

COUNTY OF PLACER
Community Development/Resource Agency

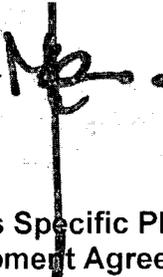
Michael J. Johnson, Agency Director

**PLANNING
SERVICES DIVISION**

Paul Thompson, Deputy Director

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Michael Johnson, Agency Director 

DATE: February 14, 2012

SUBJECT: Amendment of Placer Vineyards Specific Plan
Amended and Restated Development Agreement (PDAG 20100381)
Addendum to Previously Certified EIR

ACTION REQUESTED:

The Board is being requested by the applicant to take the following actions to modify the Placer Vineyards Specific Plan to allow phasing of the project: (1) Adoption of an Addendum to the previously certified Placer Vineyards Specific Plan EIR; (2) Approval of proposed amendments to the Placer Vineyards Specific Plan; and (3) Approval of Amended and Restated Development Agreements for the Placer Vineyards Specific Plan.

PROPOSAL:

The Placer Vineyards Specific Plan provides direction for development of 5,230 acres in southwestern Placer County with a mix of residential, commercial retail, office, mixed-use and public facilities. The proposed amendments to the Specific Plan and Development Agreements allow for phasing of the project and the construction of infrastructure, rather than requiring that Core Backbone Infrastructure be fully constructed with the initial development. Under the proposed revisions, the developers of individual projects within the Plan area (Participating Developers) could submit applications for approval of "Development Phases" within portions of the Specific Plan and propose construction of a portion of the necessary Backbone Infrastructure, subject to County approval.

BACKGROUND:

The Placer Vineyards Specific Plan and twenty-one separate, but identical, Development Agreements (DAs) (one for each of the Participating Developers) were approved on July 16, 2007. As approved, the PVSP provides direction for the development of 5,230 acres in western Placer County with a mix of residential, commercial, retail, office, mixed-use and public facilities. A maximum of 14,132 residential units could be developed under the PVSP. Two distinct areas were identified within the Specific Plan area. The 979-acre "Special Planning Area", located in the western portion of the Plan area would retain its rural character, with a maximum of 411 dwelling units (including 150 existing units). The

remainder of the Plan area could be developed with up to 13,721 residential units at densities ranging from two to 22 units per acre. Other development could include up to 3.6 million square feet of commercial uses (e.g., Retail, Office, Business Park, Town Center and commercial mixed-use), schools, religious facilities and parks.

The Specific Plan and DAs identify public infrastructure that would be required to serve project development, and mechanisms for ensuring that these facilities would be in place as needed. The Specific Plan specifies that "Core Background Infrastructure", made up of essential public facilities, be constructed with the onset of development and serve all major projects. Core Backbone Infrastructure includes specific major roadway, trail, water, wastewater, recycled water and dry utilities. Subsequent development needed to serve individual projects would be constructed as needed and connected to the backbone infrastructure already in place. The DAs provide the enforcement mechanisms to ensure that the Core Backbone Infrastructure is financed and constructed as specified for the Specific Plan.

In addition to constructing Core Background Infrastructure at the outset of development, the DAs required that several actions be taken before the Final Large Lot Map was approved, including obtaining any required permits for fill of wetlands, preparation of substantially complete drafts of Master Plans for public infrastructure, and formation of service district(s) to levy special taxes and assessments.

PROJECT ANALYSIS:

In November of 2010, the applicants submitted an application to modify the approved DAs in order to make revisions to the PVSP to revise the requirement for the construction of the Core Backbone Infrastructure. The proposed revisions do not change in any way the size or design of required infrastructure, land uses, densities, development standards, or other aspects of the development of the PVSP.

Under the proposed revisions, the developers of individual projects within the plan area (Participating Developers) could submit applications for approval of specific "Development Phases" within the Specific Plan. As part of each application, it must be demonstrated that infrastructure improvements and public facilities would be adequate to serve the proposed phase of development and the remainder of the Specific Plan as the County determines to be necessary. In addition, the project would need to mitigate the impacts associated with the infrastructure that is proposed, whether on or offsite.

Ultimately, the backbone infrastructure and facilities identified in the original DAs will be fully developed under the proposed revision. The Developer Group, which includes the property owners within the Plan area, would agree to remain fully responsible for constructing and installing all required infrastructure in a timely fashion. Exhibit 3.6.1 of the proposed amended DAs lists the same Core Backbone Infrastructure improvements that would be required of the project, including roadway widening, traffic signals, major water lines, the gravity trunk storm drain collection system, recycled water lines, pump facilities and storage tank, major dry utility lines, erosion control features, and multi-purpose trails, but revises the hard triggers to become guidelines. Remaining backbone infrastructure, project-specific and as-warranted improvements are identified in Exhibit 3.6.2 of the proposed Amended Development Agreement, along with guidelines for the timing of these improvements. The

timing of County Facilities is laid out in Exhibit 3.10.2.2, which identifies the various County Facilities that will be the responsibility of the project (e.g., fire stations, sheriff's station, library, and transit), the sizes and locations of these facilities and the anticipated triggers.

Consistent with the requirements of the original DAs, the EIR identified specific timing for these improvements. For example, the EIR (Mitigation Measure 4.11.2-2b) and Exhibit 3.10.2.2 both call for an interim western fire facility prior to the first residential building permit, a permanent western station 18 months after the first residential building permit and an eastern station before the 5,000 residential building permits. Under the proposed revisions to the DAs, the Master Plans would describe how improvements and facilities would be provided for and coordinated with overall development of the entire Specific Plan. The plans would include a County Facilities Master Plan, Sewer Master Plan, Drainage Master Plan, Parks Master Plan, Landscape Master Plan and Transit Master Plan. These master plans must be completed and approved prior to approval of the first Development Phase. The County would then determine the specific, detailed components and timing of the improvements and facilities required for each Development Phase as it is proposed, consistent with the Required Master Plans. The infrastructure and facilities identified for each Development Phase must be adequate to serve that phase, and must be coordinated with subsequent Development Phases with respect to the infrastructure and facilities identified in the Required Master Plans.

The proposed revisions to the DAs also specify that an individual developer's right to obtain project approvals (e.g., recordation of final small lot maps for single-family residential and non-residential projects) would be contingent upon that developer paying its share of the costs associated with infrastructure and services, including (1) preparation and approval of the required Master Plans; (2) the formation of service districts that would levy assessments for the funding of services, and (3) design and construction of Core Backbone Infrastructure, Remaining Backbone Infrastructure, County Facilities, and County Improvements.

The changes required to be made to the Specific Plan are in only Chapter 9 of the Plan. The proposed version of Chapter 9 as amended without the redlining is attached as Exhibit A to Attachment 2. A redlined version of Chapter 9 showing the changes is attached as Attachment 4. A representative example of the proposed Amended and Restated Development Agreement without the redlining is attached to Attachment 3. A redlined version showing the changes to the approved DAs is attached as Attachment 5.

In summary, the proposed amendments to the original DAs and to the PVSP all pertain to the timing of construction of infrastructure, and not the type, location, intensity or density of land use. They allow additional flexibility in timing, while not reducing development standards.

WEST PLACER MUNICIPAL ADVISORY COUNCIL:

On September 14, 2011, the project was taken before the West Placer MAC as an action item. After a brief presentation by staff and the project applicant, the MAC took action to recommend approval of the proposed Development Modification to the Placer County Planning Commission/Board of Supervisors, contingent upon the project phasing incorporating a balanced approach (i.e., the project phases to include a mix of residential and commercial uses, rather than being developed as a single use).

PLANNING COMMISSION HEARING:

On September 22, 2011, the project was taken before the Planning Commission. After receiving reports from Development Review Committee staff and testimony from the applicant, the Planning Commission took the following actions: 1) recommended the Board of Supervisors adopt the Addendum to the previously certified Placer Vineyards EIR; (2), recommended the Board of Supervisors approve the proposed amended Placer Vineyards Specific Plan; and (3) recommended the Board of Supervisors approve the Amended and Restated Development Agreements for the Placer Vineyards Specific Plan.

ENVIRONMENTAL ANALYSIS:

The proposed revisions to the PVSP would not alter any of the conclusions of the certified EIR regarding the significance of environmental impacts. Because the proposed revisions would not alter the PVSP boundaries, land use designations or the amount or location of development, including off-site infrastructure, the impacts on the physical environment would be unchanged. The timing of construction of backbone infrastructure would change, but the facilities that would ultimately be installed would be the same as those under the adopted project. Therefore, impacts such as loss of wetlands, conversion of farmland to developed uses, and damage or destruction of archaeological resources would be the same as those identified in the certified EIR. The PVSP applicant and subsequent developers would still be required to implement all required mitigation for impacts on these resources.

Although the proposed revision to the project would not create any new impacts or make impacts identified in the EIR more severe, several mitigation measures include triggers that are not consistent with the approach taken in the proposed revisions. The Mitigation Monitoring and Reporting Program also specified timing triggers in some cases that would not be consistent. These are proposed to be revised, as shown in the attachment to the Addendum to the EIR. The Addendum is attached to this report as Attachment 7.

In every case, the proposed changes to mitigation measures and the timing of their implementation would not alter the impact itself. For example, Mitigation Measures 4.11-2c, 4.11.2.3bm 4.11.9-2 and 4.11.13-3 tie the formation of service districts to the recordation of the first final large or small subdivision map. The proposed revisions to the Development Agreement require that these districts be formed prior to approval of the first Development Phase. In either case, the districts must be formed before the onset of actual development, so the impact on future residents and service providers would be the same. Therefore, the reference to recordation of final maps has been deleted from these measures. Mitigation Measure 4.11.9-1d requires that a Master Project Drainage Study be submitted to and approved by the County prior to recordation of the first large lot map. This measure is proposed to be revised to require the plan prior to approval of the first Development Phase, in order to be consistent with the proposed revisions to the DA. Like the service districts, the Master Drainage Plan would need to be approved by the County before the development begins, and the first Development Phase (as well as all subsequent phases) would need to be consistent with the approved plan. Therefore, drainage improvements would be adequate for and in place prior to development.

The changes in timing recommended for the MMRP are similar to those recommended for the mitigation measures discussed above. In most cases, the timing trigger would change from recordation of a final subdivision map to approval of the first Development Phase or as

specified in the DAs, in those instances where the DA provides a detailed approach to providing facilities. As with Mitigation Measure 4.11.2-2b, discussed above, the timing trigger for new permanent fire stations is recommended to be changed to refer to the County Facilities Master Plan.

RECOMMENDATION:

Staff recommends the Board of Supervisors take the following actions:

- (1) Adopt the Resolution Adopting the Addendum to the Final Environmental Impact Report for the amendment of the Placer Vineyards Specific Plan and Development Agreements, in the form attached as Attachment 1.
- (2) Adopt the Resolution Adopting the Amendments to the Placer Vineyards Specific Plan, in the form attached as Attachment 2.
- (3) Adopt the Ordinance Adopting Amended and Restated Development Agreements for Certain Properties Within Placer Vineyards Specific Plan, in the form attached as Attachment 3. (Note: The attached Ordinance references twenty-two (22) Amended and Restated Development Agreements with the owners of different properties within the Specific Plan area. Each of these Amended and Restated Developments Agreements is identical in content, with the exception of the Property Legal Description, the Property Map and the Property Specific Land Use Plan and Table of Permitted Uses, which must be individualized to refer to each property and the specific entitlements the property is receiving. All of the executed Amended and Restated Development Agreements are on file with the Clerk of the Board, and a copy of each will be affixed to the Ordinance upon its approval. The proposed Ordinance attached to this memo includes a representative copy of the Amended and Restated Development Agreement.)

ATTACHMENTS:

- Attachment 1: Resolution Adopting Addendum to the Final Environmental Impact Report
- Attachment 2: Resolution Amendments to the Placer Vineyards Specific Plan
- Attachment 3: Ordinance Adopting Amended and Restated Development Agreements
- Attachment 4: Redline version showing changes to Placer Vineyards Specific Plan
- Attachment 5: Redline version showing changes to Development Agreement for the Placer Vineyards Specific Plan (without exhibits)
- Attachment 6: Placer County Planning Commission Staff Report
- Attachment 7: Addendum to the Final Environmental Impact Report for the Placer Vineyards Specific Plan

cc: Kent MacDiarmid – Vineyards Development Group, LLC
Karin Schwab – County Counsel's Office
Michael Johnson – CD/RA Director
Paul Thompson – Deputy Planning Director