, parking, and internal circulation to accommodate students, faculty/staff, and families, along with a private shuttle service for attending students.
3. Accommodate pre-K through 8th grade school graduation, admissions and other student-centered events.
4. Create a positive relationship with the community by creating a campus that will have minimal impact on the surrounding neighborhood.
5. Utilize a site of sufficient area and topography for a school campus, with adjacent major roadway and convenient freeway access, and available wet and dry utilities, including sewer connection.
6. Integrate a keen awareness of the environment and other factors that comprise the natural setting for the Tribal School and utilize the unique location in the school's educational environment.
7. Preserve the majority of pond, riparian and oak woodland habitat and rock outcroppings on the project site.
8. Comply with existing County development standards.
9. Create a low-impact, low-intensity, and primarily one-story accessible campus environment with multiple buildings housing classroom and non-classroom uses.
10. Provide for a safe and secure educational environment for Tribal students and family members.

Based on its own review of the EIR and other information and testimony received in connection with the project application, the Planning Commission finds these objectives to be acceptable and persuasive from a public policy standpoint. In choosing to approve the project, the Commission does not endorse these objectives as the County's own, and acquires them weight in considering the feasibility of alternatives set forth in the EIR, and in approving the project. (See Sierra Club v. County of Napa (2004) 121 Cal.App.4th 1490, 1507-1508; Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, 715 (Sequoyah Hills).)

Lead Agency Approvals
Placer County has discretionary authority and is the lead agency for the proposed project. The proposed project requires Placer County approval of a Minor Use Permit.

Other Agency Approvals and Permits
The proposed project would require approvals from other agencies, including, but not limited to, the following:

1. Annexation into the SPUD for the provision of sewer service. Annexation of the project site to the SPUD service area is subject to Placer County Local Agency Formation Commission (LAFCo) approval;
2. Regional Water Quality Control Board – Central Valley Region – National Pollutant Discharge Elimination System (NPDES) Permit;
3. State Water Resources Control Board – Water Quality Control Permit;
4. California Regional Water Quality Control Board – 401 Water Quality Certification;
5. California Department of Fish and Wildlife – Lake or Streambed Alteration Agreement;
6. US Army Corps of Engineers – Section 404 permit; and

3 PROCEDURAL HISTORY
A Notice of Preparation (NOP) to prepare an EIR for the UAIC School Project was first circulated to agencies and the public from October 30, 2017 to November 28, 2017. Placer County held a NOP scoping meeting during the 30-day review period on November 15, 2017, for the purpose of receiving comments on the scope of the environmental analysis to be prepared for the proposed project.

The County prepared a Draft EIR and released it for public comment on August 17, 2018. Public comments on the Draft EIR were received through October 1, 2018 and a public meeting on the Draft EIR was held in front of the Planning Commission on September 27, 2018. Responses were prepared to all environmental issues raised in public comments. The County published and released the Final EIR along with an associated Notice of Availability (NOA) on June 11, 2018.

The County gave due notice of the public hearing to be held by the Planning Commission to consider and act upon the Final EIR for the project, and a public hearing was held before the Planning Commission.

After closing the hearing to public comment, the Planning Commission, having considered the Final EIR as prepared for the project (which includes the Draft EIR dated August 18, 2018) and the Final EIR, dated January, 2019, the comments of the public, both oral and written, and all written materials in the record connected with the Draft and Final EIR, and the project, makes the following findings:

1. The Final EIR has been prepared in accordance with all requirements of State CEQA Guidelines.
2. The Final EIR was presented to and reviewed by the Planning Commission. The Final EIR was prepared under the supervision of the County and reflects the independent judgment of the County. The Planning Commission has reviewed the Final EIR, and bases the findings stated below on such review and other substantial evidence in the record.
3. The County finds that the Draft EIR considers a reasonable range of potential alternatives, sufficient to foster informed decision making, public participation and a reasoned choice. Thus, the alternatives analysis in the Final EIR is sufficient to carry out the purposes of such analysis under State CEQA Guidelines.
4. The Planning Commission hereby certifies the Final EIR as complete, adequate and in full compliance with CEQA and as providing an adequate basis for considering and acting upon the project approval and makes the following specific findings with respect thereto.
5. The Planning Commission agrees with the characterization of the Draft EIR and Final EIR with respect to those impacts identified as "less-than-significant" and finds that these impacts have been described accurately and are less-than-significant as so described in the Draft EIR and Final EIR. 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 Draft EIR and Final EIR as less-than-significant or impacts characterized in the Draft EIR and Final EIR as significant and unavoidable. Each of those impacts, and the mitigation measures adopted to reduce them, are dealt with specifically in the findings below.
6. The Planning Commission agrees with the characterization of the Draft EIR and Final EIR with respect to the following impacts: Impact 5-2, "Study intersections under Existing Plus Project Conditions"; impact 11-7, "Study intersections under Cumulative Plus Project with Village at Loomis Conditions"; Impact 11-4, "Study intersections under Cumulative Plus Project without Village at Loomis Conditions." These impacts are identified as significant and unavoidable because feasible mitigation does not exist to fully reduce these specific project-level and cumulative transportation and circulation impacts to a less-than-significant level.
7. All mitigation measures proposed in the Draft EIR and Final EIR are adopted and incorporated into the project.
8. The Mitigation Monitoring and Reporting Program (MMMRP) will apply to all mitigation measures adopted with respect to the project pursuant to all of the project approvals, and will be implemented.
9. The mitigation measures and the MMRP have been incorporated into the Conditions of Approval for the project and have thus become part of and limitation upon the entitlement conferred by the approval of the project.

10. The descriptions of the impacts in these findings are summary statements. Reference should be made to the Draft EIR and Final EIR for a more complete description.

11. The Community Development Resource Agency 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.

4 GENERAL FINDINGS

The County has reviewed the Final EIR, consisting of Responses to Comments on the Draft EIR, Revisions to the Draft EIR Text, and the MMRP. The County has also considered the public record on the project. In addition to this Statement of Findings, the public record for the project is composed of the following elements, as well as the mandatory elements of a record set forth in Public Resources Code section 21167.7, subdivision (e) (a list) reference list is provided in Chapter 13 of the Draft EIR:


The Planning Commission has relied on all of the documents listed above in reaching its decision on the project, even if not every document was formally presented to the Planning Commission or County staff as part of the County files generated in connection with the project. Without exception, any documents set forth above not found in the project files fall into one of two categories. A number of them reflect prior planning or legislative decisions with which the Planning Commission was aware when it approved the United Auburn Indian Community School Project. (See City of Santa Cruz v. Local Agency Formation Commission (1978) 76 Cal.App.3d 381, 391-392; Dominey v. Department of Personnel Administration (1988) 205 Cal.App.3d 729, 738, fn. 6.) The remainder of the documents influenced the expert advice provided to County Staff or consultants, who then provided advice to the Planning Commission. For that reason, such documents form part of the underlying factual basis for the Planning Commission’s decisions relating to the approval of the project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); Browning-Ferris Industries v. City Council of City of San Jose (1986) 181 Cal.App.3d 852, 866; Stanslands Aubnun Society, Inc. v. County of Stanislaus (1995) 33 Cal.App.4th 144, 153, 155.)

After reviewing the public record, as composed of the aforementioned elements, the County hereby makes the following findings regarding the significant effects of the project, pursuant to Public Resources Code Section 21061 and Section 15060 of the State CEQA Guidelines:

A. IMPACTS DETERMINED TO BE LESS-THAN-SIGNIFICANT

Except as stated otherwise in certain cases below, the County agrees with the characterization in the Initial Study (IS) and Draft EIR with respect to all environmental effects initially identified to have a “less-than-significant” or “no” impact and finds that those have been described accurately in the IS and Draft EIR.

The finding of “no impact” applies to the following in the IS:

I-2 Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway.

II-1 Convert Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

II-2 Conflict with General Plan or other policies regarding land use buffers for agricultural operations.

II-3 Conflict with existing zoning for agricultural use, a Williamson Act contract or a Right-to-Farm Policy.

II-4 Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 15336(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Protection (as defined by Government Code section 51104(g)).

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

IV-8 Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

VIII-4 Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.
For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area.

For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing in the project area.

Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

Place within a 100-year flood hazard area improvements which would impede or redirect flood flows.

Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

Conflict with any applicable habitat conservation plan or national community conservation plan or other County policies, plans, or regulations adopted for purposes of avoiding or mitigating environmental effects.

Affect agricultural and timber resources or operations (i.e., impacts to soils or farmlands and timber harvest plans, or impacts from incompatible land uses).

Cause economic or social changes that would result in significant adverse physical changes to the environment such as urban decay or deterioration.

For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels.

Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

Schools.

Change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

Require or result in the construction of new on-site sewage systems.

The finding of a "less than significant" impact applies to the following in the IS:

Have a substantial adverse effect on a scenic vista.

Substantially degrade the existing visual character or quality of the site and its surroundings.

Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

Create objectionable odors affecting a substantial number of people.

Interfere substantially with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nesting or breeding sites.

Result in the destruction, covering or modification of any unique geologic or physical features.

Result in exposure of people or property to geologic and geomorphological (i.e., Avalanches) hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards.

Create a significant hazard to the public or the environment through the routine handling, transport, use, or disposal of hazardous or acutely hazardous materials.

Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are interiorized with wildlands.

Violation of any federal, state or county potable water quality standards.

Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lessening of local groundwater supplies (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).

Physically divide an established community.

Conflict with General Plan/Community Plan/Specific Plan designations or zoning, or Plan policies adopted for the purpose of avoiding or mitigating an environmental effect.

Result in the development of incompatible uses and/or the creation of land use conflicts.

Disrupt or divide the physical arrangement of an established community (including a low-income or minority community).

Result in a substantial alteration of the present or planned land use of an area.

The loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

The loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Induce substantial population growth in an area, either directly (i.e., by proposing new homes and businesses) or indirectly (i.e., through extension of roads or other infrastructure).

Fire protection.

Sheriff protection.

Maintenance of public facilities, including roads.

Other governmental services.

Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs in compliance with all applicable laws.

The finding of a "less than significant" impact applies to the following in the Draft EIR:

Violate any air quality standard or contribute substantially to an existing or projected air quality violation during construction.

Violate any air quality standard or contribute substantially to an existing or projected air quality violation during operations, and conflict with or obstruct implementation of the applicable air quality plan.

Exposure of sensitive receptors to substantial pollutant concentrations. 6-2

Violate any air quality standard or contribute substantially to an existing or projected air quality violation during operations, and conflict with or obstruct implementation of the applicable air quality plan.

Have a substantial adverse effect, either directly or through habitat modifications, on a special-status plant species.

Substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number of or restrict the range of an endangered, rare, or threatened species.

Substantially cause an adverse change in the significance of a historical resource as defined in CEQA Guidelines, Section 15064.1.

Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
8-3 Exposure of persons to or generation of noise levels in excess of standards established in the local General Plan, Community Plan or noise ordinance, or applicable standards of other agencies.

9-3 Study roadway segments under Existing Plus Project Conditions.

9-5 Inadequate emergency access or access to nearby uses.

9-6 Hazards or barriers for pedestrians or bicyclists or conflict with adopted policies, plans, or programs supporting alternative transportation (i.e. bus routes, bicycle lanes, bicycle racks, public transit, pedestrian facilities, etc.) or otherwise decreases the performance or safety of such facilities.

10.1 Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board or require sewer service that may not be available by the area’s wastewater treatment provider.

10-2 Require or result in the construction of new water or wastewater delivery, collection or treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

10-3 Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.

10-4 Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs in compliance with all applicable laws.

10-5 Gas and electricity facilities.

11-1 Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

11-2 Cumulative loss of habitat for special-status species.

11-3 Cumulative loss of cultural resources.

11-4 Generation of GHG emissions that may have a significant impact on the environment or conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

11-5 Cumulative increase in the number of people who could be exposed to potential hazards or hazardous materials through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment or the release of hazardous materials within one-quarter mile of an existing or proposed school.

11-6 Result in exposure of persons to or generation of traffic noise levels in excess of standards established in the local General Plan, Community Plan or noise ordinance, or applicable standards of other agencies, or a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

11-9 Study roadway segments under Cumulative Plus Project Conditions.

11-10 Hazards or barriers for pedestrians or bicyclists or conflict with adopted policies, plans, or programs supporting alternative transportation (i.e. bus routes, bicycle lanes, bicycle racks, public transit, pedestrian facilities, etc.) or otherwise decreases the performance or safety of such facilities under the Cumulative Plus Project Conditions.

11-11 Development of the proposed project, in combination with future buildout in the Horseshoe Basin/Tennyson Community Plan area, would increase demand for utilities and service systems.

B. POTENTIALLY SIGNIFICANT IMPACTS REDUCED TO LESS-THAN-SIGNIFICANT THROUGH MITIGATION MEASURES

4.1 BIOLOGICAL RESOURCES

SIGNIFICANT EFFECT: HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON WESTERN POND TURTLE (IMPACT 5-2)

Finding

The proposed project site contains suitable habitat for western pond turtle within the existing pond/lacustrine habitat (1.08 acres), riverside habitat (0.13 acres), and annual grassland habitat (20.69 acres). The proposed project would impact approximately 0.97 acre of lacustrine habitat and 10.25 acres of annual grassland. The riverside habitat would be preserved.

While the western pond turtle was not observed within the site during the biological survey, based on the above, the species has the potential to occur within the proposed project site. The proposed project would include construction activities within the vicinity of such areas. Therefore, in the absence of appropriate mitigation, the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on western pond turtles. Thus, a significant impact could occur.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to a less-than-significant level the project’s impact related to adverse effects on the western pond turtle.

5-2(a) A water education and awareness program shall be provided to all on-site personnel by a qualified biologist prior to the commencement of any construction activity including materials staking and ground-disturbing activities. The biologist shall explain to construction workers how best to avoid impacts to western pond turtle and shall include topics on species identification, life history, migrations, and habitat requirements during various life stages. Handouts, illustrations, photographs, and project mapping showing areas where minimization and avoidance measures would occur may be included as part of the education program. The crew members shall sign a sign-in sheet documenting that they received the training. The completed sign-in sheet shall be submitted to the Placer County Community Development Resources Agency and the California Department of Fish and Wildlife, upon request.

5-2(b) A qualified biologist shall conduct a pre-construction survey within three days prior to vegetation removal, pond draining, and initial grading activities. During the pre-construction survey, the biologist will locate suitable relocation sites based on suitable aquatic and upland habitat within the project site. All vegetation removal, pond draining, and initial grading activities associated with construction and maintenance activities shall be conducted under the supervision of a qualified biologist. If any western pond turtles are detected in the vicinity of the project footprint, the biological monitor shall relocate any western pond turtles found within the construction footprint to suitable habitat away from the construction site, but within the project site. A letter report documenting the biological monitoring shall be submitted to the Placer County Community Development Resources Agency within 14 days following the final monitoring event.

In the event the Placer County Conservation Program is adopted prior to submission of improvement plans for this project or prior to the project’s own State and federal permits being obtained for effects associated with listed species and their habitats, waters of the State, and waters of the U.S., then Mitigation Measures 5-2(a) and (b) may be replaced with the CCP’s mitigation fees and conditions on covered activities to address this resource impact and avoidance and minimization measures as set forth in the CCP.
Implementation document. If PCCP enrollment is chosen and/or required by the State and federal agencies as mitigation for one or more biological resource area impacts, then the PCCP mitigation shall apply only to those species and waters that are covered by the PCCP.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 5.2 (Have a substantial adverse effect on the western pond turtle) to a less-than-significant level because the measure includes a worker-education program, vegetation removal supervision by a qualified biologist, and relocation of any found western pond turtles.

**SIGNIFICANT EFFECT: HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON BORROWING OWL (IMPACT 5-3)**

Finding

The proposed project site contains approximately 20.69 acres of annual grassland, of which approximately 10.25 acres would be impacted by the proposed project. The grassland and the culverts associated with the existing on-site drainage swale at the northern portion of the site provide adequate habitat for borrowing owl. It should be noted that very few potential borrow sites that could be used by borrowing owl are present within the site, and California Natural Diversity Database (CNDDB) occurrences have not been recorded within five miles of the site. Nonetheless, based on the above, the species has the potential to nest or winter within the proposed project site. Therefore, the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on borrowing owl and a significant impact could occur.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to a less-than-significant level the project's impacts related to adverse effects on borrowing owls.

5-3(a) Due to the low likelihood of borrowing owl occurrence, a single take avoidance survey shall be conducted between 14 days and 30 days prior to commencement of construction and/or maintenance activities, in accordance with Appendix D of the 2012 CDFW Staff Report on Borrowing Owl Mitigation. The survey area shall include an approximately 500-foot (150-meter) buffer around suitable grassland habitats, where access is permitted. If the results of the survey are negative, a letter report documenting the results of the survey shall be provided to the Placer County Community Development Resource Agency, and additional protective measures are not required.

5-3(b) If active burrows are observed within 500 feet of the project site, an impact assessment should be prepared and submitted to CDFW in accordance with the 2012 CDFW Staff Report on Borrowing Owl Mitigation. If project activities could result in impacts to nesting, occupied, and satellite burrows and/or borrowing owl habitat, the project applicant shall delay commencement of construction activities until a qualified biologist determines that the burrowing owls have fledged and the burrow is no longer occupied. If delay of construction activities is infeasible, the project applicant shall consult with CDFW and develop a detailed mitigation plan that the habitat manager, number of burrows, and burrowing owls impacted are replaced. The mitigation plan shall be based on the requirements set forth in Appendix A of the 2012 Staff Report. Construction shall not commence until CDFW has approved the mitigation plan.

In the event the Placer County Conservation Program is adopted prior to submittal of improvement plans for this project or prior to the project's own State and federal permits being obtained for effects associated with listed species and their habitats, waters of the State, and waters of the U.S., then Mitigation Measures 5-3a and (b) may be replaced with the PCCP's mitigation fees and conditions on covered activities to address this resource impact and avoidance and minimization measures as set forth in the PCCP implementation document. If PCCP enrollment is chosen and/or required by the State and federal agencies as mitigation for one or more biological resource area impacts, then the PCCP mitigation shall apply only to those species and waters that are covered by the PCCP.

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 5.3 (Substantial adverse effects on burrowing owls) to a less-than-significant level because a survey would be conducted between 14 and 30 days prior to commencement of construction. The measure would also require consultation with a qualified biologist if burrowing owl nests are found on the construction site.

**SIGNIFICANT EFFECT: HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON OTHER SPECIAL-STATUS BIRDS OR BIRDS PROTECTED UNDER THE MBTA (IMPACT 5-4)**

Finding

Migratory birds and other birds of prey, including purple martin, grasshopper sparrow, and white-tailed kite have the potential to nest within the proposed project site, including in areas that would be impacted by construction of the proposed project. Purple martin and white-tailed kite have the potential to occur within the annual grassland, interior live oak, and valley foothill riparian habitat on the project site. Migratory birds protected under the MBTA have the potential to occur within the project site, particularly within on-site trees. Given that the project would include removal of a number of existing trees within the northern portion of the project site, the project could result in a substantial adverse effect on nesting migratory birds. Based on the above, the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on raptors, nesting birds, or other birds protected under the MBTA, including purple martin, grasshopper sparrow, and white-tailed kite. Thus, a significant impact could occur.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to a less-than-significant level the project's adverse effects on special status birds or birds protected under the MBTA.

5-4(a) Prior to initiation of ground-disturbing activities, including activities associated with the off-site mitigation program at the Taylor Road/Penryn Road intersection, if construction is expected to occur during the raptor nesting season (February 15 to August 31), a qualified biologist shall conduct a preconstruction survey prior to vegetation removal. The preconstruction survey shall be conducted within three days prior to commencement of ground-disturbing activities. If the pre-construction survey does not show evidence of active nests, a letter report documenting the results of the survey shall be provided to the Placer County Community Development Resource Agency, and additional measures are not required. If construction does not commence within three days of the pre-construction survey, or halts for more than 14 days, an additional pre-construction survey shall be required.
If any active nests are located within the study area, an appropriate buffer zone shall be established around the nests, as determined by the project biologist. The biologist shall mark the buffer zone with construction tape or red flags and maintain the buffer zone until the end of breeding season or the young have successfully fledged. Buffer zones are typically between 100 feet and 250 feet for migratory bird nests and between 250 feet and 500 feet for a raptor nest. If active nests are found within the project footprint, a qualified biologist shall monitor nests daily for a minimum of five days to ensure that construction activities are not disturbing the nest. Should construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest immediately following a construction noise or vibration, then the biologist shall increase the exclusionary buffer area to the point that activities are far enough from the nest to stop this agitated behavior. The biologist shall subsequently monitor the nest for an additional five days to ensure that construction activities are not disturbing the nest. The exclusionary buffer shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist in consultation with CDFW.

In the event the Placer County Conservation Program is adopted prior to submission of improvement plans for this project or prior to the project’s own State and federal permits being obtained for effects associated with listed species and their habitats, waters of the State, and waters of the U.S., then Mitigation Measures 5-4(a) and (b) may be replaced with the PCCP’s mitigation fees and conditions on covered activities to address this resource impact and avoidance and minimization measures as set forth in the PCCP Implementation Document. If PCCP enrollment is chosen and/or required by the State and federal agencies as mitigation for one or more biological resource area impacts, then the PCCP mitigation shall apply only to those species and waters that are covered by the PCCP.

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 5-4 (Adverse effects on special status bird or birds protected under the MBTA) to a less-than-significant level because a qualified biologist would conduct a preconstruction survey three days prior to commencement of ground-disturbing activities. Additionally, if any nests are located within the study area, an appropriate buffer zone shall be established around the nests.

Significant Effect: Have a substantial adverse effect, either directly or through habitat modifications, on Swainson’s Hawk (Impact 5-5)

Finding

CDFW considers five or more vacant acres within 10 miles of an active nest within the last five years to be significant foraging habitat for Swainson’s hawk; the conversion of which to urban uses is considered a significant impact. In accordance with the Staff Report Regarding Mitigation for Impacts on Swainson’s Hawk (Buteo swainsoni) in the Central Valley of California (Staff Report). Based on the above, Swainson’s hawk has the potential to occur within the proposed project site, including in trees that may be removed as a result of project construction activities. Therefore, the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on Swainson’s hawks, and a significant impact could occur.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to a less-than-significant level the project’s impact related to adverse effects on Swainson’s hawk:

- United Auburn Indian Community School Project
- Placer County
Finding after Mitigation
Implementation of the above mitigation measures would reduce Impact 5-5 (Substantial adverse effects on Swainson's hawk) to a less-than-significant level because the measures require a preconstruction survey during nesting season and proper notification and protocol if a nest is found during construction.

SIGNIFICANT EFFECT: HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON AMERICAN BADGER (IMPACT 5-6)

Finding
Within the proposed project site, the annual grassland and woodland areas provide potential breeding and foraging habitat for American badger, including in areas that would be impacted by project construction. It should be noted that very few potential burrow sites that could be used by the species were observed during the biological survey, and CNDDB occurrences of the species have not been recorded within five miles of the project site. Nonetheless, based on the habitat type present within the proposed project site, American badger could potentially occur. Therefore, the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on American badger. Thus, a significant impact could occur.

Facts in Support of Finding
The County adopted the following mitigation measures that would reduce to a less-than-significant level the project's impact related to habitat modification of the American Badger.

5-6(a) A qualified biologist shall conduct a preconstruction survey for American badger within 14 days prior to the start of ground disturbance. If American badgers or their burrows are not observed, a letter report documenting the results of the survey shall be provided to the Placer County Community Development Resource Agency, and additional measures are not required.

5-6(b) If American badgers or their dens are found, additional avoidance measures shall be required. Specifically, American badger dens determined to be occupied during the breeding season (February 15 through June 30) shall be flagged, and ground disturbing activities avoided, within 100 feet to protect adults and nursing young. Buffers may be modified by the qualified biologist, provided the badgers are protected, and shall not be removed until the qualified biologist has determined that the den is no longer in use. If the den is occupied during the non-breeding season and avoidance is not feasible, badgers shall be relocated by first incrementally blocking the den over a three-day period, followed by slowly excavating the den before or after the breeding season (February 15 through June 30). This slow excavation shall be performed either by hand or with mechanical equipment under the direct supervision of a qualified biologist; no more than four inches depth shall be excavated at a time. Any passive relocation of American badgers shall occur only under the direction of a qualified biologist.

In the event the Placer County Conservation Program is adopted prior to submittal of improvement plans for this project or prior to the project's own State and federal permits being obtained for effects associated with listed species and their habitats, waters of the State, and waters of the US, then Mitigation Measures 3-6(a) and (b) may be replaced with the PCCP's mitigation fees and conditions on covered activities to address this resource impact and avoidance and minimization measures as set forth in the PCCP implementation document. If PCCP enrollment is chosen and/or required by the State and federal agencies as mitigation for one or more biological resource area impacts, then the PCCP mitigation shall apply only to those species and waters that are covered by the PCCP.

Finding after Mitigation
Implementation of the above mitigation measures would reduce Impact 5-6 (Substantial adverse effects on American badger) to a less-than-significant level because the mitigation would require a preconstruction survey and proper protocol if dens are found on the project site.
Significant Effect: Have a substantial adverse effect, either directly or through habitat modifications, on special status bats (Impact 5-7)

Finding

Roost sites for pallid bat typically include caves, crevices in rocky outcrops and cliffs, mines, trees, and various mammal structures (e.g., bridges, barns, porches), and generally have unobstructed entrances/exits. Within the proposed project site, trees and structures within the annual grassland (60.69 acres), valley footslopes riparian (6.74 acres), and interior live oak (10.56 acres) provide roosting habitat for the species. Based on the above, pallid bat has the potential to occur within the proposed project site. In addition, pallid bat could occur within trees that may require removal as part of the off-site Taylor Road/Pennys Road signalization improvement. With respect to Townsend’s big-eared bat, the Biological Resources Study Report for the project site determined that the site does not provide roosting habitats for this species. However, at least one occurrence of Townsend’s big-eared bat is located within five miles of the project site. Out of an abundance of caution, structures should be surveyed prior to demolition to verify presence/absence of this species. Therefore, the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on special-status bats, and a significant impact could occur.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to a less-than-significant level the project’s impact regarding habitats of special-status bats.

5-7(a)
Prior to the removal of suitable trees (larger than 24 inches in diameter at breast height [DBH]) or demolition of existing buildings, a qualified biologist shall conduct a pre-construction survey for special-status bats within three days prior to the start of their removal. If special-status bats are not observed roosting, then a letter report documenting the results of the survey shall be provided to the applicant for their records and submitted to the Placer County Community Development Resources Agency, and additional measures are not required. If tree removal or building demolition does not commence within three days of the pre-construction survey, or bats for more than 14 days, a new survey shall be required.

5-7(b)
If bats are found in trees or structures proposed for removal, a minimum 10-foot avoidance buffer shall be established around the roost/maternity until the roost is not occupied. The buffer shall be established under the supervision of a qualified biologist. High-visibility construction fencing shall be installed around the buffer and shall remain in place until the tree or structure is not occupied by bats. The trees or structures shall not be removed until the biologist has determined that the roost is not occupied by the bats.

If exclusion of roosting bats is necessary, exclusion shall be conducted as recommended by the qualified biologist. If a roosting colony of bats is found, and exclusion is necessary, exclusion shall be conducted as recommended by the qualified biologist in coordination with CDPR. Methods may include acoustic monitoring, evening emergence surveys, and the utilization of two-step tree removal supervised by the qualified biologist. Two-step tree removal involves removal of all branches that do not provide roosting habitat on the first day, and then the next day cutting down the remaining portion of the tree. Building exclusion methods may include such techniques as installation of passive one-way doors, or the installation of netting when the bats are not present to prevent their reoccupation. Once the bats have been excluded, tree or building removal may occur. A letter report summarizing the survey results should be submitted to the Placer County Community Development Resources Agency within 30 days following the final monitoring event.

In the event the Placer County Conservation Program is adopted prior to submittal of improvement plans for this project or prior to the project’s own State and federal permits being obtained for effects associated with listed species and their habitats, waters of the State, and waters of the U.S., then Mitigation Measures 5-7(a) and (b) may be replaced with the PCCP’s mitigation fees and conditions on covered activities to address this resource impact and avoidance and minimization measures as set forth in the PCCP implementation document. If PCCP enrollment is chosen and/or required by the State and federal agencies as mitigation for one or more biological resource area impacts, then the PCCP mitigation shall apply only to those species and waters that are covered by the PCCP.

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 5-7 (Substantial adverse effects on special-status bats) to a less-than-significant level. Mitigation Measure 5-7 requires a pre-construction survey of special-status bats three days prior to the start of construction. If bats are found, a 10-foot buffer shall be established and fencing shall be installed.

Significant Effect: Have a substantial adverse effect on the environment by converting oak woodlands, or conflict with any local policies or ordinances that protect biological resources, including oak woodland resources (Impact 5-9)

Finding

According to Placer County’s Oak Woodland Impact Guidelines, projects resulting in the removal of one or more acres of oak woodland would trigger the need for mitigation. Such mitigation may include off-site preservation of oak woodland or payment of in-lieu fees to the County. The proposed project would be subject to Article 12.16 of the Placer County Municipal Code, which contains the County’s Tree Preservation Ordinance. Specifically, Article 12.16 applies to all native trees within the County, unless exempt.

Given that the proposed project would involve the removal of 22 trees protected by the County’s Tree Preservation Ordinance, the project could conflict with local policies and/or ordinances that protect biological resources, including tree resources. In addition, the off-site improvements to the Taylor Road/Pennys Road intersection required by Mitigation Measure 9-2 of this EIR are anticipated to require removal of a few oak trees that may be protected by the County’s Tree Preservation Ordinance. Therefore, a significant impact could occur.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to a less-than-significant level the project’s adverse effects on oak woodlands or conflict with any local policies that protect biological resources, including oak woodlands.

5-9(a)
Prior to any removal of protected trees (equal to, or greater than, six inches DBH or 10 inches DBH aggregate for multi-trunked trees), the project applicant shall obtain a tree removal permit from Placer County. In conjunction with a submitted tree removal permit application, the applicant shall submit a site plan showing all protected trees proposed for removal. In accordance with Chapter 12.16.090 of the Placer County Municipal Code, the applicant shall comply with any permit conditions required by the
Planning Services Division, which shall include one (or a combination of) the following requirements: 1:1 tree replacement using five-gallon size trees or greater, implementation of a revegetation plan, or payment of an in-lieu fee.

If the applicant chooses to implement a revegetation plan, the plan shall identify the seed or seedling source of the trees to be propagated, the location of the plots, the methods to be used to ensure success of the revegetation program (e.g., irrigation), an annual reporting requirement, and the criteria to be used to measure the success of the plan. A revegetation plan shall not be considered complete until the trees to be propagated have reached one-half inch in diameter or the revegetation plan demonstrates the need for alternative success criteria and achievable mitigation on an inch for inch basis as approved by the Community Development Resource Agency.

In the event the Placer County Conservation Program is adopted prior to submission of improvement plans for this project, then Mitigation Measure 5-9(g) may be replaced with the FCCP's mitigation fees and conditions on covered activities to address this resource impact and avoidance and minimization measures as set forth in the FCCP Implementation Document. If FCCP enrollment is chosen and/or required by the State and federal agencies as mitigation for one or more biological resource area impacts, then the FCCP mitigation shall apply only to those species and waters that are covered by the FCCP.

5-9(b)

Prior to Improvement Plan approval, the plans shall include a list of tree protection methods, for review and approval by the Planning Services Division. The list of tree protection methods shall be implemented during construction of the project. The list of tree protection methods shall include, but not limited to, the following:

- The applicant shall install a four-foot tall, brightly colored (yellow or orange), synthetic mesh material fence around all trees to be preserved that are greater than six inches DBH (or 10 inches DBH aggregate for multi-trunked trees). The fencing shall delineate an area that is at least the radius of which is equal to the largest radius of the protected tree's drip line plus one foot. The fence shall be installed prior to any site preparation or construction equipment moving onsite or any site preparation or construction activities taking place. Development of this site, including grading, shall not be allowed until this condition is satisfied. Any encroachment within the area listed above, including within driplines of trees to be saved, must first be approved by a designated representative of the Development Review Committee (DRC). Grading, clearing, or storage of equipment or machinery may not occur until a representative of the DRC has inspected and approved all temporary construction fencing. Trees shall be preserved where feasible. This may include the use of retaining walls, planter islands, or other techniques commonly associated with tree preservation. The Improvement Plans shall indicate the location of the fencing and include a note describing the fencing requirements consistent with this mitigation measure.

- The project applicant shall implement the following guidelines before and during grading and construction for protection of all trees to be preserved:
  
  - Plans and specifications shall clearly state protection procedures for trees on the project site. The specifications shall also include a provision for remedies if trees are damaged;
  
  - Before construction commences, those trees within 25 feet of construction sites shall be pruned by an ASI Certified Arborist and the soil aerated and fertilized as appropriate for the specific species;
  
  - Vehicles, construction equipment, mobile offices, or materials shall not be parked, stored, or operated within the driplines of trees to be preserved;
  
  - Cuts and fills around trees shall be avoided where feasible;
  
  - Soil surface removal greater than one foot shall not occur within the driplines of trees to be preserved. Cuts shall not occur within five feet of their trunks;
  
  - Earth fill greater than one foot deep shall not be placed within the driplines of trees to be preserved, and fill shall not be placed within five feet of their trunks;
  
  - Underground utility line trenching shall not be placed within the driplines of trees to be preserved where feasible without first obtaining approval from a designated representative of the DRC. If it is necessary to install underground utilities within the driplines of trees, boring or drilling rather than trenching shall be used;
  
  - Paving shall not be placed in the vicinities of trees to be preserved (at a minimum, within the dripline of any tree) without first obtaining approval from a designated representative of the DRC; and
  
  - Irrigation lines or sprinklers shall not be allowed within the dripline of native trees.

- If any of the on-site protected trees are heavily damaged during construction activities associated with the proposed project, the project applicant shall pay an in-lieu fee for the damaged tree(s) in accordance with Section 12.16.080 of the Placer County Municipal Code. Payment of such fees shall be ensured as a standard condition of approval by the Planning Services Division.

5-9(c)

Taylor Road/Perry Road Signal. Prior to Improvement Plan approval, the project applicant shall submit an arborist report for the off-site Taylor Road/Perry Road intersection improvement area. The arborist report shall identify the species, size, and condition of all trees within the improvement area and shall note which trees are proposed for removal. In addition, the arborist report shall include a list of recommended tree protection measures for trees to be retained, which are generally consistent with those outlined in Mitigation Measure 5-9(g). All trees which are deemed to be protected by the County's Tree Preservation Ordinance shall be subject to the requirements of Mitigation Measure 5-9(g).

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 5-9 (Substantial adverse effect on the environment by converting oak woodlands) to a less-than-significant level because prior to any removal of protected trees, the applicant would have to obtain a tree removal permit and submit a site plan showing all protected trees proposed for removal. The plans shall include a list of tree protection methods for review and approval by the Planning Services Division.

SIGNIFICANT EFFECT: HAVE A SUBSTANTIAL ADVERSE EFFECT ON ANY RIPARIAN HABITAT OR OTHER SENSITIVE NATURAL COMMUNITY IDENTIFIED IN LOCAL OR REGIONAL PLANS, POLICIES OR REGULATIONS, OR BY CDWF, THE USFS, THE USEAC, OR THE NBIFs, AND/OR HAVE A SUBSTANTIAL ADVERSE EFFECT ON FEDERAL OR STATE PROTECTED WETLANDS AS DEFINED BY SECTION 404 OF THE CLEAN WATER ACT (INCLUDING, BUT NOT LIMITED TO, MARSH, VERNAL POOL, COASTAL, ETC.) OR AS DEFINED BY STATE STATUTE, THROUGH DIRECT
Finding

The project would fill 0.011-acre of potentially jurisdictional drainage ditch in the southwestern portion of the property for the construction of a service access road. The project would impact 0.42-acre of valley foothill riparian habitat subject to CDPW 1600 jurisdiction for the trail where a proposed footbridge would span the banks of the riverine habitat. In addition, the project would temporarily impact 0.97-acre of the potentially jurisdictional lacustrine pond for vegetation enhancement through draining and grading.

Based on the above, implementation of the proposed project, including off-site improvements, could have a substantial adverse effect on riparian habitat and/or other sensitive natural communities and/or have a substantial adverse effect on federal or State protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) or as defined by state statute, through direct removal, filling, hydrological interruption, or other means. Thus, a significant impact could occur.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to a less-than-significant level the project’s impact related to adverse effects on any riparian habitat or other sensitive natural community.

5-10(a) High visibility and silt fencing shall be erected at the edge of construction/maintenance footprint if work is anticipated to occur within 50 feet of potentially jurisdictional features and riparian areas which are proposed for avoidance. A biological monitor shall be present during the fence installation and during any initial grading or vegetation clearing activities within 50 feet of potentially jurisdictional features and riparian areas which are proposed for avoidance.

5-10(b) Prior to Improvement Plan approval for the project, a Section 404 permit for fill of jurisdictional wetlands shall be acquired, and mitigation for impacts to jurisdictional waters that cannot be avoided shall conform with the USACE “no-net-loss” policy. To the extent feasible, however, the project shall be designed to avoid and minimize adverse effects to waters of the U.S. or jurisdictional waters of the State of California within the project area. Mitigation for impacts to both federal and State jurisdictional waters shall be addressed using these guidelines.

If a Section 404 permit is obtained, the applicant must also obtain a water quality certification from the RWQCB under Section 401 of the Clean Water Act (CWA). Written verification of the Section 404 permit and the Section 401 water quality certification shall be submitted to the Placer County Community Development Resource Agency.

5-10(c) Prior to Improvement Plan approval for areas that would affect any Valley foothill riparian, lacustrine pond, riverine drainage, drainage ditch or seasonal wetland habitat(s), the applicant shall enter into a 1600 Streambed Alteration with CDPW. This agreement would include measures to minimize and restore riparian habitat. The 1600 Streambed Alteration Agreement would require the project proponent to prepare and implement a riparian vegetation mitigation and monitoring plan for disturbed riparian vegetation. Written verification of the 1600 Streambed Alteration Agreement shall be submitted to the Placer County Community Development Resource Agency.

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 5-10 (Substantial adverse effect on any riparian habitat or other sensitive natural community) to a less-than-significant level because a high visibility and silt fencing would be erected at the edge of the construction/maintenance footprint if work is anticipated to occur within 50 feet of a riparian area. Additionally, a permit for fill jurisdictional wetlands would be required and an agreement would be entered to minimize and restore riparian habitat.
4.2 CULTURAL RESOURCES

SIGNIFICANT EFFECT: SUBSTANTIALLY CAUSE AN ADVERSE CHANGE IN THE SIGNIFICANCE OF A UNIQUE ARCHAEOLOGICAL RESOURCE AS DEFINED IN CEQA GUIDELINES, SECTION 15064.5 (IMPACT 6-2).

Finding

The northern portion of the site has been subject to a relatively high level of disturbance associated with the previous development of a bed and breakfast and event center. However, the southern portion of the site is primarily undeveloped. While the field surveys and record searches did not reveal any evidence of archaeological resources on the project site or off-site signal improvement area, a number of cultural resources have been identified within 0.25-mile of the project area. The identified resources include prehistoric-era sites and historic-era sites. Given that archeological resources were found nearby, the possibility exists for undiscovered archeological resources to occur on the project site (primarily within the undeveloped portion of the site), and the off-site signal improvement area. Therefore, although unique archeological resources have not been identified on the project site or in the immediate vicinity, the possibility exists that previously unknown resources could be discovered on the project site or off-site signal improvement area during construction activities. Therefore, construction activities associated with buildout of the proposed project could substantially cause an adverse change in the significance of a unique archeological resource as defined in CEQA Guidelines, Section 15064.5, and a significant impact could occur.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to a less-than-significant level the project's potential to cause an adverse change in the significance of a unique archeological resource.

6-2 If cultural resources are discovered during construction, then all work must halt within a 100-foot radius of the discovery. A qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologists, will be called to evaluate the significance of the find. Work cannot continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the National Register of Historic Places/State Register. If a potentially-eligible resource is encountered, then the archaeologist, Placer County, and UAIC will arrange for either 1) total avoidance of the resource, if possible; 2) test excavations or total data recovery; or 3) other alternative forms of mitigation. The determination shall be formally documented in writing and submitted to the Placer County as verification that the provisions in CEQA for managing unanticipated discoveries have been met.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 6-2 (Adverse change in the significance of a unique archeological resource) to a less-than-significant level because work would be stopped upon discovery of human remains provisions of the California Health and Safety Code would be implemented, and the County Coroner would be notified.

SIGNIFICANT EFFECT: HAVE THE POTENTIAL TO CAUSE A PHYSICAL CHANGE, WHICH WOULD AFFECT UNIQUE ETHNIC CULTURAL VALUES, RESTRICT EXISTING RELIGIOUS OR SACRED USES WITHIN THE POTENTIAL IMPACT AREA, OR CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL RESOURCE AS DEFINED IN PUBLIC RESOURCES CODE, SECTION 21074 (IMPACT 6-5).

Finding

The NAHC indicated that Sacred Land listings for the project area or adjacent lands do not exist. Nonetheless, although portions of the project site and the off-site signal improvement area have been previously developed and highly disturbed, given similar environmental factors of these areas to known Native American resource sites within Placer County, a potential exists for unrecorded Native American resources to be discovered within the...
project area. Thus, the possibility exists that construction of the proposed project could uncover previously unknown tribal cultural resources, particularly during grading or other ground-disturbing activities. Consequently, the proposed project could have the potential to cause a physical change, which would affect unique cultural values, restrict existing religious or sacred uses within the potential impact area, or cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code, Section 21074, and a significant impact could occur.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to a less-than-significant level the project’s potential to cause a physical change which would affect unique cultural values, restrict existing religious or sacred uses within the potential impact area, or cause a substantial adverse change in the significance of a tribal cultural resource.

Implement Mitigation Measures 6-2 and 6-4.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 6-5 (Potential to cause a physical change, which would cause a substantial adverse change in the significance of a tribal cultural resource) to a less-than-significant level because the mitigation would implement Mitigation Measures 6-2 and 6-4.

4.3 HAZARDS AND HAZARDOUS MATERIALS

SIGNIFICANT EFFECT: CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPTSET AND ACCIDENT CONDITIONS INVOLVING THE LIKELY RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT; CREATE ANY HEALTH HAZARD OR POTENTIAL HEALTH HAZARD; OR EXPOSE PEOPLE TO EXISTING SOURCES OF POTENTIAL HEALTH HAZARDS (IMPACT 7-1)

Finding

There is potential for on-site contamination in the event that hazardous materials are accidentally released into the environment from sources such as a septic tank, a water well, asbestos and lead-based materials, and soil contaminants.

Based on the above, implementation of the proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment, create a health hazard or potential health hazard, and expose people to existing sources of potential health hazards, specifically related to an on-site septic tank and water well, asbestos-containing materials and lead-based paints associated with the existing on-site structures, and soil contamination. As a result, impacts would be considered significant.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce Impact 7-1 to a less-than-significant level the project’s impact regarding the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.

Prior to Improvement Plan approval, the applicant shall hire a licensed well contractor to obtain a well abandonment permit from the Placer County Environmental Health Department (PCEHD) for the on-site well, and properly abandon the on-site well, pursuant to Department of Water Resources Bulletin 74-S1 (Water Well Standards, Part III), for review and approval by the PCEHD and the Placer County Department of Public Works.

In addition, prior to Improvement Plan approval, the project applicant shall ensure that any on-site septic systems are abandoned with permit and in compliance with applicable PCEHD standards. Verification of abandonment shall be secured by the Placer County Community Development Resource Agency.

Prior to issuance of a demolition permit by the County for any on-site structures, the project applicant shall provide a site assessment that determines whether any structures to be demolished contain lead-based paint or asbestos. If structures do not contain lead-based paint or asbestos, further mitigation is not required; however, if lead-based paint is found, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with California Air Resources Board recommendations and OSHPD requirements. If asbestos is found, all construction activities shall comply with all requirements and regulations promulgated through the PCAPD Asbestos Dust Mitigation Plan. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead and/or asbestos. The contractor shall follow all work practice standards set forth in the Asbestos National Emission Standards for Hazardous Air Pollutants (Asbestos NESHAP, 40 CFR, Part 61, Subpart M) regulations, as well as Section V, Chapter 3 of the OSHPD Technica Manual. Work practice standards generally include appropriate precautions to protect construction workers and the surrounding community, and appropriate disposal methods for construction waste containing lead paint or asbestos in accordance with federal, state, and local regulations subject to approval by the County Engineer.

Prior to initiation of construction for the UACG School Project and with an Early Grading Permit from ESD, the project applicant shall provide proof to the County that the arsenic, lead, and chloride contaminated soils on the site have been remediated to the site cleanup goals identified in Table 2 of the DTSC-approved Removal Action Work Plan (RAW), to the satisfaction of the DTSC. Preliminary remedial excavation areas are shown in Figures 7A, 7B, and 7C of the RAW. All construction personnel carrying out the remediation work shall implement the health and safety protocols set forth in the Site Specific Health and Safety Plan (SSHP) included as Appendix B to the RAW. Additional RAW requirements are summarized as follows:

- Early Grading Permit: Prior to issuance of an Early Grading Permit to allow for the remediation work, the applicant must submit Improvement Plans and any related documents as required by these conditions of approval to the Engineering and Surveying Division (ESD) for review. The review for the initial submittal of the Improvement Plans must be completed by Development Review Committee (DRC) and satisfactorily address issues relating to dust control, tree removal, wetlands, protective fencing, grading, drainage, and erosion control.

Upon DRC’s determination that an Early Grading Permit may be issued, the applicant shall prepare a separate Rough Grading Permit and submit it to ESD for review and approval. Separate plan check, inspection and witness inspection fees shall be required and shall be based on the engineer’s estimate. If Design/By
Review process and/or DRC review is required as a condition of approval for this project, said review shall be completed prior to the submission of the Early Grading Permit.

- **Site Security:** The Site shall be fenced and gated with a lock to prevent unauthorized access during the remediation operations.
- **Risk Reduction Measures:**
  - Dust and Erosion Control: In addition to implementing dust control measures required by the Air District, the contractor shall prepare and implement a detailed Dust Control Plan for all phases of construction that contact contaminated soil. Dust control best management practices are listed in the RAW.
  - Air and Meteorological Monitoring: Air monitoring for particulate matter at the site shall be performed to document worker exposures and off-site migration of dust, during soil remedial activities.
  - Perimeter Dust Monitoring: Perimeter air monitoring shall be conducted at the site to document the effectiveness of dust control measures. Prior to beginning soil removal activities, a windsock or anemometer shall be used to monitor the wind direction at the site and to help determine the location of monitors along the fence lines. Fence line monitoring shall be conducted at three locations: one upwind and two downwind at the site.
  - Each dust monitor shall be positioned within the breathing zone at approximately five feet above the ground level. Dust monitoring shall be conducted daily during remedial excavation activities, and whenever personnel or fence line air monitoring is performed. The following shall be required:
    - Real time monitoring of total dust (<10 μm diameter) shall be conducted daily throughout the duration of the removal action during activities that may significantly disturb contaminants of concern impacted soil. The monitoring shall be performed using three DataRAM PDR-1000 particulate monitors. The meters log the detected airborne dust concentrations.
    - The particulate meters shall be monitored by the field engineer or geologist to evaluate if excessive dust is migrating off-site. Each time the monitors are checked, the difference between the average upwind dust concentration and the average downwind concentration shall be calculated.
    - The DTSC-recommended work zone action level is five milligrams per cubic meter (mg/m³). That concentration is half the eight-hour threshold limit value of 10 mg/m³ for total particulates established by the American Conference of Governmental Industrial Hygienists for occupational exposure. For perimeter dust monitoring, the calculated difference between the upwind and downwind meter shall be compared to the DTSC-recommended action level of 0.05 mg/m³. Trigger levels for dust are established at one-half the action level. Exceedance of the trigger levels would require increased dust mitigation measures until the trigger levels can be achieved.
  - Transportation Procedures:
    - The RAW identifies Alternative 3 – Excavation and Off-Site Disposal – as the selected alternative. The following transportation procedures will be followed, based on guidelines contained in the Transportation Plan – Preparation Guidance for Site Remediation (Cal/EPA 1994).

- **Soil Removal Completion Report:**
  - After completion of the remedial action, a Soil Removal Completion Report will be prepared and submitted to DTSC and Placer County Community Development Resources Agency. The report will document that the remedial action has been performed in accordance with this document and will include, at a minimum, the following elements:
    - **Summary of excavation activities (volume, extent, etc.);**
    - **Procedures, location, and results (i.e., analytical reports) of the confirmation soil sampling;**
    - **Documentation of off-Site transport and disposal of excavated soil (bills of lading, waste manifests); and**
    - **Health and safety results of air monitoring.**

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impact 7-1 (Significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment) to a less-than-significant level because prior to construction, the applicant shall obtain a well abandonment permit and ensure that any on-site septic systems are abandoned. Prior to issuance of a demolition permit, the applicant shall provide a site assessment that determines whether any structures contain lead-based paint or asbestos. Additionally, the applicant shall provide proof to the County that the arsenic, lead, and chlorinated contaminants soils on the site have been mitigated.

**SIGNIFICANT EFFECT: Emit Hazardous Emissions, Substances, or Waste within One-Quarter Mile of an Existing or Proposed School (Impact 7-2)**

Finding

As discussed above, based on the age of the on-site structures, the potential exists to encounter asbestos-containing materials and lead-based paints. Mitigation Measure 7-2(b) would require the construction contractor to handle and dispose of any materials containing asbestos or lead-based paints in accordance with all applicable federal, state, and local regulations, which would ensure that construction workers and the surrounding community, including the nearby school, would not be exposed to asbestos-containing materials and lead-based paints during demolition activities. As also discussed above, contaminated soils exist on-site. Per Mitigation Measure 7-1(c), contaminated soils would be removed and disposed of in accordance with the RAW. Without
compliance with the requirements mentioned above, the proposed project could emit hazardous emissions, substances, or waste within one-quarter mile of an existing or proposed school, and a significant impact could occur.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to a less-than-significant level the project's potential to emit hazardous emissions, substances, or waste within one quarter mile of an existing or proposed school.

7-2 Implement Mitigation Measure 7-1(e).

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 7-2 (Potential to emit hazardous emissions, substances, or waste within one quarter mile of a school) to a less-than-significant level because the measure would require implementation of Mitigation Measure 7-1(e).

4.4 Noise

Significant Effect: Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project, due to operation of the proposed project (Impact 8-2)

Finding

Article 9.36.030 of the Placer County Code exempts noise generated by the normal operation of public and private schools, and the proposed project would result in minor increases to ambient noise levels related to traffic in the project area. Operation of the proposed project would involve the use of passenger vans for student drop-off and pick-up, which are relatively quiet as compared to typical school buses. Vehicle speeds within the project site would not exceed 10 miles per hour, and, as a result, internal vehicle circulation is not considered a significant source of noise. However, the noise levels along Taylor Road would increase due to the additional traffic with the proposed project.

Should speakers be directed away from the nearest residential property line, speakers used during on-site special events would not expose nearby sensitive receptors to noise levels that would result in temporary increases to ambient noise as defined in Article 9.36.030 of the Placer County Code. However, if speakers are oriented towards the nearest residential property line during on-site special events, the use of such speakers would expose nearby sensitive receptors to noise levels that would result in temporary increases to ambient noise levels in excess of the County's standard, which would be considered a significant impact.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to a less-than-significant level the project's substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project, due to operation of the proposed project.

8-2 All speakers used during special events shall be located at least 270 feet from the nearest residential property line. Additionally, speakers used during special events shall be oriented away from the nearest residential property line. The orientation of the speakers shall be inspected by a designated operations manager for the UAC school facilities.

The language of this mitigation shall be included as a Condition of Approval for the requested Minor Use Permit.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 8-2 (Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project) to a less-than-significant level because all speakers used during special events would be placed at least 270-feet from the nearest residential property line.

Significant Effect: Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels (Impact 8-3)

Finding

The potential use of bulldozers during fine-site grading would be expected to generate the highest vibration levels during construction. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Although the exact extent of ground disturbance associated with project construction is currently unknown, assuming that the proposed project would include ground disturbing activity up to the property line, the nearest existing structure to the project site would be a minimum of approximately 25 feet from construction equipment. As such, construction equipment expected to generate the highest vibration levels would not exceed the 0.2 PpV threshold for building damage but could exceed the 80 VdB threshold for annoyance. Therefore, given the potential proximity of the nearest structure from construction equipment, the proposed project could cause potential annoyance to off-site sensitive receptors during construction. Therefore, impacts resulting from exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels could be significant.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to a less-than-significant level the project's exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels.

8-3 The following criteria shall be included in the grading plan submitted by the applicant for review and approval by the Engineering and Surveying Division prior to issuance of Improvement Plans:

- Large construction equipment, such as large bulldozer and loaded trucks, shall be replaced with smaller equipment when the construction equipment is within 45 feet of an occupied residence.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 8-3 (Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels) to a less-than-significant level because the mitigation would require the applicant to submit a grading plan including the criteria that large construction equipment shall be replaced with smaller equipment when the construction equipment is within 45 feet of an occupied residence.

Significant Effect: A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project during project construction (Impact 8-4)

Finding

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United Auburn Indian Community School Project
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Construction activity noise levels at the project site and off-site signal construction area would fluctuate depending on the particular type, number, and duration of use of various pieces of construction equipment and would periodically increase noise levels in the vicinity of the project site. Because the predicted construction noise levels could potentially result in an increase of 5 dB or more, despite the exemption granted to construction-related noise during the hours specified in Article 9.56.030 of the Placer County Code, the proposed project could be considered to result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Therefore, impacts would be considered significant.

Facts in Support of Finding

The County adopted the following mitigation measure that would reduce to a less-than-significant level the project's impact related to temporary or periodic increase in ambient noise levels in the project vicinity during project construction.

8-4 The following criteria shall be included in the grading plan submitted by the applicant/developer for review and approval by the Department of Public Works and Facilities and Engineering and Surveying Division prior to issuance of Improvement Plans. Exceptions to allow expanded construction activities shall be reviewed on a case-by-case basis as determined by the Community Development Resource Agency Director and/or County Engineer.

- Noise-generating construction activities (e.g., construction, alteration, or repair activities), including truck traffic coming to and from the project site for any purpose, shall be limited to the hours outlined in Placer County Board of Supervisors' Minute Order 95-08; specifically, a) Monday through Friday, 6:00 AM to 8:00 PM (during daylight savings); b) Monday through Friday, 7:00 AM to 8:00 PM (during standard time); and c) Saturdays, 8:00 AM to 6:00 PM.

- Equipment and trucks used for project construction shall utilize the best available noise control techniques, such as improved mufflers, equipment redesign, use of tamper silencers, ducts, engine enclosures and acoustically attenuating shields or soundshields. The implementation of best control techniques could result in a noise reduction of 10 dB.

- Impact tools (i.e., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dB. External jackets on the tools themselves shall be used to achieve a reduction of 5 dB. Quieter procedures shall be used, such as drills rather than impact equipment.

- Stationary noise sources shall be located as far as feasible receptors as possible, and they will be muffled and enclosed within temporary sheds, incorporate isolation barriers, or other measures. The use of temporary enclosures or barriers around stationary noise sources (e.g., generators, compressors, pumps, etc.) would result in a noise reduction of up to 10 dB.

Finding after Mitigation

Implementation of the above mitigation measure would reduce Impact 8-4 (Substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels without the project during project construction) to a less-than-significant level because the mitigation would require the applicant to submit a grading plan including a number of noise mitigating measures, such as time limits for noise generating construction activities, equipment muffling, and avoidance of impact tools.

4.5 Transportation and Circulation

Significant Effect: Traffic related to construction activities (Impact 9-1)

Finding

Construction of the project, including demolition, site preparation, grading, and delivery activities, would generate vehicle trips on local roadways, including heavy-duty haul truck trips. Per Chapter 7, Hazards and Hazardous Materials, of this EIR, remediation actions required for the proposed project to address soil contamination issues would include excavation of contaminated soils and transportation of the excavated materials to permitted off-site facilities for disposal, which would result in additional truck trips on Taylor Road and Pensyn Road.

Nonetheless, construction-related traffic would be significantly lower than the amount of traffic generated by the proposed project at buildout. In addition, construction workers typically arrive before the morning peak hour and leave before the evening peak hours of the traditional commute time periods. As a result, any increase in construction traffic related delay would likely be less than the increase in delay under Existing Plus Project Conditions. However, mitigation is required in order to ensure that construction traffic and street closures do not interfere with existing roadway operations during the construction phase. Therefore, in the absence of mitigation, project traffic related to construction activities could result in a significant impact.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to a less-than-significant level the project's impact on traffic related to construction activities.

9-1 Prior to issuance of building permits, the project applicant shall prepare a Construction Traffic Management Plan (CTMP) to the satisfaction of the Placer County Department of Public Works and Facilities and the Engineering and Surveying Division. The plan shall include (but not be limited to) items such as:

- Guidance on the number and size of trucks per day entering and leaving the project site;
- Identification of arrival/departure times that would minimize traffic impacts;
- Approved truck circulation patterns, including patterns identified in the Transportation Procedures of the Removed Action Work Plan (see also Mitigation Measure 7-2-1c) of this EIR;
- Locations of staging areas;
- Methods for partial/complete street closures (e.g., timing, signage, location and duration restrictions);
- Criteria for use of flaggers and other traffic controls;
- Monitoring for roadbed damage and timing for completing repairs; and
- Preservation of emergency vehicle access.

Finding after Mitigation


Implementation of the above mitigation measure would reduce Impact 9-1 (Traffic related to construction activities) to a less-than-significant level because prior to issuance of building permits, the applicant shall prepare a Construction Traffic Management Plan.

**SIGNIFICANT EFFECT: INCREASED IMPACTS TO VEHICLE SAFETY DUE TO ROADWAY DESIGN FEATURES (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G., FARM EQUIPMENT) (IMPACT 9-4)**

**Finding**

Based on the traffic study conducted, the proposed project would not result in unsafe conditions at any study intersections or create a substantial vehicle safety risk. The proposed circulation system and access points would be designed to minimize hazardous roadway design features, and the project would not introduce incompatible uses to area roadways.

However, special events occurring at the project site during the PM peak hour could create circumstances justifying safety measures at the project access. Specifically, during such events, motorists may not anticipate potential slowdowns from increased westbound left turns into the project site. Therefore, a significant impact could occur.

**Facts in Support of Finding**

The County adopted the following mitigation measure that would reduce to a less-than-significant level the project's impact to vehicle safety due to roadway design features or incompatible uses.

Prior to issuance of building permits, the project applicant shall submit a Traffic Management Plan (TMP) to the County for review and approval. The measures contained in the TMP shall be implemented when identified events of a specific site and schedule (to be specified in the TMP) occur on the project site. Measures may include, but would not be limited to, the use of temporary advance warning signs that inform background traffic of events.

**Finding after Mitigation**

Implementation of the above mitigation measure would reduce Impact 9-4 (Increased impacts to vehicle safety due to roadway design features or incompatible uses) to a less-than-significant level because prior to issuance of building permits, the applicant shall submit a Traffic Management Plan.

4.6 INITIAL STUDY

**SIGNIFICANT EFFECT: RESULT IN SIGNIFICANT DISRUPTIONS, DISPLACEMENTS, COMPACTION OR OVERCROWDING OF THE SOIL? (INITIAL STUDY IMPACT VI-2)**

**RESULT IN SUBSTANTIAL CHANGE IN TOPOGRAPHY OR GROUND SURFACE RELIEF FEATURES? (INITIAL STUDY IMPACT VI-3)**

**Finding**

The northern one-third of the site has already been developed, and much of the site will remain undisturbed after project completion. The proposed buildings have also been designed to conform to the natural topography of the site to the extent feasible. Nevertheless, the site will undergo grading in various areas. The proposed project would include site preparation, grading, paving, utility placement, and various other construction activities which would disrupt on-site soils. The proposed project would include modifications to the proposed project site that would alter the existing topography and ground surface relief, in the absence of appropriate mitigation, the proposed project could result in significant disruptions, displacements, occupation or overcrowding of on-site soils, and/or substantial change in topography or ground surface relief features. Thus, a potentially significant impact could occur.

**Facts in Support of Finding**

The County adopted the following mitigation measures that would reduce to a less-than-significant level the project's impacts related to disruptions or displacements of soil and substantial change in topography or ground surface relief features.

**MM VI.1**

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

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

Any Building Permits associated with this project shall not be issued until, at a minimum, the Improvement Plans are approved by the Engineering and Surveying Division.

**MM VI.2**

The Improvement Plans shall show all proposed grading, drainage improvements, vegetation and tree removal and all work shall conform to provisions of the County Grading Ordinance (Ref. Article 15.4.4, Placer County Code) and Stormwater Quality Ordinance (Ref. Article 8.28, Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance shall occur until the Improvement Plans are approved and all permanent construction fencing has been installed and inspected by a member of the Development Review Committee (DRC). All culvert slopes shall be at a minimum of 2:1 (horizontal: vertical) unless a soils report supports a
provisions of the County Grading Ordinance and Stormwater Quality Ordinance to the satisfaction of the DRC/ESD. A final geotechnical engineering report would be prepared, and the project applicant must comply with the recommendations set forth herein.

SIGNIFICANT EFFECT: RESULT IN ANY SIGNIFICANT INCREASE IN WIND OR WATER EROSION OF SOILS, EITHER ON OR OFF THE SITE? (INITIAL STUDY IMPACT VI-5)

RESULT IN CHANGES IN DEPOSITION OR EROSION OR CHANGES IN Siltation Which May Modify the Channel of a River, Stream, or Lake? (INITIAL STUDY IMPACT VI-6)

Finding

Implementation of the proposed project would involve construction-related activities, including utility excavation and grading. During such stages of construction, and prior to overlaying the ground surface with structures, the potential exists for wind erosion to occur, which could affect the project area and potentially inadvertently transport eroded soils to downstream drainage facilities.

Improvement Plans provided to the County prior to authorization of construction would conform to provisions of the County Grading Ordinance (Article 15.46, Placer County Code) and the Stormwater Quality Ordinance (Article 8.38, Placer County Code) that are in effect at the time of submittal. The preparation of and compliance with a stormwater pollution prevention plan (SWPPP) would be part of the project's NPDES construction stormwater quality permit, issued by the Central Valley Regional Water Quality Control Board (CVRWQCB). The SWPPP would include strategies to manage stormwater from the construction site and treat runoff before being discharged from the site. The site-specific SWPPP developed for the project would have protocols to be followed and monitored during construction, including effective response actions if necessary.

Based on the above, mitigation is required in order to ensure that all of the aforementioned requirements are met. In the absence of such mitigation, the proposed project could result in a significant increase in wind or water erosion of soils, either on- or off-site, and could result in changes in deposition or erosion or changes in siltation which may modify the channel of a river, stream, or lake. This, potentially significant impact would occur.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to less-than-significant levels the project's impacts related to significant increase in wind or water erosion of soils and changes in deposition which may modify the channel of a river, stream, or lake.

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impacts VI-2 and VI-3 to less-than-significant levels because the mitigation measures would require approval of the project plans by the Engineering and Surveying Division. Additionally, the measures require the Improvement Plans show conformance with the
Prior to construction commencing, the applicant shall provide evidence to the Engineering and Surveying Division of a WDID number generated from the State Regional Water Quality Control Board's Stormwater Multiple Application & Reports Tracking System (SMARTS). This serves as the Regional Water Quality Control Board approval or permit under the National Pollutant Discharge Elimination System (NPDES) construction stormwater quality permit.

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impacts VI-5 and VI-6 (Significant increase in wind or water erosion of soils or change in deposition which may modify the channel of a river, stream, or lake) to less-than-significant levels because the measures require Improvement Plans show that water quality treatment facilities/Best Management Practices are designed and that the applicant provide evidence of a WDID number generated from the State Regional Water Quality Control Board's Stormwater Multiple Application and Reports Tracking System.

**SIGNIFICANT EFFECT: BE LOCATED ON A GEOLOGICAL UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF THE PROJECT, AND POTENTIALLY RESULT IN ON OR OFF-SITE LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION, OR COLLAPSE? (INITIAL STUDY IMPACT VI-8)**

**BE LOCATED ON EXPANSIVE SOILS, AS DEFINED IN CHAPTER 18 OF THE CALIFORNIA BUILDING CODE, CREATING SUBSTANTIAL RISKS TO LIFE OR PROPERTY? (INITIAL STUDY IMPACT VI-9)**

Finding

The proposed project would not likely be subject to issues associated with lateral spreading, subsidence, liquefaction, collapse, or expansive soils. However, implementation of the recommendations included in the Geotechnical Engineering Report would be required in order to ensure adequate support of the proposed improvements. Such recommendations include, but are not limited to, overexcavation and recompaction of existing native soils and provision of appropriate drainage at all slope faces. In the absence of a final geotechnical engineering report containing such recommendations, a potentially significant impact could occur.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to less-than-significant levels the project's impacts related to significant increase in wind or water erosion of soils and changes in deposition which may modify the channel of a river, stream, or lake.

**MM VI-6 Implement MM VI.3.**

Finding after Mitigation

Implementation of the above mitigation meausre would reduce Impacts VI-8 and VI-9 (Be located on a geological unit that is unstable as a result of the project or be located on expansive soils) to less-than-significant levels because the measure requires the implementation of Mitigation Measure VI.3, which requires a final geotechnical engineering report be prepared. The project applicant must comply with the recommendations set forth within the final report.
Finding

The proposed project would satisfy the treatment and flow control requirements set by the West Placer Storm Water Quality Design Manual and appropriately manage runoff for 10- and 100-year storm events. Thus, the project would not substantially alter the existing drainage pattern of the project area or substantially increase the rate or amount of surface runoff. Furthermore, runoff exiting the project site would be properly treated by the proposed bioretention facilities, and, thus, the proposed project would not create or contribute runoff water which would include substantial additional sources of polluted water. A final preliminary drainage report will be required with the Project Improvement Plans to substantiate the preliminary drainage design. However, without approval of a final drainage report, a potentially significant impact could occur.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to a less-than-significant level the project's impacts related to alterations of the existing drainage pattern or amounts of surface runoff.

**MM IX-1:** As part of the Improvement Plan submittal process, the preliminary Drainage Report provided during environmental review shall be submitted in final format. The final Drainage Report may require more detail than that provided in the preliminary report, and will be reviewed in concert with the Improvement Plans to confirm conformity between the two. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum include: A written test addressing existing conditions, the effects of the proposed improvements, all appropriate calculations, watershed maps, changes in flows and patterns, and proposed on- and off-site improvements and drainage easements to accommodate flows from this project. The report shall identify water quality protection features and methods to be used during construction, as well as long-term post-construction water quality measures. The final Drainage Report shall be prepared in conformance with the requirements of Section 1 of the Land Development Manual and the Placer County Storm Water Management Manual that are in effect at the time of Improvement Plan submittal.

**MM IX-2:** This project is subject to the one-time payment of drainage improvement and flood control fees for the Secret Ravine Watershed. The current estimated development fee is $2,179 per gross parcel acreage, payable to the Engineering and Surveying Division prior to Building Permit issuance. The fees to be paid shall be based on the fee program in effect at the time that the application is deemed complete.

**MM IX-3:** This project is subject to payment of annual drainage improvement and flood control fees for the Secret Ravine Watershed. Prior to Building Permit issuance, the applicant shall cause the subject property to become a participant in the existing Secret Ravine Watershed County Service Area for purposes of collecting these annual assessments. The current estimated annual fee is $344 per acre. (MM (ESD))
and oils/grease or other identified pollutants, as approved by the Engineering and Surveying Division (ESD). BMPs shall be designed at a minimum in accordance with the Placer County Guidance Document for Volatil and Flow-Based Siting of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. Post-development (permanent) BMPs for the project include, but are not limited to: Vegetated Swales (TC-30), Water Quality Inlets (TC-50), Storm Drain Signage (SD-15), Sweeping and Vacuumsing Pavements (SCS-7), Pervious Pavements (SD-20), etc. No water quality facility construction shall be permitted within any identified wetlands area, floodplains, or right-of-way, except as authorized by project approvals.

All BMPs shall be maintained as required to insure effectiveness. The applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation. Proof of on-going maintenance, such as contractual evidence, shall be provided to ESD upon request. Maintenance of these facilities shall be provided by the project owner/permittees unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. Contractual evidence of a monthly parking lot sweeping and vacuuming, and catch basin cleaning program shall be provided to the ESD upon request. Failure to do so will be grounds for discretionary permit revocation. Prior to Improvement Plan approval, statements shall be created and offered for dedication to the County for maintenance and access to these facilities in anticipation of possible County maintenance.

The Improvement Plans shall include the message details, location, and locations showing that all storm drain inlets and catch basins within the project area shall be permanently marked/embossed with prohibitive language such as “No Dumping! Flows to Creek!” or other language and/or graphical icons to discourage illegal dumping as approved by the Engineering and Surveying Division (ESD). ESD-approved signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, shall be posted at public access points along channels and creeks within the project area. The Property Owners’ association is responsible for maintaining the legibility of stamped messages and signs.

The Improvement Plans shall show that all stormwater runoff shall be diverted around trash storage areas to minimize contact with pollutants. Trash container areas shall be screened or walled to prevent off-site transport of trash by the forces of water or wind. Trash containers shall not be allowed to leak and must remain covered when not in use.

This project is located within the permit area covered by Placer County’s Small Municipal Separate Storm Sewer System (SMSS) Permit (State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit No. CADE000004, Order No. 2013-0061-DWP), pursuant to the NPDES Phase II program. Project-related stormwater discharges are subject to all applicable requirements of said permit.

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

The project is also required to implement Low Impact Development (LID) standards designed to reduce runoff, treat stormwater, and provide best management practices to the extent feasible, as determined by ESD.

Per the State of California NPDES Phase II MS4 Permit, this project is a Regulated Project that creates and/or replaces 5,000 square feet or more of impervious surface. A final Storm Water Quality Plan (SWQ) shall be submitted, either within the final Drainage Report or as a separate document that identifies how this project will meet the Phase II MS4 permit obligations. Site design measures, source control measures, and Low Impact Development (LID) standards, as necessary, shall be incorporated into the design and shown on the Improvement Plans. In addition, per the Phase II MS4 permit, projects creating and/or replacing one acre or more of impervious surface are also required to demonstrate hydromanagement management of stormwater such that post-project runoff is maintained to equal or below pre-project flow rates for the 2 year, 24-hour storm event, generally by way of infiltration, rooftop and impervious area disconnection, bioretention, and other LID measures that result in post-project flows that mimic pre-project conditions.

Finding after Mitigation

Implementation of the above mitigation measures would reduce Impacts IX.5, IX.6, and IX.7 (Create or contribute runoff water which would include substantial additional sources of polluted water, or otherwise substantially degrade surface or ground water quality) to less-than-significant levels because the mitigation measures require the Improvement Plans show that water quality treatment facilities/Best Management Practices are designed and maintained to assure effectiveness in order to collect and route water safely. In addition, the Improvement Plans will include installation of signage at all storm drain inlets and catch basins to discourage illegal dumping, as well as show that runoff will be diverted around trash storage areas. The measures also ensure that the project will adhere to appropriate regulations as identified by the MS4 Permit, including stormwater discharge, low impact Development standards, and creation of a Storm Water Quality Plan.

SIGNIFICANT EFFECT IMPACT THE WATERSHED OF IMPORTANT SURFACE WATER RESOURCES, INCLUDING BUT NOT LIMITED TO LAKE TAHOE, FOLSOM LAKE, HELL HOLE RESERVOIR, ROCK CREEK RESERVOIR, SUGAR PINE RESERVOIR, FRENCH MEADOWS RESERVOIR, COMBE LAKE, AND ROLLING LAKE? (INITIAL STUDY IMPACT IX-12)

Finding

Short-term construction activities associated with the proposed project could result in soil erosion or the loss of topsoil. Furthermore, during operation of the project, polluted runoff from on-site impervious surfaces could potentially enter downstream waterways. However, mitigation is designed to ensure that the proposed project would not substantially degrade surface water quality or impact the watersheds of important surface water resources, including, but not limited to, Folsom Lake. Implementation of the required mitigation measures would ensure that a potentially significant impact would not occur.

Facts in Support of Finding

The County adopted the following mitigation measures that would reduce to a less-than-significant level the project’s impacts related to the watershed of important surface water resources.

Implement MD IX.4, MD IX.5, MD IX.6, and MD IX.7.
Finding after Mitigation

Implementation of the above mitigation measures would reduce impact IX.12 (impact the watershed of important surface water resources) to a less-than-significant level because the mitigation measure would require implementation of Mitigation Measures IX.4, IX.5, IX.6, and IX.7.

5 SIGNIFICANT IMPACTS WHICH REMAIN SIGNIFICANT AND UNAVOIDABLE

5.1 TRANSPORTATION AND CIRCULATION

SIGNIFICANT EFFECT: STUDY INTERSECTIONS UNDER EXISTING PLUS PROJECT CONDITIONS (IMPACT 9-2).

Finding

The proposed project would perpetuate the existing Level of Service (LOS) F conditions and lengthen delays in the AM peak hour at the Taylor Road/Penny Road intersection. The addition of project trips would increase the volume of traffic through the Taylor Road/Webb Street intersection. The northbound approach to the intersection would continue to operate at LOS D in the PM peak hour. The LOS at the signalized Taylor Road/Horseshoe Bar Road intersection would remain at LOS D in the AM peak hour with and without the project, and project trips under both the regular and special event scenarios would cause the intersection to operate at LOS D in the PM peak hour, which would exceed the Town of Loomis minimum LOS C standard.

Impacts to the following study intersections under Existing Plus Project Conditions would be significant:

- Taylor Road/Penny Road (Placer County);
- Taylor Road/Webb Street (Town of Loomis); and
- Taylor Road/Horseshoe Bar Road (Town of Loomis).

Facts in Support of Finding

With implementation of mitigation, the impact to the Taylor Road/Penny Road intersection would be reduced to a less-than-significant level through installation of a traffic signal, resulting in an acceptable LOS C. Because signalization of the Taylor Road/Penny Road intersection is included in the County's adopted fee program and Capital Improvement Program, the project would receive fee credits and reimbursement towards the cost of the improvement. Measures to improve the operation of the Taylor Road/Webb Street intersection would include construction of new streets to reduce the volume of traffic at the intersection. Similarly, measures to improve the operation of the Taylor Road/Horseshoe Bar Road intersection would include completion of other portions of the circulation system that are included in the Town's 2016 Circulation Element Update. For example, the construction of the Dor Barner Extension from Horseshoe Bar Road to King Road and the Webb Street extension from Horseshoe Bar Road to Taylor Road would reduce traffic on Taylor Road and improve the LOS at both affected Taylor Road intersections. Such street improvements, along with signalization of the Taylor Road/Webb Street intersection are included in the Village at Loomis project and partially funded by the Town's fee program. However, both intersections are located outside of the County's jurisdiction and it cannot be guaranteed that the Village at Loomis project will install the necessary improvements. Therefore, impacts to the Taylor Road/Webb Street and Taylor Road/Horseshoe Bar Road intersections would remain significant and unavoidable.

The County adopted the following mitigation measure that would reduce the impacts to the Taylor Road/Penny Road intersection to a less-than-significant level. However, for the reasons listed above, the impacts to the Taylor Road/Webb Street and Taylor Road/Horseshoe Bar Road intersections would remain significant and unavoidable.

9-2

The Improvement Plans shall show signalization of the Taylor Road/Penny Road intersection. Traffic striping shall be done by the developer's contractor. The removal of existing striping and other pavement markings shall be completed by the developer's contractor.

Additional widening may be required to accommodate auxiliary lanes, intersection geometrics, bike lanes, water quality post construction Best Management Practices (BMPs), or conformance to existing improvements. The roadway structural section shall be designed for a Traffic Index of 8.5, but said section shall not be less than 3 inches Asphalt Concrete (AC) over 8 inches Class 2 Aggregate Base (LAB), unless otherwise approved by the Department of Public Works and Facilities and the Engineering and Surveying Division. (Ref. Section 4, Land Development Manual).

This signalization improvement is included in the County's adopted fee program and CIP and, thus, the project would receive fee credits and reimbursement towards the cost of the improvement.

5.2 TRANSPORTATION AND CIRCULATION (CUMULATIVE)

SIGNIFICANT EFFECT: STUDY INTERSECTIONS UNDER CUMULATIVE PLUS PROJECT WITH VILLAGE AT LOOMIS CONDITIONS (IMPACT 11-7)

Finding

The project would add traffic to the unsignalized Taylor Road/Rippey Road intersection, which would operate at LOS E in the AM peak hour and LOS D in the afternoon peak hour. This projected increase in traffic would increase the delay at the Taylor Road/Rippey Road intersection by a maximum of 1.0 second during the AM and afternoon peak hours. In Loomis, the signalized Taylor Road/King Road intersection would continue to operate at LOS D in the AM and PM peak hours with and without the project, and the project would cause the intersection to operate at LOS D in the afternoon peak hour. Project would add traffic to the signalized Taylor Road/Webb Street intersection, which is projected to operate at LOS D in the PM peak hour with and without the project.

Based on the above, the proposed project would result in a cumulatively considerable contribution to impacts at the following study intersections under Cumulative Plus Project With Village at Loomis Conditions:

- Taylor Road/Rippey Road (Town of Loomis);
- Taylor Road/King Road (Town of Loomis); and
- Taylor Road/Webb Street (Town of Loomis).

Facts in Support of Finding

Two potential measures would improve the LOS at the Taylor Road/Rippey Road intersection: elimination of left-turn access from the connection onto Taylor Road; or installation of a traffic signal or roundabout intersection. While the feasibility of the improvements has not been established, either improvement would cause the Taylor Road/Rippey Road intersection to operate at LOS C or better during the AM, afternoon, and PM peak hours. However, such improvements are not funded and are not included in the Town's impact fee program. In addition,
other development projects in Loomis have not been required to participate in the costs of improvements at the location.

Measures to improve operations at the Taylor Road/King Road intersection would include installation of additional community-wide improvements that are described in the Town of Loomis Circulation Element Update, but are not funded. For example, the Swettner Road extension, from Sierra College Blvd across Webb Street to King Road, would alter local travel patterns, and with the foregoing improvement the Village at Loomis DEIR indicates that long term traffic conditions at the Taylor Road/King Road intersection would meet the Town’s LOS C standard in the PM peak hour, although LOS D would remain in the AM peak hour.

Measures to improve operations at the Taylor Road/Webb Street intersection would include widening the Webb Street approaches to provide separate right-turn lanes. Such improvements are included as a mitigation measure in the Village at Loomis DEIR. However, the improvements are not included in the Town’s impact fee program, and it cannot be guaranteed that the Village at Loomis project will install the necessary improvements.

None of the above improvement measures are funded through the Town’s impact fee program. Furthermore, all three intersections are located outside of the County’s jurisdiction and, thus, completion of the improvements cannot be guaranteed. Therefore, even with payment of traffic impact fees identified herein, the project’s incremental contribution to this cumulatively considerable cumulative impact to the intersections would remain cumulatively considerable and significant and unavoidable.

The County adopted the following mitigation measure that would reduce the cumulative impact, but not to a less-than-significant level. For the reasons described above, Impact 11-7 would remain significant and unavoidable.

The proposed project shall be subject to the payment of traffic impact fees that are in effect in the project area (Newcastle/Horseshoe Bar/El Dorado District), pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) shall be required and shall be paid to Placer County DPW prior to issuance of any building permits for the project:

A. County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code
B. South Placer Regional Transportation Authority (SPRTA)

The current estimated fee is $5.692 per dwelling unit equivalent. The fees were calculated using the information supplied. If either the use or the square footage changes, then the fees shall change. The actual fees paid shall be those in effect at the time the payment occurs.

SIGNIFICANT EFFECT: STUDY INTERSECTIONS UNDER CUMULATIVE PLUS PROJECT WITHOUT VILLAGE AT LOOMIS CONDITIONS (IMPACT 11-8)

Finding

The project would add traffic to the un-signalized Taylor Road/Rippey Road intersection, which would operate at LOS E in the AM peak hour and LOS D in the afternoon peak hour with and without the project. Project-related traffic would increase the delay at the Taylor Road/Rippey Road intersection by a maximum of 1 second, which is considered a relatively minor increase. In Loomis, the signalized Taylor Road/King Road intersection would continue to operate at LOS G in the AM peak hour and LOS D in the afternoon and PM peak hours with and without the project. The project would add traffic to the signalized Taylor Road/Webb Street intersection, which is projected to operate at LOS F. The un-signalized Taylor Road/Del Oro High School access intersections would operate at LOS F with and without the project.
has considered the following factors, among others: (i) whether the suggestion relates to a significant and unavoidable environmental effect of the originally proposed project or alternative, or instead relates to an effect that can already be mitigated to a less-than-significant level by proposed mitigation measures in the Draft EIR; (ii) whether the proposed language represents a clear improvement, from an environmental standpoint, of the draft language that a commenter seeks to replace; (iii) whether the proposed language is sufficiently clear as to be easily understood by those who will implement the mitigation as finally adopted; (iv) whether the language might be too inflexible to allow for pragmatic implementation; (v) whether the suggestions are feasible from an economic, technical, legal, or other standpoint; and (vi) whether the proposed language is consistent with the project objectives. In no instance did the County fail to take seriously a suggestion made by a commenter or fail to appreciate the sincere effort that went into the formulation of suggestions.

7 ALTERNATIVES

The CEQA Guidelines require that an EIR describe a reasonable range of alternatives that would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant environmental effects of the project and evaluate the comparative merits of the alternatives. (Guidelines §15126(a).) Case law has indicated that it is the lead agency who has discretion to determine how many alternatives constitute a reasonable range. (Citizens of Goleta Valley v. Board of Supervisors (1990), 92 C.3d 553, 566.) CEQA Guidelines note that alternatives evaluated in the EIR should be able to attain most of the basic objectives of the project (Guidelines §15126.6(k)). An EIR need not present alternatives that are incompatible with fundamental project objectives (Save San Francisco Bay Association v San Francisco Bay Conservation & Development Commission (1992), 10 Cal.App.4th 908), and the Guidelines provide that an EIR need not consider alternatives that are infeasible. (CEQA Guidelines §15126.6(k).) The Guidelines provide that among the factors that may be taken into account when addressing the feasibility of alternatives are "site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the project can reasonably acquire, control or otherwise have access to the alternative site." (CEQA Guidelines §15126.6(k)(1).) The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasonable choice (CEQA Guidelines §15126.6(k)).

Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." CEQA Guidelines section 15564 adds another factor: "Legal" considerations. (See also Citizens of Goleta Valley v. Board of Supervisors ("Goleta II") (1990) 52 Cal.3d 553, 555.)

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 410, 417.) "Feasibility" under CEQA encompasses "feasibility" to the extent that feasibility is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (Id., see also California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957, 1001-1002 (City of Santa Cruz).)

The review of project alternatives is guided primarily by the need to substantially reduce potential impacts associated with the project, while still achieving the basic objectives of the project, which can be found on pages 6 and 7 of this document.

The detailed discussions in Sections 4 and 5 demonstrate that many of the significant environmental effects of the project have been either substantially lessened or avoided through the imposition of existing policies or regulations or by the adoption of additional, formal mitigation measures recommended in the EIR.

The County can fully satisfy its CEQA obligations by determining whether any alternatives identified in the Draft EIR are both feasible and environmentally superior with respect to the project impacts identified in the EIR. (See Laurel Hills Homeowners Assn v. City Council (1978) 83 Cal.App.3d 315, 520-521, 526-527; Kings County Farm Bureau, supra, 221 Cal.App.3d at pp. 730-731; and Laurel Heights Improvement Assn v. Regents of the University of California (1988) 47 Cal.3d 376, 400-403; see also Pub, Resources Code, Section 21002.) These Findings will assess whether each alternative is feasible in light of the project applicant's objectives for the project, which, as noted earlier, the Planning Commission finds to be legitimate and has embraced as they were the County's own objectives.

As discussed in California Native Plant Society v. City of Santa Cruz (2009) 177 Cal.App.4th 957, the issue of feasibility arises at two different junctures: (1) in the assessment of alternatives in the EIR, and (2) during the agency's later consideration of whether to approve the project. But differing factors come into play at each stage. For the first phase— inclusion in the EIR — the standard is whether the alternative is potentially feasible. (Guidelines, § 15126.6, subd. (a).) By contrast, at the second phase— the final decision on project approval — the decisionmaking body evaluates whether the alternatives are actually feasible. (See Guidelines, § 15091, subd. (c)(3).) At that juncture, the decisionmakers may reject as infeasible alternatives that were identified in the EIR as being potentially feasible.

As the following discussion will show, no identified alternative qualifies as both feasible and environmentally superior to the project.

7.1 NO PROJECT (NO BUILD) ALTERNATIVE

CEQA requires the evaluation of the comparative impacts of the "No Project" alternative (CEQA Guidelines Section 15126.6(c)). Analysis of the no project alternative shall:

... "discuss [...] existing conditions [...] as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." (Id., subd. (c)(2)) If the project is other than land use or regulatory plan, for example a development project on identifiable property, the "no project" alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in the property's existing state versus environmental effects that would occur if the project were approved. If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this "no project" consequence should be discussed. In certain instances, the no project alternative means "no build," wherein the existing environmental setting is maintained. However, where failure to proceed with the project would not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment." (Id., subd. (c)(3)(B).)

The County has decided to evaluate a No Project (No Build) Alternative, which assumes that the proposed project site would remain in its current condition and would not be further developed. As described in the Draft EIR, the northern portion of the site includes five structures associated with a bed and breakfast/event center facility, a water supply well and septic system, 65 parking spaces, and an irrigation stock pond. The bed and breakfast/event center facility is not currently operational and is assumed to remain as such for the purposes of this analysis. Such an assumption is reasonable based upon the fact that UIAC currently owns the proposed project site and would not be inclined to operate a bed and breakfast facility. In general, the northern third of the project site has been subject to a relatively high level of disturbance, while the southern two-thirds is primarily undeveloped.

Finding: Implementation of the No Project (No Build) Alternative would not meet any of the Project Objectives. The County has determined that specific economic, social, and environmental considerations render the No
Project (No Build) Alternative infeasible. (See CEQA Guidelines, Section 15061, subd. (a)(3)). Under CEQA, "feasible" means "[...] capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA Guidelines, Section 15364.) As noted above, the concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (City of Del Mar, supra, 133 Cal.App.3d at p. 417; City of Santa Cruz, supra, 177 Cal.App.4th at pp. 992, 1000-1005.) The No Project (No Build) Alternative would not promote the objectives of the project.

To the extent that the project has greater environmental impacts than the No Project (No Build) Alternative, the County believes they are acceptable, given the efforts taken to mitigate all environmental impacts to the extent feasible. In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs. (See Laurel Hills, supra, 83 Cal.App.3d at p. 521 (a public agency may approve [...] a project once its significant adverse effects have been reduced to an acceptable level -- that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable").

7.2 NO BALLFIELD LIGHTING ALTERNATIVE

Under the No Ballfield Lighting Alternative, the proposed ballfield facility would not include nighttime lighting in the form of five 40-foot light poles. As such, outdoor events could not occur at the ballfield after dusk and would be limited to daylight hours. In contrast, use of ballfield lighting as part of the proposed project would enable the use of the ballfield to host events until 10:00 PM. Thus, the No Ballfield Lighting Alternative would restrict the use of the field relative to the proposed project, particularly during winter months when daylight is more limited. All other project components would remain unchanged from the current development proposal.

Under the No Ballfield Lighting Alternative, the proposed project site, as the proposed ballfield would not be available for use after dark.

Finding: Implementing the No Ballfield Lighting Alternative would not fully meet Objective 81 (6), nor would it eliminate the significant and unavoidable impact. Most impacts related to the project would remain the same, and all mitigation measures would still be required, and thus, the alternative is rejected.

The alternative would result in fewer recreation possibilities on the field and would limit sporting and special events. Because there are mitigations in place to reduce the lighting effects of the night events on the Ballfield, the Aesthetics and Noise impacts of the proposed project have already been reduced to a less-than-significant impact, so the No Ballfield Lighting Alternative would not substantially reduce the impacts related to Aesthetics and Noise.

The County has determined that specific economic, social, and environmental considerations render the No Ballfield Lighting Alternative infeasible. (See CEQA Guidelines, Section 15061, subd. (a)(3)). Under CEQA, "feasible" means "[...] capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA Guidelines, Section 15364.) As noted above, the concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (City of Del Mar, supra, 133 Cal.App.3d at p. 417; City of Santa Cruz, supra, 177 Cal.App.4th at pp. 992, 1000-1005.)

To the extent that the project has greater environmental impacts than the No Ballfield Lighting Alternative, the County believes they are acceptable, given the efforts taken to mitigate all environmental impacts to the extent feasible. In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs. (See Laurel Hills, supra, 83 Cal.App.3d at p. 521 (a public agency may approve [...] a project once its significant adverse effects have been reduced to an acceptable level -- that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable").

7.3 REDUCED SCALE ALTERNATIVE

Under the Reduced Scale Alternative, the project would consist of a pre-kindergarten through fifth grade elementary school rather than a pre-kindergarten through eighth grade elementary/middle school. In addition, the Reduced Scale Alternative would omit the Adult Education Center and the Tribal Cultural Center facilities. Under the proposed project, the two buildings would include 9,640 square feet (sf) and 14,000 sf, respectively. Thus, the overall development footprint would be reduced by approximately 23,640 sf. The area where the Adult Education Center and Tribal Education Center facilities are currently proposed would remain open space.

UAIC students grades six through eight would remain at the existing UAIC school facility located at 10770 Indian Hill Road in Auburn, California. While the proposed project would serve approximately 100 UAIC students and employ 43 staff members, the Reduced Scale Alternative would serve approximately 37 UAIC students and support 30 staff members.

The Reduced Scale Alternative would not alter the proposed project school hours, which would be 7:30 AM to 4:30 PM, Monday through Friday. With the exception of the Adult Education Center and the Tribal Cultural Center, the proposed site amenities would remain the same as the proposed project. Similar to the existing UAIC school in Auburn, as well as the proposed project, approximately 90 percent of future students would be Native American students from and to the Alternative school. However, the Reduced Scale Alternative would reduce the number of special events from 1-2 per month to one per month, or two events every three months. Similar to the proposed project, such events could include attendance of up to approximately 200 people, although some students and staff may already be located on school property.

Finding: Under the Reduced Scale Alternative, two of the ten objectives would not be met, and the transportation and circulation impact would remain significant and unavoidable. For these reasons, the Reduced Scale Alternative is rejected.

Overall impacts related to the proposed project would remain the same in the Reduced Scale Alternative. Even though the alternative would reduce the number of students and facility on campus, the hours of operation would stay the same and traffic at Taylor Road/Webb Street and Taylor Road/Harrison Bar Road intersections would remain significant and unavoidable. Mitigation measures relating to impacts from the proposed project would still be required under the Reduced Scale Alternative.

Additionally, the project would not be able to serve as many students of the UAIC and would not offer state of the art educational to as many members of the community as possible. In particular, the omission of a cultural center would not provide on-site cultural education opportunities to future UAIC students and the community, and omission of the Adult Education Center would not give the opportunity for continuing education to adult members of UAIC. Children grades six through eight would remain at the current school, and the goal of consolidation of UAIC education activities and programs onto a single integrated campus would not be met.

The County has determined that specific economic, social, and environmental considerations render the Reduced Scale Alternative infeasible. (See CEQA Guidelines, Section 15061, subd. (a)(3)). Under CEQA, "feasible" means "[...] capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA Guidelines, Section 15364.) As noted above, the concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (City of Del Mar, supra, 133 Cal.App.3d at p. 417; City of Santa Cruz, supra, 177 Cal.App.4th at pp. 992, 1000-1005.)

To the extent that the project has greater environmental impacts than the Reduced Scale Alternative, the County believes they are acceptable, given the efforts taken to mitigate all environmental impacts to the extent feasible. In sum, the County believes that the benefits of the project as proposed outweigh its environmental costs. (See Laurel Hills, supra, 83 Cal.App.3d at p. 521 (a public agency may approve [...] a project once its significant
8 STATEMENT OF OVERRIDING CONSIDERATIONS

As discussed in Section 5 of these CEQA Findings, the Final EIR concludes that the project, even with the incorporation of all feasible mitigation measures and consideration of alternatives, will nonetheless cause direct significant and unavoidable impacts related to the following:

- Study intersections under Existing Plus Project Conditions;
- Study intersections under Cumulative Plus Project With Village at Loomis Conditions; and
- Study intersections under Cumulative Plus Project Without Village at Loomis Conditions.

Placer County, through the Planning Commission, has also adopted all feasible mitigation measures with respect to the first-listed impact, which further lessens the impact, but would not reduce it below a level of significance.

Under CEQA, before a project which is determined to have a significant, unmitigated environmental effect can be approved, the public agency must consider and adopt a "statement of overriding considerations" pursuant to CEQA Guidelines Sections 15063 and 15064. As the primary purpose of CEQA is to fully inform the decisionmakers and the public as to the environmental effects of a project and to include feasible mitigation measures and alternatives to reduce any such adverse effects below a level of significance, CEQA nonetheless recognizes and authorizes the approval of projects where not all adverse impacts can be fully lessened or avoided. However, that agency must explain and justify its conclusion to approve such project through the statement of overriding considerations, setting forth the project's general social, economic, policy, or other public benefits that support the agency's informed conclusion to approve the project.

Placer County finds that the project meets the following objectives – which have substantial social, economic, policy and other public benefits – justifying its approval and implementation, notwithstanding the fact that two environmental impacts were not fully reduced below a level of significance:

The project will provide for the following benefits:

1. Positively contribute to the local economy through the creation of new jobs;
2. Provide a state-of-the-art campus for pre-K through 8th graders of the UAIC;
3. Remediate contaminated soils on-site; and
4. Encourage the development of a Tribal Cultural Center that benefits all residents of Placer County in enriching the County's cultural heritage and diversity, as well as promote adult education within the tribe through the Tribal Education Center.

With respect to Item 1, implementation of the project would increase economic activity through the short-term creation of jobs during construction. Given the relatively short time of construction, the proposed project would not likely result in an increase in population, but would help stimulate the economy during building. Additionally, the project would employ 35 full-time staff members at the proposed school facilities, up to six staff members at the proposed Tribal Education Center, and two staff members at the Tribal Cultural Center, for a total of 43 employees, which is an increase of five employees from the total 38 staff members at the current school. Following relocation of the school campus, the current location will remain operational as administrative/office facilities for the UAIC. The project could also have indirect employment growth related to recreation that would occur on the Ballfield, such as referees and coaches for sporting events, or vendors for special events.

With respect to Item 2, a state-of-the-art campus is needed for pre-K through 8th graders of the UAIC in order to properly house and educate the number of students in attendance. The proposed school would meet Placer County General Plan school goals and policies (e.g., Goal 4.1 and Policy 4.1.8). The project would create a student life campus to foster a positive learning environment for children of the UAIC. Students would also receive outdoor
education and integrate a keen awareness of the environment through the unique location of the school. The majority of a pond, riparian and oak woodland would be preserved in order to give students the opportunity for environmental education. Additionally, the buildings are designed to increase energy efficiency beyond the requirements of the 2016 California Building Energy Efficiency Standards Code, and are more beneficial to the environment than the current UAIC campus.

With respect to Item 3, the proposed project would remove contaminated soils from the site according to an approved Remediation Workplan. Remediation would be performed safely and in accordance with the Department of Toxic Substance Control standards. Without remediation of the contaminated soil on site, stormwater runoff could transport on-site contaminants and carry such contaminants to receiving drainage systems. Therefore, without the project, impacts related to hazardous materials would be greater.

With respect to Item 4, the County would benefit from the development of a Tribal Cultural Center through understanding of the heritage of the UAIC tribe. The Tribal Cultural Center is anticipated to include a publicly-accessible gallery, exhibit space, reception area, and gift shop. The tribe may also invite researchers, community groups, tribal groups, and school groups to the site in order to provide a diverse learning environment. Creating a publicly-available learning center for the County would enhance the community's understanding of Native American history and culture. In addition, a Tribal Education Center would be developed in order to provide continuing education classes for adult tribal members, which in turn would strengthen involvement and education in the community.

The proposed Tribal Cultural Center is consistent with the following goals/policies of the Placer County General Plan:

**CULTURAL RESOURCES**

**Goal S.D.** To identify, protect, and enhance Placer County's important historical, archaeological, paleontological, and cultural sites and their contributing environment.

**Policies**

S.D.1. The County shall assist the citizens of Placer County in becoming active guardians of their community's cultural resources.

S.D.2. The County shall solicit the cooperation of the owners of cultural and paleontological resources, encourage those owners to treat these resources as assets rather than liabilities, and encourage the support of the general public for the preservation and enhancement of these resources.

Any one of these reasons is sufficient to justify approval of the project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Commission would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in Sections 4 and 5 above.

9 CONCLUSION

The mitigation measures listed in conjunction with each of the findings set forth above, as implemented through the MMRP, have eliminated or reduced, or will eliminate or reduce to a level of insignificance, all adverse environmental impacts, except for those described above in Section 5.

Taken together, the Final EIR, the mitigation measures, and the MMRP provide an adequate basis for approval of the United Auburn Indian Community School Project.
**State of California – Department of Fish and Wildlife**

**2019 ENVIRONMENTAL FILING FEE CASH RECEIPT**

DFW 753.5a (Rev. 01/19)

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**RECEIPT**

**STATE CLEARING HOUSE**

**31-190026**

**DATE:** 01/25/2019

**PROJECT TITLE:** UNITED AUBURN INDIAN COMMUNITY SCHOOL

**PROJECT APPLICANT NAME:** PLACER COUNTY COMMUNITY DEVELOPMENT RESOURCE AGENCY

**PROJECT APPLICANT ADDRESS:** PLACER COUNTY CENTER DRIVE STE 190 AUBURN CA

**PHONE NUMBER:** 530-745-3132

**ZIPCODE:** 95603

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**CHECK APPLICABLE FEES:**

- [ ] Environmental Impact Report (EIR) $3,271.00
- [ ] Mitigated/Negative Declaration (MND) (ND) $2,354.75
- [ ] Application Fee Water Diversion (State Water Resources Control Board Only) $850.00
- [ ] Projects Subject to Certified Regulatory Programs (CRP) $1,112.00
- [ ] County Administrative Fee $50.00
- [ ] Project that is exempt from fees
  - [ ] Notice of Exemption (attach)
  - [ ] EFG No Effect Determination (attach)
  - [ ] Other $0.00

---

**PAYMENT METHOD:**

- [ ] Cash
- [ ] Credit
- [ ] Check
- [ ] Other (attach)

**TOTAL RECEIVED:** $3,271.00

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**SIGNATURE:**

**TITLE:** E. ELL, DEPUTY

**PROJECT APPLICANT COPY**

**LEAD AGENCY COPY**

**COUNTY CLERK COPY**

**COPA456 COPY**

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EXHIBIT 3

EXHIBIT "A"
LAFCO ANNEXATION NO. 2019-03
LEGAL DESCRIPTION
UNITED AUBURN INDIAN COMMUNITY (UAIC)
ANNEXATION TO SOUTH PLACER MUNICIPAL
UTILITY DISTRICT (SPMUD)

All that real property situated in the State of California, County of Placer, unincorporated area, located in the East half of the Northeast quarter of Section 3, Township 11 North, Range 7 East, M.D.M., being more particularly described as follows:

Beginning at the East quarter corner of said Section 3, being a point located on the existing SPMUD boundary; thence from said POINT OF BEGINNING, the following seven (7) courses:

(1) leaving said SPMUD boundary, along the East-West centerline of said Section 3, South 88°36'36" West, 1020.65 feet to an angle point on the existing SPMUD boundary;

(2) continuing along said East-West centerline and along said existing SPMUD boundary, South 88°36'36" West, 294.24 feet to the West line of said East half of the Northeast quarter;

(3) continuing along said existing SPMUD boundary and along said West line, North 00°16'02" East, 1652.37 feet to the northwesterly line of Taylor Road (County Road #D2040);

(4) leaving said SPMUD boundary, along last said northwesterly line, North 52°21'58" East, 1202.03 feet to the West line of the East 381 feet of said Northeast quarter of Section 3;

(5) along last said West line, South 00°38'01" West, 2101.84 feet to the South line of the North 2300 feet of said Northeast quarter of Section 3;

(6) along said South line, North 89°14'44" East, 381.00 feet to said existing SPMUD boundary, also being the East line of said Northeast quarter of Section 3;

(7) along said existing SPMUD boundary and last said East line, South 00°38'01" West, 257.76 feet to the POINT OF BEGINNING.

Containing 45.582 acres, more or less.

The Basis of Bearings for this description is identical to with said West line of the East half of the Northeast quarter of Section 3, being the easterly boundary of 'Lemos Ranch', as shown on the Final Map filed in Book Z of Maps, at Page 44, Placer County Records, the bearing of which is given as South 00°16'02" West.

End of Description

APN # 043-013-010

Prepared by: John E. Klamm
Name of Firm: RSC Engineering, Inc.

Signature 7/23/19

Technically Correct
Placer County Surveyor

Date July 24, 2019

Page 1 of 1
PLACER LOCAL AGENCY FORMATION COMMISSION
Resolution No. 2019-06

Approving Determinations for an Annexation to the South Placer Municipal Utility District
(LAFCO No. 2019-03 United Auburn Indian Community)

Whereas, an application was filed with the Executive Officer of the Placer Local Agency Formation Commission in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.—the "Act") for the annexation of certain territory as described in Exhibit 1, attached hereto and incorporated herein by reference (the "Territory") to the South Placer Municipal Utility District (SPMUD); and

Whereas, the Proposal is located on approximately 45 acres adjacent to SPMUD territory, which area is shown and described in Exhibits 1 and 2, attached hereto and incorporated herein by reference (the "Territory"); and

Whereas, on February 7, 2019, the SPMUD Board of Directions approved an annexation application (Resolution 2019-05), and

Whereas, on March 9, 2019, SPMUD submitted an application to Placer LAFCO in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Act".—Government Code section 56000 et seq.) requesting annexation of the territory, and

Whereas, the proposed territory is within the adopted Sphere of Influence for the South Placer Municipal Utility District, and

Whereas, the Executive Officer of Placer LAFCO reviewed the proposed annexation of the Territory, duly noticed a public hearing, and prepared and submitted a report to the Commission regarding the annexation of the territory to SPMUD, and,

Whereas, this Commission held a public hearing, received oral and written comments and evidence with respect to the proposed annexation and has duly considered the report of the Executive Officer and all other relevant evidence and information in full accordance with the requirements of the Act, and

Now, therefore, the Placer Local Agency Formation Commission does hereby adopt and incorporate herein as true and accurate statements and findings of fact all of the statements and recitals set forth in all of the preceding portions of this resolution, and

Further, the Commission does hereby determine, resolve and order, pursuant to its powers as provided in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as follows:

1. The Territory is uninhabited under Section 56046 of the Act.

2. The Territory is located within the existing sphere of influence of SPMUD.

3. The Commission determines that this annexation is consistent with the Placer LAFCO Policies and the provisions of the Act, including but not limited to Section 56668 thereof.
4. The distinctive short form for this proposal shall be: LAFCO No. 2019-03, United Auburn Indian Community School Annexation to SPMUD.

5. The change of organization consists of the following:

   Annexation to the South Placer Municipal Utility District.

Upon the Effective Date, the Territory shall be within the district boundaries of the South Placer Municipal Utility District.

6. The regular County assessment roll shall be used for this change of organization.

7. This approval is subject to payment of all necessary fees and charges of Placer LAFCO and of other agencies, including but not limited to the Board of Equalization.

10. This approval is subject to the following terms and conditions:

   The map shall be approved by the County Surveyor prior to recordation.


12. Upon satisfaction of all conditions of this approval, the Executive Officer is authorized to prepare and execute a Certificate of Completion in accordance with Government Code section 57200. The date of issuance of the Certificate of Completion shall constitute the Effective Date of this change of organization.

On a motion by Commissioner ____________, seconded by Commissioner ____________, the foregoing resolution was passed and adopted by the Placer Local Agency Formation Commission at a duly noticed meeting thereof this 14th day of August, 2019, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Signed after adoption:

Susan Rohan, Chair

Attest:

Kristina Berry, AICP, Executive Officer

Resolution 2019-06
UAIC Annexation to SPMUD
PLACER COUNTY
LOCAL AGENCY FORMATION COMMISSION
110 Maple Street, Auburn California 95603
Email: lafco@placer.ca.gov

DATE: August 2, 2019

TO: Chair Rohan; Commissioners Alpine, Gore, Joiner, Kahrl, Patterson, Weygandt. Alternate Commissioners Alvord, Gray, Holmes, Lynch

FROM: Kris Berry, AICP, Executive Officer

SUMMARY

The proposed Resolution 2019 – 07 would authorize the payment of $100.00 per diem stipend to all members of the Commission.

RECOMMENDED ACTION

Staff is recommending that the Commission adopt the attached resolution 2019 – 07 authorizing payment of stipends to all Commission members.

SUMMARY

Commission members and alternates are eligible to receive the payment of a per diem payment for each day they are in attendance at meetings of the Commission pursuant to Government Code 56334. However, due to restrictions that were in place in the Placer County Charter, Commission members appointed by the Board of Supervisors have not received these stipends.

The restrictions for pay for the Commission were removed by amendment of the Charter. By adopting this resolution, it clarifies that the Board of Supervisor appointees, as well as the other members of the Commission, are entitled to payment of $100.00 per diem stipend, effective immediately, to all members of the Commission in attendance. No retroactive payment will be made for past meetings of the Commission.

Attachments:

Exhibit 1 Resolution 2019 - 07
Exhibit 2 Government Code section 56334.
EXHIBIT 1

PLACER LOCAL AGENCY FORMATION COMMISSION
Resolution No. 2019 – 07

Providing for the Reimbursement of Expenses and a Per Diem Allowance for Commission Members

Whereas, Commission members and alternates are entitled to the reimbursement of reasonable and necessary expenses incurred in attending meetings and in performing duties of their office pursuant to Government Code Section 56334; and

Whereas, Commission members and alternates are eligible to receive the payment of a per diem for each day while they are in attendance at meetings of the Commission pursuant to Government Code Section 56334; and

Whereas, the Commission has been paying members and alternates a per diem payment in the amount of $100 for each day while they are in attendance at meetings of the Commission pursuant to Placer County Ordinance No. 4100-B; and

Whereas, due to restrictions in the Placer County Charter, Commission members appointed by the Board of Supervisors did not receive the payment of a per diem for each day while they are in attendance at meetings of the Commission; and

Whereas, the restrictions in the Placer County Charter have been removed and it is appropriate to provide the per diem payment to members of the Commission appointed by the Board of Supervisors as well as the other members of the Commission.

Now Therefore, be it resolved as follows:

1. All Commission members and alternates are entitled to the reimbursement of reasonable and necessary expenses incurred in attending meetings and in performing duties of their office pursuant to Government Code Section 56334.

2. All Commission members and alternates shall receive the payment of a $100 per diem for each day or part thereof while in attendance at meetings of the Commission pursuant to Government Code Section 56334.

3. Commission members appointed by the Board of Supervisors shall be entitled to the per diem payment immediately upon passage of this Resolution, but shall not be entitled to retroactive payment for attendance of past meetings of the Commission.

On a motion by Commissioner ___________, seconded by Commissioner ___________, the foregoing resolution was passed and adopted by the Placer Local Agency Formation Commission at a duly noticed meeting thereof this, 14th day of August, 2019, by the following vote:
August 14, 2019
Item No. 11

PLACER COUNTY
LOCAL AGENCY FORMATION COMMISSION
110 Maple Street, Auburn California 95603

Email: lafco@placer.ca.gov

530-889-4097

STAFF REPORT

DATE: August 5, 2019

TO: Chair Rohan; Commissioners Alpine, Gore, Joiner, Kahrl, Patterson, Weygandt. Alternate Commissioners Alvord, Gray, Holmes, Lynch

FROM: Kris Berry, AICP, Executive Officer

SUMMARY

Every year, CALAFCO, the State Association of LAFCO holds an annual Commissioners Conference. This year, the Conference will be held at the Hyatt Regency in Sacramento.

Attached is a summary of the conference and sessions proposed. The Conference is being held October 30th thru November 1st. Although the conference doesn’t start until early afternoon on Wednesday, there is a Mobile Workshop (limited capacity) and a LAFCO 101 session in the morning of the 30th.

We have budgeted for four Commission attendees, including lodging and meals. However, we may be able to accommodate additional Commissioners if some attendees plan on commuting.

RECOMMENDED ACTION

Attached you will find a printout of the highlights of the Conference. There will be additional information available soon. However, if you are interested in attending, we need to know, as rooms are filling up and registration is due next month. Please feel free to contact me if you have any questions.
2019 Annual Conference

2019 Annual Conference

Join us in Sacramento at the Hyatt Regency downtown October 30 - November 1, 2019 for our Annual Conference as CALAFCO connects California. Registration for the Conference is now open! For information, check out the 2019 Conference Announcement.

Registration Information

Registration is now open and you have two registration options. You can download the fillable registration form and mail it in with your payment to CALAFCO, or you can register and pay online. Registration deadline is October 15, 2019. Early bird registration rates are valid only if payment is received by September 20.

Hotel Information

We will be at the Hyatt Regency downtown Sacramento, just across the street from the beautiful Capitol. Hotel room rates start as low as $139 for single and double occupancy! Rate includes parking and in room wifi and exclude taxes.
special rate is available 2 days pre and post Conference based on hotel availability. You can make your hotel reservations using the online reservation portal or by calling 877-803-7534 and referencing the CALAFCO Conference. Reservation cutoff date is October 8, 2019. After this date we do not guarantee there will be rooms available at this special rate.

**Special Program Note**
This year we are doing something different - we are swapping the nights of our banquet dinner and welcome reception! Our annual awards banquet and pre-dinner reception with our sponsors will be held Wednesday, October 30. Our welcome reception will be held on Thursday, October 31 with a special Halloween costume contest. You will not want to miss either of these special events this year.

**Conference Program**
The program planning team is busy finalizing another great program. Sessions will be interactive, informative and value-added for Commissioners, staff and others. We will have an all-star cast of speakers including LAFCo Commissioners, staff, a variety of subject matter experts and state elected and agency officials. You will see topics listed on the Conference Announcement or you can access the DRAFT program listing . Please note this is a DRAFT and it is subject to change.

**Mobile Workshop**
We are planning to take a tour of the Port of West Sacramento and learn about the Port operations and the very unique relationship between the Port and the City of West Sacramento. We have also requested (awaiting confirmation) to tour the Farmers Rice Cooperative's milling and manufacturing facility located directly across the street from the Port. We will also enjoy several guest speakers and a farm-to-fork lunch at the newly opened Sacramento Fire Fighter's Museum. Look for details coming soon.

**Sponsorship Opportunities**
We invite you to consider a partnership with CALAFCO. Our sponsorship packages deliver wide-reaching exposure that will help you achieve your industry goals. Our Conference is a one-of-a-kind forum that brings together LAFCo representatives from across the state to discuss and address some of California's most compelling issues. Our attendees have an opportunity to interact with about 300 LAFCo commissioners, which include elected officials such as county supervisors, city council members, special district directors and appointed members of the public and LAFCo staff. This unique networking environment has the potential to cultivate long-lasting and constructive relationships that are relevant to
California’s thoughtful growth and sustainability. There are many Sponsorship opportunities available. For details, download the Sponsor invitation letter and the full Sponsorship packet.

CANCELLATION AND REFUND POLICY

1. Registrations are considered complete upon receipt of fees.
2. Cancellation requests made in writing and received by October 15, 2019 receive a 100% refund less $20 handling fee and any transaction fees.
3. Credits are not issued for any cancellations.
4. Registration fees are transferable to another person not already registered provided the request is received in writing. Deadline to transfer registrations is October 18, 2019.
5. Registration fees for guests and special events are not transferable and are fully refundable (minus any transaction fees) if requests are made in writing and received by October 15, 2019 or if the special event is canceled.
6. Cancellation requests must be made by e-mail, fax or mail to the CALAFCO office.
7. Cancellation requests made after October 15, 2019 are not eligible for a refund.

Wednesday, October 30, 2019 - 13:00 to Friday, November 1, 2019 - 12:00
Sacramento Hyatt Regency

Sessions:

DRAFT Program sessions include
- Stress-testing LAFCos and local agencies in changing times*
- It takes a village: LAFCo, County and State collaboration to solve a local problem*
- Water, water everywhere but not a drop to drink
- Planning the legislative menu rather than being on the menu
- What’s your story? Crafting and communicating a compelling LAFCo narrative
- MSRs: You get out what you put in
- Opportunities and challenges for LAFCo in addressing the housing call
- Solving difficult service issues with creative and innovative solutions
- Leading your LAFCo into the next decade with courage and independence*
- Annual CALAFCO Legislative Update*
- CALAFCO Annual Business Meeting (for all CALAFCO members) *

Note: The Program is subject to change. *Indicates General Session