

Orchard at Penryn

Statement of Findings and Overriding Considerations

SCH # 2010032070

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I. OVERVIEW AND INTRODUCTION

This Statement of Findings is made with respect to approval of a tentative subdivision map for the Orchard at Penryn project and states the findings of the Placer County Board of Supervisors relating to the potentially significant environmental effects of the project.

The project applicant, Penryn Development LLC, has requested that Placer County take the following actions:

1. Certification of an Environmental Impact Report and adoption of the Mitigation Monitoring and Reporting Plan.
2. Approval of a Tentative Subdivision Map.
3. Issuance of a Use Permit.
4. Design/Site Review.

Approval of the Tentative Subdivision Map and other requested entitlements constitutes the project for purposes of the California Environmental Quality Act (Public Resources Code Section (§) 21000 *et seq.*) (CEQA), CEQA Guidelines § 15378, and these determinations of the Board of Supervisors.

II. PROCEDURAL HISTORY

WHEREAS, the *Placer County General Plan* and *Horseshoe Bar/Penryn Community Plan* designate land for residential development in the Penryn community; and

WHEREAS, the applicant proposes to develop 150 multi-family residential units on a ±15.1-acre property located on the west side of Penryn Road, approximately one-half mile north of Interstate 80; and

WHEREAS, the County prepared an Initial Study and issued a Notice of Preparation (NOP) to prepare an environmental impact report (EIR) on March 22, 2010; prepared a Draft EIR and released it for public comment in July 2011; received public comments on the Draft EIR until August 29, 2011, including at a public hearing held before the Planning Commission on August 11, 2011; and

WHEREAS, the Planning Commission gave notice of a public hearing to consider and act upon the Final EIR for the Orchard at Penryn project, and a public hearing was held before the Planning Commission on June 28, 2012; and

WHEREAS, after holding public hearings, the Planning Commission considered the Final EIR as prepared for the project (which includes the NOP and Initial Study dated March 22, 2010, the Draft EIR dated July 2011, the Final EIR dated January 2012, and EIR Errata dated June 2012), the comments of the public, both oral and written, and all written materials in the record connected therewith; and

WHEREAS, at the conclusion of the public process described above for the project, the Planning Commission certified the Final EIR and adopted a Mitigation Monitoring and

Reporting Program, findings of fact and a statement of overriding considerations, and approved the requested entitlements; and

WHEREAS, on June 29 and July 9, 2012, the Town of Loomis and a citizen group, "Stop 150 Apartments Group," respectively, filed appeals challenging the Planning Commission's determinations under CEQA and the project approvals; and

WHEREAS, after holding a public hearing, the Board of Supervisors considered the Final EIR as prepared for the project (which includes the NOP and Initial Study dated March 22, 2010, the Draft EIR dated July 2011, the Final EIR dated January 2012, and EIR Errata dated June 2012 and revised September 2012), the comments of the public (including the appellants, Town of Loomis and Stop 150 Apartments Group, and the applicant), both oral and written, and all written materials in the record connected therewith.

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

1. The foregoing statements of procedural history are correct and accurate.
2. The Final EIR has been prepared in accordance with all requirements of CEQA, the CEQA Guidelines, and the Placer County Environmental Review Ordinance, codified in Chapter 18 of the Placer County Code.
3. The Final EIR was presented to and reviewed by the Planning Commission and the Board of Supervisors. The Final EIR was prepared under the supervision of the County and reflects the independent judgment of the County. The Board of Supervisors has reviewed the Final EIR, and bases the findings stated below on such review and other substantial evidence in the record.
4. The County finds that the Final EIR considers a reasonable range of potentially feasible alternatives, sufficient to foster informed decision making, public participation and a reasoned choice. Thus, the alternatives analysis in the EIR is sufficient to carry out the purposes of such analysis under CEQA and the CEQA Guidelines.
5. The Board of Supervisors 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 Orchard at Penryn project and makes the following specific findings with respect thereto.
6. The Board of Supervisors agrees with the characterization of the Final EIR with respect to all impacts initially identified as "less than significant" and finds that those impacts have been described accurately and are less than significant as so described in the Final EIR. This finding does not apply to impacts identified as significant and unavoidable or significant or potentially significant that are reduced to a less than significant level by mitigation measures included in the Final EIR. The disposition of each of those impacts and the mitigation measures adopted to reduce them are addressed specifically in the findings below.
7. All mitigation measures in the Final EIR are adopted and incorporated into the Orchard at Penryn project.

8. The Mitigation Monitoring and Reporting Program (MMRP) includes all mitigation measures adopted with respect to the project and explains how and by whom they will be implemented and enforced.
9. The mitigation measures and the MMRP have been incorporated into the Conditions of Approval for the Tentative Map and Conditional Use Permit and have thus become part of and limitations upon the entitlements conferred by the Tentative Map and other project approvals.
10. The descriptions of the impacts in these findings are summary statements. Reference should be made to the Final EIR for a more complete description.
11. The Planning Services Division is directed to file a Notice of Determination with the County Clerk within five (5) working days in accordance with CEQA §21152(a) and CEQA Guidelines §15094.

III. STATUTORY REQUIREMENTS FOR FINDINGS

This Statement of Findings addresses the environmental effects associated with the proposed Orchard at Penryn project, located in Placer County on two parcels (APN 043-060-052 and 043-060-053) located on the west side of Penryn Road, approximately one-half mile north of Interstate 80. This Statement of Findings is made pursuant to CEQA §§21081 and 21081.6 and CEQA Guidelines §15091.

Significant effects of the Orchard at Penryn project were identified in the Draft EIR. CEQA §21081 and CEQA Guidelines §15091 require that the Lead Agency prepare written findings for identified significant impacts, accompanied by a brief explanation of the rationale for each finding. Less than significant effects (without mitigation) of the project were also identified in the Draft EIR and Initial Study. CEQA does not require that the Lead Agency prepare written findings for less than significant effects.

CEQA requires that the Lead Agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that would otherwise occur with implementation of the project. Project mitigation or alternatives are not required, however, where substantial evidence in the record demonstrates that they are infeasible or where the responsibility for modifying the project lies with another agency. Specifically, CEQA Guidelines §15091 states:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
 - (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
 - (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
 - (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

The “changes or alterations” referred to in §15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines §15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

Legal Effects of Findings

To the extent that these findings conclude that proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, Placer County

hereby binds itself to implementing or ensuring the project applicant implements these measures. These findings, in other words, constitute a binding set of obligations that will come into effect when the Placer County Board of Supervisors formally approves the Orchard at Penryn project.

CEQA requires that when a public agency has made the findings under CEQA Guidelines §15091(a)(1) relative to an EIR, the public agency must also adopt a program for monitoring or reporting on the revisions and mitigation measures that will avoid significant impacts.

The mitigation measures required of the Orchard at Penryn project are referenced in the MMRP, which is provided in Chapter 16 of the Draft EIR. The MMRP is adopted concurrently with these findings as required by CEQA §21081.6(a)(1), and will be implemented throughout construction and operation of the project. The Placer County Community Development Resource Agency will use the MMRP to track and enforce compliance with all mitigation measures. The MMRP will remain available for public review during the compliance period.

IV. DEFINITIONS

The following definitions apply where the subject words or acronyms are used in these findings:

“Board” means the Placer County Board of Supervisors.

“CEQA” means the California Environmental Quality Act (Pub. Resources Code §21000 *et seq.*).

“CDRA” means the Placer County Community Development Resource Agency.

“Community Plan” means the *Horseshoe Bar/Penryn Community Plan*, as adopted in 1994.

“Condition” means a Condition of Approval adopted by the County in connection with approval of the project.

“Corps” means the United States Army Corps of Engineers.

“County” means Placer County.

“Draft EIR” means the Draft Environmental Impact Report dated July 2011 for the proposed Orchard at Penryn project.

“DPW” means the Placer County Department of Public Works.

“DRC” means the Placer County Development Review Committee.

“ECS” means the Placer County Environmental Coordination Services Division.

“EIR” means environmental impact report.

“Environmental Health” means the Placer County Department of Health and Human Services, Environmental Health Division.

“Environmental Review Ordinance” means the Placer County Environmental Review Ordinance, as codified in Chapter 18 of the *Placer County Code*.

“ERC” means the Placer County Environmental Review Committee.

“ESD” means the Placer County Engineering and Surveying Department.

“Final EIR” means the Final EIR as prepared for the project (which includes NOP and Initial Study dated March 22, 2010, the Draft EIR dated July 2011, the Final EIR, dated January 2012, and the EIR Errata, dated June 2012 and revised September 2012.

“General Plan” means the *Placer County General Plan*, as adopted in 1994 with subsequent amendments.

“MMRP” means the Mitigation Monitoring and Reporting Program for the project.

“NOP” means Notice of Preparation of an EIR.

“Placer County APCD” means the Placer County Air Pollution Control District.

“Planning Commission” means the Placer County Planning Commission.

“Planning Services Division” means the Placer County Community Development/Resource Agency Planning Services Division.

“Project” means the proposed Orchard at Penryn project.

“RWQCB” means the Regional Water Quality Control Board.

“Zoning Ordinance” means the Placer County Zoning Ordinance, including all amendments thereto.

V. PROJECT BACKGROUND

The project site is located within the boundaries of the *Horseshoe Bar/Penryn Community Plan*. The project vicinity supports rural residential land uses, a church, and vacant land. The *Horseshoe Bar/Penryn Community Plan* is intended to implement the General Plan within its boundaries and establishes goals, objectives, and policies to guide the physical development of the area, including the project site. An EIR analyzing the environmental effects of the build out of the *Horseshoe Bar/Penryn Community Plan* area was previously prepared and certified by the County in 1994.

VI. PROJECT OBJECTIVES AND DESCRIPTION

Project Objectives

As reported in the Draft EIR, the applicant’s stated objectives of the proposed Orchard at Penryn project include:

- 1) Remediate and reuse contaminated land by developing a use that is consistent with the zoning and land use designations for the site.
- 2) Create a safe living environment for residents by remediating soil contaminated with toxins associated with the previous agricultural uses of the site while also being sensitive to wetland and riparian areas, rock outcroppings, and natural land forms.
- 3) Provide a site design that is sensitive to natural habitat while improving water quality downstream in Secret Ravine and ultimately the Sacramento River.

- 4) Provide attainable housing for working families in the Loomis/Penryn area, thereby reducing commutes to nearby employment centers.
- 5) Provide a variety of onsite recreation facilities for residents, thereby reducing increased demand for offsite recreational areas.
- 6) Avoid onsite environmental effects where feasible and incorporate mitigation for environmental effects into the project design.
- 7) Provide 150 residential units and supporting infrastructure, which is a project size that supports the required public improvements, toxic clean-up, and mitigation.

Project Description

The project proposes to develop 150 multi-family residential units on the ±15.1-acre property. The proposed residential units would be offered as market-rate units. The project would consist of three or six units per building with parking for a total of 375 vehicles (2.5 parking spaces per unit). The project applicant also proposes to create commonly held open space in the central portion of the project site and build recreational facilities onsite, including a tot lot. The primary site entrance is proposed as a gated entrance from Penryn Road. A secondary exit-only gated access point is proposed for Taylor Road. The proposed project also includes a 30-foot wide landscape easement along Penryn Road, onsite landscaping, an onsite circulation system, and placement of utilities. As required by the *Horseshoe Bar/Penryn Community Plan*, the project would establish a 30-foot wide landscape easement along Penryn Road.

If the project is approved, Placer County would require the project applicant to construct improvements along the project site's frontage on Penryn Road consistent with the road cross-sections for Penryn Parkway provided in the Community Plan. The applicant would be required to provide 44 feet of right-of-way, which is one-half of the full roadway width. This would include widening the road to provide two southbound 12-foot travel lanes, a Class II bike lane, and curb, gutter, and sidewalk. The project would also be required to provide one-half of a center two-way left turn lane.

The project would also include implementation of the project's Revised Draft Removal Action Workplan (RAW) (Wallace-Kuhl & Associates 2008), which provides for removal of 11,600 cubic yards of contaminated soil from ±7.11 acres of the project site. Soil excavations would generally be between 12 and 18 inches deep, although in three locations excavations may reach 24 inches in depth. The soil within and surrounding the eastern drainage swale and the southern portion of the central drainage swale is contaminated and would be excavated. This would destroy the affected portions of the swales and remove the associated riparian and woodland vegetation.

Drainage originating from offsite properties that currently flows through the onsite drainage swales is proposed to be conveyed across the project site in storm drains. Drainage that originates within the project site would be conveyed through storm drain pipes and onsite bioswales to the center of the project site and to a detention basin.

The following existing easements on the project site would remain in effect:

- ◆ The 42-foot wide highway easement along the Penryn Road frontage;

- ◆ The highway easement in the northwestern corner of APN 043-060-052;
- ◆ The 15-foot wide sewer easement running north-south through APN 043-060-052; and
- ◆ The 15-foot wide PUE through APN 043-060-052.

The proposed site plan includes the following new or expanded easements:

- ◆ Expansion of the existing highway easement along Penryn Road by two feet, to provide a total of 44 feet in width;
- ◆ A 12.5-foot wide Multi-Purpose Easement (MPE) along the Penryn Road frontage;
- ◆ A 30-foot wide landscape easement adjacent to the MPE described above; and
- ◆ A 7.5-foot wide MPE along the Taylor Road frontage.

As part of the proposed project, the following existing easements would be abandoned:

- ◆ The 10-foot Public Utility Easement (PUE) along the eastern portion of the southern boundary of APN 043-060-052 (the western project site parcel);
- ◆ The 40-foot wide road, public, and private utility easement along the southern boundary of the parcel adjacent to Penryn Road and along the boundary between the two project site parcels;
- ◆ The 30-foot wide road, public, and private utility easement along the western and central portion of the southern boundary of APN 043-060-052; and
- ◆ The 50-foot wide road, public, and private utility easement along the western boundary of APN 043-060-052.

VII. RECORD OF PROCEEDINGS

In accordance with CEQA §21167.6(e), the record of proceedings for the County's decision on the Orchard at Penryn project includes, without limitation, the following documents:

- ◆ The NOP and all other public notices issued by the County in conjunction with the project;
- ◆ All comments submitted by agencies or members of the public during the comment period on the NOP (provided in Appendix A of the Draft EIR);
- ◆ The Draft EIR (July 2011) for the project;
- ◆ All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- ◆ All comments and correspondence submitted to the County with respect to the Project, in addition to timely comments on the Draft EIR;
- ◆ The Final EIR (January 2012) for the project, including comments received on the Draft EIR and responses to those comments;
- ◆ The Final EIR Errata (June 2012, revised September 2012) for the project;
- ◆ Documents cited or referenced in the Draft and Final EIRs (and EIR Errata);

- ◆ The Mitigation Monitoring and Reporting Program (MMRP) for the project (provided in Chapter 16 of the Draft EIR);
- ◆ All findings and resolutions adopted by the County in connection with the project and all documents cited or referred to therein;
- ◆ All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA and with respect to the County's action on the project;
- ◆ All documents submitted to the County (including the Planning Commission and Board of Supervisors) by other public agencies or members of the public in connection with the project;
- ◆ Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the project;
- ◆ Any documentary or other evidence submitted to the County at such information sessions, public meetings and public hearings;
- ◆ The 1994 *Placer County General Plan* and all environmental documents prepared in connection with the adoption of the General Plan;
- ◆ The Placer County Zoning Ordinance and Environmental Review Ordinance (Placer County Code, Chapters 17 and 18), and all other County Code provisions cited in materials prepared by or submitted to the County;
- ◆ The *Horseshoe Bar/Penryn Community Plan* and all environmental documents prepared in connection with the adoption of that plan;
- ◆ General Plan Amendment/Rezoning Loomis Basin General Plan – Penryn Parkway Area (GPA-267/REA-777), 1988 and all staff reports, minutes, notices, resolutions and ordinances related to the adoption of the same;
- ◆ General Plan Amendment/Rezoning – James Makimoto, et al (GPA-224/REA-644), 1981 and all staff reports, minutes, notices, resolutions and ordinances related to the adoption of the same;
- ◆ Any and all resolutions and/or ordinances adopted by the County regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- ◆ Matters of common knowledge to the County, including, but not limited to federal, state, and local laws and regulations;
- ◆ Any documents cited in these findings, in addition to those cited above; and
- ◆ Any other materials required for the record of proceedings by CEQA §21167.6(e).

The Board of Supervisors 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 Board of Supervisors, 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. Many of them reflect prior planning or legislative decisions of which the Board of Supervisors was aware in approving the Orchard at Penryn 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 official custodian of the record is the Community Development Resource Agency Director, 3091 County Center Drive, Suite 140, Auburn CA, 95603.

VIII. GENERAL FINDINGS

Impacts Determined to be Less Than Significant

The Board of Supervisors agrees with the characterization in the Final EIR with respect to all impacts identified as “no impact” or “less than significant” and finds that those impacts have been described accurately and are less than significant as so described in the Final EIR.

This finding applies to the following impacts determined to be “less than significant” based on the analysis in the Initial Study (circulated with the NOP and provided in Appendix A to the Draft EIR) or in the Draft EIR. Some impacts that were identified in the Initial Study as being “potentially significant” were later determined through the analysis in the Draft EIR to be “less than significant.”

Land Use

- Physical Division or Disruption of an Established Community
- Affect on Agriculture or Timber Operations
- Substantial Alteration of the Present or Planned Land Use of an Area
- Cause Economic or Social Changes that Would Result in Significant Adverse Physical Changes to the Environment such as Urban Decay or Deterioration
- Development of Incompatible Uses and/or the Creation of Land Use Conflicts

Biological Resources

- Conflict with Provisions of an Adopted Habitat Conservation Plan
- Interfere Substantially with Wildlife Movement or Native Wildlife Nursery Sites

Visual Resources

- Cause a Substantial Adverse Effect on a Scenic Vista
- Substantially Damage Scenic Resources Along a Scenic Highway

Transportation and Circulation

- Result in Insufficient Parking
- Adversely Affect Roadway Safety and Emergency Access
- Adversely Affect Alternative Transit
- Adversely Affect Air Traffic Patterns

Air Quality

Conflict with or Obstruct Implementation of the Applicable Air Quality Plan
 Expose Sensitive Receptors to Substantial Pollutant Concentrations
 Create Objectionable Odors Affecting a Substantial Number of People
 Violate Any Air Quality Standard During Project Operation

Noise

Expose People to Excessive Noise Associated with a Public Airport or Public Use Airport
 Expose People to Excessive Noise Associated with a Private Airstrip
 Expose Residents to Noise Levels in Excess of General Plan and Community Plan Standards
 Generate Noise Levels in Excess of General Plan and Community Plan Standards or Cause a Substantial Permanent Increase in Ambient Noise Levels Noise

Geology and Soils

Located on Expansive Soils
 Exposure to Unstable Earth Conditions or Changes in Geologic Substructures
 Substantially Alter Topography
 Destroy, Cover, or Modify Unique Geologic or Physical Features
 Exposure to Geologic and Geomorphological Hazards
 Exposure to Hazards Related to Soil Stability

Hydrology and Water Quality

Expose People or Structures to Flood Risks from a Levee or Dam Failure.
 Adversely Affect Groundwater Supplies, Recharge, and Existing Flow Patterns

Utilities

Require Construction of New Onsite Sewage Systems
 Exceed Wastewater Treatment Requirements or Require Construction of New Wastewater Facilities
 Have Sufficient Water Supplies, Require Construction of New Water Facilities
 Generate Waste of a Daily Volume that Cannot be Accommodated by Recology Auburn Placer, the WRSL, or the MRF
 Generate a Demand for Communication Services that Requires the Extension of Infrastructure that Could Cause Significant Environmental Impacts

Hazards and Hazardous Materials

Create Hazardous Emissions or Waste or Use Hazardous Substances Within One-Quarter Mile of an Existing or Proposed School;

Expose Residents to Risks Associated with Public or Private Airport/Airstrip

Expose People or Structures to Risks Involving Wildland Fires

Cumulative Impacts

Generate Noise Levels in Excess of General Plan and Community Plan Standards or
Cause a Substantial Permanent Increase in Ambient Noise Levels

Substantial Greenhouse Gas Emissions During Site Remediation and Construction

Substantial Greenhouse Gas Emissions During Project Operation

Significant and Potentially Significant Impacts Reduced to Less Than Significant With Implementation of Mitigation Measures

The Board of Supervisors agrees with the characterization in the Final EIR with respect to all impacts initially identified as “significant” or “potentially significant” that are reduced to less than significant levels with implementation of the mitigation measures identified in the Final EIR. In accordance with CEQA Guidelines §15091(a), a specific finding is made for each impact and its associated mitigation measures in the discussions below. This section includes impacts that were evaluated in the Initial Study and determined to be reduced to less than significant levels with implementation of the mitigation measures identified in the Initial Study as well as impacts evaluated in the EIR.

Land Use

Impact 4.1: Conflicts with General Plan/Community Plan/Specific Plan Designations or Zoning, or Plan Policies

Mitigation Measures: As listed in Table 4.2 of the Final EIR, mitigation measures that address potential inconsistencies of the project with the *Placer County General Plan* and *Horseshoe Bar/Penryn Community Plan* are identified in Chapters 5, 6, 7, 8, 10, 11, 13, and 14. The applicable measures from Chapter 5 are Mitigation Measures 5.1a through 5.1c, 5.3a through 5.3e, 5.4a, 5.5a, and 5.5c. The applicable measures from Chapter 6 are Mitigation Measures 6.1a through 6.1c. The applicable measure from Chapter 7 is Mitigation Measure 7.1 a. The applicable measures from Chapter 8 are Mitigation Measures 8.1a through 8.1f. The applicable measures from Chapter 10 are Mitigation Measures 10.2a through 10.2e. The applicable measures from Chapter 11 are Mitigation Measures 11.1b, 11.2a through 11.2d, 11.4a through 11.4b, 11.5b and 11.5c. The applicable measures from Chapter 13 are 13.3b through 13.3d. The applicable measures from Chapter 14 are Mitigation Measures 14.2a and 14.4a.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measures listed above and included in the MMRP will ensure that the potential for the project to be inconsistent with General Plan and Community Plan policies would be reduced to a less than significant level.

Explanation: These mitigation measures will result in the project’s compliance with General Plan and Community Plan policies requiring or encouraging protection of

environmentally sensitive areas (including riparian areas, watercourses, floodplains, and oak woodlands), compliance with design guidelines and preservation of existing visual resources, provision of smooth-flowing traffic conditions, analysis and mitigation of air quality impacts, minimizing grading and impacts related to erosion, preserving existing drainage patterns and floodplains, avoiding impacts related to flooding and sedimentation, conserving water, and controlling spread of disease associated with mosquitoes.

Additionally, the EIR provided a thorough analysis of the proposed project's consistency with the Placer County General Plan and Horseshoe Bar/Penryn Community Plan. (DEIR, pp. 4-13–4-14; App. B to DEIR.) That analysis concluded that the proposed project was largely consistent with all of the applicable policies. The remaining potential inconsistencies will be adequately mitigated and addressed through the implementation of the mitigation measures referenced above.

Significance After Mitigation: Less Than Significant.

Impact 4.2: Conflicts with Local and/or Regional Land Use Plans and Policies Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect

Mitigation Measures: As listed in Table 4.2 of the Final EIR, mitigation measures that address potential inconsistencies of the project with the *Placer County General Plan* and *Horseshoe Bar/Penryn Community Plan* are identified in Chapters 5, 6, 7, 8, 10, 11, 13, and 14. The applicable measures from Chapter 5 are Mitigation Measures 5.1a through 5.1c, 5.3a through 5.3e, 5.4a, 5.5a, and 5.5c. The applicable measures from Chapter 6 are Mitigation Measures 6.1a through 6.1c. The applicable measure from Chapter 7 is Mitigation Measure 7.1 a. The applicable measures from Chapter 8 are Mitigation Measures 8.1a through 8.1f. The applicable measures from Chapter 10 are Mitigation Measures 10.2a through 10.2e. The applicable measures from Chapter 11 are Mitigation Measures 11.1b, 11.2a through 11.2d, 11.4a and 11.4b, 11.5b and 11.5c. The applicable measures from Chapter 13 are 13.3b through 13.3d. The applicable measures from Chapter 14 are Mitigation Measures 14.2a and 14.4a.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measures listed above and included in the MMRP will ensure that the potential for the project to conflict with General Plan and Community Plan policies adopted for the purpose of avoiding or mitigating environmental effects would be reduced to a less than significant level.

Explanation: These mitigation measures will result in the project's compliance with General Plan and Community Plan policies requiring or encouraging protection of environmentally sensitive areas (including riparian areas, watercourses, floodplains, and oak woodlands), compliance with design guidelines and preservation of existing visual resources, provision of smooth-flowing traffic conditions, analysis and mitigation of air quality impacts, minimizing grading and impacts related to erosion, preserving existing drainage patterns and floodplains, avoiding impacts related to

flooding and sedimentation, conserving water, and controlling spread of disease associated with mosquitoes.

Additionally, the EIR provided a thorough analysis of the proposed project's consistency with the Placer County General Plan and Horseshoe Bar/Penryn Community Plan. (DEIR, pp. 4-13–4-14; App. B to DEIR.) That analysis concluded that the proposed project was largely consistent with all of the applicable policies. The remaining potential inconsistencies will be adequately mitigated and addressed through the implementation of the mitigation measures referenced above.

Significance After Mitigation: Less Than Significant.

Biological Resources

Impact 5.1: Substantial Habitat Reduction Affecting Wildlife and Plant Populations

Mitigation Measure 5.1a: as reflected in the proposed site plan, the project shall retain 0.08 acres of riparian habitat located in the central portion of the project site.

Mitigation Measure 5.1b: The project applicant shall obtain a Streambed Alteration Agreement from the California Department of Fish and Game (CDFG) to authorize impacts to the drainage swales and associated riparian habitat on the project site. The project applicant shall adhere to all conditions and requirements of the Streambed Alteration Agreement. Once acquired, the Streambed Alteration Agreement shall be submitted to the Placer County DRC prior to approval of Improvement Plans, issuance of grading permits, and/or any clearing, grading, or excavation work on the project site.

Mitigation Measure 5.1c: The project applicant shall implement one or a combination of the following measures to compensate for impacts to oak woodland habitat. Based on the proposed site plan the project would impact 6.46 acres of oak woodland habitat; however the final determination regarding the amount of oak woodland to be impacted and therefore mitigated will be based on impacts shown on the Improvement Plans. Prior to approval of Improvement Plans the applicant shall:

- a. Submit payment of fees for oak woodland conservation at a 2:1 ratio, consistent with Section 12.16.080 (C) of the *Placer County Code*. These fees shall be calculated based upon the current market value for similar oak woodland acreage preservation and an endowment to maintain the land in perpetuity; and/or
- b. Purchase offsite conservation easements at a location approved by Placer County to mitigate the loss of oak woodlands at a 2:1 ratio; and/or
- c. Provide for a combination of payment to the Tree Preservation Fund and creation of an offsite Oak Preservation Easement; and/or
- d. Plant and maintain an appropriate number of trees in restoration of a former oak woodland (tree planting is limited to half the mitigation requirement and the location of any tree planting must be approved by Placer County).

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified

in the EIR. Implementation of the mitigation measures identified above and included in the MMRP will ensure that the potential for the project to result in the substantial habitat reduction affecting wildlife and plant populations would be reduced to a less than significant level.

Explanation: These mitigation measures will maintain limited natural habitat onsite and provide for compensation and replacement of impacted habitat to provide support for wildlife and plant populations.

Significance After Mitigation: Less Than Significant.

Impact 5.2: Convert Oak Woodlands

Mitigation Measure 5.2a: The project applicant shall implement Mitigation Measure 5.1c which requires compensation for impacts to 6.46 acres of oak woodland habitat at a 2:1 ratio. Compensation may be through payment of fees, purchase of offsite conservation easements, or restoration of oak woodland habitat.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measure identified above and included in the MMRP will ensure that the impacts to oak woodland habitat would be reduced to a less than significant level.

Explanation: This mitigation measure will provide for replacement of the impacted onsite oak woodland habitat in compliance with the County's Oak Woodland Management Plan.

Significance After Mitigation: Less Than Significant.

Impact 5.3: Adversely Affect Federally-Protected Wetlands

Mitigation Measure 5.3a: As reflected in the proposed site plan, the project shall retain 0.07 acres of wetland swale located in the central portion of the project site.

Mitigation Measure 5.3b: The project applicant shall obtain the appropriate permits from the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and the California Department of Fish and Game to authorize fill of onsite waters of the U.S. These impacts would require an Individual Permit from the Corps, a 401 Water Quality Certification from the Regional Water Quality Control Board, and Streambed Alteration Agreement from the California Department of Fish and Game. Once acquired, these permits shall be submitted to the Placer County DRC prior to approval of Improvement Plans, issuance of grading permits, and/or any clearing, grading, or excavation work on the project site.

Mitigation Measure 5.3c: The project applicant shall carry out onsite replacement or offsite banking to mitigate for impacts to wetlands. Minimum replacement ratios shall

be 1:1 for wetland habitat. The project applicant shall comply with the U.S. Army Corps of Engineers and County policies requiring “no net loss” of wetlands. The creation/restoration requirements shall be in compliance with the County’s Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) and the Programmatic Formal Endangered Species Act Consultation issued by the USFWS. If offsite mitigation is chosen, the project applicant shall provide written evidence that compensatory habitat has been established through the purchase of mitigation credits at a County qualified wetlands mitigation bank. The amount of money required to purchase these credits shall be equal to the amount necessary to replace wetland or habitat acreage and value, including compensation for temporal loss. Evidence of payment, which describes the amount and type of habitat purchased at the bank site, shall be provided to the County prior to the issuance of grading permits.

Mitigation Measure 5.3d: In the event that the Placer County Conservation Program is adopted prior to commencement of ground disturbing activities associated with the proposed project, the project shall be developed in compliance with the County’s Natural Communities Conservation Plan/Habitat Conservation Plan and the Programmatic Endangered Species Act Consultation issued by the U.S. Fish and Wildlife Service.

Mitigation Measure 5.3e: The project Improvement Plans shall incorporate Best Management Practices (BMPs) to protect water quality and control erosion and sedimentation of the preserved drainage swale and seasonal wetland onsite as well as drainageways adjacent to the site. BMPs shall be shown on Improvement Plans and subject to approval by the Placer County Planning Services Division and Engineering and Surveying Department (ESD). All BMPs shall be maintained as required to insure effectiveness. BMPs to minimize indirect impacts to federally-protected wetlands shall include the following measures:

- a. Implementation of **Mitigation Measure 10.2e**, which requires the Improvement Plans to show all grading, drainage improvements, vegetation and tree removal, and revegetation of disturbed areas and requires that all work conform to provisions of the Placer County Grading Ordinance.
- b. Implementation of **Mitigation Measure 10.5d**, which requires preparation and Air Pollution Control District approval of a dust and erosion control plan.
- c. Implementation of **Mitigation Measure 10.5e**, which requires Improvement Plans to show appropriate design of water quality treatment facilities/Best Management Practices (BMPs) for project construction.
- d. Implementation of **Mitigation Measure 11.2a**, which requires Improvement Plans to show appropriate design of water quality treatment facilities/Best Management Practices (BMPs) for project operation.
- e. Implementation of **Mitigation Measure 11.2c**, which requires storm drain inlets and catch basins within the project area to be marked with language prohibiting dumping.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified

in the EIR. Implementation of the mitigation measures identified above and included in the MMRP will ensure that the impacts to federally-protected wetlands would be reduced to a less than significant level.

Explanation: These mitigation measures will result in the project's retention of a limited amount of wetlands onsite, offsite replacement of onsite wetlands impacted both directly and indirectly, and implementation of BMPs to minimize ongoing indirect impacts to onsite wetlands.

Significance After Mitigation: Less Than Significant.

Impact 5.4: Adversely Affect Special-Status Species

Mitigation Measure 5.4a: If site remediation, grading, or construction is to commence during the raptor nesting period (generally March 1 through August 31), the project applicant shall retain a qualified biologist to conduct pre-construction nesting raptor surveys within 30 days prior to the commencement of site preparation activities. The surveys shall confirm the presence or absence of nesting raptors. If an active nest(s) is located, a qualified biologist in consultation with the California Department of Fish and Game shall recommend a buffer area around the nest(s). The buffer area shall be delineated with orange construction fencing and no site remediation, grading, or construction shall take place within the buffer zone until the biologist has determined that all young have fledged and are capable of foraging independently.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measure identified above and included in the MMRP will ensure that the impacts to special-status species would be reduced to a less than significant level.

Explanation: This mitigation measure will ensure that any special-status nesting raptors within the project site are identified prior to commencement of construction and that appropriate measures are implemented to avoid disturbance to any such species identified onsite.

Significance After Mitigation: Less Than Significant.

Impact 5.5: Conflict with Local Policies or Ordinances Protecting Biological Resources

Mitigation Measure 5.5a: The project applicant shall submit a tree removal exhibit to the Placer County Planning Services Division for review and approval prior to issuance of a grading permit, approval of the Improvement Plans, and/or any development activity onsite, including preliminary clearing or grading (in accordance with Section 36.400 (B) of the County's mitigation program).

Mitigation Measure 5.5b: The project applicant shall implement Mitigation Measure 5.1c, which requires that impacts to oak woodland habitat be mitigated at a 2:1 ratio.

Mitigation Measure 5.5c: The project applicant shall mitigate impacts to large oak trees on an inch-per-inch basis. The project applicant shall plant replacement trees onsite or in an offsite location providing restoration of an approved former oak woodland, and/or shall contribute \$100 for each diameter inch at breast height removed or impacted to the Placer County Tree Preservation Fund. The project must mitigate for a total of 124.2 tree diameter inches. Tree replacement and conservation mitigation fees shall be paid prior to the issuance of grading permits by Placer County. Any onsite replacement tree planting shall be included on the Improvement Plans for the proposed project. County approval of any offsite replacement tree planting shall also be obtained prior to issuance of grading permits by Placer County.

Mitigation Measure 5.5d: The project applicant shall implement Mitigation Measure 5.3a, which requires the applicant to obtain the appropriate permits from the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and the California Department of Fish and Game prior to issuance of grading permits, approval of Improvement Plans, and/or any clearing, grading, or excavation work on the project site.

Mitigation Measure 5.5e: The project applicant shall implement Mitigation Measure 5.3b, which requires the applicant to carry out onsite replacement or offsite banking to mitigate impacts to wetlands with a minimum replacement ratio of 1:1. This mitigation measure shall be implemented prior to issuance of grading permits.

Mitigation Measure 5.5f: The project applicant shall implement Mitigation Measure 5.4a, which requires pre-construction nesting raptor surveys within 30 days prior to the commencement of site preparation activities to confirm the presence or absence of nesting raptors if construction is to occur during the raptor nesting period (generally March 1 through August 31).

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measures identified above and included in the MMRP will ensure that the project's conflict with local policies or ordinances protecting biological resources would be reduced to a less than significant level.

Explanation: These mitigation measures will result in the project's compliance with General Plan and Community Plan policies requiring protection of environmentally sensitive areas (including trees, oak woodlands, wetlands, and special-status species).

Significance After Mitigation: Less Than Significant.

Visual Resources

Initial Study Impact I-4: Create Light or Glare

Initial Study Mitigation Measure I.1: The applicant shall submit lighting development standards for inclusion in the C.C.&R's. The standards shall be reviewed and approved by the DRC and shall include General Lighting Standards, Street Lighting Standards, Residential Standards, Prohibited Lighting and Exemptions and shall insure that

individual fixtures and lighting systems in the development will be designed, constructed and installed in a manner that controls glare and light trespass, minimizes obtrusive light and conserves energy and resources.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measure identified above and included in the MMRP will ensure that new sources of light and glare created by the project will not adversely affect day or nighttime views in the area.

Explanation: This mitigation measure will provide for installation of new lighting at the project site in accordance with a lighting plan or development standards that prescribe lighting system design and fixture selection options such that substantial light and glare does not reach offsite properties.

Significance After Mitigation: Less Than Significant.

Transportation and Circulation

Impact 7.1: Substantially Increase Traffic or Conflict with Level of Service Standards in the Existing Plus Project Condition

Mitigation Measure 7.1a: This project will be subject to the payment of traffic impact fees that are in effect in this area (Newcastle/Horseshoe Bar/Penryn), pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) will be required and shall be paid to Placer County Department of Public Works prior to issuance of Building Permits for the project:

- a. County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code
- b. South Placer Regional Transportation Authority (SPRTA)
- c. Placer County/City of Roseville JPA (PC/CR)

The current total combined estimated fee is \$702,790.20. The fees were calculated using the information supplied. If the use or the square footage changes, then the fees will change. The actual fees paid will be those in effect at the time payment occurs.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measure identified above and included in the MMRP will minimize the project's significant impact on traffic volumes and Level of Service (LOS) in the existing plus project condition to a less than significant level.

Explanation: This mitigation measure will fund improvements necessary to accommodate the project-generated traffic and ensure that LOS for area roadways and intersections meet County standards.

Significance After Mitigation: Less Than Significant.

Impact 7.2: Conflict with Transportation and Circulation Plans and Policies in the Existing Plus Project Condition

Mitigation Measure 7.2a: The project applicant shall implement Mitigation Measure 7.1a, which requires payment of traffic impact fees.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measure identified above and included in the MMRP will avoid the project's conflict with the Level of Service (LOS) standards established in the General Plan and Community Plan, reducing this impact to a less than significant level.

Explanation: This mitigation measure will ensure that the increase in delay at area intersections resulting from traffic generated by the project would not result in unacceptable (LOS).

Significance After Mitigation: Less Than Significant.

Noise

Impact 9.3: Cause a Substantial Temporary Increase in Ambient Noise Levels

Mitigation Measure 9.3a: Construction noise emanating from any construction activities for which a grading or building permit is required is prohibited on Sundays and federal Holidays, and shall occur only as follows:

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

Placer County Department of Environmental Health shall verify that these restrictions are indicated on the grading plans and Improvement Plans prior to approval of the Improvement Plans or issuance of a grading permit.

Mitigation Measure 9.3b: All construction equipment shall be fitted with factory installed muffling devices and all construction equipment shall be maintained in good working condition to lower the likelihood of any piece of equipment emitting noise beyond the standard dB level for that equipment.

Mitigation Measure 9.3c: Any blasting associated with the project shall be conducted in accordance with *Placer County General Plan Policy 9.A.4*.

Mitigation Measure 9.3d: Construction contracts, grading plans, and Improvement Plans shall stipulate that all site remediation and construction truck and equipment traffic (including soil hauling trucks) must access the project site from Interstate 80 and Penryn Road and shall not use Taylor Road or other local roadways.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measures identified above and included in the MMRP will minimize the project's potential to cause a substantial temporary increase in ambient noise levels to a less than significant level.

Explanation: These mitigation measures will ensure that construction noise occurs within acceptable time periods and is minimized to the extent possible.

Significance After Mitigation: Less Than Significant.

Geology and Soils

Impact 10.2: Significant Disruptions, Displacements, Compaction, or Overcrowding of the Soil

Mitigation Measure 10.2a: The project applicant shall implement Mitigation Measure 8.1b, which requires implementation of the Erosion Prevention and Sediment Control Plan included as Appendix H of the Removal Action Workplan and any other measures included in the grading permit during site remediation and grading.

Mitigation Measure 10.2b: The Improvement Plan submittal shall include a final geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall address and make recommendations on the following:

- a. Road, pavement, and parking area design
- b. Structural foundations, including retaining wall design
- c. Grading practices
- d. Erosion/winterization
- e. Special problems discovered onsite, (i.e., groundwater, expansive/unstable soils)
- f. Slope stability

Once approved by the Engineering and Surveying Department (ESD), two copies of the final report shall be provided to the ESD and one copy to the Building Department for their use. If the soils report indicates the presence of critically expansive or other soils problems which, if not corrected, could lead to structural defects, a certification of completion of the requirements of the soils report will be required prior to issuance of Building Permits. This shall be so noted on any Codes, Covenants and Restrictions and on the Informational Sheet filed with the Final Map. It is the responsibility of the developer to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report.

Mitigation Measure 10.2c: Prior to Improvement Plan approval and/or issuance of a grading permit, Placer County shall verify that the applicant has obtained Department of Toxic Substances Control approval of the final Removal Action Workplan (RAW). The applicant shall submit the final RAW to Placer County.

Mitigation Measure 10.2d: 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 Department for review and approval. All existing and proposed utilities and easements, onsite 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 Placer County Fire Department Improvement Plan review and inspection fees. (NOTE: Prior to plan approval, all applicable recording and reproduction cost 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. Design Review 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 Engineering and Surveying Department prior to acceptance by the County of site improvements.

Mitigation Measure 10.2e: All proposed grading, drainage improvements, vegetation and tree removal shall be shown on the Improvement Plans and all work shall conform to provisions of the Placer County Grading Ordinance (Ref. Article 15.48, formerly Chapter 29, Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance shall occur until the Improvement Plans are approved and all temporary construction fencing has been installed and inspected by a member of the Development Review Committee (DRC). All cut/fill slopes shall be at 2:1 (horizontal:vertical) unless a soils report supports a steeper slope and Engineering and Surveying Department (ESD) concurs with said recommendation.

The applicant shall revegetate all disturbed areas in accordance with the Improvement Plans. Revegetation undertaken from April 1 to October 1 shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Improvement Plans. It is the applicant's responsibility to assure proper installation and maintenance of erosion control/winterization during project construction. Where soil stockpiling or borrow areas are to remain for more than one construction season, proper erosion control measures shall be applied as specified in the Improvement Plans/Grading Plans. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the ESD.

The applicant shall submit to the ESD a letter of credit or cash deposit in the amount of 110% of an approved engineer's estimate for winterization and permanent erosion control work prior to Improvement Plan approval to guarantee protection against erosion and improper grading practices. Upon the County's acceptance of improvements, and satisfactory completion of a one-year maintenance period, unused portions of said deposit shall be refunded to the project applicant or authorized agent.

If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree

disturbance, and/or pad elevations and configurations, the plans shall be reviewed by the DRC/ESD for a determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the DRC/ESD to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measures identified above and included in the MMRP will ensure that environmental effects associated with disruptions, displacements, and compaction of the soils would be reduced to less than significant levels.

Explanation: These mitigation measures will ensure that earth moving operations on the project site minimize disruptions to soil and changes to topography onsite, that these actions conform to the Placer County Grading Ordinance and include use of appropriate Best Management Practices, and that these actions do not result in any significant hazards or environmental effects.

Significance After Mitigation: Less Than Significant.

Impact 10.5: Significantly Increase Wind or Water Erosion

Mitigation Measure 10.5a: The project applicant shall implement Mitigation Measure 8.1b, which requires implementation of the RAW Erosion Prevention and Sediment Control Plan and any other measures included in the grading permit during site remediation.

Mitigation Measure 10.5b: The project applicant shall implement Mitigation Measure 10.2d, which requires all site work to meet the Placer County Grading Ordinance requirements and that Improvement Plans be submitted to and approved by the County prior to commencement of site preparation and construction activities.

Mitigation Measure 10.5c: The project applicant shall implement Mitigation Measure 10.2e, which requires all site work to meet the *Placer County Grading Ordinance* requirements and identifies requirements for erosion control measures to be included in the project Improvement Plans.

Mitigation Measure 10.5d: A dust and erosion control plan shall be prepared and submitted to the Placer County Air Pollution Control District (APCD) for review and approval prior to approval of Improvement Plans and commencement of construction activities (including grading to support project construction but excluding implementation of the Removal Action Workplan). The dust control plan shall be submitted to the APCD no later than 45 days prior to groundbreaking. The applicant shall not break ground prior to receiving APCD approval of the dust control plan. The plan shall comply with Placer County's Erosion Control standards and the Placer County Grading Ordinance. The plan shall incorporate Best Management Practices

(BMPs) for dust and erosion control during construction of site roadways and driveways, and during building pad grading. BMPs to minimize wind and water erosion shall include:

- Timing grading activities to minimize the amount of exposed areas during the wet season, to the extent feasible.
- Revegetating all areas that have been graded and will remain undeveloped during the rainy season by mid October. Revegetation shall use native vegetation. Revegetated areas shall be secured from the possibility of erosion.
- Preventing eroded soil from entering site drainageways through measures such as placement of hay bales or other acceptable materials such as sediment barriers, installation of temporary earth berms, use of fabric silt fences, spreading hay or straw on exposed areas, and/or development of temporary settling areas. Sediment collected at the erosion control sites shall be collected and disposed of once vegetation has become established.
- Preventing dust emissions through measures such as maintaining an operational water truck onsite at all times and applying water to areas prior to and after disturbance to maintain adequate moisture in the soil to avoid dust emissions; suspending construction activities during periods of high winds; installing wind barriers to prevent dust emissions from leaving the project site; restricting vehicle and equipment speed to 15 miles per hour in construction areas; and controlling storage piles by keeping them wet, establishing and maintaining surface crusting, covering with tarp or vegetative cover, or installing wind barriers of fifty percent porosity around three sides of the pile.

Mitigation Measure 10.5e: The Improvement Plans shall show that water quality treatment facilities/Best Management Practices (BMPs) shall be designed according to the guidance of the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development/Redevelopment, and for Industrial and Commercial (or other similar source as approved by the Engineering and Surveying Department). The Stormwater Quality Design Manual for the Sacramento and South Placer Regions is an additional guidance document that may be used as a reference for post construction BMPs.

Construction (temporary) BMPs for the project include, but are not limited to: Fiber Rolls (SE-5), Hydroseeding (EC-4), Stabilized Construction Entrance (LDM Place C-4), Straw Bale Barriers (SE-9), Storm Drain Inlet Protection (SE-10), Silt Fence (SE-1), revegetation techniques, dust control measures, and concrete washout areas.

Mitigation Measure 10.5f: Prior to Improvement Plan approval, the applicant shall obtain a State Regional Water Quality Control Board National Pollutant Discharge Elimination System construction stormwater quality permit and shall provide to the Engineering and Surveying Department evidence of a state-issued Waste Discharge Identification number or filing a Notice of Intent and fees.

Mitigation Measure 10.5g: The project applicant shall implement Mitigation Measure 6.1d, which requires that stockpiling areas be identified on the Improvement Plans and be located as far as practical from existing dwellings and protected resources.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measures identified above and included in the MMRP will minimize the potential for wind and water to cause erosion of site soils and potential erosion impacts caused by project grading to less than significant levels.

Explanation: These mitigation measures will ensure that onsite grading conforms to the Placer County Grading Ordinance and uses Best Management Practices to ensure that the project does not result in any significant increases in soil erosion.

Significance After Mitigation: Less Than Significant.

Impact 10.6: Modify a Water Body Through Changes in Deposition, Erosion, or Siltation

Mitigation Measure 10.6a: The project applicant shall implement Mitigation Measures 10.2d and e, which require that all grading and construction shall be in accordance with the Placer County Grading Ordinance and shown on the Improvement Plans, which must be approved by the County prior to commencement of construction activities (including grading to support project construction but excluding implementation of the RAW).

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measure identified above and included in the MMRP will minimize the potential for deposition, erosion, or siltation to cause modification of the drainages and offsite water bodies to less than significant levels.

Explanation: This mitigation measure will ensure that onsite grading conforms to the Placer County Grading Ordinance to ensure that the project does not result in any significant increases in erosion or other soil transport leading to modification of a water body.

Significance After Mitigation: Less Than Significant.

Hydrology and Water Quality

Impact 11.1: Violate Water Quality Standards or Waste Discharge Requirements or Degrade Surface Water Quality During Site Remediation and Construction

Mitigation Measure 11.1a: The project applicant shall implement Mitigation Measures 10.2d and 10.2e, which require that all proposed drainage improvements and vegetation removal be shown on Improvement Plans; that the applicant revegetate all disturbed

areas and provide financial assurance for implementation of the erosion control plan; and that all site grading and construction activities conform to the approved Improvement Plans.

Mitigation Measure 11.1b: The Improvement Plan submittal shall include the submittal of a final drainage report in conformance with the requirements of Section 5 of the Land Development Manual and the Placer County Storm Water Management Manual that are in effect at the time of submittal, to Placer County Engineering and Surveying Department for review and approval. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: A written text addressing existing conditions, the effects of the improvements, all appropriate calculations, a watershed map, increases in downstream flows, 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 both during construction and for long-term post-construction water quality protection. Best Management Practices measures shall be provided to reduce erosion, water quality degradation, and prevent the discharge of pollutants to stormwater to the maximum extent practicable.

Mitigation Measure 11.1c: The project applicant shall implement Mitigation Measure 10.5f, which requires the applicant to obtain a State Regional Water Quality Control Board National Pollutant Discharge Elimination System construction stormwater quality permit and provide appropriate documentation to the Placer County Engineering and Surveying Department.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measures identified above and included in the MMRP will reduce the project's potential impacts to water quality during the proposed site remediation and construction activities to a less than significant level.

Explanation: These mitigation measures will ensure that Best Management Practices and design methods will be used to avoid decreases in the quality of water leaving the project site throughout the remediation and construction periods.

Significance After Mitigation: Less Than Significant.

Impact 11.2: Violate Water Quality Standards or Waste Discharge Requirements or Degrade Surface Water Quality During Project Operation

Mitigation Measure 11.2a: The Improvement Plans shall show that water quality treatment facilities/Best Management Practices (BMPs) shall be designed according to the guidance of the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for New Development/Redevelopment, and for Industrial and Commercial (or other similar source as approved by the Engineering and Surveying Department (ESD)). The Stormwater Quality Design Manual for the Sacramento and South Placer Regions is an additional guidance document that may be used as a reference for post construction BMPs.

Storm drainage from on-site impervious surfaces shall be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants, as approved by the ESD. BMPs shall be designed at a minimum in accordance with the Placer County Guidance Document for Volume and Flow-Based Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. Post-development (permanent) BMPs for the project include, but are not limited to: Vegetated Swales (TC-30), Detention Basins (TC-22), and Water Quality Inlets (TC-50). No water quality facility construction shall be permitted within any identified wetlands area, floodplain, 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 owners/permittees unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. Prior to Improvement Plan or Final Map approval, easements shall be created and offered for dedication to the County for maintenance and access to these facilities in anticipation of possible County maintenance.

Mitigation Measure 11.2b: This project is located within the area covered by Placer County's municipal stormwater quality permit, pursuant to the National Pollutant Discharge Elimination System (NPDES) Phase II program. Project-related stormwater discharges are subject to all applicable requirements of said permit. Best Management Practices shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff in accordance with "Attachment 4" of Placer County's NPDES Municipal Stormwater Permit (State Water Resources Control Board NPDES General Permit No. CAS000004).

Mitigation Measure 11.2c: 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 as approved by Placer County Engineering and Surveying Department (ESD) and/or graphical icons to discourage illegal dumping. Message details, placement, and locations shall be included on the Improvement Plans. Placer County 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 owner and/or Homeowners' Association shall be responsible for maintaining the legibility of stamped messages and signs.

Mitigation Measure 11.2d: 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.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measures identified above and listed in the MMRP will ensure that the potential impacts to water quality from operation of the proposed project are reduced to less than significant levels.

Explanation: These mitigation measures will ensure that Best Management Practices and design methods will be used to avoid decreases in the quality of water leaving the project site throughout project operation.

Significance After Mitigation: Less Than Significant.

Impact 11.4: Substantially Alter Drainage Patterns; Increase Rate or Amount of Surface Runoff; Require Construction of New Stormwater Drainage Facilities or Expansion of Existing Facilities

Mitigation Measure 11.4a: Storm water run-off (including offsite pass through flow) shall be reduced to pre-project conditions through the installation of retention/detention facilities. Retention/detention facilities shall be designed in accordance with the requirements of the Placer County Storm Water Management Manual that are in effect at the time of submittal, and to the satisfaction of Placer County Engineering and Surveying Department. Maintenance of these facilities shall be provided by the project owners/permittees unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. No detention facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

Mitigation Measure 11.4b: The project applicant shall implement *Mitigation Measure 11.1b*, which requires preparation and submittal of a final drainage report in conformance with the requirements of Section 5 of the Land Development Manual and the Placer County Storm Water Management Manual.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measures identified above and listed in the MMRP will ensure that the potential impacts of the project related to alterations in drainage patterns, amount, and rates and stormwater drainage facilities are reduced to less than significant levels.

Explanation: These mitigation measures will ensure that Best Management Practices and design methods will be used to avoid changes in drainage patterns, the amount of water leaving the project site, or the rate at which water leaves the site throughout project operation.

Significance After Mitigation: Less Than Significant.

Impact 11.5: Place Housing or Improvements Within the 100-year Floodplain

Mitigation Measure 11.5a: The project applicant shall design and construct the onsite drainage facilities (proposed underground stormdrain pipes) that are conveying the offsite, pass through, stormwater flows to accommodate the future, fully developed, unmitigated 100 year stormwater peak flows per the Placer County Stormwater Management Manual and to the satisfaction of the Engineering and Surveying Department and Placer County Flood Control District.

Mitigation Measure 11.5b: The project applicant shall prepare a final drainage report, which shall demonstrate that the proposed project will not increase the limits or water surface elevation of both offsite 100 year floodplains upstream and downstream of the project site to the satisfaction of the Engineering and Surveying Department and Placer County Flood Control District.

Mitigation Measure 11.5c: The project applicant shall show the limits of the future, unmitigated, fully developed 100-year floodplains onsite (after grading and installation of drainage improvements) and any identified 100- year overland release area for both the central and eastern floodplain on the Improvement Plans and Informational Sheet(s) filed with the Final Map and designate same as a building setback line unless greater setbacks are required. No housing or other improvements shall be constructed within these limits except as otherwise authorized by project approvals.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measures identified above and listed in the MMRP will ensure that impacts resulting from constructing housing or other infrastructure within the 100-year floodplain would be less than significant.

Explanation: These mitigation measures will ensure that housing and other improvements (other than drainage infrastructure) will not be placed within the onsite post-development 100-year floodplain and that the project will not increase the limits or water surface elevation of the offsite 100-year floodplain.

Significance After Mitigation: Less Than Significant.

Impact 11.6: Impact the Watershed of Important Surface Water Resources

Mitigation Measure 11.6a: The project applicant shall implement Mitigation Measure 11.2a, which requires the Improvement Plans to include water quality treatment facilities and BMPs.

Mitigation Measure 11.6b: The project applicant shall implement Mitigation Measures 11.1a through 11.1c, which stipulate compliance with the County's requirements related to Improvement Plans, provision of a final drainage report, and obtaining coverage under the NPDES program for site remediation and project construction activities.

Mitigation Measure 11.6c: The project applicant shall implement Mitigation Measures 11.2a through 11.2d, which identify requirements related to BMP design and maintenance, stormdrain inlet markings, and design of trash storage areas.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measures identified above and included in the MMRP will ensure that impacts associated with changes in the watershed as a result of the proposed project would be less than significant.

Explanation: These mitigation measures will ensure that Best Management Practices and design methods will be used to avoid adverse effects on the watershed of important surface water resources.

Significance After Mitigation: Less Than Significant.

Hazards and Hazardous Materials

Impact 13.1: Located on a Site that Contains Hazardous Materials

Mitigation Measure 13.1a: The project applicant shall obtain California Department of Toxic Substances Control (DTSC) approval of the final Removal Action Workplan (RAW) prior to Placer County's issuance of a grading permit authorizing commencement of site remediation activities. The project applicant shall implement the RAW and obtain certification from DTSC for unrestricted land use prior to Placer County's approval of Improvement Plans. The certification from DTSC may be in the form of a tentative No Further Action letter.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measure identified above and included in the MMRP will ensure that the site soils are no longer contaminated and this impact will be less than significant.

Explanation: This mitigation measure will ensure that site remediation occurs to the satisfaction of the DTSC and the site is approved for residential land use.

Significance After Mitigation: Less Than Significant

Impact 13.2: Hazardous Materials Use, Transport, and Disposal

Mitigation Measure 13.2a: The project applicant shall obtain California Department of Toxic Substances Control approval of the final Removal Action Workplan (RAW) prior to issuance of a grading permit from Placer County. The project applicant shall implement the Transportation Plan included in Appendix G of the RAW.

Mitigation Measure 13.2b: Except during implementation of the Removal Action Workplan, the following Best Management Practices shall be implemented during all site preparation and construction activity within the project site to control pollutant sources associated with the handling and storage of construction materials and equipment, as well as with waste management and disposal.

- a. Store construction raw materials (e.g., dry materials such as plaster and cement, pesticides and herbicides, paints, petroleum products, treated lumber) in designated areas that are located away from storm drain inlets, drainageways, and canals and are surrounded by earthen berms. Train the construction employees working on the site in proper materials handling practices to ensure that, to the maximum extent practicable, those materials that are spread throughout the site are covered with impervious tarps or stored inside buildings.
- b. Whenever possible, wash out concrete trucks offsite in County designated areas. When the trucks are washed onsite, contain the wash water in a temporary pit adjacent to the construction activity where waste concrete can harden for later removal. Avoid washing fresh concrete from the trucks, unless the runoff is drained to a berm or level area, away from site waterways and storm drain inlets.
- c. Collect non-hazardous waste construction materials (e.g., wood, paper, plastic, cleared trees and shrubs, building rubble, scrap metal, rubber, glass) and deposit in covered dumpsters at a designated waste storage area on the site. Store recyclable construction materials separately for recycling. Transport all solid waste and recyclable material to the Western Regional Sanitary Landfill and Materials Recovery Facility.
- d. Store hazardous materials in portable metal sheds with secondary containment. The quantities of these materials stored on site shall reflect the quantities needed for site construction. Avoid over-application of fertilizers, herbicides, and pesticides. Do not mix hazardous waste with other waste produced onsite. Contract with a Certified Waste Collection contractor to collect hazardous wastes for disposal at an approved hazardous waste facility.
- e. Dispose of waste oil and other equipment maintenance waste in compliance with federal, State and local laws, regulations and ordinances.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measures identified above and included in the MMRP will minimize the project's potential impacts associated with the use, transport, and disposal of hazardous materials.

Explanation: These mitigation measures will ensure that proper handling, storage, and disposal practices are followed for all hazardous materials. This will minimize the potential for any releases of hazardous materials.

Significance After Mitigation: Less Than Significant.

Impact 13.3: Creation of or Exposure to Health Hazards

Mitigation Measure 13.3a: The project applicant shall implement Mitigation Measure 13.1a, which requires obtaining DTSC approval of the final RAW prior to issuance of a grading permit from Placer County, implementing the RAW, and obtaining certification from DTSC for unrestricted land use prior to issuance of a building permit from Placer County.

Mitigation Measure 13.3b: In constructing the stormwater detention basin and installing stormwater conveyance infrastructure, the project applicant shall implement the following Best Management Practices or other similar and equally effective practices in accordance with the recommendations of the Best Management Practices for Mosquito Control in California handbook (California Department of Public Health and Mosquito and Vector Control Association of California 2010).

- a. Consider mosquito production during the design, construction, and maintenance of stormwater infrastructure.
- b. All underground drain pipes should be laid to grade to avoid low areas that may hold water for longer than 96 hours
- c. Provide proper grades along conveyance structures to ensure that water flows freely.
- d. Design and maintain systems to fully discharge captured water in 96 hours or less.
- e. Avoid the use of loose rock rip-rap that may hold standing water; use concrete or liners in shallow areas to discourage plant growth where vegetation is not necessary.
- f. Design containment basins with adequate slopes to drain fully. The design slope should take into consideration buildup of sediment between maintenance periods
- g. Design accessible shorelines to allow for periodic maintenance and/or control of emergent and shoreline vegetation, and routine monitoring and control of mosquitoes.
- h. Whenever possible, design deep zones in excess of four feet to limit the spread of invasive emergent vegetation such as cattails. The edges below the water surface should be as steep as practicable and uniform to discourage dense plant growth that may provide immature mosquitoes with refuge from predators and increased nutrient availability.
- i. Whenever possible, provide a means for easy dewatering if needed.

Mitigation Measure 13.3c: The applicant shall prepare a Mosquito Control Plan for administration by the Homeowners Association and/or Property Manager/Owner. This plan will describe various methods of managing the stormwater detention basin, stormwater conveyance infrastructure, and landscape irrigation system to reduce mosquito breeding. The management plan shall be reviewed and approved by the Placer Mosquito and Vector Control District prior to Improvement Plan approval. The management plan shall include the following Best Management Practices or other similar and equally effective practices in accordance with the recommendations of the Best Management Practices for Mosquito Control in California handbook (California

Department of Public Health and Mosquito and Vector Control Association of California 2010).

- a. Avoid over-irrigating to prevent excess pooling and runoff.
- b. Routinely inspect, maintain, and repair irrigation system components; check and repair leaky outdoor faucets.
- c. Manage sprinkler and irrigation systems to minimize runoff entering stormwater infrastructure.
- d. Avoid intentionally running water into stormwater systems by not washing sidewalks and driveways; prohibit washing cars on streets or driveways.
- e. Inspect facilities weekly during warm weather for the presence of standing water or immature mosquitoes.
- f. Remove emergent vegetation and debris from gutters and channels that accumulate water.
- g. Keep inlets free of accumulations of sediment, trash, and debris to prevent standing water from backing up on roadways and gutters.
- h. Maintain accessible shorelines to allow for periodic maintenance and/or control of emergent and shoreline vegetation, and routine monitoring and control of mosquitoes. Emergent plant density should be routinely managed so mosquito predators can move throughout the vegetated areas and are not excluded from pond edges.
- i. If applicable, maintain deep zones in excess of four feet to limit the spread of invasive emergent vegetation such as cattails.
- j. Manage the spread and density of floating and submerged vegetation that encourages mosquito production (i.e., water hyacinth, water primrose, parrot's feather, duckweed, and filamentous algal mats).

Mitigation Measure 13.3d: If siltation devices are installed with catch basins and other road drainage features, the developer and/or Homeowners Association and/or Property Manager/Owner shall provide periodic treatment, inspection, and vegetation removal when proscribed by the Placer Mosquito and Vector Control District to prevent development of mosquito habitat. Evidence of treatment shall be provided to the Placer Mosquito and Vector Control District upon request.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measures identified above and listed in the MMRP will minimize the project's potentially significant impacts related to the creation of or exposure to health hazards to a less than significant level.

Explanation: These mitigation measures will ensure that site remediation occurs to the satisfaction of the DTSC and the site is approved for residential land use and will ensure that proper design and maintenance practices are followed for the onsite

drainage infrastructure. This will minimize the potential for mosquito breeding habitat to be created within the project site.

Significance After Mitigation: Less Than Significant.

Public Services

Initial Study Impact XIII-1: Substantial Adverse Physical Impacts Associated with Provision of Public Services

Initial Study Mitigation Measure XIII.1: “Will serve” letters shall be provided from the appropriate service providers.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measure identified above and included in the MMRP will ensure that meeting the project’s public service demands will not result in significant adverse physical impacts.

Explanation: This mitigation measure will ensure that each service provider is able to extend services to the project without adversely affecting existing customers, service call response times, or other applicable measures of service provision.

Significance After Mitigation: Less Than Significant

Significant and Unavoidable Impacts

The Board of Supervisors agrees with the characterization in the Final EIR with respect to all Impacts initially identified as “significant” or “potentially significant” that are not reduced to less than significant levels with implementation of the mitigation measures identified in the Final EIR and are therefore determined to be “significant and unavoidable” impacts of the proposed project. In accordance with CEQA Guidelines §15091(a), a specific finding is made for each impact and its associated mitigation measures in the discussions below.

Impact 6.1: Substantially Degrade Existing Visual Character or Quality

Mitigation Measure 6.1a: All buildings constructed onsite shall have a maximum height of 30 feet. Architectural features shall have a maximum height of 34.5 feet. As required by the Horseshoe Bar/Penryn Community Plan, the project shall maintain a 30-foot wide landscape corridor along the site’s Penryn Road frontage. All buildings shall be set back from the northern and southern property lines by a minimum of 15 feet. All buildings shall be set back from the edge of the highway easement along Penryn Road by a minimum of 40 feet.

Mitigation Measure 6.1b: The project shall implement the proposed Landscaping Plan to provide visual screening of the project site and project structures from surrounding residential development. As required by the Horseshoe Bar/Penryn Community Plan,

the project would maintain a 30-foot wide landscape corridor along the site's Penryn Road frontage. Rather than complete screening of the proposed project, the objective of vegetative screening is to reduce the visual contrast from open space and rural residential development on adjacent properties to the developed condition of the proposed project. Screening shall be provided through a combination of fencing, shrubs, and trees. Fencing shall be consistent with adopted Design Guidelines. Vegetation shall be selected with an emphasis on native species, as feasible, that will provide appropriate screening of the project site.

Mitigation Measure 6.1c: Prior to submittal of the Improvement Plans for the project, the applicant shall submit to the Planning Services Division a Design/Site Agreement Application to be reviewed and approved by the Design/Site Committee for the project. The review shall be conducted consistent with and in consideration of the design criteria for multi-family residential development contained in the Placer County Design Guidelines. Design Review shall include consideration of: architectural colors, materials, and textures; landscaping; and irrigation; entry features and signs; exterior lighting; pedestrian and vehicular circulation; recreational facilities, fences and walls; all open space amenities; tree removal and replacement; and removal of riparian vegetation. The review shall ensure that the project is consistent with development policies contained in the Community Design Element of the Horseshoe Bar/Penryn Community Plan, including those specific to the Penryn Parkway land use designation.

Mitigation Measure 6.1d: Stockpiling and/or vehicle staging areas shall be identified on the Improvement Plans and located as far as practical from existing dwellings and protected resources in the area.

Finding: Implementation of the mitigation measures identified above and included in the MMRP will minimize the project's significant degradation of the existing visual character of the project site and immediate vicinity. However, specific economic, legal, social, technological, or other considerations make full mitigation of this impact to a less than significant level infeasible. Therefore, this impact remains Significant and Unavoidable as discussed in Section XII of these Findings.

Explanation: Development of the project site would require removal of vegetation throughout the site. As a currently vacant site that supports oak woodland, riparian, and grassland vegetation, views of the site are primarily characterized by the existing vegetation. Removal of this vegetation would substantially change the visual character of the project site. The mitigation measures identified above will ensure that project design includes provisions to minimize the project's effect on visual character in the project vicinity; however, due to the substantial change in visual character from vacant land supporting oak woodland and other natural vegetation to a multi-family residential development, the impact remains significant and unavoidable as discussed in Section XII of these Findings.

Significance After Mitigation: Significant and Unavoidable

Impact 8.1: Violate Any Air Quality Standard During Project Construction

Mitigation Measure 8.1a: The project applicant shall use low-VOC or no-VOC paints, finishes, and adhesives in all building construction.

Mitigation Measure 8.1b: During implementation of the RAW, the project applicant shall implement the Erosion Prevention and Sediment Control Plan included as Appendix H of the RAW and any other measures included in the grading permit. Upon completion of site remediation, the applicant shall obtain a tentative “No Further Action” letter from DTSC, and shall begin site work and grading to support project construction in accordance with the approved Improvement Plans. If areas disturbed by RAW implementation are not subject to site work and grading to support project construction within 90 days of completion of site remediation activities, the project applicant shall revegetate those areas.

Mitigation Measure 8.1c: Prior to the approval of Improvement Plans, the project applicant shall submit a Construction Emission/Dust Control Plan to the Placer County APCD. This plan must address the minimum Administrative Requirements found in sections 300 and 400 of APCD Rule 228, Fugitive Dust, and shall include the following requirements:

- a. Apply soil stabilizers to inactive areas;
- b. Replace ground cover in disturbed areas quickly;
- c. Water exposed surfaces three times daily;
- d. Reduce speed on unpaved roads to less than 15 miles per hour; and
- e. Manage haul road dust by watering twice daily.

Mitigation Measure 8.1d: Prior to the approval of Improvement Plans, the project applicant and/or prime contractor shall provide a plan to the Placer County APCD for approval by the APCD demonstrating that the heavy-duty (50 horsepower or greater) off-road vehicles to be used in site remediation and project construction, including owned, leased and subcontractor vehicles, will achieve a project-wide fleet average 20 percent NOX reduction and 45 percent particulate reduction compared to the most recent CARB fleet average. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.

Mitigation Measure 8.1e: Prior to the approval of Improvement Plans, the project applicant shall submit an enforcement plan to the APCD for review. The enforcement plan shall provide for weekly evaluation of project-related on-and-off- road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180 – 2194 and APCD Rule 202. An Environmental Coordinator who is CARB-certified to perform Visible Emissions Evaluations shall be hired by the prime contractor or property owner. The Environmental Coordinator shall routinely evaluate project related off-road and heavy duty on-road equipment emissions for compliance with this requirement. Operators of vehicles and equipment found to exceed opacity limits will be notified by APCD. Use of any such vehicle and/or

equipment must cease immediately, and the equipment must be repaired within 72 hours.

Mitigation Measure 8.1f: The applicant shall include the following standard notes on the Improvement Plans and Grading Plan and shall comply with each note throughout site remediation and project construction:

1. The prime contractor shall submit to the District a comprehensive inventory (i.e. make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the site remediation and project construction. The inventory shall be updated, beginning 30 days after any initial work on site has begun, and shall be submitted on a monthly basis throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least three business days prior to the use of subject heavy-duty off-road equipment, the project representative shall provide the District with the anticipated construction timeline including start date, and name and phone number of the property owner, project manager, and onsite foreman.
2. Construction equipment exhaust emissions shall not exceed District Rule 202 Visible Emission limitations. Operators of vehicles and equipment found to exceed opacity limits will be notified by APCD. Use of any such vehicle and/or equipment must cease immediately, and the vehicle and/or equipment must be repaired within 72 hours.
3. The contractor shall suspend all grading operations when fugitive dust exceeds Placer County APCD Rule 228 Fugitive Dust limitations. The prime contractor shall be responsible for having an individual who is CARB-certified to perform Visible Emissions Evaluations verify compliance with Rule 228 on a weekly basis. Fugitive dust must not exceed 40 percent opacity and must not go beyond the property boundary at any time. If lime or other drying agents are utilized to dry out wet grading areas they shall be controlled as to not to exceed Placer County APCD Rule 228 Fugitive Dust limitations.
4. The prime contractor shall suspend all grading operations when wind speeds (including instantaneous gusts) exceed 25 miles per hour and dust is impacting adjacent properties.
5. The contractor shall apply water to control dust a minimum of three times per day, as required by Rule 228 Fugitive Dust limitations, to prevent dust impacts offsite. Operational water truck(s) shall be onsite at all times to control fugitive dust. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked offsite.
6. The prime contractor shall be responsible for keeping adjacent public thoroughfares clean of silt, dirt, mud, and debris, and shall “wet broom” the streets if silt, dirt, mud or debris is carried over to adjacent public thoroughfares. Dry mechanical sweeping is prohibited.
7. During construction, no open burning of removed vegetation shall be allowed. All removed vegetative material shall be either chipped on-site or taken to an appropriate disposal site.

8. During construction, traffic speeds on all unpaved surfaces shall be limited to 15 miles per hour or less.
9. During construction, the contractor shall minimize idling time to a maximum of 5 minutes for all diesel powered equipment.
10. The contractor shall use CARB ultra low diesel fuel for all diesel-powered equipment. In addition, low sulfur fuel shall be utilized for all stationary equipment.
11. The contractor shall utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary diesel power generators.
12. All onsite stationary equipment which is classified as 50 horsepower or greater shall either obtain a state-issued portable equipment permit or a Placer County APCD-issued portable equipment permit.

Finding: Implementation of the mitigation measures identified above and included in the MMRP will ensure that air pollutant emissions during site remediation and construction are reduced to the extent feasible. However, specific economic, legal, social, technological, or other considerations make full mitigation of this impact to a less than significant level infeasible. Therefore, this impact remains Significant and Unavoidable as discussed in Section XII of these Findings.

Explanation: These mitigation measures will ensure that appropriate Best Management Practices are implemented to reduce air pollutant emissions during site remediation and construction to the extent feasible. However, emissions of NOX during the site remediation phase (which is expected to last approximately 50 days) and emissions of ROG during the architectural coating phase (which would last approximately 11 days) would exceed the Placer County APCD thresholds during these periods. The impact to air quality during the site remediation and construction periods remains significant and unavoidable as discussed in Section XII of these Findings. This impact is associated only with the site remediation and construction periods and not with long-term occupation of the proposed residences.

Significance After Mitigation: Significant and Unavoidable

Impact 14.1: Contribute to Cumulative Degradation of Existing Visual Character or Quality

Mitigation Measure 14.1a: The project applicant shall implement Mitigation Measure 6.1a, which requires minimum 15-foot building setbacks from the northern and southern property lines and minimum 40-foot building setbacks from the edge of the highway easement along Penryn Road.

Mitigation Measure 14.1b: The project applicant shall implement Mitigation Measure 6.1b, which requires implementation of the Landscaping Plan to provide visual screening of the project site and project structures.

Mitigation Measure 14.1c: The project applicant shall implement Mitigation Measure 6.1c, which describes the requirement approval of a Design/Site Agreement for this project.

Finding: Implementation of the mitigation measures identified above and included in the MMRP will minimize the project's significant degradation of the existing visual character of the project site and immediate vicinity to the extent feasible. However, specific economic, legal, social, technological, or other considerations make full mitigation of this impact to a less than significant level infeasible. Therefore, this impact remains Significant and Unavoidable as discussed in Section XII of these Findings.

Explanation: These mitigation measures will ensure that project design includes provisions to minimize the project's effect on visual character in the project vicinity to the extent feasible; however, due to the substantial change in visual character from vacant land supporting oak woodland and other natural vegetation to a multi-family residential development, the impact on the project vicinity's visual character remains significant and unavoidable as discussed in Section XII of these Findings.

Significance After Mitigation: Significant and Unavoidable

Impact 14.2: Substantially Increase Traffic or Conflict with Level of Service Standards in the Cumulative Plus Project Condition

Mitigation Measure 14.2a: Prior to Improvement Plan approval, the applicant shall make a good faith effort to pay the Town of Loomis its fair share cost of \$728 for constructing modified intersection geometries and signal phasing at the intersections of Taylor Road/King Road and Taylor Road/Horseshoe Bar Road. The fair share percentages of the project's contribution to these intersection improvements are identified as 0.34% and 0.36%, respectively.

Mitigation Measure 14.2b: The project shall implement Mitigation Measure 7.1a, which requires the project to pay County traffic impact fees that are in effect in this area (Newcastle/Horseshoe Bar/Penryn), pursuant to applicable Ordinances and Resolutions.

Finding: Implementation of the mitigation measures identified above and included in the MMRP will provide opportunities for funding of improvements necessary to ensure acceptable LOS on most area intersections. However, construction of some improvements is not guaranteed because such changes or alterations are within the responsibility and jurisdiction of another agency (Town of Loomis) and not the agency (County) making this finding. For the foregoing reason and because specific economic, legal, social, technological, or other considerations make full mitigation of this impact to a less than significant level infeasible (e.g., there is not sufficient right-of-way at one intersection to construct improvements that would provide acceptable LOS), this impact remains Significant and Unavoidable as discussed in Section XII of these Findings.

Explanation: The proposed project would make cumulatively considerable contributions to significant cumulative impacts on traffic at five intersections and on two roadway segments. The mitigation measures identified above will provide opportunities for

funding improvements necessary to ensure acceptable LOS on most area intersections. Impacts to intersections within Placer County would be reduced to less than significant levels, while the impacts to two intersections within the Town of Loomis would remain significant and unavoidable.

There is insufficient right-of-way to construct improvements at one intersection located in the Town of Loomis and the impact to this intersection (Taylor Road at Horseshoe Bar Road) would remain significant and unavoidable.

In addition, Placer County cannot ensure that the Town of Loomis will accept the applicant's payment or will complete the improvements identified in Mitigation Measure 14.2.a if the applicant's payment is accepted. If the payment is accepted and if the Town of Loomis implements the recommended improvements, the impact at the intersection of Taylor and King Roads would be reduced to a less than significant level. But because the actions of the Town of Loomis regarding acceptance of the project applicant's fair share cost and construction of roadway improvements are outside the control of Placer County, the County cannot determine with certainty that the impact at the intersection of Taylor Road at King Road will be reduced to a less than significant level. The impact therefore remains significant and unavoidable as discussed in Section XII of these Findings.

Significance After Mitigation: Significant and Unavoidable

Impact 14.3: Conflict with Transportation and Circulation Plans and Policies in the Cumulative Plus Project Condition

Mitigation Measure 14.3a: The project applicant shall implement Mitigation Measure 14.2a and Mitigation Measure 7.1a, which require payment to the Town of Loomis of a proportionate share of the total cost for roadway facility improvements.

Finding: Implementation of the mitigation measures identified above and included in the MMRP will provide opportunities for funding of improvements necessary to ensure acceptable LOS on most area intersections. However, construction of some improvements is not guaranteed because such changes or alterations are within the responsibility and jurisdiction of another agency (Town of Loomis) and not the agency (County) making this finding. For the foregoing reason and because specific economic, legal, social, technological, or other considerations make full mitigation of this impact to a less than significant level infeasible (e.g., there is not sufficient right-of-way at one intersection to construct improvements that would provide acceptable LOS), this impact remains Significant and Unavoidable as discussed in Section XII of these Findings.

Explanation: These mitigation measures will provide opportunities for funding of improvements necessary to ensure acceptable LOS on area intersections. However, Placer County cannot ensure that the Town of Loomis will accept the applicant's payment or will complete the improvements identified in Mitigation Measure 14.2.a if the applicant's payment is accepted; further, there is insufficient right-of-way to

construct improvements at another intersection. The impact remains significant and unavoidable as discussed in Section XII of these Findings.

Significance After Mitigation: Significant and Unavoidable

Impact 14.4: Increase Cumulative Concentrations of ROG or NO_x

Mitigation Measure 14.4a: Prior to Improvement Plan approval, the project applicant shall implement one or more of the following mitigation strategies. The mitigation shall be sufficient to offset the amount of summertime project operation emissions of ROG and NO_x that exceed 10 pounds per day. The estimated amount that the mitigation must be sufficient to offset is 0.67 tons of ROG and 0.17 tons of NO_x, a total of 0.84 tons for a 182-day period (summer days).

- a. Establish mitigation onsite by incorporating design features within the project. This may include, but not be limited to: “green” building features such solar panels, energy efficient heating and cooling, exceeding Title 24 standards, bike lanes, bus shelters, etc. NOTE: The specific amounts of “credits” received shall be established and coordinated through the Placer County Air Pollution Control District.
- b. Establish mitigation offsite within west Placer County by participating in an offsite mitigation program, coordinated through the Placer County Air Pollution Control District. Examples include, but are not limited to participation in a “Biomass” program that provides emissions benefits; retrofitting, repowering, or replacing heavy duty engines from mobile sources (i.e. busses, construction equipment, road haulers); or other program approved by the Placer County Air Pollution Control District that the project proponent may propose to reduce emissions.
- c. Participate in the Placer County Air Pollution District Offsite Mitigation Program by paying the equivalent amount of money, which is equal to the project’s contribution of pollutants (ROG and NO_x) in excess of the cumulative threshold of 10 pounds per day during summertime. The estimated payment for the proposed project is \$12,012 based on \$14,300 per ton for a 182-day period. The actual amount to be paid shall be determined, and satisfied per current California Air Resource Board guidelines, at the time of Improvement Plan approval.

Finding: Implementation of the mitigation measure identified above and included in the MMRP will provide some compensation for the project’s impacts to regional air quality. However, specific economic, legal, social, technological, or other considerations make full mitigation of this impact to a less than significant level infeasible. Therefore, the impact remains Significant and Unavoidable as discussed in Section XII of these Findings.

Explanation: This mitigation measure will provide some compensation for the project’s cumulative impacts to regional air quality. However, the measure would effectively offset emissions from one year of the project and there are no additional feasible mitigation measures that would offset or reduce emissions in additional years. Thus

the project's contribution to cumulative air pollutant concentrations would remain significant and unavoidable as discussed in Section XII of these Findings.

Significance After Mitigation: Significant and Unavoidable

IX. PROJECT ALTERNATIVES FINDINGS

Feasibility of Project Alternatives

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such project[s].” Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of *potentially* feasible alternatives, an agency decision-making body may ultimately conclude that a potentially feasible alternative is actually infeasible. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002.) Grounds for such a conclusion might be the failure of an alternative to fully satisfy project objectives deemed to be important by decision-makers, or the fact that an alternative fails to promote policy objectives of concern to such decision-makers. (*Id.* at pp. 992, 1000-1003.) It is well established under CEQA that an agency may reject alternatives based on economic infeasibility. (*Foundation for San Francisco's Architectural Heritage v. City and County of San Francisco* (1980) 106 Cal.App.3d 893, 913-914; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 774; *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1399-1400; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1510.) In addition, the definition of feasibility encompasses “desirability” to the extent that an agency's determination of infeasibility represents a reasonable balancing of competing economic, environmental, social, and technological factors supported by substantial evidence. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410; 417.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of a proposed project as mitigated, the decision-makers may reject the alternative for such reasons.

CEQA Guidelines §15126(a) requires that an EIR describe a reasonable range of alternatives that would “feasibly obtain 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. CEQA case law has further indicated that the lead agency has the discretion to determine how many alternatives constitute the requisite “reasonable range” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566), and that an EIR need not present alternatives that are incompatible with fundamental project objectives (*Save San Francisco Bay Association vs. San Francisco Bay Conservation & Development Commission* (1992) 10 Cal.App.4th 908). Thus, the project objectives described above in section VI of these findings provided the framework for defining the possible alternatives. Based on the objectives, the

County developed three “project” or “build” alternatives that were addressed in detail in the Draft EIR, in addition to the required “no project” alternative.

Additionally, CEQA Guidelines §15126.6(a) provides that an EIR need not consider alternatives that are infeasible. CEQA Guidelines §15126.6(f)(1) provides 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 proponent can reasonably acquire, control or otherwise have access to the alternative site.”

CEQA Guidelines §15126.6(f) states that 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 reasoned choice.

Based upon guidance contained in the CEQA Guidelines and applicable case law, the Draft EIR considered four alternatives to the Orchard at Penryn project: No Project/No Build Alternative, Reduced Density Alternative, Mixed Use Alternative, and Mixed Use Reduced Density Alternative.

The Board of Supervisors finds that that a good-faith effort was made to evaluate all potentially feasible alternatives in the EIR that are reasonable alternatives to the project and could feasibly obtain most of the basic objectives of the project, even when the alternatives might impede the attainment of the project’s objectives and might be more costly. Alternatives were considered that would result in a substantial reduction or elimination of identified significant biological resources, transportation and circulation, air quality, hydrology and water quality, and utilities impacts. However mitigation measures would continue to be required for each of these impacts under any of the three “project” or “build” alternatives. The “project” or “build” alternatives studied in the EIR would also reduce, but not to a level of less than significance or entirely avoid, the proposed project’s significant and unavoidable impacts to visual resources as well as the project’s contributions to cumulative impacts to visual resources, transportation and circulation, and air quality.

Alternative A - No Project / No Build Alternative

CEQA Guidelines §15126.6(e)(1) provides the following direction relative to the No Project / No Build Alternative:

The specific alternative of “no project” shall also be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.

Alternative A assumes that the proposed Orchard at Penryn project would not be constructed, that the ±15-acre project site would remain vacant, and that no site remediation would be conducted. The EIR concluded that this alternative would avoid the land use, biological resources, visual resources, transportation and circulation, air quality, noise, geology, hydrology and water quality, utilities, hazards and hazardous materials, and cumulative impacts of the proposed project. The existing soil contamination on the project site, however,

would not be removed as it would be under the proposed project, and so under this alternative there would continue to be a risk for contaminated soil to adversely affect wildlife and water quality. (DEIR, pp. 15-12–15-13.) Alternative A would not meet any of the proposed project objectives.

Feasibility of Alternative A: The Board of Supervisors finds that this alternative is infeasible in that it meets none of the project objectives. Additionally, it does not support the County’s goals for development of the mixed-use Penryn Parkway area. No residential development would occur onsite, the existing hazardous contamination onsite would not be remediated, and the project applicant would not be able to provide housing opportunities for County residents at this site. For all of the foregoing reasons, and for any of them individually, the Board of Supervisors determines that Alternative A is infeasible and is hereby rejected.

Alternative B – Reduced Density Alternative

Alternative B assumes development of the entire site in multi-family residential, but with a lower density than the proposed project. Alternative B uses a density of 6.7 dwelling units (du) per acre, which is approximately one-third lower than the proposed project’s density and provides for construction of 102 residential units, as compared to the 150 units in the proposed project. This density is in-keeping with the generic intentions of the project applicant and County to develop multi-family housing in the Penryn Parkway area, although it is considerably less dense than the 150 units in the proposed project.¹ In preparation of the Draft EIR, it was considered that this reduced density could potentially be capable of providing sufficient return on investment to maintain financial feasibility for the project while also reducing or avoiding some of the project’s impacts.

By reducing the development footprint, the Alternative B site plan allows for larger setbacks at each property boundary, restoration of the eastern drainage swale after implementation of the RAW, and preservation of the 100-year floodplain in that area. This alternative would meet most of the project objectives by providing for site remediation, providing for water quality protection, providing “attainable” housing, and providing onsite recreation amenities. This alternative would provide greater avoidance of onsite environmental effects than the proposed project, but it would provide approximately one-third fewer dwelling units than the proposed

^{1/} This alternative is considerably less dense than the proposed project, which is itself less dense than typical multi-family projects in Placer County and throughout the greater Sacramento region. Typical density for this type of area would be closer to 14-30 du/acre, whereas this alternative would provide only 6.7 du/acre, a density indicative of a single-family, not multi-family, housing development. The proposed project would provide approximately 10 du/acre, which is less than the regional norm, but strikes an appropriate balance between the maximum allowable density for the site under existing planning and zoning designations, which allows between 10 and 21 du/acre, and the adjacent rural residential development, which is designated for 2-4 du/acre.

150 residential units to support the necessary infrastructure, public improvements, remediation and mitigation, which was the amount identified in the Project Objectives.

This alternative would further reduce the significant but mitigable impacts on biological resources, transportation and circulation, hydrology, and utilities as compared to the proposed project. It would not avoid or reduce to a less than significant level the significant and unavoidable impacts identified for the proposed project relating to visual character and the project's contributions to cumulative impacts on visual resources, transportation and circulation and air quality. (DEIR, pp. 15-13 – 15-15.) The EIR concluded that Alternative B – the Reduced Density Alternative is Environmentally Superior to the proposed project because it avoids or reduces some of the project's significant effects.

Feasibility of Alternative B: The Board of Supervisors concludes that although Alternative B would meet several of the basic project objectives, it is economically infeasible and therefore rejected. Under Alternative B, 102 residential units would be developed onsite rather than the 150 units proposed. The project applicant has provided an analysis of the financial feasibility of this alternative. (August 2012 EPS Report.) Under any of the alternative build-out scenarios considered in the EIR, the project site would still have to be remediated, at a cost of approximately \$850,000. (August 2012 EPS Report, Table 2.) This alternative would also require additional costs of \$1,100,000 for restoration of the eastern swale and a floodplain overcrossing. (*Ibid.*) This analysis demonstrates that the profit from the reduced unit count measured against the fixed development costs of land, site remediation, site work, engineering, and construction as well as fixed operating costs would result in a -12.4 percent return on investment. (August 2012 EPS Report, Table 1.) A reasonably prudent developer would not pursue a project like this alternative that would result in a negative return on investment. The negative financial return would render the project economically unviable, which is an appropriate consideration under CEQA Guidelines §15126.6(f)(1).

For all of the foregoing reasons, and for any of them individually, the Board of Supervisors determines that Alternative B is infeasible and is hereby rejected.

Alternative C – Mixed Use Alternative

Alternative C assumes development of the eastern project site parcel (±5 acres) with 52,000 square feet of commercial land uses and development of the western parcel (±10 acres) with 101 multi-family residential dwellings. Access to both portions of the project would be from a single shared driveway access to Penryn Road. An exit-only access to Taylor Road would also be provided for the residential development. The development footprint would be generally the same as under the proposed project. This alternative was considered and analyzed for the possibility that reducing the number of residential units and substituting some level of development on the project site with commercial uses rather than residential could potentially reduce some of the proposed project's significant impacts.

The EIR concluded that Alternative C meets most of the project objectives by providing for site remediation, providing for water quality protection, providing "attainable" housing, providing onsite recreation amenities, and avoiding onsite environmental effects. This alternative would provide two-thirds as many residential units as the amount identified in the Project Objectives.

Under Alternative C, commercial land uses would be developed in proximity to existing rural residential land uses. This could result in land use compatibility impacts related to noise, odor, and traffic generation; it could also result in more severe impacts to visual resources, as the scale and style of the commercial buildings would be less compatible with existing residences than an all-residential project. Due to the traffic-generating commercial uses, Alternative C would generate approximately four to five times as many vehicle trips as the proposed project,² which would increase impacts to transportation and circulation and air quality and may increase impacts to noise. The impacts to biological resources, geology, hydrology, and hazardous materials would be roughly the same as under the proposed project, under which all of these are either less than significant or significant but mitigable for these issues. This alternative could result in increased impacts to visual resources, transportation and circulation, air quality, and noise under cumulative plus project conditions. (DEIR, pp. 15-16 – 15-17.)

Feasibility of Alternative C: The Board of Supervisors finds that this alternative is infeasible for the reasons that it does not substantially reduce impacts compared to the proposed project and that it is economically infeasible. Alternative C results in the same significant and unavoidable impacts as the proposed project, but increases the severity of some of these impacts, largely due to the increased traffic attributable to the commercial component of the Alternative.

Additionally, the economic analysis provided by the applicant demonstrates that the commercial uses in this alternative are highly unlikely to achieve acceptable occupancy levels within the next five to seven years. Even assuming quicker commercial occupancy, the value of the commercial component of this alternative would be significantly constrained due to the depressed state of the commercial market now and for the foreseeable near-term future. These factors combine to produce a negative return on investment (ranging from -11.8 to -14.0%) and a significantly reduced value relative to the proposed project, such that a reasonably prudent developer would not pursue this project alternative. (August 2012 EPS Report, Tables 1, 3 and 4.) For all of the foregoing reasons, and for any of them individually, the Board of Supervisors determines that Alternative C is infeasible and is hereby rejected.

² / The *Trip Generation Manual*, 7th edition, published by the Institute of Transportation Engineers (ITE), which was used by Kimley-Horn and Associates in its preparation of the 2011 Traffic Impact Analysis for the proposed project, provides standardized trip generation rates according to land use. The proposed project of 150 low-rise apartment units would generate a total of 989 trips per day, according to the rates recommended in the *Manual*. A commercial project of 52,000 square feet (e.g., Land Use Code 820 - shopping center) would generate approximately 4,439 trips per day, based on ITE *Trip Generation Manual*. (Pers. comm., Stephanie Holloway, Dept. Pub. Works, Aug. 8, 2012.) The commercial center's trips would be in addition to the trips generated by the 101 apartment units in this alternative, which would be approximately two-thirds of the proposed project's 989 trips, or 652 trips, for an approximate total of 5,091 trips per day under this alternative.

Alternative D – Mixed Use Reduced Density Alternative

Alternative D assumes development of the eastern project site parcel with 32,000 square feet of commercial land uses and development of the western parcel with 75 multi-family residential dwelling units. Access to both portions of the project would be from a single shared driveway access to Penryn Road. An exit-only access to Taylor Road would also be provided for the residential development. The development footprint would be reduced, allowing larger setbacks at each property boundary, restoration of the eastern drainage swale after implementation of the RAW, and preservation of the 100-year floodplain in that area. This alternative was considered and analyzed for the possibility that further reducing the number of residential units and substituting some level of development on the project site with commercial rather than residential uses could potentially reduce some of the proposed project's significant impacts.

This alternative would meet most of the project objectives by providing for site remediation, providing for water quality protection, providing some “attainable” housing, and providing onsite recreation amenities. This alternative would provide greater avoidance of onsite environmental effects than the proposed project, but would provide half as many residential units as the amount identified in the Project Objectives.

The DEIR concluded that this Alternative, like Alternative C, could result in land use compatibility impacts related to noise, odor, and traffic generation. Notwithstanding its greater building setbacks from the property boundaries, it could still result in more severe impacts to visual resources than the proposed project, as the scale and style of the commercial buildings would be less compatible with existing residences than an all-residential project. Biological resources impacts would be reduced under this impact as compared to the proposed project. Overall, the impacts associated with transportation, air quality, noise, geology, hydrology and water quality, utilities, and hazardous materials would be similar or slightly reduced. This alternative would not substantially reduce the cumulative impacts to visual resources, transportation and circulation and air quality as compared to the proposed project. These impacts would remain significant and unavoidable. (DEIR, pp. 15-17 – 15-19.)

Feasibility of Alternative D:

The Board of Supervisors finds that this alternative is infeasible for the reasons that it does not substantially reduce the significant and unavoidable impacts of proposed project and it is economically infeasible. While this alternative would reduce the extent of some impacts of the proposed project, it would not avoid all of the significant and unavoidable impacts of the project. Further the Board of Supervisors finds that this alternative would not be feasible. Under Alternative D, 75 residential units would be developed onsite rather than the 150 units proposed. This Alternative would also allow development of 32,000 square feet of commercial space.

As with Alternative B, in addition to the \$850,000 cost to remediate the site applicable to all build alternatives and the proposed project, this alternative would also require additional costs of \$1,100,000 for restoration of the eastern swale and a floodplain overcrossing. (August 2012 EPS Report, Table 2.) Additionally, as noted above for Alternative C, the commercial uses in this alternative are highly unlikely to achieve acceptable occupancy

levels within the next five to seven years. Even assuming quicker commercial occupancy, the value of the commercial component of this alternative would be significantly constrained due to the depressed state of the commercial market now and for the foreseeable near-term future. These factors combine to produce a negative return on investment (ranging from -23.5 to -25.1%) and a significantly reduced value relative to the proposed project, such that a reasonably prudent developer would not pursue this project alternative. (August 2012 EPS Report, Tables 1, 3 and 4.) For all of the foregoing reasons, and for any of them individually, the Board of Supervisors determines that Alternative D is infeasible and is hereby rejected.

X. GROWTH INDUCEMENT FINDINGS

As required by CEQA Guidelines §15126.2(d), an EIR must discuss ways in which a proposed project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. Also, the EIR must discuss the characteristics of the project that could encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

Growth can be induced in a number of ways, such as through the elimination of obstacles to growth, through the stimulation of economic activity within the region, or through the establishment of policies or other precedents that directly or indirectly encourage additional growth. Induced growth would be considered a significant impact if it can be demonstrated that the potential growth would directly or indirectly have a significant effect on the environment.

Residential development can induce growth by increasing the local population, which may lead to increased commercial activity, which may increase the local supply of jobs. Extension of public infrastructure or services can accommodate growth by removing constraints to development. A growth-inducing project directly or indirectly:

- ◆ Fosters economic or population growth or additional housing;
- ◆ Removes obstacles to growth;
- ◆ Taxes community services or facilities to such an extent that new services or facilities would be necessary; or
- ◆ Encourages or facilitates other activities that cause significant environmental effects.

The Orchard at Penryn project would establish 150 multi-family residential units, recreational amenities, and appropriately sized water, drainage, and sewer infrastructure on a ±15.1 acre site. The project would generate non-permanent construction jobs in the area and would house approximately 420 new residents.

Finding: The Orchard at Penryn project would not induce substantial growth in the project area or region.

Explanation: The project would create 150 new residential units, which is consistent with the land use and zoning designations for the site. It would not extend infrastructure for water, drainage, or sewer conveyance to any surrounding

properties. The project would include improve a portion of Penryn Road and to contribute fair-share amounts towards intersection improvements in the area. These improvements would be consistent with the County's Capital Improvement Program and with roadway standards identified in the Horseshoe Bar/Penryn Community Plan. Fulfilling the requirements for roadway improvements would not remove growth constraints in the project area.

Increasing the residential population of the area may indirectly support new commercial development in the area. This development would be consistent with the *Horseshoe Bar/Penryn Community Plan*, which describes Penryn Parkway as a mixed-use area that is intended to include multi-family residential, professional office, and commercial uses. Furthermore, any proposed new commercial development would be subject to its own environmental and land use consistency review under CEQA and other relevant statutes.

XI. CUMULATIVE IMPACTS FINDINGS

The Board of Supervisors finds that the methodology used in the EIR to determine cumulative impacts complies with CEQA in that it assumed growth in accordance with the *Placer County General Plan* and *Horseshoe Bar/Penryn Community Plan* as well as considering other known development projects in the region, and it provides an analysis of potential for the Orchard at Penryn project to contribute to cumulative impacts in the project area.

Finding: The Board of Supervisors finds that the project is consistent with the *Placer County General Plan*, *Horseshoe Bar/Penryn Community Plan*, and Placer County Zoning Ordinance. The project's incremental contributions to cumulative impacts in the region were anticipated by the analysis of full buildout of the Community Plan provided in the EIR for that plan. The project proposes to develop residential uses on approximately 15 acres. The Penryn Parkway designation anticipates and allows the proposed residential use and the proposed density is within the range permitted under the zoning designations for the property. The project's incremental contributions to cumulative impacts are no greater than those anticipated in Community Plan and evaluated in the Community Plan EIR.

Land Use: Cumulative Land Use impacts would occur throughout Placer County and the Horseshoe Bar/Penryn area. The cumulative Land Use impacts identified in the *Horseshoe Bar/Penryn Community Plan EIR* include increased residential units and population in the area, conversion of undeveloped land to rural residential uses, and substantial growth in the area. The addition of the approved, active, or reasonably foreseeable projects in the area (particularly those that are not included in the growth assumptions for the Community Plan) would exacerbate each of these impacts. The proposed project is consistent with the Community Plan land use designation and the zoning designation for the project site. Development of the project would convert undeveloped land to residential uses – but this impact is anticipated under the Community Plan. The residential units proposed for the site and the associated population that would be supported onsite are also anticipated under the Community Plan. The proposed project would contribute to the

cumulative Land Use impacts identified in the *Horseshoe Bar/Penryn Community Plan EIR*, but the project's contribution to these impacts is not considered cumulatively considerable. These cumulative impacts would occur at the same magnitude with or without the proposed project.

Biological Resources: Significant cumulative impacts to biological resources in the Horseshoe Bar/Penryn/Loomis area include loss of habitat types, such as oak woodlands, riparian areas, and federally-protected wetlands, and loss of special-status species. The proposed project would result in the loss of 6.46 acres of oak woodland, 0.95 acres of riparian habitat, and 0.42 acres of federally-protected wetlands, which represents an incremental contribution to the cumulative losses of these habitats. **CHAPTER 5 BIOLOGICAL RESOURCES** contains mitigation measures that require the project applicant to compensate for unavoidable impacts to onsite habitat types by restoring or preserving comparable habitat offsite. These compensatory mitigation requirements ensure that the project's contribution to the cumulative impact is not cumulatively considerable. The mitigation requirements of the project are consistent with the requirements of the Federal Endangered Species Act, the California Endangered Species Act, and the Clean Water Act. Further, the mitigation requirements are consistent with the principles, objectives, and strategy of the Placer County Conservation Program. The project site is not known to support any special-status species, though it has potential to support nesting raptors. *Mitigation Measure 5.4a* requires completion of a pre-construction survey and avoidance of impacts to any identified active nests. The project is not expected to adversely affect special-status species, and would not contribute to this cumulative impact.

Visual Resources: The project site is located in a rural community, where visual resources include areas of open space, natural vegetation, and agricultural crops. The geographic scope for cumulative impacts to visual resources is the *Horseshoe Bar/Penryn Community Plan* area, which defines a cohesive area (25 square miles) with similar visual characteristics. The project is located within a small central geographic area within the Plan boundaries. As a result, changes in visual resources at the project site would not be likely to influence visual resources in other nearby communities such as Newcastle or Loomis other than those projects included in the cumulative analysis. Development of the proposed project would contribute to loss of visual resources as the project would convert undeveloped open space to a multi-family residential complex. Natural vegetation onsite would be lost as a result of site remediation and project construction. While the project includes landscaping around all site boundaries as well as internal to the site and preservation of a small amount of open space in the center of the site, the project's individual impacts to visual resources are expected to be Significant and Unavoidable. In addition, the project's contribution to cumulative losses of visual resources in the Community Plan area is expected to be Significant and Unavoidable.

Transportation and Circulation: The project would add traffic to intersections and roadway segments that are projected to operate at unacceptable LOS in the Cumulative condition. Addition of any traffic to intersections or segments operating at unacceptable LOS is considered a significant impact, and a considerable contribution to cumulative impacts. The project would add traffic to two

intersections that are within the jurisdiction of the Town of Loomis. Physical improvements could be constructed at the intersection of Taylor Road at King Road, however control over such improvements is solely within the Town of Loomis' control. While mitigation has been imposed to require the applicant to make a good faith effort to contribute a fair share payment to the Town for such improvements, with no existing fee agreement or capital improvement funding agreement between the Town and the County, the County cannot ensure that (1) the Town will accept a fair share payment from the applicant and/or (2) whether such a fair share payment would be applied by the Town to construct improvements at this intersection. As a result, this impact is considered Significant and Unavoidable. With respect to the intersection of Taylor Road at Horseshoe Bar Road, another intersection within the jurisdiction of the Town of Loomis, there is not sufficient right-of-way to construct the physical improvements that would be necessary to provide acceptable LOS during the PM peak hour. While mitigation has been imposed to require the applicant to make a good faith effort to contribute a fair share payment to the Town for such improvements, with no existing fee agreement or capital improvement funding agreement between the Town and the County, the County cannot ensure that (1) the Town will accept a fair share payment from the applicant and/or (2) whether such a fair share payment would be applied by the Town to construct improvements at this intersection. Due to the uncertainty regarding the fair share payment to the Town of Loomis and the lack of feasible mitigation to improve LOS at the intersection of Taylor Road at Horseshoe Bar Road, this impact is considered Significant and Unavoidable. In sum Placer County cannot guarantee that the applicant and Town would reach agreement regarding payment of fair share costs towards improvements at either intersection, the project will also have a cumulatively considerable contribution to traffic operations that conflict with applicable plans and policies. Therefore this impact is also Significant and Unavoidable.

Air Quality: The project would contribute to air pollutant emissions in the cumulative condition. Mitigation measures included in the EIR would offset some of the project's long-term air pollutant emissions. As stated in the EIR, mitigation would effectively offset emissions generated during one year of project operation. There are no feasible mitigation measures that would offset or reduce emissions in additional years, thus the project's contribution to cumulative air pollutant concentrations would remain considerable and this impact remains Significant and Unavoidable.

Noise: In the cumulative scenario, ongoing development would be expected to increase the ambient noise environment in the Horseshoe Bar/Penryn Community Plan area as a result of increased traffic volumes and increased residential population and commercial activities. The increased residential population would also represent an increase in the amount of noise-sensitive land uses in the vicinity. Residents of this largely rural area are considered highly sensitive to noise. The predicted cumulative noise level and the cumulative plus project noise levels comply with the County's standards and the change in noise levels is less than the FICON guidelines. Therefore the project is expected to have a less than cumulatively considerable contribution to cumulative transportation-related noise levels.

Geology and Soils: Individual project impacts associated with the Orchard at Penryn project such as increased soil erosion can contribute to cumulative impacts in the Sacramento Valley. Mitigation measures in chapters 5, 8, 10, and 11 include requirements for the project to implement Best Management Practices to control soil erosion. With implementation of these measures, soil erosion at the project site would be minimal and the project would make a less-than-considerable contribution to cumulative impacts related to soil erosion.

Hydrology and Water Quality: The proposed project site is located in the Secret Ravine sub-watershed of the Dry Creek watershed, which lies above the Sacramento Valley groundwater basin. Development throughout this area would increase the amount of impervious surfaces and urban pollutants in the region. This could result in significant cumulative impacts to groundwater and surface water quality and to flooding and drainage system operations. However, regional planning and state and federal permitting requirements would ensure that each individual project mitigates its impacts. Water quality would be protected with the use of Best Management Practices (BMPs) required under the NPDES program and grading and erosion control measures required by Placer County and other local jurisdictions. Flooding would not be increased as long as projects comply with the requirements of Placer County and the Placer County Flood Control and Water Conservation District that post-development drainage flows be reduced to 90 percent of the pre-development flows. Continued enforcement of existing regulations related to water quality, use of BMPs, flooding and drainage would ensure that new development does not worsen groundwater and surface water quality and existing flooding conditions. Therefore these cumulative impacts are expected to be less than significant.

Utilities

Water Supply: As documented in **CHAPTER 12 UTILITIES**, PCWA has sufficient water to serve the proposed project and anticipated cumulative development, based on PCWA's Integrated Water Resources Plan. There are no significant cumulative impacts related to Water Supply in the project region.

Wastewater Treatment: As documented in **CHAPTER 12 UTILITIES**, South Placer Wastewater Authority's South Placer Regional Wastewater and Recycled Water Systems Evaluation and South Placer Municipal Utility District's (SPMUD) master plans, SPMUD has sufficient capacity to serve the proposed project and anticipated future development. There are no significant cumulative impacts related to Wastewater Treatment in the project region.

Solid Waste: As documented in **CHAPTER 12 UTILITIES**, the Western Regional Sanitary Landfill has sufficient capacity to dispose solid waste through the year 2036, including waste generated by new land development projects. There are no significant cumulative impacts related to solid waste collection and disposals in the project region.

Hazards and Hazardous Materials: Impacts related to hazards and hazardous materials are site-specific and do not contribute to cumulative effects. For example, development on a contaminated site would not alter conditions at another site in the same region or expose people within the region generally to hazardous materials.

There are no significant cumulative impacts related to hazards and hazardous materials in the project region.

Climate Change: The project is not expected to contribute substantial greenhouse gas emissions during site remediation and construction as demonstrated by the greenhouse gas emission estimates provided in **CHAPTER 14 CUMULATIVE IMPACTS**. In addition, the project's contribution to cumulative GHG emissions will be less-than-considerable and a less than significant impact.

Explanation: Cumulative impacts are an inevitable consequence of growth. The project is consistent with the *Placer County General Plan, Horseshoe Bar/Penryn Community Plan*, and Placer County Zoning Ordinance. These plans and policies anticipate residential development at the project site.

Significance After Mitigation: The cumulative impact analysis concludes the following are Significant and Unavoidable cumulative impacts, as discussed in Section VIII and Section XII of these Findings:

- ❖ Impact 14.1: Contribute to Cumulative Degradation of Existing Visual Character or Quality
- ❖ Impact 14.2 Substantially Increase Traffic or Conflict with Level of Service Standards in the Cumulative Plus Project Condition
- ❖ Impact 14.3 Conflict with Transportation and Circulation Plans and Policies in the Cumulative Plus Project Condition
- ❖ Impact 14.4 Increase Cumulative Concentrations of ROG or NO_x

XII. STATEMENT OF OVERRIDING CONSIDERATIONS

The Orchard at Penryn EIR concluded that even with implementation of all feasible mitigation measures and project alternatives, the project will cause the following significant unavoidable impacts:

Impact 6.1: Substantially Degrade Existing Visual Character or Quality

Impact 8.1: Violate Any Air Quality Standard During Project Construction

Impact 14.1: Contribute to Cumulative Degradation of Existing Visual Character or Quality

Impact 14.2: Substantially Increase Traffic or Conflict with Level of Service Standards in the Cumulative Plus Project Condition

Impact 14.3: Conflict with Transportation and Circulation Plans and Policies in the Cumulative Plus Project Condition

Impact 14.4: Increase Cumulative Concentrations of ROG or NO_x

Placer County has considered and adopted all feasible mitigation measures with respect to these impacts, which lessen the impacts but do not entirely avoid or reduce them below a level of significance, as discussed in Section VIII of these Findings.

With respect to Impacts 14.2 and 14.3, the County has adopted feasible mitigation measures to reduce these impacts. Implementation of the required mitigation measures will provide opportunities for funding improvements necessary to ensure acceptable LOS on most area intersections. Impacts to intersections within Placer County would be reduced to less than significant levels. At one intersection in the Town of Loomis, there is not sufficient right-of-way at one intersection to construct improvements that would provide acceptable LOS. At another intersection, sufficient right-of-way does exist but construction of the necessary improvements is outside of the responsibility and jurisdiction of the County. Placer County cannot ensure that the Town of Loomis will accept the applicant's fair-share payment or will complete the improvements identified in Mitigation Measure 14.2a if the Town does accept the applicant's money. For all of these reasons, therefore, this impact remains significant and unavoidable.

The environmentally superior alternative (Alternative B) would lessen many impacts of the proposed project, but would not avoid the Significant and Unavoidable impacts of the project. Further, as described above in Section IX, the environmentally superior alternative is not feasible.

The primary purpose of CEQA is to fully inform the decision makers and the public as to the environmental effects of a proposed project and to include feasible mitigation measures and alternatives to reduce any such adverse effects below a level of significance. CEQA recognizes and authorizes the approval of such projects where not all adverse impacts can be fully lessened or avoided. Before such a project can be approved, the public agency must consider and adopt a "statement of overriding considerations" pursuant to CEQA Guidelines §§15043 and 15093. Specifically, CEQA Guidelines §15093(b) requires that when a public agency approves a project that will result in the occurrence of significant and unavoidable impacts, the agency must "state in writing the reasons to support its action based on the final EIR and/or other information in the record." The agency's statement of overriding considerations must explain and justify the agency's conclusion to approve such a project, setting forth the proposed project's general social, economic, policy or other public benefits which support the agency's informed conclusion to approve the project.

The following statement identifies why, in the Board of Supervisors' judgment, the benefits of the Project as approved outweigh its unavoidable significant effects. 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 Board 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 included in the Record of Proceedings.

The Board finds that each impact previously identified and briefly explained above is acceptable because mitigation measures have been required to reduce these impacts to the extent feasible, and on balancing the benefits to be realized by approval of the proposed project against the remaining environmental risks, the following economic, social, and other considerations outweigh the impacts and support approval of the proposed project.

Accordingly the Board recognizes that significant and unavoidable impacts would result from implementation of the proposed project. Having (1) adopted all feasible mitigation measures; (2) rejected the alternatives to the project as infeasible, as discussed above; (3) recognized all significant, unavoidable impacts; and (4) balanced the benefits of the proposed project against the significant and unavoidable effects, the Board finds that the benefits outweigh and override the significant unavoidable effects for the reasons stated below.

The Placer County Board of Supervisors finds that the Orchard at Penryn project meets the following stated project objectives - which have substantial social, economic, policy and other public benefits - justifying its approval and implementation, notwithstanding the fact that not all environmental impacts were fully reduced below a level of significance:

Implementation of the Orchard at Penryn project will provide for the following:

- ◆ Remediate and reuse contaminated land by developing a use that is consistent with the zoning and land use designations for the site.
- ◆ Create a safe living environment for residents by remediating soil contaminated with toxins associated with the previous agricultural uses of the site while also being sensitive to wetland and riparian areas, rock outcroppings, and natural land forms.
- ◆ A site design that is sensitive to natural habitat while improving water quality downstream in Secret Ravine and ultimately the Sacramento River.
- ◆ Attainable housing for working families in the Loomis/Penryn area, thereby reducing commutes to nearby employment centers.
- ◆ A variety of onsite recreation facilities for residents, thereby reducing increased demand for offsite recreational areas.
- ◆ Avoid onsite environmental effects where feasible and incorporate mitigation for environmental effects into the project design.
- ◆ 150 residential units and supporting infrastructure, which is a project size that supports the required public improvements, toxic clean-up, and mitigation.

Additionally, the Board of Supervisors finds that the proposed project would provide the following benefits:

Implementation of General Plan Land Use Policies

Goal 1.B:

The Placer County General Plan identifies as Goal 1.B, to provide adequate land in a range of residential densities to accommodate the housing needs of all income groups expected to reside in Placer County. The project's 150 multi-family units would provide attainable housing units for residents of households earning approximately \$55,000 to \$68,000 per year, which is below the median household income in Placer County of \$74,000. (March 2012 Hausrath Economic Group Fiscal Impact Analysis, p. 3.) Therefore, the project would provide attainable housing units for a segment of the County's population that earns slightly less than the median,

contributing to a desirable diversity of housing options for Placer County residents and helping to fulfill General Plan Goal 1.B.

Goal 1.G:

The Placer County General Plan identifies as Goal 1.G, to designate land for and promote the development and expansion of public and private recreational facilities to serve the needs of residents and visitors. The project's onsite recreational center would provide recreational opportunities for the project's future residents, thereby helping to fulfill this General Plan goal.

Utilization of Housing Resource identified in County Housing Element

State law governing the preparation of Housing Elements emphasizes the importance of an adequate land use supply by requiring that each Housing Element "...identify adequate sites ... to facilitate and encourage the development of a variety of types of housing for all income levels..." (Government Code Section 65583(c)(1)). "If an adequate supply of new housing is to be provided, enough vacant land must be zoned to allow for the construction of a variety of housing types at densities that will satisfy the objectives of the Housing Element. The land must also have access to public services, such as water, sewage treatment, storm drainage, and road." (Housing Element, p. 68.) The Housing Element also recognizes a short-fall with respect to the number of acres available for multi-family housing. As a result, the County is cognizant of the need to preserve existing suitable vacant land and recognizes the actual construction of multi-family housing on such land to be a benefit to the community and County in realizing the Housing Element goals and policies. Table 5-2 of the housing Element identifies "Vacant Land Suitable for Multi-Family Development" and included in the table is the "Penryn Parkway" with a total of 133.2 acres identified as available for multi-family residential development. (Housing Element, p. 71.) Thus, the Housing Element anticipates the inclusion of multi-family residential housing within the Penryn Parkway, which the proposed project will provide. While the proposed project will provide market rate rental housing, as noted above the proposed project will provide units for a segment of the County's population that earns slightly less than the median. This benefits the Housing Element's goal of providing diverse housing throughout the County and utilizing that land preserved for multi-family housing for that specific use.

Implementation of Horseshoe Bar/Penryn Community Plan Policies

In 1988, the then current community plan, the Loomis Basin General Plan, was amended to adopt the "Penryn Parkway" community plan designation. This designation is "unique" and comprised of "166 acres or 1% of the Plan area. The Parkway is meant to provide a mixed-use area, including multiple-family residential, professional office and commercial uses." (Community Plan, p. 27.) The proposed project, located within the Penryn Parkway land use designation area would introduce multi-family, market rate rental housing to this area of Penryn. This will help achieve the community plan policy of creating a mix of uses in the Penryn Parkway area. It provides denser housing near a major transportation corridor and in close proximity to restaurant, retail and commercial uses.

The *Horseshoe Bar/Penryn Community Plan's* Community Development Element identifies Goal II.A.2.a., to "ensure that sound and adequate housing is provided to all residents at desirable

locations, including consideration of transportation facilities, school facilities, and proximity to major employment centers". The provision of "sound and adequate housing" was specifically identified in the Statement of Overriding Considerations as a benefit of the 1994 Community Plan adoption:

"The [Horseshoe Bar/Penryn Community Plan provides for sound and adequate housing to meet future needs anticipated in current population projections for all economic segments of the community, while ensuring consistency with existing land uses." (Resolution No. 94-241 Adopting the Horseshoe Bar/Penryn Community plan (GPA-301) and Certifying the Final Environmental Impact Report with Statement of Overriding Considerations, August 16, 1994; contained in the Draft and Final Environmental Impact Report for the Horseshoe Bar/Penryn Draft Community Plan, hereinafter referred to as "1994 HB/PCP Resolution".)

Ensuring sound and adequate housing for all economic segments of the Plan area continues to be an important goal for the Community Plan area. The proposed project will provide housing for those segments of the population who wish to live in the Penryn community but cannot afford or do not desire a single-family residence on acreage.

It should also be noted that the 1994 HB/PCP Resolution identified as a benefit the Community Plan's provision for "orderly growth in conjunction with the necessary expansion of infrastructure to serve that growth." (1994 HB/PCP Resolution.) The proposed project's EIR identifies adequate infrastructure for public services and utilities to serve the proposed project (DEIR, Chp. 12). Therefore, the proposed project is consistent with a benefit identified in 1994 by the County in support of the adoption of the Community Plan. This benefit continues to be of importance.

Finally, one of the Plan Assumptions upon which the Horseshoe Bar/Penryn Community Plan is based is the following:

"It is important to design facilities for water, sewer, and roadways in such a way that additional pressure for the urbanization of surrounding rural areas is not created. Such pressure for urbanization may occur as a result of financial pressures, proximity of urban uses, and/or the establishment of incompatible uses, all of which hinder the continued rural use of adjoining lands." (Horseshoe Bar/Penryn Community Plan Draft EIR, p. 2-6.) From its inception in 1988, the Penryn Parkway was considered one of the areas of the Community Plan that could logically incorporate the commercial and multi-family uses and by doing so, could relieve the pressure of incorporating such uses in the more rural surrounding areas. The Penryn Parkway is similar to a pressure valve on a steam engine, if pressure is released in a small increment, it alleviates the overall pressure on the engine. In 1988, recognizing that development was coming to the area, the County identified the Penryn Parkway as the valve release to handle the pressures on the community for commercial and multi-family uses. By concentrating/addressing the demand for these uses in a geographical area that is adjacent to I-80 and includes the necessary infrastructure for these uses, the pressure is relieved from the other more rural areas in the Penryn community to serve these uses. The following was stated during the 1988 Planning Commission hearing relative to this growth pressure in the Penryn community: "The planning area [Penryn Parkway] has all the infrastructure necessary to support a commercial center and the growth experienced in South Placer County is at our doorstep. It would be foolhardy to attempt to ignore reality. Development will occur."

(Statement from Dick Freeberg, Chairman Penryn Area Advisory Council, Planning Commission Hearing, July 20, 1988.) This same advisory council adopted the Penryn Parkway development policy that anticipates this land use designation to be “a highway-service oriented retail area which also allows for multiple-family residential uses.” (Penryn Parkway Development Policy e., p. 81, see also November 4, 1988 letter to Board of Supervisors from Penryn Area Advisory Council in which the Council recommended adoption of the policies with minor modifications none of which prohibited the inclusion of multi-family housing.)

The proposed project will provide market rate housing in an area designated for multi-family use since 1988. The construction of this housing will benefit the County by enabling it to achieve the above articulated planning principles of its Housing Element and the Community Plan.

Fulfilling Key Principles of SACOG Blueprint Plan

As noted in the Draft EIR, the Blueprint Plan adopted by the Sacramento Council of Governments has not been adopted by Placer County, and though the Blueprint Plan is not legally binding on the County, the Plan does play an important advisory role and is intended to help guide the region’s land use and transportation planning in the development of more sustainable future urban growth. (DEIR, p. 4-7.) The proposed project reflects key principles of the SACOG Blueprint Plan by (1) providing housing choices, (2) locating higher density housing on a transportation corridor, (3) promoting alternative means of transportation, with a bus turnout at the project entrance, (4) utilizing existing assets by developing on zoned and planned land at an infill site, and (5) locating such a project in close proximity to retail and dining uses at the Penryn Outlets commercial center just down the street on Penryn Road.

Provision of Construction Jobs.

Construction of the Project will provide, over the build-out period, work for numerous individuals in the construction industry, as well as for architects, engineers, and other professionals. The applicant’s economic consultants estimate that the proposed project would provide up to 240 jobs directly and indirectly related to construction of the project over the estimated 18-month construction timeline of the project, and will provide approximately \$4,800,000 in direct and indirect labor income. (August 2012 EPS Report, Table C-3.) Given the severe economic downturn that the state and county have experienced over the past 5 years, with a sharp reduction in employment locally, such job creation and labor income generation from the project would provide a significant public benefit to the local economy. While the 18 month construction timeline could be viewed as a relatively short period of time, with the construction industry remaining sluggish in Placer County (Auburn Journal, 6/17/12) a short term infusion of new construction industry jobs to the County will provide significant immediate economic benefits to the area and to Placer County.

Balancing Competing Goals

The Board of Supervisors further finds that it is necessary to balance competing goals in approving the Orchard at Penryn project and the environmental documentation for the project. Not every environmental concern has been fully satisfied due to infeasibility and there is a need to satisfy competing concerns to some extent. The Board of Supervisors has chosen to accept

certain environmental impacts resulting from the Orchard at Penryn project because complete avoidance or reduction of impacts to a less than significant level is infeasible and not approving the project would unduly compromise some other important economic, social, or other goals, as articulated herein. The Board finds and determines that the Orchard at Penryn project, the supporting environmental documentation, and the evidence in the administrative record as a whole provide for a positive balance of the competing goals and that the economic, fiscal, social, environmental, land-use and other benefits to be obtained by the project outweigh any remaining environmental and related potential significant impacts of the project.

XIII. CONCLUSION

The mitigation measures listed in conjunction with each of the findings set forth above, as implemented through the MMRP, will eliminate or reduce to a less than significant level most adverse environmental impacts of the proposed project, except for those listed in Section XII above.

Taken together, the Final EIR, the Errata, the mitigation measures, and the MMRP provide an adequate basis for approval of the Orchard at Penryn project.