



COUNTY OF PLACER
Community Development/Resource Agency

**Planning Services
 Division**

Michael J. Johnson, AICP
 Agency Director

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 Deputy Director of Planning

HEARING DATE: June 28, 2012
ITEM NO.: 5
TIME: 12:30 PM

TO: Placer County Planning Commission
FROM: Development Review Committee
DATE: June 28, 2012
SUBJECT: VESTING TENTATIVE SUBDIVISION MAP/CONDITIONAL USE PERMIT (PSUB
 20070521)
 ORCHARD AT PENRYN
 FINAL ENVIRONMENTAL IMPACT REPORT
 DISTRICT 3 (Holmes)

COMMUNITY PLAN AREA: Horseshoe Bar/Penryn Community Plan

COMMUNITY PLAN DESIGNATION: Penryn Parkway

ZONING: RM-DL10 PD=10 (Residential Multi-Family, combining Density Limitation of 10 dwelling units per acre, combining Planned Development of 10 dwelling units per acre) and C1-UP-DC (Neighborhood Commercial, combining Use Permit Required, combining Design Scenic Corridor)

ASSESSOR PARCEL NUMBERS: 043-060-052 and 043-060-053

STAFF PLANNER: E.J. Ivaldi, Supervising Planner

LOCATION: The subject property is comprised of two parcels (Assessor's Parcel Numbers 043-060-052 and 043-060-053) totaling ±15.1 acres, located on the west side of Penryn Road, approximately 0.50 miles north of Interstate 80, in the Penryn area.

APPLICANT: Bob Skiff, Forum Consultants, Inc. and Mike Mahoney, The ConAm Group, on behalf of Penryn Development LLC

PROPOSAL:

The applicant is requesting approval of a Vesting Tentative Subdivision Map and Conditional Use Permit to allow for the construction of 150 multi-family residential units with on-site recreational facilities including a 3,900 square foot recreation center with leasing office, indoor fitness center, and internet café. An outdoor pool, spa, and tot lot would also be constructed. The multi-family residential project would consist of three and six unit buildings (two-stories) with individual units ranging in area between 1,150 to 1,400 square feet. Off-street parking would be provided for a total of 375 vehicles. Primary access to the site is proposed through a gated entrance off of Penryn Road. A secondary exit-only gated

access point is proposed for Taylor Road. Implementation of the project would also require remediation of contaminated soil onsite and construction of frontage improvements along Penryn Road.

CEQA COMPLIANCE:

An Environmental Impact Report (EIR) has been prepared for the Orchard at Penryn project and has been finalized pursuant to the California Environmental Quality Act (CEQA) (State Clearinghouse Number 2010032070). The Draft EIR was released for a 45-day public review period that ran from July 14, 2011 through August 29, 2011. Additionally, the Placer County Planning Commission conducted a public hearing to receive comments on the Draft EIR on August 11, 2011. There were a total of 23 comment letters received from State and local agencies, public interest groups, and residents. Four residents also provided verbal comments at the August 11, 2011 Planning Commission hearing. All comments were responded to in the Final EIR which was made available for public review on January 17, 2012. The Final EIR must be found to be adequate and certified complete by the decision-making body to satisfy the requirements of CEQA.

The Draft Environmental Impact Report prepared for the Orchard at Penryn project identified the following impacts as “significant” or “potentially significant”. However, with implementation of the mitigation measures identified in the Final EIR, these impacts will be reduced to less than significant levels:

- Land Use
- Biological Resources
- Visual Resources (except as specifically noted below under impacts that remain “Significant and Unavoidable”)
- Transportation and Circulation (except as specifically noted below under impacts that remain “Significant and Unavoidable”)
- Air Quality (except as specifically noted below under impacts that remain “Significant and Unavoidable”)
- Noise
- Geology and Soils
- Hydrology and Water Quality
- Utilities
- Hazards and Hazardous Materials
- Cumulative Impacts

The Draft EIR also concluded that after implementation of all mitigation measures, there would be impacts that remain “significant and unavoidable”. These impacts are noted below and later discussed in the staff report under “Discussion of Issues”:

- Visual Resources
 - Substantially Degrade Existing Visual Character or Quality
 - Contribute to Cumulative Degradation of Existing Visual Character or Quality
- Traffic and Circulation
 - Substantially Increase Traffic or Conflict with Level of Service Standards in the Cumulative Plus Project Condition
 - Conflict with Transportation and Circulation Plans and Policies in the Cumulative Plus Project Condition
- Air Quality
 - Violate any Air Quality Standard During Project Construction
 - Increase Cumulative Concentrations of ROG or NO_x

The California Environmental Quality Act (CEQA) recognizes and authorizes the approval of projects where not all adverse impacts can be fully mitigated to a less than significant level. As such, the decision-making body will be required to adopt the Statement of Findings and Overriding Considerations to satisfy this requirement (Attachment M).

There were minor revisions made to the Draft and Final EIR that have been included in the EIR Errata (Attachment K). These changes are primarily clean-up items, clarifications, or additions to the Draft and Final EIR that do not identify any new significant impacts or substantial increase in the severity of any environmental impacts, and do not include any new mitigation measures that would have a potentially significant impact. Therefore, these minor revisions do not trigger the need to recirculate the EIR for further review and comment as provided for under CEQA Guidelines Section 15088.5.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to property owners of record within 300 feet of the project site. A public hearing notice was also published in the *Sacramento Bee* newspaper. Other appropriate public interest groups and citizens were sent copies of the public hearing notice and the Penryn Municipal Advisory Council. Copies of the project plans and application were transmitted to the Community Development Resource Agency staff and the Departments of Public Works and Environmental Health Services, the Air Pollution Control District and Facility Services for their review and comment.

BACKGROUND:

The original application for the Orchard at Penryn project was submitted to the County in July 2007. During that time, when the real estate market was at its peak, the Planning Division was processing six development projects within the community of Penryn. In October 2007, the County held a Community Forum to provide an overview of proposed projects in the Penryn area. At that forum, Community members and residents expressed concern about the number of projects proposed and the density of residential projects. The following month, the Planning Director sent a letter (Attachment O) to the Project proponent advising that the Planning Division would consider support of up to 10 units per acre on the project site as provided for in the Horseshoe Bar/Penryn Community Plan, but that support would be based upon the benefits the development provides to the local community. The Planning Director indicated that such benefits may include the development of public open space and recreation areas (outside of the proposed project), multi-use trail systems, and the permanent protection of environmentally sensitive areas (on or off-site). The letter further stated that if no community benefits are proposed to justify a higher density, the maximum density staff can support is a density of four units per acre (i.e., the base density range for the High Density Land use designation).

In response to the Planning Director's letter, the applicant spent the next couple years re-designing their project. At the same time, the applicant spent a considerable amount of time working with the California Department of Toxics Substance Control (DTSC) to resolve issues relating to contaminated soils on-site from past agricultural uses. The project was also presented to the Penryn MAC multiple times to provide updates and solicit input on the project. In December 2009, the applicant submitted a revised project to the County. In order to address concerns of the Planning Director, the site plan was revised to depict clustered residential buildings in four separate villages, each with varying architectural elements. The open space and recreational areas in the central portion of the site were expanded and a tot lot was added to the proposal. The overall density of the project however remained the same.

PROJECT DESCRIPTION:

The Orchard at Penryn project (the "Project") proposes to construct 150 multi-family residential units, including on-site recreational facilities and a common open space area, on a ±15.1 acre site. The multi-family residential units would be developed as either residential condominiums or operated as a rental community. The multi-family residential complex would consist of three and six unit buildings (two-stories) with individual units ranging in area between 1,150 to 1,400 square feet. Off-street parking would be provided for a total of 375 vehicles. On-site recreational facilities would include an approximately

3,900 square foot recreation center with a leasing office, indoor fitness center, and an internet café. An outdoor pool and spa would also be constructed. Passive recreation areas (providing open turf areas) would be located throughout the project site, including a tot lot play area located on the western side of the project site. A large commonly held open space area that bisects the property would be maintained and several prominent rock outcroppings would also be preserved.

Project entitlements requested include a Vesting Tentative Subdivision Map and Conditional Use Permit. The Vesting Tentative Subdivision Map will ensure compliance with State and local building codes by eliminating the property line underlying the proposed structures. A Design/Site Review would also be required prior to submittal of Improvement Plans.

Site Planning/Architecture

The multi-family residential complex would include four separate villages separated by a single access road that runs east to west through the project site, and the open space area that runs north to south through the central portion of the site. Residential buildings would include “Goldrush” architectural styles that are consistent with the Penryn Parkway development policies in the Horseshoe Bar/Penryn Community Plan (Page 81, Policy D). The villages would include triplex and sixplex buildings (two stories) clustered together and surrounded by common landscaped areas and open turf areas. Each village would have unique architectural elements and color schemes incorporated into the building design. The recreation building would be centrally located on-site next to the open space preserve and would incorporate similar architecture to that of the residential buildings (Attachment C).

Residential buildings would be located on-site so that they exceed the County’s minimum setback requirements. Residential buildings would be setback a minimum 15 feet along the southern and northern property boundaries and a minimum of 30 feet from the western property boundary. As required by the Horseshoe Bar/Penryn Community Plan, the project would maintain a 30-foot wide landscape corridor along the site’s Penryn Road frontage. The proposed structures along Penryn Road would be located a minimum of 40 feet from the edge of the highway easement, and structures would be setback approximately 90 feet from Taylor Road. In order to address recent concerns from an adjacent property owner to the north, residential buildings were repositioned in a manner so that the front of the residential units would not look into the neighboring property.

Residential buildings around the perimeter of the site would be oriented with the front facing the property boundary and garages facing the interior of the site. Buildings would be just below 30 feet high, while incidental structures such as chimneys and vent stacks may be up to 34.5 feet high. The Placer County Zoning Ordinance establishes a 36 foot height limit for the Residential Multi-Family zone district (Section 17.48.010) and a 30 foot height limit for the Neighborhood Commercial zone district (Section 17.30.010). Partially-covered patios would be provided at most entrances; patios would be defined with a four-foot tall decorative railing. Other building features include architectural asphalt shingles; decorative shutters, wood corbels, and trim; a combination of stucco and horizontal fiber cement siding; vinyl windows; and metal roll-up garage doors. The recreation building in the central portion of the site would have a height of approximately 21 feet, not including the decorative chimney cap. Materials and design would be similar to the residential buildings. (Attachment’s D, E, and F)

Site Remediation

In the past, the project site was used as a fruit orchard. Soils on-site are known to contain hazardous materials, primarily persistent agricultural chemicals such as DDT and lead arsenate associated with the prior agricultural activities. These contaminants present a potential hazard to future site occupants. Site remediation to remove or provide onsite containment of hazardous materials is necessary prior to development of the site. As such, the project applicant has entered into a voluntary clean-up agreement with the California Department of Toxic Substances Control (DTSC) to remediate these conditions. The actions necessary to complete site remediation are documented in the project’s Revised Draft Removal

Action Work Plan (RAW) prepared by Wallace-Kuhl & Associates (2008) and included in Appendix C of the Draft EIR.

The proposed site remediation consists of excavation and transport for offsite disposal of 11,600 cubic yards of contaminated soil from ±7.11 acres of the Project site (Attachment H). Soil excavations would generally be between 12 and 18 inches deep, although in three locations excavations may reach 24 inches in depth. The soil within and surrounding the eastern drainage swale and the southern portion of the central drainage swale is contaminated and would be excavated. This would destroy the affected portions of the swales and remove the associated riparian and woodland vegetation. Excavated soil would be transported to a Class II solid waste disposal site. Transportation would be performed by an approved and licensed contractor and using Department of Transportation-approved shipping containers. Site excavation would include implementation of best practices for decontamination of equipment and to control erosion, storm drainage, and air pollutant and dust emissions, as described in the RAW.

At the completion of site excavation, new soil samples would be collected and assessed to confirm that residual contaminant concentrations meet the established cleanup goal. If the soil samples meet the established cleanup goal, DTSC would issue a tentative "No Further Action" letter, and project grading and construction would commence upon Placer County's approval of Improvement Plans.

Landscaping/Fencing

Site remediation would remove all existing vegetation from nearly half of the project site. With the exception of one-quarter acre in the center of the site that would be preserved as open space, grading and construction of the proposed project would remove the vegetation from most of the remainder of the site. Grading would be limited around many of the existing rock outcroppings on-site, which for the most part would be preserved. A series of retaining walls would also be constructed along portions of the property boundaries.

The preliminary Landscaping Plan provides for a variety of trees and shrubs along the property boundaries, common areas, and parking areas (Attachment G). Tree plantings would include a mixture of 15-gallon, 24-inch box, and 36-inch box trees, in a variety of species. Interior live oak trees would be planted in and around the open space areas; other tree species in the proposed planting list include sycamore, deodar cedar, eastern redbud, Japanese maple, fern pine, and other ornamental species. Black maples would line the main road that traverses the project site from east to west. As noted above, the project would establish a 30-foot landscape easement along the site's Penryn Road frontage. This area would be landscaped with trees, shrubs, and ground cover. When mature, the project landscaping would partially screen views to the interior of the project site from Penryn Road and properties to the east.

Fencing would be placed around the perimeter of the project site and would comply with applicable County requirements and design guidelines. The fencing would be an open wrought iron (or similar material) design with a maximum height of six feet and would be compatible with existing residential land uses in the vicinity. The vehicle gates proposed along Penryn Road and Taylor Road (exit-only) would also be open wrought iron (or similar material) and subject to the Design/Site review process.

Circulation and Frontage Improvements

Primary access to the Project site is proposed through a gated entrance off of Penryn Road. Circulation through the project site would be provided by a single circulation aisle extending west from the entrance. Secondary circulation aisles would intersect the main circulation aisle to provide access to parking areas. The main circulation aisle would terminate in a gated exit-only driveway to Taylor Road. The Project proposes to provide 375 parking places (2.5 parking spaces per unit), which exceeds the parking requirements of Section 17.54.060(B)(5)(b) of the Placer County Zoning Ordinance. Garage units would

provide 250 parking spaces for vehicles, and parking spaces for another 125 vehicles would be located between buildings and along the circulation aisle traversing the project site.

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

Grading and Drainage

Development of the proposed project would require grading for building pads, the recreation center, parking areas, roadways, and utilities (Attachment I). In addition, substantial earthwork would be required to implement the RAW to remove contaminated soil from the project site. As a result, the majority of the project site would be graded. Areas that would remain ungraded include the northern portion of the central drainage swale and oak woodland habitat associated with this swale, areas around the preserved rock outcroppings, and other limited areas around the site perimeter. As discussed above, implementation of the RAW would require excavation and removal of 11,600 cubic yards of soil; to complete site remediation, 11,600 cubic yards of clean soil would be imported to the site and used as fill. In addition, the Preliminary Grading Plan provides for grading cuts that total 31,547 cubic yards of soil and 43,577 cubic yards of fill. Combined, the RAW and the Preliminary Grading Plan would result in total cut volume of 43,147 cubic yards and a total fill volume of 55,177 cubic yards. To accomplish the site grading, a total of 23,630 cubic yards of soil would be imported to the site – this includes 11,600 yards to replace the excavated soil as well as 12,030 yards needed to balance cuts and fills on the site. The greatest amount of earthwork would occur in the eastern portion of the site where hazardous materials are most prevalent. In addition, areas with the greatest depth of cut and fill slopes would be located near the preserved rock outcropping in the northern portion of the site, adjacent to the open space area in the center of the site, and along the western property boundary.

Drainage originating from offsite properties that currently flows through the onsite drainage swales would be conveyed across the project site in storm drains. A 60-inch pipe is proposed to replace the drainage swale closest to Penryn Road, while a 30-inch pipe is proposed to convey flows through the center of the site. Drainage that originates within the project site would be conveyed through storm drain pipes and onsite bioswales to the center of the project site. The bioswales would provide water quality treatment for stormwater runoff. The onsite drainage would be held in an onsite detention basin that would be constructed at the southern property boundary before being released offsite, where it would flow south toward Secret Ravine, which is part of the Dry Creek Watershed. As designed, the Project would meet all County policies regarding setbacks from streams and provides open space areas within the project site.

In addition, there are two existing 18-inch corrugated metal pipe culverts carrying water from the east side of Penryn Road to the west side and onto the project site. The improvements to Penryn Road necessary to support the proposed project include replacing the northern culvert with a 24-inch drainage pipe. This pipe would cross under Penryn Road, and then travel southerly within the 30-foot landscape easement along the project site's frontage on Penryn Road. The southern existing 18-inch culvert would tie into this new 24-inch line near the southeast corner of the project site, and the new 24-inch line would tie into the proposed 60-inch line further south. The 60-inch line would then head westerly and discharge into an outlet structure at the southern property boundary in the location of the existing swale on the eastern portion of the property.

Utilities

The proposed project would require placement of infrastructure to provide water, electricity, telephone, natural gas, and cable television services to the site. Underground utilities would run in easements along

roadways and alleys within the development. Domestic water would be supplied from Placer County Water Agency (PCWA). The project would connect to an existing 10-inch water line located in Penryn Road and an existing 24-inch water line located in Taylor Road. Wastewater conveyance would be provided by South Placer Municipal Utility District (SPMUD). Wastewater treatment would be provided at the Dry Creek Regional Wastewater Treatment Plant, which is owned and operated by the City of Roseville on behalf of the South Placer Wastewater Authority. Sanitary sewer pipelines would be installed within the project site, connecting to an existing sewer mainline that runs from north to south across the center of the project site. Solid waste would be collected by Recology Auburn Placer and disposed of at the Western Placer Sanitary Landfill and Materials Recovery Facility.

SITE CHARACTERISTICS:

The ±15 acre project site is located in the community of Penryn, on the west side of Penryn Road, approximately 0.50 miles north of Interstate 80. The subject property is comprised of two parcels identified by Assessor’s Parcel Numbers 043-060-052 (5.22 acres) and 043-060-053 (9.92 acres). The property is located within the Horseshoe Bar/Penryn Community Plan area, which encompasses approximately 25 square miles south of the unincorporated community of Newcastle, north of the community of Granite Bay, west of Folsom Lake, and east of the Town of Loomis and the cities of Rocklin and Roseville.

The Project site is presently undeveloped and there are no existing structures onsite. The site has approximately 495 feet of frontage along Penryn Road and 60 feet of frontage along Taylor Road. The topography of the site is gently sloping, with elevations ranging between 460 and 480 feet above mean sea level. The predominant habitat types on-site are oak woodland, annual grassland, and riparian scrub. Approximately half of the site, 7.5 acres, is characterized as oak woodland, which supports a wide diversity of wildlife. The site includes 6.2 acres of grassland habitat, which is comprised primarily of weedy species. The site also supports 1.3 acres of riparian scrub habitat associated with the two drainage swales onsite and 0.499 acres of waters of the U.S. There is a drainage swale that crosses the site from north to south near its eastern boundary. Another drainage swale traverses the central portion of the site. These swales carry water from north to south and off-site into Secret Ravine, located approximately one mile south of the project site.

Properties adjacent to the Project site’s northern and western boundaries support large-lot rural residential land uses. The northwest corner of the property is adjacent to Taylor Road, and properties on the northern side of Taylor Road also support large-lot rural residential lands uses which include residential-agricultural activities. Penryn Road forms the eastern project boundary. Parcels across Penryn Road include rural residential uses, undeveloped commercial land, agricultural and retail uses (i.e., Hershman Tree Farms Nursery and Dave’s Hay Barn). The recently approved Loomis Basin Equine Medical Center just under construction is also located across Penryn Road to the east. The Hope Lutheran Church property, developed with a church and accessory structures, abuts the Project site to the south, along with commercially zoned property along Penryn Road. A small portion of fencing and landscaping associated with the Church encroach onto the Project site. These features would be removed with development of the proposed Project.

EXISTING GENERAL PLAN DESIGNATIONS, ZONING AND LAND USE:

Location	Zoning	General Plan/Community Plan	Existing Conditions and Improvements
Site	<p align="center">RM-DL10 PD=10 (Residential Multi-Family, combining Density Limitation of 10 dwelling units per acre, combining Planned Residential Development of 10 dwelling units per acre)</p>	Penryn Parkway	Undeveloped

	C1-UP-DC (Neighborhood Commercial, combining Use Permit Required, combining Design Scenic Corridor)		
North	RA-B-X DR 2.3 acre minimum (Residential Agricultural, combining Minimum Building Site of 2.3 acres, combining Development Reserve with a 2.3 acre minimum parcel size)	Penryn Parkway	Rural Residential
South	RS-B-20 PD=4 (Residential Single-Family, combining Minimum Building Site of 20,000 square feet, combining Planned Residential Development of 4 dwelling units per acre) RA-B-100 (Residential Agricultural, combining Minimum Building Site of 2.3 acres) C1-UP-DC (Neighborhood Commercial, combining Use Permit Required, combining Design Scenic Corridor)	Medium Density Residential (2-4 dwelling units per acre) Rural Residential 2.3 – 2.6 Acre Minimum Penryn Parkway	Church/ Undeveloped
East	C1-UP-DC (Neighborhood Commercial, combining Use Permit Required, combining Design Scenic Corridor)	Penryn Parkway	Undeveloped/ Commercial/Agricultural
West	RA-B-100 (Residential Agriculture, combining Minimum Building Site of 2.3 acres)	Rural Residential 2.3 – 2.6 Acre Minimum	Rural Residential

DISCUSSION OF ISSUES:

Community Plan/Zoning Consistency

The Project site is designated Penryn Parkway in the Horseshoe Bar/Penryn Community Plan (HB/PCP). The Penryn Parkway comprises 166 acres or 1% of the Plan area and is intended to develop as a compact commercial core to serve the Penryn community as well as travelers on Interstate 80, thereby eliminating the need for scattered commercial sites within the outlying rural areas of Penryn. Penryn Parkway Development Policy “e” in the HB/PCP states that the area “is intended as a highway-service oriented retail area which also allows for multiple-family residential uses”. The land use designation of Penryn Parkway does not specify an allowable density or establish minimum and maximum lot sizes. Therefore density is generally determined by the zoning designation.

The Placer County Zoning Ordinance designates 9.92 acres of the Project site as RM-DL10 PD=10 (Residential Multi-Family, combining Density Limitation of 10 dwelling units per acre, combining Planned Residential Development of 10 dwelling units per acre). This designation allows for a maximum of 10 multiple-family residential units per acre (99 units). The remaining 5.22 acres is zoned C1-UP-DC (Neighborhood Commercial, combining Use Permit Required, combining Design Scenic Corridor). This designation allows for one (1) multiple-family residential unit per 2,000 square feet, or approximately 21 units per acre, with approval of a Use Permit. This would allow a maximum of 113 residential units on the commercial portion of the site, and collectively, a maximum of 212 residential units on the ±15 acre project site. The Project’s proposal to construct 150 multiple-family residential units was realized after consideration of resource protection and compliance with Community Plan policies and the County’s development standards.

The Horseshoe Bar/Penryn Community Plan identifies specific development policies that apply to the area designated Penryn Parkway (Page 81, HB/PCP). These policies require landscaped corridors along Penryn and Taylor Roads, restrict building heights to two stories, encourage building design to reflect the area's history, encourage shared driveways, and require clustering of multi-family residences. The proposed Orchard at Penryn project has incorporated these policies into the design of this multi-family residential complex. The project includes a 30-foot landscape easement along the site's Penryn Road frontage. Residential buildings are proposed to be clustered into four villages with Goldrush style architecture and maximum two-story height limits. Driveways have been limited to single access points on Penryn Road and exit-only on Taylor Road.

Visual Resources

Penryn is primarily a rural community, where visual resources include areas of open space, natural vegetation, and agricultural crops. The Project site is located in a visible location along Penryn Road, a primary point of access for the Penryn community. Development of the proposed Project would contribute to the loss of visual resources as undeveloped open space would be converted to a multi-family residential complex. The most substantial change to the project site's visual character would result from soil removal for site remediation purposes. All existing vegetation would be removed on ± 7.11 acres, and with the exception of one-quarter acre that would be preserved as open space along with some rock outcroppings, the remaining natural vegetation would be removed with proposed grading activities.

Views of the residential structures from Penryn Road would be partially screened by landscaping within the 30 foot landscape easement. Views of the residential structures from Taylor Road would be almost entirely screened by topography and landscaping. Residential parcels west and north of the site would be the most sensitive to a view change as these properties are located at a higher elevation than the project site. Parcels to the south which sit slightly below the project site would also experience a change in views from the existing character of the site.

In order to reduce potential visual impacts, mitigation measures are proposed that would require the project to provide landscaped building setbacks that exceed the Zoning Ordinance's minimum setback requirements. A 30-foot wide landscape easement would be required along Penryn Road consistent with the Horseshoe Bar/Penryn Community Plan. A detailed Landscaping Plan would be required to help restore some of the existing visual character of the site. In addition, the Project would be subject to the County's Design/Site Review process, which would ensure that the Project's effects on existing visual character of the project site are minimized. Although these measures would lessen the extent of visual change in the project area, the impacts would remain significant and unavoidable.

Biological Resources

Development of the proposed Project, including site remediation of contaminated soils, would significantly impact on-site resources including oak woodlands, riparian areas, federally-protected wetlands, and related habitat. The proposed Project would result in the loss of 6.46 acres of oak woodland, 0.95 acres of riparian habitat, and 0.42 acres of Federally-protected wetlands. Mitigation measures require replacement of (or funding for replacement of) oak woodland and riparian habitat (EIR, Mitigation Measures 5.1c and 5.3c) as well as use of Best Management Practices to protect existing natural resources both onsite and offsite (EIR, Mitigation Measures 5.1b, 5.3b 5.3e, 8.1c, 8.1f, 10.2e, 10.5d, 10.5e, 11.1b, 11.2a, 11.2b, 11.2c, 11.2d, and 11.4a).

Traffic and Circulation

The site for the Orchard at Penryn project is located adjacent to Penryn Road south of the intersection with Taylor Road in an unincorporated area of Placer County near the Town of Loomis. An ultimate plan for roadway and intersection improvements in the Newcastle/Penryn/Horseshoe Bar area is based on a capacity need determined with the preparation of the Community Plan for this area. Funding of the

improvements outlined in the Community Plan EIR is being secured via the County's Capital Improvement Program and administration of Traffic Mitigation Fee Program.

A traffic study prepared by Kimley-Horn and Associates, Inc. for the project provided a detailed reporting and analysis of the existing and plus project traffic scenarios for eight adjacent intersections and four segments along Taylor Road and Penryn Road. The project is projected to generate 69 AM Peak Hour and 87 PM Peak Hour trips during a typical weekday. Traffic counts taken for the traffic study analysis revealed that the existing traffic volumes along the study area fall within acceptable Level of Service Standards set forth by Placer County and any neighboring jurisdiction in which the intersection or segment resides. However, northbound Penryn Road traffic currently experiences longer than acceptable delays during AM Peak Hours at the intersection of Penryn Road and Taylor Road due to the current two way stop control (TWSC) of the intersection.

Traffic associated with the proposed project was determined to have a negligible effect on the existing Levels of Service currently occurring within the study area, except for the addition of project traffic to the northbound movement on Penryn Road at Taylor Road, as previously mentioned. A mitigation measure for conversion of the two way stop control to an all-way stop controlled intersection has been provided for in the EIR. The implementation of this mitigation measure with the project will reduce the impact of the project as well as existing deficiencies to a less than significant level. The project will not result in the need for roadway improvements beyond frontage improvements along Penryn Road and Taylor Road which are a requirement of the County's Street Improvement Ordinance.

A cumulative traffic scenario was also studied with the proposed project and the EIR. The traffic study identifies five intersections and two roadway segments that are not projected to meet acceptable Level of Service policies in the future without construction of roadway and/or intersection improvements. The project would add additional delay to these locations in the future and therefore the EIR identifies this as a potentially significant impact. The following intersections are identified: Penryn Road at the I-80 Eastbound on/off ramps, Taylor Road and English Colony Road, Taylor Road and Penryn Road, Taylor Road and King Road, and Taylor Road and Horseshoe Bar Road. The two segments along Taylor Road were also identified as potentially significant. Mitigation Measures are provided for these impacts within the EIR and conditions of approval for the locations within the County are provided which would reduce the impact to a less than significant level.

Three of the locations identified as significant in the cumulative traffic section are located within the Town of Loomis's jurisdiction. Mitigation Measure 14.2a requires the applicant to make a good faith effort at contributing a fair share amount to the Town of Loomis towards the identified infrastructure improvements. However, actual implementation of the mitigation measure is outside the County's jurisdiction and as there is no fee payment agreement between the Town and County nor established regional improvement program for the identified improvements, acceptance of the fair share payment would require independent action by the Town that cannot be guaranteed nor controlled by the County. Therefore, there is no assurance that the above mitigation measure will be implemented. As a result of the uncertainty of implementation of MM 14.2a, the EIR concludes that the impacts associated with the above mitigation measure remain significant and unavoidable.

Air Quality

The Orchard at Penryn project is located within the Sacramento Valley Air Basin (SVAB) portion of Placer County and is under the jurisdiction of the Placer County Air Pollution Control District (PCAPCD). There are state and federal standards for six "criteria pollutants" which the PCAPCD monitors, including ozone (O₃) standards, carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulate matter 10 microns in size and smaller (PM₁₀) and lead. Nitrogen oxides (NO_x) and reactive organic gasses (ROG) are the precursors to the formation of ground-level ozone. ROG and NO_x are emitted from a variety of sources, including motor vehicles and the evaporation of various fuels and solvents.

The proposed project would not violate air quality standards for criteria pollutants during operation. However, short-term construction emissions of NO_x during the site remediation phase, which is expected to last approximately 50 days, and emissions of ROG during the architectural coating phase, which would last approximately 11 days, would exceed the PCAPCD thresholds. Even with the implementation of mitigation measures 8-1a through 8-1f, impacts from ROG and NO_x emissions would remain significant and unavoidable.

Impacts from Greenhouse gases (GHG) generated during site remediation, construction and operation of the project were deemed to be less than significant. With regards to cumulative air quality impacts, the SVAB is designated as nonattainment for federal and state ozone standards. Development and operation of the project, in conjunction with potential development within the surrounding region, would exacerbate existing regional problems with ozone. Mitigation measure 14.4a would offset emissions from one year of the project, however there were not deemed to be any feasible mitigation measures that would offset or reduce emissions in subsequent years. Even with the implementation of mitigation measure 14.4a, the project's incremental contribution to cumulative concentrations of ROG and NO_x, the chemical components of ozone, is considered a cumulatively considerable and significant and unavoidable impact.

Alternatives

The Draft Environmental Impact Report for the Orchard at Penryn project analyzes four alternatives which include 1) the No Project/No Build Alternative, 2) Reduced Density Alternative, 3) Mixed Use Alternative, and 4) Mixed Use Reduced Density Alternative. The alternatives were selected based on a determination that they could reasonably meet most or all of the project objectives and reduce potentially significant project impacts.

The analysis in the Draft EIR concluded that the "Reduced Density Alternative" would be environmentally superior to the proposed project. The "Mixed Use Alternative" provides for construction of 102 residential units which translates into a reduced development footprint on-site. This alternative incorporates larger setbacks at the property boundaries, it would restore the eastern drainage swale after implementation of the RAW, and would preserve the 100-year floodplain in that area. This alternative would also reduce most of the proposed project's impacts, including impacts to biological resources, transportation and circulation, air quality, hydrology and water quality, and utilities. However, mitigation measures would continue to be required for each of these impacts. The proposed project's impacts to visual resources as well as the project's contributions to cumulative impacts to visual resources, transportation and circulation, and air quality would also be reduced. However, each of these impacts would remain Significant and Unavoidable.

FISCAL IMPACT

Policy 4.B.6 in the 1994 Placer County General Plan requires the preparation of a fiscal impact analysis for all major land development projects. A major project is a residential project with 100 or more dwelling units. Hausrath Economics Group prepared the Fiscal Impact Analysis (dated March 21, 2012) for the Orchard at Penryn project (Attachment P), the purpose of which was to identify any ongoing operating costs to the County from the proposed Development. Additionally, the applicant contracted with Economic and Planning Systems, Inc. to prepare a report (dated May 16, 2012) that would estimate the total amount of development impact fees that would be generated by the Project and the Project's potential economic benefits to Placer County (Attachment Q). It should be noted that this study shows a one-time infusion of revenue from project construction. Both reports are included as attachments to this report for informational purposes.

HORSESHOE BAR/PENRYN MUNICIPAL ADVISORY COUNCIL:

The Penryn Municipal Advisory Council considered the proposed Orchard at Penryn Project at its January 24, 2012 meeting and voted unanimously 5 to 0 (Bennet, Bishop, Brodovsky, Neifer, Russell) to recommend DENIAL of the proposed Project to the Placer County Planning Commission. In their letter

dated February 11, 2012, the Penryn MAC indicated that their recommendation was based on the overwhelming number of negative comments from the public and the fact that the project does nothing to benefit the Penryn Community at large (Attachment N).

RECOMMENDATION:

The Development Review Committee recommends that the Planning Commission take the following actions, subject to the adoption of the recommended findings and conditions of approval contained within and attached to this report:

1. CERTIFY the Environmental Impact Report (EIR) for the Orchard at Penryn project including the EIR Errata, and adopt the Statement of Findings and Overriding Considerations, and the Mitigation Monitoring and Reporting Program (Attachment L);
2. APPROVE the Vesting Tentative Subdivision Map to allow the construction of 150 condominium units and eliminate the property line separating Assessor Parcel Numbers 043-060-052 and 043-060-053;
3. APPROVE a Conditional Use Permit to allow the construction of a 150 Multi-family residential units with on-site recreational facilities.

FINDINGS:

CEQA: Final Environmental Impact Report

The Planning Commission, having considered the Final Environmental Impact Report (“FEIR”) for the Orchard at Penryn project, the staff report, public comments (both oral and written), and all written materials in the record connected therewith, makes the following findings relating to the environmental impacts of the Project as set forth in the FEIR (State Clearinghouse Number 2010032070), and the EIR Errata (Attachment K), prepared by the County for the Project:

1. The FEIR has been prepared in accordance with all requirements of CEQA and the Guidelines.
2. The FEIR was presented to and reviewed by the Planning Commission, and the Planning Commission has reviewed the FEIR, and bases its findings on such review and other substantial evidence in the record. The FEIR was prepared under supervision by the County and reflects the independent judgement of the County.
3. The Planning Commission hereby certifies the FEIR as complete, adequate and in full compliance with CEQA as a basis for considering and acting upon the Project approvals, and exercising its independent judgment, makes the specific findings with respect to the FEIR as set forth in Attachment M, attached to the staff report and adopted herein by reference.
4. All mitigation measures proposed in the FEIR are incorporated into the Mitigation Monitoring and Reporting Program (“MMRP”), which is hereby adopted. Said MMRP will implement all mitigation measures adopted with respect to the development pursuant to all of the Project approvals. The mitigation measures have been incorporated into the conditions of approval and thus become part of and limitations upon the entitlements conferred by the Project approvals.
5. The Planning Commission finds that the Project will bring substantial benefits to the County and that the Projects benefits outweigh the Projects unmitigated adverse impacts and pursuant to CEQA Guidelines section 15093 adopts and makes the Statement of Overriding Considerations as set forth in Attachment M, attached to the staff report.

Vesting Tentative Subdivision Map:

The Planning Commission, having considered the Final Environmental Impact Report (“FEIR”) for the Orchard at Penryn project, the staff report, public comments (both oral and written), and all written materials in the record connected therewith, makes the following findings and approves a Vesting Tentative Subdivision Map for the Project, subject to the Conditions of Approval for the Project attached to the staff report as Attachment A.

1. The proposed subdivision, together with the provisions for its design and improvements, is consistent with the Placer County General Plan , the Horseshoe Bar/Penryn Community Plan, and with applicable County Zoning Ordinances.
2. The site of the subdivision is physically suitable for the type and proposed density of development.
3. The Project, with the recommended conditions of approval, is compatible with the neighborhood and adequate provisions have been made for necessary public services and mitigation of potential environmental impacts.
4. The design and proposed improvements of the subdivision are not likely to cause substantial environmental damage or public health problems. Further, the proposed subdivision will ensure compliance with State and local building codes by eliminating the property line underlying the proposed structures.
5. The proposed road improvements along the project site's frontage on Penryn Road is consistent with the road cross-sections for Penryn Parkway as provided in the Horseshoe Bar/Penryn Community Plan.

Conditional Use Permit:

The Planning Commission, having considered the Final Environmental Impact Report ("FEIR") for the Orchard at Penryn project, the staff report, public comments (both oral and written), and all written materials in the record connected therewith, makes the following findings and approves a Conditional Use Permit for the Project, subject to the Conditions of Approval for the Project attached to the staff report as Attachment A.

1. The proposed uses are consistent with all applicable provisions of Chapter 17 and 18 of the Placer County Code.
2. The proposed uses are consistent with the objectives, policies, general land uses and programs as specified in the Placer County General Plan and Horseshoe Bar/Penryn Community Plan. The Orchard at Penryn project is in an appropriately zoned area and considered to be developed at a density that would be compatible with the Penryn Parkway and surrounding area. The Project will not generate excessive noise or traffic. Moreover, the proposed Project will provide attainable housing in the Penryn area with on-site recreational facilities, incorporating site planning and building architecture consistent with the Penryn Parkway development policies in the Horseshoe Bar/Penryn Community Plan.
3. The establishment, maintenance or operation of the proposed uses will not be detrimental to the health, safety, and general welfare of people residing or working in the neighborhood of the proposed use, and will not be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the County.
4. The proposed uses are consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.

Respectfully submitted,

E.J. Ivaldi
Supervising Planner

ATTACHMENTS:

Attachment A – Recommended Conditions of Approval
 Attachment B – Vicinity Map
 Attachment C – Preliminary Site Plan
 Attachment D – Triplex/Sixplex Floor Plans/Building Elevations (9 sheets)
 Attachment E – Recreation Building Floor Plan/Elevations
 Attachment F – Triplex/Sixplex Architectural Renderings (2 sheets)
 Attachment G – Preliminary Landscape Plan
 Attachment H – Soil Excavation Map (Site remediation)
 Attachment I – Preliminary Grading and Drainage Plan
 Attachment J – Preliminary Striping and Off-site Grading Plan
 Attachment K – EIR Errata
 Attachment L – Mitigation Monitoring and Reporting Program
 Attachment M – Statement of Findings and Overriding Considerations
 Attachment N – Penryn MAC letter dated February 11, 2012
 Attachment O – Planning Director Letter dated November 9, 2007
 Attachment P – Hausrath Economics Group Fiscal Impact Analysis dated March 21, 2012
 Attachment Q – Economic & Planning Systems, Inc. Economic Impact Report dated May 16, 2012
 Attachment R – Correspondence

Final Environmental Impact Report – Orchard at Penryn (provided under Separate Cover)

cc: Penryn Development LLC - Property Owner
 Bob Skiff, Forum Consultants, Inc. – Applicant
 Mike Mahoney, The ConAm Group – Applicant
 Phil Frantz – Engineering and Surveying Department
 Janelle Heinzler – Department of Facility Services, Environmental Engineering Division
 Stephanie Holloway, Department of Public Works (Transportation)
 Laura Rath – Environmental Health Services
 Tom Thompson – Air Pollution Control District
 Andrew Darrow – Flood Control District
 Andy Fisher – Parks Department
 Paul Thompson – Deputy Planning Director
 Michael Johnson – Community Development Resources Agency Director
 Karin Schwab – County Counsel
 Department of Toxics Substance Control
 Subject/chrono files