M E M O R A N D U M
COMMUNITY DEVELOPMENT/RESOURCE AGENCY
PLACER COUNTY CONSERVATION PROGRAM
County of Placer

TO: Board of Supervisors **DATE:** August 25, 2020

FROM: Steve Pedretti, CDRA Director

BY: Gregg McKenzie, PCCP Administration

SUBJECT: Placer County Conservation Program

ACTIONS REQUESTED

Conduct a public hearing to consider a recommendation from the Placer County Planning Commission for approval of the following:

1. Adopt a resolution to certify the Placer County Conservation Program Final Environmental Impact Report / Environmental Impact Statement (SCH# 2005032050) prepared pursuant to the California Environmental Quality Act, and adopt the Mitigation Monitoring and Reporting Program supported by the Findings of Fact and Statement of Overriding Considerations.
2. Adopt a resolution to amend the Placer County General Plan to revise Section 1 (Land Use) for Open Space, Habitat, and Wildlife Resources, and Section 6 (Natural Resources) for Wetland and Riparian Areas, Fish and Wildlife Habitat, Vegetation and Open Space for the Preservation of Natural Resources.
3. Adopt a resolution to approve the Placer County Conservation Program ("PCCP") consisting of the:
   - Western Placer County Habitat Conservation Plan / Natural Community Conservation Plan & Implementing Agreement ("HCP/NCCP")
   - Western Placer County Aquatic Resources Program ("CARP")
   - Cultural Resources Management Plan
   - Western Placer County In Lieu Fee Program ("ILF")
4. Adopt an ordinance to add Chapter 19 to the Placer County Code in order to implement the PCCP, establish the Placer County Conservation Program Development Fee, establish the Open Space and Fire Hazard Management Fee, and replace Chapter 12, Article 12.16 (Tree Preservation Generally) with Chapter 19, Article 19.50 (Woodland Conservation).
5. Adopt an ordinance to amend Placer County Code Chapter 17 (Zoning) in order to implement the PCCP.
6. Adopt an ordinance to amend Placer County Code Chapters 12, 15, 16 and 18 in order to implement the PCCP and render terms and provisions of code consistent with the PCCP.
7. Adopt a resolution to approve the nexus study and fee schedule for Placer County Conservation Program Development Fees.
8. Adopt a resolution to approve the nexus study and fee schedule for the Placer County Open Space and Fire Hazard Management Fee.

OVERVIEW

The Placer County Conservation Program (PCCP) is a regional, comprehensive program intended to protect, enhance, and restore natural resources while streamlining permitting for public and private projects in Western Placer County and the City of Lincoln, and for projects carried out by the Placer County Water Agency (PCWA) and the South Placer Regional Transportation Authority (SPRTA).

Staff has prepared the PCCP in cooperation with the other Permit Applicants and in consultation with the state and federal agencies so that it is consistent with the County's General Plan and Board of Supervisors' long-term (19 year) direction to prepare a comprehensive, landscape level, conservation program addressing the conservation, enhancement, and restoration of natural resources while streamlining permitting for public and private projects in western Placer County, the City of Lincoln, and for projects carried out by PCWA and the SPRTA. In addition, the program includes the CARP and ILF designed to integrate wetland permitting requirements and compensatory mitigation for the discharge of fill into waters of the United States, State of California, and Placer County (e.g., wetlands, streams, and related habitat).

Based on the discussion in this report, the attached findings and documents, and the analysis contained within the PCCP and the Draft and Final EIS/EIR, staff believes the PCCP and related programs and actions will best achieve the goals of the General Plan and will best respond to the direction of the Board of Supervisors.

BACKGROUND

The County's 1994 General Plan update included the adoption of numerous policies related to natural resource management including Implementation Program 6.11 that called for the development, adoption, and implementation of a comprehensive habitat conservation plan / natural community conservation plan (HCP/NCCP) to address the long-term preservation and maintenance of sufficient natural habitat to support indefinitely the diversity of plants and wildlife species currently represented in Placer County. In 2000, staff completed the preparation of a program to implement the open space and conservation goals and policies of the General Plan known as the Placer Legacy Open Space and Agricultural Conservation Program (Placer Legacy). Placer Legacy included, as one its key elements, the preparation of an HCP and NCCP to address impacts of anticipated growth on endangered species and their habitat. This program was initiated in 2001. The City of Lincoln joined the PCCP's Ad Hoc Committee on May 2, 2007 and signed an MOU with the County officially joining the PCCP as a participating local agency in 2009.

In addition to the HCP/NCCP, Placer County initiated an effort to integrate the USACE permit requirements for impacts to waters of the United States (e.g., wetlands) into the conservation strategy for endangered species. This program is known as the Western Placer County Aquatic Resources Program (CARP). Until recently, most HCPs and NCCPs prepared in California only addressed the effects of land and infrastructure development on protected species and habitats. Impacts to wetlands were permitted through an independent regulatory process administered by the USACE. Because many of Placer County's sensitive species are wetland dependent for at least part of their life cycle, the integration of wetlands into the conservation strategy and permit strategy would be essential for the program to be successful.

Together, the HCP/NCCP and CARP comprise the main components of the PCCP. In addition to meeting state and federal requirements regarding impacts to endangered species and wetlands, the PCCP is designed to facilitate compliance with CEQA. Without the PCCP, a project would continue to undergo CEQA review and obtain land use entitlements, and then separately apply for permits from the state and federal agencies for wetlands and endangered species impacts. This separate review often results in project delays, inconsistent mitigation requirements, project modifications, and a lack of a consistent strategy for minimizing and mitigating impacts. The PCCP establishes consistent, predictable environmental review and mitigation requirements for state and federal wetland and endangered species permitting and related CEQA compliance, shortens permitting processes, and enables the implementation of a long-term conservation strategy. In addition, a Cultural Resources Management Plan and related County Code Amendments have been included in the PCCP to facilitate compliance with CEQA and a allow for development of a Programmatic Agreement under Section 106 of the National Historic Preservation Act during implementation. Lastly, the PCCP includes a landscape-scale oak woodland mitigation strategy, with consistent avoidance and minimization measures, that will help alleviate one of the more challenging CEQA habitat issues that Placer County addresses as a lead agency.

Development of the PCCP's conservation strategy and avoidance, minimization, and mitigation measures took many years because state and federal requirements for approval of habitat conservation plans and natural community conservation plans, and integration of state and federal requirements for wetlands permitting, are difficult and complex. Development of the PCCP also required the resolution of important land use issues, fiscal considerations, and scientific questions.

The PCCP has generated significant interest among stakeholders. Stakeholder input was received through the PCCP's Biological Stakeholder Working Group (BWG). BWG members represented a diversity of interests and organizations including local government, landowners, environmental organizations, education, agriculture, and land development. Some members of the BWG have been stakeholders for more than a decade and their dedication to the PCCP has been essential to developing a successful program.

Science advisors were convened for input on three focus areas and all of the science advisors were drawn from the academic/teaching and research community with specialists in the fields of conservation biology, geography, vernal pool ecosystems, hardwood ecosystems and other fields. The first focus group was to assist with the overall development of a landscape scale conservation strategy at the outset of the program. The second was to assist with the challenges associated with mapping of vernal pools and vernal pool complexes. The third was to assist with the development of oak woodland restoration measures. A finance committee was also formed to specifically address cost estimates and the funding strategy for implementation of the PCCP. The finance committee represented a diversity of interests including real estate, land development, appraisal services, landowners, and the environment.

PCCP – PROGRAM ELEMENTS

The PCCP comprises three integrated program components and the issuance of related state and federal permits.

- The ***Western Placer County Habitat Conservation Plan and Natural Community Conservation Plan*** (HCP/NCCP), a joint federal habitat conservation plan and state natural community conservation plan that would protect fish, wildlife, plants, and their habitats and fulfill the requirements of the federal Endangered Species Act (ESA), and the California Natural Community Conservation Planning Act (NCCPA).

- The ***Western Placer County Aquatic Resources Program*** (CARP) would protect streams, wetlands, and other aquatic resources and can be used to fulfill the requirements of the Clean Water Act (CWA) and analogous state laws and regulations.

- The ***Western Placer County In-Lieu Fee Program*** (ILF) that creates "mitigation credits" that can be used to fulfill compensatory mitigation requirements under Section 404 and 401 of the CWA.

HCP/NCCP

The HCP/NCCP is intended to support the issuance of incidental take permits (ITPs) from the USFWS, the National Marine Fisheries Service (NMFS) and the California Department of Fish and Wildlife (CDFW), each with a term of 50 years. The HCP/NCCP includes a long-term conservation strategy to protect and contribute to the recovery of certain covered species and natural communities in the Plan Area (Attachment A). The ITPs would streamline permitting for a range of covered activities, including private development and public infrastructure projects that are consistent with local land use policies, and operation and maintenance activities within the Reserve System. The HCP/NCCP identifies where covered activities' impacts on endangered species would likely occur and includes measures to avoid, minimize, and mitigate the impacts. The HCP/NCCP also includes measures that help to conserve and contribute to the recovery of the covered species and natural communities in the Plan Area, as required by the NCCPA.

CARP

The second component of the PCCP, the CARP, establishes a local program to protect wetlands and other aquatic resources in the Plan Area through the avoidance and minimization of impacts that could result from the covered activities. It provides for the protection of wetlands, streams, and the waters and the watersheds that support them while streamlining the U.S. Army Corps of Engineers' (USACE's) CWA Section 404 permitting and the Regional Water Quality Control Board's Section 401 certification processes for covered activities.

ILF

The third component of the PCCP, the ILF, provides a mechanism under which compensatory mitigation requirements under Section 404 and 401 of the CWA can be fulfilled by payment of a fee to purchase "mitigation credits." The ILF will fund the implementation of aquatic resource restoration projects that will provide compensatory mitigation for unavoidable impacts on aquatic resources from the covered activities. An interim voluntary ILF was adopted by the Board of Supervisors and subsequently became operative with final approval by the United States Environmental Protection Agency, the USACE, and the Central Valley Regional Water Quality Control Board on March 14, 2019. Upon issuance of the Record of Decision and ITPs by the state and federal wildlife agencies and adoption of the ordinance to add Chapter 19 to the County Code, the fee programs included in Chapter 19 will be implemented and will cover and replace voluntary ILF fee payments. Any fees collected under the interim voluntary ILF will be used to fund implementation of aquatic resource restoration projects that meet the standards and requirements of the PCCP. At a future point in time, the ILF will likely be transferred by separate action of the Board from the County to the Placer Conservation Authority, the joint powers authority that has been formed to implement the mitigation and conservation actions of the PCCP.

APPLICANTS FOR STATE AND FEDERAL PERMITS

Streamlining permitting for public and private projects, as well as implementation of landscape scale conservation measures and assembly of the Reserve System, requires long-term permits for the incidental take of state and federally listed species. The following local agencies are jointly applying for these permits from state and federal agencies:

- Placer County
- City of Lincoln
- South Placer Regional Transportation Authority
- Placer County Water Agency
- Placer Conservation Authority

These entities are collectively referred to in the PCCP documents as the *Permit Applicants*. The Permit Applicants have applied for ITPs from the USFWS and the NMFS, pursuant to Section 10(a)(1)(B) of the ESA. The same entities are also applying for an ITP from the CDFW, pursuant to Section 2835 of the California Fish and Game Code. USFWS, NMFS, and CDFW are collectively referred to in the PCCP documents as the *Wildlife Agencies*. The ITPs from the Wildlife Agencies would authorize incidental take of the species covered by the Plan (Covered Species) resulting from a range of public and private projects (Covered Activities).

The USACE proposes to adopt a comprehensive permitting strategy for PCCP Covered Activities pursuant to Section 404 of the CWA, which would include, but is not limited to, the programmatic permits (Attachment H). The USACE has requested that the Central Valley Regional Water Quality Control Board issue a programmatic Section 401 water quality certification for the programmatic permits issued by the USACE. The USACE's permitting strategy for PCCP Covered Activities is based on the HCP/NCCP and CARP in order to increase permitting efficiencies and maximize consistency among mitigation requirements for impacts to wetlands and endangered species.

COVERED SPECIES

The HCP/NCCP is focused on 14 sensitive species found in western Placer County for at least a portion of their life cycle. The conservation strategy, avoidance, minimization, and mitigation requirements are based upon the need to conserve, restore or create viable habitat for these species. The Covered Species and their primary associated natural communities covered by the HCP/NCCP include those listed in Table 1.

Table 1 – Covered Species

Species	Natural Community
Birds	
Burrowing owl	Valley grasslands
Tricolored blackbird	Valley and Foothill freshwater marsh complexes
California black rail	Freshwater marshes
Swainson's hawk	Valley nesting – Riverine/riparian. Valley foraging – grassland and field agriculture
Reptiles	
Giant garter snake	Valley grasslands near water, wetlands and slow-moving waterways
Western pond turtle	Foothill riverine/riparian
Amphibians	
California red-legged frog	Foothills open water, riverine/riparian and freshwater marshes
Foothill yellow-legged frog	Foothills riverine/riparian
Invertebrates	
Vernal pool tadpole shrimp	Valley grasslands
Vernal pool fairy shrimp	Valley grasslands
Conservancy fairy shrimp	Valley grasslands
Valley elderberry longhorn beetle	Valley oak woodland or elderberry savannas adjacent to riparian vegetation
Fish	
Central Valley steelhead	Perennial freshwater streams
Chinook salmon (Central Valley Fall/Late Fall-Run)	Perennial freshwater streams

COVERED ACTIVITIES

The permit coverage provided by the PCCP encompasses a range of public infrastructure and private land use activities carried out or authorized by the permit applicants (e.g., private land development approved by the County or City of Lincoln). Chapter 2 of the HCP/NCCP lists the activities covered by the PCCP, as well as certain activities that are not covered. The list identifies general categories of activities that are eligible for coverage, such as "all ground- or habitat-disturbing projects and activities that occur…in the Valley Potential Future Growth Area". The list also describes specific public infrastructure projects such as the Auburn Ravine Force Main Rehabilitation/Replacement project and Placer Parkway. Habitat restoration and enhancement activities necessary to implement the PCCP are also Covered Activities.

CONSERVATION STRATEGY

To meet state and federal requirements, the HCP/NCCP is required to have a conservation strategy that achieves specific biological goals and objectives through a series of actions. The conservation strategy

was based on scientific principles outlined in the independent science advisors' report and guidance provided by the Wildlife Agencies. The conservation strategy was also prepared with input from stakeholders through the BWG and guidance from the Ad Hoc Committee. Chapter 5 of the PCCP describes the biological goals and objectives in three different ways: 1) goals and objectives at the landscape-scale 2) natural community goals and objectives (e.g., protect 10,100 acres of oak woodland) and 3) goals and objectives for individual species. Accordingly, biological objectives are expressed as commitments for land acquisition, protection, and natural and semi-natural community restoration. Some commitments are dependent on effects and provide for restoration and creation to mitigate for impacts resulting from Covered Activities. Other commitments are beyond those required for mitigation and are not directly tied to the impacts of Covered Activities. As an example, the HCP/NCCP commits to protecting and restoring 3,000 acres of vernal pool complex lands above and beyond the mitigation required for Covered Activities because those resources need to be protected to meet the regional scale conservation objective, regardless of the impact on that resource (see HCP/NCCP Table 5-4).

The conservation strategy has four main components:

1. **Reserve System.** The HCP/NCCP will progressively establish a large system of interconnected blocks of land. The Reserve System will provide a means for protecting, managing, enhancing, and restoring or creating the natural and semi-natural communities and habitats that support the Covered Species. At the end of the 50-year permit term the Reserve System would comprise 47,300 acres.
2. **Stream Protection, Enhancement, and Avoidance**. The HCP/NCCP includes specific protections for the Plan Area's Stream System (the area along and adjacent to streams), to protect and enhance Covered Species' habitats, water quality, and maintain connectivity in the reserve system. In-stream enhancement actions include removal or modification of barriers to fish passage, screening water diversions, improvement of in-channel features, and non-native fish control.
3. **Wetland Conservation and No Overall Net Loss of Wetland Functions and Values.** The HCP/NCCP will protect, enhance, restore, and create aquatic/wetlands including the surrounding upland necessary to sustain the wetlands' hydrological function. The HCP/NCCP is intended to ensure no overall net loss of wetlands, including vernal pool wetlands. Restoration and creation of wetlands will provide in-kind compensatory mitigation.
4. **Avoidance and Minimization**. Under the HCP/NCCP, Covered Activities will avoid and minimize impacts on Covered Species to the maximum extent practicable by complying with specific conditions developed to protect Covered Species and certain natural communities.

COST AND FUNDING PLAN

Chapter 9 of the HCP/NCCP describes the three types of Placer County Conservation Program Development Fees (Development Fees) that will be paid to meet both ESA and NCCP Act requirements for Covered Activities' impacts to Covered Species and their habitat. Fees will generate sufficient funding to offset approximately 70% of total Plan costs including endowment contributions to fund management of the Reserve System in perpetuity, representing a proportionate share of HCP/NCCP costs. This proportionate share is based on the cost of mitigation for public and private project related impacts on Covered Species' habitat and the cost of benefits provided by the HCP/NCCP related to open space and fuels management. These one-time fees pay for the full cost of mitigating Covered Activities' effects on the Covered Species and natural communities. The remaining share (approximately 30%) of total HCP/NCCP costs will be funded primarily by state, federal, and other grants, and represent the proportionate cost of funding conservation above and beyond mitigation fees for effects on Covered Species and natural communities.

The Development Fees are applied based on each Covered Activity's conversion of specific land-cover types. The following Development Fees apply to the Plan Area.

- **Land Conversion Fee** - The Land Conversion Fee is based on the cost of mitigating each Covered Activity's direct and indirect effects on Covered Species and natural communities as measured by acres of overall land conversion. The Land Conversion Fees cover the cost of acquiring reserve land, management and monitoring of the Reserve System, endowment to fund costs in perpetuity, habitat restoration and enhancement (not otherwise funded by special habitat fees), and all costs associated with program administration.
- **Special Habitat Fees** - The Special Habitat Fees cover the full cost of special habitat (wetlands, streams, riparian habitats) restoration or creation and in-stream enhancement. Costs funded by the Special Habitat Fees include design, implementation, post-construction monitoring, management, and remediation throughout the permit term, as well as stream channel enhancements. The cost of lands acquired for special habitat restoration projects is covered by the Land Conversion Fee. Special Habitat Fees vary by land-cover type to account for the different costs of restoration or enhancement for each type.
- **Temporary Effect Fee** - The Temporary Effects Fee is equal to 2 percent of the Land Conversion Fees or applicable Special Habitat Fees for activities meeting the requirements for restoring small temporary impacts to sites within 12 months.

Attachment A (Plan Area) depicts the geographic boundary between the Foothills and Valley for purposes of Land Conversion Fee calculations. In addition to the Development Fees, the Board of Supervisors will be considering the adoption (through adoption of the ordinance adding Chapter 19 to the County Code) of an Open Space and Fire Hazard Management Fee applied to projects that are not otherwise subject to the HCP/NCCP Development Fees. The Open Space and Fire Hazard Management Fee would only apply to the Foothills portion of the Plan Area identified in Attachment A.

The Development Fees are calculated during the land development review process. If the Covered Activity is a project subject to CEQA, the fees will be determined as part of the environmental review and applied as mitigation if the project is approved. If a Covered Activity requires a ministerial approval (e.g., building permit), the fees are applied at the time of permit issuance. The proposed fee schedules are included in the Development Fee and Open Space and Fire Hazard Management Fee Resolutions (Attachments I and J).

Nexus Studies

As described in the *Western Placer County Development Fee Nexus Study Final Report, January 2020*, (Attachment I, Exhibit A Under Separate Cover) a reasonable relationship, or "nexus", exists between the activities and effects covered by the PCCP and the fees paid. As described in the *Western Placer County Development Fee Nexus Study for the Open Space and Fire Hazard Management Fee Final Report, January 2020*, (Attachment J, Exhibit A Under Separate Cover), there is also a reasonable relationship, or "nexus", between the benefits that would accrue to certain development activities from open space protection and fire management in the HCP/NCCP reserve system and the proposed open space and fire management fee that would be paid by those activities for such benefits. Both fees would, typically be paid when improvement plans, grading permits or building permits are issued and imposed on development projects by the City and County. The nexus reports provide the analyses that can be used to make the findings required by the Mitigation Fee Act, contained in California Government Code, Section 66000 through 66025, that guides the adoption and collection of development fees by local agencies and findings to that effect are included in the resolution to adopt the fee schedule.

Fee Adjustments

Annually the Permit Applicants are required to apply an automatic cost inflation index to the fees. They are also required to conduct a comprehensive review of HCP/NCCP Development Fees at least every five years during implementation. Periodic fee reviews will inform updates to the Development Fee schedules and funding plan by analyzing actual HCP/NCCP costs and fee revenues, the accuracy of the

land use projections on which the fee schedule is based, other sources of revenue for HCP/NCCP implementation, and other factors underlying the fee schedule. These periodic reviews will provide an opportunity for the PCA and other Permit Applicants to recalibrate the fees to ensure that they fully fund the mitigation cost share by the end of the 50-year term of the ITPs.

IMPLEMENTING AGREEMENT

In addition to the HCP/NCCP, CARP and ILF, the Wildlife Agencies and the Permit Applicants will execute an implementing agreement (IA). The purpose of the IA is to define the parties' roles and responsibilities and provide a common understanding of actions that will be undertaken to implement the HCP/NCCP.

PLACER COUNTY GENERAL PLAN AND CODE AMENDMENTS

General Plan Amendments

Adoption of the PCCP includes amendments to the goals and policies of the Placer County General Plan including Section 1 (Land Use) for Open Space, Habitat, and Wildlife Resources and Section 6 (Natural Resources) for Wetland and Riparian Areas, Fish and Wildlife Habitat, Vegetation and Open Space for the Preservation of Natural Resources. These policy amendments are necessary to ensure that Covered Activities and proposed project related general plan amendments are consistent with the PCCP, its objectives, and the avoidance, minimization, and mitigation measures. The revised language is included in Attachment C, Exhibits A and B.

General Plan Consistency

The PCCP has been analyzed for consistency with the Placer County General Plan (General Plan Consistency Determination - Attachment C, Exhibit C) and the Board is asked to consider it, and the amendments to the General Plan resulting from approval of the PCCP, and make findings of consistency between the PCCP and the General Plan. The PCCP will achieve the County's longtime vision and direction provided by the General Plan and Placer Legacy Program to protect and conserve open space, habitat and agricultural lands. Notably, the PCCP specifically implements General Plan Implementation Program 6.11:

> The County shall initiate a cooperative effort to develop, adopt, and implement a Countywide Natural Communities Conservation Plan (NCCP) (Fish and Game Code Sections 2800-2840), and Habitat Conservation Plan (HCP) (Section 10 of the Federal Endangered Species Act (FESA)) to address the long-term conservation and maintenance of sufficient natural habitat to support indefinitely the diversity of plants and wildlife species currently represented in Placer County. The NCCP/HCP will serve as a means of achieving programmatic regulatory compliance with these statutes and Federal wetland statutes (Section 404 of the Clean Water Act).

Placer County Code Amendments

Chapter 19

Because the PCCP creates a new regulatory program and standards, it is necessary to amend the Placer County Code to add a new Chapter (19). The new Chapter 19 (Attachment E) is entitled "Conservation, Open Space, and Woodland Conservation". The new Chapter will include three articles:

- Article 19.10 – Placer County Conservation Program. This article is the implementation ordinance for the PCCP.
- Article 19.30 – Open Space and Fire Hazard Management Fee. This article implements the Open Space and Fire Hazard Management Fee that was developed concurrently with the PCCP Development Fee program.

- Article 19.50 – Woodland Conservation. The Tree Preservation Ordinance from Chapter 12 (Roads, Highways and Public Places) is moved to Chapter 19 with minimal changes to render it consistent with the PCCP.

Chapter 17
Because the PCCP is a regulatory program including new land use and development definitions and procedures for discretionary project review for Covered Activities within the unincorporated areas of Placer County, it is necessary to amend the existing provisions of Chapter 17 (Zoning) to be consistent with and implement new Chapter 19 above.

- Chapter 17 (Zoning) – Update the Zoning Ordinance to account for application procedures, new regulatory requirements and standards and permit coordination with the PCCP.

Other Code Amendments
Staff is proposing revisions to other chapters of County Code to reflect the new requirements of the PCCP and to render those chapters consistent with the PCCP (Attachment G) (e.g., the grading ordinance, zoning ordinance, and environmental review ordinance). The changes include the following:

- Chapter 12 (Roads, Highways and Public Places) – Delete Article 12.16 (Tree Preservation Generally). This has been moved into the new Chapter 19.
- Chapter 15 (Building and Development), Article 15.48 (Grading, Erosion and Sediment Control) – Update the grading ordinance to reflect PCCP requirements including a new type of grading permit for projects within the Stream System.
- Chapter 15, Article 15.60 (Cultural and Historic Resources Preservation) – Update the Article to address cultural resource impacts updates to reflect changes in state law including tribal consultation requirements.
- Chapter 16 (Subdivisions) – Update the Subdivision Ordinance to account for application procedures, dedication requirements and permit coordination with the PCCP.
- Chapter 18 (Environmental Review) – Update the Chapter to account for application procedures and integration of the PCCP with CEQA processing.
- Chapter 18, Article 18.37 (Cultural and Tribal Resources) – Add Article 18.37 to address cultural resource impacts and updates to reflect changes in state law including tribal consultation requirements.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE - FINAL ENVIRONMENTAL IMPACT REPORT

A joint Draft Environmental Impact Statement/Report (DEIS/DEIR) was prepared for the proposed PCCP and evaluates the potential physical environmental impacts associated with the proposed action (adoption and implementation of the PCCP and its implementing agreement and ordinances). Specifically, the issuance of ITPs by the Wildlife Agencies and CWA permits by the USACE—together with subsequent adoption and implementation of the HCP/NCCP by the Permit Applicants consistent with the ITPs—is the “proposed action” under NEPA and the “proposed project” under CEQA as considered in this DEIS/DEIR. Issuance of the ITPs and CWA permits provides compliance only with the ESA, CESA, NCCPA, and CWA, and such compliance is subject to project-level terms and conditions, as provided in the HCP/NCCP and Implementing Agreement, and the CARP. Approval of the Proposed Project would not confer or imply approval to implement any Covered Activity by the Permit Applicants. All Covered Activities are subject to the land use or other authority of one or more of the Permit Applicants. The DEIS/DEIR was prepared as a program level document and would allow for tiering from this analysis (i.e., use of the program level environmental analysis to inform project-specific environmental analyses regarding potential impacts to biological and aquatic resources). If a Covered Activity requires a project-

level federal authorization or permit, a project-level environmental analysis under NEPA may also be required.

The County as lead agency for CEQA, and the USFWS as lead agency for NEPA, prepared and circulated a Notice of Intent/Preparation (NOI/P), which is attached to the DEIS/DEIR as Appendix D. The NOI/P was released for public review for a 30-day period ending on April 8, 2005. Three public scoping meetings were held on March 15, 16, and 17, 2005 to inform interested parties about the proposed action and to provide agencies and the public with an opportunity to provide comments on the scope and content of the DEIS/DEIR.

The public review comment period for the DEIS/EIR began on June 21, 2019 and was extended from the required 45 days to 60 days to run concurrent with the Federal Register listing period for the draft Environmental Impact Statement (DEIS) (Attachment B, Exhibit A Under Separate Cover) ending on August 20, 2019. A public meeting was held on August 8, 2019 at the Planning Commission to accept oral or written comments on the DEIR. Members of the public were present at the hearing and provided public comment. Comments on the DEIS were also submitted to the USFWS by U.S. mail or hand-delivery at the Sacramento Fish and Wildlife Office in Sacramento. During the public review process, interested parties (agencies, other stakeholders, and the general public) submitted a total of 49 comment letters or other written correspondence (e.g., emails, comment cards). A complete list of the comments and responses to comments, and comment letters, are provided in the Final EIS/EIR Appendix I (Attachment B, Exhibit B Under Separate Cover).

In addition to the Planning Commission hearing to receive public comments a number of additional informational hearings/workshops were held on the overall program including:

- County PCCP Meeting/Workshop: Thursday August 1,2019
- City of Lincoln, City Council PCCP Work Session: Wednesday August 7, 2019
- PCWA Board of Directors: Thursday August 15, 2019
- City of Lincoln PCCP Meeting/Workshop: Thursday August 15, 2019

The Board is asked to consider and certify the FEIS/EIR and adopt the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program. The Board of Supervisors is responsible under CEQA for certifying the Final EIR and adopting the Findings while the other Permittees (City of Lincoln, PCWA, and SPRTA) as CEQA Responsible Agencies will exercise their own independent judgment to consider the PCCP and are anticipated to rely on the FEIS/EIR to meet the requirements of CEQA for their actions. In addition, the USFWS will be responsible for fulfilling a role similar to a CEQA lead agency as the Federal Lead Agency under NEPA. The NMFS, U.S. EPA, and the USACE will be NEPA cooperating agencies and will rely upon the FEIS/EIR to prepare their separate findings and Records of Decisions for issuance of their permits under NEPA.

Availability of the Final EIS/EIR

The joint FEIS/EIR was filed with the State Clearinghouse (SCH# 2005032050) on May 22, 2020 and posted in the U.S. Federal Register (FR# 2020-10401) along with the HCP/NCCP on the same date. The FEIS/EIR is available online at the County's website, at the Community Development Resource Agency Building at 3091 County Center Drive, Auburn; County Clerk's Office at 2954 Richardson Drive, Auburn; and, Lincoln City Hall at 600 6th Street, Lincoln (subject to COVID-19 restrictions).

Revisions to the EIS/EIR

The Final EIS/EIR includes an analysis of revisions, additions, clarifications, and other changes to the Draft. The analysis concluded that none of the changes identified would result in new impacts not previously analyzed nor would they result in a substantial increase in the severity of impacts described

in the Draft. Because the Final EIS/EIR did not identify or result in the identification of any new significant environmental impacts or a substantial increase in the severity of an environmental impact, it was concluded that recirculation of the Draft was not required prior to preparation and release of the Final. Revisions to the Draft are included in Appendix I of the Final EIS/EIR.

CEQA Alternatives

To select and analyze a reasonable range of action alternatives, the County and state and federal agencies worked collaboratively with the consultant to analyze twelve potential project alternatives (Final EIS/EIR Appendix E Screening of Alternatives), including three alternatives identified by the USACE to satisfy the requirements of Clean Water Act Section 404(b)(1). The wide range of potential alternatives were then screened to select a reasonable range of feasible alternatives by the consultant and agencies, and the Final EIS/EIR evaluates effects associated with the following four alternatives:

- Alternative 1—No Action
- Alternative 2—Proposed Action (PCCP)
- Alternative 3—Reduced Take/Reduced Fill
- Alternative 4—Reduced Permit Term - 30 years (instead of 50)

Environmental Impacts

Impacts could occur from construction, operations, and maintenance related to the Covered Activities, including existing, planned, and proposed land uses over which the local jurisdictions have land use authority; transportation projects; and water and wastewater projects. Impacts could also occur from implementation of the PCCP, including habitat restoration and creation, measures designed to protect, enhance, and restore and improve the ecological function of natural communities; measures to avoid, minimize, and mitigate for effects on Covered Species; and adaptive management and monitoring activities in the Reserve System.

Impacts from Covered Activities would be anticipated to result primarily from:

- Grading, excavation, trenching, and placement of fill material, including earthmoving, re-contouring, excavation, or removal or modification of landscape features or structures.
- Vegetation removal with off-road construction equipment to reduce fire hazards and control invasive plants.
- Construction and maintenance of residential, commercial, retail, recreational, and industrial land uses as specified in the *Placer County General Plan* and *City of Lincoln General Plan.*
- Construction of new and O&M of existing utility infrastructure.
- Widening of existing and development of new roads.
- Temporary construction or land disturbance associated with maintenance and/or operation of water facilities and other waterways.

Impacts and Mitigation

Table 2 below summarizes the impact determinations for the alternatives by resource. All of the significant and unavoidable impacts under Alternative 1 (No Action) would result primarily from the projects and activities allowed today under the County's and City's existing general plans (i.e., permanent development).

Table 2 - Summary of Impact Determinations by Resource

Resource	Alternative	Alternative	Alternative	Alternative 4
Agricultural and Forestry Resources	SU[1]	SU	SU	SU
Air Quality, Greenhouse Gases, and Climate Change	SU	SU	SU	SU
Biological Resources	SU	LTSM	LTSM	LTSM
Cultural and Paleontological Resources	SU	SU	SU	SU
Hydrology and Water Quality	SU	SU	SU	SU
Land Use and Planning	NI	LTS	LTS	LTS
Mineral Resources	NI	LTS	LTS	LTS
Noise and Vibration	SU	SU	SU	SU
Population and Housing, Socioeconomics, and Environmental	LTS	LTS	LTS	LTS
Recreation	LTS	LTS	LTS	LTS
Transportation and Circulation	SU	SU	SU	SU

Alternatives and Selection of Project

CEQA Guidelines (Section 15126.6[e][2]) requires that an environmentally superior alternative be identified from the alternatives considered. The *environmentally superior alternative* is generally defined as the alternative that would result in the least adverse environmental impacts on the project site and the surrounding area. For the purposes of CEQA, based on the analysis presented in EIS/EIR Chapter 4, *Environmental Consequences*, the environmentally superior alternative is the Proposed Action (i.e., the PCCP). The Proposed Action would provide the most comprehensive approach to habitat conservation among the alternatives, with the greatest potential to provide long-term benefits to the Covered Species. However, because under CEQA the Proposed Action is not considered an alternative, the alternative other than the Proposed Action that would result in the least environmental impacts would be Alternative 3— Reduced Take/Reduced Fill.

Findings of Fact and Statement of Overriding Considerations

CEQA requires that when approving a project that would result in significant, unavoidable environmental impacts, the lead agency must adopt a Statement of Overriding Considerations that balances the project's economic, legal, social, technological, or other benefits against its unavoidable environmental risks (CEQA Guidelines Section 15093). As discussed in the attached CEQA findings and Statement of Overriding Considerations, the County's approval of the PCCP and related programs may collectively result in significant adverse environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures and there are no feasible alternatives to the PCCP that would mitigate or substantially lessen these impacts. The Board is asked to consider and certify the FEIS/EIR and adopt the Findings of Fact, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program, and find that in light of the economic, legal, social, and other benefits, including implementation of a comprehensive landscape level habitat conservation program, approval of the PCCP as the Project is warranted, notwithstanding the potential for significant, unavoidable environmental impacts (Attachment B, Exhibit C).

[1] NI – No impact; LTS – Less than significant; LTSM – Less than significant with mitigation; SU – Significant and unavoidable.

PLANNING COMMISSION HEARING

At its July 9, 2020 public hearing, the Planning Commission made a recommendation to the Board of Supervisors to certify the Joint Final Environmental Impact Statement/Report, Findings of Fact and a Statement of Overriding Considerations, and the Mitigation Monitoring Reporting Program.

The Planning Commission also considered the proposed adoption of the PCCP and its related implementing resolutions, ordinances, and actions. At the hearing, staff provided an overview of the PCCP planning process, state and federal incidental take permits, programmatic aquatic resource permits, and the related implementing actions.

Eric Tattersall of the U.S. Fish and Wildlife Service testified as the NEPA lead agency as to the extensive local, state and federal coordination to develop a comprehensive multi-species HCP/NCCP and integrated aquatic resource program capable of meeting the requirements of the endangered species and related acts.

Seven members of the public provided comments, both in support and opposition to the PCCP. Comments in support were centered on the various benefits of the conservation strategy including to the stream system, permit streamlining, and other benefits of implementing the PCCP. Comments in opposition were largely centered around the extent of documents having to be reviewed, public participation during the COVID pandemic, and needing more time for public review.

Following staff's presentation and response to questions and comments, and after receiving public testimony, the Commission took action (7:0:0:0) to recommend that the Board of Supervisors approve, adopt, and implement the PCCP, subject to the findings contained within this staff report, attachments, and the ordinances and resolutions.

Staff, consultants, and the state and federal agencies have prepared responses to key topics raised during the Planning Commission meeting and in correspondence received since release of the Final EIS/EIR, and are included in Attachment B of the CEQA Findings of Fact and Statement of Overriding Considerations (Attachment B, Exhibit C of this report).

PUBLIC NOTICES AND REFERRAL FOR COMMENTS

Public notices for this hearing were mailed to an extensive list including all persons and parties requesting notice and others that commented on the Notice of Intent/Preparation, DEIS/DEIR, or draft PCCP documents. In addition, notice was sent to the Community Development Resource Agency staff, the Department of Public Works, Facilities Management, Environmental Health Services, Air Pollution Control District, Municipal Advisory Councils, and trustee and responsible agencies. The FEIS/EIR was filed with the State Clearinghouse (SCH# 2005032050) on May 22, 2020 and the FEIS was posted in the U.S. Federal Register (FR#2020-10401) on the same date. The final PCCP documents were posted in the Federal Register and the County's website concurrent with the FEIS/FEIR.

In addition to the distribution of the PCCP documents and the Notice of Availability issued by the County and FWS for the EIS/EIR, the United States Army Corps of Engineers (USACE) opened an additional public notice on July 8, 2019 for its Clean Water Act (CWA) Section 404 Permitting Strategy for the PCCP, including Programmatic and Regional General Permits and a Letter of Permission, for a 30-day comment period ending on August 7, 2019. The final USACE CWA 404 Permit Strategy is included in the FEIS/FEIR and attached hereto as Attachment H.

RECOMMENDATIONS

Staff recommends the Board of Supervisors approve and adopt the following in accordance with the Planning Commission's recommendation, subject to the findings contained within this staff report, its attachments, and the ordinances and resolutions:

- Resolution certifying the Final EIR and adopting the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (Attachment B).

- Resolution amending the Placer County General Plan (Attachment C), supported by findings of General Plan Consistency set forth therein, as follows:
    - Amend the goals and policies of Section 1 (*Land Use*) for Open Space, Habitat, and Wildlife Resources;
    - Amend the goals and policies of Section 6 (*Natural Resources*) for Wetland and Riparian Areas, Fish and Wildlife Habitat, Vegetation and Open Space for the Preservation of Natural Resources; and
    - General Plan Consistency Determination

- Resolution approving the Placer County Conservation Program (Attachment D), supported by findings of set forth therein, consisting of:
    - Western Placer County Habitat Conservation Plan / Natural Community Conservation Plan & Implementing Agreement (HCP/NCCP)
    - Western Placer County Aquatic Resources Program (CARP)
    - Cultural Resources Management Plan (CRMP)
    - Western Placer County In Lieu Fee Program (ILF)

- Ordinance adding Chapter 19 to Placer County Code (Attachment E) to implement the PCCP and establish the Placer County Conservation Program Development Fee and the Open Space and Fire Hazard Management Fee Programs, supported by findings set forth in said ordinance.

- Ordinance amending Placer County Code Chapter 17 (Zoning) (Attachment F) to implement the PCCP, supported by findings set forth in said ordinance.

- Ordinance adopting revisions to other chapters of the Placer County Code (Attachment G):
    - Chapter 12, Article 12.16 Tree Preservation Generally
    - Chapter 15, Article 15.48 Grading, Erosion and Sediment Control
    - Chapter 15, Article 15.60 Cultural and Historic Resources Preservation
    - Chapter 16, Subdivisions
    - Chapter 18, Environmental Review

- Resolution approving the nexus study and establishing the initial Placer County Conservation Program Development Fees Schedule (Attachment I).

- Resolution approving the nexus study and establishing the initial Placer County Open Space and Fire Hazard Management Fee Schedule (Attachment J).

Respectfully Submitted,

Gregg McKenzie, PCCP Administrator

ATTACHMENTS
Attachment A: Plan Area

Attachment B: Resolution to certify the Final EIS/EIR (SCH#2005032050)
Exhibit A: Draft EIS/EIR (Under Separate Cover)
Exhibit B: Final EIS/EIR (Under Separate Cover)
Exhibit C: Findings of Fact and Statement of Overriding Considerations
Exhibit D: Mitigation Monitoring and Reporting Program

Attachment C: Resolution to approve Amendments to the Placer County General Plan
Exhibit A: Amendments to General Plan Section 1 (Land Use)
Exhibit B: Amendments to General Plan Section 6 (Natural Resources)
Exhibit C: General Plan Consistency Determination

Attachment D: Resolution to adopt the Placer County Conservation Program
Exhibit A: Western Placer County Habitat Conservation Plan / Natural Community Conservation Plan & Implementing Agreement (HCP/NCCP) (Under Separate Cover)
Exhibit B: Western Placer County Aquatic Resources Program (CARP) (Under Separate Cover)
Exhibit C: Cultural Resources Management Plan (Under Separate Cover)

Attachment E: PCCP Implementing Ordinance adding Chapter 19 to Placer County Code
Exhibit A: Chapter 19 (Conservation, Open Space, and Woodland Conservation)

Attachment F: Board of Supervisors Ordinance amending Placer County Code Chapter 17
Exhibit A: Chapter 17 (Zoning)

Attachment G: Board of Supervisors Ordinance for Placer County Code Amendments
Exhibit A: Chapter 15, Article 15.48 Grading, Erosion and Sediment Control
Exhibit B: Chapter 15, Article 15.60 Cultural and Historic Resources Preservation
Exhibit C: Chapter 18, Environmental Review
Exhibit D: Chapter 16, Subdivisions

Attachment H: USACE Programmatic Permitting Strategy

Attachment I: Resolution to approve the Nexus Study and establish the PCCP Development Fee Schedule
Exhibit A: Western Placer County Development Fee Nexus Study Final Report, January 2020 (Under Separate Cover)
Exhibit B: PCCP Development Fees Schedule

Attachment J: Resolution to approve the Nexus Study and establish the initial Placer County Open Space and Fire Hazard Management Fee Schedule
Exhibit A: Nexus Study for the Open Space and Fire Hazard Management Fee Final Report, January 2020 (Under Separate Cover)
Exhibit B: Initial Open Space and Final Hazard Management Fee Schedule

Attachment K: Planning Commission Staff Report (without attachments)

Attachment L: Correspondence

cc:

Mike Luken, PCTPA
Heather Trejo, PCWA
Jennifer Hanson, City of Lincoln
Todd Leopold, County Executive Officer
Karin Schwab, County Counsel
Steve Pedretti, CDRA
Clayton Cook, Deputy County Counsel
Chris Beale, Resources Law Group

Attachment A

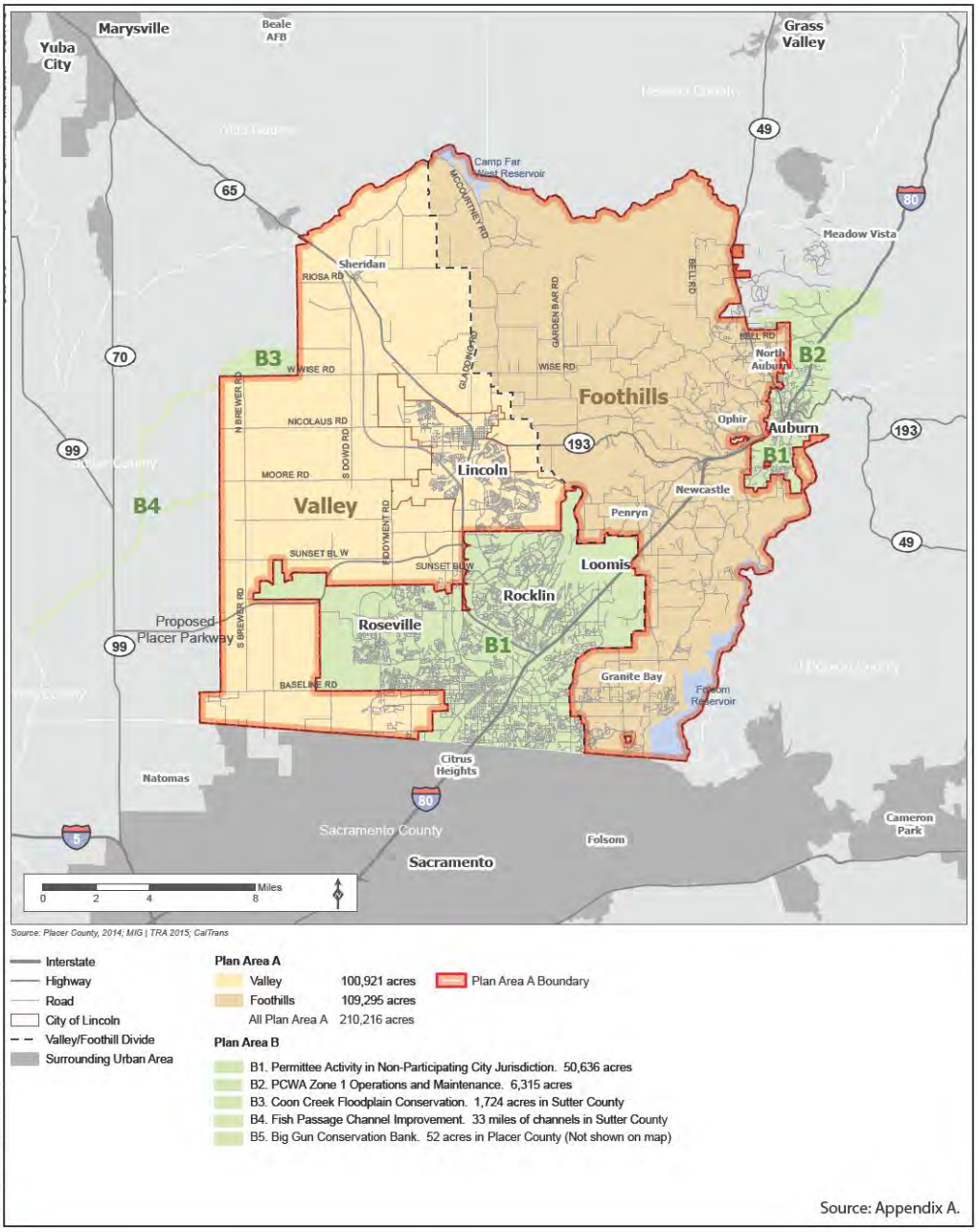


Figure ES-1
Plan Area
Placer County Conservation Program – EIS/EIR

ATTACHMENT B

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

In the matter of: A RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH#2005032050) FOR PLACER COUNTY CONSERVATION PROGRAM; ADOPTING FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS; AND A MITIGATION MONITORING AND REPORTING PROGRAM.

Resolution No.: 2020 -_____

The following Resolution was duly passed by the Board of Supervisors of the County of Placer

at a regular meeting held_____, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

_____

Chair, Board of Supervisors

Attest:

_____

Clerk of said Board

WHEREAS, the Placer County Conservation Program ("PCCP") is a regional, comprehensive program that would provide a framework to protect, enhance, and restore the natural resources in western Placer County, while streamlining permitting for Covered Activities; and

WHEREAS, the PCCP would achieve conservation goals and comply with state and federal environmental regulations while facilitating planning and permitting for anticipated urban and rural growth and construction and maintenance of infrastructure needed to serve the County's population; and

WHEREAS, the PCCP is comprised of the following three integrated program components:

- The *Western Placer County Habitat Conservation Plan and Natural Community Conservation Plan* (Plan), a joint habitat conservation plan and natural community conservation plan (HCP/NCCP) that would protect fish, wildlife, plants, and their habitats and fulfill the requirements of the federal Endangered Species Act of 1973, as amended (ESA), and the California Natural Community Conservation Planning Act (NCCPA).

- The *Western Placer County Aquatic Resources Program* (CARP) that would protect streams, wetlands, and other water resources and fulfill the requirements of the Clean Water Act (CWA) and analogous state laws and regulations.

- The *Western Placer County In-Lieu Fee Program* (ILF Program) that fulfills compensatory mitigation requirements under Section 404 of the CWA.

WHEREAS, the County of Placer ("County") acting as lead agency pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 et seq., 14 California Code of Regulations section 1500 et seq. ("CEQA Guidelines")) and the U.S. Fish and Wildlife Service ("USFWS") acting as the lead agency pursuant to the National Environmental Policy Act (NEPA) (42 United States Code 4321; 40 Code of Federal Regulations 1500.1); and the President's Council on Environmental Quality guidelines on implementing NEPA; prepared a joint environmental impact report and environmental impact statement ("EIS/EIR") for the Placer County Conservation Program ("PCCP" or "Proposed Project") (SCH#2005032050) ; and

WHEREAS, as the lead agency under CEQA, the County is responsible for certifying the EIR portion of the EIS/EIR, making Findings of Fact and Statement of Overriding Considerations and adopting the Mitigation Monitoring and Reporting Program for the Proposed Project; and

WHEREAS, for purposes of CEQA, the Proposed Project consists of the adoption of the PCCP, including all three of the afore-mentioned components, amendments to the General Plan, County Code amendments to implement the PCCP and execution of the Implementing Agreement ("Project Approvals"); and

WHEREAS, the Project Approvals constitute a "project" for purposes of CEQA and CEQA Guidelines section 15378 and these determinations of the Placer County Board of Supervisors ("Board"); and

WHEREAS, a notice of preparation for the Proposed Project was issued in accordance with Section 15082 of the State CEQA Guidelines, the public scoping process, which also establishes the environmental baseline, began on March 7, 2005 with the publication of a notice of intent (NOI) in the Federal Register (pursuant to NEPA), and submittal of a notice of preparation (NOP) to the State Clearinghouse (pursuant to CEQA).; and

WHEREAS, on June 21, 2019 the Draft EIS/EIR was released and made available for public comment for 60 days from June 21, 2019 through August 20, 2019; and

WHEREAS, the County received written and oral comments on the Draft EIR, and USFWS received written comments on the Draft EIS in response to which the County and USFWS jointly prepared and released the Final EIS/EIR on May 22, 2020; and

WHEREAS, the County, as lead agency under CEQA, brought forward the Final EIR to the County Planning Commission for consideration at a duly noticed public hearing on July 9, 2020, during which hearing the Planning Commission considered the Final EIR and written and oral testimony on the same; and

WHEREAS, at the conclusion of the public hearing the Planning Commission recommended certification of the Final EIR, together with a recommendation of adoption of the Findings of Fact and Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program; and approval of the Proposed Project; and

WHEREAS, the Board of Supervisors gave timely legal notice of a public hearing to consider and act upon the Proposed Project and the Final EIR, which was held on _____, 2020; and,

WHEREAS, the Board has duly considered the Final EIR for the Proposed Project, which consists of the Draft EIS/EIR and the Final EIS/EIR, the appendices and references thereto, the comments of the public, both oral and written, and all written materials in the administrative record connected therewith; and

WHEREAS, the Board has duly considered the Findings of Fact and Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program prepared for certification of the EIR.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER:

1) The Final EIR was prepared by the County as the CEQA Lead Agency and in accordance with all requirements of CEQA and in cooperation with the U.S. Fish and Wildlife Service as the NEPA Lead Agency for the Final EIS.

2) The Final EIR was presented to and reviewed by the Board. The Final EIR was prepared under the supervision of the County and reflects the independent judgment of the County.

3) The Board hereby certifies the Final EIR (Exhibits A and B) as complete, adequate and in full compliance with CEQA and considers such certification as a basis for considering and acting upon the Project Approvals.

4) The Board has considered and hereby adopts the “Findings of Fact” as set forth in Exhibit C, attached hereto and incorporated herein by reference.

5) The Board hereby adopts the Mitigation Monitoring and Reporting Program (“MMRP”) prepared for the Project Approvals and as set forth in Exhibit D and incorporated herein by

6) reference. All mitigation measures proposed in the Final EIS/EIR shall be implemented, and the MMRP will implement all mitigation measures adopted with respect to the Proposed Project pursuant to all Project Approvals. The MMRP is hereby incorporated into the Proposed Project and thereby becomes part of and limitations upon the entitlements conferred by the Project Approvals.

BE IT FURTHER RESOLVED: That notwithstanding the imposition of the mitigation measures in the MMRP as set forth above, not all significant impacts of the Proposed Project have been reduced to a level of insignificance or eliminated by changes in the Proposed Project. The Board of Supervisors finds that the Proposed Project will bring substantial benefits to the County, its residents and businesses, and that the Proposed Project's benefits outweigh its significant unmitigated adverse impacts and, pursuant to CEQA Guidelines section 15093, adopts and makes the Statement of Overriding Considerations as set forth in Exhibit C, attached hereto and incorporated herein by reference, to explain why the Proposed Project's benefits override its unavoidable impacts. Having carefully considered the Proposed Project, its impacts and the foregoing benefits, the Board of Supervisors finds, in light of the important social, economic and other benefits that the Proposed Project will bring as set forth in the Statement of Overriding Considerations, the adverse environmental impacts of the Proposed Project that are not fully mitigated are acceptable.

BE IT FURTHER RESOLVED: That the Planning Services Division is directed to file a Notice of Determination with the County Clerk-Recorder within five (5) working days in accordance with Public Resources Code section 21152(a) and CEQA Guidelines section 15094.

Attachment B

Exhibit A

UNDER SEPARATE COVER

Draft Environmental Impact Statement and Environmental Impact Report ("EIS/EIR") for the "Placer County Conservation Program" and Appendices (SCH#2005032050)

NOTE: The above documents are on file with the Community Development Resources Agency and Placer County Clerk of the Board.

Attachment B

Exhibit B

UNDER SEPARATE COVER

Final Environmental Impact Statement and Environmental Impact Report ("EIS/EIR") for the "Placer County Conservation Program" and Appendices (SCH#2005032050)

NOTE: The above documents are on file with the Community Development Resources Agency and Placer County Clerk of the Board.

Attachment B

Exhibit C

CEQA Findings of Fact and Statement of Overriding Considerations of the County of Placer

for the

Placer County Conservation Program

August 25, 2020

I. INTRODUCTION

Placer County (County), as the lead agency for the California Environmental Quality Act (CEQA) and other applicants being the City of Lincoln (City), Placer County Water Agency (PCWA), and South Placer Regional Transportation Authority (SPRTA) (collectively referred to as Permit Applicants), and the California Department of Fish and Wildlife (CDFW) and Central Valley Regional Water Quality Control Board (RWQCB) as responsible agencies for CEQA, prepared a joint environmental impact report (EIR) and environmental impact statement (EIS) for the Placer County Conservation Program (PCCP, or HCP/NCCP). The U.S. Fish and Wildlife Service (USFWS) as the federal lead agency and the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) and U.S. Army Corps of Engineers (Corps) as cooperating agencies prepared the National Environmental Policy Act (NEPA) portion of the environmental document. CDFW, in addition to being a CEQA responsible agency, is a CEQA trustee agency.

The document consists of the December 2018 Draft EIS/EIR and the May 2020 Final EIS/EIR (State Clearinghouse No. 2005032050) (collectively referred to hereafter as the EIS/EIR). The EIS/EIR for the project presents an assessment of the reasonably foreseeable and potentially significant adverse environmental effects associated with issuing state and federal endangered species and Clean Water Act Section 401-404 permits and implementing the PCCP. These findings have been prepared in accordance with the CEQA (Public Resources Code [PRC] Section 21000 et seq.) and its implementing guidelines (CEQA Guidelines) (California Code of Regulations [CCR] Title 14, Section 15000 et seq.). The Placer County Board of Supervisors (Board) is the decision-making authority for the Proposed Project/Action. The Board adopts these findings in that capacity.

II. PROJECT DESCRIPTION

The County is proposing to adopt and implement the PCCP, as a regional, comprehensive program that would provide a framework to protect, enhance, and restore the natural resources in western Placer County, while streamlining permitting for Covered Activities (Generally any action undertaken in the Plan Area by or under the authority of the Permittees that may affect Covered Species or covered natural communities. Covered activities may be projects, programs, or operations and maintenance (O&M)). Within this framework, the PCCP would achieve conservation goals and comply with state and federal environmental regulations while streamlining planning and permitting for anticipated urban and rural growth, and the construction and maintenance of infrastructure needed to serve the County's unincorporated population. The PCCP includes three integrated programs:

- The *Western Placer County Habitat Conservation Plan and Natural Community Conservation Plan*, a joint habitat conservation plan and natural community conservation plan (HCP/NCCP) that would protect fish, wildlife, plants, and their habitats and fulfill the requirements of the federal Endangered Species Act of 1973, as amended (ESA) and the state Natural Community Conservation Planning Act (NCCPA), as amended.
- The *Western Placer County Aquatic Resources Program* (CARP) that would protect streams, wetlands, and other water resources and fulfill the requirements of the federal Clean Water Act (CWA) and analogous state laws and regulations.
- The *Western Placer County In-Lieu Fee Program* (ILF Program) that fulfills compensatory mitigation requirements under Sections 401 and 404 of the CWA.

Collectively these programs are referred to as the Project or "Proposed Project/Action" ("Proposed Project" for CEQA and "Proposed Action" for NEPA). The EIS/EIR was prepared pursuant to CEQA (California Public Resources Code [PRC] Sections 21000–21178.1); the State CEQA Guidelines (PRC 21000 et seq.; 14 California Code of Regulations 1500 et seq.); NEPA (42 United States Code 4321; 40 Code of Federal Regulations [CFR] 1500.1); and the President's Council on Environmental Quality (CEQ) guidelines on implementing NEPA.

The Proposed Project/Action is described in detail in Chapter 2, *Proposed Action and Alternatives*, of the EIS/EIR. The Proposed Project/Action under NEPA is issuance of incidental take[1] permits (ITPs) by the USFWS and NMFS, pursuant to Section 10(a)(1)(B) of the ESA. The Proposed Project under CEQA consists of issuance of an NCCP permit from CDFW, pursuant to Section 2835 of the California Fish and Game Code; adoption of the PCCP, including the HCP/NCCP and the CARP by the agencies receiving the endangered species and wetlands permits (see Section 1.1, *Placer County Conservation Program Overview*, below); and approval of associated implementing actions such as adoption of the PCCP, amendments to the County's General Plan, and adoption of implementing ordinances.

The permits from the wildlife agencies would authorize take of certain state- and federally listed species or species of special concern (Covered Species - the (14) species, listed and non-listed, whose conservation and management are provided for in the HCP/NCCP and for which Incidental Take is authorized by the Wildlife Agencies pursuant to the Take Permits) during the course of otherwise lawful activities (Covered Activities). To fulfill an application requirement for these permits, the Permit Applicants have prepared the PCCP, which serves as an HCP under the ESA and an NCCP under the NCCPA. The PCCP is intended to support the issuance of ITPs from USFWS and NMFS and issuance of an NCCP permit from CDFW with a term of 50 years. The PCCP includes a long-term conservation plan to protect and contribute to the recovery of Covered Species and natural communities in the Plan Area (See Section A for definition), while streamlining development and maintenance activities that are compatible with local policies and regulations. The PCCP identifies where future impacts on protected species would likely occur and lays out a strategy for avoidance, minimization, and mitigation of the impacts on natural resources that would result from these activities. The PCCP also goes beyond the mitigation requirements of the ESA to include measures that protect and contribute to the recovery of Covered Species and natural communities in the Plan Area, as required by the NCCPA.

The second component of the PCCP, the CARP, establishes a local program to conserve aquatic resources in the Plan Area through the avoidance and minimization of impacts on such resources that could result from regional growth and development. It provides for the conservation of wetlands, streams, and the waters and the watersheds that support them in the Plan Area while streamlining the Corps' CWA Section 404 and the RWQCB Section 401 permit processes for Covered Activities.

The third component of the PCCP, the ILF Program, provides a mechanism under which compensatory mitigation requirements under Section 404 and 401 of the CWA can be fulfilled by payment of a fee to purchase mitigation "credits." The ILF Program provides compensatory mitigation for impacts on aquatic resources for all projects and activities that are covered under the HCP/NCCP and the CARP.

[1] As defined by the ESA, *take* means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." *Harm* is defined as "any act that kills or injures the species, including significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering" (50 CFR 17.3). *Take* is defined under the California Fish and Game Code Section 86 as any action or attempt to "hunt, pursue, catch, capture, or kill."

A. PCCP BACKGROUND

In 1998, the Board directed the County's Planning Department to prepare a program to implement the open space and conservation goals and policies of the 1994 *Placer County General Plan*. This program, now known as the Placer Legacy Open Space and Agricultural Conservation Program (Placer Legacy Program), was approved in June 2000. The Placer Legacy Program and other general plan implementation programs provided the policy foundation for initiating the PCCP. The Placer Legacy Program further refined the direction provided by the general plan, including the decision to prepare an NCCP and a comprehensive program to address wetlands and streams that became the CARP. The PCCP was initiated in 2001 after the Board voted unanimously to sign the PCCP Planning Agreement (Planning Agreement). In 2007, the Board formed the PCCP Ad Hoc Committee consisting of two Board members from Placer County and two Council members from the City of Lincoln. The Ad Hoc Committee was created to engage elected representatives of the two jurisdictions and to develop a consistent framework, a reserve map, and priorities. In 2008, the Board unanimously adopted the Ad Hoc Committee's recommendations to work with partners (City, PCWA, and SPRTA), and to coordinate with the public and resource agencies to finish the work plan and prepare a second draft conservation plan. On July 10, 2012, the Board of Supervisors directed staff to proceed with the draft reserve map that, with the consensus of the Wildlife Agencies and Corps, provided the foundation for the preparation of the proposed conservation strategy.

The 2001 Planning Agreement was entered into by the County, CDFW, USFWS, and NMFS. That document identified the Permit Applicants, the program areas and phases, regulatory goals, the planning process, guidelines for plan development, commitment of resources to complete the program, and other miscellaneous provisions. The Planning Agreement was subsequently amended in December 2011, 2015, 2018, and 2019 to remain effective until December 1, 2020.

The process used to develop the PCCP relied on many of the same principles of the Placer Legacy Program, which included independent scientific input and analysis, extensive public participation, and advice from key stakeholder groups. To assist in the development of the PCCP, the County formed working groups consisting of citizens, agency staff and science advisors serving on the Biological Stakeholder Working Group (BWG), and the Finance Committee.

The "Plan Area" is that land proposed for permit coverage under the PCCP as shown on EIS/EIR Figure 1-1 (Attachment A). The Plan Area was developed with a focus on areas where growth and development may greatly affect state and federally protected species and their habitats, including wetlands. As shown in Figure 1-1, the Plan Area boundary includes a portion of western Placer County, including all unincorporated lands in western Placer County, and the City of Lincoln. Also shown in EIS/EIR Figure 1-1, the Plan Area also includes areas where some Covered Activities of the County and PCWA would be located within the non-participating cities, a portion of the Raccoon Creek[2] floodplain in Sutter County, canals in Sutter County that are important for salmonid fish passage, and the Big Gun Conservation Bank in Michigan Bluff.

The Covered Activities and locations of Covered Activities are described in detail in EIS/EIR Chapter 2, *Proposed Action and Alternatives*.

[2] The name *Coon Creek* has been officially changed by the U.S. Board of Geographic Names to *Raccoon Creek*. While the EIS/EIR uses the updated terminology, many background studies cited have not been modified.

The Permit Applicants' objectives for the proposed PCCP are stated in HCP/NCCP Section 1.1.4. The broad objective for the PCCP is stated as follows:

> The purpose of the PCCP is to protect and enhance ecological diversity and function, including aquatic resource functions and values, in the greater portion of western Placer County while allowing appropriate and compatible growth in accordance with applicable laws.

This broad objective—planning for Western Placer County's conservation and development—was addressed by the County and the other Permit Applicants in consultation with State and federal agencies, with advice from a scientific working group; with input from stakeholders representing environmental, land ownership, development, and community interests; and through a series of public meetings and coordination with elected representatives from the County and the City. HCP/NCCP Section 1.4 provides an overview of the planning process.

Objectives

The specific objectives of the Proposed Project/Action for Placer County and the other Permit Applicants are:

- Provide comprehensive species, natural community, and ecosystem conservation in the Plan Area.
- Provide for the conservation and management of the Covered Species in the Plan Area and contribute to the recovery of listed species in Placer County and Northern California.
- Protect and enhance biological and ecological diversity in Placer County.
- Establish a regional system of habitat reserves to preserve, enhance, restore, manage, and monitor native species and the habitats and ecosystems upon which they depend.
- Enhance and restore stream and riparian systems inside and outside the habitat reserves to provide additional benefit to native fish and other stream-dwelling species.
- Allow issuance of federal permits to the Permittees for lawful incidental take of species listed as threatened or endangered pursuant to the ESA resulting from development under the Permittees' adopted plans, policies, and programs.
- Allow issuance of a state authorization to the Permittee for lawful take of both non-listed species and species listed as threatened or endangered pursuant to the CESA resulting from development under the Permit Applicants' adopted plans, policies, and programs.
- Streamline and simplify the process for future incidental take authorization of currently non-listed species that may become listed pursuant to the ESA or CESA during the permit term.
- Standardize avoidance, minimization, mitigation, and compensation requirements of all applicable laws and regulations related to biological and natural resources within the Plan Area so that public and private actions will be governed equally and consistently, thereby reducing delays, expenses, and regulatory duplication.
- Provide a less costly, more efficient project review process that will result in greater conservation than the current project-by-project, species-by-species endangered species compliance process.

- Provide a streamlined aquatic resource protection and permitting process, the CARP, to provide the basis for streamlined USACE/CWA permitting and 1602 permitting for PCCP Covered Activities, as well as provide the basis for a CWA Section 404 PGP for Covered Activities and a programmatic certification of the PGP by the Regional Water Quality Control Board under CWA Section 401.
- Provide a means for local agencies receiving permits to extend incidental take authorization to private entities subject to their jurisdiction, integrating endangered species permitting with local land use authorization.

FINDING

Based on its own independent review of the EIS/EIR and other information, evidence and testimony received in connection with the Proposed Project/Action, the Placer County Board of Supervisors finds these objectives to be acceptable and persuasive from a public policy standpoint. In choosing to approve the Proposed Project/Action, the Board thus adopts these objectives, and accords them weight in considering the feasibility of alternatives set forth in the EIS/EIR. (See *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1507-1508; *Sequoyah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal. App. 4th 704, 715 (Sequoyah Hills).

B. DISCRETIONARY APPROVALS

The following County actions are necessary to implement the Proposed Project/Action:

- Certification of the Final EIR and adopting the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program

- Adoption of the PCCP
    - Western Placer County Habitat Conservation Plan / Natural Community Conservation Plan & Implementing Agreement (HCP/NCCP)
    - Western Placer County Aquatic Resources Program (CARP)
    - Cultural Resources Management Plan
    - PCCP Fee Program and Nexus Study
    - Open Space and Fire Hazard Management Fee and Nexus Study

- Amendments to the Placer County General Plan
    - Amend the goals and policies of Section 1 (*Land Use*) for Open Space, Habitat, and Wildlife Resources; and
    - Amend the goals and policies of Section 6 (*Natural Resources*) for Wetland and Riparian Areas, Fish and Wildlife Habitat, Vegetation and Open Space for the Preservation of Natural Resources

- Ordinance adding Chapter 19 to Placer County Code – implementation and regulatory provisions of PCCP

- Ordinance amending Chapter 17 of Placer County – Zoning

- Amendments to Other Placer County Code

- Chapter 12, Article 12.16 Tree Preservation Generally
- Chapter 15, Article 15.48 Grading, Erosion and Sediment Control
- Chapter 15, Article 15.60 Cultural and Historic Resources Preservation
- Chapter 16, Subdivisions
- Chapter 18, Environmental Review

III. ENVIRONMENTAL REVIEW PROCESS

The purpose of the EIR component of the joint EIS/EIR is to inform the public and agency decision-makers about the potential, significant environmental impacts of the Proposed Project/Action; potential mitigation measures to avoid, minimize, and mitigate these significant impacts; and reasonable alternatives that could reduce the significant environmental impacts of the Proposed Project/Action. The EIR will be used by the Permit Applicants approving the PCCP to comply with CEQA for actions (described in detail in Chapter 2, *Proposed Action and Alternatives*) taken by these jurisdictions and agencies to adopt and implement the PCCP. The EIR would also be used by CDFW to comply with CEQA in issuing to the Permit Applicants the state NCCP permit.

The purpose of the EIS component of this joint EIS/EIR is to inform the public and federal agencies about the potential effects on the human environment resulting from issuance of the ITPs to the Permit Applicants and the implementation of the PCCP. USFWS and NMFS would use the EIS to comply with NEPA for issuing ITPs to the Permit Applicants. In addition, the Corps would use information in the EIS to support its own NEPA compliance actions in the Plan Area for the programmatic general permit (PGP) and other related permit issuance and other permitting over time, as described in more detail below (EIS/EIR Section 1.3, *Purpose and Need* and Section 1.4.4, *U.S. Army Corps of Engineers*).

PUBLIC SCOPING MEETINGS

In accordance with Section 15082 of the State CEQA Guidelines, the public scoping process, which also establishes the environmental baseline, began in March 2005, with the publication of a notice of intent (NOI) in the Federal Register (pursuant to NEPA) and submittal of a notice of preparation (NOP) to the State Clearinghouse (pursuant to CEQA). The NOI and NOP notified the public and agencies of the PCCP, the intent to prepare an EIS/EIR, and the opportunity for the public to provide comments.

The NOP and NOI served as a public notice for the USFWS, as the NEPA lead agency, and the County, as the CEQA lead agency, to hold joint public scoping meetings at the following locations.

- City of Roseville Corporation Yard, Rooms 2 and 3, 2005 Hilltop Circle, Roseville, CA 95747, on March 15, 2005, from 6:00 p.m. to 8:00 p.m.
- Placer County Planning Commission Chambers, 11414 B Avenue, Auburn, CA 95603, on March 16, 2005, from 6:00 p.m. to 8:00 p.m.
- City of Lincoln McBean Pavilion, 65 McBean Park Drive, Lincoln, CA 95648, on March 17, 2005, from 7:30 p.m. to 9:30 p.m.

The NOI and NOP also informed the public that written comments on the NOI and NOP should be received by April 6, 2005, respectively. The NOI and NOP and scoping comments are included in EIS/EIR Appendix D.

SIGNIFICANT ISSUES IDENTIFIED IN SCOPING COMMENTS

The review period for the NOP ended on April 8, 2005. Comments were received from Placer County Flood Control and Water Conservation District; Placer County Department of Facility Services, Special Districts; California Department of Fish & Game (now CDFW); California Department of Conservation; California Department of Transportation (District 3); City of Lincoln; USFWS; and the California Governor's Office of Planning and Research (State Clearinghouse and Planning Unit). The following topics were raised in comments.

- The role of various agencies in development and review of the PCCP and EIS/EIR
- Definition and use of an environmental baseline in impact analysis
- Selection and analysis of a range of alternatives
- Specificity of Covered Activities and associated impact analyses
- Location of and requirements for mitigation
- Increased burden on storm water and flood-carrying facilities and alteration of floodplain boundaries
- Areas designated for expanded public utilities
- Impacts on agricultural land including Williamson Act lands
- Identification and consideration of future transportation facilities

PCCP AND DRAFT EIS/EIR PUBLIC REVIEW

On June 21, 2019, the USFWS published a Notice of Availability for the public draft PCCP and draft EIS/EIR in the Federal Register. This started a public comment period of 60 days, which concluded on August 20, 2019. Similarly, and concurrent with the Federal Register, the County posted the CEQA Notice of Completion with the Placer County Clerk-Recorder and the State Clearinghouse. The Notice of Completion was also distributed to stakeholders and the general public, including on the County website and notices in local newspapers.

The Draft EIS/EIR includes an analysis of the following issue areas:

- Agricultural and Forestry Resources
- Air Quality, Greenhouse Gases, and Climate Change
- Biological Resources
- Cultural and Paleontological Resources
- Mineral Resources
- Energy
- Transportation and Circulation
- Hydrology and Water Quality
- Land Use Planning
- Noise and Vibration
- Population and Housing
- Socioeconomics and Environmental Justice
- Recreation

Three public meetings/workshops were held during the comment period:

- August 1, 2019 (Auburn)

- August 8, 2019 (Auburn, Planning Commission meeting to accept comments from the public on the draft EIR)
- August 15, 2019 (Lincoln)

The following is a list of all EIS/EIR workshops and related meetings:

- PCCP Meeting/Workshop—Thursday, August 1, 2019, Placer County Community Development & Resource Agency
- City of Lincoln, City Council PCCP Work Session—Wednesday, August 7, 2019
- Placer County Planning Commission Meeting – Thursday, August 8, 2019
- PCWA Board of Directors Meeting—Thursday, August 15, 2019
- PCCP Meeting/Workshop—Thursday, August 15, 2019, Lincoln City Hall

During the draft EIS/EIR public review process, interested parties (agencies, other stakeholders, and the general public) submitted a total of 49 comment letters or other written correspondence (e.g., emails, comment cards). Comments letters and responses to comments were addressed in compliance with CEQA Guidelines (Sections 15088, 15132) and are provided in Final EIS/EIR Appendix I.

FINAL EIS/EIR

On May 22, 2020, the USFWS published a Notice of Availability for the Final PCCP and Final EIS/EIR in the Federal Register. This started a final listing period of 30 days, which concluded on June 22, 2020. Similarly, and concurrent with the Federal Register, on May 22, 2020, the County posted the CEQA Notice of Completion with the Placer County Clerk-Recorder and submitted the same to the State Clearinghouse. The County also issued the same notice to stakeholders and the general public, including posting on the County website and published notices in local newspapers.

The public hearing on the PCCP and EIR was duly noticed and held by the Placer County Planning Commission on July 9, 2020. The public hearing on the PCCP and EIR was duly noticed and held by the Placer County Board of Supervisors on August 25, 2020. Additional hearings by the Permittees including the City of Lincoln, PCWA, and SPRTA will be scheduled in the future.

The Final EIS/EIR includes comments received on the Draft EIS/EIR and PCCP; responses to these comments; and revisions to the Draft EIS/EIR and PCCP, as necessary, in response to these comments to amplify or clarify material or discussions in the Final EIS/EIR and PCCP.

Changes to the PCCP since the release of the Draft on June 21, 2019 fall into the following categories:

- Edits to document text and figures, such as correction of spelling errors
- Updates to geographical naming conventions (e.g., Coon Creek revised to Raccoon Creek)
- Minor text clarifications and corrections such as correcting cross-references to other parts of the document
- Minor numeric corrections, such as small adjustments to land cover acreages
- Clarification of activities not covered by the HCP/NCCP

- Updates to wildlife species accounts and associations with habitats in the Plan area
- Clarification of how Plan Conservation Strategy objectives related to vernal pool branchiopod occupancy will be monitored
- Clarifications of how Plan Conservation Strategy objectives related to habitat restoration and creation will be monitored
- Clarifications and additional details of vernal pool conservation measures
- Increased detail of Species Conditions, such as those for tricolored blackbird, valley elderberry longhorn beetle, and vernal pool fairy shrimp and vernal pool tadpole shrimp
- Increased detail of the process for granting take authorization for private projects
- Clarification of HCP/NCCP implementation under the Placer Vineyards Specific Plan as a Covered Activity
- Changes in estimated costs and fees to reflect updated information

The Final EIS/EIR reflects changes to the PCCP as described, where applicable, within the document. In addition, the following updates are included:

- Clarified rationale for incorporating by reference City of Lincoln and Placer County General Plans and associated EIRs
- Updates to NEPA significance determinations previously designated "significant and unavoidable" to "significant", to appropriately distinguish between CEQA and NEPA terminology. (Note: These revisions are not related to any changes in EIS/EIR analysis, and the physical effects on the environment remain the same.)
- Comments received on the Draft PCCP and Draft EIS/EIR, and response to those comments

The Final EIS/EIR analyzes these updates to determine whether they would result in any changes to the impact analysis or conclusions reached in the Draft EIS/EIR published on June 21, 2019. The analysis determines that the proposed changes to the PCCP do not alter the analysis or impact conclusions presented in the Draft EIS/EIR, and do not warrant recirculation of the EIR under CEQA.

The Draft and Final EIS/EIR were made available for public review on the internet at http://www.placer.ca.gov/3362/Placer-County-Conservation-Program and www.fws.gov/sacramento. Due to the COVID-19 pandemic and the State Shelter in Place Order, print copies were not made available at libraries due to their closure. Pursuant to CEQA Guidelines section 15087(g), CEQA recommends but does not require the same. In addition, print copies were made available for review during normal business hours in the lobbies of the Placer County Community Development Resource Center at 3091 County Center Drive in Auburn, and the Placer County Clerk's Office at 2954 Richardson Drive in Auburn. Copies of the same were posted on the County's website.

As discussed below in Section X, Findings Regarding Recirculation of the Draft EIR, none of the changes to the Draft EIS/EIR, or information added to the Draft EIS/EIR, constitute "significant new information" requiring recirculation of the Draft EIS/EIR pursuant to PRC Section 21092.1 and State CEQA Guidelines Section 15088.5.

While the County is not required under CEQA to provide formal responses to late comments received on the Final EIR pursuant to CEQA Guidelines section 15088(a), the County has prepared responses, which are attached and incorporated as Attachment C hereto. Comments received after the Planning Commission and during the Board hearing will be included in the administrative record, but responses are not required or provided.

FINDING

Based on the County's review of these comments and the substantial evidence in the administrative record, the Placer County Board of Supervisors concludes that none of the comments received raised significant new information or evidence of a substantial increase in the severity of an identified environmental impact or identified a feasible project alternative or mitigation measure that is considerably different from those previously analyzed in the Final EIS/EIR (State CEQA Guidelines Section 15088.5). As a result, the Board concludes there is no evidentiary or legal basis upon which to require recirculation of the EIS/EIR prior to certification.

IV. RECORD OF PROCEEDINGS

In accordance with California PRC Section 21167.6(e), the record of proceedings for the County's decision on the Proposed Project/Action includes the following documents:

- The NOP for the Proposed Project/Action 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;
- The Public Review Draft EIS/EIR for the Project and all appendices;
- All comments submitted by agencies or members of the public during the comment period on the Public Review Draft EIS/EIR;
- The Final EIS/EIR for the Project, including comments received on the Public Review Draft EIS/EIR, and responses to those comments and appendices;
- Documents cited or referenced in the Draft EIS/EIR and Final EIS/EIR;
- The MMRP;
- All findings and resolutions adopted by the Board 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 by other public agencies or members of the public in connection with the Project, up through the close of the final public hearing;
- 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;
- Any and all resolutions 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 expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by PRC Section 21167.6(e).

The documents constituting the record of proceedings are held by the custodian of records for this Proposed Project/Action: Placer County Community Development, Planning Services Division, at 3091 County Center Drive Auburn, CA 95603.

V. CONSISTENCY WITH APPLICABLE PLANS

FINDING

> **The Placer County Board of Supervisors finds that the Project is consistent with the Placer County General Plan (County General Plan)[3] and the County's zoning and development policies, as well as other applicable plans, as amended through approval of the Project. The Project is intended to achieve the County's longtime vision and direction provided under the Placer County General Plan and Placer Legacy Program to protect and conserve open space and agricultural lands. Further, one of the Placer Legacy Program objectives is to obtain regulatory compliance through a comprehensive planning and permitting program in the form of a Natural Communities Conservation Program (NCCP) and a Habitat Conservation Plan (HCP).**

Specifically, and at the direction of the Board, the Project implements General Plan Section 6 – Natural Resources: Fish and Wildlife Habitat – Implementation Program 6.11.

> The County shall initiate a cooperative effort to develop, adopt, and implement a Countywide National Communities Conservation Plan (NCCP) (Fish and Game Code Sections 2800-2840), and Habitat Conservation Plan (HCP) (Section 10 of the Federal Endangered Species Act (FESA)) to address the long-term conservation and maintenance of sufficient natural habitat to support indefinitely the diversity of plants and wildlife species currently represented in Placer County. The NCCP/HCP will serve as a means of achieving programmatic regulatory compliance with these statutes and Federal wetland statutes (Section 404 of the Clean Water Act).

Specific General Plan policy consistency determinations are attached as Exhibit C to the Placer County Board of Supervisors Resolution Amending the Placer County General Plan as it relates to the Placer County Conservation Program. Accordingly, the Board finds the Project to be consistent with the following General Plan goals and policies:

[3] Placer County. 2013 (May 21). *Placer County General Plan.* Adopted August 16, 1994; reflects amendments through May 21, 2013.

Section 1: Land Use

General Land Use

Goal 1.A To promote the wise, efficient, and environmentally-sensitive use of Placer County lands to meet the present and future needs of Placer County residents and businesses.

(See Policies 1.A.1 – 2)

Open Space, Habitat, and Wildlife Resources

Goal 1.I To establish and maintain interconnected greenbelts and open spaces for the protection of native vegetation and wildlife and for the community's enjoyment.

(See Policies 1.I.1 – 2)

Economic Development

Goal 1.N To maintain a healthy and diverse local economy that meets the present and future employment, shopping, recreational, public safety, and service needs of Placer County residents and to expand the economic base to better serve the needs of residents.

(See Policies 1.N.1 & 1.N.3)

Section 2: Housing

New Residential Construction

Goal A To provide new housing opportunities to meet the needs of existing and future Placer County residents in all income categories.

(See Policies A-1 to A-3)

Section 4: Public Facilities and Services

Drainage and Water Quality

Goal 4.E To manage rainwater and storm water at the source in a sustainable manner that least inconveniences the public, reduces potential water-related damage, augments water supply, mitigates storm water pollution, and enhances the environment.

(See Policies 4.E.1 – 3, 10, 16)

Flood Protection

Goal 4.F To protect the lives and property of the citizens of Placer County from hazards associated with development in floodplains and manage floodplains for their natural resource values.

(See Policies 4.F.2, 5, 8, 10)

Section 5: Recreational and Cultural Resources

Public Recreation and Parks

Goal 5.A To develop and maintain a system of conveniently located, properly-designed parks and recreational facilities to serve the needs of present and future residents, employees, and visitors.

(See Policies 5.A.1, 3, 4, 13, 22, 24)

Recreational Trails

Goal 5.C To develop a system of interconnected hiking, riding, and bicycling trails and paths suitable for active recreation and transportation and circulation.

(See Policies 5.C. 1 & 3)

Cultural Resources

Goal 5.D To identify, protect, and enhance Placer County's important historical, archaeological, paleontological, and cultural sites and their contributing environment.

(See Policies 5.D.3, 6, 7, 12)

Section 6: Natural Resources

Water Resources

Goal 6.A To protect and enhance the natural qualities of Placer County's rivers, streams, creeks and groundwater.

(See Policies 6.A.1, 3-10, 12)

Wetland and Riparian Areas

Goal 6.B To protect wetland communities and related riparian areas throughout Placer County as valuable resources.

(See Policies 6.B.1 – 5)

Fish and Wildlife Habitat

Goal 6.C To protect, restore, and enhance habitats that support fish and wildlife species so as to maintain populations at viable levels.

(See Policies 6.C.1, 2, 5 – 14)

Vegetation

Goal 6.D To preserve and protect valuable vegetation resources of Placer County.

(See Policies 6.D.3 – 11, 14)

Open Space for the Preservation of Natural Resources

Goal 6.E To preserve and enhance open space lands to maintain the natural resources of the County.

(See Policies 6.E.1 – 3)

Section 7: Agricultural and Forestry Resources

Agricultural Land Use

Goal 7.A To provide for the long-term conservation and use of agriculturally-designated lands.

(See Policies 7.A.1 & 11)

Section 8: Health and Safety

Flood Hazards

Goal 8.B To minimize the risk of loss of life, injury, damage to property, and economic and social dislocations resulting from flood hazards.

(See Policies 8.B.1 & 8)

Fire Hazards

Goal 8.C To minimize the risk of loss of life, injury, and damage to property and watershed resources resulting from unwanted fires.

(See Policies 8.C.7 & 11)

FINDING

The Placer County Board of Supervisors agrees with and is persuaded by the reasoning set forth in the EIS/EIR, including throughout Chapter 3, *Affected Environment* and Chapter 4 *Environmental Consequences*, and specifically Section 4.3, *Biological Resources* regarding the Project's consistency with applicable plans and policies and as amended through the Proposed Project/Action approval. In making these findings, the Board ratifies, adopts, and incorporates into this discussion, the reasoning and determinations of the Draft and Final EIS/EIR relating to consistency with applicable plans and the goals and policies within those plans. The Board has reviewed the Proposed Project/Action and proposed amendments in relation to the County General Plan and the County's zoning and other County Codes and development policies, and finds that the Project, as proposed for approval and adoption, will be consistent with and in furtherance of said plans and policies.

VI. FINDINGS REQUIRED UNDER CEQA

The purpose of these findings is to satisfy the requirements of Sections 15091 and 15092 of the CEQA Guidelines associated with the approval of the Placer County Conservation Program. The CEQA statue (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 projects….” The same statute provides that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to provide that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles presented in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions:

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, and 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.

PRC Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.” The State CEQA Guidelines Section 15364 adds another factor: “legal” considerations. (See *Citizens of Goleta Valley v. Bd. of Supervisors* (“*Goleta II*”) (1990) 52 Cal.3d 553, 565.)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) Moreover, “feasibility” under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 (“*CNPS*”).)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level. These interpretations appear to be verified by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519-521 (“*Laurel Hills*”), in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

Although the State CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] *or* substantially lessen[ed]," these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level, or has simply been substantially lessened but remains significant. Moreover, although Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely "potentially significant," these findings will nevertheless fully account for all such effects identified in the Final EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (State CEQA Guidelines Section 15091[a], [b].)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (State CEQA Guidelines Sections 15093, 15043[b]; see also PRC Section 21081[b].) The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II*, *supra*, 52 Cal.3d at p. 576.)

The Placer County Board of Supervisors has adopted the third permissible finding with respect to all significant and unavoidable effects identified in the EIS/EIR, concluding that not all effects can be mitigated to less-than-significant levels. The Board therefore must consider the feasibility of project alternatives. (PRC Section 21002; *Laurel Hills*, *supra*, 83 Cal.App.3d at p. 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1988) 47 Cal.3d 376, 400-403.)

As noted above, despite mitigation, certain significant environmental impacts of the Project will not be mitigated to less-than-significant levels. Thus, the Board is required to adopt a Statement of Overriding Considerations for the Project. On _____, 2020, the Board separately adopted the Statement of Overriding Considerations.

VII. LEGAL EFFECT OF FINDINGS

These findings constitute the County's best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various mitigation measures outlined in the Final EIS/EIR are feasible and have not been modified, superseded or withdrawn, the County hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the Board adopts a resolution approving the Project. Adoption of the Statement of Overriding Considerations allows the Board to approve the Project, even though it has the potential to result in significant and unavoidable impacts.

VIII. MITIGATION MONITORING AND REPORTING PROGRAM

PRC Section 21081.6(a)(1) requires lead agencies to "adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment." An MMRP has been prepared for the Project and is being approved by the Board by the same Resolution that has adopts these findings. The County will use the MMRP to track compliance with the Project and its mitigation measures. The MMRP provides a list of all adopted Project mitigation measures, identifies the parties responsible for implementing such measures, and identifies the timing for implementing each measure. The MMRP will remain available for public review during the compliance period. The Final MMRP is incorporated herein by reference as it is incorporated into the environmental document approval resolution and is approved in conjunction with certification of the Final EIS/EIR and adoption of these Findings of Fact.

IX. SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The significant effects and mitigation measures are summarized in the Draft and Final EIS/EIR first by species that would result from Project implementation and alternatives as summarized in Executive Summary Table ES-1, *Summary of Impact Determinations by Species Considered* (Attachment B) as updated by the revisions to the Draft EIS/EIR as set forth in the Final EIS/EIR, summarizing impacts on species discussed in Section 4.3 Biological Resources. In most cases, impacts of the Project to species that have been identified would be less than significant as the Project is the implementation of a regional HCP/NCCP and its related programs and conservation strategy. In three instances, incorporation of the mitigation measures proposed in the Draft EIS/EIR and Final EIS/EIR would reduce the impacts to levels that are less than significant. Under CEQA, no mitigation measures are required for impacts that are less than significant (PRC Section 21002; State CEQA Guidelines Sections 15126.4[a][3], 15091).

Significant effects by resource topic determinations are summarized in Table ES-2, *Summary of Impact Determinations by Resource* (Attachment B). All of the significant and unavoidable impacts under the Alternative 1 – No Action Alternative would result primarily from activities expected under the implementation of the local jurisdictions' current general plans.

The following non-biological resources had less-than-significant impacts or no impact under all action alternatives.

- Land Use and Planning
- Mineral Resources
- Population and Housing, Socioeconomics, and Environmental Justice
- Recreation

Pursuant to CEQA Guidelines section 15091, findings are not required for less than significant impacts.

The following non-biological resources had impacts that were significant and unavoidable under all action alternatives.

- Agricultural and Forestry Resources

- Air Quality, Greenhouse Gases, and Climate Change
- Cultural and Paleontological Resources
- Hydrology and Water Quality
- Noise and Vibration
- Transportation and Circulation

The County's findings with respect to the Proposed Project/Action's cumulatively significant and significant and unavoidable effects and mitigation measures are set forth in Section XIII below. This section does not attempt to describe the full analysis of each environmental impact contained in the Draft and Final EIS/EIR. Instead, the section provides a summary description of each impact, describes the applicable mitigation measures identified in the Draft and Final EIS/EIR and adopted by the Board, and articulates the Board's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Draft and Final EIS/EIR, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the Final EIS/EIR's determinations regarding the Proposed Project/Action's potential impacts and mitigation measures designed to address those potential impacts. In making these findings, the Board ratifies, adopts, and incorporates into these findings the analysis and explanation in the Draft and Final EIS/EIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Draft and Final EIS/EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The Board has adopted all the mitigation measures identified in these sections as summarized in Table ES-3 *Summary of Impacts and Mitigation Measures* (Attachment B). To the extent any of the mitigation measures are within the jurisdiction of other agencies, the Board finds those agencies can and should implement those measures within their jurisdiction and control.

X. FINDINGS REGARDING RECIRCULATION OF THE DRAFT EIR

The Board adopts the following findings with respect to whether to recirculate the Draft EIS/EIR. Under Section 15088.5 of the State CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term "information" can include changes in the Project or environmental setting, as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

a) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

b) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

c) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

d) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(State CEQA Guidelines Section 15088.5.)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is "not intend[ed] to promote endless rounds of revision and recirculation of EIRs." (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1132.) "Recirculation was intended to be an exception, rather than the general rule." (*Ibid.*)

The Board recognizes that the Final EIS/EIR incorporates updated information obtained by the County since the Draft EIS/EIR was completed, and contains additions, clarifications, modifications, and other changes. (See Final EIS/EIR Appendix I for a summary of the updated information).

The Final EIS/EIR also includes revisions to the text of the Draft. As discussed in the Final EIS/EIR, none of the information added to the Draft altered the significance conclusions. Rather, the new information amplified and clarified the information provided in the Draft. None of the revisions or updates to the Draft's analyses represents "significant new information" as that term is defined by the State CEQA Guidelines Section 15088.5(a).

While not required under CEQA, the County has responded to comments received on the Final EIR. In bringing the Proposed Project/Action forward for action by the Board, the County concludes that no comments on the Final EIR identified significant new information that would require recirculation of the EIR.

FINDING

The Placer County Board of Supervisors finds that recirculation of the Draft EIS/EIR is not required: (1) because recirculation is not required where the new information added to the EIS/EIR merely clarifies, amplifies, or makes insignificant modifications in an adequate EIS/EIR (State CEQA Guidelines Section 15088.5(b); and (2) because no "substantial adverse" impact would result from any of the revisions to the portions of the Draft EIS/EIR that were not recirculated (State CEQA Guidelines Section 15088.5[e]). The County further finds that none of the comments received after release of the Final EIS/EIR require recirculation of the Draft EIS/EIR for the reasons set forth herein.

XI. FINDINGS FOR PROJECT ALTERNATIVES

A. BASIS FOR ALTERNATIVES FEASIBILITY AND ENVIRONMENTAL IMPACT ANALYSIS

CEQA mandates that every EIR evaluate a no project alternative (Alternative 1, *No Action Alternative*), plus a range of potentially feasible alternatives to the Project or its location that would avoid or substantially lessen the significant impacts of the Project (CEQA Guidelines Section 15126.6[a][b]). The Placer County Board of Supervisors finds that the range of alternatives studied in the EIS/EIR reflects a reasonable range of alternatives.

These findings consider the feasibility of each alternative analyzed in the EIS/EIR. Under CEQA, "'(f)easible' means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (State CEQA Guidelines Section 15364.) As described above, the concept of feasibility permits agency decisionmakers to consider the extent to which an alternative is able to meet some or all of a project's objectives. 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. (See *CNPS*, *supra*, 177 Cal.App.4th 957, 1001.) An "alternative that 'is impractical or undesirable from a policy standpoint' may be rejected as infeasible." (*Ibid*.) Additionally, an alternative "may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record." (*Ibid*.)

B. DESCRIPTION OF ALTERNATIVES AND FEASIBILITY ASSESSMENT

Final EIS/EIR Appendix E, *Revised Alternative Screening and Action Alternatives Descriptions*, incorporated herein by reference, describes twelve potential alternatives, in addition to the Proposed Project/Action and the no action alternatives, were screened through the comprehensive process summarized below. Some alternatives consist of variations in different components of the PCCP, such as the length of the permit term, types of Covered Activities, or number of Covered Species. Other alternatives were identified during the PCCP planning process by the Resource Agencies, including the USACE's use of the EIS/EIR to satisfy its requirements under the CWA Section 404(b)(1).

To select the action alternatives, the EIS/EIR consultant ICF followed a three-tiered screening process and applied the criteria described in Final EIS/EIR Section 2.2, *Alternatives Screening*.

Description of the Potential Alternatives

Twelve alternatives were identified and labeled A through L, were screened against a set of criteria using a systematic screening process. Screening occurred in three tiers, with separate criteria used in each tier. Potential alternatives that met the screening criteria in one tier were carried forward to the next tier. Only alternatives that satisfied criteria for all three tiers were carried forward in the Draft and Final EIS/EIR for detailed analysis.

The screening criteria were based on a number of considerations, including (1) legal requirements for adequate discussions of alternatives in the EIS/EIR, as set forth in NEPA and CEQA and the regulations

and case law interpreting those statutes; (2) concepts of "potential feasibility" under CEQA and "reasonableness" under NEPA; and (3) CWA Section 404(b)(1) screening criteria.

A. Reduction in Permit Term to 30 Years

B. Reduction in Covered Species

C. Increase in Permit Area

D. Reduced Development/Reduced Impacts to Jurisdictional Wetlands and Other Waters of the United States—Map Alternative 2

E. Reduced Development/Reduced Impacts to Jurisdictional Wetlands and Other Waters of the United States—Map Alternative 4

F. Reduced Development/Reduced Impacts to Jurisdictional Wetlands and Other Waters of the United States—Map Alternative 6

G. Reduced Development/Reduced Impacts to Jurisdictional Wetlands and Other Waters of the United States—Map Alternative 7

H. Habitat Conservation Plan/2081 Conservation Plan

I. Reserve System Limited to Placer County

J. No Programmatic General Permit or Letter of Permission Issued by USACE

K. No Fill Alternative

L. Expanded Reserve Acquisition Area

Under CEQA, alternatives to be included in an EIR, in addition to a no project alternative, must satisfy the following requirements:

- Are potentially feasible
- Attain most of the basic objectives of the project
- Avoid or substantially lessen any of the significant impacts of the project

First Tier Screening Criteria

The legal requirements of CEQA and NEPA were considered in the context of the statements of project objectives and purpose (HCP/NCCP Chapter 1, Section 1.3, *Purpose and Need*) to develop the First Tier screening criteria. These criteria (EIS/EIR Section 2.2.1) assumed that allowing appropriate and compatible growth in accordance with applicable laws includes allowing sufficient land area for development under the general plans of the City and County.

Four alternatives were eliminated from consideration at this First Tier as described in EIS/EIR Section 2.3, *Alternatives Eliminated from Further Consideration*.

H. Habitat Conservation Plan/2081 Conservation Plan (no natural community conservation plan [NCCP])

While the HCP/2081 alternative would provide the same level of streamlining for the federal ESA compliance as an HCP/NCCP because the HCP components of the plan (federal covered species and conservation strategy) would likely be the same or similar, the HCP/2081 would not provide the same

level of permit streamlining for state ESA compliance because fewer species (i.e., fully protected species) would be listed in this plan, and effects on some non-listed species would be handled outside of the HCP/2081 process, thus resulting in a less streamlined permitting process.
For these reasons, this alternative would not provide a comprehensive plan meeting the project objective of protecting and enhancing ecological diversity and function, including aquatic resource functions and values, in the greater portion of western Placer County while allowing appropriate and compatible growth in accordance with applicable laws.

J. No Programmatic General Permit, Letter of Permission, or Regional General Permit Issued by USACE

Although this alternative would include the conservation strategy of the HCP/NCCP, it would only consider effects on waters of the United States, including wetlands, on a project-by-project basis. Therefore, protection of wetlands would not be coordinated in the long-term with conservation and management of species in the Plan area at a regional scale and the alternative would not make the process more predictable for future development. Because effects on waters of the United States, including wetlands, would be considered on a project-by-project basis such that coordination and standardization for mitigation and compensation requirements would not occur between ESA, CESA, NEPA, CEQA, the CWA, and other applicable laws and regulations related to biological and natural resources within the Plan Area this alternative would not provide a comprehensive plan meeting the project objective of protecting and enhancing ecological diversity and function, including aquatic resource functions and values, in the greater portion of western Placer County while allowing appropriate and compatible growth in accordance with applicable laws.

K. No Fill Alternative

Under this alternative, the Corps would not permit any development that affects waters or wetlands of the United States as part of the PCCP. Covered Activities would not receive programmatic 404 permit coverage and the PCCP's conservation strategy would not serve as the Regional LEDPA described in the Corps' permitting strategy. Avoidance of all jurisdictional waters, including wetlands, within the Plan Area would be logistically and cost prohibitive. It would not govern public and private actions equally or consistently because the action would likely need to be modified depending on the type and extent of jurisdictional waters, including wetlands. This alternative would not allow for land uses and development as specified under the approved general plans of Placer County and the City of Lincoln, nor planned and programmed projects of SPRTA and PCWA. 404 permit applications would be evaluated on a project-by-project basis separate from the PCCP' conservation strategy. For these reasons, this alternative would not provide a comprehensive plan meeting the project objective of protecting and enhancing ecological diversity and function, including aquatic resource functions and values, in the greater portion of western Placer County while allowing appropriate and compatible growth in accordance with applicable laws.

L. Expanded Reserve Acquisition Area

The expansion of the RAA would reduce land available for development consistent with the general plans of the County and the City, and in particular, would reduce land available for new development by approximately half. This alternative would limit growth in portions of the Placer Vineyards Specific Plan and would not allow the previously approved Placer Ranch Specific Plan or Brookfield Amoruso Ranch projects to proceed. Portions of the Sunset Industrial Area, located in the County, are proposed for incorporation into the PCCP reserve. The stated growth objectives of the City are not accommodated with this reserve design. The coverage provided by this potential alternative would be inconsistent with the approved growth plans and development identified in applicant-approved plans or programmed projects in the Plan Area and the coverage of species would not "balance" growth, but actually reduce it.

For these reasons, this alternative would not provide a comprehensive plan meeting the Project objective of protecting and enhancing ecological diversity and function, including aquatic resource functions and values, in the greater portion of western Placer County while allowing appropriate and compatible growth in accordance with applicable laws.

Second Tier

Potential alternatives that advanced to the Second Tier of screening were evaluated under CEQA using the following question:

- Would the potential alternative avoid or substantially lessen any of the significant environmental effects of the proposed action?

The following alternatives meeting these criteria were carried forward to the Third Tier of screening.

- A. Reduction in Permit Term
- C. Increase in Permit Area
- D. Reduced Development/Reduced Fill—Map Alternative 2
- E. Reduced Development/Reduced Fill—Map Alternative 4
- F. Reduced Development/Reduced Fill—Map Alternative 6
- G. Reduced Development/Reduced Fill—Map Alternative 7

Third Tier

The Third Tier criteria focus on CEQA's concept of feasibility and NEPA's principle of reasonableness. Under CEQA, alternatives evaluated in an EIR should be potentially feasible. CEQA Guidelines Section 15364 defines *feasible* as capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. Under NEPA, an EIS must rigorously explore and objectively evaluate a reasonable range of alternatives that achieve the proposed action's objectives as provided by the purpose and need statement (40 CFR 1502.14[a]; 46 FR 18026).

The range of alternatives should provide a range of options to decision-makers to support informed decision-making. Reasonable alternatives include those that are practical or feasible from a technical or economic standpoint and using common sense, rather than alternatives that are simply desirable from the applicant's perspective. Under both NEPA and CEQA, potential alternatives can be developed using economic considerations, social factors, legal feasibility under species protection laws, and technical factors to inform the general concepts of feasibility under CEQA and reasonableness under NEPA. The Section 404(b)(1) analysis must consider similar issues to those under CEQA and NEPA. These include costs, logistics, existing technology, and overall purpose.

Of the alternatives carried forward to the Third Tier of screening, the following alternatives were identified for consideration in the EIS/EIR:

- A. Reduction in Permit Term

- D. Reduced Development/Reduced Fill—Map Alternative 2
- E. Reduced Development/Reduced Fill—Map Alternative 4
- F. Reduced Development/Reduced Fill—Map Alternative 6
- G. Reduced Development/Reduced Fill—Map Alternative 7

Alternatives D, E, F, and G were combined into one alternative, as described in Final EIS/EIR Section 2.4.3, *Alternative 3—Reduced Take/Reduced Fill*.

Alternatives carried forward

The alternatives screening process described in EIS/EIR Section 2.2, *Alternatives Screening*, resulted in four alternatives to be further analyzed. Each of these four alternatives is described in detail below and evaluated in subsequent chapters of the EIS/EIR.

- Alternative 1—No Action
- Alternative 2—Proposed Action
- Alternative 3—Reduced Take/Reduced Fill
- Alternative 4—Reduced Permit Term

FINDING

The Placer County Board of Supervisors finds that, as the CEQA lead agency, the range of alternatives analyzed were structured around a reasonable definition of a fundamental underlying purpose, and it needed not study alternatives that could not achieve the basic Project objectives.

The feasibility of each of the alternatives is addressed below.

Alternative 1—No Action

The EIS/EIR includes an analysis of a no action alternative/no project alternative in accordance with the requirements of NEPA and CEQA, respectively. The no action/no project alternative is Alternative 1, *No Action*. The analysis of this alternative allows decision-makers to compare the effects of approving or of not approving the proposed action.

The geographic area for Alternative 1 is the same as the Project's Plan Area, as described in EIS/EIR Chapter 1, Section 1.1.2, *Plan Area*, and Section 2.4.2, Alternative 2*, Proposed Action*.

Under Alternative 1, permits would not be issued by USFWS, NMFS, CDFW for incidental take of the proposed Covered Species through a regional-scale programmatic HCP or NCCP. As a result, Permit Applicants and the private developers within their jurisdictions would remain subject to the take prohibition for federally listed species under ESA and state-listed species under CESA. The Permit Applicants and others with ongoing activities or future actions in the Plan Area that may result in the incidental take of federally listed species would need to apply, on a project-by-project basis, for incidental take authorization from either USFWS or NMFS through ESA Section 7 (when a federal agency is involved) or Section 10 (for nonfederal actions). Similarly, Permit Applicants and others whose ongoing activities or future actions have the potential for incidental take of state-listed species in the Plan Area would apply for incidental take authorization under CESA through a Section 2081(b)

permit. In addition, a Section 404 permitting strategy would not be developed by the USACE and, as a result, Permit Applicants and private developers within their jurisdictions would follow existing procedures for activities subject to Section 404 CWA.

Under Alternative 1, because the Permit Applicants and private developers would generate environmental documentation and apply for permits on a project-by-project basis, there would be no comprehensive means to coordinate and standardize mitigation and compensation requirements of ESA, NCCPA, CEQA, NEPA, and the CWA within the Plan Area. This is anticipated to result in a more costly, less equitable, and less efficient project review process that would reap fewer conservation benefits. Conservation planning and implementation would not happen in Placer County at a regional scale and therefore would not establish an efficient and effective system of conservation lands to meet the needs of the species covered by the PCCP. Mitigation would not occur in a coordinated fashion and would likely result in smaller mitigation areas as there would be more onsite mitigation for specific projects. Accordingly, Alternative 1 would not streamline the permitting process or provide local control of the endangered species permitting process. It would therefore not be expected to provide species with the benefits of a comprehensive system of conservation lands that would be provided through a coordinated effort to minimize biological effects throughout the Plan Area.

FINDING

> **The Placer County Board of Supervisors finds that Alternative 1 – No Action would not achieve any of the objectives of the Project and would result in greater impacts than would occur through implementation of any of the other alternatives, as further described in detail in Table ES-1 and ES-2 of the Final EIS/EIR.**

Alternative 3—Reduced Take/Reduced Fill

Alternative 3 would reduce the level of take authorized by the Project consistent with the adjustments described in Table 2-17 of the EIS/EIR. To implement this alternative and still meet the housing and employment demand forecasted for the 50 year permit term in both the County and City, it would be necessary to increase onsite avoidance of vernal pool complexes and other aquatic habitats, increase acquisition of reserve lands within the Planned Future Growth (PFG), and/or reduce the development footprint in the Valley portion of the PFG.

Alternative 3 is derived from the Second Tier alternatives screening process evaluation of Alternatives D, E, F, and G. These alternatives are based on different versions of a conservation and development map originally considered in 2005 during an early phase of the PCCP planning process (Reserve Map Alternatives 2, 4, 6, and 7), which examined different boundaries for reserve acquisition in the western area of the Valley portion of the Plan Area. The maps were also based upon an early version of land cover mapping that was subsequently determined to be inadequate for purposes of mapping vernal pool complexes. Subsequent mapping, completed in 2011, superseded the mapping that provided the foundation for Reserve Map Alternatives 2, 4, 6, and 7. As a group, these Maps were considered to be a basis for developing a Proposed Project/Action, as acknowledged by the USACE/USEPA letter dated August 24, 2007. (Table 2-17. Alternative 3 - *Reduced Take/Reduced Fill Permit Limits for Direct Effects and Comparison with Proposed Plan*).

Under Alternative 3, permits would be issued by USFWS and NMFS under Section 10(a)(1)(B) of the ESA and by CDFW under Section 2081(b) for incidental take of the proposed Covered Species through a regional-scale programmatic HCP and NCCP. These permits would cover take of the Plan's 14 Covered Species. The permit durations would be for 50 years.

The Draft and Final EIS/EIR did not screen out Alternative 3 due to the USFWS and consultant ICF exercising their independent review and NEPA discretion. Therefore, Alternative 3 was carried forward in the full EIS/EIR analysis.

Compared with the Proposed Project/Action (Alternative 2), the conservation principle of the earlier maps is essentially equivalent in the Foothills, but it differs mainly in the balance between the Reserve Acquisition Area (RAA) and PFG area in the Valley. The four maps all have a smaller amount of land designated PFG in the Valley, ranging from a reduction of 13% for Map 6 to a reduction of 5% for Map 4, described in detail in Appendix E, *Revised Alternative Screening and Action Alternatives Descriptions*.

Alternative 3 is infeasible for three reasons. (1) While the land conversion for vernal pool complexes is reduced by 10% (approximately 1,250 acres), Alternative 3 could result in increased environmental impacts to non-wetland resources; (2) Alternative 3 would not and could not reduce the assumed future land development that is projected in the County and City General Plans and would result in growth occurring elsewhere in the region in conflict with the objectives of the Project; and (3) While Alternative 3 would result in a reduction of the total extent of land conversion by approximatley1,000 acres in the PFG, roughly the same level of conservation and restoration is required. The result is an imbalance in the financial model and level of financial support required to support the PCCP and the projected level of financial deficit is unlikely to be covered by federal, state, or local grant funds.

Alternative 3 would result in a reduction in land conversion for vernal pool complexes but conversely could result in a potential increase in environmental impacts to non-wetland resources.

Alternative 3 reduces the vernal pool complex land conversion for the Valley PFG by 10% (about 1,250 acres) compared to the Proposed Project/Action and there are similar reductions in other communities associated with wetlands or other waters. When the spatial model assumes those land cover types are not available for land development by Covered Activities, the model reallocates future land development to other land cover types, resulting in a corresponding increase in conversion of some of the other natural community types. In order to minimize the impact on non–wetland associated communities, the total extent of land conversion in the Valley PFG is reduced for this alternative by 1,000 acres, compared to the Project. This limits increased conversion of non–wetland associated communities to less than 5%, as shown in Table 2-17. However, the reduced effects to wetland communities under this alternative, would be accompanied by some increase in non-wetland effects. In addition, as discussed in the next section, reducing the area of land conversion for the PCCP does not reduce development allowed under the County and City general plans. Instead would displace projected development and related environmental effects to other areas.

Alternative 3 would not and could not reduce the assumed future land development that is projected in the County and City General Plans.

The EIS/EIR considered Alternative 3 under which the HCP/NCCP would not cover the full amount of growth and development that was estimated to occur over the 50-year term of the Project and permits. However, this alternative could not assume that less growth and development would occur as a result of the reduced level of coverage for two reasons: (1) because the County's and City's land use plans and policies—not the Plan and permits—determine how much growth and development can occur in the Plan Area; and (2) covering less growth under Alternative 3 would not preclude individuals seeking to pursue their own permits under various environmental laws and regulations (ESA, CESA, CWA, etc.);

therefore, reducing the level of coverage under the HCP/NCCP and permits would not by itself reduce the extent of growth and development.

It is not a project objective *to meet* regional growth projections. Rather, the growth projections in the Growth Scenario Memo were used to determine the maximum extent of growth and development that could be covered by the HCP/NCCP and proposed for coverage under the permits in order to meet project objectives to:

- Allow issuance of federal permits to the Permittees for lawful incidental take of species listed as threatened or endangered pursuant to the ESA resulting from development under the Permittees' adopted plans, policies, and programs.
- Allow issuance of a state authorization to the Permittee for lawful take of both non-listed species and species listed as threatened or endangered pursuant to the CESA resulting from development under the Permittees' adopted plans, policies, and programs. (Plan, p. 1-7)

In addition, expanding the RAA as proposed under Alternative 3 does not change the market factors underlying the PCCP growth scenario. Alternative 3 would not reduce the number of acres designated for future urban and suburban development because those designations are established in currently approved County and City General Plans and zoning. Nor would Alternative 3 reduce the planned scope of SPRTA and PCWA Covered Activity projects, which are also the product of separate project approvals. Projected development would likely instead be accommodated in the City of Roseville (also in Placer County) or, alternatively, outside of Placer County elsewhere in the Sacramento Metropolitan Area. This would be counter to these project objectives.

While Alternative 3 results in a reduction of the total extent of land conversion by 1,000 acres in the PFG, the same level of restoration of conserved lands would be required. This would cause an imbalance in the financial model and level of financial support required for the PCCP and result in a structural financial deficit.

Alternative 3 results in a slightly reduced Reserve System acreage for vernal pool complex, 16,158 acres as compared to 17,000 acres for the Proposed Project/Action (Alternative 2), yet it maintains the same commitment to restoration of 3,000 acres of vernal pool complex within the Reserve System above and beyond mitigation. The cost of fulfilling this commitment would not be reduced, despite the reduction in PCCP fee revenues under Alternative 3.

During the HCP/NCCP planning process, the extent and location of likely urban and rural development in western Placer was modeled by a growth scenario. Its purpose was to define the amount of housing and employment growth and corresponding land development area likely needing to be accommodated in the 50-year permit term. As with other planning parameters such as land cover mapping and Covered Species occurrences, the same growth scenario is assumed for all alternatives.

The Project's analysis of impacts on Covered Species, and the EIS/EIR's analysis of environmental impacts, assumes this level of growth and development will occur to ensure such impacts are adequately analyzed and are not underestimated, and that proposed avoidance, minimization, and mitigation measures will be adequate if the growth and development in fact occurs. If the growth projections in the Growth Scenario Memo *overestimate* actual growth, and the maximum extent of coverage under the permits is not used, the Project would still meet its objectives for compliance and permit coverage for development under adopted land use plans, policies, and programs. If growth is lower than projections, PCCP fee revenues would also likely fall short of projections. However, the Plan Permittees could seek

an extension of the HCP/NCCP and permits as needed to use the maximum extent of take coverage and collect the full extent of project PCCP revenues, if other sources of funding for implementation were not available.

Alternative 3 would reduce the maximum extent of take coverage for land conversion in the Valley subarea by 1,000 acres compared to the Proposed Project/Action regardless of the level of growth that occurs. If the maximum extent of take coverage were reached, project proponents would then apply for environmental permits individually, and would not pay PCCP fees. Yet costs would not be substantially reduced under Alternative 3. The reduction in the extent of take that could be covered under the PCCP, would therefore cap fee revenues in a manner that would cause a structural funding deficit that could endanger the overall efficacy of the PCCP. According to the projections of the Project's financial consultant, the financial deficit would be approximately $42 million. (Urban Economics Memorandum, Robert Spencer, June 25, 2020.)

As the CEQA Lead Agency exercising its separate independent judgement in accordance with CEQA, the County has determined that while Alternative 3 would reduce impacts to vernal pool habitats, it would result in increased impacts to other non-wetland habitat types as examined in EIS/EIR Appendix E. Alternative 3 would not achieve the objectives of the Project since it would not cover appropriate and compatible growth resulting from development under the Permittees' adopted plans, policies, and programs. Alternative 3 would be financially infeasible because it would require largely the same commitment to conservation and restoration as the Proposed Project/Action (Alternative 2), but with an estimated $42 million dollars less in fee revenues derived from Covered Activities to pay for the related costs. For example, while Alternative 3 results in a slightly reduced Reserve System acreage for vernal pool complex, 16,158 acres as compared to 17,000 acres for the Proposed Project/Action (Alternative 2), it maintains the same commitment to restoration above and beyond mitigation of 3,000 acres of vernal pool complex within the Reserve System.

FINDING

> **For the reasons set forth above, the Placer County Board of Supervisors finds that Alternative 3, *Reduced Take/Reduced Fill* would not achieve the objectives of the Project since it would increase conversion of grassland, agriculture and rice land, it would hinder appropriate and compatible growth in accordance with applicable laws and it would be financially infeasible. Implementation of Alternative 3 instead of the Proposed Project/Action would create an estimated $42 million dollar funding gap for the PCCP because of the reduction in the amount of development covered by the PCCP and corresponding reduction in PCCP Development Fees collected. The PCCP has been financially structured based on the level of development projected under the County and City General Plans, the acreage of habitat needed to mitigate for that development, and the costs of funding the PCCP as needed to meet Federal and State requirements. While there may be some additional grant and other state and federal funding available during the 50 year permit term, it will likely not significantly reduce the projected $42 million dollar deficit. It is speculative to assume that the County or City would be able to commit sufficient funds on an annual budget basis to cover this deficit. A deficit of this degree would likely endanger the overall long-term viability of the PCCP in direct conflict with the County's General Plan goals and the objectives of the Proposed Project/Action.**

Alternative 4—Reduced Permit Term

Under Alternative 4 - Reduced Permit Term, the Plan Area, Covered Species, Covered Activities, and implementation of the Plan and CARP would be the same as under the proposed action. The HCP/NCCP

would include the same permit conditions for Covered Activities and similar conservation measures and conservation strategy as Project Alternative 2, except the permit term would be for 30 years instead of 50. Appendix M, *Growth Scenario Memo,* of the Plan provides the details on the population and employment forecast. Also see Section 1.2.7, *Permit Term*, in Chapter 1 of the Plan.

The impacts by year 30 as shown in PCCP Table 2-5, *Land Development to Accommodate Growth for the 50-year Permit Term by 10-year Period*, were used to estimate of impacts under Alternative 4. As shown in EIS/EIR Table 2-1, land development at year 30 for the Valley and Foothill portions of Plan Area A and Plan Area B would be 55%, 60%, and 95%, respectively, of the total estimated by year 50. The individual impacts under Alternative 4 were developed by multiplying these percentages by the total impacts on natural communities, agricultural lands, and covered species as would occur under the Proposed Project/Action (Alternative 2).

The result of a shorter 30 year permit term would be fewer Covered Activities being accommodated under the Plan resulting in less funding to acquire, maintain, enhance and restore the reserve system. Alternative 4 would not change the market factors underlying the PCCP growth scenario and would not reduce the number of acres designated for future urban and suburban development in the County and City general plans and zoning. Also, Alternative 4 would not reduce the planned scope of SPRTA and PCWA Covered Activities. The balance of projected development would be accommodated beyond year 30 after the PCCP's permits expire through separate Clean Water Act and Endangered Species Act actions and the conservation strategy would no longer apply to mitigation actions. This would be counter to the PCCP' stated purpose of "allowing appropriate and compatible growth in accordance with applicable laws". The growth occurring beyond year 30 would occur without the PCCP's comprehensive conservation strategy and in perpetuity management and monitoring of a permanent reserve.

The Project Alternative 2 permit term of 50 years was selected because it allows for the full and successful implementation of (1) the Covered Activities (Chapter 2, *Covered Activities*); (2) the conservation strategy (Chapter 5, *Conservation Strategy*); (3) the monitoring and adaptive management program (Chapter 7, *Monitoring and Adaptive Management Program*); and (4) the funding strategy (Chapter 9, *Costs and Funding*).

FINDING

Based on the implementation horizon for covered projects, the ongoing regulatory requirement of O&M activities, the need to acquire lands for a successful Reserve System, and the need for adequate funding, the Placer County Board of Supervisors finds that a 30-year permit term would not address the regulatory and biological considerations and is not the most feasible project alternative as it wouldn't provide sufficient time or funding to accomplish the following critical elements of the PCCP:

1. Allow sufficient time for implementation of current general plans
2. Fully implement the Permittees' projects that are covered by the Plan
3. Implement the Permittees' conservation activities as long as is feasible
4. Allow sufficient time to assemble the Plan Reserve System from willing sellers and partnerships with local agencies and private landowners
5. Secure all necessary funding for Plan implementation during the permit term to generate funding for the Plan in perpetuity

6. Develop an effective adaptive management program that will be implemented in perpetuity, given the uncertainties about the ecology of Covered Species and appropriate responses to resource management
7. Provide sufficient incentive for the Plan Permittees to commit the substantial resources necessary to complete the conservation plan (i.e., the permit term covers enough projects and activities to make the large up-front investment in the Plan cost effective)
8. Time for restoration to be put in place and monitored

The length of the permit term must provide adequate time for the assembly of a Reserve System and development of a management program on reserve lands. Land will be acquired only from willing sellers. A 30-year permit term would not provide adequate time for willing landowners to become available and for the land agents of the PCCP to negotiate a fair price for the land in fee title or conservation easement (see Chapter 5, *Conservation Strategy*, for a description of the land acquisition requirements of the HCP/NCCP and Chapter 8, *Plan Implementation*, for a description of the land acquisition process). It may take several years to complete a single land acquisition or purchase a conservation easement. Because many such transactions will be required to assemble the Reserve System, adequate time is needed to ensure this can happen before the end of the permit term. Conservation actions that occur outside the Reserve System on stream segments (e.g., stream barrier removal or modification) may require similarly long-time periods to negotiate and implement.

XII. FINDINGS REGARDING GROWTH INDUCEMENT

CEQA requires a discussion of the ways in which the Project would be growth-inducing. CEQA Guidelines Section 15126.2(d) identifies a project as growth-inducing if it fosters economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. The Project would not directly induce growth because it would not directly authorize economic or population growth, or new development as described in detail in Chapter 5, Section 5.5 of the Final EIS/EIR.

The 50-year term of the Proposed Project/Action Alternative 2 is anticipated to allow sufficient time for implementation of current City and County general plans and to fully implement the Permittees' projects that are covered by the PCCP. The proposed action does not induce future growth since other factors (e.g., updates to the general plans) serve to authorize growth rather than the attainment of take authorization. In addition, the Proposed Project/Action would not allow incidental take coverage for activities that would propose to increase density or intensity of uses allowed by current general plan and zoning designations outside the Planned Future Growth Area where much of the land conversion is expected to occur.

The proposed action would provide a streamlined mechanism for Covered Activities to comply with state and federal endangered species acts and the Clean Water Act. Improved permitting mechanisms would not remove barriers to growth, rather it would only impose standardized avoidance, minimization, and mitigation measures on Covered Activities rather than negotiating those on an ad-hoc project by project basis under the status-quo state and federal permitting regimes. Under the proposed action, permit approval would need to meet standards for development applicants to meet (Chapter 6, *Program Participation and Conditions on Covered Activities*), resulting in efficiencies and potential cost savings.

FINDING

The Placer County Board of Supervisors finds that the Project may influence the timing with which development could proceed, but not whether development occurs or the extent of development. The speed of development would be more substantially influenced by larger economic conditions, population growth, housing stocks, as well as local land use and growth-management controls. The Project would not directly induce growth because it would not directly authorize new development as described in detail in EIS/EIR Chapter 5 Section 5.5, *Growth-Inducing Impacts*.

CEQA Section 15091 Findings

XIII. FINDINGS REGARDING IMPACTS THAT CANNOT BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE AND CUMULATIVE IMPACTS

This section identifies those impacts of the Proposed Project/Action that cannot be mitigated below a level of significance. For these impacts, there are no feasible mitigation measures or feasible alternatives that would reduce the impacts to a less-than-significant level and the impacts would remain significant and unavoidable.

In addition, this section identifies CEQA cumulative impacts which are "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts" (State CEQA Guidelines Section 15355; Public Resources Code Section 21083[b]).
The background for the cumulative analysis is presented in Final EIS/EIR Section 4.0, and each resource section in Chapter 4, *Environmental Consequences*, contains an analysis of the cumulative effects specific to that resource that would potentially result due to implementation of the proposed action or alternatives.

Tables ES-1, ES-2, and ES-3 summarize significant and unavoidable impacts, as disclosed in Chapter 4, *Environmental Consequences*, of the EIS/EIR, for all alternatives considered. The analysis determined that biological resources would be subject to significant and unavoidable impacts under the No Project Alternative and less-than-significant impacts under the Proposed Project/Action.

The following non-biological resources had impacts that were significant and unavoidable under all action alternatives.

- Agricultural and Forestry Resources.
- Air Quality, Greenhouse Gases, and Climate Change.
- Cultural and Paleontological Resources.
- Hydrology and Water Quality.
- Noise and Vibration.
- Transportation and Circulation.

Impact: Agricultural and Forestry Resources (Significant/Unavoidable – Cumulatively Considerable)

- **Agricultural and Forestry Resources** as a result of converting agricultural lands to urban land uses or native habitat within the Plan Area.

Impact AG-1: Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use (NEPA: significant; CEQA: significant and unavoidable). The Proposed Project/Action could result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance that is located within the RAA. Covered Activities associated with public and private development envisioned in the County General Plan and the City of Lincoln General Plan and infrastructure projects associated with SPRTA and PCWA would also result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use. While the goals, policies, and actions of the general plans as well as SPRTA and PCWA BMPs could reduce impacts on some of the agricultural lands in these jurisdictions, such impacts would not be reduced to less-than-significant levels. Implementation of the PCCP would result in acquisition of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance for habitat protection. Some of this land could remain in agriculture, but a substantial amount of this land could be converted to non-agricultural uses associated with habitat protection. No additional mitigation is available to reduce this impact. Accordingly, this impact would be significant and unavoidable.

Impact AG-2: Conflict with existing zoning for agricultural use or with a Williamson Act contract (NEPA: significant; CEQA: significant and unavoidable). The Proposed Project/Action could result in conflicts with, and the acquisition of, land zoned for agriculture or land enrolled in Williamson Act contracts located within the RAA. Some of the agricultural land to be acquired as a part of the conservation strategy or converted as a result of Covered Activities, such as transportation programs, maintenance of water infrastructure, and habitat restoration, could be land enrolled in Williamson Act contracts. This impact would be significant and unavoidable.

Impact AG-5: Potential to cause other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to nonagricultural use or conversion of forest land to non-forest use (NEPA: significant; CEQA: significant and unavoidable). No indirect conversion impacts were identified in the EIRs for the County's or the City's general plans. Additionally, both jurisdictions have Right to Farm regulations to reduce the potential for indirect effects from adjacent or neighboring land uses. Alternative 2, the Proposed Project/Action, would result in the acquisition of lands that could be located adjacent to farmland and could result in indirect effects causing the premature conversion of those adjacent farmlands. This impact would be reduced to a less-than-significant level by the PCCP requirement for buffers. However, it is possible that SPRTA and PCWA projects could result in restrictions on agricultural uses of land in addition to direct conversion. Accordingly, this impact would be significant and unavoidable.

- **Cumulative Impacts Summary Description**: Project Alternative 2, the Proposed Project/Action, would directly result in the acquisition of land, some of which is designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and enrolled in Williamson Act contracts. Up to 8,050 acres of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance in the RAA could be converted to nonagricultural use. Although the County and the City's general plans have policies in place to protect agriculture and forest lands, agricultural land would be converted to non-agricultural use under implementation of these plans. Alternative 2 would contribute to this effect because it could result in additional conversions of agricultural

land to non-agricultural use for habitat restoration. Therefore, the Proposed Project/Action would be cumulatively considerable.

Mitigation Measures

No mitigation measures were identified that would reduce the potential for significant effects to a less than significant level. However, the Proposed Project/Action description includes measures to conserve agriculture, as the Board of Supervisors has determined that it is an important component of the economy and culture of Placer County, and while normal agricultural activities are exempt from the PCCP's requirements, the PCCP is designed to achieve a sustainable balance of agriculture and conservation within the landscape. Thus, the PCCP commits to the preservation of 8,240 acres of agriculture of which 2,000 acres of rice production is required to be conserved and managed for species benefits. The remaining 6,240 acres will not be required to be maintained in any particular crop type, and therefore will not count toward meeting the permit requirements or habitat commitments for mitigation. In addition, livestock grazing is an important and required component for managing invasive plants and reducing fuel loads within the PCCP Reserve System.

FINDING

Changes or alterations have been required in, or incorporated into, the Proposed Project/Action that lessen, though not to a less-than-significant level, the significant environmental effects as identified in the Final EIR for project specific or cumulative impacts. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081(a)(1) and (a)(3); State CEQA Guidelines Sections 15091(a)(1) and (a)(3).)

As discussed in the Final EIR, Placer County and the City of Lincoln previously determined that the implementation of their general plans would allow growth that would result in significant or potentially significant impacts by converting Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural uses. As stated in those EIRs, no feasible mitigation measures were identified that would reduce these impacts to less-than-significant levels. The 2010 EIR for the *Placer County General Plan* concluded that up to 840 acres of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance could be converted due to growth during the planning horizon used for projections for the general plan, with an additional amount of conversion continuing through 2040 that was not quantified, which would be significant and unmitigable.

While the Placer County General Plan covers the entire county, nearly all the Prime Farmland, Unique Farmland or Farmland of Statewide Importance in the County is located within the PCCP Plan Area. There are approximately 21,870 acres of Prime Farmland, Unique Farmland or Farmland of Statewide Importance that could be acquired under the Proposed Project/Action to be managed for the benefit of species. While some of the land would remain in agriculture as discussed above, a substantial amount of this land could potentially be converted to non-agricultural uses associated with habitat restoration. As a result, and taking a conservative approach to CEQA, the Proposed Project/Action on a project and cumulative basis could contribute to an impact that has already been deemed significant and unavoidable.

None of the alternatives analyzed in the Final EIR will reduce this impact to a less than significant level. Under Alternative 4 (Reduced Permit Term), it is expected that fewer acres would be developed compared to the Proposed Project/Action, because the reduced permit term would mean some long-term projects would not be covered by the permits but would be developed under the normal state/federal

permitting process nonetheless. Additionally, it is expected that fewer acres would be acquired and restored than under the Proposed Project/Action because there would be fewer fees collected and overall conservation would be less due to less development occurring resulting from the shorter permit term; accordingly, there would be less potential to convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

In addition, no feasible mitigation measures have been identified that will reduce this impact to a less than significant level. BMP measures, for the SPRTA and PCWA projects, will reduce potential impacts but not eliminate them. While the PCCP anticipates preserving a certain percentage of agricultural lands for certain species habitat, that percentage will not result in reducing either the project level or cumulative impacts to a less than significant level.

It is also not feasible to acquire replacement agricultural lands, including Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and enrolled in Williamson Act contracts in Placer County because the majority of this land is already located within the PCCP's Reserve Acquisition Area. It is important to note that the Placer County Williamson Act ordinance allows Williamson Act contracted lands to also be covered by a PCCP conservation easement so long as the easement allows for the continuation of such agricultural uses.

Finally, while the Proposed Project/Action will result in the conversion of agricultural resources to non-agricultural uses, including habitat restoration, it will result in the acquisition, protection, enhancement and restoration of fish, wildlife, plants and their habitats, including streams, wetlands and other water resources, as well as oak woodland. Therefore, the Board finds that the above factors and considerations render additional mitigation infeasible and the Proposed Project/Action's and cumulative impacts to agricultural resources remain significant and unavoidable.

Cumulatively considerable and significant and unavoidable impacts on agricultural resources would result from the conversion of Important Farmland to nonagricultural uses resulting from the Covered Activities.

Avoidance of this impact is infeasible for the reasons stated above and the following:

- No changes to the Proposed Project/Action would reduce this impact to a less than significant level, as the impact is entirely a result of implementation of the Covered Activities, including the restoration of habitat on conserved lands.
- No alternative to the Proposed Project/Action would reduce this impact either since the impact is due to implementation of the Covered Activities, and would occur under the No Action/No Project condition as well as other the Action Alternatives.
- Cumulative impacts of the No Action/No Project Alternative would be greater than under the Proposed Action alternative.

Impact: Air Quality, Greenhouse Gases, and Climate Change (Significant/Unavoidable – Cumulatively Considerable)

- **Air Quality, Greenhouse Gases, and Climate Change** as a result of conflicts with applicable Placer County Air Pollution Control District air quality plans due to Covered Activities (i.e., urban land uses identified in the general plans of the County and the City); violations of air quality standards

as a result of Covered Activities; causing cumulatively considerable net increases in criteria pollutants as a result of Covered Activities; exposing sensitive receptors to substantial pollutant concentrations as a result of Covered Activities; generation of greenhouse gas (GHG) emissions as a result of Covered Activities and implementation of the Plan; and conflict with GHG emissions reduction targets codified in California Assembly Bill 32 (California Health & Safety Code Section 38500 et seq.).

Impact AQ-1: Conflict with or obstruct implementation of the applicable air quality plan (NEPA: significant; CEQA: significant and unavoidable). Implementation of BMPs described in the PCCP, which are intended to minimize the effects of dust on vegetation and wildlife habitats in the Plan Area, would help reduce effects on humans in the vicinity of dust-generating Covered Activity and conservation measure work. Effects of implementation of the PCCP may exceed the Feather River Air Quality Management District's (FRAQMD's) construction thresholds for reactive organic gases (ROG) and nitrogen oxide (NOx) of 25 pounds/day. In addition to applicable FRAQMD regulatory measures shown in Appendix G, Mitigation Measure AQ-1 would reduce emissions from PCCP implementation to a level below FRAQMD thresholds. Effects of implementation of the PCCP within Placer County are not anticipated to exceed Placer County Air Pollution Control District's (PCAPCD's) construction or operational thresholds for any criteria pollutant with implementation of applicable PCAPCD regulatory measures shown in Appendix F. Emissions from construction and O&M activities associated with the Covered Activities, however, could still result in short-term exceedances of air district significance thresholds indicated in Tables 4.2-2, 4.2-3, 4.2-5, and 4.2-6. This impact would be significant and unavoidable. In addition to the standard mitigation measures and best available mitigation measures shown in Appendix G, MM AQ-1 may be used to further reduce and, if necessary, offset exhaust emissions to below FRAQMD construction thresholds.

Impact AQ-2: Violation of any air quality standard or substantial contribution to an existing or projected air quality violation (NEPA: significant; CEQA: significant and unavoidable). Implementation of BMPs described in the PCCP, which are intended to minimize the effects of dust on vegetation and wildlife habitats in the Plan Area, would help reduce effects on humans in the vicinity of dust-generating Covered Activity and conservation measure work. Activities associated with PCCP implementation may result in emissions that exceed FRAQMD's construction thresholds for ROG and NOx of 25 pounds/day. In addition to applicable FRAQMD regulatory measures shown in Appendix G, MM AQ-1 would reduce emissions from PCCP implementation to a level below FRAQMD thresholds. Effects of implementation of the PCCP within Placer County are not anticipated to exceed PCAPCD's construction thresholds for any criteria pollutant with implementation of applicable PCAPCD regulatory measures shown in Appendix F. Emissions from construction and O&M activities associated with Covered Activities, however, could still result in short-term exceedances of air district significance thresholds indicated in Tables 4.2-2, 4.2-3, 4.2-5, and 4.2-6. This impact would be significant and unavoidable.

Impact AQ-3: Potential to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (NEPA: significant; CEQA: significant and unavoidable). Implementation of BMPs described in the PCCP, which are intended to minimize the effects of dust on vegetation and wildlife habitats in the Plan Area, would help reduce effects on humans in the vicinity of dust-generating Covered Activity and conservation measure work. Construction and O&M activities associated with PCCP implementation may result in emissions that exceed FRAQMD's construction thresholds for ROG and NOx of 25 pounds/day. In addition to applicable FRAQMD regulatory measures shown in Appendix G, MM AQ-1 would reduce emissions from PCCP implementation to a

level below FRAQMD thresholds. Effects of implementation of the PCCP within Placer County are not anticipated to exceed PCAPCD's construction thresholds for any criteria pollutant with implementation of applicable PCAPCD regulatory measures shown in Appendix F. Emissions from construction and O&M activities associated with Covered Activities, however, could still result in short-term exceedances of air district significance thresholds indicated in Tables 4.2-2, 4.2-3, 4.2-5, and 4.2-6. This impact would be significant and unavoidable.

Impact AQ-4: Exposure of sensitive receptors to substantial pollutant concentrations (NEPA: significant; CEQA: significant and unavoidable). Implementation of BMPs described in the PCCP, which are intended to minimize the effects of dust on vegetation and wildlife habitats in the Plan Area, in addition to applicable air district rules and regulations, would help reduce effects from naturally occurring asbestos exposure and fugitive PM emissions on sensitive receptors in the vicinity of dust-generating Covered Activity and conservation measure work to less-than-significant levels. Cal/OSHA and National Emission Standards for Hazardous Air Pollutants (NESHAP) standards would also reduce asbestos containing material (ACM) exposure to less-than-significant levels. Emissions from construction and O&M activities associated with PCCP implementation and Covered Activities, however, could result in exposure of sensitive receptors to substantial diesel particulate matter (DPM) pollutant concentrations even with implementation of applicable air district rules and regulations. This impact would be considered significant and unavoidable.

Impact AQ-6: Generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (NEPA: significant; CEQA: significant and unavoidable). Construction and O&M activities associated with implementation of the PCCP would result in temporary emissions of GHGs. Emissions resulting from PCCP implementation are not anticipated to exceed PCAPCD's construction threshold 10,000 MT CO_2e/year. Applicable air district regulatory measures would further reduce emissions from PCCP implementation. Emissions from construction and O&M activities associated with Covered Activities, however, could still result in exceedances of PCAPCD GHG significance thresholds indicated in Table 4.2-4. This impact would be significant and unavoidable.

Impact AQ-7: Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases (NEPA: significant; CEQA: significant and unavoidable) Construction and O&M activities associated with implementation of the PCCP would result in temporary emissions of GHGs. Emissions resulting from activities associated with PCCP implementation are not anticipated to exceed PCAPCD's construction threshold of 10,000 MT CO_2e/year. Applicable air district regulatory measures would further reduce emissions from PCCP implementation. Emissions resulting from PCCP implementation would not conflict with AB 32 or SB 32. Emissions from construction and O&M activities associated with Covered Activities, however, could still result in exceedances of PCAPCD GHG significance thresholds indicated in Table 4.2-4 and would conflict with AB 32 and SB 32. This impact would be significant and unavoidable.

- **Cumulative Impacts Summary Description**: Past, present, and reasonably foreseeable future projects and Covered Activities are identified in the Final EIS/EIR. Overall, these projects have had or are anticipated to have a cumulative impact on air quality as a result of land-disturbing activities such as converting agricultural lands to urban development, including roadway projects, and developing and operating infrastructure projects.

  With respect to the action alternatives, emissions resulting from construction and operation of the implementation of the Covered Activities, including implementation of the PCCP conservation

strategy, in combination with other development in the Sacramento Valley and Mountain Counties Air Basins, could result in cumulatively significant levels of emissions under all alternatives. Some of the Covered Activities would generate emissions that could exceed applicable air district thresholds, which, according to PCAPCD and FRAQMD guidance, would result in cumulative impacts. Implementation of applicable air district regulatory measures would reduce emissions; however, it is anticipated they would not reduce construction emissions to below applicable air district thresholds. As PCAPCD's and FRAQMD's CEQA Handbooks indicate that projects in excess of their numeric thresholds would result in a significant cumulative impact unless offset, this impact is considered significant and unavoidable.

Build-out of the general plans for the jurisdictions encompassed by the Plan Area is anticipated to result in cumulative air pollutant and GHG emissions increases related to the construction and operation of various projects in the Plan Area. Emissions from these projects could combine with emissions from Covered Activities associated with the proposed action to result in significant cumulative air quality and GHG emission impacts.

Build-out of the general plans of Placer County and the City of Lincoln, in conjunction with activities associated with Alternative 2, the proposed action, could result in a cumulative impact related to construction- and operation-related air pollutant and GHG emissions. Alternative 2's contribution to this effect would be considered cumulatively considerable, as the magnitude of emissions of air pollutants and GHGs from Covered Activities and other future projects is currently unknown. Although applicable air district regulatory measures, described in EIS/EIR Section 3.2.1, *Regulatory Setting*, and shown in Appendices F and G, would reduce the project-related construction and operational air quality and GHG emission impacts, cumulative impacts related to air pollutant and GHG emissions in the Plan Area may still be significant. Cumulative construction- and operation-related air quality and GHG emissions impacts are conservatively considered to be significant and unavoidable.

In addition to the effects associated with build-out of the general plans, the conservation measures associated with the proposed action would result in temporary construction and maintenance projects and therefore would not result in a substantial permanent increase in air pollutant and GHG emissions in the Plan Area and therefore would not make a cumulatively considerable contribution to a cumulative air quality and GHG emissions impact.

Mitigation Measures

Impacts to air quality, GHG, and climate change are cumulatively considerable and significant and unavoidable, although the effects are lessened by mitigation measures incorporated into the Proposed Project/Action. In addition to the Conditions on Covered Activities included in HCP/NCCP Chapter 6 (Program Participation and Conditions on Covered Activities), BMPs, and the existing regulatory setting which will collectively lessen the significant environmental effects of the Proposed Project/Action, including PCAPCD and FRAQMD requirements, the EIS/EIR includes the following mitigation measure to reduce Project impacts:

Mitigation Measure AQ-1-4: Implement FRAQMD exhaust controls and criteria pollutant offsets during construction and O&M activities.

FINDING

Changes or alterations have been required in, or incorporated into, the Proposed Action/Project that lessen, though not to a less-than-significant level, the significant environmental effects as identified in the Final EIR for project specific or cumulative impacts. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081(a)(1) and (a)(3); State CEQA Guidelines Sections 15091(a)(1) and (a)(3).)

As discussed in the Final EIR, Placer County and the City of Lincoln previously determined that the implementation of their general plans would allow growth that would result in significant or potentially significant impacts resulting from emissions from general plan land use assumptions previously analyzed in the EIRs for the *City of Lincoln General Plan* and the *Placer County General Plan*. The EIR for the *Placer County General Plan* determined that activities in the general plan would be associated with cumulative emissions from anticipated growth that would generate significant amounts of criteria pollutants in excess of PCAPCD thresholds (Placer County 1994). These emissions could potentially conflict with the applicable air quality plans. This impact was considered significant and unavoidable.

The EIR for the *City of Lincoln General Plan* determined that activities in the general plan would be associated with construction and operational emissions from anticipated growth that would generate significant amounts of criteria pollutants in excess of PCAPCD thresholds (City of Lincoln 2008). These emissions could potentially conflict with the applicable air quality plans. This impact was also considered significant and unavoidable.

Build-out of the general plans of Placer County and the City of Lincoln, in conjunction with activities associated with the Proposed Project/Action, could result in a cumulative impact related to construction- and operation-related air pollutant and GHG emissions. The Proposed Project/Action's contribution to this effect would be considered cumulatively considerable, as the magnitude of emissions of air pollutants and GHGs from Covered Activities and other future projects is currently unknown. Although applicable air district regulatory measures, described in EIS/EIR Section 3.2.1, *Regulatory Setting*, and shown in Appendices F and G, would reduce the project-related construction and operational air quality and GHG emission impacts, cumulative impacts related to air pollutant and GHG emissions in the Plan Area may still be significant. Cumulative construction- and operation-related air quality and GHG emissions impacts are conservatively considered to be significant and unavoidable.

Finally it is important to note that while the Proposed Project/Action will result in impacts to air quality generally, it will also result in the acquisition, protection, enhancement and restoration of fish, wildlife, plants and their habitats, including streams, wetlands and other water resources as well as oak woodland which are integral to air quality and carbon sequestration. Substantial evidence in the record demonstrates these and various legal, social, and economic benefits that the local agencies will derive from the implementation of the Proposed Project/Action, including streamlined permitting, improved environmental mitigation for project impacts, certainty and time and cost savings in permitting, and concomitant benefits to the business community render additional mitigation infeasible and the Proposed Project/Action's and cumulative impacts to air quality, GHG, and climate change remain significant and unavoidable.

In addition to the effects associated with build-out of the general plans and Covered Activity implementation under those general plans, the conservation measures associated with the Proposed Project/Action were analyzed and would result in temporary construction and maintenance projects;

however, those impacts would not result in a substantial permanent increase in air pollutant and GHG emissions in the Plan Area and therefore would not make a cumulatively considerable contribution to a cumulative air quality and GHG emissions impact.

With respect to the Proposed Project/Action and action alternatives, emissions resulting from construction and operation of the implementation of the Covered Activities, including implementation of the PCCP conservation strategy, in combination with other development in the Sacramento Valley and Mountain Counties Air Basins, could result in cumulatively significant levels of emissions under all alternatives. Some of the Covered Activities would generate emissions that could exceed applicable air district thresholds, which, according to Placer County APCD and Feather River AQMD guidance, would result in cumulative impacts. Implementation of applicable air district regulatory measures would reduce emissions; however, it is anticipated they would not reduce construction emissions to below applicable air district thresholds. As Placer County APCD's and Feather River AQMD's CEQA Handbooks indicate, projects in excess of their numeric thresholds would result in a significant cumulative impact unless offset, this impact is considered significant and unavoidable.

For those impacts found to be cumulatively considerable and significant and unavoidable on Air Quality, Greenhouse Gases, and Climate Change, avoidance of this impact is infeasible for the following reasons:

- No changes to the Project would reduce this impact to a less than significant level, as the impact is entirely a result of implementation of the Covered Activities, including habitat restoration.
- All of the other action alternatives considered in the EIS/EIR, including the No Project alternative, would result in similar or greater cumulatively considerable, significant and unavoidable impacts resulting from implementation of the Local Agencies' general plans and other covered activities and implementation of the conservation strategy.

Impact: Cultural and Paleontological Resources (Significant/Unavoidable – Cumulatively Considerable)

- **Cultural and Paleontological Resources** as a result of risk of direct or indirect destruction of paleontological or previously identified and unknown cultural resources resulting from Covered Activities (i.e., ground-disturbing development activities) associated with implementation of the Placer County General Plan.

Portions of the Plan Area may be sensitive for cultural resources. If cultural resources are present, they could be damaged during ground-disturbing activities associated with construction of Covered Activities. Compliance with the local jurisdictions' general plan goals and policies and the Cultural Resources Management Plan (CRMP) would reduce impacts, but implementation of the general plans would result in cumulative impacts, as identified in the EIR for the *Placer County General Plan*, which concluded that buildout of the general plan would make a considerable contribution to the cumulative impact.

Several geologic units in the Plan Area are sensitive for paleontological resources, and fossils could be present. If fossils are present, they could be damaged during ground-disturbing activities associated with construction of Covered Activities. According to the EIR for the *Placer County General Plan* (Placer County 1994:7-12), increased development could result in occasional accidental disruption and adverse effects on unidentified paleontological resources, resulting in a cumulative impact. Compliance with the local jurisdictions' general plan goals and policies would protect paleontological resources during

ground-disturbing activities in potentially sensitive areas, but the EIR for the *Placer County General Plan* (Placer County 1994:7-12) concluded that buildout of the general plan would make a considerable contribution to the cumulative impact.

Impact CUL-1: Potential to cause alteration of characteristics of known or unknown cultural resources that may qualify such resources for listing in the National Register of Historic Places or NRHP (NEPA) or California Register of Historical Resources or CRHR (CEQA) (NEPA: significant; CEQA: significant and unavoidable). Ground-disturbing activities or modifications to built resources associated with PCCP implementation under Alternative 2, the Proposed Project/Action, could result in impacts on cultural resources. These activities or modifications could impair the characteristics of known or unknown cultural resources that may qualify them for inclusion in the CRHR. Construction and O&M activities associated with Covered Activities could also affect cultural resources. However, identification procedures and treatment measures set forth in the PCCP CRMP, general plan policies, and standard agency measures are expected to reduce potential alterations to levels that are less than significant. Therefore, the impact would be less than significant. Implementation of the local jurisdictions' general plans would be required to comply with Section 106 (for federal actions related to the Clean Water and Endangered Species Acts) and Assembly Bill (AB) 52 on a project-by-project basis. Compliance with federal, state, and local regulations would reduce potential impacts associated with these projects, but not to a less-than-significant level. Therefore, because the impacts associated with general plan implementation would be significant and unavoidable, the overall impact would also be significant and unavoidable.

Impact CUL-2: Disturbance of any human remains, including those interred outside of dedicated cemeteries (NEPA: less than significant; CEQA: less than significant).

Impact CUL-3: Direct or indirect destruction of a unique paleontological resource or site or unique geologic feature (NEPA: significant; CEQA: significant and unavoidable). Under Alternative 2, the Proposed Project/Action, ground-disturbing activities associated with PCCP conservation measures and the Covered Activities have the potential to disturb potentially significant paleontological resources if the activities occur in geologic units that are sensitive for these resources. Compliance with the general plans would afford some protection to paleontological resources during ground-disturbing activities in potentially sensitive areas; however, the EIR for the *Placer County General Plan* found that these protections would not reduce potential impacts to a less-than-significant level. Therefore, the effect would be significant and unavoidable. While implementation of Mitigation Measures CUL-1 and CUL-2 would reduce the impacts of activities associated with implementation of PCCP conservation measures to a less-than-significant level, the overall impact would remain significant and unavoidable.

- **Cumulative Impacts Summary Description:** Portions of the Plan Area may be sensitive for cultural and paleontological resources. If resources are present, they could be damaged during ground-disturbing activities associated with construction of projects such as Placer Parkway or habitat restoration activities. Compliance with the local jurisdictions' general plan goals and policies and the CRMP would reduce impacts, but implementation of the general plans would result in cumulative impacts, as identified in the EIR for the *Placer County General Plan*, which concluded that buildout of the general plan would make a considerable contribution to the cumulative impact.

Mitigation Measures

This impact is significant and unavoidable, although its effects lessened by mitigation measures that will be incorporated into the Proposed Project/Action. In addition to the Conditions on Covered Activities included in HCP/NCCP Chapter 6 (Program Participation and Conditions on Covered Activities), BMPs, and the existing regulatory setting which will collectively lessen the significant environmental effects, the EIS/EIR includes the following mitigation measures to reduce Proposed Project/Action's impacts:

Mitigation Measure CUL-1: Retain a qualified professional paleontologist to monitor significant ground-disturbing activities

Mitigation Measure CUL-2: Stop work if substantial fossil remains are encountered during construction

FINDING

> **Changes or alterations have been required in, or incorporated into, the Project that lessen, though not to a less-than-significant level, the significant environmental effects as identified in the Final EIR for project specific or cumulative impacts. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081(a)(1) and (a)(3); State CEQA Guidelines Sections 15091(a)(1) and (a)(3).)**

Generally, the action alternatives would have similar direct impacts on cultural and paleontological resources because all would serve to streamline permitting of Covered Activities envisioned by the Permit Applicants' long-term plans such as the City and County General Plans. The development activities contemplated in these plans could have substantial temporary and permanent impacts on cultural and paleontological resources.

However, Covered Activities would be consistent with the policies of the Permit Applicants' general plans and other long-term plans and that the Permit Applicants would comply with the existing regulatory requirements for identification of cultural resources, assessment of impacts, and treatment for affected resources outlined in the CRMP prepared for the PCCP. For CEQA projects where the County is the lead agency, the cultural resources policies and actions outlined in Section 7.2 of the *Placer County General Plan* would be implemented. For projects where the City of Lincoln is the lead agency, Goals LU-2 and LU-3 and Goal OSC-6 of the *City of Lincoln General Plan* would be implemented. Following these guidelines would reduce potential impacts on cultural resources, but the impacts identified in the EIR for the *Placer County General Plan* would not be reduced to a less-than-significant level. As a result, the Proposed Project/Action - on a project and cumulative basis - could contribute to an impact that has already been deemed significant and unavoidable.

The CRMP identifies standards pertaining to the identification and evaluation of related resources and the resolution of potential impacts on such resources under individual projects may include such methods as records searches, archaeological pedestrian surveys, built environment research and assessments, recordation of archaeological sites and built environment resources, subsurface archaeological testing, and evaluation and mitigation of cultural resources that may be affected by projects. In addition to adhering to the CRMP, actions of the PCCP that would require a Section 404 permit from the Corps are subject to review pursuant to Section 106 of the National Historic Preservation Act; accordingly, cultural resource studies would be conducted.

Under the Proposed Project/Action, ground-disturbing activities associated with PCCP conservation measures and the Covered Activities have the potential to disturb potentially significant paleontological resources if the activities occur in geologic units that are sensitive for these resources. Compliance with the general plans would afford some protection to paleontological resources during ground-disturbing activities in potentially sensitive areas; however, the EIR for the *Placer County General Plan* found that these protections would not reduce potential impacts to a less-than-significant level. While implementation of Mitigation Measures CUL-1 and CUL-2 would reduce the impacts of activities associated with implementation of PCCP conservation measures to a less-than-significant level, the overall impact would remain significant and unavoidable.

Impacts resulting from Covered Activities are an unavoidable outcome of infrastructure and other projects as foreseen in the implementation of the City and County general plans, this cumulative impact is significant and unavoidable for all alternatives. For those impacts found to be cumulatively considerable and significant and unavoidable, avoidance of this impact is infeasible for the following reasons:

- No changes to the PCCP would reduce this impact to a less than significant level, as the impact is entirely a result of implementation of the Covered Activities.

- No alternative to the PCCP would reduce this impact to a less than significant level, as the impact is entirely a result of implementation of the Covered Activities, and would occur under the No Action/No Project condition as well as other the Action Alternatives.

The Proposed Project/Action will result in direct impacts on cultural and paleontological resources. However, it will also result in the acquisition and protection of portions of the Plan Area containing sensitive cultural and paleontological resources. It will also result in the enhancement and restoration of fish, wildlife, plants and their habitats, including streams, wetlands and other water resources as well as oak woodland. Therefore, the Board finds that the above factors and considerations render additional mitigation infeasible and the Proposed Project/Action's impacts to cultural and paleontological resources on a project and cumulative basis remain significant and unavoidable.

Impact: Hydrology and Water Quality (Significant/Unavoidable - Not Cumulatively Considerable)

- **Hydrology and Water Quality** as a result of exposing structures and people to loss, injury, death involving flooding due to Covered Activities within the city of Lincoln (i.e., urban land uses identified in *City of Lincoln General Plan*).

Impact WQ-9: Exposure of people or structures to significant risk involving flooding, including flooding as a result of the failure of a levee or dam (NEPA: significant; CEQA: significant and unavoidable). Implementation of the PCCP conservation measures would increase exposure of people or structures to significant risk involving flooding, including flooding as a result of the failure of a levee or dam. Additionally, adherence to general plan policies and state and federal requirements would reduce effects from Covered Activities, but not to less-than–significant levels. Therefore, the overall impact would be significant and unavoidable.

- **Cumulative Summary Description**: The Proposed Project/Action, implementation of PCCP conservation measures would mostly provide beneficial environmental effects on water quality and hydrologic resources that would not contribute to cumulative impacts. The PCCP contains

conservation measures that provide for additional water quality and hydrologic benefit over the long-term. These include creation of new wetlands and enhancement and restoration of existing wetlands; establishment of vegetative buffers surrounding streams, wetlands, and uplands; and stream and floodplain restoration. Once implemented, these conservation measures would provide passive water treatment and stormwater attenuation benefits for existing and future projects.

In addition, implementation of the proposed PCCP, in combination with other regional conservation efforts, including Placer Legacy and other HCPs in progress in Sacramento and Yolo, may provide large, regional benefits to water quality. Therefore, implementation of the proposed PCCP would result in less-than-significant cumulative impacts on hydrologic and water quality resources.

Mitigation Measures

The EIR identifies no mitigation measures that would avoid or substantially lessen this impact.

FINDING

Changes or alterations have been required in, or incorporated into, the Project that lessen, though not to a less-than-significant level, the significant environmental effects as identified in the Final EIR for project specific or cumulative impacts. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081(a)(1) and (a)(3); State CEQA Guidelines Sections 15091(a)(1) and (a)(3).)

As explained in the EIR and above, even though implementation of the PCCP conservation measures would have tangible benefits and conditions on Covered Activities, BMPs, and the regulatory setting will collectively lessen the significant environmental effects of the Project, avoidance of this impact is infeasible for the following reasons:

- No changes to the PCCP would reduce this impact to a less than significant level, as the impact is entirely a result of implementation of the Covered Activities.

- No alternative to the PCCP would reduce this impact to a less than significant level, as the impact is entirely a result of implementation of the Covered Activities, and would occur under the No Action/No Project condition as well as other the Action Alternatives.

The additional development of housing and infrastructure related to the Covered Activities would occur in conjunction with similar development occurring in adjacent areas outside the Plan Area. The net result is exposure of more people and infrastructure to flood risk and increased area of impervious surfaces that would additionally alter local hydrologic resources. This could lead to increased peak flows, increased pollutant runoff into receiving waterbodies and groundwater, and increased erosion and sedimentation problems. However, the new development would be required to comply with existing policies and regulations to ensure minimization of impacts to a less-than-significant level. This includes enhancement of floodplain storage, erosion control measures, BMPs, and adequate levels of storm-water drainage infrastructure.

Some of the Covered Activities, such as the in-stream projects and flood protection projects, would provide benefits to hydrologic resources and water quality by reducing flood risk, stabilizing eroding

banks, improving channels, and enhancing conveyance through existing bridges and culverts. Furthermore, the benefits provided by the conservation measures would help mitigate for the effects of the Covered Activities. Therefore, implementation of the proposed Covered Activities would result in less-than-significant cumulative effects on hydrologic and water quality resources since the Conditions on Covered Activities included in HCP/NCCP Chapter 6 (Program Participation and Conditions on Covered Activities), BMPs, and the existing regulatory setting will collectively lessen the significant environmental effects of the Proposed Project/Action.

Further, the PCCP contains conservation measures that provide for additional water quality and hydrologic benefit over the long term. These include creation and enhancement of new wetlands; establishment of vegetative buffers surrounding streams, wetlands, and uplands; and stream and floodplain restoration. Once implemented, these conservation measures would provide water treatment and stormwater attenuation benefits for existing and future projects.

Impact: Noise and Vibration (Significant/Unavoidable–Cumulatively Considerable)

- **Noise and Vibration** as a result of substantial and permanent increase in noise levels above levels currently existing due to Covered Activities (i.e., urban land uses identified in general plans of the County and the City, as well as public infrastructure projects) and construction and operations and maintenance activities associated with implementation of the Plan; substantial temporary or periodic increase in ambient noise levels; and increases in excessive groundborne vibrations and groundborne noise levels associated with Covered Activities and construction activities associated with implementation of Plan conservation measures.

Buildout of the general plans for the jurisdictions encompassed by the Plan Area is anticipated to result in cumulative significant and unavoidable noise increases related to Covered Activities in the Plan Area. Noise, including Covered Activity projects, could combine with noise from conservation measures activity associated directly with the Proposed Project/Action to result in significant cumulative noise impacts.

Impact NOI-1: Exposure of persons to or generation of noise levels in excess of applicable standards (NEPA: significant; CEQA: significant and unavoidable). Implementation of Alternative 2, the Proposed Project/Action, could result in the generation of construction noise from the use of heavy equipment for conservation activities and from Covered Activities (i.e., development of the local jurisdictions' general plans, including SPRTA and PCWA projects). Implementation of the PCCP BMP related to pile driving (shown above), which is intended to reduce negative noise effects on wildlife in the Plan Area, would also help reduce impacts on humans in the vicinity of noise-generating Covered Activity work that involves pile driving. However, construction activities associated with implementation of the PCCP could still result in short-term exceedances in local noise standards. Implementation of Mitigation Measure NOI-1 would reduce the impacts related to the generation of excessive noise levels from PCCP implementation; however, depending on the specific construction activities required for a future conservation measure or Covered Activity, it may not be possible to reduce construction noise impacts to less-than-significant levels. Further, and as described in the EIR for the *City of Lincoln General Plan*, future projects developed under the general plan could result in significant noise impacts related to the generation of noise in excess of thresholds from construction activities as well as operations. In addition, as stated in the EIR for the *Placer County General Plan*, traffic noise impacts from general PCCP implementation related to an exceedance of thresholds would also be significant. Therefore, impacts from the Proposed Project/Action related to the generation of noise in excess of thresholds from Project implementation would be significant and unavoidable.

Impact NOI-2: Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels (NEPA: significant; CEQA: significant and unavoidable). Implementation of a PCCP BMP, which is intended to reduce negative vibration effects on fish and wildlife in the Plan Area, would also help reduce vibration effects on humans and structures in the vicinity of vibration-generating Covered Activity or conservation measure work. Implementation of Covered Activities (i.e., development of the local jurisdictions' general plans, including SPRTA and PCWA projects) that require the use of construction equipment could result in the generation of construction vibration and in the exposure of persons to excessive groundborne vibration or noise. In addition, construction activities for conservation measures under the PCCP, could also result in excessive vibration levels if impact pile driving activity were to occur within 175 feet, vibratory pile driving activity were to occur within 100 feet, and other vibration-generating construction activity (e.g., the use of a vibratory roller or hoe ram) were to occur within 50 feet of nearby vibration-sensitive uses. Since the exact locations of future vibration-generating construction activities are not known at this time, construction activity is assumed to potentially occur within these distances, and this impact would be potentially significant. Implementation of Mitigation Measure NOI-2 would reduce impacts related to the generation of excessive vibration; however, it may not be possible to reduce vibration to a less-than-significant level in all instances. Therefore, this impact would be significant and unavoidable.

Impact NOI-3: Generation of a substantial permanent increase in existing ambient noise levels in the project vicinity (NEPA: significant; CEQA: significant and unavoidable). Conservation measures implemented under Alternative 2, the Proposed Project/Action, are not anticipated to result in a substantial permanent increase in noise, as construction and O&M activities associated with conservation measures under PCCP implementation would be short-term and temporary in any given area. This impact would be less than significant. However, as discussed in the EIRs for the local jurisdictions' general plans, it is possible that the implementation of Covered Activities (i.e., development of the local jurisdictions' general plans, including SPRTA and PCWA projects) could result in traffic increases or in the development of stationary noise sources that could have a substantial and permanent effect on ambient noise levels in a given area. Because it would not be possible to reduce the noise impacts associated with Covered Activities to less-than-significant levels, this impact would be significant and unavoidable.

Impact NOI-4: Creation of a substantial temporary or periodic increase in existing ambient noise levels in the project vicinity (NEPA: significant; CEQA: significant and unavoidable). Implementation of conservation measures under Alternative 2, the Proposed Project/Action, would involve the use of construction equipment and could result in a substantial temporary increase in noise. Although implementation of Mitigation Measure NOI-1 would reduce potential construction noise impacts from conservation measures, it is possible that construction noise generated would still constitute a substantial temporary increase in noise and that impacts related to a temporary increase in noise would remain significant. In addition, implementation of Covered Activities (i.e., development of the local jurisdictions' general plans, including SPRTA and PCWA projects) could also result in significant noise impacts even with implementation of Mitigation Measure NOI-1. This is because this mitigation measure would restrict noise-generating activities under the purview of the PCA to daytime hours and includes methods for reducing overall noise generated by heavy equipment. However, it would not be possible to reduce the noise impacts associated with Covered Activities to a less-than-significant level, as the PCA would not be the approving authority for these activities. This impact would be significant and unavoidable.

- **Cumulative Impact Summary Description**: Buildout of the general plans for the jurisdictions encompassed by the Plan Area is anticipated to result in cumulative noise increases related to the construction of various projects in the Plan Area. Noise from these construction projects,

including Covered Activity projects, could combine with noise from conservation measures activities associated directly with the proposed action to result in significant cumulative noise impacts.

Mitigation Measures

The County and City general plans and BMPs would restrict noise-generating and other activities resulting from implementation of Covered Activities. Implementation of Mitigation Measure NOI-1 and NOI-2 would reduce the impacts related to the generation of excessive noise levels from PCCP implementation; however, depending on the specific construction activities required for a future conservation measure or Covered Activity, it may not be possible to reduce construction noise impacts to less-than-significant levels.

Mitigation Measure NOI-1: Implement measures to reduce noise resulting from conservation measures and Covered Activities during construction and O&M activities to ensure compliance with applicable noise standards, where feasible.

Mitigation Measure NOI-2: Employ vibration-reducing construction practices for vibration-generating activities associated with conservation measures and Covered Activities.

FINDING

Changes or alterations have been required in, or incorporated into, the Project that lessen, though not to a less-than-significant level, the significant environmental effects as identified in the Final EIR for project specific or cumulative impacts. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081(a)(1) and (a)(3); State CEQA Guidelines Sections 15091(a)(1) and (a)(3).)

Adoption and implementation of the PCCP could result in the generation of construction noise from the use of heavy equipment for conservation activities and from Covered Activities (i.e., development of the local jurisdictions' general plans, including SPRTA and PCWA projects). Construction activities associated with implementation of the PCCP could result in short-term exceedances in local noise standards. Implementation of Mitigation Measure NOI-1 and NOI-2 would reduce the impacts related to the generation of excessive noise levels from PCCP implementation; however, depending on the specific construction activities required for a future conservation measure or Covered Activity, it may not be possible to reduce construction noise impacts to less-than-significant levels.

The Proposed Project/Action's contribution to this effect would be considered cumulatively considerable, as it is currently not known how near to one another conservation measure activities and other Covered Activities could occur. Although Mitigation Measures NOI-1 and NOI-2 would reduce construction noise impacts associated with the conservation measures under the Proposed Project/Action, cumulative impacts related to construction noise in the Plan Area (including impacts from construction for Covered Activities) may still be significant. Cumulative construction noise impacts would conservatively be considered to be significant and unavoidable.

The EIR for the *Placer County General Plan* stated that traffic noise impacts of general plan implementation would be significant. No mitigation measures were identified that could reduce this impact to a less-than-significant level (Placer County 1994). The EIR for the *City of Lincoln General Plan* determined that general plan implementation, even while incorporating mitigation measures, would result in significant noise impacts related to the generation of noise in excess of thresholds, the generation of excessive vibration, and substantial temporary and permanent increases in noise levels. As

stated in the EIR for the *City of Lincoln General Plan*, there are no feasible mitigation measures that would reduce impacts to a less-than-significant level (City of Lincoln 2008).

Avoidance of these impacts is infeasible for the following reasons:

- No changes to the PCCP would reduce these impacts to less than significant levels, as the impacts are entirely a result of implementation of the Covered Activities.

- No alternative to the PCCP would reduce these impacts to less than significant levels either, since the impacts result from implementation of the Covered Activities, and would occur under the No Action/No Project condition as well as other the Action Alternatives.

- The PCCP requires implementation of Mitigation Measure NOI-1 and NOI-2; however, it would not be possible to reduce the noise impacts associated with Covered Activities to a less-than-significant level. Therefore, the Final EIS/EIR identifies no additional measures that would avoid or substantially lessen this impact. The Placer County Board of Supervisors further finds that there are no additional feasible mitigation measures or alternatives that the County could adopt at this time which would reduce the impacts to less than significant levels.

Finally, while the Proposed Project/Action will result in project and cumulatively significant and unavoidable impacts to noise and vibration, approval and implementation of the Proposed Project/Action will result in the acquisition and protection of large contiguous open space and agricultural landscapes as well as the enhancement and restoration of fish, wildlife, plants and their habitats, including streams, wetlands and other water resources as well as oak woodland. Therefore, the Board finds that the above factors and considerations render additional mitigation infeasible and the Proposed Project/Action's and cumulative impacts to noise and vibration remain significant and unavoidable.

Impact: Transportation and Circulation (Significant/Unavoidable – Cumulatively Considerable)

- **Transportation and Circulation** as a result of a substantial increase in traffic compared to existing traffic volumes and the capacity of the roadway system due to Covered Activities within the local jurisdictions (i.e., urban land uses and associated planned growth).

Impact TRA-1: Result in a substantial increase in traffic and affect capacity of the roadway system (NEPA: significant; CEQA: significant and unavoidable). Impacts on traffic could result from implementation of proposed PCCP conservation activities that require construction activities, such as earthmoving for, and re-contouring of, vernal pools and excavating ponds and channels. These activities would require use of roadways by trucks and, possibly, construction equipment and by automobiles transporting workers. Some construction activity may be necessary on and near roads. However, these construction activities would be short-term and implemented in rural areas where traffic is typically uncongested. Once construction activities are completed, all roadways would be restored to their previous condition, and subsequent activities associated with the implementation of PCCP (e.g., monitoring) would result in little additional traffic on Plan Area roadways.

- **Cumulative Impact Summary Description**: Conclusions in the EIRs for the County General Plan, the City General Plan, and the Placer County Regional Transportation Plan (RTP) are based on analysis of past, present, and reasonably foreseeable future projects. Although the EIR for the Placer County RTP found that implementation of the RTP would not have a cumulatively

considerable impact on the transportation system, regional development would result in increased traffic congestion (Placer County Transportation Planning Commission 2015:4.0-9). Furthermore, the EIRs for the general plans determined that implementation of those general plans would result in cumulatively considerable impacts related to transportation. Because implementation of the PCCP, the proposed action, would be consistent with and facilitate general plan implementation, the proposed action would contribute to a cumulatively considerable impact on transportation and circulation.

Mitigation Measures

Impacts resulting from implementation of Covered Activities would result in a substantial increase in traffic is expected compared to existing traffic volumes and the capacity of the roadway system.

The Final EIR identifies no measures that would avoid or substantially lessen this impact. The County further finds that there are no additional feasible mitigation measures or alternatives that the County could adopt at this time which would reduce Impact TRA-1 to a less than significant level.

FINDING

Changes or alterations have been required in, or incorporated into, the Project that lessen, though not to a less-than-significant level, the significant environmental effects as identified in the Final EIR for project specific or cumulative impacts. Specific economic, legal, social, and technological, or other considerations make infeasible any further mitigation, and the effects therefore remain significant and unavoidable. (PRC Sections 21081(a)(1) and (a)(3); State CEQA Guidelines Sections 15091(a)(1) and (a)(3).)

Cumulatively considerable significant and unavoidable impacts on transportation and circulation could result from implementation of the Proposed Project/Action, as it would also serve to streamline the process for land and infrastructure development in the Plan Area envisioned in the *Placer County General Plan*, *City of Lincoln General Plan*, Placer County RTP, and long-term PCWA plans.

In addition, the proposed PCCP conservation activities require construction activities, such as earthmoving for wetland and habitat restoration. These activities would require use of roadways by trucks and, possibly, construction equipment and by automobiles transporting workers, however these activities would be short-term and implemented in rural areas where traffic is typically uncongested.

The EIR for the *Placer County General Plan* identified significant impacts related to traffic congestion and roadway capacity. Various road and transit improvements and travel demand management measures could reduce the amount of roads operating at an unacceptable LOS, but congestion would still be at levels greater than Placer County's standard by 2040 (Placer County 1994). The EIR for the *City of Lincoln General Plan* determined that general plan implementation, even while incorporating mitigation measures, would result in LOS at unacceptable levels at intersections in unincorporated Placer County, Rocklin, Loomis, and Roseville, and on SR 65 (City of Lincoln 2006; 2008). As stated in the EIRs for these general plans, there are no feasible mitigation measures that would reduce impacts to less-than-significant levels.

The EIR for the Placer County RTP concludes that although regional development would have significant and unavoidable impacts related to traffic congestion, adoption of the Placer County RTP would itself have a less-than-significant impact (Placer County Transportation Planning Commission 2015:3.13-19).

Implementation of PCWA projects may require water system construction work on and near roadways, which could result in short-term impacts on traffic and roadway capacity due to lane closures and detours. As a standard BMP, PCWA requires contractors to prepare and implement a traffic management plan that reduces traffic congestion caused by construction activities.

Avoidance of this impact is infeasible for the following reasons:

- No changes to the PCCP would reduce this impact to a less than significant level, as the impact is entirely a result of implementation of the Covered Activities.

- No alternative to the PCCP would reduce this impact to a less than significant level either since the impact is entirely a result of implementation of the Covered Activities, and would occur under the No Action/No Project condition as well as other the Action Alternatives.

While the Propose Project/Action could result in cumulatively considerable significant and unavoidable impacts from Covered Activities associated with implementation of agency plans and projects, including implementation of general plans for Placer County and the City of Lincoln, it will result in the acquisition and protection of large contiguous open space and agricultural landscapes as well as the enhancement and restoration of fish, wildlife, plants and their habitats, including streams, wetlands and other water resources as well as oak woodland. Therefore, the Board finds that the above factors and considerations render additional mitigation infeasible consistent with the general plans of the City and County, and the Proposed Project/Action's and cumulative impacts would remain significant and unavoidable.

XIV. STATEMENT OF OVERRIDING CONSIDERATIONS

SECTION A. GENERAL INTRODUCTION

When approving a project that is evaluated in a Final Environmental Impact Report (EIR) and that would result in significant, unavoidable environmental impacts, the Lead Agency must adopt a Statement of Overriding Considerations that explains why the project's economic, legal, social, technological, or other benefits outweigh its unavoidable environmental risks (Cal. Public Resources Code section 21081, subdivision (b); CEQA Guidelines Section 15093).

SECTION B. FINDING REGARDING SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL EFFECTS

As discussed in the findings above, the Placer County Board of Supervisors' approval of the Placer County Conservation Program and related actions[4] could result in significant adverse environmental effects, project specific or cumulatively, that cannot be avoided even with the adoption of all available feasible mitigation measures. In addition, there are no feasible alternatives to the Proposed Project/Action that would avoid or substantially lessen these impacts. Despite the risk that these effects could occur, however, the Board has decided to approve the Proposed Project/Action because, in its

[4] Actions related to the approval of the PCCP include: execution of the Implementing Agreement for the HCP/NCCP; acceptance of incidental take permits by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service; acceptance of an NCCP permit from the California Department of Fish and Wildlife; adoption of the federal Habitat Conservation Plan and state Natural Community Conservation Plan; adoption of the County Aquatic Resources Program; and adoption and amendment of related plans and ordinances.

view, the Proposed Project/Action's economic, legal, social, and other benefits, including environmental permitting efficiencies and natural resources conservation, outweigh the risk of significant unavoidable environmental effects.

This section provides the County's Statement of Overriding Considerations, as required by section 21081(b) of the Public Resources Code and section 15093 of the CEQA Guidelines.

SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL EFFECTS

Tables ES-1, ES-2, and ES-3 summarize significant and unavoidable effects, as disclosed in Chapter 4, *Environmental Consequences*, of the EIS/EIR. The Project could result in significant and unavoidable effects to the resources broadly described below:

- **Agricultural and Forestry Resources** as a result of converting agricultural lands to urban land uses or native habitat within the Plan Area.
- **Air Quality, Greenhouse Gases, and Climate Change** as a result of conflicts with applicable Placer County Air Pollution Control District air quality plans due to Covered Activities (i.e., urban land uses identified in the general plans of the County and the City); violations of air quality standards as a result of Covered Activities; causing cumulatively considerable net increases in criteria pollutants as a result of Covered Activities; exposing sensitive receptors to substantial pollutant concentrations as a result of Covered Activities; generation of greenhouse gas (GHG) emissions as a result of Covered Activities and implementation of the Plan; and conflict with GHG emissions reduction targets codified in California Assembly Bill 32.
- **Cultural and Paleontological Resources** as a result of risk of direct or indirect destruction of paleontological or previously identified and unknown cultural resources resulting from Covered Activities (i.e., ground-disturbing development activities) associated with implementation of the County General Plan.
- **Hydrology and Water Quality** as a result of exposing structures and people to loss, injury, death involving flooding due to Covered Activities within the City of Lincoln (i.e., urban land uses identified in City General Plan).
- **Noise and Vibration** as a result of substantial and permanent increase in noise levels above levels currently existing due to Covered Activities (i.e., urban land uses identified in general plans of County and the City, as well as public infrastructure projects) and construction and operations and maintenance activities associated with implementation of the Plan; substantial temporary or periodic increase in ambient noise levels; and increases in excessive groundborne vibrations and groundborne noise levels associated with Covered Activities and construction activities associated with implementation of Plan conservation measures.
- **Transportation and Circulation** as a result of a substantial increase in traffic compared to existing traffic volumes and the capacity of the roadway system due to Covered Activities within the local jurisdictions (i.e., urban land uses and associated planned growth).

Mitigation Measures

The Final EIS/EIR identifies nine (9) mitigation measures, which are included in the Mitigation Monitoring and Reporting Program (MMRP) adopted by the Board and incorporated herein by reference. No additional feasible mitigation measures were identified for these significant and unavoidable impacts.

It is important to note that the County's and City's land use plans and policies, not the Proposed Project/Action, determine what land uses will be allowed and what growth and development can occur in the Plan Area. The PCCP and related permits provide a streamlined mechanism for certain growth and development (i.e., the Covered Activities) to comply with state and federal endangered species acts and the Clean Water Act, replacing the standard permitting mechanisms under these laws. These standard permitting mechanisms would remain available if the PCCP were not approved, and most if not all Covered Activities could still be constructed or implemented. The EIS/EIR analyzed the Covered Activities' effects on biological resources, hydrology, and water quality that would be covered by the PCCP and related permits. It also analyzed other reasonably foreseeable environmental effects of Covered Activities to provide context for the analysis of the Proposed Project/Action and alternatives. Most of the significant and unavoidable environmental effects identified in the EIS/EIR would not be covered by the PCCP or related permits and could occur regardless of whether the Proposed Project/Action is approved.

In its analysis of the potential impacts of the Project, the EIS/EIR considered fundamental components of the Project that would reduce Covered activities' effects on biological resources, hydrology, and water quality. Under the PCCP, these measures are required to be implemented during the design and construction of Covered Activities. The Project's Conditions on Covered Activities and Avoidance and Minimization Measures are included in and integral components of the Project.

In its analysis of other reasonably foreseeable environmental effects from Covered Activities, the EIS/EIR considered the extent to which existing local, state, and federal environmental laws and regulations pertinent to each resource analyzed would reduce the Project's effects. The EIS/EIR also considered existing City and County general plan policies that would reduce the Project's effects. The regulations are listed in the "Regulatory Setting" discussions in the EIS/EIR in Chapter 3, Affected Environment. Where regulations or policies would not avoid the potential impact or reduce it below a level of significance, the EIS/EIR included a mitigation measure, where available, that will further avoid or reduce that impact. For Impact AQ-1, for example, the EIS/EIR includes Mitigation Measure AQ-1: Implement FRAQMD exhaust controls and criteria pollutant offsets during construction and O&M activities.

FINDING

Pursuant to CEQA section 21081, subdivision (b), and CEQA Guideline 15093, after considering the information contained in the Final EIS/EIR for the Project, the public testimony and record in proceedings in which the Project was considered, and other information in the record, the Placer County Board of Supervisors finds:

- **All available feasible mitigation measures have been included in the MMRP, and no additional feasible mitigation measures are available that would substantially lessen the Project's significant unavoidable environmental effects; and**

- **Each of the specific overriding economic, legal, social, technological and other benefits of the Project set forth in Section C below independently and collectively outweighs the significant and unavoidable environmental effects of the Project and is an overriding consideration warranting its approval.**

SECTION C.

SPECIFIC OVERRIDING CONSIDERATIONS

1. **The Project will achieve long-standing County objectives established in the Planning Agreement for the PCCP.** The Project is the culmination of nearly 20 years of Board of Supervisors' policy direction and work by the County and other Permit Applicants to achieve specific conservation objectives. The Project would achieve all of these objectives. Based on the Planning Agreement for the PCCP executed in 2001, the specific objectives for the Project are to:

- Provide comprehensive species, natural community, and ecosystem conservation in the Plan Area.
- Provide for the conservation and management of the Covered Species in the Plan Area and contribute to the recovery of listed species in Placer County and Northern California.
- Protect and enhance biological and ecological diversity in Placer County.
- Establish a regional system of habitat reserves to preserve, enhance, restore, manage, and monitor native species and the habitats and ecosystems upon which they depend.
- Enhance and restore stream and riparian systems inside and outside the habitat reserves to provide additional benefit to native fish and other stream-dwelling species.
- Allow issuance of federal permits to the Permittees for lawful incidental take of species listed as threatened or endangered pursuant to the ESA resulting from development under the Permittees' adopted plans, policies, and programs.
- Allow issuance of a state authorization to the Permittee for lawful take of both non-listed species and species listed as threatened or endangered pursuant to the CESA resulting from development under the Permit Applicants' adopted plans, policies, and programs.
- Streamline and simplify the process for future incidental take authorization of currently non-listed species that may become listed pursuant to the ESA or CESA during the permit term.
- Standardize avoidance, minimization, mitigation, and compensation requirements of all applicable laws and regulations related to biological and natural resources within the Plan Area so that public and private actions will be governed equally and consistently, thereby reducing delays, expenses, and regulatory duplication.
- Provide a less costly, more efficient project review process that will result in greater conservation than the current project-by-project, species-by-species endangered species compliance process.
- Provide a streamlined aquatic resource protection and permitting process, the CARP, to provide the basis for streamlined USACE/CWA permitting and 1602 permitting for PCCP Covered Activities, as well as provide the basis for a CWA Section 404 PGP for Covered Activities and a programmatic certification of the PGP by the Regional Water Quality Control Board under CWA Section 401.

- Provide a means for local agencies receiving permits to extend incidental take authorization to private entities subject to their jurisdiction, integrating endangered species permitting with local land use authorization.

2. **The PCCP will facilitate economic development and streamline permitting for infrastructure projects.** Adoption of the PCCP will facilitate the economic development of western Placer County and benefit its residents and businesses by making environmental review and permitting more efficient, timely, and predictable. Without the PCCP, public infrastructure and private development projects are likely to continue to encounter substantial cost, time delays, and legal conflicts prior to being constructed or implemented due to the length of time it takes to secure individual permits. This consideration is especially important now in the post-COVID-19 recovery period. With the PCCP, public and private infrastructure and other projects will be afforded greater certainty of contributing to the economic stimulus and recovery.

3. **The PCCP balances projected economic growth and development, and construction of infrastructure projects, with natural resources conservation.** The PCCP streamlines environmental review and permitting for economic growth, development, and infrastructure projects identified in the County general plan, City of Lincoln general plan, and Covered Activities of the Placer County Water Agency and South Placer Regional Transportation Authority and establishes a program to implement a comprehensive landscape-level conservation strategy and measures identified in PCCP Chapter 5 – *Conservation Strategy* and will create a large, interconnected reserve system of lands that ensures perpetual protection of restored habitat for sensitive species. Based on the Avoidance, Minimization, and Mitigation measures included in the PCCP, and other PCCP requirements, the PCCP will ensure that covered economic growth and development, and infrastructure projects, will not conflict or interfere with the successful implementation of the PCCP's conservation strategy.

   The PCCP's conservation strategy maps out a path to protecting and restoring resource values on a large land area, consistent with foreseen continuing urban growth and thus serves to mitigate the impact of growth on biological resources at a regional scale. Accordingly, biological objectives are expressed as quantitative commitments for land acquisition, protection, and natural and semi-natural community restoration. Some commitments are independent of effects and are not directly tied to the impacts of Covered Activities; some commitments are dependent on effects and provide for additional restoration and creation to mitigate specific Covered Activity effects. To illustrate this distinction as one example: the PCCP commits to protecting a certain acreage of vernal pool complex lands independent of Covered Activity effects because those resources need to be protected to meet the regional scale conservation objective, regardless of impact on that resource. The PCCP also commits to restoring or creating additional vernal pool wetland acreage dependent on Covered Activity effects, in a prescribed 1.5:1 ratio to the amount of vernal pool wetlands actually lost to further mitigate Covered Activity impacts and to meet the CWA no net loss requirement. As opposed to the status-quo, all conservation and mitigation under the PCCP is required to be implemented within the County, and a portion of Raccoon Creek and the Cross Canal watershed within Sutter County, affording a greater balance of conservation and economic development.

4. **The PCCP will provide more effective mitigation for Covered Activities' effects on habitat and aquatic resources that will be implemented in advance of the effects.** The PCCP requires compensatory mitigation that meets specific standards and requirements approved by state and federal regulatory agencies, including a requirement to assemble mitigation and conservation

lands over time into a large, diverse, and ecologically connected reserve system and use adaptive management and monitoring techniques in perpetuity. In addition, the benefits of the regional Reserve System will offset the adverse effects of loss of habitat to Covered Activities before such effects occur because assembly of the Reserve System will lead or "stay-ahead" of such effects – the PCA is required to conserve habitat faster than Covered Activities remove habitat. To meet the stay-ahead provision during the early implementation phase, nearly 3,600 acres of existing lands contributing to the biological goals and objectives of the PCCP have already been purchased by the County with non-mitigation funding under the Placer Legacy program and will be included in the Reserve System and counted toward acquisition commitments in order to "jump-start" implementation.

5. **The PCCP will create a large, interconnected Reserve System.** The PCCP's conservation strategy will progressively establish a large system of interconnected blocks of conserved land within Placer County. The Reserve System will provide for protection, management, enhancement, restoration, and creation of natural community types, particularly as habitat for Covered Species and for protection for individuals and enhancement of populations of Covered Species. The Reserve System will be created by acquiring and managing large interconnected blocks of land where ecological sustainability can be maintained, including hydrologic function and land-cover diversity, while minimizing incompatibility of continuing land uses. The Reserve System established for the PCCP will build on a large area comprising approximately 21,800 acres of existing protected lands which includes private mitigation banks, land trust holdings, and public lands, a large portion of which was acquired by Placer County under the Placer Legacy program to support PCCP implementation. Over the 50-year permit term, the PCCP will conserve approximately 47,300 acres for natural and semi-natural community protection and restoration. The PCCP will also promote efficient environmental compliance for Reserve System management, restoration, and enhancement.

6. **The PCCP will protect and restore vernal pools.** The PCCP Reserve System will increase natural community protection, substantially adding to present protected vernal pool complex lands in the Valley and oak woodland in the Foothills, and adding a significant component of aquatic/wetland and riverine/riparian complex conservation in the Stream System, and agricultural lands surrounding Valley reserve lands.

7. **The PCCP will protect and restore stream systems.** The PCCP implements Stream System protection and enhancement of Covered Species' habitats and water quality and maintains connectivity in the Reserve System. In-stream enhancement actions include removal or modification of barriers to fish passage, screening water diversions, improvement of in-channel features, and non-native fish control. The PCCP provides for protection, enhancement, restoration, and creation of the aquatic/wetland complex natural community including the surrounding upland necessary to sustain the wetlands' hydrological function. Conservation measures on the reserve lands and implementation of the conservation strategy will accomplish avoidance and minimization on a regional scale.

   Protecting, maintaining, and enhancing the integrity of the streams and floodplains of western Placer County is a key goal of the PCCP. Even though the present condition of the affected stream system may be in agriculture or contain upland communities such as grassland and oak woodland, and even if the affected area may be in a degraded condition, the PCCP requires restoration as riverine/riparian habitat elsewhere in the Stream System. This requirement is meant to sustain the overall function of the stream system and counter the impact of continuing diminution of this important part of the western Placer County landscape. Salmonid and many

other Covered Species' habitat is within the Stream System. The Stream System provides a connection linking protected lands along east-west corridors and habitat connectivity north and south.

8. **The PCCP will provide funding for adaptive management of the Reserve System**. The PCCP Reserve System will be adaptively managed using revenues from development fees. Adaptive management measures performance, tests alternative management methods, and adjusts future management actions based on the best available information. Monitoring results will be used for adaptive management to improve applied conservation techniques and to respond to changing regional trends, including those associated with global climate change. It allows the PCCP to respond to changing conditions, new scientific findings, and experience gained in implementation not possible with in the *status-quo* land management.

9. **The PCCP will engage the public and scientific community in the implementation of the PCCP conservation strategy.** Public input is fundamental to ensuring the success of and continuing support for the PCCP throughout implementation. Meetings of the PCA Board will be open to the public, and public comments will be solicited and heard at each meeting. The PCCP will establish a public advisory committee to solicit input from stakeholders with interest in PCCP implementation. Committee meetings will be open to the public and committee members will be drawn from a variety of interest groups, including conservation advocacy organizations, landowner groups, and development interests.

   The PCA will engage Science Advisors on a regular basis to provide advice on PCCP implementation. The role of the Science Advisors will be to provide science-based expert opinion and recommendations, peer review, and feedback regarding key scientific aspects of PCCP implementation such as reserve design, reserve management, monitoring protocols, and grant proposals. Science Advisors will review annual reports to provide recommendations about how to improve the efficacy of the monitoring and research program and adaptive management process.

10. **The PCCP will likely increase state and federal funding for natural resources restoration in Placer County**. The restoration economy has a substantial local multiplier effect and the PCCP represents an important local commitment to the market for ecosystem services (*Economic Evaluation of the Placer County Conservation Program*, Hausrath Economics Group - 2018). One of the benefits of the PCCP over *status-quo* conditions for mitigating impacts to species and habitat is the ability of the PCCP to tap diverse sources of public funding. This is evident in state and federal agency commitments to the public conservation component of the PCCP. Placer County has been successful to-date in competitive funding for both land acquisition and planning funds offered by state and federal sources, attracting over $9.3 million in state and federal grant funds. Higher levels of state and federal spending in Placer County are likely as the PCCP will be eligible for much greater state and federal grant funding for conservation and restoration. The flow of state and federal dollars into the local economy would have direct and indirect economic impacts—stimulating business activity, jobs, income, and consumer spending.

11. **The PCCP will provide a less costly, more efficient, environmental review and permitting process for Covered Activities.** The PCCP will provide substantial benefits to the County and other Permittees by reducing the uncertainty, time delays, and costs of state and federal environmental permitting for projects within their jurisdiction. The PCCP offers a comprehensive and long-term 50-year Incidental Take Permit for Covered Species and their habitat through a simple fee system for public infrastructure and private projects for compliance

with federal and state endangered species and related regulations. Once a project's impacts have been determined through surveys, and compliance with the PCCP's Conditions on Covered Activities and Avoidance, Minimization and Mitigation Measures have been demonstrated, a development fee is paid and the project proponent can receive permit coverage under state and federal endangered species acts directly from the County or City. This fee-based mitigation program eliminates the often uncertain and costly, time delayed process of working through competing local, state, and federal policies and agendas.

The PCCP's streamlined environmental review and permitting process will save public and private projects time and money by eliminating the current project-by-project negotiation through a myriad of local, state, and federal mitigation requirements, avoidance and minimization measures, and other conditions . The current regulatory process is slow, costly and often times redundant. It often results in significant project delays and costs and the resulting mitigation is disjointed and uncoordinated between the local, state and federal agencies because no single conservation strategy exists to meet the requirements of the *status-quo* regulatory process.

The Project would implement a standardized and comprehensive set of programmatic Avoidance, Minimization, and Mitigation Measures and Conditions on Covered Activities outlined in HCP/ NCCP Chapter 6 – *Program Participation and Conditions on Covered Activities* for impacts to Covered Species and habitat that are approved by the state and federal Agencies. While many other market and location factors are more significant to the overall pace of development than is planning for species and habitat conservation, it is reasonably foreseeable that the development process would become increasingly protracted without the PCCP. Under a continuation of the existing regulatory regime and planning process, projects would be less able to respond to market opportunities and to adapt projects to changes in market conditions.

The PCCP will also provide a substantial benefit to County and Permittees by reducing the uncertainty, time delay and cost of compliance under state, and federal laws protecting aquatic resources. Public infrastructure and private projects commonly encounter substantial cost, time delays, and legal conflicts when protected wetlands and other aquatic resources will be affected by a project. The current project-by-project permitting process that is often fraught with uncertainties, delays and higher costs. Under the PCCP this process is replaced with a streamlined permitting process and fee program that supports programmatic Clean Water Act Section 404 permits and a programmatic Section 401 certification from the California Regional Water Quality Control Board for Covered Activities. Instead of individual project proponents, the County or the Placer Conservation Authority, the implementing entity for the PCCP, will be responsible for implementing compensatory mitigation projects for effects on aquatic resources. Public and private projects will be afforded greater certainty as to the cost and timeline for compliance with sensitive species and their habitats, including wetlands, issues for each project.

12. **The PCCP establishes a "regional" Least Environmentally Damaging Practicable Alternative (LEDPA) consistent with the Corps and U.S. EPA's CWA §404 (b)(1) guidelines.** The LEDPA provides greater certainty for Covered Activities in permitting under the Clean Water Act. Under the PCCP, areas are identified for protection as part of a regional reserve system (Reserve Acquisition Area - RAA), while certain other areas are identified for development (Planned Future Growth Area - PFG). The RAA has been established based on sound scientific principles of conservation biology with the objective of meeting both the

biological requirements of the sensitive and covered species in western Placer County as well as providing for the long-term conservation of the areas' natural communities.

The standard permitting approach currently used under the Clean Water Act for development in Placer County can result in fragmentation of large vernal pool landscapes, as vernal pools are often preserved on the site of development projects under standard project-by-project guidance for on-site avoidance, minimization, and mitigation. This fragmentation exposes conservation sites to myriad threats associated with isolation in a matrix of suburban sprawl while foreclosing options for "natural" disturbance (e.g. burning and grazing) needed to maintain the health, biodiversity, and productivity of landscapes set-aside via "avoidance" measures or for mitigation.

Under the PCCP, the construction and implementation of Covered Activities will occur primarily in the PFG, and effects on existing aquatic resources and endangered species habitat in the RAA will be largely avoided. This framework provides avoidance and protection of thousands of acres of vernal pool grasslands, riparian forests, and oak woodlands within the RAA and thousands of acres of development according to County and City land use plans and policies within the PFG. Degraded parcels connecting priority conservation lands are targeted for enhancement and restoration as part of a regional compensatory mitigation strategy.

Under the LEDPA, within the PFG avoidance is limited primarily to stream corridors (Stream System), floodplains, wetlands adjacent to streams, and Low Impact Development Strategies (LIDS) incorporated into project design. These avoidance strategies are focused on mitigating negative impacts to water quality and surface water runoff by meeting conservation management objectives at the watershed-scale. The function of the LIDS is to mitigate for the direct, secondary, and cumulative impacts of on-site development, and to improve upon pre-construction environmental conditions (thereby reversing historical environmental damage and degradation). The LIDS will be designed to produce post-construction environmental conditions that represent an improvement in ecological health and function. This methodology allows for filling some on-site jurisdictional waters so long as the lost functions and services can be re-created and amplified elsewhere. Together, the LIDS and the Stream System setbacks will minimize adverse impacts from the introduction of new impervious surfaces, installation of storm drains, construction of wastewater treatment facilities and transportation infrastructure, landscaping, and other human activities.

13. **The PCCP will provide programmatic state and federal incidental take permits for Covered Activities.** The PCCP will reduce the uncertainty, time delay and cost of local, state, and federal endangered species compliance for Covered Activities. Public infrastructure and private projects commonly encounter substantial cost, time delays, and legal conflicts when sensitive species and their habitats are affected by a project. The current project-by-project process that is often fraught with uncertainties, delays and higher costs is replaced under the PCCP with Federal ESA Section 10 programmatic Incidental Take Permits for 14 animal species from the U.S. Fish & Wildlife Service and NOAA National Marine Fisheries Service, and a Section 2081 Permit from the California Department of Fish & Wildlife. These actions will allow the County to extend its programmatic Incidental Take Permit coverage to projects that meet and comply with the PCCP requirements. The Placer Conservation Authority, the implementing agency for the PCCP, will be responsible for implementing habitat conservation, restoration, and enhancement mitigation requirements instead of project proponents. Public and

private projects are afforded greater certainty as to the cost and timeline for compliance with sensitive species and their habitats issues for each project.

14. **The PCCP will maintain and improve ecosystem services and quality of life for the citizens of Placer County.** The PCCP will maintain and improve benefits that the citizens of Placer County enjoy from healthy natural habitats and working lands, including safe and reliable water supplies, clean air, plant pollination, wildlife species and habitat protection, recreation, soil formation and fertility, carbon sequestration and storage, pest and disease control. The PCCP investment in land acquisition, restoration, and natural lands management offers landowners a market for the conservation value of lands and potential cost sharing for such factors of production as water supply infrastructure and fencing. The PCCP represents an important local initiative to support rangeland and grassland conservation and the provision of ecosystem services.

    Quality-of-life and scenic rural character continue to define Placer County's appeal to many segments of business, employment, housing, and education markets. The PCCP offers direct and indirect benefits to Placer County's natural environment and the range of values that various stakeholders derive from protected habitat, open space, and working lands. A landscape level conservation strategy and the application of consistent compensatory mitigation and land management practices, combined with a perpetual endowment providing a long-term commitment of funding for maintenance and management of the reserve system, represent substantial improvement over the *status quo*.

15. **The PCCP will protect agricultural lands, ensuring they will not be converted to non-agricultural uses**. Agriculture is an important component of the economy and culture of Placer County. While normal agricultural activities are exempt from the PCCP's requirements, the PCCP will preserve 8,240 acres of agricultural lands, of which 2,000 acres of rice production is required to be conserved and managed for species benefits. The remaining 6,240 acres will not be required to be maintained in any particular crop type, and therefore will not count toward meeting the permit requirements or habitat commitments for mitigation. The crops planted on the 6,240 acres will vary depending on market demand, future water availability, climate change, and a host of other factors. The 6,240 acres will conserve representative natural and semi-natural landscapes, serve as buffers between incompatible land uses and reserve properties, maintain the ecological integrity of large habitat blocks, provide ecosystem function and biologically diversity, and sustain the effective movement and interchange of organisms between habitat areas in a manner that maintains the ecological integrity of the habitat areas within western Placer County.

    Maintaining or placing Williamson Act Contracts on PCCP Reserve System lands or recording conservation easement(s) is not precluded by the PCCP if easements recognize the agricultural nature of the property and do not preclude such activity. Grazing is an important component for managing invasive plants and reducing fuel loads. Substantial total economic value from the range of services generated by resource conservation practices on rangelands will continue under the PCCP: livestock production, drinking and irrigation water quality improvements, species conservation, biodiversity conservation and pollination, carbon sequestration and aesthetic benefits. Some conservation practices will make economic sense for ranchers, while others, where the benefits accrue to the public generally (water quality, species conservation, aesthetics) are funded through the PCCP fee program. The PCCP investment in land acquisition, restoration, and natural lands management offers agricultural and other willing landowners a potential source of revenue for the conservation value of their lands.

16. **The PCCP will establish a funding mechanism for its conservation program.** To receive incidental take permits under the state and federal endangered species acts, the PCCP is required to create a secure source of funding for the implementation of its conservation strategy. The total cost of implementation is estimated to be $1.2 billion, including $103 million to build an endowment to fund reserve management and monitoring costs in perpetuity, and $13 million to reimburse the County for PCCP preparation costs. Development fees and other sources of funding to mitigate the effects of Covered Activities provide about 71 percent of total PCCP revenues. Other revenues, including state and federal grant funding, is expected to fund the conservation cost share of total costs. The fees will be adjusted annually, every five years, and over-time based on inflation and other changes in costs consistent with California's Mitigation Fee Act.

SECTION D.

CONCLUSION

The EIR component of the joint EIS/EIR for the PCCP was prepared pursuant to CEQA and the CEQA Guidelines. The Placer County Board of Supervisors has independently determined that the EIS/EIR fully and adequately addresses the impacts and mitigations of the PCCP and related programs as the Proposed Project/Action.

The Placer County Board of Supervisors has balanced these project benefits and considerations against the unavoidable and irreversible environmental effects identified in the EIR and has concluded that those impacts are outweighed by the project benefits. In conclusion, the Board finds that any remaining (residual) effects on the environment attributable to the PCCP, which are found to be unavoidable in the preceding Findings of Fact, are acceptable due to the overriding benefits of the PCCP and its implementation as set forth in Sections B (Specific Findings) and C (Overriding Considerations) of this Statement of Overriding Considerations.

The Placer County Board of Supervisors concludes that the Placer County Conservation Program should be adopted and implemented in its entirety.

Attachment A: EIS/EIR Figure 1-1 Plan Area

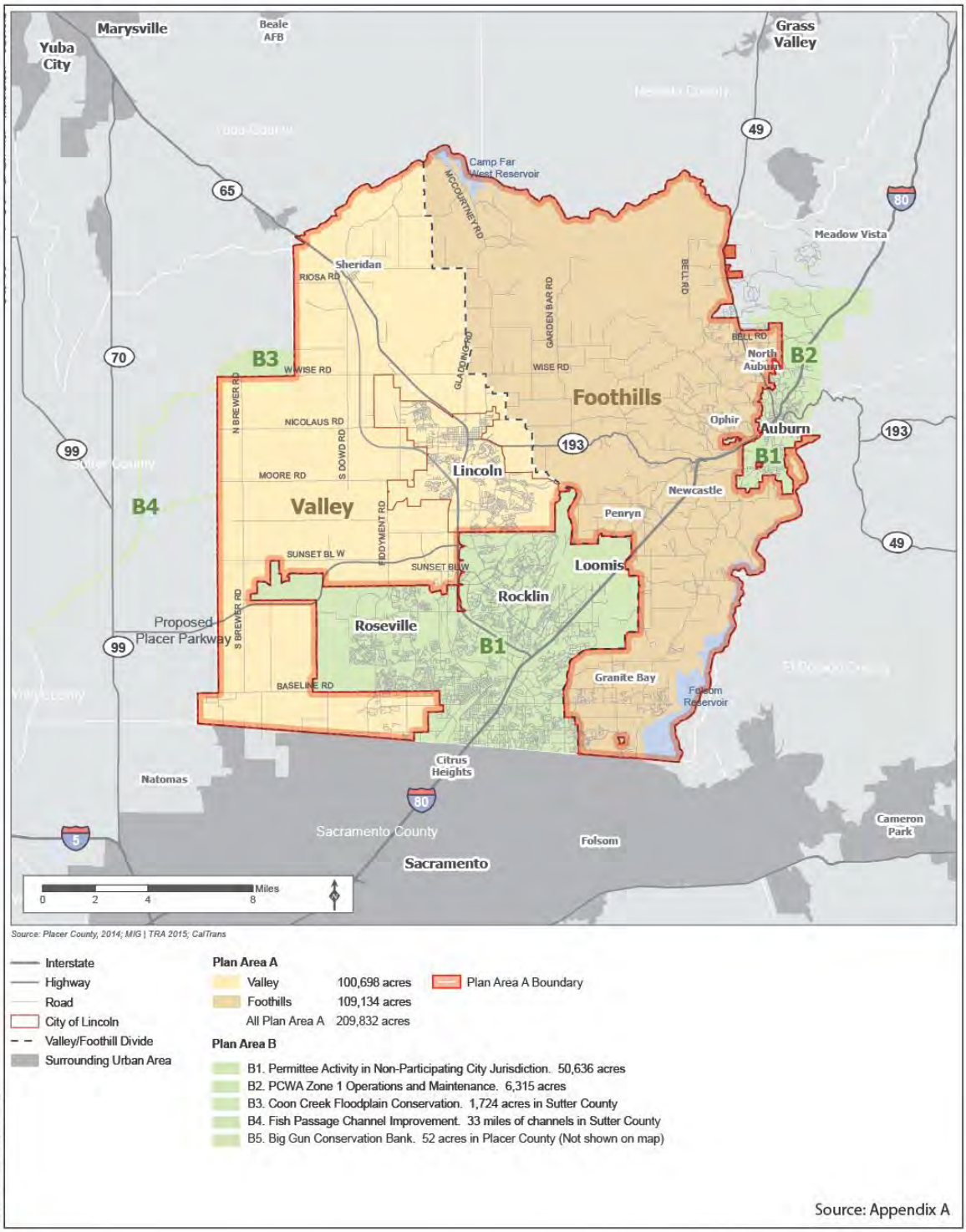


Figure 1-1
Plan Area
Placer County Conservation Program – EIS/EIR

Attachment B

Table ES-1. Summary of Impact Determinations by Species Considered

Common Name	Covered Species?	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Fish					
Central Valley steelhead	Yes	LTS	LTS	LTS	LTS
Central Valley fall/late fall-run Chinook salmon	Yes	LTS	LTS	LTS	LTS
Hardhead	No	LTS	LTS	LTS	LTS
Pacific lamprey	No	LTS	LTS	LTS	LTS
Invertebrates					
Valley elderberry longhorn beetle	Yes	LTS	LTS	LTS	LTS
Conservancy fairy shrimp	Yes	S/SU	LTS	LTS	LTS
Vernal pool fairy shrimp	Yes	S/SU	LTS	LTS	LTS
Vernal pool tadpole shrimp	Yes	S/SU	LTS	LTS	LTS
Amphibians					
California red-legged frog	Yes	LTS	LTS	LTS	LTS
Foothill yellow-legged frog	Yes	LTS	LTS	LTS	LTS
Western spadefoot	No	S/SU	LTS	LTS	LTS
Reptiles					
Giant garter snake	Yes	LTS	LTS	LTS	LTS
Western pond turtle	Yes	LTS	LTS	LTS	LTS
Coast horned lizard	No	LTS	LTSM	LTSM	LTSM
Birds					
Swainson's hawk	Yes	S/SU	LTS	LTS	LTS
California black rail	Yes	LTS	LTS	LTS	LTS
Western burrowing owl	Yes	S/SU	LTS	LTS	LTS
Tricolored blackbird	Yes	S/SU	LTS	LTS	LTS
Mammals					
Non-covered bats	No	LTS	LTSM	LTSM	LTSM
American badger	No	S/SU	LTSM	LTSM	LTSM

S/SU = significant (NEPA) / significant and unavoidable (CEQA); LTS = less than significant; LTSM = less than significant with mitigation.

Table ES-2. Summary of Impact Determinations by Resource

Resource	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Agricultural and Forestry Resources	S/SU	S/SU	S/SU	S/SU
Air Quality, Greenhouse Gases, and Climate Change	S/SU	S/SU	S/SU	S/SU
Biological Resources	S/SU	LTSM	LTSM	LTSM
Cultural and Paleontological Resources	S/SU	S/SU	S/SU	S/SU
Hydrology and Water Quality	S/SU	S/SU	S/SU	S/SU
Land Use and Planning	NI	LTS	LTS	LTS
Mineral Resources	NI	LTS	LTS	LTS
Noise and Vibration	S/SU	S/SU	S/SU	S/SU
Population and Housing, Socioeconomics, and Environmental Justice	LTS	LTS	LTS	LTS
Recreation	LTS	LTS	LTS	LTS
Transportation and Circulation	S/SU	S/SU	S/SU	S/SU

S/SU = significant (NEPA) / significant and unavoidable (CEQA); LTS = less than significant; LTSM = less than significant with mitigation; NI = no impact.

Table ES-3. Summary of Impacts and Mitigation Measures

Impact	Level of Significance: NEPA	Level of Significance: CEQA	Mitigation Measure	Significance after Mitigation: NEPA	Significance after Mitigation: CEQA
Agricultural and Forestry Resources					
Alternative 2—Proposed Action					
Impact AG-1: Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use	S	SU		N/A	N/A
Impact AG-2: Conflict with existing zoning for agricultural use or with a Williamson Act contract	S	SU		N/A	N/A
Impact AG-3: Conflict with existing zoning of forest land, timberland, or timberland zoned Timberland Production	NI	NI		N/A	N/A
Impact AG-4: Loss of forest land or conversion of forest land to non-forest use	NI	NI		N/A	N/A
Air Quality, Greenhouse Gases, and Climate Change					
Alternative 2—Proposed Action					
Impact AQ-1: Conflict with or obstruct implementation of the applicable air quality plan	S	SU	Mitigation Measure AQ-1: Implement FRAQMD exhaust controls and criteria pollutant offsets during construction and O&M activities	S	SU
Impact AQ-2: Violation of any air quality standard or substantial contribution to an existing or projected air quality violation	S	SU	Mitigation Measure AQ-1: Implement FRAQMD exhaust controls and criteria pollutant offsets during construction and O&M activities	S	SU
Impact AQ-3: Potential to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard	S	SU	Mitigation Measure AQ-1: Implement Feather River Air Quality Management District exhaust controls and criteria pollutant offsets during construction and operations and maintenance activities	S	SU
Impact AQ-4: Exposure of sensitive receptors to substantial pollutant concentrations	S	SU		N/A	N/A
Impact AQ-5: Potential to create objectionable odors affecting a substantial number of people	LTS	LTS		N/A	N/A

Impact	Level of Significance: NEPA	Level of Significance: CEQA	Mitigation Measure	Significance after Mitigation: NEPA	Significance after Mitigation: CEQA
Impact AQ-6: Generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment	S	SU		S	SU
Impact AQ-7: Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases	S	SU		S	SU
Biological Resources					
Alternative 2—Proposed Action				N/A	N/A
Impact BIO-1: Effects on vernal pool complex	LTS	LTS		N/A	N/A
Impact BIO-2: Effects on grassland	LTS	LTS		N/A	N/A
Impact BIO-3: Effects on aquatic/wetland complex	LTS	LTS		N/A	N/A
Impact BIO-4: Effects on riverine/riparian complex	LTS	LTS		N/A	N/A
Impact BIO-5: Effects on oak woodland	LTS	LTS		N/A	N/A
Impact BIO-6: Effects on valley oak woodland	LTS	LTS		N/A	N/A
Impact BIO-7: Effects on special-status plants in vernal pool habitats	S	S	Mitigation Measure BIO-1: Conduct surveys for and avoid special-status plants in proposed restoration and enhancement areas	LTS	LTS
Impact BIO-8: Effects on special-status plants in oak woodland habitats	S	S	Mitigation Measure BIO-1: Conduct surveys for and avoid special-status plants in proposed restoration and enhancement areas	LTS	LTS
Impact BIO-9: Effects on special-status plants in grassland habitats	S	S	Mitigation Measure BIO-1: Conduct surveys for and avoid special-status plants in proposed restoration and enhancement areas	LTS	LTS
Impact BIO-10: Effects on special-status plants in fresh emergent marsh and riverine habitats	S	S	Mitigation Measure BIO-1: Conduct surveys for and avoid special-status plants in proposed restoration and enhancement areas	LTS	LTS

Impact	Level of Significance: NEPA	Level of Significance: CEQA	Mitigation Measure	Significance after Mitigation: NEPA	Significance after Mitigation: CEQA
Impact BIO-11: Potential for construction and operation effects on Chinook salmon (fall-/late fall–run) and Central Valley steelhead	LTS	LTS		N/A	N/A
Impact BIO-12: Potential for construction and operation effects on non-covered species (hardhead and Pacific lamprey)	LTS	LTS		N/A	N/A
Impact BIO-13: Effects on valley elderberry longhorn beetle	LTS	LTS		N/A	N/A
Impact BIO-14: Effects on vernal pool branchiopods	LTS	LTS		N/A	N/A
Impact BIO-15: Effects on California red-legged frog	LTS	LTS		N/A	N/A
Impact BIO-16: Effects on foothill yellow-legged frog	LTS	LTS		N/A	N/A
Impact BIO-17: Effects on western spadefoot, a non-covered species	LTS	LTS		N/A	N/A
Impact BIO-18: Effects on giant garter snake	LTS	LTS		N/A	N/A
Impact BIO-19: Effects on western pond turtle	LTS	LTS		N/A	N/A
Impact BIO-20: Effects on coast horned lizard, a non-covered species	S	S	Mitigation Measure BIO-2: Conduct preconstruction surveys for coast horned lizard	LTS	LTS
Impact BIO-21: Effects on Swainson's hawk	LTS	LTS		N/A	N/A
Impact BIO-22: Effects on California black rail	LTS	LTS		N/A	N/A
Impact BIO-23: Effects on burrowing owl	LTS	LTS		N/A	N/A
Impact BIO-24: Effects on tricolored blackbird	LTS	LTS		N/A	N/A
Impact BIO-25: Effects on non-covered bats	S	S	Mitigation Measure BIO-3: Conduct preconstruction surveys for roosting bats and implement protective measures when implementing certain PCCP conservation measures	LTS	LTS
Impact BIO-26: Effects on American badger, a non-covered species	S	S	Mitigation Measure BIO-4: Conduct preconstruction survey for American badger when implementing certain PCCP conservation measures	LTS	LTS
Impact BIO-27: Effects on protected wetlands and waters	LTS	LTS		N/A	N/A

Impact	Level of Significance: NEPA	Level of Significance: CEQA	Mitigation Measure	Significance after Mitigation: NEPA	Significance after Mitigation: CEQA
Impact BIO-28: Effects on fish and wildlife corridors	LTS	LTS		N/A	N/A
Impact BIO-29: Effects of invasive plant species	LTS	LTS		N/A	N/A
Cultural and Paleontological Resources					
Alternative 2—Proposed Action					
Impact CUL-1: Potential to cause alteration of characteristics of known or unknown cultural resources that may qualify such resources for listing in the NRHP (NEPA) or CRHR (CEQA)	S	SU		N/A	N/A
Impact CUL-2: Disturbance of any human remains, including those interred outside of dedicated cemeteries	LTS	LTS		N/A	N/A
Impact CUL-3: Direct or indirect destruction of a unique paleontological resource or site or unique geologic feature	S	SU	Mitigation Measure CUL-1: Retain a qualified professional paleontologist to monitor significant ground-disturbing activities Mitigation Measure CUL-2: Stop work if substantial fossil remains are encountered during construction	S	SU
Hydrology and Water Quality					
Alternative 2—Proposed Action					
Impact WQ-1: Violation of any water quality standards or waste discharge requirements	LTS	LTS		N/A	N/A
Impact WQ-2: Substantial depletion of groundwater supplies or substantial interference with groundwater recharge	LTS	LTS		N/A	N/A
Impact WQ-3: Substantial alteration of existing drainage patterns in a manner that would result in substantial erosion or siltation onsite or offsite	LTS	LTS		N/A	N/A
Impact WQ-4: Substantial alteration of existing drainage patterns in a manner that would result in flooding onsite or offsite	LTS	LTS		N/A	N/A
Impact WQ-5: Creation of or contribution to runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff	LTS	LTS		N/A	N/A

Impact	Level of Significance: NEPA	Level of Significance: CEQA	Mitigation Measure	Significance after Mitigation: NEPA	Significance after Mitigation: CEQA
Impact WQ-6: Other substantial degradation of water quality	LTS	LTS		N/A	N/A
Impact WQ-7: Placement of housing within a 100-year flood hazard area	LTS	LTS		N/A	N/A
Impact WQ-8: Placement of structures that would impede or redirect flood flows within a 100-year flood hazard area	LTS	LTS		N/A	N/A
Impact WQ-9: Exposure of people or structures to significant risk involving flooding, including flooding as a result of the failure of a levee or dam	S	SU		N/A	N/A
Impact WQ-10: Contribution to inundation by seiche, tsunami, or mudflow	LTS	LTS		N/A	N/A
Land Use and Planning					
Alternative 2—Proposed Action					
Impact LU-1: Physical division of an established community	LTS	LTS		N/A	N/A
Impact LU-2: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect	LTS	LTS		N/A	N/A
Impact LU-3: Conflict with any applicable habitat conservation plan or natural community conservation plan	LTS	LTS		N/A	N/A
Impact LU-4: Result in safety hazards due to creation, restoration, or enhancement of habitats that can result in the creation of wildlife attractants in the vicinity of airports as identified in *FAA Advisory Circular 150-5200-33B Hazardous Wildlife Attractants on or Near Airports*	LTS	N/A		N/A	N/A
Mineral Resources					
Alternative 2—Proposed Action					
Impact MIN-1: Contribute to the loss of availability of a known mineral resource that would be of value to the region and the residents of the state	LTS	LTS		N/A	N/A

Impact	Level of Significance: NEPA	Level of Significance: CEQA	Mitigation Measure	Significance after Mitigation: NEPA	Significance after Mitigation: CEQA
Impact MIN-2: Contribute to the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan	NI	NI		N/A	N/A
Noise and Vibration					
Alternative 2—Proposed Action					
Impact NOI-1: Exposure of persons to or generation of noise levels in excess of applicable standards	S	SU	Mitigation Measure NOI-1: Implement measures to reduce noise resulting from conservation measures and Covered Activities during construction and O&M activities to ensure compliance with applicable noise standards, where feasible	S	SU
Impact NOI-2: Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels	S	SU	Mitigation Measure NOI-2: Employ vibration-reducing construction practices for vibration-generating activities associated with conservation measures and Covered Activities	S	SU
Impact NOI-3: Generation of a substantial permanent increase in existing ambient noise levels in the project vicinity	S	SU		N/A	N/A
Impact NOI-4: Creation of a substantial temporary or periodic increase in existing ambient noise levels in the project vicinity	S	SU	Mitigation Measure NOI-1: Implement measures to reduce noise resulting from conservation measures and Covered Activities during construction and O&M activities to ensure compliance with applicable noise standards, where feasible.	S	SU
Impact NOI-5: Presence of project-related activities within an airport land use plan area or within 2 miles of a public airport or public use airport, resulting in exposure of people residing or working in the Plan Area to excessive noise levels	LTS	LTS		N/A	N/A
Impact NOI-6: Presence of project-related activities in the vicinity of a private airstrip, resulting in exposure of people residing or working in the Plan Area to excessive noise levels	LTS	LTS		N/A	N/A

Impact	Level of Significance: NEPA	Level of Significance: CEQA	Mitigation Measure	Significance after Mitigation: NEPA	Significance after Mitigation: CEQA
Population and Housing, Socioeconomics, and Environmental Justice					
Alternative 2—Proposed Action					
Impact SOC-1: Creation of substantial population growth either directly or indirectly	LTS	LTS		N/A	N/A
Impact SOC-2: Displacement of a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere	LTS	LTS		N/A	N/A
Impact SOC-3: Displacement of a substantial number of people, necessitating the construction of replacement housing elsewhere	LTS	LTS		N/A	N/A
Impact SOC-4: Substantially change economic activity in the Plan Area	LTS	N/A		N/A	N/A
Impact SOC-5: Substantially affect property tax revenue	LTS	N/A		N/A	N/A
Impact SOC-6: Substantially disproportionately affect minority or low-income populations	LTS	N/A		N/A	N/A
Recreation					
Alternative 2—Proposed Action					
Impact REC-1: Increased use of existing recreational facilities, resulting in substantial physical deterioration	LTS	LTS		N/A	N/A
Impact REC-2: Construction or expansion of recreational facilities that might have an adverse physical effect on the environment	LTS	LTS		N/A	N/A
Transportation and Circulation					
Alternative 2—Proposed Action					
Impact TRA-1: Result in a substantial increase in traffic and affect capacity of the roadway system	S	SU		N/A	N/A
Impact TRA-2: Result in safety hazards due to design features, incompatible uses (e.g., hazards to vehicular, air, pedestrian, or bicycle travel), or inadequate emergency access	LTS	LTS		N/A	N/A

Impact	Level of Significance: NEPA	Level of Significance: CEQA	Mitigation Measure	Significance after Mitigation: NEPA	Significance after Mitigation: CEQA
Impact TRA-3: Conflict with transportation plans, programs, and planned projects	NI	NI		N/A	N/A

Attachment C

Responses to Comments Received after Public Release of the Final Environmental Impact Statement / Environmental Impact Report

The NEPA/CEQA Lead Agencies received several written comment letters after public release of the Final EIS/EIR on May 22, 2020. Neither CEQA or NEPA require written responses to comments submitted on a final EIS/EIR. (*See*, 40 C.F.R. section 1503.4; Public Resources Code section 21091(d)(1).) Pursuant to NEPA, a Record of Decision will be signed no sooner than 30 days after the publication of the Notice of Availability for the Final EIS/EIR in the Federal Register. However, the Lead Agencies, in cooperation with the CEQA Responsible and Trustee agencies and NEPA Cooperating agencies, have prepared responses, which are attached and incorporated hereto. Comments received after the Planning Commission hearing and during the Board of Supervisors hearing will be included in the administrative record, but written responses are not required or provided.

All comments received have been provided to the Board of Supervisors for consideration. Generally, the comments either identified issues that were not related to the project's impacts/effects on the environment or noted issues that have already been addressed in the Draft and Final EIS/EIR. However, some comments were received that identified issues to which the County has elected to provide additional response. These are identified and discussed individually below.

None of the comments received after the Final EIS/EIR was issued for public release on May 22, 2020 result in any changes to Draft EIS/EIR conclusions or otherwise constitute significant new information as described in State CEQA Guidelines Section 15088.5. Recirculation of the Draft EIR is therefore not required.

Comment Letter 1. Sheppard Mullin on behalf of AKT Investments, Inc.

<u>Response Generally</u>

The comments relate to the merits of the proposed project and not the draft or final EIS/EIR. However, the comments and responses below are intended to provide additional clarification by the County, Permittees, and state and federal agencies.

<u>Comment</u>

Commenter states a concern that the programmatic general permit (PGP) will become unavailable to project proponents if the Western Placer County In Lieu Fee (ILF) program is unable to keep pace with impacts to waters of the U.S. or to identify sufficient opportunities for specific types of mitigation. Commenter also states a concern that the Corps' decision to disallow use of mitigation bank credits as a mitigation option under the PGP effectively eliminates a large part of the market for such credits within the Plan area, including the Antonio Mountain Ranch Mitigation Bank managed by AKT. Commenter requests that the Antonio Mountain Ranch Mitigation Bank be afforded the same opportunity for inclusion in the ILF as other Corps' approved mitigation banks. Commenter also requests further clarification regarding the use of ILF credits under the PGP, specifically whether such credits must be "purchased," or whether they may also be acquired through land dedication in lieu of fees or other means.

Response
In order for the Corps Clean Water Act (CWA) 404 Permit Strategy process to be streamlined and to allow activities to report solely through the PCCP reporting process, at this time, the Corps has determined the purchase of ILF credits is the only available compensatory mitigation under the PGP. Three alternatives are available for the use of other existing and future mitigation bank credits: (1) Applicants can apply for a permit using the PCCP letter of permission (LOP) or standard permit (SP) streamlined processes (or regular nationwide permit (NWP)) and propose the use of mitigation bank credits; (2) Applicants can apply for an applicable NWP or other Regional General Permit (RGP); or (3) Applicants can pay PCCP/ILF program fees, and the ILF program can purchase mitigation bank credits, subject to the review and concurrence of the Corps. These alternatives would apply to the Antonio Mountain Ranch Mitigation Bank, along with other approved mitigation banks. The Corps' intent is not to eliminate the use of Corps approved mitigation banks within Placer County. Rather, it is to streamline the permitting process to the maximum extent allowed by the Compensatory Mitigation Rule recognizing there are significant other activities projected to occur outside of the ILF/PCCP service area (Roseville, Rocklin, Loomis, etc.) that are likely to use mitigation bank or other ILF credits and/or permittee-responsible mitigation.

Regarding the County Aquatic Resource Program (CARP) modification, dedications of land may be used to offset a portion of the PCCP/ILF Program fees. For example, a dedication of land that can be used as the site for an ILF Program mitigation project can be used to offset the portion of ILF Program fees that would otherwise be used for land acquisition. The amount of the offset would generally be determined based on the value of the land. This is similar to what is allowed under the Habitat Conservation Plan (HCP/NCCP) or "Plan"—land dedications can be used to offset a portion of HCP/NCCP development fees. Because payment of HCP/NCCP fees will fulfill the requirement to pay ILF program fees—the fees are combined, not additive—proposed land dedications in lieu of fee payments would ordinarily be approved concurrently for both ILF Program and HCP/NCCP purposes.

Comment
Commenter urges the County to work with the Central Valley Regional Water Quality Control Board (CVRWQCB) to adopt an MOU that establishes an expedited process for Clean Water Act 401 certifications and, if applicable, waste discharge requirements issued under state law for impacts to waters of the state that are not subject to federal jurisdiction.

Response
The County agrees with these comments and will continue to work in cooperation with the CVRWQCB toward this end.

Comment
Commenter urges the County to ensure that the MOU entered into with the CVRWQCB provides that the PCCP will be accepted as a watershed plan for purposes of state wetland permitting procedures and that compliance with the avoidance, minimization and mitigation requirements of the PCCP and the CARP will constitute compliance with the analogous provisions of the state wetland permitting procedures and their process for project review.

Response
The HCP/NCCP, CARP, and ILF are expected to serve as a "Watershed Plan" for the purposes of the fulfilling the State's dredge and fill procedures. The Programmatic 401 Clean

Water Certification is anticipated to address the associated streamlining and outline the requirements for submittal and approval of Project Specific 401 Certifications under the Program.

Comment
Commenter urges the County to continue to work with the California Department of Fish and Wildlife (CDFW) prior to approval of the PCCP to streamline the process of complying with Fish and Game Code section 1600 et seq. and providing waivers where appropriate.

Response
The County and Permittees have worked closely with CDFW to align the requirements of the CARP, NCCPA, and F&G Code section 1600 et. seq. as much as possible. The PCA and other Permittees will continue to work in cooperation with CDFW to ensure the process is as streamlined as possible. However, because the process under F&G Code section 1600 et seq. must directly involve the affected landowner, streamlining will be achieved through ongoing collaboration between CDFW and the Plan permittees, rather than by establishing a separate PCCP-specific process prior to approval of the PCCP.

Comment Letter 2. Amber Beckler

Comment
Commenter states that the conservation strategy should protect wildlife corridors in the Reserve Acquisition Area (RAA) through to the Potential Future Growth (PFG) area to Eastern/South Placer County to Folsom Lake.

Response
While it would be ecologically ideal to restore wildlife corridors from future reserves in the RAA south – southeast to Folsom Lake, the PCCP does not specifically focus conservation actions to link these two regions of Western Placer County. Due to existing and past land uses, protecting and restoring a wildlife corridor(s) between the RAA and Folsom lake would require extensive acquisition of land between the western portion of the Plan Area and Folsom Lake. This landscape is heavily fragmented into relatively small urban residential parcels and commercial land use in the non-participating City of Roseville. It would not be practicable to acquire and restore the extensive number of parcels needed to connect the RAA to Folsom Lake because it is uncertain whether there would be sufficient interest from willing sellers and the cost would be prohibitive.

Rather, the PCCP focuses on protecting and enhancing landscape connectivity along stream systems connected to the Sacramento River watershed from the west into the Plan Area to the southeast corner of the Plan Area by protecting, enhancing, and avoiding impacts to the Stream System, particularly through and along Miner's Ravine (PCCP Figure 5-1).

More broadly, the Plan has a strategy to improve landscape connectivity through 1) the landscape-level aggregation of high-value lands in the RAA, 2) overarching riverine and riparian connectivity goals, and 3) specific corridor protections.

Regarding landscape-level connectivity, the conservation strategy aims to acquire and manage large and interconnected blocks of land (See Section 5.1.3, *Conservation Strategy Components, Goal L-1, Objective L-1., Goal L-2, Objective L-2.1, L-2.2*).

For riverine and riparian connectivity, see response to Center for Biological Diversity Letter 3., comment #2 regarding riverine and riparian systems included herein.

Also see PCCP Chapter 5 (Conservation Strategy) Section 5.2.6.3, *Riverine and Riparian Complex Natural Communities*, for Riverine and Riparian Goals and Objectives that establish connectivity between the valley and foothills across and through the existing and planned future growth area including:

> **Objectives RAR-1.1 and RAR-1.2 Rationale.** The assembly of the Reserve System will substantially increase the amount of protected riverine and riparian constituent habitats in the Plan Area. The riverine and riparian protection commitments are large enough (with contribution from **Objective RAR 1.3** to expand and connect fragmented patches of riparian community) to protect corridors for movement from the Valley floor to the Foothills, which will contribute to achieving Landscape **Objective L-2.3**, *Establish East–West Corridors*.
>
> Specific corridor protections are focused on the Stream System (Objective L-2.3) and vernal pool complexes (Objective L-2.4).
>
> **Objective L-2.3.** *Establish East–West Corridors* will establish corridors for east-west movement by Covered Species and other native species along the Stream System by protecting and restoring interconnected riverine and riparian natural communities.
>
> **Objective L-2.4.** *Conserve North–South Connectivity* will create an interconnected network of vernal pool complex, grassland, rice land, and agricultural reserves extending from the border of the Plan Area A with Sutter County, east and north to the border of Yuba and Nevada Counties.

<u>Comment</u>
Commenter recommends that the PCCP encompass all of Placer County.

<u>Response</u>
The Plan is focused only on Western Placer County. The requirements for an HCP and NCCP require significant data, information, public outreach and collaboration with the state and federal agencies, the result of which has been a roughly 20-year process to produce a draft plan covering 260,000 of the roughly 1,000,000 acres in the county. The PCCP as proposed covers the majority of the areas subject to the greatest growth pressure and development anticipated to occur during its 50-year permit term. Because the HCP/NCCP is a required component of the federal and state incidental take permit applications, the HCP/NCCP focuses on the area where take and mitigation for impacts of the taking will occur. Placer County crosses multiple bioregions from the grassland/agricultural Central Valley through the coniferous forests up to the montane crest of the Sierra Nevada, including a large portion of Lake Tahoe making it unrealistic to develop a Conservation Plan for all of the County.

<u>Comment</u>
Commenter recommends including a clause in the PCCP that allows the PCA to halt the approval and permitting process as needed to ensure that land acquisition and conservation can stay ahead of development and the impacts in the PFG.

Response
The HCP/NCCP identifies a range of potential solutions that will be included in a plan of action if needed to ensure the Plan remains in compliance with the Stay Ahead Provision. (Section 8.4.3., *Stay Ahead Provision.*) Slowing or stopping the extension of take authorization for covered activities is one of the potential solutions that would be implemented, if necessary. (PCCP Section 8.4.3.6, *Stay Ahead Reporting and Process for Addressing Non-compliance*.)

In addition, the HCP/NCCP includes an "Advance Acquisition" requirement (see Plan Section 8.4.6). This provision requires that the PCA acquire vernal pool complex lands containing a minimum of 160 acres of vernal pool constituent habitats, of which at least 53 acres will be delineated as vernal pools. No more than 1,800 acres of vernal pool complex and 80 wetted acres of vernal pool constituent habitats may be authorized for take under the Plan until this advance acquisition goal is met.

Comment
Commenter states that an independent "technical" science-based entity separate from the JPA should be formed and able to propose changes based on the effectiveness of the PCCP implementation.

Response
See HCP/NCCP Plan Section 7.6.3 and Section 8.2.7 regarding the PCCP's Science Advisors, whose role will be to provide the JPA with science-based expert opinion and recommendations regarding key scientific aspects of Plan implementation including reserve assembly, reserve management, and monitoring protocols.

Comment
Commenter refers to the Center for Biological Diversity's comments regarding mitigation ratios and increased conservation through higher fees.

Response
See response to Center for Biological Diversity Comment Letter 3. included herein.

Comment Letters 3 & 4. Center for Biological Diversity and California Oaks Program of California Wildlife Foundation

Comments provided in comment letters 3. & 4. address similar issues. Responses to both letters are provided together below to reduce duplication.

Introductory Comment
Commenter states the PCCP would catalyze development in western Placer County and would not do enough to protect biological resources, thereby contributing to the decline of habitats and species.

Response
Based on growth projections by the County, state, Sacramento Area Council of Governments (SACOG) and others, a significant level of development is likely to occur in western Placer County whether or not the Plan is adopted. The County's and City's General Plans and implementing ordinances, not the Plan and permits, determine what land uses are allowed and

how much growth and development can occur in the Plan Area. As shown in the Plan's growth model (Plan Appendix M – Growth Scenario Model), the demand for housing and other development is high, and the need for affordable housing in particular is increasing. For example, the SACOG's Regional Housing Needs Plan calls for 43.6 percent of all new housing to be Low- or Very Low-income qualified starting in 2021 in the unincorporated area of Placer County and this form of housing requires high-density residential development with urban services and infrastructure. Species and aquatic resource impacts from projected development could be authorized under existing state and federal permitting mechanisms (endangered species acts, Clean Water Act, and others) without the adoption of the Plan. Potential impacts under the continuation of the existing ad-hoc, project-by-project permitting process are discussed in the draft and final EIS/EIR treatment of the "no project" alternative, which assumes that activities would continue consistent with current regulatory practices. The EIS/EIR concluded that the effects of the "no project" alternative would result in *greater* impacts than would occur through implementation of any of the other alternatives, including the Plan. The conservation strategy described in Chapter 5 of the HCP/NCCP would protect large intact mosaics of oak woodland, vernal pool complex and grassland habitats, stream corridors including migratory and spawning/rearing habitat for salmonids, and riparian buffers that are commensurate with the size, hydrology and ecological services associated with different stream systems.

One of the principal reasons the Plan was prepared was to provide a level of assurance to protect Placer County's natural heritage more completely and effectively than would be likely under current regulatory procedures and permitting processes. The Plan does not replace local general plans or other land use documents and would not increase the level of development likely to occur in western Placer County. It would instead provide a consistent regulatory framework and would make it possible to conserve large, intact areas of habitat that provide the full range of ecological services.

1. The FEIR/S fails to adequately mitigate impacts to oak woodlands.

<u>Comment</u>
Commenter states the Plan will not protect or restore enough oak woodlands to provide adequate mitigation for the impacts of covered activities and should do more to *preserve* existing oak woodlands because of uncertainties associated with restoration.

<u>Response</u>
Direct impacts of future growth in the planning area are projected to affect 5,100 acres of oak woodlands and 100 acres of Valley oak woodland (Table 4-1). While difficult to measure, the indirect effects from ongoing rural residential fragmentation are estimated to impact 6,056 acres of oak woodland and 108 acres of Valley oak woodland (Tables 4-4A/B/C and Table 4-5). To compensate for those effects, up to 10,110 acres of oak woodland will be acquired and preserved in the Reserve System. An additional 100 acres of oak woodland and 225 acres of valley oak woodland will be restored within the reserve system regardless of effects to oak woodlands (Table 5-4). Additional mitigation for impacts to Valley oak woodlands would include the restoration of Valley oak woodland at a 1.5:1 ratio of restoration to impacts. In addition, because Valley oak woodland is often located within the Stream System, the Plan's emphasis on Stream System avoidance will result in additional protection of valley oak woodland. With regard to the relatively rare Valley oak woodlands, emphasis on avoidance and restoration along with acquisition is anticipated to increase the current extent of such woodlands. The history of Placer County includes a period when vast areas of oak woodland

were removed and replaced with orchards. When those orchards were abandoned, oaks re-established in some locations. The successful re-establishment of oaks in these areas suggests that planned oak restoration can be successful.

The Plan's conservation strategy for oak woodland and Valley oak woodland will contribute to improving and enhancing oak woodlands within a large, interconnected Reserve System. Large swaths of the oak woodlands in the Plan Area have been fragmented by rural residential, orchards and other agricultural uses. These fragmented areas do not perform the same ecological functions as intact oak woodlands. The Plan would help to focus development in areas where past land uses and development have led to fragmented or isolated patches of oak woodland that do not provide significant ecological services. At the same time, the Plan's Reserve System would protect oak woodlands with limited or no fragmentation.

Oak woodlands face many threats beyond those posed by development, including those caused by climate change, inadequate or inappropriate fuels management, and factors that limit oak regeneration. The Plan commits not only to protecting oak woodlands as part of the Reserve System but managing oak woodlands within the Reserve System in perpetuity. Management actions will focus on improving conditions to promote regeneration including planting and protecting seedlings and saplings. Management will also focus on reducing fuel loads to decrease the chance of catastrophic fires. By reducing impacts, and by protecting the most intact areas, oak woodlands should be adequately conserved, and oak woodland impacts should be adequately mitigated.

<u>Comment</u>
Commenter states the Plan should increase preservation of existing oak woodlands, citing the East Bay Regional Conservation Investment Strategy (RCIS) goal of preserving 75% of oak woodlands and 90% of Valley oak woodlands as an appropriate goal for the Plan.

<u>Response</u>
See Responses to Comment Letters 24 and 44 in Appendix I of the Final EIS/EIR incorporated herein by reference.

The East Bay RCIS's conservation goals reflect the broad, desired outcomes for conservation in Contra Costa and Alameda Counties. Because it is a voluntary plan and implementation is not required, there is no funding mechanism or implementation structure in place to achieve the broad conservation goals of the RCIS. There are also no requirements that the RCIS goals and objectives be achieved or even be practicable; nor are there constraints on how or when the RCIS conservation goals should be achieved. For example, East Bay RCIS conservation goals can be achieved through public and private conservation investments such as federal wildlife refuges, protection for multi-uses compatible with resource conservation (e.g., regional parks districts), and through mitigation. The East Bay RCIS strategy area includes the East Contra Costa County HCP/NCCP plan area, and habitat conserved through the HCP/NCCP is counted toward meeting the RCIS conservation goals.

In contrast to the East Bay RCIS, the Plan's conservation measures, objectives, and goals must be achievable for the purpose of complying with state and federal Incidental Take Permits. The conservation commitments must be achieved within the Plan's 50-year permit term using resources and funding identified in and provided by the Plan and taking into

consideration where and to what extent oak woodlands can be acquired and protected in western Placer County. Because of this, the broad, voluntary goals of the East Bay RCIS are not equivalent to and cannot reasonably be applied to the Plan.

Comment

Commenter cites Santa Barbara County's Deciduous Oak Tree Protection and Regeneration Ordinance, which requires a 15:1 mitigation ratio for removed oak trees and states the Plan mitigation ratio should be at least 3:1 for in-kind mitigation, 5:1 for restored/enhanced mitigation, and 8:1 for created habitat. Commenter states that Public Resources Code section 21083.4 applies to the Plan's oak woodland conservation measures, and that oak woodland restoration should therefore be monitored for at least seven years.

Response

The 15:1 replacement ratio in the Santa Barbara Ordinance pertains to the number of trees, while ratios in the Plan apply to acres of oak woodlands conserved and restored. The Santa Barbara Ordinance states that "Protection, maintenance, restoration, and enhancement of large blocks of savanna, woodland, and forests are given priority over maintenance, restoration, and enhancement of smaller, more isolated habitat patches." (Sec. 35-911 a (2)). It further states that "Protected oak trees that are removed shall be compensated at a 15:1 ratio by replacement planting, or protection of naturally occurring oak trees between six (6) inches and six (6) feet tall on the lot." (Sec 35-911d (2)). The remainder of the section discusses the manner in which compensation for removed trees can be achieved (i.e., protection of existing trees, planting on-site or off-site, etc.).

Like the Santa Barbara Ordinance, the Plan places a high priority on the acquisition and protection of unfragmented habitat acres for purposes of compensatory mitigation. The 2004 Independent Science Advisors Committee identified the protection of "large conservation areas" with "high quality habitat" as a priority. The Science Advisors also recommended that wildland fire management, and management for regeneration was the best approach for protecting oak woodland functions and services in Placer County.

As it relates to CEQA and the Public Resources Code, Section 21083.4 describes approaches by which Counties can mitigate impacts on oak woodlands. Although planting and maintaining plantings are permissible approaches available to comply with CEQA, the Plan focuses on PRC 21083.4 (b) (1) which states that the conservation of "…oak woodlands through the use of conservation easements." is a viable approach to mitigating effects on oak woodlands. Further, the code section exempts "Projects undertaken pursuant to an approved Natural Community Conservation Plan or approved subarea plan within an approved Natural Community Conservation Plan that includes oaks as a covered species or that conserves oak habitat through natural community conservation preserve designation and implementation and mitigation measures that are consistent with this section" (PRC 21083.4 (d) (1)). Section 21083.4 of the Public Resources Code is being implemented through numerous objectives in Chapter 5 of the HCP/NCCP including Goal OW-1 and Objectives L-1.1 (*Establish a Large, Interconnected Reserve System*), OW-1.1 (*Protect Oak Woodlands*), OW-1.2 (*Restore Oak Woodlands*), OW-1.3 (*Maintain and Enhance Oak Woodlands*), OW-1.4 (*Protect Valley Oak Woodlands*) and OW-1.5 *(Restore Valley Oak Woodlands*).

The conservation strategy for oak woodlands is consistent with the recommendations of the Science Advisors and will provide a mitigation strategy consistent with the requirements of

CEQA.

2. **The FEIR/S fails to adequately mitigate impacts to riverine and riparian systems.**

Comment
Commenter states the Plan fails to adequately protect riverine and riparian systems in the Plan Area, that Plan aquatic resource and aquatic habitat buffers and setbacks should be increased to a minimum of 200-300 feet, and that the Plan's mitigation ratios should be at least 3:1 for preservation, 5:1 for restoration/enhancement and 8:1 for created riverine/riparian habitats.

Response
The broad characterization of habitat from other areas around the state used as examples by the commenter does not describe the riverine and riparian systems in western Placer County. In the PFG and portions of the Reserve Acquisition Area (RAA), the boundaries of the Stream Systems (as defined by the Plan) outside of stream channels are largely fragmented and historically channelized by agriculture with detached floodplains dominated by weedy invasive species. The Plan's Stream System boundary is used to determine avoidance, minimization and mitigation requirements to these fragmented and channelized streams. As such, the implementation of the conservation strategy would in fact restore and expand riverine/riparian habitat and associated functions/services as compared to present conditions.

The Stream System boundary proposed to be implemented in the HCP/NCCP and CARP is based upon a report prepared specifically for the Plan Area in 2005 (*Setback Recommendations to Conserve Riparian Areas and Streams in Western Placer County, Jones & Stokes and PRBO Conservation Science*, February 2005). The setback recommendations in the report cover a suite of ecological functions including, hydrologic, geomorphic, biogeochemical, salmonid habitat, plant habitat, and terrestrial animal habitat. For first- and second-order stream segments, the report recommended a buffer of 30 meters (~98 feet) measured outward from the active floodplain. For third order and higher streams, the report recommended a buffer of 100m-150 meters (~328-492 feet). The study considered the active floodplain as the geomorphic surface adjacent to the stream channel that is typically inundated on a regular basis (i.e., a recurrence interval of about 2–10 years or less). The Plan's setback recommendation study is the result of regionally specific input and represents the best available science for the preparation of the conservation strategy.

In consultation with the Wildlife Agencies, U.S. EPA and the USACE, the report's setback recommendations were designed to be implemented through an objective, repeatable and measurable regulatory program. The Stream System boundary and other Conditions on Covered Activities described in the HCP/NCCP are the result of deliberations on how to implement the 2005 study recommendations. The report's recommendations also influenced other elements of the conservation strategy including wetland and riparian buffer requirements, avoidance and minimization measures for riparian/riverine and aquatic/wetland constituent habitats, and mitigation requirements. When viewed together these numerous requirements match and, in many cases, exceed the recommendations of the 2005 report.

In addition, the Plan requires compensatory mitigation for direct and indirect effects on riverine/riparian habitat within the Stream System and for areas outside the Stream System. Direct and indirect effects on riverine/riparian habitat will require payment of the Stream System Encroachment Fee and the Riverine/Riparian Special Habitat Fee. Indirect effects on riparian vegetation outside the Stream System will require payment of the Riverine/Riparian

Buffer Fee (See HCP/NCCP Figure 3-9). These fees will be used to implement the Plan's compensatory mitigation for impacts to riverine/riparian habitat.

The proposed compensatory mitigation ratio for restoration of Riverine/Riparian habitat is 1.52:1. Similarly, the various habitats that are found in the Stream System are also mitigated at a ratio of 1.52:1 (See HCP/NCCP Objective RAR-1.3). To understand the application of the ratios that result from the conservation strategy for these two important natural communities, it is necessary to consider how the conservation objectives for the Stream System and Riverine/Riparian habitat work together.

As stated in RAR-1.3, "The Stream System also includes other communities, in addition to constituent habitats (e.g., grassland, valley oak woodland). Effects on other such communities within the Stream System will also be mitigated at a ratio of 1.52:1 by restoration of riverine/riparian constituent habitats to mitigate the irreversible loss of the valuable ecosystem services provided by land within the Stream System. In other words, funds derived from the Stream System Encroachment fee, regardless of the land cover type, will be used to restore riverine/riparian habitat. Similarly, the funds derived from the Riverine/Riparian Buffer Fee will also be used to restore riverine/riparian habitat. While this approach will not reach the restoration, enhancement and creation ratios requested by the commenter, it will result in the restoration of riverine/riparian habitat in excess of 1.52:1. As noted in Chapter 5 of the HCP/NCCP, a take limit of 490 acres of riverine/riparian habitat will result in 2,200 acres of protected riverine/riparian habitat in the Reserve System and 1,425 acres of restoration of riverine/riparian habitat of which 32 acres will be restored independent of effects (See HCP/NCCP Tables 5-4 and 5-5).

Lastly, as noted in the comment, all mitigation lands will be protected in perpetuity as described in Chapter 8 of the Plan and funding for all monitoring, adaptive management and land stewardship costs will be provided as described in Chapter 9 (Costs and Funding) of the HCP/NCCP.

3. The FEIR/S fails to adequately mitigate impacts to vernal pool complexes.

Comment

Commenter states the Plan would authorize the permanent removal 12,550 acres of vernal pool complexes, temporary direct effects to 455 acres, and indirect effects to an estimated 1,979 acres; fails to accurately describe the extent of potentially significant impacts; and, therefore, undermines the Plan's attempts to provide sufficient mitigation for such impacts. Commenter further states the Plan's failure to describe such impacts hinders the public's ability to assess the Plan. Commenter recommends that the Plan should modify the PFG area to avoid impacts to high-density vernal pool complex, rather than trying to recreate vernal pool complex. Commenter states the Plan mitigation ratio for vernal pool impacts is inadequate and should be a minimum of 3:1 for habitat preservation, 5:1 for habitat restoration/enhancement, and 8:1 for habitat creation. Commenter recommends the Plan should give high priority to the preservation of habitat linkages and connectivity. Commenter concludes the Plan will continue the decline of vernal pool complexes in western Placer County.

Response

See Response to Comment 44-23 in Appendix I, *Responses to Comments on the Draft Documents,* of the Final EIS/EIR, incorporated herein by reference.

The EIS/EIR includes a detailed analysis of potential impacts to vernal pool complexes and vernal pool constituent habitat using the best available scientific information and analysis. The commenter states that because impacts to vernal pool complex do not include impacts to grasslands, which are often associated with vernal pools and provide upland habitat for vernal pool species, the EIS/EIR may underestimate impacts to vernal pool species. However, the Plan mapped vernal pool complex based on the presence and density of vernal pool constituent habitat such that land cover mapped as vernal pool complex contains the vast majority of vernal pool constituent habitat. The Plan also acknowledges that some vernal pool constituent habitat may occur in other land cover types and places a cap on the amount of vernal pool constituent habitat that can be impacted by Covered Activities (regardless of whether it occurs in vernal pool complex or grassland); therefore impacts to vernal pool habitat in grassland are captured in the analysis. The commenter also states that development in the PFG would likely result in numerous small, isolated, fragmented patches of habitat making impacts to vernal pool complex greater than reported in the EIS/EIR. However, the Plan's conservation strategy is designed to minimize the extent to which this occurs and considers open space proposed as part of development within the PFG to be permanently affected and not exempted from mitigation requirements, unless the open space meets certain avoidance criteria (see Plan Section 6.3.1.3.1). In addition, in order to limit habitat fragmentation and isolation resulting from avoided areas that are adjacent to and/or surrounded by development, the Plan sets a cap of 56 acres of indirect effects that may result from on-site avoidance within the PFG. Therefore, impacts associated with habitat fragmentation and isolation within the PFG are captured in the analysis.

The analysis in the EIS/EIR took into consideration the Plan's proposed landscape scale conservation of vernal pool complex, the commitments to improving the overall functions and services of vernal pools in the Plan Area, and the management of vernal pool complexes in perpetuity to ensure the impacts to vernal pools and vernal pool complexes are avoided, minimized, and mitigated to the maximum extent practicable. The Plan's mitigation ratios for impacts to vernal pool complexes were derived from the mitigation necessary to create an adequate and successful Reserve System that would conserve vernal pool complexes and habitats in western Placer County and meet the requirements of the ESA and NCCPA.

The Plan's objectives, conservation measures, and conditions are designed to ensure that the conservation strategy, including the biological goals and objectives, are achieved in conformance with HCP/NCCP issuance criteria. USFWS and NMFS will determine, based on the best available scientific information, whether the Plan meets the issuance criteria at ESA Section 10(a)(1)(B) when they finalize their intra-Service biological opinions and make their Findings and Recommendations. In order to issue the permits, both USFWS and NMFS must determine that the application and Plan meet all issuance criteria. CDFW, before issuing an NCCPA permit, must make similar determinations.

In the context of the Plan, the protection and restoration of large, interconnected vernal pool complexes that are well distributed and contain high-quality vernal pools with populations of Covered Species that are equal to or greater than the affected population are expected to adequately offset the impacts of Covered Activities and contribute to the recovery of the Covered Species. HCP/NCCP Section 5.3.3.3.1, *Vernal Pool and Grassland Communities*; Section 5.3.3.4.3, *Vernal Pool Branchiopods*; and Section 5.3.4.2.1, *Vernal Pool Complex and Grassland Natural Communities* describe conservation measures specific to vernal pool

species and vernal pool complexes. Section 5.4.11, *Vernal Pool Branchiopods*, summarizes conservation outcomes for the species.

In addition to the acquisition and restoration of 17,000 acres of vernal pool complex to mitigate effects of covered activities, the Plan requires an additional 3,000 acres of vernal pool complex to be conserved and a minimum of 30 acres of constituent habitat to be restored. These requirements were developed in consultation with the Independent Science Advisors Committee, Wildlife Agencies, and stakeholders and ensure that high quality vernal pools and complexes are preserved and restored in large interconnected reserves.

Additional natural community objectives for vernal pool complexes and grasslands are detailed in 5.3.1.5.2, *Vernal Pool Complexes and Grassland Natural Communities*. These include requirements intended to meet NCCPA standards to further ensure the vernal pools and vernal pool complex preservation not only mitigates for effects but also provides for the conservation of, and contributes to the recovery of, the species.

To ensure that conserved vernal pool complex contains adequate wetland habitat, the Plan is required to contain at least 790 wetted acres of vernal pool constituent habitats, of which a minimum of 250 acres must be vernal pools. At least 50 percent of the vernal pool complex acquired will be at high (greater than 5 percent density of vernal pool constituent habitat) or intermediate wetland density (i.e., 1 to 5 percent density of vernal pool constituent habitat).

The Plan provides multiple assurances that vernal pool complexes, vernal pool constituent habitats, and covered vernal pool branchiopods will be adequately protected and restored, as follows:

- The PCA will stay ahead of the loss of vernal pool complex and vernal pool constituent habitats by protecting and restoring vernal pool complex and vernal pool constituent habitats in accordance with the Stay-Ahead provisions described in Section 8.4.3, *Stay-Ahead Provision*.
- The Plan ensures that the PCA will protect, restore, and create vernal pools at a rate and quality equal to, or greater than, occupied pools lost to Covered Activities (Section 5.3.1.6.10, *Vernal Pool Branchiopods* and Chapter 7, *Monitoring and Adaptive Management*, Section 7.5.11.1, *Document and Monitor Status of Vernal Pool Covered Species*).
- The Plan requires that restoration/creation of vernal pool constituent habitats be completed before the end of the permit term. Specifically, restoration/creation of vernal pool constituent habitats independent of effect will be completed by Year 35, and restoration/creation of vernal pool constituent habitats dependent on effect will be completed by Year 40. This allows enough time for restored/created pools to be monitored and adaptively managed to ensure that those pools are suitable for, and support, covered vernal pool branchiopods.) (Section 5.3.3.3.1, *Vernal Pool and Grassland Natural Communities*).

Additionally, to ensure that more high-quality vernal pools and vernal pool complexes are protected than are impacted by covered activities, and to ensure the PCA exceeds its rough proportionality requirement early in the permit term, the PCA will provide acquisition in advance of effects (advanced acquisition) and set an associated take limit. By the end of Year 2, the PCA will protect vernal pool complex containing a minimum of 160 acres of vernal pool

constituent habitats, of which at least 53 acres will be delineated as vernal pools (21 percent of the total vernal pool constituent habitat to be protected). In addition, no more than 1,800 acres of vernal pool complex and 80 wetted acres of vernal pool constituent habitats (15 percent of the total allotted effects) will be authorized for take under the Plan until the advance acquisition goal described above has been met. The advance acquisition will also mitigate effects on vernal pool constituent habitat. The advance acquisition of these vernal pool complex lands will be subject to Wildlife Agency review and approval and must meet the criteria for Reserve System lands in Section 8.4.1, *Criteria for Reserve System Lands*.

Based on these detailed Plan-specific mitigation and conservation measures, the HCP/NCCP is designed to provide adequate mitigation for, and to provide for the conservation of, vernal pool species and natural communities in accordance with the ESA and the NCCPA. The USFWS and CDFW will make a final determination regarding adequacy of the proposed mitigation for vernal pool complexes in their respective decision documents.

Concluding Comment
Commenter states the Plan does not adequately offset impacts and should be revised to decrease the amount of development allowed in the Plan Area and increase mitigation ratios.

Response
See Response to Comment Letter 17 (Sierra Club Mother Lode Chapter, 2019) and #44-2 and #44-10 Center for Biological Diversity, in Appendix I of the Final EIS/EIR.

Decrease the Amount of Development
The Plan was developed using the best available science and in conjunction with a panel of Independent Science Advisors who contributed to Plan development and helped inform the conservation strategy, specifically with respect to species conservation, including vernal pools and vernal pool complexes. USFWS and NMFS will determine, based on the best available scientific information, whether the Plan meets the issuance criteria at ESA Section 10(a)(1)(B), when they finalize their intra-Service biological opinions and make their Findings and Recommendations. In order to issue the permits, both USFWS and NMFS must determine that the application and Plan meet all issuance criteria, including whether the Plan will minimize and mitigate the impacts of the taking to the maximum extent practicable. CDFW, before issuing an NCCPA permit, must make similar determinations.

The City and County regulate land use through their respective general plans and zoning ordinances as the proper means to guide development. The Plan is not a growth/development or land use control plan. Rather, the Plan assumes growth and development consistent with the City and County general plans and implementing ordinances. This growth and development would result in the conversion of natural and semi-natural habitat and wetlands pursuant to the status quo project-by-project regulatory approach or through the Plan.

If the Plan and permits provided coverage for less than the maximum extent of development anticipated for coverage during the proposed 50-year permit term, it would not preclude additional development from occurring. That development would simply need to undergo permitting on a project-by-project basis instead of under the Plan.

Under current growth projections, these effects are expected to continue as a consequence of projected growth allowed under the general plans and zoning. However, they would not be

covered by the Plan's comprehensive avoidance, minimization, and mitigation measures or landscape scale conservation strategy, and minimization and mitigation measures would instead be determined on a project by project basis without benefit of a regional conservation strategy. This would likely lead to less desirable mitigation/conservation opportunities and outcomes.

Increase Mitigation Ratios

The Plan was developed to achieve specific biological goals and objectives. Plan mitigation ratios (with the exceptions noted below) are derived from those goals and objectives and reflect the overall extent of mitigation needed to ensure the Plan's conservation strategy can be successfully implemented. The mitigation ratios would be applied based on the effects of individual covered activities, but they are designed to require an amount of compensatory mitigation that will be sufficient to achieve the Plan's biological goals and objectives. The Plan's conservation measures will create an overall functional ecological lift resulting from a landscape-scale Reserve System being assembled and actively managed and enhanced according to a Reserve System Management Plan.

The Plan includes additional mitigation ratios specifically for impacts to aquatic resources and for Valley oak woodlands. For all aquatic resource types other than Riverine/Riparian, the mitigation ratio is 1.5:1. The mitigation ratio for Riverine/Riparian is 1.52:1. The mitigation ratio for impacts to the Stream System is also 1.52:1 because it will be restored to Riverine/Riparian. The only non-wetland habitat type that has an explicit mitigation ratio is Valley oak woodland at 1.5:1 (See Section 6.3.2).

The Plan's mitigation ratios may be lower than ratios used in some cases in project-by-project permitting. However, mitigation required under the Plan's comprehensive conservation program is designed to be more effective and achieve a better ecological outcome than mitigation required through ad-hoc permits issued on a project-by-project basis. Absent a comprehensive conservation program, mitigation actions over time often result in a range of smaller, often fragmented, mitigation sites (See *Effectiveness of Small Vernal Pool Preserves,* Prepared for Placer Land Trust, December 2009) which runs counter to the recommendations of the Independent Science Advisors 2004 report. Under the Plan, all mitigation actions must advance the goals and objectives of the conservation strategy, must be located within the County, and meet the Reserve System requirements. Conserving, restoring, and managing lands to mitigate impacts as part of a comprehensive conservation program will result in a large, interconnected Reserve System, ensuring habitat connectivity, minimizing the risk that mitigation sites will be surrounded by incompatible land uses over time, while providing more effective mitigation.

In addition to mitigation requirements, the Plan includes conservation goals, objectives, and actions independent of impacts. See Section 5.2.1 *Approach to Developing Conservation Commitments* and Table 5-4 *Natural Community Restoration Commitments* (Independent/Dependent of Effects). For example, vernal pool grassland constituent habitat requires mitigation for the wetted area component at 1.5:1 but also includes an overarching conservation objective. (Objective VPGC 1.2: In addition to the protection of 17,000 acres of existing vernal pool complex, restore/create 3,000 acres of vernal pool complex in the Reserve System by Year 35, independent of effects…). At least 30 wetted acres of vernal pools will be restored/created independent of effects (Table 5-4)). Thus, the Plan's overall benefit to

covered species and habitats is not limited solely to the protection and restoration of vernal pool complexes and other habitat based on mitigation ratios.

The adequacy of the Plan's mitigation ratios should be considered within the context of the impact of the takings (effects to covered species) associated with the Plan's covered activities and the Plan's overarching conservation strategy, which includes measures to mitigate impacts to vernal pool complexes and other habitats. Implementation of the Plan's Conservation Strategy will result in a large, diverse, and ecologically connected Reserve System occupied by Covered Species that will be adaptively managed and monitored in perpetuity.

Comment Letter 5. Placer County Tomorrow / Friends of North Fork

The comment letter generally does not relate to the draft or final EIS/EIR for the PCCP. However, the responses below are intended to provide additional clarification by the County, other Permittees, and state and federal agencies.

Comment
Commenter states the PCCP does not meet the California Natural Community Conservation Plan and Federal Habitat Conservation Plan requirements.

Response
See Final EIS/EIR Appendix I – Response to Comment Letter 42. See also Response to Center for Biological Diversity / California Wildlife Foundation-Oaks Program Letters 3 and 4 herein.

Under section 10(a)(1)(B) of the Endangered Species Act (ESA), the United States Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) are proposing the issuance of incidental take permits for the implementation of the HCP/NCCP. The HCP/NCCP is a regional conservation plan developed by the Permittees with assistance from the state and federal wildlife agencies to achieve the permit issuance criteria presented in section 10(a)(1)(B) of the Act. The HCP/NCCP is designed to minimize habitat fragmentation and provide ecosystem level protection to covered species and habitats, while allowing appropriate and compatible land uses. The HCP/NCCP would provide regulatory incentives intended to focus development near existing developed areas.

Implementation of the HCP/NCCP's conservation strategy is expected to be adequate to meet ESA requirements to minimize and mitigate impacts to the maximum extent practicable and NCCPA requirements to provide for the conservation of covered species.

USFWS and NMFS will determine, based on the best available scientific information, whether the Plan meets the issuance criteria at ESA Section 10(a)(1)(B) when they finalize their intra-Service biological opinions and make their Findings and Recommendations. In order to issue the permits, both USFWS and NMFS must determine that the application and Plan meet all issuance criteria. CDFW, before issuing an NCCPA permit, must make similar determinations.

Comment
Commenter states the HCP/NCCP does not promote conservation and that even prior to approval is having impacts to wetlands.

Response
The Plan's conservation strategy is fully described in Chapter 5 of the Plan. The conservation strategy will mitigate the impacts on Covered Species and their habitats, as well as contribute to the recovery of the Covered Species, as required pursuant to the State's Natural Community Conservation Planning Act (NCCP) t. The conservation strategy is based on landscape-level, natural community-level, and species-level biological goals and objectives (described in Section 5.2 of the Plan) and on conservation measures that will be implemented to achieve the biological goals and objectives (described in Section 5.3 of the Plan). By the end of the 50-year permit term, an approximately 47,300-acre Reserve System will be established within the Plan Area; see Plan Table 5-3 for acreages of natural communities and constituent habitats that will be preserved in the Reserve System.

In addition, within the Reserve System the PCA will restore at least 4,375 acres of natural communities regardless of the amount of impacts from Covered Activities (independent of effects), and, because additional restoration of habitat will be implemented to mitigate for impacts from Covered Activities at certain ratios (dependent on effects), will restore up to 6,220 acres of natural communities if all allowable loss proposed under the Plan occurs (see Plan Table 5-4). These protected and restored lands will augment the approximately 16,000 acres of existing reserves in the Plan Area (see Plan Section 5.3.1.3.5, *The Role of Existing Protected Areas in the Conservation Strategy*). Cumulatively, approximately 38 percent of the present natural and semi-natural landscape in Plan Area A would ultimately be subject to conservation management.

Regarding permit applications that have been filed with the Corps for certain projects that point to use of the ILF Program for mitigation of impacts to aquatic features, should these projects seek coverage under a future permitted HCP/NCCP, these activities would only be covered by the HCP/NCCP if they are Covered Activities under the Plan and meet all Plan requirements.

Comment
Commenter states the plan will create urban runoff and harm protected species.

Response
See HCP/NCCP Plan Chapter 6 (Program Participation and Conditions on Covered Activities), including General Conditions regarding Watershed Hydrology and Water Quality including site design requirements such as source control measures, and BMPs for:

- Minimizing the potential impacts on Covered Species that are most likely to be affected by changes in hydrology and water quality
- Reducing stream pollution by removing pollutants from surface runoff before it reaches local streams
- Minimizing degradation of streams and maintaining or improving the hydrograph to maintain populations of Covered Species and enhance recovery
- Reducing the potential for scour at storm water outlets to streams by controlling the rate of flow into the streams

Comment
Commenter states the plan is without defined governance, that the composition of the JPA membership was not adequately disclosed, and therefore requests an extension of the comment period.

Response
See Final EIS/EIR Appendix I – Response to Comment Letter 42-15.

The PCCP's implementation structure has been explained in detail in Plan Chapter 8 and response to comment letter 42-15. Primary responsibility for implementation is assigned to the PCA, a joint exercise of powers agency that is a separate legal entity from the County and the City. The structure and implementation responsibilities of the PCA, as well as the composition of the joint powers authority membership, are described in Plan Section 8.2.2, *Placer Conservation Authority* which states that the PCA will be governed by a Board of Directors consisting of representatives of the County and the City. The Placer County Water Agency (PCWA) and South Placer Regional Transportation Authority (SPRTA) will provide input to the PCA through advisory roles.

Comment
Commenter states that public involvement and public information requirements have not been met.

Response
See response to Placer County Tomorrow Letter 7. to the Placer County Planning Commission included herein.

Comment
Commenter states the Plan has inadequate funding.

Response
See Final EIS/EIR Appendix I – Response to Comment Letters 42 and 44. This comment was specifically addressed in Response to Comments 42-16 and 44-25.

Comment
Commenter states a joint powers agency is inadequate for the responsibilities of implementing the PCCP.

Response
See Final EIS/EIR Appendix I – Response to Comment Letter 42-15 which specifically addresses this comment.

Joint exercise of powers agencies are commonly responsible for implementing regional habitat conservation plans and natural community conservation plans, including the South Sacramento Habitat Conservation Plan, the East Contra Costa County Habitat Conservation Plan and Natural Community Conservation Plan, and the Santa Clara Valley Habitat Plan. In the Joint Exercise of Powers Agreement that formed the PCA, it was expressly given the power to implement the PCCP.

Comment
Commenter states CDFW's approval of the PCCP would violate the NCCPA.

Response
The PCCP was developed in collaboration with CDFW to ensure that it would meet the requirements of the NCCPA. CDFW will determine whether to approve the PCCP in

accordance with the NCCPA based on the PCCP, the EIS/EIR for the PCCP, and other information in the administrative record, and will prepare findings in support of its determination.

Comment
Commenter states the USFWS fails to comply with applicable law by allowing the Placer Parkway to be a covered activity in the PCCP.

Response
See Final EIS/EIR Appendix I – Response to Comment Letter 42-9.
To be eligible for incidental take authorization, covered activities must be: (1) otherwise lawful, (2) non-Federal, and (3) under the direct control of the permittee. ESA section 10 regulations do not limit the type and extent of activities that an HCP can cover, as long as the activities meet all the eligibility criteria and the HCP meets the permit issuance criteria.

The PCCP was developed with assistance from the USFWS to try to help ensure that it would meet the requirements of the ESA. The USFWS will determine whether to approve the PCCP in accordance with the ESA based on the HCP/NCCP, the EIS/EIR for the PCCP, and other information in the administrative record, and will prepare findings in support of its determination. In order to issue a permit, the USFWS must determine that the application and Plan meet all issuance criteria

Comment
Commenter states a more effective habitat protecting plan exists.

Response
Comment is noted. However, the references provided by commenter do not explain how the comment or the referenced plans relate to the PCCP. The PCCP would not preclude more specific habitat designs or plans for specific projects, so long as the projects, designs, and plans are consistent with the PCCP.

Comment Letter 6. James and Jean Piette

The comments generally do not cover the draft or final EIS/EIR for the PCCP. However, the comments and responses below are intended to provide additional clarification.

Comment
Commenter requests further analysis of potential impacts, including impacts from the Hidden Falls Regional Park Expansion.

Response
See Final EIS/EIR Appendix I – Response to Comment Letters 19 – 22 and Response to Leslie Warren Letter 8. included herein.

The EIS/EIR evaluates the environmental impacts associated with the implementation of the PCCP including the effects of recreational use of reserve lands (see Section 4.10, *Recreation*, of the EIS/EIR). Recreational use of conservation lands that have been protected through the initiatives of the Placer Land Trust, non-participating cities, or conservation organizations with no affiliation to the PCCP are not subject to review by this EIS/EIR. The exception is for those

lands that are held by Placer Land Trust that are proposed for enrollment into the Reserve System (e.g., Harvego Bear River Preserve owned by Placer Land Trust).

The Placer County Parks Division is preparing a parks and trails master plan (the public draft was released in March 2019) and is also preparing a final EIR for the expansion of the Hidden Falls Regional Park Trails Expansion Project (SCH#2007062084). That EIR is anticipated to analyze the impacts of trails and recreation at a project level independent of the PCCP.

Comment Letter 7. Placer County Tomorrow (To Planning Commission Only)

The comments generally do not relate to the draft or final EIS/EIR for the PCCP. However, the responses below are intended to provide additional clarification.

Comment
Commenter states the PCCP planning process does not meet public involvement requirements and requests additional public meetings and opportunities for public comment.
Response
See Final EIS/EIR Appendix I – Response to Comment Letter 42.
Extensive opportunities for public involvement and comment have been provided over the nearly two decades in which the PCCP was developed.
Pursuant to the terms of the Natural Community Conservation PCCP Planning Agreement between the County and state/federal wildlife agencies, a Stakeholder Working Group (Biological Working Group) was formed in 2001 composed of designated representatives from environmental, development, agriculture, land trusts, and other groups. This committee participated in the development of the Plan and comprehensively reviewed the drafts, section by section, providing feedback and edits throughout the planning process.

The NCCPA's (Fish and Game Code Section 2800 *et. seq*) planning, public involvement, and public notice requirements have been met. The public review draft HCP/NCCP, CARP, EIS/EIR, and other related documents were made available beginning on June 21, 2019. Earlier versions of the HCP/NCCP were available on the County's website and the County Board of Supervisors held publicly noticed hearings to receive updates, public comment, and provide direction on the conservation strategy throughout the 20-year planning process.

In addition to the Biological Working Group's review of numerous drafts, public hearing presentations, public interest meetings, and meetings at the request of individuals have been ongoing and routine over the history of the PCCP planning process.

The Final EIS/EIR and PCCP documents were made available for public review and inspection by local, state and federal agencies beginning on May 22, 2020. A publicly noticed meeting of the Placer County Planning Commission was held on July 9, 2020 to provide a recommendation to the Placer County Board of Supervisors at their regularly scheduled meeting on August 25, 2020. Subsequent adoption meetings will be held by the other Permittees including the PCWA, SPRTA, and the City of Lincoln. Public participation required under NEPA for publication of an EIS for an HCP, as described in the USFWS 2016 revised The Habitat Conservation Planning and Incidental Take Permit Processing Handbook, has been met, with the following:

The publication of a Notice of Intent to prepare the EIS/EIR was published in the Federal Register on March 7, 2005 (70 FR 11022). Three public scoping meetings were held to solicit comments on the Draft EIS/EIR on March 15-17, 2005, in Auburn, Lincoln and Roseville. Public comments on the scope of the alternatives and associated environmental effects were accepted through April 6, 2005.

A Notice of Availability for the Draft EIS/EIR and the Draft HCP/NCCP was published in the Federal Register on June 21, 2019 (84 FR 29224). Two public meetings were held: one on August 1, 2019 at the Placer County Planning Commission in Auburn and one at Lincoln City Hall on August 15, 2019.

A Notice of Availability for the Final EIS/R and Final HCP/NCCP was published in the Federal Register on May 22, 2020 (85 FR 31203) with a 30-day public inspection period noticed through June 22, 2020.

Comment Letter 8. Leslie Warren

Comment

Commenter states the EIS/EIR fails to analyze the environmental impact of recreation and fails to recommend methods and safeguards to ensure conservation values will be preserved. Commenter further states the FEIR/FEIS is incomplete because mitigation measures have not been identified.

Response

See Final EIS/EIR Appendix I – Response to Comment Letter 21-4 and Response to Curt and Jane Wurst Letter 9. included herein.

The EIS/EIR evaluates the environmental impacts associated with the implementation of the PCCP including the effects of recreational use of reserve lands (see Section 4.10, *Recreation*, of the EIS/EIR).

The EIS/EIR also points out that adoption and implementation of the PCCP does not authorize the construction of new or expanded facilities on PCCP reserve lands. The authorization for new recreational uses on reserve lands would require approval by the County/City, the PCA, and the Wildlife Agencies. A subsequent environmental review will be prepared for any proposed development of recreational facilities on reserve lands when required by CEQA/NEPA.

Additionally, any new or expanded facilities on PCCP reserve lands would be Covered Activities and would be subject to the HCP/NCCP's conditions, including the following: Section 6.3.6.1.1, *Restrictions on Recreational Uses in Future Reserves Acquired during Plan Implementation*; Section 6.3.6.1.2, *New Trail Design and Use Standards for Future Reserves*; and Section 6.3.6.2, *Reserve Management Condition 2, Recreation Component of Reserve Unit Management Plans*. These three sections, in addition to the other conditions on Covered Activities, provide a comprehensive set of standards that would limit the effects from the limited amount of recreational activities allowed in the Reserve System.

For Hidden Falls Regional Park, only portions of the park meeting the biological goals and objectives of the PCCP would be incorporated into the Reserve System. Those portions could

be incorporated into the Reserve System only if a reserve unit management plan were prepared and approved by the Wildlife Agencies, and if the site were protected by a PCCP compliant conservation easement. Additionally, Section 6.3.6.3.1 of the HCP/NCCP states that existing trails may be deducted from the acreage counted toward Reserve System requirements and that future trails would be deducted (18-foot-wide) from the Jump Start credit.

The Placer County Parks Division is preparing a parks and trails master plan (the public draft was released in March 2019) and is also preparing a final EIR for the expansion of the Hidden Falls Regional Park Trails Expansion Project (SCH#2007062084). That EIR is anticipated to analyze the impacts of trails and recreation at a project level independent of the PCCP.

Comment

Commenter states that existing conservation banks are proposed to be included in the PCCP (Warm Springs Mitigation Bank, Moore Ranch Conservancy, Antonio Mountain Ranch, Orchard Creek Conservation Bank). Commenter further states that in the Sunset Area Plan, these mitigation banks are proposed to be developed for paths for walking, jogging, pet exercising and other active uses which will disturb wildlife and introduce invasive grasses which, along with development, is a key factor in grassland bird decline.

Response

The PCCP identifies these existing conservation banks as "Existing Protected Areas and Other Reserves" that broadly include public and private lands owned by or subject to conservation or agricultural easements held by 3rd parties including the State of California, Placer Land Trust, Wildlife Heritage Foundation and others but are not counted toward the PCCP's land conservation goals or Reserve System requirements. Some are simply owned by conservation oriented third parties. While others, such as the Antonio Mountain Ranch Mitigation Bank, are mitigation banks subject to an Army Corps of Engineers' Bank Enabling Instrument, Conservation Easement (in this case held by the Placer Land Trust), endowments, and other perpetual protections from incompatible uses. These conservation easements, long term management plans, and other regulatory mechanisms generally control use of the lands and ensure that incompatible uses do not impact conservation values.

Three of the sites referenced in the comment are mitigation banks, and one site, the Moore Ranch Conservancy, is a mitigation site that is not used for banking purposes. None of these sites have been approved for inclusion within the PCCP Reserve System. However, if a bank is approved as described in Plan Section 8.4.7, credits purchased at that bank may count toward Plan protection and restoration commitments if they are consistent with all of the relevant standards.

There is a potential for the Placer Conservation Authority to purchase bank credits from approved mitigation banks through the Western Placer In Lieu Fee program, which is a component of the PCCP. However, the use of those sites for mitigation purposes is regulated by state and federal agencies separate from the PCCP.

Comment

Commenter states that the term "disturbance" should be defined and asks why disturbances from recreation within the Reserve System would be allowed.

Response
See the response above regarding the Plan's requirements regarding potential indirect effects resulting from recreational use on PCCP reserve lands.

The PCCP addresses the direct and indirect effects of covered activities. Disturbance from recreation would be considered an indirect effect. Typically, the term "indirect effect" is used to evaluate activities that do not result in a direct effect and that are detrimental to covered species. Chapter 4 of the HCP/NCCP defines an indirect effect as follows:

> Indirect effects are defined by the U.S. Fish and Wildlife Service and National Marine Fisheries Service as "those that are caused by the proposed action and are later in time, but are still reasonably certain to occur" (50 Code of Federal Regulations [CFR] 402.02). For the purposes of this Plan, indirect effects also include those effects that occur at the time of the proposed action but extend beyond the footprint of a project or activity (i.e., beyond the area of land-cover disturbance). Indirect effects can undermine species' viability or habitat quality, especially if multiple indirect or direct effects cumulatively affect the species or degrade its habitat.

The implementation of avoidance and minimization measures and conditions on covered activities required by the PCCP will address the wide range of potential indirect effects to covered species. Examples of indirect effects addressed in the PCCP include oak woodland fragmentation, water quality impacts on salmonids, and riparian buffer standards along streams.

Comment
Commenter states the FEIR/FEIS fails to analyze whether active park use will reduce the richness and diversity of flora and fauna and fails to analyze how covered activities will affect mitigation banks. Commenter further states that CEQA and NEPA require that the analysis be supported by substantial evidence.

Response
Please see the response above regarding the Plan's analysis of and response to the potential for indirect effects resulting from recreational use. Any mitigation banks counted toward HCP/NCCP Reserve System land acquisition commitments would have to meet HCP/NCCP standards and requirements for minimizing impacts from recreational uses.

Comment
Commenter questions the validity of vernal pool mapping for the HCP/NCCP as compared to that used in other plans and states that mapping data must be reviewed with actual field conditions.

Response
Please see Final EIS/EIR Appendix I – Response to Comment Letter 39-6 which responds specifically to this comment.

In addition, the data and analyses in the PCCP and draft and final EIS/EIR were developed based on best available information reviewed by USFWS, CDFW, and the Independent Science Advisors, including Covered Species accounts, species distribution models, inventory of existing conditions, and numerous general sources, such as species recovery plans,

species occurrence data, scientific literature, and others listed in Section 5.2.3, *Data Sources*, of the Plan. Mapping of Vernal Pool Complexes is specifically described in Plan Section 3.3.1.2.4.

Any discrepancies between the PCCP's land cover data on vernal pool complexes and actual field conditions for projects applying for take authorization under the Plan would be resolved with field surveys and wetland delineations by qualified biologists prepared as part of project-level proposals for specific covered activities (Plan Section 6.2.4, *HCP/NCCP Participation Package*). If field verification of land cover mapping finds more vernal pool habitat than mapped in land cover data, limits on impacts set by the HCP/NCCP (see Plan Table 4-1) remain the same and will ensure that impacts do not exceed those analyzed in the EIS/EIR.

Comment

Commenter questions the fee program and whether fees will be applied fairly to both small landowners and large development projects. Commenter also questions whether the PCCP provides sufficient information on which a lead agency could make a fiscally informed decision on the financial viability of the PCCP.

Response

See Final EIS/EIR Appendix I – Response to Comment Letters 42 and 44. This comment was specifically addressed in Response to Comments 42-16 and 44-25.

The PCCP fee structure is intended to ensure that fees accurately reflect the cost of providing compensatory mitigation for both large and small projects. The PCCP Cost and Funding Plan is based upon four interlinked elements of PCCP implementation. A growth model (Appendix M) predicted the amount of land conversion over the permit term. A take model (Appendix G) predicted the levels of take on species and their habitat that would result from that growth. The conservation strategy identified how the take would be mitigated. A cost model (Appendix L) determined the cost to implement the conservation strategy. Once completed, the cost model was reviewed by a stakeholder Finance Committee and peer reviewed by Economic Planning Systems. The models were included in the draft PCCP and have been available for public review since June 2019. All applicable fees described in chapter 9 of the Plan must be applied in order for a covered activity to receive take authorization under the Plan. In order to ensure that Plan measures are consistently applied, Plan Section 6.2.4, *HCP/NCCP Participation Package* describes the process that all covered activities must undergo to determine impacts and applicable measures from the Plan that apply to the activity.

Changes in the fee program are necessary to account for numerous potential changes to the cost elements over time described in the cost model (land costs, labor costs, inflation, etc.). Annual adjustments to these fees are necessary to ensure that the fee program matches the actual cost to implement the plan and that fee adjustments need to be made to keep pace with economic elements described above. The five year comprehensive review of plan costs is consistent with the requirements of California's Mitigation Fee Act also known as AB 1600 (See California Government Code Section 66001(d)). The adjustment to fees is described in Section 9.4.1.7 of the HCP/NCCP.

Comment
Commenter states that the EIR/EIS should provide clear project level mitigation and conservation-design standards and requirements for Placer Parkway that will support the objectives of the PCCP.

Response
See Final EIS/EIR Appendix I – Response to Comment Letter 42-9.

The PCCP includes avoidance and minimization measures, and conditions on covered activities, including those in Plan Section 6.3.4.1, *Regional Public Projects Condition 1, Transportation and Other Infrastructure Projects Design Requirements*, which will apply to the Placer Parkway project. However, a separate, detailed environmental analysis specifically of that project's environmental effects has been and will continue to be carried out. The Placer Parkway Corridor Selection project and its Tier 1 EIS/Program EIR was certified on December 3, 2009 by SPRTA. SPRTA also selected the route alternative that would be further evaluated when Tier 2 documents were prepared (Alternative #5 with a No-Access buffer). On May 7, 2010, the Federal Highway Administration completed its Record of Decision and also selected Alternative 5 with a No-Access Buffer Zone. The EIS/EIR prepared for Tier 1 included numerous mitigation measures to offset the impacts of the corridor on fish and wildlife species and their habitat including a substantive non-access area for future road crossings and interchanges.

The County of Placer approved a Mitigated Negative Declaration that was prepared in June of 2015 for the Phase 1 improvements for the Parkway. The Mitigated Negative Declaration describes numerous avoidance and minimization measures used to avoid effects on biological resources and includes eleven mitigation measures which reduced effects on biological resources to a less than significant level.

Comment
The EIS/EIR should address PCCP implementation being too complicated and subjective to be implemented fairly over time and by successor administrators.

Response
Application of the PCCP development fees and other Plan requirements are described in the HCP/NCCP including Appendix I (Project Take Mitigation Assessment Example). The PCCP fee structure is necessarily somewhat complex because it is designed to fund compensatory mitigation for impacts analyzed in the PCCP which includes many different habitats, covered species, and types of impacts within a large area and over a long period of time (i.e. 50 years). The impacts and PCCP measures to mitigate them are also somewhat complex. However, the various conditions, best management practices, survey requirements and other plan standards have been written to be as clear and objective as possible with oversight by the state and federal agencies.

Comment Letter 9. Curt and Jane Wurst

Comment
Commenter states the PCCP planning process was not transparent or inclusive of stakeholder and residents in the PCCP reserve acquisition area, did not collaborate with cattle operators in

the “Big Hill” acquisition area, and was fully developed before affected stakeholders and residents were notified.

Response
See Final EIS/EIR Appendix I – Response to Comment Letter 42.

Pursuant to the terms of the Natural Community Conservation PCCP Planning Agreement between the County and state/federal wildlife agencies, the Biological Working Group, composed of designated representatives from environmental, development, agriculture/ranching, land trusts, and other groups formed in 2001. This committee participated in the development of the Plan and comprehensively reviewed the drafts, section by section, providing feedback and edits. Prior to the public review draft documents being made available on June 21, 2019, earlier versions were available on the County’s website. In addition to the Biological Working Group’s review of numerous drafts, public hearing presentations, public interest meetings, and meetings at the request of individuals have been ongoing and routine over the history of the PCCP planning process.

Comment
Commenter states that they were not notified that their property was targeted for acquisition by the PCCP.

Response
The commenter’s property is located within the RAA designation of the PCCP. As defined in Section 1.2.5 of the PCCP, the RAA is the area where “the ultimate Reserve System will be built based upon property owners’ willingness to sell property or conservation easements and the ability of these properties to meet PCCP mitigation and conservation requirements”. The RAA designation does not “target” specific parcels or change General Plan or Zoning or land uses currently allowed within this area. It is the area where the County would seek willing landowners to conserve and protect large parcels with significant conservation values. As such, the entire RAA is not intended to be incorporated into the Reserve System and the ultimate configuration of the Reserve System will depend upon the location of properties that owners are willing to sell.

Comment
Commenter raises concerns about the history of Placer Legacy land acquisitions, which are unrelated to the draft or final EIS/EIR.

Response
The approximately 321-acre Taylor Property is owned by the Placer Land Trust. The County participated in the acquisition of the property along with the State of California, California Wildlife Foundation and others. The County’s share of funding was derived from mitigation funds and the corresponding acreage cannot be used for PCCP conservation purposes.

The Placer Land Trust holds a Conservation Easement on the approximately 313-acre Liberty Ranch property. The County participated in the acquisition of the easement along with the State of California, California Wildlife Foundation and others. The County’s share of funding was derived from the Open Space Trust fund. If the conservation values and terms of the existing conservation easement are reviewed and approved by the state and federal wildlife agencies to be consistent with the biologic goals and objectives of the PCCP the proportional

acreage could be counted toward the PCCP's conservation objectives (i.e., conservation over and above the mitigation requirements).

Placer County's Williamson Act Ordinance specifically allows placement of conservation easements on the same land under a Williamson Act contract, as long as such easements recognize the agricultural nature of the property and do not preclude such activity.

Comment
Commenter notes that the Liberty, Beard, and Oest Ranches and other properties are listed as "Existing PCCP Reserves".

Response
The HCP/NCCP identifies these properties as "Existing Protected Areas and Other Reserves" that include public and private lands owned by or subject to conservation or agricultural easements held by 3rd parties including the State of California, Placer Land Trust, Wildlife Heritage Foundation and others but are not counted toward the HCP/NCCP's land conservation goals. Some are simply owned by conservation oriented third parties, such as the Placer Land Trust, but are not protected. For these lands, if their conservation values and type of protections allow, they may be included in the PCCP's Reserve System in the future subject to the owner's willingness, incorporation of management and monitoring consistent with requirements and guidelines in the Plan, and approval by the state and federal wildlife agencies.

Comment
Commenter suggests that the PCCP treats recreation as a higher priority than conservation or protection of agricultural lands and states the EIS/EIR does not adequately identify or analyze the effects of recreational activities.

Response
See Final EIS/EIR Appendix I – Response to Comment Letter 21.

The EIS/EIR does evaluate the environmental impacts associated with the implementation of the PCCP, including the effects of recreational uses within Reserve System lands (see Section 4.10, *Recreation*, of the draft and final EIS/EIR). Recreational uses will be allowed within the HCP/NCCP Reserve System only to the extent consistent with the HCP/NCCP's biological goals and objectives and Reserve System requirements.

Comment
Commenter states the Hidden Falls Regional Park does not meet all PCCP biological goals and objectives for conservation due to the high volume of users, trails, access roads and parking lots.

Response
See Response to Leslie Warren Letter 8. included herein.

As the Commenter notes, there are portions of Hidden Falls Regional Park that are not consistent with the biological goals and objectives of the HCP/NCCP Reserve System, such as areas near parking lots and recreational facilities. However, there is a significant amount of acreage outside these areas with much lower use or trail density that may be consistent with

HCP/NCCP Reserve System requirements. If any portion of the Park is to be counted toward HCP/NCCP Reserve System land acquisition commitments, a conservation easement would have to be recorded over that portion, and a Reserve System Management Plan (including fuel load reduction and fire management, and minimization of recreational impacts) would have to be prepared.

Comment
Commenter states the recreational uses are inconsistent with the conservation purposes of the PCCP.

Response
Commenter is correct that the PCCP is not a recreation plan or program. The HCP/NCCP was written with assistance from the state and federal agencies to ensure that it includes specific conditions on recreation and trails, recognizing that they exist and are likely to occur in the future with or without the PCCP. The HCP/NCCP provides that if trails and recreation facilities are constructed by any of the participating agencies after HCP/NCCP adoption, that they be subject to its avoidance, minimization, and mitigation measures to avoid and minimize effects on species and habitat. When recreational facilities are proposed in the HCP/NCCP Reserve System, it places limits on how many new trails can be constructed (i.e., 50 acres of ground disturbance for the whole 47,300 acre Reserve System) and places numerous limitations on trail and other recreational uses (See Section 6.3.6.1.1 Restrictions on Recreational Uses in Future Reserves Acquired during Plan Implementation and Section 6.3.6.1.2 New Trail Design and Use Standards for Future Reserves).

Comment
Commenter hopes the PCCP and County will remain committed to the conservation purpose of the PCCP, particularly with regard to the Hidden Falls Regional Park Expansion.

Response
The first guiding principle in Chapter 1 of the HCP/NCCP describes the balance that the PCCP seeks to achieve, “Protect and enhance ecological diversity and function in the greater portion of western Placer County, while supporting appropriate and compatible growth in accordance with applicable laws.”

In terms of recreation, the acquisition of 47,300 acres for a future Reserve System does not include recreational uses, “to the degree of the HFRP expansion”. The Hidden Falls Regional Park currently has approximately 30 miles of trails on the 1,200-acre site. The HCP/NCCP Reserve System will allow for a maximum of an additional 70 miles/50 acres of trails within the 47,300-acre Reserve System by the end of the 50-year permit term. There will be other recreational developments by the County and City of Lincoln constructed over the permit term, but these recreational areas will not be included in the HCP/NCCP Reserve System.

Comments Letters Expressing Support / Comment Noted, No Response Required:

- Terry Davis, PCCP Biological Working Group
- Dry Creek Conservancy
- Lincoln Area Chamber of Commerce
- Lincoln Village 3 Landowners
- Placer Community Foundation
- Placer Land Trust

Attachment B

Exhibit D

Placer County Conservation Program

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

Introduction

Section 21081.6 of the California Environmental Quality Act (CEQA) and Section 15097 of the State CEQA Guidelines require a lead agency that adopts an environmental impact report (EIR) to establish a program to monitor and report on the adopted mitigation measures in order to ensure that approved mitigation measures are implemented subsequent to project approval. Specifically, the lead agency must adopt a reporting or monitoring program for mitigation measures incorporated into a project or imposed as conditions of approval. The program must be designed to ensure compliance during project implementation. As stated in California Public Resources Code Section 21081.6(a)(1):

> The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.

This mitigation monitoring and reporting program (MMRP) is designed to meet that requirement. As lead agency for this project, Placer County will use this MMRP to ensure compliance with mitigation measures associated with implementation of the proposed project. Mitigation measures identified in this MMRP were developed in the EIS/EIR prepared for the proposed project.

The following table indicates the mitigation measure number, the mitigation measure text, implementation timing, the monitoring agency, and an area to record monitoring compliance.

This page is intentionally blank.

Mitigation Monitoring and Reporting Program

Proposed Mitigation Measure(s)	Timing	Implementing Party	Monitoring	Verification of Completion	
				Date	Initial
Air Quality, Greenhouse Gases, and Climate Change					
Mitigation Measure AQ-1: Implement FRAQMD exhaust controls and criteria pollutant offsets during construction and O&M activities The proponent shall assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that will be used an aggregate of 40 or more hours for the construction project and apply the following mitigation measure: The project shall provide a plan for approval by FRAQMD demonstrating that the heavy-duty (equal to or greater than 50 horsepower) off-road equipment to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 5% ROG reduction, 20% NOX reduction and 45% particulate reduction compared to the most recent ARB fleet average at time of construction. A Construction Mitigation Calculator (MS Excel) may be downloaded from the Sacramento Metropolitan Air Quality Management District web site to perform the fleet average evaluation. The results of the Construction Mitigation Calculator shall be submitted and approved by FRAQMD prior to beginning work. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology (Carl Moyer Guidelines), after-treatment products, voluntary offsite mitigation projects, provide funds for air district offsite mitigation projects, and/or other options as they become available. The District should be contacted to discuss alternative measures. The project shall provide a monthly summary of heavy-duty off-road equipment usage to the District throughout the construction of the project.	During construction and implementation of the Conservation Strategy	Placer Conservation Authority (PCA)	**Reviewing Party** PCA **Monitoring Action** PCA shall verify incorporation of measure in contractor contracts		
Biological Resources					
Mitigation Measure BIO-1: Conduct surveys for and avoid special-status plants in proposed restoration and enhancement areas • The Placer Conservation Authority (PCA) will retain qualified botanists to survey proposed restoration and enhancement areas, those portions of reserve areas where management activities will result in ground disturbing activities in previous undisturbed areas and/or vegetation removal, to document the presence of special-status plants before restoring and enhancing habitat where vegetation would be removed and/or grading would occur. Surveys would not be required for firebreaks in reserves that are pre-existing but would be required prior to the establishment of new firebreaks but not thereafter. Surveys would not be required prior to the use of cattle grazing. The botanists will conduct a floristic survey following recent CDFW botanical survey guidelines or other Resource Agency–approved protocol (California Department of Fish and Wildlife 2018). All plant species observed will be identified to the level necessary to determine whether they qualify as special-status plants or are plant species with unusual or significant range extensions. The guidelines also require that field surveys be conducted when special-status plants that could occur in the area are evident and identifiable, generally during the reported blooming period. To account for different special-status plant identification periods, one or more series of field surveys may be required in spring and summer. • If any special-status plants are identified during the surveys, the botanists will photograph them and map their locations, document the location and extent of the population on a CNDDB Survey Form, and submit the completed Survey Form to the CNDDB. Based on the mapped locations, the PCA will redesign or modify proposed habitat restoration to avoid direct or indirect effects on special-status plants. • Exclusionary construction fencing and explanatory signage will be placed around the perimeter of special-status plant occurrences that could be affected by restoration activities throughout the period during which such activities are conducted. Signage will explain the nature of the sensitive resource and warn that no effect on the plants is allowed. The fencing will include a buffer zone of at least 20 feet between the special-status plants and construction activities. All exclusionary fencing will be maintained in good condition throughout the construction period. The establishment of activity exclusion zones will not be required if construction-related disturbances would occur more than 250 feet from the occupied habitat site.	During construction and implementation of the Conservation Strategy	Placer Conservation Authority (PCA)	**Reviewing Party** PCA **Monitoring Action** PCA shall verify incorporation of measure in contractor contracts		

Proposed Mitigation Measure(s)	Timing	Implementing Party	Monitoring	Verification of Completion	
				Date	Initial
• Before any work, including grading, occurs in the restoration or enhancement area, a qualified biologist will conduct mandatory contractor/worker awareness training for construction personnel. The awareness training will be provided to all construction personnel to brief them on the need to avoid effects on special-status plants and the penalties for not complying with permit requirements. The biologist will inform all construction personnel about the life history of special-status plant species that occur in the restoration area, the importance of maintaining habitat, and the terms and conditions of the authorizing document. Proof of this instruction will be submitted to CDFW or other overseeing agency, as appropriate. • The PCA or its contractors will retain qualified biologists to monitor construction activities adjacent to special-status plants. The biologists will assist the construction crew, as needed, to comply with all project implementation restrictions and guidelines. In addition, the biologists will be responsible for ensuring that the PCA or its contractors maintain the exclusion fencing adjacent to special-status plants.					
Mitigation Measure BIO-2: Conduct preconstruction surveys for coast horned lizard For all ground-disturbing activities in sandy, friable soils related to conservation actions under the Plan, PCA will retain a qualified biologist to conduct a habitat assessment in areas that are relatively undisturbed or have a moderate to high potential to support the coast horned lizard. The biologist will survey for coast horned lizard in areas of suitable habitat concurrently with the preconstruction surveys for covered species. If coast horned lizards are found in work areas, the biologist will first attempt to allow the individuals to move out of the work area on their own, but if conditions do not allow this, the biologist will capture individuals and relocate them to the nearest suitable habitat outside the work area as allowed under the biologist's current Scientific Collecting Permit amended for such handling. To the extent feasible, work in areas of suitable habitat for coast horned lizard should not be conducted during periods of cold and hot temperatures (below 67°F and above 100°F), because individuals would be relatively inactive at these temperatures and could be taking cover in loose soil, in burrows or crevices, or under structures such as rocks or logs (Morey 2000). This measure would reduce the impact of horned lizards being crushed by vehicles and equipment.	During construction and implementation of the Conservation Strategy	Placer Conservation Authority (PCA)	**Reviewing Party** PCA **Monitoring Action** PCA shall verify incorporation of measure in contractor contracts		
Mitigation Measure BIO-3: Conduct preconstruction surveys for roosting bats and implement protective measures when implementing certain PCCP conservation measures This measure was designed to avoid and minimize adverse direct and indirect effects on special-status bats. However, baseline data regarding how bats use the Plan Area, individual numbers of bats, and how populations vary seasonally are not available. Consequently, it is difficult to quantify the reduction in species numbers. Bat species with potential to occur in the Plan Area employ varied roost strategies, from solitary roosting in tree foliage to colonial roosting in trees and artificial structures such as buildings and bridges. Daily and seasonal variations in habitat use are common. To achieve the highest likelihood of detection, PCA will assess the potential for bat roosting habitat in restoration or enhancement areas and conduct pre-activity bat surveys for those conservation actions that have a potential to directly affect bat roosting habitat, such as those actions that require the trimming or removal of trees and the removal or modification of bridges and structures. The assessment and surveys will include the components listed below. • Identification of potential roosting habitat within project footprint. • Daytime search for bats and bat sign in and around identified habitat. • Evening emergence surveys at potential day-roost sites, using night-vision goggles and/or active full-spectrum acoustic monitoring where species identification is sought. The use of night-vision goggles is primarily for identifying a specific location where bats are emerging from a roost. Using them in combination with acoustic detectors will allow the biologist to note the time at which emergence was observed with the time stamp on the calls that were recorded, thereby allowing one to assign a greater likelihood of a species being tied to a specific roost site. • Passive full-spectrum acoustic monitoring and analysis to detect bat use of the area from dusk to dawn over multiple nights. • Additional onsite night surveys as needed following passive acoustic detection of special-status bats to determine nature of bat use of the structure in question (e.g., use of structure as night roost between foraging bouts). • Qualified biologists will have knowledge of the natural history of the species that could occur in the study area and experience using full-spectrum acoustic equipment. During surveys, biologists will avoid unnecessary disturbance of occupied roosts.	During construction and implementation of the Conservation Strategy	Placer Conservation Authority (PCA)	**Reviewing Party** PCA **Monitoring Action** PCA shall verify incorporation of measure in contractor contracts		

Proposed Mitigation Measure(s)	Timing	Implementing Party	Monitoring	Verification of Completion	
				Date	Initial
Preconstruction Surveys of Bridges and Other Structure (if Plan Conservation Actions involve Bridge/Structure Modifications) For any conservation actions that entail bridge or structure modifications, such as demolition of derelict buildings, before such work begins, qualified biologists will conduct a daytime search for bat sign and evening emergence surveys to determine if the bridge or structure is being used as a roost. Biologists conducting daytime surveys will listen for audible bat calls and use naked eye, binoculars, and a high-powered spotlight to inspect expansion joints, weep holes, and other features that could house bats. Bridge surfaces and the ground around the bridge or structure will be surveyed for bat sign, such as guano, staining, and prey remains. Evening emergence surveys will consist of at least one biologist stationed on each side of the bridge or structure watching for emerging bats from one-half hour before sunset to 1–2 hours after sunset for a minimum of two nights in the season during which construction would take place. Night-vision goggles and/or full-spectrum acoustic detectors will be used during emergence surveys to assist in species identification. All emergence surveys will be conducted during favorable weather conditions (calm nights with temperatures conducive to bat activity and no predicted precipitation). Additionally, passive monitoring with full-spectrum bat detectors will be used to assist in identifying species that are present. A minimum of four nights of acoustic monitoring surveys will be conducted in the season during which the construction would take place. If site security allows, detectors should be set to record bat calls for the duration of each night. To the extent possible, all monitoring will be conducted during favorable weather conditions (calm nights with temperatures conducive to bat activity and no predicted precipitation). The biologists will analyze the bat call data using appropriate software and prepare a report with the results of the surveys. If acoustic data suggest that bats may be using the bridge or structure as a night roost, biologists will conduct a night survey from 1–2 hours past sunset up to 6 hours past sunset to determine if the bridge is serving as a colonial night roost. If suitable roost structures would be removed, additional surveys may be required to determine how the structure is used by bats: i.e., whether for night roosting, maternity roosting, migration stopover, or hibernation. ***Preconstruction Tree Surveys*** If tree removal or trimming is necessary under conservation actions, qualified biologists will examine trees to be removed or trimmed for suitable bat roosting habitat. High-value habitat features (e.g., large tree cavities, basal hollows, loose or peeling bark, larger snags, palm trees with intact thatch) will be identified and the area around these features searched for bats and bat sign (e.g., guano, culled insect parts, staining). Riparian woodland, orchards, and stands of mature broadleaf trees should be considered potential habitat for solitary foliage-roosting bat species. If bat sign is detected, biologists will conduct evening visual emergence survey of the source habitat feature, from one-half hour before sunset to 1–2 hours after sunset for a minimum of two nights in the season within which construction would take place. Methodology should follow that described above for the bridge emergence survey. Additionally, if suitable tree roosting habitat is present, acoustic monitoring with a bat detector will be conducted to assist in identifying species that are present. These surveys will be conducted in coordination with the acoustic monitoring conducted for the bridge or structure surveys. ***Protective Measures for Bats using Bridges, Structures, or Trees*** Avoidance and minimization measures will be necessary if it is determined that bats are using the bridge, structure, or trees as roost sites or if special-status bat species are detected during acoustic monitoring. PCA will determine appropriate measures in consultation with CDFW; such measures will include, as applicable, those listed below. • Bats will be protected from noise, vibrations, and light that result from construction activities associated with water conveyance facilities, conservation components, and ongoing habitat enhancement, as well as operations and maintenance of aboveground water conveyance facilities, including the transmission facilities. This protection will be accomplished either by directing noise barriers and lights inward from the disturbance or by ensuring that the disturbances do not extend more than 300 feet from the point source.					

Proposed Mitigation Measure(s)	Timing	Implementing Party	Monitoring	Verification of Completion	
				Date	Initial

• Disturbance of bridges or structures will be avoided between March 1 and October 31 (the maternity period) to avoid impacts on reproductively active females and dependent young.
• Exclusion devices will be installed from March 1 through October 31 to preclude bats from occupying the bridge during construction. Exclusionary devices will only be installed by or under the supervision of an experienced bat biologist.
• Tree removal will be avoided between April 15 and September 15 (the maternity period for bat species that use trees) to avoid impacts on pregnant females and active maternity roosts (colonial or solitary).
• Tree removal will be conducted between September 15 and October 31 to the maximum extent feasible—the period when bats are not likely to have entered winter hibernation and would not be caring for flightless young. If weather conditions remain conducive to regular bat activity beyond October 31, later tree removal may be considered in consultation with CDFW.
• Trees will be removed in pieces, rather than felling the entire tree, which will create some initial disturbance to rouse bats and allow the more time to exit/leave a tree before the entire tree is cut down.
• If a maternity roost is located, whether solitary or colonial, that roost will remain undisturbed with a buffer as determined in consultation with CDFW until September 15 or until a qualified biologist has determined the roost is no longer active.
• If a non-maternity roost is found, that roost will be avoided to the maximum extent feasible and an appropriate buffer established in consultation with CDFW. Every effort will be made to avoid the roost to the maximum extent feasible, as methods to evict bats from trees are largely untested. However, if the roost cannot be avoided, eviction will be attempted and procedures designed in consultation with CDFW to reduce the likelihood of mortality of evicted bats. In all cases, the following restrictions will apply.
  o Eviction will not occur before September 15 and will match the timeframe for tree removal approved by CDFW.
  o Qualified biologists will carry out or oversee the eviction tasks and monitor the tree trimming or removal.
  o Eviction will take place late in the day or in the evening to reduce the likelihood of evicted bats falling prey to diurnal predators.
  o Eviction will take place during weather and temperature conditions conducive to bat activity.
  o Special-status bat roosts will not be disturbed.
Eviction procedures will include the following characteristics.
  o Pre-eviction surveys will be conducted to obtain data to inform the eviction approach and subsequent mitigation requirements. Relevant data may include the species, sex, reproductive status, and number of bats using the roost, as well as roost conditions such as temperature and dimensions. Surveys may include visual emergence, night vision, acoustic, and capture techniques.
  o Structural changes may be made to the roost if they can be undertaken without harming bats, such that the conditions in the roost are undesirable to roosting bats and the bats leave on their own (e.g., open additional portals to change temperature, wind, light, and precipitation regime in the roost).
  o Noninjurious harassment, such as ultrasound deterrents or other sensory irritants, can be carried out at the roost site to encourage bats to leave on their own.
• Prior to removal or trimming, after other eviction efforts have been attempted, any confirmed roost tree will be shaken, repeatedly struck with a heavy implement such as an axe, and several minutes allowed to elapse before felling the tree or trimming limbs to allow bats time to arouse and leave the tree. The biologists should search downed vegetation for dead and injured bats. The presence of dead or injured bats will be reported to CDFW.					

Proposed Mitigation Measure(s)	Timing	Implementing Party	Monitoring	Verification of Completion	
				Date	Initial
Mitigation Measure BIO-4: Conduct preconstruction survey for American badger when implementing certain PCCP conservation measures PCA will retain a qualified biologist to conduct surveys for American badger concurrently with the preconstruction survey for burrowing owl where conservation actions are to occur. If badgers are detected, the biologist will passively relocate badgers out of the work area prior to construction, if feasible. If an active den is detected within the work area, PCA will establish a suitable buffer distance and avoid the den until the qualified biologist determines the den is no longer active. Dens that are determined to be inactive by the qualified biologist will be collapsed by hand to prevent occupation of the den between the time of the survey and construction activities. In addition, ground disturbance in project-related conservation areas within 50 feet of active American badger dens will be prohibited. No dogs will be allowed on conservation areas with active American badger populations. Rodent control will be prohibited in areas with American badger populations to ensure rodent prey availability. Mitigation Measure BIO-4 is applicable to all ground-disturbing activities related to conservation actions.	During construction and implementation of the Conservation Strategy	Placer Conservation Authority (PCA)	**Reviewing Party** PCA **Monitoring Action** PCA shall verify incorporation of measure in contractor contracts		
Cultural and Paleontological Resources					
Mitigation Measure CUL-1: Retain a qualified professional paleontologist to monitor significant ground-disturbing activities When excavation deeper than 3 feet will occur in geologic units sensitive for paleontological resources (Table 3.4-2, Figure 3.4-1), a qualified paleontologist will be present during excavation. Prior to these ground-disturbing activities, the professional paleontologist, as defined by SVP's Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010), will be retained. Data gathered during detailed project design will be used to determine the activities that will require the presence of the paleontologist. Recovered fossils will be prepared so that they can be properly documented. Recovered fossils will then be curated at a facility that will properly house and label them, maintain the association between the fossils and field data about the fossils' provenance, and make the information available to the scientific community.	During construction and implementation of the Conservation Strategy	Placer Conservation Authority (PCA)	**Reviewing Party** PCA **Monitoring Action** PCA shall verify incorporation of measure in contractor contracts		
Mitigation Measure CUL-2: Stop work if substantial fossil remains are encountered during construction If substantial fossil remains (particularly vertebrate remains) are discovered during ground-disturbing activities, the construction contractor will stop activities immediately until a state-registered professional geologist or qualified professional paleontologist can assess the nature and importance of the find and a qualified professional paleontologist can recommend appropriate treatment. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds.	During construction and implementation of the Conservation Strategy	Placer Conservation Authority (PCA)	**Reviewing Party** PCA **Monitoring Action** PCA shall verify incorporation of measure in contractor contracts		
Noise					
Mitigation Measure NOI-1: Implement measures to reduce noise resulting from conservation measures and Covered Activities during construction and O&M activities to ensure compliance with applicable noise standards, where feasible *Employ Noise-Reducing Construction Practices during Construction and O&M Activities* During construction and O&M activities associated with PCCP conservation measures that include the use of heavy equipment, PCA contractors will employ BMPs to reduce construction noise near noise-sensitive land uses. Implementation of this measure will ensure that construction noise levels, as applicable, do not violate applicable local noise standards. Measures used to limit construction noise include the following. • Limiting above-ground noise-generating construction to the hours between 6:00 a.m. and 8:00 p.m., Monday through Friday, and between 8:00 a.m. and 8:00 p.m. on Saturdays and Sundays, in accordance with the Placer County Noise Ordinance. • Locating stationary equipment (e.g., generators, compressors, rock crushers, cement mixers, idling trucks) as far as possible from noise-sensitive land uses. • Prohibiting gasoline or diesel engines from having unmuffled exhaust. • Requiring all construction equipment powered by gasoline or diesel engines to have sound-control devices that are at least as effective as those originally provided by the manufacturer, and requiring all equipment to be operated and maintained to minimize noise generation.	During construction and implementation of the Conservation Strategy	Placer Conservation Authority (PCA)	**Reviewing Party** PCA **Monitoring Action** PCA shall verify incorporation of measure in contractor contracts		

Proposed Mitigation Measure(s)	Timing	Implementing Party	Monitoring	Verification of Completion	
				Date	Initial
• Preventing excessive noise by shutting down idle vehicles or equipment. • Using noise-reducing enclosures around noise-generating equipment. • Selecting haul routes that affect the fewest numbers of people. • Constructing barriers between noise sources and noise-sensitive land uses or taking advantage of existing barrier features (e.g., terrain, structures) to block sound transmission to noise-sensitive land uses. The barriers shall be designed to obstruct the line of sight between the noise-sensitive land use and onsite construction equipment. When installed properly, acoustic barriers can reduce construction noise levels by approximately 8–10 dBA (U.S. Environmental Protection Agency 1971). *Prior to Construction, Initiate a Complaint/Response Tracking Program* Prior to commencement of construction and O&M activities, PCA contractors will make a construction schedule available to residents living in the vicinity of the construction areas before construction begins and designate a noise disturbance coordinator. The coordinator will be responsible for responding to complaints regarding construction noise by determining the cause of the complaint, and ensuring that reasonable measures are implemented to correct the problem when feasible. A contact telephone number for the noise disturbance coordinator will be conspicuously posted on construction site fences and will be included in the notification of the construction schedule.					
Mitigation Measure NOI-2: Employ vibration-reducing construction practices for vibration-generating activities associated with conservation measures and Covered Activities The PCA construction contractor will, to the extent feasible, maintain a minimum distance of 200 feet between pile drivers (should these be used for construction related to conservation measures) and occupied buildings or structures, and 50 feet between other construction equipment and occupied buildings or structures, when utilizing construction equipment for the implementation of conservation measures under the PCCP. For cases where this is not feasible, residents or property owners would be notified in writing prior to construction activity that construction may occur within the specified distances of their buildings. The PCA will inspect the potentially affected buildings prior to construction to inventory existing cracks in paint, plaster, concrete, and other building elements. The PCA shall retain a qualified acoustical consultant or engineering firm to conduct vibration monitoring at potentially affected buildings to measure the actual vibration levels during construction. If measured vibration exceeds 0.1 in/sec PPV, alternative construction approaches will be implemented to limit vibration to 0.1 in/sec PPV. Following completion of construction, the PCA will conduct a second inspection to inventory changes in existing cracks and new cracks or damage, if any, which occurred as a result of construction-induced vibration. If new damage is found, then the PCA will promptly arrange to have the damaged repaired. In addition, if construction activity is required within 100 feet of residences or other vibration-sensitive buildings, a designated complaint coordinator will be responsible for handling and responding to any complaints received during such periods of construction. A reporting program will be required to document complaints received, actions taken, and the effectiveness of these actions in resolving disputes.	During construction and implementation of the Conservation Strategy	Placer Conservation Authority (PCA)	**Reviewing Party** PCA **Monitoring Action** PCA shall verify incorporation of measure in contractor contracts		

Attachment C

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

In the matter of: A RESOLUTION AMENDING THE PLACER COUNTY GENERAL PLAN AS IT RELATES TO THE PLACER COUNTY CONSERVATION PROGRAM

Resolution No.: _____

The following Resolution was duly passed by the Board of Supervisors of the County of Placer

at a regular meeting held on _____, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

_____
Chair, Board of Supervisors

Attest:

_____
Clerk of said Board

WHEREAS, the Placer County Conservation Program ("PCCP") is a regional, comprehensive program that would provide a framework to protect, enhance, and restore the natural resources in western Placer County, while streamlining permitting for Covered Activities, defined generally as any action undertaken in the PCCP plan area by or under the authority of a permitting agency that may affect covered species or covered natural communities; and

WHEREAS, the PCCP would achieve conservation goals and comply with state and federal environmental regulations while facilitating planning and permitting for anticipated urban and

rural growth and construction and maintenance of infrastructure needed to serve the County of Placer's ("County's") population; and

WHEREAS, the PCCP is comprised of the following three integrated program components (collectively defined as the "Proposed Project"):

- The *Western Placer County Habitat Conservation Plan and Natural Community Conservation Plan*, a joint habitat conservation plan and natural community conservation plan (HCP/NCCP) that would protect fish, wildlife, plants, and their habitats and fulfill the requirements of the federal Endangered Species Act of 1973, as amended (ESA), and the California Natural Community Conservation Planning Act (NCCPA).
- The *Western Placer County Aquatic Resources Program* (CARP) that would protect streams, wetlands, and other aquatic resources and fulfill the requirements of the Clean Water Act (CWA) and analogous state laws and regulations.
- The *Western Placer County In-Lieu Fee Program* (ILF Program) that fulfills compensatory mitigation requirements under Section 404 of the CWA.

WHEREAS, the County acting as lead agency pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 et seq., 14 California Code of Regulations section 1500 et seq. ("CEQA Guidelines")) and the U.S. Fish and Wildlife Service ("USFWS") acting as the lead agency pursuant to the National Environmental Policy Act (NEPA) (42 United States Code 4321; 40 Code of Federal Regulations 1500.1); and the President's Council on Environmental Quality guidelines on implementing NEPA; prepared a joint environmental impact statement and environmental impact report ("EIS/EIR") for the Proposed Project (SCH#2005032050); and

WHEREAS, as the lead agency under CEQA, the County is responsible for certifying the EIR portion of the EIS/EIR, making Findings of Fact and Statement of Overriding Considerations and adopting the Mitigation Monitoring and Reporting Program for the Proposed Project; and

WHEREAS, on July 9, 2020 the County Planning Commission held a noticed public hearing pursuant to Placer County Code Chapter 17, Article 17.60, Section 17.60.140 to consider the PCCP Final EIR, the afore-described PCCP components, the proposed General Plan Amendments and all other PCCP related implementation requests, and pursuant to Placer County Code Chapter 17, Article 17.60, Section 17.60.090(C), the Planning Commission has made recommendations to the Board related thereto; and

WHEREAS, notice of a public hearing was given in compliance with Placer County Code Chapter 17, Article 17.60, Section 17.60.140, and on _____, 2020, the County Board of Supervisors ("Board") held the duly noticed public hearing pursuant to Placer County Code Chapter 17, Article 17.60, Section 17.60.090(D) to consider the recommendations of the Planning Commission and to receive public input regarding the proposed PCCP, the Final EIR and all other related project requests; and

WHEREAS, at the conclusion of the public hearing, the Board adopted Resolution No. _____ to certify the Final EIR for the PCCP, adopt Findings of Fact and a Statement of Overriding Considerations and a Mitigation, Monitoring Reporting Program; and

WHEREAS, the Board finds the proposed amendments to the County General Plan will serve to protect and enhance the health, safety, and general welfare of the County as a whole; and

WHEREAS, the Board further finds that the proposed amendments are consistent with the applicable requirements of State law, and are consistent with the provisions of the General Plan as further described in Exhibit C, the General Plan Consistency Determination.

WHEREAS, the Board further finds that the proposed amendments will achieve Implementation Program 6.11 of the Placer County General Plan by leading to the adoption and implementation of a comprehensive HCP/NCCP to address long-term preservation and maintenance of sufficient natural habitat to support indefinitely the diversity of plants and wildlife species currently represented in the County while enabling streamlined permitting for Covered Activities.

WHEREAS, notice of all hearings required has been given and all hearings have been held as required by the Placer County Code and State law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER that the amendments to the General Plan, as set forth in Exhibits A and B, attached hereto and incorporated herein by reference, are hereby adopted.

BE IT FURTHER RESOLVED that this resolution shall take force and become effective upon the effective date of the ordinance adopting Placer County Code Chapter 19 (Conservation, Open Space and Woodland Conservation).

Attachment C

Exhibit A

SECTION 1 - LAND USE

OPEN SPACE, HABITAT, AND WILDLIFE RESOURCES

*****

Goal 1.I.2: **To implement the Placer County Conservation Program (PCCP) in western Placer County to protect and enhance ecological diversity and function while allowing appropriate and compatible growth.**

Policies

1.I.2.1. **The County shall insure that land and infrastructure development does not prevent the PCCP from achieving the following objectives from the Western Placer County Habitat Conservation Plan and Natural Communities Conservation Plan:**

- **Objective L-1.1.: Establish a large, interconnected Reserve System.**
- **Objective L-2.1.: Protect habitat linkages.**
- **Objective L-2.2.: Maintain and enhance Reserve System permeability.**
- **Objective L-2.3.: Establish east-west corridors.**
- **Objective L-2.4.: Conserve north-south connectivity.**
- **Objective L-2.5.: Conserve upland natural communities surrounding aquatic/wetlands complex natural communities**
- **Objective VPCG-1.1.: Protect existing vernal pool complexes.**
- **Objective VPCG-1.3.: Protect grasslands**
- **Objective AW-1.1.: Protect aquatic/wetlands complex natural community**
- **Objective RAR-1.1.: Protect riverine/riparian complex**
- **Objective RAR-1.2.: Protect riverine constituent habitat**
- **Objective OW-1.1.: Protect oak woodlands**
- **Objective OW-1.4.: Protect valley oak woodlands**
- **Objective AO-1.1.: Protect agricultural lands and other open space**
- **Objective SWHA-1.2.: Protect Swainson's hawk foraging habitat**
- **Objective BLRA-1.1.: Protect, restore/create, and manage and enhance California black rail habitat**
- **Objective TRBL-1.1.: Protect, manage, and enhance tricolored blackbird nesting habitat**
- **Objective TRBL-1.2.: Protect, restore, manage, and enhance tricolored blackbird foraging habitat**
- **Objective TRBL-1.4.: Protect, restore, manage, and enhance tricolored blackbird foraging habitat near colony sites**
- **Objective TRBL-1.5.: Protect and/or restore/create open water near tricolored blackbird colony sites**
- **Objective GGS-1.1.: Protect and manage giant garter snake habitat**
- **Objective WPT-1.1.: Protect and enhance western pond turtle habitat**
- **Objective FYLF-1.1.: Protect foothill yellow-legged frog riverine habitat**
- **Objective FYLF-1.2.: Protect foothill yellow-legged frog riparian habitat**
- **Objective CRLf-2.1.: Protect suitable California red-legged frog habitat**
- **Objective FISH-1.1.: Protect salmonid spawning and migrating habitat**
- **Objective FISH-1.2.: Protect riparian habitat for fish**

- **Objective FISH-1.3.: Protect oak woodlands for fish**

1.I.2.2. **The County shall insure that land and infrastructure development is consistent with the following objectives from the Western Placer County Aquatic Resources Program:**

- **Replace lost functions and services consistent with the state and federal "no net loss" policies (See Policy 6.B.1.).**
- **As part of the County's review of land and infrastructure development, consider watershed-scale features such as aquatic habitat diversity, habitat connectivity, and relationships to hydrologic sources including the availability of water rights.**

[See also policies/programs under Goal 6.B., Wetland and Riparian Areas; Goal 6.C., Fish and Wildlife Habitat, Goal 6.D., Vegetation; and Goal 6.E., Open Space For the Preservation of Natural Resources.]

*****

Attachment C

Exhibit B

SECTION 6 - NATURAL RESOURCES

WETLAND AND RIPARIAN AREAS

6.B.5. The County shall require development that may affect a wetland to employ avoidance, minimization, and/or compensatory mitigation techniques. In evaluating the level of compensation to be required with respect to any given project, (a) on-site mitigation shall be preferred to off-site, and in-kind mitigation shall be preferred to out-of-kind; (b) functional replacement ratios may vary to the extent necessary to incorporate a margin of safety reflecting the expected degree of success associated with the mitigation plan; and (c) acreage replacement ratios may vary depending on the relative functions and values of those wetlands being lost and those being supplied, including compensation for temporal losses**. Consideration shall be given to out-of-kind compensatory mitigation for wetland impacts when larger landscape-level goals and objectives may be met by doing so.** The County shall continue to implement and refine criteria for determining when an alteration to a wetland is considered a less-than-significant impact under CEQA.

FISH AND WILDLIFE HABITAT

6.C.1. The County shall identify and protect significant ecological resource areas and other unique wildlife habitats critical to protecting and sustaining wildlife populations. Significant ecological resource areas include the following:

a. Wetland areas including vernal pools.
b. Stream zones.
c. Any habitat for special status, threatened or endangered animals or plants.
d. Critical deer winter ranges (winter and summer), migratory routes and fawning habitat.
e. Large areas of non-fragmented natural habitat, including blue oak woodlands, valley foothill and montane riparian, valley oak woodlands, annual grasslands, and vernal pool/grassland complexes.
f. Identifiable wildlife movement zones, including but not limited to, non-fragmented stream environment zones, avian and mammalian migratory routes, and known concentration areas of waterfowl within the Pacific Flyway.
g. Important spawning and rearing areas for anadromous fish.
h. Habitat necessary to protect and recover populations of the Covered Species identified in the Placer County Conservation Program.

6.C.6. The County shall support **programs that preserve** ~~preservation of~~ the habitats of threatened, endangered, and/or other special status species **including the implementation of the Placer County Conservation Program.** Where County acquisition and maintenance is not practicable or feasible, federal and state agencies, as well as other resource conservation organizations, shall be encouraged to acquire and manage endangered species' habitats.

6.C.11. Prior to approval of discretionary development permits involving parcels within a significant ecological resource area, the County shall require, as part of the environmental review process, a biotic resources evaluation of the sites by a wildlife

biologist, the evaluation shall be based upon field reconnaissance performed at the appropriate time of year to determine the presence or absence of special status, threatened, or endangered species of plants or animals. Such evaluation will consider the potential for significant impact on these resources and will identify feasible measures to mitigate such impacts or indicate why mitigation is not feasible. In approving any such discretionary development permit, the decision-making body shall determine the feasibility of the identified mitigation measures **and whether the approval affects the viability of County, state or federal conservation programs that seek to protect the significant ecological resource areas.**

Significant ecological resource areas shall, at a minimum, include the following:

a. Wetland areas including vernal pools.
b. Stream zones.
c. Any habitat for special status, threatened or endangered animals or plants.
d. Critical deer winter ranges (winter and summer), migratory routes and fawning habitat.
e. Large areas of non-fragmented natural habitat, including blue oak woodlands, valley foothill and montane riparian, valley oak woodlands, annual grasslands, vernal pool/grassland complexes habitat.
f. Identifiable wildlife movement zones, including but not limited to, non-fragmented stream environment zones, avian and mammalian migratory routes, and known concentration areas of waterfowl within the Pacific Flyway.
g. Important spawning and rearing areas for anadromous fish.
h. Habitat necessary to protect and recover populations of the Covered Species identified in the Placer County Conservation Program.

6.C.12. The County shall cooperate with, encourage, and support the plans of other public agencies to acquire fee title or conservation easements to privately-owned lands in order to preserve important wildlife corridors and to provide habitat protection of California Species of Concern and state or federally listed threatened, or endangered plant and animal species, or any species listed in an implementing agreement for a habitat conservation plan and natural communities conservation plan **such as the Placer County Conservation Program.**

VEGETATION

6.D.3. The County shall support the preservation of outstanding areas of natural vegetation, including, but not limited to, oak woodlands, riparian areas, ~~and~~ vernal pools**, and habitat necessary to protect and recover populations of the Covered Species identified in the Placer County Conservation Program.**

6.D.6. The County shall ensure the conservation of sufficiently large, continuous expanses of ~~native~~ vegetation that ~~to~~ provides suitable habitat for maintaining abundant and diverse wildlife **including habitat necessary to protect and recover populations of the Covered Species identified in the Placer County Conservation Program.**

OPEN SPACE FOR THE PRESERVATION OF NATURAL RESOURCES

6.E.2. The County shall require that new development be designed and constructed to preserve the following types of areas and features as open space to the maximum extent feasible:

a. High erosion hazard areas;
b. Scenic and trail corridors;
c. Streams, riparian vegetation;
d. Wetlands;
e. Significant stands of vegetation;
f. Wildlife corridors; and

g. Any areas of special ecological significance

h. Habitat necessary to ~~sustain~~ protect and recover populations of the Covered Species identified in the Placer County Conservation Program.

6.E.3. The County shall support the ~~maintenance~~ conservation of open space and natural areas that are interconnected and of sufficient size to protect biodiversity, sustain viable populations, accommodate wildlife movement, and sustain ecosystems. **In particular, lands within the Placer County Conservation Program Plan Area that meet these criteria are a priority for conservation.**

Attachment C

Exhibit C

General Plan Consistency Determination

General Plan Consistency

Prior to approval, the decision-making body must determine that a project is consistent with the applicable planning documents, in this case, the Placer County General Plan (2013). For purposes of this consistency determination, the "project" is the PCCP including the HCP/NCCP, CARP, In-lieu Fee Program, and implementing ordinances and resolutions for PCCP Development Fees and Placer County Code.

The Placer County General Plan has two components, the Countywide General Plan and numerous community plans that cover specific areas of the unincorporated county. In this case, a determination of consistency is to be made with the Countywide General Plan because it provides the overall framework for development of the county and protection of its natural and cultural resources as required by the Government Code (Section 65302). While there are a number of community plans and one area plan within the PCCP boundary they do not satisfy the requirements of state law for the content of a general plan including comprehensive goals and policies that are focused on land use (Section 65302(a)), conservation (Section 65302(d)) and open space (Section 65302(e)). The goals and policies contained in the Countywide General Plan are applicable throughout the entirety of the PCCP Plan Area boundary.

When determining whether or not a project is consistent with the Countywide General Plan's goals and policies, decision-makers must look at the entirety of the plan's goals and policies. Although a project may not be fully consistent with every individual goal or policy, the decision-makers have the discretion to weigh all policies; weighing whether on balance, the project is consistent with all of the overarching goals and policies of the General Plan. The analysis of the project, in consideration of the goals and policies of the Countywide General Plan as they apply to this proposal, has determined that the project would be consistent for the reasons described below and taking into consideration the primary goals and direction of the General Plan.

The following section describes how the PCCP is consistent with the Placer County General Plan goals, policies, standards and programs.

Countywide General Plan Policy Document

The Countywide General Plan Policy Document "serves as [the] community's "constitution" for land use and development". The General Plan Policy Document includes the goals, policies, standards, implementation programs, quantified objectives, the Land Use Diagram, and the Circulation Plan Diagram that constitute Placer County's formal policies for land use, development, and environmental quality.

The Land Use Section of the Placer County General Plan identifies a goal, "To promote the wise, efficient, and environmentally-sensitive use of Placer County lands to meet the present and future needs of Placer County residents and businesses" (Goal 1.A.) The Land Use Section also identifies a goal, "To establish and maintain interconnected greenbelts and open spaces for the protection of native vegetation and wildlife and for the community's enjoyment" (Goal 1.I.) Together these goals help provide the policy foundation from which the land use diagram, land use designations, and goals and policies

that govern land use are derived. They also provide the foundation for the development and implementation of conservation programs such as Placer Legacy and the PCCP.

The Natural Resources Section also provides numerous goals that directly support the implementation of the PCCP including:

> **Goal 6.A:** To protect and enhance the natural qualities of Placer County's rivers, streams, creeks and groundwater.
>
> **Goal 6.B:** To protect wetland communities and related riparian areas throughout Placer County as valuable resources.
>
> **Goal 6.C:** To protect, restore, and enhance habitats that support fish and wildlife species so as to maintain populations at viable levels.
>
> **Goal 6.D:** To preserve and protect the valuable vegetation resources of Placer County.
>
> **Goal 6.E:** To preserve and enhance open space lands to maintain the natural resources of the County.

More specifically, the Natural Resource Section of the Countywide General Plan Policy Document includes implementation program 6.11 that calls for the County to, “initiate a cooperative effort to develop, adopt, and implement a Countywide National Communities Conservation Plan (NCCP) (Fish and Game Code Sections 2800-2840), and Habitat Conservation Plan (HCP) (Section 10 of the Federal Endangered Species Act (FESA)) to address the long-term conservation and maintenance of sufficient natural habitat to support indefinitely the diversity of plants and wildlife species currently represented in Placer County. The HCP/NCCP will serve as a means of achieving programmatic regulatory compliance with these statutes and the State and Federal wetland statutes (Section 404 of the Clean Water Act).” This implementation program, originally adopted in 1994 and updated in 2013, describes in exact terms the PCCP’s regulatory objectives.

Placer County General Plan Land Use Diagram

The proposed PCCP is also consistent with the Countywide General Plan Land Use Diagram in both of the forms represented in the General Plan including the Generalized Land Use Diagram and the General Plan Land Use Diagram. The Generalized Land Use Diagram depicts all of the land use designations in the unincorporated area, including the community plans, in a simplified format. The General Plan Land Use Diagram depicts detailed land use designations for all areas that are not included in a community plan. For all areas outside of a community plan boundary, the General Plan Land Use Diagram is the governing land use map for development in the unincorporated area.

Adoption of the PCCP does not alter in any way any land use designation depicted on the two land use diagrams described above. No General Plan diagram amendments are required to adopt the PCCP and all future land use decisions that could alter the land use diagrams reside with the police power authority of the Board of Supervisors without any restriction imposed by the PCCP. After the PCCP is adopted all land uses that are allowed by the current land use diagram and implementing zoning will continue to be allowed. Similarly, all land uses that are restricted or disallowed by the current land use diagram will be disallowed or restricted after the PCCP is adopted. The PCCP does not confer any change in land use designation. Any future change to the land use diagram from an individual project proponent or as part of a more comprehensive update to the General Plan will require one or more General Plan amendments. Those legislative actions of the Board of Supervisors are not restricted or linked to the PCCP. The only nexus between future legislative land use decisions of the Board of Supervisors and the PCCP is associated with General Plan amendments that would increase density or intensify land uses within the area known as the Reserve Acquisition Area (RAA). Chapter 2 of the *Western Placer County Habitat Conservation Plan/Natural Communities Conservation Plan*, February 2020, describes which

land uses receive regulatory “coverage” and also lists those that do not. For General Plan amendments that intensify land use, Chapter 2 states: “For County and City of Lincoln General Plans, specific plans, and implementing zoning may be changed over the course of the PCCP permit [term] to allow changes in allowed land use type so long as the land use remains rural or agricultural or is compatible with rural or agricultural general plan designations, land use intensity is not increased, and residential density is not increased. Activities that do not meet these criteria are not prohibited by the Plan but are specifically not covered by the Plan.” During the 50-year permit term, projects that increase land use intensity or residential density within the PCCP boundary will need to obtain approvals for impacts to aquatic resources of Placer County and Covered Species through direct application to state and federal agencies and not through the PCCP.

Countywide General Plan Policy Document Consistency Review

The following table comprehensively assesses the PCCP with the relevant General Plan goals and policies and provides the factual basis for making a finding of consistency. Section references in the Consistency Finding column are to be found in the HCP/NCCP unless otherwise noted. When there is a reference to an “Objective,” see Section 5.2.4 of the HCP/NCCP (Framework for Biological Goals, Objectives, and Conservation Measures). Additional details on how the PCCP goals, conditions and objectives are met can be found in the individual Conservation Measures described in Section 5.3 of the HCP/NCCP.

Attachment C

General Plan Consistency Table

SECTION 1: LAND USE	
Goals and Policies	Consistency Finding
GENERAL LAND USE **Goal 1.A:** To promote the wise, efficient, and environmentally-sensitive use of Placer County lands to meet the present and future needs of Placer County residents and businesses.	
1.A.1 The County will promote the efficient use of land and natural resources.	**Consistent.** The Guiding Principles of the PCCP as expressed in Section 1.1.2 of the HCP/NCCP provide the overall goals of the PCCP which are consistent with Policy 1.A.1.
1.A.2 The County shall permit only low-intensity forms of development in areas with sensitive environmental resources or where natural or human-caused hazards are likely to pose a significant threat to health, safety, or property.	**Consistent.** See General Condition 2 (Conservation Land: Development Interface Design Requirements – Section 6.3.1.2), Section 6.3.1.3.1 (Permanent Effect Avoidance in the PFG), Section 6.3.1.3.2 (Permanent Effect Avoidance for Low Density Rural Development), Section 6.3.2 (Conditions to Avoid and Minimize Effects on Specific Natural Communities), Section 6.3.3 (Conditions to Avoid, Minimize, and Mitigate Effects on the Stream System), Section 6.3.4 (Regional Public Programs) and Section 6.3.5 (Conditions to Minimize Effects on Covered Species).
OPEN SPACE, HABITAT, AND WILDLIFE RESOURCES **Goal 1.I:** To establish and maintain interconnected greenbelts and open spaces for the protection of native vegetation and wildlife and for the community's enjoyment.	
1.I.1 The County shall require that significant natural, open space, and cultural resources be identified in advance of development and incorporated into site-specific development project design. The Planned Residential Developments (PDs) and the Commercial Planned Development (CPD) provisions of the Zoning Ordinance can be used to allow flexibility for this integration with valuable site features.	**Consistent.** See Section 6.2.4 (HCP/NCCP Participation Package) for requirements on identification of natural community types and Sections 6.3.2, 6.3.3, 6.3.4, and 6.3.5 for avoidance and minimization measures that will influence site-specific project design.

Attachment C

1.I.2 The County shall require that development be planned and designed to avoid areas rich in wildlife or of a fragile ecological nature (e.g., areas of rare or endangered plant species, riparian areas). Alternatively, where avoidance is infeasible or where equal or greater ecological benefits can be obtained through off-site mitigation, the County shall allow project proponents to contribute to off-site mitigation efforts in lieu of on-site mitigation.	**Consistent.** See Sections 6.3.2, 6.3.3, 6.3.4, and 6.3.5 for avoidance and minimization measures that will influence site-specific project design. See Section 6.3.1.3 (General Condition 3, Land Conversion) for off-site mitigation requirements that result in the establishment of a Reserve System. See Section 9.4.1 (HCP/NCCP Development Fees) and Section 9.4.1.10 (Land Provided in Lieu of Development Fees) for contributions to off-site mitigation efforts.
ECONOMIC DEVELOPMENT **Goal 1.N:** To maintain a healthy and diverse local economy that meets the present and future employment, shopping, recreational, public safety, and service needs of Placer County residents and to expand the economic base to better serve the needs of residents.	
1.N.1 The County shall promote economic expansion based on Placer County's unique recreational opportunities and natural resources.	**Consistent.** See Section 1.1.4 (Purpose) for a list of program objectives that are consistent with Policy 1.N.1 including the following: "1. Provide comprehensive species, natural community, and ecosystem conservation in the Plan Area." "3. Protect and enhance biological and ecological diversity in the county." "9. Standardize avoidance, minimization, mitigation, and compensation requirements of all applicable laws and regulations related to biological and natural resources within the Plan Area so that public and private actions will be governed equally and consistently, thereby reducing delays, expenses, and regulatory duplication." "10. Provide a less costly, more efficient project review process that will result in greater conservation than the current project-by-project, species-by-species endangered species compliance process."
1.N.3 The County shall endeavor to protect the natural resources upon which the County's basic economy (e.g., recreation, forestry, agriculture, mining, and tourism) is dependent.	**Consistent.** See 1.N.1 above.

Attachment C

SECTION 2: HOUSING	
Goals and Policies	Consistency Finding
NEW RESIDENTIAL CONSTRUCTION Goal A: To provide new housing opportunities to meet the needs of existing and future Placer County residents in all income categories.	
A-1: The County shall maintain an adequate supply of appropriately zoned land with public services to accommodate housing needs of existing and future residents.	**Consistent.** The PCCP does not alter the General Plan Land Use Diagram.
A-2: The County shall ensure that its adopted policies, regulations, and procedures do not add unnecessarily to the cost of housing while still attaining other important County objectives.	**Consistent.** The regulatory efficiencies gained through the implementation of the PCCP should provide for the timely permitting and approval of housing in the County. The cost to implement the PCCP is currently a cost that is already borne through the project-by-project review and permitting of state and federal regulatory agencies.
A-3: The County shall continue efforts to streamline and improve the development review process, and to eliminate any unnecessary delays in the processing of development applications.	**Consistent.** See objectives 8, 9, 10, 11, and 12 in Section 1.1.4.

SECTION 4. PUBLIC FACILITIES AND SERVICES	
Goals and Policies	Consistency Finding
STORMWATER DRAINAGE **Goal 4.E:** To manage rainwater and stormwater at the source in a sustainable manner that least inconveniences the public, reduces potential water-related damage, augments water supply, mitigates storm water pollution, and enhances the environment.	
4.E.1 The County shall encourage the use of natural stormwater drainage systems to preserve and enhance natural features.	**Consistent.** See Objective L-3.1 (Implement Low Impact Development Standards), Section 6.3.2.2 and Table 6-1 (Community Condition 2, Riverine and Riparian Avoidance and Minimization), and Section 6.3.1.1.3 (HCP/NCCP Watershed Hydrology and Water Quality BMPs).

Attachment C

4.E.2 The County shall support efforts to acquire land or obtain easements for drainage and other public uses of floodplains where it is desirable to maintain drainage channels in a natural state.	**Consistent.** See Objectives L-1.1 (Establish a Large, Interconnected Reserve System), L-2.1 (Protect Habitat Linkages), L-2.3 (Establish East-West Corridors), RAR-1.1 (Protect Riverine/Riparian Complex) and RAR-1.2 (Protect Riverine Constituent Habitat). In Chapter 6 see Section 6.3.3 (Conditions to Avoid, Minimize and Mitigate Effects on the Stream System) and Section 6.3.1.3 (General Condition 3, Land Conversion) for requirements off-site mitigation that result in the establishment of a Reserve System.
4.E.3 The County shall consider using stormwater of adequate quality to replenish local groundwater basins, restore wetlands and riparian habitat, and irrigate agricultural lands.	**Consistent.** See Objective L-3.1 (Implement Low Impact Development Standards), Section 6.3.1.1.2 (West Placer Storm Water Quality Design Manual) and Section 6.3.1.1.3 (HCP/NCCP Watershed Hydrology and Water Quality BMPs).
4.E.10 The County shall strive to improve the quality of runoff from urban and suburban development through use of appropriate site design measures including, but not limited to vegetated swales, infiltration/sedimentation basins, riparian setbacks, oil/grit separators, rooftop and impervious area disconnection, porous pavement, and other best management practices (BMPs).	**Consistent.** See Objective L-3.1 (Implement Low Impact Development Standards), Section 6.3.1.1.2 (West Placer Storm Water Quality Design Manual) and Section 6.3.1.1.3 (HCP/NCCP Watershed Hydrology and Water Quality BMPs).
4.E.16 The County shall identify and coordinate mitigation measures with responsible agencies for the control of storm drainage systems, monitoring of discharges, and implementation of measures to control pollutant loads in urban storm water runoff (e.g., California Regional Water Quality Control Board, Placer County Environmental Health Division, Placer County Department of Public Works, CDRA Engineering and Surveying Division, Placer County Flood Control and Water Conservation District).	**Consistent.** See Objective L-3.1 (Implement Low Impact Development Standards), Section 6.3.1.1.2 (West Placer Storm Water Quality Design Manual) and Section 6.3.1.1.3 (HCP/NCCP Watershed Hydrology and Water Quality BMPs).
FLOOD PROTECTION **Goal 4.F**: To protect the lives and property of the citizens of Placer County from hazards associated with development in floodplains and manage floodplains for their natural resource values.	
4.F.2 The County shall recognize floodplains as a potential public resource to be managed and maintained for the public's benefit.	**Consistent.** See Objectives L-1.1 (Establish a Large, Interconnected Reserve System), L-2.1 (Protect Habitat Linkages), L-2.3 (Establish East-West Corridors), RAR-1.1 (Protect Riverine/Riparian Complex) and RAR-1.2 (Protect Riverine Constituent Habitat). In Chapter 6 see Section 6.3.3 (Conditions to Avoid, Minimize and Mitigate Effects on the Stream System).

Attachment C

4.F.5 The County shall attempt to maintain natural conditions within the 100-year floodplain of all rivers and streams except under the following circumstances: a. Where work is required to manage and maintain the stream's drainage characteristics and where such work is done in accordance with the *Placer County Flood Damage Prevention Ordinance,* California Department of Fish and Wildlife regulations, and Clean Water Act provisions administered by the U.S. Army Corps of Engineers.	**Consistent.** See Objectives L-1.1 (Establish a Large, Interconnected Reserve System), L-2.1 (Protect Habitat Linkages), L-2.3 (Establish East-West Corridors), RAR-1.1 (Protect Riverine/Riparian Complex) and RAR-1.2 (Protect Riverine Constituent Habitat). In Chapter 6 see Section 6.3.3 (Conditions to Avoid, Minimize and Mitigate Effects on the Stream System).
4.F.8 The County shall, where possible, view flood waters as a resource to be used for waterfowl habitat, aquifer recharge, fishery enhancement, agricultural water supply, and other suitable uses.	**Consistent.** See Objectives L-1.1 (Establish a Large, Interconnected Reserve System), L-2.1 (Protect Habitat Linkages), L-2.3 (Establish East-West Corridors), RAR-1.1 (Protect Riverine/Riparian Complex) and RAR-1.2 (Protect Riverine Constituent Habitat). In Chapter 6 see Section 6.3.3 (Conditions to Avoid, Minimize and Mitigate Effects on the Stream System) and Section 6.3.1.3 (General Condition 3, Land Conversion) for off-site mitigation requirements that result in the establishment of a Reserve System.
4.F.10 The County shall preserve or enhance the aesthetic qualities of natural drainage courses in their natural or improved state compatible with flood control requirements and economic, environmental, and ecological factors.	**Consistent.** See Section 6.3.3 (Conditions to Avoid, Minimize and Mitigate Effects on the Stream System).

SECTION 5. RECREATIONAL AND CULTURAL RESOURCES	
Goals and Policies	Consistency Finding
Public Recreation and Parks **Goal 5.A:** To develop and maintain a system of conveniently located, properly-designed parks and recreational facilities to serve the needs of present and future residents, employees, and visitors.	
5.A.1 The County shall strive to achieve and maintain a standard of 10 acres of improved parkland per 1,000 population. The standard shall be comprised of the following: □ 5 acres of improved active parkland per 1,000 population □ 5 acres of passive recreation area or open space per 1,000 population	**Consistent.** Up to 70 miles of new trails may be developed within the PCCP Reserve System in addition to the trails that currently are utilized at the Hidden Falls Regional Park which is to be enrolled as a reserve property. See Section 6.3.6.1 (Reserve Management Condition 1, Public Access and Recreation on Future Reserve Lands).

Attachment C

5.A.3 The County shall require new development to provide a minimum of 5 acres of improved parkland and 5 acres of passive recreation area or open space for every 1,000 new residents of the area covered by the development. The park classification system shown in Table 5-1 should be used as a guide to the type of the facilities to be developed in achieving these standards.	**Consistent.** See the above comment on Policy 5.A.1.
5.A.4 The County shall consider the use of the following open space areas as passive parks to be applied to the requirement for 5 acres of passive park area for every 1,000 residents. a. Floodways b. Protected riparian corridors and stream environment zones c. Protected wildlife corridors d. Greenways with the potential for trail development e. Open water (e.g., ponds, lakes, and reservoirs) f. Protected woodland areas. g. Protected sensitive habitat areas providing that interpretive displays are provided (e.g., wetlands and habitat for rare, threatened or endangered species.) Buffer areas are not considered as passive park areas if such areas are delineated by setbacks within private property. Where such areas are delineated by public easements or are held as common areas with homeowner/property owner access or public access, they will be considered as passive park areas provided that there are opportunities for passive recreational use.	**Consistent.** See the above comment on Policy 5.A.1.
5.A.13 The County shall ensure that recreational activity is distributed and managed according to an area's carrying capacity, with special emphasis on controlling adverse environmental impacts, conflict between uses, and trespass. At the same time, the regional importance of each area's recreation resources shall be recognized.	**Consistent.** See Section 6.3.6.1.1 (Restrictions on Recreational uses in Future Reserves Acquired during Plan Implementation).

Attachment C

5.A.22 The County shall encourage compatible recreational use of riparian areas along streams and creeks where public access can be balanced with environmental values and private property rights such as the proposed Dry Creek Greenway.	**Consistent.** See the above comment on Policy 5.A.13.
5.A.24 The County shall encourage public and private park and recreation agencies to acknowledge the natural resource values present at park sites during the design of a new facility.	**Consistent.** See the above comment on Policy 5.A.13.
Goal 5.C: To develop a system of interconnected hiking, riding, and bicycling trails and paths suitable for active recreation and transportation and circulation.	
5.C.1 The County shall support development of a countywide trail system designed to achieve the following objectives: a. Provide safe, pleasant, and convenient travel by foot, horse, or bicycle; b. Link residential areas, schools, community buildings, parks, and other community facilities within residential developments. Whenever possible, trails should connect to the countywide trail system, regional trails, and the trail or bikeways plans of cities; c. Provide access to recreation areas, major waterways, and vista points; d. Provide for multiple uses (i.e., pedestrian, equestrian, bicycle); e. Use public utility corridors such as power transmission line easements, railroad rights-of-way, irrigation district easements, and roadways; f. Whenever feasible, be designed to separate equestrian trails from cycling paths, and to separate trails from the roadway by the use of curbs, fences, landscape buffering, and/or spatial distance; g. Connect commercial areas, major employment centers, institutional uses, public facilities, and recreational areas with residential areas; and h. Protect sensitive open space and natural resources.	**Consistent.** See the above comment on Policy 5.A.1.
5.C.3 The County shall work with other public agencies to coordinate the development of equestrian, pedestrian, and bicycle trails.	**Consistent.** See the above comment on Policy 5.A.1.

Attachment C

Goal 5.D: To identify, protect, and enhance Placer County's important historical, archaeological, paleontological, and cultural sites and their contributing environment.	
5.D.3 The County shall solicit the views of the Native American Heritage Commission, State Office of Historic preservation, North Central Information Center, and/or the local Native American community in cases where development may result in disturbance to sites containing evidence of Native American activity and/or to sites of cultural importance.	**Consistent.** Projects that receive take authorization or an authorization to fill an aquatic resource of Placer County must comply with CEQA and Section 106 of the National Historic Preservation Act. (See CARP Section 2.2.4 and Placer County Code - Chapter 15, Article 15.60 Cultural Resources Preservation and Chapter 18, Article 18.37 Cultural and Tribal Resources.)
5.D.6 The County shall require that discretionary development projects identify and protect from damage, destruction, and abuse, important historical, archaeological, paleontological, and cultural sites and their contributing environment. Such assessments shall be incorporated into a countywide cultural resource data base, to be maintained by the Division of Museums.	**Consistent.** See above comment on Policy 5.D.3.
5.D.7 The County shall require that discretionary development projects are designed to avoid potential impacts to significant paleontological or cultural resources whenever possible. Unavoidable impacts, whenever possible, shall be reduced to a less than significant level and/or shall be mitigated by extracting maximum recoverable data. Determinations of impacts, significance, and mitigation shall be made by qualified archaeological (in consultation with recognized local Native American groups), historical, or paleontological consultants, depending on the type of resource in question.	**Consistent.** See above comment on Policy 5.D.3.
5.D.12 The County shall consider acquisition programs (i.e. Placer Legacy Open Space and Agricultural Conservation Program) as a means of preserving significant cultural resources that are not suitable for private development. Organizations that could provide assistance in this area include, but are not limited to, the Archaeological Conservancy, the Native American community, and local land trusts.	**Consistent.** The policy makes a specific reference to Placer Legacy. The PCCP is one of the programs that implement the Placer Legacy objectives related to biological resources. The PCCP reserve system management plans will insure that lands acquired in fee or protected by conservation easements will protect significant cultural resources that are present. In addition, projects that receive coverage through the PCCP will need to comply with CEQA and Section 106 of the National Historic Preservation Act. Upon adoption of the Cultural Resources Management Plan, projects would comply with the PCCP to consider the effects that projects will have on cultural resources. (Also see CARP Section 2.2.4 and Placer County Code - Chapter 15, Article 15.60 Cultural Resources Preservation and Chapter 18, Article 18.37 Cultural and Tribal Resources.)

Attachment C

SECTION 6. NATURAL RESOURCES	
Goals and Policies	Consistency Finding
WATER RESOURCES **Goal 6.A:** To protect and enhance the natural qualities of Placer County's rivers, streams, creeks and groundwater.	
6.A.1 The County shall require the provision of sensitive habitat buffers which shall, at a minimum, be measured as follows: 100 feet from the centerline of perennial streams, 50 feet from centerline of intermittent streams, and 50 feet from the edge of sensitive habitats to be protected, including riparian zones, wetlands, old growth woodlands, and the habitat of special status, threatened or endangered species (see discussion of sensitive habitat buffers in Part I of this Policy Document). Based on more detailed information supplied as a part of the review for a specific project or input from state or federal regulatory agency, the County may determine that such setbacks are not applicable in a particular instance of [*sic*] should be modified based on the new information provided. The County may, however, allow exceptions, such as in the following cases: 1. Reasonable use of the property would otherwise be denied; 2. The location is necessary to avoid or mitigate hazards to the public; 3. The location is necessary for the repair of roads, bridges, trails, or similar infrastructure; or, 4. The location is necessary for the construction of new roads, bridges, trails, or similar infrastructure where the County determines there is no feasible alternative and the project has minimized environmental impacts through project design and infrastructure placement.	**Consistent.** See Section 6.3.3 (Conditions to Avoid, Minimize, and Mitigate Effects on the Stream System) for riverine and riparian buffers, Section 6.3.2.1.1 (Community Condition 1.1, Avoidance of Vernal Pool Complex Constituent Habitat) for vernal pool buffers, Section 6.3.2.2.1 (Community Condition 2.1, Riverine and Riparian Avoidance) for riparian buffers, Section 6.3.2.1.2 (Community Condition 1.2, Avoidance of Aquatic/Wetland Complex Constituent Habitat), Section 6.3.2.1.3 (Community Condition 1.3, Aquatic/Wetland Complex Impact Minimization Measures), Section 6.3.1.2 (General Condition 2, Conservation Lands: Development Interface Design Requirements) for buffers between reserve lands and new development, and Section 6.3.5 (Conditions to Minimize Effects on Covered Species) for numerous buffer standards for individual Covered Species. While the PCCP may alter some of the buffer distances and methods of measurement (e.g., ordinary high water mark versus centerline of a stream), the overall intent of the buffers is the same. The buffers in the PCCP are based upon specific documents prepared for the PCCP on buffer distances (e.g., the 2005 report on *Setback Recommendations to Conserve Riparian Areas and Streams in Western Placer County*), or are based upon state and federal standards.

Attachment C

6.A.3 The County shall require development projects proposing to encroach into a stream zone or stream setback to do one or more of the following, in descending order of desirability: a. Avoid the disturbance of riparian vegetation; b. Replace all functions of the existing riparian vegetation (on-site, in-kind); c. Restore another section of creek (in-kind); and/or d. Pay a mitigation fee for restoration elsewhere (e.g., mitigation banks).	**Consistent.** See Section 6.3.2.2 (Community Condition 2, Riverine/Riparian Avoidance and Minimization) and Section 6.3.2.2.3 (Community Condition 2.3, Riverine and Riparian Restoration. Also see Objective RAR-1.1 (Protect Riverine/Riparian Complex) and Objective RAR-1.2 (Protect Riverine Constituent Habitat). The PCCP takes the concept of on-site, in-kind mitigation from the project-scale to the landscape-scale allowing for mitigation to occur within the watershed versus a project boundary because on-site conditions frequently do not provide the opportunity to replace all functions and values. Section 6.3.2.2.3 states, "Riverine and riparian restoration to offset project effects may be implemented on-site to replace the functions of the riparian woodland degraded or lost to the Covered Activity. Riparian restoration implemented on-site will be credited to Plan restoration targets if the restoration helps to meet the biological goals and objectives of the Plan. When it is deemed infeasible to implement restoration at the project site, in-kind restoration will be required at an off-site location or through the payment of fees to the PCA."

Attachment C

6.A.4 Where stream protection is required or proposed, the County should require public and private development to: a. Preserve stream zones and stream setback areas through easements or dedications. Parcel lines (in the case of a subdivision) or easements (in the case of a subdivision or other development) shall be located to optimize resource protection. If a stream is proposed to be included within an open space parcel or easement, allowed uses and maintenance responsibilities within that parcel or easement should be clearly defined and conditioned prior to map or project approval; b. Designate such easement or dedication areas (as described in a. above) as open space; c. Protect stream zones and their habitat value by actions such as: 1) providing an adequate stream setback, 2) maintaining creek corridors in an essentially natural state, 3) employing stream restoration techniques where restoration is needed to achieve a natural stream zone, 4) utilizing riparian vegetation within stream zones, and where possible, within stream setback areas, 5) prohibiting the planting of invasive, non-native plants (such as *Vinca major* and eucalyptus) within stream zones or stream setbacks, and 6) avoiding tree removal within stream zones; d. Provide recreation and public access near creeks consistent with other *General Plan* policies; e. Use design, construction, and maintenance techniques that ensure development near a creek will not cause or worsen natural hazards (such as erosion, sedimentation, flooding, or water pollution) and will include erosion and sediment control practices such as: 1) turbidity screens and other management practices, which shall be used as necessary to minimize siltation, sedimentation, and erosion, and shall be left in place until disturbed areas; and/or are stabilized with permanent vegetation that will prevent the transport of sediment off site; and 2) temporary vegetation sufficient to stabilize disturbed areas. f. Provide for long-term stream zone maintenance by providing a guaranteed financial commitment to the County which accounts for all anticipated maintenance activities.	**Consistent.** For "a" and "b", see Section 5.3.1.4 (Landscape-level Reserve Design) and Objective NCM1 L-2, Reserve Acquisition Strategy which requires that a Reserve System be established through the use of land acquisitions including conservation easements. For "c" see Objective RAR-1.1 (Protect Riverine/Riparian Complex), Objective RAR-1.2 (Protect Riverine Constituent Habitat) and Objective L-3.2 (Reduce Invasive Non-native Species and Increase Native Species). For "c", also see Section 6.3.1.3 (General Condition 3, Land Conversion) for off-site mitigation requirements that result in the establishment of a Reserve System and Section 6.3.3 (Conditions to Avoid, Minimize and Mitigate Effects on the Stream System). For "d", the PCCP does allows for a maximum of 70 miles of new trails in the Reserve System, and provides regulatory coverage for new trail and public access near creeks when such projects are implemented (See Tables 2-6 and 2-7). For "e", see Objective L-3.1 (Implement Low Impact Development Standards), Section 6.3.1.1.2 (West Placer Storm Water Quality Design Manual and Section 6.3.1.1.3 (HCP/NCCP Watershed Hydrology and Water Quality BMPs). For "f" see Section 9.3.3 (Manage and Enhance the Reserve System, Section 9.3.8 (Costs in Perpetuity) and Appendix L (Public Review Draft Implementation Cost Estimates and Assumption).

Attachment C

6.A.5 The County shall continue to require the use of feasible and practical best management practices (BMPs) to protect streams from the adverse effects of construction activities and urban runoff and to encourage the use of BMPs for agricultural activities.	**Consistent.** See Table 6-1 (In-stream and Stream System BMPs)
6.A.6 The County shall require development projects to comply with the municipal and construction stormwater permit requirements of the Federal Clean Water Act National Pollutant Discharge Elimination System (NPDES) Phase I and II programs and the State General Municipal and Construction permits. Municipal requirements affecting project design and construction practices are enacted through the County's Stormwater Quality Ordinance. Separate construction permits may be required by and obtained through the State Water Resources Control Board.	**Consistent.** See Section 6.3.1.1 (General Condition 1, Watershed Hydrology and Water Quality). This section states that, "All Covered Activities shall comply with the State of California General Construction Permit—including requirements to develop a project-based Storm Water Pollution Prevention Plan (SWPPP) and applicable NPDES program requirements as implemented by the City of Lincoln and County of Placer."
6.A.7 All new development and redevelopment projects shall be designed so as to minimize the introduction of pollutants into stormwater runoff, to the maximum extent practicable, as well as minimize the amount of runoff through the incorporation of appropriate Best Management Practices.	**Consistent.** See Table 6-1 (In-stream and Stream System BMPs)
6.A.8 The County shall support implementation of Low Impact Development site design and Watershed Process Management requirements for new and redevelopment projects in accordance with the NPDES Phase I and II programs, and applicable NPDES permits.	**Consistent.** See Section 6.3.1.1.2 (West Placer Storm Water Quality Design Manual) and Objective L-3.1 (Implement Low Impact Development Standards).
6.A.10 The County shall discourage grading activities during the rainy season, unless adequately mitigated, to avoid sedimentation of creeks and damage to riparian habitat.	**Consistent.** See Section 6.3.1.1.3 (HCP/NCCP Watershed Hydrology and Water Quality BMPs). Additionally, grading activities are a Covered Activity of the PCCP and the requirements of Placer County Code, Chapter 15, Article 15.48 (Grading, Erosion and Sediment Control) will apply as will any mitigation measures required through CEQA.
6.A.12 The County shall require that newly-created parcels include adequate space outside of watercourses' setback areas to ensure that property owners will not place improvements (e.g., pools, patios, and appurtenant structures), within areas that require protection.	**Consistent.** See Community Condition 6.3.2.2 (Community Condition 2, Riverine and Riparian Avoidance and Minimization) and Section 6.3.3 (Conditions to Avoid, Minimize, and Mitigate Effects on the Stream System).

Attachment C

WETLAND AND RIPARIAN AREAS **Goal 6.B:** To protect wetland communities and related riparian areas throughout Placer County as valuable resources.	
6.B.1 The County shall support the "no net loss" policy for wetland areas regulated by the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the California Department of Fish and Wildlife. Coordination with these agencies at all levels of project review shall continue to ensure that appropriate mitigation measures and the concerns of these agencies are adequately addressed.	**Consistent.** See Objective VPCG 1.2 (Restore/Create Vernal Pool Complexes), Objective AW-1.2 (Restore/Create Aquatic/Wetland Complex Natural Community) and Objective AW-1.3 (Maintain and Enhance Wetlands and Ponds). Also see Section 6.3.2.1.1 (Community Condition 1.1, Avoidance of Vernal Pool Complex Constituent Habitat) and Section 6.3.2.1.2 (Community Condition 1.2, Avoidance of Aquatic/Wetland Complex Constituent Habitat). Also see Section 4.2 of the CARP (The CARP Watershed Approach) which states a goal to "Successfully replace lost functions and services consistent with the state and federal "no net loss' policies".
6.B.2 The County shall require new development to mitigate wetland loss in both federal jurisdictional and non-jurisdictional wetlands to achieve "no net loss" through any combination of the following, in descending order of desirability: (1) avoidance; (2) where avoidance is not possible, minimization of impacts on the resource; or (3) compensation, including use of a mitigation and conservation banking program that provides the opportunity to mitigate impacts to special status, threatened, and endangered species and/or the habitat which supports these species in wetland and riparian areas. Non-jurisdictional wetlands may include riparian areas that are not federal "waters of the United States" as defined by the Clean Water Act.	**Consistent.** See the response to Policy 6.B.1 above. Also see Section 6 of the CARP (Avoidance, Minimization and Mitigation Requirements). The sequencing of mitigation as described in 6.B.2 (1) through (3) is further described in the U.S. Army Corps of Engineers Document "Proposed Section 404 Clean Water Act Permit Strategy Aligned with the Placer County Conservation Program Placer and Sutter Counties" (SPK-2005-00485)
6.B.3 The County shall discourage direct runoff of pollutants and siltation into wetland areas from outfalls serving nearby urban development. Development shall be designed in such a manner that pollutants and siltation will not significantly adversely affect the value or function of wetlands.	**Consistent.** See Section 6.3.1.1.3 (HCP/NCCP Watershed Hydrology and Water Quality BMPS) and Section 6.3.2.1.2 (Community Condition 1.2, Avoidance of Aquatic/Wetland Complex Constituent Habitat).
6.B.4 The County shall strive to identify and conserve remaining upland habitat areas adjacent to wetlands and riparian areas that are critical to the survival and nesting of wetland and riparian species.	**Consistent.** See Objective L-2.5 (Conserve Upland Natural Communities Surrounding Aquatic/Wetlands Complex Natural Communities). Also see Section 6.3.1.3 (General Condition 3, Land Conversion) for off-site mitigation requirements that result in the establishment of a Reserve System including upland areas.

Attachment C

6.B.5 The County shall require development that may affect a wetland to employ avoidance, minimization, and/or compensatory mitigation techniques. In evaluating the level of compensation to be required with respect to any given project, (a) on-site mitigation shall be preferred to off-site, and in-kind mitigation shall be preferred to out-of-kind; (b) functional replacement ratios may vary to the extent necessary to incorporate a margin of safety reflecting the expected degree of success associated with the mitigation plan; and (c) acreage replacement ratios may vary depending on the relative functions and values of those wetlands being lost and those being supplied, including compensation for temporal losses. The County shall continue to implement and refine criteria for determining when an alteration to a wetland is considered a less-than-significant impact under CEQA.	**Consistent.** See response to Policies 6.A.3 and 6.B.2 above. For "c" there are numerous requirements for ratios in excess of 1:1 throughout Chapters 5 and 6 for compensatory mitigation for habitat losses for covered species and key habitats. For example, See Section 6.3.2 (Conditions to Avoid and Minimize Effects on Specific Natural Communities) which requires a ratio of 1.5:1 for a number of important community types including: Vernal Pool Complex Aquatic/Wetland Complex Riverine/Riparian Complex Valley Oak Woodlands
FISH AND WILDLIFE HABITAT **Goal 6.C:** To protect, restore, and enhance habitats that support fish and wildlife species so as to maintain populations at viable levels.	

Attachment C

6.C.1 The County shall identify and protect significant ecological resource areas and other unique wildlife habitats critical to protecting and sustaining wildlife populations. Significant ecological resource areas include the following: a. Wetland areas including vernal pools. b. Stream zones. c. Any habitat for special status, threatened or endangered animals or plants. d. Critical deer winter ranges (winter and summer), migratory routes and fawning habitat. e. Large areas of non-fragmented natural habitat, including blue oak woodlands, valley foothill and montane riparian, valley oak woodlands, annual grasslands, and vernal pool/grassland complexes. f. Identifiable wildlife movement zones, including but not limited to, non-fragmented stream environment zones, avian and mammalian migratory routes, and known concentration areas of waterfowl within the Pacific Flyway. g. Important spawning and rearing areas for anadromous fish.	**Consistent.** For "a", "b", "c", "e", and "g" see Section 6.3.1.3 (General Condition 3, Land Conversion) for off-site mitigation requirements that result in the establishment of a Reserve System and Section 6.3.2 Conditions to Avoid and Minimize Effects on Specific Natural Communities which requires a ratio of 1.5:1 for a number of important community types including: Vernal Pool Complex Aquatic/Wetland Complex Riverine/Riparian Complex Valley Oak Woodlands For "c" also see Section 6.3.5 (Conditions to Minimize Effects on Covered Species). For "d" there are no critical deer winter ranges within the PCCP Plan Area. For "e" see Section 5.2.6.1 for vernal pool complex and grassland natural communities, Section 5.2.6.4 for oak woodlands, 5.2.6.3 for riverine and riparian natural communities and Objective OW-1.4 for the protection of valley oak woodlands. For "f", in addition to the above see Objectives L-2.1 (Protect Habitat Linkages), L-2.2 (Maintain and Enhance Reserve System Permeability), L-2.3 (Establish East-West Corridors) and L-2.4 (Conserve North-South Connectivity). For "g" also see Objective RAR-1.2 (Protect Riverine Constituent Habitat), Objective FISH-1.1 (Protect Salmonid Spawning and Migrating Habitat), FISH 1.2 (Protect Riparian Habitat for Fish), and Section 5.2.7.9 (Fish).

Attachment C

6.C.2 The County shall require development in areas known to have particular value for wildlife to be carefully planned and, where possible, located so that the reasonable value of the habitat for wildlife is maintained.	**Consistent.** See Section 6.3.1.3.1 (Permanent Effect Avoidance in the Potential Future Growth Area) and Section 6.3.1.3.2 (Permanent Effect Avoidance for Low Density Rural Development).
6.C.5 The County shall require mitigation for development projects where isolated segments of stream habitat are unavoidably altered. Such impacts should be mitigated on-site with in-kind habitat replacement or elsewhere in the stream system through stream or riparian habitat restoration work where it is clear that offsite replacement provides greater functions and values than onsite replacement.	**Consistent.** See Section 6.3.2.2.3 (Community Condition 2.3, Riverine and Riparian Restoration) which describes mitigation sequencing for on-site versus off-site mitigation.
6.C.6 The County shall support preservation of the habitats of threatened, endangered, and/or other special status species. Where County acquisition and maintenance is not practicable or feasible, federal and state agencies, as well as other resource conservation organizations shall be encouraged to acquire and manage endangered species' habitats.	**Consistent.** See Section 6.3.1.3 (General Condition 3, Land Conversion) for off-site mitigation requirements that result in the establishment of a Reserve System.
6.C.7 The County shall support the maintenance of suitable habitats for all indigenous species of wildlife, without preference to game or non-game species, through maintenance of habitat diversity.	**Consistent.** See Section 6.3.1.3 (General Condition 3, Land Conversion) for off-site mitigation requirements that result in the establishment of a Reserve System. Also see Section 9.4.1.3 (Land Conversion Fee) which describes how Development Fee revenues are used to acquire land for the conservation of Covered Species and other species present in the Plan Area.
6.C.8 The County shall support the preservation or reestablishment of fisheries in the rivers and streams within the county, whenever possible.	**Consistent.** See Objectives RAR-1.5 (Remove or Modify Fish Barriers), RAR-1.6 (Modify Unscreened Water Diversions), RAR-1.7 (Enhance Streams), FISH-1.1 (Protect Salmonid Spawning and Migrating Habitat), FISH-1.2 (Protect Riparian Habitat for Fish), and FISH-1.3 (Protect Oak Woodlands for Fish).
6.C.9 The County shall require new private or public developments to preserve and enhance existing riparian habitat unless public safety concerns require removal of habitat for flood control or other essential public purposes (See Policy 6.A.1.). In cases where new private or public development results in modification or destruction of riparian habitat, the developers shall be responsible for acquiring, restoring, and enhancing at least an equivalent amount of like habitat within or near the project area.	**Consistent.** See Objective RAR-1.1 (Protect Riverine/Riparian Complex) and Objective RAR-1.2 (Protect Riverine Constituent Habitat). Also see Section 6.3.1.3 (General Condition 3, Land Conversion) for off-site mitigation requirements that result in the establishment of a Reserve System, Section 6.3.2.2 (Community Condition 2, Riverine and Riparian Avoidance and Minimization) and Section 6.3.3 (Conditions to Avoid, Minimize and Mitigate Effects on the Stream System).

Attachment C

6.C.10 The County will use the California Wildlife Habitat Relationships (WHR) system as a standard descriptive tool and guide for environmental assessment in the absence of a more detailed site-specific system.	**Consistent.** See Section 1.1.2.2 (Base Conservation on a Scientific Classification of Natural Communities), Section 3.3.1.1 (Communities, Land Cover and Constituent Habitat - Definitions) and Section 3.3.1.2 (Mapping) which describes the use of the WHR system for defining and mapping land coverage in the Plan Area.
6.C.11 Prior to approval of discretionary development permits involving parcels within a significant ecological resource area, the County shall require, as part of the environmental review process, a biotic resources evaluation of the sites by a wildlife biologist, the evaluation shall be based upon field reconnaissance performed at the appropriate time of year to determine the presence or absence of special status, threatened, or endangered species of plants or animals. Such evaluation will consider the potential for significant impact on these resources, and will identify feasible measures to mitigate such impacts or indicate why mitigation is not feasible. In approving any such discretionary development permit, the decision-making body shall determine the feasibility of the identified mitigation measures. Significant ecological resource areas shall, at a minimum, include the following: a. Wetland areas including vernal pools. b. Stream zones. c. Any habitat for special status, threatened or endangered animals or plants. d. Critical deer winter ranges (winter and summer), migratory routes and fawning habitat. e. Large areas of non-fragmented natural habitat, including blue oak woodlands, valley foothill and montane riparian, valley oak woodlands, annual grasslands, and vernal pool/grassland complexes habitat. f. Identifiable wildlife movement zones, including but not limited to, non-fragmented stream environment zones, avian and mammalian migratory routes, and known concentration areas of waterfowl within the Pacific Flyway. g. Important spawning and rearing areas for anadromous fish.	**Consistent.** See Sections 6.2.4 (HCP/NCCP Participation Package), 6.2.4.3 (Item 3: Community and Constituent Habitat Types on Site and Baseline Land-cover Map Consistency), 6.2.4.4 (Item 4: Mapping HCP/NCCP Aquatic Features), 6.2.4.5 (Item 5: Mapping the Stream System and Salmonid Streams), 6.2.4.6 (Item 6: Biological Resources Effects Assessment), 6.2.4.7 (Item 7: Results of Applicable Species Surveys) and 6.2.4.9 (Item 9: Avoidance and Minimization Requirements). Note "d" is not addressed by the PCCP in that critical deer winter ranges, migratory routes and fawning habitat are outside the Plan Area boundaries.

Attachment C

6.C.12 The County shall cooperate with, encourage, and support the plans of other public agencies to acquire fee title or conservation easements to privately-owned lands in order to preserve important wildlife corridors and to provide habitat protection of California Species of Concern and state or federally listed threatened, or endangered plant and animal species, or any species listed in an implementing agreement for a habitat conservation plan and natural communities conservation plan.	**Consistent.** See Section 6.3.1.3 (General Condition 3, Land Conversion) for off-site mitigation requirements that result in the establishment of a Reserve System, Section 8.4.3.4 (Land Acquired by State or Federal Agencies) and Section 8.4.5 (Land Acquired by Other Organizations through Partnerships).
6.C.13 The County shall support and cooperate with efforts of other local, state, and federal agencies and private entities engaged in the preservation and protection of significant biological resources from incompatible land uses and development. Significant biological resources include endangered or threatened species and their habitats, wetland habitats, wildlife migration corridors, and locally important species/communities.	**Consistent.** See response to Policy 6.C.12 above.
6.C.14 The County shall support the management efforts of the California Department of Fish and Wildlife to maintain and enhance the productivity of important fish and game species (such as the Blue Canyon and Loyalton Truckee deer herds) by protecting important natural communities for these species from incompatible urban/suburban, rural residential, agricultural, or recreational development.	**Consistent.** See response to Policy 6.C.12 above. Also see Sections 1.1.2.1 (Protect Natural Plant Communities and Wildlife Habitats), 1.1.2.3 (Provide a Conservation Reserve System that Includes All Natural Communities) and 1.2.6 (Permits), at number 3, for incidental take authorization issued by CDFW under the NCCP Act.
VEGETATION **Goal 6.D:** To preserve and protect the valuable vegetation resources of Placer County.	
6.D.3 The County shall support the preservation of outstanding areas of natural vegetation, including, but not limited to, oak woodlands, riparian areas, and vernal pools.	**Consistent.** See Section 6.3.1.3 (General Condition 3, Land Conversion) for off-site mitigation requirements that result in the establishment of a Reserve System.
6.D.4 The County shall ensure that landmark trees and major groves of native trees are preserved and protected. In order to maintain these areas in perpetuity, protected areas shall also include younger vegetation with suitable space for growth and reproduction.	**Consistent.** See Section 6.3.1.3 (General Condition 3, Land Conversion) for off-site mitigation requirements that result in the establishment of a Reserve System, Objective L-1.1 (Establish a Large, Interconnected Reserve System), Objective OW-1.1 (Protect Oak Woodlands), Objective OW-1.4 (Protect Valley Oak Woodlands), and Objective RAR-1.1 (Protect Riverine/Riparian Complex).

Attachment C

6.D.5 The County shall establish procedures for identifying and preserving special status, threatened, and endangered plant species that may be adversely affected by public or private development projects.	**Consistent.** See Section 6.2 (Program Participation: Receiving Take Authorization under the Plan).
6.D.6 The County shall ensure the conservation of sufficiently large, continuous expanses of native vegetation to provide suitable habitat for maintaining abundant and diverse wildlife.	**Consistent.** See response to Policy 6.D.4 above.
6.D.7 The County shall support the management of wetland and riparian plant communities for passive recreation, groundwater recharge, nutrient catchment, and wildlife habitats. Such communities shall be restored or expanded, where possible.	**Consistent.** See Section 5.2.6.2 (Aquatic/Wetlands Complex Natural Communities) and its related objectives for protection and restoration. Also see Section 3.4.4.6 (Aquatic/Wetland Complex – Ecosystem Function) and Section 3.4.5.6 (Riverine/Riparian – Ecosystem Function).
6.D.8 The County shall require that new development preserve natural woodlands to the maximum extent possible.	**Consistent.** See response to Policy 6.D.4 above. Also see Section 6.3.1.3.1 (Permanent Effect Avoidance in the Potential Future Growth Area).
6.D.11 The County shall support the continued use of prescribed burning, mastication, chipping, and other methods to mimic the effects of natural fires to reduce fuel loads and associated fire hazard to human residents and to enhance the health of biotic communities.	**Consistent.** See Objective L-3.3 (Manage Fire) and Appendix F (Fuel Management) for requirements on fire management within the Reserve System.
6.D.14 The County shall require that new development avoid ecologically-fragile areas (e.g., areas of special status threatened or endangered species of plants, and riparian areas). Where feasible, these areas should be protected through public or private acquisition of fee title or conservation easements to ensure protection.	**Consistent.** See Section 6.3.1.3 (General Condition 3, Land Conversion) for off-site mitigation requirements that result in the establishment of a Reserve System and Section 6.3.1.3.1 (Permanent Effect Avoidance in the Potential Future Growth Area).
OPEN SPACE FOR THE PRESERVATION OF NATURAL RESOURCES **Goal 6.E:** To preserve and enhance open space lands to maintain the natural resources of the County.	
6.E.1 The County shall support the preservation and enhancement of natural land forms, natural vegetation, and natural resources as open space to the maximum extent feasible. The County shall permanently protect, as open space, areas of natural resource value, including wetlands, riparian corridors, unfragmented woodlands, and floodplains.	**Consistent.** See Section 6.3.1.3 (General Condition 3, Land Conversion) for off-site mitigation requirements that result in the establishment of a Reserve System.

Attachment C

6.E.2 The County shall require that new development be designed and constructed to preserve the following types of areas and features as open space to the maximum extent feasible: a. High erosion hazard areas; b. Scenic and trail corridors; c. Streams, riparian vegetation; d. Wetlands; e. Significant stands of vegetation; f. Wildlife corridors; and g. Any areas of special ecological significance.	**Consistent.** See Sections 1.1.2.1 (Protect Natural Plant Communities and Wildlife Habitats), 1.1.2.3 (Provide a Conservation Reserve System that Includes All Natural Communities), Section 6.3.1.3.1 (Permanent Effect Avoidance in the Potential Future Growth Area), and Section 6.3.1.3 (General Condition 3, Land Conversion) for off-site mitigation requirements that result in the establishment of a Reserve System when onsite preservation is not possible or supported by the Plan's goals and objectives.
6.E.3 The County shall support the maintenance of open space and natural areas that are interconnected and of sufficient size to protect biodiversity sustain viable populations, accommodate wildlife movement, and sustain ecosystems.	**Consistent.** See Section 9.3.3 (Manage and Enhance the Reserve System).

SECTION 7: AGRICULTURAL AND FORESTRY RESOURCES	
Goals and Policies	Consistency Finding
AGRICULTURAL LAND USE **Goal 7.A:** To provide for the long-term conservation and use of agriculturally-designated lands.	
7.A.1 The County shall protect agriculturally-designated areas from conversion to nonagricultural uses.	**Consistent.** The PCCP provides funding for the Placer Conservation Authority to acquire 6,240 acres of agricultural land through fee title or agricultural conservation easements. The acquisition of these agricultural lands is not necessary to meet NCCP requirements, but they provide additional benefits under the NCCP Act to conserve "representative natural and semi-natural landscapes". See Section 5.2.6.5 (Agriculture and Other Open Space).
7.A.11 The County shall support appropriate efforts by public and private conservation organizations to use conservation easements as a tool for agricultural preservation.	**Consistent.** See response to policy 7.A.1 above.

Attachment C

SECTION 8. HEALTH AND SAFETY	
Goals and Policies	Consistency Finding
FLOOD HAZARDS **Goal 8.B:** To minimize the risk of loss of life, injury, damage to property, and economic and social dislocations resulting from flood hazards.	
8.B.1 The County shall promote flood control measures that maintain natural conditions within the 100-year floodplain of rivers and streams.	**Consistent.** See Section 6.3.2 (Conditions to Avoid, Minimize and Mitigate Effects on the Stream System).
8.B.8 The County shall require that flood management programs avoid alteration of waterways and adjacent areas, whenever possible.	**Consistent.** See Section 6.3.2 (Conditions to Avoid, Minimize and Mitigate Effects on the Stream System).
FIRE HAZARDS **Goal 8.C:** To minimize the risk of loss of life, injury, and damage to property and watershed resources resulting from unwanted fires.	
8.C.7 The County shall work with local fire protection agencies, the California Department of Forestry and Fire Protection, and the U.S. Forest Service to promote the maintenance of existing fuel breaks and emergency access routes for effective fire suppression.	**Consistent**. See Appendix F (Fuel Management), Section 8.0 (Fuel Treatment Zones) and Section 9.0 (Fuels Management Objectives and Prescriptions) for fuel management techniques and requirements within the Reserve System.
8.C.11 The County shall continue to work cooperatively with the California Department of Forestry and Fire Protection and local fire protection agencies in managing wildland fire hazards.	**Consistent.** See Appendix F (Fuel Management).

Attachment D

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

In the matter of: A RESOLUTION APPROVING THE WESTERN PLACER COUNTY HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, COUNTY AQUATIC RESOURCES PROGRAM, CULTURAL RESOURCES MANAGEMENT PLAN, DEVELOPMENT FEE PROGRAM OTHERWISE COLLECTIVELY KNOWN AS THE "PLACER COUNTY CONSERVATION PROGRAM"

Resolution No.: _____

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held_____, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

_____

Chair, Board of Supervisors

Attest:

_____

Clerk of said Board

WHEREAS, the County of Placer ("County"), the City of Lincoln ("City"), the Placer County Water Agency ("PCWA"), and the South Placer Regional Transportation Authority ("SPARTA") developed the Western Placer County Habitat Conservation Plan/Natural Community Conservation Plan ("HCP/NCCP"), the Western Placer County Aquatic Resources Program ("CARP"), the Cultural Resources Management Plan ("CRMP") and the Western Placer County In-Lieu Fee Program; and

WHEREAS, on January 28, 2020, the County and the City formed the Placer Conservation Authority ("PCA"), a joint powers agency, to administer and implement the PCCP; and

WHEREAS, the HCP/NCCP and the CARP were developed by the County, the City, the PCWA, and SPRTA in cooperation with the U.S. Fish and Wildlife Service ("USFWS"), the National Marine Fisheries Service ("NMFS"), the California Department of Fish and Wildlife ("CDFW"), the U.S. Army Corps of Engineers ("USACE"), the U.S. Environmental Protection Agency ("USEPA"), and the Central Valley Regional Water Quality Control Board ("CVRWQCB"), and in consultation with stakeholder groups and the general public; and

WHEREAS, the HCP/NCCP, the CARP, the CRMP, and the In-Lieu Fee Program collectively comprise the Placer County Conservation Program ("PCCP"); and

WHEREAS, the HCP/NCCP has been developed to preserve the ecosystems of the western portion of Placer County; conserve and prevent further endangerment of the species that are dependent upon those ecosystems; comply with federal and state laws that protect such species; obtain long-term incidental take permits from the USFWS, NMFS, and CDFW for the activities of the County, the City, the PCWA, and SPARTA; and, to the extend such authorized incidental take coverage to private project applicants under the County's or City's jurisdiction and to participating special entities; and

WHEREAS, as a result of the adoption of the HCP/NCCP by the County, the County will receive long-term endangered species incidental take permits from the USFWS, the NMFS, and the CDFW. The incidental take permits cover the County's own activities and, in addition to coverage of its own public projects, the County will be able to extend authorized incidental take coverage to private project applicants under its jurisdiction. Rather than separately permitting and mitigating individual projects, the HCP/NCCP evaluates natural resource impacts and mitigation requirements comprehensively in a manner that is more efficient and effective for at-risk species and their essential habitats. The USFWS, NMFS, and CDFW incidental take permits also provide assurances that no further commitments of funds, land, or water from covered public and private projects will be required to address impacts on covered species beyond that described in the HCP/NCCP, as long as the HCP/NCCP is properly implemented; and

WHEREAS, the CARP has been developed to protect aquatic resources of Placer County and to preserve and enhance their aquatic functions and values; comply with federal laws that protect waters of the United States and state laws that protect Waters of the State; support the issuance of permits from the USACE and the CVRWQCB authorizing minimal impacts to such waters for the activities of the County, the City, the PCWA, and SPARTA and to private project applicants under the County's or City's jurisdiction; support abbreviated federal procedures for the USACE's issuance of permits authorizing impacts to waters of the United States that are more than minimal for the activities of the County, the City, PCWA, SPARTA and private project applicants; and

WHEREAS, as a result of the adoption of the CARP by the County, the USACE will issue programmatic permits covering certain projects that will have minimal impacts to waters of the United States. The wetland permits will cover the County's own activities and the activities of private project applicants and public agencies. Rather than separately permitting and mitigating individual projects, the CARP evaluates aquatic resource impacts and mitigation requirements comprehensively in a manner that is more efficient and effective for aquatic resources of Placer County and their aquatic functions and values; and

WHEREAS, the CRMP has been developed to establish a program to consistently apply a set of standards and procedures for compliance with Section 106 of the National Historic Preservation Act (NHPA), Assembly Bill 52 (AB 52), and other analogous state and federal requirements and amendments thereto. Implementation of the CRMP will support issuance of long-term endangered species incidental take permits by the USFWS, NMFS, and CDFW; support the issuance of permits from the USACE and the CVRWQCB authorizing minimal impacts to waters for the activities of the County, the City, the PCWA, and SPARTA and to private project applicants under the County's or City's jurisdiction; insure individual projects, as they are evaluated under CEQA, NEPA, and for consistency with the HCP/NCCP and CARP, are consistently and efficiently evaluated and comply with all federal, state, and local laws and regulations as they relate to cultural resources; and

WHEREAS, as a result of the adoption of the CRMP by the County, a procedure is established to ensure that project level impacts to cultural resources are assessed and managed in a manner that is compliant with all applicable laws, and that can be conducted consistent with the PCCP; and

WHEREAS, the PCCP In-Lieu Fee Program was developed by the County, in cooperation with the USACE, USEPA, and the CVRWQCB, and in consultation with the USFWS, NMFS, and CDFW, and with input from stakeholders and the general public; and

WHEREAS, the Placer County Board of Supervisors ("Board") approved the In-Lieu Fee Program and authorized the County Executive Officer to sign the In-Lieu Fee Program Enabling Instrument on December 4, 2018, copies of which are on file in the County's Community Development Resource Agency; and

WHEREAS, as a result of the approval of the In-Lieu Fee Program, the County received approval from the USACE to create mitigation "credits" that can be used to fulfill Clean Water Act Section 404 compensatory mitigation requirements for development projects in western Placer County. The County may transfer its rights and obligations under the In-Lieu Fee Program Enabling Instrument to the PCA. The In-Lieu Fee Program does not include procedures or requirements for development projects. Rather, it enables the PCA to create mitigation credits under Clean Water Act Section 404 by protecting, enhancing and restoring aquatic resources. The HCP/NCCP, CARP and In-Lieu Fee Program are complementary programs that will be jointly implemented using the land acquisition, protection, management, enhancement, and restoration actions set forth in the HCP/NCCP; and

WHEREAS, the County will bring forward a comprehensive PCCP Development Fee Program, through adoption of Chapter 19, consisting of the following: a Land Conversion Fee, a Special Habitat Fee, and a Temporary Effect Fee; as those "fees adopted by the County in accordance with Chapter 9, Section 9.4 of the HCP/NCCP, and the PCCP development fee nexus study in support thereof, and any amendments and adjustments to those fees"; and

WHEREAS, the PCCP incorporates the HCP/NCCP, CARP and In-Lieu Fee Program into a single comprehensive local program that strengthens local control over land use and natural resource protection and more efficiently protects natural resources by creating new reserves that will be larger in scale, more ecologically and hydrologically viable, and easier to manage than the individual mitigation sites created under the current individual project-by-project approach. The PCCP is intended to protect the existing character of the County and the region through the implementation of a system of reserves which will provide for permanent open space, habitat conservation for species covered by the HCP/NCCP, and protection for aquatic resources of Placer County; and

WHEREAS, the PCCP provides a more efficient and streamlined approach for complying with state and federal environmental laws for both public and private projects intended to reduce the time and resources previously required to obtain state and federal permits; preserve the ability of affected property owners to make reasonable use of their land consistent with the requirements of applicable laws, which include but are not limited to the National Environmental Policy Act ("NEPA") (42 U.S.C. §§ 4321-4347), the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 et seq.), the Federal Endangered Species Act ("ESA") (16 U.S.C. §§ 1531-1544), the California Endangered Species Act ("CESA") (Fish & Game Code § 2050 et seq.), the California Natural Community Conservation Planning Act ("NCCPA") (Fish & Game Code §§ 2800-2835); the Clean Water Act ("CWA") (33 U.S.C. §§1251-1387), and the Porter Cologne Water Quality Control Act (California Water Code section 13000 et seq.; and maintain economic development within the County by providing a streamlined environmental review and permitting process from which development can proceed in an orderly manner; and

WHEREAS, the purpose and intent of approval of the PCCP is to protect vegetation communities and natural areas in western Placer County that are known to support threatened, endangered, or key sensitive populations of fish and wildlife species; protect aquatic resources of Placer County, which include waters of the United States and waters of the State, and to preserve their aquatic functions and values; help to achieve the goals set forth in the HCP/NCCP, the CARP, and the In-Lieu Fee Program; protect the existing character of the County and the region by creating a system of reserves that will provide for permanent open space, habitat conservation for species covered by the HCP/NCCP, and aquatic resource protection for aquatic resources of Placer County; preserve the ability of affected property owners to make reasonable use of their land consistent with the requirements of applicable laws, which include but are not limited to the CEQA, NEPA, ESA, CESA, NCCPA, CWA, and the Porter Cologne Water Quality Control Act; ensure the collection of PCCP development fees to support implementation of the PCCP; maintain economic development within the County by providing a streamlined environmental review and permitting process from which development can proceed in an orderly manner; and

WHEREAS, the County acting as lead agency pursuant to CEQA (Public Resources Code section 21000 et seq., 14 California Code of Regulations section 1500 et seq.) and the USFWS acting as the lead agency pursuant to NEPA (42 United States Code 4321; 40 Code of Federal Regulations 1500.1); and the President's Council on Environmental Quality guidelines on implementing NEPA; prepared a joint environmental impact report and environmental impact statement ("EIS/EIR") for the PCCP (SCH#2005032050) ; and

WHEREAS, on July 9, 2020 the County Planning Commission held a noticed public hearing pursuant to Placer County Code Chapter 17, Article 17.60, Section 17.60.140 to consider the

EIS/EIR, the afore-described PCCP components, the proposed General Plan Amendments and all other PCCP related implementation requests and pursuant to Placer County Code Chapter 17, Article 17.60, Section 17.60.090(C), the Planning Commission has made recommendations to the Board related thereto; and

WHEREAS, notice of a public hearing was given in compliance with Placer County Code Chapter 17, Article 17.60, Section 17.60.140, and on _____, 2020, the Board held the duly noticed public hearing pursuant to Placer County Code Chapter 17, Article 17.60, Section 17.60.090(D) to consider the recommendations of the Planning Commission and to receive public input regarding the proposed PCCP, the EIS/EIR and all other related project requests; and

WHEREAS, at the conclusion of the public hearing, the Board adopted Resolution No. _____ to certify the EIS/EIR, adopt Findings of Fact and a Statement of Overriding Considerations and a Mitigation, Monitoring Reporting Program; and

WHEREAS, at the conclusion of the public hearing, the Board adopted Resolution No. _____ to amend the County General to incorporate the goals, policies and objectives of the PCCP; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER that the Board hereby incorporates by reference and approves the Placer County Conservation Program, consisting of the Western Placer County Habitat Conservation Plan/Natural Community Conservation Plan (Exhibit A), the Western Placer County Aquatic Resources Program (Exhibit B), the Cultural Resources Management Plan (Exhibit C).

BE IT FURTHER RESOLVED the Board supports their approval of the PCCP with the findings set forth in the recitals of this resolution as well as the following:

The PCCP will be, implemented in accordance with the Implementing Agreement and will:

- Provide comprehensive species, aquatic resources of Placer County, and ecosystem conservation and contribute to the recovery of endangered species within western Placer County.
- Provide a balance between open space, agriculture, habitat, and all forms of development.
- Reduce the cost and increase the clarity and consistency of federal and state permitting.
- Consolidate and streamline these processes into one, locally controlled process.
- Ensure the efficient and timely development of public facilities and related services.
- Encourage, where appropriate, multiple uses of protected areas.
- Share the costs and benefits of the PCCP as widely and equitably as possible; and protect the rights of private property owners.

BE IT FURTHER RESOLVED, the Board's approval of the PCCP will enable the County to promote the health, safety and welfare of all of its residents by helping to achieve the goals set forth in the General Plan, by establishing a comprehensive framework to protect and conserve species, aquatic resources of Placer County, natural communities and ecosystems in western Placer County, while improving and streamlining the environmental permitting process for impacts of future development on rare, threatened, and endangered species and aquatic resources consistent with the General Plan, NEPA, CEQA, ESA, CESA, NCCPA, CWA, and the Porter Cologne Water Quality Control Act and other applicable laws.

BE IT FURTHER RESOLVED that this resolution shall take force and become effective upon the effective date of the ordinance adopting Placer County Code Chapter 19 (Conservation, Open Space and Woodland Conservation).

Attachment D

Exhibit A

UNDER SEPARATE COVER

Western Placer County Habitat Conservation Plan / Natural Community Conservation Plan & Implementing Agreement (HCP/NCCP)

NOTE: The above documents are on file with the Community Development Resources Agency and Placer County Clerk of the Board.

Attachment D

Exhibit B

UNDER SEPARATE COVER

Western Placer County Aquatic Resources Program (CARP)

NOTE: The above documents are on file with the Community Development Resources Agency and Placer County Clerk of the Board.

Attachment D

Exhibit C

UNDER SEPARATE COVER

Cultural Resources Management Plan

NOTE: The above documents are on file with the Community Development Resources Agency and Placer County Clerk of the Board.

Attachment E

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

In the matter of: AN ORDINANCE ADDING
CHAPTER 19 (CONSERVATION, OPEN SPACE,
AND WOODLAND CONSERVATION)
TO THE PLACER COUNTY CODE

Ordinance No.: _____

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer

at a regular meeting held on _____, 2020 by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

_____

Chair, Board of Supervisors

Attest:

_____

Clerk of said Board

WHEREAS, on July 10, 2012 the Placer County Board of Supervisors ("Board") directed staff to prepare the Placer County Conservation Program ("PCCP") and Implementing Agreement and other policies, regulations, and codes necessary to guide and implement the PCCP Program; and

WHEREAS, on_____, 2020, the Placer County Planning Commission ("Planning Commission") held a noticed public hearing pursuant to Placer County Code Chapter 17, Article 17.60, Section 17.60.140 to consider the PCCP, including the addition of Chapter 19 to the Placer County Code, and pursuant to Placer County Code Chapter 17, Article 17.60, Section 17.60.090(C), the Planning Commission has made recommendations to the Board related thereto; and

WHEREAS, notice of a public hearing was given in compliance with Placer County Code Chapter 17, Article 17.60, Section 17.60.140, and on_____, 2020, the Board held the duly noticed public hearing pursuant to Placer County Code Chapter 17, Article 17.60, Section 17.60.090(D) to consider the recommendations of the Planning Commission and to receive public input regarding the proposed PCCP, including the proposed addition to the Placer County Code; and

WHEREAS, the Board has reviewed the proposed addition of Chapter 19 to the Placer County Code, considered the recommendations of the Planning Commission, received and considered the written and oral comments submitted by the public thereon, and has adopted Resolution No. __-_____ certifying the Final Environmental Impact Report; and

WHEREAS, the Board finds the proposed addition of Chapter 19 to the Placer County Code follows applicable requirements of State law, is consistent with the General Plan and is in the best interests of the County.

WHEREAS, the PCCP incorporates the Habitat Conservation Plan (HCP)/Natural Community Conservation Plan (NCCP), and In-Lieu Fee Program into a comprehensive local program that strengthens local control over land use and natural resource protection and more efficiently protects natural resources by creating new reserves that will be larger in scale, more ecologically and hydrologically viable, and easier to manage than the individual mitigation sites created under the current individual project-by-project approach. The PCCP is intended to protect the existing character of the County and the region through the implementation of a system of reserves which will provide for permanent open space, habitat conservation for species covered by the HCP/NCCP, and for protection of aquatic resources in the County.

WHEREAS, the PCCP provides a more efficient and streamlined approach for complying with state and federal environmental laws for both public and private projects that is intended to:

- Reduce the time and resources previously required to obtain state and federal permits;
- Preserve the ability of affected property owners to make reasonable use of their land consistent with the requirements of applicable laws, which include but are not limited to the National Environmental Policy Act (42 U.S.C. §§ 4321-4347), the California Environmental Quality Act (Public Resources Code § 21000 et seq.), the Federal Endangered Species Act (16 U.S.C. §§ 1531-1544), the California Endangered Species Act (Fish & Game Code § 2050 et seq.), the California Natural Community Conservation Planning Act (Fish & Game Code §§ 2800-2835); the Clean Water Act (33 U.S.C. §§1251-1387), and the Porter Cologne Water Quality Control Act (California Water Code section 13000 et seq.; and
- Maintain economic development within the County by providing a streamlined environmental review and permitting process from which development can proceed in an orderly manner.

WHEREAS, the Board finds the proposed addition of Chapter 19 to the Placer County Code will serve to protect and enhance the health, safety, and general welfare of existing and future residents and businesses in the Plan Area and the County as a whole; and

WHEREAS, the Board finds the proposed addition of Chapter 19 to the Placer County Code is in conformity with public convenience, general welfare and good land use practice, and will not adversely affect the orderly development of property, or the preservation of property valued; and

WHEREAS, notice of all hearings required has been given and all hearings have been held as required by County ordinance and State law.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER ORDAINS AS FOLLOWS:

1. The addition of Chapter 19 to Placer County Code, as set forth in Exhibit A attached hereto and incorporated by reference, is hereby adopted.
2. This ordinance shall take force and become effective sixty (60) days after its approval.
3. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code Section 25124.

Attachment E

Exhibit A

SECTION 1. Placer County Code Chapter 19, article 19.10 is hereby created as follows:

*****

Chapter 19 CONSERVATION, OPEN SPACE, AND WOODLAND CONSERVATION

Article 19.10 PLACER COUNTY CONSERVATION PROGRAM

19.10.010 Purpose

The purpose of this article is to implement the Placer County Conservation Program in order to provide a regulatory framework for promoting the protection and recovery of natural resources, including covered species and aquatic resources of Placer County, while streamlining the permitting process for both publicly funded and privately funded planned development within the county of Placer. The Placer County Conservation Program includes the Western Placer County Habitat Conservation Plan and Natural Community Conservation Plan ("HCP/NCCP"), the Western Placer County Aquatic Resource Program ("CARP"), and the Western Placer County In-Lieu Fee Program. The HCP/NCCP was developed by the county of Placer, the city of Lincoln, the Placer County Water Agency (PCWA), and the South Placer Regional Transportation Authority (SPRTA), in cooperation with the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), and the California Department of Fish and Wildlife (CDFW), and in consultation with stakeholder groups and the general public. The CARP was developed by the county, the city, PCWA, and SPRTA in cooperation with the United States Army Corps of Engineers (USACE), the United States Environmental Protection Agency (USEPA), and the Central Valley Regional Water Quality Control Board (CVRWQCB), and in consultation with stakeholder groups and the general public. The In-Lieu Fee Program was developed by the county in association with the USACE, the USEPA, and the CVRWQCB, and in consultation with stakeholder groups and the general public.

The following regulations only apply to covered activities on public and private property within the area described in Section 19.10.050.

19.10.020 Incorporation of the HCP/NCCP and CARP by reference

The HCP/NCCP and CARP are incorporated by reference as though fully set forth herein. Complete copies of the HCP/NCCP and CARP are available for inspection at the office of the county clerk, the community development resource agency, the county's website and the Placer Conservation Authority's website.

19.10.030 Title

This chapter shall be known as and may be cited and referred to as the "Placer County Conservation Program (PCCP) ordinance."

19.10.040 Definitions

The definitions set forth in this section shall govern the application and interpretation of Article 19.10. Words and phrases not defined in this section shall be interpreted to give this ordinance its most reasonable application.

"Aquatic resources" or "aquatic resources of Placer County" include waters of the United States, waters of the state, stream systems, and constituent habitats for aquatic/wetland complex(es), vernal pool complex(es) and riverine/riparian complex(es) within the stream system, and includes all definitions described in Chapter 3 of the HCP/NCCP (Physical and Biological Resources) and Chapter 3 of the CARP (Placer County Aquatic Resources Protected by the CARP).

"Building permit" means a permit for the construction, assembly, or installation of a structure that requires attachment to the ground and as further described in Chapter 15, Article 15.04 (Building and Construction Code).

"County aquatic resource program" or "CARP" means the western Placer County aquatic resource program that will protect streams, wetlands, and other aquatic resources and fulfills some or all of the requirements of the federal Clean Water Act (CWA) and analogous state laws and regulations as adopted by the board of supervisors on _____, 2020, and any amendments thereto.

"Covered activity" means a covered activity as described in Chapter 2 of the HCP/NCCP. Covered activities may be development projects, county programs or operations and maintenance activities. To be covered under state and federal permits issued for the PCCP, covered activities must meet avoidance, minimization, and compensatory mitigation requirements as set forth in the HCP/NCCP for certain species of fish and wildlife and their habitat and as set forth in the CARP to protect aquatic resources.

"Covered species" means a species, listed or non-listed, whose conservation and management is provided for in the HCP/NCCP and for which incidental take is authorized by a wildlife agency pursuant to a take permit.

"Development project" means any project or activity within the PCCP plan area that requires a land conversion authorization.

"Habitat conservation plan and natural community conservation plan" or "HCP/NCCP" mean the joint western Placer County habitat conservation plan and natural community conservation plan that will protect fish and wildlife and their habitats and fulfill the requirements of the Federal Endangered Species Act ("ESA") (16 U.S.C. §§ 1531-1544), and the California Natural Community Conservation Planning Act ("NCCPA") (Fish & Game Code §§ 2800-2835), as adopted by the County on _____, 2020, and any amendments thereto.

“Implementing agreement” means the agreement made and entered into by and among the county of Placer, the city of Lincoln, PCWA, SPRTA, USFWS, NMFS, and CDFW that defines the parties’ respective roles and responsibilities and provides a common understanding of actions that will be undertaken to implement the HCP/NCCP.

“In-lieu fee program” or “ILF” means the western Placer County in-lieu fee program approved by the Placer County board of supervisors on December 4, 2018, and interagency review team dated March 14, 2019 and any amendments thereto. The ILF provides an option for compensatory mitigation for impacts to aquatic resources authorized under individual, nationwide, and programmatic permits, certifications, and other approvals or authorizations under the Federal Clean Water Act.

“Land conversion authorization” means any permit or approval that authorizes a ground disturbing activity, including, but not limited to, grading permits, grading plans, improvement plans, and building permits. Approvals for county-sponsored capital improvement projects and operations and maintenance activities are also land conversion authorizations.

“Open space and fire hazard management fee” means the open space and fire hazard management fee adopted by the county (Chapter 19, Article 19.30) and based on the most recent applicable open space and fire hazard management fee nexus study.

“Open space and fire hazard management fee area” means the geographic area within which the open space and fire hazard management fee will be assessed, as set forth in Section 19.30.030.

“Placer Conservation Authority” or “PCA” means the joint exercise of powers agency formed on March 25, 2020, by and among the county of Placer and the city of Lincoln pursuant to the Joint Powers Act, Gov. Code § 6500 et seq.

“Placer County Conservation Program” or “PCCP” means the program described and implemented pursuant to Chapter 19, Article 19.10 (Placer County Conservation Program).

“Placer County Conservation Program development fees” means the fees adopted by the county in accordance with Chapter 9, Section 9.4 of the HCP/NCCP, and the PCCP development fee nexus study in support thereof, and any amendments and adjustments to those fees. PCCP development fees consist of the following types of fees:

1. **Land conversion fee(s);**
2. **Special habitat fee(s); and**
3. **Temporary effect fee(s).**

“Project applicant” means any person or entity applying for a land conversion authorization for a covered activity.

“Reserve system” means the reserve system that will be assembled through the HCP/NCCP and the CARP to provide for the conservation of covered species and aquatic resources. The reserve system will be a large system of interconnected land blocks located in the western and northern valley and northern foothills of Placer County,

estimated to be between around forty-seven thousand three hundred acres (47,300) acres and will include existing and newly acquired lands that are part of the PCCP reserves, and that are adaptively managed consistent with the PCCP. The reserve system will be capable of protecting, managing, restoring, and creating the natural and semi-natural communities and habitats that support the covered species.

"Stream system" The stream system is the stream channel itself (wet or dry) and the surrounding areas as follows:

1. **Any area subject to flooding in a one hundred (100)-year event as defined by the Federal Emergency Management Agency (FEMA) or as determined by a hydrologic analysis prepared by a licensed engineer (whichever is more accurate), or the area in #2 below, whichever is greater.**
2. **The outermost limit of a variable-width boundary measured outward from the edge of the ordinary high-water mark (OHWM) on streams mapped in the National Hydrography Dataset (NHD) (so-called blueline streams) as listed in Table 1. The OHWM corresponds to the waterline of the full channel and is defined in 33 Code of Federal Regulations (CFR) § 328.3(e). When the criteria specified by 33 CFR § 328.3 is not present in the field or does not provide a clear demarcation of the OHWM based upon determination by the community development resource agency director, the location of the OHWM will be based upon the two-year event.**
3. **The area within fifty (50) feet of a stream, as measured from the OHWM as described above, not named on Table 1, but which is shown as a "blueline" stream on United States Geological Survey (USGS) Quad maps as specified in California Public Resources Code Section 4528 and as located on the NHD.**
4. **When a stream is not shown on the NHD but is present on a project site, the stream and stream system will be mapped based upon the following criteria:**
   a. **To provide hydraulic continuity between mapped streams in the upper watershed and mapped streams in the lower watershed. This is necessary because land alteration may have erased original stream traces;**
   b. **If the watercourse is artificial (such as canals, channels, and flood water conveyances) and the watercourse serves in lieu of a natural stream to maintain hydraulic continuity with the watershed above, and where the channel is in an unlined, earthen condition;**
   c. **If the stream is determined to be perennial; or**
   d. **If the stream is determined to provide habitat for salmonids.**
5. **Streams will be truncated at the point where the watershed falls below forty (40) acres in extent in order to avoid defining the stream system around minor drainages.**
6. **The fifty (50) foot boundary may be adjusted based on site survey.**

Table 1
Basic Boundary Widths for Specified Stream Reaches

Stream Name Listed from North to South and from West to East	Basic Boundary in feet Measured from OHWM*
Bear River downstream of Camp Far West Dam	600
Bear River upstream of Camp Far West Reservoir	400
Yankee Slough downstream of Sheridan Lincoln Blvd. crossing	200
Yankee Slough upstream of Sheridan Lincoln Blvd. crossing	100
Yankee Slough North Fork to Riosa Road	100
Raccoon Creek downstream of the Doty Ravine Confluence	600
Raccoon Creek between the Doty Ravine Confluence and McCourtney Road	300
Raccoon Creek between McCourtney Road and Garden Bar Road	200
Raccoon Creek upstream of Garden Bar Road	100
Orr Creek	100
Dry Creek tributary to Raccoon Creek	100
Rock Creek	100
Deadman Canyon	100
Doty Ravine downstream of Caps Ravine	300
Doty Ravine upstream of Caps Ravine	100
Caps Ravine	100
Sailors Ravine	100
Markham Ravine downstream of Dowd Road	200
Markham Ravine between Dowd Road and Sheridan-Lincoln Blvd	100
Markham Ravine North Fork	100
Auburn Ravine downstream of Moore Road crossing	600
Auburn Ravine between Moore Road and Lincoln Blvd	400
Auburn Ravine between Lincoln Blvd and Fowler Road	300

Stream Name Listed from North to South and from West to East	Basic Boundary in feet Measured from OHWM*
Auburn Ravine between Fowler Road and Auburn WWTP	200
Auburn Ravine upstream of Auburn WWTP	100
North Ravine	100
Dutch Ravine	100
Orchard Creek downstream of State Route 65	200
Orchard Creek upstream of State Route 65	100
Ingram Slough	100
King Slough	100
Pleasant Grove Creek – West of Reason Farms	400
Curry Creek downstream of Baseline Road	200
Curry Creek upstream of Baseline Road	100
Dry Creek downstream of Cook-Riolo Road	400
Dry Creek from Cook-Riolo to Roseville City Limits	300
Secret Ravine	200
Secret Ravine North Tributary	100
Secret Ravine South Tributary	100
Secret Ravine along Boardman Canal	100
Miners Ravine downstream of King Road	200
Miners Ravine upstream of King Road	100
Linda Creek downstream of Barton Road	200
Linda Creek upstream of Barton Road	100
Strap Ravine	100
Antelope Creek upstream of Loomis Town Limits	100
Mormon Ravine	100
Stream Reaches not Specified Above	50

"Take" and "taking" have the same meaning provided by the ESA and its implementing regulations with regard to activities subject to the ESA, and also have the same meaning provided in Section 86 of the California Fish and Game Code with regard

to activities subject to the California Endangered Species Act ("CESA") (Fish & Game Code § 2050 et seq.), and the NCCPA.

"Take permit" means a federal incidental take permit issued by the USFWS or the NMFS pursuant to Section 10(a)(1)(B) of the ESA, and the state take authorization issued by CDFW pursuant to Section 2835 of the California Fish and Game Code, to the county of Placer.

"Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Most wetlands are considered waters of the United States, but isolated wetlands are not regulated by the U.S. Army Corps of Engineers (USACE). The county of Placer regulates wetlands and isolated waters when a development project is a covered activity. In Placer County, wetlands are palustrine systems and generally include swamps, marshes, bogs, and similar areas.

"Wildlife agencies" means those agencies that are charged with the regulation of wildlife within the county of Placer, and include but are not limited to the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), and the California Department of Fish and Wildlife (CDFW).

19.10.050 Applicability

A. This article shall apply to all development projects that are covered activities within the HCP/NCCP plan area, consisting of plan area A and plan area B, as further defined and described in Chapter 1, Section 1.2.1 (Plan Area) of the HCP/NCCP. A comprehensive list of covered activities is provided in Chapter 2 of the HCP/NCCP. This article does not apply to the following:

1. Any development project that is not a covered activity under the HCP/NCCP as set forth in Chapter 2, Section 2.7 (*Activities not Covered by this Plan*).

2. Any development project which the CDFW, USFWS and NMFS have determined is not subject to the CESA and the ESA, has already received the necessary take authorizations under the CESA and the ESA, or has otherwise complied with the CESA and the ESA. Under these circumstances, a development project will not require coverage under the PCCP if the proponent provides the following:

a. A letter(s) from USFWS, NMFS, and/or CDFW that specifically refers to the development project and states that it is not likely to result in take of any federal or state-listed species individually or cumulatively and the results for full protocol surveys, approved by CDFW, for state-listed species with the potential to occur on the site show that no such species or species habitat occurs on the site; or

b. **A copy of an incidental take permit issued by CDFW for the activity and copies of incidental take statements or incidental take permits issued by USFWS and/or the NMFS that authorize the proposed covered activity; or**

c. **A combination of the letters as described in (a) above and/or incidental take authorizations described in (b) from USFWS, NMFS and/or CDFW with jurisdiction.**

3. Certain minor development projects that are not expected to have adverse effects on covered species as described in Section 2.7 of the HCP/NCCP (Activities not Covered by this Plan) at category 11 (minor activities). Such minor development projects must generally obtain any necessary authorizations or permits directly from the wildlife agencies under CESA, ESA, or CEQA. However, with approval of the PCA, proponents of such minor development projects may opt in for coverage under the HCP/NCCP pursuant to Section 8.9.6 of the HCP/NCCP (Coverage Option for Certain Minor Activities).

4. Development projects that have approved county entitlements prior to the adoption of this article, unless one or more of the following occurs after adoption of this article: (a) the entitlement is subsequently amended through a discretionary review process resulting in covered activities that increase the amount or severity or impacts to habitat, or (b) the entitlement's term expires, or (c) a project applicant with such approved entitlements elects to participate in the program set forth in this article.

B. This article establishes requirements and application procedures whereby project applicants may receive authorization for the incidental take of covered species under state and federal law and authorization for impacts to aquatic resources of Placer County, subject to the applicant's compliance with all of the terms and conditions required by this chapter, including compliance with applicable terms and conditions of the HCP/NCCP, the implementing agreement, and the CARP.

19.10.060 Responsibility for administration

The planning director shall administer and apply the provisions of this article for the county.

19.10.070 Land conversion authorization requirements

All project applicants for development projects that are subject to this article shall comply with the conditions on covered activities in Chapter 6 of the HCP/NCCP and, if applicable, Chapter 6 of the CARP. Applicable conditions on covered activities from Chapter 6 of the HCP/NCCP and Chapter 6 of the CARP, if applicable, shall be included as conditions of approval in each land conversion authorization approval for such development projects.

19.10.080 Data to accompany applications subject to the PCCP

Applications for land conversion authorizations required by this article shall be filed with all development projects. Every such application shall be accompanied by a completed HCP/NCCP authorization application, as set forth by this section (derived from HCP/NCCP Chapter 6, Section 6.2) and shall include any additional contents and requirements set forth by the community development resource agency director.

A. HCP/NCCP Application Requirements. All covered activities that require a land conversion authorization application shall submit the necessary forms and background data, including but not limited to the following:

1. Universal Project Application Form. This form provides basic contact information for owner and applicant. For applications requiring a review for covered activities or aquatic resources of Placer County, the project description shall include pertinent information for coverage under the HCP/NCCP.

2. Project Description and Site Plan/Map. Comprehensive project description and site plan/map with a north arrow drawn at an appropriate scale. The site plan/map must also comply with requirements in Chapters 15 (Building and Development), 16 (Subdivisions), 17 (Zoning) and 18 (Environmental Review). The site plan/map must also include the location of permanent, direct, indirect, and temporary effects shown on the plan/map. Cross-section view drawing may be required as well. A vicinity map shall also be provided.

3. Natural Community Types On-Site and Baseline Consistency. Provide documentation of natural community types on-site or affected by the project based on

the most recent natural community information provided by Placer County, the Placer Conservation Authority, and other applicable biological surveys.

4. HCP/NCCP Aquatic Features. Identify HCP/NCCP aquatic features present on the project site, including any areas within a vernal pool constituent habitat immediate watershed. This should include an aquatic resources of Placer County delineation and stream system boundary identification on a topographic map.

5. Mapping the Stream System and Salmonid Streams. Evaluate the project site for the presence of a one hundred (100)-year floodplain, U.S. Geological Survey blue-line streams, or salmonid habitat streams and map them if present.

6. Biological Resources Effects Assessment. Determination of project effects on biological resources addressed by the HCP/NCCP (covered species and natural communities), as determined by a qualified biologist. Biological resources that will be evaluated include the natural community type, stream system, and covered species habitat. If more than 0.01 acres of aquatic resources of Placer County are present on-site, a delineation of aquatic resources shall be provided consistent with CARP Section 5.2.3.2.

7. Results of Applicable Species Surveys. Documentation describing the planning surveys conducted during the planning phase and survey results. Survey requirements are defined in the species conditions found in Chapter 6, Section 6.3.5 of the HCP/NCCP.

8. Proposed Assessment of Land In Lieu of Fees. Required if the project includes land that will be offered for dedication in lieu of development fees, or as a contribution to the reserve system.

9. Avoidance and Minimization Requirements. Documentation of any applicable avoidance and minimization requirements that will be implemented, including pre-construction surveys and construction monitoring requirements.

10. Cultural Resource Information. This information must include technical documents or reports prepared for the development project consistent with Section 8.1 of the cultural resources management plan, Chapter 18, Article 18.37 (Cultural and Tribal Resources) and Placer County Code, Chapter 15, Article 15.60 (Cultural and Historic Resources Preservation). If the development project includes aquatic resources of Placer County and a cultural resource report has been prepared that meets current USACE standards that report should be submitted with the HCP/NCCP application materials.

11. California Environmental Quality Act compliance documents if complete.

B. CARP Application Requirements. If the project has the potential to result in direct and indirect impacts to aquatic resources of Placer County, an applicant shall provide the following information in addition to the requirements in Section 19.10.080(A).

1. Topographic Map(s) and Recent Aerial photography that depict the project footprint overlaid on the habitat types including, but not limited to those within the stream system and aquatic features, the connectivity of aquatic features on the landscape and anticipated temporary and permanent impacts. The map should include

all components for each project, for example: access roads, staging areas, stockpile locations, temporary disturbance areas, and permanent footprints.

2. A description of the methods used to avoid and minimize impacts to protected resources to the extent practicable (project design, stream structural setbacks, etc...).

3. A delineation of aquatic resources of Placer County, including the stream system boundary, consistent with the USACE guidelines for delineations of waters of the United States, overlaid on a topographic map.

3. Assessment of impacts to aquatic resources including amount of fill in cubic yards to waters of the United States.

4. The results of any cultural resource assessment conducted by the Placer Conservation Authority or county staff of any materials provided to comply with Section 19.10.080(A)(10) (Cultural Resource Information).

5. Avoidance and minimization measures.

6. Description on how the project proposes to fulfill compensatory mitigation requirements through any one, or a combination, of the following:

a. Payment of in-lieu fees to the In-lieu fee program (ILF).

b. Contribution of land in lieu of paying ILF fees, in accordance with the HCP/NCCP.

c. Purchase of mitigation bank credits, in accordance with the HCP/NCCP.

C. Determination of Completeness. The community development resource agency director shall review application packages for completeness before the land conversion authorization application for the development project can be deemed complete. The determination of completeness shall include a baseline consistency determination as required by the HCP/NCCP (See Chapter 6, Section 6.2.4.3.2 *Baseline Land-cover Map Consistency Finding*).

19.10.090 PCCP Development Fees

A. The PCCP development fees are hereby adopted in accordance with Chapter 9 of the HCP/NCCP for the purpose of mitigating impacts to open space, to habitat and species covered by the HCP/NCCP, and to aquatic resources of Placer County covered by the CARP. Development fee revenues will be used to fund the program costs described in Chapter 9, Section 9.3 of the HCP/NCCP (Cost Estimate Methodology and Assumptions) through revenues described in Section 9.4 of the HCP/NCCP (Funding Sources and Assurances). Because the tasks and actions set forth in the HCP/NCCP encompass the tasks and actions set forth in the CARP, the development fees set forth in the HCP/NCCP will fund both HCP/NCCP and CARP tasks and actions.

B. The community development resource agency shall collect PCCP development fees for the purpose of implementing the PCCP. The PCCP development fees shall be

adopted and may be increased, decreased, or changed in scope at a public hearing based on data indicating the cost or estimated cost required to provide the service for which the fee or services charges are to be levied.

C. The amounts and method of calculating the PCCP development fees, including the land conversion fee, the special habitat fees, and the temporary effect fee, shall be adopted by board of supervisors fee resolution. The amount of the PCCP development fees shall be adjusted periodically based on determinations and assessments by the PCA in accordance with Chapter 9, Section 9.4.1.7 (Adjustment of Development Fees), of the HCP/NCCP. The adjusted PCCP development fee amounts shall be adopted by board of supervisors fee resolution.

D. Payment of applicable PCCP development fees shall be required for all development projects subject to this article. Each land conversion authorization for such development projects shall require the project applicant to pay such fees in full to the county according to the payment schedule determined by the county. The county shall determine the PCCP development fee payment schedule for each such development project as follows:

1. For development projects that are approved as a single-phased project, PCCP development fees shall be paid in full prior to the issuance of the first land conversion authorization or building permit;

2. For development projects that are approved as multi-phased projects, the PCCP development fees shall be paid prior to the issuance of the first land conversion authorization for each phase, in proportion to the extent of land conversion associated with each phase, and prior to any ground-disturbing activities in each phase; and

3. For development projects that require both land conversion authorizations and building permits, the county may allow for the splitting of land conversion fee payments, in which an initial payment is made prior to the issuance of the first land conversion authorization, in proportion to the extent of land conversion associated with such land conversion authorization, and subsequent payment(s) are made prior to the issuance of building permits, in accordance with Chapter 9, Section 9.4.1.8.1 of the HCP/NCCP (*Timing of Development Fee Payment*). Any such splitting of fee payments would require the following:

a. The initial payment equals no less than fifty percent (50%) of the total fee obligation and thereby sufficient to fund one-time costs associated with reserve acquisition, post-permit endowment, and plan preparation costs as determined by the PCA (securing this share of the total fee obligation concurrent with initial effects).

b. Subsequent payment(s) equal no more than fifty percent (50%) of the total fee obligation and thereby limited to funding ongoing operating costs during the term of the take permits.

c. **Each subsequent payment is based on the PCCP development fee amounts in effect at time of the subsequent payment (not the amounts in effect at time of the initial payment).**

d. **The project applicant must provide a performance bond or other security guaranteeing the entire fee obligation will be paid within three years from the date of the initial fee payment.**

E. If the PCA authorizes another manner of compensatory mitigation in lieu of some or all of the PCCP development fees pursuant to Chapter 9, section 9.4.1 (e.g., a land donation, or establishing a special tax or assessment, in lieu of payment of a portion of the PCCP development fees), the project applicant shall provide the county with written documentation from the PCA of compliance with such alternative manner of payment and the dollar equivalent amount of such alternative manner of compensatory mitigation, and the amount of the PCCP development fees owed for the development project shall be reduced accordingly.

F. Any fee amounts paid for a development project pursuant to Placer County Code Chapter 19, Article 19.30 (Open Space and Fire Hazard Management Fee and Article 19.50 (Woodland Conservation) shall be credited against the land conversion fee and special habitats fee(s) amounts owed for the project.

G. All PCCP development fees collected shall be transmitted to the PCA quarterly, within thirty (30) days of the end of the quarter within which the fee was collected, for deposit into a separate account or fund, and for the investment, accounting and expenditure in accordance with the provisions of this article and the Mitigation Fee Act.

H. Implementation of conservation actions described in Chapter 5 of the HCP/NCCP (Conservation Strategy) are exempt from all PCCP Development Fees.

19.10.100 Land Dedication in Lieu of Land Conversion Fee

Any public or private project proponent subject to the PCCP land conversion fee may propose dedication of land to the reserve system in lieu of payment of a portion of the land conversion fee. The option to dedicate land in lieu of payment only applies to the land conversion fee and not any special habitat fee or temporary effect fee.

A. Land Dedication Agreement. Any land dedication in lieu of a fee obligation shall require a land dedication agreement with the PCA. The PCA and the project proponent must execute the agreement before commencement of covered activities to which the credit will be applied. The land dedication agreement shall specify the terms contained in this section and conform to the requirements in section 9.4.1.10 of the HCP/NCCP (*Land Provided in Lieu of Development Fees*).

19.10.110 Wetland Restoration or In-stream Enhancement Provided in Lieu of Fee

A. Any public or private project proponent subject to special habitat fees may propose to restore, manage, and monitor their own aquatic resource, stream, or riparian mitigation site (on or off-site) in lieu of paying all or part of the applicable special habitat fee. For project proponent-initiated aquatic resource, stream, or riparian mitigation, restoration construction must be initiated prior to construction of the covered activity; the mitigation must be consistent with the requirements of HCP/NCCP Chapter 6 (*Program Participation and Conditions on Covered Activities*); the site must be protected by a conservation easement; and management and monitoring must be funded in perpetuity. Any proposal to initiate restoration in lieu of special habitat fees must comply with section 9.4.1.4.2 of the HCP/NCCP.

B. Applicants for development projects may purchase appropriate special habitat restoration credits in a mitigation bank in the HCP/NCCP that has been approved separately by USFWS and CDFW to service the HCP/NCCP (see section 8.4.7 of the HCP/NCCP, Private Mitigation and Conservation Banks, for more details).

19.10.120 Authorization of Take and Impacts to Aquatic Resources of Placer County

Upon approval of a land conversion authorization incorporating all applicable HCP/NCCP and CARP conditions of approval, and payment of PCCP development fees in accordance with Section 19.10.090, the planning director shall extend the following to the project applicant:

A. Authorized take coverage for the development project in accordance with the terms of the HCP/NCCP and the implementing agreement; and

B. Authorization to impact aquatic resources of Placer County in accordance with the terms of the CARP.

19.10.130 Appeals

Decisions of the planning director, community development resource agency director, public works director, facilities management director, the zoning administrator, the environmental review committee, the parcel review committee, the design/site review committee, the development review committee and the planning commission made pursuant to this article may be appealed by an applicant or by any aggrieved person as provided by this section.

A. Filing of Appeals

1. Appeals on decisions made pursuant to this article shall be made to the planning commission. Rulings of the planning commission may be appealed to the board of supervisors.

2. Appeals must be made in writing, shall specify the decision or portion of the decision being appealed, shall include a detailed state of the factual and/or legal grounds

upon which the appeal is being taken and shall include other information required by the appeal body, and may include any explanatory materials the appellant may wish to furnish.

3. Filing of Appeals. An appeal must be filed within ten (10) calendar days from the date of the decision that is the subject of the appeal. Appeals filed more than ten (10) days after the decision shall not be accepted by the clerk of the appeal body. The written appeal shall be accompanied by an appeal fee as set from time to time by the board of supervisors.

A. Effect of Filing. In the event of an appeal, the decision being appealed shall be set aside and of no effect until final action by the appeal body pursuant to this section.

B. Who May Appeal. An appeal may be filed by any person affected by an action or interpretation of this article. If an action is the result of a public hearing, a hearing decision may be appealed by anyone who, in person or through a representative explicitly identified as such, appeared at a public hearing in connection with the decision being appealed, or who otherwise informed the county in writing of the nature of his/her concerns before the hearing.

C. Time Limits on Appeals. Upon receipt of an appeal in proper form, the clerk of the planning commission or clerk of the board of supervisors, as applicable, shall schedule the matter for consideration by the appropriate appeal body. The appeal body shall commence a public hearing on the appeal within ninety (90) days of its proper filing, or within such other time period as may be mutually agreed upon by the appellant, in writing, and the appeal body, in writing. If the public hearing is not commenced within ninety (90) days, or an alternative time period is not agreed upon by the appellant and the appeal body, the decision rendered by the last hearing body shall be deemed affirmed.

19.10.140 Enforcement

The community development resource agency director shall be authorized to enforce the provisions of this Chapter by civil or administrative action as permitted by law and the Placer County Code.

19.10.150 Severability

If any part of this article is for any reason held to be invalid by a court of competent jurisdiction, that holding shall not affect the validity or enforceability of the remaining portion of this article, and the board hereby declares that it would have adopted each provision of this article irrespective of the validity of any other provision.

*****

SECTION 2. Placer County Code Chapter 19, article 19.30 is hereby created as follows:

*****

Article 19.30 OPEN SPACE AND FIRE HAZARD MANAGEMENT FEE

19.30.010 Purpose

The purpose of this article is to adopt and implement the open space and fire hazard management fee to complement funding provided by Placer County Conservation Program (PCCP) development fees by ensuring that development projects that are exempt from payment of the PCCP development fees, but which nonetheless benefit from the protection of open space and management of fire hazards under the PCCP, contribute a fair share of funding for such open space protection and fire hazard management.

19.30.020 Definitions

The definitions set forth in Section 19.10.040 shall govern the application and interpretation of this article. Words and phrases not defined in the section shall be interpreted so as to give this article its most reasonable application.

19.30.030 Applicability

A. This article shall apply to all development projects located within the open space and fire hazard management fee area that are not required to pay a PCCP development fee.

B. The geographic area within which the open space and fire hazard management fee will be assessed (the "open space and fire hazard management fee area") is the area described as "foothills" as set forth in the resolution of adoption. The open space and fire hazard management fee area generally comprises the foothills of western Placer County.

19.30.040 Responsibility for Administration

The community development resource agency director shall administer and apply the provisions of this article for the county.

19.30.050 Open Space and Fire Hazard Management Fee

A. The community development resource agency shall collect open space and fire hazard management fees for the purpose of financing tasks and actions to protect open space and manage fire hazards in the open space and fire hazard management fee area. The open space and fire hazard management fees shall be adopted and may be increased, decreased, or changed in scope at a public hearing based on data indicating

the cost or estimated cost required to provide the service for which the fee or services charges are to be levied.

B. The amounts and method of calculating the open space and fire hazard management fee shall be adopted by fee resolution. The amount of the open space and fire hazard management fee shall be adjusted periodically using the calculations and assessments performed by the Placer Conservation Authority (PCA) for the adjustment of PCCP development fees pursuant to the Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP). The adjusted open space and fire hazard management fee amounts shall be adopted by fee resolution.

C. The community development resource agency director shall assess the open space and fire hazard management fee on development projects located in the open space and fire hazard management fee area (See section 19.30.030). Payment of the open space and fire hazard management fee shall be required for all development projects subject to this chapter. For residential development projects, the open space and fire hazard management fee shall be assessed on all net new residential dwelling units. For development projects located on non-residential land use districts (general plan and/or zoning), the open space and fire hazard management fee shall only be assessed on vacant parcels based upon the total acreage of the parcel(s) on which the development projects are sited. For mixed-use projects that include residential and non-residential land uses, the greater of the above two fees shall apply. Each land conversion authorization for such development projects shall require the project applicant to pay such fees in full to the county prior to the issuance of the first land conversion authorization or the issuance of a building permit, as determined by the community development resource agency director.

D. All open space and fire hazard management fees collected shall be transmitted to the PCA quarterly, within thirty (30) days of the end of the quarter within which the fee was collected, for deposit into a separate account or fund, and for the investment, accounting and expenditure in accordance with the provisions of this article and the Mitigation Fee Act.

19.30.060 Exemptions to Open Space and Fire Hazard Management Fees

A. Project Exemptions. The open space and fire hazard management fees do not apply to the following development projects.

1. **Residential accessory structures.**
2. **Additions or modifications to existing single family and multi-family residential dwellings, unless additional dwelling units are added (e.g., construction of an attached secondary dwelling or construction of additional multi-family units) so long as the fee is permissible in accordance with state law.**
3. **Implementation of conservation actions that are described in Chapter 5 of the HCP/NCCP are exempt from all open space and fire hazard management fees.**
4. **All temporary dwellings described in Placer County Code Chapter 17, section 17.56.280 (Temporary dwellings).**

19.30.070 Enforcement

The community development resource agency director shall be authorized to enforce the provisions of this chapter by civil or administrative action as permitted by law and the Placer County Code.

19.30.080 Severability

If any part of this article is for any reason held to be invalid by a court of competent jurisdiction, that holding shall not affect the validity or enforceability of the remaining portion of this article, and the board hereby declares that it would have adopted each provision of this article irrespective of the validity of any other provision.

*****

SECTION 3. Placer County Code Chapter 19, Article 19.50 is hereby created as follows:

Article 19.50 WOODLAND CONSERVATION

19.50.010 Purpose

For centuries native oak trees have existed as dominant and magnificent features of the landscape of the Sierra Foothill region. Over the years trees have been cleared to accommodate agriculture, burned as firewood and removed to facilitate development. Only a portion of the original oak woodland forest remains today. The removal of oak and other native trees continues to the present time and occurs at a much faster pace than natural revegetation in areas of development.

Trees are key elements in our living system, the boundaries of which do not conform to the arbitrary property lines of individual lots and parcels, and upon which the continued health and welfare of this community depends. It is acknowledged that the preservation of trees enhances the natural scenic beauty, improves air quality, water quality, reduces soil erosion, preserves significant natural heritage values, preserves wildlife habitat, and helps to reduce energy consumption for air cooling by providing shade. Trees in a community or neighborhood also provide a sense of identity and tradition, and they enhance property values which encourages higher quality development.

As development of vacant land occurs, loss of some tree cover may be unavoidable. However, it is the county's intent to reduce the loss of trees to reasonably acceptable levels while at the same time providing for fuel reduction and fire prevention activities to protect the residents of the county from such catastrophic losses than can occur. Therefore, it has become necessary for an ordinance to be established to preserve and protect the remaining native oak and other species of trees within Placer County. The spirit of this article is to encourage an atmosphere of mutual cooperation between members of the development community, private citizens, and county officials in attempting to retain tree cover within the county. Furthermore, the article is to provide for educational programs and materials to promote an awareness of the value of trees and provide information to the public relating to the care, maintenance, and planting of trees.

Thus, it shall be the policy of this county to preserve trees wherever feasible, through the review of all proposed development activities where trees are present on either public or private property, while at the same time recognizing individual rights to develop private property in a reasonable manner. This article does not categorically prohibit tree removal and contains numerous exemptions for specific types of activities that result in impacts and losses to trees. It is also recognized, that due to the extremely diverse terrain and vegetation within the county, different policies may be applicable to specific areas of the county.

19.50.020 Definitions

The following words are defined for purposes of this article as follows:

“Approving body” means one of the following depending on the nature of the application: board of supervisors, planning commission, zoning administrator, design/site review committee, planning director, or county arborist (under the authority of the planning director).

“Arborist” means an individual certified as an arborist by the International Society of Arboriculture (ISA).

“Arborist report” means a report prepared by an arborist or registered professional forester containing specific information on the location, condition, potential impacts of development, recommended actions and mitigation measures regarding one or more trees on an individual lot or project site.

“Canopy trees” means a group of trees typically found along roadways which form a canopy over the roadway. By adoption of a resolution, the board of supervisors shall have the authority to protect specific canopy tree areas as landmark trees.

“Certification letter” means a concluding statement by an arborist stating that work that was performed was observed by an arborist and complies with the conditions of the discretionary project, the arborist report, the tree permit and this article.

“Commercial wood cutting” means cutting trees for fuelwood purposes producing in excess of two cords (two hundred fifty-six (256) ft.) of wood for sale or profit in any one-year period.

“County aquatic resources program” or “CARP” is a program that protects, streams, wetlands and other aquatic resources as defined in section 19.10.040.

“County arborist” means a person employed by or chosen and retained by the county to review, evaluate and prepare reports and requests to remove and/or relocate protected trees. In performing his or her duties and responsibilities, the county arborist may conduct field inspections independently or in the company of county employees and/or other arborists.

“Cutting” means the detaching or separating of any limb, branch or root from a tree.

“Dead tree” means a tree that does not contain any live tissue, i.e., green leaves or live limbs.

“Deadwood” means limbs or branches that contain no green leaves or live limbs.

“Deadwooding” means the act of removing deadwood.

“Development activity” means any activity within the protected zone of a tree, which could impact the health of a tree or landmark tree, including but not limited to cutting, grading, irrigating and trenching.

“Diameter at breast height” means the diameter of a tree measured at four and one-half feet above ground level on the high side of the tree. The diameter may be calculated by use of the following formula: DBH = circumference at breast height divided by 3.142.

“Discretionary project” means any nonministerial development project that must be approved by either the: board of supervisors, planning commission, parcel review committee, design/site review committee or zoning administrator. Discretionary projects include, but are not limited to: conditional use permits, parcel maps, rezoning, design

reviews, subdivision maps, or variances. (Discretionary projects do not include issuance of building permits, business licenses, or similar ministerial actions.)

"Drip line" means the outermost edge of a tree's canopy as measured at the time of application for a tree permit. When depicted on a map, the dripline will appear as an irregular-shaped circle that follows the contour of the tree's branches as seen from overhead.

"Dying/unhealthy tree" means any tree certified by an arborist or registered professional forester as being unhealthy or dying.

"Encroachment" means any development activity conducted within the protected zone of a protected or preserved tree.

"Grading" means the movement of any soil or earth material within the protected zone or protected or preserved trees.

"Habitat conservation plan and natural community conservation plan" or "HCP/NCCP" mean the joint habitat conservation plan and natural community conservation plan as defined in section 19.10.040

"Irrigation" means transfer of water to a site by artificial means.

"Land conversion authorization" means any permit or approval that authorizes a ground disturbing activity as defined in section 19.10.040.

"Landmark tree" means a tree or grove of trees designated by resolution of the board of supervisors to be of historical or cultural value, an outstanding specimen, an unusual species and/or of significant community benefit. Notwithstanding any other provision of this section, a tree that is not native to California may be designated as a landmark tree. (Note: A list of culturally significant or landmark trees [i.e., palms, along English Colony Road, oak canopy tree areas, Deodar cedars on Highway 49, major heritage oak trees, etc.] shall be prepared by the county parks division as a beginning list of "Landmark Trees.")

"Minor tree permit" means an authorization by the planning services division authorizing specifically identified work or development activities to be performed within the protected zone of a protected tree. (Note: Minor tree permits are only issued for single family residential lots and other specific projects as determined by the planning director. For discretionary projects, approval or denial of tree removal is part of that discretionary action.)

"Native ground surface fabric" means the layer of topsoil, humus, and vegetation that comprises the native ground surface.

"Oak tree information packet" means a package containing certain documents which must be distributed to property owners whose lots contain native oak trees.

"Placer County Conservation Program" or "PCCP" means the program described and implemented pursuant to Chapter 19, article 19.10 (Placer County Conservation Program).

"Preserved tree" means a tree that has been established as one to be saved through the tree permit or discretionary project approval process.

“Protected tree” means any tree, including a landmark tree, for which a tree permit is required prior to any removal or development activity being conducted within the protected zone.

“Protected zone” means a circle, the radius of which is equal to the largest radius of a protected tree’s dripline plus one foot.

“Public land” means all land owned or controlled by public entity.

“Registered professional forester” means a person who holds a valid license as a professional forester pursuant to Article III, Chapter 2, Division I, of the Public Resources Code.

“Removal” means the physical removal of a tree.

“Riparian zone” means any area within fifty (50) feet from the centerline of a seasonal creek or stream, any area one hundred (100) feet from the centerline of a year round creek, stream, or river, and any area within one hundred (100) feet from the shoreline of a pond, lake or reservoir. At a minimum all streams, creeks, ponds, lakes, and reservoirs as shown on 7.5-minute USGS maps are included in this definition. (A riparian zone established in a specific community or the general plan may supersede this definition.) (Note: All trees regardless of size within riparian areas within the tree preservation zones and as a part of any discretionary project county-wide are subject to this article.) For any project included within the PCCP boundary (see section 19.10.050 of this article) the term “riparian zone” is to be replaced by the definitions for “stream system” and “aquatic resources of Placer County” found in section 19.10.040. The application of the riparian zone standards found in this article will not apply to projects within the PCCP boundary, and instead the conditions and mitigation requirements found in Chapter 6 of the HCP/NCCP (*Conditions on Covered Activities*) and Chapter 6 of the CARP shall apply (*Avoidance, Minimization and Mitigation Requirements*).

“Routine maintenance” means actions taken for the continued health of a protected tree including but not limited to: deadwooding, mowing grass close to a tree, and application of insecticides and pesticides.

“Single-family dwelling” means a building designed for and/or occupied as a residence by one family.

“Site planning meeting” means an on-site meeting with the owners, developer and his or her contractors, and/or engineers; the arborist; and county representatives to delineate special procedures, limits of work, lines of authority and special conditions or procedures not specifically covered by the Placer County Code.

“Tree” means a tall woody plant native to California, with a single main stem or trunk at least six inches dbh, or a multiple trunk with an aggregate of at least ten (10) inches dbh. For all oak species (*Quercus sp.*) the woody plant will be considered a tree when the single main stem is five inches dbh or larger. (Note: Foothill pines are exempt from this article. Also, see “riparian zone” definition.) Certain plants which are more commonly found as “brush”, such as manzanita, are not considered to be a tree in this article regardless of size.

19.50.030 General county-wide requirements

A. This article is applicable to all native, landmark trees, riparian zone trees, and certain commercial firewood operations, except as exempted.

B. Riparian Zone Requirements.

1. Within any riparian zone, in all applicable areas of the county in conjunction with any discretionary project, and in any tree preservation zone for all development activity, compliance with this article for any development activity in the protected zone of a protected tree shall be required.

2. No tree permit or discretionary approval for any development activity within a riparian zone shall be approved until environmental impacts within the riparian zone are identified, an environmental determination is made and the mitigation measures identified (Chapter 18, Placer County Code). Additionally, no development activity shall be permitted until any Lake and Streambed Alteration Agreement or other mitigation required by the California Department of Fish and Wildlife have been completed.

3. Advisory Comment. This is not a categorical prohibition on any tree removal within a riparian zone but rather a requirement for review of proposed development activity and approval of a tree permit or discretionary project prior to such disturbance occurring.

C. Commercial Firewood Cutting.

1. Licensing Required. Fuel wood production is considered commercial when a party cuts firewood for sale or profit. A commercial operator shall be required to hold a Class A or B timber operator's license pursuant to the laws of the state of California and have attended the training seminar offered by the California Division of Forestry pertaining to proper forest management techniques.

2. Permit Required. A tree permit shall be required for commercial firewood cutting of any size or type of tree in all areas of the county west of the Foresthill Divide community plan area (see map available in the planning services division office) when the amount of wood taken from any given site exceeds two cords or two hundred fifty-six (256) cubic feet of wood within a one year period. In reviewing a permit application, the planning services division will consider the following:

a. Whether the trees to be removed would have a significant negative environmental impact.

b. That the proposed removal will not result in clear-cutting, but will result in thinning or stand improvement.

c. Whether replanting is necessary to insure adequate regeneration.

d. Whether the removal would create the potential for soil erosion.

e. Whether any other limitations or conditions should be imposed in accordance with sound tree management practices.

f. Evaluate the resulting canopy cover.

D. Removal of More Than Fifty Percent of Trees. Except for developed, single-family residential lots that cannot be subdivided, the removal of more than fifty (50) percent of existing native trees, six inches dbh or greater, shall be subject to the

issuance of a tree permit. Failure to obtain a permit prior to the removal of more than fifty (50) percent of the existing native trees in these areas may result in the denial or deferral of any application for development of that property for a period of up to ten (10) years. When the tree is an oak species (*Quercus sp.*), this standard shall apply to all trees measured at five inches dbh or greater.

E. The provisions of this article apply to all projects where discretionary permit approvals are required by the county provided, however, no landmark tree may be removed without obtaining a tree permit pursuant to section 12.16.060. Except for subsection C, a landmark tree is not subject to the exemptions set forth in section 12.16.050.

19.50.040 Woodland Conservation Zones

Except as exempt, and as noted in sections 19.50.060 and 19.50.030, the provisions of this article are applicable to discretionary projects and to the following areas of the county: Portion of the Horseshoe Bar/Penryn community plan, Dry Creek West Placer community plan, Granite Bay community plan, and the Auburn/Bowman community plan (see tree preservation area map, available in the planning services division office). Also, see county-wide restrictions for riparian zones, commercial firewood cutting, restrictions for removal of more than fifty (50) percent of trees, and where discretionary permits are required.

19.50.050 Placer County Conservation Program Applicability

If a development activity, development project or land conversion authorization occurs within the area described in Article 19.10, section 19.10.050 (Applicability) and the requirements of Article 19.10, section 19.10.070 (Land conversion authorization requirements) exceed the standards of this article, the requirements of section 19.10.070 shall prevail.

19.50.060 Exemptions

A tree permit is not required for the removal of a protected tree under the following circumstances (except for subsection C, a landmark tree is not subject to the exemptions set forth below):

A. Trees damaged and determined to be of immediate danger to either people or site improvements by thunderstorms, windstorms, floods, earthquakes, fires or other natural disasters. Upon discovery of a condition justifying removal, the planning services division should be notified as soon as possible of the condition and action taken.

B. Tree removal necessary to comply with the California Department of Forestry and Fire Protection (CAL FIRE) fire safety regulations (i.e., clearing around homes) or tree removal undertaken as a part of a fuel reduction/fire safety/fire protection program in conformance with commonly accepted CAL FIRE policies.

C. When removal is determined to be necessary by fire department personnel actively engaged in fighting a fire.

D. When compliance would interfere with activities of a public utility necessary to comply with applicable safety regulations and/or necessary to repair or avoid the interruption of services provided by such a utility. Routine repair and maintenance of utilities would be exempt; new construction projects (i.e., the installation of high power, transmission line corridor) are subject to review.

E. Trees (1) that have been identified by an arborist, forester, or county arborist/licensed landscape architect as "dying" or "unhealthy," (2) dead trees or (3) trees that are in a hazardous condition presenting an immediate danger to health and property.

F. Lots designated for commercial tree removal (i.e., Christmas tree farms, approved timber harvest plans, timber preserve zoned lands, approved logging operations, etc. (Note: Does not include commercial firewood cutting unless specifically exempt by state or federal permits and eucalyptus or poplar firewood plantations.)

G. Bona fide active agricultural uses as defined by the county agricultural commissioner are exempt, except commercial cutting of firewood, and development activity within a riparian zone are not exempt. (Also, see county-wide requirements, Section 19.50.030.)

19.50.070 Tree permit required

Except as provided under "exemptions," no person, firm, corporation or county agency shall conduct any development activities within the protected zone of any protected tree on public or private land, or harm, destroy, kill or remove any protected tree unless authorized by a tree permit or as permitted pursuant to approval of a discretionary project. A minor tree permit may also be issued "in the field" by the county arborist, thus eliminating the need for an individual to apply in person at the planning services division. Tree removal shall also be reviewed as a part of discretionary project review. This type of review is primarily for commercial projects, industrial projects, major subdivisions, public projects, or other projects that are also associated with a discretionary permit. This type of review is completed concurrently with the discretionary permit and requires more detailed information than a minor tree permit (see below).

A. Minor Tree Permit. (i.e., issued for single-family residential lots and projects where no other discretionary permits are required, etc.) Any person desiring to conduct any development activity or remove one or more protected trees, where such development activity or removal is not associated with a discretionary project, shall make application to the planning services division for a minor tree permit not less than ten (10) days prior to the date the applicant wishes to conduct the development activity. Said application shall contain:

1. A brief statement of the reasons for the development activity;

2. Written consent of the owner of record of the land on which the proposed development activity is to occur;

3. If necessary, an arborist's report relating to the tree(s) in question; and

4. Other pertinent information as deemed necessary by the planning services division or county arborist;

5. Violations that occur with minor tree permits may be required to submit information equal to that normally required for discretionary projects (as listed in subsection B of this section);

6. The required filing fee.

Note: A minor tree permit may be issued for the purpose of maintaining existing trees in a healthy condition on land that may be developed in conjunction with a discretionary project.

B. Tree removal associated with a discretionary project (i.e., permits issued for subdivisions, commercial, and industrial projects, etc.). Any person desiring to conduct a development activity within the protected zone of a protected tree pursuant to a discretionary project shall submit the following information as a part of the application for the discretionary project:

1. Justification Statement. A written statement by the applicant or an arborist stating the justification for the requested development activity. Statements should establish how any remaining protected trees in the vicinity of the project or construction site will be protected and that any construction or use will be done with approved preservation methods.

2. Site Plan Map. A site plan map shall include the following information:

a. Physical Characteristics. The body of the map should accurately portray the following existing and proposed features:

i. Property lines;

ii. Streets, access easements and/or public or private driveways and other paved areas;

iii. Buildings or structures;

iv. Setbacks of all buildings and structures from property lines;

v. Parking and other paved areas;

vi. Land uses on parcel (existing and proposed as applicable);

vii. Proposed grading and construction - including utilities, if available;

viii. Proposed building envelopes.

b. Tree Locations. All protected trees within fifty (50) feet of any development activity, including future homesites in subdivisions located on the property, must be depicted on the site plan map. Additionally, the site plan map shall indicate the exact location of the base and dripline for all protected trees within the project areas. A survey of the exact location(s) of the protected tree(s) shall be conducted by a California professional engineer or California professional land surveyor. The tree number(s) shall be shown on both the site plan and grading plan. The base elevation of each protected tree shall be shown on the grading plan. Certain projects, as required by the approving body, may be required to submit a current aerial photograph of the site (i.e., parcels with high density trees). (Note: Applications with high density of trees or other special circumstance may request a waiver or modification to tree location requirements.)

c. Protected Zone of Protected Tree(s). The exact location of the protected zone of a protected tree is crucial in order to evaluate any impacts resulting from construction. Consequently, rough approximations will not be acceptable. In certain cases, it may be required to physically stake the surveyed corners of building(s) or related improvements in the field in order to assess the potential impacts upon the trees.

3. Arborist Report. See definition in Section 19.50.020.

4. Filing Fee. A surcharge, based upon the planning services division's most recent adopted fee schedule, shall be added to all discretionary permits subject to the requirements of this article.

19.50.080 Tree permit applications – review methodology

A. General.

1. Evaluation of development activity associated with a discretionary project shall be the sole responsibility of the approving body approving the project. After occupancy has been granted or a notice of completion filed, the planning director shall assume responsibility for ensuring continuing compliance.

2. Exception. Requests for encroachments of up to twenty (20) percent of the protected zone of a protected tree may be processed by the planning director. In cases where requests for encroachments are denied by the planning director, the applicant shall have the right to appeal to the planning commission. Appeal must be made in writing within ten (10) days and accompanied by the appropriate appeal fee.

3. Tree permits shall not be issued for parking or storing of vehicles, trailers, equipment, construction materials or temporary structures within the protected zone of a protected tree.

B. Application Review. Upon receipt of an application for a tree permit, the planning services division shall review the application for accuracy and completeness and make an inspection of the project site. If the application is incomplete, it will be returned to the applicant and no action will be taken until all of the required information has been received by the county.

C. Environmental Determination. An environmental determination may be required pursuant to the California Environmental Quality Act. The issuance of a minor tree permit shall be exempt from environmental review when it is related to an activity listed in article 18.36 of this code.

D. Approval.

1. In passing judgment upon permits or applications required pursuant to the provisions of this chapter, the approving body may impose such reasonable conditions of approval as are necessary to protect the health of the protected tree, the public and the surrounding property or environmental features.

2. An approved minor tree permit shall be valid for a period of six months from the date of issuance. An extension of time may be granted by the planning director for a period of up to an additional six months. Approval of tree removal associated with

discretionary projects shall be valid only as long as the approval for the discretionary project is valid.

3. The applicant shall have the minor tree permit and a copy of the conditions of approval imposed by the approving body at the construction site. For discretionary projects, a copy of the conditions of approval shall be kept on-site during the construction phase of the subject.

4. For trees designated to be saved within fifty (50) feet of any development activity, or as recommended by the arborist, or as required by the approving body, a minimum four-foot tall brightly colored synthetic fence shall be installed at the outermost edge of the protected zone of each protected tree or groups of protected trees. The fence shall not be removed until written authorization is received from the planning director. Exceptions to this policy may occur in cases where protected trees are located on slopes that will not be graded. However, approval must be obtained from the planning services division to omit fences in any area of the project. The fences must be installed in accordance with the approved fencing plan prior to the commencement of any grading operations or such other time as described by the approving body. The developer shall call the planning services division for an inspection of the fencing prior to initiation of grading operations.

For discretionary projects, signs must be installed on the fence in four locations (equidistant) around each individual protected tree. The size of each sign must be a minimum of two feet by two feet and must contain the following language:

"WARNING THIS FENCE SHALL NOT BE REMOVED OR RELOCATED WITHOUT WRITTEN AUTHORIZATION FROM PLACER COUNTY"

On fencing around a grove of protected trees, the signs shall be placed at approximately fifty (50) foot intervals.

5. For discretionary projects, once approval has been obtained, the fences must remain in place throughout the entire construction period and may not be removed without obtaining written authorization from the planning services division.

6. For discretionary projects, (single-family residences exempt) a ten thousand dollar ($10,000.00) deposit (or an amount deemed necessary by the approving body based upon the size and scale of the project in relation to the tree removal/tree protection to be required) may be required to be posted and maintained to insure the preservation of protected trees during construction. The deposit shall be in the form of a certificate of deposit, cash deposit, or letter of credit from a bank, and shall be posted prior to any grading or movement of heavy equipment onto the site or issuance of any permits. Each violation of any tree permit condition regarding tree preservation shall result in forfeiture of a portion or the entirety of the deposit, at the discretion of the approving body in addition to other applicable penalties. Appeals may be made pursuant to the procedure outlined in this article.

7. In cases where a tree permit has been approved for construction of a retaining wall(s) within the protected zone of a protected tree, the applicant will be required to provide for immediate protection of exposed roots from moisture loss during the time prior to completion of the wall. The retaining wall should be constructed within seventy-two (72) hours after completion of grading.

8. If approved, preservation devices such as aeration systems, oak tree walls, drains, special paving and cabling systems must be installed per approved plans and certified by the developer's arborist.

9. For discretionary projects, certification letters are required for all development activity conducted within the protected zone of protected trees. The developer's arborist will be required to submit a certification letter to the planning services division within five working days of completion of such development activity attesting that all of the work was conducted in accordance with the appropriate permits and the requirements of this article.

10. The following information, if applicable, must be located on-site:

a. Arborist's report and all future modifications.

b. Tree location map with a copy of the tree fencing plan.

c. Tree permit and inspection card.

d. Approved construction plans.

e. Tree preservation guidelines.

f. Approved planting and irrigation drawings.

E. Denial and Appeal.

1. If an application for a tree permit is denied, the approving body shall provide written notification, including the reasons for denial, to the applicant.

2. Appeal of a decision made by an approving body shall be made as provided in section 17.60.110 of the Placer County Code.

3. All appeals must be made in writing within ten (10) calendar days of the denial stating the facts and grounds of appeal and accompanied by the appropriate appeal fee. Denials issued by the arborist may be appealed to the planning services division within ten (10) days without paying an appeal fee.

F. Tree Permit Construction Phase.

1. All work conducted within the protected zone of any protected tree shall be performed as required by this article and as required in project approval.

2. For discretionary projects, as a part of the application, the developer will be required to submit a utility trenching-pathway plan for approval following approval of the project improvement plans. The trenching-pathway plan shall depict all of the following systems: storm drains, sewers, easements, water mains, area drains, and underground utilities. Except in lot sale subdivisions, the trenching-pathway plan must show all lateral lines serving buildings. To be completely effective, the trenching-pathway plan must include the surveyed locations of all protected trees on the project as well as an accurate plotting of the protected zone of each protected tree.

The trenching-pathway plan shall be developed considering the following general guidelines:

a. The trenching-pathway plan must be developed to avoid going into the protected zone of any protected tree on its path from the street to building.

b. Where it is impossible to avoid encroachment, the design must minimize the extent of such encroachment. Encroachments and mitigation measures must be addressed in a supplemental arborist's report.

3. Certification of Tree Work. All of the tree preservation measures required by the conditions of the discretionary project approval, the arborist's report and the tree permit, as applicable, shall be completed and certified by the developer's arborist prior to issuing an occupancy permit.

G. Information to be Included in arborist report.

1. Botanical name of tree(s) by tree number.

2. Common name of tree(s) by tree number.

3. Location of tree(s) by tree number.

4. Diameter at breast height (DBH) by tree number.

5. Height by tree number (optional).

6. Dripline radius by tree number (measure longest radius).

7. Condition by Tree Number. The condition of each tree is to be considered when determining a tree's rating system:

a. Excellent (It is rare that a tree qualifies in this category.)

b. Good.

c. Fair to good.

d. Fair.

e. Fair to poor.

f. Poor.

8. Recommendations by Tree Number. Based upon the conditions and findings, recommendations should be made that logically follow the report conditions. For instance, if weak crotches are reported, cabling would be a logical recommendation to include in the report. These recommended mitigation measures should be spelled out and in some cases may even improve the tree's condition ratings.

9. Specific and general information about preservation measures to be taken for each tree not being removed.

19.50.090 Replacement program and penalties

A. The approving body may condition any tree permit or discretionary approval involving removal of a protected tree upon the replacement of trees in kind. The replacement requirement may be calculated based upon an inch for an inch replacement of the removed tree(s) and may require minimum fifteen (15) gallon size trees. The total of replacement trees may be required to have a combined diameter of the tree(s) removed. A minimum of fifty (50) percent of replacement trees shall be of a similar native tree. Replacement trees may be planted on-site or in other areas to the satisfaction of the planning services division. Such replanting must not result in the over-planting of a site such that an unsafe fire condition is created.

B. The approving body may, instead of requiring replacement trees, require implementation of a revegetation plan. The county will require the developer to enter into a written agreement with the county obligating the developer to comply with the requirements of the revegetation program. A security deposit shall be required to ensure that the agreement is fulfilled. The revegetation program may include the propagation of native oak trees from seed or saplings using currently accepted methods.

C. The approving body may decide that if the project site is not capable of supporting all of the replacement trees, the applicant shall pay to Placer County the current market value, as established by an arborist, forester, or registered landscape architect, of the replacement trees, including cost of installation, to go into a tree preservation fund (see subsection I of this section).

D. In addition, any protected or preserved tree shall not be damaged during construction. A penalty, payable to the county, in the amount of fifty dollars ($50.00) per scar will be required. If necessary, an arborist report may be required to be filed by the applicant to determine the extent of damage.

E. Any person, firm, or corporation that does not apply for a tree permit prior to removal of protected trees, and where no security deposit has been posted, shall replace trees as noted in subsection A, B, or C of this section, in addition to paying a fine of the current market value of the replacement trees.

F. Any person, firm, or corporation that removes or destroys any tree or trees that have been designated to be saved by an approving body shall be fined up to three times the current market value of the replacement trees and the cost of replacement, and/or replace up to three times the number of trees required by this article.

G. Except as provided in this article, if trees are removed without prior approval of an approving body, the approving body may choose to deny or defer approval of any application for development of that property for a period of up to five years.

H. The board of supervisors may consider the rezoning of a parcel or parcels of land on which a violation of this article has occurred.

I. Tree Preservation Fund. A tree preservation fund is established for Placer County. The moneys received in lieu of replacement of illegally removed or damaged trees shall be forwarded to the county treasurer for deposit in the tree preservation fund. Under no circumstances shall the funds collected by the county treasurer for deposit into the tree preservation fund be directed to any other fund to be used for any other purposes other than the planting of or maintenance of trees on publicly owned property, easements of rights-of-way, or used for educational programs or materials. A certain percentage of the fund (as determined by the board of supervisors) may be used for enforcement of the article and/or land acquisition.

J. A violation of this article shall be punishable as a misdemeanor or an infraction at the discretion of the county counsel and/or the district attorney.

K. Survivability.

1. Any person, firm or corporation that is required to replant, relocate or revegetate as a condition of his or her tree permit or discretionary project approval will be required to provide appropriate irrigation and maintenance for the trees. To assure survivability, a

maintenance agreement shall be entered into and a deposit established by the approving body, not greater than the replacement costs, shall be posted with the county. The deposit shall be retained until the county arborist certifies the conditions of the tree permit are satisfied. After three years, an arborist or forester employed by the developer will identify to the county the condition of the replanted trees or revegetated area.

2. Any five gallon size tree or greater that was replanted or relocated that is dead after three years, must be replaced in kind with equal sized healthy replacements. Revegetated areas or areas where trees smaller than five-gallon size were replanted must have at least seventy-five (75) percent of the trees still alive after three years.

3. Failure to provide adequate irrigation and maintenance for the replanted or relocated trees, or the revegetated areas, or the failure to replace trees which have not survived, will result in forfeiture of all or part of the survivability deposit.

19.50.100 Administrative remedies

A. Suspension, Revocation and Restoration. In addition to any other penalties allowed by this code, the approving body may suspend any tree permit for a discretionary project upon a finding at a public hearing that a violation of conditions of approval has occurred.

B. Appeal. Appeal may be made directly to the planning services division, within ten (10) days of imposition of conditions. An appeal shall state the facts and grounds of appeal and shall be accompanied by the appropriate appeal fee. Appeals shall be subject to the provisions set forth in section 17.60.110 of the Placer County Code.

C. Stop Work Orders. Whenever any construction or work is being performed contrary to the provisions of this article or conditions of the appropriate discretionary project, the planning services division may issue a written notice to the responsible party to stop work on the project on which the violation has occurred or upon which the danger exists. The notice shall state the nature of the violation and the risk to the trees. No work shall be allowed until the violation has been rectified and approved by the planning services division or the county's arborist.

D. Public Education. It is recognized that the loss of native oaks is, in part, a result of the lack of public awareness on oak tree preservation. In order to heighten public awareness on this subject, the following programs shall be established as a part of this article.

1. A minimum of ten (10) percent of the funds collected in the tree preservation fund shall be used to promote and establish educational programs and develop educational materials. Examples would be:

a. Educational materials to be handed out with building permits and to be made available to the general public (i.e., brochures on development near native oak trees).

b. Promoting elementary and secondary school programs on native oak trees (i.e., acorn or tree planting programs).

c. Funding to pay for brochure inserts into local newspapers for general public distribution.

2. Developers or sellers of lots within major subdivisions shall be required to distribute educational material to buyers at the closing of escrow.

3. The county shall, as a condition of all major subdivisions, require that conditions, covenants & restrictions have requirements which protect native trees that are designated to be saved (i.e., limited watering around oaks, etc.).

Attachment F

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

In the matter of: AN ORDINANCE AMENDING
CHAPTER 17 (ZONING) OF PLACER COUNTY CODE

Ordinance No.: _____

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer

at a regular meeting held on _____, 2020 by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

_____

Chair, Board of Supervisors

Attest:

_____

Clerk of said Board

WHEREAS, on July 10, 2012 the Placer County Board of Supervisors ("Board") directed staff to prepare the Placer County Conservation Program ("PCCP") and Implementing Agreement and other policies, regulations, and codes necessary to guide and implement the PCCP Program; and

WHEREAS, on_____, 2020, the Placer County Planning Commission ("Planning Commission") held a noticed public hearing pursuant to Placer County Code Chapter 17, Article 17.60, Section 17.60.140 to consider the PCCP, including the addition of Chapter 19 to the Placer County Code, and pursuant to Placer County Code Chapter 17, Article 17.60, Section 17.60.090(C), the Planning Commission has made recommendations to the Board related thereto; and

WHEREAS, notice of a public hearing was given in compliance with Placer County Code Chapter 17, Article 17.60, Section 17.60.140, and on_____, 2020, the Board held the duly noticed public hearing pursuant to Placer County Code Chapter 17, Article 17.60, Section 17.60.090(D) to consider the recommendations of the Planning Commission and to receive public input regarding the proposed PCCP, including the proposed amendment to the Placer County Code; and

WHEREAS, the Board has reviewed the proposed amendments to Chapter 17 of Placer County Code, considered the recommendations of the Planning Commission, received and considered the written and oral comments submitted by the public thereon, and has adopted Resolution No. __-_____ certifying the Final Environmental Impact Report; and

WHEREAS, the Board finds the proposed amendments to Chapter 17 of Placer County Code follows applicable requirements of State law, is consistent with the General Plan and is in the best interests of the County.

WHEREAS, the PCCP incorporates the Habitat Conservation Plan (HCP)/Natural Community Conservation Plan (NCCP), and In-Lieu Fee Program into a comprehensive local program that strengthens local control over land use and natural resource protection and more efficiently protects natural resources by creating new reserves that will be larger in scale, more ecologically and hydrologically viable, and easier to manage than the individual mitigation sites created under the current individual project-by-project approach. The PCCP is intended to protect the existing character of the County and the region through the implementation of a system of reserves which will provide for permanent open space, habitat conservation for species covered by the HCP/NCCP, and for protection of aquatic resources in the County.

WHEREAS, the PCCP provides a more efficient and streamlined approach for complying with state and federal environmental laws for both public and private projects that is intended to:

- Reduce the time and resources previously required to obtain state and federal permits;
- Preserve the ability of affected property owners to make reasonable use of their land consistent with the requirements of applicable laws, which include but are not limited to the National Environmental Policy Act (42 U.S.C. §§ 4321-4347), the California Environmental Quality Act (Public Resources Code § 21000 et seq.), the Federal Endangered Species Act (16 U.S.C. §§ 1531-1544), the California Endangered Species Act (Fish & Game Code § 2050 et seq.), the California Natural Community Conservation Planning Act (Fish & Game Code §§ 2800-2835); the Clean Water Act (33 U.S.C. §§1251-1387), and the Porter Cologne Water Quality Control Act (California Water Code section 13000 et seq.; and
- Maintain economic development within the County by providing a streamlined environmental review and permitting process from which development can proceed in an orderly manner.

WHEREAS, the Board finds the proposed amendments to Chapter 17 of Placer County Code will serve to protect and enhance the health, safety, and general welfare of existing and future residents and businesses in the Plan Area and the County as a whole; and

WHEREAS, the Board finds the proposed amendments to Chapter 17 of Placer County Code is in conformity with public convenience, general welfare and good land use practice, and will not adversely affect the orderly development of property, or the preservation of property valued; and

WHEREAS, notice of all hearings required has been given and all hearings have been held as required by County ordinance and State law.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER ORDAINS AS FOLLOWS:

1. The amendments to Chapter 17 of Placer County Code, as set forth in Exhibit A attached hereto and incorporated by reference, is hereby adopted.
2. This ordinance shall take force and become effective sixty (60) days after its approval.
3. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code Section 25124.

Attachment F

Exhibit A

SECTION 1. Placer County Code Chapter 17, article 17.02, section 17.02.030 is hereby amended as follows:

17.02.030 Applicability of zoning chapter.

This chapter applies to all land uses and development within the unincorporated areas of Placer County as provided by this section, including land uses and development undertaken by units of government; except that uses and development located within the areas covered by the community plans listed below, in which case the regulatory provisions of such plans (or land use ordinances adopted pursuant to such plans) shall apply, unless such regulations conflict with Section 17.02.050(D) or defer to the provisions of this chapter, or unless such regulations are silent regarding land use matters otherwise governed by the provisions of this chapter:

1. Squaw Valley General Plan/Squaw Valley Land Use Ordinance, Appendix A to Chapter 17 of the Placer County Code;

2. **Placer County** Tahoe **Basin** ~~City Community Plan or the Tahoe City~~ Area ~~General~~ Plan **and Placer County Tahoe Basin Area Plan Implementing Regulations**, Appendix B to Chapter 17 of the Placer County Code;

3. **Bickford Ranch Development Standards**~~North Tahoe Community Plan~~, Appendix C to Chapter 17 of the Placer County Code.

~~4. West Shore Area General Plan, Appendix D to Chapter 17 of the Placer County Code.~~

4. Placer Vineyards Specific Plan Development Standards, Appendix D to Chapter 17 of the Placer County Code;

5. Regional University Specific Plan Development Standards and Design Guidelines, Appendix E to Chapter 17 of the Placer County Code;

6. Riolo Vineyards Specific Plan Development Standards, Appendix F to Chapter 17 of the Placer County Code;

7. Martis Valley West Parcel Specific Plan Development Standards, Appendix G to Chapter 17 of the Placer County Code;

8. Sunset Area Plan Implementing Zoning Regulations, Appendix H to Chapter 17 of the Placer County Code;

9. Placer Ranch Specific Plan Development Standards, Appendix I to Chapter 17 of the Placer County Code.

C. Issuance of Take Authorization. No take authorization shall be issued by the county pursuant to Chapter 19, Article 19.10, Section 19.10.120 of this code unless the proposed covered activity satisfies the provisions of this chapter.

D. Authorization to Impact Aquatic Resources of Placer County. No authorization to impact aquatic resources of Placer County shall be issued by the county pursuant to Chapter 19, Article 19.10, Section 19.10.120 unless the proposed covered activity satisfies the provisions of this chapter.

E~~C~~. Continuation of an Existing Use. It is unlawful and a violation of this code for any person to operate or maintain a land use established according to the requirements of the zoning ordinance in any manner that violates any provisions of this chapter. However, the requirements of this chapter are not retroactive in their effect on a use of land that was lawfully established before this chapter or any applicable amendment became effective, except where an alteration, expansion or modification to an existing use is proposed, and except as provided by Sections 17.60.120, et seq. (Nonconforming Uses).

F~~D~~. Effect of Zoning Ordinance Changes on Projects in Progress. The enactment of this chapter or amendments to its requirements may have the effect of imposing different standards on development or new land uses than those that applied to existing development (e.g., this chapter or a future amendment could require more off-street parking spaces for a particular land use than former zoning ordinance provisions). This subsection determines how the requirements of this chapter apply to development project in progress at the time requirements are changed.

G~~E~~. Other Requirements May Still Apply. Nothing in this chapter shall eliminate the need for obtaining any other required permits, including but not limited to those required by Chapters 15 and 16 of this code, such as building permits, plumbing, electrical, or mechanical permits, grading permits, the approval of a parcel or final map, or any permit, approval or entitlement required by other chapters of this code or the regulations of any county department or other public agency, including but not limited to authority to construct or permit to operate from the Placer County air pollution control district, or **lake and** streambed alteration agreements from the California Department of Fish and ~~Game~~**Wildlife**. Where a California Land Conservation Act (Williamson Act) Agreement exists that includes a specific parcel of land, the provisions of that Agreement, as well as the provisions of **Article 17.64 of the Placer County Code** ~~Chapter 6, Placer County Administrative Rules~~ and Section 51200 et seq. of the California Government Code also apply.

SECTION 2. Placer County Code Chapter 17, article 17.02, section 17.02.050 is hereby amended as follows:

17.02.050 Interpretation.

The planning director is assigned the responsibility and authority to interpret the requirements of this chapter. Questions about the meaning of any part of this chapter shall be resolved as provided by this section.

A. Language.

1. Construction. When used in this chapter, the word “shall,” is always mandatory and “may” is discretionary. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise.

2. Number of Days. Whenever a number of days is specified in this chapter, or in any permit, condition of approval or notice issued or given as provided in this chapter, such number of days shall be construed as calendar days, except that such time limits shall extend to the following working day where the last of the specified number of days falls on a weekend or holiday.

3. Minimum Requirements. When interpreting and applying the regulations of this chapter, all provisions shall be considered to be the minimum requirements, unless stated otherwise (e.g., height

limits for buildings and structures, building coverage, and the numbers and size of signs allowed are maximums, not minimums).

B. Map Boundaries. If there is uncertainty about the location of any zoning boundary or other line on the official zoning maps, the following procedures shall be used in resolving the uncertainty:

1. Where a boundary is shown as approximately following a lot line, the lot line shall be deemed to be the boundary.

2. Where a zone district boundary is not shown to include an adjacent street or alley, the district boundary shall be deemed to extend to the centerline of the right-of-way.

3. Where a boundary is shown as approximately following a physical feature such as a stream, drainage channel, topographic contour line, power line, railroad right-of-way, street or alleyway, the boundary location shall be determined by the planning director, based upon the ~~character~~ **actual location of the physical feature as determined by a site survey, legal description and/or use of remote sensing equipment that can identify** ~~of~~ the particular feature **that is** used as a boundary.

*****

SECTION 3. Placer County Code Chapter 17, article 17.04, section 17.04.030 is hereby amended as follows:

17.04.030 Definitions of land uses, specialized terms, and phrases.

*****

"Aquatic resources" or "aquatic resources of Placer County" include waters of the United States, waters of the state, stream systems, and constituent habitats for aquatic/wetland complex(es), vernal pool complex(es) and riverine/riparian complex(es) within the stream system, and includes all definitions described in Chapter 3 of the HCP/NCCP (Physical and Biological Resources) and Chapter 3 of the western Placer County Aquatic Resources Program (CARP) (Placer County Aquatic Resources Protected by the CARP).

*****

"Authorization to impact aquatic resources of Placer County" means an authorization by the county to impact aquatic resources of Placer County in accordance with the terms of the CARP pursuant to Chapter 19, Article 19.10, Section 19.10.120.

*****

"Bank, Mitigation" means a publicly or privately owned and operated site on which wetlands have been or will be created to compensate for adverse impacts caused by removal or fill permit activities authorized pursuant to Section 404 of the federal Clean Water Act (33 U.S.C. Sec. 1344 et seq.).

*****

"Bank, Conservation" means a publicly or privately owned and operated site that is to be conserved and managed in accordance with a written agreement that includes provisions for the issuance of credits, on which important habitat, including habitat for threatened, endangered, or

other special status species, exists, has been, or will be created to do any of the following: 1) compensate for take or other adverse impacts of covered activities, or 2) reduce adverse impacts to fish or wildlife resources from covered activities.

*****

"Construction permit" means any or all of the various entitlements established by this chapter and/or Chapters 12, 13, 15, 16, 18**, 19** or Appendix E to Chapter 17 of the Placer County Code that authorize commencement of construction activities, including, but not limited to, building permits, grading permits, **land conversion authorizations,** electrical and plumbing permits, demolition permits and moving permits.

*****

"County aquatic resources program" or "CARP" is a program that protects, streams, wetlands and other aquatic resources as defined in Section 19.10.040.

*****

"Covered activity" means a covered activity as defined in Section 19.10.040.

*****

"Covered species" means the species, listed and non-listed, whose conservation and management are provided for in the HCP/NCCP, as defined in Section 19.10.040.

*****

"Development project" means a proposed project requiring the approval of Placer County in order to proceed to completion. **Within the Placer County Conservation Plan (PCCP) plan area, a development project is any project or activity that requires a land conversion authorization.**

*****

"Fisheries and game preserves" (land use) means the operation of fish hatcheries, fish and game preserves, and game propagation (SIC: Group 09)**. Fisheries and game preserves are not PCCP reserve system properties although a fishery or game preserve may be an allowed use in a PCCP reserve system property.**

*****

"Habitat conservation plan and natural community conservation plan" or "HCP/NCCP" mean the joint habitat conservation plan and natural community conservation plan as defined in Section 19.10.040.

*****

"Land conversion authorization" means any permit or approval that authorizes a ground disturbing activity, including, but not limited to, grading permits, grading plans, improvement plans, and building permits. Approvals for county-sponsored capital improvement projects and operations and maintenance activities are also land conversion authorizations.

*****

“Placer County Conservation Program” or “PCCP” means the program described and implemented pursuant to Chapter 19, Article 19.10 (Placer County Conservation Program).

*****

“Placer Conservation Authority” or “PCA” means the joint exercise of powers agency formed on March 25, 2020, by and among the county of Placer and the city of Lincoln pursuant to the Joint Powers Act, Gov. Code § 6500 et seq.

*****

“Reserve system” means the reserve system that will be assembled through the HCP/NCCP and the CARP to provide for the conservation of covered species and aquatic resources. The reserve system will be a large system of interconnected land blocks located in the western and northern valley and northern foothills of Placer County, estimated to be between around forty-seven thousand three hundred (47,300) acres and will include existing and newly acquired lands that are part of the PCCP reserves, and that are adaptively managed consistent with the PCCP. The reserve system will be capable of protecting, managing, restoring and creating the natural and semi-natural communities and habitats that support the covered species.

*****

Stream, Intermittent. “Intermittent stream” means a watercourse that is dry a large part of the year**. Intermittent streams have bed-and-bank morphology, but are distinct from perennial streams in that they are seasonal and cease to flow for some portion of the year. They have a broad range of flow duration: some cease flowing shortly after the end of the rainy season, whereas others flow until fall, but cease flowing briefly before the onset of the next rainy season. Groundwater is a significant source of water for intermittent streams, and they may also be influenced by leaky canals, irrigation, and urban runoff. Intermittent streams may support riparian vegetation similar to that found in association with perennial streams. Riparian vegetation can be patchy or continuous** ~~is classified as a “wetland” using the U.S. Army Corps of Engineers jurisdictional three-parameter criteria, and requires a one hundred (100) year floodplain delineation (assuming full build-out of its watershed) to be necessary by the Placer County department of public works.~~ Also, a stream that has a significant flow of water within a well-defined channel thirty (30) days after the last significant storm or is designated as an intermittent stream on any applicable general plan**, area plan** or community plan map.

*****

Stream, Perennial. “Perennial stream” means a watercourse **that has bed-and-bank morphology and flows twelve (12) months a year from either natural or man-made sources or a combination of the two. Perennial streams typically have a riparian zone comprised of hydrophytic woody plant species.** ~~that has a flow of water within a well-defined channel almost all year long and/or is~~ **Perennial streams include those** designated as a perennial or permanent stream on any applicable general plan**, area plan** or community plan map. Such streams are usually designated with solid blue lines on U.S.G.S. topographic maps and they often have names.

*****

“Stream system” For all areas subject to the requirements of Article 19.10 (Placer County Conservation Program) or Article 17.54, Section 17.54.145 (Watercourse setbacks and stream

system boundary standards) the stream system is the stream channel itself (wet or dry) and the surrounding areas as follows:

1. **Any area subject to flooding in a one hundred (100)-year event as defined by the Federal Emergency Management Agency (FEMA) or as determined by a hydrologic analysis prepared by a licensed engineer (whichever is more accurate), or the area in #2 below, whichever is greater.**
2. **For areas within the Placer County Conservation Program Plan Area Boundary (Chapter 19, Section 19.10.050) the stream system includes the outermost limit of a variable-width boundary measured outward from the edge of the ordinary high water mark (OHWM) on streams mapped in the National Hydrography Dataset (NHD) (so-called blueline streams) as listed in Table 1. The OHWM corresponds to the waterline of the full channel and is defined in 33 Code of Federal Regulations (CFR) 328.3(e)). When the criteria specified by 33 CFR 328.3(e) is not present in the field or does not provide a clear demarcation of the OHWM based upon determination of the community development resource agency direct, the location of the OHWM will be based upon the two-year event.**
3. **The stream system is limited to the PCCP Plan Area Boundary (Chapter 19, Section 19.10.050). The stream system includes the area within fifty (50) feet of streams, as measured from the OHWM as described above, not named on Table 1, but which are shown as "blueline" streams on United States Geological Survey (USGS) Quad maps as specified in California Public Resources Code Section 4528 and as located on the NHD.**
4. **When a stream is not shown on the NHD but is present on a project site, the stream and stream system will be mapped based upon the following criteria:**
   a. **To provide hydraulic continuity between mapped streams in the upper watershed and mapped streams in the lower watershed. This is necessary because land alteration may have erased original stream traces;**
   b. **If the watercourse is artificial (such as canals, channels, and flood water conveyances) and the watercourse serves in lieu of a natural stream to maintain hydraulic continuity with the watershed above, and where the channel is in an unlined, earthen condition;**
   c. **If the stream is determined to be perennial; or**
   d. **If the stream is determined to provide habitat for salmonids.**
5. **Streams will be truncated at the point where the watershed falls below forty (40) acres in extent in order to avoid defining the Stream System around minor drainages.**
6. **The fifty (50)-foot boundary may be adjusted based on site survey.**

Table 1
Basic Boundary Widths for Specified Stream Reaches

Stream Name Listed from North to South and from West to East	Basic Boundary in feet Measured from OHWM*
Bear River downstream of Camp Far West Dam	600
Bear River upstream of Camp Far West Reservoir	400
Yankee Slough downstream of Sheridan Lincoln Blvd. crossing	200
Yankee Slough upstream of Sheridan Lincoln Blvd. crossing	100
Yankee Slough North Fork to Riosa Road	100
Raccoon Creek downstream of the Doty Ravine Confluence	600
Raccoon Creek between the Doty Ravine Confluence and McCourtney Road	300
Raccoon Creek between McCourtney Road and Garden Bar Road	200
Raccoon Creek upstream of Garden Bar Road	100
Orr Creek	100
Dry Creek tributary to Raccoon Creek	100
Rock Creek	100
Deadman Canyon	100
Doty Ravine downstream of Caps Ravine	300
Doty Ravine upstream of Caps Ravine	100
Caps Ravine	100
Sailors Ravine	100
Markham Ravine downstream of Dowd Road	200
Markham Ravine between Dowd Road and Sheridan-Lincoln Blvd	100
Markham Ravine North Fork	100
Auburn Ravine downstream of Moore Road crossing	600
Auburn Ravine between Moore Road and Lincoln Blvd	400
Auburn Ravine between Lincoln Blvd and Fowler Road	300
Auburn Ravine between Fowler Road and Auburn WWTP	200
Auburn Ravine upstream of Auburn WWTP	100

Stream Name Listed from North to South and from West to East	Basic Boundary in feet Measured from OHWM*
North Ravine	100
Dutch Ravine	100
Orchard Creek downstream of State Route 65	200
Orchard Creek upstream of State Route 65	100
Ingram Slough	100
King Slough	100
Pleasant Grove Creek – West of Reason Farms	400
Curry Creek downstream of Baseline Road	200
Curry Creek upstream of Baseline Road	100
Dry Creek downstream of Cook-Riolo Road	400
Dry Creek from Cook-Riolo to Roseville City Limits	300
Secret Ravine	200
Secret Ravine North Tributary	100
Secret Ravine South Tributary	100
Secret Ravine along Boardman Canal	100
Miners Ravine downstream of King Road	200
Miners Ravine upstream of King Road	100
Linda Creek downstream of Barton Road	200
Linda Creek upstream of Barton Road	100
Strap Ravine	100
Antelope Creek upstream of Loomis Town Limits	100
Mormon Ravine	100
Stream Reaches not Specified Above	50

*****

"Stream System Boundary" means the boundary described in the definition of stream system.

*****

"Take" and "taking" have the same meaning provided by the ESA and its implementing regulations with regard to activities subject to the ESA, and also have the same meaning provided in section 86 of the California Fish and Game Code with regard to activities subject to the California Endangered Species Act ("CESA") (Fish & Game Code § 2050 et seq.), and the NCCPA.

*****

"Take authorization" means the county-issued authorization to allow for take of covered species within the boundaries of the Placer County Conservation Program HCP/NCCP (Article 19.10, Section 19.10.120).

*****

"Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Most wetlands are considered waters of the United States, but isolated wetlands are not regulated by the U.S. Army Corps of Engineers (USACE). The county of Placer regulates wetlands and isolated waters when a development project is a covered activity. In Placer County, wetlands are palustrine systems and generally include swamps, marshes, bogs, and similar areas.

*****

SECTION 4. Placer County Code Chapter 17, article 17.06, section 17.06.030, subsection (D) is hereby amended as follows:

17.06.030 Allowable land uses and permit requirements.

*****

D. Other Permits May Still be Required. An allowed land use that has obtained a required land use permit may still be required to obtain other permits**, or authorizations** before the use is constructed, or otherwise established and put into operation. Nothing in this article shall eliminate the need to obtain building, grading or other construction permits if they are required by Chapter 15 of this code, a business license if required by Chapter 5 of this code, subdivision approval if required by Chapter 16, **a take authorization or an authorization to impact aquatic resources if required by Article 19.10,** or any permit required by the county health department, air pollution control district, other county department, state or federal agency. All other necessary permits shall be obtained before starting construction, grading or vegetation removal, or establishing new uses in conjunction with any project. Where a California Land Conservation Act (Williamson Act) Agreement exists that includes a specific parcel of land, the provisions of that Agreement, as well as the provisions of Chapter 6, Placer County Administrative Rules and Section 51200 et seq., of the California Government Code also apply.

*****

SECTION 5. Placer County Code Chapter 17, article 17.04, section 17.04.050, subsection (B) is hereby amended as follows:

17.06.050 Land use and permit tables.

*****

B. Type of Permit Required. When the tables in subsection (D) of this section and the zone and combining district requirements of Sections 17.06.060 et seq., show a particular land use as being allowable in a zone, the use is identified as being subject to one of the following land use permit requirements.

1. Zoning Compliance. These uses are allowed without land use permit approval subject to compliance with all applicable provisions of this chapter ("A" uses on the tables). No land use permit is required for "A" uses because they typically involve no or minimal construction activities, are accessory to some other land use that will be the primary use of a site (which will require a land use permit), or are otherwise entirely consistent with the purposes of the particular zone.

2. Zoning Clearance. These uses are allowable subject to zoning clearance ("C" uses on the tables) (see Section 17.06.040). Zoning clearance is a routine land use approval that involves planning department staff checking a proposed development to ensure that all applicable zoning requirements will be satisfied (e.g., setbacks, height limits, parking requirements, etc.). Zoning clearance is required by this ordinance for land uses that are consistent with the basic purposes of the particular zone (e.g., houses in residential zones), and are unlikely to create any problems that will not be adequately handled by the development standards of Article 17.54 of this ordinance (General Development Standards) and this subchapter.

3. Administrative Review Permit (ARP). These uses are allowable subject to approval of an administrative review permit (see Section 17.58.100). Administrative review permit approval is required for certain land uses that are generally consistent with the purposes of the zone, but could create minor problems for adjoining properties if they are not designed with sensitivity to surrounding land uses. The purposes of an administrative review permit are to allow planning department staff and the zoning administrator to evaluate a proposed use to determine if problems may occur, to work with the project applicant to adjust the project through conditions of approval to solve any potential problems that are identified, or to disapprove a project if identified problems cannot be acceptably corrected.

4. Minor Use Permit (MUP). These uses are allowable subject to approval of a minor use permit ("MUP") (Section 17.58.120). Minor use permit approval is required for certain land uses that are generally consistent with the purposes of the zone, but could create problems for adjoining properties, the surrounding area, and their populations if such uses are not designed to be compatible with surrounding land uses. The purpose of a minor use permit is to allow planning department staff and the zoning administrator to evaluate a proposed use to determine if problems may occur, to provide the public with an opportunity to review the proposed project and express their concerns in a public hearing, to work with the project applicant to adjust the project through conditions of approval to solve any potential problems that are identified, or to disapprove a project if identified problems cannot be acceptably corrected.

5. Conditional Use Permit (CUP). These uses are allowable subject to approval of a conditional use permit ("CUP") (Section 17.58.130). Conditional use permit approval is required for certain land uses that may be appropriate in a zone, depending on the design of the individual project, and the characteristics of the proposed site and surroundings. Such uses can either raise major land use policy issues or could create serious problems for adjoining properties, the surrounding area, and their populations if such uses are not appropriately located and designed. The purpose of a conditional use permit is to allow planning department staff and the Placer County planning commission to evaluate a proposed use to determine if problems may occur, to provide the public with an opportunity to review the proposed project and express their concerns in a public hearing, to work with the project applicant to adjust the project through

conditions of approval to solve any potential problems that are identified, or to disapprove a project if identified problems cannot be acceptably corrected.

All allowable land uses shall obtain any building permit**, take authorization, authorization to impact aquatic resources** or other permit required by this code (see Section 17.06.030(D)), in addition to the land use permit required by this section or Sections 17.06.060 et seq.

*****

SECTION 6. Placer County Code Chapter 17, article 17.14, section 17.14.010 is hereby amended as follows:

17.14.010 Open space (O).

A. Purpose and Intent. The purpose of the open space (O) district is to protect important open space lands within Placer County by limiting allowable land uses to low intensity agricultural**, fish and wildlife habitat, and** public recreational uses, with structural development being restricted to accessory structures necessary to support the primary allowed uses, and critical public facilities.

*****

SECTION 7. Placer County Code Chapter 17, article 17.18, section 17.18.010 is hereby amended as follows:

17.18.010 Water influence (W).

A. Purpose and Intent. The purpose of the water influence (W) district is to identify areas suitable for the development and operation of water-oriented, public and private recreational and commercial uses and facilities**, fish and wildlife habitat, and open space.**

*****

SECTION 8. Placer County Code Chapter 17, article 17.52, section 17.52.090 is hereby amended as follows:

17.52.090 Flood hazard (-FH).

A. Purpose and Intent. The purpose of the flood hazard (-FH) combining district is to identify areas where hazards to life or property exist because of the potential for inundation by a one hundred (100) year frequency flood. The intent of this combining district is to:

1. Advise the public about areas subject to flooding during a one hundred (100) year storm.

2. Require the careful review of new development by the county, so as to ensure that such development is located and designed to both avoid being at risk from flooding, and to avoid increasing the hazard of such flooding on other properties by changing the characteristics of a watercourse.

3. Identify areas where the stream system is coterminous with the 100-year floodplain.

*****

SECTION 9. Placer County Code Chapter 17, article 17.54, section 17.54.100 is hereby amended as follows:

17.54.100 Design and development standards.

Proposed planned residential developments shall be designed and developed consistent with the following standards:

A. Density, Open Space, Coverage. The maximum residential density, minimum open space area and maximum building coverage area allowed in a PD shall be governed by the base zoning and the maximum residential intensity factor that is applied to the property by the planned residential development (-PD) combining district (Section 17.52.120).

1. Determining Allowable Density. Density, or maximum residential intensity is expressed as the number of dwelling units permitted per acre of land within the development project site. The maximum number of dwelling units per acre permitted within a PD is determined by the maximum residential intensity number shown on the zoning map that applies to the site (e.g., 3.0 du/ac) multiplied by the net buildable area of the site. In single-family dwelling planned residential developments (Section 17.54.100(A)(2)), the maximum number of dwelling units is further limited by the base zoning of the site.

The net buildable area is defined as the gross acreage of the site less existing public road rights-of-way, dedications for frontage improvements along such public road rights-of-way, major electrical transmission easements for facilities which carry 60kv or greater, and a portion of the site area within a one hundred (100) year floodplain (as defined in the PCGP) of any lake, waterway, or similar body of water, and a portion of the site which has a slope of thirty (30) percent or greater, as indicated in the following chart. Projects in the Dry Creek/West Placer community plan area, where the transfer of development rights out of the floodplain area is specifically authorized in the community plan, are not required to deduct any portion of the one hundred (100) year floodplain to determine the net buildable area.

NET BUILDABLE AREA

Base Zoning Lot Size	**Required deduction of 100-year floodplain and area which has a slope of 30% or greater**
1 acre or less	85%
1+ acre up to 5 acres	70%
5+ acres to 10 acres	55%
10+ acres up to 20	40%
20 acres or more	0

* No deduction required if slope and floodplain area is less than 10% of gross site area

a. Public Dedication of Land: Land donated in whole or in substantial part by the PD developer for **the** public**'s** ~~use~~ **benefit** including but not limited to recreation, fire or police stations, public schools, **habitat reserve areas for the PCCP or** **other** environmental protection by a public **agency** or nonprofit

land trust organization may be included in the area to which the maximum residential density factor may be applied.

b. Privately Owned Recreation Facilities. PDs which propose to build public-use golf courses, or other types of recreation facilities, and provide sufficient guarantees that the facility will be available to the public, in perpetuity, without limitation during the same hours and for the same fees as the facility is available to any other person(s), and meet all of the PD requirements, may be permitted to transfer density off the golf course or recreation facility.

i. Guarantees of public ~~use~~ **benefit** may include irrevocable offers of dedication **to a public agency,** open space, **habitat or agricultural conservation easements**~~or similar easements~~, development agreements, or comparable methods.

ii. Projects which propose a PD and a private-use recreation facility, which is owned and operated by an entity other than the homeowners' association, or is operated for other than the sole benefit of the homeowners within the PD, shall not be permitted to transfer residential density off the private-use recreational facility, or private use portion, of the property.

c. Other Recreational Facilities. In PDs, which propose a golf course, or other recreation facility, and seek approval to transfer density off of the property (and don't fit into Items a. or b. above), the percentage of allowed density transfer shall be determined based on the following factors. It is recognized that significant county discretion will remain, given the varying circumstances possible.

i. The extent of public use to be allowed in conjunction with the facility.

ii. The amount of use reserved for homeowners within the project, hours per day, days per week, etc.

iii. The relative preference given to homeowners for membership/use of the facility (i.e., reduced membership fees, guaranteed availability of memberships, automatic use rights with lot purchase, etc.).

iv. The extent to which the proposed project protects open space and natural resources within a project and places the developed areas (including that portion of the golf course, or recreation facility, to be graded, planted with turf or similarly altered) on the less sensitive portions of a project site.

d. Note. Although a maximum residential density is identified by the numerical factor shown on the zoning map, the appropriate residential density for each parcel with such a designation must be established and justified by considering other factors such as: geologic, hydrologic, and topographic features; trees and other vegetation; natural, cultural, or historic resources; compatibility with surrounding land use districts and existing neighborhood uses; requirements of the applicable community plan and the county general plan; and the significance of the definitive benefit to the community.

2. Single-family Dwelling PDs. Where a PD proposes to subdivide the land into lots for detached single-family dwellings instead of subdividing air space or only the land under the footprint of each dwelling unit, the following standards apply:

a. Maximum Density. For single-family PDs, the allowed number of dwelling units shall not exceed the number permitted by the base zoning on the property, plus five percent if the minimum twenty (20) percent open space is provided, unless the following standards (Section 17.54.100(A)(2)(b)(-e)) are met. The maximum number of units that can be allowed, even with the increases described above and in Section 17.54.100(A)(2)(b)(-e), is governed by Section 17.54.100(A)(1).

The number of units permitted by the base zoning shall be calculated as follows:

i. Determine the net buildable area of the site as described in Section 17.54.100(A)(1);

ii. Take any deductions required by Section 17.54.100(A)(1)(a), (b), or (c).

iii. Subtract a standard deduction for future roads and area lost due to irregular lot design (see following chart).

BASE ZONING

STANDARD DEDUCTION

Minimum Lot Size - Base Zoning	**%Deduction**
20,000 sq. ft. or less	20%
20,001 sq. ft. up to 43,560 sq. ft.	12%
43,561 sq. ft. to 100,000 sq. ft.	6%
100,001 sq. ft. to 217,799 sq. ft.	5%
Five acres or larger	0%

* Deduction is taken from net area

iv. Divide the area established by subsections (A)(2)(a)(i), (ii) and (iii) of this section by the minimum lot size established by the base zoning. This is the number of units permitted by the base zoning. Where the base zoning includes a minimum lot size which is larger than the range indicated by the applicable general plan or community plan land use designation, the number of units permitted by the base zoning shall be calculated by using the lot size equivalent of the PD designation (i.e., F-B-X- 20 ac. min., -PD 0.44, use 2.3 acre minimum to determine number of units permitted by the base zoning).

b. Additional Density/Units. The planning commission may grant additional density/units, beyond that permitted by the base zoning, not to exceed a fifty (50) percent increase over the number of units permitted by the base zoning, only when PDs include one or more of the following public benefits. Under no circumstances can the density/units exceed the number permitted by the -PD designation.

i. Open space, beyond the minimum required by subsection (A)(2)(d) of this section, that protects significant ecological resources, **aquatic resources, habitat for species covered by the HCP/NCCP,** or agricultural land, as defined in the Placer County general plan. The increase in density for additional open space may not exceed thirty (30) percent (i.e. ten (10) percent for ten (10) percent more than the minimum required open space, twenty (20) percent for twenty (20) percent more than the minimum, etc.) and may result in up to a one percent increase in density for each one percent increase in open space (plus a five percent increase in density for the minimum twenty (20) percent open space required (See Section 17.54.100(A)(2)(a)).

ii. Additional public recreation land and/or facilities, beyond the minimum required by Section 17.54.100(D), that meets a county recognized and documented need, in the area proposed. A maximum increase of thirty (30) percent may be granted for such additional facilities (i.e. ten (10) percent for twice the required recreational land or facilities, twenty (20) percent for triple, thirty (30) percent for quadruple).

iii. At the planning commission's discretion additional density/units may be permitted, not to exceed a twenty (20) percent increase over the base zoning, where a project includes one or more of the following:

(A) Construction of major arterial or collector roads with a capacity greater than required to serve the proposed project seeking the increase in density when no reimbursement nor fee waiver is connected to the additional improvements and the need for the roadway capacity has been recognized and documented by the county.

(B) Storm drainage retention or detention beyond that required for the proposed project when the new facility assists in solving an existing county recognized and documented problem and no reimbursement nor fee waiver is connected to the additional improvements.

(C) Additional construction of facilities or payment of fees for public facilities necessary to provide a public service, beyond the minimum required to accommodate the proposed project (i.e., fire station, library, sheriff's substation, etc.) where the county has documented the need for such facilities.

(D) A larger number of low or very low income housing units than the number of affordable housing units required by other county provisions.

(E) All public improvements/amenities/fees are paid or constructed for the entire project with the first phase in a multi-phased PD.

(F) Additional habitat for covered species or aquatic resources.

iv. Increases in density that are permitted, as described in this section, will be supported unless such an increase results in a negative finding as described in Section 17.54.090(B) or Section 17.58.130 (Findings for CUPs).

c. Minimum Lot Area. In order to maintain a reasonable compatibility with the adjacent properties and the land use district, the minimum lot size permitted in a planned residential development shall be no less than the minimum lot size permitted by the general plan/community plan land use designation for the property in question, or a smaller minimum lot size that the planning commission determines is appropriate on a specific site for one of the following reasons:

i. A significant buffer of common area open space is provided between the project lots and neighboring properties of larger lot sizes;

ii. Proposed lots, adjoining neighboring properties, are at least as large as the minimum lot size permitted by the general/community plan land use designation on the adjoining property; or

iii. An amount of additional open space, over that amount credited to the project under Section 17.54.100(A)(2)(b)(i), is provided which protects a significant ecological resource as identified in the Placer County general plan**, aquatic resources, and/or habitat for species covered by the HCP/NCCP**.

*****

SECTION 10. Placer County Code Chapter 17, article 17.54, section 17.54.140 is hereby amended as follows:

17.54.140 Exceptions to front, side and rear setbacks.

*****

~~D. Watercourse Setbacks. All proposed structures shall be set back from any stream, creek, canal, pond, lake or river, as follows. The watercourse setbacks required by this subsection shall be measured~~

~~from the centerline of the stream. These setbacks may be modified by a finding of good cause (including verified map errors, etc.) by the appropriate hearing body.~~

~~1. Permanent Streams and Man-Made Canals. The required setback from the centerline of a permanent stream shown on a United States Geological Survey (USGS) topographic map, or man-made canal shall be one hundred (100) feet.~~

~~2. Intermittent Streams, Ponds and Lakes. The required setback from the centerline of an intermittent stream shown on a USGS topographic map shall be fifty (50) feet. The required setback from any pond or lake whether man-made or natural shall be fifty (50) feet measured from the high water line.~~

~~3. Exceptions for Community Plan and Special Zoning Areas. Within the areas covered by Community Plans (e.g., Dry Creek-West Placer, Granite Bay, Auburn/Bowman and others adopted by the county) required watercourse setbacks shall be as specified in those community plans. Watercourse setbacks in areas of the county which have special watercourse setbacks identified on adopted zoning maps or shown on subdivision final maps recorded prior to the effective date of this chapter shall be considered exceptions to the requirements of this section.~~

~~4. Discretionary Land Use Permit Projects. Projects required by Sections 17.06.050 and 17.06.060 et seq., to have discretionary land use permit approval may be required by conditions of approval to provide greater or lesser setbacks than those required by this section and/or be required to provide setbacks from watercourses that are not shown on the USGS maps.~~

D~~E~~. Pumphouses, Small Utility Structures, and Structures for the Harvesting and/or Storage of Water. Pumphouses, small utility structures, and structures for the harvesting and/or storage of water, which are permanent in nature and have no more than one hundred twenty (120) square feet of area and do not require a building permit may be constructed within otherwise prescribed setbacks, subject to the zoning clearance procedure. (Ord. 5824-B § 13, 2016; Ord. 5126-B, 2001)

SECTION 11. Placer County Code Chapter 17, article 17.54, section 17.54.145 is hereby created as follows:

17.54.145 Watercourse setbacks and stream system boundary standards

A. Watercourse Setbacks Outside of the Placer County Conservation Plan (PCCP) Boundary. For all areas outside the PCCP boundary (Chapter 19, Section 19.10.050) all proposed structures shall be set back from any stream, creek, canal, pond, lake or river, as follows. The watercourse setbacks required by this subsection shall be measured from the centerline of the stream. These setbacks may be modified by a finding of good cause (including verified map errors, etc.) by the appropriate hearing body.

1. Permanent Streams and Man-Made Canals. The required setback from the centerline of a permanent stream shown on the National Hydrography Dataset (NHD), or man-made canal shall be one hundred (100) feet.

2. Intermittent Streams, Ponds and Lakes. The required setback from the centerline of an intermittent stream shown on the NHD shall be fifty (50) feet. The required setback from any pond or lake whether man-made or natural shall be fifty (50) feet measured from the high water line except as authorized by Section 17.54.140(D).

3. Exceptions for Community Plan and Special Zoning Areas. Within the areas covered by community plans (e.g., Dry Creek-West Placer, Granite Bay, Auburn/Bowman and others adopted

by the county) required watercourse setbacks shall be as specified in those community plans. Watercourse setbacks in areas of the county which have special watercourse setbacks identified on adopted zoning maps or shown on subdivision final maps recorded prior to the effective date of this chapter shall be considered exceptions to the requirements of this section.

4. Discretionary Land Use Permit Projects. Projects required by Sections 17.06.050 and 17.06.060 et seq., to have discretionary land use permit approval may be required by conditions of approval to provide greater or lesser setbacks than those required by this section and/or be required to provide setbacks from watercourses that are not shown on the NHD.

B. Stream system boundary. The stream system boundary standards apply to all creeks, streams, and rivers listed in Table 1 within the PCCP boundary (Chapter 19, Section 19.10.050). In addition to natural streams, the stream system boundary standards apply to artificial watercourses such as canals, channels, and flood water conveyances if the watercourse serves in lieu of a natural stream to maintain hydraulic continuity with the watershed above and where the channel is in an unlined, earthen condition. The stream system boundary standards also apply to any unnamed streams that are shown as "blue line" streams on United States Geological Survey (USGS) Quad maps as specified in California Public Resources Code Section 4528 and as located on the NHD. All streams shown on the NHD will be truncated at the point where the watershed falls below forty (40) acres. Small streams located above the point where the stream is truncated are not considered streams subject to the standards of this section but may be aquatic resources subject to the permitting requirements of the CARP.

To avoid and minimize impacts to the stream system boundary, the following requirements apply to construction of new structures and other ground disturbance activities.

1. Structural setbacks. For areas within the PCCP boundary, all proposed structures shall be set back from any stream, creek, or river, as described in Table 1. For unnamed streams in the NHD, the default minimum is fifty (50) feet. These setbacks may be modified by an administrative approval as defined in Section 17.60.105 of this code by the planning director or his or her designee.

2. Non-structural ground disturbance requiring the excavation or deposition of twenty-five (25) or more cubic yards within the stream system. If ground disturbance within the stream system boundary exceeds twenty (25) cubic yards a grading permit or stream system grading permit is required (Sections 15.48.055 and 15.48.060(C)).

3. PCCP Covered Activities. All covered activities (structural and otherwise) that occur within the stream system boundary, irrespective of the amount of ground disturbance and vegetation removal, are subject to the standards, requirements, best management practices and mitigation measures of the PCCP (Chapter 19, Article 19.10, Section 19.10.070).

4. Exceptions. The following exceptions apply to land disturbance within the stream system boundary.

a. Removal of invasive species consistent with the requirements of the PCCP.

b. Habitat restoration activities consistent with the requirements of the PCCP.

Table 1
Basic Boundary Widths for Specified Stream Reaches

Stream Name Listed from North to South and from West to East	Basic Boundary in feet Measured from OHWM*
Bear River downstream of Camp Far West Dam	600
Bear River upstream of Camp Far West Reservoir	400
Yankee Slough downstream of Sheridan Lincoln Blvd. crossing	200
Yankee Slough upstream of Sheridan Lincoln Blvd. crossing	100
Yankee Slough North Fork to Riosa Road	100
Raccoon Creek downstream of the Doty Ravine Confluence	600
Raccoon Creek between the Doty Ravine Confluence and McCourtney Road	300
Raccoon Creek between McCourtney Road and Garden Bar Road	200
Raccoon Creek upstream of Garden Bar Road	100
Orr Creek	100
Dry Creek tributary to Raccoon Creek	100
Rock Creek	100
Deadman Canyon	100
Doty Ravine downstream of Caps Ravine	300
Doty Ravine upstream of Caps Ravine	100
Caps Ravine	100
Sailors Ravine	100
Markham Ravine downstream of Dowd Road	200
Markham Ravine between Dowd Road and Sheridan-Lincoln Blvd	100
Markham Ravine North Fork	100
Auburn Ravine downstream of Moore Road crossing	600
Auburn Ravine between Moore Road and Lincoln Blvd	400
Auburn Ravine between Lincoln Blvd and Fowler Road	300

Stream Name Listed from North to South and from West to East	Basic Boundary in feet Measured from OHWM*
Auburn Ravine between Fowler Road and Auburn WWTP	200
Auburn Ravine upstream of Auburn WWTP	100
North Ravine	100
Dutch Ravine	100
Orchard Creek downstream of State Route 65	200
Orchard Creek upstream of State Route 65	100
Ingram Slough	100
King Slough	100
Pleasant Grove Creek – West of Reason Farms	400
Curry Creek downstream of Baseline Road	200
Curry Creek upstream of Baseline Road	100
Dry Creek downstream of Cook-Riolo Road	400
Dry Creek from Cook-Riolo to Roseville City Limits	300
Secret Ravine	200
Secret Ravine North Tributary	100
Secret Ravine South Tributary	100
Secret Ravine along Boardman Canal	100
Miners Ravine downstream of King Road	200
Miners Ravine upstream of King Road	100
Linda Creek downstream of Barton Road	200
Linda Creek upstream of Barton Road	100
Strap Ravine	100
Antelope Creek upstream of Loomis Town Limits	100
Mormon Ravine	100
Stream Reaches not Specified Above	50

C. Modification to stream system boundary width requirements. The standard stream system boundary widths described in Section 17.54.145(B) may be modified by averaging or reduction as follows:

1. Boundary width averaging. Boundary width averaging may be proposed through submittal of a habitat assessment study or report. Boundary width averaging shall be allowed only when the applicant demonstrates all of the following:

a. The decrease in the stream system boundary width is minimized by limiting the effects of the proposed land use along the boundary.

b. Boundary width averaging will not adversely impact the water body.

c. Boundary width averaging is consistent with other stream system boundary requirements set forth under this code including stormwater requirements, direct and indirect impacts to aquatic resources of Placer County and direct and indirect impacts to covered species under the HCP/NCCP.

d. Boundary width averaging will not increase the risk of slope failure or downslope stormwater drainage impacts.

e. The total stream system boundary area after averaging is no less than the boundary area prior to the averaging.

f. The minimum stream system boundary width after averaging will not be less than fifty (50) percent of the widths established in Section 17.54.145(B).

g. The averaging must be accomplished within the project boundaries.

h. The applicant demonstrates one or more of the following conditions:

i. The proposed stream system boundary area contains a diversity of native vegetation distributed within at least two stratum (i.e., groundcover, shrub, sapling, tree); or

ii. The project includes a stream system enhancement plan as part of the mitigation required by Chapter 18 (Environmental Review) or the design/site review process required by Section 17.52.070. If the project is ministerial and does not require environmental review and/or design/site review, the stream system enhancement plan shall be submitted to the development review committee (Section 17.60.060) for review and approval. The stream system enhancement plan shall use plant species, which are native and non-invasive to the project area. The plan must substantiate that the enhanced stream system will improve the functional attributes of the stream system to provide additional protection for habitat functional values.

2. Stream system boundary width reduction. The approval of a boundary width reduction shall be processed through an administrative approval as defined in Section 17.60.105 of this code by the planning director or his or her designee. Boundary width reduction shall be allowed only when the applicant demonstrates all of the following:

a. Boundary width reduction is unavoidable.

b. Boundary width reduction has been minimized by limiting the degree or magnitude of the regulated activity adjacent to the stream.

c. The proposed boundary width reduction is consistent with other buffer requirements set forth under this code including stormwater requirements, direct and indirect impacts to aquatic resources of Placer County and direct and indirect impacts to covered species under the HCP/NCCP.

d. Boundary width reduction will not adversely impact the water body.

e. The boundary width will not be reduced more than fifty (50) percent below the provisions of Section 17.54.145(B).

f. The boundary width reduction will not result in structures being placed within the one hundred (100) year floodplain or result in non-structural modifications to the one hundred (100)-year floodplain.

g. A stream system enhancement plan is provided as required by Section 17.54.145(C)(1)(h)(ii). The stream system enhancement plan shall use plant species, which are native and non-invasive to the project area. The plan must substantiate that the enhanced stream system will improve the functional attributes of the stream system to provide additional protection for habitat functional values.

h. The stream system has less than fifteen (15) percent slopes.

*****

SECTION 12. Placer County Code Chapter 17, article 17.56, section 17.56.020, subsection (C) is hereby amended as follows:

17.56.020 Accessory buildings and uses.

*****

C. Accessory Structures for Habitat Management. For purposes of this chapter, accessory structures for habitat management include, but are not limited to, outbuildings, sheds, barns, garages, workshops, etc. which are primarily intended for the storage of equipment and supplies associated with the management of wildlife habitat and aquatic resources on the same site.

D~~C~~. Animal Enclosures. For purposes of this chapter, animal enclosures include, but are not limited to, pens, paddocks, corrals, stalls, stables, barns, feeding/protective shelters or any other facilities within which animals are permanently kept or which are intended primarily for the keeping of animals, and which are five thousand (5,000) square feet or less in gross area

*****

SECTION 13. Placer County Code Chapter 17, article 17.56, section 17.56.090 is hereby amended as follows:

17.56.090 Caretaker and employee housing.

When allowed by Section 17.06.050 (Land use and permit tables) in the applicable zone, caretaker and employee housing is subject to the requirements of this section. (Note. Except as provided by subsection F, caretaker and employee housing shall consist of permanent-type construction.)

A. Eligibility. Caretaker and employee housing may be established on the site of another use only as follows:

1. Caretaker Housing. Caretaker housing shall be allowed only where the principal commercial, industrial**, habitat management,** or institutional use of the site involves operations, equipment or other resources that require twenty-four (24) hour oversight.

*****

SECTION 14. Placer County Code Chapter 17, article 17.58, section 17.58.015, subsections (B) and (C) are hereby amended as follows:

17.58.015 Pre-development meeting.

*****

B. Elective Meeting. A pre-development meeting may be requested by any applicant for any new development project subject to CEQA (reference Section 18.08.010 of Environmental Review Ordinance) **and/or the PCCP (Chapter 19, Article 19.10)** that requires the following discretionary approvals: variances, minor use permits, and design site review.

C. Purpose. The purpose of the pre-development meeting is to advise and inform applicants of the procedural and substantive requirements of attaining a permit for a new development project. The applicant and/or project representative will meet with staff from various county departments to discuss the project. It is the applicant's responsibility to gather all required information discussed at the pre-development meeting to be submitted at the time of EQ filing **or applications for PCCP authorizations (Article 19.10, Section 19.10.080)**.

*****

SECTION 15. Placer County Code Chapter 17, article 17.58, section 17.58.030 is hereby amended as follows:

17.58.030 Required application contents.

Applications for approval of any permit or amendment pursuant to this chapter shall include the following:

A. An initial project application ("IPA") and any other form(s) required by the planning department, and all information specified on the "required application contents" list furnished by the planning department with all permit applications.

B. The signature(s) of the owner(s) of the real property that is the subject of the application, or an owner authorization allowing the person signing the application to act as agent for the property owner.

C. An environmental questionnaire (EQ), if required by Chapter 18 of this code (Environmental Review), or an exemption verification form, if applicable (See Chapter 18).

D. The nonrefundable filing fee(s) required by the most current Planning Department fee schedule.

1. Note. Where multiple applications for the same type of permit are requested on two or more adjoining parcels, or where the same use is proposed on multiple parcels which are not in close proximity (e.g. setback variance applications on three adjacent parcels where the circumstances are identical or cellular antennae installations at several different locations throughout the county), the planning director is provided by this section with the authority to determine an appropriate combination of application filing fees rather than a separate filing fee for each application.

E. For all applications for subdivisions, conditional use permits, zoning text amendments, rezoning or general plan amendments and any other application determined by the planning director to be appropriate, the applicant is required to execute an indemnification agreement to indemnify and hold harmless the county from any defense costs, including attorney's fees or other loss connected with any legal challenge brought as a result of approval of the project.

F. For all applications for a winery activity that requires the issuance of an administrative review permit pursuant to Section 17.56.330 for a property which is accessed by a private road, the applicant is required to provide the names and mailing addresses of all property owners who have access rights to or share use of the private road. The applicant shall exercise all reasonable efforts to identify and use due diligence to ascertain the names and addresses of all such property owners and shall include a summary of all such efforts with the list of names and addresses as part of the application. (Ord. 5526-B § 20, 2008; Ord. 5373-B, 2005; Ord. 5126-B, 2001)

G. For land conversion authorizations subject to review under the HCP/NCCP and/or the CARP it will be necessary to submit the necessary forms and background data required by Article 19.10 (Placer County Conservation Program), Section 19.10.080.

SECTION 16. Placer County Code Chapter 17, article 17.58, section 17.58.040 is hereby amended as follows:

17.58.040 Filing of applications.

Applications for the permits required by this chapter **and the Placer County Conservation Plan (Chapter 19, Article 19.10)** shall be filed with the planning department. No application for approval of a use of land, building or structure, land division, or other permit required by this chapter **or Chapter 19, Article 19.10** shall be accepted for processing by the planning department or approved, unless:

A. The proposed use is allowed on its site by Articles 17.06 through 17.52 (Zone Districts and Allowable Uses of Land), or is governed by the provisions of Section 17.56.300 (Temporary uses and events), 17.60.120 (Nonconforming uses), or Section 17.60.130 (Nonconforming lots of record); and

B. The proposed use of land, building or structure, or division of land satisfies all applicable standards and requirements of this chapter, or such standards are the subject of a simultaneously filed variance application that will, if approved, achieve such compliance; and

C. Neither the proposed site nor any building or land use thereon is being maintained in violation of the Subdivision Map Act, this chapter, **Chapter 19, Article 19.10,** the grading ordinance, or any condition of approval of an applicable land use entitlement, except where the application incorporates measures proposed by the applicant to correct the violation, and correction will occur before establishment of the new proposed use, or recordation of a final or parcel map in the case of a subdivision; and

*****

SECTION 17. Placer County Code Chapter 17, article 17.58, section 17.58.050 is hereby amended as follows:

17.58.050 Initial review of applications.

In addition to the review required by Section 17.58.040, the planning department shall review all applications for completeness and accuracy before the applications are accepted as being complete and officially filed.

A. Determination of Completeness. Within thirty days of filing, the department shall determine whether an application includes the information required by this chapter, as follows:

1. Notification of Applicant. The applicant shall be informed in writing that either:

a. The application is complete and has been accepted for processing; or

b. That the application is incomplete and additional information, specified in writing, must be provided. When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness must occur. The time available to an applicant for submittal of additional information is limited by subsection (A)(3) of this section.

2. Appeal of Determination. Where the planning department has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the department is not required by this chapter, other provisions of this code or the policies of the general plan or any applicable community plan, the applicant may appeal the determination to the planning commission as set forth in Section 17.60.110.

3. Expiration of Application. If a pending application is not completed by the applicant (i.e., not accepted as complete by the county) within one year after the first filing with the department, the application shall expire and be deemed withdrawn. A new application may then be filed as set forth by this chapter.

B. Referral of Application. At the discretion of the planning director or where otherwise required by this code, state or federal law, any land use permit application filed pursuant to this article may be referred for review and comment to any public agency that may be affected by or have an interest in the proposed land use.

C. Assessment of Changes in the Baseline Land-Cover Site Conditions. If Article 19.10 applies to the proposed use of land, building or structure, land division, during the initial review for a complete application, the county will compare current site conditions against the baseline conditions referenced in Section 17.58.030(G) and make a finding regarding whether or not significant changes have occurred. If an apparent significant change in baseline land-cover is detected, the county will review the changes to determine if the baseline land-cover information is inaccurate (based on a review of the data sources used to develop the baseline land-cover map) or if land-cover conditions have in fact been substantially degraded. "Substantial degradation" is defined as land where the micro-topography and hydrology of the property are substantially changed from baseline conditions, resulting in any the following:

1. Creeks, swales, and other drainages are no longer in the same location (within one hundred (100) feet);

2. At least thirty (30) percent of ponded water and/or other wetlands are no longer present on the property; or

3. The entire tree canopy of riparian vegetation has been diminished by more than twenty (20) percent.

When current on-site land-cover differs significantly (based on the criteria described above) from the verified baseline land-cover map, the county will provide the applicant with information regarding the project baseline. The project applicant must use the data to document (e.g., quantify acreages, qualitatively describe) the extent of change to the baseline land-cover type(s) and the type of activity that caused the change when such a determination can be made. The project applicant must also re-calculate the proposed project effects using the baseline land-cover map. This information must be submitted to the county and the revised information will be used to determine the effects of the project and any Placer County Conservation Plan (PCCP) fees owed. If impacts and fees are calculated for a project based on baseline land-cover (2011 conditions in the valley portion of the PCCP), the applicant will still use the current site conditions to evaluate the need for and apply any applicable conditions as required by the PCCP. A finding of non-consistency does not establish responsibility for changes to the land-cover type.

SECTION 18. Placer County Code Chapter 17, article 17.58, section 17.58.065 is hereby created as follows:

17.58.065 Placer County Conservation Program Review.

A. Placer County Conservation Program Review Procedure. If the proposed use of land, building or structure is a covered activity, after acceptance of a complete application as provided by Section 17.58.050, Section 18.04.070(B) and/or Section 19.10.080(C), the application shall undergo a review as required by Section 19.10.050 (Applicability) of this code in order to determine what effects the project may have on covered species or aquatic resources .

B. Additional Information. After an application has been accepted as complete pursuant to Section 17.58.050, the planning services division may require the applicant to submit additional information needed for the PCCP compliance review of the project subject to the provisions of Section 19.10.080(C) of this code.

SECTION 19. Placer County Code Chapter 17, article 17.58, section 17.58.140, subsection (B) is hereby amended as follows:

17.58.140 Permit issuance.

*****

B. Conditions of Approval. In conditionally approving an administrative review permit, minor or conditional use permit, the granting authority shall adopt conditions of approval as necessary to accomplish the following objectives, consistent with the requirements of state law:

1. Specify the period of validity of the permit and/or the allowed duration of the proposed use. The permit may be issued and/or the use allowed for a revocable, permanent, temporary or otherwise limited

term, as deemed appropriate by the granting authority. If no period of validity is specified, the permit shall be subject to the time limits specified by Section 17.58.160 (Permit time limits and extensions).

2. Ensure that the proposed project will be consistent with all applicable requirements of this chapter, the Placer County general plan, and any applicable community plan or specific plan.

3. Enable all the findings required by subsection A of this section to be made by the granting authority.

4. Mitigate environmental impacts identified in environmental documents prepared pursuant to Chapter 18 of this code (Environmental Review), or adopt overriding findings pursuant to Section 15091 et seq., of the CEQA Guidelines.

5. Require the dedication of rights-of-way determined by the granting authority to be necessary as a result of the proposed use.

6. Require the installation, or participation in the cost of installation, of specified on-site or off-site improvements determined by the granting authority to be necessary as a result of the proposed use.

7. Supersede, replace, or modify conditions of approval applicable to the site as a result of a previous permit approval, where determined by the granting authority to be appropriate.

8. Limit the size of the project or intensity of the use to a level approved by the granting authority.

9. If the Placer County Conservation Plan (PCCP) applies to the proposed use, the development review committee (DRC) shall require the application of avoidance and minimization measures, payment of fees, purchase of in lieu fee credits, purchase of mitigation or conservation bank credits, dedication of land in lieu of fees, or other measures as required to comply with the PCCP for covered activities that impact covered species or aquatic resources within the PCCP plan area boundary.

~~9~~**10**. The granting authority may also adopt any other conditions of approval as the authority determines are necessary to protect the public health, safety, and general welfare.

*****

SECTION 20. Placer County Code Chapter 17, article 17.58, section 17.58.160 is hereby amended as follows:

17.58.160 Permit time limits, exercising of permits, and extensions.

*****

A. Time Limits for Action by County. As provided by California Government Code Section 65950, an administrative review, minor or conditional use permit shall be approved or disapproved by the granting authority within the following time limits:

1. If a negative declaration is adopted or if the project is exempt from regulation under the California Environmental Quality Act (CEQA) pursuant to Chapter 18 of this code, the project shall be approved or disapproved within three months from the date of adoption of a negative declaration, or, for those projects which are exempt from regulation under CEQA, within three months from the date that the application is determined to be complete pursuant to Section 17.58.050 (Initial review of applications), unless the project proponent requests an extension of the time limit (see subsection (A)(3)).

2. If an environmental impact report is prepared for the project pursuant to the provisions of Chapter 18 of this code, the project shall be approved or disapproved within six months from the date of certification by the hearing body of the environmental impact report, unless the project proponent requests an extension of the time limit (see subsection (A)(3)).

3. If a project proponent requests, in writing, an extension of the time limits specified in subsections (A)(1) and (A)(2), the agency director may grant or deny such a request for good cause. A request for a decision by the agency director to grant an extension of the time limits specified above shall be made prior to the expiration of such time limits. The agency director may grant an extension for such a reasonable additional time period as is deemed appropriate.

4. If the county fails to approve or disapprove a development project within the time limits specified by this section, the failure to act shall be deemed approval of the permit application for the development project. However, the permit shall be deemed approved only if the public notice required by law has occurred. (See California Government Code Section 65956(b).)

5. Except that where the land use permit application is accompanied by an application for a general plan amendment, rezoning or zoning text amendment that is needed to allow the processing of the land use permit, the above time limits shall commence as of the effective date of the general plan amendment, rezoning or zoning text amendment, whichever is chronologically later in time.

B. Permit Expiration. An approved administrative review permit, minor use permit, conditional use permit or variance is subject to the following time limits. It shall be the responsibility of the applicant alone to monitor the time limits and make diligent progress on the approved project, so as to avoid permit expiration.

1. Time Limit for Permit Implementation. An approved permit is valid for twenty-four (24) months from its effective date (Section 17.58.140(D)), or for any other period specified by the granting authority in conditions of approval, or other provision of this chapter. At the end of twenty-four (24) months, the permit shall expire and become void unless by that time:

a. The permit has been implemented because conditions of approval prerequisite to construction have been satisfied, any required building or grading permits have been issued, and a foundation inspection has been conducted and approved by the building official or a designee; or

b. The permit has been implemented because a use not requiring construction permits has been established on the site and is in operation as approved, and all conditions of approval prerequisite to establishment of the use have been satisfied; or

c. The permit has been implemented for a multiple building or multiple structure project because conditions of approval prerequisite to construction have been satisfied, any required building or grading permits have been issued, and foundation inspections for each and every building or structure have been conducted and approved by the building official or a designee (Note: for multiple phase projects which require a discretionary permit, the conditions of approval for that permit can provide for extended dates of expiration); or

d. A conditional use permit granted for a planned residential development (Section 17.54.080) has been implemented through the recordation of the final subdivision map pursuant to the approved PD; or

e. An extension of time has been granted according to subsection C of this section; or

f. The holder of the permit requests tolling of the term due to litigation challenging the county's issuance of said permit. The tolling request must be submitted in writing to the planning division prior to the expiration of the term of the permit. The request must establish to the satisfaction of the planning

director that the subject litigation challenges the county's grant of the underlying permit and has been filed by a plaintiff/petitioner other than the permit holder. In response to this request, the planning director may grant a one-time litigation tolling period not to exceed five years. The tolling period shall be calculated from the date the action is filed with a court of competent jurisdiction until the court of final jurisdiction enters its final disposition of the case, such as entry of an order, judgment or final decision or the expiration of five years, whichever is sooner.

2. Lapse of Permit After Implementation. Once a project has been implemented as set forth in Section 17.58.140(E), the permit that authorized the use shall remain valid and in force and shall run with the land, including any conditions of approval adopted with the permit, unless one of the following occurs:

a. Work under an approved construction permit toward completing the project and complying with the permit conditions of approval ceases such that the construction permit expires pursuant to Chapter 15 of this code (Construction Requirements), and one additional year elapses after the expiration of the construction permit.

b. After a use has been established and/or operated as approved, the use (if no appurtenant structure is required for its operation) is discontinued for more than twelve (12) consecutive months, or (if an appurtenant structure is required for the conditionally-permitted use) the structure is removed from the site for more than twelve (12) consecutive months. If a structure associated with the operation of a conditionally permitted use is issued a certificate of occupancy and all other conditions of approval of the conditional use permit are satisfactorily completed, the entitlement remains in effect even if the structure is vacant for more than twelve (12) consecutive months; however, no use may be reestablished in the structure and/or on the site unless the use is determined by the planning director to be substantially the same as the original conditionally permitted use.

c. The time limit set for the duration of the use by a condition of approval expires.

3. If one of the foregoing events occurs, the permit shall be deemed to have lapsed. No use of land, building or structure for which a permit has lapsed shall be reactivated, re-established or used unless a new permit is first obtained as provided by this article. The site of a lapsed permit shall be used only for uses allowed in the applicable zone district by Articles 17.06 through 17.52 (Zone districts and allowable uses of land) without a permit pursuant to this chapter.

C. Extensions of Time. The time limit established by subsection (B)(1) of this section for the implementation of an approved administrative review permit, minor use permit, conditional use permit or variance may be extended by the granting authority for a total of no more than six years as provided by this section:

1. Time for Filing an Extension Request. The applicant for an approved permit shall request an extension of time not later than the date of expiration of the permit established by subsection B of this section. The request shall be in writing, shall explain the reasons for the request, and shall be accompanied by the nonrefundable filing fee established by the most current planning department fee schedule. Upon the filing of an extension request as required by this subsection, the time limit for expiration of the permit established by subsection B of this section shall be suspended until a decision is made by the appropriate hearing body regarding the extension request.

2. Notice of Requested Extension. The planning department shall send notice of the requested extension by mail to all individuals and entities (or their legal successors in interest) which were provided notice of the hearing that preceded the approval of the permit requested for extension, and to all members of the development review committee. The notice shall state that any person who objects to the requested

extension of time shall notify the planning director, in writing, of the objection within fifteen (15) days from the date of mailing of the notice.

3. Hearing on Objections to Extension. If any objection to the time extension is received, the granting authority that approved the original permit shall follow the entire procedure set forth in Section 17.58.140 (Permit issuance) to consider and approve or disapprove the requested extension, as well as the following subsection.

4. Approval of Extension. After a public hearing, or if no objection to an extension is received, without a public hearing, the granting authority may extend the expiration date of the approved administrative review permit, minor use permit, conditional use permit or variance by no more than a total of three years, provided that the granting authority first finds that:

a. No change of conditions or circumstances has occurred that would have been grounds for denying the original application;

b. The applicant has been diligent in pursuing implementation of the permit; and

c. Modified conditions have been imposed which update the permit to reflect current adopted standards and ordinance requirements.

D. Permit Coordination with the Placer County Conservation Program. If Chapter 19, Article 19.10 applies to the proposed project, any authorization for the take of covered species and/or impacts to aquatic resources (Section 19.10.120), shall run concurrent with the time limits imposed on the administrative review, minor or conditional use permit or variance. PCCP take authorizations or authorizations to impact aquatic resources will expire when the administrative review permit, minor use permit, conditional use permit or variance has expired. When an extension of time has been granted for an administrative review permit, minor use permit, conditional use permit or variance, the PCCP authorizations shall also be automatically extended as originally approved unless those authorizations are modified by the hearing body.

SECTION 21. Placer County Code Chapter 17, article 17.58, section 17.58.180 is hereby amended as follows:

17.58.180 Changes to an approved project.

A new land use authorized through an administrative review permit, minor use permit, conditional use permit or variance shall be constructed or otherwise established only as approved by the granting authority and subject to any conditions of approval, except where changes to the project are approved as set forth in this section. An applicant shall request any desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request. Changes may be requested either before or after construction or establishment and operation of the approved use.

A. The planning director may authorize changes to an approved site plan, architecture, or the nature of the approved use if the changes:

1. Are consistent with all applicable provisions of this chapter; and

2. Do not involve a feature of the project that was specifically addressed or was a basis for findings in a negative declaration or environmental impact report for the project; and

3. Do not involve a feature of the project that was specifically addressed or was a basis for conditions of approval for the project or that was a specific consideration by the granting authority in the approval of the permit; and

4. Do not result in a significant expansion of the use; and

5. Do not substantially alter the original approval action~~.~~**; and**

6. Do not result in any new direct or indirect effect on an aquatic resource or habitat for species covered by the habitat conservation plan / natural community conservation plan (HCP/NCCP); and

7. If Chapter 19, Article 19.10 applies to the approved project, the change cannot increase the amount of land cover impacted by the project.

*****

SECTION 22. Placer County Code Chapter 17, article 17.58, section 17.58.200 is hereby amended as follows:

17.58.200 Specific plans.

When required by this chapter or by state law to systematically implement the Placer County general plan for any part of the area covered by the general plan, a specific plan shall be prepared, processed, approved or disapproved and implemented as set forth in this section.

A. When Required. A specific plan shall be prepared and adopted when required by:

1. Articles 17.06 through 17.52 of this chapter to enable development within a particular zone or combining district; or

2. Section 66474.5 of the California Subdivision Map Act before the approval of a land project as defined by Section 11000.5 of the California Business and Professions Code.

3. Note. The county may require a specific plan to be combined with a development agreement.

B. Mandatory Pre-Application Meeting. Before preparing a draft specific plan pursuant to this section, the project applicant shall contact the planning director to request a pre-application meeting with the development review committee. The purpose of the meeting shall be for the members of the committee to review with the applicant the requirements of this section and the provisions of Articles 17.06 through 17.52 that require preparation of the specific plan, to discuss possible issues associated with development within the specific plan area that should be addressed by the plan, and to respond to questions from the applicant about the proper procedure for preparing the plan, its processing, and issues associated with its implementation if it is ultimately approved. The agency director or designee shall convene the committee to meet with the applicant at a mutually acceptable time.

C. Preparation and Content. An applicant for specific plan approval shall prepare a draft plan for review by the county that includes the following detailed information in the form of text and diagrams, organized according to an outline furnished by the planning department:

1. Proposed Land Uses. The distribution, location and extent of land uses proposed within the area covered by the plan, including open space areas.

2. Infrastructure. The proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other

essential facilities to be located within the specific plan area and needed to support the proposed land uses.

3. Land Use and Development Standards. Standards and criteria by which development will proceed, and standards for the conservation, development and utilization of natural resources, where applicable. Note: If the specific plan is adopted by a resolution rather than by an ordinance, this requirement may be delayed until later permit applications are processed.

4. Implementation Measures. A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the proposed land uses, infrastructure, and development and conservation standards and criteria.

5. Relationship to General Plan. A statement of the relationship of the specific plan to the Placer County general plan and any applicable community plan.

6. Placer County Conservation Program. If Chapter 19, Article 19.10 applies to the proposed specific plan, the applicant shall prepare a plan for compliance with the habitat conservation plan / natural community conservation plan (HCP / NCCP) and, if applicable, the county aquatic resource program (CARP) pursuant to Section 19.10.070.

7~~6~~. Additional Information. The specific plan shall contain any additional information determined to be necessary by the planning director because of the characteristics of the area to be covered by the plan, applicable policies of the general plan or a community plan, or any other issue determined by the planning director to be significant.

*****

SECTION 23. Placer County Code Chapter 17, article 17.58, section 17.58.280 is hereby amended as follows:

17.58.280 Required application contents.

Applications for approval of any land use entitlement in this transition area shall include the following:

A. Original copy of completed Placer County planning department application form, with all required signatures;

B. Processing fees as required by the most current Placer County planning department fee schedule;

C. A draft specific plan document that includes the following detailed information in the form of text and diagrams:

1. Proposed Land Use. The distribution, location and extent of land uses proposed within the area covered by the plan, including open space.

2. Infrastructure. The proposed distribution, location, extent and intensity of major components of public and private transportation, water, wastewater, reclaimed water, drainage, solid waste disposal, energy, schools, parks, police, fire, libraries, and other essential facilities to be located within the specific plan area and/or needed to support the proposed land use.

3. Land Use and Development Standards. Standards and criteria by which development will proceed including permitted uses, affordable housing provisions, design concepts and requirements, flood plain protection, open space maintenance, development and conservation standards and criteria.

4. Implementation Measures. A program of implementation measures, including regulations, programs, public works projects, phasing, and financial measures necessary to carry out the proposed land use, infrastructure, services, landscape and open space maintenance, and development and conservation standards and criteria.

5. Placer County Conservation Program Compliance Chapter 19, Article 19.10. The applicant shall prepare a plan that demonstrates compliance with the habitat conservation plan / natural community conservation plan (HCP / NCCP) and, if applicable, the county aquatic resource program (CARP), pursuant to Section 19.10.070.

*****

SECTION 24. Placer County Code Chapter 17, article 17.60, section 17.60.105 is hereby amended as follows:

17.60.105 Administrative approvals—Relief from standards

The County recognizes that its geographic diversity makes the application of uniform standards for setbacks, height, lot size, and accessory building size limitations occasionally illogical and overly restrictive. In order to create a simplified process for obtaining relief from these standards, where specific topographic, vegetative, geographic, and/or pre-existing conditions warrant relief, the county has created an administrative approval process.

A. Administrative Approval. An administrative approval may be granted to allow partial relief from the below-mentioned types of standards unless such relief is sought after a violation of the standard is willfully and illegally created.

1. Up to a 50% reduction in the required setback from any road easement where the minimum setback for the applicable zone district (without consideration of the necessary adjustment related to road easement width) is met;

2. Up to a 50% reduction in the minimum setback from any ~~man-made canal~~ **artificial watercourse such as canals, channels, and flood water conveyances that are lined with impervious materials (e.g., gunite, shotcrete or rock lined);**

3. An increase of not more than 5 feet or 10%, whichever is less, in the height of any structure, fence or other feature to which a height limit applies;

4. Up to a 10% reduction in parking standards;

5. Up to a 50% increase in the permitted size of a residential or agricultural accessory structure;

6. Any signing proposal where the new sign is closer to conforming with the current applicable standards than the sign that is being replaced.

7. Up to a 50% structural setback reduction in the stream system boundary (Section 17.54.145(B)(1)).

B. Application and Processing. A request for an administrative approval shall be filed with the Planning Department and processed as provided by Sections 17.58.020 - 17.58.050.

C. Action on Administrative Approval. The Planning Director, or his designee, shall approve, deny, or conditionally approve each request made under this section.

1. In order to authorize relief from the standards noted above the Planning Director must determine that the following circumstances exist:

a. Relative to A.1. above. It is unlikely that in the foreseeable future the affected roadway will be widened such that the structure authorized at the reduced setback will be an obstruction of any type and the minimum setback applicable in the base zone is still met and that a new structure built at the new setback is not incompatible with surrounding improved properties.

b. Relative to A.2. above. The reduced setback from the canal is not likely to jeopardize the canal structure, nor threaten the quality of ~~waster~~ **water** in the canal, nor inhibit access to the canal.

c. Relative to A.3. above. The increased height is essentially de mimimus due to elevation differences between properties, or so small a change as to be unnoticeable.

d. Relative to A.4 above. The required number of parking spaces is unreasonable given the specific development proposed on a site and the likelihood of a change in use that would require more parking, is remote.

e. Relative to A.5. above. The property is proportionately larger than the minimum parcel size upon which the standard is based and the property is located in an area of generally larger (than the minimum) parcels and the larger accessory building has setbacks which are proportionately greater than the minimum.

f. Relative to A.6. above. The new proposed sign is substantially closer to meeting the current standards than the sign being replaced and is considered to be an improvement over the current situation.

g. Relative to A.7. above. The placement of a structure within the stream system cannot directly impact aquatic resources or habitat for species covered by the Placer County Conservation Plan (PCCP) (Article 19.10).

2. Conditions of approval. In approving relief from the above mentioned standards, conditions shall be placed on the approval to ensure that the conditions which justified the action are maintained over time, or are necessary to eliminate or minimize any adverse affect on a neighboring property, or are necessary to ensure compliance with the intent of the standard being modified.

D~~C~~. Effective date, time limits, and extensions. The administrative approval shall become effective on the 11th day after approval by the Planning Director, or his designee. An applicant may seek review by the agency director. An appeal may be filed pursuant to Section 17.60.110(A)(2). The decision shall be set aside and of no effect until resolved by the agency director or the appeal body.

Administrative approvals shall be subject to the time limits, extension criteria and other provisions of Section 17.58.160 of this chapter.

SECTION 25. Placer County Code Chapter 17, article 17.62, section 17.62.030 is hereby amended as follows:

17.62.030 Enforcement administration.

It shall be the duty of the Placer County sheriff, the agency director, the chief building official, county fire warden, the health officer, and any employee designated by the sheriff, the agency director, the chief building official, the county fire warden, or the health officer to act as a code compliance and enforcement officer (which person shall hereinafter in this article be referred to as a "code official") to enforce the provisions of the Placer County Code as specified by this article. A code official has the

following responsibilities and authorities in the enforcement and administration of the provisions of this chapter:

A. To review with affected individuals the provisions of the Placer County Code through initiation of administrative hearings and other methods to support voluntary compliance with its provisions;

B. To issue citations for violations of this chapter, and for violations of Chapter 5, Chapter 8, Chapter 9, Chapter 12, Chapter 15, Chapter 16, Chapter 17, including Appendices A (Squaw Valley General Plan and Land Use Ordinance), B (Tahoe City Area Land Use Ordinance) and C (North Tahoe Area General Plan), (including the Community Plans of: Kings Beach, Tahoe Vista, North Stateline, Carnelian Bay and Kings Beach Industrial), ~~and~~ Chapter 18 of the Placer County Code, **and Chapter 19, Article 19.10** and to issue stop work orders pursuant to the provisions of the California Building Code;

C. To initiate necessary proceedings to forfeit bonds or cash deposits;

D. To initiate proceedings to revoke land use permits**, authorizations** and other entitlements granted under this chapter and Chapters 5, 8, 9, 12, 15, 16, 17**,** ~~or~~18**, or 19** of this code;

E. To initiate and conduct nuisance abatement proceedings and to carry out additional abatement responsibilities regarding violations of this code;

F. To work with the chief building official in administering substandard building abatement programs;

G. To carry out any other special enforcement programs initiated by ordinance, order or resolution of the board of supervisors, and any other responsibilities and authorities specified by this subchapter or this code;

H. To recover enforcement investigation and processing costs.

SECTION 26. Placer County Code Chapter 17, article 17.62, section 17.62.040 is hereby amended as follows:

17.62.040 Penalties.

Unless a different penalty is prescribed for violation of a specific provision of Chapters 5, 8, 9, 12, 15, 16, 17**,** ~~or~~ 18**, or 19** of this code, any person violating any such provisions or failing to comply with the requirements of this code is guilty of an infraction and is subject to penalty for infractions as provided by Section 1.24.010 of this code; provided, however, that any person who violates any of the provisions or fails to comply with any of the requirements of this code, and who has previously been convicted and/or has plead guilty on two or more occasions (regardless of the number of separate counts on each occasion) during any twelve-month period for any crime made punishable by this chapter shall be guilty of a misdemeanor, and subject to penalty for misdemeanors as provided by Section 1.24.010 of this code.

SECTION 27. Placer County Code Chapter 17, article 17.62, section 17.62.100 is hereby amended as follows:

17.62.100 Additional processing fees.

Any person who establishes a use of land or erects, constructs, allows, enlarges, moves or maintains any building or structure without first having obtained any permit **or authorization** required by Chapter 15**,** ~~or~~ 17**, or 19** of this code, shall pay the additional permit processing fees established by the conditions

of approval of such permit(s) or by the most current community development resource agency fee schedule for the correction of violations, whichever is appropriate, before any permit for any building, structure or use on the site is issued.

SECTION 28. Placer County Code Chapter 17, article 17.62, section 17.62.120 is hereby amended as follows:

17.62.120 Initiation of enforcement action—Notice of violation.

The code official shall employ the procedures of this section in the initiation of enforcement action in cases where he or she has determined that real property within the unincorporated areas of the county is being used, maintained, or allowed to exist in violation of the provisions of Chapters 5, 8, 9, 12, 15, 16, 17**,** ~~or~~ 18**, 19** of this code. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations of this code, so that the other enforcement measures provided by this chapter may be avoided where prompt correction occurs.

*****

SECTION 29. Placer County Code Chapter 17, article 17.62, section 17.62.130 is hereby amended as follows:

17.62.130 Judicial citation.

The code official is authorized to issue a judicial citation in the form of a "Notice to Appear" to any person who violates any of the provisions of Chapters 5, 8, 9, 12, 15, 16, 17**,** ~~or~~ 18**, or 19** of the Placer County Code or who violates any conditions that apply to a land use permit issued by the county. Issuance of a judicial citation shall be pursuant to Article 1.16 of the Placer County Code. Penalties for violation are established by Section 17.62.040 (Penalties) of this article.

SECTION 30. Placer County Code Chapter 17, article 17.62, section 17.62.150 is hereby amended as follows:

17.62.150 Injunction.

The code official may work with county counsel and/or the district attorney to secure injunctive relief to terminate a violation of any of the provisions of Chapters 5, 8, 9, 12, 15, 16, 17**,** ~~or~~ 18**, or 19** of this code.

SECTION 31. Placer County Code Chapter 17, article 17.62, section 17.62.160, subsection (D) is hereby amended as follows:

17.62.160 Nuisance abatement.

*****

D. Abatement Proceedings. When a notice of nuisance abatement has been prepared and served pursuant to subsection C of this section, nuisance abatement shall proceed as follows:

1. Hearing. A hearing on nuisance abatement shall be conducted by the building board of appeals for violations of Chapter 15 of this code, and by the planning commission for violations of Chapter**s** 17 **and 19** of this code. A decision to abate a nuisance shall be at the discretion of the applicable hearing body after a hearing is conducted pursuant to Section 17.62.070.

*****

SECTION 32. Placer County Code Chapter 17, article 17.62, section 17.62.170 is hereby amended as follows:

17.62.170 Permit revocation.

The code official may initiate proceedings as provided by this section to revoke the approval of any land use permit issued pursuant to any provision of Chapters 5, 8, 9, 12, 15, 16, 17**,** ~~or~~ 18**, or 19** of this code, in any case where it is determined that the permit was obtained through misrepresentation, or where a use of land has been established or is conducted in a manner that violates or fails to comply with the provisions of this code or a condition of approval, or where the use of land is undertaken in violation of any local, state or federal law which affects the health, safety, peace, morals or general welfare of the public.

A. Notice of Revocation. The code official shall notify the permittee of the intended revocation of the approval of a land use permit at least twenty-one (21) days before a revocation hearing (Section 17.62.070, Enforcement hearings). Such notice shall contain the following:

1. A heading reading, "Notice of Revocation Hearing";
2. The provisions and/or conditions violated and the means to correct the violation(s), if any;
3. The date and place of the revocation hearing.

B. Revocation Hearing. Before any action is taken to revoke an approved land use permit, a hearing shall be conducted pursuant to Section 17.62.070. If the land use permit to be revoked is a conditional use permit, the revocation hearing shall be conducted by the planning commission. If revocation of a minor use permit, an administrative review permit or zoning clearance is being considered, the hearing shall be conducted by the agency director or designee acting as zoning administrator. **If revocation of one or more Placer County Conservation Plan (PCCP) authorizations is being considered, the hearing shall be conducted by the planning commission.**

C. Action to Revoke. If, after the revocation hearing has been conducted, the hearing body finds that grounds for revocation have been established, the hearing body may:

1. Allow the permitted additional time to correct the violation or noncompliance; or
2. Modify conditions of approval on the basis of evidence presented at the hearing; or
3. Revoke the approved land use permit **or land conversion authorization** and order the discontinuance or removal of the approved use within a time specified by the hearing body. In the absence of an appeal pursuant to subsection D of this section, the revocation shall become effective fourteen (14) days after the action of the hearing body. Upon the effective date of revocation, the code official shall initiate nuisance abatement proceedings by preparing and serving a notice of nuisance pursuant to Section 17.62.160(B), with the time limit for action by the permittee specified in the notice being that set by the hearing body in the revocation order.

D. Appeal. The permittee may appeal the decision of the hearing body to the board of supervisors. Upon appeal, revocation shall not take effect until affirmed by the board. After the hearing, the board may affirm, modify or reverse the decision to revoke the permit.

E. Use after Revocation. When an approved land use permit has been revoked, no further development or use of the property authorized by the revoked permit shall be continued, except pursuant to approval of a new land use permit and any other authorizations or permits required by Chapters 5, 8, 12, 15, 16, 17**,** ~~or~~ 18**, or 19** of this code.

SECTION 33. Placer County Code Chapter 17, article 17.62, section 17.62.180 is hereby amended as follows:

17.62.180 Administrative citation.

This section provides for the issuance of administrative citations and imposition of fines as authorized by state law, and is in addition to all other legal remedies, criminal or civil, which may be pursued by the county. The code official is authorized by the board of supervisors to employ the provisions of this section and issue an administrative citation to any person who violates any provision of Chapters 5, 8, 9, 12, 15, 16, 17, ~~or~~ 18**, or 19** of this code and for nuisances defined in Section 17.62.160(A).

*****

SECTION 34. Placer County Code Chapter 17, article 17.64, section 17.64.010 is hereby amended as follows:

17.64.010 Establishment of Williamson Act Lands Program.

The Placer County Williamson Act Lands Program is established in compliance with Chapter 7, Part 1, Division 1 of Title 5 of the Government Code (Section 51200 et seq.), otherwise known as the California Land Conservation Act of 1965 and referred to in this article as the "Williamson Act" or as the "Act." The purposes of the Program are to protect agricultural lands for the continued production of agricultural commodities, and to protect certain other lands devoted to open-space uses, in compliance with the Williamson Act. The county does not intend for the placement of a Williamson Act contract on land within the county to preclude the placement of conservation easements on that same land, as long as such easements recognize the agricultural **and/or open space character** ~~nature~~ of the property and **for agricultural lands,** do**es** not preclude **agricultural** ~~such~~ activit**ies**~~y~~.

SECTION 35. Placer County Code Chapter 17, article 17.64, section 17.64.020 is hereby amended as follows:

17.64.020 Definitions.

*****

"Open space use" (as defined by Subsection (o) of Section 51201 of the Act) means the use or maintenance of land in such a manner as to preserve its natural characteristics, beauty, or openness for the

benefit and enjoyment of the public, to provide ~~essential~~ habitat for wildlife~~, or for the protection of significant ecological resources~~, if the land is within ~~one of the following defined areas~~:

1. A "scenic highway corridor" which is an area adjacent to, and within view of, the right-of-way of:

a. An existing or proposed state scenic highway in the state scenic highway system established by the State Legislature in compliance with Streets and Highways Code Sections 260 et seq., and which has been officially designated by the State Department of Transportation as an official state scenic highway; or

b. A county scenic highway established in compliance with Streets and Highways Code Sections 260 et seq., or a county scenic highway referenced in the general plan, community plan, or applicable specific plan.

2. A "wildlife habitat area" is a land or water area that would be designated by the Placer County board of supervisors **or Placer Conservation Authority**, after consulting with and considering the recommendation of the Department of Fish and ~~Game~~**Wildlife**, as an area of great importance for the protection or enhancement of the wildlife resources of the state.

3. A "managed wetland area" is an area, which may be an area diked off from the ocean or any bay, river or stream to which water is occasionally admitted, and which, for at least three consecutive years immediately prior to being placed within the Williamson Act Program was used and maintained as a waterfowl hunting preserve or game refuge or for agricultural purposes.

4. An area enrolled in the United States Department of Agriculture conservation reserve program or conservation reserve enhancement program.

4**5**. Open space land need not be open to public use in order to be considered for entry into this program.

*****

SECTION 36. Placer County Code Chapter 17, article 17.64, section 17.64.070, subsection (C) is hereby amended as follows:

17.64.070 Application filing and review.

*****

C. Application Review and Staff Report. A properly completed application shall be processed as follows.

1. Referral of Application. The planning department shall refer applications for preserve and land contracts to the following agencies and individuals:

a. Agricultural commission;

b. Farm advisor;

c. County assessor;

d. Local agency formation commission;

e. The planning commission, at the discretion of the planning director; and

f. Every city within one mile of the exterior boundary of the property proposed for preserve and contract.

g. Placer Conservation Authority

*****

Attachment G

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

In the matter of: AN ORDINANCE REPEALING PLACER COUNTY CODE CHAPTER 12, ARTICLE 12.16; REPEALING AND REPLACING CHAPTER 15, ARTICLE 15.60; AMENDING CHAPTER 15, ARTICLE 15.48, CHAPTER 16, ARTICLES 16.04, 16.08, 16.12, 16.16, 16.20, CHAPTER 18, ARTICLES 18.04, 18.08, 18.12, 18.16, 18.20, 18.28 AND 18.36; AND ADDING CHAPTER 18, ARTICLE 18.37

Ordinance No.: _____

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held on _____, 2020 by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

_____

Chair, Board of Supervisors

Attest:

_____

Clerk of said Board

WHEREAS, on July 10, 2012 the Placer County Board of Supervisors ("Board") directed staff to prepare the Placer County Conservation Program ("PCCP") and Implementing Agreement and other policies, regulations, and codes necessary to guide and implement the PCCP Program; and

WHEREAS, on_____, 2020, the Placer County Planning Commission ("Planning Commission") held a noticed public hearing pursuant to Placer County Code Chapter 17, Article 17.60, Section 17.60.140 to consider the PCCP, and pursuant to Placer County Code Chapter 17, Article 17.60, Section 17.60.090(C), the Planning Commission has made recommendations to the Board related thereto; and

WHEREAS, notice of a public hearing was given in compliance with Placer County Code Chapter 17, Article 17.60, Section 17.60.140, and on_____, 2020, the Board held the duly noticed public hearing pursuant to Placer County Code Chapter 17, Article 17.60, Section 17.60.090(D) to consider the recommendations of the Planning Commission and to receive public input regarding the proposed PCCP, including the proposed amendments to the Placer County Code; and

WHEREAS, the Board has reviewed the proposed amendments to Placer County Code, and received and considered the written and oral comments submitted by the public thereon, and has adopted Resolution No. __-_____ certifying the Final Environmental Impact Report; and

WHEREAS, the Board finds the proposed amendments to Placer County Code follows applicable requirements of State law, is consistent with the General Plan and is in the best interests of the County.

WHEREAS, the PCCP incorporates the Habitat Conservation Plan (HCP)/Natural Community Conservation Plan (NCCP), and In-Lieu Fee Program into a comprehensive local program that strengthens local control over land use and natural resource protection and more efficiently protects natural resources by creating new reserves that will be larger in scale, more ecologically and hydrologically viable, and easier to manage than the individual mitigation sites created under the current individual project-by-project approach. The PCCP is intended to protect the existing character of the County and the region through the implementation of a system of reserves which will provide for permanent open space, habitat conservation for species covered by the HCP/NCCP, and for protection of aquatic resources in the County.

WHEREAS, the PCCP provides a more efficient and streamlined approach for complying with state and federal environmental laws for both public and private projects that is intended to:

- Reduce the time and resources previously required to obtain state and federal permits;
- Preserve the ability of affected property owners to make reasonable use of their land consistent with the requirements of applicable laws, which include but are not limited to the National Environmental Policy Act (42 U.S.C. §§ 4321-4347), the California Environmental Quality Act (Public Resources Code § 21000 et seq.), the Federal Endangered Species Act (16 U.S.C. §§ 1531-1544), the California Endangered Species Act (Fish & Game Code § 2050 et seq.), the California Natural Community Conservation Planning Act (Fish & Game Code §§ 2800-2835); the Clean Water Act (33 U.S.C. §§1251-1387), and the Porter Cologne Water Quality Control Act (California Water Code section 13000 et seq.; and
- Maintain economic development within the County by providing a streamlined environmental review and permitting process from which development can proceed in an orderly manner.

WHEREAS, the Board finds the proposed amendments to Placer County Code will serve to protect and enhance the health, safety, and general welfare of existing and future residents and businesses in the Plan Area and the County as a whole; and

WHEREAS, the Board finds the proposed amendments to Placer County Code is in conformity with public convenience, general welfare and good land use practice, and will not adversely affect the orderly development of property, or the preservation of property valued; and

WHEREAS, notice of all hearings required has been given and all hearings have been held as required by County ordinance and State law.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER ORDAINS AS FOLLOWS:

Placer County Code Chapter 12, Article 12.16 entitled Tree Preservation Generally is hereby repealed in its entirety.

Placer County Code Chapter 15, Article 15.48 is hereby amended as set forth in **Exhibit A**.

Placer County Code Chapter 15, Article 15.60 is hereby repealed and replaced in its entirety as set forth in **Exhibit B**.

Placer County Code Chapter 18, Environmental Review is hereby amended as set forth in **Exhibit C**.

Placer County Code Chapter 16, Subdivisions is hereby amended as set forth in **Exhibit D**.

This ordinance shall take force and become effective sixty (60) days after its approval.

The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 25124.

Attachment G

EXHIBIT A

*****

15.48.020 Purpose.

The ordinance codified in this article is enacted for the purpose of regulating grading on property within the unincorporated area of Placer County to safeguard life, limb, health, property and public welfare; to avoid pollution of watercourses with hazardous materials, nutrients, sediments, or other earthen materials generated on or caused by surface runoff on or across the permit area; and to ensure that the intended use of a graded site is consistent with the Placer County general plan, any specific plans adopted thereto and applicable Placer County ordinances including the zoning ordinance, flood damage prevention ordinance, (Article 15.52) environmental review ordinance (Chapter 18 Placer County Code)**, Placer County Conservation Program (Chapter 19, Article 19.10)** and applicable chapters of the California Building Code. In the event of conflict between applicable chapters and this article, the most restrictive shall prevail. (Ord. 5056-B, 2000)

*****

15.48.030 Definitions.

*****

"Aquatic resources" or "aquatic resources of Placer County" include waters of the United States, waters of the state, stream systems, and constituent habitats for aquatic/wetland complex(es), vernal pool complex(es) and riverine/riparian complex(es) within the stream system and includes all definitions described in Chapter 3 of the HCP/NCCP (Physical and Biological Resources) and Chapter 3 of the CARP (Placer County Aquatic Resources Protected by the CARP).

"County aquatic resources program" or "CARP" is a program that protects, streams, wetlands and other aquatic resources as defined in Section 19.10.040.

"Habitat conservation plan and natural community conservation plan" or "HCP/NCCP" mean the joint habitat conservation plan and natural community conservation plan as defined in Section 19.10.040.

"Placer County Conservation Program" or "PCCP" means the program described and implemented pursuant to Chapter 19, Article 19.10 (Placer County Conservation Program).

"Stream channel" The area of a stream where normal to high flows occur. It is usually marked by bed-and-bank morphology.

"Stream environment zone" means perennial, intermittent, and ephemeral streams, meadows and marshes, and other areas of near-surface water influence **for all areas outside the boundaries of the Placer County Conservation Program defined by Article 19.10, Section 19.10.050 (Applicability).**

"Stream system" means the stream channel (wet or dry) and the surrounding area as described in Section 19.10.040.

"Stream system grading permit" is a permit to authorize the discharge of fill and/or the excavation of soil in excess of twenty-five (25) cubic yards in a single area within a two-year period on property located in the stream system as defined by Article 19.10.040 . In calculating the graded material quantity, excavation material used as fill material will not be counted twice.

"Watercourse" means any natural or artificial channel flowing continuously or intermittently in a definite direction and course or used for the holding, delay or storage of waters, which functions at any time to convey or store stormwater runoff. **As defined herein, a watercourse may be an aquatic resource of Placer County subject to the requirements of Chapter 19.10.070.**

~~At the discretion of the community development resource agency, the definition of natural channel may be limited to those channels having a watershed area of fifty (50) acres or more, and this definition will be commonly used in connection with the administration of this article except for those cases in which the agency director determines that the definition must be extended to a natural channel with a watershed smaller than fifty (50) acres in order to prevent a condition which could possibly endanger property; be a hazard to public safety; adversely affect the safety, use or serviceability of adjacent property, public way or drainage channel, or could adversely affect the water quality of any water bodies or watercourses.~~

*****

15.48.055 Stream System Grading Permit required.

A. A Stream System Grading Permit (SSGP) is required for any grading of twenty-five (25) or more cubic yards within the stream system boundary within the geographic area described by Section 19.10.050 (Applicability).

B. The discharge of fill into an aquatic resource is subject to the requirements of Section 19.10.070 of the PCCP. Conditions of approval for any authorization for take coverage or impacts to aquatic resources will be appended to a stream system grading permit issued pursuant to this article.

*****

15.48.060 Grading permit required.

*****

C. The excavation and/or discharge of fill into an aquatic resource is subject to the requirements of Section 19.10.070 of the PCCP. Conditions of approval for any authorization for

take coverage or impacts to aquatic resources will be appended to a grading permit or other permit issued pursuant to this article.

*****

15.48.070 Exemptions.

*****

A. Minor projects which have cuts or fills, each of which is less than four feet in vertical depth at its deepest point measured from the existing ground surface, and which meet all of the following criteria:

1. Less than two hundred fifty (250) cubic yards of graded material in a single area, within a two-year period **unless the area is located within the stream system boundary within the PCCP (Section 19.10.050).** In calculating the graded material quantity, excavation material used as fill material will not be counted twice. (For example: one hundred twenty-five (125) cubic yards [C.Y.] of excavation material that is also placed as fill material would be calculated as one hundred twenty-five (125) cubic yards, not as 125 C.Y. + 125 C.Y. = 250 C.Y.),

2. The removal, plowing under or burial of less than ten thousand (10,000) square feet of vegetation on slopes ten (10) percent or greater or any amount of vegetation on slopes less than ten (10) percent on areas of land less than one acre within a two-year period **(This exemption only applies to Article 15.48 and does not exempt a landowner from compliance with other provisions of county code including tree permits, payment of tree mitigation fees, and the requirements of Chapter 19, Article 19.10**,

3. Does not create unstable or erodible slopes,

4. Does not encroach onto sewage disposal systems including leach field areas,

5. Does not encroach into the areas designated as Zone A as shown on the Flood Insurance Rate Maps,

6. Does not obstruct any watercourse, disturb, or negatively impact any drainage way, **aquatic resources,** wetland, stream environment zone, **stream system,** or water body,

E. Grading necessary for agricultural operations, unless such grading will create a cut or fill whose failure could endanger any structure intended for human or animal occupancy or any public road, or could obstruct any watercourse or drainage conduit;

F. Trenching and grading incidental to the construction or installation of approved underground pipe lines, **storm drains, conduits, electrical or communication facilities provided that such grading does not result in the excavation or discharge of fill into aquatic resources;**

G. **Excavation and grading incidental to construction or installation of** septic tank disposal fields, ~~conduits, electrical or communication facilities,~~ and drilling or excavation for post holes or approved wells;

H~~G~~. Excavations less than two hundred fifty (250) cubic yards for soil or geological investigations by a geotechnical engineer, civil engineer, or engineering geologist;

I~~H~~. Grading in accordance with plans incorporated in an approved surface mining permit, reclamation plan, or sanitary landfill or environmental remediation project or petroleum product tank removal and installation where governed by other state or county ordinance;

J~~I~~. Maintenance of existing firebreaks and roads to keep the firebreak or road substantially in its original condition;

K~~J~~. Routine cemetery excavations and fills;

L~~K~~. Performance of emergency work necessary to protect life or property when an urgent necessity arises. The person performing such emergency work shall notify the community development resource agency promptly of the problem and work required and shall apply for a permit within ten (10) calendar days after commencing such work;

M~~L~~. An excavation below finished grade for basements and footings of a building authorized by a valid building permit;

N~~M~~. Timber harvest operation conducted under valid state or federal permit, **lake and** stream**bed** alteration ~~permits~~ **agreements and** dams under state jurisdiction, etc.

O. The discharge of fill or excavation of soil less than twenty-five (25) cubic yards of graded material within the stream system (This exemption only applies to Article 15.48 and does not exempt a landowner from compliance with other provisions of county code including tree permits. Payment of tree mitigation fees, and the requirements of the PCCP (Article 19.10).

*****

15.48.110 Hazards.

*****

If the community development resource agency director determines that any grading on private or public property constitutes a hazard to public safety; endangers property; adversely affects the safety, use or stability of adjacent property, an overhead or underground utility, or a public way, **aquatic resource,** watercourse or drainage channel; or could adversely affect the water quality of any water bodies or watercourses, **aquatic resources, or sensitive wildlife habitat subject to the requirements of the PCCP,** the director may issue a stop work notice to the owner of the property upon which the condition is located, or other person or agent in control of such property. Upon receipt of such stop work notice, the recipient shall, within the period specified therein, stop all work, obtain a grading permit **or stream system grading permit** and conform to the conditions of such permit. The community development resource agency may require the submission of plans or soil or geological reports, detailed construction recommendations, drainage study or other engineering data prior to and in connection with any corrective or proposed work or activity.

*****

15.48.170 Grading prior to approval of improvement plans.

*****

Property owners who submit applications for permits for grading for projects that have an approved tentative map or the intended use has an approved discretionary zoning permit, (Chapter 17, Zoning) or is in compliance with the design review process (Section 17.52.070) must comply with the following requirements:

A. A separate grading plan shall be submitted for review and approval by the community development resource agency. This plan shall conform to the requirements of this grading ordinance

and any applicable conditions placed on the project as a result of any formal discretionary permit process. The applicant shall acknowledge that any additional grading or revisions to work necessitated by conflicts discovered during the improvement plan check or subsequent construction will be corrected at the applicant's expense.

B. The property owner shall submit a revegetation and winterization plan for review and approval. This plan shall include a performance agreement with Placer County which includes a specific schedule for performance of the subject grading, an engineer's estimate of cost for implementing the plan, and cash or other approved form of security to insure the timely performance of the plan.

C. Plan check and inspection fee deposit shall be required in the amount of the full plan check fee applicable at the time of submittal and a deposit of twenty-five (25) percent of the full inspection fee at time of grading permit approval.

D. A drainage report shall be required as per the requirements of this grading ordinance and the Placer County land development manual. ~~(Ord. 5407-B, 2006; Ord. 5373-B, 2005; Ord. 5056-B, 2000)~~

E. No grading may commence prior to approval of early grading plans without complying with the PCCP, if applicable.

*****

15.48.215 Compliance with the Placer County Conservation Program.

The PCCP implementing ordinance (Article 19.10) requires the submittal of PCCP authorization applications (Section 19.10.080) for grading projects that are covered activities under the PCCP. Any required review for a take authorization or authorization to impact aquatic resources must be completed before a permit application for grading that is authorized under 15.498.055 (stream system grading permit) or 15.48.060 (grading permit required) will be deemed complete.

*****

15.48.240 Permit conditions.

*****

A. No permit shall be granted unless the project conforms to the Placer County general plan, any community, or specific plans adopted thereto and applicable Placer County ordinances including the zoning ordinance **and Chapter 19, Article 19.10 (Placer County Conservation Program).**

B. Where a proposed grading project requires the filing of a tentative map or the intended use requires approval of a discretionary zoning permit, no grading permit shall be granted prior to approval by the applicable planning authority.

C. The permit shall be limited to work shown on the grading plans as approved by the community development resource agency. In granting a permit, the community development resource agency may impose any condition deemed necessary to protect the health, safety and welfare of the public, to prevent the creation of a hazard to public or private property, prevent erosion and to assure proper completion of the grading, including but not limited to:

1. Mitigation of adverse environmental impacts as disclosed by any environmental document findings. This includes the proper disposal of any hazardous material identified in the initial planning phase. The director of health and human services will approve hazardous materials management;

2. Improvement of any existing grading to comply with the standards of this article;

3. Requirements for fencing or other protecting of grading which would otherwise be hazardous;

4. Requirements for dust, erosion, sediment and noise control, and hours of operation and season of work, weather conditions, sequence of work, access roads and haul routes;

5. Requirements for safeguarding watercourses **and aquatic resources,** whether natural or man-made, from excessive deposition of **fill,** sediment or debris in quantities exceeding natural levels;

6. Requirements for avoiding, minimizing, and mitigating impacts to natural resources in accordance with Article 19.10 (Placer County Conservation Program);

7~~6~~. Requirements for safeguarding areas reserved for on-site sewage disposal;

8~~7~~. Assurance that the land area in which grading is proposed and for which habitable structures are proposed is not subject to hazards of land slippage or significant settlement or erosion and that the hazards of flooding can be eliminated or adequately reduced;

9~~8~~. Requirements for safeguarding existing water wells.

*****

15.48.300 Grading Permit Application – Plans.

*****

A. Each application for a grading permit shall include the following:

1. A completed application form;

2. Two complete sets of grading plans;

3. Profiles, cross sections, and specifications as required;

4. A complete drainage report as required by the community development resource agency;

5. The application fee as determined by the board of supervisors;

6. Where applicable, evidence of coverage, or application for coverage, under an NPDES general construction permit.

7. Any information necessary to comply with the Placer County Conservation Program including Article 19.10, Sections 19.10.070 and 19.10.080.

*****

15.48.305 Stream System Grading Permit Application – Plans.

A. All projects that discharge fill or excavate twenty-five (25) cubic yards or more material within the stream system shall obtain a stream system grading permit.

B. Each application for a stream system grading permit shall include the following:

1. A completed application form;

2. Two complete sets of stream system grading plans (or electronic submittal per county requirements);

3. Profiles, cross sections, and specifications as required;

4. The application fee as determined by the board of supervisors;

C. In addition to the requirements of 15.48.305 B, all applications for a stream system grading permit must comply with Section 19.10.080. If there are no aquatic resources present, it will only be necessary to provide the information described in Section 19.10.030(A) and not the information required by Section 19.1.030(B).

*****

15.48.320 Requirements for engineered grading plans.

*****

Grading plans and specifications shall be prepared and signed by a civil engineer, as provided herein.

A. The plans shall include the following:

1. All plans shall be on twenty-four (24) inch by thirty-six (36) inch sheets unless otherwise approved, and shall be drawn at a scale no less than one inch equals one hundred (100) feet;

2. A title block. Plans shall be entitled "grading plan" and state the purpose of the proposed grading and the name of the engineer or firm by whom this plan is prepared, owner's name and address, and site address;

3. A vicinity sketch (not at map scale) indicating the location of the site relative to the principal roads, lakes and watercourses in the area;

4. North arrow and scale;

5. A site plan indicating the extent of the work and any proposed divisions of land;

6. The complete site boundaries and locations of any easements and rights-of-way traversing or adjacent to the property;

7. The location of all existing or proposed roads, buildings, wells, pipelines, watercourses, **aquatic resources, stream system boundaries,** septic systems or areas reserved for on-site sewage disposal, and any other structures, facilities, and features of the site, as well as the location of all improvements on lots within fifty (50) feet of the proposed work;

8. Location and nature of known or suspected soil or geologic hazard areas, including but not limited to serpentine rock areas, landslides, etc.;

9. Accurate contour lines of the existing terrain and proposed finished grade at intervals not greater than five feet, or spot elevations twenty-five (25) feet on center showing all topographic features and

drainage patterns throughout the area where the proposed grading is to occur relative to a bench mark established on site. The contour lines/spot elevations shall be extended to a minimum of fifty (50) feet beyond the affected area, and further, if needed, to define intercepted drainage, and shall be extended a minimum of one hundred (100) feet outside of any future road right-of-way;

10. Approximate location of cut and fill lines extent and finished slopes of all proposed grading and the limits of grading for all proposed grading work, including borrow and stockpile areas;

11. Location, width, direction of flow and approximate location of any watercourses including tops and toes of banks;

12. Approximate boundaries of any areas with histories of flooding;

13. Cross sections, profiles, elevations, dimensions, and construction details based on accurate field data as may be required after initial review of plans;

14. Construction details for roads, **artificial** watercourses, culverts, bridges and drainage devices, retaining walls, cribbing, dams, and other improvements existing or to be constructed, together with supporting calculations and maps as may be required after initial review of plans;

15. Proposed provisions for storm drainage control and any existing or proposed flood control facilities or septic tank disposal fields or areas reserved for on-site sewage disposal near the grading;

16. A detailed erosion and sediment control plan including specific locations, construction details, and supporting calculations for temporary and permanent sediment control structures and facilities;

17. A revegetation plan, including temporary erosion control plantings, permanent slope plantings, replacement of temporary groundcover, and irrigation facilities.

B. Additional supporting information which may be required includes, but is not necessarily limited to:

1. An estimate of the quantities of excavation and fill;

2. The location of any borrow site or location for disposal of surplus material;

3. A projected schedule of operations, including, as a minimum, the dates of:

a. Commencement of work,

b. Start and finish of rough grading,

c. Completion of drainage facilities

d. Completion of work in any watercourse, **stream system or aquatic resource.**

*****

15.48.630 Erosion and sediment control.

*****

The following shall apply to the control of erosion and sediment from grading operations:

A. Grading plans shall be designed with long-term erosion and sediment control as a primary consideration. Erosion prevention and source control are to be emphasized over sediment controls and treatment.

B. Grading operations shall provide erosion and sediment control measures, except upon a clear demonstration, to the satisfaction of the community development resource agency that at no stage of the work will there be any substantial risk of increased sediment discharge from the site. Temporary mulch, revegetation, or other stabilization methods shall be applied to areas where permanent revegetation or landscaping cannot be immediately implemented. Unless otherwise exempted in this article, grading activity must be scheduled to ensure completion or winterization by October 15th of each year.

C. Grading activity shall be conducted such that the smallest practicable area of erodible land is exposed at any one time during grading operations and the time of exposure is minimized. Land disturbance shall be limited to the minimum area necessary for construction.

D. Natural features, including vegetation, terrain, watercourses, **aquatic resources, the stream system,** and similar resources shall be protected and preserved wherever possible. Units of grading shall be dearly defined and marked to prevent damage by construction equipment.

*****

15.48.650 Erosion and sediment control plans.

*****

Erosion and sediment control plans prepared pursuant to this article shall comply with all of the following:

A. The erosion and sediment control plan need not be a separate sheet if all facilities and measures can be shown on the grading sheets without obscuring the clarity of either the grading plan or the erosion and sediment control plan.

B. An erosion and sediment control plan shall be required whenever:

1. The graded portion of the site includes more than ten thousand (10,000) square feet of area having a slope greater than ten (10) percent;

2. Clearing and grubbing of areas of one acre or more regardless of slope;

3. There is a significant risk that more than two thousand five hundred (2,500) square feet will be unprotected or inadequately protected from erosion during any portion of the rainy season;

4. Grading will occur within fifty (50) feet of any watercourse **when such watercourse is located outside of the PCCP boundary (Section 19.10.050). When the watercourse is located within the PCCP boundary, an erosion and sediment control plan will be required for any grading that occurs within the stream system boundary.**

Attachment G

EXHIBIT B

Article 15.60 CULTURAL RESOURCES PRESERVATION

15.60.010 Title.

The ordinance codified in this article shall be known as the Placer County Cultural Resources Preservation Ordinance.

15.60.020 Intent and purpose.

A. The board of supervisors finds that the protection, enhancement, perpetuation, and use of structures and districts of historic, archaeological, tribal, architectural and/or engineering importance (collectively, "cultural resources"), located within the county are of cultural and aesthetic benefit to its communities. It is further found that respect for and understanding of the heritage of the county will enhance the economic, cultural, and aesthetic standing of the county. The purpose of this article is to promote the general welfare of the public through one or more of the following:

1. The protection and enhancement of cultural resources: (a) that represent past eras, events, and persons important in prehistory or history, (b) that provide significant examples of architectural styles of the past or are landmarks in the history of architecture, (c) that are unique and irreplaceable assets to the county and its communities, or (d) that provide for this and future generations examples of the physical surroundings in which past generations lived;

2. The development and maintenance of complementary settings and environment for cultural resources;

3. The preservation and encouragement of the county's varied architectural styles, reflecting the cultural, social, economic, political, and architectural phases of its history;

4. The enhancement of property values, the stabilization of communities and areas of the county, the increase of economic and financial benefits to the county and its inhabitants, and the promotion of the tourist trade and interest;

5. Where feasible, the integration of the preservation of cultural resources into public and private land use management and development processes;

6. The educational and cultural enrichment of this and future generations by fostering knowledge of our heritage;

7. The promotion and encouragement of continued private ownership and utilization of historic buildings and structures so the objectives listed above can be attained under this policy;

8. The identification, and resolution of conflicts between the preservation of cultural resources and alternative land uses, as early as possible in the planning process;

9. The promotion of public awareness of the benefits of preservation and the encouragement of public participation in identifying and preserving cultural resources, thereby increasing community pride in the county's cultural heritage; and/or

10. The establishment of a basis for coordinating the goal of the preservation of cultural resources, with the need to set and implement standards for other elements of the county's plans, policies, and programs.

15.60.030 Placer County Historical Advisory Board.

A. There is established an advisory board in the county known as the Placer County historical advisory board (HAB), which was provided for by the county board of supervisors through Resolutions #83-104 and #86-499. These resolutions created the HAB to advise and make recommendations to the board of supervisors regarding: (1) the operation of the Placer County Museum and its related sites; and (2) all matters related to historic, prehistoric, archival, and museum planning and policy matters.

B. To the extent such individuals are available in the community, the members of the HAB shall include persons who have demonstrated special interest, competence, experience, or knowledge in history, prehistoric and/or historic archaeology, architecture, architectural history, historic preservation, American Studies, folklore, cultural anthropology, ethnography, cultural geography, curation, conservation, landscape architecture, or other preservation-related disciplines.

15.60.040 Responsibilities and duties of the Historical Advisory Board.

The HAB shall act in an advisory capacity to the board of supervisors, the department of facilities management/museums division, and the Placer County planning commission in all matters relating to the identification, protection, retention and preservation of historical resources within the county and duties shall include the following, when applicable and at the discretion of the HAB:

A. Review and recommend cultural resources for placement in the county's official register of cultural and historic resources (designated as the "official register"), including historic districts, landmark sites, and landmarks within the county including all information required for each designation as specified in Section 15.60.080 (C).

B. Recommend to the board of supervisors: 1) the purchase of interests in property, including less than fee interests; 2) the transfer of development rights; 3) the holding of easements, or other mechanisms, for the purpose of cultural or historic preservation.

C. Participate in, promote, and conduct public information, educational, and interpretive programs pertaining to cultural or historic resources preservation.

D. Review and comment on applications submitted to the State Historical Resources Commission to designate a cultural resources in the county on the National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, and/or California Points of Historical Interest, and provide comments to the State Historical Resources Commission on whether each property meets the criteria for the various programs.

E. Advise and make recommendations to the board of supervisors on how it can best promote the preservation of cultural resources of the county.

F. Advise and make recommendations to the board of supervisors on the formulation, implementation, and review of all programs, policies, procedures, services, facilities, and other matters relating to the preservation of the cultural resources of the county, including matters subject to review pursuant to the requirements of the California Environmental Quality Act (CEQA) and the provisions of Section 106 of the National Historic Preservation Act, when applicable.

G. Encourage recognition of the owners of landmarks or property or structures within historic districts by means of certificates, plaques, or markers, and, from time to time, issue commendations to owners of cultural resources who have rehabilitated their property in an exemplary manner.

15.60.050 Responsibilities and duties of the department of facilities management/museums division.

The following responsibilities and duties shall be carried out by the county museums administrator or other authorized and qualified designee identified by the director of the department of facilities management:

A. At the direction of the board of supervisors, perform, supervise, or review the preparation of cultural resource surveys in the county. Review, update, and/or distribute the Historical, Architectural, and Archaeological Resources of Placer County, California, an inventory of cultural resources in the unincorporated areas of the county, in conformance with state standards and in accordance with confidentiality restrictions in Sections 6254(r) and 6254.10 of the California Government Code, as may be authorized by the board of supervisors;

B. Cooperate with and assist federal, state, and local government entities in the pursuit of cultural and historic preservation objectives of the county;

C. Participate in county-wide open space planning efforts as they relate to the protection and/or preservation of cultural resources;

D. Advise and assist property owners, on request, on the restoration, rehabilitation, alteration, decoration, landscaping, or maintenance of any cultural resource. If requested, negotiate with property owners who propose to extensively remodel, demolish or relocate designated landmarks and/or significant properties in designated districts, in an effort to find a means of preserving the properties;

E. Encourage and render advice and guidance to property owners or occupants on procedures for inclusion of a cultural resource on the county's official register, National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, California Points of Historical Interest, or any other state or local historic listing that may be appropriate;

F. Upon request, investigate and report to the board of supervisors on the use of various federal, state, and local or private funding sources and mechanisms available to promote cultural resource preservation in the county;

G. Review and comment on the decisions and documents (including environmental assessments, initial studies, environmental impact reports, environmental impact statements, development applications, building permits and other similar documents) of the county and other public agencies when such decisions or documents may affect cultural resources within the county, using as guidelines the Secretary of the Interior's Standards for Archaeology and Historic Preservation;

H. Cooperate with, and assist county staff in, the implementation of the procedures for managing cultural resources under the Placer County Conservation Program.

15.60.060 Official Register of cultural and historic resources.

Those cultural resources officially designated by the board of supervisors shall collectively be known as the Placer County Official Register of Cultural and Historic Resources ("official register"). The official register shall be kept on file with the museums administrator, who shall transmit copies to the county clerk-recorder-registrar for recordation in the official records of the county, the director of the community development resource agency, the director of library services, and to other such entities as the museums administrator deems appropriate. The county clerk-recorder-registrar shall record the document pursuant to the requirements of this code. The process to designate a cultural resource in the official register may be initiated by the property owner, as provided by Section 15.60.070. Confidential archaeological site location information shall be restricted from public distribution or access pursuant to Sections 6254(r) and 6254.10 of the California Government Code.

15.60.070 Initiation of Official Register designation process by the property owner(s).

A. Individual Resources or Sites. The process to consider the designation of individual cultural resources in the official register may be initiated upon application of the owner of the property for which such designation is requested (or the authorized representative of the owner). Any such proposal shall be filed with the planning services division on forms prescribed by the planning director and shall be accompanied by the following information (as appropriate):

1. The county assessor's parcel number of the site or the property whereon the structure or resource proposed for designation is located and the legal description of the property proposed for designation;

2. A descriptive narrative detailing the structure or resource proposed for designation;

3. A description of special aesthetic, cultural, architectural, or engineering qualities that justify such designation;

4. Sketches, drawings, photographs, or other descriptive material;

5. A statement of the condition and/or integrity of the structure or resource, as defined in Section 15.60.080(E);

6. A statement of architectural and/or historic significance of the structure or site as discussed in Section 15.60.080;

7. Any other information determined to be appropriate by the planning director and in consultation with the museums administrator; and,

8. Written authorization of the property owner(s) of record (or an authorized agent).

B. Districts. The process to consider the designation of a cultural or historic district may be initiated upon application of a simple majority of the owner(s) of the property for which designation is requested (or the authorized representative(s) of such owner(s)). Any such proposal shall be filed with the planning services division on forms prescribed by the planning director, in conformance with Sections 17.52.070 and 17.60.090 of the Placer County Code.

15.60.080 Review criteria.

Any improvement, natural feature, structure, or site may be designated as a cultural resource, and any area within the county may be designated a historic district by the board of supervisors upon application if such improvements, natural features, structures, sites, or areas meet one or more of the following criteria and retain sufficient integrity, as defined in Section 15.60.080(E):

A. National Register of Historic Places. As determined by a qualified professional who meets the applicable Secretary of the Interior's professional qualifications standards, it meets the criteria for listing on the National Register of Historic Places, as follows:

1. It is associated with events that have made a significant contribution to the broad patterns of our history;

2. It is associated with the lives of a person or persons significant in our past;

3. It embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic value, or represents a significant and distinguishable entity whose components may lack individual distinction; or

4. It has yielded or may be likely to yield information important in prehistory or history.

B. California Register of Historical Resources. As determined by a qualified professional who meets the applicable Secretary of the Interior's professional qualifications standards, it meets the criteria for listing on the California Register of Historical Resources, and retains sufficient integrity (as defined in Section 15.60.080(E)) as follows:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;

2. It is associated with the lives of persons important to local, California, or national history.

3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or

4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

C. Local Significance. It meets the criteria for significance due to community and geographic setting in one of the following ways:

1. The proposed resource materially benefits the historic character of the community;

2. The unique location or singular physical characteristic of the resource or district proposed for designation represents an established and familiar visual feature of the community, area, or county;

3. The district is a geographically definable area, urban or rural, possessing a significant concentration or continuity of site, buildings, structures, or objects unified by past events, or aesthetically by plan or physical development;

4. The preservation of a resource or resources is essential to the integrity of the district;

5. The resource or district proposed for designation is connected with a business or otherwise, which was once common but is now rare; and/or

D. Tribal Cultural Resource. It meets the definition of a tribal cultural resource, as defined in Section 21074 of the California Public Resources Code.

E. Integrity. Any cultural resource meeting one or more of the criteria in subsections A, B, or C of this section shall also retain sufficient "integrity" such that the resource possess aspects of integrity of location, design, setting, materials, workmanship, feeling, association, as exemplified in one or more of the following ways:

1. The resource retains the authenticity of physical identity evidenced by the survival of characteristics that existed during the resource's period of significance;

2. The resource retains enough of its historic character or appearance to be recognizable as a historic resource and to convey the reasons for its significance;

3. The resource has been rehabilitated or restored to reflect the qualities specified in subsections (C)(1) and (C)(2) of this section;

4. The resource has been altered over time and the alterations themselves have historical, cultural, or architectural significance;

5. The resource has lost its historic character or appearance, but still has sufficient integrity to yield significant scientific or historical information or specific data.

15.60.090 Processing of applications for inclusion in the official register.

A. An application for inclusion in the official register must be submitted to the museums administrator by the property owner whereon such cultural resource exists or by a simple majority of the property owners if more than one parcel is involved in the request.

B. The form and content of the application shall be as determined by the museums administrator, or an authorized designee, in consultation with the HAB. Such forms, and the instructions for their filing, shall be available to the public upon request, with the exception of confidential information subject to withholding pursuant to Sections 6254(r) and 6254.10 of the California Government Code.

C. Applications for inclusion in the official register may be categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to the provisions of Section 18.36.100 of this code and § 15308, Title 14, Chapter 3, California Administrative Code [Guidelines for the California Environmental Quality Act]. Appropriate findings shall be developed by the planning division and adopted by the board of supervisors if such applications are approved.

D. Applications shall be processed by the museums administrator or a designee as follows:

1. The application shall be reviewed within thirty (30) days after it is submitted to the museums administrator in order to determine if all necessary information is contained within the application to allow the analysis required by Section 15.60.070;

2. If all of the necessary information specified in Section 15.60.070 is included within the application, the museums administrator or a designee shall accept the application as being complete and shall notify the applicant, in writing, of such a determination. If all of the necessary information is not included with the application, the museums administrator or a designee shall provide to the applicant a written request for all such additional information as is required in order for the museums administrator or a designee to complete the analysis specified in Section 15.60.070;

3. Additional information provided by the applicant shall be reviewed by the museums administrator or a designee within fifteen (15) days of the date of resubmittal to the department of facilities management/museums division. The same process as described in subsections (D)(1) and (2) of this section shall be followed. If, after three attempts to obtain the additional information necessary to process the application, the requested information is not provided by the applicant to the satisfaction of the museums administrator, the application shall be deemed withdrawn and no further processing will take place. Each attempt shall be afforded thirty (30) days for the applicant to respond;

4. Once accepted as complete, the application shall be evaluated by the museums administrator or a designee for compliance with the provisions of Section 15.60.070. As a part of such review, the museums administrator or a designee shall seek the recommendation of the HAB. The museums administrator may consult with any appropriate historical society, the planning services division, the building division, with any individual who may have special knowledge about the resource that is the subject of the application under consideration, and/or with any public agency to assist in the preparation of a written report to the board of supervisors. If the resource in

consideration for listing is associated with Native American culture, then the county shall carry out meaningful consultation with the most likely affiliated tribe and seek assistance in identifying such from the California Native American Heritage Commission if unknown.

The museums administrator or designee may conduct any public meetings, workshops, tribal consultation, etc., determined to be necessary to provide adequate information for inclusion in the report to the board of supervisors. A report shall be prepared by the museums administrator or a designee and transmitted to the clerk of the planning commission for scheduling not later than ninety (90) days after the application is determined to be complete. This period may be extended upon written request by the applicant.

15.60.100 Planning commission hearing.

A. The HAB shall conduct a public hearing prior to the planning commission hearing required by this section for the purpose of providing a recommendation to the planning commission on the application for inclusion into the official register. The hearing shall be conducted as required by Sections 17.60.090 and 17.60.140 of this code.

B. A public hearing shall be conducted by the planning commission to consider the application for inclusion in the official register. The hearing shall be conducted as required by Sections 17.60.090 and 17.60.140 of this code.

C. At the conclusion of the public hearing, the planning commission may recommend to the board of supervisors that the application be approved for inclusion in the official register.

15.60.110 Board of supervisors hearing.

A. The sole authority to designate a cultural resource in the official register shall be vested in the board of supervisors.

B. The board shall schedule a public hearing to consider any application to include a cultural resource in the official register that is recommended to them by the planning commission. Notice of such hearing shall be given pursuant to the requirements of § 65090 et seq. of the California Government Code. At such hearing, the board of supervisors may adopt, modify, or reject the designation recommended by the planning commission. In the alternative, the board of supervisors may continue its consideration of the matter, or refer the proposed designation to the museums administrator, HAB, planning director, or the planning commission for further hearings, consideration, or study within a period of time established by the board. Approval of the application and inclusion of the designated cultural resource in the official register, as well as any collateral rezoning actions, shall be by ordinance.

C. Within thirty (30) days of the board of supervisors' decision, notice thereof shall be mailed by the clerk of the board of supervisors, to the record owner(s) of the property proposed for designation at the address shown on the application, to the planning director, to the museums administrator, and to any other such persons as may be deemed appropriate by the clerk of the

board. Such notice shall include the basis for any historic designation and a summary of any special requirements that result from such designation.

15.60.120 Deletion of demolished or destroyed resource.

When a designated cultural resource on the official register has been demolished or otherwise destroyed pursuant to the appropriate legal procedures established in Section 15.60.180, the museums administrator, upon notice thereof and after consultation with the director of facilities management or his/her other authorized designee, shall file with the director of facilities management or his/her other authorized designee and with the HAB a notice to remove such resource from the official register. Such notice shall also be filed with the county clerk-recorder registrar's office.

15.60.130 Amendment of official register.

Any amendment, additions, or deletions to the official register shall be initiated, considered, and approved or disapproved according to the procedures set forth in Sections 15.60.070 through 15.60.120 of this article.

15.60.140 Historic preservation plans.

The museums administrator or other authorized designee, in consultation with the HAB, shall, as time and budget permit, develop and promulgate historic preservation plans, which may be used in conjunction with this article for the management of cultural resources on the official register and to meet the goals and policies of the Placer County general plan.

15.60.150 Approval of permits.

Except as provided in Section 15.60.160, no permit or entitlement shall be issued for any construction work or demolition on a cultural/historic resource, its site, or within any cultural/historic district or design historical combining zone district that is designated in the official register, unless and until the issuance of an appropriate permit occurs pursuant to the procedures set forth in Section 15.60.180 of this article.

15.60.160 Dangerous structures.

The provisions of this article shall not be construed to prevent any construction, alteration, or demolition necessary to correct the unsafe or dangerous condition of any structure, or part thereof, where such condition has been declared unsafe or dangerous by the county building division, the county fire chief or any local fire chief, and where the proposed measures are necessary to correct such condition, or in instances of natural disaster, where the State Office of Historic Preservation determines, pursuant to California Public Resources Code § 5028, as amended, that a structure should be demolished, destroyed, or significantly altered.

15.60.170 Substandard buildings.

A. The county building official, the county fire chief, or any local fire chief shall notify the director of facilities management or his/her authorized museums administrator or other authorized designee whenever such official declares a historic resource or structure within a historic district or design historical combining zone district to be a substandard or dangerous building.

B. Upon receipt of notice from the county building official, the county fire chief, or any local fire chief, the director of facilities management or his/her authorized museums administrator or other authorized designee shall evaluate the historic and architectural merit of the resource or structure, and shall submit an advisory report to the building official, the county fire chief, or any local fire chief within thirty (30) days. If the advisory report concludes that the building or structure is historic and significant, then review under CEQA shall be required prior to approval of the demolition. Historic age may be determined through a review of county assessor parcel data or architectural review by a qualified professional.

15.60.180 Demolition or destruction of cultural resources, including sites in a historic district.

A. The alteration, reconstruction, demolition, or destruction in whole or part, of a designated cultural resource or a site in a designated historic district is prohibited unless written permission is granted by the planning director or his/her designee pursuant to this section. The property owner of such structure, or an authorized agent, must give the planning director ninety (90) days prior written notice that such act is planned for such structure. The planning director shall give notice to the museums administrator and HAB within ten (10) days of receiving notice of such planned action. Subject to the provisions of this subsection, no application for a permit to carry out such alteration, reconstruction or demolition will be deemed complete until the notice has been provided and the ninety (90) day period has been completed. Following the receipt of such notice, the planning director may require that the property owner take such steps as are deemed to be necessary to make a good faith effort to preserve the structure concerned. The planning director and/or the director of facilities management or his/her authorized museums administrator or other authorized designee shall, among other things, require that the applicants seek, in good faith, local land trusts and other organizations that may be willing to purchase or contribute funding for the purchase of the resource for restoration, publicize the availability of the resource for purchase for restoration purposes, and investigate possible sites for relocation of the resource.

The planning director and/or the director of facilities management or his/her authorized museums administrator or other authorized designee may, based on information provided by the property owner:

1. Make recommendations to the board of supervisors concerning the acquisition of development rights or facade easements and the imposition or negotiation of other restrictions for the preservation of the resource;

2. Recommend to the board of supervisors that the county purchase the resource where it does not appear that private preservation is feasible; and/or

3. Seek counsel from the HAB and/or California Office of Historic Preservation regarding alternatives and incentives;

4. Deny the issuance of the demolition permit.

B. The planning director may extend the required ninety (90) day period for good cause, not to exceed a total of one hundred twenty (120) days, unless a longer period of time is agreed to, in writing, by the property owner.

C. The prohibitions of subsection A of this section shall not apply:

1. To the demolition of a structure that has been damaged due to a natural disaster and the structure presents an imminent threat to the public of bodily harm or damage to adjacent property, as determined by one of the public officials listed in Section 15.60.160; or when the State Office of Historic Preservation determines, pursuant to California Public Resources Code § 5028, as amended, that the structure may be demolished, destroyed, or significantly altered.

15.60.190 Advice and guidance to property owners.

The museums administrator, in consultation with the HAB, may render advice and guidance with respect to any proposed work not requiring a permit on a designated historic resource or in a designated historic district. Examples of such work are: painting and repainting of exterior surfaces, fencing, landscaping, and installation of lighting fixtures. In rendering such advice and guidance, the museums administrator and/or the HAB shall be guided by the purposes and standards of this article and not be wholly inconsistent with the Secretary of the Interior's professional qualifications standards.

15.60.200 Incentives.

A. Fire and Building Codes. Issuance of a permit in conformance with this article shall not alter conformance requirements with the other standards and requirements of other appropriate building, construction or fire codes (including, but not limited to, the Uniform Building Code, the Uniform Fire Code and the Uniform Code for Building Conservation). The county building official, the county fire chief, and any local fire chiefs are encouraged to liberally construe and apply all pertinent codes so as to effectuate the purposes of this article.

B. State Historical Building Code. The California State Historical Building Code (SHBC) provides alternative building regulations for the rehabilitation, preservation, restoration, or relocation of structures designated as historic resources. The California SHBC shall be used for any designated site/historic resource in the county's building permit procedure.

C. Preservation Easements/Acquisition of Property. Preservation easements on the facades of buildings, or elsewhere on any site, or acquisition of property deemed valuable as a cultural resource may be acquired or held by the county or an appropriate nonprofit group through purchase, donation, or condemnation pursuant to California Civil Code § 815.

D. The Mills Act. The county will, whenever appropriate, use the Mills Act contract as an incentive through the reductions in property taxes (Chapter 831, California Government Code §§ 50280—50289; California Revenue and Tax Code §§ 439—439.4).

E. Waiver of Application Fees. Fees for applications and/or permits that are required to comply with the provisions of this article may be waived or reduced by the board of supervisors upon a request from the property owner(s) or an authorized representative if the board determines that such a waiver or reduction of fees would further the intent and purpose of this article.

F. Development Standards. Development standards associated with the use of any cultural resource, site or district may be waived or reduced by the planning commission or the board of supervisors upon specific application by the property owner(s) or an authorized representative if either body determines that to do so would further the intent and purpose of this article.

G. Categorical Exemption—CEQA. Projects undertaken within any cultural resource, site or district may be considered categorically exempt from the requirements of the California Environmental Quality Act (CEQA) so long as such work is in compliance with the provisions of the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation*.

H. Expedited Processing. The county shall prioritize the processing of development applications that include historic preservation efforts that are consistent with the historic preservation goals in this article.

15.60.210 Ordinary maintenance and repair.

Nothing in this article prohibits the ordinary maintenance and repair of any exterior feature of any structure on property listed in the official register; however, such maintenance or repair shall not involve a change in the design or result in the modification, demolition or removal of any architectural feature of the property. Not later than ten (10) days prior to any maintenance or repairs on an official register building or site, the planning director shall be notified by the property owner or an authorized designee of the proposed maintenance or repair. The planning director or a designee, in consultation with the director of facilities management or his/her authorized museums administrator or other authorized designee shall take appropriate action to confirm that no adverse effect will result to the cultural resource as a consequence of the proposed maintenance or repair. All repairs and maintenance shall comply with county design review standards (refer to Section 17.52.070 of this code).

15.60.220 Enforcement and penalties.

Any person who violates the provisions of this article shall be subject to the provisions of Article 17.62 of this code.

15.60.230 Definitions.

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, application of words and phrases used in this article.

"Alteration" means any significant change or any substantial structural transformation of any historic or cultural resource. Alteration includes, but is not limited to the following:

1. Exterior structural change or modification of a site, fence or structure;

2. Change or modification of the exterior architectural features of a site, fence, or structure including surface texture and materials (not including paint);

3. Change or modification of a site, including grading, paving, cutting or removal or modification of significant vegetation, or other natural features;

4. New structures or fences;

5. Demolition of structures or fences;

6. Placement or removal of exterior objects or features such as signs, plaques, light fixtures, street furniture, walls, fences and steps;

7. Disturbance of any archaeological site; however,

8. Alteration does not include ordinary maintenance and repair of structures and maintenance of gardens.

"Archaeological site" means a confidential bounded area of a resource containing archaeological deposits or features that is defined in part by the character and location of such deposits or features.

"Board of supervisors" means the board of supervisors of Placer County.

"Building" means a resource, such as a barn, church, factory, hotel, or similar structure, created principally to shelter or assist in carrying out any form of human activity.

"California Historical Landmark" means a prehistoric or historic site which has been recommended by the State Historical Resources Commission and designated by the Director of the California Department of Parks and Recreation. The California Historical Landmark program recognizes properties that are significant at the state level, or within a large geographic region. This program is administered by the State Office of Historic Preservation.

"California Point of Historical Interest" means a site which has been recommended by the State Historical Resources Commission and designated by the Director of the California Department of Parks and Recreation. The Point of Historical Interest program recognizes properties that are significant within the small local context of a county or community. This program is administered by the State Office of Historic Preservation.

"California Register of Historical Resources" means an authoritative listing and guide to be used by state and local agencies, private groups and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent

and feasible, from substantial adverse change [Title 14, Chapter 11.5, § 4859 et seq., California Public Resources Code].

"County" means the county of Placer, State of California.

"Cultural" means related to the origins or history of humans in Placer County.

"Cultural resources" means buildings, structures, signs, features, sites, places, areas, or other objects of scientific, aesthetic, educational, cultural, archaeological, architectural, or historic importance to the residents of the county.

"Cultural resources inventory" means a listing of potentially significant cultural resources located in a particular community or region.

"Cultural resources survey" means the process of systematically identifying, researching, photographing, and documenting cultural resources within a defined geographic area.

"Design criteria" means the criteria that must be followed pursuant to this article to improve or modify a historic resource or structure within a historic district.

"Designated site/resource" means that portion of a parcel on which a significant cultural or historic resource is or has been situated, and has been listed on the National Register of Historic Places, the California Register of Historical Resources, the California Historical Landmark Program, California Point of Historical Interest Program, or the Placer County official register of cultural and historic resources

"Director of Facilities Management" means the director of the department of facilities management of Placer County or an authorized designee.

"Historic resource" means a resource that meets the definition in CEQA Guidelines section 15064.5(a). as designated by the board of supervisors pursuant to the provisions of this article

"Historical advisory board" of "HAB" means the Placer County historical advisory board as established by the Placer County board of supervisors, Resolutions #83-104 and 86-499.

"Integrity" means soundness or completeness of the qualities that express the significance, importance, or historic nature of the cultural resource, in terms of location, design, setting, materials, workmanship, feeling, and/or association.

"Mills Act" means an act that was adopted in 1972 and amended in 1984 to provide for a reduction in property taxes on a historic property when certain conditions are met. Owners of designated historic properties must enter into a preservation contract directly with the local government agreeing to restore the property if necessary, maintain its historic character, and use it in a manner compatible with the historic characteristics (California Government Code §§ 50280—50290 and California Revenue and Tax Code §§ 439—439.4.)

“Minor alteration” means any of the following alterations: the placement, removal, or insignificant change or modification of a fence, sign, plaque, light fixture, street furniture, steps, platforms, walks, driveways, temporary motion picture, television, and theater stage steps and scenery.

“National Register of Historic Places” means the official inventory of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, and culture which is maintained by the Secretary of the Interior under authority of the National Historic Preservation Act of 1966, as amended (54 U.S.C, 36 C.F.R. 300101 et seq., Sections 60, 63).

“Natural features” means significant geological, botanical, or paleontological object(s).

“Object” means an item of significant historic or cultural value that can be seen or touched, such as an artifact, monument, or work of art.

“Official register” means those sites and areas officially designated by the board of supervisors as cultural resources and/or historic districts.

“Ordinance” means the Placer County Cultural and Historic Resources Preservation Ordinance, codified in this article.

“Ordinary maintenance and repair” means any work where the purpose and effect of such work is to prevent or correct any deterioration of or damage to a structure or any part thereof and to restore the structure or part thereof to its condition prior to the occurrence of such deterioration or damage.

“Placer County cultural resources inventory” means a listing of potentially significant cultural and historic resources, located in the unincorporated areas of Placer County, which was developed by the Placer County division of museums as a research tool. Records of the Placer County cultural resources inventory are confidential, pursuant to Sections 6254(r) and 6254.10 of the California Government Code, and maintained in the State Office of Historic Preservation, the North Central Information Center, the county planning services division and the county department of facilities management.

“Placer County Official Register of cultural and historic resources” (“official register”) means those sites and areas officially designated by the board of supervisors as cultural resources and historic districts.

“Planning commission” means the planning commission of the county of Placer.

“Planning director” means the director of the planning services division of the community development resource agency of Placer County, or an authorized designee.

“Preservation” means use of a long-term or permanent safeguard to guarantee the viability of cultural/historic resources

"Preservation easement" means a legal instrument recorded against a parcel or parcels of real property that limits the property owner's ability to alter, change, modify, destroy or in any way threaten the cultural and/or historic value of a cultural resource without consultation and authorization of the agency to whom the easement has been assigned. Once imposed, such an easement "runs with the land" thereby requiring current and future property owners to abide by its terms.

"Recordation" means § 27288.2 of the California Government Code and § 5029 of the California Public Resources Code requiring the county recorder to record in the official records of Placer County a certified resolution of cultural/historic resources designation, containing the name of the current property owner, the historic resources registration program, the designating entity, the specific historic resources designation, and a legal description of the property.

"Regulated permits" means a permit issued for any work on an officially designated cultural/historic structure, its site, or any resource within an officially designated historic district.

"Secretary of the Interior's Standards and Guidelines for Historic Preservation Projects" means material published in the Federal Register, with accompanying interpretive guidelines, which are utilized by federal agencies in the preservation of historic properties that are listed, or are eligible for listing, on the National Register of Historic Places. They are also used by the State Historic Preservation Officer, in evaluating projects proposed as historic resources in accordance with federal regulations or by local governments, organizations, and individuals in making decisions about the identification, evaluation, registration, or treatment of historic properties. The Secretary of the Interior Standards for Rehabilitation is aimed at retaining and preserving those features and material which are important in defining the historic character of an historic resource. Technical advice about archaeological and historic preservation activities and methods is included in the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.

"Significant" means having important historic, archaeological, architectural, or engineering value under CEQA and the National Historic Preservation Act.

"State Historical Building Code (SHBC)" means the State Historical Building Code contained in Part 8 of Title 24 [State Building Standards Code] and applies to all qualified historic structures, districts and sites, designated under federal, state, or local authority. It provides alternatives to the Uniform Building Code in cases consistent with building regulations for the rehabilitation, preservation, restoration, or relocation of qualified historic structures designated as historic buildings.

"State Office of Historic Preservation" means a division of the California Department of Parks and Recreation which serves as the staff to the State Historic Preservation Officer, or such other official designated and appointed by the Governor of California to administer the historic preservation programs of the State and which administers the California Register of Historical Resources.

EXHIBIT C

Placer County Code Chapter 18, Article 18.04 is hereby amended as follows:

18.04.030 Definitions.

*****

“County aquatic resources program” or “CARP” is a program that protects, streams, wetlands and other aquatic resources as defined in Section 19.10.040.

“Covered activity” means a covered activity as defined in Section 19.10.040.

“Covered species” means the species, listed and non-listed, whose conservation and management are provided for in the HCP/NCCP, as defined in Section 19.10.040.

“Cultural resource” means any building, structure, sign, feature, site, place, area, or other object of scientific, aesthetic, educational, cultural, archaeological, architectural, or historic importance to the residents of Placer County, as defined in Section 15.60.230.

“Cultural resource management plan” or “CRMP” means the cultural resource management plan prepared for the Placer County Conservation Program adopted by the county on _____, 2020, and any amendments thereto.

“Habitat conservation plan and natural community conservation plan” or “HCP/NCCP” mean the joint habitat conservation plan and natural community conservation plan as defined in Section 19.10.040.

“Historical resource” means a resource that meets the definition in CEQA Guidelines Section 15064.5(a) as designated by the board of supervisors pursuant to the provisions of this article.

“Placer Conservation Authority” or “PCA” means the joint exercise of powers agency, as defined in Section 19.10.040.

“Placer County Conservation Program” or “PCCP” means the program described and implemented pursuant to Chapter 19, Article 19.10 (Placer County Conservation Program).

“PCCP authorization application” means the application materials that must be submitted for applicable projects pursuant to Section 19.10.080.

“Take permit” means a federal incidental take permit issued by the USFWS or the NMFS pursuant to Section 10(a)(1)(B) of the ESA, and the state take authorization issued by CDFW pursuant to Section 2835 of the California Fish and Game Code, to the county of Placer.

“Tribal cultural resource” means a tribal cultural resource that meets the definition in Section 21074 of the Public Resources Code.

"Trustee agency" means a state agency having jurisdiction by law over natural resources affected by a project, which are held in trust for the people of the State of California (e.g., Department of Fish and ~~Game~~ **Wildlife**, State Lands Commission, Department of Parks and Recreation, University of California).

*****

18.04.060 Project initiation.

*****

When a nonexempt private project is subject to discretionary approval by the county, the applicant shall prepare an EQ, ~~and~~ initial project application (IPA) **and PCCP authorization application (Article 19.10, Section 19.10.080) when applicable** (these **documents** together shall be known as the "application") and submit them to the lead department. The lead department shall review the application. The lead department will prepare the initial study and determine whether a negative declaration or an EIR shall be prepared or that a prior environmental document has adequately addressed any potential issues in compliance with CEQA. The lead department is responsible for preparing the proposed negative declaration or EIR. The lead department, in consultation with other agencies where applicable, shall independently review all environmental documents or special studies prepared by an applicant or by any consultant under contract to the county.

*****

18.04.070 Project application.

*****

B. PCCP authorization application. If Chapter 19, Article 19.10 applies to the project, it is also necessary to provide PCCP authorization application documents consistent with the requirements of Article 19.10.080 (Data to accompany applications subject to the PCCP) including the following:

1. **Project description and site plan that depicts the location of permanent, direct, indirect, and temporary effects on covered species;**
2. **Documentation on natural community types on-site or affected by the project mapped to an accuracy of 0.1 acre for each natural community type present on the project site;**
3. **Descriptions of any aquatic resources of Placer County on the project site and project vicinity, including any areas within an adjacent wetland zone;**
4. **Mapping of the stream system and salmonid streams;**
5. **A biological resources effects assessment for project effects on biological resources addressed by the PCCP;**
6. **Species survey results if natural communities are present which support covered species;**

7. A description of methods used to avoid and minimize impacts to protected resources;

8. Any materials necessary for the county to prepare a baseline consistency determination including evidence of changes to the project site's land-cover since 2004;

9. Background documentation on the proposed use of mitigation/conservation bank credits and/or a request to contribute land in lieu of fee payments;

10. Any additional site plans or other information that depicts or describes the location of permanent, direct, indirect and temporary effects on covered species or aquatic resources of Placer County.

C~~B~~. Review of Application for Completeness.

1. The lead department shall determine in writing whether an application is complete within thirty (30) days of receipt (filing). If the application is incomplete it shall be immediately returned to the applicant with a written specification as to why it is not complete and with a request for additional information or suggested revisions to ensure completeness. The applicant has thirty (30) days to provide a specified number of copies of the requested information to the lead department and said department has thirty (30) days to determine whether the resubmitted application is complete. This cycle may be repeated until the application is determined to be complete.

An application is considered complete when the lead department:

a. Has sufficient information to determine that a project is categorically exempt; or

b. That a negative declaration can be prepared, including any appropriate mitigation measures identified; or

c. That an EIR is to be prepared and the probable environment impacts of the proposed project can be reasonably stated.

d. That there is sufficient information for compliance with Chapter 19, Article 19.10, if applicable.

2. If the application is not found to be complete within thirty (30) days and if the county has not requested additional information, the application is "deemed" complete on the thirtieth (30th) day.

D~~C~~. Additional Information. After an application has been accepted as complete, the lead department may require the applicant to submit additional information needed for environmental evaluation of the project. All submittals of additional information required either before or after the application has been accepted as complete, shall be submitted to the lead department.

E~~D~~. Supplemental Entitlement Detail. The applicant shall, at the lead department's direction, complete a supplemental entitlement detail form(s) in order to provide additional information necessary to clarify, amplify, correct, or otherwise supplement the application regarding the specific land use entitlement(s) required/requested. Such information shall be submitted within thirty (30) days from the date the negative declaration is posted or lead department acceptance of the administrative final EIR. This form(s) shall be accompanied by the appropriate entitlement review fee(s) as set forth in the land development fee schedule, and shall be submitted as described in Section 18.20.060, entitled "The final EIR."

*****

Placer County Code Chapter 18, Article 18.08, section 18.08.020 is hereby amended as follows:

18.08.020 Exemptions.

*****

B. Statutory. The project is statutorily exempt. Statutory exemptions are listed in Section 18.36.010, entitled "Statutory exemptions." Statutory exemptions are set forth in CEQA and the State CEQA Guidelines. (See Public Resources Code Sections 21080, subd. (b), 21080.01—21080.08, 21080.7—21080.33; see also CEQA Guidelines Sections 15260—152~~77~~**85, and** 15378(b).) If a project is statutorily exempt, no further environmental review is required.

C. Categorical. The project is categorically exempt:

1. Project classes listed in Section 18.36.020, entitled "Categorical exemptions" are categorically exempt because they have been determined to generally not cause significant effects. (See Public Resources Code Sections 21084-21086; see also 14 California Code Regulatory Sections 15300—15332.)

2. Exemption Verification. If project falls within a categorical exemption category, the lead department shall make an additional inquiry as to whether the categorical exemption is inapplicable, because of the existence of any of the following factors:

a. There are unusual circumstances creating the reasonable possibility of significant effects (e.g., an otherwise exempt project located in a wetland**, stream,** shore zone or riparian corridor);

b. The project and successive projects of the same type in the same place will result in cumulative impacts;

c. For classes 1, 2, 3, 4, 5, 6, 11, 28, 30 and 31 the project may affect an environmental resource of hazardous or critical concern officially adopted pursuant to law (e.g., an otherwise exempt project that would impact habitat of an endangered species).

d. Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

D. ~~General Rule~~**Common Sense Exemption**. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to environmental review. In such cases, the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (See CEQA Guidelines Section 15061(b)(3)).

*****

Placer County Code Chapter 18, Article 18.12 is hereby amended as follows:

18.12.020 Early consultation.

*****

When preparing an initial study**,** the lead department must consult informally with all responsible and trustee agencies**, and formally with California Native American tribes that requested consultation under CEQA,** to obtain recommendations, within that agency's jurisdiction or area of expertise, as to whether an EIR or negative declaration should be prepared.

*****

18.12.050 Significant Effect

*****

A. Mandatory Findings of Significance. A project may be found to have a significant effect on the environment if any of the following findings are made by the ERC (see CEQA Guidelines Code Section 15065):

1. The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, ~~or~~ eliminate important examples of the major periods of California history or prehistory**, or cause a substantial adverse change in the significance of a tribal cultural resource.**

2. The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

3. The project has possible environmental effects which are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects, as defined in CEQA Guidelines, Section 15130.

4. The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

*****

Placer County Code Chapter 18, Article 18.16, section 18.16.030 is hereby amended as follows:

18.16.030 Notice and review.

*****

A. Type of Notice. The lead department shall provide the public with reasonable notice of **its intent to adopt a negative declaration or mitigated negative declaration (NOI)**~~availability (NOA) of a proposed negative declaration~~. Notice shall be given in at least one of the following ways:

1. Publication in a generally circulated newspaper of the affected region;

2. Posting onsite and offsite in the area of the project location; or

3. Direct mailing to owners and occupants of property contiguous with the project area (shown from latest equalized roll).

B. Contents of **NOI**~~NOA~~. The **NOI**~~NOA~~ shall specify the public review period, identify public meetings or hearings on th0e proposed project, and state where the proposed negative declaration is available for review. All public agencies which provided written comments on a proposed negative declaration shall be sent a public meeting/hearing notice.

C. Distribution of the **NOI**~~NOA~~ and Proposed Negative Declaration. The **NOI**~~NOA~~, together with the proposed negative declaration, shall be mailed to the following parties:

1. Responsible agencies;

2. Trustee agencies with resources affected by the project;

3. Federal agencies involved in funding or approving the project**, or a regulatory agency with oversight responsibilities for projects that must comply with the PCCP**;

4. The State Clearinghouse, if one or more state agencies is a responsible or trustee agency;

5. Other agencies that exercise authority over resources that may be affected by the project;

6. Transportation planning agencies and public agencies with transportation facilities that could be affected by the project;

7. Cities or counties adjacent to the county that could be affected by the project;

8. All organizations and individuals that have previously requested notice, including any person who has filed a written request for such notice with the lead department;

9. Office of the county clerk**;**~~.~~

10. Placer Conservation Authority for projects that must comply with Chapter 19, Article 19.10.

*****

Placer County Code Chapter 18, Article 18.20 is hereby amended as follows:

18.20.010 Notice of preparation.

*****

B. Contents. At a minimum, the NOP shall include a project description, a site plan, a vicinity map, the EQ, **information required to comply with the PCCP, if applicable (Section 19.10.080),** the initial study and a description of the probable environmental effects of the proposed project. Upon completion of the NOP, the lead department shall compile and attach a mailing list.

C. Mailing. The lead department shall use either certified mail or any other method of transmittal which provides it with a record that the notice was received to distribute the NOP to the following parties:

1. Responsible agencies;

2. Trustee agencies with resources affected by the project;

3. Federal agencies involved in funding or approving the project**, or a regulatory agency with oversight responsibilities for projects that must comply with Chapter 19, Article 19.10**;

4. The state clearinghouse;

5. Other agencies that exercise authority over resources that may be affected by the project;

6. Transportation planning agencies and public agencies with transportation facilities that could be affected by the project;

7. Cities or counties adjacent to the county that could be affected by the project;

8. All organizations and individuals who have previously requested notice, including any person who has filed a written request for such notice with the lead department**;**~~.~~

9. The Placer Conservation Authority for projects that must comply with Chapter 19, Article 19.10.

*****

18.20.050 Notice and review.

*****

D. Distribution of Notice. The NOA shall be mailed to the following parties:

1. Responsible agencies;
2. Trustee agencies with resources affected by the project;
3. Federal agencies involved in funding or approving the project **or a regulatory agency with oversight responsibilities for projects that must comply with Chapter 19, Article 19.10**;
4. The State Clearinghouse, if one or more state agencies is a responsible or trustee agency;
5. Other agencies which exercise authority over resources which may be affected by the project;
6. Transportation planning agencies and public agencies with transportation facilities that could be affected by the project;
7. Cities or counties adjacent to the county that could be affected by the project;
8. All organizations and individuals who have previously requested notice, including any person who has filed a written request for such notice with the lead department, and all those participating in the EIR scoping meeting (oral and written commenters)**;**
9. **The Placer Conservation Authority for projects that must comply with Chapter 19, Article 19.10.**

*****

Placer County Code Chapter 18, Article 18.28 is hereby amended as follows:

18.28.030 Standard mitigation monitoring program.

*****

B. Improvement Plan Approval. Example. Development ~~R~~**r**eview ~~C~~**c**ommittee **(DRC)** review of specific design related features such as grading, drainage, installation of sensitive habitat protection features, ensuring payment of mitigation fees, securance of responsible agency permits (~~i.~~e.**g.**, Department of Fish and **Wildlife**~~Game~~ **Lake and** Stream**bed** Alteration agreements ~~or Corps of Engineers permits~~), etc.

C. Improvement Construction Inspection. Example. Community development/resource agency inspection of grading, drainage, fencing of trees, wetlands protection, etc.

D. Encroachment Permit. Example. DPW verification of safe access onto a county road.

E. Recording of a Final Map. Example. Ensuring payment of various mitigation fees, inclusion of subdivision design features required to mitigate impacts, creation of protective easements, etc.

F. Acceptance of Subdivision Improvements as Complete. Example. Community development/resource agency and/or DRC verification of actual construction of required sound walls, drainage improvements, roads, fences, etc.

G. Building Permit Approval. Example. Building department review of specific design details of structures such as installation of water conserving features, noise barriers, etc.

H. Certification of Occupancy. Example. Community development/resource agency review of completed project to ensure compliance with design review approval, improvement plan approval, building permit approval, payment of certain mitigation fees, installation of landscaping, etc.

I. Issuance of a PCCP authorization. Example. Community development resource agency review for compliance with avoidance and minimization measures, PCCP development fee payments, purchase of mitigation credits, and/or acceptance of land dedications in lieu of fees.

*****

18.28.050 Contents of project specific reporting plan.

*****

H. For projects that are categorically exempt from CEQA, but must comply with Chapter 19, Article 19.10, a reporting plan shall be prepared that provides the information in Section 18.28.050(A) through (G) for all best management practices and other measures imposed through the PCCP Authorization.

*****

Placer County Code Chapter 18, Article 18.36, section 18.36.340 is hereby added as follows:

*****

18.36.340 Class 32 – In-fill development projects (CEQA Guidelines, Section 15332).

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

A. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

B. The project site has no value as habitat for endangered, rare or threatened species.

C. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

D. The site can be adequately served by all required utilities and public services.

*****

Placer County Code Chapter 18, Article 18.36, section 18.36.350 is hereby added as follows:

*****

18.36.350 Class 33 – Small habitat restoration projects (CEQA Guidelines, Section 15333)

Class 33 consists of projects not to exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that:

A. There would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to Section 15065,

B. There are no hazardous materials at or around the project site that may be disturbed or removed, and

C. The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

D. Examples of small restoration projects may include, but are not limited to:

1. revegetation of disturbed areas with native plant species;

2. wetland restoration, the primary purpose of which is to improve conditions for waterfowl or other species that rely on wetland habitat;

3. stream or river bank revegetation, the primary purpose of which is to improve habitat for amphibians or native fish;

4. projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment;

5. stream or river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion and sedimentation; and

6. culvert replacement conducted in accordance with published guidelines of the Department of Fish and Wildlife or National Marine Fisheries Service, the primary purpose of which is to improve habitat or reduce sedimentation.

*****

Article 18.37 CULTURAL AND TRIBAL RESOURCES

18.37.010 Title.

The ordinance codified in this article shall be known as the cultural and tribal resources article of the Placer County Code.

18.37.020 Intent and purpose.

A. The board of supervisors finds that the protection and enhancement of cultural and tribal resources of significance, located within the county, are of cultural benefit to its communities. It is further found that respect and understanding of the heritage of the county will enhance the economic, cultural, and aesthetic standing of the county. The purpose of this article is to promote the general welfare of the public through one or more of the following:

1. Protecting and preserving historic properties and artifacts in the county and encouraging, where appropriate, their adoption for appropriate and feasible use;

2. Encouraging the restoration, rehabilitation and continued functional and/or educational use of historic properties;

3. Encouraging the identification, preservation, promotion, and enhancement of those cultural resources that represent or reflect distinctive elements of cultural, social, economic, political and architectural history; and

4. Encouraging the protection and preservation of tribal cultural resources and continued functional use of tribal cultural resources by descendant communities where feasible.

B. The purpose of this article is to implement the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000 et seq.) with respect to cultural and tribal resources, to supplement the State CEQA Guidelines (14 California Code Regulatory Sections 15000 et seq.), and to implement the Permit Streamlining Act (Government Code Sections 65920 et seq.).

18.37.030 Definitions.

A. For purposes of this article, unless it is plainly evident from the context that a different meaning is intended, the definitions set forth in Article 15.60 and Section 18.04.030 of the Placer County Code shall apply.

18.37.040 Responsibilities.

Compliance with this article shall be ensured by the community development resource agency.

18.37.050 Relationship to environmental review.

A. This article shall apply to discretionary public projects directly carried out by county departments and private projects requiring county entitlements and approvals that meet the definition of "project" in Section 18.08.010.

B. Exemption verifications, as defined in Section 18.08.020, subsection (C)(2), shall include additional inquiry as to whether the categorical exemption is inapplicable because of the potential to significantly impact a historical resource, as prohibited by CEQA Guidelines Section 15300.2(f).

C. Projects which are proposed under the PCCP will demonstrate compliance with Article 18.37 via implementation of the CRMP which addresses applicable state law, including laws and regulations that require tribal consultation. If a federal agency with jurisdiction over a covered activity authorized by the PCCP requires compliance with the National Historic Preservation Act through procedures, standards or requirements that conflict with or duplicate those described in the CRMP, the conflicting or duplicative federal agency procedures, standards, or requirements will supersede and/or replace those in the CRMP. If a proposed project is not being carried out under the PCCP or CRMP, then applicable state law, including laws and regulations that require tribal consultation, apply.

D. Prior to determining the level of environmental documentation required, the county shall determine whether or not the proposed project will have a potentially significant impact to a cultural or tribal resource.

E. Prior to approving the project, the county shall ensure that significant impacts to historical resources and tribal cultural resources are avoided, minimized, or mitigated to the greatest extent feasible.

F. The requirements in Section 18.12.040 regarding confidentiality of recorded archaeological sites shall apply to this article, including tribal cultural resources.

18.37.060 Screening and determination of presence of cultural resources

A. The planning services division, in consultation with the museums administrator or other authorized designee, as appropriate, shall review information on file with the county assessor's office to determine the built date of any building or structure present on the property to determine whether or not structures are present that are more than forty-five (45) years of age.

1. If buildings or structures are present that are more than forty-five (45) years of age at the time of proposed impact, then the county shall comply with Sections 15.60.150 and 15.60.180, and if subject to CEQA, the county shall make a determination on impact to historical resources in accordance with CEQA (Public Resources Code Sections 21000 et seq. and 14 California Code Regulatory Sections 15000 et seq.).

2. If the county or an applicant provides conclusive documentation that all buildings and structures are less than forty-five (45) years of age at the time of proposed impact, then the planning services division may elect to forego a resurvey, based on its discretion.

B. The planning services division shall, in consultation with the museums administrator, review information provided by the Information Center of the California Historical Resources Information System (CHRIS) maintained by the California Office of Historic Preservation. In addition, the planning services division shall obtain the results of a search of the Sacred Lands File from the California Native American Heritage Commission (NAHC) regarding the presence of known cultural resources within a project area. Records searches shall not be more than one year old at the time of review by the planning services division and shall include all on- and off-site areas subject to discretionary approval.

1. For projects in which the county is the project proponent, the planning services division shall acquire the results of a records search and literature review directly from the CHRIS for the subject property plus a minimum 0.25-mile radius and the results of a search from the NAHC Sacred Lands File.

2. For projects in which the project proponent is a private developer or non-county entity, the applicant shall submit the results of the records search and literature review for the subject property plus a minimum 0.25-mile radius from the CHRIS to the planning services division and the results of a search from the NAHC Sacred Lands File.

3. The planning services division shall review the results of the records search and make one of the following determinations:

a. If the CHRIS and/or the NAHC Sacred Lands File indicate that there are known cultural resources present, or if there is a potential for cultural resources, or if the property has not been subjected to a survey by a qualified professional within the past five years, then the planning services division shall require that the project area be subjected to a survey. All cultural resources identified by the survey shall be evaluated for significance in accordance with Section 15.60.080. The county shall make a determination on impacts to historical and tribal cultural resources in accordance with CEQA (Public Resources Code Sections 21000 et seq. and 14 California Code Regulatory Sections 15000 et seq.).

b. If the CHRIS and/or the NAHC Sacred Lands File indicate that there are no known cultural resources and that the project area has been subjected to a survey by a qualified professional within the past five years, then the planning services division may elect to forego a resurvey, based on its discretion. However, the provisions in Section 18.37.070 still apply for environmental review of discretionary approvals under CEQA.

18.37.070 Determination of presence of tribal cultural resources

A. The county authorized representative shall comply with the procedures specified in Public Resources Code (PRC) Sections 21080.3.1, 21080.3.2, 21082.3, and 21084.3 to notify, consult, and mitigate for any significant impacts to tribal cultural resources.

B. The county's authorized representative is the authorized representative of the county in all tribal consultation under state law.

C. The community development resource agency shall maintain a list of California Native American tribes, as defined in PRC Section 21073, which requested notification of discretionary projects under its jurisdiction pursuant to PRC Section 21080.3.1, subdivision (b)(1).

D. Within fourteen (14) days of determining that an application for a discretionary project is complete and the county is ready to undertake CEQA review, the county's authorized

representative shall notify, by letter, all tribes that requested notification and afford them thirty (30) days to respond to accept or decline consultation.

E. Within thirty (30) days of receiving a written acceptance from a tribe, the county's authorized representative shall initiate consultation with the tribe.

F. The county's authorized representative shall take into consideration information provided by the tribe during consultation when making the required determinations of impact during the CEQA process, and shall conclude consultation as specified in Section 21080.3.2 (b) of the PRC prior to adopting or certifying the CEQA document.

EXHIBIT D

Placer County Code Chapter 16, Article 16.04 is hereby amended as follows:

16.04.030 Definitions.

*****

"Aquatic resources" or "aquatic resources of Placer County" include waters of the United States, waters of the state, stream systems, and constituent habitats for aquatic/wetland complex(es), vernal pool complex(es) and riverine/riparian complex(es) within the stream system, and includes all definitions described in Chapter 3 of the HCP/NCCP (Physical and Biological Resources) and Chapter 3 of the CARP (Placer County Aquatic Resources Protected by the CARP).

"County aquatic resources program" or "CARP" is a program that protects, streams, wetlands and other aquatic resources as defined in section 19.10.040.

"Covered activity" Means a covered activity as defined in section 19.10.040.

"Drainage way" means natural depression in the earth's surface such as swales, ravines, draws and hollows in which surface waters collect as a result of rain or melting snow but at other times are destitute of water. **As defined herein, a drainage way may be an aquatic resource subject to the requirements of Chapter 19, Article 19.10 (Placer County Conservation Program).**

"Habitat conservation plan and natural community conservation plan" or "HCP/NCCP" mean the joint habitat conservation plan and natural community conservation plan as defined in section 19.10.040

"Placer Conservation Authority" or "PCA" means the joint exercise of powers agency formed on March 25, 2020, by and among the county of Placer and the city of Lincoln pursuant to the Joint Powers Act, Gov. Code § 6500 et seq.

"Placer County Conservation Program or "PCCP" means the program described and implemented pursuant to Chapter 19, Article 19.10 (Placer County Conservation Program).

"Stream System" The stream channel (wet or dry) and the surrounding area as described in section 19.10.040.

"Watercourse" means a running stream of water; a natural stream including rivers, creeks, runs and rivulets. It may sometimes be dry but must flow in a definite channel. **As defined herein, a watercourse may be an aquatic resource subject to the requirements of Chapter19, Article 19.10.**

*****

16.04.060 Agricultural and Conservation property.

*****

A. Land subject to the provisions of a land conservation agreement may not be divided for any purpose unless a new land conservation agreement providing for such divisions is approved for each resulting parcel in accordance with the Administrative Rules for Williamson Act Lands in Placer County, except when notice of nonrenewal of the contract has been served, as provided in Section 51245 of the Act, and as a result of that notice, there are no more than three years remaining until the expiration of the contract.

B. Land encumbered by a conservation easement that has been recorded for the purpose of enrolling the property into the PCCP reserve system may not be divided for any purpose unless it is in the furtherance of the goals, objectives, and management of the PCCP's reserve system and the conservation easement provides specific language authorizing the further division of the property.

*****

Placer County Code Chapter 16, Article 16.08 is hereby amended as follows:

*****

16.08.040 Major subdivisions requirements.

*****

N. Placer County Conservation Program.

1. The advisory agency will require that the subdivider comply with applicable requirements of Article 19.10 (Placer County Conservation Program) if the project is or includes a covered activity.

2. If Article 19.10 applies to the project, no building permit, grading permit, stream system grading permit, grading plans or improvement plans shall be issued until after an authorization of take and, if applicable, an authorization of impacts to aquatic resources has been extended in accordance with Section 19.10.070 .

3. Permit Coordination with the PCCP. Any authorization extended to the project pursuant to Chapter 19, Article 19.10 shall run concurrent with the time limits imposed on the tentative map. The requirements of this section for the exercising of permits and processing of extensions of time shall also apply to authorizations extended to the project pursuant to Section 19.10.120. Such authorizations shall expire when the tentative map has expired. When an extension of time has been granted for a tentative map, authorizations extended to the project pursuant to Article 19.10 shall also be extended as originally approved unless those authorizations are modified by the hearing body.

*****

16.08.050 Environment impact reports.

*****

A. An environment impact report shall be required:

1. For all subdivisions with the Tahoe Basin;

2. For any subdivision as a condition of approval of the tentative map when in the opinion of the advisory agency such report is necessary for the proper review and appraisal of the tentative map.

B. In cases of subsections (A)(1) and (A)(2), the report shall accompany the tentative map at the time of filing. Such report shall contain information concerning the environmental capacity of the lands within and adjacent to the proposed development and the probable effects of the proposed development.

1. Environmental Capacity. With respect to environmental capacity, the report shall contain detailed information concerning topography and slope; geologic conditions and hazards, soil properties, capabilities, and limitations; surface and ground water conditions; vegetation characteristics; **location of the stream system, biological resource assessments including the identification of aquatic resources,** and related environmental factors pertinent to the property.

2. Effects. With respect to the effects of the proposed development, the report shall contain detailed maps and other information concerning grading, planting, revegetation, landscaping, drainage, **impacts to species covered by the HCP/NCCP and aquatic resources,** and the means proposed to best avoid conflicts with the environmental problems characteristic of the site; a preliminary site plan showing lot lines, roads and buildings; a statement as to the impact of the proposed uses on educational facilities, fire and police services, transportation facilities, recreational facilities, commercial services and facilities; and a statement as to other off-site implications of the proposed uses such as the availability of water, power and sewage treatment; and a study to determine the economic impact of the subdivision on the county.

*****

16.08.060 Public access.

*****

In all cases where a subdivision fronts on a public lake, reservoir, water~~way~~ **course** or stream, reasonable public access by fee or easement shall be provided from a public highway to the portion of such waterway within the proposed subdivision and a public easement shall be provided along the portion of such waterway within the subdivision. **Exceptions to this requirement include limitations on access to those public watercourses, streams and aquatic resources that include sensitive habitat for species covered by the HCP/NCCP.**

*****

16.08.095 Conservation areas.

If Article 19.10, Section 19.10.070 applies to the project, as a condition to the approval of a final subdivision/or parcel map, PCCP development fees shall be paid, or land shall be dedicated for

conservation purposes in lieu thereof, or a combination of both, as provided in Article 19.10, Section 19.10.100 .

A. Purposes. The land and PCCP development fees provided pursuant to Article 19.10, Section 19.10.090 shall be used for the purposes set forth therein.

B. Amount. The amount of PCCP development fees required, and any land to be dedicated, shall be determined in accordance with Article 19.10, Sections 19.10.090 and 19.10.100.

C. Allocation Between Land and Fees. The allocation between land to be dedicated and/or fees to be paid in lieu thereof, and the location of any land to be dedicated must be consistent with Article 19.10, Sections 19.10.070 and 19.10.100.

D. Invalidity—Savings Clause.

1. If any section, sentence, clause or phrase of this chapter is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this chapter.

*****

Placer County Code Chapter 16, Article 16.12 is hereby amended as follows:

16.12.040 Form and content of tentative map.

*****

The tentative map shall be clearly and legibly drawn on one sheet whenever possible, and shall contain the following information:

A. Name. The title may contain such name as may be selected by the subdivider.

B. Parties. Names and address for the legal owner of the property, subdivider, and civil engineer or licensed land surveyor or person who prepared the map.

C. Topo-Contour Map Requirements.

1. A topographic contour map showing accurately the existing terrain within the subdivision and a minimum of five hundred (500) feet on all sides **except as otherwise required to depict the location of offsite habitat including aquatic resources or other information that results from any environmental review completed pursuant to the requirements of Chapter 18 or a habitat assessment that is required pursuant to Article 19.10. The contour map shall also include the** approximately finished grade contours of all proposed roads, existing drainage channels, roads, culverts, overhead and underground utility lines, wells and springs, major structures, irrigation ditches, utility poles and other improvements in their correct location which may affect the design of the subdivision.

2. For subdivisions of average lot size of less than one acre, the map shall be drawn to an engineer's scale of one inch equals fifty (50) feet.

3. For subdivisions of average lot size of one acre or more, the map shall be drawn to an engineer's scale of one inch equals one hundred (100) feet.

4. The contour interval within the subdivision boundaries shall not be greater than two feet; the contour interval outside the subdivision boundaries shall not exceed five feet.

5. Every fifth contour shall be a heavier weight and labeled. Care shall be exercised in labeling contours to the end that the elevation of any contour is readily discernable.

6. Contours may be omitted when the lines fall closer than ten (10) contours per inch; provided, that all contours at the bottom and top of slope changes are shown. In no event shall the heavy contours be omitted.

7. Spot elevations shall be expressed to the nearest 0.1 foot. On comparatively level terrain where contours are more than one hundred (100) feet apart, the contours may be omitted and spot elevations shall be shown at intervals along the center of dikes, roads, and ditches at summits, depressions, saddles or at other existing permanent installations.

8. At least ninety (90) percent of all contours shall be within one-half contour of true elevation, except that in areas where the ground is completely obscured by dense brush or timber, ninety (90) percent of all contours shall be within one contour interval. Contours in obscured areas shall be indicated by dashed lines. Mapping not having this accuracy shall be rejected.

D. Other Requirements. The maps shall show:

1. Slide Areas. The outline of existing slides, slips, sump areas, and areas subject to inundation or avalanche.

2. Paved Edges. The approximate edges of pavements of existing paved roads, driveways and the edges of existing traveled ways, within or adjacent to public rights-of-way and easements or within private common right-of-way.

3. Property and Easement Lines. Approximate existing property lines and approximate boundaries of existing easements within the subdivision, with the names of owners of record of easements, exclusions, and the properties abutting the subdivision.

4. Lot and Street Layout. The proposed lot and street layout with a scaled dimension of lots and the minimum, maximum, and average lot area. The corner of a lot adjacent to a street intersection shall be designed with a twenty-five (25) foot minimum (property line) radius. Where a part of a parcel is used for a driveway, that portion may not be less than twenty (20) feet in width.

5 Easements. The approximate width, location, and purpose of all existing and proposed easements. Easements shall be shown for electric, telephone, cable television, sewer and water lines, and for drainage and access when applicable.

6. Streets. Street names, widths of streets and easements approximate grade, approximate point of grade change, and radius of curves along property line or center line of each street.

7. Road Sections. Typical road sections shall be referred to as shown in the land development manual.

8. Public and Common Areas. Areas designated for public and/or common purpose.

9. Drainage. Location, approximate grade, direction of flow, and type of facility of existing drainage **ways**~~channels~~**, watercourses,** and storm drains. **If the requirements of the PCCP apply to a project, the stream system boundary shall also be depicted on the tentative map.**

*****

16.12.050 Data to accompany tentative map.

*****

H. Placer County Conservation Program (Chapter 19, Article 19.10). Demonstration of compliance with the PCCP including the CARP and the HCP/NCCP. For tentative maps subject to review under the HCP/NCCP and/or the CARP it will be necessary to submit the forms and background data required by Section 19.10.080.

*****

16.12.080 Distribution after preliminary acceptance.

*****

After such maps are preliminarily accepted, the community development resource agency shall forward copies to the public works department, health department, the chief engineer of a sanitary district if the proposed subdivision lies within a sanitary district, the chief of local fire district, the serving school districts, the utility companies serving the area, **the Placer Conservation Authority,** and other affected agencies. Each such agency or district may submit its written findings and recommendations prior to the development review committee conference.

*****

16.12.120 Notification of decision, term of approval, extensions of time and timely filings.

E. Permit Coordination with the Placer County Conservation Program. Any authorization extended to the project pursuant to Article 19.10, Section 19.10.120 shall run concurrent with the time limits imposed on the tentative map. The requirements of this section for the exercising of permits and processing of extensions of time shall also apply to authorizations extended to the project pursuant to Article 19.10. Such authorizations shall expire when the tentative map has expired. When an extension of time has been granted for a tentative map, authorizations extended to the project pursuant to Article 19.10 shall also be extended as originally approved unless those authorizations are modified in accordance with Article 19.10.

*****

Placer County Code Chapter 16, Article 16.16 is hereby amended as follows:

*****

16.16.010 Final maps—Content and form.

*****

A. Generally. The general form and contents of the final map shall comply with the subdivision Map Act in Government Code Section 66433 et seq., and with the requirements of this chapter.

B. Preparation by Engineer or Surveyor. The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.

C. Exterior Boundary. As required in Government Code Section 66434(e), the exterior boundary of the land included within the surveyed parcel or parcels being created shall be indicated by a distinctive symbol. For the purpose of this requirement, the distinctive symbol shall be a heavy inked line. The heavy inked line shall be twice as heavy as any other line within the map.

D. Title Sheet. The title sheet shall contain the subdivision number, conspicuously placed on the top of the sheet and the location of the property being subdivided with references to maps which have been previously recorded, or by reference to the plat of the United States survey. A subdivision name may be added below the subdivision number. In case the property included with the subdivision lies wholly in unincorporated territory, the following words shall appear in the title: "In the County of Placer." If partly within an incorporated city, the following words shall be used: "lying within the County of Placer and partly within the City of _____."

E. Affidavits, Etc. Affidavits, certificates, acknowledgements, endorsements, acceptances or dedications and the notarial seals required by law and this article shall appear only once on the title sheet. The above certificates, etc., shall be placed thereon with black india ink, legibly stamped or by photographic reproduction. If more than three sheets are used for the map, a key diagram shall be included.

F. Scale. The scale must appear on each sheet, except on a title sheet not containing a map. Minimum scales used on maps shall be as follows: Standard lot subdivision, one inch equals fifty (50) feet; rural subdivision one inch equals one hundred (100) feet; planned unit development, one inch equals twenty (20) feet; or as approved by the county surveyor. The basis of bearings shall be approved by the county surveyor and shall be required on one sheet only. The map shall show the equation of bearing to the true north.

G. Easements—Dedication. All easements required to be dedicated shall be dedicated for future acceptance and the particular use shall be specified on the map. The developer shall provide the county surveyor with letters from all involved utilities **or other governmental agencies** stating that the easements as provided on the final map are satisfactory. Easements for an existing or proposed utility installation for the use of a private or nongovernmental agency shall not be shown on the map unless there is a recorded conveyance to such individual or corporation except as provided by subsection H of this section.

*****

16.16.040 Final maps.

*****

The final map shall be in substantial conformance with the tentative map and be accompanied by the following documents.

A. The improvement plans as approved and signed by director of the agency director or designee.

B. Deeds for easements of rights-of-way required for road, drainage**, habitat conservation, agricultural conservation** or other purposes which have not been dedicated on the final map.

*****

Placer County Code Chapter 16, article 16.20 is hereby amended as follows:

16.20.030 Application review.

*****

A. Applications for all minor subdivisions that create four or less parcels, and those minor subdivisions that create five to ten parcels all of which are twenty (20) acres or larger, shall be reviewed by the parcel review committee. Items to be considered regarding environmental protection shall include but not be limited to the following:

1. Lot area and design per Section 16.04.030;
2. Road easements and access per Section 16.04.030;
3. Flood and water drainage control per Sections 16.20.200 and 16.20.260;
4. Utilities and/or utility easements per Section 16.04.030;
5. Improvements per Section 16.04.030;
6. Sewage disposal per Section 16.20.180;
7. Water supply per Section 16.20.180;
8. Safety;
9. Erosion;
10. **Impacts to species or their habitat covered by the HCP/NCCP or impacts to aquatic resources (Chapter 19, Article 19.10);**

11~~0~~. Environmental review.

*****

16.20.060 Notification of decision and term of approval, extensions of time and timely filings.

*****

A. Notification. The applicant shall be notified in writing of the decision of the advisory agency (parcel review committee).

B. Term of Approval.

1. Tentative map approval shall be valid for thirty-six (36) months. Upon application prior to expiration of the tentative parcel map approval, an extension of time not exceeding two years may be granted by the approving authority. Additional two-year extensions may be granted upon application prior to the previous expiration of time. The total number of extensions allowed under this section shall not exceed a total of six years. Prior to the expiration of an approved or conditionally approved tentative

parcel map, upon the application by the subdivider to extend that map, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the subdivider seeks extension of a map together with additional land use permits, as defined in Chapter 17, Article 17.04, Section 17.04.030, which permits were processed and approved in conjunction with the map, and which permits are integral to the map, the map and additional permits shall be automatically extended for six months or until the application for extension is approved, conditionally approved, or denied, whichever occurs first. The maximum extension period for said additional permits shall be governed by Chapter 17. Absent a timely filing of the parcel map, failure to record a parcel map or to record the necessary documents required by the approving authority prior to the expiration date or extended expiration date of the tentative parcel map shall terminate all approvals and proceedings and a new application shall be necessary. The approving authority shall apply conditions in approving an extension of time application to meet current board approved ordinances and standards in effect at the time of granting the time extension.

2. If, prior to the time a request for extension of time is granted by the parcel review committee, changes in fees or additional fees have occurred, which changes would be applied to applications for new tentative parcel maps at that time including, but not limited to, school impact fees, park dedication fees, etc., such changes or additions shall automatically be imposed as a condition of approval of the request to extension of time.

C. Timely Filing. Delivery of the parcel map and all attendant plans and documents required in accordance with the conditions of approval to the county surveyor's office prior to the tentative approval expiration date shall be deemed a timely filing subject to the approval of the county surveyor. Once a timely filing has been made, subsequent actions of the county, including, but not limited to, processing, approving and recording may lawfully occur after the date of expiration of the tentative map for a period not to exceed sixty (60) days from said expiration date. If the final map has not been transmitted for recording prior to the expiration of the sixty (60) day period, all processing will cease in the county surveyor's office and the tentative approval will be deemed to have expired. In the event an extension of time application has been filed prior to the tentative map expiration date, extension of time processing shall commence. Once the timely filing period has expired, a parcel map will not be allowed to record until the extension of time has been approved and any additional conditions imposed as a result of that process have been satisfied.

D. Permit Coordination with the Placer County Conservation Program. Any authorization extended to the project pursuant to Article 19.10, Section 19.10.120 shall run concurrent with the time limits imposed on the parcel map. The requirements of this section for the exercising of permits and processing of extensions of time shall also apply to authorizations extended to the project pursuant to Article 19.10. Such authorizations shall expire when the parcel map has expired. When an extension of time has been granted for a parcel map, authorizations extended to the project pursuant to Article 19.10 shall also be extended as originally approved unless those authorizations are modified in accordance with Article 19.10.

*****

16.20.180 Water supply.

*****

A. Basic Requirements—Wells. The subdivider shall provide water for domestic use on each lot except where domestic water is to be provided by a separate well on each lot. Then:

1. Under One Hundred Thousand Square Feet. As to any lot of less than one hundred thousand (100,000) square feet, no person shall commence construction of a single family residential building thereon until water adequate for domestic use is provide on such lots.

2. Under Two Hundred Thousand Square Feet. As to all lots of less than two hundred thousand (200,000) square feet, the subdivider shall provide satisfactory evidence that well water adequate for domestic use is available on each lot unless the Advisory Agency waives this requirement.

3. Over Two Hundred Thousand Square Feet. As to lots of two hundred thousand (200,000) square feet or more, the subdivider shall not be required to provide evidence that well water adequate for domestic use is available except when the advisory agency determines that: (i) water yield by wells has been poor or is unknown in the area, or (ii) other wells drilled in the area or on the parcel show that one or more lots of two hundred thousand (200,000) square feet or more may not be able to provide well water adequate for domestic use.

B. Adequacy—Evidence Required.

1. What is Adequate for Domestic Use. Well water shall be deemed adequate for domestic use if the water, the well or wells, and any storage facility meet all applicable state and county public health standards and can deliver one thousand two hundred (1200) gallons in a four hour period at least once every twenty-four (24) hours; provided, that the well produces at least one gallon per minute.

2. Evidence Required. When evidence is required to show that well water adequate for domestic use is available, such evidence shall be provided as follows:

a. The subdivider shall provide well water adequate for domestic use on not less than ten percent of the lots which are subject to the evidence requirement.

b. The health department shall determine the location of each well drilled to provide such evidence.

c. The advisory agency may require the subdivider to provide additional wells as needed to provide satisfactory evidence that well water adequate for domestic use is available on each lot which is subject to the evidence requirement.

C. Treated or Untreated Distribution Systems. Treated or untreated distribution systems shall be considered to be adequate as sources of domestic water supply when the applicant submits a letter from the serving entity which agrees to supply water to the proposed parcels and states the following:

1. The source and location of the distribution facility (name of canal, ditch, pipeline, etc., and its distance from the proposed parcels) and whether the water to be delivered is treated or untreated;

2. Water will be available on a year-round basis to all proposed parcels;

3. Minimum quantity of water available to each proposed parcel;

4. Any restrictions, reservations, conditions, or controls set by the serving entities upon the delivery, sale, or use of the supplied water.

5. If the distribution system delivers untreated water, individual or community treatment facilities shall be in conformance with regulations of Placer County and public health standards.

6. Neither construction of said treatment facilities or construction of distribution facilities from the serving entity's source to the proposed parcels shall be made a condition of approval of a minor subdivision.

D. Rights-of-Way. Sufficient easements shall be furnished by the applicant to permit the construction of a water service line from the source of supply to each proposed parcel. (Prior code § 19.334)

E. Section 16.20.180(A) does not apply to properties that are acquired by Placer County or the PCA to be a part of a reserve system required by Article 19.10 (Placer County Conservation Program).

*****

16.20.230 Tentative map preparation.

*****

The map may be prepared by the land owner or his agent using taped or record measurements and shall be clearly and legibly drawn on one sheet of paper at least eight and one-half inches by eleven (11) inches in size. Ten (10) copies of the tentative map shall be filed. The tentative map shall show the following information:

A. Boundary lines and dimensions of parcels being divided;

B. Proposed division lines with dimensions of each lot being created using dashed lines. The corner of a lot adjacent to a street intersection shall be designated with a twenty-five (25) foot minimum radius;

C. All existing structures, approximate distance between structures, and approximate distance from boundary lines;

D. The approximate area of the original parcel and the area of each proposed new parcel;

E. Names, locations and widths of all existing traveled ways, including driveways, streets, and rights-of-way on or adjacent to the property being divided;

F. Approximate locations and widths of all proposed streets and rights-of-way;

G. Approximate location and dimensions of all existing easements, wells, leach lines, seepage pits, or other underground structures;

H. Approximate location and dimensions of all proposed easements for utilities and drainage;

I. Approximate location of all **streams**~~creeks~~**, aquatic resources,** ~~and~~ drainage channels, and a general indication of slope of the land**. If the requirements of the PCCP apply to a project, the stream system boundary shall also be depicted on the tentative map;**

J. Approximate location of all land cover types including habitat, agricultural cover, aquatic resources, and developed areas;

K~~J~~. North point and approximate scale of drawing;

L~~K~~. The location of the posters described in Section 16.20.250 shown with the distance to the nearest signed intersections to the nearest one-tenth mile. (Prior code § 19.350)

*****

16.20.240 Data to accompany tentative map.

*****

A. Name, address and telephone number of the person who drew the map;

B. Name, address, and telephone number of the applicant (and the legal owners of the parcel, if different from that of the applicant);

C. Date present owner purchased property;

D. Present zoning and proposed use (if known);

E. Number of parcels to be created and proposed use for each;

F. Source of proposed water supply for each parcel;

G. Method of sewage disposal proposed for each parcel and location of nearest sewerage;

H. A vicinity map with sufficient detail to locate the property in the field without reference to other documentation;

I. The high school and elementary school districts in which the minor land division is located;

J. The fire protection in which the minor land division is located. (Prior code § 19.352)

K. Placer County Conservation Program (Chapter 19, Article 10). Demonstration of compliance with the PCCP including the CARP and the HCP/NCCP. For tentative maps subject to review under the HCP/NCCP and/or the CARP it will be necessary to submit the forms and background data required by Section 19.10.080.

*****

16.20.260 Conditions of approval.

*****

D. Permit Coordination with the Placer County Conservation Program. Any authorization extended to the project pursuant to Article 19.10, Section 19.10.120 shall run concurrent with the time limits imposed on the parcel map. The requirements of this section for the exercising of permits and processing of extensions of time shall also apply to authorizations extended to the project pursuant to Article 19.10. Such authorizations shall expire when the parcel map has expired. When an extension of time has been granted for a parcel map, authorizations extended to the project pursuant to Article 19.10 shall also be extended as originally approved unless those authorizations are modified in accordance with Article 19.10.

*****

ATTACHMENT H

Appendix C

USACE CWA 404 Permit Strategy

CWA 404 Permit Strategy Aligned with the Placer County Conservation Plan

August 2017

Background

The Placer County Conservation Program (PCCP) applies to western Placer County and specific conservation activity areas in neighboring Sutter County. The PCCP includes both a proposed Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP), the proposed Western Placer County Aquatic Resources Program (CARP), and the proposed Placer County In-Lieu Fee (ILF) Program. The HCP/NCCP proposes to cover fourteen species of wildlife, including nine state and/or federally-listed as threatened or endangered. The CARP is proposed by the County to provide a structure for protecting aquatic resources in western Placer County while streamlining the environmental permitting process for impacts to aquatic resources. The HCP/NCCP uses a regional approach to address issues related to planned development and species habitat conservation and restoration. The proposed boundaries of the PCCP are generally Nevada and Yuba Counties to the north, the City of Auburn and California State Highway 49 on the east, Sacramento County on the South, and Sutter County to the west. The PCCP Plan Area also includes specific areas in western Placer County and a small area in adjacent Sutter County where specific covered activities may be conducted by the Plan Participants. The Plan Area excludes the Cities of Auburn, Roseville and Rocklin and the Town of Loomis, with the exception of specific activities within these cities that would be conducted by the Plan Participants. The four PCCP Plan Participants are the County of Placer, City of Lincoln, South Placer Regional Transportation Authority (SPRTA), and the Placer County Water Agency (PCWA). The Plan Participants are forming the Placer Conservation Authority (PCA), a joint exercise of powers agency, to implement the HCP/NCCP and the CARP commitments and requirements. Based on the HCP/NCCP, the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) will issue species incidental take permits to the Plan Participants and the PCA under Section 10 of the Endangered Species Act (ESA 10). Before they can issue incidental take permits, the USFWS and NMFS must internally consult under Section 7 of the ESA (ESA 7) and are required to comply with the National Environmental Policy Act (NEPA) and other related laws.

The U.S. Army Corps of Engineers (Corps) regulates discharges of dredged or fill material into waters of the United States, including wetlands and other special aquatic sites, under Section 404 of the Clean Water Act (CWA 404) through its Regulatory Program. Permits are issued to applicants only after a determination has been made that the proposed activity is the least environmentally damaging practicable alternative under the U.S. Environmental Protection Agency's (USEPA) 404(b)(1) Guidelines. A determination of the least environmentally damaging practicable alternative (LEDPA) under the 404(b)(1) Guidelines involves evaluating avoidance, minimization and compensation for proposed impacts to waters of the U.S. Further, the Corps must comply with ESA 7, NEPA, Section 401 of the Clean Water Act (CWA 401), and Section 106 of the National Historic Preservation Act (NHPA 106) before authorizing an activity under CWA 404. Types of permits the Corps issues include general permits established on a regional, nationwide, or programmatic basis for activities with minimal impacts on the aquatic environment, individually and cumulatively, and individual permits (standard permits and letters of permission) for those activities which do not fall under a general permit and/or have greater than minimal impacts. The Corps' Sacramento District (Sacramento District) administers the Regulatory Program in the Central Valley and Sierra Nevada of California, the States of Nevada and Utah, and the Western Slope of Colorado.

In 2004, recognizing that many of the listed species to be covered by the HCP/NCCP spend some or all of their lifecycles in aquatic environments regulated under the Corps' Regulatory Program, the Sacramento District was invited to work with the Plan Participants and agencies. In 2006, the USEPA, Sacramento District and other agencies advanced a proposed approach to complying with the 404(b)(1) Guidelines at a regional level.[i] In addition, in 2012 and 2014, the

> ***In 2006, the USEPA, Sacramento District and other agencies advanced a proposed approach to complying with the 404(b)(1) Guidelines at a regional level.***

Sacramento District identified principle needs for establishing a CWA 404 permitting strategy that could align with and complement the HCP/NCCP. A CWA permitting strategy would provide for better assurances and quicker CWA 404 permit decisions for the regulated public, while protecting aquatic resources to an equal or greater level than existing regulations, policies and processes. This expectation continues to be based on a number of tenets upon which the HCP/NCCP is founded including, but not limited to:

- protection of a broad range of species and habitats,
- low impact development strategies (LIDS),
- consistency with general plans,
- avoidance of high quality vernal pool landscapes,
- preservation of watershed functions and stream corridors, and
- development of large, contiguous preserves, with particular focus on the Reserve Acquisition Area.

Presently, the Corps reviews permit applications on an individual basis, making it challenging to evaluate the avoidance, minimization and compensation of impacts to aquatic resources on a broad scale. As a result, the Corps' review is generally focused on the merits of the individual activity and the characteristics of the proposed project site, with limited ability to comprehensively evaluate where the risks, trade-offs and interactions among several projects and aquatic resources can be considered. Over time, environmental issues and development demands, especially in urbanizing areas, have resulted in adverse effects to the aquatic ecosystem that are not necessarily surprising, but fall short of more ecologically meaningful and sustainable outcomes that a landscape-scale permitting solution may afford. For instance, in some areas, permits issued by the Corps have led to a patchwork of wetland mitigation sites, which may have disjointed or inconsistent preserve boundaries and be functionally compromised by abutting development, causing edge effects, and other adverse impacts. Furthermore, the distance between the permitted impact location and its mitigation site may be considerable or located in another watershed, especially in cases where the compensatory mitigation was accomplished through the purchase of credits at a mitigation bank or through an in-lieu fee program. The Sacramento District views the HCP/NCCP as a chance to improve both species and aquatic resource protection in a coordinated way on a regional scale, taking into account planned development and providing greater certainty for the regulated public. With this in mind, the Sacramento District has been coordinating with the USFWS, NMFS and Plan Participants to develop and implement a "streamlined" approach to permitting under CWA 404 that encompasses a number of different permit types and processes.

The Sacramento District views the HCP/NCCP as a chance to improve both species and aquatic resource protection in a coordinated way on a regional scale, taking into account planned development, and providing greater certainty for the regulated

Benefits of CWA 404 Alignment

In addition to providing a regional platform to inform better and faster CWA 404 permit decisions, a USFWS- and NMFS-approved HCP/NCCP provides several other benefits to the Sacramento District and its customers. As an action significantly affecting the quality of the human environment, the HCP/NCCP requires the USFWS, as the lead Federal agency, to prepare an Environmental Impact Statement (EIS) under NEPA that will include impact analyses over a 50-year period of all HCP/NCCP covered activities within the Plan Area. As a cooperating agency, the Sacramento District intends to use the EIS in a programmatic manner to underpin its CWA 404 permit strategy. Because the EIS is expected to examine a range of reasonable alternatives affecting waters of the U.S., it can serve as a basis for the Sacramento District's evaluation of less damaging alternatives and mitigation under USEPA's 404(b)(1) Guidelines. The Sacramento District would adopt the EIS and make its own Record of Decision regarding the CWA 404 permit strategy's compliance with the 404(b)(1) Guidelines at the regional scale. Any necessary subsequent NEPA documentation prepared by the Sacramento District would tier from the HCP/NCCP EIS.

As a cooperating agency, the Sacramento District intends to use the EIS in a programmatic manner to underpin its CWA 404 permit strategy.

The Sacramento District would seek to further streamline the CWA 404 regulatory review process by requesting the USFWS and NMFS to consult once programmatically for all HCP/NCCP covered activities that require a CWA 404 permit, eliminating the need for individual project-by-project ESA 7 consultations. Furthermore, the Sacramento District would request programmatic water quality certification under CWA 401 from the Central Valley Regional Water Quality Control Board for all activities under the CWA 404 permit strategy. This would eliminate the need for permit applicants to apply individually for CWA 401 certification. Finally, to comply with NHPA 106, the Sacramento District would seek to develop a programmatic agreement with the State Historic Preservation Officer, following coordination with tribes and others, for the CWA 404 permit strategy. The Sacramento District would work with USFWS to avoid any potential duplication or conflicts in complying with NHPA 106 and Appendix C of the Corps' regulations at 33 CFR Part 325.

The Sacramento District recognizes the CWA 404 permit strategy is a critical element for streamlining regulatory approvals, while achieving greater protection of the highest quality aquatic resources than the existing project-by-project review process. For several years, the Sacramento District has worked closely with the USFWS, NMFS, USEPA, California Department of Fish and Wildlife, and the State and Regional Water Quality Control Boards to ensure processes and policies related to aquatic resource protection are understood and aligned. In June 2010, the agencies completed a permit process relationships mapping exercise which included aligning schedules, and provided the output to the Plan Participants and other interested parties. These agencies continue to meet and resolve differences among their authorities and policies in the interest of a successful PCCP. The Sacramento District is committed to having its CWA 404 permit strategy in place, including programmatic compliance with ESA 7, CWA 401 and NHPA 106, when USFWS and NMFS issue permits based on the HCP/NCCP.

The Sacramento District recognizes the CWA 404 permit strategy is a critical element for streamlining regulatory approvals, while achieving greater protection of the highest quality aquatic resources than the existing project-by-project review process.

CWA 404 Permitting Strategy

The Sacramento District has developed a multi-tiered approach to CWA 404 permitting that would address activities which involve discharges of dredged or fill material into waters of the U.S. covered by the USFWS- and NMFS-approved PCCP. This CWA 404 Permitting Strategy consists of the use of:

- A programmatic general permit (PGP) founded on a local aquatic resources protection program and implemented by local ordinances, and designed to reduce duplication with that program, for activities with minimal individual and cumulative effects on the aquatic environment;

- A regional general permit (RGP), if needed, for activities with minimal individual and cumulative effects on the aquatic environment that do not fall under the PGP and for certain activities conducted by PCWA, and activities to implement the HCP/NCCP conservation strategy under the ILF program;

- A procedure for issuing Letters of Permission (LOPs) for activities with more than minimal but less than significant effects on the human environment, including aquatic resources; and

- An abbreviated process for issuing standard permits (SPs) for other activities consistent with the PCCP that may have a significant impact on the human environment, and require the preparation of an EIS.

PGP

Based on the PCCP and local aquatic resource ordinances (Placer County and City of Lincoln) that implement the CARP, the Sacramento District intends to establish a PGP for covered activities that would have minimal impacts on the aquatic environment, individually and cumulatively. The PGP is premised on the ordinances resulting in the same or better level of protection to waters of the U.S. as currently in place under CWA 404. The process for

the Corps to establish a PGP follows the standard permit process, which requires a public notice. The PGP will be addressed in the Sacramento District's ROD prepared for the PCCP EIS. The PGP, which will likely include limits and thresholds that exceed those found in the Nationwide Permits, would be effective once the local aquatic resources ordinances are approved. An activity determined to be compliant with the HCP/NCCP and ordinances, and the CARP would be authorized under the PGP, assuming all terms and conditions of the PGP are met. The PGP would not impose additional requirements or conditions on individual activities for avoiding, minimizing or compensating for the loss of aquatic resources beyond those required under the HCP/NCCP, CARP, and ordinances. A simple notification to the Sacramento District for individual activities may be necessary; however, the Corps would generally rely on the entities responsible for administering the CARP/ordinances to regularly report to the Sacramento District on use of the ordinances and coverage under the PGP. The ultimate goal of the PGP is to rely heavily on the HCP/NCCP, HCP/NCCP EIS, USFWS's and NMFS's programmatic biological opinions, CARP and the local aquatic resources ordinances, thus eliminating to the maximum extent possible the Sacramento District's review of activities with minimal impacts on waters of the U.S. The PGP would result in CWA 404 authorization in under 30 days.

The PGP would not impose additional requirements or special conditions for avoiding, minimizing or compensating for the loss of aquatic resources.

RGP

For any remaining PCCP covered activities, covered activities conducted by PCWA, and/or activities associated with implementing the HCP/NCCP conservation strategy under the ILF program, with minimal impacts to aquatic resources that do not fall under the PGP, the Sacramento District would establish a RGP(s). Like the PGP, the method for establishing a RGP follows the standard permit process and would be documented in the Sacramento District's ROD. The RGP would have limits and thresholds greater than those found in the Nationwide Permit Program. The RGP would rely on the HCP/NCCP to reduce the Sacramento District's review of activities with minimal impacts on waters of the U.S., and would be designed to not impose additional requirements or special conditions for avoiding, minimizing or compensating for the loss of aquatic resources for individual activities. An activity determined to be compliant with all HCP/NCCP requirements would be authorized under the RGP after the applicant has notified the Sacramento District and the District has verified the activity meets all terms and conditions of the RGP. The RGP is expected to result in CWA 404 authorization in about 30 days.

LOP Procedure

For covered activities found to be consistent with the PCCP requirements which would have more than minimal impacts to aquatic resources but less than significant impacts on the human environment under NEPA, the Sacramento District would institute an abbreviated procedure for issuing LOPs under CWA 404. The process for establishing the LOP procedure requires the development of a list of categories or activities proposed for authorization through coordination with Federal, state and local agencies, a public notice, and a 401 WQC issued or waived on a general or individual basis. The decision to implement the LOP procedures will be addressed in the Sacramento District's ROD. The LOP procedure would streamline the standard permit process by eliminating the need for a public notice and only require the preparation of a simplified decision document that tiers from the PCCP EIS. Further, the LOP procedure would rely on the HCP/NCCP to address avoidance, minimization and requirements for compensatory mitigation for impacts to aquatic resources. For instance, compensatory mitigation requirements should be the same as those in the HCP/NCCP. The goal is to issue LOPs in 60 days or less, assuming programmatic compliance with other laws is in place.

The LOP procedure would rely on the HCP/NCCP to address avoidance, minimization and requirements for compensatory mitigation for impacts to aquatic resources.

SP Abbreviated Process

A small number of PCCP covered activities requiring CWA 404 will not fall under the PGP, RGP, or LOP procedure and will require a SP. In many cases, these activities are those that may potentially have a significant impact on the human environment and require the preparation of an EIS under NEPA. Even for activities that require a SP, the process and amount of time it takes to reach a permit decision can be compressed significantly by relying on the avoidance, minimization and compensation and other

Off-site alternatives analyses under the Section 404(b)(1) Guidelines would not be required because avoidance has already been addressed at the regional level and compensatory mitigation requirements would align with those of

measures required under the HCP/NCCP. For instance, the degree of analysis in the project EIS would be lessened by tiering from the PCCP EIS, and off-site alternatives analyses under Section 404(b)(1) Guidelines would not be required because avoidance has already been addressed at the regional level and compensatory mitigation requirements would align with those of the HCP/NCCP. In addition, the on-site alternatives analysis under Section 404(b)(1) would focus on evaluating alternative means of applying on-site avoidance and minimization measures required under the HCP/NCCP. Time may further be shortened through the preparation of joint EIS/EIRs for projects. In addition, the Corps would pursue programmatic compliance with ESA, NHPA 106 and CWA 401 to provide for greater assurances and further streamline the process. With reliance on the PCCP EIS and programmatic compliance with related laws, the Corps expects to complete SP decisions for activities under the PCCP within six months.

To complete its CWA 404 Permit Strategy aligned with the HCP/NCCP, the Sacramento District must rely on several sources of information, including a baseline estimate of the location and amount of waters of the U.S. in the PCCP Plan area, the functional or conditional quality of those resources, use of a watershed approach to assess the existing and proposed future condition of the major watersheds within the PCCP Plan Area, a CWA 404 cumulative impact assessment, draft ordinances describing local aquatic resource protection plans, ESA recovery plans for aquatic species, and analysis in the PCCP EIS. For the permit types described above, the Sacramento District would need to complete a CWA 404 jurisdictional determination (JD) for most proposed activity sites, based on an aquatic resources delineation provided by the project proponent, before the applicant submits an application for a CWA 404 permit.

Activities involving a discharge of fill material into waters of the U.S. that are not covered under the PCCP would be subject to the normal Corps' regulatory permit processes.

The Way Forward

As an EIS cooperating agency with significant interest in the success of the PCCP, the Sacramento District will continue to work with the USFWS and NMFS to ensure the PCCP Draft EIS addresses and incorporates the proposed CWA 404 Permit Strategy, including the terms, conditions, limits/thresholds and processes for each permit type described above. Following public input on the Draft EIS, coordination with the Plan Participants, resource agencies and others, and the review of any new information that becomes available, the Sacramento District's approach to streamlined CWA 404 permitting will be updated and included in the Final EIS for the PCCP. With adoption of the EIS, the Sacramento District would then complete a ROD and implement its CWA 404 Permit Strategy. At the implementation phase, the Sacramento District plans to execute a MOU with Placer County and the City of Lincoln to address coordination and permit timelines.

---

[i] See *A Proposed Methodology for a "Regional LEDPA" Determination: Permitting under CWA Section 404 in Western Placer County (*6 April 2006) Tim Vendlinski – USEPA Wetland Regulatory Office. This proposed methodology was premised on and incorporated other references including a description of EPA's Federal Guidelines (40 CFR 230), and the Corps' implementing regulations (33 CFR 323) released by Sylvia Quast at Resources Law Group entitled: *Clean Water Act Section 404 Permit Process For Projects in Western Placer County That Cannot Be Authorized Under The County's Aquatic Resource Plan*; plus the classic treatment of "impact avoidance" published in the journal Wetlands: *Wetlands Protection Through Impact Avoidance: A Discussion of the 404(b)(1) Alternatives Analysis* (Yocom, Leidy, and Morris, 1989).

MINIMAL IMPACT COVERED ACTIVITIES UNDER THE PLACER COUNTY HABITAT CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN

EFFECTIVE DATE:
EXPIRES: (*5 years from effective date*)

The U.S. Army Corps of Engineers, Sacramento District (Corps), hereby issues a programmatic general permit (PGP) for certain covered activities identified in the Placer County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP), under the Placer County Conservation Program (PCCP), that result in the discharge of dredged and/or fill material into waters of the United States (U.S.) resulting in no more than minimal individual and cumulative impacts.

An activity is verified under the PGP when Placer County or the City of Lincoln issue an authorization in compliance with the DATE, County Aquatic Resources Program (CARP), implementing ordinances, and all applicable terms and conditions of the HCP/NCCP.

Note: The term "you" and its derivatives, as used in this RGP, means the project applicant seeking authorization under the PGP, or any future transferee. The term “this office” refers to the appropriate U.S. Army Corps of Engineers, Sacramento District office identified in the *Contacts and Additional Information* section below.

ISSUING OFFICE: U.S. Army Corps of Engineers, Sacramento District

ACTION ID: SPK-2005-00485

AUTHORITY: Section 404 of the Clean Water Act (CWA 404)

LOCATION: The PCCP Plan Area encompasses approximately 270,000 acres within western Placer County and eastern Sutter County. Within western Placer County, the Plan Area is bounded on the north by Nevada and Yuba Counties, on the east by the City of Auburn and California Highway 49, on the south by Sacramento County, and on the west by Sutter County. With the exception of activities conducted by the Placer County Water Agency (PCWA), the Plan Area in western Placer County excludes the Cities of Auburn, Rocklin, and Roseville and Town of Loomis. Within Sutter County, the Plan Area includes 1,724 acres along the Coon Creek floodplain, and 33 miles of Auburn Ravine, Coon Creek, Cross Canal, and East Side Canal. The Plan Area Boundaries can be seen on the enclosed 2018, *Figure 1-1, Plan Area, Placer County Conservation Program – EIS/EIR*, prepared by ICF.

PURPOSE: This PGP is intended to minimize duplication between the implementation of the CARP under Placer County and City of Lincoln implementing ordinances, and the Corps' Regulatory Program, for authorization of HCP/NCCP Covered Activities subject to CWA 404 that are substantially similar in nature, and would result in minimal individual and cumulative impacts on the aquatic environment. The PGP is premised on the CARP as implemented under local ordinances, resulting in the same or better

DRAFT

level of protection of waters of the U.S. as currently exists under CWA 404. Subject to certain exclusions and conditions, the PGP eliminates the need for project applicants to seek separate review from this office for many activities that result in minimal impacts to waters of the U.S., when such activities are authorized by Placer County or the City of Lincoln in compliance with the CARP and implementing ordinances. In addition to reducing duplication with the CARP, the PGP is designed to expedite review of certain covered activities through other programmatic elements, such as compliance with Section 7 of the federal Endangered Species Act (ESA) and Section 106 of the National Historic Preservation Act (NHPA). The PGP will increase certainty, reduce time, and improve efficiency for project applicants through synergies with processes implemented by local jurisdictions, such as those associated with land use entitlements, while protecting aquatic resources.

BACKGROUND: The PCCP is a regional approach to address issues related to planned development and species habitat conservation, consisting of the HCP/NCCP, CARP, and an In-Lieu Fee (ILF) program. The HCP/NCCP provides coverage for fourteen species of plants and wildlife, including seven that are federally-listed as threatened or endangered. The Plan Permittees consist of Placer County, the City of Lincoln, South Placer Regional Transportation Authority (SPRTA), and PCWA. The U.S. Fish and Wildlife Service's Sacramento Field Office (USFWS) and National Marine Fisheries Service (NMFS) [have approved] the HCP/NCCP through a species incidental take permit (ITP) issued to the PCCP's Plan Permittees under Section 10 of the ESA. The CARP provides a program, implemented by Placer County and the City of Lincoln through local implementing ordinances, to evaluate activities that would impact aquatic resources considered to be waters of the U.S. or waters of the State. The ILF program provides compensatory mitigation for impacts associated with the Covered Activities, through funds paid to Placer County or the City of Lincoln.

ACTIVITIES COVERED: This PGP applies only to HCP/NCCP Covered Activities that would result in minimal individual and cumulative impacts on the aquatic environment, and have been authorized under the CARP. HCP/NCCP Covered Activities are described briefly below and in greater detail in Chapter 2.6 of the HCP/NCCP.

1. **Valley Potential Future Growth (PFG) Area:** Discharges of dredged and/or fill material into waters of the U.S. associated with rural and urban land uses within the Valley PFG area in Plan Area A1, as shown on the 2018, *Figure 2-1 Plan Area Components, Placer County Conservation Program – EIS/EIR*. Specific activities included in this PGP within the Valley PFG include those Covered Activities identified in Chapter 2.6, Section 2.6.1 of the HCP/NCCP.

2. **Valley Conservation and Rural Development Area:** Discharges of dredged and/or fill material into waters of the U.S. associated with rural and urban land uses within the Valley Conservation and Rural Development Area in Plan Area A2, as shown on the 2018, *Figure 2-1 Plan Area Components, Placer County Conservation Program – EIS/EIR*. Specific activities included in this PGP within the Valley Conservation and Rural Development Area include those Covered Activities identified in Chapter 2.6, Section 2.6.2 of the HCP/NCCP.

3. **Foothills PFG Area:** Discharges of dredged and/or fill material into waters of the U.S. associated with rural and urban land uses within the Foothills PFG area in Plan Area A3, as shown on the 2018, *Figure 2-1 Plan Area Components, Placer County Conservation Program – EIS/EIR*. Specific activities included in this PGP within the Foothills PFG include those Covered Activities identified in Chapter 2.6, Section 2.6.3 of the HCP/NCCP.

DRAFT

4. **Foothills Conservation and Rural Development:** Discharges of dredged and/or fill material into waters of the U.S. associated with rural and urban land uses within the Foothills Conservation and Rural Development area in Plan Area A4, as shown on the 2018, *Figure 2-1 Plan Area Components, Placer County Conservation Program – EIS/EIR*. Specific activities included in this PGP within the Foothills PFG include those Covered Activities identified in Chapter 2.6, Section 2.6.4 of the HCP/NCCP.

5. **Regional Public Programs:** Discharges of dredged and/or fill material into waters of the U.S. associated with rural and urban land uses within Plan Area A or B, as shown on the 2018, *Figure 2-1 Plan Area Components, Placer County Conservation Program – EIS/EIR*. Specific activities included in this PGP for Regional Public Programs include those Covered Activities identified in Chapter 2, Section 2.6.5 of the HCP/NCCP.

6. **In-Stream Activities:** Activities resulting in the discharge of dredged and/or fill material into waters of the U.S. for activities within streams, reservoirs, or on-stream ponds in Plan Area A or B, as shown on the 2018, *Figure 2-1 Plan Area Components, Placer County Conservation Program – EIS/EIR*, and as described in Chapter 2, Section 2.6.6 of the HCP/NCCP, including, but not limited to, maintenance activities in the stream channel, along the streambank, and adjacent waters of the U.S. within the riparian corridor. These activities may include those described in 1 through 5 above.

7. **Conservation Programs:** Activities resulting in the discharge of dredged and/or fill material into waters of the U.S. associated with implementing the conservation strategy identified in Chapter 5 of the HCP/NCCP in Plan Area A or B, as shown on the 2018, *Figure 2-1 Plan Area Components, Placer County Conservation Program – EIS/EIR*, including, but not limited to, habitat enhancement, restoration, creation, translocation, and reserve management, and other activities, as described in Chapter 2, Section 2.6.7 of the HCP/NCCP.

EXCLUSIONS:

1. This PGP may not be used to authorize discharges of dredged and/or fill material into waters of the U.S. for activities that do not require authorization from Placer County or the City of Lincoln under the CARP or implementing ordinances.

2. This PGP may not be used to authorize activities not covered by the HCP/NCCP unless such activities receive coverage pursuant to Section 8.9.6 of the HCP/NCCP.

3. This PGP may not be used to authorize activities that resulted in the discharge of dredged or fill material into waters of the U.S. without Department of the Army (DA) authorization.

4. This PGP may not be used to authorize activities that require authorization under 33 USC 408 (Section 408) to alter or temporarily or permanently occupy or use a Corps' federally-authorized Civil Works projects.

TERMS OF AUTHORIZATION:

1. Activity Completion: Activities authorized by this office under this PGP are valid until the expiration date of the PGP or the expiration date of the CARP authorization issued by Placer County or the City of Lincoln, whichever occurs sooner.

DRAFT

2. Applying for PGP Authorization: Prior to commencing a proposed activity, project applicants seeking authorization under this PGP shall notify Placer County or the City of Lincoln as required in the CARP and implementing ordinances, in accordance with PGP General Condition number 1 (*Notification*).

3. Compliance with Placer County HCP/NCCP Conditions: Activities to be authorized under this PGP must be Covered Activities as identified above and Chapter 2.6 of the HCP/NCCP, and must comply with any applicable terms and conditions contained in the HCP/NCCP, CARP, and implementing ordinances. Project applicants must receive written concurrence from Placer County or the City of Lincoln that the proposed project is eligible for coverage under the HCP/NCCP. Compliance with the HCP/NCCP requires project applicants to implement the applicable and appropriate avoidance and minimization measures contained in Chapter 6 of the HCP/NCCP, and other applicable terms and conditions as contained in the HCP/NCCP.

4. Discretionary Authority: This office has the discretion to suspend, modify, or revoke authorizations under this PGP. This discretionary authority may be used by this office to further condition or restrict the applicability of the PGP for cases in which it has concerns associated with the Clean Water Act Section 404(b)(1) Guidelines, or regarding any factor of the public interest. Should the Corps determine that a proposed activity may have more than minimal individual or cumulative adverse impacts to waters of the U.S. or otherwise be contrary to the public interest, the Corps will modify the authorization to reduce or eliminate those adverse effects, or notify the project applicant that the proposed activity is not authorized by the PGP and provide instructions on how to apply for authorization under another type of DA permit. Activities not meeting the terms and conditions of this permit may be authorized through another type of permit from this office, such as a Nationwide Permit, Regional General Permit, Letter of Permission, or Standard Permit. This office will determine on a case-by-case basis, as needed, whether an activity has a more than minimal impact, individually or cumulatively, on the aquatic environment or may be contrary to the public interest. This office may restore authorization under the PGP at any time it determines the reason for asserting discretionary authority has been resolved or satisfied by a condition, project modification, or new information. This office may also use its discretionary authority to modify, suspend, or revoke the PGP at any time.

5. Avoidance and Minimization: Impacts to waters of the U.S. shall be avoided and minimized to the maximum extent practicable. For purposes of the PGP, notwithstanding this offices discretionary authority described above, this term shall be considered satisfied when project applicants have designed and implemented activities to comply with all applicable avoidance and minimization measures contained in both Chapters 5 and 6 of the HCP/NCCP, the CARP, and local implementing ordinances.

6. Impact Thresholds for Losses of Waters of the U.S.: Loss of waters of the U.S. shall be determined using the definition in Section F of the January 6, 2017, Federal Register Notice for *Issuance and Reissuance of Nationwide Permits; Final Rule* (82 FR 1860), which can be found at: http://www.usace.army.mil/Portals/2/docs/civilworks/nwp/2017/nwp2017_final_rule_FR_06jan2017.pdf?ver=2017-01-06-092409-457.

a. Subject to the limitations identified in 6(a)(1) through (3), 6(b), and 6(c) below, the total loss of waters of the U.S. (including wetlands) resulting from authorization of a single and complete project under this PGP shall not exceed a total of 3.0 acres, and the loss of streambed shall not exceed 500 linear feet of jurisdictional streams, and/or a total of 1,000 linear feet of irrigation or drainage ditch (provided the irrigation or drainage ditch is not a relocated or channelized stream), as verified by this

DRAFT

office. The acreage of loss of streambed for streams and/or ditches shall be included in the acreage threshold for loss of waters of the U.S.

(1) The loss of vernal pool waters of the U.S., as verified in writing by this office, resulting from authorization of a single and complete project under this PGP shall not exceed 1.0 acre.

(2) The loss of irrigated wetlands in existing and active rice fields that are considered to be waters of the U.S., as verified in writing by this office, resulting from authorization of a single and complete project under this PGP shall not exceed 3.0 acres.

(3) The loss of all other waters of the U.S. not identified in 6(a)(1) and/or 6(a)(2), as verified in writing by this office, resulting from authorization of a single and complete project under this PGP shall not exceed 2.0 acres.

b. Other than those activities within the boundaries of the Placer Vineyards Specific Plan (PVSP, SPK-1999-00737), including the backbone infrastructure area, no loss of vernal pool waters of the U.S., (as verified in writing by this office) within the Lower American River 8-digit hydrologic unit code (HUC) watershed (HUC 18020111), as identified by the U.S. Geological Survey, is authorized by this PGP.

c. Not including activities within the boundaries of the PVSP, including the backbone infrastructure area, the cumulative loss of waters of the U.S. authorized by this PGP shall not exceed 90 acres of waters of the U.S., including wetlands, within the Plan Area. The cumulative loss of vernal pool waters of the U.S. authorized by this PGP shall not exceed 15 acres. Additional restrictions are listed in the General Conditions, below. For proposed activities within the PVSP, including the backbone infrastructure area, the cumulative loss of waters of the U.S. authorized by this PGP shall not exceed 50 acres of waters of the U.S., or 15 acres of vernal pool waters of the U.S. within the Plan Area.

7. Single and Complete: The activity must be a single and complete linear or non-linear project, as defined in Section F of the January 6, 2017, Federal Register Notice for *Issuance and Reissuance of Nationwide Permits; Final Rule* (82 FR 1860), which can be found at: http://www.usace.army.mil/Portals/2/docs/civilworks/nwp/2017/nwp2017_final_rule_FR_06jan2017.pdf?ver=2017-01-06-092409-457

8. Section 401 Water Quality Certification: In order for authorization to be valid under this PGP, an approved Section 401 Water Quality Certification (WQC) or waiver thereof is required to be obtained and evidence thereof in possession by the applicant, prior to the commencement of activities authorized by this PGP (see General Condition 10 [*Water Quality Certification*]).

GENERAL CONDITIONS:

1. Notification: You shall submit an application to Placer County or the City of Lincoln in accordance with the procedures specified in the CARP and implementing ordinances. No notification is required to be made to this office, except as provided by General Conditions 5 or 6. Specific written authorization from this office is not required, although this office may assert discretionary authority to modify, suspend, or revoke specific authorizations under this PGP as described in Term 4.

DRAFT

2. Compensatory Mitigation: You shall complete compensatory mitigation for the loss of waters of the U.S. at the ratios specified in the *Compensatory Mitigation Standards* specified in the CARP and implementing ordinances (which mirror requirements contained in the HCP/NCCP), through credits from the Western Placer County ILF program as described in Section 6.2.3 of the CARP.

3. Compliance Inspections: You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that the activity is being, or has been, accomplished in accordance with the terms and conditions of the permit. This office will notify you at least 48 hours advance of an inspection.

4. Threatened and Endangered Species: No activity is authorized under this PGP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal ESA. Activities authorized under this PGP must comply with the mandatory terms and conditions of the USFWS and NMFS [*to be sought by initiation for programmatic Section 7 ESA consultation*] [programmatic Biological Opinion (BO) for this PGP] (USFWS/NMFS #___, dated ___) (copy [to be] attached). The BO contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" authorization under this PGP. Authorization under this PGP is conditional upon your compliance with all of the mandatory terms and conditions of the Biological Opinion. The reasonable and prudent measures associated with the "incidental take" authorization, as well as the terms and conditions of the Biological Opinion, are derived from and consistent with the HCP/NCCP. Failure to comply with the terms and conditions of the Biological Opinion would constitute non-compliance with the PGP. The USFWS and NMFS are the appropriate authorities to determine compliance with the terms and conditions of their Biological Opinion, and with the ESA. The project applicant must comply with all applicable conditions of these Biological Opinions, including those ascribed to this office.

5. Historic Properties: You are not authorized to initiate any activities in waters of the U.S. under this PGP if the activity may affect historic properties listed, or eligible for listing, in the National Register of Historic Places, until the requirements of Section 106 of the National Historic Preservation Act (NHPA), as amended, have been satisfied. If NHPA compliance is not addressed programmatically, (e.g., by a Programmatic Agreement (PA)), you must notify this office if the activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, including previously unidentified historic properties. Such notification may be conducted by and through the local implementing agency (i.e. Placer County or the City of Lincoln). The notification shall consist of the application identified in General Condition 1. This office may require the preparation of a cultural resources report, if not yet prepared, and will consult with the State Historic Preservation Officer (SHPO), as appropriate, following the policy and procedural standards of 33 CFR Part 325 Appendix C. This office's determination of compliance with the NHPA, including completed consultation with the SHPO, as appropriate, will be provided to the project applicant and Placer County or the City of Lincoln. Should a memorandum of agreement (MOA) be required in association with a determination of "adverse effect to historic properties," you shall comply with the terms and conditions of the MOA.

6. Tribal Rights: You shall ensure no activity or its operation impairs reserved Tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights. You are not authorized to initiate any activities in waters of the U.S. that have the potential to impair tribal rights under this PGP until this office has completed necessary tribal coordination/consultation or has

DRAFT

determined the proposed action does not impair Tribal rights, unless tribal coordination/consultation is addressed programmatically (e.g., by a PA).

7. Permit Transfer: If the property associated with this permit is sold, you shall transfer the verification to the new owner by submitting a letter to Placer County or the City of Lincoln, with a copy provided to this office, to validate the transfer. A copy of the CARP authorization must be attached to the letter, and the letter must contain the name and address of the transferee, as well as the following statement and signature of the transferee:

> When the structures or work authorized by this programmatic general permit (PGP) are still in existence at the time the property is transferred, the terms and conditions of this PGP, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this PGP and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.
>
> _____
> (Transferee)
>
> _____
> (Date)

8. Wetland and Stream Avoidance and Minimization: You shall establish wetland and Stream System avoidance and minimization measures as described in the HCP/NCCP, CARP and implementing ordinances. Associated terms of the local CARP and implementing ordinances concerning avoidance and minimization measures, including (but not limited to) land use, allowable uses within the Stream System, exemptions, and waivers shall apply as described in the CARP and implementing ordinances. These terms shall meet or exceed all applicable standards and terms contained within Chapter 6 of the HCP/NCCP.

9. Unanticipated Discovery: If you discover any previously unknown historic, cultural or archeological remains and/or artifacts while accomplishing the activity authorized by this PGP, the permittee shall immediately notify this office of what has been found, and to the maximum extent practicable, shall avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. Notification to this office shall include a copy of the CARP authorization issued by Placer County or the City of Lincoln. This office will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

10. Water Quality Certification: Water Quality Certification (WQC), or waiver thereof, under Section 401 of the Clean Water Act is required for activities to be authorized by this PGP. You shall applicant comply with the terms and conditions of any individual or programmatic WQC provided by the State Water Resources Control Board and/or Central Valley Regional Water Quality Control Board.

FURTHER INFORMATION:

1. Congressional Authorities: Section 404 of the Clean Water Act (33 U.S.C. 1344)

2. Limits of this authorization:

DRAFT

a. This office has authority to determine if an activity complies with the terms and conditions of the PGP.

b. This permit does not obviate the need to obtain other federal, state, or local authorizations required by law.

c. This permit does not grant any property rights or exclusive privileges.

d. This permit does not authorize any injury to the property or rights of others.

e. This permit does not authorize interference with any existing or proposed federal projects.

3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this PGP is not contrary to the public interest was made in reliance on the information provided by the HCP/NCCP Plan Permittees.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this PGP at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by the project applicant in support of a permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5.

DRAFT

PERMIT DURATION: This PGP is valid for five (5) years from the date of issuance. It will expire on [Day, Month, 20XX]. At least sixty (60) calendar days prior to expiration, this office will issue a public notice, with an opportunity for public comment, describing the reasons for reissuing the PGP for another five years with or without modification, or not reissuing the PGP. If this office has not reissued the PGP by the expiration date, the PGP will no longer be valid. This PGP may also be modified, suspended, or revoked by this office at any time deemed necessary. In such instance, this office will issue a public notice concerning the proposed action. Authorizations under this PGP are valid until the permit expires.

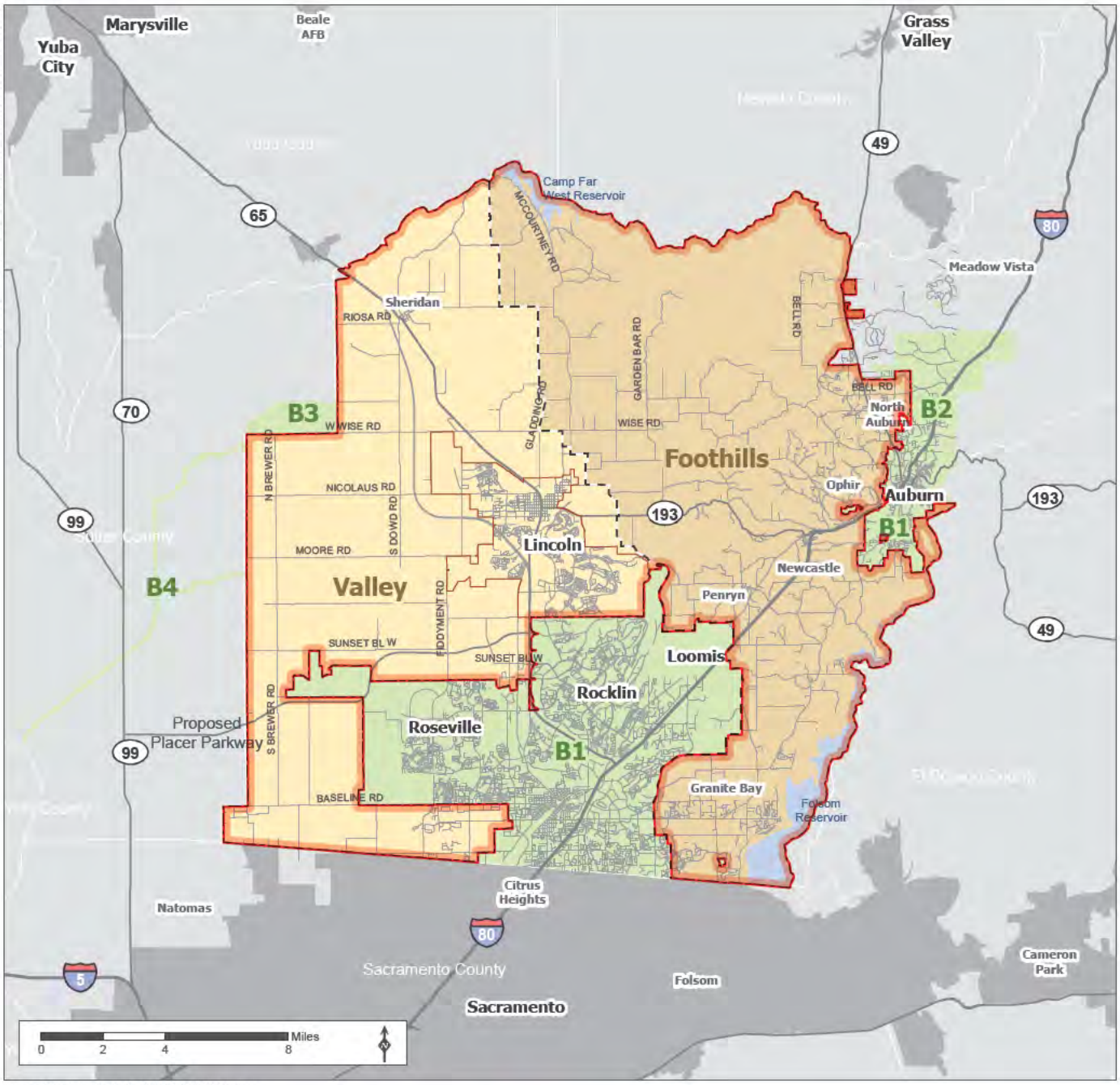
CONTACTS AND ADDITIONAL INFORMATION: For additional information about this PGP, please contact this office by phone at 916-557-5288, or by email at spk-regulatory-info@usace.army.mil. For an updated list of contacts, please visit our website at http://www.spk.usace.army.mil/missions/regulatory.

This permit becomes effective when the federal official, designated to act for the Secretary of the Army has signed below.

_____ Date _____

Michael S. Jewell
Chief, Regulatory Division
Sacramento District

DRAFT



Source: Placer County, 2014; MIG | TRA 2015; CalTrans

- Interstate
- Highway
- Road
- City of Lincoln
- Valley/Foothill Divide
- Surrounding Urban Area

Plan Area A

Valley	100,698 acres	Plan Area A Boundary
Foothills	109,134 acres	
All Plan Area A	209,832 acres	

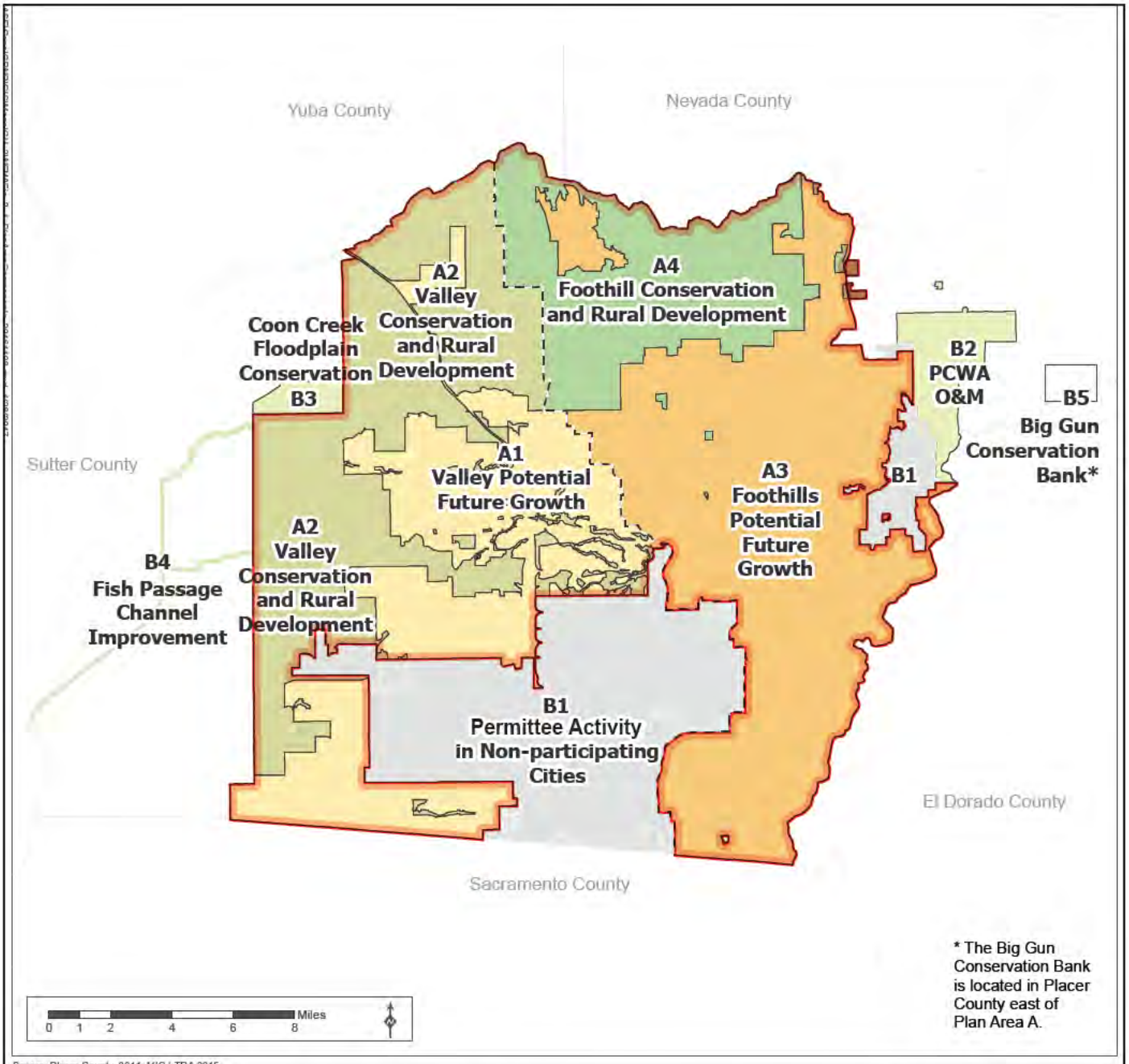
Plan Area B

- B1. Permittee Activity in Non-Participating City Jurisdiction. 50,636 acres
- B2. PCWA Zone 1 Operations and Maintenance. 6,315 acres
- B3. Coon Creek Floodplain Conservation. 1,724 acres in Sutter County
- B4. Fish Passage Channel Improvement. 33 miles of channels in Sutter County
- B5. Big Gun Conservation Bank. 52 acres in Placer County (Not shown on map)

Source: Appendix A

Graphics ... 04406.04 (7-12-2018) tg

Figure 1-1
Plan Area
Placer County Conservation Program – EIS/EIR



Source: Placer County, 2014; MIG | TRA 2015

Plan Area A

- A1. Valley Potential Future Growth
- A2. Valley Conservation and Rural Development
- A3. Foothills Potential Future Growth
- A4. Foothill Conservation and Rural Development
- Plan Area A Boundary

Plan Area B Components

- B1. Permittee Activity in Non-Participating Cities: Public program or conservation activities undertaken by the Permittees.
- B2. PCWA O&M: PCWA Zone 1: Operations and Maintenance (O&M) for existing facilities east of Auburn plus adjacent Lake Theodor reservoir.
- B3. Coon Creek Floodplain Conservation: Watershed protection and stream restoration activities along Coon Creek floodplain in a portion of Sutter County.
- B4. Fish Passage Channel Improvement: Fish Passage Channel Improvement: Selective in-stream work on a portion of 33 miles of channels west of Placer County in Sutter County.
- B5. Big Gun Conservation Bank: Conservation actions for California red legged frog in Placer County on the Big Gun mitigation bank east of Auburn.

– – Valley/Foothill Divide

Source: Appendix A

Graphics ... 04406.04 (7-12-2018).ai

ICF

Figure 2-1
Plan Area Components
Placer County Conservation Program – EIS/EIR

Regional General Permit [#]

U.S. ARMY CORPS OF ENGINEERS BUILDING STRONG®

Minimal Impact Activities Conducted by Placer County Water Agency under the Placer County Habitat Conservation Plan/Natural Communities Conservation Plan

EFFECTIVE:
EXPIRES: (5 years from effective)

The U.S. Army Corps of Engineers, Sacramento District, hereby issues Regional General Permit (RGP) [#] for the discharge of dredged and/or fill material into waters of the U.S. requiring Department of the Army (DA) authorization under Section 404 of the Clean Water Act, for activities conducted by the Placer County Water Agency (PCWA), provided the activities meet all terms and conditions of the RGP, and would result in no more than minimal individual or cumulative effects.

Note: The term "you" and its derivatives, as used in this RGP, means the permittee (PCWA) or any future transferee. The term "this office" refers to the appropriate U.S. Army Corps of Engineers, Sacramento District office identified in the *Contacts and Additional Information* section below. After you receive written verification for your project under this RGP from this office, you are authorized to perform that work in accordance with the terms and conditions specified below, and any project specific special conditions included in the written verification.

ISSUING OFFICE: U.S. Army Corps of Engineers, Sacramento District

ACTION ID: SPK-2005-00485

AUTHORITIES: Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

LOCATION: Activities authorized under this RGP would occur within the Placer County Conservation Program (PCCP) Plan Area boundaries. The PCCP Plan Area encompasses approximately 270,000 acres within western Placer County and eastern Sutter County. Within western Placer County, the Plan Area is bounded on the north by Nevada and Yuba Counties, on the east by the City of Auburn and California Highway 49, on the south by Sacramento County, and on the west by Sutter County. Activities conducted may also be located in the Cities of Auburn, Loomis, Rocklin, and Roseville. Within Sutter County, the Plan Area includes 1,724 acres along the Coon Creek floodplain, and 33 miles of Auburn Ravine, Coon Creek, Cross Canal, and East Side Canal. The Plan Area Boundaries can be seen on the enclosed 2018, *Figure 1-1, Plan Area, Placer County Conservation Program – EIS/EIR*, prepared by ICF.

ACTIVITIES COVERED: This RGP authorizes the discharge of dredged and/or fill material into waters of the U.S. associated with construction, maintenance, expansion, or operational activities conducted by you, provided the activities comply with the Placer County Habitat

DRAFT

Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP) and Placer County Aquatic Resources Program (CARP). This RGP authorizes only those activities that require a DA permit under Section 404 of the Clean Water Act (e.g. the activity would result in a discharge of dredged and/or fill material into waters of the U.S. and/or the activity would not be exempt under Section 404(f) of the Clean Water Act). Activities authorized include:

1. Utility lines: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of utility lines.

2. Water Treatment Plants: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of water treatment plants.

3. Energy Supply: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of power plants or generators.

4. Metering Stations: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of metering stations.

5. Water Storage Tanks: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of water storage tanks.

6. Intake and Water Diversion Structures: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of intake structures and water diversion structures.

7. Outfall Structures: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of outfall structures.

8. Water Systems Facilities Center: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of water systems facilities centers. Structures associated with a facilities center include, but are not limited to warehouses, fabrication shops, crew buildings, administration buildings, vehicle/equipment wash areas, fuel stations, and associated infrastructure, including utilities, parking areas, and access roads/driveways.

9. Corporation Yards: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of corporation yards. Structures associated with a corporation yard include, but are not limited to, warehouses, lay-down areas for storage, and associated infrastructure, including utilities, parking areas, and access roads/driveways.

10. Pump Stations: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of pump stations.

DRAFT

11. Wells: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of water supply wells.

12. Bank Stabilization: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction or maintenance of bank stabilization within the immediate vicinity of any in-stream structures or fills associated with producing or providing water to residents and businesses of Placer County.

13. Sediment and Debris Removal: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the removal of sediment from streams, reservoirs, canals, ditches, or other waters of the U.S. within 200 feet from water supply structures or fills managed by PCWA.

14. Access and Staging: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of access and staging areas.

15. Canals and Ditches: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, lining, expansion, maintenance, or operation of water supply canals or ditches.

16. Berm Maintenance: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of reservoir and canal berms.

17. Linear Transportation Projects: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of linear transportation projects associated with water supply projects.

18. Minor Discharges: Permanent or temporary discharges of dredged and/or fill material into waters of the U.S. for the construction, expansion, maintenance, or operation of other structures, fills, or facilities not specifically listed above, associated with producing or providing water to residents and businesses of Placer County, as identified in the HCP/NCCP.

EXCLUSIONS:

1. This RGP may not be used to authorize discharges of dredged and/or fill material into waters of the U.S. for activities that are not conducted by you.

2. This RGP may not be used to authorize activities not covered by the HCP/NCCP as identified in Chapter 2 of the HCP/NCCP.

TERMS:

1. Activity Completion: Activities authorized by this office under this RGP are valid until the expiration date of the RGP or the expiration date of the CARP authorization issued by Placer County or the City of Lincoln, whichever is soonest.

DRAFT

2. Applying for RGP Authorization: Prior to commencing a proposed activity, you shall submit a complete pre-construction notification containing the information identified in *Procedures*. No discharge of dredged and/or fill material into waters of the U.S. shall commence until this office has provided written verification the activity is authorized under this RGP.

3. Compliance with HCP/NCCP Conditions: Activities to be authorized under this RGP must be Covered Activities as identified in Chapter 2 of the HCP/NCCP, and must comply with any applicable terms and conditions contained in the HCP/NCCP and this RGP. Project applicants must provide information to support a determination that the proposed project is eligible for coverage under the HCP/NCCP to this office with the notification required in General Condition 14. Compliance with the HCP/NCCP requires you to implement the applicable and appropriate avoidance and minimization measures contained in Chapter 6 of the HCP/NCCP, and other applicable terms and conditions as contained in the HCP/NCCP.

4. Discretionary Authority: This office has the discretion to suspend, modify, or revoke authorizations under this RGP. This discretionary authority may be used by this office to further condition or restrict the applicability of the RGP for cases in which it has concerns associated with the Clean Water Act Section 404(b)(1) Guidelines, or regarding any factor of the public interest. Should this office determine that a proposed activity may have more than minimal individual or cumulative adverse impacts to aquatic resources or otherwise be contrary to the public interest, this office will modify the authorization to reduce or eliminate those adverse effects, or notify the project applicant that the proposed activity is not authorized by the RGP and provide instructions on how to apply for authorization under another type of DA permit. Activities not meeting the terms and conditions of this permit may be authorized through another type of permit from this office, such as a NWP, LOP or Standard Permit. This office will determine on a case-by-case basis, as needed, whether an activity has more than minimal impact, individually or cumulatively, on the aquatic environment or may be contrary to the public interest. This office may restore authorization under the RGP at any time it determines the reason for asserting discretionary authority has been resolved or satisfied by a condition, project modification, or new information. This office may also use its discretionary authority to modify, suspend, or revoke the RGP at any time.

5. Avoidance and Minimization: Impacts to waters of the U.S. shall be avoided and minimized to the maximum extent practicable. For purposes of the RGP, notwithstanding this office's discretionary authority described above, this term shall be considered satisfied when project applicants have designed and implemented activities to comply with all applicable avoidance and minimization measures contained in Chapter 6 of the HCP/NCCP.

6. Thresholds.: Loss of waters of the U.S. and loss of streambed shall be determined using the definition in Section F of the January 6, 2017, Federal Register Notice for *Issuance and Reissuance of Nationwide Permits; Final Rule* (82 FR 1860), which can be found at: http://www.usace.army.mil/Portals/2/docs/civilworks/nwp/2017/nwp2017_final_rule_FR_06jan2017.pdf?ver=2017-01-06-092409-457

a. The loss of waters of the U.S. (including wetlands) resulting from authorization of a single and complete project under this RGP shall not exceed a total of 0.25 acres, and the loss of streambed shall not exceed 300 linear feet of jurisdictional stream, and/or a total of 1,000 linear feet of irrigation, water supply, or drainage ditch or canal (provided the ditch or canal is not a relocated or channelized stream, as verified by this office), unless this office waives the

linear foot requirement by making a written determination concluding the discharge will result in no more than minimal individual or cumulative effects. The acreage of loss of streambed for streams, ditches, and/or canals shall be included in the acreage threshold for loss of waters of the U.S. The loss of waters of the U.S. and loss of streambed shall not include activities that do not require DA authorization (i.e. would not result in a discharge of fill material into waters of the U.S., or are exempt under Section 404(f) of the Clean Water Act).

b. Bank stabilization activities are limited to no more than 500 feet in length along the bank of jurisdictional streams and no more than 1,000 feet in length along the bank of irrigation, water supply, or drainage ditches or canals (provided the ditch or canal is not a relocated or channelized stream, as verified by this office), unless this office waives this requirement by making a written determination concluding the discharge will result in no more than minimal individual or cumulative effects.

c. The cumulative loss of waters of the U.S. authorized under this RGP shall not exceed 3 acres of waters of the U.S. (including the acreage of loss of streambed), within the Plan Area. The cumulative loss of vernal pool waters of the U.S. authorized by this RGP shall not exceed 1 acre. Additional restrictions are listed in the General Conditions, below.

d. The removal of sediment from the vicinity of existing structures or fills shall be limited to the minimum necessary to restore the waterway in the vicinity of the structure or fill to the approximate dimensions that existed when the structure was built, but shall not extend more than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by this office.

7. Single and Complete Project: The activity must be a single and complete linear or non-linear project, as defined in the Section F of the January 6, 2017, Federal Register Notice for *Issuance and Reissuance of Nationwide Permits; Final Rule* (82 FR 1860), which can be found at: http://www.usace.army.mil/Portals/2/docs/civilworks/nwp/2017/nwp2017_final_rule_FR_06jan2017.pdf?ver=2017-01-06-092409-457

8. Section 401 Water Quality Certification: In order for authorization to be valid under this RGP, an approved Section 401 Water Quality Certification (WQC) or waiver thereof is required to be obtained and provided to this office prior to the commencement of activities authorized by this RGP (see General Condition 20 [*Water Quality Certification*]).

9. Reporting Requirements: You shall submit annual post-construction reports to this office documenting all activities covered under the RGP that were completed the previous year. The reports shall be submitted no later than January 30, and contain documentation related to activities completed between January 1 and December 31 of the previous year. The reports shall include: (a) the activity name; (b) DA permit number; (c) type of HCP/NCCP covered activity; (d) a full description of the work in waters of the U.S. that was completing, including acreage and/or linear feet of permanent and temporary discharges of dredged and/or fill material into waters of the U.S.(by aquatic resource type) and acreage and/or linear feet of loss

DRAFT

of waters of the U.S. (by aquatic resource type); (e) evidence of your fulfillment of any CWA 404 compensatory mitigation requirements required by the RGP verification issued by this office, and (f) the cumulative acreage and/or linear feet loss of waters of the U.S. and loss of stream bed that has occurred under the RGP since issuance.

10. Special conditions: This office may add special conditions to an authorization to ensure the activity complies with the terms and conditions of the RGP, and adverse impacts are individually and cumulatively minimal.

GENERAL CONDITIONS:

1. Avoidance and Minimization Measures: You shall comply with all avoidance and minimization measures, terms, and other conditions as identified in Chapter 6 of the HCP/NCCP. You shall ensure impacts to waters of the U.S. within and adjacent to the stream system are avoided and minimized to the maximum extent practicable.

2. Compensatory Mitigation: You shall conduct required compensatory mitigation for the loss of waters of the U.S. at the ratios specified in Chapter 5 of the HCP/NCCP, through the purchase of credits from the Western Placer In-Lieu Fee Program (WPILF). Any compensatory mitigation requirements will be specifically identified in the RGP verification issued by this office for the single and complete project.

3. Bed and Bank Stabilization: You shall ensure all bank stabilization activities involve either the sole use of native vegetation or other bioengineered design techniques (e.g. willow plantings, root wads, large woody debris, etc.), or a combination of hard-armoring (e.g. rip-rap) and native vegetation or bioengineered design techniques, unless specifically determined to be impracticable by this office. For projects that would involve hard armoring or the placement of any non-vegetated or non-bioengineered technique below the ordinary high water mark of waters of the U.S., you shall ensure the pre-construction notification required in General Condition 14 includes information on why the sole use of vegetated techniques is not practicable.

4. Equipment: You shall ensure heavy equipment working in wetlands is placed on mats or other measures, such as low-ground pressure equipment to minimize soil disturbance, are taken. You shall include information regarding methods to minimize soil disturbance in the pre-construction notification.

5. Fills within 100-Year Floodplains: You shall ensure the activity complies with applicable FEMA-approved state or local floodplain management requirements.

6. Limits of Disturbance: You shall clearly identify the limits of disturbance in the field with highly visible markers (e.g. construction fencing, flagging, silt barriers, etc.) prior to commencing construction activities in waters of the U.S. You shall maintain such identification properly until construction is completed and the soils have been stabilized. You are prohibited from any activity (e.g. equipment usage or materials storage) that may impact waters of the U.S. outside of the permit limits (as shown on the permit drawings).

7. Management of Water Flows: Unless otherwise specifically authorized by this office, you shall maintain the pre-construction course, condition, capacity, and location of open waters (e.g. rivers, streams, lakes, ponds). You must construct the activity to withstand expected high

DRAFT

flows and ensure the proposed activity does not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. Activities that alter the pre-construction course, condition, capacity, and location of open waters may be authorized if this office makes a determination, based on the information you provide, that the alteration would result in no more than minimal individual or cumulative adverse effects. For areas containing existing linear transportation crossings or other structures in open waters, the pre-construction course, condition, capacity, and location of open waters shall be determined based on the upstream and downstream portions of the open waters.

8. Migratory Bird Breeding Areas: You shall ensure the activity avoids waters of the U.S. that serve as breeding areas for migratory birds to the maximum extent possible.

9. Suitable Fill: You shall ensure that fill material discharged into waters of the U.S. is free from toxic pollutants in toxic amounts (section 307 of the Clean Water Act). You shall ensure that all fill material discharged into waters of the U.S. is clean and free of contaminants and noxious plants. You shall not discharge fresh cement or concrete unless it is placed in sealed forms, and specifically authorized by this office. Unsuitable fill material includes, but is not limited to, vehicle bodies, farm machinery, appliances and other metal objects, asphalt, biodegradable construction debris, tires, and concrete with exposed rebar.

10. Utility Lines: You shall construct all utility lines in accordance with the following:

a. You shall install utility lines by directional drilling, clear span, or other techniques that do not require a discharge of fill material into waters of the U.S. with perennial or intermittent flow, unless determined to be not practicable by this office.

b. You shall ensure the construction of utility lines does not result in draining any water of the U.S., including wetlands. This may be accomplished through the use of clay blocks, bentonite, or other suitable material (as approved by this office) to seal the trench. For utility line trenches, during construction, you shall remove and separately stockpile the top 6-12 inches of topsoil. Following installation of the utility line(s), you shall replace the stockpiled topsoil as the top layer and seed the area with native vegetation.

c. You shall stabilize (e.g., blanket and seed) all disturbed areas immediately adjacent to, and within 25 feet of, waters of the U.S. immediately upon completion of the utility line construction in waters of the U.S. at that location.

d. You shall restore temporarily disturbed construction areas in waters of the U.S. to pre-construction conditions, including grading to original contours and revegetating (with native vegetation or other appropriate vegetation approved by this office) within 30 days following completion of the discharge of dredged and/or fill material into waters of the U.S. authorized by this RGP. A brief restoration plan, which includes a contour topographic map, shall be submitted with the pre-construction notification required in General Condition 1.

11. Aquatic Life Movements: The following criteria shall apply to all linear transportation crossings (e.g. roads, trails, bridges, culverts) of streams:

a. For all activities in waters of the U.S. that are suitable habitat for Federally-listed fish species, including designated critical habitat for such species, you shall design all new or substantially reconstructed linear transportation crossings (e.g. roads, bridges, culverts) to

DRAFT

ensure that the passage and/or spawning of fish is not hindered. In these areas, you shall employ bridge designs that span the stream or river, including pier-or pile-supported spans, or designs that use a bottomless arch culvert with a natural stream bed;

b. Unless determined to be not practicable by this office, you shall design all linear transportation crossings proposed to be replaced to match the approximate bankfull width and depth of upstream and downstream open waters.

c. You shall ensure all bank stabilization activities comply with General Condition 4.

12. Work in Standing or Flowing Waters: You shall not discharge dredged or fill material into standing or flowing waters, unless specifically authorized by this office. You may accomplish this through construction during the dry season or through dewatering of the work area. Any proposed dewatering plan must be approved, in writing, by this office prior to commencing construction activities.

13. Compliance Inspections: You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that the activity is being, or has been, accomplished in accordance with the terms and conditions of the permit. This office will notify you at least 48 hours in advance of an inspection.

14. Threatened and Endangered Species: No activity is authorized under this RGP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal ESA. Activities authorized under this RGP must comply with the mandatory terms and conditions of the USFWS and NMFS [*to be sought by initiation for programmatic Section 7 ESA consultation*] [programmatic Biological Opinion (BO) for this RGP] (USFWS #___, dated ___) (copy [to be] attached). The BO contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" authorization under this RGP. Authorization under this RGP is conditional upon your compliance with all of the mandatory terms and conditions of the Biological Opinion. Failure to comply with the terms and conditions of the Biological Opinion would constitute non-compliance with the RGP. The USFWS and NMFS are the appropriate authorities to determine compliance with the terms and conditions of their Biological Opinion, and with the ESA. The project applicant must comply with all applicable conditions of these Biological Opinions, including those ascribed to this office.

15. Historic Properties: No activity is authorized under the RGP if the activity may affect historic properties listed, or eligible for listing, in the National Register of Historic Places, until the requirements of Section 106 of the National Historic Preservation Act (NHPA), as amended, have been satisfied. Upon receipt of the pre-construction notification, if one has not been prepared, this office may determine a cultural resources report or other information is necessary to ensure compliance with Section 106 of the NHPA, and will request the necessary information within 30 days after receipt of the application identified in General Condition 1. This office will consult with the State Historic Preservation Officer (SHPO), as appropriate, following the policy and procedural standards of 33 CFR Part 325 Appendix C.

16. Permit Transfer: If the property associated with this permit is sold, you shall transfer the verification to the new owner by submitting a letter to this office to validate the transfer. The letter must contain the name and address of the transferee, as well as the following statement and signature of the transferee:

When the structures or work authorized by this regional general permit (RGP) are still in existence at the time the property is transferred, the terms and conditions of this RGP, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this RGP and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

_____
(Transferee)

_____
(Date)

17. Wetland and Stream Setbacks: You shall establish wetland and stream setback and avoidance and minimization as described in the CARP and implementing ordinances. Associated terms of the local CARP ordinances concerning setbacks, including (but not limited to) land use, allowable uses within setbacks, exemptions, and waivers shall apply as described in the CARP and implementing ordinances. These terms shall meet or exceed all applicable standards and terms contained within Chapter 6 of the HCP.

18. Tribal Rights: You shall ensure no activity or its operation impairs reserved Tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

19. Unanticipated Discoveries: If you discover any previously unknown historic, cultural or archeological remains and/or artifacts while accomplishing the activity authorized by this RGP, you shall immediately notify this office of what has been found, and to the maximum extent practicable, shall avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. This office will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

20. Water Quality Certification: Water Quality Certification (WQC), or waiver thereof, under Section 401 of the Clean Water Act is required for activities to be authorized by this RGP. You shall comply with the terms and conditions of any individual or programmatic WQC provided by the State Water Resources Control Board and/or Central Valley Regional Water Quality Control Board.

PROCEDURES:

1. You may choose to request a pre-application meeting with this office and other resource agencies prior to submittal of a pre-construction notification. To request a pre-application meeting, please contact this office as listed in the “Contacts” section of this document. A request for a pre-application meeting should contain the project name, type of project, county, approximately acreage of impacts to waters of the U.S., the contact name, company name, and telephone number.

2. You shall submit a pre-construction notification (PCN) to this office consisting of a written request for verification under this RGP. The PCN shall be submitted to this office in

DRAFT

electronic forma (either through email if less than 25 MB, posting to an FTP site accessible by this office, or submittal of a DVD). Email submittal of the PCN should be sent to: SPKRegulatoryMailbox@usace.army.mil. The PCN shall contain the following information in order to be considered complete:

a. A letter or a completed Department of the Army Permit Application Form (ENG 4345), requesting authorization under the RGP.

b. Contact information of the project proponent and designated agent or primary point of contact, including mailing address, email address, telephone number, and fax number (if applicable).

c. The applicable Covered Activity as identified in the HCP/NCCP.

d. A complete description of the proposed activity, including

(1) The activities purpose;

(2) Direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of each type of waters of the U.S. expected to result from the proposed activity, in acres and, for streams, linear feet;

(3) The amount (in cubic yards) and type of fill material proposed to be discharged into each type of water of the U.S.; and

(4) The amount (in acres) and length (in linear feet) of each type of waters of the U.S. to be permanently filled and the amount and length of each type of waters of the U.S. to be temporarily filled. For waters of the U.S. to be temporarily filled, include the approximate length of time the waters of the U.S would be filled before restoration to pre-construction contours and conditions would occur;

e. The location of the activity (with latitude and longitude)

f. A brief narrative describing how the proposed activity would comply with all General Conditions of this RGP, a statement identifying why the General Condition does not apply or a description of why compliance with the General Condition is not practicable. Failure to comply with a General Condition may result in this office determining the proposed activity does not qualify for authorization under this RGP, and will be evaluated under an alternative process.

g. For each applicable avoidance and minimization measure identified in Chapter 6 of the HCP/NCCP, a brief narrative describing how the activity would comply with each measures. Specifically, the narrative should describe how the proposed activity is in compliance with Avoidance and Minimization Measures associated with an aquatic resource as specified in the HCP.

h. A written statement explaining how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to waters of the U.S. to the maximum extent practicable.

DRAFT

i. For all dewatering activities that propose structures or fill in waters of the U.S. that require authorization from this office:

(1) The proposed methods for dewatering

(2) The equipment that would be used to conduct dewatering

(3) The length of time the area is proposed to be dewatered

(4) The area (in acres) and length (in linear feet) of waters of the U.S. of the dewatering structure and/or fill;

(5) The method for removal of the dewatering structure and/or fill; and

(6) The method for restoration of the waters of the U.S. affected by the structure or fill following construction

j. For all temporary discharge of dredged and/or fill material into waters of the U.S.:

(1) The reason(s) why avoidance of temporary fill in waters of the U.S. is not practicable;

(2) A description of the proposed temporary fill, including the type and amount (in cubic yards) of material to be placed;

(3) The area (in acres) of waters of the U.S. and, for drainages (e.g. natural or relocated streams, creeks, rivers), the length (in linear feet) where the temporary fill is proposed to be placed; and

(4) A proposed plan for restoration of the temporary fill area to pre-project contours and conditions, including a plan for the re-vegetation of the temporary fill area, if vegetation would be removed or destroyed by the proposed temporary fill;

k. For activities that propose to alter the pre-construction course, condition, capacity or location of open waters, the PCN shall include sufficient justification to determine that the proposed activity would result in a no more than minimal individual or cumulative adverse effects.

l. For replacement linear transportation crossings that would result in a reduction in the pre-construction bankfull width and depth of open waters of the U.S. at the crossing, as compared to the upstream and downstream open waters:

(1) Information on why it is not practicable to approximate the pre-construction bankfull width of the upstream and downstream open waters, and;

(2) Sufficient justification to determine that the reduction in the pre-construction bankfull width would result in a net increase in aquatic resource functions and services. Functions and services to be considered in the justification include, but are not limited to: short- or long-term surface water storage, subsurface water storage, moderation of groundwater flow or discharge, dissipation of energy, cycling of nutrients, removal of elements and compounds,

DRAFT

retention of particulates, export of organic carbon, and maintenance of plant and animal communities.

m. A written statement identifying the amount and type of proposed compensatory mitigation proposed for the loss of each type of water of the U.S., or a statement identifying why compensatory mitigation should not be required.

n. Project Figures:

(1) A vicinity map clearly depicting the location of the proposed activity.

(2) A plan-view, and cross-section view drawing, clearly depicting the location, size, and dimensions of the proposed permanent or temporary discharge of fill material into waters of the U.S., and the location of all waters of the U.S. on-site. The drawings shall contain a title block, legend and scale, amount (in cubic yards) and area (in acres) of fill in Corps jurisdiction, including both permanent and temporary fills/structures. The ordinary high water mark should be shown (in feet) based on National Geodetic Vertical Datum (NGVD) or other appropriate referenced elevation.

(3) All drawings shall be prepared in accordance with the South Pacific Division February 2016, *Updated Map and Drawing Standards for the South Pacific Division Regulatory Program*, or most recent update (available on the South Pacific Division website at: http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences.aspx/)

o. Numbered and dated pre-project color photographs showing a representative sample of waters proposed to be impacted on the site, and all waters of the U.S. proposed to be avoided on and immediately adjacent to the project site. The compass angle and position of each photograph shall be identified on the plan-view drawing(s) required in subpart b of this Regional Condition;

p. A delineation of waters of the U.S., including wetlands, for the project site. Wetlands shall be delineated using the Corps 1987 Wetland Delineation Manual and 2008 Arid West Region Regional Supplement, or most recent manual in effect at the time of the proposal. The delineation report shall be conducted in accordance with the Sacramento District's Minimum Standards for Acceptance of Aquatic Resources Delineation Reports (available at http://www.spk.usace.army.mil/Portals/12/documents/regulatory/jd/minimum-standards/Minimum_Standards_for_Delineation_with_Template-final.pdf), or updated standards adopted by this office, unless specifically waived by this office;

q. If available, one hard copy and one electronic copy of a cultural resources report meeting the Corps *Guidelines for Compliance with Section 106 of the National Historic Preservation Act of 1966* (http://www.spk.usace.army.mil/Portals/12/documents/regulatory/sec-106-tribal/FINAL_2014-03-24_Section-106-Guidelines.pdf). If a cultural resources report has not been prepared, the PCN shall include a statement to that effect.

r. For any proposals to waive the linear foot limits identified in *Term* 6(a) and 6(b), the PCN shall contain information on why the proposed activity would result in no more than minimal individual or cumulative effects, including the following:

(1) A narrative description of the stream. This should include known information on: volume and duration of flow; the approximate length, width, and depth of the waterbody and characteristics observed associated with an Ordinary High Water Mark (e.g. bed and bank, wrack line or scour marks); a description of the adjacent vegetation community and a statement regarding the wetland status of the adjacent areas (i.e. wetland, non-wetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information;

(2) An analysis of the proposed impacts to the waterbody, in accordance with Procedure 2(a);

(3) Measures taken to avoid and minimize losses to waters of the U.S., including other methods of constructing the proposed activity(s); and

(4) A compensatory mitigation plan describing how the unavoidable losses are proposed to be offset.

3. Within 15-days following receipt of the PCN, this office will notify you via letter or email if:

a. The proposed activity may qualify for authorization under the RGP;

b. The PCN is complete; and

c. If consultation under Section 7 of the ESA, Section 305(b)(4)(b) of the Magnuson-Stevens Fisheries Conservation and Management Act and/or Section 106 of the National Historic Preservation Act is required.

If the proposed activity does not qualify for authorization under the RGP, the notification will identify specific modifications necessary for the proposed activity to qualify for authorization under the RGP, and/or instructions on how to apply for authorization under a different permit. If the PCN is not complete, the notification will specifically identify the additional information required to be submitted. If the PCN is complete, but additional information is necessary to make a decision, the notification will specifically identify the additional information required to be submitted.

4. Within 30-days following receipt of a complete PCN, and additional information necessary to complete the consultation(s), this office will initiate any required consultations under Section 7 of the ESA, Section 305(b)(4)(B) of the Magnuson-Stevens Fisheries Conservation and Management Act, and/or Section 106 of the National Historic Preservation Act.

5. Within 15-days following completion of required consultations identified in 4, or, if consultation is not required, within 30-days following receipt of a complete PCN, this office will notify you via letter if the activity is authorized under this RGP, subject to the terms and conditions of the authorization.

6. No work may proceed under the authority of this RGP until you have been notified, in writing, by this office that the activity is authorized.

DRAFT

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to: Section 404 of the Clean Water Act (33 U.S.C. 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.
   a. This permit does not obviate the need to obtain other federal, state, or local authorizations required by law.
   b. This permit does not grant any property rights or exclusive privileges.
   c. This permit does not authorize any injury to the property or rights of others.
   d. This permit does not authorize interference with any existing or proposed federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
   a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
   b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
   c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
   d. Design or construction deficiencies associated with the permitted work.
   e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
   a. You fail to comply with the terms and conditions of this permit.
   b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
   c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

DRAFT

6. Activities not meeting the terms and conditions of this permit may be authorized through another type of permit from this office, such as a Nationwide Permit or Letter of Permission. This office will determine on a case-by-case basis whether an activity has a more than minimal impact, individually or cumulatively, on the aquatic environment or may be contrary to the public interest. This office may include additional special conditions to a verification under this permit to ensure the activity has minimal impact.

PERMIT DURATION: This permit is valid for five years from issuance, and will expire on [DATE-same as above]. This office may re-evaluate the terms and conditions of this permit at any time it deems necessary to protect the public interest. This permit may be re-issued, after public notice and documentation of the decision. Activities under this permit must be verified in writing by this office. Verifications are valid until the permit expires.

CONTACTS AND ADDITIONAL INFORMATION: PCNs may be submitted via email to the Regulatory Division at spk-regulatory-info@usace.army.mil. For questions, please contact us by phone at 916-557-5250, or by email at Email: SPKRegulatoryMailbox@usace.army.mil. For an updated list of contacts, please visit our website at http://www.spk.usace.army.mil/missions/regulatory.

This permit becomes effective when the federal official, designated to act for the Secretary of the Army has signed below.

_____ _____

Michael S. Jewell Date
Chief, Regulatory Division
Sacramento District

DRAFT

Minimal Impact Activities Conducted under the Western Placer County In-Lieu Fee Program

EFFECTIVE: TBD
EXPIRES: (*5 years from effective date*)

The U.S. Army Corps of Engineers, Sacramento District (Corps), hereby issues a regional general permit (RGP) for the discharge of dredged and/or fill material into waters of the U.S. conducted by the Western Placer County In-Lieu Fee (WPILF) Program Sponsor under the WPILF Program, with no more than minimal individual and cumulative impacts. The activities authorized would be conducted to meet the Conservation Strategy as identified in the Placer County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP).

An activity is verified under the RGP when this office approves the WPILF project requiring Department of the Army (DA) authorization.

Note: The term "you" and its derivatives, as used in this RGP, means the WPILF Program Sponsor or any future transferee. The term "this office" refers to the appropriate U.S. Army Corps of Engineers, Sacramento District office identified in the *Contacts and Additional Information* section below. After you receive written verification for your project under this RGP from this office, you are authorized to perform that work in accordance with the terms and conditions specified below, and any project specific special conditions included in the written verification.

ISSUING OFFICE: U.S. Army Corps of Engineers, Sacramento District

ACTION ID: SPK-2005-00485

AUTHORITY: Section 404 of the Clean Water Act (CWA 404)

LOCATION: The PCCP Plan Area encompasses approximately 270,000 acres within western Placer County and eastern Sutter County. Within western Placer County, the Plan Area is bounded on the north by Nevada and Yuba Counties, on the east by the City of Auburn and California Highway 49, on the south by Sacramento County, and on the west by Sutter County. With the exception of activities conducted by the Placer County Water Agency (PCWA), the Plan Area in western Placer County excludes the Cities of Auburn, Loomis, Rocklin, and Roseville. Within Sutter County, the Plan Area includes 1,724 acres along the Coon Creek floodplain, and 33 miles of Auburn Ravine, Coon Creek, Cross Canal, and East Side Canal. The Plan Area Boundaries can be seen on the enclosed 2018, *Figure 1-1, Plan Area, Placer County Conservation Program – EIS/EIR*, prepared by ICF.

PURPOSE: This RGP is intended to expedite authorization under Section 404 of the Clean Water Act for establishment, re-establishment, enhancement, or rehabilitation activities that result in a net increase in aquatic resource functions and services and are approved by this office under the WPILF Program. The RGP is premised on the approval of an activity by this office, in consultation with the IRT, under the WPILF Program, conducted by the Placer Conservation Authority (PCA) in partnership with the HCP/NCCP Permittees (Placer County, City of Lincoln, South Placer Regional Transportation

DRAFT

Authority [SPRTA], and PCWA). This RGP eliminates the need for project applicants to seek separate authorization from this office for those activities approved by this office under the WPILF Program. This RGP will reduce time and paperwork, and improve efficiency for this office, PCA, and the HCP/NCCP Permittees for those activities approved under the WPILF Program.

BACKGROUND: The PCCP is a regional approach to address issues related to planned development and species habitat conservation, consisting of the HCP/NCCP, County Aquatic Resources Program (CARP), and the WPILF Program. The HCP/NCCP provides coverage for fourteen species of plants and wildlife, including seven that are federally-listed as threatened or endangered. The U.S. Fish and Wildlife Service's Sacramento Field Office (USFWS) and National Marine Fisheries Service (NMFS) [have approved] the HCP/NCCP through a species incidental take permit (ITP) issued to the PCCP's Plan Permittees under Section 10 of the ESA. The CARP provides a program, implemented by Placer County and the City of Lincoln through local implementing ordinances, to evaluate activities that would impact aquatic resources considered to be waters of the U.S. or waters of the State. The WPILF Program provides compensatory mitigation for impacts associated with the Covered Activities, through funds paid to Placer County or the City of Lincoln.

ACTIVITIES COVERED: This RGP authorizes discharges of dredged and/or fill material into waters of the U.S. associated with establishment, re-establishment, enhancement, and rehabilitation activities, provided the activities result in a net increase in aquatic resource functions and services and are approved by this office under the WPILF Program.

EXCLUSIONS:

1. This RGP may not be used to authorize discharges of dredged and/or fill material into waters of the U.S. for activities that do not result in a net increase in aquatic resource functions and services.

2. This RGP may not be used to authorize discharges of dredged and/or fill material into waters of the U.S. for activities that are not approved by the Corps through the WPILF Program.

TERMS OF AUTHORIZATION:

1. Activity Completion: Activities authorized by this office under this RGP may be conducted until the expiration date of the RGP or by the date identified by the Corps in the approved WPILF project documentation appended to the WPILF Program instrument, whichever date is sooner.

2. RGP Authorization: The discharges of dredged and/or fill material into waters of the U.S. associated with implementation of the WPILF program are verified under this RGP when the Corps approves the WPILF project.

3. Discretionary Authority: This office has the discretion to suspend, modify, or revoke authorizations under this RGP. This discretionary authority may be used by this office to further condition or restrict the applicability of the RGP for cases in which it has concerns associated with the Clean Water Act Section 404(b)(1) Guidelines, or regarding any factor of the public interest. Should this office determine that a proposed activity may have more than minimal individual or cumulative adverse impacts to waters of the U.S. or otherwise be contrary to the public interest, this office will modify the authorization to reduce or eliminate those adverse effects, or notify the project applicant that the proposed activity is not authorized by the RGP and provide instructions on how to apply for

DRAFT

authorization under another type of DA permit. Activities not meeting the terms and conditions of this permit may be authorized through another type of permit from this office, such as a Nationwide Permit, Regional General Permit, Letter of Permission, or Standard Permit. This office will determine on a case-by-case basis, as needed, whether an activity has a more than minimal impact, individually or cumulatively, on the aquatic environment or may be contrary to the public interest. This office may restore authorization under the RGP at any time it determines the reason for asserting discretionary authority has been resolved or satisfied by a condition, project modification, or new information. This office may also use its discretionary authority to modify, suspend, or revoke the RGP at any time.

4. Avoidance and Minimization: Impacts to waters of the U.S. shall be avoided and minimized to the maximum extent practicable. For purposes of the RGP, notwithstanding this office's discretionary authority described above, this term shall be considered satisfied when you have designed and implemented activities to comply with all applicable avoidance and minimization measures contained in Chapters 5 and 6 of the HCP/NCCP.

5. Single and Complete: The activity must be a single and complete linear or non-linear project, as defined in the Section F of the January 6, 2017, Federal Register Notice for *Issuance and Reissuance of Nationwide Permits; Final Rule* (82 FR 1860), which can be found at: http://www.usace.army.mil/Portals/2/docs/civilworks/nwp/2017/nwp2017_final_rule_FR_06jan2017.pdf?ver=2017-01-06-092409-457

6. Section 401 Water Quality Certification: In order for authorization to be valid under this RGP, an approved Section 401 Water Quality Certification (WQC) or waiver thereof is required to be obtained and evidence thereof in possession by you, prior to the commencement of activities authorized by this RGP (see General Condition 7 [*Water Quality Certification*]).

GENERAL CONDITIONS:

1. Permit Transfer: If a WPILF site associated with this permit is sold, you shall transfer the verification to the new owner by submitting a letter to this office, to validate the transfer. The letter must contain the name and address of the transferee, as well as the following statement and signature of the transferee:

> When the structures or work authorized by this regional general permit (RGP) are still in existence at the time the property is transferred, the terms and conditions of this RGP, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this RGP and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.
>
> _____
> (Transferee)
>
> _____
> (Date)

2. Tribal Rights: No activity or its operation shall impair reserved Tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

DRAFT

3. Unanticipated Discovery: If you discover any previously unknown historic, cultural or archeological remains and/or artifacts while accomplishing the activity authorized by this RGP, you shall immediately notify this office of what has been found, and to the maximum extent practicable, shall avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. This office will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. Water Quality Certification: Water Quality Certification (WQC), or waiver thereof, under Section 401 of the Clean Water Act is required for activities to be authorized by this RGP. You shall comply with the terms and conditions of any individual or programmatic WQC provided by the State Water Resources Control Board and/or Central Valley Regional Water Quality Control Board.

FURTHER INFORMATION:

1. Congressional Authorities: Section 404 of the Clean Water Act (33 U.S.C. 1344)

2. Limits of this authorization:

a. This office has authority to determine if an activity complies with the terms and conditions of the RGP.

b. This permit does not obviate the need to obtain other federal, state, or local authorizations required by law.

c. This permit does not grant any property rights or exclusive privileges.

d. This permit does not authorize any injury to the property or rights of others.

e. This permit does not authorize interference with any existing or proposed federal projects.

3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

DRAFT

4. Reliance on Applicant's Data: The determination of this office that issuance of this RGP is not contrary to the public interest was made in reliance on the information provided by you.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this RGP at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of a permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5.

PERMIT DURATION: This RGP is valid for five (5) years from the date of issuance. It will expire on [Day, Month, 20XX]. At least sixty (60) calendar days prior to expiration, this office will issue a public notice, with an opportunity for public comment, describing the reasons for reissuing the RGP for another five years with or without modification, or not reissuing the RGP. If this office has not reissued the RGP by the expiration date, the RGP will no longer be valid. This RGP may also be modified, suspended, or revoked by this office at any time deemed necessary. In such instance, this office will issue a public notice concerning the proposed action. Authorizations under this RGP are valid until the permit expires.

CONTACTS AND ADDITIONAL INFORMATION: For additional information about this RGP, please contact this office by phone at 916-557-5288, or by email at spk-regulatory-info@usace.army.mil. For an updated list of contacts, please visit our website at http://www.spk.usace.army.mil/missions/regulatory.

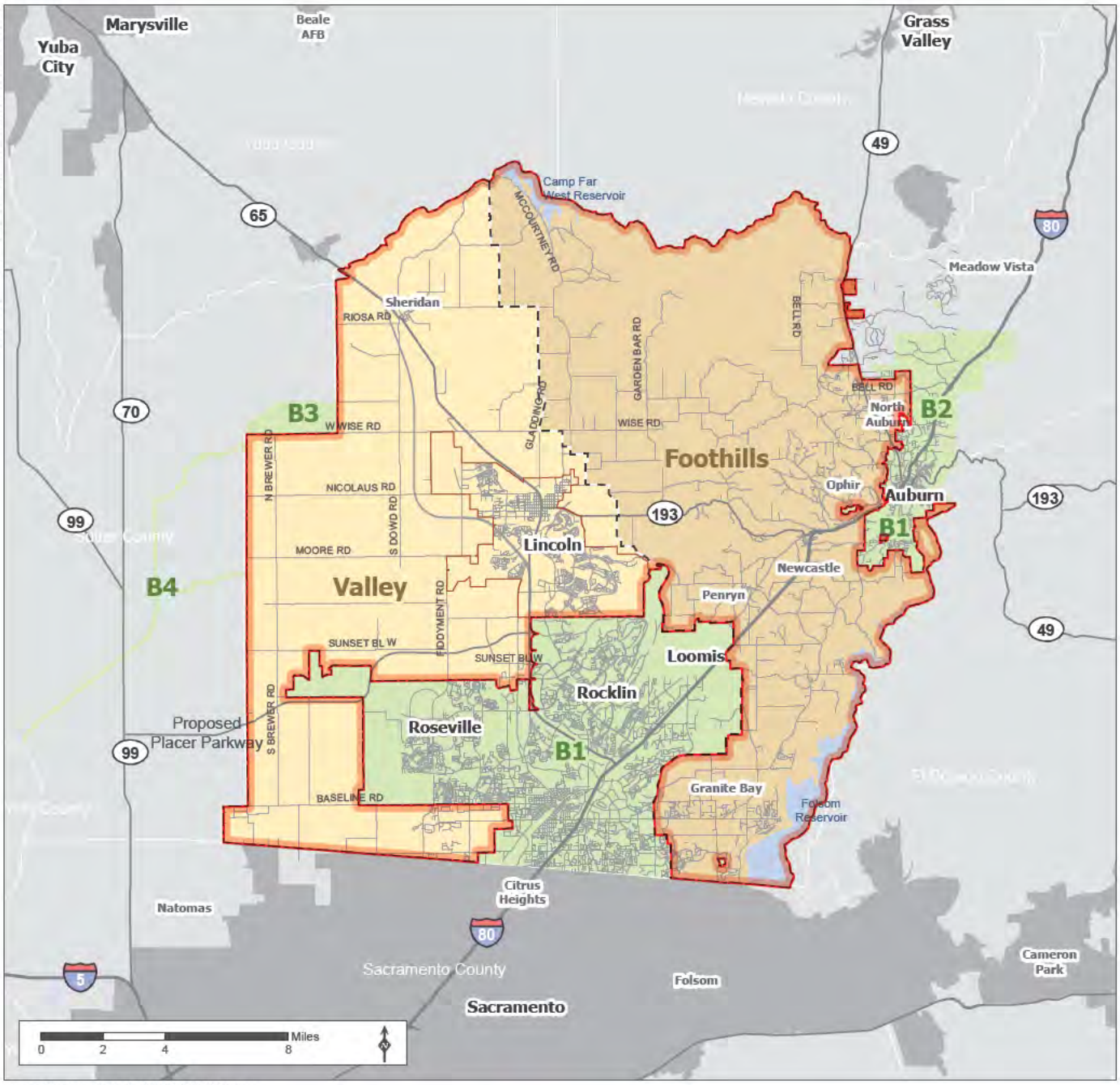
This permit becomes effective when the federal official, designated to act for the Secretary of the Army has signed below.

DRAFT DRAFT

_____ _____

[Name] Date
Chief, Regulatory Division
Sacramento District

DRAFT



Source: Placer County, 2014; MIG | TRA 2015; CalTrans

- Interstate
- Highway
- Road
- City of Lincoln
- Valley/Foothill Divide
- Surrounding Urban Area

Plan Area A

Valley	100,698 acres	Plan Area A Boundary
Foothills	109,134 acres	
All Plan Area A	209,832 acres	

Plan Area B

- B1. Permittee Activity in Non-Participating City Jurisdiction. 50,636 acres
- B2. PCWA Zone 1 Operations and Maintenance. 6,315 acres
- B3. Coon Creek Floodplain Conservation. 1,724 acres in Sutter County
- B4. Fish Passage Channel Improvement. 33 miles of channels in Sutter County
- B5. Big Gun Conservation Bank. 52 acres in Placer County (Not shown on map)

Source: Appendix A

Graphics ... 04406.04 (7-12-2018) tg

Figure 1-1
Plan Area
Placer County Conservation Program – EIS/EIR

COVERED ACTIVITIES UNDER THE PLACER COUNTY HABITAT CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN WITH LESS THAN SIGNIFICANT IMPACT

DATE: TBD

ACTION ID: SPK-2005-00485

AUTHORITY: 33 CFR 325.2(e)(1)(ii).

LOCATION: The Placer County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) Plan Area encompasses approximately 270,000 acres within western Placer County and eastern Sutter County. Within western Placer County, the Plan Area is bounded on the north by Nevada and Yuba Counties, on the east by the City of Auburn and California Highway 49, on the south by Sacramento County, and on the west by Sutter County. With the exception of activities conducted by the Placer County Water Agency (PCWA), the Plan Area in western Placer County excludes the Cities of Auburn, Rocklin, and Roseville, and Town of Loomis. Within Sutter County, the Plan Area includes 1,724 acres along the Coon Creek floodplain, and 33 miles of Auburn Ravine, Coon Creek, Cross Canal, and East Side Canal. The Plan Area Boundaries can be seen on the enclosed 2018, *Figure 1-1, Plan Area, Placer County Conservation Program – EIS/EIR*, prepared by ICF.

PURPOSE: The U.S. Army Corps of Engineers, Sacramento District (Corps) is establishing a Letter of Permission (LOP) procedure to efficiently authorize HCP/NCCP Covered Activities which involve discharges of dredged or fill material into waters of the United States (U.S.) under Section 404 of the Clean Water Act (CWA 404) with more than minimal but less than significant impacts on the aquatic environment. The HCP/NCCP LOP Procedure is an optional abbreviated permit process available to all applicants for Department of the Army (DA) permits for activities meeting the criteria and conditions described in this notice. If the proposed activity does not meet LOP criteria or the applicant chooses not to use this process, the activity may be authorized under a different permit type or procedure.

BACKGROUND: In accordance with Title 33 of the Code of Federal Regulations (CFR) Part 325, district engineers are authorized to use alternative procedures, including LOPs, to authorize activities under the Corps Regulatory Program. LOPs are a type of permit issued through an abbreviated processing procedure which includes coordination with Federal and state fish and wildlife agencies, as required by the Fish and Wildlife Coordination Act, and a public interest evaluation, but without publishing an individual public notice.

The Placer County Conservation Program (PCCP) is a regional approach to address issues related to planned development and species habitat conservation, consisting of the HCP/NCCP, County Aquatic Resources Program (CARP), and the Western Placer County In-Lieu Fee (WPILF) program. The HCP/NCCP provides coverage for fourteen species of plants and wildlife, including seven that are federally-listed as threatened or endangered. The Plan Permittees consist of Placer County, the City of

Lincoln, South Placer Regional Transportation Authority (SPRTA), and PCWA. The U.S. Fish and Wildlife Service's Sacramento Field Office (USFWS) and National Marine Fisheries Service (NMFS) [have approved] the HCP/NCCP through a species incidental take permit (ITP) issued to the PCCP's Plan Permittees under Section 10 of the ESA. The CARP provides a program, implemented by Placer County and the City of Lincoln through local implementing ordinances, to evaluate activities that would impact aquatic resources considered to be waters of the U.S. or waters of the State. The ILF program provides compensatory mitigation for impacts associated with the Covered Activities through funds paid to Placer County or the City of Lincoln.

PROPOSED CATEGORIES OF ACTIVITIES: This LOP procedure applies only to HCP/NCCP Covered Activities that (1) have been approved by Placer County or the City of Lincoln, in compliance with the HCP/NCCP and the DATE, CARP and implementing ordinances, or (2) are being conducted by SPRTA or PCWA in compliance with the HCP/NCCP, CARP and implementing ordinances. HCP/NCCP Covered Activities are described briefly below, and in greater detail in Chapter 2.6 of the HCP/NCCP.

Activities to be authorized under a LOP following the procedure described herein must be HCP/NCCP Covered Activities and comply with any applicable terms and conditions contained in the HCP/NCCP, CARP, and implementing ordinances. Applicants must receive a consistency determination from Placer County, the City of Lincoln, SPRTA, or PCWA that the proposed project is covered under the HCP/NCCP. Compliance with the HCP/NCCP requires applicants to implement the applicable and appropriate avoidance and minimization measures contained in Chapter 6 of the HCP/NCCP and in the CARP, as well as any other applicable terms and conditions as contained in the HCP/NCCP and CARP.

A LOP will be issued only for those activities which meet all of the procedures and criteria identified in this notice, including the general conditions, and which do not result in a potentially significant impact(s) on the human environment. The Corps reserves the use of its discretionary authority to determine that an activity may be authorized under a LOP, to add special conditions to LOP authorizations, or to determine that an activity may not be authorized by a LOP and will instead require authorization under another permit type.

For a HCP/NCCP Covered Activity to be authorized under an LOP following this procedure, impacts to waters of the U.S. shall be avoided and minimized to the maximum extent practicable on the proposed project site. All applicable avoidance and minimization measures contained in Chapter 5 of the HCP/NCCP and the CARP shall be required, which will fulfill most on-site avoidance and minimization requirements necessary to comply with CWA 404 requirements. Evaluation of project-level, on-site avoidance and minimization opportunities will be assessed on a case-specific basis, and will be limited to those identified in *LOP Procedures* 2(l) below.

To qualify for a LOP under this procedure; activities must meet the following criteria:

1. The proposed activity does not result in a potentially significant impact(s) on the human environment that requires preparation of an environmental impact statement (EIS) under the National Environmental Policy Act (NEPA), as determined by the Corps.

2. Compensatory mitigation for the loss of waters of the U.S. shall be accomplished at the ratios specified in Chapter 5 of the HCP/NCCP and Chapter 6.2.3 of the CARP, and shall be accomplished by payment into the WPILF program. Alternatively, applicants may propose to compensate for the loss of waters of the U.S. through the purchase of credits from a Corps-approved mitigation bank, provided the

applicant provides information demonstrating that the mitigation bank is consistent with the HCP/NCCP and CARP, and the purchase of credits from the mitigation bank is authorized by the Corps for the proposed activity. A proposal to purchase mitigation bank credits may increase the permit evaluation process timeline.

Covered Activities under the HCP/NCCP: The following HCP/NCCP Covered Activities, described in greater detail in Chapter 2 of the HCP/NCCP, are applicable to this LOP procedure, after authorization under the CARP.

1. **Valley Potential Future Growth (PFG) Area:** Discharges of dredged and/or fill material into waters of the U.S. associated with rural and urban land uses within the Valley PFG area in Plan Area A1, as shown on the 2018, *Figure 2-1 Plan Area Components, Placer County Conservation Program – EIS/EIR*. Specific activities included in this PGP within the Valley PFG include those Covered Activities identified in Chapter 2.6, Section 2.6.1 of the HCP/NCCP.

2. **Valley Conservation and Rural Development Area:** Discharges of dredged and/or fill material into waters of the U.S. associated with rural and urban land uses within the Valley Conservation and Rural Development Area in Plan Area A2, as shown on the 2018, *Figure 2-1 Plan Area Components, Placer County Conservation Program – EIS/EIR*. Specific activities included in this PGP within the Valley Conservation and Rural Development Area include those Covered Activities identified in Chapter 2.6, Section 2.6.2 of the HCP/NCCP.

3. **Foothills PFG Area:** Discharges of dredged and/or fill material into waters of the U.S. associated with rural and urban land uses within the Foothills PFG area in Plan Area A3, as shown on the 2018, *Figure 2-1 Plan Area Components, Placer County Conservation Program – EIS/EIR*. Specific activities included in this PGP within the Foothills PFG include those Covered Activities identified in Chapter 2.6, Section 2.6.3 of the HCP/NCCP.

4. **Foothills Conservation and Rural Development:** Discharges of dredged and/or fill material into waters of the U.S. associated with rural and urban land uses within the Foothills Conservation and Rural Development area in Plan Area A4, as shown on the 2018, *Figure 2-1 Plan Area Components, Placer County Conservation Program – EIS/EIR*. Specific activities included in this PGP within the Foothills PFG include those Covered Activities identified in Chapter 2.6, Section 2.6.4 of the HCP/NCCP.

5. **Regional Public Programs:** Discharges of dredged and/or fill material into waters of the U.S. associated with rural and urban land uses within Plan Area A or B, as shown on the 2018, *Figure 2-1 Plan Area Components, Placer County Conservation Program – EIS/EIR*. Specific activities included in this PGP for Regional Public Programs include those Covered Activities identified in Chapter 2, Section 2.6.5 of the HCP/NCCP.

6. **In-Stream Activities:** Activities resulting in the discharge of dredged and/or fill material into waters of the U.S. for activities within streams, reservoirs, or on-stream ponds in Plan Area A or B, as shown on the 2018, *Figure 2-1 Plan Area Components, Placer County Conservation Program – EIS/EIR*, and as described in Chapter 2, Section 2.6.6 of the HCP/NCCP, including, but not limited to, maintenance activities in the stream channel, along the stream bank, and on adjacent waters of the U.S. within the riparian corridor. These activities may include those described in 1 through 5 above.

7. **Conservation Programs:** Activities resulting in the discharge of dredged and/or fill material into waters of the U.S. associated with implementing the conservation strategy identified in Chapter 5 of

the HCP/NCCP in Plan Area A or B, as shown on the 2018, *Figure 2-1 Plan Area Components, Placer County Conservation Program – EIS/EIR*, including, but not limited to, habitat enhancement, restoration, creation, translocation, and reserve management, and other activities, as described in Chapter 2, Section 2.6.7 of the HCP/NCCP.

EXCLUSIONS:

1. The LOP procedure does not apply to any activities in waters of the U.S. that are not considered Covered Activities under the HCP/NCCP.

2. The LOP procedure does not apply to any activities in waters of the U.S. that have a potential to significantly impact the human environment.

LOP PROCEDURE:

1. **Before submitting an application**:

The applicant must attend a pre-application meeting with the Corps. Applicants are encouraged to invite the applicable Plan Permittee (i.e. Placer County, City of Lincoln, SPRTA, or PCWA) and other applicable agencies to the pre-application meeting with the Corps.

2. **Application submittal**:

To be considered for authorization under an LOP, the application must include all information required for a standard permit application, pursuant to 33 CFR 325.1. The application package must be submitted to the Corps in electronic format (pdf), (either through email (if less than 25 MB), posting to a Corps-accessible FTP site, or submittal of a DVD). Email submittal of the application should be sent to: SPKRegulatoryMailbox@usace.army.mil. The application shall also include the following:

a. A cover letter from the applicant requesting an LOP under the HCP/NCCP LOP procedures for the proposed activity, referencing the Corps' identification number and including contact information for the applicant and their designated agents or primary points-of-contact. This must include mailing and e-mail addresses and telephone and fax numbers (if available).

b. A completed and signed Department of the Army Engineering Form 4345.

c. An electronic copy of the CARP application submitted to Placer County or the City of Lincoln.

d. An aquatic resources delineation for the activity area, conducted in accordance with the Corps' minimum standards for aquatic resource delineations, or information that an aquatic resources delineation has been verified (including Corps file number) and is still valid.

e. Site location map(s), including the proposed activity site, clearly outlined on USGS 7.5' quad sheet drawings, with latitudes and longitudes for the site(s), name of the quad sheet(s) and directions to the site, as well as all appropriate aerial and other imagery available.

f. A complete description of the proposed activity, including all of the information identified under 33 CFR 325.1 (d) "Content of application."

g. Plan and profile views of the proposed work, relative to potential or approved waters of the U.S. (e.g., wetlands and open waters below the Ordinary High Water Mark), showing areas, types and acreages of waters of the U.S. to be impacted by the proposed activity. All available drawings must be provided and must show proposed impacts on appropriately scaled figures, in accordance with the Corps' map and drawing standards. All maps and drawings shall follow the South Pacific Division February 2016, Updated Map and Drawing Standards for the South Pacific Division Regulatory Program, or most recent update (available on the South Pacific Division website at: http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences.aspx/), unless specifically waived by the Corps.

h. The total area (acreage), and, for linear features, length (linear feet), of each type of waters of the U.S. proposed to be filled by the proposed activity, the volume (in cubic yards) and type of material to be discharged into each type of aquatic resources.

i. A description and graphical representation of how impacts to waters of the U.S. and associated functions (e.g., water quality and habitat) have been avoided and minimized to the maximum extent practicable on the project site. This may include a copy of the applicant's documentation provided to the HCP/NCCP Plan Permittees as required to demonstrate avoidance and minimization of impacts for compliance with the HCP/NCCP and/or CARP.

j. A description of potential indirect (secondary) and cumulative impacts to aquatic resources and the human environment in the watershed and vicinity of the proposed activity, including a description of habitat types, including plant communities, within and surrounding the activity site, and a description of how the proposed activity would these resources..

k. Documentation and record of all pre-application coordination with the Corps and other agencies (as applicable), including any activity-specific comments or concerns provided by agencies, as well as the applicant's response(s) to the comments or concerns.

l. Information, in report form, concerning the practicability of on-site practicable alternatives in accordance with 33 CFR 325.1(e) and 323.6(a). The information must address compliance with the U.S. Environmental Protection Agency's *Section 404(b)(1) Guidelines for Specification of Disposal Sites* (404(b)(1) Guidelines), at 40 CFR part 230. The report should include all applicable information for the Corps to determine whether or not the alternative meets the overall project purpose and is available, practicable, would result in fewer adverse effects to the aquatic environment, or would have other significant adverse environmental consequences. On-site alternatives are limited to: (1) the no action alternative; (2) alternatives that modify proposed avoidance areas to further avoid or minimize adverse effects to waters of the U.S.; and (3) alternatives that would result in further avoidance and/or minimization of adverse direct or indirect effects to jurisdictional streams and their adjacent wetlands, as compared to the proposed action.

m. A statement identifying the proposed compensatory mitigation, consistent with Criterion 2 on Page 3 of these procedures.

n. Information to document that an application for a Section 401 Water Quality Certification (WQC) has been submitted to the Central Valley Regional Water Quality Control Board, including the date of submittal. If an application for a WQC has not yet been submitted, the information must include the date the 401 WQC is anticipated to be submitted.

3. <u>Review and Decision</u>:

a. The Corps will review the applicant's submittal for completeness within approximately fifteen (15) calendar days of receipt. If the application is incomplete, the appropriate Corps staff person will notify the applicant and request the additional information necessary to complete the application for further processing within 30 days after receipt of a complete application.

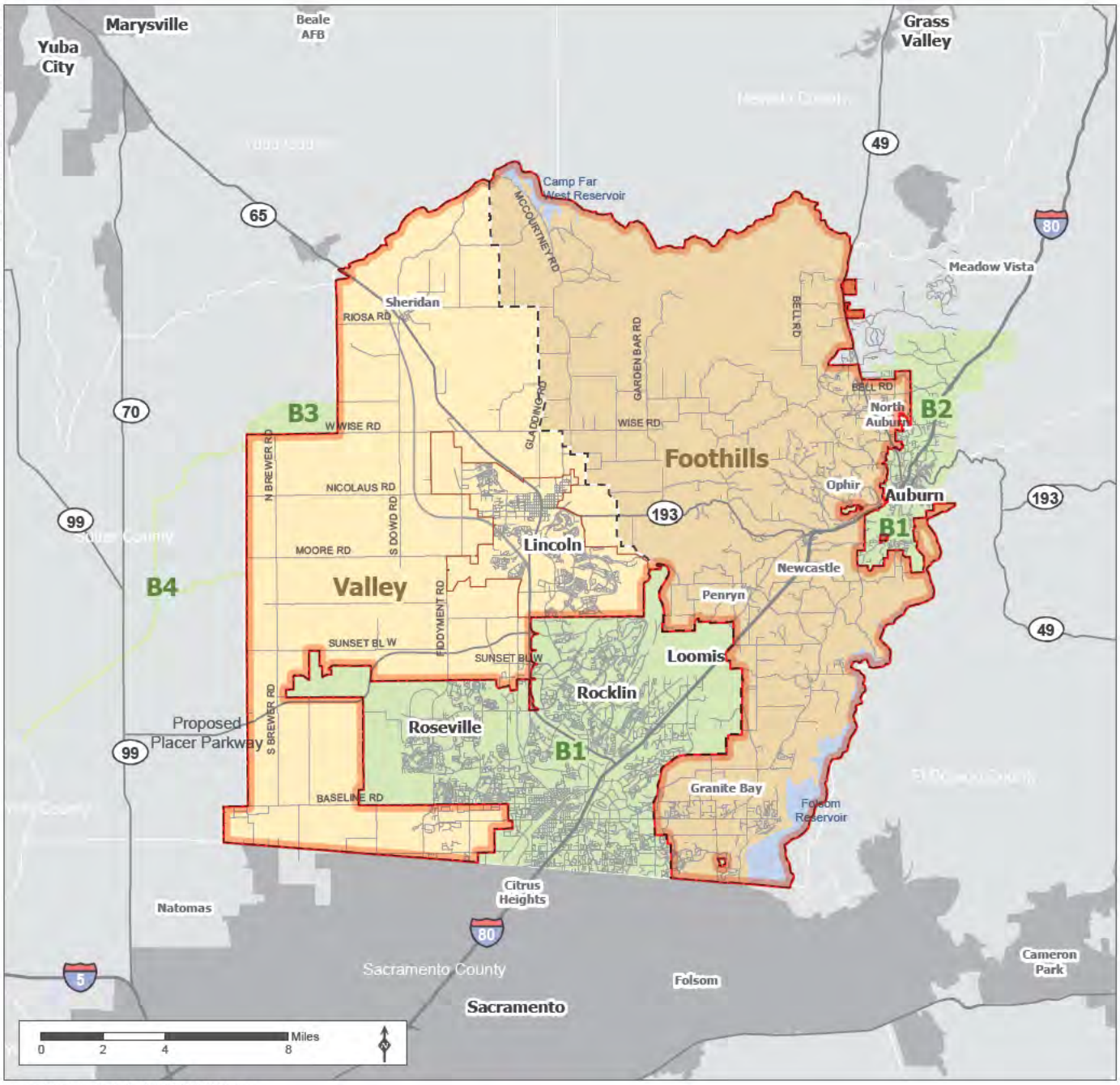
b. If the Corps determines the application is complete but the activity cannot be authorized by a LOP, the Corps will notify the applicant within 15 calendar days of that determination and proceed to an alternate permitting process (General Permit or Standard Permit).

c. If the application is determined to be complete and appears to meet LOP criteria, the Corps will notify the applicant that the proposed activity is being evaluated for LOP authorization. The Corps will notify the applicable HCP/NCCP Plan Permittee, and applicable state and federal coordination agencies, via e-mail of the proposed LOP for the activity, and request any comments within ten (10) calendar days of such notice. The Corps will also request any additional information necessary to complete processing of the permit application, such as information to conduct required consultations under Section 106 of the National Historic Preservation Act (NHPA), Section 7 of the Endangered Species Act (ESA), and/or Section 30(b)(2) of the Magnuson Stevens Fishery Conservation and Management Act (MSFCMA), and, if sufficient information has been submitted, initiate any required consultation(s) with other agencies.

d. Evidence of Section 401 WQC or waiver must be provided to the Corps before any final LOP decision is made. An LOP will not be issued until and unless all necessary certifications, consultations and/or authorizations (e.g., 401 WQC, NHPA, ESA, and MSFCMA) have been completed and/or issued/waived. The Corps will review the comments received from other agencies and, if otherwise complete (e.g., NHPA, ESA, MSFCMA complete, and 401 WQC issued/waived), make a determination within 30 calendar days after the close of the comment period as to whether to issue the LOP, and whether special conditions are needed. If the Corps determines the activity (1) meets the criteria for LOP authorization, (2) would have a less than significant impact on aquatic resources and the human environment, (3) meets the requirements of the 404(b)(1) Guidelines, (4) would not be contrary to the public interest, (5) is in compliance with other applicable laws (e.g. ESA, NHPA, Section 401 WQC), and (6) has a consistency determination from Placer County and/or the City of Lincoln that the project is covered under the HCP/NCCP, an LOP will be issued. The Corps will add special and/or general conditions to LOP authorizations as necessary to ensure effects of the proposed action are not significant and are in compliance with Section 404 of the Clean Water Act and other applicable laws.

e. If at any time during the process the Corps determines the activity may not be authorized by a LOP, Corps staff will immediately notify the applicant, terminate the LOP process, and proceed to an alternate permitting process, as described in *LOP Procedure* (3)(b) above.

DRAFT



Source: Placer County, 2014; MIG | TRA 2015; CalTrans

- Interstate
- Highway
- Road
- City of Lincoln
- Valley/Foothill Divide
- Surrounding Urban Area

Plan Area A

Valley	100,698 acres	Plan Area A Boundary
Foothills	109,134 acres	
All Plan Area A	209,832 acres	

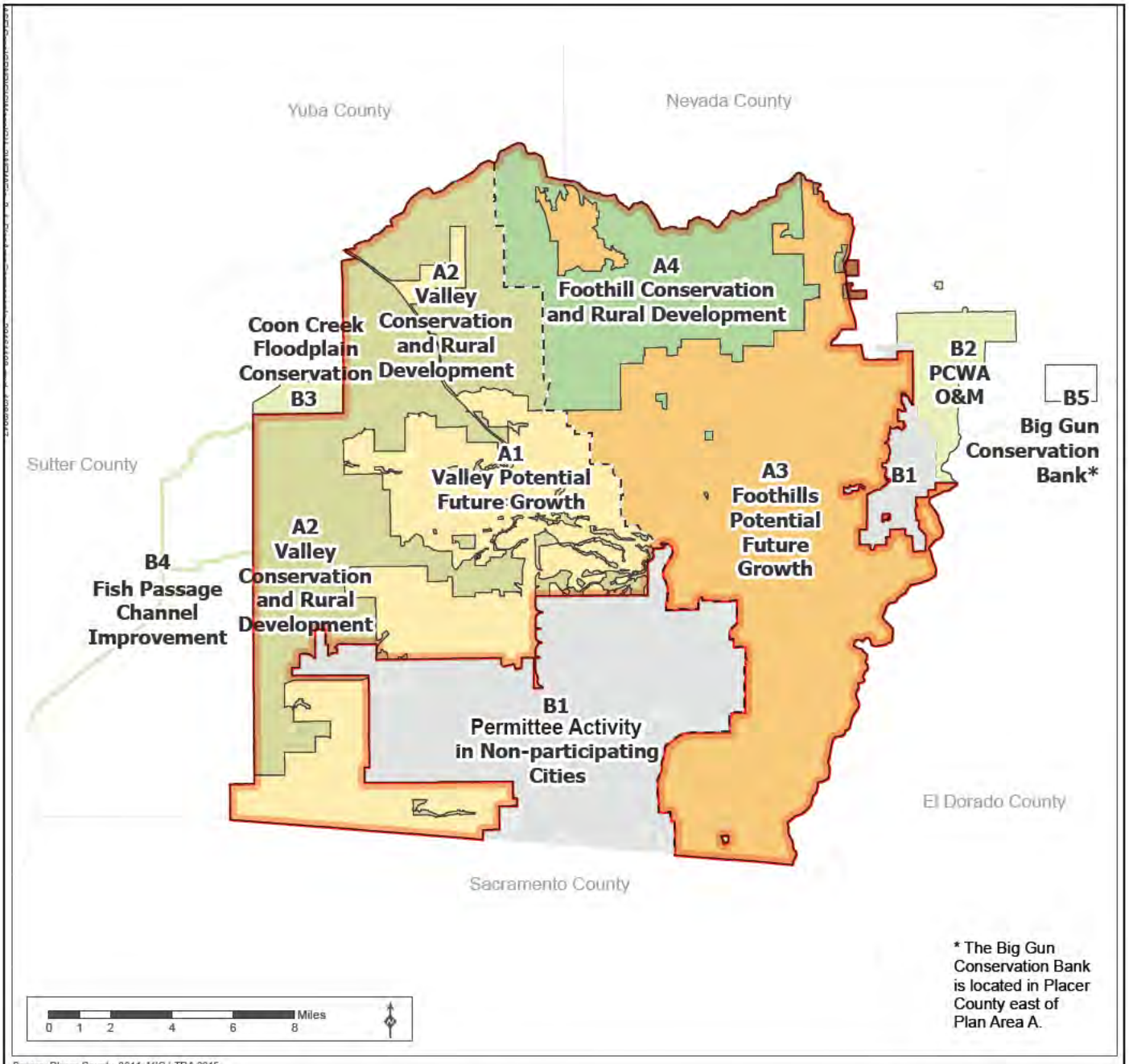
Plan Area B

- B1. Permittee Activity in Non-Participating City Jurisdiction. 50,636 acres
- B2. PCWA Zone 1 Operations and Maintenance. 6,315 acres
- B3. Coon Creek Floodplain Conservation. 1,724 acres in Sutter County
- B4. Fish Passage Channel Improvement. 33 miles of channels in Sutter County
- B5. Big Gun Conservation Bank. 52 acres in Placer County (Not shown on map)

Source: Appendix A

Graphics ... 04406.04 (7-12-2018) tg

Figure 1-1
Plan Area
Placer County Conservation Program – EIS/EIR



Source: Placer County, 2014; MIG | TRA 2015

Plan Area A

- A1. Valley Potential Future Growth
- A2. Valley Conservation and Rural Development
- A3. Foothills Potential Future Growth
- A4. Foothill Conservation and Rural Development
- Plan Area A Boundary

Plan Area B Components

- B1. Permittee Activity in Non-Participating Cities: Public program or conservation activities undertaken by the Permittees.
- B2. PCWA O&M: PCWA Zone 1: Operations and Maintenance (O&M) for existing facilities east of Auburn plus adjacent Lake Theodor reservoir.
- B3. Coon Creek Floodplain Conservation: Watershed protection and stream restoration activities along Coon Creek floodplain in a portion of Sutter County.
- B4. Fish Passage Channel Improvement: Fish Passage Channel Improvement: Selective in-stream work on a portion of 33 miles of channels west of Placer County in Sutter County.
- B5. Big Gun Conservation Bank: Conservation actions for California red legged frog in Placer County on the Big Gun mitigation bank east of Auburn.

- - Valley/Foothill Divide

Source: Appendix A

Graphics ... 04406.04 (7-12-2018).ai

ICF

Figure 2-1
Plan Area Components
Placer County Conservation Program – EIS/EIR

DATE TBD

ABBREVIATED STANDARD PERMIT PROCESS FOR COVERED ACTIVITIES UNDER THE PLACER COUNTY CONSERVATION PROGRAM WITH SIGNIFICANT IMPACTS ON THE HUMAN ENVIRONMENT

Background

The Placer County Conservation Program (PCCP) applies to western Placer County and specific conservation activity areas in neighboring Sutter County. The PCCP includes a proposed Habitat Conservation Plan and Natural Community Conservation Plan (HCP/NCCP), the proposed Western Placer County Aquatic Resources Program (CARP), and the approved Western Placer County In-Lieu Fee (ILF) Program. The HCP/NCCP proposes to cover fourteen species of wildlife, including nine state and/or federally-listed as threatened or endangered. The CARP is proposed by the County to provide a structure for protecting aquatic resources in western Placer County while streamlining the environmental permitting process for impacts to aquatic resources. The HCP/NCCP uses a regional approach to address issues related to planned development and species habitat conservation and restoration. The proposed boundaries of the PCCP are generally Nevada and Yuba Counties on the north, the City of Auburn and California State Highway 49 on the east, Sacramento County on the South, and Sutter County on the west. The PCCP Plan Area also includes specific areas in western Placer County and a small area in adjacent Sutter County where specific covered activities may be conducted by the Plan Participants. The Plan Area excludes the Cities of Auburn, Roseville and Rocklin and the Town of Loomis, with the exception of specific activities within these cities that would be conducted by the Plan Participants. The four PCCP Plan Participants are the County of Placer, City of Lincoln, South Placer Regional Transportation Authority (SPRTA), and Placer County Water Agency (PCWA). The Plan Participants are forming the Placer Conservation Authority (PCA), a joint exercise of powers agency, to implement the HCP/NCCP and the CARP commitments and requirements. Based on the HCP/NCCP, the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) will issue species incidental take permits to the Plan Participants and the PCA under Section 10 of the Endangered Species Act (ESA 10). Before they can issue incidental take permits, the USFWS and NMFS must internally consult under Section 7 of the ESA (ESA 7) and are required to comply with the National Environmental Policy Act (NEPA) and other related laws.

Applicability of the Abbreviated SP Process

The Abbreviated SP process will be used for the small number of PCCP covered activities requiring authorization under Section 404 of the Clean Water Act (CWA 404) that may significantly affect the quality of the human environment under the National Environmental Policy Act (NEPA), requiring the preparation of an Environmental Impact Statement (EIS). As a result of coordination and alignment with the HCP/NCCP and the CARP, the Corps' evaluation process for SP applications can be streamlined or “abbreviated” to produce higher quality and faster decisions.

EIS Trigger for PCCP Abbreviated SP Process

If an EIS is required for a PCCP covered activity, the abbreviated SP process would apply when the U.S. Army Corps of Engineers, Sacramento District (Corps) determines an EIS is required. The determination that a proposed activity may significantly affect the human environment is based on an analysis of the direct and indirect effects of the proposed action within the Corps' scope of analysis as defined in 33 CFR Part 325, Appendix B. A determination that the proposed action would result in significant effects to the human environment includes consideration mitigation measures designed to avoid, minimize, rectify, reduce/eliminate, and compensate for adverse effects that would be caused by the action requiring a CWA 404 permit.

The Corps recognizes that identifying the appropriate type of CWA 404 permit appropriate for processing PCCP covered activities needing CWA 404 authorization is of paramount interest to project applicants, particularly early in project planning and design. Although a final determination of the need for an EIS can only be made by the Corps in response to receiving a complete permit application, the Corps encourages project applicants to engage during the early planning stages of projects to discuss CWA 404 regulatory strategies. Following this approach, project applicants would have limited unknowns in terms of which type of PCCP-aligned CWA 404 permit is anticipated to be required.

Abbreviated SP Process

While the procedural requirements for CWA 404 SPs would follow the same process as identified by regulations found at 33 CFR Part 325, *Applications for Permits*, the anticipated timeline for completing this process would be substantially reduced as a result of streamlining. Certain SP processing components are required by regulation; examples include contents of a complete application, and public notices. A top objective of the abbreviated SP process is to address, in the most efficient way possible and with reliance on the PCCP, including its EIS and other related documents including the CARP, the most information-intensive and time-consuming aspects of SP evaluation and streamline these to the maximum extent possible. Key processing elements of the PCCP abbreviated SP process are described below, and summarized (with some additional procedural examples) in comparison to a typical SP process in **Table 1**.

Pre-application Meeting

The abbreviated SP process requires a pre-application meeting between the project applicant, Corps, applicable PCCP Permittee (e.g., Placer County or City of Lincoln). As an outcome of the pre-application meeting, the Corps will provide feedback on whether it appears an EIS may be necessary, as well as guidance on alternatives the applicant may consider to avoid and minimize effects to the human environment, and reduce the likelihood of an EIS being required.

Complete Permit Application and Supplemental Information

Reducing the review time for an SP under the PCCP will be in part achieved through the applicant's submittal of a complete Department of the Army (DA) permit application and supplemental information. The information necessary to reduce processing times includes: (1)

Providing information required for a complete application as defined at 33 CFR 325, *Applications for Permits*; (2) Information to show the project is in compliance with all applicable requirements of the PCCP; (3) Information to show the project is in compliance with the U.S. Environmental Protection Agency's (EPA's) *Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material* (404(b)(1) Guidelines) as it relates to on-site alternatives to avoid and minimize adverse effects to waters of the U.S.; (4) Information to show the project is in compliance with Section 106 of the National Historic Preservation Act (NHPA) and Section 401 of the CWA, as appropriate; and (5) A proposed plan for compensating for the loss of waters of the U.S. on the project site, as described below.

Information Requirements for Aquatic Resources in SP Application's EIS

The level of information and/or extent of analysis necessary in the proposed project's EIS to comply with NEPA at the project level will be reduced as a result of tiering from the PCCP EIS. While timelines for review required by NEPA regulations will remain the same (e.g. Draft EIS comment period of 45 days, Final EIS review period of 30 days), submittal of information necessary for a complete application and tiering from the PCCP EIS will substantially reduce the required preparation time for the EIS, including using applicable information regarding direct, indirect, and cumulative effects, incorporation of applicable avoidance and minimization measures, and elimination of the requirement for evaluation of off-site alternatives.

Compliance with CWA 404 Avoidance and Minimization Requirements, Including EPA's 404(b)(1) Guidelines

Because the PCCP EIS examines a range of reasonable alternatives affecting waters of the U.S., it serves as the basis for the Corps' landscape-level evaluation of alternatives under NEPA evaluated in the Record of Decision. Similarly, the PCCP EIS provides the primary basis for the Corps' evaluation of avoidance, minimization and less damaging practicable alternatives at the regional scale. Most project-level avoidance and minimization requirements will be satisfied when proposed activities are designed to comply with all applicable avoidance and minimization measures contained in the HCP/NCCP and CARP.

The Corps will still need to conduct an on-site alternatives analysis, but the off-site alternatives analysis normally required for SP evaluation under EPA's 404(b)(1) Guidelines has been addressed at the regional level in the Corps' Record of Decision (ROD) for the PCCP EIS. Most on-site avoidance and minimization will be achieved by incorporating applicable avoidance and minimization measures from the HCP/NCCP and CARP. Evaluation of project-level, on-site avoidance and minimization opportunities will be assessed on a case-specific basis. For example, the USACE may require evaluation of alternatives to avoid and minimize effects to waters of the U.S. within and adjacent to streams. This may result in minor adjustments to features such as stream setback width requirements imposed by the HCP/NCCP and CARP in an area of a project site containing a wetland adjacent to the stream setback. The Corps will work with the applicant to identify on-site alternatives where information is necessary to ensure compliance with the 404(b)(1) Guidelines on a case-by-case basis. Alternatives identified by the Corps will be limited the following on-site alternatives: (1) the no action alternative; (2) alternatives that modify proposed avoidance areas to further avoid or minimize adverse effects to waters of the U.S.; and (3)

alternatives that would result in further avoidance and/or minimization of adverse direct or indirect effects to jurisdictional streams and their adjacent wetlands, as compared to the proposed action.

Compensatory Mitigation Requirements

Compensatory mitigation requirements for unavoidable effects to waters of the U.S. would align to the mitigation requirements contained in the HCP/NCCP, and would generally be satisfied by a "one-fee" system in which the HCP/NCCP fees would, to the extent possible, cover the Corps' compensatory mitigation requirements. This would be accomplished by payment into the WPILF Program established in May 2019. Alternatively, applicants may propose to compensate for the loss of waters of the U.S. through the purchase of credits from a Corps-approved mitigation bank, provided the applicant provides information demonstrating that the mitigation bank is consistent with the HCP/NCCP and CARP, and the Corps determines the use of the mitigation bank is appropriate. A proposal to purchase mitigation bank credits may increase the permit evaluation process timeline.

Compliance with Other Laws

To-date, the Corps has obtained programmatic compliance with Section 7 of the ESA. Programmatic Section 7 ESA coverage for abbreviated SPs provides for greater assurances and streamlining. The Corps intends to continue pursuing the goals of a programmatic Section 401 WQC for abbreviated SPs, and programmatic compliance with Section 106 of the NHPA. In comparison to a typical SP process, programmatic approaches to complying with these laws is anticipated to save significant amounts of time and cost to project applicants (see **Table 1**) on the following page.

Table 1. Abbreviated SP Process under the PCCP vs. Normal SP Process

Requirements	PCCP Abbreviated SP Process	Normal SP Process
Pre-application Meeting	Required	Recommended
Complete Application	Required. See 33 CFR Part 325.1(d)	Required. See 33 CFR Part 325.1(d)
Public Notice	Required. See Under 33 CFR Part 325.3	Required. See under 33 CFR Part 325.3
EIS Level of Analysis	Reduced, Due to "Tiering" from PCCP EIS/EIR	Required. Stand-Alone, Project-Specific
Alternatives for NEPA, 404(b)(1) and Public Interest Review	Reduced, Due to "Tiering" from PCCP EIS/EIR, and Incorporating HCP/NCCP Avoidance/Minimization Measures	Required. Stand-Alone, Project Specific
Evaluation of Off-site Alternatives Analysis	Not Required	Required
Evaluation of On-site Alternatives Analysis	Required. See 33 CFR Part 325, Appendix B.9(5). Primarily satisfied through incorporation of HCP/NCCP	Required. See Under 33 CFR Part 325, Appendix B.9(5). Project-specific avoidance and minimization

Requirements	PCCP Abbreviated SP Process	Normal SP Process
	avoidance/minimization measures; Minor adjustments along preserve boundaries may be necessary. Extent of alternatives limited.	
Applicant Information About Avoidance and Minimization for Effects to Waters of the US	Required. Most on-site avoidance and minimization requirements satisfied by incorporating HCP/NCCP avoidance/minimization measures; Additional supporting information will be required	Required. No standardized design and construction avoidance/minimization measures to rely upon
Compensation for Effects to Waters of the U.S.	Required. Compensatory mitigation achieved through WPILF Program, or, Alternatively through the purchase of mitigation bank credits provided sufficient information is provided by the applicant.	Required. Project-specific mitigation plan subject to Corps approval. Compensatory mitigation achieved through mitigation bank, Corps-approved ILF Program, and/or permittee-responsible mitigation; See 33 CFR Part 332.
Compliance with Section 7 of the Endangered Species Act (ESA)	Required. Project covered by PCCPs Biological Opinion (BO)	Required. Project-specific Biological Assessment, consultation, and BO
Compliance with Section 401 of the Clean Water Act (Section 401 Water Quality Certification)	Required. Project-specific 401 WQC with future goal of programmatic WQC for abbreviated SPs	Required. Project-specific 401 WQC.
Compliance with Section 106 of the National Historic Preservation Act	Required. Until a Programmatic Agreement (PA) is available, project-specific information and consultation	Required. Project-specific information and consultation

Benefits of the Abbreviated SP Process

Alignment with the PCCP is an opportunity to streamline the standard permit process under the Corps Regulatory Program for covered activities that require preparation of an EIS. The abbreviated SP process is expected to reduce the Corps review time by more than half. With NEPA tiering and programmatic consultations, a permit decision can be made in 6 to 9 months (excluding any delays attributable to the permit applicant) from the date of submittal of a complete application. Additional reduction in processing times would also occur if reviews are conducted concurrent with local agency review, including completing a joint EIS' and Environmental Impact Report (EIR) with the local agency. As shown in **Table 1**, reduction in length of processing of SPs under the abbreviated SP process will result from:

1. A reduction in time necessary to complete a Draft and Final EIS, as a result of tiering from the PCCP EIS.

2. A reduction in the level of information required to show compliance with EPA's Section 404(b)(1) Guidelines, which would be limited to evaluation of on-site avoidance and minimization alternatives, most of which would be satisfied by incorporating PCCP avoidance/minimization measures. This would result in a reduction in the review time by the Corps, as well as a reduction in the time and costs for the applicant in preparing alternatives information.

3. A reduction in Corps review time for proposed compensatory mitigation, as compensatory mitigation would occur through the purchase of WPILF program credits and using mitigation ratios consistent with the PCCP. Review times may be slightly increased if applicants propose to purchase credits from a Corps-approved mitigation bank, as a result of additional review by the Corps.

4. A reduction in processing time for Section 7 ESA compliance due to coverage by the USFWS's BO for the PCCP.

5. Upon establishment of a programmatic 401 WQC for abbreviated SPs, a reduction in processing time for Section 401 WQC.

6. Upon establishment of a Section 106 NHPA PA, a reduction in processing time for Section 106 of the NHPA.

Attachment I

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

In the matter of: A RESOLUTION APPROVING THE NEXUS STUDY AND ESTABLISHING THE PLACER COUNTY CONSERVATION PROGRAM DEVELOPMENT FEES SCHEDULE

Resolution No.: 2020 -_____

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held_____, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

_____

Chair, Board of Supervisors

Attest:

_____

Clerk of said Board

WHEREAS, on _____, 2020, after providing timely notice of a public hearing in compliance with State law and County Code, the County Board of Supervisors ("Board") held a public hearing regarding the proposed Placer County Conservation Program ("PCCP"), the PCCP Final EIR and all other related PCCP resolutions, ordinances and implementing components; and

WHEREAS, at the conclusion of the public hearing, the Board adopted Resolution No. _____ to certify the Final EIR for the PCCP, adopt Findings of Fact and a Statement of Overriding Considerations and a Mitigation, Monitoring Reporting Program; and Resolution No. _____ to amend the County General to incorporate the goals, policies and objectives of the PCCP; and Resolution No. _____ to approve the "Western Placer County Habitat Conservation Plan, Natural Community Conservation Plan, County Aquatic Resources Program, Cultural Resources Management Plan, In Lieu Fee Program Otherwise Known as the Placer County Conservation Program"; and

WHEREAS, at the conclusion of the same meeting, the Board adopted Ordinance No. _____ to add Chapter 19, entitled "Conservation, Open Space, and Woodland Conservation" to the Placer County Code; and

WHEREAS, Chapter 19, Article 19.10 is entitled the "Placer County Conservation Program" ("PCCP") and is the regulatory framework to implement the PCCP; and

WHEREAS, Chapter 19, Article 19.10 also identifies and requires the adoption and implementation of the "PCCP Development Fees" which are defined in Section 19.10.040 as those "fees adopted by the County in accordance with Chapter 9, Section 9.4 of the HCP/NCCP, and the PCCP development fee nexus study in support thereof, and any amendments and adjustments to those fees." Further the PCCP Development Fees consist of the following categories: (1) Land conversion fee(s); (2) Special habitat fee(s); and (3) Temporary effect fee(s); and

WHEREAS, Article 19,10, Section 19.10.090, entitled "PCCP Development Fees", identifies the purposes, methodology, use of revenues and payment of the fees; and

WHEREAS, Article 19.10, Section 19.10.090(C), authorizes the amounts and method of calculating the PCCP Development Fees, including the land conversion fee, the special habitat fees, and the temporary effect fee, to be adopted by the Board by resolution. The same section authorizes the annual adjustment of the PCCP Development Fees "in accordance with Chapter 9, section 9.4.1.7 (Adjustment of Development Fees), of the HCP/NCCP", which would also be adopted by the Board by resolution; and

WHEREAS, in order to establish a fee program under Government Code section 66000 et seq. a nexus study must be prepared and approved; and

WHEREAS, the Development Fee Nexus Study for the Western Placer County HCP/NCCP, dated January 2020 ("PCCP Fee Study") has been prepared for the purpose of PCCP implementation and development fee adoption by the County, and recommends the amount of the impact fees on public and private development projects covered by the PCCP and in the PCCP Development Fees area, based on the estimated acquisition, management and

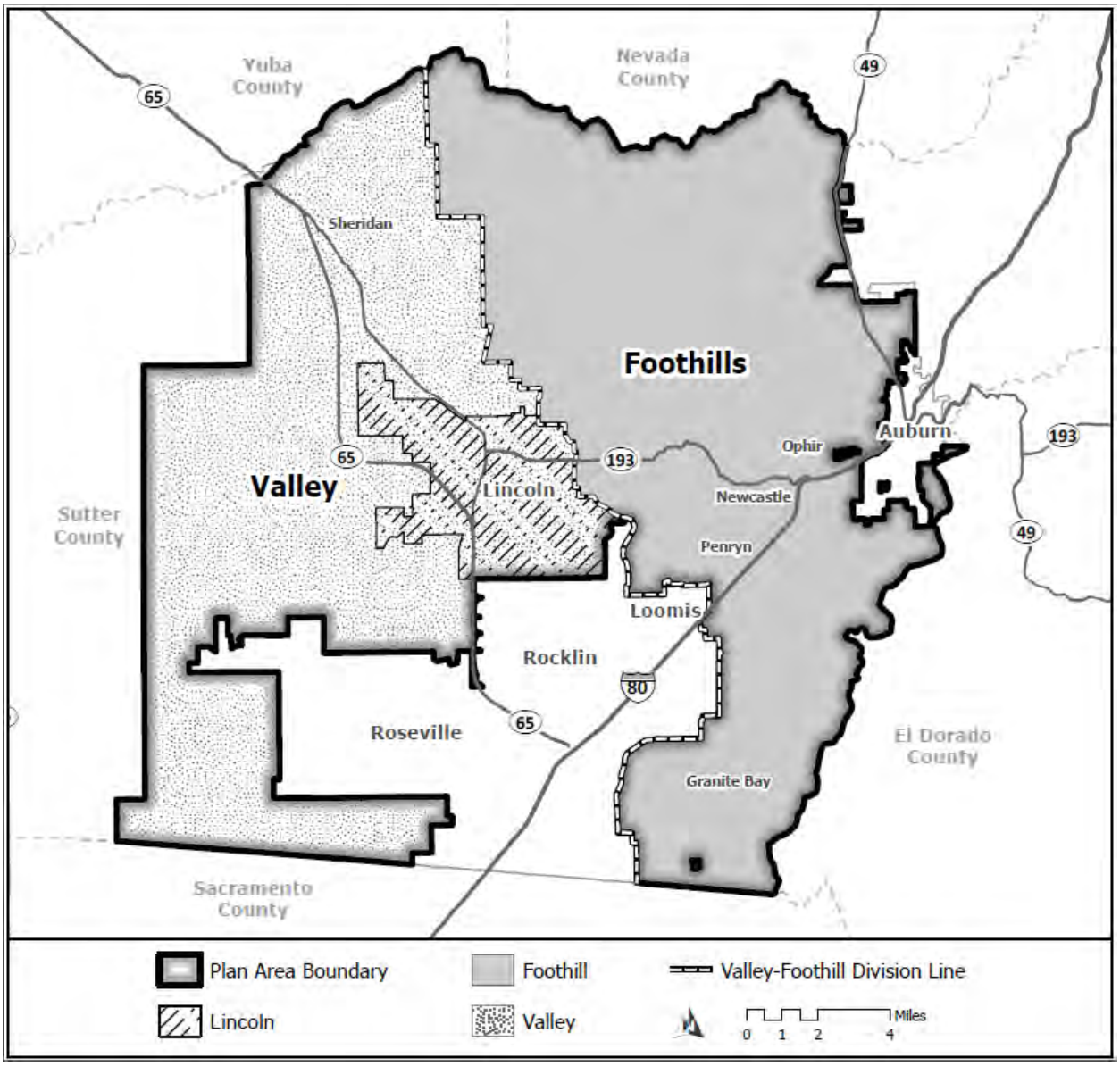
maintenance costs as set forth in Chapter 9 (Costs and Funding) and Appendix L of the HCP/NCCP.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER that the Development Fee Nexus Study for the Western Placer County HCP/NCCP, dated January 2020 is approved, attached hereto as Exhibit A and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Board of Supervisors finds the proposed fee schedule does not exceed the estimated reasonable cost of implementing the PCCP for which the fees are imposed as set forth in the Initial PCCP Development Fees Schedule as shown in Exhibit B, attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the initial fee schedule and amounts of the PCCP Development Fees are hereby determined, approved and set as shown in Exhibit B, attached to this resolution, effective sixty (60) days following adoption of this resolution.

PCCP Development Fees Area



Attachment I

EXHIBIT A

UNDER SEPARATE COVER

DEVELOPMENT FEE NEXUS STUDY FOR THE WESTERN PLACER COUNTY HCP/NCCP, DATED JANUARY 2020

NOTE: The above documents are on file with the Community Development Resource Agency and Placer County Clerk of the Board.

EXHIBIT B

INITIAL PLACER COUNTY CONSERVATION PROGRAM DEVELOPMENT FEES SCHEDULE

HCP/NCCP Table 9-6: Land Conversion Fee Schedule

Plan Area A - Valley (Components A1 and A2)				
	Any Existing Parcel up to 20,000 square feet	No fee (not a Covered Activity)		
1a	Total covered activity on existing parcel greater than 20,000 square feet up to 1.0 acre	$	5,197	per acre
1b	Single family residential on existing parcel greater than 1.0 acre or on any parcel created by subdivision of an existing parcel into four or fewer total parcels	$	3,897	per dwelling unit
			plus	
		$	1,299	per acre up to
		$	12,990	maximum[a]
1c	All other development	$	26,473	per acre
Plan Area A - Foothills (Components A3 and A4)				
	Any Existing Parcel up to 20,000 square feet	No fee (not a Covered Activity)		
2a	Residential project on existing parcel greater than 20,000 square feet up to 1.0 acre	$	2,279	per dwelling unit
2b	Non-residential project on existing parcel greater than 20,000 square feet up to 1.0 acre	$	2,757	per acre
2c	Single family residential on existing parcel greater than 1.0 acre or on any parcel created by subdivision of an existing parcel into four or fewer total parcels	$	2,279	per dwelling unit
			plus	
		$	1,332	per acre up to
		$	13,320	maximum[a]
2d	Single family residential on any parcel created by subdivision of existing parcel into five or more total parcels and multi-family residential	$	2,279	per dwelling unit
			plus	
		$	7,560	per acre
2e	Non-residential project on existing parcel greater than 1.0 acre or on any parcel created by subdivision	$	10,317	per acre
Plan Area B				
Valley (Component B1: Roseville / Rocklin / Loomis area)				
3a	All covered activities	$	26,473	per acre
Foothills (Component B1: Auburn area and Component B2)				
3b	Covered activity on existing parcel up to 1.0 acre	$	2,757	per acre
3c	Covered activity on existing parcel greater than 1.0 acre	$	10,317	per acre

Notes:
All amounts in 2019 dollars.
Fee schedule applies to permanent effects. See PCCP, Chapter 9, Section 9.4.1.5, Temporary Effect Fee, for application of fee to projects with temporary effects.
Non-covered activities are not subject to PCCP Development Fees but may be subject to other local fees for impacts to other resources such as open space and native trees.
Per acre fees apply to the entire parcel area excluding areas improved at time of Plan adoption and where avoidance occurs pursuant to Section 6.3.1.3, General Condition 3, Land Conversion, including land approved by the PCA set aside as habitat. Per acre fees apply only to the disturbed area footprint of Covered Activities on low density rural development limited to structures or activities that are appurtenant or accessory to rural residential uses and activities or structures that support rural nonresidential land uses (see Section 6.3.1.3.2, Permanent Effect Avoidance for Low Density Rural Development).
"Existing Parcel" refers to a parcel at time of Plan adoption.
For mixed use projects with multi-family residential, the project pays the higher fee of either category 2d or category 2e.
Plan Area A - Foothills includes that portion of Plan Area A - Valley that is the higher elevation portion of the City of Lincoln planning area roughly eastward of a line dropped due south from the intersection of Virginiatown Road and Hungry Hollow Road and pulled west to follow the 200' elevation line which runs roughly along the NID irrigation ditch north of Hwy. 193 and Oak Tree Lane.
[a] Maximum amount per parcel applies to per acre fee only. Per dwelling unit fee is in addition to per acre fee.

Table 9-7: Special Habitats Fee Schedule

	Name	Amount		Temporary Effects Fee Applicable ?
4a	Vernal Pool Direct Effects	$ 171,167	per acre	Yes
4b	Vernal Pool Immediate Watershed Effects	$ 28,586	per acre	No
4c	Aquatic/Wetland	$ 121,025	per acre	Yes
4d	Riverine/Riparian	$ 107,637	per acre	Yes
4e	Riverine/Riparian Buffer[b]	$ 53,819	per acre	No
4f	Stream System Encroachment[c]	$ 107,637	per acre	No
4g	Salmonid Stream Channel[d]	$ 654	per linear foot	No

Notes:
All amounts in 2019 dollars.
All special habitat fees are paid in addition to the land conversion fee.
Fee schedule applies to permanent effects. See PCCP, Chapter 9, Section 9.4.1.5, Temporary Effect Fee, for application of fee to projects with temporary effects.
[a] Vernal pool constituent habitat delineated wetland on project site not altered by ground disturbance but within an immediate watershed that is altered by ground disturbance. See Sec. 6.3.2,1.1 Community Condition 1.1, Avoidance for Vernal Pool-Type Wetlands.
[b] Ground disturbance not in stream system but within 50 feet of riverine/ripairan constituent habitat.
[c] Area subject to stream system encroachment excludes any area already subject to a constituent habitat fee (such as riverine/riparian fee).
[d] Salmonid stream channel fee paid in addition to any other applicable special habitat fees.

Calculation of Land Conversion Fee

Except as provided in paragraph 1 and paragraph 2, below, the applicable land conversion fee shall be assessed based on the total area (in acres) of the parcel on which a development project is sited, excluding any area that is permanently avoided, as defined in Chapter 6, Section 6.3.1.3, of the HCP/NCCP, or is set aside for the reserve system, either in fee title or through conservation easement, in accordance with Chapter 8, Section 8.4, of the HCP/NCCP. (Land conversion fees 1a, 1c, 2b, 2e, 3a, 3b, and 3c.)

1. For residential development projects on parcels of one acre or less located in the foothills subarea of plan area A or in the Auburn portion of subarea B1, the land conversion fee shall be assessed based on the number of dwelling units to be constructed. (Land conversion fee 2a.)

2. For residential development projects on parcels larger than one acre located in the foothills subarea of plan area A or in the Auburn portion of subarea B1, the land conversion fee shall be assessed based both on the number of dwelling units to be constructed and on the total area (in acres) of the parcel, excluding any area that is permanently avoided, as defined in Chapter 6, Section 6.3.1.3, of the HCP/NCCP, or added to the reserve system, either in fee title or through conservation easement, in accordance with Chapter 8, Section 8.4, of the HCP/NCCP. (Land conversion fees 1b, 2c, and 2d.)

Calculation of Special Habitat Fees

Special habitat fees shall be assessed based on each development project's area of effect on vernal pools and other wetlands, riverine and riparian habitat, and stream systems, as set forth in Chapter 9, Section 9.4.1.4 of the HCP/NCCP. Effects on these special habitats shall be measured in acres. (Special habitat fees 4a, 4b, 4c, 4d, and 4e.) If a development project will have an adverse effect on a stream channel identified by the Placer Conservation Authority as a salmonid stream channel, special habitat fee 4f shall also be assessed. Effects on salmonid stream channels shall be measured in linear feet. (Special habitat fee 4g.)

Calculation of Temporary Effect Fee

The temporary effect fee shall be assessed based on each development project's temporary effects, as set forth in Chapter 9, Section 9.4.1.5 of the HCP/NCCP. Temporary effects are direct effects that alter natural and semi-natural land cover types for less than one year, and that recover to pre-project or ecologically improved conditions within one year of initiating construction, as defined in Chapter 4, Section 4.2, of the HCP/NCCP. Project applicants may choose to be assessed a temporary effect fee in either of the following ways:

1. For each calendar year in which the temporary impacts will occur, payment of two percent (2%) of the land conversion fee or special habitat fee that would apply if the effects were not temporary; or

2. For frequently recurring temporary effects, one payment of one-hundred percent (100%) of the land conversion fee or special habitat fee to cover all recurrences.

The temporary effect fee shall not be assessed for temporary effects: that are less than .10 acre and do not affect wetlands, streams or other water bodies; that result from sediment removal in artificial off-channel detention basins or groundwater recharge ponds, when free of vegetation; or to non-natural land cover types.

Attachment J

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

In the matter of: A RESOLUTION APPROVING THE NEXUS STUDY AND ESTABLISHING THE PLACER COUNTY OPEN SPACE AND FIRE HAZARD MANAGEMENT FEE

Resolution No.: _____

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held_____, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

_____

Chair, Board of Supervisors

Attest:

_____

Clerk of said Board

WHEREAS, on _____, 2020, after providing timely notice of a public hearing in compliance with State law and County Code, the County Board of Supervisors ("Board") held a public hearing regarding the proposed Placer County Conservation Program ("PCCP"), the PCCP Final EIR and all other related PCCP resolutions, ordinances and implementing components; and

WHEREAS, at the conclusion of the public hearing, the Board adopted Resolution No. _____ to certify the Final EIR for the PCCP, adopt Findings of Fact and a Statement of Overriding Considerations and a Mitigation, Monitoring Reporting Program; and Resolution No. _____ to amend the County General Plan to incorporate the goals, policies and objectives of the PCCP; and Resolution No. _____ to approve the "Western Placer County Habitat Conservation Plan, Natural Community Conservation Plan, County Aquatic Resources Program, Cultural Resources Management Plan, In Lieu Fee Program Otherwise Known as the Placer County Conservation Program"; and

WHEREAS, at the conclusion of the same meeting, the Board adopted Ordinance No. _____ to add Chapter 19, entitled "Conservation, Open Space, and Woodland Conservation" to the Placer County Code; and

WHEREAS, Chapter 19, Article 19.30 is entitled the "Open Space and Fire Hazard Management Fee", which article is to "complement funding provided by the [PCCP] by ensuring that development projects that are exempt from payment of the PCCP Development Fees, but which nonetheless benefit from the protection of open space and management of fire hazards under the PCCP contribute a fair share of funding for such open space protection and fire hazard management." (Section 19.30.010, See also Exhibit "A"); and

WHEREAS, Chapter 19, Article 19.30 Section 19.30.050 identifies the method of assessment and payment requirements and authorizes the Board to adopt the fee schedule by resolution and to periodically adjust the same by resolution.

WHEREAS, in order to establish a fee program under Government Code section 66000 et seq. a nexus study must be prepared and approved; and

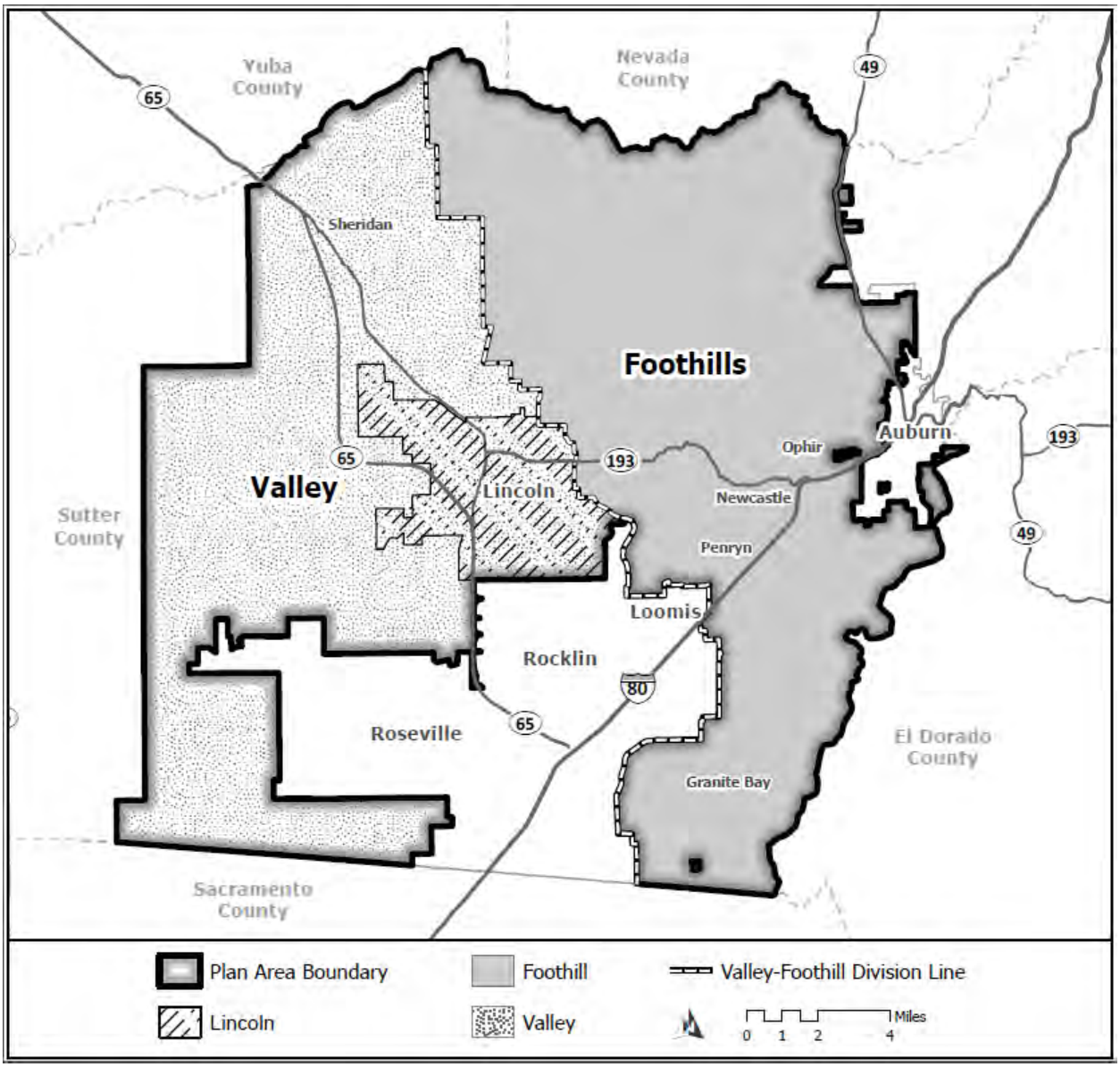
WHEREAS, the Development Fee Nexus Study for the Open Space and Fire Hazard Management Fee, dated January 20, 2020 ("Open Space Fee Study") has been prepared for the purpose of Open Space and Fire Hazard Management Fee adoption by the County, and recommends the amount of the Open Space and Fire Hazard Management Fee on public and private development, based on the estimated open space protection and fire hazard management costs as set forth in the Open Space Fee Study.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER that the Development Fee Nexus Study for the Open Space and Fire Hazard Management Fee, dated January 20, 2020, is approved, attached hereto as Exhibit "A" and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Board of Supervisors finds the proposed fee schedule does not exceed the estimated reasonable cost of implementing the open space and fire management for which the fees are imposed as set forth in and as part of the Open Space and Fire Management Fee Schedule as shown in Exhibit "B", attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the initial fee schedule and amounts of the Open Space and Fire Management Fee Schedule are hereby determined, approved and set as shown in Exhibit “B”, attached to this resolution, effective sixty (60) days following adoption of this resolution.

Foothills Open Space and Fire Hazard Management Fee Area



Attachment J

Exhibit A

UNDER SEPARATE COVER

DEVELOPMENT FEE NEXUS STUDY FOR THE OPEN SPACE AND FIRE HAZARD MANAGEMENT FEE, DATED JANUARY 2020

NOTE: The above documents are on file with the Community Development Resource Agency and Placer County Clerk of the Board.

Attachment J

Exhibit B

Open Space and Final Hazard Management Fee Schedule

Fee Type	Fee Amount
Fee per Dwelling Unit (Residential)	$2,279
Fee per Acre (Non-Residential)	$2,757

Source: *Development Fee Nexus Study for the Open Space and Fire Hazard Management Fee*, January 2020

COMMUNITY DEVELOPMENT RESOURCE AGENCY
PLANNING SERVICES DIVISION
County of Placer

HEARING DATE: July 9, 2020
ITEM NO.: 2
TIME: 11:00 A.M.

TO: Placer County Planning Commission

FROM: Gregg McKenzie, PCCP Administrator

DATE: July 9, 2020

SUBJECT: **PLACER COUNTY CONSERVATION PROGRAM ADOPTION**
PLACER COUNTY GENERAL PLAN AMENDMENT
PLACER COUNTY CODE AMENDMENT (CHAPTERS 17 AND 19)
JOINT FINAL ENVIRONMENTAL IMPACT REPORT / ENVIRONMENTAL IMPACT STATEMENT
ALL SUPERVISORIAL DISTRICTS

GENERAL / COMMUNITY PLAN AREA: Placer County General Plan / Western Placer County

LOCATION: Unincorporated Western Placer County, the City of Lincoln and watershed areas in Sutter County, excluding the incorporated limits of the City of Auburn, Rocklin, Roseville and Town of Loomis (Attachment A - Plan Area)

PROPONENTS: County of Placer, City of Lincoln, Placer County Water Agency (PCWA), and South Placer Regional Transportation Authority (SPRTA)

PROPOSAL
The Placer County Conservation Program (PCCP) is a regional, comprehensive program intended to protect, enhance, and restore natural resources while streamlining permitting for public and private projects in Western Placer County and the City of Lincoln, and for projects carried out by PCWA and SPRTA. To implement the PCCP, staff is requesting the Planning Commission recommend approval to the Board of Supervisors of the following actions:

- Resolution certifying the Final EIR and adopting the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program
- Resolution amending the Placer County General Plan as follows:
    - Amend the goals and policies of Section 1 (*Land Use*) for Open Space, Habitat, and Wildlife Resources; and
    - Amend the goals and policies of Section 6 (*Natural Resources*) for Wetland and Riparian Areas, Fish and Wildlife Habitat, Vegetation and Open Space for the Preservation of Natural Resources
- Resolution approving the Placer County Conservation Program consisting of:
    - Western Placer County Habitat Conservation Plan / Natural Community Conservation Plan & Implementing Agreement (HCP/NCCP)
    - Western Placer County Aquatic Resources Program (CARP)
    - Cultural Resources Management Plan
    - Western Placer County In Lieu Fee Program

- Ordinance adding Chapter 19 to Placer County Code to implement the PCCP and establish the Placer County Conservation Program Development Fee, establish the Open Space and Fire Hazard

Management Fee and move Chapter 12, Article 12.16 (Tree Preservation Generally) to Chapter 19, Article 19.50 (Woodland Conservation).

- Ordinance amending Placer County Code Chapter 17 (Zoning) to implement the PCCP

There are also additional items for implementation of the PCCP that are discussed in this report for background purposes including the PCCP's cost and funding plan and fees, and the previously approved Western Placer County In Lieu Fee Program, but a recommendation is not sought from the Planning Commission on their approval.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS

Public notices were mailed to an extensive list including all persons and parties requesting notice and others that commented on the Notice of Intent/Preparation, DEIS/DEIR, or draft PCCP documents. In addition, notice was sent to the Community Development Resource Agency staff, the Department of Public Works, Facilities Management, Environmental Health Services, Air Pollution Control District, Municipal Advisory Councils, and trustee and responsible agencies. The FEIS/EIR was filed with the State Clearinghouse (SCH# 2005032050) on May 22, 2020 and the FEIS was posted in the U.S. Federal Register (FR#2020-10401) on the same date. The final PCCP documents were posted in the Federal Register and the County's website concurrent with the FEIS/FEIR.

In addition to the distribution of the PCCP documents and the Notice of Availability issued by the County and FWS for the EIS/EIR, the United States Army Corps of Engineers (USACE) opened an additional public notice on July 8, 2019 for its Clean Water Act (CWA) Section 404 Permitting Strategy for the PCCP, including Programmatic and Regional General Permits and a Letter of Permission, for a 30-day comment period ending on August 7, 2019. The final USACE CWA 404 Permit Strategy is included in the FEIS/FEIR as Appendix C.

PROJECT BACKGROUND

The County's 1994 General Plan update included the adoption of numerous policies related to natural resource management including Program 6.11 that called for the development, adoption, and implementation of a comprehensive habitat conservation plan / natural community conservation plan (HCP/NCCP) to address the long-term preservation and maintenance of sufficient natural habitat to support indefinitely the diversity of plants and wildlife species currently represented in Placer County. In 2000, staff completed the preparation of a program to implement the open space and conservation goals and policies of the General Plan known as the Placer Legacy Open Space and Agricultural Conservation Program (Placer Legacy). Placer Legacy included, as one its key elements, the preparation of an HCP and NCCP to address impacts of anticipated growth on endangered species and their habitat. This program was initiated in 2001. The City of Lincoln joined the PCCP's Ad Hoc Committee on May 2, 2007 and signed an MOU with the County officially joining the PCCP as a participating local agency in 2009.

In addition to the HCP/NCCP, Placer County initiated an effort to integrate the USACE permit requirements for impacts to waters of the United States (e.g., wetlands) into the conservation strategy for endangered species. This program is known as the Western Placer County Aquatic Resources Program (CARP). Until recently, most HCPs and NCCPs prepared in California only addressed the effects of land and infrastructure development on protected species and habitats. Impacts to wetlands were permitted through an independent regulatory process administered by the USACE. Because many of Placer County's sensitive species are wetland dependent for at least part of their life cycle, the integration of wetlands into the conservation strategy and permit strategy would be essential for the program to be successful.

Together, the HCP/NCCP and CARP comprise the main components of the PCCP. In addition to meeting state and federal requirements regarding impacts to endangered species and wetlands, the PCCP is designed to facilitate compliance with CEQA. Without the PCCP, a project would continue to undergo CEQA review and obtain land use entitlements, and then separately apply for permits from the state and federal agencies for wetlands and endangered species impacts. This separate review often results in project delays, inconsistent mitigation requirements, project modifications, and a lack of a consistent strategy for minimizing and mitigating impacts. The PCCP establishes consistent, predictable environmental review and mitigation

requirements for state and federal wetland and endangered species permitting and related CEQA compliance, shortens permitting processes, and enables the implementation of a long-term conservation strategy. In addition, a Cultural Resources Management Plan and related County Code Amendments have been included in the PCCP to facilitate compliance with CEQA and a allow for development of a Programmatic Agreement under Section 106 of the National Historic Preservation Act during implementation. Lastly, the PCCP includes a landscape-scale oak woodland mitigation strategy, with consistent avoidance and minimization measures, that will help alleviate one of the more challenging CEQA habitat issues that Placer County addresses as a lead agency.

Development of the PCCP's conservation strategy and avoidance, minimization, and mitigation measures took many years because state and federal requirements for approval of habitat conservation plans and natural community conservation plans, and integration of state and federal requirements for wetlands permitting, are difficult and complex. Development of the PCCP also required the resolution of important land use issues, fiscal considerations, and scientific questions.

The PCCP has generated significant interest among stakeholders. Stakeholder input was received through the PCCP's Biological Stakeholder Working Group (BWG). BWG members represented a diversity of interests and organizations including local government, landowners, environmental organizations, education, agriculture, and land development. Some members of the BWG have been stakeholders for more than a decade and their dedication to the PCCP has been essential to developing a successful program.

Science advisors were convened for input on three focus areas and all of the science advisors were drawn from the academic/teaching and research community with specialists in the fields of conservation biology, geography, vernal pool ecosystems, hardwood ecosystems and other fields. The first focus group was to assist with the overall development of a landscape scale conservation strategy at the outset of the program. The second was to assist with the challenges associated with mapping of vernal pools and vernal pool complexes. The third was to assist with the development of oak woodland restoration measures. A finance committee was also formed to specifically address cost estimates and the funding strategy for implementation of the PCCP. The finance committee represented a diversity of interests including real estate, land development, appraisal services, landowners, and the environment.

PCCP – PROGRAM ELEMENTS

The PCCP comprises three integrated program components and the issuance of related state and federal permits.

- The ***Western Placer County Habitat Conservation Plan and Natural Community Conservation Plan*** (HCP/NCCP), a joint federal habitat conservation plan and state natural community conservation plan that would protect fish, wildlife, plants, and their habitats and fulfill the requirements of the federal Endangered Species Act (ESA), and the California Natural Community Conservation Planning Act (NCCPA).

- The ***Western Placer County Aquatic Resources Program*** (CARP) would protect streams, wetlands, and other aquatic resources and can be used to fulfill the requirements of the Clean Water Act (CWA) and analogous state laws and regulations.

- The ***Western Placer County In-Lieu Fee Program*** (ILF) that creates "mitigation credits" that can be used to fulfill compensatory mitigation requirements under Section 404 and 401 of the CWA.

<u>HCP/NCCP</u>

The HCP/NCCP is intended to support the issuance of incidental take permits (ITPs) from the USFWS, the National Marine Fisheries Service (NMFS) and the California Department of Fish and Wildlife (CDFW), each with a term of 50 years. The HCP/NCCP includes a long-term conservation strategy to protect and contribute to the recovery of certain covered species and natural communities in the Plan Area (Attachment A). The ITPs would streamline permitting for a range of covered activities, including private development and public infrastructure projects that are consistent with local land use policies, and

operation and maintenance activities within the Reserve System. The HCP/NCCP identifies where covered activities' impacts on endangered species would likely occur and includes measures to avoid, minimize, and mitigate the impacts. The HCP/NCCP also includes measures that help to conserve and contribute to the recovery of the covered species and natural communities in the Plan Area, as required by the NCCPA.

CARP

The second component of the PCCP, the CARP, establishes a local program to protect wetlands and other aquatic resources in the Plan Area through the avoidance and minimization of impacts that could result from the covered activities. It provides for the protection of wetlands, streams, and the waters and the watersheds that support them while streamlining the U.S. Army Corps of Engineers' (USACE's) CWA Section 404 permitting and the Regional Water Quality Control Board's Section 401 certification processes for covered activities.

ILF

The third component of the PCCP, the ILF, provides a mechanism under which compensatory mitigation requirements under Section 404 and 401 of the CWA can be fulfilled by payment of a fee to purchase "mitigation credits." The ILF will fund the implementation of aquatic resource restoration projects that will provide compensatory mitigation for unavoidable impacts on aquatic resources from the covered activities. An interim voluntary ILF was adopted by the Board of Supervisors and subsequently became operative with final approval by the United States Environmental Protection Agency, the USACE, and the Central Valley Regional Water Quality Control Board on March 14, 2019. Upon issuance of the Record of Decision and ITPs by the state and federal wildlife agencies and adoption of the ordinance to add Chapter 19 to the County Code, the fee programs included in Chapter 19 will be implemented and will cover and replace voluntary ILF fee payments. Any fees collected under the interim voluntary ILF will be used to fund implementation of aquatic resource restoration projects that meet the standards and requirements of the PCCP. At a future point in time, the ILF will likely be transferred by separate action of the Board from the County to the Placer Conservation Authority, the joint powers authority that has been formed to implement the mitigation and conservation actions of the PCCP.

APPLICANTS FOR STATE AND FEDERAL PERMITS

Streamlining permitting for public and private projects, as well as implementation of landscape scale conservation measures and assembly of the Reserve System, requires long-term permits for the incidental take of state and federally listed species. The following local agencies are jointly applying for these permits from state and federal agencies:

- Placer County
- City of Lincoln
- South Placer Regional Transportation Authority
- Placer County Water Agency
- Placer Conservation Authority

These entities are collectively referred to in the PCCP documents as the *Permit Applicants*. The Permit Applicants have applied for ITPs from the USFWS and the NMFS, pursuant to Section 10(a)(1)(B) of the ESA. The same entities are also applying for an ITP from the CDFW, pursuant to Section 2835 of the California Fish and Game Code. USFWS, NMFS, and CDFW are collectively referred to in the PCCP documents as the *Wildlife Agencies*. The ITPs from the Wildlife Agencies would authorize incidental take of the species covered by the Plan (Covered Species) resulting from a range of public and private projects (Covered Activities).

The USACE proposes to adopt a comprehensive permitting strategy for PCCP Covered Activities pursuant to Section 404 of the CWA, which would include, but is not limited to, the programmatic permits (Attachment G). The USACE has requested that the Central Valley Regional Water Quality Control Board issue a programmatic Section 401 water quality certification for the programmatic permits issued by the USACE. The USACE's permitting strategy for PCCP Covered Activities is based on the HCP/NCCP and

CARP in order to increase permitting efficiencies and maximize consistency among mitigation requirements for impacts to wetlands and endangered species.

COVERED SPECIES

The HCP/NCCP is focused on 14 sensitive species found in western Placer County for at least a portion of their life cycle. The conservation strategy, avoidance, minimization, and mitigation requirements are based upon the need to conserve, restore or create viable habitat for these species. The Covered Species and their primary associated natural communities covered by the HCP/NCCP include those listed in Table 1.

Table 1 – Covered Species

Species	Natural Community
Birds	
Burrowing owl	Valley grasslands
Tricolored blackbird	Valley and Foothill freshwater marsh complexes
California black rail	Freshwater marshes
Swainson's hawk	Valley nesting – Riverine/riparian. Valley foraging – grassland and field agriculture
Reptiles	
Giant garter snake	Valley grasslands near water, wetlands and slow-moving waterways
Western pond turtle	Foothill riverine / riparian
Amphibians	
California red-legged frog	Foothills open water, riverine / riparian and freshwater marshes
Foothill yellow-legged frog	Foothills riverine/riparian
Invertebrates	
Vernal pool tadpole shrimp	Valley grasslands
Vernal pool fairy shrimp	Valley grasslands
Conservancy fairy shrimp	Valley grasslands
Valley elderberry longhorn beetle	Valley oak woodland or elderberry savannas adjacent to riparian vegetation
Fish	
Central Valley steelhead	Perennial freshwater streams
Chinook salmon (Central Valley Fall / Late Fall-Run)	Perennial freshwater streams

COVERED ACTIVITIES

The permit coverage provided by the PCCP encompasses a range of public infrastructure and private land use activities carried out or authorized by the permit applicants (e.g., private land development approved by the County or City of Lincoln). Chapter 2 of the HCP/NCCP lists the activities covered by the PCCP, as well as certain activities that are not covered. The list identifies general categories of activities that are eligible for coverage, such as "all ground- or habitat-disturbing projects and activities that occur…in the Valley Potential Future Growth Area". The list also describes specific public infrastructure projects such as the Auburn Ravine Force Main Rehabilitation/Replacement project and Placer Parkway. Habitat restoration and enhancement activities necessary to implement the PCCP are also Covered Activities.

CONSERVATION STRATEGY

To meet state and federal requirements, the HCP/NCCP is required to have a conservation strategy that achieves specific biological goals and objectives through a series of actions. The conservation strategy was based on scientific principles outlined in the independent science advisors' report and guidance provided by the Wildlife Agencies. The conservation strategy was also prepared with input from stakeholders through the BWG and guidance from the Ad Hoc Committee. Chapter 5 of the PCCP describes the biological goals and objectives in three different ways: 1) goals and objectives at the landscape-scale 2) natural community goals and objectives (e.g., protect 10,100 acres of oak woodland) and 3) goals and objectives for individual species. Accordingly, biological objectives are expressed as

commitments for land acquisition, protection, and natural and semi-natural community restoration. Some commitments are dependent on effects and provide for restoration and creation to mitigate for impacts resulting from Covered Activities. Other commitments are beyond those required for mitigation and are not directly tied to the impacts of Covered Activities. As an example, the HCP/NCCP commits to protecting and restoring 3,000 acres of vernal pool complex lands above and beyond the mitigation required for Covered Activities because those resources need to be protected to meet the regional scale conservation objective, regardless of the impact on that resource (see HCP/NCCP Table 5-4).

The conservation strategy has four main components:

1. Reserve System. The HCP/NCCP will progressively establish a large system of interconnected blocks of land. The Reserve System will provide a means for protecting, managing, enhancing, and restoring or creating the natural and semi-natural communities and habitats that support the Covered Species. At the end of the 50-year permit term the Reserve System would comprise 47,300 acres.
2. Stream Protection, Enhancement, and Avoidance. The HCP/NCCP includes specific protections for the Plan Area's Stream System (the area along and adjacent to streams), to protect and enhance Covered Species' habitats, water quality, and maintain connectivity in the reserve system. In-stream enhancement actions include removal or modification of barriers to fish passage, screening water diversions, improvement of in-channel features, and non-native fish control.
3. Wetland Conservation and No Overall Net Loss of Wetland Functions and Values. The HCP/NCCP will protect, enhance, restore, and create aquatic/wetlands including the surrounding upland necessary to sustain the wetlands' hydrological function. The HCP/NCCP is intended to ensure no overall net loss of wetlands, including vernal pool wetlands. Restoration and creation of wetlands will provide in-kind compensatory mitigation.
4. Avoidance and Minimization. Under the HCP/NCCP, Covered Activities will avoid and minimize impacts on Covered Species to the maximum extent practicable by complying with specific conditions developed to protect Covered Species and certain natural communities.

COST AND FUNDING PLAN

Chapter 9 of the HCP/NCCP describes the three types of Placer County Conservation Program Development Fees (Development Fees) that will be paid to meet both ESA and NCCP Act requirements for Covered Activities' impacts to Covered Species and their habitat. Fees will generate sufficient funding to offset approximately 70% of total Plan costs including endowment contributions to fund management of the Reserve System in perpetuity, representing a proportionate share of HCP/NCCP costs. This proportionate share is based on the cost of mitigation for public and private project related impacts on Covered Species' habitat and the cost of benefits provided by the HCP/NCCP related to open space and fuels management. These one-time fees pay for the full cost of mitigating Covered Activities' effects on the Covered Species and natural communities. The remaining share (approximately 30%) of total HCP/NCCP costs will be funded primarily by state, federal, and other grants, and represent the proportionate cost of funding conservation above and beyond mitigation fees for effects on Covered Species and natural communities.

The Development Fees are applied based on each Covered Activity's conversion of specific land-cover types. The following Development Fees apply to the Plan Area.

- Land Conversion Fee – The Land Conversion Fee is based on the cost of mitigating each Covered Activity's direct and indirect effects on Covered Species and natural communities as measured by acres of overall land conversion. The Land Conversion Fees cover the cost of acquiring reserve land, management and monitoring of the Reserve System, endowment to fund costs in perpetuity, habitat restoration and enhancement (not otherwise funded by special habitat fees), and all costs associated with program administration.
- Special Habitat Fees – The Special Habitat Fees cover the full cost of special habitat (wetlands, streams, riparian habitats) restoration or creation and in-stream enhancement. Costs funded by the Special Habitat Fees include design, implementation, post-construction monitoring, management, and remediation throughout the permit term, as well as stream channel enhancements. The cost of lands acquired for special habitat restoration projects is covered by the Land Conversion Fee. Special

Habitat Fees vary by land-cover type to account for the different costs of restoration or enhancement for each type.

- Temporary Effect Fee – The Temporary Effects Fee is equal to 2 percent of the Land Conversion Fees or applicable Special Habitat Fees for activities meeting the requirements for restoring small temporary impacts to sites within 12 months.

Attachment A (Plan Area) depicts the geographic boundary between the Foothills and Valley for purposes of Land Conversion Fee calculations. In addition to the Development Fees, the Board of Supervisors will be considering the adoption (through adoption of the ordinance adding Chapter 19 to the County Code) of an Open Space and Fire Hazard Management Fee applied to projects that are not otherwise subject to the HCP/NCCP Development Fees. The Open Space and Fire Hazard Management Fee would only apply to the Foothills portion of the Plan Area identified in Attachment A.

The Development Fees are calculated during the land development review process. If the Covered Activity is a project subject to CEQA, the fees will be determined as part of the environmental review and applied as mitigation if the project is approved. If a Covered Activity requires a ministerial approval (e.g., building permit), the fees are applied at the time of permit issuance.

Nexus Study(ies)

As described in the *Western Placer County Development Fee Nexus Study Final Report, January 2020*, a reasonable relationship, or "nexus", exists between the activities and effects covered by the PCCP and the fees paid. As described in the *Western Placer County Development Fee Nexus Study for the Open Space and Fire Hazard Management Fee Final Report, January 2020*, there is also a reasonable relationship, or "nexus", between the benefits that would accrue to certain development activities from open space protection and fire management in the HCP/NCCP reserve system and the proposed open space and fire management fee that would be paid by those activities for such benefits. Both fees would, typically be paid when improvement plans, grading permits or building permits are issued and imposed on development projects by the City and County. The nexus reports provide the analyses that can be used to make the findings required by the Mitigation Fee Act, contained in California Government Code, Section 66000 through 66025, that guides the adoption and collection of development fees by local agencies and findings to that effect will be included in the resolution to adopt the fee schedule for the Board's consideration.

Fee Adjustments

Annually the Permit Applicants are required to apply an automatic cost inflation index to the fees. They are also required to conduct a comprehensive review of HCP/NCCP Development Fees at least every five years during implementation. Periodic fee reviews will inform updates to the Development Fee schedules and funding plan by analyzing actual HCP/NCCP costs and fee revenues, the accuracy of the land use projections on which the fee schedule is based, other sources of revenue for HCP/NCCP implementation, and other factors underlying the fee schedule. These periodic reviews will provide an opportunity for the PCA and other Permit Applicants to recalibrate the fees to ensure that they fully fund the mitigation cost share by the end of the 50 year term of the ITPs.

IMPLEMENTING AGREEMENT

In addition to the HCP/NCCP, CARP and ILF, the Wildlife Agencies and the Permit Applicants will execute an implementing agreement (IA). The purpose of the IA is to define the parties' roles and responsibilities and provide a common understanding of actions that will be undertaken to implement the HCP/NCCP.

PLACER COUNTY GENERAL PLAN AND CODE AMENDMENTS

General Plan Amendments

Adoption of the PCCP includes amendments to the goals and policies of the Placer County General Plan including Section 1 (Land Use) for Open Space, Habitat, and Wildlife Resources and Section 6 (Natural Resources) for Wetland and Riparian Areas, Fish and Wildlife Habitat, Vegetation and Open Space for the Preservation of Natural Resources. These policy amendments are necessary to ensure that Covered Activities and proposed project related general plan amendments are consistent with the PCCP, its

objectives, and the avoidance, minimization, and mitigation measures. The revised language is included in Attachment C, Exhibits A and B.

General Plan Consistency

The PCCP has been analyzed for consistency with the Placer County General Plan (General Plan Consistency Determination - Attachment C, Exhibit C) and the Planning Commission is asked to consider it, and the amendments to the General Plan resulting from approval of the PCCP, and make its recommendation for the Board's consideration. The PCCP will achieve the County's longtime vision and direction provided by the General Plan and Placer Legacy Program to protect and conserve open space, habitat and agricultural lands. Notably, the PCCP specifically implements General Plan Implementation Program 6.11:

> The County shall initiate a cooperative effort to develop, adopt, and implement a Countywide Natural Communities Conservation Plan (NCCP) (Fish and Game Code Sections 2800-2840), and Habitat Conservation Plan (HCP) (Section 10 of the Federal Endangered Species Act (FESA)) to address the long-term conservation and maintenance of sufficient natural habitat to support indefinitely the diversity of plants and wildlife species currently represented in Placer County. The NCCP / HCP will serve as a means of achieving programmatic regulatory compliance with these statutes and Federal wetland statutes (Section 404 of the Clean Water Act).

Placer County Code Amendments

- *Chapter 19*
  Because the PCCP creates a new regulatory program and standards, it is necessary to amend the Placer County Code to add a new Chapter (19). The new Chapter 19 (Attachment E) is entitled "Conservation, Open Space, and Woodland Conservation". The new Chapter will include three articles:
  - Article 19.10 – Placer County Conservation Program. This article is the implementation ordinance for the PCCP.
  - Article 19.30 – Open Space and Fire Hazard Management Fee. This article implements the Open Space and Fire Hazard Management Fee that was developed concurrently with the PCCP Development Fee program.
  - Article 19.50 – Woodland Conservation. The Tree Preservation Ordinance from Chapter 12 (Roads, Highways and Public Places) is moved to Chapter 19 with minimal changes to render it consistent with the PCCP.
- *Chapter 17*
  Because the PCCP is a regulatory program including new land use and development definitions and procedures for discretionary project review for Covered Activities within the unincorporated areas of Placer County, it is necessary to amend the existing provisions of Chapter 17 (Zoning) to be consistent with and implement new Chapter 19 above.
  - Chapter 17 (Zoning) – Update the Zoning Ordinance to account for application procedures, new regulatory requirements and standards and permit coordination with the PCCP.

Other Code Amendments

Staff is proposing revisions to other chapters of County Code to reflect the new requirements of the PCCP and to render those chapters consistent with the PCCP summarized below for reference (e.g., the grading ordinance, zoning ordinance, and environmental review ordinance).

The changes include the following:

- Chapter 12 (Roads, Highways and Public Places) – Delete Article 12.16 (Tree Preservation Generally). This has been moved into the new Chapter 19.
- Chapter 15 (Building and Development), Article 15.48 (Grading, Erosion and Sediment Control) – Update the grading ordinance to reflect PCCP requirements including a new type of grading permit for projects within the Stream System.
- Chapter 15, Article 15.60 (Cultural and Historic Resources Preservation) – Update the

Article to address cultural resource impacts updates to reflect changes in state law including tribal consultation requirements.

- Chapter 16 (Subdivisions) – Update the Subdivision Ordinance to account for application procedures, dedication requirements and permit coordination with the PCCP.
- Chapter 18 (Environmental Review) – Update the Chapter to account for application procedures and integration of the PCCP with CEQA processing.
- Chapter 18, Article 18.37 (Cultural and Tribal Resources) – Add Article 18.37 to address cultural resource impacts and updates to reflect changes in state law including tribal consultation requirements.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE - FINAL ENVIRONMENTAL IMPACT REPORT

A joint Draft Environmental Impact Statement/Report (DEIS/DEIR) was prepared for the proposed PCCP and evaluates the potential physical environmental impacts associated with the proposed action (adoption and implementation of the PCCP and its implementing agreement and ordinances). Specifically, the issuance of ITPs by the Wildlife Agencies and CWA permits by the USACE—together with subsequent adoption and implementation of the HCP/NCCP by the Permit Applicants consistent with the ITPs—is the "proposed action" under NEPA and the "proposed project" under CEQA as considered in this DEIS/DEIR. Issuance of the ITPs and CWA permits provides compliance only with the ESA, CESA, NCCPA, and CWA, and such compliance is subject to project-level terms and conditions, as provided in the HCP/NCCP and Implementing Agreement, and the CARP. Approval of the Proposed Project would not confer or imply approval to implement any Covered Activity by the Permit Applicants. All Covered Activities are subject to the land use or other authority of one or more of the Permit Applicants. The DEIS/DEIR was prepared as a program level document and would allow for tiering from this analysis (i.e., use of the program level environmental analysis to inform project-specific environmental analyses regarding potential impacts to biological and aquatic resources). If a Covered Activity requires a project-level federal authorization or permit, a project-level environmental analysis under NEPA may also be required.

The County as lead agency for CEQA, and the USFWS as lead agency for NEPA, prepared and circulated a Notice of Intent/Preparation (NOI/P), which is attached to the DEIS/DEIR as Appendix D. The NOI/P was released for public review for a 30-day period ending on April 8, 2005. Three public scoping meetings were held on March 15, 16, and 17, 2005 to inform interested parties about the proposed action and to provide agencies and the public with an opportunity to provide comments on the scope and content of the DEIS/DEIR.

The public review comment period for the DEIS/EIR began on June 21, 2019 and was extended from the required 45 days to 60 days to run concurrent with the Federal Register listing period for the draft Environmental Impact Statement (DEIS) (Attachment B, Exhibit A Under Separate Cover) ending on August 20, 2019. A public meeting was held on August 8, 2019 at the Planning Commission to accept oral or written comments on the DEIR. Members of the public were present at the hearing and provided public comment. Comments on the DEIS were also submitted to the USFWS by U.S. mail or hand-delivery at the Sacramento Fish and Wildlife Office in Sacramento. During the public review process, interested parties (agencies, other stakeholders, and the general public) submitted a total of 49 comment letters or other written correspondence (e.g., emails, comment cards). A complete list of the comments and responses to comments, and comment letters, are provided in the Final EIS/EIR Appendix I (Attachment B, Exhibit B Under Separate Cover).

In addition to the Planning Commission hearing to receive public comments a number of additional informational hearings/workshops were held on the overall program including:

- County PCCP Meeting/Workshop: Thursday August 1,2019
- City of Lincoln, City Council PCCP Work Session: Wednesday August 7, 2019
- PCWA Board of Directors: Thursday August 15, 2019
- City of Lincoln PCCP Meeting/Workshop: Thursday August 15, 2019

The Planning Commission is asked to consider and make a recommendation to the Board of Supervisors for certification of the FEIS/EIR and adoption of the Findings of Fact, the Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program. The Board of Supervisors is responsible under CEQA for certifying the Final EIR and adopting the Findings while the other Permittees (City of Lincoln, PCWA, and SPRTA) as CEQA Responsible Agencies will exercise their own independent judgment to consider the PCCP and are anticipated to rely on the FEIS/EIR to meet the requirements of CEQA for their actions. In addition, the USFWS will be responsible for fulfilling a role similar to a CEQA lead agency as the Federal Lead Agency under NEPA. NMFS, U.S. EPA, and the USACE will be NEPA cooperating agencies and will rely upon the FEIS/EIR to prepare their separate findings and Records of Decisions under NEPA.

Availability of the Final EIS/EIR

The joint FEIS/EIR was filed with the State Clearinghouse (SCH# 2005032050) on May 22, 2020 and posted in the U.S. Federal Register (FR# 2020-10401) along with the HCP/NCCP on the same date. The FEIS/EIR is available online at the County's website, at the Community Development Resource Agency Building at 3091 County Center Drive, Auburn; County Clerk's Office at 2954 Richardson Drive, Auburn; and, Lincoln City Hall at 600 6th Street, Lincoln (subject to COVID-19 restrictions).

Revisions to the EIS/EIR

The Final EIS/EIR includes an analysis of revisions, additions, clarifications, and other changes to the Draft. The analysis concluded that none of the changes identified would result in new impacts not previously analyzed nor would they result in a substantial increase in the severity of impacts described in the Draft. Because the Final EIS/EIR did not identify or result in the identification of any new significant environmental impacts or a substantial increase in the severity of an environmental impact, it was concluded that recirculation of the Draft was not required prior to preparation and release of the Final. Revisions to the Draft are included in Appendix I of the Final EIS/EIR.

CEQA Alternatives

To select and analyze a reasonable range of action alternatives, the County and state and federal agencies worked collaboratively with the consultant to analyze twelve potential project alternatives (Final EIS/EIR Appendix E Screening of Alternatives), including three alternatives identified by the USACE to satisfy the requirements of Clean Water Act Section 404(b)(1). The wide range of potential alternatives were then screened to select a reasonable range of feasible alternatives by the consultant and agencies, and the Final EIS/EIR evaluates effects associated with the following four alternatives:

- Alternative 1—No Action
- Alternative 2—Proposed Action (PCCP)
- Alternative 3—Reduced Take/Reduced Fill
- Alternative 4—Reduced Permit Term - 30 years (instead of 50)

Environmental Impacts

Impacts could occur from construction, operations, and maintenance related to the Covered Activities, including existing, planned, and proposed land uses over which the local jurisdictions have land use authority; transportation projects; and water and wastewater projects. Impacts could also occur from implementation of the PCCP, including habitat restoration and creation, measures designed to protect, enhance, and restore and improve the ecological function of natural communities; measures to avoid, minimize, and mitigate for effects on Covered Species; and adaptive management and monitoring activities in the Reserve System.

Impacts from Covered Activities would be anticipated to result primarily from:

- Grading, excavation, trenching, and placement of fill material, including earthmoving, re-contouring, excavation, or removal or modification of landscape features or structures.

- Vegetation removal with off-road construction equipment to reduce fire hazards and control invasive plants.
- Construction and maintenance of residential, commercial, retail, recreational, and industrial land uses as specified in the *Placer County General Plan* and *City of Lincoln General Plan.*
- Construction of new and O&M of existing utility infrastructure.
- Widening of existing and development of new roads.
- Temporary construction or land disturbance associated with maintenance and/or operation of water facilities and other waterways.

Impacts and Mitigation

Table 2 below summarizes the impact determinations for the alternatives by resource. All of the significant and unavoidable impacts under Alternative 1 (No Action) would result primarily from the projects and activities allowed today under the County's and City's existing general plans (i.e., permanent development).

Table 2 – Summary of Impact Determinations by Resource

Resource	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Agricultural and Forestry Resources	SU[1]	SU	SU	SU
Air Quality, Greenhouse Gases, and Climate Change	SU	SU	SU	SU
Biological Resources	SU	LTSM	LTSM	LTSM
Cultural and Paleontological Resources	SU	SU	SU	SU
Hydrology and Water Quality	SU	SU	SU	SU
Land Use and Planning	NI	LTS	LTS	LTS
Mineral Resources	NI	LTS	LTS	LTS
Noise and Vibration	SU	SU	SU	SU
Population and Housing, Socioeconomics, and Environmental	LTS	LTS	LTS	LTS
Recreation	LTS	LTS	LTS	LTS
Transportation and Circulation	SU	SU	SU	SU

Alternatives and Selection of Project

CEQA Guidelines (Section 15126.6[e][2]) requires that an environmentally superior alternative be identified from the alternatives considered. The *environmentally superior alternative* is generally defined as the alternative that would result in the least adverse environmental impacts on the project site and the surrounding area. For the purposes of CEQA, based on the analysis presented in EIS/EIR Chapter 4, *Environmental Consequences*, the environmentally superior alternative is the Proposed Action (i.e., the PCCP). The Proposed Action would provide the most comprehensive approach to habitat conservation among the alternatives, with the greatest potential to provide long-term benefits to the Covered Species. However, because under CEQA the Proposed Action is not considered an alternative, the alternative other than the Proposed Action that would result in the least environmental impacts would be Alternative 3— Reduced Take/Reduced Fill.

Findings of Fact and Statement of Overriding Considerations

CEQA requires that when approving a project that would result in significant, unavoidable environmental impacts, the lead agency must adopt a Statement of Overriding Considerations that balances the project's economic, legal, social, technological, or other benefits against its unavoidable environmental

[1] NI – No impact; LTS – Less than significant; LTSM – Less than significant with mitigation; SU – Significant and unavoidable.

risks (CEQA Guidelines Section 15093). As discussed in the attached CEQA findings and Statement of Overriding Considerations, the County's approval of the PCCP and related programs may collectively result in significant adverse environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures and there are no feasible alternatives to the PCCP that would mitigate or substantially lessen these impacts. As such the Planning Commission is asked to consider and make a recommendation to the Board of Supervisors on certification of the FEIS/EIR and adoption of the Findings of Fact, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program, and that in light of the economic, legal, social, and other benefits, including implementation of a comprehensive landscape level habitat conservation program, approval of the PCCP as the Project is warranted, notwithstanding the potential for significant, unavoidable environmental impacts (Attachment B, Exhibit C).

Conclusion

Staff has prepared the PCCP in cooperation with the other Permit Applicants and in consultation with the state and federal agencies so that it is consistent with the Board of Supervisors' long-term (19 year) direction to prepare a comprehensive, landscape level, conservation program addressing the conservation, enhancement, and restoration of natural resources while streamlining permitting for public and private projects in western Placer County, the City of Lincoln, and for projects carried out by PCWA and the SPRTA. In addition, the program includes the CARP and ILF designed to integrate wetland permitting requirements and compensatory mitigation for the discharge of fill into waters of the United States, State of California, or Placer County (e.g., wetlands, streams, and related habitat).

Based on the discussion in this report, the attached findings and documents, and the analysis contained within the PCCP and the Draft and Final EIS/EIR, staff believes the PCCP and related programs and actions will best achieve the goals of the General Plan and will best respond to the direction of the Board of Supervisors.

RECOMMENDATIONS

Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to approve and adopt the following, subject to the findings contained within this staff report and the ordinances and resolutions:

- Resolution certifying the Final EIR and adopting the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program.

- Resolution amending the Placer County General Plan, supported by findings of General Plan Consistency set forth therein, as follows:
  - Amend the goals and policies of Section 1 (*Land Use*) for Open Space, Habitat, and Wildlife Resources;
  - Amend the goals and policies of Section 6 (*Natural Resources*) for Wetland and Riparian Areas, Fish and Wildlife Habitat, Vegetation and Open Space for the Preservation of Natural Resources; and
  - General Plan Consistency Determination

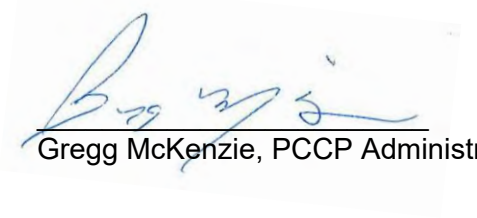
- Resolution approving the Placer County Conservation Program, supported by findings of set forth therein, consisting of:
  - Western Placer County Habitat Conservation Plan / Natural Community Conservation Plan & Implementing Agreement (HCP/NCCP)
  - Western Placer County Aquatic Resources Program (CARP)
  - Cultural Resources Management Plan
  - Western Placer County In Lieu Fee Program.

- Ordinance adding Chapter 19 to Placer County Code to implement the PCCP and establish the Placer County Conservation Program Development Fee and the Open Space and Fire Hazard

Management Fee Programs, supported by findings set forth in said ordinance.

- Ordinance amending Placer County Code Chapter 17 (Zoning) to implement the PCCP, supported by findings set forth in said ordinance.

Respectfully Submitted,



Gregg McKenzie, PCCP Administrator

ATTACHMENTS

Attachment A: Plan Area

Attachment B: Resolution to Certify the Final EIS/EIR (SCH#2005032050)
- Exhibit A: Draft EIS/EIR
- Exhibit B: Final EIS/EIR
- Exhibit C: Findings of Fact and Statement of Overriding Considerations
- Exhibit D: Mitigation Monitoring and Reporting Program

Attachment C: Resolution to Approve Amendments to the Placer County General Plan
- Exhibit A: Amendments to General Plan Section 1 (Land Use)
- Exhibit B: Amendments to General Plan Section 6 (Natural Resources)
- Exhibit C: General Plan Consistency Determination

Attachment D: Resolution to Adopt the Placer County Conservation Program
- Exhibit A: Western Placer County Habitat Conservation Plan/Natural Community Conservation Plan & Implementing Agreement (HCP/NCCP)
- Exhibit B: Western Placer County Aquatic Resources Program (CARP)
- Exhibit C: Cultural Resources Management Plan

Attachment E: Ordinance to Add Chapter 19 PCCP Implementing to the Placer County Code
- Exhibit A: Chapter 19 (Conservation, Open Space, and Woodland Conservation)

Attachment F: Ordinance to Amend Placer County Code Chapter 17
- Exhibit A: Chapter 17 (Zoning)

Attachment G: USACE Programmatic Permitting Strategy

Attachment H: Correspondence

cc: Mike Luken, PCTPA
Heather Trejo, PCWA
Jennifer Hanson, City of Lincoln
Todd Leopold, County Executive Officer
Karin Schwab, County Counsel
Steve Pedretti, Agency Director
Clayton Cook, Deputy County Counsel
Chris Beale, Resources Law Group
EJ Ivaldi, Planning Director

Attachment L

August 10, 2020

Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

Dear Supervisors,

As a member of the PCCP Biological Working Group (BWG), I served as one of two representatives of environmental groups (mine was the Sierra Club). I am writing to you to say that I proudly and unequivocally support the PCCP.

The PCCP deserves the support of environmental groups for these reasons:

- Mitigation for the biological impacts of development will vastly improve. Instead of the usual project by project approach that (in our view) did not provide sustainable habitat, mitigation at the landscape level through the establishment of the Reserve System will ensure the sustainability of representative habitats of Western Placer County.

- The PCCP establishes the Reserve Acquisition Area (RAA). A system of large interconnected habitat reserves will be built that will enable the principles of conservation biology to be fully realized. Each reserve will have a distinct management plan, with secure funding for monitoring and adaptive management.

- The PCCP establishes the Potential Future Growth (PFG) area. It maps a footprint for potential growth, representing a de facto urban growth boundary for the next fifty years. Limiting growth to the PFG will enable lands in the RAA to be acquired for reserves in an environment free from the pressures of potential urban development.

- Conservation will also occur in the PFG. Projects will have to comply with the County Aquatic Resources Program (CARP), which will provide enhanced protections for stream environments. Future projects will also be required to incorporate Low Impact Development Standards (LIDS), to help protect water quality.

- Future projects in the PFG will continue to be required to undergo full environmental review and mitigate for a broad range of impacts, including biological impacts and those outside the scope of the PCCP.

The PCCP is the product of nearly twenty years of often difficult negotiations, but support has been sustained even as the make up of the Board of Supervisors has changed over the years. The Plan represents a win-win for all interests, a rare achievement, one that will be a lasting natural legacy. Thank you for the opportunity to express my support.

Sincerely,

Terry Davis
Member, PCCP Biological Working Group

-----Original Message-----
From: Michael Garabedian <michaelgarabedian@earthlink.net>
Sent: Tuesday, August 11, 2020 5:11 AM
To: Gregg McKenzie (CDR) <GAMckenz@placer.ca.gov>
Subject: [EXTERNAL] Possible PCCProgram August 25, 2020 Board of Supervisors hearing and Planning Commission staff report

Greg,

Regarding the PCCProgram, does staff plan to continue insensitivity to both the public in general and specifically to public involvement, and to anyone reading the report and attachments? The Planning Commission staff report document suggests to me a rush in its preparation. However, if the report is instead intentionally planned, this risks continuing the stunning absence of members of the public at the Planning Commission July 9, 2020, hearing.

It seems to me that many off those interested are going first of all to want to know what the plan is, but it's not actually described in the 306 page Planning Commission staff report. This repeatedly crossed my mind reviewing it. If informed public input is welcomed, which we have to assume, the County might at least consider putting the PCCProgram's Executive Summary up front in the Staff Report for the Board of Supervisors.

A crammed listing of attachments and attachment exhibits on page 13 of the Planning Commission PCCProgram staff report, (a) does not include document page numbers in the 306 page document, and (b) does not indicate which of the five exhibits are actually not in the documents. Only once you search for these document pages and find them, do you then learn they are "Under Separate Cover."

Other than the attachment listing, there is no Table of Contents for the Planning Commission staff report itself, nor at the beginning of all of the attachments, nor, in the alternative, at the beginning of attachment exhibits. This is a critical absence for Attachment B, Exhibits C and D; Attachment C, Exhibit C, and Attachments E, F, G and H.

Publishing the notice of the PCCProgram 10 days before the hearing and having Board of Supervisors documents coming out less than 10 days before the hearing is inadequate and unreasonable time for the public, and compounds the same problem that existed before the Planning Commission July 9. The public had no physical Planning Commission hearing, and therefore no opportunity to pick up the staff report at a hearing. My requests before the hearing to pick up a copy of the 306 page staff report were rebuffed by staff who said that the public does not get copies of large reports anyway. Before Covid 19, the public could at least review them at the hearing.

This is too major a change for Placer County to process at this point during Covid 19. As the Planning Commission report notes, this is an item for "All Supervisors Districts."

Along with making the documents readily physically available to the public, public workshops on the PCCProgram are needed followed by making videos of the workshops available online. This is made more necessary due to the inadvisability of proceeding with Planning Commission and Board Of Supervisors hearings during the current Covid 19 restrictions.

The staff report needs to fully address the actual and intended relationships of the proposed PCCProgram and the Sunset Area Plan/Placer Ranch Specific Plan.

Pleased to clarify if needed,

Mike Garabedian
Placer County Tomorrow
916-719-7296

Placer County Association of REALTORS®
Placer County's Voice for Real Estate

August 12, 2020

Members of the Board of Supervisors
County of Placer
175 Fulweiler Ave
Auburn, CA 95603

Re: Placer County Association of REALTORS® support for PCCP

Dear Honorable Members of the Board of Supervisors,

On behalf of The Placer County Association of Realtors (PCAR) please accept this letter documenting our support for the Placer County Conservation Plan (PCCP). After twenty years, the County Staff should be commended on coordinating all levels of State and Federal Bureaucracies. It is our opinion that the PCCP is a benefit to both the business and real estate community. The PPCP allows more local control as it removes the bureaucracy for the development of new residential housing. We are particularly pleased that the proponents of the PCCP have developed a diversified funding program that does not include subsequent escrow transfer fees for future homeowners.

Sincerely,

Ashley Haney, President
Placer County Association of REALTORS®

270 Technology Way Ste. 100, Rocklin, CA 95765 ph 916.624.8271 fax 916.624.8023 www.pcaor.com