

**ATTACHMENT W**

Correspondence received through October 5, 2012.

**Maywan Krach**

---

**From:** Jerald Starkey [jerclaudstarkey@gmail.com]  
**Sent:** Wednesday, January 25, 2012 11:34 PM  
**To:** Maywan Krach  
**Subject:** Orchard at Penryn

RE: Final EIR comment for proposed Orchards at Penryn (PEIR 20070521)

The meeting of the Penryn MAC last evening certainly made it clear where the Penryn community's feelings lie on the matter of bringing 150 rental units onto a relatively small piece of rural property. Not a single resident rose to defend the proposal. Hundreds of people took hours out of their evenings, away from their families, to come to listen and speak out. The Penryn MAC ultimately took the unanimous position of opposing the proposal. Wow.

I have been present at every Penryn MAC meeting since the 2007 introduction of the Orchards proposed 150 rental apartments plan. The proponents seemed to be both blind to the clearly visible realities in the area and deaf to the community's concerns.

First, the blindness. A large development of townhomes, also called the Orchard [probably not coincidentally] was built a few years ago on Boyington Road, just one frontage road north of I-80. These condominiums have never completely sold. Signs and flags are still up; balloons come and go. Despite large signs that tout "models open" and say "0% down," the condos are not selling. It has been YEARS. News flash: people don't move out to the country so they can live cooped up in condos or apartments.

The hard thing to take, however, has been the deafness. From the very first presentation to the MAC of this misguided rental apartment proposal, both MAC members and community members have said that the project's housing density was wildly out of line, that Penryn has never allowed a gated community, that the increased traffic level proposed was unacceptable. Again and again, we said that 150 rental units was entirely too many. The whole draft EIR process was gone through. The project proponents took this under advisement, thought about it, wrote up new plans, and came back with ... yes,

150 rental apartments! They just moved the buildings around a little, changed the configuration, but didn't change the number of apartments. All the impacts were completely unaffected, since they wouldn't revise the scope of the project. DO THEY THINK WE CAN'T ADD AND SUBTRACT? At the Mac meeting last night, they did this lovely presentation, explaining how their first drawings of the project were mostly rectangular, but then they spent all this money and got a new architectural design company and now there were nice wavy lines and four cute little mini-communities. They expected us to be quite impressed and grateful, but they hadn't changed the number of units at all. We had told them the density was too high at every single meeting, and their "revised plan" was for exactly the original density.

At last night's MAC meeting, there were a few comments about "property rights." "Property rights" is an extremely emotionally charged issue, considered sacrosanct by most people. However, it is incomprehensible to me how the "property rights" of a single 15-acre parcel owner [who is not even a human being, but is a development corporation which has a few people who speak for it] somehow should take precedence over hundreds of property owners WHO BOUGHT IN YEARS AGO AND WHO ALREADY LIVE HERE. How can the interests of one (non-human) landowning entity command that an entire community (of actual people) accept their demands? The proposed project is clearly inappropriate for our small, rural-lifestyle community. 150 families concentrated in rental apartments should not be squashed onto 15 acres. Rental properties are already available in Penryn, Loomis, and Newcastle for people who actually care about living in the country. Urban apartment densities belong in urban settings.

The Orchards proposal offers not a single, supportable benefit to the community. They offer to clean up "toxic" land [previously sprayed heavily with agricultural chemicals] and claim this as a benefit to the community. Of course they will clean up toxic soils --- they would not be permitted to put housing there if they didn't. They claim the presence of the project would be a barrier between our rural community and I-80: the property itself is already being that barrier now, without the addition of 150 rental units --- temporary homes

to a constantly shifting population of families who are looking for something else, something better, something permanent.

All the concerns I listed in my initial letter [of August 29, 2011, on pg. 93 of the comments section, FEIR Orchard at Penryn] for this project remain unchanged, since the project has not made any significant changes. The single, central tenet of the proposal, 150 family rental units, posits an absurd density of people on small acreage in a rural residential community.

None of the impacts have been addressed, because the negative impacts are all directly related to too many people in a small area. Along with (1) the reduction in the natural vegetation and wildlife communities and (2) the alteration of the visual character of the site, my concerns remain (3) increased and continuing generation of traffic --- automobile traffic and children walking to school, and (4) increased generation of air pollutants.

I wholeheartedly urge the planing commission NOT to approve the Orchard at Penryn proposal.

Most Sincerely,

Claudia Starkey

**Maywan Krach**

---

**From:** bobby [bobby@uppal-insurance.com]  
**Sent:** Wednesday, January 25, 2012 3:34 PM  
**To:** Placer County Environmental Coordination Services  
**Subject:** Vote to NOT approve the Orchard at Penryn Project PEIR 20070521  
**Attachments:** Horseshoe Bar Penryn Community Plan A.DOC

**Importance:** High

To: The Planning Commission,

The Penryn at the Orchard is not a project that is conducive with the surrounding area or in any way shape or form benefits the local community, yesterday at the MAC meeting over 120 local residents were in attendance to protest the project, there is an over whelming consensus that this not a good fit for our community.

I am disappointed with the final EIR as it defers the majority of the comments raised by the local citizens to either being not significant concerns or not in the scope of the EIR objectives this is completely unacceptable as all the comments raised are valid and have a direct impact on everyone that submitted them. The planning commission has an obligation to its local citizens to have their voices heard.

It must be remembered that the community plan trumps the zoning for any proposed project, the Penryn / Horseshoe Community plan clearly states what the intended uses are for the area and HIGH DENSITY HOUSING was never the intended use for the zoning of 10 units per acre on the proposed project site, I have attached excerpts of the community plan for your review which clearly outline how this project is in direct violation of the intent of land use in the area.

I urge you to listen to the local MAC and the community at large and reject the proposed project.

Sincerely,

Bobby Uppal – Taylor Road Loomis ca 95650



## **Bobby Uppal, CLU, ChFC**

**Uppal Insurance & Financial Services**  
**7816 Uplands Way, Suite B**  
**Citrus Heights, CA 95610**  
**Phone 916.966.2143**  
**Fax 916.863.7348**  
**[bobby@uppal-insurance.com](mailto:bobby@uppal-insurance.com)**

*Click on the links for access to our [blogs](#) and [videos](#).*

*"A personal, knowledgeable and responsive approach to your insurance needs."*

## Horseshoe Bar/Penryn Community Plan Annotations

### Plan Assumptions, page 3

3. The primary demand for land use will be for large-lot single-family residential due to the attractive rural character of the area.

5. It is important to design facilities for water, sewer, and roadways in such a way – that additional pressure for the urbanization of surrounding rural areas is not created, This may occur as a result of financial pressure, proximity of urban uses, and/or the establishment of incompatible uses which hinder the continued rural use of adjoining lands.

9. The need to protect and conserve natural resources and remaining open space will become more important as the area continues to grow.

### General Community Goals. Pages 3-5

- a. Ensure a balanced environment where physical development can occur with minimal adverse effect on the natural resources of the area.
  - b. Protect and preserve the unique character of the community in the rural areas maintain the identity of the plan area as a scenic, tranquil, rural-residential community compatible with the area's physical constraints and natural features.
  - c. Conserve and protect, as valuable assets of the community and the county, the natural and cultural resources, the natural environment and open space of the area.
  - d. Provide for residential development which creates functional, attractive, cohesive neighborhoods which are reasonably integrated with adjoining neighborhoods rather than physically isolated from their surroundings.
13. Preserve the community's outstanding visual and aesthetic features including significant vistas, oak woodlands, native grasslands, stream and riparian zones, wetland areas, and wildlife habitats.
19. Manage the development of land so that it is treated as a limited resource rather than a product to be maximized for economic gain.

## Community Development Element

### A. Population and Housing

#### Policies, pages 6

- a. The design of all future residential developments should emphasize character, quality, livability, and the provision of all necessary services and facilities to insure their permanent attractiveness.

## Horseshoe Bar/Penryn Community Plan Annotations

### B. Land Use

#### Purpose, page 13

The Horseshoe Bar/Penryn Community is known for its visually pleasing, predominantly rural/residential areas, the principal characteristics are the wooded countryside, rolling terrain, country roads, natural stream corridors, fields of wild grasses and wildflowers, scenic vistas, great groves of oak, buckeye, etc., open fields, large lots and graceful buildings, which are subordinate in appearance to the land. The land use policies contained herein have been formulated to enhance the rural and natural qualities of this unique community.

Land use policies are designed to prevent the overuse of land and to control the intensity of use. The overuse or overcrowding of individual sites with primary residential or accessory uses created environmental impacts such as excessive traffic, drainage problems, soil erosion, loss of vegetation, and other resources, and destroys the open, rolling terrain and natural characteristics of the community.

#### Goals, pages 15-16

- a. Preserve and maintain the rural character and quality of the plan area. Factors that contribute to this rural character include the predominance of natural vegetation (both in the lower oak grasslands and stream corridors) and open space; the de-emphasis of "urban" type improvements, such as street lights and sidewalks; a close interrelationship between large-lot stewardship that is fostered by the preservation of large parcels.
- c. Preserve and protect the natural waterways, riparian and wetland areas, and the floodplains.
- f. Maintain compatibility between neighboring land uses.
- k. Discourage isolated, remote and walled-off developments that do not contribute to the sense of community desired for the area.
- m. Assure that all building sites and residences are developed in a manner minimizing disturbance to natural terrain and vegetation and maximizing preservation of natural beauty and open space.

#### Policies, pages 16-19

- a. Property shall be developed with minimum disturbance to the natural terrain. The natural environment shall be retained or restored as much as possible.

## Horseshoe Bar/Penryn Community Plan Annotations

- b. Retention of open space shall be considered in the review of all discretionary applications for development.
- d. Population densities within the planning area should be guided by considerations of topography, geology, vegetative cover, preservation of natural terrain and resources, and access to transportation and service facilities.
- e. Intensity of use of individual parcels and buildings shall be governed by considerations of health and safety, impact on adjoining properties due to noise, traffic night lighting, or other potential disturbing conditions; and protection of natural land characteristics. Visibility of structures, preservation of natural landform, and natural resources, topography, noise exposure, maintenance of rural quality, and compatibility with the surrounding properties shall be considered in preparing subdivision designs. Subdivision density or number of lots will ultimately be determined by these factors. It is recognized that the maximum number of lots permitted by the land use of zoning' designation may not be realized once these factors are considered.
- h. An important consideration in the design of any land development project should be the conservation of natural drainage channels and swales, and the preservation of existing natural resources. Where development is proposed adjacent to the area's major stream corridors, encourage a design which located streets and common open space (not backyard and other private yard space) adjacent to riparian areas, to enhance the creek side environment, and to permit pedestrian access to this important resource. Incorporate the use of "Best Management Practices" into the project's design to mitigate the impact of urban runoff on the stream corridors.
- i. The rate of development and location of projects shall not exceed the capacity of the community, special districts, and utility companies to provide all needed services and facilities in an orderly and economic manner.
- v. Where commercial/industrial uses interface with low density residential uses, it shall be expected of the landowner to establish buffering through the use of setbacks, landscaping, berms and structural screening.
- w. Maintain strong design review of commercial and industrial areas with strict adherence to the Placer County Design Guidelines and Historic Design Guidelines.
- y. Night lighting visible from the exterior of buildings and the project's boundaries shall be limited to that necessary for security, safety, and identification. All night lighting shall be low intensity and shielded from the view of passing traffic and adjacent residential areas. Lighting shall not be directed in an upward manner nor beyond the boundaries of the parcel on which the structure is located.

## Horseshoe Bar/Penryn Community Plan Annotations

### Land Use Designations, page 25

#### d. Medium Density Residential (MDR)

A small portion of the Plan area is designated for MDR uses, comprising 51 acres of .31% of the Plan area. This designation allows **2-4 units per acre**, and primarily includes existing small-lot single family subdivisions.

All MDR designations are located within the Penryn area of the Plan. The MDR areas located on either side of the railroad in downtown Penryn have been developed with several historic houses dating back to the early 1900s. The remaining MDR is located adjacent to the Penryn Parkway and is presently undeveloped. This may present an opportunity to provide future multi-family affordable housing for the area's residents. This is especially true due to the site's location adjacent to the Penryn Parkway commercial area and the potential for a Planned Unit Development, per the implementing zoning.

#### g. Riparian Drainage, page 26

The primary purpose of the Riparian Drainage (RD) designation is to identify the stream and riparian corridors of the Plan area that need to be preserved. The RD designation comprises approximately 635 acres or 4% of the Plan area.

These areas include Miner's Ravine, Secret Ravine, Mormon Ravine, Antelope Creek, and their associated 100 year floodplains. Protecting these waterways from any disturbance will also protect water quality, wildlife, and riparian vegetation for future generations to enjoy and appreciate. Development within these areas is permitted providing the precise zoning district's building setback is maintained.

### C. Public Facilities and Services

#### a. Goals, page 27

- e. Ensure that the rate of development shall not exceed the capacity of county, community, special districts (including school districts) and utility companies to provide all needed public services in a timely, orderly, and economically feasible manner.

#### b. Policies, page 28

2. Ensure that adequate services will be available for proposed development **before** granting approvals.

#### 5. Fire Protection, page 34

## Horseshoe Bar/Penryn Community Plan Annotations

### a. Policies

(5) Establish a program whereby new development pays the cost of new capital improvements necessary to provide the fire district with new fire stations, equipment and apparatus necessary to achieve the desired level of service for new development in the Plan area.

(7) Ensure that all new developments comply with the California Department of Forestry fire safe regulations, County development standards, and other local fire agency standards regarding the adequate provision of water supply and emergency vehicle access.

### c. Implementation

(2) Require new development plans be submitted to the local fire district for review and approval prior to final map approval and/or issuance of certificates of occupancy, as appropriate.

(3) Require land developers to pay in lieu fees, dedicate land, or purchase equipment as necessary to ensure adequate fire protection facilities are available as the Plan area builds out.

(4) Require new development plans be submitted to the CDF for review and approval prior to final map approval and/or issuance of certificates of occupancy, as appropriate. CDF will review the project plans for compliance with the SRA fire safe regulations.

(5) Require will serve letters from the appropriate fire district as part of approving new development projects.

## 6. Law Enforcement page 37

### a. Policies

1. Identify a means by which new development in the area can be charged with the increasing criminal justice services costs which they generate.
4. Consider public safety issues on all aspects of commercial, industrial and residential project design.

### A. Schools

#### A. Policies

- (1) County, developer, and school district personnel should continue to work closely together to monitor population increase in the area and to insure that new school facilities are provided as needed. Adequate4 school facilities must

## Horseshoe Bar/Penryn Community Plan Annotations

be shown to be available, in a timely manner, before approval will be granted to new residential development

- (2) New development in the area must, along with the State of California, continue to provide the funding necessary to meet the demand for new school facilities.
- (3) Before a residential development, which includes a proposed general plan amendment, rezoning, or other legislative review can be approved by the Planning Commission or Board of Supervisors, it shall be demonstrated to the satisfaction of the hearing body that adequate school facilities shall be provided concurrently with the need generated by the proposed development

### Community Design Element

#### A. Purpose, page 75

The Community Design chapter of the Horseshoe Bar/Penryn Community Plan encourages preservation of those unique features and characteristics which define the Horseshoe Bar/Penryn Community. Retention of the rural characteristic of the area by minimizing the environmental impact of new development is a primary goal of the Plan.

The Community Design Chapter....Testimony at various public forums, hearings and workshops conducted during the Plan preparation process consistently revealed a strong interest by residents and property owners to preserve the small town atmosphere which gives the local community its charm. ...The careful preservation of the existing landforms, woodlands, streams, riparian areas, neighborhoods, scenic corridors and rural flavor of the area as new development occurs, will result in a community which provides a high quality of life for its residents while accommodating the variety of lifestyles and needs that are present.

#### B. Goals page 75

1. Protect and preserve the unique character of the community. Maintain the identity of the plan area as a scenic, tranquil, rural-residential community compatible with the area's physical constraints and natural features.
5. Implement the tree ordinance in order to focus attention on the importance of preserving existing native vegetation and certain non-native trees.

#### C. Policies, page 76 - 79

1. Wherever possible, natural features should be retained as buffers between different, potentially incompatible uses as well as serving to preserve the rural character of the area. Where natural features are not available, landscaped buffers should be provided to minimize the adverse effects of higher intensity uses.
5. Wherever possible, native trees should be preserved and the use of native and/or drought tolerant plant material encouraged in all revegetation/landscaping projects.

## Horseshoe Bar/Penryn Community Plan Annotations

8. Landscaping shall be used to reduce the visual impact of all structures, including solid fences. Natural vegetation should dominate where possible. Where existing vegetation is inadequate, the use of native plant materials is encouraged. Landscaping materials should provide an informal character and smooth transition between buildings, parking lots adjoining roadways and open areas.
13. Night lighting, visible from the exterior of a building and the project's boundaries shall be limited to that necessary for safety, security, and identification. All night lighting shall be low intensity and screened from view of passing traffic and adjacent residential areas. Lighting shall not be directed in an upward manner nor beyond the boundaries of the parcel on which the structure is located.
15. To the maximum extent possible, all structures, including residences, should complement and blend in with the natural setting of the planned area, and to this end the following principles shall be incorporated into the project design:
  - a. The visual impact of the structure shall be mitigated either through reduction of building bulk, increased setbacks, or introduces hillside structures shall be designed to step down the natural hillside on order to achieve a low building profile and minimize grading.
  - b. Structures may be located within existing tree covered areas and still be consistent with slope, geologic, and related conditions and the need to preserve natural terrain and locally unique or especially beautiful wooded areas.
19. Development projects should be designed to have the fewest number of access roads or openings onto a major arterial roadway.
21. Intensity of use of individual parcels and buildings shall be governed by considerations of: health and safety, impact on adjoining properties due to noise, traffic, night lighting, or other potentially disturbing conditions; and protecting natural land characteristics. Visibility of structures, preservation of natural land forms and natural resources, topography, noise exposure, maintenance of rural quality, and compatibility with the surrounding properties shall be considered in preparing subdivision designs. Subdivision density, or number of lots will be ultimately determined by these factors. It is recognized that the maximum number of lots permitted by the land use or zoning designation may not be realized once these factors are considered.
26. In place of sound wall construction, require, wherever possible, the use of greater setbacks and/or earthen berms planted with native or native-appearing species to provide a scenic corridor for all parcels fronting on all of the Plan areas major circulation routes.
27. Residential projects shall provide frontage trees utilizing native or native-appearing species on a per lot basis, with the goal of providing canopy coverage of a neighborhood's roadways.

### Penryn Parkway Development Policies, page 81

- g. ...conditions that must be taken into consideration include visual impacts, buffering adjoining residential uses, air and noise pollution, and added traffic...
- (1) Where multiple-family residential is proposed, structures shall be clustered together in such a way as to preserve the maximum amount possible of undeveloped open space on-site.

## Horseshoe Bar/Penryn Community Plan Annotations

### Scenic Highways, page 84

Key goals and policies and the Rural Design Guidelines require landscaped corridors along circulation routes, minimum disturbance to vegetation and natural terrain, and landscaping that visually integrates development with the natural qualities of the Plan area. Policies require that final determination of subdivision density consider the visibility of structures and the protection of natural landforms and natural resources and require that the size and scale of buildings be compatible with the rural atmosphere of the Plan area. Review of project design, site layout, and landscaping by the County will be important in implementing these policies on a project-by-project basis.

### Natural Resources Management Element

#### 3. Hydrology and Water Quality, page 91

##### c. Goals

- (2) Safeguard and maintain natural waterways to ensure water quality, flora and fauna species diversity and unique wildlife habitat preservation.

##### b. Policies

- (9) Reduce the negative impacts on water quality resulting from urban runoff for all commercial, industrial, and residential projects by treating such runoff before it enters intermittent or permanent streams. All feasible mitigation measures should be considered, including, but not limited to, artificial wetlands, infiltration/sedimentation basins, riparian setbacks, oil/grit separators, or other means where appropriate.

#### (2) STREAMS AS WATERSHEDS AND SURFACE WATER QUALITY PROTECTION, page 96

Undisturbed land and vegetation in natural open space has the ability to at least partially “purify” waters falling upon and traversing over it. The diversity of microscopic organisms, grasses and other plants, and trees found in undisturbed natural areas are the very foundation of a healthy watershed, therefore, the riparian corridors where water-loving trees and shrubs predominate deserve preservation for the purpose of water quality protection.

Healthy natural upland vegetation also serves in the hydrologic cycle as a purifier of runoff waters,

The sites where land developments and riparian areas coincide are interfaces. Interfaces are points of weakness or stress...

Top reduce the disruptive influences of residential land uses at their interface with the fragile riparian corridors and to provide some remaining natural upland watershed area adjacent to these riparian corridors where water quality protection can best be served, buffers should be established adjacent to natural riparian corridor areas...

## Horseshoe Bar/Penryn Community Plan Annotations

- (4) Vegetation
- b. Policies, pages 103-104
- (2) Preserve in their natural conditions stream environment zones, including floodplains and riparian vegetation along creeks and canals.
  - (3) The natural resources and features of a site proposed for development shall be the predominant planning factor that determines the scope and magnitude of the development. Conservation of the natural landscape, including minimizing disturbance to natural terrain and vegetation, shall be an overriding consideration in the design of any land development project, paying particular attention to its protection and the preservation of existing native vegetation.
  - (5) Require a minimum 100' non-development setback from the centerline of perennial streams, and a minimum of 50' setback from intermittent streams as part of permanent protection easements. Said setback shall be increased if necessary, to include the future fully developed 100 year floodplain and all streamside riparian vegetation.
  - (12) Recognize that rock outcroppings provide nesting, breeding and foraging resources for a wide variety of terrestrial and avian species inhabiting the Sierra Foothills, and shall be preserved by incorporating such areas into private project designs.

c. Discussion, page 105

The area's most significant and sensitive vegetative resources include oak woodlands, riparian and stream habitats, and wetlands. These resources provide important ecological functions including water quality maintenance, stream bank stabilization, and provision of essential habitat for wildlife and fisheries resources. These sensitive resources are given special consideration under federal, state and county regulations and policies and because of their limited occurrence and wildlife habitat value.

d. Implementation, page 108

- (1) Continue to enforce the Placer County Tree Ordinance
- (2) A mitigation monitoring plan for a minimum of five years shall be required for all oak tree replacement areas proposed as part of land development projects...A minimum 100' non-development setback...and a minimum of 50' setback from the centerline of intermittent streams,...are required for all new development projects. These areas shall include all riparian vegetation and shall preclude all structures, including pools, spas, gazebos, decks, etc., non-native landscaping, tree removal, night lighting, fencing interfering with significant wildlife corridors, and grading. In addition, deed restrictions in the form of easements shall be placed on these setback areas to protect them in perpetuity.

5. Fish and Wildlife

a. Policies, page 110

## Horseshoe Bar/Penryn Community Plan Annotations

- (2) Identify and protect important...migratory routes, waterfowl resting areas, oak woodlands, wildlife corridors, and other unique wildlife habitats critical to protecting and sustaining wildlife populations.
- (4) Recognize that stream channels, riparian corridors, natural drainages and the high quality of waters therein, are important as regional wildlife and fishery corridors.
- (7) Require 100' non-development setbacks from the centerline of perennial streams, and 50' non-development setbacks from intermittent streams as part of permanent protection easements...

### C. OPEN SPACE

#### 3. Policies, page 115

- c. In the design and construction of new development, the following types of areas and features shall be preserved as open spaces to the maximum extent feasible: high hazard areas (erosion, landslides, wildland fires, floodplains, high noise exposure, etc.,) scenic and trail corridors, streams, streamside (riparian) vegetation, wetlands, other significant stands of beneficial native vegetation, and any areas of special ecological significance. These sensitive areas should be mapped before designing a project so that priority is placed on protecting these areas and features rather than retrofitting a development project onto the property.
- k. Maintain heavily vegetated corridors along circulation routes to preserve their rural nature and perceived value as natural noise buffers. Roads and other public works projects shall incorporate aesthetic values, as well as utility, safety, and economy.
- l. Require development of all building sites and residences in a manner minimizing disturbance to natural terrain and vegetation, and maximizing preservation of natural beauty and open space. Where urban uses are called for in the Plan. Attempt to balance the needs of such projects with this policy.

# Placer County Rural Design Guidelines

---

## A. Goals: page 2

2. To retain in their natural condition, all stream influence areas, including floodplains and riparian vegetation areas, which allow for limited stream crossings for public roads, trails and utilities.
5. Conservation of the natural landscape, including minimizing disturbance to natural terrain and vegetation, shall be an overriding consideration in the design of any project, paying particular attention to its protection and the preservation of existing native vegetation.

## B. Implementation Techniques, page 3

1. Open space should be maintained at a minimum of 100 feet from the center line of any permanent streams, and a minimum of 50 feet from intermittent streams to (a) reduce, by natural filtering, the possibility of contamination of the stream from fertilizers and other manmade compounds, and (b) to provide a corridor for wildlife to live and move in relative safety.
11. The Placer County Tree Ordinance should be supported as a means to limit removal of the natural setting, and to further education on the methods for preserving oak tree populations. Even though one is allowed to remove up to 50% of the trees on one's property, every effort must be made to minimize the removal of trees to preserve property values.

## C. Discussion:, page 4

One predominant factor that differentiates an urban area from a rural area is open space. Open space is often set aside for the protection and preservation of the following natural features:

1. Meandering drainage or stream bed areas;
2. Riparian/wetland areas;
3. Watersheds;
4. Common lot areas;
5. Oak woodlands; Savanna and Chaparral zones;
6. Historical, agricultural, cultural and archaeological resources;
7. Endangered/threatened plant/wildlife habitat.

## Horseshoe Bar/Penryn Community Plan Annotations

### PLANNED RESIDENTIAL DEVELOPMENTS (PDs)

(Formerly known as Planned Unit Developments)

#### A. Goals: page 5

1. To preserve natural resources such as riparian habitats, natural waterways, and other environmentally sensitive areas.
2. To preserve cultural or historically sensitive areas.
3. To provide on-site public and/or private recreational opportunities.

#### B. Implementation Techniques:

3. It must be recognized that the maximum density permitted by the zoning may not be achieved due to the above constraints. The size and number of parcels within the remaining developable area is dependent upon compatibility with surrounding properties and the goals and policies of the community plan, including the intent of the land use district(s) in which the project is located.

### Lighting

#### A. Goals, page 6

1. To provide a minimum of artificial lighting on residences, other structures, and along roadways to limit the amount of light pollution.

#### B. Implementation Techniques: page 6

3. If a street light or an area light is required, it should be of the type specified above to protect neighbors from direct rays. Area lighting should be shielded such that direct rays do not pass property lines. Low pressure sodium lamps are encouraged while halogen type lights are discouraged.
4. Where required, the street lamp should be:
  - a. Of the high pressure sodium type and of a "cobra head with flat bottom" style or fully shielded such that light is directed only downward.
5. Parking lot lamps should be mounted on the top of the sign and point downward without direct rays extending past the sign.

### Lot Design

#### A. Goals: page 7

## Horseshoe Bar/Penryn Community Plan Annotations

2. To assist in designing home locations on lots to preserve the local rural character.
- B. Implementation Techniques:**
5. Buildable portions of lots should be designed to protect natural resources/features by incorporating trees, wetlands, streams, rock outcroppings, etc. into the overall project for long term preservation. It is not always necessary to completely avoid these resources, they can often be incorporated into a project design. Residences should be located on the edges of topographical changes and vegetation areas (i.e. wooded areas), or just below ridge lines.

# TOWN OF LOOMIS

January 25, 2012

**VIA U.S. MAIL AND E-MAIL (cdraecs@placer.ca.gov)**

Environmental Coordination Services  
Community Development Resource Agency  
3091 County Center Dr, Suite 190  
Auburn, CA 95603

Re: Orchard at Penryn Project Final Environmental Impact Report ("FEIR")

To Whom It May Concern:

This comment letter is in response to the notice of availability of the FEIR for the Orchard at Penryn project (the "Project") for public comment and review. As one of the agencies affected by this Project, the Town of Loomis (the "Town") continues to be ensuring that Placer County ("County") discharges its public duty to satisfy the requirements of the California Environmental Quality Act ("CEQA") and land use and planning law with respect to the Project and the associated proposed FEIR.

The Town previously set forth its comments to the proposed draft environmental impact report (the "DEIR") for the Project in a letter addressed to Maywan Krach, dated August 25, 2011 (*see* Letter D of Chapter 2 of the FEIR). It is the Town's position that the proposed FEIR continues to fail to address the deficiencies in the environmental analysis for the Project contained in the DEIR. Accordingly, the Town hereby restates the comments set forth in its August 25, 2011 letter and incorporates that letter by reference herein on the grounds that they were not appropriately and meaningfully addressed. This letter highlights a few examples of those continued deficiencies.

Because of the inadequacy of the FEIR for the Project, the Town respectfully requests that the County decline to certify the proposed FEIR and not approve the Project until a complete and meaningful analysis has been conducted with respect to all of the environmental impacts of the Project as required by CEQA, and until the Project be brought into compliance with all applicable laws.

990438.1

**A. County Failed to Address Town's Comments to DEIR**

The County's response failed to adequately address the Town's comments to the DEIR as required by Public Resources Code section 21091(d)(2) and CEQA Guidelines section 15088. (See, Letter D of Chapter 2 of the FEIR) In particular, CEQA Guidelines section 15088(c) provides as follows:

The [lead agency's] written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

Further, a lead agency's failure to respond to comments raising significant environmental issues prior to approving a project may render the EIR legally inadequate. (See *Rural Land Owners Association v. City Council* (1983) 143 Cal.App.3d 1013.) The County summarily dismissed the Town's concerns, claiming that issues raised were fully raised in the DEIR. This type of response is not only conclusory, but it does not describe, with specific detail, why the Town's proposed revisions or comments were not accepted or considered.

**B. Incorrect Standard for Mitigation Measures and FEIR Fails to Adopt Feasible Mitigation Measures**

For example, in the third paragraph of comment D-2 at page 2-27 (see, also, Section E below), the County states that "Mitigation Measure 14.2a requires that the project applicant make a "good faith effort" at contributing a fair share amount towards modifying the geometry and signal phasing at this intersection" (emphasis added). The standard for mitigation is not a "good faith effort." Rather, CEQA requires that mitigation measures be "fully enforceable through permit conditions, agreements, or other legally-binding instruments." (CEQA Guidelines § 15126.4(a)(2); see also Public Resources Code § 21081.6(b).) A mitigation measure must be adopted so that it results in an enforceable requirement. (See *Woodward Park Homeowners Association, Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 730.) For example, enforceable mitigation measures include a requirement for the project applicant to construct improvements or pay fees.

The FEIR continues to fail to identify and adopt mitigation measures that will reduce traffic impacts to a less than significant level, even though feasible mitigation measures

Environmental Coordination Services  
 Community Development Resource Agency  
 January 25, 2012  
 Page 3

9361.011

exist. An EIR must describe significant environmental impacts as a result of a proposed project and identifies ways in which such impacts can be mitigated or avoided. (Public Resources Code §§ 21002.1(a), 21061; CEQA Guidelines § 15121.) Further, an EIR must describe feasible mitigation measures, if any, that can minimize or avoid the significant environmental impacts of a proposed project. (Public Resources Code § 21002.1(b); CEQA Guidelines § 15126.4(a).) Here, feasible mitigation measures exist—the improvements can be developed and installed or the project applicant can be required to pay its proportionate share to the Town to mitigate the impacts of the proposed Project.

It is incorrect to conclude in the FEIR that the Project is not required to actually mitigate for its significant impacts, when feasible mitigation measures exist, because there is no existing fee agreement between the Town and the County. (*See Woodward Park Homeowners Association, Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 725-730.) The County cites to *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 1 “regarding a Lead Agency’s responsibilities for extra-territorial intersection improvements.” (FEIR at p. 2-28.) The *Tracy First* case is distinguishable because the improvements at issue were outside the jurisdiction of the City of Tracy, whereas here, the traffic improvements are outside of the Project but within the jurisdiction of the County as Lead Agency.

For these reasons, the Town requests that “good faith effort” be modified to read, “project applicant *shall* make a fair-share payment to the Town of Loomis towards the cost of implementing these improvements.” (FEIR at p. 2-28.) Additionally, the FEIR has not corrected the \$728 figure for the applicant’s fair share contribution to traffic impacts. The Town requests that this number be corrected. (DEIR at p. 14-8.)

### C. Reduction in Project Size as Feasible Mitigation Measure

In its August 25, 2011 letter, the Town explained that the DEIR did not analyze alternate mitigation measures such as a reduction in Project size as a means to reduce traffic impacts. The County dismissed this alternative as a possible mitigation measure because it would not result in the significant environmental impacts being avoided. (FEIR at p. 2-27) While it is true that CEQA requires implementation of mitigation measures or alternatives to proposed projects that can avoid significant impacts, CEQA also demands implementation of feasible mitigation measures that minimize, substantially lessen, or reduce such significant impacts. (Public Resources Code §§ 21002, 21100(b)(3); CEQA Guidelines §§ 15126.4(a)(1), 15370.) Accordingly, even if a mitigation measure cannot completely avoid the significant environmental impacts, a reduced project size can lessen and alleviate traffic and safety impacts resulting from the proposed Project and must be analyzed.

**D. Traffic Exit onto Taylor Road Must Be Consistent with Community Plan**

CEQA requires that an EIR discuss and analyze any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans. (CEQA Guidelines § 15125(d).) Both the DEIR and FEIR fail to discuss the planned gated exit onto Taylor Road and its inconsistency with the Penryn Community Plan, especially strategy 1b, which provides for pedestrian and bicyclist accessibility along Penryn Road and Taylor Road.

Inconsistencies may be evidence that the inconsistent project feature will result in a significant environmental impact. For example, allowing traffic to exit onto Taylor Road, as currently designed for the Project, will create traffic and safety impacts that are inconsistent with the Penryn Community Plan. Regardless if safety impacts are determined to exist, if the Project is not compliant with the Penryn Community Plan, then land use impacts are potentially created. The County should conduct further analysis of such inconsistencies and should further consider the installation of improvements, such as sidewalks and bicycle lanes, in order for the Project to be in compliance with the Penryn Community Plan.

Similarly, the County's comments at D-7 at page 2-30 of the FEIR confuses the issues of greenhouse gas emissions and ensuring adequate public transportation as a means to achieve consistency with the Penryn Community Plan. The Town does not require provision of public transportation as a means to reduce greenhouse gas emissions, but rather, simply states that a benefit of providing accessibility to public transportation is a reduction in greenhouse gas emissions.

The point of the Town's comment number 4 of its August 25, 2011 letter is that the Project should ensure adequate public transportation access, including bus service along Penryn Road, as means of achieving the Project's stated objective of "provid[ing] attainable housing for working families in the Loomis/Penryn area, thereby reducing commutes to nearby employment centers." (DEIR at p. 2-2.) Further, such modification to the Project is required in order to ensure that the Project is consistent with the Penryn Community Plan goal 8. (CEQA Guidelines § 15125(d).) By providing adequate public transportation services, human interaction and a neighborhood identity will be encouraged, as called for by goal 8. Without such public transportation, the Project fails to be in compliance with the Penryn Community Plan, resulting in an inconsistency between the Project and the County's land use plans. The County should conduct further analysis of such inconsistencies and should consider options to mitigate such inconsistencies, such as ensuring bus service along Penryn Road.

**E. Mitigation Required for Cumulative Impacts**

In the last paragraph of comment D-5 at page 2-29 of the FEIR, the County states that even without the Project, there will be cumulative impacts related to traffic along Taylor Road. The FEIR also explains that the Project itself will create significant impacts along Taylor

Road. As a result, the Project will contribute to the already existing cumulative impacts. CEQA requires that an EIR must include an analysis of reasonable, feasible options for mitigating or avoiding a project's contribution to significant cumulative impacts. (CEQA Guidelines § 15130(b)(5); *see also Fort Mojave Indian Tribe v. Department of Health Services* (1995) 38 Cal.App.4th 1574, 1604.) Therefore, the FEIR must analyze cumulative impacts created by the Project along Taylor Road. Appropriate mitigation measures related to such impacts must also be adopted and enforced.

**F. Trip Generation Rate to Del Oro High School Is Not Supported by Substantial Evidence**

The County refers to, at the second paragraph of comment D-6 at page 2-30 of the FEIR, the "assumed trip distribution pattern described on page 7-10 of the Draft EIR." The information provided on page 7-10 of the DEIR, including the trip generation rate table at Table 7-5, provides no information specific to trips to the high school. Instead, the FEIR simply states that the maximum number of peak-hour trips attributed to the Project along Taylor Road is nine. (DEIR at p. 7-13.)

The burden, under CEQA, is on the County to demonstrate how the nine trips to the high school were calculated. Such calculation must be supported by substantial evidence. (*See Laurel Heights Improvement Association v. Regents of University of California* (1988) 47 Cal.3d 376, 392-393, 409.) The Town reiterates its previous position that the traffic trip count to the high school is unsupported by evidence in the record, and seems particularly low in light of the fact that the Project proposes to construct 150 residential units. (*See*, Memorandum Prepared by Town of Los Gatos Re: School Mitigation From New Housing, attached as Exhibit A, demonstrating that the number of high school *students* in a comparable community would be greater than nine). First, it is noteworthy that where other lead agencies appropriately conduct detailed studies to ensure that new development does not impact schools or other environmental factors, the County simply fabricates a number for this Project. Second, the FEIR considers traffic impacts based on nine trips to the high school. This means that the number of students factored into this calculation was less than nine since for at least the first two years of high school, students are not old enough to have licenses and are driven to school. Each student must be dropped off (one trip), with the driver leaving the school after drop off (one trip). The driver must drive to the school to pick up the student after school (one trip), and once the student is picked up, the student and driver leave (one trip). In other words, there are at least four trips attributable to each student. The FEIR does not factor this and is therefore fatally flawed.

**G. Project Fails to Demonstrate an Adequate Water Supply Is Available**

The Project has failed to demonstrate that there will be an adequate water supply or that an appropriate water supply assessment was conducted. Impact 12.2 of the DEIR indicates that the Placer Counter Water Agency ("PCWA") has only provided a letter to the

Environmental Coordination Services  
Community Development Resource Agency  
January 25, 2012  
Page 6

9361.011

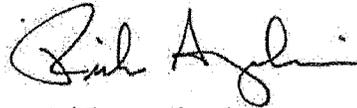
project applicant stating that water can be made available to serve the Project's needs upon execution of a Facilities Agreement and payment of fees. Until the County requires the Project applicant to enter into a Facilities Agreement with PCWA, there is no assurance that there is a sufficient supply of water to serve the Project.

**H. Conclusion**

For the reasons set forth in this letter and the Town's August 25, 2011 letter, the FEIR is legally deficient and the Project cannot be approved until revised and recirculated. Thank you for the opportunity to comment on the Project and for your consideration of this matter. Consistent with Public Resources Code section 21177, the Town reserves the right to provide further written or oral comment on the Project at any time prior to Project approval. (*Galante Vineyards v. Monterey Peninsula Water Management District* (1997) 60 Cal.App.4th 1109, 1117-1121).

The Town looks forward to continuing to work with County to ensure a legally adequate environmental review of this Project prior to its approval and would welcome a meeting with the appropriate officials to address the issues raised in this comment letter.

Respectfully,



Rick Angelocci  
Town of Loomis  
Town Manager

1-25-12

To the Placer County Planning Department,

First of all, I would like to say thank you for taking the time to oversee the EIR for this project. As an Environmental Planner, I have written and overseen CEQA and NEPA documents. I realize all of the many aspects that go into a document of this magnitude. I understand the diligence it takes to do this work. Even though, I have also organized and presented in public forums, I do not envy your position at this time.

So with all due respect, I have only a few questions regarding the EIR, which are bulleted below.

Respectfully, please understand I am approaching this in a professional manner as I would expect this from you as well. Thank you for your understanding in this very difficult matter.

The items below are items which should be addressed, discussed and included in the Final EIR, under the CEQA regulations. Please address and include the following items:

1. There are **no alternatives** outlined or discussed in the Orchard at Penryn EIR. Not even a "No Build" alternative. Under CEQA, Alternatives **MUST** be presented and the most "feasible" alternative must be in the final EIR with discussion. The most "desirable" alternative cannot be chosen prior to draft EIR, and before public review is completed.

Without any alternatives in the Draft EIR, it appears the alternative has already been chosen. This is a violation of CEQA. This alone could present the current EIR as null and void.

2. Was there any formal or informal consultation with California Department of Fish and Game regarding the 1602 permit? Or possibly 2081 (b)?
3. The EIR mentioned the Oak woodland mitigation. Where would this be, on site or off-site and where off-site? **AND** will this area be protected or cut down at a later date for more growth-induced projects?
4. Will ACOE consult with US Fish and Wildlife Service under Section 7? Has there been any informal consultation to this date, with FWS?
5. Why is the biologist doing the nest surveys "30 days" prior to construction? It is usually recommended to conduct surveys within two weeks prior to construction? Conducting surveys within one to two weeks prior will have better assurance that nests will not be

in the vicinity of construction. Birds build nests reasonably fast and a nest and chicks could be in place within 28 days after the biological survey. This may also allow for identification of any other species of concern, if that presents itself.

6. We are in a non-attainment area and will need to consult with SACOG for Air Quality Conformity. When, and by whom, will the Air Quality Conformity Analysis be presented to SACOG? And an Air Quality Conformity Analysis Report will need be completed. Who will complete this report? As you know this needs to be completed prior to finalizing NEPA.
7. Did Caltrans review the EIR? Traffic? Transportation Planning? When? What were their responses? The decrease in LOS WILL affect the I-80 mainline. The EB off-ramp is already decreasing in LOS at this time. The traffic will back up on the mainline and Caltrans WILL have to address this with upgrades, widening and right-of way takes.
8. Since ACOE will be the NEPA lead, has there been any informal or formal consultation regarding this project with ACOE?
9. Since the CNDDDB was last updated in 2010, as stated in the EIR, the CNDDDB 2012 list needs to be updated, analyzed and included in the Final EIR.
10. There is no information about when the record search for cultural was completed in the EIR, When was the Cultural study record search completed? Was this within the last year? Did you have an Archaeologist complete this? Who was the Archaeologist? Was there any formal consultation completed with the Tribe? SHPO?
11. Your Noise study mostly described noise mitigation for construction. I would assume BMPS would be in place at that time; however, mitigation for CEQA (>10 dba) AFTER the project has been built was not addressed. The traffic will increase the noise level. Please address this.
12. The traffic analysis stated that the LOS will deteriorate and significant and unavoidable...this needs to be addressed a mitigated or change design.
13. The Community Impact analysis and growth-induced discussion is very weak.

As stated in the CEQA guidelines, " Environmental Impacts, including significant effects of the proposed action (direct and indirect); significant effects which cannot be avoided; mitigation measures proposed to minimize significant effects; **feasible alternatives which would avoid or lessen the project's impacts; relationship between local short-term uses of man's environment and the maintenance and enhancement**

of long-term productivity; significant irreversible environmental changes; and growth-inducing impacts.

As you could tell from last night's meeting. This was not a complete analysis. The Penryn MAC even mentioned that even though the plan and zoning has been changed to accommodate projects like these. The intention of the community plan has been overlooked and violated. This is a growth-induced project. The children will end up going to Loomis School because it is the closer school. Even though the leaders don't want this, it will happen. The short and long term uses and environment was not fully analyzed and indirect effects appeared to be absent. Please revisit this and include cumulative and growth-induced for both short and long-term outcomes. Please do not include projects which are no longer CEQA mandates adoption of the mitigation measures unless the mitigation is unfeasible. As one example, reducing the amount of structures per acre does not sound like it would be unfeasible.

Pedestrian traffic has not been addressed or mitigated. This is creating a very unsafe situation.

14. Why is there a 2007 letter in the EIR. How could this address or realistically pertain to this particular project? I am not sure, but was this a justification to the zone change prior to this project? The EIR should be project specific.
15. Has Caltrans Environmental under Local Assistance viewed and commented on this EIR? The Hazardous Materials which will be transported on our streets and then on to the highway will be a concern and is strictly regulated.
16. Has CHP also viewed and commented on this EIR?

With all due respect, please take a closer look at the environmental document due to the few points I presented. As a resident I would request the county to assure CEQA regulations and guidelines are followed prior to the finalization of the CEQA process.

Thank you for your time and understanding in this matter. I look forward to your reply.

My request is to please do not approve the Orchard at Penryn Project (PEIR 20070521).

Thank you again for your understanding in this matter...

Denise Gibson

Maywan Krach

---

**From:** Sean Barry [sean@ourada.net]  
**Sent:** Thursday, January 26, 2012 7:43 PM  
**To:** Placer County Environmental Coordination Services  
**Subject:** ORCHARD @ PENRYN APARTMENTS

After reviewing the EIR for the Orchard @ Penryn I'm very concerned that the additional traffic on Penryn Road generated by the project will create a hazardous situation when exiting onto Penryn Road from Penryn Estates Drive. As mentioned in the report Traffic is already unacceptable at Taylor and Penryn Road and bad at Penryn and I-80. Frequently traffic is also very heavy on Penryn Road in front of Penryn Estates drive. There is also no center turn lane at this location. I saw no mention in the EIR of this or even mention of Penryn Estates Drive. I request you investigate the traffic issues further and hope that you will not approve this project unless all the traffic issues are addressed and corrected.

Sean Barry  
7505 Penryn Estates Drive  
Penryn, CA 95663  
Home: 916-660-9714  
Cell: 916-872-7712

**Maywan Krach**

---

**From:** Chuck-Muriel Davis [chamdavis@yahoo.com]  
**Sent:** Thursday, January 26, 2012 8:47 AM  
**To:** Maywan Krach  
**Cc:** Jim Holmes; EJ Ivaldi  
**Subject:** The Orchard @ Penryn FEIR comment- due 1/26/12

Date: January 26, 2012

RE: Orchard At Penryn - PEIR - T20070521

To: The members of the Planning Commission and the BOS

The Horseshoe Bar/Penryn Community Plan (HBPCP) states that development in the Penryn Parkway, the area in which this project is proposed, "shall be of relatively low density". This project is a HIGH DENSITY project; it is not even a medium density project.

In the county responses in the FEIR to the letters from residents, the county states, several times, that " the proposed project is considered generally consistent with" the HBPCP. The county never says that the project "is consistent" with the plan, because it is NOT consistent. It is not consistent when there are over 25 significant or potentially significant impacts! There are significant Traffic impacts at 5 intersections (of which two intersections are 'significant and unavoidable') and 2 road segments. The I-80/ Penryn Rd interchange is also significantly impacted. This project has a significant and unavoidable impact on Air Pollution in the area. The project has significant impacts on the safety of pedestrians along Taylor Rd and on Boyington Rd, due to the increase in traffic, and the FEIR does not address those impacts.

According to county policy, a Planned Development must be an "overriding benefit to the community" and meet the goals and policies of the community plan. This project is NOT a benefit to the community and is NOT following the goals & policies of the community plan. The FEIR mentions zoning and general plans adherence; however, the Community Plan (HBPCP) has precedence over both zoning and the general plan.

The Penryn Parkway was designated to have localized commercial and professional businesses for the benefit of the community. The 5-acre commercial parcel part of this project, along Penryn Rd, is supposed to be for such localized businesses. To propose a high density project on this parcel is VIOLATING the HBPCP.

The community plan states:  
 ... that "development is not to be maximized for economic gain" and  
 ... that the primary goal of the plan is the "retention of the rural character of the area by minimizing the environmental impact of new development".  
 Without a doubt, this project is violating those two statements and is unsuitable for the Penryn Parkway and is incompatible with the HBPCP!

We request the Planning Commission to NOT APPROVE this Orchard at Penryn project!

Muriel & Chuck Davis  
 Penryn

Nov 26, 2012

To: Environmental Coordination Services  
Community Development Resource Agency  
3091 County Center Drive, Suite 190

Subj: Orchard @ Penryn (PEIR 20070521/ State Clearinghouse# 2010032070) Final EIR and responses to Draft EIR comments

1. The Final EIR continues to be an inadequate analysis of the project's environmental impact. Impact significance are being made without specific, quantifiable and repeatable criteria for determining when impacts are significant or when a significant impact is mitigated below a significant level. While the determinations are made by people familiar with the process, the criteria are subjective, "seat-of-the-pants" feelings, and without input from the people who will be impacted! The one exception is applaudable (Noise), but there the threshold of significance is based on 1992 airport noise impact studies, which are not a good fit for our rural community.
2. The responses to my comments on the Draft EIR are also inadequate. Most do not directly answer the comments and some are clearly wrong.

**Response 1:** A careful reading of the Horseshoe Bar/Penryn Community Plan (HBPCP) will at a minimum show numerous violations of the HBPCP. See attachment 1.

**Response 2:** County Staff is clearly giving the zoning designations for the two project parcels higher priority than the HBPCP. **This is a direct violation of the zoning ordinance**, which states "When conflicts occur between the provisions of this chapter and standards adopted by ordinance in any applicable community plans, including those areas within the jurisdiction of the Tahoe Regional Planning Agency (TRPA), the provisions of the community plans shall apply." [17.02.050D.2.] Since both the zoning designations and the HBPCP speak to allowed densities on the parcels, and they are in conflict, the density in the HBPCP prevails, which sets the maximum density at 4 dwelling units per acre. See attachment 1 for a detailed breakdown. The County Staff's approach is clear from the responses to the EIR comment letters and their oral comments at the Jan 24, 2012 Penryn MAC meeting.

The zoning ordinance [17.02.050] assigns the Planning Director "the responsibility and authority to interpret the requirements of this chapter.", the zoning chapter. However, he is not given authority to legislate, that is to decide what parts of the ordinance he complies with. Like all the citizens, the County government must comply with the zoning ordinance, including using the HBPCP requirements in lieu of zoning allowances when the two are not in agreement.

**RECEIVED**

JAN 27 2012

ENVIRONMENTAL COORDINATION SERVICES

**Response 3:** As noted in comments on Response 2, the proposed project is not consistent with the HBPCP. The Staff comment that the project's impact "is not considered cumulatively considerable" is a "seat-of-the-pants" opinion as it gives no criterion for making the assertion; it is just a statement.

**Response 4:** The Staff answer side-steps the questions raised in the comment:

- a. The comment on lack of specific thresholds of significance is completely inadequate. **It describes a subjective process among the Staff and does not give any indication of specific criteria being used.** Any legitimate standards-setting organization (e.g. ASTM, IEEE, SAE) would "laugh you out of the room" if this were proposed to them. Criterion must be specific, measureable and repeatable (there must be a specific "test method" so others can reliably get the same measurements under the same conditions).
- b. No comment or defense was made about the one proposed tangible criterion, the 5dBA significance threshold for noise.
- c. The comment on EIR development, and the potential for conflicts of interest is not addressed. I can read the law and ordinance and know the Lead Agency is responsible for preparing the EIR. I also know that since the Staff normally doesn't have the manpower to create a labor intensive document like an EIR, it is usually contracted out. The developer does pay for the EIR (as the developer for the Orchard stated at the Jan 24, 2012 Penryn MAC meeting) and the developer's team is heavily involved in helping the EIR contractor (ref. EIR Chapter 17) understand the project and its' implications. There is no involvement of the public in the impacted community, so it is nearly impossible to avoid a pro-developer bias. After all the hard work the Staff puts into shaping the project to be "acceptable" they too "own" the project and become at least minimal advocates. An obvious solution to the problems with The Orchard at Penryn development is reducing the density to match that of the surrounding properties. However, that alternative was never seriously considered in the EIR because "it did not meet the developer's goals and purposes for the project" (verbal comment by the EIR developer at the Jan 24, 2012 Penryn MAC meeting).

**Response 5:** The Placer County General Plan and noise ordinance establish 60 dB Ld/n the limit for ambient noise outside and 45 dB Ld/n for inside. The focus of the study was for residences **within** the project, not the increased noise from the project impacting the existing community. The EIR indicates the existing ambient noise level will be just under or just over the 60 dB Ld/n limit. Why then, isn't any increase considered significant, just as in air pollution non-

attainment areas? That is especially true when the sources are 420 people packed onto 15 acres and an additional 979 vehicle trips per day dumped into a rural area.

- a. The federal guidelines from the FICON, also stated to be Placer County significance criteria, date to work done on airport noise in 1992, a far cry from the rural environment of Penryn.
- b. More recent EPA sponsored studies on community irritation caused by noise (not around airports) indicate that at 60 dBA there will sporadic noise complaints to officials; at just 4 more dB that will change to widespread complaints and individual threats of legal action.
- c. The vehicle noise prediction program used for the EIR (FHWA-RD-77-108) is old. The Federal Highway Administration has upgraded that several times since it was released, and new versions take into account many more variables that effect noise generated by vehicles (e.g. pavement texture, road grade).

**Response 6:** This response, and County Staff comments at the Jan 24, 2012 Penryn MAC meeting, show a conscious, deliberate disregard for the County's adopted laws. It cannot be a case of oversight, as these very issues were discussed at length and in great detail on the Penryn Townhomes development, which went all the way to the Board of Supervisors.

The zoning ordinance grants broad powers of **interpretation** to the Planning Director (County Code 17.02.050) where zoning, the General Plan and community plans overlap or conflict. However, changing meaning or ignoring is **legislation, not interpretation!** The only County body with legislative power is the Board of Supervisors, and when an ordinance is adopted even they are required to follow it. No person, organization or other entity is excepted. All must "follow the rules" or face the consequences for breaking them. No person or organization is "above the law".

The zoning ordinance makes very clear that when there are conflicts between the zoning ordinance and community plans, as there are with this proposed development, **"the provisions of the community plans shall apply"** [County Code 17.02.050 D.2.]. County Staff is well aware of this, as they have stated it to me before in writing. However, in the proposed development they continue to go by the zoning ordinance even though it is directly in conflict with the HBPCP!

See attachment 1 for a detailed review of the issues.

**Response 8:** The problem here is the lack of real thresholds of significance, that are published, so that the County Staff, developers **and** the public are all working from one clear set of criteria. The existing Penryn community is very strongly

convinced there are significant impacts (clearly stated at the Jan 24, 2012 Penryn MAC meeting). However, whatever unpublished criteria County Staff is using for “significant” is obviously very loose compared with that of the impacted community. It is impossible to come to a common understanding of “significant impact” without a common, published set of criteria.

**Response 9:** The current policing environment does not include high density apartments, especially after they are 10-20 years old, so the experience of the local law enforcement provider (based on what they have now) isn’t as credible as is maintained in Response D10 (to the City of Loomis). The current Penryn and Loomis environment has a low crime rate, which is what the community wants to maintain. At the Jan 24, 2012 Penryn MAC meeting a Penryn community member who is a Sacramento County Homicide Detective and has current experience with the policing requirements for apartment complexes, especially as they age, strongly disagreed there will be no crime/policing impact. Based on his many years of working in high density areas, there definitely is more crime. He stated he moved his family to Penryn to get away from those problems.

**Response 10:** The FHWA Traffic Noise Prediction Model used is outdated. It has been upgraded several times since the “108” version was released and the new versions account for more sources of noise (e.g. pavement texture, road grade). The FICON, used for a proposed threshold of significance (Table 9.4 of the EIR), was an effort in 1992 to study impacts of noise around airports, and doesn’t seem applicable to the rural Penryn environment. There are more current noise impact studies by the EPA, of areas more similar to the Penryn environment, that show significant community annoyance at the 60 dBA maximum set by the County. The noise study shows the noise level in the area of the proposed project to be just below to at the County limit without the project, so the question has to be why allow such a high density project, when a much lower density project would cause a much lower increase in noise?

**Response 11:** If the project were reduced to the density that the County has allowed to develop around the project site, the visual impact could be dramatically reduced. The visual impact is only “unavoidable” if the density of the project is not reduced.

**Response 12:** If this project were approved, where in the immediate Penryn community will mitigation fees be applied and how can the community track the use of those funds?

**Response 14:** Although the Staff response states the approved Penryn Townhomes development is included in the cumulative impact analysis, **it is not listed in the EIR**, so please explain how it was included in the EIR, since it is not listed?

**Response 17:** The EIR for this project is inadequate because it does not consider "significant" the failure to follow the densities specified in the community plan, which is the governing authority in this case. See attachment 1 for a detailed review of the problem.

This project as proposed is in direct violation of numerous areas of the HBPCP and the County zoning ordinance. See attachments 1 and 2.



Gordon Robbins  
7941 Logan Lane  
Penryn, CA

2 Atch

1. Analysis of HBPCP conflicts and density issues
2. Analysis of zoning ordinance conflicts

## ATTACHMENT 1

The Orchard at Penryn EIR , conflicts with the HBPCP

**Note: The County zoning ordinance makes clear that when there are conflicts between what is allowed in that ordinance, and a community plan, THE COMMUNITY PLAN PREVAILS [County code 17.02.050 D.2]**

It is obvious the EIR “cherry picked” the requirements in the HBPCP, choosing to address those that favor the project, and dismissing as “no mitigation required” those that did not. For example, Penryn Parkway Development Policy “e.” is cited, as it notes that multiple-family residential is allowed, but did not even discuss the policy “d.” above it that requires density in the Parkway to be of “relatively low density” which conflicts with a high density apartment complex. The following are specific areas of the HBPCP that are violated by The Orchard at Penryn as currently proposed:

**COMMUNITY DEVELOPMENT, LAND USE ELEMENT:**

**HBPCP 3e, page 17:** “Intensity of use of individual parcels and buildings shall be governed by considerations of: health and safety, impact on adjoining properties due to noise, traffic, **night lighting**, or other potentially disturbing conditions; and protection of natural land characteristics. Visibility of structures, preservation of natural landform and natural resources, topography, noise exposure, **maintenance of rural quality**, and **compatibility with to the surrounding properties**, shall be considered in preparing subdivision designs. Subdivision density, or number of lots, will ultimately be determined by these factors. **It is recognized that the maximum number of lots permitted by the land use or zoning designations may not be realized once these factors are considered.**”

**EIR position:** No mitigation required

**Discussion:** As a high density apartment complex, The Orchard at Penryn as proposed does not:

- maintain the rural quality
- maintain compatibility with the surrounding properties

The proposal tries to maximize density in spite of violating this policy, which should reduce it.

**HBPCP 3s, page 17:** “Lots in subdivisions shall be adequate in size and appropriate in shape for the range of primary and accessory uses which are typical for the area without:

- (1) creating a feeling of overcrowding and/or infringement on privacy;
- (2) creating measurable negative environmental impacts without appropriate mitigation;
- (3) creating the need for variances to ordinance requirements such as setback, lot size minimums, height maximums, length-to-width ratios, etc.;
- (4) **violating the goals and policies of this Plan;**
- (5) creating flag lots less than one net acre, which isolate these lots from the remaining parcels within the subdivision and cause noise and privacy problems for the surrounding neighbors.”

**EIR position:** No mitigation required

**Discussion:** As noted in this attachment, there are numerous violations of the HBPCP.

**HBPCP 3t, page 18:** “**Buildings shall be of a size and scale conducive to maintaining the rural atmosphere of the Plan area.** The architectural scale of non- residential buildings, as differentiated from size, shall be more similar to that of residential buildings than that of monumental buildings. Non-residential buildings shall generally be of small or moderate size and, where groups of buildings are used, connected by plazas, terraces, porches, arcades, canopies or roofs, to provide a pleasant environment as well as safety and shelter to pedestrians.”

**EIR position:** Mitigations 6.1a – 6.1c,

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

**Mitigation Measure 6.1b:** The project shall implement the proposed Landscaping Plan to provide visual screening of the project site and project structures from surrounding residential development. As required by the *Horseshoe Bar/Penryn Community Plan*, the project would maintain a 30-foot wide landscape corridor along the site’s Penryn Road frontage. Rather than complete screening of the proposed project, the objective of vegetative screening is to reduce the visual contrast from open space and rural residential development on adjacent properties to the developed condition of the proposed project. Screening shall be provided through a combination of fencing, shrubs, and trees. Fencing shall be consistent with adopted Design Guidelines. Vegetation shall be selected with an emphasis on native species, as feasible, that will provide appropriate screening of the project site.

**Mitigation Measure 6.1c:** Prior to submittal of the Improvement Plans for the project, the

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

**Discussion:** The project as proposed clearly does not contain buildings with size and scale conducive to maintaining the rural atmosphere. The proposed mitigations may soften the impact, but **you can not disguise an elephant in a strawberry field!**

## RECREATION ELEMENT:

**HBPCP C5, page 58:** “Promote the maximum provision of private active and passive recreational amenities within future residential development projects, to help meet the demands created by growth. Private recreation facilities are required within planned unit developments (PUDs), to offset the demand for public facilities. Where small scale PUDs (i.e. less than 20 units) are proposed in rural areas, the payment of fees in lieu of on-site active facilities may be considered to preserve the natural environment and maintain compatibility with the surrounding area. Other acceptable alternatives may include construction of recreation facilities on public properties in the Plan area.”

**EIR position:** No mitigation required

**Discussion:** While the project includes some internal recreation facilities (a clubhouse, a swimming pool, “tot lot”; no tennis or basketball courts or other facilities), it is extremely doubtful that their size is sufficient to fully meet the needs of 420 apartment bound people. They have no private property to maintain or conduct hobbies on, so they will add significantly to pressures on the existing recreation facilities in the area, especially on weekends.

## COMMUNITY DESIGN ELEMENT:

**HBPCP C11, page 77:** “Avoid the expansion of new commercial areas outside of the Penryn Parkway area in order to prevent strip commercial development, conflicting land uses, and areas of additional traffic conflicts, etc.”

**EIR position:** No mitigation required

**Discussion:** This project as proposed consumes property originally intended as space for commercial and offices, while adding significantly to the demand for those services. This will create more pressure for commercial activities outside the Penryn Parkway area.

**HBPCP C12, page 77:** “Projects within the Plan area should comply with the Placer County Landscape Guidelines, the Placer County Design Guidelines, or the Rural Design Guidelines.”

**EIR position:** Mitigations 6.1a – 6.1c (see above)

**Discussion:** The Rural Design Guidelines are incorporated into the HBPCP as Appendix B. See discussions below for numerous violations of the Rural Design Guidelines.

**HBPCP C15a, page 77:** “The visual impact of the structure shall be mitigated either through reduction of building bulk, increased setbacks, or introduced hillside structures shall be designed to step down the natural hillside in order to achieve a low building profile and minimize grading.”

**EIR position:** Mitigations 6.1a – 6.1c (See above)

**Discussion:** The impact of a wall of 30 foot tall buildings cannot be effectively mitigated by an extra 7 ½ feet of set-back or vegetation. You can't have the aircraft carrier Enterprise right next door and not notice. The EIR states the visual impact is “unavoidable” but that is not correct. All that needs to be done is reduce the density to something similar to the way the County has allowed the surrounding properties to develop.

**HBPCP C17, page 78:** “Large, bulky and unscreened structures are discouraged particularly if they are visible from adjoining roadways.”

**EIR position:** No mitigation required

**Discussion:** Although the EIR attempts to mitigate with some vegetative screening, these large, bulky structures cannot help but stand out, even off Penryn Road with a 40 foot set-back. They are too big.

**HBPCP C21, page 78:** “Intensity of use of individual parcels and buildings shall be governed by considerations of: health and safety, impact on adjoining properties due to noise, traffic, **night lighting**, or other potentially disturbing conditions; and protecting natural land characteristics. Visibility of structures, preservation of natural land form and natural resources, topography, noise exposure, **maintenance of rural quality**, and **compatibility with the surrounding properties** shall be considered in preparing subdivision designs. Subdivision density, or number of lots, will ultimately be determined by these factors. It is recognized that the maximum number of lots permitted by the land use or zoning designation may not be realized once these factors are considered (Land Use Policy #3e).”

**EIR position:** No mitigation required

**Discussion:** See discussion in HBPCP 3e above.

**HBPCP C22, page 78:** “Lots in subdivisions shall be of adequate size and appropriate shape for the range of primary and accessory uses for which the area is designated. Further, the subdivision shall not:

- Create a feeling of overcrowding and/or an infringement on privacy;
  - Create measurable negative environmental impacts without appropriate mitigation;
  - Create the need for variances to ordinance requirements such as setbacks, lot size minimums, height maximums, length-to-width ratios, etc. ;
  - **Violate the goals and policies of this Plan;**
- \* Create flag lots less than one net acre which isolate these lots from the remaining parcels within the subdivision and cause noise and privacy problems for the surrounding neighbors (Land Use Policy #3s).”

**EIR position:** No mitigation required

**Discussion:** See discussion in HBPCP 3s above.

## PENRYN PARKWAY DEVELOPMENT:

**HBPCP d., page 81:** “Development shall be of a relatively low density, low profile type, and the signing and lighting provided shall reflect such a policy; specifically, building height is to be restricted to a maximum of two-stories. The area's historical nature (i.e. Japanese heritage, gold rush era, English settlement) should be reflected as much as possible in the design of new buildings to be constructed within the Penryn Parkway area.”

**EIR position:** No mitigation required

**Discussion:** The EIR completely dismisses this requirement, one that totally impacts the viability of the project as proposed.

**DISCUSSION OF ALLOWED DENSITY:** This area of the HBPCP was vigorously debated during the approval process for the Penryn Townhomes project (a high density development across Penryn Road from this proposed project), so the County Staff is very aware of this requirement. Their continued use of zoning (which is overridden by this requirement per the zoning ordinance itself, which they know since they have told me the HBPCP prevails when there is a conflict) can only be understood as a deliberate choice to break the ordinance.

1. Are there opportunities for options in applying this policy? Absolutely not. “Shall” is a directive term and does not allow options. To choose to ignore or work around this requirement is a “legislative” not an “interpretive” action and no entity has that option, even the Board of Supervisors. This is the law.
2. “Relatively low density” is not a precise term unfortunately, but examining the whole HBPCP makes it clear it can't possible mean more than 4 dwelling units per acre (du/ac) .

In the legend of the land use map in the HBPCP (Exhibit A) there are specific definitions of the density ranges intended. Low density is .4-2.3 acres per dwelling unit minimum (which, putting it in terms of du/ac is 1 d.u. on 2.3 acres to 2.3 du/ac); medium density is 2-4 du/ac and high density is 4-10 du/ac. The density definitions are repeated on pages 24 and 25 of the HBPCP and there is nothing throughout the document that would indicate these definitions are anything but precise and the intent in the HBPCP. These density definitions are consistent with those in the community plans for the surrounding areas, adjusted for the characters of those areas (e.g. Auburn-Bowman, Granite Bay, Meadow Vista) and the General Plan.

Clearly “relatively low density” isn't high density, but interpreting for the highest density it could possibly be, it might be at the high end of medium density. That means **“relatively low density” is a maximum of 4 du/ac.**

3. The HBPCP clearly states the intent for high density residential development (HDR in the HBPCP). It says “The HDR designation is provided in only one location within the Plan area.” This is the mobile home park on Auburn-Folsom Road that pre-existed the development of the HBPCP. This high density area is shown on the HBPCP land use map (Exhibit A) as well as being covered on page 25 under the density definitions.
4. The two high density projects already approved in the Penryn Parkway, The Orchard on Boyington Road and Penryn Townhomes on Penryn Road, were in clear violation of the HBPCP and more perversion of the HBPCP requirements with The Orchard at Penryn project would be absolutely irresponsible and illegal.

**HBPCP g., page 81:** “As the Penryn Parkway area develops, conditions that must be taken into consideration include visual impacts, buffering adjoining residential uses, air and noise pollution and added traffic; especially where Taylor Road intersects with English Colony, Rock Springs, and Penryn Roads, which may require mitigation to insure public safety and control of traffic congestion.”

**EIR position:** No mitigation required

**Discussion:** This requirement isn’t discussed in the EIR, yet the EIR treats the traffic impacts as a problem and calls them “unavoidable”.

## **CIRCULATION ELEMENT:**

**HBPCP C7, page 130:** “Land development projects shall be approved only if LOS C can be sustained on the Community Plan roadways, as they are planned to be improved, including the addition of traffic from approved projects. (This may result in temporary slippage in LOS C until adequate funding has been collected for the construction of program improvements.)”

**EIR position:** Mitigations 7.1a & 14.2a

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

- A) *County Wide Traffic Limitation Zone:* Article 15.28.010, Placer County Code
- B) *South Placer Regional Transportation Authority (SPRTA)*
- C) *Placer County/City of Roseville JPA (PC/CR)*

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

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

**Discussion:** It does not seem reasonable to let a developer “buy their way out” of impacts when the impacts could be reduced to nil by reducing the project density to that of the surrounding properties. Mitigation fees put money in the County coffers, but at the expense of the County constituents who then have to live with the “misfit” project forever!

**HBPCP C18, page 131:** “Bus stop turn-outs and shelters shall be required at appropriate locations as conditions of approval of development. Park-and-Ride areas shall be required at appropriate locations as conditions of approval of development. Other facilities or programs to encourage ridesharing may be required.”

**EIR position:** No mitigation required

**Discussion:** With 420 people in one concentrated location and no bus stops or turn-outs, this is a significant impact. While most of the people in the project will undoubtedly drive where they want, what transportation option is being provided for the aged, the disabled, children and others who don't drive?

## ATTACHMENT 2

The Orchard at Penryn EIR, conflicts with the County zoning ordinance

**17.02.050 D.2:** This states that “When conflicts occur between the provisions of this chapter and standards adopted by ordinance in any applicable community plan . . . the provisions of the community plan shall apply.”

**Discussion:** The Orchard at Penryn is proposed on two parcels. The parcel that touches Taylor Road is noted in the Horseshoe Bar/Penryn Community Plan (HBPCP) as allowing up to 10 dwelling units per acre, the density of the proposed project on both parcels. This density no longer makes sense, given the way the County has allowed the surrounding area to develop, but that is still what the HBPCP allows. The HBPCP only allows a maximum of 4 dwelling units per acre parcel that touches Penryn Road. However, the County Staff is consciously using the density allowed by the zoning (see attachment 1, the discussion of HBPCP density allowed in Penryn Parkway) which they say allows 21 dwelling units per acre, not the density directed in the HBPCP.

**17.02.010 & 17.52.120 D.:** This states that one of the purposes of the zoning ordinance is to “Carry out the goals and objectives of the Placer County general plan and community plans . . .“

**Discussion:** See attachment 1 for numerous violations of the HBPCP.

**17.54.080:** This states that Planned Developments (PD), which is what The Orchard at Penryn is, are encouraged by the County to achieve such things as “**maintenance of a given area’s existing quality of life.**”

**Discussion:** This dense apartment complex damages the quality of life in the community, which has been made abundantly clear in the comment letters to the draft EIR and public statements at the Jan 24, 2012 Penryn MAC meeting.

**17.54.080:** This states that PDs “**shall be consistent with the goals and policies**” of the County General Plan and community plans.

**Discussion:** In County Staff responses to community comment letters on the draft EIR they state the project “generally” complies with the HBPCP. “Shall” leaves no “wobble room” for generally meeting the goals and policies, it is directive that all must be met. See attachment 1 for numerous violations of the HBPCP.

**17.54.080 A.:** This states PDs must not be approved where to “convey special privileges” or “protect the investment” of the landowner.

**Discussion:** That is exactly what this project is doing. The only reason for not reducing the density of the development is **to maximize the profits for the developer!**

Dear Placer Planning Commission  
3091 County Center Drive Suite 140  
Auburn, Ca planning@placer.ca.gov  
Maywan Krach  
Jim Holmes  
EJ Ivaldi,

I have a list of concerns associated with the Orchard at Penryn Final EIR and the proposed project and I urge you to not approve the proposed project.

The purpose of CEQA is to undergo adequate environmental review to determine if a proposed project's benefits will outweigh the unmitigated adverse environmental impacts. It was put in place to protect the environmental quality of California. The Orchard at Penryn EIR must prove the benefits (if any) outweigh the potential environmental impacts to Penryn, California and its surrounding communities. I do not feel the EIR adequately addresses this issue.

The Horseshoe Bar/Penryn Community Plan (HB/PCP) adopted in 1994, is based on the fact that residents locate here because of the scenic rural environment. The plan was written to ensure community goals, of which the very first goal specifically states the goal to ensure a balanced environment and that physical development will only occur with MINIMAL impact on the natural resources, 2) to protect and maintain the unique rural character of the plan area - that it is to be maintained as a scenic, tranquil, and a rural residential community, 3) while protecting the natural environment and open space of the area, and 13) preserving the community's outstanding visual features including, but not limited to oak woodlands, native grasslands, wetlands, and wildlife habitats. When the HB/PCP implemental zoning was adopted by the board in 1994 and updated in 2005 with the plan, Appendix C specifically states that the re-zoning would allow for adequate housing to meet future needs while ensuring consistency with the existing land uses and the rural nature of the area. Again, it states that "the adopted plan would provide for **preservation of the unique rural character of the plan area and not for economic gain**".

1. The Orchard at Penryn project is not consistent with the HB/PCP. The HB/PCP designates only 12 acres as high density and furthermore the maximum dwelling units within this designation is only 96. The Orchard at Penryn proposes 150 units exceeding this high density designation by 54 units. The high density residential (HDR) represents only one 12 location in the entire plan area located along Auburn Folsom Rd. The medium density designation allows only 2-4 units per acre. The combination of medium and low density residential designations only account for 3.3% of the area. The primary designation within the area is rural where 88% of the area contains parcel from 2.3 to 20 acres. Although, the RM DL-10 land use designation slipped through the cracks in 2005 into a 15 acre parcel amongst rural residential parcels, it was not originally rezoned to accommodate the currently proposed project. The proposed project does not

comply with the Horseshoe Bar/Penryn Community Plan –Please refer to the Placer County Rural Design Guidelines.

2. Mitigation measures have not been adequately addressed to lessen significant impacts to land use, visual resources and aesthetics, transportation and circulation, and noise. These all go back to the goal of the Penryn Community Plan to preserve the rural character and oak woodlands of the plan area.

To quote the Placer County Rural Design Guidelines, rural is natural not structured. Rural is open space, trees, orchards, farms, and ranches. This compares to an urban area where houses are close together and there is little open space. Rural is being able to see the Milky Way without interference of street lights. Rural is wild animals on your property compared to dogs and cats in a small back yard of an urban home. Rural is being able to hear the birds, geese, frogs and crickets over the sounds of the highway and modern life. A high density urban style residential neighborhood in the Penryn Plan area is not consistent with the objectives to preserve Penryn as a rural community. My husband and I moved here to be in a rural environment. We have chickens, backyard honey bees, and we stare at the neighbors' horses and goats. The darkness of the night sky is a visual resource of the rural nature of Penryn and the HB/PCP, in accordance with the Placer County Rural Design Guidelines, promises to preserve rural within our area. A high density condo project would have significant impacts to the character of the dark night sky that currently exists in Penryn. Light pollution has become more of a focus topic in recent times. Light pollution has been recognized to cause significant health affects including breast cancer. The amount of light contribution from the proposed project may not be at the levels to cause health concerns, but the proposed project will potentially dramatically and significantly affect the current character of the Penryn community in which we can currently see stars at night.

The EIR has not adequately addressed the impacts or potential changes to the night sky. Although it mentions a “substantial new source of lighting” it was inadequately evaluated as a less than significant impact. Already, from north Penryn, the night sky to the south is not as dark as it is to the north. This issue needs more attention.

Furthermore, the visual resources include biological resources. The EIR proposes that nearly all vegetation will be removed for soil remediation purposes and grading with the exception of one acre. A total of 316 native trees were inventoried on the site including valley oak, interior live oak, blue oak, both black and Fremont cottonwoods, Northern California black walnut, buckeye, and arroyo willow. The EIR does not adequately demonstrate benefits that outweigh the removal of the extensive vegetation from this oak woodland, wetland, and riparian environment this is now rare in California. Shawn Colvin of the Sacramento Tree Foundation commented on the Draft EIR and the massive removal of this native wooded habitat. The county responded that this parcel was not intended for longterm oak woodland preservation. My rebuttal is that a low

density designation which is consistent with the adjacent parcels of rural residential would not require complete obliteration of this woodland. This issue was not appropriately addressed. Though Mitigation Measure 5.2 discusses loss of oak woodland, the EIR does not address how the project benefits outweigh this significant loss. Beyond the loss of habitat, the changes to the oak woodland nature of the parcel as it currently exists will be altered and change the nature of the view from the Old 40 scenic byway (Taylor Rd.). Furthermore, south of the proposed project, adjacent to I80, there is an existing subdivision, not fully developed where vegetation has already been removed, yet has not been fully developed and can accommodate multiple housing units. If Penryn needs housing, there is a perfect existing location for housing development. The alternatives to reduce the significant impacts to the visual resources are not adequate.

3. The increased noise on Penryn and Taylor Rd. and surrounding area with 375 additional cars driving within the area everyday plus visitors has not been adequately addressed. The analysis for noise involved short-term surveys amidst 3 days within the site parcel and the air pressure was not included. It only evaluated the dB Ldn for the project location, not to the rural community outside of the project location that will hear increased noise levels from increased traffic. The HB/PCP specifically states that the tranquility of the area is to be preserved. This portion of the EIR was not adequately evaluated. The increased noise levels outside of the project vicinity due to increased traffic are inadequately addressed.
4. Air Quality – ROG and NOX would be above Air Pollution Control District thresholds and this is not acceptable. This was not adequately evaluated to pursue an action or change within the project to lessen the significant and “unavoidable” impact.
5. Growth Inducing Impacts  
This proposed project has significant impacts including population expansion of Penryn by potentially adding an average of 2-4 persons per unit (an average of 3 multiplied by 150 units ~ 450 persons –although the EIR states 2.8 and 420). With currently a population of ~ 5000 just this one project would potentially increase the population of Penryn by more than 10%. This would further threaten the rural nature of the area in the present and into the future.
6. In terms of transportation and circulation, how can the substantial impact to an already predicted LOS of D and F projected into the future for the intersection at Horseshoe Bar Rd. and King Rd. be acceptable? Furthermore, the congestion at the Penryn/Taylor Rd. intersection has not been adequately addressed. Significant Impacts that cannot be avoided or decreased to minimal impact are required to be addressed in CEQA review. The response to comments pertaining to this intersection of Penryn/Taylor Rd. state that there would be an increase of 0.3 seconds. I do not believe this is an adequate analysis with the addition of 375 cars traveling within very near region. Just the other morning there were 15 cars waiting to turn onto Taylor Rd and 5 cars lined up in the small left hand turn lane on Taylor to drive onto Penryn Rd. I don’t see how the impact to this would not be considered significant.

The EIR by itself does not control the way in which a project can be built or carried out. Rather, when an EIR shows that a project would cause a substantial adverse change in the environment, the governmental agency must respond to the information by one or more of the following methods:

1. Changing a proposed project
2. Imposing conditions on the approval of the project
3. Adopting plans or ordinances to control a broader class of projects to avoid the adverse changes
4. Choosing an alternative way of meeting the same need
5. Disapproving the project
6. Finding that changing or altering the project is not feasible
7. Finding that the unavoidable significant environmental damage is acceptable as provided in section 15093.

Where is the statement of overriding considerations for each unavoidable impact? CEQA requires the decision-making agency to balance the economic, legal, social, technological, or other benefits (including region-wide and state-wide) of the proposed project against its unavoidable environmental impacts and furthermore, the lead agency must provide a statement of overriding considerations when a significant effect cannot be avoided or lessened.

This particular project should not be approved.

Sincerely,  
Tara Morgan King  
Penryn Resident and Placer County Grown

Date January 26, 2012

Environmental Coordination Services  
 Community Development Resource Agency  
 3091 County Center Drive, Suite 190  
 Auburn, CA 95603  
 email: cdraecs@placer.ca.gov

RE: Vote to NOT APPROVE the ORCHARD @ PENRYN Project (PEIR 20070521)

To: The Planning Commission

The proposed Orchard at Penryn Apartment Complex is an oversized, eye sore for the Penryn Community. It does not fit with the rural residential character of Penryn and should not be approved for construction. I have lived here for 18 years and have watched as the area has grown, traffic has increased on all area roadways, even without a project of this nature. The developer indicated that young people from the complex would attend Penryn School. The physical distance from the school will require that parents drive their children to the school. If we are to assume that 2/3 of the 150 apartments have school age children, this is an additional 100 cars on English Colony Way during the already congested time period when school starts or ends for the day. This additional traffic will be competing with Del Oro High School at the Taylor Road/Penryn Road intersection. This intersection is already congested when the high school day is starting or ending with all the cars of students and their parents. This is an accident waiting to happen already.

However, my biggest concern is not the traffic congestion; rather, it is that the proposed project is inconsistent with the rural character of the Penryn Community.

I have specifically addressed where this project does not meet the goals and policies of the Horseshoe Bar/Penryn Community Plan below. All underlining is mine for emphasis.

In Chapter 4, page 9, of the EIR Revisions, five goals that support the project are listed. The General Community Goals relevant to this project that are not addressed include:

- Ensure a balanced environment where physical development can occur with minimal adverse effect on the natural resources of the area.
- Protect and preserve the unique character of the community. In the rural areas, maintain the identity of the plan area as a scenic, tranquil, rural-residential community compatible with the area's physical constraints and natural features.

- Conserve and protect, as valuable assets of the community and the county, the natural and cultural resources, the natural environment and open space of the area.
- Provide for residential development which creates functional, attractive, cohesive neighborhoods which are reasonably integrated with adjoining neighborhoods rather than physically isolated from their surroundings.
- Preserve the community's outstanding visual and aesthetic features including significant vistas, oak woodlands, native grasslands, stream and riparian zones, wetland areas, and wildlife habitats.
- Manage the development of land so that it is treated as a limited resource rather than a product to be maximized for economic gain.

This project is inconsistent with all of the above listed goals for maintaining Penryn as a rural residential community.

The Land Use Goals for this Project fail to consider the following goals (Pages 15-16, Community Plan):

- Preserve and maintain the rural character and quality of the plan area. Factors that contribute to this rural character include the predominance of natural vegetation (both in the lower oak grasslands and stream corridors) and open space; the de-emphasis of "urban" type improvements, such as street lights and sidewalks; a close interrelationship between large-lot stewardship that is fostered by the preservation of large parcels.
- Preserve and protect the natural waterways, riparian and wetland areas, and the floodplains.
- Maintain compatibility between neighboring land uses.
- Discourage isolated, remote and walled-off developments that do not contribute to the sense of community desired for the area.
- Assure that all building sites and residences are developed in a manner minimizing disturbance to natural terrain and vegetation and maximizing preservation of natural beauty and open space.

The Project proposes to remove the natural vegetation, oak woodlands, riparian area, wetlands and most of the swales, thus not following these goals. Building this size and type of project in an area surrounded by rural estates is not compatible with neighboring land uses.

The Land Use Policies (page 4-9, Draft EIR Revisions) that are not met by this Project include the following (from Community Plan, pages 16-19):

- Property shall be developed with minimum disturbance to the natural terrain. The natural environment shall be retained or restored as much as possible.
- Retention of open space shall be considered in the review of all discretionary applications for development.
- Population densities within the planning area should be guided by considerations of topography, geology, vegetative cover, preservation of natural terrain and resources, and access to transportation and service facilities.
- Intensity of use of individual parcels and buildings shall be governed by considerations of health and safety, impact on adjoining properties due to noise, traffic night lighting, or other potential disturbing conditions; and protection of natural land characteristics. Visibility of structures, preservation of natural landform, and natural resources, topography, noise exposure, maintenance of rural quality, and compatibility with the surrounding properties shall be considered in preparing subdivision designs. Subdivision density or number of lots will ultimately be determined by these factors. It is recognized that the maximum number of lots permitted by the land use of zoning' designation may not be realized once these factors are considered.
- An important consideration in the design of any land development project should be the conservation of natural drainage channels and swales, and the preservation of existing natural resources. Where development is proposed adjacent to the area's major stream corridors, encourage a design which located streets and common open space (not backyard and other private yard space) adjacent to riparian areas, to enhance the creek side environment, and to permit pedestrian access to this important resource. Incorporate the use of "Best Management Practices" into the project's design to mitigate the impact of urban runoff on the stream corridors.
- Night lighting visible from the exterior of buildings and the project's boundaries shall be limited to that necessary for security, safety, and identification. All night lighting shall be low intensity and shielded from the view of passing traffic and adjacent residential areas. Lighting shall not be directed in an upward manner nor beyond the boundaries of the parcel on which the structure is located.

The following purpose, goals and policies of the Community Design Element of the Community Pan are not met by this proposed Project:

Purpose (page 75)

The Community Design chapter of the Horseshoe Bar/Penryn Community Plan encourages preservation of those unique features and characteristics which define the Horseshoe Bar/Penryn Community. Retention of the rural characteristic of the area by minimizing the environmental impact of new development is a primary goal of the Plan.

Testimony at various public forums, hearings and workshops conducted during the Plan preparation process consistently revealed a strong interest by residents and property owners to preserve the small town atmosphere which gives the local community its charm. ...The careful preservation of the existing landforms, woodlands, streams, riparian areas, neighborhoods, scenic corridors and rural flavor of the area as new development occurs, will result in a community which provides a high quality of life for its residents while accommodating the variety of lifestyles and needs that are present.

#### Goals (page 75)

- Protect and preserve the unique character of the community. Maintain the identity of the plan area as a scenic, tranquil, rural-residential community compatible with the area's physical constraints and natural features.
- Implement the tree ordinance in order to focus attention on the importance of preserving existing native vegetation and certain non-native trees.

#### Policies (page 76–79)

- Wherever possible, natural features should be retained as buffers between different, potentially incompatible uses as well as serving to preserve the rural character of the area. Where natural features are not available, landscaped buffers should be provided to minimize the adverse effects of higher intensity uses.
- Wherever possible, native trees should be preserved and the use of native and/or drought tolerant plant material encouraged in all revegetation/landscaping projects.
- Landscaping shall be used to reduce the visual impact of all structures, including solid fences. Natural vegetation should dominate where possible. Where existing vegetation is inadequate, the use of native plant materials is encouraged. Landscaping materials should provide an informal character and smooth transition between buildings, parking lots adjoining roadways and open areas.
- Night lighting, visible from the exterior of a building and the project's boundaries shall be limited to that necessary for safety, security, and identification. All night lighting shall be low intensity and screened from view of passing traffic and adjacent residential areas. Lighting shall not be directed in an upward manner nor beyond the boundaries of the parcel on which the structure is located.
- Intensity of use of individual parcels and buildings shall be governed by considerations of: health and safety, impact on adjoining properties due to noise, traffic, night lighting, or other potentially disturbing conditions; and protecting natural land characteristics. Visibility of structures, preservation of natural land forms and natural resources, topography, noise exposure, maintenance of rural quality, and compatibility with the surrounding properties shall be considered in preparing subdivision designs. Subdivision density, or number of lots will be ultimately determined by these factors. It is recognized that the maximum number of lots permitted by the land use or zoning designation may not be realized once these factors are considered.

- In place of sound wall construction, require, wherever possible, the use of greater setbacks and/or earthen berms planted with native or native-appearing species to provide a scenic corridor for all parcels fronting on all of the Plan areas major circulation routes.
- Residential projects shall provide frontage trees utilizing native or native-appearing species on a per lot basis, with the goal of providing canopy coverage of a neighborhood's roadways.

Penryn Parkway Development Policies (page 81)

- ...conditions that must be taken into consideration include visual impacts, buffering adjoining residential uses, air and noise pollution, and added traffic...
- Where multiple-family residential is proposed, structures shall be clustered together in such a way as to preserve the maximum amount possible of undeveloped open space on-site.

The Natural Resources Management Chapter of the Community Plan includes the following Policy on page 110

- Require 100' non-development setbacks from the centerline of perennial streams, and 50' non-development setbacks from intermittent streams as part of permanent protection easements...

I am unsure whether this project includes the required setback.

The goals and policies in the Placer County Rural Design Guidelines that are not met by this proposed Project, including the following:

Planned Residential Developments (page 5)

Goals:

1. To preserve natural resources such as riparian habitats, natural waterways, and other environmentally sensitive areas.

Implementation Techniques:

It must be recognized that the maximum density permitted by the zoning may not be achieved due to the above constraints. The size and number of parcels within the remaining developable area is dependent upon compatibility with surrounding properties and the goals and policies of the community plan, including the intent of the land use district(s) in which the project is located.

Consideration of the above areas of the Horseshoe Bar/Penryn Community Plan for denying the proposed Orchard at Penryn project is requested. Please do NOT APPROVE the Orchard at Penryn project.

Regards,

Carol Van Ness  
7010 English Colony Way  
Penryn, CA 95663  
(916) 765-3388

Date 1/26/12

Environmental Coordination Services  
Community Development Resource Agency  
3091 County Center Drive, Suite 190  
Auburn, CA 95603  
email: cdraecs@placer.ca.gov

RE: Vote to NOT APPROVE the ORCHARD @ PENRYN Project (PEIR 20070521)

To: The Planning Commission

Sharon Pastana / SHARON PASTANA, 7410 PENRYN ESTATES, PENRYN, CA 95603

Carol Sasko / Caroline Sasko 7530 Penryn Estates Dr. Penryn CA 95603

Fred Williams / <sup>7045</sup>~~7005~~ PENRYN EST DR. PENRYN, CA 95603

Linda Williams / LINDA WILLIAMS 7045 Penryn Estates Dr, Penryn CA 95603

Beth Spurgeon / Beth Spurgeon 7760 Penryn Estates dr Penryn CA 95603

William E Spurgeon 7760 Penryn Estates Dr, Penryn CA 95603

Please do NOT approve the Orchard @ Penryn project,

Maywan Krach

---

**From:** Gordon & Judy Robbins [gordonrobbins@sbcglobal.net]  
**Sent:** Friday, January 27, 2012 11:02 AM  
**To:** Placer County Environmental Coordination Services  
**Subject:** Orchard @ Penryn (PEIR 20070521/State Clearinghouse# 2010032070) Final EIR and responses to Draft EIR comments

In the rush to get my comment letter in yesterday, I forgot to include this very important point of conflict the project has with our community plan. Could you please add the below comment into my package?

Thanks,

Gordon Robbins

**HBPCP, Appendix B, page 5, B.4:** A PD should only be approved if there is “. . . an overriding benefit to the community.” Also, the benefit must “. . . not be to add more home sites to a parcel of land.”

**Discussion:** There is no benefit to the community, let alone an overriding one. This project is a detriment to the community as proposed. If the density were reduced to something similar to the surrounding properties, so it fit in, and included some commercial or offices, it could be a good project.

Maywan Krach

---

From: Chuck-Muriel Davis [chamdavis@yahoo.com]  
 Sent: Tuesday, January 31, 2012 5:49 PM  
 To: Maywan Krach  
 Subject: Orchard at Penryn - Comment letter for PC - Jan 31, 2012

January 31, 2012

RE: Orchard at Penryn violates the Community Plan (HBPCP) and county policies.

To: The Planning Commission and the Board of Supervisors

The Orchard at Penryn project violates many areas of the Horseshoe Bar/Penryn Community Plan (HBPCP) and also violates county policies. The following are only a few of the sections from the HBPCP and county zoning which we believe are being VIOLATED by this project.

**1. HBPCP, App B, pg 5, PD= Planned Residential Development:**

3. It must be recognized that the maximum density permitted by the zoning may not be achieved due to the above constraints. The size and number of parcels within the remaining developable area is dependent upon compatibility with surrounding properties and the goals and policies of the community plan, including the intent of the land use district(s) in which the project is located.

4. PDs should be used only if there is an overriding benefit to the community ..... The overriding benefit of a PD would not be to add more home sites to a parcel of land.

**2. HBPCP, App B, pg 6:**

PD designs that result in clustered lots which give a conventional, uniform appearance (i.e. tract homes, urban subdivisions) are not considered to be consistent with a rural environment. Protection of site sensitive areas and adherence to the community plan will take precedence over the maximum number of lots allowed by the zoning.

**3. Zoning Ch 17.02.050.D:**

2. Community Plan Standards. When conflicts occur between the provisions of this chapter and standards adopted by

ordinance in any applicable community plans, including those areas within the jurisdiction of the Tahoe Regional Planning Agency (TRPA), the provisions of the community plans shall apply.

3. Specific Plans. When conflicts occur between the provisions of this chapter and standards adopted as part of any specific plan, the provisions of the specific plan shall apply.

4. HBPCP, p 80-81, Penryn Parkway Development Policies:

d. Development shall be of a relatively low density, low profile type.....

5. HBPCP, p 3, General Community Goals:

2. PROTECT AND PRESERVE THE UNIQUE CHARACTER OF THE COMMUNITY. IN THE RURAL AREAS, MAINTAIN THE IDENTITY OF THE PLAN AREA AS A SCENIC, TRANQUIL, RURAL-RESIDENTIAL COMMUNITY COMPATIBLE WITH THE AREA'S PHYSICAL CONSTRAINTS AND NATURAL FEATURES.

4. PROVIDE FOR RESIDENTIAL DEVELOPMENT WHICH CREATES FUNCTIONAL, ATTRACTIVE. COHESIVE NEIGHBORHOODS WHICH ARE REASONABLY INTEGRATED WITH ADJOINING NEIGHBORHOODS RATHER THAN PHYSICALLY ISOLATED FROM THEIR SURROUNDINGS.

6. MAINTAIN THE PENRYN PARKWAY COMMERCIAL AREA AS A HIGHWAY-SERVICE ORIENTED RETAIL AREA WHICH ALSO ALLOWS FOR RESIDENTIAL USES. DEVELOPMENT SHOULD CAREFULLY CONSIDER THE IMPACTS ON SURROUNDING LAND USES AND EXPAND THE RANGE OF COMMERCIAL USES TO BEUER(i.e. "better") SERVE THE LOCAL RESIDENTS AS WELL AS THE AREA'S VISITORS

6. HBPCP, Community Design Element, Goals, Policies, p 75 and 78:

Retention of the rural character of the area by minimizing the environmental impact of new development is a primary goal of this Plan. (p 75)

21. Intensity of use of individual parcels and buildings shall be governed by considerations of: health and safety, impact on adjoining properties due to noise, traffic, night lighting, or other potentially disturbing conditions; and protecting natural land characteristics. Visibility of structures, preservation of natural land form and natural resources, topography, noise exposure, maintenance of rural quality, and compatibility with the surrounding properties shall be considered in preparing subdivision designs. Subdivision density, or number of lots, will ultimately be determined by these factors. It is recognized that the maximum number of lots permitted by the land use or zoning designation may not be realized once these factors are considered (Land Use Policy #3e).

7. Zoning, Ch 17, Part 2, Div VII, 17.54.080 PDs: (last example)

2. Provide a procedure that can relate the type, design, and layout of residential development ..... in a manner consistent with the preservation of important environmental characteristics and the property values in the area and is compatible with existing adjacent land uses and land use districts as shown on the general plan or any applicable

specific or community plans.

The use of the planned residential development (PD) as an effective planning tool to achieve the above purposes is encouraged and supported by Placer County; however, it is not the purpose to: confer special privileges to any land owner; provide a means to protect an investment; or compensate a land owner for areas of their property that are unbuildable under standard development policies and procedures due to existing features and/or constraints on the property.

3. Community Plan Consistency. All PDs shall be consistent with the goals and policies of the Placer County general plan, or any applicable specific or community plan.

In conclusion, we implore the Planning Commission to recognize that the Orchard at Penryn project, as presented, violates the community plan (HBPCP) and the zoning ordinance and should NOT be approved as a viable project in the Penryn Parkway.

Muriel & Chuck Davis

pob 397

Penryn

Refs:

[http://qcode.us/codes/placercounty/;](http://qcode.us/codes/placercounty/)

[www.placer.ca.gov/Departments/CommunityDevelopment/Planning/Documents/CommPlans/HBPenrynCP.aspx](http://www.placer.ca.gov/Departments/CommunityDevelopment/Planning/Documents/CommPlans/HBPenrynCP.aspx)

Maywan Krach

---

From: Donna Delno [delnofamily@aol.com]  
 Sent: Tuesday, January 31, 2012 3:37 PM  
 To: Maywan Krach  
 Subject: Fwd: NO PENRYN APARTMENTS!

Dear Maywan:

-----Original Message-----

From: Chuck-Muriel Davis <chamdavis@yahoo.com>  
 To: Donna Delno <delnofamily@aol.com>  
 Sent: Tue, Jan 31, 2012 3:31 pm  
 Subject: Re: NO PENRYN APARTMENTS!

Donna,

Your letter is AWESOME. You very eloquently expressed what everyone is thinking!

Thanks for sending it!

To be safe...please send a copy to Maywan at [mkrach@placer.ca.gov](mailto:mkrach@placer.ca.gov).

She is the one who distributes the comment letters.

THANKS SO MUCH!

Muriel

p.s. I am working on another letter to go to Maywan by tonight. I sent one last week that covered what I said at the MAC.

--- On Tue, 1/31/12, Donna Delno <[delnofamily@aol.com](mailto:delnofamily@aol.com)> wrote:

From: Donna Delno <[delnofamily@aol.com](mailto:delnofamily@aol.com)>  
 Subject: NO PENRYN APARTMENTS!  
 To: [jholmes@placer.ca.gov](mailto:jholmes@placer.ca.gov)  
 Date: Tuesday, January 31, 2012, 2:19 PM

Please, Jim, we beg you not to allow apartments into Penryn! Apartments and renters will not fit the rural lifestyle we work so hard for. Too much traffic, nothing here for these people to do in their spare time.

We spend a lot of money and lots of hours & manual labor, to enjoy our peaceful country living. We left the city to move to the country to raise our children. Moving renters to Penryn is wrong for the community. These drivers will race thru town and not wave to each other as we Penrynites do. There is no need for renters in Penryn. However, Rocklin, Lincoln, Roseville-YES! near Sierra College for the students and local stores/gym/churches/shopping/gas/fast food/grocery stores.

Thinking that the kids of this project will go to Penryn School is ridiculous. Our school is almost full, built in the 60's, needing complete remodeling, and then, there is already a huge traffic problem getting into school and parking also.

No way that the kids of the apartments can walk to Penryn School, either.

PLEASE PLEASE--no apartments in Penryn! It does not follow the community plan.

I would not mind if the developer would build a few residential owner occupied homes there, instead. But first, verify that Orchard is sold out before new homes come in so they are not vacant and become blighted.

This planner and developer should drop this project immediately.  
When 4000 residents do NOT want this development here, you must listen to us.

**Why does one man's dream get to ruin the lifestyle of 4000 Penryn residents..... forever?**

I PROPOSE WE PUT THIS ON THE BALLOT AND VOTE ON THIS!

This project is perfect for Rocklin near the Sierra College/Granite Drive area.

PLEASE VOTE AGAINST THIS PROJECT-----NOT IN OUR RURAL TOWN!!!

This developer is building solely for profit. He is selling out Penryn and our quality of life for his profit. There is no gain to Penryn Loomis by adding 800 renters. Penryn was built and developed into country living. He is selling it out in pieces---never again to be owner occupied. No residents will ever be as committed to their community as owner occupiers.

Typically, high density housing is put in an area where there are other things to do, jobs, stores, NOT PENRYN! High density housing is always located near transportation and work places. NOT PENRYN!

He is selling what every one in Penryn has collectively built over the last 50 years. This project brings no community benefit. It only brings detriment.

The intention of the community plan was for a future business district. THERE IS NO BUSINESS DISTRICT HERE! There is no need for this project here.

Did his decision to move to Meadow Vista--happen because he knew this would ruin our town? Why can't this project go in Meadow Vista so he could be proud of it there?

Donna and Stefan Delno  
(916) 652-6298

Date 2/1/2012

RECEIVED

FEB 03 2012

Environmental Coordination Services  
 Community Development Resource Agency  
 3091 County Center Drive, Suite 190  
 Auburn, CA 95603  
 email: cdraecs@placer.ca.gov

ENVIRONMENTAL COORDINATION SERVICES

RE: Vote to NOT APPROVE the ORCHARD @ PENRYN Project (PEIR 20070521)

To: The Planning Commission

My husband and I ARE NOT in favor of the Orchard Penryn Project.

WE ATTENDED THE MEETING OF JANUARY 24, AND FOUND THAT EACH AND EVERY PERSON THAT SPOKE AGAINST THE PROJECT HAD VERY LEGITIMATE CONCERNS. OUR CONCERN IS THAT RENTALS MOST ALWAYS BRING CRIME. THE OFFICERS THAT SPOKE AT THE MEETING SAID THAT CRIME MAY NOT COME RIGHT AWAY BUT IT WILL COME. THIS IS OUR MAIN CONCERN.

THE OTHER CONCERN IS THAT THE PEOPLE TRYING TO PLAN THIS PROJECT NEVER TOOK THE COMMUNITY PLAN INTO CONSIDERATION.

PLEASE VOTE NO.

PENRYN RESIDENTS FOR 33 YEARS.

Please do NOT approve the Orchard @ Penryn project,

Lorell & Mary Ann Baker

Maywan Krach

---

From: Debbi Carr [debbi.carr@ekriley.com]  
 Sent: Friday, February 03, 2012 12:21 PM  
 To: Placer County Environmental Coordination Services  
 Subject: Our VOTE IS NO On the PENRYN ORCHARD PROJECT

To: The Placer County Planning Commission & The Board of Supervisors

From: Andrew and Jodie Radakovitz  
 7605 Granite Hill Lane  
 Penryn, Ca 95663

Re: Vote to NOT APPROVE the Orchard at Penryn Project(PEIR 20070521)

I would like to raise a couple pertinent points that were not raised during the Penryn Mac meeting last week that I believe directly impact the community of Penryn if this project were to go through as currently planned.

Number one, the fire department has mandated a one way exit egress onto Taylor Road. This is a serious problem. The road where the new 200 - 250 cars would be nosing out onto Taylor Rd. each day(this is conservatively low) is directly preceded by a blind curve. Also, the same northeast bound cars tend to pick up speed at precisely the point where these same cars would theoretically exit onto Taylor Road as they attempt to climb a large hill rising up before them.

This is an accident scene waiting to happen. I cannot believe the very young lady who did the EIR failed to mention this extremely obvious hazard that anyone can see if they were to drive the road for themselves. I would appeal to all of you before you make your final decision to at least see exactly where these cars would be exiting onto Taylor Road and then drive the road for yourselves. I have and do everyday. You will find that the planning has been absent to derelict on this point and I cannot see how the county and the planning department in particular would not be directly responsible for the serious injuries that will result from such reckless disregard.

I found the comments from the young woman who did the traffic portion of the EIR to be insulting if not naive as she only focused on an irrelevant Loomis intersection a few miles away. Does she not know the area? Obviously not. This was a juvenile attempt at an EIR study to 'put one over' on the community. The Penryn Road widening is not the issue either. While certainly problematic, it is nowhere near the death trap that is Taylor Road. It should also be mentioned that while weekend Harley riders as well as cyclists converge on these roads, a high density project like this will create further hazards and put life at risk. Please consider these points and do not just look at increasing the net tax base.

Also, the Penryn onramp to interstate 80(Westbound) is the shortest one in the county. As cars begin making their morning commutes, the new high density project will create a 'stacking' phenomenon onto the highway. It is already a problem, but it will become much worse as cars have to avoid the newcomers on short notice. A seamless wall of new vehicles will now hit the freeway simultaneously without gaps and no staggering during the morning commute. The left turn lane prior to entering the freeway is also not long enough to handle the cars idling at the light.

Finally, I would submit that the plan in its current form is just too dense. I understand the letter of the law, but that letter was modified not too long ago regarding 'multi-family'. Look it up. The area in question was to be used for community retail. It directly conflicts with **the spirit of the law which resides within the Community Plan** which specifically forbids 'high density' residential. So then, which is it? Who is right? Authors of the Community Plan were in attendance at the Mac meeting. They are living witnesses against this project as they were the original community plan publishers.

Give Placer County residents a choice. We moved to Penryn so that we wouldn't become a hybrid community like Orangevale which has the worst planning I've ever seen. Is Orangevale rural or not? Who knows. Who can tell? It is evidence of poor planning, bad judgment and transitional planning supervisors which leaves a community in zoning chaos in both look and feel. I do not want Penryn to become something similarly ruinous and another victim of short sightedness. The look and fit and feel are important. They are also clearly laid out in the Community Plan and the language is very clear and direct. Please read it and become acquainted with it before making your decision for it is the governing document. It is also the spirit of the community. If you do not live in the area in question. Drive it before voting. See the problems on Taylor Road for yourselves. Those accidents, injuries and deaths were forecast and written about here first. Let's not make them come to pass by introducing a traffic quagmire that would have been avoided if only planning took the time to study the issue better.

Thank you for your time.

28 year Penryn Residents  
7610 Logan Lane

Debbi and Bill Carr

Please vote "No"

Debbi Carr  
*Investment Representative*  
*Assistant to Lee Handley*  
E.K. RILEY INVESTMENTS, LLC  
800.485-0319 *national*  
916.787.0530 *direct*  
916.787-0533 *facsimile*  
[www.ekriley.com](http://www.ekriley.com)

This email may be privileged and/or confidential. Any distribution, use or copying of this email or the information it contains by anyone other than an intended recipient is unauthorized. If you receive this email in error, please contact the sender. Email sent to or from this system is subject to review by supervisory personnel, is retained and may be produced to regulatory authorities or others with a legal right to the information. Information has been obtained from sources believed reliable, but the company does not represent this is accurate or complete, and it should not be relied upon as such. Information contained in this communication is not considered an official record of your account and does not supersede normal trade confirmations or statements. Do not send the following by email: buy, sell or cancel orders, or any instructions that would require your signature.

Sent: Friday, February 3, 2012 10:32 AM  
Subject: Vote NO to Orchard In Penryn Project

427

Send your email to [cdraecs@placer.ca.gov](mailto:cdraecs@placer.ca.gov) if you agree

Here's my points as a Penryn resident.

To: The Placer County Planning Commission & The Board of Supervisors

From: Andrew and Jodie Radakovitz  
7605 Granite Hill Lane  
Penryn, Ca 95663

Re: Vote to NOT APPROVE the Orchard at Penryn Project(PEIR 20070521)

I would like to raise a couple pertinent points that were not raised during the Penryn Mac meeting last week that I believe directly impact the community of Penryn if this project were to go through as currently planned.

Number one, the fire department has mandated a one way exit egress onto Taylor Road. This is a serious problem. The road where the new 200 - 250 cars would be nosing out onto Taylor Rd. each day(this is conservatively low) is directly preceded by a blind curve. Also, the same northeast bound cars tend to pick up speed at precisely the point where these same cars would theoretically exit onto Taylor Road as they attempt to climb a large hill rising up before them.

This is an accident scene waiting to happen. I cannot believe the very young lady who did the EIR failed to mention this extremely obvious hazard that anyone can see if they were to drive the road for themselves. I would appeal to all of you before you make your final decision to at least see exactly where these cars would be exiting onto Taylor Road and then drive the road for yourselves. I have and do everyday. You will find that the planning has been absent to derelict on this point and I cannot see how the county and the planning department in particular would not be directly responsible for the serious injuries that will result from such reckless disregard.

I found the comments from the young woman who did the traffic portion of the EIR to be insulting if not naive as she only focused on an irrelevant Loomis intersection a few miles away. Does she not know the area? Obviously not. This was a juvenile attempt at an EIR study to 'put one over' on the community. The Penryn Road widening is not the issue either. While certainly problematic, it is nowhere near the death trap that is Taylor Road. It should also be mentioned that while weekend Harley riders as well as cyclists converge on these roads, a high density project like this will create further hazards and put life at risk. Please consider these points and do not just look at increasing the net tax base.

Also, the Penryn onramp to interstate 80(Westbound) is the shortest one in the county. As cars begin making their morning commutes, the new high density project will create a 'stacking' phenomenon onto the highway. It is already a problem, but it will become much worse as cars have to avoid the newcomers on short notice. A seamless wall of new vehicles will now hit the freeway simultaneously without gaps and no staggering during the morning commute. The left turn lane prior to entering the freeway is also not long enough to handle the cars idling at the light.

Finally, I would submit that the plan in its current form is just too dense. I understand the letter of the law, **428** that letter was modified not too long ago regarding 'multi-family'. Look it up. The area in question was to be used for community retail. It directly conflicts with **the spirit of the law which resides within the Community Plan** which specifically forbids 'high density' residential. So then, which is it? Who is right? Authors of the Community Plan were in attendance at the Mac meeting. They are living witnesses against this project as they were the original community plan publishers.

Give Placer County residents a choice. We moved to Penryn so that we wouldn't become a hybrid community like Orangevale which has the worst planning I've ever seen. Is Orangevale rural or not? Who knows. Who can tell? It is evidence of poor planning, bad judgment and transitional planning supervisors which leaves a community in zoning chaos in both look and feel. I do not want Penryn to become something similarly ruinous and another victim of short sightedness. The look and fit and feel are important. They are also clearly laid out in the Community Plan and the language is very clear and direct. Please read it and become acquainted with it before making your decision for it is the governing document. It is also the spirit of the community. If you do not live in the area in question. Drive it before voting. See the problems on Taylor Road for yourselves. Those accidents, injuries and deaths were forecast and written about here first. Let's not make them come to pass by introducing a traffic quagmire that would have been avoided if only planning took the time to study the issue better.

Thank you for your time.

Andrew Radakovitz